

Please ask for: Mrs. W. Rowe

Extension No: 4584

E-Mail: wendyrowe@cannockchasedc.gov.uk

8 January, 2019

Dear Councillor,

**PLANNING CONTROL COMMITTEE
3:00PM, WEDNESDAY 16 JANUARY, 2019
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>
TPO 2018/04	<i>Stile Cop Cemetery, Stile Cop Road, Rugeley WS15 1ND – Proposed Tree Preservation Order</i>	1.00pm
CH/18/176	<i>Land at Walsall Road, Norton Canes, Cannock WS11 9PX - Full planning application for residential development on land comprising 67 dwellings with car parking, new estate roads, public open space and associated infrastructure</i>	1.30pm
CH/18/121	<i>Common Farm, 427 Pye Green Road/Limepit Lane, Cannock WS12 4HS, Residential development comprising 52 no. dwellings including access, landscaping, public open space and demolition of all existing buildings (access arrangements set out below)</i>	2.15pm

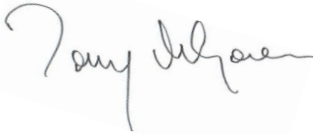
Members wishing to attend the site visits are requested to meet at Stile Cop Cemetery, Stile Cop Road, Rugeley WS15 1ND at 1.00pm as indicated on the enclosed plan.

Members are asked to note that the access arrangements for the site visit at Common Farm are as follows:

Pull onto driveway accessed off Pye Green Road, drive straight through the gate and parking will be available on the right hand side in front of the house.

Additionally Members are advised that appropriate footwear should be worn for this site visit.

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 2 January, 2019 (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/18/176	<i>Land at Walsall Road, Norton Canes, Cannock WS11 9PX</i> – Full planning application for residential development on land comprising 67 dwellings with car parking, new estate roads, public open space and associated infrastructure	6.1 – 6.47
2. CH/18/121	<i>Common Farm, 427 Pye Green Road/Limepit Lane, Cannock WS12 4HS</i> – Residential development comprising 52 no. dwellings including access, landscaping, public open space and demolition of all existing buildings	6.48 – 6.102
3. TPO 2018/04	<i>Stile Cop Cemetery, Stile Cop Road, Rugeley WS15 1ND</i> – Proposed Tree Preservation Order	6.103 – 6.107

Residential development:- erection of 4 no. 2 bed houses and 3 no. 3 bed houses (outline application with all matters reserved except access and layout)

Following a site visit by Members of the Committee consideration was given to the report of the Development Control Manager (Item 6.1 – 6.19 of the Official Minutes of the Council).

The Development Control Manager advised that following the site visit a couple of issues had arisen. The first was in relation to a building on the site having an asbestos roof. He advised that should Members be minded to approve the application an informative would need to be placed on the permission to ensure the asbestos was removed safely. The other issue was in respect of the western side boundary where there was a steep drop. He advised that should Members be minded to approve the application an additional condition would need to be added so that this could be investigated and remediation taken to stabilise the land if necessary.

Following this a Councillor raised concern regarding the accesses to the site and suggested that the application should be deferred to allow further discussions to take place between the applicant and Officers.

RESOLVED:

That the application be deferred to enable Officers to discuss the accesses with the developer.

97. Application CH/18/349, 21 Albany Drive, Rugeley, WS15 2HP, Demolition of garage and erection of fencing to rear and roadside

Following a site visit by Members of the Committee consideration was given to the report of the Development Control Manager (Item 6.20 – 6.29 of the Official Minutes of the Council).

The Development Control Manager advised that an update sheet had been circulated to Members. This advised that the following further comments from the Highways Authority had been received in relation to the amended plans:-

“The site is located on Albany Drive which is an unclassified road with a single access onto Wolseley Road. Due to the geometry of the road vehicle speeds are relatively low. Following initial comments relating to the boundary fence height the applicant has submitted a revised proposal with various fence heights; the 1m high section no longer requires planning permission due to the height. Where the 1.8m height fence is now shown it is unlikely to obscure visibility. Given the relatively low number of properties accessed from Albany Drive, the proposed gates will not pose a safety issue.

Based on the amendments submitted I have no objection in principal to the development provided the following is secured by the condition below:-

The proposed gates shall open away from the highway.

Reason: In the interests of highway safety”.

It is recommended that the above condition is included in the schedule of conditions should planning permission be granted.

RESOLVED:

That the application be approved subject to the conditions contained in the report for the reasons stated therein and to the following additional condition:-

“3. The proposed gates shall open away from the highway.

Reason: In the interests of highway safety”.

98. Application CH/18/367, 11 Old Eaton Road, Rugeley, WS15 2EX, Detached garage along with alterations to porch and new access to highway

Following a site visit by Members of the Committee consideration was given to the report of the Development Control Manager (Item 6.30 – 6.42 of the Official Minutes of the Council).

RESOLVED:

That the application be approved subject to the conditions contained in the report for the reasons stated therein.

99. Application CH/18/380, Norton Road, Cannock, WS12 2EJ, Crematorium with Ceremony Hall, memorial areas, garden of remembrance and associated parking and infrastructure

Consideration was given to the report of the Development Control Manager (Item 6.43 – 6.102 of the Official Minutes of the Council).

The Development Control Manager advised that should Members be minded to approve the application recommendation (iv) would be reworded as follows:-

“That following referral to the Secretary of State (SoS) under the Town and Country Planning (Consultation) (England) Direction 2009 the SoS has notified the Council that he does not intend to use his powers to call in the application to determine under Section 77 of the Town and Country Planning Act 1990 or the expiry of a 21 day period beginning with the date the SoS notifies the Council that the consultation has been received and he has all the information necessary to consider the matter”.

Additionally, he advised that amended plans had been received and these had been consulted upon. The expiry date of the consultation period was 9 January, 2019. The application remained on the agenda as Officers did not consider the amendments to be controversial. Therefore if Members were minded to approve the application the approval could come not into effect until after the expiration of the

consultation period (9 January, 2019).

Prior to consideration of the application representations were made by Stephen Byfield, the applicant, speaking in favour of the application.

RESOLVED:

The Committee are minded to approve the application and delegate authority to the Development Control Manager to approve the application on the expiration of the publicity period subject to:-

- (i) No objections being raised by the Local Lead Flood Authority; and
- (ii) No further material issues being raised before the expiration of the publicity period; and
- (iii) The conditions outlined in the officer report and any additional conditions requested by the Local Lead Flood Authority; and
- (iv) That following referral to the Secretary of State (SoS) under the Town and Country Planning (Consultation) (England) Direction 2009 the SoS has notified the Council that he does not intend to use his powers to call in the application to determine under Section 77 of the Town and Country Planning Act 1990 or the expiry of a 21 day period beginning with the date the SoS notifies the Council that the consultation has been received and he has all the information necessary to consider the matter.

100. Application CH/18/016, Cedar Tree Hotel, 118 Main Road, Brereton, Rugeley WS15 1DY – Change of use of the Grade II listed Cedar Tree Hotel to provide 9 no. residential apartments, change of use of the annex to create 2 no. dwellings and development of the hotel car parks to create 16 no. dwellings. The development will include demolition of an existing squash court (as separate application ref CH/18/011) and demolition of a function room attached to the listed building

Consideration was given to the report of the Development Control Manager (Item 6.103 – 6.147 of the Official Minutes of the Council).

Prior to consideration of the application representations were made by Jay Preet, the applicant, speaking in favour of the application.

The Development Control Manager clarified that the application had been deferred at the last meeting to enable further discussions to take place between Officers and the applicant in relation to the off-site affordable housing contribution.

The Applicant had submitted a viability statement to show that the scheme would be unviable with the off-site affordable housing contribution. This viability appraisal had been assessed by the Council's Principal Property Services Officer, who had confirmed that the statement was reasonable. The Officer was in attendance at the meeting in order to clarify any questions from Members.

The Principal Solicitor responded to comments made by Members about the Committee being consistent when considering applications where a contribution

towards affordable housing was being sought. She clarified that if the application was approved the applicant would be liable to pay a CIL contribution and a Section 106 contribution towards primary school places. She explained that she considered that the Council was consistent as the affordable housing contributions sought in relation to applications were as outlined within the Local Plan. However an applicant may submit a viability appraisal in relation to a particular application where an affordable housing contribution is being sought if the applicant considers that it would make the development non viable. Each application is judged on its own merits and, in this case, a viability appraisal has been submitted and Officers have considered this to be reasonable.

RESOLVED:-

- (A) That the applicant be requested to enter into an Agreement under Section 106 of the Town and Country Planning Act, 1990 to provide the cost of 4 primary school places through a commuted sum of £44,124 (subject to change in cost multiplier);
- (B) That on completion of the Agreement the application be approved subject to the conditions contained in the report for the reasons stated therein.

The meeting closed at 3.50pm.

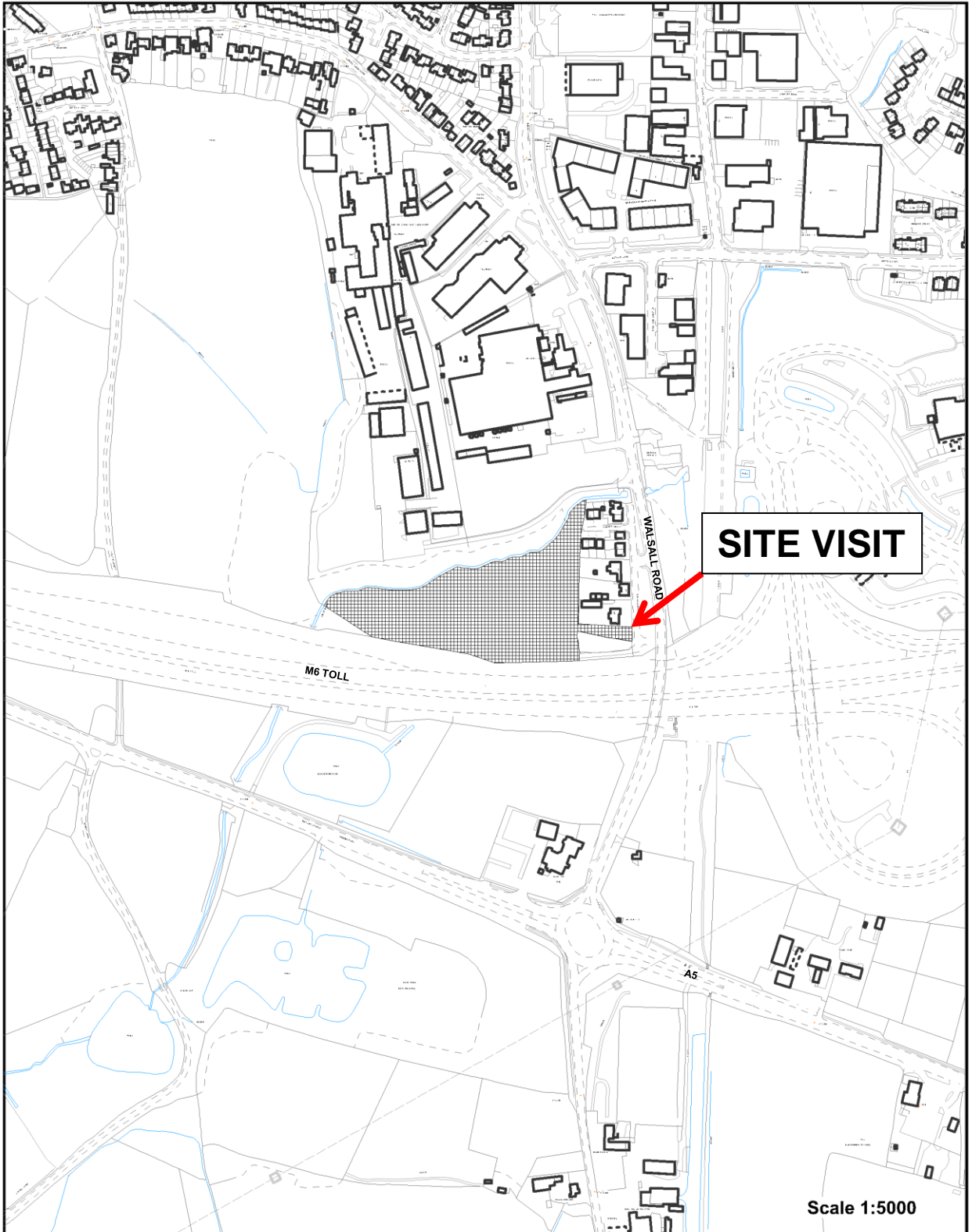
CHAIRMAN



Application No: CH/18/176

Location: Land at Walsall Road, Norton Canes, Cannock, WS11 9PX

Proposal: Full planning application for residential development on land comprising 67 dwellings with car parking, new estate roads, public open space, and associated infrastructure

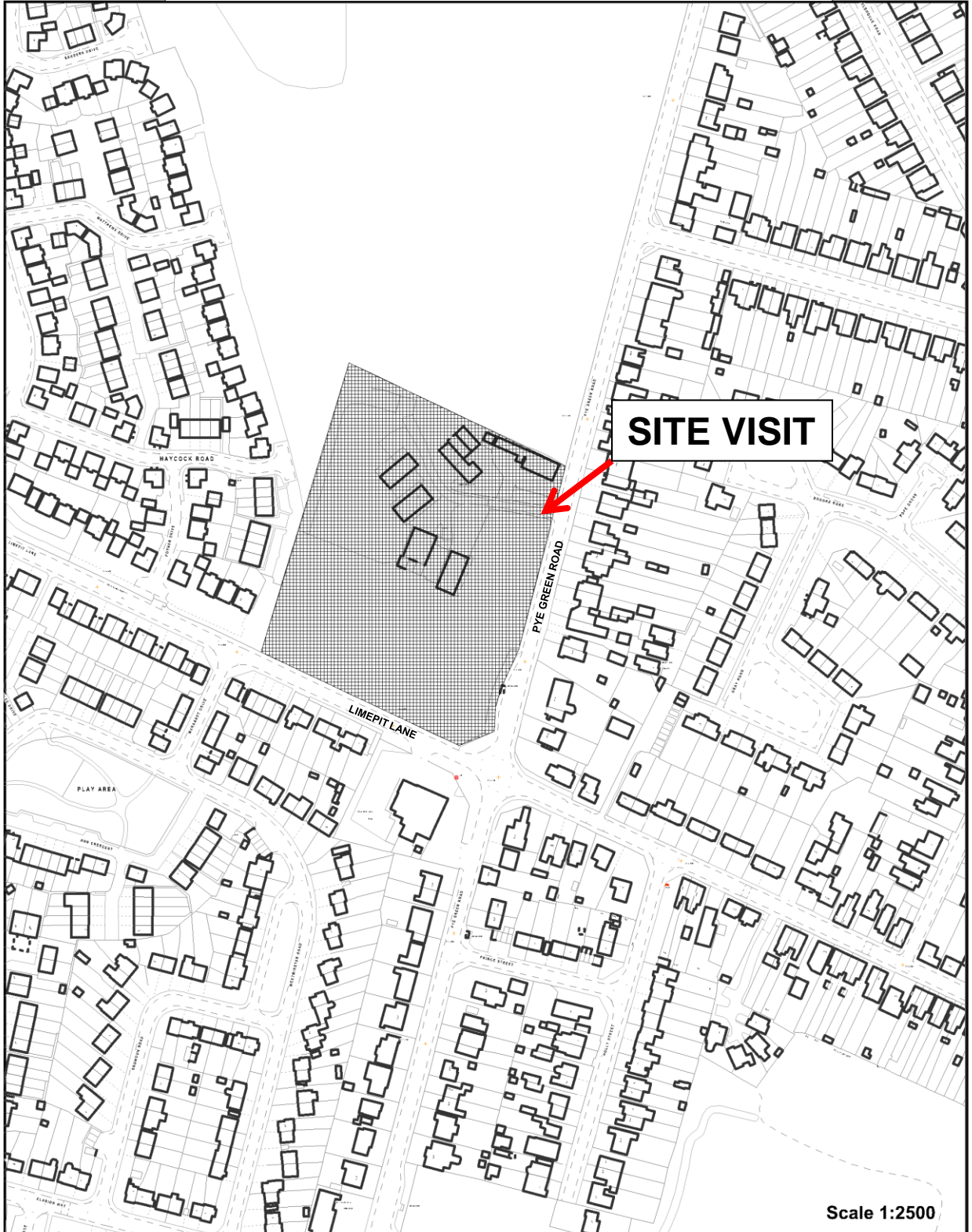




Application No: CH/18/121

Location: Common Farm, 427, Pye Green Road/Limepit Lane, Cannock, WS12 4HS

Proposal: Residential development comprising 52 no. dwellings including access, landscaping, public open space, and demolition of all existing buildings



Scale 1:2500

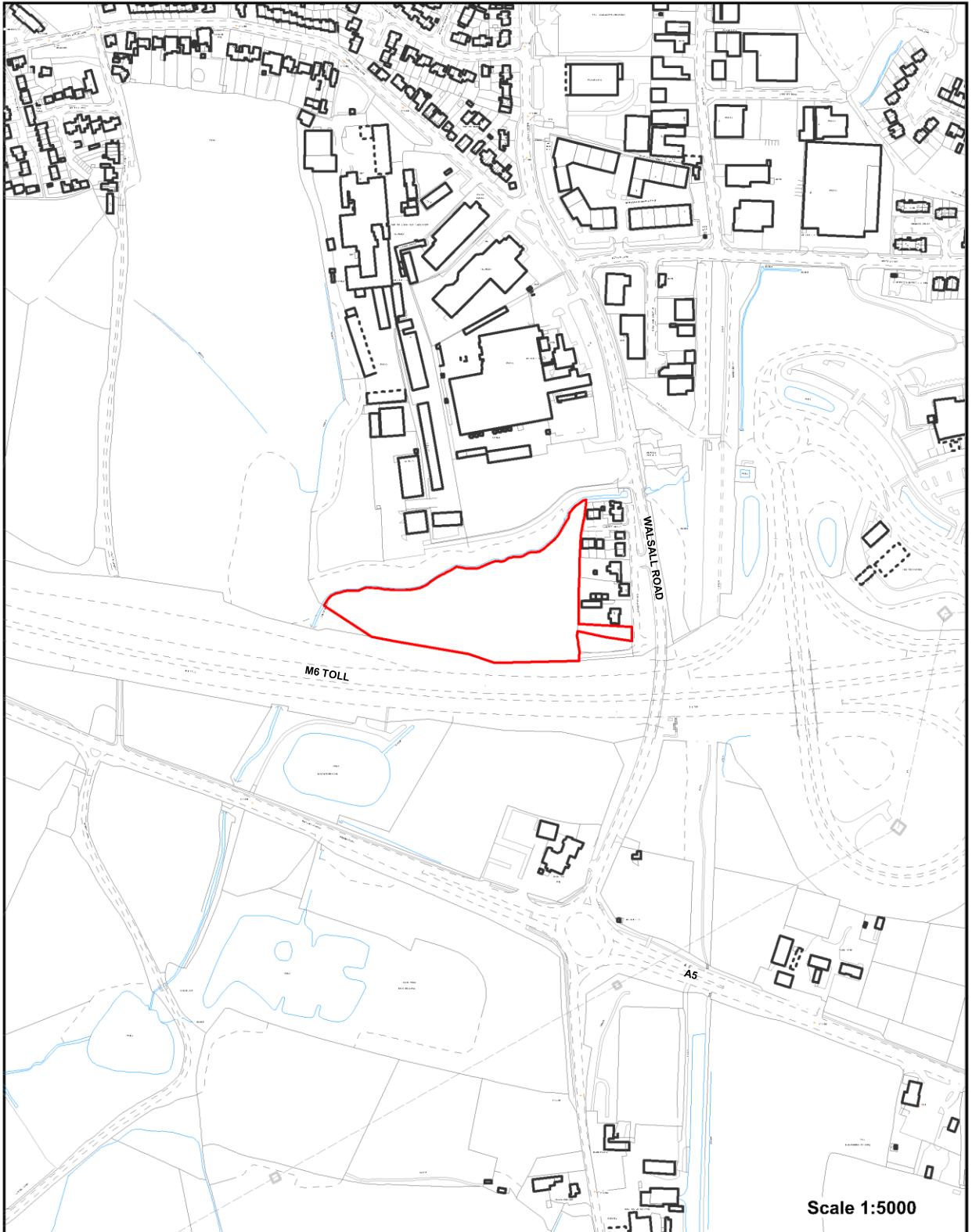


Application No: CH/18/176

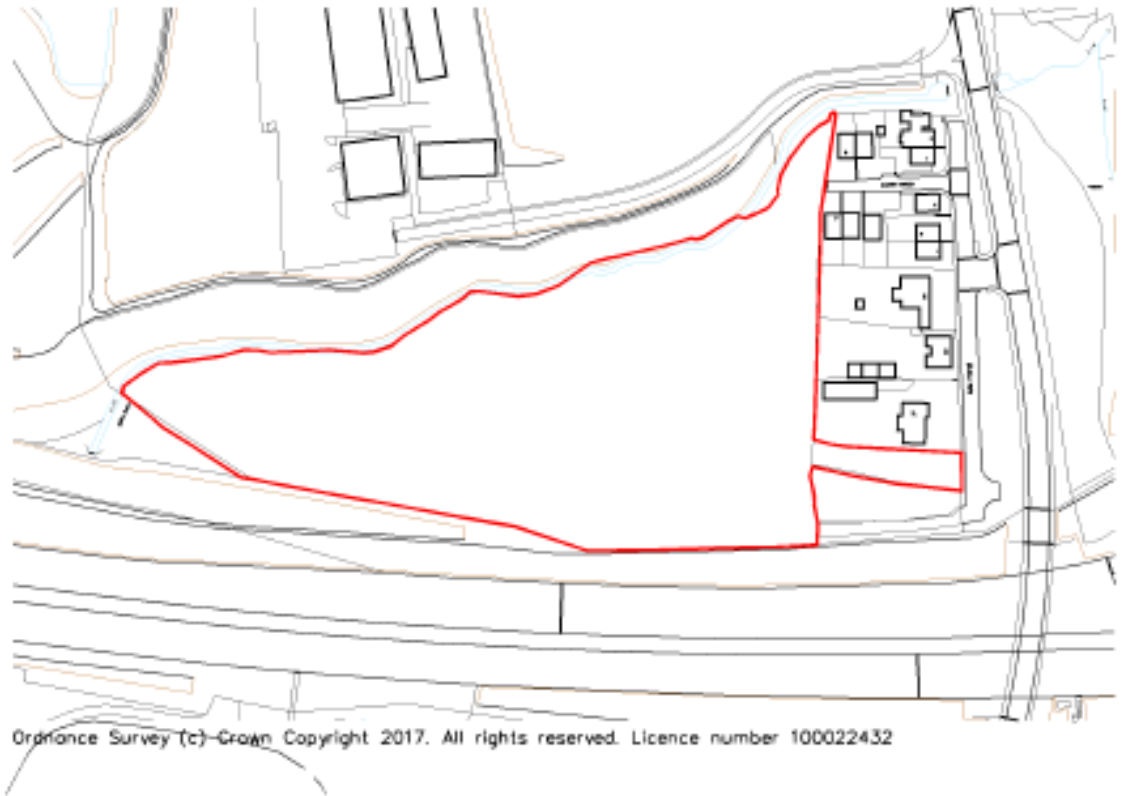
Location: Land at Walsall Road, Norton Canes, Cannock, WS11 9PX

Proposal: Full planning application for residential development on land comprising 67 dwellings with car parking, new estate roads, public open space, and associated infrastructure

Item No. 6.1



Location Plan



Proposed Plans & Elevations House Type 2Ai

Item No. 6.4



Materials Schedule

- 1/ Interlocking Concrete Roof Tiles, 2 styles: Slate grey and Maroon/Red (see street scenes).
- 2/ Red Facing Bricks, 2 styles: Red NARS & Smooth Red (see street scenes).
- 3/ White Thin Coloured Render (see street scenes).
- 4/ White uPVC Windows.
- 5/ Black uPVC Rainwater Goods.
- 7/ Fancier Gutter Detail.
- 8/ Pitched Canopy.
- 9/ New Windows.
- 10/ Stone Colored Head Details.

See street scenes for brick / render shades.



Walsall Road, Norton Canes - House Type 2Ai, 1:50@A1

Notes	Revisions	Date	No.	By	Check	Client Name	Project	Client
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		Date	Drawn By	Checked By	Client Ref	Client Name	Client Address	Client Contact
		17/08/21	08:00:00					



PLANNING



Proposed Plans & Elevations House Type 2B

Item No. 6.5



GROUND FLOOR - 39.5m²



FIRST FLOOR - 39.5m²

House Type 2B
2 Bed 4 Person
Area: 79.0m²

Note: House type designed to Nationally Described Space Standards (NDSS)

Materials Schedule

- 1/ Interlocking Concrete Roof Tiles, 2 styles: Slate grey and Terracotta red (see sheet 02/0001).
- 2/ Red Facing Brick, 2 styles: Red Multi & Smooth Red (see sheet 02/0001).
- 3/ White Thermoplastic Render.
- 4/ White UPVC Windows.
- 5/ Secured To Design External Door.
- 6/ Black UPVC Front Door.
- 7/ Solid Composite Deck.
- 8/ Pitched Canopy.
- 9/ New Window.
- 10/ Stone Cell and Head Details.



SIDE ELEVATION - D



SIDE ELEVATION - C



FRONT ELEVATION - A



REAR ELEVATION - B

Walsall Road, Norton Canes - House Type 2B. 1:50@A1



PLANNING

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Date	By	Checked	CDM notes	Project	Client
22.02.18	CB	MB		HILL HALL ROAD NORTON CANES	HOUSE TYPE 2B PLANS + ELEVATIONS
10.02.18	CB	MB			
11.12.16	CB	MB			
04.12.16	CB	MB			

Issue	Date	By	Checked	CDM notes	Project	Client
1	08.03.18	CB	MB		HILL HALL ROAD NORTON CANES	HOUSE TYPE 2B PLANS + ELEVATIONS

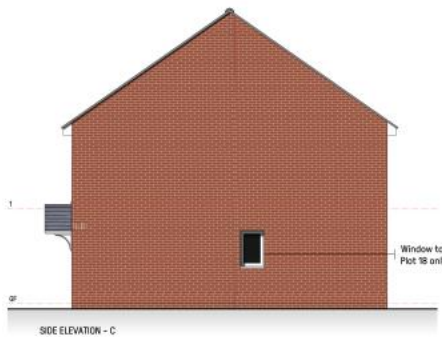
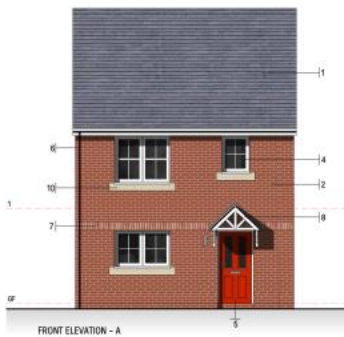
Proposed Plans & Elevations House Type 3B

Item No. 6.6



Note: House type designed to Nationally Described Space Standards (NDSS)

- Materials Schedule**
- 1/ Interlocking Concrete Roof Tiles, 2 slates; Slate grey and terracotta red (one street screen).
 - 2/ Red Facing Bricks, 2 slates; Red Hues 6 Smooth Red (one street screen).
 - 3/ White Thin Coloured Render.
 - 4/ White uPVC Windows.
 - 5/ Specialist Design External Door.
 - 6/ Black uPVC Summer Door.
 - 7/ Sintered Concrete Detail.
 - 8/ Flooded Canopy.
 - 9/ Bay Window.
 - 10/ Stone Gull and Head Details.



Walsall Road, Norton Canes - House Type 3B. 1:50@A1



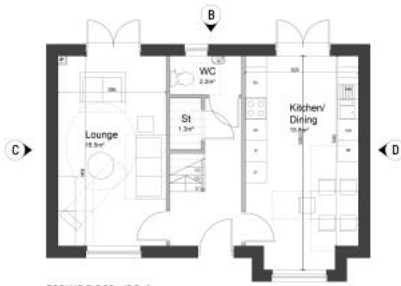
PLANNING

BM3

Notes	Revisions	Date	By	Check	Color Notes	Project	Drawing	Client
<ul style="list-style-type: none"> - Design in this drawing remains the property of BM3 and its licensors. - This drawing is issued for planning purposes only. It may not be used for any other purpose without the prior written consent of BM3 and its licensors. - BM3 and its licensors accept no liability for any errors or omissions in this drawing. - Complete and accurate data is essential for the successful completion of any project. 	<ul style="list-style-type: none"> A. Door between kitchen and lounge removed. French doors added. B. Render to cladding removed. C. WC window only added. 	22.09.18	CB	MB		Project: WALSALL ROAD, NORTON CANES.	Drawing: HOUSE TYPE 3B PLANS - ELEVATIONS	Client:
		10.03.19	CB	MB		Book: 1308A1	Date: 08.03.19	Job No: 70350
						Design No: 0102	Drawn by: CB	Checked: MB
						CDM Revised: PLANNING	Version: C	

Proposed Plans & Elevations House Type 3C

Item No. 6.7



GROUND FLOOR - 47.7m²
House Type 3C
3 Bed 5 Person
Area: 95.4m²



FIRST FLOOR - 47.7m²



SIDE ELEVATION - D

- Materials Schedule**
- 1/ Interlocking Concrete Roof Tiles, 2 styles: Slate grey and Terracotta red (see sheet 04/00000)
 - 2/ Red Facing Brick, 2 styles: Red Multi & Smooth Red (see sheet 04/00000)
 - 3/ White Thin Coloured Render, (see sheet 04/00000)
 - 4/ White uPVC Windows
 - 5/ Secondary Design External Door
 - 6/ Black uPVC Rainwater Goods
 - 7/ Sinter Course Detail
 - 8/ Pitched Canopy
 - 9/ Bay Window
 - 10/ Stone Clr and Head Details

Note: House type designed to Nationally Described Space Standards (NDSS)



SIDE ELEVATION - C



FRONT ELEVATION - A



REAR ELEVATION - B

Walsall Road, Norton Canes - House Type 3C, 1:50@A1



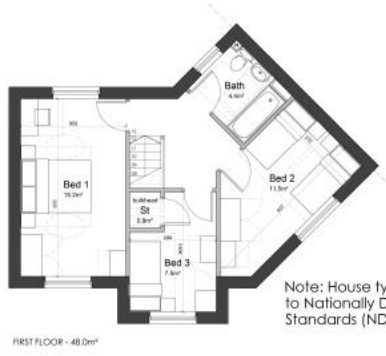
PLANNING

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<p>Notes:</p> <p>1/ All drawings are to be read in conjunction with the Planning Application Form and the Planning Regulations.</p> <p>2/ This drawing is issued for planning purposes only. It does not constitute a contract and is not to be used for any other purpose without the written consent of the architect.</p>	<p>Revisions:</p> <p>A: Letting and kitchen/dining switched.</p> <p>B: Update on existing amenity.</p> <p>C: Redesign window.</p>	<p>Date:</p> <p>26.03.18</p>	<p>No.:</p> <p>001</p>	<p>Drawn:</p> <p>MB</p>	<p>Check:</p> <p>MB</p>	<p>Scale:</p> <p>1:50@A1</p>	<p>Date:</p> <p>08.05.18</p>	<p>Job No.:</p> <p>70395</p>	<p>Drawing No.:</p> <p>D-03</p>	<p>Client No.:</p> <p>CE</p>	<p>Client:</p> <p>MB</p>	<p>CDM Role:</p> <p>PLANNING</p>	<p>Revision:</p> <p>C</p>
		<p>Project:</p> <p>WALSALL ROAD NORTON CANES</p>	<p>Drawing:</p> <p>HOUSE TYPE 3C PLANS - ELEVATIONS</p>	<p>Client:</p> <p></p>									

Proposed Plans & Elevations House Type 3E

Item No. 6.8



Note: House type designed to Nationally Described Space Standards (NDSS)

- Materials Schedule**
- 1/ Interlocking Concrete Roof Tiles, 2/bricks: Stone grey and terracotta red (one street corner).
 - 2/ Red facing brick, 2 styles: Red Blue & Smooth Red (one street corner).
 - 3/ White Thru Coloured Render, (one street corner).
 - 4/ White uPVC Windows.
 - 5/ Secured By Design External Door.
 - 6/ Black uPVC Rainwater Goods.
 - 7/ Solidor Downspout.
 - 8/ Pinned Guttering.
 - 9/ Bay Windows.
 - 10/ Stone Clit and Head Details.



Walsall Road, Norton Canes - House Type 3E. 1:50@A1



PLANNING

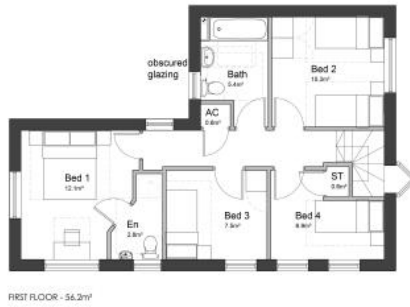


Notes 1. Complete this planning application by returning to the planning authority the following documents: - This planning application form, including all supporting documents and any written representations. - A copy of the proposed plans and elevations. - A copy of the proposed site plan. - A copy of the proposed site plan showing the location of the proposed development. - A copy of the proposed site plan showing the location of the proposed development. - A copy of the proposed site plan showing the location of the proposed development. - A copy of the proposed site plan showing the location of the proposed development.	Revision A. Change and submit along with track B. Notify on cloudy weather	Date	By	Drawn	Color Name	Project WALSALL ROAD NORTON CANES	Drawing HOUSE TYPE 3E PLANS - ELEVATIONS	Client BM3		
		23.03.18	CB	HW					Date 18.03.18	Job No. 7035

Design: Walsall Road, Norton Canes, Birmingham, B30 5NR. T: 0121 630 6887 F: 0121 630 6888 E: walsall@bm3.co.uk

Proposed Plans & Elevations House Type 4Bi

Item No. 6.9



Materials Schedule

- 1/ Interlocking Concrete Roof Tiles, 2 styles: Slate grey and Mansard (red like street corner).
- 2/ Red Facing Brick, 3 styles: Red Multi & Smooth Red (see street corner).
- 3/ White Thin Coloured Plaster.
- 4/ White UPVC Windows.
- 5/ Secured by Design External Door.
- 6/ Black UPVC Rep-motor Doors.
- 7/ Solid Core Detail.
- 8/ Pitched Canopy.
- 9/ Bay Window.
- 10/ Stone Head and Gutter Details.



Walsall Road, Norton Canes - House Type 4Bi. 1:50@A1

PLANNING

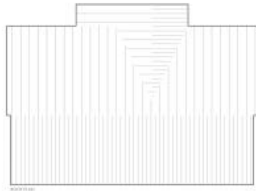


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	Scale: 1:50@A1	Date: 12.05.18	Job No: 7335	Drawing No: CB01	Client No: CB	Checked: GMB	Date Issued: 12.05.18	Project: PLANNING

BM3 Architecture Limited, 20 Pavilion Street, Digby, Birmingham, B5 5DP T: 0121 633 9888 F: 0121 633 9300 E: info@bm3.co.uk

Proposed Plans & Elevations Apartments

Item No. 6.10



APARTMENT PLANS 1/50

FLOOR PLANS 1/200

ELEVATIONS 1/100



PLANNING

BM

Rev	Date	By	Check	Description	Project	Location	Sheet
01	05.05.19	CTB	MM	Issue	WALSALL ROAD MORTON DAMS	APARTMENTS PLANS & ELEVATIONS	1/50
02	10.02.19	MM	MM	Revised			
03	11.08.19	CS	MM	Issue			

Proposed Street Scene Elevations



Name	Review	Date	By	Drawn	CDR Name
1. Check for compliance with the terms of the planning permission.	A. Notes on drawing amended.	10.05.18	CB	MM	
2. Check for compliance with the terms of the planning permission.	B. Plans 20 and 21 replaced with House Type 4B.	16.08.18	CB	MM	
3. Check for compliance with the terms of the planning permission.	C. Revised A1, A2 and A3 (New 7).	07.11.18	CB	MM	
4. Check for compliance with the terms of the planning permission.	D. Plans 20 + 21 revised.	16.11.18	CB	MM	
5. Check for compliance with the terms of the planning permission.	E. Plans 20 + 21 replaced.	16.11.18	CB	MM	

Project	Drawing	Client
WALSALL ROAD MORTON GAVES	STREET SCENES D-D	

Scale	Drawn	App No.	Drawing No.	Client No.	Checked	CDR Name	Position
1:200 (A1)	12/03/18	17000	03/01	001	MM	PLANNING	C

PLANNING

Birmingham 24, Parkway Street, Edgbaston, Birmingham B15 2TT. Tel: 0121 633 3300. Fax: 0121 633 3301. Email: info@bmgroup.co.uk

Application No: CH/18/ 176

Received: 10-May-2018

Location: Land at Walsall Road, Norton Canes, Cannock

Parish: Norton Canes

Ward: Norton Canes Ward

Description: Full planning application for residential development on land comprising 67 dwellings with car parking, new estate roads, public open space, and associated infrastructure

Application Type: Full Planning Application

RECOMMENDATION: Approve subject to no objections received from the Highway Authority and Local Lead Flood Authority, the attached conditions, and any further conditions recommended by the Highway Authority and Local Lead Flood Authority and the completion of a Section 106 agreement to secure:

- (i) Education contribution of £110,310 towards primary school places to be payable on the completion of the first residential unit
- (ii) Not to sell or part with any of the approved units other than to a registered provider approved by the Council or via the Chargee, following the normal process.
- (iii) To hold the approved units and to offer them on an affordable rent and shared ownership basis and not to allow any of the units to be sold on the open market.
- (iv) Not to allow or permit occupation of all or any of the approved units other than to a person in Need of Housing with a local connection together with his/ her dependants.
- (v) To liaise with the Council and agree a lettings plan.

Reason for Grant of Permission

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

Conditions

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

Reason

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

2. The development hereby approved shall comprise of no fewer than 67 affordable housing units comprising the following tenure mix:

- 14 shared ownership units.
- 10 affordable rent units being charged at 80% of market rent but capped at the prevailing Local Housing Allowance.
- 43 affordable rent units being charged at 80% of market rent.

The distribution of the tenure mix shall be in accordance with Plot numbers and the schedule on approved drawing D1000 Rev Q.

Reason

The proposal constitutes inappropriate development within the West Midlands Green Belt and is only acceptable on the grounds that very special circumstances have been demonstrated to exist on the basis that the approved development provides 100% affordable housing.

3. No part of the development hereby approved shall be commenced until details of the materials to be used for the external surfaces of the buildings 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. No part of the development hereby approved shall be occupied until a scheme detailing the external environment-landscape, including planting, fencing, walls, surface treatment & construction details for the site has been submitted to and approved by the Local Planning Authority. The details shall be in the form as specified in Annex C of the Supplementary Planning Guidance 'Trees, Landscape and Development'. The approved landscape works shall be carried out in the first planting and seeding season following the completion of the development.

Reason

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

5. The development hereby permitted shall not be commenced until a noise insulation and ventilation scheme for protecting the proposed dwellings from traffic noise from the M6 Toll has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme for a dwelling shall be completed before that dwellings is brought into occupation.

Reason

To ensure a satisfactory standard of residential environment and to ensure compliance with the Local Plan Policy CP3 - Chase Shaping, Design and the NPPF.

6. Any integral garage shown on the approved plans 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.

7. 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 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;

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.

8. The development hereby permitted shall be carried out in accordance with the following approved plans:
[insert plan numbers]

Reason

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

9. No development above ground level shall commence until schemes for the provision of
- (i) Integral and free standing bird and bats boxes; and
 - (ii) Bat friendly external lighting

Together with a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be thereafter implemented in accordance with the approved timetable.

Reason

In the interest of mitigating, compensating and improving the breeding opportunities for birds and bats that would be affected by the proposed development in accordance with Policy CP12 of the Cannock Chase Local Plan and paragraph 175 of the National Planning Policy Framework.

10. No development shall commence until an updated badger, bat and great crested newt survey has been undertaken to demonstrate that these species have not colonised the site since the grant of planning permission. Should any of these species be found to have colonised the site then development shall not commence until a scheme for mitigating and if needed compensating, for impact on these species has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter go ahead in accordance with any approved mitigation/ compensation strategy.

Reason:

To ensure that in the event of any changes to the ecology of the site between the grant of planning permission and the commencement of development can be taken into consideration and appropriate mitigation/ compensation measures put in place in accordance with Policy CP13 of the Local Plan and Paragraph 175 of the National Planning Policy Framework.

11. No development shall commence until confirmation of the method to resolve the single area of contamination identified in the area of plots 46 to 49 has been submitted to and approved in writing by the Local Planning Authority and
- (i) The scheme to remediate the area of contamination has been implemented and
 - (ii) Verification that the issue has been appropriately remedied has been submitted to and acknowledged by the Local Planning Authority

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

12. If during development contamination not previously suspected or identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination 'shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

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

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. recorded daily inspections of the highway adjacent to the site access
- vii. specify the intended hours of construction operations and deliveries to the site;
- viii. measures to control the emission of dust and dirt during construction
- ix. specify method of piling, should piling be undertaken

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

Reason

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

- 14 The development shall not be brought into use until scheme for mitigating the financial cost of the air quality burden has been submitted to and approved in writing by the Local Planning Authority. Such mitigation may be in the form of, but not limited to: -

- (i) Contributions to highways improvements in order to reduce local traffic congestion
- (ii) Support for and promotion of car clubs
- (iii) Contributions to low emission vehicle refuelling infrastructure

- (iv) Provision of incentives for the uptake of low emission vehicles
- (v) Financial support to low emission public transport options
- (vi) Improvements to cycling and walking infrastructure
- (vii) The provision of electric recharging points to serve all dwellings.

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

Reason

In the interests of mitigating the harm to air quality in accordance with Paragraph 181 of the National Planning Policy Framework.

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

Reason

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

Informatives

1. Breeding Birds
2. Staffordshire Police

EXTERNAL CONSULTATIONS

Norton Cane Parish Council

Comment as follows:

1. We query the statement contained in the Transport Statement regarding the bus services in the village. Some of the bus routes have decreased and in some cases removed completely so residents living on this development would not be able to access the village for shops and access to GP services unless they had a car. The report also states that there is a railway link at Landywood Railway station but again a car would be required to get there as there is no bus route to enable residents to get there. The parish council wish to point out that the demographic of people using the social housing would require public transport. The transport statement is therefore not factually correct. Where the housing is planned is in a poor location in terms of access to transport.
2. We wish to query the issue of infrastructure for the village in terms of education and health. We would hope that the statutory consultees have undertaken their assessments and that the local schools and GP services are aware of the housing development. The infrastructure is of concern due to the additional housing development taking place in the village with over 583 new homes being built during the next few years.

Severn Trent Water

No objection subject to conditions relating to surface water drainage plans.

Environment Agency

No objection subject to the addition of a condition relating to contamination found that was not previously identified.

Staffordshire County Highways

[Members should note that amended plans have been submitted to address previous concerns of the Highway Authority. Members will be updated on the Highway Authority's response on the day of Planning Committee].

Staffordshire County Planning Policy

No objection.

Staffordshire County Council, School Organisation

This development falls within the catchments of Jerome Community Primary School and Norton Canes High School. The development is scheduled to provide dwellings and that they will all be RSL and as such we don't currently request for secondary places from RSL housing, this development will only be required to mitigate its impact on primary school provision.

A development of 67 RSLs could add 1- primary school aged children and the education contribution for a development of this size would be as follows:

- 10 Primary School places (10 x £11,301 = £110,310). This gives a total of £110,310.

- The above contribution is based on the 2008/09 cost multipliers which are subject to change.
- The above is based on current demographics which can change over time and therefore we would wish to be consulted on any further applications for this site.

Local Lead Flood Authority

The site is located within Flood Zone 1. The surface water flood map indicates significant flow accumulations associated with Gains Brook, as well as potential ponding in the lower areas of the site. There are no recorded flood hotspots within 20m of the site. There is a watercourse – Gains Brook – that runs along the northern boundary of the site. A Flood Risk Assessment should be undertaken to establish the level of flood risk and any mitigation required.

Local Lead Flood Authority

(22/06/18) – Thanks you for the additional information (FRA). This does not address the issues identified in my previous response. The fluvial flood map does not provide sufficient assessment of the flood risk from Gains Brook because the modelling is only applied to catchments greater than 3km². The attenuation pond still appears to be offline.

[Members should note that in the light of the above comments a Drainage Strategy has been submitted by the applicant and the LLFA have been re-consulted. Members will be updated at the meeting of Planning Committee].

Staffordshire Police, Crime Prevention Unit

No objection but a detailed letter has been received recommending details on the entrance, landscaping, lighting, bike storage, boundaries, doors, windows, intruder alarms in order to achieve Secure by Design.

INTERNAL CONSULTATIONS

Landscape, Trees and Countryside

Object on the grounds of: -

- Lack of useable Public Open Space.
- Cycleway/ pedestrian route is not achievable.
- Conflict between submitted plans.
- Conflict between drainage and existing/ proposed trees and pathways.
- Lack of appropriate landscape details.

Environmental Health

Noise

The Accon UK Technical Note it demonstrates a significant amenity benefit to the alternative layout, which does not require the use of 2.3m barriers. This allows some suitable areas within each garden plot, and is therefore acceptable.

Air Quality.

Request that the applicant is required to provide direct mitigation measures to offset the impact of the development on local air quality or makes contributions towards an air quality action plan measures.

Construction Phase Controls.

In view of the site location and the proximity of existing residential properties on Walsall Road, it is recommended that construction hours, including deliveries are restricted to between 8am and 6pm weekdays and 8am to 1pm on Saturdays. No working on Sundays or Bank Holidays should be permitted.

Ground Gas.

A ground gas survey has been undertaken which demonstrates that gas protection measures are not required.

Land Contamination.

A single area of contamination has been identified in the area of plots 46 to 49. Confirmation of the method to resolve this is required. A contingency for dealing with unforeseen areas of contamination should be required.

Planning Policy

The site is a Greenfield site located to the south of Norton Canes. The site is currently identified within the Strategic Housing Land Availability Assessment (SHLAA- site N25) as contributing towards the developable housing land supply (with an indicative capacity of 50 dwellings).

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. However, the Local Plan (Part 1) Policy CP1 and Policy CP6 identify the site as part of urban extensions to the south of Norton Canes for up to 670 dwellings. This 670 dwellings is to be delivered from a number of sites including Land at Butts Lane/Norton Lane (450 dwellings); Land at the former Greyhound Stadium (130 dwellings, plus a recent separate planning permission for 37 dwellings on adjacent land); and land at Walsall Road (this site). Therefore of the 670 dwellings to be developed, 617 dwellings are committed to date. The 67 dwellings proposed at the remaining Walsall Road site would help deliver the remaining element of this urban extension (broadly in line with the Local Plan (Part 1) figure of 670 dwellings).

The SHLAA provides commentary on high level potential constraints to the sites' development. These are the Green Belt designation crossing the southern boundary of the site; the M6 Toll running along the southern boundary; and Gains Brook running

across the northern boundary. In relation to potential impacts from the M6 Toll, the advice of Environmental Health should be sought. In relation to the Gains Brook, advice in relation to any flood risks or ecological value should be sought from the relevant agencies/consultees.

In relation to the Green Belt boundary, the applicants supporting statement and site layout proposals confirm that there will be built development within the Green Belt. This consists of an access road and the apartment block for 18 dwellings (with associated car parking). Policy CP1 of the Local Plan (Part 1) refers to proposals within the Green Belt being determined in accordance with national planning policy and Policy CP14 (where relevant). The NPPF (paragraphs 87-90) identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (where the harm to the Green Belt is clearly outweighed by other considerations) in order to be considered for approval, in accordance with the NPPF (paragraphs 87-88). A number of exceptions are not considered to be inappropriate development in the Green Belt.

In relation to this proposal, the new dwellings to be provided in the apartment block are inappropriate development in the Green Belt which will require the demonstration of 'very special circumstances' in order to justify planning approval. It is noted that the applicants have set out their arguments for very special circumstances, which particularly rely upon the Local Plan (Part 1 and Part 2) policy context; the affordable nature of the housing provision; and a recent appeal decision in Norton Canes (with similar policy issues).

In relation to the access roads, the NPPF identifies that engineering operations can be considered appropriate development in the Green Belt, providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. Openness should be assessed in spatial (quantum of development) and visual impact terms. Should it be determined that there is no greater impact on the openness of the Green Belt then this element of the scheme can be considered appropriate development in the Green Belt. However, should a greater impact upon openness be identified then this element of the proposal should also be considered inappropriate development and would need to demonstrate very special circumstances. Factors to consider (outlined in recent appeal decisions, for example) may include the degree of loss of existing landscape features, width of the carriageway/footway, the lighting to be installed and any other structures to be situated along the road e.g. it is noted from the site layout plans that a number of utility structures are to be constructed.

The applicants supporting statement correctly references the Local Plan (Part 2) Issues and Options consultation. The Local Plan (Part 2) Issues and Options consultation outlined a series of potential 'minor amendments' to the Green Belt boundary. The adjustment of the Green Belt boundary in this area to align to with the M6 Toll was suggested as a result of the Councils' Green Belt Study (2016), as described in the applicants supporting statement. However, the Council has now ceased work on Local Plan (Part 2) and is carrying through with a full Local Plan Review where these matters will now be considered. The Council has not yet consulted on its Local Plan Review document (this is likely to be in summer 2018).

The first stage of the process will be high level issues and policy -based consultation; it will not consider specific sites.

It is noted that the scheme is for 100% affordable housing provision (67 dwellings). This exceeds the provisions of Local Plan (Part 1) Policy CP7 which seeks a minimum of 20% affordable on site for schemes of 15 dwellings or more. This scheme would therefore make an important contribution to the Councils' affordable housing needs. In relation to the proposed tenure mix, advice should be sought from the Housing Strategy team.

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

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

With regards to the detailed design of the scheme, particular regard should be paid to Policy CP3, Policy CP16, the Design SPD (2016), and the Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport SDP (2005) (contains parking standards).

The site lies within the Norton Canes designated Neighbourhood Area. To date, there have been no consultations on any draft Norton Canes neighbourhood plan. However, the most up to date position should be considered at the point of determination.

In summary, very special circumstances in relation to those elements of the scheme which may be inappropriate development in the Green Belt need to be demonstrated. Subject to this test (and other detailed matters of design etc) being satisfied, the scheme is supported- it is part of an identified urban extension to the south of Norton Canes that would help contribute to the Local Plan (Part 1) overall strategy for the meeting the Districts housing requirements.

Economic Regeneration

Welcome the planning application which is identified as a piece of '6-15 year Strategic Housing Land' in the Council's current Local Plan. We would actively encourage the developers to consider the installation of adequate infrastructure such as fibre optic broadband in any design layout for the development at the outset prior to construction as opposed to post construction.

Economic Development would like to see the appointed construction contractors maximise local recruitment and training opportunities for Cannock Chase residents. Consideration should be given by the developer to making a financial contribution to support training initiatives such as delivery of construction apprenticeships on the site. We would support the developer in securing this training provision locally and would help to provide recruitment opportunities with its partners if necessary.

Housing Strategy & Service Improvement

The site is wholly for affordable housing, containing a mixture of social rent, affordable rent and shared ownership properties. The S106 affordable housing obligation on sites of 15 units and above is 20%, so 13 units are required to be affordable housing, comprising 80% social rent and 20% shared ownership. The whole development contains 10 x 2 bed flats for either social rent or affordable rent and there does remain a concern that these could be difficult to let due to affordability issues. However, following a meeting with the registered provider, they will work in partnership with the Council to produce a Local Lettings Plan well in advance of the expected completion date for the flats. Overall, the site is providing a good supply of high demand 2 and 3 bed houses (25 x 2 bed and 21 x 3 bed) for affordable housing. Without the flatted element of the scheme the provider have stated that the scheme would not be viable.

Waste and Engineering Services

Require the bin collections points to be identified on the site layout plan; all properties should be located within 25m of the designated bin collection point; communal bin store locations need to be identified.

RESPONSE TO PUBLICITY

The application has been advertised by site notice neighbour letter. Letters have been received from 8 neighbours who raise the following concerns:

- Object to these plans, we are a small village, the schools and roads can't cope with the extra demand;
- We will lose our view over the fields to the rear. This will lead to a loss of privacy and noise disturbance for existing residents.
- The site is too small to accommodate 67 dwellings;
- The land is not suitable for development;
- We were not notified of the planning application despite backing onto the site;
- Lack of infrastructure to support this number of houses. Was schooling been considered?
- Where is the public open space;

Environmental

- Who is responsible for the brook? The brook takes water off the east of the village via a culvert under the M6 Toll. This brook will have to take all road drain water and housing roof water and the brook is in a terrible state;
- Has the air quality been tested due to its location next to the M6 Toll/A5?;

- Impact on the wildlife. Deer from Chasewater frequent the field and brook and this will stop if the development proceeds;

Highways

- Unsuitable access. Traffic flows fast from the M6 Toll bridge past the site access. The increase in traffic on this junction will lead to further accidents;
- Unacceptable impact on residents from construction traffic;
- The one entry and exit point for traffic is unacceptable;

PLANNING HISTORY

- CH/02/0171 [S17 Land Compensation Act 1961] – Certificate of Appropriate Alternative Development. The application relates to that part of the land that is now taken up by the M6 Toll and related to consideration of an alternative use, to in turn inform the land value prior to purchase by the M6 Toll.
- The application was refused on the 25/11/02 for the following reason: “At the appropriate date this site was situated within the West Midlands Green Belt and the policies in the adopted Development Plan provided for a presumption against development in the Green Belt other than for agriculture, forestry, outdoor leisure, cemeteries or other uses appropriate to a rural area. Applications for residential or industrial development would have been refused on the basis that they are both inappropriate forms if development in a green belt contrary to the main objective of Green Belt Policy to retain the openness of land therein. Permission would only have been granted for development reasonably required for agricultural purposes.

Adjacent site to the west:

- CH/10/0294 - Mixed use development of up to 450 houses and up to 6,300 square metres of employment floorspace (class B1 and B2 uses); formal and informal open space and new highway access Outline application with access specified. Application accompanied by an environmental statement. Land off Norton Hall Lane and Butts Lane, Norton Canes. Approved 01/11/10.
- CH/17/450 - Reserved Matters application for 450 dwellings and associated infrastructure (appearance, landscaping, layout and scale for approval) pursuant to planning permission CH/10/0294. Land off Norton Hall Lane and Butts Lane, Norton Canes. Approved 01/03/18.

1.0 SITE AND SURROUNDINGS

- 1.1 The site is located on the southern edge of Norton Canes on the west side of Walsall Road. The site is approximately triangular in shape with an elongated access. The site is bounded to the north by the Gains Brook, the M6 Toll road to the south and residential properties on Walsall Road to the east.
- 1.2 This section of Walsall Road now forms a cu-de-sac with the main road (B4154) re-aligned to the east when the bridge over the new M6 Toll was

developed. There are three large detached dwellings (numbers 21, 23 and 25 with large rear gardens that back onto the site. Adjacent to the north of these original dwellings and directly to the north is a later development of a small cul-de-sac of detached and semi-detached dwellings called 'Cherry Brook'.

- 1.3 The site is an irregularly shaped green field site that is approximately 2.04Ha in size. The site is gently undulating and has mature trees along the northwest, south and east boundaries.
- 1.4 Vehicular access would be via the southern strip of land of number 21 Walsall Road.
- 1.5 The site is unallocated in the Local Plan but the southern strip of the site is within the West Midlands Green Belt.

2.0 PROPOSAL

- 2.1 Full planning permission is sought for 67 dwellings. The site is approximately triangular with the long edge running along the southern boundary to the M6 Toll. The site access would be via the southern part of the land associated with number 21 Walsall Road. The access route would in turn lead on to the spine road which would, with some twists, run along the southern edge of the application site. Two short feeder roads would run north of the spine road with the bulk of the residential development site to the north of the spine road. The exception being the apartment block which would be sited in the south-east corner of the site adjacent to the site entrance and to the south of the spine road.
- 2.2 The application proposes 100% affordable housing and the tenure mix is for affordable rent and shared ownership. Rents for 10 of the affordable rent units will be capped at the Local Housing Allowance, with the remaining affordable rents units being charged at 80% of market rent.
- 2.3 The development would comprise of the following:
 - 8 x 1 bed maisonettes.
 - 10 x 2 bed maisonettes.
 - 29 x 2 bed dwellings.
 - 18 x 3 bed dwellings.
 - 2 x 4 bed dwellings.
- 2.4 The housing would be two-storey with the apartment block being three-storey. The development itself would be of a variety of styles but with a uniform palette of materials to provide design unity across the site. The external materials although to be agreed, comprise the following:
 - Red facing brick with soldier course detailing;
 - Grey concrete roof tiles;
 - Contrasting white render;
 - White uPVC windows and doors;

- Black uPVC rainwater goods;
 - Larger fenestration and balconies for private amenity space for the apartment block;
 - A total of 130 car parking spaces and 34 cycle parking spaces, including dedicated off-road parking for the dwellings and two car parks for the apartment block;
 - Communal open space around the apartment block;
 - An area of public open space wraps around the edge of the site.;
 - A footpath connection is provided through the site to the western edge;
 - A detailed landscaping plan for the site.
- 2.2 The existing dwellings on Walsall Road benefit from large rear gardens with a distance to the rear boundary (and therefore application boundary) of approximately 27m from the rear of number 25, 40m from the rear of 23 and 40m to the rear of 21. Cherry Brook is a small cul-de-sac adjacent to and at right angles to the northern boundary to number 25. 11 Cherry Brook is the end property and is side on to the boundary with a distance of 2m.
- 2.5 All dwellings would have a height to eaves of 4.9m with a height to ridge varying from 7.4m to 8.4m. The apartment block would have a height to eaves of 8.00m and ridge of 10.5m. Each proposed dwelling would benefit from an area of private amenity space.
- 2.6 It should be noted that in order to prioritise and maximise the provision of affordable housing units on this site no public open space has been provided.
- 2.7 Any amenity spaces will be managed by a management company.
- 3.0 PLANNING POLICY
- 3.1 The Development Plan currently comprises the Cannock Chase Local Plan (2014)
- 3.2 Other material considerations relevant to assessing current planning applications include the National Planning Policy Framework (NPPF) and Supplementary Planning Guidance/Documents.
- 3.3 Cannock Chase Local Plan (2014)
- 3.4 The Development Plan currently comprises the Cannock Chase Local Plan (2014). Relevant policies within the Local Plan include:
- | | |
|--------|--|
| CP1: - | Strategy – the Strategic Approach |
| CP2: - | Developer Contributions for Infrastructure |
| CP3: - | Chase Shaping – Design |
| CP5: - | Social Inclusion and Healthy Living |
| CP6: - | Housing Land |
| CP7: - | Housing Choice |
| CP10:- | Sustainable Transport |
| CP12:- | Biodiversity and Geodiversity |

CP13:-	Cannock Chase Special Area of Conservation (SAC)
CP14:-	Landscape Character and Cannock Chase AONB
CP16:-	Climate Change and Sustainable Resource Use

3.5 National Planning Policy Framework

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

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

3.8 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development.
11-14:	The Presumption in favour of Sustainable Development.
47-50:	Determining Applications.
54-59:	Planning Conditions and Obligations.
91, 96, 97:	Open Space and Recreation.
108-109:	Promoting Sustainable Transport.
117,118, 120:	Making Effective Use of Land.
124, 127, 128, 130:	Achieving Well-Designed Places.
170, 175, 177, 179:	Conserving and Enhancing the Natural Environment.
212, 213:	Implementation.

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

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

Manual for Streets.

3.10 Norton Canes Neighbourhood Area

3.11 Norton Canes Parish Council applied to Cannock Chase Council for land within the District Council boundary to be designated as a Neighbourhood

Area in November 2017 (in accordance with Regulation 5 of The Neighbourhood Planning Regulations 2012, as amended).

- 3.12 On the 10th January 2018, Cannock Chase Council (via delegated authority) resolved to designate the Norton Canes Parish as the Norton Canes Neighbourhood Area. The designation of a Neighbourhood Area is the necessary first step to enable the production of a Neighbourhood Plan. However, the plan has not progressed to consultation stage at the present moment.

4 DETERMINING ISSUES

- 1) Principle of development
- 2) Highways and parking
- 3) Impact on residential amenity
- 4) Impact on the character and form of the area
- 5) Contaminated land
- 6) Impact on Acknowledged nature conservation interests including Cannock Chase SAC
- 7) Crime and the fear of crime
- 8) Drainage
- 9) Other Issues
- 10) The applicant's case that very special circumstances exist
- 11) The planning balance

4.1 Principle of Development

- 4.1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Cannock Chase District Council comprises the Cannock Chase Local Plan (2014), the adopted Supplementary Planning Documents (SPD) and The National Planning Policy Framework (NPPF, 2012).

- 4.1.2 In this respect it is noted that the larger part of the site is unallocated on the Local Plan (Part 1) Proposals Map. However, the Local Plan (Part 1) Policy CP1 and Policy CP6 identify the site as part of urban extensions to the south of Norton Canes for up to 670 dwellings. As such the principle of residential development of the unallocated part of the site has been established within the Local Plan.

- 4.1.3 However, there is a thin belt of land along the southern part of the application site which is designated as Green Belt.

- 4.1.4 Policy CP1 of the Cannock Chase Local Plan states 'Development proposals at locations within the Green Belt will be assessed against the NPPF and Policy CP14 [of the Local Plan]. Policy CP14 is primarily concerned with landscape impacts and is not relevant as to whether a proposal constitutes inappropriate development in the Green Belt or not.'

- 4.1.5 Whether a development proposal constitutes inappropriate development, or not, is set out in paragraphs 145 and 146 of the NPPF, with paragraph 145 relating to new buildings and paragraph 146 relating to forms of development other than new buildings.
- 4.1.6 Paragraph 145 of the NPPF states a 'local planning authority should regard the construction of new buildings as inappropriate in the Green Belt' adding 'exceptions to this are:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 4.1.7 The above is a closed list. Although the proposal is for a 100% affordable housing scheme, given that it is for 67 dwellings it cannot be considered as being 'limited'. Therefore, having had regard to the nature and size of the current proposal it is noted that it would not fall within any of the categories of development listed in paragraph 145 and therefore constitutes inappropriate development within the Green Belt.

- 4.1.8 Paragraph 143 of the NPPF states 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Furthermore, paragraph 144 of the NPPF makes it clear that 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt'.
- 4.1.9 The term 'very special circumstances' is not defined in the NPPF or in law. However, paragraph 144 of the NPPF states that "very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'.
- 4.1.10 In order to facilitate the above the report will now go on to assess the impacts of the proposal against acknowledged interests in order to determine whether any other harm arises from the proposal.

4.2 Highways and Parking

- 4.2.1 Paragraph 108 of the NPPF states that in 'assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 4.2.2 In addition to the above Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, adding at paragraph 110: -

Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

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

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

4.2.4 In support of the planning application a Transport Statement has been submitted which identifies the location and connection with other services in the area. This highlights that the site is within:

- 700m to the nearest bus stop on Norton Green Lane. Served by the 3C to Cannock and Walsall town centres, with additional services to other parts of Staffordshire.
- 1km to the nearest pub.
- 1.1km to the nearest convenience store.
- 1.5km to the nearest Post Office.
- 1.5km to the nearest Primary School.
- 1.5km to the nearest health centre.
- 2km to the nearest High School.
- 1.5km to the village centre.

Furthermore, there is a footpath running along the west side of Walsall Road (B4154) which in opens up to a footpath on both sides of this road.

4.2.5 The site if not in walking distance to a number of services, is therefore in easy cycle distance of a wide range of goods, services, facilities and places of work. Furthermore, there is little prospect of improving the access to public transport. As such the site performs poorly in respect to its accessibility to goods and services. However, it still forms part of a proposed urban extension to Norton Canes within the Local Plan and its spatial relationship to the village must have been taken into account at the time the Plan was prepared. Whilst this poor performance does not lend great weight in favour of the application it is not in itself of sufficient weight to justify refusal of the application. Furthermore, it must be weighed against other considerations such as the provision of a 100% affordable housing scheme that the proposal would provide.

4.2.6 In respect to technical highway layout and specifications the proposal has been through various amendments and iterations in order to resolve issues raised by the Highway Authority. The applicant has submitted a revised scheme and the Highway Authority has been consulted. Unfortunately, the response Highway Authority to the latest iteration has not been received in order for its inclusion within this report. It is envisaged that the latest amendment should resolve all outstanding highway issues. Members will be updated of the Highway Authority's response on the day of Planning Committee.

4.2.7 Therefore, subject to no objections being raised by the Highway Authority it is considered that the proposal would be acceptable in respect of its impact on highway safety and capacity and, on balance, its spatial relationship with the wider village and the goods and services it provides.

4.3 Impact on Amenity of Existing and Future Occupiers

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

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

4.3.3 In order to guide the above considerations the Council's Residential Design Guide sets out guidance for distances between different elevations and outdoor amenity space.

4.3.4 In respect to the issue of the standard of amenity there are three main issues, namely

- (i) The space about dwellings for the existing and proposed dwellings.
- (ii) The impact of the M6 Toll on the noise environment.
- (iii) The impact of the M6 Toll on air quality within the estate

Space About Dwellings

4.3.5 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

- 4.3.6 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'.
- 4.3.7 In this respect it is noted that the layout in general meets the recommended distances for space about dwellings and rear amenity areas, and in some cases exceeds the guidelines. There are certain circumstances where garden lengths are under the normal 10.5m but this is compensated by greater widths than average and in respect to Plots 1-8 and 24-25 the fact these properties would be looking over the fields to the north.
- 4.3.8 As such the layout in respect to the space about dwellings and standard of residential amenity is considered acceptable.

Noise Environment

- 4.3.9 Given that the site lies north of the M6 Toll and nearby to a number of commercial and industrial uses to the east there is the potential for noise, disturbance and poor air quality to arise from those uses.
- 4.3.10 In respect to noise, Paragraph 123 of the NPPF states that planning policies and decision should aim to: -
- "avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;"
- 4.3.11 The desirability of reducing the impact of noise from the M6 Toll on future residents to an acceptable level has been a major factor in the design of the proposal.
- 4.3.12 In order to inform the application the applicant has submitted a Noise Impact Assessment prepared by Accon Environmental Consultants UK. This has been used as the basis to discuss and find a design solution to ensure, through the use of modelling, that a high standard of residential amenity would be attained for both the external and internal environments. This has led to the current layout, in which the properties along the southern part of the site are so situated as to provide acoustic attenuation for the rear amenity areas.

- 4.3.13 The Environmental Health Officer has considered the revised scheme and has no objections to the proposal on noise environment grounds.

Air Quality

- 4.3.14 Paragraph 124 of the NPPF states that

"planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan."

- 4.3.15 In order to inform the application the applicant has submitted an Air Quality Assessment prepared by Accon Environmental Consultants UK.
- 4.3.16 The Environmental Health Officer has requested that the applicant is required to provide direct mitigation measures to offset the impact of the development on local air quality or makes contributions towards an air quality action plan measures. This could be achieved through the use of an appropriately worded condition to ensure
- (a) the necessary mitigation is achieved.
 - (b) electric recharging sockets are fitted to all units
 - (c) a construction method statements is produced for the construction phase of the development.
- 4.3.17 Subject to the above conditions it is considered that a high standard of residential amenity would be achieved by the proposal and that it would comply with Policy CP3 and paragraph 127(f) of the NPPF.

4.4 Impact on Nature Conservation Interests

- 4.4.1 Policy in respect of impacts on biodiversity is provided by Policy CP12 of the Local Plan and Section 11 of the NPPF.
- 4.4.2 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)."

- 4.4.3 In addition to the above Paragraph 118 of the NPPF states (amongst other things) when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles

if significant harm resulting from a development cannot be avoided (through locating on an alternative site, with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused;

opportunities to incorporate biodiversity in and around developments should be encouraged

planning permission should be refused for development resulting in irreplaceable habitats including ancient woodland and the loss of aged or veteran trees, fund outside ancient woodland, unless the need for, and the benefits of, the development in that location clearly outweigh the loss;

- 4.4.4 In order to inform the application the applicant has submitted a Preliminary Ecological Appraisal. This concludes

The majority of habitat within the site boundary comprised poor semi-improved grassland dominated by common and widespread species/

There is no evidence of bats, badgers, white-clawed crayfish, water vole, great crested newts breeding in site.

Some of the trees and hedges on the site could support breeding birds.

- 4.4.5 Although the presence of white-clawed crayfish and water vole could not be absolutely ruled out the report recommends that a 5-10m buffer is put in place along the side of the watercourse along the northern boundary. The report goes on to make a number of recommendation which if implemented would mitigate or even compensate the impacts of the development on local wildlife including

- (i) A 5-10 m water course buffer be incorporated along the northern boundary of the site
- (ii) New native tree planting
- (iii) Given that some habitats are used by commuting/ foraging bats further surveys are recommended.
- (iv) an appropriate lighting scheme should be implemented.

- (v) an updated badger survey should be undertaken prior to construction starting.
- (vi) If no watercourse buffer zone is provided then further surveys are required in respect to water vole, cray fish and otter.
- (vii) Any removal of suitable nesting vegetation should occur outside of the bird breeding season.
- (viii) Precautionary measures are taken during strimming and dismantling of brush piles.
- (ix) Bats and bird boxes could be incorporated into the development

4.4.6 It is clear from the plans submitted that a 5m buffer zone would be incorporated into the development. As such recommendation (vi) is not required. New native planting, appropriate lighting and the incorporation of bats boxes can also be adequately controlled through the use of an appropriately worded condition. Disturbance to breeding birds is an offence and can therefore be best controlled through an informative.

4.4.7 In respect to additional surveys it is noted that the current surveys and assessments have demonstrated that there is no evidence of great crested newts, badgers or bats using the site for breeding purposes and it is unlikely that they are using the site for refuge, commuting or for foraging. However, these species are mobile and given that even where it is very unlikely for a species to occur in a given situation it is impossible to rule out that an individual may stray, particularly over extensive periods of time. As such it is considered appropriate, in this particular instance, to require updated surveys for these species before development commences to ensure that nothing has changed since the granting of planning permission and the commencement of development and to ensure a precautionary approach is undertaken.

Cannock Chase SAC

4.4.8 Policy CP13 of the Local Plan Strategy details developer requirements to the Cannock Chase SAC and states that before development is permitted, it must be demonstrated that in itself or in combination with other development it will not have an adverse effect whether direct or indirect upon the integrity of the SAC having regard to avoidance or mitigation measures. In particular, dwellings within a 15km radius of any boundary of Cannock Chase SAC will be deemed to have an adverse impact on the SAC unless or until satisfactory avoidance and/or mitigation measures have been secured.

4.4.9 The Council has a duty as a responsible authority under the Conservation of Habitats and Species Regulations 2010 (Habitat Regulations) to ensure that the decisions it makes on planning applications do not result in adverse effects on the integrity of the Cannock Chase Special Area of Conservation (SAC),

which has internationally protected status under the Regulations for its unique heathland habitat. The financial requirement for SAC Mitigation will be included in the calculation for the Community Infrastructure Levy.

4.5 Ground Contamination and Ground Gas

4.5.1 Paragraph 170 of the NPPF states planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. The paragraph goes on to state ‘Development should, wherever possible, help to improve local environmental conditions by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

4.5.2 Paragraph 17 of the NPPF adds

‘Planning policies and decisions should ensure that:

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

4.5.3 However, paragraph 179 of the NPPF makes it clear that ‘Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

4.5.4 In order to inform the application the applicant has submitted an Phase II Geoenvironmental Assessment by Georisk Management.

4.5.5 The Council’s Environmental Health Officer has assessed the report and has commented that

- (i) A ground gas survey has been undertaken which demonstrates that gas protection measures are not required.
- (ii) A single area of contamination has been identified in the area of plots 46 to 49. Confirmation of the method to resolve this is required. A contingency for dealing with unforeseen areas of contamination should be required.

4.5.6 As such, having regard to the above, it is considered that subject to a condition to resolve the localised issue of ground contamination the proposal is acceptable in respect to ground contamination and ground gas.

4.6 Crime and the Fear of Crime

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

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

4.6.3 It is noted that Staffordshire Police have no objections to the proposal. In respect to their detailed comments these are most appropriately addressed through an informative attached to any permission granted.

4.7 Flooding and Flood Risk

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

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

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

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

4.7.4 In order to inform the application the applicant has submitted a Flood Risk assessment together with micro drainage calculations. Furthermore, the applicant has submitted a drainage strategy supported by a hydrological model

to address the concerns and comments made by the Local Lead Flood Authority. This strategy is a combination of balancing attenuation ponds, below ground cellular storage and a 4m wide watercourse flood channel along the boundary of Gains Brook.

- 4.7.5 Severn rent and the Environment Agency have no objections to the drainage proposals.
- 4.7.6 Members will be updated on any comments received by the Local Flood Authority on the day of Planning Control Committee. Subject to no further objections been received from the LLFA it is considered that the proposal would be acceptable in respect of drainage and flood control.

4.8 Education

4.8.1 This development falls within the catchments of Jerome Community Primary School and Norton Canes High School. The development is scheduled to provide 67 dwellings and that they will all be RSL and as such the Education Authority only require the proposal to mitigate its impact on primary school provision.

4.8.2 A development of 67 RSLs and the education contribution for a development of this size would be as follows:

- 10 Primary School places (10 x £11,301 = £110,310). This gives a total of £110,310.
- The above contribution is based on the 2008/09 cost multipliers which are subject to change.
- The above is based on current demographics which can change over time and therefore we would wish to be consulted on any further applications for this site.

4.8.3 The above is accepted and it is considered that it could be controlled through a suitably worded Section 106 agreement. Subject to such an agreement the proposal would be acceptable in respect to its impacts on education.

4.9 Affordable Housing Scheme

4.9.1 Policy CP7 of the Local Plan states that in recognition of a net annual need for 197 affordable homes in Cannock Chase District the Council prioritises provision by amongst other things,

‘Registered providers’ own investment programmes in new build and acquisitions.’

4.9.2 This application by Walsall Housing Group proposes 100% affordable housing and the tenure mix is for affordable rent and shared ownership. Rents for 10 of the affordable rent units will be capped at the Local Housing

Allowance, with the remaining affordable rents units being charged at 80% of market rent.

4.9.2 This scheme would therefore make an important contribution to the Councils' affordable housing needs. This is a material consideration of paramount weight in favour of the proposal.

4.10 Community Infrastructure Levy (CIL)

4.10.1 The Council's CIL Charging Schedule was approved on 19th February 2015 and came into effect on the 1st June 2015. The CIL for all new residential development is £40 per square metre (index linked) of floor-space and is used to pay for infrastructure, if liable.

4.11 Other Issues Raised by Objectors not Raised in the Report

4.11.2 The objections raised have largely been considered within the above report. Of those that remain it is evident that a number of the issues raised have no or little material planning weight, given that they relate to the potential future behaviour of the site's residents.

4.11.3 In terms of loss in value to existing property, this concern has not been held to be a material planning consideration, as it cannot be evidenced.

4.11.4 It is considered that the application, if approved, would not set a precedent for further development within the area, given that each application must be considered on its own merits.

4.11.5 The potential footpath link towards the western part of the site, although desirable, is not necessary to make this application acceptable in planning terms.

4.11.6 Any conflict with between the landscape plan and drainage plan could be readily remedied by the submission of a revised landscape plan.

4.12 The Applicant's Case that Very Special Circumstances Exist that Would Justify Approval of the Application

4.12.1 Paragraph 8.8 of the 'Protecting the Green Belt' National Planning Practice Guidance advises that "very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

4.12.2 The supporting planning statement and a further 'very special circumstances' (VSC) summary note both confirm that the development site is within the Green Belt and is inappropriate development and as such there is a need to prove very special circumstances in order to allow approval. The factors that the applicant considers represent VSC are presented below: -

The Local Plan Part 1 acknowledges that development is required in the Green Belt to meet the Plan's housing requirements. It is also advised that Part 2 will be informed by a Green Belt review and will remove land from the Green Belt for development. Furthermore the Local Plan Part 1 (Figure 2-Key Diagram) identifies the application site as being an 'Urban Extension of Housing'. The Council notes these comments and that the preparation of the Local Plan Part 2 did consider changes to the Green Belt in this location to facilitate development but that the work was abandoned in favour of a new Local Plan. The Council does not dispute this but the quandary is the weight that can be given to this factor. The Green Belt boundary in this location does present somewhat of an anomaly, with an isolated pocket as the result of the development of the M6 Toll. There is a strong case for the review of the Green Belt boundary in this location but for the reasons stated this work has now ceased and the weight that can be given to this factor is limited.

As stated Paragraph 134 of the NPPF Green Belt – and their boundaries – serve five purposes. Taking these five criteria in order the applicant has the following comments:

The proposed development will not result in the unrestricted sprawl of a large built up area. The development is contained by the physical barrier of the M6 Toll. Green Belt boundaries should be clearly defined using readily recognisable features.

The development will not result in neighbouring towns merging into one another.

The development will result in a limited degree of encroachment.

The development will have no adverse impact on the special character of a historic town.

The development will not impact upon urban regeneration.

The harm arising to the Green Belt is restricted to definitional harm to the openness and encroachment.

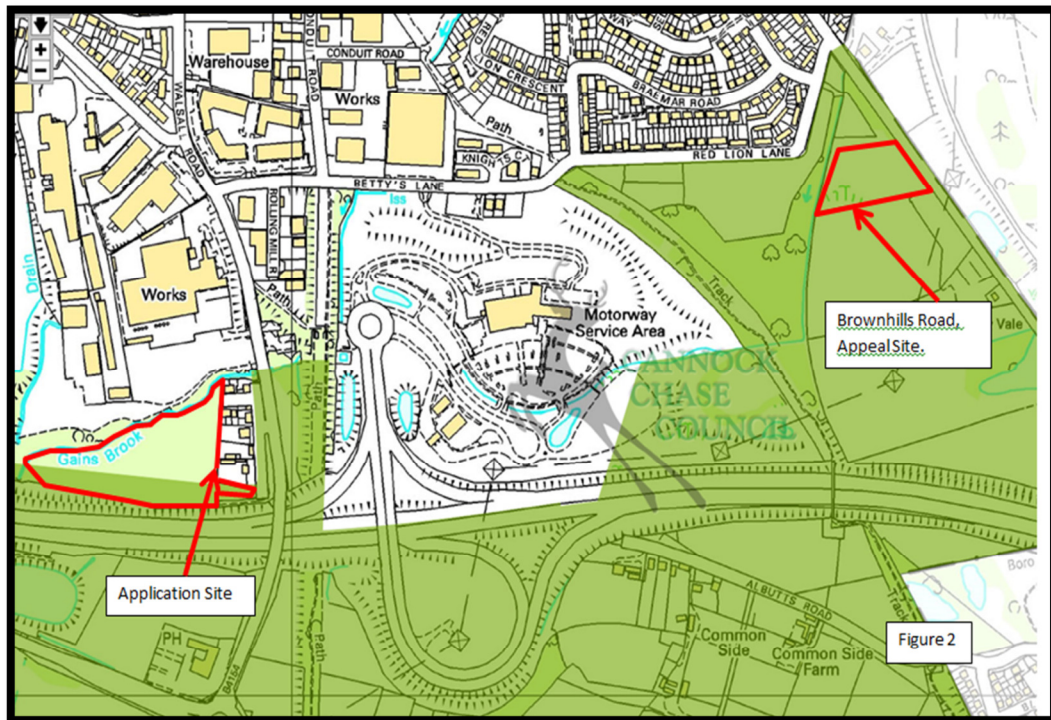
- 4.12.3 In response Officers consider the argument to have some weight. The strip of Green Belt along the south of the site is in reality a technical aspiration when considering the visual and physical barrier of the M6 Toll to the south. The development of this strip would follow a logical progression of development for the village and with the physical barrier of the M6 Toll there could be neither further extension of the village in this direction nor any further encroachment on the Green Belt. In addition should the non-Green Belt part of the site be built out the remaining strip of Green Belt would be trapped between an housing estate and a motorway and would serve no Green Belt function.

4.12.4 The applicant has the following comments in relation to the Local Plan:

- The Local Plan Part 1 requires a Green Belt review to inform the Local Plan Part 2. Whilst the Local Plan Part 2 has been abandoned the Green Belt review was completed, which in turn identifies parts of the Green Belt which contribute little to their purpose. Appendix 4 of the Green Belt review identifies the application site as a Green Belt ‘anomaly’. The Green Belt review suggested that it would be appropriate to realign the Green Belt in this location to exclude the entirety of the application site from the Green Belt.
- The issues and options consultation version of the Local Plan Part 2 advises that there are examples of land in the District that have retained Green Belt status but no longer form a Green Belt function. This includes small parcels of land alongside the M6 Toll which was constructed after the Green Belt was designated.
- The Council will rely upon windfall sites to meet the overall housing requirement. They consider that the housing requirement cannot be met without Green Belt release.
- Both the Local Plan Part 2 options consultation document and SHLAA (Strategic Housing Land Availability Assessment) suggest that the application site is a site that can forward for development.
- The planning application proposes the delivery of 67 affordable properties. The Council have under delivered affordable housing and this proposal would help to address this shortfall.

4.12.5 Officers would comment that accepting that the review of the Local Plan Part 2 has ceased this does not in itself invalidate the conclusions of the Green Belt review. It is considered that there is merit in the argument put forward and some weight given to the fact that the proposal would not undermine the reasons for defining the Green Belt in the first place.

4.12.6 Finally the applicant brings to the attention of the Council the appeal decision for 37 dwellings on land off Brownhills Road, Norton Canes (*Appeal Ref: APP/X3405/W/17/3176018 & CCDC Ref: CH/16/161*). The appeal site is located entirely within the Green Belt and was allowed at appeal. There are clear comparisons between the appeal site and the application site. As always each application is dealt with on its merits but there are significant parallels with the appeal site that warrant comment. The Inspector opined that the main issues are (1) whether or not the proposal is in appropriate development in the Green Belt; (2) the effect on the openness of the Green Belt and the purposes for including it within it; (3) the effect of the proposal upon the character and appearance of the area; and (4) if the development is in appropriate, whether the harm by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to very special circumstances to justify development. It is considered that in relation to the Green Belt impact the main issues are the same. The location of the appeal site and application site are shown on figure 2 below.



4.12.7 In paragraph 26 the Inspector stated:

“I have found that the proposed development would constitute inappropriate development in the Green Belt and that it would have a moderate impact on the openness of the Green Belt. There would be some encroachment into the countryside, but this impact would be limited taking into account surrounding development. The proposal would lead to some urban sprawl, but this impact would not be significant given the existence of recently built development and as the site/area is identified as part of a larger urban extension in the LP. There would be no other conflict with the purposes of the Green Belt and I have concluded that the development would not have a significantly detrimental impact upon the character and appearance of the area.”

In summary in paragraph 27 he further states:

“In the context of the above, it is also necessary for me to balance the identified other considerations referred to above. I afford the fact that the site/area is part of a wider designated urban extension in the LP considerable weight. In addition, the provision of 100% affordable housing on the site is a matter to which I afford significant weight. In addition, the site is close to local facilities and amenities and public transport provision and hence is sustainably located: there are no constraints to the development of the site for housing. These are positive matters to weigh in the balance. “

4.16 It is considered that the Green Belt issues as identified at the appeal site have very similar characteristics and issues to the application site. There is only a fraction of the application site covered by this designation compared to the full

designation of the appeal site and the application site has the physical barrier of the M6 Toll on its southern boundary. It is considered that the appeal case has weight due to the similar circumstances of the Green Belt designation and the geography of the locations.

- 4.17 The NPPF allows for the approval of inappropriate development (by definition) in the Green Belt provided that very special circumstances can be proved. Of particular relevance is case law – Regina v Secretary of State and Temple – in which Justice Sullivan made the following ruling: “In planning, as in ordinary life, a number of ordinary factors may when combined together result in something special. Whether any particular combination amounts to very special circumstances for the purposes of PPG2 (now section 13 of the NPPF) is a matter for the planning judgement of the decision-taker.” For the reasons discussed it is considered that a sufficient case for very special circumstances has been put forward on the basis of the combination of factors discussed.
- 4.18 Turner v SSCLG & East Dorset Council [2016] – in which the court of appeal confirmed that the openness of the Green Belt has a visual dimension is also of relevance in this matter. The application site is currently open and does not have any built form, however the strip of land within the Green Belt designation is on the southern border and directly adjacent to the M6 Toll. The proposed development would technically have an impact on the openness of the Green Belt but it is considered that on balance the harm to the openness of the Green Belt has already occurred with the development of the M6 Toll and the proposal would have a moderate impact on the openness of the Green belt. It is considered that on this aspect, very special circumstances have been demonstrated.
- 4.19 Overall, for the reasons given above, Officers consider that although the proposed development would represent inappropriate development in the Green Belt very special circumstances have been demonstrated to exist that would justify approval.

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 proposals could potentially interfere with an individuals 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.

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 positive contribution towards the aim of the Equalities Act.

6.0 CONCLUSION

6.1 Full planning permission is sought for 67 dwellings. The application proposes 100% affordable housing and the tenure mix is for affordable rent and shared ownership. Rents for 10 of the affordable rent units will be capped at the Local Housing Allowance, with the remaining affordable rents units being charged at 80% of market rent.

6.2 The site lies partly within an unallocated area subject to a proposal for an urban extension to Norton Canes within the development plan together with a strip of land along the southern boundary which falls within the Green Belt

6.3 In respect to theta part of the site within the Green Belt it is noted that the proposal constitutes inappropriate development and therefore should only be allowed in very special circumstances.

6.4 It is considered that the proposed 100% affordable housing proposed, together with the nature of the Green Belt at this location, clearly outweighs any harm resulting by reason of inappropriateness. As such it is accepted that very special circumstances exist that would justify approval of the proposal.

6.5 Having had regard to all local and national policy requirements and subject to no objections from the Highway and Drainage Authorities it is considered that the proposal, subject to the attached conditions and the section 106 agreement, is on balance, acceptable.

6.6 Approval is therefore recommended.

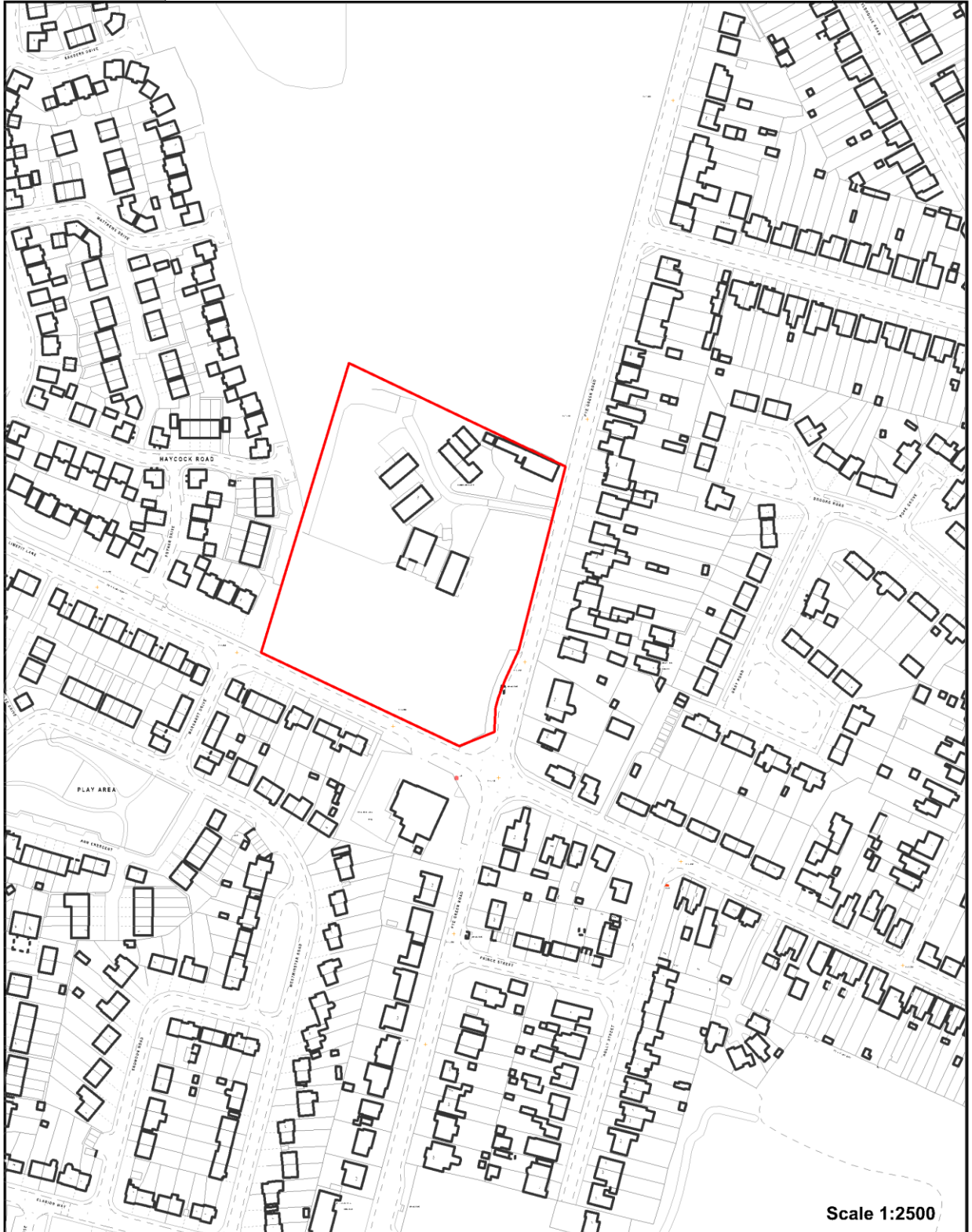


Application No: CH/18/121

Location: Common Farm, 427, Pye Green Road/Limepit Lane, Cannock, WS12 4HS

Proposal: Residential development comprising 52 no. dwellings including access, landscaping, public open space, and demolition of all existing buildings

Item No. 6.48



Scale 1:2500

Location Plan and Existing Site Plan



 J MASON ASSOCIATES <small>ARCHITECTS</small> 21 LIMEPIT LANE HEDNESFORD, STURGEON, WOLVERHAMPTON ROAD WEDNESDAY, STURGEON, WOLVERHAMPTON W. CV8 3JF T: 01902 467788 F: 01902 467789 E: info@jmasonassociates.co.uk W: www.jmasonassociates.co.uk		
CLIENT		
Marshall Bell Ltd		
PROJECT		
Residential Development Common Farm Pye Green Road / Limepit Lane Hednesford		
DATE		
Block Plan / Location Plan		
SCALE	DATE	REVISED BY
1:500/ 1:1250(A1)	20-03-18	2129-10
<small>By approval of this drawing the client agrees to indemnify the architect against all claims for damages, costs and expenses which may be incurred by the architect in connection with the design and construction of the works.</small>		

Proposed Site Plan



Ordnance Survey (c) Crown Copyright 2017. All rights reserved. Licence number 100022432

- Facing to be Eaton Source Permeable Paving Brick Matt with Charcoal border
- 1.2m High hoop topped railing
- 1.8m Brick wall
- 1.2m silver c/p fence with 0.6m trellis panel over
- 1.8m c/p fence
- 2.0m High silver privacy panel
- Garden shed 1200x1800mm T&G Timber

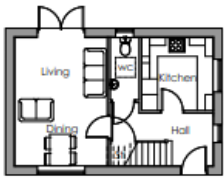
- Public Open Space 0.4Ha
- Type A 294p 71.3m² 14no
- Type D 294p 71.3m² 4no
- Type C 294p 74.5m² 3no
- Type D 294p 73.0m² 2no
- Type E 305p 81.1m² 13no
- Type F 305p 108.7m² 6no
- Type G 305p 82.4m² 4no
- Type H 305p 118.2m² 6no

TOTAL: 82no units
 104 parking
 Approx Site Area 1.8Ha (4.4acres)

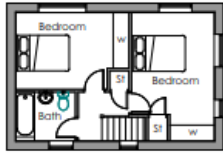
Affordable Housing Schedule
 Plots 41-48 Affordable Rent
 Plots 49-50 Social Rent

/ Marshall Bell Ltd	
Residential Development Common Farm Pyle Green Road / Limepit Lane Hednesford	
Site Layout	
1:500 (A1)	27.07.17
1:500 (A1)	21.07.2012

Proposed Plans House Types A - D



Ground Floor



First Floor



Front Elevation



Rear Elevation

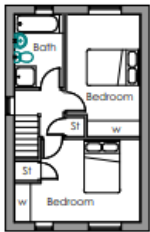


Side Elevations

Type D 780P



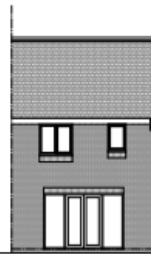
Ground Floor



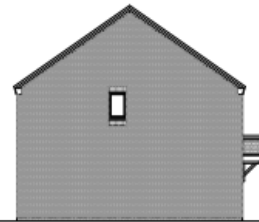
First Floor



Front Elevation

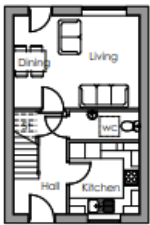


Rear Elevation

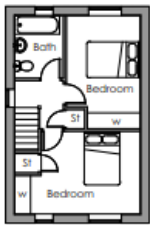


Side Elevation

Type C 740P



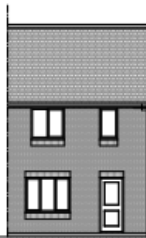
Ground Floor



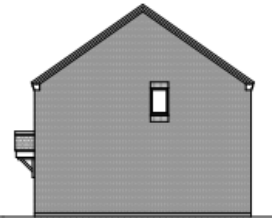
First Floor



Front Elevation

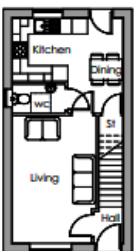


Rear Elevation

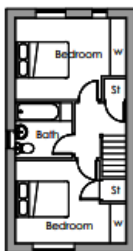


Side Elevation

Type B 760P



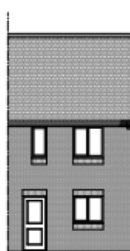
Ground Floor



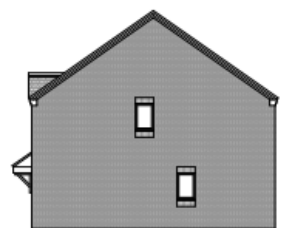
First Floor



Front Elevation



Rear Elevation



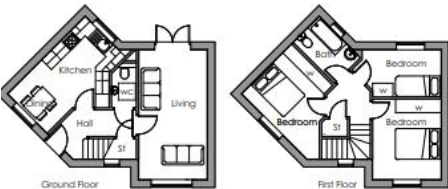
Side Elevation

Type A 700P

Proposed Plans House Types E - H



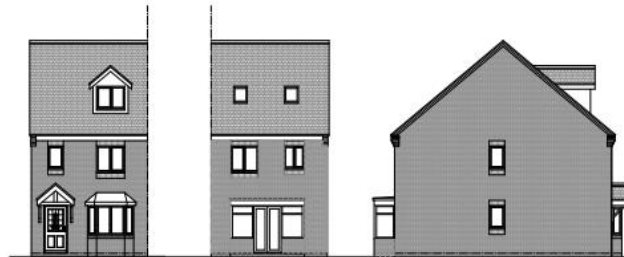
Ground Floor
Type H Area = 122sq'



Ground Floor
Type G Area = 82sq'



Ground Floor
Type F Area = 128sq'



Ground Floor
Type E Area = 81sq'



Proposed Street Scene Elevations



Street Elevation to Lime Pit Lane



Street Elevation to Pye Green Road

Application No: CH/18/ 121

Received: 23Mar-2018

Location: Common Farm, 427, Pye Green Road/ Limepit Lane, Cannock, WS12 4HS

Parish: Hednesford

Ward: Hednesford Green Heath Ward

Description: Residential development comprising 52 no. dwellings including access, landscaping, public open space, and demolition of all existing buildings

Application Type: Full Planning Application

RECOMMENDATION: Approve subject to the attached conditions and the completion of a Section 106 agreement to secure:

- i. Provision and transfer to a registered Provider of 20% on-site affordable housing comprising 8 units affordable rent and 2 units social rent to commence no later than the completion of Plots 1-28.
- ii. Provision for the management of all public open space/ suitable alternative green space by a management company.
- iii. An education contribution of £132,548
- iv. Clawback SANGS contribution of £11,102
- v. Clawback allotment contribution of £2,137.72

Reason for Grant of Permission

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

Conditions

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

Reason

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

2. The development hereby approved shall be carried out in full accordance with the 'Demolition and Construction Phase Method Statement and Management Plan for a Residential Development at Common Fam, Pye Green Road, Cannock, WS12 4HS prepared by Marshall Bell Ltd.

Reason

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

3. No development shall begin until a detailed surface water drainage design has been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design must be in accordance with the overall strategy and key design parameters set out in the Outline Drainage Strategy (GCA Drawing No: 7458-02, Rev E, 28/09/18). The design must demonstrate:
- Surface water drainage system(s) designed in accordance with national and local standards, including the Non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
 - SuDS design to provide adequate water quality treatment, which can be demonstrated using the Simple Index Approach (CIRIA SuDS Manual 2015), to include permeable paving for private parking, swales, and online attenuation basin.
 - Limiting the discharge rate generated by all rainfall events up to the 100 year plus 40% climate change critical rain storm to 5l/s to ensure that there will be no increase in flood risk downstream.
 - Houses to drain to soakaways where ground conditions permit. Site discharge to the public surface water sewer.
 - Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year, and 1 in 100 year plus climate change return periods.
 - Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Site layout and levels should provide safe exceedance routes and adequate access for maintenance.
 - Provision of an acceptable management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities and frequencies, and contact details for the organisation responsible for carrying out these duties.

Reason

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

4. No dwelling hereby approved shall be occupied until a scheme for the fitting of that dwelling with electric charging points for electric vehicles has been submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme have been completed. The works shall thereafter be retained for the lifetime of the development unless otherwise approved in writing by the Local Planning authority.

Reason

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

5. If during development contamination not previously suspected or identified is found to be present at the site then no further development (unless otherwise agreed in

writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination 'shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons

Whilst the information reviewed to date suggests that there may not be significant contamination on site with the potential to impact controlled waters receptors, the sensitivity of controlled waters receptors at this location will require any contamination identified to be appropriately dealt with. Therefore, this condition is recommended to deal with any unsuspected soil-contamination encountered during development. This is recommended in order-to protect-controlled waters receptors, namely underlying groundwater in the Principle Aquifer.

6. Any top soil that is imported onto site for use in gardens/ landscaped areas shall be subject to Chemical validation and verification to ensure that it complies with the specification given in Section 9.1.2 of the Phase II site investigation report.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Paragraph 178 of the National Planning Policy Framework.

7. Apart from the existing farmhouse, demolition of all other buildings on the application site including the removal of asbestos, shall be carried out in accordance with the recommendations contained within Section 5 of the submitted Pre-Demolition Asbestos Survey by Intelligent Building Works Ltd. and dated 22nd August 2017. Such asbestos removal shall be completed by licensed asbestos contractors in accordance with BS 6187:2011 Code of Practice for full and partial demolition.

Demolition of the existing farmhouse shall not commence until a full asbestos survey has been submitted to and approved in writing by the Local Planning Authority. Any works for the removal of asbestos which may be identified in that survey shall be completed by licensed asbestos contractors in accordance with BS 6187:2011 Code of Practice for full and partial demolition.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Paragraph 178 of the National Planning Policy Framework.

8. Notwithstanding the details of the approved plans a scheme for boundary treatment between Plots 12, 13, 14, 15 and 37 and the adjacent public open space shall be submitted to and approved in writing by the Local Planning Authority. The dwellings

at Plots 12, 13, 14, 15 and 37 shall not be occupied until the works comprising the approved scheme have been completed.

Reason

In the interests of protecting the amenity of the locality and crime prevention in accordance with Policy CP3 of the Cannock Chase Local Plan.

9. Notwithstanding the details of the approved plans a scheme for the enlargement and screening to the bin collection points shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works comprising the approved scheme for the bin collection point serving that dwelling has been completed.

Reason

In the interests of protecting the amenity of the locality and to ensure appropriate facilities for recycling and waste collection are provided in accordance with Policies CP3 and CP16(1)(e) of the Cannock Chase Local Plan.

10. The service strips/ pavements along the estate roads shall be constructed to the same height as the road surface.

Reason

To enable waste collection vehicles the ability to safely manoeuvre within the estate.

11. Notwithstanding the details of the approved plans a scheme, for the provision of either a rumble strip or change of material at the entrance to the private access road serving Plots 41-50 shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of crime prevention in accordance with paragraph 127(f) of the NPPF.

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

Reason

In the interests of compensating for the loss of bird breeding habitat as a result of the development in accordance with Policy CP12 of the Local Plan and paragraphs 170, 175, 177, 179 of the NPPF.

13. Prior to first occupation of any of the approved dwellings the accesses, turning and parking areas serving that dwelling as indicated on the approved plans shall be completed and surfaced in about material and shall thereafter be retained for that purpose only for the lifetime of the development.

Reason:

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

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

Reason:

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

15. The external materials to be used in the dwellings hereby approved shall be: -

Kimbolton Red Multi bricks
Lindum Cottage Red Multi bricks
Village Harvest Multi bricks
Russell Grampian Slate Grey roof Tiles
Russell Grampian –Cottage Red

as specified in the approved schedule of materials, unless otherwise approved in writing by the Local Planning Authority

Reason

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

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

Reason

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

17. Within 3 months of the date of this permission a scheme detailing the external environment-landscape, including planting, fencing, walls, surface treatment & construction details for the site shall be submitted to the Local Planning Authority. The details shall be in the form as specified in Annex C of the Supplementary Planning Guidance 'Trees, Landscape and Development'. 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 and in accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

Reason

In the interest of visual amenity of the area in accordance with Local Plan Policies CP3, CP12, CP14 and the National Planning Policy Framework.

18. 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.

19. 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.

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

Reason

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

21. All close boarded wooden fencing delineating the rear gardens of all plots except – plots 41- 50 shall be 2.0m in height and shall be installed/ erected at each plot before that plot is brought unto use.

Reason

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

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

Drawing 2129-06D Site Layout
Drawing 2129-07 House Types A-D

Drawing 2129-08 House Types E-G
 Drawing 2129-09 Street Scene Elevation
 Drawing 2129-10 Block Plan/ Location Plan
 Drawing 7458-12 Rev P0 Refuse Vehicle Tracking
 Drawing 7458-14 Permeable and impermeable Site Areas, received 12/11/2018
 Marshall Bell (June 2017) Phase I Site Appraisal,
 Marshall Bell (July 2017) Phase II Site Appraisal
 GCA (Jan 2017) Flood Risk and Drainage Strategy
 Stefan Bodnar (June 2017) Dawn/ Dusk Emergent Bat Survey
 Stefan Bodnar (March 2017) Phase 1 Preliminary Ecological Appraisal
 Patrick Parsons (21 November 2017) Final Gas Risk Assessment
 JMA (March 2018) Design and Access Statement
 IBW (Aug 2017) Pre-Demolition Asbestos Survey
 All Seasons Tree Services, Pre-Development Tree Survey BS5837:2012
 Micro-drainage Calculations, prepared by GCA (UK) Ltd received 12/11/2018.
 Outline Drainage Strategy
 Site Layout Plans
 Refuse Vehicle Tracking
 Materials Schedule
 Materials Proposal Common Farm
 Traffic Flow Data
 Viability Assessment

23. The development hereby permitted shall not be brought into use until the accesses, parking and turning areas have been provided in accordance with Drawing No. 2129-06D and shall thereafter be retained for the lifetime of the development.

Reason

In the interest of highway safety to comply with the objectives and policies contained within the NPPF, Para 109 and Policy CP10 of the Cannock Chase Local Plan.

24. The development hereby permitted shall not be brought into use until the visibility splays shown on Drawing No. 2129-06D have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

Reason

In the interest of highway safety to comply with the objectives and policies contained within the NPPF, Para 109 and Policy CP10 of the Cannock Chase Local Plan.

INFORMATIVES

25. Informatives attached to any permission granted.[to be added to the decision notice]

The Highway Authority has stated: -

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>

EXTERNAL CONSULTATIONS

County Highways

No objections.

It is noted that the visibility splay along Limepit Lane (as shown on Drawing No. 2129-06D) currently states a visibility splay of 48m towards the Pye Green Road/Belt Road junction but when measured it actually measures the requested 51m.

The proposed garden shed located within each plot would be able to provide storage for a cycle and therefore meet the requirements for cycle parking as currently stated within Cannock Chase District Council's Supplementary Planning Document on parking standards.

The Highway Authority deems the Demolition and Construction Phase Method Statement and Management Plan which accompanies this application to be adequate and should be followed throughout construction.

Crime Prevention Officer

Makes reference to Section 17 of the Crime and disorder Act 2998, paragraphs 58 and 69 of the National Planning Policy Framework, Policy CP3 of the Cannock Chase Local Plan and the Human Rights Act and Protocol 1 Safer Places: The Planning System and Crime prevention and PINS 953.

In order to prevent crime and reduce the fear of crime I recommend that this development attains Police Secured by Design (SBD) accreditation. There is no charge for my advice or for the Secured by Design award and once awarded the police SBD logo can be used on advertising material.

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

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

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

Entrance to the Development

I recommend a rumble strip, change of road surface or brick pillars be incorporated at the road entrance of the site in order to create a symbolic barrier, this gives the impression that the area beyond the barrier is a private to the community. Footpaths into the development should be wide, clear of hiding places, well-lit and follow a direct route.

Landscaping

All shrubs and hedges specified adjacent buildings should have a maximum growth height of 1 metre, whilst all tree branches should be pruned up to a maximum height of 2.5 metres, thereby maintaining a clear field of vision. Trees when mature should not mask street lighting columns or become climbing aids to scale boundary treatments.

Lighting

External areas should offer Uniformity Values between 0.25 and 0.4, using lamps with a rating of at least 60 on the colour rendering index, and meet the relevant levels as recommended by BS5489:2013, this standard should include all a parking areas. It should be noted that 'bollard lighting is not compliant with BS5489:2013, because it does not protect sufficient light at the right height and distorts the available lights due to the up-lighting effect, making it difficult to recognise facial features and as a result causes an increase in the fear of crime' Secured by Design Homes 2016 Version 1; February 2016 pp24, para18.3.

Dwelling boundaries should be secured with a robust fence or wall, without footholds, to a minimum height of either 2000mm or 18mm with trellis. The rails of any timber fence should face the garden to prevent climbing access, the topography of the land should be taken into account when installation takes place to ensure that the height of the fence is maintained.

If timber fencing panels are installed they should be secured to the fence posts to prevent offenders lifting them to gain access to adjacent gardens.

An 18mm high gate with anti-lift hinges and a lock, should be erected as close as possible to the front elevation as possible; this removes a long, narrow, dark alley between dwellings in which an offender can hide and helps prevent unauthorised persons gaining access to the rear of properties where most burglaries take place.

Smart utility metres should be installed to prevent bogus caller sneak in burglaries.

Car Parking

Car parking bays for Plots 41-50 suffer from a low level of natural surveillance. BFL 12 para 10a recommends that parking should be well overlooked, making sure people can see their car from their home or they park their vehicle somewhere they know is safe is somewhere lit, that is open to natural surveillance or from regular habitable rooms with obvious pedestrian routes, the proposed bays provide none of these attributes. I recommend mirroring extant housing on the opposite side of Pye Green Road and moving the parking bays to the front of these plots.

The response goes on to provide detail guidance on specification for doors and windows and intruder alarms.

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 wheelchairs or other mobility aids. The proposed housing types do not include any bungalows. However, the Town Council is pleased to see the proposal for social housing.

There is a concern about the increased volumes of traffic using Pye Green Road and the difficulties that will arise from parked vehicles in the light of the County Council decision to refuse to include car parking provision as part of the land west of 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. The proposed removal of caravan storage and unsightly buildings together with the new landscaping features will substantially improve the visual amenities of the area.

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

Environment Agency

We have no objection to the proposed development but would like to provide the following comments relating to Contaminated Land.

The site is located on the Principle Aquifer of the Kidderminster Sandstone Formation.

Superficial deposits are indicated to be predominantly absent, with a small patch of Glacial Till indicated for the southern part of the site.

We have reviewed the following documents in support of this application — ‘Phase I Site Appraisal, Pye Green Road, Cannock for Marshall Bell’ Patrick Parsons, June 2017. Based on the information provided the site has been subject to limited previous industrial activity.

Historical mapping has shown that the site was previously occupied by a farm and associated outbuildings, with a caravan repair business occupying a northern area of the site.

The conceptual model for the site considered that previous contamination could be present with the potential to impact controlled waters receptors. An intrusive investigation was subsequently conducted, with soils and leachate sampled and analysed for an appropriate contamination suite. Significant contamination was not identified within soils or leachate samples with the potential to impact controlled waters receptors.

It should be noted that the investigation is somewhat limited in that groundwater samples were not collected and analysed for contaminant concentrations despite the fact the groundwater was identified at the site. Whilst the current information available regarding this site has not indicated the presence of significant contamination with the potential to impact controlled waters receptors, there remains a risk that this may have been missed due to a limited investigation. Therefore due to this fact and the sensitivity of controlled waters in this location, the unsuspected contamination condition is recommended as a precaution to deal with any contamination identified during development. This is recommended to deal with any

unsuspected contamination encountered during construction and ensure the site is remediated appropriately and so sensitive controlled waters receptors are protected.

We consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object-to the application.

Condition

If during development contamination not previously suspected or identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination 'shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons

Whilst the information reviewed to date suggests that there may not be significant contamination on site with the potential to impact controlled waters receptors, the sensitivity of controlled waters receptors at this location will require any contamination identified to be appropriately dealt with. Therefore, this condition is recommended to deal with any unsuspected soil-contamination encountered during development. This is recommended in order-to protect-controlled waters receptors, namely underlying groundwater in the Principle Aquifer.

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

The EA approach to ground water protection.

Advice to Applicant

The applicant / developer should refer to our document 'The Environment Agency's approach to groundwater protection', available from gov.uk. This sets out our position on a wide range of activities and developments, including:

- Waste management
- Discharge of liquid effluents
- Land contamination
- Ground source heating and cooling
- Drainage
- Storage of pollutants and hazardous substances
- Management of groundwater resources

All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to guidance available on our website (www.gov.uk/environment—agency).

Waste on Site

Advice to Applicant

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re—used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. if in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to: - the Position Statement on the Definition of Waste: Development industry Code of Practice and;
- The Environmental regulations page on GOV.UK.

Waste to be taken off site

Advice to Applicant

Contaminated soil that is, or must be, disposed of is Waste. Therefore, its handling,Transport, treatment and disposal are subject to Waste management legislation, which includes:

- . Duty of Care Regulations 1991
- . Hazardous Waste (England and Wales) Regulations 2005
- . Environmental Permitting (England and Wales) Regulations 2010
- . The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 1489922005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the Hazardous Waste pages on GOV.UK for more information.

Severn Trent

No objections subject to a drainage condition to be attached to any permission granted.

Lead Local Flood Authority

The surface water flood map shows a potential area of ponding in the southern corner of the site adjacent to the culvert headwall.

No recorded flooding hotspots within 20m of the site. Our information about past flooding is based on data that the Flood Risk Management team holds. Where other authorities (such as LPAs) have been made aware of issues, we cannot guarantee they have passed this information on to us.

STW records show a culverted ordinary watercourse from the SE site boundary.

The Outline Drainage Strategy (GCA Drawing No: 7458-02, Rev E, 28/09/18) has been amended to address our previous comments and is now sufficient to demonstrate that an acceptable Drainage Design can be achieved within the proposed development.

Recommends that a condition should be attached to any planning permission.

Natural England

The application site is within or in close proximity to a European designated site (commonly referred to as Natura 2000 sites) and therefore has the potential to affect its interest features. European site are afforded protection under the Conservation of habitats and Species Regulations 2017 (the 'Habitats Regulations 2017'). The application site is in close proximity to the Cannock Chase Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Cannock Chase Site of Special Scientific Interest (SSSI).

In considering the European site interest, Natural England advises that you as a competent authority under the provisions of the Habitats Regulations should have regard for any potential impacts that a plan or project may have. The conservation objectives for each European site explain how the site should be restored and/ or maintained and may be helpful in addressing what, if any, potential impacts a plan or project may have.

Cannock Chase SAC

The application site lies within 2km of the Cannock Chase SAC.

Your authority is a partner in the Cannock Chase SAC Partnership Project. Cannock Chase District Council has recently published an evidence base, including recommendations on the mitigation of recreation related impacts on Cannock Chase SAC. Review of the is evidence base has shown that recreation associated with new housing development within 15km of the European site would have a significant effect on the SAC unless mitigation measures are put in place. The effects arising from recreation comprise the creation of new paths, path widening, erosion and nutrient enrichment. This evidence base is reflected in your local plan policy CP13 and the accompanying development management guidance documents, Cannock

Chase SAC-guidance mitigates the impacts of residential development. This guidance sets out the Council's approach to delivering mitigation by means of the Strategic Access Management and Monitoring (SAMM) measures agreed by the SAC Partnership. These measures will facilitate sustainable residential development while safeguarding the SAC.

To ensure compliance with the Habitats Regulations, we consider that the LPA will need to demonstrate, in advance of granting planning permission, for a development management application, that there is sufficient certainty of the required financial commitment to deliver the SAMM measures. If such security can be demonstrated the council should complete an HRA 'screening' record accordingly. Provided that the Council as competent authority is satisfied the proposal can be screened out of the HRA process, we do not need to be re-consulted.

If the HRA Screening process cannot demonstrate that the required financial contribution will be delivered then please consult us again.

Chasewater and the Southern Coalfield Heaths Site of Special Scientific Interest (SSSI)

The application is in close proximity to Chasewater and the south Staffordshire Coalfield Heaths Site of Special Scientific Interest (SSSI). However, given the nature and scale of the proposals, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted and subject to the planning condition material indicated below. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(i) of the Wildlife and Countryside Act 1981 (as amended) requiring your authority to re-consult Natural England.

Planning Conditions

Recreational pressure arising from the development.

The proposed development would lead to an increase of visitor numbers, with the likely effects being wear and tear of footpaths, cycling and dog fouling. Any planning approval should secure:

1. A suitable developer contribution (as mentioned within the submitted Ecological Appraisal) to help alleviate pressures on Chasewater. The amount of such a contribution should be:

- (i) proportionate to the scale of the development proposal and
- (ii) should be agreed following suitable dialogue with the Council and Staffordshire County Council site managers at Chasewater Country Park

2. Air Quality

A suitable dust mitigation plan should be submitted to the Council for approval and implemented.

3. Water Quality

The water body at Chasewater Reservoir has an unusually low (oligotrophic) nutrient status and this forms part of the SSSIs notified special interest. Suitable pollution and enrichment prevention measures will therefore need to be secured in order to safeguard this feature of the SSSI.

Construction phase- 'A construction and environmental management plan (CEMO) provides a suitable format to ensure construction activities safeguard both air and water quality during this phase of the development.

These conditions are required to ensure that the development as submitted will not impact upon the features of special Interest for which Chasewater and the Southern Staffordshire Coalfield Heaths SSSI is not

School Organisation

Please find a summary of the main points in relation to planning application CH/18/121 and the education contribution request.

- The education contribution response does refer to this site being within the catchment of Littleton Green Primary School, however, this site sits within the larger Pye Green strategic development site. The agreed strategy for this area is for a new primary school to be provided within the overall site to accommodate pupils being generated by any housing development within the Pye Green strategic development site. As such this education contribution request relates to the provision of that new primary school.
- The larger Pye Green development site (CH/11/0395) Land West of Pye Green Road is providing land for the new primary school. A new one form of entry primary school (30 places per year group) is being provided to accommodate the children generated by this larger site (CH/11/0395). Sufficient land has been safeguarded to enlarge this school by an additional half a form of entry (15 places per year group) to mitigate the impact of all other housing developments within the overall Pye Green site.
- Application Number CH/14/0184 Land West of Pye Green is contributing towards the additional half a form of entry expansion at the new primary school, to provide additional places to accommodate children generated from this development. This development is therefore contributing a proportion of the total cost of places required at the new primary school through the half form of entry expansion. Pupils generated by the Common Farm housing development will also be accommodated through the half form of entry expansion to the new primary school, and therefore this development also needs to contribute a proportion of the total cost of places required.
- As discussed in paragraphs 16 and 17 on page 4 of our current Education Planning Obligations Policy (Version 1.8), where there is an agreed, costed strategy to provide additional school places in an area, as is the case in the Pye Green area, the education contribution request is based on a known build cost rather than the standard pupil cost multiplier of £11,031.
- A cost per dwelling figure to provide the additional half a form of entry primary school expansion has been calculated using the known build costs and this figure is

£5,098 per dwelling. This figure has been applied to both planning application CH/14/0184 and also used for the education contribution response for this development. This results in an education contribution request for this development of 52 dwellings x £5,098.00 = £265,096.

County Land Use

No objections.

The site falls within Mineral Safeguarding Areas (MSA) for Bedrock Sand, and for Superficial Sand and Gravel. The site is approximately 1.9 km from Pottal Pool Quarry, which is an active sand and gravel quarry.

Paragraph 144, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 - 2030), both aim to protect mineral resources from sterilisation by other forms of development.

Policy 3.2 of the new Minerals Local Plan states that:

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

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

In this particular case, the site forms part of a larger area that has been allocated for housing in Cannock Chase Local Plan Part 1 (adopted June 2014), and is shown on the Policies Map.

As such, it would be exempt from the requirements of Policy 3. In any event, the proximity of new residential development to the west of the site, an outline planning permission for up to 700 dwellings on surrounding land to the north of the site, and existing residential property to the west and south, mean that it is unlikely that the extraction of any underlying mineral would be practicable or environmentally acceptable in the foreseeable future.

Conclusions

Having regard to the policies and guidance referred to above, and the specific circumstances of the site, it is reasonable to conclude that the proposed development would not lead to the sterilisation of an important mineral resource or to any undue restriction on any permitted quarrying operation.

Therefore, in accordance with the powers contained in the 'Scheme of Delegation to Officers', this letter confirms that Staffordshire County Council, acting as the Mineral and Waste Planning Authority, has no objection to the planning application to them or planning permission for residential development comprising 52 no. dwellings including access, landscaping, public open space, and demolition of all existing buildings at Common Farm, 427, Pye Green Road | Limepit Lane, Cannock for the reasons described above.

Finally, I wish to take this Opportunity to remind you of the policy requirement (as detailed in Policy 1.2 of the Staffordshire and Stoke-on-Trent Joint Waste Local Plan, and as supported by paragraph 8 of the National Planning Policy for Waste) to make better use of waste associated with non-waste related development. In accordance with Policy 1.2, all ‘major development’ proposals (as defined in the Town and County Planning Development Management Procedure England Order 2015, or any subsequent changes/revisions) should:

- i. Use waste as a resource;
- ii. Minimise waste as far as possible;
- iii. Demonstrate the use of sustainable design and construction techniques. i.e.: resource-efficiency in terms of sourcing of materials, construction methods, and demolition;
- iv. Enable the building to be easily decommissioned or reused for a new purpose; and enable the future recycling of the building fabric to be used for its constituent material;
- v. Maximise on-site management of construction, demolition and excavation waste arising during construction;
- vi. Make provision for waste collection to facilitate, where practicable, separated waste collection systems; and,
- vii. Be supported by a site waste management / waste audit if the development is likely to generate significant volumes of waste

South Staffordshire Water

No comments received.

AONB Unit

No objection.

The site comprises a range of farm buildings and open ground. It is currently occupied by caravan storage and a cattery, uses which have been subject to a series of planning applications and temporary permissions over the past 8 years or so, the most recent being CH/18/065 and CH/18/066. This application site is part of a large scale planned residential development area (Land West of Pye Green Road), the majority of which has been built or is committed. The wider area is the subject of up to date Local Plan policies and a Planning Brief.

The main issue for the AONB concerns the degree of compliance (or not) with the wider Pye Green residential area for which the approved policies and brief take full account of AONB matters. I had been concerned about but did not object to, the previous temporary applications/ uses on the basis that planned residential development would emerge at some time. In principle, therefore, I welcome the current application. In terms of details, I note that the proposal focuses new open space and surface water drainage provision diagonally (SE/NW) across the site. This complements provision in the wider development area and will help to enable walking access to the AONB through Huntington Belt and the wider 5r footpath network. I expect the LPA will consider other detailed matters (e.g. design and housing mix) but on the basis of the above, I can confirm that there is no objection on AONB grounds to this application.

INTERNAL CONSULTATIONS

Policy Officer

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. The Strategic Housing Site 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 application site is part of a wider site allocated for residential development via the Local Plan (Part 1) known as Land West of Pye Green Road. 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 proposal would contribute 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 a separate permission (CH/14/0184) with works underway/reserved matters applications being considered on large majority of the site for 700 dwellings (under CH/11/0395) meaning a total of 819 dwellings overall have been consented/are under construction to date.

It is noted that the proposal for 52 dwellings is in excess of the original 15 dwellings proposed via the Statement of Common Ground. It is understood that this mainly due to the land now being fully developed, with no retention of the cattery business. 52 dwellings on this site would still be within the 900 dwelling indicative capacity for the strategic site allocation overall (taking the total to 871 dwellings) and the figures contained within the Statement of Common Ground were only indicative. Reference should be made to the Statement of Common Ground (2013) and provisions of the outline planning consent CH/11/0395 so that any potential infrastructure issues arising from the increase in dwellings are addressed. It is noted that the scheme has incorporated the green landscape wedge through the site, as set out in the development brief (providing 0.5ha of public open space).

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 supporting statements reference the surrounding developments, 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.

With regards to the detailed design of the scheme, regard should be paid to Policy CP3, 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 Strategic Housing Site also contains design guidance.

As the scheme is in excess of 15 units, it is liable to contribute towards the 20% affordable housing provision requirement in accordance with Local Plan (Part 1) Policy CP7. It is noted that the scheme is in line with this policy requirement. In relation to the proposed mixed and tenure of affordable housing units, regard should be had to Housing Strategy team comments. As there are demolitions of existing buildings on site included in the proposals vacant building credit for affordable housing could be applied, if necessary (however it is noted that the applicant is a registered provider seeking to deliver a higher proportionate of affordable housing).

As a residential development the scheme is CIL liable. Given that there are existing buildings on site the proposal may be eligible for reductions in the amount of CIL payable if those buildings pass the in lawful use test (i.e. have been in continuous use for 6 months in a 3 year period, ending on the date planning permission is granted). The affordable housing elements of the scheme may also be eligible for relief from CIL (but this has to be proactively applied for by the liable party).

Given that a net increase in dwellings is proposed the development needs to mitigate its impacts upon the Cannock Chase SAC (see Local Plan Part 1 Policy CP13, the Developer Contributions SPD (2015) and the Council's Guidance to Mitigate Impacts upon Cannock Chase SAC (2017)). Contributions towards the Cannock Chase SAC strategic mitigation measures are typically made via the top-slicing of CIL charges (at a rate of £221 per dwelling). However, where the affordable housing to be provided is over and above the 20% standard affordable requirement (and as a result lesser CIL charges may be payable due to social housing relief) contributions to the Cannock Chase SAC mitigation measures via a Unilateral Undertaking will be required for those additional affordable houses e.g. for a scheme providing 50% affordable housing, Cannock Chase SAC contributions would be required on 30% of those affordable dwellings. As part of the wider strategic housing allocation SANGS have been provided to mitigate impacts upon the SAC too (part of the Section 106 for the outline consent for 700 dwellings CH/11/0395). The relationship of this proposal to those mitigation measures could also be considered, if necessary.

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. It is understood that there are 'clawback' provisions in the outline consent of CH/11/0395 for other infrastructure items, including highways and allotments.

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. The Plan has now been 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.

Overall, the proposals are supported in principle subject to detailed issues of design and infrastructure provision being addressed. 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.

Members should be aware that on 28 November 2018 the Hednesford Neighbourhood Plan was adopted.

Ecological Officer

No comments received.

Environmental Protection Officer

No adverse comments are offered in regards to the principle of these proposals from Environmental Protection.

A pre demolition asbestos survey has been submitted by IBW that has confirmed the presence of various types of asbestos containing materials, namely asbestos cement, insulation board and textile / paper materials in the outbuildings and kennels comprising roof, gable end and flat sheet panels & boarding. Unfortunately it was not possible to carry out a full survey of the site buildings and Common Farm House, outbuildings and kennels were outside the scope of the survey. The full survey will need to be completed and the removal works completed by licensed asbestos contractors where necessary prior to the commencement of other demolition work. This should also be undertaken under Building Act controls and in accordance with BS 6187:2011 Code of practice for full and partial demolition.

Phase I & II site investigations have been submitted by Patrick Parson together with a separate addendum final gas risk assessment. I concur with the conclusions that no remediation works will be necessary in respect of ground contamination and landfill gases.

Chemical validation of any top soil that is imported onto site for use in gardens / landscaped areas should be required to ensure that it complies with the specification given in Section 9.1.2 of the Phase II site investigation report.

In view of the scale of this proposed development an air quality assessment should be required to assess the impacts of the proposals on the local area. . I would request that the applicant considers either providing direct air quality mitigation measures or makes contributions towards air quality action plan measures, following good practice examples in EPUK/IAQM guidance 'Land-Use Planning & Development Control: Planning For Air Quality', May 2015. Examples of such measures include:

- Contributions towards the Council's ECO Stars fleet recognition scheme
- Provision of or contributions to low emission vehicle refueling infrastructure;
- Provision of incentives for the uptake of low emission vehicles;
- Financial support to low emission public transport options; and
- Improvements to cycling and walking infrastructure.

- Support for and promotion of car clubs;

Strategic Housing

The application is for 52 units in total and 20% (10 units) would be required for affordable housing, which the applicant proposes to be for affordable rent, in partnership with Wrekin Housing Trust. On 24th March 2016 Cabinet agreed to allow the development of homes for affordable rent (that do not exceed the relevant Local Housing Allowance) on sites that are subject to a 5106 agreement for affordable housing. The properties would be two bedroom houses which are in high demand in the District.

In addition to meeting the 20% policy requirement for affordable housing, the applicant is also proposing 13 houses for Rent to Buy. The Homes and Communities Agency (now Homes England) launched a bidding round for the Rent to Buy Product in 2014 and Wrekin Housing Trust were successful in securing grant to deliver this product. Providers delivering Rent to Buy will be expected to let the homes to working households who are looking to buy a home but are unable to save for a deposit. The homes will be let at an intermediate rent that must not exceed 80% of the current market rent. They will be let at an intermediate rent for a minimum of five years, during which time it is anticipated that the tenants will save for a deposit.

Trees and Landscape

Generally: Site area 4.4Acres = 1.78ha. 52 units would require min of 0.392ha usable open space provision which would exclude areas of SUDs features/ponds. Including embankments.

No info on the future maintenance/management of the POS area/SUDs features. Who by?

Should the key show the 1.2m high bow top rails as a dashed line

Layout:

Pye Green Road access point/frontage:-

Issue of hedge loss, this proposed frontage will drastically alter the character of the street scene. Replacement hedgerow is strongly recommended.

Hedge and bowtop fencing should be continued along the front of plots 49 & 50 and plots 35 & 36.

Hedge to front of plot 50 should go all the way to the junction, not chamfer as shown on the proposed drawing.

Hedge to front of POS needs to be specified, ideally native hedgerow mix with temporary post and wire fence to the rear (Not bowtop).

Maintenance gate at junction with Lime Pit lane needs to be removed and replaced with a coral, pathway will have to be widened at this point to allow enough access.

Limepit Lane (LPT)access point/ frontage:-

Clear distinction needs to be made between existing/ retained hedgerow and replacement/new. If new hedgerow is suggested then species and cultivar need to be specified not just “Ready hedge”.

Planting 3 trees within such close proximity to each other (Plots 11 & 12) isn't recommended due to shading and root competition. These should be reduced to a singular tree in each bed and species changed to *Betula utilis jaquemontii* along the whole frontage, giving an avenue effect.

Recommend the use of root barriers along this frontage to prevent conflict between roots and road construction.

Recommend planting two additional trees, one either side of the new access road on the grass verge to act as an entrance feature.

Access road –Bowtop fencing should be included down the side of plots 7 & 8 to retain the private space but keep the area feeling open. Rear gates should be in line with the dwellings and not at right angles to them.

Fencing to rear of plots 7 & 8 should be 1.8m high timber close board fence. Gates to be located at the start of the semi private pathway to the rear of plots 5 to 12.

Proposal to start fencing at the front of the properties 7 and 8 would be acceptable as bowtop fencing. This would create a soft planted area that will make the space seem wider and soften the impacts of the buildings. Details to be submitted.

Boundaries:

Between the side of plot 13 and POS should be 1.2m high bowtop fence with native mix hedgerow to the POS side.

Access gates to the rear of plots 41 to 50 are impractical, if all the parking spaces are taken up access will be impossible.

Side boundary treatment to plot 41 should be a mirror image of that of plot 36.

Gate to rear of plot 40, should be inline with the rear 1.8m high timber fence, is the fence to the side & front 1.2m high bow top ?

There should be no solid barrier from the rear of plot 28 to the rear of plot 29. This should be left open.

Central Access Path:

Access gates near to be clearly shown.

Boundary fence to plot 29 should extend the full length of the driveway to the public highway.

Central access point adjacent plot 16 is shown chamfered but not hatched, is this just an omission? The linking paths require flared out junctions to avoid maintenance issues. Tarmac surfaces for pathways are acceptable.

Fence to rear of plot 37 should omit the tight corner and instead form a straight line, the resultant additional space should be encompassed into the amenity space of plot 5s, this is not acceptable as POS.

No details of proposed grading/contours within open space area.

Formation of a dry balancing area with possibly a marshy habitat to the outlet area would be more appropriate for the location given the space limitations.

Landscape plans

Tree Planting:

The volume of tree planting looks impressive however, can it be achieved given the proposed drainage runs (No gas/elec services yet shown?) and lack of rooting zones within paved areas. There also appears to be no consideration of effects of future growth of some species – shading and also size especially with *Carpinus betulus* and *Prunus avium*. Suggest these are replaced with species of a more fastigate nature and open canopies.

Tree sizes noted as EHS (14-16cms) Would recommend use of 12-14cms max on this site and smaller (10 -12cm select standards) in rear gardens to aid establishment.

Spraying out of tree planting area should be done at least 2 weeks prior to planting.

Reference to drawing in tree pit specification, fails to mention which drawing its referring to.

Extra heavy standard trees in POS area need to be tripled staked to reduce vandalism and to be at least 1.8m high above ground level.

Shrub planting specification has not been submitted, just the trees planting.

Shrub planting consists of extremely large bed of individual species, with little thought for form, size, texture or colour. All plants are planted at 4/sqm no matter what size or effect, is this appropriate for this scheme ?

Planting *Prunus* ‘Otto Luyken’ to front of plot 14 isn’t recommended due to its large form. This should be replaced.

Plant bed to the side of plot 37 will not work. Recommend the fence is realigned to the back of the highway and a solid surface is used to fill the small gap.

Some sizes of plants will be difficult to obtain (*Hebe* ‘Autumn glory’) size 45 – 60 isn’t normally readily available, may wish to alter the size of some of these)

Hedgerows

Mix and specification for native hedgerow is required.

- No details as to ground preparation, planting– for shrubs or hedgerows - Details required.
- Details of the long term management aims for the open space areas will be required and not simply a maintenance schedule for the first 5 years.

Services –

- Only indicative drainage supplied – needs to be confirmed or conditioned.
- Clear conflict with proposed tree planting.
- Likely conflicts/issues with soakaways and tree planting.
-

Summary

No objection in principle to the proposals, revised details required as noted above, to include but not limited to

- Amended / missing details required on boundary treatment, POS areas. (contours/levels) and soft works proposals.
- Indicative details need to be confirmed or conditioned.

Environmental Services

Thank you for referring the amended plans / documents & associated additional information in respect of this application for consideration. I note my previous comments on this proposed development as per my responses dated 19th April and 3rd August '18.

No further comments in the light of the amended plans and additional information are offered from Environmental Protection.

Waste and Engineering

Un-adopted / Private Roads / Driveways

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

Waste Storage and Collection Points

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

Where residents are expected to move bins, the Building Regulations state the distance from the dwelling/bin storage point to the bin collection point should not exceed 25m.

Road Widths

The minimum road width requirement is 5m. Smaller widths may be considered if parking restrictions are to apply. Swept width analysis as per drawing 7458-12 shows vehicles having to manoeuvre across service strips / kerb edges. In order to accommodate this requirement service strips / kerb edges would be required to be at the same level of the adopted highway.

Size, quality and screening of bin collection points

Bin collection points should be constructed to a sufficient size and quality for the number of bins required and consideration given to their proper environmental screening. The bin collection points shown do not appear to be of a sufficient size for the number of bins

required. On a fortnightly basis there can be up to two bins per property presented at the same time; therefore bin collection point should be constructed to accommodate this number as a minimum. The bin collection points shown only appear to accommodate one bin per property.

Economic Development

Welcomes the planning application sought for development which is identified as a Strategic Housing Site in the Council's current Local plan. We would actively encourage the developers to consider the installation of adequate infrastructure such as fibre optic broadband in any design layout for the development at the outset prior to construction as opposed to post completion.

Economic development would like to see the appointed Construction Contractor maximise local recruitment and training opportunities for Cannock Chase residents (especially given issues faced around employment and skills in the district) Consideration should be given by the developer to apprenticeships on the site.

RESPONSE TO PUBLICITY

The application was advertised by neighbour letter and site notice. 1 letter of objection has been received, raising the following issues:

Significant road safety concerns arising from introducing an access so very close to an already busy traffic junction.

RELEVANT PLANNING HISTORY

Relevant planning history to the site is as follows: -

The Current Application Site

CH/07/0859: - Retrospective change of use of existing land and buildings for use as a cattery. Erection of additional pen for 24 cats, 1 transfer unit, 1 isolation unit and 6 car parking space. Approved.

CH/08/0332: - Certificate of Lawfulness for parking of heavy goods vehicles. Approved.

CH/08/0218: - Change of use of land for the storage of up to 100 caravans. Refused.

CH/08/0344: - Change of use of land for the storage of up to 50 caravans (Resubmission of planning application CH/08/0218). Granted for a limited period. Permission extended under applications CH/11/0169 and CH/13/0172 .

CH/13/0024: - Renewal of planning permission CH/07/0859. Change of use of existing land and buildings for use as a cattery. Approved.

CH/15/0007: - Variation of condition 1 of planning consent CH/13/0024 to allow continued use of existing land and buildings for use as a cattery. Approved.

The Wider Land West of Pye Green Road Site

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). Approved in 2014 subject to a Section 106 agreement.

This application excluded the land which is the subject of the current application. However, the application sought and obtained permission for several items of infrastructure that were intended to serve the whole are covered by the Development Brief including the land at Common Farm, which is the subject of this current application. As such the Section 106 agreement from planning permission CH/11/0395 contained clauses which apply to the current application, contained within Schedule 7 and concerning claw back provisions.

CH/14/0184: - Residential Development- Erection of 119 dwellings with access off Pye Green Road; including play area, landscaping and other associated works. Approved. This permission was in relation to the site which is now known as 'Bilberry Chase'. Approved

CH/15/0113: - Residential development: Erection of 219 dwellings (Reserved matters: Appearance, landscaping, layout and scale (in respect of planning permission CH/11/0395). Approved. This permission was in relation to the site which is now known as 'The Limes'.

CH/17/262: - Application for reserved matters approval for outline planning permission CH/11/0395 to provide an area of suitable accessible natural green space (SANGS) to include a network of pedestrian/cycle links, a neighbourhood equipped area for play (NEAP), a multi-use games area (MUGA), a flood attenuation pond in addition to significant woodland and natural planting. Approved.

CH/18/080: - 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. Approved.

SITE AND SURROUNDINGS

- 1.1 The application is a rectangular plot of land north west of the junction of Pye Green Road and Limepit Lane. It comprises some 1.8ha of land of mainly open grassland in the southern half with caravan storage, a cattery and some older farm buildings, the latter of which are in a poor state of repair.
- 1.2 The topography of the site is such that there is small shallow valley that runs approximately south east–north west running away from the Junction of Pye Green Road and Limepit Lane.

- 1.3 Along the frontage of the site to both Limepit Lane and Pye Green Road is a hedgerow which until recently delineated the edge of the settlement from the surrounding countryside. However, given the development of 'The Limes' to the west and the commencement of development to the north this delineation has become redundant.
- 1.4 The site located within a predominantly residential area of Hednesford with dwellings opposite the site across both Pye Green Road and Limepit Lane. However, on the junction of the two roads stands the Jubilee Public House.
- 1.5 Pye Green Road benefits from a bus service connecting this part of Hednesford to Cannock town centre and also benefits from a range of shops, particularly at the junction of it with Clarion Way, opposite of which is the Stadium Park.
- 1.6 The site is part of a wider site allocated as a Strategic site for an urban extension for 750 dwellings within the Cannock Chase Local Plan. This urban extension makes provision for a new local service centre, a new school, allotments and large areas of public open space.
- 1.7 The site is located within Flood Zone 1 on the Environment Agency's flood risk maps and so is at least risk of flooding.

THE PROPOSAL

- 2.1 The applicant is seeking permission for residential development comprising 52no. dwellings including access, landscaping , public open space and the demolition of all existing farm buildings on the site.
- 2.2 The applicant's Planning Statement sets out that the scheme has been developed in partnership with the Wrekin Housing Trust and would provide 23 of the 52 dwellings as affordable homes (44%). The affordable homes would be provided as a mix of rent-to-buy (13 units: 7no 2-bed and 6no 3-bed) and affordable rent (8 units: all 2-bed) and social rent (2 units all 2-bed).
- 2.3 The site is proposed to be laid out in such a manner that there would be two sets of houses each with its own separate access, one from Limepit Lane and the other from Pye Green Road. These would be separated by a swathe of public open space (0.44ha) that would provide a central path from the junction of the two roads into the larger area of public open space created on the wider development site. This central area of public open space would also incorporate a small surface water attenuation pond.
- 2.4 The scheme has been designed so that as far as it is practicable to do so active frontages are presented to Pye Green Road, Limepit Lane and to the central area of POS.
- 2.5 In order to support the application the applicant has submitted the following documents: -

Tyler Parkes (March 2018) Planning Support Statement
 Marshall Bell (June 2017) Phase I Site Appraisal,
 Marshall Bell (July 2017) Phase II Site Appraisal
 GCA (Jan 2017) Flood Risk and Drainage Strategy
 Stefan Bodnar (June 2017) Dawn/ Dusk Emergent Bat Surveys
 Stefan Bodnar (March 2017) Phase 1 Preliminary Ecological Appraisal
 Patrick Parsons (21 November 2017) Final Gas Risk Assessment
 Wrekin Housing Trust Affordable Housing Statement
 JMA (March 2018) Design and Access Statement
 IBW (Aug 2017) Pre-Demolition Asbestos Survey
 All Seasons Tree Services, Pre-Development Tree Survey BS5837:2012
 Micro-drainage Calculations
 Outline Drainage Strategy
 Site Layout Plan 2129-06D
 Refuse Vehicle Tracking 7458-16
 Section 38 -Extent of Works to the Adoptable Highway Standard 7458-16
 Materials Schedule
 Traffic Flow Data
 Landscape Plan 1d
 Landscape Plan 2c

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
 - CP2: - Developer Contributions for Infrastructure
 - CP3: - Chase Shaping – Design
 - CP5: - Social Inclusion and Healthy Living
 - CP6: - Housing Land
 - CP7: - Housing Choice
 - CP10:- Sustainable Transport
 - CP12:- Biodiversity and Geodiversity
 - CP13:- Cannock Chase Special Area of Conservation (SAC)
 - CP14:- Landscape Character and Cannock Chase AONB
 - CP16:- Climate Change and Sustainable Resource Use
- 3.3 Hednesford Neighbourhood Plan
- 3.3.1 The Neighbourhood Plan has now been subject to a referendum which has voted in favour of its adoption. A report will be submitted to the Council meeting on 28 November 2018 seeking confirmation of the adoption of the Hednesford Neighbourhood Plan. Full weight should therefore be given to the policies of the plan.

3.3.2 Relevant Policies in the Hednesford Neighbourhood Plan area: -

Policy ROW1: -	Rights of Way
Policy H1: -	Support for the Provision of Bungalows in Residential Developments

3.4 National Planning Policy Framework

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

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

3.7 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development.
11-14:	The Presumption in favour of Sustainable Development.
47-50:	Determining Applications.
54-59:	Planning Conditions and Obligations.
91, 96, 97:	Open Space and Recreation.
108-109:	Promoting Sustainable Transport.
117,118, 120:	Making Effective Use of Land.
124, 127, 128, 130:	Achieving Well-Designed Places.
170, 175, 177, 179:	Conserving and Enhancing the Natural Environment.
212, 213:	Implementation.

3.8 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

Land to the West of Pye Green Road, Hednesford Adopted Development Brief (March 2011).

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

Manual for Streets.

4. Determining Issues

4.1 The determining issues for the proposed development include:-

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

4.2 Principle of the Development

4.2.1 Both the NPPF and Policy CP1 of the Cannock Chase Local Plan 2014 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. Local Plan Policy CP1 also identifies that the urban areas of the District, will be the focus for the majority of new residential development.

4.2.2 In addition to the above it is noted that the site forms part of a wider strategic site allocated for an urban extension on land west of Pye Green Road for 750 new houses under Policy CP6 of the Local Plan which also identifies that the wider site has potential to increase its capacity to accommodate 900 dwellings, consistent with the site's strategic allocation.

4.2.3 In addition to the above the Council has adopted a Development Brief for wider site (dated March 2011) which included an Illustrative Masterplan based on the constraints and opportunities, layout and land use requirements outlined in the brief. However, Paragraph 4.7.10 of the Development Brief makes it clear that the plan should be viewed as illustrative only and is not therefore prescriptive. Nevertheless it clearly shows the current application site divided into two areas of 'medium/ high density residential blocks' separated by informal public open space giving (i) pedestrian/ cycle access from the junction of Pye Green Road/ Limepit Lane through to the wider areas of public open space to the west and north of the wider site and (ii) incorporating a surface water attenuation area.

4.2.4 The submitted scheme reflects the above layout.

4.2.5 As such the principle of the site accommodate a quantum of residential development on this site has been firmly established.

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

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

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

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

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

Planning policies and decisions should ensure that developments:

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

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

4.3.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to the design of residential development with regards to space about dwellings.

4.3.6 In addition to the above paragraph 4.7.12 of the Development Brief sets out detailed guidance in respect to the design of the development across the wider site. In this respect it should be noted that at the time the brief was prepared it was envisaged that an application for the whole wider site would be submitted. However, this was not the case and the current application site was excluded from the outline permission (ref

CH/11/0395) approved in 2014. As such some parts of the design guidance in paragraph 4.7.12 does not directly apply to the application site which is currently being considered.

4.3.7 The design guidance within the Development Brief that directly applies to the current site is as follows: -

‘Clear footway and cycle way connections to the existing urban area to the east and new footways and cycleways created within the site, form an integrated network to encourage walking and cycling. These key routes will form part of the green route network. A new footway/ cycle way will be delivered within the site boundary behind the largely retained hedgerow alongside Pye Green Road and Limepit lane. As outlined previously in this section, removal of this hedgerow for vehicular access purposes will require replanting behind the visibility splay to retain this green edge to the scheme;

An urban structure that reflects the landform and Landscape Strategy Plan, with linearity reflecting the existing field pattern, local street pattern and linear woodland edges;

Key frontage onto Pye Green Road, Limepit Lane, the main street, and the public open space network, to ensure continuity and enclosure to the street;

Ensuring that the development as a whole adheres to the principles of secure by design, through an integrated approach which appropriately addresses access and footpath, opens space, natural surveillance, lighting and site management;

Tree lined avenues created within the development areas and also the open space will enhance connectivity and create distinctive and legible features.

A reduction in density from east to west and south to north, with lower densities around the new settlement edge to the west and north fronting the open space.’

4.3.8 In respect to the architectural concepts paragraph 4.7.13 of the Design Brief states that the key features that must be demonstrated include

‘The predominant use of red brick and local brick with variation in colours, together with grey and red pantiles.

Focal buildings may have greater massing than adjacent properties.

Simple roof forms and build lines with predominantly pitched roofs.

Simple window forms and fenestration.

Other than red brick, painted stone work and rendered brickwork should also be considered to create diversity.

Materials for boundary garages, that define the street, should be in the same material. Railings will also be appropriate.

- 4.3.9 In considering the above guidance it should also be taken into account that it was produced in 2011. It was therefore developed against the back drop of policy in force at that time. Since that time there have been several substantial changes in national policy which has been incorporated into local policy. In the first instance the full suite of planning policy statements in force in 2011 has been replaced by the NPPF (2012), which again has been recently revised. This has introduced a presumption in favour of sustainable development and has emphasised the Government's objective of 'significantly boosting the supply of homes' (para 59), making 'effective use of land' and 'achieving appropriate densities'.
- 4.3.10 In addition to the above Policy ROW1 of the Hednesford Neighbourhood Plan states that in partnership with Staffordshire County Council, the forestry Commission, the Cannock Chase SAC Partnership and the Cannock Chase AONB Unit the Town Council will encourage improvements to the existing public rights of way network in order to provide better access for existing and future residents of Hednesford to the Cannock Chase AONB and the Cannock Chase SAC while avoiding any adverse impacts on their natural heritage.
- 4.3.10 In addition to the above the Council has adopted the Cannock Chase Local Plan (2014) and the Design SPD (2016) which at appendix B guidelines of space about dwellings and the Developer Contributions SPD (2015). As such, although there has been an element of continuity of policy throughout these changes there are also areas where current policies will conflict with the original Development Brief prepared in 2011. Therefore a more balanced approach is necessary in evaluating the proposal as not all elements of policy will be able to be satisfied. This balanced approach has been taken into account in the assessment of the current scheme in arriving at the overall conclusions of this report.
- 4.3.11 Having taken all of the above into account it is considered that the main issues in respect to design and the impact on the character and form of the area are: -
- (i) Overall layout
 - (ii) Density
 - (iii) Materials, scale and external appearance of the dwellings
 - (iii) Landscaping
- 4.3.12 Overall the scheme reflects the layout envisaged in the Design Brief and Masterplan for the whole land west of Pye Green Road site, comprising of two blocks of residential fronting onto Limepit Lane and Pye Green Road respectively separated by a central swathe of public open space giving footpath and cycle access from the junction of the two highways into the wider areas of public open space to the west and north and containing an attenuation lake.
- 4.3.13 The dwellings would all be essentially two storey, constructed of red brick under red and grey concrete tile roofs.

- 4.3.14 The long established hedgerow along both Pye Green Road and Limepit Lane has been retained as far as it has been practicable to do so having had regard to the need to provide visibility splays or in the case of Pye Green Road to provide a pedestrian footpath from the new development to the bus stop on the western side of the road. Where it has been practicable to do so having had regard to other constraints the hedge has been replanted/ augmented in order to retain it as a feature within the area. However, it is noted that it is impractical to reinstate all of the hedge that would be lost, as this would have impacts on other aspects of the layout.
- 4.3.15 The loss of the hedgerow is compensated, at least in part, by new planting within the area of public open space.
- 4.3.16 The Trees and Landscape Section have raised no objection in principle to the proposed landscape scheme. However, they have raised several issues of a somewhat minor/ technical nature which do not go to the heart of the development or significantly affect the submitted layout. Therefore these can be adequately resolved by requesting an amended landscaping scheme. Given that landscaping is not required to be approved before development commences this can be readily done through an appropriately worded condition.
- 4.3.17 Therefore, having had regard to Policies CP3 & CP15 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

4.4 Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the 'amenity enjoyed by existing properties'. This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 In addition to the above 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 On the whole the proposal conforms to the guidance set out in the Design Guide SPD for space about dwellings and outdoor private amenity space. There are a few occasions where these guidelines have not been attained. Where these do occur they constitute marginal breaches and there are mitigating factors such as houses overlooking onto or backing onto the area public open space such that overall a high standard of amenity would be attained for all future occupiers.
- 4.4.4 In respect to the relationship between the proposed dwellings fronting onto Limepit Lane or Pye Green Road and the existing properties across these roads it is noted that these meet or indeed in many cases exceed the minimum recommended separation distance of 21.3m.

4.4.5 It is therefore considered that the proposal would ensure that a high standard of residential amenity would be retained both for existing occupiers of neighbouring properties and the future occupiers of the proposed dwellings and as such the proposal would comply with policy requirements of CP3 and the provisions of paragraph 127(f) of the NPPF.

4.5 Impact on Highway Safety

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

4.5.2 In this respect it is noted that the proposed dwellings would be incorporated into two distinct blocks each with its own separate vehicular access one served by an access from Limepit Lane and the other from Pye Green Road. This ensures that the number of access onto the existing highways is kept to the absolute minimum in the interests of highway safety. The Highway Authority has confirmed that a road safety audit will not be required in respect to this application.

4.5.3 In the light of previous comments the applicant has amended the proposal to take into account the concerns of the Highway Authority. The Highway Authority has confirmed that it has no objections to the proposal subject to the attached conditions.

4.5.4 It is therefore considered that the proposal, subject to the attached conditions would not have unacceptable impact on highway safety and therefore is in accordance with paragraph 109 of NPPF.

4.6 Impact on Nature Conservation Interests

4.6.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 170, 175, 177, 179 of the NPPF.

4.6.2 In order to inform the application the applicant has submitted

- (i) Phase 1 Preliminary Ecological Appraisal;
- and
- (ii) Dawn/ Dusk Emergent Bat Surveys

4.6.3 The phase 1 Ecology Report concludes that the 'majority of the site is of low ecological value, however the native hedgerows and native the boundaries are of moderate value and should be retained and protected as far as possible' adding 'the poor diversity semi-improved grassland has some value and although this will be lost some degree of mitigation is recommended. Furthermore the report notes that there are no statutory or on Statutory Designated Nature Conservation Sites within the site or within 1km that would be impact on by the development and that there is no evidence that otters, badgers, water voles, great crested newts or reptiles are using the site. However, the report states that a number of more common species of birds were

recorded with some evidence of breeding of swallows, wren and blackbirds in the buildings with trees and hedgerows offering further potential nesting opportunities.

- 4.6.4 In respect to mitigation and compensation of impacts on the site the report recommends
- (i) All clearance of vegetation should be undertaken outside of the bird breeding season (mid-March to mid-August), unless otherwise checked immediately prior to clearance.
 - (ii) Following development opportunities exist for substantial enhancement of the site's ecological value by landscaping measures to encourage wildlife, bird and bats boxes.
- 4.6.5 Despite the Preliminary Ecological Survey finding that the existing buildings on site were of low to negligible bat roost potential it did recommend that a further single emergence survey was undertaken. The subsequent survey was undertaken on 16th June and the Dawn/ Dusk Emergent Bat Report states that only 1 foraging pipistrelle was seen supporting the previous conclusion that the site does not support a bat roost.
- 4.6.6 As such it is concluded that the site has somewhat limited ecological value with much of that value contained within the surrounding hedgerow. Much of that hedgerow is proposed to be retained, and in parts enhanced. Furthermore any loss of ecological significance during the construction phase would be more than compensated for by the subsequent landscaping of the site and the provision of bird boxes attached to several of the proposed dwellings.
- 4.6.7 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.
- 4.6.8 Having had regard to the above requirements it is noted that the application CH/11//0395 for the mixed use development for the wider land west of Pye Green Road site included provision for 29.1ha of Suitable Alternative Natural Green Space (SANGS) as mitigation for acknowledged impacts on the Cannock Chase SAC. This was well in excess of what was required for the 700 dwellings permitted under that consent and was intended to serve the whole of the land within the Development Brief. In addition planning permission CH/11/0395 was subject to a Section 106 Agreement of which Schedule 7 contained claw back provisions in respect to under provision of SANGS on any other part of the site covered by the Development Brief.
- 4.6.9 On the basis of the above the proposal would be required to provide 1.72ha of SANGS. However, as only 0.5ha of SANGS is proposed the developer is liable for claw back for the shortfall equating to a financial contribution of £25, 244.00, which the applicant has accepted.

4.6.10 Given the above it is considered that the proposal, subject to the attached conditions and the signing of section 106 agreement to secure [amongst other things] SAC mitigation in the forms of both on-site and claw back would not have a significant adverse impact on nature conservation interests either on, or off, the site. In this respect the proposal would not be contrary to Policies CP12 of the Local Plan and the NPPF.

4.7 Affordable Housing and other Contributions

4.7.1 Policy CP7 'Housing Choice' states: -

'In recognition of a net annual need for 197 affordable homes in Cannock Chase District the Council prioritises provision via a combination of the following measures:

Initially based on viability evidence produced in 2013, 20% affordable housing being provided by commercial house builders on development of 15 or more units.

4.7.2 Policy CP7 goes on to state: -

'The overall target for affordable housing provision on commercial house builder's sites will be reviewed when evidence of changes in market conditions indicates this to be appropriate.'

4.7.3 The Council's Developer Contributions and Housing Choices Supplementary Planning Document (July 2015) elaborates further stating the 'Council will expect 80% of the 20% affordable housing requirement to be social rented housing and the remaining 20% to be intermediate housing'.

4.7.4 Since the publication of the above document there have been changes to the definition of affordable housing, as set out in the National Planning Policy Framework (NPPF). The full description of these types is set out in the appendix attached to this report.

4.7.5 The new definition goes on to include several new products including 'affordable rent' and 'starter homes.

4.7.6 Paragraph 64 of the NPPF states

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

- a) provides solely for Build to Rent homes;

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

4.7.7 The applicant is seeking to develop the site in partnership with Wrekin Housing Trust. The application proposes that out of 52 units a total of 10 units (20%) would constitute affordable housing, of which 8 would be for affordable rent and 2 for social rent. The properties would be two bedroom houses which are in high demand in the District.

4.7.8 In support of the application the applicant has stated: -

'We are proposing to offer housing of a style and price that will give an opportunity for lower earners to join the property ownership ladder, with the entire development consisting of 2 and 3 bedroom semi-detached homes, as opposed to executive style 4 and 5 bedroom properties which would command a higher selling price.

We are aiming to provide a demand for housing which we believe will be generated by lower earners working within the new retail facilities being built in the Cannock area.

We are proposing that Plots 41 – 50 inclusive (10 Units) are offered for Affordable Housing, which have the following property mix:

House Type	Description	Quantity
Type A	2 bed 4p – 71.3m ²	4
Type B	2 bed 4p – 71.3m ²	4
Type E	3 bed 5p – 81.1m ²	2

We are proposing that the plots will have the following tenure based upon the Viability of the development:

Plots 41 – 48	Affordable Rent	8 Units
Plots 49 – 50	Social Rent	2 Units

We are proposing that development will commence on these units after the Sale Completion of Plots 1 – 28.'

4.7.9 In addition to meeting the 20% policy requirement for affordable housing, the applicant is also proposing 13 houses for Rent to Buy. The Homes and Communities Agency (now Homes England) launched a bidding round for the Rent to Buy Product in 2014 and Wrekin Housing Trust were successful in securing grant to deliver this product. Providers delivering 'Rent to Buy' will be expected to let the homes to

working households who are looking to buy a home but are unable to save for a deposit. The homes will be let at an intermediate rent that must not exceed 80% of the current market rent. They will be let at an intermediate rent for a minimum of five years, during which time it is anticipated that the tenants will save for a deposit.

- 4.7.9 As such the proposal would deliver a total of 23 units (44%) affordable housing units which would make a significant contribution to the net annual target of 197 affordable homes.
- 4.7.10 Although the 20% affordable housing does not achieve the 80% -20% split as set out in the Hosing Choices SPD it is considered that the package taken as a whole is, on balance, acceptable.

4.8 Drainage and Flood Risk

- 4.8.1 Paragraph 155 of the NPPF states inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at higher risk (whether existing or future). In addition Paragraph 163 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. To this end and in support of the application the applicant has submitted the following documents: -

Flood Risk Assessment and Drainage Strategy prepared by GCA.
 Micro-Drainage Calculations
 Drawing 7458-02 Rev E: Outline Drainage Strategy
 Drawing 7458-02: Permeable and Impermeable Site Areas

- 4.8.2 The Flood Risk and Drainage Strategy concludes that: -

- (i) The site is wholly located within Flood Zone 1. Risks of flooding by rivers, sea, surface water and reservoirs are not envisaged to pose a risk to the development.
- (ii) Residential development on the site is considered a suitable land use. The implementation of SuDS will assist to manage surface water from the development. By restricting the discharge to the greenfield runoff rate of 12l/sec, it is envisaged that the development will not pose a flood risk elsewhere.
- (iii) The development runoff is proposed to attenuate the 1:100 plus 40% climate change allowance on site. Attenuation will be achieved by creating a pond to the south east of the site at a natural low point that discharges into a drainage watercourse. Smaller volumes can be attenuated in swales, pervious pavements and geo-cellular crates, if required.
- (iv) It is proposed that class 1 by-pass oil separators be introduced to the piped network prior to discharge at the pond.
- (v) Severn Trent has confirmed that a foul and surface water connection would be possible for the development.

- (vi) Surface water from roofs would be discharged to soakaways in the back gardens

4.8.3 The Lead Local Flood Authority, Environment Agency and Severn Trent have reviewed the submitted information and have no objections to the proposals subject to the attached conditions.

4.8.4 Given the above it is concluded that subject to the attached conditions the proposal would be acceptable in respect to drainage and flood risk and would not conflict with paragraphs 155 and 163 of the NPPF.

4.9 Waste and Recycling Facilities

4.9.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to national and local waste reduction and recycling targets according to the waste hierarchy'. One of the ways of achieving this is by ensuring development can be adequately serviced by waste collection services and that appropriate facilities are incorporated for bin collection points (where required).

4.9.2 The layout plans have been reviewed by the Council Waste and Recycling Team who have no objections but who have raised two concerns, namely: -

- (i) the sizes of the bin collection points
- (ii) the need to ensure that the service strips along the access roads are of the same height as the roads to ensure that waste vehicles do not have to bump up onto kerbs.

4.9.3 Both these matters can be adequately dealt with by condition. Therefore subject to the attached conditions it is considered that the proposal would be acceptable in respect to the requirements of Policy CP16(1) (e) of the Local Plan.

4.10 Crime and the Fear of Crime

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

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

4.10.3 In this respect the comments of the Police Service are noted. In respect to the recommendation of a rumble strip to the entrance of the estate or change of road surface at the entrance to the estate it is considered that this could be controlled through the attachment of a suitably worded condition. Furthermore lighting of the

estate roads would be part of the consent gained by the applicant from the Highway Authority.

- 4.10.4 In respect to boundary treatments it is noted that all rear gardens (with exceptions of plots 12, 13, 14, 15 and 37 and plots 41-50) are delineated with 1.8 metre high close boarded wooden fence without trellising. As such they do not conform to the guidance provided by the police. However, this could be rectified by a condition stating that notwithstanding the details of the approved plans all rear fencing to plots (except plots 41-50) shall be constructed of 2.0m high close boarded wooden fencing with railings facing into the gardens.
- 4.10.5 The rear fencing to Plots 41-50 should be an exception. This is because as the Police have identified the car parking to the rear of Plots 41-50 suffers from a low level of natural surveillance. This is due, at least in part, to the dual and competing requirements of ensuring that the development fronts onto Pye Green Road whilst ensuring an appropriate degree of natural surveillance to the public open space and its footpath which is a key component of the footpath network throughout the wider site. The police have recommended that the proposal is redesigned such that vehicular access for plots 41-50 is gained directly off Pye Green Road. However this would increase the number of vehicular accesses onto Pye Green Road which would be at the expense of highway safety (particularly given that traffic will increase on Pye Green Road once the school, local service centre and Phase 2 of the wider site has been built out.
- 4.10.6 In an attempt to meet the above requirements as necessitated the creation of the rear service road to plots 41-50. In order to address this issue of surveillance the applicant has proposed the use of 1.5m high hit and miss fencing. This has the benefit of delineating the private garden area whilst allowing some degree of surveillance. Although this is ideal it is a compromise solution which seeks to address competing demands, in the absence of other reasonable alternative solutions.
- 4.10.7 With regards to the specification for doors and windows and intruder alarms this is appropriately addressed by an informative attached to any permission granted bringing to the applicant's attention the comments of the Police and the desirability of attaining Secured by Design accreditation.
- 4.10.8 Therefore having had regard to the above it is considered on balance, that subject to the attached conditions the proposal would be acceptable in respect to crime prevention and reducing the fear of crime.

4.11 Contaminated Land

- 4.11.1 Paragraph 178 of the NPPF states planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from instability and contamination. This includes risk arising from natural hazards or former activities such as mining and any proposals for mitigation. To this end the applicant has submitted the following documents: -

Marshall Bell (June 2017) Phase I Site Appraisal,
Marshall Bell (July 2017) Phase II Site Appraisal

Patrick Parsons (21 November 2017) Final Gas Risk Assessment
IBW (Aug 2017) Pre-Demolition Asbestos Survey

- 4.11.2 The above documents conclude that no remediation works will be necessary in respect of ground contamination and landfill gases.
- 4.11.3 The Environment Agency and the Environmental Health Officer have no objections to the proposal and concur with the conclusions of the above reports subject to conditions requiring the submission of an
- (i) Unforeseen contamination strategy; and
 - (ii) Chemical validation of any top soil that is imported onto site for use in gardens/ landscaped areas should be required to ensure that it complies with the specification given in Section 9.1.2 of the Phase II site investigation report
 - (iii) A full asbestos survey and the removal works completed by licensed asbestos contractors where necessary prior to the commencement of other demolition work. This should also be undertaken under Building Act controls and in accordance with BS 6187:2011 Code of practice for full and partial demolition.
 - (iv) Informatives attached to any permission granted.
- 4.11.4 Subject to the attached conditions the proposal is considered acceptable in respect to the requirements of paragraph 178 the NPPF.

4.12 Air Quality

- 4.12.1 Policy and guidance in respect to air quality is provided by paragraphs 181 of the NPPF.
- 4.12.2 In this respect the comments of the Environmental Health Officer is noted, particularly that the applicant should consider either providing direct air quality mitigation measures or makes contributions towards air quality action plan measures
- 4.12.3 In this respect it is noted that the site is not located within or close to an Air Quality Management Area. Furthermore it is noted that the proposal would enable the implementation of an important of the footpath and cycle network across the wider land west of Pye Green Road site, particularly the vital link between the cross road with Limepit Lane and the rest of the site.
- 4.12.4 In addition to the above it is recommended that any permission granted is subject to a condition requiring each dwelling to incorporate electric vehicle charging points so that it is future proofed.
- 4.12.5 Subject to the above it is considered that the proposal would be acceptable in respect to its impact on air quality and the requirements of paragraph 181 of the NPPF.

4.13 Education

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

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

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

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

4.13.3 The County Education Authority having looked at the proposal has made the following comments: -

- The education contribution response does refer to this site being within the catchment of Littleton Green Primary School, however, this site sits within the larger Pye Green strategic development site. The agreed strategy for this area is for a new primary school to be provided within the overall site to accommodate pupils being generated by any housing development within the Pye Green strategic development site. As such this education contribution request relates to the provision of that new primary school.
- The larger Pye Green development site (CH/11/0395) Land West of Pye Green Road is providing land for the new primary school. A new one form of entry primary school (30 places per year group) is being provided to accommodate the children generated by this larger site (CH/11/0395). Sufficient land has been safeguarded to enlarge this school by an additional half a form of entry (15 places per year group) to mitigate the impact of all other housing developments within the overall Pye Green site.
- Application Number CH/14/0184 Land West of Pye Green is contributing towards the additional half a form of entry expansion at the new primary school, to provide additional places to accommodate children generated from this development. This development is therefore contributing a proportion of the total cost of places required at the new primary school through the half form of entry expansion. Pupils generated by the Common Farm housing development will also be accommodated through the half form of entry

expansion to the new primary school, and therefore this development also needs to contribute a proportion of the total cost of places required.

- As discussed in paragraphs 16 and 17 on page 4 of our current Education Planning Obligations Policy (Version 1.8), where there is an agreed, costed strategy to provide additional school places in an area, as is the case in the Pye Green area, the education contribution request is based on a known build cost rather than the standard pupil cost multiplier of £11,031.
- A cost per dwelling figure to provide the additional half a form of entry primary school expansion has been calculated using the known build costs and this figure is £5,098 per dwelling. This figure has been applied to both planning application CH/14/0184 and also used for the education contribution response for this development. This results in an education contribution request for this development of 52 dwellings x £5,098.00 = £265,096.

4.13.4 The request for the sum of £265,096.00 towards education provision has proved to be one of the major issues in the progression of this application as it goes to the heart of the viability of the proposal, particularly when taken together with the range of other financial obligations arising from the proposal and its interplay with the outline permission for the wider site.

4.13.5 One of the main issues in respect to the above is that both the outline consent under planning permission CH/11/0395 for the mixed use development involving the erection of up to 700 dwellings (and therefore any subsequent reserved matters applications received thereafter) and CH/14/0184 (now referred to as Bilberry Way) were granted before the introduction of CIL which came into effect on 1 June 2015. This current application, however, is subject to the obligations placed on the initial outline and CIL. Hence there is the potential for an element of double counting on certain obligations.

4.13.6 There is also some degree of uncertainty on the pupil yield (i.e the number of pupils that would be generated by a certain quantum of housing). Although the standard yield rate in the Education Authority's Standard is 3 pupils per dwelling the Education Authority has stated that a child yield of 4.5 children per year group per 100 houses was determined as an appropriate child yield for any housing proposed in the strategic development location in Pye Green, and was agreed by St Modwens in 2013. However, as the applicant has pointed out the housing mix for the current scheme is significantly different from other consented schemes on the strategic site, with the current scheme comprised wholly of 2 bed (23 units) and 3 bed (29 units). In comparison the Bilberry Chase scheme has a significant number (28) of 4 bed houses and hence the potential to generate a higher yield.

4.13.7 In addition to the above it is also noted that the proposed scheme is designed to accommodate lower earners as illustrated by the higher proportion of affordable homes, (i.e 23 units or 44%).

4.13.8 Given the above the applicants have stated that they are able to provide £132,548.00 towards the provision of education facilities which would sit alongside the £84,355

CIL contribution, a proportion of which could be used towards the shortfall of £132,548.00 which would still leave a projected shortfall.

4.13.9 The above offer should be considered in the wider context of contributions which will be looked at in the next section of this report.

4.14. Obligations, Developer Contributions and Viability

4.14.1 Although this is a full application that stands in its own right, the Local Planning Authority is obligated to seek claw-back in respect to the provision of certain aspects of infrastructure that were provided by St Modwens as part of the outline for the wider site. These related to the provision of Suitable Alternative Natural Green Space (SANGS) to mitigate impacts on the Cannock Chase SAC and the provision of allotments.

4.14.2 The above obligations sit alongside contributions in respect of Education and CIL and alongside the provision of on-site public open space (0.44ha, which equates to a size of 24.2% of the total land available) and 44% provision of affordable housing.

4.14.3 However, the applicant has asserted that the cumulative effect of the obligations would render the scheme unviable and have submitted a viability appraisal to demonstrate that this is the case. The viability assessment has been reviewed by Property Services who have commented that they consider the viability appraisal to be reasonable and that they would not take issue with it.

4.14.4 On the basis of the submitted viability appraisal the applicant has proposed the following sums. These have been set out in a table so that a comparison can be made of the sums required by policy/ obligation and those which are being offered.

Summary of Costs

Charge	Cost	Proposal
Community Infrastructure Levy	£84,355	£84,355
S106 Education	£265,096	£132,548
SANGS	£22,204	£11,102
Allotments	£4,275	£2,138
Total Cost	£375,930	£230,143
Cost Per Dwelling	£7,229	£4,426

Community Infrastructure Levy (CIL)

Requested to be payable over 3 instalments:

1st Instalment – 25% payable within 60 days of commencement date

2nd Instalment – 25% payable within 240 days of commencement date

3rd Instalment – 50% payable within 365 days of commencement date

Allotments

Requested to be payable on the basis of 50% due within 90 days of work

commencing and the remainder due after the sales completion of plots 1 - 28.

Education Contribution

1st Instalment – 25% payable within 60 days of commencement date

2nd Instalment – 25% payable within 240 days of commencement date

3rd Instalment – 50% payable within 365 days of commencement date

4.14.5 In respect to CIL it should be noted that 25% (£21,088.75) of the above amount would be allocated to the parish council. A further £11,102.00 would also need to be allocated towards the full cost of mitigating the impacts on the Cannock Chase SAC. This would leave a net sum of £52,164.25. This added to the proposed sum of £132,548 would give an education contribution of £184,712.25. This would lead to an education shortfall of (£265,096- £184,712) = £80,383.75.

4.14.6 Given the issues relating to viability the above package of obligations and planning gains is considered to be well-balanced particularly when considered in the context of

- (i) the provision of 44% affordable housing,
- (ii) issues surrounding the uncertainty of the actual child yield from the current proposal
- (iii) the fact that although the outline approval for the wider site made a substantial contribution towards the cost of the new school it did so in the context of only providing 14% affordable housing and no CIL payment.
- (iv) although the Bilberry Chase development was subject to a child yield of 4.5% it had a significant number of 4 bed dwellings.

4.14.7 As such it is recommended that the package of developer contributions is accepted.

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.

CONCLUSION

6.1 The application is a rectangular plot of land north west of the junction of Pye Green Road and Limepit Lane. It comprises some 1.8ha of land of mainly open grassland in the southern half with caravan storage, a cattery and some older farm buildings, the latter of which are in a poor state of repair.

6.2 The proposal is for residential development comprising 52 no. dwellings including access, landscaping, public open space, and demolition of all existing buildings.

6.3 The site forms part of a wider strategic site allocated for an urban extension on land west of Pye Green Road for 750 new houses under Policy CP6 of the Local Plan which also identifies that the wider site has potential to increase its capacity to accommodate 900 dwellings, consistent with the site's strategic allocation.

6.4 As such the principle of the site to accommodate a quantum of residential development on this site has been firmly established.

6.5 In addition to the above the Council has adopted a Development Brief for wider site (dated March 2011) which included an Illustrative Masterplan based on the constraints and opportunities, layout and land use requirements outlined in the brief.

6.6 The submitted scheme reflects the above layout.

- 6.7 However, due to the requirements of the development brief there are several competing challenges that have arisen that have required some degree of compromise in order to resolve.
- 6.8 In respect to all matters of acknowledged interest and policy tests it is considered, on balance, that the proposal, subject to the attached conditions, would be acceptable in respect to all acknowledged interests and policies in the Development Plan and the NPPF.
- 6.9 The development brief was developed in the light of local and national policy at that time. Since then there have been substantial changes to policy. In addition there has been the introduction of CIL since the original development brief was published and subsequent outline consent for the wider site was granted planning permission.
- 6.10 As such a more balanced approach has been required to ensure that where possible competing demands have been met as far as is practicable to do so whilst ensuring the proposal remains financially viable.
- 6.11 However, it is considered that the scheme, taken as a whole, provides a good design solution to the competing policy demands on it.
- 6.12 It is on this balanced basis that application is recommended for approval.

APPENDIX 1: EXTRACT FROM THE NPPF

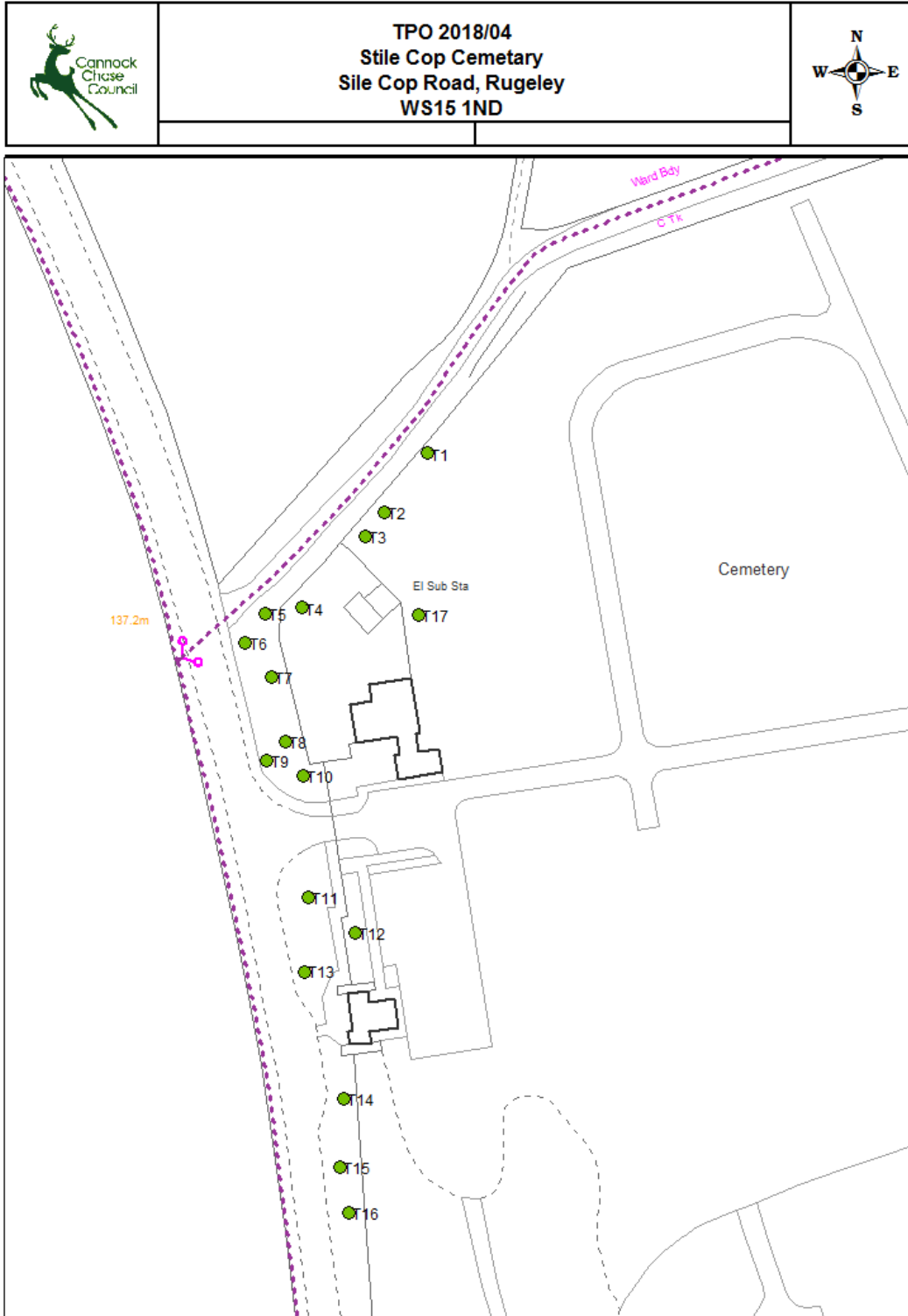
Annex 2: Glossary

Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

- a) Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).
- b) Starter homes: is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.
- c) Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.
- d) Other affordable routes to home ownership: is housing provided for sale that provides route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

PROPOSED TREE PRESERVATION ORDER at Stile Cop Cemetery, Stile Cop Road, Rugeley, WS15 1ND

TPO NO. 2018/04



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1. Purpose of Report

- 1.1 To seek Members approval to confirm Tree Preservation Order No. 2018/04.

2. Background

- 2.1 The site is situated within the north west corner of the Stile Cop Cemetery. The trees in question are growing around the cemetery lodge and either side of the main entrance.
- 2.2 The lodge has been used historically as accommodation for the cemetery keeper with an office and mess room for cemetery staff also attached.
- 2.3 Since the retirement of the cemetery keeper in 2018, the decision has been taken to relocate the mess room and office into a new building within the cemetery so that the lodge and associated grounds may be sold off as a private domestic dwelling.
- 2.4 As a result of the sale, the trees are now considered to be potentially under threat as the intention of the new owners is not known. Therefore the decision was taken to produce the TPO to protect a total of 17 mature oak trees which line the public highway. The trees are highly visible from the street scene and add greatly to the area, being situated within the Cannock Chase AONB and Greenbelt.

3. Objection to TPO and Officer Response

- 3.1 Objection:

Trees T4, T5, T6, T7, T8, T9 and T10 on the Order Plan are all situated within close proximity to Stile Cop Cemetery Lodge and will be sold by the Council along with the Cemetery Lodge. The following objections are therefore made to the Order in respect of trees T4, T5, T6, T7, T8, T9 and T10:

- (i) The imposition of the Tree Preservation Order on the above trees will potentially reduce the capital receipt achievable. Some potential purchasers would consider that the amenity of the property as a domestic dwelling is significantly reduced by the Tree Preservation Order which would restrict the property owner's ability to work on or remove trees that will be within the property curtilage without undergoing the legal application process (and with no guarantee that approval to works would be forthcoming).
- (ii) The canopy of trees T4, T5 and T7 is significant and overhangs the area of land within which the drains of the Cemetery Lodge are situated (see attached plan showing drainage route in red). The

roots of such large trees have the potential to damage the property's drains. This possibility would be a factor in a prospective purchaser's decision in whether to buy the property and, if so, at what price.

- (iii) There is therefore the likelihood that the Order will reduce the number of parties interested in acquiring the Cemetery Lodge and thereby have an adverse effect on the level of capital receipt achievable.

Officer's Response:

- (i) The tree preservation guidance specifically states that LPAs have a duty to protect trees where they may come under threat, and where that threat may have a negative impact on amenity value. Change in ownership is also specifically mentioned within the guidance and is a common reason for the production of TPOs. While the TPO may restrict unsuitable works which damage or destroy the trees, they do not prevent appropriate management carried out in accordance with industry best practice.
- (ii) Industry best practice in the form of the National Joint Utilities Group '*Volume 4 - Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees*' states (section 2.1.3 – Root Incursion) – intact apparatus will not generally be penetrated by roots, however roots can exploit existing defects such as defective joints, cracks within pipes, or degraded inspection chambers. As such the risk to the drains is considered to be low as long as they are in good condition.
- (iii) The fact that the number of potential buyers may be reduced by the TPO can also be applied to protected trees on private properties, where most protected trees are located. It would be inappropriate for the council to apply a different rule to its own trees, as it does to those under private ownership.

4. Human Rights Implications

- 4.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to confirm the order is considered to be expedient in the interest of amenity as required by S198 of the Town and Country Act 1990. This potential interference with rights under Article 8 and 1 of the First Protocol have been considered in reaching this decision. The objector has a right to make an application to fell or do works to the tree which if refused can be appealed to the Secretary of State for Local Government, Transport and the Regions.

5. **Recommendation**

5.1 It is recommended that TPO 2018/04 is confirmed without modification.

.Appendix 1 – Site Photographs:



Above – Street view approaching from the north of Stile Cop Road



