

**Please ask for:** Mrs. W. Rowe  
**Extension No:** 4584  
**E-Mail:** [wendyrowe@cannockchasedc.gov.uk](mailto:wendyrowe@cannockchasedc.gov.uk)

20 September 2022

Dear Councillor,

**Planning Control Committee**  
**3:00pm, Wednesday 28 September 2022**  
**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: -

<b>Application Number</b>	<b>Application Location and Description</b>	<b>Start Time</b>
CH/22/0034	Demolition of existing garage and house, construction of two detached dwellings (Resubmission of CH/21/0331) <b>4 Penk Drive North, Rugeley WS15 2XY</b>	1.00pm
CH/22/0250	Provision of an EVC hub and associated works <b>Shell petrol filling station, Watling Street, Cannock WS11 1SL</b>	1.30pm
CH/21/0404	Demolition of existing building and erection of 6 bungalows <b>St Saviours Church, High Mount Street, West Hill, Cannock WS12 4BN</b>	2.00pm
CH/22/0237	Outline application, access only, for the residential development of land to the rear of 54 Lloyd Street (including demolition of No. 54) <b>54 Lloyd Street, Cannock, Staffordshire WS11 1HE</b>	2.30pm



Members wishing to attend the site visits are requested to meet at 4 Penk Drive North, Rugeley WS15 2XY at 1.00pm.

Yours sincerely,

**Tim Clegg**  
**Chief Executive**

To: **Councillors**

- Thompson, S.L (Chair)  
Beach, A. (Vice-Chair)
- |                  |                |
|------------------|----------------|
| Cartwright, S.M. | Kruskonjic, P. |
| Crabtree, S.K.   | Muckley, A.M.  |
| Fisher, P.A.     | Pearson, A.R.  |
| Fitzgerald, A.A. | Thornley, S.J. |
| Fletcher, J.     | Wilson, L.J.   |
| Hoare, M.W.A.    | 1 vacancy      |
| Jones, V.        |                |

## Agenda

### 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 31 August 2022 (enclosed).

**5. Members' Requests for Site Visits**

**6. Report of the Interim 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 Interim Development Control Manager.

Details of planning applications can be accessed on the Council's website by visiting [www.cannockchasedc.gov.uk/residents/planning](http://www.cannockchasedc.gov.uk/residents/planning) and then clicking on the square marked 'Planning Applications'.

### Site Visit Applications

	<b>Application Number</b>	<b>Application Location and Description</b>	<b>Item Number</b>
1.	CH/22/0034	<b>4 Penk Drive North, Rugeley, WS15 2XY</b> Demolition of existing garage and house, construction of two detached dwellings (Resubmission of CH/21/0331)	6.1 - 6.20
2.	CH/22/0250	<b>Shell petrol filling station, Watling Street, Cannock, WS11 1SL</b> Provision of an EVC hub and associated works	6.21 - 6.36
3.	CH/21/0404	<b>St Saviours Church, High Mount Street, West Hill, Cannock, WS12 4BN</b> Demolition of existing building and erection of 6 bungalows	6.37 - 6.73

Application Number	Application Location and Description	Item Number
4. CH/22/0237	<b>54 Lloyd Street, Cannock, Staffordshire WS11 1HE</b> Outline application, access only, for the residential development of land to the rear of 54 Lloyd Street (including demolition of No. 54)	6.74 - 6.98

## Planning Applications

Application Number	Application Location and Description	Item Number
5. CH/22/0215	<b>71 Old Penkridge Road, Cannock WS11 1HY</b> Residential development of 2 no. bungalows to land rear of 71 Old Penkridge Road	6.99-6.126
6. CH/21/0023	<b>Castle Inn, 141 Main Road, Brereton, Rugeley WS15 1DX</b> Demolition of existing building and the erection of an apartment building and associated landscaping, parking and access	6.127-6.170
7. CH/22/0184	<b>Ivy Gardens, Norton Canes, WS11 9SE</b> Two Bedroom Detached Bungalow	6.171-6.195
8. CH/22/0302	<b>35 Greenwood Park, Pye Green, Cannock WS12 4DQ</b> Application Under Section 73 of the 1990 Town and Country Planning Act to not develop the scheme in accordance with Condition 1 (approved plans) but in accordance with the amended plans (change flat roof to pitched roof) pursuant to planning permission CH/21/0438	6.196-6.207



**Cannock Chase Council**  
**Minutes of the Meeting of the**  
**Planning Control Committee**

**Held on Wednesday 31 August 2022 at 3.00pm**  
**in the Council Chamber, Civic Centre, Cannock**

**Part 1**

**Present:**  
Councillors

Thompson, S.L. (Chair)  
Beach, A. (Vice-Chair)

Cartwright, S.M.	Jones, V.
Crabtree, S.K.	Kruskonjic, P.
Elson, J. (Substitute)	Pearson, A.R.
Fisher, P.A.	Smith, C.D.
Fitzgerald, A.A.	Thornley, S.J.
Fletcher, J.	Wilson, L.J.
Hoare, M.W.A.	

**23. Apologies**

An apology for absence was received from Councillor A.M. Muckley.

Notification had been received that Councillor J. Elson would be substituting for Councillor A.M. Muckley.

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

<u>Member</u>	<u>Interest</u>	<u>Type</u>
Pearson, A.R.	Application CH/22/0228, 10 Averill Drive, Rugeley, WS15 2RR - Change of Use from Public Land to Domestic Private Land - Member knows the applicant	Personal

**25. Disclosure of Details of Lobbying by Members**

Nothing declared.

**26. Minutes**

**Resolved:**

That the Minutes of the meeting held on 4 August 2022 be approved as a correct record.

**27. Members Requests for Site Visits**

Councillor S.L. Thompson requested that a site visit be undertaken in respect of an application on today's agenda - Application CH/21/0404 - St Saviours Church, High Mount Street, West Hill, Cannock, WS12 4BN. Demolition of existing building and erection of 6 bungalows, which was seconded by Councillor A. Pearson. The reason for the site visit was that it was difficult to determine where this site was located, and it would be beneficial for all Members to view.

Should the request be agreed, the application would be considered at a future Planning Control Committee meeting. The applicant's representative, John Heminsley advised that he would defer his right to speak on this matter until the meeting.

Resolved:

That a site visit be undertaken in respect of Application CH/21/0404 - St Saviours Church, High Mount Street, West Hill, Cannock, WS12 4BN for the reason outlined above.

**28. Application CH/22/0228, 10 Averill Drive, Rugeley, WS15 2RR - Change of Use from Public Land to Domestic Private Land**

Having declared a personal interest in this item Councillor A. Pearson did not take part in the debate or determination of the application.

Following a site visit, consideration was given to the report of the Interim Development Control Manager (Item 6.1 – 6.10) presented by the Principal Development Control Planner.

The Principal Development Control Planner provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

**Resolved:**

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

**29. Application CH/22/0229, 314 Green Heath Road, Cannock, WS12 4HB - Change of Use of Land at Side of Property from Public to Private**

Following a site visit, consideration was given to the report of the Interim Development Control Manager (Item 6.11 – 6.20) presented by the Principal Development Control Planner.

The Principal Development Control Planner provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Councillor A.R. Pearson moved refusal of the application stating that there would be a loss of public space. This was seconded by Councillor A. A. Fitzgerald who also suggested a reason for refusal regarding public safety. Following a discussion, Councillor A. R. Pearson agreed to add a second reason for refusal regarding public safety which was then seconded by Councillor A. A. Fitzgerald

**Resolved:**

To grant delegated authority to refuse planning permission, contrary to the officer's recommendation, on the grounds of that the proposal would result in loss of open green space to the detriment of the visual amenity of the area and would reduce the natural surveillance of the alleyway, which would lead to perception and fear of crime to the detriment of public safety and residential amenity,

- 30. Application CH/22/0172, Land at Lime Lane, Pelsall, Walsall, WS3 5AT - Application under Section 73 of the Town & Country Planning Act 1990 to vary Conditions No. 3 (amenity building materials), 6 (internal site layout), 7 (SUDS scheme), 11 (parking and turning areas), 12 (caravans siting), & 13 (plan no. condition) of Planning Permission CH/21/0376**

Consideration was given to the report of the Interim Development Control Manager (Item 6.21 – 6.47) presented by the Principal Development Control Planner.

The Principal Development Control Planner provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Prior to consideration of the application, representations were made by the John Cameron, the applicant, speaking in support of the application.

**Resolved:**

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

- 31. Application CH/21/0404, St Saviours Church, High Mount Street, West Hill, Cannock, WS12 4BN - demolition of Existing Building and Erection of 6 Bungalows**

The application was deferred to a future meeting to allow for a site visit to be undertaken (as per Minute No. 27, above).

The meeting closed at 3.45 pm.

---

**Chair**

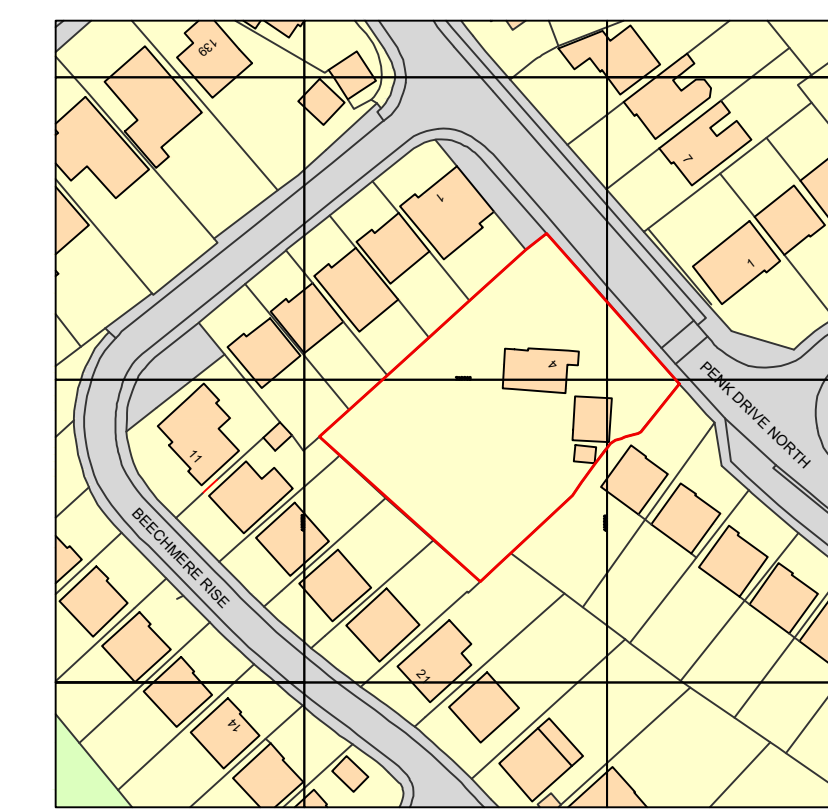




1 Site Plan  
1:200



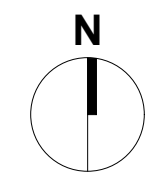
2 Block Plan  
1:500



3 Location Plan  
1:1250

- Key:
- Site boundary
  - - - 1.8m Closeboard fence
  - - - Storm/Surface Water Drainage
  - - - Foul Drainage

- Soft Landscaping Area (Lawn)
- Hot rolled asphalt BS594 1992 Pt 1 Table 3 Col 55/10, 100 pen binder
- 450 x 450 x 35mm concrete slabs with suitable edging to all interfaces
- Bark chip



A	Plot 2 Perimeter wall to drive amended	MB	12.01.22
X	FIRST ISSUE.	MB	14.12.21
Rev:	Details:	By / Chk:	Date:

Copyright of this drawing is vested in J Mason Associates and it must not be copied or reproduced without formal consent. Do not scale off this drawing for construction purposes. All contractors and sub-contractors are responsible for taking and checking all dimensions relative to their work.

Notify J Mason Associates immediately of any variation between drawings and site conditions.

**DO NOT SCALE OFF THIS DRAWING FOR CONSTRUCTION PURPOSES - IF IN DOUBT ASK.**

Where drawings are based on survey information received, surveys are available on request.

All drawings to be read in conjunction with all relevant Structural and M&E Engineers drawings and specifications.

**H&S HAZARDS:**

Significant hazards relative to the architectural design shown on this drawing have been assessed and highlighted with reasonable skill and care using a warning triangle system.

This drawing is to be read in conjunction with all other hazards/risks which have been identified and recorded within the construction phase H&S plan.

It is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, to an approved method statement.

Significant hazards are defined as:-

- Those not likely to be obvious to a competent contractor or other designers.
- Those of an unusual nature.
- Those likely to be difficult to manage effectively.

## J Mason Associates

www.jmasonassociates.com  
Tel: 01543 487798  
J Mason Associates  
St. Thomas House, Wolverhampton Road,  
Cannock,  
WS11 1AR

J Mason Associates  
Registered in England & Wales  
5003992

Client:  
**Mr G Stevens & Ms H Hayes**

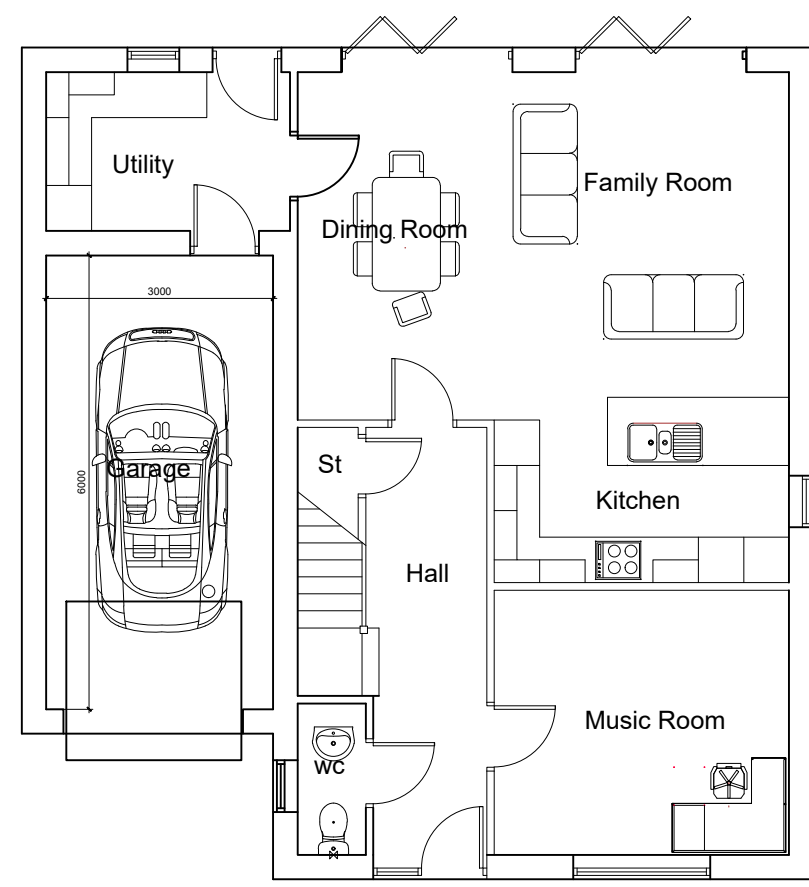
Project:  
**4 Penk Drive North  
Rugeley  
WS15 2XY**

Drawing Title:  
**House Types**

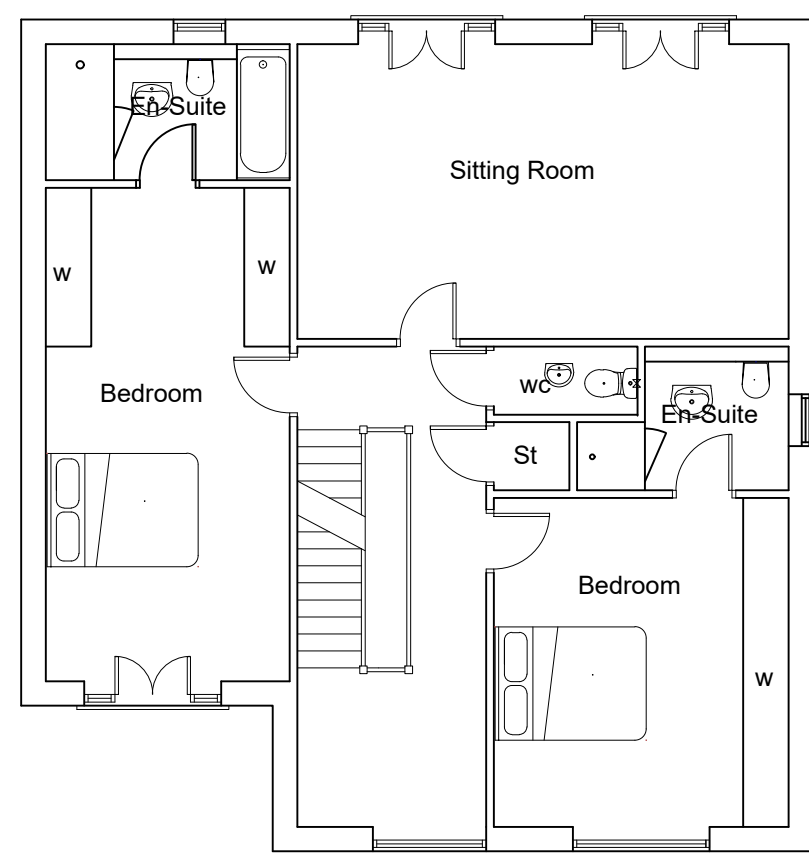
Stage: <b>RIBA 3</b>	Status: <b>Preliminary</b>	Sheet Size: <b>A1</b>
Job Number: <b>2580</b>	Date: <b>14.12.2021</b>	Scale: <b>As Noted</b>

<b>2580-02</b>	Revision: <b>A</b>
----------------	-----------------------

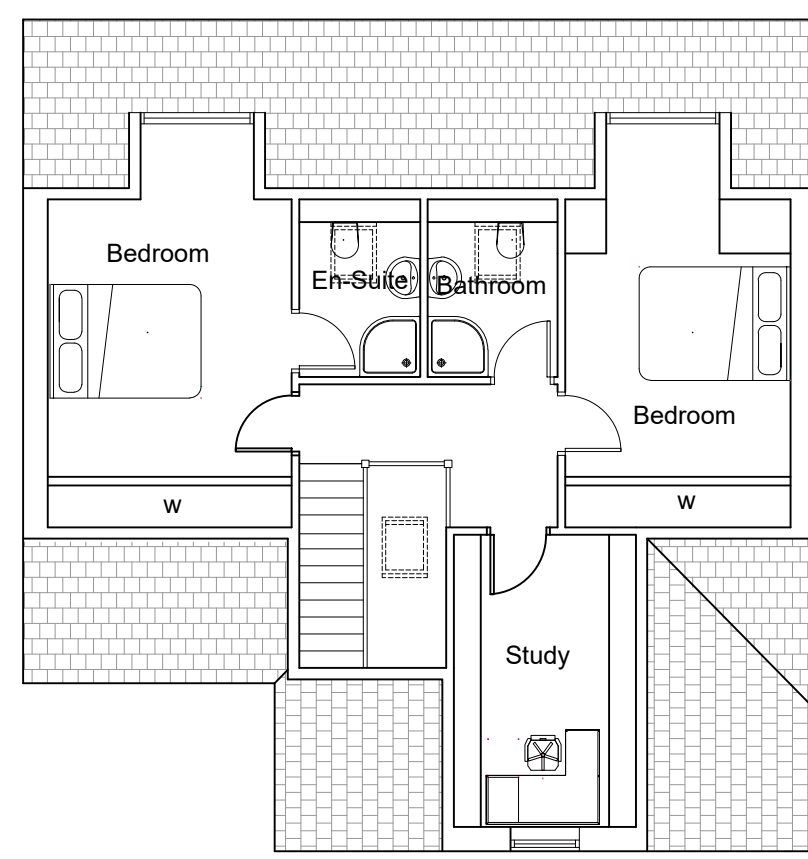




Ground Floor Plan



First Floor Plan



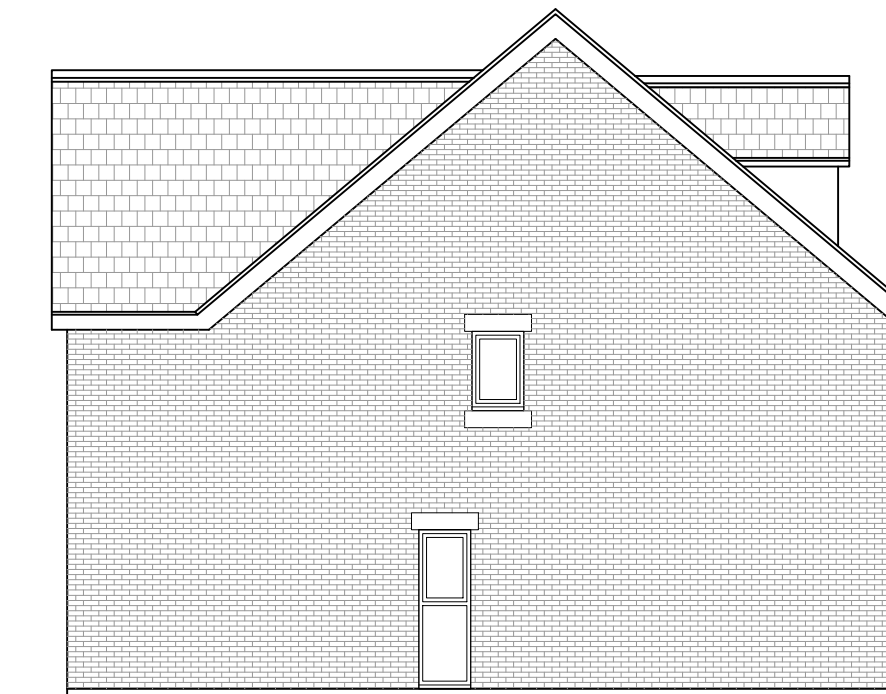
Second Floor Plan



Front Elevation



Rear Elevation



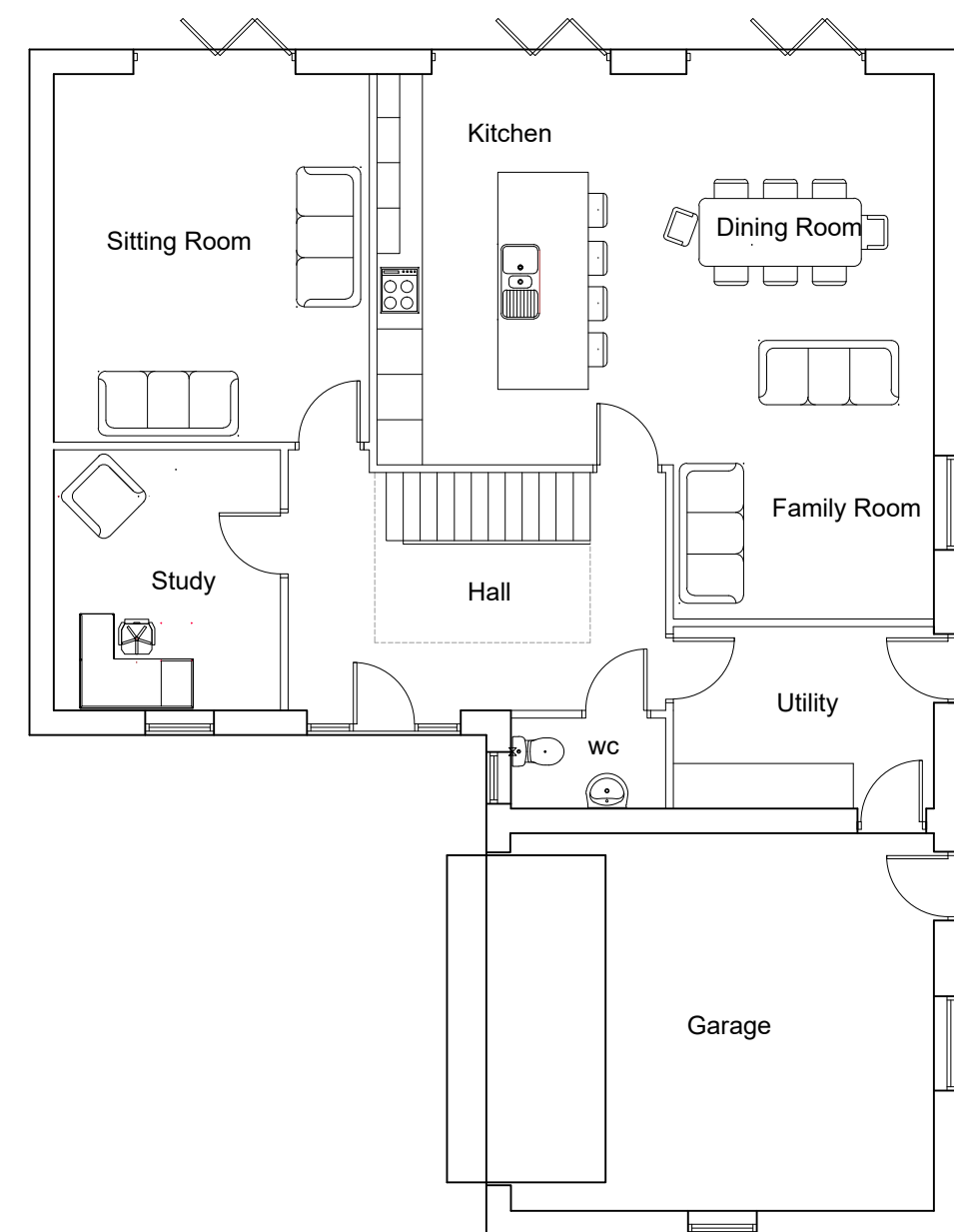
Side Elevation

1 Plot 1 Floor Plans

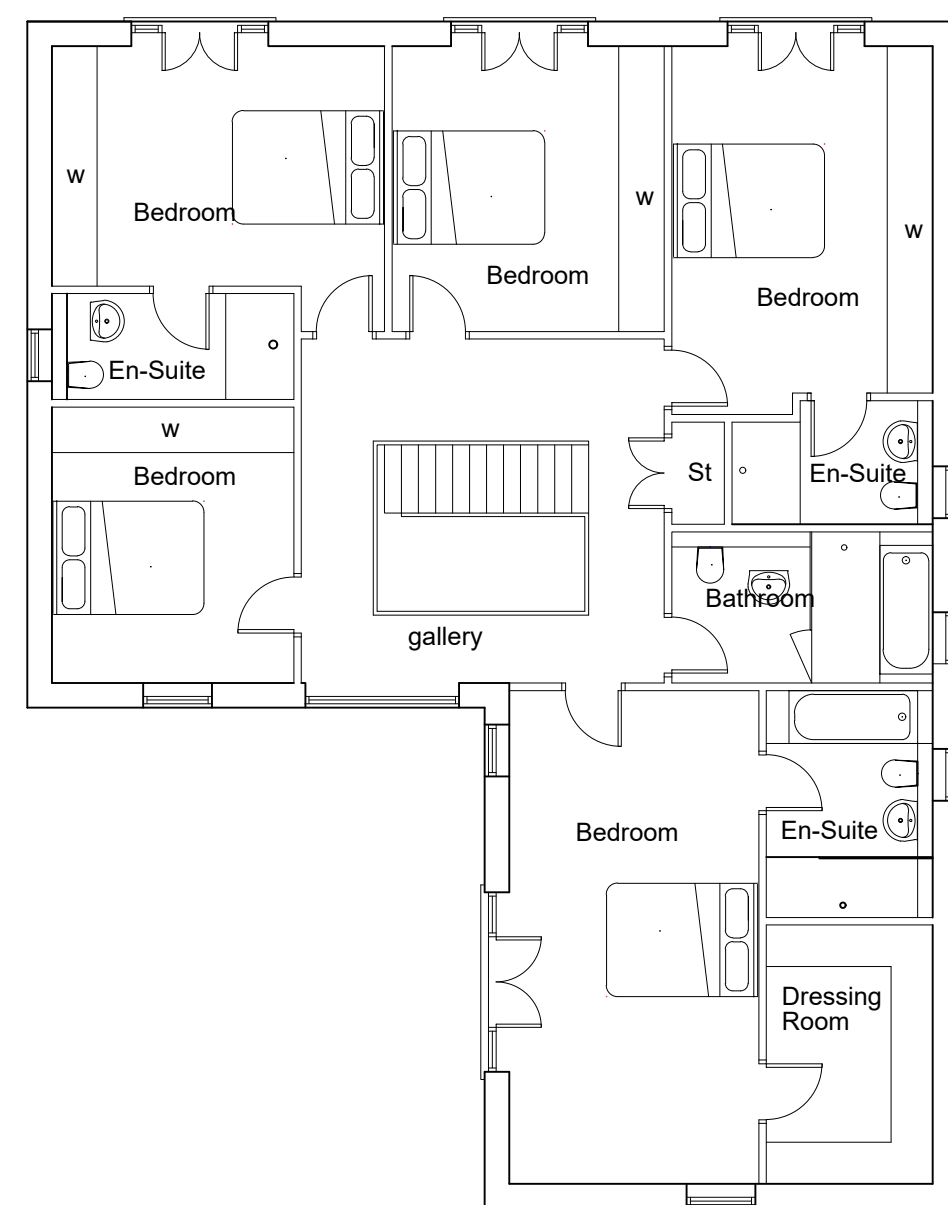
1:100

2 Plot 1 Elevations

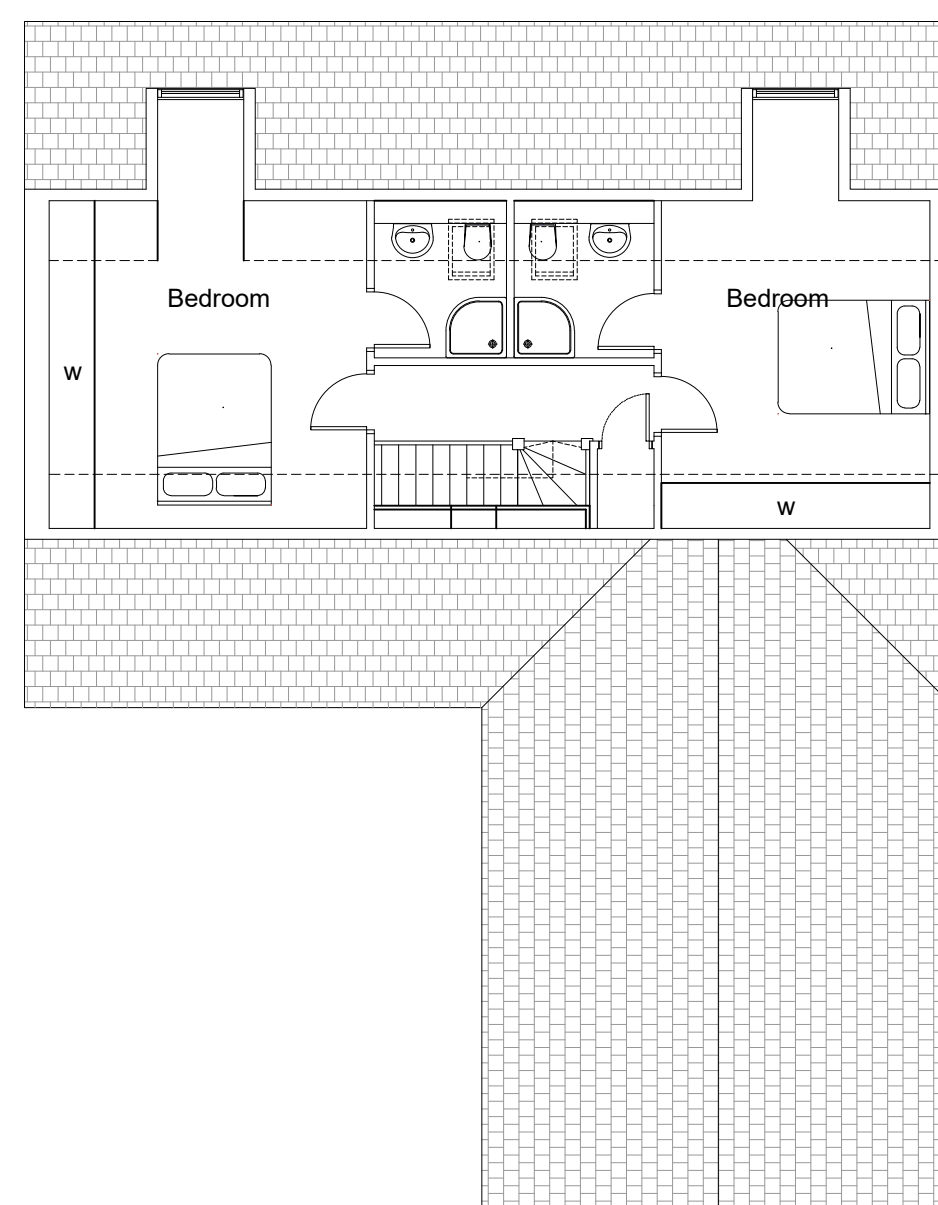
1:100



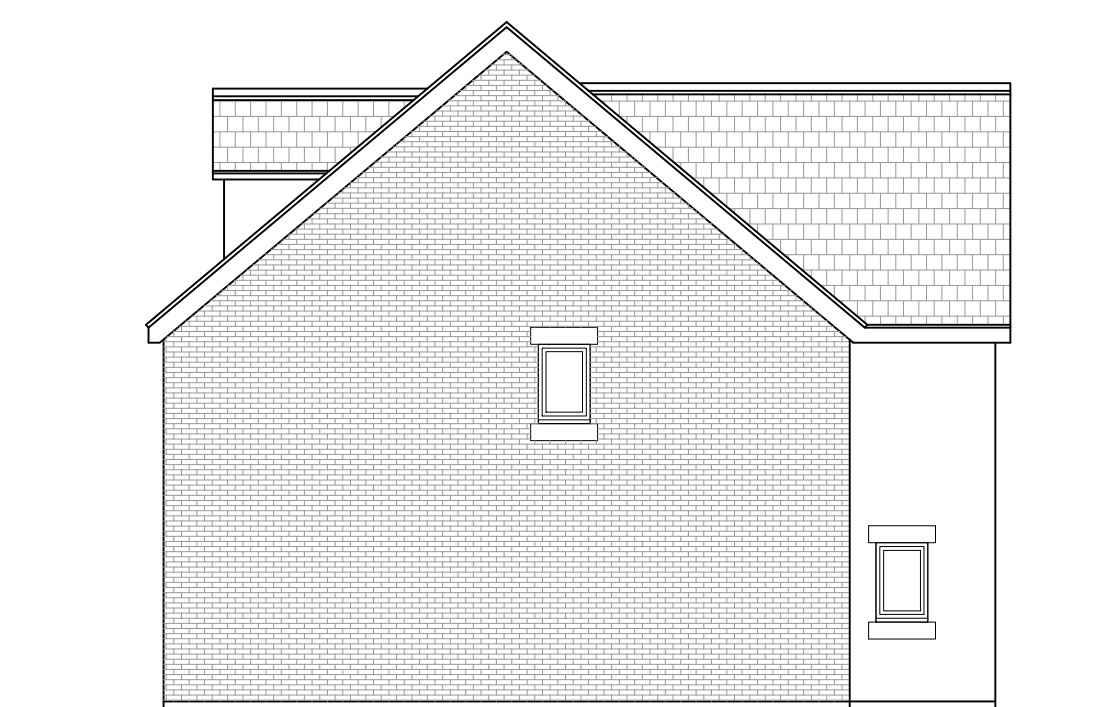
Ground Floor Plan



First Floor Plan



Second Floor Plan



Side Elevation

3 Plot 2 Floor Plans

1:100



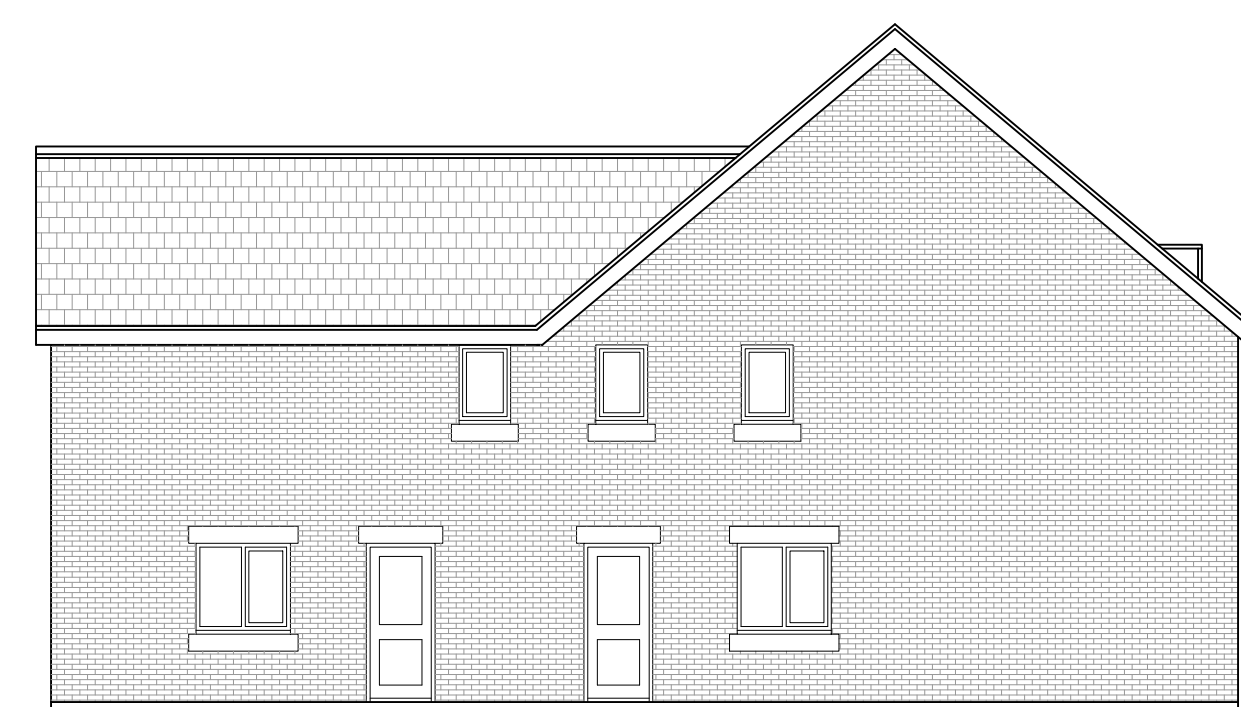
Front Elevation



Rear Elevation



Side Elevation



Side Elevation

4 Plot 2 Elevations

1:100

X	FIRST ISSUE.	MB	14.12.21
Rev:	Details:	By / Chk:	Date:

Copyright of this drawing is vested in J Mason Associates and it must not be copied or reproduced without formal consent. Do not scale off this drawing for construction purposes. All contractors and sub-contractors are responsible for taking and checking all dimensions relative to their work.

Notify J Mason Associates immediately of any variation between drawings and site conditions.

**DO NOT SCALE OFF THIS DRAWING FOR CONSTRUCTION PURPOSES - IF IN DOUBT ASK.**

Where drawings are based on survey information received, surveys are available on request.

All drawings to be read in conjunction with all relevant Structural and M&E Engineers drawings and specifications.

**H&S HAZARDS:**

Significant hazards relative to the architectural design shown on this drawing have been assessed and highlighted with reasonable skill and care using a warning triangle system.

This drawing is to be read in conjunction with all other hazards/risks which have been identified and recorded within the construction phase H&S plan.

It is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, to an approved method statement.

Significant hazards are defined as:-

- Those not likely to be obvious to a competent contractor or other designers.
- Those of an unusual nature.
- Those likely to be difficult to manage effectively.

## J Mason Associates

www.jmasonassociates.com  
Tel: 01543 487798  
J Mason Associates  
St. Thomas House, Wolverhampton Road,  
Cannock,  
WS11 1AR

J Mason Associates  
Registered in England & Wales  
5003992

Client:  
**Mr G Stevens & Ms H Hayes**

Project:  
**4 Penk Drive North  
Rugeley  
WS15 2XY**

Drawing Title:  
**House Types**

Stage: <b>RIBA 3</b>	Status: <b>Preliminary</b>	Sheet Size: <b>A1</b>
-------------------------	-------------------------------	--------------------------

Job Number: <b>2580</b>	Date: <b>14.12.2021</b>	Scale: <b>As Noted</b>
----------------------------	----------------------------	---------------------------

<b>2580-02</b>	Revision: <b>-</b>
----------------	-----------------------

<b>Contact Officer:</b>	Audrey Lewis
<b>Telephone No:</b>	01543 464528

<p><b>Planning Control Committee</b></p> <p><b>28 September 2022</b></p>
--

<b>Application No:</b>	CH/22/0034
<b>Received:</b>	27-Jan-2022
<b>Location:</b>	4, Penk Drive North, Rugeley, WS15 2XY
<b>Parish:</b>	Rugeley CP
<b>Ward:</b>	Etchinghill and The Heath Ward
<b>Description:</b>	Demolition of existing garage and house construction of two detached dwellings. Resubmission of CH/21/0331
<b>Application Type:</b>	Full Planning Application

**Recommendation:**

Approve Subject to Conditions

**Reason(s) for Recommendation:**

Reason for Grant of Permission

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

**Conditions (and Reasons for Conditions)**

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

Reason

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

2. No part of the development hereby approved shall be undertaken above ground level until details of the materials to be used for the external surfaces have been

submitted to and approved by the Local Planning Authority.

Reason

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

3. No development shall take place until details of the finished floor levels of the buildings (in relation to surrounding land) and any other changes to the levels of the land within the site have been submitted to and agreed in writing by the Local Planning Authority. Development shall be implemented in accordance with the agreed details.

Reason

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

4. No part of the development hereby approved shall commence 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'.

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 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. (pursuant to Condition 4 above )

Reason

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

6. Prior to the commencement of any construction or site preparation works including any actions likely to interfere with the biological function of the retained trees and hedges, approved protective fencing shall be erected in the positions shown on the approved Tree & Hedge Protection layout drawing. Within the enclosed area known as the Tree Protection Zone, no work will be permitted without the written consent of the Local Planning Authority. No storage of material, equipment or vehicles will be permitted within this zone. Service routes will not be permitted to cross the Tree Protection Zones unless written consent of the Local Planning Authority is obtained. The Tree Protection Zone will be maintained intact and the vegetation within maintained until the cessation of all construction works or until the Local Planning Authority gives written consent for variation.

Reason

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

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

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

**Reason**

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

8. No waste materials are to be burnt on site.

**Reason**

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

9. The development hereby permitted shall not be brought into use until the access and parking areas have been provided in a bound and porous material in accordance with approved 'House Types' Drawing No. 2580-02 Revision A and shall thereafter be retained for the lifetime of the development.

**Reason**

To comply with Local Plan Policy CP3 (Design) and the NPPF.

10. 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.

11. No dwelling hereby permitted shall be completed above ground floor level until a scheme for the provision of bat roosts has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall indicate the plots to be provided with bat roosts, which shall be either integrated into the roof or attached to the house in question, and their height and location. Any dwelling



shown to be host to such a bat roost shall be completed in accordance with the approved scheme.

Reason

In the interests of enhancing bat breeding habitat in accordance with Policy CP12 of the Local Plan and paragraphs 170, 175, 177, 179 of the NPPF.

12. If demolition and refurbishment are to be undertaken between the beginning of March and the end of August in any year, there must first be a check undertaken of the building for nesting birds and if birds are nesting then no work can be undertaken until the young have fledged.

Reason

In the interests of conserving habitats and biodiversity accordance with Policy CP12 of the Local Plan and paragraphs 170, 175, 177, 179 of the NPPF.

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

Reason

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

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

Drg No.s

2580-02 - Rev A Location/Block/Layout Plan

2580-02 - House Types

Site sections streetscene plan

Topographical survey

Arboricultural Impact Assessment

Tree Protection Plan

Tree Report

Bat survey

Reason

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

**Informatives:**

Notes to Developer:

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

### **INFORMATIVE:**

Please note you require Section 184 Notice of Approval from Staffordshire County Council in order to provide the new access. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing.

Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk))

<https://www.staffordshire.gov.uk/Highways/licences/VehicleAccess/VehicleAccessCrossings.aspx>

### **INFORMATIVE:**

The demolition of the existing garage and house should be undertaken under the usual controlled provisions afforded by the Building Act 1984 with the appropriate specialist attention being paid should the constructions of the same incorporate any asbestos containing materials.

## **Consultations and Publicity**

### **External Consultations**

#### Clerk to Rugeley Town Council

Rugeley Town Council have requested that the application be determined at Committee and also that a site visit be made by the cabinet prior to making a decision, as there are concerns over placing housing on this site.

#### Travel Management and Safety

Personal Injury Collisions: Current records show that there has been no Personal Injury Collisions on Penk

Drive North within 50 metres either side of the property accesses for the previous five years.

Background: Penk Drive North (ZU5088) is an unclassified 30mph road which benefits from street lighting and traffic calming. It lies approximately 2 miles north west of Rugeley town centre.

Comments on Information Submitted: The application is a re-submission of CH/21/0331 for the demolition of the existing property and garage and the construction of two detached 4 bedroom dwellings. I am unable to scale off from the submitted garage plans however there is sufficient parking for three vehicles for each plot which meets Cannock Chase District Council's parking standards for four bedroom dwellings.

A new vehicular access crossing is proposed for Plot 2 which has sufficient visibility splays for a 30mph road.

Recommendations: There are no objections on Highway grounds to the proposed development subject to the recommended informative and conditions being included on any approval.

## **Internal Consultations**

### CIL Officer

I note that on your CIL additional information form, submitted in relation to planning application CH/22/0034, that you wish to apply for a self build exemption. To do this you must follow the below process for each dwelling included in the application:

1. Submit an Assumption of Liability (Form 2)
2. Submit a Self Build Claim Part 1 (Form 7 Part 1) - I note that this has been submitted for one dwelling but as there are two dwellings included for this the process will need to be followed for the other dwelling as additional floorspace is still being created.
3. Submit a Commencement Notice (Form 6)
4. The Council will then acknowledge these, issue a self build grant letter and a liability notice reflecting the exemption.

Please note the above steps must all be completed at least one day prior to commencement of the development. An exemption cannot be granted after a development has commenced, meaning the full chargeable amount will become payable and surcharges may apply.

5. Submit a Self Build Claim Part 2 (Form 7 Part 2) with required supporting evidence. This must be done within 6 months of completion of the exempt dwelling. Failure to submit this within 6 months of completion will result in your exemption lapsing and the full chargeable amount becoming payable.

Please note the exempt dwellings must remain the claimant's main residence for at least 3 years from completion in order to qualify. If this ceases to be the case you must inform the Council and the CIL charge will become payable.

If a self build exemption is granted, the claimant will be required to enter into a Section 106 Unilateral Undertaking in order to mitigate the impacts on the Cannock Chase Special Area of Conservation. This fee is £221.00 per exempt dwelling plus legal costs. The assigned Planning Officer for this case will be in contact with the Council's solicitor to arrange this.

### Environmental Health

No adverse comments, subject to conditions, but I would make the following Advisory note:

The demolition of the existing garage and house should be undertaken under the usual controlled provisions afforded by the Building Act 1984 with the appropriate specialist attention being paid should the constructions of the same incorporate any asbestos containing materials.

### Development Plans and Policy Unit

The site is in close proximity to the AONB and an SBI. The site does not fall within any designated areas shown on the Local Plan Policies Map.

The development plan comprises the Cannock Chase Local Plan (Part 1) and the Staffordshire County Council Waste and Minerals Local Plan. The views of Staffordshire County Council as the waste and minerals authority should be considered, as necessary.

Having looked at the proposal and the provisions of the Development Plan I would advise that I have no further comments to those provided on the previous application (CH/21/0331). We consider the main policy consideration for this application is with regards to the design of the proposed development and impact upon the surroundings, we are happy to leave this to the judgement of the Case Officer.

### Contributions

As a residential development scheme the proposal may be CIL liable – advice on liability should be sought from the Planning Obligations Officer.

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 the 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 in consultation with the relevant infrastructure provider.

### Tree Officer

No comments received.

### **Response to Publicity**

The application has been advertised by site notice and neighbour letter. 4 No. letters of representation have been received on the following grounds:

- Overlooking and detrimental impact upon privacy of surrounding existing residents, due to differing ground levels.

- The existing property is sited perpendicular, but the proposed dwellings would directly face the neighbouring properties causing loss of privacy.
- Many of the rear trees have been cleared, since the last refused application, which would cause more loss of privacy, due to less screening being present.

### Relevant Planning History

CH/05/0089 Residential development. Full- Refusal - 09/16/2005

CH/10/0389 Extension of time - 2 dormer bungalows - Approved with Conditions - 12/15/2010

CH/13/0438 Residential development - erection of two detached 4 bedroom bungalows - Withdrawn 04/08/2014

CH/21/0331 Demolition of existing garage & house, construction of 2 detached dwellings Full- Refusal - 10/21/2021 on the following grounds:

- .The proposed pair of detached houses, by virtue of their size and scale and the topography of the site would appear overdominant and incongruous in their immediate setting. In addition, the proposed dwellings would not reflect the design of surrounding dwellings which would add to their incongruity to the detriment of the character and appearance of the area and the residential amenity of the occupiers of the neighbouring residential properties. As such, the proposal would not be well-related to existing buildings and their surroundings and constitute poor design, contrary to Policy CP3 of the Cannock Chase Local Plan and which should therefore be refused in accordance with paragraph 134 of the National Planning Policy Framework.
- The proposed scheme for 2 No. x 4 bedroom dwellings would not provide sufficient off street parking provision, to the detriment of highway safety contrary to the adopted Car Parking Standards SPD and paragraph 111 of the National Planning Policy Framework.
- The proposed development does not provide sufficient detail to determine the impact of the proposal on trees, which may result in unacceptable works to and loss of protected and mature trees, which are an important landscape feature of significant visual amenity, contrary to Local Plan Policy CP3 and the National Planning Policy Framework.

## 1 Site and Surroundings

- 1.1 The application site comprises a detached dormer bungalow and detached garage, with several outbuildings. It is set in a large plot measuring 33m wide x 48m deep located at 4 Penk Drive North and close to the junction with Beechmere Rise. The application site slopes upwards towards north and western directions. There are a number of trees on and around the periphery of the application site, some of which are protected with a Tree Preservation Order (TPO).

- 1.2 The street scene in Penk Drive North (evens numbers side of the road) comprises detached two storey houses of similar design and age, featuring a staggered principal elevation with front dormer windows set out on a common building line with 1m gaps to the common side boundaries.
- 1.3 The site is unallocated and undesignated within the Local Plan. It is located within a Mineral Safeguarding Area and Coal Mining Low Risk Area.

## **2 Proposal**

- 2.1 The applicant is seeking consent for demolition of existing garage & house, construction of 2 No. detached dwellings.
- 2.2. The proposed houses would be 2 storey, with pitched roofs. Additional bedroom accommodation would be provided in the roofspace with velux and dormer windows. Plot 1 has potential for 6 bedrooms, although it has indicated a sitting room and study on the layout plan, these could easily be used as bedrooms. Plot 2 would have 7 bedrooms (no dormer windows on this design).
- 2.3 The width of the dwellings would be 10.5m (Plot 1) and 12m (Plot 2). The depth of the dwellings would be 11m (Plot 1) and 15.6m (Plot 2). The design of the dwellings would incorporate a front facing gable end. Plot 1 would feature a second floor window to eaves height, while Plot 2 would feature a first floor window to eaves height. The materials would comprise brick and tiles with cill and header detail to windows.
- 2.4 The application is accompanied with a Site Sections Streetscene Plan, Topographical Survey, Tree Survey, Arboricultural Impact Assessment, Preliminary Ecological Appraisal and a Bat Survey.

## **3 Planning Policy**

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan Part 1 (2014), and the Minerals Local Plan for Staffordshire (2015 – 2030).  
Cannock Chase Local Plan Part 1
- 3.3 Relevant policies within the Local Plan include: -
  - CP1 - Strategy – the Strategic Approach
  - CP2 – Developer Contributions
  - CP3 - Chase Shaping – Design
  - CP6 – Housing Land
  - CP7 – Housing Choice

## Minerals Local Plan for Staffordshire

- 3.4 Relevant Policies within the Minerals Plan Include:
- Policy 3: - Safeguarding Minerals of Local and National Importance and Important Infrastructure
- 3.5 National Planning Policy Framework
- 3.6 The NPPF (2021) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be "presumption in favour of sustainable development" and sets out what this means for decision taking.
- 3.7 The NPPF (2021) 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                             |
| 111:                | Highway Safety and Capacity                          |
| 126, 130, 132, 134: | Achieving Well-Designed Places                       |
| 174, 180:           | Biodiversity   |
| 218, 219            | Implementation                                       |
- 3.9 Other relevant documents include: -
- (i) Design Supplementary Planning Document, April 2016.
  - (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
  - (iii) Manual for Streets

<b>4 Determining Issues</b>
-----------------------------

- 4.1 The determining issues for the proposed development include: -
- i) Principle of development
  - ii) Design and impact on the character and form of the area and protected trees

- iii) Impact on residential amenity
- iv) Impact on highway safety
- v) Impact on nature conservation/CIL
- vi) Affordable housing
- vii) Mineral safeguarding
- viii) Waste and recycling facilities

## 4.2 Principle of the Development

4.2.1 Both paragraph 11 of the NPPF (2021) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development.

4.2.2 The presumption in favour of sustainable development as set out in paragraph 11 of the NPPF states: -

'For decision taking this means:

c) approving development proposals that accord with an up to date development plan without delay.

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless

(i) policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusing the development proposed; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.'

4.2.3 The starting point of the assessment is therefore whether the proposal is in accordance with the development Plan and whether that plan is up to date. In that respect it is noted that Policy CP1 of the Local Plan states: -

'In Cannock Chase District the focus of investment and regeneration will be in existing settlements whilst conserving and enhancing the landscape of the AONB, Hednesford Hills, Green Belt and the green infrastructure of the District. The urban areas will accommodate most of the District's new housing and employment development, distributed broadly in proportion to the existing scale of settlement.'

4.2.4 Other than the above general strategic approach there are no relevant policies within the Local Plan in respect to the approach to be taken with regard to the development of wind-fall sites. As such the proposal falls to be determined in accordance with the tests set out in subsection (d) (i) or (ii) of paragraph 11 of the NPPF show above.

4.2.5 With that in mind it is noted that the application site is not designated as Green Belt, AONB or as a SSSI or SAC, nor does it contain a listed building or



conservation area or affect the setting of a designated heritage asset; nor is it located with flood zones 2 or 3. Therefore the proposal does not engage any policies in the Framework that protect areas or assets of particular importance. As such the proposal should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

4.2.6 In respect to the location of the site it is noted that the site is in a residential area and has benefitted from previous expired permissions for 2 No. dormer bungalows on the site. It therefore conforms to the predominant land use and has good access to goods and services to meet the day to day needs of the potential occupiers.

4.2.7 It is therefore concluded that the proposal is acceptable in principle.

4.2.8 However, proposals that are acceptable in principle are still subject to all other policy tests. This report will now go on to consider the proposal in the light of these policy tests.

### 4.3 **Design and the Impact on the Character and Form of the Area and protected trees**

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 126, 130, 132 and 134. Paragraph 126 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 130 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 134 states

'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'

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 space about dwellings. 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

(iv) Landscaping

4.3.6 The character of the immediate area in Penk Drive North (evens numbers side of the road) comprises detached two storey houses of similar design and age, featuring a staggered principal elevation with front dormer windows set out on a common building line with 1m gaps to the common side boundaries.

4.3.7 The information presented in drawing '2580-03 - Site Sections' demonstrates how the proposed dwellings sit in line with the overall street scene. The ridge heights of the new properties have been reduced slightly and sit comfortable within the continuity of the step-down appearance, between the existing dwellings. The other houses in the street are substantial 4&5 bed properties, 3 storeys high and the new properties follow this scale and mass. Plot 1 has been amended to incorporate window detailing more in line with the existing properties and the new houses act as a transition between the flat frontages of the adjacent properties and the large gable end of the property fronting Beechmere rise. The designs do not mirror the adjacent properties, but do replicate the materials used and pick up on design features nearby, whilst incorporating a more attractive overall appearance than the existing dwelling and outbuildings. Furthermore, the amendment to the ridge heights allows the size and scale of the proposed dwellings to be comparable to that of the nearby neighbouring properties.

- 4.3.8 Therefore, whilst the design of the properties do not mirror the neighbours, it is considered that they would not be dissimilar in size and scale to the nearby dwellings within the streetscene. It is therefore considered that the refusal reason No.1 of CH/21/331 relating to size and scale has been satisfactorily overcome. As such, the proposal would be well-related to existing buildings and their surroundings comprise good design, in accordance with Policy CP3 of the Cannock Chase Local Plan and paragraph 134 of the National Planning Policy Framework..
- 4.3.9 The Landscaping Officer has not responded to consultation on this application, but since the last refusal a revised tree survey, impact assessment and tree protection plan have been submitted. These indicate that the protected Cherry Trees to the front of the site will be unaffected by the proposed development, however there would be slight incursion into the edge of the root protection zone of a non-protected Scots pine along the side boundary. However, the Scots pine is not protected and could be removed at any time without consent being obtained from the Council. Suitable conditions have been imposed to ensure the tree protection fencing is erected during construction and details of hard landscaping is to be submitted and approved by the Local Planning Authority.
- 4.3.10 It is therefore considered that the proposal could not cause detrimental impact on trees.
- 4.3.11 As such, the proposed development would not have an adverse impact on protected nor non-protected mature trees, in accordance with Local Plan Policy CP3 and the National Planning Policy Framework.

#### **4.4 Impact on Residential Amenity**

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 130(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.
- 4.4.4 However, it should always be taken into account that these distances and areas are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels as well as the character of the area.
- 4.4.5 There have been neighbour objections received on the grounds of privacy.

- 4.4.6 The proposed dwellings would comply with facing distance policies and the 45/25 standard, measured from the nearest habitable room windows of the neighbouring dwellings. Proposed garden sizes would comply with Design SPD requirements. It is therefore considered the proposal would have no significant detriment to the surrounding neighbouring properties.
- 4.4.7 Therefore, it is concluded that the proposal by reason of the design and existing boundary treatments, would not result in any significant impact by virtue of overlooking, loss of light, or loss of outlook, on the residential amenities of the future and existing occupiers of the neighbouring properties and that taken as a whole, the proposal would result in a good standard of residential amenity to all existing and future occupants in accordance with Policy CP3 of the Local Plan, the Design SPD and paragraph 17 of the NPPF

#### **4.5 Impact on Highway Safety**

- 4.5.1 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.5.2 The County Highways does not object to the proposal, subject to the imposition of a suitable condition.
- 4.5.3 The proposal provides large family homes with more than 4 No. bedrooms, which would require 3 No. parking spaces for each dwelling. The proposal has now demonstrated that it complies with the parking requirements and adequate visibility splay as outlined within County Highway comments.
- 4.5.4 As such, it is considered that the proposed scheme for 2 No. dwellings would provide sufficient visibility for safe access/egress and off street parking provision, in accordance with the adopted Car Parking Standards SPD and paragraph 111 of the National Planning Policy Framework.

#### **4.6 Impacts of Cannock Chase Special Area of Conservation**

- 4.6.1 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.
- 4.6.2 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase district that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse

impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this would be provided through CIL. An appropriate Habitat Regulations Assessment has been undertaken as required by the regulations for housing development.

- 4.6.3 Subject to the above conditions and the CIL payment the proposal is considered acceptable in respect of its impact on nature conservation interests and therefore would be in compliance with Policies CP3 and CP13 of the Cannock Chase Local Plan and the NPPF.

#### **4.7 Community Infrastructure Levy (CIL) and S106 requirements**

- 4.7.1 The Councils CIL Charging Schedule was approved on 19 February 2015 and came into effect on 1 June 2015. The CIL for all new residential development is £51.43 per square metre (plus indexation) of floorspace and is used to pay for infrastructure. The applicant has applied for self build exemption and this is granted, although a self build exemption has been granted this can apply to only one of the two new dwellings (as the applicant has to reside at the new property for 3 years for exemption to be granted). Therefore, because there is still a net increase in floorspace after deducting the exempt floorspace, there is still some CIL payable. This amount will cover the SAC mitigation fee, therefore it is not required to enter into a Section 106 agreement for this fee. If permission is granted a CIL liability notice will be issued reflecting the relief granted.

#### **4.8 Affordable Housing**

- 4.8.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, paragraph 64 of the NPPF states that the 'provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)'.  
4.8.2 It is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

#### **4.9 Mineral Safeguarding**

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

- 4.9.2 Policy 3.2 of the 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 development sites or mineral site allocations would not unduly restrict the mineral operations.

4.9.3 The application site is located within a Mineral Safeguarding Area. Notwithstanding this, the advice from Staffordshire County Council as the Mineral Planning Authority does not require consultation on the application as the site falls within the development boundary of an urban area and is not classified as a major application.

4.9.4 As such, the proposal would not prejudice the aims of the Minerals Local Plan.

#### **4.10 Waste and Recycling Facilities**

4.10.1 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).

4.10.2 Although not indicated on plan, it is considered there is sufficient space to accommodate appropriate waste bin storage both within and outside the application site on bin collection days, in accordance with policy requirements of CP16 and the NPPF.

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

### **Human Rights Act 1998**

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

### **Equalities Act 2010**

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

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

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

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

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

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

<b>6 Conclusion</b>
---------------------

- 6.1 It is therefore recommended that the application be approved subject to the conditions above.



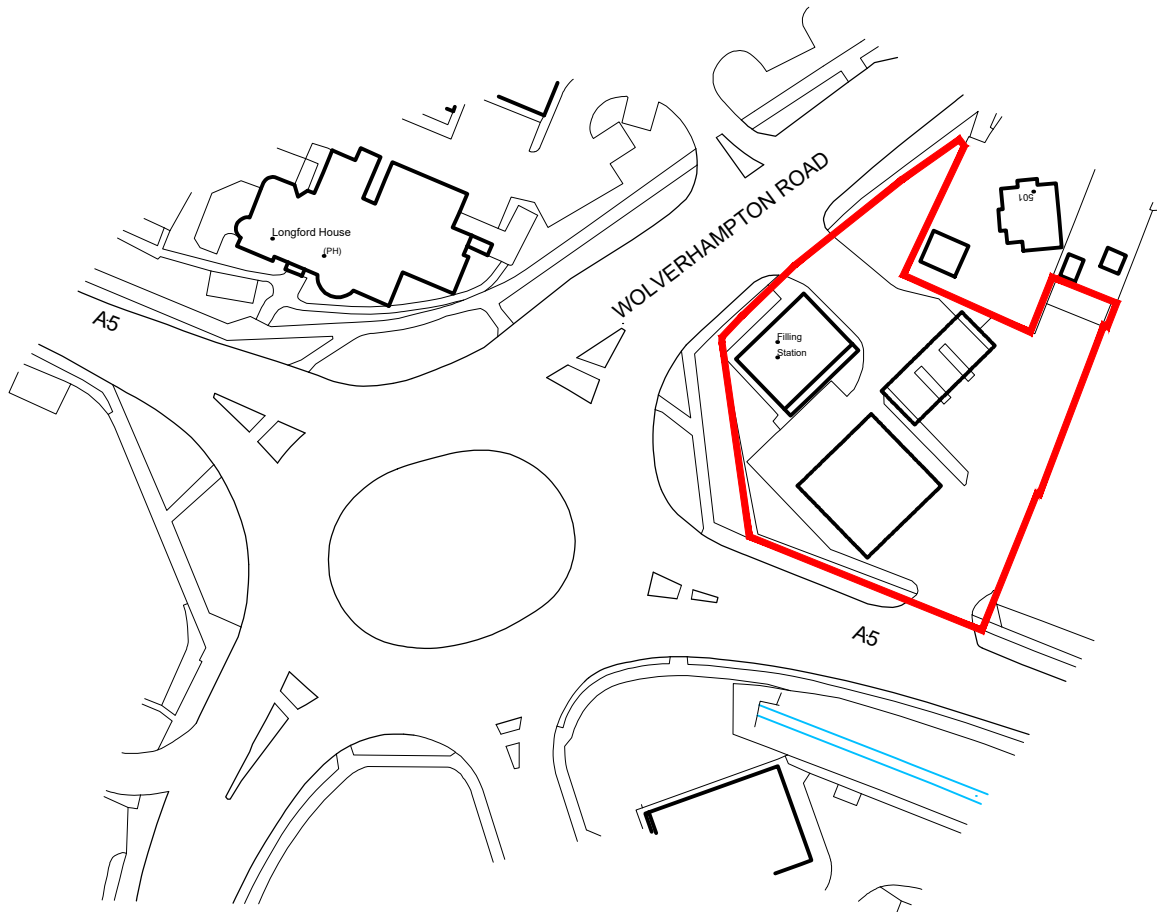
GENERAL NOTES

THIS DRAWING HAS BEEN PREPARED FOR PLANNING PURPOSES ONLY.

Item 6.21

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE FOLLOWING:

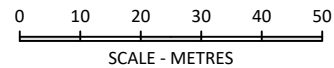
- CANNOCK- 10019159 - PLNG-00 2021 - Site Location Plan
- CANNOCK- 10019159 - PLNG-01 2021 - Existing Layout
- CANNOCK- 10019159 - PLNG-02 2021 - Proposed Layout
- CANNOCK- 10019159 - PLNG-03 2021 - EV Equipments
- CANNOCK- 10019159 - PLNG-04 2021 - Tracking Plan



**A4**

ORIGINAL PLOT SIZE

**PLANNING DRAWING**



NOTES:

REV	DATE	BY

PROJECT: SHELL CANNOCK  
Watling Street, Cannock  
Staffordshire, WS11 1SL

TITLE: SITE LOCATION PLAN

DRAWN BY :	JDL	SCALE :	1:1250
DATE :	April 2022	PLOT DATE :	April 2022
CAD FILE :	J:\Drawings\Shell\A - F\Crosshands\3.0 Planning 2022		

**JENNINGS DESIGN LIMITED**

York House, Valley Court Canal Road,  
Bradford West Yorkshire BD1 4SP

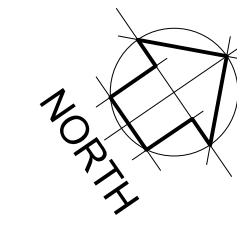
TEL. No 01274 395422  
FAX. No 01274 395427  
E-mail office@jen305.com



SHELL UK LIMITED  
SHELL CENTRE  
LONDON  
SE1 7NA  
UNITED KINGDOM

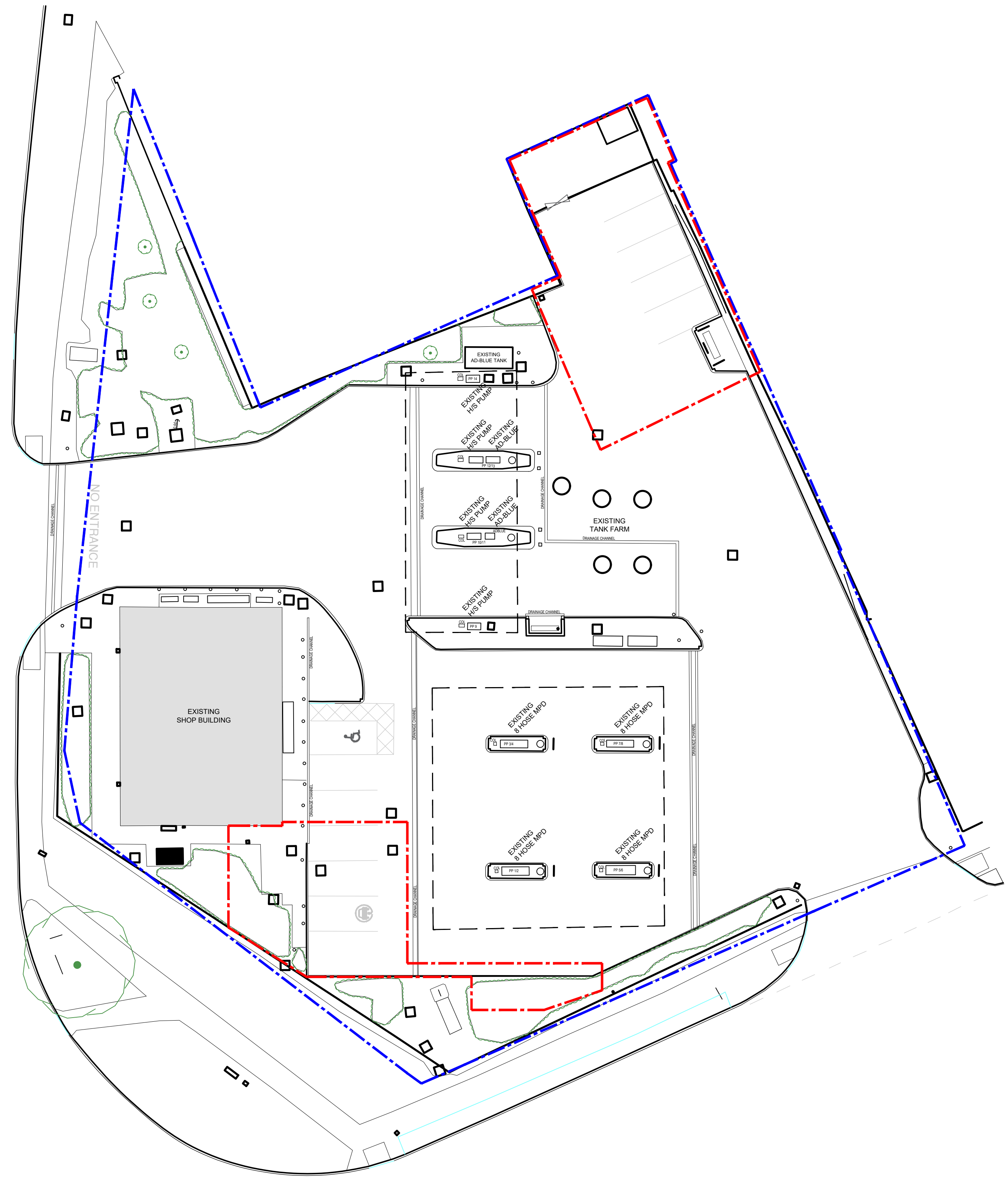
DWG No	10019159	00	2022	*
--------	----------	----	------	---



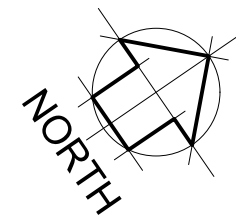


**GENERAL NOTES**

THIS DRAWING HAS BEEN PREPARED FOR PLANNING PURPOSES ONLY.  
 THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE FOLLOWING:  
 CANNOCK- 10019159 - PLNG-00 2021 - Site Location Plan  
 CANNOCK- 10019159 - PLNG-01 2021 - Existing Layout  
 CANNOCK- 10019159 - PLNG-02 2021 - Proposed Layout  
 CANNOCK- 10019159 - PLNG-03 2021 - EV Equipments  
 CANNOCK- 10019159 - PLNG-04 2021 - Tracking PLan



<b>TRITIUM PKM150 CHARGERS</b>			
PLANNING			
<b>JENNINGS DESIGN LIMITED</b>			
York House, Valley Court Canal Road, Bradford West Yorkshire BD1 4SP TEL. No 01274 395422 FAX. No 01274 395427 E-mail office@jen305.com			
REV	DATE	BY	
PROJECT: SHELL CANNOCK Watling Street, Cannock Staffordshire. WS11 1SL			
TITLE: EXISTING SITE PLAN			
		SHELL UK LIMITED SHELL CENTRE LONDON SE1 7NA UNITED KINGDOM	
DRAWN BY:	JDL	SCALE:	1:125 @ A1
DATE:	March 2022	PLOT DATE:	April 2022
CAD FILE:	J:\Drawings\Shell\VA - P\Cannock\2.0 EVC bay\EVC 2022\2.0 Planning '22		
DWG No:	10019159	PLNG 01	2022



**GENERAL NOTES**

THIS DRAWING HAS BEEN PREPARED FOR PLANNING PURPOSES ONLY.

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE FOLLOWING:

- CANNOCK- 10019159 - PLNG-00 2021 - Site Location Plan
- CANNOCK- 10019159 - PLNG-01 2021 - Existing Layout
- CANNOCK- 10019159 - PLNG-02 2021 - Proposed Layout
- CANNOCK- 10019159 - PLNG-03 2021 - EV Equipments
- CANNOCK- 10019159 - PLNG-04 2021 - Tracking PLan

SCHEDULE OF AREAS	
Site Ownership Boundary (Blue Line)	0.27 Hectare / 0.67 Acre
Application Boundary (Red Line)	0.03 Hectare / 0.09 Acre
Existing Customer Parking	11 Bays( 1EV & 1 DDA)
Proposed Customer Parking	10 Bays (3 EV & 1 DDA)

**GENERAL NOTES -**

Installation of 2 no. Tritium fast charge vehicle points located in existing shop front customer parking.  
Existing charging tower to be retained and re installed adjacent proposed Fast charge bays

New Sub-Station situated as shown.

New Shell standard timber compound to house GRP cabinet, Comms cabinet, Power cabinets and Transformers.

New floodlights and cctv to cover new installations.

Existing Air Water Machine and Amazon drop off locker to be relocated to facilitate new charging bays.

shrubby to be exhumed from site to facilitate installation of new charging infrastructure

**SURFACING KEY**

- Denotes macadam surfacing
- Denotes Concrete surfacing (Pedestrian areas )

**TRITIUM PKM150 CHARGERS**

**PLANNING**

**JENNINGS DESIGN LIMITED**

York House, Valley Court Canal Road,  
Bradford West Yorkshire BD1 4SP

TEL. No 01274 395422  
FAX. No 01274 395427  
E-mail office@jen305.com

REV	DATE	BY

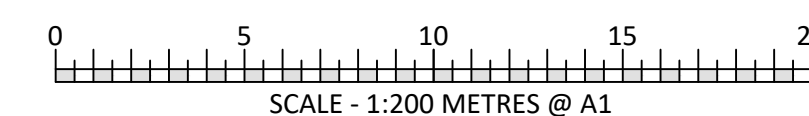
PROJECT: SHELL CANNOCK  
Watling Street, Cannock  
Staffordshire. WS11 1SL

TITLE: PROPOSED SITE PLAN



SHELL UK LIMITED  
SHELL CENTRE  
LONDON  
SE1 7NA  
UNITED KINGDOM

DRAWN BY:	JDL	SCALE:	1:200 @ A1
DATE:	March 2022	PLOT DATE:	April 2022
CAD FILE:	J:\Drawings\Shell\A - P\Cannock\2.0 EVC bay\EVC 2022\2.0 Planning '22		



DWG No:	10019159	PLNG 02	2022	-
---------	----------	---------	------	---



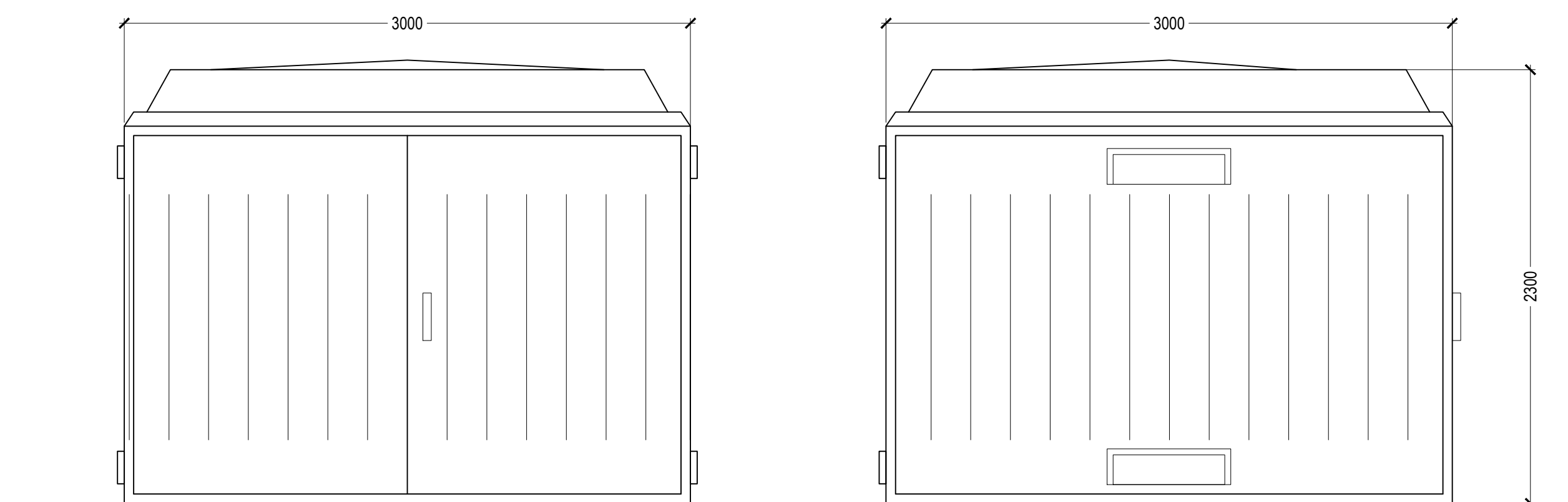


**GENERAL NOTES**

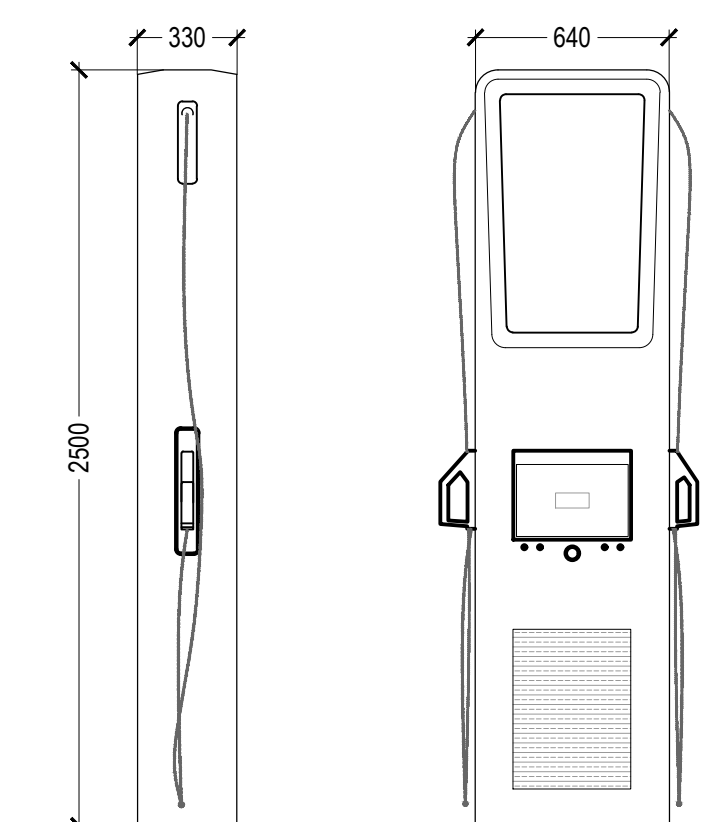
THIS DRAWING HAS BEEN PREPARED FOR PLANNING PURPOSES ONLY.

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE FOLLOWING:

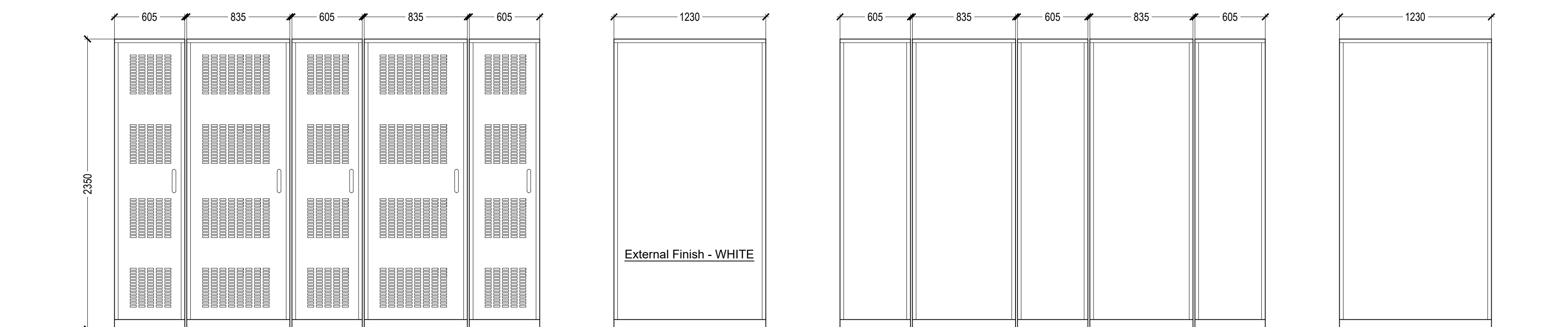
- CANNOCK- 10019159 - PLNG-00 2021 - Site Location Plan
- CANNOCK- 10019159 - PLNG-01 2021 - Existing Layout
- CANNOCK- 10019159 - PLNG-02 2021 - Proposed Layout
- CANNOCK- 10019159 - PLNG-03 2021 - EV Equipments
- CANNOCK- 10019159 - PLNG-04 2021 - Tracking PLan



**SUB-STATION ELEVATIONS**  
(External finish Green) - Scale 1:25

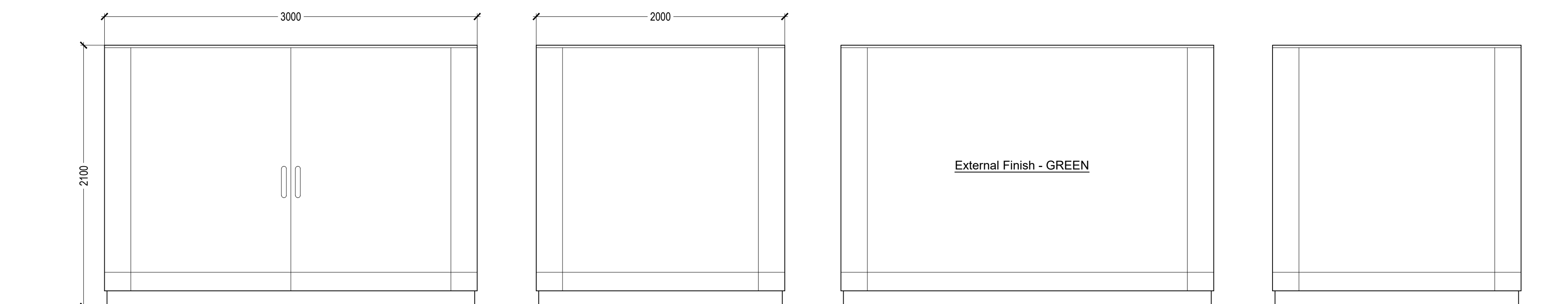


**CHARGING UNIT - Scale 1:25**



Comms cabinet, Power cabinet, transformer, power cabinet, transformer  
**Front Elevation**      **Side Elevation**      **Rear Elevation**      **Side Elevation**  
 Transformer, power cabinet, transformer, power cabinet, Comms cabinet

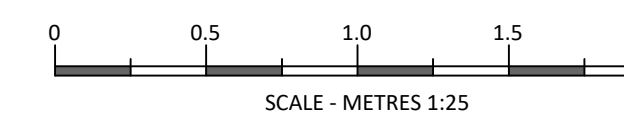
**TYPICAL EQUIPMENT MODULE UNIT ELEVATIONS - Scale 1:25**



**Front Elevation**      **Side Elevation**      **Rear Elevation**      **Side Elevation**

**TYPICAL MAINS GRP CABINET ELEVATIONS - Scale 1:25**

<b>TRITIUM PKM150 CHARGERS</b>			
PLANNING			
<b>JENNINGS DESIGN LIMITED</b>			
York House, Valley Court Canal Road, Bradford West Yorkshire BD1 4SP TEL. No 01274 395422 FAX. No 01274 395427 E-mail office@jen305.com			
REV	DATE		BY
PROJECT: SHELL CANNOCK Watling Street, Cannock Staffordshire. WS11 1SL			
TITLE: EV EQUIPMENT			
		SHELL UK LIMITED SHELL CENTRE LONDON SE1 7NA UNITED KINGDOM	
DRAWN BY:	JDL	SCALE:	1:125 @ A1
DATE:	March 2022	PLOT DATE:	April 2022
CAD FILE:	J:\Drawings\Shell\A - P\Cannock\2.0 EVC bay\EVC bay\2022\2.0 Planning '22		
DWG No:	10019159	PLNG 03	2022



Contact Officer:	<b>David O'Connor</b>
Telephone No:	<b>4515</b>

<p><b>Planning Control Committee</b></p> <p><b>28 September 2022</b></p>
--

<b>Application No:</b>	CH/22/0250
<b>Received:</b>	30-Jun-2022
<b>Location:</b>	Shell petrol Filling Station, Watling Street, Cannock WS11 1SL
<b>Parish:</b>	
<b>Ward:</b>	Cannock South
<b>Description:</b>	Provision of an EVC hub and associated works
<b>Application Type:</b>	Full Planning Permission

**RECOMMENDATION:** APPROVE SUBJECT TO CONDITIONS

**REASON(S) FOR RECOMMENDATION:**

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

**CONDITIONS (AND REASONS FOR CONDITIONS)**

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

Reason

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

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

Site Location Plan reference: Cannock - 10019159 - EV - PLNG 00 - Site Location Plan;

Proposed Site Layout reference: Cannock - 10019159 - EV - PLNG 02 - Proposed Site Plan;

EV Equipment reference: Cannock - 10019159 - EV - PLNG 03 - EV Equipment;

Tracking Layout reference: Cannock - 10019159 - EV - PLNG 04 - Tracking Plan;

Noise Report – Venta Acoustics VA4358.220912.L1 dated 12 September 2012

#### Reason

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

3. Prior to the erection of any new lighting at the application site, a lighting assessment shall be submitted to the Local Planning Authority for approval. The lighting assessment shall consider the potential impacts of the proposed new lighting installation, together with appropriate mitigation measures. The approved lighting assessment details and mitigation shall thereafter be implemented in full and maintained in perpetuity.

Reason: To limit the impact of artificial light on residential amenity, in line with paragraphs 183-188 of the National Planning Policy Framework.

#### **NOTES TO THE DEVELOPER:**

1. Lighting: Details of lighting consultancies able to assist with this condition can be obtained from: Institute of Lighting Professionals <https://theilp.org.uk/> / 01788 576492

The submitted information would normally be expected to include:

- A statement setting out why lighting is required.
- The proposed times of use, including any seasonal variations.
- A plan showing the area to be lit, the existing landscape features and any mitigation measures.
- Full specifications of the proposed lighting.
- Full details of the number and location of lighting units, including mounting and orientation.

- Details of the Upward Light Ratio of the Installation (sky glow) as a percentage of luminaire flux.
- Details of potential light intrusion into windows described as Vertical Illuminance in Lux as measured flat on the glazing at the centre of the window.
- Details of potential for glare, as light Intensity in Candelas.
- The lux levels at the site ground boundary and for 25 metres outside it.
- Where appropriate, details of building luminance in Candelas per m<sup>2</sup>.

## **CONSULTATIONS AND PUBLICITY**

### Internal consultations

Environmental Health: No objections

Thanks you for the opportunity to comment on the above. EPT have no objections to the proposed scheme, and welcomes facilities that encourage the shift to low emission transport

[Since Environmental Health's original comments further details in relation to noise associated with the substation were sought.]

Environmental Protection have considered the additional noise information and would not have any objections on noise grounds.

### External consultations

Staffordshire County Highways Authority: No objections

Site Visit Conducted on: 14-Jul-2022

Personal Injury Collisions: Current records show that there were 2no Personal Injury Collisions on Watling Street and 1no PIC on Wolverhampton Road within 43 metres either side of the property accesses for the previous five years. Although all PICs are regrettable, the overall volume of collisions does not suggest there are any existing safety problems that would be exacerbated by the proposed development.

Background: The entrance to Shell Petrol Station is located off Watling Street; a busy A classified dual carriageway trunk road with a 70mph speed limit which comes under Highways England jurisdiction. Customers exit onto Wolverhampton Road (A4601) a classified 30mph road which benefits from street lighting and has footway provision on both sides. It lies 1.5 miles south west of Cannock Town centre and 7.5 miles west of M6 Toll.

Comment on information submitted: The application is for the installation of 3 electric charging points in the car park of Shell Petrol Station. The submitted plan shows the charging points will use 3 out of the existing 6 parking spaces and will

require the relocation of the Amazon parcel locker. As the units will be used by customers visiting the Petrol Station the proposal will not be detrimental to the existing use therefore the highway authority has no objection to this proposal.

## **RESPONSE TO PUBLICITY**

The application has been advertised by site notice and neighbour letter. 1 No. letter of objection in relation to the proposals has been received. In summary this raises the following matters:

- We wish to object to the substation adjacent to our garden as this would mean that we could not sit in our garden without the constant whine of a substation. We would also have the constant arrival of cars and doors banging while they charge up. Another neighbour to the site is Available Car and I cannot understand why the proposed substation is not put on their boundary as they only sell cars and don't have to live with the noise.
- At present behind the fence is a shed and an area that is fenced off from the rest of the station where they store their bins. The storage of bins has been a concern as they do not always shut them and so we have litter blowing into our garden.
- Whilst there is a quite high fence, I have not been assured that there won't be things overhanging this fence which would be an eyesore and would degrade our time in the garden. We have spent a lot of money on our garden improving it and installing a wooden gazebo for hot summer days.
- They also propose to do this work in the height of summer for 9 weeks when my grandchildren will be off school. We wouldn't be able to use the garden.
- Additional fencing screening or planting to lessen the impact should be provided.

## **RELEVANT PLANNING HISTORY**

- CH/11/0140 Redevelopment of petrol station  
Withdrawn 07/20/2011
- CH/12/0087 Non-illuminated freestanding sign  
Advert-Grant with Conditions 05/10/2012
- CH/14/0297 Demolition of filling station and bathroom showroom to rear.  
Erection of replace Full - Approval with Conditions 05/13/2015

- CH/14/0297/B Discharge of condition 9 (environmental verification report) for planning permis Discharge of Conditions - Full Approval 12/14/2016
- CH/15/0288 Discharge of conditions: 4,6,10,11,12,15,17, 8 & 5 for CH/14/0297 Discharge of Conditions - Part Approval 02/24/2016
- CH/17/089 Retrospective application for the retention of ATM Full - Approval with Conditions 05/04/2017

## 1. **SITE AND SURROUNDINGS**

- 1.1 The application site is located on the junction of the Watling Street (A5) and Wolverhampton Road (A4601), approximately 2km to the southwest of Cannock town centre. The site contains an established petrol filling station comprised of four pump islands in a square configuration closest to the nearby traffic island opposite the site. To the rear of the forecourt is a three-lane heavy goods vehicle fuelling facility and to the northwest of the site is the main sales building of flat roofed and modern design.
- 1.2 The immediate context to the south and east of the site is highly commercial, comprising a mixed range of uses including large scale car sales to the east and carpet sales, food sales, textiles sales and electrical sales within the nearby retail park to the south. To the north of the site the immediate context is residential comprising a row of predominantly semi-detached dwellings (interspersed with detached) that all display a consistent set back and front onto Wolverhampton Road. To the west of the site is a hotel development.

## 2. **PROPOSAL**

- 2.1 The application seeks full planning permission for the provision of an Electric Vehicle Charging Hub and associated works at the existing filling station premises. The development involves the provision of 3 electric vehicle (EV) charging bays which will replace 4 existing spaces (two general spaces, one EVC space and an air/water bay) located in front of the existing sales building. Additionally, the provision of the associated infrastructure including GRP cabinet and substation which are to be positioned to the northern corner of the site. The air/water bay is to be repositioned on the eastern boundary of the site.
- 2.2 The application proposes the Petrol Filling Station will continue to function as existing, and the only alterations are to the car parking arrangements. There are no proposed alterations to the existing access and egress arrangements.



### 3. PLANNING POLICY

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).
- 3.3 Relevant Policies within the Local Plan Include: -
- CP1: - Strategy
  - CP3: - Chase Shaping-Design
  - CP10: - Sustainable Transport
  - CP16: - Sustainable Resource Use
- 3.4 The relevant policies within the Minerals Plan are: -
- (i) Mineral Safeguarding

#### National Planning Policy Framework

- 3.5 The NPPF (2021) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social, and environmental terms, and it states that there should be 'presumption in favour of sustainable development' and sets out what this means for decision taking.
- 3.6 The NPPF (2021) 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 |
| 38:                      | Decision-making                                      |
| 47-50:                   | Determining Applications                             |
| 110, 111, 112, 113:      | Promoting Sustainable Transport                      |
| 126, 130-132, 134:       | Achieving Well-Designed Places                       |
| 152, 154, 157, 167: 169: | Meeting the Challenge of Climate Change,             |
| 218, 219                 | Implementation                                       |

Other relevant documents include: -

Cannock Chase District Council (April 2016) Design Supplementary Planning Document.

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

Cannock Chase District Local Plan Preferred Options 9 February 2021)

#### **4. DETERMINING ISSUES**

4.1 The determining issues for the proposed development include: -

- a) Principle of development
- b) Design and character and appearance
- c) Residential amenity
- d) Highways Considerations
- e) Mineral safeguarding

#### **5. PRINCIPLE OF THE DEVELOPMENT**

5.1 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise, and regard must be had to National Planning Policy in the form of the NPPF. There is no made Neighbourhood Plan for the area in question.

5.2 Cannock Chase Local Plan Policy CP1 (Strategy) states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The policy suggests the Council should work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

5.3 Policy CP10 (Sustainable Transport) states that the Council will work with local transport bodies and developers to help develop and promote sustainable transport modes that provide realistic alternatives to the car, and

which help contribute to achieving national climate change targets and reduce air pollution.

- 5.4 Policy CP16 (Climate Change and Sustainable Resource Use) seeks to improve accessibility of services and sustainable transport networks which in turn will help contribute to improved energy efficiency, renewable and low carbon energy generation and higher levels of overall sustainable construction having regard to local opportunities.
- 5.5 The NPPF similarly advocates at Para 112 that applications for development should be designed to enable charging of plug-in and other ultralow emission vehicles in safe, accessible, and convenient locations. Para 152 suggests that the planning system should support the transition to a low carbon future, seeking to assist in radically reducing greenhouse gas emissions and supporting the use of renewable and low carbon energy.
- 5.6 Officers assess the Cannock Chase Local Plan positively supports the provision of renewable and low carbon developments having regard to Policies CP1, CP10 and CP16. This is consistent with the approach to decision taking advocated in NPPF para 152 and 112. Accordingly, it is assessed the development proposed would be acceptable in policy principle terms in that the application development would support the transition to a low carbon future by promoting use of alternative fuels by domestic drivers through the improved availability of charging infrastructure.

## **6. DESIGN AND CHARACTER AND APPEARANCE OF THE AREA**

- 6.1 The proposed development involves the repurposing of existing parking bays to serve as electric vehicle charging bays and the repositioning of the air/water fillin and Amazon parcel collection locker within the forecourt area. Additionally a new substation and cabinet would be provided in the rear corner of the site.
- 6.2 The changes proposed will have minimal effect on the street scene and visible character of the site. As such Officers are satisfied there would be no substantive change to the sites character and appearance. The proposals would therefore comply with Local Plan Policy CP3 design requirements.

## **7. RESIDENTIAL AMENITY**

- 7.1 Paragraph 130(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. Local Plan Policy CP3 contains a similar requirement that the "amenity enjoyed by existing properties" should be protected.

- 7.2 Concerns are raised by the neighbouring property that the provision of the electric charging bays would lead to noise and disturbance through car doors slamming (and similar) affecting the use of the existing residential property and garden.
- 7.3 Officers assess the use of the site as a 24h petrol filling station is well established. The proposals relate to the renewal of existing car parking spaces to form electric vehicle charging points. 1 No. EV point already exists on the site and Officers are not aware of any previous noise complaints in this regard. 2 No. more points are proposed within this submission creating a total of 3 EV points. The existing use of the filling station includes unrestricted use by cars and HGVs, which in conjunction with the existing A5 traffic would create a relatively high existing ambient noise environment. For HGVs in particular the fuelling pumps are closer to the property concerned than the proposed charging points. Environmental Protection were consulted on the application and raise no objections to the proposals overall. Officers assess there is no basis to consider the additional EV charging points would materially increase either the use of the site or noise emitted from the site above existing levels.
- 7.4 With regard to observations about noise from the substation, the applicant's have provided a letter from an appropriately qualified Acoustic consultant. This states that at the property (11m away) noise levels from the substation are likely to be 28dB(A) and within the garden 31dB(A). The report assess these levels are very low and very unlikely to cause nuisance or any negative impact on nearby residential properties. In discussions with the Council's Environmental Protection Officers, it was noted that the prevailing noise environment around the existing petrol filling station are likely to be substantially higher than the levels above. Accordingly in this regard Environmental Protection have confirmed they raise no objections on the basis of noise.
- 7.5 As such it is concluded that the proposal would not have a significant impact on the standard of residential amenity of neighbouring properties and therefore would be in accordance with Policy CP3 of the Cannock Chase Local Plan and Paragraph 130(f) of the NPPF.

## 8. HIGHWAYS CONSIDERATIONS

- 8.1 The proposals will result in the loss of 1 No. parking space from the application site accommodate the EV charging points. No other changes to the site access or egress will result from the proposals and the site will continue in the same manner it has been used. Staffordshire County Highways Authority raise no objections in relation to the loss of the space.

8.2 It is therefore concluded that the proposals would not result in unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe in line with Para 111 of the NPPF. For these reasons it is considered that the proposal is in accordance with Policy CP10 of the Cannock Chase Local Plan and paragraphs 110, 111, 112 and 113 of the National Planning Policy Framework.

## 9. MINERAL SAFEGUARDING

9.1 The site falls within a Mineral Safeguarding Area (MSAs) for superficial sand and gravel deposits. Paragraph 2010(c) 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.

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

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

9.3 Table 7 of Appendix 6 outlines "Exemptions Criteria for Mineral Safeguarding" and includes, amongst other things, safeguarding areas;

Applications that fall within the development boundary of urban areas and rural settlements identified in an adopted development plan document, other than:

- a) non- exempt applications that fall within the mineral consultation zones around mineral sites, mineral site allocations and mineral infrastructure sites; and,
- b) non- exempt applications that fall within the coal and fireclay

9.4 In this respect it is noted that the site is small in area and located within the main urban area of Cannock and as such is considered to constitute an exemption from Mineral Safeguarding Policy.

- 9.5 It is therefore concluded that the proposal is therefore acceptable in respect to mineral safeguarding and the requirements of paragraph 210(c) of the NPPF and Policy 3.2 of the Minerals Local Plan.

## 10. HUMAN RIGHTS ACT 1998 AND EQUALITY ACT 2010

### Human Rights Act 1998

- 10.1 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.

### Equality Act 2010

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

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

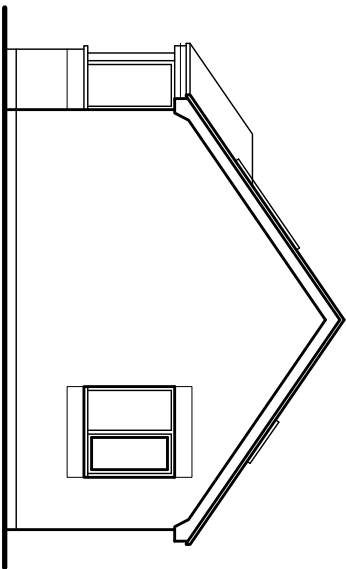
- (i) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;
- (ii) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (iii) Foster good relations between persons who share a relevant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

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

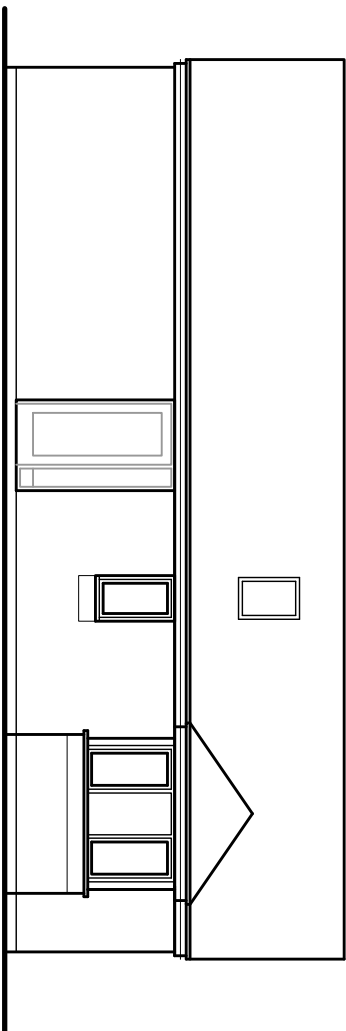
Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim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

## 11. CONCLUSION

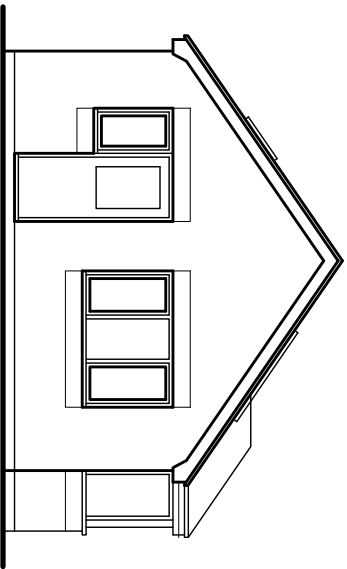
- 11.1 The application seeks to provide Electric Vehicle Charging Points and the required associated infrastructure to accompany them. It is assessed the application development would support the transition to a low carbon future by promoting use of alternative fuels by domestic drivers through the improved availability of charging infrastructure and would therefore be acceptable in principle.
- 11.2 The proposal represents a modernisation of the existing facilities on the site to meet changing motorists' and environmental needs. Whilst the concerns in relation to potential noise are noted, there is no obvious or substantive basis on which to consider the proposals would lead to significant adverse impacts on the adjacent residential property. There are no adverse highway impacts that result from the development and the development has a little effect on the character of the area. As such the development is considered to accord with Local Plan Policies CP1, CP3, CP10 and CP16 and is consistent with the approach to decision taking advocated in NPPF para 152 and 112.



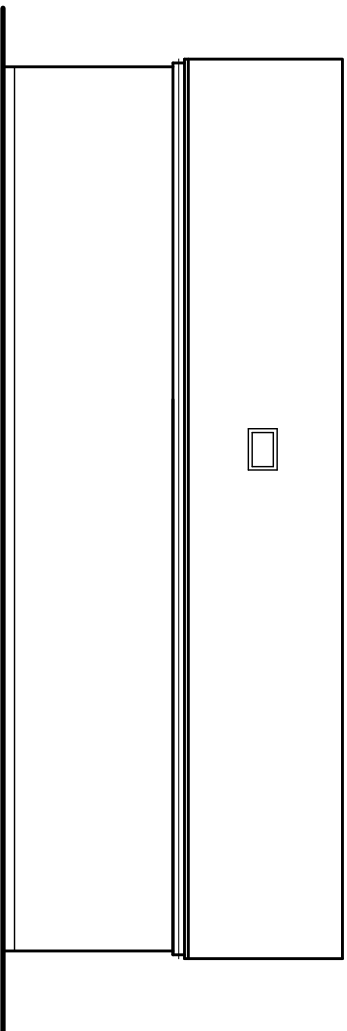
FRONT ELEVATION 1:100



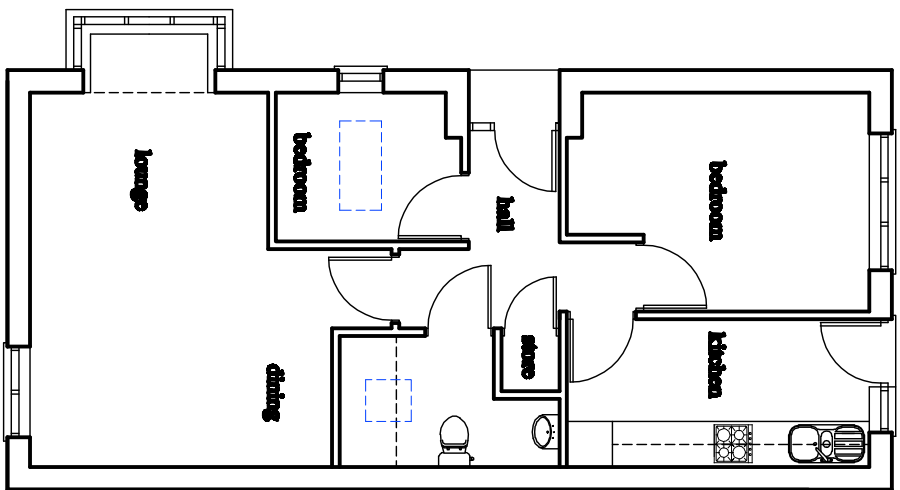
SIDE ELEVATION 1:100



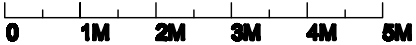
REAR ELEVATION 1:100



SIDE ELEVATION 1:100



GROUND FLOOR PLAN 1:100



### PLOT 5

**FACING MATERIALS**  
Roof tiling, facing brickwork  
+ white upvc windows, doors  
+ Velux rooflights  
all to LA approval

## floor plans + elevations 1:100

Plotted at A3

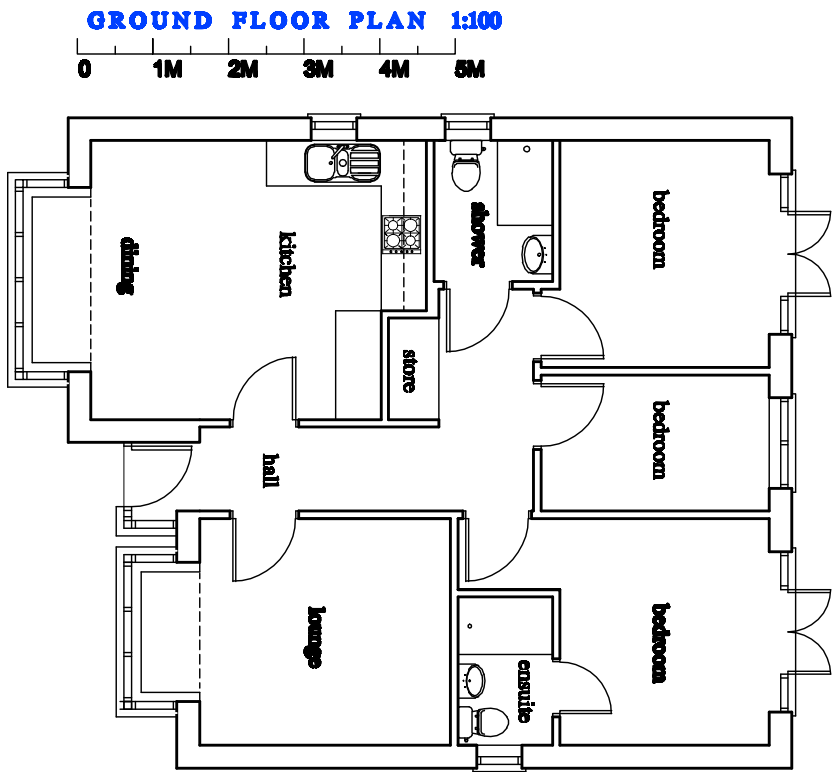
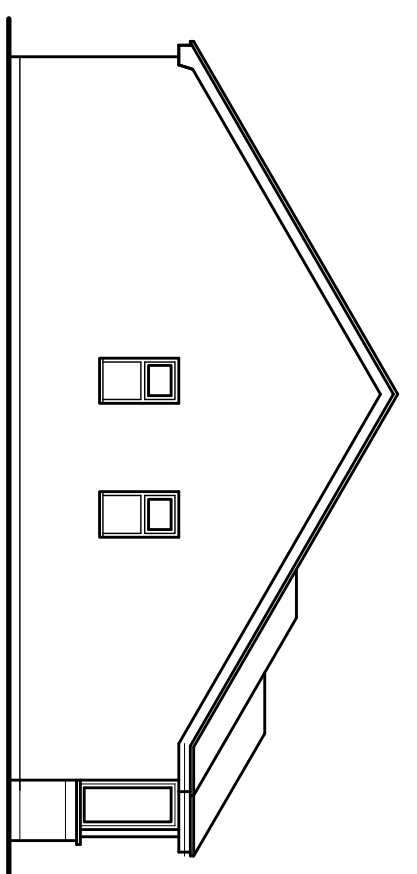
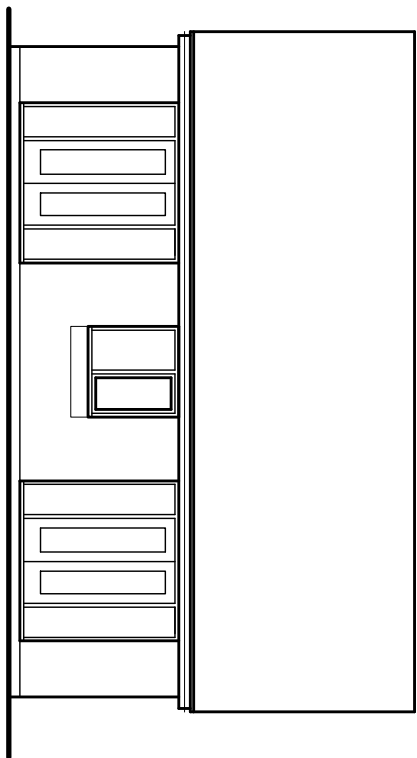
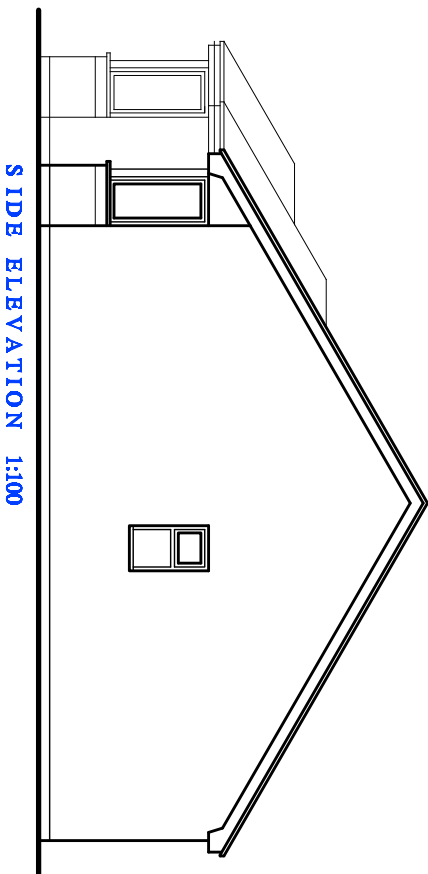
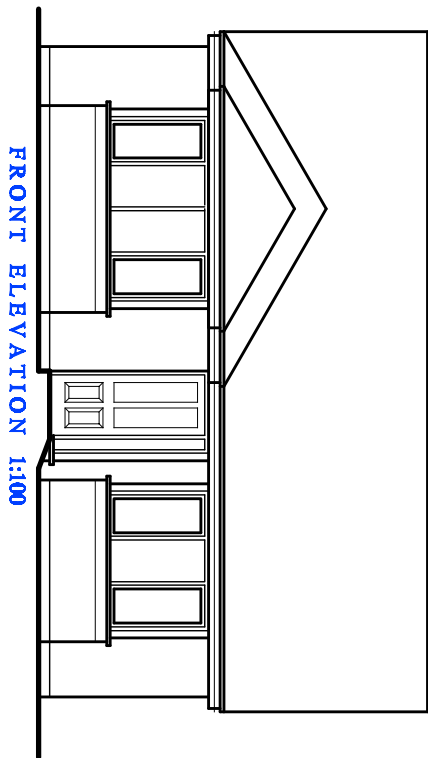
**JOHN REYNOLDS & ASSOCIATES**  
ARCHITECTURAL CONSULTANT  
3 Meadow Close  
Hednesford  
Cannock Staffs  
WS12 2PD  
Tele 077710 359905  
E mail johnreynoldsandassociates@gmail.com

REVISIONS

CLIENT  
**LAMM HOMES LTD**  
PROJECT  
**RESIDENTIAL DEVELOPMENT**  
ST SAVIOURS CHURCH  
High Mount Street  
Hednesford  
WS12 4BN

Sept 2021  
Dr no  
**2021-130:07**





0 1M 2M 3M 4M 5M

**PLOT 6**  
**FACING MATERIALS**  
 Roof tiling, facing brickwork  
 + white upvc windows, doors  
 + Velux rooflights  
 all to LA approval

**floor plans +  
 elevations 1:100**

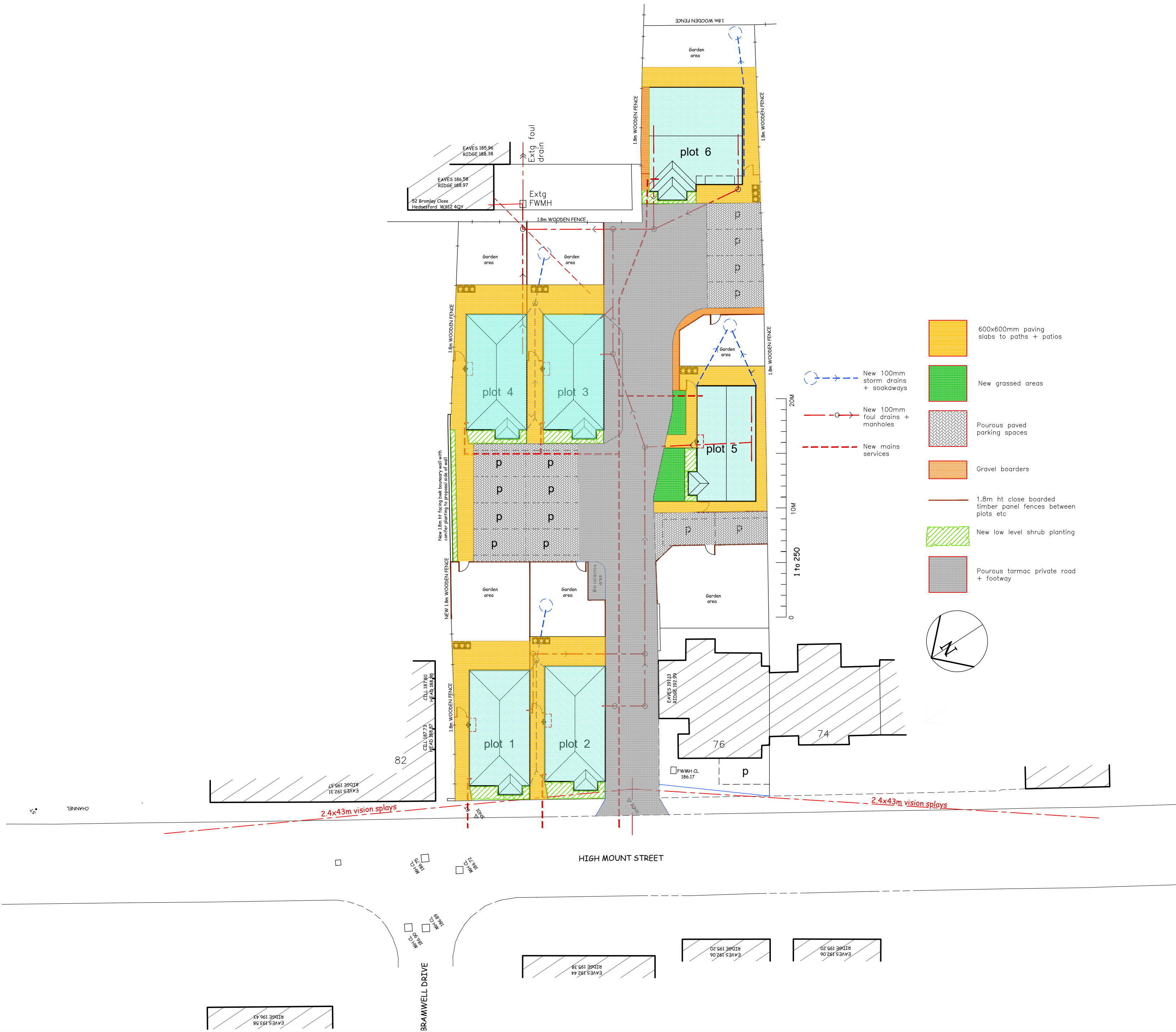
Plotted at A3

**JOHN REYNOLDS & ASSOCIATES ARCHITECTURAL CONSULTANT**  
 3 Meadow Close  
 Hednesford  
 Cannock Staffs  
 WS12 2PD  
 Tele 077710 359905  
 E mail johnreynoldsandassociates@gmail.com

REVISIONS

**CLIENT**  
**LAMM HOMES LTD**  
**PROJECT**  
**RESIDENTIAL DEVELOPMENT**  
 ST SAVIOURS CHURCH  
 High Mount Street  
 Hednesford  
 WS12 4BN

Sept 2021  
 Dr no  
**2021-130:08**



proposed site plan 1:250  
 Plotted at A2

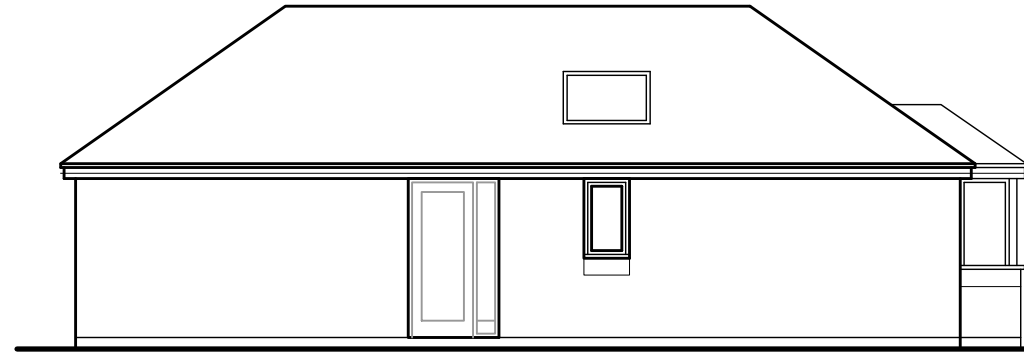
**REVISIONS**  
 REV B  
 Pitched roofs to plot 1 to 4 made into hipped roofs, brickwork boundary wall together with conifer planting added to end of parking spaces between plots 1 + 3 12.02.2022  
 REV A  
 General revisions 21.12.2021

JOHN REYNOLDS & ASSOCIATES  
 ARCHITECTURAL CONSULTANT  
 3 Meadway Close  
 Hednesford  
 Cannock Staffs  
 WS12 2PD  
 Tele 07710 359905  
 E-mail johnreynoldsandassociates@gmail.com

CLIENT LAMM HOMES LTD  
 PROJECT RESIDENTIAL DEVELOPMENT  
 ST SAVIOURS CHURCH  
 High Mount Street  
 Hednesford  
 WS12 4BN  
 Sept 2021  
 Dr no 2021:130:02B



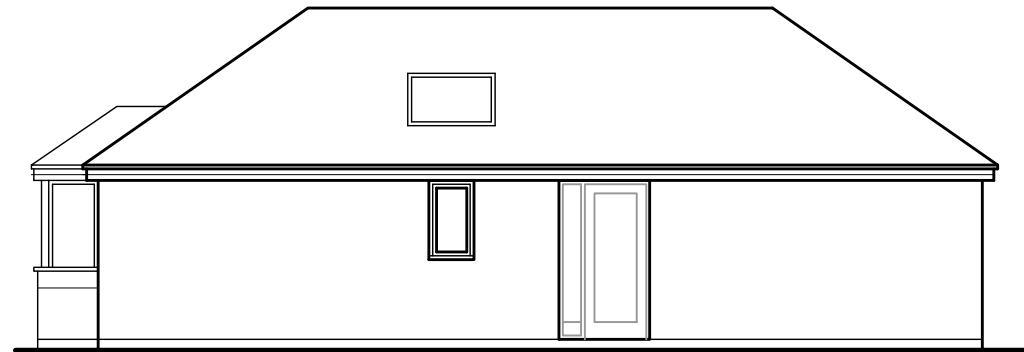
**FRONT ELEVATION 1:100**



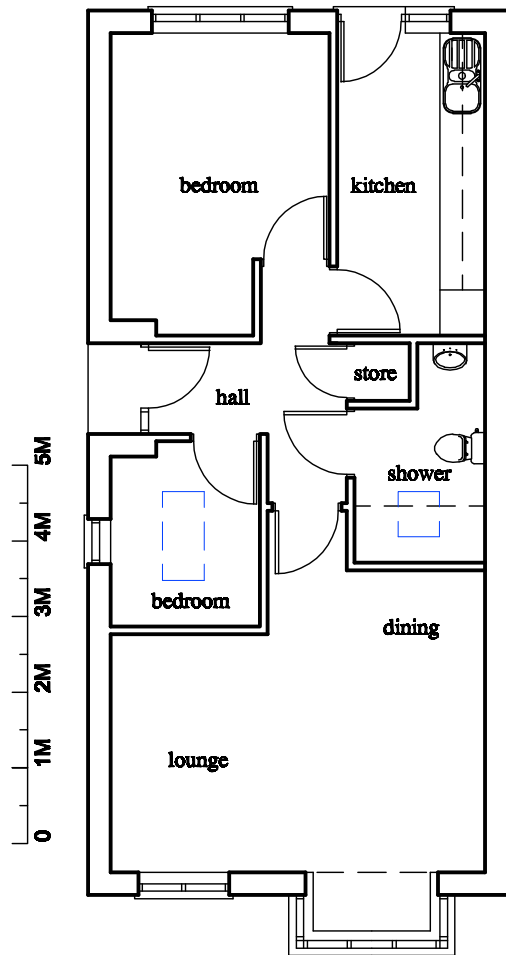
**SIDE ELEVATION 1:100**



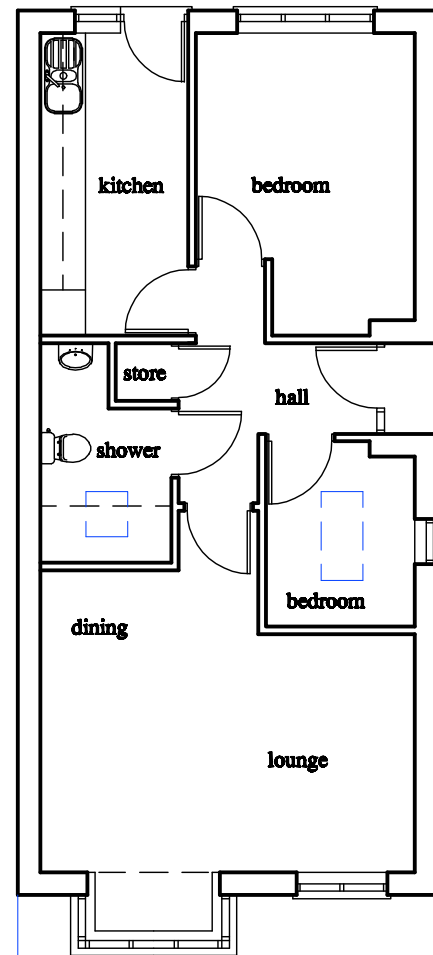
**REAR ELEVATION 1:100**



**SIDE ELEVATION 1:100**

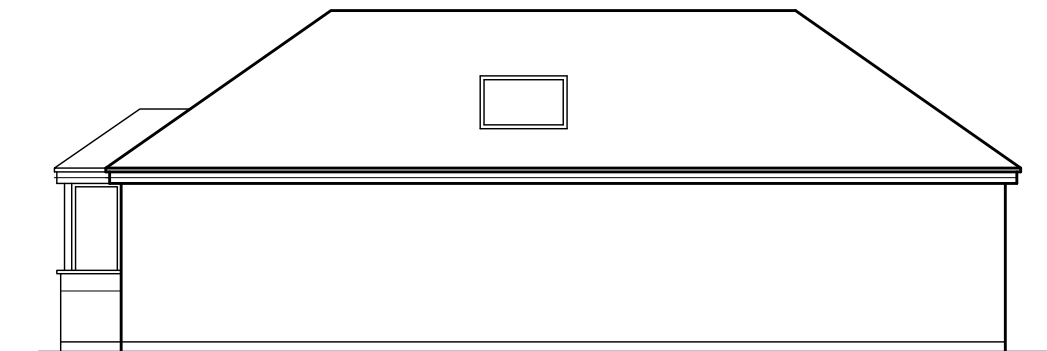


**plot 3**

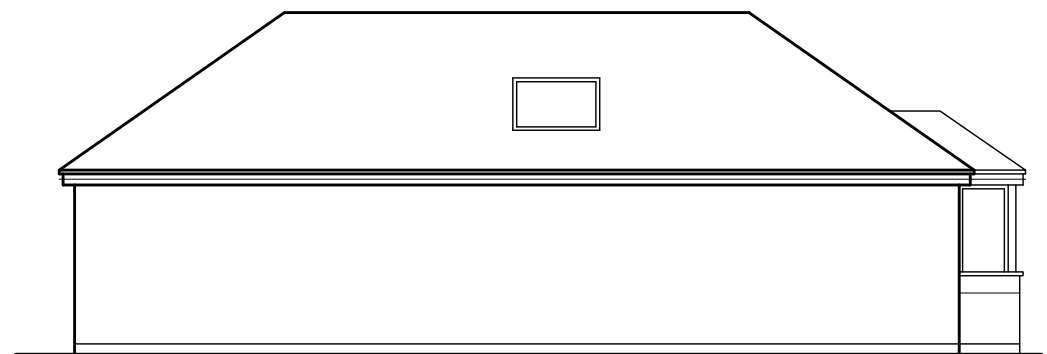


**plot 4**

5M  
4M  
3M  
2M  
1M  
0



**SIDE ELEVATION 1:100**



**SIDE ELEVATION 1:100**

**PLOTS  
3 + 4**

**FACING MATERIALS**  
Roof tiling, facing brickwork  
+ white upvc windows, doors  
+ Velux rooflights  
all to LA approval

**floor plans +**

**elevations 1:100**

Plotted at A3

**JOHN REYNOLDS & ASSOCIATES**  
ARCHITECTURAL CONSULTANT  
3 Meadway Close  
Hednesford  
Cannock Staffs  
WS12 2PD

Tele 07710 359905  
E mail johnreynoldsandassociates@gmail.com

REVISIONS  
REV A  
Roof made into hipped roofs 14.02.2022

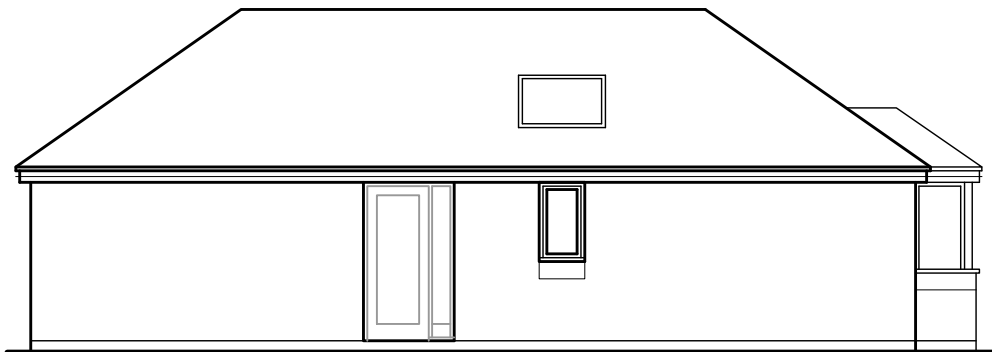
CLIENT  
**LAMM HOMES LTD**  
PROJECT  
**RESIDENTIAL DEVELOPMENT**  
ST SAVIOURS CHURCH  
High Mount Street  
Hednesford  
WS12 4BN

Sept 2021

Dr no  
**2021:130:06A**



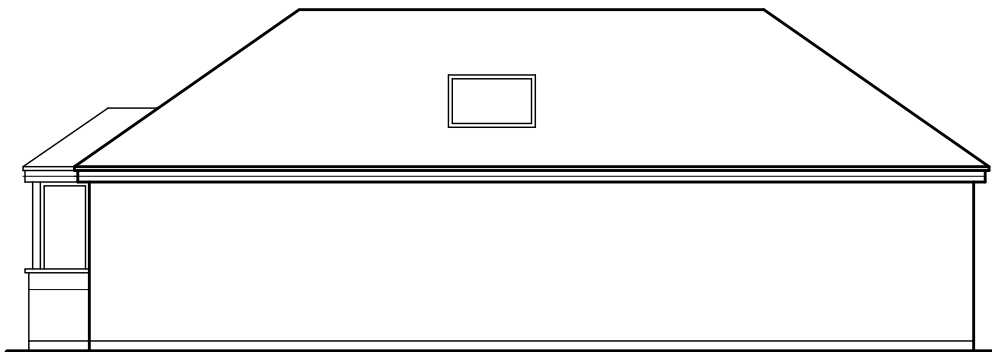
**FRONT ELEVATION 1:100**



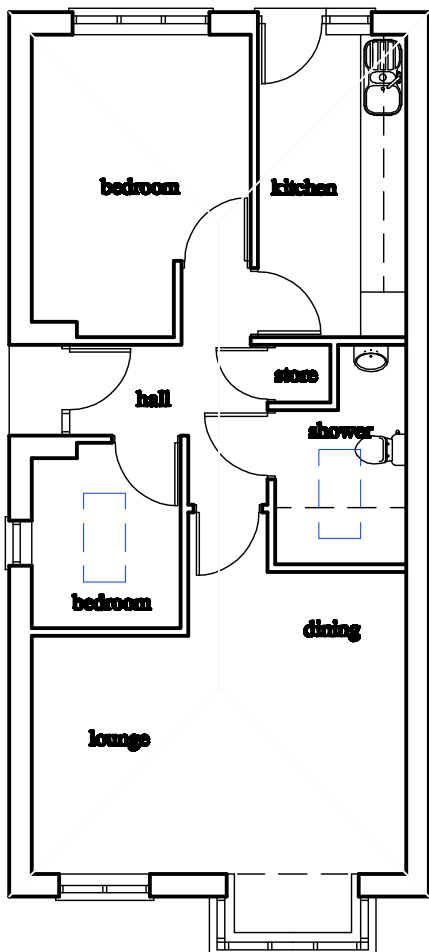
**SIDE ELEVATION 1:100**



**REAR ELEVATION 1:100**



**SIDE ELEVATION 1:100**



**GROUND FLOOR PLAN 1:100**

**PLOTS  
1 + 2**

**FACING MATERIALS**  
 Roof tiling, facing brickwork  
 + white upvc windows, doors  
 + Velux rooflights  
 all to LA approval

Plotted at A3 **JOHN  
 REYNOLDS &  
 ASSOCIATES**  
 ARCHITECTURAL  
 CONSULTANT

3 Meadway Close  
 Hednesford  
 Cannock Staffs  
 WS12 2PD

Tele 07710 359905

E mail  
[johnreynoldsand  
 associates@gmail.com](mailto:johnreynoldsandassociates@gmail.com)

CLIENT  
**LAMM HOMES LTD**

PROJECT  
**RESIDENTIAL  
 DEVELOPMENT**  
 ST SAVIOURS CHURCH  
 High Mount Street  
 Hednesford  
 WS12 4BN

Sept 2021

Dr no  
**2021:130:05A**

REVISIONS

REV A  
 Roof made into hipped  
 roofs 14.02.2022

**floor plan +  
 elevations 1:100**

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

<p><b>Planning Control Committee</b></p> <p><b>28<sup>th</sup> September 2022 2022</b></p>
--

<b>Application No:</b>	<b>CH/21/0404</b>
<b>Received:</b>	29-Sep-2021
<b>Location:</b>	St Saviours Church, High Mount Street, West Hill, Cannock, WS12 4BN
<b>Parish:</b>	Hednesford CP
<b>Ward:</b>	Hednesford North
<b>Description:</b>	Demolition of existing building and erection of 6 bungalows
<b>Application Type:</b>	Full Planning Application

**Recommendation:** Approve subject to conditions

**Reason(s) for Recommendation:**

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

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

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

Location Plan

2021:130:02B Proposed Site Plan

2021:130:05A Floor Plans & Elevations Plots 1 & 2

2021:130:06A Floor Plans & Elevation Plots 3 & 4

2021:130:07 Floor Plans & Elevations Plot 5

2021:130:08 Floor Plans & Elevations Plot 6

Tree Report Ref: THC/2021/08/13 AS 13th August 2021

Bat & Bird Assessment 16th August 2021

Reason

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

2. 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.

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

Reason

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

4. The development hereby approved shall not be commenced until:
  - i) A Ground Gas Remediation Statement with supporting justification shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Statement shall detail the exact manner in which any necessary mitigation works are to be carried out and provide justification as to why the level of mitigation measures proposed are deemed appropriate. The statement shall also include details of validation testing that will be carried out once works have been completed.



- ii) The development shall not be occupied until a validation report has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

#### Reason

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

- 5. If during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until either;

A site investigation has been designed and undertaken in accordance with details approved in writing by the Local Planning Authority, a risk assessment has been produced and a method statement detailing remediation requirements using the information obtained from the site investigation has been approved by the Local Planning Authority; or

If the above has been previously undertaken, the developer has submitted and obtained written approval from the Local Planning Authority for an addendum to the method statement detailing how this unsuspected contamination shall be dealt with.

#### Reason

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

- 6. No part of the development hereby approved shall be undertaken above ground level 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' and shall include an Arboricultural Method Statement.

Thereafter, 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.

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 erection or construction of a porch outside any external door of the dwelling;
  - The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;
  - The provision within the curtilage of the dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such;
  - The erection or provision within the curtilage of the dwellinghouse of a container for the storage of oil for domestic heating; or
  - The installation, alteration or replacement of a satellite antenna on the dwellinghouse or within the curtilage of the dwellinghouse.



## Reason

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

8. 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.

9. No dwelling hereby permitted shall be completed above ground floor level until a scheme for the provision of bat roosts has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall indicate the plots to be provided with bat roosts, which shall be either integrated into the roof or the house in question, and their height and location. Any dwelling shown to be host to such a bat roost shall be completed in accordance with the approved scheme.

## Reason

In the interests of enhancing bat breeding habitat in accordance with Policy CP12 of the Local Plan and paragraphs 170, 175, 177, 179 of the NPPF.

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

Thereafter, the development shall be implemented in accordance with the approved details before the development is first brought into use.

Reason:

This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

11. The development hereby permitted shall not be occupied until the vehicular access onto High Mount Street has been fully constructed in accordance with the approved plan.

Thereafter, the access shall be retained for the lifetime of the development.

Reason

In the interests of highway safety and the National Planning Policy Framework

12. The proposed car parking spaces and internal private access drive as shown on the approved plans shall be sustainably drained, hard surfaced in a bound material, and marked out prior to the first occupation of the site hereby permitted.

Thereafter these parking areas shall be retained in accordance with the approved plans for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of highway safety and the National Planning Policy Framework

13. The development hereby permitted shall not be brought into use until the visibility splays shown on the approved plans 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 interests of highway safety and the National Planning Policy Framework

14. The development hereby permitted shall not be occupied until details for secure, covered and safe cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the approved facilities shall be retained in perpetuity.

Reason

In the interests of highway safety and the National Planning Policy Framework

15. No development shall take place until details of the finished floor levels of the buildings (in relation to surrounding land) and any other changes to the levels of the land within the site have been submitted to and agreed in writing by the Local Planning Authority.

Thereafter, development shall be implemented in accordance with the agreed details.

Reason

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

16. Notwithstanding the approved details, prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

The statement shall have regard to relevant guidance; including but not limited to, Control of Dust and Emissions during Construction and Demolition, Guidance on Assessment and Monitoring of Dust from Demolition and Construction, and BS5288 with regard to noise management. The submitted statement shall provide:-

- Hours of working
- The parking of vehicles for site operatives and visitors,
- Routing and timing of delivery vehicles to and from the site,
- Measures to control the emission of dust and dirt during construction, including minimising the track-out of any material onto the public highway,

- Noise and vibration management procedures, including how complaints will be handled.

Thereafter, the approved statement shall be adhered to throughout the construction period (including demolition).

#### Reason

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

17. Notwithstanding the approved plans, the details for any lighting scheme proposed to the access and parking areas of the development shall first be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the approved lighting scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development.

#### Reason

The Local Planning Authority considers that such development would be likely to adversely affect the amenity of neighbouring occupiers. It is considered to be in the public interest to require such detail 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.

18. No plant or machinery shall be operated, no loading or unloading of vehicles and no movement of commercial vehicles to or from the site and no construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday - Friday, 08:00hrs to 13:00hrs on Saturdays. None of the above operations shall be carried out at any time on Sundays or Bank and Public Holidays.

#### Reason

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

### **Notes to the Developer:**

## 1 Severn Trent

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

## 2. Highway Authority

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

<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

## 3. Cadent

Cadent Gas own and operate the gas infrastructure within the area of your development. There may be legal interest in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)

Prior to carrying out works, including the construction of the access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

#### 4. Staffordshire County Rights of Way

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question.

It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

### **Consultations and Publicity**

#### **External Consultations**

##### Hednesford Town Council

No objection

Travel Management and Safety

No objection subject to condition

Severn Trent Water

No objection subject to condition

Cadent

No objection subject to informative.

Staffordshire Public Rights of Way Officer

The County Council's Definitive Map of Public Rights of Way shows that no rights of way cross the proposed application site.

ASC Ltd on behalf of the Local Planning Authority

In normal circumstances from a structural point of view there would be no reason why the church should not be converted to residential/office use. However we are unable to comment on costs of such a conversion.

Andrew Golland Associates Limited on behalf of the Local Planning Authority

I confirm that a scheme for the conversion of the building into residential accommodation together with the construction of two detached dwellings in the grounds would be unviable.

Inspire Heritage on behalf of the Local Planning Authority

Objection

The church is prominent in the street scene making a positive contribution to the street and wider area.

St Saviours Church provides a sense of place and contributes to local distinctiveness of the area, this would be lost if demolished and replaced as proposed. The scheme also fails to respond to the character and appearance of area due to the single storey

massing and form proposed. The proposal would cause a level of harm disproportionate to the significance of the building as a non-designated heritage asset. Due to the demolition of the building and its total loss this is categorized as being of substantial harm. As such the proposal conflicts with paragraphs 201 and 203 of Section 16 of the Framework.

The scheme would fail to comply with local plan policies Policy BE1 of the Hednesford Neighbourhood as the building is identified as for inclusion in the District Council's Local List. Plan and states There will be a presumption that the buildings listed in appendix 4 will be retained

### **Internal Consultations**

#### CIL Officer

The proposed development would be CIL liable.

#### EnvironmentalHealth

No objection subject to conditions

#### Planning Policy

No objection

#### Parks & Open Spaces

Objection

- o Land ownership query re Plot 6 and Certificate A.
- o Tree report insufficient and incomplete information as noted.
- o Fully detailed landscape scheme required inc both hard and soft landscaping.
- o Requirement for documents not supplied, such as planting being retained, proposed planting plans, detailed design for gardens & access for parking.

### **Response to Publicity**



The application has been advertised by site notice and neighbour letter. 6 letters of representation have been received. The comments are summarised below:-

- Occupiers within Bromely Close, have no current light or noise pollution
- Wildlife Impact from the proposal as there are currently no properties at the rear of Bromley Close and occupiers enjoy the wildlife and greenery
- The layout in the site plan shows a foul drain feed into current drain from 52 Bromley Close, where the main sewage will feed into? Any soakaway at the rear of proposed plot 6 could affect my property with possible flooding and or subsidence
- Value / re-sale would be impacted for existing properties
- Shame if the historical building is demolished to make way for a few bungalows
- Birds and bats on the site
- Potential overlooking and loss of light / privacy from the development as its on higher ground than some of the surrounding properties
- Already existing parking issues within the wider area. The internal layout would introduce vehicle movements within close proximity to neighbouring properties
- Dust and dirt that will be generated
- Asbestos present within the church
- Where will boiler plumes discharge
- Potential lighting of the access and private road may impact on neighbours
- New boundary treatments being 1.8m high would be higher than the existing and would impact on neighbours.
- Existing neighbours would be impacted if new dwelling owners construct sheds / extensions / outbuildings.
- Proposals are an invasion on personal space for existing residents,
- The applicant does not have permission to access No.52 Bromley Close to use the foul drain.
- Plans show new mains service that travels from the rear of proposed plot 3 into the rear garden area of 52 Bromley Close crossing the access to 54 Bromley close ; What is the new mains service ? as its not indicated on the drawing to what type of service it is , it seem to vanish under paving slabs of plot 3
- The soundness of the building its viability for other uses
- The building is of value to the local community

## Relevant Planning History

CH/12/0268	Two storey side and rear extension, and a single storey rear extension	Full - Approval with Conditions	10/16/2012
CH/88/096 03/23/1988	Proposed refurbishment of existing toilets	Full - Approval	
CH/91/0123 04/17/1991	Residential development (outline)	Outline-Approval With Conditions	

## 1 Site and Surroundings

- 1.1 The application site relates to a former church building and associated land sited in High Mount Street, Hednesford.
- 1.2 The application site was constructed in 1888 and comprises of a red brick building which sits behind a short overgrown frontage onto High Mount Street.
- 1.3 St Saviours Church is identified as a non-designated heritage asset and locally listed within the Hednesford Neighbourhood Plan. The building has been extended at the side and rear with somewhat unsympathetic two storey and single storey flat roofed extensions.
- 1.4 The application site benefits from a frontage of approx.. 19m which includes an existing access to the side of the building which provides access to the rear. A further 5m across the front of No.76 is also included in the application to provide for the visibility splay.
- 1.5 The site has a depth of 52 which extends back from the edge of the highway to the boundary with No. 52 Bromley Close. The site also extends back behind No. 76 for approx. 47m and incorporates land to the rear of 52 – 56 Bromley Close. The land is currently hard & soft landscaped which is overgrown.
- 1.6 The site slopes from High Mount Street to the south-eastern boundary where it joins the rear gardens on Bromley Close, a fall of approx.. 5m. Most of the site is enclosed with timber fencing.

- 1.7 The site also includes part of the rear garden of the existing dwelling 76 High Mount Street and a separate area of land to the rear of this property, both of which are within the ownership of the applicant.
- 1.8 The wider street scene is residential and contains a mix of two storey terraced houses dating from the late 19th/early 20th century, together with more recent infill development. The dwellings are mostly 2 storey houses however there are a number of bungalows within the area, including an infill site located to the south west of the application site, know as 'High Meadows Close'.
- 1.9 The site does not fall within any formal landscape designations or include any Tree Preservation Orders (TPO) but is within the forest of Mercia Community Forest boundary. The site is also located within a mineral safeguarding area and a Coal Authority designated low risk area.

## **2 Proposal**

- 2.1 The applicant is seeking consent for the demolition of existing building and erection of 6 bungalows.
- 2.2 The proposed dwellings comprise of two detached two bedroomed bungalows which would front High Mount Street in place of the existing building. A further three detached two bedroomed bungalows and one detached three bedroomed bungalow would be provided to the rear of the site.
- 2.3 The proposed bungalows would have footprints of between approx.. 52m<sup>2</sup> and 64m<sup>2</sup> and would be constructed to between 4.5m and 5m in height (2.4m to the eaves). The proposed bungalows would be constructed from facing brickwork and tile. The private amenity areas would be denoted by close board fencing and would comprise of approx.. 43m<sup>2</sup> and 63m<sup>2</sup>.
- 2.4 The access to the site would be in place of the existing access which would be widened to 5m and would run along the side of 76 High Mount Street. The access would narrow to 4.2 metres with a turning head at its eastern end providing access to 8 parking spaces.

- 2.5 The garden area to No.76 has been reduced in order to accommodate part of the wider site. The retained rear garden to this dwelling would measure 65m<sup>2</sup> and two parking spaces accessed from the private drive, would be provided to serve this existing dwelling.

### **3 Planning Policy**

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan Part 1 (2014), the Hednesford Neighbourhood (2017 – 2028) and the Minerals Local Plan for Staffordshire (2015 – 2030).
- 3.3 Relevant policies within the Local Plan include: -
- CP1 - Strategy – the Strategic Approach
  - CP3 - Chase Shaping – Design
  - CP6 – Housing Land
  - CP7 – Housing Choice
  - CP10 – Sustainable Transport
  - CP12 – Biodiversity and Geodiversity
  - CP14 – Landscape Character and Cannock Chase Area of Outstanding Natural Beauty
  - CP15 – Historic Environment
- 3.4 Relevant Policies within the Minerals Plan Include:
- Policy 3: - Safeguarding Minerals of Local and National Importance and Important Infrastructure

3.5 Relevant policies within the Hednesford Neighbourhood Plan include: -

Policy BE1 – There will be a presumption that the buildings listed in appendix 4 will be retained. When the original use of a building becomes redundant or unviable, a flexible approach will be taken to supporting changes of use, provided that the uses are compatible with the immediate surroundings and secure long term life of the building.

Policy H1 – The building of bungalows will be supported where it is viable either as a component of the dwelling types or, on appropriate small developments as the whole development.

3.6 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
64:	Affordable housing not required for non major applications
111:	Highway Safety and Capacity
126, 130, 132, 134:	Achieving Well-Designed Places
174, 180:	Biodiversity
194 – 208:	Proposals Affecting Heritage Assets
218, 219	Implementation

3.9 Other relevant documents include: -

- (i) Design Supplementary Planning Document, April 2016.

- (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
- (iii) Manual for Streets
- (iv) National Planning Policy Guidance (NPPG)

## 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
- vi) Drainage and flood risk
- vii) Mineral safeguarding
- viii) Waste and recycling facilities
- ix) Ground conditions and contamination
- x) Affordable housing
- xi) Other Issues raised

### 4.2 Principle of the Development

4.2.1 Both paragraph 11 of the NPPF (2021) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development.

4.2.2 The presumption in favour of sustainable development as set out in paragraph 11 of the NPPF states: -

'For decision taking this means:

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

4.2.3 The starting point of the assessment is therefore whether the proposal is in accordance with the development Plan and whether that plan is up to date. In that respect it is noted that Policy CP1 of the Local Plan states: -

“In Cannock Chase District the focus of investment and regeneration will be in existing settlements whilst conserving and enhancing the landscape of the AONB, Hednesford Hills, Green Belt and the green infrastructure of the District. The urban areas will accommodate most of the District’s new housing and employment development, distributed broadly in proportion to the existing scale of settlement.”

4.2.4 Other than the above general strategic approach there are no relevant policies within the Local Plan in respect to the approach to be taken with regard to the development of wind-fall sites. As such the proposal falls to be determined in accordance with the tests set out in subsection (d) (i) or (ii) of paragraph 11 of the NPPF show above.

4.2.5 With that in mind it is noted that the application site is not designated as Green Belt, AONB or as a SSSI or SAC; nor is it located with flood zones 2 or 3, with the exception that it does affect a locally listed heritage asset. This issue is assessed in the next section of this report.

4.2.6 The site is within a residential location in Hednesford and therefore is close to the schools and served by bus routes giving access by public transport. As such the

site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development. The site is not designated as a statutory or non- statutory site for nature conservation.

4.2.7 Given the above, the proposal is compatible with the surrounding land uses and is considered acceptable in principle subject to the proposal being acceptable in respect to its impact on the non-designated heritage asset. The proposal is also still required to meet the provisions within the development plan in respect to matters of detail.

#### 4.3 Impact to the Locally Listed heritage Asset

4.3.1 The application site is not nationally listed however it is listed within the Hednesford Neighbourhood Plan under Policy BE1. A locally listed building is of architectural or historic interest which makes a valuable contribution to the character of an area, but does not qualify for inclusion on the statutory list.

4.3.2 Policy BE1 identifies that there will be a presumption that the buildings listed in appendix 4 will be retained. Where the original use of a building becomes redundant or unviable, a flexible approach will be taken to supporting changes of use, provided that uses are compatible with the immediate surroundings and secure the long term life of the building.

4.3.3 Further guidance within Paragraph 203 of the NPPF identifies that the effect on the significance of a non-designated heritage asset should be taken into account when determining an application. This includes applications that directly or indirectly affect non-designated heritage assets. A balanced judgement must be reached with regard to the scale of any harm or loss caused and the significance of the heritage asset.

4.3.4 In this instance, St Saviours Church, comprises of a red brick church of traditional construction which is prominent in the street scene. The simple rectangular plan form, use of local red brick and clay tile roof covering contribute to the surviving historic and architectural interest of this vernacular building.

4.3.5 Architectural details include a large oculus window to the principal elevation, entrance porch with decorative brick arch, two pinnacles and bell tower to front façade and to the side and rear of the building are projecting brick columns separating the large arched windows. The building has been extended at the side



and rear with somewhat unsympathetic two storey and single storey flat roofed extensions. The rest of the land to the rear of the church is largely overgrown.

- 4.3.6 The application form identifies that the property has been vacant since 2017 and has been redundant in its use as a church. However, the demolition of the extant building would be contrary to the provisions of Policy BE1 of the Hednesford Neighbourhood Plan.
- 4.3.7 In this respect, the Conservation Officer states that the demolition of the heritage asset is of significant concern due to the high-quality architectural design of the building and its historic interest. Notwithstanding this, the building is a non-designated heritage asset and therefore in accordance with Paragraph 203 of the NPPF a balanced judgement must be reached with regard to the scale of any harm or loss caused and the significance of the heritage asset.
- 4.3.8 The Conservation Officer also references Policy BE2 of the Hednesford Neighbourhood Plan stating that the building makes a positive contribution to the character and appearance of the street scene and is noted within the neighborhood plan as *“an area of special local character”* forming part of Greenheath Road, Station Road and High Mount Street. However your officers confirm that this is designation is located approx.. 300m from St Saviours Church and focusses on Greenheath Road, West Hill Avenue and includes the south-western end of High Mount Street (West Hill Primary School) only. The Conservation Officer did opine however that where infill bungalows have been allowed these are minimal interventions.
- 4.3.9 The Conservation Officer raised concern regarding the loss of the building stating that the building while in need of attention is capable of conversion as noted with ASC design Limited report. The ASC report was carried out on behalf of the Planning Authority and whilst it did state that the building was capable of conversion, it also continued that the author was unable to comment on the costs of such a conversion.
- 4.3.10 In this respect the applicant has submitted a viability assessment with which to demonstrate that the conversion of the existing building into four apartments and the construction of land to the rear for two further dwellings would be economically unviable. In this respect the comments of the neighbours are noted in terms of the viability of the building and other uses. Following this, Your

Officers commissioned Andrew Golland to provide an independent assessment of the proposed development.

4.3.11 Andrew Golland concluded that:-

*“The Existing Use Value of the site relates to the value of the existing building and land. The land and building is best described as ‘community’. As such, it has little value, either on a comparative or investment basis. It may be possible to rent the church out for various community events but I can’t see that this would really be a commercial operation or exercise; and hence the land and buildings have little existing use value. The appraise shows a residual value of minus £137,000.”*

4.3.12 Given the above, It has been demonstrated that the conversion of the existing building would be economically unviable. This gives no incentive to bring forward the site for the retention of the existing building and its conversion into residential apartments.

4.3.13 It is noted that whilst the application site is listed within the Hednesford Neighbourhood Plan for retention, Hednesford Town Council have not objected to the demolition of the building.

4.3.14 Further, Hednesford Neighbourhood Plan Policy H1 identifies that the building of bungalows would be supported where it is viable either as a component of the dwelling types or, on appropriate small developments as a whole. The application site would re-use a sustainably located brownfield site and the provision of bungalows would add to the Councils Housing stock.

4.3.15 Given the above, whilst it is regrettable that a locally listed building would be lost, it has been demonstrated that its retention would be economically unviable and, the re-use of a brownfield site, within a sustainable urban location would add to the Councils housing stock and is not being objected to by the Town Council. It is therefore concluded that, on balance, the proposed development is acceptable in this respect.

4.4 Design and Impact on the character and appearance of the area

- 4.4.1 In this respect, it is noted that character assessment as per the Design SPD states that Hednesford is a small town at the foot of Hednesford Hills which is largely 20<sup>th</sup> century in character but with remnants of former industry / Victorian properties.
- 4.4.2 The street scene is characterized by two storey residential dwellings in the form of semi-detached and terraced dwellings. These are constructed in brick or have been rendered and many have low brick boundary walls or hedging to provide enclosure to the back of pavement. Many dwellings are built directly onto the back of pavement, and some boundary treatments have been removed to provide car parking. In-fill development is characteristic of High Mount Street and the wider location.
- 4.4.3 The layout plan demonstrates how the proposed dwellings would be accommodated within the site. The application proposal would construct two single storey dwellings set behind short frontages onto High Mount Street. These dwellings would be constructed in place of the existing building and whilst further forward within the site, would be of a reduced depth and height. The private gardens would be to the rear. The existing access into the site would be used for access to the four dwellings proposed to the rear. The four dwellings would be single storey with private amenity space to the rear or side. There would be two parking areas to the rear within the curtilage of the application site.
- 4.4.4 The street scene is already well varied in terms of designs, materials and periods of construction and in fill development is a characteristic of the wider location including High Meadows Close, Windsor Court and Mavis Road which are all examples similar development sites to the proposal comprising of between 3 and 5 bungalows accessed via a short private drive. As such, the proposed bungalows would reflect the design and appearance of the this location.
- 4.4.5 With the exception of the overgrown frontage there is little significant tree planting within the site. The applicant has however, provided a tree survey with which to inform the application for the few trees on and around the rear of the site. The tree report concluded that the tree stock in general is of low quality. The area behind both the church building and the house have not been managed for some time and consequently the area has become overgrown with invasive vegetation. The report concludes that the proposal can be achieved with no tree removal.

- 4.4.6 The comments of the Councils Landscape Officer are noted and details for a landscaping scheme to include an Arboricultural method Statement has been recommended.
- 4.4.7 Paragraph 131 of the NPPF stresses the importance trees make to the character and quality of urban environments and that opportunities are taken to incorporate trees into new development. In this instance, there is very little scope for any tree planting to be provided. It is noted that a hedgerow would be planted along part of the shared boundary with No. 83 and that there would be scope within the rear gardens of the individual plots for some further planting. In this respect, the comments of The Councils Landscape Officer are noted with regard to requiring details for the private rear gardens. However your Officers do not considered it reasonable to control what future occupiers of the plots plant within their private gardens.
- 4.4.8 In respect to the comments from the Councils Landscape Officer in terms of land ownership, the applicant has provided evidence within the submission that they have ownership of the site in its entirety.
- 4.4.9 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

#### 4.5 Impact on Residential Amenity

- 4.5.1 In this respect the nearest residential properties to the proposal are located to the immediate north, east and west of the site. The comments from the objectors are noted in relation to the potential for overlooking, impact on daylight and outlook and overbearing.
- 4.5.2 In respect to the property to the immediate north of the site, this is a two storey dwellings and the proposed dwellings (plots 1 & 2) would be sited adjacent the side of this property, separated by approx.. 3m. It is noted that there are windows in the side elevation of No.82, at ground floor level. It is understood that these windows comprise a secondary window to a lounge and a secondary window to a kitchen. The side facing windows are currently impeded by the position of the two

storey church building. Whilst the existing building is sited 6m from the side of this dwelling it is considered that the proposal for single storey dwellings constructed to a lower height and of a shorter depth than the existing building would improve the daylight and outlook from these windows for the adjacent occupiers.

4.5.3 The dwellings proposed to the rear of the site would be single storey and would be on lower ground than that of No.82. No. 82 has its parking and turning area to the immediate rear and the private rear garden adjacent this. The proposed parking area would be sited adjacent to the outdoor amenity of No.82 however the proposal incorporates a brick wall with planting in this location which would provide a screen for the proposed parking area. The proposed single storey dwelling (plot 4) would be constructed adjacent the parking area and would remain approx.21m. from the main dwelling of No.82. Notwithstanding, the single storey design of the dwelling and the intervening boundary treatments would ensure the existing occupiers are adequately screened.

4.5.4 With regard to the dwellings to the rear, Nos 52 to 56 Bromley Close would have a dwelling (plot 6) located adjacent their rear boundaries. Proposed plot 6 would be single storey and would be constructed 0.8m from the shared boundaries. The proposed dwelling would remain 14.4m from the rear elevation of No. 52. It is noted that Nos.54 and 56 benefit from a single storey rear extensions however the proposed dwelling would still remain over 12m from the rear elevation of these extensions. The Design SPD states that where a side elevation faces a rear elevation the distance retained should be no less than 10.7m for single storey structures in order to avoid any overbearing impact. As such, the proposed dwelling exceeds the required separation distance for space about dwellings.

4.5.4 Proposed plots 3 and 4 would be sited within the wider site and would be orientated with the rear elevations facing towards the side boundary of No.52 Bromley Close. The proposed dwellings would be separated from this neighbour by the rear gardens, a distance of 8.6m to the shared boundary, 9.6m to the side elevation of the two storey dwelling. This separation distance would represent a shortfall in the spatial separation distance set out within the Design SPD for 10.7m, which is to avoid any overbearing on existing properties. In this instance, it is noted that the proposed dwellings are single storey and the intervening boundary treatments would adequately screen the amenity space of No.52. It is also noted that the proposed dwellings would comply with the Councils Daylight Outlook Standard in respect to openings within the principal elevations of No.52. As such,

the proposed development would not be significantly overbearing on the occupiers of No. 52 Bromley Close.

- 4.5.5 In order to further protect the amenity of the adjacent occupier, a condition has been recommended for the permitted development rights to be removed from the new dwellings so they cannot extend without first seeking planning permission and a further condition recommended for the finished floor levels to be provided. Both recommended conditions would seek to protect the amenity of the adjacent occupiers.
- 4.5.6 An objector had noted that the proposed fencing at 1.8m would be higher than the existing situation and this could have a detrimental impact to the occupiers of adjoining dwellings. Your Officers confirm that the 1.8m high boundary treatments are typical of domestic boundary treatments and this could currently be changed to 2m without planning permission as this is the height permissible under Schedule 2, Part 2, Class A of the General Permitted Development Order (GPDO).
- 4.5.7 An objector has stated that houses within Bromley Close currently have no noise pollution. Your Officers confirm that the application is for residential dwellings and as such any noise generated from this use would be compatible with the surrounding development which comprises of residential properties.
- 4.5.8 Given the above, and subject to the recommended conditions, it is considered that the proposal would, on balance, not cause any significant detrimental impact upon amenity to the occupiers of the neighbouring units. The proposal is therefore considered acceptable in accordance with Local Plan Policy CP3 and the NPPF.

#### 4.6 Highway Implications

- 4.6.1 Paragraph 111 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. The objections from neighbours are noted in respect of existing parking issues.
- 4.6.2 There is an existing access into the site from High Mount Street which would be retained and used. This access is located immediately between the Church building and the side elevation with No.76 High Mount Street. The access would

be increased in width to 5m at its widest to allow for vehicles to pass. The access would extend into the site giving access to two parking areas and a turning head. There would be parking provided for 14 vehicles which would be allocated to the individual dwellings.

- 4.6.3 Staffordshire County Highway Authority was consulted on the application and raised no objections to the proposal in terms of highway safety, subject to the recommended conditions and the requirement to widen the existing dropped kerb.
- 4.6.4 The parking provision complies with the Councils Parking Standard SPD based on the scale of the dwellings proposed.
- 4.6.5 Given the above, it is concluded that, subject to the attached conditions the proposal would not lead to unacceptable impacts on highway safety and that the residual cumulative impacts on the road network would not be severe. As such the proposal would accord with the broad thrust of Policy CP10 of the Local Plan and Paragraph 111 of NPPF.

#### 4.7 Impact on Nature Conservation Interests

- 4.7.1 The comments of the neighbours are noted in terms of impact on wildlife however, the application site is not subject to any formal or informal nature conservation designation and is not known to support any species that are given special protection or which are of particular conservation interest. Furthermore, no substantial evidence has been presented to demonstrate that any such species or habitat exists on the site.
- 4.7.2 Notwithstanding this, the applicant has submitted a bat and bird survey with which to inform the application. This found that there was no evidence of bats using the building as a place of shelter and the emergence surveys have shown no bats emerging from the building. As such, the demolition of the building will not affect a place of shelter for bats. The demolition of the building will not affect nesting birds.
- 4.7.3 Given the above, the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.

- 4.7.4 In order to enhance the nature conservation opportunities for the site, a condition requiring the bat boxes be included in the construction of the dwellings as per the recommendations in the applicants Bat Survey.
- 4.7.5 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL.
- 4.7.6 Given the above it is considered that the proposal, would not have a significant adverse impact on nature conservation interests either on, or off, the site. With the recommendation to include a bat box, the proposal would provide opportunities to enhance nature conservation. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

#### 4.8 Drainage and Flood Risk

- 4.8.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps. The comments of the neighbours are noted in respect to instances of localised flooding and drainage. Policy in respect to drainage and flood risk is provided by 159-169 of the NPPF. Of particular note is paragraph 167 which states:

'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere'.

- 4.8.2 In this respect it is noted that the building and surrounding hardstanding already exist and is serviced by drainage. The proposal would not increase the area of buildings or hard standing occupying the site to such an extent that would generate significant additional run-off from the site.



4.8.3 Severn Trent was consulted on the application and raised no objection in terms of drainage or flooding issues. As such it is concluded that the proposal would be acceptable from a flood risk and drainage perspective.

#### 4.9 Mineral Safeguarding

4.9.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 209, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

4.9.2 The advice from Staffordshire County Council as the Mineral Planning Authority does not require consultation on the application as the site falls within the development boundary of an urban area and is not classified as a major application

4.9.3 As such, the proposal would not prejudice the aims of the Minerals Local Plan.

#### 4.10 Ground Conditions and Contamination

4.10.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application and it is advised that any risk can be managed by the attachment of an advisory note to any permission granted.

4.10.2 Paragraphs 183 – 185 of the NPPF seek to ensure new development is suitable for the proposed use taking into account ground conditions and any risks arising from land instability and contamination.

4.10.3 The Council Environmental Health Officer was consulted on the application and raised no objection to the proposal subject to conditions. As such, the proposal is considered to accord with the requirements of the NPPF and Policy CP16 of the Cannock Chase Local Plan, subject to the recommended conditions.

#### 4.11 Affordable Housing

4.11.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, paragraph 64 of the NPPF states that the 'provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)'.

4.11.3 As such, it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

4.12 Objections received not already covered above: -

4.12.1 An objector has raised concern regarding the potential for dust and dirt that will be generated. Your Officers confirm that a condition has been recommended for a Construction method Statement to be provided to the Local Planning Authority which will seek to control emission of dust and dirt during construction.

4.12.2 An objector has raised concerns regarding potential asbestos present within the church. Your Officers confirm that asbestos wasn't detected in either of the structural assessments carried out at the building.

4.12.3 An objector has queried where boiler plumes will be discharged. Your Officers confirm that this is not a material consideration of the determination of the application and would be control under the specific boiler flue regulations

4.12.4 An objector has raised concern regarding potential lighting of the access and private road and its impact on existing residents. Your Officers confirm that no lighting is identified on the submitted plans. A condition has however, been recommended for details of any future lighting scheme to be submitted for prior approval.

4.12.5 An objector has stated that the applicant does not have permission to access No.52 Bromley Close to use the foul drain. Your Officers confirm that the grant of planning permission does not grant permission for the applicant to access third party land. The applicant would need to seek further permission from the land owner to carry out any works separately.

4.12.6 An objector has queried a line marked on the Proposed Site Plan which he states seems to show new mains service that travels from the rear of proposed plot 3 into the rear garden area of 52 Bromley Close crossing the access to 54 Bromley close ; 1) What is the new mains service and 2) it seem to vanish under

paving slabs of plot 3. With regard to the first query, your Officers confirm that the line indicates the foul drains and manholes. With regard to the second part of the query, your Officers confirm that the line shown on the plan leading from No. 52 Bromley Close to the rear garden of proposed plot 3 denotes the 45° line.

- 4.12.7 An objector has stated that the proposal would impact upon property values. Your Officers confirm that this is not a material consideration for the determination of the planning application.

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

### **Human Rights Act 1998 and Equality Act 2010**

#### Human Rights Act 1998

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

#### Equality Act 2010

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

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

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

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

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

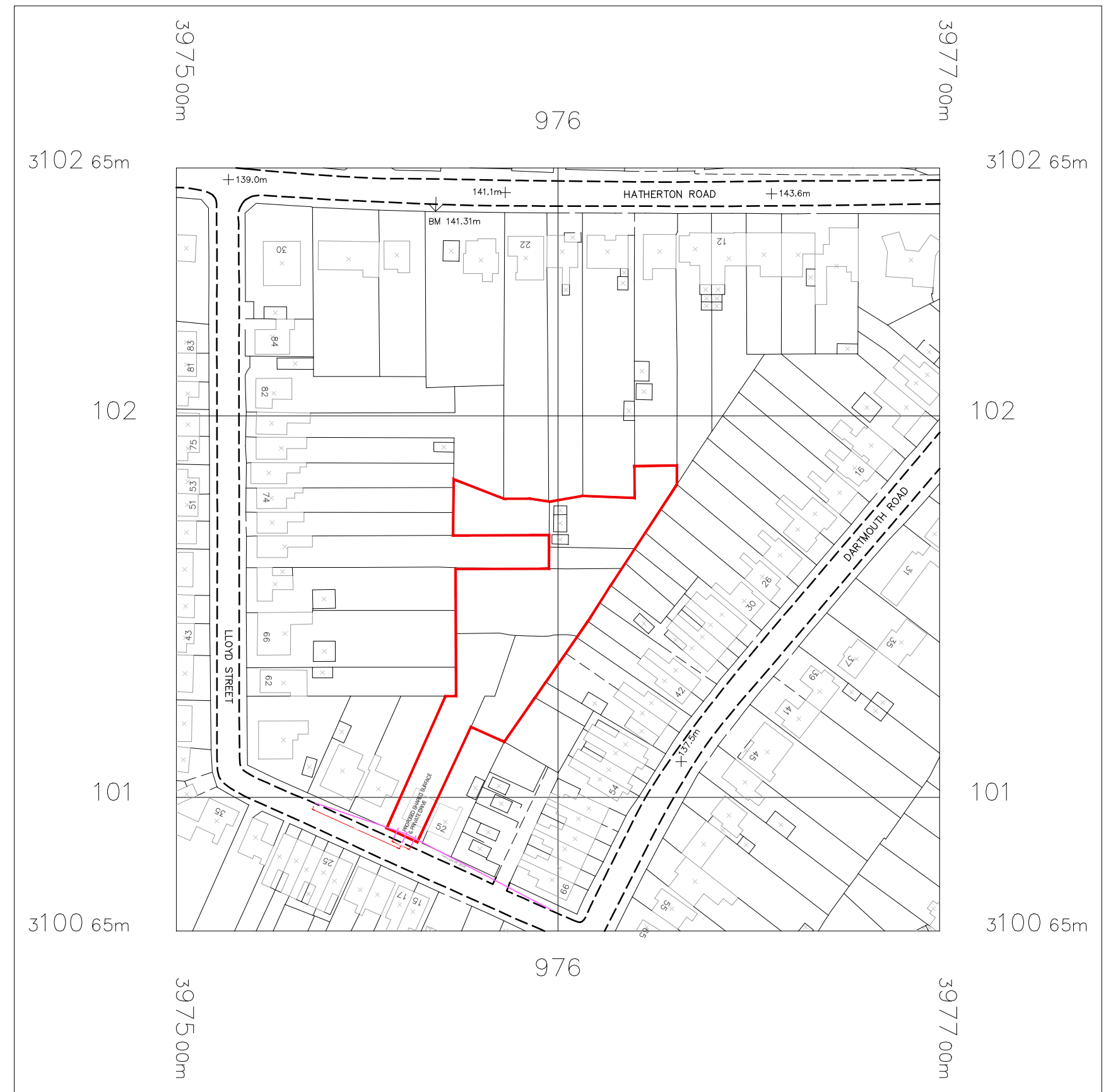
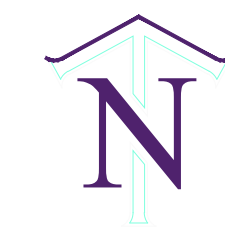
It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

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

## **6 Conclusion**

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

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



REV	Amendment	Date	Drn	Chk

Revisions:

**white ridge**  
 architecture  
 hilton hall hilton lane essington staffordshire WV11 2BQ  
 telephone : 01902 728866  
 w : whiteridgearchitecture.co.uk  
 e : info@whiteridgearchitecture.co.uk

Client:

**Welcome**  
 homes

Site:  
**Proposed Development at Lloyd Street, Cannock**

Title:  
**Location Plan**

Scale:  
**1:1250 @ A2**

Drw No.:  
**Lloyd Street/Location Plan**

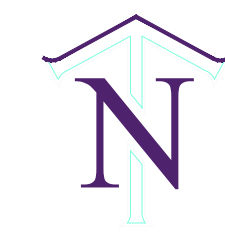
DWG File Ref:  
 DRAWN:MLR

Date:  
**06/09/21**

Rev:  
 -

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

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



REV B	RED EDGE CLARIFIED ON NORTHERN BOUNDARY	25-08-22		
REV A	VISIBILITY UPDATED	11-08-22		
Rev	Amendment	Date	Drn	Chk

Revisions:



**white ridge**  
architecture

hilton hall hilton lane essington staffordshire WV11 2BQ  
telephone : 01902 728866  
w : whiteridgearchitecture.co.uk  
e : info@whiteridgearchitecture.co.uk

Client:



Welcome  
homes

Site:  
**Proposed Development at Lloyd Street, Cannock**

Title:  
**Block Plan**

Scale:  
**1:500 @ A2**

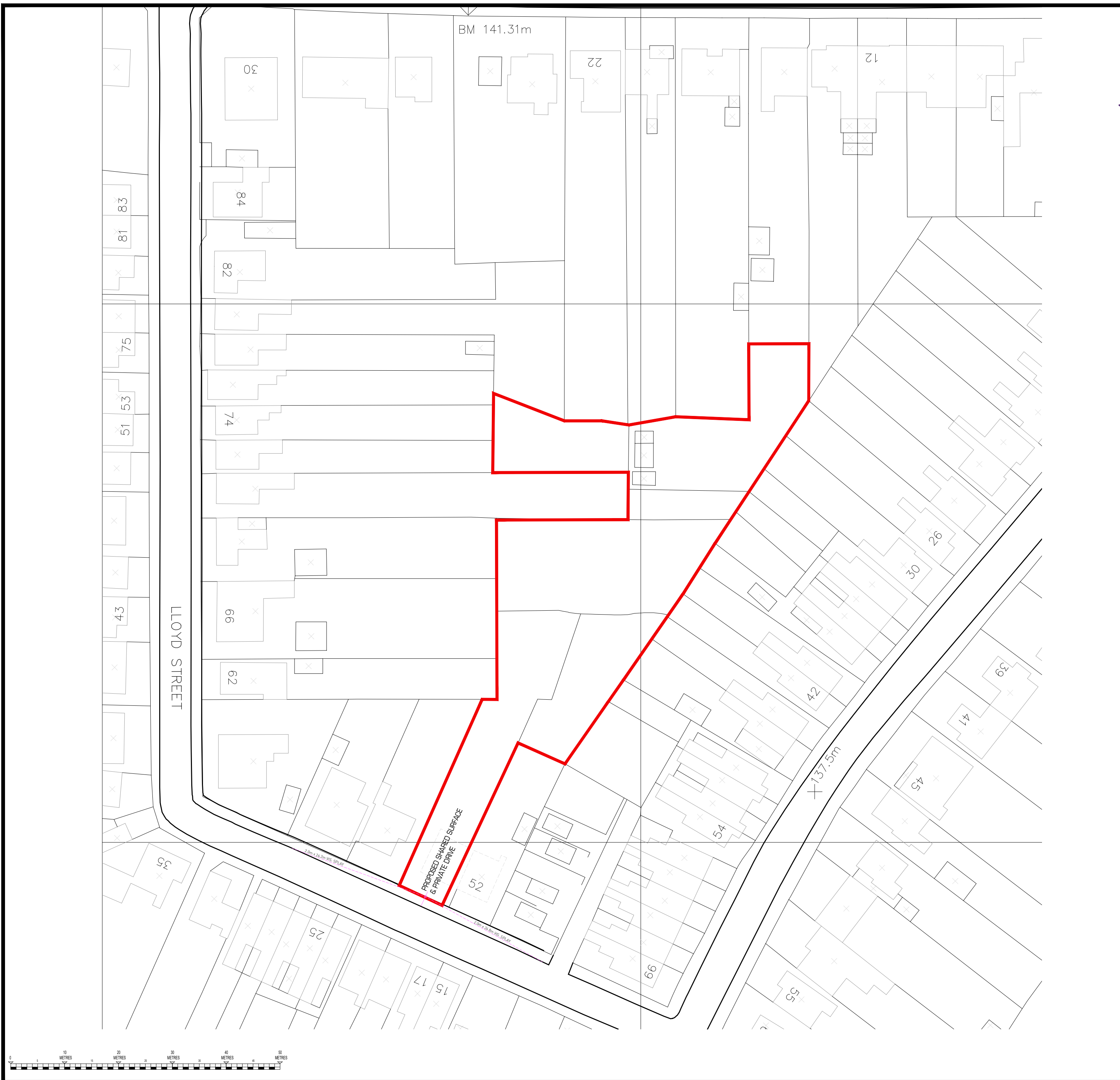
Drg No.:  
**Lloyd Street/Block Plan/01**

DWG File Ref:  
DRAWN:MLR

Date:  
**06/09/21**

Rev:  
**B**

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



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

**Planning Control Committee**

**28<sup>th</sup> September 2022**

<b>Application No:</b>	CH/22/0237
<b>Received:</b>	04-Jul-2022
<b>Location:</b>	54 Lloyd Street, Cannock, Staffordshire WS11 1HE
<b>Parish:</b>	Non Parish
<b>Ward:</b>	Cannock West
<b>Description:</b>	Outline application - access only - for the residential development of land to the rear of 54 Lloyd Street (including demolition of No.54)
<b>Application Type:</b>	Outline Planning Application

**Recommendation:** Approve subject to conditions

**Reason(s) for Recommendation:**

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

**Conditions (and Reasons for Conditions)**

1. This permission relates to the following plans:

Location plan

Lloyd Street / Block Plan / 01 B

Ecological Appraisal Ref.Floyd0822\_PEA dated August 2022

Transport Assessment prepared by Capricorn Transport Planning dated Feb 2022.

Reason

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

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

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

Reason

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

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

Reason

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

4. In the case of any reserved matters application for approval, the development shall be for no more than 5 dwellings.



Reason

To safeguard the amenities of adjoining residents and to be compatible in character with adjoining development and to ensure compliance with Local Plan Policies CP3 - Chase Shaping Design.

5. The design of the dwelling shall be single storey with all accommodation at ground floor level.

Reason

To safeguard the amenities of adjoining residents and to be compatible in character with adjoining development and to ensure compliance with Local Plan Policies CP3 - Chase Shaping Design.

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

Thereafter, the scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason:

This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

7. The development hereby permitted shall not be brought into use until the access has been provided in a bound and porous material in accordance with 'Site Access – Visibility Splays' Drawing No. DR001 Revision A and shall thereafter be retained for the lifetime of the development.

Reason

In the interests of highway safety and to ensure compliance with the NPPF and the Staffordshire County Council Residential Design Guide.

8. The development hereby permitted shall not be brought into use until the visibility splays shown on the approved plan have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

Reason

In the interests of highway safety and to ensure compliance with the NPPF and the Staffordshire County Council Residential Design Guide.

9. Prior to the vehicular access crossing being widened the telegraph pole shall be repositioned clear of the visibility splay.

Reason

In the interests of highway safety and to ensure compliance with the NPPF and the Staffordshire County Council Residential Design Guide.

10. No development shall take place including any works of demolition, until a Highways Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority.

The approved Statement shall be adhered to throughout the construction period.

The statement shall provide for :-

- A site compound with associated temporary buildings
- The parking of vehicles of site operatives and visitors
- Times of deliveries including details of loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel wash facilities

Reason

In the interests of highway safety and to ensure compliance with the NPPF and the Staffordshire County Council Residential Design Guide.

11. Notwithstanding the proposed use of a private bin collection company, details for a bin store to the rear of the highway shall be submitted to and approved in writing prior to the commencement of the development hereby approved.

The approved binstore shall thereafter be provided for and retained for those purposes for the lifetime of the development.

#### Reason

This is to ensure that the development is provided with a satisfactory means of refuse storage and collection.

#### Notes to the Developer:

1 Environmental Health

The demolition of the existing building should be undertaken under the usual controlled provisions afforded by The Building Act 1984 with the appropriate specialist attention being paid should the construction of same incorporate any asbestos containing materials.

2. Coal Authority

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

3. Highway Authority

The applicant shall approach British Telecom for a quotation to undertake the repositioning replacement of the telegraph pole. The whole cost is to be borne by the applicant/ developer.

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

<https://www.staffordshire.gov.uk/Highways/licences/Vehicleaccess/VehicleAccessCrossings.aspx>

#### 4. Severn Trent

Severn Trent Water advise that there is a public 150mm combined sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

5. Fire Safety Officer

The applicant is requested to familiarise themselves with the comments from the Fire Safety Officer.

<b>Consultations and Publicity</b>
------------------------------------

**External Consultations**

Fire Safety

No objection subject to informative

Natural England

No objection subject to appropriate mitigation

Severn Trent Water Ltd

No objection subject to condition and informative

**Internal Consultations**

Landscape Officer

No objection to the principle of residential development.

Environmental Health

No objection subject to informative.

**Response to Publicity**

The application has been advertised by site notice and neighbour letter. 29 letters of representation have been received. The representations are summarised below:-

- Adequacy of parking/loading/turning - Lloyd Street already has a parking problem. The street is narrow. Lloyd Street has a lot of on street parking due to terrace houses and second vehicles in the household, where residents park on the curb either side to allow a single flow through.
- Bin collections are tricky for the drivers to get through already without added material deliveries and disruption the development would bring.
- The left turning into Lloyd Street from Dartmouth Road is precarious. As there is parking all along Lloyd Street outside of houses.
- I understand a traffic speed survey was done in January. This is a small portion of traffic at a quiet time.
- Concerned about the amount of noise the access road will create.
- The angle to turn right into the new proposed access will be a sharp left turn which is just after a bend. The bend already causes hazardous driving conditions negotiating vehicles parked on the roads and kerbs.
- Cannock is becoming increasingly busy at peak times with queuing traffic on Dartmouth and Hatherton Road leading to Cannock Town. This creates more traffic cutting through Lloyd Street and problems turning on to Dartmouth. I believe that the proposed development will cause additional problems to the current ones.
- The CCDC Environmental officers report states that any development would need to show an increase in biodiversity/habitat value above the existing level. It is difficult to see how this would be achieved. How will this wildlife be protected.
- There are numerous mature trees on the boundary of the proposed development. I believe therefore it would be impossible for the development to have a positive effect.
- The proposed development could be an eyesore for existing occupiers.

- We should be protecting areas of green space for mental health reasons.
- The applicants Transport Statement includes the findings of a traffic flow study. However, our initial comments are that this study was conducted at a time of exceptionally high cases of Covid-19. Therefore, at the time of the study there were exceptionally high numbers of pupils absent from the local schools and people working from home. Consequently, we do not believe that this Transport Statement can be considered to reflect the “usual” traffic flows that the residents of Lloyd Street experience and consequently should be re-done.
- Loss of privacy to existing residents

### Relevant Planning History

CH/21/0439 Residential Development - Outline application for access only. Refused for the following reason:-

*Notwithstanding the detail provided on the submitted plans, the application has not adequately demonstrated suitable visibility splays from the access onto Lloyd Street in accordance with current National Guidance (Manual for Streets).*

*The application has provided no information with which to inform the application in terms of the quantum of the proposed development and therefore it has not been possible for the Local Planning Authority to make an appropriate and full assessment of the highway impacts.*

*As such, the proposal is contrary to the objectives and policies contained within paragraph 111 of the National Planning Policy Framework and Policy CP10 of the Cannock Chase Local Plan.*

*Although the dwellings would make a very modest contribution to the housing supply and the local economy these factors would be clearly outweighed by the harm to highway safety.*

## **1 Site and Surroundings**

- 1.1 The application site comprises of an area of land to the rear of dwellings within Hatherton Road, Dartmouth Road and Lloyd Street.
- 1.2 The site is of an irregular triangular shape and covers an area of approx. 2425m<sup>2</sup>. The site is bound by the boundary treatments of the surrounding properties. There are trees and shrubs within and around the site however none of these are protected.
- 1.3 The application site is accessed via 54 Lloyd Street.
- 1.4 The site is in part unallocated and undesignated in the Cannock Chase Local Plan (Part 1). The application site is also located within a Low Risk Development Boundary as defined by the Coal Authority and a Mineral Safeguarding Area.

## **2 Proposal**

- 2.1 The applicant is seeking outline consent with some matters reserved.
- 2.2 Access from Lloyd Street has been included within the application. No. 54 itself would be demolished to make way for the proposed entrance.
- 2.3 All other matters are reserved however, the applicant has stated that the proposed development would be for no more than 5 single storey dwellings.
- 2.4 The applicant has provided a Traffic Assessment with which to inform the application.

## **3 Planning Policy**

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



3.2 The Development Plan currently comprises the Cannock Chase Local Plan Part 1 (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030).

3.3 Relevant policies within the Local Plan include: -

CP1 - Strategy – the Strategic Approach

CP2 – Developer Contributions

CP3 - Chase Shaping – Design

CP6 – Housing Land

CP7 – Housing Choice

CP10 - Sustainable Travel

CP12 – Biodiversity and Geodiversity

CP13 – Cannock Chase SAC

CP16 – Climate Change

3.4 Relevant Policies within the Minerals Plan Include:

Policy 3: - Safeguarding Minerals of Local and National Importance and Important Infrastructure

3.5 Relevant Policies within the NPPF include:-

8: Three dimensions of Sustainable Development

11-14: The Presumption in favour of Sustainable Development

47-50: Determining Applications

64: Affordable housing not required for non major applications

111: Highway Safety and Capacity

126, 130, 132, 134: Achieving Well-Designed Places

174, 180: Biodiversity

183-185 Ground Conditions and Pollution

218, 219 Implementation

3.6 Other relevant documents include: -

- (i) Design Supplementary Planning Document, April 2016.
- (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
- (iii) 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
- vi) Drainage and flood risk
- vii) Mineral safeguarding
- viii) Waste and recycling facilities
- ix) Ground conditions and contamination
- x) Affordable housing

### 4.2 Principle of the Development

4.2.1 Both paragraph 11 of the NPPF (2021) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development.

4.2.2 The presumption in favour of sustainable development as set out in paragraph 11 of the NPPF states: -

'For decision taking this means:

- c) approving development proposals that accord with an up to date development plan without delay.

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless
  - (i) policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusing the development proposed; or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.'

4.2.3 The starting point of the assessment is therefore whether the proposal is in accordance with the development Plan and whether that plan is up to date. In that respect it is noted that Policy CP1 of the Local Plan states: -

“In Cannock Chase District the focus of investment and regeneration will be in existing settlements whilst conserving and enhancing the landscape of the AONB, Hednesford Hills, Green Belt and the green infrastructure of the District. The urban areas will accommodate most of the District’s new housing and employment development, distributed broadly in proportion to the existing scale of settlement.”

4.2.4 Other than the above general strategic approach there are no relevant policies within the Local Plan in respect to the approach to be taken with regard to the development of wind-fall sites. As such the proposal falls to be determined in accordance with the tests set out in subsection (d) (i) or (ii) of paragraph 11 of the NPPF show above.

4.2.5 With that in mind it is noted that the application site is not designated as Green Belt, AONB or as a SSSI or SAC, nor does it contain a listed building or conservation area or affect the setting of a designated heritage asset; nor is it located with flood zones 2 or 3.

4.2.6 The NPPF at para 120 identifies factors which planning policies and decisions should ensure that developments encourage. Of particular relevance to this proposal are, paragraph

d) promote and support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

4.2.7 In the case of residential proposals, regard will also be paid to the findings of the Strategic Housing Land Availability Assessment. Where a shortfall in the five-year housing supply is apparent then the presumption should be in favour of residential development, unless the economic evidence is strong and compelling. The SHLAA (2022) has confirmed The Council currently has a 5 year land supply.

4.2.8 In respect to the location of the site it is within a predominantly residential location within close proximity to the district centre, close to the schools and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development. The site is not located within either Flood Zone 2 or 3 and it is not designated as a statutory or non- statutory site for nature conservation nor is it located within a Conservation Area (CA) nor does it affect the setting of a designated or undesignated heritage asset. Given the above the proposal would be acceptable in principle.

4.2.9 However, proposals that are acceptable in principle are still subject to all other policy tests. This report will now go on to consider the proposal in the light of these policy tests.

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

4.3.1 The site is within the South and West Cannock Character Area, the character of which is described in Appendix A of the Design SPD. Key Local Design Principles (amongst others) are that :-

The spacious nature of lower density areas has led to pressure for intensification of development, particularly on the larger plots with impacts

on/loss of mature trees and shading effects on new development itself. Whilst such development can have benefits by increasing the housing stock and making efficient use of land, it can also affect local character, amenity and privacy unless development is designed to be sympathetic to the main features which make these areas unique.

- 4.3.2 The application site comprises of an irregular shape set to the rear of residential dwellings. The proposed access would be gained from Lloyd Street and would extend into the site along the gardens of Nos. 52 & 56 Lloyd Street, stretching some 32m before opening up into the wider site.
- 4.3.3 The land that forms the application site appears to be fenced off from the majority of the private gardens associated with the surrounding houses. The existing character comprises of a variety of dwelling types however most benefit from long rear gardens divided by fencing and interspersed with trees and shrubs.
- 4.3.4 Whilst dwellings within this location vary in terms of their design detailing, the character of the area is derived from the uniformity of their layout providing continuity and enclosure to the surrounding streets, which provide a well defined distinction between public and private space.
- 4.3.5 There are trees within and around the site. Paragraph 131 of the NPPF stresses the importance trees make to the character and quality of urban environments and that opportunities are taken to incorporate trees into new development. Notwithstanding this, there are no protected trees within or around the site and any proposed development should seek to enhance its setting with the addition of new planting.
- 4.3.6 No indicative layout has been provided and no scale or quantum of development proposed. However, given the above, residential development within this location could create an anomaly in the established urban grain of the existing area. Notwithstanding this, it is noted that a low scale form of development may reduce the impact on the character and form in this location. However, this would need to be assessed with the submission of full plans at the Reserved Matters stage subject to the grant of outline approval.

#### 4.4 Impact on Residential Amenity

- 4.4.1 In this respect the comments of the objectors are noted in terms of potential siting of dwellings, scale, overlooking and noise. It is noted that the applicant has confirmed the future development would comprise of no more than 5 single storey dwellings. No indicative plans have been submitted with which to demonstrate how residential development could be accommodated within the site.
- 4.4.2 Notwithstanding, a residential scheme could come forward that would have a minimal impact on the existing properties. Given the above, the proposed residential development could be located on the site without any significant adverse impact to residential amenity and would be fully assessed at Reserved Matter stage subject to approval of this outline application.
- 4.4.3 The potential noise generated as a consequence of the proposed development and the access would be of a residential nature and therefore be compatible with the residential uses of the surrounding properties. As such, the proposal would not result in a significant detrimental impact on the occupiers of the existing dwellings.

#### 4.5 Impact on Highway Safety

- 4.5.1 Paragraph 111 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. The objections from the neighbouring occupiers are noted in respect of highway safety, existing parking issues and the proposed access.

- 4.5.2 It is noted that the previous application was refused for the following reason:-

“Notwithstanding the detail provided on the submitted plans, the application has not adequately demonstrated suitable visibility splays from the access onto Lloyd Street in accordance with current National Guidance (Manual for Streets).

The application has provided no information with which to inform the application in terms of the quantum of the proposed development and therefore it has not

been possible for the Local Planning Authority to make an appropriate and full assessment of the highway impacts.

As such, the proposal is contrary to the objectives and policies contained within paragraph 111 of the National Planning Policy Framework and Policy CP10 of the Cannock Chase Local Plan.”

4.5.3 The applicant has submitted a Transport Assessment with which to inform the application and this addresses the previous reason for refusal. The comment from an objector stating that given the assessment was carried out at a quiet time when COVID cases were high and as such should be carried out again are noted. However, The Highway Authority have assessed the Transport Statement and have found no reason to not accept its contents, or conclusions. Other comments raised in respect to the access are also noted.

4.5.3 The Transport Assessment has confirmed the following:-

- The scheme would not materially affect traffic flows on Lloyd Street or its connections with Dartmouth Road and Hatherton Road. Section 4 of the TS demonstrates that the net additional traffic generated would be negligible (a maximum of 2 vehicles per hour two-way) and cannot be regarded as having the potential for any severe residual impact on capacity or road safety under the terms of the NPPF.
- Existing traffic flows on Lloyd Street were surveyed and found to be around 300 vehicles per 24-hour day and a maximum of 50 vehicles per hour during the peak periods (all figures are two-way). The peak hour would be an average of around 1 vehicle per minute. At off-peak times, this figure would be lower. Traffic flows on Lloyd Street are therefore not significant.
- The proposed access would provide appropriate visibility to/from the bend in Lloyd Street, based on national design guidance and surveyed traffic speeds. The proposed junction is also adequately spaced from the junction with Dartmouth Road. The access layout and location has been checked by the highway authority and found to be acceptable in these respects.

- The needs of service vehicles visiting the site are to be addressed at detailed design stage. Refuse collection would be secured via private contract using vehicles of an appropriate size for the development and Lloyd Street itself.
- The proposed access would not be additional but would replace an existing access albeit with improved geometry. It is therefore not expected to result in any material displacement of parking elsewhere on Lloyd Street.

4.5.4 The Highway Authority was consulted on the application and raised no objection to the proposal. The Highway Officer stated that the Transport Assessment includes details of an independent traffic survey undertaken to determine the speed of Lloyd Street. This has established the actual speed of traffic travelling along Lloyd Street is between 20-21mph and subsequently this allows for a reduced visibility splay of 2m x 24-26m.

4.5.5 In light of the acceptance of the proposal by the Highway Authority, the application should be allowed as it has adequately demonstrated that suitable visibility splay from the access onto Lloyd Street is achievable. As such, the proposal is in accordance with Paragraph 111 of NPPF and would not result in an unacceptable impact on highway safety.

#### 4.6 Impacts of Cannock Chase Special Area of Conservation

4.6.1 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. There is a net increase in dwellings of 5 No. such that SAC mitigation contributions are required. Such contributions will be secured by CIL at the Reserved Matters Stage.

4.6.2 The comments of the neighbours in respect to the wildlife and ecological enhancements are noted. The application site is not however, subject to any formal or informal nature conservation designation and is not known to support



any species that is given special protection or which is of particular conservation interest.

4.6.3 Notwithstanding the above, the applicant has provided an Ecological Assessment of the site as prepared by Dr Bodnar. The Assessment concludes that the majority of the Construction Zone is likely to be of 'low ecological value' consisting primarily of improved grassland, although the scattered landscape trees, non native shrubs, and native hedges have moderate ecological value and should be retained as far as is compatible with the development, protected and expanded within any development of the site. The Assessment continues that the features of highest ecological value within the development site are the trees, hedges, and native scrub, though the trees are not considered of high arboricultural value, they screen the site, connect the site to the wildlife corridors through the landscape and have moderate ecological value. The Assessment confirmed that the site has moderate bat foraging potential, the gardens offer partial shelter and mixed vegetation, along with some habitat structure. However, the trees on site appear unsuitable for bat roost formation and too young to have developed features suitable for bat roosting. As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.

4.6.4 In order to enhance the nature conservation opportunities for the site, any future development would need to incorporate landscaping measures designed to encourage wildlife into the site, including native planting bat boxes, bird boxes, hedgehog friendly fencing and vehicle charging points in the construction of the proposal.

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

#### 4.7 Drainage and Flood Risk

4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps.

4.7.2 In this respect it is noted that paragraph 159 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 It is noted that the site is within close proximity to a main road and is within a built up area. Severn Trent was consulted on the application and raised no objection subject to the recommended condition. As such it is in close-proximity to drainage infrastructure that serves the surrounding area and is considered acceptable.

#### 4.8 Mineral Safeguarding

4.8.1 The site falls within a Mineral Safeguarding Area (MSAs) for Coal and Fireclay. Paragraph 209, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

4.8.2 Notwithstanding this, the advice from Staffordshire County Council as the Mineral Planning Authority does not require consultation on the application as the site falls within the development boundary of an urban area and is not classified as a major application.

4.8.3 As such, the proposal would not prejudice the aims of the Minerals Local Plan.

#### 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 In this respect, the comments of the objectors are noted in respect to the development being serviced via a private company. It is noted that the access would be via a private driveway and as such a private company used.

Notwithstanding, no details have been submitted in respect to a management of the refuse. As such details for a communal bin collection point to be located within close proximity to the highway wherein bins are already collected by the Local Authority has been recommended.

#### 4.10. Ground Conditions and Contamination

4.10.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application and it is advised that any risk can be managed by the attachment of an advisory note to any permission granted.

4.10.2 The Council's Environmental Health Officers were consulted on the application and raised no issue in terms of ground contamination.

#### 4.11 Affordable Housing

4.11.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, paragraph 64 of the NPPF states that the 'provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)'.

4.11.2 In this instance, the applicant has confirmed that the proposed development would be for no more than 5 dwellings. As such, it is considered on balance that the proposal is acceptable without a contribution towards affordable housing. The number of dwellings proposed on the site can be controlled via condition, as recommended.

#### 4.12 Objections received not already covered above:-

4.12.1 An objector stated that green space should be protected for mental health however your officers confirm that whilst the application site provides the existing residents with pleasant views of green space, the land is private and is not an area of public open space for use by local residents.

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

### **Human Rights Act 1998**

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

### Equality Act 2010

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

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

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

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

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

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

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

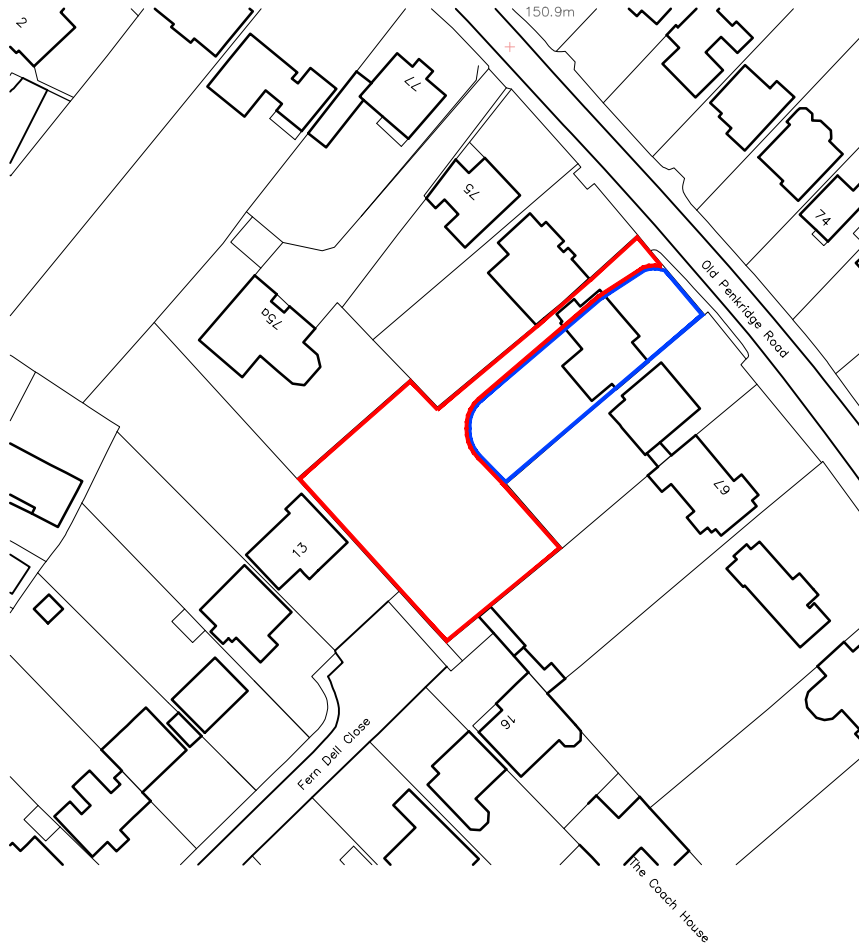
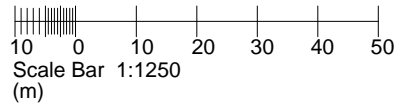
**6 Conclusion**

- 6.1 The proposal is an outline application to include access and all other matters reserved. The applicant has confirmed the total number of dwellings would be no more than 5 single storey dwellings.
- 6.2 Given the issues raised within the previous application have been addressed and the Highway Authority accept the access into the site as being suitable, it is concluded that the principle of residential development is acceptable in this residential location and the applicant has demonstrated that the impact to highway safety is acceptable.
- 6.3 As such, the proposed development, for the reason set out above, is acceptable and would accord with Local Plan Policy CP3, the Design SPD and the requirements of the NPPF and would not result in an adverse impact to the character of the location and to highway safety. Therefore, approval is recommended subject to conditions.

# NOTES:

The copyright © of this drawing is vested in the Architect and must not be copied or reproduced without consent.

All Contractors must visit the site and be responsible for taking and checking dimensions relative to their work. Sutton and Wilkinson Chartered Architects to be advised of any variation between drawings and site conditions.



Produced on 30 August 2016 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date.  
 This map shows the area bounded by 397334,310562 397334,310703 397475,310562  
 Reproduction in whole or part is prohibited without prior permission of Ordnance Survey.  
 Crown copyright 2016. Supplied by copla ltd trading as UKPlanningMaps.com a licensed Ordnance Survey partner (100054135).  
 Data licensed for 1 year, expiring 30 August 2017. Unique plan reference v2b/112128/154776

PROJECT:  
 Proposed Residential Development at:  
 Land rear of 71 Old Penkridge Road,  
 Cannock,  
 Staffordshire

TITLE:  
 Location Plan

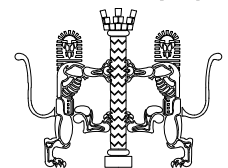
CLIENT:  
 Mr R Mclaughlin

## SUTTON AND WILKINSON

### CHARTERED ARCHITECTS

Victoria House, 13 New Penkridge Road,  
 Cannock, Staffs, WS11 1HW

Telephone: 01543 466441  
 Facsimile: 01543 462469  
 e-mail: office@suttonwilkinson.co.uk

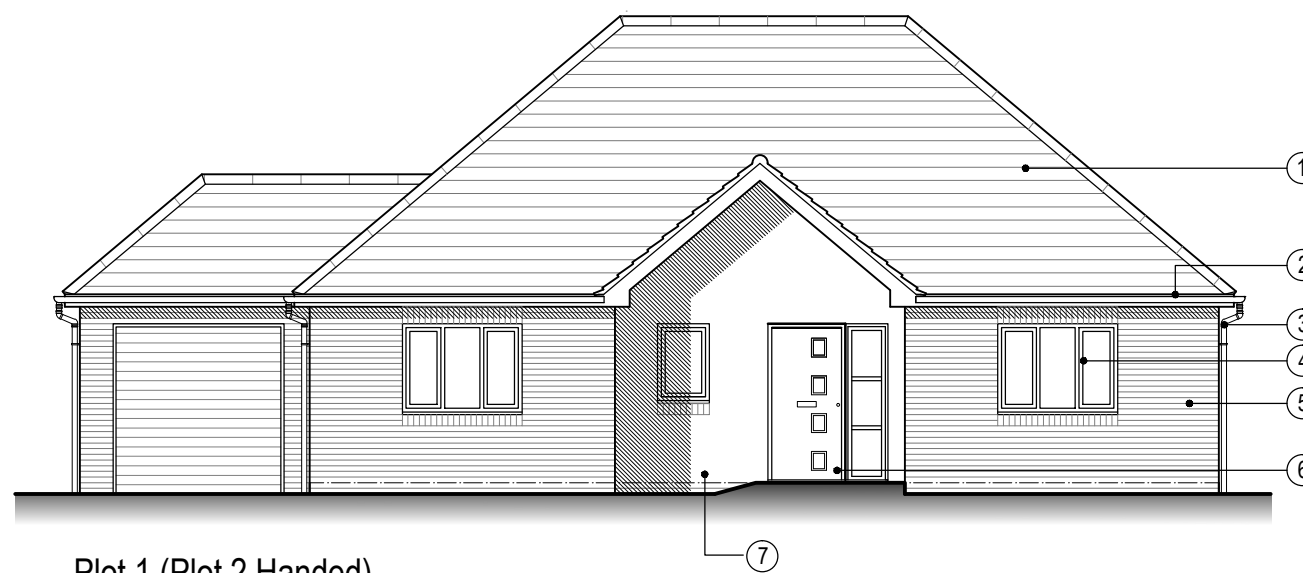
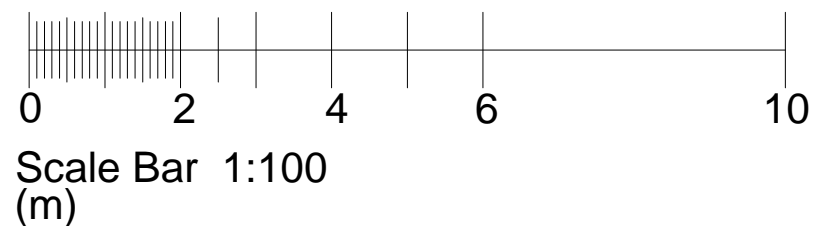


SCALE 1:1250	DRAWN SC	DATE May.22	SIZE A4
DRAWING NUMBER 2411 - 27			REVISION

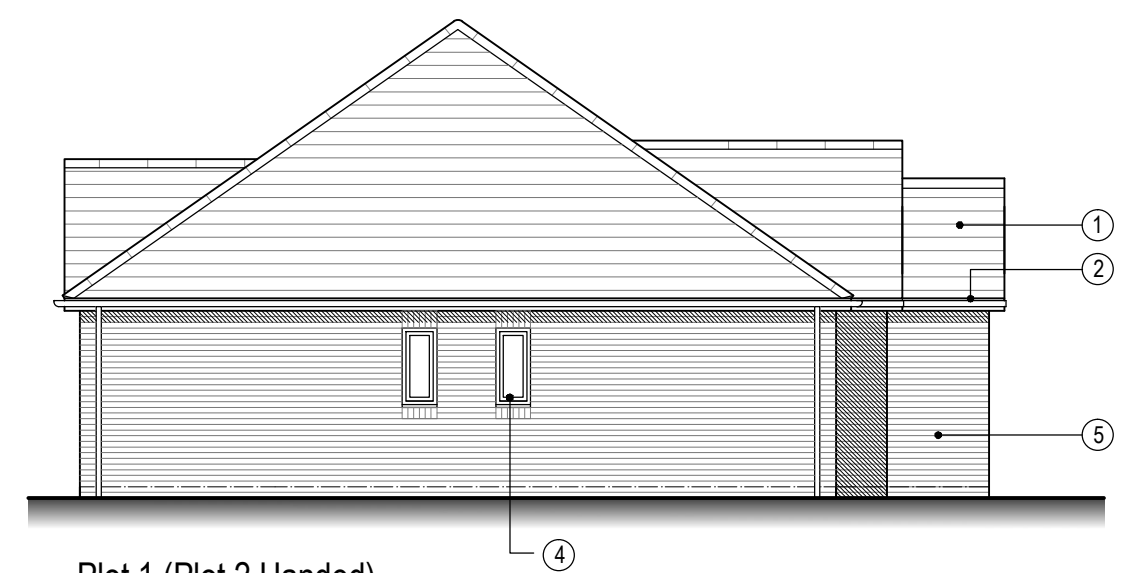
NOTES:

The copyright © of this drawing is vested in the Architect and must not be copied or reproduced without consent.

All Contractors must visit the site and be responsible for taking and checking dimensions relative to their work. Sutton and Wilkinson Chartered Architects to be advised of any variation between drawings and site conditions.



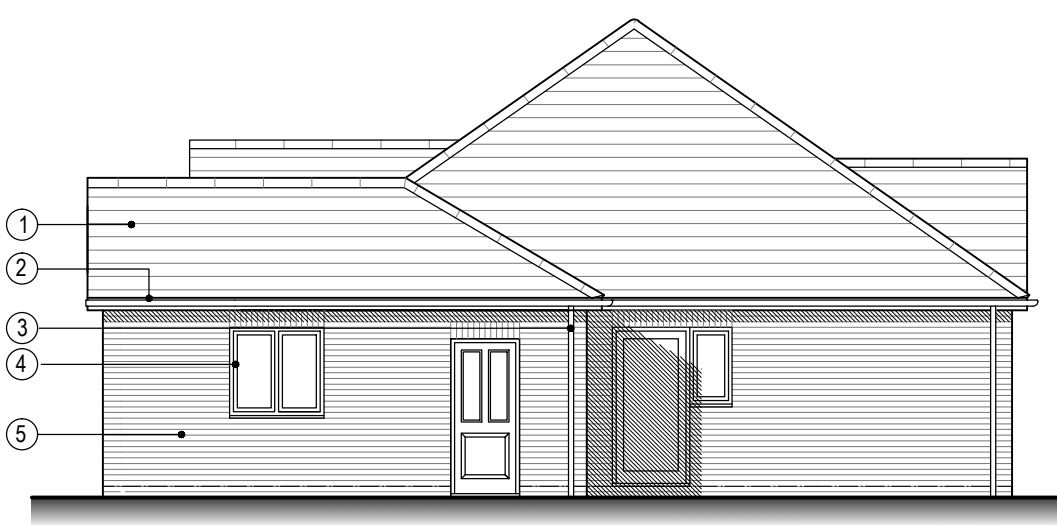
Plot 1 (Plot 2 Handed)  
**FRONT ELEVATION**



Plot 1 (Plot 2 Handed)  
**SIDE ELEVATION**



Plot 1 (Plot 2 Handed)  
**REAR ELEVATION**

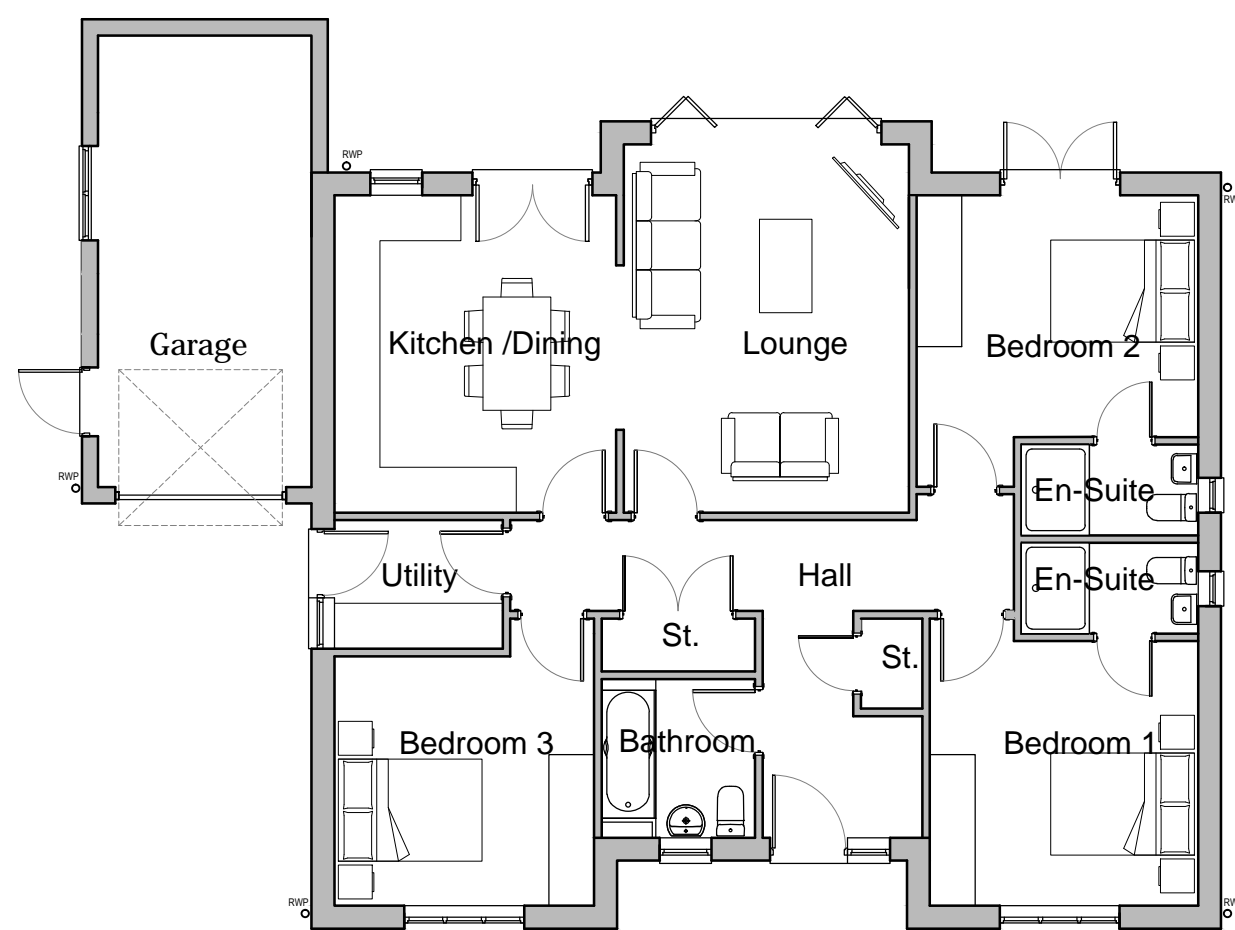


Plot 1 (Plot 2 Handed)  
**SIDE ELEVATION**

**MATERIALS LEGEND:**

- ① Roof Tiles - Galiza Brazilian Slate Holed 100mm.
- ② PVCu Facias & Soffit Boards - Colour Grey
- ③ PVCu Rainwater Gutters & Down Pipes - Colour Grey
- ④ PVCu Double Glazed Windows & doors - Colour White
- ⑤ Ibstock Ivanhoe Westminster Facing Brickwork
- ⑥ Steel Core GRP Door - Colour Dark Blue
- ⑦ Through Colour render system - Colour Ivory

Bungalow - Plots 1 & 2	
Gross Internal Floor Area	
m <sup>2</sup>	104.7
Sq.ft	1127



Plot 1 (Plot 2 Handed)  
**GROUND FLOOR PLAN**

**PLANNING ISSUE**

PROJECT:  
Proposed Residential Development at:  
Land rear of 71 Old penkridge Road,  
Cannock, Staffordshire.  
WS11 1HY

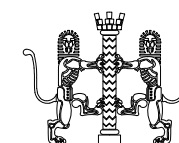
CLIENT:  
Mr. R McLaughlin

TITLE:  
PROPOSED BUNGALOWS  
PLANS & ELEVATIONS

**SUTTON AND WILKINSON**  
CHARTERED ARCHITECTS

Victoria House, 13 New Penkridge Road,  
Cannock, Staffs, WS11 1HW

Telephone: 01543 466441  
Facsimile: 01543 462469  
e-mail: office@suttonwilkinson.co.uk



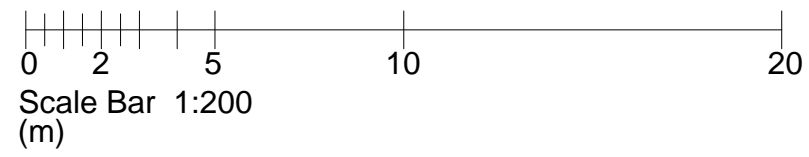
SCALE	DRAWN	DATE	SIZE
1:100	SC	June. 22	A2
DRAWING NUMBER			REVISION
2411-20			



NOTES:

The copyright © of this drawing is vested in the Architect and must not be copied or reproduced without consent.

All Contractors must visit the site and be responsible for taking and checking dimensions relative to their work. Sutton and Wilkinson Chartered Architects to be advised of any variation between drawings and site conditions.



### HOUSING LEGEND

- 4 Bed 8P House - 1No. 223 m<sup>2</sup>
- 3 Bed 6P Bungalow - 2No. 105 m<sup>2</sup>

### DRAINAGE LEGEND

- Stormwater drainage run
- Foul drainage run
- Proposed location of gully
- Proposed location of inspection chamber
- Proposed incoming Water
- Proposed incoming Gas
- Proposed incoming Electricity
- Proposed incoming BT

### MATERIALS LEGEND

- 1.8m High closed boarded fencing
- Indicates line of tree protection
- Areas of turf / soft landscaping to L.A. approval - design and spec by others
- Macadam access drive
- 400x400x65mm permeable concrete slabs to manufacturers details. Suitable edging to all interfaces
- Marshalls Driveline Permeable Block Paving. Colour - Brindle with Charcoal demarcation lines
- Gravel
- Existing tree to be removed
- Existing tree retained
- Proposed tree

REV/AMENDMENT:	INT.	DATE:
E Concrete slab specification modified to permeable and notation added to provide hedgehog gaps below proposed gates.	SC	13.09.22
D Paving omitted to front of plot 2 to avoid RPA, gravel indicated. Revised drainage to Plot 2 to avoid RPA and approx. position and service entry positions indicated.	SC	08.09.22
C Amendment to Tree Protection in line with Tree Report.	VL	30.08.22
B Reposition of Tree Protection adjacent to Plot 2. Added dimension.	VL	24.08.22
A Revised position of visibility splay to new access.	SC	12.07.22

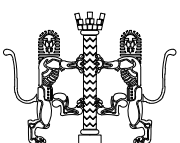
PROJECT:  
Proposed Residential Development at,  
Land rear of 71 Old Penkridge Road,  
Cannock,  
Staffordshire

CLIENT:  
Mr R McLaughlin

TITLE:  
Proposed Site Plan  
2no. 3 Bed Bungalows

**SUTTON AND WILKINSON**  
CHARTERED ARCHITECTS

Victoria House, 13 New Penkridge Road,  
Cannock, Staffs, WS11 1HW  
Telephone: 01543 466441  
Facsimile: 01543 462469  
e-mail: office@suttonwilkinson.co.uk



SCALE	DRAWN	DATE	SIZE
1:200	SC	June. 22	A2
DRAWING NUMBER	REVISION		
2411 - 28	E		

Existing Beech trees along Southern boundary to be 'pollarded', reduced in height to approximately 3m high to encourage the return to a managed hedge.



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

**Planning Control Committee**

**28<sup>th</sup> September 2022**

<b>Application No:</b>	<b>CH/22/0215</b>
<b>Received:</b>	08-Jun-2022
<b>Location:</b>	71, Old Penkridge Road, CANNOCK, WS11 1HY
<b>Parish:</b>	Non Parish Area
<b>Ward:</b>	Cannock West
<b>Description:</b>	Residential development of 2No. bungalows to land rear of 71 Old Penkridge Road.
<b>Application Type:</b>	Full Planning Application

**Reason for Committee decision:** Neighbour request to address members

**Recommendation:** Approve subject to conditions

**Reason(s) for Recommendation:**

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

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

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

2411-27      Location Plan

2411-28 E    Proposed Site Plan

2411-20 Proposed Bungalows Plans & Elevations

2411-23F Bat and Bird box details

2411-22C Construction Management Plan together with information provided  
within email dated 14<sup>th</sup> September 2022

Tree survey 2022 V5

Reason

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

2. 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.

3. No materials shall be used for the external surfaces of the development other than those specified on the application.

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 commence 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'.

Thereafter, 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.

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

## Reason

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

6. If during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until either;

A site investigation has been designed and undertaken in accordance with details approved in writing by the Local Planning Authority, a risk assessment has been produced and a method statement detailing remediation requirements using the information obtained from the site investigation has been approved by the Local Planning Authority; or

If the above has been previously undertaken, the developer has submitted and obtained written approval from the Local Planning Authority for an addendum to the method statement detailing how this unsuspected contamination shall be dealt with.

## Reason

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

7. The development hereby permitted shall not be brought into use until the visibility splays shown on the approved drawing have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

Reason

in the interests of highway safety

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

Reason

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

9. The development hereby approved shall not be brought into use until the access to the site within the limits of the public highway have been completed.

Reason

In the interests of highway safety

10. Prior to the commencement of the development hereby approved, the Arboricultural Impact Assessment (AIA) shall be updated and submitted to the Local Planning Authority for approval in writing. As a minimum the AIA shall include the following points:

- o What will occur if root over 25mm diameter cannot be redirected
- o Impact on tree if roots have to be cut within areas of incursion
- o Shading and dominance of retained trees at maturity
- o Seasonal nuisance
- o Impact matured trees could have on building (above & below ground)
- o Access & Working space required through construction (e.g. scaffolding)
- o Root desiccation

Thereafter, the approved details shall be implemented in full with any changes to be first agreed in writing by the Local Planning Authority.

Reason

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

11. Prior to the commencement of the development hereby approved a details Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, the AMS shall include:-
- Sequence of Works
  - Access & Scaffolding
  - Foundation Works.
  - Hard Landscaping/Surfacing Works.
  - Tree Works (including root pruning).
  - Services (if impacting RPA).
  - Arboricultural monitoring.

Thereafter, the approved AMS shall be implemented in full and adhered to during the course of the construction period.

Reason

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

12. The approved details within Dwg. No. 2411-24B Construction Management Plan together with information provided within email dated 14th September 2022 in relation to the Construction Management Plan shall be implemented and adhered to throughout the construction phase.

Reason

To ensure a satisfactory environment is maintained for surrounding neighbours.

13. Prior to first occupation of the dwellings hereby approved, the habitat features as demonstrated on drawing 2411-23 F shall be provided in accordance with the approved details.

Thereafter, the features shall be retained and maintained in working order for the life of the development.

Reason

In the interests of enhancing habitat breeding in accordance with Local Plan Policy CP12 and the NPPF.

**Notes to the Developer:**

Coal Authority

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

### Highway Authority

Please note the works required in Condition 1 will require a Section 184 Notice of Approval from Staffordshire County Council. Please email [trafficandnetwork@staffordshire.gov.uk](mailto:trafficandnetwork@staffordshire.gov.uk) for further details. The link below provides an overview of the permissions and licences required for undertaking work on or adjacent to the adopted highway:

<https://www.staffordshire.gov.uk/Highways/licences/Overview.aspx>

Staffordshire County Council as Highway Authority would not formally adopt the proposed development, however, the development will require approval under Section 7 of the Staffordshire Act 1983. This Form X does not constitute a detailed design check. The applicant is requested to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works. It will, therefore, be necessary for maintenance/management arrangements for the access road and internal layout to be submitted to the Highway Authority with a view to securing an exemption under Section 219 of the Highways Act 1980. Although the road layout will not be to adoptable standard, the roadways within the site will still need to be constructed to be 'fit for purpose'.

## **Consultations and Publicity**

### **Internal Consultations**

#### Environmental Health

No objection subject to conditions

#### Landscape Officer

If plot 2 cannot be set back within the site conditions recommended.

#### CIL Officer

Based on the form submitted, if permission is granted the development would be CIL liable

#### Development Plans and Policy Unit

The site does not fall within any designated areas shown on the Local Plan Policies Map. I can also advise that the proposal forms an existing SHLAA 2021 designated site; C441 (0-5 years).

National Planning Policy Framework (NPPF) and the presumption in favour of development.

The development plan comprises the Cannock Chase Local Plan (Part 1) and the Staffordshire County Council Waste and Minerals Local Plan.

The Council's Design SPD 2016 provides design guidance relating to new dwellings. With regards to the further detailed design of the scheme, regard should also be paid to Policy CP16 and the Parking Standards, Travel Plans and Development Contributions for Sustainable Transport SPD (2005) (contains parking standards).

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 in consultation with the relevant infrastructure provider.

### **External Consultations**

#### Natural England

Cannock Chase SAC - No objection – Appropriate Assessment undertaken.

Cannock Chase SSSI – No objection

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

#### Highway Authority

No objection subject to conditions

### **Response to Publicity**

The application has been advertised by site notice and neighbour letter with 2 letters of representation received. The comments received are summarised below:-



- Neighbours have requested clarity on the border between No.67 Old Penkridge Road and the application site. Trees have been felled but the stumps are still in existence preventing a fence being erected in the correct place on the boundary. As this development is completed these stumps will need to be removed to allow for a new boundary fence to be installed by the developer. As the existing fence cannot be retained as stated in the planning application, we would appreciate some correspondence and agreement with the Planning department and developer to ensure careful removal of the stumps to prevent damage to my workshop and an agreed type of fencing to be installed and the correct line of boundary preserved.
- Conditions on previous applications have been dismissed behind closed doors
- The development will significantly negatively alter the local building layout by decreasing the green natural environment and replacing it with crammed buildings with small gardens which are out of character with the surrounding area.
- The type of building, the size of each plot and their positioning relative to other properties has a severe negative impact on local properties and most significant to No.69.
- The bungalows are shoehorned on to the rear garden making them out of character. The buildings may meet standards but they will ruin the local environment and provide minimal benefit for local housing need.
- Plot 3 is elevated and will have direct views into our home (No.69). This will be a tandem development and will directly overlook my property,
- Currently the boundary hedge is overgrown but when cut the hedge will be inadequate to screen visibility to the rear of our home and also in winter. The proposal appears to show drainage pipes positioned on the hedge boundary which would affect the state of the hedge.
- The boundary fencing that separates No.69 and No.71 is inadequate.
- If external heat pumps are to be added this could add to the noise and disturbance of a rear garden

- Confirmation is requested that Ferndell Close ca not be used in connection with the supply of materials or services.

### Relevant Planning History

- CH/19/411 Demolition of existing two storey house and erection of 2No. houses and associated works (resubmission of CH/19/015).  
Committee approval 15<sup>th</sup> Jan 2020
- CH/19/289 Residential Development:- Demolition of existing house and erection of replacement 4 bed detached house, detached garage & vehicular access to housing development at rear of site.  
Committee approved 20<sup>th</sup> Sep 2019. Permission implemented.
- CH/19/236 Residential Development:- Approval of reserved matters pursuant to CH/17/234 for the appearance, landscaping and scale.  
Approved 12<sup>th</sup> Aug 2019
- CH/19/015 Residential Development:- 2 detached dwellings . Refused by Committee on 10<sup>th</sup> April 2019 for the following reason:-

*The proposed two storey dwelling to rear, by virtue of its size and scale, the location of the windows within it and their juxtaposition in respect to neighbouring properties, the difference in ground levels between the site compared to that of neighbouring properties, and the back-land nature of the site would result in unacceptable levels of overlooking and loss of privacy and outlook and therefore fail to protect the residential amenities of the occupiers of the neighbouring properties and to retain a high standard of amenity for those occupiers contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 127(f) of the National Planning Policy Framework.*

Dismissed on appeal for the following reason:-

*There is no legally enforceable mechanism associated with the proposal which would secure the mitigation measures necessary to address its adverse effects to the SAC. For these reasons, I conclude on this main issue that the proposed development would be likely to have a significant*

*effect on the integrity of the Cannock Chase SAC. It would therefore conflict with Policy CP13 of the Local Plan insofar as, amongst other matters, it seeks to ensure that the integrity of Cannock Chase SAC is retained.*

CH/17/234 Residential Development:- 2 detached dwellings (outline including access and layout). Committee approval 14<sup>th</sup> Feb 2018.

86/31 Permission for two detached houses. Approved.

## **1 Site and Surroundings**

- 1.1 The application site comprises the rear garden of 71 Old Penkridge Road.
- 1.2 The application site lies along Old Penkridge Road within a row of large, mainly detached dwellings of differing form and appearance, occupying wide and deep plots. The deep plots allow the dwellings to be set back from the highway which creates an attractive spacious residential frontage.
- 1.3 The existing dwelling is set within a generous curtilage to the front of the plot and comprises of a generous 'T' shaped rear garden. The frontage property is currently being demolished and a replacement dwelling constructed. The width of the plot comprises of approx. 5m wide access for a depth of 44m before the site opens up to a width of 38m and a further depth of 25m.
- 1.4 There are a number of trees on and around the site that contribute to a verdant environment. A number of trees have been removed recently however, none of the trees are / were protected by a Tree Preservation Order.
- 1.5 The topography of the application site is reasonably flat however, the adjacent dwelling (No.69 is sited on lower ground). The application site backs onto Ferndell Close to the rear.
- 1.6 There is a single storey dwelling to the north of the site, accessed via a private drive off Old Penkridge Road that was granted approval in 1980's.

- 1.7 The application site is located within a Mineral Safeguarding Area and is also within the Coal Authority Low Risk Boundary.

## **2 Proposal**

- 2.1 The applicant is seeking consent for the construction of two detached dwellings sited on the land to the rear of No. 71 Old Penkridge Road.
- 2.2 The proposed dwellings would be single storey and constructed to a maximum height of 6m falling to 4m at the lowest point and 2.5m to the eaves.
- 2.3 The proposed bungalows would be constructed from brick and tile and would feature a vent panel on the front elevations.
- 2.4 The dwellings would be three bedroom and benefit from a single garage to the side, set back behind a single parking space. The private gardens would be to the rear.
- 2.5 The plans that have been submitted include landscape details showing areas of paving around the dwelling and soft landscaped areas.

## **3 Planning Policy**

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan Part 1 (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030).
- 3.3 Relevant policies within the Local Plan include: -
- CP1 - Strategy – the Strategic Approach
  - CP3 - Chase Shaping – Design

CP6 – Housing Land

CP7 – Housing Choice

CP10 – Sustainable Transport

CP12 – Biodiversity and Geodiversity

CP14 – Landscape Character and Cannock Chase Area of Outstanding  
Natural Beauty

3.4 Relevant Policies within the Minerals Plan Include:

Policy 3: - Safeguarding Minerals of Local and National Importance and  
Important Infrastructure

3.5 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
64:	Affordable housing not required for non major applications
111:	Highway Safety and Capacity
126, 130, 132, 134:	Achieving Well-Designed Places
174, 180:	Biodiversity
218, 219	Implementation

3.9 Other relevant documents include: -

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

- (iii) 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
- vi) Drainage and flood risk
- vii) Mineral safeguarding
- viii) Waste and recycling facilities
- ix) Ground conditions and contamination
- x) Affordable housing
- xi) Other Issues raised

### 4.2 Principle of the Development

4.2.1 Both paragraph 11 of the NPPF (2021) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development.

4.2.2 The presumption in favour of sustainable development as set out in paragraph 11 of the NPPF states: -

'For decision taking this means:

- c) approving development proposals that accord with an up to date development plan without delay.

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless
  - (i) policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusing the development proposed; or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.'

4.2.3 The starting point of the assessment is therefore whether the proposal is in accordance with the development Plan and whether that plan is up to date. In that respect it is noted that Policy CP1 of the Local Plan states: -

“In Cannock Chase District the focus of investment and regeneration will be in existing settlements whilst conserving and enhancing the landscape of the AONB, Hednesford Hills, Green Belt and the green infrastructure of the District. The urban areas will accommodate most of the District’s new housing and employment development, distributed broadly in proportion to the existing scale of settlement.”

4.2.4 Other than the above general strategic approach there are no relevant policies within the Local Plan in respect to the approach to be taken with regard to the development of wind-fall sites. As such the proposal falls to be determined in accordance with the tests set out in subsection (d) (i) or (ii) of paragraph 11 of the NPPF show above.

4.2.5 With that in mind it is noted that the application site is not designated as Green Belt, AONB or as a SSSI or SAC, nor does it contain a listed building or conservation area or affect the setting of a designated heritage asset; nor is it located with flood zones 2 or 3.

4.2.6 The NPPF at para 120 identifies factors which planning policies and decisions should ensure that developments encourage. Of particular relevance to this proposal are, paragraph

- d) promote and support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing

where land supply is constrained and available sites could be used more effectively.

- 4.2.7 In the case of residential proposals, regard will also be paid to the findings of the Strategic Housing Land Availability Assessment. Where a shortfall in the five-year housing supply is apparent then the presumption should be in favour of residential development, unless the economic evidence is strong and compelling. The SHLAA (2022) has confirmed the Council currently has a 5 year land supply. It is noted that the proposal forms an existing SHLAA 2021 designated site; C441 (0-5 years).
- 4.2.8 In respect to the principle of the proposal it is noted that the site is within the curtilage of a residential use and is located within the Old Penkridge Road area which is approximately 1km from the town centre of Cannock, close to the local primary school and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development.
- 4.2.9 Notwithstanding the above and the comments of the neighbour in respect to the principle of the 'backland' development being acceptable, the application seeks permission for two detached bungalows that is identical to the scheme that was submitted and approved by Members at Planning Committee on 14<sup>th</sup> February 2017 (Outline) and the Reserved Matters approval dated 12<sup>th</sup> August 2019. This permission was not implemented however the principle of development on this site was established in the granting of that permission.
- 4.2.10 However, although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect.

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

- 4.3.1 The site is located within the South and West Cannock Character Area, the character of which is described in Appendix A of the Design SPD. Key Local Design Principles [amongst others] are that development should



- Safeguard/ enhance 'leafy character' of Old Penkrige Road area with density of development, green views over and between buildings and householder permitted development rights controlled as appropriate. Promote retention and use of front garden boundary hedging to reinforce 'leafy' feel.

4.3.7 Specific Design Guidance for the 'Mature Suburb' of Old Penkrige Road is provided on pages 79 -80 of the Design SPD. Particular Key Features of the character of this area are that: -

- They usually consist of substantial houses and bungalows on large plots within well established gardens along roads leading to the open countryside of the Chase or Shoal Hill.
- The spacious nature and lower density of these areas has led to pressure for intensification of development, particularly on the larger plots with impacts on/ loss of mature trees and shading effects on the new development itself. Whilst such development can have benefits by increasing housing stock and making efficient use of land, it can also affect local character, amenity and privacy unless development is designed to be sympathetic to the main features which makes these areas unique.

4.3.8 Given the number of trees on and around the site, the applicant has submitted a Tree Survey Report with which to inform the submission. The comments of the neighbours with regard to existing trees and hedgerows are noted. The report confirms that the proposed development would involve the loss of a number of trees (all C quality) , and intrusion of the building into the RPZ of tree 15 and to a lesser degree G1. Existing trees are of poor to moderate quality, though many could be carefully incorporated so that they form an appropriate relationship with any new buildings. This would greatly enhance any new development providing an immediate appearance of maturity.

4.3.9 The comments of the landscape Officer are noted in respect to the access driveway being constructed within the RPA of one of the trees. However Officers note that the implemented planning permission CH/19/289 included the access and as such this intrusion (albeit slight) has already been accepted.

4.3.10 The comments from the Landscape Officer in regard to the AIA, AMS and Landscape proposals are noted and would be secured via the recommended conditions.

4.3.11 In respect to the proposed dwellings, part of the proposal would be constructed to the rear behind a frontage dwelling with access provided to the side. The proposed dwellings would sit next to the existing and varied houses against which context they would be viewed. The proposed scheme would retain the appearance of a main frontage house and the remaining landscape within the grounds. As such any harm to the form and character of the area through loss of semi-natural vegetation would be slight when viewed within this context. Notwithstanding this, where there has been a loss of trees, the applicant has proposed replacement planting. Furthermore, it is considered that the proposed dwellings would be a bespoke and traditional design and would sit comfortably within its semi-rural setting. As such the proposed is considered to preserve the character and form of the street scene and wider area.

#### 4.4. Impact on Residential Amenity

4.4.1 In this respect it is noted that the nearest neighbouring to the proposed dwellings would be Nos. 67 - 75A Old Penkridge Road and Nos.13 & 16 Ferndell Close. The comments of the neighbours are noted in terms of overlooking and privacy.

4.4.2 It is noted that the proposed dwellings would remain at least 25m from the principle rear elevations of the properties fronting Old Penkridge Road (Nos 69-73). Whilst No.69 does sit on a lower level than the application site, the proposal would retain the existing hedgerow that runs to the rear boundary of No.69 . Notwithstanding this, the proposed dwelling to the rear of No.69 would remain at a distance of more than 25m from the neighbouring property. The existing Beech hedgerow that runs along the shared boundary would be retained and new tree planting proposed adjacent.

4.4.3 The rear garden of No.67 extends to the side of the application site to the immediate south and the private garden of 75a to the north. There are two windows proposed in the side elevations of the new dwellings however these being to ensuite bathrooms these windows would be obscure and would be well

screened from the neighbouring properties by the intervening boundary treatments.

4.4.4 No.73 Old Penkrige Road is located on an angle to the proposed rear dwellings, being sited to the north -east of the proposed development. As such, any views into this property as a consequence of the proposed dwellings would be oblique and at a distance of 25m. The Beech trees sited to the rear of No.73 within the application site are identified on the proposed plan as being retained. A condition for additional fencing, has been recommended to the shared boundary with No.73 in order to retain the existing occupiers privacy.

4.4.12 Your Officers considered that the proposal meets and exceeds the guidance set out within the Design SPD having regard to angles and juxtaposition between the proposed dwellings themselves and with surrounding neighbours properties. There are no windows within the proposed development that would give rise to unacceptable levels of overlooking to adjacent dwellings or their gardens with front and rear principle windows meeting the required separation distance or facing out over the application site itself. Whilst there may be some views over neighbouring land, these views would be at a sufficient distance or oblique and not direct.

4.4.13 In addition to the above the proposal would meet the minimum recommendations for outdoor amenity space and parking provision and the retention of existing landscaping would ensure a high quality outlook for future occupiers.

4.4.14 Therefore it is concluded that the proposal, by virtue of the distance from the nearest dwellings, would not result in any significant impact, by virtue of overlooking, loss of light or loss of outlook, on the residential amenities of the occupiers of the neighbouring properties.

#### 4.5 Impact on Highway Safety

4.5.1 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 4.5.2 In this respect, the proposed access to the site would be via the access off Old Penkrige Road that is being constructed for No.71 Old Penkrige Road. The dwelling at No.71 is currently being demolished and replaced in line with planning permission CH/19/289 which has been implemented. This access extends along the side of Nos 71 and 73, running the full depth of the neighbouring property before turning into a rear parking area for No.71. This access would extend further into the site to provide parking and turning areas for the two proposed dwellings.
- 4.5.3 The Council's Supplementary Planning Document: Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport, states that new two or three bedroom dwellings should provide two off-street parking spaces and three spaces should be provided for four or more bedroomed dwellings. The proposal demonstrates parking for 2 vehicles per dwelling and adequate room and turning space also provided.
- 4.5.4 The proposed access arrangements have been reviewed by County Highways Officers, who have raised no objections but have recommended conditions.
- 4.5.5 Given the above, it is concluded that, subject to the attached conditions the proposal would not lead to unacceptable impacts on highway safety and that the residual cumulative impacts on the road network would not be severe. As such the proposal would accord with the broad thrust of Policy CP10 of the Local Plan and Paragraph 111 of NPPF.

#### 4.6 Impact on Nature Conservation Interests

- 4.6.1 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that are given special protection or which are of particular conservation interest. Furthermore, no substantial evidence has been presented to demonstrate that any such species or habitat exists on the site.
- 4.6.2 Given the above, the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.

- 4.6.3 In order to enhance the nature conservation opportunities for the site, the applicant has proposed bat boxes within the construction of the dwellings, bird boxes, hedgehog friendly fencing and new tree planting.
- 4.6.4 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL.
- 4.6.5 Given the above it is considered that the proposal, would not have a significant adverse impact on nature conservation interests either on, or off, the site. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

#### 4.7 Drainage and Flood Risk

- 4.8.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps. The comments of the neighbours are noted in respect to instances of localised flooding and drainage. Policy in respect to drainage and flood risk is provided by 159-169 of the NPPF. Of particular note is paragraph 167 which states:

'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere'.

- 4.8.2 In this respect the applicant has stated that foul water will be disposed to mains drains and that surface water would be taken to soakaway. There is no evidence to suggest that in principle these systems of discharge would be inappropriate, particularly given the size of the site and its location within an urban area with access to sewerage infrastructure. As such, the development would not be liable to flooding and that an adequate means of disposal of foul and surface water can be achieved.

#### 4.9 Mineral Safeguarding

4.9.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 209, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

4.9.2 The advice from Staffordshire County Council as the Mineral Planning Authority does not require consultation on the application as the site falls within the development boundary of an urban area and is not classified as a major application

4.9.3 As such, the proposal would not prejudice the aims of the Minerals Local Plan.

#### 4.10 Ground Conditions and Contamination

4.10.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application and it is advised that any risk can be managed by the attachment of an advisory note to any permission granted.

4.10.2 Paragraphs 183 – 185 of the NPPF seek to ensure new development is suitable for the proposed use taking into account ground conditions and any risks arising from land instability and contamination.

4.10.3 The Council Environmental Health Officer was consulted on the application and raised no objection to the proposal subject to conditions. As such, the proposal is considered to accord with the requirements of the NPPF and Policy CP16 of the Cannock Chase Local Plan, subject to the recommended conditions.

#### 4.11 Affordable Housing

4.11.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, paragraph 64 of the NPPF states that the 'provision of affordable housing should not be sought for residential developments

that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)'.

4.11.3 As such, it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

4.12 Objections received not already covered above: -

Objections raised not already covered above:-

4.13.1 A neighbour has commented on the discharge of conditions on previous application being carried out 'behind closed doors'. Your Officers confirm that a discharge of conditions application is not a full planning application and as such there is no requirement for the consultation of neighbours.

4.13.2 A neighbour has raised concern regarding drainage pipes positioned on the hedge boundary which would affect the state of the hedge. Your Officer confirm that the line on the plan indicates the extent of the site (red line boundary) as does not indicate drainage in this location.

4.13.3 A neighbour is concerned that if external heat pumps are to be added this could add to the noise and disturbance of a rear garden. Your Officers confirm that heat pumps are not proposed within this application and some degree of heat source could be added under permitted development at a later date by the future occupier of the dwelling.

4.13.4 Neighbours seek confirmation that Ferndell Close cannot be used in connection with the supply of materials or services. Your Officers confirm that the application does not include links through to Ferndell Close.

<b>5 Human Rights Act 1998 and Equality Act 2010</b>
--

**Human Rights Act 1998 and Equality Act 2010**

Human Rights Act 1998

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

### Equality Act 2010

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

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

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

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

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

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

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

## **6 Conclusion**

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



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





**Site Plan 1:200**  
 Accommodation Schedule  
 26No. 2 bedroom Apartments  
 1No. 2 bedroom duplex Apartment

- 0.6m/1m hooped top railing
- Grass
- Block Paving
- Permeable block paving
- Paving slabs
- Tarmac
- Shrub Planting
- Electric Vehicle charging point



**Location Plan 1:1250**

- Assumed New GAS supply route
- Assumed New Electric supply route
- Assumed New Water supply route
- Assumed New BT/ Internet supply route

This symbol indicates significant hazards which require further action. In addition to hazards and risks generally associated with works detailed on the drawing.

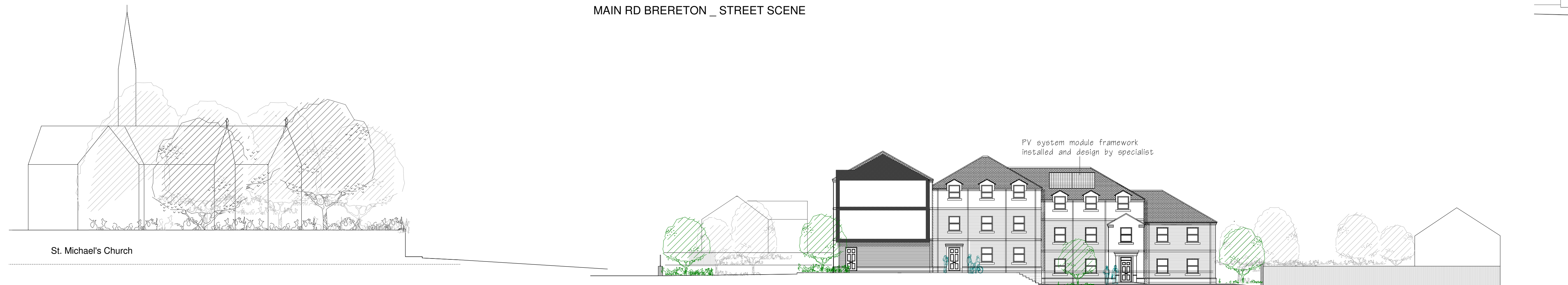
Client: <b>GLOBE HOMES LTD</b>		Rev: Details:	By / Cht:	Date:
Project: <b>RESIDENTIAL DEVELOPMENT CASTLE INN RUGELEY</b>		<b>J Mason Associates</b> <small>J Mason Associates                  Registered in England &amp; Wales                  5055992</small>		
Stage: <b>Planning</b>	Status: <b>Preliminary</b>	Job Number: <b>2362</b>		
Sheet Size: <b>A1</b>	Scale: <b>1:200</b>	Date: <b>20.08.2020</b>	Drawing Title: <b>SITE &amp; LOCATION PLAN</b>	
H&S HAZARDS: <small>Significant hazards relative to the architectural design shown on this drawing have been assessed and highlighted with reasonable skill and care using a warning triangle system. This drawing is to be read in conjunction with all other hazards/risks which have been identified and recorded within the construction phase H&amp;S plan.</small>		Drawing Number: <b>30</b>	Revision: <b>K</b>	

Copyright of this drawing is vested in J Mason Associates and it must not be copied or reproduced without formal consent. All contractors and sub-contractors are responsible for taking and checking all dimensions relative to their work. Notify J Mason Associates immediately of any variation between drawings and site conditions. Where drawings are based on survey information received, surveys are available on request. All drawings to be read in conjunction with all relevant Structural and M&E Engineers drawings and specifications.  
 DO NOT SCALE OFF THIS DRAWING FOR CONSTRUCTION PURPOSES - IF IN DOUBT ASK.

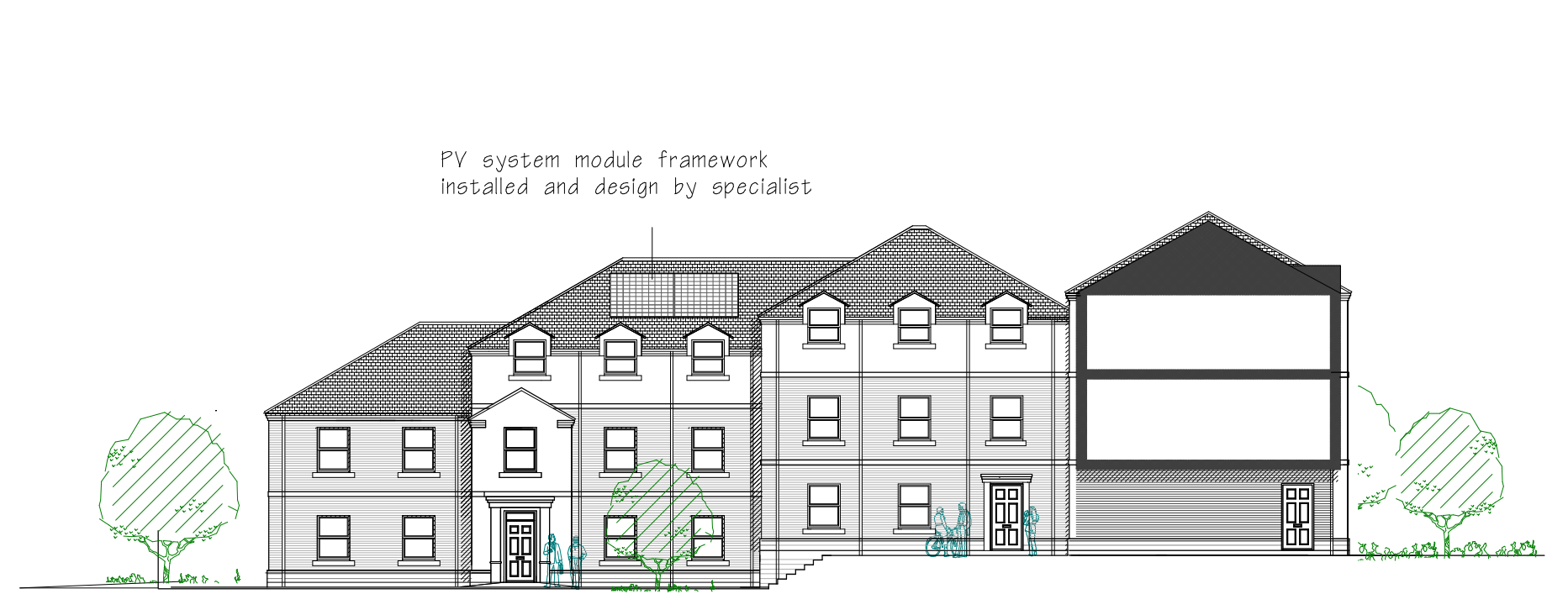




MAIN RD BRERETON \_ STREET SCENE



SECTION COURTYARD



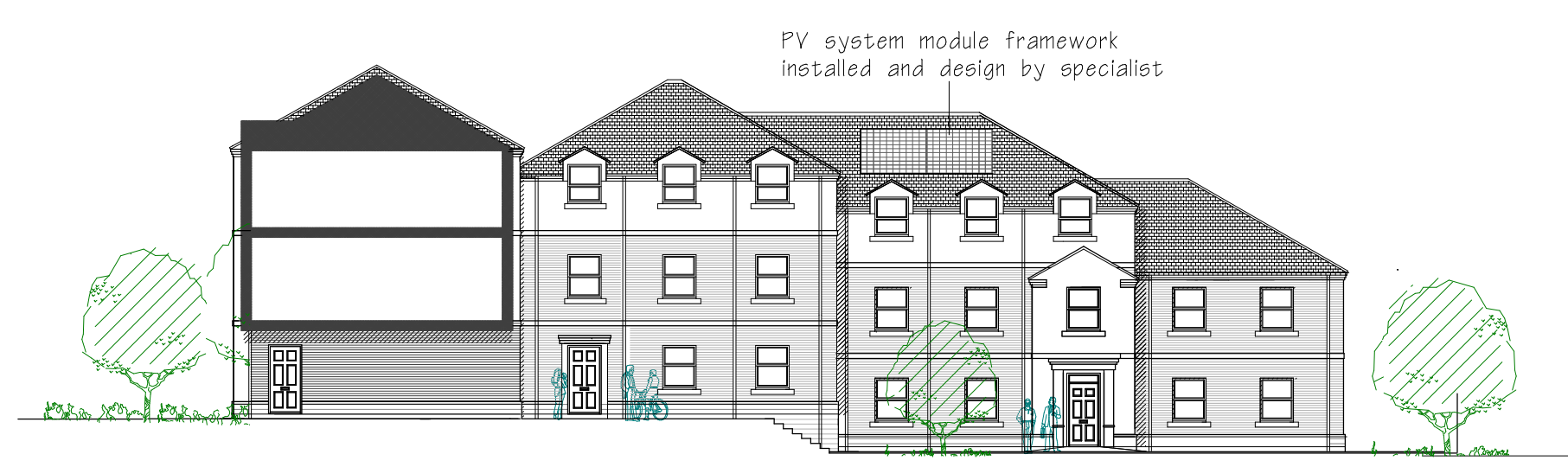
COURTYARD VIEW D



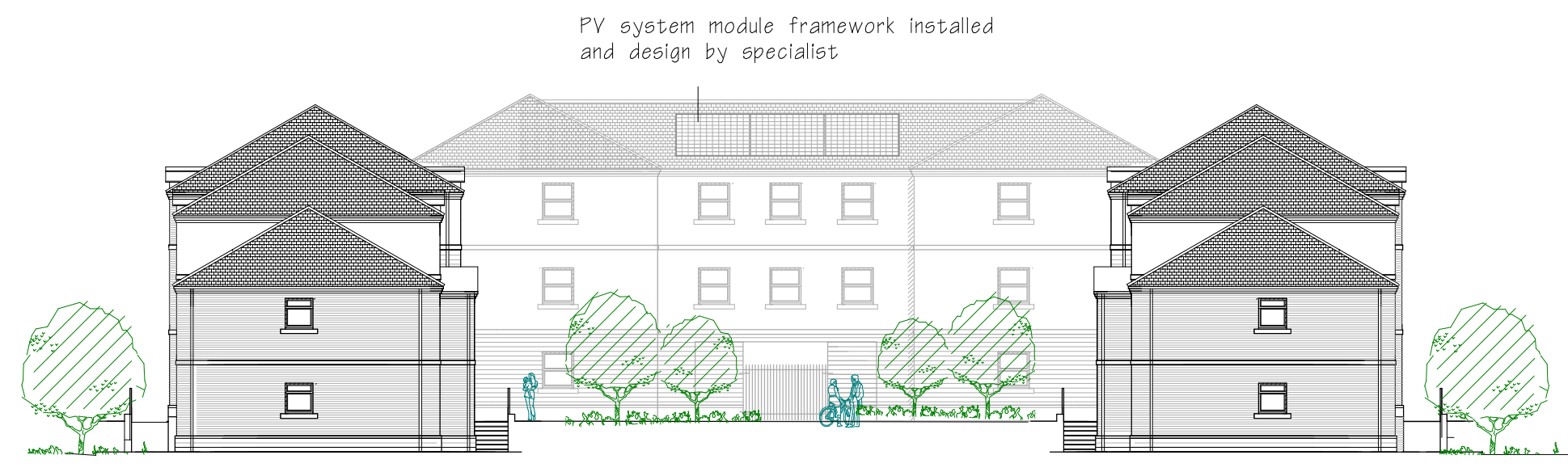
SIDE ELEVATION VIEW A



SIDE ELEVATION VIEW B



COURTYARD VIEW C



REAR ELEVATION

**Glazing & ventilation for living rooms and bedrooms**

The living rooms and bedrooms of dwellings as indicated in Hepworth Acoustic Report Figure 2 will require an upgraded suitable acoustic vents to be either of the following : Aereco EHA2 3-part Acoustic Trickle Ventilator with internal acoustic humidity control, external acoustic canopy and acoustic sleeve, (44 dB Dn,e,w), or Rytons AAC125HP Super Acoustic Controllable LookRyt AirCore Ventilation. (43 dB Dn,e,w)

Recommendations apply to all floor levels of the development.

For windows (and French doors) of all living rooms and bedrooms that will face onto the Main Road (and part of the rear elevations as marked green on Hepworth Acoustic Report Figure 2) we recommend that windows are fitted with double glazing with a sound reduction specification of at least 30 dB Rw + Ctr. An example of suitable double glazing specification that would achieve this rating is:- 8mm glass - nominal (8-20mm) cavity - 6mm glass.

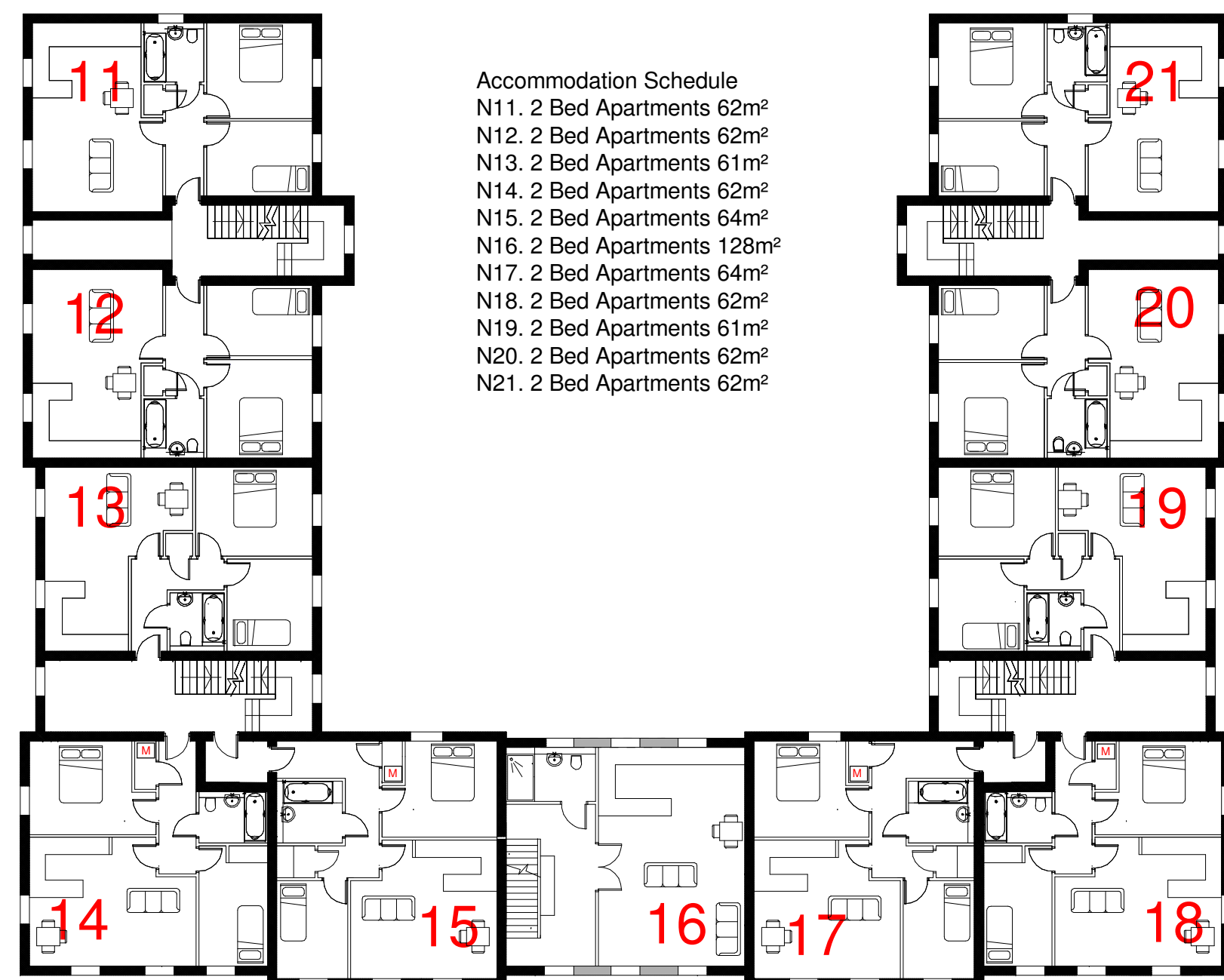
For all other living rooms and bedrooms on the development (i.e. those not marked on Hepworth Acoustic Report Figure 2), standard double glazing of 4mm glass - nominal (10-16mm) cavity - 4mm glass (25 dB Rw + Ctr) will suffice, we recommend that windows are fitted with double glazing with a sound reduction specification of at least 30 dB Rw + Ctr. An example of suitable double glazing specification that would achieve this rating is:- 8mm glass - nominal (8-20mm) cavity - 6mm glass.

For all other living rooms and bedrooms on the development (i.e. those not marked on Hepworth Acoustic Report Figure 2), standard double glazing of 4mm glass - nominal (10-16mm) cavity - 4mm glass (25 dB Rw + Ctr) will suffice.

This symbol indicates significant hazards which require further action, in addition to hazards and risks generally associated with works detailed on the drawing.

<b>J Mason Associates</b>		Rev:	Details:	By / Chk:	Date:
		www.jmasonassociates.com Tel: 01543 467768 J Mason Associates St. Thomas House, Wolverhampton Road, Carnock, WS11 1AR		J Mason Associates Registered in England & Wales 2093992	
Client:					
Project: RESIDENTIAL DEVELOPMENT CASTLE INN RUGELEY			Drawing Title: SKETCH PROPOSAL ELEVATIONS		
Stage: Planning	Status: Preliminary	Sheet Size: A1	Scale: 1:200	Date: 20.08.2020	
Job Number: 2362		31		Revision: F	
<p>Copyright of this drawing is vested in the J Mason Associates and it must not be copied or reproduced without formal consent. Only figured dimensions are to be taken from this drawing. All contractors and sub-contractors are responsible for taking and checking all dimensions relative to their work.</p> <p>Notify J Mason Associates immediately of any variation between drawings and site conditions. Where drawings are based on survey information received, surveys are available on request. All drawings to be read in conjunction with all relevant Structural and M&amp;E Engineers drawings and specifications.</p>					





Accommodation Schedule  
 N11. 2 Bed Apartments 62m<sup>2</sup>  
 N12. 2 Bed Apartments 62m<sup>2</sup>  
 N13. 2 Bed Apartments 61m<sup>2</sup>  
 N14. 2 Bed Apartments 62m<sup>2</sup>  
 N15. 2 Bed Apartments 64m<sup>2</sup>  
 N16. 2 Bed Apartments 128m<sup>2</sup>  
 N17. 2 Bed Apartments 64m<sup>2</sup>  
 N18. 2 Bed Apartments 62m<sup>2</sup>  
 N19. 2 Bed Apartments 61m<sup>2</sup>  
 N20. 2 Bed Apartments 62m<sup>2</sup>  
 N21. 2 Bed Apartments 62m<sup>2</sup>

FIRST FLOOR PLAN



Accommodation Schedule  
 N22. 2 Bed Apartments 70m<sup>2</sup>  
 N23. 2 Bed Apartments 61m<sup>2</sup>  
 N24. 2 Bed Apartments 64m<sup>2</sup>  
 N25. 2 Bed Apartments 64m<sup>2</sup>  
 N26. 2 Bed Apartments 61m<sup>2</sup>  
 N27. 2 Bed Apartments 70m<sup>2</sup>

SECOND FLOOR PLAN



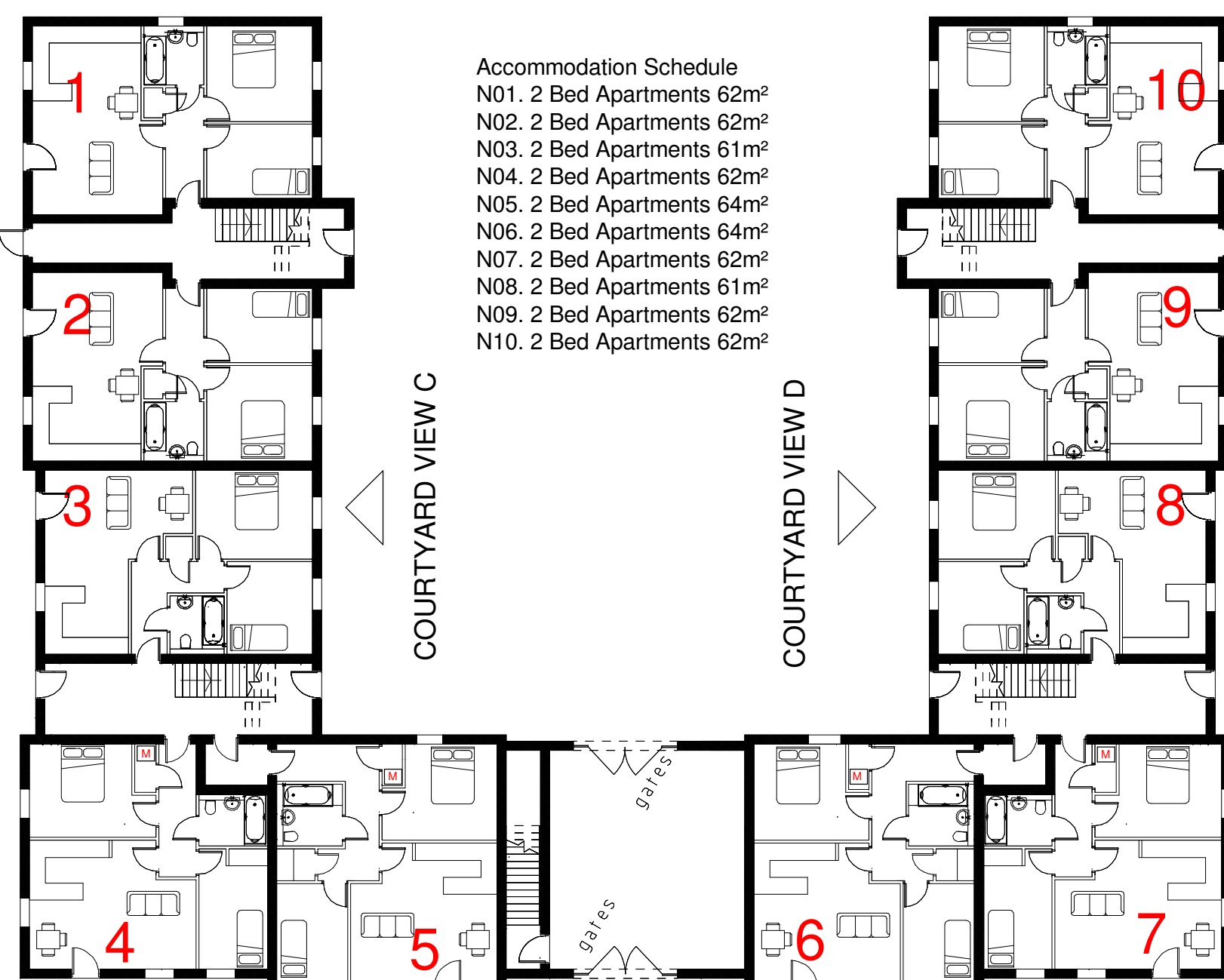
Site Plan N.T.S  
 Accommodation Schedule  
 26No. 2 bedroom Apartments  
 1No. 2 bedroom duplex Apartment

**M** Advance MYHR (Mechanical Ventilation with Heat Recovery Units) 408215 Advance S model made by Vent-Axia (with acoustic solution) shown in apartment requiring acoustic measurers highlighted in Figure 2 of noise report by Hepworths Acoustic.

**!** This symbol indicates significant hazards which require further action. In addition to hazards and risks generally associated with works detailed on the drawing.

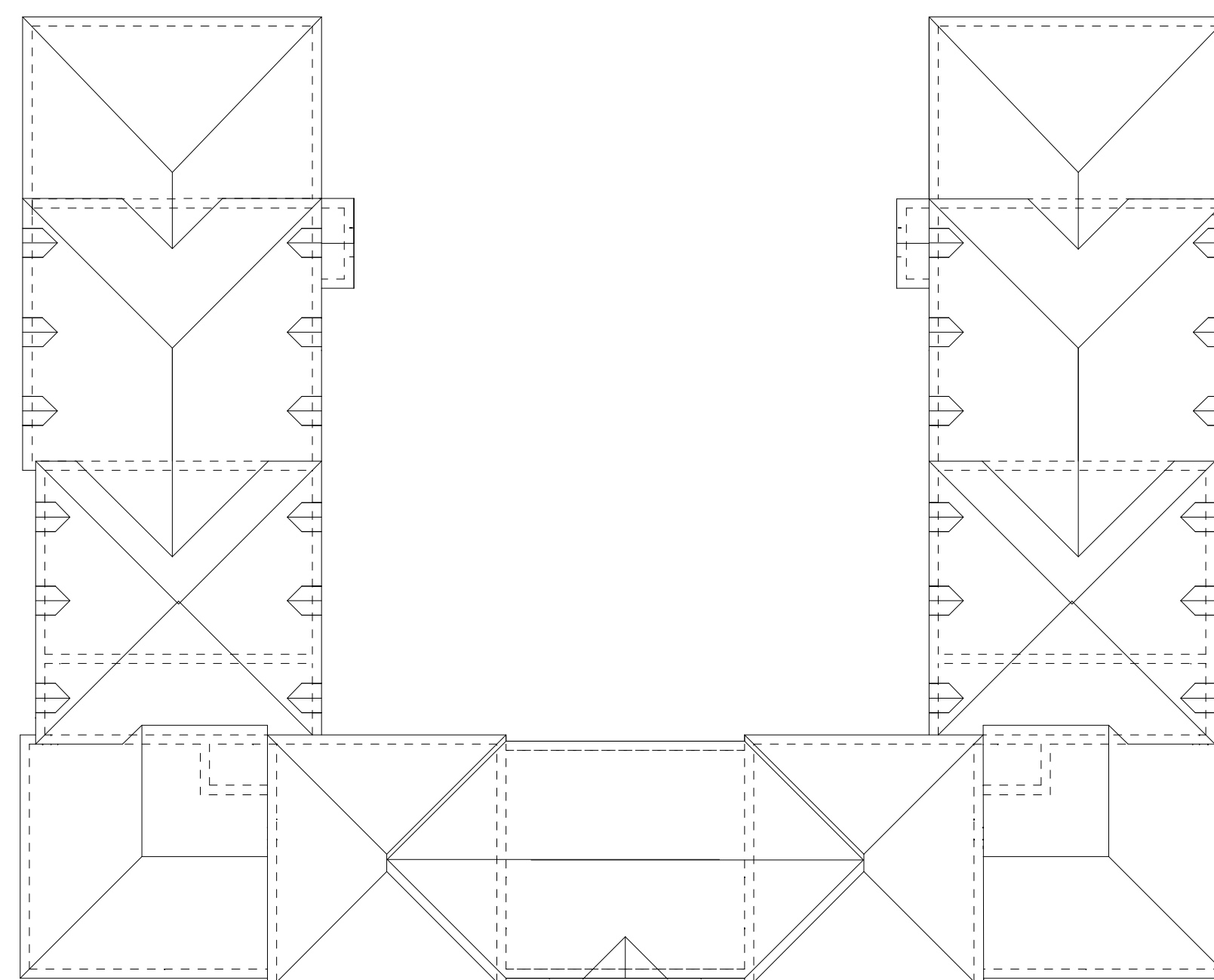
<b>J Mason Associates</b>		Rev:	Details:	By / Chk:	Date:
www.jmasonassociates.com Tel: 01543 467789 J Mason Associates St. Thomas House, Wolverhampton Road, Cannock, WS11 1AR				J Mason Associates Registered in England & Wales 6093992	
Client:					
Project:	RESIDENTIAL DEVELOPMENT CASTLE INN RUGELEY	Drawing Title:	SKETCH PROPOSAL FLOOR PLANS		
Stage:	Planning	Status:	Preliminary	Sheet Size:	A1
				Scale:	1:200
				Date:	20.08.2020
Job Number:	2362			Revision:	G
					32

Copyright of this drawing is vested in the J Mason Associates and it must not be copied or reproduced without formal consent. Only figured dimensions are to be taken from this drawing. All contractors and sub-contractors are responsible for taking and checking all dimensions relative to their work.  
 Notify J Mason Associates immediately of any variation between drawings on site conditions.  
 Where drawings are based on survey information received, surveys are available on request.  
 All drawings to be read in conjunction with all relevant Structural and M&E Engineers drawings and specifications.



Accommodation Schedule  
 N01. 2 Bed Apartments 62m<sup>2</sup>  
 N02. 2 Bed Apartments 62m<sup>2</sup>  
 N03. 2 Bed Apartments 61m<sup>2</sup>  
 N04. 2 Bed Apartments 62m<sup>2</sup>  
 N05. 2 Bed Apartments 64m<sup>2</sup>  
 N06. 2 Bed Apartments 64m<sup>2</sup>  
 N07. 2 Bed Apartments 62m<sup>2</sup>  
 N08. 2 Bed Apartments 61m<sup>2</sup>  
 N09. 2 Bed Apartments 62m<sup>2</sup>  
 N10. 2 Bed Apartments 62m<sup>2</sup>

GROUND FLOOR PLAN



ROOF PLAN

SIDE ELEVATION VIEW A

COURTYARD VIEW C

COURTYARD VIEW D

SIDE ELEVATION VIEW B

<b>Contact Officer:</b>	<b>Audrey Lewis</b>
<b>Telephone No:</b>	<b>01543 464 528</b>

<p><b>Planning Control Committee</b></p> <p><b>28 September 2022</b></p>
--

<b>Application No:</b>	CH/21/0023
<b>Received:</b>	12-Jan-2021
<b>Location:</b>	Castle Inn, 141 , Main Road, Brereton, Rugeley, WS15 1DX
<b>Parish:</b>	Brereton and Ravenhill
<b>Ward:</b>	Brereton and Ravenhill Ward
<b>Description:</b>	Demolition of existing building and the erection of an apartment building and associated landscaping, parking and access
<b>Application Type:</b>	Full Planning Application Major

### Update

This case was reported to Planning Control Committee on 20th April 2022 when it was resolved: -:

**(A) That the application be deferred to enable the applicant to resolve land ownership issue with Staffordshire County Council and if necessary, serve the required notice on the County Council.**

**(B) That the application be brought back to the Planning Control Committee.**

**The land ownership issue was resolved by the applicant serving notice on Staffordshire County Council.**

### Recommendation:

That the application be approved subject to no objections being received from the Strategic Housing Officer, the attached schedule of conditions and the completion of a S106 in respect to the provision of affordable housing provision.

### Reason(s) for Recommendation:

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

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

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

Reason

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

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

Reason

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

3. The development hereby permitted shall not be occupied until the scheme for adequate acoustic performance and ventilation for the development has been carried out in full. The scheme shall thereafter be retained for the lifetime of the development.

Reason

In order to enable the development to provide appropriate noise attenuation to protect the residential amenity of its occupiers and to ensure compliance with Local Plan Policy CP3 and the NPPF.

4. The development hereby approved shall not be commenced until:
  - i) A Phase 1 Contamination Report (desktop study) has been prepared and submitted to the Planning Authority for approval. This shall document the previous history of the site and surroundings, identifying the potential sources of contamination and the impacts on land and/or controlled waters relevant to the site. A Conceptual Site Model shall be produced for the site which shall identify all plausible pollutant linkages.
  - ii) Where the phase 1 report has identified potential contamination, an intrusive site investigation shall be carried out to establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, water and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS/MCERTS accredited methods. The details of this investigation (including all technical data) shall be submitted to the Planning Authority, as a phase 2 report, for approval prior to any site demolition, remediation or construction works.
  - iii) In those cases where the phase 2 report has confirmed the presence of contamination, a Remediation Method Statement shall be submitted to this Department (for approval prior to works) detailing the exact manner in which

mitigation works are to be carried out. The Statement shall also include details of validation testing that will be carried out once works have been completed.

- iv) If during remediation works, any contamination is identified that has not been considered within the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to this Department for written approval. Any approved proposals shall thereafter, form part of the Remediation Method Statement.
- v) The development shall not be occupied until a validation/ phase 3 report has been submitted to and approved in writing by the Local Planning Authority. A Validation Report shall confirm that all remedial works have been completed and validated in accordance with the approved Remediation Method Statement.

#### Reason

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

- 5. No development shall commence until a Construction Vehicle Management Plan (CVMP) including details of site compound, types of vehicles, provision for parking of vehicles for site operatives and visitors, loading and unloading of plant and materials, and storage of plant and materials used in constructing the development has been submitted to and approved in writing by the Local Planning Authority. The approved CVMP shall thereafter be implemented during the demolition and construction phase of the development.

#### Reason

In the interests of highway safety, in accordance with Local Plan Policy CP3 and paragraph 111 of the NPPF.

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

#### Reason

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

- 7. 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.



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

Reason

In the interest of highway safety. To comply with the principles set out in the National Planning Policy Framework.

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

Reason

In the interest of highway safety. To comply with the principles set out in the National Planning Policy Framework.

10. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) / Drainage Strategy documents – “Flood Risk Statement and Surface Water Drainage Strategy” – Dated August 2022 and “Drainage Operation and Maintenance Manual” – Dated August 2022 and the following mitigation measures detailed within, along with other necessary mitigation measures.

- Surface water drainage system(s) designed in accordance with the Non-Statutory Technical Standards for sustainable drainage systems, (SuDS), (DEFRA, March 2015).
- Sustainable Drainage Systems designed in full accordance with the Staffordshire County Council SuDS Handbook.
- Provision of adequate flood storage on the site to a 1 in 100 year plus 40% climate change return period standard in full accordance with the requirements specified in ‘Science Report SC030219 Rainfall Management for Developments’.
- Provision of adequate surface water infiltration (soak-away) tanks, in order to effectively discharge surface water flows from the site in accordance with the non-statutory technical standards for SuDS and the SCC SuDS Handbook. These should comply in accordance with details included in the above referenced documents.
- The incorporation of adequate surface water treatment in accordance with CIRIA C753 – The Simple Index Approach, to mitigate surface water quality pollution.
- Detailed design (plans, network details and calculations), in support of any surface water drainage scheme including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year, and 1 in 100 year plus 40% (for climate change), return period, critical duration storms.



- Plans illustrating the flooded areas and flow paths in the event of exceedance of the drainage system.
- Provision of an acceptable Construction Environment Management Plan, to ensure that surface water quality and quantity is adequately managed from the commencement of construction through to the completion of the development.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure the surface water systems shall be maintained and managed for the lifetime of the development.
- Confirmation and compliance with an acceptable management and maintenance plan. Confirmation of which responsible body will maintain the surface water system over the lifetime of the development according to an acceptable maintenance schedule.

#### Reason

To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site, in accordance with the requirements of the Local Plan and NPPF.

11. The drainage scheme for satisfactory foul and surface water disposal shall be implemented in accordance with the approved details before the development is first brought into use.

#### Reason

To ensure the development is provided with a satisfactory means of drainage and to prevent flooding, in accordance with Local Plan policy CP16.

12. The development hereby approved shall not be occupied until the scheme for secure cycle storage and electric vehicle charging points has been implemented in full. Thereafter the secure cycle storage and electric charging points shall be retained and maintained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

#### Reason

In the interests of protecting the air environment in accordance with paragraph 152 of the National Planning Policy Framework.

13. The development hereby permitted shall not be occupied until the bathroom windows indicated on the approved plan as obscure glazed are fitted with obscure glazing. The windows shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Thereafter the windows will be retained and maintained as such for the life of the development.

#### Reason

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

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

Reason

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

15. The scheme for the provision of bat & bird boxes shall be implemented in accordance with the approved plans. No dwelling hereby approved shall be occupied until the works comprising the approved scheme, in so far as they relate to that dwelling, have been implemented.

Reason

In the interests of enhancing bird/bat breeding habitat in accordance with Policy CP12 of the Local Plan and paragraphs 174 of the NPPF.

16. Following completion of landscape establishment, a Landscape Management Plan shall be submitted to and approved by the Local Planning Authority. Thereafter the external landscape environment shall be managed in accordance with the approved Landscape Management, 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.

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

- Drg No. 32 (Sketch proposal floor plans)
- Drg No. 31 Rev F (Sketch proposals elevations)
- Drg No. 30 Rev J (Site & location plan)
- Drg No. P19-3114 01-J (Detailed soft landscape plan)
- Drg No. P19-3114-02-F
- Drg No. P19-3114 04 – B (Typical tree pit)

Maintenance gate

Courtyard gates

Cycle store

Bin bay screening

Bat report

Bat survey

Flood Risk Statement & Surface Water Drainage Strategy dated August 2022

Planning & Heritage Assessment

Fast Charging Twin Charger details

Lo-carbon Sentinel details

Kinetic Advance details

Asbestos report

BRE report

Reason

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

### **Notes to the Developer:**

Informative for Decision Notice.

The existing dropped crossings to the site shall be reconstructed. Please note that prior to the reconstruction works taking place you require a Permit to Dig. Please contact Staffordshire County Council, Network Management Unit, Staffordshire Place 1, Tipping Street, Stafford. ST16 2DH. (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk))

Coal Authority

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

## **Consultations and Publicity**

### **Internal Consultations**

#### ***Development Plans and Policy Unit***

The existing vacant public house is situated within a large car park on the Main Road through Brereton and is surrounded on three sides by residential premises. It is not protected for a specific use on the Local Plan Policies Map, but the Conservation Area boundary abuts the Main Road frontage and the side of the car park facing the Railway Cottages.

Policy CP1 in the Cannock Chase Local Plan (Part 1) 2014 states that there will be a presumption in favour of sustainable development and that development should secure economic, social and environmental improvements where possible. Planning permission can be granted, unless material considerations such as any adverse impacts of granting permission or specific policies in the National Planning Policy Framework (NPPF) indicate development should be restricted.

Policy CP3 defines the high design standards that will need to be addressed in relation to the development proposal including the expectation that buildings will reflect local identity and enhance the character of the local area. It also aims to protect the amenity of existing properties including supporting mixed uses whilst avoiding incompatible ones. The Design SPD provides additional guidance.

Policy CP5 supports the provision of infrastructure for social inclusion and healthy living, including that the presumption against the loss of community buildings unless they are surplus and clearly no longer required to meet demand. This includes providing or improving, local shops and buildings for community use such as pubs. The National Planning Policy Framework (NPPF) 2019, paragraph 92 sets out that planning decisions should service community needs by planning positively for the provision and use of public houses and guard against the unnecessary loss of valued facilities where it would reduce the community's ability to meet everyday needs.

Policy CP15 aims to protect the special character and setting of conservation areas by requiring new development to be of the highest standard.

The Cannock Chase Local Plan (Part 1) 2014 was adopted more than five years ago; it is therefore the subject of a review. This review is at an early stage in the process with consultation on 'Issues and Options' being undertaken recently (May-July 2019). Therefore limited weight can be afforded to it. The starting point for the determination of planning applications remains the adopted development plan (Local Plan (Part 1)).

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

It should be noted that the site is located within the Brereton and Ravenhill Neighbourhood Area and the Parish Council is currently writing a Neighbourhood Plan for the area.

In summary there is no objection to the principle of residential development on the site, as the site is already adjacent to existing residential areas, subject to consideration of appropriate design considerations given the setting of the adjacent Conservation Area. It is noted that there are alternative accessible public houses within Brereton and Rugeley, with the closest being less than half a mile away from the site. However, the viability of the current public house should be considered and justified, prior to demolition. According to our Business Rates records it has been vacant for over 2 years, since 4th February 2019.

### ***Conservation Officer***

The site lies within the setting of Brereton Conservation Area and St Michaels Church, which is a Grade II\* listed building, both of which constitute designated heritage assets.

As such the proposal engages the duty under S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out that: -

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

The proposal also engages Policy CP15 'Historic Environment' of the Local Plan which states the District's Historic Environment will be protected and enhanced via [amongst other things and of relevance in respect to the current application]

- the safeguarding of all historic sites, buildings, areas, archaeological remains, their settings and their historic landscape and townscape context according to their national or local status from developments harmful to their significance in order to sustain character, local distinctiveness and sense of place;
- supporting and promoting development proposals that are sensitive to and inspired by their context and add value to the existing historic environment, landscape and townscape character by virtue of their use, layout, scale, appearance, landscaping and materials to ensure that the historic environment acts as a stimulus to high quality design based upon guidance set out in the Design SPD; planning standards may be applied in a flexible manner to maintain continuity within historic townscapes. Opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance will be considered;
- maintaining an appropriate balance between conservation, re-use, sympathetic adaptation and new development via recourse to national policy in order to promote the sustainable management of the historic environment, mixed sustainable land use patterns and promote the historic environment as a catalyst for the regeneration of the District;
- focussing development and regeneration around existing historic urban areas to maximise potential for investment

National policy in respect to conserving and enhancing the historic environment is provided by Section 16 of the NPPF. In this case relevant paragraphs include 194, 195, 197, 199-201.

Paragraph 194 of the NPPF sets out the general requirements of what applicants should provide when submitting application that affect the historic environment and which states:

-

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

with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'

Paragraph 195 of the NPPF goes on to set out the responsibilities of local planning authorities stating:

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

Paragraph 197 goes on to state: -

'In determining applications, local planning authorities should take account of:

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

Paragraph 199 adds that

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

Paragraphs 200 to 202 set out the approaches that local planning authorities should take should they determine that an application proposal would cause harm to a designated heritage asset, depending whether the harm would be total loss, substantial or less than substantial. Paragraph sets out the requirements in circumstances where the harm is substantial stating: -

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

- (a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- (b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed

buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional’.

Paragraph 201 sets out the requirements in circumstances where harm to a designated heritage asset would be substantial and states: -

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

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

Finally, paragraph 202 states: -

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

In accordance with the requirements of paragraph 195 of the NPPF the applicant has submitted a Heritage Statement and more importantly an Addendum to that Statement which contains a series of historic maps through which the development of the conservation area and setting of St Michaels Church can be assessed

The earliest map provided is the 1841 Rugeley Tithe Map which shows the site predominantly lying across three linear fields, and across smaller paddock areas fronting the Main Road with a tramway, immediately to the north of the site. The surrounding area is also comprised of a series of fields. The church at that time appears to be relatively isolated. The parish church designed by T Trubhsaw had been built (or rebuilt) in 1837. It should also be noted that by this time the following listed buildings within what is the conservation area were probably already in existence

The Cedar Tree, Main Road, Brereton. Date: 18th/19thC. three storey building

Brereton House, Main Road, Brereton. Date 18th C. three storey red brick house

179 & 181 Main Road, Brereton. Date: 17th/18th C. building,

The 1884 OS Map indicates that the development site appears to have changed little by the late-19th century, although some small-scale development is represented within the south-west of the site, and a structure is recorded to the immediate west of the site, fronting Main Road. The parish church of St Michaels had been enlarged in 1878 by Sir George Gilbert Scott, with the tower remodelled 1887 by his son John Oldrid Scott. This had been 'mainly in the Early English style' but combined 'early and high Victorian phases which has produced 'an ensemble of considerable architectural interest'.

The 1902 OS Map shows that by the early-20th century the tramway which formerly lay to the north of the site had been re-routed across the northern edge of the site, with a tunnel recorded as running beneath the Main Road. A mound is also recorded to the south of this, within the north-east of the site which may have been formed from arisings associated with the tunnel or the tramway which is recorded as lying in a reduced area of ground within the site. Otherwise, the site appears to have changed little, and remained largely unchanged through the early-20th century. However, by 1902 the frontage along Main Road had become to be more developed.

The 1961 OS Map shows that by the mid-20th century, the former tramway is no longer extant, however a subway is recorded to the west of the site, in the location of the former tram tunnel. It appears as though some levelling has occurred within the site at this time, with no mounds or depressions represented on OS maps. A small structure in the south-west of the site is recorded as The Castle public house at this time. However, the 1961 Map shows that there had been recent urban expansion around the site and St Michaels Church by 1961. What had been open land in 1902 is by 1961 occupied by residential estates with typical mid C20th layouts. By this time the original rural setting of the St Michaels Church had largely been lost.

Having had regard to the above it is clear that at the time of St Michaels Church being built in 1837 and modified in 1887 the setting of the church would have been characterised by rural open countryside within which and fronting onto Main Road were several 3 storey buildings. The smaller building that seem to have been developed since that period are relatively modern additions which collectively have massively eroded the original rural setting. The site in its current layout, design and materials is a modern addition which detracts from the character of the adjacent conservation area and from the setting of St Michaels Church.

The Heritage Statement states that the settings of the Conservation Area are [now] largely urban, being surrounded to the west, north, and east by built form within Brereton, although the settings are more rural to the south-east, where agricultural land extends to the south, and east. This is wholly accepted by Officers.

The Heritage Statement goes on to state that

The proposed development will be set back from Main Road, similar to other more recent developments, but will have a far stronger relationship with the road, and will provide a more uniform, continuous frontage that will be more in keeping with the overall street scene. Although of a larger scale than the adjacent properties, the scale of the building is not out of place in the Conservation Area, with other buildings such as the Grade II\* Listed Brereton Hall, and Grade II Listed Brereton House further to the south, also being large and imposing buildings. Following comments from the Development Control Manager, and advice from built heritage specialists, several amendments have been made to the design proposals. These have taken into account the local vernacular, and



in particular architectural detailing and materials used in the aforementioned properties, in particular Brereton House. Changes to the design include:

- Removal of the Juliette style balconies and doors opening up on to the front;
- Alterations to ensure that one material (brick) was used on the frontage, with architectural detailing to break up the mass (guided by detailing at Brereton House), with articulation provided by detailing such as in window headers and cills;
- Alterations to hierarchy of the fenestration – larger windows on ground floor and Reduction in size of the large, central gated access;
- Detailing of the door cases and doors;
- Chimneys added to break up the roof mass; and,
- Addition of a stone wall with traditional railings to the front boundary.

It is also note that the applicant has also submitted elevation drawings which also include cross sections along the streetscene and across the Main Road so that a comparison of the heights of the proposed building and that of St Michaels Church can be seen, at a distance of 35m from the application site.

The comments of the parish council in respect to the proposed building being over dominant with St Michaels Church are noted. Although this may have been the case if they were on the same ground level in reality any impact is mitigated by the fact that the church is on higher ground and the intervening distance. In addition, it should be borne in mind that at the time the church was built it was contemporary with several the three storey buildings with in its vicinity and which now are considered to have importance in their own right (being listed) and that they make a positive contribution to the character of the conservation area.

It is therefore considered that the application proposal, by virtue of its size, scale mass, architectural detailing and layout does provide appropriate homage to the character of the conservation area and its historic environment and in this respect would not harm the setting of the conservation area or the setting of St Michaels Church.

As such the proposal would be in accordance with Policy CP15 of the Local Plan and Section 12 of the NPPF.

### ***Ecological Officer***

No comments received.

### ***Parks And Open Spaces (29.3.21)***

I have the following comments:-

Changes to the layout of parking, boundary treatment and landscaping to the north west boundary resolves the previous issues noted.

Amendments to gates and locations acceptable as is the design of the maintenance gate. Dwg P19-3114-02-F acceptable.

Access way from the building front through to the courtyard is to have metal gates – design is acceptable however worth noting that this open design will likely result in a wind tunnel effect that would impact on and discourage use of the courtyard area.

Cycle storage – The proposed Turvec Cubic Wooden bike shelters are ideal.

Bin stores – The use of recycled plastic fencing is good although the feature is open topped but should be ok. Planting has been indicated surrounding the structure which would help soften their appearance. Dark green would be preferable to black.

Bird and bat boxes – as noted previously their inclusion and retention for the life of the development needs to be conditioned.

Soft landscaping –

- Revised and additional details generally acceptable.
- Trees – still no details on form ie container grown or bare root, former recommended. To confirm.

As noted previously - Maintenance – basic details for 12 moths indicated but need long term management & maintenance plan. This can be conditioned.

Who is to maintain the external environment?

No service details have been provided so unable to confirm if proposed tree planting can be achieved.

EVC points – No update - are these indicated by the car/plug symbol? Details should be required.

As noted in the pre application consultation there are two areas of grass (verge) to the left and centre of the site frontage (former subway access) possible still in SCC ownership. Incorporation of tree planting on these would benefit the scheme and also the whole locality and help with climate change adaption. Has any discussion been has with SCC?

Summary

- Tree planting form to confirm
- Service details required
- EVC details required or could be conditioned.
- Other info/details to condition as noted

### ***Parks & Landscaping Re-consultation response (3.12.21)***

The proposed revisions relate to the building elevations and treatment of the site frontage boundary The latter relates to replacement of the existing low wall with a stone wall and railing including entrance pillars. Overall this would enhance the street scene view.

As noted previously, there are two areas of grass (verge) to the left and centre of the site frontage (former subway access) within the SCC ownership. Incorporation of tree planting with the approval of SCC would greatly benefit the scheme and also the whole locality and help with climate change adaptation.

In relation to the above, it is noted that the existing wall to the left (NW) of the site of the site does not appear to be within the ownership boundary of the site (potentially SCC) so how can this be rebuilt as proposed without the consent of SCC?

Summary - No objection to the revised details.

### ***Travel Management and Safety***

No objections subject to the imposition of conditions.

### ***Staffordshire County Council (22.6.22)***

We are now in receipt of the correct Notice and received comments from our Legal Team in respect of the application.

Whilst SCC have no objections to the proposals the applicants will need to contact SCC for our consent to cross our land to obtain access to their proposed development.

The applicant will need to negotiate an Easement with us to that end which will be subject to formal approval by the County Council.

The agents will need to liaise with our Estates Manager Paul Causer regarding this matter and the terms of the easement.

### ***Environmental Services***

No comments received

### ***CIL Officer***

In respect of the above planning application, based on the additional information form submitted, the chargeable amount for this development would be £69,512.79. The applicant has indicated that they wish to apply for social housing relief, however, as they have not submitted the appropriate forms for this to be granted I have not included the relief in the figure above.

I will contact the agent/applicant for the appropriate forms.

An officer update will be provided prior to Committee on whether there is any social housing relief being granted.

### ***Environmental Protection Officer (March 2021)***

The applicant has provided a noise assessment (P21-033-R01v01, February 2021). The report provides an acoustic mitigation scheme comprising of upgraded glazing and ventilation for living rooms and bedrooms on the frontage and side elevations of apartments closest to the main road.

However, I have concerns about the proposals in that:

The mitigation proposals are based on closed windows. Without mechanical ventilation to allow temperature control, residents can not avoid overheating scenarios without opening windows. Overheating within properties may therefore lead to the properties failing the Housing Health & Safety Standards. This is overseen by my colleagues in the Private Sector Housing Section (PSH), who are copied in for awareness. Partially opened windows by offer a 15 dB attenuation, which would then provide inadequate acoustic attenuation.

Daytime noise recordings. Tabulated recorded data is provided for daytime hours between 13:30 and 16:00. The recorded values average at 64 dBA. Given the attenuation provided by partially opened windows, this would cause exceedance of WHO standards as follows:

- Dining rooms +9dB exceedance
- Living & bedrooms: +14dB exceedance

Night time noise. A chart is provided. The recorded average values equate to 57dBA. Given attenuation from partially opened windows, this would cause exceedance in bedrooms by 12 dB.

Night-time noise. The range of values for maximum noise levels range between 40 and 79 dBA. Given 15 dB attenuation from partially opened windows, this would cause levels in road fronting bedrooms of 25 to 64 dBA. The acceptable standards in bedrooms at night are no more than 10 episodes exceeding 45 dBA. The report does not quantify the number of events above this value, although from the chart it would appear that maximum values show regular and consistent exceedance of this value, above the permitted 10 episodes.

I can not currently recommend acceptance of the proposals, and would recommend that the applicant addresses the matters listed above and also provide an overheating assessment to satisfy PSH. Alternatively, rooms may be re-orientated to place less sensitive rooms on the protected side of the building or provision of mechanical ventilation to ensure thermal comfort whilst acoustically attenuated windows remain shut. Given that the report currently applies closed window attenuation conditions to all apartments, I would request that the whole building is re-evaluated.

### ***Environmental Protection Officer (May 2021)***

The developer proposes to install mechanical ventilation and upgrade acoustic vents for rooms that require acoustic glazing. The mechanical ventilation consists fo a Lo-Carbon Sentinel Kinetic Advance.

I see from the technical specification that the mechanical unit can maintain internal temperatures to 21C. On this basis the noise mitigation can be provided without compromising other issues.

### ***Private Sector Housing***

No objections.

### ***Waste and Engineering Services***

Cannock Chase Council does not routinely 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.

If the roadway is to be un-adopted the bin collection points will be required adjacent to the metalled (adopted) highway; in accordance with the above requirement.

Bin collection points should be within 25m of the property they are designed to serve which may not be achievable for some parts of this development.

Bin collection / storage points should also be designed and designated for the minimum number of bins required for the number of properties. The proposed development requires a minimum of 12no. 1100 litre euro style commercial bins.

Bin collection and storage points should be constructed to a sufficient size and quality for the number of bins required and consideration given to their proper environmental screening.

In addition bin storage /collection point should allow the safe and adequate removal and replacement of individual bins without the need to shuffle other bins around the storage area.

There must be a minimum clear space of 150mm between individual containers and between containers and surrounding walls (BS5906:2005).

Bins should not have to be moved to access other containers; should not be over filled; or cause a hazard to collection crews.

Bin stores should be located at ground/vehicle access level with adequate access.

Sufficient consideration must be given to lighting, ventilation, fire safety and vermin control.

The security of the bin store is the responsibility of the landlord; where locks are fitted, bin stores should be opened prior to the scheduled collection or keys/access codes made available to the Council.

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

### ***Strategic Housing***

No comments received, Members will be provided with an officer update sheet prior to Committee with regards to S106 affordable housing contribution commitments.

### ***Economic Development***

Economic Development are happy to support the application. It is recommended that at a build phase, consideration is made to the implementation of high speed broadband as well as high speed EV charge points.

## **External Consultations**

### ***Natural England***

No objection - subject to appropriate mitigation being secured

As submitted the application would have an adverse effect on the integrity of Cannock Chase Special Area of Conservation.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

A suitable developer contribution should be secured, consistent with adopted local plan policy CP13 - Cannock Chase SAC and the Council's supporting document 'Cannock Chase SAC – Guidance to mitigate the impact of residential development'. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

### ***Landor Society***

No comments received.

### ***School Organisation***

No comments received.

### ***LLFA – SUDS (received on 1.9.22)***

No objection subject to condition.

### ***South Staffs Water***

I have viewed the application and from our existing asset records we appear to have a water mains asset affected by this scheme, this would need engagement by the developer with ourselves to look to divert/protect this asset if it is affected by construction works.

Additionally we would look to install any new water assets to supply the development through the normal application for new connections process.

Please note that we do not keep records of individual water services so this site may well require the existing water service to be disconnected prior to the development being undertaken.

### ***Severn Trent Water***

No comments received.

### ***Environment Agency***

No comments received.

### ***Brereton and Ravenhill Parish Council (8.2.21)***

The Parish Council strongly object to this planning application on the following grounds:-

- The proposed building is too massive and too high.
- The proposed development would cause substantial harm to a designated heritage asset, ie St Michaels Church [listed] which is relatively small and low in height for a church building.
- The development would create an eyesore totally out of scale with the surrounding area.
- It would harm the Conservation Area and tower over the adjacent Railway Cottages, which are just single storey but a very important heritage asset.
- The development would also be out of scale to the single storey alms houses.

In summary, the development would have a substantial impact and cause great harm to St Michaels Church, the Railway Cottages and the Conservation Area as a whole. It would have a negative impact on the central part of the historic village of Brereton and cause great harm to the street scene.

We recognise it is not a planning issue and is not part of our objection but it would have been nice for the developers to recognise the loss of car parking spaces at the Railway Cottages.

#### ***Brereton and Ravenhill Parish Council (10.12.21)***

That the Council confirm its original objections to the application and concern be expressed that the revised elevation drawings give an incorrect impression relating to the location of Brereton House and the size of the rear façade of St Michael's Church which is opposite the proposed development and in order to appreciate the height and mass of the proposed development in relation to existing buildings the Planning Committee should undertake a site visit before determining the application

#### ***Wildlife Trust***

No comments received

#### ***Network Rail***

No comments received

#### ***Status Bus Group***

We would welcome discussions with officers of the council regarding the development to confirm if the developer could fund taster bus tickets to try the local bus service.

#### ***Crime Prevention Officer***

I have taken the opportunity to examine the above planning application with reference to the Association of Chief Police Officer's Secured by Design Criteria and the Principles of Crime Prevention Through Environmental Design.

Whilst I have no objections this Application, it is important that I take this opportunity to provide the following guidance and recommendations aimed at reducing opportunities

for crime and ensuring that a high level of physical security is incorporated in this development.

## 1. Design Concerns.

It is important that a high level of physical security is incorporated in these proposals, and that this development conforms to the minimum standard of security outlined within these recommendations.

Whilst I appreciate that the proposed access from Seabrooke Road is intended to be controlled through use of coded fobs, because of the potential for misuse and unwanted access to the side and rear of property, I recommend that this route be reconsidered, and that this area be adopted by neighbouring properties.

### 1.1 Boundaries (Design guidance).

I support the intention to provide access controlled 1.8m high galvanised steel gates to restrict access to shared areas. To remove opportunities for unobserved access, the proposed gate to the rear and North of the building should be recessed no more than 600mm from the open side elevation of this building. These gates must include closing mechanisms.

I support the intention to erect 1800mm high vertical bar Railings to the Amenity Space, as this will help to remove opportunities for misuse of this area.

Secured By Design. Homes 2019; -

Side and rear boundaries.

Section 10.5 Vulnerable areas, such as exposed side and rear gardens, need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m. There may be circumstances where more open fencing is required to allow for greater surveillance. Trellis topped fencing can be useful in such circumstances.

10.6.6 Fence heights should be of a minimum 1.8m overall and be capable of raking/ stepping to maintain height over different terrain.

### 1.2 Design Features and Climbing Aids (where applicable).

Design features that may create climbing and access to potential open windows etc. should be avoided. Boundary walls, bins and bin stores and any low roofs should be designed so as not to provide climbing aids to gain access into the property.

Note: To avoid creating climbing points etc. particular attention must be paid to the junction of existing and proposed Boundaries.

### 1.3 Car Parking and Vehicle Security (Guidance).

Section 55.2 Lighting must be at the levels recommended by BS 5489-1:2013.

Secured By Design. Homes 2019.

Section 8. Layout of roads and footpaths.



Section 8.1 Vehicular and pedestrian routes should be designed to ensure that they are visually open, direct, well used and should not undermine the defensible space of neighbourhoods.

(Defensive Space) Design features can help to identify the acceptable routes through a development, thereby encouraging their use, and in doing so enhance the feeling of safety. Where it is desirable to limit access/use to residents and their legitimate visitors, features such as rumble strips, change of road surface (by colour or texture), pillars, brick piers or narrowing of the carriageway may be used. This helps to define the defensible space, psychologically giving the impression that the area beyond is private.

Section 8.2 Defensible space has the simple aim of designing the physical environment in a way which enables the resident to control the areas around their home. This is achieved by organising all space in such a way that residents may exercise a degree of control over the activities that take place there.

I recommend that a change in road surface or traffic calming feature is used at the vehicle entrances to the site to help to define this area as private and to promote a sense of ownership for residents.

Secured By Design. Homes 2019:-

Section 55. Car parking.

Communal car parking areas.

Section 55.1 Where communal car parking areas are necessary they should be in small groups, close and adjacent to homes and must be within view of the active rooms within these homes (Note 55.1).

It may be necessary to provide additional windows to facilitate overlooking of the parking facility.

Note 55.1: (Explanation of Active Room) The word 'active' in this sense means rooms in building elevations from which there is direct and regular visual connection between the room and the street or parking court. Such visual connection can be expected from rooms such as kitchens and living rooms, but not from more private rooms, such as bedrooms and bathrooms.

To help reduce opportunities for conflict and so that it does not highlight that a property is vacant, I recommend that spaces are lettered or numbered but not with apartment numbers. In addition, appropriate signage can help to remove opportunities for misuse.

Landscaping Adjacent to Parking Bays.

I recommend that any planting adjacent to parking bays should preferably be berberis or thorny and should have a mature or maintained growth height of 500mm to help prevent people from hiding in those areas.

Secured By Design. Homes 2019.

Section 16. Vehicle Parking.

Section 16.6 Where parking is designed to be adjacent to or between units, a gable end window should be considered to allow residents an unrestricted view over their vehicles.

Lighting To Parking Areas and Facilities:-

Secured By Design. Homes 2019.

Section 55. Car Parking.

Section 55.2 Lighting must be at the levels recommended by BS 5489-1:2013.

Section 16. Vehicle Parking.

Section 16.7 Communal parking facilities must be lit to the relevant levels as recommended by BS 5489-1:2013.

Section 16.9 Lighting is required to meet 'Street Lighting' standards.

Luminaires should be vandal resistant and not mounted below 2.5 metres from the ground and out of reach for those wishing to cause interference.

Bollard lighting is not appropriate as it does not project sufficient light at the right height and distorts the available light 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.

#### 1.4 Planting and landscaping

Landscaping must not impeded natural surveillance and must not create potential hiding places for intruders, especially where it may obscure views of and from doors and windows. This is valuable in helping to maintain a clear field of vision around a site, and in reducing fear of crime and opportunities for crime

Secured By Design. Homes 2019.

Section 17. Planting in new developments.

Section 17.1 The planting of trees and shrubs in new developments to create attractive residential environments will be supported provided that:

17.1.1 The layout provides sufficient space to accommodate specimens once they have reached maturity, clear of access routes and required circulation areas;

17.1.2 Future maintenance requirements and budgets are considered at the planting design stage and management programmes are put in place to ensure the landscape fulfils the aims of the original design;

17.1.3 The planting design takes full account of all other opportunities for crime.

#### 1.5 Dwelling Lighting.

Secured By Design. Homes 2019.

Section 59. Private External lighting and dwelling lighting.

Private external lighting to common areas.

Section 59.1 Where possible the lighting requirements within BS 5489-1:2013 should be applied.

Section 59.2 SBD requires that only luminaires with suitable photometry serving to reduce light spill and light pollution may be used. Reducing light spill from inefficient luminaires into areas where lighting is not required is extremely important

Section 59.3 External public lighting must be switched using a photo electric cell (dusk to dawn).

Dwelling lighting.

Section 59.4 Lighting is required to illuminate all elevations containing a doorset, car parking and garage areas and footpaths leading to dwellings and blocks of flats.

Bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

#### 1.6 Access to Utility Meters and Post Boxes.

Note: The overall intention is to reduce the opportunities for theft by bogus officials. As such, this requirement includes 'Smart Meters', as the service providers will require open access to meters.

Mailboxes and Meters should be located within secure 'Lobby' areas, mounted externally or mail boxes can be mounted through the building fabric. Where they are to be within 'Lobby' areas, a second door should be used to create an 'air lock' system to remove opportunities for access to Apartment front doors.

Secured By Design. Homes 2019.

Section 26. Utility meters.

Section 26.1 Utility meters should be located outside the dwelling at the front or as close to the front of the building line as possible (to ensure they are visible in order to deter vandalism). If located to the side of the dwelling they must be as near to the front of the building line as possible and to the front on any fencing or gates (care should be taken not to provide a climbing aid).

Note: Intercom systems and access control must not include a 'trade access' period and therefore opportunities for 'bogus official' and opportunistic crime.

#### 1.7 Access Control.

Whilst I appreciate that the proposed access from Seabrooke Road is intended to be controlled through use of coded fobs, because of the potential for misuse and unwanted access to the side and rear of property, I recommend that this route be reconsidered, and that this area be adopted by neighbouring properties.

The double gates to the front of the Building must be included in the Access Control System and should include closing mechanisms.

Secured By Design. Homes 2019. (Secured By Design minimum guidance.)

Developments with more than 25 flats, apartments, bedsits or bedrooms.

Section 27.24 Larger developments containing more than 25 flats, apartments, bedsits or bedrooms shall have a visitor door entry system and access control system. The technology by which the access control system operates is outlined within UL 293, however it must provide the following attributes:

- Access to the building via the use of a security encrypted electronic key (e.g. fob, card, mobile device, key etc.);
- Vandal resistant external door entry panel with a linked camera;
- Ability to release the primary entrance doorset from the dwelling or bedroom (in the case of student accommodation or House in Multiple Occupation);
- Live audio/visual communication between the occupant and the visitor;
- Ability to recover from power failure instantaneously;
- Unrestricted egress from the building in the event of an emergency or power failure;
- Capture (record) images in colour of people using the door entry panel and store for those for at least 30 days. If the visitor door entry system is not capable of capturing images, then it should be linked to a CCTV system or a dedicated CCTV camera should be installed for this purpose. This information should be made available to police within 3 days upon request;
- All visitor and resident activity on the visitor door entry system should be recorded and stored for at least 30 days. This information should be made available to police within 3 days upon request.
- Systems must comply with General Data Protection Regulations (GDPR).

Section 27.25 SBD recommends the use of colour monitors to enable the occupier of the dwelling or bedroom with the identification of visitors or to assist the occupier to accurately describe the colour of clothing to the police of the perpetrators of antisocial behaviour or those otherwise misusing the system.

Section 27.26 Specifiers are reminded that the installed electronic release hardware must form part of the certificated doorset range (for Secured By Design Accreditation).

Section 27.28 Tradesperson release mechanisms are not permitted as they have been proven to be the cause of anti-social behaviour and unlawful access to communal developments.

Security compartmentalisation of developments incorporating 25 or more flats, apartments, bedsits or bedrooms.

Section 27.29 Developments of over 25 flats, apartments, bedsits or bedrooms can suffer adversely from anti-social behaviour due to unrestricted access to all areas and floors of the building. SBD therefore seeks to prevent unlawful free movement throughout the building through the use of an access control system. How this is achieved is a matter for the specifier...

Section 27.33 It is imperative that the fire service should have unrestricted access to all floors in the event of an emergency. (See Sections 27.33.1 to 27.33.3).

## 1.8 Emergency escape doors (guidance).

Where emergency escape doors are intended as escape doors only, to prevent misuse a 'break glass' or 'break tag' mechanism should be used. They should have no external furniture.

Emergency Escape Doors (Recommended Minimum Security Requirements).

Secured By Design. Homes 2019.

Section 27. Access control and additional security requirements for buildings containing multiple dwellings of bedrooms.

Emergency door release devices.

Section 27.34 Break glass emergency door exit release devices (often green in colour) on communal external doors that provide an important aid to egress in the event of an emergency have proven to be abused rendering some buildings insecure for long periods of time. SBD recommends vandal resistant stainless steel self-resetting emergency exit systems are installed as an alternative. The installation and system type must be in full compliance with the Building Regulations and achieve final 'signoff' by local Building Control or Approved Inspector.

Section 31. Doorsets providing alternative access to communal areas other than the primary shared or communal access doorset (including emergency egress doorsets)

Section 28.1 Alternative access doorsets, emergency egress and fire doorsets that may be used by residents to access communal parts of the building are also required to be 'secure doorsets', see Approved Document Q, Section 1, paragraph 1.1.

Doorsets shall meet the requirements within paragraphs 21.1 to 21.17, and 21.19 to 21.22.:

- PAS 24:2016 (Note 21.1b); or
- STS 201 Issue 7:2015 (Note 21.1c); or
- LPS 1175 Issue 7.2:2014 Security Rating 2+ (Note 21.1d); or
- LPS 1175 Issue 8:2018 B3 Security Rating 2+
- STS 202 Issue 6:2015 Burglary Rating 2 (Note 21.1d); or

- LPS 2081 Issue 1.1:2016 Security Rating B (Note 21.1e)

Note 21.1a: Easily accessible is defined within Approved Document Q Appendix A.

## 2. Further Information and Guidance.

Further help and information can be gained from the following web sites:

- [www.securedbydesign.com](http://www.securedbydesign.com) (The official Police Security Initiative and Police Preferred Specified security product scheme).
- [www.bsi-global.com](http://www.bsi-global.com) (Standards, Training, Testing, Assessment and Certification).
- [www.bregroup.com](http://www.bregroup.com) (Offer quality of performance and protection certification for fire, security and environmental products and services).

Crime prevention design advice is given free without the intention of creating a contract. The Police Service and the Home Office does not take any legal responsibility for the advice given. However, if the advice is implemented, it will reduce the opportunity for crimes to be committed.

### **Response to Publicity**

The application has been advertised by site notice and neighbour letter. Seven letters of representation have been received on the following grounds:

- The proposal would be detrimental to highway and pedestrian safety.
- Increased traffic and pollution would be detrimental to health.
- Increased parking/ vehicular movements at all hours would be detrimental to the residential amenity of the occupiers at the cottages nearby.
- Overlooking of private garden areas and windows of surrounding residents.
- Proposed fencing to be erected at boundary adjacent to cottages is too high at 2m, it should be reduced to 1.2m high.
- Height and mass of the proposed apartment block would not be in keeping with the character of the conservation area and nearby listed buildings.
- Inaccurate representation of building relative to surrounding buildings.
- Loss of light.
- Family houses or bungalows should be built instead of apartments.

### **Relevant Planning History**

No recent relevant planning history.

## 1 Site and Surroundings

- 1.1 The application site comprises a former public house The Castle Inn, which is sited within a large car park on Main Road, Brereton, Rugeley. It is surrounded on 3 sides by residential properties. It has been vacant for approximately 3 years and is now falling into a state of disrepair.
- 1.2 The ground levels slope down from the front to the rear of the northern boundary side of the site adjacent to the nearest residential properties - the Railway Cottages.
- 1.3 The application site is undesignated, however, the Conservation Area boundary abuts the Main Road frontage and the side of the carpark facing the Railway Cottages. St Michaels's church, Grade II\* Brereton Hall and Grade II listed Brereton House are located near the site. The site is located within a Mineral SafeGuarding Area, Coal Authority Low Risk Boundary and Landmark Contaminated Land Boundary. There is a draft Neighbourhood Area Plan being prepared for the area.

## 2 Proposal

- 2.1 The applicant is seeking consent for demolition of existing building and the erection of an apartment building and associated landscaping, parking and access. The scheme would provide 26 No. x two bedroom and 1 No. one bedroom apartments.
- 2.2. The proposal would comprise a part two/ three storey building of brick and tile construction with pitched roof. Stone detailing, cills and headers to the sash style windows would be detailed. A communal rear courtyard landscaped garden and a front stone wall with railings would be provided.
- 2.3 The scheme would incorporate PV panels to the rear roof plans and rapid charge points would be provided.
- 2.4 The scheme has been amended since submission to provide:
  - Revised red line application site boundary to include front boundary wall.
  - Revised hard/soft landscaping scheme, including removal of proposed 2m high fencing.
  - Revised design of windows & building materials.
  - Removal of Juliet balconies.
  - Provision of heritage statement addendum.
  - Streetscene elevations relative to St Michaels Church.
  - BRE assessment for light/sunlight impacts on surrounding buildings.

### 3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan Part 1 (2014), the draft Neighbourhood Plan and the Minerals Local Plan for Staffordshire (2015 – 2030).

#### ***Cannock Chase Local Plan Part 1***

Relevant policies within the Local Plan include: -

- CP1: - Strategy – the Strategic Approach
- 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)
- CP15: - Historic Environment
- CP16: - Climate Change and Sustainable Resource Use

#### ***Minerals Local Plan for Staffordshire***

Relevant Policies within the Minerals Plan Include:

Policy 3: - Safeguarding Minerals of Local and National Importance and Important Infrastructure

There are no policies relevant to the proposal within the Minerals Plan.

#### ***Draft Neighbourhood Plan***

The Brereton and Ravenhill Parish is a designated Neighbourhood area but no formal stages have yet been reached in the preparation of a Neighbourhood Plan. As per para 48 of the NPPF no weight can yet be accorded to the Neighbourhood Plan.

#### 3.3 ***National Planning Policy Framework***

- 3.4 The NPPF (2021) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the



planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.

3.5 The NPPF (2021) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.6 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
64:	Affordable housing
111:	Highway Safety and Capacity
126, 130, 132, 134:	Achieving Well-Designed Places
218, 219	Implementation

3.7 Other relevant documents include: -

- (i) Design Supplementary Planning Document, April 2016.
- (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
- (iii) 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
- vi) Drainage and flood risk
- vii) Mineral safeguarding
- x) Crime and the fear of crime

- xi) Waste and recycling facilities

## 4.2 Principle of the Development

4.2.1 Both paragraph 11 of the NPPF (2021) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development. The site does not fall within any designated areas shown on the Local Plan Policies Map.

4.2.2 The presumption in favour of sustainable development as set out in paragraph 11 of the NPPF states: -

‘For decision taking this means:

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

4.2.3 The starting point of the assessment is therefore whether the proposal is in accordance with the development Plan and whether that plan is up to date. In that respect it is noted that Policy CP1 of the Local Plan states: -

“In Cannock Chase District the focus of investment and regeneration will be in existing settlements whilst conserving and enhancing the landscape of the AONB, Hednesford Hills, Green Belt and the green infrastructure of the District. The urban areas will accommodate most of the District’s new housing and employment development, distributed broadly in proportion to the existing scale of settlement.”

4.2.4 Other than the above general strategic approach there are no relevant policies within the Local Plan in respect to the approach to be taken with regard to the development of wind-fall sites. As such the proposal falls to be determined in accordance with the tests set out in subsection (d) (i) or (ii) of paragraph 11 of the NPPF show above.

4.2.5 With that in mind it is noted that the application site is not designated as Green Belt, AONB or as a SSSI or SAC, nor does it contain a listed building or conservation area nor is it located with flood zones 2 or 3. However, the proposal affects the setting of the Brereton Conservation Area and St Michael’ Church a Grade II\* listed building designated heritage asset and therefore Therefore, the

proposal does engage policies in the Framework that protect the setting of designated heritage assets. This issue will be addressed later in this report.

- 4.2.6 In other respects the site is located within an existing urban area in Brereton, wherein Policy CP6 identifies that there is an allowance for windfall housing sites to contribute to the District's housing requirements and positive consideration will be given to those which accord with sustainable development principles identified in the NPPF and the strategic approach identified in Policy CP1 and other Local Plan policies as appropriate.
- 4.2.7 In respect to the loss of a community facility as a result of the proposal, there are several public houses in the local area to provide the local community with a choice of options and the current building has been out of use as a public house for over 3 years. The site is surrounded by residential uses and is well served by bus routes giving access to public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development.
- 4.2.8 The proposal would demolish a decaying building of no architectural merit, with a viable robust residential use that would also increase housing supply and choice. As such, it would comply with the thrust of policy requirements in respect to the broad location of developments. The proposal is therefore considered acceptable in principle subject to compliance with policy in respect to the impact on the setting of designated heritage assets.
- 4.2.9 Although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect.

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

- 4.3.1 In respect to the impact on character of the area, the comments of the Parish and neighbouring occupiers are noted.

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 126, 130, 132, 134. Paragraph 126 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 130 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 134 states

'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'

4.3.5 The issues in respect to design and the impact on the character and form of the area are intrinsically linked to the impacts on the setting of the nearby Grade II\* listed St Michaels Church and the Brereton Conservation Area. In this respect the proposal engages the the duty under S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out that 'In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

4.3.6 The proposal also engages Policy CP15 'Historic Environment' of the Local Plan and paragraphs 194, 195, 197, 199-201 of the NPPF. These are given in full in the Conservation Officers comments and therefore are not repeated here.

4.3.7 In accordance with the requirements of paragraph 195 of the NPPF the applicant has submitted a Heritage Statement and more importantly an Addendum to that Statement which contains a series of historic maps through which the development of the conservation area and setting of St Michaels Church can be assessed

4.3.8 The Conservation Officer has given an analysis of the historical development of the area through the aid of map regression and informed by the Brereton Conservation Area Appraisal and elevation drawings showing cross sections of the streetscene.

4.3.9 The Conservation Officer has also note that has a result of his earlier comments the applicant has accommodated several changes to the design including

- Removal of the Juliette style balconies and doors opening up on to the front;
- Alterations to ensure that one material (brick) was used on the frontage, with architectural detailing to break up the mass (guided by detailing at Brereton House), with articulation provided by detailing such as in window headers and cills;
- Alterations to hierarchy of the fenestration – larger windows on ground floor and Reduction in size of the large, central gated access;
- Detailing of the door cases and doors;
- Chimneys added to break up the roof mass; and,
- Addition of a stone wall with traditional railings to the front boundary.

4.3.10 Finally the Conservation Officer has stated ‘the application proposal, by virtue of its size, scale mass, architectural detailing and layout does provide appropriate homage to the character of the conservation area and its historic environment and in this respect would not harm the setting of the conservation area or the setting of St Michaels Church’ adding ‘As such the proposal would be in accordance with Policy CP15 of the Local Plan and Section 12 of the NPPF.’

4.3.11 In addition to the above Officer note that the Character Area Descriptions identifies key local design principles and/or design principles that new development should consider to preserve and enhance and existing characteristic density, height and scale of the area is respected including:

‘in appropriate locations e.g. in/close to Breton Conservation Area well designed 3 storey buildings may be acceptable, elsewhere generally 2 storey appropriate.’

‘Recognise scope for variety of good quality design and materials in modern areas with preference for red brick and re/blue tiles/slate in historic areas, using render sparingly where appropriate.’

4.3.12 Appendix B of the Design SPD sets out clear expectations and guidance in respect to space about dwellings. 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 apartments

## (iv) Impact on trees

- 4.3.13 The layout plan demonstrates how the proposed apartment building would be set well back (22m) from the road, with provision of enhanced frontage hard and soft landscaping and rear courtyard landscaped amenity space to the rear. Parking provision would be sited in rows around the periphery of the site.
- 4.3.14 The apartments would replace a disused one/two storey flat roofed public house. They would be set back from dwellings fronting Main Road, arranged in a two/three storey U-shaped block behind generous frontages.
- 4.3.15 There are several 3 storey buildings located to the southern side of the site nearby fronting Main Road, the Cedar Tree Hotel, Brereton House and No.s 7-15 Main Road, that are not typical of the established urban grain pattern for the immediate area. It is therefore considered that, on balance, the proposal would not result in a dominant presence within the street scene or be detrimental to the Brereton Conservation Area character and appearance of its location.
- 4.3.16 The proposed apartments would be of traditional construction and finished with facing brickwork on the front elevation, with minimal render sections on the rear/side elevations under a tiled roof. The street scene comprises of a variety of finishes, including facing brickwork however there are a number of properties within the immediate locale that are finished in render. As such the proposed apartments would easily assimilate into the already varied street scene.
- 4.3.17 Therefore, having had regard to Policies CP3 and 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 In respect to the impact on amenity, the comments of the neighbouring occupiers are noted. Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 130(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 30sqm of communal garden for each apartment.

- 4.4.4 However, it should always be taken into account that these distances and areas are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels as well as the character of the area.
- 4.4.5 The main issues in this case are the potential for overlooking and loss of light to neighbouring dwellings and whether the proposal would appear overbearing.
- 4.4.6 The apartments would comply with facing distance requirements of the Design SPD for 2/3 storey buildings. In addition, the proposal would comply with the Council's 45/25 standard policy. Furthermore, a BRE report assessment has been submitted to demonstrate that there would sufficient sunlight to the rear courtyard area and it also demonstrates there would be no significant overshadowing of neighbouring dwellings for majority of the day.
- 4.4.7 Paragraph 185 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment and should (amongst others) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 4.4.8 In this respect the applicant has submitted a noise survey with which to inform the application. The survey concludes that acoustic protection measures will be required and mechanical ventilation to prevent overheating for the potential occupiers of the apartments. The report provides detail of the acoustic and mechanical ventilation measures, which should be undertaken in full and confirmed in writing.
- 4.4.9 Environmental Health Officers were consulted on the application and raised no objections to the proposal.
- 4.4.10 In conclusion, the separation distances to neighbouring properties are appropriate for the proposal and over and above the requirement of those set out within the Council's Design SPD.
- 4.4.11 With regard to the proposed development, this would facilitate 27 No. 1 and two bedroom dwellings with communal amenity space and parking. The Design SPD requires an area of 30m<sup>2</sup> amenity space per dwelling. In this instance, over 810m<sup>2</sup> would be provided which exceeds the requirement of the SPD.
- 4.4.12 As such, it is considered that the proposal would provide a high quality of amenity for occupiers of existing dwellings as well as for the future occupiers of the proposed dwelling in accordance with the Design SPD and Local Plan Policy CP3

#### **4.5 Impact on Highway Safety**

- 4.5.1 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.5.2 The comments from neighbours in this respect are noted. However, Staffordshire County Highways Department was consulted on the proposal and raised no objections to the proposal in terms of highway safety.

4.5.3 It is noted that the proposed development would provide adequate parking spaces (40 spaces) within the site.

4.5.4 As such, it is considered that there would be no adverse impact upon highway safety and the proposal would be in accordance with the Parking SPD and paragraph 111 of the 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 174 and 180 of the NPPF.

4.6.2 Policy CP12 of the Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced via 'the safeguarding from damaging development of ecological and geological sites, priority habitats and species and areas of importance for enhancing biodiversity, including appropriate buffer zones, according to their international, national and local status. Development will not be permitted where significant harm from development cannot be avoided, adequately mitigated or compensated for;

- support for the protection, conservation and enhancement of existing green infrastructure to facilitate robust wildlife habitats and corridors at a local and regional scale (particularly to complement Policy CP16);
- supporting and promoting initiatives for the restoration and creation of priority habitats and recovery of priority species and the provision of new spaces and networks to extend existing green infrastructure;
- supporting development proposals that assist the delivery of national, regional and local Biodiversity and geodiversity Action plan (LBAP/GAP) targets by the appropriate protection, incorporation and management of natural features and priority species;
- the promotion of effective stewardship and management across the district to contribute to ecological and geological enhancements.'

4.6.3 Paragraph 174 of the NPPF states [amongst other things] that 'Planning policies and decisions should contribute to and enhance the natural and local environment by:

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



4.6.4 Paragraph 180 goes on to state 'when determining planning applications, local planning authorities should apply the following principles:

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

#### 4.7 Cannock Chase SAC

4.7.1 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. In this instance, the proposed development would be CIL liable given the subsequent net increase in dwellings although the applicant has indicated that they will seek exemption for the affordable housing units. Notwithstanding this it is considered that sufficient CIL monies will be raised to enable it to be top sliced to provide the SAC contribution.

#### **On Site Impacts**

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

4.7.3 The applicant has submitted a bat survey with which to inform the application. The bat survey concluded that there was very little potential for bat roosts within the building and only one bat was observed within the site (outside of the building).

4.7.4 In order to enhance the nature conservation opportunities for the site, it is recommended that any permission is subject to a condition requiring the incorporation of bat and bird boxes in the construction of the apartments. This would enable a degree of biodiversity enhancement proportionate to the development proposed.

4.7.5 Given the above it is considered that the proposal, would not have a significant adverse impact on nature conservation interests either on, or off, the site. With the recommendation to include bat and bird boxes, the proposal would provide opportunities to enhance nature conservation. In this respect the proposal would comply with Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

#### 4.8 **Drainage and Flood Risk**

4.8.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps.

4.8.2 Policy in respect to drainage and flood risk is provided by 159-169 of the NPPF. Of particular note is paragraph 167 which states

‘When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.’

4.8.3 The application site is located in a Flood Zone 1 which is at least threat from flooding. The applicant has indicated the means of drainage and it is noted that the site immediately abuts a main road and is on the edge of a predominantly built-up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area and is considered acceptable.

4.8.4 The LLFA, Severn Trent & Souths Staffs Water was consulted on the application and have no objections. It is therefore concluded that the proposal is acceptable from a drainage and flood risk perspective and in accordance with paragraphs 159-169 of the NPPF.

## 4.9 Mineral Safeguarding

4.9.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 209, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

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

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

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

4.9.3 The application site is located within a Mineral Safeguarding Area. Notwithstanding this, the advice from Staffordshire County Council as the Mineral Planning Authority does not require consultation on the application as the site falls within the development boundary of an urban area and is not classified as a major application.

4.9.4 As such, the proposal would not prejudice the aims of the Minerals Local Plan.

## 4.10 Waste and Recycling Facilities

4.10.1 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).

4.10.2 In this respect, it is noted that the proposed apartments would be sited with sufficient space for bin collection facilities within the site and within a residential location where bins are already collected by the Local Authority.

## 4.11 Ground Conditions and Contamination

4.11.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application and it is advised that any risk can be managed by the attachment of an advisory note to any permission granted.

4.11.2 The Council's Environmental Health Officers were consulted on the application and raised no issue in terms of ground contamination.

## 4.12 Affordable Housing/CIL

- 4.12.1 Under Policy CP2 the proposal would be required to provide CIL and a contribution towards affordable housing.
- 4.12.2 The Council's Housing Officer and CIL officer have been re-consulted on the scheme to provide up-to-date information with regards to these requirements and Members will be updated with an Officer Update Sheet prior to the Committee meeting regarding this issue.
- 4.13 Objections raised not already covered above**
- 4.13.1 The red line has been revised to accommodate the new front wall and railings proposed and clarifies that it is not within the ownership of County Highways.
- 4.13.2 Parking for the existing cottages cannot be accommodated within the scheme, as that parking previously occurred on the application site private land that is not associated with the cottages.
- 4.13.3 An objector has stated that there was a discrepancy between the relationship with surrounding buildings and the proposed scheme. An amended plan has been supplied to address this point raised.

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

### **Human Rights Act 1998**

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

### **Equalities Act 2010**

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

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

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

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

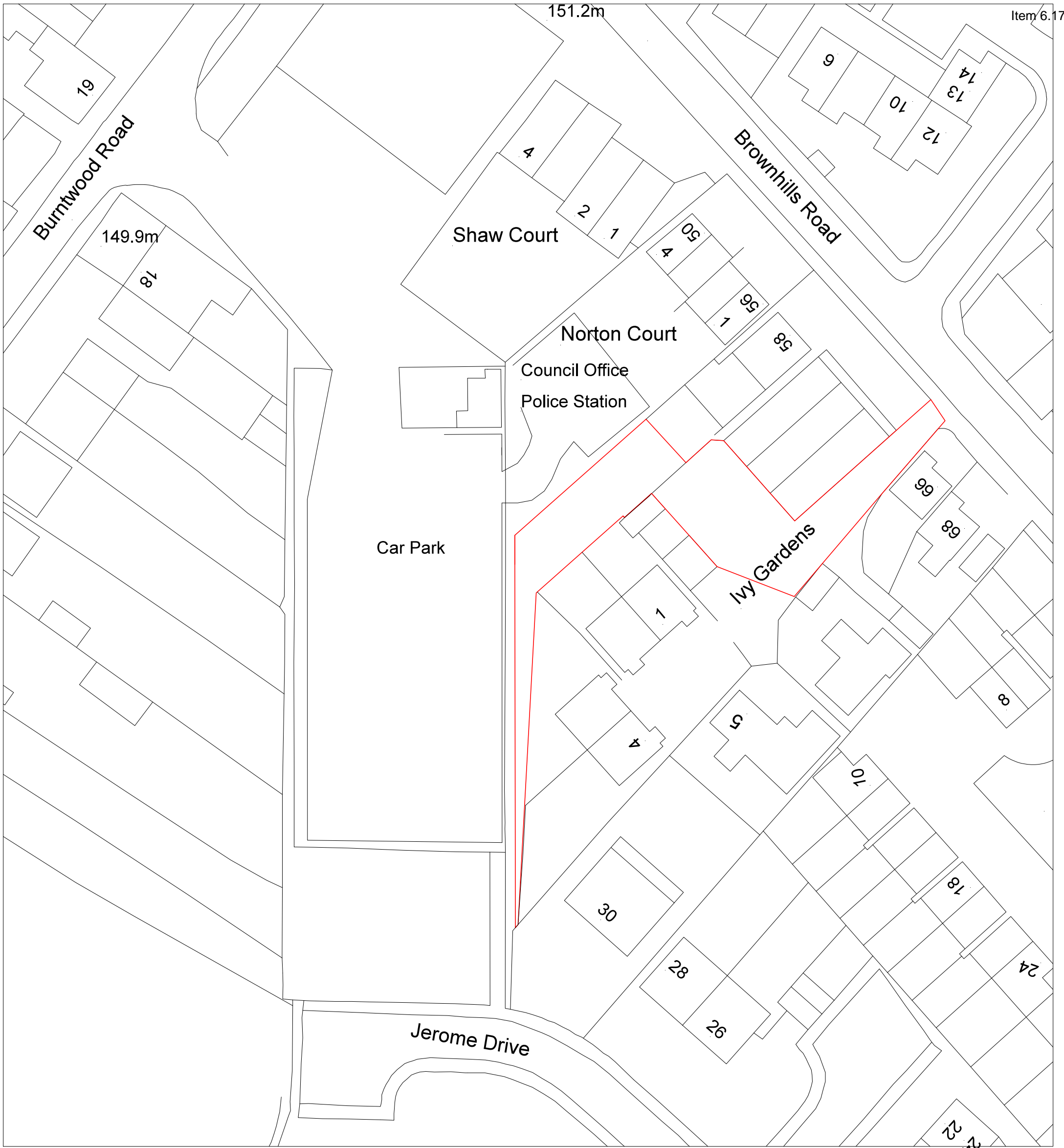
Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

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

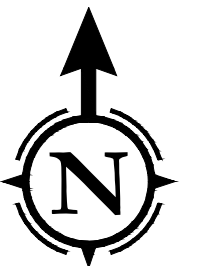
Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim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

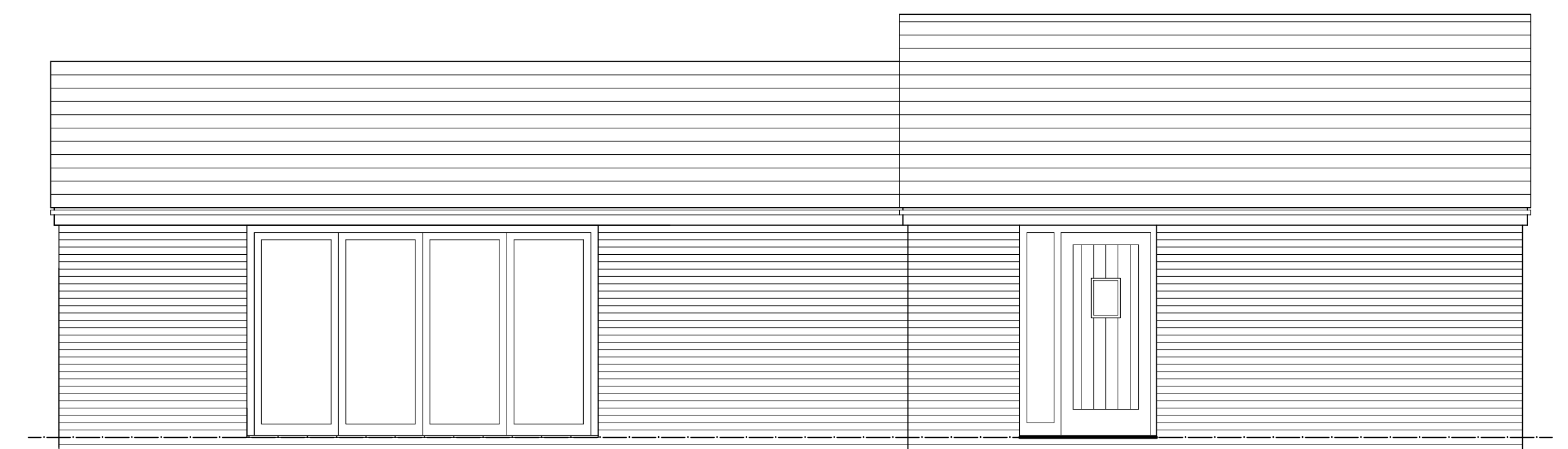
## **6 Conclusion**

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 It is therefore recommended that the application be approved subject to no objections being received from the Strategic Housing Officer, the attached schedule of conditions and to completion of a S106 in respect to the provision of affordable housing provision.

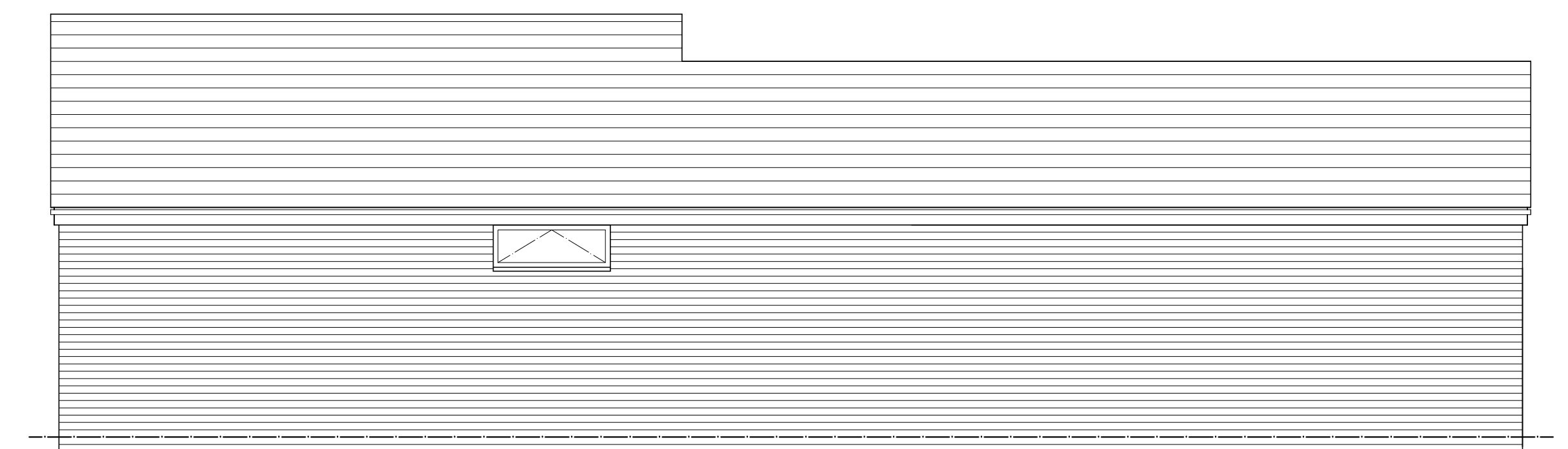


EXISTING BLOCK PLAN @ 1:500

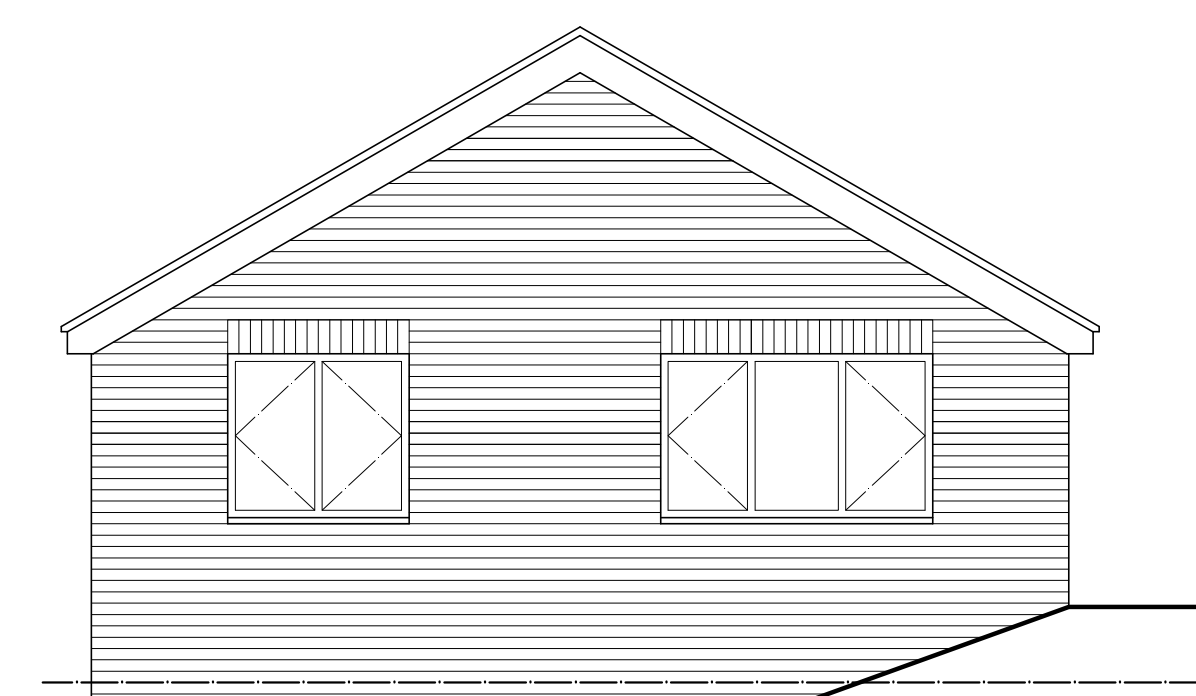




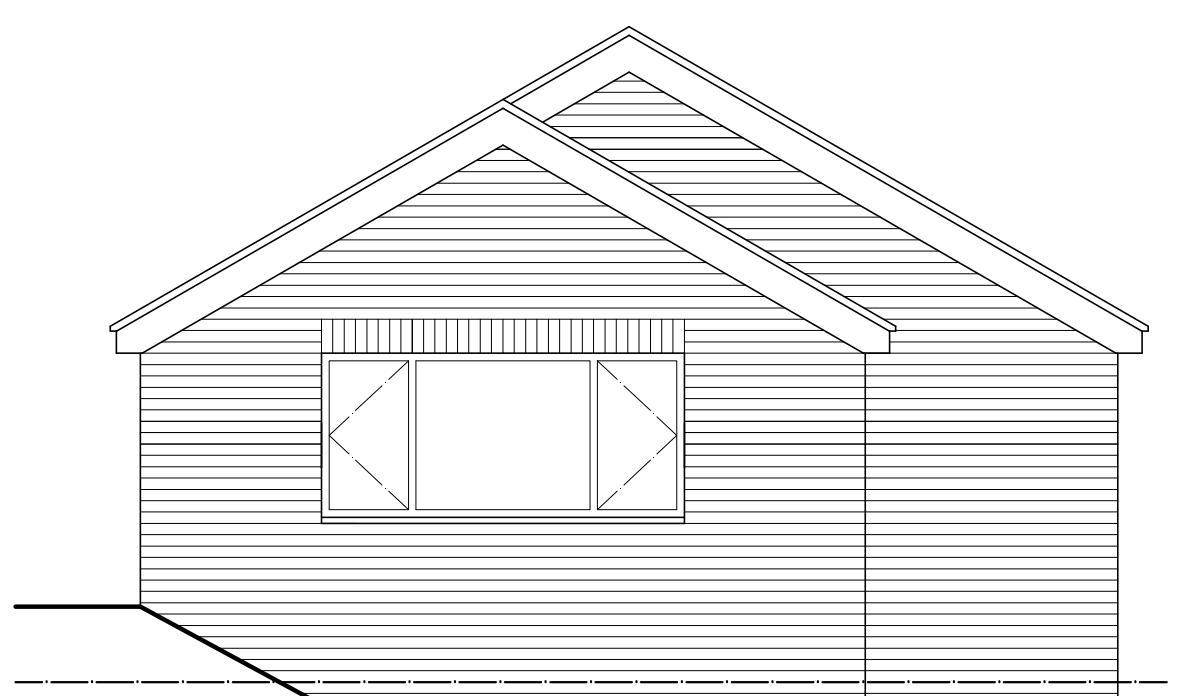
PROPOSED SOUTH EAST ELEVATION



PROPOSED NORTH WEST ELEVATION



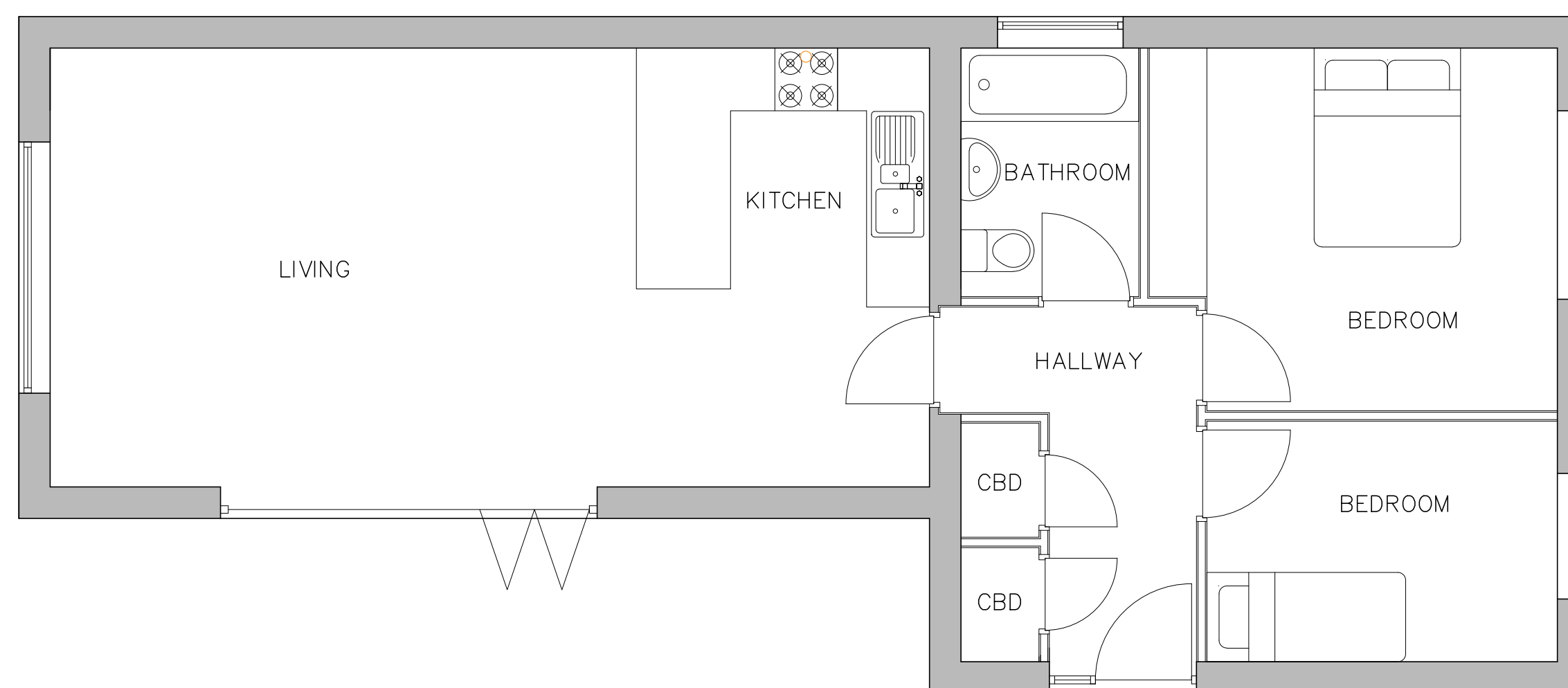
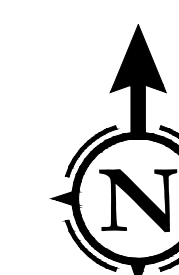
PROPOSED NORTH EAST ELEVATION






PROPOSED SOUTH WEST ELEVATION



EXISTING BLOCK PLAN @ 1:500

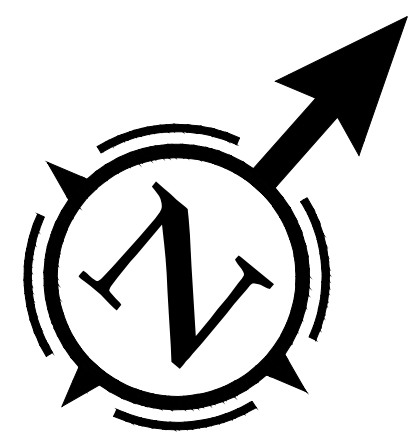
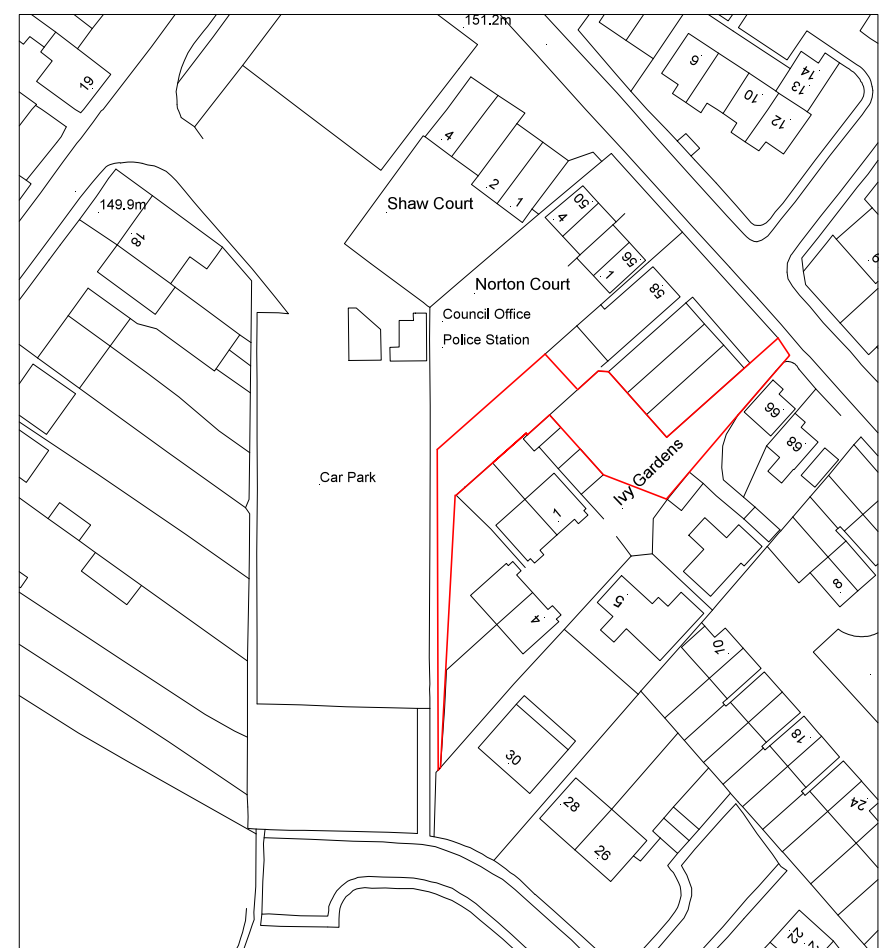


PROPOSED GROUND FLOOR

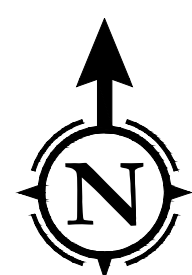
CLIENT: DENSTONE PROPERTIES		
PROPOSAL: 2 BEDROOM DETACHED BUNGALOW		
LAND ADJACENT TO: IVY GARDENS, NORTON CANES		
PLANNING PERMISSION APPLICATION		
ALL SCALES UNLESS OTHERWISE STATED: 1:50 @ A1		
DATE: 09/12/2016	DRAWN: MTB	PLAN No.: 0398-50
		
<small>THE PLAN IS PROVIDED TO CARRY THE BURDEN OF THE PROPOSAL AND THE DESIGNER ACCEPTS NO LIABILITY FOR THE ACCURACY OF ANY INFORMATION OR STATEMENTS IN THE PLAN. THE DESIGNER DOES NOT WARRANT AS TO THE ACCURACY OF ANY INFORMATION OR STATEMENTS IN THE PLAN. THE DESIGNER DOES NOT WARRANT AS TO THE ACCURACY OF ANY INFORMATION OR STATEMENTS IN THE PLAN. THE DESIGNER DOES NOT WARRANT AS TO THE ACCURACY OF ANY INFORMATION OR STATEMENTS IN THE PLAN.</small>		
		



### SITE PLAN AND LANDSCAPE @ 1:100



### LOCATION PLAN @ 1:1250



# Car Park

# Norton Court

1800mm high close boarded fence fitted on posts and rails with 300mm trellis above to aid security

1800mm high close boarded fence fitted on posts and rails with 300mm trellis above to aid security

2100mm high close boarded fence fitted on posts and rails

Turfed area

Paving to be Bradstone 'Old River' paving slabs in Autumn Bronze colour or natural indian stone in similar colour.  
To be bedded on mortar layed on a well compacted 100mm minimum layer of MOT type 1 sub base, layed with fall to boarders or gravel areas for drainage. Spaces to be filled with 10mm Solent Golden gravel.

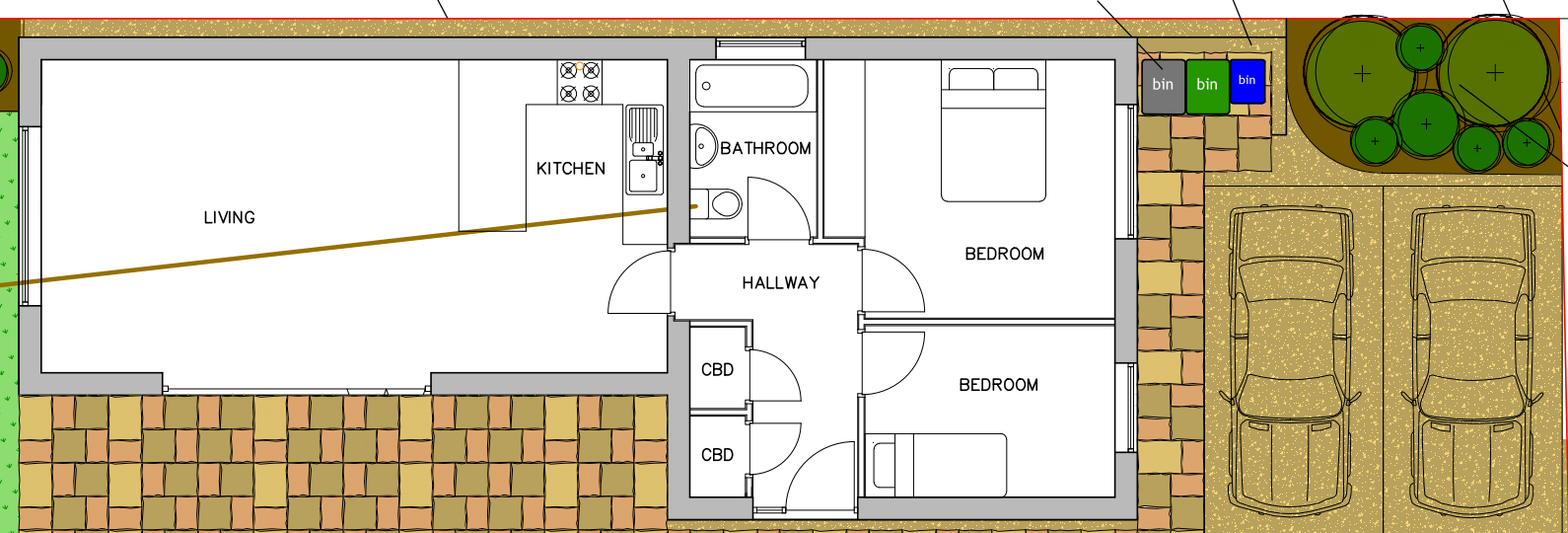
20mm Solent Golden gravel at 40-60mm thickness. Layed on a well compacted 100mm minimum layer of MOT type 3 free draining sub base. Classed as permeable surface.

New Tree: ILEX aquifolium  
New Planting combination of: PRUNUS laurocerasus CHOISYA ELAEAGNUS EUONYMUS HEBE RHUS VIBURNUM

New Tree: MALUS sylvestris

1800mm high close boarded fence fitted on posts and rails to be raised by a 300mm trellis.  
Low retaining wall forming bin store  
Bin store located here.

New Planting combination of: PRUNUS laurocerasus CHOISYA ELAEAGNUS EUONYMUS HEBE RHUS VIBURNUM



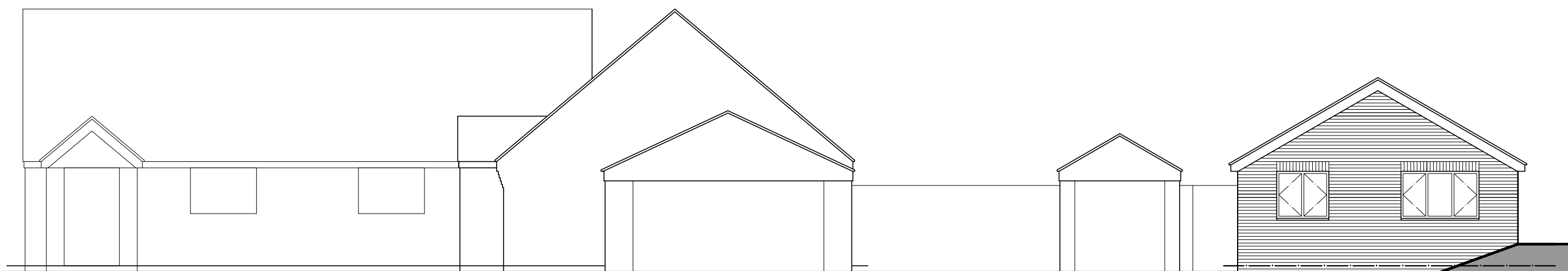
1

4

5

30

# Ivy Gardens



STREET SCENE FROM IVY GARDENS

CLIENT: DENSTONE PROPERTIES  
PROPOSAL: 2 BEDROOM DETACHED BUNGALOW  
LAND ADJACENT TO: IVY GARDENS, NORTON CANES

PLANNING PERMISSION APPLICATION

ALL SCALES UNLESS OTHERWISE STATED: 1:100 @ A1

DATE: 09/12/2016 DRAWN: MTB PLAN No.: 0398-51



denstone architectural design  
tel: 0161 4489792



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

<p><b>Planning Control Committee</b></p> <p><b>28<sup>th</sup> September 2022</b></p>
---

<b>Application No:</b>	<b>CH/22/0184</b>
<b>Received:</b>	10-May-2022
<b>Location:</b>	Ivy Gardens, Norton Canes, WS11 9SE
<b>Parish:</b>	Norton Canes CP
<b>Ward:</b>	Norton Canes
<b>Description:</b>	Two Bedroom Detached Bungalow
<b>Application Type:</b>	Full Planning Application

**Reason for Committee Decision:** Parish Council objection

**Recommendation:** Approve subject to conditions

**Reason(s) for Recommendation:**

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

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

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

0398 - 50 Proposed Floor Plans & Elevations

0398 - 51 Proposed Site Plan & Landscape  
Block Plan

Reason

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

2. 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.

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

Reason

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

4. If during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until either;

A site investigation has been designed and undertaken in accordance with details approved in writing by the Local Planning Authority, a risk assessment has been produced and a method statement detailing remediation requirements using the information obtained from the site investigation has been approved by the Local Planning Authority; or

If the above has been previously undertaken, the developer has submitted and obtained written approval from the Local Planning Authority for an addendum to the method statement detailing how this unsuspected contamination shall be dealt with.

#### Reason

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

5. No part of the development hereby approved shall be undertaken above ground level 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' and shall include an Arboricultural Method Statement.

Thereafter, 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.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Part 1 of Schedule 2 to the Order shall be carried out without an express grant of planning permission, from the Local Planning Authority, namely:

- The enlargement, improvement or other alteration of the dwellinghouse;
- The enlargement of the dwellinghouse consisting of an addition or alteration to its roof;
- Any other alteration to the roof of the dwellinghouse;

- The erection or construction of a porch outside any external door of the dwelling;
- The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;
- The provision within the curtilage of the dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such;
- The erection or provision within the curtilage of the dwellinghouse of a container for the storage of oil for domestic heating; or
- The installation, alteration or replacement of a satellite antenna on the dwellinghouse or within the curtilage of the dwellinghouse.

#### Reason

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

7. The dwelling hereby approved shall not be occupied until a scheme for the fitting of that dwelling with an electric charging point 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.

8. The dwelling hereby permitted shall not be completed above ground floor level until a scheme for the provision of a bat roost has been submitted to and approved in writing by the Local Planning Authority.

The submitted scheme shall provide details for an integrated bat box together with its height and location. The dwelling shall thereafter be completed in

accordance with the approved scheme.

Reason

In the interests of enhancing bat breeding habitat in accordance with Policy CP12 of the Local Plan and paragraphs 170, 175, 177, 179 of the NPPF.

9. No external lighting shall be provided within the curtilage of the dwelling hereby approved until a scheme has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in full with any changes first agreed in writing by the Planning Authority.

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.

10. The dwelling hereby approved shall not be occupied until a scheme for the storage of cycles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details for a secure and waterproof facility. Thereafter, the approved scheme shall be implemented in full and retained for the lifetime of the development.

Reason

In the interests of sustainable travel and highway safety.

- 11 No development shall take place until details of the finished floor levels of the buildings (in relation to surrounding land) and any other changes to the levels of the land within the site have been submitted to and agreed in writing by the Local Planning Authority. Development shall be implemented in accordance with the agreed details.

Reason

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

### **Notes to the Developer:**

#### Coal Authority

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

### **Consultations and Publicity**

#### **External Consultations**

##### Norton Canes Parish Council

##### Objection

The Committee question whether the residents on the road have been consulted as they will be required to pay for the maintenance of this road and therefore the applicant would also need to be part of any agreement if he using the road as access. Also the Committee felt that this was overdevelopment of the site.

##### Highway Authority

No objection subject to condition

#### **Internal Consultations**

##### Environmental health

No objection

### Landscape Officer

There are two trees located adjacent the car park, one within the western corner of the site, an Ash and one south of the proposed access way, a Maple. Both trees are significant features in the local landscape with relatively high amenity value. Both trees and the hedge appear to be within the ownership of Cannock Chase Council, despite some fence line locations.

Objection for the following reasons:-

- Exact boundary ownership needs to be confirmed.
- Lack of required details of existing vegetation.
- Loss of mature trees of significant visual and amenity impact.
- Potential loss of hedge along car park and resultant detrimental visual effect.
- Lack of appropriate replacement planting.

### **Response to Publicity**

The application has been advertised by site notice and neighbour letter. 3 letters of representation and a petition have been received. The comments are summarised below:-

- Inaccurate design & Access Statement which also appears to be the same as the document submitted in 2016.
- The residents of Ivy Gardens do not give, and have no intention of giving, permission for access to the site either for construction vehicles or for future residents. Ivy Gardens is a private road where maintenance is shared by the current users of the road.
- Major impact on the owners of No. 1 Ivy Gardens when using their garage,
- Impact on No. 1 Ivy Gardens in terms of impact on amenity and overbearing visual impact
- The application states that 'Good lighting will be provided for outside' – what does this mean?

- The petition has been signed by the residents of Ivy Gardens and pertains to the use of Ivy Gardens as an access.

### Relevant Planning History

CH/18/358 The construction of a garage and its access, associated with the development approved on the site.

Application not determined with 8 week time period and as such appeal was lodged to the Planning Inspectorate.

The appeal was subsequently allowed.

CH/17/011 Residential Development: Proposed two bedroom bungalow and associated amenity (resubmission of CH/15/0396).  
Committee Approved 29<sup>th</sup> March 2017.

CH/15/0396 Residential Development: proposed two bedroom bungalow and associated amenity. Refused for the following reasons:-

The proposed dwelling causes a considerable overbearing impact / sense of enclosure to the kitchen window of No..1 Ivy Gardens and their rear conservatory / dining room. As such the proposal fails to ensure a good standard of amenity for all existing and future occupants of land and buildings as per the requirements of the Local Plan Policy CP3.

The proposal breaches relevant daylight standards and would have an adverse impact on the amenity of the occupiers of the neighbouring dwelling, contrary to the requirements of Local Plan Policy CP3 and the NPPF.

The subsequent appeal was dismissed.



- 1.1 The application site comprises a rectangular plot of land to the rear (south-west) of 58, Brownhills Road, Norton Canes, together with the access to the properties off Ivy Gardens.
- 1.2 The site is in a poor state, comprising overgrown shrubbery with two trees along the western boundary.
- 1.3 To the north-east of the site is the yard to 58 Brownhill Road, which is a hot food takeaway, adjacent to a block of terrace houses (Norton Court) on one side and a parade of shops with flats above on the other. To the north of the application site the boundary is comprised of a wooden fence beyond which is the service and parking area to Norton Court. To the west the boundary is comprised of a hedgerow beyond which is the co-op car park. To the south of the main part of the site is a pair of semi-detached properties (1-2 Ivy Gardens) which share the southern boundary of the application site.
- 1.4 The application site boundary includes the access, circulation and turning space to Ivy Gardens which leads onto Brownhills Road.
- 1.5 The site is not subject to any designation or allocation in the Local Plan. The site does not fall within any formal landscape designations or include any Tree Preservation Orders (TPO) but is within the forest of Mercia Community Forest boundary. The site is also located within a mineral safeguarding area and a Coal Authority designated low risk area.

## **2 Proposal**

- 2.1 The bungalow would have a living room-kitchen, 2 bedrooms, bathroom and hallway, served by 2 parking spaces and in excess of 44sqm outside amenity space. The proposed bungalow would be constructed from brickwork and tile with pale render and would have a height to eaves of 2.4m and to roof apex of 4m to rear rising to 4.5m.

- 2.3 The plans that have been submitted include landscape details showing areas of paving around the dwelling and soft landscaped areas to the rear (west). This includes the provision of an apple and holly tree and the removal of the existing ash.
- 2.4 Along the southern and northern boundary there would be a 2.1 m high close boarded wooden fence and along the 2western boundary there would be a 1.8 metre high close boarded wooden fence.
- 2.5 The application form states that foul water would be discharged to mains sewer which runs through the coop car park. It is proposed to take surface water to soakaway. A bin storage area is proposed adjacent to the car parking at the proposed dwelling.

### **3 Planning Policy**

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan Part 1 (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030).
- 3.3 Relevant policies within the Local Plan include: -
- CP1 - Strategy – the Strategic Approach
  - CP3 - Chase Shaping – Design
  - CP6 – Housing Land
  - CP7 – Housing Choice
  - CP10 – Sustainable Transport
  - CP12 – Biodiversity and Geodiversity
  - CP14 – Landscape Character and Cannock Chase Area of Outstanding Natural Beauty

### 3.4 Relevant Policies within the Minerals Plan Include:

Policy 3: - Safeguarding Minerals of Local and National Importance and Important Infrastructure

### 3.5 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
64:	Affordable housing not required for non major applications
111:	Highway Safety and Capacity
126, 130, 132, 134:	Achieving Well-Designed Places
174, 180:	Biodiversity
218, 219	Implementation

### 3.9 Other relevant documents include: -

- (i) Design Supplementary Planning Document, April 2016.
- (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
- (iii) Manual for Streets
- (iv) National Planning Policy Guidance (NPPG)

## 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
- vi) Drainage and flood risk
- vii) Mineral safeguarding
- viii) Ground conditions and contamination
- ix) Affordable housing
- x) Other Issues raised

## 4.2 Principle of the Development

4.2.1 Both paragraph 11 of the NPPF (2021) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development.

4.2.2 The presumption in favour of sustainable development as set out in paragraph 11 of the NPPF states: -.

'For decision taking this means:

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

4.2.3 The starting point of the assessment is therefore whether the proposal is in accordance with the development Plan and whether that plan is up to date. In that respect it is noted that Policy CP1 of the Local Plan states: -

“In Cannock Chase District the focus of investment and regeneration will be in existing settlements whilst conserving and enhancing the landscape of the AONB, Hednesford Hills, Green Belt and the green infrastructure of the District. The urban areas will accommodate most of the District’s new housing and employment development, distributed broadly in proportion to the existing scale of settlement.”

4.2.4 Other than the above general strategic approach there are no relevant policies within the Local Plan in respect to the approach to be taken with regard to the development of wind-fall sites. As such the proposal falls to be determined in accordance with the tests set out in subsection (d) (i) or (ii) of paragraph 11 of the NPPF show above.

4.2.5 With that in mind it is noted that the application site is not designated as Green Belt, AONB or as a SSSI or SAC; nor is it located with flood zones 2 or 3, nor does it affect a heritage asset.

4.2.6 In the case of residential proposals, regard will also be paid to the findings of the Strategic Housing Land Availability Assessment. Where a shortfall in the five-year housing supply is apparent then the presumption should be in favour of residential development, unless the economic evidence is strong and compelling. The SHLAA (2022) has confirmed The Council currently has a 5 year land supply. Although the Council has a five year supply of housing land it is noted that such a supply is not a ceiling and it is the government’s firm intention to significantly boost the supply of housing. With this in mind it is noted that the granting of a single dwelling would make a contribution towards the objectively assessed housing need of the District.

4.2.7 Finally the site is within a residential location in Norton Canes and therefore is close to the schools and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development.

4.2.8 Notwithstanding the above, the application seeks permission for a detached bungalow that is identical to the scheme that was submitted and approved by Members at Planning Committee on 29<sup>th</sup> March 2017. This permission was not implemented however, the principle of development on this site was established in the granting of that permission.

4.2.9 However, proposals that are acceptable in principle are still subject to all other policy tests. This report will now go on to consider the proposal in the light of these policy tests.

#### 4.3 Design and Impact on the character and appearance of the area

4.3.1 In this respect, the proposal is for a 2 bedroom bungalow with enclosed rear garden to be accessed by a private road from Brownhills Road. The comments from the Parish Council in respect of overdevelopment of the site are noted. Given the screening provided by surrounding buildings it would not be seen from Brownhills Road. However, the upper part of the building would be seen from the adjacent Co-op car park but much of the building would be screened by a 1.8m high fence and the proposed dwelling would be read against a back drop of existing bungalows and other buildings.

4.3.2 The buildings within the immediate area are quite diverse in character and include detached and semi-detached houses and bungalows off Ivy Gardens, flats above shops and a small terrace row. In addition there is some variety in the use of materials, including brick and render, although most properties have grey concrete tile roofs.

4.3.3 The proposed bungalow would reflect the general design, scale and palette of materials that are present in the area and in this respect it would sit comfortably within its setting and would appear as another dwelling served off Ivy Gardens.

4.3.4 Despite the fact that the application form states that there are no trees to be removed it is clear from the submitted plans that the proposal would necessitate the removal of the existing ash and maple trees. The plans show that the trees would be replaced by an apple and a holly tree which have a limited crown spread and which are appropriate for a garden of the proposed size.

4.3.5 It is also noted that the proposal would result in the replacement of the existing hedge along the west boundary to be replaced with a 1.8m high close boarded

fence topped with 0.3m of trellis. Such fences are typically found in suburban areas and would not look out of character within its context.

- 4.3.6 In respect to the loss of the existing planting, the comments of the Landscape Officer are noted however it should also be noted that the applicant has implemented planning permission CH/17/011 which allowed a detached garage and access to be constructed from the Co-op car park and would have required the removal of the trees and the hedgerow.
- 4.3.7 Given the above, the loss of the tree and hedge would be unfortunate however there are improvements to the character of the area by the provision of the new boundary treatments and new tree planting. Currently the site is in a poor state of maintenance and gives a poor image especially when viewed from the car park. The proposal therefore provides an opportunity to improve the condition of the boundaries and to ensure that new planting is appropriate to its context.
- 4.3.8 In respect to the comments from the Councils Landscape Officer in terms of land ownership, this is not a material consideration for the determination of the application. Notwithstanding this, the applicant has completed Certificate B of the application form which indicates that he does not own all of the land edged in red.
- 4.3.9 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that 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 In this respect the nearest residential properties to the proposal are located to the immediate south; 1 and 2 Ivy Gardens. To the north lies a car park and service area to Ivy Court and the Council car park lies to the west. A hot food takeaway lies to the west which has the potential for residential accommodation at the first floor. The comments from the objectors are noted in relation to the potential for impact on amenity and visually overbearing.
- 4.4.2 The proposed building would be single storey and reflects the scheme previously approved under Planning Permission CH/17/011. In this instance the proposal would have a varied ridge line between 4m and 4.5m , which would extend across

the rear of No1 Ivy Gardens and partly across the rear of No2. Throughout much of this the bungalow would be set back 2.7 m from the shared boundary with Nos. 1 and 2, with an overall separation distance of 10.7m. This is considered to be acceptable for a single storey to single storey relationship as it would not result in significant levels of overlooking, due to the intervening 2.1m high close boarded wooden fence and would not result in a significant loss of light.

4.4.3 In addition to the above the proposed layout would not give an unacceptable level of enclosure and it is noted that the higher part of the proposed bungalow (that is the part at a height of 4.5m) would effectively be screened by the intervening garage type structure serving No1 Ivy Gardens.

4.4.4 It is noted that there are no dwellings to the immediate west or to the immediate north where there are car parks and that to the east there is the rear of the hot food takeaway. As such the proposal, in these respects would meet the separation distances for principal to principal elevations.

4.4.5 In respect to potential impacts from the adjacent hot food takeaway it is noted that the proposed dwelling would be no nearer to this establishment than the dwellings at 56 Brownhills Road or in the adjoining flat above the parade of shops. As such measures put into place, such as opening times and odour control to protect existing residents would also ensure that an acceptable level of amenity would be secured for any future occupier of the dwelling.

4.4.6 In terms of the amenity to the future occupiers of the site, the proposal would provide accommodation of a similar degree to the existing bungalows within Ivy Gardens. The amenity area would provide approx.. 44m<sup>2</sup> which accords with the Design SPD and sufficient space provided for two vehicles within the curtilage of the site. As such, the proposal would provide a high level of amenity and outlook for the future occupiers of the development.

4.4.7 Given the above, and subject to the recommended conditions, it is considered that the proposal would, on balance, not cause any significant detrimental impact upon amenity to the occupiers of the neighbouring units. The proposal is therefore considered acceptable in accordance with Local Plan Policy CP3 and the NPPF.

#### 4.5 Highway Implications



- 4.5.1 Paragraph 111 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. The objections from neighbours are noted in respect of existing parking issues.
- 4.5.2 It is proposed that access would be taken from Brownhills Road through Ivy Garden to 2 No car parking spaces within the curtilage of the proposed new dwelling. In this respect the comments of the neighbours are noted with regard to the ownership of the land within the red line boundary. However, the applicant has signed certificate B stating that he owns the application site, at least in part and has served notice on all the other owners of the site. The issue of land ownership is not a material consideration for the determination of the application in this instance.
- 4.5.3 The layout of the application provides 2 spaces for the proposed development within the curtilage of the site, which meets the Council's standards for a 2 bedroom house.
- 4.5.4 The comments of the neighbour are noted in relation to the existing garage, however, it should be noted that the applicant has provided an acceptable level of parking within the curtilage and that the granting of planning permission would not convey on the applicant any right to park on third party land or to block any access to a property. Furthermore, the provision of an extra dwelling would not result in a significant intensification of the access through Ivy Gardens nor would it pose a significant risk to the safe and free flow of traffic on the public highway.
- 4.5.5 In addition to the above, the Highway Authority has not raised any objections subject to the recommended conditions.
- 4.5.6 Given the above, it is concluded that, subject to the attached conditions the proposal would not lead to unacceptable impacts on highway safety and that the residual cumulative impacts on the road network would not be severe. As such the proposal would accord with the broad thrust of Policy CP10 of the Local Plan and Paragraph 111 of NPPF.

#### 4.6 Impact on Nature Conservation Interests

- 4.6.1 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that are given special protection or which are of particular conservation interest. Furthermore, no substantial evidence has been presented to demonstrate that any such species or habitat exists on the site.
- 4.6.2 The ash and maple trees and hedgerow that would be lost has limited wildlife value. In addition it is noted that there would be replacement planting with apple and holly trees which in turn would offer nesting and foraging opportunities for birds in the area. As such the proposal would not have any significant impact on wildlife in the immediate area of the application site. Given the above, the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.
- 4.6.3 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL.
- 4.6.4 Given the above it is considered that the proposal, would not have a significant adverse impact on nature conservation interests either on, or off, the site. With the conditions for bat box provision, an EV charging point to be provided and the new landscaping, the proposal would provide opportunities to enhance nature conservation. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

#### 4.7 Drainage and Flood Risk

- 4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps. Policy in respect to drainage and flood risk is provided by 159-169 of the NPPF. Of particular note is paragraph 167 which states:

'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere'.

4.7.2 In this respect the applicant has stated that foul water will be disposed to mains drains and that surface water would be taken to soakaway. There is no evidence to suggest that in principle these systems of discharge would be inappropriate, particularly given the size of the site and its location within an urban area with access to sewerage infrastructure. As such, the development would not be liable to flooding and that an adequate means of disposal of foul and surface water can be achieved.

#### 4.8 Mineral Safeguarding

4.8.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 209, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

4.8.2 The advice from Staffordshire County Council as the Mineral Planning Authority does not require consultation on the application as the site falls within the development boundary of an urban area and is not classified as a major application

4.8.3 As such, the proposal would not prejudice the aims of the Minerals Local Plan.

#### 4.9 Ground Conditions and Contamination

4.9.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application and it is advised that any risk can be managed by the attachment of an advisory note to any permission granted.

4.9.2 Paragraphs 183 – 185 of the NPPF seek to ensure new development is suitable for the proposed use taking into account ground conditions and any risks arising from land instability and contamination.

4.9.3 The Council Environmental Health Officer was consulted on the application and raised no objection to the proposal subject to conditions. As such, the proposal is considered to accord with the requirements of the NPPF and Policy CP16 of the Cannock Chase Local Plan, subject to the recommended conditions.

#### 4.10 Affordable Housing

4.10.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, paragraph 64 of the NPPF states that the 'provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)'.

4.10.2 As such, it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

#### 4.11 Objections received not already covered above: -

4.11.1 Objectors have raised concern regarding the issue that Ivy Gardens is a private road. Your Officers confirm that this issue is not material to the determination of this application. The granting of planning permission does not convey any right of access and ultimately it is for the courts to arbitrate in matters of land ownership and access rights. The applicant has submitted the relevant certificate for the application which indicates not all the land within the red line boundary falls within his ownership.

4.11.2 An objector comments on the inaccuracy of the Design and Access Statement. Your Officers confirm that the fact that the Design and Access Statement is incorrect in respect to the number of applications that have been submitted is not material to the determination of this application.

4.11.3 An objector commented on the Design and Access Statement being the same as previously submitted. Your Officers confirm that the scheme in its entirety is the same as previously approved however the permission was never implemented.

4.11.4 An objector queried the comments of the applicant in respect to the issue of external lighting. Your Officers confirm that no lighting has been indicated on the application however, this could be adequately controlled through the use of a condition requiring the submission of a scheme before any external light is erected.

<b>5 Human Rights Act 1998 and Equality Act 2010</b>
--

### **Human Rights Act 1998 and Equality Act 2010**

#### Human Rights Act 1998

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

#### Equality Act 2010

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

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

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

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

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

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

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

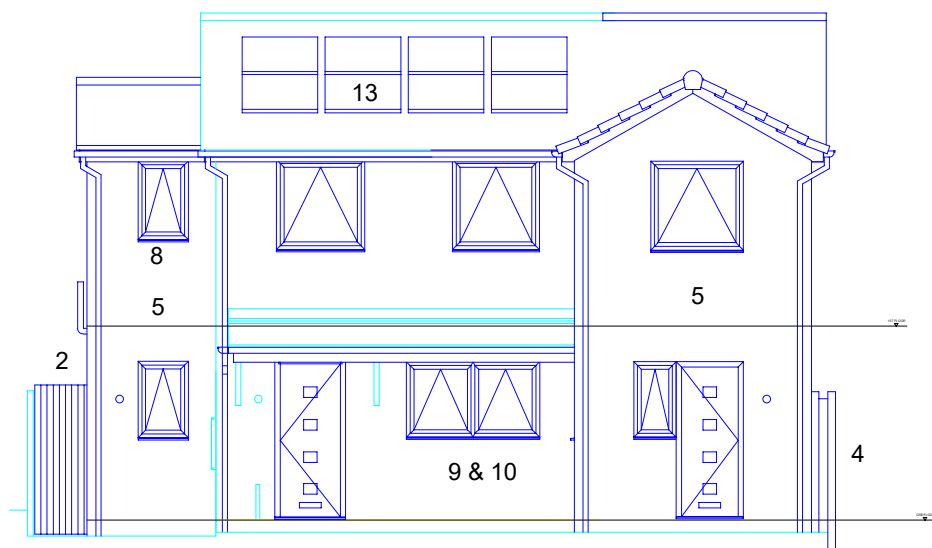
## **6 Conclusion**

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

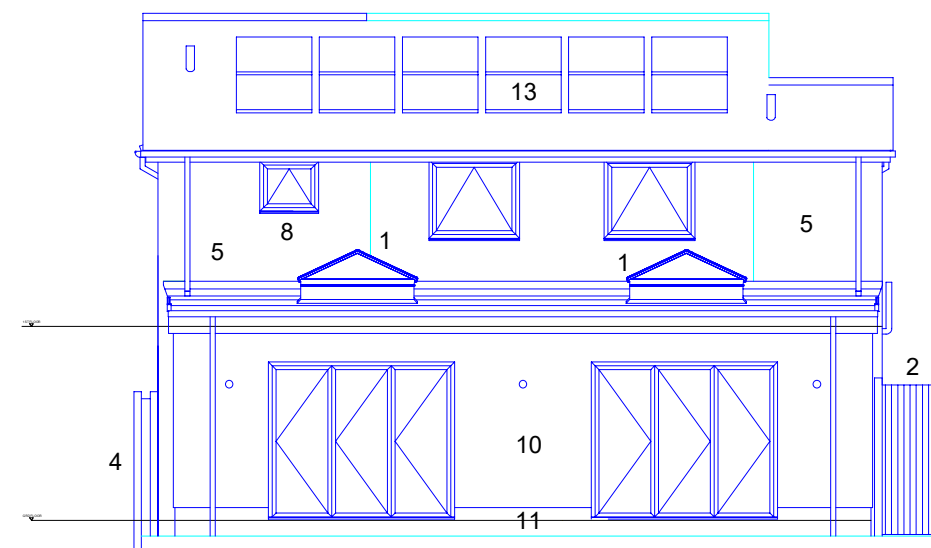


© Crown copyright and database rights 2019 Ordnance Survey 100048957. The representation of road, track or path is no evidence of a boundary or right of way. The representation of features as lines is no evidence of a property boundary.

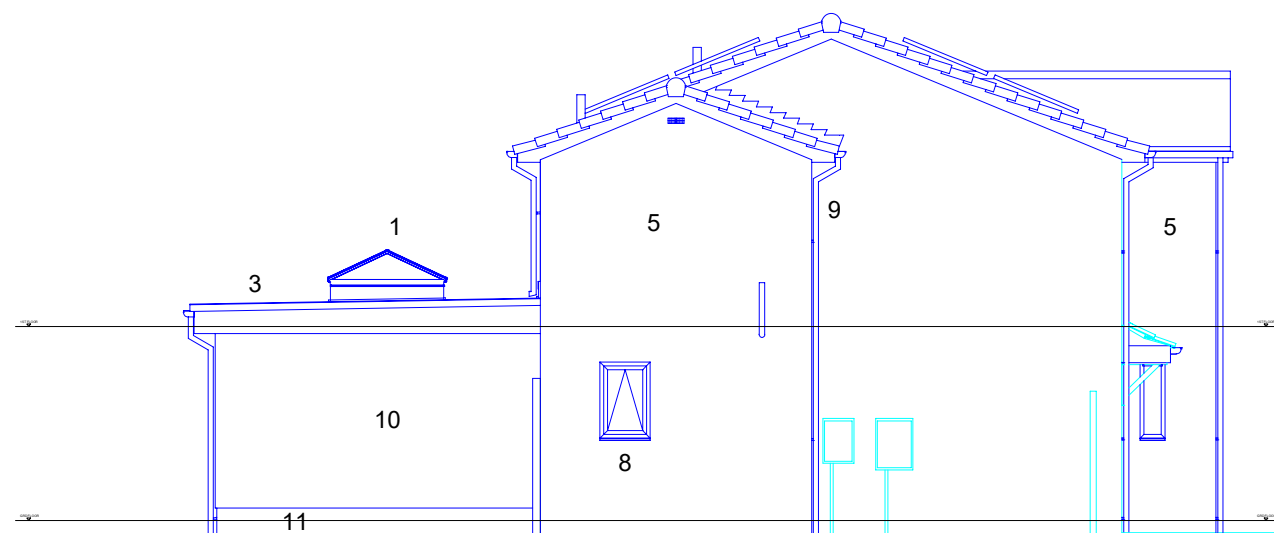
Supplied by: [www.ukmapcentre.com](http://www.ukmapcentre.com)  
Serial No: 155463  
Centre Coordinates: 399709, 313665  
Production Date: 05/02/2019 15:59:16



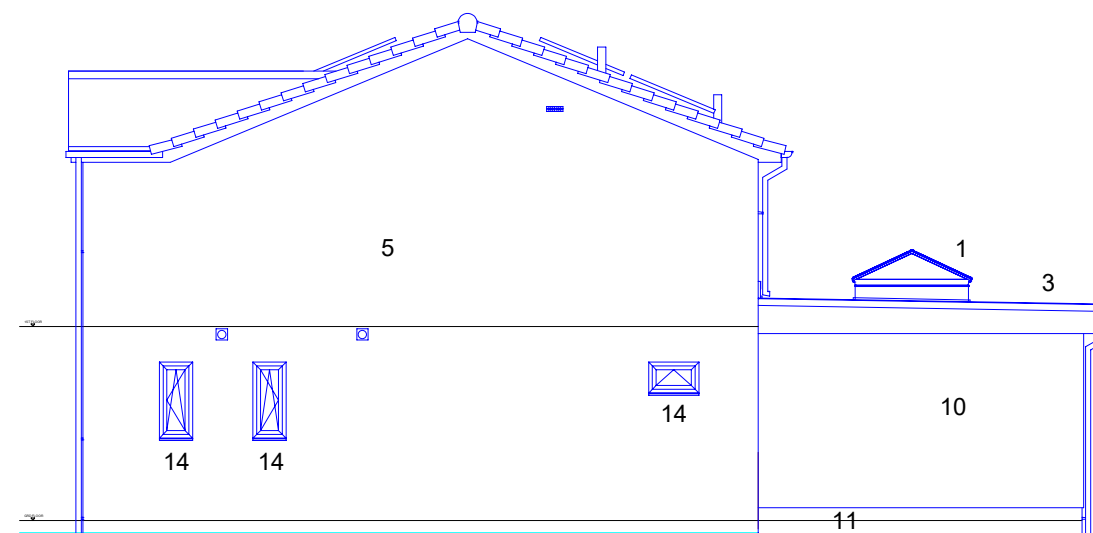
PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION NO.34



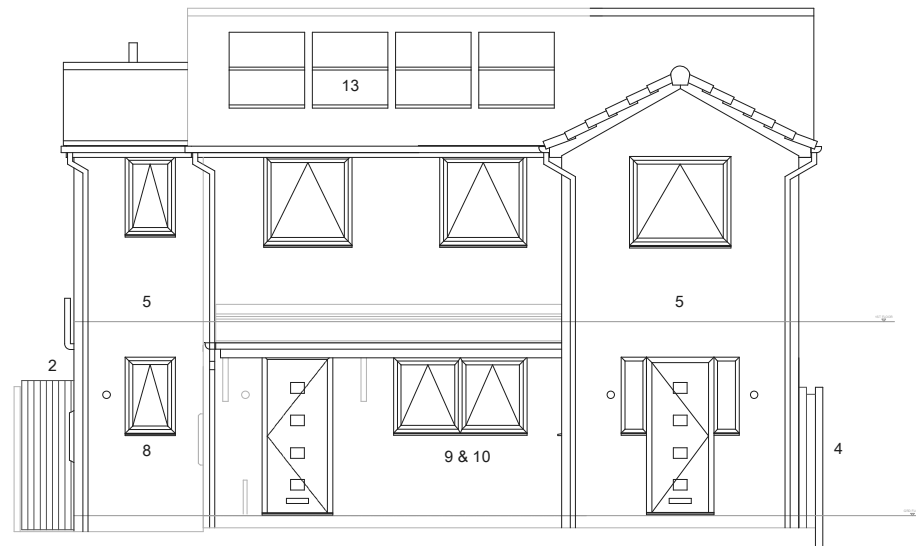
PROPOSED SIDE ELEVATION NO.36

Notes:

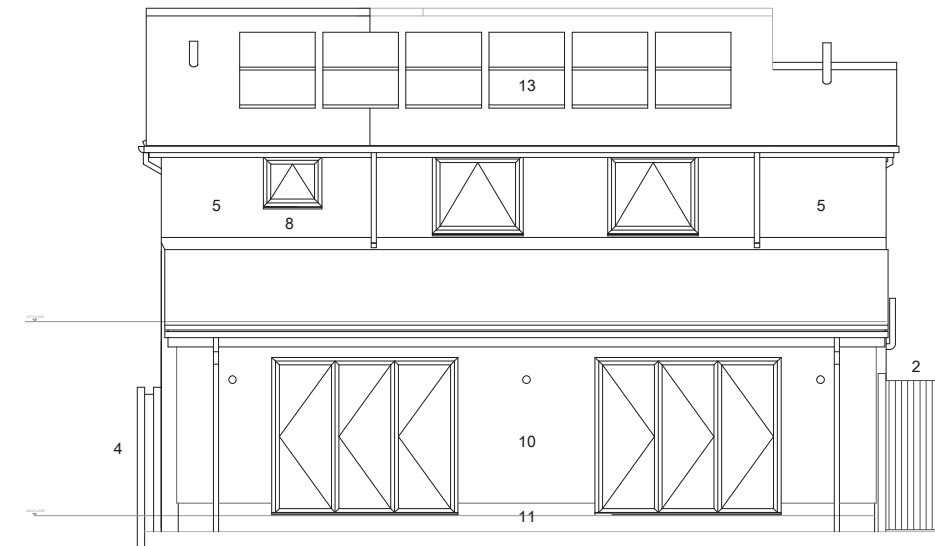
- 1. Roof lantern - Anthracite finish
- 2. Timber gate
- 3. Roof covering - Black Edpm or equivalent
- 4. Boundary fence
- 5. Bricks to be similar in appearance to existing
- 6. Roof tiles to be similar in appearance to existing
- 7. Doors & windows - Grey/Anthracite finished UPVC/Aluminium
- 8. Opaque glass window
- 9. Aperture infill
- 10. Rendered finish - White/Off white finish
- 11. Blue Class B engineering brick
- 12. Fascias, soffits, guttering & downpipes - Anthracite finish
- 13. Solar panels
- 14. Tilt & turn window - Opaque glass

PLANNING PERMISSION			
TITLE: PROPOSED ELEVATIONS		DATE: OCT 2021	
SITE ADDRESS: 35 GREENWOOD PARK, HEDNESFORD, CANNOCK, WS12 4DQ			
SIZE A3	SCALE 1:100	DWG NO AN-PP-003	REV -

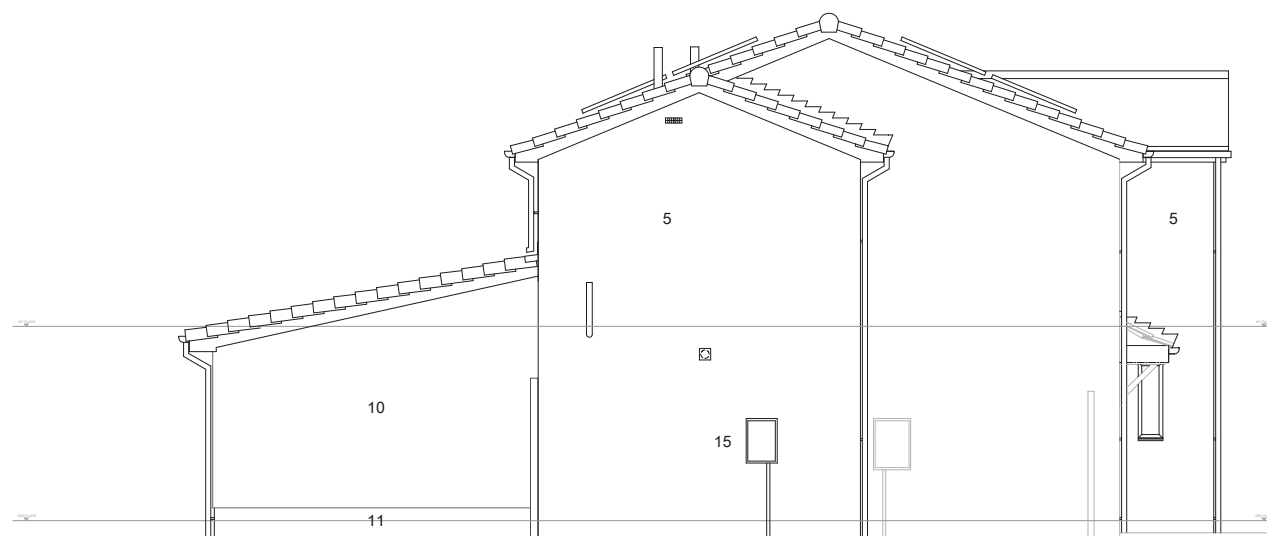




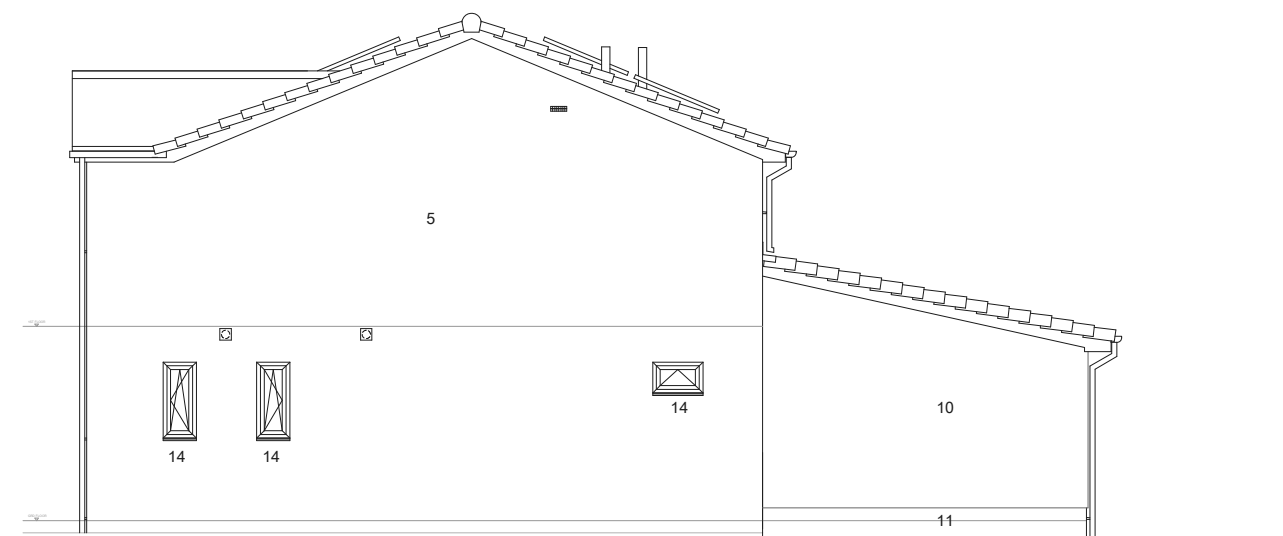
PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION No 34



PROPOSED SIDE ELEVATION No 36

Notes:

- 1. N/A
- 2. Timber gate
- 3. N/A
- 4. Boundary fence
- 5. Bricks to be similar in appearance to existing
- 6. Roof tiles to be similar in appearance to existing
- 7. Doors & windows - UPVC/Aluminium
- 8. Opaque glass window
- 9. Aperture infill
- 10. Rendered finish - White/Off white
- 11. Blue Class B engineering brick
- 12. Fascias, soffits, guttering & downpipes - UPVC
- 13. Solar panels
- 14. Tilt & turn window - Opaque glass
- 15. New Gas meter box

REV B: 03/08/22 - 1 STOREY REAR ROOF DETAILS AMENDED  
REV A: 12/01/22 - UPDATED TO LATEST SCHEME

PLANNING PERMISSION	DATE	SITE ADDRESS	DRAWN BY	FORMAT	SCALE	DWG NO	REV
PROPOSED ELEVATIONS	OCT 2021	35 GREENWOOD PARK, HEDNESFORD, WS12 4DQ	EPW-21	A3	1:100	AN-PP-003	B

<b>Contact Officer:</b>	Claire Faulkner
<b>Telephone No:</b>	10543 464337

<p><b>Planning Control Committee</b></p> <p><b>28<sup>th</sup> September 2022</b></p>
---

<b>Application No:</b>	CH/22/0302
<b>Received:</b>	09-Aug-2022
<b>Location:</b>	35, Greenwood Park, Pye Green, Cannock, WS12 4DQ
<b>Parish:</b>	Hednesford CP, Hednesford CP
<b>Ward:</b>	Hednesford North, Hednesford North
<b>Description:</b>	Application Under Section 73 of the 1990 Town & Country Planning Act to not develop the scheme in accordance with Condition 1 (approved plans) but in accordance with the amended plans, (change flat roof to pitched roof) pursuant to planning permission CH/21/0438.
<b>Application Type:</b>	Full Planning Application

**Reason for Committee decision:** Applicant is an employee of Cannock Chase Council

**Recommendation:** Approve subject to conditions

**Reason(s) for Recommendation:**

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

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

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

AN-PP-003 Proposed Elevations Rev B

\*AN-PP-004 Proposed Floor Plans

\*Block Plan

\*Planning Statement

\*As approved under planning permission CH/21/0438

Reason

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

2. The development to which this permission relates must be begun not later than 8<sup>th</sup> December 2024.

Reason

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

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

Reason

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

4. No materials shall be used for the external surfaces of the development other than those specified on the application.

Reason

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

5. The annex hereby approved shall only be used by the occupants of 35 Greenwood Park, and members of their immediate family, therefore restricting the occupancy of the annex to ancillary accommodation to the main house. The annex shall not be used at any time for commercial or residential lettings or be separated from the wider planning unit.

#### Reason

The application has been determined on the basis that the annex will be used as ancillary accommodation to the host property and its use as an independent dwelling house has not been fully assessed.

#### **Notes to the Developer:**

##### Coal Authority

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

#### **Consultations and Publicity**

##### **External Consultations**

##### Hednesford Town Council

No objection

##### **Internal Consultees**

##### None Undertaken

##### **Response to Publicity**

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

### Relevant Planning History

CH/19/087 Two storey side extension to form a downstairs bedroom and wet room, upstairs bathroom Full - Approval with Conditions 04/30/2019

CH/21/0438 Two x two storey side extensions and a single storey rear extension to create in part, a self contained 1 bedroom annex and other domestic extensions to the host dwelling. Full - Approval with Conditions 12/08/2021

CH/22/0014 Resubmission of CH/21/0438 - Two x two storey side extensions and a single storey rear. Full - Approval with Conditions 03/16/2022

### 1 Site and Surroundings

- 1.1 The application site is comprised of a detached dwelling fronting Greenwood Park in Hednesford.
- 1.2 The application site comprises a two storey dwelling finished in facing brickwork under a tiled roof. The application site has hardstanding to the front set behind a low boundary fence. The private garden is to the rear of the dwelling. The application site benefits from a car port to the side.
- 1.3 The street scene comprises a linear strip of detached dwellings fronting the highway set behind modest frontages. Dwellings differ in terms of scale but are generally of a similar design and finish. Several of the adjacent dwellings benefit from extensions similar to those proposed.
- 1.4 The application site located within a Mineral SafeGuarding Area and considered to be in a low risk area by the Coal Authority.

## 2 Proposal

- 2.1 The application seeks consent to vary condition 1 of the extant permission to alter the design of the previously approved scheme as follows:-
- i) To amend the rear single storey flat roof to a mono -pitched roof constructed to a total height of 4m (3m eaves).
- 2.2 The remainder of the proposed development would remain as previously approved.

## 3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014), Hednesford Neighbourhood Plan (2017-2028) and the Minerals Local Plan for Staffordshire (2015 – 2030). Relevant policies within the Local Plan include: -
- CP1 - Strategy – the Strategic Approach  
CP3 - Chase Shaping – Design
- 3.3 Relevant policies within the Minerals Local Plan are:-
- Policy 3.2 Minerals Safeguarding
- 3.4 There are no relevant policies within the Hednesford Neighbourhood Plan.
- 3.5 Relevant paragraphs within the NPPF include paragraphs: -

11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
126, 128, 130 & 134:	Achieving Well-Designed Places
218, 219	Implementation

### 3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

## 4 Determining Issues

- 4.1 When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. However, new issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are not fundamental or substantial, but still material in nature, a developer may seek to obtain approval for the changes through the provision of Section 73 of the 1990 Town and Country Planning Act.
- 4.2 An application can be made under [section 73 of the Town and Country Planning Act 1990](#) to vary or remove conditions associated with a planning permission. One of the uses of a Section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied (Paragraph: 013 Reference ID: 17a-013-20140306 of the Planning Practice Guidance).
- 4.3 Section 73(2) of the 1990 Act states: -

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

4.4 The determining issues for the proposal are whether the proposed variations to conditions would be acceptable in respect of their impact on: -

- (i) The principle of the development
- (ii) The Impact of the proposal on the character and appearance of the approved development
- (iii) The standard of amenity in the locality

#### 4.5 The Principle of the Development

4.5.1 The principle of the development is already approved under the previous planning application ref no CH/21/0438.

4.5.2 It is noted that the applicant has commenced development at the property in line with the above planning permission. Hence the principle for the development of the site has been firmly established and there have been no material changes in policy or circumstances that would alter this stance.

#### 4.6 The Impact of the proposal on the character and appearance of the approved development

4.6.1 The proposed increase in the height of the single storey extension would be minimal, being 4m at the highest point and 3m at the eaves. The approved flat roof was 3.4m in height.

4.6.2 As such, the variation in the design of the previously approved extension would not significantly alter the overall design, character and layout of the approved development. Therefore, it is considered that the proposal would meet the requirements of the NPPF and Policy CP3 of the Cannock Chase Adopted Local Plan.



#### 4.7 Impact on the Residential Amenity

- 4.7.1 The only issue in the determination of this application is whether the proposed alterations would lead to unacceptable impacts on the standard of amenity to any adjacent neighbouring properties.
- 4.7.2 The increase in the height of the already approved single storey extension would not impede the Daylight / Outlook of the neighbouring occupiers as set out within the Design SPD.
- 4.7.3 Given the above, there would be no significant impact on the amenity of residential properties over and above that of the already approved development. As such, it is considered that subject to the above, the variation of condition 1 of planning permission CH/21/0438 would meet the requirements of the NPPF and Policy CP3 of the Cannock Chase Adopted Local Plan in respect to maintaining a good standard of residential amenity.

<h2><b>5 Human Rights Act 1998 and Equality Act 2010</b></h2>
---

### **Human Rights Act 1998 and Equality Act 2010**

#### Human Rights Act 1998

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

#### Equality Act 2010

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

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

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

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

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

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

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

## **6 Conclusion**

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