

Please ask for: Mrs. W. Rowe

Extension No: 4584

E-Mail: wendyrowe@cannockchasedc.gov.uk

18 December, 2018

Dear Councillor,

**PLANNING CONTROL COMMITTEE
3:00PM, WEDNESDAY 2 JANUARY, 2019
COUNCIL CHAMBER, CIVIC CENTRE, CANNOCK**

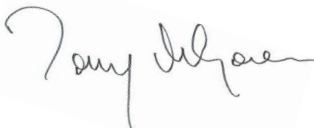
You are invited to attend this meeting for consideration of the matters itemised in the following Agenda.

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

<u>Application Number</u>	<u>Application Description</u>	<u>Start Time</u>
CH/18/145	<i>1 Brindley Heath Road, Cannock WS12 4DR</i> – Residential development:- erection of 4 no. 2 bed houses and 3 no. 3 bed houses (outline application with all matters reserved except access and layout)	1.45pm
CH/18/349	<i>21 Albany Drive, Rugeley WS15 2HP</i> – Demolition of garage and erection of fencing to rear and roadside	2.15pm
CH/18/367	<i>11 Old Eaton Road, Rugeley WS15 2EX</i> – Detached garage along with alterations to porch and new access to Highway	2.30pm

Members wishing to attend the site visit are requested to meet at 1 Brindley Heath Road, Cannock at 1.45pm as indicated on the enclosed plan.

Yours sincerely,



**T. McGovern
Managing Director**

To Councillors:

Cartwright, Mrs. S.M. (Chairman)
Allen, F.W.C. (Vice-Chairman)
Cooper, Miss J. Snape, P.A.
Dudson, A. Stretton, Mrs. P.Z.
Fisher, P.A. Sutherland, M.
Hoare, M.W.A. Tait, Ms. L.
Lea, C.I. Todd, Mrs. D.M.
Pearson, A.R. Woodhead, P.E.
Smith, C.D.

A G E N D A

PART 1

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

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

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

- 4. Minutes**

To approve the Minutes of the meeting held on 5 December, 2018 (enclosed).

- 5. Members' Requests for Site Visits**

- 6. Report of the Development Control Manager**

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

Finding information about an application from the website

- On the home page click on planning applications, listed under the 'Planning & Building' tab.
- This takes you to a page headed "view planning applications and make

comments". Towards the bottom of this page click on the text [View planning applications. By clicking on the link I agree to the terms, disclaimer and important notice above.](#)

- The next page is headed "Web APAS Land & Property". Click on 'search for a planning application'.
- On the following page insert the reference number of the application you're interested in e.g. CH/11/0001 and then click search in the bottom left hand corner.
- This takes you to a screen with a basic description - click on the reference number.
- Halfway down the next page there are six text boxes - click on the third one - view documents.
- This takes you to a list of all documents associated with the application - click on the ones you wish to read and they will be displayed.

SITE VISIT APPLICATIONS

<u>Application Number</u>	<u>Application Description</u>	<u>Item Number</u>
1. CH/18/145	<i>1 Brindley Heath Road, Cannock WS12 4DR</i> – Residential development:- erection of 4 no. 2 bed houses and 3 no. 3 bed houses (outline application with all matters reserved except access and layout)	6.1 – 6.19
2. CH/18/349	<i>21 Albany Drive, Rugeley WS15 2HP</i> – Demolition of garage and erection of fencing to rear and roadside	6.20 – 6.29
3. CH/18/367	<i>11 Old Eaton Road, Rugeley WS15 2EX</i> – Detached garage along with alterations to porch and new access to Highway	6.30 – 6.42

OTHER PLANNING APPLICATIONS

4. CH/18/380	<i>Norton Road, Stafford, Cannock WS12 2EJ</i> – Crematorium with Cemetery Hall, memorial areas, garden of remembrance and associated parking and infrastructure	6.43 – 6.102
5. CH/18/016	<i>Cedar Tree Hotel, 118 Main Road, Brereton, Rugeley WS15 1DY</i> – Change of use of the Grade II listed Cedar Tree Hotel to provide 9 no. residential apartments, change of use of the annex to create 2 no. dwellings and development of the hotel car parks to create 16 no. dwellings. The development will include demolition of an existing squash court (as	6.103 – 6.147

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tel 01543 462621 | fax 01543 462317 | www.cannockchasedc.gov.uk



separate application ref CH/18/011) and demolition of
a function room attached to the listed building

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
PLANNING CONTROL COMMITTEE
WEDNESDAY 5 DECEMBER, 2018 AT 3:10 P.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 1

PRESENT: Councillors Allen, F.W.C. (Vice-Chairman – in the Chair)

Buttery, M. (substituting for Smith, C.D.)	Pearson, A.R.
Cooper, Miss J.	Snape, P.A.
Dudson, A.	Stretton, Mrs. P.Z.
Fisher, P.A.	Tait, Ms. L.
Hoare, M.W.A.	Todd, Mrs. D.M.
Lea, C.I.	Woodhead, P.E.

(The meeting started at 3.10pm due to the site visits running over slightly).

79. Apologies

Apologies for absence were received from Councillors Mrs. S.M. Cartwright (Chairman), C.D. Smith and M. Sutherland.

In the absence of the Chairman, Councillor Mrs. S.M. Cartwright, the Vice-Chairman, Councillor F.W.C. Allen took the Chair.

Notification had been received that Councillor M. Buttery would be acting as substitute for Councillor C.D. Smith.

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

Member	Interest	Type
Pearson, A.R.	Application CH/18/384, 5's Pavilion and Sport Ground, Bradbury Lane, Hednesford, Cannock WS12 4EP – car park extension to provide 57 additional spaces – Member is a Town Councillor and has been involved in discussions in relation to the application. He considered he had predetermined the application and would speak before moving to the public gallery whilst the application was determined.	Predetermination

Woodhead, P.E. Application CH/18/384, 5's Pavilion and Sport Ground, Bradbury Lane, Hednesford, Cannock WS12 4EP – car park extension to provide 57 additional spaces – Member has been involved in discussions in relation to the application and therefore considered he had predetermined the application Predetermination

81. Disclosure of lobbying of Members

None

82. Minutes

RESOLVED:

That the Minutes of the meeting held on 14 November, 2018 be approved as a correct record and signed.

83. Members' Requests for Site Visits

Councillor Pearson requested that a site visit be undertaken in respect of Application CH/18/121, Residential development comprising 52 no. dwellings including access, landscaping, public open space and demolition of all existing buildings, Common Farm, 427 Pye Green Road/Limepit Lane, Cannock WS12 4HS.

RESOLVED:

That a site visit be undertaken in respect of Application CH/18/121, Residential development comprising 52 no. dwellings including access, landscaping, public open space and demolition of all existing buildings, Common Farm, 427 Pye Green Road/Limepit Lane, Cannock WS12 4HS.

Reason: To view the effect the development would have on the area and to assess the traffic management aspect

84. Application CH/17/359, Land at corner of Hednesford Road and Rutland Avenue, Rugeley, WS15 1JN – residential development, erection of 4 dwellings with associated access, landscaping and parking

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

Prior to the determination of the application representations were made by Mark Dauncey (Pegasus) speaking in favour of the application.

RESOLVED:

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

85. Application CH/18/346, 92 Burntwood Road, Norton Canes, Cannock WS11 9RG – Residential development:- erection of 1 detached dwelling (outline application including access and layout only)

Following a site visit by Members of the Committee consideration was given to the report of the Development Control Manager (Item 6.25 – 6.41 of the Official Minutes of the Council).

Prior to consideration of the application representations were made by Councillor J. Preece, Ward Councillor and Josh Newbury, Parish Councillor who were both objecting to the application. Further representations were made by Jayne Joiner, the applicant, who was speaking in favour of the application.

RESOLVED:

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

86. Application CH/18/247, Former Cannock Royal British Legion, 21 Stafford Road, Cannock, WS11 4AF, Demolition of existing building and erection of 24 bedroom House of Multiple Occupancy (HMO) and associated works

Following a site visit by Members of the Committee consideration was given to the report of the Development Control Manager (Item 6.42 – 6.63 of the Official Minutes of the Council).

The Development Control Manager circulated an update to the Committee which provided the conditions and reasons and an Informative which would be applied to the permission should Members be minded to approve the application.

The update was read out for the benefit of those in attendance who had not received a copy. The conditions and reasons and Informative contained in the update were as follows:-

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 and 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, RTC2 (where applicable) and the NPPF.

3. No part of the development hereby approved shall be undertaken above ground level until details of the trickle vents and glazing specification to be used for the scheme have been submitted to and approved by the Local Planning Authority.
Reason: In the interest of residential amenity and to ensure compliance with Local Plan Policies CP3, CP15, CP16 and the NPPF.
4. No development shall take place until the applicant has secured the implementation of a programme of archeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.
Reason: To ensure that archeological interests are properly secured and to ensure compliance with Local Plan Policy CP15 and the NPPF.
5. The house in multiple occupancy hereby approved shall not be occupied until a scheme for the provision of a bat roost, bird boxes and sparrow terrace (as recommended within the preliminary bat roost assessment and bird survey dated 20 November 2018) has been submitted and approved by the Local Planning Authority and implemented in full. The roost, bird boxes and sparrow terrace shall thereafter be retained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.
Reason: To compensate against the loss of bat roosting habitat as a result of the development in accordance with Policy CP12 of the Cannock Chase Local Plan.
6. No phase of the development shall take place, including any demolition works, until a Construction Management Plan 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 include:
 - Arrangements for the parking of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Construction hours
 - Delivery routeing and hours
 - Recorded daily inspections of the private road/adopted highway leading to the site access
 - Measures to remove mud or debris carried onto the private road/adopted highwayReason: To comply with Paragraph 108 and 110 of the NPPF (July 2018) and in the interest of Highway Safety.
7. The development hereby permitted shall not be commenced until details of the foundation construction and reinstatement of the footway around the building have first been submitted to and approved in writing by the Local Planning Authority, which shall thereafter be constructed in accordance with the approved plans.
Reason: To comply with Paragraph 108 and 110 of the NPPF (July 2018) and in the interest of Highway Safety.
8. Prior to first occupation of the development, secure (and weatherproof) cycle parking shall be provided in accordance with Drawing no. 10683-02 Revision F

and shall thereafter be retained and maintained for the life of the development.
Reason: To comply with Paragraph 108 and 110 of the NPPF (July 2018) and in the interest of Highway Safety.

9. Notwithstanding the submitted plans, the smoking area/cycle store building shall be protected with 2m high railings and a gate opening inwards only for pedestrians/cyclists. The gate should not be wide enough to allow vehicular access i.e. less than 1.5m wide and maintained as such for the lifetime of the development.

Reason: In order to comply with paragraph 109 of the National Planning Policy Framework.

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

Design & Access Statement

Heritage Statement

Acoustic Design Statement

Management Plan

Preliminary Bat Roost Assessment and Bird Survey dated 20 November 2018

Site Block Plan

Drg. No.s 10683-01 & 02 Rev F.

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

Informative

Condition No. 4 requires a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreement.aspx>

A full survey of the building to determine any presence of asbestos containing materials will be necessary prior to the commencement of any demolition works. Demolition should be undertaken in accordance with Building Act provisions and BS 6187:2011 Code of Practice for full & partial demolition.

Attach FO Sprinkler Information

Attach SBD Information

Attach Waste Collection Team Information

Prior to consideration of the application representations were made by Mr. Borg who was objecting to the application and Julian Raxter speaking in favour of the application.

The Development Control Manager clarified a number of issues raised by the speakers. He further advised that the applicant had a similar property to that being proposed and this was located in Cradely Heath. He suggested that Members may

wish to consider undertaking a visit to this property to establish how it was run prior to determining this application.

RESOLVED:

That the application, which was recommended for approval, be refused for the following reasons:-

1. The site is located at the northern edge of Cannock town centre at a transition between the main town centre to the south of the B5012 Park Road and the predominantly residential areas to the north which are more domestic in scale and character and which front onto Park Road and Stafford Road. The proposed building, by virtue of its size, scale and three-storey design would not be well-related to existing buildings along the northern side of Park Road and Stafford Road to the detriment of the character of the area contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 127(c) of the National Planning Policy Framework.
2. The proposal would introduce a 24 bedroom house in multiple occupation, with no parking provision for the occupants into an area with little or no public parking or on-street parking provision within the immediate vicinity that would be suitable for parking by residents. This would lead to increased conflicts between existing and future residents over the limited parking within the vicinity of the HMO to the detriment of social cohesion and therefore increase the potential for crime and the fear of crime contrary to paragraph 127(f) of the National Planning Policy Framework.

(At this point in the proceedings the Committee adjourned for a short comfort break).

- 87. Application CH/18/016, Cedar Tree Hotel, 118 Main Road, Brereton – Change of use of the Grade II Listed Cedar Tree Hotel to provide 9 no. residential apartments, change of use of the annex to create 2 no. dwellings and development of the hotel car parks to create 16 no. new dwellings. The development will include demolition of a function room attached to the listed building.**

Consideration was given to the report of the Development Control Manager (Item 6.64 – 6.103 of the Official Minutes of the Council).

For the benefit of Members the Development Control Manager outlined the background to this application as detailed on Item No. 6.77 of the report, paragraph entitled “Background”.

Following a debate Councillor A. Pearson moved the Officers recommendation and this was seconded by Councillor P. Snape. Following a vote this motion fell.

As the Committee had failed to reach a decision on the application and in the absence of an alternative motion being put forward the Principal Solicitor suggested that in view of the concerns which Members had expressed with regard to the amount of the affordable housing contribution being offered they may wish to defer the

application to allow further discussions to take place between Officers and the applicant in relation to the off-site affordable housing contribution.

RESOLVED:

That the application be deferred to enable further discussions to take place between Officers and the applicant in relation to the off-site affordable housing contribution.

88. Application CH/17/348, Fallow Park, Rugeley Road, Hednesford, Cannock. WS12 0QZ – Residential development:- Erection of 3 no. houses

Consideration was given to the report of the Development Control Manager (Item 6.104 – 6.114 of the Official Minutes of the Council).

The Development Control Manager outlined the details and background to the application which had been deferred at the previous meeting.

RESOLVED:-

That the application be approved without an affordable housing contribution subject to the conditions contained in the report for the reasons stated therein.

89. Application CH/18/384, 5's Pavilion and Sport Ground, Bradbury Lane, Hednesford, Cannock WS12 4EP – car park extension to provide 57 additional spaces

Councillors A.R. Pearson and P.E. Woodhead declared they had predetermined the application. Councillor Pearson spoke in support of the application and then both Members moved to the public gallery whilst the application was determined.

Consideration was given to the report of the Development Control Manager (Item 6.115 – 6.131 of the Official Minutes of the Council).

RESOLVED:-

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

90. Note for Committee – Affordable Housing Policy Update

Consideration was given to the report of the Development Control Manager (Item 6.132 of the Official Minutes of the Council).

RESOLVED:

That the update in relation to the Affordable Housing Policy be noted.

The Chairman took the opportunity to wish all those present a Merry Christmas and a Happy New Year.

The meeting closed at 5.15pm.

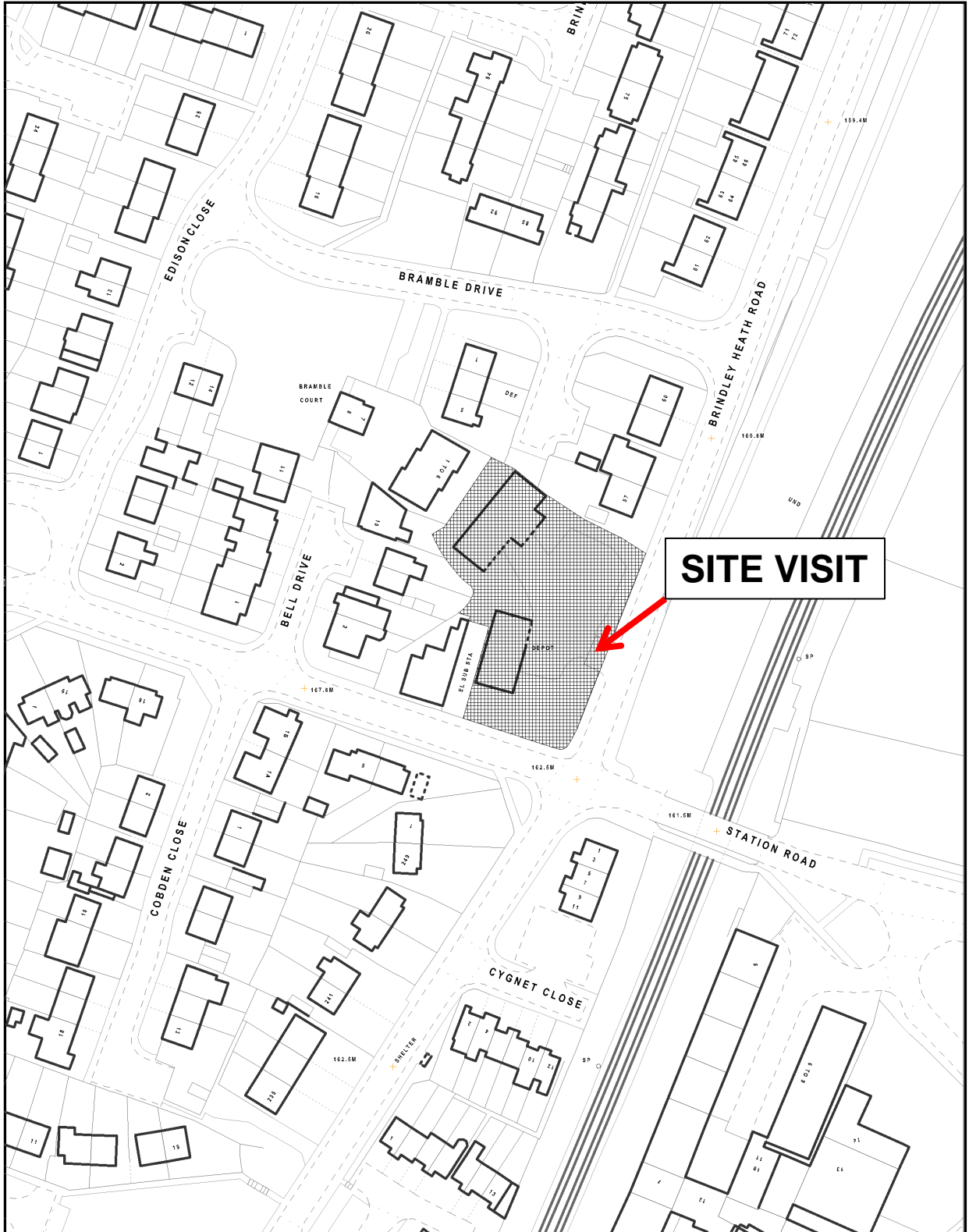
CHAIRMAN



Application No: CH/18/145

Location: 1, Brindley Heath Road, Cannock, WS12 4DR

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

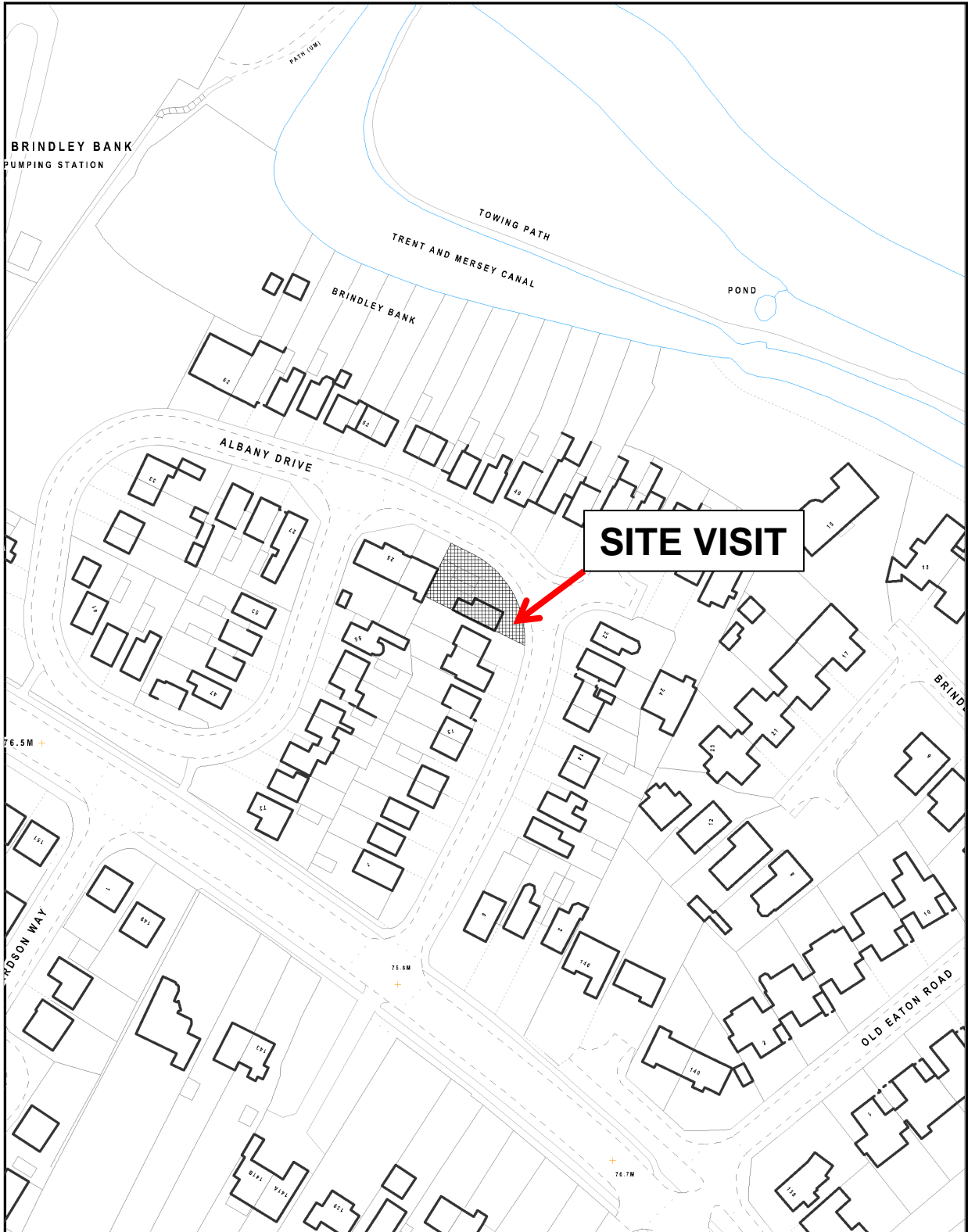




Application No: CH/18/349

Location: 21 , Albany Drive, Rugeley, WS15 2HP

Proposal: Demolition of existing double garage and erection of close board fencing to rear and roadside boundaries

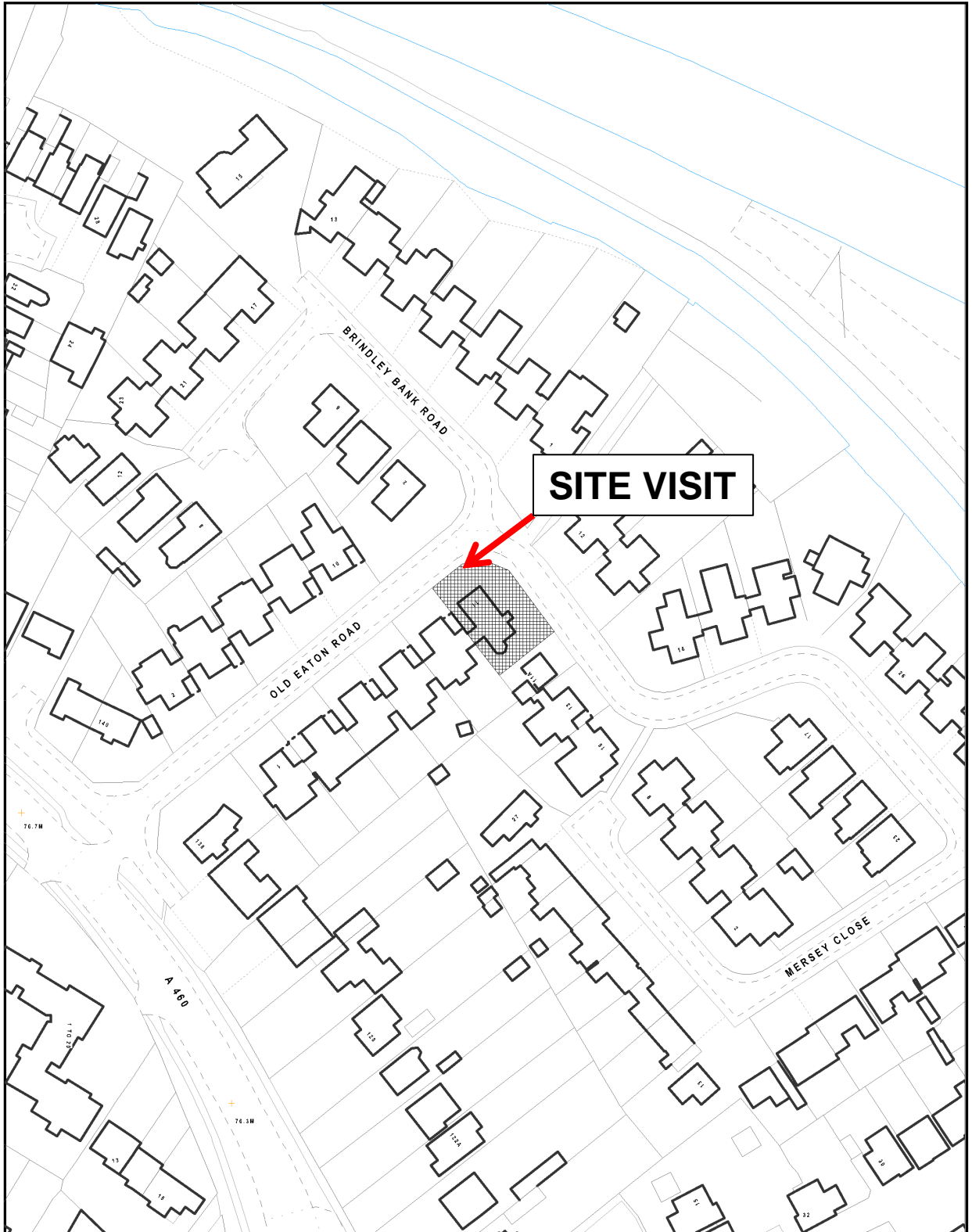




Application No: CH/18/367

Location: 11, Old Eaton Road, Rugeley, WS152EX

Proposal: Detached garage along with alterations to porch and new access to Highway



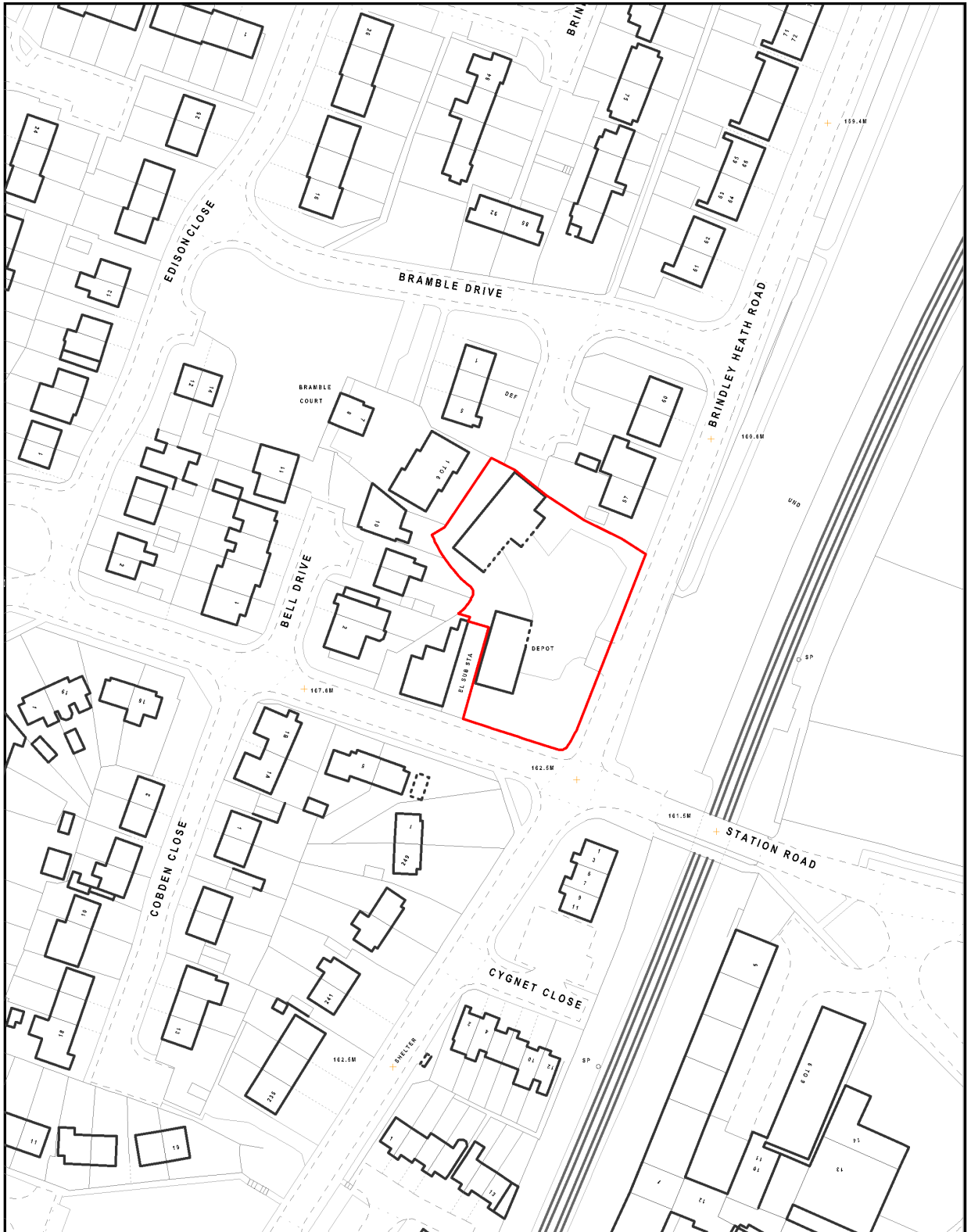


Application No: CH/18/145

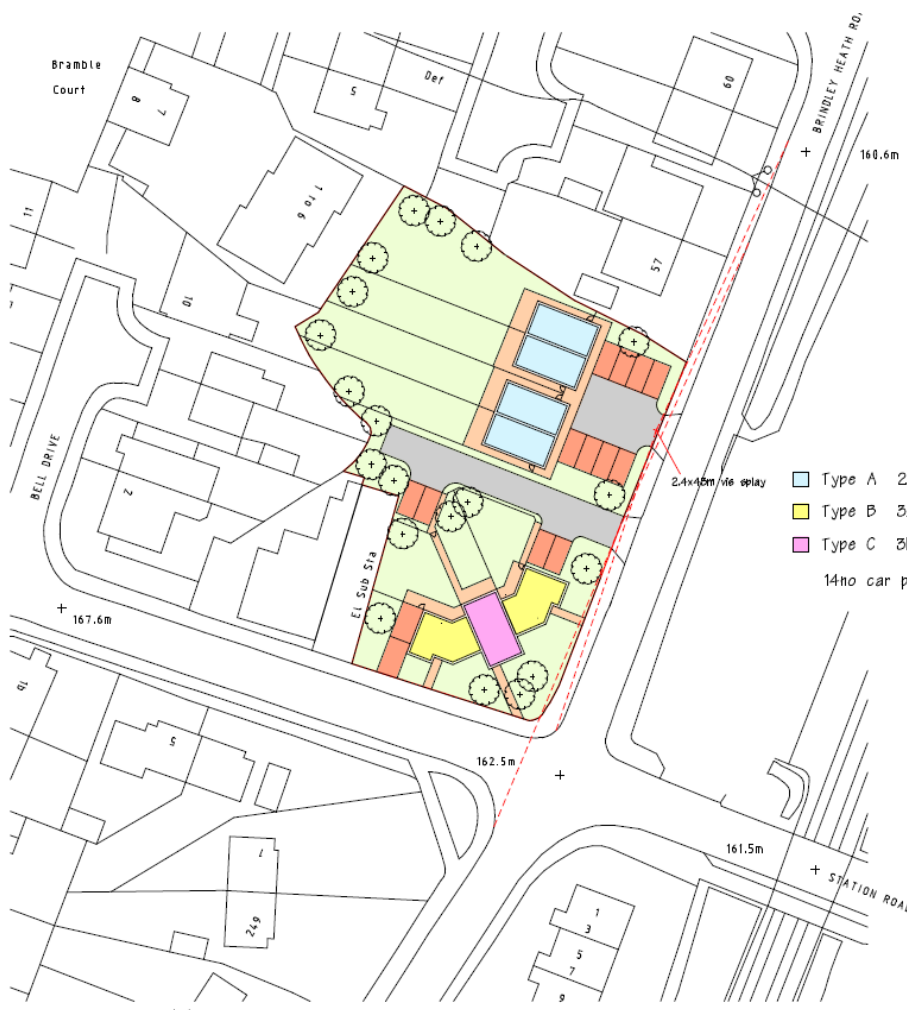
Location: 1, Brindley Heath Road, Cannock, WS12 4DR

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

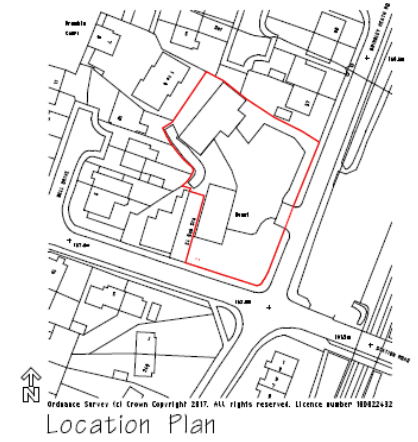
tem No. 6.1



Proposed Access and Layout



- Type A 2b4p 72m² 4no
 - Type B 3b5p 85m² 2no
 - Type C 3b5p 82m² 1no
- 14no car parking



NO.	REVISIONS

 JMASON ASSOCIATES <small>INCORPORATED IN THE UNITED KINGDOM</small> ST THOMAS HOUSE 85 WOLVERHAMPTON ROAD CRANFORD STATION, WOL 1 1NR T: 01543 467788 F: 01543 467755 e: enquiry@jmasonassociates.co.uk w: www.jmasonassociates.com		
CLIENT Mr N Dunford		
PROJECT Residential Development 1 Brindley Heath Road Hednesford		
DRAWING Feasibility Layout		
SCALE 1:500@A3	DATE 01-12-17	DRAWING NO. 2194-01D
<small>The copyright of this drawing is held by the architect, it may not be made or reproduced without written consent of the architect.</small>		

Application No: CH/18/145
Received: 10-Apr-2018

Location: 1, Brindley Heath Road, Cannock, WS12 4DR
Parish: Hednesford
Ward: Hednesford North Ward

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

Application Type: Outline Planning APP

RECOMMENDATION Approve Subject to Conditions

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

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

Reason

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

2. No part of the development hereby permitted shall be commenced until approval of the details of appearance, landscaping 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.

3. The development hereby permitted shall not be commenced until:-
 - (a) a site investigation for ground contamination and ground gas including recommendations for remedial treatment has been undertaken;
 - (b) the Local Planning Authority has given approval in writing to the method of remedial treatment/ mitigation;

(c) the approved remedial treatment/ mitigation has been carried out in full.

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.

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

Reason

In the interests of highway safety

5. The development hereby permitted shall not be brought into use until the new access to the site within the limits of the public highway has been completed.

Reason

In the interests of highway safety

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

Reason

In the interests of highway safety

7. The development hereby permitted shall not be brought into use until the visibility splays shown on drawing 2194-01 D have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.

Reason

In the interests of highway safety.

8. No development shall commence until a detailed statement for the removal / eradication of Japanese Knotweed on the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / roots / stems of any invasive plant covered under the Wildlife & Countryside Act 1981. The approved details shall thereafter be implemented.

Reason

To ensure a satisfactory standard of environment for existing and future occupiers of the land.

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

2194-01D

Reason

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

10. Notwithstanding the approved plans & documents, a detailed scheme for sustainable drainage for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Thereafter, the approved scheme shall be implemented and retained for the life of the development.

Reason

To ensure the proposed development does not exacerbate flooding to surrounding properties.

Note to Applicant

The existing and proposed dropped crossing to the site shall be constructed in accordance with the submitted drawing No.2194-01D. Please note that the prior accesses being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application Form for a dropped crossing.

No part of the development hereby approved shall be adopted as public highway.

Demolition works should be undertaken in accordance with Building Act controls and in accordance with BS6187:2011 Code of Practice for full & partial demolition with the appropriate necessary attention being paid to the removal and disposal of any asbestos containing materials.

EXTERNAL CONSULTATIONS

Hednesford Town Council

Objection

There is concern regarding the access to the site and its close proximity to the junction with Bradbury Lane / Brindley Heath Road and Station Road. No comments have been received to date regarding the amended plans.

Staffordshire County Highways

No objection subject to conditions.

School Organisation

This development falls within the catchments of West Hill Primary School and Kingsmead School. The development is scheduled to provide 8 dwellings. A development of this size could add 2 Primary School aged children and 1 Secondary School aged child. Due to the pressure for primary school places in West Hill Primary School this application would previously have been subject to a request for a S106 contribution of £22,062 for Education. However in light of the implementation of CIL in June 2015 in Cannock Chase we understand that contributions towards additional infrastructure will be recognised through the allocation of CIL funding through the Regulation 123 list which we have submitted to the district. The 123 List includes a project to increase the capacity at West Hill Primary School. Whilst the 1/2FE expansion project at West Hill has recently been delivered to ensure there are sufficient places for the additional children generated through new housing, it is hoped that some of the costs will be recovered through the CIL mechanism. Kingsmead School are projected to have sufficient space to accommodate the likely demand from pupils generated by the development and therefore no request will be made towards High School provision.

INTERNAL CONSULTATIONSEnvironmental Health

No adverse comments offered.

It is possible that there could be ground gas issues associated with this site, accordingly an appropriate site investigation will be necessary to determine whether gas protection measures will be required or if there is residual ground contamination from the electrical sub station or tanks previously situated on the site. Any remediation proposals identified should be submitted for prior approval purposes. Should the development proceed then suitable and adequate arrangements for the storage and disposal of waste materials will be required.

Planning Policy

No objection.

The site is within the Hednesford urban area and is not protected for a specific use on the Local Plan (Part 1) Policies Map. It is a light industrial site surrounded largely by residential properties.

The National Planning Policy Framework (NPPF)(p4, March 2012) states that development proposals should be approved where they accord with the development plan and there are no policy restrictions. The Cannock Chase Local Plan (part 1) policy CP1 also supports sustainable development, while policy CP6 permits new housing on urban sites within Cannock Chase District. Policy CP3 advocates appropriate design and cohesion with adjacent uses in new development, including the protection of amenity.

It should be noted that the site is located within the Hednesford Neighbourhood Area and that the Town Council are preparing a Neighbourhood Plan for their Parish area, which has been submitted for Examination.

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

Crime Prevention Design Advisor

There is no surveillance for the parking bays relating to house type C and all properties should achieve Secured by Design.

RESPONSE TO PUBLICITY

The application was advertised by neighbour letter and site notice. Two letters of representation have been received. These are summarised below:-

- There is some contamination of Japanese Knot Weed along the rear boundary of the site next to the fencing belonging to the flats.
- The site has a very large mature Willow tree and other trees on the site. The site has mature hedgerows along the boundary with the footpaths on both Bradbury Lane and Brindley Heath Road.
- A previous planning was refused in 2016 because access to and from the site is in too close a proximity of the traffic light controlled junction. With the amount of properties proposed it will mean increased traffic movement on and off the site at peak times, this junction has already had collisions in the past due to vehicles approaching the lights too fast.
- High soil banking to the rear of properties on Bell Drive are in danger of collapse should any ground works be undertaken on or near, this has the potential to also damage and de value the properties.

- The sheds on the site are roofed in asbestos which requires specialist removal to comply with current legislation.
- There are Bats seen regularly flying at dusk around the sheds, there could possibly be a colony roosting in them.
- The amount of properties planned needing 16 parking spaces required will be directly next to our rear garden, we already have a car park next to the side of our house belonging to the flats in Bramble Close, another car park on the proposed development will effectively mean we will be surrounded on two sides of our house bringing yet more noise and disturbance than we already have from vehicles belonging to the flats.
- One of 3 bed houses on the plan is immediately to the side of my house, where the windows are some 15ft tall. The tops of 2 of the 3 windows are on the mezzanine floor, where the bedroom is located. I am extremely concerned about privacy and the right of light which will be blocked out and also the view.
- The car parking spaces are immediately adjoining the boundary of my building and am concerned that any interference by building works will damage and may destroy the walls which are over 100 years old, although it is not clear from the plan how near this would be.
- There will be a need, I would imagine, for all trees to be removed and I understand that the willow tree on Dunford's has a protection order placed on it.

RELEVANT PLANNING HISTORY

CH/15/0241 Skip Storage. Refused for the following reasons

1. The area used for skip storage is near to existing dwellings. As such the noise and disturbance associated with the skip storage use results in an adverse impact on the amenity of nearby residents. Therefore, the proposal is contrary to Local Plan Policy CP3 and the NPPF, both of which seek to safeguard the amenity of existing occupiers from incompatible uses.
2. The skip storage area is accessed via a narrow entrance and is in close proximity to an existing junction. Consequently, it is considered that large vehicles using a narrow entrance near to a junction would be detrimental to highway safety. As such, the proposal is contrary to Local Plan Policy CP3 and the NPPF.

1. SITE AND SURROUNDINGS

- 1.1 The application site comprises part of a commercial yard and associated buildings north-west of the junction of Station Road, Bradbury Lane with Brindley Heath Road, Hednesford.
- 1.2 The site is generally bound by fencing and hedges along its boundaries. There are trees within the application site; two to the Bradbury Lane frontage and one within the site itself. None of the trees are protected by a TPO. The site measures approx. 2200m².
- 1.3 The wider site is occupied by a long established landscape contractors business. There are residential areas to the north and west of the site with open land in the Green Belt to the east. The properties to the west of the application site are located on significantly higher ground than the application site.
- 1.4 The application site benefits from an existing access off Brindley Heath Road.
- 1.5 The existing building is of an industrial appearance being two storey in height and of a brick and corrugated metal construction. Further structures within the site are open sided units in a dilapidated condition sited along the western boundary. Several skips are sited within the curtilage of the site and two large metal containers are sited adjacent the eastern boundary.
- 1.6 The site is in part unallocated and undesignated in the Cannock Chase Local Plan (Part 1).

2. PROPOSAL

- 2.1 The proposal is seeking outline consent for the erection of 4no. 2 bed houses and 3no. 3 bed houses with all matters reserved except access and layout.
- 2.2 The proposal seeks permission for the siting of 7 dwellings three sited to the corner of the site where Brindley Heath Road meets Station Road and Bradbury Lane and four dwellings in the form of 2 pairs of semi-detached buildings fronting Brindley Heath Road. The parking is proposed to the front and side with private gardens to the rear.
- 2.3 Three new access points would be introduced to the site; one along Bradbury Lane and two along Brindley Heath Road. The access from Bradbury Lane would be in the form of a single drive and would provide two parking spaces for one plot. The access off Brindley Heath Road would be located in a similar position to the existing access and would provide vehicle access and parking for two of the proposed dwellings. The third access would be sited to the north of the existing access and would lead to a shared parking area for four proposed dwellings.
- 2.4 The existing buildings within the application site would be demolished.

3. PLANNING POLICY

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

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

CP1 - Strategy – the Strategic Approach
 CP3 - Chase Shaping – Design
 CP6 – Housing Land
 CP7 – Housing Choice

3.3 National Planning Policy Framework

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

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

3.6 Relevant paragraphs within the NPPF include paragraphs: -

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

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

Hednesford Neighbourhood Plan

Manual for Streets.

4.0 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on Nature Conservation
- vi) Affordable Housing
- vii) Drainage and Flood risk

4.2 Principle of the Development

4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. The site appears to be a brownfield site located within the urban area of Cannock. It is a 'windfall site' having not been previously identified within the Strategic Housing Land Availability Assessment (SHLAA) as a potential housing site. Although the Local Plan has a housing policy it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such in accordance with Policy CP1 of the Local Plan the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF.

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

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

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

4.2.4 In respect to the principle of the proposal it is noted that the site is within a residential location approximately 0.6km from Hednesford 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.

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

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

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

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

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

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

Planning policies and decisions should ensure that developments:

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

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- 4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.
- 4.3.5 There are trees sited within the application site and a mature hedgerow around the street boundaries with a gap for the access. It is likely that all the trees and the hedgerow would need to be removed to accommodate the proposed dwellings. The hedgerow and the planting currently screen the light industrial use of the site within what is a predominantly residential location. This degree of screening would not be required if planning permission is granted for the proposed dwelling as these would sit comfortably within the residential street scene. Whilst the loss of the existing vegetation is unfortunate, the landscaping is not covered by TPOs and could be removed at any stage by the applicant without the benefit of planning permission. It is noted that there is sufficient scope within the site to include a tree replacement planting scheme with the submission of the Reserved Matters application subject to this application being approved.
- 4.3.6 The layout of the application site is logical and addresses both street scenes within Bradbury Lane and Brindley Heath Road. The submitted plan demonstrates how two pairs of semi-detached dwellings would be set behind a short parking forecourt with gardens to the rear. A further three terraced dwellings are proposed to the corner of the site in a design that turns the corner with parking provided on individual drives to the sides and rear.
- 4.3.7 Within the wider street scene dwellings occupy similar plot sizes; with modest frontages and varied rear gardens. Opposite the application site the dwellings are designed to turn the corner from Bradbury Lane onto Station Road. In line with this established urban grain, the proposed dwellings would be set back behind a short frontage with the private amenity space to the rear.
- 4.3.8 The proposed development of the application site would also remove the light industrial use immediately adjacent residential dwellings and replace it with a more compatible use of the land.
- 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 layout of the proposal is acceptable and that a scheme could come forward at reserved matters stage that would be well-related to existing buildings and their surroundings, successfully

integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

4.4 Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 The layout plan demonstrates a separation distance of 21m+ to the dwelling to the rear within Bell Drive. It is also noted that these properties are sited on significantly higher ground than that of the application site.
- 4.4.4 The nearest dwelling within Bradbury Lane is a former chapel building which has been converted to provide residential accommodation. This dwelling does not benefit from principle windows in the front elevation but does instead have windows in the side elevation which lead to habitable rooms. The nearest proposed dwelling to this property would have a side elevation facing sited 12.5m from the side elevation of the former chapel. The Design SPD seeks separation distances of 12.2m. In this instance the proposed dwelling is sited on lower ground than the former chapel and therefore complies with the requirements of the Design SPD. Furthermore, it is noted that the existing two storey industrial building (whilst set back into the site by 9m) is located immediately adjacent the boundary 6m from the side elevation of the former chapel, separated only by the sub station. Therefore whilst the comments of the neighbour are noted, the proposed demolition of the light industrial building and the erection of seven dwellings would (subject to reserved matters approval) result in a betterment in terms of overbearing, outlook and privacy.
- 4.4.5 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.
- 4.4.5 With regard to the proposed dwellings, the amenity spaces to the rear of the dwellings would provide between 60m² and 265m² of private garden space. The Design SPD requires an area of 44m² per two bedroom dwelling and 65m² per 3 bedroom dwelling. Two parking spaces per dwelling would also be provided.

4.4.6 Overall, the proposed development would comply with the Councils Design SPD in terms of protecting the amenity of existing occupiers as well as any future occupiers of the site.

4.5 Impact on Highway Safety

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

4.5.2 In this respect the comments of the Town Council are noted. Staffordshire County Highways Department were consulted on the proposal and raised no objections subject to the attached conditions in terms of highway safety.

4.5.3 The proposed dwelling would provide two spaces per dwelling either in the form of individual drives or within a shared parking area and therefore would comply with the Council's parking standards.

4.5.4 In addition to the above it should be noted that the site already has a lawful use which has the potential to generate traffic.

4.5.5 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.

4.6 Impact on Nature Conservation Interests

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

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

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

4.7 Affordable Housing and other Developer Contributions

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

4.8 Drainage and Flood Risk.

4.8.1 In this respect the application site is located in a Flood Zone 1 which is at least threat from flooding. Although the applicant has not indicated the means of drainage it is noted that the site immediately abuts main roads 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. A condition has been recommended that drainage details are submitted to and approved by the Local Planning Authority to ensure adequate drainage is provided.

4.9 Comments received not covered above:-

4.9.1 Concern has been raised that there is some contamination of Japanese Knot Weed along the rear boundary of the site next to the fencing belonging to the flats. Your Environmental Health Officers have recommended a condition to ensure the Japanese Knotweed is dealt with appropriately.

4.9.2 Concern has been raised in relation to the high soil banking to the rear of properties on Bell Drive is in danger of collapse should any ground works be undertaken on or near, this has the potential to also damage and de value the properties. Your Officers confirm that the Reserved Matters application would consider the external environment including any retaining structures that may be required as a consequence of the proposed works. Also, any development approved on the site would need to comply with building regulations which considers how development is constructed.

4.9.3 A neighbour has referred to the sheds on the site are roofed in asbestos which requires specialist removal to comply with current legislation. Your officers confirm that a note would be included on any decision notice making the applicant aware of the possible use of asbestos and the requirement of the Buildings Regulations for its safe disposal.

4.9.4 A neighbour has commented that there are Bats seen regularly flying at dusk around the sheds, there could possibly be a colony roosting in them. No evidence has been submitted in support of this claim and no information in respect to

whether the bats are roosting or foraging. However, the Council's Ecologist has advised that the buildings on site are of a construction type that are of such low potential for roosting bats that they would not automatically trigger a bat survey. There are bat roosts close to this location and it is probable that they use the site to a limited extent for foraging. As such on the available evidence it is considered that the probability of bats using the site as a roost are so low that it would be disproportionate to require a bat survey to be carried out.

- 4.9.5 Objectors have stated that the amount of properties planned needing 16 parking spaces required will be directly next to their rear garden, that they already have a car park next to the side of their house belonging to the flats in Bramble Close, another car park on the proposed development will effectively mean they will be surrounded on two sides of our house bringing yet more noise and disturbance than we already have from vehicle belonging to the flats. Your Officers note the concerns raised and confirm that the layout of the proposal has been amended from rear courtyard parking to parking to the frontage and on individual driveways. As such this matter has been resolved through the amended plans.
- 4.9.6 Concern has been raised regarding the car parking spaces immediately adjoining the boundary of the former chapel building and potential damage by the building works damaging / destroying the walls which are over 100 years old, although it is not clear from the plan how near this would be. Your officers confirm that the nearest parking spaces / development would remain approx.5m from the rear wall of the chapel building and any works approved would be covered by Building Regulations. Furthermore the responsibility for safe development lies principally with the developer.

5.0 HUMAN RIGHTS ACT

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

5.2 EQUALITIES ACT

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

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

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

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

- 5.5 It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.
- 5.6 Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.
- 6.0 CONCLUSION
- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.3 It is therefore recommended that the application be approved subject to the attached conditions.

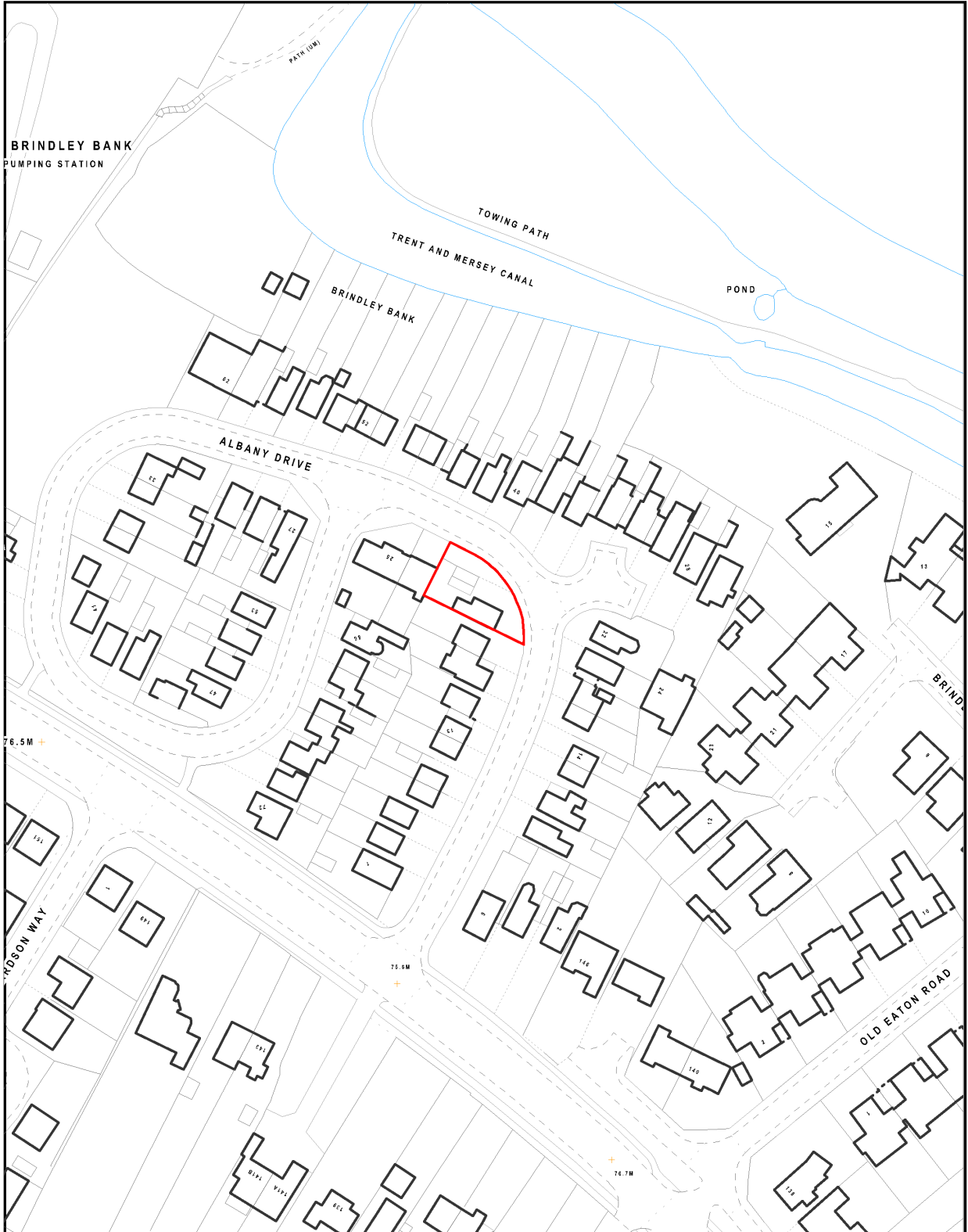


Application No: CH/18/349

Location: 21, Albany Drive, Rugeley, WS15 2HP

Proposal: Demolition of existing double garage and erection of close board fencing to rear and roadside boundaries

Item No. 6.20



Location & Site Plans



2 Site plan
1 : 200

See fencing layout drawing A101- Proposed plans



1 Location plan
1 : 1250

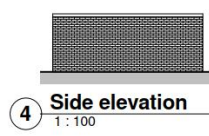
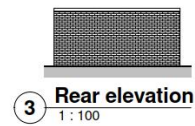
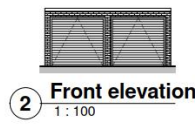
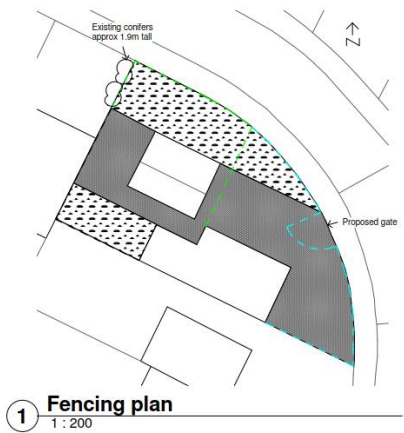
No.	Description	Date
1	Revision 1	Date 1

Plan It 3D info@planit3d.design			
CODE	STATUS	SUITABILITY DESCRIPTION	PURPOSE OF ISSUE

PROJECT 21 Albany Drive Fencing
SHEET Site and Location

CLIENT KH		
Date	Project number	Scale (@ A3)
Issue Date	Project Number	As indicated
Drawn by AB	DRAWING NUMBER A104	REV 1
Checked by AB		

Proposed Plans



Double garage to be demolished



Proposed fencing
300mm tall gravel board
1.83m tall close board fence panels



'Ranch' style gate by Cannock Gates or similar see www.cannockgates.co.uk

Gate details
Gate measures 4' (1.22m) high to top of closing stile. Width 3050mm (10ft)
Gate Arch 5' (1.52m)
Detail
120 x 70mm curved, laminated hanging stile;
70 x 70mm closing stile (planed finish sizes)
Rails
70 x 22mm



Property on Albany Drive nearby

- Existing panel fencing
- - - Proposed 1.83m tall close board fencing
- - - Proposed low level fencing max 0.9m

No.	Description	Date
1	Revision 1	Date 1

STATUS		PURPOSE OF ISSUE	
		PLANNING	
 plantit3d.design@gmail.com			
PROJECT			
21 Albany Drive Fencing			
TITLE			
Proposed plans			
CLIENT			
KH			
DRAWN BY	CHECKED BY	DATE	
AB	AB	Issue Date	
SCALE (@A3)		PROJECT NUMBER	
As indicated		Project Number	
DRAWING NUMBER	REV		
A101	1		

Application No: CH/18/349

Received: 28-Sept-2018

Location: 21, Albany Drive, Rugeley, WS15 2HP

Parish: Rugeley

Ward: Western Springs Ward

Description: Demolition of garage and erection of fencing to rear and roadside

Application Type: Full Planning Application

RECOMMENDATION Approve

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

1. B2 Standard Time Limit
2. Approved Plans

Reason for Committee decision: considerable public objection.

EXTERNAL CONSULTATIONS

Parish Council

No comments received.

Highway Authority

Object to the proposal on the basis that the application fails to provide visibility splays for the access into the site. They also commented that that the applicant could either relocate the proposed fencing to the rear of the visibility splay or reduce the proposed boundary fencing to a maximum of 0.6m above the adjacent highway to make it acceptable in regards to highways considerations. [Members are requested to note that since these comments have been received the plans have been revised].

INTERNAL CONSULTATIONS

None.

RESPONSE TO PUBLICITY

The application was advertised by neighbour letter and site notice. To date 13 letters of representation have been received objecting to the proposal and following consultation on amended plans a 7 further objections were received. The concerns raised are summarised below:

Highways safety concerns

- The fence would obstruct visibility, creating a blind spot for both road users and pedestrians and as a result would increase the risk of accidents.
- There would be an increased risk from oncoming traffic when turning into drive.
- Elderly and children would be particularly vulnerable to the increased risk caused by the proposed fence.
- Vehicles often drive at excessive speeds in and around the estate; introducing the proposed fence may exacerbate risk to other road users and pedestrians.
- The gate is not set back 5m from the footway and the fence is over 0.6m as advised by the Highways Authority.
- The proposed 0.9m high fence as shown on the amended plans will have the same effect on visibility as the 1.8m fence initially sought.

Design Concerns

- The fence would create something akin to a compound.
- The estate was designed to be open and the erection of the proposed fence would detract from the open character.
- Allowing the fence would set a precedent.
- Fence would look unsightly.

Other Concerns

- Commercial vehicles parked in the road and at the property.
- Deeds prohibit the erection of a fence at the highway boundary.

RELEVANT PLANNING HISTORY

66/77 – Permission dated 24/05/1977 for housing.

1. SITE AND SURROUNDINGS

- 1.1 The application site is comprised of a two storey detached dwelling located on a corner in Albany Drive.
- 1.2 To the front of the property is a driveway and landscaped area and to the side is an open grassed area. There is a double detached garage to the side of the property of which this application seeks demolition of.
- 1.3 The estate is residential and characterised by similar style detached dwellings with open lawn areas and driveways fronting the Albany Drive which giving the estate an open character.
- 1.4 There is a 1.9m high hedge at the boundary of the property with No. 23. There are other examples of 1.8/ 2m close-board fencing within Albany Drive at Nos. 33 and 41.
- 1.5 The application site is relatively flat with no significant changes in levels.
- 1.6 The site is unallocated in the Local Plan.

2. PROPOSAL

- 2.1 The application seeks planning permission for the demolition of the existing double detached garage and the erection fence to the rear and side adjacent to the highway boundary.
- 2.2 The fence which was initially proposed included 1.83m high close board fencing and 0.3m high gravel board; the total height being 2.1m. This was subsequently amended and the proposal is now for a 0.9m high fence the front and a 2.1m fence to the northern side boundary.
- 2.3 The proposed fencing would also include a ‘ranch’ style gate to allow vehicular access to the front which would also have a maximum height of 0.9m.

3.0 PLANNING POLICY

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 require planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

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

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

3.3 National Planning Policy Framework

- 3.4 The NPPF (2018) sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.
- 3.5 The NPPF (2018) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

- 3.6 Relevant paragraphs within the NPPF include paragraphs: -

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

- 3.7 Other relevant documents include: -

Design Supplementary Planning Document (2016).

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

Manual for Streets (2007).

4.0 DETERMINING ISSUES

4.1 Given the size, scale and location of the fence, the determining issues in respect to this application are:-

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

4.2 Principle of the Development

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

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

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

- i) Consider design imaginatively in its context, complementing and enhancing the character and appearance of the local area and reinforcing local distinctiveness.
- ii) Be well-related within the development and to existing buildings and their surroundings in terms of layout, density, access scale, appearance, landscaping and materials based upon an understanding of the context of the site and appropriate professional expertise.
- iii) Successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.

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

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

Planning policies and decisions should ensure that developments:

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

- 4.8 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.
- 4.9 The design and appearance of the proposed fence is typical of residential boundary treatments and there are a number of other examples of fencing of a similar height and style to what is proposed. The proposed fence would form a prominent feature that would enclose some of the open character of the estate. Whilst the siting of a fence here would have some detrimental impact on the character and form of the area, the fall-back position on permitted development rights should be noted as the 0.9m high fence and gate to the front could be erected under permitted development rights. The 1.83m high section of the proposed fence to the northern side boundary would also have a detrimental impact on the open character of the estate, however given the numerous examples of similar fencing throughout the estate, the impact it not considered significant enough to warrant refusal of the proposal. It is also noted that it not uncommon to find rear gardens with sides to estate roads featuring such fencing to protect privacy.
- 4.10 Detached garages are a common feature within the estate, however the demolition of the detached double garage would not have any significant detrimental impact on the character or form of the estate.
- 4.11 Therefore, having had regard to Policy CP3 of the Local Plan and the appropriate sections of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings and would successfully integrate with existing features of amenity value such that it would be acceptable in respect to its impact on the character and form of the area.

4.12 Impact on Highway Safety

- 4.13 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe
- 4.14 The Council's parking standards require off street parking provision for at least two spaces for two or three bedroom properties. The proposal would result in the loss of the double garage, however the driveway would retain provision for two vehicles and as such parking provision would remain adequate.
- 4.15 The Highways Authority did object to the initial proposal and did comment that the applicant could either relocate the proposed fencing to the rear of the visibility splay or reduce the proposed boundary fencing to a maximum of 0.6m above the adjacent highway. However these comments do not take into the consideration the fall-back position on permitted development rights which would allow the erection of a 1m high fence adjacent to the highway. The 1.83m section to the side was not considered to impact highways visibility and therefore on balance these reasons are not considered strong enough to warrant refusal.
- 4.16 As such the proposal is considered acceptable in regards to its impact on highways safety and parking provision.

5.0 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.

6.0 EQUALITY ACT 2010

- 6.1 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.
- 6.2 By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:
- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

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

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

7.0 CONCLUSION

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

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

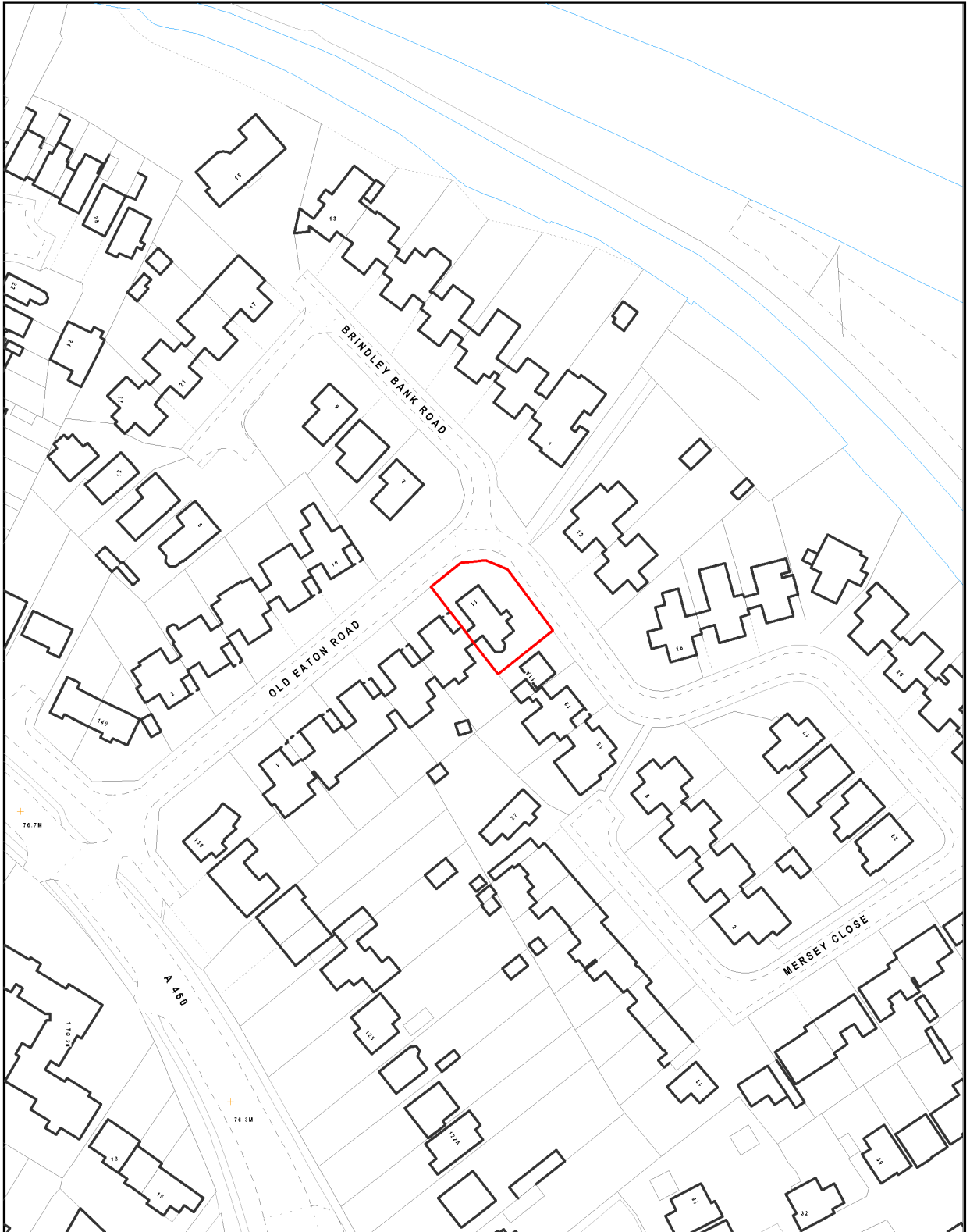


Application No: CH/18/367

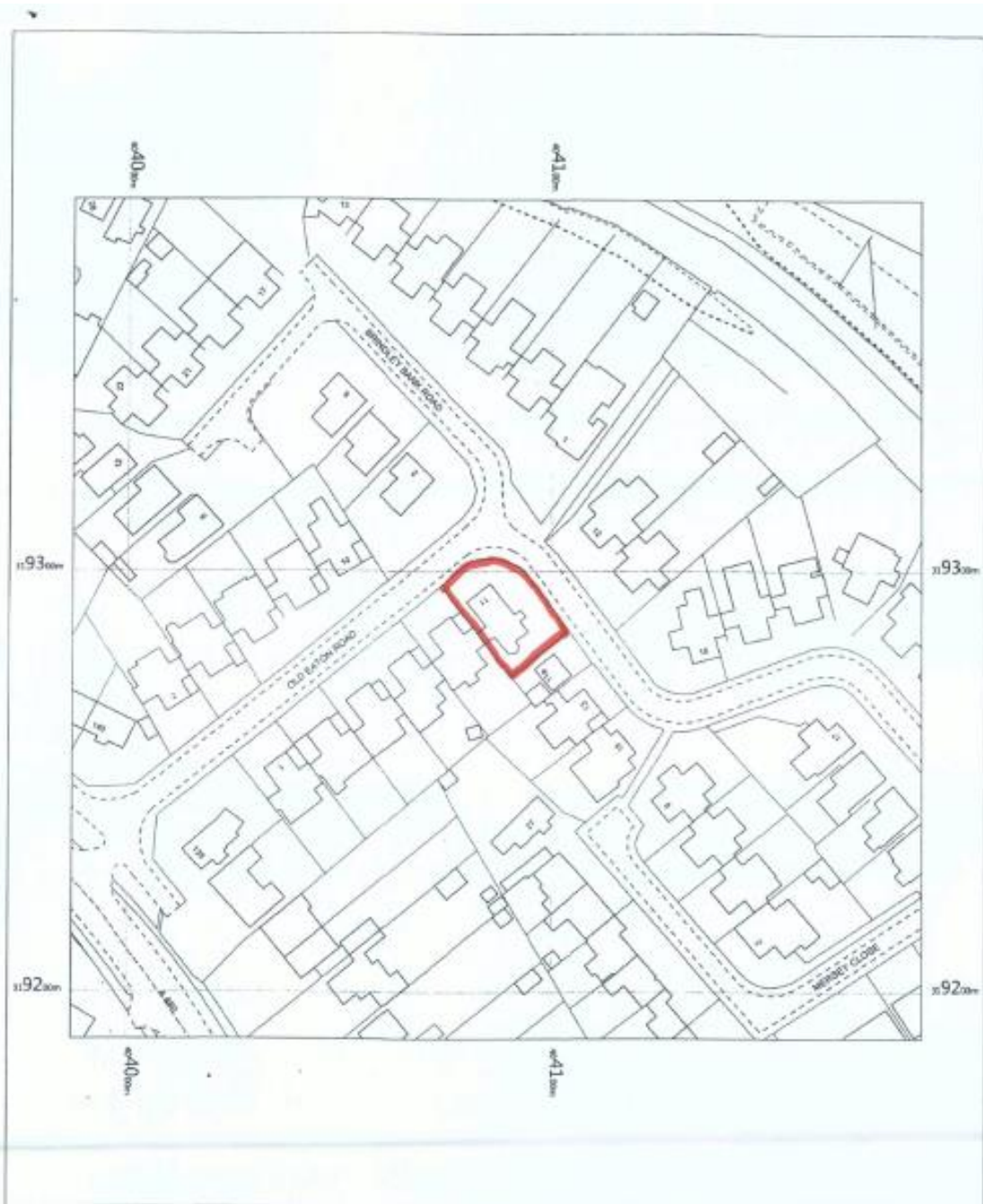
Location: 11, Old Eaton Road, Rugeley, WS152EX

Proposal: Detached garage along with alterations to porch and new access to Highway

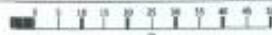
Item No. 6.30



Location Plan



LOCATION PLAN



11 OLD EATON ROAD
RUGELEY
STAFFS
WS15 2EX

OS MasterMap 1250/2500/10000 scale
Tuesday, September 4, 2018 10:07:39.131
www.blackwellmapping.co.uk

1:1250 scale print at A4, Centre: 404087 E, 319289 N

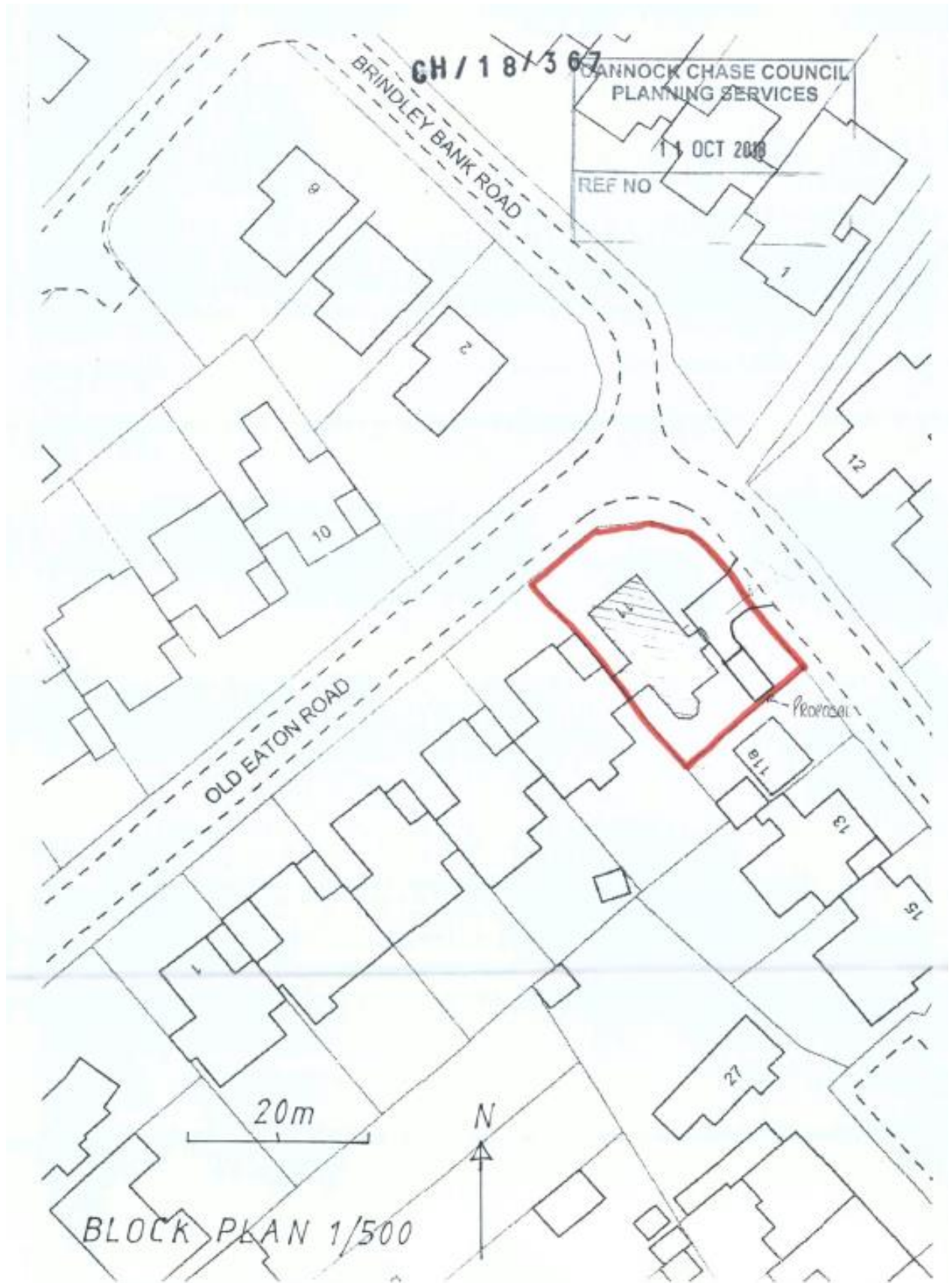
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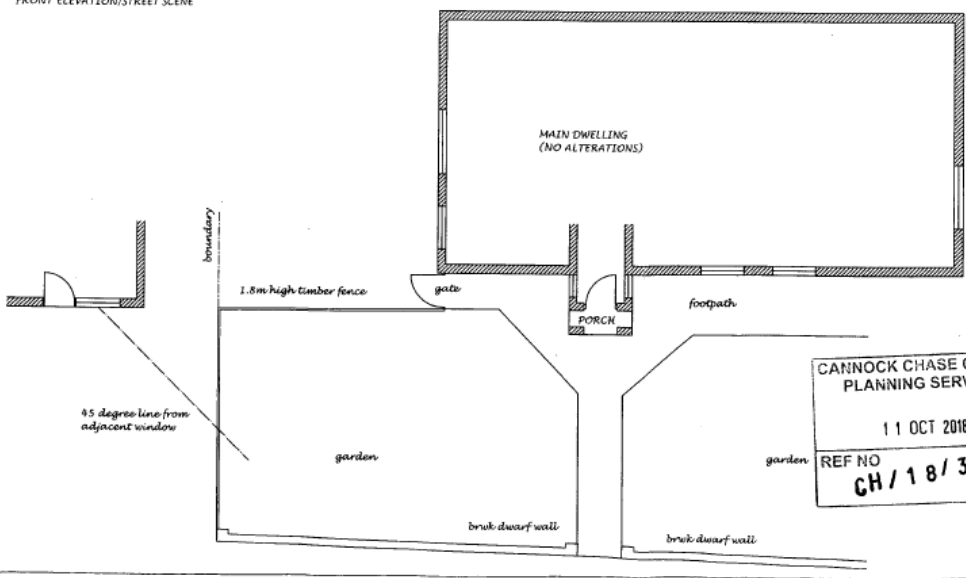
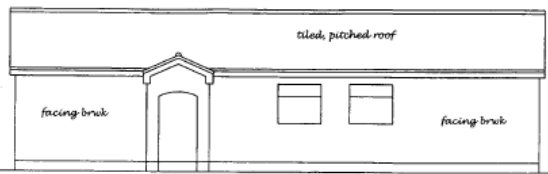
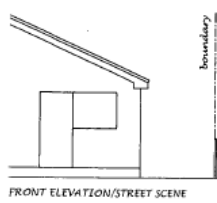
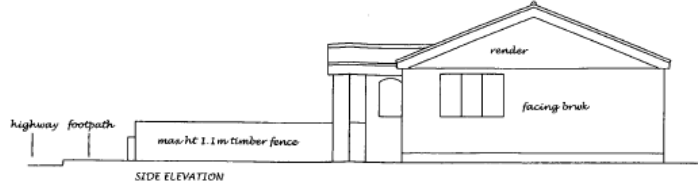
Block Plan



Existing Plans

Any dimensions shown from existing and/or new buildings to boundaries can be scaled but are for planning application purposes only

PLANNING APPLICATION DRAWING ONLY



THE CONTRACTOR MUST CHECK ALL DIMENSIONS AND GENERAL LAYOUT BEFORE COMMENCING WORK ON-SITE. IF IN DOUBT, ASK!

THIS DRAWING MAY BE SCALED FOR PLANNING APPLICATION PURPOSES BUT NOT FOR CONSTRUCTION USE.

THE CONTRACTOR WILL ENSURE THAT ALL ELEMENTS OF THE STRUCTURE ARE SUITABLE FOR THE INTENDED PURPOSE AND FITTED/INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.

WHERE POSSIBLE ALL ELEMENTS OF THE STRUCTURE SHOULD BE MANUFACTURED TO CURRENT BRITISH AND/OR EUROPEAN STANDARDS, INCLUDING BS.

THE CONTRACTOR WILL BE AWARE OF CURRENT HEALTH & SAFETY AT WORK/CDM LEGISLATION AND ENSURE THAT THE SITE/PROJECT OPERATES WITHIN AND CONFORMS TO THAT LEGISLATION.

IF THE PROJECT ON THIS DRAWING WAS SUBJECT TO PLANNING APPROVAL IT IS THE CLIENT'S RESPONSIBILITY TO ENSURE THAT ALL SAMPLES OF FINISH MATERIALS SUCH AS BRICKWORK AND ROOF TILING ETC ARE EXAMINED AND APPROVED BY THE LOCAL AUTHORITY PLANNING DEPARTMENT BEFORE WORK COMMENCES ON-SITE.

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PROJECT:- SINGLE, DETACHED GARAGE AND ALTERATIONS TO PORCH

ADDRESS:- 11 OLD EATON ROAD, RUGELEY, STAFFS WS15 2EX

CLIENT:- MR. P. JONES

Drwg. No.:- 1447.1 (existing)

Date:- August 2018

Scale/s:- 1/100

Amendments:-

Architectural Services

Heather Bank, Huntsman's Hill, Upper Longdon, Staffs WS15 1QE

Telephone 01543 481205
Mobile 07854 143976

e-mail davidarchserva@gmail.com

CANNOCK CHASE COUNCIL
PLANNING SERVICES
11 OCT 2018
REF NO
CH/18/367



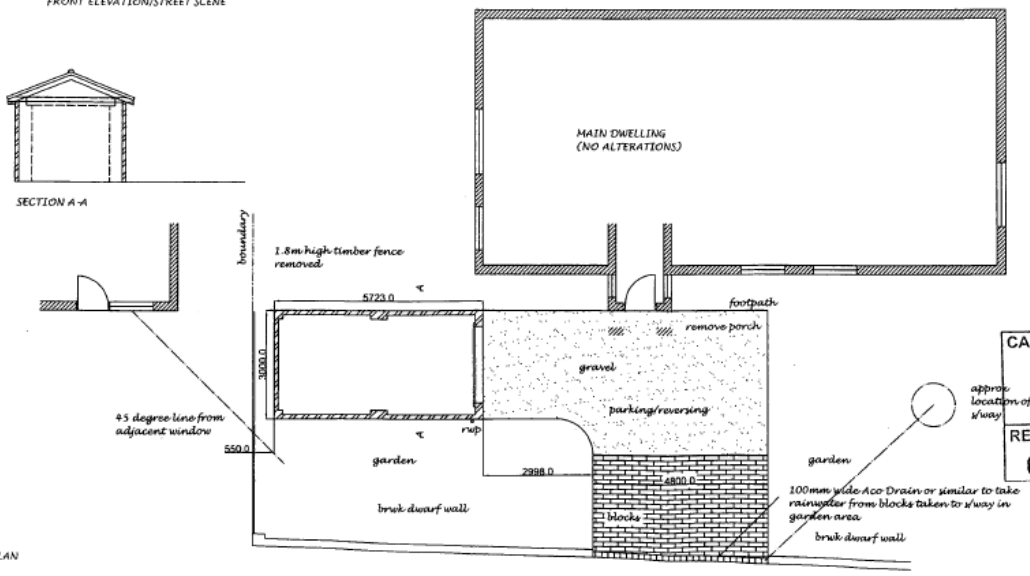
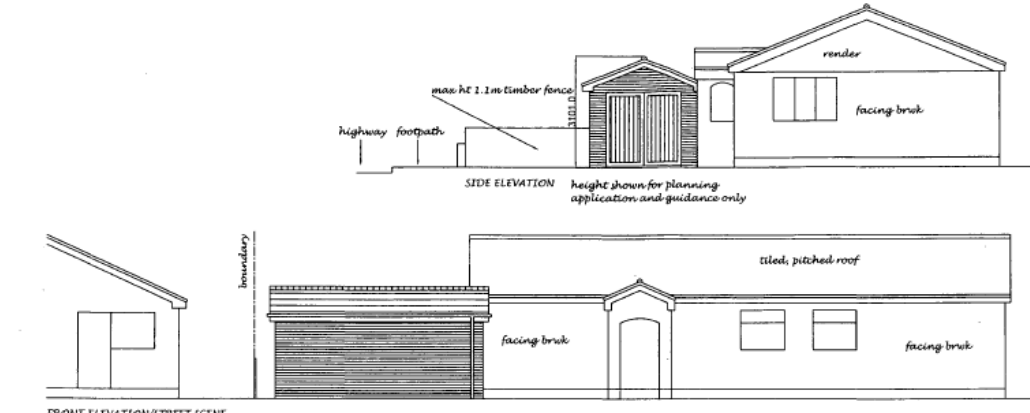
Chartered Institute of Architectural Technologists

Sole practitioner:- David Yarnall, MCAT
Chartered Architectural Technologist
Member of the Chartered Institute of Architectural Technologists

Proposed Plans

Any dimensions shown from existing and/or new buildings to boundaries can be scaled but are for planning application purposes only

PLANNING APPLICATION DRAWING ONLY



THE CONTRACTOR MUST CHECK ALL DIMENSIONS AND GENERAL LAYOUT BEFORE COMMENCING WORK ON-SITE IF IN DOUBT. ASH1

THIS DRAWING MAY BE SCALED FOR PLANNING APPLICATION PURPOSES BUT NOT FOR CONSTRUCTION USE.

THE CONTRACTOR WILL ENSURE THAT ALL ELEMENTS OF THE STRUCTURE ARE SUITABLE FOR THE INTENDED PURPOSE AND FITTED/INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.

WHERE POSSIBLE, ALL ELEMENTS OF THE STRUCTURE SHOULD BE MANUFACTURED TO CURRENT BRITISH AND/OR EUROPEAN STANDARDS, INCLUDING BS4.

THE CONTRACTOR WILL BE AWARE OF CURRENT HEALTH & SAFETY AT WORK/CDM LEGISLATION, AND ENSURE THAT THE SITE/PRODUCT OPERATES WITHIN AND CONFORMS TO THAT LEGISLATION.

IF THE PROJECT ON THIS DRAWING WAS SUBJECT TO PLANNING APPROVAL, IT IS THE CLIENT'S RESPONSIBILITY TO ENSURE THAT ALL SAMPLES OF FINISH MATERIALS SUCH AS BRICKWORK AND ROOF TILING ETC ARE EXAMINED AND APPROVED BY THE LOCAL AUTHORITY PLANNING DEPARTMENT BEFORE WORK COMMENCES ON-SITE.

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PROJECT:- SINGLE, DETACHED GARAGE AND ALTERATIONS TO PORCH

ADDRESS:- 11 OLD EATON ROAD, RUGELEY, STAFFS WS15 2EX

CLIENT:- MR. P. JONES

Drwg. No.- 1447.2 (proposed)

Date:- August 2018

Scale/s:- 1/100

Amendments:-

Architectural Services

Heather Bank, Huntsman's Hill, Upper Longdon, Staffs WS15 1QE

Telephone 01543 491205

Mobility 07854 143976

e-mail: david@chservers@gmail.com

CANNOCK CHASE PLANNING SERVICES

11 OCT 2018

REF NO CH/18/367



Chartered Institute of Architectural Technologists

Sole practitioner: David Yamal, MCIT
Chartered Architectural Technologist
Member of the Chartered Institute of Architectural Technologists

Application No: CH/18/367
Received: 11-Oct-2018

Location: 11, Old Eaton Road, Rugeley, WS152EX
Parish: Rugeley
Ward: Western Springs Ward
Description: Detached garage along with alterations to porch and new access to Highway.

Application Type: Full Planning Application

RECOMMENDATION Approve Subject to Conditions

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.

1. B2 Standard Time Limit
2. D3 Materials to match
3. Approved Plans

EXTERNAL CONSULTATIONS

Rugeley Town Council

The Town Council raised concerns that the building would be in front of the current building line and sought reassurance from Highways that the access would not be an issue.

Staffordshire County Highways

No objection subject to condition

INTERNAL CONSULTATION COMMENTS

None undertaken

RESPONSE TO PUBLICITY

The application was advertised by way of neighbour letters to the adjacent residents and the provision of a site notice. There were no letters of representation received.

RELEVANT PLANNING HISTORY

CH/08/281: Residential development - Conversion of detached garage into separate dwelling (Resubmission of planning application CH/08/0075). Approved

1. SITE AND SURROUNDINGS

- 1.1 The application site comprises a link-detached bungalow situated at the junction of Brindley Bank Road and Old Eaton Road.
- 1.2 The dwelling benefits from a modest corner plot with garden areas to the front, side and rear. The dwelling is bound by a low brick wall around the site and a dropped kerb and vehicle space to the side.
- 1.3 The street scene consists of similarly designed bungalows each with a mixed brick and render finish. Whilst the street scene is predominantly void of development in the front gardens of the dwellings, No. 1 Brindley Bank (opposite the application site) benefits from a detached shed sited in the front garden, albeit screened, for the majority, by planting.
- 1.4 The site is not allocated within the Cannock Chase Local Plan (Part 1) Adopted but it lies within the existing urban settlement of Rugeley.

2. THE PROPOSAL

- 2.1 The applicant is seeking permission for the erection of a detached garage to the front of the dwelling, the introduction of a vehicle access and the revision of the existing porch.
- 2.2 The proposed garage would have a footprint of 17m² and would be constructed to a height of 3.1m to the ridge (2.1m to the eaves). The proposed garage would be constructed from brick and tile and would accommodate 1 vehicle.
- 2.3 The proposed access would be introduced to the front of the dwelling and would lead to a new driveway for a further 2 vehicles to park.
- 2.4 The existing porch would be reduced in depth to accommodate the proposed driveway.

3. PLANNING POLICY

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014). Relevant policies within the Local Plan include: -

Policy CP1 – Strategy
Policy CP3 – Chase Shaping – Design

3.1 National Planning Policy Framework

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

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

3.6 Relevant paragraphs within the NPPF include paragraphs: -

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

3.7 Other Relevant Documents

a) The Cannock Chase District Council's Supplementary Planning Document on Design - April 2016.

4. DETERMINING ISSUES

4.1 The determining issues for the proposal are

- (i) Principle of the Development
- (ii) Design and the impact on the character and form of the area
- (iii) Impact on residential amenity

4.2 Principle of the Development

4.2.1 The proposal is for the extension of an existing residential property and detached garage located within an established residential estate located within Rugeley which is unallocated and undesignated for any planning purpose . It is considered that the principle of development of the proposed extension is acceptable.

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

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

Consider design imaginatively in its context, complementing and enhancing the character and appearance of the local area and reinforcing local distinctiveness.

Be well-related within the development and to existing buildings and their surroundings in terms of layout, density, access scale, appearance, landscaping and materials based upon an understanding of the context of the site and appropriate professional expertise.

- 4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

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;

are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

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);

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

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

- 4.3.5 The proposal is considered to be of a good quality design and is considered to be in-keeping with the design of the existing property. The main issue is that the garage would be sited to the front of the building line facing Old Eaton Road. In this respect the objection from the parish council is noted.
- 4.3.6 Indeed in many circumstances development in front of a well established building line results in an uncomfortable relationship and often is a reason for refusal. In this particular case there are several factors which lend support to the proposal. These include that the garage would be constructed of matching facing brick, there is an outbuilding that has been approved and built on the opposite side of the highway at No 1 Brindley Bank Road and at this point the application site is near to several bends in the estate road which visually breaks up the building line.
- 4.3.7 Taking the above into account it is considered that the proposal, on balance, (and the matter is finely balanced) the proposal is acceptable in respect to its impact on the wider streetscene. However, it is recommended that should members consider that the garage would have an unacceptable impact they should consider whether any impact could be made acceptable through landscape planting.
- 4.3.6 Therefore it is concluded that the proposal in respect to its layout, scale and design would not have a significant impact on the character and form of the area and therefore would not be contrary to Policy CP3 of the Cannock Chase Local Plan, the Design SPD and the relevant sections of the NPPF.

4.4 Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes onto include the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments create places with a high standard of amenity for existing and future users
- 4.4.3 In this respect it is considered that the proposal generally meets the guidance set out within the Design SPD having regard to angles and juxtaposition between the proposed dwellings themselves and with surrounding neighbours properties. Therefore it is considered that the proposal accords with the requirements of Policy CP3 of the Cannock Chase Local Plan and they meet the requirements of the Council's Design SPD.

4.5 Impact on Highway Safety and Capacity

- 4.5.1 Paragraph 109 of the NPPF states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".
- 4.5.2 In this respect, the County Highway Authority raised no objections to the proposal in terms of highway safety subject to conditions.
- 4.5.3 There is sufficient room within the application site for more the required two vehicles, which accords with the requirement of the Parking SPD of 2 spaces per 2 & 3 bedroom dwelling.
- 4.5.4 As such, it is concluded that the residual cumulative impacts of the proposal would not be severe in accordance with the Parking SPD and the NPPF.

5.0 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.

6.0 EQUALITY ACT 2010

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

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

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

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

- 6.3 It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.
- 6.4 Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers

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

7.0 CONCLUSION

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

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

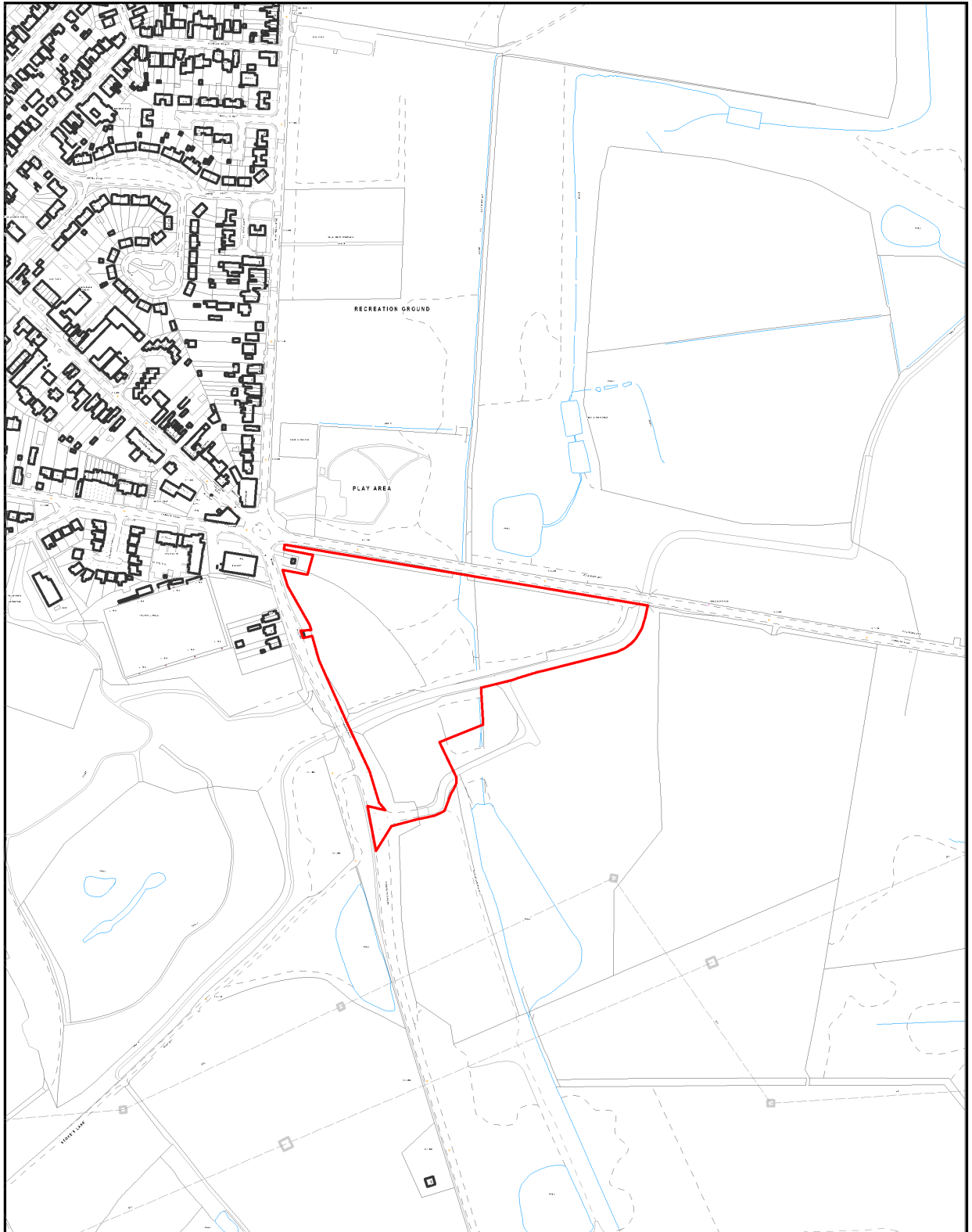


Application No: CH/18/380

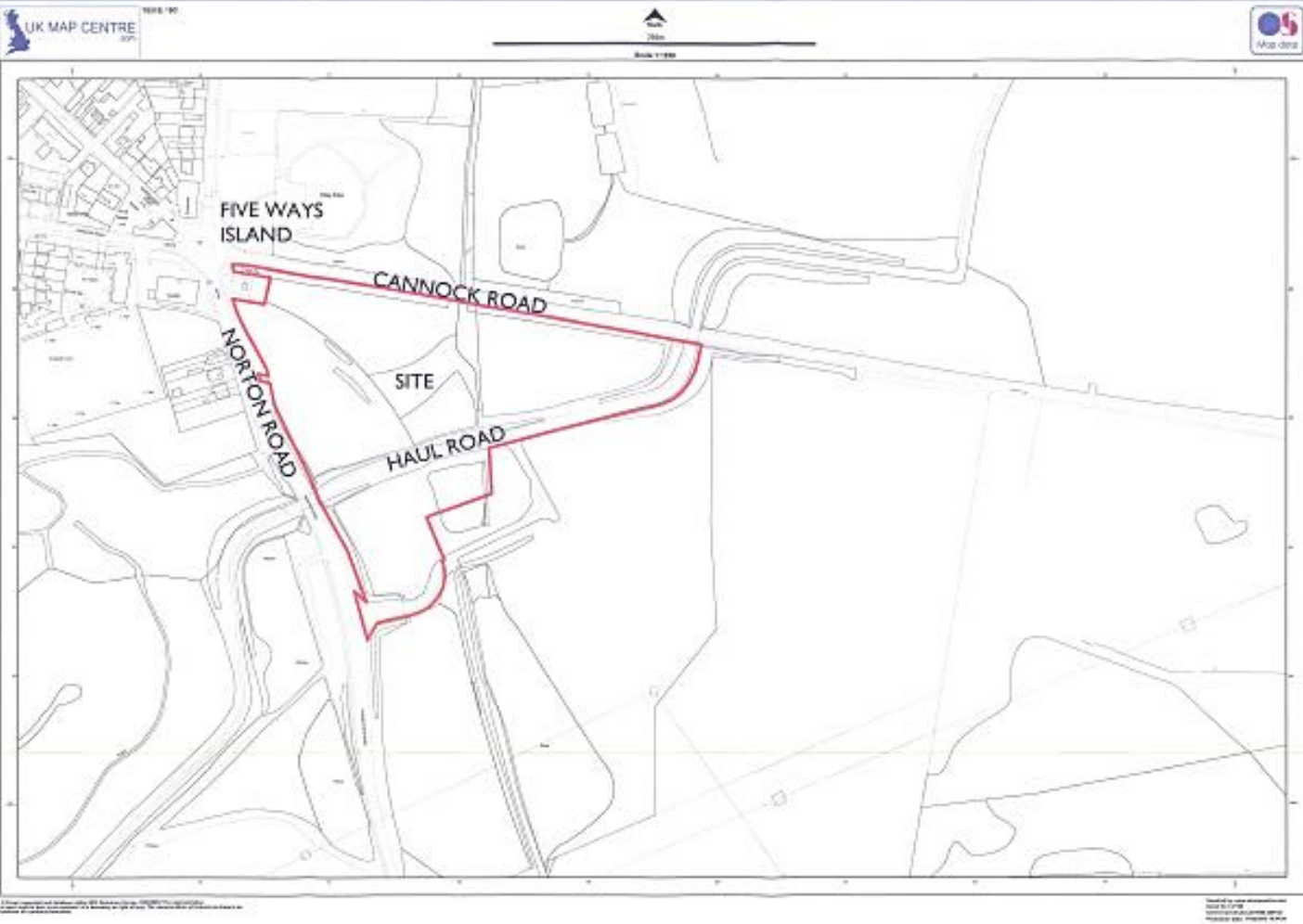
Location: Norton Road, Stafford, Cannock, WS12 2EJ

Proposal: Crematorium with Ceremony Hall, memorial areas, garden of remembrance and associated parking and infrastructure

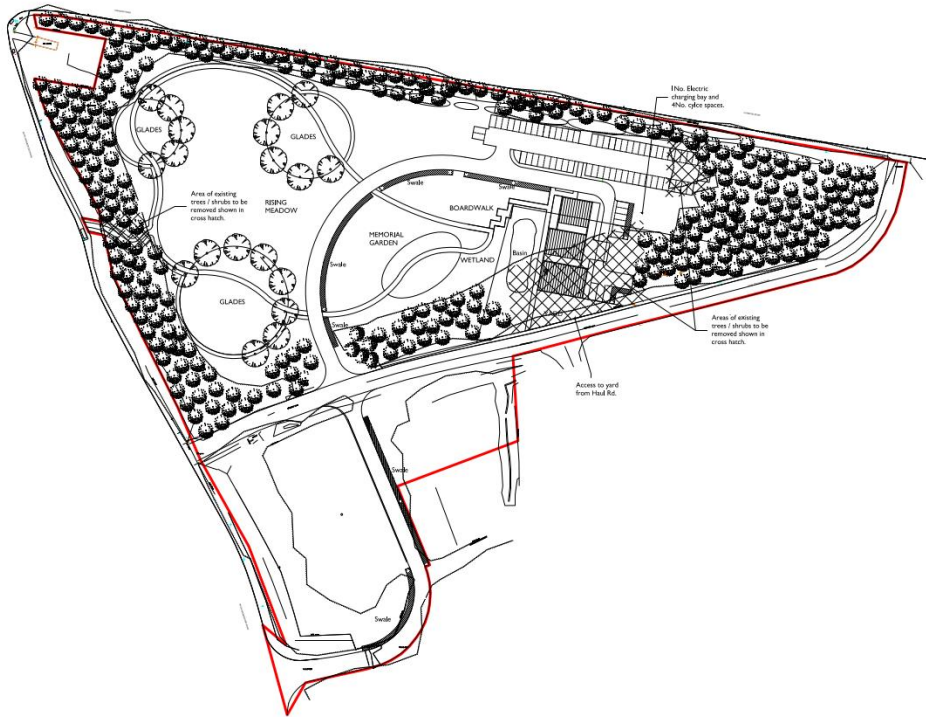
Item No. 6.43



Location Plan



Site Plan



revision notes

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title: SITE PLAN AS PROPOSED	client: HORIZON CREMATION LTD.	project: CANNOCK CREMATORIUM
revision	Job no. 1821	drg. no. 02
		drawing size - A2 drawn: MM checked: PKR

robertson design practice
 st. vincent's lodge, middlepenny road, langbank Pa14 6xb.
 tel. 01475 540554 e-mail robertsondesign@hotmail.com

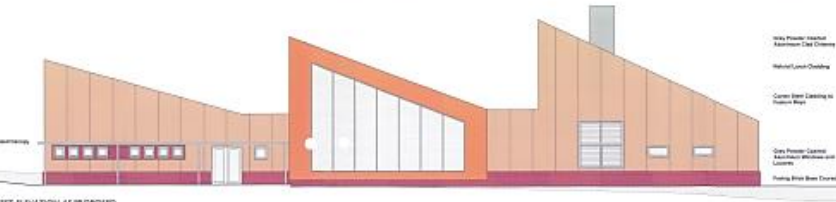
Proposed Elevations



EAST ELEVATION AS PROPOSED



NORTH ELEVATION AS PROPOSED



WEST ELEVATION AS PROPOSED



SOUTH ELEVATION AS PROPOSED

CHATHAM CIVIL ENGINEERING
PLANNING SERVICES
23 OCT 2018
REVISED 18/3/20

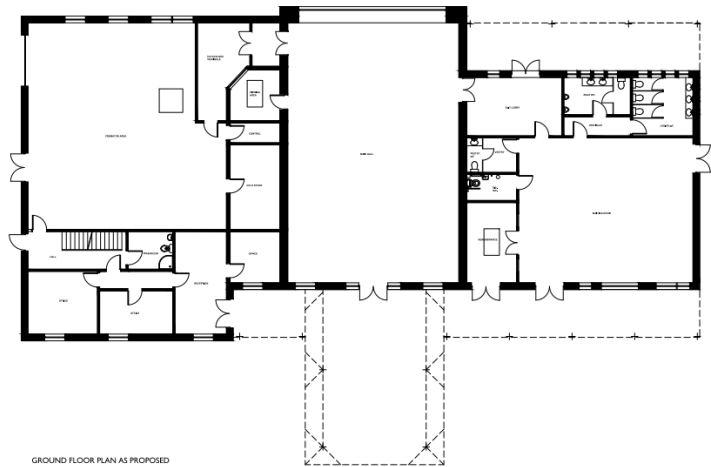
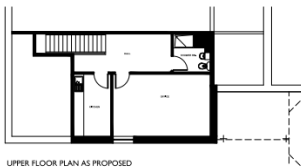
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000001000

Site ELEVATIONS AS PROPOSED	client	HORIZON DESIGNATION LTD	project	CHATHAM CIVIL ENGINEERING
revision	job no.	9821	drawn by	AM
	drawn by	AM	checked by	PN

robertson design practice
st vincent's lodge, middleberry road, langbank, Pk14 6
tel: 01473 542554 email: robertsondesign@btinternet.com

Proposed Floor Plans



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REVISION NOTES

title: PLANS AS PROPOSED	client: HORIZON CREMATION LTD.	project: CANNOCK CREMATORIUM
revision:	job no. 1621	drawn: MM checked: PKR
	dep. no. 03	drawing size: A1

robertson design practice
 st. vincent's lodge, middlepenny road, langbank, Pa14 6xb.
 tel. 01475 540054 e-mail: robertsondesign@rpdmat.com

3D View of Proposal



ENTRANCE ELEVATION PERSPECTIVE - not to scale.



REAR ELEVATION PERSPECTIVE - not to scale.

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title: 3D ILLUSTRATIONS AS PROPOSED
revision:

client: HORIZON CREMATION LTD.
job no: 1821

des. no: 87

project: CANNOCK CREMATORIUM
drawing size: A1 drawn: MM checked: POK

robertson design practice
st. vincent's lodge, middlepenney road, langbank, Pa14 6xb.
tel: 01475 640334 e-mail: robertsondesign@btinternet.com

Application No: CH/18/380

Received: 24-Oct-2018

Location: Norton Road, Stafford, Cannock, WS12 2EJ

Ward: Norton Canes

Parish: Norton Canes

Description: Crematorium with Ceremony Hall, memorial areas, garden of remembrance and associated parking and infrastructure.

Application Type: Full Planning Application

RECOMMENDATION: Resolve that they are minded to approve application and that delegated authority to be given to the Development Control Manager to approve the application on the expiration of the publicity period subject to

- (i) No objections being raised by the Local Lead Flood Authority; and**
- (ii) No further material issues being raised before the expiration of the publicity period and**
- (iii) The conditions outlined in the officer report and any additional conditions requested by the Local Lead Flood Authority; and**
- (iv) That following referral to the Secretary of State the SoS has notified the authority that he does not intend to issue a direction under section 77 of the Town and Country Planning Act 1990 or the expiration of a 21 day period.**

Reason for Grant of Permission

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

Conditions

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

Reason

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

2. No development hereby approved shall take place, until a Construction and Environmental Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
 - i. specify the type and number of vehicles;
 - ii. provide for the parking of vehicles of site operatives and visitors;

- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. recorded daily inspections of the highway adjacent to the site access
- vii. specify the intended hours of construction operations and deliveries to the site;
- viii. measures to control the emission of dust and dirt during construction
- ix. specify method of piling, should piling be undertaken;
- x. provisions for the limitation of sawing, cutting and grinding on site;
- x. the provision of a waste and recycling plan
- xi. protection of exposed areas of soil or soil stockpiles;

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

Reason

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

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

Reason

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

4. The approved landscape works pursuant to condition 3 shall be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner.

Reason

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

5. The site landscape, following completion of establishment, shall be managed in accordance with the approved Landscape Management Plan (ref 1870/LMP01Rev 01), dated 18 October 2018, by Robinson Landscape Design Ltd and the Biodiversity Strategy (ref 7931.BioStrat.vf), dated October 2018, by Ecology Solutions, 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.

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

Reason

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

7. The Special Surface Construction for the Access Roads, Drive Ways, Footpaths, Cycleways & Car Park Areas (pursuant to Condition 6 above) shall be implemented in accordance with the approved details including method statement & timetable, unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

8. No part of the development shall commence until details of all arboricultural work have been submitted to and approved by the Local Planning Authority. Details shall include a method statement and schedule of works.

Reason

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

9. The approved arboricultural work (pursuant to Condition 8 above) shall be carried out fully in accordance with the submitted details including timetable and to BS 3998 Tree Work & BS 5837 Trees in Relation to Construction, unless otherwise approved in writing by the Local Planning Authority.

Reason

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

10. The development shall not be brought into use until schemes for the provision of a
- (i) a footpath/ footbridge,
 - (ii) cycle racks,
 - (iii) photovoltaic cells on the roof,
 - (iv) recycling heat from the cremator and
 - (v) an electric vehicle charging point;

have been submitted to and approved in writing by the Local Planning Authority. The works comprising the approved schemes shall be implemented before the development is first brought into use. The works shall thereafter be retained for their

intended purpose for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interest of protecting air quality in accordance with Paragraph 181 of the National Planning Policy Framework.

11. The development shall not be brought into use until a Travel Plan, along with measures for its implementation have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented before the development is first brought into use and shall thereafter be implemented for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interest of protecting air quality and in promoting sustainable forms of transport in accordance with Paragraph 181 of the National Planning Policy Framework

12. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site and from ground gas has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

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

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

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

Reason

To ensure that the development is served by an adequate means of drainage, to protect the aquatic environment and to ensure that it does not result in flooding elsewhere in accordance with the National Planning Policy Framework.

14. The development shall not commence until a strategy for dealing with any Japanese Knotweed on the site has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved strategy unless otherwise approved in writing by the Local Planning Authority

Reason

In the interest of preventing the spread of this alien species.

15. The development shall not commence until a scheme for the installation of amphibian friendly drainage systems and low easily climbable kerbs has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been implemented.

Reason

In order to protect the presence of a large and important toad population breeding in nearby pools. The common toad is a UK priority species making its presence a planning consideration. Large numbers of young and adult toads dispersing from their breeding ponds are considered to be at risk from poorly designed drainage systems and high roadside kerbs

16. This permission relates to the following plans:

- Planning Application form.
- Biodiversity Strategy (ref 7931.BioStrat.vf), dated October 2018, by Ecology Solutions.
- Planning Statement, dated September 2018, by MDA.
- Design and Access Statement, received 23 October 2018, by Robertson Design Practice.

- Air Quality Assessment, (ref 8218AQ Final), dated October 2018, by Phlorum Limited.
- Flood Risk Assessment and Drainage Strategy, (ref 10234 rev A), dated 9 October 2018, by Grossart Associates.
- Transport Assessment (ref 107802 Version 1), dated 8 October 2018, by Systra.
- Additional Information Note. ref 10782 dated 12/12/2018.
- Tree Survey and arboricultural Impact Assessment, dated September 2018, by Westside Forestry Ltd.
- Consultation Statement, dated October 2018, by Horizon Cremation Ltd.
- Ecological Assessment, (7931.EcoAS.Vf, dated October 2018.
- Geo-Environmental and Geotechnical Preliminary Risk Assessment (Ref 126882 R1 Final) dated June 2018
- Landscape Appraisal (ref 1870/rld/Landscape Appraisal Rev02) dated 18 October 2018) by Robinson.
- Landscape Management Plan (ref 1870/LMP01Rev 01), dated 18 October 2018, by Robinson Landscape Design Ltd.
- The Need for a Crematorium to Service Cannock and the Surrounding Area, dated October 2018, by Horizon Cremation.
- Site Search Appraisal, dated October 2018, by Horizon Cremation.
- Drawing 1821/01 Site Location Plan
- Drawing 1821/02 Site Plan as Proposed
- Drawing 1821/03 Plans as Proposed
- Drawing 1821/04 Proposed Roof Plan
- Drawing 1821/05 Elevations as Proposed
- Drawing 1821/06 Site Sections as Proposed
- Drawing 1821/07 3d Illustrations as Proposed
- Drawing 5870-99-001 Landscape Masterplan.

Reason

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

Notes to the Developer

The developer's attention is drawn to the policy requirement (as detailed in Policy 1.2 of the Staffordshire and Stoke-on-Trent Joint Waste Local Plan, and as supported by paragraph 8 of the National Planning Policy for Waste) to make better use of waste associated with non-waste related development. In accordance with Policy 1.2, all 'major development' proposals (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015, or any subsequent changes/revisions) should:

- i. Use / Address waste as a resource;
- ii. Minimise waste as far as possible;
- iii. Demonstrate the use of sustainable design and construction techniques, i.e.: resource-efficiency in terms of sourcing of materials, construction methods, and demolition;
- iv. Enable the building to be easily decommissioned or reused for a new purpose; and enable the future recycling of the building fabric to be used for its constituent material;

- v. Maximise on-site management of construction, demolition and excavation waste arising during construction;
- vi. Make provision for waste collection to facilitate, where practicable, separated waste collection systems; and,
- vii. Be supported by a site waste management / waste audit if the development is likely to generate significant volumes of waste *

* updated to take account of Planning Practice Guidance – Waste – Determining planning applications - paragraph 049 - Should significant developments include a waste audit?

The developer's attention is drawn to the comments made by Staffordshire Police in their consultation response in respect to reducing crime by design considerations.

EXTERNAL CONSULTATIONS

County Highways

No objections subject to a condition to ensure that the development is not brought into use until the access road, parking and servicing and turning areas have been provided in accordance with the approved plans.

Environment Agency

We have reviewed the information submitted and have no objections, in principle, to the proposed development. We wish to make the following comments.

Groundwater and Contamination

We have the following comments to make which relate solely to the protection of Controlled Waters', matters relating to Human Health should be directed to the relevant department of the local council.

Reference to the 1:50,000 scale geological map Sheet no.154 (Lichfield) indicates the site is located on till deposits. The bedrock beneath these superficial deposits is shown as mudstone, sandstone and siltstone of the Pennine Coal Measures formation.

The till deposits are designated as a secondary undifferentiated aquifer. This means they could have the properties of either a Secondary A or Secondary B aquifer. The coal measures bedrock is designated as a Secondary A aquifer.

We note that the Geo-Environmental and Geotechnical Preliminary Risk Assessment by Fairhurst, ref. 126882, dated June 2018 submitted as part of the application identifies a number of sources of contamination on site. There is also a recommendation that a targeted intrusive investigation is carried out.

This information submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 179 of the National Planning Policy Framework.

Condition

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

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

Severn Trent

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

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

The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is

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

Local Lead Flood Authority (LLFA)

The LLFA notes that the site is Flood Zone 1, the Surface Water Flood Map shows a flow path crossing the site associated with the ordinary water course and another along the coal haulage road and there are no recorded flooding hotspots within 20m of the site.

The Flood Risk Assessment (Grossart Associates, Job No: 10234, Rev A, 09/10/18) does not have a suitable basis for assessment to be made of the flood risk to the proposed development.

In particular:

The flood risk from the ordinary watercourse crossing the site has not been fully assessed. Although the site is in Flood Zone 1, this does not necessarily reflect a low flood risk from the ordinary watercourse crossing the site. The Flood Zones are only modelled for watercourses with catchments greater than 3km², so this would not include the water course crossing the site.

In this case the Surface Water Flood Map gives an indication of the potential flooding from flows associated with ordinary watercourse.

The Surface Water Flood Map will not accurately model the water course channel so does not provide precise flood extents, but indicates that the site specific analysis is required, based on survey of the existing channel, culverts and topography.

The FRA should include an estimate of the catchment and expected range of flows in the water course (up to the 1 in 100 years + climate change critical storm), and measurement of the channel and culverts with calculated conveyance capacity.

On this basis an assessment of the flood risk of the flood risk to the site can be made, with any necessary mitigation identified, including proposed finished floor levels.

County Land Use

Background

The application site involves 4.9 hectares of land which was part of the former Bleak House Opencast Coal Mine. The proposal involves the erection of buildings with a total floorspace of 564m².

Observations

The application site is within a Mineral Safeguarding Area (MSA) for coal and fireclay. Our records indicate that there are no permitted or allocated mineral sites within the vicinity of the site.

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

Referring to the Coal Authority's Interactive Map, there is no indication of a shallow coal resource within the application site.

The application site is part of the former Bleak House Opencast Coal Mine but the land was used for haulage rather than for the excavation of coal. In 2013, the Mineral Planning Authority confirmed in a letter dated 13 February 2013 that aftercare management of restored land required by the mineral planning permission and associated Section 106 Legal Agreement had been completed (ref: CH.503/89 D3) .

There are no waste facilities within the immediate vicinity of the application site.

Conclusions

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

Therefore, in accordance with the powers contained in the 'Scheme of Delegation to Officers', this letter confirms that Staffordshire County Council, acting as the Mineral and Waste Planning Authority, has no objection to the planning application for a crematorium with ceremony hall, memorial areas, garden of remembrance and associated parking and infrastructure on land at Norton Road, Cannock for the reasons described above.

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

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

* updated to take account of Planning Practice Guidance – Waste – Determining planning applications - paragraph 049 - Should significant developments include a waste audit?

Natural England

Chasewater and the Southern Staffordshire Coalfield Heaths Site of Special Scientific Interest

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.

Landscape

Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments.

Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and Most Versatile Agricultural Land and Soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local Sites and Priority Habitats and Species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites.

Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

Ancient Woodland, Ancient and Veteran Trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

Environmental Enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.

- Restoring a neglected hedgerow.

- Creating a new pond as an attractive feature on the site.

- Planting trees characteristic to the local area to make a positive contribution to the local landscape.

- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.

- Incorporating swift boxes or bat boxes into the design of new buildings.

- Designing lighting to encourage wildlife.

- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access Land, Coastal Access and National Trails

Paragraphs 91 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity Duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat.

Crime Prevention Officer

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

Refers to paragraph 91(b) and 95 (a & b) and 127(f) of the NPPF, policy CP3 of the Cannock Chase Local Plan and Article 1 of the Human Rights Act. The response goes onto advise that in order to prevent crime and reduce the fear of crime the proposal should attain Police Secure by Design (SBD) accreditation, which can reduce burglary by 50%, car crime and

criminal damage and that carbon costs of replacing door-sets and windows on SBD as a result of criminal activity is more than 50% less than on non SBD developments.

Goes on to recommend that all security equipment installed should be to the relevant British standard. Goes on to make detailed recommendations for the specification of the entrance, footpaths, parking lighting, climbing aids roofs windows, perimeter doors, drainpipes, interior doors, alarm system and CCTV and IT assets.

Norton Canes Parish Council

The planning committee [of the parish council] fully support this development which we feel is a much needed resource for the whole District. We would raise one query with regard to the materials proposed to be used and ask whether they are sustainable over a period of time and what plans are in place for the on-going maintenance of the buildings.

Heath Hayes and Wimblebury Parish Council

Accepting that this development is not in our area, the Council would like to comment as it is immediately adjacent and will affect our residents.

On 5th December, there was a display at Heath Hayes Library and then a presentation by Mr Stephen Byfield at the monthly Parish Council meeting. He gave a brief overview of the history of the company and their business model, which identified areas nationally that would be projected to be in need of additional facilities. Land at Five Ways picked as it was rural, lower than the adjacent roads and a surprisingly quiet site,.

Considerable thought had gone into the project, with the building design keeping local relevance as well as improving the guest experience. From entrance by vehicle or foot, the services, waiting and departure facilities were all planned to make this a popular facility.

The Council feels that this is a good use of the land and would be necessary facility for the area and the Council would like to support the application.

INTERNAL CONSULTATIONS

Policy Officer

National Policy

The application site lies within the Green Belt. As such regard must be had to NPPF paragraphs 143 to 145 which apply to this case. Paragraph 145 states that the construction of new buildings in the Green Belt should be regarded as 'inappropriate'. The paragraph includes a list of exemptions to this, but none would apply in this case.

This therefore means that paragraphs 143 and 144 are engaged i.e. that the development is 'Inappropriate' in this context and that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances' (para 143). In considering the planning application, para. 144 states that 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green belt by reason of inappropriateness, and any other harm resulting from the

proposal is clearly outweighed by other considerations'. Regard should also be had to paras. 133 and 134 which set out the aims and purposes of Green Belts.

Also of relevance is the NPPF Section 12 (Achieving well designed places) paras. 124 to 131, and section 15 (conserving and enhancing the natural environment) particularly given the proximity to a Site of Biological Importance, an Air Quality management area and noting past mining activity in the area and further specialist advice would need to be sought.

Local Policy

Local Plan Part 1 was adopted in 2014 and sets the adopted local planning policy for the area.

Policy CP1 sets the strategy, and the site lies within designated Green Belt.

CP3 (Chase shaping – design) sets out requirements in terms of design and is supplemented by the Design SPD which includes topic-specific guidance of relevance to this application.

CP5 (Social Inclusion and Healthy Living) makes particular reference to infrastructure which supports the objective and this specifically lists a cemetery / crematorium.

Policy CP10 (Sustainable Transport) makes reference to impacts upon the Air Quality Management Areas (AQMA) which were designated when the plan was adopted: since then a further AQMA has been declared at Five Ways Island so this will need to be taken into account.

Policy CP12 (Biodiversity and Geodiversity) should also be considered, noting the proximity of the site in relation to a Site of Biological Importance.

Policy CP14 (Landscape Character and Cannock Chase AONB) requires the consideration of landscape character in all development proposals, the policy also elaborates on Green Belt proposals.

Policy CP16 (Climate Change and Sustainable Resource Use) will also apply to the proposal.

It should be noted that the application site is included in the SHLAA (site reference C326, category: Green Belt / Restricted) and ELAA (CE56 category Not Available). The site is not allocated for any use. The process of reviewing the Local Plan began in February 2018, with the initial Issues consultation having been carried out in July / August 2018: work on this is still in the early stages and no site selection or decisions on potential allocations have been made at this point.

Neighbourhood Plans

The site lies within the Norton Canes designated Neighbourhood Area. The Neighbourhood Plan is in the early stages of preparation and has not yet reached any statutory consultation stage.

The proposal is not CIL liable nor would it be required to make contributions towards mitigation to Cannock Chase SAC.

Trees and Landscape

Location

The site is located within the Forest of Mercia, the Green belt and adjacent to Cannock Chase Council's cemetery and partially located on a site of historic landfill. To the east (300m) lies the Chasewater & Southern Staffordshire Coalfields SSSI.

The site is screened by semi-mature vegetation on three sides that has been allowed to generate naturally and the southern aspect is generally open to views across Cannock Chase Council's new cemetery and Norton Canes village.

Landscape Details

All landscape details are required as per SPG Trees, landscape and development.

To include:

- All drainage plans, existing and proposed levels, boundary treatments, surface finishes and edges, soft planting proposals, landscape management plans., walls , barriers, steps and ramps

Access roads and parking bays are to be made of a porous surface, how will oils from parked vehicles be collected before they are allowed to discharge into the water courses?

The parking area is a large bland space which could do with tree and shrub planting to break up the space and soften the overall character

There are no clear details for the covered walk ways between car parks and buildings. Thus the visual impact cannot be confirmed.

The existing site is extremely wet. There is little if any information regarding how the flow of surface water or that from buildings will be managed to prevent any impact on the adjacent land as well as the SSSI and there is no indication of how foul drainage is dealt with.

Layout and Access

There is no public right of way in or around the site at present, however Policy CP10 relates to the formation of a recreational footpath/cycleway. It is unclear as to how this has been incorporated into the proposals.

Heavy Service vehicles using the resin bound surface could easily damage the surface visually and physically. Construction details would need to be supplied and comment sought from Staffordshire County Highways. The entrance of Norton Road utilises the exiting access point that will be shared with the approved new cemetery however the proposals do not appear to indicate what is the approved layout including the required Highways requirements.

Visual Amenity

The building and chimney will be clearly visible from the adjacent roads (Norton Canes Road) due to the close proximity and have a strong influence in the aesthetics from the new cemetery proposed

Trees located on the southern aspect are proposed to be removed for development purposes. Replacement planting and screening should be undertaken to screen the neighbouring cemetery.

Operationally

With both this and the new cemetery using the same access of Norton Road there is potential for a bottle neck to be created where burials and cremations are happening simultaneously.

Summary/ Comments:

- Application is lacking detailed landscape proposals as noted above. Whilst it's always beneficial to get the details up front, should this application be recommended for approval then appropriate landscape conditions could be imposed.
- Insufficient screening of proposed building from the South (new cemetery)
- No consideration/incorporation of approved and commenced new cemetery proposals/conditions
- Insufficient drainage details to consider effect on adjacent land and SSSI.
- Circulation routes for vehicles could be improved.

Ecological Officer

Having carefully considered the information provided I am of the opinion that should this application be approved it would not result in significant ecological impacts.

However, the ecological survey missed the presence of a large and important toad population breeding in nearby pools. The common toad is a UK priority species making its presence a planning consideration. Large numbers of young and adult toads dispersing from their breeding ponds are considered to be at risk from poorly designed drainage systems and high roadside kerbs. This was recognised when considering planning consent for the adjoining cemetery and dealt with via a requirement to use amphibian friendly drainage systems and low easily climbable kerbs. I would advise that in order to prevent a potentially significant adverse impact on this species planning consent should be conditional upon the use of the same amphibian friendly drainage system and kerb design.

Economic Development

Economic Development are happy to support the plans to build a crematorium, there is a need within the district as there is no current provision. Economic Development also welcomes the new business and 4 full and 2 part time jobs to be created within the District.

Environmental Protection Officer

An air quality assessment has been provided in support of the application. This addresses potential emissions from construction and operational phases.

The site has not been subject to intrusive investigation for ground contamination, so it is not clear whether dust generated from construction activities poses a health risk. If the site is found to be contaminated, the report states that this will be addressed in a separate report. To this extent, reference should be made to the required intrusive investigations discussed below and watching brief should be maintained throughout the construction phase for signs of ground contamination.

The potential for dust emissions during this phase is considered to be 'medium' and after taking into account the number and location of potential receptors, the development is considered as 'low risk' for nuisance dust soiling effects and PM10 health effects. A construction management plan is required, incorporating proportional mitigation measures as recommended in the report.

The report demonstrates that the modelled impact of traffic associated with the development is negligible. However, it does not look specifically at the exceedence location within the air quality management are covering Five Ways Island. Never-the-less, the existence of one AQMA does not preclude developments in the immediate area, and this development is deemed acceptable in respect of air quality.

Although the impact of this particular development may not be significant, it forms part of the cumulative impact of developments throughout the district, and it is appropriate that the developer contributes to mitigation measures to offset its impact. The report provides a damage cost calculation for pollution associated traffic generation. This figure equates to £23,106.00. The following measures are offered in mitigation:

Travel Plan

A footbridge from the entrance to the highway providing direct access to existing pedestrian infrastructure and bus stops.

Cycle racks, and

Photovoltaic cells on the roof.

Recycling heat from the cremator.

Insulation materials in exceedance of the Building Regulation requirements, and

An electric vehicle charging point.

In terms of travel planning, I would request that the developer liaises with Staffordshire County Council to optimise their travel plan measures to reduce emissions to air.

With regard to other measures, I would request that the developer provides statistics to demonstrate the savings in emissions or the financial contribution towards these measures in order to ascertain whether they are proportionate to the damage cost calculation figure. In terms of photovoltaic cells, these have a wider environmental benefit but probably not towards NOx or PM10 emissions. The developer is asked to elaborate on this before it can be considered as a relevant mitigation measure. This can be achieved if it is linked with the proposed electric vehicle charging point to be provided.

The electric vehicle charging point is welcomed. However, in order that visitors can benefit from the facility, it should be of a fast charge type.

Stack Emissions

Modelled stack emissions are unlikely to have a significant impact on the locality. The report correctly points out that the facility will require an Environmental Permit under the Environmental Permitting Regs 2010. This will place conditions on operational practices, control techniques, monitoring and emission limits.

Impacts on Ecosystems

The Air Quality Assessment includes modelled impacts on sensitive ecosystems. My comments do not take this into account, and comment should be sought from the relevant organisation.

Ground Contamination

The Geo-Environmental & Geotechnical Report is in the form of a preliminary risk assessment. It identifies potential for contamination from unknown thickness of made ground across the site, ground gas generation and potentially combustible materials. As such, it is imperative that targeted intrusive investigations should be made for soil and groundwater contamination and ground gas generation. Any remedial measures must be agreed with this department prior to commencement.

The same report also recommends that a survey should be undertaken for invasive species. Given that Japanese Knotweed can often be found on similar sites, I would recommended that this measure is taken

Environmental Services

No comments received.

Waste and Engineering

No objections.

RESPONSE TO PUBLICITY

The application was advertised by neighbour letter and site notice. 7 letters of representation have been received, 1 of which raise objections to the proposal, 5 which are in support of the proposal and 1 of general comment.

Comments Raised in Support

The development will enhance the surrounding area and it is needed in the local and surrounding community.

I strongly support the development of the site for use as a crematorium.

The proposed crematorium will be a great benefit to the area. We will not have to go further afield for a crematorium service.

The crematorium is badly needed by Norton Canes. It is too long a journey to the current ones. There is no logical reason whatsoever for refusal.

The crematorium is a much needed addition to Norton Canes and the immediate local area. It will prevent families having to travel long distances for their loved ones funeral and as a neutral environment can accommodate all faiths/ no faith services. The landscape will be peaceful and the setting akin to what families need at times of bereavement. I work for the charity Sands (Stillbirth & Neonatal Death Charity) as well as being a local resident in Norton Canes and I know that the inclusion of a specific baby memorial area will be very welcome, allowing grieving parents a much needed quiet place for remembrance and reflection. Mr Stephen Byfield and colleagues at Horizon have been respectful and considerate of all comments received prior to submitting this planning application and have gone to great lengths to ensure that all aspects of introducing this new facility will be accounted for and due diligence taken at each stage.

Comments Raised in Objection

We oppose the application regarding the congestion it will add to the Five Way roundabout which is already too busy and adding slow moving vehicles will only add to the misery of getting on and off the roundabout.

Other Comments Raised

My concern is about the old coal haulage road that runs through the proposed development,. we use that road to access fields that we rent and while we have been assured by the developers that the road will not be altered in any way that could or would affect us travelling on it. we would appreciate if you would considered that you actually make it a condition of

the application that they cannot alter the road in any way that makes it difficult or impossible for use to use it for access to our fields.

Press reports repeat the publicity wording on the applicant's website suggesting that the proposed crematorium is a modest single storey structure and yet is shown in the documents as a tall property with an upper floor and singularly dramatic mono pitch roof structures with timber cladding and pre-weathered steel features. hardly a "modest single storey structure" and nothing like the double pitch roofs of the old colliery buildings mentioned in the design and access statement as influencing the design. However, misleading as the publicity may be, the plans are clear so I do not think this discrepancy should affect your decision.

I personally dislike timber cladding which very frequently does not weather as the designer anticipates and looks very scruffy as it turns from the intended light grey to multiple shades of grey, brown and black depending on the local atmosphere. These however are minor concerns which do not think should influence your consideration of the proposal. They only concern the maintenance of the building and how much it will cost the owners to keep it looking smart.

The suggested species of tree and shrubs for the landscape works appear (to me at least) to have insufficient dramatic influence.

Bearing in mind the boggy nature of some of the ground I suggest that the developer is requested to add Black Poplar and Medlar to the scheme.

I was informed that there will be access to the crematorium from the bus stop, but no reference to a pedestrian crossing to enable people to cross the road was made. This is quite a busy road, has adequate safe crossing point been considered.

At certain times turning right from the site would be very difficult due top the volume of traffic. Also has effect on the traffic flow through Heath Hayes been looked into, at present it can be problematic with blatant disregard to the parking restrictions on Hednesford Road. No measures appear to be in place to restrict this. It will be made more difficult during funerals.

RELEVANT PLANNING HISTORY

The Application site

Relevant planning history to the site is as follows: -

- CH/08/0001: - Installation of a wind farm, comprising three wind turbines, control building and associated infrastructure. Withdrawn.
- CH/89/0503: - Opencast coal and clay extraction, restoration to woodland, heathland and agriculture. Granted.
- CH/97/0254: - Proposed modifications to the working and restoration.
- CH/94/0568: - Proposed extension of Bleakhouse Colliery.

The Adjacent Site to the South

- CH/14/0404: - Proposed cemetery including parking area, fencing, compound area, footpath, cycle way, drainage, landscaping and extension of existing access road (Full planning permission). Construction of reception and lodge buildings (Outline planning permission). Approved subject to conditions.
- CH/14/0404/A: - Part discharge of conditions 16, 17 & 18 for planning permission CH/14/0404. Approved.
- CH/14/0404/B: - Discharge of conditions 2, 3, 11, 13, 14 & 20 for planning permission CH/14/0404. Approved.

The South Staffordshire Appeals.

In March 2017, a Public Inquiry was held into the refusal by South Staffordshire Council of two crematorium applications. The first was in Essington and the second in Codsall. Both sites are in the Green Belt. The appeal decision was issued in November 2017. All parties had agreed that there was not sufficient need to justify two crematoria. The Inspector therefore decided in favour of Codsall because of the potential advantages it would bring in terms of site specific matters. However, the final decision was with the Secretary of State and he reversed the Inspector's decision and allowed Essington instead on the basis that there was potentially a greater population that would be covered from this location.

The Secretary of States' decision was challenged in the Courts and the outcome was that the Public Inquiry is to be re-opened in January to re-consider the question of need and the possible re-balancing that would occur between all of the crematoria in that area if a new crematoria was approved.

1. SITE AND SURROUNDINGS

- 1.1 The application site comprises a rough triangular shaped area of open land to the south east of the five ways roundabout at Heath Hayes. To the east the site is bounded by the B4154, across which are several dwellings. To the north the site is bounded by A5190 Cannock Road across which is Heath Hayes and Wimblebury Park, whereas to the North-West, across five ways island is the main settlement of Heath Hayes. To the south and west the site is bounded by open land, part of which benefits from planning permission for a cemetery and part of which comprises the Chasewater and the Southern Staffordshire Coalfield Heaths Site of Special Scientific Interest.
- 1.2 The site is mainly comprised of semi-natural habitats, including open grassland in the main surrounded by semi-mature woodland and is also crossed by a small stream.
- 1.3 The site is designated as Green Belt in the Cannock Chase District Local Plan and is also designated as a Minerals Safeguarding Area for coal/ fireclay.

2. PROPOSAL

- 2.1 The applicant is seeking permission for a crematorium with Ceremony Hall, memorial areas, garden of remembrance and associated parking and infrastructure. The crematorium building would have a gross external area of 629sqm and would be divided into three elements, namely a reception/waiting room, a Ceremony Hall and the third housing the cremator room and offices.
- 2.2 The hall is designed so that it would be able to accommodate up to 90 people seated and 20 more standing. 73 vehicle parking spaces are proposed, contained in two areas, with the main car park to the north of the building with some further spaces immediately adjacent to the building for use by people with disabilities, cortege vehicles and an allocated space for the celebrant.
- 2.3 It is proposed that the crematorium would be operational 252 days per year between 09:00hrs and 17:00hrs with an anticipated average number of visitors to each service varying between 20 to 40 persons. However, it is also envisaged that occasionally numbers attending a service could exceed 80 people.
- 2.4 The proposed vehicular access would be from Norton Road, with a pedestrian access from the existing bus stop on Norton Road connecting directly into the site.
- 2.5 In terms of the appearance of the building it should be noted that the crematorium has three distinct elements. The applicant's Planning Statement explains: -

'The architect has chosen to visibly express each of these elements by three monopitched roof sections. The tallest part of any of the three elements would be the cremator flue which is 10 metres. This is still below the level of the surrounding tree canopies.

In keeping with the design, the external materials have been chosen in part to reflect the former industrial heritage of the site as well as respecting the now semi-rural landscape. Consequently the elevations are clad primarily with larch timber which weathers to a natural silver/ grey tone. The base of the building is smooth red/brown facing brick which was prevalent on the colliery buildings and as an accent feature, sections of the elevations incorporate panels finished in Corten steel which has a pre-weathered rust finish to the material.'

- 2.6 It is proposed that the rest of the site would be retained as open land both semi-natural and more formal. However, a small area of scrub and trees would need to be removed for the siting of the building in order to maintain the required distances from housing and roadways under the Crematorium Act.
- 2.7 The application is accompanied by the following documents: -
- Planning Application form.
 - Biodiversity Strategy (ref 7931.BioStrat.vf), dated October 2018, by Ecology Solutions.
 - Planning Statement, dated September 2018, by MDA.
 - Design and Access Statement, received 23 October 2018, by Robertson Design Practice.

- Air Quality Assessment, (ref 8218AQ Final), dated October 2018, by Phlorum Limited.
- Flood Risk Assessment and Drainage Strategy, (ref 10234 rev A), dated 9 October 2018, by Grossart Associates.
- Transport Assessment (ref 107802 Version 1), dated 8 October 2018, by Systra.
- Additional Information Note. ref 10782 dated 12/12/2018.
- Tree Survey and arboricultural Impact Assessment, dated September 2018, by Westside Forestry Ltd.
- Consultation Statement, dated October 2018, by Horizon Cremation Ltd.
- Ecological Assessment, (7931.EcoAS.Vf, dated October 2018.
- Geo-Environmental and Geotechnical Preliminary Risk Assessment (Ref 126882 R1 Final) dated June 2018
- Landscape Appraisal (ref 1870/rld/Landscape Appraisal Rev02) dated 18 October 2018) by Robinson.
- Landscape Management Plan (ref 1870/LMP01Rev 01), dated 18 October 2018, by Robinson Landscape Design Ltd.
- The Need for a Crematorium to Service Cannock and the Surrounding Area, dated October 2018, by Horizon Cremation.
- Site Search Appraisal, dated October 2018, by Horizon Cremation.
- Drawing 1821/01 Site Location Plan
- Drawing 1821/02 Site Plan as Proposed
- Drawing 1821/03 Plans as Proposed
- Drawing 1821/04 Proposed Roof Plan
- Drawing 1821/05 Elevations as Proposed
- Drawing 1821/06 Site Sections as Proposed
- Drawing 1821/07 3d Illustrations as Proposed
- Drawing 5870-99-001 Landscape Masterplan.

2.8 As part of the formulation of the plans the applicants have undertaken pre-application discussions with the planning service, a local ward member and the parish council and a three day exhibition was held at Norton Canes Library in mid-September. The applicant has submitted a Consultation Statement outlining the above, the responses received and how they have sought to take on board the comments made as far as they consider it has been reasonable and practicable to do so.

3. PLANNING POLICY

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

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

- CP1 - Strategy – the Strategic Approach
- CP3 - Chase Shaping – Design
- CP10- Sustainable Transport
- CP12- Biodiversity and Geodiversity

CP14 - Landscape Character and Cannock Chase Area of outstanding Natural Beauty (AONB)

CP16 Climate Change and Sustainable Resource Use

3.3 National Planning Policy Framework

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

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

3.6 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development.
11-14:	The Presumption in favour of Sustainable Development.
47-50:	Determining Applications.
54-59:	Planning Conditions and Obligations.
91, 92, 98:	Promoting Healthy and safe Communities.
108, 109, 110, 111:	Promoting Sustainable Transport.
117,118, 120:	Making Effective Use of Land.
124, 127, 128, 130:	Achieving Well-Designed Places.
133, 134, 143, 144, 145, 146	Green Belt
170, 175, 177, 179:	Conserving and Enhancing the Natural Environment.
163:	Flood Risk
170, 174, 175, 178, 179, 180:	Conserving and Enhancing the Natural Environment
212, 213:	Implementation.

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

4. Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of development in the Green Belt
- ii) Design and impact on the character and form of the area.
- iii) Impact on residential amenity.

- iv) Impact on highway safety.
- v) Impact on nature conservation interests.
- vi) Drainage and flood risk.
- vii) Air quality.
- viii) Waste and recycling facilities.
- ix) Ground conditions and contamination.
- x) Crime and fear of crime.
- xi) Minerals.
- xii) Impact on rights of way.
- xiii) Applicant's case that very special circumstances exist to justify approval
- xiv) The Planning Balance

4.2 Principle of the Development

- 4.2.1 The application site is located within the West Midlands Green Belt wherein there is a presumption against inappropriate development. Policy CP1 of the Cannock Chase Local Plan states 'Development proposals at locations within the Green Belt will be assessed against the NPPF and Policy CP14 [of the Local Plan]. Policy CP14 is primarily concerned with landscape impacts and is not relevant as to whether a proposal constitutes inappropriate development in the Green Belt or not.
- 4.2.2 Whether a development proposal constitutes inappropriate development, or not, is set out in paragraphs 145 and 146 of the NPPF, with paragraph 145 relating to new buildings and paragraph 146 relating to forms of development other than new buildings.
- 4.2.3 Paragraph 145 of the NPPF states a 'local planning authority should regard the construction of new buildings as inappropriate in the Green Belt' adding 'exceptions to this are:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

4.2.4 The above is a closed list. Having had regard to the nature and size of the current proposal it is noted that it would not fall within any of the categories of development listed in paragraph 145 and therefore constitutes inappropriate development within the Green Belt.

4.2.5 Paragraph 143 of the NPPF states 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Furthermore, paragraph 144 of the NPPF makes it clear that 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt'.

4.2.6 The term 'very special circumstances' is not defined in the NPPF or in law. However, paragraph 144 of the NPPF states that "very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'.

4.2.7 In order to facilitate the above the report will now go on to assess the impacts of the proposal against acknowledged interests in order to determine whether any other harm arises from the proposal.

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

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

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

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

4.3.3 Paragraph 124 of the NPPF states

'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key

aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.'

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

Planning policies and decisions should ensure that developments:

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

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

4.3.5 In this respect it is noted that the site is located within the Forest of Mercia, adjacent to Cannock Chase Council's consented cemetery and partially located on a site of historic landfill and 300m to the east lies the Chasewater & Southern Staffordshire Coalfields SSSI. In addition it is also noted that the site is screened by semi-mature vegetation on three sides that has been allowed to generate naturally and the southern aspect is generally open to views across Cannock Chase Council's new cemetery and Norton Canes village.

4.3.6 In order to inform the application the applicant has submitted: -

Design and Access Statement, received 23 October 2018, by Robertson Design Practice.

- Tree Survey and arboricultural Impact Assessment, dated September 2018, by Westside Forestry Ltd.

- Landscape Appraisal (ref 1870/rld/Landscape Appraisal Rev02) dated 18 October 2018) by Robinson.
- Landscape Management Plan (ref 1870/LMP01Rev 01), dated 18 October 2018, by Robinson Landscape Design Ltd.
- Drawing 5870-99-001 Landscape Masterplan.

in addition to drawings showing the elevations.

- 4.3.7 In order to assess the impacts of the proposal on the form and character of the area landscape the applicant has submitted a Landscape Appraisal. This considers the ability of the landscape to accommodate the development having regard to form and nature of the proposals and the landscape character and visual sensitivity of the surroundings. The Appraisal, amongst other things, includes a range of photographs designed to demonstrate the visibility of the site and hence the proposed development from a number of vantage points. The Appraisal concludes: -

'The site is 4.86ha of recently reclaimed land that was subject to open cast mining lying on the eastern edge of Cannock in the angle of the A5190 and the B4154. The site is described in a recent Review of Landscape Character Assessment for Cannock Chase District 2016 as being part of a landscape type called "Planned Coalfield Farmland", which is described as being one of "restored opencast sites with immature landscape features". It is deemed to have moderate strength of landscape character; and the Landcover Parcel that contains the site is described as being in poor condition. The sensitivity of this planned Coalfield Farmland is described as being moderate for natural heaths and low where the landscape is more recently restored.

Into part of this site it is proposed to build a crematorium with associated access road, car park, service area, landscaped curtilage and memorial garden. The design approach, as set out in the Design and Access statement shows a proposal for a characterful, contemporary design that uses sympathetically coloured materials. The site layout has been carefully designed to minimise impacts on view, woodland and native grassland; and the Landscape Masterplan shows that unavoidable impacts are to be mitigated and compensated by a combination of landscape and ecological design and management. key to this has been the decision to minimise interventions in the larger area of emerging grassland and the commitment to manage the site in perpetuity according to combined landscape and biodiversity management plan'.

- 4.3.8 The comments made by the Landscape and Tree Officer in relation to landscape impacts are noted, particularly in respect to detailed landscape proposals. Never-the-less the applicant has provided a Landscape Masterplan which provides a clear and appropriate concept as to how the building and its ancillary infrastructure would be accommodated into the wider site and hence wider landscape and how conflicts would be mitigated so far as it is practicable to do so. This masterplan is considered acceptable and provides the basis on which detailed landscape plans could be secured via the use of an appropriate landscape condition.

- 4.3.9 In respect to the architectural detailing of the building it has been designed so as to pay homage to the previous industrial nature of the site and the wider West Midlands area whilst carefully using materials to reflect the semi-rural nature of the site as it is today. This has resulted in a bespoke building that relates well in terms of its scale, mass, design and materials to both its immediate context and the wider area.
- 4.3.10 Taking all the above into account it is considered that any harm the proposal would have in respect of its visual, urbanising impacts on the semi-natural character of the site and the surrounding area would be limited, by the degree of screening by surrounding woodland belts and would be offset in the medium to long term by subsequent landscaping and the management of the site, together with the careful use of materials.
- 4.3.11 Therefore, having had regard to Policies CP3 & CP15 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

4.4 Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the 'amenity enjoyed by existing properties'. This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 In addition to the above it is noted that under Section 5 of the Cremation Act 1902, 'no crematorium shall be constructed nearer to any dwelling-house than two hundred yards, except with the consent, in writing of the owner, lessee and occupier of such house, nor within fifty yards of any public highway, nor in the consecrated part of the burial ground of any burial authority'.
- 4.4.4 In this respect it is noted that the nearest existing dwellings to the site are situated on the western side of Norton Road, at a distance of just over 200m from the site of the proposed crematorium. In addition the dwellings would be separated from the site by Norton Road and would be screened by woodland along the western edge of the site. As such there is no question of the proposal affecting the residential amenity of the occupiers of the dwellings by virtue of overlooking, overshadowing or by being over bearing.
- 4.4.5 The proposed crematorium and memorial garden would also not give rise to any significant noise, as it is intended to provide an area of peace and tranquillity. Any disturbance by additional levels of cars would be experienced within the context of

existing traffic along Norton Road and would not give rise to additional degrees of noise and disturbance that would be significantly greater than what currently exists.

- 4.4.6 It is noted that planning permission exists under consent CH/14/0404 for a cemetery on the land to the immediate south which includes provision for a lodge building intended to provide accommodation for a cemetery worker. This building would fall within the 200 yard exclusion zone set out within the 1902 Cremation Act, which states: -

'No crematorium shall be constructed nearer to any dwelling-house than two hundred yards, except with the consent, in writing of the owner, lessee and occupier of such house, nor within fifty yards of any public highway, nor in the consecrated part of the burial ground of any burial authority.'

The presence of the consented lodge is therefore a material consideration. Furthermore the consent is still extant and could be taken forward towards implementation subject to the approval of reserved matters.

- 4.4.7 However, despite the fact that there is permission for a lodge the consent should only be given significant weight if there is a reasonable likelihood of the lodge being built. In this case it is noted that the applicant and landowner (Cannock Chase District Council) has no intention of implementing the consent in respect of the lodge as it no longer considers it necessary for operational reasons to have occupational workers on cemetery sites. This is further evidenced by the fact that the Council has recently disposed of the cemetery worker's dwelling at Stile Cop Cemetery and that it has not objected to the current application on the grounds that it would conflict with its own proposal. In addition it follows a wider trend for local authorities not to provide accommodation for park and cemetery keepers on site. As such it is considered that there is no reasonable prospect of the consented lodge being built and therefore it does not represent a constraint on the development.
- 4.4.8 It is therefore considered that the proposal would ensure that a high standard of residential amenity would be retained both for existing occupiers of neighbouring properties and the future occupiers of the proposed dwellings and as such the proposal would comply with policy requirements of CP3 and the provisions of paragraph 127(f) of the NPPF.

4.5 Impact on Highway Safety

- 4.5.1 Paragraph 108 of the NPPF states that in 'assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and

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

4.5.2 In addition to the above Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, adding at paragraph 110: -

Within this context, applications for development should:

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

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

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

4.5.4 In order to inform the decision taker the applicant has submitted a Transport Assessment (ref 107802 Version 1) produced by Systra as updated by the Additional Information Note dated 12/12/2018 which provides information in respect to the traffic generated by the cemetery. The Transport Assessment states: -

'This report has demonstrated that the development is located in a sustainable location:

1. Footways are provided adjacent to the site boundary on A5190 (Cannock Road and the northern extent B4154 (Norton Road)

- connecting with a permeable footway and foot[path network throughout Heath Hayes and Cannock;
2. NCN route 5 is accessible circa 1.6km east of the site connecting Burntwood with Lichfield and Birmingham via Walsall;
 3. The closest bus stop is located on the B4154 adjacent to the site and is served by half hourly buses between Walsall and Cannock and Lichfield City centre and Cannock; and
 4. There are no highway safety concerns in the vicinity of the site that could be exacerbated as a result of the development.
- 4.5.5 The reports also finds that based on the "worst case" assessment (full attendance), the development is anticipated to generate a maximum of 55 two way trips for a service. An "average" attendance scenario is likely to generate approximately 20 vehicle trips per service. The traffic flows associated with both the "average" and the "worse" case scenarios have been used to test the development traffic impact on the local road network.
- 4.5.6 The report also goes on to state that the existing ghost right turn priority junction off the B4154 is considered appropriate to provide safe access to the site, the junction capacity assessment of the access indicates that the junction will operate with significant reserve capacity for a future year will require to be re-painted in order to bring the junction back into use along with any required signage.
- 4.5.7 The Transport Assessment has also taken into account the impact on the Five Ways Island roundabout located north of the access junction and has forecast that the flow to capacity increases are not considered significant and are "considered to be well within the normal daily variations that could be expected at the junction".
- 4.5.8 The Transport Assessment notes that the proposed crematorium is intended to typically undertake 5 services per day Monday to Friday commencing at 9:00hrs and with the last service at 16:00hrs, with the majority falling within 10:00hrs to 15:00hrs and the most popular times being within 11:00hrs and 14:00hrs. The assessment also notes that Funeral Directors tend to avoid the 09:00 and 16:00 timeslots for larger services for a number of reasons including the avoidance of rush hour traffic. As such the Assessment concludes that it is highly unlikely that the worse case scenario trip generation would apply to either the AM or PM peak periods and therefore it is the "average" attendance scenario results that are of most relevance.
- 4.5.9 The Transport Assessment concludes that the proposed development would not result in any 'severe impacts' on the surrounding highway network and as such the proposal should be deemed acceptable in terms of traffic and transportation. This is the case even when the traffic generated by the cemetery is taken into account.
- 4.5.10 Whilst the concerns of the Landscape Officer are noted it is also noted that the County Highways Officer has no objections to the proposals subject to the imposition of a suitable condition to ensure that the access road, parking and service areas have been provided in accordance with the approved plans.

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

4.6 Impact on Nature Conservation Interests

4.6.1 The site is comprised of semi-natural habitats including grassland, tall herb and young woodland areas. Furthermore the site is adjacent to the Chasewater and the Southern Staffordshire Coalfield Heaths Site of Special Scientific Interest. Other statutory designated sites include Hednesford Hills Common Local Nature Reserve (2.1km north), Cannock Extension Canal SSSI and Special Area of Conservation (SAC) (2.8km to the south) and Cannock Chase SSSI and SAC (located 4.4km to the north of the site) and also near to several non -statutory sites including Norton Pools SBI and Newlands BAS. As such there is the potential for the proposal to have an impact on acknowledged nature conservation interests. Therefore regard must be had to Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, which states “Every public body must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”

4.6.2 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 170 and 174 of the NPPF.

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

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

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

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

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

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

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

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

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

4.6.5 Paragraph 174 goes on to state

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

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

4.6.6 In order to inform the application the applicant has submitted an Ecological Assessment prepared by Ecology Solutions, which has surveyed and assessed the proposal site in respect of its habitats and wildlife, including bats, breeding birds, badgers, hedgehogs, reptiles, great crested newts and other amphibians. In addition the report has also looked at the potential for impacts on other designated sites in the wider surroundings. The Ecological Assessment is accompanied and should be read in conjunction with the Biodiversity Strategy and the Landscape Management Plan.

4.6.7 The Ecological Assessment concludes: -

'...on current evidence, there is no overriding ecological constraint to the development of the site. Development will not have a significant effect on designated sites in the locality. Overall it is considered that the development will have minimal effects on the areas of ecological interest present on the site. There is good scope within the proposals to deliver ecological enhancements for local wildlife, while safeguarding the existing interest'.

4.6.8 The Biodiversity Strategy sets out conservation objectives for particular species, construction phase mitigation and proposed enhancements to encourage particular species on the site.

4.6.9 Natural England and the Council's Ecologist have considered that submission and have raised no objections to the proposal subject to a condition to ensure any drainage systems used are amphibian friendly.

4.6.10 In respect to potential impacts on the adjacent Chasewater and the Southern Staffordshire Coalfield Heaths Site of Special Scientific Interest, Cannock Extension Canal SSSI/SAC and Cannock Chase SSSI/ SAC the Ecological Assessment states that Natural England were consulted at the pre-application stage where potential impacts in connection with air quality, hydrology and lightings effects were raised. Natural England has confirmed that the proposed development will not damage or destroy the interest features for which the Chasewater and the Southern Staffordshire Coalfield Heaths Site of Special Scientific Interest has been notified.

4.6.11 It is also considered that the proposal, due to its size, scale, inherent design, location/ distance from designated sites and the traffic it would generate would not result in any significant effect on the Cannock Extension Canal or Cannock Chase SACs. As such a Habitats Regulations Assessment is not required for the proposal.

4.6.12 Given the above it is considered that the proposal, subject to the attached conditions to secure mitigation and enhancements would not have a significant adverse impact on nature conservation interests either on, or off, the site. In this respect the proposal would not be contrary to Policies CP12 of the Local Plan and the above paragraphs of the NPPF.

4.7 Drainage and Flood Risk

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

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

- 4.7.4 In addition to the above it is paragraph 165 of the NPPF states 'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.
- 4.7.5 In this respect it is noted that the applicant has submitted a Flood Risk Assessment and Drainage Strategy produced by Grossart Associates. The Strategy notes that
- i. An existing Severn Trent combined sewer runs North-South through the site.
 - ii. A separate gravity foul drainage system is proposed to discharge into the existing sewer. This system would remain private.
 - iii. Surface water run-off from the access road is proposed to be collected via roadside dry swale which would discharge to a basin via a petrol interceptor.
 - iv. Surface water from the parking area would be collected via porous gravel which will discharge to a basin via a petrol interceptor.
 - v. Surface water from the roof would discharge into the basin.
 - vi. The surface water drainage system would be designed for the 1:1200 storm event plus 40% climate change allowance.
- 4.7.6 Severn Trent Water Authority has confirmed that it has no objections to the proposal the Local Lead Flood Authority has objected noting that 'the flood risk from the ordinary watercourse crossing the site has not been fully assessed' in the Flood Risk Assessment produced by Grossart Associates.
- 4.7.7 The comments of the LLFA have been passed onto the applicant who has commissioned further work into the modelling of the water course. Unfortunately this has not been made completed and made available at the time of the compilation of this report, although it is submission is considered to be imminent.
- 4.7.8 It is anticipated that as the water course is small with limited catchment that it is highly unlikely to represent a constraint on the development. Members will be updated at the meeting of Planning Committee both on the findings of the report and the response from the LLFA.
- 4.8 Air Quality
- 4.8.1 The proposal by its very nature together with the traffic that it would generate has the potential to impact on air quality. This is of particular relevance as the area around the Five Ways roundabout has been designated as a Air quality management Area (AQMA)

4.8.2 In this respect it should be noted that Paragraph 181 of the NPPF states

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

4.8.3 In order to inform the decision making process the applicant has submitted an Air Quality Assessment. The report has taken into consideration the current air quality in the area of the proposed crematorium and the potential impact of emissions to air from the operation of its cremator process, as well as the potential for pollution from changes to the patterns of vehicle movements associated with the development of the site to affect air quality at nearby sensitive receptors, including the Chasewater and Southern Staffordshire Coalfield Heathland SSSI.

4.8.4 The assessment concludes

'Site-specific background UK-AIR and monitoring results from the wider area suggest that whilst air quality adjacent to busy roads is often poor, background pollution concentrations at the application site are likely to be well below the relevant UK Air Quality Strategy standard concentrations.

The proposed development has been assessed to have an insignificant impact on pollution concentrations at nearby existing receptors.

The proposed development has been assessed to have an insignificant impact on nutrient nitrogen deposition on the nearby Chasewater and the Southern Staffordshire Coalfield Heaths SSSI.

As the proposed development will meet the needs of the local community, includes a number of low emission/ green measures and will have an insignificant impact on local air quality, no further mitigation measures are required to offset the damage cost.

During construction, with the adoption of appropriate mitigation measures, dust emissions should not cause significant off-site effects.

Considering the above, the proposed development has been determined to be acceptable in terms of its impact on local air quality.'

4.8.5 The report provides a damage cost calculation for pollution associated traffic generation which equates to £23,106.00. As such the following measures are offered in mitigation: -

Travel Plan

A footbridge from the entrance to the highway providing direct access to existing pedestrian infrastructure and bus stops.

Cycle racks, and

Photovoltaic cells on the roof.

Recycling heat from the cremator.

Insulation materials in exceedance of the Building Regulation requirements, and

An electric vehicle charging point.

- 4.8.6 The comments of the Environmental Health Officer are noted and generally accepted except for the issue surrounding the need for further justification/ information particularly in respect to statistics to demonstrate that the savings in emissions or the financial contribution towards the given mitigation measures are proportionate to the damage cost calculation figure. The reason for not accepting the EHO's recommendation is that, as the applicant's Air Quality Assessment points out

'as the proposed crematoria will serve its local community, it is predicted to result in a regional reduction in the average distance travelled to crematoria, which would subsequently reduce regional emissions'.

- 4.8.7 As such some weight has to be given to the fact that the proposed crematorium would not in itself generate vehicle trips within the region, it would merely alter the pattern of trips from existing crematoria at Stafford and Wolverhampton, replacing them with a proportion of trips to a crematorium nearer to the local community of Cannock which would have the effect of reducing regional emissions. Furthermore when weighing this matter in the balance it is considered disproportionate and unreasonable to require the developer to mitigate further (then the mitigation set out above) for a development which would inherently lead to a reduction in emissions in the wider region.
- 4.8.8 In respect to emissions from the stack and its impact on the nearby Chasewater and the Southern Staffordshire Coalfield Heaths Site of Special Scientific Interest it is noted that modelled stack emissions are unlikely to have a significant impact on the locality, the facility will require an Environmental Permit under the Environmental Permitting Regs 2010 and 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.

- 4.8.9 Therefore subject to

- (i) a condition to secure the mitigation outlined by the developer in terms of a travel plan, a footbridge, cycle racks, photovoltaic cells on the roof, recycling heat from the cremator and an electric vehicle charging point; and
- (ii) a condition to secure the approval and implementation of a construction method and environmental protection plan;

the proposal is considered acceptable in respect to its impact on local air quality.

4.9 Waste and Recycling Facilities.

4.9.1 Although the plans do not specifically indicate bin storage facilities it is clear that the proposed building would have adequate areas for waste disposal facilities and a means to access them. As such the proposal is considered acceptable in this respect

4.10 Ground Conditions and Contamination

4.10.1 The site is located on the former Bleakhouse Colliery site and therefore has the potential to give rise to adverse ground conditions including the presence of contamination and ground gas.

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

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

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

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

Planning policies and decisions should ensure that:

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

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

- 4.10.5 In order to inform the decision the applicant has submitted a Geo-Environmental and Geotechnical Preliminary Risk Assessment (Ref 126882 R1 Final), dated June 2018.
- 4.10.6 The Environmental Health Officer has commented that the Geo-Environmental & Geotechnical Report is in the form of a preliminary risk assessment which has identified the potential for contamination from unknown thickness of made ground across the site, ground gas generation and potentially combustible materials. In addition the report identifies the potential for Japanese Knotweed an invasive species to be present on the site. The EHO has gone on to recommend that any remedial measures must be agreed prior to commencement indicating that any issues arising from ground gas and contamination can be adequately dealt with by condition.
- 4.10.7 It is therefore considered that having had regard to the above subject to the attached conditions the proposal would be acceptable in respect to issue of ground contamination, ground gas and Japanese Knotweed.

4.11 Crime and Fear of Crime

- 4.11.1 Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can do to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment'.
- 4.11.2 In addition to the above paragraph 127(f) of the NPPF states planning policies and decisions should ensure that development create places which [amongst other things] create places that are safe and where crime and disorder, and the fear of crime, do not undermine quality of life, social cohesion and resilience.
- 4.11.3 In this respect the comments and recommendations of the Police Service are noted.
- 4.11.4 However it is noted that the recommendations made by the police relate to issues that normally fall outside of planning controls and policy requirements (e.g. ensuring that gates are lockable and specifications for roofs windows, perimeter doors, drainpipes, interior doors, alarm system and CCTV and IT asset protection, perhaps with the exception in respect to site illumination (which could be dealt with by condition in order to balance the competing interests of site security and protecting the rural character of the area).
- 4.11.5 As such it is recommended that the appropriate means of dealing with the issues raised (except outside illumination) is by way of an informative brining to the applicant's attention the comments of the Police. It is also recommended that any approval is subject to a condition to ensure that any external illumination is subject to planning controls.
- 4.11.6 Subject to the above it is considered that the proposal would be in accordance with paragraph 127(f) of the NPPF and that any determination would be in line with the authority's duty under Section 17 of the Crime and Disorder Act 1998.

4.12 Impact on Mineral Interests

4.12.1 The site involves 4.9 hectares of land which was part of the former Bleak House Opencast Coal Mine and which is located within an area designated as a Minerals Safeguarding Area for coal/ fireclay.

4.12.2 Paragraph 206 of the NPPF states 'Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working. This is supported by Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030) which likewise aims to protect mineral resources from sterilisation by other forms of development.

4.12.3 The County Council Mineral Planning Authority has confirmed that it is reasonable to conclude that the proposed development would not lead to the significant sterilisation of important mineral resources and therefore has no objections to the proposal

4.13 Impact on Public Rights of Way

4.13.1 On the Local Plan Proposal Maps the site lies adjacent to a Proposed Footpath/ Cycleway, which is subject to Policy CP10 of the Local Plan.

4.13.2 Paragraph 98 of the NPPF states planning policies and decisions 'should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

4.13.3 The vehicular access to the crematorium would cross the course of this proposed footpath. However, given the projected traffic generated by the proposal it is considered that the proposal would have no significant impact on this route. As such the proposal would not be contrary to Policy CP10 or paragraph 98 of the NPPF.

4.14 Impact on Soils

4.14.1 Although once part of the former Bleak house Colliery Site, the site has been restored to a greenfield state. As such the proposal has the potential to result in loss of soils.

4.14.2 Paragraph 170 of the NPPF states

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);

4.14.3 In this respect it is noted that

- (i) the site has been subject to restoration with much made up ground; and

- (ii) the take up of land by the building and hardstanding would only represent a very small proportion of the site's area.

As such the proposal would not result in a significant impact on the soil resource of the District.

4.15 Applicant's Case that Very Special Circumstances Exist to Justify Approval

4.15.1 As stated earlier in this report the proposal constitutes inappropriate development in the Green Belt and therefore should only be approved where the applicant has demonstrated that very special circumstances exist that justify approval. The term 'very special circumstances' is not defined in the NPPF or in law. However, they will not unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Very special circumstances do not have to be unusual or rare in themselves and they can comprise of various factors which when taken together are sufficient to outweigh the harm to the Green Belt and any other harm resulting from the proposal. In many cases very special circumstances have been accepted at appeal on the basis of an existing need which can only be accommodated on a Green Belt site.

4.15.2 The Applicant's Planning Supporting Statement set out concisely the applicant's case, on the basis that there is: -

- A quantitative need for additional crematorium capacity;
- A qualitative need for a new crematorium based on the distances travelled to other crematoria, long waiting times and the deficiencies in those other facilities;
- A lack of an alternative site beyond the Green Belt that can meet this identified quantitative/qualitative need;
- A synergy for a crematorium to be located here adjacent to the proposed cemetery site; and
- The locational restrictions imposed by the 1902 Crematorium Act significantly restrict the ability to locate a crematorium within or immediately adjacent to the urban area; and
- The landscaping strategy for the facility will ensure significant ecological and biodiversity enhancements for the area.

4.15.3 In order to support their contention that there is both a quantitative need for additional crematorium capacity and a qualitative need for a new crematorium based on the distances travelled to other crematoria, long waiting times and the deficiencies in those other facilities the applicant has submitted an assessment of the current situation.

4.15.4 The assessment looks at

- (i) The History and Future of Cremation in the UK.

- (ii) The need in Cannock, including the capacity of Crematoria used by Residents of Cannock.
- (iii) Quantitative Need.
- (iv) Qualitative Need, including an assessment of existing Crematoria at Stafford, Wolverhampton (Bushbury), Walsall (Streetley) and Lichfield.

4.15.5 The Need Assessment provides a concise history of cremation in the UK in the C20th and goes on to states

'Cremation took time to become popular in the UK and for the first half of the twentieth century fewer than 10 percent of the population was cremated. However, the popularity of cremation is closely allied to religious and cultural factors and after World War Two, it rose steadily, mirroring a gradual decline in religious conviction, a reduction in costs and a shortage of burial space. By 1960, a cremation followed one third of all funerals and the trend continued so that by 1980s, nearly 70 percent of people were cremated.

The rise in cremation rates prompted a flurry of crematorium building. In 1950, there were 58 crematoria; in 1960, 148; and by 1970 there were 206. Most of these were built by local authorities and the slowdown in building that took place in the two following decades - only twenty more crematoria were built in 1980s and 90s.

The death rate began to level off in this period. The population was still increasing, but medical advances had raised life expectancy and, consequently, the number of people dying annually dropped as people lived longer.

This trend continued into the new millennium. The population rate in the UK has continued to rise steadily, yet the death rate, which levelled out in the last quarter of the twentieth century at around 660,000 death a year, fell to around 560,000 deaths per year in the first decade of the new century. Despite this, the number of cremations has continued to rise. The popularity of cremation has risen gradually but steadily, and in 2017, the number of cremations in the UK was 468,000; 77.05% of deaths (79.75% in England).

The last twenty years has also seen a gradual increase in the supply of new crematoria with the private sector taking up the slack left by local authorities. In 2017, nine new crematoria opened their doors – every one of them built and operated by a private sector company. In part, this is driven by demand.

However, there is also a qualitative need behind the building of new facilities. Most crematoria in the UK are well over 50 years old. Many were built at a time when there was little emissions control, and some are not suited for the retro-fitting of abatement equipment. Religious attitudes have changed, and many older crematoria are overtly Christian in iconography and ill-suited to a multi-cultural society with a decreasing attachment to religious belief. Many older crematoria too have inadequate car parking, and are, sometimes, run down and starved of investment.

But most of all, many crematoria are now handling far more services than they were designed to cope with. Funerals follow swiftly one after another and there can be a

perception among mourners that they are on a conveyor belt and that the limited time given offers a less than fitting end to a life.'

4.15.6 The needs Assessment summarises the situation as follows: -

'We now cremate 77 percent of people, a trend that is increasing. With the number of deaths set to rise over the next thirty years, the demand for new crematoria will continue to rise.

In assessing the need for a crematorium at Cannock, this document looks at both quantitative and qualitative considerations and it should be noted that quantitative issues have an automatic and deleterious effect on qualitative factors, so both need to be looked at when assessing need.

The quantitative analysis is based around the assumption, widely accepted and supported in previous appeals, that an acceptable catchment of a crematorium is a thirty-minute drive time at cortege speed and a cortege drives at about two-thirds the speed of normal traffic.

The analysis also assumes that the capacity of a crematorium is calculated using the number of services that can be undertaken per day multiplied by the number of working days. It then assumes that the 'Practical Capacity' is limited by mourners' desires to avoid holding services at the beginning and end of the day. Furthermore, it uses appeal findings that a Qualitative Standard for a crematorium should be 80 percent of the Practical Capacity in order to accommodate the seasonality of deaths.

The quantitative assessment has been undertaken by Chartered Geographer Andy Williams, FRGS of Carter Jonas LLP. Using ONS data and 30-minute cortege speed drive times around existing crematoria, who has calculated the 'natural catchments' of the existing crematoria (i.e. the number of cremations one would expect each one to undertake given the number of deaths in their catchment and assuming that the national average of cremations for England (79.75%) applied). He has then compared this figure with the actual number each crematorium undertook in 2017.

On this analysis, Stafford Crematorium, which undertook 1,906 cremations in 2017, is servicing 350 more services per year than analysis of its 'natural catchment' would suggest is appropriate. Stafford is operating at 95% of its practical capacity and in peak months this jumps to 113%.

Bushbury was the 18th busiest facility in the UK in 2017, cremating 2,730 people. However, to meet the need of its natural catchment it would have had to cremate 2,881 – 150 more than it managed. Even with two chapels and 45-minute slot times, Bushbury is simply unable to cope with demand.

Streetly Crematorium in Walsall cremated 2,092 people in 2017, 177 more than the 1,915 that would be expected in its natural catchment. Walsall is probably operating in this fashion because it is taking some of the strain from the overloaded Bushbury crematorium. This means that people are having to drive

away from their nearest crematorium to find a facility that can accommodate them.

The qualitative assessment was undertaken using three methods. An analysis of death notices published in Cannock newspapers over one year was undertaken. From this, we assessed the relative popularity of local crematoria and the amount of time Cannock residents are waiting between death and a cremation service taking place. A survey of local funeral directors was undertaken by NEMS Market Research to ascertain which crematoria they use most frequently and their opinions of them. Finally, Stafford, Streetly and Bushbury Crematoria were visited, and the quality of their facilities analysed.

Stafford is the most popular option for Cannock residents and funeral directors. Evidence suggests it takes 74 percent of local cremations. The significant quantitative overuse at Stafford has a qualitative impact. The most notable effect is that service slots are only 30 minutes long. This is significantly less than the 40-45 minutes recommended as a minimum by the ICCM. The design of the building at Stafford has shortcomings that the Council has struggled to address despite several attempts. In particular, the siting of parking is inadequate, there is a long walk from public transport and the buildings are old-fashioned and something of a hotch-potch.

Bushbury has two chapels and 45-minute slot times, but even so it is simply unable to cope with demand. Furthermore, the experience of attending a service is impacted by hugely inadequate parking (about half the recommended amount), dated surroundings and the potential for different groups of mourners to meet at the chapel exits.

Streetly Crematorium functions well as a building but it is showing its age, has a municipal feel and, again, suffers from inadequate parking provision.

A 2016 South Staffordshire planning inquiry concluded that Bushbury and Streetly are failing to meet demand in their catchments and that a new facility is needed.'

Site Search Appraisal

- 4.15.7 The other main component of the applicant's case that very special circumstances exist is that there is no other alternative site which could accommodate the proposed crematorium and its associated grounds. In order to demonstrate this the applicant has submitted a Site Search Appraisal which sets out the criteria for a suitable site and appraisal of sites that have been considered and discounted.
- 4.15.8 The Appraisal has been undertaken by Carter Jonas LLP, whose team was led by Chartered Geographer Andy Williams FRGS who has over 20 years of experience in geospatial analysis for decision making.
- 4.15.9 Having identified a need in Cannock the applicant's agent began a process of looking at available sites within the area in and around Cannock. The starting point for this was a document published by the Federation of Cremation and Burial Authorities

(FCBA), “Recommendations on the Establishment of Crematoria”. This provides general advice on the siting of crematoria and from it the following basic criteria was established: -

- (i) The site must be capable of achieving quietness and seclusion. The FCBA recommends that suitability of setting is more important than close proximity to population centres.
- (ii) A minimum of two hectares of land is required per 1000 cremations per annum to accommodate a crematorium, gardens of remembrance, traffic circulation, parking and a modest amount of space around the building. Consideration should be given at early design stage to the need for future expansion.
- (iii) The crematorium cannot be constructed within 200 yards of a dwelling or 50 yards of the public highway.
- (iv) The site should be accessible by public transport.
- (v) The site should have adequate water, electricity and drainage services.

4.15.10 In addition to the above the company added its own requirements, namely

- (i) The site had to be available.
- (ii) The site had to have a reasonable chance of securing planning permission for a crematorium.
- (iii) Ideally the site would be of eight to ten acres in size to accommodate a crematorium building, memorial gardens and to allow a peaceful, calm setting.
- (iv) The site had to allow the positioning of crematorium buildings over 200 yards (183m) from residential properties and 50 yards (46m) from the public highway, to comply with the requirements of the Cremation Act 1902.
- (v) The site had to have good accessibility to the road network, preferably with an existing access point that could be used or adapted.
- (vi) The site had to have good accessibility by public transport.
- (vii) There had to be easy access to service media – water, electricity, sewers, internet and telephone lines etc.
- (viii) The site must not flood.
- (ix) The site had to have ground conditions suitable for development or rectifiable at reasonable cost.

- (x) Ideally the site had to be free of overhead power lines – any present had to be capable of being moved.

4.15.11 Using the above criteria a list of 7 potential sites were identified, 2 of which are not in the Green Belt and 5 which are. These are

Non Green Belt

Site 1: Site off Norton Hall Lane to the South West of Norton Canes

Site 2: Site to the West of Pye Green Road

Green Belt

Site 3: Site to the East of Wimblebury Road

Site 4: Site to the east of Cannock Wood Road

Site 5: Site off Cannock Road

Site 6: Site to the West of Newlands Lane

Site 7: Site to the East of Norton Road (The Application Site)

Site 1: Site off Norton Hall Lane to the South West of Norton Canes

4.15.12 The Appraisal states that this site was an immediate candidate because it is not in the Green Belt in the adopted Local Plan, however on further examination it became apparent that the site has a draft allocation in the emerging Local Plan. Part of the site is now allocated as Green Belt, part is AONB and restricted and part is zoned as a residential site able to come available in the next five years.

4.15.13 The reasons for rejection of this site include that as the site had been zoned in the emerging plan meaning a) the applicant would probably face resistance from the planning authority and b) the landowner would be unlikely to sell to Horizon when he had the prospect of far greater return should the draft site allocation feature in the adopted Local Plan

4.15.14 Officers would further add that this site has been subject to outline planning permission since 2015, was granted reserved matters (CH/17/450) for 450 dwellings in 2018 and is now being built out. As such this site is not available to the applicant and officers concur that it is right that it should have been discounted.

Site 2: Site to the West of Pye Green Road

4.15.15 The Appraisal states that site was again an automatic candidate as a crematorium site, because it is not allocated as Green Belt in the adopted Local Plan. Once again, though, the entire site has a draft allocation in the emerging Local Plan for residential development within the next 15 years. The Appraisal concluded that the northern part of the site where a ten-acre plot of land could be carved out and where there is an existing field access on the junction of Pye Green Road and Broadhurst Green does appear to make it potentially suitable.

4.15.16 However the Appraisal discounted the site on the grounds of the allocation of the site in the emerging Local Plan meant that the site was unlikely to be supported by the

planning authority and the landowner was unlikely to take the relatively low value that is afforded by a crematorium when residential values would be achievable within the medium term, assuming that the draft allocation is accepted when the emerging Local Plan is adopted.

4.15.17 Officers would comment that the site is part of the wider land West of Pye Green Road Strategic Housing Site (CP6) in the Cannock Chase Local Plan. It is also subject to outline planning consent CH/11/0395 for a mixed use development involving - erection of up to 700 dwellings; local centre consisting of retail / commercial (A1, A2, A3, A4, A5), and use class D1; a primary school; formal and informal open space, equipped play areas and allotments; new highway Infrastructure onto Pye Green Road and Limepit Lane. The site identified by the current applicant as site 2 falls within an area designated as Suitable Alternative Natural Green Space (SANGS) specifically designated as such as mitigation for impacts of the development on the Cannock Chase AONB. As such its development as a crematorium would conflict with use as SANGS and therefore would not be acceptable in planning terms.

Site 3: Site to the East of Wimblebury Road

4.15.18 The Appraisal notes that this site was also not zoned as Green Belt in the adopted Local Plan but was allocated as a reserve site for possible development post 2026. However, several factors eventually made the applicant reject the site, namely

- (i) The necessity of staying 200yds from nearby homes meant that the part of the site on which we would have had to locate the crematorium building would have been within an area designated as Green Belt, even within the adopted Local Plan.
- (ii) the development would have breached a currently defensible Green Belt boundary (Wimblebury Road).
- (iii) The site was also in the middle of open countryside and it was judged that development here could undermine the openness of the countryside.

4.15.19 Officers confirm that Site 2 is designated as 'Safeguarded Land for possible Development Post 2028 for residential development. It is the only area of land safeguarded within the Plan and therefore has long term strategic importance. As such officer can confirm that the applicant has correctly discounted this site as a suitable site for the proposed crematorium.

Site 4: Site to the east of Cannock Wood Road

4.15.20 The Assessment notes that this site is entirely in the Green Belt, but was considered carefully because, even though other sites scored better on the quantitative analysis, these higher scoring sites were nonetheless deemed unsuitable because the sites would simply not be available. However, the site is only seven acres in size, so is smaller than the applicant is looking for. However, the site did score highly in respect of

peacefulness and tranquillity. However, the Appraisal states that in the end the site was deemed less suitable than the site off Norton Road because

- (i) its size (smaller);
- (ii) it was more remote from the built-up area; the access point would conflict with existing residential properties and would require the removal of a mature hedgerow to secure sight lines;
- (iii) although bus stops are present, they are considerably further from the site than those at Norton Road
- (iv) the access road would require the removal of mature trees over a distance of 100m in order to avoid an area of land within flood zone 2.

Site 5: Site off Cannock Road

4.15.21 The Appraisal states the site off Cannock Road was an obvious site for consideration because of its excellent road access, even though it is in the Green Belt. A traffic island is already constructed and a fourth arm into the site would be straightforward. Existing public transport provision is available albeit the nearest bus stop is 170m from the site entrance.

4.15.22 However, the Appraisal goes on to state that at 32 acres, the site is far too large for applicant's purposes, but it was deemed worth exploring as it could be possible to carve out an area for a crematorium outside the 200 yards from the homes on the opposite side of Cannock Road. Furthermore, it was found that the site forms part of a larger 80-acre scheme currently being promoted as a major residential release through the Local Plan by Richborough Estates and as such was rejected as a suitable site for the crematorium.

Site 6: Site to the West of Newlands Lane

4.15.23 This site is half a mile to the west of the site off Cannock Road. Traffic accessing the site would enter Newlands Lane from the Cannock Road, though currently this section of the Cannock Road has a 60mph speed limit. Newlands Lane is fairly narrow and deemed unsuitable for Heavy Goods Vehicles but it is probably wide enough to accommodate traffic to a crematorium. There is a significant field entrance into the site. Public transport is good, as there are two bus stops close to the perimeter of the site on Cannock Road.

4.15.24 The Appraisal goes on to state that the major impediment to the development of this site is the proximity to the Poplars Tip and Landfill Site. This would be close to the Western boundary of the site and even well-run landfill sites generate noise and sometimes odour. Furthermore, the need to stay clear of the houses on Cannock Road would mean the crematorium buildings would have to be at nearly the closest point of the site to the tip and would also be downwind of the prevailing wind from the tip. Consequently, this site was not considered to be suitable.

4.15.25 Officers would comment that the analysis provided by the Appraisal in respect to sites 5 and 6 is reasonable in respect to its conclusion. In addition the sites are in the Green Belt and hence in this respect any development for a crematorium would still constitute inappropriate development.

4.15.26 Officers would also comment that the requirement for a crematorium to be sited at least 200 yards from the homes effectively eliminates most sites within the urban areas of the District. Any crematorium development within the smaller open areas within the urban area would fail the 200yards and larger areas are also likely to fail the 200yard requirement and are designated as Green Space Network, SBI and or have significant recreational value.

4.15.27 It is also noted that the Council has a proposal for a crematorium for the District (Cabinet Minute 47, of 23 August 2018) although this is not at such an advanced stage as the current application and no application has been submitted. The preliminary analysis of available sites has led the Council to identify the adjacent cemetery site as a potential site for a crematorium.

4.15.28 Given the elimination of the urban areas, the Area of Outstanding Natural Beauty, Sites of Special Scientific Interest, Special Areas of Conservation and areas with Flood Zones 2 and 3 together with the spatial and operational requirements for a crematorium it is considered that the Site Appraisal comprises a reasonable and appropriate assessment of the sites that are available. Officers are not aware of any other sites that may be more suitable for the siting of a crematorium and no evidence has come forward to challenge the Appraisal and its conclusions. As such the overall findings of the Appraisal are accepted and it is considered that there are no other suitable alternative sites for the proposed Crematorium.

4.16 Comments on the Applicant's Case

4.16.1 The quantitative need for a new crematorium in or near to the District is demonstrated by the applicant's Need Assessment and further supported (i) the applications and subsequent inquiry for crematoria proposals in South Staffordshire, (ii) the Council's own proposal for a crematorium within the District and the representations of local people. Although it is noted that there are applications/ appeals to be held into the two proposed crematoria in South Staffordshire these have yet have not been determined. As such at the moment of writing this report and the time of the Planning Committee on 2nd January 2019 this need will have not been met. As such it is considered that substantial weight should be attributed to this unmet quantitative need for a new crematorium. Furthermore, additional moderate weight should be attributed to qualitative need for a new crematorium based on the distances travelled to other crematoria, long waiting times and the deficiencies in those other facilities.

4.16.2 The lack of suitable and available alternative non Green Belt sites has also been clearly demonstrated. This again is matter that should be given substantial weight.

4.16.3 The locational restrictions imposed by the 1902 Crematorium Act significantly restrict the ability to locate a crematorium within or immediately adjacent to the urban area are incorporated in the assessment of a lack of suitable alternative Green Belt and as such it is recommended that no additional weight should be afforded to this issue.

4.16.4 In addition it is considered that the synergy for a crematorium to be located here adjacent to the proposed cemetery site; and that the landscaping strategy for the facility will ensure significant ecological and biodiversity enhancements for the area

lend further weight in support of the proposal. However, these are although significant are limited in their scope. Nevertheless they do add some limited weight in support of the proposal.

4.17 The Planning Balance

4.17.1 The proposal comprises inappropriate development within the Green Belt and therefore should only be approved where very special circumstances have been demonstrated to exist. Such circumstances will not unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

4.17.2 Inappropriate development is, by definition, harmful to the Green Belt. Furthermore the proposal would significantly harm the openness of the Green Belt and as a form of encroachment into the countryside would conflict with the purposes of including land within the Green Belt. Therefore in accordance with paragraph 144 of the NPPF substantial weight should be given to the harm to the Green Belt.

4.17.3 Having regard to technical issues it is considered that some harm would be caused to the character and form of the area by visual, urbanising impacts on the semi-natural character of the site the of the building and associated hard standing would introduce. However, any harm would be limited, by the degree of screening by surrounding woodland belts and would be offset in the medium to long term by subsequent landscaping and the management of the site, together with the careful use of materials. As such only limited weight should be attributed to the harm to the character and form of the area.

4.17.4 Any other impacts on acknowledged interests can be adequately mitigated by schemes controlled through the use of appropriately worded conditions.

4.17.5 It is therefore concluded that the harm to the Green Belt and to the character of the area would be clearly outweighed by the unmet quantitative and qualitative need for new crematoria capacity, lack of suitable and available alternative non Green Belt sites, the synergy for a crematorium to be located adjacent to the proposed cemetery site; and that the landscaping strategy for the facility will ensure significant ecological and biodiversity enhancements for the area.

4.17.6 As such it is considered that very special circumstances have been demonstrated to exist to justify approval of the application.

4.18 Consultation with the Secretary of State

4.18.1 Town and Country Planning (Consultation) (England) Direction 2009 requires local planning authorities to refer any application for planning permission which falls within paragraphs 3-8 of the direction, and in respect of which the authority does not propose to refuse planning permission, to the Secretary of State at the appropriate regional government office,

4.18.2 Paragraph 4 of the Town and Country Planning (Consultation) (England) Direction 2009 states that

For the purposes of this Direction, “Green Belt development” means development which consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan, unitary development plan or development plan document and which consists of or includes-

- (a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

4.18.3 It is considered that the proposed crematorium, by virtue of its location, nature and scale would have a significant impact on the openness of the Green Belt. As such members are advised that if they consider the application should be approved they are only able to make a minded decision and that the application will need to be referred to the Secretary of State to determine whether he wishes to call it in for his own determination.

5. HUMAN RIGHTS ACT

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

5.2 EQUALITIES ACT

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

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

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

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

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

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

5.6 Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the

requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

6. CONCLUSION

- 6.1 The proposal comprises inappropriate development within the Green Belt and therefore should only be approved where very special circumstances have been demonstrated to exist. Such circumstances will not unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.2 Inappropriate development is, by definition, harmful to the Green Belt. Furthermore the proposal would significantly harm the openness of the Green Belt and as a form of encroachment into the countryside would conflict with the purposes of including land within the Green Belt. Therefore in accordance with paragraph 144 of the NPPF substantial weight should be given to the harm to the Green Belt.
- 6.3 Having regard to technical issues it is considered that some harm would be caused to the character and form of the area by visual, urbanising impacts on the semi-natural character of the site the of the building and associated hard standing would introduce. However, any harm would be limited, by the degree of screening by surrounding woodland belts and would be offset in the medium to long term by subsequent landscaping and the management of the site, together with the careful use of materials. As such only limited weight should be attributed to the harm to the character and form of the area.
- 6.4 Any other impacts on acknowledged interests can be adequately mitigated by schemes controlled through the use of appropriately worded conditions.
- 6.5 It is therefore concluded that the harm to the Green Belt and to the character of the area would be clearly outweighed by the unmet quantitative and qualitative need for new crematoria capacity, lack of suitable and available alternative non Green Belt sites, the synergy for a crematorium to be located adjacent to the proposed cemetery site; and that the landscaping strategy for the facility will ensure significant ecological and biodiversity enhancements for the area.
- 6.6 As such it is considered that very special circumstances have been demonstrated to exist to justify approval of the application.
- 6.7 As the proposal is a departure and a Green Belt application which affects openness should members be minded to approve the application it will need to be referred to the Secretary of State.
- 6.8 Furthermore, the consultation period for the additional information submitted with application will not expire until after the committee meeting, members are advised that officers are given delegated powers to determine the application after the expiration of this period subject to the above referral to the Secretary of State and subject to the conditions set out in the report and any additional conditions that may be recommended by the Local Lead Flood Authority



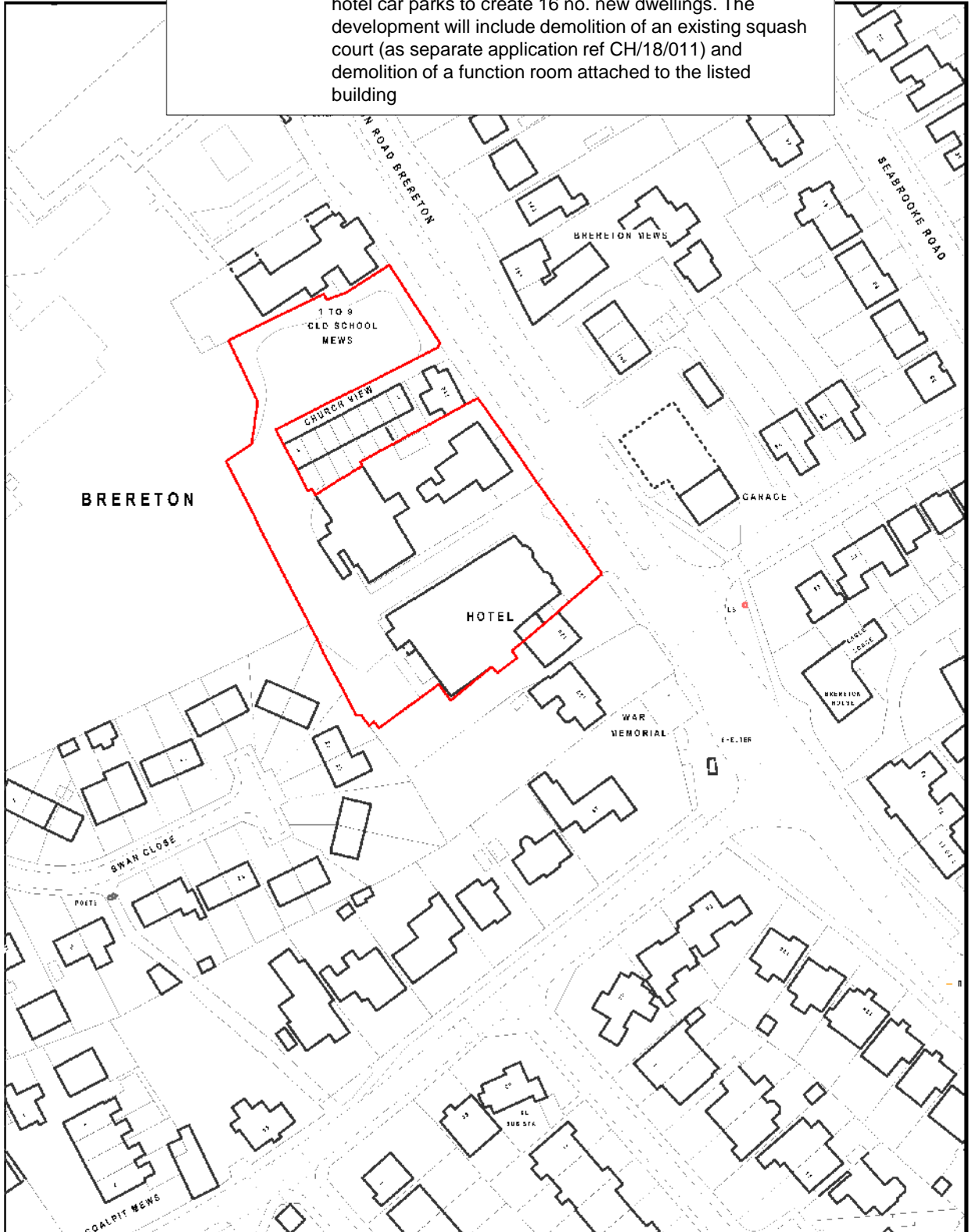
Application No: CH/18/016

Item No. 6.103

Location: Cedar Tree Hotel, 118, Main Road, Brereton, Rugeley, WS15 1DY



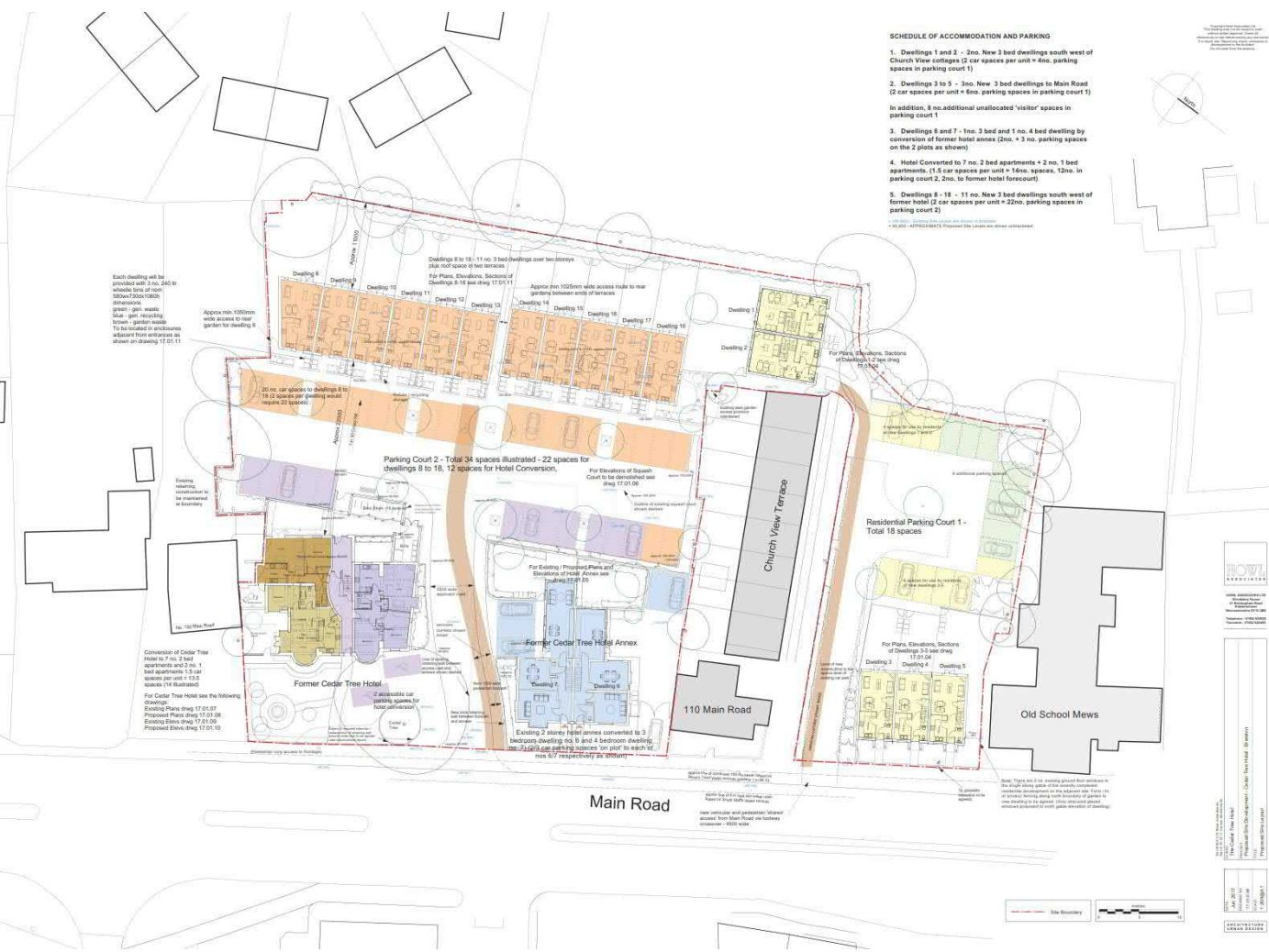
Proposal: Change of use of the Grade II listed Cedar Tree Hotel to provide 9 no. residential apartments, change of use of the annex to create 2 no. dwellings and development of the hotel car parks to create 16 no. new dwellings. The development will include demolition of an existing squash court (as separate application ref CH/18/011) and demolition of a function room attached to the listed building



Location Plan



Proposed Site Plan



SCHEDULE OF ACCOMMODATION AND PARKING

1. Dwellings 1 and 2 - 2no. New 3 bed dwellings south west of Church View cottages (2 car spaces per unit = 4no. parking spaces in parking court 1)
2. Dwellings 3 to 5 - 3no. New 3 bed dwellings to Main Road (2 car spaces per unit = 6no. parking spaces in parking court 1)
In addition, 8 no. additional unallocated 'visitor' spaces in parking court 1
3. Dwellings 6 and 7 - 1no. 3 bed and 1 no. 4 bed dwelling by conversion of former hotel annex (2no. + 3 no. parking spaces on the 2 plots as shown)
4. Hotel Converted to 7 no. 2 bed apartments + 2 no. 1 bed apartments, 11.5 car spaces per unit = 16no. spaces, 2no. in parking court 2, 2no. to former hotel forecourt)
5. Dwellings 8 - 18 - 11 no. New 3 bed dwellings south west of former hotel (2 car spaces per unit = 22no. parking spaces in parking court 2)

Each dwelling will be provided with 3 no. 240lt wheels bins of each 500x700x1000 dimensions
green - gas, waste, bins, grey, recycling
Green - garden waste
To be located in enclosure adjacent front entrance as shown on drawing T1 01 11

Approx max 1000mm wide access to rear garden for dwelling 8

20 no. car spaces for dwellings 6 to 18 (2 spaces per dwelling subject to 22 spaces)

Parking Court 2 - Total 34 spaces illustrated - 22 spaces for dwellings 8 to 18, 12 spaces for Hotel Conversion.

For Elevations of Squash Court to be structural use only T1 01 18

For Existing / Proposed Park and Driveways of Hotel Annex see drawings T1 01 15

Former Cedar Tree Hotel Annex

Existing 2 store hotel annex converted to 3 bedroom dwelling no 8 and 4 bedroom dwelling no 7 (2 car parking spaces for plot in each of no. 7 respectively as shown)

110 Main Road

For Plans, Elevations, Sections of Dwelling 2 see drawing T1 01 12

A driveway to be provided to the rear of the building

6 additional parking spaces

For Plans, Elevations, Sections of Dwellings 3 to 5 see drawing T1 01 13

For Plans, Elevations, Sections of Dwellings 6 to 7 see drawing T1 01 14

For Plans, Elevations, Sections of Dwellings 8 to 18 see drawing T1 01 15

Note: There will be 2 no. existing ground floor windows in the ground floor space of the existing conversion of former Cedar Tree Hotel Annex, north of the site of garden to new dwelling to be agreed with relevant ground owners/landlords for south gate location of Dwelling 7

Conversion of Cedar Tree Hotel to no. 2 bed apartments and 2 no. 1 bed apartments, 1.2 car spaces per unit = 13.5 spaces (14 allocated)
For Cedar Tree Hotel see the following drawing:
Existing Plans: drawing T1 01 07
Proposed Plans: drawing T1 01 08
Existing Elevations: drawing T1 01 09
Proposed Elevations: drawing T1 01 10

Main Road



NOT TO SCALE
FOR INFORMATION ONLY
DO NOT USE FOR CONSTRUCTION

HOW
ARCHITECTS
100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200

Scale: 1:500
Date: 17/01/2017
Project: Cedar Tree Hotel Conversion
Drawing: T1 01 15
Author: [Name]
Check: [Name]
Approved: [Name]

Demolition Plan

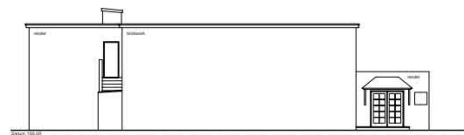
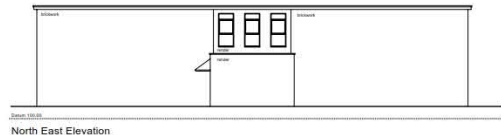
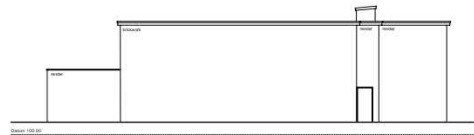
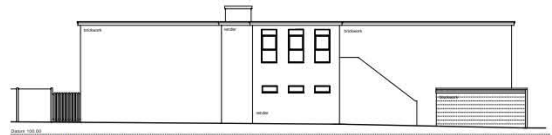
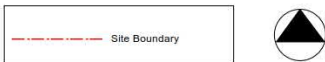
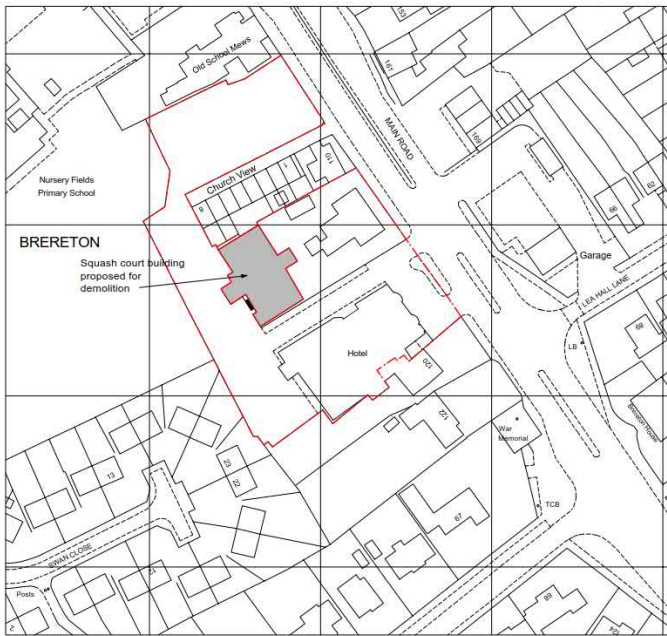


Site Plan
Scale: 1:1000
Date: 10/2017

Site Plan
Scale: 1:1000
Date: 10/2017
Project: 10/2017
Author: [Name]

Site Plan
Scale: 1:1000
Date: 10/2017
Project: 10/2017
Author: [Name]

Squash Court Plans



Howl Architecture Ltd
100-102, The Quadrant, Brighton, BN1 1RN
Tel: 01273 733999
www.howl.co.uk

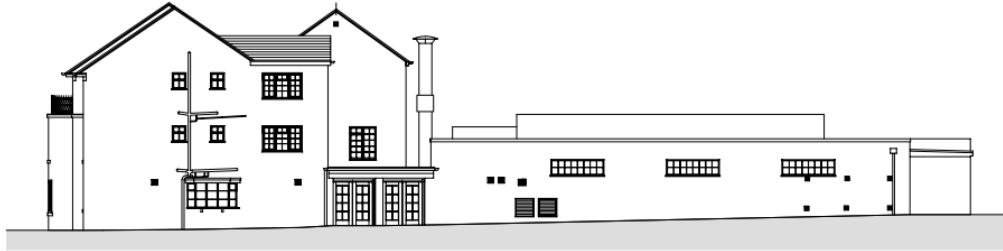


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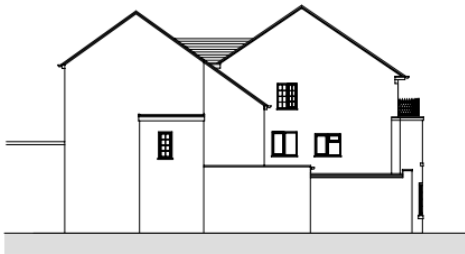
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Client: Howl Architecture Ltd
Project No: 100-102, The Quadrant, Brighton, BN1 1RN
Date: 10/10/2006
Drawing No: 100-102, The Quadrant, Brighton, BN1 1RN



Hotel Existing Elevations



North West Elevation



South East Elevation



North East Elevation



South West Elevation (Main Hotel Building not showing function room)



South West Elevation (Complete)

Hotel Existing Floor Plans

Areas in purple to be removed



Key
 Existing Construction: Walls
 Proposed for removal
 Put proposed new walls on proposed plans
 Issued 17.01.08

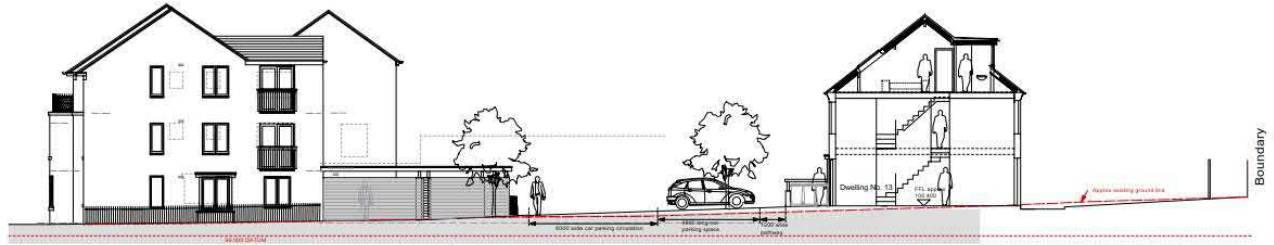
These drawings are the property of the Architect and are not to be used for any other purpose without the written consent of the Architect.



Architect: [Faint text]
 Structural Engineer: [Faint text]
 Mechanical Engineer: [Faint text]
 Electrical Engineer: [Faint text]
 Fire Engineer: [Faint text]
 Quantity Surveyor: [Faint text]
 Project Manager: [Faint text]
 Date: [Faint text]

Hotel Proposed Elevations

Paints and finishes notes
 to be otherwise noted.
 All to be cast in situ unless otherwise noted.
 All to be finished with UPVC.
 All to be finished with UPVC.
 All to be finished with UPVC.
 All to be finished with UPVC.



Proposed North West Elevation / Site section



Proposed South East Elevation



Proposed North East Elevation



Proposed South West Elevation from Communal Parking Area

Hotel Proposed Floor Plans



Key

New Work

For proposed removal of existing walls see drawing 17.01.02

Approved for Construction
 17/01/15



Scale: 1:100

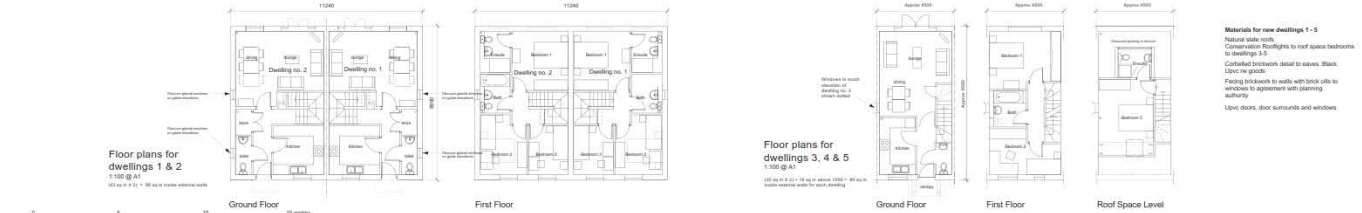
Project Name: Hotel
 Project No: 17.01.02
 Client: [Name]
 Architect: [Name]

17/01/15

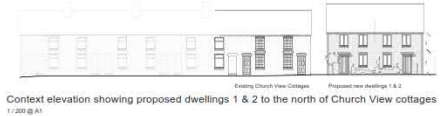
17/01/15

Dwellings 1 -5 Plans and Elevations

Item No. 6.113



Materials for new dwellings 1 - 5
 Natural slate roof
 Conservation footings to roof space bedrooms to dwellings 3 & 5
 Coloured brickwork used to create black brick re-pavement
 Facing brickwork to walls with black cast-iron windows to apartment with planning authority
 Light doors, door surrounds and windows



Context elevation showing proposed dwellings 1 & 2 to the north of Church View cottages
 1/200 B A1



Context elevation showing proposed dwellings 3, 4 & 5 on Main Road frontage
 1/200 B A1

Architectural drawings are not to be used for construction without the approval of the architect.

Architectural drawings are not to be used for construction without the approval of the architect.

Architectural drawings are not to be used for construction without the approval of the architect.

Application No: CH/18/016

Received: 18-Jan-2018

Location: Cedar Tree Hotel, 118 , Main Road, Brereton,

Parish: Brereton and Ravenhill

Ward: Brereton and Ravenhill Ward

Description: Change of use of the Grade II listed Cedar Tree Hotel to provide 9 no. residential apartments, change of use of the annex to create 2 no. dwellings and development of the hotel car parks to create 16 no. new dwellings. The development will include demolition of an existing squash court (as separate application ref CH/18/011) and demolition of a function room attached to the listed building

Application Type: Full Planning Application

RECOMMENDATION; It is recommended the application be approved subject to the attached conditions and the completion of a S106 to provide the cost of 4 primary school places through a commuted sum of £44,124 (subject to change in cost multiplier).

Reason for Grant of Permission

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

Background

At the last Committee meeting held on 5 December 2018, the Committee Members resolved to defer the application for the following reason:

‘That the application be deferred to enable further discussions to take place between Officers and the applicant in relation to the off-site affordable housing contribution.’

Applicant's Additional Information

Following discussions with officers the Applicant has submitted the following statement in support of the proposal: -

'The Cedar Tree hotel scheme is unviable due to the following reasons;

Historically, planning was achieved back in 2009 but the project has stalled for 10 years due to financial unviability. Despite alternate schemes being explored by us, it is a challenging site because of the Grade II listed building restoration and conversion. The proposed development is somewhat challenging from a viability perspective with the conversion of the Grade II listed building raising issues due to its poor condition, limited floor to ceiling height in part and lack of nature light to some of the proposed apartments due to the close proximity of the protected cedar tree at the front of the property.

The site is located within a Conservation area which further increases build costs due to detailing of the properties externally and the 450 year old protected cedar tree located within the site has to be protected during construction and thereafter.

It is then hampered by property prices that are below national average in Rugeley, the conditions imposed by the local authority by way of an S106 agreement in addition are severely restrictive to the development.

Completion of the development would enhance and benefit the locality as the site is at present deteriorating as a consequence of fly tipping and anti-social behaviour. The project would also safeguard the future of the listed building and its grounds, the local community would undoubtedly benefit from this site being vastly uplifted with a positive knock on effect to the village.

With the affordable housing contribution there is an unacceptably low profit of 4.37%, therefore risk, overhead recovery and profit is not providing the minimum level of headroom required by lending institutions willing to fund speculative projects of this size and type. This effectively has resulted in no funding available to even commence with the development and regeneration of this prominent main road site at the heart of Brereton.

It is noteworthy, that in the event that the off/on site affordable housing requirement is not relaxed and the development remains financially unviable, preparations have been made to seal and secure the entire site, as per the request of our building insurers. This would include all parking areas, in order to remove arson risk and anti-social behaviour of unmanned buildings.

The proposed development is clearly a fairly complex and high-risk development that will achieve significant heritage benefits by ensuring the long term future of a Grade II listed building.

It must be noted that if we are unable to deliver the current scheme, it is highly unlikely any other developer could either, the conversion of Listed buildings in relatively low property value areas is not an appealing proposition. Simply put, we are not in Chester/York or a location of such affluence where the final property value drives the redevelopment. The affordable housing element aside we are still making a substantial Community Infrastructure Levy Contribution, which is yet to be calculated. Lastly, at the committee members request, parking spaces have been made available for neighbours of the site, these could have been sold to raise further funds but instead we chose to contribute to the local community.

We are not experienced developers but are hoteliers. The closure of the power station and distinct lack of trade for the hotel within the town has proved challenging for the hotel to operate or reinvest into the fabric of the building. The development is only an exit strategy from the heavily loss making site which we purchased as a hotel, and to trade as a hotel back in 2010. The material change since the approval back in April is primarily accurate costing of the development and looking at the same in greater detail, it was only post approval taken seriously by reputable contractors who are familiar with sympathetic historic building restoration. Our focus was on securing an approval and we had not anticipated such high costs and low margin return. Nor had we anticipated the lack of finance availability due to the low return on the development, proving to be a higher than acceptable risk to potential lenders.

The limited construction hours imposed within the approval also form a marginal increase in costs as contractors are forced to spread works over a lengthier period of time resulting in higher than normal construction cost.

We trust that the committee members take on board our comments and seek to approve the eagerly awaited regeneration of this prominent and historic Brereton and Ravenhill village site.

Property Service's Response

Following the last Committee meeting, the Council's Property Services have been re-consulted on additional information supplied by the applicant on 12 December 2018. The Property Services Officer's Response is attached below:

'In your email to me of 12/12/18 you request "further justification on your assumptions" relating to my assessment of the viability appraisal provided by the applicant in connection with the above planning application. My initial comments are set out below for your convenience.

The viability appraisal submitted by the applicant was undertaken on their behalf by Lambert Smith Hampton which is a long established and well respected firm of chartered surveyors and I note that the appraisal was prepared by a Director of the firm, Mark D Weller MRICS.

In my assessment of the viability appraisal I have considered Mr Weller's adopted sales rates in arriving at his assessment of the gross development value. In my view the adopted sales rates have been based on appropriate comparable evidence relating to recent sales in the local area and are reasonable.

The viability appraisal assumes a development period of 30 months including an initial 4 month lead in period in order to discharge the planning conditions and secure a contractor. I have no information as to likelihood of the applicant securing a suitable contractor within a 4 month period but, this aside, the assumed development period is reasonable in my opinion.

The build costs quoted in the viability appraisal are quoted as £110/sq ft for conversion works and £120/sq ft for the new build units. I have checked the quoted costs against BCIS data and consider them to be acceptable. BCIS is the Building Cost Information Service which is a leading provider of cost and price information for the UK construction industry. It is a part of the Royal Institution of Chartered Surveyors.

I consider the percentages quoted in the appraisal for professional fees including agents fees and legal costs to be realistic.

Finally, as I said in my previous email, I consider the viability appraisal to be reasonable and would not take issue with the same.

I am a Member of the Royal Institution of Chartered Surveyors with 24 years post qualification experience and as such I consider myself qualified to make a professional assessment of the applicant's viability appraisal.'

The Committee report is appended.

APPENDIX 1:

OFFICER REPORT TO PLANNING COMMITTEE ON 5th DECEMBER 2018

Application No: CH/18/016

Received: 18-Jan-2018

Location: Cedar Tree Hotel, 118 , Main Road, Brereton,

Parish: Brereton and Ravenhill

Ward: Brereton and Ravenhill Ward

Description: Change of use of the Grade II listed Cedar Tree Hotel to provide 9 no. residential apartments, change of use of the annex to create 2 no. dwellings and development of the hotel car parks to create 16 no. new dwellings. The development will include demolition of an existing squash court (as separate application ref CH/18/011) and demolition of a function room attached to the listed building

Application Type: Full Planning Application

RECOMMENDATION; It is recommended the application be approved subject to the attached conditions and the completion of a S106 to provide the cost of 4 primary school places through a commuted sum of £44,124 (subject to change in cost multiplier).

Reason for Grant of Permission

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

Background

This application was presented to Planning Control Committee on 18 April 2018 when it was resolved to grant the application subject to the completion of a Section 106 agreement to secure, amongst other things, a commuted sum for off-site affordable housing provision. Subsequently the applicant has submitted evidence in the form of a viability appraisal that demonstrates the scheme, subject to an affordable housing contribution would be unviable. This has been subject to assessment by the Council's Property Services Team who have concluded that the findings of the viability assessment are reasonable. The officer report has therefore been updated to take into account this change in circumstances.

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. Prior to commencement of development a schedule of repair works to the Listed Building, including details of repairs to existing windows, new window design and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved schedule and timetable.

Reason

To safeguard the character and appearance of the Listed Building in accordance with Local Plan Policy CP15..

3. Prior to commencement of development details including samples of external materials including paving materials, design details of lighting, rooflights, bin and bike stores shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the setting of the Listed Building in accordance with Local Plan Policy CP15.

4. Prior to commencement of the development, construction details of the driveway serving the dwellings No.s 8-18 indicated on drawing No.17.01.13B shall be submitted to and approved in writing by the Local Planning Authority. The details shall show that the driveway shall be made up to public highway adoptable standard. The driveway shall thereafter be maintained as such for the life of the development.

Reason

To comply with parking standards set out in Cannock Chase District Council's July 2005 Parking Standards, Travel Plans & Developer Contributions for Sustainable Transport Supplementary Planning Document.

5. Prior to first occupation of the proposed dwellings the parking areas / driveways indicated in drawing number 17.01.13B shall be completed and surfaced in a porous

bound material, which shall thereafter be retained for resident parking / access only for the life of the development.

Reason

In the interests of highway safety.

6. 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 scheme shall thereafter be implemented prior to any works commencing on site.

Reason

In the interests of highway safety.

7. Prior to commencement of the development, details of the bike store indicated broadly in drawing number 17.01.13B at the rear of the former Cedar Tree Hotel building shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall thereafter be installed and retained for those purposes only, for the life of the development.

Reason

To comply with parking standards set out in Cannock Chase District Council's July 2005 Parking Standards, Travel Plans & Developer Contributions for Sustainable Transport Supplementary Planning Document.

8. Prior to commencement of the proposed development, details for a minimum of two cycle parking spaces per dwelling in secure and covered stores within each site curtilage for dwelling numbers 1-18 (as indicated in in drawing number 17.01.13B) shall be submitted to and approved in writing by the local planning authority. The cycle parking facilities shall thereafter be installed and retained for those purposes only, for the life of the development.

Reason

To comply with parking standards set out in Cannock Chase District Council's July 2005 Parking Standards, Travel Plans & Developer Contributions for Sustainable Transport Supplementary Planning Document.

9. Prior to first occupation of the development the section of the existing access from Main Road Brereton (A460) to the south eastern side of the development (access to hotel kitchen), made redundant as a consequence of the proposed development, shall be permanently closed with part of the access crossing reinstated as footway with a

full-height kerb.

Reason

In the interests of highway safety.

10. Prior to commencement of the development, a new site access from Main Road Brereton (A460) to the north western side of the development (adjacent to dwelling number 3) shall be completed within the limits of the public highway as a vehicular dropped crossing.

Reason

In the interests of highway safety.

11. The development hereby permitted shall not be commenced until such time as a satisfactory foul and surface water design has been submitted to and approved in writing, by the Local Planning Authority

This shall include:

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

Appropriate SuDS components to provide adequate water quality treatment and a reduction of discharge rates where possible.

Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details in 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 climate change return periods.

Provision of an acceptable management and maintenance plan for the lifetime of the development. This shall include a schedule of required maintenance activities and frequencies, and contact details for the organisation responsible for carrying out these duties.

Finished floor levels to be set at a minimum of 150mm above surrounding ground levels.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/ phasing arrangements embodied within the scheme or within any other period as may be subsequently agreed, in writing, by the Local Planning Authority.

Reason

To prevent flooding by ensuring the satisfactory storage of/ disposal of surface water

from the site.

12. Construction activities and deliveries 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.

13. No part of the development hereby approved shall commence until details of the Special Surface Construction for the area within the vicinity of the protected cedar tree (to front and side of the hotel including existing access road) have been submitted to and approved in writing by the Local Planning Authority. Details shall include existing and proposed levels, construction sections, material specifications, timescale and method statement for implementing the works.

Reason

To ensure the retention and long term health of the protected cedar tree which makes a major contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3 - Chase Shaping, Design, CP15 – Historic Environment and the NPPF.

14. The Special Surface Construction pursuant to Condition 13 above shall be implemented in accordance with the approved details and method statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure the retention and long term health of the protected cedar tree which makes a major contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3 - Chase Shaping, Design, CP15 – Historic Environment and the NPPF.

15. No trees or hedges shown as retained on Drg. no. 17.01.13B, shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or destroyed. Any trees or hedges which are cut down, topped, lopped or uprooted without permission of the Local Planning Authority or become seriously damaged or diseased or die shall be replaced in the next planting season with similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason

The existing vegetation makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3 & CP15.

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

Reason

The existing vegetation makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3 & CP15.

17. Prior to the commencement of any demolition, site preparation or construction works including any actions likely to interfere with the biological function of the retained trees and hedges, approved protective fencing pursuant to Condition 16 above shall be erected to the approved layout & any form of work within the Root Protection Areas shall be carried out to the approved method statements. 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 & CP15.

18. No part of the development hereby approved, including demolition, shall commence until details of the construction access road onto Main Road between 110 Main Road and Old School Mews and the compound area, together with parking areas for users of the site, have been submitted to and approved in writing by the Local Planning Authority. Details shall include but not be limited to construction and material specifications, access arrangements onto the public highway including any appropriate reinstatement details together with the location of site compound and facilities including vehicle and pedestrian access routes.

Reason

To ensure the retention and long term health of the protected cedar tree which makes a major contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3 & CP15.

19. The construction access road and site compound, pursuant to Condition 18 above shall be carried out in accordance with the approved details and programme of works

unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure the retention and long term health of the protected cedar tree which makes a major contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3 & CP15.

20. No part of the development hereby approved, including demolition shall commence until details of the parking arrangements for vehicles using the site, including the properties at Church View, throughout the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be implemented and maintained throughout the demolition and construction phases.

Reason

In the interests of highway safety in accordance with Local Plan Policy CP3.

21. Prior to commencement of development an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out fully in accordance with the submitted details including timetable and to BS 3998 Tree Work & BS 5837 Trees in Relation to Construction, unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure the retention and appropriate maintenance of the existing protected cedar tree, which makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3 & CP15.

22. 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.

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

Combined Design & Access Statement and Heritage Impact Statement.

Bird & Bat Activity Survey

Arboricultural Impact Assessment

Proposed Pruning works received 9 January 2018

Drg No.s 17.01.01A, 02A, 03B, 04B, 05B, 06B, 07B, 08B, 09A, 10B, 11A, 12B, 13B, 14, 15, 16 & Sk05.

Drg No.s 001 Rev A, 002 Rev A, 003 Rev B, 004 Rev A, 004 Rev B, 005 Rev B, 006 Rev B & 007 Rev A.

Reason

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

24. The development hereby approved shall not commence until a scheme for the positioning of bird and bat boxes set out in section 5 of the Elite Ecology Bat and Bird Survey, dated September 2017 has been submitted to and approved in writing by the Local Planning Authority. Within 6 months of the first occupation of the dwellings the scheme shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order to mitigate against the loss of bird and bat roosting and nesting opportunities as a result of the development in accordance with Policy CP12 of the Cannock Chase Local Plan and paragraph 118 of the NPPF.

EXTERNAL CONSULTATIONS

Historic England

No objection.

Landor (Local History) Society

No objection, however states concern that the existing hotel, hotel annex and terraces on Church View may be impacted upon by the new buildings overcrowding them.

County Highways

No objection, subject to conditions.

Police

Objects to the proposal on the grounds that the proposal has a lack of off-street parking provision for existing residents in Church View Terrace. The limited parking arrangement may lead to anti social behaviour between residents and visitors.

Sustainable Drainage

Drainage design plans are required.

School Organisation

No objection, however, an education contribution would be required towards primary school provision.

South Staffs Water

No comments received.

Parish Council

Objects to the proposal on the following grounds:

- the development is in too close proximity to Church View and 2 Old School Mews.
- insufficient parking spaces for residents of Church View
- emergency vehicles would not be able to gain access to all properties in Church View, due the proposed fencing.
- two and a half storey dwellings are not appropriate in a Conservation Area and would appear out of keeping with Brereton Village.
- concerns regarding another access onto Main Road.
- if dwelling No3 was removed, it would provide more space to enter the access road.

Waste & Engineering

No objections subject to conditions to adopt the access road and provision of bin storage and collection points.

Minerals & Waste

No comments.

Historic England

No comments.

INTERNAL COMMENTS

Conservation Officer

The site has been the subject of approved schemes for development in recent years, which were similar to the current proposal. The latest approved scheme also included special arrangements for the construction access to avoid risk of harm to the cedar tree.

Part of the current scheme involves a resubmission of the previous proposals in the northern part of the site, the new dwellings adjacent to Church View and also the conversion of the hotel annex, which are broadly as previously approved. The main changes now are in the southern part of the site, the proposed conversion of the Listed hotel build to residential apartments, demolition of the ballroom and erection of 11 additional dwellings to the rear of the Listed Building with changes to the parking court layout. The proposed arrangements for construction access have also been changed.

The proposal is considered to preserve the Listed building and its setting and to preserve or enhance the character and appearance of the Main Road, Brereton Conservation Area in a sensitive and appropriate way.

Environmental Health

No objections, subject to conditions to provide a Construction & Traffic Management Plan and restriction in delivery and construction working hours.

Ecological Officer

No comments received.

Landscaping Officer

Recommends the imposition of conditions as per CH/11/246, subject to the pruning being limited to that stated in the arboricultural impact assessment.

Strategic Housing

On sites of 15 units and above, 20% is required for affordable housing so 5 units should be provided for affordable housing. It would be preferable if they were all social rented housing and there is a high demand for 2 bedroom housing in the District. It would be advisable for the developer to talk to local Registered Providers to see if they would be prepared to manage a small number of 1 bed flats in a block of 9 or a mixture of 1 bed flats and 3 bed houses.

RESPONSE TO PUBLICITY

Adjacent occupiers notified and a site notice posted. Ten letters of objection received on the following grounds:

- The proposed redevelopment of the site would remove parking for the existing residents of Church View, which would be detrimental to highway safety.
- Insufficient parking provision for residents of Church View, as each household has 2 cars each.
- The design layout and landscaping of the buildings will negatively affect the access to Church View, as no direct vehicular access would be provided.

- Emergency vehicles would not have direct vehicular access to residents in Church View.
- Detriment to highway safety.
- Cycle lanes would be blocked by vehicles parking on the road.
- The proposal would adversely affect the relationship between new and existing buildings, in relation to privacy, daylight and sunlight. The proposal would incorporate fences and shrubbery in front of the windows of the existing dwellings in Church View. In addition, the occupiers of the proposed flats would be able to see into the gardens of Church View.
- The proximity and height of the proposed scheme to 2 Old School Mews would not be appropriate.
- The construction of the proposal would cause noise disturbance, pollution and dust to the existing residents.
- Cumulative impact of the proposal would cause additional noise, waste, potentially anti-social behaviour and waste management issues.
- The old boundary wall and mature trees adjacent to 120 Main Road may be damaged by the proposed works.
- Devaluation of existing properties.
- Existing drains and manhole would be affected by the proposal.

PLANNING HISTORY

2322/4135 – modernisation and extension of hotel – approved 9/4/69

2483/4423 – extension to restaurant and lounge (to side) – approved 18/2/70

623/76 – use of building adjacent hotel as bedroom annex – approved 3/2/77

281/78 – 4 squash courts and dressing rooms – approved 15/6/78

15/84 – change of use residential to hotel bedrooms/gym – approved 7/3/84

143/84 – alterations to squash court to from shower and bar – approved 27/3/84

CH/96/0259 – extension at 2nd floor and emergency stair – LBC approved 7/8/96

CH/96/0260 – alterations and extensions to hotel – approved 7/8/96

CH/97/0328 – boundary wall to front – LBC approved 24/9/97

CH/97/0327 – ditto – approved 24/9/97

CH/98/0240 – conversion 110/112 1 dwelling to two – refused 24/6/98

- CH/02/0052 – residential development 8 dwellings – withdrawn
- CH/03/0070 – change of use squash courts to function room and 4 bedrooms – approved 23/4/03
- CH/05/0164 – change of use garage to manager’s accommodation – approved 27/4/05
- CH/07/0523 – change of use of 110 to 6 hotel bedrooms – approved 29/8/07
- CH/08/0518 – demolition of function room and alterations to provide new hotel entrance and reception LBC – refused 22/12/08 (application related to listed building works in connection with current planning application) – refused 2008.
- CH/08/0517 – CAC for demolition of squash court – refused 22/12/08 (application in connection with current planning application) – refused 22/12/2008
- CH/08/0516 – Planning application for alterations of hotel including demolition of function room and squash court to accommodate construction of 14 dwellings - withdrawn 15/1/09
- CH/09/0259 - Alterations to hotel including demolition of function room together with demolition of squash court to accommodate construction of 14 two storey dwellings with accommodation in roof space – approved (pending S106) 16/11/09.
- CH/09/0291 – LBC Demolition of function room to rear. Alterations to provide new hotel entrance and reception including new canopy – approved 21/01/10
- CH/09/0292 – Conservation area consent for demolition of squash court building – approved 21/01/10.
- CH/11/0246 - Residential development - 3 terrace houses, a pair of semi-detached houses, conversion of hotel annex into 2 dwellings; demolition of store and canopy to rear of hotel and demolition of squash courts approved subject to conditions on 16 December 2011.
- CH/11/0247 - Listed building consent for the demolition of store and canopy to rear of hotel approved subject to conditions on 19 September 2011
- CH/11/0278 - Conservation area consent for the demolition of squash court building approved subject to conditions on 16 Dec 2011.
- CH/18/011 - Demolition of existing squash court building approved subject to conditions on 5 April 2018.

CH/18/017 - Listed building consent for change of use of the Grade II listed Cedar Tree Hotel to provide 9 no. residential apartments, change of use of the annex to create 2 no. dwellings and development of the hotel car parks to create 16 no. new dwellings. The development will include demolition of an existing squash court (as separate application ref CH/18/011) and demolition of a function room attached to the listed building – Not yet determined.

1. SITE AND SURROUNDINGS

- 1.1. The application relates to the 3 storey Grade II Listed Cedar Tree hotel, two storey hotel annex, two storey squash court building and associated parking area within the site of the Cedar Tree Hotel on Main Road, Brereton. The site is within Brereton Conservation Area and is one of 6 listed buildings within it.
- 1.2. The hotel dates back to the 18th century and was remodelled in Regency style in the early 19th century. The three storey rendered building with pitched roof has distinctive two storey convex bays on either side of an entrance door with Tuscan columns. There have been various three storey extensions to its northern and western sides, which are of lesser architectural value and single storey buildings to the rear of the Listed buildings, which have predominantly flat roofs. The mature cedar tree on its frontage is of significant high amenity value and from which the hotel name derives. It is protected by a TPO stands in front of the listed building, and other trees, protected by virtue of their Conservation Area designation, stand within the site and around its boundaries.
- 1.3. The hotel annex was originally a pair of Victorian houses, which have been rendered and altered, however have retained natural slate roofs. The building although not Listed is described as being of 'particular interest' within the Conservation Area appraisal.
- 1.4. The squash court is a modern 2 storey building in part render and brickwork with a flat roof, and was erected after permission in 1978.
- 1.5. A Conservation Area Appraisal for Brereton was adopted in 2009 and identified the squash court building as having a neutral impact on the character and appearance of the Conservation Area.

- 1.6. To the north of the annex building is another two storey Victorian building, No.110 Main Road, which is within separate ownership to the hotel. This building is described as 'making a positive contribution' to the area within the Conservation Area.
- 1.7. A row of Victorian terrace houses known as Church View Terrace is located between the northern-most car park area that serves the hotel and the principal hotel buildings, which effectively divides the site into two distinct areas. The properties along Church View Terrace have no parking within their respective curtilages although 4 of the properties have a legal right to park on the adjacent car park.

2.0 PROPOSAL

- 2.1 The proposal is for the change of use of the Grade II listed Cedar Tree Hotel to provide 9 no. residential apartments (2 x 1 bedrooms and 7 x 2 bedrooms), change of use of the annex to create 2 no. dwellings (3 bedrooms) and development of the hotel car parks to create 16 no. new dwellings (3 bedrooms). The development would include demolition of an existing squash court (as separate application ref CH/18/011) and demolition of a function room attached to the listed building (under planning application reference CH/18/017). The proposal embodies many elements of the earlier schemes, including demolition of the squash court building, conversion of the hotel annex and erection of five new dwellings on the northern car park area.
- 2.2 A new access road from Main Road would serve the five new dwellings to the north and west of Church View Terrace. The car parking court would provide spaces for both the five new dwellings and provide eight additional spaces for visitors or the residents of Church View Terrace. A similar arrangement with four parking spaces for Church View Terrace was accepted in the previous planning and Listed Building approvals (Ref CH/09/0291 and 0292).
- 2.3 The existing squash court building that lies to the south of the rear gardens of Church View Terrace is to be demolished. A new car parking court would be provided to serve 11 new dwellings, arranged on a north/south axis in two terraces of five and six dwellings. The configuration for the car parking court allows emergency and service vehicles to turn around within the site.
- 2.4 The existing road access position would be moved slightly further to the north, providing an increased area for soft landscape/permeable paving within the root

protection zone of the cedar tree. It is proposed that the vehicular access to the south of the cedar tree is extinguished to create a new landscaped area.

- 2.5 A pedestrian route would be maintained from the footway to the original entrance door to the listed building which would be re-opened. Two parking spaces would be retained within the frontage area that would be located on permeable paving for disabled drivers.
- 2.6 The listed building would be externally renovated to include restoration of the original sash windows, balconies and roof eaves. The extent of the re-rendering to be undertaken would be established with the Conservation Officer. The existing natural slate roofs would be restored as part of the work. The fenestration arrangement elevations to the later three storey additions would be altered to a simple contemporary design. The ground floor communal entrance area can be accessed from both the car parking court on the west side and the original entrance door to the listed building on the east side, which would be treated in a contemporary design.
- 2.7 Two of the ground floor apartments in the listed building would have external private space accessible from the apartment entrance area. These new elements would have brick facing to contrast with the rendered walls of the listed building and 'floating' flat roofs set above the top of the enclosing walls. The roofs would be finished with a grey membrane.
- 2.8 The hotel annex would be changed back to two dwellings. The windows facing the Main Road elevation would be replaced with timber sash windows. The original doorways would be reinstated on the front elevation. Minor alterations are proposed to the other elevations of the building to provide new windows and doors. Car parking spaces would be provided within the curtilage of each dwelling.
- 2.9 Three terraced houses would fill the existing gap along the Main Road frontage between 110 and The Old School Mews. The proposed housing is arranged as a terraced block, replicating 'solid to void' ratio on the adjacent buildings. Low profile conservation type roof-lights would be provided to the roof slopes facing Main Road with dormers to the rear. The rear dormers would serve ensuite facilities and would be fitted with obscure glazing.
- 2.10 Two dwellings would be provided to the west of Church View Terrace. They would be two storey to follow the scale of the adjacent cottages and stepped back slightly.

- 2.11 Storage for cycles, refuse and recycling bins would be provided as indicated on plan.
- 2.12 The layout and design of the majority of the new dwellings and associated car parking has been established in the previous approvals (Ref CH/09/0291 & 0292).
- 2.13 The proposed eleven new dwellings to the west of the listed building have been designed to follow the principles of the proposed housing to the north of Church View Terrace. The design utilises the space in the roof, which allows for a stepping down in scale between the three storey height of the listed building on the Main Road frontage and the single storey development in Swan Close to the west. Low profile conservation type roof-lights would be provided and rear dormers would be fitted with obscure glazing to serve ensuite bathroom facilities. The dwellings would be provided with small front gardens defined by low walls, railings and brick piers, which would include individual bin storage areas for each dwelling. These provide covered storage for 3 No. 240 litre wheelie bins.
- 2.14 Access would be provided to the rear of all the dwellings and it is proposed that cycle storage requirements would be addressed through a separate storage facility in the rear gardens of the dwellings.
- 2.15 Permeable paving would be used around the base of the cedar tree. Tarmac to access roads and carpark circulation area, with concrete block paving.
- 2.16 Garden areas would be typically approximately 40sqm.
- 2.17 The application is accompanied with a combined design and access statement and heritage impact statement, arboricultural impact assessment and bat and bird activity survey.

3.0 PLANNING POLICY

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014).
- 3.3 Other material considerations relevant to assessing current planning applications include the National Planning Policy Framework (NPPF) and Supplementary Planning Guidance/Documents.
- 3.4 Cannock Chase Local Plan (2014):

- CP1 – Strategy
- CP2 – Developer Contributions
- CP3 – Chase Shaping – Design
- CP6 – Housing Land
- CP7 – Housing Choice
- CP12 – Biodiversity and Geodiversity
- CP13 – Cannock Chase Special Area of Conservation (SAC)
- CP15 – Historic Environment
- CP16 – Climate Change & Sustainable Resource Use

3.5 National Planning Policy Framework

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

3.7 The NPPF (2018) confirms the plan-led approach to the planning system and 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

108-109 Highway Safety

124, 127, 128 & 130 Achieving Well Designed Places

175 Conserving and Enhancing the Natural Environment

184-188 Conserving and Enhancing the Historic Environment

189-192 Proposals Affecting Heritage Assets

3.9 Other Relevant Documents

- Design Supplementary Planning Document (April 2016).

- Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
- The adopted Main Road, Brereton Conservation Area Appraisal 2009 and Management Plan 2014.

4.0 DETERMINING ISSUES

4.1 The determining issues for the proposals are:

- Principle of development
- Design and impact on the character and form of the Conservation Area and Listed Building
- Impact on Protected Tree
- Impact on Residential Amenity
- Impact on Parking and Highway Safety
- Impact upon the Cannock Chase Special Area of Conservation
- Community Infrastructure Levy (CIL) and S106 requirements
- Affordable Housing S106 requirement
- Education S106 requirement

4.2 Principle of Development

4.3 This application follows the previous approvals for demolition of the squash court building and residential redevelopments CH/09/0259 for the "erection of 14 No dwellings" and CH/11/0246 for the "erection of 3 No. terrace houses, a pair of semi-detached houses, conversion of hotel annex into 2 dwellings; demolition of store and canopy to rear of hotel and demolition of squash courts".

4.4 The site is a largely brownfield site located within the urban area of Brereton. Most of the site has been previously identified within the Strategic Housing Land Availability Assessment (SHLAA) as a potential housing site in view of the previous planning consent, which has now expired.

4.5 In addition to the above the site is located within Brereton, which is a designated local service centre with a range of goods and services to serve the day to day needs of the community and with good transport links to local towns and areas of employment. As such the application site is located within a sustainable location.

4.6 The land is not allocated for any use within the Local Plan Policies Map. Policy CP1 identifies that the urban areas of the District, including Brereton, will be the

focus for the majority of new residential development. It also identifies that a 'positive approach that reflects the presumption in favour of sustainable development' will be taken when considering development proposals. Policy CP6 also identifies that new housing will be focused in the urban areas, including windfall developments, which will receive positive consideration.' Other than this point the Local Plan is largely silent on the issue of housing on unallocated sites.

- 4.7 Paragraph 11 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. What the presumption means in practice is set out in Policy CP1 of the Local Plan and Paragraph 47 of the NPPF:

'planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible and within statutory timescales unless a longer period has been agreed by the applicant in writing'

approving development proposals that accord with the development plan without delay; or

where there are no relevant development plan policies, or the policies which are most important for determining the applications are out-of-date, granting permission unless:

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

- 4.8 The reference above to specific policies in the framework relates to those policies in the Framework relating to sites protected under the Birds and Habitats Directive and/ or designated as Sites of Special Scientific Interest, land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park, designated heritage assets and locations at risk of flooding or coastal erosion.
- 4.9 Officers can confirm that the site falls within the Brereton Conservation Area and the Cedar Tree is a listed building, and therefore there are policies within the Framework that indicate development should be restricted and the proposal will therefore need to pass the tests of the NPPF paragraphs 184-192 and Local Plan

Policy CP15, to assess how the proposal would affect the designated heritage assets.

4.10 It is therefore considered that subject to matters with regard to the impacts upon the heritage assets being considered and addressed in full and the detailed design of the scheme overall, the proposal would be acceptable in principle.

4.11 Design and impact on the character and form of the Conservation Area and Listed Building

4.12 Policy CP3 of the local plan states development proposals should:

- be well-related to existing buildings and their surroundings in terms of layout, density, access, scale, appearance, landscaping and materials and
- 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 enhance local distinctiveness.

4.13 In addition to the above Paragraph 189 of the NPPF 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.'

4.14 Paragraph 190 of the NPPF goes on to state: -

'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 assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.'

4.15 In this respect it is noted that the applicant has submitted a combined Design and Access Statement and heritage Impact Statement outlining the architectural detailing and historical development of the site.

- 4.16 The design of the new dwellings would match the existing neighbouring dwellings by retaining a simple design, with high quality materials that would be sympathetic to the conservation area.
- 4.17 The dwellings which face Main Road have taken design cues from the neighbouring school, whilst maintaining a similar size and scale as the surrounding dwellings.
- 4.18 The hotel annex would be re-instated back to two dwellings, with improvements to the windows facing the Main Road elevation, being replaced with timber sash windows and original doorways reinstated on the front elevation. The alterations to the other elevations of the building would upgrade the building to provide new windows and doors.
- 4.19 The listed building would be externally renovated to include restoration of the natural slate roofs, rendering, original sash windows, balconies and roof eaves.
- 4.20 It is noted that the Council's Conservation Officer has reviewed the information and has stated that the proposal would 'preserve the Listed building and its setting' and would 'preserve or enhance the character and appearance of the Main Road, Brereton Conservation Area in a sensitive and appropriate way'.
- 4.21 As such it is concluded that the overall the design of the new dwellings are appropriate for their setting and the development as a whole would enhance the setting of the Listed Building and the Conservation Area in accordance with Local Plan Policies CP3 and CP15 and Section 16 of the NPPF.
- 4.22 Impact on the Protected Cedar Tree and Other Trees Within the Site
- 4.23 There are a number of trees within the site and in particular the protected cedar which forms a local land mark and which gave the hotel its name. In order to inform the application the applicant has submitted an Arboricultural Impact Assessment, prepared by Wharton Tree and ecology Consultants.
- 4.24 The proposed development proposes to move vehicle movements further away from the protected cedar tree in order to preserve it. The expanse of tarmac car parking area, which has perished over time and in a bad state of repair would be removed. Repair and maintenance of this area could be undertaken without permission and some of this area would be replaced with new permeable paving to

surfaces around the cedar tree, which would improve water supply to the roots of the tree. There would also be additional landscaping provided where there were previously tarmac areas. It is considered that these works would preserve and enhance the setting of the tree, as well as the listed building.

- 4.25 Minor pruning to raise the canopy of the cedar tree to allow clear access below for waste collection vehicles would be undertaken in accordance with the arboricultural impact assessment and therefore appropriate conditions have been attached to the consent to ensure no damage is done to the tree.
- 4.26 The application has also identified a range of works to existing trees across the site, including some removal and pruning of trees to facilitate the development where the trees would result in conflict with the proposed dwellings, are necessary to allow the development to go ahead and, or, are of little value.
- 4.27 The Landscape Officer has reviewed the application and has no objections subject to the attached conditions.
- 4.28 It is thus, considered that the works would help to preserve the significant Cedar tree of high amenity value and where practicable retain existing trees in accordance with Local Plan Policies CP3 and CP15.
- 4.29 Impact on Residential Amenity
- 4.30 A core planning principle is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and this has been accommodated within Policy CP3 of the Local Plan and supported by the guidance as outlined in the Design SPD. This latter document sets out guidance in respect of separation distances between different type so of elevations and minimum garden areas in order to achieve a good standard of residential amenity.
- 4.31 In this respect it is noted that the proposed dwellings would comply with the 45/25 standard measured from the nearest habitable room windows of the existing and proposed dwellings, and therefore the proposal is considered acceptable in respect to impacts on receipt of light, or overshadowing to neighbouring residents.
- 4.32 The proposed dwellings would generally on the whole comply with the facing distance requirements of 21.3m within the Design SPD, measured between facing habitable rooms of existing and proposed dwellings, with the exception of dwelling

No.8, which would have a facing distance of 17m measured to the rear of No. 23 Swan Close. However, there is a mature tree and hedge line along the intervening boundary, which would provide sufficient screening between the existing and proposed dwelling to prevent loss of privacy.

- 4.33 The gardens sizes for the proposed 3 bedroom houses would be the minimum required for 2 bedroom houses (40-44sqm compared to 65sqm). However, the third bedrooms are provided in the roof space, which can normally be added under permitted development allowances and the garden sizes are comparable with the existing houses in Church View Terrace. Furthermore, a condition can be added to the approval to remove any further permitted development rights to enable any future development to be controlled.. Therefore officers consider that on balance the slight deficiency in garden sizes would not be sufficient to warrant refusal of the application.
- 4.34 It is therefore considered there would be no issues of overlooking, or impact upon the amenity of the existing or proposed occupiers and that overall a good standard of amenity would be attained for all existing and future occupiers of the site and its neighbouring properties in accordance with the Design SPD.

4.35 Impact on Parking and Highway Safety

- 4.36 Paragraph 108 of the NPPF states that Plans and decisions should take account of whether; -

'safe and suitable access to the site can be achieved for all users people; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety can be cost effectively mitigated to an acceptable degree. 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.'

- 4.37 The highways officer was consulted on the proposed redevelopment scheme and has no objections, subject to the imposition of suitable conditions.
- 4.38 The parking provision available to the residents in Church View Terrace has been increased from 4 No. from the past approval CH/11/246, to 8 No. unallocated spaces which would be available to visitors and/or the existing residents of Church View Terrace. The previous approval established that only 4 of these properties had a legal right to park on the land. It is therefore considered that the provision of one space for each of the existing residents of Church View Terrace would be an

improvement to the provision of off-street parking from that agreed in the previous approval.

- 4.39 The waste collections team were consulted on the application and had no objections to the scheme, subject to conditions and provided that the access to the rear of the site is constructed to an adoptable standard, in order to allow waste collection vehicles to access the bins of the proposed rear dwellings. This would also improve access for emergency vehicles to enter the site and can be accommodated once the proposed pruning to lift the crown of the Cedar tree is undertaken (part of the proposals to allow construction vehicles access to the rear of the site).
- 4.40 The site falls within flood zone 1 and there would be a net reduction in impermeable surfaces of 747 sqm and a suitable condition can be added for a drainage scheme attached to the permission.
- 4.41 Taking the above into consideration, it is concluded that the proposal is acceptable in respect to parking, highway safety and capacity and therefore accords with Policy CP3 of the Cannock Chase Local Plan and paragraphs 108-109 of the NPPF.
- 4.42 Impact on the Cannock Chase Special Area of Conservation
- 4.43 Paragraph 175 of the NPPF states: when determining planning applications, local planning authorities should, [apply the following principles](#) (not relevant to the determination of this application)

"aim to conserve and enhance biodiversity by applying the following principles:

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"

- 4.44 The application site has a legal 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 Chas Special Area of Conservation (SA), which has internationally protected status under the Regulations for its unique heathland habitat. The financial requirement for SAC Mitigation would be included in the calculation for the Community Infrastructure Levy.

4.45 In addition to the above the applicant has submitted a Bat and Bird Activity Survey, dated September 2017 prepared by Elite Ecology outlining the results of surveys undertaken on 25th August and 7th and 13th September and a bat scoping survey of the buildings on 18th September. Although the survey did not find any evidence of use by bats it did find evidence of breeding birds the reports outlines mitigation and compensation measures, which include the provision of

- no works to be carried out during the bird breeding season unless otherwise inspected by an ecologist.
- instalment of 2 no integrated eco bat boxes
- instalment of 4 robin and wren nest boxes
- instalment of 2 Schwegler Sparrow terraces

4.46 Subject to the above being controlled by condition it is considered that the proposal would be acceptable in respect of its impact on nature conservation interest and in accordance with policy CP12 of the Local Plan and paragraph 118 of the NPPF.

4.47 Community Infrastructure Levy (CIL) and S106 requirements

4.48 The Council's CIL Charging Schedule was approved on 19 February 2015 and came into effect on the 1 June 2015. The CIL for all new residential development is £45.87 per square meter (plus indexation) of floorspace and is used to pay for infrastructure. The proposal is CIL liable as it provides 27 No. new residential units.

4.49 Affordable Housing S106 requirement

4.50 Local Plan Policy CP7 requires on developments for 15 dwellings or more a 20% on site affordable housing provision, which would equate to 5 No. dwellings for this scheme that would be secured via a S106 agreement. The comments of the Strategic Housing Officer are noted and it is considered that this could be secured through a Section 106 agreement.

4.51 However, the agent has submitted a viability assessment for the affordable housing element contribution and it has been verified by the Council's Property Services department who state:

'I have reviewed the Viability Appraisal supplied by Lambert Smith Hampton together with the Appraisal Summary and I do not disagree with the principal approach and conclusions which in my opinion seem reasonable.

I would question the rationale behind the proposal to convert the main hotel building to provide 9 no. residential apartments and make 5 of those 9 no. apartments the scheme's affordable housing element. A Registered Social Housing provider might find it difficult to manage the affordable housing element when the remaining 4 apartments in the building are privately owned.

In addition I note that the return to the developer, even if nil affordable housing was provided, is still only 8.71%. I find it hard to imagine that any developer would be persuaded to take on such a scheme for such a low return however it is noted within the Appraisal that the Applicant is nonetheless keen to progress the scheme as they see the redevelopment of the site as a means of recovering their investment and making a small level of profit.

In summary, I consider the Viability Appraisal to be reasonable and would not take issue with the same.'

- 4.52 Policy CP7 states that 'individual site viability issues will be considered' on smaller sites of less than 15 units, financial contributions based on the formula in the evidence on viability to be made on delivery.
- 4.53 As such, on the basis of the evidence submitted it has been demonstrated that it would not be possible to deliver the development if the affordable housing contribution is sought. Therefore it is recommended that this contribution should not be requested by a S106 agreement and that the proposal is acceptable in this respect, having had regard to Policy CP7 and paragraph 64 of the NPPF.
- 4.54 Education S106 requirement
- 4.55 The School Organisation Team has identified that a development of this size would require additional school places and as a consequence identified there would be shortfall in primary school provision. Therefore a contribution to 4 primary school places would be required, which would be £44,124 (subject to change in cost multiplier) and could be secured via a S106 agreement.
- 4.55 Other Matters
- 4.56 Loss of access to Church View – the creation of a new vehicular access to the residential properties will also serve Church View.
- 4.57 Loss of parking for Church View – 8 parking spaces have been provided for visitors, or residents of Church View, which is an increase of 4 spaces compared to the previous approval.

- 4.58 Loss of privacy – there will be no direct overlooking windows facing the existing properties in Church View and any view would be at a somewhat oblique angle. As such any loss of privacy to existing occupiers would be acceptable in planning terms and marginal over and above that currently exists.
- 4.59 Noise and dust pollution during construction period – This would be controlled as far as is practicably possible through a construction method statements that could be controlled through condition.
- 4.60 Devaluation - this is not a material consideration.
- 4.61 Drains - Any works affecting drainage would be covered by private rights or through the Building Regulations legislation.

5.0 HUMAN RIGHTS ACT

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

6.0 CONCLUSION

- 6.1 In conclusion, it is considered that the proposed development would enhance the Conservation Area by making good use of currently underused land. The proposed development, subject to the attached conditions would not have a significant adverse impact upon neighbouring dwellings as the proposal generally complies with the amenity standards outlined in the Residential Extensions Design Guide. The dwellings would be an appropriate design, size and scale given their surroundings and their setting within a Conservation Area in accordance with Local Plan Policies CP3 & CP15 – Historic Environment.
- 6.2 The alterations surrounding the Cedar Tree would not have an adverse impact upon the Listed Building, or the protected tree and would be in accordance with Local Plan Policy CP15.
- 6.3 It is therefore recommended that the application be approved subject to a S106 and the attached conditions.

