

Planning Control Committee

Officers Update

1st August 20018

Subsequent to the publication of the agenda for the meeting of Planning Committee on 1st August the Government has published a revised version of the National Planning Policy Framework. This has necessitated a reassessment of the applications on the agenda in order that members can have regard to the new policy contained within the revised framework.

The following updates should be read in conjunction with the officer reports in the agenda pack.

Application No: CH/18/163

Received: 24-Apr-2018

Location: 36, Church Street, Rugeley, WS15 2AH

Parish: Rugeley

Ward: Western Springs Ward

Description: Proposed demolition of existing bungalow and erection of 3No. dwellings and associated works

Application Type: Full Planning Application

RECOMMENDATION: Approve Subject to the Conditions in the original Officer Report And the Following Condition

1. No dwelling hereby approved shall be occupied until it has be fitted with charging points for electric and low emission vehicles and that verification that such points have been fitted has been received by the Local Planning Authority.

Reason

In the interests of promoting clean air, tackling climate change and the achievement of sustainable development in accordance with paragraph 105 of the National Planning Policy Framework.

Conservation Officer

No objections.

I confirm that I've read through the new NPPF provisions regarding the historic environment and consider that there is no substantive change to the tests affecting consideration of this proposal.

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 emphasises a "presumption in favour of sustainable development".

3.7 The NPPF (2018) confirms that a plan-led approach to the planning system, decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise and that the Framework should be read as a whole including its footnotes.

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

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
59, 63, 68, 76:	Delivering a Sufficient Supply of Homes
117, 118, 122:	Making Effective Use of Land
124, 127, 128, 130:	Achieving Well-Designed Places
175	Habitats and Biodiversity
189, 190, 191, 192, 193, 194, 196,	Heritage Assets
212, 213	Implementation

3.9 The presumption in favour of sustainable development has been reworded to state:

"For decision taking this means:

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

3.10 Paragraph 213 of the NPPF makes it clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of tis Framework. Due weight should be given to them, according to their

degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater they weight that may be given).

4 DETERMINING ISSUES

4.1 The determining issues for the application are:-

4.2 Principle of Development

4.2.1 The revised NPPF reiterates that there are three dimensions to sustainable development (para 8) and the presumption in favour of sustainable development. As such it does not materially affect the policy test to assess the principle of the development or the conclusion arrived at as set out in the original officer report.

4.3 Impact on the character and form of the area and the Church Street Conservation Area

4.3.1 The revised NPPF, at paragraphs 189, 190, 191, 192, 193, 194, 196, still requires the applicant to describe the significance of any heritage assets affected, the LPA to identify and assess the particular significance of any heritage asset affected by a proposal, take account desirability of sustaining and enhancing significance, the positive contribution that conservation of heritage assets can make to sustainable communities and to making a positive contribution to local character and distinctiveness. It also reiterates the tests for assessing proposals on the grounds as to whether they result in substantial or less than substantial harm. In this respect there is no material change to policy.

4.3.2 However, paragraph 193 makes it clear that

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

4.3.3 Having had regard to the revised NPPF it is considered that the proposal would preserve the character and appearance of the conservation area and its significance as an historic townscape and that the proposal would be acceptable having had regard to Policy CP15 of the Local Plan and the guidance contained within the revised NPPF.

4.4 Impact on Amenity

4.4.1 Although paragraph 17 "Core Planning Principles" is not replicated in the revised NPPF, paragraph 127(f) reiterates that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well being, with a high standard of amenity for existing and future users...." This is not substantially different to the wording of paragraph 17 of the superseded NNPPF which stated 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".

4.4.2 Officers can confirm that the proposal comfortably complies with the relevant standards within the Design SPD with regard to overbearing, privacy and daylight / outlook and therefore would achieve a high standard of amenity for existing and future occupiers of the existing and proposed dwellings in accordance with Policy CP3 of the Local Plan and para.127 of the NPPF.

4.5 Impact on Highway Safety and Capacity

4.5.1 Paragraph 109 of the NPPF states: -

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

4.5.2 The above is not substantially different from the test in para 32 of the superseded NPPF which stated that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

4.5.3 However, 110 of the NPPF does introduce a new requirement that

"applications for development should:

- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations"

4.5.4 This could be adequately dealt with by way of a suitably worded condition.

4.5.4 Therefore, subject to the attached condition and the conditions attached to the original officer report it is considered that the proposal would be acceptable in respect to highway safety and capacity.

4.6 Impact on Nature Conservation Interests

4.6.1 Paragraph 175 of the revised NPPF reiterates the policy within paragraph 118 of the superseded NPPF and therefore has no impact on the conclusions arrived at in the original officer report.

4.7 Affordable Housing and other Developer Contributions

4.7.1 Paragraph 63 of the revised NPPF states that "provision of affordable housing should not be sought for residential developments that are not major developments. This effectively reiterates the guidance in the Planning Practice Guidance and does not materially affect the original officer conclusion that the proposal is acceptable without a contribution towards affordable housing.

4.8 Drainage and Flood Risk.

4.8.1 The site is located in Flood Zone 1 which is at least threat from flooding. The revised NPPF effectively reiterates the policy in the superseded NPPF and does not materially affect the original officer conclusion that the proposal is acceptable in respect to drainage and flood risk

4.9 Making Effective Use of Land

4.9.1 The superseded NPPF at paragraph 17 stated that it was a 'core planning principle' that planning should 'encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value.

4.9.2 The thrust of the above policy is reiterated in paragraph stating "planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions."

4.9.3 In addition to the above paragraph 118 of the revised NPPF states

" Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains– such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and
- e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

4.9.4 Officers consider that the content of paragraph 118 has little bearing on this particular proposal.

4.9.5 It is considered that having had regard to the above the proposal would promote an effective use of land in meeting the objectively assessed housing need for the District, whilst safeguarding the environment and ensuring safe and healthy living conditions."

4.10 Achieving Appropriate Densities

4.10.1 Unlike the superseded NPPF the revised NPPF has an emphasis on achieving appropriate densities. To this effect paragraph 22 of the revised NPPF states

"Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places."

4.10.2 Paragraph 123 of the NPPF refers to instances where "there is an existing or anticipated shortage of land for meeting identified housing needs". This is not the case within Cannock Chase District which has more than a 5 year supply of land to meet the objectively set housing needs of the District.

4.1.0.3 It is considered that the proposal does maintain the area's prevailing character and setting and would secure a well-designed, attractive and healthy places in a sustainable location whilst making efficient use of the land.

5.0 CONCLUSION

5.1 Having had regard to the revised NPPF it is considered that proposal is acceptable that the conclusions and recommendations of the original officer report still stand with the exception of a further condition to ensure the dwellings are designed to enable charging of plug-in and other ultra-low emission vehicles.

5.2 As such, approval is recommended subject to condition attached to this update and the conditions as set out in the original officer report.

Application No: CH/17/252

Received: 19/06/2017

Location: Land at / Rear of 53 Gorsey Lane, Cannock WS11 1EY

Parish: Non Parish Area

Ward: Cannock West Ward

Description: Construction of a 3 bed dormer bungalow to the rear of No 52 Gorsey Lane.

Application Type: Outline

RECOMMENDATION: Approve Subject to the Conditions in the original Officer Report And the Following Condition

1. No dwelling hereby approved shall be occupied until it has be fitted with charging points for electric and low emission vehicles and that verification that such points have been fitted has been received by the Local Planning Authority.

Reason

In the interests of promoting clean air, tackling climate change and the achievement of sustainable development in accordance with paragraph 105 of the National Planning Policy Framework.

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 emphasises a “presumption in favour of sustainable development”.

3.7 The NPPF (2018) confirms that a plan-led approach to the planning system, decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise and that the Framework should be read as a whole including its footnotes.

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

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications

59, 63, 68, 76:	Delivering a Sufficient Supply of Homes
117, 118, 122:	Making Effective Use of Land
124, 127, 128, 130:	Achieving Well-Designed Places
175	Habitats and Biodiversity
212, 213	Implementation

3.9 The presumption in favour of sustainable development has been reworded to state:

"For decision taking this means:

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

3.10 Paragraph 213 of the NPPF makes it clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of tis Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater they weight that may be given).

4.2 Principle of Development

4.2.1 The revised NPPF reiterates that there are three dimensions to sustainable development (para 8) and the presumption in favour of sustainable development. As such it does not materially affect the policy test to assess the principle of the development or the conclusion arrived at as set out in the original officer report.

4.4 Impact on the character and form of the area

4.4.1 The revised NPPF, at paragraph 127 states

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;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

4.4.2 In addition paragraph 130 of the revised NPPF states

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-maker as a valid reason to object to development.”

4.4.3 Having had regard to the revised NPPF it is considered that the proposal would constitute good design and be acceptable having had regard to Policy CP3 of the Local Plan and the guidance contained within paragraphs 127 and 130 of the revised NPPF.

4.4 Impact on Amenity

4.4.1 Although paragraph 17 "Core Planning Principles" is not replicated in the revised NPPF, paragraph 127(f) reiterates that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well being, with a high standard of amenity for existing and future users...." This is not substantially different to the wording of paragraph 17 of the superseded NNPPF which stated 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".

4.4.3 Officers can confirm that the proposal comfortably complies with the relevant standards within the Design SPD with regard to overbearing, privacy and daylight / outlook and therefore would achieve a high standard of amenity for existing and future occupiers of the existing and proposed dwellings in accordance with Policy CP3 of the Local Plan and para.127 of the NPPF.

4.5 Impact on Highway Safety and Capacity

4.5.1 Paragraph 109 of the NPPF states: -

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

4.5.2 The above is not substantially different from the test in para 32 of the superseded NPPF which stated that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

4.5.3 However, 110 of the NPPF does introduce a new requirement that

"applications for development should:

- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations"

4.5.4 This could be adequately dealt with by way of a suitably worded condition.

4.5.4 Therefore, subject to the attached condition and the conditions attached to the original officer report it is considered that the proposal would be acceptable in respect to highway safety and capacity.

4.6 Impact on Nature Conservation Interests

4.6.1 Paragraph 175 of the revised NPPF reiterates the policy within paragraph 118 of the superseded NPPF and therefore has no impact on the conclusions arrived at in the original officer report.

4.7 Affordable Housing and other Developer Contributions

4.7.1 Paragraph 63 of the revised NPPF states that "provision of affordable housing should not be sought for residential developments that are not major developments. This effectively reiterates the guidance in the Planning Practice Guidance and does not materially affect the original officer conclusion that the proposal is acceptable without a contribution towards affordable housing.

4.8 Drainage and Flood Risk.

4.8.1 The site is located in Flood Zone 1 which is at least threat from flooding. The revised NPPF effectively reiterates the policy in the superseded NPPF and does not materially

affect the original officer conclusion that the proposal is acceptable in respect to drainage and flood risk

4.9 Making Effective Use of Land

4.9.1 The superseded NPPF at paragraph 17 stated that it was a 'core planning principle' that planning should 'encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value.

4.9.2 The thrust of the above policy is reiterated in paragraph stating "planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions."

4.9.3 In addition to the above paragraph 118 of the revised NPPF states

" Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains– such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and
- e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

4.9.4 Officers consider that the content of paragraph 118 has little bearing on this particular proposal.

4.9.5 It is considered that having had regard to the above the proposal would promote an effective use of land in meeting the objectively assessed housing need for the District, whilst safeguarding the environment and ensuring safe and healthy living conditions."

4.10 Achieving Appropriate Densities

4.10.1 Unlike the superseded NPPF the revised NPPF has an emphasis on achieving appropriate densities. To this effect paragraph 22 of the revised NPPF states

"Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places."

4.10.2 Paragraph 123 of the NPPF refers to instances where "there is an existing or anticipated shortage of land for meeting identified housing needs". This is not the case within Cannock Chase District which has more than a 5 year supply of land to meet the objectively set housing needs of the District.

4.1.0.3 It is considered that the proposal does maintain the area's prevailing character and setting and would secure a well-designed, attractive and healthy places in a sustainable location whilst making efficient use of the land.

5.0 CONCLUSION

5.1 Having had regard to the revised NPPF it is considered that proposal is acceptable that the conclusions and recommendations of the original officer report still stand with the exception of a further condition to ensure the dwellings are designed to enable charging of plug-in and other ultra-low emission vehicles.

5.2 As such, approval is recommended subject to condition attached to this update and the conditions as set out in the original officer report.