



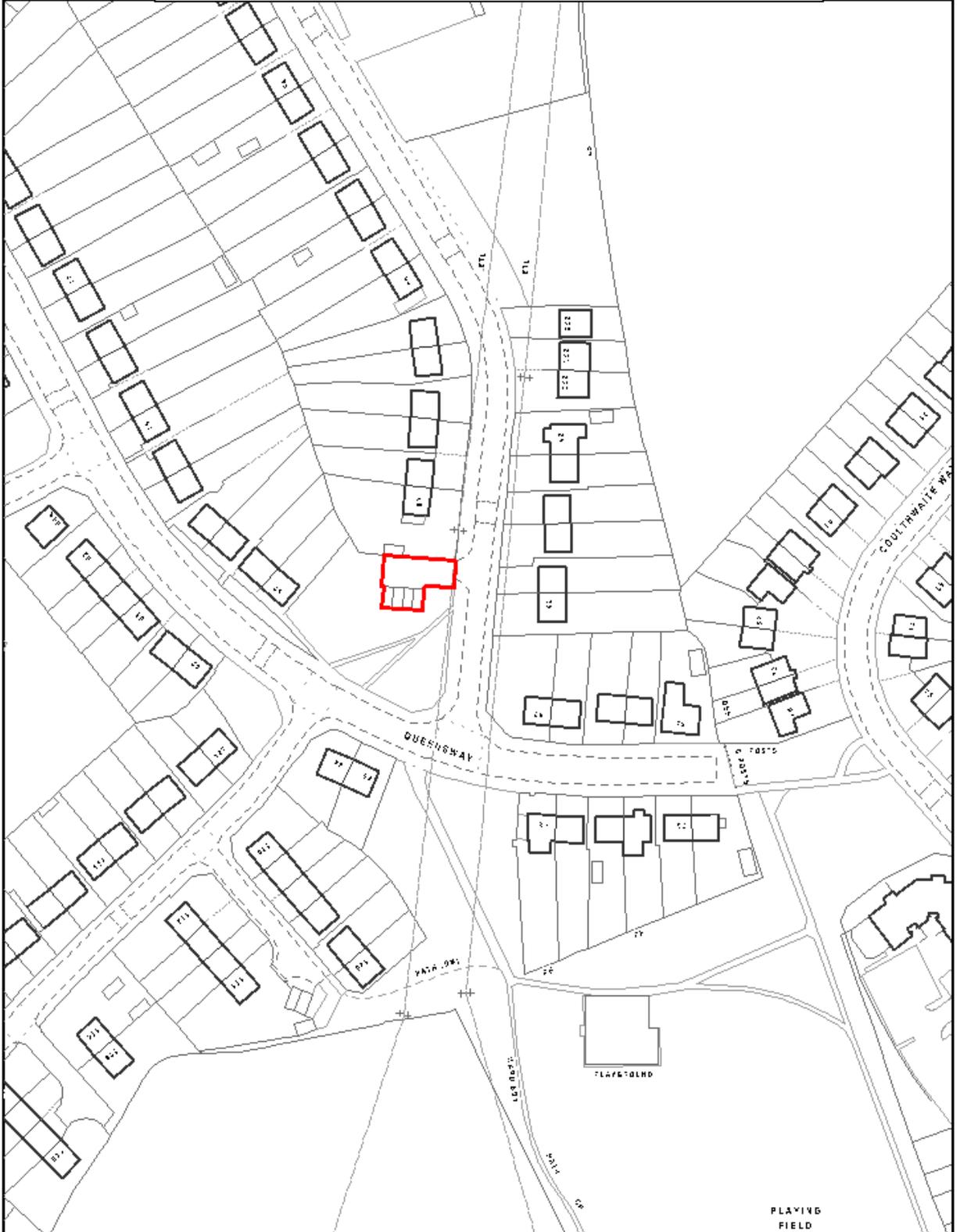
CH/16/388

Land adjoining 80, Hardie Avenue, Rugeley, WS151NT

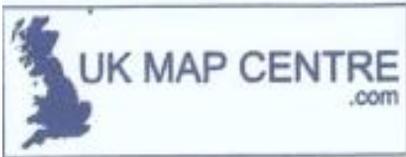
Residential Development: Erection of detached dwelling (Outline including access and layout)

2 objections received

ITEM NO. 6.1



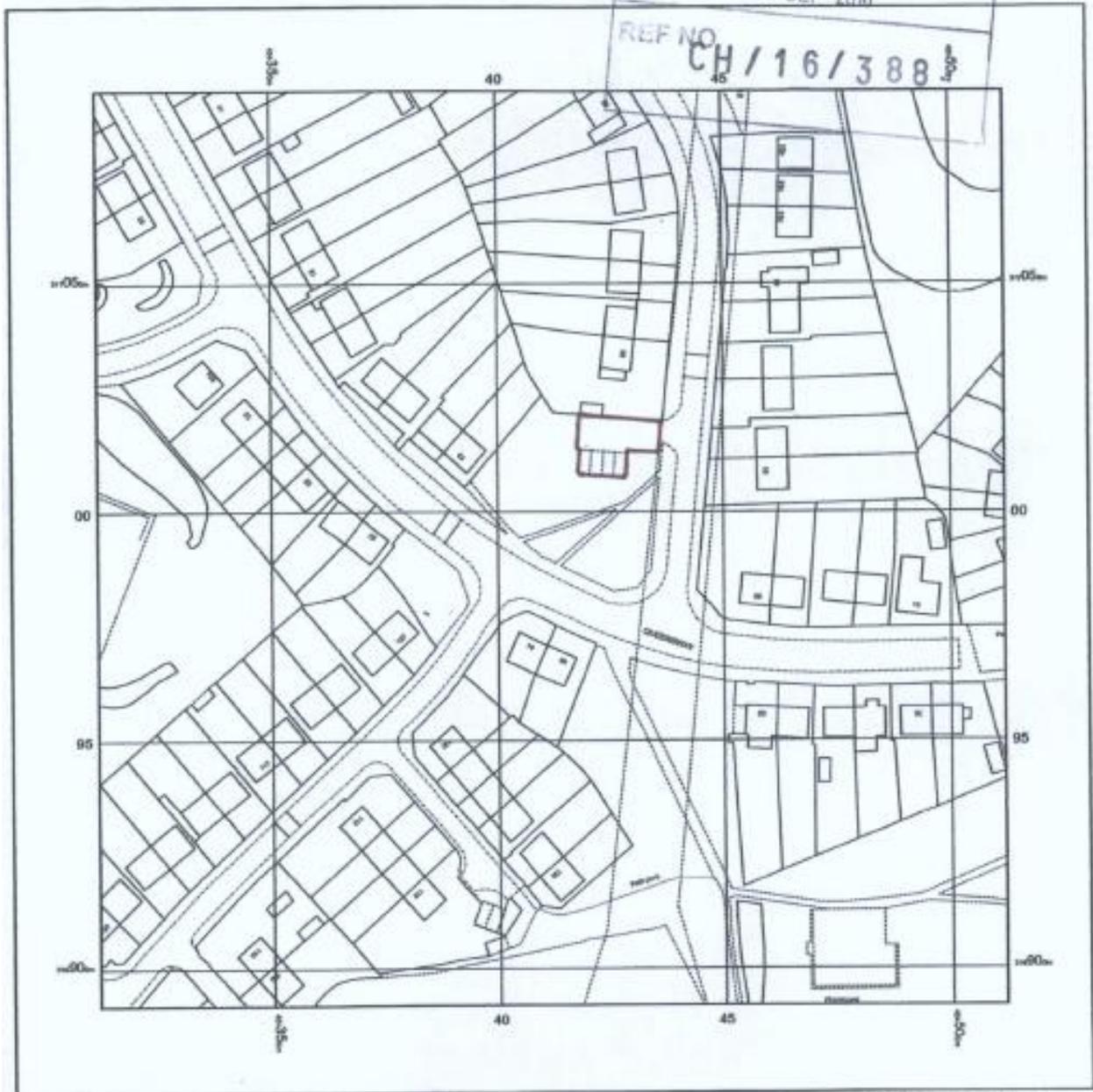
Location Plan



CANNOCK CHASE COUNCIL
PLANNING SERVICES

23 SEP 2016

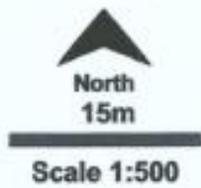
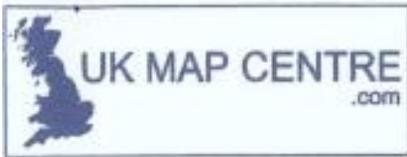
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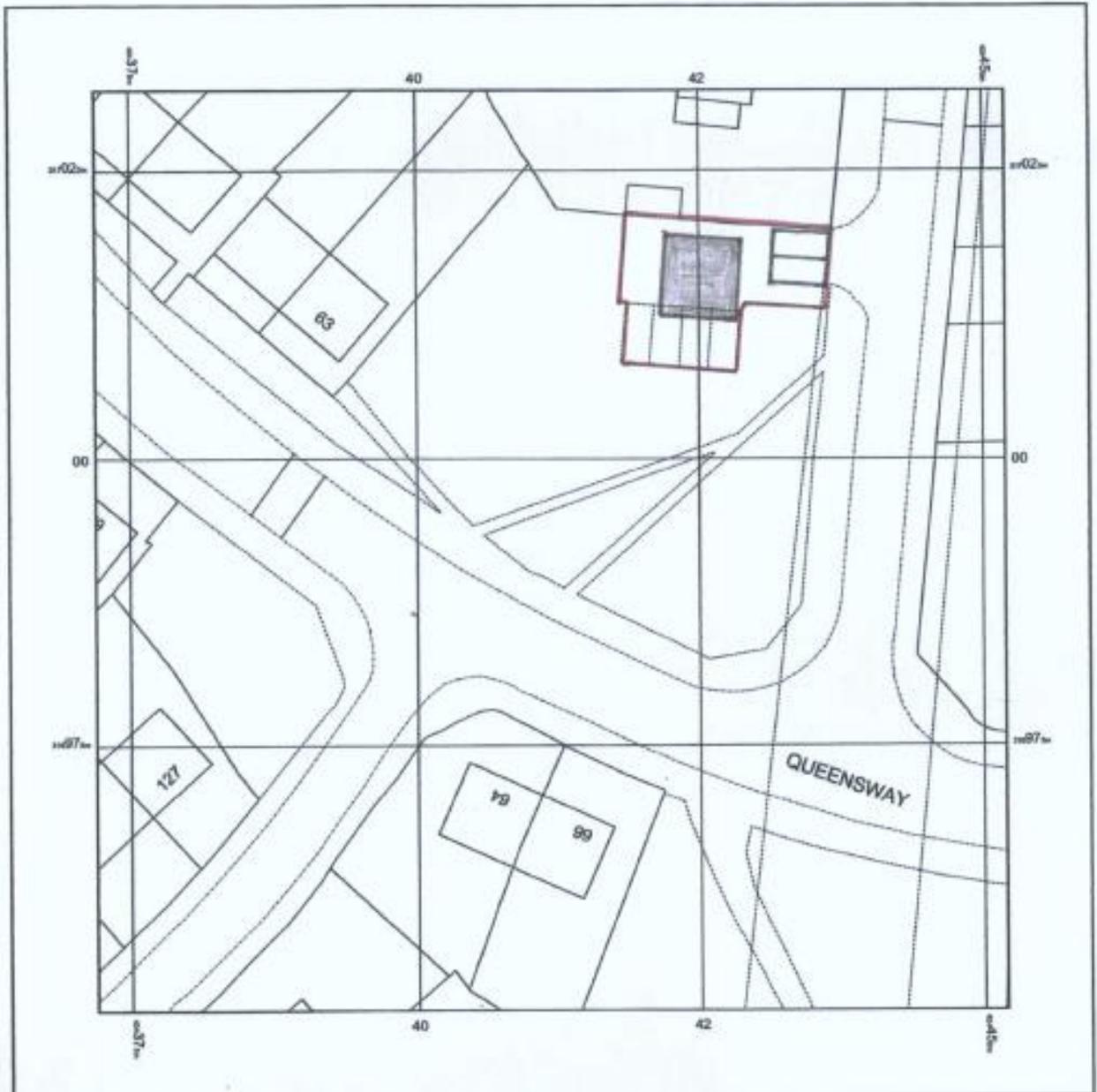
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Block Plan



CH / 16 / 388 .



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Application No: CH/16/388

Received: 23/09/2016

Location: Land adjoining 80 Hardie Avenue, Rugeley

Parish: Rugeley Town Council

Ward: Hagley Ward

Description: Erection of detached dwelling

Application Type: Outline planning Application

Recommendation: Approve Subject to Conditions

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.

1. Standard Time Limit for Outline Approvals
2. Reserved Matters
3. Construction Management Plan
4. System to Prevent Discharge of Water onto Highway Implemented
5. Drainage Scheme Required
6. Scheme for the Location of the Car Parking Bays
7. Scheme of Intrusive Site Investigation and Gas Monitoring/ Remedial/ Mitigation Work.
8. Construction Hours
9. Permitted Development Rights Removed for Extensions and Curtilage Buildings.
10. Approved Plans

Reason for Committee Decision: The application has been brought before Planning Committee as an objector has requested to address Planning Committee directly.

EXTERNAL CONSULTATIONS

Staffordshire County Council Highways

With reference to the above application, the applicant needs to move the parking bays away from the hedges by a minimum of 0.3m to allow for car doors to open.

Also change the access into a vehicle access crossing (VAC), that is reinstate that section as a footway and have a dropped kerb.

The applicant needs to submit amended plans to show in detail the above changes.

Rugeley Town Parish Council

No comments received.

INTERNAL CONSULTATIONSEnvironmental Health

No objections are made to the proposals on environmental protection grounds. Two former landfill sites believed to contain household waste lie within 250m of the proposed new development. Therefore, an appropriate site investigation and risk assessment will be required in respect of ground gases. The report shall be submitted to the LPA for approval before commencement of the development.

In order to protect the amenity of nearby residents, construction work hours for the site shall be 08.00-18.00hrs Monday to Friday, 08.00-13.00 hrs Saturdays and no working Sundays and Bank Holidays.

Trees, Landscape and Countryside

Objections to the proposals for the following reasons: -

Net loss of Green Space Network contrary to Policy CP5.

Resultant impact on privacy, security and enjoyment of the proposed development due to adjacent overlooking open space area.

Resultant anti-social behaviour issues from secluded areas, overlooking and relationship to the adjacent public open space.

Does not accord with the requirement of Policy CP3 in terms of the relationship and integration with the surrounding area, designing out crime, negative impact on amenity and privacy of proposed residents.

RESPONSE TO PUBLICITY

The application was advertised by neighbour letter and site notice. Two letters have been received stating: -

- Each year a car comes down Coppice Road, flying across Queensway and going down the grass hill next to 63 Queensway due to ice or snow on the often untreated roads. This results in the car ending up on the land that is proposed to obtain planning permission for a residence.
- What safety measures will be put into place to protect road users from hitting the new property or veering towards existing nearby properties?
- The Council sold the land without consulting us [occupiers of 63 Queensway].
- We had a dropped kerb which allowed access to our property at 63 Queensway. The previous owners also used the garage road to gain access. This access has been in use for over 20 years.
- By granting the dropped kerb, installing it and accepting our payment, has the Council not given permission to cross their land by implication.
- The kerb has since been removed by the current owner of the land after landscaping the area. Who will reimburse us for the kerb we paid for?
- We need a vehicles at all times due to the medical condition of our daughter
- We have had our vehicle vandalised when we parked on the road.
- Does the Council think that off-road parking is preferable and safer to on-street parking? We live on a busy bus route which is already overcrowded with vehicles.

- Heard that there was going to be a land swap with a piece of Council land in Hardie Avenue for the land on which the garages stood. I note there has already been some building work carried out there before the land swap [photograph attached]. Does this mean the developer involved intends to build on Council land in Hardie Avenue without the land swap going ahead?
- Pear Tree Estate only has one way in and out and traffic already has difficulty getting out onto the A460.
- It has also been acknowledged that the sewer is not large enough for the houses already on the estate.
- CH/13/0234 states ...To the north there is an area of land which has a Green Space Network Designation. The extent of this designation is shown on appendix A. Subsequently it has been agreed that the designation be removed from the site on the understanding that the applicant foregoes development prospects at site 6 (at the junction of Hardie Avenue and Queensway) and makes available the site to the Council and undertakes the demolition of existing garages and hardstandings and soils and seeds the land to the Council's satisfaction. The mechanism for achieving this would be a Planning Obligation.
- The developer now wants to erect a dwelling on land he was supposed to make available to the Council, after he amended a planning application further down the road.
- I find it hard to see the need for a dwelling on which is now a real nice green area which is obviously came about as a result of foresight by the Council at the time.
- The estate was populated from the start with dwellings in mind and very little foresight into green areas, yes there are small green areas but on the whole nothing like you would find in some modern developments.
- Taking away the last piece of now wonderful green area along Hardie Avenue past the club seems staggering.
- Above the dwelling lies Queensway Road, at times of heavy rain the rainwater cascades down along the grass not to mention the two pathways crossing it.
- [Extracts of the Design and Access Statement for application CH/13/0234 are attached].

RELEVANT PLANNING HISTORY

CH/14/0260: Non-material amendment to planning consent CH/12/0431 to substitute dining room. Approved.

CH/09/0180: Residential development of former garage court sites (outline with all matters reserved). Approved. The proposal for the Hardie Avenue site included more land than that included in the current application.

CH/04/0383: Residential development. Refused.

The application site is also linked to planning application CH/15/0207 for a detached house on land adjacent to land adjacent 25 Hardie Avenue, which was granted at appeal. This site incorporated an area of designated Green Space Network. In considering that application it was agreed that the designation be removed on that site on the understanding that the applicant foregoes development prospects at the site subject to this current application and

makes available the site to the Council. It was envisaged that the mechanism to achieve this was by a planning obligation. However, the planning obligation was not completed and the site remains in private ownership.

1. SITE AND SURROUNDINGS

- 1.1 The application site comprises an area of lawned grass on the site of a former garage court. The site appears to be part of a wider area of amenity grassland with mature trees located on the junction of Hardie Avenue and Queens Way. However, despite appearances, the application site is privately owned and is not public open space.
- 1.2 The site slopes down from Queensway towards the adjacent dwelling at 80 Hardie Avenue.
- 1.3 To the south and west of the application site is the wider area of amenity land beyond which is Queensway and the dwelling at 63 Queensway respectively. To the north of the site is the dwelling at 80 Hardie Avenue which has a hedge along the shared boundary and a blank side elevation. To the east is Hardie Avenue, across which are dwellings.
- 1.4 The site is located on a residential estate characterised by 1950s/1960s style semi-detached properties.
- 1.5 The site is unallocated and undesignated in the Cannock Chase Local Plan (Part 1).

2. PROPOSAL

- 2.1 The applicant is seeking outline planning permission, including access and layout for a single dwelling. Details of appearance, scale and landscaping are reserved. The Design and Access Statement clarifies that it is the intention to build a 3 bedroom 2 storey dwelling.
- 2.2 The plan submitted shows the outline of a single dwelling with a width and depth of 7m, a small rear garden 3.5m deep and 7.7m wide, a side garden measuring 4.5m by 10m and 2 parking spaces to front served by an access from Hardie Avenue.
- 2.4 The application form suggests that foul and surface water would be discharged to mains sewer.

3. PLANNING POLICY

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

- 3.3 Other material considerations relevant to assessing current planning applications include the National Planning Policy Framework (NPPF) and Supplementary Planning Guidance/Documents.

Cannock Chase Local Plan Part 1 (2014)

3.4 CP1-Strategy

The focus of investment and regeneration will be in existing settlements whilst conserving and enhancing the landscape of the AONB, Hednesford Hills, Green Belt and the green infrastructure of the District. Reaffirms the presumption in favour of sustainable development set out in the NPPF.

3.5 CP2-Developer Contributions for Infrastructure

All housing, employment and commercial development will be required to contribute towards providing affordable housing and/ or infrastructure necessary for delivery of the Local Plan informed by viability assessment.

Contributions will be secured primarily via rates set out in a Community Infrastructure Levy and Section 106 planning obligations.

3.6 CP3 - Chase Shaping – Design

High quality design will be a requirement of all development. This policy seeks new development to be well related within the wider development and to existing buildings in terms of design, materials and appearance (amongst others). This is supplemented by the Design SPD (adopted April 2016).

3.7 CP6 – Housing Land

2,350 new houses on urban sites identified by the Strategic Housing Land Availability Assessment 2012(SHLAA) in the following proportions (66%) in Cannock, Hednesford and Heath Hayes, (29%) in Rugeley and Brereton and (5%) in Norton Canes. This figure includes discounts and windfall allowances.

3.8 CP7 – Housing Choice

Affordable housing contributions are required. The policy supports the provision of smaller homes suited for younger people and housing suitable for specific needs, in order to restore balance in the housing market.

3.9 CP12 – Biodiversity and Geodiversity

The District's biodiversity and geodiversity assets will be protected.

3.10 CP13-Cannock Chase Special Area of Conservation (SAC)

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. In order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within the Cannock Chase district that leads to a net increase in dwellings will be required to mitigate adverse impacts.

National Planning Policy Framework

- 3.11 The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it outlines the "presumption in favour of sustainable development".
- 3.12 The NPPF confirms that a plan-led approach to the planning system and decisions must be made in accordance with the Development Plan. In particular the following NPPF references are considered to be appropriate.
- 3.13 All the core planning principles have been reviewed and those relevant in this case are 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;
 - encourage the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value;
- 3.14 Requiring Good Design
- 3.15 Paragraph 56 attaches great importance to the design of the built environment and states good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 3.16 Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 3.17 Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 3.18 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.
- 3.19 Housing
- 3.20 Paragraph 47 states that to significantly boost the supply of housing local planning authorities should
- (i) use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing.
 - (ii) identify and update annually a supply of specific sites sufficient to provide five years worth of housing against their housing requirements.

3.21 Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

3.22 Planning Practice Guidance (PPG)

3.23 As set out in the 'Starter Homes Written Ministerial Statement' of 2 March 2015, starter homes exception sites should not be required to make affordable housing or tariff-style section 106 contributions.

3.24 There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the 'Written Ministerial Statement' of 28 November 2014 and should be taken into account.

3.25 These circumstances are that;

‘contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm’

3.26 Other Relevant Documents

Design Supplementary Planning Document, April 2016.

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

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

Manual for Streets.

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
- (iv) Impact on highway safety
- (v) Impact on nature conservation interests
- (vi) Drainage and flood risk
- (vii) Affordable housing
- (viii) Crime and the fear of crime
- (ix) Contamination

4.2 Principle of the Development

- 4.3 The application site is a former garage site that has been restored to a lawned area and hence constitutes a greenfield site. However, it is located within a predominantly residential area within the town of Rugeley. The proposal would therefore reflect the land uses of the surrounding area and would not conflict with the spatial strategy for housing contained within Policies CP1 and CP6 of the Local Plan which aims to direct 29% of housing development towards Rugeley-Brereton.
- 4.4 In addition to the above Rugeley is designated as a 'Town Centre' in the Local Plan and has a wide range of goods and services to meet the day to day needs of the local community and good connections by bus and rail to other centres of employment.. The site is adjacent to Queensway which is served by bus route 23 and is within easy walking distance to the shops at the junction of Queensway and Hednesford Road and local schools. As such, in terms of location the proposal accords with the sustainable development principles identified in the NPPF and the strategic approach defined in Policy CP1 of the Local Plan.
- 4.5 It should also be noted that residential development was approved on the site under planning permission CH/09/0180 in 2009. Although this predates the publication of the NPPF and the Cannock Chase Local Plan and the site at that time was previously developed in nature, it is considered that both national and local policy have strengthened policy support in favour of the proposal.
- 4.6 Contrary to representations received the site is not public open space or part of the designated Green Space Network. It is a private site and the applicant could fence off the site under permitted development rights. The site was part of a land swap to compensate for the loss of Green Space Network in connection to another development site off Hardie Avenue. However, the Section 106 agreement was not completed. Therefore the uncompleted section 106 agreement has no material bearing on the determination of his case.
- 4.7 Given the above it is considered that the principle of residential development at this site is acceptable. However, proposals that are acceptable in principle are still subject to all other policy tests and other normal considerations which are set out below.
- 4.8 Design and the Impact on the Character and Form of the Area
- 4.9 The application site is in outline form only with matters of access and layout to be determined at this stage and matters of appearance, landscaping and scale reserved. As such a full assessment of the impact on the character and form of the area cannot be undertaken.
- 4.10 The proposal is for a single dwelling with a floor area of 7m by 7m and a front elevation running along the established building line along the western side of Hardie Avenue. The proposed layout would have two car parking spaces to front and a small garden area to side and rear. Therefore, apart from the fact that the proposal is for a detached house rather than a semi-detached house (the most prominent house type in the street scene) and the small rear garden (most properties have large rear gardens) the proposal would generally reflect the size, scale and layout of the wider estate.

- 4.11 As such, in respect to scale and layout the proposal is not contrary to Policy CP3 of the Cannock Chase Local Plan and the Good Design section of the NPPF.
- 4.12 Impact on Residential Amenity
- 4.13 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 is accommodated within Policy CP3 of the Local Plan and supported by the guidance for space about dwellings as outlined in the Design SPD.
- 4.14 The proposed dwelling would be approximately 28m from the property on the opposite side of Hardie Avenue, approximately 10m from the blank side elevation of No 80 Hardie Avenue. The nearest building to the south would be in excess of 40m away and the nearest property to the west (rear) would be 24m away and orientated almost at a 90° angle from that of the proposed dwelling.
- 4.15 In this respect it is noted that the proposal could meet all the requirements for space about dwellings apart from the rear garden area which would be only 3.5m deep and 7.5m wide giving a rear garden area of 26sqm. However, the dwelling would benefit from a side garden measuring 10m by 4.5m which would add another 45sqm of outside amenity area giving a total of 71 sqm, which compares favourably with the 65sqm recommended in the guidance in the Design SPD for a 3 bedroom house.
- 4.16 In this respect it is considered that the site could readily accommodate the proposed dwelling and that a good standard of residential amenity could be attained for both future occupiers and existing residents in accordance with Policy CP3 of the Cannock Chase Local Plan and the NPPF.
- 4.17 Impact on Highway Safety
- 4.18 In respect to highway safety and capacity the comments made by objectors are noted. However, it should also be borne in mind that planning permission has previously been approved for a pair of dwellings on this site and that the site was once occupied by a garage court (albeit now restored and landscaped).
- 4.19 In addition to the above it is noted that the Highway Officer has no objections to the proposal subject to amendments and conditions. The amendment relates to the repositioning of the car parking spaces away from the hedge by a minimum of 0.3m to allow for car doors to open. Given that means of access is not a reserved matter and that a technical solution exists it is considered that the matter could be satisfactorily dealt with by condition.
- 4.20 Taking the above into consideration it is therefore concluded that, subject to the attached conditions, the layout and means of access is acceptable in respect to highway safety and capacity and therefore accords with Policy CP3 of the Cannock Chase Local Plan and the NPPF.
- 4.21 Impact on Nature Conservation Interests

- 4.22 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that is given special protection or which is of particular conservation interest.
- 4.23 As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.
- 4.24 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL. The proposal would be CIL liable.
- 4.25 Given the above it is considered that the proposal, subject to the CIL payment, would not have a significant adverse impact on nature conservation interests either on, or off, the site. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.
- 4.26 Drainage and Flood Risk
- 4.27 The site is located within Flood Zone 1 in the Environment Agency's Flood Risk maps and hence is at the lowest risk of flooding.
- 4.28 The applicant has stated that foul and surface water would be disposed to a mains sewer although no evidence has been submitted to suggest that such means would work. Notwithstanding this it is noted that the proposal is for one dwelling in an area served by mains drainage. In addition the site was previously a garage court and would have been covered by buildings and hard standings which would have generated some quantum of run-off. The rate of surface water run-off from the proposal would not therefore be any greater than that generated historically and as such it is considered that a satisfactory drainage scheme could come forward whether that is to the mains of via the historical drainage method.
- 4.29 The comments regarding water flowing across the adjacent amenity grassland area towards the application site at times of heavy rain are noted. However, no definitive evidence showing the scale or frequency of the issue has been supplied to support the assertions made. As such, little weight should be attributed to this issue.
- 4.30 Given the above it is considered that subject to a condition to control drainage the proposal would not be subject to flooding or cause flooding elsewhere.
- 4.31 Waste and Recycling Facilities
- 4.32 There is sufficient space in the rear or side garden to accommodate waste and recycling facilities and there is sufficient space to allow such access to the front for collections.

4.33 Affordable Housing and other Developer Contributions

4.34 Under Policy CP2 and the Developer Contributions and Housing Choices SPD a financial contribution is required on sites of 1 to 10 units. As the site is for 6 dwellings a commuted sum would be required under Policy CP2. However, the PPG makes it clear that 'contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm'. As such it is considered that, on balance, the proposal is acceptable without a contribution towards the provision of affordable.

4.35 Crime and the Fear of Crime

4.36 The comments made by the Tree and Landscape Officer are noted. However, the dwelling would not be overlooked any more than the existing dwelling at 80 Hardie Avenue or 63 Queensway whose rear gardens likewise abut the area of public open space.

4.37 In addition to the above it is noted that part of the public open space to the rear of the proposed house would have some degree of surveillance from the proposed dwelling as well as from No63 and would still be readily visible from Queensway and parts of Hardie Avenue.

4.38 In respect to issues of the relationship and integration with the surrounding area, designing out crime, negative impact on amenity and privacy of proposed residents it is noted that this relationship would not be significantly different from that arising due to the position of 63 Queensway or 80 Hardie Street to the adjoining area of public open space.

4.39 It is also noted that the nature of the boundary treatment would be looked into at the reserved matters stage and this could control whether it is in the form of a hedge or fence or wall, or a combination of the three. Furthermore, it is noted that a 2m high close boarded wooden fence could be erected along the rear and side boundary of the application site under permitted development rights at any time and therefore the alleged impacts from antisocial behaviour in terms of damage to the fence and screening would be no greater than what could currently arise.

4.40 Therefore although the comments of the Tree and Landscape Officer are noted it is considered that the potential for disamenity due to anti-social behaviour and crime is not so great, over and above the situation that could arise through the exercise of permitted development rights, to warrant refusal of the application.

4.41 Land Contamination

4.42 The comments made by the Environmental Health Officer in respect to the potential for ground gas migration are noted and accepted. It is therefore considered that subject to a condition for investigation works prior to the commencement of the development the proposal would be acceptable in respect of the potential for contamination affecting future occupiers.

4.43 Other Issues Raised by Objectors

- 4.44 In respect to the issue of the claimed private access across the site it is noted that such rights are private civil matters between the owner and the claimant of the right. The granting of planning permission does not confer any right to gain access to a property or any right to block an access. As such this matter of private access is not material to the determination of this application nor is any matter in respect of the sale of the site by the Council and who was or was not consulted at that time.
- 4.45 In respect to the issue of cars leaving the highway and coming across the adjacent area of public open space it is noted that the Highway Officer has not objected to the proposal on these grounds.
- 4.46 All other matters raised by objectors are considered in the appropriate sections of the report.

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 Residential development on this unallocated greenfield site within a sustainable location in a predominantly residential area within the urban area of Rugeley is considered acceptable under current local and national policy.
- 6.2 In respect to all matters of acknowledged interest, the layout and means of access of the proposal are considered, on balance, to be acceptable.
- 6.3 Impacts on the Cannock Chase SAC would be mitigated through CIL.
- 6.4 The proposal is therefore considered acceptable in respect of all local and national policy and guidance.
- 6.5 It is therefore recommended that the application be approved subject to the attached conditions.