

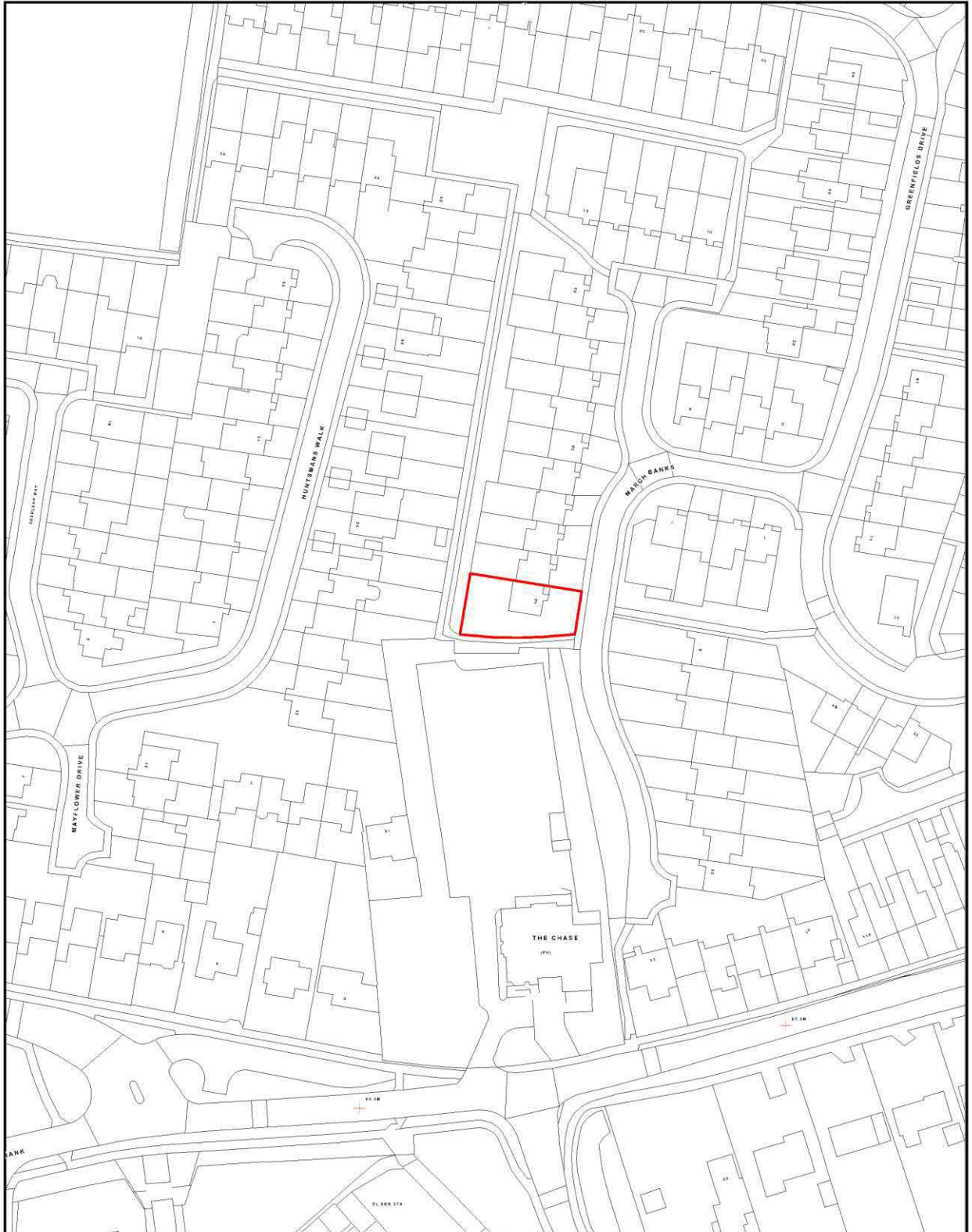


Application No: CH/19/375

Location: 40 March Banks, Rugeley, WS15 2SA

Proposal: Side extension to create 2nd lounge, new dining room at ground floor, 2 new bedrooms and family bathroom at 1st floor

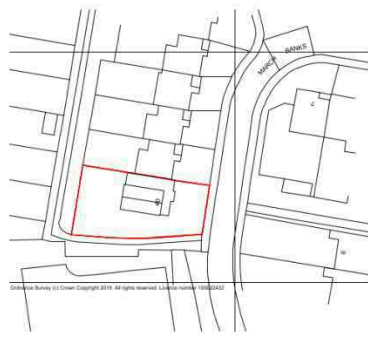
ITEM NO. 6.149



Location Plan

A4

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 All dimensions to be checked and verified on site by the responsible contractor
 prior to commencement of work.



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client FIRST BLUE	project no. 198-0119
project name 40 MARCH BANKS, RUGELEY, WS15 2SA	drawing no. 01
drawing name LOCATION PLAN	scale 1:1250
	revision - drawn by J.B.
	date OCT 19

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Block Plan

A3

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REVISIONS		

DATE: **FIRST BLUE**

PROJECT NAME: **40 MARCH BANKS, RUGELEY, WS15 2SA**

DRAWING NAME: **BLOCK PLAN**

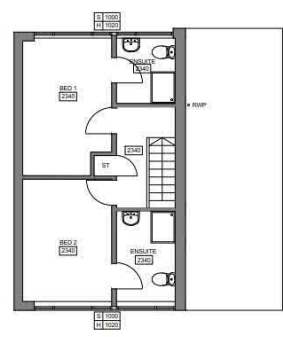
PROJECT NO.	198-0119	SCALE	1:500
DRAWING NO.	02	REVISION	-
DATE	OCT '19	DRAWN BY	J.B.

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Existing Plans and Elevations

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FIRST BLUE	
40 MARCH BANKS, RUGELEY, WS15 2BA	
EXISTING PLANS AND ELEVATIONS	
198-0119	1:50
03	-
OCT '18	WL

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GROUND FLOOR PLAN
SCALE 1:100

FIRST FLOOR PLAN
SCALE 1:100

SIDE ELEVATION
SCALE 1:50

FRONT ELEVATION
SCALE 1:50

REAR ELEVATION
SCALE 1:50

Proposed Elevations



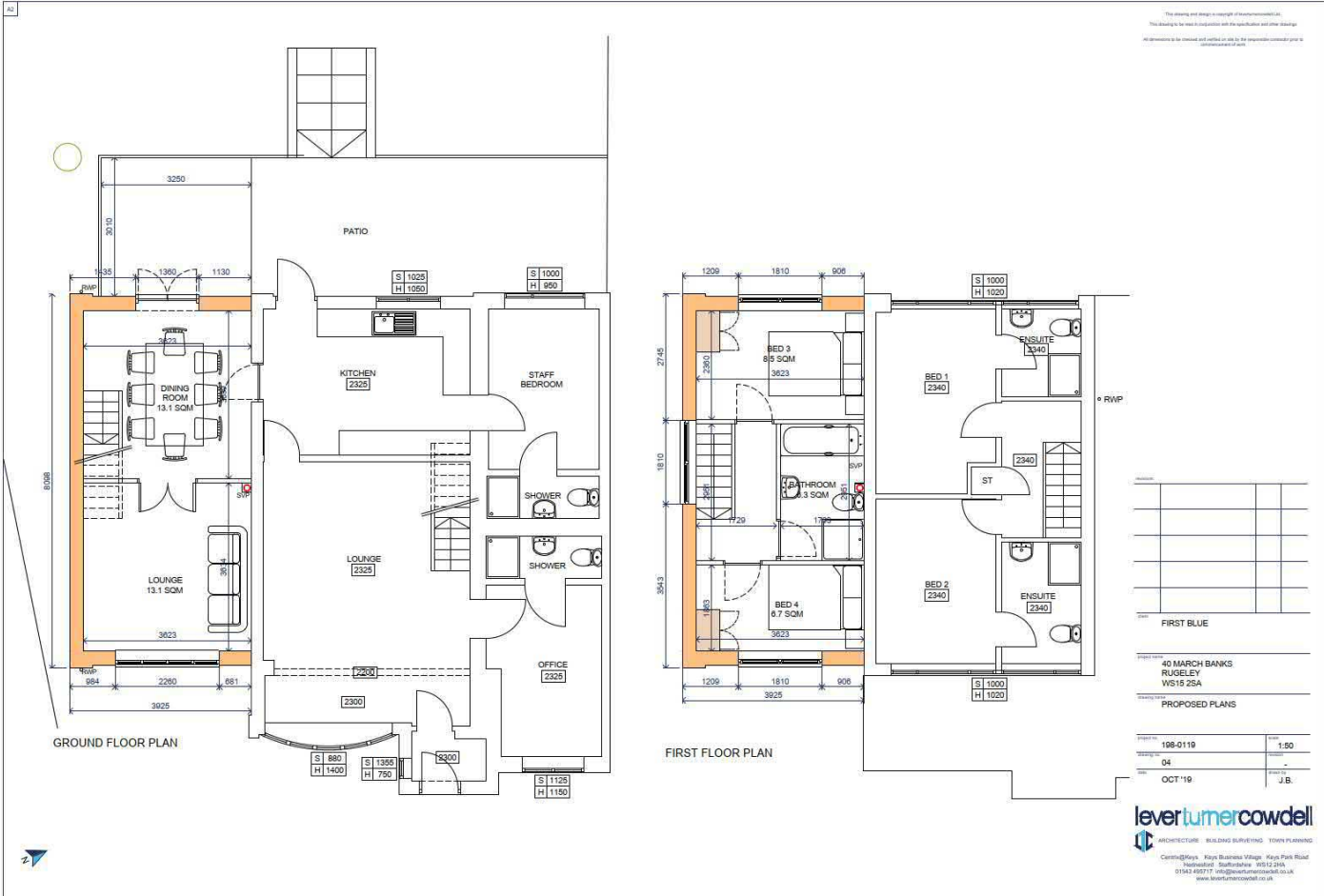
FIRST BLUE

40 MARICH BANKS
 RUGELEY
 WS15 2SA

PROPOSED ELEVATIONS

108-0119 1:50
 05 -
 OCT '19 J.B.

Proposed Floor Plans



Contact Officer:	Samuel Everton
Telephone No:	01543 464 514

PLANNING CONTROL COMMITTEE

15 JANUARY 2020

Application No:	CH/19/375
Received:	17-Oct-2019
Location:	40 March Banks, Rugeley, WS15 2SA
Parish:	Rugeley
Description:	Side extension to create 2 nd lounge, new dining at ground floor, 2 new bedrooms and family bathroom at 1 st floor
Application Type:	Full Planning Application

RECOMMENDATION:

Approval subject to conditions

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions):

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

Reason

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

2. The materials to be used for the external surfaces of the development shall be of the same type, colour and texture as those used on the existing building.

Reason

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

3. The development hereby permitted shall not be brought into use until the parking area has been provided in accordance with the approved Block Plan Drawing No.02 and shall thereafter be retained for the life of the development.

Reason

In the interests of highway safety and to ensure compliance with paragraph 109 of the NPPF.

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

Drawing No. 01 (Location Plan) deposited 16/10/2019

Drawing No. 02 (Block Plan) deposited 04/12/2019

Drawing No. 04 (Proposed Plans) deposited 16/10/2019

Drawing No. 05 (Proposed Elevations) deposited 16/10/2019

Reason

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

Notes to the Developer:

1. Lawful Use

The developer should note that the Lawful Development Certificate previously granted for the use of the property as a residential care home (Ref No. CH/18/206) applies for up to three children and three members of staff only. Any increase in the number of children or staff residing at the property may result in a breach of Planning Control.

2. Coal Mining Hazards

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

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

Consultations and Publicity

External Consultations

Rugeley Town Council

'Rugeley Town Council would like to formally object to the above application on the grounds that the current development is already attracting negative attention and an

extension to the development will not alleviate this issue. The Town Council request that a site visit from CCDC is necessary to determine the scale of the issue. It is also thought to be prudent to invite the neighbours to the development to meet with the planners and councillors from CCDC so that their objections can be heard'.

Highways Authority

Following initial comments with regards to the parking, the applicant has submitted a revised plan showing 4 spaces.

Based on the amendment submitted I have no objection in principal to the proposal provided the following conditions are secured: -

The development hereby permitted shall not be brought into use until the parking area has been provided in accordance with the approved 'Block Plan' Drawing No.02 and the development will be limited to the number stated on the application for the lifetime of the development.

Internal Consultations

None.

Response to Publicity

The application has been advertised by site notice and neighbour letter. Three letters of representation have been received, all objecting to the proposal. The main summarised points of objection are:

- Privacy as the application property overlooks a neighbour. The proposal will make this worse
- There are existing noise issues coming from this property. The proposal will make this worse.
- The boundary fence has been moved significantly. Are the council aware of this?
- It's a quiet residential street not suitable for a care home for young people
- Since its use as a care home there has been shouting/ loud music/ cigarette ends and more police visits
- Parking is at a premium already and the proposal would result in more danger for young children..
- The proposal will reduce the amount of light on the path leading down the side of the plot.

Relevant Planning History

CH/18/206	Lawful Development Certificate for use as a residential children's care home (C2 Use) with no more than three children and three members of staff living together as a single household.	Granted 23/07/2018
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1 Site and Surroundings

- 1.1 The application site is a link detached dwelling, situated on March Banks, Rugeley. The property has recently changed from a family home to a 'First Blue Healthcare' placement home for children and young adults.
- 1.2 The house comprises 3 bedrooms and is set within a modest sized plot with a 10.5m length rear garden and parking for 3 cars on the frontage.
- 1.3 The site slopes from east to west and is located within close proximity to Rugeley Town Centre. The surrounding area is mainly residential with a mixture of two storey detached and link detached dwellings. The site is within a designated Mineral Safeguarding Area and a Low Risk Coal Authority Designation Boundary.

2 Proposal

- 2.1 The Applicant is seeking consent for side extension to create 2nd lounge, new dining room at ground floor, 2 new bedrooms and family bathroom at 1st floor. The proposal would measure approx. 3.9m in width by 8m in depth. A pitched roof is proposed which would have the same ridge and eave height as the existing dwelling.
- 2.2 The existing site has an area of 369 sqm. It is proposed to extend the existing building by 29.3 sqm at ground floor and first floor level (a total of 58.6 sqm) for the proposed extended dwelling. A second lounge and new dining room are proposed for the ground floor. For the first floor two new bedrooms and a bathroom are proposed.
- 2.3 Proposed materials would match the existing dwelling.
- 2.4 Application CH/18/206 for a 'Lawful Development Certificate' established that the use of the dwelling as a residential children's care home (C2 Use) for no more than three children and three members of staff living together as a single household did not constitute a material change of use. As such that use can be lawfully undertaken without the need for planning permission
- 2.6 The current property can only provide accommodation for two children/ young people due to only having two first floor bedrooms and the existing ground floor dining room being used as a bedroom for overnight staff.
- 2.7 The applicant is seeking to accommodate the additional child/ young person in the proposed two storey side extension.

3 Planning Policy

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

3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030). 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 (2019) 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 (2019) 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.
Manual for Streets.

4 Determining Issues

4.1 The determining issues for the proposed development include:-

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

4.2 Principle of the Development

4.2.1 The proposal is in effect the extension to a dwelling to provide additional living accommodation. The site is located within the confines of the settlement of Rugeley and is an established dwelling. The site is not allocated or subject to any policy restriction that would impact on the principle of the proposal. As such, the development is considered acceptable in principle.

4.2.2 However, proposals that are acceptable in principle are required to meet all other policy tests unless material considerations indicate otherwise

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 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to extensions to dwellings.
- 4.3.6 The proposal is a fairly standard two storey side extension. The side extension is considered to reflect the overall roof form and detailing to the elevations that is apparent within the existing building. The extension is subservient to the existing building taking account it is set back slightly from the front elevation of the main dwelling. Officers are satisfied the proposal does not unbalance or dominate the architectural integrity of the original building and it is considered the design proposed aligns well with the examples in the Cannock Chase Design Guide SPD. The detailing to the windows, the roof and eaves matches through with the existing house as do the proposed materials. Accordingly, Officers therefore consider the proposals would have little effect on the character of the immediate locality and the quality of the street scene.
- 4.3.7 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

4.4 Impact on Residential Amenity

- 4.4.1 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, garden sizes and extensions.
- 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 Given the above the comments of the objectors in respect to loss of privacy and overshadowing are noted.
- 4.4.4 Notwithstanding the above Officers have carefully examined the relationship to the neighbouring dwellings. The distance between the proposed western elevation and the rear elevation of the nearest neighbouring property on Huntsman's Walk is approximately 25m which exceeds the minimum distance of 21.3m set out in the Design Guide. As such this relationship is considered acceptable.
- 4.4.5 The distance between the eastern elevation and the nearest property opposite is in excess of 35m which again exceeds the minimum standard set out in Design SPD. As such this relationship is considered acceptable.
- 4.4.6 To the south of what would be the side elevation of the extension there is a pedestrian foot path across which is the extensive grounds of the Chase Public

House. Given that the extension would be to the north of this footpath it would not cast direct shade over it or significantly reduce daylight.

4.4.7 Given the above it is clear that the proposal meets all the Council's guidance set out in the Design SPD for space about dwellings and therefore it can only be concluded that the proposal would result in a high standard of residential amenity for all existing and future users of the dwelling and the occupiers of the neighbouring properties.

4.4.8 It is therefore concluded that the proposal would not be contrary to Policy CP3 of the Local Plan and paragraph 127(f) of the NPPF.

4.5 Impact on Highway Safety

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

4.5.2 The C2 use established under the Lawful Development Certificate by application No. CH/18/206 is for up to 3 members of staff within a 24 hour period and no more than three children. A total of 3 off street spaces for a 4+ bed dwelling is the Council's adopted maximum standard which would therefore apply. The site currently has 3 off street spaces and the property will be a 5 Bed dwelling going forward. A total of 4 spaces are proposed in the submitted plans. In addition, the applicant has confirmed that a maximum of three members of staff would be present at any one time and that the service users do not own cars. The Highways Authority has also no objection subject to a condition requiring the four spaces to be provided prior to the occupation of the extensions and that limits the number of occupiers to that stated in the application.

4.5.3 Therefore, subject to the aforementioned condition it is considered that there would be no significant access or highway safety issues as a consequence of the proposals. The development is considered to accord with Para 109 of the NPPF.

4.6 Other Issues Not Raised Above

4.6.1 The main summarised points of objection are laid out below along with answers from a planning perspective:

4.6.2 Objectors have stated that there are existing noise issues coming from this property and that the proposal will make this worse. Officers would advise that whilst noise is a material planning consideration the decision taker must have regard to context of the proposal. In this instance the development, in itself, that is the extension of a dwelling house would not intrinsically result in unacceptable levels of noise over and above that which would be generated by any other dwelling. However, if unacceptable levels of noise are generated then there is recourse to other legislation to remedy the situation.

- 4.6.3 Objectors have stated that the boundary fence has been moved significantly and have asked whether the council aware of this? Officers would respond that this does not have any material bearing on the case.
- 4.6.4 Objectors have stated that “It’s a quiet residential street not suitable for a care home for young people- its use as a care home has been authorised through the previous certificate of lawfulness”. Officers respond that a certificate of lawfulness does not confer lawfulness on a development it merely confirms that a development is lawful. The matter of whether a proposed development is lawful or not is matter of law and not planning policy. In this specific case it was established that the proposed use as a care home for up to three children, as a matter of fact and degree, was lawful as it did not constitute a material change of use.
- 4.6.5 Objectors have stated that since its use as a care home there has been shouting/ loud music/ cigarette ends and more police visits. Officers would advise that anti-social behaviour and social cohesion are capable of being material considerations. However, Officers would go on to state that as the proposal is for the extension to a dwelling to accommodate one child there is nothing within the application that would lead one to reasonably conclude that it would in itself create significant levels of anti-social behaviour. If such behaviour does arise then there is legislation in place to deal with it.
- 4.6.6 Objectors have stated that “parking is at a premium already and the proposal would result in more danger for young children”. Officers would state that the proposed parking is little different from that found in other residential properties in the District, highways are satisfied regarding the provision of on site parking provision and that it is adequate for a dwelling of this size.
- 4.6.7 As such it is concluded that none of the above issues would weigh significantly against the proposal.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

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

Equalities Act 2010

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

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

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

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

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

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

6 Conclusion

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