

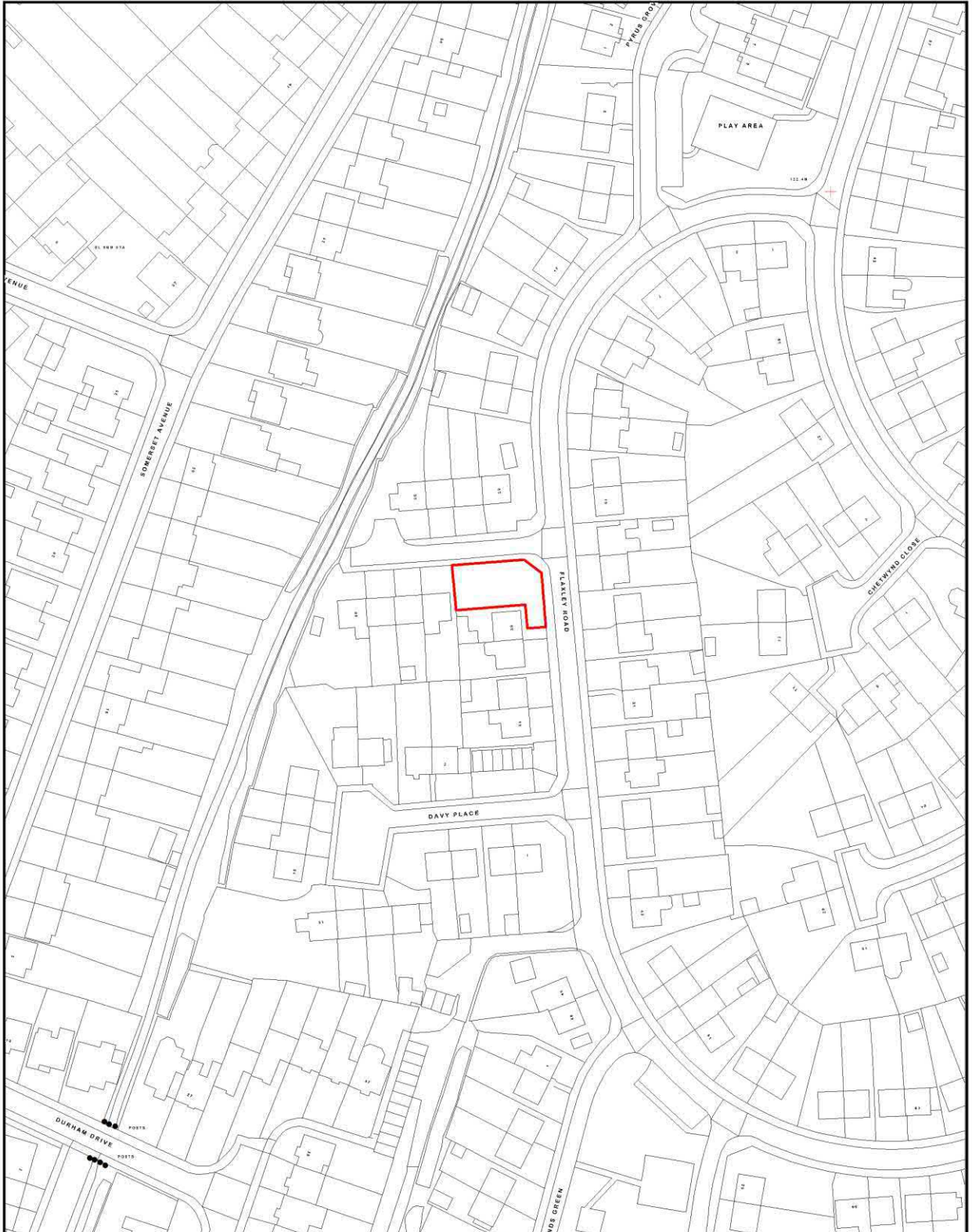


Application No: CH/19/363

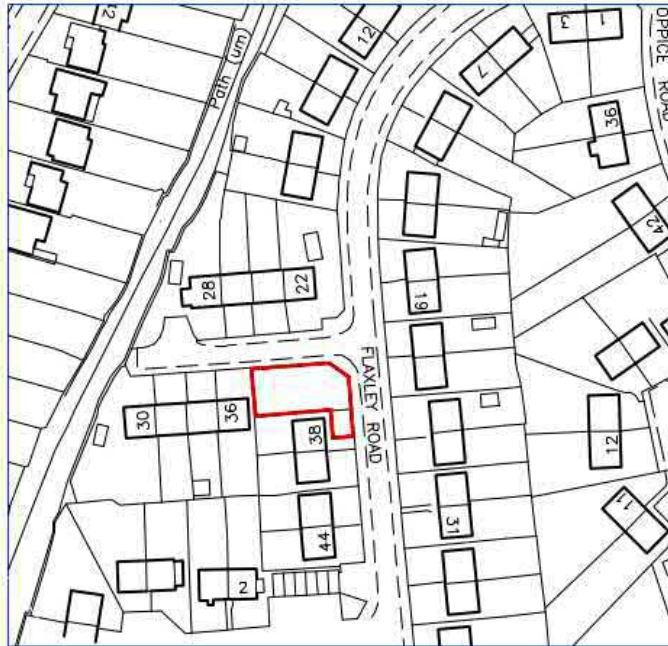
Location: Land adjacent to 38 Flaxley Road, Rugeley, WS15 1LY

Proposal: Residential development - one detached 3 bedroom dwelling

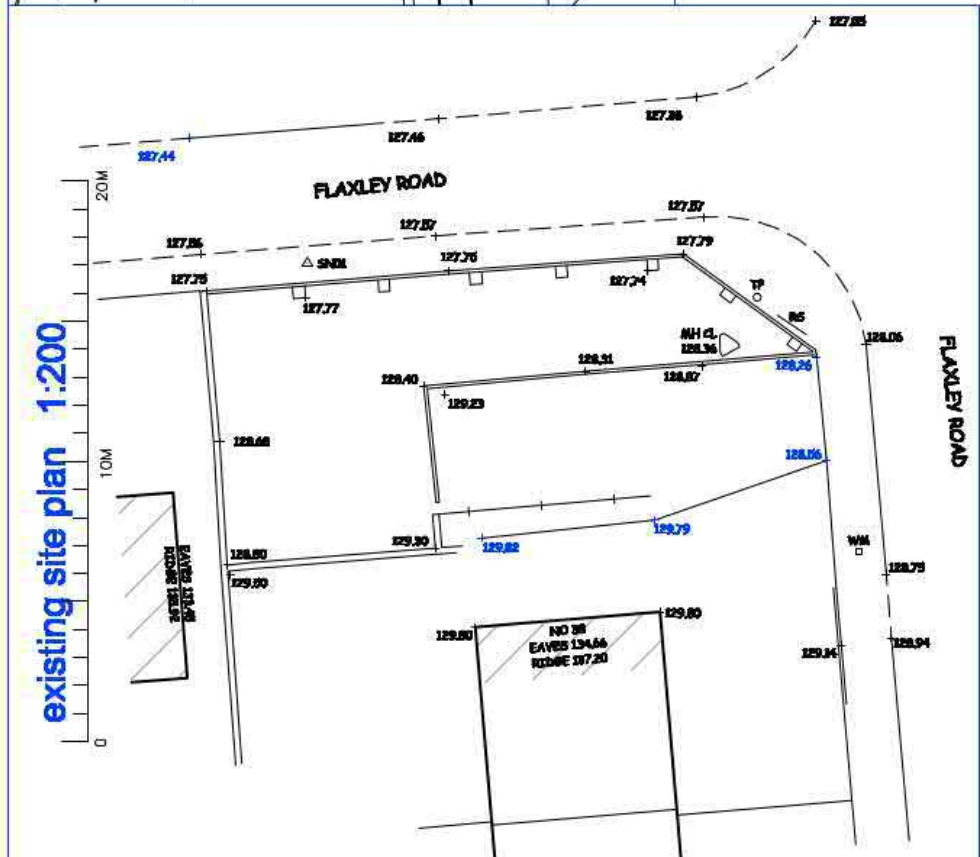
ITEM NO. 6.237



Location Plan and Existing Site Plan



location plan 1:1250



existing site plan 1:200

Proposed Site Plan

LANDSCAPING

Three trees to be planted

2no Silver Birch and 1no Rowan as light standard 8-10cm girth

2m height support by one stake with supportable tie.

Base to be top soiled and mulched to 1m diameter circle and topped

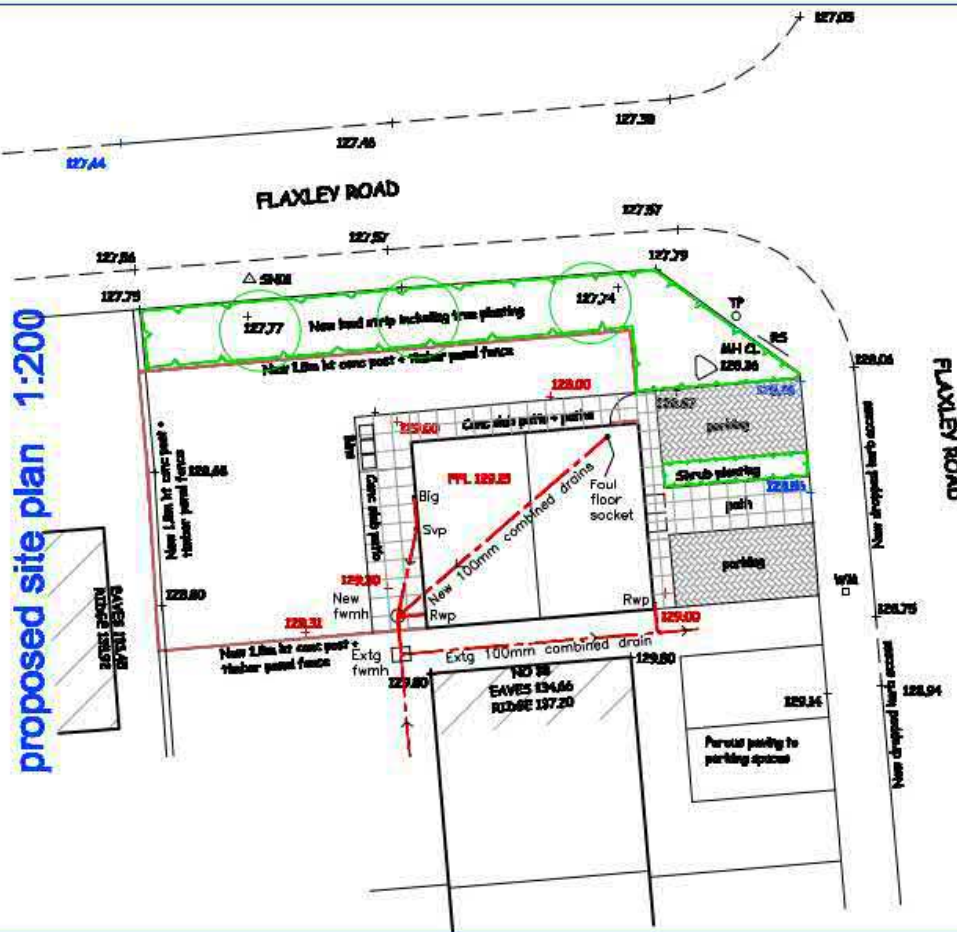
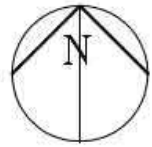
up. Road drain to be installed with regular as a minimum 16 times in

year one, 10 times in year two and four times in year three.

Any trees which are dead or dying within five years to be replaced like for like.

REV A
Car parking spaces for no 38 added to proposed site plan 20/11/2019

REV B
Red line revised to take in parking to no 38 Flaxley Road 26/11/2019



Plotted at A3
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project
RESIDENTIAL DEVELOPMENT
Land adjacent to
38 Flaxley Road
Rugeley
WS15 1LY

CLIENT
MR.G.ELWELL
Aug 19
dr no
2019:55:01B

location + site plans

proposed site plan 1:200

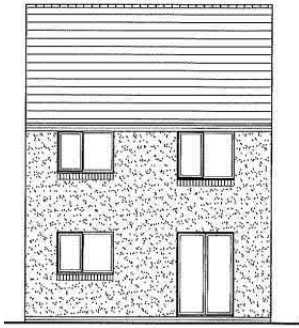
Floor Plans and Elevations

GH/19/363

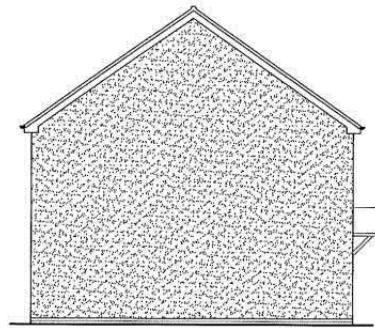


FRONT ELEVATION

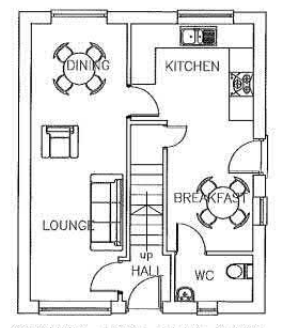
Roof tiling, render to walls and white upvc windows + doors all to LA Approval



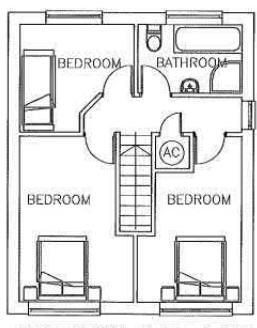
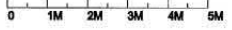
REAR ELEVATION



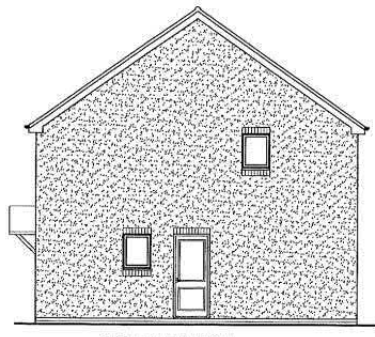
SIDE ELEVATION



GROUND FLOOR PLAN 1:100



FIRST FLOOR PLAN 1:100



SIDE ELEVATION

Plotted at A3
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 project
RESIDENTIAL DEVELOPMENT
 Land adjacent to
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 WS15 1LY
 CLIENT
MR.G.ELWELL
 Aug 19
 dr no
2019:55:02

floor plans + elevations 1:100

Contact Officer:	David Spring
Telephone No:	01543 464 517

PLANNING CONTROL COMMITTEE

15 JANUARY 2020

Application No:	CH/19/363
Received:	07-Oct-2019
Location:	Land adjacent to 38 Flaxley Road, Rugeley, WS15 1LY
Parish:	Rugeley
Description:	Residential Development – one detached 3 bedroom dwelling
Application Type:	Full Planning Application

RECOMMENDATION:

Refusal for the following reason:

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. However, in this instance the proposal fails to accord with the Local Plan and the National Planning Policy Framework.

The application site occupies an open, elevated and prominent position in relation to the adjacent highway at Flaxley Road. The character of the wider estate is characterised by the openness of the corner plots. This form and layout of buildings and garden spaces in the area follow an established pattern, providing a well defined distinction between public and private space and visual relief from built form on the corner plots. The proposed erection of a two storey dwelling in this location would be visually intrusive and fail to reflect the continuity of the street and undeveloped spaces within Flaxley Road contrary to Cannock Chase Local Plan CP3 and paragraph 127 (a)(b)(c) & (d) of the National Planning Policy Framework.

Consultations and Publicity

External Consultations

Rugeley Town Council

Objection

Councillors objected to this application as it was considered over intensive development for this site. The CCDC Local Plan identified the housing area as being of medium density and the new development would put it into high density.

Highways

No objection subject to conditions

Internal Consultations

Pollution Control Officer

No adverse comments to make.

Environmental Health

No objections.

Development Plans and Policy Unit

The site is in the Rugeley urban area on a residential estate and is not protected for a specific use on the Local Plan (Part 1) Policies Map.

The Cannock Chase Local Plan (part 1) 2014 policy CP1 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. The Design SPD provides additional guidance and Appendix B (p91) should be consulted to ensure that the minimum garden sizes and distances from neighbouring dwellings are taken into account when considering the application.

The Cannock Chase Local Plan (Part 1) 2014 was adopted more than five years ago; it is therefore the subject of a review. This review is at an early stage in the process with consultation on 'Issues and Options' being undertaken recently (May-July 2019). Therefore limited weight can be afforded to it. The starting point for the determination of planning applications remains the adopted development plan (Local Plan (Part 1)).

If it is a market housing residential development scheme the proposal may be CIL liable. Given that a net increase in dwellings is proposed the development also needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan Part 1 Policy CP13). Should the development be liable to pay CIL charges then this will satisfy the mitigation

requirements, as per Local Plan Part 1 Policy CP13, the Developer Contributions SPD (2015) and the Council's Guidance to Mitigate Impacts upon Cannock Chase SAC (2017). However, should full exemption from CIL be sought then a Unilateral Undertaking 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.

CIL Officer

In respect of the above planning application, based on the additional information form submitted, the chargeable amount of the development would be £4,419.90.

Response to Publicity

The application has been advertised by site notice and neighbour letter. Two letters of representation have been received; 1 letter of objection and 1 letter of support. The main summarised points of objection are:

- There is concern about the designation of neighbours. The adjoining neighbour should have included No. 40 Flaxley Road,
- As of October 21st a site notice has not been displayed,
- The land plan shows the red line for the property around the entire land and building ownership of 38 Flaxley Road and as such no blue line is shown. As no blue line is shown it is not possible to anticipate the Grampian nature of any technical matters relating to the submitted materials,
- The planning application is FULL but it does not contain sufficient detail to distinguish it from an outline application for access and layout with all matters reserved,
- The proposed development does not take into account the significant material changes that would be required to the existing dwelling at No. 38,
- The existing building would no longer have vehicular access, or, on site parking resulting in 2 displaced parking spaces,
- The refuse collection and servicing arrangements of the existing dwelling are not addressed,
- The ground floor plan layout is shown in a way that is not possible to construct unless the lounge is on two different levels,
- The proposed layout allows external access from the southern, western and eastern elevations but it is hard to establish the benefit of access from the southern façade,
- The proposal considers a finished floor level for the new building of 129.15. The proposed parking appears to be sloped. As such arrangements suitable for modern planning and standards relating to inclusive mobility and building regulations? The result would be a slope of approx. 1 in 5. Without such a slope the dwelling would need stepped access,
- The finished floor level of No. 36 is below the proposed FFL. Therefore the proposal would sit prouder in the context of this corner and be more dominant. This does not present itself well in terms of good response to the context,

- The plans do not take into account or show the existing walled height onto Flaxley Road. To achieve the planting proposed the entire wall or most of it would have to be removed,
- The proposed 1.8m high concrete post and timber panel does not respond well to the existing boundary treatment nor does it take into account that the boundary wall pier is within the ownership of No. 36,
- The proposed dropped kerb length would seem to be in excess of 7m considering two parking bays of 2.4m width, the proposed shrub and walking route to the front access,
- For protection of highway infrastructure the crossover would need to be extended and reinforced to protect utility infrastructure,
- The application form establishes there will be 4 parking opportunities as an outcome of this proposal but only two are shown,
- There is the potential for any proposed development to have an impact on access and highway safety in the absence of a Construction Management Plan and suitable restricted working hours,
- The primary reasons for objection are parking, highways safety, layout and density of development, disabled persons access,
- The land is not unused, it forms the vehicular crossover access onto the land and the existing building's parking,

The main issues in support of the application are: -

I would like to improve the aesthetics and look.

Currently the land is not used for anything other than parking for a horse lorry which is no longer mobile.

I have advised Mr Elwell to submit further drawings to show parking for my property being provided with creating a driveway to the front of my property. Within the plans there are measurements between myself and the proposed property of some 1.5m.

This has been agreed by myself and the applicant.

The refuse collection will be carried out in the same manner as other properties in the area whereby we will present the bins at the front of the property on collection day and then keep them closer to the property at other times.

The planning notice has been placed on a post opposite my property for a few weeks now and is in full view of the passing public.

The land is unused and does nothing more than provide a dumping ground for children in the area to dispose of their rubbish and worsen the look of the area.

Relevant Planning History

There is no relevant planning history.

1 Site and Surroundings

- 1.1 The application site is comprised of an open plot of land on a prominent corner within Flaxley Road, Rugeley. The land currently forms part of the side garden associated with No.38.
- 1.2 The application site is on the Pear Tree housing estate and is approximately 1km from Rugeley Town Centre.
- 1.3 The application site sits in an elevated position above the highway with the site sloping down to the North and to the East. The site is bound by low level walling and is currently separated from the main amenity area of No.38 by fencing.
- 1.4 The site has an area of approximately 228sqm and is currently overgrown.
- 1.5 The surrounding area comprises of dwellings of a similar design and scale; being two storey and finished in pebbledash or render. The existing dwellings form a rhythmic pattern of development being set behind modest frontages with corner plots remaining undeveloped to provide an open and spacious character. The wider street scene rises steeply from north to south resulting in the dwellings being constructed in a staggered design.
- 1.6 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 the residential development of one detached 3 bedroom dwelling on the side garden area of No. 38 Flaxley Road, Rugeley.
- 2.2 The proposed development would be sited 1.5m from the side of the existing property and would front the main road through the estate.
- 2.3 The dwelling would have a footprint of 45 sqm and would have a proposed floor level some 0.65m below that of the existing property. The proposed dwelling would be constructed to a height of 7.7m to the ridge (4.6m to the eaves) and would be orientated with the front elevation facing onto the main highway through the estate.
- 2.4 Two parking spaces would be provided off Flaxley Road, in front of the proposed dwelling with a further two spaces identified on the plan for the existing dwelling, to the front of No.38.
- 2.5 The private amenity space provided would measure approximately 100 sqm and would be set behind 1.8m high concrete post and timber panel fence. The proposed fence would be set back from the side boundary by 2m with a new landscaping strip proposed to the front of this. The landscaping proposed would comprise of 2No. Silver Birch Trees and 1No. Rowan Tree.

- 2.6 The existing dwelling would retain a private garden area of 65 sqm and have two parking spaces on the main highway frontage.
- 2.7 The external appearance of the dwelling would be similar to existing properties built on former garage court sites on this estate. Walls would be cream textured render with brick detailing above doors and windows and a concrete tiled gabled roof at a 30 degree pitch.

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
- CP2 - Developer contributions for Infrastructure
- CP3 - Chase Shaping – Design
- CP6 - Housing Land
- CP7 - Housing Choice
- CP13 - Cannock Chase Special Area of Conservation (SAC)
- CP14- Landscape Character

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.
- v) Waste & recycling facilities
- vi) Drainage & flood risk
- vii) Affordable housing provision

4.2 Principle of the Development

The proposal is for the construction of one dwelling on a corner within Flaxley Road, Rugeley. Both the NPPF and Cannock Chase Local Plan Policy CP1 advocate a presumption in favour of sustainable development. Further, Local Plan Policy CP6 seeks to support the creation of new homes within existing urban areas.

4.2.1 The site is located within the urban area of Rugeley. 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 proposals would normally fall 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 the 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 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 located within the main urban area of Rugeley and hence broadly conforms to the requirements of Policy CP1. In addition to the above the site is located within a sustainable location with good access by cycle or walking to the town centre and the local centre on the estate where there is a wide range of goods and services to meet the day to day needs of people. As such the proposal would meet the thrust of Policy CP1 to focus investment and regeneration on existing settlements which are expected to accommodate most of the District's housing and it is therefore concluded that the proposal is acceptable in principle.

4.2.5 However, proposals that are acceptable in principle are still subject to all other policy tests. The next sections of this report will consider the proposal in the light of those policy tests and determine what harms or benefits arise 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 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. Whilst the title of the SPD refers to extensions the document is also used as guidance for ensuring appropriate levels of amenity is retained for new development.
- 4.3.6 Having taken all of the above into account it is considered that the main issues in respect to design and the impact on the character and form of the area are: -
- (i) Overall layout
 - (ii) Density
 - (iii) Materials, scale and external appearance of the dwellings
 - (iii) Landscaping
- 4.3.7 The application site is located within a residential area within Rugeley. The application site benefits from a wider than average plot which includes a side garden. The application site occupies an elevated position in relation to the adjacent highways. The character of the wider local is characterised by the openness of the corner plots. With the exception of ancillary domestic outbuildings, the side gardens of properties within this location have not been developed. The form and layout of buildings and garden spaces in the area follow an established pattern, providing a well defined distinction between public and private space and visual relief from built form on the corner plots. As such, any development of the land to the side of the existing dwelling would disrupt the continuity of the existing built form and would be at odds with the existing pattern of development. The erection of a two storey dwelling in this location would be visually intrusive and detrimental to the street scene. Whilst it is noted that the current condition of the land is unkempt, it does offer some degree of visual relief from the built form.
- 4.3.8 There is no objection to the proposed design of the house and although garden standards and parking standards dwelling would be met, the development of this side garden within this established estate in an elevated position would be incongruous with the character of the area.
- 4.3.9 As such, the proposal would fail to reflect the continuity of the street and undeveloped spaces within Flaxley Road and would not maintain the areas prevailing open and spacious character. As such, the proposal is considered contrary to Cannock Chase Local plan CP3 and paragraph 127 (a)(b)(c) & (d).

4.3.10 In respect to density, external appearance and landscaping, the proposal is considered acceptable. However, this does not negate or mitigate the harm resulting from the layout and its impact on the character of this 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 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.

4.4.4 However, it should always be taken into account that these distances are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels.

4.4.5 The layout plan indicates the proposed dwelling to be 1.5m from the side elevation of No.38 which would allow access to the rear garden for the existing occupier. The proposed dwelling would be sited in line with the rear elevation of the adjacent dwelling, slightly in front of the front elevation and new fencing would delineate the boundaries. The proposal indicates two parking spaces to be provided to the front of No.38. As such, the proposed dwelling would have no significant impact on the occupiers of No.38.

4.4.6 The proposal would remain 10.4m from the side elevation of No.36 Flaxley Road, which comprises of a blank elevation with the exception of a doorway. Whilst the proposed development would fall short of the guidance set out within the Design SPD which seeks 12m between principle elevations and side elevations (a shortfall of 2m), the proposed dwelling would be constructed in line with existing dwellings and therefore would not significantly alter the existing situation in terms of overbearing to the occupiers of No.36.

4.4.7 The proposed dwelling would benefit from a rear garden comprising of 80+m² and over 70m² retained for No.38. A total of 4 parking spaces would be provided for the development; 2 spaces for the existing dwelling (No.38) and 2 spaces for the proposed dwelling which would accord with the Parking SPD which seeks maximum standards for development.

4.4.8 As such, it is considered that whilst the proposed development would not comply with the Council's Design SPD with regard to compliance with the separation

distances this would not result in a significant detrimental impact on the amenity of the occupiers of that property.

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 Staffordshire County Highways Department were consulted on the proposal and raised no objections subject to a condition. As such, it is concluded that the proposal would not result in an unacceptable impact on highway safety.

4.6 Impact on Nature Conservation Interests

4.6.1 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that are given special protection or which are of particular conservation interest.

4.6.2 As such the site is not known to have significant ecological value and therefore no obvious direct harm to nature conservation interests is considered to result.

4.6.3 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. There is a net increase in dwellings of 1 No. such that SAC mitigation contributions are required. Such contributions will be secured by CIL where applicable to the development. In this case the proposal is CIL liable and the applicant has not claimed any exemption.

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

4.7 Drainage and Flood Risk

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

4.7.2 In this respect it is noted that paragraph 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'.

4.7.3 The applicant has stated that it is intended to connect to the existing drainage system. It is noted that the site immediately abuts a main road and is within a

predominantly built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area. Therefore, it is considered that options for draining the site are available.

4.8 Mineral Safeguarding

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

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

'Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

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

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

4.9 Waste and Recycling Facilities

4.9.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to national and local waste reduction and recycling targets according to the waste hierarchy'. One of the ways of achieving this is by ensuring development can be adequately serviced by waste collection services and that appropriate facilities are incorporated for bin collection points (where required).

4.9.2 The proposed dwelling would be sited within close proximity to the highway within a residential located where bins are already collected by the Local Authority. The bins would, in this instance, be collected from the adjacent highway within Flaxley Road and there is both sufficient area to the rear of both properties to store bins and sufficient space to the side to enable them to be brought forward on collection days.

4.10. Ground Conditions and Contamination

4.10.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application.

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 refuse accords with the policies of the adopted Local Plan and the applicant has the right of appeal against this decision.

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 The proposal is acceptable in principle being a compatible use in a main urban area which has good access links to a range of goods and service to meet day to day needs. Furthermore the proposal is considered acceptable in respect to its standard of residential amenity, and its impact on highway safety, flood risk, drainage and nature conservation interests
- 6.2 The application site occupies an open, elevated and prominent position in relation to the adjacent highway at Flaxley Road. The character of the wider estate is characterised by the openness of the corner plots. This form and layout of buildings and garden spaces in the area follow an established pattern, providing a well defined distinction between public and private space and visual relief from built form on the corner plots. The proposed erection of a two storey

dwelling in this location would be visually intrusive and fail to reflect the continuity of the street and undeveloped spaces within Flaxley Road contrary to Cannock Chase Local Plan CP3 and paragraph 127 (a)(b)(c) & (d) of the National Planning Policy Framework.

6.3 It is therefore recommended that the application be refused.