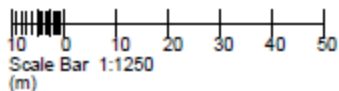


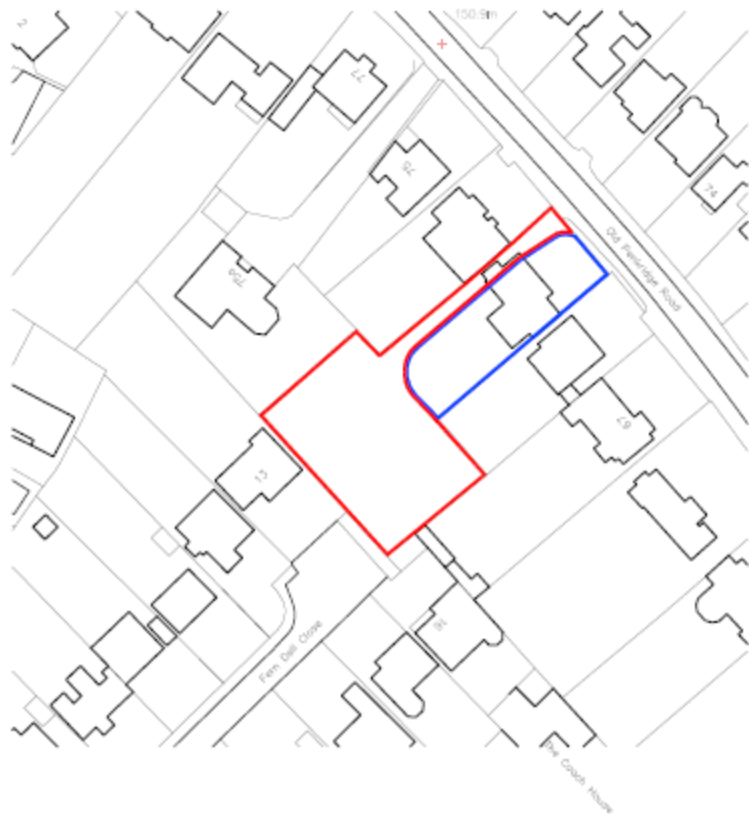
## NOTES:

The copyright © of this drawing is vested in the Architect and must not be copied or reproduced without consent.

All Contractors must visit the site and be responsible for taking and checking dimensions relative to their work. Sutton and Wilkinson Chartered Architects to be advised of any variation between drawings and site conditions.



Item 6.1



Produced on 30 August 2016 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date.

This map shows the area bounded by 397334,310562 397334,310703 397475,310562

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**UPDATE**

**The application was deferred at Planning Committee on 26<sup>th</sup> September to allow Members to carry out a site visit.**

**Also, since the application was deferred Officers have received a letter of representation from a further neighbour. For completeness, the letter is summarised as follows:-**

- **We do not have any objections to the proposal.**
- **The development so far has been carried out in a professional and considerate nature, no noise and no interruption noted.**
- **This site needs to be finished as soon as it is allowed so we are not looking at an unfinished project for any longer.**

<b>Contact Officer:</b>	Claire Faulkner
<b>Telephone No:</b>	<b>01543 464337</b>

<p><b>Planning Control Committee</b></p> <p><b>26<sup>th</sup> October 2022</b></p>
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<b>Application No:</b>	<b>CH/22/0215</b>
<b>Received:</b>	08-Jun-2022
<b>Location:</b>	71, Old Penkridge Road, CANNOCK, WS11 1HY
<b>Parish:</b>	Non Parish Area
<b>Ward:</b>	Cannock West
<b>Description:</b>	Residential development of 2No. bungalows to land rear of 71 Old Penkridge Road.
<b>Application Type:</b>	Full Planning Application

**Reason for Committee decision:** Neighbour request to address members

**Recommendation:** Approve 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 hereby permitted shall be carried out in accordance with the following approved plans:

2411-27 Location Plan

2411-28 E Proposed Site Plan

2411-20 Proposed Bungalows Plans & Elevations

2411-23F Bat and Bird box details

2411-22C Construction Management Plan together with information provided within email dated 14<sup>th</sup> September 2022

Tree survey 2022 V5

Reason

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

2. 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.

3. No materials shall be used for the external surfaces of the development other than those specified on the application.

## Reason

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

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

Thereafter, the approved landscape works shall be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner.

## Reason

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

5. No dwelling hereby approved shall be occupied until a scheme for the fitting of that dwelling with electric charging points for electric vehicles has been submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme have been completed. The works shall thereafter be retained for the lifetime of the development unless otherwise approved in writing by the Local Planning authority.

## Reason

In the interests of improving air quality and combatting climate change in accordance with policy CP16 and the National Planning Policy Framework.

6. If during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until either;

A site investigation has been designed and undertaken in accordance with details approved in writing by the Local Planning Authority, a risk assessment

has been produced and a method statement detailing remediation requirements using the information obtained from the site investigation has been approved by the Local Planning Authority; or

If the above has been previously undertaken, the developer has submitted and obtained written approval from the Local Planning Authority for an addendum to the method statement detailing how this unsuspected contamination shall be dealt with.

#### Reason

In order to enable the development to proceed in a safe environment and to protect the health and safety of its occupiers and to ensure compliance with Local Plan Policy CP3 and the NPPF

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

#### Reason

in the interests of highway safety

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Part 1 of Schedule 2 to the Order shall be carried out without an express grant of planning permission, from the Local Planning Authority, namely:
  - The enlargement, improvement or other alteration of the dwellinghouse;
  - The enlargement of the dwellinghouse consisting of an addition or alteration to its roof;
  - Any other alteration to the roof of the dwellinghouse;
  - The erection or construction of a porch outside any external door of the dwelling;
  - The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;

- The provision within the curtilage of the dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such;
- The erection or provision within the curtilage of the dwellinghouse of a container for the storage of oil for domestic heating; or
- The installation, alteration or replacement of a satellite antenna on the dwellinghouse or within the curtilage of the dwellinghouse.

#### Reason

The Local Planning Authority considers that such development would be likely to adversely affect the amenity of neighbouring occupiers and the character of the area. It is considered to be in the public interest to require an application to enable the merits of any proposal to be assessed and to ensure compliance with Local Plan Policy CP3 - Chase Shaping - Design and the NPPF.

9. The development hereby approved shall not be brought into use until the access to the site within the limits of the public highway have been completed.

#### Reason

In the interests of highway safety

10. Prior to the commencement of the development hereby approved, the Arboricultural Impact Assessment (AIA) shall be updated and submitted to the Local Planning Authority for approval in writing. As a minimum the AIA shall include the following points:

- o What will occur if root over 25mm diameter cannot be redirected
- o Impact on tree if roots have to be cut within areas of incursion
- o Shading and dominance of retained trees at maturity
- o Seasonal nuisance
- o Impact matured trees could have on building (above & below ground)
- o Access & Working space required through construction (e.g. scaffolding)
- o Root desiccation

Thereafter, the approved details shall be implemented in full with any changes to be first agreed in writing by the Local Planning Authority.

#### Reason



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

11. Prior to the commencement of the development hereby approved a details Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, the AMS shall include:-
- Sequence of Works
  - Access & Scaffolding
  - Foundation Works.
  - Hard Landscaping/Surfacing Works.
  - Tree Works (including root pruning).
  - Services (if impacting RPA).
  - Arboricultural monitoring.

Thereafter, the approved AMS shall be implemented in full and adhered to during the course of the construction period.

Reason

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

12. The approved details within Dwg. No. 2411-24B Construction Management Plan together with information provided within email dated 14th September 2022 in relation to the Construction Management Plan shall be implemented and adhered to throughout the construction phase.

Reason

To ensure a satisfactory environment is maintained for surrounding neighbours.

13. Prior to first occupation of the dwellings hereby approved, the habitat features as demonstrated on drawing 2411-23 F shall be provided in accordance with the approved details.

Thereafter, the features shall be retained and maintained in working order for the life of the development.

## Reason

In the interests of enhancing habitat breeding in accordance with Local Plan Policy CP12 and the NPPF.

### **Notes to the Developer:**

#### Coal Authority

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](http://www.gov.uk/government/organisations/the-coal-authority)

#### Highway Authority

Please note the works required in Condition 1 will require a Section 184 Notice of Approval from Staffordshire County Council. Please email [trafficanetwork@staffordshire.gov.uk](mailto:trafficanetwork@staffordshire.gov.uk) for further details. The link below provides an overview of the permissions and licences required for undertaking work on or adjacent to the adopted highway:

<https://www.staffordshire.gov.uk/Highways/licences/Overview.aspx>

Staffordshire County Council as Highway Authority would not formally adopt the proposed development, however, the development will require approval under Section 7 of the Staffordshire Act 1983. This Form X does not constitute a detailed design check. The applicant is requested to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works. It will, therefore, be necessary for maintenance/management arrangements for the access road and internal layout to be submitted to the Highway Authority with a view to securing an exemption under Section 219 of the Highways Act 1980. Although the road layout will not be to adoptable standard, the roadways within the site will still need to be constructed to be 'fit for purpose'.

**Consultations and Publicity**

## **Internal Consultations**

### Environmental Health

No objection subject to conditions

### Landscape Officer

If plot 2 cannot be set back within the site conditions recommended.

### CIL Officer

Based on the form submitted, if permission is granted the development would be CIL liable

### Development Plans and Policy Unit

The site does not fall within any designated areas shown on the Local Plan Policies Map. I can also advise that the proposal forms an existing SHLAA 2021 designated site; C441 (0-5 years).

National Planning Policy Framework (NPPF) and the presumption in favour of development.

The development plan comprises the Cannock Chase Local Plan (Part 1) and the Staffordshire County Council Waste and Minerals Local Plan.

The Council's Design SPD 2016 provides design guidance relating to new dwellings. With regards to the further detailed design of the scheme, regard should also be paid to Policy CP16 and the Parking Standards, Travel Plans and Development Contributions for Sustainable Transport SPD (2005) (contains parking standards).

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 in consultation with the relevant infrastructure provider.

## **External Consultations**

### Natural England

Cannock Chase SAC - No objection – Appropriate Assessment undertaken.

Cannock Chase SSSI – No objection

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

#### Highway Authority

No objection subject to conditions

#### **Response to Publicity**

The application has been advertised by site notice and neighbour letter with 2 letters of representation received. The comments received are summarised below:-

- Neighbours have requested clarity on the border between No.67 Old Penkridge Road and the application site. Trees have been felled but the stumps are still in existence preventing a fence being erected in the correct place on the boundary. As this development is completed these stumps will need to be removed to allow for a new boundary fence to be installed by the developer. As the existing fence cannot be retained as stated in the planning application, we would appreciate some correspondence and agreement with the Planning department and developer to ensure careful removal of the stumps to prevent damage to my workshop and an agreed type of fencing to be installed and the correct line of boundary preserved.
- Conditions on previous applications have been dismissed behind closed doors
- The development will significantly negatively alter the local building layout by decreasing the green natural environment and replacing it with crammed buildings with small gardens which are out of character with the surrounding area.
- The type of building, the size of each plot and their positioning relative to other properties has a severe negative impact on local properties and most significant to No.69.
- The bungalows are shoehorned on to the rear garden making them out of character. The buildings may meet standards but they will ruin the local environment and provide minimal benefit for local housing need.

- Plot 3 is elevated and will have direct views into our home (No.69). This will be a tandem development and will directly overlook my property,
- Currently the boundary hedge is overgrown but when cut the hedge will be inadequate to screen visibility to the rear of our home and also in winter. The proposal appears to show drainage pipes positioned on the hedge boundary which would affect the state of the hedge.
- The boundary fencing that separates No.69 and No.71 is inadequate.
- If external heat pumps are to be added this could add to the noise and disturbance of a rear garden
- Confirmation is requested that Ferndell Close can not be used in connection with the supply of materials or services.

### Relevant Planning History

- CH/19/411 Demolition of existing two storey house and erection of 2No. houses and associated works (resubmission of CH/19/015).  
Committee approval 15<sup>th</sup> Jan 2020
- CH/19/289 Residential Development:- Demolition of existing house and erection of replacement 4 bed detached house, detached garage & vehicular access to housing development at rear of site.  
Committee approved 20<sup>th</sup> Sep 2019. Permission implemented.
- CH/19/236 Residential Development:- Approval of reserved matters pursuant to CH/17/234 for the appearance, landscaping and scale.  
Approved 12<sup>th</sup> Aug 2019
- CH/19/015 Residential Development:- 2 detached dwellings . Refused by Committee on 10<sup>th</sup> April 2019 for the following reason:-

*The proposed two storey dwelling to rear, by virtue of its size and scale, the location of the windows within it and their juxtaposition in respect to neighbouring properties, the difference in ground levels between the site compared to that of neighbouring properties, and the back-land nature of*

*the site would result in unacceptable levels of overlooking and loss of privacy and outlook and therefore fail to protect the residential amenities of the occupiers of the neighbouring properties and to retain a high standard of amenity for those occupiers contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 127(f) of the National Planning Policy Framework.*

Dismissed on appeal for the following reason:-

*There is no legally enforceable mechanism associated with the proposal which would secure the mitigation measures necessary to address its adverse effects to the SAC. For these reasons, I conclude on this main issue that the proposed development would be likely to have a significant effect on the integrity of the Cannock Chase SAC. It would therefore conflict with Policy CP13 of the Local Plan insofar as, amongst other matters, it seeks to ensure that the integrity of Cannock Chase SAC is retained.*

CH/17/234 Residential Development:- 2 detached dwellings (outline including access and layout). Committee approval 14<sup>th</sup> Feb 2018.

86/31 Permission for two detached houses. Approved.

## **1 Site and Surroundings**

- 1.1 The application site comprises the rear garden of 71 Old Penkridge Road.
- 1.2 The application site lies along Old Penkridge Road within a row of large, mainly detached dwellings of differing form and appearance, occupying wide and deep plots. The deep plots allow the dwellings to be set back from the highway which creates an attractive spacious residential frontage.
- 1.3 The existing dwelling is set within a generous curtilage to the front of the plot and comprises of a generous 'T' shaped rear garden. The frontage property is currently being demolished and a replacement dwelling constructed. The width of the plot comprises of approx. 5m wide access for a depth of 44m before the site opens up to a width of 38m and a further depth of 25m.

- 1.4 There are a number of trees on and around the site that contribute to a verdant environment. A number of trees have been removed recently however, none of the trees are / were protected by a Tree Preservation Order.
- 1.5 The topography of the application site is reasonably flat however, the adjacent dwelling (No.69 is sited on lower ground). The application site backs onto Ferndell Close to the rear.
- 1.6 There is a single storey dwelling to the north of the site, accessed via a private drive off Old Penkrige Road that was granted approval in 1980's.
- 1.7 The application site is located within a Mineral Safeguarding Area and is also within the Coal Authority Low Risk Boundary.

## **2 Proposal**

- 2.1 The applicant is seeking consent for the construction of two detached dwellings sited on the land to the rear of No. 71 Old Penkrige Road.
- 2.2 The proposed dwellings would be single storey and constructed to a maximum height of 6m falling to 4m at the lowest point and 2.5m to the eaves.
- 2.3 The proposed bungalows would be constructed from brick and tile and would feature a vertical panel on the front elevations.
- 2.4 The dwellings would be three bedroom and benefit from a single garage to the side, set back behind a single parking space. The private gardens would be to the rear.
- 2.5 The plans that have been submitted include landscape details showing areas of paving around the dwelling and soft landscaped areas.

## **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 Part 1 (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030).
- 3.3 Relevant policies within the Local Plan include: -
- CP1 - Strategy – the Strategic Approach
  - CP3 - Chase Shaping – Design
  - CP6 – Housing Land
  - CP7 – Housing Choice
  - CP10 – Sustainable Transport
  - CP12 – Biodiversity and Geodiversity
  - CP14 – Landscape Character and Cannock Chase Area of Outstanding Natural Beauty
- 3.4 Relevant Policies within the Minerals Plan Include:
- Policy 3: - Safeguarding Minerals of Local and National Importance and Important Infrastructure
- 3.5 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
  - 64: Affordable housing not required for non major applications



111:	Highway Safety and Capacity
126, 130, 132, 134:	Achieving Well-Designed Places
174, 180:	Biodiversity
218, 219	Implementation

### 3.9 Other relevant documents include: -

- (i) Design Supplementary Planning Document, April 2016.
- (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
- (iii) 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) Impact on nature conservation
- vi) Drainage and flood risk
- vii) Mineral safeguarding
- viii) Waste and recycling facilities
- ix) Ground conditions and contamination
- x) Affordable housing
- xi) Other Issues raised

## 4.2 Principle of the Development

4.2.1 Both paragraph 11 of the NPPF (2021) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development.

4.2.2 The presumption in favour of sustainable development as set out in paragraph 11 of the NPPF states: -

'For decision taking this means:

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

4.2.3 The starting point of the assessment is therefore whether the proposal is in accordance with the development Plan and whether that plan is up to date. In that respect it is noted that Policy CP1 of the Local Plan states: -

"In Cannock Chase District 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. The urban areas will accommodate most of the District's new housing and employment development, distributed broadly in proportion to the existing scale of settlement."

4.2.4 Other than the above general strategic approach there are no relevant policies within the Local Plan in respect to the approach to be taken with regard to the development of wind-fall sites. As such the proposal falls to be determined in accordance with the tests set out in subsection (d) (i) or (ii) of paragraph 11 of the NPPF show above.

- 4.2.5 With that in mind it is noted that the application site is not designated as Green Belt, AONB or as a SSSI or SAC, nor does it contain a listed building or conservation area or affect the setting of a designated heritage asset; nor is it located with flood zones 2 or 3.
- 4.2.6 The NPPF at para 120 identifies factors which planning policies and decisions should ensure that developments encourage. Of particular relevance to this proposal are, paragraph
- d) promote and support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 4.2.7 In the case of residential proposals, regard will also be paid to the findings of the Strategic Housing Land Availability Assessment. Where a shortfall in the five-year housing supply is apparent then the presumption should be in favour of residential development, unless the economic evidence is strong and compelling. The SHLAA (2022) has confirmed the Council currently has a 5 year land supply. It is noted that the proposal forms an existing SHLAA 2021 designated site; C441 (0-5 years).
- 4.2.8 In respect to the principle of the proposal it is noted that the site is within the curtilage of a residential use and is located within the Old Penkridge Road area which is approximately 1km from the town centre of Cannock, close to the local primary school and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development.
- 4.2.9 Notwithstanding the above and the comments of the neighbour in respect to the principle of the 'backland' development being acceptable, the application seeks permission for two detached bungalows that is identical to the scheme that was submitted and approved by Members at Planning Committee on 14<sup>th</sup> February 2017 (Outline) and the Reserved Matters approval dated 12<sup>th</sup> August 2019. This permission was not implemented however the principle of development on this site was established in the granting of that permission.

4.2.10 However, although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect.

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

4.3.1 The site is located within the South and West Cannock Character Area, the character of which is described in Appendix A of the Design SPD. Key Local Design Principles [amongst others] are that development should

- Safeguard/ enhance 'leafy character' of Old Penkridge Road area with density of development, green views over and between buildings and householder permitted development rights controlled as appropriate. Promote retention and use of front garden boundary hedging to reinforce 'leafy' feel.

4.3.7 Specific Design Guidance for the 'Mature Suburb' of Old Penkridge Road is provided on pages 79 -80 of the Design SPD. Particular Key Features of the character of this area are that: -

- They usually consist of substantial houses and bungalows on large plots within well established gardens along roads leading to the open countryside of the Chase or Shoal Hill.
- The spacious nature and lower density of these areas has led to pressure for intensification of development, particularly on the larger plots with impacts on/ loss of mature trees and shading effects on the new development itself. Whilst such development can have benefits by increasing housing stock and making efficient use of land, it can also affect local character, amenity and privacy unless development is designed to be sympathetic to the main features which makes these areas unique.

4.3.8 Given the number of trees on and around the site, the applicant has submitted a Tree Survey Report with which to inform the submission. The comments of the neighbours with regard to existing trees and hedgerows are noted. The report confirms that the proposed development would involve the loss of a number of

trees (all C quality) , and intrusion of the building into the RPZ of tree 15 and to a lesser degree G1. Existing trees are of poor to moderate quality, though many could be carefully incorporated so that they form an appropriate relationship with any new buildings. This would greatly enhance any new development providing an immediate appearance of maturity.

4.3.9 The comments of the landscape Officer are noted in respect to the access driveway being constructed within the RPA of one of the trees. However Officers note that the implemented planning permission CH/19/289 included the access and as such this intrusion (albeit slight) has already been accepted.

4.3.10 The comments from the Landscape Officer in regard to the AIA, AMS and Landscape proposals are noted and would be secured via the recommended conditions.

4.3.11 In respect to the proposed dwellings, part of the proposal would be constructed to the rear behind a frontage dwelling with access provided to the side. The proposed dwellings would sit next to the existing and varied houses against which context they would be viewed. The proposed scheme would retain the appearance of a main frontage house and the remaining landscape within the grounds. As such any harm to the form and character of the area through loss of semi-natural vegetation would be slight when viewed within this context. Notwithstanding this, where there has been a loss of trees, the applicant has proposed replacement planting. Furthermore, it is considered that the proposed dwellings would be a bespoke and traditional design and would sit comfortably within its semi-rural setting. As such the proposed is considered to preserve the character and form of the street scene and wider area.

#### 4.4. Impact on Residential Amenity

4.4.1 In this respect it is noted that the nearest neighbouring to the proposed dwellings would be Nos. 67 - 75A Old Penkridge Road and Nos.13 & 16 Ferndell Close. The comments of the neighbours are noted in terms of overlooking and privacy.

4.4.2 It is noted that the proposed dwellings would remain at least 25m from the principle rear elevations of the properties fronting Old Penkridge Road (Nos 69-73). Whilst No.69 does sit on a lower level than the application site, the proposal would retain the existing hedgerow that runs to the rear boundary of No.69 . Notwithstanding

this, the proposed dwelling to the rear of No.69 would remain at a distance of more than 25m from the neighbouring property. The existing Beech hedgerow that runs along the shared boundary would be retained and new tree planting proposed adjacent.

4.4.3 The rear garden of No.67 extends to the side of the application site to the immediate south and the private garden of 75a to the north. There are two windows proposed in the side elevations of the new dwellings however these being to ensuite bathrooms these windows would be obscure and would be well screened from the neighbouring properties by the intervening boundary treatments.

4.4.4 No.73 Old Penkrige Road is located on an angle to the proposed rear dwellings, being sited to the north -east of the proposed development. As such, any views into this property as a consequence of the proposed dwellings would be oblique and at a distance of 25m. The Beech trees sited to the rear of No.73 within the application site are identified on the proposed plan as being retained. A condition for additional fencing, has been recommended to the shared boundary with No.73 in order to retain the existing occupiers privacy.

4.4.12 Your Officers considered that the proposal meets and exceeds the guidance set out within the Design SPD having regard to angles and juxtaposition between the proposed dwellings themselves and with surrounding neighbours properties. There are no windows within the proposed development that would give rise to unacceptable levels of overlooking to adjacent dwellings or their gardens with front and rear principle windows meeting the required separation distance or facing out over the application site itself. Whilst there may be some views over neighbouring land, these views would be at a sufficient distance or oblique and not direct.

4.4.13 In addition to the above the proposal would meet the minimum recommendations for outdoor amenity space and parking provision and the retention of existing landscaping would ensure a high quality outlook for future occupiers.

4.4.14 Therefore it is concluded that the proposal, by virtue of the distance from the nearest dwellings, would not result in any significant impact, by virtue of overlooking, loss of light or loss of outlook, on the residential amenities of the occupiers of the neighbouring properties.

#### 4.5 Impact on Highway Safety

4.5.1 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.5.2 In this respect, the proposed access to the site would be via the access off Old Penkridge Road that is being constructed for No.71 Old Penkridge Road. The dwelling at No.71 is currently being demolished and replaced in line with planning permission CH/19/289 which has been implemented. This access extends along the side of Nos 71 and 73, running the full depth of the neighbouring property before turning into a rear parking area for No.71. This access would extend further into the site to provide parking and turning areas for the two proposed dwellings.

4.5.3 The Council's Supplementary Planning Document: Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport, states that new two or three bedroom dwellings should provide two off-street parking spaces and three spaces should be provided for four or more bedroomed dwellings. The proposal demonstrates parking for 2 vehicles per dwelling and adequate room and turning space also provided.

4.5.4 The proposed access arrangements have been reviewed by County Highways Officers, who have raised no objections but have recommended conditions.

4.5.5 Given the above, it is concluded that, subject to the attached conditions the proposal would not lead to unacceptable impacts on highway safety and that the residual cumulative impacts on the road network would not be severe. As such the proposal would accord with the broad thrust of Policy CP10 of the Local Plan and Paragraph 111 of NPPF.

#### 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. Furthermore, no substantial evidence has been presented to demonstrate that any such species or habitat exists on the site.
- 4.6.2 Given the above, the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.
- 4.6.3 In order to enhance the nature conservation opportunities for the site, the applicant has proposed bat boxes within the construction of the dwellings, bird boxes, hedgehog friendly fencing and new tree planting.
- 4.6.4 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL.
- 4.6.5 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

- 4.8.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps. The comments of the neighbours are noted in respect to instances of localised flooding and drainage. Policy in respect to drainage and flood risk is provided by 159-169 of the NPPF. Of particular note is paragraph 167 which states:



'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere'.

4.8.2 In this respect the applicant has stated that foul water will be disposed to mains drains and that surface water would be taken to soakaway. There is no evidence to suggest that in principle these systems of discharge would be inappropriate, particularly given the size of the site and its location within an urban area with access to sewerage infrastructure. As such, the development would not be liable to flooding and that an adequate means of disposal of foul and surface water can be achieved.

#### 4.9 Mineral Safeguarding

4.9.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 209, 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.

4.9.2 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 is not classified as a major application

4.9.3 As such, the proposal would not prejudice the aims of the Minerals Local Plan.

#### 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 and it is advised that any risk can be managed by the attachment of an advisory note to any permission granted.

4.10.2 Paragraphs 183 – 185 of the NPPF seek to ensure new development is suitable for the proposed use taking into account ground conditions and any risks arising from land instability and contamination.

4.10.3 The Council Environmental Health Officer was consulted on the application and raised no objection to the proposal subject to conditions. As such, the proposal is considered to accord with the requirements of the NPPF and Policy CP16 of the Cannock Chase Local Plan, subject to the recommended conditions.

#### 4.11 Affordable Housing

4.11.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, paragraph 64 of the NPPF states that the 'provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)'.

4.11.3 As such, it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

#### 4.12 Objections received not already covered above: -

##### Objections raised not already covered above:-

4.13.1 A neighbour has commented on the discharge of conditions on previous application being carried out 'behind closed doors'. Your Officers confirm that a discharge of conditions application is not a full planning application and as such there is no requirement for the consultation of neighbours.

4.13.2 A neighbour has raised concern regarding drainage pipes positioned on the hedge boundary which would affect the state of the hedge. Your Officer confirm that the line on the plan indicates the extent of the site (red line boundary) as does not indicate drainage in this location.

4.13.3 A neighbour is concerned that if external heat pumps are to be added this could add to the noise and disturbance of a rear garden. Your Officers confirm that heat pumps are not proposed within this application and some degree of heat source could be added under permitted development at a later date by the future occupier of the dwelling.

4.13.4 Neighbours seek confirmation that Ferndell Close cannot be used in connection with the supply of materials or services. Your Officers confirm that the application does not include links through to Ferndell Close.

## **5 Human Rights Act 1998 and Equality Act 2010**

### **Human Rights Act 1998 and Equality 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.

#### Equality 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 Equality Act.

## **6 Conclusion**

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that, on balance, 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.