

**Cannock Chase District Council**

**Planning Committee**

**14<sup>th</sup> April 2021**

**Officer Update Sheet**

**CH/20/424:- 26 View Street, Pye Green, Cannock, WS12 4JD - Replacement garage in rear garden (Resubmission of planning permission No. CH/19/396)**

1. Since the publication of the report, officers have received further correspondence from neighbours at No. 32, which contained a copy of a letter dated 3<sup>rd</sup> April from Marwood Surveyors acting on their behalf in respect to Party Wall and boundary issues.

The letter reads:-

“Dear Mr and Mrs Bayliss

Re: Party Wall and associated Boundary Matters, 32 and 26 View Street, Hednesford, Cannock, WS12 4JD

I am writing to summarise the position to date in respect of the above.

Further to the Party Structure Notice dated 23<sup>rd</sup> September 2020 served upon Mr T Darby the adjoining owner of 26 View Street, and the consent to notice provided by Mr Darby dated 5<sup>th</sup> October 2020, I can confirm that we are still in the process of designing a suitable replacement structure and methodology in respect of providing a means of support to your property whilst the works are undertaken.

For clarification purposes, the Party Structure Notice was served upon Mr Darby as he had carried out excavations adjacent to the concrete post and gravel board structure that was providing support to your property and in doing so has caused damage and instability to the said structure which was also confirmed in writing by the Structural Engineer from Evan Consultancy, in addition Mr Darby did not serve notice as required under The Party Wall etc. Act 1996 however, having consented to the notice served upon him, he has also agreed to pay any reasonable cost in respect of the works including fees.

As you are aware, we have confirmed the legal boundary line to the front of your property, the width is as stated in your title deeds, the survey and measuring was undertaken by Evan Consultancy and myself using modern survey instrumentation which was confirmed in writing. Once we have agreed the methodology and design for means of support to your property, we will be able to obtain competitive and reasonable quotations for the works. When undertaking the works, it will be possible to straighten the existing boundary line currently defined by the retaining fence structure, to ensure that it is erected along the correct boundary line erected in a straight line from the existing position at the rear of the properties to the position defined at the front of the property in accordance with your title deeds. It will be important to agree upon a suitable retaining structure so that there is no danger of any further movement or damage to your property. The boundary structure when completed will form the line of junction between the two properties.

Should you have any queries regarding the above please do not hesitate to contact me.

Yours sincerely

Andrew J Bullock MCIOB AssocRICS"

In response officers would advise members that the content of this letter does not change the view of the Councils engineer. He advises that the lowering of the ground on the side of No. 26 should have required a Party Wall Agreement which does not appear to have been obtained. He adds that he does not consider the line of the retaining fence has been significantly altered in recent years, but however is not aware of any stated widths that may have been discussed.

Officers would add that whether a Party Wall Agreement should have been served for activities undertaken at No. 26 falls outside of the scope of the determination of this application.

Officers would also add that the applicant has confirmed in writing to the Council that the land contained within the application site boundary edged red on the Location Plan is correct and believes that the Ownership Certificate has therefore been correctly issued. Notwithstanding this, officers would stress that issues pertaining to land ownership and boundaries are a civil matter to be resolved privately between the affected parties and therefore fall outside the scope of the determination of planning applications.

2. Paragraph 4.4.4 of the report states that:

“In addition, the garage does have any windows or doors within the side or rear elevations”.

Officers would advise that there is a typo here with the word ‘not’ missing. The sentence should instead read:

“In addition, the garage does **not** have any windows or doors within the side or rear elevations”.

**CH/21/0022: - Former Aelfgar School, Church Street, Taylors Lane, Rugeley, WS15 2AA**

Point of Clarity:

The recommendation should be amended to read

Approve subject to the attached conditions and the completion of **Section 106** unilateral undertaking **or other legal agreement** to secure: -

- (i) A contribution of £221 x 17 to mitigate the impact of the proposed development on the Cannock Chase SAC.
- (ii) A contribution of £95,192 (index linked) towards the provision of education payable in 2 instalments with the first on the commencement of development.