

Please ask for: Wendy Rowe

Your Ref:

Extension No: 4584

My Ref:

E-Mail: wendyrowe@cannockchasedc.gov.uk

27 February, 2018

Dear Councillor,

**PLANNING CONTROL COMMITTEE
3:00PM, WEDNESDAY 7 MARCH, 2018
COUNCIL CHAMBER, CIVIC CENTRE, CANNOCK**

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda.

The meeting will commence at 3.00pm or at the conclusion of the site visits, whichever is the later. Members are requested to note that the following site visits have been arranged:-

<u>Application Number</u>	<u>Application Description</u>	<u>Start Time</u>
CH/18/025	Single storey extension to rear – <i>13 Chancery Drive, Hednesford, Cannock, WS12 4RE</i>	1:30pm
CH/17/413	Residential Development:- Erection of one detached dwelling (outline application including access) – <i>Land to rear of 41 Ebenezer Street, Green Heath, Cannock, WS12 4HD</i>	2:00pm
CH/17/243	Residential Development:- Erection of 4No. 4 bed semi-detached houses and 1 No. 2 bed detached bungalow with associated access, gates and parking, together with demolition of existing dwellings Nos. 54 & 56 – <i>Land at 54 – 56a New Penkridge Road, Cannock, WS11 1HW</i>	2:30pm

Members wishing to attend the site visits are requested to meet at 13 Chancery Drive, Hednesford, WS12 4RE, at 1.30p.m. as indicated on the enclosed plan.

Yours sincerely,



**T. McGovern
Managing Director**

To Councillors:

Cartwright, Mrs. S.M. (Chairman)
Pearson, A.R. (Vice-Chairman)

Allen, F.W.C.	Kraujalis, J.T.
Cooper, Miss J.	Lea, C.I.
Dean, A.	Snape, D.J.
Dudson, A.	Snape, P.A.
Grice, Mrs. D.	Sutherland, M.
Grocott, M.R.	Todd, Mrs. D.M.
Hoare, M.W.A.	

A G E N D A

PART 1

1. Apologies

2. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

To declare any personal, pecuniary or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

3. Disclosure of details of lobbying of Members

4. Minutes

To approve the Minutes of the meeting held on 14 February, 2018 (enclosed).

5. Members' Requests for Site Visits

6. Report of the Development Control Manager

Members wishing to obtain information on applications for planning approval prior to the commencement of the meeting are asked to contact the Development Control Manager.

Finding information about an application from the website

- On the home page click on planning applications, listed under the 'Planning & Building' tab.
- This takes you to a page headed "view planning applications and make comments". Towards the bottom of this page click on the text [View planning applications. By clicking on the link I agree to the terms, disclaimer and important notice above.](#)

- The next page is headed "Web APAS Land & Property". Click on 'search for a planning application'.
- On the following page insert the reference number of the application you're interested in e.g. CH/11/0001 and then click search in the bottom left hand corner.
- This takes you to a screen with a basic description - click on the reference number.
- Halfway down the next page there are six text boxes - click on the second one - view documents.
- This takes you to a list of all documents associated with the application - click on the ones you wish to read and they will be displayed.

<u>Application Number</u>	<u>Application Description</u>	<u>Item Number</u>
---------------------------	--------------------------------	--------------------

SITE VISIT APPLICATIONS

- | | | |
|--------------|---|-------------|
| 1. CH/18/025 | Single storey extension to rear – <i>13 Chancery Drive, Hednesford, Cannock, WS12 4RE</i> | 6.1 – 6.12 |
| 2. CH/17/413 | Residential Development:- Erection of one detached dwelling (outline application including access) – <i>Land to rear of 41 Ebenezer Street, Green Heath, Cannock, WS12 4HD</i> | 6.13 – 6.25 |
| 3. CH/17/243 | Residential Development:- Erection of 4No. 4 bed semi-detached houses and 1 No. 2 bed detached bungalow with associated access, gates and parking, together with demolition of existing dwellings Nos. 54 & 56 – <i>Land at 54 – 56a New Penkrige Road, Cannock, WS11 1HW</i> | 6.26 – 6.45 |

PLANNING INSPECTORATE APPEAL DECISION

- | | | |
|--------------|---|-------------|
| 4. CH/16/377 | Variation of conditions 2. (Materials) and 3. (Approved Plans) of planning permission CH/15/0472 to allow for use of alternative materials an alterations to roof for first floor side extension – <i>24 Watermint Close, Cannock, WS12 2GL</i> | 6.46 – 6.51 |
|--------------|---|-------------|

PAGE INTENTIONALLY BLANK

CANNOCK CHASE COUNCIL

**MINUTES OF THE MEETING OF THE
PLANNING CONTROL COMMITTEE**

WEDNESDAY 14 FEBRUARY, 2018 AT 3:00 P.M.

IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 1

PRESENT:

Councillors

Cartwright, Mrs. S.M. (Chairman)

Pearson, A.R. (Vice-Chairman)

Allen, F.W.C.

Lea, C.I.

Cooper, Miss J.

Smith, C.D. (substitute)

Hoare, M.W.A.

Todd, Mrs. D.M.

Kraujalis, J.T.

98. Apologies

Apologies for absence were received from Councillors A. Dean, A. Dudson, M.R. Grocott, D.J. Snape, P.A. Snape and M. Sutherland.

Notification had been received that Councillor C.D. Smith would attend as substitute for Councillor D.J. Snape.

99. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

There were no declarations of interests submitted.

100. Disclosure of lobbying of Members

All Members present, with the exception of Councillor A. Pearson, declared that they had been lobbied in respect of Application CH/17/237, Land at the Academy Early Years Childcare (Former Talbot Inn Public House), Main Road, Rugeley, WS12 1EE – full demolition of the existing former academy/public house and associated buildings and the erection of a replacement office building with mixed D1/B1 use.

101. Minutes

RESOLVED:

That the Minutes of the meeting held on 24, January, 2018 be approved as a correct record.

102. Members' Requests for Site Visits

None

103. Application CH/17/237, Land at the Former Academy Early Years Childcare (Former Talbot Inn), Main Road, Rugeley – Demolition of the existing former academy/public house and associated buildings and the erection of a replacement office building with mixed D1/B1 use

Consideration was given to the report of the Development Control Manager (Item 6.1 – 6.57 of the Official Minutes of the Council).

Prior to the consideration of the application representations were made by Paul Fisher who was objecting to the application and Ben Davis who was speaking in support of the application on behalf of the applicant.

RESOLVED:

That the application which was recommended for approval be refused for the following reasons:

1. The proposal would result in the loss of a building of special local architectural and historic interest, which is the third oldest building in the parish of Brereton and Ravenhill, is listed as being a building of importance in the Brereton and Ravenhill Parish Plan, and which makes a positive contribution to the character and appearance of the Brereton Conservation Area and the setting of the adjacent listed buildings. As such the proposed demolition would result in harm to the visual amenity of the area and substantial harm to significance of these designated heritage assets contrary to Policy CP15 of the Cannock Chase Local Plan (Part 1).
2. In accordance with Paragraph 133 of the National Planning Policy Framework any proposal leading to substantial harm to the significance of a designated heritage asset should not be granted consent unless it can be demonstrated that that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm or all of the other tests set out in paragraph 133 have been met.

In this instance it is considered that the socio-economic and environmental benefits of the proposals do not outweigh the harm to the designated heritage assets. In addition it is considered that although extensive works would need to be undertaken the applicant has not demonstrated that the nature of the heritage asset prevents all reasonable uses of the site, that no viable use of the heritage asset can be found through appropriate marketing or through grant funding.

As such the proposal is contrary to Paragraph 133 of the National Planning Policy Framework.

3. The proposed replacement building by virtue of the use of extensive glazing in the rear part of the building does not come close to being in context with the surrounding historic buildings. Any new build should be sympathetic in design

and material so as to enhance rather than overshadow the history around it. This site is at the very gateway to Brereton and Ravenhill and to Rugeley. The whole gateway would be ruined by the proposed new build and would have far reaching impact on the conservation area and adjacent historical buildings and therefore fail to preserve the character and appearance of the conservation area and the setting of the nearby listed buildings contrary to Policies CP3 and CP15 of the Cannock Chase Local Plan (Part 1) and paragraph 133 of the NPPF.

104. Application CH/17/419, Oakenway, Kingsley Wood Road, Cannock – Residential development:- demolition of existing bungalow, garage and outbuilding and erection of 1 no. house (resubmission of approved application CH/16/275)

Consideration was given to the report of the Development Control Manager (Item 6.58 – 6.77 of the Official Minutes of the Council).

RESOLVED:

- (A) That, as very special circumstances exist, the Committee agreed that the proposal was acceptable in the Green Belt location and the applicant be requested to enter into an Agreement under Section 106 of the Town and Country Planning Act, 1990 in order to remove permitted development rights.
- (B) On completion of the Agreement the application be approved subject to the conditions contained in the report.

105. Application CH/17/234, 71 Old Penkridge Road, Cannock – Residential development: 2 no. detached dwellings (outline only including access and layout)

Consideration was given to the report of the Development Control Manager (Item 6.78 – 6.93 of the Official Minutes of the Council).

Prior to consideration of the application representations were made by Mr. Rochelle and Mr. Brittle who were both objecting to the application and shared the allocated 10 minutes between them. Representations were also made by Miss Heather Sutton, speaking in support of the application on behalf of the applicant.

RESOLVED:

That the application be approved subject to the conditions contained in the report for the reasons stated therein and subject to a further condition to the effect that notwithstanding the details of the approved plan the replacement tree shall be a scots pine and not a silver birch.

(The Development Control Manager stated that he would liaise with the Tree Protection Officer in relation to the potential for placing a tree preservation order on the replacement tree).

106. Application CH/17/429, Land to the rear of the Hope and Anchor Public House, 27 Redbrook Lane, Rugeley – Residential development:- erection of 3 bedroom bungalow

Consideration was given to the report of the Development Control Manager (Item 6.94 – 6.106 of the Official Minutes of the Council).

RESOLVED:

That the application be approved subject to the conditions contained in the report for the reasons stated therein.

The meeting closed at 4:30p.m.

CHAIRMAN



CH/18/025
13, Chancery Drive, Hednesford, Cannock, WS124RE
Single storey extension to rear



PAGE INTENTIONALLY BLANK



CH/17/413

Land to rear of 41 Ebenezer Street, Green Heath, CANNOCK, WS12 4HD

Residential development:- Erection of one detached dwelling (outline application including access)



PAGE INTENTIONALLY BLANK



CH/17/243

Land at 54 - 56a, New Penkrige Road, Cannock, WS111HW

Residential Development:- Erection of 4No. 4 bed semi-detached houses and 1 No. 2 bed detached bungalow with associated access, gates and parking, together with the demolition of existing dwellings Nos. 54 & 56.

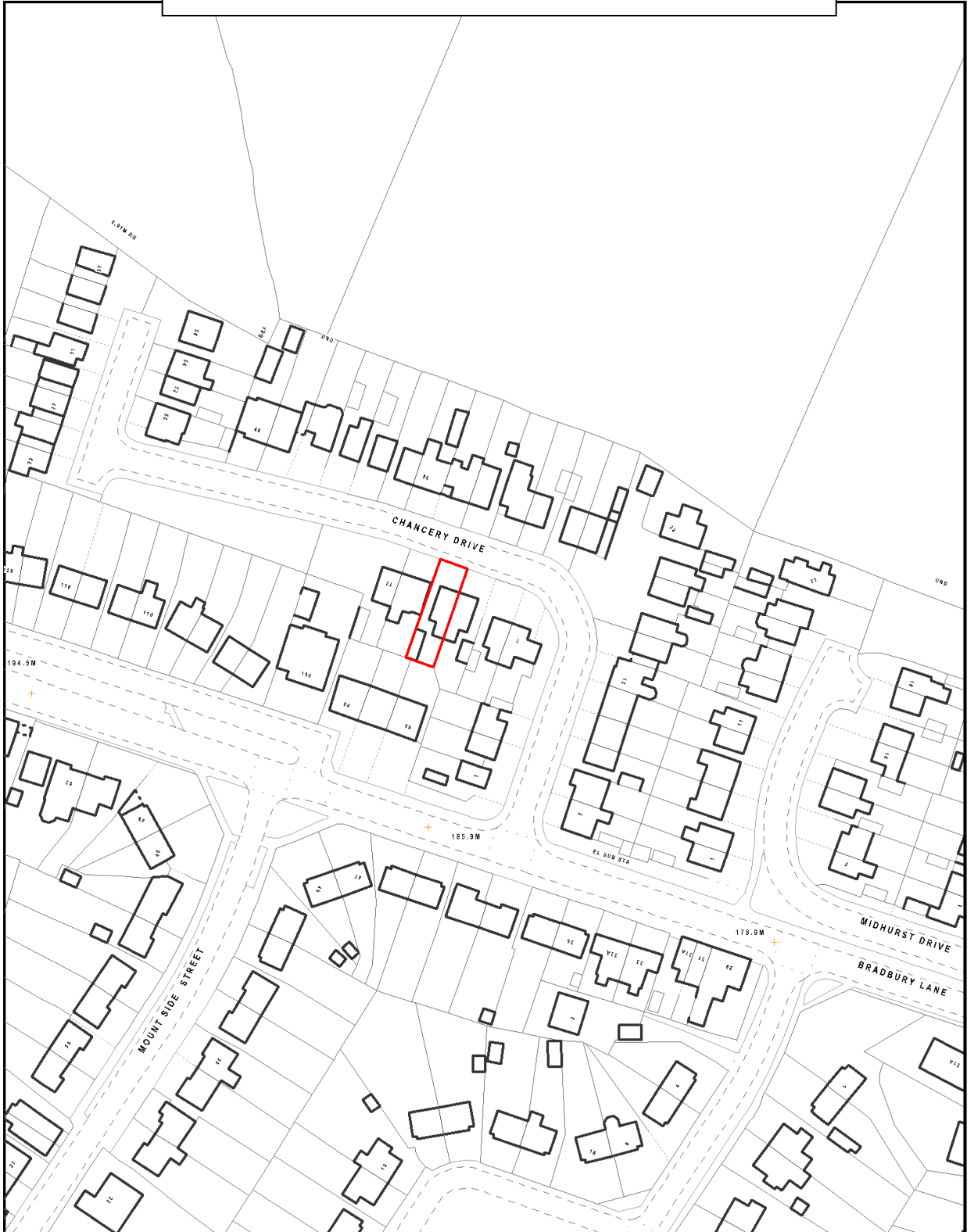
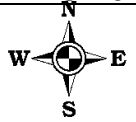


PAGE INTENTIONALLY BLANK



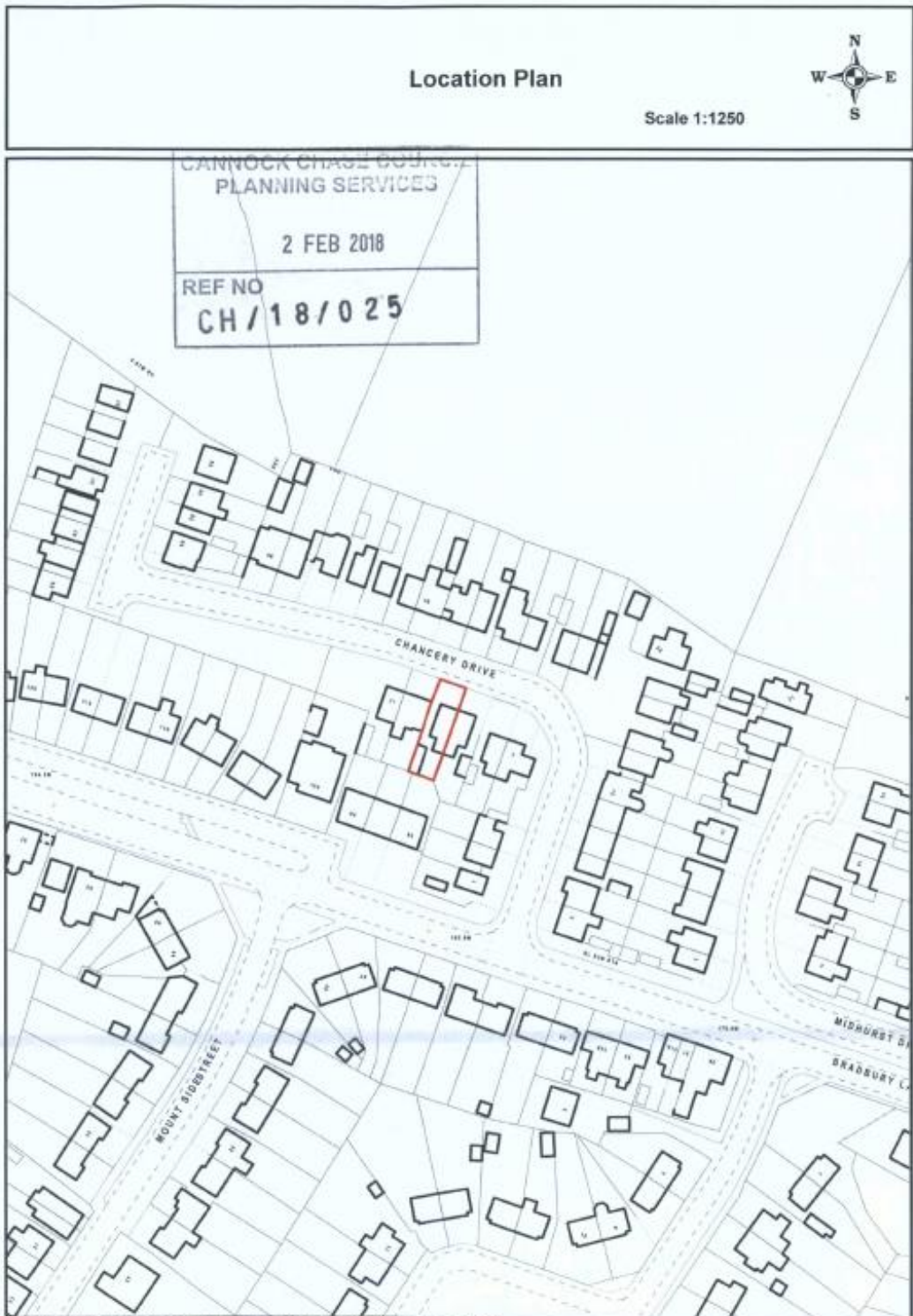
CH/18/025
13, Chancery Drive, Hednesford, Cannock, WS124RE
Single storey extension to rear

ITEM NO. 6.1

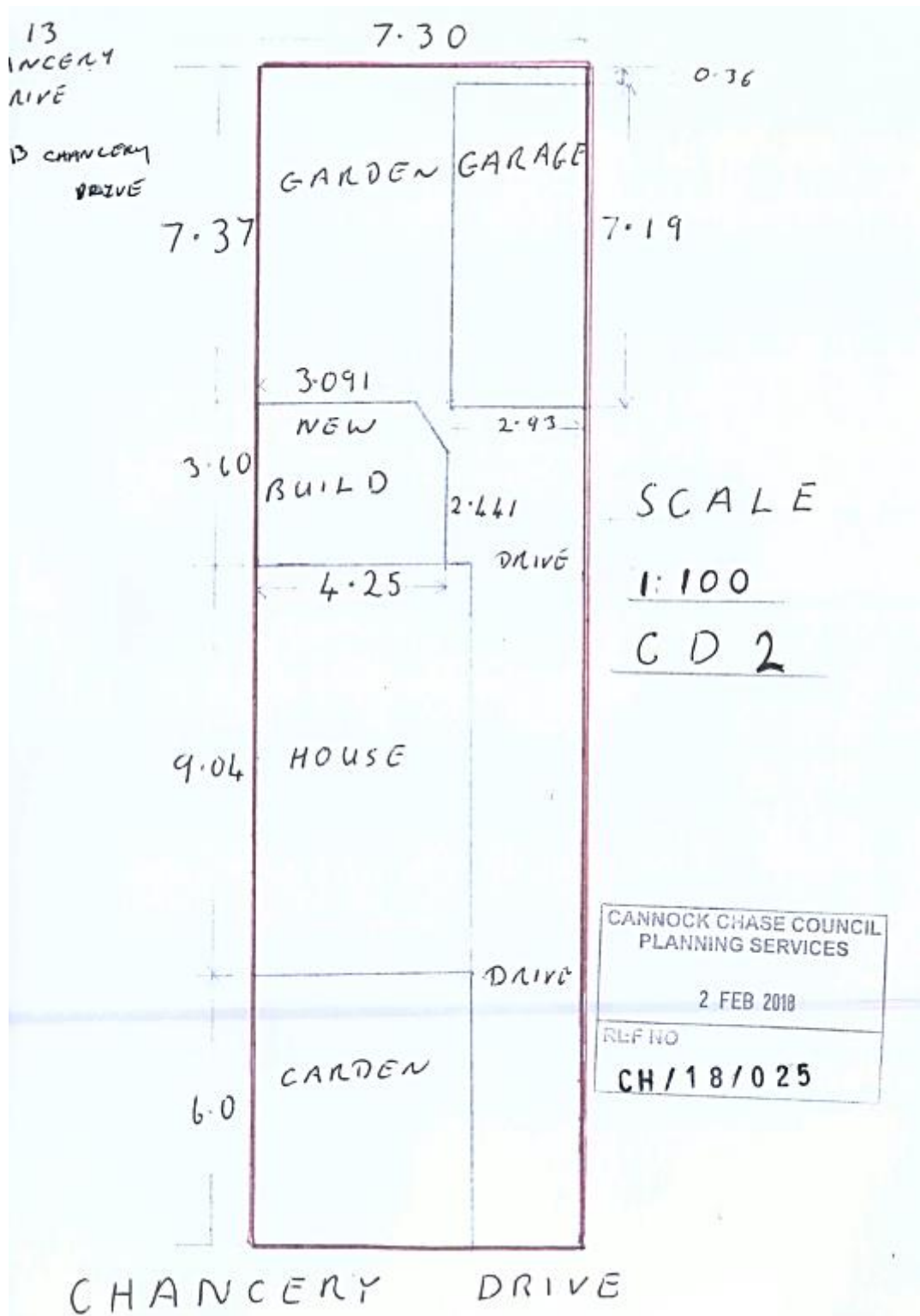


PAGE INTENTIONALLY BLANK

Location Plan



Block Plan



SCALE

1:100

CD 2

CANNOCK CHASE COUNCIL
PLANNING SERVICES

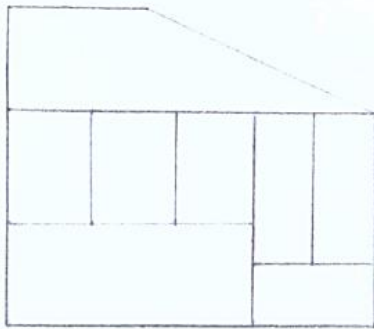
2 FEB 2018

REF NO

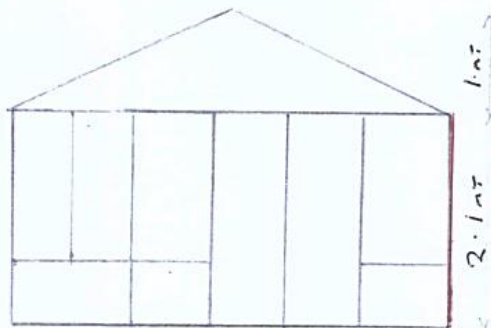
CH/18/025

Proposed Elevations

PROPOSED EXTENSION TO REAR OF 13 CHANERY DRIVE
HEDNESFORD CANNOCK WS12 4RG



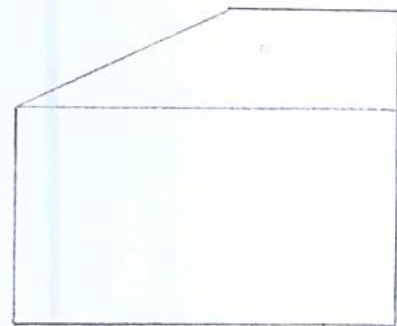
SIDE



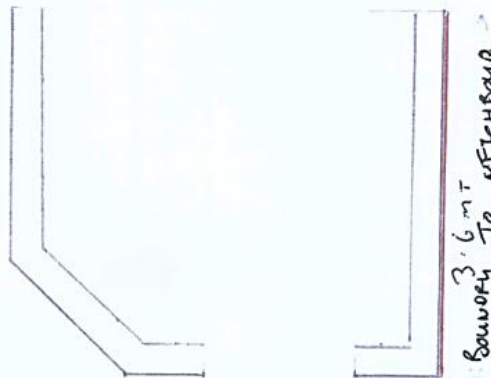
REAR

4.25 m

1.1m
2.1m



SIDE



3.6m
Setback to right hand

SCALE 1:50
C D I

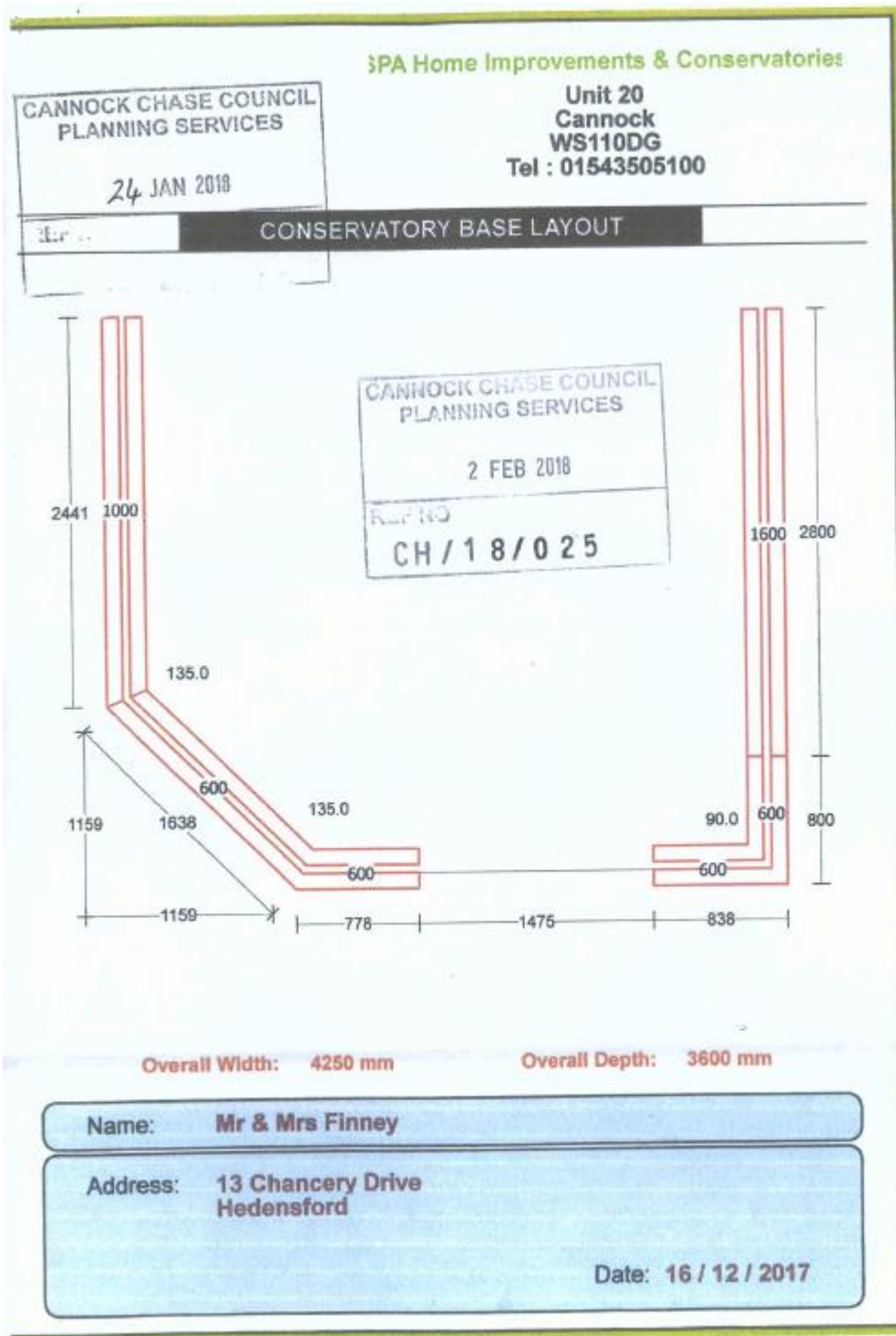
CANNOCK CHASE CONSULTING
PLANNING SERVICES

2 FEB 2018

REF NO

CH/18/025

Proposed Floor Plans



Application No: CH/18/025

Received: 02-Feb-2018

Location: 13, Chancery Drive, Hednesford, Cannock, WS124RE

Parish: Hednesford

Ward: Hednesford North Ward

Description: Single storey extension to rear

Application Type: Full Planning Application

Reason for a Committee Decision

This application has been called in by a Councillor on the grounds of potential impact on amenity.

RECOMMENDATION Approve Subject to Conditions

In accordance with paragraphs (186-187) of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and the National Planning Policy Framework.

1. B2 Standard Time Limit
2. D3 Materials to match
3. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning General Permitted Development (England) Order 2015 or any Order revoking or re-enacting that Order no windows or other openings shall be inserted in the eastern elevation, facing number 11 Chancery Drive.
4. Approved Plans

EXTERNAL CONSULTATIONS

Hednesford Parish Council:

No Objection.

INTERNAL CONSULTATIONS

None.

RESPONSE TO PUBLICITY

The application was advertised by neighbour letter and site notice. To date one letter of objection has been received and the matters raised are summarised below:

- The current partially built conservatory is far higher from ground level to where the window will be fitted and gives the impression that when completed it will resemble an extension far more than a conservatory as the percentage of brick to glass is higher.

- The development will be more of an extension than a standard sized conservatory and conservatories should be no more than 3 metres squared and the current size of the building is greater than that.
- The property is on a higher level and with the addition of a mainly brick exterior and slate roof will reduce the amount of natural light available to the adjoining neighbour's conservatory.
- “Our eldest child has special needs and uses the conservatory as his place of peace as recommended by his therapist. Given his special needs we are concerned that he will no longer wish to use our conservatory as his own if the amount of natural light is disrupted”.
- The conservatory will replace existing fence panels which currently separate the properties and as such will lead to an encroachment on the boundary with adjoining neighbours.
- Any guttering will encroach over the boundary and even if this is not the case given the sloped roof rainfall will fall towards the neighbour’s property.
- Request that the fence panels which have been removed are replaced and that the proposed conservatory is moved further away from the boundary with the adjoining neighbours.
- Concerns that the side window will overlook adjoining neighbour’s living room and garden.
- Footings not to regulation and possibility of wall being unstable and collapsing onto the adjoining neighbour’s property.

RELEVANT PLANNING HISTORY

CH/18/006: - Prior notification for the erection of conservatory to rear measuring 3.6m in depth and 3.1m in height (2.1m to eaves) – Withdrawn.

1. SITE AND SURROUNDINGS

- 1.1 The application site relates to a semi-detached dwelling located on Chancery Drive, Hednesford.
- 1.2 The dwelling is of a post war era design and is finished in brick, brown tiles and white UVPC windows. The frontage comprises of lawn area and a driveway which can accommodate at least two vehicles.
- 1.3 The street scene is predominantly residential and comprises of similar style semi-detached houses.

1.4 The rear garden measures around 10m in length and includes a detached garage.

1.5 There is a slight change in levels between No.s 13& 11 Chancery Drive.

1.6 Construction work has commenced although it is understood that the proposal is now for a larger conservatory which accommodates a manhole inspection cover.

2. PROPOSAL

2.1 The application seeks planning permission for the erection of a single storey extension to the rear.

2.2 The proposed extension measures 3.6m in depth, 4.25m in width and 3.1m in height (2.1m to eaves).

2.3 The extension would be constructed using brickwork, UVPC and tiles to match existing. The eastern elevation, facing number 11 Chancery Drive would be comprised of a brick wall with no openings in it.

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). 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 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 introduced a "presumption in favour of sustainable development".

3.5 The NPPF confirms that a plan-led approach to the planning system and decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise. In particular the following NPPF references are considered to be appropriate.

3.6 Relevant paragraphs within the NPPF include paragraphs: -

7, 11-14, 17, 56, 60.

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.

4.0 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 site is neither allocated nor designated for any planning purpose. Given that the site already consists of a dwellinghouse, the development – an extension to an existing dwellinghouse for residential purposes, is therefore acceptable in principle subject to the considerations listed below.

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 In this instance, the proposal is an extension to the existing rear elevation. The design consists of a conservatory style design with dwarf wall to two sides supporting windows, the eastern elevation being comprised of a brick wall with no openings, all under a pitched, tiled roof.

4.3.3 The extension would be subordinate to the main building and of an appropriate design and scale which with matching materials would facilitate its further integration with the design of the host dwelling.

4.3.4 As such in respect to its design it is considered that the proposal would be acceptable at this location and in accordance with Policy CP3 of the Cannock Chase Local Plan and the Design section of the NPPF.

4.4 Impact on Residential Amenity

4.4.1 A core planning principle is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and this has been accommodated within Policy CP3 of the Local Plan and supported by the guidance as outlined in the Design SPD.

4.4.2 The neighbours at No. 11 raised concerns about the potential for loss of light into an existing conservatory. There is a slight change in levels between the application site and that of the adjoining property, such that the application site is marginally higher. Furthermore the proposed extension would project 0.4m further forward than the neighbour's conservatory. However the proposed extension would not cut an arc drawn at 45 degrees in the horizontal plane and 25 degree in the vertical plane taken from centre of the window of the conservatory in the neighbouring property. As such although there would be some loss of light this would not be so substantial as to result in a poor standard of residential amenity for the occupiers of the neighbouring property.

4.4.3 In regards to overlooking it is noted that the side elevation facing the neighbour at number 11 would be comprised of a blank brick wall with no openings. It is recommended that should the application be approved any permission is subject to a condition to ensure that no windows can be inserted into the elevation without the permission of the local planning authority.

4.4.4 In light of the above it is considered that, subject to the attached condition the proposal would secure a good standard of amenity for all existing and future occupants of both the host property and the neighbouring properties in accordance with Policy CP3 of the Local Plan, the Design SPD and paragraph 17 of the NPPF.

4.5 Impact on Highway Safety

4.5.1 The proposal would not alter the existing parking provision nor would it alter any access arrangements or visibility splays. As such the proposal would not have an impact on highways safety.

4.6 Other Issues Raised by Objectors

4.6.1 The Objector has stated: -

The current partially built conservatory is far higher from ground level to where the window will be fitted and gives the impression that when completed it will resemble an extension far more than a conservatory as the percentage of brick to glass is higher.

Officers would comment that the proposal has been assessed in terms of its impact on the character of the area and on residential amenity and is considered acceptable in regards to design.

4.6.2 The Objector has stated: -

The development will be more of an extension than a standard sized conservatory and conservatories should be no more than 3 metres squared and the current size of the building is greater than that.

Officers would comments that this is not a limit that is applicable to a full planning application. The 3m tolerance on rear extensions relates to what can be built under permitted development rights. Proposal subject to a planning application should be considered on their individual merits.

4.6.3 The Objector has stated: -

The conservatory will replace existing fence panels which currently separate the properties and as such will lead to an encroachment on the boundary with adjoining neighbours.

Officers would comment that any encroachment onto third party land would be a civil matter that needs to be resolved between the concerned parties themselves. It should be noted that planning permission does not give one the right to develop on or over a third party's land.

4.6.4 The Objector has stated: -

Any guttering will encroach over the boundary and even if this is not the case given the sloped roof rainfall will fall towards the neighbour's property.

Officers would comment that this would also be a civil matter between the concerned parties.

4.6.5 The Objector has requested that the fence panels which have been removed are replaced and that the proposed conservatory is moved further away from the boundary with the adjoining neighbours.

Officers would comment that the applicant has demonstrated that the conservatory will not encroach onto No. 11's boundary and unfortunately there is no policy or standard that would require a minimum distance between the proposed extension and the adjoining boundary/ conservatory. Many extensions to rear are built up to or very close to the joint boundary, as is the existing conservatory in the objector's own property.

However it would normally be advised that a gap is left for maintenance purposes, as planning permission does not give one the right to enter onto another's land to maintain a side elevation that may not otherwise be accessible.

With reference to the fence panels, the applicant does have the right to build up to his boundary line and this may necessitate the removal of the fence panels to allow for the development. However, planning permission does not confer the right to remove any fence panels or boundary treatment which is not in the applicant's ownership.

4.6.6 The objector has stated: -

Footings not to regulation and possibility of wall being unstable and collapsing onto the adjoining neighbour's property.

Officers would comment that this would be a matter for Building Regulations, and that it is the responsibility of the owner to ensure that any structures on their land are safe.

5.0 HUMAN RIGHTS ACT

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

6.0 CONCLUSION

6.1 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.

PAGE INTENTIONALLY BLANK



CH/17/413

Land to rear of 41 Ebenezer Street, Green Heath, CANNOCK, WS12 4HD
Residential development:- Erection of one detached dwelling (outline application including access)

ITEM NO. 6.13



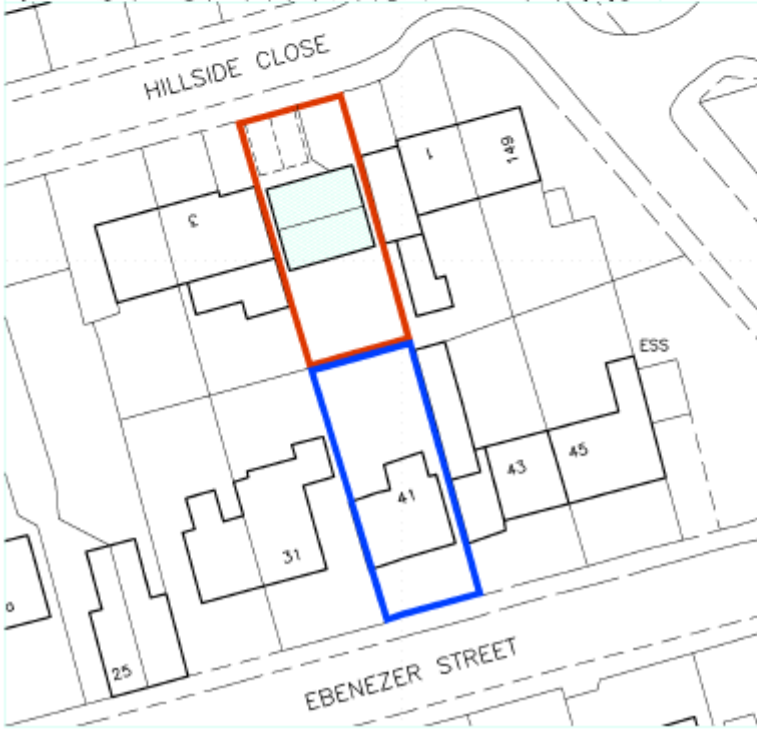
PAGE INTENTIONALLY BLANK

Location Plan & Site Plan



location plan
1:1250

**JOHN
REYNOLDS &
ASSOCIATES**
**ARCHITECTURAL
CONSULTANT**
3 Meadway Close Hednesford
Cannock Staffs WS12 2PD
Tele 07710 359905
E mail
johnreynoldsandassociates
@gmail.com



site plan
1:500

THREE BEDROOM TWO
STOREY DETACHED HOUSE
WITH INTEGRAL GARAGE +
TWO PARKING SPACES IN
OF DWELLING

REV A
Proposal change from a
pair of semis to a
detached dwelling
21 12 17

PROJECT
**RESIDENTIAL
DEVELOPMENT**
Land to be between
1 + 3 Hillside Close +
rear of
41 Ebenezer Street
Hednesford
WS12 4HD
SEPT 2017

Ordinance Survey (c) Crown Copyright 2013. All rights reserved. Licence number 100020449

PAGE INTENTIONALLY BLANK

Application No: CH/17/413

Received: 26-Sep-2017

**Location: Land to rear of 41 Ebenezer Street, Green Heath, CANNOCK, WS12
4HD**

Parish: Hednesford

Ward: Hednesford North Ward

Description: Residential development:- Erection of one detached dwelling (outline application including access)

Application Type: Outline Planning APP

Reason for Committee Decision: This application has been called in by a Councillor.

RECOMMENDATION Approve Subject to Conditions

In accordance with paragraphs (186-187) of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and the National Planning Policy Framework.

1. A1 Time Limit - Outline Permission
2. A2 General Outline Condition (requesting submission of reserved matters, i.e appearance, scale, landscaping and layout)
3. K2 Site Investigation Required (Contaminated Land/Ground Gas)
4. Construction Management Plan
5. H2 Hours Restriction - Machinery
6. CNS1-satisfactory foul and surface water disposal
7. Access
8. Approved Plans - Outline Only

Notes to the Developer

The existing dropped crossing to the site shall be reconstructed in accordance with the submitted Site Plan Rev A. Please note that prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, Stafford, Staffordshire ST16 2DH (or email to nmu@staffordshire.gov.uk).

<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

If this proposal is pursued to the Reserved Matters stage and if the Council approves the Reserved Matters, the development will be liable to pay the Community Infrastructure Levy on commencement. The Reserved Matters submission will need to include the Community Infrastructure Levy (CIL) - Determining whether a Development may be CIL Liable Planning Application Additional Information Requirement form which includes a requirement to give the appropriate floorspace details so that the Council can calculate the amount of CIL payable. Both the form and the associated guidance notes can be downloaded from the Planning Portal, go to

https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/2

EXTERNAL CONSULTATIONS

Staffordshire County Council Highways

No objections subject to a condition relating to the access to the site.

Hednesford Town Council

No objections.

INTERNAL CONSULTATIONS

Environmental Health

No adverse comments, subject to conditions for investigation, or precautionary protection measures provided against potential ground gas issues and Construction Management Plan.

Estates

No comments received.

RESPONSE TO PUBLICITY

The application was advertised by neighbour letter and site notice, to which there were two objections received to the original submitted plans and three objections received to the amended plans on the following grounds:

Original plans:

- Overlooking and detriment to privacy of neighbouring properties.
- Noise and disruption during construction.
- Detrimental impact on parking and highway safety, as there are already parking issues because it is used by parents of Pye Green Valley School. There have been several near misses of children being run over and residents having damage to their cars.
- Health and safety of children going to school.

- The proposal would be out of keeping with the street, as the other properties have three bedrooms and the semis would have two bedrooms.
- A detached house would be out of keeping with the houses in Hillside Close.
- Potential damage to neighbouring properties.
- Devaluation of property and potential loss of sale of adjacent property. Compensation should be offered to existing properties in the street.
- Side air vent to bathroom of neighbouring property would be blocked by proposed dwellings.
- The street was constructed to supply common land, existing residents should have been given the opportunity to purchase the land.
- Local Councillor has stated that the proposal will be passed before consultation undertaken.
- Neighbour would like to appeal the decision if it is approved.

RELEVANT PLANNING HISTORY

CH/08/137 - Residential development - one pair of semi detached houses - Refused on 29-Apr-2008 on the grounds that:

- The proposed development by virtue of its design results in a form of development which is out of character with the surrounding area, to the detriment of the street scene. The proposal is therefore contrary to Policy B8 (i), (ii) and (iii) and H5 of the Local Plan.
- The proposed parking provision is sub-standard providing only one space per dwelling and therefore contrary to the Parking Standards SPD. It would be likely to result in additional kerbside parking to the detriment of highway safety.

CH/06/0274 - Outline residential development - one detached two storey dwelling (outline including siting) - Approved subject to conditions on 21-Jun-2006.

CH/99/0355 - First storey domestic extension to side of dwelling at 41 Ebenezer Street approved subject to conditions on 25-Aug-1999.

1. **SITE AND SURROUNDINGS**

1.1 The application site comprises part of the rear garden to No.41 Ebenezer Street and an open grassed area between No 1 & 3 Hillside. The site is partly owned by the occupiers of 41 Ebenezer Street and Cannock Chase Council Estates Department. The site has an area of 244 sq.m (24.4m long and 10m wide) The site slopes down from the rear of Ebenezer Street to Hillside Close and also downwards from the junction with Heath Street.

- 1.2 Hillside Close is a cul-de-sac of 19 two storey dwellings. The properties are all post war semi detached, some of which have garages, car ports or hardsurfaced frontages. There is also a block of garages located near the end of the cul-de-sac.
- 1.3 No 41 Ebenezer Street is a detached dwelling, comprising cream painted rendered brick and hip tiled roof construction. It has 3 off-street parking spaces on the frontage. It is situated within a mixed residential streetscene, in terms of age, design and varied building line of the houses.
- 1.4 No.1 Hillside Close (east of the application site), sits higher than No.3 Hillside Close (west of the application site). No.1 has a side landing window and a side door nearest to the application site. No. 3 has a two storey side extension with 2-3 car parking spaces on the frontage.
- 1.5 The site is unallocated in the Cannock Chase Local Plan (Part 1).

2. **PROPOSAL**

- 2.1 The applicant is seeking outline planning permission, with all matters reserved apart from access for the development of a 3 bedroom dwelling with integral garage, which would be sited between the existing semis at No.s 1 & 3 Hillside Close.
- 2.2 An Indicative plan and planning statement have been submitted showing how such a dwelling could be laid out. It would be sited 6.5m back from the pavement in Hillside Close and would be 7.5m long and 8m wide with a 1m wide gap to each side to provide access to the rear garden. The rear garden would measure 9m long x 10m wide, to provide an area of 90 sqm and would be separated from the rear garden of No.41 Ebenezer Street with a new fence. A rear garden length of 12m and area of 120 sqm would remain for the existing dwelling at No41.
- 2.3 Parking provision, in addition to the integral garage would be in the form of a porous paved area fronting Hillside Close providing 2 spaces. The remainder of the frontage would be landscaped.

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 adopted Cannock Chase Local Plan (2014).
- 3.3 Other material considerations relevant to assessing current planning applications include the National Planning Policy Framework (NPPF) and the Council's Supplementary Planning Guidance/Documents.

3.4 Cannock Chase Local Plan Part 1 (2014)

- CP1 - Strategy
- CP2 - Developer Contributions for Infrastructure
- CP3 - Chase Shaping – Design
- CP6 - Housing Land
- CP7 - Housing Choice
- CP16 - Climate Change and Sustainable Resource Use

3.5 National Planning Policy Framework

- Paragraph 56
- Paragraph 29
- Paragraph 32
- Paragraph 47
- Paragraph 120

3.6 Planning Practice Guidance

3.7 Other Relevant Documents

- Design Supplementary Planning Document, April 2016.
- Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport Supplementary Planning Document (2005).
- Manual for Streets

4. DETERMINING ISSUES

4.1 The determining issues for the proposal are

- (i) Principle of the development
- (ii) Design and the impact on the character and form of the area
- (iii) Impact on residential amenity
- (iv) Impact on highway safety and capacity
- (v) Impact on nature conservation interests and SAC
- (vi) Drainage and flood risk
- (vii) Ground contamination
- (viii) Waste and recycling
- (ix) Sustainable resource use
- (x) Whether any adverse impact of granting planning permission would be significantly and demonstrably outweighed by the benefits, when assessed against the policies in the Framework, taken as whole

4.2 Principle of the Development

4.2.1 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 the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 14 of the NPPF. This states that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework, taken as whole, or
- Specific policies in this framework indicate otherwise.

4.2.2 Local Plan Policy CP6 identifies sites/ areas allocated or suitable for housing. This makes no reference to policy in respect to the development of development of gardens for residential purposes.

4.2.3 Guidance set out in the NPPF, also supports the creation of high quality housing in sustainable locations. In respect of garden developments Paragraph 53, advises that local planning authorities may consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. The local planning authority has no specific policy relating to development on residential gardens, and, each application should therefore be considered on its merits in terms of its impact on the character and appearance of the area and the impact on the amenity of neighbours.

4.2.4 The proposal is for the development of one dwelling on a site which is located within a residential locality within the urban area of Hednesford and on a site which is currently in residential use. The site is also located within a sustainable location where there is relatively good access to a range of goods, services and employment centres by a range of transport options.

4.2.5 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. It is therefore concluded that the proposal is acceptable in principle.

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

4.3.1 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 Given the above it is noted that although the application has been submitted as an outline application with all matters reserved apart from the access, the applicant has indicated a layout on the location/site layout plan and further information within the planning statement.

4.3.3 In this instance it is noted that the immediate street-scene along Hillside Close comprises entirely semi detached house built c1950's.

4.3.4 The indicative plan and planning statement (although not for approval at this stage) do illustrate how such a dwelling could be laid out, incorporating parking and garden areas in excess of the minimum standards as set out in the Design Supplementary Document 2016. Garden area would remain to the front and rear of the proposed dwelling, which would preserve the character and visual amenity of the area.

4.3.5 In addition, the new dwelling would be positioned roughly in line with the existing semi-detached houses. Infilling the gap in the otherwise built up frontage with a single detached dwelling of similar proportions to the existing adjoining dwellings is considered to be appropriate. In all respects - siting, overall height, roof pitch and use of materials - the proposed dwelling can be designed to be well related to the existing development. The finished level of the development can be set approximately half way between the levels of No 1 & 3 Hillside Close, so maintaining the existing rhythm of development as it falls from the top to the bottom of Hillside Close.

4.3.6 In the Design SPD, the site is within the wider character area of Pye Green Valley, described as largely post-war low to medium density housing, with semi detached and detached units in render and red brick. The design at detailed stage would follow this theme.

4.3.7 Therefore it is concluded that having had regard to the indicative details a dwelling on this site could comply with Policy CP3 of the Cannock Chase Local Plan, the Council's Design SPD and the Good Design section of the NPPF.

4.4 Impact on Residential Amenity

4.4.1 A core planning principle is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and this has been accommodated within Policy CP3 of the Local Plan and supported by the guidance as outlined in the Design SPD.

- 4.4.2 The proposed dwelling would be roughly in line with the existing dwellings at 1 & 3 Hillside Close. As such, the facing distance of 21.3m between the front and rear facing habitable room windows of the proposed dwelling and the existing dwellings would be achieved.
- 4.4.3 The siting of the proposed dwelling would comply with the 45/25 standard, measured from the nearest front and rear facing habitable room windows of the neighbouring properties..
- 4.4.4. In support of the application, the applicant has submitted an indicative layout showing how a new dwelling could be accommodated on the site and still achieving a good standard of amenity for all existing and future occupiers.
- 4.4.5 In respect to the provision of private amenity space/garden size it is noted that the gardens of the proposed and existing dwellings would comply with the minimum standards as set out in the Design Supplementary Planning Document.
- 4.4.6 It is therefore considered that in principle, a new dwelling could be incorporated on the site and be compliant with Policy CP3 and the NPPF.
- 4.5 Impact on Highway Safety and Capacity
- 4.5.1 In respect to parking provision it is noted that the indicative drawing and planning statement show how the proposal would be served by an integral garage and driveway to provide two parking spaces for the proposed dwelling. The existing dwelling at 41 Ebenezer Street would retain the existing 3 car parking spaces on the frontage.
- 4.5.2 Staffordshire County Council Highways Authority has considered the indicative details and has stated that it has no objections subject to condition.
- 4.5.3 It is therefore considered that the proposal would not be detrimental to highway safety and would be in accordance with Policy CP16 (a) and (c) of the Local Plan and paragraph 32 of the NPPF.
- 4.6 Impact upon Conservation Interests
- 4.6.1 The application site is not subject to any formal or informal nature conservation designation and is not known to currently support any species or habitat that is given special protection, or which is of particular conservation interest.
- 4.6.2 As such the site has no known significant ecological value and therefore the proposal would not result in any significant direct harm to nature conservation interests on or adjacent to the site.

Impact upon the Cannock Chase Special Area of Conservation (SAC)

4.6.3 Development within Cannock Chase district that leads to a net increase in dwellings is required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL. The applicant has confirmed that the proposal is CIL liable and that no exemption will be sought from payment. As such the mitigation towards the SAC would be included in the CIL payment.

4.6.4 Subject to the CIL payment the proposal is considered acceptable in respect of its impact on nature conservation interests and therefore would be in compliance with Policies CP3 and CP13 of the Cannock Chase Local Plan and the NPPF.

4.7 Drainage and Flood Risk

4.7.1 The site is located within flood zone 1 of the Environment Agency's Flood Risk maps and hence is at lowest risk of flooding. Furthermore, the site would provide porous car parking spaces and landscaping and as such surface water run-off would not significantly increase as a result of the proposal and any increase could be readily mitigated either by underground tank or by soakaway.

4.7.2 It is therefore considered that, the proposal would not be subject to unacceptable flood risk or result in a significant increase in flood risk elsewhere and therefore the proposal would be resilient to climate change in accordance with Policy CP16 (1) (g) and (2) (e) and Paragraph 17(6) of the NPPF.

4.8 Ground Contamination

4.8.1 There are no adverse comments from the Environmental Protection Officer. However, in respect to the potential for ground contamination, the site lies within potential influencing distance of former landfill sites, accordingly consideration will need to be paid to any necessary provision of gas protection measures should the proposal proceed to development. Subject to a condition to secure the submission and implementation of a site investigation and risk assessment report, it is considered that the proposal would be acceptable in respect of ground contamination. A further condition is recommended to provide a Construction Management Plan to protect the amenity of nearby residents during the construction period.

4.9 Waste and Recycling Facilities

4.9.1 Although these are not shown on the indicative plans, it is clear from the indicative layout that these could easily be accommodated on the site. As such the proposal would contribute to national and local waste reduction and recycling targets in accordance with the requirements of Policy CP16(1) (e) of the Local Plan.

4.10 Sustainable Resource Use

4.10.1 The requirements of Policy CP16(3)(a) in respect of the above have now been incorporated into the building regulations. As such, on balance, it is considered that the fact that the proposal would need to meet building control regulations means that the proposal would be in accordance with Policy CP16 without needing to submit a sustainability appraisal at this stage. Furthermore, issues such as sustainable transport have been addressed above where it was found that the site has good access to public transport and is conveniently placed to be accessible by foot and cycle to a wide range of facilities to serve day to day needs.

4.11 Affordable Housing

4.11.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, given the order of the Court of Appeal, dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014, and the subsequent revision of the PPG it is considered, on balance, that the proposal is acceptable without a contribution towards affordable housing.

4.12 Whether any Adverse Impact of Granting Planning Permission would be Significantly and Demonstrably Outweighed by the Benefits, when Assessed Against the Policies in the Framework, Taken as Whole.

4.12.1 Although the Council has a five year supply of housing land, it is noted that such a supply is not a ceiling and it is the Government's firm intention to significantly boost the supply of housing. With this in mind it is noted that the granting of the dwelling would make a small contribution towards the objectively assessed housing need of the District. In addition it would have economic benefits in respect to the construction of the property and the occupiers who would make some contribution into the local economy. Finally, the proposal would have an environmental benefit of making efficient use of land within a sustainable location.

4.12.2 Conversely when looking at potential harm it is considered that, subject to the attached conditions, there would be no significant and demonstrable harm to highway safety, residential amenity, wider nature conservation interests and flood risk.

4.12.3 As such it is considered that any adverse impact of granting planning permission would not significantly and demonstrably outweigh by the benefits, when assessed against the policies in the Framework, taken as whole. As such the proposal benefits from the presumption favour of sustainable development and should, subject to the attached conditions, be approved.

4.13 Objections raised not already addressed above:

4.13.1 Devaluation of property is not a material planning consideration.

4.13.2 Construction noise and disruption would be controlled by condition to ensure reasonable hours and days of construction and is a necessary, but temporary inconvenience as part of the development process.

4.13.3 There is no third party right of appeal.

4.13.4 There was a previous approval that has since expired for a similar scheme at the site.

5.0 **HUMAN RIGHTS ACT**

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

6.0 **CONCLUSION**

6.1 The application site is located in a sustainable location with good access to goods, services and areas of employment by modes of transport other than the private car.

6.2 In respect to all matters of acknowledged interest it is considered that the proposal, subject to the attached conditions, would not result in any significant harm and is therefore considered to be acceptable.

6.3 The impacts on the Cannock Chase SAC would be mitigated through CIL.

6.4 As such it is considered that any adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits of granting approval, when assessed against the policies in the Framework, taken as whole. As such the proposal benefits from the presumption in favour of sustainable development and should, subject to the attached conditions, be approved.

6.5 It is therefore recommended that the application be approved subject to the attached conditions.

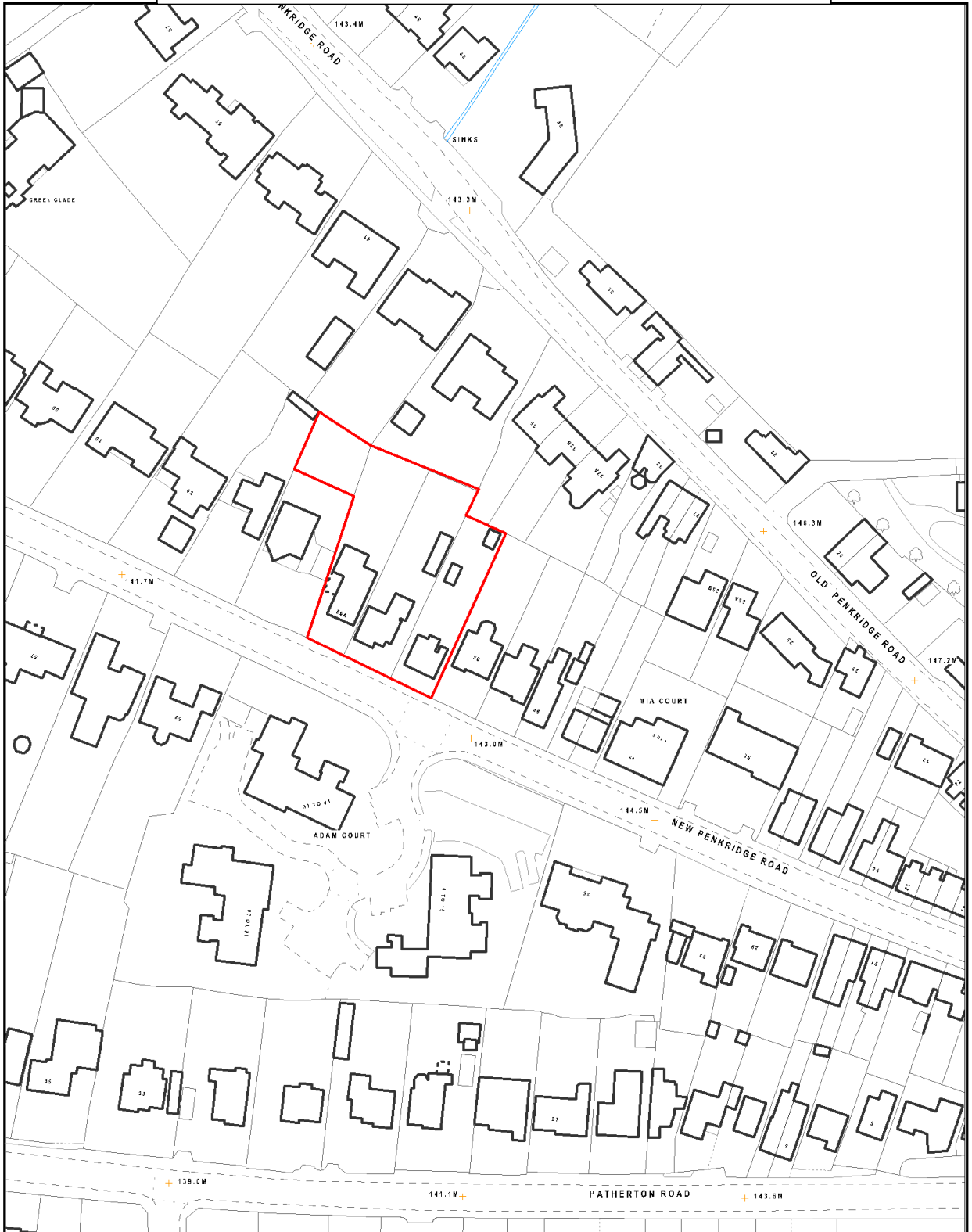
PAGE INTENTIONALLY BLANK



CH/17/243

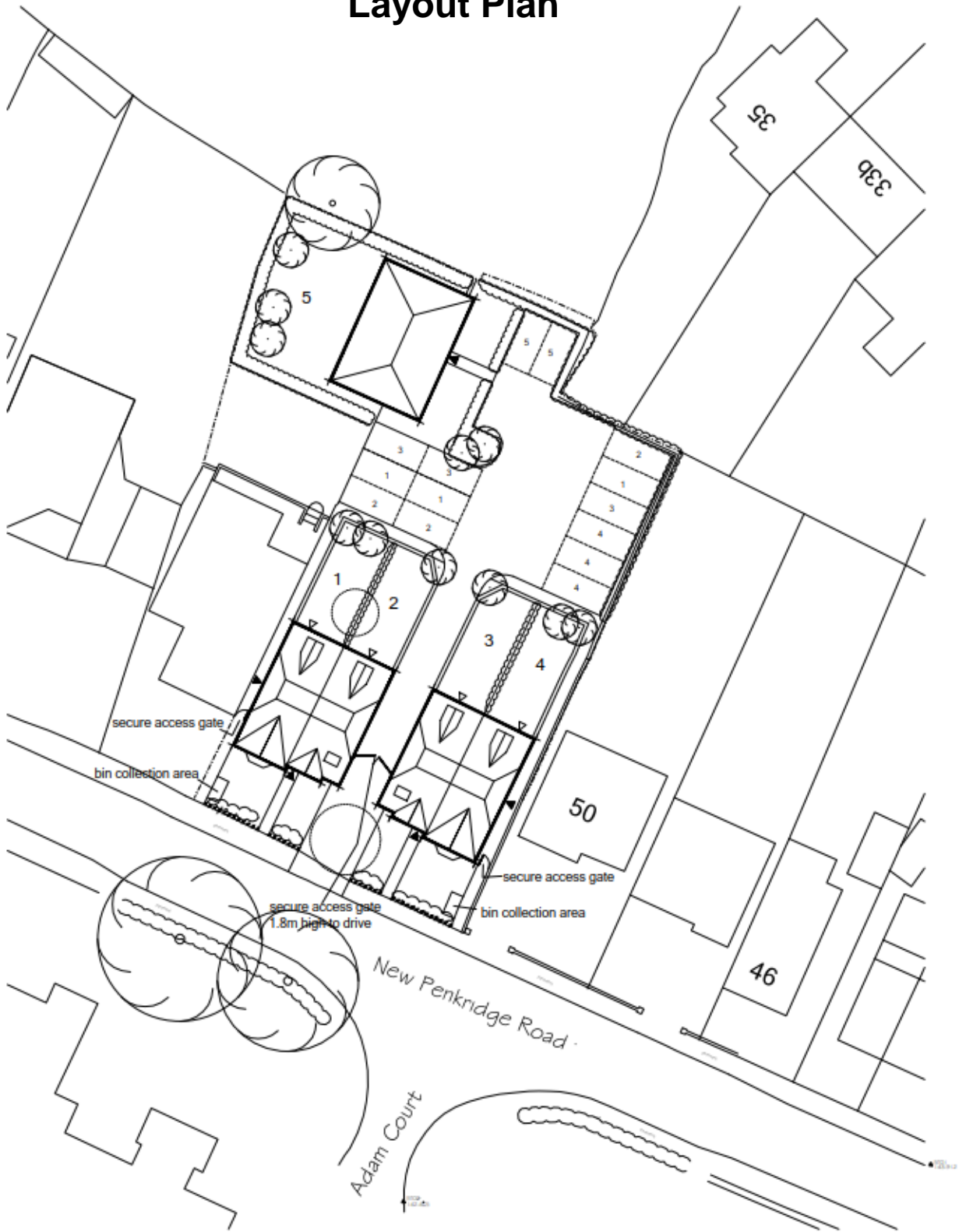
Land at 54 - 56a, New Penkrige Road, Cannock, WS111HW
Residential Development:- Erection of 4No. 4 bed semi-detached houses and
1 No. 2 bed detached bungalow with associated access, gates and parking,
together with the demolition of existing dwellings Nos. 54 & 56.

ITEM NO. 6.26



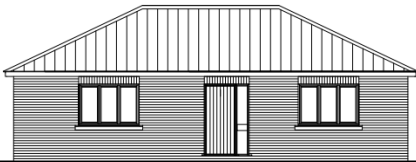
PAGE INTENTIONALLY BLANK

Layout Plan

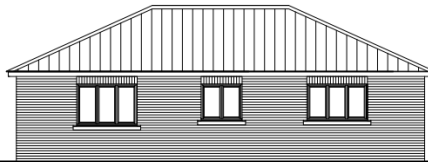


LAYOUT PLAN

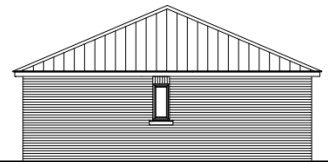
Plot 5 Plans



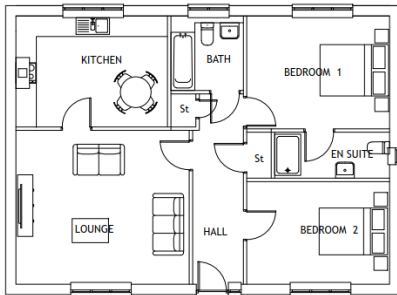
FRONT ELEVATION



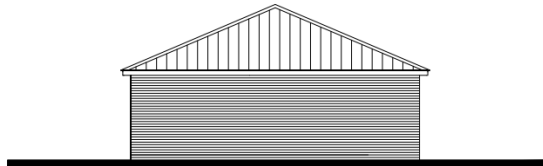
REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN



SIDE ELEVATION



Planning 2 Detail Ltd
Blythe Valley Innovation Centre,
Central Boulevard, Solihull,
West Midlands, B90 8AJ
Tel: 0121 506 9340
djd@planning2detail.com

Proposed Residential Development
at 54-56 NEW PENKRIDGE ROAD,
CANNOCK.

DRAWING: HOUSE TYPE
Plot 5
Scale: 1:100 @ A3
Date: Aug 2016

DRAWING No: LP_NPRC/203 A

Plots 1-4 Elevations




FRONT ELEVATION

REAR ELEVATION

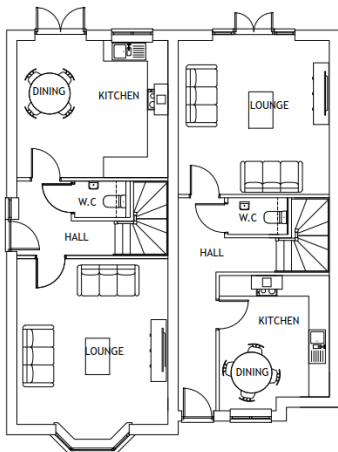


SIDE ELEVATION

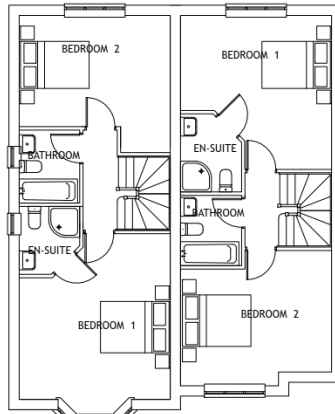
SIDE ELEVATION

	<small>Planning 2 Detail Ltd Blythe Valley Innovation Centre, Central Boulevard, Solihull, West Midlands, B90 8AJ Tel: 0121 506 9340 djen@planning2detail.com</small>
	Proposed Residential Development at 54-56 NEW PENKRIDGE ROAD, CANNOCK.
<small>DRAWING: HOUSE TYPE - Elevations Plots 1-2 & 3-4 Scale: 1:100 @ A3 Date: Aug 2016</small>	
<small>DRAWING No: LP_NPRC/202 A</small>	

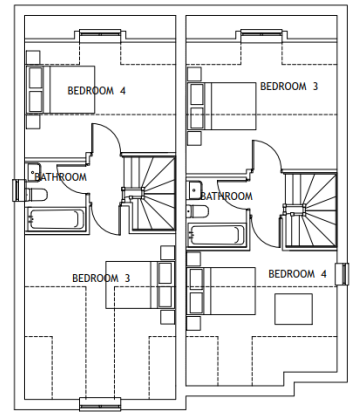
Plots 1-4 Floor Plans




GROUND FLOOR PLAN



FIRST FLOOR PLAN



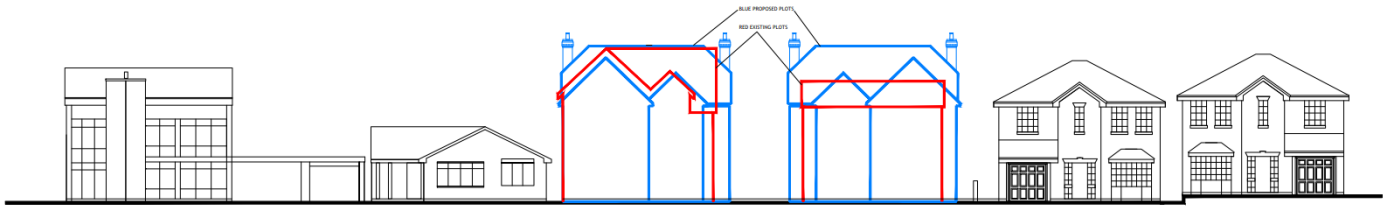
SECOND FLOOR PLAN

	<p>Planning 2 Detail Ltd Bythe Valley Innovation Centre, Central Boulevard, Solihull, West Midlands, B90 8AJ Tel: 0121 506 9340 djd@planning2detail.com</p>
	<p>Proposed Residential Development at 54-56 NEW PENKRIDGE ROAD, CANNOCK.</p> <p>DRAWING: HOUSE TYPE - Plans Plots 1-2 & 3-4 Scale: 1:100 @ A3 Date: Aug 2016</p> <p>DRAWING No: LP_NPRC/201</p>

Street Scene Elevations



EXISTING STREET ELEVATION



COMPARISON STREET ELEVATION



STREET ELEVATION 2

PAGE INTENTIONALLY BLANK

Application No: CH/17/243

Received: 13-Jun-2017

Location: Land at 54 - 56a, New Penkridge Road, Cannock, WS111HW

Parish: Non Parish Area

Ward: Cannock West Ward

Description: Residential Development:- Erection of 4No. 4 bed semi-detached houses and 1 No. 2 bed detached bungalow with associated access, gates and parking, together with the demolition of existing dwellings Nos. 54 & 56.

Application Type: Full Planning Application

RECOMMENDATION Approve Subject to Conditions

Reason for Grant of Permission

In accordance with paragraphs (186-187) of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and/ or the National Planning Policy Framework.

1. B2 Standard Time Limit
2. D1 Materials - Details Required
3. E1 Tree & Hedge Retention
4. E3 Tree & Hedge Protection Implementation
5. E10 Landscape Details Required
6. E12 Landscape Implementation
7. HIGH 1: The development hereby permitted shall not be brought into use until the existing access to the site within the limits of the public highway has been reconstructed and completed.
8. HIGH 2: The development hereby permitted shall not be brought into use until the access drive, parking and turning areas have been provided in accordance with the approved plans.
9. I2: Removal of Permitted Development Rights
10. CON: No construction work or deliveries to the site shall be undertaken outside the hours of 0800 to 1800 on weekdays and 0800 and 1300 on Saturdays or at any time on Sundays, Bank or Public Holidays.
11. The development hereby approved shall be carried out in accordance with the mitigation detailed in Bat Assessment Report for bats and birds, dated 28 September 2016 and prepared by Ecolocation.
12. The dwellings hereby approved shall not be occupied until the scheme for the provision bird nest boxes and bat roosts, as detailed in Bat Assessment Report dated 28 September 2016, has been implemented in full. The roost shall thereafter be retained for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.

13. The development hereby permitted shall not be occupied until the window(s) indicated on the approved plan are obscure glazed. The window(s) shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed
14. Control of waste and recycling facilities
15. Control of external lighting
16. Approved Plans

EXTERNAL CONSULTATIONS

Staffordshire County Council Highways

No objections to the amended plans subject to conditions to provide the access drive, parking and turning areas.

Staffordshire Police

Makes reference to Section 17 of the Crime and Disorder Act, paragraph 58 and 69 of the NPPF and makes detailed recommendations in respect to excessive permeability across the site, securing rear parking courtyard with 1.8m high gates, security lighting to the rear parking court and provision of waste/collection points.

INTERNAL CONSULTATIONS

Environmental Health

No objection subject to condition, to restrict construction and delivery hours to 8am-6pm Monday Friday, 8am-1pm Saturdays & no working Sundays/Bank Holidays.

Ecological Officer

No objection, subject to conditions to provide compensation measures to secure favourable conservation of the Common Pipistrelle Bat and Soprano Pipistrelle Bat, as submitted with the application.

Trees and Landscaping

No comments received.

Strategic Housing

There is no affordable housing contribution required on developments of 10 units or fewer and have a maximum combined floor space of no more than 1,000 sqm..

Waste & Engineering

No comments received.

RESPONSE TO PUBLICITY

The application was advertised by neighbour letter and site notice. Two letters of representation have been received to the original submitted plans raising the following issues: -

- The addition of 4 semi detached houses and 2 bungalows would add to surface water and sewerage in the area. In recent years new properties built on this side of the road has during spells of heavy showers, caused significant build up of surface water outside No.58 and 56a. In addition, a tree root was removed from the gulley by No 58 and there are likely to be more obstructions.
- The position of the proposed parking area would be directly adjacent to the neighbouring gardens, causing noise, disruption and smell from exhaust fumes.
- The access necessary to the bungalows poses a security threat to the properties adjoining those on the Old Penkridge Road, as access over fences and into the neighbouring gardens could increase the risk of burglary.

RELEVANT PLANNING HISTORY

- CH/90/0800 - residential development (one bungalow) approved subject to conditions on 23 January 1991.
- CH/90/0449 - residential development (1 bungalow) refused by Committee on 17October 1990 for the following reason:

In view of the relative siting of the proposed dwelling in relation to No. 56, New Penkridge Road, the development will detract from the reasonable enjoyment of the occupants of that dwelling house.

- CH/88/010 - renewal of permission CH/40/85 for dwelling house on 10 February 1988.

1. SITE AND SURROUNDINGS

- 1.1 The application site comprises No.s 54 & 56 New Penkridge Road and some of the rear garden area of No.56a New Penkridge Road.
- 1.2 The site slopes upwards gradually from east to west along New Penkridge Road. There are a number of mature trees bordering the site, which are not subject to Tree Preservation Orders.
- 1.3 No.54 is a double fronted cottage design C1900 comprising a rendered brick and pitched roof construction with chimney and cellar. It has 30m long rear mature gardens with a garden shed (asbestos roof).
- 1.4 No.56 is a traditional detached house comprising brick and pitched roof construction. It has 37m long mature gardens with detached garage located midway along the rear garden.

- 1.5 No.56a is a modern bungalow comprising brick and pitched roof construction. It is situated within 25m long gardens.
- 1.6 The site is located within the predominantly residential area of New Penkridge Road, which is generally characterised by mature suburbs with large houses standing in generous plots sporting mature trees and hedgerows. However, the site sits between the more established large houses and newer modern detached houses to the east at No.s 48 & 50 New Penkridge Road. To the south and opposite the site, there are apartments in three storey blocks located in Adam Court. The streetscene within this part of the street is therefore mixed in terms of age and design of dwellings, plot size and layout.
- 1.7 The site is approximately 750m from Cannock Town Centre and New Penkridge Road is served by the Nos 21 and 75 bus routes giving access by public transport to Longford Estate, Penkridge and Stafford.
- 1.8 The site is unallocated and undesignated in the Cannock Chase Local Plan (Part 1).
2. **PROPOSAL**
- 2.1 The applicant is seeking full planning permission for residential development including the erection of 4 No. four bed semi-detached houses and 1 No. 2 bed detached bungalow with associated access, gates and parking, together with the demolition of existing dwellings Nos. 54 & 56.
- 2.2 The front elevations of the semis would incorporate projecting gables with mock Tudor style detail, half hipped roofs, brick detail to headers and cills of windows and bay windows. Upper level side facing windows would serve non-habitable rooms. The appearance of the semis would give the impression of large detached houses, due to the design whereby one semi would be provided with a front door and the other a side door. The rear elevations would incorporate dormer windows in the roof space. The rear gardens would measure 10m long x 5m wide, providing 50 sqm rear amenity area. Three parking spaces would be provided for each of the four bedroom dwellings within the gated rear courtyard parking area. Pedestrian access to the side and rear of the semis would be secured with 1.8m high gates.
- 2.3 The front elevation of the bungalow would incorporate a hipped roof shape and cill and header details to flat windows. The rear garden would be 8m long x 12 wide, providing 96 sqm of rear amenity area. Two parking spaces would be provided for the two bedroom bungalow in the gated rear courtyard parking area.
- 2.4 Amended plans have been received to reduce the number of bungalows from 2 No. to 1 No, in order to provide sufficient off-street parking for the numbers of dwellings proposed, reduce the ridge height of the semis and to provide secure

- gates to the side pedestrian accesses adjacent to the semis and to the rear parking courtyard.
- 2.5 The application is accompanied by an arboricultural report and a bat assessment report.
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). Relevant paragraphs within the Local Plan include:
- CP1-Strategy
 - CP2-Developer Contributions for Infrastructure
 - CP3 - Chase Shaping – Design
 - CP6 – Housing Land
 - CP7 – Housing Choice
 - CP12 – Biodiversity and Geodiversity
 - CP13-Cannock Chase Special Area of Conservation (SAC)
- 3.3 Other material considerations relevant to assessing current planning applications include the National Planning Policy Framework (NPPF) and Supplementary Planning Guidance/Documents.
- 3.4 The NPPF sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it outlines the “presumption in favour of sustainable development”.
- 3.5 The NPPF confirms that a plan-led approach to the planning system and decisions must be made in accordance with the Development Plan. In particular the following NPPF references are considered to be appropriate.
- 3.6 Relevant paragraphs within the NPPF include paragraphs:-
- 3-8, 10-14, 17, 47, 56, 60, 111, 117 & 118.
- 3.7 **Other Relevant Documents**
Design Supplementary Planning Document, April 2016.
- Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport Supplementary Planning Document (2005).

4. **DETERMINING ISSUES**

4.1 The determining issues for the proposal are

- (i) Principle of the development
- (ii) Design and the impact on the character and form of the area
- (iii) Impact on residential amenity
- (iv) Impact on highway safety
- (v) Impact on nature conservation interests
- (vi) Impact upon the Special Area of Conservation
- (vii) Drainage and flood risk
- (viii) Affordable housing
- (ix) Crime and the fear of crime
- (x) Whether any adverse impact of granting planning permission would be significantly and demonstrably outweighed by the benefits, when assessed against the policies in the Framework, taken as whole

4.2 **Principle of the Development**

4.2.1 The application site comprises previously developed land and garden land within the predominantly residential area of New Penkridge Road which is located within the main urban area of Cannock. The proposal is for residential development.

4.2.2 Paragraph 49 of the NPPF states that 'housing application should be considered in the context of the presumption in favour of sustainable development', which in turn is set out in Paragraph 14 of the NPPF. Paragraph 14 states that in respect of decision taking the presumption in favour of sustainable development means

approving development proposals that accord with the development plan without delay; and

- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

4.2.3 In this respect it is noted that although the development plan does make some reference to housing provision it is silent on the issue of the acceptability of housing on windfall sites in the urban areas of Cannock and the proposal therefore falls to be determined in respect to the tests set out in Paragraph 14 of the NPPF.

- 4.2.4 The specific policies referred to in Paragraph 14 are identified in footnote 9 and include, for example, those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion. It is noted that the site does not fall within any of the categories outlined in footnote 9 and therefore there are no specific policies within the NPPF which indicate that the development should be restricted.
- 4.2.5 Given the above the proposal should be approved unless 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
- 4.2.6 In respect to the principle of the proposal it is noted that the site is located within the New Penkrige Road area which is approximately 1km from the town centre of Cannock, close to the local primary school and served by bus routes 21 and 75 giving access by public transport not only to Cannock but also Longford Estate, Penkrige and Stafford. 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. In addition the proposal entails the reuse of an existing building and therefore constitutes a sustainable use of resources.
- 4.2.7 As such, in terms of location the proposal accords with the sustainable development principles identified in the NPPF and the strategic approach defined in Policy CP1 and CP6 of the Local Plan.
- 4.2.8 Given the above it is considered that the principle of residential development at this site is acceptable at this location. The following sections look at the potential impacts of the proposal.
- 4.3 Design and the Impact on the Character and Form of the Area
- 4.3.1 Policy CP3 of the Local Plan states development proposals should 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 enhance local distinctiveness.
- 4.3.2 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 New Penkrige 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.

4.3.3 Specific Design Guidance for the 'Mature Suburb' of New 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.

4.3.4 The proposal would remove two existing dwellings and replace them with 5 No. dwellings. The two existing houses have a neutral impact on the contribution to the character of the area. The proposed semi detached dwellings would replicate many of the design elements of No. 56, which would give the appearance of two detached houses rather than four semis. The proposed bungalow would be a low pitched roof design and would be screened from the streetscene by the proposed semis and existing bungalow at No.56a. The majority of the existing mature trees around the periphery of the site would be retained and as such would preserve the character and form of the area. The application is accompanied by an Arboricultural Report Development Method Statement which sets out tree protection, the control of which Officers recommend is secured by the attached condition.

4.3.5 Given the above it is considered that the proposal, subject to the attached conditions, would be well related to its context and would not be contrary to Policy CP3 of the Cannock Chase Local Plan, the guidance within the Design SPD and the Good Design section of the NPPF.

4.4 Impact on Residential Amenity

4.4.1 A core planning principle is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and this is accommodated within Policy CP3 of the Local Plan and supported by the guidance for space about dwellings as outlined in the Design SPD.

4.4.2 In this respect it is noted that the proposal would comply with the facing distance guidance within the Design SPD and as such there would be no significant adverse impact with regard to overlooking of the neighbouring properties.

- 4.4.3 The proposed semis would have approximately 50 sqm of rear garden space, while the bungalow would have approximately 90 sqm of rear garden space. Although the requirements of 80 sqm for the proposed four bedroom semis would not be met by the scheme, it is considered that this would be appropriate given the relatively compact footprint of the proposed semis. The two bedroom bungalow would require 40-44 sqm of amenity, therefore the proposed amenity area of 90 sqm would more than meet the standard set out in the Design SPD.
- 4.4.4 There has been an objection received on the grounds that the proposed parking area would cause detriment to neighbour amenity by way of noise, disturbance and smells. The existing dwellings have shallow frontages, which results in parking either along the side or to the rear of the dwellings. The proposed layout would provide rear parking spaces, which would be located along the rear garden boundaries, which is not dissimilar to that of the existing arrangement. It is therefore considered that although the parking would be marginally more intensive than that of the existing layout, it would not increase noise, disturbance, or smells so significantly as to warrant a refusal, on that basis.
- 4.4.5 In this respect it is considered that the proposal would ensure that a good standard of residential amenity could be attained for both future occupiers and existing residents in accordance with Policy CP3 of the Cannock Chase Local Plan, the Design SPD and the NPPF.

4.5 Impact on Highway Safety

- 4.5.1 The proposal would be for 4 No. four bed semis and 1 No. two bedroom bungalow and would have 14 No. car parking spaces which would meet the standards required by the Parking Standards SPD. In addition the Highway Officer has no objections to the amended proposal.
- 4.5.2 Taking the above into consideration it is therefore concluded that the proposal is acceptable in respect to parking, highway safety and capacity and therefore accords with Policy CP3 of the Cannock Chase Local Plan and paragraph 32 of the 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. A bat survey, prepared by Ecolocation and dated 28 September 2016, has been submitted in support of the application. The report concludes:

"The results of the initial bat assessment of the buildings indicated no evidence of bats in the roof voids or on external elevations. Dusk and dawn bat activity surveys of the two dwellings and the garage at No.56 revealed no bats to be using the garage, whilst a day roost of common pipistrelle were found in both No.54 and No.56 with the possibility of a day roost of soprano pipistrelle present in No.56.

As roosts have been identified, the proposed demolition of both properties will result in the destruction of these roosts and a Natural England derogation licence is therefore necessary for demolition works to proceed legally. Details of any licence requirements and recommended mitigations can be found in sections 9 and 10 of the report and will allow the works to proceed in a sensitive manner, avoiding harming or injuring the bats and securing replacement roosting opportunities in the replacement dwellings for the longer term, such that the favourable conservation status of these bats species in the locality should remain unchanged.

In addition, whilst no confirmed bird nesting was noted in either building at the time of the surveys, there remains potential for nesting birds to utilise both buildings and due diligence prior to and during works is recommended.

The predicted impact of the proposed development on bats and birds is negligible given the proposed mitigation measures that are proposed by the report and can be secured by way of condition to the approval.

4.6.2 Members should note that all species of native British bat are protected by European Protected Species (EPS) status under the 2010 Habitats Regulations, under which it is an offence to kill, injure, disturb or take any bats, or disturb or destroy any place used for refuge, breeding or hibernation. However, such activities can be lawfully undertaken under license, the granting of which is subject to three derogation tests. These are

- (i) the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- (ii) there must be no satisfactory alternative; and
- (iii) the favourable conservation status of the species in its natural area must be maintained.

4.6.3 Under regulation 9(6) of the 2010 Habitats Regulations a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions. The term "competent authority" includes a local planning authority and the duties of a local planning authority have been clarified in the judgement handed down in the case of R (on the application of Simon Woolley) v Cheshire East Borough Council. Hence in the determination of this application regard must be had to the three tests.

4.6.4 Paragraphs 19 and 27 of the Natural England Guidance Note: European Protected Species and the Planning Process; Natural England's Application of the Three Tests to License Applications (2011) provides some guidance on the subject stating

"natural england applies the tests on a proportionate basis, thus the justification required increases with the severity of the impact on the species or population concerned"

and

"A proportionate approach is adopted in considering the feasibility of alternative solutions relative to the degree of impact. The greater the impact of the proposal on the species, the more evidence Natural England would expect to see from the applicant in order to be able to satisfy itself that there is no satisfactory alternative solution to the one being proposed."

- 4.6.5 In respect of the issue of overriding public interest it is noted that although the Council does have a 5 year supply of housing land this is not considered to be a ceiling and it is clear that it is the Government's firm intention, as stated in paragraph 47 of the NPPF, to significantly boost the supply of housing nationally. This is further evidenced by the plethora of changes the Government has introduced into the planning system to facilitate this outcome, including for example the extension of permitted development rights for changes of use to residential, permissions in principle etc. It is also noted that the emphasis of policy is to ensure that development is directed to sustainable locations where a range of local services to meet day to day needs can be accessed by means other than the private car. Given that the proposal would make a small but still significant contribution towards meeting the objectively assessed housing needs of the District in a sustainable location it is considered that moderate weight should be afforded to these considerations.
- 4.6.6 Given that the proposal would affect a day roost occupied by five or less non-breeding bats on an occasional basis throughout the summer months of common species (Common and Soprano Pipistrelle) it is considered that potential harm to the local bat population would be slight. As such it is considered that the slight harm to the local bat population would be outweighed by the moderate public benefits of the proposal.
- 4.6.7 In addition to the above it is considered that the benefits of the proposal (that is the additional dwellings created on the site) would necessitate the demolition of the existing buildings. Furthermore, it is considered that the alternative of "do nothing", that is foregoing the residential development of the site in such an otherwise sustainable location would not be satisfactory given the harm to the local bat population would be slight and somewhat temporary and which could be fully mitigated and compensated for by the inclusion of purpose built bat boxes.
- 4.6.8 In respect to the survey report and mitigation and compensation proposed it is noted that the Council's ecologist has no objections to the proposal subject to all tests being met. Therefore subject to the proposed mitigation to reduce potential harm to bats during the construction-demolition phase and the compensation by

replacement bat roosts it is considered that subject to the attached conditions the proposal would maintain species in a favourable conservation status in their natural area.

- 4.6.9 It is therefore concluded that having had due regard to the three derogation tests that the proposal would be acceptable in respect of its impact on bats and would comply with Policy CP13 of the Local Plan and the NPPF.

4.7 Impact upon the Special Area of Conservation (SAC)

- 4.7.1 The Council has a duty as a responsible authority under the Conservation of Habitats and Species Regulations 2010 (Habitat Regulations) to ensure that the decisions it makes on planning application do not result in adverse effects on the integrity of the Cannock Chase Special Area of Conservation (SAC), which has internationally protected status under the Regulations for its unique heathland habitat. The financial requirement for SAC Mitigation would be included in the calculation for the Community Infrastructure Levy.

4.8 Community Infrastructure Levy (CIL) and S106 requirements

- 4.8.1 The Council's CIL Charging Schedule was approved on 19th February 2015 and came into effect on the 1st June 2015. The CIL for all new residential development is £45.87 per square metre (plus indexation) of floor space and is used to pay for infrastructure. The proposal is CIL liable as it provides 5 new residential units and a net increase of floorspace.

4.9 Drainage and Flood Risk

- 4.9.1 The site is located within Flood Zone 1 in the Environment Agency's Flood Risk maps and hence is at the lowest risk of flooding.
- 4.9.2 The issue raised relating to drainage would fall under Building Regulations legislation. A Building Regulations application would be required for the construction of the proposed dwellings, which would ensure adequate provision is made for foul and surface water drainage. As such, it is considered that the site can be adequately drained.

4.10 Waste and Recycling Facilities

- 4.10.1 These can be provided subject to condition, as there is sufficient space within the site for them to avoid potential obstruction of the public highway.

4.11 Affordable Housing and other Developer Contributions

- 4.11.1 Local Plan Policy CP7 requires financial contributions for affordable housing on sites of between 1-14 dwellings. However, in light of government guidance the Council is not pursuing S106 Contributions including affordable housing for proposed developments of 10 or less dwellings.

4.12 Crime and the Fear of Crime

4.12.1 The proposal has been amended with the addition of 1.8m high gates to the side pedestrian accesses and the rear parking courtyard area in accordance with the recommendations made by Staffordshire Police. The matters relating to bin storage and lighting can be provided via conditions of the approval.

4.13 Whether any Adverse Impact of Granting Planning Permission would be Significantly and Demonstrably Outweighed by the Benefits, when Assessed Against the Policies in the Framework, Taken as Whole.

4.13.1 Although the Council has a five year supply of housing land, it is noted that such a supply is not a ceiling and it is the Government's firm intention to significantly boost the supply of housing. With this in mind it is noted that the granting of the 5 dwellings would make a small contribution towards the objectively assessed housing need of the District. In addition it would have economic benefits in respect to the construction of the property and the occupiers who would make some contribution into the local economy. Finally, the proposal would have an environmental benefit of making efficient use of land within a sustainable location.

4.13.2 Conversely when looking at potential harm it is considered that, subject to the attached conditions, there would be no significant and demonstrable harm to highway safety, residential amenity, and flood risk. The small temporary amount of harm to bats could be mitigated and compensated and would also be outweighed by the benefits of the proposal.

4.13.3 As such it is considered that any adverse impact of granting planning permission would not significantly and demonstrably outweigh by the benefits, when assessed against the policies in the Framework, taken as whole. As such the proposal benefits from the presumption favour of sustainable development and should, subject to the attached conditions, be approved.

5.0 HUMAN RIGHTS ACT

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

6.0 CONCLUSION

6.1 Residential development on this unallocated and undesignated site within the main urban area of Cannock is acceptable in principle. In addition it is considered that the proposal would not result in any significant harm to acknowledged interests. Therefore given the economic and social benefits arising from the provision 5 dwellings and its contribution to meeting the objectively assessed housing needs of the District, it is concluded that the adverse impacts of

approving the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 6.2 The proposal is therefore considered acceptable having had regard to all local and national policy and guidance.
- 6.3 It is therefore recommended that the application be approved subject to the attached conditions.

Application No: CH/16/377

Received: 04-Oct-2016

Location: 24, Watermint Close, Cannock

Parish: Hednesford

Ward: Hednesford South Ward

Description: Variation of conditions 2 Materials and 3 Approved Plans of planning permission CH/15/0472 to allow for use of alternative materials and alterations to roof for first floor side extension

Recommendation: That the report be noted.

In 2015 the Council received an application (reference CH/15/0472) for a first floor extension over the existing garage and utility room and the conversion of the garage at 24, Watermint Close, Cannock which was approved on 28 Jan 2015.

However, it came to the Council's attention that the extension had not been built in accordance with the approved plans. Consequently the applicant was invited to submit an application to seek to regularise the works. A further application (reference CH/16/377) for a variation of condition 2 (Materials) and 3 (Approved Plans) of planning permission CH/15/0472 to allow for use of alternative materials and alterations to roof for first floor side extension was submitted.

The application was considered at Planning Control Committee when it was resolved that it be refused on the following grounds: -

“The variation of Condition 2 of planning permission CH/15/0472 to allow the render and painting of the side gable of the extension would have a detrimental impact on the visual amenity of the adjoining neighbours.

The variation of Condition 3 of planning permission CH/15/0472 to retain the extension as built with a higher ridge height than approved results in a non-subordinate extension, which results in an adverse visual impact on the street scene. As such, the application to vary Conditions 2 and 3 conflicts with Local Plan Policy CP3 and the Design SPD, which seek to secure high quality design in the interests of the amenity of neighbours and the character/appearance of the wider area.”

The applicant subsequently appealed the decision.

The appeal decision has now been received. The appeal has been upheld and an award of costs has been granted against the Council on the grounds of unreasonable behaviour.

The appeal decisions are attached for information.

PAGE INTENTIONALLY BLANK



Appeal Decision

Site visit made on 30 January 2018

by **Simon Hand MA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 February 2018

Appeal Ref: APP/X3405/C/17/3183518 24 Watermint Close, Cannock, WS12 2GL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Richard Edwards against an enforcement notice issued by Cannock Chase District Council.
 - The enforcement notice, numbered JMCG/P113122, was issued on 24 August 2017.
 - The breach of planning control alleged in the notice is failure to comply with conditions Nos 2 and 3 of a planning permission Ref CH/15/0472 granted on 28 January 2016.
 - The development to which the permission relates is first floor extension over existing garage and utility room, conversion of garage into habitable room including a single storey front extension. The conditions in question are Nos 2 and 3 which state that: 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; 3 – the development hereby permitted shall be carried out in accordance with the following approved plans; existing elevations and plan views; proposed upper storey extension to side elevation. The notice alleges that the conditions have not been complied with in that the materials used on the first floor side gable are not of the same type, colour and texture as on the existing dwelling and the roof height of the extension is only 50mm lower than the existing roof height rather than 350mm as shown on the plans.
 - The requirements of the notice are: (i) remove and reconstruct the side gable of the extension using materials which reflect the materials used on the existing dwelling; and (ii) reduce the finished roof height by 0.3m.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeal is allowed and the enforcement notice is quashed. In accordance with section 177(1)(b) and section 177(4) of the 1990 Act as amended, the conditions Nos 2 and 3 attached to the planning permission dated 28 January 2016, Ref CH/15/0472, granted by the Council are discharged and the following new condition is substituted. *The development hereby permitted shall be carried out in accordance with the following approved plan: Proposed elevations RED-003 REV C.*
2. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for first floor extension over existing garage and utility room, conversion of garage into habitable room including a single storey front extension without complying with the said conditions but subject to the other conditions attached to that permission and to the following new condition:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plan: Proposed elevations RED-003 REV C.

Application for costs

3. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Reasons

4. There is no dispute that the finished version of the extension is not in conformity with the two conditions in question. The gable wall has been finished in render at first floor level and the ridge of the extension roof is not 350mm lower than the ridge of the main house. The appellant however, argues these deviations from the agreed plans do not materially affect the extension or the character and appearance of the area and so planning permission should be granted for them. These then are the main issues.

The Appeal on Ground (a)

5. No 24 is one of a group of houses around a turning circle at the end of Watermint Close. It stands on the same line as its neighbour to the west but is set back from the neighbour to the east, No 26. This neighbour has a long rear extension in the back garden set on the boundary that runs next to the new extension to No 24. The two extensions are very close at the front, but are slightly further apart at the rear. The new extension to No 24 is at first floor only and the rear wall is level with the rear of the extension to No 26. The first floor side gable, which is the one with the contentious finish, is no closer to No 26 than the ground floor gable wall.
6. Due to the side walls being very close to each other it is virtually impossible to see what materials the gable wall of No 24 is made from. Even if you stand right next to it at the front it is so dark down the narrow gap the materials cannot be made out. The gap is slightly wider at the rear so it might, if one was determined, be possible to see the actual wall and notice what materials were used. However, there is no impact whatsoever on the amenity of the neighbour at No 26, as alleged by the Council. As the materials can hardly be seen from the street there is also no impact on the streetscene or on the extension itself.
7. The ridgeline of the extension is clearly almost the same as that of the main house. It looks lower because flatter ridge tiles have been used and the front plane is set back slightly from the plane of the main roof. The extension therefore does not look subordinate to the main part of the dwelling. However, the houses in Watermint Close are generally quite substantial and set very close together. The set-back of the front plane, clearly denotes the first floor is an extension and it is difficult to see what would be gained aesthetically by setting down the ridgeline. As-built it does not look out of place nor stand out in a harmful way at all. Indeed once the roof tiles have weathered in it will hardly merit a second glance. The extension does appear cramped, but that is because it is so close to the neighbour, not because the ridge is 300mm higher than it should be. Its proximity to the neighbour is a function of the original design of the estate, nothing to do with the roof of the extension.
8. The Council have quoted a number of policies relevant to the appeal, but it is clear from the above that I do not consider any of them are contravened by the

extension as-built, which is consequently in conformity with the Cannock Chase Local Plan and the Design SPD. I shall allow the appeal on ground (a) and, as they are no longer required, discharge the conditions in question, but substitute a new condition requiring the extension to be finished in accordance with the new plan provided showing the new ridge height and the flank wall rendered, which will regularise the situation. There is no need to consider grounds (f) and (g).

Simon Hand

Inspector

PAGE INTENTIONALLY BLANK



Costs Decision

Site visit made on 30 January 2018

by Simon Hand MA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 February 2018

Costs application in relation to Appeal Ref: APP/X3405/C/17/3183518 24 Watermint Close, Cannock, WS12 2GL

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Richard Edwards for a full award of costs against Cannock Chase District Council.
 - The appeal was against an enforcement notice alleging that two conditions attached to a previous planning permission have not been complied with in that the materials used on the first floor side gable are not of the same type, colour and texture as on the existing dwelling and the roof height of the extension is only 50mm lower than the existing roof height rather than 350mm as shown on the plans.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

The Case for the Parties

2. The appellant argues that the Council acted unreasonably as they disregarded their own officer's advice and photographic evidence provided by the appellant. They failed to take into account his offer to render the upper flank wall and relied almost entirely on local opposition from third parties, particularly the neighbour at No 26 who lobbied Councillors before the council meeting. Finally they failed to identify any harm.
3. The Council argue that the reasons given clearly identify the harm caused. The members are entitled to reach a different decision to their officers, even after viewing the photographs provided by the appellant. The offer to render the wall would not overcome the harm caused. It is entirely conjecture that members were swayed only by local opposition, they visited the site and formed their own opinions.

Reasons

4. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
5. The Council minutes note that members recorded they had been lobbied prior to the meeting, and it is entirely reasonable for local residents who oppose a development to lobby committee members. It is also entirely reasonable for members to reach different conclusions to their officers; otherwise there would

be no point in having a planning committee. However, when doing so they should provide not just reasons but cogent ones.

6. In this case the arguments boil down to a simple disagreement as to whether the as-built extension harmed neighbours' amenities and the character and appearance of the area or not. I disagreed with the arguments put forward by the Council and ordinarily would be very reluctant to award costs when reaching a different subjective judgement to others. However, in this case, the impact of the extension as built is so entirely negligible as to call into serious question the judgment of the planning committee. As I make clear in my decision the flank wall is almost invisible and the impact of the ridge height being some 300mm higher than designed is completely consonant with the buildings that surround it.
7. In particular the Council argued the higher ridge height made the extension seemed cramped but fail to explain how a few centimetres extra height on the ridge has any effect when the entire house has been built right up against the flank wall of No 26. How the amenity of the neighbour is harmed when the flank wall can only be seen with some difficulty was also not explained or why the proposed render finish would be so harmful as to require the entire flank wall to be rebuilt. I can only conclude that this was an enforcement notice that it was not expedient in the public interest to issue and that in doing so the Council acted unreasonably.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Cannock Chase District Council shall pay to Mr Richard Edwards, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicant is now invited to submit to the Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Simon Hand

Inspector