

**Please ask for:** Mrs W. Rowe  
**Extension No:** 4584  
**E-Mail:** [wendyrowe@cannockchasedc.gov.uk](mailto:wendyrowe@cannockchasedc.gov.uk)  
18 June 2023

Dear Councillor,

**Planning Control Committee**  
**3:00pm, Wednesday 26 July 2023**  
**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 visit, whichever is the later. Members should note that the following site visit has been arranged: -

<b>Application Number</b>	<b>Application Location and Description</b>	<b>Start Time</b>
CH/23/0088	<b>6 Post Office Lane, Slitting Mill, Rugeley, Staffordshire, WS15 2UP</b> Extension and Alterations of Existing Dwelling	2:20pm

Members wishing to attend the site visit are requested to meet at 6 Post Office Lane, Slitting Mill, Rugeley, Staffordshire, WS15 2UP at 2:20pm as indicated on the enclosed plan. Please note that, following a risk assessment, Members undertaking site visits must wear full PPE or they will not be permitted on to the site. In this case, the PPE will constitute a hard hat, hi-vis vest, and safety footwear.

Yours sincerely,



**Tim Clegg**  
**Chief Executive**

To Councillors:

Fisher, P.A. (Chair)  
Cartwright, S.M. (Vice-Chair)  
Aston, J.                      Mawle, D.  
Fitzgerald, A.A.          Pearson, A.R.  
Hoare, M.W.A.          Prestwood, F.  
Jones, P.T.                  Sutherland, M.  
Jones, V.                      Thornley, S.J.  
Kenny, B.                      Wilson, L.J.  
Kruskonjic, P.

## **Agenda**

### **Part 1**

- 1. Apologies**
- 2. Declaration of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members**

To declare any 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 28 June 2023 (enclosed).

- 5. Members' Requests for Site Visits**

- 6. Report of the Planning Services Manager**

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

Details about planning applications can be accessed on the Planning section of the Council's [website](#).

***Site Visit Application***

<b>Application Number</b>	<b>Location and Description</b>	<b>Item Number</b>
1. CH/23/0088	<b>6 Post Office Lane, Slitting Mill, Rugeley, Staffordshire, WS15 2UP</b> Extension and alterations of existing dwelling	6.1 - 6.24

***Planning Application***

<b>Application Number</b>	<b>Location and Description</b>	<b>Item Number</b>
2. CH/23/0203	<b>10 Poplar Lane, Cannock, Staffordshire, WS11 NQ</b> Extension to rear of existing garage	6.25 - 6.39

**Cannock Chase Council**  
**Minutes of the Meeting of the**  
**Planning Control Committee**

**Held on Wednesday 28 June 2023 at 3:15pm**  
**In the Council Chamber, Civic Centre, Cannock**

**Part 1**

**Present:** Councillors

Fisher, P.A. (Chair)  
Cartwright, S.M. (Vice-Chair)  
Aston, J.                      Mawle, D.  
Fitzgerald, A.A.          Pearson, A.R.  
Hoare, M.W.A.          Prestwood, F.  
Jones, P.T.                  Stanton, P. (substitute)  
Jones, V.                      Sutherland, M.  
Kenny, B.                      Thornley, S.J.  
Kruskonjic, P.

*(The start of the meeting was delayed slightly due to the site visits running over).*

**1. Apologies**

An apology for absence was received from Councillor L.J. Wilson.

Notification had been received that Councillor P. Stanton would be acting as substitute for Councillor L.J. Wilson.

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

<b>Member</b>	<b>Interest</b>	<b>Type</b>
Cartwright, S.M.	<b>CH/23/0172, 4 Brindley Crescent, Hednesford, Cannock, WS12 4DS</b> , Two Storey side extension to form garage and annex at first floor and two bay garage to front of existing house - Member knows the applicant	Personal
Pearson, A.R.	<b>CH/23/0172, 4 Brindley Crescent, Hednesford, Cannock, WS12 4DS</b> , Two Storey side extension to form garage and annex at first floor and two bay garage to front of existing house - Member knows the applicant	Personal

### **3. Disclosure of Details of Lobbying by Members**

Councillors S.M. Cartwright and A.R. Pearson declared that they had been lobbied in respect of Application CH/23/0172, 4 Brindley Crescent, Hednesford, Cannock, WS12 4DS, Two Storey side extension to form garage and annex at first floor and two bay garage to front of existing house.

### **4. Minutes**

#### **Resolved:**

That the Minutes of the meeting held on 3 May 2023 be approved as a correct record.

### **5. Members Requests for Site Visits**

Councillor P. Kruskonjic requested a site visit be undertaken in respect of Application CH/23/0226, Land at The Mossley, Rugeley, outline application for the erection of up to 43 dwellings, open space and associated works with access (all other matters reserved). The reason for the site visit was to view the location and assess the scale of the development. This was seconded by Councillor M. Sutherland.

Following a vote, the site visit was agreed for the reason outlined above.

### **6. Application CH/22/0292, Park Lodge, Holly Hill Road, Cannock Wood, Rugeley, WS15 4SD, Extension and alterations to existing garage/workshop - retrospective**

Consideration was given to the Report of the Planning Services Manager (Item 6.1 - 6.21) presented by the Development Control Consultant.

The Development Control Consultant provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

There was some discussion in respect of the Right of Way and Members noted that this would be dealt with separately by way of an Informative to the Developer.

#### **Resolved:**

That, as very special circumstances exist to justify inappropriate development in the Green Belt, the application be approved subject to the conditions contained in the report for the reasons stated therein.

### **7. Application CH/23/0023, 37 Attlee Crescent, Rugeley, WS15 1BP, Residential Development: Erection of 1 x four bedroom dwelling**

Consideration was given to the Report of the Planning Services Manager (Item 6.22 - 6.39) presented by the Principal Development Control Planner.

The Principal Development Control Planner provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

**Resolved:**

- (A) That the applicant be requested to enter into an agreement under S106 of the Town and Country Planning Act 1990 to secure a financial contribution to mitigate recreational impacts upon Cannock Chase Special Area of Conservation.
- (B) That, on completion of the Agreement, delegated authority be given to the Head of Economic Development & Planning to approve the application subject to the conditions contained in the report for the reasons stated therein.

**8. Application CH/23/0172, 4 Brindley Crescent, Hednesford, Cannock, WS12 4DS, Two Storey side extension to form garage and annex at first floor and two bay garage to front of existing house**

Consideration was given to the Report of the Planning Services Manager (Item 6.40 - 6.56) presented by the Planning Officer.

The Planning Officer provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Councillor A.R. Pearson moved that the application be approved and he outlined the reasons for this. This was seconded by Councillor S.M. Cartwright.

Arising from the discussions, some Members raised concern with regards to elements of the application relating to the design and scale of the two storey side extension. Councillor S. Thornley therefore suggested that the application should be deferred so that further discussion could take place with the applicant. In view of this, Councillors A.R. Pearson and S.M Cartwright withdrew the motion to approve.

Councillor S. Thornley then moved that the application be deferred to enable Officers to discuss the concerns raised by Members with the applicant. This was seconded by Councillor A. Fitzgerald.

**Resolved:**

That the application, which was recommended for refusal, be deferred to enable Officers to discuss with the applicant the concerns raised by Members in respect of the application.

*(At this point in the proceedings the Committee adjourned for a 5 minute comfort break).*

**9. Enforcement Report - ENF/20/078, 23 Victoria Street, Cannock, WS11 1AG**

Consideration was given to the Report of the Planning Services Manager (Item 6.57 - 6.61) presented by the Interim Development Management Team Leader.

The Interim Development Management Team Leader provided a presentation to the Committee outlining the report and showing photographs of the unauthorised development.

**Resolved:**

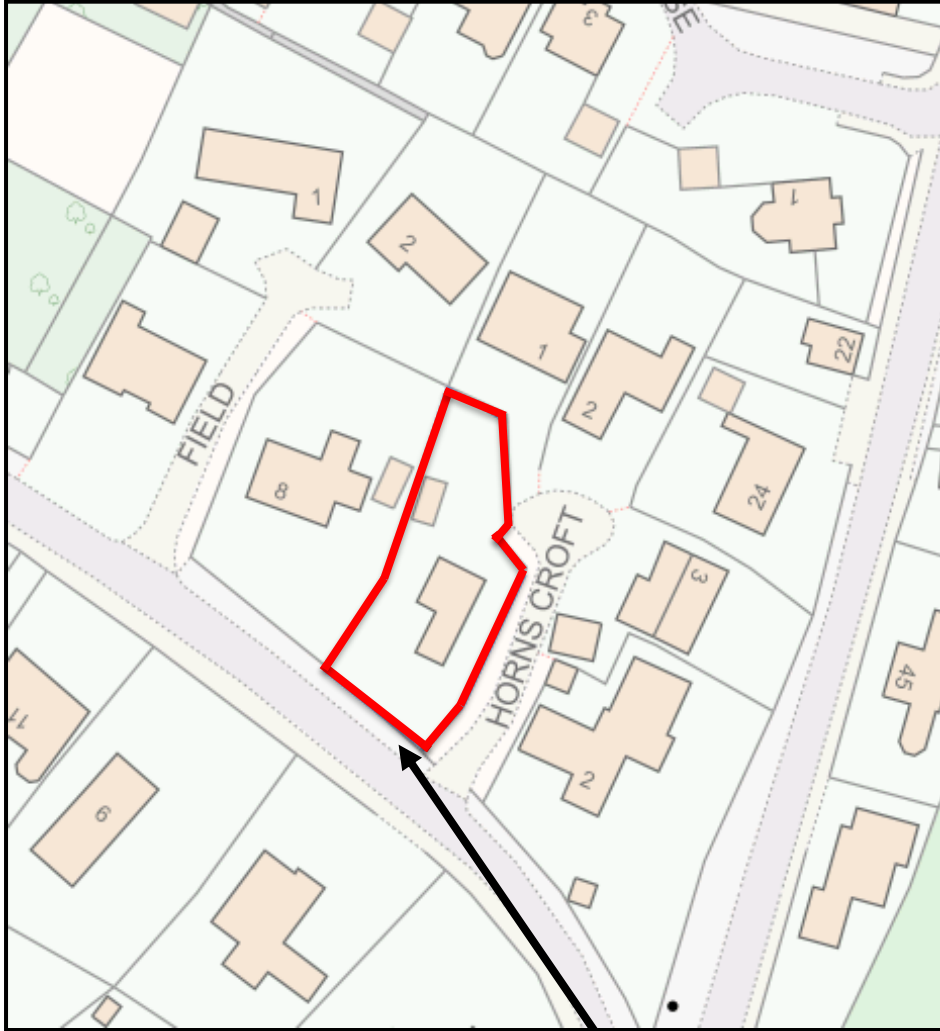
- (A) That authorisation be granted to serve an Enforcement Notice under s171A of the Town and Country Planning Act 1990.
- (B) That, should the terms of the Notice be not complied with, authorisation be granted to initiate prosecution proceedings under s179 of the Act, should it be necessary.

The meeting closed at 4.40pm.

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**Chair**

**Application No:** CH/23/0088  
**Location:** 6 Post Office Lane, Slitting Mill  
**Proposal:** Extensions and alterations to existing dwelling



**SITE VISIT  
MEETING POINT**

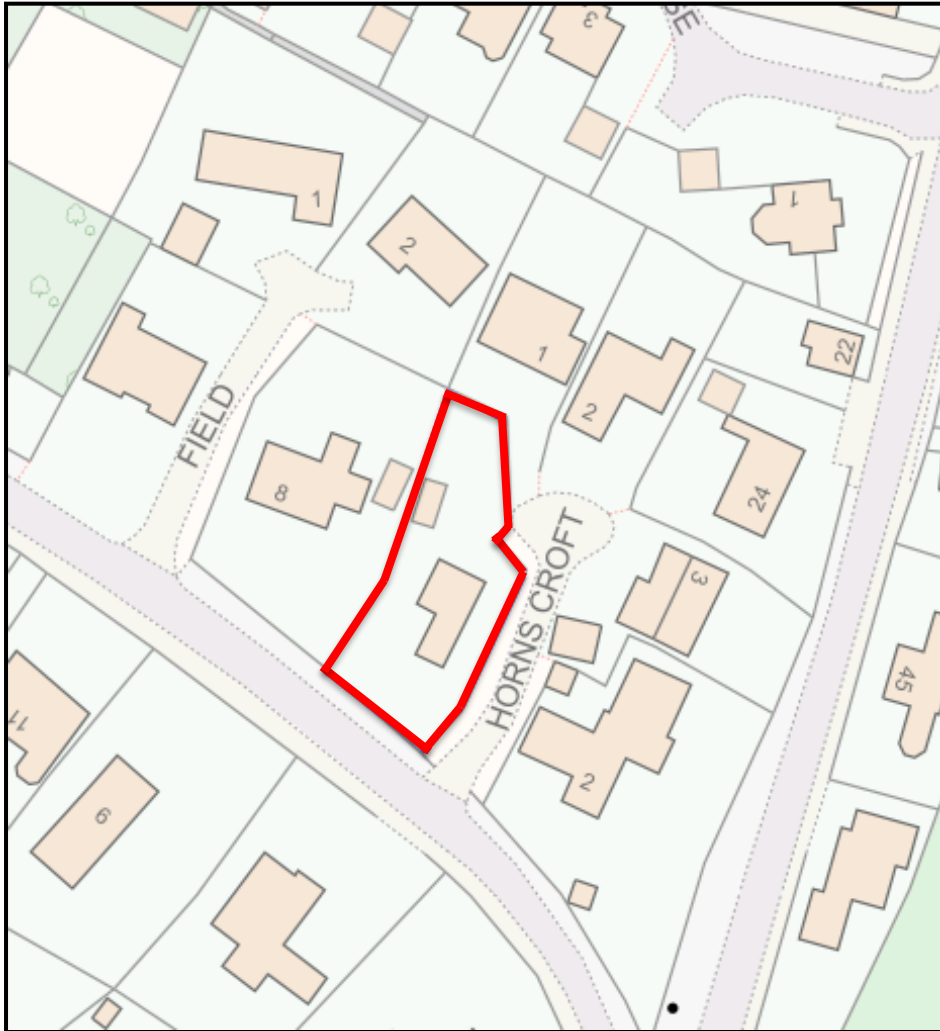


**Application No:** CH/23/0088

Item No. 6.1

**Location:** 6 Post Office Lane, Slitting Mill

**Proposal:** Extensions and alterations to existing dwelling

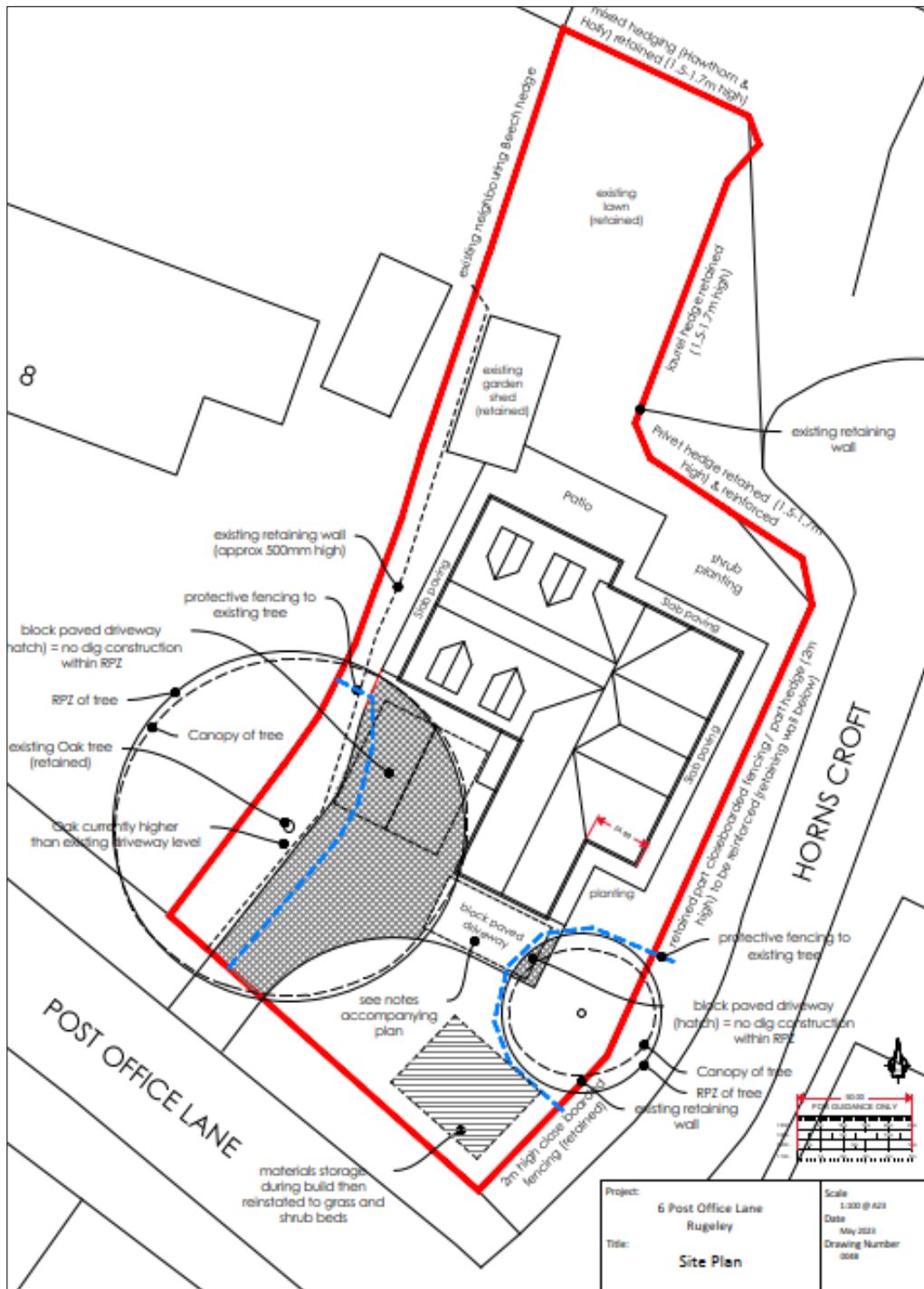


**Application No:** CH/23/0088

Item No. 6.2

**Location:** 6 Post Office Lane, Slitting Mill

**Proposal:** Extensions and alterations to existing dwelling



**Application No:** CH/23/0088

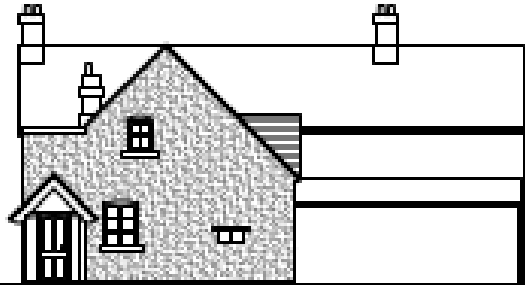
Item No. 6.3

**Location:** 6 Post Office Lane, Slitting Mill

**Proposal:** Extensions and alterations to existing dwelling



South Elevation  
Scale - 1:50



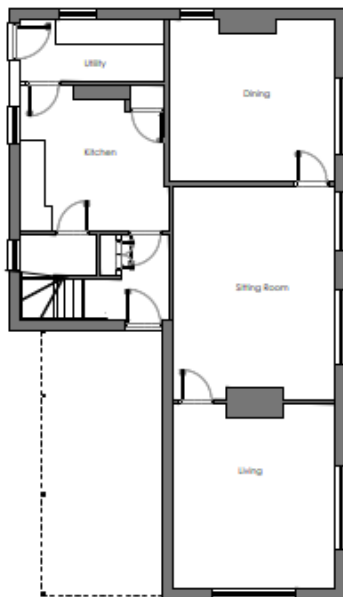
West Elevation  
Scale - 1:50



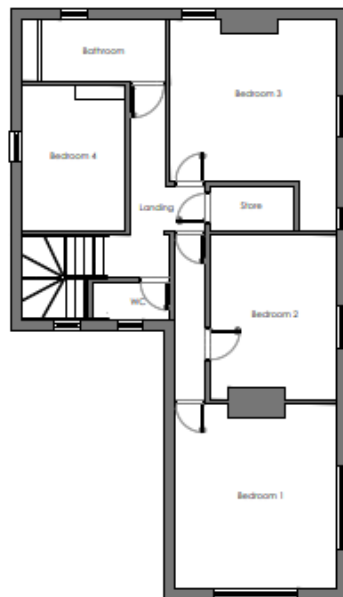
North Elevation  
Scale - 1:50



East Elevation  
Scale - 1:50



Ground Floor Plan  
Scale - 1:50



First Floor Plan  
Scale - 1:50

**Application No:** CH/23/0088

Item No. 6.4

**Location:** 6 Post Office Lane, Slitting Mill

**Proposal:** Extensions and alterations to existing dwelling



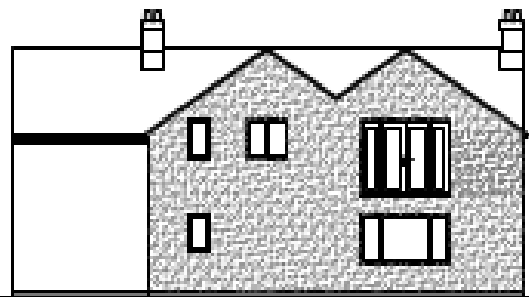
South Elevation  
Scale - 1:600



West Elevation  
Scale - 1:600



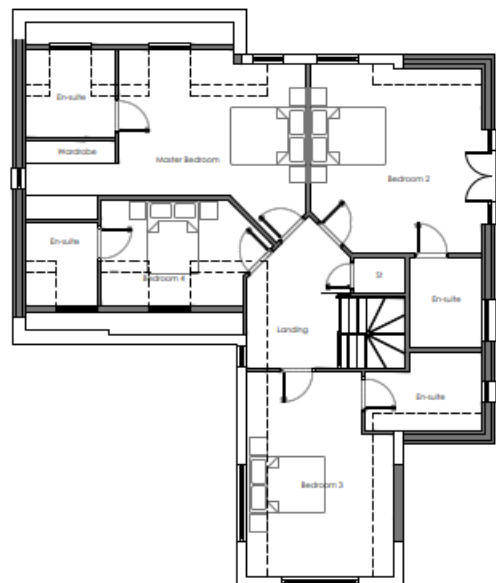
North Elevation



East Elevation



Ground Floor Plan  
Scale - 1:600



First Floor Plan  
Scale - 1:600

Contact Officer:	David O'Connor
Telephone No:	4515

**Planning Control Committee**

**26th July 2023**

Application No:	CH/23/0088
Received:	07 Feb 2023
Location:	6 Post Office Lane, Slitting Mill, Rugeley, Staffordshire, WS15 2UP
Parish:	Rugeley CP
Ward:	Etching Hill and The Heath
Description:	Extension and alterations of existing dwelling
Application Type:	Full Planning Application

**Reason for Planning Committee determination:**

Request for site visit by neighbouring property and Rugeley Town Council

**Recommendation: Approve subject to the following conditions**

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

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

Reason

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

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

Reason

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

3. No trees or hedges shown as retained on Dwg No. 004B shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or destroyed.

Any trees or hedges which, within a period of 5 years from completion of the development are cut down, topped, lopped or uprooted without permission of the Local Planning Authority or become seriously damaged or diseased or die shall be replaced in the next planting season with similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason

The existing vegetation makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3, CP14, CP12 and the NPPF.

4. Prior to the commencement of any construction or site preparation works including any actions likely to interfere with the biological function of the retained trees and hedges, protective fencing shall be erected in the positions shown on Drawing No. 004B.

Within the defined Root Protection Zones as shown within Drawing No. 004B there shall be no groundworks permitted without the written consent of the Local Planning Authority. No storage of material, equipment or vehicles will be permitted within the Root Protection Zone. Service routes will not be permitted to cross the Root Protection Zone unless written consent of the Local Planning Authority is obtained.

Reason

To ensure the retention and protection of the existing vegetation which makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

5. The driveway hereby permitted shall be completed at the start of the build programme for refurbishment of the property and shall be constructed in accordance with Drawing No. 004B specifically utilising no dig construction for the entirety of the area for the proposed driveway and shall function as a ground protection layer for existing TPO trees. The driveway shall thereafter be retained for the life of the development.

Reason

To ensure that no deleterious material is carried onto the highway and to ensure no adverse impacts upon protected trees in accordance with Local Plan Policy CP3.

6. The development hereby permitted shall not be occupied until the windows indicated on the approved plan are obscure glazed to a minimum privacy level of Grade 5 in line with Pilkington Glass Rating Standards. Thereafter the windows shall be retained and maintained as such for the life of the development.

Reason

To ensure that the development does not give rise to overlooking of adjoining property injurious to the reasonable privacy of the occupiers and to ensure compliance with Local Plan Policies CP3 Chase Shaping - Design, and the NPPF.

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

002 – Amended Plans & Elevations 002A dated May 2023

003 – Amended Site Plan 04B dated as received 12 July 2023

Reason

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

### Informative Notes

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

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

<b>1. CONSULTATIONS AND PUBLICITY</b>
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### Internal Consultations

#### **Parks and Open Spaces – Amendments required (10 July 2023)**

Tree protection fence (TPF). Tree Protection Zones are fenced so as to prevent any works being undertaken in that area and damage occurring to trees. This should be accounted for in the development process and proposals put in place to ensure construction can take place. It needs the Arboricultural consultant and designer/architect/builder to work together and produce a workable solution inc plans and or method statements. The submitted plan will prevent or severely restrict development on site. To aid this process the following is advised:-



o Yew Tree - Minor loss of Root Zone is acceptable if the whole rootzone area is usable for root growth i.e. not restricted by part within paved or other built features. This should be achievable by setting the fence back to allow formation of the block paved driveway as indicated.

o Oak Tree - this is growing on an embankment that slopes up from the existing stoned driveway. This driveway would not provide an ideal rooting area for the tree because of its compacted nature and also the low retaining wall will potentially act as a barrier to root growth. The height of the crown is sufficient to allow general vehicle traffic (excluding large HGVs) to pass underneath and given the storage area is at the front of the site with access directly of the highway for unloading by Hyab etc., the crown should not be affected. Thus the TPF should be located along the foot of the retaining wall - Ref plan below. If HGVs (cement mixer) are to enter the site, then ground protection would strongly be recommended as there is still the potential for roots to exist in that area. Details as per the arb report.

Proposed landscaping - Noted open grassed frontage proposed but the drawing also mentions shrub beds – what is proposed and where?

It should be noted that a TPO works application to fell both the protected oak and yew trees was made and refused and an appeal has been lodged with the Planning Inspectorate. As such this planning application will be a material consideration and any approved tree protection details must be appropriate and workable, the present information is neither.

In summary further tree protection details are required along with details of landscaping.

#### Previous Comments 9 May 2023

Tree protection details in respect of yew tree are not acceptable. Revised tree protection details regarding the oak tree required - this aspect cannot be conditioned.

- Details of surface water drainage required.
- A detailed landscape scheme is required.
- Details of proposed and existing levels are required as noted.

The above aspects should be provided as standard part of any application but the latter three items may be conditioned. Ideally this should be a pre commencement condition

but could be specified within 2 months of commencement of any construction works on site.

### External Consultations

#### **Rugeley Town Council – Comments**

Request that Councillors make a site visit to the property

#### **AONB Consultee – Objection (10 July 2023)**

I notice the Applicant has pulled back the RPA around T1 (Oak) which is contrary to advice supplied by the Arb Report which identifies the RPA should extend to the full recommended distance - as a minimum.

It is clear the Applicant has concerns that the RPA potentially overlaps with “simple strip footing at the extreme limit of the TPA”. The area in question has not been identified, but it could be assumed to be the corner of the most western part of the extension. There are no plans to demonstrate the interaction between the proposed foundations & the revised RPA for T1 or T2 for comment. Further to this, the extent of the RPA for T1 remains incorrect.

The Applicant also notes "the levels difference between the oak position and the existing drive and as such it is unlikely the root zone of the oak would extend significantly into the site." It appears that this is the Applicant's personal opinion, not that of the Arboriculturist. The RPA protects the roots but also protects the crown of the tree & as such the RPA should be extended to the full extent.

It appears that the design for the extensions for the dwelling could have been conceived ahead of integrating reliable information around the protection afforded to T1 & T2 which is unfortunate. The AONB upholds a strong position in affording the trees the maximum protection available to them.

The Applicant still has not resolved how they intend to resolve the issue of draining the driveway & a number of other issues as questioned by ENV&HLS/POS response dated 9 May 2023 without surface water spilling onto the Highway without excavating in the no-dig area.

In conclusion, the AONB concurs with ENV&HLS/POS in their response dated 9 May 2023 that "Leaving choice or ambiguity can lead to issues not just on site but more importantly when and if any enforcement action ever has to take place."

The AONB Partnership will not be supporting this application.

### Response to Publicity

The application has been advertised by site notice and neighbour letter, the council has received comments from 1 No. neighbouring property in relation to the proposals. In summary this states the following:

- Generally no objections to the modification works as detailed except that the enlarged windows on the south east elevation will mean our rear door, greenhouse and shed will be overlooked.
- The 15m distance from the window to our property did not account for the 3m extension so will be closer than shown in practice
- Bushes and trees have been removed from the site. It is assumed these were not subject to TPO
- The above works were carried out on a Sunday with extensive noise. Hours of operation restrictions should be imposed as part of any approval. Mon to Fri 8am to 4pm and Sat 8-12noon with no working on Sundays.
- Workers were parked on the highway whilst tree works were carried. Avoiding highway parking during construction should be assured taking account an ambulance had difficulty manouvreing off a drive with vans parked at the roadside.
- When vans are parked at the roadside it obscures our visibility splay when emerging from a drive
- Materials storage within the site should be provided for
- Burning of waste should be prohibited
- The house should be checked for the presence of asbestos

## 2. RELEVANT PLANNING HISTORY

CH/87/347 DEVELOPMENT OF 3/4 DWELLINGS. Approval With Conditions 09 Jun 1987

CH/87/723 ERECTION OF 3 DETACHED HOUSES WITH GARAGES & THE FORMATION OF A PRIVATE DRIVE ACCESS. Full – Approval 10 Feb 1988

## 3. SITE AND SURROUNDINGS

- 3.1 The application site is comprised of a detached two-storey dwelling located within the Slitting Mill urban area, within Rugeley.
- 3.2 The dwelling is an L shaped property with a gable roof. The property features various dormers and windows on all elevations. The property is finished in facing brick, roof tiles, a grey pebbledash render, and white UPVC fenestration. The house is in a poor state of repair and needs extensive refurbishment.
- 3.3 To the front of the site is a gravelled/stoned area which is used for parking. This provides space for at least three vehicles, and a private garden area. Two TPO trees exist either side of the periphery to the front garden. The rear of the site is a private garden bound by hedges and other greenery.
- 3.4 The immediate streetscene is residential and is comprised of a range of detached 1 ½ and two-storey dwellings, all with varying style and overall finishes.
- 3.5 The site is allocated within the Local Plan as being within an Area of Outstanding Natural Beauty. The site has also been identified as being within a Mineral Consultation Area, a Coal Authority Low Risk Area, and that the site falls within the Local Plan 2014 settlement boundary.

## 4. PROPOSAL

- 4.1 The application seeks planning permission for extensions and alterations to an existing dwelling. The proposals seek to add two-storey side extensions to either side of the dwelling, as well as implementing various internal layout changes and the addition and alteration of window positions on all sides of the dwelling. The proposals looks to use matching materials to the existing dwelling.

## 5. **PLANNING POLICY**

- 5.1 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.
- 5.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030). Relevant policies within the Local Plan include: -

CP1 - Strategy – the Strategic Approach

CP3 - Chase Shaping – Design

CP14 - Landscape Character & Cannock Chase Area of Outstanding Natural Beauty

- 5.3 Relevant policies within the minerals plan include: -

Policy 3 - Safeguarding Minerals of Local and National Importance and Important Infrastructure

## **NATIONAL PLANNING POLICY FRAMEWORK**

- 5.4 The NPPF (2021) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be "presumption in favour of sustainable development" and sets out what this means for decision taking.
- 5.5 The NPPF (2021) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.6 Relevant paragraphs within the NPPF include paragraphs: -

- 8: Three dimensions of Sustainable Development
- 11-14: The Presumption in favour of Sustainable Development
- 47-50: Determining Applications
- 126, 130, 132, 134: Achieving Well-Designed Places
- 218, 219: Implementation

5.7 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.

## 6. DETERMINING ISSUES

6.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Character and Appearance
- iii) Residential Amenity
- v) Parking and Highways
- vi) Minerals
- vii) Trees

## 7. PRINCIPLE OF THE DEVELOPMENT

7.1 The application site is located within an Area of Outstanding Natural Beauty (AONB) as indicated within the Local Plan. However, AONB designations does not preclude the erection or modification of dwellings, just that greater care is required regarding their appearance. Overall, modifications to domestic properties are acceptable in policy principle terms.

## 8. CHARACTER AND APPEARANCE

- 8.1 The design of the proposals upon submission in March was assessed as not sufficiently subordinate to the host property and the quality of the plans provided was not adequate. Discussions were undertaken with the applicant's agent and amended plans in a more appropriate style and showing a reduced scale of extension to the property were received.



*Figure 1: Extract from amended plans showing front elevation*

- 8.2 The design of the amended proposals is considered to be acceptable in terms of the character, form and massing of the extension versus the host property. Overall the design seeks to allow the original main gable to project forward and avoids raising the ridge of the building above and beyond the original house. Whilst extensive work is still proposed and this does envelope the rear and sides of the existing building, the proposals seek to use matching materials to the existing dwelling and utilise an overall appearance that is traditional in form and materials, is reflective of the original design of the main house and other nearby properties.
- 8.3 There are no substantive comments from neighbours or consultees about the design character of the proposals. Given the above and having had regard to Policy CP3 of the Local Plan, the special character of the AONB and the above mentioned paragraphs of the NPPF it is considered that the proposal as a whole would be well-related to existing buildings and their surroundings. The application proposals would

successfully integrate with existing features of amenity value in design terms, maintain a strong sense of place and result in the restoration of a run down property that would enhance the setting of the area.

## 9. RESIDENTIAL AMENITY

- 9.1 A key consideration in these proposals has been the relationship to neighbouring properties. Officers have visited and photographed the relationship to the nearest neighbours. It was noteworthy that an extensive range of side facing windows already existed at the property.



Figure 2: Extract from submitted Location Plan showing plotted dimensions to neighbouring properties

- 9.2 In respect to overlooking of neighbouring properties, it is demonstrated above that for the majority of properties in the vicinity the level of separation apparent exceeds the 21.3m separation standard between main facing elevations. As such properties 1, 2 and 24 as shown have sufficient separation to assure privacy is assured. In the case



of No. 3, given the 45 degree relationship and perpendicular orientation of this property it is also reasonable to conclude No. 3 is also afforded reasonable privacy after the extensions are complete.

- 9.3 For the side facing windows to No 2 Post Office Lane the level of separation is nominally above the 21.3m separation standard at 21.45m. A levels difference between 6 Post Office Lane and No. 2 is apparent and it would be at the Council's discretion, in line with adopted Design Guidance, as to how much additional separation should be required in the circumstance. In this regard it is relevant that side facing windows already exist within No. 6 along much of the east facing elevation. Whilst the extension would project some 2.45m further, this is a relatively modest increase. In addition a number of the existing windows would be replaced by the new extension which contains less windows than at present and some would have obscured glass - thus arguably improving the privacy situation. Furthermore in both cases the main elevations to the properties look predominantly south, and in the case of No. 2 it is noted considerable architectural outlook and the main garden sitting out space to the property is to the east overlooking their main garden adjacent Slitting Mill Road. I.e. main windows and garden space to the neighbouring property are not on the west facing elevation impacted.



East Elevation

Scale - 1:100



*Figure 3: Images showing contrasting existing and proposed east elevations. Top is existing elevation and bottom is proposed elevation. In the proposed all first floor windows are to be obscure glazed.*

- 9.4 Taking into account the circumstances of this application, Officers assess there is no significant change to the level of overlooking towards No. 2 and arguably an improvement to the existing circumstances would result. Subject to conditions assuring the 2 No. smaller bathroom windows are obscure glazed – Officers are satisfied that there would be no significant effect upon the residential amenity of No. 2 Post Office Lane.
- 9.5 In relation to loss of light to adjacent dwellings, the proposals do intersect with various 45 degree angles taken from the neighbouring properties. However, after carrying out the subsequent 25 degree daylight test which accounts for the level of separation from nearby properties, even when accounting for the difference in ground level it is observed that the proposals do not result in substantive daylight impact when considered against relevant adopted standards. The proposals are not otherwise overbearing nor cause substantive overshadowing to nearby dwellings.
- 9.6 In light of the above conclusions, it is considered that the design of the proposal is acceptable in regards to its amenity considerations, in the context of NPPF requirements and, Policy CP3 of the Cannock Chase Local Plan and the Council's Design SPD.

## 10. **PARKING AND HIGHWAYS**

- 10.1 The Council's Parking Standards require a minimum of 3 off street parking spaces for a 4 bed plus dwelling. The existing drive provides at least 3 spaces and these are shown to be retained within the proposed site layout plan. Therefore the proposed parking provisions are suitable and in line with the relevant standard.
- 10.2 Mention is made within the neighbour comments received of assuring that parking within the site is utilised. Officers assess that on street parking is permitted within the locality and no parking restrictions are apparent. Officers do not assess there is significant justification to impose conditions requiring operative parking for domestic scale development of this type. Additionally taking account the limited scale of the plot frontage alongside the tree constraints in Fig 4. It would be difficult to justify requiring all site traffic to park off the highway. The application does include a defined delivery area within the site so as to assure space is available off the highway for storage of materials.
- 10.3 Despite noting the concerns raised by the neighbouring property and taking other relevant considerations into account, Officers assess the proposals in this case would not lead to a severe highway safety impact and thus refusal on the grounds of highway safety is not considered justified in line with Para 111 of the NPPF.

## 11. **TREE CONSIDERATIONS**

- 11.1 Much of the focus of discussions on this application has been in relation to tree matters with concerns from the AONB and the Council's Landscape Officer having been raised. Some of the original concerns stemmed from the quality of the submitted plans and tree report which did not include adequate proposed on site tree protection in a clearly definable way. Other concerns in relation to service routings, nature of driveway works proposed, providing a materials storage area, incursion into root zones and similar were also raised. Further discussions by Officers have been undertaken to seek to resolve this and a strategy for tree protection is now proposed within the amended site plan.

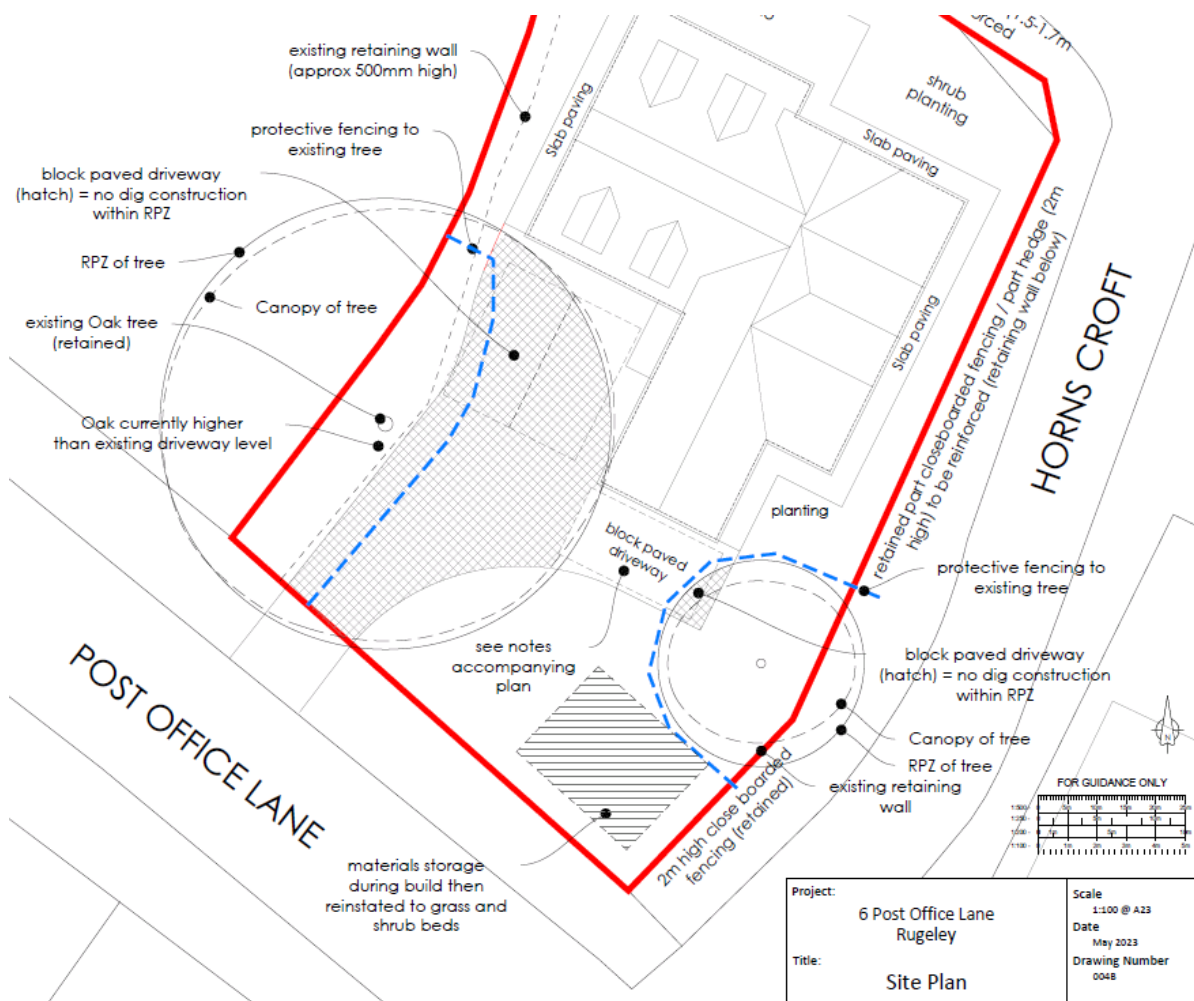


Figure 4: Extract from amended proposed site plan

11.2 It is noteworthy that whilst the oak tree to the west of the site is large and in theory the root zone would project into the site as shown, there is a substantial levels difference between the oak and existing stone driveway. This is highly likely to have restricted root growth towards into the house, coupled with the fact an existing stone driveway is already adjacent the tree. This point is acknowledged by the Council’s Landscape Officer.

11.3 Nevertheless, the applicant has clarified that a proposed no dig block paved drive is intended to be utilised. In particular this would involve laying sand on the already established stone surface to form a ground protection layer. This would be carried out early in the construction programme to facilitate access to the site and avoid potential for root compaction. In light of this, there would seem no pressing need for additional ground protection matting as would often be utilised on soft bare ground. Furthermore given the existence of the existing stone driveway and relevant permitted development

rights for permeable surfaces, surface water run off is not assessed as a major consideration in this case.

- 11.4 In relation to services, service positions will remain as existing. It is possible a water main (to replace the old lead pipework serving the house) would be required. Provided this is routed out of any root zone (as could be required by condition), then Officers assess no substantive effect on the TPO trees on the site would result from groundworks given the protection measures and revised design apparent.
- 11.5 It is further requested by the Landscape Officer that a formal landscaping scheme be prepared for the site, that details of surface water drainage for the extension be provided and that more detailed levels information be provided. Officers do not assess that a formal landscaping scheme for the scale of development in this case is justified. In relation to surface water drainage details, this is often a Building Regulations consideration outside of the planning process for small scale domestic projects. The main reason for relevance in this case is potential groundworks disturbing roots to protected trees. But subject to the conditions imposed requiring no groundworks in the stated root zone, such risk is already effectively dealt with by conditions without detailed surface water drawings.
- 11.6 Finally in relation to the requested detailed levels information, this is unusual for a domestic extension application. Indeed Officers do not see that such would further discussions around the merits of the current application and therefore there would be no significant justification to request such additional information. This would seem disproportionate in scale and cost to the applicant given the limited scale of the development and that the exclusionary condition would protect root zones of the TPO trees in any event.
- 11.7 Therefore taking all tree matters into account alongside the remaining concerns from the AONB and Landscape Officer, Officers nevertheless consider that tree protection can be adequately assured by appropriate conditions – the most important of which requires the implementation of on site protection fencing and a no dig driveway within the site which would function as a form of ground protection. Subject to these conditions Officers are satisfied there would be no substantive impact on TPOs trees within the site in line with Local Plan Policy CP3.

## 12. OTHER ISSUES

- 12.1 Observations are made that bushes and trees have been removed from the site. These were not trees subject to a Tree Protection Order and thus the removals that have occurred are not subject to planning control. Officers therefore give no weight to this observation.
- 12.2 Concerns are raised reference hours of operation and it is suggested that operation restrictions should be imposed as part of any approval. This is open to Members to consider but Officers would not readily impose restrictions of this type for domestic scale projects because other controls such as the Control of Pollution Act via Environmental Health exist to combat unacceptable hours of operation. Further complexity for example stems from where you draw the line to operational work. Officers see no basis that interior work should be prohibited on a Sunday e.g. plastering or electrical work or similar. Thus Officers would not recommend the inclusion of hours of operation conditions.
- 12.3 Similar to the above, nuisance burning of waste is a matter controlled by Environmental Protection. Burning of waste on a domestic garden bonfire is not unlawful and simply smelling smoke does not make it a nuisance - to be a nuisance it must unreasonably affect the use of enjoyment of a property. Such is not easily defined and in the Officers view is a matter for Environmental Protection based on the factors influencing their judgement on whether a fire is a nuisance.
- 12.4 Concerns are raised that reports or similar have not been presented confirming the house has been checked for the presence of asbestos. The Control of Asbestos Regulations 2006 sit outside of planning controls and are thus governed by other legislation. It is not for the planning process to duplicate these same control. They prohibit the import, supply and use of all forms of asbestos, set controls for dealing with existing asbestos and layout a licensing regime for those needing to work with asbestos. Officers therefore give this comment no weight in the planning assessment of this case.

### 13. HUMAN RIGHTS ACT 1998 AND EQUALITY ACT 2010

#### 13.1 Human Rights Act 1998

13.2 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.

#### 13.3 Equality Act 2010

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

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

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

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

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

## 14. CONCLUSION

- 14.1 The application proposes the erection of extensions to the sides and rear of the existing property. The design of the amended proposals is considered to be acceptable in terms of the character, form and massing of the extension versus the host property. The application proposals would successfully integrate with existing features of amenity value in design terms, maintain a strong sense of place and result in the restoration of a run down property that would enhance the setting of the area.
- 14.2 The proposals are broadly compliant with relevant amenity and separation distance standards. Officers assess there is no significant change to the level of overlooking towards No. 2 and arguably an improvement to the existing circumstances would result. Subject to conditions assuring the 2 No. smaller bathroom windows are obscure glazed – Officers are satisfied that there would be no significant effect upon the residential amenity of No. 2 Post Office Lane or other nearby properties.
- 14.3 The existing drive provides at least 3 spaces and these are shown to be retained within the proposed site layout plan. Therefore the proposed parking provisions are suitable and in line with the relevant standards. Observations in relation to vehicles parking on the highway are understandable, but on street parking is permitted already at the site and taking account of the onsite constraints to the front of the property, Officers assess a flexible approach parking should be adopted in the circumstances.
- 14.4 A range of discussions in relation to tree protection matters amongst other items have been undertaken during the course of the application. Despite remaining concerns about the nature of the submissions from consultees, Officers nevertheless consider that tree protection can be adequately assured by appropriate conditions – the most important of which require the implementation of on site protection fencing and a no dig driveway within the site which would function as a form of ground protection. Subject to these conditions Officers are satisfied there would be no substantive impact on TPO trees within the site.
- 14.5 Accordingly, the proposals are judged to be in accordance with Local Plan Policies CP3, CP14 and CP10. It is therefore recommended that the application be approved subject to the attached conditions.

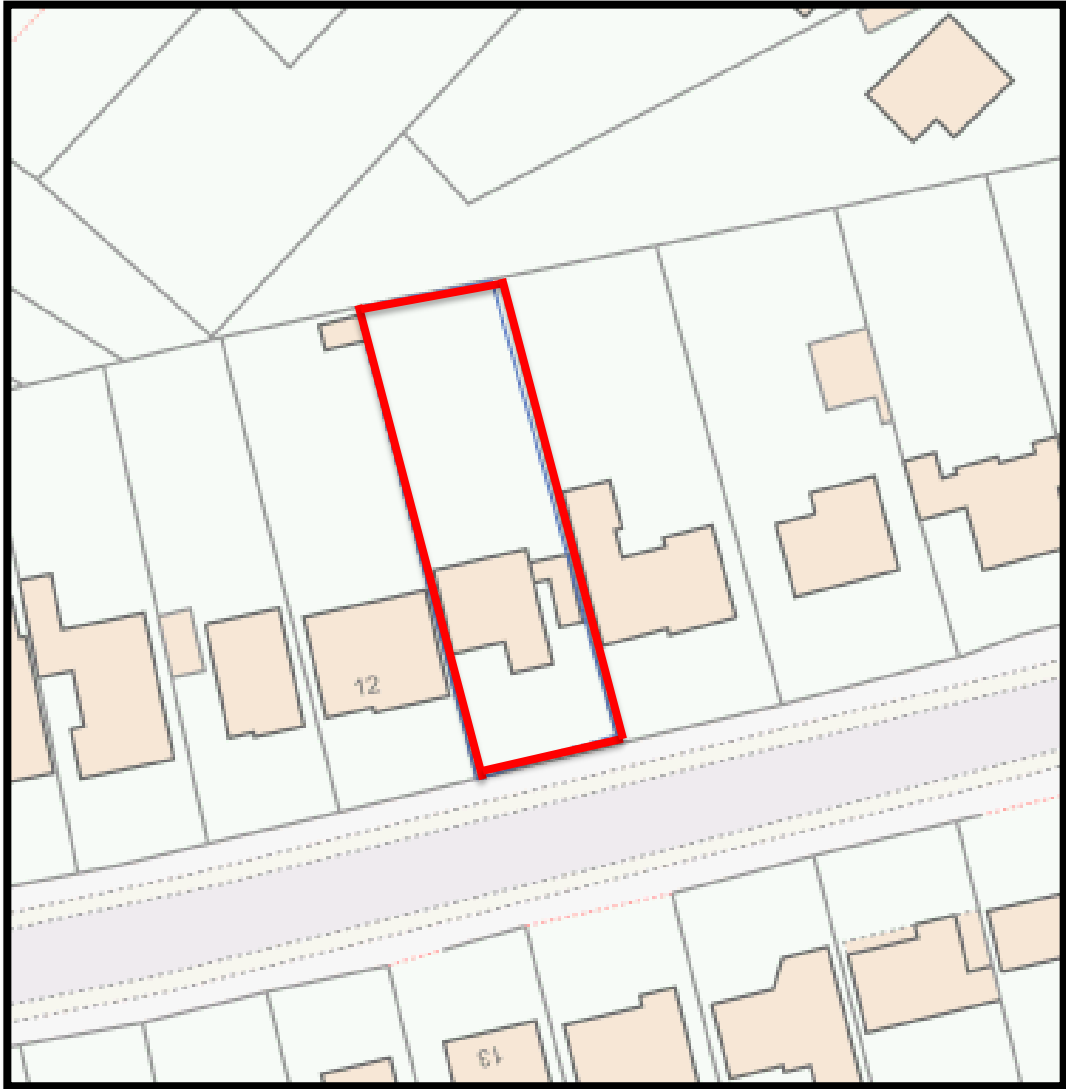


**Application No:** CH/23/0203

Item No. 6.25

**Location:** 10 Poplar Lane, Cannock

**Proposal:** Extension to rear of existing garage



**Application No:** CH/23/0203

Item No. 6.26

**Location:** 10 Poplar Lane, Cannock

**Proposal:** Extension to rear of existing garage



**POPLAR LANE**

area denoted by 'cross-hatching' refers to portion of existing structure / canopy to be demolished  
area denoted by 'shading' refers to prepared new building works

**Application No:** CH/23/0203

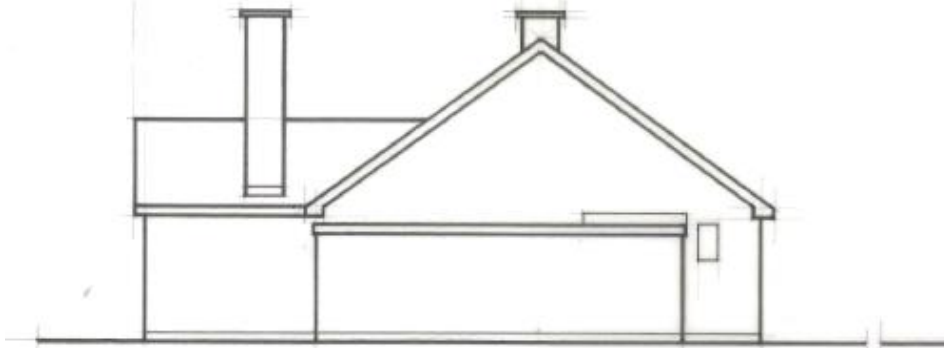
Item No. 6.27

**Location:** 10 Poplar Lane, Cannock

**Proposal:** Extension to rear of existing garage



Existing  
floor plans  
and elevations

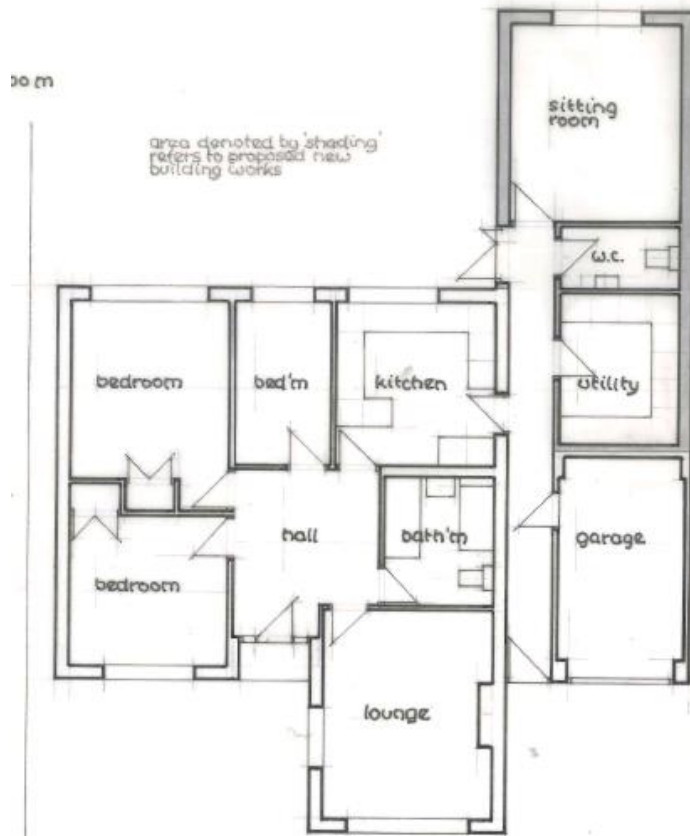


**Application No:** CH/23/0203

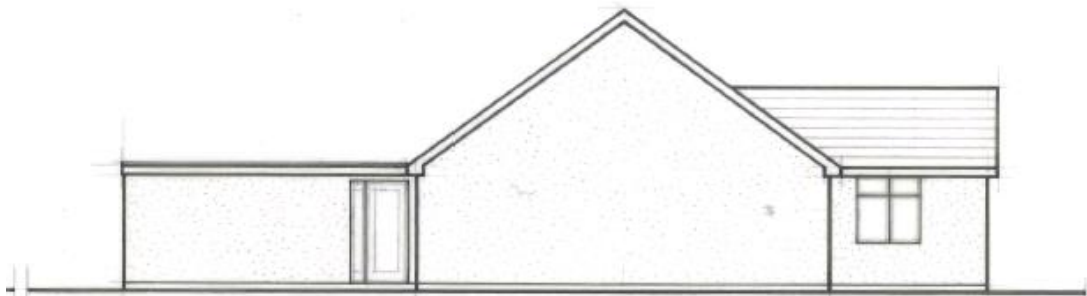
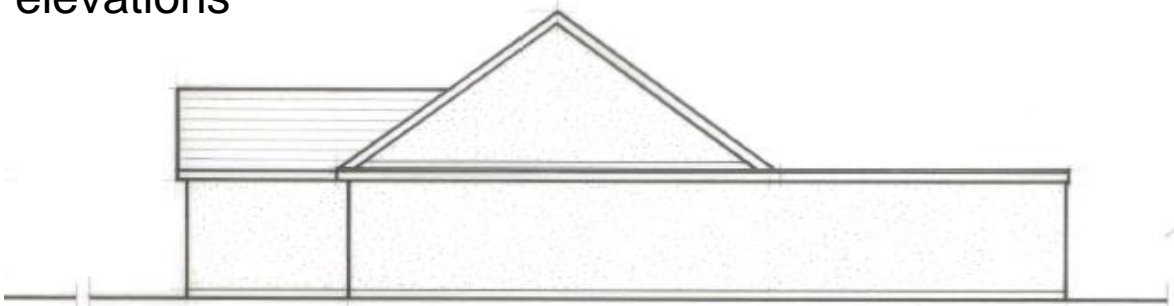
Item No. 6.28

**Location:** 10 Poplar Lane, Cannock

**Proposal:** Extension to rear of existing garage



Proposed  
Floor plans  
and elevations



Contact Officer:	David O'Connor
Telephone No:	4515

**Planning Control Committee**

**26th July 2023**

Application No:	CH/23/0203
Received:	12 May 2023
Location:	10 Poplar Lane, Cannock, Staffordshire WS11 1NQ
Parish:	
Ward:	Cannock West
Description:	Extension to rear of existing garage
Application Type:	Full Planning Application

**Reason for Planning Committee determination:**

The applicant is a Council member of staff

**Recommendation: Approve subject to the following conditions**

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

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

Reason

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

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

Reason

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

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

10\_Poplar\_Lane\_Block\_&\_Location\_Plans – Block and Location Plan

10\_Poplar\_Lane\_Existing\_&\_Proposed\_Front\_&\_Rear\_Elevations – Existing and Proposed, Floor plans and Elevations

10\_Poplar\_Lane\_Existing\_&\_Proposed\_Plan – Existing and Proposed Floor plans

10\_Poplar\_Lane\_Existing\_&\_Proposed\_Plan – Existing and Proposed Elevations (east and west)

Reason

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

### Informative Notes

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

Further information is also available on the Coal Authority website at:

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

## 1. **CONSULTATIONS AND PUBLICITY**

### Internal Consultations

None.

### External Consultations

None.

### Response to Publicity

The application has been advertised by neighbour letter. The council have received no responses in relation to this application.

### **Relevant Planning History**

N/A

## 2. **SITE AND SURROUNDINGS**

- 2.1 The application site is comprised of a detached bungalow located within the main Cannock urban area.
- 2.2 The dwelling is of a brick construction under gable roof. The property features a canopy and a forward projecting gable section to the front of the dwelling, and a single storey garage to the side. The dwelling is finished in facing brick, roof tiles and white UPVC fenestration. To the front of the site is essentially fully hard surfaced and is suitable for at least three vehicles. To the rear of the site is a private garden area, bound by a mix of trees, greenery and close board fencing.



*Figure 1: Front elevation of existing property*

- 2.3 The immediate streetscene is residential in a rural area, and is comprised of detached bungalows, 1 ½ and two storey dwellings. They are all of varying style, scale and overall design.
- 2.4 The site is unallocated within the Local Plan, however it has been identified as being within the a Mineral Consultation Area (Coal Fireclay), and a Coal Authority Low Risk Area.
3. **PROPOSAL**
- 3.1 The application seeks planning permission for the erection of a single storey rear extension to the back of the existing garage. The proposed extension will extend approximately 9.5m from the rear of the garage and be 4.25m across. It will protrude 6m from the rear of the dwelling and have a maximum height of 2.6m, matching the height of the existing garage.
- 3.2 The application also proposes to render the extension and the existing dwelling over the facing brickwork.



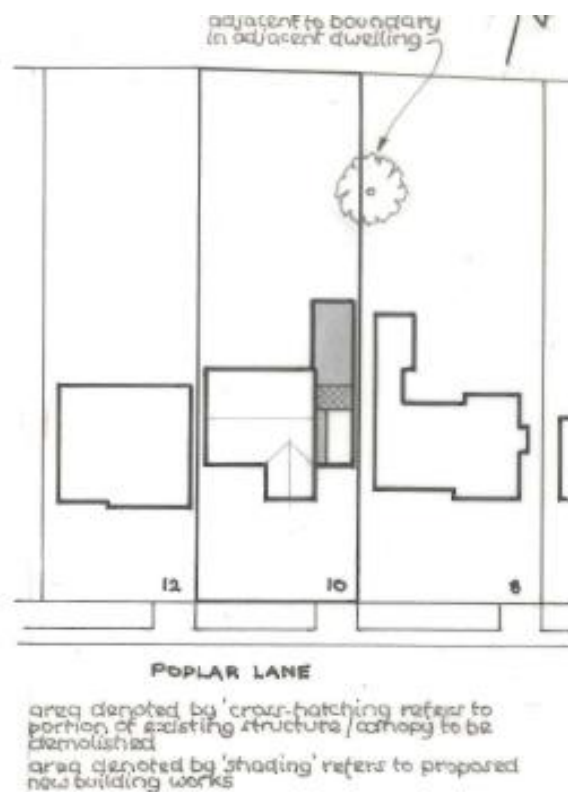


Figure 2: Extract from Proposed Site Plan

#### 4. PLANNING POLICY

- 4.1 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.
- 4.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030). Relevant policies within the Local Plan include: -

CP1 - Strategy – the Strategic Approach

CP3 - Chase Shaping – Design

Relevant policies within the minerals plan include: -

Policy 3 - Safeguarding Minerals of Local and National Importance and Important Infrastructure

## 5. NATIONAL PLANNING POLICY FRAMEWORK

5.1 The NPPF (2021) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be "presumption in favour of sustainable development" and sets out what this means for decision taking.

5.2 The NPPF (2021) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

5.3 Relevant paragraphs within the NPPF include paragraphs: -

- 8: Three dimensions of Sustainable Development
- 11-14: The Presumption in favour of Sustainable Development
- 47-50: Determining Applications
- 126, 130, 132, 134: Achieving Well-Designed Places
- 218, 219: Implementation

5.4 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.

## 6. DETERMINING ISSUES

6.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Character and Appearance
- iii) Residential Amenity

v) Parking and Highways

vii) Minerals

## 7. PRINCIPLE OF THE DEVELOPMENT

7.1 The proposal is for the erection of an extension to the rear of the existing garage. In general, extensions and modification within existing urban areas are acceptable in principle subject to other relevant policy and planning considerations. The next sections of this report will consider the proposal in the light of those considerations and determine what harms or benefits arise from the proposal.

## 8. CHARACTER AND APPEARANCE

8.1 The application proposes a 9.5 extension to the rear of an existing garage. The extension is to have a flat roof and will match the height of the existing garage. As the garage is 'set in' from the rear of the dwelling, the extension itself would only protrude into the garden by approximately 6m. The proposals seek to render the dwelling and new extension in a pale silicon render, and also replace the flat roof of the existing garage to match the proposed concrete roof tiling in smooth grey.

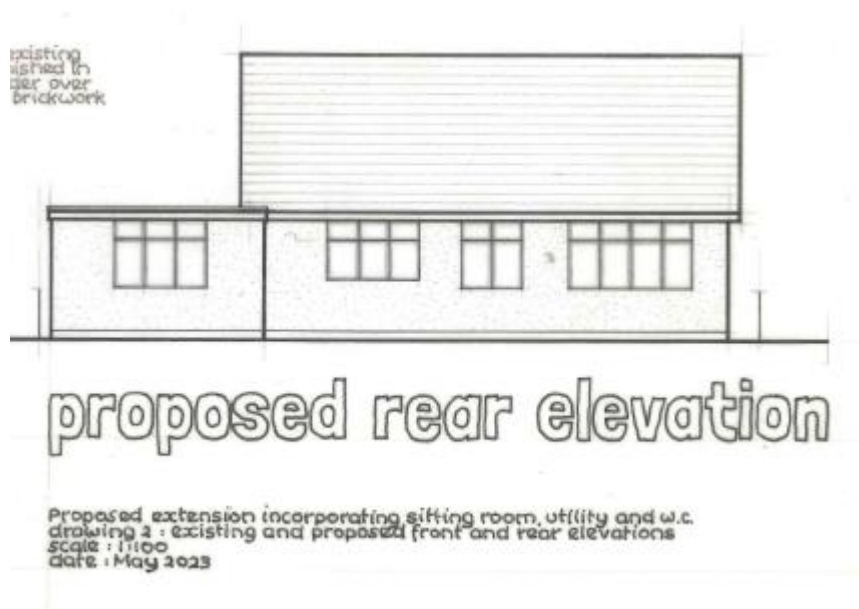


Figure 3: Extract from submitted plans showing rear elevation as proposed

8.2 Due to the positioning of the neighbouring properties, the extension would be well hidden from the public realm. It is worth noting that there is already an adjacent extension in the neighbouring property with a substantial blank side wall onto the area

where the proposed extension is intended in this case. Overall, the development is of a suitable size and scale, and would not negatively impact the overall existing streetscene.



*Figure 4: Rear elevation of existing property*

- 8.3 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal as a whole would be well-related to existing buildings and their surroundings and be visually attractive such that it would be acceptable in respect to its impact on the character of the area.

## 9. RESIDENTIAL AMENITY

- 9.1 In respect to overlooking of neighbouring properties, as the proposals are for a single storey rear extension and there are no side facing windows, there is no substantive overlooking envisaged as a result of these proposals.





*Figure 5: Relationship to adjacent neighbouring property*

- 9.2 The extension proposed whilst long, is not substantially oversized or dominant, and its relationship to the neighbouring dwelling is considered acceptable given the limited overall height. Therefore, it is not assessed as being overbearing.
- 9.3 The proposed extension does not intersect with the 45-degree angle measured from any neighbouring properties, according with Cannock's Design SPD's 45 and 25-degree rules. This adherence to the council's standards ensures that there is no noticeable loss of light to this or any other neighbouring property due to the proposals.
- 9.4 No privacy impacts are envisaged to result from the proposals given the arrangement of surrounding properties and that the proposals are ground floor only.
- 9.5 In light of the above conclusions, it is considered that the design of the proposal is acceptable in regards to its amenity considerations, in the context of NPPF requirements and, Policy CP3 of the Cannock Chase Local Plan and the Council's Design SPD.

## 10. **PARKING AND HIGHWAYS**

10.1 The Council's Parking Standards require a minimum of three off street parking spaces for dwellings with four or more bedrooms. As the proposals are not seeking to introduce any additional bedrooms, and the current parking levels remain unchanged, the current parking levels provided on site are sufficient and inline with the Council's Parking Standard Design SPD.

## 11. **HUMAN RIGHTS ACT 1998 AND EQUALITY ACT 2010**

### 11.1 Human Rights Act 1998

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.

### 11.2 Equality Act 2010

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

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

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

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

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

12. **CONCLUSION**

- 12.1 The application proposes the erection of a single storey rear extension. The design of the proposals is considered to be acceptable and without significantly affecting its appearance from the public realm. The proposals have no adverse effect on the amenity of neighbouring properties in relation to overlooking, overbearing, loss of light or privacy or intervisibility issues when considered in the context of relevant standards. There is no material impact on parking or highways requirements as a consequence of the development. Accordingly, the proposals are judged to be in accordance with the development plan.
- 12.2 It is therefore recommended that the application be approved subject to the attached conditions.