

Cannock Chase District Council

Planning Committee

26th October 2022

CH/22/0215 71 Old Penkridge Road, Cannock

Following compilation of the report for the Committee agenda, officers have received, further correspondence from neighbours and also from the applicant.

The points raised are summarised below with Your Officers response after each point raised:-

- 1) I (objector) haven't seen any reply to the Vis splay check, please can you advise if this has been checked as the drawings appear misleading with the centre of the dotted line? Also why is the distance 43m and not 70m as per a 30 mph road?

The drawing provided to planning doesn't show the kerb position at 43m, so I (objector) couldn't accurately judge whether splay visibility is impaired by my hedge on my front border.

Your Officers confirm that The Highway Authority has assessed the application and was satisfied with the plans / details submitted.

Highway Officers have also confirmed that the distance required is 43m not 70m. The 70m was superseded by the 43m distance.

Notwithstanding this, the access into the site together with the drive and rear turning area was approved as part of planning permission CH/19/289 and has been implemented by the applicant.

- 2) I (objector) have scaled the drawing and see that the FFL of the proposed bungalow behind my home is 1.3m higher than my back garden and higher than plot 2 (further up the hill) Thus giving an overbearing ridge height of 7.5m above my garden. I have set out some timber showing the FFL horizontal and front door lintel and ridge height with two small flags. Can I request that the height of this development be reviewed as the impact to my home will be horrendous.

Your Officers confirm that the separation distance between the principle elevations of the existing and the proposed dwellings exceeds the 21.3m required within the Design SPD. No stipulation is stated within the Design SPD

for what the separation distance should be where there is a difference in ground levels however the proposal exceeds the requirement by over 3.5m and therefore allows some consideration for the difference in levels. The agent has confirmed the FFL is required to a gravitational drainage scheme.

- 3) The bungalow elevations show horizontal building plots which means steep banking towards my garden and much steeper along number 67. It also means that any screening between our property would need to be over 3m high. When the width of the hedge is reduced by the developer, the hedge height will be lost. Also the potential water run off may be significant.

Your Officers confirm the plans indicate the hedgerow to the rear of No.69 would be retained. There is a 4.5m deep grassed area behind the hedgerow in front of the dwelling on plot 3 which would absorb surface water run off. There is no detail of any banking indicated within the application and the soft scaped buffer adjacent the hedgerow would be little different from the current situation in terms of acting as a natural soakaway.

- 4) Regardless of previous decisions, this is a new planning application with different details presented. As a result appropriate rigor can be reapplied to the current drawings and design proposal to ensure whether it is suitable. Previous decisions were made on the back of different objections and where the need for new housing stock trumped the impact to its surrounding environment.

Your Officers confirm that previous planning decisions are material considerations in the determination of this application. There have been no significant revisions to the surroundings or planning policy since the previous applications were determined.

For clarity, The Council approved 2 other applications in 2019 on this site; 1 under delegated authority and 1 at a Development Management Planning Meeting.

A further application was refused and this was also dismissed on appeal. However, the principle of the proposal wasn't raised as an issue by the Planning Inspectorate, this application was dismissed because there was no mechanism in place to secure the mitigation measures necessary to address the adverse effects to the SAC. The Inspectorate raised no objections within his report to the principle of residential in this location or its impact on neighbouring properties.

- 5) It shows on the drawings that the developers intend to bank up the land under plot 3 by approximately 4' (1.2M). Thus setting plot 3 higher than the surrounding land and properties. I would like to raise the issue with the finished

floor level +FFL 151.70 & subsequent roof ridge height of these bungalows relative to my home. Plot3 sits lower down a hill than plot 2, yet is set at a higher FFL than plot2.

Your Officers confirm that the finished floor level for plot 3 would be 151.70, plot 2 would be 151.60 to facilitate drainage. The ground level within the site itself varies between 150.87 and 152.78. As such both plots would sit comfortably within the site in relation to existing ground levels, which are elevated above some of the adjacent properties.

- 6) Due to ground levels, Plot 3 would have the same height as an average U.K. 2 storey house (relative to my garden and to my house). Why has the proposed Plot 3 so significantly raised from ground level and designed with such a tall roof ridgeline? Is such a tall roof required for a property that will not have loft conversion options? The height of plot 3 will restrict the light coming into my home and garden. From around 14:00 to 18:00 each day.

Your Officers confirm that the application for the Reserved Matters considered the appearance and scale of the two dwellings. The current proposal seeks two dwellings of the same scale, appearance and design as those previously approved in 2019. The impact of these dwellings was considered at that time and was considered to meet the relevant policy and the requirements of the Design SPD. The Policies and Design SPD remains unchanged since 2019.

Your Officers confirm that the separation distances between the existing and proposed properties are acceptable even with the difference in ground levels in accordance with the Councils Design SPD.

- 7) As the bungalows are shown on level plots, the design must be creating sloping banks from Plot 3 bungalow ground level to the boundaries of numbers 69 and 67, Please can I get some clarity with regards to this as the corner of the tarmac drive is at a higher level than my property so the natural fall is onto my garden. Are there kerbs/gutters and gulley's planned for rain capture and included in the design.

Notwithstanding, the above query, the extent permission CH/19/289 granted permission for the access drive in the same position as shown on the plan. This permission was approved and has been implemented by the applicant. The current plan proposes no change to that already approved.

- 8) As the bungalow walls to be built approx 2.2m with from 67 boundary, will some walling be required to support the loading close to the boundary? Should this be included in the design proposal? The slope will be banked at 1m high by 1m wide if the tree protection zone is respected.

Your Officers confirm that there is no retaining structure proposed within the plans. Should it be found that a retaining wall would be required it may constitute an engineering operation and may require the benefit of planning permission subject to the size of wall if required.

- 9) The tree root protection looks completely inadequate for the large trees either side of that boundary with number 67 and to the rear in Ferndell Close. Not all trees are shown on the proposed plot plan drawing or considered for tree protection. Is there a reason it is not included?

Your Landscape Officers have assessed the proposal and information submitted and subject to the proposed conditions, raised no objection to the development in terms of impact to the trees.

- 10) I (objector) found the tree report difficult to read due to inaccuracy and labelling on the tree report compared to those drawn on the architects' plan plot drawing. Further, this edited original is not up to the standard to make an informed planning decision around tree & root protection zones? Also has anyone verified the original author has made these changes with appropriate professional consideration of the whole document? The document appears edited with different fonts etc. and does not look like a credible qualified report. Also omitted trees on neighbouring borders and the inaccurate numbering of the trees again question its credibility.

Your Landscape Officers have assessed the proposal and information submitted and subject to the proposed conditions, raised no objection to the development in terms of impact to the trees.

- 11) Memo documents within the application states information is missing from this planning proposal with regards to tree and root protection & landscaping. Therefore, the Tree impact assessment, Method statement and landscaping details are key issues that ought to be resolved prior to passing this proposal. **Surely these issues should be addressed prior to any decision made** in case the design has to change (**or not happen at all**) (objectors' emphasis).

Your Landscape Officers have assessed the application and confirmed that details for the tree protection can be conditioned as recommended.

- 12) I (objector) haven't seen any notes issued from the planning meeting (28/9/22) or anything in the press, however, the developer sent me adversarial texts late on Friday night (within 48 hrs of the meeting) and a subsequent solicitor's letter to attempt to protect his reputation. I'm concerned that the developers didn't appear to have any representatives in the public gallery, yet someone from the meeting passed (albeit incorrectly) my comments on to them within 48 hours of the meeting.

Your Officers confirm that the Development Management Committee Meeting is a public meeting. As such, any conversations held outside the meeting were not bound by privacy requirements. This is not a material consideration for the determination of the planning application.

- 13) I (objector) note that there is a condition that no additional building works can be completed before planning is sought. How does this leave the position with potential dormer windows? Previously I understood that it was a condition that no dormer extension would be agreed upon, but I am now concerned that they will apply for dormer extension very soon after or even during build. The high roof line of the bungalows seems to allow for this. What is the position please?

Your Officers confirm that a condition has been recommended for the removal of Permitted Development rights. This would ensure that any future development of the dwellings would be required to seek planning permission.

- 14) The previous condition that fencing must be added their side of trees at bottom of garden of 73 seems to have been removed? What is the position please?

Your Officers confirm that a condition was imposed on CH/19/289 for fencing to the rear of No.73. This condition still remains on that permission and is relevant.

- 15) It seems impossible for the access road to the 2 bungalows to meet requirements of not damaging tree roots. Would a simple answer be to move the access road 1 metre away from number 73 to avoid this issue?

Your Officers confirm that the access is the same as previously approved under CH/19/289, which has been implemented by the applicant.

- 16) What is the position with application CH19/411. Is this still an option to build a house in the back garden of no 71? Clearly the option of bungalow over house is better for us but not if they are going to get dormer properties via late amendments.

Your Officers confirm that the planning permission CH/19/411 is still valid and could be constructed by the applicant. The applicant would have until 15th January 2023 to implement this permission.

For clarity, planning permission CH/19/411 relates to one two storey dwelling.

- 17) I have to say the whole situation is very stressful for neighbours to this proposal, sadly the owner of 75a passed away, no 69 has tried to sell his property and now no 67 has put his up for sale. We are considering selling also which is something we never dreamed we would. I understand that the owner of 71 is considering buying number 67 so he can add a further back garden property to this build plot.

Your Officers confirm that the above comments are not material considerations for the determination for the planning application.

18)I (objector) have rigged up some timber at the bottom of my garden, to be an accurate full-size representation of the finished floor height and it also demonstrates the roof ridge height of plot3. It indicates the physical size of this bungalow which is extremely tall and imposing at the foot of my garden. I invite all readers of this letter especially any decision makers in the planning team to visit my home (at any time prior to the planning meeting) to get this sense of scale & size In the image below; the horizontal timber at chest height shows the proposed floor level of plot3, the vertical poles show the roof ridge height.

Your Officers confirm that a request has been submitted for the site to be viewed from the neighbour's garden. The site visit to the objector's property is at the discretion of the Chair.

19)I (objector) don't believe relative building heights were challenged by the planning team in 2019 and this decision was made behind closed doors (I'm guessing no peer review or challenge) .

Your Officers confirm that an application determined in 2019 by Officers under delegated Authority related to the Reserved Matters application. The Outline application approved in 2017 was a Development Management Committee decision for access and layout. The Reserved Matters sought the landscaping, scale and appearance as associated with the outline approval.

For clarity The Council approved two other applications for residential development in 2019: 1 under delegated authority and 1 by Members.

A further application was refused, and this was also dismissed on appeal due to SAC mitigation measures not being secured.

20)Previously better car parking provision for each bungalow.

Your Officers confirm that the Parking Standards SPD requires new development to have 2 parking spaces per 2- and 3-bedroom dwelling. As such, the proposal meets this requirement.

21)Site entry was from a totally different entrance location & driveway route. Number 71 is now to be redeveloped in a different location (opposite side of the site)

Your Officers confirm that since 2017 four planning permissions have been granted on this site for residential development proposals varying in scale,

design and layout. However, the layout of the dwellings in relation to the existing neighbouring properties has not changed since the last permission and as such the principal of the proposal is unchanged. The frontage property at No.71 has received permission to be demolished and a new dwelling constructed within the front section of the site. This permission was granted by Members at a Development Management Meeting in 2019 and has been implemented by the applicant.

In support of the application the applicant has submitted representation which is summarised as follows: -

Number 71 Old Penkridge Road has been the home of our family for over 80 years after being purchased by my grandfather from Mr Lubbock in the 1940's.

The additional land to the rear was originally purchased by Mr Lubbock in the form of 2 building plots at the end of Fern Dell Close which was built after Fern Dell House sold off its land for building use in the early 1940's but he chose to use it as a fruit and vegetable garden at the time. When my grandfather purchased the house and land it included the right to build on the plots, and the deeds of all the surrounding properties contain points clearly detailing that the land was for building purposes and that they are not allowed to object to any building on the land.

After the death of my grandfather in 1975 my father and mother purchased the property from my grandmother and our family moved into the property where we had a great childhood running around and playing in the large back garden, but my father always intended to develop the land at some point.

He first got planning permission for two 4-bedroom houses in the mid 1980's but decided not to build at that point as he still had three young children enjoying it every day. However now we have all grown up, and even our children have grown up, it is no longer used.

When my parents started to struggle with the upkeep of the land and we saw the house itself was falling apart, cold, damp and extremely hard to heat due to the old construction techniques. We firstly tried to get them to sell up and move but my father has flatly refused to move house as his brother and both sisters all live within 100 meters of the property and all his friends are also within walking distance on the Old and New Penkridge Roads. So, at that point we decided to pursue planning permission on the land at the back to finance the rebuild of a new eco-friendly warm and safe place for my parents to safely retire in.

We finally got planning permission in 2018 to build 2 bungalow's and in 2020 we also got planning permission to build a large 5-bedroom house on the land and permission to knock down the existing house and rebuild a new one for them. After talking to the

neighbours though the vast majority preferred the bungalows option, so we agreed to go down that route.

Unfortunately, then COVID happened which disrupted the plans and just as we were coming out of that in December 2020 my parents were involved in a serious head on car crash which put all the building plans on hold whilst we nursed them back to health. Unfortunately, as we have never done this before we misunderstood the planning rules and thought we had 3 years from the date we got the detailed planning application agreed on 12th August 2019 to start the work which gave us until 12th August 2022 to start.

So, to sum up we are not developers looking to 'Cash in' from the property but Old Penkridge Road's longest residents who are looking to realise plans of over 40 years and build our parents a safe and warm home to live out their lives amongst our family and friends.

The Officers report, within the Relevant Planning History paragraph, states that Planning application CH/19/289 was Committee approved 20th Sep 2019. Permission implemented.

This should read as follows:- Planning application CH/19/289 was delegated approval 20th Sep 2019. Permission implemented.

Officers Conclusion

Planning History

- CH/17/234 - Outline consent for Residential Development of 2 detached dwellings (outline for layout and access). Committee decision
- CH/19/015 - Residential Development - Demolition of existing frontage dwelling and erection of 2 dwellings; one replacement dwelling to the front and 1 detached dwelling to the rear. Committee Refusal:-

The two-storey dwelling to the rear by virtue of its scale and size, the windows within it and their juxtaposition in respect to neighbouring properties, the difference in ground levels between the site and neighbouring properties and the back land nature of the site would result in unacceptable levels of overlooking and loss of privacy and outlook and therefore fails to protect the residential amenity of the occupiers of the neighbouring properties.

The subsequent appeal was dismissed for the following reason:-

“there is no legally enforceable mechanism associated with the proposal which would secure the mitigation measures necessary to address its adverse effect on the SAC.

The Inspector within his decision also considered the impact of the proposal on the neighbours in respect of privacy, outlook, noise and disturbance. As such, the residential development of this site was considered acceptable in principle.

- CH/19/236 - Reserved Matters pursuant to CH/17/234 for appearance, scale and landscape. Delegated decision
- CH/19/289 - Demolition of frontage dwelling and erection of replacement dwelling with detached garage and vehicular access to the rear. Delegated decision.
- CH/19/411- Residential Development - Demolition of existing frontage dwelling and erection of 2 dwellings; one replacement dwelling to the front and 1 detached dwelling to the rear. Resubmission of CH/19/015. Committee decision. Valid until 15th Jan. 2023

The previous permissions on the site are a material consideration and whilst there have been several on this site of various schemes, layouts designs and accesses, the principle of residential development on this site has been established. The access in the location shown on the proposed plan formed part of planning permission CH/19/289 which has been implemented.

As a point of clarity, the neighbours on the surrounding properties submitted objections to all applications that have been considered previously. The comments were taken into consideration by Your Officers and Members at a Development Management Meeting, however, at the time, it was found that the objections were not sufficient to warrant refusal of the applications.

Furthermore, in assessing the 2019 application that was refused by Members of the Development Management Meeting, the Planning Inspectorate only dismissed the appeal because there was no mechanism in place to secure the mitigation measures necessary to address the adverse effects to the SAC. The Inspectorate raised no objections within his report to the principle of residential in this location or its impact on neighbouring properties.