

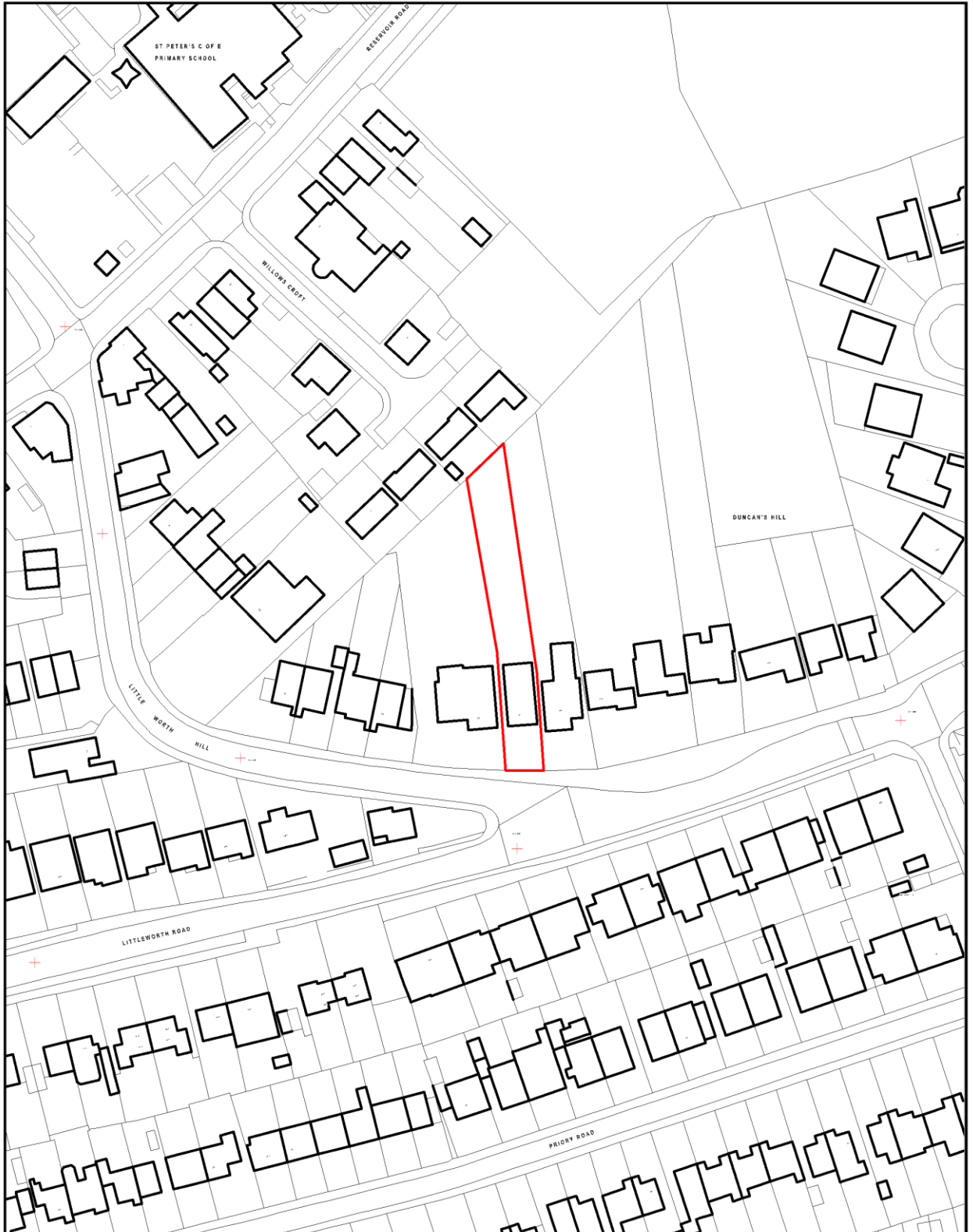


Application No: CH/20/161

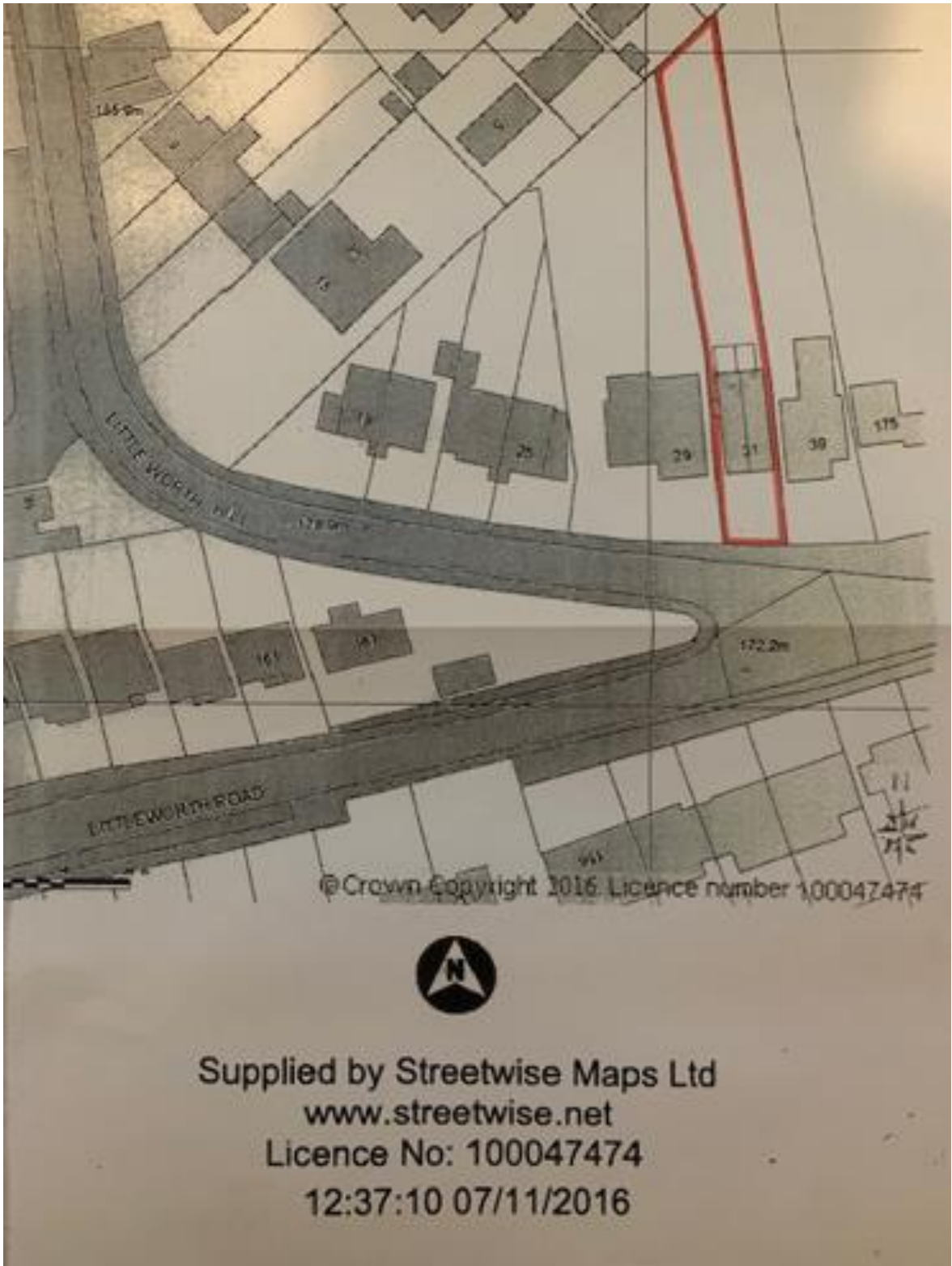
Location: 31, Littleworth Hill, Littleworth, Cannock, WS12 1NS

Proposal: Retention of works to the rear garden and retention of fence.

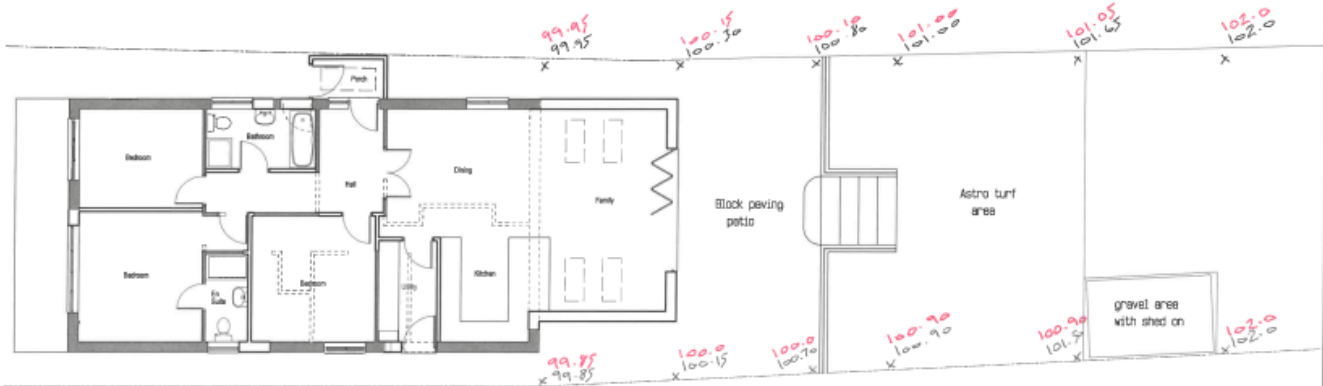
ITEM NO. 6.1



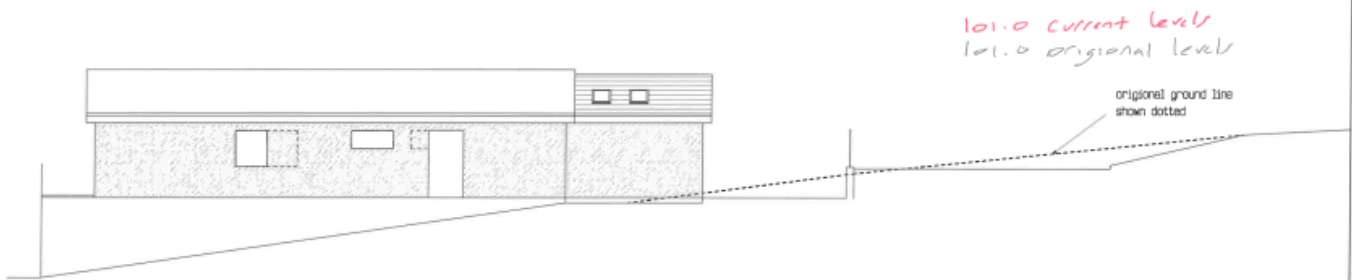
Block Plan



Levels Plan



FLOOR PLAN (PROPOSED)



SECTION SHOWING EXISTING & PROPOSED GROUND LEVEL

Contact Officer:	Claire Faulkner
Telephone No:	01543 464337

PLANNING CONTROL COMMITTEE	
2nd September 2020	
Application No:	CH/20/161
Received:	07-May-2020
Location:	31, Littleworth Hill, Littleworth, Cannock, WS12 1NS
Parish:	Hednesford
Description:	Retention of works to the rear garden and retention of fence.
Application Type:	Full Planning Application

RECOMMENDATION:

Approve

Reason(s) for Recommendation:

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

This application was deferred from the meeting on 22 July because the objector could not access the meeting.

There are no alterations within the remaining body of the report.

Consultations and Publicity

External Consultations -

Hednesford Town Council

No objection.

Internal Consultations

None undertaken

Response to Publicity

The application has been advertised by site notice and neighbour letter. One letter of representation has been received:

- A substantial part of this Retrospective Planning Application includes Decking. But due to the height of this decking it has infringed on the privacy at the rear of my home, a privacy that my family have enjoyed for several years.
- It is a retrospective planning application and to grant approval would persuade others to proceed in similar fashion and ignore planning permission legal requirements. For this Retrospective Planning Application to be rejected would not be unusual. Between the years of 2017 to 2019 the total number of retrospective planning applications submitted to UK local authorities was 39,214, with 4,758 being rejected. The loss of privacy due to decking was one of the main reasons for rejection. The total number of retrospective planning applications rejected in the West Midlands was 347 from a total of 3.178 submitted applications.

Relevant Planning History

CH/16/442: Single storey rear extension, porch to side and other external alterations. Approved

1 Site and Surroundings

1.1 The application site comprises a modern 'bungalow' built into the slope of a hillside such that the garage is constructed as an undercroft at road level but the main living quarters is built one storey above which is level with the round level to the rear. The ground level continues to rise in the rear garden

towards the rear fence such that the properties to the rear are several metres higher than the floor level of the bungalow.

- 1.2 The dwelling has been extended to the rear which has resulted in the levelling of part of the garden. To the immediate rear of the dwelling is a patio area with steps up to an astro turfed area which in turn leads back to the original sloping garden.
- 1.3 The sides and rear of the gardens are enclosed by a combination of wall and fence, with an approx 1.6m high stone lattice-work wall supported on brick pillars running along the shared boundary with 29 Littleworth Hill and a closeboard fence running along the boundary with No.39 Littleworth Hill.
- 1.4 It is noted that there is a difference in levels between the neighbouring properties with the ground level of No 29 being approx 0.75m higher than the application site and a slight drop between the application site and No39.
- 1.5 The property to the immediate east of the application site is 39 Littleworth Hill, which is a similar split level bungalow with what appears to be a single storey outrigger/extension to rear with two windows facing the application site.
- 1.6 The site is undesignated and unallocated within the Proposals Maps of the Cannock Chase Local Plan (Part 1). The site is also within a Minerals Conservation Area (MCA) and falls within the low risk development boundary as designated by the Coal Authority.

2 Proposal

- 2.1 The applicant is seeking consent for retention of levelling works to the rear garden and retention of the rear boundary fence.
- 2.2 The applicant confirms that the re-levelling of the garden was carried out following the implementation of planning permission for a rear extension. Once the extension had been constructed the applicant had to lower the level of the surrounding ground to enable use of the doors. The ground to the immediate rear which now forms the patio was excavated to a lower level than the original land by approx. 0.7m at the deepest point. The boundaries to the side of the patio area comprise of close board fencing.
- 2.3 The second level, sits approx. 1m higher than the lower level of the patio by approx. 1m. Notwithstanding this, this is approx. 0.2m above the original

ground level at the front of this section and approx. 0.4m to the rear of this section (to the front of the shed). A 2m high close board fence runs along the shared boundary.

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) 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:-

3.2 Safeguarding Minerals

3.3 National Planning Policy Framework

3.4 The NPPF (2019) 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.

3.5 The NPPF (2019) 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.

3.6 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
124, 127, 128, 130:	Achieving Well-Designed Places
212, 213	Implementation

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

4 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.

4.2 Principle of the Development

4.2.1 The application site is on undesignated land within a residential curtilage in Hednesford. The proposal is for the retention of works within the rear garden of the existing dwelling. As such, the proposal is 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;

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

4.3.5 The construction of patio areas and the levelling of gardens to provide an occupier with useable space is not uncommon within a residential curtilage. Also the works carried out are to the rear of the dwelling and therefore not visible from within the street scene.

4.3.6 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 would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

4.4 Impact on Residential Amenity

4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties".

4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.

4.4.3 The main issue with regard to the application relates to the overlooking of the adjacent property and in this respect the comments of the neighbour are

noted. The property at No.29 Littleworth Hill is sited on higher ground than that of the application site and is separated by 2 closeboard fences; one on the application site, and one on the higher ground of the adjacent property. It is noted that the original ground level has been excavated down immediately adjacent this boundary. As such, there are no issues of overlooking of No.29 Littleworth Hill.

- 4.4.5 With regard to No.39; this dwelling is sited on lower ground than the application site and benefits from two side facing windows which look towards the side elevation of the dwelling. It is noted that a view of part of the side elevation and windows of this adjacent property is visible from the astro turf level / steps however, the distance to the neighbours side facing windows is approx.. 10.5m distant and screened by the intervening boundary treatment and wooden structure. Also, when compared to the original level of this part of the garden, the overlooking created as a consequence of the alterations in levels is not significant in planning terms.
- 4.4.6 A close board fence runs along the shared boundary with No.39 which follows the levels of the land. The applicant has (under permitted development) erected a wooden structure immediately adjacent the boundary with No.39 Littleworth Hill which further reduces the potential for overlooking of this adjacent property.
- 4.4.7 Whilst officers acknowledge that some degree of overlooking can occur as a consequence of the works carried out, the additional degree of overlooking that has occurred is marginal and insufficient to warrant refusal given the overall ground levels throughout the rear garden of the application property.
- 4.4.8 Given the above, it is considered that on balance, the works carried out to the levels of the rear garden are acceptable and have not resulted in a significant detrimental impact to the privacy of the adjoining occupiers. Therefore, the development as carried out is considered to be in accordance with Policy CP3 of the Local Plan and the relevant paragraphs of the NPPF.

4.5 Mineral Safeguarding

- 4.5.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.
- 4.5.2 Notwithstanding this, the advice from Staffordshire County Council as the Mineral Planning Authority does not require consultation on the application as

the site falls within the development boundary of an urban area and is not classified as a major application.

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

4.6. Ground Conditions and Contamination

4.6.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application.

4.7 Drainage and Flood Risk

4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps. In this instance, the host dwelling already exists with the proposal being the retention of alterations to the levels of the garden. As such, the proposal has not created additional flood risk over and above the current situation.

4.8.1 Objections received not already covered above:

4.8.1 The objector stated that has this is a retrospective planning application to grant approval would persuade others to proceed in similar fashion and ignore planning permission legal requirements. The objector continued that for this Retrospective Planning Application to be rejected would not be unusual. However, officers would advise that whether an application is retrospective or not does not influence the way in which an application is assessed. It is therefore not appropriate to refuse an application merely because the application is retrospective. To do so would render the ability to lawfully submit a retrospective application otiose.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

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

Equalities Act 2010

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

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

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

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

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

6 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.



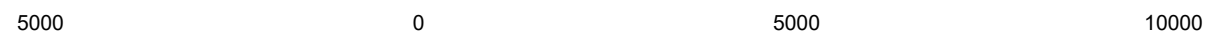
PUBLIC CAR PARK

GRASS VERGE

STAFF CAR PARK

EXISTING SITE PLAN

(SCALE 1:100)



ORIGINAL SCALE AT A3 - 1:100

ALL DIMENSIONS IN MILLIMETRES

NOTE: ORIGINAL DRAWING SIZE A3

NOTES

1. This drawing to be read in conjunction with STF089 Series drawings and standard Airwave drawings.
2. All dimensions are in mm unless otherwise stated.

A	12.02.20	PLANNING ISSUE	AM	DB
Rev	Date	Amendments	Drawn By	Approved By



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AIRWAVE
 a Motorola Solutions Company

Job Title
BRUNSWICK ROAD CAR PARK
BRUNSWICK ROAD, CANNOCK
WS11 5XY

Drawing Title
PLANNING
EXISTING SITE PLAN
SHEET 02

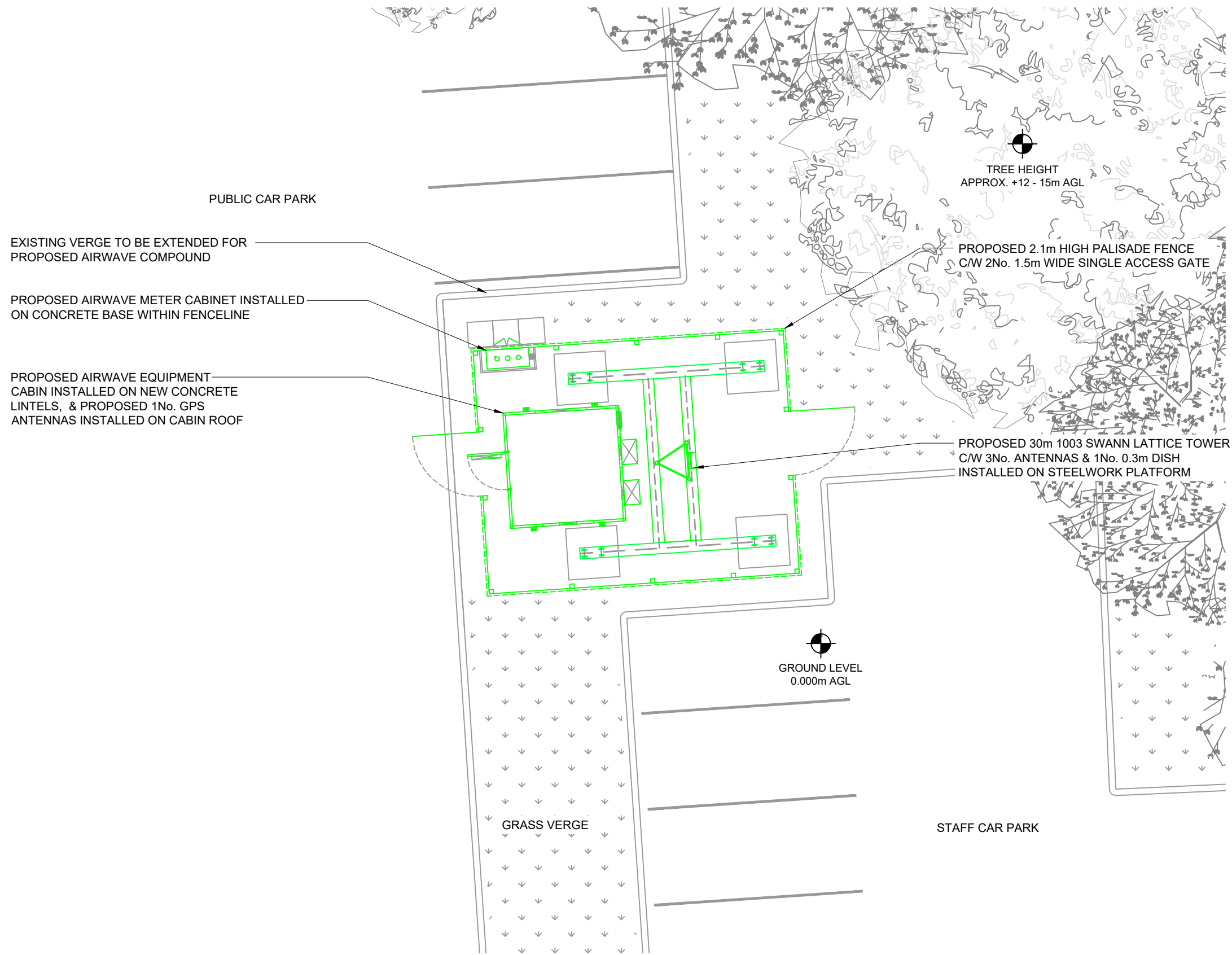
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Drawn by AM	Date Drawn 12.02.20	Date Checked 12.02.20	Date Approved 12.02.20

Drawing No. **STF089-GA-02**

NOTE: ORIGINAL DRAWING SIZE A3

NOTES

1. This drawing to be read in conjunction with STF089 Series drawings and standard Airwave drawings.
2. All dimensions are in mm unless otherwise stated.



PUBLIC CAR PARK

EXISTING VERGE TO BE EXTENDED FOR PROPOSED AIRWAVE COMPOUND

PROPOSED AIRWAVE METER CABINET INSTALLED ON CONCRETE BASE WITHIN FENCELINE

PROPOSED AIRWAVE EQUIPMENT CABIN INSTALLED ON NEW CONCRETE LINTELS, & PROPOSED 1No. GPS ANTENNAS INSTALLED ON CABIN ROOF

TREE HEIGHT APPROX. +12 - 15m AGL

PROPOSED 2.1m HIGH PALISADE FENCE C/W 2No. 1.5m WIDE SINGLE ACCESS GATE

PROPOSED 30m 1003 SWANN LATTICE TOWER C/W 3No. ANTENNAS & 1No. 0.3m DISH INSTALLED ON STEELWORK PLATFORM

GROUND LEVEL 0.000m AGL

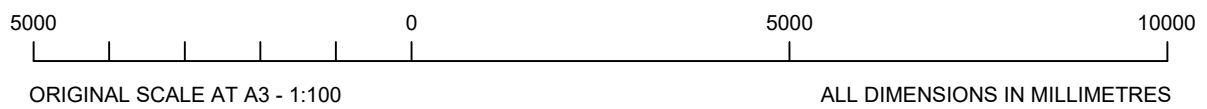
GRASS VERGE

STAFF CAR PARK

PROPOSED SITE PLAN

(SCALE 1:100)

The design of this site is in accordance with the following design documentation:
 Radio Base Station Design Guide & Specification - Issue Date 03.02.06
 Technical Guidance Notes - TGN 0092 to TGN 0124 inclusive.



A	12.02.20	PLANNING ISSUE	AM	DB
Rev	Date	Amendments	Drawn By	Approved By

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Job Title
**BRUNSWICK ROAD CAR PARK
 BRUNSWICK ROAD, CANNOCK
 WS11 5XY**

Drawing Title
**PLANNING
 PROPOSED SITE PLAN
 SHEET 03**

Scale 1:100	Version V.0	Checked by DB	Approved by DH
Drawn by AM	Date Drawn 12.02.20	Date Checked 12.02.20	Date Approved 12.02.20
Drawing No. STF089-GA-03			

The design of this site is in accordance with the following design documentation:
 Radio Base Station Design Guide & Specification - Issue Date 03.02.06
 Technical Guidance Notes - TGN 0092 to TGN 0124 inclusive.

SITE LOCATION



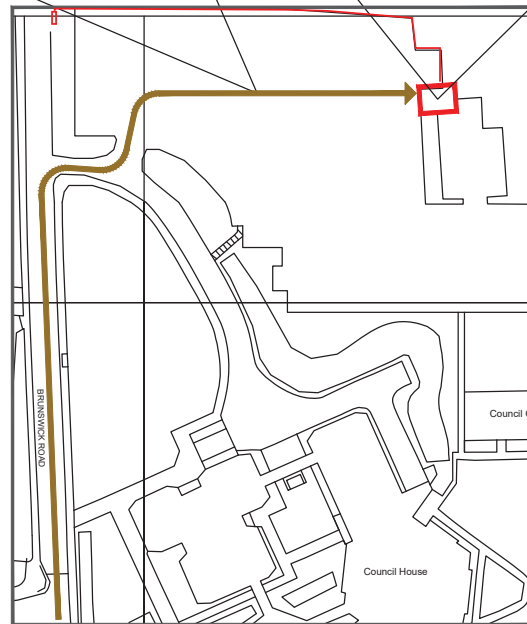
LOCATION PLAN (1:50000)



ORIGINAL SCALE AT A3 - 1:1250



ACCESS ROUTE SITE LOCATION



LOCATION PLAN (1:1250)

ALL DIMENSIONS IN METRES

NOTE: ORIGINAL DRAWING SIZE A3

NOTES

GENERAL NOTES

Based upon Ordnance Survey maps with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright.

O.S. Ref. : E 398207 , N 310603

Lat: 52.693103 Long: -2.027959

DIRECTIONS

FROM JUNCTION 12 ON THE M6, TAKE THE A5 TOWARDS CANNOCK. AT THE ROUNDABOUT TAKE THE FIRST EXIT ONTO THE A4601 AND AT THE NEXT ROUNDABOUT GO LEFT ONTO LONGFORD ROAD. TAKE THE THIRD RIGHT ONTO DARTMOUTH AVE AND CONTINUE TO THE ROUNDABOUT. GO STRAIGHT OVER ON THE B5012 AND GO STRAIGHT OVER THE SECOND ROUNDABOUT ONTO BEECROFT RD. TAKE THE FIRST EXIT ONTO BRUNSWICK RD. THE CAR PARK ENTRANCE IS ON THE RIGHT PAST THE HOSPITAL. THE SITE IS LOCATED IN THE SOUTH EAST CORNER OF THE CAR PARK.

B	17.02.20	LOCATION MAP AMENDED	AM	DB
A	12.02.20	PLANNING ISSUE	AM	DB
Rev	Date	Amendments	Drawn By	Approved By



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Job Title
BRUNSWICK ROAD CAR PARK
BRUNSWICK ROAD, CANNOCK
WS11 5XY

Drawing Title
PLANNING
SITE LOCATION PLANS
SHEET 01

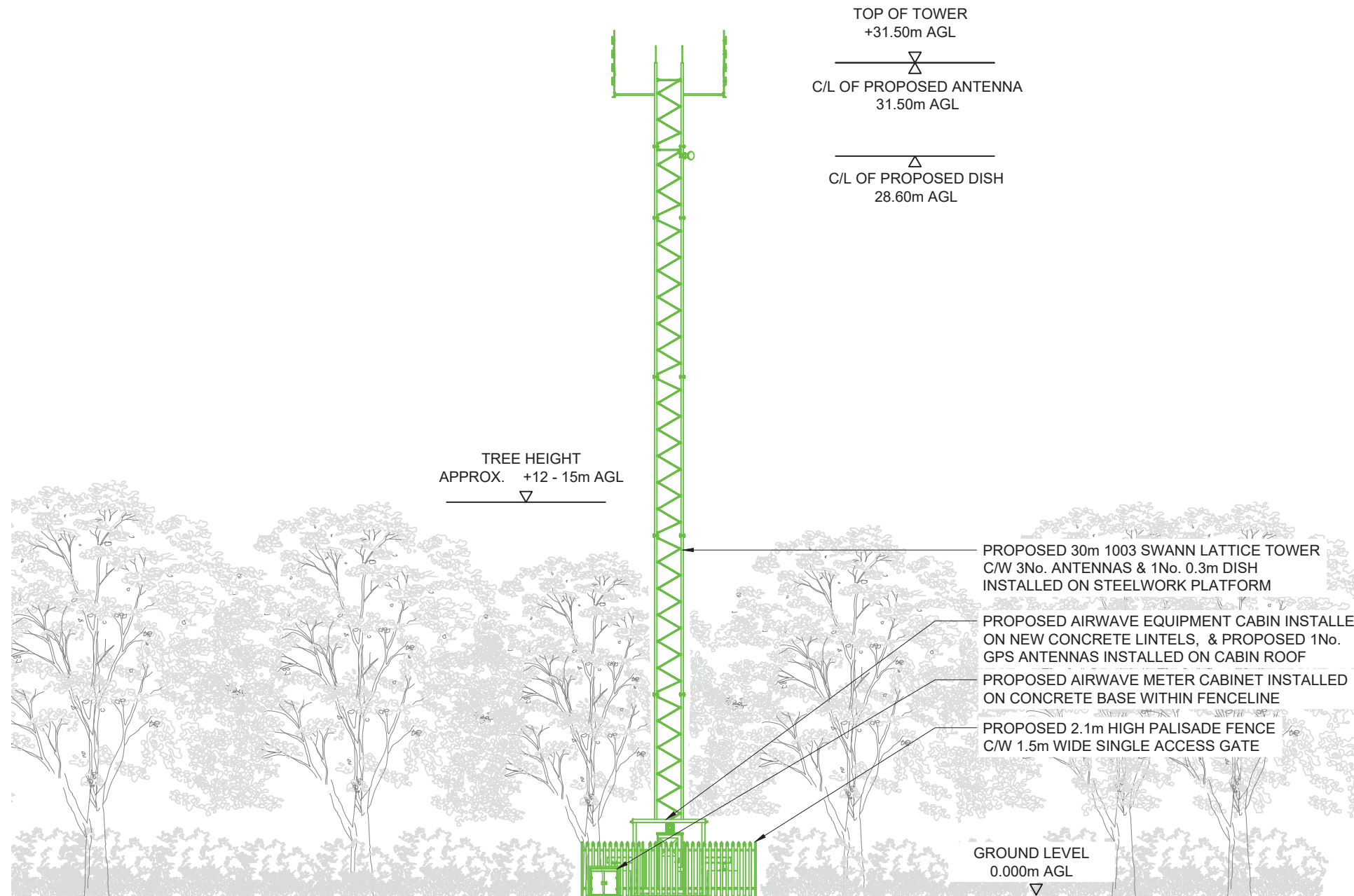
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Drawn by AM	Checked by DB	Date Approved 12.02.20
Date Drawn 12.02.20	Date Checked 12.02.20	Date Approved 12.02.20

Drawing No. **STF089-GA-01**

NOTE: ORIGINAL DRAWING SIZE A3

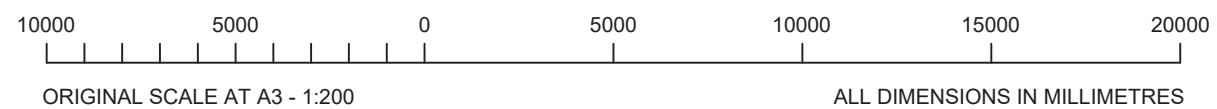
NOTES

1. This drawing to be read in conjunction with STF089 Series drawings and standard Airwave drawings.
2. All dimensions are in mm unless otherwise stated.



PROPOSED SITE ELEVATION

(SCALE 1:200)



The design of this site is in accordance with the following design documentation:
 Radio Base Station Design Guide & Specification - Issue Date 03.02.06
 Technical Guidance Notes - TGN 0092 to TGN 0124 inclusive.

A	12.02.20	PLANNING ISSUE	AM	DB
Rev	Date	Amendments	Drawn By	Approved By

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Job Title
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Drawing Title
PLANNING
PROPOSED SITE ELEVATION
SHEET 04

Scale 1:200	Version V.0	Checked by DB	Approved by DH
Drawn by AM	Date Drawn 12.02.20	Date Checked 12.02.20	Date Approved 12.02.20
Drawing No. STF089-GA-04			

Contact Officer:	Claire Faulkner
Telephone No:	01543 464337

PLANNING CONTROL COMMITTEE	
2nd September 2020	
Application No:	CH/20/185
Received:	05-Jun-2020
Location:	Land at Brunswick Road Car Park, Brunswick Road, Cannock, WS11 5XY
Parish:	Non Parish Area
Description:	installation of non ground penetrative electronic communications equipment comprising mast, cabin, support steelwork, concrete blocks, electricity meter cabinets, antennas, dishes, gps antenna, palisade fencing and ancillary development thereto.
Application Type:	Full Planning Application

RECOMMENDATION:

Approve Subject to Conditions

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions):

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

Reason

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

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

Dwg.No. STF089-GA-03 Proposed Site Plan Sheet 03

Reason

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

Notes to Developer:

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

Consultations and Publicity

External Consultations

None undertaken

Internal Consultations

Environmental Health

The pollution team have no comments to make on the above application. It was thoughtful of the applicant to submit copies of decisions in their favour from other sites....!

Property Services

No response to date

Development Plans and Policy Unit

The National Planning Policy Framework (NPPF, Paragraph 1) states that development proposals that accord with an up-to-date development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted, unless policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitat sites) provide a clear reason for refusal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.

The development plan for Cannock Chase District consists of the Local Plan (Part 1), adopted Neighbourhood Plans and the Staffordshire County Council Waste and Minerals Local Plan. The views of Staffordshire County Council as the waste and minerals authority should be considered, as necessary.

The Local Plan (Part 1) was adopted more than five years ago; it is now the subject of a review. This review is at an early stage in the process with consultation on 'Issues and Options' being undertaken recently (May – July 2019). Therefore limited weight can be afforded to it. The starting point for the determination of planning applications remains the adopted Development Plan (Local Plan (Part 1)).

The site is within Cannock Town Centre and is sited between a public car park and the staff car park for the Civic Centre. Cannock Chase High School is located to the north-east/east of the site. The site is not protected for a specific use on the Local Plan Policies Map.

Chapter 10 of the NPPF (supporting high quality communications) states that *“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks [...]”* (Paragraph 112).

Paragraph 115 of the NPPF states that *“Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:*

- a) *the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and*
[...]
- c) *for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.”*

An ICNIRP Compliance Notice has been identified as part of the application process. It is not known at this time whether consultations have been undertaken with the relevant body with regards to Cannock Chase High School; evidence of this has not been located within the submitted documentation. In consideration of the close proximity of the proposed development to the school and surrounding school grounds and the guidance provided within the NPPF the undertaking of a consultation with the relevant body is considered to be appropriate.

Policy CP3 of the Local Plan supports high-standards of design, and for development to be well-related to existing buildings and their surroundings; including the sympathetic design of high quality communications infrastructure.

Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and in consultation with the relevant infrastructure provider.

Parks & Open Spaces

The site does not have any landscape designation it however falls within the Forest of Mercia. The line of trees along the North Eastern boundary of the site are protected under TPO 2002/48 and those to the eastern boundary of the car park and south of the site by TPO 2007/36.

The proposed site consists of a grass area and part of the car parking area. (loss of onespace).

The proposal is located in a very highly visible area of the car park and more so by being situated at the head of one of the main access routes through the car park.

A 30m mast will be visible from surrounding areas but its lattice structure will reduce this slightly. However the most visual impact will for users of the car park and adjacent public accessible areas will be the base area including the various cabinets, blockwork and 2.1m tall palisade fencing. When viewing the latter both (opposite) sides of the fence would be seen and give the impression of a solid wall. This coupled with all the base apparatus would have an overall high detrimental visual impact.

No screening is proposed or achievable being located at the edge of the existing parking area and whilst the use of a weldmesh type fence would reduce the solid visual impact and be more acceptable the actual location of the station is an issue.

Original proposals proposed the station to be at point A on the above aerial picture however this was changed as a result of the recent conversion of the offices to residential flats to the east of the site. This location would however provide the least visual impact and would be screened from the residential flats by the intervening tall beech hedge (retains leaves in winter) and tree growth giving a very veiled view.

Location of the station at point B would be preferable if point A was still to be discounted, if kept close to the edge of the existing parking areas, as it would have a reduced visual aspect in respect of the ground based apparatus. It would also not require the loss of a car parking space, which given the issues around amount of spaces available would be of great benefit.

No reference or account of the root protection areas of the adjacent protected trees has been noted! An appropriate Arboricultural method statement will be required detailing how the proposal would be built whilst ensuring protection of the adjacent trees, for which ever location is agreed upon.

Objection

- To the use of Palisade fencing due to high detrimental visual impact.
- Relocation to point B should be investigated to aid further reduction of the visual impact if not point A.
- Arboricultural method statement required

Response to Publicity

Adjacent neighbours notified and site notice erected with no letters of representation received.

Relevant Planning History

None relevant

1 Site and Surroundings

- 1.1. The application site comprises a parcel of land within the public car park of Cannock Chase District Council offices, which is accessed via, Brunswick Road, Cannock.
- 1.2. The staff car park is located north of the Civic Centre and east of Cannock Hospital. To the north of the car park is the existing hospital car park, to the north east a school and to the east offices.
- 1.3. The application site comprises mainly tarmacked hardstanding areas, used for parking and turning and associated landscaped areas. A number of mature trees are within and around the application site, which are protected by Tree Preservation Orders (TPO's).

2 Proposal

- 2.1 The proposal is for installation of non ground penetrative electronic communications equipment comprising a mast, cabin, support steelwork, concrete blocks, electricity meter cabinets, antennas, dishes, gps antenna, palisade fencing and ancillary development thereto
- 2.2 The proposed mast would be erected to a height of 30m and comprises of a swann lattice tower with three antenna and one dish. A metre cabinet and

associated cabin would also be erected immediately adjacent the proposed tower and this would be enclosed by 2.1m high palisade fencing.

2.3 In support of the application, the applicant has submitted the following documents:-

- Coverage Justification
- Consideration of other sites,
- Consultation evidence from 5 months of pre-application advice with the Planning Authority, local Ward Members and the head teacher of the school.

2.4 The justification given for the proposed antenna tower is that the operational requirements mean that Airwave system must exhibit flexibility, reliability, rapidity and security, coupled with an excellent grade of service, with full radio coverage. These requirements, coupled with the need to avoid the frustrations and operational risks which would arise if there were, for example, excessive waiting time for call set-ups or frequent call disconnections, can be satisfied only through a system offering good and robust radio coverage, which requires a comprehensive network of telecommunications base stations to be available at all times.

2.5 The applicant states that in this part of Staffordshire, and in particular in Cannock town centre, Airwave have provided the specified level of RF coverage for the emergency services: it is primarily the police and sometimes other emergency services, not Airwave, who specify the level of RF coverage required to be provided in any particular locality. hand-held, in-car etc. However following the service of a legal Notice To Quit requiring the removal of the existing site apparatus from the roof of Market Hall Car Park, a replacement site is required to be built.

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) and the Minerals Local Plan for Staffordshire (2015-2030).

3.3 Relevant Policies within the Local Plan Include:

CP3 Design

3.4 Relevant policies within the Minerals Plan include:-

Policy 3.2 Safeguarding Minerals.

3.5 National Planning Policy Framework

3.6 The NPPF (2019) 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.

3.7 The NPPF (2019) 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.

3.8 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
112-116	Supporting high quality communications infrastructure
124, 127, 128, 130:	Achieving Well-Designed Places
212, 213	Implementation

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

4 Determining Issues

4.1 The determining Issues for this application include:-

- i) the siting and appearance of the proposal on the character and appearance of the area;
- ii) (ii) the living conditions of nearby residential occupiers, with regards to outlook; and
- iii) whether any harm caused would be outweighed by the need to site the installation in the location proposed having regard to the potential availability of alternative sites

4.2 Principle of Development

4.2.1 The site is within Cannock Town Centre and is sited between a public car park and the staff car park for the Civic Centre. Cannock Chase High School is located to the north-east/east of the site. The site is not protected for a specific use on the Local Plan Policies Map.

4.2.2 The guidance within Chapter 10 of the NPPF (supporting high quality communications) states that "Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks [...]." (Paragraph 112).

4.2.3 Paragraph 115 of the NPPF states that “Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

-the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and

-for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.”

4.2.4 In respect of the above, the applicant has, within the application demonstrated the following:-

-An assessment for the purposes of establishing the appropriate level of consultation has been carried out. Using this Traffic Light Rating assessment, the option of the operators sharing the proposed new communication tower has been categorised ‘amber’. Not only has the applicant undertaken pre-application negotiations with LPA for 5 months but they have actively engaged and been able to gain ward member support to the proposal as well as undertake further consultations with the head teacher of Cannock Chase High School.

-The application for this essential replacement of the existing station that is under NTQ and that must be replaced for continuous emergency services communications and includes a signed certificate confirming that the instantiation would conform to the relevant guidance. Public Exposure Guidelines as required by the second bullet point of paragraph 115b.

- The operator’s proposal has been designed to help minimise as far as possible any potential visual impact.

4.2.5 The applicant has stated that the Civic Centre roof comprises a main flat room deck with a lift plant room protruding approximately 4m above. On top and around the lift motor and plant room is a significant array of antennas that amongst others already provide services for EE and wifi companies. The applicant continues that the remaining space on the rooftop become extremely limited and would be an issue in proposing to accommodate Airwave’s three antennas, transmission dish and controlling equipment given the operational and technical specifications that require minimum separation distances must be maintained between operators’ antennas in both the horizontal and vertical plane. If these distances are not maintained, then there

will be what is termed 'destructive interference' between the operators' equipment meaning that neither's base station will function.

4.2.6 The applicant further justifies the proposal stating that if the building were able to support such a structure, add to that that during the 8-10 week build period all existing operators equipment would have to be turned off for construction workers safety, then it can be understood why it is neither practical or possible for the emergency services provider's equipment to be sited on the building.

4.2.7 As the apparatus proposed will lead to improvements to a public service provided in the local area, the application merits support and accords in all respects with national and local planning policy, especially paragraph 112 of the NPPF.

4.3 Impact on the character on the area

4.3.1 The application site is located within a public car park sited within a public car park within the Cannock Town Centre boundary. The applicant has confirmed that the design of the apparatus has been guided by the technical and operational requirements of the operator's system having proper regard to minimise both land take and appearance.

4.3.2 Whilst the area of Brunswick Road Car Park by its very nature of being a car park is relatively open, the site is bounded by rows of trees and hedgerows and is within close proximity of other built structures of the Civic Centre and the hospital. Whilst ultimately a 30m high structure can not be hidden and will potentially have some effect in visual amenity, with that immediate natural and built environment in close proximity those effects have been minimised as much as practical

4.3.3 It is noted that the proposal would be constructed near to protected trees and in this respect the comments of the landscape officer are noted in terms of an Agricultural Method Statement. However, in this instance, the proposed installation, is non-ground penetrating with no substructure foundation, being sited outside the area of the tree canopies and root areas / root protection areas, and with construction vehicles / deliveries being from the hardstanding car parking area and as such, is not considered by Officers to be a proportionate to the development proposed.

4.3.4 The design of telecommunication service infrastructure is limited, and the applicant has tried to minimise land take within the car park area. It is noted that a 30m high lattice tower with antennas would be difficult to successfully 'blend' into any surrounding. In this instance, the proposed development is kept within the town centre boundary, the built commercial environment and as close as possible to existing structures and trees so that it is not totally alien to the character and appearance of the local area. It is also noted that the applicant has demonstrated that the proposal would provide economic and social benefits and in providing a continuous and improved coverage for the area. It has also been demonstrated that there are no suitable alternative sites available. Consequently, the proposal would provide demonstrable

economic and social benefits that would outweigh its minor effects on the character and appearance of its town centre car park location.

- 4.3.5 The comments of the landscape officer are also noted in respect of the palisade fence. The applicant has confirmed that because of the nature of the equipment and whose services is solely caters for (the emergency services), the compound must be secure as the site is in an open and exposed car park. It is noted that the boundary fence between Cannock Chase High School and Brunswick Road Car Park comprises of galvanised palisade fence so the security fencing proposed would not be out of place in this context.
- 4.3.6 The applicant has confirmed that the fencing could be painted any colour the LPA require in the RAL or BS4800 / 5252 range if appropriate so that it blends with the trees to the north east / east / south east of the site. Alternatively, the applicant has offered to attach a close timber boarded fence to the outside of the palisade, however, based on their experience, they would suggest that making this a solid fenced structure would create a vandalism magnet and a target for graffiti.
- 4.3.7 The landscape officer also suggested relocating the proposal. However in this respect the applicant sought pre-application advice from the planning authority with regard to a number of alternate sites within the Councils Car park. The feed back received, from the Council as both landowner and planning authority recommended the site be moved north away from the residential section of Beecroft Court. Ultimately, the applicant has had no control over the resiting of the proposed development as it was the Council's Estates Department, as landowner, that dictated the micrositing of the mast had to be specifically outside of the CCDC staff parking area and in the public parking area as per the application.
- 4.3.8 As such, in the context of the surrounding development, street paraphernalia and the fact that the proposal is for a necessary telecommunications infrastructure, the proposed development accords the relevant paragraphs within the NPPF.

4.4 Health and Safety

- 4.4.1 The applicant has provided a certificate from the International Commission on Non-Ionising Radiation Protection (ICNIRP) in relation to the proposed equipment. This confirms that the proposed equipment conforms with the requirements of the radio frequency (rf) public exposure guidelines of ICNIRP. Government Planning Policy Guidance advises that Planning Authorities should not need to give any further consideration to the health implications.

4.5. Impact on Residential Amenity

- 4.5.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to addressed in development proposals and goes onto include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in

Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes however it does not provide guidance in with regard to other land uses.

- 4.5.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.5.3 The nearest dwellings to the application site are located in Beecroft Court located to the south–east of the site and approx 61m distant. These dwellings do not directly face out onto the application site however where there are oblique views these would be well screened by the intervening boundary treatment.
- 4.5.4 As such, the proposed extension would accord with the requirements of Paragraph 127(f) of the NPPF.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

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

Equalities Act 2010

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

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

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned
Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

6 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