



Application No: CH/19/278

Location: 12 Berry Hill, Hednesford, Cannock, WS12 1UJ

Proposal: Demolition of existing garage & rear extension. Erection of single storey side and rear extension

Item no. 6.1



Existing Plans and Elevations



Proposed Plans and Elevations

PLANNING ISSUE

This drawing and the works shown are the copyright of Central Building Consultancy. Unauthorised use may be the subject of legal action.



PROPOSED FRONT ELEVATION



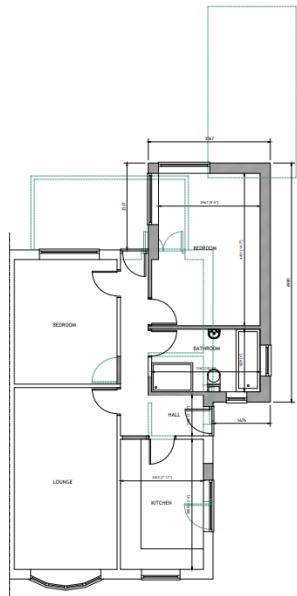
PROPOSED SIDE ELEVATION



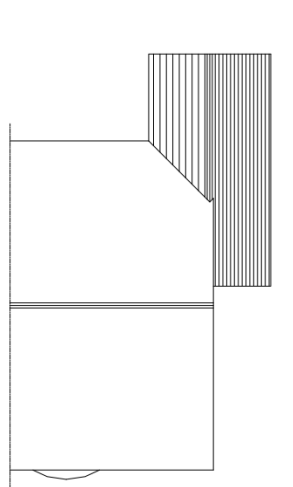
PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED GROUND FLOOR PLAN



PROPOSED ROOF PLAN

REV	DATE	DESCRIPTION
<p>CENTRAL BUILDING CONSULTANCY LTD 2 The Arcade, Park Epsom Road, Epsom, London, Surrey TW20 3BA T: 01483 887201</p>		

PROJECT:
 PROPOSED DEMOLITION OF EXISTING
 GARAGE & REAR EXTENSION & ERECTION OF
 SINGLE STOREY SIDE & REAR EXTENSION
 AT
 12 BERRY HILL, HEZESFORD

DRAWING TITLE:
 PROPOSED PLANS & ELEVATIONS

DATE	BY	SCALE	REV
24/10	SEALERS	1:100 & 1:100 (G.F. & R.F.)	
05/11	REV		1
05/11	REV		2
05/11	REV		3
05/11	REV		4
05/11	REV		5
05/11	REV		6
05/11	REV		7
05/11	REV		8
05/11	REV		9
05/11	REV		10
05/11	REV		11
05/11	REV		12
05/11	REV		13
05/11	REV		14
05/11	REV		15
05/11	REV		16
05/11	REV		17
05/11	REV		18
05/11	REV		19
05/11	REV		20
05/11	REV		21
05/11	REV		22
05/11	REV		23
05/11	REV		24
05/11	REV		25
05/11	REV		26
05/11	REV		27
05/11	REV		28
05/11	REV		29
05/11	REV		30
05/11	REV		31
05/11	REV		32
05/11	REV		33
05/11	REV		34
05/11	REV		35
05/11	REV		36
05/11	REV		37
05/11	REV		38
05/11	REV		39
05/11	REV		40
05/11	REV		41
05/11	REV		42
05/11	REV		43
05/11	REV		44
05/11	REV		45
05/11	REV		46
05/11	REV		47
05/11	REV		48
05/11	REV		49
05/11	REV		50
05/11	REV		51
05/11	REV		52
05/11	REV		53
05/11	REV		54
05/11	REV		55
05/11	REV		56
05/11	REV		57
05/11	REV		58
05/11	REV		59
05/11	REV		60
05/11	REV		61
05/11	REV		62
05/11	REV		63
05/11	REV		64
05/11	REV		65
05/11	REV		66
05/11	REV		67
05/11	REV		68
05/11	REV		69
05/11	REV		70
05/11	REV		71
05/11	REV		72
05/11	REV		73
05/11	REV		74
05/11	REV		75
05/11	REV		76
05/11	REV		77
05/11	REV		78
05/11	REV		79
05/11	REV		80
05/11	REV		81
05/11	REV		82
05/11	REV		83
05/11	REV		84
05/11	REV		85
05/11	REV		86
05/11	REV		87
05/11	REV		88
05/11	REV		89
05/11	REV		90
05/11	REV		91
05/11	REV		92
05/11	REV		93
05/11	REV		94
05/11	REV		95
05/11	REV		96
05/11	REV		97
05/11	REV		98
05/11	REV		99
05/11	REV		100

1000-444-02

Contact Officer:	Audrey Lewis
Telephone No:	01543 464528

PLANNING COMMITTEE REPORT 12 September 2019	
Application No:	CH/19/278
Received:	26-Jul-2019
Location:	12 Berry Hill, Hednesford, Cannock, WS12 1UJ
Parish:	Hednesford
Description:	Demolition of existing garage & rear extension. Erection of single storey side and rear extension
Application Type:	Full Planning Application

RECOMMENDATION:

Approve Subject to Conditions

Reason(s) for Recommendation:

Reason for Grant of Permission

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/ or 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. 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:

Drg.No.s 1000-444-01 & 02.

Reason

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

4. The extension shall not be brought into use until the window serving the bathroom in the side (north eastern) elevation has been fitted with obscure glazing. The obscure glazing shall be retained for the life time of the development.

Reason

To protect the amenities of the occupiers of the neighbouring residential property in accordance with :Policy CP3 of the Cannock Chase Local Plan and paragraph 127(f) of the National Planning Policy Framework.

Notes to Developer:

N/A

Consultations and Publicity

External Consultations

Hednesford Town Council

No objection.

Internal Consultations

Council 's Ecologist

No comments received.

Response to Publicity

The application has been advertised by site notice and neighbour letter. No letters of representation have been received.

Relevant Planning History

There is no recent relevant planning history.

1 Site and Surroundings

- 1.1 The application site comprises a modern semi detached bungalow of brick and tile construction with pitched roof. The dwelling has previous extensions, including a rear sun lounge, detached, rear garage and side carport. The carport comprises part of the side 1.8m closed board fence (common boundary with No. 10 Berry Hill), with lightweight polycarbonate sheets above and roof.
- 1.2 The dwelling is located on a residential estate, with the immediate streetscene comprising semi detached bungalows constructed on a common building line.
- 1.3 No.10 Berry Hill is adjacent to the application property. It comprises a similar design and has a detached rear garage and side carport. It has two side facing windows, which serve a kitchen and a bathroom.
- 1.4 No.14 Berry Hill forms the adjoining semi bungalow.
- 1.5 The site is unallocated in the Local Plan, however the site is located within a Mineral Safeguarding area, the Forest of Mercia and a Coal Authority Low Risk area.

2 Proposal

- 2.1 The applicant is seeking consent for demolition of the existing garage & rear extension. Erection of single storey side and rear extension.
- 2.2 The single storey side extension would be 1.7m wide, to be level with the rear of the original bungalow to a height of 3.6m (2.2 to eaves). It would retain a 0.8m gap to the common side boundary with No. 10 Berry Hill.

- 2.3 The rear extension would project 2.5m from the rear of the original bungalow and proposed side extension. It would be flush with the side wall of the proposed side extension. A gap of 4m would be retained to the common boundary with No. 14 Berry Hill.
- 2.4 The extensions would be constructed with brickwork, tiles and white UPVC materials to match the existing bungalow.

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
- 3.3 Relevant policies within the minerals plan include: -
- Policy 3 - Safeguarding Minerals of Local and National Importance and Important Infrastructure
- 3.4 National Planning Policy Framework
- 3.5 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.
- 3.6 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.
- 3.7 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

3.8 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.

Hednesford Neighbourhood Plan 2017-2028.

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.
- iv) Impact on highway safety.
- v) Minerals Safeguarding.

4.2 Principle of the Development

4.2.1 The site is on unallocated land and contains an existing dwellinghouse and therefore is not subject to any policy restriction that would affect the principle of extensions to a domestic property. The proposal is therefore acceptable in principle subject to the considerations set out below.

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

4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and
- (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.

4.3.2 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 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to extensions to dwellings.
- 4.3.6 The proposed extension would be set 2.2m down from the height of the existing pitched roof of the bungalow. It would also be set 5m back from the principle elevation of the bungalow. It is considered that the proposal would not have an adverse impact on the character of the locality, given that it would be only be partially visible from the street scene when viewed directly from the street. The proposed scale and materials would ensure that the extension would read as subservient to the host dwelling and as such the proposal would assimilate well with the design and character of the host dwelling and the surrounding character of the streetscene.
- 4.3.4 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". 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.
- 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 In general the Design SPD sets out guidance for space about dwellings, stating a minimum separation distance of 21.3m between front and rear facing principal windows. The proposed extension would be single storey and would be located approximately 25m from the rear of No. 78 Stagborough Way. As such, the proposal would not cause any overlooking, or reduction in privacy to the detriment to the amenity of that neighbouring property.
- 4.4.4 The side extension of the proposed extension would be set back sufficiently to avoid the side facing window of No. 10 Berry Hill. The side facing bathroom window of the proposed extension would replace an existing side facing bathroom window, however, located 1.7m closer to the common boundary. The window would serve a non habitable room that would be screened, in

part, by the intervening closed board fencing. As such, the proposal, subject to a condition for the use of obscure glazing would not cause any overlooking or reduction in privacy to the detriment to the amenity of neighbouring properties.

4.4.5 The proposed extensions would comply with the 45/25 standard, measured from the nearest rear facing habitable room windows of the neighbouring dwellings at No.s 10 & 14 Berry Hill. As such, the proposal would not cause loss of light, or sunlight to the neighbouring properties.

4.4.6 Therefore, it is concluded that the proposal by virtue of the design, separation distances and existing boundary treatments, the proposal would not result in any significant impact by virtue of overlooking, loss of light, or loss of outlook, on the residential amenities of the future and existing occupiers of the neighbouring properties and that taken as a whole, the proposal would result in a good standard of residential amenity to all existing and future occupants in accordance with Policy CP3 of the Local Plan, the Design SPD and paragraph 17 of the NPPF

4.5 Impact on Highway Safety

4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.5.2 The proposal would remove a garage space (measuring 5m x 2.6m). Two parking spaces would be retained on the existing block paved frontage, which would be in compliance with the Parking Standards SPD for a two bedroom bungalow.

4.5.3 It is therefore considered that the proposal would provide sufficient off-street parking and there would be no adverse impact on parking. As such, the proposal would comply with policy and would not have an adverse impact upon highway safety.

4.6 Mineral Safeguarding

4.6.1 The site falls within a Mineral Safeguarding Area (MSAs) for Bedrock sand and superficial sand and gravel. Paragraph 206, of the National Planning

Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), aim to protect mineral resources from sterilisation by other forms of development.

4.6.2 Policy 3.2 of the Minerals Local Plan states that:

‘Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

4.6.3 The development would fall under Item 2 within the exemption list as an application for an extension to an existing building and is therefore permitted. As such the proposal is compliant with Policy 3 of the Minerals Local Plan.

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 conclusion, it is considered that the proposal is of a high quality design and will be in-keeping with the design of the existing property and the wider street scene.
- 6.2 It is considered that the proposal would not have a significant adverse impact on the neighbouring properties.
- 6.3 It is therefore recommended that the application be approved subject to the attached conditions.

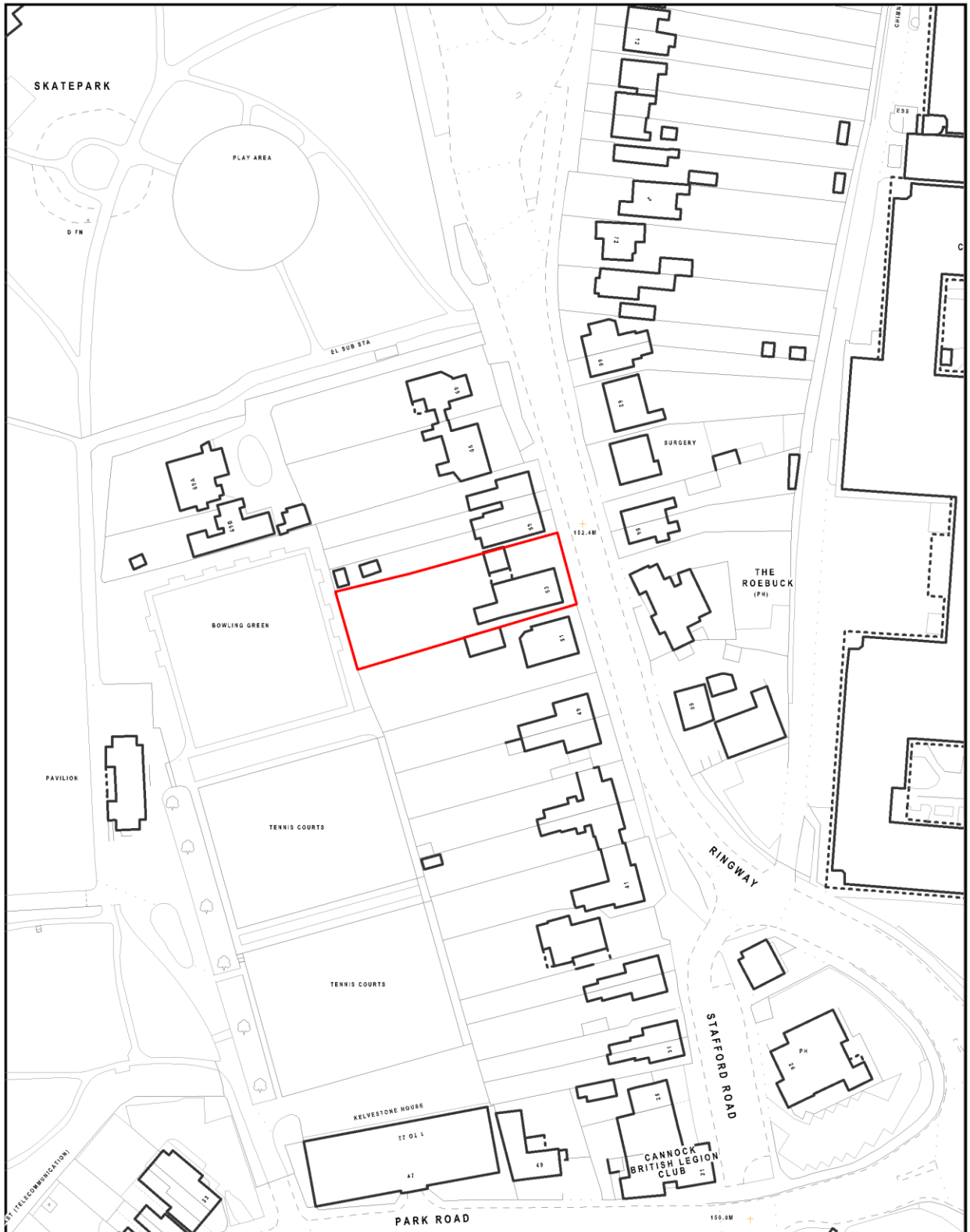


Application No: CH/19/143

Location: 53 Stafford Road, Cannock, WS11 4AF

Proposal: Proposed change of use to a Childrens' Day Nursery

Item no. 6.14

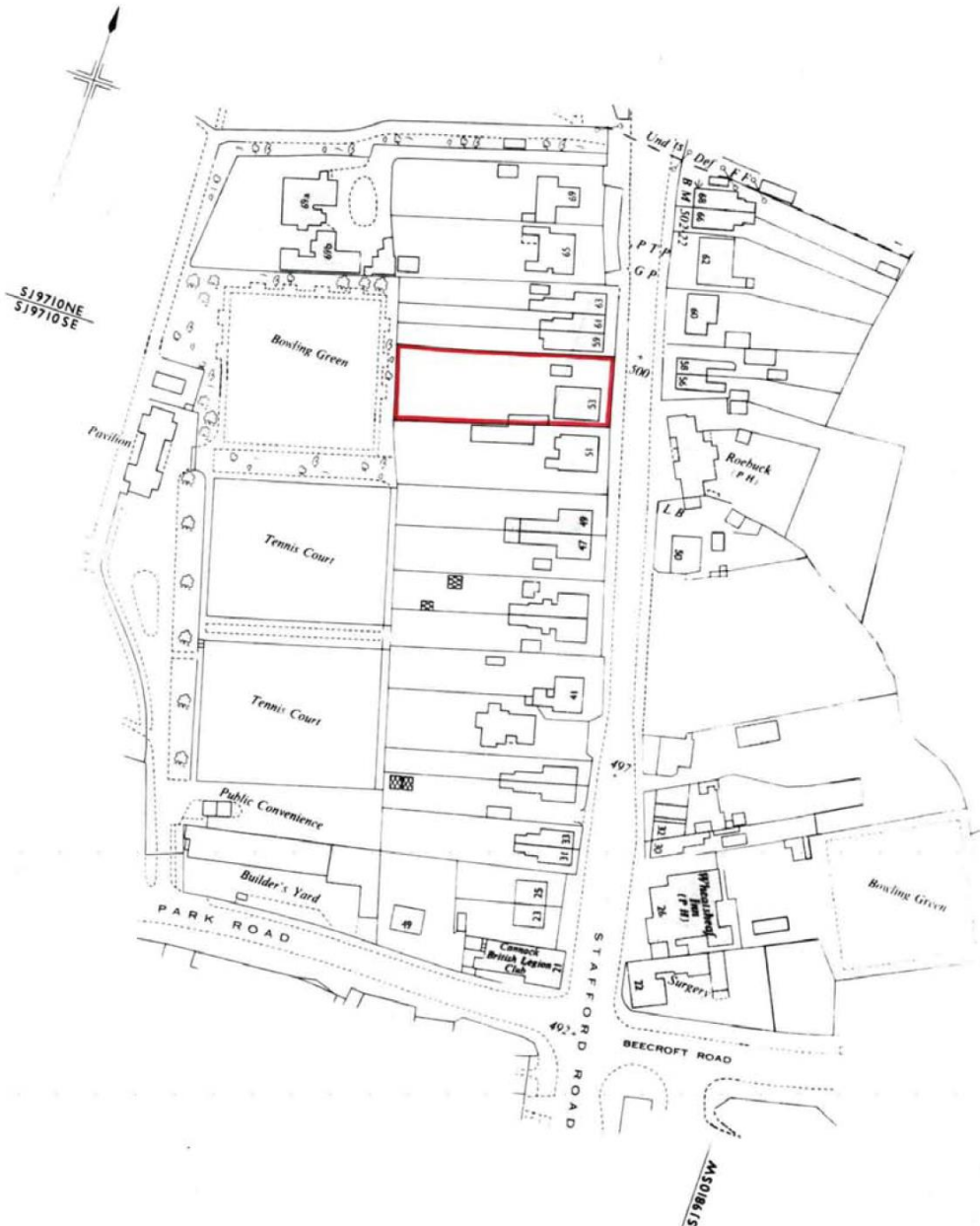


© Crown copyright and database rights [2019] Ordnance Survey [100019754]

You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.

Location Plan

H.M. LAND REGISTRY		TITLE NUMBER	
		SF 188369	
ORDNANCE SURVEY PLAN REFERENCE	SJ9710	SECTION K	Scale 1:1250
COUNTY STAFFORDSHIRE	DISTRICT CANNOCK CHASE	© Crown copyright 1977	

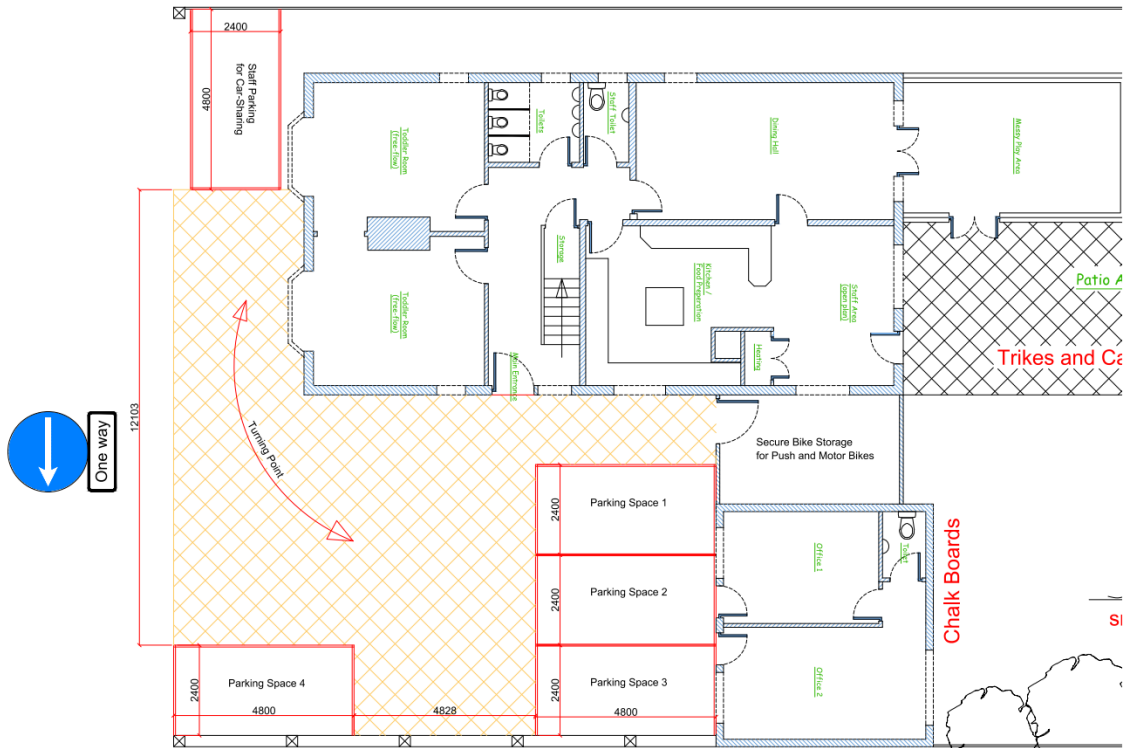


FILED PLAN
M L
11/82

Site Plan

Item no. 6.16

Proposed Layout

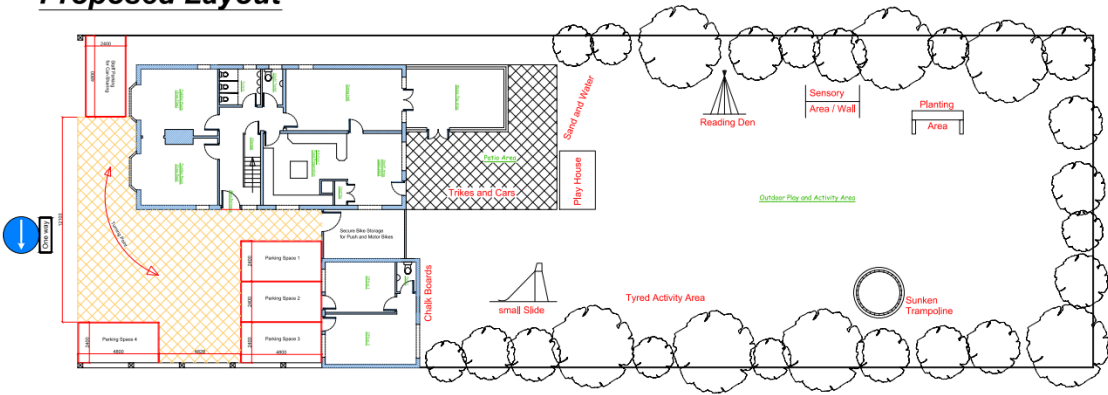


Line	Description	Date
---	External Walls (Building)	
----	Internal Walls (Building)	
----	Internal Walls (Parking/Storage)	
----	Internal Walls (Proposed)	
----	Columns & Beams	
+	Column	
---	Beam or Column Line	
---	Path Line	
---	Grid Line	
---	Handrail	
---	Roofing	
---	Boundary Line	

Drawn By	Description	Date
Sascha Westhoefer		14 / 06 / 2019
NTS		
Main Name & Address 53 Stafford Road Cannock Staffordshire		
Main Contractor/Client Mr & Mrs Westhoefer		
Drawing Title Parking Layout Proposed Layout		
Drawing Number	Revision	
3550	A	

Site Plan

Proposed Layout

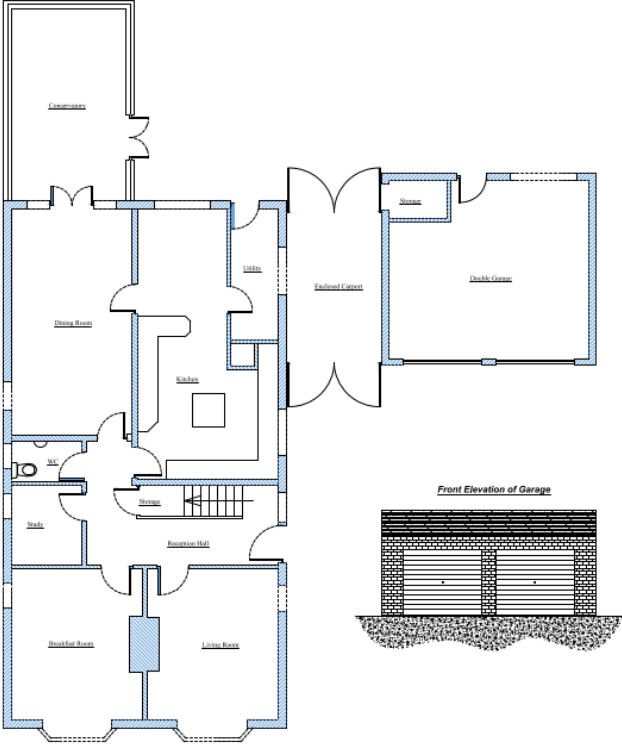


Rev	Description	Date
1	External Walls (Existing)	
2	Struct Wall/Shell (Existing)	
3	Internal Walls or Partitions (Existing)	
4	Internal Walls (Proposed)	
5	Columns & Beams (Existing)	
6	Columns	
7	Beam or Channel Line	
8	Foot-Line	
9	Grid-Line	
10	Handrail	
11	Stairing	
12	Demolition Line	

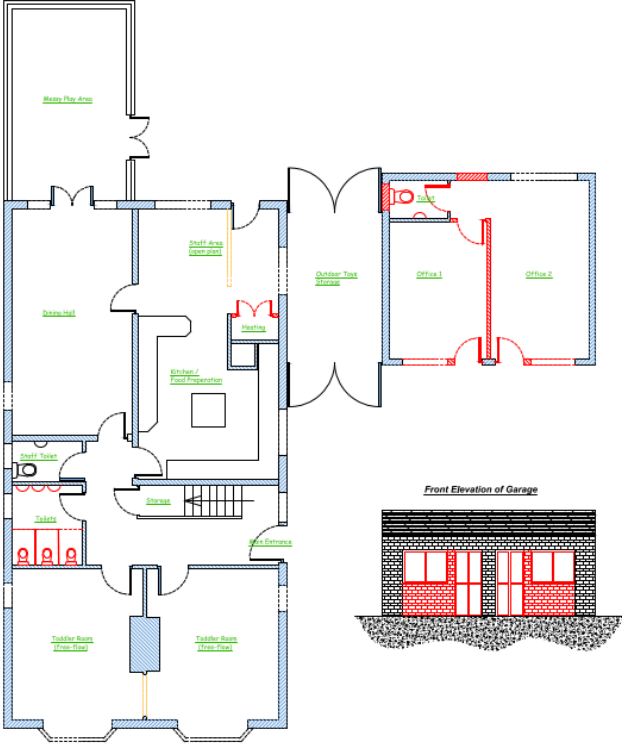
Drawn By:	Sascha Westhoefer
Date:	14 / 06 / 2019
Scale:	NTS
Plot Name & Address:	53 Stafford Road Cannock Staffordshire
Main Contractor/Client:	Mr & Mrs Westhoefer
Drawing Title:	Site Plan
Drawing Number:	3550
Revision:	A

Ground Floor Plans

Existing Layout

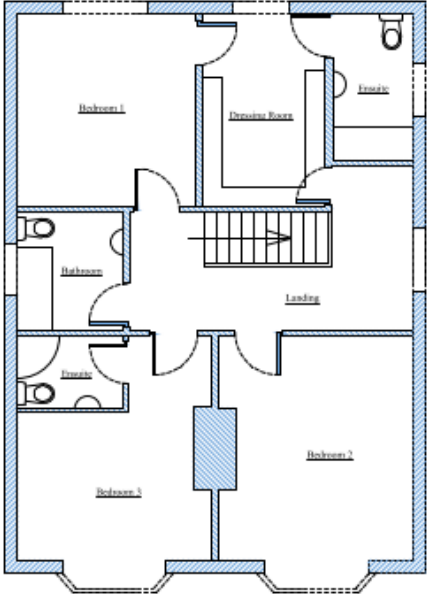


Proposed Layout

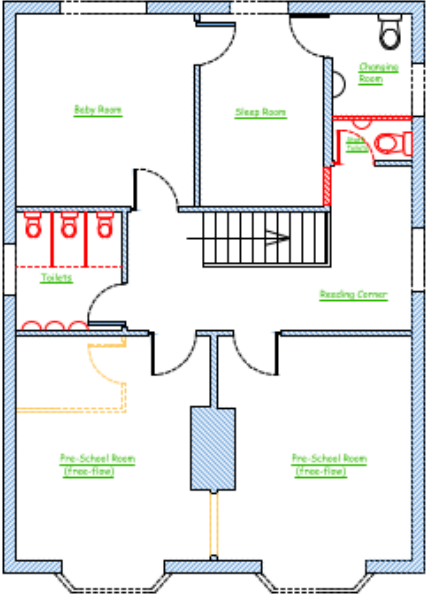


First Floor Plans

Existing Layout



Proposed Layout



--

Contact Officer:	Claire Faulkner
Telephone No:	01543 464337

PLANNING CONTROL COMMITTEE 18 th September 2019	
Application No:	CH/19/143
Received:	09-Apr-2019
Location:	53 Stafford Road, Cannock, WS11 4AF
Parish:	Non Parish Area
Description:	Proposed change of use to a Childrens' Day Nursery
Application Type:	Full Planning Application

RECOMMENDATION:

Refuse for the following reason: -

The proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked on the public highway. The proposal would therefore be to the significant detriment of highway safety and contrary to Paragraph 109 of the National Planning Policy Framework and Policy CP10 of the Cannock Chase Local Plan.

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. However, in this instance the proposal fails to accord with the Local Plan and the National Planning Policy Framework.

Notes to Developer:

None

Consultations and Publicity

External Consultations

Travel Management and Safety

Objection

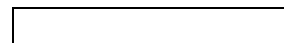
The proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked on the public highway.

It is noted that the applicant wishes to change the use of an existing residential dwelling which sits outside of the designated Town Centre Boundary (as shown within Cannock Chase District Council's current Local Plan) into a children's day nursery. The dwelling is currently accessed off a busy A Class road which links Cannock to Stafford.

Cannock Chase District Council's current parking standards currently state that 1no. parking space should be provided per employee plus 1no. space for every 6no. children attending. The latest Parking Layout plan (Drawing No. 3550, Revision A) shows 1no. parking space for staff members and 4no. parking spaces for parents. Whilst the parking spaces shown are geometrically correct, the space shown between the rear of Parking Space 3 and the front of Parking Space 4 of just 4.8m is inadequate for a vehicle to manoeuvre into or out of Parking Space 3 should Parking Space 4 be occupied.

The Highway Authority acknowledges the submission of a Travel Plan for the site however the proposed alternative off-site parking areas are not within the red edge of the planning application or under the control of the applicant. Any of the proposed off-site parking sites could be withdrawn/removed at any time and are unlikely to be attractive to parents dropping off or collecting children from the nursery.

Given the sites location, the Highway Authority remains concerned that the site does not benefit from sufficient on-site parking and therefore parents who arrive by car on their way to/ from work and find that they could not park within the site curtilage are



likely to park outside on the adopted highway rather than use one of the identified public or private car parks which are some distance away and not under the control of the applicant.

The A34 road which fronts the property is an A Class road which is heavily congested in peak periods and has double yellow lines on both sides of the road for a significant length in order to prevent on-highway parking, reduce the likelihood of accidents and to keep traffic moving.

Internal Consultations

Development Plans and Policy Unit

The site is in the Cannock urban area on a main road just outside Cannock Town Centre and is not protected for a specific use on the Local Plan (Part 1) Policies Map. The area contains a mix of residential, leisure and some commercial uses.

The Cannock Chase Local Plan (part 1) 2014 policy CP1 supports sustainable development. It is noted that there will be a loss of 1 residential unit, but also a gain in service provision for the local community.

Policy CP3 advocates appropriate design and cohesion with adjacent uses in new development, including the protection of amenity.

The Cannock Chase Council Parking Standards, Travel Plans & Contributions for Sustainable Transport SPD sets out the advised parking requirements.

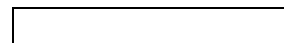
Environmental Health

The hours of operation should be conditioned to 7am to 6:30pm weekdays only. The maximum number of children should also be conditioned to 40.

The outdoor area is very well screened and this will assist in alleviating any potential disturbances. Existing trees / shrubs etc should be retained.

Response to Publicity

Adjacent occupiers notified and site notice displayed with 1 letter of representation received. The comments raised are summarised below:-



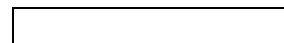
- Stafford Road is a very busy road and it cannot afford to have cars illegally parked on the pathway at any time.
- Stafford Road is also a blue light emergency route, and having numerous schools in the vicinity we (No51) have problems with pedestrians / school children / parents with pushchairs / children on bikes and scooters on the pathway outside the dwellings. This has recently worsened with expensive hospital parking for staff and visitors who park at the leisure centre and walk in.
- The traffic on this road between 8am – 9am and 3pm – 4pm is a nightmare and this is likely to be the busiest times of day for the nursery too.
- There is not sufficient room within the site for 11 vehicles which would lead to cars parking on the highway.

Relevant Planning History

None relevant.

1 Site and Surroundings

- 1.1 The application site relates to an existing building currently used as a dwelling fronting Stafford Road, Cannock.
- 1.2 The application building is a prominent double fronted dwelling set back from the highway behind a short frontage bound by a low wall with pillars. The whole frontage comprises of hardstanding and leads to an attached double garage and link at the side.
- 1.3 The property benefits from a generous rear garden bound by mature landscaping. The property benefits from a conservatory to the rear and raised patio area.
- 1.4 The application site is bound on two sides by residential dwellings and sits opposite the former Roebuck public house. The rear of the application site gives way to the public tennis courts located within Cannock Park.
- 1.5 The application site is located approximately 70m from Cannock Town Centre. The surrounding area is predominantly residential comprising of typically 2 storey dwellings of varying designs, styles and types. There are



several larger buildings located within close proximity to the application site; these being, the Cannock Leisure Centre, Cannock Chase Hospital, and Cardinal Griffin Catholic School. These buildings are all larger than surrounding buildings and incorporate various design features, materials and finishes including flat roof, grey cladding, white render and corrugated sheet roofing.

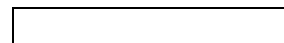
- 1.6 The application site lies within a Mineral Safeguarding Area and is considered to be low risk boundary by the Coal Authority.

2 Proposal

- 2.1 The applicant is seeking consent for the proposed change of use of a residential property to a Childrens' Day Nursery.
- 2.2 The proposal would not require any significant alterations to the external appearance of the building in order to facilitate the proposed nursery.
- 2.3 The applicant indicates 5 vehicle parking spaces; four spaces would be provided for dropping off and collecting the children and a further space provided for staff. A secure bike store is also provided to encourage cycling to work.
- 2.4 The applicant confirms that the staff would comprise of 11 members; four of which are family members with a further 5 persons employed on a full time or part time basis and a further two being students from Cannock College.
- 2.5 The proposed hours of operation would be from 07:00am to 18:30pm on weekdays. The proposed nursery would not be open during the evenings or at any time on weekends.
- 2.6 The applicant has confirmed that the drop-off and collection of the children would be staggered throughout the day as people no longer work the typical 9am – 5pm shifts. The nursery could accommodate up to 40 children at any one time.

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).

- CP1 - Strategy – the Strategic Approach
- CP2 - Developer contributions for Infrastructure
- CP3 - Chase Shaping – Design

3.3 The relevant policies within there Minerals Plan include:

Policy 3.2 Mineral Safeguarding

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.

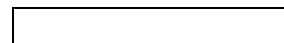
3.8 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
124, 127, 128, 130:	Achieving Well-Designed Places
212, 213	Implementation
170	Conserving and Enhancing the Natural Environment
180	Ground Conditions and Pollution

3.9 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.



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.
- iv) Impact on highway safety.
- v) Impact on nature conservation
- vi) Drainage and flood risk
- vii) Mineral safeguarding
- viii) Ground conditions and contamination

4.2 Principle of the Development

4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. The NPPF makes no specific mention to creches nor does the Local Plan. Furthermore, there are no specific locational requirements for nurseries. In general they are located near to the users of the facility and in sustainable locations.

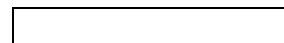
4.2.2 In this instance the application site is sited in a mixed used area comprising of residential properties, leisure uses and some commercial uses. The application site is located approx..70m from the Town centre boundary. The application site is located within the main urban area of Cannock and is not subject to any planning allocation or designation that would preclude the proposed use. As such, there are no policies that would restrict the use as a matter of principle.

4.2.3 As such, the proposal may be considered to be acceptable in principle. However, proposals that are considered acceptable in principle are still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect in so much as these issues relate to scale and means of access and impact on neighbouring amenity.

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

4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and



- (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.

4.3.2 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.

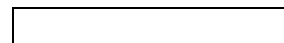
4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

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 In this respect, the application site is bound on three sides by mature tree planting. These trees are sited to the rear. There is no indication that these trees would be removed to facilitate the childrens day nursery.



4.3.6 The change of use of the site would not involve any significant external alterations, with the garden area to the rear retained for safe play and parking proposed on the existing hardstanding to the front of the site. The applicant has indicated that the front boundary wall would be removed to provide an appropriate sized parking space.

4.3.7 Given the above, it is considered that the proposed use would have no significant impact on the character of the area and would therefore comply with Policy CP3 of the Local Plan and paragraph 127 of the NPPF.

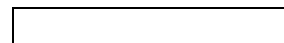
4.4. Impact on Residential Amenity

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. Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so (amongst others) (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

4.4.3 Although the Design SPD sets out guidance in respect to space about dwellings it does not contain guidance in respect to space about other uses. Of particular significance in this respect is the relationship between the application site and the residential properties to the sides. Environmental Health Officers were consulted on the application and raised no objections to the proposal in terms of noise nuisance, subject to conditions.

4.4.4 It is noted that the hours of operation for the proposed nursery would be between 07:00hrs to 18:30hrs when some degree of noise is considered acceptable. Also, the existing mature boundary planting would assist in alleviating any potential disturbances.



4.4.5 Given the above, it is concluded that the proposed layout of the site, the existing boundary landscaping and the proposed hours of operation would ensure there would be no significant detrimental impact to the occupiers of the adjacent dwellings. As such it is concluded that the proposal would protect the "amenity enjoyed by existing properties" and would maintain a high standard of amenity for existing and future users and therefore comply with Policy CP3 of the Local Plan and paragraphs 127(f) and 180 of the NPPF.

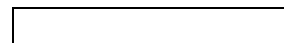
4.5 Impact on Highway Safety

4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport Supplementary Planning Document also states its objectives (amongst others) to reduce traffic congestion in urban areas.

4.5.2 In this instance, the Highway Authority was consulted on the application and raised concern regarding the impact on highway safety due to the inadequate parking provision within the site curtilage resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked on the public highway.

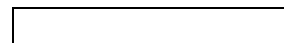
4.5.3 The Highway Authority note that the applicant wishes to change the use of an existing residential dwelling which sits outside of the designated Town Centre Boundary (as shown within Cannock Chase District Council's current Local Plan) into a children's day nursery. The dwelling is currently accessed off a busy A Class road which links Cannock to Stafford.

4.5.4 Cannock Chase District Council's current parking standards state that 1no. parking space should be provided per employee plus 1no. space for every 6no. children attending. The latest Parking Layout plan (Drawing No. 3550, Revision A) shows 1no. parking space for staff members and 4no. parking spaces for parents. Whilst the parking spaces shown are geometrically correct, the space shown between the rear of Parking Space 3 and the front of Parking Space 4 of just 4.8m is inadequate for a vehicle to manoeuvre into or out of Parking Space 3 should Parking Space 4 be occupied. With a maximum of 40 children potentially attending the site at any one time and upto 11 members of staff would require parking provision for 18 spaces. The



current proposal shows a shortfall of 15 spaces given one of the proposed parking spaces would not be accessible if the other spaces are in use.

- 4.5.5 The Highway Authority acknowledges the submission of a Travel Plan for the site however the proposed alternative off-site parking areas are not within the red edge of the planning application or under the control of the applicant. Any of the proposed off-site parking sites could be withdrawn or removed at any time and are unlikely to be attractive to parents dropping off or collecting children from the nursery.
- 4.5.6 Given the sites location, the Highway Authority remains concerned that the site does not benefit from sufficient on-site parking and therefore parents who arrive by car on their way to/ from work and find that they could not park within the site curtilage are likely to park outside on the adopted highway rather than use one of the identified public or private car parks which are some distance away and not under the control of the applicant.
- 4.5.7 The A34 road which fronts the property is an A Class road which is heavily congested in peak periods and has double yellow lines on both sides of the road for a significant length in order to prevent on- highway parking, reduce the likelihood of accidents and to keep traffic moving.
- 4.5.8 As such, the proposal fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked on the public highway contrary to Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport and Paragraph 109 of the NPPF.
- 4.6 Impacts of Cannock Chase Special Area of Conservation
- 4.6.1 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Given the size and nature of the proposal and its location in respect to Cannock Chase SAC, and the connectivity of the wider highway network it is considered that the proposal would have no significant impacts, directly or indirectly on any SAC.
- 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, and therefore is in the zone of least risk from flooding.



4.7.2 In this respect it is noted that paragraph 155 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

4.7.3 Given that the site is located within Flood Zone 1 and introduces no additional hardstanding to the site, it is considered that the proposal would be acceptable in respect of drainage and flood risk in accordance with paragraph 155 of the NPPF.

4.8 Mineral Safeguarding

4.8.1 The site falls within a Mineral Safeguarding Area (MSAs) for Brick Clay. 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.

4.8.2 Policy 3.2 of the new Minerals Local Plan states that:

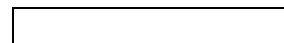
‘Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

4.8.3 The site is located within the site of a restaurant within an urban area of Cannock. As such the proposal would not prejudice the aims of the minerals plan to safe guard minerals.

4.9 Ground Conditions and Contamination

4.9.1 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.



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 The proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked on the public highway. As such, the proposal is contrary to highway safety and the objectives and policies contained within Paragraph 109 of the NPPF, Policy CP10 of the Cannock Chase Local Plan and Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport SPD.
- 6.2 It is therefore recommended that the application be refused.

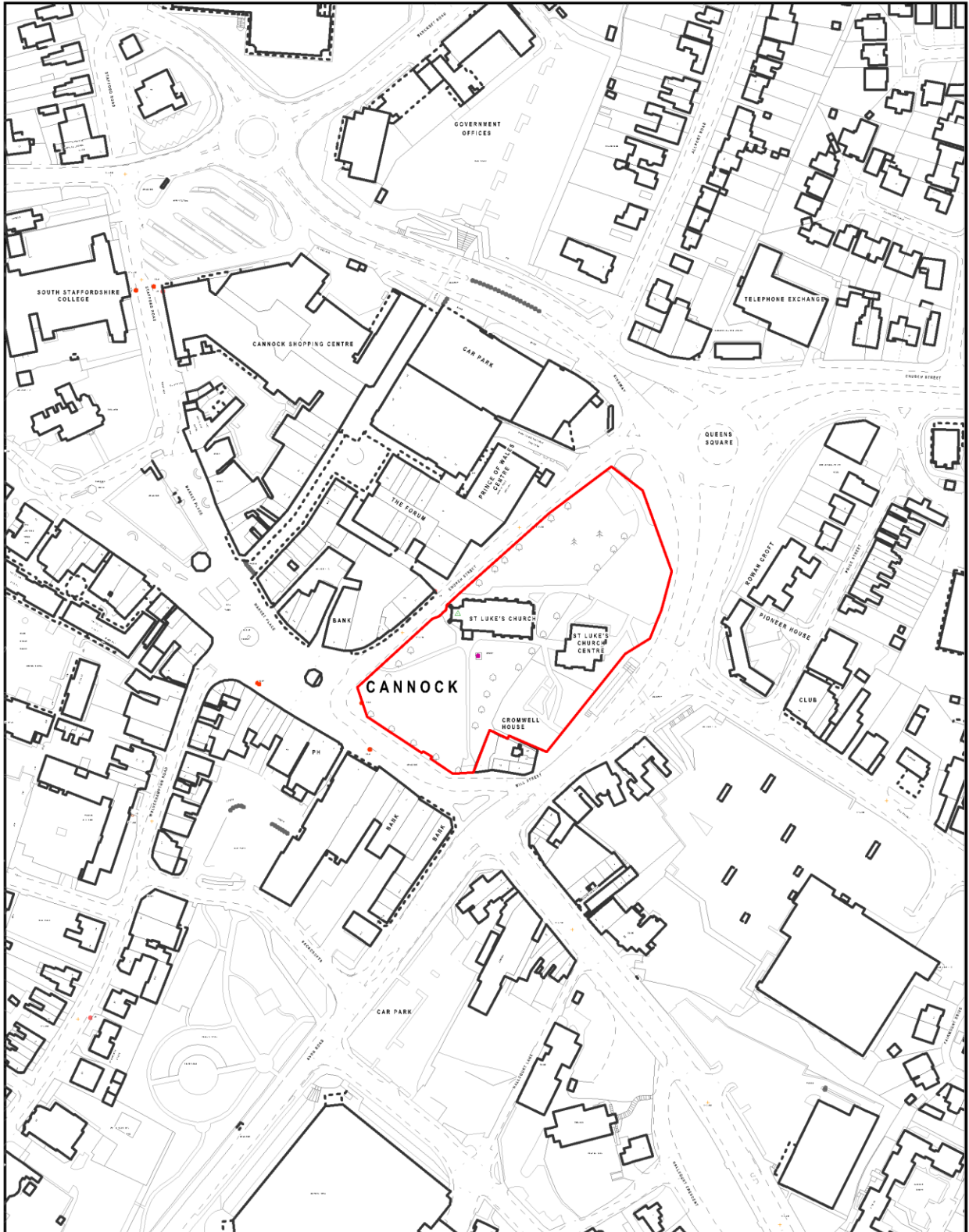


Application No: CH/19/242

Location: St Lukes Church, Church Street, Cannock, WS11 1DE

Proposal: Siting of a WWI Commemorative Art Feature (2.3m x 1.26m) within the grounds of the church

Item no. 6.33

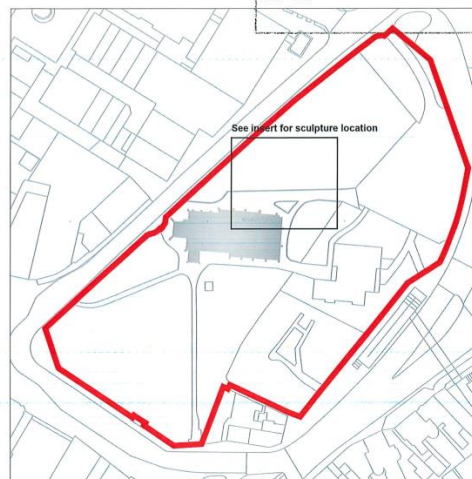
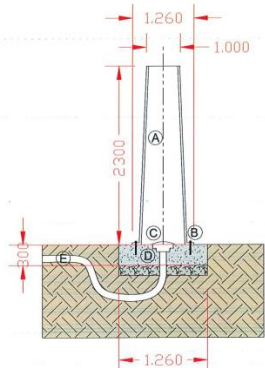


Plans and Elevations

CH/19/242

CANNOCK CHASE COUNCIL PLANNING SERVICES	
21 JUN 2019	
REF NO	

CORTEN STEEL SCULPTURE scale 1:25



SITE LOCATION PLAN scale 1:1250



CORTEN STEEL SCULPTURE

A - 2.3m high above ground level, 1260mm width at base tapering to 1000mm at the top. Constructed from 5mm thick corten steel, engraved / laser cut surface with internal steel mesh to prevent finger traps and pinch points, top to be sealed.

B - Sculpture to include 200mm square base plates surround with 4 No 20mm dia holes located at the corners. Sculpture to be bolted to concrete pad via 4 No 200mm length M20 coach bolts with appropriate washers and anti vandal snap nuts.

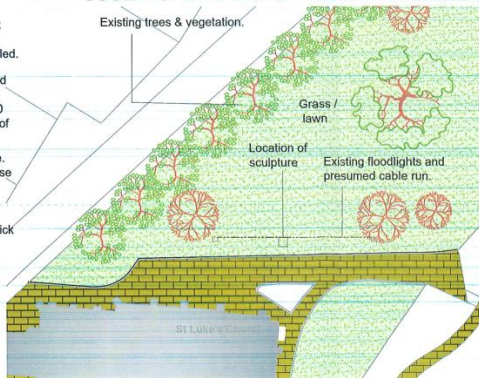
C - LED floor mounted spot light, sunken into concrete base. Concrete base to include 100mm plastic duct for single phase lighting cable and installation.


Light unit to be:
Sugg - Solumm 18W LED up lighter, circular shape, finished floor with the floor including 8mm thick clear glass lens

D - Concrete base - GEN 2 concrete pad 1.860m square x 300mm depth, laid on 150mm well consolidated MOT type 1 sub base. On well consolidate sub soil.

E - 100mm plastic duct to link new floor light to existing church spot lights, single phase cable and joint as per electrical engineer specification and advise.

SCULPTURE LOCATION PLAN scale 1:500



 <p>Cannock Chase Council Caring for the Community</p>	Scheme: St Lukes Church - Cannock Proposed steel sculpture	
	Drawing Title: Location plan and details	
Civic Centre PO Box 28 Benscott Road Cannock Staffordshire WS11 1BG Tel: (01543) 462621 Fax: (01543) 462317 www.cannockchase.gov.uk	Drawing No: ST/4/CC/SL/PR1 - 001	Scale: Various @ A3
	Drawn By: CWD	Date: 25 April 2019
Checked By:	Date:	

Contact Officer:	Claire Faulkner
Telephone No:	01543 464337

PLANNING CONTROL COMMITTEE 18 th September 2019	
Application No:	CH/19/242
Received:	21-Jun-2019
Location:	St Lukes Church, Church Street, Cannock, WS11 1DE
Parish:	Non Parish Area
Description:	Siting of a WWI Commemorative Art Feature (2.3m x 1.26m) within the grounds of the church.
Application Type:	Full Planning Application

RECOMMENDATION:

Approve Subject to Conditions

Reason(s) for Recommendation:

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

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, except with the written approval of the Local Planning Authority.

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:
ST/4/CC/SL/PR1-001

Reason

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

4. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme) shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.

The archaeological site work shall thereafter be implemented in full in accordance with the approved written scheme of archaeological investigation.

The development shall not be commenced until the site investigation and post-excavation assessment has been completed in accordance with the approved written scheme of archaeological investigation and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason

In the interests of protecting archaeology within the grave yard in accordance with Policy CP15 of the Cannock Chase Local Plan and paragraph 199 and 200 of the National Planning Policy Framework.

5.

Notes to Developer:

None

Consultations and Publicity

External Consultations

Historic England

No comment

Staffordshire County Archaeological Officer

This application has been assessed in light of information contained on the Staffordshire Historic Environment Record (HER) and associated datasets, and the documents, including a Heritage Statement (HS) submitted in its support.

Archaeology

The proposed art installation would be located within the churchyard of St Lukes Church, a Grade II* listed church of medieval origin, and within the Cannock Town Centre Conservation Area. A fragment of a wayside cross on the south side of the church is Scheduled and Grade II listed. The churchyard is probably of medieval origins and was used for burials until the late 19th century. The HER records that the churchyard was cleared of its old headstones and vaults in the mid-20th century and the ground was levelled and grassed over. The Cannock Extensive Urban Survey (EUS HUCA 1— visit the Staffordshire County Council website, and search for Extensive Urban Survey) records this area as forming part of the earliest settlement of the town and recognised the area as having a high evidential value and that there is high potential for below ground archaeological deposits to be encountered by groundworks which would inform an understanding of the developmental history of the town within this character area.

Recommendations

The HS correctly notes that the proposed sculpture will be located within the former burial ground and that special care will be required. As such, groundworks associated with the scheme, including the excavations required to create the concrete pad and the drainage run have the potential to impact upon buried human remains and potentially evidence of the development of Cannock as a historic settlement. Taking this into account, it is recommended that the following mitigation be included as a condition of planning consent:

- Archaeological watching brief during any groundworks associated with the scheme

This is required as groundworks in the area have the potential to disturb buried human remains and potentially significant archaeological features relating to the development of Cannock from the medieval period onwards.

This work should be undertaken by a suitably experienced archaeologist working to the Chartered Institute for Archaeologists Code of Conduct and relevant standards and guidance. This approach is supported by National Planning Policy Framework (NPPF 2019) para 199 which states that they [Local Planning Authorities] should also require developers to record and advance understanding of significance of any heritage asset to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.'

This work would most appropriately be secured via a condition being attached to any permission issued. This condition should state:

A) Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme) shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.

B) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post-excavation assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured. "

Historic Built Environment

The proposals have the potential to directly and indirectly impact upon designated heritage assets such as the Cannock Town Centre Conservation Area and the Grade II* listed St Lukes Church. It is disappointing that the HS does not assess the potential impact of the proposals on the historic built environment including the character and appearance of the conservation area and the nearby listed buildings. It is recommended that the appropriateness of the proposals within this sensitive location should be assessed by your authority's Conservation Advisor and Historic England.

Internal Consultations

Conservation Planning Officer

The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the local planning authority's duties:

Listed Building

- S.66 in considering whether to grant planning permission for development which affects a Listed Building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Conservation Area

- S.72 the local planning authority has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. While the duty may only require that no harm should be caused, it nonetheless creates a special presumption and considerable weight and attention should be given to any harm found to arise regarding the character or appearance of the Conservation Area.

The NPPF 2018 sets out the process for considering the conservation and enhancement of historic environment in paras 184-202, and the potential impacts of development proposals. Of particular relevance:

Para 189 of the NPPF

In determining application local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. As a minimum the relevant historic environment record should have been consulted and the heritage asset assessed using appropriate expertise where necessary.

Para 190 of the NPPF

The Local Authority should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). They should take this into account when considering the impact of a proposal on a heritage asset to avoid or minimise any conflict between the heritage assets conservation and any aspect of the proposal.

Para 192 of the NPPF

In determining applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paras 193 and 194 of the NPPF

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Any harm to, or loss of, the significance of a designated asset (including from development within its setting) should require clear and convincing justification. The NPPF then sets out the process for consideration of different levels of harm to different heritage assets (paras 195-7).

Para 199 of the NPPF

If any heritage asset to be lost then the local planning authority should require developers to record and advance understanding of the significance of the heritage asset and to make this evidence/archive publicly accessible (refer matter to SCC County Archaeologist for advice on building recording condition; archive to be deposited in County Historic Environment Record (HER)).

Para 200 of the NPPF

Local planning authorities should look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance (can be by requiring interpretation/info panel about the site).

Local Plan Policy CP15 seeks the safeguarding of historic buildings, areas and their settings from developments harmful to their significance in order to sustain character, local distinctiveness and sense of place. Proposals including new developments that are sensitive to and inspired by their context and add value to the existing historic environment, landscape and townscape character will generally be supported, with planning standards applied in a flexible manner to maintain historic continuity.

The proposal is for a WW1 Commemorative Art feature within the burial ground associated with St Lukes, Cannock. The burial ground is traditionally associated with a range of commemorative grave stones and memorials to events that have happened within the community (normally deaths). It is also noted that the HER records that the churchyard was cleared of its old headstones and vaults in the mid-20th century and the ground was levelled and grassed over. As such its current appearance is a result of activities in the recent past. Nevertheless, the art feature would be within the traditions of the church yard albeit with a modern contemporary design.

As such the proposal would not only preserve the setting of the listed church it would enhance it and in the same way preserve and enhance the character and appearance of the wider Cannock Town Centre Conservation Area.

Property Services

No response.

Parks & Open Spaces

St Lukes Church is grade II listed building which incorporates various features in the

grounds which make a strong contribution to the historic townscape. It also falls within the Cannock Town Centre Conservation Area. The proposal will create a strong feature within the grassed church yard which has an effect on the setting of the listed building. It may thus need assessing in respect of this by the Conservation officer/ English Heritage. In landscape terms it would be unlikely to have a detrimental impact on the overall landscape character of the site and would not affect any existing trees / vegetation. In practical terms its location is approx. 1.0m from the existing paved footway creating a narrow grassed strip. This would still be mow-able with the existing machinery however being a narrow strip it is likely to become eroded with people walking to and around the feature. Solution may be to move further into the grass area and create a wider paved area around it or closer to the path with suitable paving around and linking to the path. Consideration would need to be given to the type and location of any electrical control boxes required.

- No objection to the basic proposals subject to confirmation of location and ground treatment as noted.

Development Plans and Policy Unit

The National Planning Policy Framework (NPPF) (2019) sets out that development proposals should be approved where they accord with the development plan and there are no policy restrictions. The Cannock Chase Local Plan (part 1) 2014 - Policy CP1 also supports sustainable development.

Policy CP3 defines the high design standards that will need to be addressed in relation to the development proposal including the expectation that development will reflect local identity and enhance the character of the local area. It also aims to protect the amenity of existing properties including supporting mixed uses whilst avoiding incompatible ones.

Policy CP11 seeks to maintain the roles of the District centres including the town centre retail uses and that Town Centre uses including retail, commercial and leisure uses will take a sequential approach to give priority to the regeneration of the town centre.

Policy CP15 aims to protect the special character in conservation areas by requiring new development to be of the highest standard. Policy CP3 also requires high quality design and integration with the existing historic environment.

The application site is located within Cannock Town Centre Boundary and outside, but adjacent to Cannock Primary Retail Area. It is also located within a Conservation Area so the Conservation Area Appraisal and Management Plan should be consulted for further information. The churchyard also sits within an area of Green Space Network (GSN).

The Proposal will not impact on the role of retail centre or the designation of the GSN, but should be of a design that fits well within a busy publically accessible area and the Conservation Area.

Response to Publicity

The application was advertised by neighbour letter and site notice. No letters of representation have been received.

Relevant Planning History

CH/07/0286: - Opening up of former gateway in brick boundary wall. Approved

1 Site and Surroundings

- 1.1 The application site forms part of the grounds of the Grade II* Listed Church, St. Luke's Church.
- 1.2 The site is also located with the Cannock Town Centre Conservation area.
- 1.3 The Church is a landmark feature within the pedestrianised area of the town centre and can be accessed by a number of gates and crossing through the churches grounds.
- 1.4 The site has a car park to the rear of the site by the community centre and the church to prevent it being used as a general car park for people using the town centre for shopping.

2 Proposal

- 2.1 The application seeks consent for the erection of a sculpture to commemorate WW1.

- 2.2 The proposed statue would be constructed to a height of 2.3m above ground level and would have a width and depth of 1.3m at the base, reducing to 1m at the top.
- 2.3 The proposed statue would be constructed from steel and would be attached to a concrete base.
- 2.4 The proposed statue would be illuminated internally by a floor mounted LED spot light that would illuminate the voids in the sculpture.

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:
 - CP1 - Strategy – the Strategic Approach
 - CP3 - Chase Shaping – Design
 - CP11 - Town Centre Boundaries
 - CP15- Historic Environment
- 3.4 Relevant Policy in the Minerals Plan include:-
 - 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
124, 127, 128, 130:	Achieving Well-Designed Places
212, 213	Implementation
189, 190, 191, 192, 193, 194, 196,	Heritage Assets

3.9 Other relevant documents include: -

Cannock Town Centre Conservation Area Appraisal, 2014
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 nature conservation
- iv) Drainage and flood risk
- v) Mineral safeguarding
- vi) Ground conditions and contamination

4.2 Principle of the Development

4.2.1 The proposal is for the development within the curtilage of an existing church building and associated grounds. The site is within the Cannock Town Centre Boundary and adjacent to Cannock Primary Retail Area. The application site is also within a Conservation Area and adjacent to a Grade II listed building, so any development has potential to affect its setting.

4.2.2 The Policy within the NPPF relating to Heritage Assets is provided within paragraphs 193 & 194 which state:-

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. Any harm to, or loss of, the significance of a designated asset (including from the development within its setting) should require clear and convincing justification. The

NPPF then sets out the process for consideration of different levels of harm to different heritage assets”.

- 4.2.3 On the basis of the above, the proposal is not precluded in principle. As such, the proposal for the siting of a WWI Beacon Sculpture would meet the thrust of Local Plan Policy CP1 and be acceptable in principle. However, proposals that are acceptable in principle are still subject to all other policy tests. The next sections of this report will consider the proposal in the light of those policy tests and determine what harms or benefits arise from the proposal.
- 4.3 Design and the Impact on the Character and Form of the Area and the Cannock Town Centre Conservation Area and the Listed Building
- 4.3.1 The application site is located within Cannock Town Centre Conservation Area, and within the grounds of St. Lukes Church which is a grade II Listed building. In respect, it is noted that The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the local planning authority’s duties.
- 4.3.2 Section 66 of the Act states in considering whether to grant planning permission for development which affects a Listed Building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 4.3.3 Further, S.72 of the Act states the local planning authority has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. While the duty may only require that no harm should be caused, it nonetheless creates a special presumption and considerable weight and attention should be given to any harm found to arise regarding the character or appearance of the Conservation Area.
- 4.3.4 To this effect the Local Plan contains Policy CP15 which although it does not preclude development around Listed Buildings it does seek to safeguard historic buildings, areas and their settings from developments harmful to their significance in order to sustain character, local distinctiveness and sense of place. Proposals including new developments that are sensitive to and inspired by their context and add value to the existing historic environment, landscaping and townscape character will generally be supported, with planning standards applied in a flexible manner to maintain historic continuity.
- 4.3.5 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 189 - 196. Paragraph 192 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 4.3.6 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;

4.3.7 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.

4.3.8 In this respect, the application site is of medieval origins and was used for burials until the late 19th century. The HER records that the churchyard was cleared of its old headstones and vaults in the mid-20th century and the ground was levelled and grassed over. The Cannock Extensive Urban Survey (EUS HUCA 1— visit the Staffordshire County Council website, and search for Extensive Urban Survey) records this area as forming part of the earliest settlement of the town and recognised the area as having a high evidential value.

4.3.9 The Cannock Town Centre Conservation Area Appraisal defines St. Lukes Church as occupying a significant position creating an extensive green space with grass and mature trees around the red sandstone church with its tower, bounded by the old churchyard wall. This ensemble makes a major contribution to the historic interest of the Conservation Area as well as to its visual interest, its elevated position ensures wide visibility and paths through the churchyard assist public access and permeability through the town centre.

4.3.10 In this instance the proposed WWI Beacon Sculpture would be sited to the north of the church adjacent (1m distant) a public footpath through the wider site. The siting would not affect any of the existing landscaping being within

the grassed churchyard. The structure would project from the ground by 2.3m and would have a width of 1.3m at the base. The proposal would be illuminated with internal illumination.

4.3.11 Historic England, the Council's Conservation Officer and the Staffordshire County Archaeological Officer were consulted and no objections were received to the proposal subject to the attached condition for a watching brief.

4.3.12 Based on the above, it is considered that the proposal would not result in harm to the significance, character and appearance of the setting of the listed church and the wider Conservation Area.

4.3.13 As such, for the reasons above, the proposed development would be in accordance with Sections 66 and 72 of Planning (Listed Building and Conservation Area) Act 1990, Local Plan Policies CP3 and CP15 and the relevant sections of the NPPF.

4.4. Impact on Amenity

4.4.1 The proposed siting of the WW1 commemorative art feature would be to the north of St. Lukes Church. 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. Although the Design SPD sets out guidance in respect to space about dwellings it does not contain guidance in respect to space about other uses / proposals.

4.4.4 In this instance, the siting of the proposed sculpture would not impede the use of the churchyard by the public. The location of the proposed statue would remain approximately 10m from the church itself. The nearest property to the proposed sculpture would be those sited to the west along Church Street. These buildings would however, remain at least 30m from the proposed sculpture. Notwithstanding this, the view of the proposed sculpture, at distance, would be read against the backdrop of the church and the community centre to the east. Therefore the proposed sculpture would not result in a detrimental impact to the occupiers of these premises or the amenity of the wider area in accordance with CP3 of the Cannock Chase Local plan and paragraph 127 of the NPPF.

4.5 Impacts on Nature Conservation

4.5.1 The site is known to support any species or habitat that is given special protection by law or that is considered to be of nature conservation interest. Furthermore, the proposal by virtue of its nature, size, scale and location would not have any impact on Cannock Chase SAC.

4.6 Drainage and Flood Risk

4.6.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps, and therefore is in the zone of least risk from flooding.

4.6.2 In this respect it is noted that paragraph 155 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

4.6.3 Given that the site is located within Flood Zone 1 there is no need to apply a sequential test.

4.6.4 The application seeks consent for development comprising of a monument of 2.6m², set within an area currently comprising of grass. Whilst some grass would be removed and replaced with a concrete pad, the overall area is considered to be minimal in the context of the wider site. Therefore, it is considered that the introduction of the proposed structure in this location would be acceptable in respect of drainage and flood risk in accordance with paragraph 155 of the NPPF.

4.7 Ground Conditions and Contamination

4.7.1 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.

4.8 Mineral Safeguarding

4.8.1 The site falls within a Mineral Safeguarding Area (MSAs) for superficial sand and gravel. 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.

4.8.2 The application site is located within a Mineral Safeguarding Area. 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.

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

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.



Application No: CH/19/268

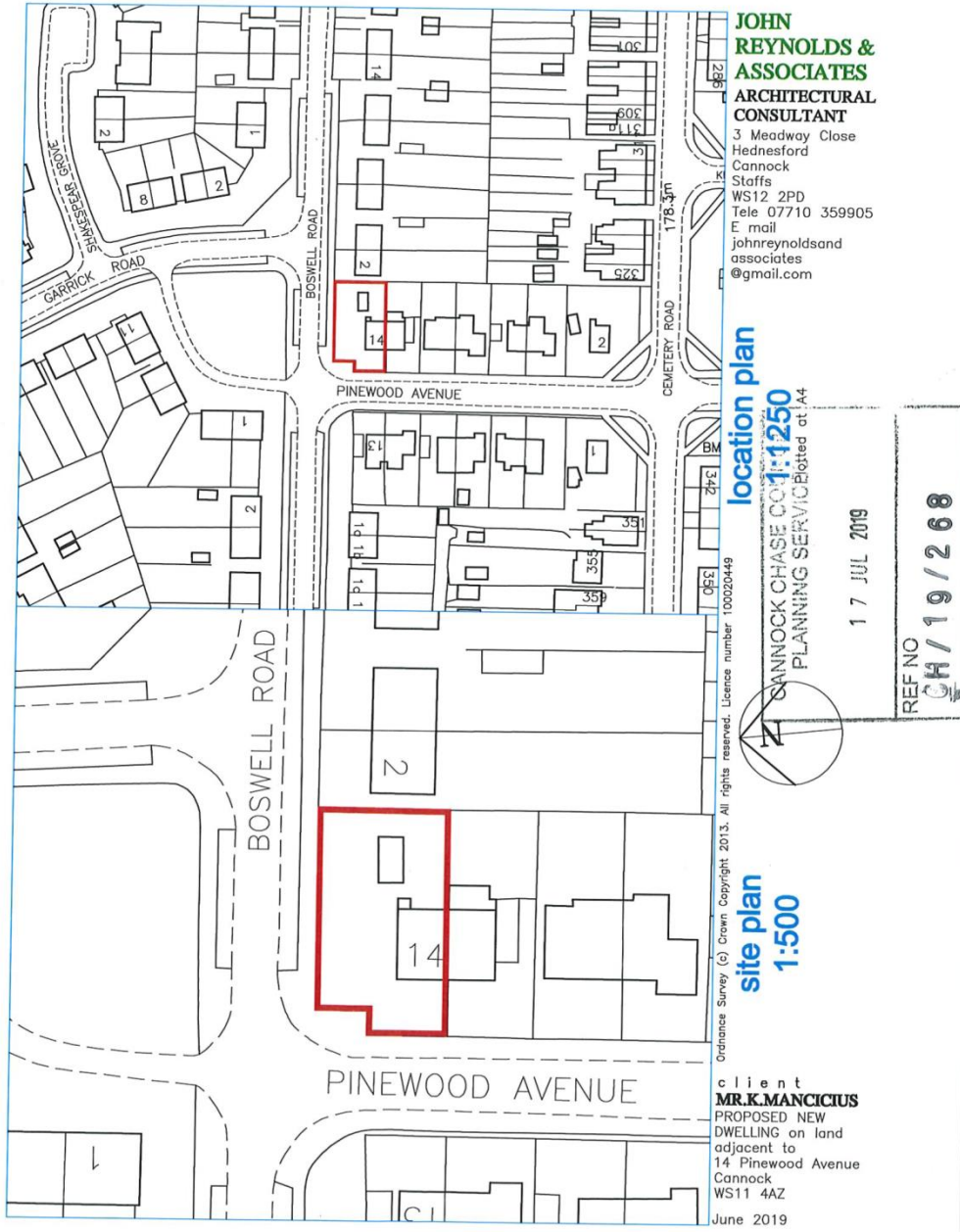
Location: 14 Pinewood Avenue, West Chadsmoor, Cannock, WS11 4AZ

Proposal: Outline application (some matters reserved) erection of one detached dwelling

Item no. 6.51



Location Plan and Site Plan



Site Plan



JOHN REYNOLDS & ASSOCIATES
ARCHITECTURAL CONSULTANT
 J. Meadow Close
 Sedro-woolacott
 Clatsop
 State
 WS12 2P0
 Tele: (503) 359-9005
 E-mail: johnreynolds@jra.com
 johnreynolds@jra.com
 @jra.com

CLIENT
MELMANCUB
 PROPOSED NEW DWELLING on land adjacent to 24 Pinewood Avenue Clatsop WS11 44Z June 2019
 Dr no 2019-51-01
 Printed at A2



Contact Officer:	Claire Faulkner
Telephone No:	01543 464337

Application No:	CH/19/268
------------------------	-----------

PLANNING CONTROL COMMITTEE 18th September 2019	
Received:	18-Jul-2019
Location:	14 Pinewood Avenue, West Chadsmoor, Cannock, WS11 4AZ
Parish:	Non Parish Area
Description:	Outline application (some matters reserved) erection of one detached dwelling
Application Type:	Outline Planning

RECOMMENDATION:

Refuse for the following reason:-

1. The existing form and layout of buildings in the area follow an established pattern, with the corner plots providing an open and spacious character. The proposed development of the land to the side of the existing dwelling would disrupt the continuity of the existing built form and would be at odds with the open and spacious character of the surrounding area. As such, the proposal would fail to reflect the continuity of the street and undeveloped spaces to the side of Pinewood Avenue and would not maintain the areas prevailing open and spacious character or setting. As such, the proposal is contrary to Cannock Chase Local plan CP3 and paragraph 127 (a)(b)(c) & (d) of the National Planning Policy Framework.
2. The proposed dwelling, by virtue that it would be located 1m to the side of the existing dwelling at No.14 Pinewood Avenue, in which is located a kitchen window, would result in a significant loss of outlook and loss of light to the kitchen and therefore would fail to secure a high standard of residential amenity contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 127(f) of the National Planning Policy Framework.

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. However, in this instance the proposal fails to accord with the Local Plan and the National Planning Policy Framework.

The existing form and layout of buildings in the area follow an established pattern, with the corner plots providing an open and spacious character. The proposed development of the land to the side of the existing dwelling would disrupt the continuity of the existing built form and would be at odds with the open and spacious character of the surrounding area. As such, the proposal would fail to reflect the continuity of the street and undeveloped spaces to the side of Pinewood Avenue and would not maintain the areas prevailing open and spacious character or setting. As such, the proposal is contrary to Cannock Chase Local plan CP3 and paragraph 127 (a)(b)(c) & (d) of the National Planning Policy Framework.

Consultations and Publicity**External Consultations**Travel Management and Safety

No objection subject to conditions.

Internal ConsultationsStrategy Housing

No response to date.

Development Plans and Policy Unit

The site is within a residential area and is not protected for a specific use on the Local Plan (Part 1) Policies Map.

The Cannock Chase Local Plan (part 1) 2014 policy CP1 supports sustainable development, while policy CP6 permits new housing on urban sites within Cannock Chase District.

Policy CP3 advocates appropriate design and cohesion with adjacent uses in new development, including the protection of amenity. The Design SPD provides additional guidance and Appendix B (p91) should be consulted to ensure that the

minimum garden sizes and distances from neighbouring dwellings are taken into account when considering the application.

If it is a market housing residential development scheme the proposal may be CIL liable. Given that a net increase in dwellings is proposed the development also needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan Part 1 Policy CP13). Should the development be liable to pay CIL charges then this will satisfy the mitigation requirements, as per Local Plan Part 1 Policy CP13, the Developer Contributions SPD (2015) and the Council's Guidance to Mitigate Impacts upon Cannock Chase SAC (2017). However, should full exemption from CIL be sought then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Council's policy/guidance. 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 the Council's most up to CIL Regulation 123 list.

The Cannock Chase Local Plan (Part 1) 2014 was adopted more than five years ago; it is therefore 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 listed as restricted site C202 in the SHLAA (Strategic Housing Land Availability Assessment) due to Character Issues on a constrained site, highlighted by a previous application refused in 2008. However, it is noted that the Planning Support Statement attempts to directly address this issue through a consideration of current policies and a redesign of the site layout.

The proposal will increase the number of residential dwellings in the District, subject to satisfactory amenity and parking considerations being taken into account.

Response to Publicity

Adjacent occupiers notified and site notice displayed with no letters of representation received.

Relevant Planning History

CH/08/0093: - Residential development – 1 dwelling (outline only). Refused for the following reason:

The proposed development would not be in keeping with the character of the surrounding area being set well forward of established building lines thereby forming a discordant form of

development contrary to Local Plan Policies B8 (i) (ii) (iii) and H5.

1 Site and Surroundings

- 1.1 The application site is located at the corner of Pinewood Avenue and Boswell Road, within an urban area of Cannock.
- 1.2 The application site relates to a corner plot which benefits from a garden to the rear and a generous garden to the side which is bound by a well established hedgerow. There is currently vehicle access from the front with the driveway extending along the side elevation of the existing dwelling before terminating in a detached garage to the rear.
- 1.3 The wider estate is made up of mainly semi-detached properties of similar styles, most of which have not been altered from their original form.
- 1.4 The corner plots on the estate contain either a detached property with a double width garden, or the land has been left unallocated to an individual dwelling and left open as highway land. These undeveloped corners are characteristic of the area and provide a distinct sense of spaciousness and ordered pattern of development to the immediate surroundings, all of which make a positive contribution to the character and pattern of the wider residential estate.
- 1.5 Pinewood Road is made up entirely of semi-detached properties sited along a strict building line. The neighbouring properties have flat frontages with a ground floor canopy; they are all rendered with tiled, pitched, hipped roofs. The application site is half of the double width garden that belongs to 14 Pinewood Avenue. The application site is currently garden land, including a garage which is used by the occupant of number 14.
- 1.6 The site is unallocated in the Cannock Chase Local Plan (Part 1). The site is located within Flood Zone 1 in the Environment Agency's Flood Risk maps. It is also located within a Mineral Safeguarding Area and identified by the Coal Authority as a low risk development boundary.

2 Proposal

- 2.1 The proposal is for the erection of a detached dwelling with off road parking and private rear amenity space.
- 2.2 The application is outline with only access and layout to be determined at this stage. All other matters (external appearance, landscaping and scale) are reserved and therefore are not for consideration at this stage.

- 2.3 The layout plan shows the detached dwelling sited slightly set back from No.14 by approx. 1.5m. A separation distance of 1m is proposed between the new dwelling and the existing one to allow access to the rear of No.14.
- 2.4 The proposed dwelling would have a footprint of 8m x 5.4m and would accommodate two parking spaces to the front and private amenity space to the rear.
- 2.5 The existing hedgerow along the side of the site would be retained with the dwelling remaining approx. 2.3m from the rear of the footpath. The hedgerow to the front of the site would be removed.
- 2.6 The existing access into the site would be extended to provide off road parking for No. 14 and the proposed dwelling with each accommodating 2 spaces per dwelling.
- 2.7 The private amenity space would be sited to the rear and would provide approx. 60m+. The existing garage would be removed.

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:
- | | |
|---------|--------------------------|
| CP1:- | Strategy |
| CP3: – | Chase Shaping - Design |
| CP6: – | Housing Land |
| CP7: – | Housing Choice |
| CP16: - | Sustainable Resource Use |
- 3.4 The relevant policies within the Minerals Plan are:
- 3.2 Safeguarding.
- 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
124, 127, 128, 130:	Achieving Well-Designed Places
212, 213	Implementation

3.9 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.

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.
- iv) Impact on highway safety.
- v) Impact on nature conservation
- vi) Drainage and flood risk
- vii) Mineral safeguarding
- viii) Waste and recycling facilities
- ix) Ground conditions and contamination

4.2 Principle of the Development

4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. The site is a windfall 'greenfield' site located within the urban area of Cannock. Although the Local Plan has a housing policy it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such in accordance with Policy

CP1 of the Local Plan the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF.

- 4.2.2 In respect to the principle of the proposal it is noted that that the site is within the curtilage of a residential use and is located within the urban area of Cannock which is close to the local primary school and served by bus routes giving access by public transport. As such the site has good access by public transport (along Pye Green Road), walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development.
- 4.2.3 The site is not located within either Flood Zone 2 or 3 or designated as a statutory or non- statutory site for nature conservation. Further, the site is not within a Conservation Area (CA) nor does it affect the setting of a designated or undesignated heritage asset. As such, the proposal is acceptable in principle.
- 4.2.4 However, although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect.

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

- 4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -
- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and
 - (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.
- 4.3.2 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 application site is located within a residential area within Cannock. The application site benefits from a wider than average plot and includes a generous side garden. The character of the wider local is characterised by the openness of the corner plots. With the exception of ancillary domestic outbuildings, the side gardens of properties within this location have not been developed. The form and layout of buildings and gardens spaces in the area follow an established pattern, providing a well defined distinction between public and private space, providing a sense of openness and space. Any development of the land to the side of the existing dwelling would disrupt the continuity of the existing built form and would be at odds with the open and spacious character of the surrounding area.

4.3.6 As such, the proposal would fail to reflect the continuity of the street and undeveloped spaces to the side of Pinewood Avenue and would not maintain the areas prevailing open and spacious character. As such, the proposal is considered contrary to Cannock Chase Local Plan Policy CP3 and paragraph 127 (a)(b)(c) & (d) of the NPPF.

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". 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.
- 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 proposed dwelling would be located 1m to the side of the existing dwelling (No.14). Whilst the proposed dwelling would be sited behind the existing dwelling and would project out to the rear it would not impede the daylight / Outlook Standard in relation to the windows in the front and rear elevation of the existing dwelling. However there are windows in the side elevation that face onto the application site. The first floor window provides light to a landing whilst the ground floor window gives light to the kitchen. Kitchens are considered to constitute habitable rooms in the Design SPD, although side facing windows are not given the same level of protection as those in front and rear elevations. The proposed dwelling would be constructed 1m from these existing windows and as a result would impose a poor standard of outlook and a loss of light from the window serving the kitchen in the existing dwelling.
- 4.4.4 The applicant's agent suggested that the applicant could block up these windows if required, however this revision has not been formally submitted and would result in a kitchen which would not be served by natural light. As such it is considered that such an action would also result in less than a high standard of amenity for the current and future occupiers of No 14 Pinewood Avenue and hence would be contrary to paragraph 127(f) of the NPPF.
- 4.4.5 With regard to existing dwelling to the rear (No. 2 Boswell Road), this dwelling sides onto the application site. Whilst there is a ground floor window in the side elevation of this dwelling this window is currently screened by the detached garage and fence. As such, the proposal to remove the detached garage and erect a detached dwelling approx. 10m from the side elevation of the adjacent dwelling would not result in a detrimental impact to the occupiers of No.2 Boswell Road.
- 4.4.6 In respect to the amenity of the future occupiers of the proposed dwelling it is noted that at the nearest point the rear elevation of the proposed dwelling would only be 10m from the side of elevation of No2 Boswell Road, which is 2.2m short of the recommended distance of 12.2m. However, the proposed dwelling would be sited such that it would not directly face onto the side

elevation of No2 Boswell for most of its length. As such it is considered on balance that this relationship would provide a high standard of amenity for the future occupants of the proposed dwelling.

4.4.7 In respect to the provision of private amenity space/ garden size, the block plan submitted shows that at least 78m² would be provided for the new dwelling and at least 68m² rear garden space would be provided for the existing dwelling at No. 14. The Design SPD requires at least 65m² for a three bedroom dwelling. As such the proposal would be in accordance with this standard.

4.4.7 On balance, it is considered, that a single dwelling would not, by virtue of loss of light to the kitchen window, provide a high standard of residential amenity for the current and future occupiers of No14 Pinewood Avenue

4.5 Impact on Highway Safety

4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.5.2 In this respect, the proposed access to the site would be via the existing drive which serves No.14 Pinewood Avenue. The existing access would need to be widened to facilitate the access for the proposed dwelling and provide frontage parking for the existing dwelling (which is currently to the side).

4.5.3 The Council's Supplementary Planning Document: Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport, states that new two or three bedroom dwellings should provide two off-street parking spaces. As such, the proposal would accommodate adequate off street parking provision as required by the SPD.

4.5.4 The proposed access arrangements have been reviewed by County Highways Officers, who have raised no objections but have recommended conditions. It is therefore concluded, on balance, that a single dwelling could, in principle, be developed on site with adequate parking and access provision such that it would not create problems in respect to the capacity of the surrounding highway network to accommodate the additional movements generated by the proposed development. In this respect the proposal is considered to be in accordance with Policy CP16 (a) and (c) of the Local Plan and paragraphs 29, 30, 32 and 36 of the NPPF.

4.6 Impact on Nature Conservation Interests

- 4.6.1 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that are given special protection or which are of particular conservation interest.
- 4.6.2 As such the site is not known to have significant ecological value and therefore no obvious direct harm to nature conservation interests is considered to result.
- 4.6.3 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. There is a net increase in dwellings of 1 and therefore SAC mitigation contributions are required. Such contributions would be secured by CIL.
- 4.6.4 Given the above it is considered that the proposal would not have a significant adverse impact on nature conservation interests either on, or off, the site. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

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. Whilst no details for drainage have been provided at this stage, it is noted that the site immediately abuts a main road and is on the edge of a predominantly built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area and is considered acceptable. Therefore, it is considered that options for draining the site are available and that this can be adequately controlled by condition.

4.8 Mineral Safeguarding

- 4.8.1 The site falls within a Mineral Safeguarding Area (MSAs) for Coal and Fireclay. 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.

- 4.8.2 Policy 3.2 of the new Minerals Local Plan states that:

'Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

4.8.3 The application site is located within a Mineral Safeguarding Area. 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.

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

4.9.2 Ground Conditions and Contamination

4.9.1 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.

4.10 Waste and Recycling Facilities

4.10.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to national and local waste reduction and recycling targets according to the waste hierarchy'. One of the ways of achieving this is by ensuring development can be adequately serviced by waste collection services and that appropriate facilities are incorporated for bin collection points (where required).

4.10.2 The proposed dwelling would be sited off a highway within a residential location where bins are already collected by the Local Authority. The bins would, in this instance, be collected from the adjacent highway.

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 refuse accords with the policies of the adopted Local Plan and the applicant has the right of appeal against this decision.

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 The principle of residential development on this site is considered acceptable.
- 6.2 However it is considered that the proposal would result in significant harm to the residential amenity and to the character and form of the area and is therefore considered to be contrary to the Development Plan.
- 6.3 It is therefore recommended that the application be refused.