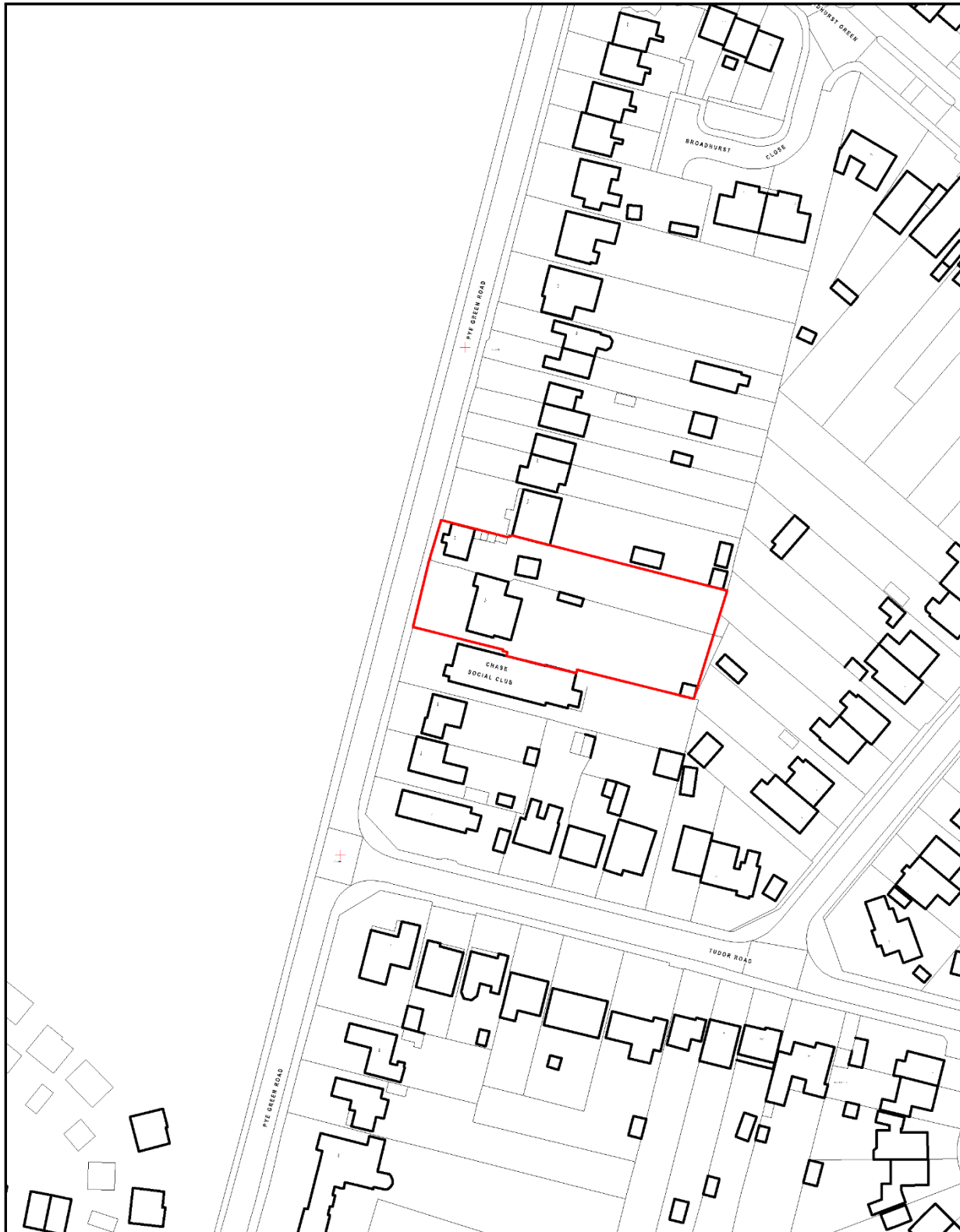




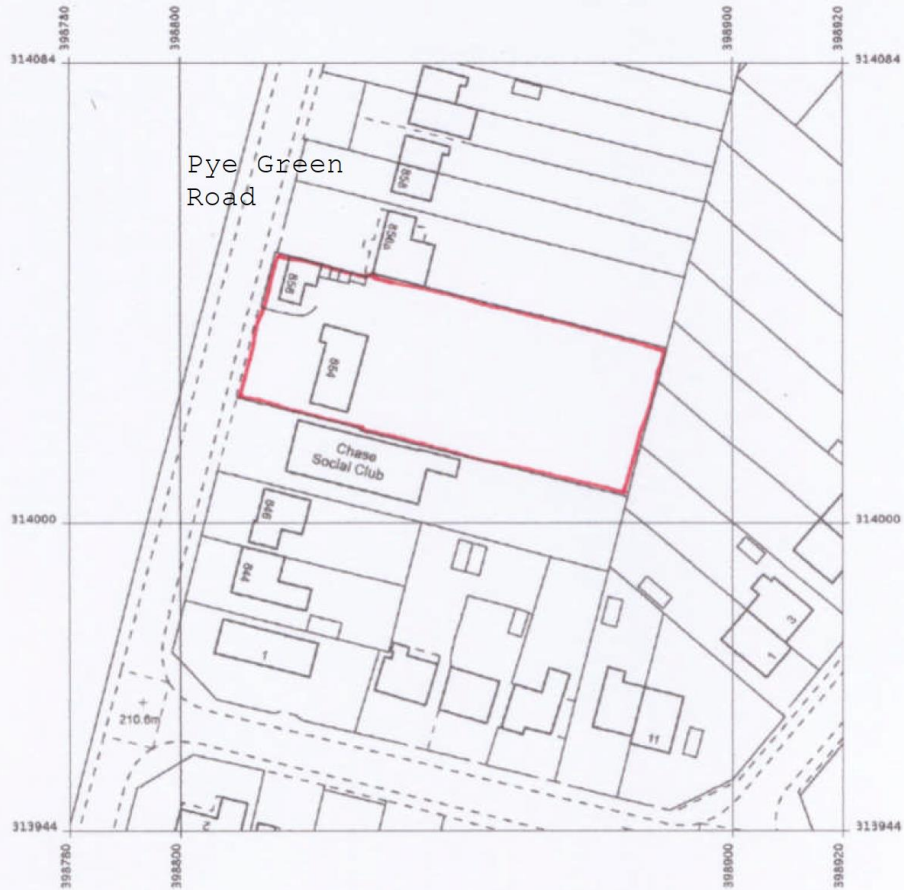
Application No: CH/21/0286

Location: 854, Pye Green Road, Cannock, WS12 4LN

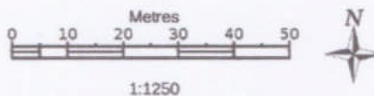
Proposal: Proposed erection of 3 No. (3-bed) detached dwellings, with new access, including demolition of garage. On land to rear of 854 & 856 Pye Green Road.



Location Plan



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The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

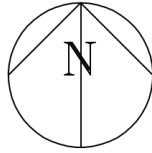
Supplied by: **Stanfords 28 Apr 2015**
Stanfords Ordnance Survey Partner
Licence: 100035409
Order Licence Reference: O1847861
Centre coordinates: 398850 314014

Existing Site Plan

**JOHN
REYNOLDS &
ASSOCIATES
LIMITED**

**ARCHITECTURAL
CONSULTANT**
3 Meadway Close
Hednesford
Cannock
Staffs
WS12 2PD

site plan
1:500



PROJECT

PROPOSED DEVELOPMENT AT
854 & 856 Pye Green Road
Cannock WS11 5RY

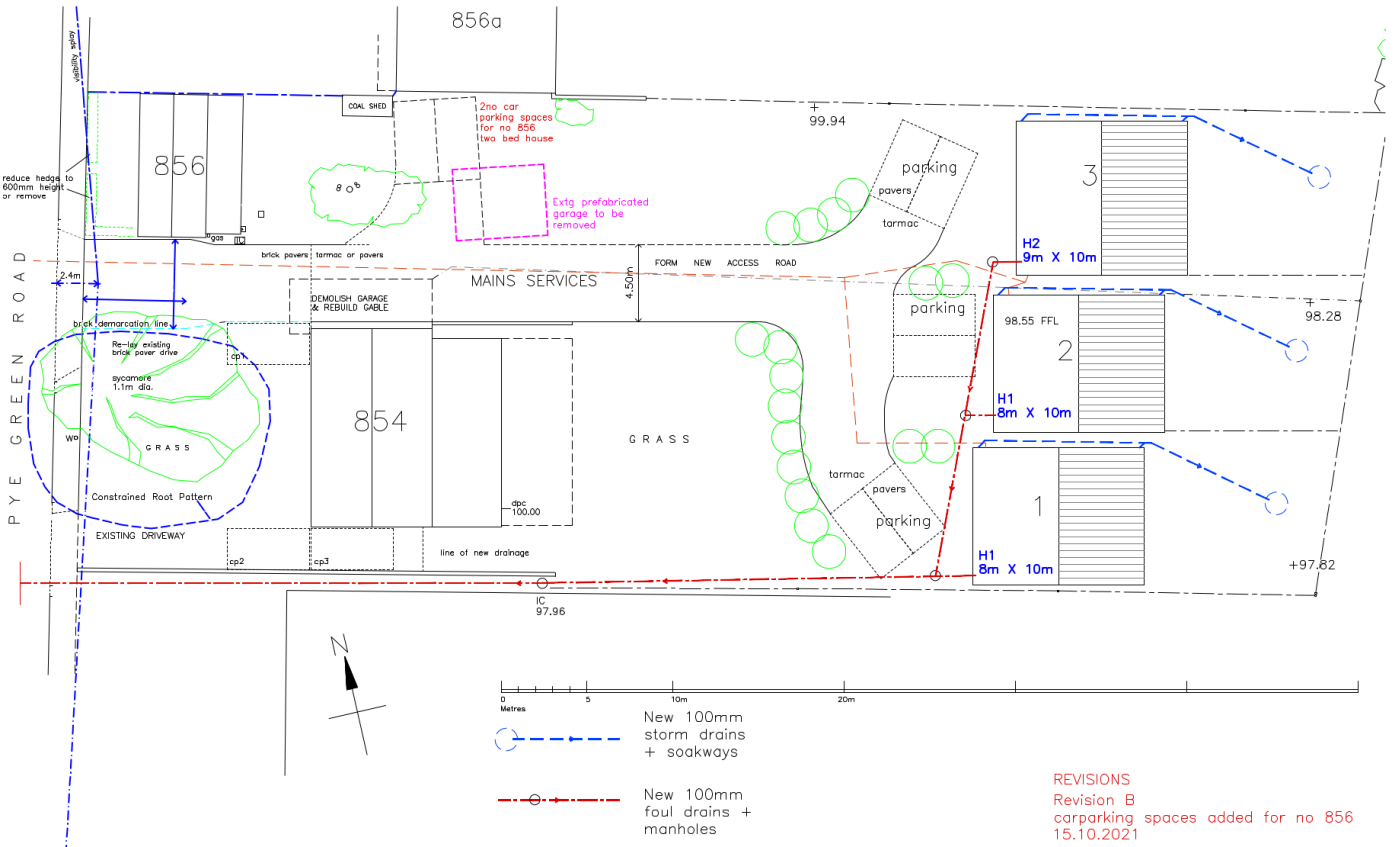
June 2021

Tele 07710 359905
E mail
johnreynoldsandassociates
@gmail.com

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Proposed Site Plan



REVISIONS
 Revision B
 carparking spaces added for no 856
 15.10.2021

plotted at: A3
JOHN REYNOLDS & ASSOCIATES
 ARCHITECTURAL CONSULTANT
 3 Meadow Close Hednesford Cannock Staffs WS12 2PD
 Tel: 07710 359905
 Email: johnreynoldsandassociates@gmail.com

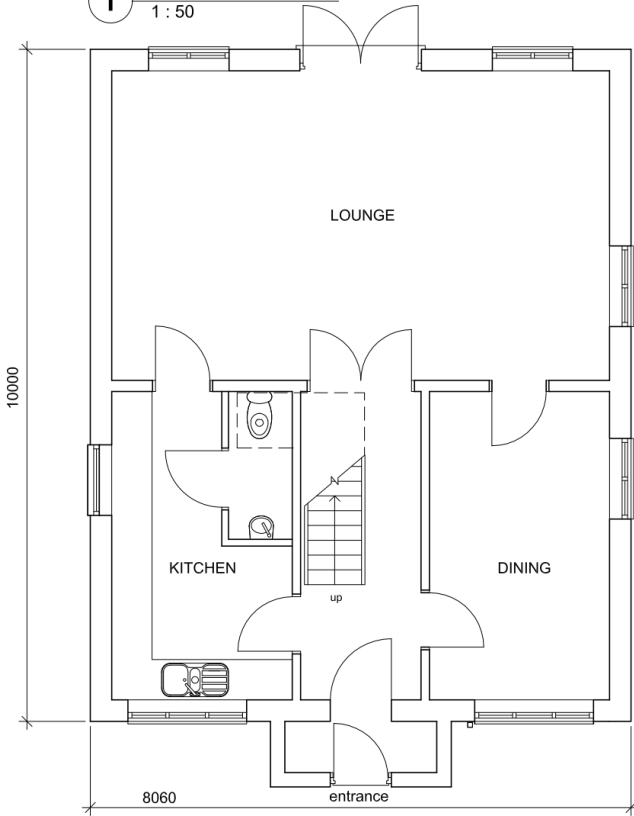
PROPOSED DEVELOPMENT AT
 854 & 856 Pye Green Road, Cannock WS11 5RY
 Date: June 2021
 dr no. 2021:57:02 B

**PROPOSED SITE
 PLAN 1:200**

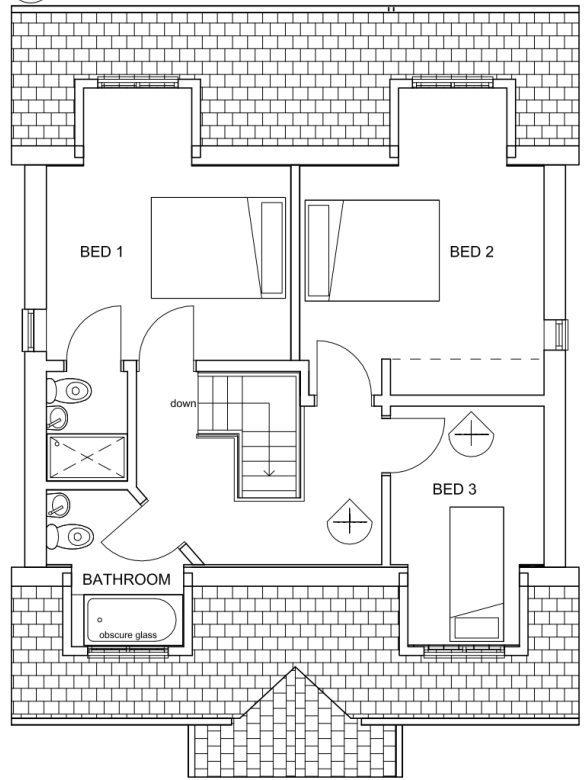
Revision A
 carparking spaces to plots 1 + 2
 01.10.2021

Proposed Floor Plans Plots 1 & 2

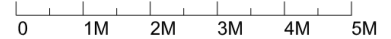
1 Ground Level
1 : 50



2 Level 1st Floor
1 : 50



H1



plotted at A3
JOHN REYNOLDS & ASSOCIATES
ARCHITECTURAL CONSULTANT
3 Meadway Close Hednesford Cannock Staffs WS12 2PD
Tel: 07710 359905
Email: johnreynoldsandassociates@gmail.com

PROPOSED DEVELOPMENT AT
854 & 856 Pye Green Road, Cannock WS11 5RY
Date: June 2021
dr no. 2021:57:05

Floor plans H1 plots 1+2

Proposed Elevations Plots 1 & 2

H1



1 Front (Road) Elevation
1 : 100



3 Side Elevation
1 : 100



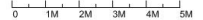
2 Rear Elevation
1 : 100



6 Section 1
1 : 100



4 Side Elevation
1 : 100



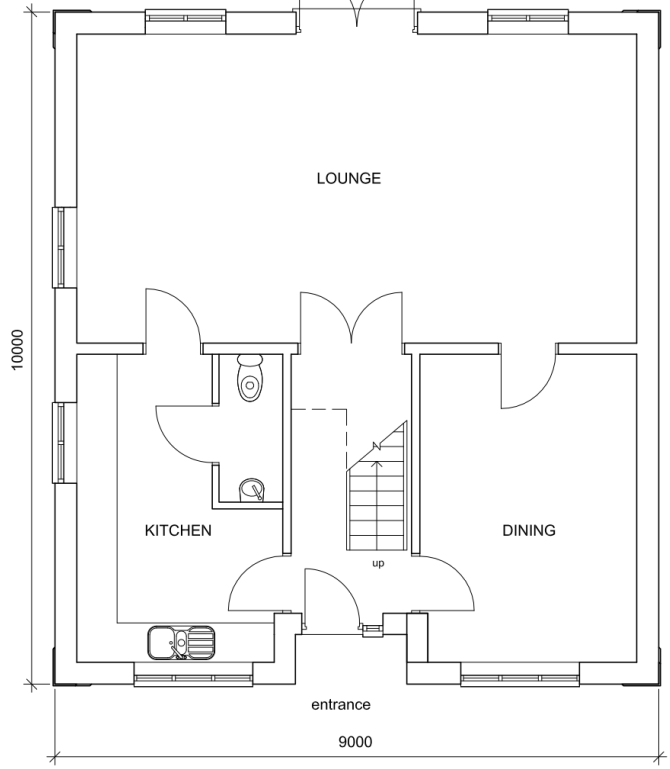
plotted at: A3
JOHN REYNOLDS & ASSOCIATES
ARCHITECTURAL CONSULTANT
3 Meadow Close Hednesford Cannock Staffs WS12 2PD
Tel: 07710 359905
Email: johnreynoldsandassociates@gmail.com

PROPOSED DEVELOPMENT AT
854 & 856 Pye Green Road, Cannock WS11 5RY
Date: June 2021
dr no. 2021:57:06

Elevations H1 plots 1+2

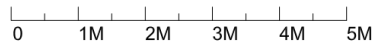
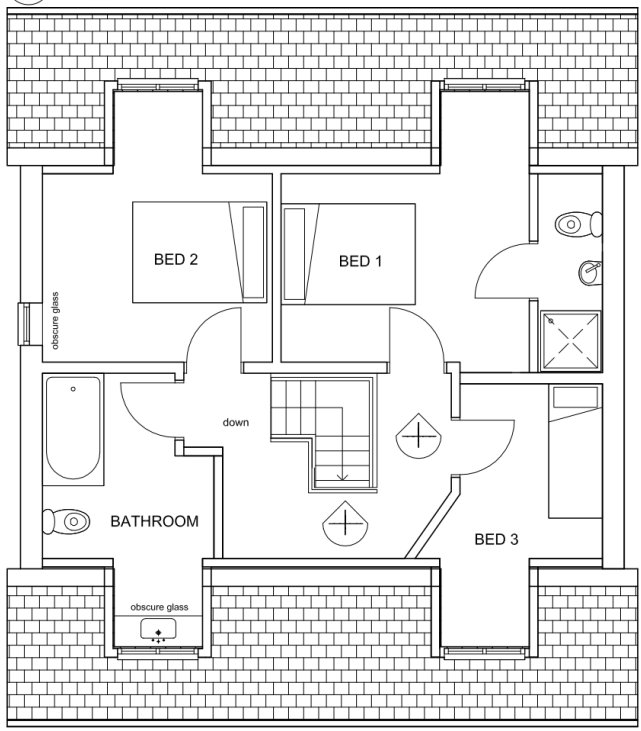
Proposed Floor Plans Plot 3

1 **Ground Level**
1 : 50



2 **Level 1st Floor**
1 : 50

H2



A3 **JOHN REYNOLDS & ASSOCIATES**
ARCHITECTURAL CONSULTANT
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Email: johnreynoldsandassociates@gmail.com

PROPOSED DEVELOPMENT AT
854 & 856 Pye Green Road, Cannock WS11 5RY
Date: June 2021
dr no. 2021:57:07

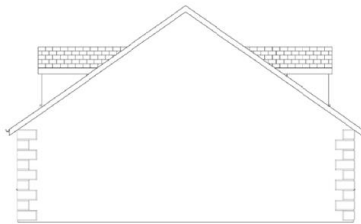
Floor plans H2 plot 3

Proposed Elevations Plot 3

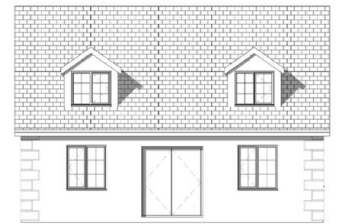
H2



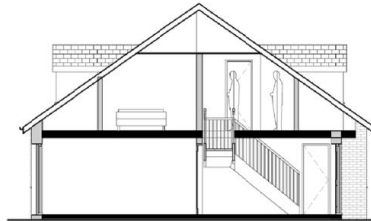
1 Front (Road) Elevation
1 : 100



3 Side Elevation
1 : 100



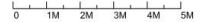
2 Rear Elevation
1 : 100



6 Section 1
1 : 100



4 Side Elevation
1 : 100



plotted as: **JOHN REYNOLDS & ASSOCIATES**
ARCHITECTURAL CONSULTANT
3 Meadow Close Hednesford Cannock Staffs WS12 2PD
Tel: 07710 359905
Email: johnreynoldsandassociates@gmail.com

PROPOSED DEVELOPMENT AT
854 & 856 Pye Green Road, Cannock WS11 5RY
Date: June 2021
dr no. 2021:57:08

Elevations H2 plot 3

Contact Officer: Claire Faulkner

Telephone No:01543 464337

Planning Control Committee

5th January 2022

Application No: CH/21/0286

Received: 29-Jun-2021

Location: 854, Pye Green Road, Cannock, WS12 4LN

Parish: Hednesford

Ward: Hednesford Green Heath Ward

Description: Proposed erection of 3 No. (3-bed) detached dwellings, with new access, including demolition of garage on land to rear of 854 & 856 Pye Green Road.

Application Type: Full Planning Application

RECOMMENDATION:

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions):

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

NoiseAssess Ref.12151.01.v1

Bat & Bird Survey carried out by S.Christopher Smith dated

2021:57:02 Proposed Site Plan Revision B

2021:57:05 Floor Plans H1 Plots 1 & 2

2021:57:06 Elevations H1 Plots 1 & 2

2021:57:07 Floor Plans H2 Plot 3

2021:57:08 Elevations H2 Plot 3

Reason

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

2. 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.

3. No part of the development hereby approved shall be undertaken above ground level until details of the materials to be used for the external surfaces have been submitted to and approved by 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.

4. No dwelling hereby approved shall be occupied until a scheme for the fitting of that dwelling with electric charging points for electric vehicles has been submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme have been completed. The works shall thereafter be retained for the lifetime of the development unless otherwise approved in writing by the Local Planning authority.

Reason

In the interests of improving air quality and combatting climate change in accordance with policy CP16 and the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Part 1 of Schedule 2 to the Order shall be carried out without an express grant of planning permission, from the Local Planning Authority, namely:
 - The enlargement, improvement or other alteration of the dwellinghouse;

- The enlargement of the dwellinghouse consisting of an addition or alteration to its roof;
- Any other alteration to the roof of the dwellinghouse;
- The erection or construction of a porch outside any external door of the dwelling;
- The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;
- The provision within the curtilage of the dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such;
- The erection or provision within the curtilage of the dwellinghouse of a container for the storage of oil for domestic heating; or
- The installation, alteration or replacement of a satellite antenna on the dwellinghouse or within the curtilage of the dwellinghouse.

Reason

The Local Planning Authority considers that such development would be likely to adversely affect the amenity of neighbouring occupiers and the character of the area. It is considered to be in the public interest to require an application to enable the merits of any proposal to be assessed and to ensure compliance with Local Plan Policy CP3 - Chase Shaping - Design and the NPPF.

6. The development hereby permitted shall not be occupied until the window(s) indicated on the approved plan; those being the windows in the front elevations of plots 1 – 3 indicated to serve the bathrooms and the window in the first floor side elevation of plot 3 indicated as a secondary bedroom window are finished with obscure glass. The window(s) shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Thereafter the window(s) will be retained and maintained as such for the life of the development.

Reason

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

7. The proposed parking, access and circulation areas as shown on the approved plan Drawing Number 2021:57:02 Proposed Site Plan Revision B shall be

sustainably drained, hard surfaced in a bound material and marked out prior to the first occupation of the building hereby permitted.

Thereafter these parking areas shall be retained in accordance with the approved plans for the lifetime of the development.

Reason

To comply with the objectives and policies contained within the NPPF and in the interests of highway safety

8. The mitigation measures as detailed in paragraph 5.11 of the Noise Assessment carried out by NoiseAssess Ref.12151.01.v1 dated October 2017, namely: -
- (i) Glazing with a minimum performance of 31 dB Rw. This performance is normally achieved by double glazed units comprising two panes of 4mm or 6mm glass separated by a minimum cavity of 10mm. The specification is usually considered to be standard thermal double glazing;
 - (ii) Specialist acoustic vents with a minimum performance of 40 dB Dn,ew when open. Examples of ventilation units are detailed in Appendix A3. The specification is based on one vent being fitted in each room;
 - (iii) The underside of the roof and the walls to the eaves areas should be boarded with a minimum of 2 layers of 15mm dense plasterboard or 3 layers of 12.5mm standard Wallboard and a minimum of 100mm of mineral wool insulation be placed in the void above/behind the plasterboard layers;

shall be provided in accordance with approved document prior to first occupation of the dwellings.

Reason

To ensure a high quality development is provided for future occupiers of the site and the occupiers of existing properties and in accordance with Paragraph 185 of the NPPF

9. No dwelling hereby permitted shall be completed above ground floor level until a scheme for the provision of bat roosts has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall indicate the plots to be provided with bat roosts, which shall be either integrated into the roof or attached to the house in question, and their height and location. Any dwelling shown to be host to such a bat roost shall be completed in accordance with the approved scheme.

Reason

In the interests of enhancing bat breeding habitat in accordance with Policy CP12 of the Local Plan and paragraphs 170, 175, 177, 179 of the NPPF.

10. Notwithstanding the approved plans and documents, prior to the commencement of development the Arboricultural Method Statement (AMS) and the Tree Protection Plan (TPP) shall be updated to reflect the changes outlined within the additional information letter dated 30th November 2021.

Thereafter, the arboricultural work contained within the approved documents shall be carried out fully in accordance with the approved details prior to the development being brought into use unless otherwise approved in writing by the Local Planning Authority.

Reason

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

11. Notwithstanding the approved plans, no dwelling shall be completed above ground level until details for the maintenance and protection of the hedgerow sited along the rear boundary of No.856 shall be submitted to and approved in writing by the Planning Authority.

Should the hedgerow along the rear boundary be damaged or removed before the development commences a scheme for the planting of a replacement hedgerow or repair of the existing hedgerow and details for its subsequent maintenance shall be submitted to and approved in writing by the Local Planning Authority before any dwelling hereby approved is occupied.

Thereafter the works shall be carried out in accordance with the approved details prior to the first occupation of the new dwellings and subsequently maintained in accordance with the approved scheme.

Reason

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

Notes to the Developer:

Coal Authority

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

www.gov.uk/government/organisations/the-coal-authority

Environmental Health - Demolition

The demolition of the existing building should be undertaken under the usual controlled provisions afforded by The Building Act 1984 with the appropriate specialist attention being paid should the construction of same incorporate any asbestos containing materials.

Severn Trent Water

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Consultations and Publicity

Internal Consultations

Tree Officer

No objections subject to the Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) being updated and conditions.

CIL Officer

Based on the form submitted the proposal is CIL liable.

Environmental Health

The applicant has supplied a noise report. This assesses the noise environment created by the adjacent social club, particularly with regard to live entertainment and plant noise (presumed drinks cooler) late in the evening until 23:30. In short, the front elevation of the proposed development require some noise protection, and the following measures are recommended:

- Glazing with a minimum performance of 31 dB Rw. This performance is normally achieved by double glazed units comprising two panes of 4mm or 6mm glass separated by a minimum cavity of 10mm. The specification is usually considered to be standard thermal double glazing.
- Specialist acoustic vents with a minimum performance of 40 dB Dn,ew when open. Examples of ventilation units are detailed in Appendix A3. The specification is based on one vent being fitted in each room.
- The underside of the roof and the walls to the eaves areas should be boarded with a minimum of 2 layers of 15mm dense plasterboard or 3 layers of 12.5mm standard Wallboard and a minimum of 100mm of mineral wool insulation be placed in the void above/behind the plasterboard layers.

Advisory - Demolition

The demolition of the existing building should be undertaken under the usual controlled provisions afforded by The Building Act 1984 with the appropriate specialist attention being paid should the construction of same incorporate any asbestos containing materials.

Development Plans and Policy Unit

I can advise that the site is identified as SHLAA 2020 site C392 (0-5years; application ref: CH/16/470) and is in close proximity of SHLAA 2020 site C113(c)Pt2 (6-15years). The site does not fall within any other designated areas shown on the Local Plan Policies Map.

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

Having looked at the proposal and the provisions of the Development Plan I would advise that I have no specific policy comments to make.

With regards to the design of the proposed development and impact upon the surroundings we are happy to leave this to the judgement of the Case Officer.

External Consultations

Hednesford Town Council

Objection

HTC has concerns about removal of the historical established dense hedgerow on the rear boundary with properties in Fisher Street. It is noted that Environmental Protection officers also have concerns.

HTC has concerns about increased traffic on to Pye Green Road in that locality. HTC has regular engagement with residents in that locality concerning the increased traffic flow on Pye Green Road between Broadhurst Green and Rose Hill, and also the excessive speeds noted by local Speed Indicator Devices and local Speed Watch volunteers.

Vehicles emerging from this proposed development have an obstructed view up the hill in the direction of Broadhurst Green.

Increased residential development on this site will undoubtedly result in increased number of vehicles exiting at this locality. A site visit would be useful so that visual account of the issues raised can be noted. HTC is willing to accompany any site visit.

Travel Management and Safety

A site visit was carried out on 08/07/2021.

Personal Injury Collisions;

Current records show that there have been no personal injury collisions (PIC) on Pye Green Road within 50 metres either side of the property accesses for the previous five years.

Background;

The proposal is for the erection of 3no three bedroom detached dwellings with new access including the demolition of a detached garage on land to the rear of properties 854 & 856 Pye Green Road. Pye Green Road is a classified 30 mph road which benefits from street lighting. There is a footway on the eastern side only. It lies approximately 3 miles north of Cannock town centre.

Comments on Information Submitted;

The applicant has submitted a revised plan showing appropriate visibility splays and sufficient parking for Plots 1, 2, 3 and the existing property.

Recommendations: There are no objections on highway grounds to this proposal subject to the following condition being included:

The proposed parking, access and circulation areas as shown on the approved plan Drawing Number 2021:57:02 Proposed Site Plan Revision B shall be sustainably drained, hard surfaced in a bound material and marked out prior to the first occupation of the building hereby permitted.

Thereafter these parking areas shall be retained in accordance with the approved plans for the lifetime of the development.

REASONS

To comply with the objectives and policies contained within the NPPF

To comply with the Cannock Chase Local Plan CP10

Severn Trent Water Ltd

With Reference to the above planning application the company's observations regarding sewerage are as follows.

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could

significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Response to Publicity

The application has been advertised by site notice and neighbour letter. Five letters of representation have been received.

- Loss of privacy to existing properties;
- Inadequate site access;
- Bats are present on the land,
- Correct working hours should be abided by 08:00 - 16:30 weekdays and no weekends,
- The removal of hedgerows and impact on noise and wildlife
- Over development being out of character with this location
- Increase in vehicle activity and access onto an already busy road with restricted visibility
- There is a discrepancy between the plans and the tree report and there are no roots shown on the plan – did they just disappear?
- There is encroachment of the site onto the adjacent club land,
- Although I (neighbour) have not seen the plans there is concern regarding encroachment of the land and disturbances to existing foundations,
- Concern regarding the future operations for the social club if further residential dwellings are allowed.

Relevant Planning History

CH/16/470: Proposed erection of 3no. Dwellings with new access road and demolition of garage. Committee Approval with Conditions 12/06/2017

CH/16/395: Proposed erection of a detached garage and detached self-contained residential. Full Approval with Conditions 12/01/2016.

1.0 SITE AND SURROUNDINGS

1.1 The application site relates to the rear gardens of No.854 & 856 Pye Green Road.

- 1.2 The site is roughly rectangular in shape and measures (68m x 29m) this equates to a larger plot than surrounding dwellings.
- 1.3 The site accommodates two dwellings; one being a bungalow and the other a two storey back of pavement house.
- 1.4 The single storey dwelling (No.854) is finished in a white render and benefits from an integral garage set behind a generous frontage (14m deep). The driveway comprises of an in/out drive with a small, grassed area to the front.
- 1.5 The two storey dwelling (No. 856) is sited to the rear of the highway behind a short (3m deep) frontage bound by a high hedgerow. This dwelling comprises of facing brickwork to the front elevation and a cream render finish to the sides. The driveway is positioned to the side of the main building adjacent the access to the single storey property (separated by a step down and a grassed strip) and leads to a detached garage in the rear garden. There are two Sycamore trees sited in the rear garden of this dwelling and an unmaintained hedgerow to the rear boundary.
- 1.6 There is a mature Sycamore tree adjacent the site frontage which is subject to Tree Preservation Order (TPO) 49/2003.
- 1.7 Adjacent to the application site to the north are dwellings which are separated by a row of conifer trees, to the east bungalows and to the south a social club. The land to the west gives way to open fields. The topography of the site slopes down from north to south.
- 1.8 The application site is located within a Mineral SafeGuarding Area and an area designated as being within the low risk development boundary by the Coal Authority. The wider area is covered by Hednesford Neighbourhood Area Plan.

2.0 PROPOSAL

- 2.1 The application proposes the partial demolition of the existing bungalow (garage) to facilitate vehicle access and the erection of 3 dwellings to the rear of the site.
- 2.2 The proposed dwellings would be of a dormer bungalows with three bedrooms provided in the roof space. Each dwelling would comprise of a footprint of approx.. 80m² and would be set in individual plots. Each proposed dwelling would benefit from two allocated parking spaces to the front and a private rear garden (approx. 90m²).
- 2.3 The proposed dwellings are of a bespoke design that incorporates brick and tile porches to the front elevations. The proposed dwellings would be constructed to a height of 6m (2.6m to the eaves) and incorporates two dormer windows to

the front and two dormer windows to the rear to facilitate a first floor. The proposed dwellings would be finished with brick walls and tile roof.

- 2.4 The new dwellings would be accessed via a shared driveway that runs between the existing dwellings (Nos. 856 & 854 Pye Green Road) in the position of the existing garage (proposed to be demolished).
- 2.5 The existing dwellings within the application site would have their parking provision altered. The parking for these dwellings would be located on the existing driveway (No.854) and on the proposed hardstanding to the rear (No. 856). The gardens of these two dwellings would also be reduced in length to accommodate the dwellings.
- 2.6 The existing Sycamore Tree to the front is to be retained. The hedgerow to the front of No.856a would be retained however it would be reduced in height to 0.6m to allow for the visibility splays onto Pye Green Road.

3.0 **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), The Hednesford Neighbourhood Plan (2017 – 2028) and the Minerals Local Plan for Staffordshire (2015-2030).
- 3.3 Relevant Policies within the Local Plan Include:
- CP1 - Strategy – the Strategic Approach
 - CP2 - Developer contributions for Infrastructure
 - CP3 - Chase Shaping – Design
 - CP6 - Housing Land
 - CP7 - Housing Choice
 - CP13 -Cannock Chase Special Area of Conservation (SAC)

- 3.3 The policies within the Minerals Plan are:

Policy 3.2 – Safeguarding Minerals

- 3.4 Relevant Policies within the Hednesford Neighbourhood Plan

Policy H2- Number of bungalows built on small development sites: Priority will be given to building of bungalows on small infill housing sites identified in the SHLAA and on windfall sites.

Section 12- Built Environment Policies: It is considered to be appropriate to have policies which support the retention of the individual buildings and the area identified and ensure that any proposed alterations/extensions respect their character in the interests of the overall quality of the built environment of Hednesford.

3.5 National Planning Policy Framework

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

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

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
64:	Affordable housing
111:	Transport and Highway Safety and Capacity
126, 130, 134:	Achieving Well-Designed Places
159-169:	Flood Risk
174, 180:	Natural Environment
209:	Mineral Safeguarding
218, 219	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 paragraph 11 of the NPPF (2021) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development. It is noted that the application site is identified within the Strategic Housing Land Availability Assessment (SHLAA 2020). The site does not fall within any other designated areas shown on the Local Plan Policies Map.

4.2.2 The presumption in favour of sustainable development as set out in paragraph 11 of the NPPF states: -

'For decision taking this means:

- c) approving development proposals that accord with an up to date development plan without delay.
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless
 - (i) policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusing the development proposed; or

- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.'

4.2.3 The starting point of the assessment is therefore whether the proposal is in accordance with the development Plan and whether that plan is up to date. In that respect it is noted that Policy CP1 of the Local Plan states: -

“In Cannock Chase District the focus of investment and regeneration will be in existing settlements whilst conserving and enhancing the landscape of the AONB, Hednesford Hills, Green Belt and the green infrastructure of the District. The urban areas will accommodate most of the District’s new housing and employment development, distributed broadly in proportion to the existing scale of settlement.”

4.2.4 Other than the above general strategic approach there are no relevant policies within the Local Plan in respect to the approach to be taken with regard to the development of wind-fall sites. As such the proposal falls to be determined in accordance with the tests set out in subsection (d) (i) or (ii) of paragraph 11 of the NPPF show above.

4.2.5 With that in mind it is noted that the application site is not designated as Green Belt, AONB or as a SSSI or SAC, nor does it contain a listed building or conservation area or affect the setting of a designated heritage asset; nor is it located with flood zones 2 or 3. Therefore the proposal does not engage any policies in the Framework that protect areas or assets of particular importance. As such the proposal should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

4.2.6 In respect to the location of the site it is within a residential location approximately 3 miles from the district centre, close to the schools and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development. The site is not located within either Flood Zone 2 or 3 and it is not designated as a statutory or non- statutory site for nature conservation nor is it located within a Conservation Area (CA) nor does it affect the setting of a designated or undesignated heritage asset.

4.2.7 The application site does falls within the designated Hednesford Neighbourhood Plan Area. The plan seeks new infill development within Hednesford to be of a scale which is compatible with its immediate surroundings and use materials and design details which respect the local

characteristics. The plan also seeks bungalows on small housing sites; stating that priority will be given to building of bungalows on small infill housing sites identified in the SHLAA and on windfall sites.

4.2.8 The application comprises of the development of three dormer bungalows on land already identified within the SHLAA and which has formerly been granted planning permission for residential development. Given the above, it is therefore concluded that the proposal is acceptable in principle.

4.2.9 However, proposals that are acceptable in principle are still subject to all other policy tests. This report will now go on to consider the proposal in the slight of these policy tests.

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;
- (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 126, 130, 132 and 134. Paragraph 126 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 130 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 134 states:

‘Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.’

4.3.5 Within the Design SPD, the application site is identified as being located within the Pye Green Valley Character Area; this character area is identified as being in a residential suburban area consisting of predominantly post war housing with remains of 19th Century properties.

4.3.6 The Character Area Descriptions identifies key local design principles and/or design principles new development should consider including, to preserve and enhance the semi-rural and rural – urban fringe character of the area by ensuring key views and public links are retained where appropriate and existing characteristic density, height and scale of the area is respected.

4.3.7 Appendix B of the Design SPD sets out clear expectations and guidance in respect to space about dwellings. Having taken all of the above into account it is considered that the main issues in respect to design and the impact on the character and form of the area are: -

- (i) Overall layout
- (ii) Density
- (iii) Materials, scale and external appearance of the dwellings
- (iv) Impact on trees

- 4.3.8 The layout plan demonstrates how the proposed dwellings would be set behind a short-frontages with the private amenity space to the rear and parking provision to the front.
- 4.3.9 The dwellings fronting Pye Green Road are arranged in a linear form set behind generous frontages (with the exception of No.856, which has a very short frontage). The proposal would sub divide two gardens to create three new separate plots to the rear.
- 4.3.10 There are some existing out-buildings in the rear gardens of the application site and neighbouring properties but no dwellings and to that extent, the proposal would represent a form of backland development that would not reflect the established urban grain pattern for the immediate area. Notwithstanding this, it is also noted that within the wider area both single storey and two storey dwellings occupy similar plot sizes; with modest frontages and rear gardens. The views of the proposed dwellings would be minimal, being along the shared access only. It is therefore considered that, on balance, the proposal would not result in a dominant presence within the street scene or be detrimental to the character and appearance of its location.
- 4.3.11 The proposed dwellings would be of traditional construction and finished with facing brickwork under a tiled roof. The street scene comprises of a variety of finishes, including facing brickwork however there are a number of properties within the immediate locale that are finished in render. A such the proposed dwellings would easily assimilate into the already varied street scene.
- 4.3.12 In respect to the landscaping the comments of the neighbour and Parish Council are noted. The application site benefits from a mature Sycamore tree which is sited at the front of the site, a hedgerow that extends partially along the rear boundary of No.856, a hedgerow to the front of No.856 and a row of conifer trees which are sited in the neighbouring garden along the shared boundary. The frontage tree is protected by TPO 49/2003.
- 4.3.12 In this respect the applicant has submitted a tree report with which to inform the application. The tree survey states that 3 trees were assessed on and around the application site. Two of the trees (Sycamore) within the garden of No. 856 were identified as being Cat.C1 and the frontage Sycamore tree (TPO) was identified as being Cat B1.
- 4.3.13 The tree survey makes clear that the Sycamore trees to the rear of 856 are likely to have roots already under the existing hard surface. The Tree Report concludes that providing these roots are cleanly severed then it is unlikely that these trees will suffer any long-term detriment.

- 4.3.14 The Council's Tree Officer was consulted on the application and has raised no concerns to the proposal subject to conditions being imposed on any permission granted.
- 4.3.15 The hedgerow to the front of the site would be reduced to 0.6m to allow visibility. The hedgerow along the rear of the site, along the boundary of No.856 would be trimmed to a maintainable size and retained. A condition for these works has been recommended.
- 4.3.16 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 In respect to the impact on amenity, the comments of the neighbouring occupiers are noted. 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 130(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 that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.
- 4.4.4 However, it should always be taken into account that these distances and areas are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels as well as the character of the area.
- 4.4.5 The proposed dwellings would introduce 1 ½ storey development 0.6m from the shared boundary with No. 856a. As such, the nearest dwelling to the shared boundary (plot 3) would have a 1st floor window within close proximity to the shared boundary. In this instance, the nearest first floor window would be to a

bathroom and therefore comprise of obscure glazing. This would prevent any issues of overlooking and would be secured via condition.

- 4.4.6 The proposed side elevation of plot 1 would face the rear elevation of the properties sited within Tudor Road which is separated from the application site by the adjacent social club and associated car park. The general character of the area from the rear gardens is open with low level fencing and minimal landscaping which allows views across several rear gardens through to Tudor Road. The site also rises up from Tudor Road to the application site. Notwithstanding this, the proposed development would be at a distance of 34m which is in excess of the 13.7m required within the Design SPD for this type of relationship.
- 4.4.7 The existing dwellings within Fisher Street are sited on an angle to the application site and approx.. 28-40m to the shared boundary at the rear. The boundary is delineated by a combination of close board fencing and some planting. The proposed dwellings would remain between 9.5m and 10.5m from the shared boundary. As such, the proposed dwellings would meet the Council's 'space about dwelling' standard in terms of overbearing, privacy and Daylight Standards and therefore would have no significant adverse impact on the existing.
- 4.4.8 The proposal would result in the removal of the existing integral garage to No.854 in order to facilitate the access to the new dwellings. However, there is adequate hardstanding to the front of this dwelling to provide the required number of parking spaces for this property. The rear garden would remain 16m deep which is well above the requirement in the Design SPD.
- 4.4.9 The existing access that runs adjacent No.856 will be replaced and extended in width to facilitate the private drive to the proposed dwellings. As such, the parking for this dwelling would be removed. The proposed plans indicate a new parking area behind this dwelling incorporating the existing garage accessed off the proposed private drive. This would provide parking for the two required vehicles.
- 4.4.10 With regard to the adjacent social club, the comments from this neighbour are noted, Paragraph 185 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment and should (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.

4.4.11 In this respect the applicant has submitted a noise survey with which to inform the application. The survey concludes that acoustic protection measures will be required for the bedroom at the front elevation of buildings due to the night time impact of noise from the nearby working men's club. The report provides detail of the acoustic measures, which should be undertaken in full and confirmed in writing. Environmental Health Officers were consulted on the application and raised no objections to the proposal.

4.4.12 In conclusion, the separation distances to neighbouring properties are appropriate for the proposal and over and above the requirement of those set out within the Council's Design SPD.

4.4.13 With regard to the proposed development, this would facilitate 3 x three bedroom dwellings with private amenity space and parking. The Design SPD requires an area of 65m² amenity space per three bedroom dwelling. In this instance, 90m² would be provided which exceeds the requirement of the SPD.

4.4.9 As such, it is considered that the proposal would provide a high quality of amenity for occupiers of existing dwellings as well as for the future occupiers of the proposed dwelling in accordance with the Design SPD and Local Plan Policy CP3.

4.5 Impact on Highway Safety

4.5.1 Paragraph 111 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 comments from the Parish Council and neighbours in this respect are noted. Staffordshire County Highways Department was consulted on the proposal and raised no objections to the proposal in terms of highway safety.

4.5.3 It is noted that the proposed development would provide adequate parking spaces for the proposed dwellings as well as to retain an adequate number of parking spaces for the existing dwellings within the site.

4.5.4 As such, it is considered that there would be no adverse impact upon highway safety and the proposal would be in accordance with the Parking SPD and paragraph 111 of the NPPF.

4.6 Impact on Nature Conservation Interests

4.6.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 174 and 180 of the NPPF.

4.6.2 Policy CP12 of the Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced via

'the safeguarding from damaging development of ecological and geological sites, priority habitats and species and areas of importance for enhancing biodiversity, including appropriate buffer zones, according to their international, national and local status. Development will not be permitted where significant harm from development cannot be avoided, adequately mitigated or compensated for;

- support for the protection, conservation and enhancement of existing green infrastructure to facilitate robust wildlife habitats and corridors at a local and regional scale (particularly to complement Policy CP16);
- supporting and promoting initiatives for the restoration and creation of priority habitats and recovery of priority species and the provision of new spaces and networks to extend existing green infrastructure;
- supporting development proposals that assist the delivery of national, regional and local Biodiversity and geodiversity Action plan (LBAP/GAP) targets by the appropriate protection, incorporation and management of natural features and priority species;
- the promotion of effective stewardship and management across the district to contribute to ecological and geological enhancements.'

Paragraph 174 of the NPPF states [amongst other things] that

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'

4.6.4 Paragraph 180 goes on to state

When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Cannock Chase SAC

4.6.5 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. In this instance, the proposed development would be CIL liable given the subsequent net increase in dwellings and the applicant has not sought an exemption.

On Site Impacts

4.6.6 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that is given special protection or which is of particular conservation interest. As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.

4.6.7 The comments of the neighbour are noted in relation to bats being present on the site. As such, the applicant has submitted a bat survey with which to inform the application. The bat survey concluded that there was no evidence of bats within the site or any roosting opportunities within in the building. Whilst it is noted that the survey is 4 years old, the conclusions within are considered to still be relevant as the building does not provide the opportunity for bats to access ie via broken tiles or gaps in fascia boards/ soffits.

4.6.8 In order to enhance the nature conservation opportunities for the site, it is recommended that any permission is subject to a condition requiring the incorporation of bat boxes in the construction of the dwellings.

4.6.9 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. With the recommendation to include bat boxes, the proposal would provide opportunities to enhance nature conservation. 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.

4.7.2 Policy in respect to drainage and flood risk is provided by 159-169 of the NPPF. Of particular note is paragraph 167 which states

'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'

4.7.3 The application site is located in a Flood Zone 1 which is at least threat from flooding. Although the applicant has not indicated the means of drainage 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.

Severn Trent was consulted on the application and have not requested a drainage condition in this instance.

4.8 Mineral Safeguarding

4.8.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 209, 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.

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

4.9 Waste and Recycling Facilities

4.9.1 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).

4.9.2 In this respect, it is noted that the proposed dwellings would be sited within close proximity to the highway within a residential location where bins are already collected by the Local Authority. The bins would, in this instance, be collected from the pavement as per the existing situation for the neighbouring properties.

4.10. Ground Conditions and Contamination

4.10.1 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 and it is advised that any risk can be managed by the attachment of an advisory note to any permission granted.

4.10.2 The Council's Environmental Health Officers were consulted on the application and raised no issue in terms of ground contamination.

4.11 Affordable Housing

4.11.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, paragraph 64 of the NPPF states that the 'provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)'.

4.11.2 As such, it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

4.12 Objections raised not already covered above.

4.12.1 A neighbour has raised concern that there is encroachment of the application site onto neighbouring social club land. Further comments submitted by the social club state that they have not seen the plans however are concerned regarding potential encroachment. Your Officers confirm that the applicant has been asked to check the red line boundary and is satisfied that it is correct.

4.12.2 Concern has been raised disturbances to existing foundations from the owner of the social club. Your officers confirm that the neighbour has not specified which foundations are being questioned and that the issue of foundations would be covered via Building Regulations. Furthermore, the primary responsibility for ensuring safe development lies with the developer.

4.12.3 An objector has stated that there is a discrepancy between the plans and the AMS. Your Officers confirm that the agent has been requested to provide an updated AMS which is to be secured via the recommended condition.

5 Human Rights Act 1998 and Equality 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.

Equality 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 Equality 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/21/0293
Location: 8-10, Coppice Road, Rugeley, WS15 1LN
Proposal: Change of use of caretakers room at rear to residential unit (retrospective)



Contact Officer: David Spring

Telephone No: 01543 464337

Planning Control Committee

5th January 2022

Application No: CH/21/0293

Received: 02-Jul-2021

Location: 8-10, Coppice Road, Rugeley, WS15 1LN

Parish: Rugeley

Description: Change of use of caretakers room at rear to residential unit (retrospective)

Application Type: Full Planning Application

RECOMMENDATION:

S 106, Then Approval with Conditions

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions):

1. The development hereby permitted shall be retained in accordance with the following approved plans:

KRC/2021/20/01

Reason

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

Consultations and Publicity

Internal Consultations

Planning Policy

Thank you for consulting me on this proposed change of use to care takers room at rear at 8-10 Coppice Road, Rugeley, WS15 1LN. I can advise that the site does not fall within any other designated areas shown on the Local Plan Policies Map.

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

Having looked at the proposal and the provisions of the Development Plan I would advise that I have no specific policy comments to make.

With regards to the design of the proposed development and impact upon the surroundings we are happy to leave this to the judgement of the Case Officer.

Economic Development

No objection.

Environmental Health

No objection.

Environmental Health (Housing)

Whilst there is no objection in principle there would be a requirement to ensure that the residential premises have been constructed with a minimum of one hours fire protection separating the two uses. Subject to this a no objection response is given to the statutory consultation.

External Consultations

Rugeley Town Council

Concern as to the increased use of this retail unit into HMO - question over change of use for the whole building - inappropriate change of use.

Response to Publicity

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

1 Site and Surroundings

- 1.1 The application seeks retrospective consent for the change of use of a rear storage area to residential accommodation at 8 – 10 Coppice Road, Rugeley.
- 1.2 The wider application site comprises of a two storey building used as a retail unit on the ground floor and residential accommodation on the first floor. There is a single storey flat roof extension to the rear that was for caretakers storage in part.
- 1.3 The application site is formed of a hall with one bedroom, a kitchen and a shower room and is accessed to the rear of the building.
- 1.4 The wider property is sited near the junction of Coppice Road and Queensway and sits behind a short frontage finished in hardstanding and used for car parking.
- 1.5 The application site is located with a side elevation facing the frontage shops located within Queensway. To the south lies a private residential dwelling and to the rear, a row of garages and parking area for the residential units above the shops within Queensway.
- 1.6 The site is in part unallocated and undesignated in the Cannock Chase Local Plan (Part 1). The site falls within a Mineral Safeguarding Area and is also within a low development risk area as defined by the Coal Authority.

2 Proposal

- 2.1 The proposal is seeking retrospective consent for the change of use of the former caretakers storage room to a residential unit.
- 2.2 The application site was converted in June 2020 and comprises of a one bedroom unit consisting of approx.. 40m².
- 2.3 There is no parking provision with the unit, however there is parking along the frontage of the wider site, which is used for the parking to the retail unit. There is no outdoor amenity space provided for the residential unit.

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
- CP2 - Developer contributions for Infrastructure
- CP3 - Chase Shaping – Design
- CP6 - Housing Land
- CP7 - Housing Choice
- CP13 -Cannock Chase Special Area of Conservation (SAC)

3.3 The policies within the Minerals Plan are:

Policy 3.2 – Safeguarding Minerals

3.5 National Planning Policy Framework

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

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

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
126, 130, 134:	Achieving Well-Designed Places
218, 219	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 paragraph 11 of the NPPF (2021) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development.

4.2.2 The presumption in favour of sustainable development as set out in paragraph 11 of the NPPF states: -

'For decision taking this means:

- c) approving development proposals that accord with an up to date development plan without delay.
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless
 - (i) policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.'

4.2.3 The starting point of the assessment is therefore whether the proposal is in accordance with the development Plan and whether that plan is up to date. In that respect it is noted that Policy CP1 of the Local Plan states: -

“In Cannock Chase District the focus of investment and regeneration will be in existing settlements whilst conserving and enhancing the landscape of the AONB, Hednesford Hills, Green Belt and the green infrastructure of the District. The urban areas will accommodate most of the District’s new housing and employment development, distributed broadly in proportion to the existing scale of settlement.”

- 4.2.4 Other than the above general strategic approach there are no relevant policies within the Local Plan in respect to the approach to be taken with regard to the development of wind-fall sites. As such the proposal falls to be determined in accordance with the tests set out in subsection (d) (i) or (ii) of paragraph 11 of the NPPF show above.
- 4.2.5 With that in mind it is noted that the application site is not designated as Green Belt, AONB or as a SSSI or SAC, nor does it contain a listed building or conservation area or affect the setting of a designated heritage asset; nor is it located with flood zones 2 or 3. Therefore the proposal does not engage any policies in the Framework that protect areas or assets of particular importance. As such the proposal should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.2.6 In respect to the location of the site it is within a mixed-use location adjacent a small local centre, close to the schools and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development
- 4.2.7 It is therefore concluded that the proposal is acceptable in principle.
- 4.2.8 However, proposals that are acceptable in principle are still subject to all other policy tests. This report will now go on to consider the proposal in the slight of these policy tests.

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

- 4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -
- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials;
- 4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 126, 130, 132 and 134. Paragraph 126 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 130 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 134 states

'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'

4.3.5 Appendix B of the Design SPD sets out clear expectations and guidance in respect to space about dwellings.

4.3.6 In this instance, the residential unit has been provided within the fabric of an existing building, being an unused caretaker store. No significant alterations have been made to the building in order to facilitate the accommodation. The wider area comprises of mixed uses and as such the addition of the residential unit to the rear of the existing building would have no significant impact to the character and appearance of this location.

4.3.7 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 130(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 that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.
- 4.4.4 However, it should always be taken into account that these distances and areas are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels as well as the character of the area.
- 4.4.5 The wider application building already existed and as such there has been no impact on neighbouring properties over and above that which already existed in that respect.
- 4.4.6 The use of the unit for residential purposes has also had no significant impact on the neighbouring properties. No. 12 Coppice Road is sited on higher ground than the application site and is separated by closeboard fencing. Further, residential accommodation already exists on the application site with the first floor accommodation. Therefore, the intensification of the use to allow 1 further unit would not significantly impact on these adjoining neighbours.
- 4.4.6 The new unit does not benefit from a private amenity area however it is noted that the site lies within close proximity to leisure facilities and areas of public open space. Furthermore, it is not unusual to find that one bedroom flats do not have outside amenity space. As such, it is considered that the proposal would provide an acceptable quality of amenity for occupiers of new unit and a high standard of amenity for existing occupiers and as such, on balance is considered acceptable in this instance, in accordance with the Design SPD and Local Plan Policy CP3.

4.5 Impact on Highway Safety

- 4.5.1 Paragraph 111 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 application site does not incorporate any parking provision. However, it is noted that there is parking located to the front of the wider site and within the surrounding area. Notwithstanding, the surrounding highways benefit from restrictions to prevent on road parking.
- 4.5.3 As such, it is considered that there would be no adverse impact upon highway safety and the proposal would be in accordance with the Parking SPD and paragraph 111 of the NPPF.

4.6 Impact on Nature Conservation Interests

4.6.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 174 and 180 of the NPPF.

4.6.2 Policy CP12 of the Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced via

'the safeguarding from damaging development of ecological and geological sites, priority habitats and species and areas of importance for enhancing biodiversity, including appropriate buffer zones, according to their international, national and local status. Development will not be permitted where significant harm from development cannot be avoided, adequately mitigated or compensated for;

- support for the protection, conservation and enhancement of existing green infrastructure to facilitate robust wildlife habitats and corridors at a local and regional scale (particularly to complement Policy CP16);
- supporting and promoting initiatives for the restoration and creation of priority habitats and recovery of priority species and the provision of new spaces and networks to extend existing green infrastructure;
- supporting development proposals that assist the delivery of national, regional and local Biodiversity and geodiversity Action plan (LBAP/GAP) targets by the appropriate protection, incorporation and management of natural features and priority species;
- the promotion of effective stewardship and management across the district to contribute to ecological and geological enhancements.'

4.6.3 Paragraph 174 of the NPPF states [amongst other things] that

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'

4.6.4 Paragraph 180 goes on to state

When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Cannock Chase SAC

4.6.5 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. In this instance, the proposed development would not be CIL liable as there has been no increase in floorspace. As such, the SAC Mitigation would be secured via a s106 agreement.

On Site Impacts

- 4.6.6 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that is given special protection or which is of particular conservation interest. As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.
- 4.6.7 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 which is at least threat from flooding. Although the applicant has not indicated the means of drainage it is noted that the building already exists and the proposal relates to the change of use of part of this structure. As such the proposal is considered acceptable in terms of drainage.

4.8 Mineral Safeguarding

- 4.8.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 209, 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.

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

4.9 Waste and Recycling Facilities

4.9.1 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).

4.9.2 In this respect, it is noted that the proposed dwelling would be sited within close proximity to the highway within a residential location where bins are already collected by the Local Authority. The bins would, in this instance, be collected from the pavement as per the existing situation for the neighbouring properties.

4.10. Ground Conditions and Contamination

4.10.1 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 and it is advised that any risk can be managed by the attachment of an advisory note to any permission granted.

4.10.2 The Council's Environmental Health Officers were consulted on the application and raised no issue in terms of ground contamination.

4.11 Objections received not already covered above:

4.11.1 The comments from the Town Council are noted in respect to the increased use of this retail unit into HMO and in relation to the whole building, stating that it would be an inappropriate change of use. Your Officers confirm that the application is for the retrospective change of use of the caretakers store into one residential unit and not a change of use to the whole building. Any proposal to convert the whole building would require permission and would be determined on its own merits at that time.

4.11.2 In respect to the comments made in respect of fire safety your officers advise that this issue falls well within the remit of building control. In addition it is not for the local planning authority to replicate controls of other legislator regimes..

5 Human Rights Act 1998 and Equality 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.

Equality 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 Equality 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.