

**Please ask for:** Mrs. W. Rowe

**Extension No:** 4584

**E-Mail:** [wendyrowe@cannockchasedc.gov.uk](mailto:wendyrowe@cannockchasedc.gov.uk)

30 June, 2020

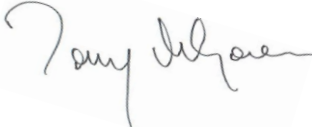
Dear Councillor,

**PLANNING CONTROL COMMITTEE  
3:00 PM, WEDNESDAY 8 JULY, 2020  
MEETING TO BE HELD REMOTELY**

You are invited to attend this remote meeting for consideration of the matters itemised in the following Agenda. The meeting will commence at 3.00pm via Zoom. Instructions on how to access the meeting will follow.

Instructions on how the public can access the meeting will be posted on the Council's website.

Yours sincerely,



**T. McGovern  
Managing Director**

To Councillors:-

Cartwright, Mrs. S.M. (Chairman)  
Startin, P. (Vice-Chairman)

Allen, F.W.C.	Pearson, A.R.
Dudson, A.	Smith, C.D.
Fisher, P.A	Stretton, Mrs. P.Z.
Fitzgerald, Mrs. A.A.	Thompson, Mrs. S.
Jones, Mrs. V.	Todd, Mrs. D.
Layton, A.	Witton, P.
Muckley, A.	

## A G E N D A

### PART 1

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

To declare any personal, pecuniary or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

3. **Disclosure of details of lobbying of Members**
4. **Members' Requests for Site Visits**
5. **Report of the Development Control Manager**

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

#### Finding information about an application from the website

- On the home page click on planning applications, listed under the 'Planning & Building' tab.
- This takes you to a page headed "view planning applications and make comments". Towards the bottom of this page click on the text View planning applications. By clicking on the link I agree to the terms, disclaimer and important notice above.
- The next page is headed "Web APAS Land & Property". Click on 'search for a planning application'.
- On the following page insert the reference number of the application you're interested in e.g. CH/11/0001 and then click search in the bottom left hand corner.
- This takes you to a screen with a basic description - click on the reference number.
- Halfway down the next page there are six text boxes - click on the third one - view documents.
- This takes you to a list of all documents associated with the application - click on the ones you wish to read and they will be displayed.

## PLANNING APPLICATIONS

<u>Application Number</u>	<u>Application Location and Description</u>	<u>Item Number</u>
1. CH/20/47	<i>Land adjacent to 2 Ashtree Bank, Rugeley, WS15 1HN - Resubmission of CH/19/392 – design and construction of 1 x no. detached 3 bed dwelling and associated parking</i>	5.1 – 5.31
2. CH/19/173	<i>Hill Farm, 84 Hayfield Hill, Cannock Wood, Rugeley WS15 4RU – Change of use of the buildings and land to light industrial (B1) and the retention of the fork lift truck store</i>	5.32 – 5.55
3. CH/20/091	<i>Hillary Crest, Rugeley, WS15 1NE – residential development, 5 dwellings</i>	5.56 – 5.83
4. CH/20/029	<i>Land off Colliery Road, Brereton, Rugeley - Erection of stable building and hardstanding</i>	5.84 – 5.105

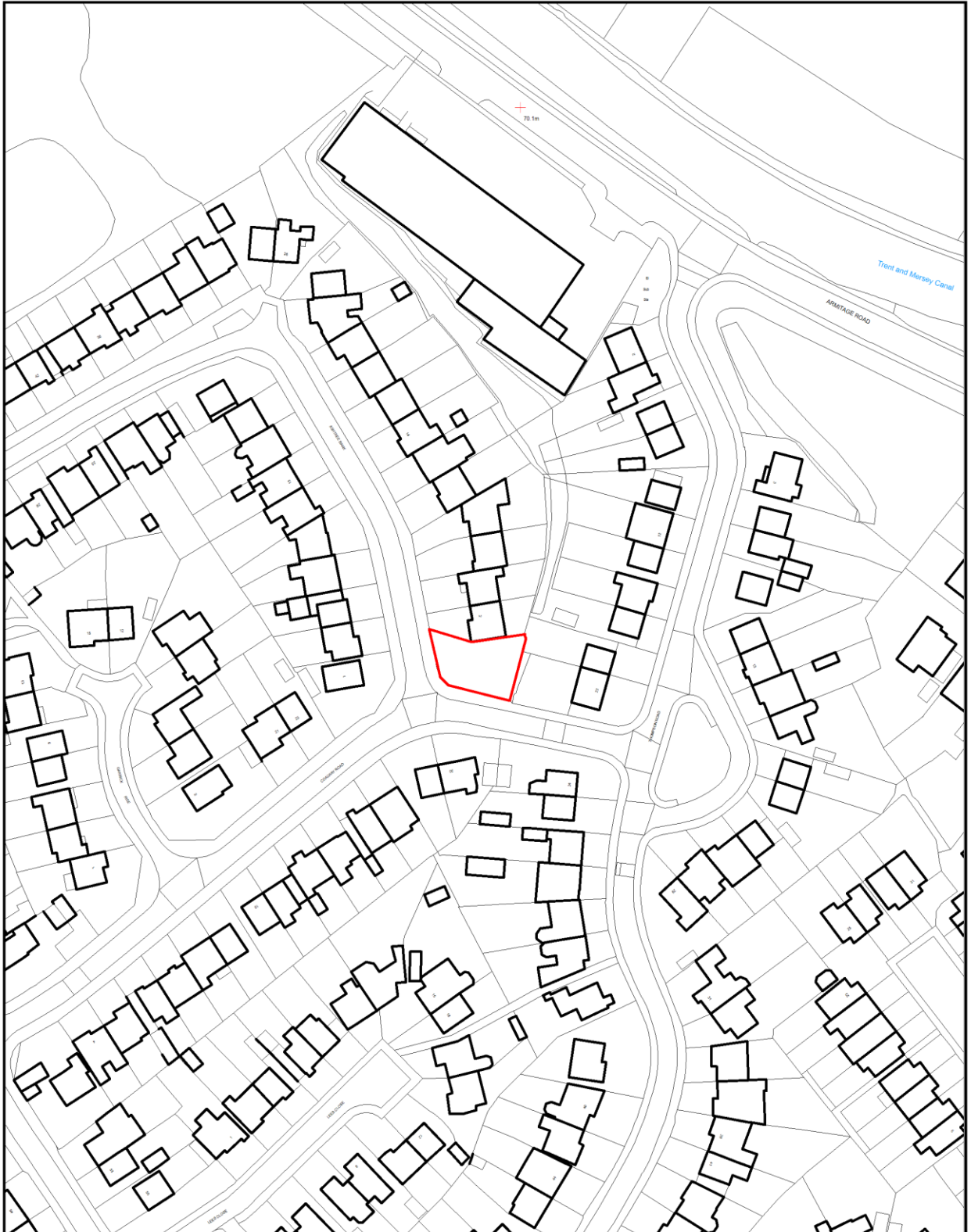


**Application No:** CH/20/047

**Location:** Land adjacent to 2 Ashtree Bank, Rugeley, WS15 1HN

**Proposal:** Resubmission of CH/19/392 - design & construction of 1 x No. detached 3 bed dwelling & associated parking

ITEM NO. 5.1



# Location Plan



**IMPORTANT :**  
 THE COPYRIGHTS TO THE DESIGN ON THIS DRAWING REMAINS THE PROPERTY OF THE ARCHITECTS. THE CONTRACTOR, SUB-CONTRACTORS AND SUPPLIERS MUST VERIFY ALL DIMENSIONS, LEVELS, PLUMB HEIGHTS, STRESSES & CONDITIONS ON SITE BEFORE COMMENCING WORKS AND/OR THE FULL REQUIREMENTS OF MUNICIPAL AND/OR OTHER LOCAL AUTHORITIES MUST BE ADDRESSED TO.



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Rev.	Date	Revision

Project:  
**Land at 2 Ashtree Bank,  
 Brereton, Rugeley**

Drawing Title:  
**Location Plan**

Job No:  
**0004**

Scale: **1:1250 @ A4**

Date: <b>18 06 19</b>	Drawn
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Dwg. no: <b>PL   001</b>	Rev: <b>-</b>
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1:1250



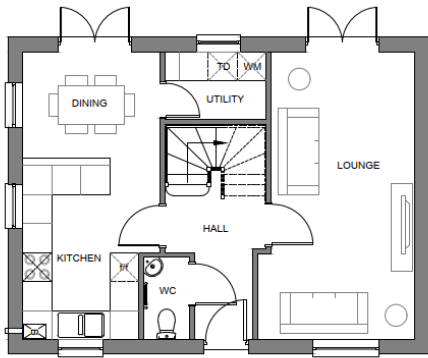
# Site Plan



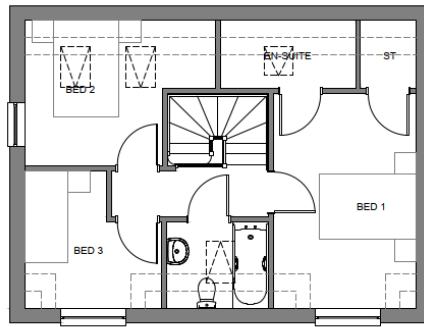
**IMPORTANT:**  
The contractor to the works to be shown, should be responsible for the accuracy of the information.  
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The contractor to the works to be shown, should be responsible for the accuracy of the information.

Rev. | Date | Revision  
Project: Land at 2 Ashtree Bank, Breerton, Rugeley  
Drawing Title: Site Plan  
Job No: 0004  
Scale: 1:100 @ A3  
Date: 25 03 20 | Drawn:  
By: PL | 010 |

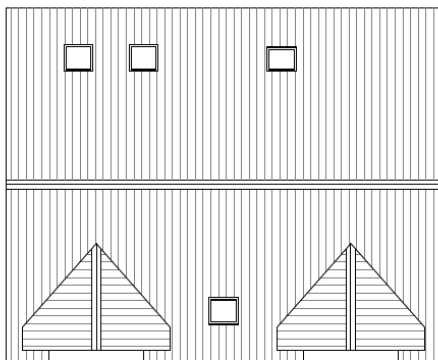
# Floor Plans



Ground Floor Plan



First Floor Plan



Roof Plan

**IMPORTANT:**  
 The contractor to be engaged on this project, whether the  
 contractor is a professional or not, shall be responsible for  
 the construction and shall be liable for any structural  
 failure. All construction shall be in accordance with the  
 relevant building regulations and the requirements of  
 the local authority. All construction shall be in accordance  
 with the relevant building regulations and the requirements of  
 the local authority.

A 17.03.20 Window added to Bedroom 2 (21)  
 Rev. [ ] Date [ ] Revision [ ]

Project:  
**Land at 2 Ashtree Bank,  
 Brereton, Rugeley**

Drawing Title:  
**3 Bed Property - Floor Plans**

Client:  
**0004**

Scale: 1:50 @ A2

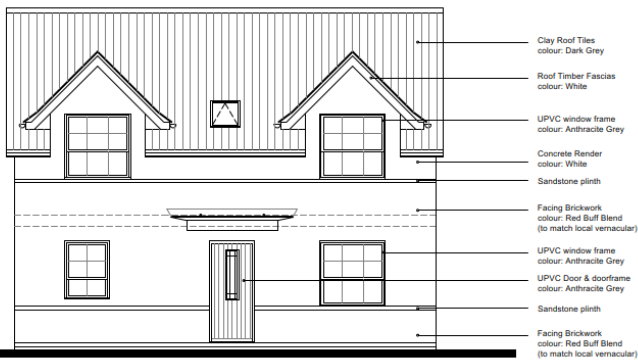
Date: 25.03.20 | Drawn: [ ]



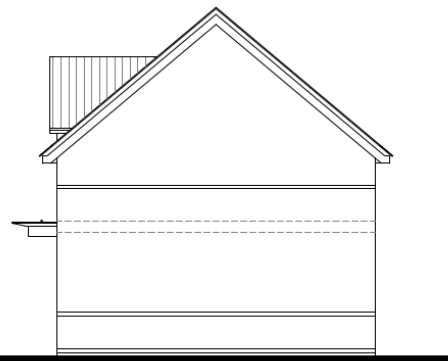
Proj No: **PL | 011** | Rev: **A**

# Elevations

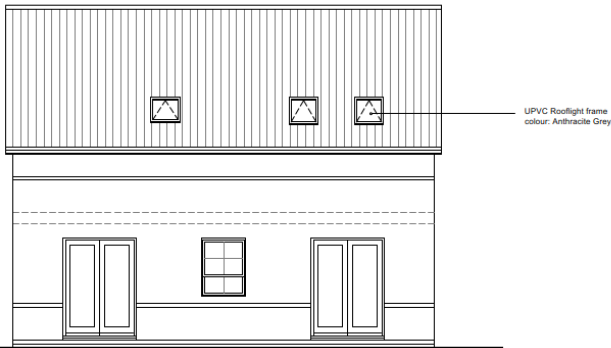
**IMPORTANT:**  
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Front Elevation



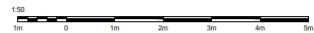
Side Elevation



Rear Elevation



Side Elevation



A 17.03.20 Working #3022 to Side Elevation - Revision 2 (1)

Rev: | Date: | Revision:

Client:  
**Land at 2 Ashtree Bank,  
 Brereton, Rugeley**

Drawing Title:  
**3 Bed Property - Elevations**

Drawn:  
 0004

Scale: 1:50 @ A2

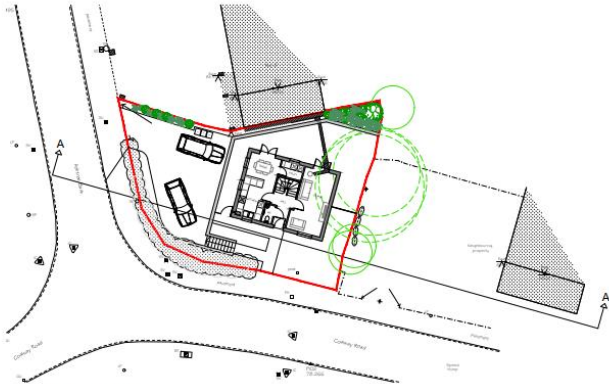
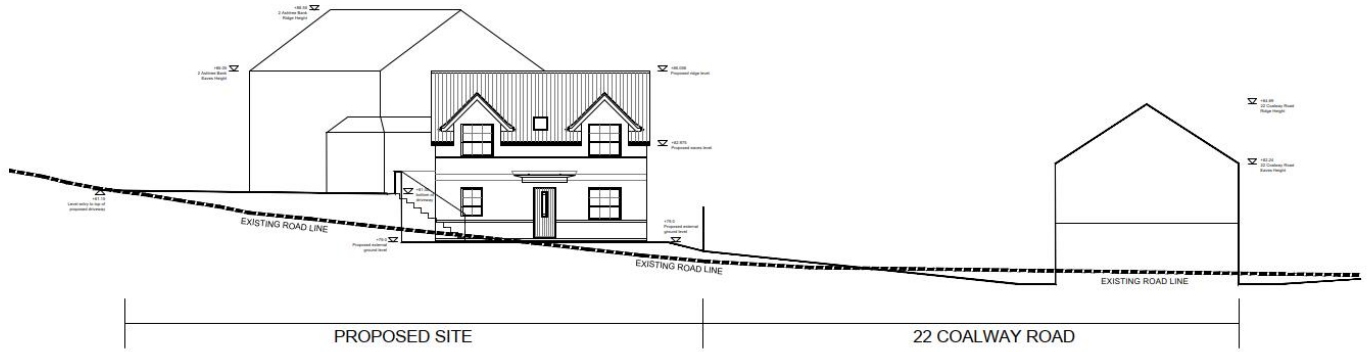
Date: 25.03.20 | Drawn:

Proj. No: **PL | 012** | Rev: **A**

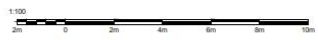


# Street Scene Section

**IMPORTANT:**  
 This drawing is for information only. It does not constitute a contract. The contractor shall be responsible for the construction of the building. The contractor shall be responsible for the construction of the building. The contractor shall be responsible for the construction of the building.



Rev. | Date | Revision  
 Project:  
**Land at 2 Ashtree Bank,  
 Brereton, Rugeley**  
 Drawing Title:  
**Street Scene Section**  
 Job No:  
**0004**  
 Scale: 1:100 @ A2  
 Date: 28 03 20 | Drawn:  
 Drawn by: **PL** | 014 |



<b>Contact Officer:</b>	Claire Faulkner
<b>Telephone No:</b>	01543 464337

<b>PLANNING COMMITTEE REPORT</b> 8 <sup>th</sup> July 2020	
<b>Application No:</b>	CH/20/047
<b>Received:</b>	04-Feb-2020
<b>Location:</b>	Land adjacent to 2 Ashtree Bank, Rugeley, WS15 1HN
<b>Parish:</b>	Brereton and Ravenhill
<b>Description:</b>	Resubmission of CH/19/392 - design & construction of 1 x No. detached 3 bed dwelling & associated parking
<b>Application Type:</b>	Full Planning Application

**RECOMMENDATION:**

Approve subject to condition

**Reason(s) for Recommendation:**

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

**Conditions (and Reasons for Conditions):**

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

## Reason

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

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

Reason

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

3. 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.

4. The development hereby permitted shall not be brought into use until the access and parking areas have been provided in accordance with Drawing No. PL010 'Site Plan' and shall thereafter be retained for the lifetime of the development.

Reason

In the interests of highway safety and inaccordance with paragraph 109 of the NPPF.

5. The development hereby permitted shall be carried out in accordance with the

following approved plans:

PL010 Site Plan  
 PL011 Rev A Floor Plan  
 PL012 Rev A Elevation Plan  
 PL013 Block Plan  
 PL014 Street Scene  
 Arboricultural Survey Report & Method Statement dated October 2019 &  
 Arboricultural Supplementary Report dated 4th June 2020.

Reason

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

- 6 Prior to the first occupation of the dwelling hereby approved, a general boundary treatment shall be provided along the eastern boundary of the site. The boundary treatment shall thereafter be retained for the lifetime of the development.

Reason

To ensure the continued protection of the adjacent occupiers in accordance with Policy CP3 of the Cannock Chase Local Plan.

#### Notes to Developer:

Severn Trent Water advise that there may be a public sewer located within the application site. Although their records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have a 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.

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

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

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

## Consultations and Publicity

### External Consultations

#### Brereton & Ravenhill Parish Council – Objection

- Proposed development is too big for location and for plot of land in question.
- The development would have a harmful effect on the street scene. The mass of the development is too close to pavement and at odds with other properties
- This is an area likely to flood - the planning application is wrong in stating that there is not a flooding problem. No planning permission should be granted without a full assessment of the flooding issues.
- The parking is inadequate for this type of property.
- The development would overpower neighbouring properties and there would be a loss of privacy.
- The access would take vehicles onto the road where it is dangerous.

#### Travel Management and Safety

No objection subject to condition.

Site visit carried out on 27/11/19.

Background; The application is a re-submission of CH19392 which was for 2 no semi-detached 3 bed dwellings and was refused for insufficient parking, turning and manoeuvring. This application is for one 3 no bed detached dwelling on land adjacent to No. 2 Ashtree Bank. The proposed access is off Coalway Road; an unclassified 30mph road located in Brereton, approximately 1 mile from Rugeley Town centre.

Personal Injury Collisions; Current records show there were no Personal Injury Collisions on Coalway Road within 43 metres either side of the property access for the previous five years.

Site Access 1' Car 3' Cycle Parking Arrangements; The applicant has submitted revised parking details showing 2 no parking spaces therefore I have no objection to the proposal subject to the following condition being secured;

The development hereby permitted shall not be brought into use until the access and parking areas have been provided in accordance with Drawing

No. PL010 RevA 'Site Plan' and shall thereafter be retained for the lifetime of the development.

With regards to the complaints raised regarding the flooding of the highway at the junction of Coalway Road and Thompson Road, the Highway Authority gave the following comments:-

I contacted the Strategic Community Infrastructure Manager for Cannock and he had the following comments:

*“It looks like they contacted us during 2013 and 2014 in regards a flooding sewer system?, however this would likely be a STW capacity issue?”*

*We do not seem to have any contact since and it looks like there is adequate road surface drainage gullies around the property.”*

The issue would appear to be a water issue.

#### Severn Trent Water Ltd

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

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.

With specific regard to the concerns raised regarding the flooding at the junction of Coalway Road and Thompson Road, Severn Trent gave the following comments:-

As previously advised, having checked our sewer records, there does not appear to be any issues with the assets in the area and there is no known flooding.

The flow rate from one house would be so small that it would not be noticed during rainfall as the pipe size in Thomson Road is 375mm diameter with steep gradients and is deep. Therefore we have no reason to object to this from our point of view due to it being one house with very small flow rate.

#### County Flood Risk Management (SUDS)

As this application relates to a non-major development, we are non-statutory consultees. Therefore we have no comments to offer.

### **Internal Consultations**

#### Parks & Open Spaces

Objection – due to lack of detailed information

The site does not have any landscape designation and consists of an area of undeveloped land bounded to the south and west by a large overgrown Privet hedge. Abutting the eastern boundary is a line of mature trees which belong to the adjacent property. The site has recently been excavated to remove all shrub tree growth except or the Privet hedge although a 6-8m section of this has been removed on the Coalway Road boundary.

Arboricultural report :-

Pages 1 — 11 and half of 12 are nothing more than generic info which does not relate specifically to the site. Of the recommendations on the second half of page 12.

6.1 states that the document provides guidance which it does to an extent but not in any way relevant to the site 6.2 recommends that the planning officer, TO and the consultant meet on site to ensure that the approach to development is acceptable. This is inappropriate, the approach should be agreed in writing within the AIA, AMS, TPP, and any other associated documents so that it can be conditioned and enforced. A chat on site is no way to secure enforceable planning.

6.3 recommends setting up an auditable system of monitoring but monitoring what exactly? It would be a good idea to identify at the start what is to be monitored (i.e. the impacts of development and mitigation strategy), otherwise how can it be audited? The report does none of this.

The recommendations should be site specific but they are clearly not. Overall these are of little value/ effect in respect of this site. As such, the whole of page 12 is also generic!

The tree survey plan is of little value and forms no part of B85837:2012. A tree constraints plan would be required identifying RPAs, accurate canopy spreads, and shading if it is to be any use to the design team. Other than the survey schedule the whole document is generic, it does nothing to assess the impact or provide mitigation. There is no Arboricultural Impact Assessment, and no Tree Protection Plan. While it may be accepted that the consultant may not have been instructed to prepare these, surely if that is the case then they should have been listed within the recommendations. B85837z2012 does not recommend general advice, it recommends a site specific assessment of the impact of the development on the trees and vice versa.

The document has a title including 'method statement', but it is not. A method statement should provide specific advice which relates to the task in hand, not generic advice which could be applied to anything. E.g. sequence of works, extent and specification of no-dig surfaces, installation of foundations within RPAs, etc.

There are no details supplied which relate to services.

#### CIL Officer,

The proposal would be CIL liable

#### Development Plans and Policy Unit

The proposal needs to be considered in the context of national and local planning policy. The development plan for Cannock Chase District consists of the Local Plan (Part 1), adopted Neighbourhood Plans and the Staffordshire County Council Waste and Minerals Local Plan. The views of Staffordshire County Council as the waste and minerals planning authority should be considered, as necessary. These policy comments are restricted to matters concerning the Local Plan (Part 1), Neighbourhood Plans and supporting guidance.

The Local Plan (Part 1) was adopted more than five years ago; it is now the subject of a review. This review is at an early stage in the process with consultation on 'Issues and Options' being undertaken recently (May – July 2019). Therefore limited



weight can be afforded to it. The starting point for the determination of planning applications remains the adopted development plan (Local Plan (Part 1)).

The site is within the Rugeley urban area and lies within the designated Brereton and Ravenhill Neighbourhood Area. The Parish Council have undertaken evidence base work and local consultations to inform their emerging neighbourhood plan, however, no detailed plan has been produced for full public consultation to date. The plan is therefore still in its early stages and there is no publicly available draft plan to reference in relation with this planning application to date. At the point of determination the most up to date position with regards to the neighbourhood plan should be considered.

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

Policy CP3 supports high standards of design, and for development to be well-related to existing buildings and their surroundings; in terms of layout, density, access, scale, appearance, landscaping and materials. Consideration should also be given to protecting the amenity enjoyed by existing properties.

With regards to the detailed design of the scheme, regard should also be paid to Policy CP16, the Design SPD (in particular Appendix B: Residential Development Guidelines including garden sizes), and the Parking Standards, Travel Plans and Development Contributions for Sustainable Transport SPD (2005) (contains parking standards).

As a residential development scheme the proposal may be CIL liable – advice on liability should be sought from the Planning Obligations Officer. 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 the 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 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.

### **Response to Publicity**

The application has been advertised by site notice and neighbour letter with 5 letters of representation received. The comments are summarised below:-

- The height is still a concern for adjoining property as we sit below existing road line. A new build above the road line on a steep bank will tower over our garden and intrude on our privacy. The builds planned patio area (Garden) will be visible from our window view due to gradient of the build.
- Retaining walls will divert all water towards our property combined with hard landscaping at highest point of parking plus external staircase acting as a waterfall leaving our property in line and open to flooding which has happened many of times.
- Tree survey states that the trees are of ' No great importance' NOT TRUE!!!
- Parking is a huge problem. There is not sufficient space to accommodate additional cars/ through traffic to the street/roads and property.
- Opposite properties will lose their street scene privacy. The hedge is no barrier and has been neglected by the owner for the past 12 years and is in extremely poor condition.
- How can the applicant for this proposed planning application use the address as 2 Ashtree Bank, Brereton, when the plan shows the building facing onto Coalway Road, Surely it should face onto Ashtree Bank?
- We ask the question why a property was not built on this garden when this estate was first built, was it considered too small or dangerous on this corner or was it due to the sloping landscape of Ashtree Bank, Coalway Road & Thompson Road that there were concerns in the 1960s for possible flooding?
- This amended proposal for a 3 bedroom detached house on this garden land is still too large and should be refused.
- Safe entrance to this development and adequate parking including sufficient space to turn on this site should be factored into the planning acceptance. We believe this development does not comply to that. The proposed access onto Ashtree Bank and drive area is too small for the size of this application and has not got sufficient off road parking and positioning is such that it will cause a danger to both pedestrians and motorists due to visibility on the junction of Ashtree Bank and Coalway Road approaching down the hill of Ashtree Bank to Coalway Road, Travelling along Coalway Road from Lodge Road and turning from Thompson Road junction and travelling up Coalway Road to Ashtree Bank,
- This corner has a known parking problem and another additional property on this corner only compounds this issue.
- On the planning application section 12 the applicant has indicated that the area is not at risk and the proposed building will not add to the risk of flooding elsewhere, as everyone who lives in the area knows there is a massive risk to flooding as some property's have flooded several times number 6 Ashtree Bank & 22 Thompson Road as a small example.
- The submitted plan PL 014 Street Scene shows the floor level of the proposed house above the existing level of the road line by some distance and shows a

slope from the proposed house onto the land of 22 Thompson Road and alarmingly shows the existing ground level of 22 Thompson Road (which on this plan is wrongly stated as 22 Coalway Road). This plan shows that 22 Thompson Road is in even more danger of flooding from any excess water off this building and the excess off Ashtree Bank and as 22 Thompson Road has been flooded several times already and the future prospect of global warming only adds to this extreme danger on 22 Thompson Road and other property's close to it.

- Also adding to the risk is further connections to the existing sewer and surface water system as these small pipes which were installed nearly 60 years ago, there have been blockages to the system recently at houses at lower Thompson Road, in recent years there was also a sink hole in the road at Thompson Road which repairs were needed to pipes and the road.
- PL 014 also shows the ground level of + 79.00 of the proposed building and 22 Thompson Eaves level of + 82.24 this means that if you stand on this ground level facing number 22 Thompson Road you would be looking straight into the bedrooms of number 22 Thompson Road how can that be acceptable for them ?
- The Design Statement (Rev B) Benefits of the Proposal when it states “ It would be advantageous to ADD to the look to enhance the character of the area by making this relevant change” and also states “The overall scheme will inspire to make a positive contribution to the character of the quality of the area” These documented comments are laughable when this corner was the garden of 2 Ashtree Bank a well kept lawned garden with a double garage and an immaculate hedge which from 1960s.
- Staffordshire Highways have had to come in twice to cut back the hedge to give pedestrians access to the pavement instead of walking around the corner with their children in push chairs on the road, and for the visibility at the junction for the motorists to negotiate the turn and to travel in a safe manner up and down both Ashtree Bank & Coalway Road.
- We still believe that this proposed 3 bed roomed house is such that it affects our privacy outlook/ street scene and is set opposite our property at a level and overall height to overlook our property it is still a 2 storey build even though the bedroom windows are dormer style on the plans,
- This proposed house is closer to the path than any other property on the Five Oaks estate and that makes it close to our frontage and within the minimum separation distance policy and would intrude on us and affect the saleability and value of our property.
- The position of the corner of this build appears to be too close to number 2 Ashtree Bank as well.
- We request that when or if an application is passed that it will be a low level bungalow of suitable size with appropriate off road parking and the 6 .5

metres of hedge that was taken out should be re- instated or replaced with suitable fencing for both their and our privacy.

- Also that the concrete post which had the yellow fire hydrant sign attached and was removed be put back in the original position.

### Relevant Planning History

CH/08/0185: Demolish existing double garage construct attached single

### 1 Site and Surroundings

- 1.1. The application site is situated in a predominately residential area located on land to the side of No. 2 Ashtree Bank. The application previously formed part of the residential curtilage to No. 2 Ashtree Bank.
- 1.2. The application site is a prominent position at the corner of Ashtree Bank and Coalway Road and has an access off Ashtree Bank, shared with No. 2 Ashtree Bank.
- 1.3. The application site is roughly rectangular in shape and rises steeply towards the Ashtree Bank boundary. The boundary treatment comprises of both brick walling and wooden close board fencing along the northern boundaries and an overgrown hedgerow along the southern-eastern boundary.
- 1.4. The street scene comprises a combination of traditional style post war era semi-detached and detached dwellings. Both Ashtree Bank and Coalway Road comprise of linear residential development where the majority of properties sit behind modest frontages with private gardens to the rear. An exception to this is the property on the corner of Ashtree Bank and Coalway Road, opposite the application site. This dwelling sits back in its plot with its private garden located to the front and side adjacent Ashtree Bank and Coalway Road. The majority of dwellings within the wider area benefit from some degree of extension including a first floor dormer extension at No. 25 Thompson Road.
- 1.5. The site is unallocated in the Cannock Chase Local Plan (Part 1). However the site does fall within a Mineral Safeguarding Area and is identified by the Coal Authority as being within a low risk development boundary. The site is located within Flood Zone 1 in the Environment Agency's Flood Risk maps.

## **2 Proposal**

- 2.1 The proposal is for the construction of a detached dwelling with off road parking and private amenity space.
- 2.2 The proposed dwelling would be a three bedroom dormer style dwelling with the first floor bedrooms provided for within the roofspace.
- 2.3 The proposed building would be approx. 7m deep x 8m wide and would be constructed to a height of 7.5m (4m to the eaves).
- 2.4 The proposal would provide porous hardstanding to the side which would accommodate a minimum of two vehicles accessed off Ashtree Bank. Amenity space would be provided to the rear, side and front of the dwelling and the frontage hedgerow retained.
- 2.5 Given the topography of the location, the site would be excavated with the proposed dwelling positioned on a lower level than Ashtree Bank (approx.. 2m lower). The proposed parking area would be accessed via external steps that would run to the front of the dwelling. The proposed dwelling would be constructed from facing brickwork and tile.
- 2.6 It is noted that site clearance has already taken place within the site and ground levels have been altered. Some of the adjacent trees have also been removed to the boundary and the applicant has confirmed that further works will be carried out in August as agreed with the occupier of No. 22 Thompson Road.

## **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

3.4 The relevant policies within there Minerals Plan are:

### 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

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 The proposal is for the construction of one dwelling on the corner of Ashtree Bank and Coalway Road. Both the NPPF and Cannock Chase Local Plan Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. Further, Local Plan Policy CP6 seeks to support the creation of new homes within existing urban areas.

4.2.2 The site is located within the urban area of Rugeley. It is a 'windfall site' having not been previously identified within the Strategic Housing Land Availability Assessment (SHLAA) as a potential housing site. 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 proposals would normally fall to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF.

4.2.3 However, paragraph 177 of the NPPF makes it clear:-

"the presumption in favour of sustainable development does not apply where development requiring appropriate assessment [under the Habitat Regulations] because of its potential impact on a habitats site is being planned or determined"

4.2.4 Policy CP13 of the Local Plan recognises that any project involving net new dwellings will have an impact on the SAC and as such should be subject to an appropriate assessment under the Habitat Regulations. This being the case it can only be concluded that the presumption in favour of sustainable development does not apply to the current application and the proposal should be considered having regard to the development plan and other material considerations.

4.2.5 In respect to the principle of the proposal it is noted that the site previously formed part of the residential curtilage of No.2 Ashtree Bank and is located within the urban area of Brereton and Ravenhill, 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, walking and cycling to a range of

goods and services to serve the day to day needs of the occupiers of the proposed development.

4.2.6 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.

4.2.7 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 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. Whilst the title of the SPD refers to extensions the document is also used as guidance for ensuring appropriate levels of amenity is provided for new development.

4.3.6 There are several trees adjacent the application site (within the garden of No.22 Thompson Road) and a mature hedgerow that runs along the front boundary of the site. As such and the applicant has submitted a tree assessment with which to inform the application. This outlines that the quality of trees is categorised as follows: -A (high quality and value), B (moderate quality and value), C (low quality and value) and U which are considered as unsuitable for retention.

4.3.7 In this respect it is noted that the trees adjacent the site were assessed as Class B and C. The main tree is a sycamore which at the of the tree survey was classified as Class B, that is of moderate value, presumably as it is a multi-stemmed individual and far from what could be considered as a specimen tree. However, since the time of the tree report the applicant has used his common law right to prune back branches that overhang the application site to the boundary and has also undertaken some ground disturbance works which are likely to have affected the roots to the tree. This has further reduced the value of the tree which has lost any semblance of symmetry. In addition the applicant has stated that the occupiers of No.22 Thompson Road have agreed to further crowning and pruning works to the trees within their garden. Whether the latter is the case, or not, the sycamore,

as it currently stands as little or no amenity value and probably a reduced life span.

- 4.3.8 Given the above, and notwithstanding the comments of the Tree Officer on the limitations of the Tree Report, it is clear that the sycamore tree, as it now stands, does not merit any form of protection in the public interest.
- 4.3.9 The hedgerow would be retained as part of the proposal and given its overgrown state would be trimmed for aesthetical purposes.
- 4.3.10 Both Ashtree Bank and Coalway Road comprise of linear residential development with a combination of semi-detached and detached dwellings. The majority of properties sit behind modest frontages with private gardens to the rear. An exception to this is the property on the corner of Ashtree Bank and Coalway Road, opposite the application site. This dwelling sits back in its plot with its private garden located to the front and side adjacent Ashtree Bank and Coalway Road.
- 4.3.11 The comments of the Parish Council are noted in terms of the proposed development being too big for location and the plot and the proposed development being harmful on the street scene due to the mass of the development, close to pavement and at odds with other properties.
- 4.3.8 However, given the linear shape of the application site, the layout proposed is logical and the plot to land ratio reflects that of surrounding dwellings within the wider area. Also, the proposed dwelling would be constructed inline with the side elevation of No.22 Thompson Road, which would retain a 4m set back from Coalway Road.
- 4.3.9 The front elevation of the proposed dwelling would address Coalway Road, whilst the existing access off Ashtree Bank would be used for the vehicle access and would terminate in a parking area for the future occupiers. The introduction of a dwelling with rooms in the roofspace in this location would fit comfortably with the adjacent two storey dwellings and the sloping topography of Coalway Road, whilst helping to reduce the bulk and mass associated with a typical two storey property . The materials proposed would reflect the existing palette for the surrounding area which would be secured via condition.
- 4.3.11 The comments of the neighbour are noted with regard to the property facing onto Coal Way Road, however, there are no restrictions that would prevent the property from facing onto Ashtree Bank and this layout would not be detrimental to the character of the wider residential estate to such an extent that would warrant refusal.

4.3.12 Given the above, it is considered that on balance, the proposed development would sit comfortably within its residential setting. As such, having had regard to Policy CP3 of the Local Plan and other material considerations, on balance, the proposal would be acceptable.

#### 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 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 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.

4.4.5 The proposed dwelling would be located adjacent the boundaries of two existing dwellings and opposite a further two dwellings. With regard to the property to the immediate north of the site, No.2 Ashtree Bank; the proposed dwelling would be sited adjacent the side of this property, but would be on a lower level given the topography of the area. There are no windows proposed in the first floor of the dwelling that would give rise to the overlooking of the private amenity space for No. 2 Ashtree Bank.

4.4.6 The property to the immediate east (No.22 Thompson Road) is located on lower ground than the application site by approximately 2m. The proposed dwelling would have a side elevation facing the rear elevation of No.22 and would be sited approximately 17m distant. The Design SPD requires a minimum separation distance of 13.7m between side elevation and rear elevations. The guidance does continue that this distance should be greater if

the proposed development is on higher ground, although it does not state how much greater the distance should be. In this instance, the levels difference has been taken into consideration and a separation distance of 3.3m over and above the distance stated within the Design SPD has been provided. As such this relationship is considered acceptable in this context.

- 4.4.7 It is also noted that the proposed dwelling comprises a 1.5 storey dwelling where the first floor accommodation is provided within the roof space. The proposed height of the dwelling would measure 7.5m to roof apex and 4m to the eaves.
- 4.4.8 No windows are proposed in the side elevation of the proposed dwelling and therefore any overlooking would be limited to what could be seen at ground floor level within the respective garden of the application property and No22. This could be readily controlled by the imposition of a condition requiring a suitable boundary treatment to be submitted and approved
- 4.4.8 The proposed dwelling would remain approx.. 21m from the front elevation of No. 30 Coalway Road, which is located opposite the application site. It is noted that whilst No.30 faces onto Coalway Road it is orientated to face up Ashtree Bank and therefore is slightly angled to the application site. The Design SPD general seeks a separation distance of 21.3m between facing front elevations. In this instance the 21m separation distance, while a short fall of 0.3m, would be acceptable given the existing hedgerow that would, to some extent, screen the proposed dwelling, the intervening highway and that the 21m distance would be over the semi-public frontage of No.30 Coalway Road and is therefore not a wholly private space. As such, it is considered that the proposed separation distance would not, on balance, be to the significant detriment of the occupiers of this adjoining dwelling.
- 4.4.9 The dwelling sited opposite the application site, on the corner of Ashtree Bank and Coalway Road is positioned in an elevated position above the application site. The proposed dwelling would be sited on ground 2m lower than the properties within Ashtree Bank and would remain approximately 27m from this neighbouring dwelling, separated by the existing highway and hedgerow. As such, there would be no significant detrimental impact to the occupiers of this property as a consequence of the proposed dwelling.
- 4.4.10 In respect to the proposed dwelling, it is noted that a retaining wall approx.. 2m high would be constructed around the side and rear due to the levels difference within the site. This would result in the kitchen / dining room looking out at short distance to a high wall, however, in this instance the ground floor

rooms are open plan with front and rear windows serving the rooms and therefore would provide an acceptable degree of light and outlook. The provision of amenity space for the dwelling would be to the rear and sides and would equate to approximately 80m<sup>2</sup>. The Design SPD requires at least 65m<sup>2</sup> for a three bedroom dwelling. As such the proposal would be in accordance with this standard.

4.4.11 The comments of the Parish Council are noted in respect to impact on neighbouring properties and the loss of privacy, although they do not detail which property they have concern for. However, as noted above, there would be no windows in the elevations adjacent neighbouring dwellings that would give rise to significant levels of overlooking.

4.4.12 On balance, it is considered that a single dwelling could provide a good standard of residential amenity for both existing neighbours and for future occupiers. As such it is considered that in principle a single dwelling could be developed on the site and be compliant with Policy CP3 and 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 comments of the Parish Council and neighbours are noted in respect to the inadequate parking provision and the access being dangerous.

4.5.3 In this instance, the proposed dwelling would use an existing access off Ashtree Bank. The access would lead to an area of hardstanding which would accommodate a minimum of two vehicles as is required for a three bedroom dwelling within the Parking Standards SPD.

4.5.4 In respect to the access of the site, Staffordshire County Highways Department was consulted on the proposal and has raised no objections subject to a condition.

4.5.6 As such, given the above, it is concluded that the proposal would not result in an unacceptable impact on highway safety and is in accordance with paragraph 109 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 No. such that SAC mitigation contributions are required. Such contributions will be secured by CIL where applicable to the development.

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.

#### 4.6.5 Impacts of Cannock Chase Special Area of Conservation

4.6.6 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. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL. It is noted that no exemption has been sought in respect to CIL.

#### 4.7 Drainage and Flood Risk

4.7.1 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'.

- 4.7.2 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps. Although the applicant has not indicated the means of drainage it is noted that the site immediately abuts main roads and is within a predominantly built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area and is considered acceptable.
- 4.7.3 Notwithstanding the above, there have been a number of objections received on the grounds of flooding at the junction of Thompson Road and Coalway Road. The Highway Authority, the Lead Local Flood Authority and Severn Trent have been consulted and have submitted no objections to the proposal.
- 4.7.4 In response to objections received from local residents, Severn Trent have stated that the flow rate from one house would be so small that it would not be noticed during rainfall as the pipe size in Thomson Road is 375mm diameter with steep gradients and is deep. Therefore they have no reason to object to this from their point of view due to it being one house with very small flow rate.
- 4.7.5 Given the above, it is considered that the proposal would be acceptable with regard to drainage and flood-risk and would not exacerbate the existing problems in accordance with paragraph 155 of the NPPF.

#### 4.8 Mineral Safeguarding

- 4.8.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.
- 4.8.2 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 an area identified within the Local Plan as 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.

#### 4.9 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 The proposed dwelling would be sited within close proximity to the highway within a residential located where bins are already collected by the Local Authority. The bins would, in this instance, be collected from the adjacent highway.

#### 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.

#### 4.11 Objections raised not already covered above:-

4.11.1 An objector has raised concerns regarding the loss of privacy within the street scene. Your Officers consider the street scene to be within the public domain and therefore the proposal is unlikely to cause a loss of privacy in this respect. The majority of driveways in this location are visible from within the highway and therefore the addition of a new dwelling facing existing properties would not significantly impact on the privacy of existing properties.



- 4.11.2 An objector has queried why a property was not built on the garden when this estate was first built. The objector queried whether it was considered too small or dangerous on this corner or was it due to the sloping landscape of Ashtree Bank, Coalway Road & Thompson Road that there were concerns in the 1960s for possible flooding? Your officers can confirm that on the available records there is no evidence to suggest that any of the above were factors at the time. In addition officers can confirm that planning policy and guidance has changed substantially since the estate was first constructed and the thrust of housing policy is to significantly boosting the supply of homes with a focus on sustainable development within urban locations.
- 4.11.3 An objector has commented that the proposal would impact on house prices. Your officers confirm that impacts on house prices are not a material consideration for the determination of planning applications.
- 4.11.4 An objector has requested that the concrete post which had a yellow fire hydrant sign attached and was removed be put back in the original position. Your Officers will ensure the applicant is aware that the sign should be removed however this does not fall within the remit of planning and would be dealt with by the relevant body.

### **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.

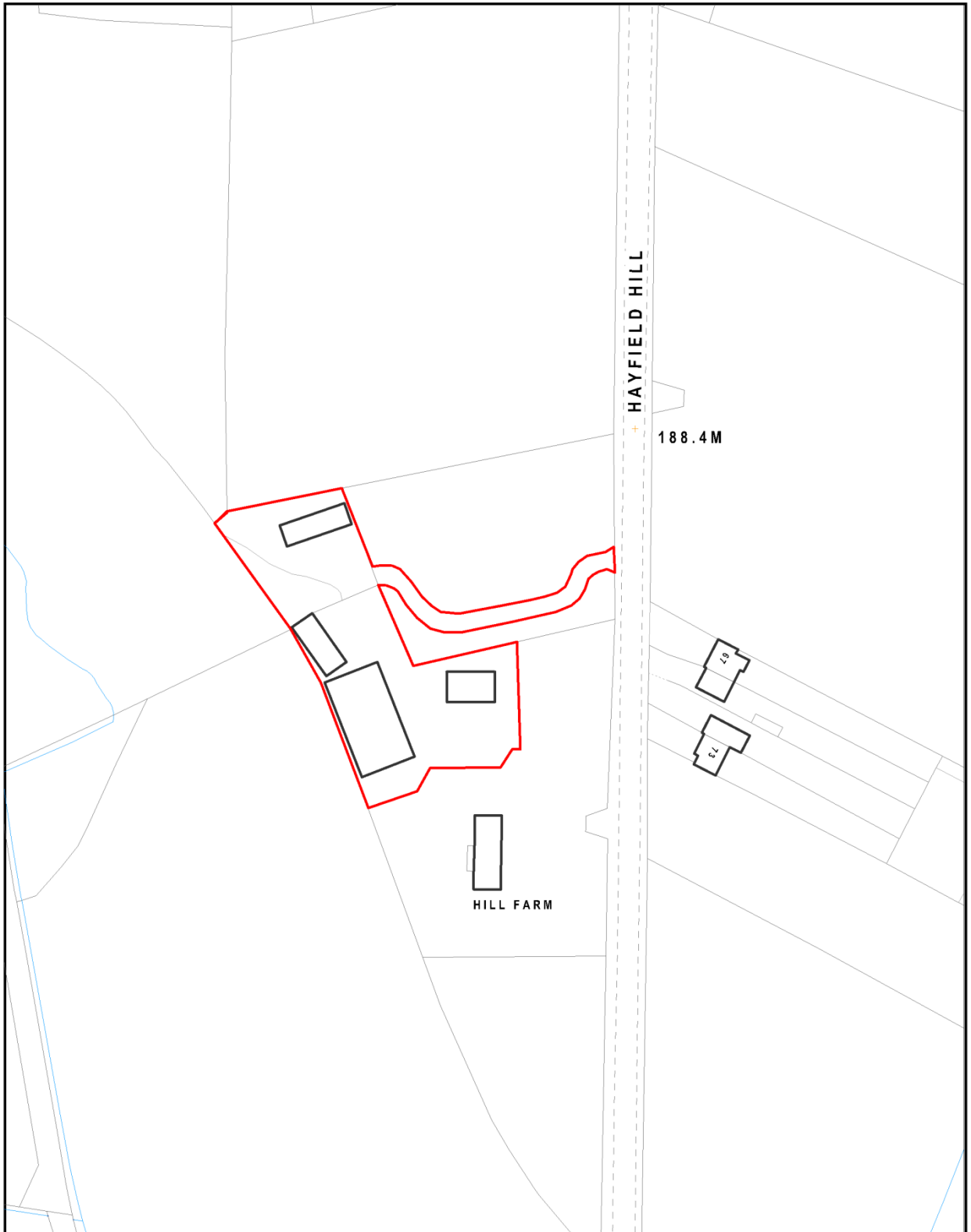


**Application No:** CH/19/173

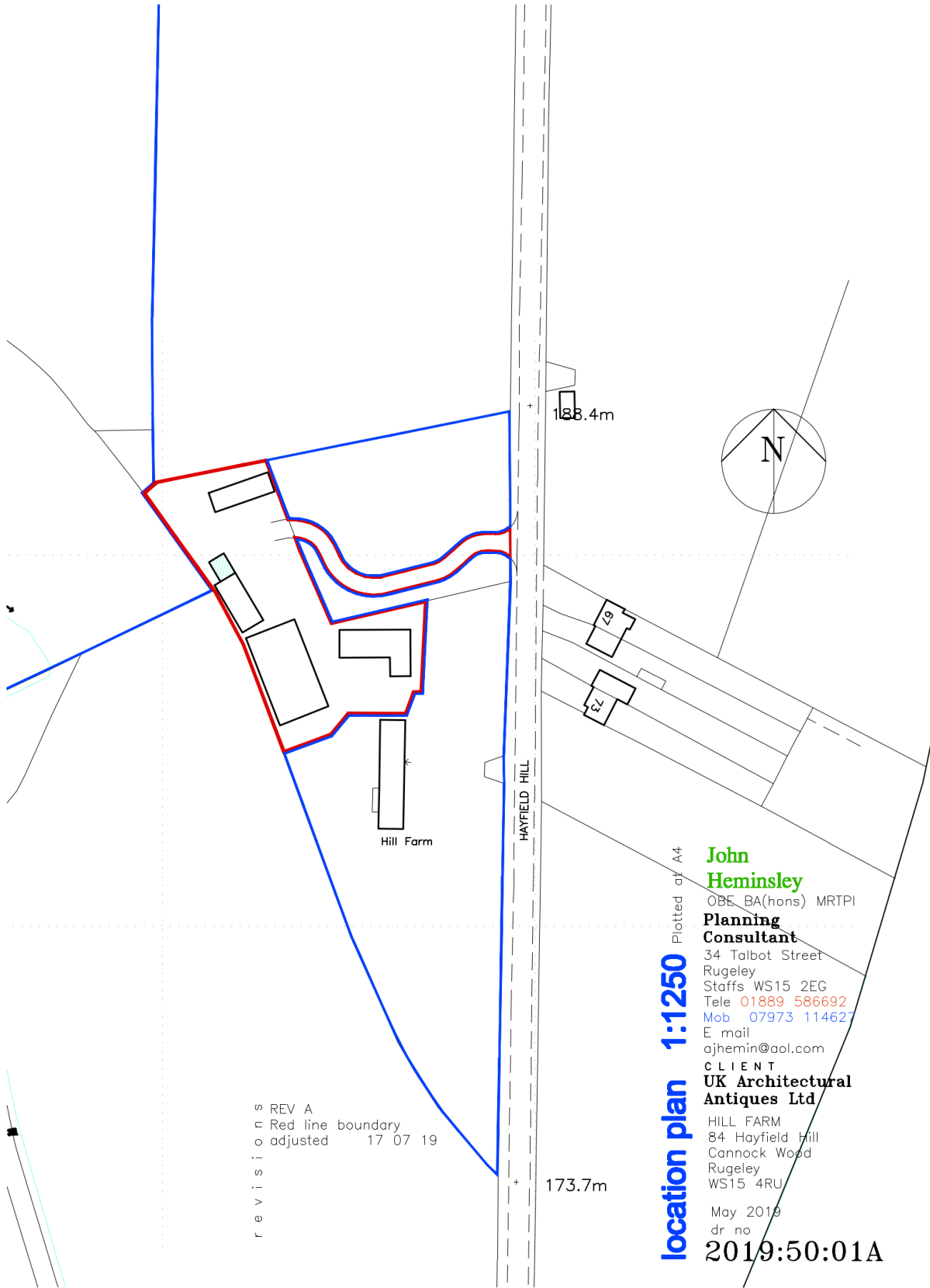
**Location:** Hill Farm, 84, Hayfield Hill, Cannock Wood, Rugeley, WS15 4RU

**Proposal:** Change of Use of the buildings and land to light industrial (B1) and the retention of the fork lift truck store

ITEM NO. 5.32



# Location Plan



revisions  
 REV A  
 Red line boundary  
 adjusted 17 07 19

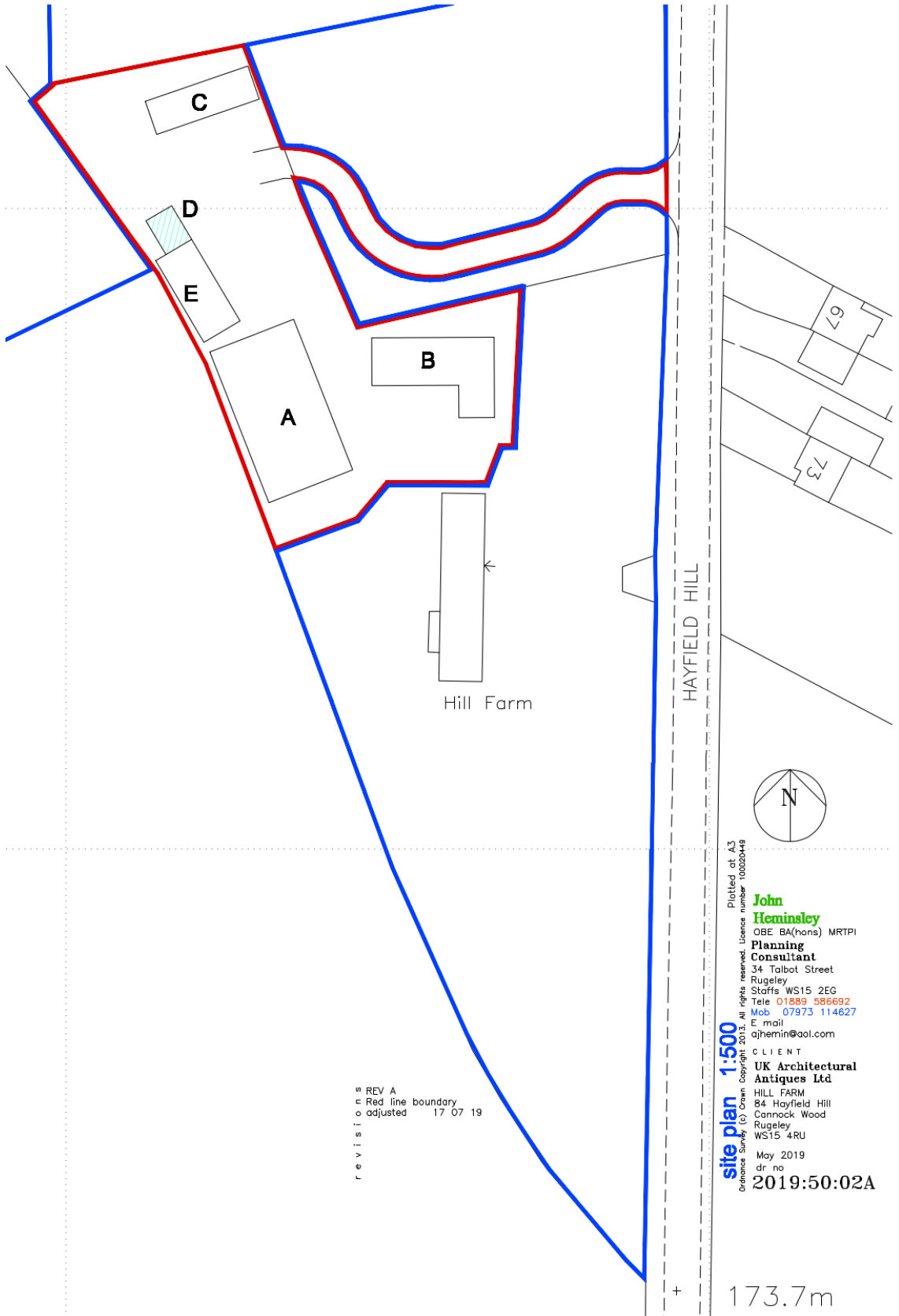
Plotted at A4  
**John Heminsley**  
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 ajhemin@aol.com

**location plan 1:1250**

**CLIENT**  
**UK Architectural Antiques Ltd**  
 HILL FARM  
 84 Hayfield Hill  
 Cannock Wood  
 Rugeley  
 WS15 4RU

May 2019  
 dr no  
**2019:50:01A**

# Site Plan



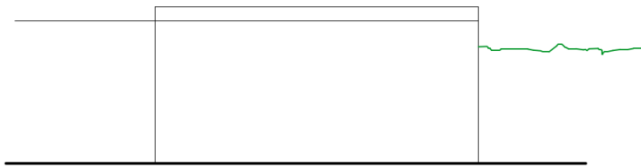
revisi  
 © REV A  
 = Red line boundary  
 o adjusted 17 07 19

Plotted at: A3  
 Licence number: 100020419  
**John Heminsley**  
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 Cannock Wood  
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 May 2019  
 dr no  
**2019:50:02A**

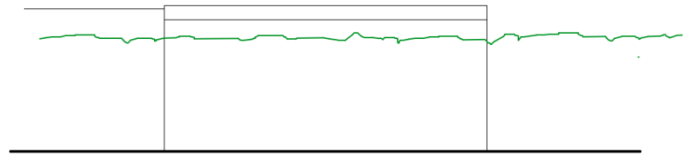
site plan 1:500

173.7m

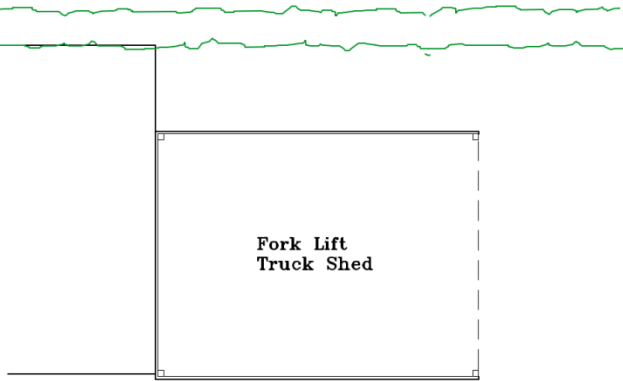
# Floor Plans and Elevations



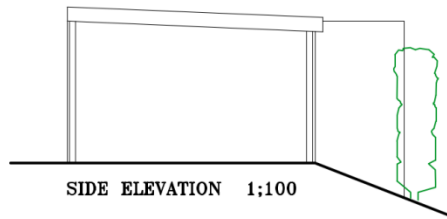
**FRONT ELEVATION 1:100**  
Dark green plastic coated  
profile metal cladding to  
front + rear walls and roof



**REAR ELEVATION 1:100**



**GROUND FLOOR PLAN 1:100**



**SIDE ELEVATION 1:100**

Plotted at A4

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**CLIENT**  
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p r o j e c t  
**Fork Lift Truck Shed**  
May 2019  
dr no  
**2019:50:03**

**floor plan + elevations 1:100**

5M  
4M  
3M  
2M  
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<b>PLANNING CONTROL COMMITTEE</b> <b>8<sup>th</sup> July 2020</b>	
<b>Application No:</b>	CH/19/173
<b>Received:</b>	10-May-2019
<b>Location:</b>	Hill Farm, 84, Hayfield Hill, Cannock Wood, Rugeley, WS15 4RU
<b>Parish:</b>	Cannock Wood
<b>Description:</b>	Change of Use of the buildings and land to light industrial (B1) and the retention of the fork lift truck store
<b>Application Type:</b>	Full Planning Application

### Update

The initial planning application was presented to Members at Planning Committee on 5<sup>th</sup> February 2020 and was deferred by Members for the following reasons:-

- 1) in order to enable officers to ascertain further information as to the nature of the application and,
- 2) that a site visit be undertaken on the day the Committee meets to consider the application so that Members could view the area and assess the impact of the business on residential amenity.

In respect to the first point the applicant has conceded that the nature of the application should be for a change of use to light industrial as officers presented the case to Planning Committee. As such it is now common ground between the applicant and officers as to the nature of the proposed development.

In addition to the above since the last meeting of Planning Control Committee the country has been affected by the Corona Virus pandemic and as such under the current circumstances it is not possible to undertake site visits. Committee is

therefore requested to determine the application on the merits of the case as presented to them without a site visit.

<b>RECOMMENDATION:</b>
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Approve Subject to Conditions
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<b>Reason(s) for Recommendation:</b>
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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.
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<b>Conditions (and Reasons for Conditions):</b>
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| <ol style="list-style-type: none"> <li>1. The use hereby approved shall only be used for business use B1 (c) with ancillary storage, office and retail uses.</li> </ol> |
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Reason

In the interests of proper planning

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| <ol style="list-style-type: none"> <li>2. Within 3 months of the date of approval, a scheme detailing a native landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include native tree and hedgerow planting along the eastern boundary of the yard and the northern side of the access (denoted within the blue line). The details shall be in the form as specified in Annex C of the Supplementary Planning Guidance 'Trees, Landscape and Development'.</li> </ol> |
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Thereafter, the approved scheme shall be implemented in the first planting season following the date of approval and retained for the lifetime of the development.

Reason

In the interest of visual amenity of the area and in accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

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| <ol style="list-style-type: none"> <li>3. No industrial processes shall take place on the site outside the hours of 08:00hrs to 18:00hrs on Mondays to Friday, 08:00hrs to 16:00hrs on a Saturday and at no time on Sundays and Bank and Public Holidays.</li> </ol> |
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## Reason

To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policies CP3 - Chase Shaping, Design, CP11 - Centres Hierarchy and the NPPF.

4. The premises shall not be open to the public outside the hours of 08:00hrs to 18:00hrs on Mondays to Friday, 08:00hrs to 16:00hrs on Saturdays and 10:00hrs to 16:00hrs on Sundays and Bank and Public Holidays.

## Reason

To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policies CP3 - Chase Shaping, Design, CP11 - Centres Hierarchy and the NPPF.

5. No means of illumination to the use hereby approved shall be brought into use until a scheme for external illumination has been submitted to and approved in writing by the Local Planning Authority. Any means of external illumination employed shall be in accordance with the approved scheme.

## Reason

In the interests of protecting the rural character of the area from light pollution

6. The gates located to the entrance of the site shall remain open during normal daytime hours for the lifetime of the development.

## Reason

To prevent HGVs waiting on the highway and to ensure the amenity of the neighbouring occupiers is protected in accordance with paragraph 109 of the National Planning Policy Framework.

7. There shall be no deliveries to, or from, or loading or unloading of vehicles at the site outside the hours of 08:00hrs to 18:00hrs on Mondays to Friday, 08:00hrs to 16:00hrs to a Saturday and at no time on Sundays and bank and public holidays.

## Reason

To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policies CP3 - Chase Shaping, Design, CP11 - Centres

### Hierarchy and the NPPF.

8. 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 3 of Schedule 2 Class PA shall be carried out without an express grant of planning permission, from the Local Planning Authority, namely:

- Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(c) (light industrial) of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule.

#### Reason

The Local Planning Authority considers that such development would be likely to adversely affect the amenity of neighbouring occupiers and the landscape 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.

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

2019:50:02A

2019:50:03

#### Reason

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

### Notes to Developer:

None

### Consultations and Publicity

## EXTERNAL CONSULTATIONS

### Cannock Wood Parish Council

No objection.

### Cannock Chase ANOB Unit

The main issues for the AONB are:-

The impact of the proposed development on the landscape and scenic beauty of the AONB.

In my response dated 4<sup>th</sup> June 2019 I stated that I was satisfied that retention of the storage building would not affect the natural beauty of the AONB, and the AONB Partnership have no objection to this element of the application. I expressed strong concern regarding the inclusion of the pasture field and am therefore satisfied that the application boundary omits this element.

I recommend that a scheme of landscaping mitigation is required, space permitting. I make the following recommendation:

I recommend this includes native tree and hedge planting along the eastern boundary of the yard to filter views and mitigate the development. Planting is also desirable along the north side of the access road to enhance landscape mitigation and habitat connectivity across the site.

In addition I would suggest removal of permitted development rights. This would bring potential over-intensification of development which could occur under planning control and enable consideration of any adverse impact on the AONB.

## INTERNAL CONSULTATIONS

### Planning Policy

The location lies within the Cannock Chase Area of Outstanding Natural Beauty (AONB) and the Green Belt just outside of the Cannock Wood Settlement Boundary. The applicants sets out that the business has been established over several years through the development of mostly existing buildings formerly in use for agricultural purposes. Building D is a small addition to the other buildings for an identified need in connection with the business.

The National Planning Policy Framework (NPPF) 2019 states that development proposals that accord with the development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted, unless policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusal, or 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. Paragraphs 133 — 147 in the NPPF set out the purpose of the Green Belt and what types of development are appropriate within it, Policy CP1 in the Cannock Chase Local Plan ~ Local Plan (Part 1) 2014 supports this stance.

The NPPF (2019) paragraph 172 states that great weight should be given to conserving the landscape in the AONB. Policy CP3 in the Local Plan requires high quality design and integration with the existing environment. The proposal should show how it forms appropriate development within the Green Belt to a design in keeping with its surroundings and preserve the landscape and character of the AONB. The Design SPD (Supplementary Planning Document) provides additional guidance on appropriate design.

The NPPF paragraph 83 sets out that planning decisions should enable the growth of all types of business in rural areas and paragraph 84 that sites to meet local business needs may have to be found outside settlement boundaries, while Local Plan policy CP9 supports proposals which contribute to the long term stability and vitality of the rural economy provided they comply with national Green Belt policy and other relevant policies.

Therefore the business is an established rural business that provides local employment, but the decision on whether to approve the application will need to take the Green Belt and AONB designations as well as the previous planning decisions on the site into account.

### Environmental Health

No adverse comments are offered in principle. I've reviewed the current proposal and the proposed operating hours for a B1 usage would be acceptable.

However, the applicant should note that we would still consider the use of Statutory Nuisance legislation if noise (or other nuisance matters) impacted on those living or working nearby. The grant of a B1 use planning consent would not be a defence in of itself.

## RESPONSE TO PUBLICITY

The application was advertised by way of neighbour letters to adjacent residents and a site notice was put up adjacent to the site. 21 letters of objection were received from neighbouring properties. A summary of these objections is set out below:

- There should not be two separate proposals within one application;
- The ongoing expansion and development of this site has impacted on AONB;
- The 'industrial' works already taking place on this site are to the detriment of the AONB and local residents, particularly with the use of HGVs.
- The current business would not require reclassification to light industrial, the business is retail in nature.
- There is no need for reclassification of the site in its entirety.
- The reclassification opens up the opportunity for permitted development to residential or more industrial development which is not suitable in AONB.

### **Relevant Planning History**

- CH/17/250: - Construction of new access. Approved
- CH/11/0192: – Retaining wall to side and front of property. Approved
- CH/10/0418: – Non material amendment to planning permission CH/09/0393. Approved
- CH/10/0099: – Erection of stable block incorporating 2 stables, tack room, feed store and horse trailer store. Approved
- CH/09/0393: – Replace existing 4 car garage with a new L shaped garage block. Approved.
- CH/09/0330: – Replace existing chicken pens with stable block. Approved.
- CH/08/0439: – Erection of replacement detached storage building. Approved.
- CH/04/0291: – Hay and machinery store. Refused.

### **1 Site and Surroundings**

- 1.1. The application site is comprised of a detached bungalow and associated land located to the north occupied by a business known as “UK Architectural Antiques Ltd”.
- 1.2. The site is accessed via one main vehicular access to the applicant’s land which is located directly off Hayfield Hill via an electronic gated entrance which leads to the main residential property and the land that forms “UK Architectural Antiques Ltd”.
- 1.3. The site lies within the AONB, within the landscape character type Settled Plateau Farmlands, as described in the Review of Cannock Chase AONB Landscape Character Framework, characterised by rolling farmland, with medium sized hedged fields, with clustered settlement. The application site lies to the west side of Hayfield Hill, located in a rural area characterised by open fields interspersed with blocks of woodland and heathland such as Gentleshaw Common. The land occupied by the business, comprising buildings, yard and containers. The wider site comprises of pasture land. The lie of the land is such that it slopes down from north to south and also away from either side of Hayfield Hill, to the east and west. To the east, lies Gentleshaw Common which provides panoramic views of the wider countryside.
- 1.4. The site falls within the Green Belt and within the Area of Outstanding Natural Beauty (AONB) as defined within the Cannock Chase Local Plan (Part 1) Adopted.

<b>2</b>	<b>Proposal</b>
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- 2.1 The applicant is seeking full planning permission for the change of use of the buildings and land to light industrial (B1(c)) and for the retention of the fork lift truck store.
- 2.2 The business is carried out within the existing buildings identified on the submitted plan as :-
  - Building A - The main warehouse / workshop,
  - Building B – An L shaped building containing storage / showroom space on the ground floor and offices above,
  - Building C - A former stable building now used in connection with the business for assembly of furniture,

- Building E – A set of 6 containers used for storage purposes in connection with the business which have been in situ since 2009.

2.3 The applicant states that the components of the business are:-

- 35% items manufactured,
- 35% antiques refurbished, and
- 30% sales including ancillary office, retail and storage

2.4 The proposed use would utilise the existing access and hardstanding.

2.5 The forklift truck store, identified as building D on the submitted plan, has already been constructed adjacent and existing building. The footprint measures 6m in depth and 4.5m in width. The forklift truck store has been constructed to a height to match the existing building. The materials comprise of dark green plastic coated metal sheets.

### **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
CP8: –	Employment Land
CP9: –	A Balanced Economy
CP14: -	Landscape Character and Cannock Chase Area of Outstanding Natural Beauty.

Relevant policies within the Minerals Plan are:-

#### 3.2 Mineral Safeguarding

#### 3.3 National Planning Policy Framework

3.4 The NPPF (2019) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be "presumption in favour of sustainable development" and sets out what this means for decision taking.

3.5 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.6 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
124, 127, 128, 130:	Achieving Well-Designed Places
143-146	Protecting Green Belt
172	Conserving and Enhancing the Natural Environment
212, 213	Implementation

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

Cannock Chase AONB Management Plan 2019-24.

#### **4 Applicants Supporting Statement**

4.1 In support of the application the applicant has made the following statement.

4.2 The Architectural Antiques Ltd was originally developed as a new rural enterprise. The business originally involved buying, restoring and selling a wide range of antiques. These included church chairs, tables, pews, tables, pews, settles, benches, reclaimed doors, reclaimed floorboards, reclaimed fires, radiators, garden antiques, old gates and railings , post boxes, spiral staircases and kitchen and bathroom antiques.



- 4.3 The business has since expanded and diversified to include the manufacture of tables using reclaimed materials. The manufacturing processes used on site include welding, painting, paint stripping and polishing.
- 4.4 The sales are mostly via the internet or by telephone with a couple of visitors on weekdays and maybe 6-7 on weekends.
- 4.5 The business now has 9 full time employees.
- 4.6 The planning statement states that the forklift truck store was constructed in 2016. The applicant has confirmed that the forklift truck accommodated within this building is used in connection with the business run from 84 Hayfield Hill and in conjunction with the equestrian facility located at Court Bank Farm. The fork lift truck is used on a daily basis at the application site in association with the business use to assist with the assembly of spiral staircases, movement of pillar boxes and large stone items. The forklift truck is only used for a few hours a week at Court Bank Farm to help move muck skips.

## 5 Determining Issues

- 5.1 The determining issues for the proposed development include:-
- i) Principle of development
  - ii) Design and impact on the character and form of the area, including the AONB and Green Belt.
  - iii) Impact on residential amenity.
  - iv) Impact on highway safety.
  - v) Drainage and Flood Risk
  - vi) Ground conditions and contamination
- 5.2 Principle of the Development
- 5.2.1 The proposed development is located within land designated as an Area of Outstanding Natural Beauty and Green Belt, wherein the case of the latter, there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'. Paragraph 133 of the NPPF states that the Government attaches great importance to Green Belts, adding that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. As such the essential characteristics of Green Belts are their openness and permanence.

5.2.2 The stages in taking decisions on applications within the Green Belt are as follows.

- a) In the first instance a decision has to be taken as to whether the proposal constitutes appropriate or inappropriate development.
- b) If the proposal constitutes inappropriate development then it should not be allowed unless the applicant has demonstrated that 'very special circumstances' exist which would justify approval.
- c) If the proposal is determined to constitute appropriate development then it should be approved unless it results in significant harm to acknowledged interests.

5.2.3 Local Plan Policies CP1 & CP3 require that development proposals at locations within the Green Belt must be considered against the NPPF and Local Plan Policy CP14. Local Plan Policy CP14 relates to landscape character and the AONB rather than to whether a proposal constitutes appropriate or inappropriate development.

5.2.4 Whether a proposal constitutes inappropriate development is set out in Paragraphs 145 & 146 of the NPPF. Paragraph 145 relates to new buildings whereas Paragraph 146 relates to other forms of development including the making of material changes of use of land.

5.2.4 With respect to the change of use of the land and buildings, paragraph 146 of the NPPF is relevant. This states that "Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are (amongst others):-

(e) material changes of use of land

5.2.5 With respect to the fork lift truck storage building, paragraph 145 of the NPPF is relevant. This states "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include, (amongst others): -

- (c) the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.

5.2.5 The application is in two parts;

- 1) the change of use of the land to B1, and
- 2) the retention of the forklift truck store.

5.2.7 With regard to the first part of the proposal; this seeks consent for the change of use of the land and existing buildings to B1(a) light industrial. The existing buildings within the site as denoted on the submitted site plan include:

- Building A - The main warehouse / workshop,
- Building B – An L shaped building containing storage / showroom space on the ground floor and offices above,
- Building C - A former stable building now used in connection with the business for assembly of furniture,
- Building E – A set of 6 containers used for storage purposes in connection with the business which have been in situ since 2009.

5.2.8 The Architectural Antiques Ltd business was originally developed as a new rural enterprise but has since expanded and diversified into the existing buildings within the application site.

5.2.9 In this respect paragraph 146 (e) allows for material changes in the use of the land, providing they preserve the openness and do not conflict with the purposes of including land within it.

5.2.10 In this instance, the change of use of the buildings and the land would not result in an impact on the openness of the Green Belt as the buildings, hardstanding and ancillary uses of such already exist. As such the proposal would not result in any significant increase in built form (other than the forklift truck which is dealt with in paragraph 5.2.11) or would result in industrial/commercial paraphernalia over and above that could exist on the site under the existing consent.

5.2.11 With regard to the forklift truck store; this has been constructed immediately adjacent the side elevation of building E. Whilst building E comprises of shipping containers they have been in situ since 2009. Furthermore, the containers have water and electricity supplies, are bolted together and have concrete flooring, including linking them together all of which makes them a permanent building within the site. As such, the proposal should be considered under the relevant paragraph 145(d) of the NPPF.

5.2.12 In this respect, it is noted that the forklift truck store, has a length of 6m abutting an existing building of similar height of 2.6m, resulting in a combined building length of 21m. As such it does not form a disproportionate addition to the existing building. Furthermore, the proposed extension is not readily visible from outside the yard because of the landform on the Hayfield Hill frontage being much higher than the yard and at the rear being well screened by vegetation when viewed from the west and the screened by the existing buildings when viewed from the south.

5.2.13 Given the above, the proposal would not constitute inappropriate development falling with paragraphs 145(d) and 146 (e) of the NPPF and would preserve the openness of the Green Belt as already exists. As such it is concluded that the proposal is acceptable in Green Belt.

### 5.3 Design and the Impact on the Character and Form including the Cannock Chase AONB

5.3.1 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.

5.3.2 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.

5.3.3 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;

5.3.4 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.

5.3.5 Paragraph 172 gives great weight to AONB, in terms of conserving and enhancing the natural environment. Local Plan Policy CP14 relates to landscape character and the AONB. In this regard, the AONB Unit has been consulted on the proposals and raised no objection subject to conditions.

5.3.6 The scale and mass of the forklift truck store would not be incongruous in this location in respect of the AONB. The store is located immediately adjacent existing buildings on an area of hardstanding and adjacent a boundary hedgerow. The building itself comprises of a dark green plastic coated metal sheeting which helps the structure to blend into the adjacent landscape boundary

5.3.7 Policy LCP1 of the Cannock Chase AONB Management Plan (2019-2024) seeks new development to mitigate and enhance their setting. The existing buildings within the yard are located along the western part of the site; an area defined by an internal boundary on the site plan. The pasture field to the east of the yard forms an integral part of the farmland character of this part of the AONB, essential to the buffer between the current development and Hayfield Hill, Cannock Wood and Gentleshaw Common. In this respect the AONB Unit recommend a condition for native tree and hedgerow planting

along the eastern boundary of the yard to filter views and mitigate the development. The AONB Unit also consider planting along the north side of the access road to enhance the landscape mitigation and habitat connectivity across the site.

5.3.8 Given the light industrial (Use B1(c)) proposal and the existing business use employs staff, during the winter months, the proposal may result in the applicant wishing to provide some form of illumination to assist visitors and staff using the site especially during the dark winter months. Whilst the applicant has not requested any form of illumination it is noted that this could be provided by portable lights which would not in itself require permission. Although the distance from the SAC/ SSSI precludes any significant impact on their special interest, means of any external illumination could affect the rural character and general amenity of this relatively dark area of the countryside and AONB. As such it is considered reasonable to control all means of illumination of the site.

5.3.9 Therefore, having had regard to Policy CP3 and CP14 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal, subject to the attached conditions would be acceptable in respect to its impact on the landscape character and form of the AONB area.

#### 5.4 Impact on Residential Amenity

5.4.1 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".

5.4.2 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.

5.4.3 The Town & Country Planning Use Class Order defines B1(c) as being for any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area). However there have been objections received from the neighbouring residents in relation to loss of amenity on the grounds of noise pollution, vibrations, smell, pollution, fumes and dust pollution.

5.4.4 As such, Environmental Health Officers were consulted on the application and raised no objections, subject to conditions, to the proposal. However, Officers have recommended a hours restriction including vehicular movements to and from the site in order to protect amenity

5.4.5 As such, the proposal would comply with Policy CP3 of the Cannock Chase Local Plan and paragraph 127 of the NPPF.

#### 5.5 Impact on Highway Safety

5.5.1 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.

5.5.1 There are no alterations to the vehicle movements to, from and around the site since planning permission CH/17/250 was approved for the access road into the site.

5.5.2 The comments of the neighbours are noted in relation to the access gates remaining closed and lorries waiting on the highway for the gates to be opened by staff. This can lead to the lorry engines running for prolonged periods of time in this rural location. As such, it does not seem unreasonable to require the access gates to remain open whilst the business operates throughout the day to ensure the protection of neighbours' amenity and in the interest of highway safety.

5.5.3 It is therefore considered that the proposal, subject to conditions would not have an unacceptable impact on highway safety and accords with paragraph 109 of the NPPF.

#### 5.6 Drainage and Flood Risk

5.6.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps.

5.6.1 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'.

5.6.3 In this instance, the building already exists with the development converting the existing ground floor. As such, the proposal would not create additional flood risk over and above the current situation.

## 5.7 Ground Conditions and Contamination

5.7.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. The application seeks the change of use of the existing buildings and the retention of a small forklift truck store within an existing business curtilage. As such, the Coal Authority does not require consultation on the application.

## 5.8 Other Issues Raised by Objectors

5.8.1 Objectors considered that there should not be two separate proposals within one application. The applicant has submitted the proposal on one application. There is no reason for him to not do so however if any part of the application is considered unacceptable then the application could be refused in its entirety or a split decision could be made.

5.8.1 Objectors stated that there is no need for reclassification of the site in its entirety. Your Officers confirm that the red line of the site has been amended to incorporate the area of the buildings only and to exclude the adjoining paddock.

5.8.2 Objectors raised concerns regarding the reclassification of the site which could open up the opportunity for permitted development to residential or more industrial development which is not suitable in AONB in the future. Your Officers confirm that they cannot determine the application based on what the applicant may or may not do in the future. However, a condition has been recommended that removes the permitted development rights of the site. Notwithstanding this, the applicant could submit an application in the future for



alternate development however this would be assessed at that time and determined on its own merits.

## 5.9 Economic Development Issues

5.9.1 Paragraph 83 of the NPPF seeks to support a prosperous rural economy and states that planning decision should (amongst others):-

- a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings;

5.9.2 The business run at the application site has been carried for more than 10 years (in part) and has grown significantly in recent years. The application site was originally a dwelling with ancillary outbuildings e.g. a stables and garage which have since been converted for business use.

5.9.3 As such the proposal is supported in principle by the NPPF and this adds weight in favour of the proposal.

## 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 The proposal is not inappropriate development within the Green Belt, falling within paragraphs 145 and 146 of the NPPF. The reuse of the existing buildings would not result in an impact on the openness of the Green Belt over and above that which already exists.
- 6.2 The proposal, subject to conditions, would not be detrimental to the landscape character and form of the AONB and subject to conditions, further enhance the area with native planting. As such, the proposal is not contrary to Policy CP14 of the Local Plan or paragraph 172 of the NPPF.
- 6.3 It is concluded that the proposal, subject to the attached conditions, is acceptable in respect to its impacts on acknowledged interests and therefore is in accordance with the development plan and the NPPF.



**Application No:** CH/20/091  
**Location:** Hillary Crest, Rugeley, WS15 1NE  
**Proposal:** Residential development, 5 dwellings

ITEM NO. 5.56



# Site Plan

**John Heminsley**  
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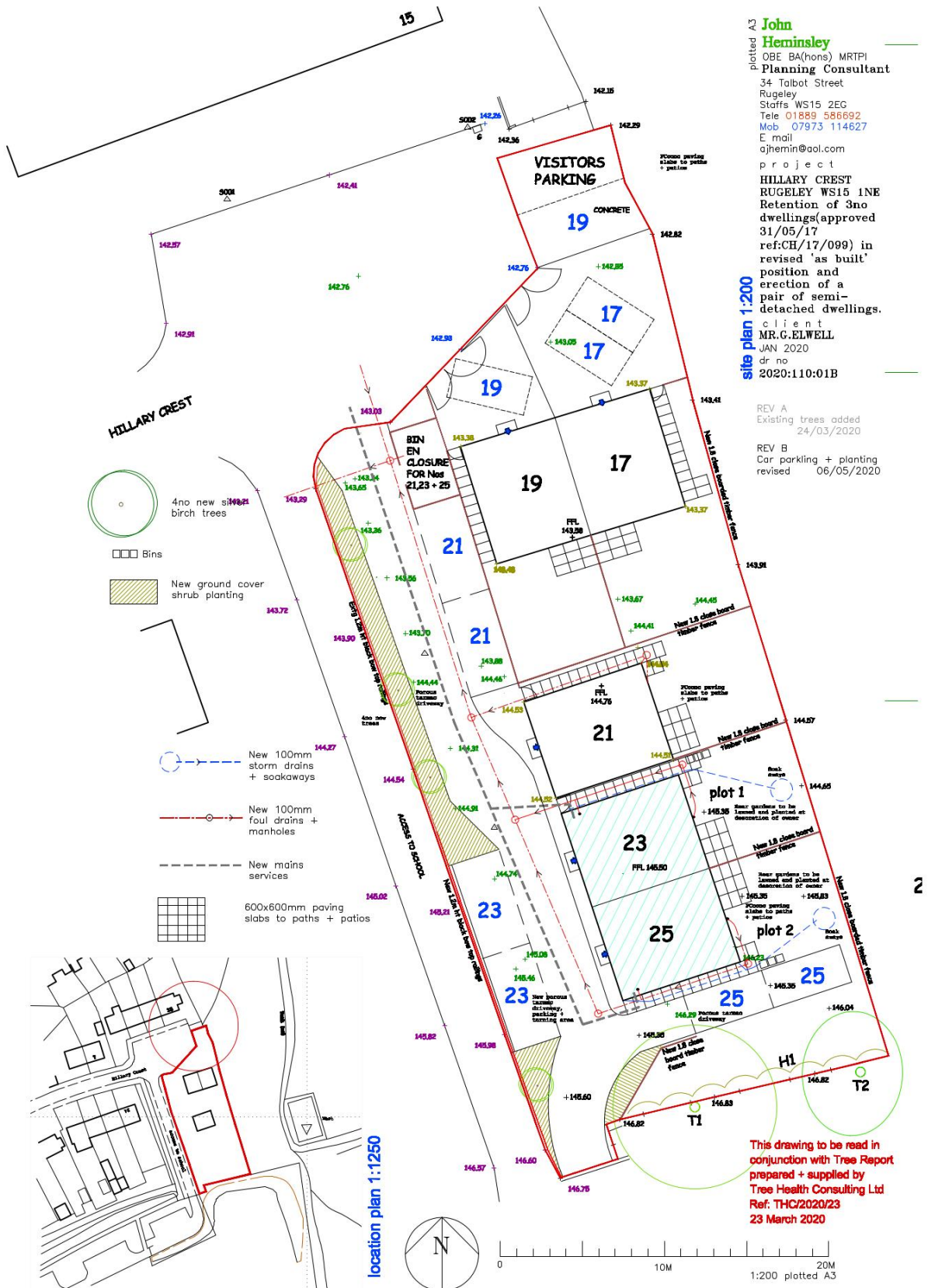
project  
**HILLARY CREST**  
 Retention of 3no dwellings (approved 31/05/17 ref:CH/17/099) in revised 'as built' position and erection of a pair of semi-detached dwellings.

client  
**MR.G.ELWELL**  
 JAN 2020  
 dr no 2020:110:01B

REV A  
 Existing trees added  
 24/03/2020

REV B  
 Car parking + planting revised  
 06/05/2020

site plan 1:200



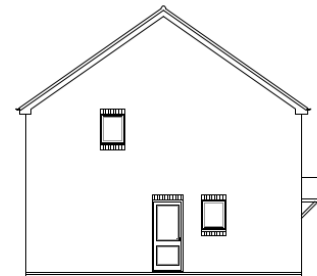
- 4no new 100mm birch trees
- Bins
- New ground cover shrub planting
- New 100mm storm drains + soakaways
- New 100mm foul drains + manholes
- New mains services
- 600x600mm paving slabs to paths + patios

This drawing to be read in conjunction with Tree Report prepared + supplied by Tree Health Consulting Ltd Ref: THC/2020/23 23 March 2020

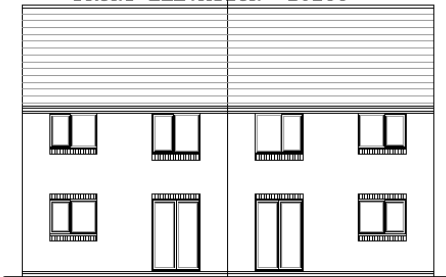
# Elevations



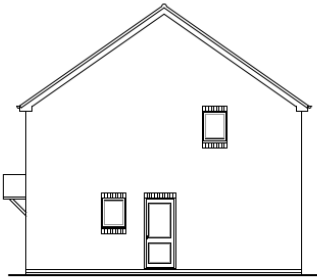
FRONT ELEVATION 1:100



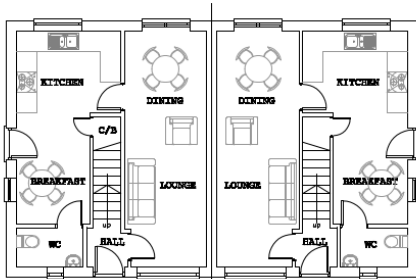
SIDE ELEVATION 1:100



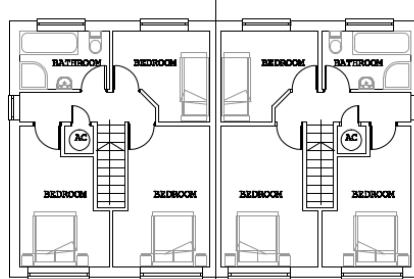
REAR ELEVATION 1:100



SIDE ELEVATION 1:100



GROUND FLOOR PLAN 1:100



FIRST FLOOR PLAN 1:100

FINISHES  
Roof tiling, rendered walls  
+ white upvc windows +  
doors all to match  
existing

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project

**PLOTS 1 + 2**  
floor plans + elevations 1:100  
HILLARY CREST  
RUGELEY WS15 1NE  
Retention of 3no  
dwellings(approved  
31/05/17  
ref:CB/17/099) in  
revised 'as built'  
position and  
erection of a  
pair of semi-  
detached dwellings.  
client  
MR.G.ELWELL  
JAN 2020  
dr no  
2020:110-02

<b>Contact Officer:</b>	Richard Sunter
<b>Telephone No:</b>	01543 464481

<b>Planning Committee 8<sup>th</sup> July 2020</b>	
<b>Application No:</b>	CH/20/091
<b>Received:</b>	31-Mar-2020
<b>Location:</b>	Hillary Crest, Rugeley, WS15 1NE
<b>Parish:</b>	Rugeley
<b>Description:</b>	Residential development, 5 dwellings
<b>Application Type:</b>	Full Planning Application

**RECOMMENDATION:**

Approval subject to conditions

**Reason(s) for Recommendation:**

Approve subject to conditions.

**Conditions (and Reasons for Conditions):**

1. The development at Plots 23 and 25 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

The development is part retrospective and o comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

2. The external materials of the dwellings at Plots 23 and 25 shall match those used in the construction of Plots 17, 19 and 21 as shown on Drawing 2020:110:01B Rev B.

Reason

In the interests of visual amenity and to ensure compliance with Local Plan Policy CP3 and the NPPF.

3. The development hereby permitted shall not be brought into use until the parking areas have been provided in accordance with the approved plans.

Reason

In the interest of highway safety and to comply with the principles set out in the National Planning Policy Framework.

4. The dwellings at Plots 23 and 25 shall not be occupied until the drainage scheme set out in Drawing number 2020:110:01B "Site Layout" has been implemented in full.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

5. No development shall commence at Plots 23 and 25 until a Phase 1 Contamination Report has been submitted to and approved in writing by the Local Planning Authority shall be prepared and submitted for approval. The Phase 1 Contamination Report shall document the previous history of the site and surroundings, identifying the potential sources of contamination and the impacts on land and/ or controlled waters relevant to the site and include a Conceptual Site Model which shall identify all plausible pollutant linkages.

Where the phase 1 report has identified potential contamination, no development shall take place until an intrusive site investigation has been carried out to establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, water and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS/MCERTS accredited methods. The details of this investigation (including all technical data) shall be submitted to the Council, as a phase 2 report, for approval prior to any site demolition, remediation or construction works.

In those cases where the phase 2 report has confirmed the presence of contamination, a Remediation Method Statement shall be submitted to this Department (for approval prior to works) detailing the exact manner in which mitigation works are to be carried out. The Statement shall also include details of validation testing that will be carried out once works have been

completed.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers neighbours and other offsite receptors in accordance with Paragraph 178 of the National Planning Policy Framework

6. If during remediation works, any contamination is identified that has not been considered within the Remediation Method Statement, then additional remediation proposals for this material shall be submitted in writing to the Local Planning Authority for written approval. Any approved proposals shall, thereafter, form part of the Remediation Method Statement.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers neighbours and other offsite receptors in accordance with Paragraph 178 of the National Planning Policy Framework

7. The development shall not be occupied until a validation/ phase 3 report has been submitted to and approved in writing by the Local Planning Authority. A Validation Report shall confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers neighbours and other offsite receptors in accordance with Paragraph 178 of the National Planning Policy Framework

8. No development shall commence until a Construction Method Statement has been submitted, in writing, to the Local Planning Authority for approval. The statement shall have regard to relevant guidance; including Guidance on Assessment and Monitoring of Dust from Demolition and Construction, the Institute of Air Quality Management 2014 & 2018), and BS5228 with regards to noise management. The submitted statement shall be adhered to throughout the construction period and shall provide for
- i. Hours of working
  - ii. The parking of vehicles for site operatives and visitors
  - iii. Routing and timing of delivery vehicles to and from the site
  - iv. Measures to control the emission of dust and dirt during



construction, including minimising the track-out of any material onto the public highway.

- v. Noise and vibration management procedures, including how complaints will be handled.

The approved scheme shall be adhered to throughout the site clearance , preparation and construction process

**Reason**

In order to comply with Paragraphs 109 and 127(f) of the National Planning Policy Framework.

- 10 The dwellings hereby approved shall not be occupied until a scheme for the provision of bird nesting boxes has been submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme have been implemented. The bird boxes shall thereafter be retained for the lifetime of the development.

**Reason**

In the interests of compensating for the loss of bird breeding habitat as a result of the development and ensuring a net biodiversity gain in accordance with Policy CP12 of the Local Plan and paragraphs 175 of the NPPF.

- 11 Before the first occupation of any dwelling at Plots 23 and 25 a scheme for the provision of electric charging points shall be submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme shall be implemented. Thereafter the works comprising the implemented scheme shall 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.

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

2020:110:01B Site Layout  
 2020:110:02 Elevations and Floor Plans  
 2020:110:03 Close Boarded Fence Detail

**Reason**

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

- 13 Prior to the commencement of any construction or site preparation works including any actions likely to interfere with the biological function of the retained trees and hedges, approved protective fencing shall be erected in the positions shown on the approved Tree & Hedge Protection layout drawing

in Appendix 3 of the Report on Trees on Land at Hillary Crest, Rugeley, WS15 1Ne, For C Elwell Transport (Repairs) Ltd, prepared by Tree Health Consulting Ltd , referenced THC/2020/03/23 and dated 23rd March 2020, . shall be erected to the approved layout).

Within the enclosed area known as the Tree Protection Zone, no work will be permitted without the written consent of the Local Planning Authority. No storage of material, equipment or vehicles will be permitted within this zone. Service routes will not be permitted to cross the Tree Protection Zones unless written consent of the Local Planning Authority is obtained. The Tree Protection Zone will be maintained intact and the vegetation within maintained until the cessation of all construction works or until the Local Planning Authority gives written consent for variation.

#### Reason

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

- 14 The approved landscape works shown on Dwg. No. 2020:110:01B "Site Layout" shall be carried out in the first planting and seeding season following the occupation of any of the buildings at Plots 23 and 25 or the completion of the development whichever is the sooner.

#### Reason

In the interest of visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the National Planning Policy Framework.

9. 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 National Planning Policy Framework.

#### Notes to Developer:

Informative for Decision Notice.

The dropped crossings to the site shall be constructed in accordance with the submitted drawing No. 2020:110:01A. Please note that prior to the accesses being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application Form for a dropped crossing. Please complete and send to the address indicated on the application Form which is Staffordshire County Council, Network Management Unit, Staffordshire Place 1, Tipping Street, Stafford. ST16 2DH. (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk))

<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

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.

Please note if you wish to respond to this email please send it to [Planning.apwest@severntrent.co.uk](mailto:Planning.apwest@severntrent.co.uk) where we will look to respond within 10 working days. Alternately you can call the office on 0345 266 7930

If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Rhiannon Thomas (Planning Liaison Technician).

## **Consultations and Publicity**

### **External Consultations**

#### County Highways

No objections subject to conditions.

#### Severn Trent Water Ltd

No objections.

#### Rugeley Town Council

The town council objected to this application and felt that this was over development of the Pear Tree estate with severe issues over cramped nature of development, added pressure on the already problematic sewerage system.

### **Internal Consultations**

#### Development Plans and Policy Unit

The site is a former garage court in the Rugeley urban area and it is not protected for a specific use on the Local Plan (Part 1) Policies Map. The application proposes 3 dwellings, as per previous approved planning application CH/17/099, but in a different configuration and two additional semi-detached dwellings.

The Cannock Chase Local Plan (Part 1) 2014 policy CP1 supports sustainable development.

Policy CP3 advocates appropriate design and cohesion with adjacent uses in new development, including the protection of amenity. The Design SPD provides additional guidance.

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 in 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, reference R151, is listed in the SHLAA (Strategic Housing Land Availability Assessment) as available for development within 0-5 years.

If it is a market housing residential development scheme the proposal may be CIL liable. If a net increase in dwellings is proposed the development may need 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 Infrastructure list.

#### CIL Officer

The proposal is CIL Liable.

#### Waste and Engineering Services

Cannock Chase Council does not routinely allow its refuse collection vehicles to travel on private roads / property in order to access waste containers.

The proposed drawing would suggest that waste containers could be placed at the side of the metalled highway on the day of collection by occupiers without difficulty.

This will require a bin collection point to be installed to the north of the site adjacent to the metalled road suitable for the positioning of a minimum of 6no. 240 Ltr. wheeled bins serving numbers 21, 23, 25 on bin collection day.

Bin collection points should also be designated for a minimum of two bins per property outside numbers 19 and 17 (as per the above).

Bin collection points should be constructed to a sufficient size and quality for the number of bins required and consideration given to their proper environmental screening.

Properties should be designed with bin storage points on the rear or sides of the property to maintain the street scene environment. If they are to be placed on the front of properties then adequate environmental screening should be considered.

### Strategic Housing

There is no requirement for an affordable housing contribution on developments of less than 10 units where the site size is less than 0.5 hectares.

### Environmental Health

No objection subject to conditions.

### **Response to Publicity**

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

### **Relevant Planning History**

CH/17/099/A	Discharge of conditions 2 (external materials), 3 (boundary treatment), 4 (site
CH/17/099	Residential development:- Erection of 3No. two storey dwellings Full - Approval with Conditions. 05/31/2017.
CH/14/0260	Non-material amendment to planning consent CH/12/0431 to substitute dining room Approved. 07/28/2014
CH/09/0180	Residential development of former garage court sites (outline with all matters reserved. Outline-Approval With Conditions - S106. 10/14/2009
CH/04/0383	Residential development. Outline – Refuse.12/22/2004
CH/88/811	Residential development. Outline – Refuse.12/14/1988

### **1 Site and Surroundings**

- 1.1 The application site comprises three dwellings and associated curtilages and an area of waste land that has been colonised by tall ruderal vegetation on the edge of the Pear Tree Estate.

- 1.2 To the south of the site is the Chase View Primary School, to the east open land designated as Green Space Network to the west the approach road top the school across which are dwellings and to the south a turning head across which are dwellings.
- 1.3 The site is unallocated but is subject to a Mineral SafeGuarding Area, Coal Authority Low Risk Boundary, Coal Authority High Risk Boundary, Env Agency Historic Landfill Boundary and a Site Investigation Boundary.

## **2 Proposal**

- 2.1 The Applicant is seeking consent for Residential development, 5 dwellings. Three of the dwellings were purportedly built out under planning permission CH/17/099. However, the dwellings were not built out in accordance with the approved plans, are therefore unlawful and hence part of this application seeks to regularise these 3 dwellings.
- 2.2 The proposal also includes the erection of an additional pair of semi-detached dwellings to the south of the approved development. The new pair of dwellings would be orientated west/east and be sited on the same building line as the existing detached dwelling.
- 2.3 The approved private drive would be extended to a new turning head giving access to 5 parking spaces, three on the extended drive frontage and two to the side of the southernmost dwelling. Total parking provision for the overall development would therefore be 10.
- 2.4 The applicant has stated: -

“The dwellings would have private rear garden areas mostly between 50 and 60 square metres with the southernmost property having a larger garden to the rear and side of 110 square metres.

Rear facing principal windows are sited in the rear elevation of the westernmost existing semi-detached house at a distance of around 9 metres from the gable wall of the existing detached house to the south. Daylight to the first floor bedroom meets the requirement for there to be no obstruction to light below a rising plane at 25 degrees above the horizontal. In relation to the ground floor windows, one is to a kitchen which also has another window facing the driveway and the second is to a through lounge/dining room which also receives unobstructed light via a window on the front elevation of the dwelling.

The proposed dwellings would match the existing development with cream textured rendered walls, brick on edge cills, brown concrete tiles and white Upvc windows and doors.

The black bow top railings on the boundary with the school access drive would be extended to the southern boundary of the site and the area between the railings and the access drive would be landscaped with the planting of 4 silver birch trees and ground cover shrubs. The rear gardens of the new dwellings would be enclosed with 1.8 metre concrete post and timber panel fencing.”

### **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
- CP2 :- Developer Contributions for Infrastructure
- CP3: - Chase Shaping – Design
- CP6: – Housing Land
- CP7: – Housing Choice
- CP12: – Biodiversity and Geodiversity
- CP13: - Cannock Chase Special Area of Conservation (SAC)
- CP14: - Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB)

3.4 Relevant policies within 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
143-146	Proposals affecting the Green Belt
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.

3.10 It is noted that Rugeley Neighbourhood Area has now been designated. However, as no policies have been formulated the fact that the area has been designated does not alter the overall conclusions arrived at in this report.

## 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
- xi) Affordable Housing

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 Norton Canes. 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 However, paragraph 177 of the NPPF makes it clear: -

"The presumption in favour of sustainable development does not apply where development requiring appropriate assessment (under habitat Regulations) because of its potential impact on a habitats site is being planned or determined".

4.2.3 Policy CP13 of the Local Plan recognises that any project involving net new dwellings will have an impact on the SAC and as such should be subject to an appropriate assessment under the Habitat Regulations. This being the case it can only be concluded that the presumption in favour of sustainable development does not apply to the current application and that the proposal should be considered having regard to the development plan and other material considerations.

4.2.4 In respect to the principle of the proposal it is noted that the application site is located in a predominantly residential area, within the main urban area of Rugeley with reasonable connections to local schools, medical services and the town centre by a range of transport options other than the private car. As such the site is located within a sustainable location and the proposed use is compatible with the surrounding land uses. In addition to the above points the principle of residential development was firmly established on the main part of this site under planning permission.

4.3.5 As such it is concluded that the proposal is acceptable in principle.

4.2.6 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 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 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
- (iii) Landscaping

4.3.7 The overall layout is similar to that on the previously approved application with a pair of semidetached houses looking north across the turning head of Hillary Crest and additional dwellings looking out across the access to the school. The proposal includes a mix of semi-detached and detached houses on an estate that is comprised of short terrace rows and semi-detached houses, both of which present a somewhat tight grain to the street scene with little spaces between the sides of buildings. As such in respect to density and overall layout the proposal reflects the character of the immediate streetscene and wider estate and in that respect maintains a strong sense of place.

4.3.8 In respect to the materials, scale and external appearance of the dwellings, these generally reflect those of the surrounding dwellings, the main difference being that the existing dwellings on the site (which the Council is being requested to regularise) have brand new finishes that is much brighter than the surrounding buildings which have experienced several decades of weathering.

4.3.9 Although there are no trees within the site there are two off site trees within influencing distance of the proposal area. As such the applicant has submitted Tree report which identifies the following: -

T1: An Ash growing adjacent to the boundary fence within the school grounds. It is a well-formed tree of reasonable potential. The tree overhangs the site by 3.5m.

T2 A Lime also in the school grounds and overhanging the site by 3m. As with

4.3.10 The Report goes onto state that tree T1 “is an early mature tree with good potential for high visual amenity and longevity” and that an “unmanaged Hawthorn hedge H1 runs the length of the southern boundary on the school side which has minimal overhang into the site and which can be managed by pruning back.

4.3.11 The Tree Report concludes

“It is proposed to construct a new dwelling within the site. No tree needs to be removed or pruned to achieve the proposal. T1 is 4m away from the proposed driveway. T2 is also well clear of the construction area. A protective fence can be placed as indicated on the Tree Location Plan to protect the trees while construction is ongoing.”

4.312 In addition to the above the submitted plans show trees to be retained, 4 new silver birch trees to be planted and the disposition of soft landscaped and hard landscaped area, which is deemed acceptable.

4.3.13 Both the protection of existing trees and the planting of the new trees can be adequately controlled by the use of conditions.

4.3.10 In conclusion it is considered that, subject to the attached conditions the proposal would be well-related to existing buildings and their surroundings and would successfully integrate with existing trees; hedges and landscape features of amenity value which would facilitate the reinforcement of local distinctiveness. As such the proposal would not be contrary to Policy CP3 of the Local Plan or 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". 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 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 are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets, changes in levels and the design of the individual house type.

4.4.5 In this case it is noted that the proposal generally meets the guidance for space about dwellings apart from the relationship between the rear elevation of plot 19 and the side elevation of the dwelling at plot 21 which measures 8.4m. This compares unfavourably with the 12m set out in guidance. As

such this part of the proposal could be deemed unacceptable unless there are other factors which weigh in favour of the proposal which would lead the decision taker to the conclusion that a high standard of residential amenity has been attained (members should note that the dwellings at Plots 17, 19 and 21 have been built and hence this part of the proposal is retrospective).

- 4.4.6 In this respect it should be noted that the houses are designed to have a through lounge-living room. In addition the Dwelling at Plot 19 occupies a corner location with a relatively open aspect to the side and front, with the dwellings to the front and across Hillary Crest being approximately 25m away (which compares favourably with 21.3m set out in the Design Guide). Similarly the dwellings to the side (west) are located approximately 20m from the side elevation of the dwelling at Plot 19 and are in such a position that means that the windows in the rear elevation of No19 would look out obliquely over open gardens of houses to the west.
- 4.4.7 All the above factors serve to negate, at least in part, some of the harm to the outlook and degree of overshadowing that occurs due to the substandard distance between the dwellings at Plot 19 and 21. These mitigating circumstances are such that it is concluded that, on balance, and in this case it is finely balanced, a high standard of residential amenity has been attained.
- 4.4.8 However, given the tight nature of the development it is considered essential that permitted development rights are removed for the development so that tight control can be exercised on any extension to the properties.
- 4.4.9 It is therefore concluded that, having had regard to all the above guidance and policy considerations, on balance, the proposals are acceptable in respect to the standard of residential amenity attained.

#### 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 application proposes two parking spaces for each of the 3 bedroom dwellings which is in line with the maximum standards outlined in the Council's Parking Standards Supplementary Planning Document. The proposal also includes one extra parking space for visitors.
- 4.5.3 The Highway Authority has confirmed that it has no objections to the proposal subject to conditions to ensure that: -

- (i) The development hereby permitted shall not be brought into use until the accesses to the site within the limits of the public highway have been completed; and
- (ii) The development hereby permitted shall not be brought into use until the parking areas have been provided in accordance with the approved plans.

4.5.4 Having visited the site Officers can confirm that the access have been completed within the highway and as such this condition is unnecessary and therefore fails to meet the statutory tests for the imposition of condition

4.5.5 The second condition relating to parking areas is considered necessary and reasonable and it is considered that subject to that condition the proposal would not have an unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe.

#### 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 170 and 174 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 170 of the NPPF states [amongst other things]: -

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

- 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); [and]
- 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 174 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.

#### Site Specific Impacts on Ecology

- 4.6.5 The application has already been partly developed. The remaining part of the site comprises tall herb communities commonly found on disturbed waste ground which have little or no conservation importance. As such there would be no direct impact on nature conservation interests as a result of the development of the site. Swift nesting boxes have been incorporated into the three dwellings that have already been constructed and it is recommended that a similar condition to require the incorporation of swift nest boxes is placed for the proposed 2 dwellings that have yet not been built out thereby ensuring biodiversity enhancement.

#### Impacts of Cannock Chase Special Area of Conservation

- 4.6.6 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. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL. As stated earlier in this report the proposal is CIL liable and that the applicant has not claimed for any of the exemptions from having to pay CIL.

#### 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 Notwithstanding the above the site is located in an elevated position and therefore has the potential to contribute to flood risk and to pose a danger to the aquatic and soil environment if surface and foul waters are not adequately disposed of.
- 4.7.3 In this respect it is noted that the application form states that surface water would be disposed of by soakaway and that foul water would be directed to the main sewer.

4.7.4 Severn Trent has stated that it has no objections to the proposal subject to the implementation of the submitted drainage scheme.

4.7.6 Subject to the above condition to ensure implementation of the submitted scheme it is considered that the proposal is acceptable in respect to drainage and flood risk.

#### 4.8 Mineral Safeguarding

4.8.1 The site falls within a Mineral Safeguarding Area (MSAs) for bedrock sand. 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 an area identified within the Local Plan as 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 does not constitute a major application.

4.8.4 As such it is concluded that the proposal is acceptable from a minerals safeguarding perspective.

#### 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).

4.9.3 The layout of the proposal allows for the storage of bins in each of the five properties and the inclusion of a bin collection point serving Plots 21, 23 and 25 which would be located adjacent to Plot 19.

4.9.4 As such the proposal makes adequate provision for waste and recycling facilities.

#### 4.10.2 Ground Conditions and Contamination

4.10.1 The site is located in a general area in which coal mining has been a significant factor and therefore there are potential issues in respect to land stability.

4.10.2 In this respect paragraph 170 of the NPPF states: -

“Planning policies and decisions should contribute to and enhance the natural and local environment by [amongst other things]:

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

4.10.3 In addition to the above paragraph 178 of the NPPF states: -

Planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

4.10.4 Finally paragraph 179 of the NPPF makes it clear that where 'a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'.

4.10.5 The Environmental Health Officer having assessed the site, its previous use as a garage court and the proposal has expressed concern regarding the presence of contamination and has requested conditions in respect to an investigation of the site for contamination together with securing any remediation that may be necessary to ensure that the site is fit for the proposed end use. However, given that the northern part of the site has already undergone investigation and has been subsequently built out the conditions requested by the Environmental Health Officer would need amendment to reflect this.

4.10.6 Therefore subject to the conditions attached to this report it is considered that the proposal would be acceptable in respect 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, given the order of the Court of Appeal, dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014, and the subsequent revision of the PPG it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

## 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 The Applicant is seeking consent for residential development for 5 dwellings. Three of the dwellings were purportedly built out under planning permission CH/17/099. However, the dwellings were not built out in accordance with the approved plans, are therefore unlawful and hence part of this application seeks to regularise these 3 dwellings.
- 6.2 The proposal also includes the erection of an additional pair of semi-detached dwellings to the south of the approved development. The new pair of dwellings would be orientated west/ east and be sited on the same building line as the existing detached dwelling.
- 6.3 The application site is located within a sustainable area within the main built up area of Rugeley and in part benefits from a previous consent for three dwellings and as such the proposal is acceptable in principle.

- 6.4 Having regard to all relevant local and national policy and guidance it is considered that the proposal is acceptable in respect to its impact on highway safety and capacity, that a high standard of amenity would be attained and that the proposal would be well related to existing buildings.
- 6.5 In addition the proposal subject to CIL and attached conditions would not have a significant impact on nature conservation interests and would result in an enhancement of biodiversity.
- 6.6 In respect to all other acknowledged interests it is considered that the proposal is acceptable.
- 6.7 Therefore subject to the attached conditions it is recommended that the application be approved.

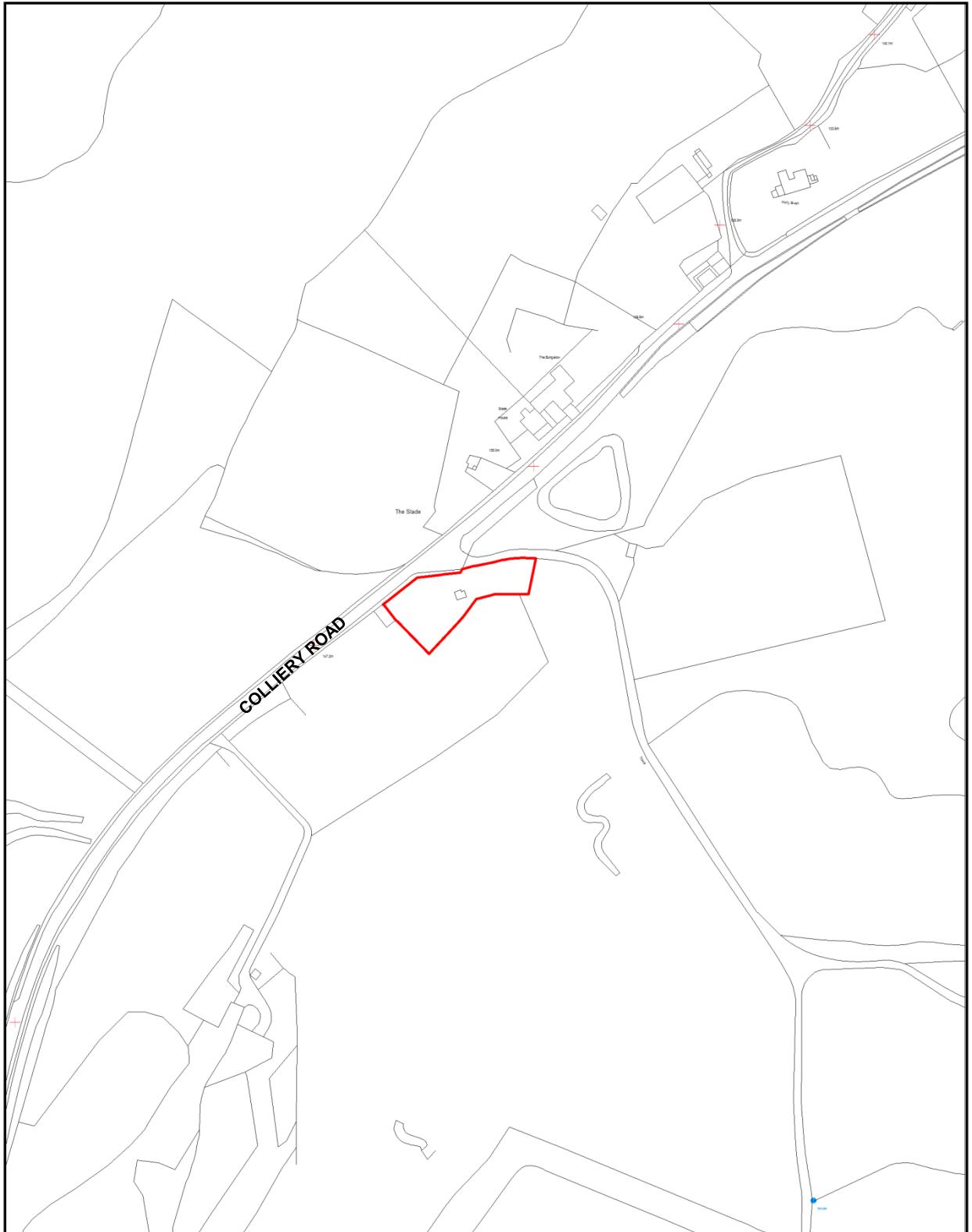


**Application No:** CH/20/029

**Location:** Land Off Colliery Road, Brereton, Rugeley

**Proposal:** Erection of a stable building and hardstanding

ITEM NO. 5.84

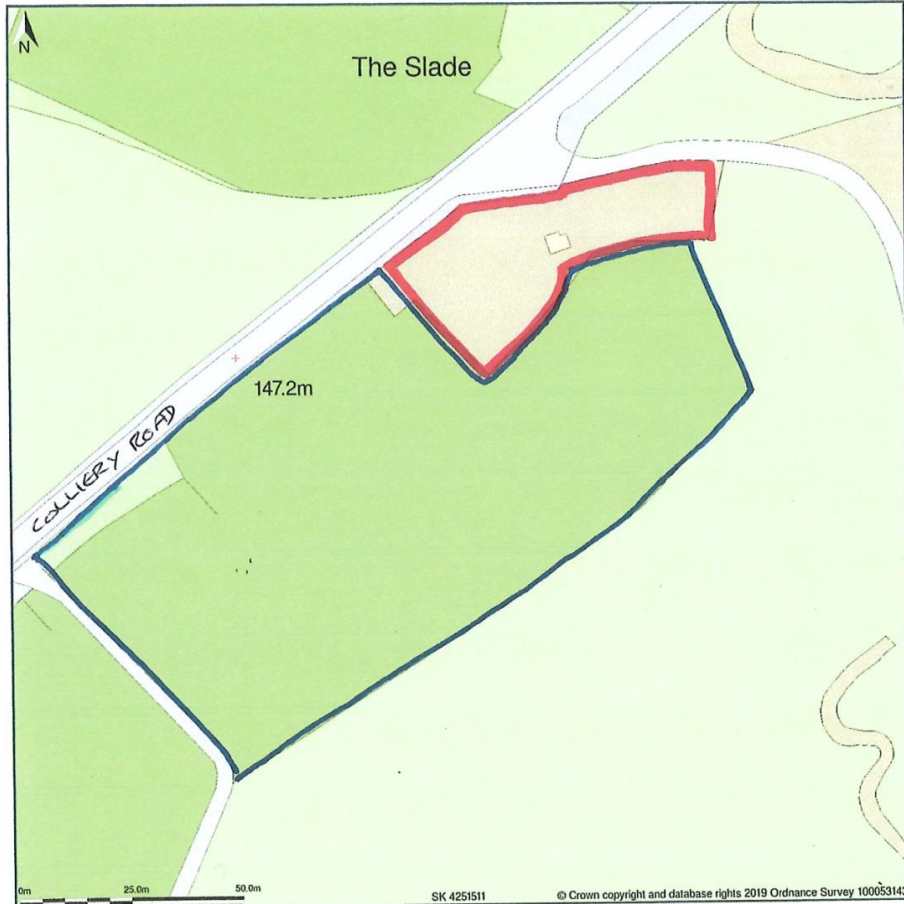


# Location Plan



CH/20/029

Land off Colliery Road, Brereton, Rugeley, Staffordshire, WS15 1QR



Site Plan shows area bounded by: 404150.78, 315010.94 404350.78, 315210.94 (at a scale of 1:1250), OSGridRef: SK 4251511. 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.

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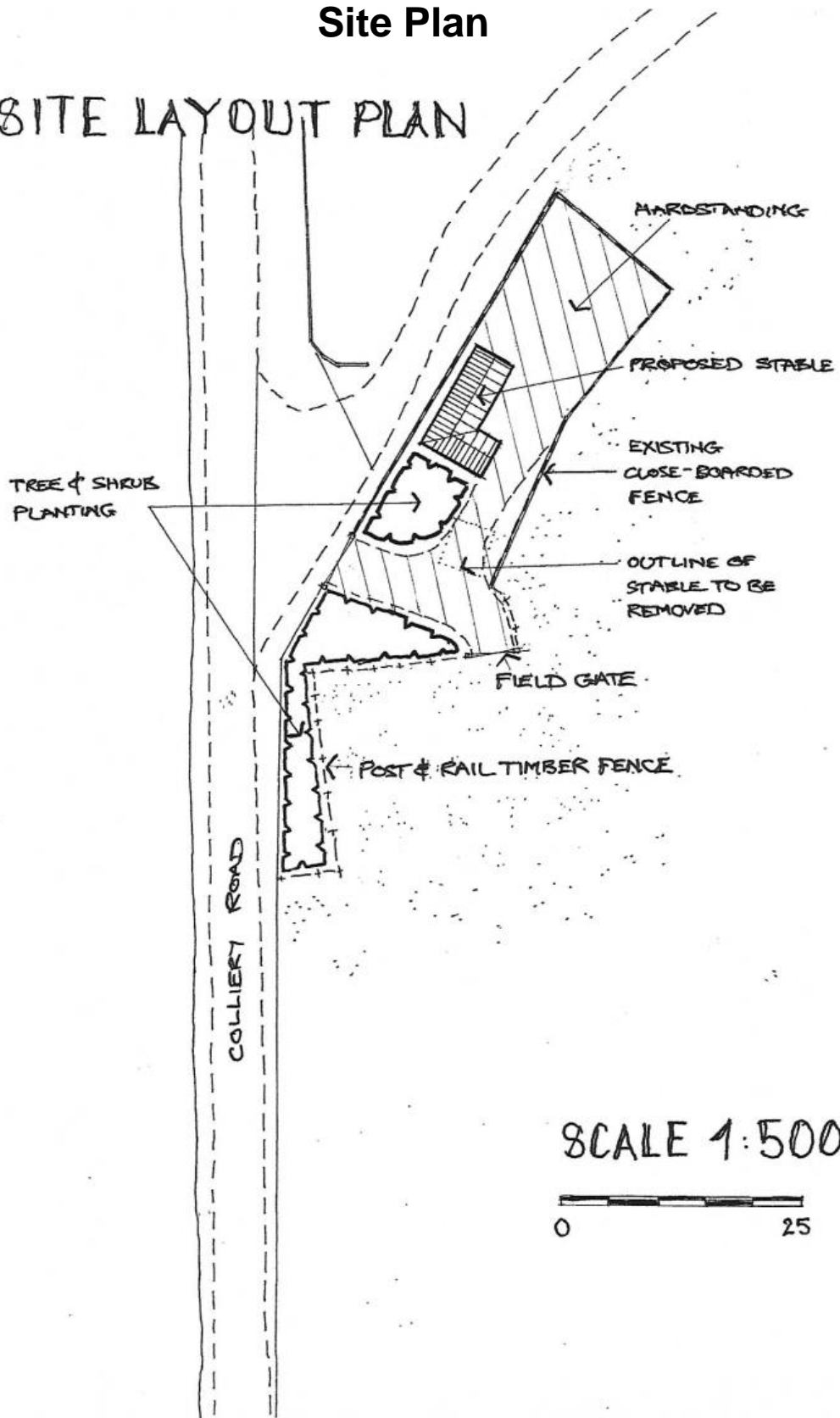
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CANNOCK CHASE COUNCIL  
PLANNING SERVICES  
5 DEC  
REF NO



# Site Plan

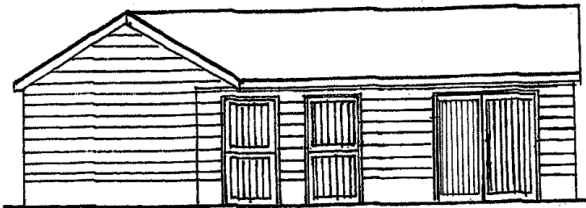
## SITE LAYOUT PLAN



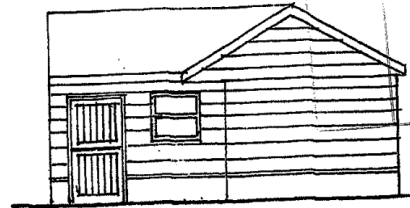
# Proposed Elevations

STABLE BUILDING SCALE 1:100

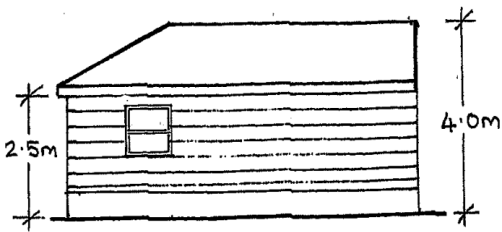
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PLANNING SERVICES  
5 DEC



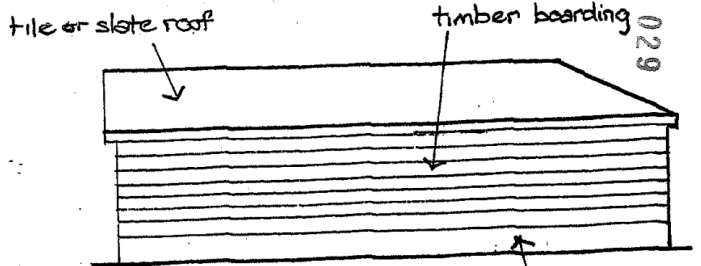
FRONT ELEVATION



END ELEVATION



END ELEVATION



REAR ELEVATION

JH/20/029

<b>Contact Officer:</b>	Claire Faulkner
<b>Telephone No:</b>	01543 464337

<b>PLANNING CONTROL COMMITTEE</b> 8 <sup>th</sup> July 2020	
<b>Application No:</b>	CH/20/029
<b>Received:</b>	23-Jan-2020
<b>Location:</b>	Land Off Colliery Road, Brereton, Rugeley
<b>Parish:</b>	Brereton and Ravenhill
<b>Description:</b>	Erection of a stable building and hardstanding
<b>Application Type:</b>	Full Planning Application

**RECOMMENDATION:**

Approve Subject to Conditions

**Reason(s) for Recommendation:**

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

**Update**

At the meeting held on 27<sup>th</sup> May Planning Control Committee resolved: -

“That the application be deferred so the Committee could undertake a site visit in order to assess the impact on the Green Belt as Members considered they were not able to determine the application based on the information that had been presented to them.”

Officers have taken legal advice in respect to whether it would be possible to arrange a site visit given the current Covid 19 Pandemic and the regulations in place.

The advice from the Head of Law and Administration is that current legal restrictions would prevent a whole committee of members attending a site together and that until restrictions on movement/ gatherings are eased, it is difficult to see how one could arrange a physical site visit. In the meantime, determination periods still stand and there may be a risk of appeal for non-determination.

As such the advice of officers is that committee site visits will not be available until further notice. Members of Planning Committee are therefore asked to confirm what aspect of the development they thought a site visit would be helpful for. If the reason is that the current photos presented to committee do not show a particular aspect they will need to explain to officers what is required so that officers have the opportunity to obtain further photographs.

If members are of the opinion that none of the measures above would not assist them in the determination of the application then they are advised the consequences of non determination of the application. Should Planning Committee defer the application they open up the probability that the applicant would exercise his right to appeal against non-determination of the application. If such a situation was to occur then the Planning Committee would not be in a position to robustly defend the appeal as it would have already taken a position that it could not come to a decision without a site visit. If Planning Committee chose to contest the appeal without a site visit it would therefore open itself to the possibility of being found to have acted unreasonably as it would have demonstrated that it was capable of making a determination on the application without a site visit.

It is therefore recommended that Planning Control Committee determine the application without further delay and on the basis of the information that is currently before them.

The Committee is also advised that subsequent to the meeting on the 27<sup>th</sup> May the applicant has removed the fencing slats from the fence and has indicated that he will also remove the top bar of the frame. The applicant has stated that he will replace the slats at a height of 1m and will incorporate some planting to the rear of the fence. The concrete posts used to create the fence have been in situ for over 8 years are pre-date the applicant. The concrete posts are to remain.

The top layer of hardstanding has also been removed. The applicant has indicated that he will level the area with top soil, in line with existing levels and seed it.

<b>Conditions (and Reasons for</b>
------------------------------------

**Conditions):**

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

## Reason

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

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

## Reason

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

3. No part of the development hereby approved shall be brought into use until a scheme detailing the new fencing and a tree and hedgerow planting scheme, has been submitted to and approved by the Local Planning Authority. The details shall be in the form as specified in Annex C of the Supplementary Planning Guidance 'Trees, Landscape and Development'.

The approved landscape and fencing works shall thereafter be carried out in the first planting and seeding season following the completion of the stable building. The landscaping and fencing scheme shall thereafter be retained for the lifetime of the development.

## Reason

In the interest of visual amenity of the area and in accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

4. No means of external illumination shall be brought into use lighting within the application site, until details of the proposed lighting, including the proposed location, type of cowl and lighting intensity, has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the agreed lighting scheme shall be implemented in accordance with the approved details.

## Reason

To ensure that the brightness of any lighting erected does not have an adverse impact on protected species, highway safety and the night time character of the area in line with Local Plan Policy CP3.

5. The development hereby permitted shall be carried out in accordance with the

following approved plans:

Site Layout Plan (as amended, received 3/4/2020)  
 Proposed Stable Elevations  
 Proposed Stable Floor Plan  
 Arboricultural Impact Assessment and Tree Protection Plan

Reason

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

6. Without the express consent of the Local Planning Authority, there shall be no human habitation on or over the application site. Specifically no caravans, tents or temporary accommodation shall be positioned on or over the site at any time and no storage other than that ancillary to the use of the stables hereby permitted shall be carried out on the land.

Reason

In the interests of protecting the character and appearance of the Cannock Chase Area of Outstanding Natural Beauty in accordance with Policies CP3 and CP14 of the Cannock Chase Local Plan (Part 1) and paragraph 172 of the National Planning Policy Framework.

**Notes to Developer:**

None

**Consultations and Publicity**

EXTERNAL CONSULTATION

Brereton & Ravenhill Parish Council

Objection

The development is grossly excessive in an area of Green Belt and within the Area of Outstanding Natural Beauty.

The amount of land shown for the development is ambiguous as it could represent most of the site. The inference given from the documentation is that the land shown could support a caravan or mobile home.

This proposal is an attempt to create residential accommodation contrary to Green Belt Policy and harmful to the AONB. It would become an intensively developed area.

The Parish Councils conclusion is reinforced by the nature of the fencing erected on site which is harmful to the AONB.

The following comments were submitted following the consultation of the amended plans:-

The Parish Council wish to confirm its original objection to this planning application and add the following:-

1. We share the concerns of Cannock Chase AONB partnership.
2. The area of hardstanding shown is much greater than needed for stables.
3. The proposal would be overdevelopment on land that is both Green Belt and Area of Outstanding Natural Beauty.
4. The likelihood is that this is a precursor to an application for a caravan or a mobile home to "look after" the horses.
5. The proposal will not preserve the openness of the Green Belt.
6. The proposal is not sensitive to the distinctive character of the landscape in its vicinity.

#### AONB Unit

No objection.

The amended application is for a moderate sized single storey stable faced in timber, and area of hardstanding (gravel) for access. The proposed all-weather exercise arena has been deleted from the application, and area of hardstanding slightly reduced. The amended plan also indicates removal of close boarded fence along the road frontage to the south of the access gate with tree and shrub planting behind.

I also refer to your email dated 15<sup>th</sup> April indicating that the applicant has confirmed that they will remove the fencing and replace it with a low fence, possibly post and rail (verbal suggestion from the applicant) with hedgerow planting for additional security.

The amendments are welcomed and the AONB Partnership removes its objection.

#### INTERNAL COMMENTS

##### Parks & Open Spaces

No response to date

##### Environmental Health

The site is immediately adjacent to a former infill site, which may have the potential to generate landfill gas. I would assume that the stable building will be well ventilated thereby potentially precluding the necessity for dedicated ground gas protection measures. However, I would ask that the level of ventilation is confirmed by the applicant in order that I may be satisfied that this is the case.

The applicant has stated that it is not known whether lighting will be required. Should external lighting form part of the proposal, details should be supplied and approved prior to approval.

#### Planning Policy -

The National Planning Policy Framework (NPPF Paragraph 11) states that development proposals that accord with an up-to-date development plan should be approved without delay. Where there are no relevant plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted, unless policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provides a clear reason for refusal, or 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.

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

The site lies within the Green Belt, outside of the urban areas and defined village settlement boundaries as per Local Plan (Part 1) Policy CP1. The proposed development area lies within the AONB boundary and the proposed stable and hardstanding would be sited adjacent to existing tree and shrub planting and would be set back from the Colliery Road by way of the existing access.

Local Plan (Part 1) Policy CP1 identifies that development proposals at locations within the Green Belt will be assessed against the NPPF and Policy CP14.

The NPPF (Para 145) identifies exceptions to the construction of new buildings as inappropriate in the Green Belt. These exceptions include provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoor recreation as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The NPPF (Para 172) also states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues.



Policy CP14 of the Local Plan sets out that landscape character will be considered in all development proposals in order to protect and conserve locally distinctive qualities, rural openness and sense of place. Proposals in the AONB which are compatible with its management objectives will be supported; inclusive of good management of horse pasture including field boundary treatments and 'gapping up' of hedgerows to maintain habitats. It is also considered that development proposals, including those for appropriate development within the Green Belt, and land management practices within the AONB, must be sensitive to the distinctive landscape character and ensure they do not have an adverse impact upon their setting through design, layout or intensity.

Local Plan Policy CP3 requires high standards of design of buildings and spaces that successfully integrate with the extant environment and demonstrates appropriate designs that preserve and enhance the landscape, scenic beauty and character of the AONB and the Green Belt.

The Council's Design SPD 2016 provides design guidance relating to equestrian development; whilst most small scale equestrian related development can usually be assimilated into its surroundings with careful siting and management, some aspects can have a significant visual impact. A key issue is larger stable buildings with potential for future conversion to other uses and 'Maneges' (surfaced riding areas) becoming more common with potential impacts upon sensitive landscape areas. Freestanding stables need to be sensitively located in order to minimise their effect on their surroundings and where possible they should be sited so that they closely relate to existing natural screening. Additional screening may be required in appropriate circumstances. Within the AONB conservation of the natural beauty is the primary objective, having full regard to the economic and social wellbeing of the area, so the effects of a proposal on the landscape and environment will be a major factor to be taken into account.

Stables need to be of a size that is comfortable for their purpose but not large enough to enable easy conversion to other uses. In general each loose box within a stable block will need to be approximately 10-15sqm in floor area. The height need not exceed 2.3m to the eaves, but all stables should have a pitched roof in the interest of visual amenity.

Materials used in the construction of stables should reflect the nature and purpose of the building and be sensitive to the countryside location.

Erection of fencing to enclose a paddock and removal of an existing hedgerow can have a detrimental effect on landscape quality which is of particular importance in the AONB. Extensive areas of hardstanding should be avoided and permeable surfaces used instead.

Applications for stable buildings should include details of drainage and the storage/disposal of bedding/manure.

Consideration should be given in full to the Design SPD guidance provided on Equestrian Development.

### RESPONSE TO PUBLICITY

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

#### 1.0 RELEVANT PLANNING HISTORY

CH/18/354 Retention of hard surface area and proposed stable block. Refused for the following reasons:-

- (i) The site is located within the West Midlands Green Belt, wherein there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'. Paragraph 144 of the NPPF states that local planning authorities should ensure substantial weight is given to any harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.

The proposed stable and associated area of hardstanding would entail the introduction of built form in the countryside, the effect of which would be exacerbated by the positioning of the stable block in an area of open land, the materials used and the extent of the area of associated hardstanding which would fail to preserve the openness of the Green Belt; and conflict with the purposes of including land within the Green Belt. The proposal would therefore constitute inappropriate development in the Green Belt.

Furthermore, the harm by reason of inappropriateness and the harm to the character of the Cannock Chase Area of Outstanding Natural Beauty would not be clearly outweighed by the benefits of fire and crime prevention put forward by the applicant such that very special circumstances would exist to support approval of the proposal.

- (ii) The proposed stable and associated area of hardstanding, the proposed materials, and the lack of appropriate screening would detract from the rural, semi-natural character of this part of the Cannock Chase Area of Outstanding Natural Beauty contrary to Policies CP3 and CP14 of the Local Plan and section 172 of the NPPF.

The applicant subsequently appealed the decision but the case was dismissed on 20<sup>th</sup> September 2019.

CH/98/0352 Change of use of the land to the keeping of horses and the retention of the field shelter. Approved.

## Site and Surroundings

- 2.1 The application site comprises part of a 1.82 hectare site situated on Colliery Road which is used for the grazing of horses and which also partly forms a gateway into the attractive woodland, health and small fields landscape of the AONB to the south – west of the built up area of Rugeley.
- 2.2 There are some dwellings along Colliery Road with several pieces of land used for horse grazing and stabling. The landscape is undulating but remains predominately open.
- 2.3 The site is situated within the West Midlands Green Belt and Area of Outstanding Natural Beauty (AONB). According to the Review of the AONB Landscape Character Framework for Cannock Chase AONB (2017) the site lies at the transition between Settled Heathland (north of Colliery Road), Sandstone Hills and Heaths, to the east of the site and Forest heathlands. The main character of the valley is Settled Heathland characterised by pastoral farmland and paddocks; small to medium sized hedged fields; dispersed roadside dwellings. The valley and valley sides rise into the unenclosed landscapes occupied by heathland and woodland.
- 2.4 There are a number of mature and semi-mature trees around the boundary of the wider site which are covered with a TPO (29/2003).

## 3.0 Proposal

- 3.1. The application seeks consent for the erection of a stable block and associated hardstanding.
- 3.2 The proposed stable block would be constructed of timber clad walls on a brick plinth and, corrugated metal sheets on the roof. The building would accommodate 2 separate horse boxes together with a tack / feed store.
- 3.3 The proposed stable building would comprise an area of 53.8m<sup>2</sup> and would be constructed with a hipped roof to a height of 4m (2.5m to the eaves).
- 3.4 For clarity it should be noted that the original application included the 'construction of a horse exercise arena'. This element has been removed from the application.
- 3.5 The applicant has stated that the existing hardstanding would be removed and reincorporated back into the grassed field and that the existing closeboarded fence that runs along the boundary of the site would be replaced with a low post and rail fence with a hedgerow planted for additional security

## Supporting Information

- 4.1 The applicant has stated that stabling and keeping of horses is an appropriate use of land within the countryside, including within the Green belt. The keeping of horses for recreational use is not inappropriate in the Green Belt and this includes the provision of small scale buildings and developments which facilitate such a use.
- 4.2 The British Horse Society consider that stables are essential for the keeping of horses in this country; to provide shelter during periods of inclement weather, when horses are ill or when they are being treated by a vet. They also provide opportunity for the paddocks to be rested.
- 4.3 The applicant has also stated that the close board fencing around the site would be removed and replaced with a low level post and rail fence and hedgerow planting. The applicants states that some of the fencing to the east of the site is not on his land and has been erected by a third party.

#### **4 Planning Policy**

- 5.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 5.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014). Relevant policies within the Local Plan include
- 5.3 Cannock Chase Local Plan (2014):
- |       |   |
|-------|---|
| CP1 - | Strategy – the Strategic Approach   |
| CP3 - | Chase Shaping – Design  |
| CP14- | Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB) |
- 5.4 National Planning Policy Framework
- 5.5 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.
- 5.6 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.
- 5.7 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
143 – 145	Proposals affecting the Green Belt
172	Conserving and Enhancing the Natural Environment
212, 213	Implementation

## 5.8 Other Relevant Documents

- Design Supplementary Planning Document, April 2016.
- Cannock Chase AONB Management Plan 2019-2024

## 6.0 Determining Issues

6.1 The determining issues for the application are;

- Principle of the development in the Green Belt;
- Impact on the character and form of the area and AONB
- Weighing Exercise to Determine Whether Very Special Circumstances Exist

### 6.2 Principle of the Development

6.2.1 The site is located within the West Midlands Green Belt, wherein there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'. Paragraph 144 of the NPPF states that local planning authorities should ensure substantial weight is given to any harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.

6.2.2 The stages in taking decisions on applications within the Green Belt are as follows.

- a) In the first instance a decision has to be taken as to whether the proposal constitutes appropriate or inappropriate development.
- b) If the proposal constitutes inappropriate development then it should not be allowed unless the applicant has demonstrated that 'very special circumstances' exist which would justify approval.
- c) If the proposal is determined to constitute appropriate development then it should be approved unless it results in significant harm to acknowledged interests.

- 6.2.3 Local Plan Policy CP1 & CP3 require that development proposals at locations within the Green Belt to be considered against the NPPF and Local Plan Policy CP14. Local Plan Policy CP14 relates to landscape character and the AONB rather than to whether a proposal constitutes appropriate or inappropriate development.
- 6.2.4 Whether a proposal constitutes inappropriate development is set out in Paragraphs 145 & 146 of the NPPF. Paragraph 145 relates to new buildings and Paragraph 146 to other forms of development including engineering operations. The lists contained within these paragraphs are closed and therefore are fixed.
- 6.2.5 Paragraph 145 of the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt' adding exceptions to this are' and goes onto include 'the provision of appropriate facilities for outdoor sport and recreation [etc] as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 6.2.6 Paragraph 146 of the NPPF considers engineering operations, such as the proposed hardstanding. The paragraph continues that such development would not be inappropriate providing it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
- 6.2.7 Having regard to the above it is noted that the provision of small stable blocks for personal use are normally accepted as an example of an appropriate facility for outdoor sport and recreation. The purpose of the proposal to accommodate two stables with an integral tack/ store room would fall within what is considered as a small stable.
- 6.2.8 Notwithstanding the above it is noted that in order for the stable and hardstanding to be not inappropriate in the Green Belt they must preserve the openness of the Green Belt and not conflict with the purposes of including land within it. Turning to the first issue it is well worth considering issues surrounding the concept of openness as it applies to the determination of planning applications.
- 6.2.9 Openness is the absence of built form and as such any new building would have the potential to impact on openness as all buildings have a volume and therefore a mass. Whether a building materially detracts from openness will therefore not only depend on its size and scale but equally on the openness of the locality and its relationship with other built or natural structures such as woodland hedges, field corners and against high hedges.
- 6.2.10 Guidance is provided for stable developments within the Design SPD. This seeks new development to be sensitively located in order to minimise their effect on their surroundings and where possible should be sited so that they

closely relate to existing natural screening. Isolated positions within open fields where they would be conspicuous would be unacceptable. The guidance continues that the stables should be of an appropriate size and materials used in the construction of the stables should reflect the nature and purpose of the building and be sensitive to the countryside location. The guidance further states that extensive areas of hardstanding should be avoided and permeable surfaces used instead.

6.2.11 In this instance, the proposed stable block would replace an existing stable block and separate building used in association with the stable. One of the existing buildings was damaged beyond repair by a fire.

6.2.12 It is noted that the proposed stable block building would have a footprint of 53.8m<sup>2</sup>, be constructed to a maximum height of 4m and would be constructed adjacent existing trees and proposed planting. Further, your Officers note that when considering the previous planning application (same size, scale and design of stable as the current application), the Planning Inspector stated that "the proposal would result in a relatively small single storey building". As such, it is considered that the design and scale of stable block accords with the requirements set out within the Design SPD.

6.2.13 The proposed stable building would be sited on existing hardstanding to the east of the entrance. This hardstanding is bound to the north, south and east by a 2m high close board fence and the stable located at its western end, would form an enclosed stable yard. It is proposed that this would create a stable yard that would facilitate the turning and loading / unloading of a motorised horse box. Officers acknowledge that some form of hardstanding already exists in this location. The applicant has stated that this hardstanding is required to allow a horse vehicle to turn and load / unload on land within the applicant's ownership. The general turning space for such vehicles is approx. 13m which would also allow sufficient space for the parking of vehicles. It is also noted that the hardstanding in this location already exists and has been in situ for over 4 years and is therefore not liable for enforcement action.

6.2.14 Taking the above into consideration along with the siting of the stables at the field edge against the background of trees that the proposal would preserve the openness of the Green Belt

6.2.15 The purposes of including land in the Green Belt are set out in Paragraph 134 of the NPPF and include: -

- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns;
- and

- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

It is considered that the proposal, by virtue of its isolated location, small scale and that it would include existing lawful hardstanding, would not conflict with the purposes of including land within the Green Belt

6.2.16 Given the above it is concluded that the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it; and as such would not constitute inappropriate development in the Green Belt.

6.2.17 The applicant has acknowledged that the additional hardstanding to the south-west of the entrance is unlawful and has stated this would be removed and reincorporated into the field.

6.2.18 The applicant has also stated that the existing close board fencing would be removed and replaced with more appropriate post and rail fencing with additional boundary hedging planted to provide any security. However, the removal of the additional unlawful hardstanding and close boarded fencing does not form part of the current application and therefore are not material to the determination of the application before members. Their removal therefore should be considered separately and be given no weight in the determination of the application.

### 6.3 Design and impact on the Character and Form of the Area and AONB

6.3.1 The site is located within the Cannock Chase Area of Outstanding Natural Beauty. Paragraph 172 of the NPPF sets out that great weight should be given to conserving the landscape and scenic beauty of an AONB. This is continued in Local Plan Policy CP14 which states:

“Development proposals including those for appropriate development within the Green Belt ... must be sensitive to the distinctive landscape character and ensure they do not have an adverse impact on their setting through design, layout or intensity.”

6.3.2 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.

6.3.3 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.

6.3.4 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;

6.3.5 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.

6.3.6 In respect to the impact on the trees within the site the applicant has commissioned an Arboricultural Report. This outlines that the quality of trees is categorised as follows: -A (high quality and value), B (moderate quality and value), C (low quality and value) and U which are considered as unsuitable for retention.

6.3.7 The report concludes that of the 6 trees and 1 group of trees surveyed T2 & T4 were of moderate quality (B1) and T1, T3, T5, T6 and G7 all being of low quality (C1/2). TG7 has been subject to fire damage and as such would be removed and replaced with a better species.

- 6.3.8 The findings of the arboricultural report are considered to be reasonable and proportionate to the condition of the trees within the site. It is also noted that there are no tree protection orders on the site and these trees could be removed at any time by the owner.
- 6.3.9 Given the above, it is noted that the application site is surrounded on four sides by open fields being separated from the fields to the north-west by the highway and is visible from the public right of way to the east. The rural openness of the application site and the immediate area is a key part of the character of the landscape of the AONB in this location. The AONB Unit was consulted on the application and welcomed the amendments made to the application and the additional planting suggested by the applicant. As such, the AONB Unit withdrew their original objection and fully support the application subject to conditions to ensure the removal of the existing closeboard fencing and the planting of additional hedgerows. However, as stated earlier as these elements do not relate to the application that is being proposed their removal cannot be secured by conditions attached to any permission granted. This would instead need to be secured by enforcement action if it is expedient to do so.
- 6.3.10 As such, subject to the above and the recommended conditions, the proposal would protect and enhance the AONB in accordance with the Policies CP3 and CP14 of the Local Plan, Section 172 of the NPPF and Policy LCP 8 of the AONB Management Plan 2019-2024.

#### 6.4 Objections raised not already covered above

##### 6.4.1 Potential for the siting of a caravan on the land

The Parish Council's have raised concerns regarding the future need for a dwelling / caravan on this site, using the security of the horses as justification. Your Officers confirm that the application in law must be determined on the basis of the submission. It is not a material consideration to 'suppose' that a person might do something other than is suggested in their application. Therefore to be clear, the use as travellers accommodation is not a component of the application submitted and would require separate permission of its own, if an unauthorised use was to occur. Further assessment and separate planning permission would then be required in terms of compliance with planning policy and other material considerations.

Notwithstanding the above regard must be had to the fact that the site is located within an AONB which is given the highest level of protection and it is therefore appropriate that the strictest controls are provided on any activities that would normally be incidental or ancillary to the main use, including means of temporary accommodation and or storage. As such a condition to this effect is recommended to be attached to any permission granted.

## Human Rights Act 1998 and Equalities Act 2010

7.1 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.

### 8.0 EQUALITIES ACT

8.1 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.

8.2 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

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

8.4 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 make a neutral contribution towards the aim of the Equalities Act.

## 9.0 Conclusion

9.1 The application proposes the erection of stable building and the construction of an associated access track. Whilst the site is within the designated Green Belt where new buildings are strictly controlled, the development is for an appropriate facility for outdoor sport and recreation purpose that falls within the permitted list of exceptions set out within NPPF Para 145(b). As such in principle the development is considered acceptable.

9.2 In design terms, the positioning of the building close to existing and proposed landscaping near to the site boundary accords with the guidance within the Design SPD. Subject to conditions for new landscaping and lighting amongst

others, the development is considered to constitute acceptable design in this setting.

- 9.3 Taking the above factors into account it is considered the development, is acceptable having had regard to the adopted development plan, relevant locally set standards and the NPPF.