

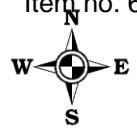


Application No: CH/19/268

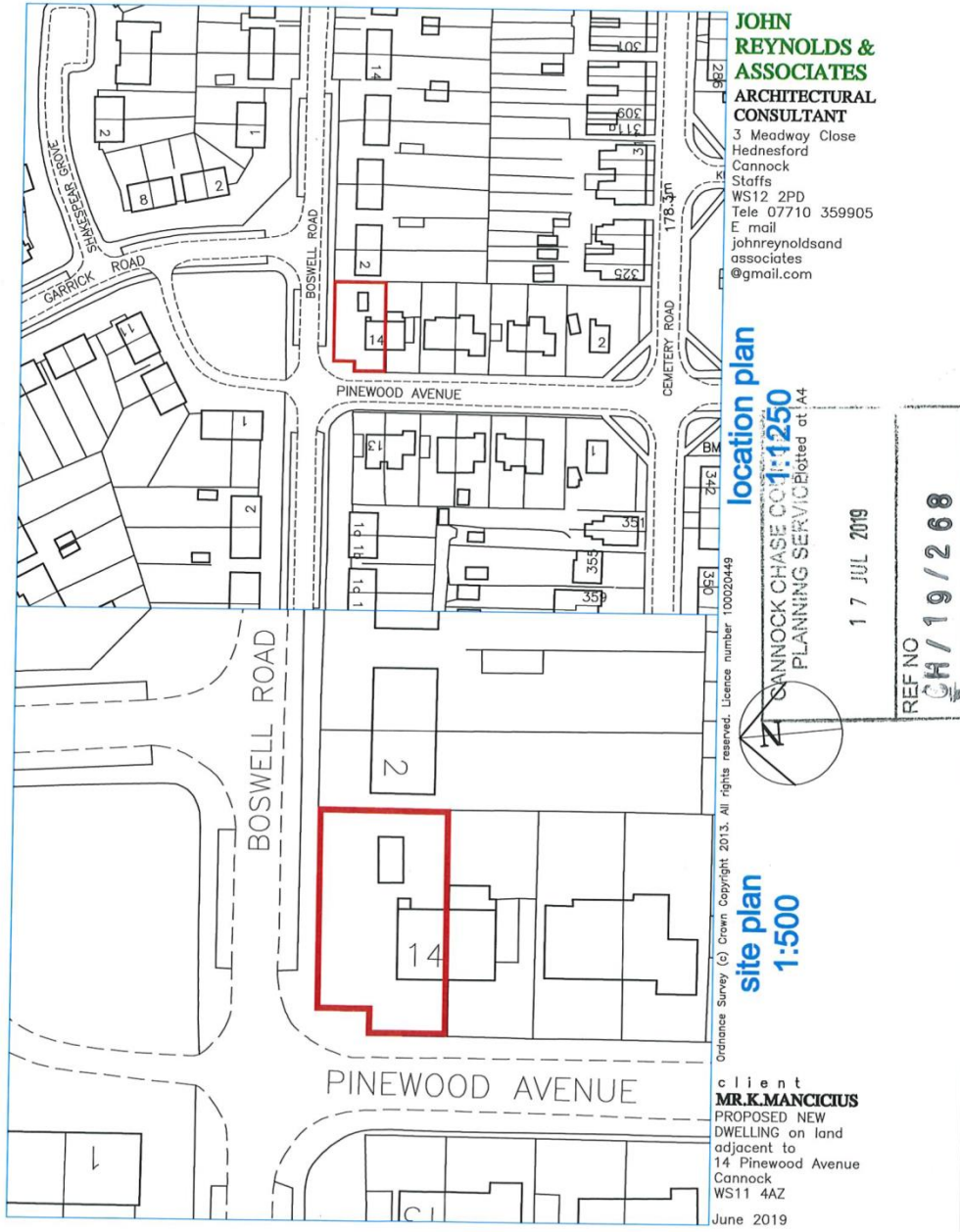
Location: 14 Pinewood Avenue, West Chadsmoor, Cannock, WS11 4AZ

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

Item no. 6.1



Location Plan and Site Plan



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location plan

CANNOCK CHASIE COY: 1250
 PLANNING SERVICE Blotted at: A4

17 JUL 2019

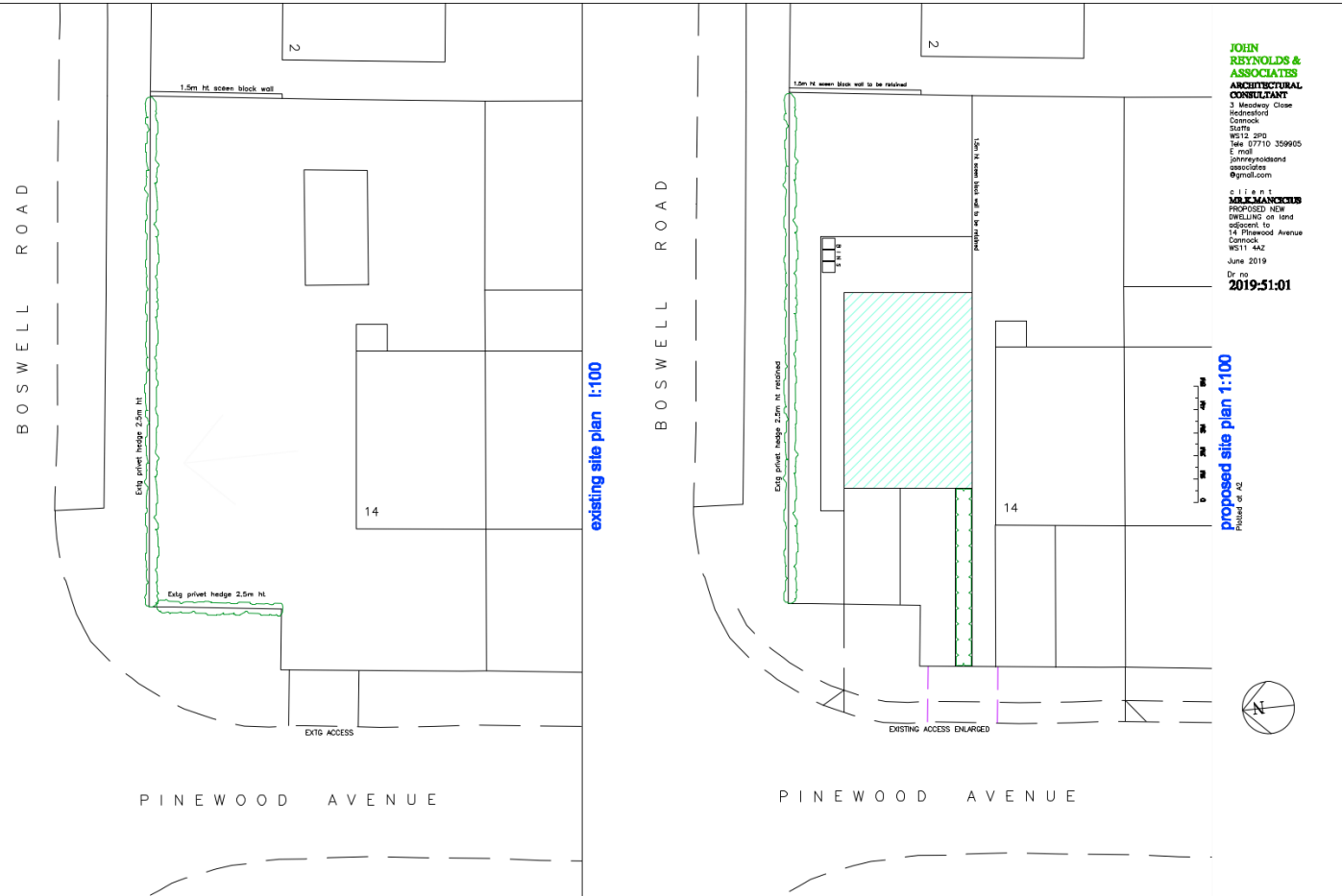
REF NO
 CH/19/268

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site plan
 1:500

client
MR.K.MANCICIUS
 PROPOSED NEW
 DWELLING on land
 adjacent to
 14 Pinewood Avenue
 Cannock
 WS11 4AZ
 June 2019

Site Plan



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CLIENT
MEL MANCIBUS
 PROPOSED NEW DWELLING on land adjacent to 14 Pinewood Avenue Comox BC V8L 4K2
 June 2019
 Dr no
2019-51-01



Contact Officer:	Claire Faulkner
Telephone No:	01543 464337

Application No:	CH/19/268
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PLANNING CONTROL COMMITTEE 9 th October 2019	
Received:	18-Jul-2019
Location:	14 Pinewood Avenue, West Chads Moor, Cannock, WS11 4AZ
Parish:	Non Parish Area
Description:	Outline application (some matters reserved) erection of one detached dwelling
Application Type:	Outline Planning

RECOMMENDATION:

Refuse for the following reason:-

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

Reason(s) for Recommendation:

In accordance with paragraph (38) of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development. However, in this instance the proposal fails to accord with the Local Plan and the National Planning Policy Framework.

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

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

No objection subject to conditions.

Internal ConsultationsStrategy Housing

No response to date.

Development Plans and Policy Unit

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

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

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

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

If it is a market housing residential development scheme the proposal may be CIL liable. Given that a net increase in dwellings is proposed the development also needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan Part 1 Policy CP13). Should the development be liable to pay CIL charges then this will satisfy the mitigation requirements, as per Local Plan Part 1 Policy CP13, the Developer Contributions SPD (2015) and the Council's Guidance to Mitigate Impacts upon Cannock Chase SAC (2017). However, should full exemption from CIL be sought then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Council's policy/guidance. Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and the Council's most up to CIL Regulation 123 list.

The Cannock Chase Local Plan (Part 1) 2014 was adopted more than five years ago; it is therefore the subject of a review. This review is at an early stage in the process with consultation on 'Issues and Options' being undertaken recently (May-July 2019). Therefore limited weight can be afforded to it. The starting point for the determination of planning applications remains the adopted development plan (Local Plan (Part 1)).

The site is listed as restricted site C202 in the SHLAA (Strategic Housing Land Availability Assessment) due to Character Issues on a constrained site, highlighted by a previous application refused in 2008. However, it is noted that the Planning Support Statement attempts to directly address this issue through a consideration of current policies and a redesign of the site layout.

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

Response to Publicity

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

Relevant Planning History

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

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

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

1 Site and Surroundings

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

2 Proposal

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

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

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).
- 3.3 Relevant Policies within the Local Plan Include:
- | | |
|---------|--------------------------|
| CP1:- | Strategy |
| CP3: – | Chase Shaping - Design |
| CP6: – | Housing Land |
| CP7: – | Housing Choice |
| CP16: - | Sustainable Resource Use |
- 3.4 The relevant policies within the Minerals Plan are:
- 3.2 Safeguarding.
- 3.5 National Planning Policy Framework
- 3.6 The NPPF (2019) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it

states that there should be 'presumption in favour of sustainable development' and sets out what this means for decision taking.

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

3.8 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
124, 127, 128, 130:	Achieving Well-Designed Places
212, 213	Implementation

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

4 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on nature conservation
- vi) Drainage and flood risk
- vii) Mineral safeguarding
- viii) Waste and recycling facilities
- ix) Ground conditions and contamination

4.2 Principle of the Development

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

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

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

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

- 4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -
- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and
 - (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.
- 4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

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

4.3.5 The application site is located within a residential area within Cannock. The application site benefits from a wider than average plot and includes a generous side garden. The character of the wider local is characterised by the openness of the corner plots. With the exception of ancillary domestic outbuildings, the side gardens of properties within this location have not been developed. The form and layout of buildings and gardens spaces in the area follow an established pattern, providing a well defined distinction between public and private space, providing a sense of openness and space. Any development of the land to the side of the existing dwelling would disrupt the continuity of the existing built form and would be at odds with the open and spacious character of the surrounding area.

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

4.4. Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 The proposed dwelling would be located 1m to the side of the existing dwelling (No.14). Whilst the proposed dwelling would be sited behind the existing dwelling and would project out to the rear it would not impede the daylight / Outlook Standard in relation to the windows in the front and rear elevation of the existing dwelling. However there are windows in the side elevation that face onto the application site. The first floor window provides light to a landing whilst the ground floor window gives light to the kitchen. Kitchens are considered to constitute habitable rooms in the Design SPD, although side facing windows are not given the same level of protection as those in front and rear elevations. The proposed dwelling would be constructed 1m from these existing windows and as a result would impose a poor standard of outlook and a loss of light from the window serving the kitchen in the existing dwelling.
- 4.4.4 The applicant's agent suggested that the applicant could block up these windows if required, however this revision has not been formally submitted and would result in a kitchen which would not be served by natural light. As such it is considered that such an action would also result in less than a high standard of amenity for the current and future occupiers of No 14 Pinewood Avenue and hence would be contrary to paragraph 127(f) of the NPPF.
- 4.4.5 With regard to existing dwelling to the rear (No. 2 Boswell Road), this dwelling sides onto the application site. Whilst there is a ground floor window in the side elevation of this dwelling this window is currently screened by the detached garage and fence. As such, the proposal to remove the detached garage and erect a detached dwelling approx. 10m from the side elevation of the adjacent dwelling would not result in a detrimental impact to the occupiers of No.2 Boswell Road.
- 4.4.6 In respect to the amenity of the future occupiers of the proposed dwelling it is noted that at the nearest point the rear elevation of the proposed dwelling would only be 10m from the side of elevation of No2 Boswell Road, which is 2.2m short of the recommended distance of 12.2m. However, the proposed dwelling would be sited such that it would not directly face onto the side

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

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

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

4.5 Impact on Highway Safety

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

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

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

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

4.6 Impact on Nature Conservation Interests

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

4.7 Drainage and Flood Risk

- 4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps. Whilst no details for drainage have been provided at this stage, it is noted that the site immediately abuts a main road and is on the edge of a predominantly built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area and is considered acceptable. Therefore, it is considered that options for draining the site are available and that this can be adequately controlled by condition.

4.8 Mineral Safeguarding

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

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

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

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

4.8.3 The application site is located within a Mineral Safeguarding Area. Notwithstanding this, the advice from Staffordshire County Council as the Mineral Planning Authority does not require consultation on the application as the site falls within the development boundary of an urban area and is not classified as a major application.

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

4.9.2 Ground Conditions and Contamination

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

4.10 Waste and Recycling Facilities

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

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

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to refuse accords with the policies of the adopted Local Plan and the applicant has the right of appeal against this decision.

Equalities Act 2010

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

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

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

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

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

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

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

6 Conclusion

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

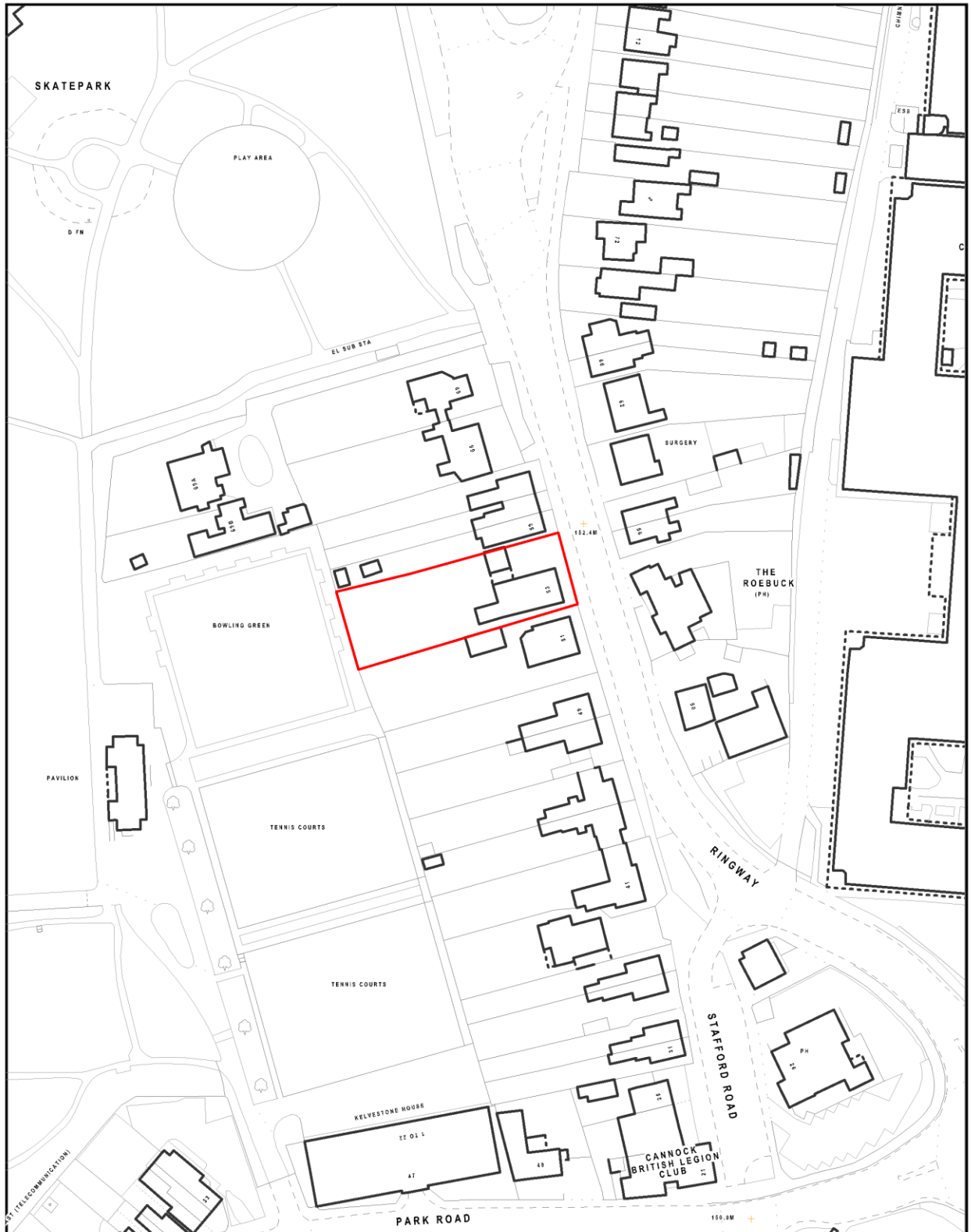


Application No: CH/19/143

Location: 53 Stafford Road, Cannock, WS11 4AF

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

Item no. 6.18

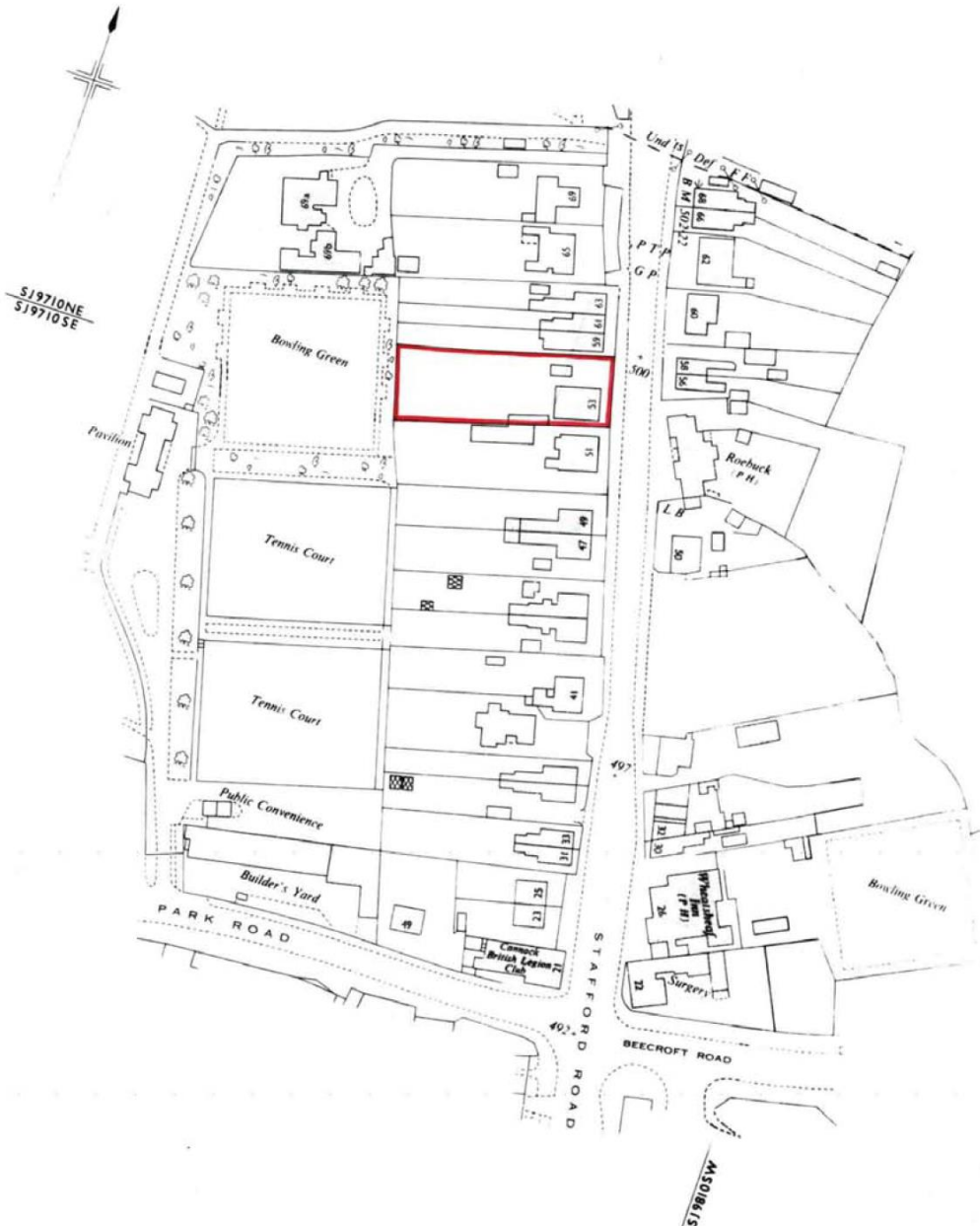


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Location Plan

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COUNTY	STAFFORDSHIRE	DISTRICT	CANNOCK CHASE
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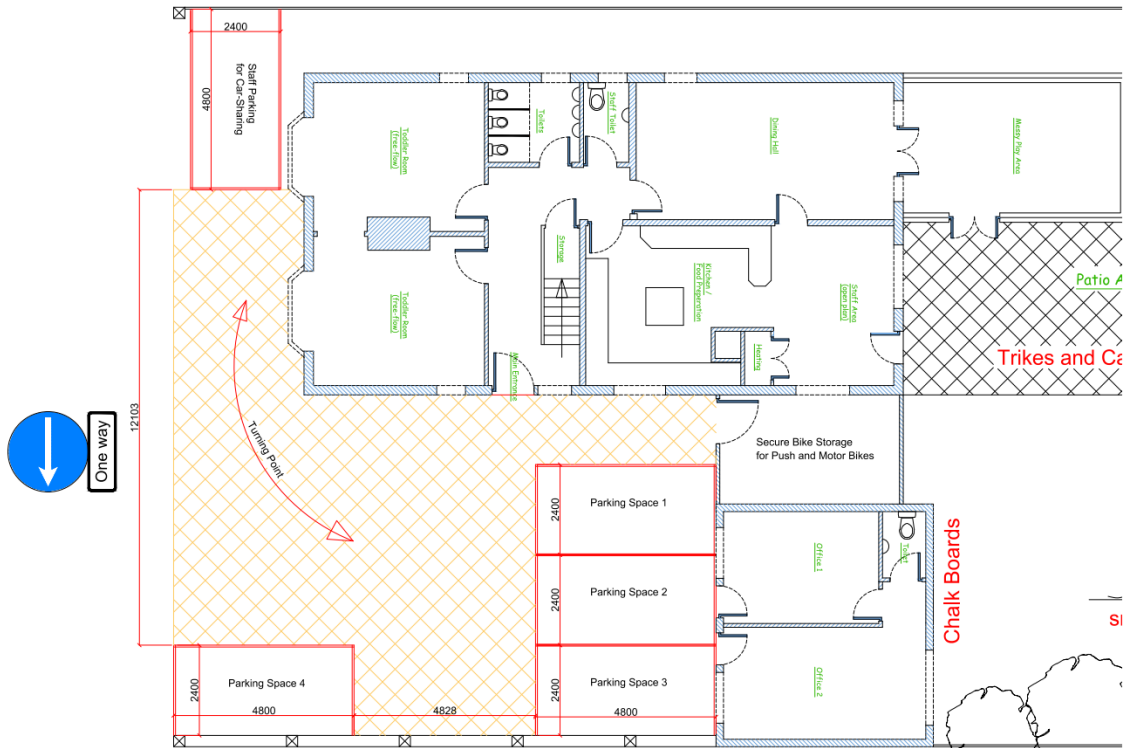


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Site Plan

Item no. 6.20

Proposed Layout



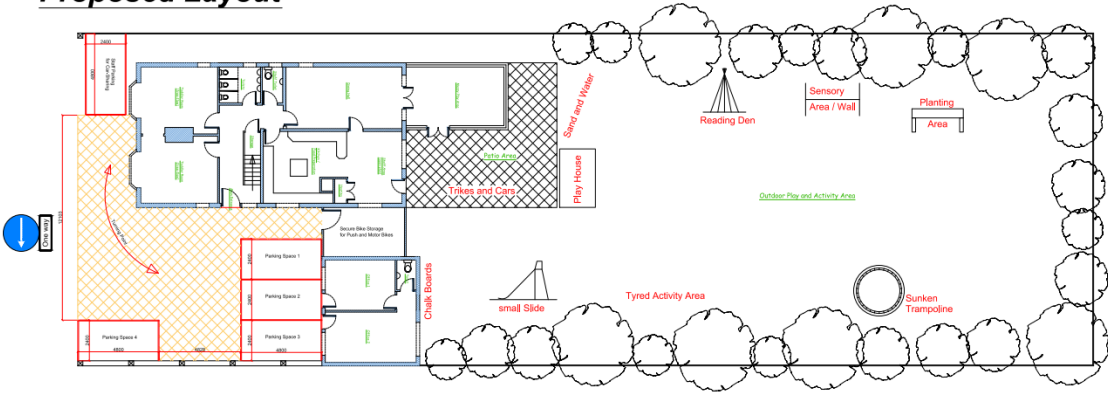
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----	Internal Walls (Parking/Storage)
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-----	Columns & Beams
-----	Columns
-----	Beam or Column Line
-----	Path Line
-----	Grid Line
-----	Handrail
-----	Roofing
-----	Boundary Line

Date	Description	Drawn By
14 / 06 / 2019		Sascha Westhoefer
Scale: NTS		
Main Name & Address: 53 Stafford Road, Cannock, Staffordshire		

Main Contractor/Client
Mr & Mrs Westhoefer
Drawing Title
Parking Layout Proposed Layout
Drawing Number
3550
Revision
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Site Plan

Proposed Layout

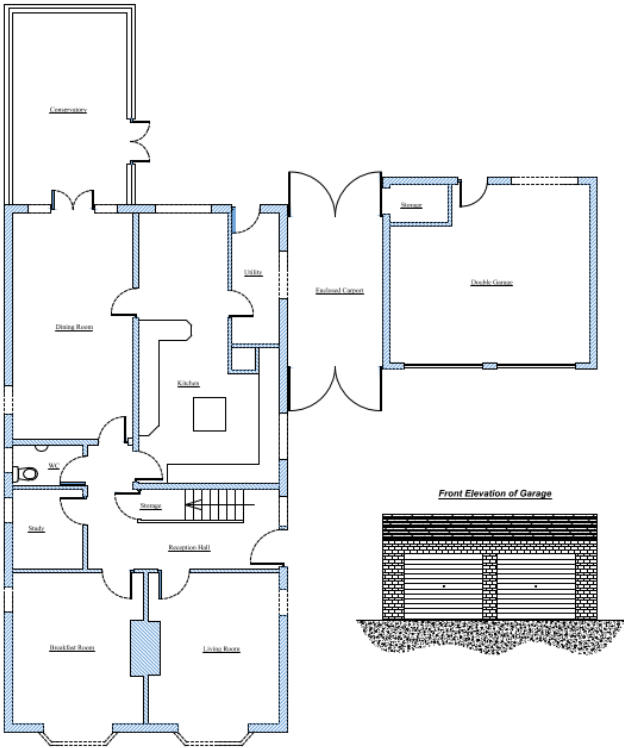


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97	Revised	
98	Revised	
99	Revised	
100	Revised	

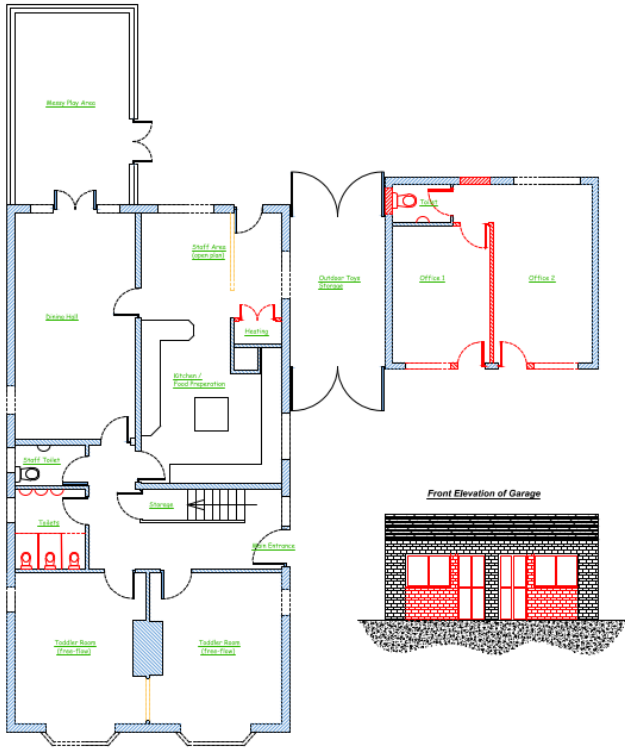
Drawn By: Sascha Westhoefer
 Date: 14 / 06 / 2019
 Scale: NTS
 Main Contractor/Client: Mr & Mrs Westhoefer
 Drawing Title: Site Plan
 Proposed Layout
 Drawing Number: 3550
 Revision: A

Ground Floor Plans

Existing Layout

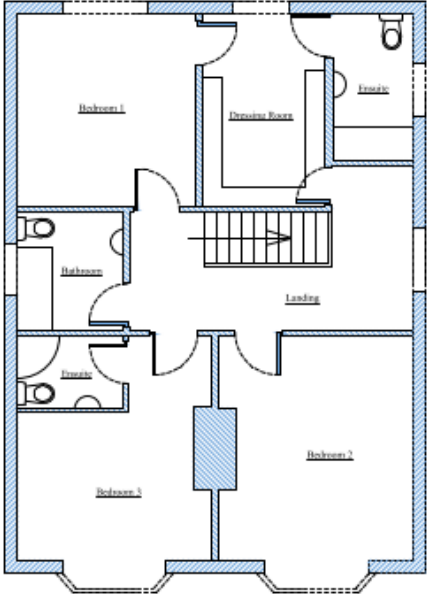


Proposed Layout

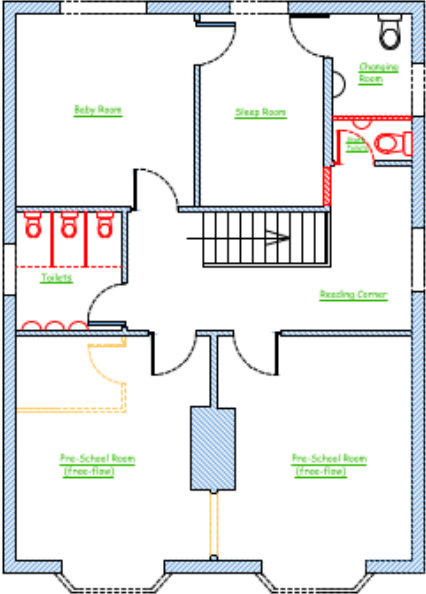


First Floor Plans

Existing Layout



Proposed Layout



Contact Officer:	Claire Faulkner
Telephone No:	01543 464337

Application No:	CH/19/143
PLANNING CONTROL COMMITTEE 9 th October 2019	
Received:	09-Apr-2019
Location:	53 Stafford Road, Cannock, WS11 4AF
Parish:	Non Parish Area
Description:	Proposed change of use to a Childrens' Day Nursery
Application Type:	Full Planning Application

RECOMMENDATION:

Refuse for the following reason: -

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

Reason(s) for Recommendation:

In accordance with paragraph (38) of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development. However, in this instance the proposal fails to accord with the Local Plan and the National Planning Policy Framework.

Notes to Developer:

None

Consultations and Publicity

External Consultations

Travel Management and Safety

Objection

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

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

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

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

Given the sites location, the Highway Authority remains concerned that the site does not benefit from sufficient on-site parking and therefore parents who arrive by car on their way to/ from work and find that they could not park within the site curtilage are likely to park outside on the adopted highway rather than use one of the identified public or private car parks which are some distance away and not under the control of the applicant.

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

Internal Consultations

Development Plans and Policy Unit

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

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

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

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

Environmental Health

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

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

Response to Publicity

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

- Stafford Road is a very busy road and it cannot afford to have cars illegally parked on the pathway at any time.
- Stafford Road is also a blue light emergency route, and having numerous schools in the vicinity we (No51) have problems with pedestrians / school children / parents with pushchairs / children on bikes and scooters on the

pathway outside the dwellings. This has recently worsened with expensive hospital parking for staff and visitors who park at the leisure centre and walk in.

- The traffic on this road between 8am – 9am and 3pm – 4pm is a nightmare and this is likely to be the busiest times of day for the nursery too.
- There is not sufficient room within the site for 11 vehicles which would lead to cars parking on the highway.

Relevant Planning History

None relevant.

1 Site and Surroundings

- 1.1 The application site relates to an existing building currently used as a dwelling fronting Stafford Road, Cannock.
- 1.2 The application building is a prominent double fronted dwelling set back from the highway behind a short frontage bound by a low wall with pillars. The whole frontage comprises of hardstanding and leads to an attached double garage and link at the side.
- 1.3 The property benefits from a generous rear garden bound by mature landscaping. The property benefits from a conservatory to the rear and raised patio area.
- 1.4 The application site is bound on two sides by residential dwellings and sits opposite the former Roebuck public house. The rear of the application site gives way to the public tennis courts located within Cannock Park.
- 1.5 The application site is located approximately 70m from Cannock Town Centre. The surrounding area is predominantly residential comprising of typically 2 storey dwellings of varying designs, styles and types. There are several larger buildings located within close proximity to the application site; these being, the Cannock Leisure Centre, Cannock Chase Hospital, and Cardinal Griffin Catholic School. These buildings are all larger than surrounding buildings and incorporate various design features, materials and finishes including flat roof, grey cladding, white render and corrugated sheet roofing.

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

2 Proposal

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

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).
- CP1 - Strategy – the Strategic Approach
 - CP2 - Developer contributions for Infrastructure

- CP3 - Chase Shaping – Design

3.3 The relevant policies within there Minerals Plan include:

Policy 3.2 Mineral Safeguarding

3.5 National Planning Policy Framework

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

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

3.8 Relevant paragraphs within the NPPF include paragraphs: -

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

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

4 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area

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

4.2 Principle of the Development

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

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

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

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

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

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

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124

makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

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

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

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

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

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

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

4.4. Impact on Residential Amenity

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

4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users. Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so (amongst others) (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

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

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

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

4.5 Impact on Highway Safety

- 4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport Supplementary Planning Document also states its objectives (amongst others) to reduce traffic congestion in urban areas.
- 4.5.2 In this instance, the Highway Authority was consulted on the application and raised concern regarding the impact on highway safety due to the inadequate parking provision within the site curtilage resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked on the public highway.
- 4.5.3 The Highway Authority note that the applicant wishes to change the use of an existing residential dwelling which sits outside of the designated Town Centre Boundary (as shown within Cannock Chase District Council's current Local Plan) into a children's day nursery. The dwelling is currently accessed off a busy A Class road which links Cannock to Stafford.
- 4.5.4 Cannock Chase District Council's current parking standards state that 1no. parking space should be provided per employee plus 1no. space for every 6no. children attending. The latest Parking Layout plan (Drawing No. 3550, Revision A) shows 1no. parking space for staff members and 4no. parking spaces for parents. Whilst the parking spaces shown are geometrically correct, the space shown between the rear of Parking Space 3 and the front of Parking Space 4 of just 4.8m is inadequate for a vehicle to manoeuvre into or out of Parking Space 3 should Parking Space 4 be occupied. With a maximum of 40 children potentially attending the site at any one time and upto 11 members of staff would require parking provision for 18 spaces. The current proposal shows a shortfall of 15 spaces given one of the proposed parking spaces would not be accessible if the other spaces are in use.
- 4.5.5 The Highway Authority acknowledges the submission of a Travel Plan for the site however the proposed alternative off-site parking areas are not within the red edge of the planning application or under the control of the applicant. Any of the proposed off-site parking sites could be withdrawn or removed at any time and are unlikely to be attractive to parents dropping off or collecting children from the nursery.

4.5.6 Given the sites location, the Highway Authority remains concerned that the site does not benefit from sufficient on-site parking and therefore parents who arrive by car on their way to/ from work and find that they could not park within the site curtilage are likely to park outside on the adopted highway rather than use one of the identified public or private car parks which are some distance away and not under the control of the applicant.

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

4.5.8 As such, the proposal fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked on the public highway contrary to Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport and Paragraph 109 of the NPPF.

4.6 Impacts of Cannock Chase Special Area of Conservation

4.6.1 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Given the size and nature of the proposal and its location in respect to Cannock Chase SAC, and the connectivity of the wider highway network it is considered that the proposal would have no significant impacts, directly or indirectly on any SAC.

4.7 Drainage and Flood Risk

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

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

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

4.8 Mineral Safeguarding

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

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

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

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

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

4.9 Ground Conditions and Contamination

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

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

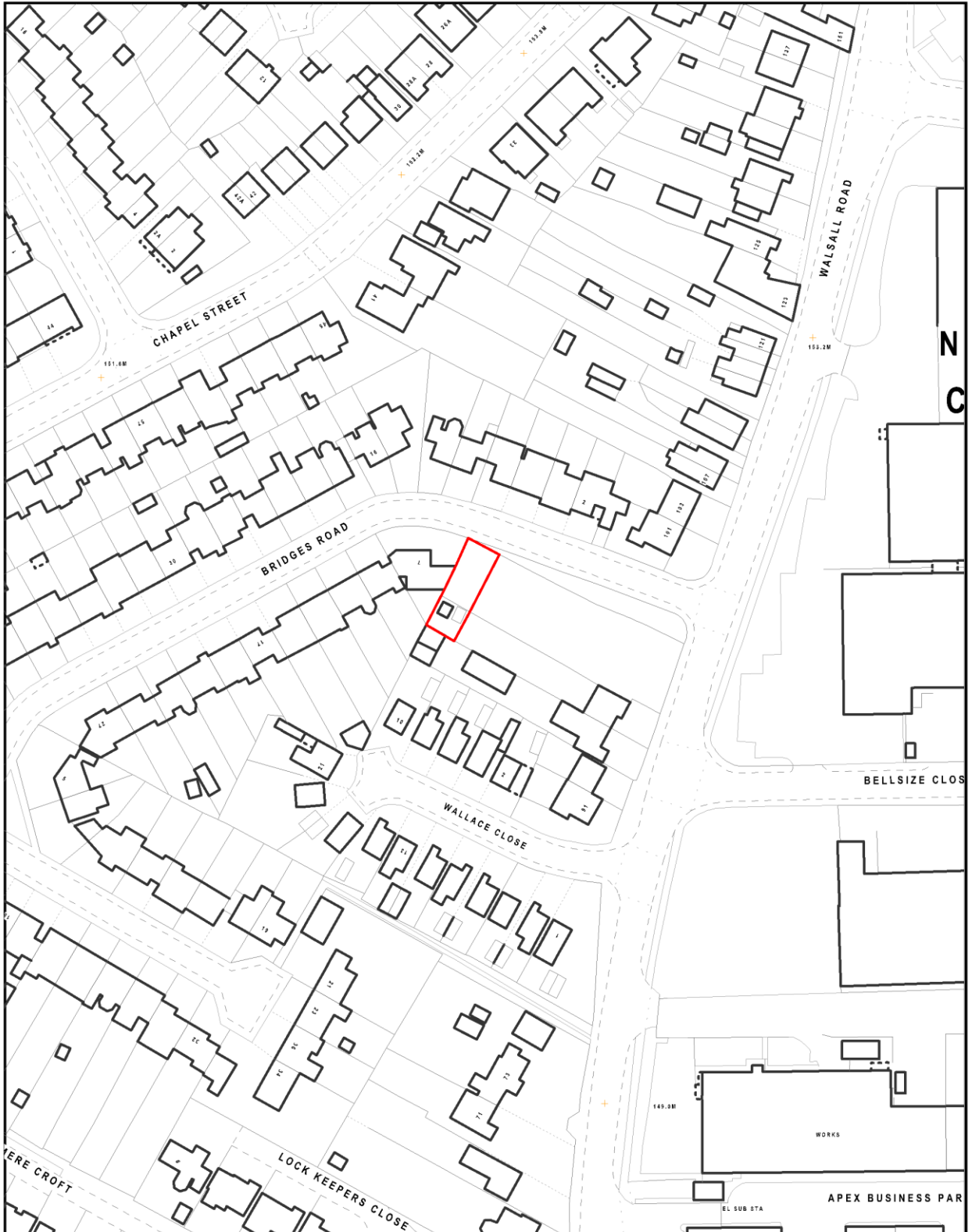


Application No: CH/19/269

Location: 7 Bridges Road, Norton Canes, Cannock, WS11 9PB

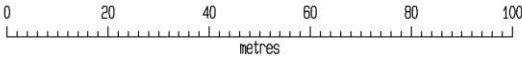
Proposal: Erection of 1 no 2-bed dwelling

Item no. 6.37



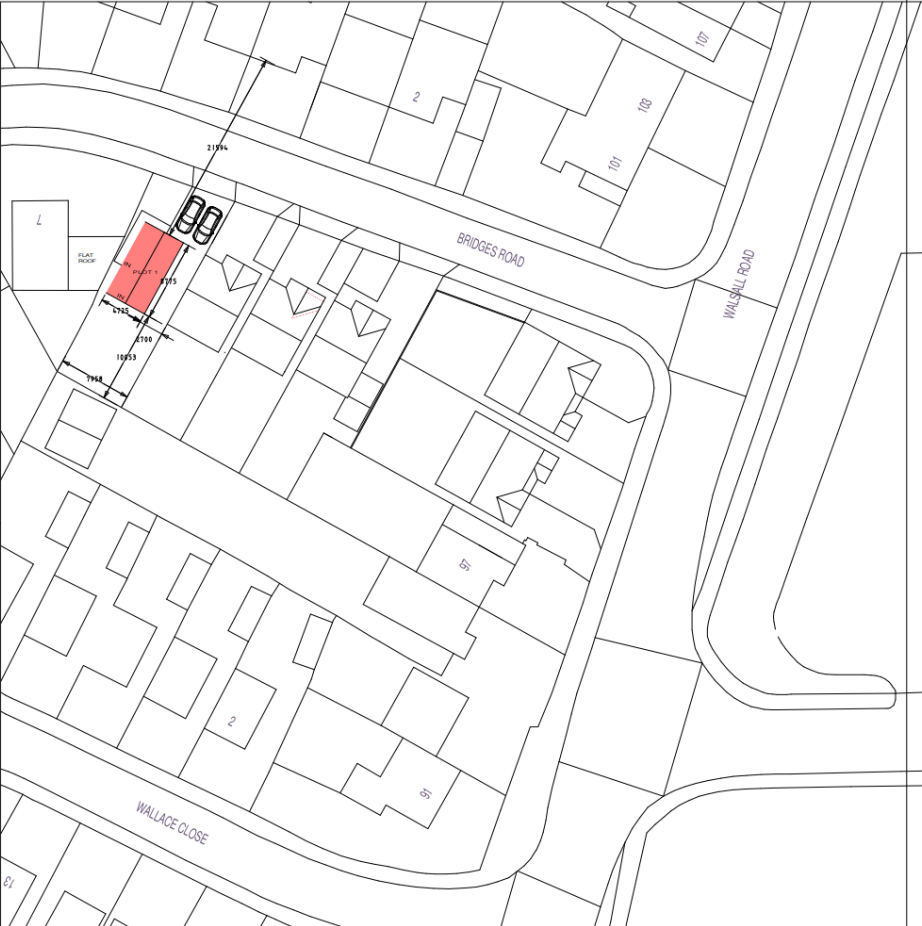
Location Plan

MapServe



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Block Plan



DRAWING 2 OF 3
BLOCK PLAN
PROPOSED 2 BEDROOM DWELLING
FOR MR N. HALL
AT LAND NEXT TO 7 BRIDGES ROAD, NORTON CANES, CANNOCK, STAFFS, WS11 9PB
SCALE 1:200 @ A1 DRAWING SIZE
DRAWING ISSUE 1
JULY 2019
Drawn JAF Design 01543 451016

Site Layout Plan



BRIDGES ROAD

WALSALL ROAD

97

FLAT ROOF

PLOT 1

IN

Basement

Basement

SPECIFICATION

EXCAVATION AND TORSILING
To be completed by the contractor.

Planting Material
All plant material shall be certified of true root and in compliance with BS 3090 - 1982 Part 1. All plants shall be certified of true root and in compliance with BS 3090 - 1982 Part 1. All plants shall be certified of true root and in compliance with BS 3090 - 1982 Part 1. All plants shall be certified of true root and in compliance with BS 3090 - 1982 Part 1.

Planting Operations
Trees shall be planted into tree pits (dig to a minimum size of 2M x 1.5M x 1.0M deep) and well drained with 100mm layer of drainage material and 100mm layer of gravel. All other material shall be replaced with topsoil. All trees shall be planted with 100% topsoil. All trees shall be planted with 100% topsoil. All trees shall be planted with 100% topsoil.

Water
All planting shall be done in accordance with the specification. All planting shall be done in accordance with the specification. All planting shall be done in accordance with the specification.

References
The maintenance period shall be for a period of 12 months after practical completion and shall be undertaken only during suitable weather conditions.

OBJECTS LIABILITY
The contractor shall be responsible for the replacement of any plant material that falls from through trees or through any other part of the landscape and contractor is to be responsible for the replacement of any plant material that falls from through trees or through any other part of the landscape.

Planting and maintenance costs
The contractor shall be responsible for the replacement of any plant material that falls from through trees or through any other part of the landscape and contractor is to be responsible for the replacement of any plant material that falls from through trees or through any other part of the landscape.

HARD LANDSCAPING
DRIVEWAY AND PATHWAYS
All driveways and pathways shall be constructed in accordance with the specification. All driveways and pathways shall be constructed in accordance with the specification. All driveways and pathways shall be constructed in accordance with the specification.

AMENITY (GARDEN)
Basement House includes A19 (Driveway) and B14 (Garden).

Plant	Species	Size	Qty
1 No.	Platanus	100/150	100
2 No.	Platanus	100/150	100
3 No.	Platanus	100/150	100
4 No.	Platanus	100/150	100

Code	Species	Size
100/150	Platanus	100/150
100/150	Platanus	100/150

DRAWING 6 OF 6

SITE LAYOUT

PROPOSED TWO BEDROOM DWELLING

TWO BEDROOM

AT LAND NEXT 7 BRIDGES ROAD, NOTTON CANNES, CANNOCK, STAFFS, WS11 8DY

SCALE: 1:100 @ A/DRAWING SIZE

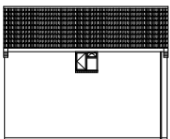
DRAWING ISSUE 1

JULY 2019

Drawn JAF Design 01902 579182

Floor Plans and Elevations

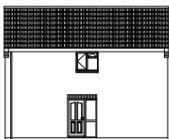
ELEVATIONS TO SCALE 1:100



SIDE ELEVATION A



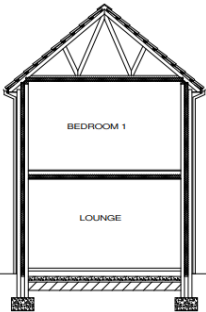
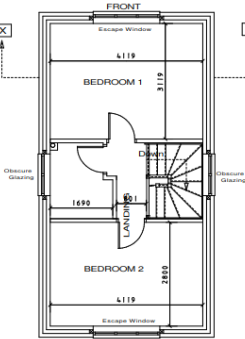
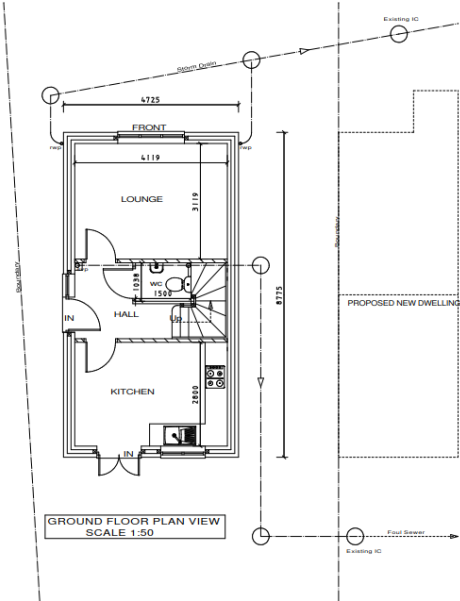
FRONT ELEVATION



SIDE ELEVATION B



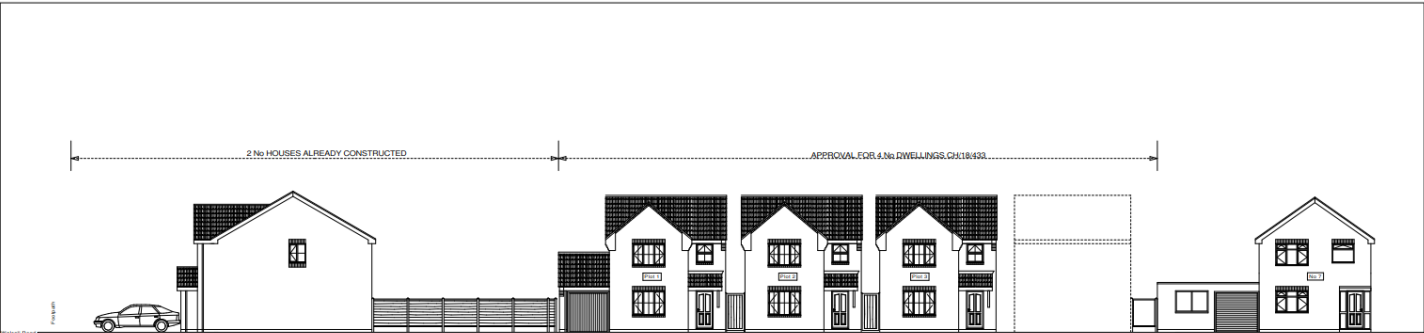
REAR ELEVATION



DRAWING 3 OF 5
PROPOSED FLOOR PLANS AND ELEVATIONS
PROPOSED 2 BEDROOM DWELLING
FOR MR N. HALL
AT LAND NEXT TO 7 BRIDGES ROAD, HORTON CANES, CANNOCK, STAFFS WS11 8DY
SCALE 1:100 @ 1:100 + 1:200 @ A1 DRAWING SIZE
DRAWING ISSUE 1
JULY 2017

Drawn JAF Design 01902 579182

Proposed Street Scene



EXISTING STREET SCENE FROM BRIDGES ROAD



PROPOSED STREET SCENE FROM BRIDGES ROAD

DRAWING 4 OF 5
EXISTING AND PROPOSED STREET SCENES
PROPOSED TWO BEDROOM DWELLING
FOR: MS N. HALL
AT LAND NEXT TO NO 7 BRIDGES ROAD, HORTON CANES, CANNOCK, STAFFS WS11 9PB
SCALE: 1:100 @ A1 DRAWING SIZE
DRAWING ISSUE 1
JULY 2019
Drawn JAF Design 01543 451016

Contact Officer:	David O'Connor
Telephone No:	4515

PLANNING COMMITTEE REPORT 9 October 2019	
Application No:	CH/19/269
Received:	18-Jul-2019
Location:	7 Bridges Road, Norton Canes, Cannock, WS11 9PB
Parish:	Norton Canes
Description:	Erection of 1 no 2-bed dwelling
Application Type:	Full Planning Application

RECOMMENDATION:

Approve Subject to Conditions

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions):

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

Reason

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

2. The development hereby permitted shall not be brought into use until the access and parking areas have been provided and surfaced as shown on the approved site plan. Thereafter the parking area shall be retained for the lifetime of the development. All defined parking spaces within the drawing shall be a minimum of 2.4m by 4.8m.

Reason

In the interests of highway safety and the safe and convenient flow of traffic.

3. Prior to the commencement of development, the following shall be undertaken:

- A scheme of intrusive site investigations as detailed in Section 12.1 of the Ground Investigation Report produced by Spillman Associates
 - a report of the findings arising from the intrusive site investigations shall be submitted to and approved in writing by the Local Planning Authority;
 - Details of a scheme of remedial works, if required, shall be submitted to and approved in writing by the Local Planning Authority.
- Any agreed remedial works shall be implemented before the development hereby approved is brought into use.

Reason

In the interests of land stability and the protection of the development.

4. Prior to the commencement of the development a Construction and Environmental Management Plan and details of an intended Programme of Works shall be submitted to and agreed in writing by the Local Planning Authority. The Construction and Environmental Management Plan shall include details of site storage, site hours, types of vehicles, proposed delivery hours, provision for parking of vehicles for site operatives and visitors, loading and unloading of plant and materials, and storage of plant and materials used in constructing the development. The approved scheme shall thereafter be implemented prior to and throughout the duration of any works on site.

Reason

To comply with the objectives and policies contained within the NPPF. In the interests of site sustainability and highway safety

5. The hours of operation for the construction of the development hereby permitted shall be restricted to 08:00 till 18:00 weekdays and 08:00 till 13:00 on Saturdays. There shall be no working on site on Sundays or Bank Holidays.

Reason

In the interests of the residential amenity of neighbouring properties.

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

Reason

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

7. The development hereby permitted shall not be brought into use until the site layout and specifically the gardens as shown within the approved site plan (Drawing No. 5 of 5) have been provided and are available for use.

Reason

In the interests of the residential amenity of prospective residents.

8. The hard and soft landscaping to the development hereby approved including planting, fencing and surface treatments shall be carried out in accordance with Drawing 5 of 5. Any plants or trees becoming damaged, diseased or otherwise removed within a period of 5 years shall be replaced by healthy trees or plants unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

9. All side facing first floor windows and all bathroom windows shown as 'obscured glass' within the drawings hereby permitted shall be obscured glazed to a minimum privacy level of Grade 5 (Pilkington Glass Standard) and shall be permanently so retained for the life of the development.

Reason: In the interests of reducing opportunities for overlooking and enhancing the privacy within neighbouring existing dwellings.

10. The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing No's 1 to 5

Ground Investigation Report (Dated March 2015)**Reason**

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

Notes to Developer:

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 at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH (or email to nmu@staffordshire.gov.uk)

<http://www.staffordshiregov.uk/transport/staffshighways/licences/>

Consultations and Publicity**Staffordshire County Highways Authority**

No objections subject to conditions as referenced in their previous response to CH/18/433

The site is location on Bridges Road which is subject to a 30mph speed restriction and links with B4154 Walsall Road and Chapel Street where St. Jerome Primary School is situated.

Each proposed property provides 2 parking spaces which meets Cannock Chase District Council's parking standard for a 3 bed house. I am aware that residents have raised concerns about parking on the highway outside of the proposed site however the applicant has complied with current standards and given the small scale of the development it would be difficult to secure any further improvements.

I have no objections to this proposal subject to a condition ensuring appropriately sized spaces and requiring the development is not brought into use until the access and parking areas have been provided in line with the submitted plan.

Coal Authority

No objections

The Coal Authority concurs with the recommendations of the Ground Investigation Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

- * The undertaking of an appropriate scheme of intrusive site investigations;
- * The submission of a report of findings arising from the intrusive site investigations;
- * The submission of a scheme of remedial works for approval; and
- * Implementation of those remedial works.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

Severn Trent Water Ltd

No objections.

We do not require a drainage condition to be applied.

Norton Canes Parish Council:

Object.

We have considered the past permission given for the four dwellings under CH/18/433. We still wish to comment that there are concerns relating to parking issues and as this new application is the property on the bend of Bridges Road, it may cause issues if cars are parking here. Bridges Road is already a rat run for

traffic going to Jerome Primary School and to Kindgswood Lakeside. Any potential cars being parked on this road would be a cause for concern.

We would have preferred the original planning permission on this site for 2 bungalows. With permission CH/18/433 and this dwelling, we refer to our original objections that this is overdevelopment of the site.

Internal Consultations

Planning Policy

The site is within the Norton Canes urban area in a residential estate and is not protected for a specific use on the Local Plan (Part 1) Policies Map. It should be noted the dwellings proposed are located within the newly designated Norton Canes Neighbourhood Plan Area and that the Parish Council intend to produce a Neighbourhood Plan for the area.

Cannock Chase Local Plan (Part 1) 2014 policy CP1 supports sustainable development and Policy CP6 permits new housing on urban sites such as this one within Cannock Chase District. Policy CP3 advocates appropriate design and the protection of amenity. The adopted Design SPD provides additional guidance and Appendix B (p91) provides guidance to ensure that minimum garden sizes and distances from neighbouring dwellings are taken into account when considering an application.

If the development is market housing it will be CIL liable and will contribute to via CIL payments to mitigation at the Cannock Chase SAC.

The site is listed within the 2018 Strategic Housing Land Availability Assessment (SHLAA) as site N58, a site suitable for development within 0-5 years.

Environmental Health

No objections

No adverse comments are offered as regards this matter in principle. A site investigation has been presented by Spillman Associates which has confirmed there are no contamination or ground gas issues to be resolved. A construction management plan should be provided for the development and I would recommend the hours of construction are restricted to between 08:00 and 18:00 on weekdays and 08:00 till 13:00 on Saturdays only.

Response to Publicity

Site notice posted and adjacent occupiers notified in line with Development Management Procedure Order 2015 requirements. In summary 1 No. letter suggesting the following was received:

- The council should attach similar conditions to those attached to the original planning application for 4 No. dwellings on the site. Our main request relates to hours of operation for construction which in the extant planning permission were 0800 to 1800 weekdays, 0800 to 1300 Saturdays and no working on Sundays or bank holidays.

Relevant Planning History

CH/89/0598 Renewal of outline permission for one bungalow
Approved 20 September 1989

CH/94/0448 Residential Development (Outline)
Approved 28 September 1994

CH/15/0093 Erection of 2 No. 4 bedroom detached dwelling
Access for the dwellings was taken from Bridges Road with the existing main house retained. The proposed dwelling would have been positioned side on to Bridges Road with access via a private drive serving both properties. The application was refused for the following reason:

The layout and poor appearance of the side elevation of the proposal creates an awkward, unsatisfactory and unattractive relationship with the wider street scene. As such, the development would appear strident and incongruous resulting in an adverse impact on the character and visual amenity of the street scene and wider area contrary to Local Plan Policy CP3 and Paragraphs 56 – 68 of the National Planning Policy Framework.

CH/15/0249 Demolition of existing house and outbuildings and erection of 2 No. four bedroom detached dwellings.
Proposed dwellings front on to Walsall Road and required the removal of the original house.
Approved 23 February 2016 and development fully constructed on site today.

CH/16/189 Demolition of existing building and erection of 2No. two bedroom detached bungalows and garage (resubmission of refused application CH/15/0093)
Approved 18 August 2016. Development not understood to have been implemented.

CH/18/433 Proposed erection of 4 No.dwellings.
Full - Approval with Conditions 02/27/2019

1 Site and Surroundings

- 1.1. The site concerned within this application is a portion of a wider site with a roughly rectangular plot of land at the junction of Bridges Road and Walsall Road, which formerly was the garden to a dwelling. The original house has since been demolished and two new dwellings constructed with much reduced residential gardens. This leaves a vacant plot of land to the rear of the new houses for which consent exists to develop 4 No. bungalows under Planning Decision Notice CH/18/433 was approved.
- 1.2. The buildings in the vicinity of the site are mainly two storey pitched roofed dwellings in light coloured brick. Across Bridges Road there is a row of approx. 1970-80's semi-detached properties. The property to the west fronts onto Bridge Road and has a side garage on the side nearest the application site. It also has windows in the eastern elevation (facing the application site) at first floor and ground floor but there is a 1.8m high fence and hedge on the boundary shared with the application site. To the east there is Walsall Road, across which is an industrial/ commercial estate that is partly screened by a 2m high hedge and a row of mature deciduous trees.
- 1.3. The site is located in a predominantly residential area that is not subject to formal allocation within the Cannock Chase Local Plan but is cited within the Council's Strategic Housing Land Availability Assessment as being suitable, available and achievable for development. The site is within Flood Zone 1 (the least likely area to flood from rivers and watercourses and is subject to a 'Very Low' designation in terms of the possibility of surface water flooding. The site is within a 'High Risk' area as a consequence of past Coal Mining legacy.

2 Proposal

- 2.1 The application proposes the erection of 1 No. two bed roomed property. The proposal effectively replaces one of the dwellings approved under the 4 No. dwelling permission CH/18/433.
- 2.2 The proposal within this application aside from slight changes to the house design and the reduction to 2 No. bedrooms, instead of 3, is otherwise consistent with the previous permission. Access would be taken from Bridges Road via individual dropped curbs to the proposed driveways formed.

- 2.3 The dwelling would be two storeys in height and would have a similar appearance to the two recent dwellings constructed at the corner of Bridges Road and Walsall Road. The building would have a similar siting to that apparent for the neighbouring properties in that they are set back a short distance from the highway. The property would be constructed from red brick. The main differences from the approved design is the addition of a side driveway and gate as shown on the site plan and the reduction to two bedrooms as seen in the floor plans.

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 Other material considerations relevant to assessing current planning applications include the National Planning Policy Framework (NPPF) and Supplementary Planning Guidance/Documents.
- 3.4 Cannock Chase Local Plan (2014):
- CP1 - Strategy – the Strategic Approach
 - CP2 - Developer contributions for Infrastructure
 - CP3 - Chase Shaping – Design
 - CP5 – Social Inclusion and Healthy Living
 - CP6 - Housing Land
 - CP7 - Housing Choice
 - CP13 - Cannock Chase Special Area of Conservation (SAC)

1.5 Minerals Plan for Staffordshire (2015)

Appendix 6: Supporting Information for Policy 3 Safeguarding Minerals of Local and National Importance and Important Infrastructure: Table 7: Exemptions Criteria for Mineral Safeguarding.

The current development is non-major residential development and therefore is subject to exemption from Minerals Policy 3 in accordance with Table 7: Exemptions Criteria for Mineral Safeguarding.

National Planning Policy Framework

3.6 The NPPF (2018) 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 (2018) confirms that a plan-led approach to the planning system and decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.8 The relevant sections of the NPPF in relation to this planning application are as follows;

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

- 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 application are:

- Principle of development
- Design and Character and Appearance Implications
- Impacts upon residential amenity
- Highways Considerations
- Cannock Chase SAC Implications
- Construction Management
- Drainage Considerations
- Coal Mining
- Other issues:

- Removed Trees in 2015
- Time period to construct the development

4.2 Principle of development

4.2.1 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 as spatially this complements and reinforces the services (schools, public transport) and facilities (shops and other businesses) within the urban area.

4.2.2 In respect to the principle of the proposal it is noted that the site is within the existing settlement, is within walking distance of key public services, public transport and schools. Spatially therefore it is considered 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.

4.2.3 In addition to the above and perhaps more importantly the proposal is for the construction of 1 No. dwelling in place of a single dwelling on an already approved planning consent. As such the principle of a dwelling on this plot was firmly established under the previous permission.

4.2.4 Therefore on the basis of the site being spatially suitable and aligning with wider sustainability, in principle the proposals are considered to accord with Local Plan Policies CP1 and CP6 as well as the general 'centralised approach' to the distribution of development advocated within the NPPF.

4.3 Design and Character and Appearance Implications

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.

4.3.5 The land in question is undeveloped garden land within an urban area. The site has been granted planning permission under application CH/18/433 for the erection of 4 No. dwellings. This single dwelling will replace one of the dwellings in that permitted application. Reference is made by the Parish Council in their objection to a permission for bungalows on a slightly smaller area of land than that now apparent. Since this approval a further parcel of land has become available in the form of the garden land associated with No. 97 Walsall Road and hence the 4 No. dwellings permitted under CH/18/433. Therefore the site is larger than the previous and consequently seeks to provide more development on the site than was originally permitted.

4.3.6 Concerns are raised about overdevelopment of the site. The layout and scale of the buildings along Bridges Road and its surrounds are generally two

storey, set back a small amount from the road with driveways. The predominant roof form apparent tends to be pitched roofs with the eaves facing the highway and the materials used are mainly a light red brick. These characteristics are common to the dwellings immediately opposite the site, are apparent for the dwellings around the corner of Bridges Road (west) and are in line with the house types approved by the Council previously that have been constructed fronting Walsall Road. The proposed development shares these characteristics.

- 4.3.7 The main difference between the permitted 4 No. dwelling and the dwelling design now proposed, is the slightly smaller, compact scale of the dwelling. This adopts a simple gable form facing the highway. This design is of the same proportions as the gables permitted under CH/18/433 and will convey consistency of appearance between the permitted dwellings. Accordingly Officers do not consider this to be a substantial design deviation that would warrant submission of amendments to the proposals or act as justifiable refusal reason.
- 4.3.8 With regards density, under the previous application a number of respondents suggested the properties are 'crammed in' or would convey an inappropriate appearance owing to their density. Officers would highlight density, 'the number of dwelling per unit area of measurement' is broadly consistent between the proposals and the development in the context of site. If we utilise the length of site frontage as an indicator, the semi-detached properties opposite the site have a broad coverage of 4 units for the length of the site frontage. Furthermore to the rear of the site, the detached Wallace Close properties have a similar level of 4 units coverage for the comparative length of the site. To suggest that the density is in some way significantly higher than the surrounding development was judged by Officers to be incorrect within the original report.
- 4.3.9 Taking the above into account, Officers consider that subject to conditions to ensure appropriate materials are used in the construction of the buildings, their overall design and appearance is acceptable and would accord with the design ideals set out within the Local Policy CP3.

4.4 Amenity Considerations

- 4.4.1 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.

- 4.4.2 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. These are adopted standards that the Council has published to provide a clear stance to all sides about the Council's stance as to what constitutes an acceptable standard of amenity.
- 4.4.3 In terms of applying the relevant standards, taking each of the respective properties in turn, Officers consider the following:

Dwellings across Bridges Road (No's 2-14)

- 4.4.3. In relation to properties on Bridges Road and loss of privacy within the dwellings through inter-visibility, the Council's adopted standards would require facing main elevation windows to be 21.3m apart. It is demonstrated within the submitted plans in all instances that in excess of 21.3m is apparent. Furthermore it is noted that some degree of public use and overlooking exists from public users of Bridges Road already such that privacy within front facing rooms cannot always be assured. Secondly, Officers note that properties to the west along Bridges Road, as originally designed when the estate was constructed, have a similar level of 21m separation to the dwellings on the opposite side of the road. Such an approach is quite common in 1970's and 1980's estates of this type. Finally in terms of daylight and outlook, a 25 degree standard taken from the front of these properties is not obstructed by the proposed development. This evidences no substantive daylight or sense of enclosure issues.
- 4.4.4 Taking the above into account it is considered there is no significant impact in terms of inter-visibility and privacy impacts between the most affected dwellings opposite the site and the dwellings proposed, that a similar relationship is apparent in the immediate area and has existed for a number of years and that the proposals would not unduly impact light received from the front elevations of the properties that exist opposite the application site. No other impacts such as overlooking of gardens or shadowing are considered to impact these properties.

Wallace Close to the rear of the development (No's 2-10)

- 4.4.5 In exploring whether the proposals would lead to amenity impacts for the properties on Wallace Close it is considered:
- The northerly position of the development means no overshadowing from the development

- The front and back outlook of these existing properties is consistent with those proposed and a separation distance in excess of 29-31m is apparent. This substantially exceeds the 21.3m Council standard set out within the adopted SPD Design Guide.
- No other impacts are considered to be apparent for these properties

Number 95 Walsall Road – Rear Garden

4.4.7 The rear garden of number 95 Walsall Road is located immediately beyond the rear boundary fence to the proposed dwellings. In all cases the garden lengths exceed 10m. This is compliant with the adopted Design Guidance in that first floor windows should be at least 10m from neighbouring boundaries. This is achieved in this case. It is also noted the garden is lengthy such that the main functional areas are some distance more. This ensures a good standard of privacy is retained for No. 95.

7 Bridges Road – Adjacent to the Development

4.4.8 This property is oriented such that broadly its outlook is north onto Bridges Road and South towards Wallace Close. The property is slightly skewed in orientation but it is judged that the proposed properties would not obstruct a 45 degree line taken from the main habitable windows to the rear of the building, particularly taking account the offset from the boundary associated with the neighbour's garage. Indeed the proposed buildings sit very much in line with the siting of 7 Bridges Road in terms of set back from the road. Consequently the main potential effects will be on a side facing window at ground floor immediately adjacent to the existing flat roofed garage and a first floor side facing window.

4.4.9 Officers offered to visit the property to examine the effects more closely but were unable to arrange this with the owner originally. Nevertheless, in the case of the ground floor window this appeared to be a secondary window serving the same room as a front facing window. Hence in line with Council's standards, impacts upon secondary windows need not be considered further. In this case, Officers also note that much of the view of the proposed dwellings will be obstructed by the flat roof garage adjoining the side of No. 7 as shown in the proposed site plan. The affected window is positioned 'hard up' to the front of the garage, limiting the splay of vision towards the proposed development.

4.4.10 In terms of the first floor side facing window, this appeared to be a first floor landing window. A landing is not considered to be a habitable room and

does not have the same protections as those afforded to a main habitable room window such as a kitchen for example. Nevertheless, just in case this is and using the street scene imagery provided by the applicant showing No. 7 Bridges Road, it can be demonstrated the portion of Plot 4 within the splay of vision of this first floor window does not exceed a 25 degree line drawn from the neighbouring building. This suggests, irrespective of what room the window serves, a reasonable level of daylight and outlook will remain.

Prospective Residents Amenity

- 4.4.11 For the proposed dwelling the garden would meet the minimum recommendations for outdoor amenity space (65 sqm for 3 bed).
- 4.4.12 Taking the above factors into account, it is considered that a good standard of amenity would be achieved for all existing and future occupiers of the existing and proposed dwellings in accordance with Local Plan Policy CP3, the Council's adopted SPD guidance and NPPF paragraph 127

4.5 Impact on Highway Safety

- 4.5.1 Paragraph 109 of the NPPF states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".
- 4.5.2 With regards to parking provision, the Council has adopted standards within the Parking Standards Supplementary Planning Document. This document sets out standards considered to be appropriate for dwellings in the district, taking account amongst other matters, the need to accommodate visitors. The dwelling proposed in this application is a two bed dwelling as opposed to 3 bedroom as was originally approved. In line with the standard each would therefore require 2 off street spaces. The proposals provide for this. Accordingly it is considered the proposals accord with the Parking SPD of 2 spaces per 3 bedroom dwelling.
- 4.5.3 The County Highway Authority were consulted on the application. No objections to the proposals in terms of highway safety were raised subject to conditions to ensure the proposed parking spaces shown on the submitted plans are provided prior to use. The comments from the Highways Officer went on to state:

‘I am aware that residents have raised concerns about parking on the highway outside of the proposed site however the applicant has complied with current standards and given the small scale of the development it

would be difficult to secure any further improvements. A site visit was conducted on 10 January 2019.'

- 4.5.4 Officers subsequently wrote to the Highway Authority pointing out that Councillors and residents had specific concerns about the development exacerbating traffic congestion, parking problems from workers nearby and potentially decreasing kerb lengths available to park. The Highway Authority confirmed agreement with Officers that the development proposed is small scale and fulfils its parking requirements in line with the Council's adopted standards. It was also confirmed the area is public highway such that parking there is not illegal. If there is an established issue, this is not the fault of the development and if the application meets its parking requirements, it would not be reasonable to suggest the development exacerbates the issue provided appropriate steps are utilised to control the process of construction and provision of parking spaces prior to use. If there is an ongoing parking problem, this is not a matter for the application and should be referred to Mark Keeling at Staffordshire County Council, Community Infrastructure Liaison Manager mark.keeling@staffordshire.gov.uk.
- 4.5.6 Taking the above into account, Officers consider the contribution to additional traffic directly from the development would be less than already permitted, minimal in any event and that the removal of a small number of 'potential' and undefined spots on the public highway would not be a justifiable reason for refusal as a 'severe residual impact' as defined in the NPPF Para 109 would not be apparent. If this issue is so significant in safety terms and was considered to warrant some form of formal action via a Traffic Regulation Order (such as double yellow lines or speed limit changes), this would need to be explored separately from the application by interested parties in that area in conjunction with the County Council Community Liaison Officer. However it should be noted there can be substantial costs with the publicity required for such a process. It is also noteworthy that Officers do not consider the scale of development in this case would warrant an intervention of this type taking account the circumstances of the case.
- 4.5.7 Overall, it is concluded that the development would not contribute to what is said to be an established parking problem at the location. The development would provide for an appropriate level of off street parking proportionate to the scale of the development. Taking account the advice from the Highway Authority, the substantive residual cumulative impacts of the proposal would not be severe in highway terms. Conditions could reasonably secure parking provision and submission and agreement of a construction management plan such that the proposals would be in accordance with the Parking SPD the NPPF paragraph 109.

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 is given special protection or which is of particular conservation interest.
- 4.6.2 As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.
- 4.6.3 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 would be a net increase of 1 dwellings and therefore SAC mitigation contributions are required. Such contributions would be secured by CIL.
- 4.6.4 Given the above it is considered that the proposal would not have a significant adverse impact on nature conservation interests either on, or off, the site. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

4.7 Construction Management

- 4.7.1 By its nature, the construction of the dwelling will necessitate care and planning in relation to the development programme. Materials deliveries to the site, plant and machinery deliveries and storage etc, will all need to be considered given the site confines. Furthermore Environmental Protection recommend controls and care is taken in the construction process given the proximity to existing dwellings. Accordingly it is considered in the interests of maintaining safe and convenient access to the site and neighbouring properties and on the basis of amenity, a construction and environmental management plan is required. Such a plan can reasonably be secured by condition and will look to minimise any potential on street parking.

4.8 Drainage Considerations

- 4.8.1 The site is within Flood Zone 1 (the least likely area to flood from rivers and watercourses and is subject to a 'Very Low' designation in terms of the possibility of surface water flooding. Within the submitted form it is suggested that Mains Sewer will be the main method of surface water disposal from the site. This method has been subject to no objections from Severn Trent who state they do not wish for a drainage condition to be applied to the proposals. Accordingly, although the comments from residents in the vicinity are noted,

there is nothing to suggest the construction of the development would materially impact these existing circumstances.

4.9 Coal Mining

4.9.1 The site is within a known Coal Mining Risk Zone. The applicant has provided an appropriate report describing the approach to be adopted to deal with residual risks from Coal Mining. The Coal Authority have inspected the submitted details and suggest they concur with the conclusions of the report and require the carrying out of intrusive site investigation prior to commencement of the development. The Coal Authority request the Council as Planning Authority impose conditions to secure the intrusive investigation and the submission of the results prior to commencement. Officers concur with this approach and conditions are recommended accordingly.

4.9.1 Other Considerations

4.9.2 Concerns are raised in relation to previously removed trees in 2015. Whilst the Council would not wish to condone tree and hedge removals given their ecological value, if the site is not within a Conservation Area and has no TPO designations then the site owner is lawfully entitled to remove trees and vegetation. Such matters are not otherwise 'development' as defined under S55 of the Town and Country Planning Act 1990 and would not therefore fall within planning control.

4.9.3 With regards to previous concerns about the time period to complete the development, Officers would advise Members this is not a material consideration relevant to the planning merits of the case. Once a development is consented and implemented within the 3 year time period given, the developer is entitled to complete the proposals within the terms of the consent.

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 principle of residential development on this site was firmly established under the previous permission
- 6.2 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.
- 6.3 It is therefore recommended that the application be approved subject to the attached conditions.



Application No: CH/19/284

Location: 35 Wolseley Road, Rugeley, WS15 2QJ

Proposal: Two storey side extension, first floor side extension, single storey side extension

Item no. 6.63



Location Plan

CANNOCK CHURCH COUNCIL
PLANNING SERVICES
29 11 2012
REF NO

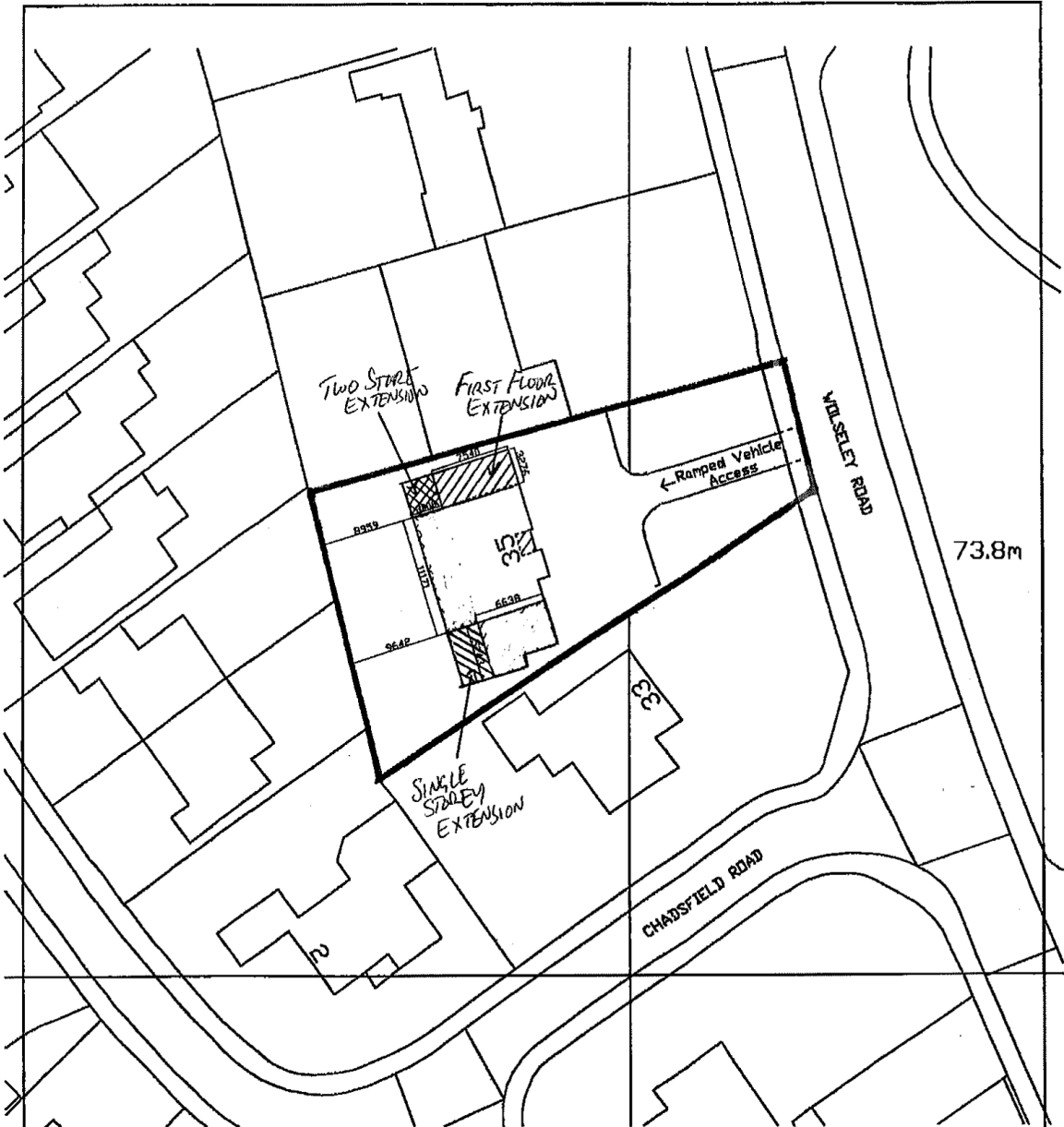


ZL:3863
35 Wolsley Road
Rugeley
Staffordshire
WS15 2QY

SCALE: 1:1250 A4



Block Plan



PROPOSED SITE PLAN

ZL:3863
35 Wolseley Road
Rugeley
Staffordshire
WS15 2QJ
 WS15 2QJ

SCALE: 1:500 A4

AREAS:	
Total Plot Area:	892m ²
Existing House Area:	79.5m ²
Curtilage Area:	812.5m ²
50% of Curtilage Area:	406.2m ²
Extension Area:	92.1m ²

-  Two-Storey Extension
-  Single Storey Extension



CH/19/284

Existing Elevations

CANNOCK CHASE COUNCIL
 PLANNING SERVICES
 28 MAR 2019
 REF NO: CH/19/284



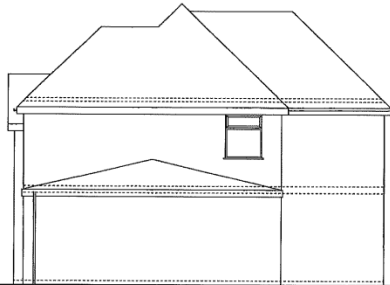
EXISTING FRONT ELEVATION



EXISTING SIDE ELEVATION-A



EXISTING REAR ELEVATION



EXISTING SIDE ELEVATION-B

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PLANNING ISSUE

ZSP
ZS Partnership Ltd.
 Architectural Design & Planning
 409 Coventry Road, Small Heath
 Birmingham B10 0TJ
 0121 772 4096

Drawing Title:
 Existing Front, Rear
 and Side Elevations A & B

Purpose:
 Two Storey / First Floor Side and
 Single Storey Rear Extensions

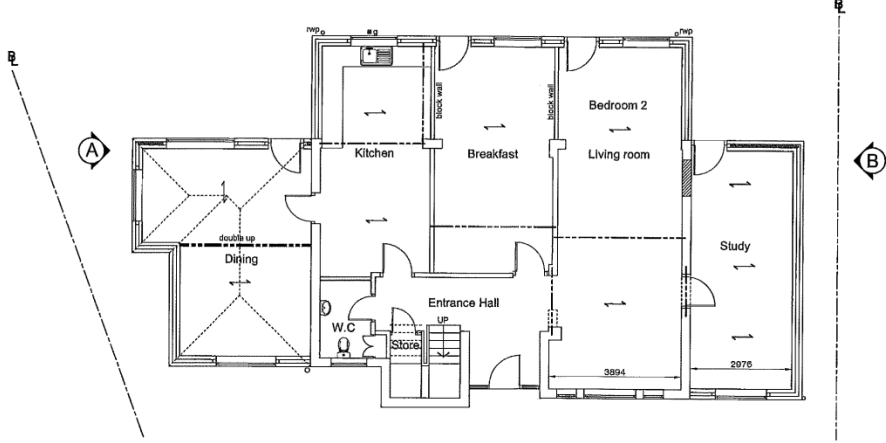
Project Location:
 96 Wolsley Road, Rugeley
 Staffordshire WS16 2QJ

Scale: 1/100 @ A3 Drawn: Ash
 Drawing No: ZL-38839 Date: 29/01/19
 Amendments:

Note: This drawing to be read in
 conjunction with d.g. No ZL-38839

Existing Ground Floor Plan

CARNOCK CHURCH COUNCIL
 PLANNING SERVICES
 29 0111
 CH/19/284



EXISTING GROUND FLOOR PLAN

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PLANNING ISSUE

ZSP
 ZS Partnership Ltd.
 Architectural Design & Planning
 409 Coventry Road, Small Heath
 Birmingham B10 0TJ
 0121 772 4098

Drawn Title:
 Existing Ground Floor Plan

Project:
 Two Storey / First Floor Side and
 Single Storey Rear Extensions

Project Location:
 95 Wolsley Road, Rugeley
 Staffordshire WS15 2CJ

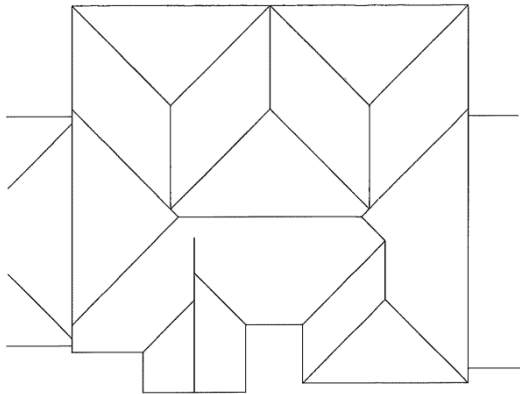
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Drawing No.: ZL-3863/1 **Date:** 28/07/19

Amendments

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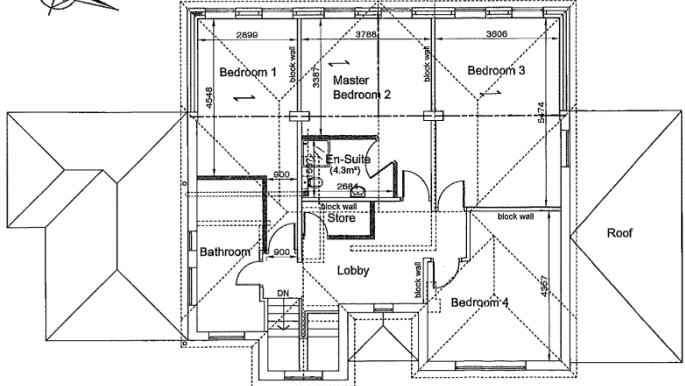
Note: This drawing to be used in
 conjunction with dra. No. ZL-3862

Existing First Floor and Roof Plan



EXISTING ROOF PLAN

CARROCK CHURCH PARISH
 PLANNING COMMITTEE
 29.11.19
 CH/19/284



EXISTING FIRST FLOOR PLAN

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 489 Coventry Road, Small Heath
 Birmingham B10 0TJ
 0121 772 4099

Drawing Title:
Existing First Floor and Roof Plans

Proposed:
 Two Storey / First Floor Side and
 Single Storey Rear Extensions

Project Location:
 35 Wolsley Road, Rugley
 Staffordshire WS16 2QJ

Scale: 1/100 @ A3 Drawn: Ash
 Drawing No: ZL-3883/2 Date: 28/07/19

Amendments

Note: This drawing is to be read in
 conjunction with dwp No.ZL-3883/3

Proposed Elevations



CAMBORNE COUNCIL
PLANNING ISSUE
25 111
REF: SH/19/284

PROPOSED FRONT ELEVATION

PROPOSED SIDE ELEVATION-A

PROPOSED REAR ELEVATION

PROPOSED SIDE ELEVATION-B

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PLANNING ISSUE

ZSP
ZS Partnership Ltd.
Architectural Design & Planning
469 Coventry Road, Small Heath
Birmingham B10 0TJ
0121 772 4098

Drawing Title:
Proposed Front, Rear and Side Elevations A & B

Proposed:
Two Storey / First Floor Side and Single Storey Rear Extensions

Project Location:
35 Wolsley Road, Rugeley Staffordshire, WS15 2QJ

Client Name:
Care Services (UK) Ltd.

Scale: 1/100 @ A3 **Drawn:** Ash

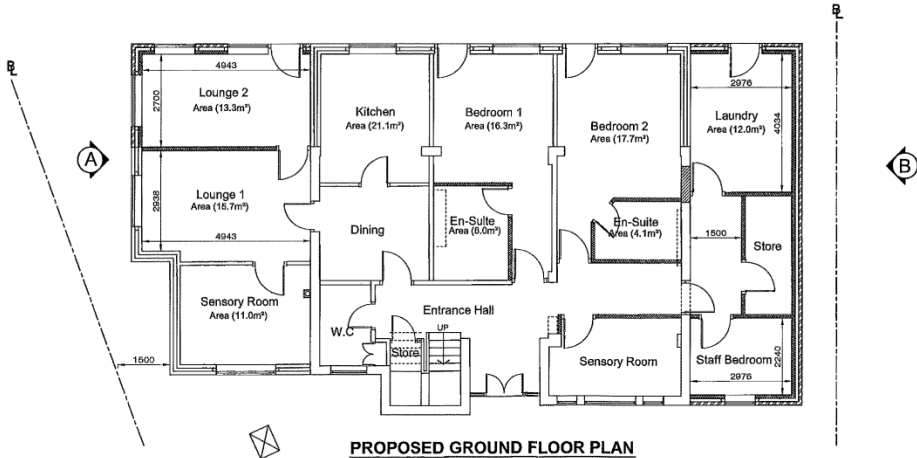
Drawing No.: ZL-3663/B **Date:** 26/07/19

Amendments:

Note: This drawing to be used in conjunction with dwp No.ZL-3663/B

Proposed Ground Floor Plan

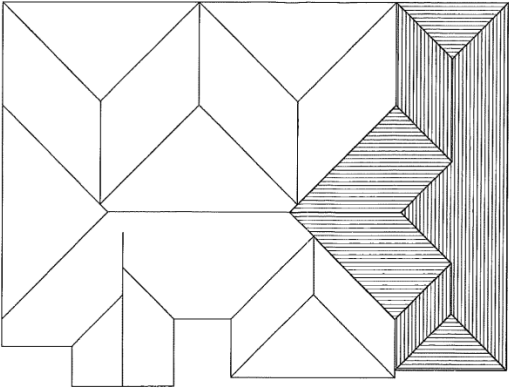
CANNOCK TOWN COUNCIL PLANNING SERVICES
29/11/19
REF NO CH/19/284



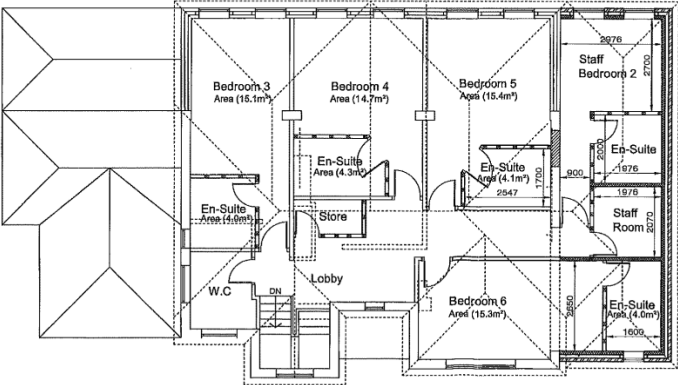
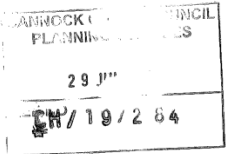
PROPOSED GROUND FLOOR PLAN

Copyright Z.S. Partnership Ltd.(2019)	
PLANNING ISSUE	
ZSP ZS Partnership Ltd. Architectural Design & Planning 466 Coventry Road, Small Heath Birmingham B10 01J 0121 772 4099	
Drawing Title: Proposed Ground Floor Plan	
Description: Two Storey / First Floor Side and Single Storey Rear Extensions	
Project Location: 35 Wolsley Road, Rugeley Staffordshire, WS15 2QJ	
Client Name: Care Services (UK) Ltd	
Scale: 1/100 @ A3	Drawn: Ash
Drawing No: ZL-3863/4	Date: 28/07/19
Amendments	
Note: This drawing to be read in Conjunction with case No. ZL-3863/4	

Proposed First Floor and Roof Plan



PROPOSED ROOF PLAN



PROPOSED FIRST FLOOR PLAN

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PLANNING ISSUE

ZSP
ZS Partnership Ltd.
 Architectural Design & Planning
 488 Coventry Road, Small Heath
 Birmingham B10 0TJ
 0121 772 4098

Drawing Title:
 Proposed First Floor and Roof Plans

Proposed:
 Two Storey / First Floor Side and
 Single Storey Rear Extensions

Project Location:
 95 Walsley Road, Rugeley
 Staffordshire, WS16 2QJ

Client Name:
 Care Services (UK) Ltd

Scale: 1/100 @ A3 Drawn: Ash
 Working No: Date:
 ZL-2863/S 28/07/19

Amendments

Note: This drawing to be read in
 Conjunction with eng No ZL-2863/S

ITEM NO. XX

Contact Officer:	Samuel Everton
Telephone No:	4514

PLANNING CONTROL COMMITTEE 9th OCTOBER 2019	
Application No:	CH/19/284
Received:	29-Jul-2019
Location:	35 Wolseley Road, Rugeley, WS15 2QJ
Parish:	Rugeley
Description:	Two storey side extension, first floor side extension, single storey side extension
Application Type:	Full Planning Application

RECOMMENDATION:

Approve Subject to Conditions

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions):

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

Reason

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

ITEM NO. XX

2. The materials to be used for the external surfaces of the development shall be of the same type, colour and texture as those used on the existing building.

Reason

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

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

Location Plan deposited 29/07/19

Proposed Site Plan deposited 29/07/19

ZL-3863/4 deposited 29/07/19

ZL-3863/5 deposited 29/07/19

ZL-3863/6 deposited 29/07/19

Reason

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

Notes to Developer:

The developer should note that the Lawful Development Certificate previously granted for the use of the property as a residential care home (Ref No. CH/18/449) applies for up to five residents and three members of staff only. Any increase in the number of residents or staff residing at the property may result in a breach of Planning Control.

Consultations and Publicity

External Consultations

Rugeley Town Council

Concerns over the development in light of neighbour objections.

Internal Consultations

None.

Response to Publicity

The application has been advertised by site notice and neighbour letter. Three letters of representation have been received in objection to the proposal and are outlined below:-

ITEM NO. XX

- That there would not be an adequate amount of parking space available within the site for all staff and visitors. Similar properties on the same road in the same ownership as the applicant does not have adequate parking which has led to cars parking within Chadsfield Road.
- Recent construction work on the property has generated excessive noise and disturbance which has prevented neighbours from using their gardens.
- Privacy will be diminished as a result of the two storey side extension.
- The care home will increase noise levels to the detriment of neighbouring properties.
- Neighbours have had to allow hedges to grow higher and refrain from pruning trees and vegetation in order to retain privacy.

Relevant Planning History

CH/18/449	Lawful Development Certificate - care home for adults with learning disabilities	Granted 17/01/2019
CH/19/065	Lawful Development Certificate - 2-storey rear, single storey side extension	Granted 21/03/2019

1 Site and Surroundings

- 1.1 The application site comprises a generously proportioned detached dwelling situated on the western side of Wolseley Road, Rugeley.
- 1.2 The dwelling occupies a large plot with the property situated 24m to the rear of the highway set behind extensive gardens and is a brick construction under a tiled roof with white UPVC windows and doors. The perimeter of the rear garden boundary consists of 1.8m close-board fencing and vegetation. To the front of the property there is a large area of hard-standing which can accommodate 7 vehicles and is accessible via a single ramped access from Wolseley Road.
- 1.3 The dwelling has a two-storey rear extension and two single-storey side extensions which have been constructed under permitted development rights

ITEM NO. XX

following confirmation that they were permitted development through the issuance of a Lawful Development Certificate under application No. CH/19/065.

- 1.4 The dwelling also is also subject to a Lawful Development Certificate which confirms that the use of the dwelling as a residential care home for adults with learning disabilities (Use Class C2), could be lawfully undertaken without the need for planning permission (application No. CH/18/449) as it would not constitute a material change of use. Notwithstanding this, the property, at this moment in time, has an existing use as a dwelling house (C3). As such the current proposal before members should be considered as constituting extensions to a dwelling-house.
- 1.5 There are a number of mature trees, many of which are protected by a Tree Preservation Order (TPO) to the front of the properties that screen the dwelling from the adjacent highway. On the application site this includes a Turkey Oak (TPO No. 4/76) and 2 Sycamore (TPO No. 4/1976).
- 1.6 The wider streetscene comprises residential properties of varying designs, however most are generously sized and many have been extended or altered from their original built design.
- 1.7 The application site is unallocated, however it is located within a Mineral Safeguarding Area and a Coal Authority Low Risk Area.

2 Proposal

- 2.1 The applicant is seeking consent for a single storey side extension and a two storey and first floor side extension to the existing dwelling.
- 2.2 The proposed single storey extension would be located on the south facing side elevation and to the rear of an existing side extension. This extension would comprise a hipped roof and would measure 3m in length, 5.2m in width, 3.5m to the ridge and 2.7m to the eaves.
- 2.3 The proposed two-storey and first floor extension would be located on the northern side elevation and would comprise a ridge and valley pitched roof. This extension would match the height of the main roof at its highest point at 8.2m and the eaves height would measure 5m. The proposed extension would measure the full width of the dwelling at 10.3m in length and would project 3.3m off the side elevation of the existing property.

- 2.4 The proposed extensions would be constructed in brick and tile and would be used for additional living space and staff facilities for the proposed care home use.

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030). Relevant policies within the Local Plan include: -

CP1 - Strategy – the Strategic Approach
CP3 - Chase Shaping – Design

Relevant policies within the minerals plan include: -

Policy 3 - Safeguarding Minerals of Local and National Importance and Important Infrastructure

3.4 National Planning Policy Framework

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

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

- 3.7 Relevant paragraphs within the NPPF include paragraphs: -

8: Three dimensions of Sustainable Development
11-14: The Presumption in favour of Sustainable Development
47-50: Determining Applications

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

3.8 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

Manual for Streets.

4 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Minerals safeguarding

4.2 Principle of the Development

4.2.1 The proposal is for the extension of an existing residential property that is located within an established residential estate. The principle of the development is therefore considered acceptable.

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 Whilst the proposed two storey side extension is relatively large, the additional mass would not have an adverse impact on the appearance of the host dwelling as the host property is itself a large building which stands in generous grounds. The design of the proposal is considered to reflect the overall roof form and detailing to the elevations that is apparent within the existing building. In addition the property is significantly set back and

ITEM NO. XX

screened from the highway and therefore there would only be a limited visibility of the proposal from the adjacent public highway.

- 4.3.7 In regards to the protected trees, given the fact that they are between 11m and 18m away from the nearest part of the proposed extension, it is considered that the proposal would not have any adverse impact upon the protected trees. In addition there are existing construction works currently being carried out on the site for the side and rear extensions that constitute permitted development and the construction activity for the proposal would be a continuation of this existing construction activity. Furthermore, as there is a substantial hardstanding making up the access drive and parking area there would be no need for vehicle parking or material storage near to the trees and as such it is not considered necessary to attach any conditions requiring tree protective fencing.
- 4.3.8 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.
- 4.4 Impact on Residential Amenity
- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 The Design SPD recommends the application of the 45/25° daylight test to determine the impact on principle windows of habitable rooms. The proposal would meet the 45/25° degree test, measured from the nearest front and rear facing habitable room windows of Nos. 33 and 37.

4.4.4 In respect to overlooking and loss of privacy the neighbours concerns are noted. However, the proposed two storey extension meets the minimum 21.3m separation distance at 23m away from properties adjoining to the rear. In addition the proposed two storey extension would not project any further back than the existing two storey rear extension that has been built under Permitted Development Rights. In regards to the single storey rear extension, this would be 20m away from the adjoining rear properties, however the existing 1.8m fence would act as an intervening structure between the properties and therefore preventing any significant degree of overlooking. As such the proposal meets the Council's design guidelines and would not cause any significant loss of privacy to neighbouring properties over and above the existing situation.

4.4.5 Therefore, taking the above into account officers consider that the proposal would not adversely impact on the amenity for occupiers of the surrounding dwellings. It is therefore considered that the design of the proposal is acceptable and it would meet the requirements of the NPPF, Policy CP3 of the Cannock Chase Local Plan and the Council's Design SPD.

4.5 Impact on Highway Safety

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

4.5.2 In this respect the concerns of neighbours regarding the amount of parking is noted.

4.5.3 However, it should be borne in mind that the property still, currently has a lawful use as a dwelling house and the proposal should be considered as an extension to a dwellinghouse.

4.5.4 The above being the case it is noted that the existing dwelling has four bedrooms and the proposal would increase the number of bedrooms within the property to 8. The Council's parking standards require 3 off-street car parking spaces for a dwelling of 4 or more bedrooms and therefore the proposal meets the guidance.

4.5.5 Notwithstanding the above it is also noted that the submitted drawing shows 6 bedrooms for residents and 2 staff bedrooms indicating that there is a firm intention on behalf of the applicant to ultimately use the property as a care home for the housing of 4 or 5 residents with 3 members of staff. However, there is space within the curtilage for 7 vehicles, three on the current hard-surfaced frontage and as such the scheme would comply with policy guidelines.

4.5.3 As such, the proposal would not have an adverse impact upon highway safety and would accord with paragraph 109 of the NPPF.

4.6 Mineral Safeguarding

4.6.1 The site falls within a Mineral Safeguarding Area (MSAs) for Bedrock Sand and Superficial sand and Gravel. Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), aim to protect mineral resources from sterilisation by other forms of development.

4.6.2 Policy 3.2 of the Minerals Local Plan states that:

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

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

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

4.7 Other Issues Raised by Objectors

4.7.1 Recent construction work on the property has generated excessive noise and disturbance which has prevented neighbours from using their gardens.

In response officers would advise that some disruption is to be expected as with any construction work and that the Council has powers under Environmental Health legislation to control any excessive noise or

disturbance. Members are also advised that it is not normal practice to limit hours of construction for extensions to dwellings either whether they are granted under permitted development rights or by express consent from the local planning authority. It is therefore recommended that the construction hours are not limited by condition.

- 4.7.2 Neighbours have asserted that the care home will increase noise levels to the detriment of neighbouring properties.

In response officers would advise that this application can only be determined on its merits as an extension to the existing property and not on its land use.

The Lawful Development Certificate (LDC) (CH/18/449) determined that there would be no material change of use between the proposed care home and the use of the property as a residential dwelling. As such no weight should be given to this issue.

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.

ITEM NO. XX

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.