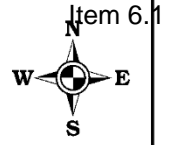




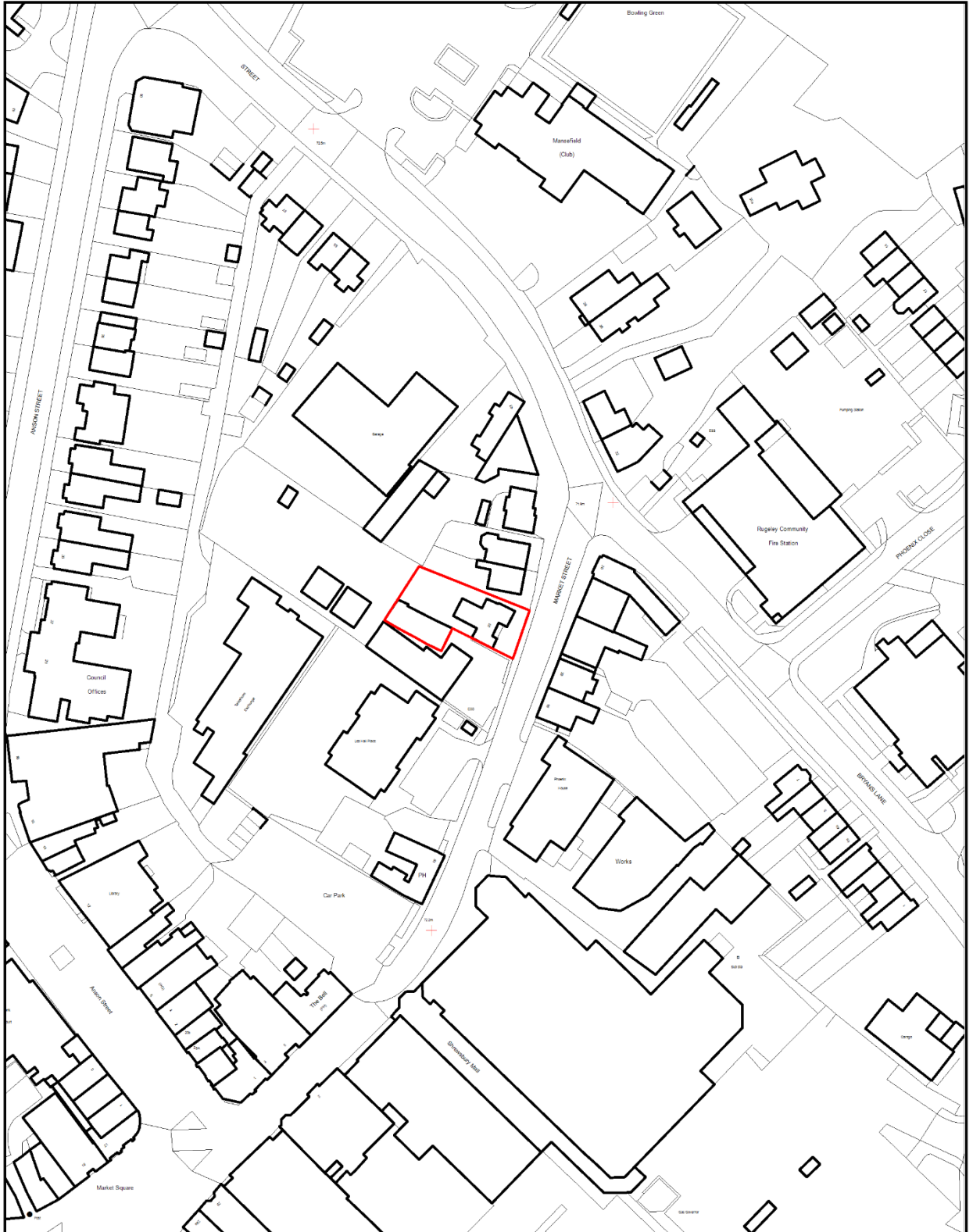
**Application No:** CH/21/0387

**Location:** 33, Mardell House, Market Street, Rugeley, WS15 2JH

**Proposal:** Change of use of former funeral director's premises with first floor one bedroomed flat, garages and storage to 4x2 bedroomed flats together with rear first floor extension



Item 6.1



# Location Plan and Site Plan



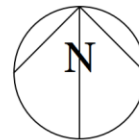
Ordnance Survey (c) Crown Copyright 2021. All rights reserved. Licence number 100022432

**JOHN  
REYNOLDS &  
ASSOCIATES  
LIMITED**  
ARCHITECTURAL  
CONSULTANT

3 Meadway Close Hednesford  
Cannock Staffs WS12 2PD

Tele 07710 359905  
E-mail johnreynoldsandassociates@gmail.com

location plan 1:1250



site plan 1:500  
plotted at A4

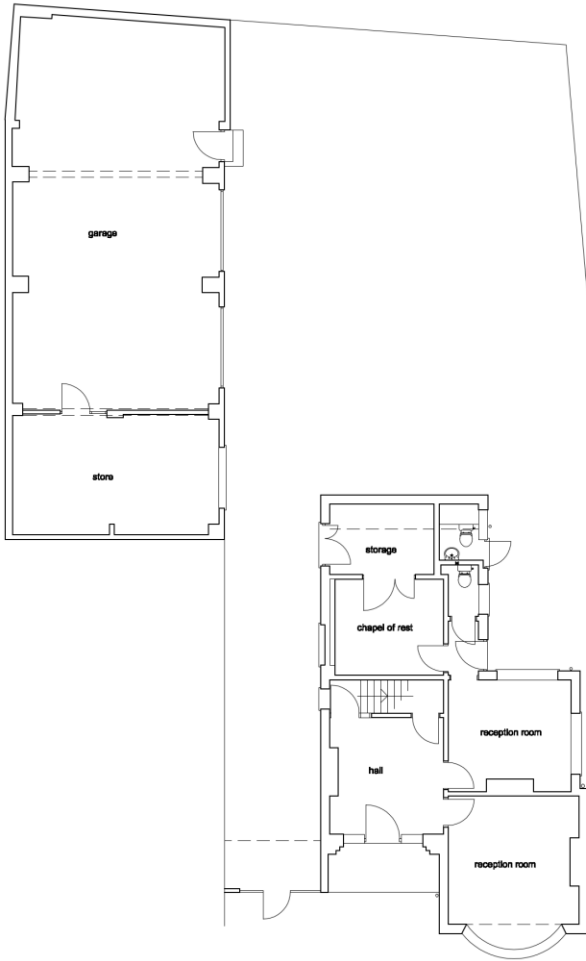
REVISION A  
Car parking reduced to 1no space at front + amenity area increased to 183sqm  
20.01.2022

Entrance to front of property to have vehicle access reduced with installation of 3no removal bollards for maintenance purposes only

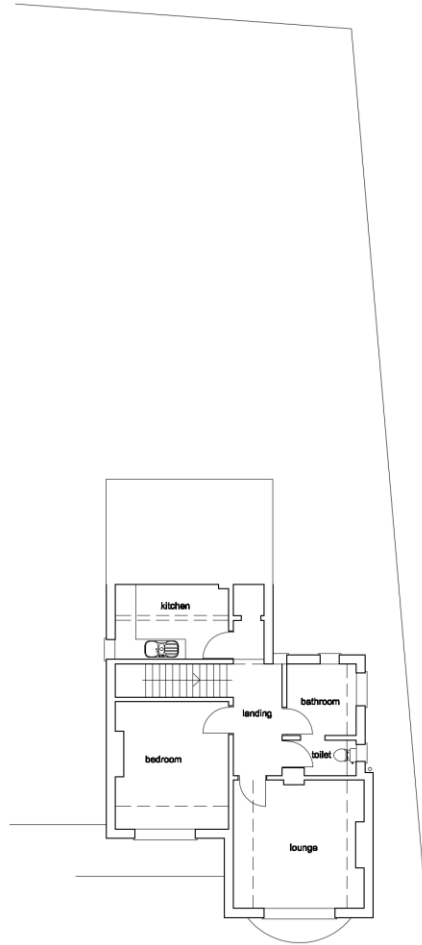
PROJECT  
Mardell House  
33 Market Street  
Rugeley  
WS15 2JH

SEPT 2021

# Existing Floor Plans



EXISTING GROUND FLOOR PLAN 1:100



EXISTING FIRST FLOOR PLAN 1:100

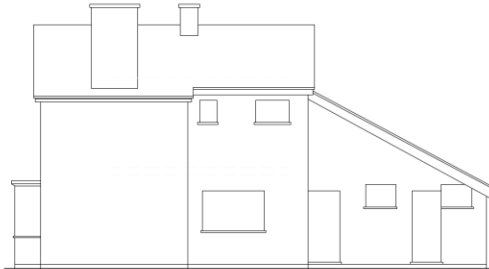
13  
John  
REYNOLDS &  
ASSOCIATES  
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CONSULTANT  
3 Massey Close, Hodnesford  
Cannock, Staffs WS12 2PD  
Tele: 07710 359905  
E-mail: john@reynoldsassociates.com  
@reynolds.com  
P. R. O. A. R. C. H. I. T.  
CHANGE OF USE OF  
FORMER FUNERAL  
DIRECTORS PREMISES  
WITH FIRST FLOOR ONE  
BEDROOM FLAT, GARAGE  
& STORAGE TO 4 x 2 BED  
ROOM FLATS TOGETHER  
WITH REAR FIRST FLOOR  
EXTENSION  
Mardell House  
33 Market Street  
Rugeley  
WS15 2JH  
SEPT 2021  
Rev. no.  
**2021:67:01**

# Existing Elevations

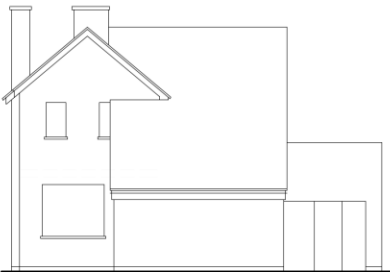
MAIN HOUSE



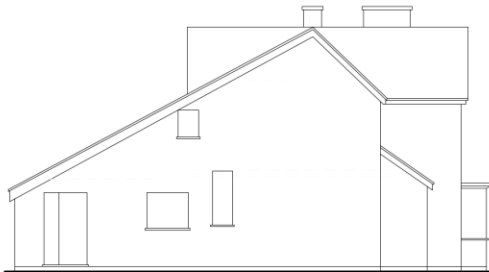
EXISTING FRONT ELEVATION 1:100



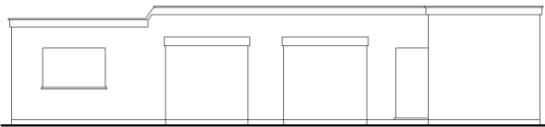
EXISTING SIDE ELEVATION 1:100



EXISTING REAR ELEVATION 1:100



EXISTING SIDE ELEVATION 1:100



EXISTING FRONT ELEVATION 1:100



EXISTING SIDE ELEVATION 1:100



EXISTING REAR ELEVATION 1:100



EXISTING SIDE ELEVATION 1:100

DETACHED GARAGE

Plot of A3  
**JOHN REYNOLDS & ASSOCIATES**  
 ARCHITECTURAL CONSULTANT  
 3 Meadow Close Rednford  
 Cannock Staffs WS12 2PD  
 Tel: 07710 359905  
 E-mail: john@reynoldsandassociates.com

P. R. O. J. E. C. T.  
**CHANGE OF USE OF FORMER FUNERAL DIRECTORS PREMISES WITH FIRST FLOOR ONE BEDROOM FLAT, GARAGE + STORAGE TO 4 x 2 BED ROOM FLATS TOGETHER WITH REAR FIRST FLOOR EXTENSION**  
 Mordell House  
 33 Market Street  
 Rugeley  
 WS15 2JH  
 SEPT 2021  
 dr no

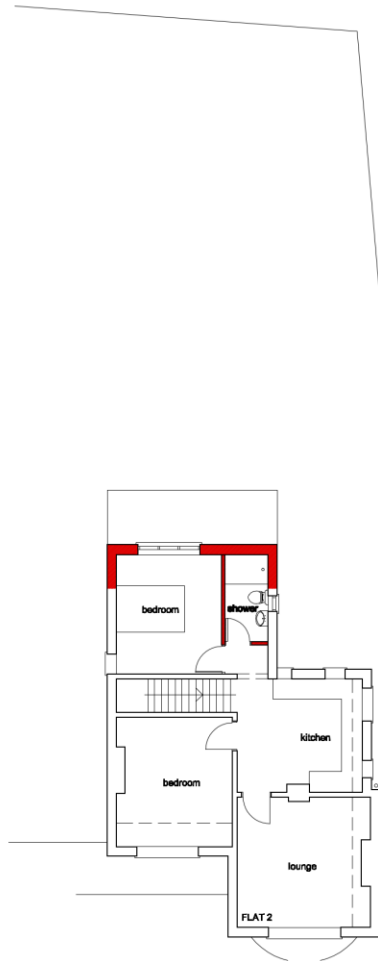
0 1M 2M 3M 4M 5M  
 existing elevations 1:100

2021:67:02

# Proposed Floor Plans



PROPOSED GROUND FLOOR PLAN 1:100



PROPOSED FIRST FLOOR PLAN 1:100

plotted at A3  
**JOHN REYNOLDS & ASSOCIATES**  
ARCHITECTURAL CONSULTANT  
3 Meadow Close Rednford Cannock Staffs WS12 2PD  
Tele 07710 359905  
E-mail johnreynoldsandassociates@gmail.com

PROJECT  
**CHANGE OF USE OF FORMER FUNERAL DIRECTORS PREMISES WITH FIRST FLOOR ONE BEDROOM FLAT, GARAGES + STORAGE TO 4 x 2 BED ROOM FLATS TOGETHER WITH REAR FIRST FLOOR EXTENSION**  
Mordell House  
33 Market Street  
Tugley  
WS15 2JH  
dr no  
**2021:67:03**

proposed floor plans 1:100



# Proposed Elevations

MAIN HOUSE



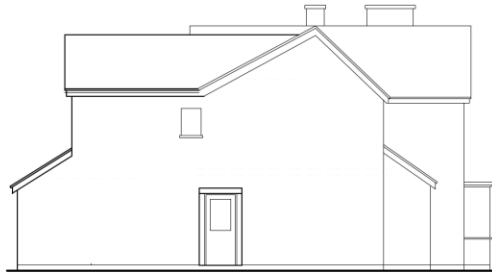
PROPOSED FRONT ELEVATION 1:100



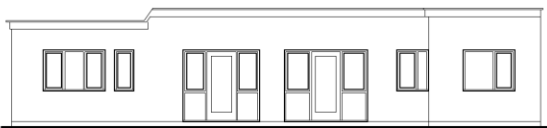
PROPOSED SIDE ELEVATION 1:100



PROPOSED REAR ELEVATION 1:100



PROPOSED SIDE ELEVATION 1:100  
Roof tiling, render to walls + white upvc windows  
all to match existing



PROPOSED FRONT ELEVATION 1:100

DETACHED GARAGE

15  
 14  
 13  
 12  
 11  
 10  
 9  
 8  
 7  
 6  
 5  
 4  
 3  
 2  
 1

**JOHN REYNOLDS & ASSOCIATES ARCHITECTURAL CONSULTANT**  
 3 Hockley Close, Hednesford, Cannock Staffs WS12 2PD  
 Tele 07710 359905  
 E-mail johnreynoldsandassociates@gmail.com

**PROJECT**  
**CHANGE OF USE OF FORMER FUNERAL DIRECTORS PREMISES WITH FIRST FLOOR ONE BEDROOM FLAT, GARAGE + STORAGE TO 4 x 2 BED ROOM FLATS TOGETHER WITH REAR FIRST FLOOR EXTENSION**  
 Mardell House  
 33 Market Street  
 Rugeley  
 WS15 2JH  
 SEPT 2021  
 dr no  
 2021:67:04

proposed elevations 1:100

Contact Officer: Claire Faulkner

Telephone No: 01543 464337

**Planning Control Committee**

**23<sup>rd</sup> February 2022**

**Application No:** CH/21/0387

**Received:** 16-Sep-2021

**Location:** 33, Mardell House, Market Street, Rugeley, WS15 2JH

**Parish:** Rugeley CP

**Ward:** Western Springs

**Description:** Change of use of former funeral director's premises with first floor one bedroomed flat, garages and storage to 4x2 bedroomed flats together with rear first floor extension

**Application Type:** Full Planning Application

**RECOMMENDATION:**

S 106, Then Approval with Conditions

**Reason(s) for Recommendation:**

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

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

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

**Reason**

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

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

## Reason

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

3. Flat 2 of the development hereby permitted shall not be occupied until the first floor side facing window(s) to the ensuite of flat 2, as indicated on the approved plan is obscure glazed. The window(s) shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

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

## Reason

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

4. The development hereby permitted shall not be commenced until:-
  - (i) noise assessment must be submitted to and approved in writing by the Local Planning Authority to include the impact of nearby noise sources including traffic and
  - (ii) any mitigation works identified in the noise assessment have been carried out in full; a verification report has been submitted to the Local Planning Authority confirming that the mitigation works have been undertaken

## Reason

In order to enable the development to proceed in a safe environment and to protect the health and safety of its occupiers and to ensure compliance with Local Plan Policy CP3 and the NPPF.

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

## Reason

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



6. The development hereby permitted shall not be brought into use until the parking area has been provided in accordance with the approved 'Site Plan Rev A and shall thereafter be retained for the lifetime of the development.

**Reason**

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

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

2021:67:03 Proposed Floor Plan  
 2021:67:04 Proposed Elevations  
 Site Plan Rev A

**Reason**

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

**Note to Applicant**

**Coal Authority**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**Severn Trent**

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

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider

catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Housing Team

The applicant is asked to familiarise themselves with the comments of Environmental Health Housing Team in respect to escape routes / windows.

## **Consultations and Publicity**

### **Internal Consultations**

#### CIL Officer

Thank you for submitting your Community Infrastructure Levy (CIL) additional form in respect of planning application CH/21/0387.

Based on the form submitted, if permission is granted the chargeable amount for this development would be £280.29. Please note this figure is index linked and will differ depending on the year permission is granted.

The amount above would not be sufficient to cover the Cannock Chase Special Area of Conservation mitigation fee, which would be £663.00 (£221.00 per net dwelling created). This means the applicant will be required to enter into a Section 106 Unilateral Undertaking for the outstanding amount. This fee would be £382.71 plus legal costs. The assigned Planning Officer for this case will be in contact with the Council's solicitor to arrange this.

In order for us to ensure the CIL liability notice is issued to the correct party, could you please complete and submit the attached Assumption of Liability form. The party assuming liability will be responsible for paying CIL if permission is granted and implemented. This can be transferred at any point before the last CIL payment is made.

#### Environmental Health

Prior to the commencement of works

- (i) a noise assessment must be submitted to and approved in writing by the Local Planning Authority to include the impact of NEARBY NOISE SOURCES, INCLUDING TRAFFIC (EHO emphasis) ; and
- (ii) any mitigation works identified in the noise assessment have been carried out in full; and
- (iii) a verification report has been submitted to the Local Planning Authority confirming that the mitigation works have been undertaken

#### Economic Development

There are no objections from Economic Development to this change of use.

### Private Sector Housing

The above planning application was reviewed by Environmental Health (Housing) I have concerns with regards the internal layout of each of the four units as the primary escape routes from each of the bedrooms is via an open plan kitchen area, which is considered a high risk room. In order to protect the occupants it will be necessary to adjust the internal layout so that the final exit door to each flat can be reached without passing through a kitchen, living room or other bedroom. Alternatively, a secondary fire escape route can be created through the installation of suitably designed windows.

For information: windows intended for fire escape purposes should meet the requirements of LACORS Housing Fire Safety Part C section 14: Escape Windows. Page 16.

[Officers note that these issues relate to matter that fall under Building Control].

### Development Plans and Policy Unit

I can advise that the site is situated within the Rugeley Town Centre Boundary and abuts ELAA 2020 Site RE19 (Not Available) and SHLAA 2020 Site R145 (Restricted & Excluded) also identified as Site RTC5 (Market Street Garages) in the Rugeley Town Centre Area Action Plan.

The site does not fall within any other designated areas shown on the Local Plan Policies Map.

National Planning Policy Framework (NPPF) and the presumption in favour of development

In terms of national guidance, the NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. It identifies that there are three overarching objectives – economic, social and environmental which are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.

Chapter 7 of the NPPF; Ensuring the vitality of town centres advises that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Of particular relevance to this proposal are, paragraph a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters; paragraph b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre; and paragraph f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

The NPPF at Chapter 12; Achieving well-designed places advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The NPPF at para 130 identifies factors which planning policies and decisions should ensure that developments achieve.

Of particular relevance to this proposal are, paragraph 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; paragraph b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; paragraph 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); paragraph d) establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit and paragraph f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>49</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

#### Development Plan

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

The Cannock Chase Local Plan (Part 1) was adopted in 2014. Policy CP11 of the Local Plan (Part 1) identifies that Rugeley's role as a Market Town serving the shopping needs of its hinterland will be continued and strengthened. Main town centre uses including retail, offices, commercial, leisure and cultural facilities should take a sequential approach that gives priority to the regeneration of the town centre within this boundary, followed by edge of centre locations. [...] Non-retail uses will only be permitted where they do not detract from the primary retail function of the town centre.

Local Plan (Part 1) Policy CP3 of the Local Plan supports high standards of design, and for development to be well-related to existing buildings and their surroundings, in terms of layout, density, access, scale, appearance, landscaping and materials based upon an understanding of the context of the site and appropriate professional expertise.

Policy CP3 requires development proposals to consider design imaginatively in its context, complementing and enhancing the character and appearance of the local area and reinforcing local distinctiveness, and to protect the amenity enjoyed by existing properties [...].

The Local Plan (Part 1) at Policy CP3 also requires development to promote appropriate design and uses in town centres with 'active' street frontages [...].

Further design considerations including spatial separation and garden space should refer to Appendix B of the Design SPD: Residential Development Guidelines including garden sizes. New Residential Development should provide for private outdoor garden space of a usable size and shape, fit for purpose, in proportion to the size of the dwelling and its locality, particularly where garden size is important to distinctive local character.

With regards to the further detailed design of the scheme, regard should also be paid to Policy CP16 and the Parking Standards, Travel Plans and Development Contributions for Sustainable Transport SPD (2005) (contains parking standards).

Policy RTC2 of the Rugeley Town Centre Area Action Plan considers Town Centre Land Uses and advises that retail premises in Rugeley Town Centre outside the Primary Shopping Area may be appropriate for conversion to residential uses that contribute to meeting local housing need.

#### Other Comments

The Highways Authority should also be consulted with regards to the proposed parking provision and access from the highway.

#### Contributions

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

Given that a net increase in dwellings is proposed the development also needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan (Part 1) Policy CP13). Should the development be liable to pay CIL charges then this will satisfy the mitigation requirements, as per the Local Plan (Part 1) Policy CP13, the Developer Contributions SPD (2015) and the Council's Guidance to Mitigate Impacts upon Cannock Chase SAC (2017). However, should exemption from CIL be sought then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Councils 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 in consultation with the relevant infrastructure provider.

#### Five year housing land supply

The latest published SHLAA (December 2020) identifies that the Council currently has a housing land supply of 4.8 years and thus does not have a 5 year supply of housing land at 1st April 2020. The SHLAA advises that most recent housing delivery test results indicate that Cannock Chase delivered 172% of the relevant housing requirement over the last 3 years.

#### Conclusion

The development proposes the loss of a former A1 now E(a) building, the NPPF recognises that residential developments on appropriate sites often play an important role in town centres. The site is situated within an area of residential, retail and business premises and is in proximity of the Primary Retail Area. The Cannock Chase Retail & Town Centre Use Study (2021) identifies that Rugeley Town Centre presently displays reasonably good levels of vitality and viability. It also advises that despite this, that there is evidence of increasing vitality of the town centre or upon future redevelopment policies within the town centre AAP. ng levels of vacancies in the town centre and connectivity between the shopping core, railway stations and areas in the north of the town centre could be improved.

I have no evidence to indicate that the additional residential use would negatively impact upon the viability.

It is considered that the proposal should respect the character and density of the area and promote the creation of better places to live and work. We are happy to leave the planning balance judgement to the case officer.

## **External Consultations**

### Travel Management and Safety

No objection to the proposal subject to the attached conditions. The property is located within a sustainable town centre location, in proximity to the bus and railway station and nearby car parks and is therefore acceptable subject to the recommended condition.

### Severn Trent Water Ltd

With Reference to the above planning application the company's observations regarding sewerage are as follows. As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Please note if you wish to respond to this email please send it to [Planning.apwest@severntrent.co.uk](mailto:Planning.apwest@severntrent.co.uk) where we will look to respond within 10 working days.

## **Response to Publicity**

The application has been advertised by site notice and neighbour letter. Six letters of representation have been received. The objections are summarised below: -

- Market Street is a very busy road. There is already massive parking issue within Market Street. The proposal will add to the existing problem.
- Potential parking permit scheme for residents within Market Street
- Changes to the historic nature of the building in this historic location are devaluing the history value of this location,
- Neighbouring properties will be devalued,
- Increased traffic on an already busy road, and

- Short term occupancy of the flats effecting the sense of community

### Relevant Planning History

CH/04/0803:	Residential development. Outline - Refuse. 01/14/2005.
CH/88/821:	Change of use from house to office and loiving accomodation. Full - Approval with Conditions. 08/25/1989.
CH/90/0146:	Residential Development (Outline). Outline - Refuse. 07/18/1990.
CH/90/0744:	Change ofuse from workshop to garage fro 2 cars, coffin. Exisiting Lawful Use/Dev Cert. Issued 11/29/1990 .
CH/90/0773:	Residential dEvelopment (3 town houses). Full - Approval with Conditions 01/09/1991.
CH/91/0025:	Garage for 2 cars , coffin preparartion area , coffin store. Full - Approval with Conditions - S106. 01/23/1992.
CH/91/0332	Demoliation of existing buildings and redevelopment. Full - Approval with Conditions. 07/10/1991.
CH/96/0620	Formation of door openings in side elevation. Full - Approval with Conditions. 01/08/1997.

### 1.0 Site and Surroundings

- 1.1 The application site comprises a detached two storey brick and tile building set behind a short frontage on Market Street, Rugeley.
- 1.2 To the rear of the main building and extending behind the adjoining property to the south is a single storey flat roofed building divided into four sections, two comprising garage space and two storage areas.
- 1.3 The property is currently vacant. Its previous use was as a funeral director's premises. The ground floor of the main building was used as reception areas and a chapel of rest. The first floor comprised a one bedroomed flat. The single storey building at the rear was used for garaging of the funeral cars and storage.
- 1.4 The whole of the rest of the former rear garden of the dwelling is hard surfaced. The front garden is shallow and enclosed with an attractive low stone wall. There is a single vehicle width access extending under a canopy and garage door to the rear of the site.
- 1.5 This part of Market Street lies beyond the main pedestrianised town centre of Rugeley. Land uses in the vicinity of the site comprise a mix of residential and business premises including a veterinary surgery immediately adjoining to the

south, beyond which is a recently built two storey block of flats and a public house. To the north of the site is a pair of semi-detached dwellings and opposite a group of Victorian terraced houses. There is also a light industrial unit opposite the newly built flats. A small public car park is located on the edge of the pedestrian area, opposite which is the rear of the Morrisons foodstore.

1.6 The site is unallocated in the Local Plan, however the site is located within a Mineral Safeguarding area and a Coal Authority Low Risk Area.

## 2.1 **Proposal**

2.1 The applicant is seeking consent for change of use of former funeral director's premises with first floor one bedroomed flat, garages and storage to 4 x2 bedroomed flats together with rear first floor extension

2.2 It is proposed to convert the house into two 2 bedroomed flats. The first floor extension would comprise a footprint of 5m<sup>2</sup> and be constructed to the rear

2.3 The former garages and storage spaces would also be converted to two x 2 bedroomed flats with principal windows facing into the site.

2.4 One parking space would be provided for the proposed conversion which would be on the existing driveway to the front, side of the frontage building. The rear yard would be laid out as amenity space with pedestrian access only. The existing vehicular access would remain unaltered.

## 3.0 **Planning Policy**

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

3.2 The Development Plan currently comprises the Cannock Chase Local Plan Part 1 (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030).

### Cannock Chase Local Plan Part 1

3.3 Relevant policies within the Local Plan include: -

CP1 -	Strategy – the Strategic Approach
CP2	Developer Contributions for Infrastructure
CP3 -	Chase Shaping – Design
CP6 –	Housing Land
CP7 –	Housing Choice
CP10-	Sustainable Transport



CP11 – Centres Hierarchy  
 RTC2 – Town Centre Land Uses

### Minerals Local Plan for Staffordshire

#### 3.4 Relevant Policies within the Minerals Plan Include:

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

#### 3.5 National Planning Policy Framework

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

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

#### 3.8 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
111:	Highway Safety and Capacity
126, 130, 132, 134:	Achieving Well-Designed Places
218, 219	Implementation

#### 3.9 Other relevant documents include: -

- (i) Design Supplementary Planning Document, April 2016.
- (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
- (iii) Manual for Streets

### **4.0 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
- x) Affordable housing
- xi) Other Issues raised

## 4.2 Principle of the Development

4.2.1 Both paragraph 11 of the NPPF (2021) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development.

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

‘For decision taking this means:

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

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

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

4.2.4 Other than the above general strategic approach there are no relevant policies within the Local Plan in respect to the approach to be taken with regard to the

development of wind-fall sites. As such the proposal falls to be determined in accordance with the tests set out in subsection (d) (i) or (ii) of paragraph 11 of the NPPF show above.

- 4.2.5 With that in mind it is noted that the application site is not designated as Green Belt, AONB or as a SSSI or SAC, nor does it contain a listed building or conservation area or affect the setting of a designated heritage asset; nor is it located with flood zones 2 or 3.
- 4.2.6 The application site does however relate to a previous A1 (now E) Use within the Use Class Order and would result in the loss of a retail unit. The application site is located within Rugeley Town Centre Boundary although it is not within the Primary Retail Area.
- 4.2.7 The NPPF at para 120 identifies factors which planning policies and decisions should ensure that developments encourage. Of particular relevance to this proposal are, paragraph d) promote and support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 4.2.8 Policy RTC2 of the Rugeley Town Centre Area Action Plan considers Town Centre Land Uses and advises that retail premises in Rugeley Town Centre outside the Primary Shopping Area may be appropriate for conversion to residential uses that contribute to meeting local housing need.
- 4.2.9 In the case of residential proposals, regard will also be paid to the findings of the Strategic Housing Land Availability Assessment. Where a shortfall in the five-year housing supply is apparent then the presumption should be in favour of residential development, unless the economic evidence is strong and compelling.
- 4.2.8 In this respect the latest published SHLAA (December 2020) identifies that the Council currently has a housing land supply of 4.8 years and thus does not have a 5 year supply of housing land at 1st April 2020. As such the proposal should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.2.9 In respect to the location of the site it is within a mixed use location within Rugeley Town Centre, close to the schools and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development. The site is not located within either Flood Zone 2 or 3 and it is not designated as a statutory or non- statutory site for nature conservation nor is it located within a Conservation Area (CA) nor does it affect the setting of a designated or undesignated heritage asset.

4.2.10 It is therefore concluded that the proposal is located in a sustainable location and is acceptable in principle.

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

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

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

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

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 126, 130, 132 and 134. Paragraph 126 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.3 Paragraph 130 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

‘Planning policies and decisions should ensure that developments:

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

4.3.4 Finally Paragraph 134 states

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

- a) development which reflects local design policies and government guidance on design, taking into account any local design

guidance and supplementary planning documents such as design guides and codes; and/or

- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'

4.3.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to space about dwellings. In this context the comments of the objectors are noted.

4.3.6 The application site lies within Rugeley Town Centre wherein there is a variety of land uses. The application site is not within a Conservation Area although the Conservation Area is located approx.. 50m to the south. There are two Listed Buildings within the surrounding area; one being the public house to the south (approx.. 50m) and the other being two residential properties approx.. 40m to the north-east. The application building is not Listed either nationally or locally.

4.3.7 The proposed development would, subject to a small, first floor extension, use the existing buildings already located within the site. The rear of the site would be given over to amenity space and the small walled frontage retained to the front. In this respect the proposal would reflect the character of the residential properties to the immediate north of the site and would not affect the setting of the Listed Buildings.

4.3.7 Having had regard to the above and to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

#### 4.4 Impact on Residential Amenity

4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.

4.4.2 Paragraph 130(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.

4.4.3 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum

distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 30sqm per flat for those flats which are served by a communal space.

- 4.4.4 However, it should always be taken into account that these distances and areas are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels as well as the character of the area.
- 4.4.5 In this instance, the buildings already exist and would be converted without too much alteration. The proposed extension would be to the rear and comprises of a first floor extension of 5m<sup>2</sup> that would be constructed in place of the existing roof slope. It is noted that one window would be introduced into the side elevation facing towards No. No.35 however this would be to an ensuite and a condition recommended that it is obscure glazed. As such, the proposal would not result in any significant increase in overlooking or privacy to the adjoining property.
- 4.4.6 The proposed first floor extension would remain 3.5m from the shared boundary and therefore would not result in a significant detrimental impact to the occupiers of the adjacent dwelling in terms of outlook or daylight.
- 4.4.7 Therefore it is concluded that the proposal by virtue of the distance from the nearest dwellings, the proposal would not result in any significant impact, by virtue of overlooking, loss of light or loss of outlook, on the residential amenities of the occupiers of the neighbouring properties as per the requirements set out within the Councils Design SPD.
- 4.4.8 It is noted that the application site lies adjacent a veterinary clinic, located to the immediate south of the application site. Paragraph 185 of the NPPF states planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- (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;
- 4.4.12 In this respect The Councils Environmental Health Officers were consulted on the application and raised no objection to the proposed development. In order to sufficiently safeguard the future occupiers of the site however they did recommend the attached condition for a noise assessment to be submitted and approved by the Local Planning Authority.

4.4.12 Given the above and subject to the recommended conditions, it is considered that the proposal would provide a high quality of amenity for occupiers of existing dwellings as well as for the future occupiers of the proposed dwelling in accordance with the Design SPD and Local Plan Policy CP3.

4.4.13 With regard to the proposed dwellings, the private garden space to the rear would measure approx.. 150m<sup>2</sup> with off road parking for one vehicle. The Design SPD requires an area of 30m<sup>2</sup> amenity space per unit of communal space. As such, it is considered that the proposal would provide a high quality of amenity for occupiers of existing dwellings as well as for the future occupiers of the proposed dwelling in accordance with the Design SPD and Local Plan Policy CP3.

#### 4.5 Impact on Highway Safety

4.5.1 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this respect the comments of the neighbours are noted.

4.5.2 The existing vehicular access would be used to as a driveway to the side of the host building. No alterations are proposed to the access. The objections from neighbours received in respect to the parking issues within Market Street are noted.

4.5.3 The applicant has stated that The Council's current policy on parking is contained within the Parking SPD which is based on rom 2005 and is based on the principle of operating maximum rather than minimum standards. So The maximum standard for 2 bedroomed flats is 1.5 spaces per flat. However, the document states that lower levels of parking provision can be applied in town centres with good access to public transport and to public car parks. Distances of 100 metres to a public car park and 400 metres to a bus stop served by a frequent service. The application site is 70 metres from the nearest public car park on Market Street and 150 metres from the main town centre car park off Forge Road. The town centre bus station from where frequent services run to Cannock, Stafford and Lichfield is 350 metres walking distance.

4.5.4 The SPD also states that lower levels of parking provision are acceptable for student or single person accommodation and in connection with conversion of houses or non-residential buildings to flats.

4.5.4 The Highway Authority was consulted on the application and raised no objection to the proposal subject to the attached conditions. The Highway Authority stated that the property is located within a sustainable town centre location, in proximity to the bus and railway station and nearby car parks and is therefore acceptable subject to the recommended condition.

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

#### 4.6 Impact on Nature Conservation Interests

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

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

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

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

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

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

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);



- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'

#### 4.6.4 Paragraph 180 goes on to state

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

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

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

- 4.6.5 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. There is a net increase in dwellings of 3 No. such that SAC mitigation contributions are required. However, based on the form submitted, if permission is granted the chargeable amount for this development for CIL would not be sufficient to cover the Cannock Chase Special Area of Conservation mitigation fee. This means

the applicant will be required to enter into a Section 106 Unilateral Undertaking for the outstanding amount.

#### On Site Impacts

- 4.6.6 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that is given special protection or which is of particular conservation interest. As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.
- 4.6.7 In order to enhance the nature conservation opportunities for the site, a condition requiring the provision of an electrical vehicle charging point has been recommended.
- 4.6.8 Given the above it is considered that the proposal, would not have a significant adverse impact on nature conservation interests either on, or off, the site. With the recommendation to include a bat box and an electrical vehicle charging point, the proposal would provide opportunities to enhance nature conservation. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF

#### 4.7 Drainage and Flood Risk

- 4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps.
- 4.7.2 In this respect it is noted that paragraph 159 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 It is noted that the site relates to an existing building within a built up area. As such it is in close-proximity to drainage infrastructure that serves the surrounding area and is considered acceptable. The applicant has demonstrated that soakaways would be incorporated in the scheme and links through to existing drainage. Severn Trent were consulted on the application and are satisfied that the proposal would not impact on the public sewerage system. No condition for drainage was requested.

#### 4.8 Mineral Safeguarding

- 4.8.1 The site falls within a Mineral Safeguarding Area (MSAs) for Coal and Fireclay. Paragraph 209, of the National Planning Policy Framework (NPPF) and Policy

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

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

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

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

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

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

#### 4.9 Waste and Recycling Facilities

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

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

#### 4.10. Ground Conditions and Contamination

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

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

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

#### 4.12 Affordable Housing

4.12.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, given the order of the Court of Appeal, dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014, and the subsequent revision of the PPG it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

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

4.13.1 A neighbour has raised concern regarding potential parking permit scheme for residents within Market Street. Your Officers confirm that this would be a matter for Staffordshire County Highway Authority to address.

4.13.2 An objector raised concern that the adjacent property prices would be devalued as a consequence of the proposed development. Your Officers confirm that property prices are not material considerations in the determination of a planning application.

4.13.3 An objector raised concern that the development is unlikely to appeal to families and will, due to the limited floorspace, lack of amenity area and the potential short term lease of the units. Your Officers confirm that the use of the land would be for residential purposes and there is no distinction within planning policy between ownership of a property or short term leasing. As such, this is not a material consideration for the determination of the application.

## **5 Human Rights Act 1998 and Equality Act 2010**

### **Human Rights Act 1998**

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

### **Equality Act 2010**

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

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

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

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

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

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

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

## **6 Conclusion**

- 6.1 Residential development on this unallocated site within a sustainable location in a predominantly residential area within the urban area of Rugeley is considered acceptable under current local and national policy.
- 6.2 It is concluded that any adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as whole. As such the proposal benefits from the presumption favour of sustainable development and should, subject to the attached conditions, be approved.

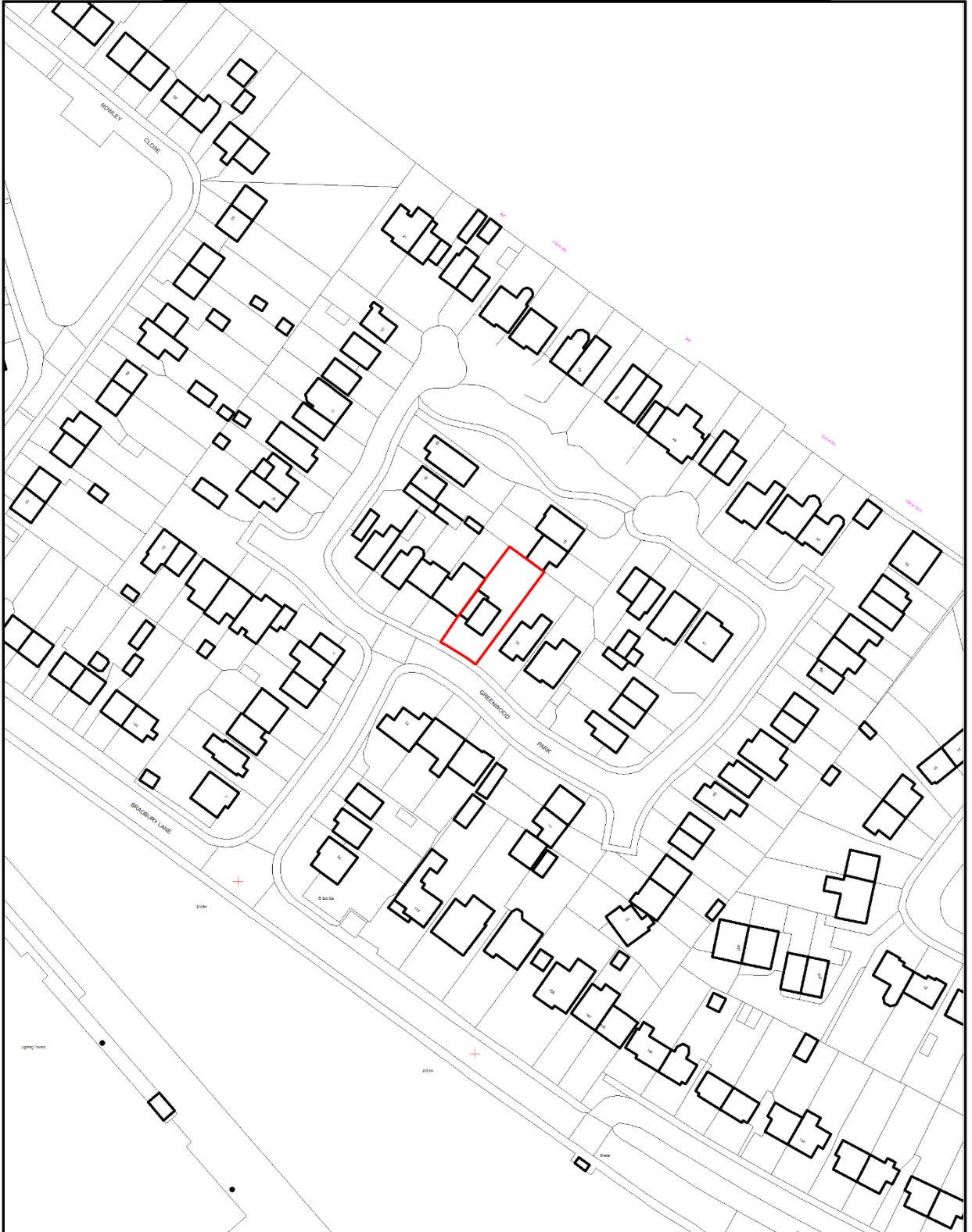


**Application No:** CH/22/0014

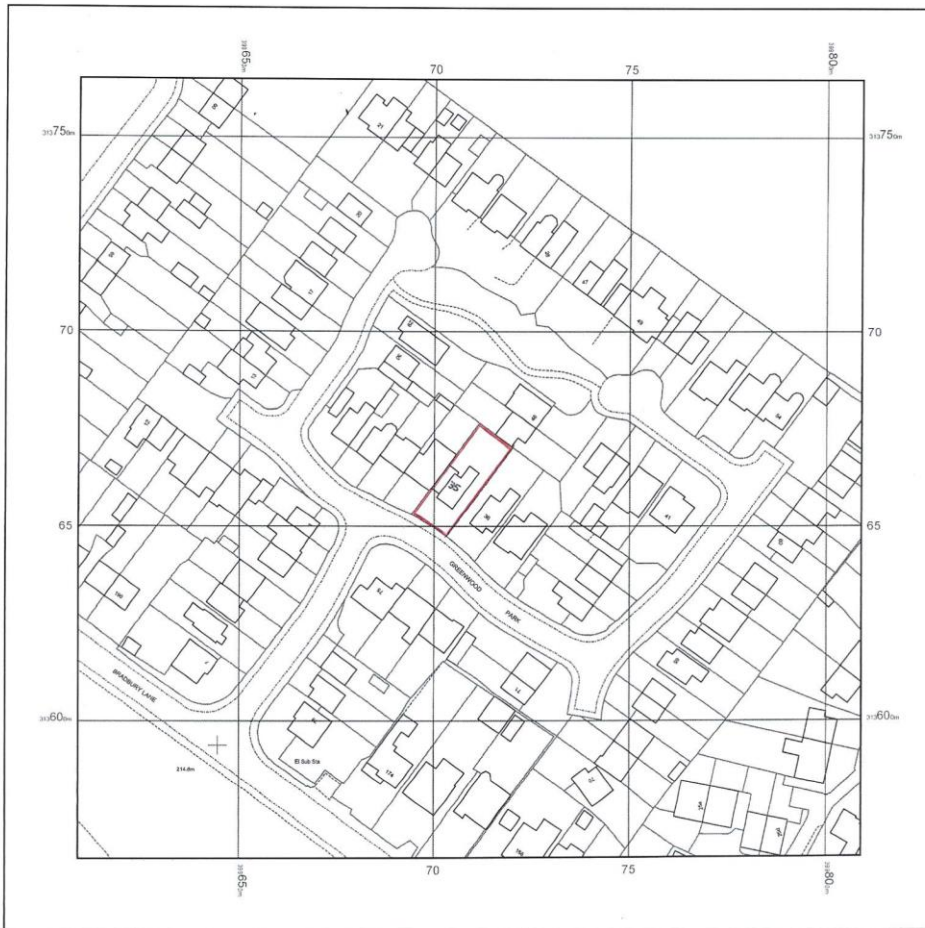
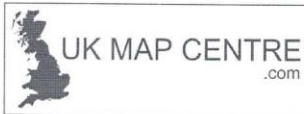
**Location:** 35, Greenwood Park, Pye Green, Cannock, WS12 4DQ

**Proposal:** Resubmission of CH/21/0438 - Two x two storey side extensions and a single storey rear extension to create (in part) a self-contained 1 bedroom annex and other domestic extensions to the host dwelling.

Item 6.30



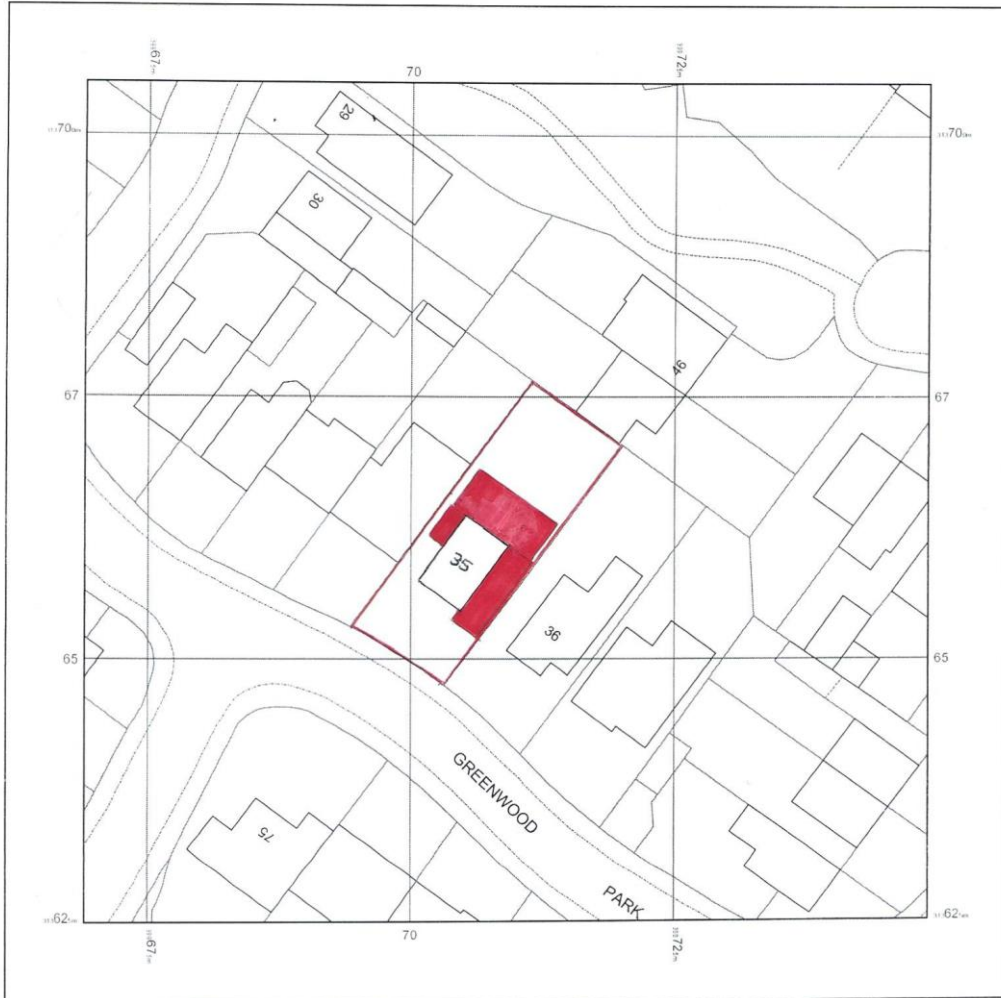
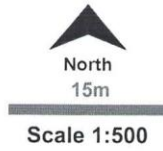
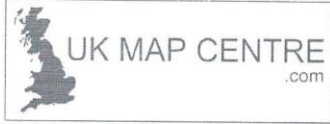
# Location Plan



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# Block Plan



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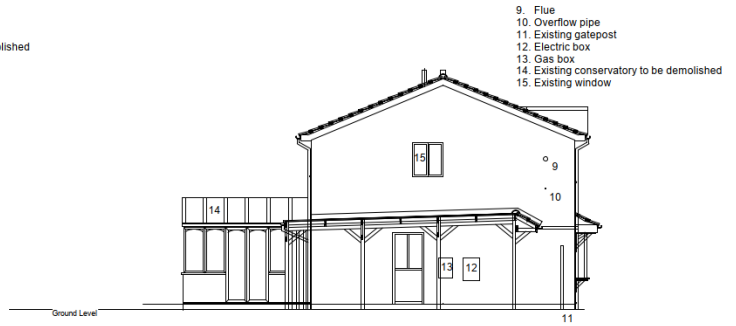
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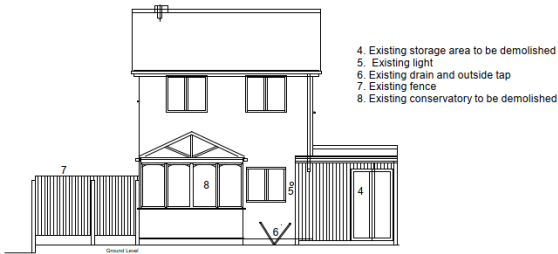
# Existing Elevations



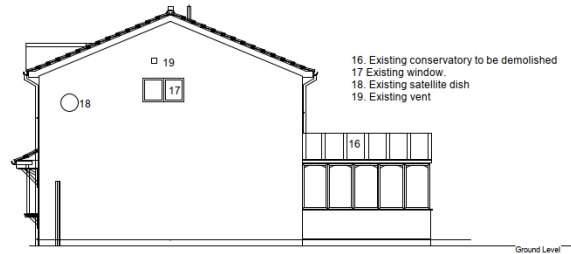
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Existing Side Elevation No 34



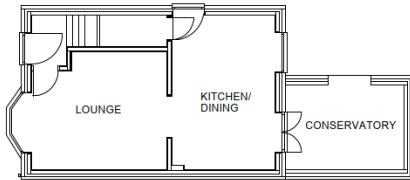
Existing Rear Elevation



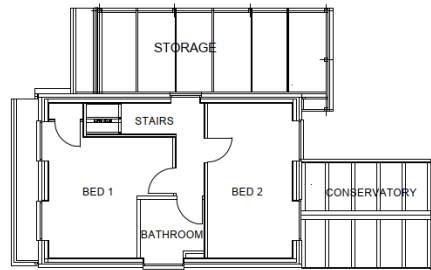
Existing Side Elevation No 36

PLANNING PERMISSION			
TITLE: EXISTING ELEVATIONS - OCTOBER 2021			
SITE ADDRESS: 35 GREENWOOD PARK, HEDNESFORD, CANNOCK, WS12 4DQ			
SIZE A3	SCALE 1:100	DWG NO AN-PP-001	REV -

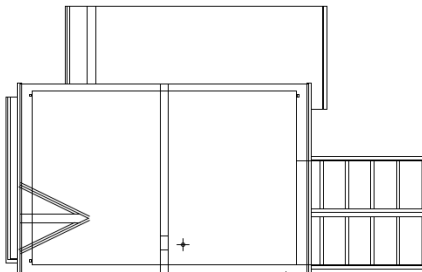
# Existing Floor Plans



EXISTING GROUND FLOOR



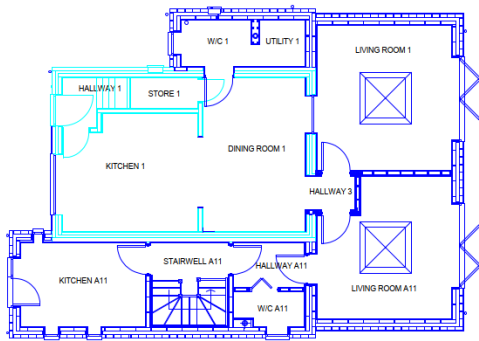
EXISTING FIRST FLOOR



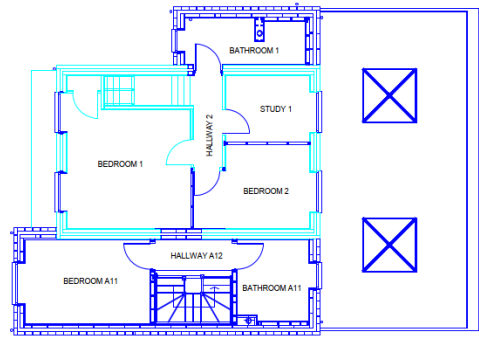
EXISTING ROOF PLAN

PLANNING PERMISSION			
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SIZE A3	SCALE 1:100	DWG NO AN-PP-002	REV -

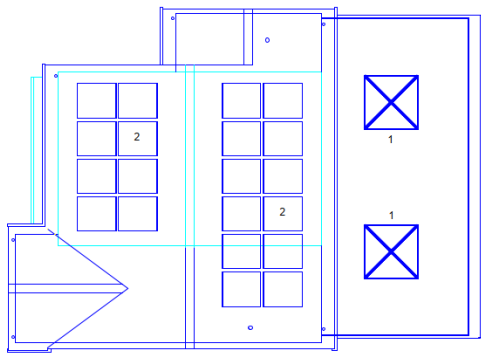
# Proposed Floor Plans



Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Roof Plan

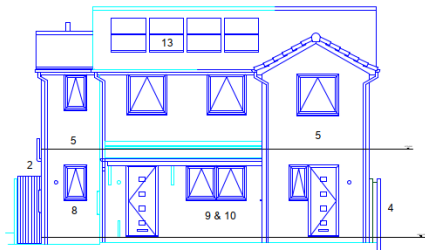
Notes:

- 1. Roof lantern - Anthracite finish
- 2. Solar panels

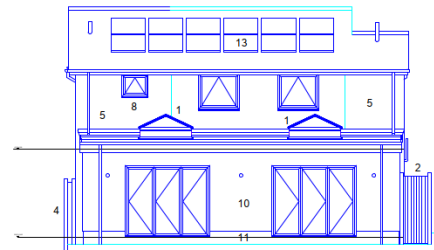
Rev A - 12/01/21 - Upated to latest scheme

PLANNING PERMISSION			
TITLE: PROPOSED FLOOR & ROOF PLANS		DATE: OCT 2021	
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SIZE A3	SCALE 1:100	DWG NO AN-PP-004	REV A

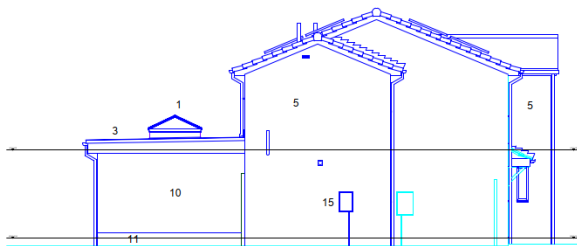
# Proposed Elevations



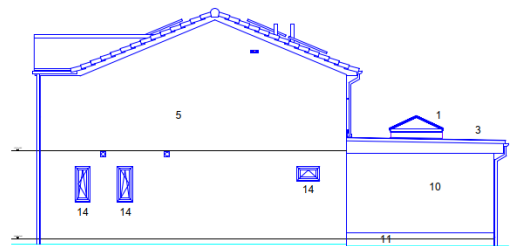
PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION NO.34



PROPOSED SIDE ELEVATION NO.36

Notes:

- 1. Roof lantern - Anthracite finish
- 2. Timber gate
- 3. Roof covering - Black Edpm or equivalent
- 4. Boundary fence
- 5. Bricks to be similar in appearance to existing
- 6. Roof tiles to be similar in appearance to existing
- 7. Doors & windows - Grey/Anthracite finished UPVC/Aluminium
- 8. Opaque glass window
- 9. Aperture infill
- 10. Rendered finish - White/Off white finish
- 11. Blue Class B engineering brick
- 12. Fascias, soffits, guttering & downpipes - Anthracite finish
- 13. Solar panels
- 14. Tilt & turn window - Opaque glass
- 15. New Gas meter box

Rev A - 12/01/21 - Upated to latest scheme

PLANNING PERMISSION			
TITLE: PROPOSED ELEVATIONS		DATE: OCT 2021	
SITE ADDRESS: 35 GREENWOOD PARK, HEDNESFORD, CANNOCK, WS12 4DQ			
SIZE A3	SCALE 1:100	DWG NO AN-PP-003	REV A

**Contact Officer:** Claire Faulkner

**Telephone No:**01543 464337

**Planning Control Committee**

**16<sup>th</sup> March 2022**

**Application No:** CH/22/0014

**Received:** 17-Jan-2022

**Location:** 35, Greenwood Park, Pye Green, Cannock, WS12 4DQ

**Parish:** Hednesford CP, Hednesford CP

**Ward:** Hednesford North, Hednesford North

**Description:** Resubmission of CH/21/0438 - Two x two storey side extensions and a single storey rear extension to create (in part) a self-contained 1 bedroom annex and other domestic extensions to the host 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 hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan

Planning Statement

AN-PP-004 Rev A Proposed Floor & Roof Plans

AN-PP-003 Rev A Proposed Elevations

## Reason

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

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

## Reason

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

3. A minimum of 3 car parking spaces shall be available at all times within the curtilage of the dwelling.

## Reason

In the interests of highway safety and to ensure compliance with The Staffordshire County Council Residential Design Guide, the Parking Standards, Travel Plans and Developer contributions for sustainable transport SPD and the NPPF.

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

## Reason

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

5. The annex hereby approved shall only be used by the occupants of 35 Greenwood Park, and members of their immediate family, therefore restricting the occupancy of the annex to ancillary accommodation to the main house. The annex shall not be used at any time for commercial or residential lettings or be separated from the wider planning unit.

## Reason

The application has been determined on the basis that the annex will be used as ancillary accommodation to the host property and its use as an independent dwelling house has not been fully assessed.

**Notes to Developer:**

## Coal Authority

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

at:

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

## **Consultations and Publicity**

### **Internal Consultations**

None undertaken

### **External Consultations**

Hednesford Town Council

No adverse observations subject to satisfactory response to queries.

### **Response to Publicity**

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

### **Relevant Planning History**

CH/21/0438: Two x two storey side extensions and a single storey rear extension to create (in part) a self contained 1 bedroom annex and other domestic extensions to the host dwelling. Approved at committee 8/12/21

CH/19/087: Two storey side extension to form a downstairs bedroom and wet room, upstairs bathroom. Full - Approval with Conditions 04/30/2019

## **1 Site and Surroundings**

- 1.1 The application site is comprised of a detached dwelling fronting Greenwood Park in Hednesford.
- 1.2 The application site comprises a two storey dwelling finished in facing brickwork under a tiled roof. The application site has hardstanding to the front set behind a low boundary fence. The private garden is to the rear of the dwelling. The application site benefits from a car port to the side.

- 1.3 The street scene comprises a linear strip of detached dwellings fronting the highway set behind modest frontages. Dwellings differ in terms of scale but are generally of a similar design and finish. Several of the adjacent dwellings benefit from extensions similar to those proposed.
- 1.4 The application site located within a Mineral SafeGuarding Area and considered to be in a low risk area by the Coal Authority.

## **2 Proposal**

- 2.1 The application seeks consent for the erection of two x two storey side extensions and a single storey rear extension to create (in part) a self-contained 1 bedroom annex and other domestic extensions to the host dwelling.
- 2.2 The proposal is the resubmission of a scheme approved by Members at the Development Control Committee Meeting on 8<sup>th</sup> December 2021. The differences in this application being: -
- i) The two-storey extension proposed to the western elevation would comprise a width of 1.7m and a depth of 4m (was 3.6m). The height would be constructed to 6m (5m to the eaves). The proposed side extension would be set back from the front elevation by approx.. 3.4m.
- 2.3 The remainder of the proposed development would remain as per approved under planning permission CH/21/0438, that being: -
- i) The proposed side extension to the eastern elevation would comprise a width of 3.2m and a depth of 9m. This would result in a projection to the front of the dwelling by approx.. 1.2m. The proposed side extension would be designed with a projecting front gable constructed to a height of 6m (5m to the eaves).
  - ii) The single storey extension proposed to the rear would extend across the full width of the dwelling, including to the rear of the proposed side extensions with a depth of 4.4m and a height of 3m to the top of the flat roof.
- 2.6 The proposed extensions, in part, would create an annex to the host dwelling comprising of a bedroom, bathroom, kitchen, downstairs cloakroom and living room. The annexe is specifically required as accommodation for an elderly relative (over 65 years of age). The floor plan has been designed so that it can easily be incorporated back into the main dwelling house with very little alteration, once it is no longer required as an annexe. It will not have its own



utility supplies and cannot function as a separate dwelling house. The annexe will share the rear garden, parking and access with the main dwelling house.

- 2.7 The proposed extensions would be finished in render and tile to match the host dwelling.
- 2.8 The proposed car port would be demolished to facilitate the proposed extensions.

### **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), Hednesford Neighbourhood Plan (2017-2028) and the Minerals Local Plan for Staffordshire (2015 – 2030). Relevant policies within the Local Plan include: -

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

3.3 Relevant policies within the Minerals Local Plan are -

Policy 3.2 Minerals Safeguarding

3.4 There are no relevant policies within the Hednesford Neighbourhood Plan.

#### **3.5 National Planning Policy Framework**

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

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

3.8 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
126, 128, 130, 134:	Achieving Well-Designed Places
218, 219	Implementation

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

## 4 Determining Issues

4.1 The determining issues for the proposed development include: -

- i) Principle of development
- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Mineral 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 urban location. As such, the proposal for various extensions to an existing dwelling would meet the thrust of Local Plan Policy CP1 and be acceptable in principle.

4.2.2 However, proposals that are acceptable in principle are still subject to all other policy tests. The next sections of this report will consider the proposal in the light of those policy tests and determine what harms or benefits arise from the proposal.

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

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

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

4.3.2 Paragraph 130(f) 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;

4.3.3 Finally Paragraph 134 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.

4.3.4 In this instance the host dwelling is a detached building set behind modest frontage with an urban location. The proposed extension is considered to reflect the character of this location wherein dwellings have been substantially extended including projecting front gables.

4.3.5 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

#### 4.4 Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 130(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 In terms of the neighbouring properties the proposed extensions are located to both sides and to the rear of the host dwelling and therefore adjacent the sides of Nos. 34 & 36 Greenwood Drive. To the rear of the site is No.47 Greenwood which has a side elevation facing the application site.
- 4.4.4 It is noted that the proposed side extensions would, for the majority, be constructed adjacent to the shared boundary with No.36 but in line with the front and rear elevations of this adjoining dwelling. The rear extension would remain approx. .2m from the shared boundary which comprises of close-boarded fencing. It is noted that No. 36 is sited on slightly lower ground than that of the application site however the proposed extensions would not impede the Daylight / Outlook to the occupiers of this adjacent dwelling.
- 4.4.5 To the west of the host dwelling is No. 34 Greenwood. This dwelling benefits from a single storey rear extension that runs along the shared boundary of the application site. The two-storey extension would be constructed adjacent the two-storey dwelling with the single storey extension being constructed in line with the rear elevation of the adjacent extension. As such, there would be no significant detrimental impact to the occupiers of this adjacent dwelling as a consequence of the proposed extensions.
- 4.4.6 The property to the rear has a side elevation facing the application site. This dwelling would remain 9m from the proposed single storey rear extension and separated by the boundary treatment. As such the proposal would not result in a significant adverse impact to the occupiers of this adjacent dwelling.
- 4.4.7 As such, the proposed extensions are considered to accord with the requirements of Policy CP3 of the Cannock Chase Local Plan and they meet the requirements of the Council's Design SPD and paragraph 130(f) of the NPPF.

#### 4.5 Impact on Highway Safety

- 4.5.1 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.5.2 The proposal would result in an increase in bedrooms at the host dwelling from 2 to 3 (plus a study that could be used as a bedroom). As such, there would be an increase in the parking provision from two spaces to three. It is noted however there is sufficient room on the existing frontage for the parking of three vehicles as required by the Parking SPD for a four-bedroom dwelling.
- 4.5.3 As such, the proposed development accords with the provisions of the parking SPD and the proposal would not result in an unacceptable impact on highway safety in accordance with paragraph 111 of the NPPF.

#### 4.6 Drainage and Flood Risk

- 4.6.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps which is at least threat from flooding. In this instance, the proposed extensions would be constructed on an area of hardstanding or in place of existing structures and as such would have no further impact on flood risk in this location.
- 4.6.2 As such, the proposal subject to conditions, would accord with the requirements of paragraph 155 of the NPPF which seeks to steer new development away from areas of flooding.

#### 4.7 Mineral Safeguarding

- 4.7.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 209, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.
- 4.7.2 The application site is located within a Mineral Safeguarding Area. Notwithstanding this, the advice from Staffordshire County Council as the Mineral Planning Authority does not require consultation on the application as the site falls within the development boundary of an urban area and is not classified as a major application.
- 4.7.3 As such, the proposal would not prejudice the aims of the Minerals Local Plan.

#### 4.8 Ground Conditions and Contamination

- 4.8.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application and it is advised that any risk can be managed by the attachment of an advisory note to any permission granted.

## **5 Human Rights Act 1998 and Equality Act 2010**

### **Human Rights Act 1998**

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

### **Equality Act 2010**

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

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

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

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

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

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

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

## **6 Conclusion**

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 It is therefore recommended that the application be approved subject to the attached conditions.

