



Application No: CH/21/0173

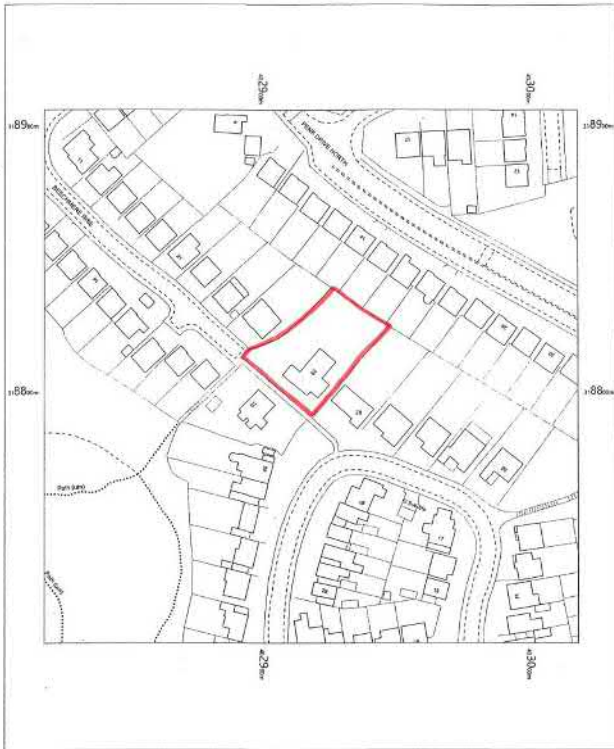
Location: Blue Cedars, 29, Beechmere Rise, Etchinghill, Rugeley, WS15 2XR

Proposal: Retention of brick and panel fence, decking, and reed fence, and widening of driveway including associated construction of retaining walls (part retrospective). Resubmission of CH/20/075.

Item no. 6.1



Location Plan and Block Plan



LOCATION PLAN 1/1250

29 Beechmere Rise,
Etchinghill,
Rugeley,
Staffordshire,
WS15 2XR

OS MasterMap 1/250/2500/1000 scale
Wednesday, February 12, 2020, 09:30:41
www.blackwellmapping.co.uk

1:1250 scale print at A4, Centric 402919 E, 318807 N

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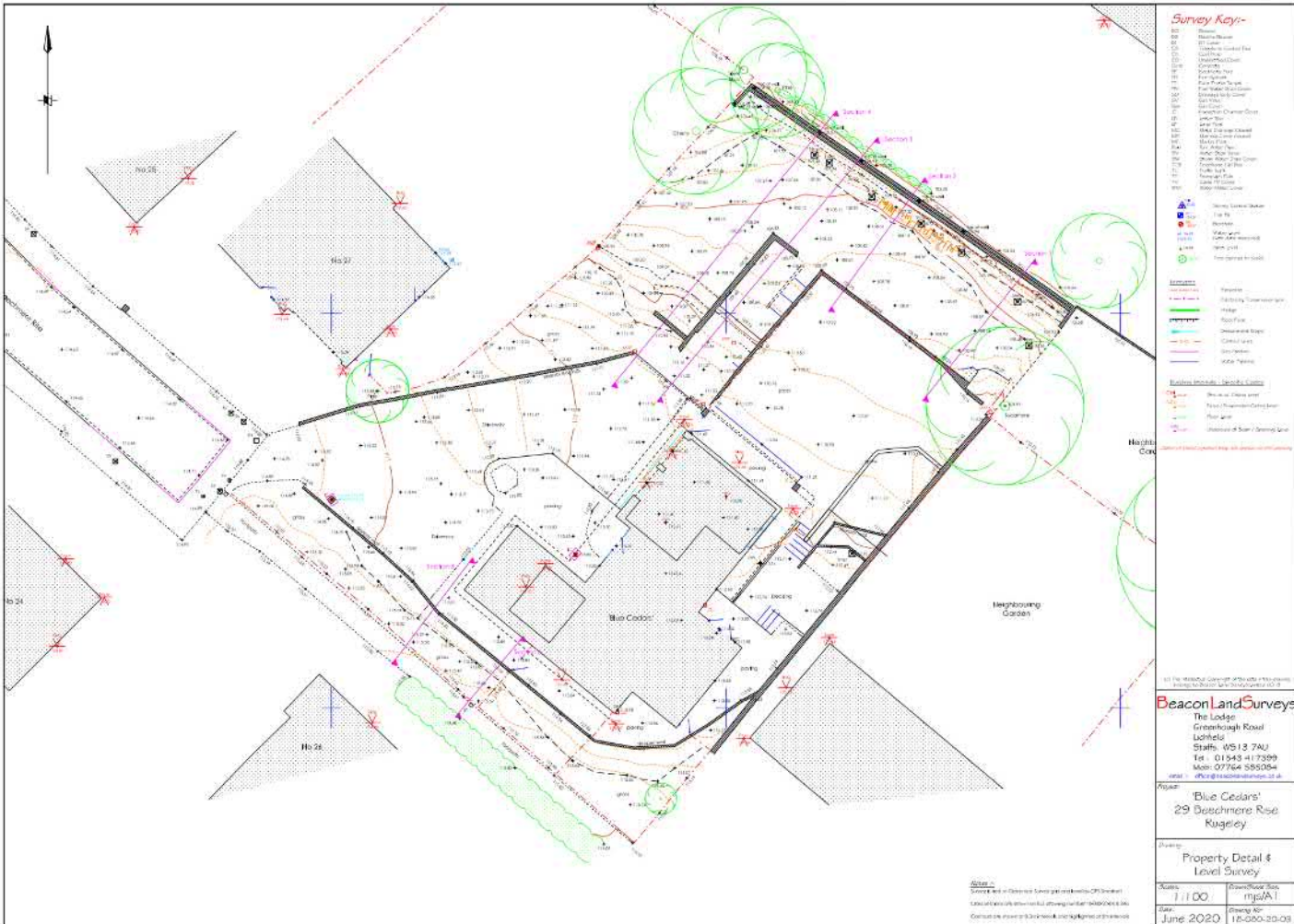


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maps.support@blackwell.co.uk



BLOCK PLAN 1/500

Property Detail and Level Survey



Survey Key -

- 01 Boundary
- 02 Boundary
- 03 Boundary
- 04 Boundary
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Beacon Land Surveys
 The Lodge
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 Tel: 01945 417399
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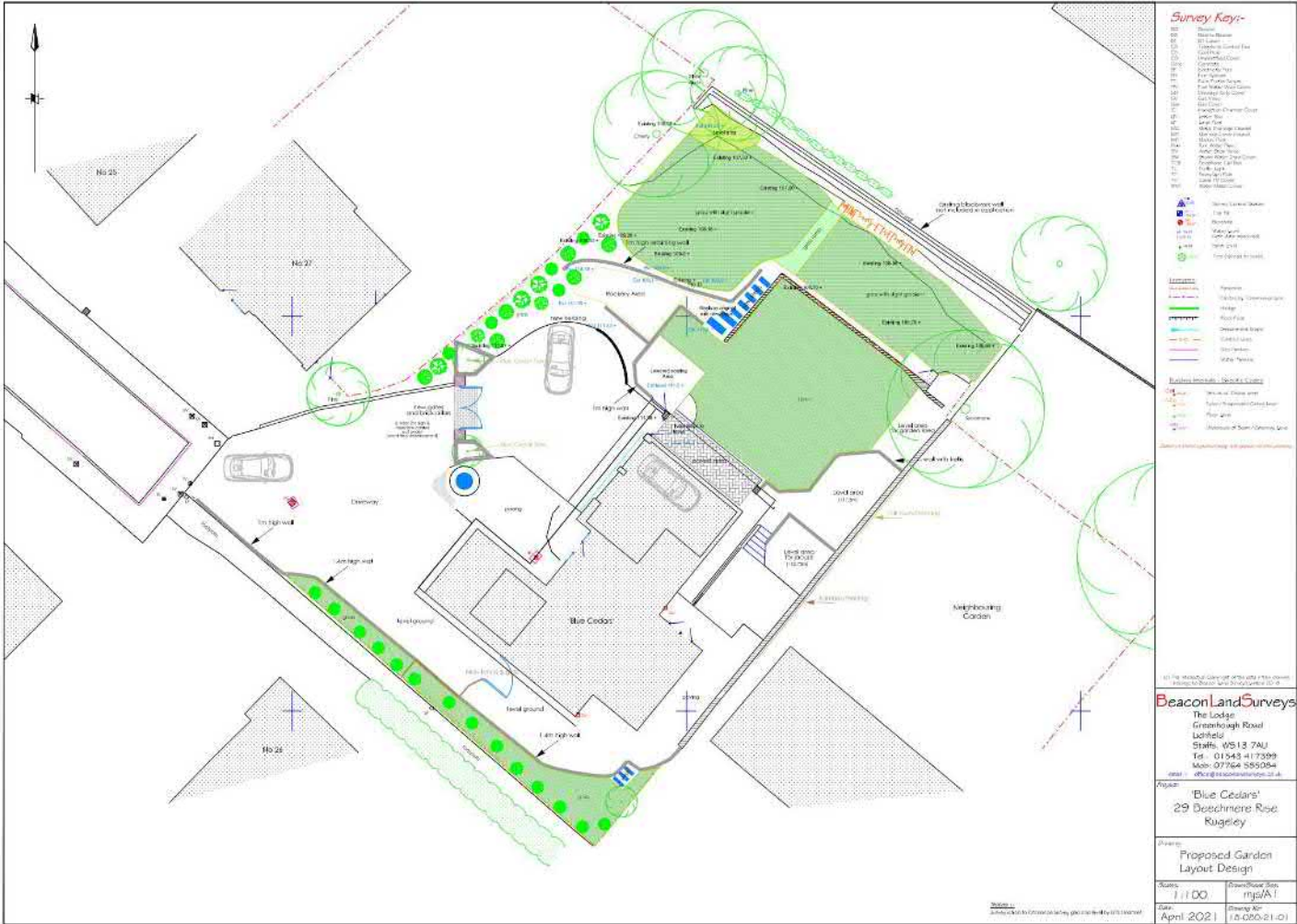
Client:
 'Blue Cedars'
 29 Deschene Road
 Kugeley

Project:
 Property Detail &
 Level Survey

Scale:
 1:100
 mg/A1

Date:
 June 2020
 15:25:20:08

Proposed Garden Layout



Survey Key-

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Project:
 'Blue Cedars'
 29 Deeschnere Road
 Kugeley

Drawn:
 Proposed Garden
 Layout Design

Scale:
 1:100 rmg/A1
 Date: April 2021 Drawing No: 10.050-21-01

Proposed Elevations

Any dimensions shown from existing and/or new buildings to boundaries can be scaled but are for planning application purposes only

PLANNING APPLICATION DRAWING ONLY

THE CONTRACTOR MUST CHECK ALL DIMENSIONS AND GENERAL LAYOUT BEFORE COMMENCING WORK ON-SITE. IF IN DOUBT, ASK!

THIS DRAWING MAY BE SCALED FOR PLANNING APPLICATION PURPOSES BUT NOT FOR CONSTRUCTION USE.

THE CONTRACTOR WILL ENSURE THAT ALL ELEMENTS OF THE STRUCTURE ARE SUITABLE FOR THE INTENDED PURPOSE AND FITTED/INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.

WHERE POSSIBLE ALL ELEMENTS OF THE STRUCTURE SHOULD BE MANUFACTURED TO CURRENT BRITISH AND/OR EUROPEAN STANDARDS, INCLUDING SEA.

THE CONTRACTOR WILL BE AWARE OF CURRENT HEALTH & SAFETY AT WORK/COM LEGISLATION, AND ENSURE THAT THE SITE/PROJECT OPERATES WITHIN AND CONFORMS TO THAT LEGISLATION.

IF THE PROJECT ON THIS DRAWING WAS SUBJECT TO PLANNING APPROVAL, IT IS THE CLIENT'S RESPONSIBILITY TO ENSURE THAT ALL SAMPLES OF FINISH MATERIALS SUCH AS BRICKS AND ROOF TILING ETC. ARE OBTAINED AND APPROVED BY THE LOCAL AUTHORITY PLANNING DEPARTMENT BEFORE WORK COMMENCES ON-SITE.

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PROJECT:- VARIOUS LANDSCAPING ALTERATIONS

ADDRESS:- 29 BEECHMERE RISE, RUGELEY, STAFFS

CLIENT:- MR. A. GITTINS

Drwg. No.:- 1489 2A (proposed)

Date:- November 2020

Scales:- 1/100

Amendments:-

A various planning amendments

Architectural Services

Heather Bank, Huntsman's Hill,
Upper L Ongdon, Staffs WS15 1QJ

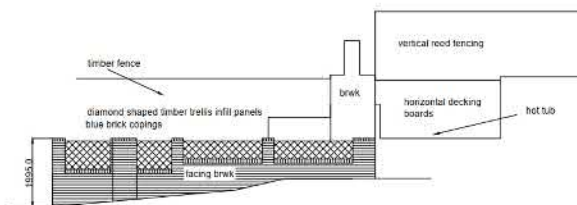
Telephone 01543 491205
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**Chartered Institute of
Architectural Technologists**

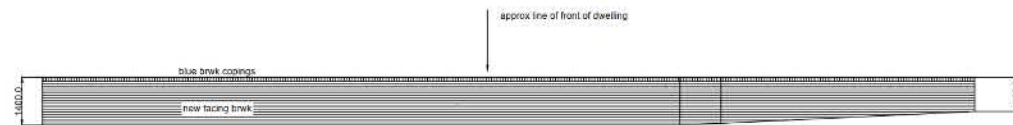
Sole practitioners: David Yarnal, MCIAT
Chartered Architectural Technologist
Member of The Chartered Institute of Architectural Technologists



ELEVATION D



PLAN OF RAISED PATIO ON SOUTH-EAST WALL



ELEVATION E (IE DRIVE RETAINING WALL)

Contact Officer:	Audrey Lewis
Telephone No:	01543 464528

Planning Control Committee

16 June 2021

Application No:	CH/21/0173
Received:	09-Apr-2021
Location:	Blue Cedars, 29, Beechmere Rise, Etchinghill, Rugeley, WS15 2XR
Parish:	Rugeley
Ward:	Etching Hill and the Heath
Description:	Retention of brick and panel fence, decking, and reed fence, and widening of driveway including associated construction of retaining walls (part retrospective). Resubmission of CH/20/075.
Application Type:	Full Planning Application

Recommendations:

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/ or the National Planning Policy Framework.

Conditions (and Reasons for Conditions):

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

Reason

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

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

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 approved landscape works shall be carried out in the first planting and seeding season following the completion of the development.

Reason

In the interest of visual amenity of the area. In accordance with Local Plan Policy CP3 and the NPPF.

4. The development hereby permitted shall be carried out in accordance with the following approved plans and pertains only to that as described by the 'proposal':

Drg No.s

Location & block plan

1489.2A (Proposed Elevations)

18-080-20-03 (Property Detail & level survey)

18-080-21-01 (Proposed garden layout design)

Structural Design & Calculations dated Aug 2020 received 9b April 2021.

Design & Access Statement 9 April 2021.

Reason

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

Notes to the Developer:

Coal Standing Advice

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

Consultations and Publicity

External Consultations

Rugeley Town Council

Councillors have concerns about the application submitted and seek clarification. If the application is retrospective for the items identified in the pictures i.e. brick walls and decking areas, then the Town Council has no objections.

However, if any part of this application pertains to land levels & retaining wall to boundary with properties on Penk Drive North, then the Town Council strongly objects.

Internal Consultations

None undertaken

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/20/074: Alterations to land levels including formation of enlarged driveway/turning area, formation of seating area, provision of steps to lower level and landscaping and removal of partially constructed raised terrace. Full - Approval with conditions on 27/01/2021

CH/20/075: Retention of brick and panel fence, decking, and reed fence, widening of driveway including associated construction of retaining walls, and erection of boundary wall and fence to NE boundary (Part Retrospective)

Full - Refusal 24/03/2021 for the following reasons:

- The proposed rear wall, by virtue of its close proximity to the common boundary with Penk Drive North would give rise to such degrees of overlooking as to result in an oppressive relationship to the detriment to privacy and neighbour amenity. As such the proposal would fail to maintain the high standard of residential amenity of the occupiers of Penk Drive North, contrary to Policy CP3 of the Cannock Chase Local Plan (Part 1) and paragraph 127(f) of the National Planning Policy Framework.
- The proposed rear wall and fence, by virtue of its breeze block materials, height and scale relative to the common boundary with Penk Drive North would not be visually attractive or add to the quality of the area and would detract from the character of the area contrary to Policy CP3 of the Cannock Chase Local Plan (Part 1) and paragraph 127 of the National Planning Policy Framework.

CH/18/313: Driveway alterations and retaining walls.

Full - Refusal 23/07/2019 for the following reason:

- The driveway alterations, patio extension and retaining wall and associated increase in levels, by virtue of their close proximity to the common boundary with No 27 Beechmere Rise would give rise to such degrees of overlooking as to result in an oppressive relationship to the detriment to privacy and neighbour amenity. As such the proposal would fail to maintain the high standard of residential amenity of the occupiers of No 27 Beechmere Rise, contrary to Policy

CP3 of the Cannock Chase Local Plan (Part 1) and paragraph 127(f) of the National Planning Policy Framework.

CH/18/314: Rear boundary retaining wall - proposal to clad with close boarded fence panels.

Full- Refusal 23/07/2019 for the following reason:

- The proposed retaining wall and associated increase in levels, by virtue of their close proximity to the common boundary with No.27 Beechmere Rise and Penk Drive North would give rise to such degrees of overlooking as to result in an oppressive relationship to the detriment to privacy and neighbour amenity. As such the proposal would fail to maintain the high standard of residential amenity of the occupiers of No. 27 Beechmere Rise and Penk Drive North, contrary to Policy CP3 of the Cannock Chase Local Plan (Part 1) and paragraph 127(f) of the National Planning Policy Framework.

CH/18/187: - Front extension to garage, raised ridge to achieve correct head height on first floor approved subject to conditions on 29 June 2018.

CH/08/0150: - Amendment to approved scheme CH/07/0389 to change front dormer design and one additional rear dormer and change doors and juliet balcony to window in side elevation (Retrospective application). Refused 18th April 2008 for the following reasons: "The use of white UPVC cladding and mineral felt roofing on all dormer windows provides a strident and obtrusive feature in the street scene to the detriment of the locality, contrary to paragraphs (i) (ii) and (iii) of Policy B8 of the Adopted Local Plan." The development was allowed at appeal on the 22nd September 2008.

CH/07/0389: - Loft conversion incorporating one dormer to front three to rear and door with juliet balcony to side. Approved with conditions August 2007.

1 Site and Surroundings

- 1.1 Number 29 is a detached dormer bungalow sited at the east end of Beechmere Rise and in an elevated position above the properties to the north - Penk Drive North. The application is within the defined settlement boundary for Rugeley and an established residential area.
- 1.2 The property is a 1970's brick chalet bungalow with a basement currently used as a garage. The application site is approximately rectangular in shape and slopes steeply from south to north. The existing dwelling has a north-south orientation as the plot and is sited on the southern - highest - part of the site. Due to the large change in ground levels the basement to the bungalow forms a garage with access sweeping around from the access at the top of the site. There are 1.8m high

fences to the side boundaries, but due to the change in ground levels the boundary fence has a staggered profile.

- 1.3 Adjacent to the southern boundary is a public footpath and on the opposite side of this a neighbouring property of similar age and design, the nearest point of the dwelling of which is at 10.5m.
- 1.4 Adjacent to the north western common boundary, is then No. 27 Beechmere Rise. The closest distance to the dwelling at No27 and the application dwelling is 15m to the southern wing of the application property which increases to 18m to the main parts of both dwellings.
- 1.5 The nearest distance to the northern boundary and dwellings accessed from Penk Drive North, to the north of the application site, is 37m. These dwellings are at significantly lower ground levels with rear habitable room windows and rear gardens facing the rear of the application property.
- 1.6 The application site is unallocated and undesignated within the Cannock Chase Local Plan (Part 1). The application site is located within a Mineral Safeguarding Area and is also within the Coal Authority Low Risk Boundary.

2 Proposal

- 2.1 The applicant is seeking consent for retention of brick and panel fence, decking, and reed fence, and widening of driveway including associated construction of retaining walls (part retrospective). Resubmission of CH/20/075.
- 2.2 In summary it comprises the following:
 - Retention of brick and panel fence, decked area and reed fence (retrospective) adjacent to the south western boundary of the site.
 - Widening of driveway including associated construction of retaining walls adjacent to the south western boundary of the site.
- 2.3 As such, the application is the same as the previous application, however, excludes the erection of boundary wall and fence to NE boundary (Part Retrospective), which was the element forming past refusal reasons of planning application CH/20/075.

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030). Relevant policies within the Local Plan include: -

CP1 - Strategy – the Strategic Approach

CP3 - Chase Shaping – Design

3.2 – Minerals Plan

3.3 National Planning Policy Framework

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

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

3.6 Relevant paragraphs within the NPPF include paragraphs: -

8: Three dimensions of Sustainable Development

11-14: The Presumption in favour of Sustainable Development

47-50: Determining Applications

124, 127, 128, 130: Achieving Well-Designed Places

212, 213 Implementation

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

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.

4.2 Principle of the Development

4.2.1 The site is located on unallocated land and contains an existing dwelling house. The proposal is for retention of brick and panel fence, decking and reed fence, widening of a driveway and construction of retaining walls. The proposal is therefore acceptable in principle subject to the considerations set out below:

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

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

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

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve.

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

Planning policies and decisions should ensure that developments:

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

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

- 4.3.5 Although the site is located within an established, wholly residential area the most significant component of the site and its immediate area is that it is on a pronounced slope. The dwellings in Beechmere Rise have rear gardens, which slope downwards along their lengths and across their widths from east to west. The gardens are landscaped with mature tree screening and shrubs with small areas of stepped patios forming the majority of the surface treatments. Boundary treatments comprise standard height closed board fencing, stepped to follow differing ground levels combined with conifer and deciduous trees and hedges. The gardens situated below the application site in Penk Drive North are also predominantly covered in mature landscaping comprising trees and shrubs.
- 4.3.6 The proposal has removed the previous contentious element, namely the rear wall/ fence to the NE boundary and now comprises areas of decking, means of enclosure, driveway and retaining wall structures which result in loss of trees/shrubs and other lawned areas with a consequent increase in hard boundary/surface treatments. This undoubtedly has had some impact on the visual amenity of the site. However, the front gardens along Beechmere Rise are characterised by extensive areas of hardstanding and drives and in this respect, as seen from the public realm the proposal would not significantly detract from the character of the streetscene or the wider area. Furthermore, the proposal includes new landscaping, which would help compensate and mitigate these effects within the rear garden area, which can be secured by condition.
- 4.3.7 Subject to such a condition it is considered that the proposal would not be contrary to Policy CP3 of the Cannock Chase Local Plan.

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.
- 4.4.3 No objections have been received from residents on the grounds of impact upon residential amenity.
- 4.4.4 The Parish Council have confirmed they have no objections to the scheme as it does relate to the rear wall to NE boundary.
- 4.4.5 The proposals pertaining to the retention of brick and panel fence, decking, and reed fence, widening of driveway including associated construction of retaining walls have not raised specific neighbour concerns. It is considered they would not cause significant impact in terms of residential amenity.
- 4.4.6 In this respect, it is considered that the proposal would maintain a high standard of residential amenity, in accordance with Policy CP3 of the Cannock Chase Local Plan and the NPPF.

4.5 Impact on Highway Safety

- 4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.5.2 The proposal would have a neutral impact upon highway safety. As such, it would not have an adverse impact upon highway or pedestrian safety, in accordance with paragraph 109 of the NPPF and the Parking SPD.

4.6 Minerals Safeguarding

- 4.6.1 The site falls within a Mineral Safeguarding Area and Coal Authority Low Risk Area. The Coal Authority do not require consultation on the application, as it considers the general area to be a development low risk area. The proposal would fall within Item 2 of the exemptions list as it is works to an existing dwelling and is therefore permitted. As such the proposal is compliant with Policy 3 of the Minerals Local Plan.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

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

Equalities Act 2010

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

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

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

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

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

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

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case

officers consider that the proposal would not conflict with the aim of the Equalities Act.

6 Conclusion

- 6.1 In 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.