

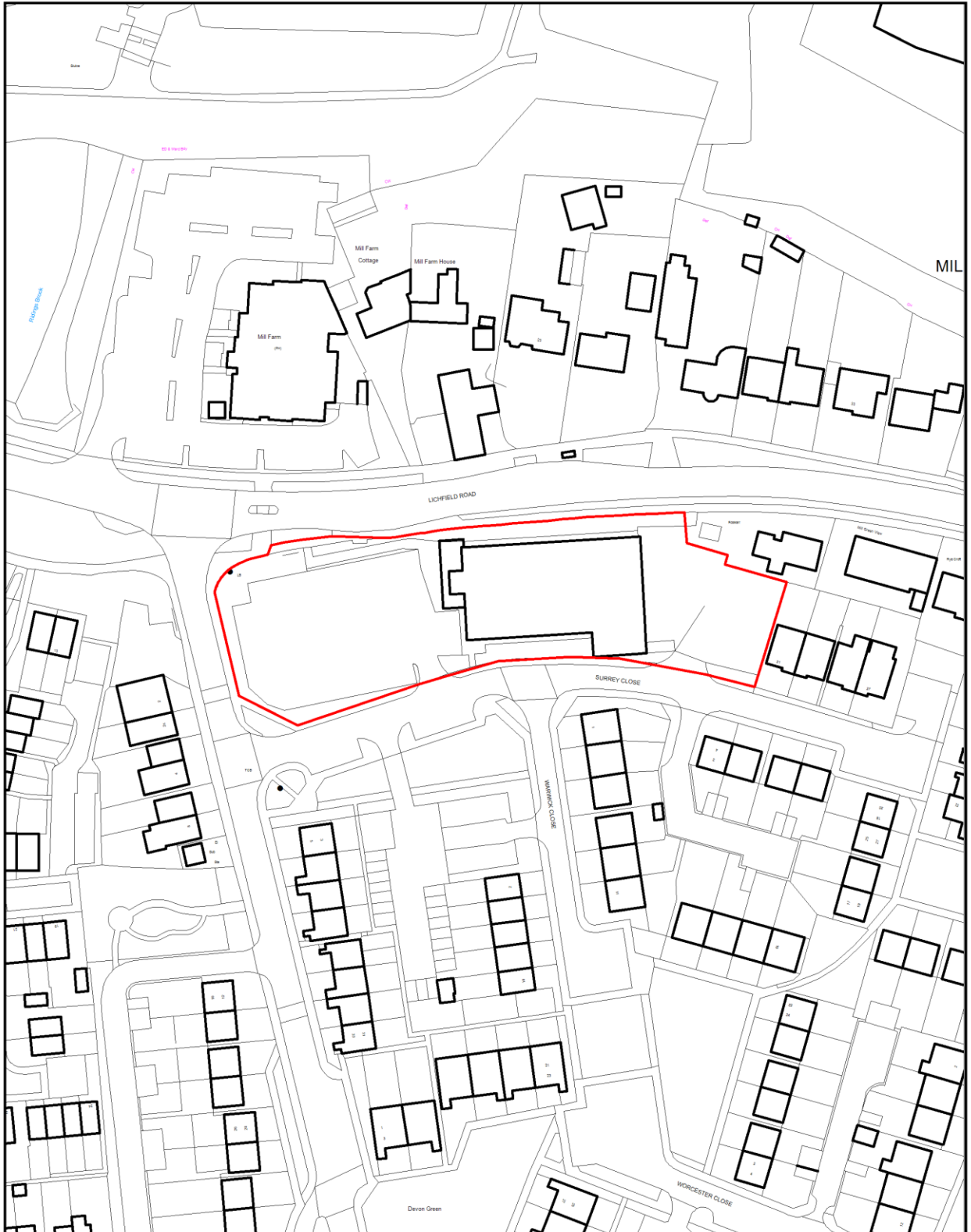


Application No: CH/20/391

Location: Asda Store, Lichfield Road, Cannock, WS11 8UF

Proposal: Application to remove Condition 6 of planning permission CH.12/0302 to allow deliveries to and from site 24 hours a day 7 days a week.

Item no. 6.1



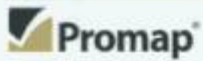
Location Plan

ASDA Store - Lichfield Road, Cannock

CH/13/03



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PLANNING S

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Contact Officer:	Audrey Lewis
Telephone No:	01543 464528

PLANNING CONTROL COMMITTEE	
16th December 2020	
Application No:	CH/20/391
Received:	06-Nov-2020
Location:	Asda Store, Lichfield Road, Cannock, WS11 8UF
Parish:	Non Parish Area
Description:	Application to remove Condition 6 of planning permission CH.12/0302 to allow deliveries to and from site 24 hours a day 7 days a week.
Application Type:	Full Planning Application

RECOMMENDATION:

Refuse for the following reason:-

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions):

The proposed 24 hour operation, including deliveries and activity on the car park

would have a detrimental impact on residential amenity of residents within the adjacent dwellings and residential area, by reason of noise disturbance during unsociable hours. The development is therefore contrary to the requirements of Policy CP3 of the Local Plan and paragraph 127 of the National Planning Policy Framework.

Notes to Developer:

N/A

Consultations and Publicity

External Consultations

None undertaken

Internal Consultations

Environmental Health

I strongly object to these proposals. The site is in close proximity to residential premises, and disturbance associated with 24 hour operation, including deliveries and activity on the car park, have the potential to disturb local residents at night thereby prejudicing their enjoyment of their properties. This reflects comments made by local residents to existing permitted hours.

Furthermore, 24 hour operation of the car park has the strong potential to attract anti social behaviour.

These points were made categorically by this department in response to CH/13/0302, and there is no good reason to see that circumstances have changed.

Planning Policy Manager

No comments.

Response to Publicity

The application has been advertised by site notice and neighbour letter. Seventeen letters of representation have been received on the following grounds:

- We wish to object to this application because these original conditions were put in place by the Council to ensure that the development does not prejudice the enjoyment of neighbouring properties. The conditions relating to when the

deliveries can take place allow some respite from the noise and disturbance associated with deliveries.

- As the local authority is aware this area is a high density residential area. The current conditions do ensure that there is some respite on Sundays and Bank holidays from the noise associated with deliveries and unloading etc. Similarly the conditions stipulating times of deliveries also allow some respite from noise and disturbance.
- We would also request that Asda to desist from continually requesting changes to the planning agreements because these constant applications do have a very severe effect on the mental wellbeing of those of us who live in the area.
- This store is open from 7am to 10pm daily (Not Sundays) and they should use this allocated time for any delivery as there is plenty of time to do it in this time and not ask for 24hr 7 days a week.
- Noise when coming into or out of the loading area
- Noise when they leave the engine running like now, this leads to fumes coming from the exhaust and neighbours nearby.
- The bleeping when the lorries have to reverse due to restricted parking area.
- Gates and rollers doors opening at all times during the night.
- Noise through the night when people are trying to sleep will be excessive, as noise from lorries and the loading/unloading during the day above the traffic noise is already audible.
- Following the original application for Asda to receive 24 hour deliveries before being built, this was turned down to ensure the development did not prejudice the enjoyment of neighbouring occupiers or their properties and to ensure compliance with the Local Plan Policy B8:Design Principles of New Build Development, has this changed? Council reference number CH/10/0431 dated 24 February 2011.
- I myself suffer from a several health conditions and know that this would restrict the use of my garden further. When deliveries arrive in the daytime the noise and pollution from the vehicles pulling into and out of the loading/unloading bay cause me to have to leave my garden as I struggle with breathing from the fumes given off and the constant hum/ engine noise gives me frequent headaches. I am unable to hang my washing out to dry at these times also due to the smell/ residue it leaves on my washing.
- A noise reduction fence was installed by Asda and an agreement was made to maintain the fence, this has not cut noise and no maintenance has been forthcoming.
- I recently tried to sell my bungalow to relocate, even reducing the value considerably, however prospective purchasers were put off due to the new Arthur McGlenn site, which I know has reduced the value of my property. To now propose 24 hour deliveries to Asda will be of further detriment to value and possibility of sale.

- The extra traffic pollution and prospect of additional deliveries turning up all day and night, will affect mental health and wellbeing.
- I get woken most mornings 6.30 - 7.00am by delivery drivers waiting to deliver goods, sometimes having to go out to ask to turn engine off or the radio down.
- At times after a delivery, lorries take a legal break 20-30 mins parking illegally half on the path half on the road, as the road is quite narrow on a housing estate. This is outside my bedroom.
- At night little noise travels a long way. I suffer with sleep apnia and have a machine to assist sleep, extra disturbance through the night will make my quality of life even more unbearable with all the other illnesses I already have. I live in a bungalow in a quiet close this will be destroyed if Asda deliver 24 hours a day.
- As stated lorries park outside my bedroom, so at night with engines and heaters running to keep warm as temperatures drop at night outside my bedroom is not fair - this is a housing estate not a industrial estate.

Relevant Planning History

1. CH/08/0584: Demolition of existing retail units and construction of one single storey retail Full - Approval with conditions - 10/28/2009.
2. CH/10/0196 Advertisement signs -Grant with conditions - 28/07/2010.
3. CH/10/0431 Variation of conditions 15 and 21 of planning permission
CH/08/0584 Full - Approval with conditions - 21/02/2011.
4. CH/11/0153 New ATM and plant refrigeration units, enclosed within palisade fencing Withdrawn - 07/07/2011.
5. CH/11/0154 Re-branding of store. Internally illuminated fascia sign, aluminium painted tote Advert-Grant with conditions - 21/09/2011.
6. CH/11/0237 Retention of ATM and plant refrigeration units, enclosed within chainlink fencing. Approval with conditions - 21/09/2011.
7. CH/12/0302 Variation of conditions 2 and 3 of planning permission CH/10/0431, to allow opening hours of 08:00-22:00 Monday to Saturday and 10:00-17:00 on Sunday; and to allow public access to the car park between the hours of 07:30-22:30 Monday to Saturday and 09:30-17:30 on Sundays and public holidays 16/10/2012.
8. CH/13/0302 Variation of conditions 2 and 3 of planning permission CH/12/0302, to allow opening between 07:00 to 23:00 Monday to Saturday and 10:00-17:00 on Sunday and public holidays; and to allow public access to

car park between 06:30 to 23:30 Monday to Saturday and 09:30-17:30 on Sunday and public holidays. Approval with conditions - 29/10/2013.

9. CH/14/0026 Residential development Res Mat - Approved with conditions - 28/05/2014.
10. CH/14/0285 Erection of 2 pairs of semi-detached 2 bedroom bungalows. Approval with conditions - 22/10/2014.
11. CH/15/0183 Non-material amendment to planning consent CH/14/0285 to retain path and wall to side of Plot D. Approved - 30/07/2015.
12. CH/19/432 Variation of conditions 2 and 3 of planning permission CH/13/0302, to allow opening between 07:00 to 23:00 Monday to Saturday, 10:00- 17:00 on Sunday and 10.00-18.00 on bank and public holidays; and to allow public access to car park between 06:30 to 23:30 Monday to Saturday, 09:30-17:30 on Sunday and 09.30 to 18.30 on bank and public holidays. Full - Approval with conditions - 15/04/2020

1 Site and Surroundings

- 1.1 The application site comprises a detached food store on the corners of Lichfield Road, Devon Road and Surrey Close.
- 1.2 The store is located centrally within the rectangular shaped site with a customer car park to the front and a delivery yard to the rear. The customer car park has access restricted by bollards half an hour beyond the opening and closing times for the store.
- 1.3 The store was constructed in 2009 and included a significant amount of levels works that has resulted in the neighbouring properties to the rear being some 2m higher than the level of the service yard.
- 1.4 There are a number of residential properties surrounding the site, particularly to the rear and to one side, to the other side is the Lichfield Road (A5190) which is a busy arterial road connecting Cannock and Lichfield.
- 1.5 The current opening hours of the store are 07:00 to 23:00 Monday to Saturday and 10:00-18:00 on Sunday and public holidays; and to allow public access to car park between 06:30 to 23:30 Monday to Saturday and 09:30-18:30 on Sunday and public holidays. The delivery hours have not been altered since the original consent in 2008, the delivery hours condition also precludes any working within the service yard outside the delivery hours.

2 Proposal

2.1 The applicant is seeking consent for application to remove condition No. 6 of planning permission CH/12/0302 to allow deliveries to and from site 24 hours a day 7 days a week.

2.2 Condition No. 6 of CH/12/0302 states:

- There shall be no deliveries to or from the site outside of the hours of 7.30 am to 9.00 pm on Mondays to Saturday, 9.00 am to 5.00 pm on Sundays and public holidays nor shall there be any activity within the service yard outside of these hours.

Reason

To ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policy B8: Design Principles of New Build Development

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 When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. However, new issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are not fundamental or substantial, but still material in nature, a developer may seek to obtain approval for the changes through the provision of Section 73 of the 1990 Town and Country Planning Act.

4.2 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a Section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied (Paragraph: reference ID: 17a—013-20140306 of the Planning Practice Guidance).

4.3 Section 73(2) of the 1990 Act states: —

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

4.4 The determining issue is the impact of the proposal upon neighbouring dwellings through the generation of noise and general disturbance at times of relative peace and quiet.

4.5 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".

4.6 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.

4.7 In addition to the above paragraph 180 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;"

4.8 The last application CH/19/432 extended opening hours by an additional hour in the evening on Bank Holidays where they occur on Mondays and Fridays until 6pm and the associated customer car park until 6.30 pm, this was not considered to have an adverse impact upon the neighbouring dwellings. However, it was considered that this should be the maximum allowance for opening hours for the store, and therefore any further applications for extension to opening hours and associated use of the customer car park would not be likely to be supported, due to the close proximity of residential

properties. The servicing and delivery area is located to the rear of the retail unit and within closer proximity to residential properties. This proposal seeks approval for unrestricted deliveries to take place within this area at any time of day or night and irrespective of whether it is a bank holiday, or weekend.

- 4.9 Seventeen objections have been received from neighbouring residents on the grounds of noise disruption causing harm to residential amenity.
- 4.10 The Environmental Protection Officer has also objected to the proposed removal of the condition to allow 24 hour deliveries on the grounds of detriment to residential amenity.
- 4.11 It is therefore evident that the removal of Condition No. 6 to allow 24 hour deliveries to the site and associated activities on the car park would clearly cause harm to residential amenity by way of additional noise disturbance to the surrounding residents during periods when residents should reasonably expect to enjoy peace and enjoyment of their homes. As such, it is concluded that the proposed 24 hour operation, including deliveries and activity on the car park would have a detrimental impact on residential amenity of residents within the adjacent residential area, by reason of noise disturbance during unsociable hours. The development is therefore contrary to the requirements of Policy CP3 of the Local Plan and paragraph 127 of the National Planning Policy Framework.

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 conclusion, it is considered that the proposal would cause harm to residential amenity contrary to the Policy CP3 of the Local Plan and paragraph 127 of the NPPF.
- 6.2 It is therefore recommended that the application be refused for the above reason:

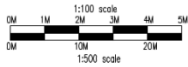


Application No: CH/20/354
Location: 5-7, Broad Street, Bridgtown, Cannock, WS11 0DA
Proposal: 2 no. single storey semi-detached bungalows

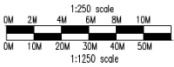
Item no. 6.13



Location and Site Plans

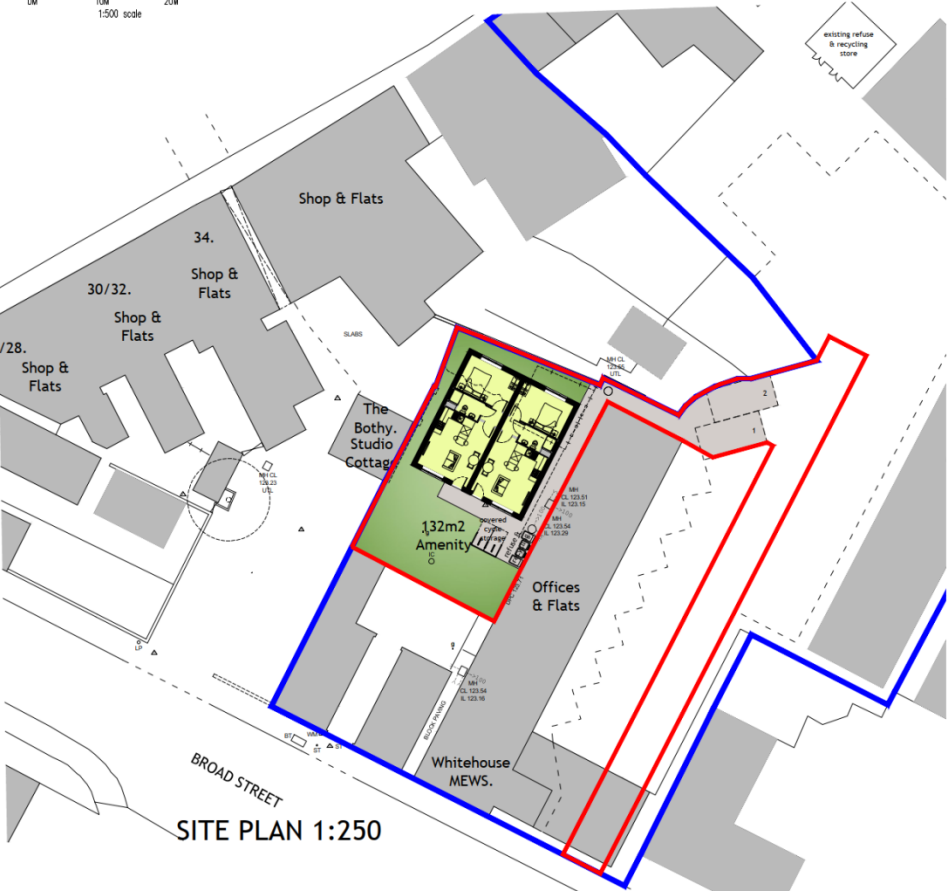


PROPOSED SITE PLAN 1:250@A3



Dwg: 20WM-02B
Date: Sept.2020

Rev.A 06-10-20
Red ownership line amended & Blue ownership line & added following comments from planners
Rev.B 19-11-20
Recycling & refuse area added & separated from existing refuse area following comments from planners



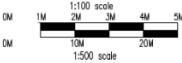
SITE PLAN 1:250



LOCATION PLAN 1:500

WHITEHOUSE MEWS CANNOCK.

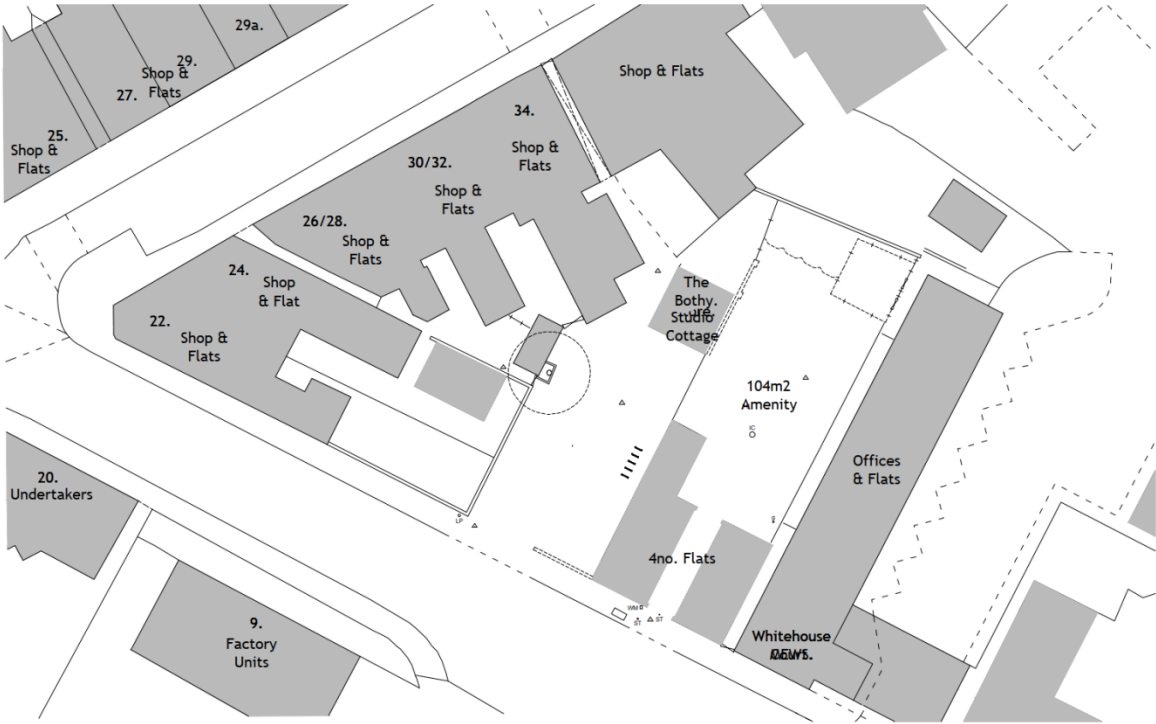
Existing Site Plan



EXISTING SITE PLAN 1:250@A3

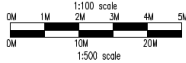


Dwg: 20WM-01
Date: Sept.2020

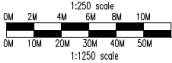


WHITEHOUSE MEWS CANNOCK.

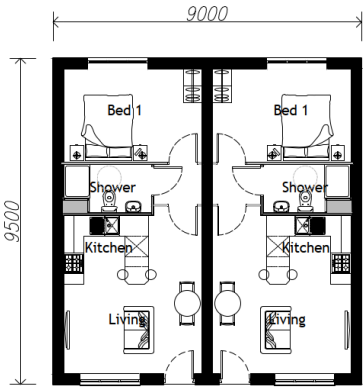
Proposed Plans and Elevations



PROPOSED PLANS & ELEVATIONS 1:100@A3



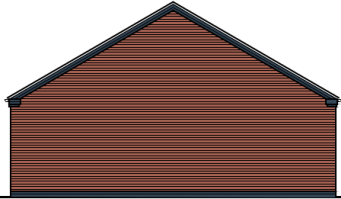
Dwg: 20WM-03
Date: Sept.2020



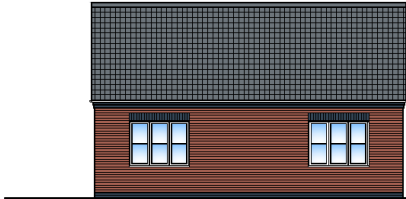
GROUND FLOOR



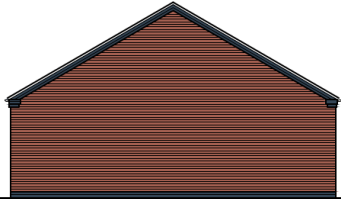
FRONT ELEVATION



LEFT SIDE ELEVATION



REAR ELEVATION



RIGHT SIDE ELEVATION

WHITEHOUSE MEWS. CANNOCK.

Contact Officer:	Claire Faulkner
Telephone No:	01543 464337

PLANNING COMMITTEE REPORT	
16th December 2020	
Application No:	CH/20/354
Received:	07-Oct-2020
Location:	5-7, Broad Street, Bridgtown, Cannock, WS11 0DA
Parish:	Bridgtown
Description:	2no single storey semi detached bungalows
Application Type:	Full Planning Application

RECOMMENDATION:

Refuse for the following reason:-

Reason(s)

1. The proposed development by virtue of the substandard separation distances between the rear elevation of the existing dwellings and the front elevation of the proposed dwellings would result in unacceptable levels of overlooking to the significant detriment of the privacy of the occupiers of both properties and therefore fail to provide a high standard of amenity contrary to Policy CP3 of the Cannock Chase Local Plan (Part 1) and paragraph 127 (f) of the National Planning Policy Framework..
2. The proposed development by virtue of the loss of amenity space for the existing and future occupiers of the existing property at Nos. 5-7 Broad Street would fail to provide a high standard of amenity contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 127 (f) of the National Planning Policy Framework.

Consultations and Publicity

External Consultations

Bridgtown Parish Council

No response to date.

Fire Safety Officer, NSDG Group Manager

I refer to the planning application dated 14 October 2020 and the proposed development at the above address.

Appropriate supplies of water for fire fighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 1 requirement BS, section 11.

I would remind you that the roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance (G.V.W. of 17800 Kg).

I wish to draw to your attention Staffordshire Fire and Rescue Service's stance regarding sprinklers.

In the interest of preventing deaths and injuries from fires within domestic dwellings Staffordshire Fire and Rescue Service strongly recommend the provision of a sprinkler system to a relevant standard.

Early consultation with the Fire Service when designing buildings which incorporate sprinklers may have a significant impact on reducing fire deaths and injuries in domestic premises and financial implications for all stakeholders.

Further information can be found at www.bafsa.org.uk - the website of the British Automatic Fire Sprinklers Association Ltd.

Travel Management and Safety

Background

The application is for the construction of 2no single storey semi detached 1no bedroom bungalows. These are to be located to the rear of property numbers 5-7 which are currently 4no flats. Broad Street is an unclassified 30mph road which benefits from street lighting, it is a mix of residential and businesses. It is located in the Bridgetown area of Cannock approximately 1.8 miles south of the town centre.

Personal Injury Collisions

Current records show that there were no Personal Injury Collisions on Broad Street within 50 metres either side of the property accesses for the previous five years.

Site Access / Car / Cycle Parking Arrangements

Access to the bungalows is via an existing electric gate to Whitehouse Court which is a mix of flats, offices and commercial businesses. One parking space is proposed per bungalow which accords to Cannock Chase District Council's Parking Standards for this type of property. Cycle parking is also provided. The Design and Access statement states that a bin store has been provided with space for recycling. This appears to be outside of the proposal (red edged 'Proposed Site Plan') and quite a distance away from the bungalows. It is also noted that one of the bungalows will replace the current location of the bin store that houses 17no refuse bins presumably for the flats and offices opposite. The applicant is requested to provide more information with regards to the location of the proposal's bins and the relocated bin store and ensure that it is in close proximity to residents.

Recommendations:

There are no objections on Highway grounds to the proposed development subject to the conditions.

Severn Trent Water Ltd

No objection

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 [the developer] will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that [the developer] 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 [the developer] 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 [the developer's] project if it transpires diversionary works need to be carried out by Severn Trent.

Internal Consultations

Conservation Officer

No objections. The proposal would not affect the significant of the setting of the Bridgtown Conservation Area.

CIL Officer

In respect of the above development, the proposed development would be CIL liable.

Environmental Health

No objection

Strategic Housing

No response to date

Development Plans and Policy Unit

I can advise that part of the site forms a 0-5year SHLAA site; C423 and that the site abuts the Bridgtown North Street Conservation Area. The site is within the area of influence of the Cannock Chase SAC. 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.

The NPPF advises in Chapter 11; Making effective use of land, that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

The NPPF at para 118 identifies factors which planning policies and decisions should ensure that developments encourage.

Of particular relevance to this proposal are, paragraph c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled,

degraded, derelict, contaminated or unstable land and 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 (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure) [...].

Paragraph 122 of the NPPF identifies that planning policies and decisions should support development that makes efficient use of land.

Of particular relevance to this proposal are, paragraph c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use; paragraph d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and paragraph e) the importance of securing well-designed, attractive and healthy places.

The NPPF advises that the creation of high quality 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 127 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;) 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; 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) 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 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 including supporting mixed uses whilst avoiding incompatible ones and have regard to existing uses with potential to generate pollution which could have an unacceptably detrimental effect on proposed development.

The Council's Design SPD 2016 provides design guidance relating to new dwellings and that development should normally respect the established density of the neighbourhood with higher density development close to town/centres/public transport interchanges, reducing to lower density at the edges of settlements.

The Design SPD continues to state that higher density developments close to inner urban areas will rely on a formal pattern of development where buildings contain and enclose spaces by use of continuous building frontages. There may be a varied building line and a harmonised range of materials and architectural details.

The development site is identified as being located within the Bridgtown Character Area; this character area is identified as being in a suburban area Character Area Density Zone (identified as having a higher average density DPH). The Character Area Descriptions and District Profile for Bridgtown states that much of the 19th century settlement of Bridgtown survives with small scale historic local centre along North Street surrounding by development of the Industrial-Victorian era, and area of post-war housing and industrial development is located on the northern edge, and the area is enveloped by modern larger scale commercial and industrial land uses.

The Character Area Descriptions identifies key local design principles and/or design principles new development should consider, including: preserve and enhance locally distinctive character and appearance of the historic area and its setting, including views in and out, and reflect small scale/ domestic character of built form with characteristic height and density; conserve the traditional tightly built street layout and characteristic building lines; retain and reflect traditional materials and detailing e.g. brick/tile and key details such as chunky chimneys which enliven roofscape, and well detailed doors and windows; and promote variety of mixed uses and small businesses in and around the local centre, with reuse of significant buildings adding value to the townscape.

Further design considerations including spatial separation and garden space should refer to Appendix B of the Design SPD: Residential Development Guidelines including garden sizes, ensuring gardens provide health, social and physical benefits for occupiers and contribute to sustainable development (e.g. drying clothes, cycle storage, composting etc.). 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).

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.

Conclusion

The re-use of a brownfield site is supported, it is considered that the proposed should respect the character and density of the area, and promote the creation of better places in which to live and work.

It is of my opinion that the main policy consideration for this application is with regards to the design of the proposed development and impact upon the surroundings, we are happy to leave this to the judgement of the Case Officer.

Waste and Engineering Services

No response to date.

Response to Publicity

Site notice erected and adjacent occupiers notified with no letters of representation received.

Relevant Planning History

- CH/02/0679 - Flats and Business Units.
- CH/08/0383 - Construction of 2 storey building consisting 5 ground floor B1 units.
- CH/11/0385 - Change of use of three ground floor retail units into three 1 bedroom flats.
- CH/12/0013 - Retention of change of use of two ground floor offices (B1) into two 1 bedroom.
- CH/16/384 - Residential Development: Proposed erection of a three storey apartment block.

1 Site and Surroundings

- 1.1 The application site comprises an area of currently unused land to the rear of 5-7 Broad Street which comprise a traditional pair of Victorian brick built semi-detached houses with central passageway giving access to the rear.
- 1.2 Along the rear boundary there is a 12-14m high leylandii, the other boundaries are delineated by brick walling and the rear elevation of Whitehouse Mews which has no openings overlooking the application site. The 'Bothy Studio' is located adjacent the western boundary wall which has recently been converted into residential accommodation however there are no windows within this building that overlook the application site.
- 1.3 The application site also includes parking for the proposed development within the existing car park to the east which is located within the wider Whitehouse Mews development.

- 1.4 The streetscene along Broad Street is somewhat mixed with traditional Victorian villa style cottages and terrace housing alongside more modern residential and commercial buildings, including a 3 storey block of apartments at Andrew Court , built circa 2010 and the apartment block at Whitehouse Court which is situated immediately to the east of the application site.
- 1.5 The site lies adjacent to, but not within, the North Street Conservation Area. The application site is also located within a Mineral Safeguarding Area and is within a Coal Mining Low Risk Boundary as designated by the Coal Authority. The site is also located within Flood Zone 1 on the Environment Agency's flood risk maps.

2 Proposal

- 2.1 The applicant is seeking consent for the development of one pair of semi-detached bungalows.
- 2.2 The proposed dwelling would provide one bedroom bungalows with amenity space and parking provision.
- 2.3 The proposed dwellings would be sited to the rear of the site with the amenity space to the front, which would be separated from the amenity space of 5-7 Broad Street by close boarded fencing, which has already been erected.
- 2.4 The proposed building would provide 2 units and would have a footprint of 9m x 9.5m and would be constructed to a maximum height of 5.5m (2.7m to the eaves).
- 2.5 Private amenity space would be provided to the front of the proposed dwellings and would comprise of approximately 132m². However, this has been taken from the rear garden that served the existing properties at 5-7, Broad Street, leaving those properties with no usable amenity space.
- 2.6 The access to the proposed development would be via Whitehouse Court, to the east of the site. Parking would be provided within the existing car park to Whitehouse Mews and would be based on 1 parking space per unit (2 total). The existing 21 spaces within Whitehouse Mews would be retained as existing for use by the occupiers of Whitehouse Mews.

- 2.7 The rear windows serving the bedrooms would be within 1.5m of the rear boundary which comprises a 1.8m close boarded fence and hence would have a poor outlook.

3 Planning Policy

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

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

- 3.3 Relevant Policies within the Local Plan Include:

CP1 - Strategy – the Strategic Approach
 CP3 - Chase Shaping – Design
 CP6 – Housing Land
 CP7 – Housing Choice
 CP15 – Historic Environment

- 3.4 Relevant Policies within the Minerals Plan Include:

3.2 Safeguarding Minerals

- 3.5 National Planning Policy Framework

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

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

- 3.8 Relevant paragraphs within the NPPF include paragraphs: -

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

124, 127, 128, 130: Achieving Well-Designed Places
 189-194, 196, Heritage Assets
 212, 213 Implementation

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

North Street Conservation Area Appraisal

4 Determining Issues

4.1 The determining issues for the proposed development include:-

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

4.2 Principle of the Development

4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. The site is a windfall 'brownfield' site located within the urban area of Bridgtown. Although the Local Plan has a housing policy it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such in accordance with Policy CP1 of the Local Plan the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF.

4.2.2 The NPPF at paragraph 11 includes a presumption in favour of sustainable development. 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.

With regard to Habitats Sites, such as the Cannock Chase SAC and SSSI, the presumption does not apply where the project is likely to have a significant effect either alone or in combination with other plans or projects, unless an appropriate assessment has concluded that the proposal will not adversely affect the integrity of the habitats site.

- 4.2.3 In this case it is confirmed that an appropriate assessment has been undertaken and it has concluded that subject to mitigation in the form of a payment towards SAMMS, either through CIL or a section 106 agreement the proposal will not adversely affect the integrity of Cannock Chase SAC. As such it is concluded that the 'presumption in favour of sustainable development' applies to this proposal.
- 4.2.4. In this case it is confirmed that the proposal does not engage any of the policies in the NPPF that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) with the exception that it potentially affects the setting of the Bridgtown Conservation Area, which is a designated heritage asset. This issue is assessed in the next section of this report which concludes that the proposal would not affect the setting of the conservation area. This being the case the application should be determined on the basis as to whether any adverse impacts of granting approval would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 4.2.5 The site is within a mixed use location in the centre of Bridgtown and therefore is 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.

4.2.6 However, although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect.

4.3 Design and the Impact on the Character and Form of the Area including the adjacent Conservation Area

4.3.1 The application site lies adjacent to Bridgtown North Street Conservation Area. In this respect, it is noted that The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the local planning authority's duties:- section 72(i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on a local planning authority in the exercise, with respect to any buildings or other land in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

4.3.2 When considering the impact of a proposal on the significance of a designated asset great weight should be given to the assets conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting.

4.3.3 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 189 - 196. Paragraph 192 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.4 The Local Plan contains Policy CP15 does not preclude development in, or adjacent to, conservation areas. However, it does seek development proposals to be sensitive to and inspired by their context and add value to the existing historic environment, landscape and townscape character by virtue of their use, layout, scale, appearance and landscaping and materials to ensure that the historic environment acts as a stimulus to high quality design based upon guidance set out within the Design SPD. Opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance will be considered. Whilst the application site is not located within the Conservation Area it is sited adjacent to it and therefore would be seen in the same context.

4.3.5 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;

4.3.6 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.

4.3.7 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;

4.3.8 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.

4.3.9 The application site is sited behind a row of terraced buildings which form North Street and Broad Street. The North Street Conservation Area Appraisal identifies the adjacent part of the Conservation Area as being compact and

small in scale, built in a linear pattern, and formed of two storey buildings almost continuously lining the frontages on North Street. The buildings are not uniform in height or alignment however, with variations between adjoining blocks and buildings. Generally roof slopes face the streets, with angled corners and hipped roofs around junctions. All of the plots include a moderate amount of land/garden at the rear and many have small attached and detached one and two storey brick-built outbuildings attached to or close to the rear of the main frontages.

4.3.10 The buildings follow the curve of North Street and are of two storey height in red brick (some painted brown or cream in (recent years) under plain red and blue clay tiles or blue slate. Many retain their rear outbuildings accessed through passageways from North Street below the first floor accommodation. Current uses comprise shops, residential and small businesses.

4.3.11 The small amount of modern development is confined to some backland commercial development at the rear of nos.29-35 North Street where several adjoining rear plots have been combined.

4.3.12 In this instance, the proposed development would be to the rear of properties within North Street and Broad Street which comprise of two storey terraced / semi detached properties. The proposed development would be single storey and views of the proposal would be visible from Broad Street across a parking area although these views would be limited due to the distance and the intervening boundary walls and outbuildings. As such, the proposal would be read against a backdrop of two storey development and the roofscape of the intervening single storey outbuildings and would reflect the general pattern and grain of area, in that it would represent a single storey structure to the rear of a two storey building fronting the main road

4.3.13 Having had regard to the above it is considered that the proposal would preserve the significance of setting of the Bridgtown Conservation Area in accordance with Local Plan Policy CP15 and the relevant paragraphs within the NPPF.

4.4. Impact on Residential Amenity

4.4.1 It is noted that the application site is located within a mixed use area where development generally comprises of ground floor commercial premises with residential flats above in North Street and residential units within Whitehouse Mews.

- 4.4.2 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes. Although the Design SPD sets out guidance in respect to space about dwellings it does not contain guidance in respect to space about other uses. Of particular significance in this respect is the relationship between the application site and the commercial uses to the sides and to dwellings within 5-7 Broad Street.
- 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. This is set in order to protect occupiers from overlooking and to enable a reasonable outlook. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings and 30sqm per flat for flats with communal space.
- 4.4.4 However, it should always be taken into account that these distances are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels.
- 4.4.5 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users. Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so (amongst others) (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 4.4.6 With regard to the adjacent residential units, the layout plan demonstrates the proposed dwelling would be constructed to the rear of Nos.5-7 Broad Street at a distance of approx..12m. The existing dwellings located to the front of the application site (Nos. 5-7) have recently (that is post 2016) been separated from the application site by close board fencing. The Design SPD seeks a separation distance of 21.3m between principle elevations and whilst there is an intervening boundary treatment at ground floor level, the overlooking from

the first floor of 5-7 Broad Street over the private amenity space would be at approx..5m, with views into the proposed dwellings at a distance of 12m in an elevated position. The proposal would substantially fall short of the required separation distance to protect the amenity and privacy for both the proposed and existing occupiers.

- 4.4.7 The orientation of the proposed dwellings faces north-east to south-west as per the existing buildings located to the front and eastern side of the site. The proposed dwellings being of a single storey design would not give rise to additional overlooking of the adjoining sites within North Street which back onto the site and are of mixed use and separated from the application site by substantial boundary walls.
- 4.4.8 To the west of the application site lies 'The Bothy Studio' which was a two storey outbuilding but has recently been convert to a residential unit. There are no windows in The Bothy that directly face onto the application site which is separated by a 2m high wall. As such, the proposal would not result in a significant detrimental impact to the occupiers of this dwelling.
- 4.4.9 The proposed single storey dwellings would be located 3.2m (at nearest point) from the buildings fronting North Street however this part of those buildings are single storey with the two storey element remaining approx..9m distant. The nearest building (36-38 North Street) to the proposed development is orientated with the rear elevation facing along the land to the rear of the application site and not over the application site itself]. These adjacent dwellings comprise of commercial units primarily to the ground floor with residential units above. The proposal comprising of a single storey form of development would not impede on the daylight / outlook or privacy for these first floor units or the adjacent commercial units which, for the majority have small courtyards to the rear with outbuildings and are bound by substantial brick walls.
- 4.4.10 Environmental Health Officers were consulted on the application and raised no objections to the proposal in terms of noise nuisance from existing commercial units, subject to conditions.
- 4.4.11 With regard to the proposed dwellings, the amenity space to the front would provide approx.. 132m² of communal garden space. The Design SPD requires an area of 30m² per 1 bedroom unit which is well in excess of the requirement. However the amenity space would be overlooked by the occupiers of the first floor of 5-7 Broad Street. Also, the amenity space provided for nos. 5-7 Broad Street as a consequence of the erection of the intervening fencing is 40m² which falls well short of the required 90m² (3 units).

4.4.12 Two parking spaces would also be provided within the existing communal parking area to the rear of Whitehouse Mews, one per 1 x bedroom unit.

4.4.11 Overall, the proposed development would not comply with the Council's Design SPD in terms of protecting the amenity of existing occupiers as well as any future occupiers of the site. As such, the proposal is contrary to Policy CP3 of the Cannock Chase Local Plan and paragraphs 127 of the NPPF.

4.5 Impact on Highway Safety

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

4.5.2 In this respect, the proposed dwelling comprises of a 2 x 1 bedroom dwellings and therefore requires adequate parking for two vehicles. The submitted plan indicates two parking spaces would be provided for within the existing parking area to the east that serves Whitehouse Mews. Access into the Mews from Broad Street would remain unaltered and the proposed development would be accessed via a footpath from the car park. As such, the proposal complies with the requirements of the Parking SPD.

4.5.3 Staffordshire County Highways Department was consulted on the proposal and raised no objections to the proposal in terms of highway safety, subject to conditions.

4.5.4 Given the above, the proposal would not result an unacceptable impact on highway safety in accordance with paragraph 109 of the NPPF.

4.6 Impact on Nature Conservation Interests

4.6.1 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that 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.

4.6.2 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads

to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL.

4.7 Drainage and Flood Risk

4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps which is at least threat from flooding. Although the applicant has not indicated the means of drainage it is noted that the site immediately abuts main roads and is within a predominantly built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area and is considered acceptable. Severn Trent was consulted on the application and raised no objections to the proposal nor did they request a drainage condition be included on any permission granted.

4.7.2 As such, the proposal would accord with the requirements of paragraph 155 of the NPPF which seeks to steer new development away from areas of flooding.

4.8 Mineral Safeguarding

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

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

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

4.9 Waste and Recycling Facilities

4.9.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to national and local waste reduction and recycling targets according to the waste hierarchy'. One of the ways of achieving this is by ensuring

development can be adequately serviced by waste collection services and that appropriate facilities are incorporated for bin collection points (where required).

- 4.9.2 In this respect, it is noted that the proposed dwelling would be sited within close proximity to the highway within a residential location where bins are already collected by the Local Authority. The bins would, in this instance, be collected from the front of the adjacent Whitehouse Mews.

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.

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 proposals could potentially interfere with an individual's rights to the peaceful enjoyment of his or her property as specified in Article 8 and Article 1 of the First Protocol. The issues arising have been considered in detail in the report and it is considered that, on balance, the proposals fail to comply with Local Plan Policy and are not proportionate.

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 fail to provide a high level of amenity for all existing and future occupiers of the proposed existing and proposed dwellings and is therefore considered to be contrary with the Development Plan and paragraph 127(f) of the National Planning Policy Framework.
- 6.2 It is therefore recommended that the application be refused for the above reasons.

ITEM NO. XX

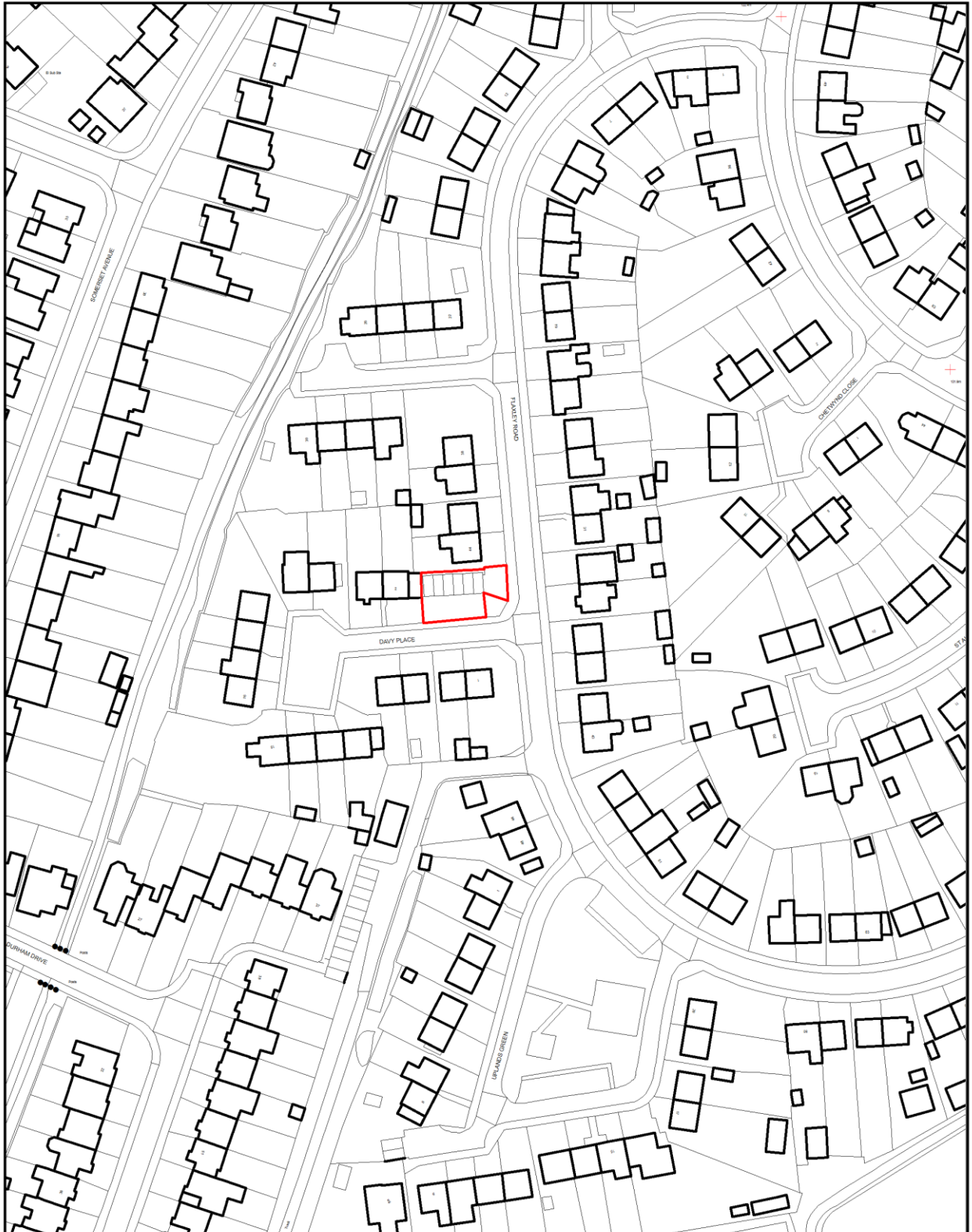


Application No: CH/20/311

Location: Land between 44 Flaxley Road and 2 Davy Place, Pear Tree Estate, Rugeley, WS15 1NA

Proposal: Erection of 3 Bedroom Detached Dwelling

Item no. 6.39



Location and Site Plans



location plan 1:1250



site plan 1:250

AVANTAGE
 OBE BA(hons) MRTPI
Planning Consultant

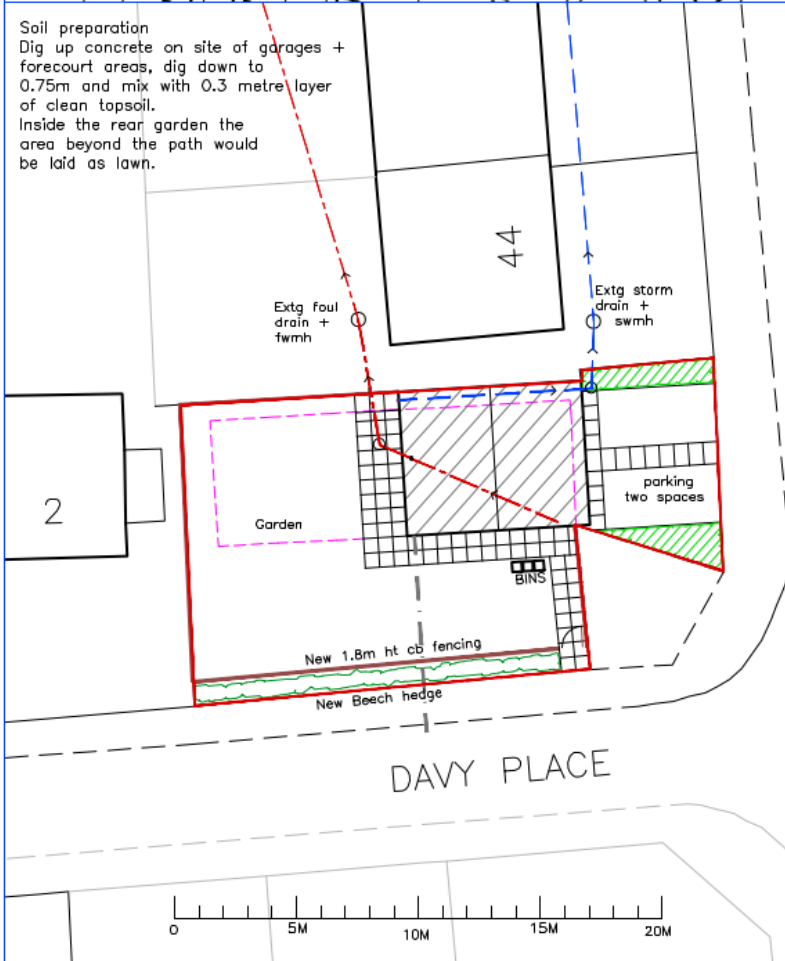
34 Talbot Street
 Rugeley
 Staffs WS15 2EG
 Tele 01889 586692
 Mob 07973 114627
 E mail
 ajhemin@aol.com

**RESIDENTIAL
 DEVELOPMENT**
 Land between
 44 Flaxley Road +
 2 Davy Place
 Pear Tree Estate
 Rugeley WS15 1NA

CLIENT
MR. G. ELWELL
 SEPT 2020

REV A
 Tree + planting spec added
 REV B
 Further info added
 REV C
 General revisions

Soil preparation
 Dig up concrete on site of garages +
 forecourt areas, dig down to
 0.75m and mix with 0.3 metre layer
 of clean topsoil.
 Inside the rear garden the
 area beyond the path would
 be laid as lawn.



LEGEND

New car parking spaces
 finished in porous Tarmac

1.8m high timber close
 boarded fence + concrete
 posts



600 x 600mm Natural
 finish + grey coloured
 PCC concrete paving
 slabs to paths + patios.

New low level
 shrub planting

New 100mm
 storm drains

New 100mm
 foul drains +
 manholes

New mains
 services

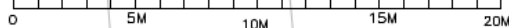
Hedge specification
 Fagus Sylvatica double staggered
 row 20cm apart with 5 plants per
 metre planted as bare rooted stock
 60-80cms tall. Following soil
 preparation ground to be
 mulched to 0.5m to suppress weeds,
 water as + when required to avoid
 drying out of soil.

New 100mm
 storm drains
 + manholes

New 100mm
 foul drains +
 manholes

FLAXLEY ROAD

DAVY PLACE

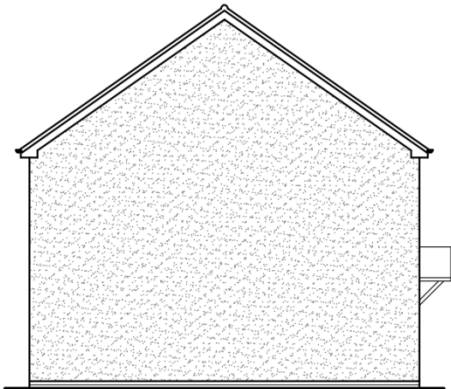


Proposed Elevations

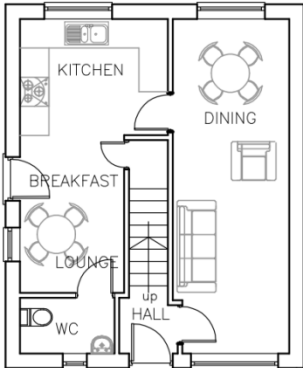


FRONT ELEVATION

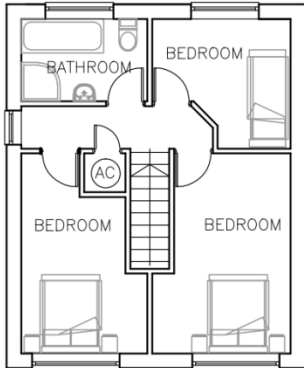
REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN 1:100



FIRST FLOOR PLAN 1:100

0 1M 2M 3M 4M 5M plotted at A4



SIDE ELEVATION

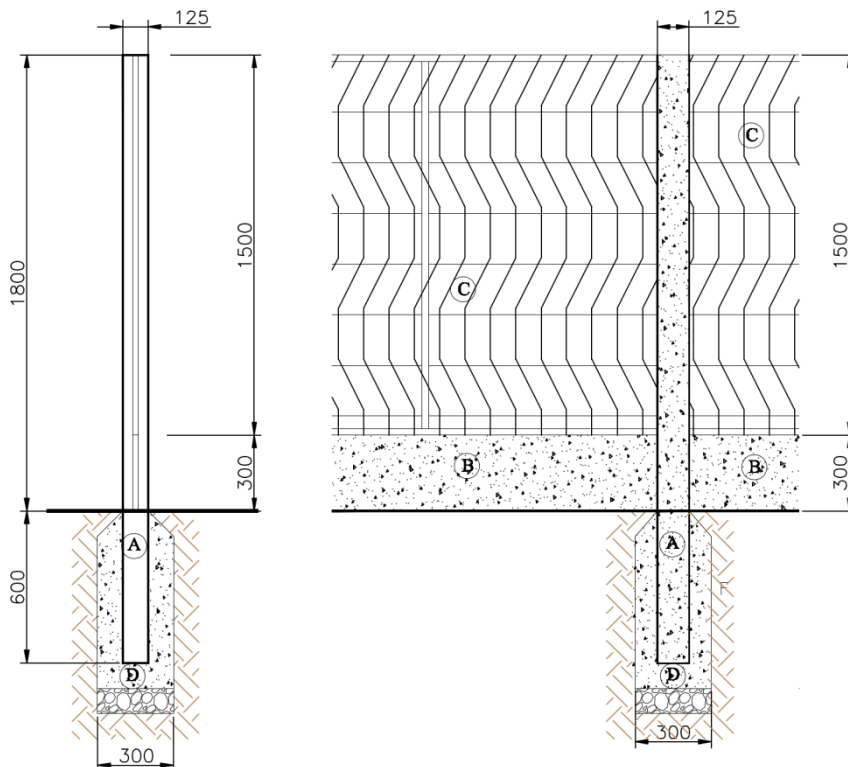
Roof tiling, rendered walls + white upvc external joinery all to Local Authority approval

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project
RESIDENTIAL DEVELOPMENT
 Land between
 44 Flaxley Road +
 2 Davy Place
 Pear Tree Estate
 Rugeley WS15 1NA

CLIENT
MR.G.ELWELL
 SEPT 2020
 dr no
2020:201:01

Proposed Fence Details



- A 2450mm length CP1315 concrete slotted post, round top 125 mm square.
- B PCC concrete gravel boards, 300 x 50 x 1830 mm length slotted into concrete posts.
- C 1.5 metre high, standard waney close timber fence panels, slotted into concrete posts
- D 100 mm concrete surround minimum mix Gen 3 or better, set on 100 mm compacted depth MOT type 1 sub base. On well consolidated sub soil.

Note: All timber to be softwood, pressure treated with non-injurious preservative to be agreed with 10 year guarantee. All concrete to be smooth natural finish with no imperfections or sharp edges.

Close boarded fence detail 1:20

plotted at A4

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project
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Land between
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dr no
2020:201:02

Contact Officer:	David Spring
Telephone No:	

PLANNING CONTROL COMMITTEE	
16th December 2020	
Application No:	CH/20/311
Received:	04-Sep-2020
Location:	2 Davy Place, Rugeley, WS15 1NA
Parish:	Rugeley
Description:	Erection of 3 Bedroom Detached Dwelling, Land between 44 Flaxley Road and 2 Davy Place, Pear Tree Estate, Rugeley
Application Type:	Full Planning Application

RECOMMENDATION:

Approve subject to a unilateral undertaking in respect of securing the mitigation for impact on Cannock Chase SAC and the attached 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 specified in the application form.

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 occupation of any buildings or the completion of the development whichever is the sooner.

Reason

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

4. The development hereby permitted shall not be occupied until the window(s) indicated in the side elevations of the proposed dwelling on the approved plan are 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.

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

Location & Site Plan Rev C, Drwg No. 2020:201:02, Drwg No. 2020:201:01

Reason

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

6. The dwelling hereby approved shall not be occupied until a scheme for the fitting of that dwelling with electric charging points for electric vehicles has been submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme have been completed. The works shall thereafter be retained for the lifetime of the development unless otherwise approved in writing by the Local Planning authority.

Reason

In the interests of improving air quality and combatting climate change in

accordance with policy CP16 and the National Planning Policy Framework.

7. The development hereby permitted shall not be brought into use until the access, parking and turning areas have been provided in accordance with the 'Location & Site Plan Rev B' submitted on 20th October 2020 and shall thereafter be retained for the lifetime of the development.

Reason

In the interests of Highway safety

8. No development shall take place including any works of demolition, until a Highways Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The statement shall provide for:

- A site compound
- The parking of vehicles of site operatives and visitors
- Times of deliveries including details of loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Duration of works
- Wheel wash facilities

Reason

To protect the amenity of neighbouring occupiers.

9. If potential ground contamination is detected during subsequent intrusive investigation or site works, then this should be assessed by suitably qualified personnel. If specific remediation works will be required to deal with these findings, then the Local Planning Authority shall be informed, and a Remediation Method Statement submitted for approval, which details the required works in full.

Reason

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

10. If site soils are exposed during site demolition/ concrete break-out, and these soils are to remain within 600mm of the final site levels, as garden or landscaped areas, then chemical analysis of these soils shall be carried out to ensure they will be suitable for use. These details, along with an appropriate human health risk assessment, shall be submitted to the Local Planning Authority for approval. If mitigation is required to render the material suitable for the proposed use, then a Remediation Method Statement shall be submitted for approval, which details the required works in full. If 600mm of

subsoil and topsoil is to be imported to the site to form gardens and landscaped areas, then this condition is negated (although the condition relating to the quality of that imported material continues to apply). Note that the condition relating to the discovery of potential ground contamination is separate from this requirement, and that applies to contamination found at any depth, which may or may not be intended for retention on site.

Reason

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

11. The development shall not be occupied until a Validation/ Phase 3 report, confirming that the remedial works have been completed, in accordance with the agreed Remediation Method Statement has been submitted to and approved in writing by the Local Planning Authority.

Reason

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

12. Any soil materials imported to site shall be chemically analysed to demonstrate they are suitable for use. These details, along with information on the material source, volume imported and depth of placement shall be included within a Validation Report. This submission shall require approval by the Local Planning Authority before the development can be occupied.

Reason

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

Consultations and Publicity

External Consultations

Rugeley Town Council

Object to the proposal. Over development of the area with limited off street parking - difficulty for emergency vehicles and refuse lorries to manoeuvre.

Severn Trent Water

No objections

Highways

No objection subject to conditions

Internal Consultations

Environmental Health

No objections

Pollution Control Officer

No objections but conditions are recommended should permission be granted.

Landscape Officer

No objection to the principle of development. The Landscape Officer was re-consulted with additional information and on 30th October commented that the details submitted are acceptable but that confirmation of ownership of the existing grass area to the front is required. [Members should note that this area has subsequently been removed from the application site].

Planning Policy

The re-use of a brownfield site is supported, it is considered that the proposed should respect the character and density of the area, and promote the creation of better places in which to live and work.

The main policy consideration for this application is with regards to the design of the proposed development and impact upon the surroundings, we are happy to leave this to the judgement of the Case Officer.

CIL Officer

In respect of the above planning application, based on the plans and CIL additional information form submitted, this development would not be liable to pay CIL. This is because, even though there is an additional dwelling being created, the floor space of the (in use) garages to be demolished exceeds the residential floor space being created.

Special Area of Conservation Mitigation Fee

Given that a net increase in dwellings is proposed the development needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan Part 1 Policy CP13). As this development is not liable to pay CIL this will need to be done by entering into a Unilateral Undertaking.

Response to Publicity

20 letters of representation were received all objecting to the proposal. The main summarised points of objection were:

- Davy place is already congested with a shortage of street parking
- Removing existing garages and building a new dwelling will worsen matters
- The development will affect neighbouring amenity in terms of loss of sunlight and overlooking from a side window
- The proposal will result in the loss of property value of a neighbouring dwelling
- The parking area is not within the applicant's ownership and therefore not deliverable.
- The proposed is not in keeping with the surrounding area and would result in overdevelopment.
- A similar proposal at 38 Flaxley Road was allowed at Committee despite officers recommendation for refusal. This should not be repeated.
- Plans are of insufficient detail.
- Visibility splays are not shown.
- The garages are not disused, they are still available for rent and the frontage area is used for parking
- The cumulative impacts of this loss of park will be severe
- The Highway Authority is failing to address the sustainability of continuing displacement of vehicles
- The Highway Authority don't understand the local parking context
- The dropped kerb crossover is not the entitlement of the applicant as the land is not in their control
- The proposal is an attempt at adverse possession
- The applicant ignores pre-commencement conditions

- The Pear Tree Estate does not benefit from any of the modern planning conveniences and further development is not sustainable.
- There is a lack of good planning in the estate
- The layout in the estate can not cope with further development
- The parking area that fronts Flaxley road is not in private ownership
- Approving more crossovers reduces on street parking capacity
- The slab level is not suitable for a dwelling
- The levels do not respond to the local setting
- The proposed materials are out of character
- An obscure glazed window on the ground floor is not acceptable
- The proposed hedgerow is uncharacteristic
- The applicant has little regard to the effect of development on residents

Relevant Planning History

CH/04/0383: Residential development. Outline-Refuse 12/22/2004.

CH/14/0260: Non-material amendment to planning consent CH/12/0431 to substitute dining room Approved 07/28/2014.

1 Site and Surroundings

- 1.1 The application site consists of a plot of land on the prominent corner of Davey Place and Flaxley Road, Rugeley. The plot contains 6 garages for residential parking, set back from both roadways and in line with the building line of both Davey Place and Flaxley Road.
- 1.2 The application site is on Pear Tree housing estate and is approximately 1km from Rugeley Town Centre.
- 1.3 The application site sits in an elevated position above the highway with the site sloping down to the North and to the East. The site is open at the front and southern side with a small wedge of grass to the front, outside the red edged site plan.

- 1.4 The site has an area of approx. 210 sqm.
- 1.5 The surrounding area comprises of dwellings of a similar design and scale; being two storey and finished in pebbledash or render. The existing dwellings form a rhythmic pattern of development being set behind modest frontages. In 2019 a nearby corner plot (38 Flaxley Road- CH/19/363) was granted permission for a 3 bed dwelling by Committee. The remaining corner plots in this area however remaining undeveloped and help to provide an open and spacious character. The wider street scene rises steeply from north to south resulting in the dwellings being constructed in a staggered design.
- 1.6 The site is within a designated Mineral Safeguarding Area and a Low Risk Coal Authority Designation Boundary.

2	Proposal
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- 2.1 The applicant is seeking consent for the residential development of one detached 3 bedroom dwelling on a plot of land on the corner of Davey Place and Flaxley Road, Rugeley.
- 2.2 The proposed development would be sited 11m from the side of No. 2, 2m from the side of No. 44 and would front the main road through the estate.
- 2.3 The site is 210 sqm and the dwelling would have a footprint of 46 sqm. The proposed floor level would be approx. 0.5m above No. 44 to the south. The proposed dwelling would be constructed to a height of 7.7m to the ridge (4.6m to the eaves) and would be orientated with the front elevation facing onto the main highway through the estate.
- 2.4 Two parking spaces would be provided off Flaxley Road, in front of the proposed dwelling. (An amended site plan was received on 24th November removing the small section of grass at the front from the red edged site plan).
- 2.5 The private amenity space provided would measure approx.125 sqm and would be set behind a 1.8m high concrete post and timber panel fence. The proposed fence would be set back from the side boundary by 2m with a new landscaping strip proposed to the front of this. The landscaping proposed would comprise of 1No. Silver Birch Trees and a beech hedge along the northern boundary.

- 2.6 The external appearance of the dwelling would be similar to existing properties on this estate. Walls would be cream textured render with tiles. Door and windows would be white upvc. Porous tarmac is proposed for the hardstanding at the front.

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

Minerals Local Plan for Staffordshire

Policy 3.2 of the new Minerals Local 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.
- v) Waste & recycling facilities
- vi) Drainage & flood risk
- vii) Affordable housing provision

4.2 Principle of the Development

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

4.2.2 The site is located within the urban area of Rugeley. It is a 'windfall site' having not been previously identified within the Strategic Housing Land Availability Assessment (SHLAA) as a potential housing site. Although the Local Plan has a housing policy it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such in accordance with Policy CP1 of the Local Plan proposals fall to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF.

4.2.3 In respect to the principle of the proposal it is noted that the site is located within the main urban area of Rugeley and hence broadly conforms to the requirements of Policy CP1. In addition to the above the site is located within

a sustainable location with good access by cycle or walking to the town centre where there is a wide range of goods and services to meet the day to day needs of people. As such the proposal would meet the thrust of Policy CP1 to focus investment and regeneration on existing settlements which are expected to accommodate most of the District's housing and it is therefore concluded that the proposal is acceptable in principle.

4.2.4 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 be: -

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

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

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

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not

preventing or discouraging appropriate innovation or change (such as increased densities);

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

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

4.3.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to space about dwellings. Whilst the title of the SPD refers to extensions the document is also used as guidance for ensuring appropriate levels of amenity is retained for new development.

4.3.6 Having taken all of the above into account it is considered that the main issues in respect to design and the impact on the character and form of the area are: -

- (i) Overall layout
- (ii) Density
- (iii) Materials, scale and external appearance of the dwellings
- (iii) Landscaping

4.3.7 The application site is located within a residential area within Rugeley. The application site occupies an elevated position in relation to the adjacent highways. The character of the wider locality is characterised by the openness of the corner plots. With the exception of ancillary domestic outbuildings and a recent development at 38 Flaxley Road (CH/19/363) the corner plots within this location have not been developed. The form and layout of buildings and gardens spaces in the area follow an established pattern, providing a well defined distinction between public and private space and visual relief from built form on the corner plots. Most corner plots in the estate form garden space for existing dwellings and as such, any development of such land to the side of the existing dwelling would disrupt the continuity of the existing built form and would be at odds with the existing pattern of development. The above mentioned application at 38 Flaxley Road was garden space and went to planning committee with a recommendation for refusal. This

recommendation was overturned at Committee and permission was ultimately granted.

4.3.8 The plot for the proposed dwelling differs from 38 Flaxley Road in that it already has 6 garages on it and although of a lower height these garages have more floor space than the proposed dwelling and appear somewhat run down on this prominent corner. The proposed dwelling would be of a high quality design and appropriate scale and therefore would not appear unduly incongruous in terms of the relationship with the adjacent dwellings. Within the immediate vicinity dwellings occupy similar plot sizes; with modest frontages and private gardens. In line with this established urban grain, the proposed dwelling would be set back behind a short frontage in line with existing dwellings, with the private amenity space to the rear and parking to the front. Additional landscaping is proposed in the form of hedgerow and tree planting. The proposed dwelling would be constructed out of materials reflective of this location which is considered appropriate and would be secured via condition. It is considered the erection of a two storey dwelling in this particular location would, on balance, visually improve the streetscene.

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

4.4 Impact on Residential Amenity

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

4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.

4.4.3 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.

- 4.4.4 However, it should always be taken into account that these distances are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels.
- 4.4.5 The layout plan indicates the proposed dwelling to be 2m from the side elevation of No.44. The proposed dwelling would be sited in line with the front and rear elevations of No. 44 and new fencing would delineate the side and rear boundaries. No windows are proposed for the elevation facing No. 44. New low level shrub planting is proposed for the front southern boundary. The proposal indicates two parking spaces to be provided to the front. As such, the proposed dwelling would have no significant impact on the occupiers of No.44.
- 4.4.6 The proposal would be 11m m from the side elevation of No. 2 Davy Place, which comprises of a blank elevation with the exception of a doorway, which is under the cover of a car port and largely unseen. Whilst the proposed development would fall short of the guidance set out within the Design SPD which seeks 12m between principle elevations and side elevations (a shortfall of 1m), the proposed dwelling would be constructed in line with existing dwellings and therefore would not significantly alter the existing situation in terms of overbearing to the occupiers of No.2. Furthermore, the orientation of the sun would result in a negligible loss of sun at the end of the day.
- 4.4.5 The proposed dwelling would benefit from a side/rear garden comprising of 125m² which would provide sufficient amenity space for any future occupiers and is nearly double that indicated in the Design SPD which requires a minimum area of 65m² per three bedroom dwelling.
- 4.4.7 Given the above, overall, having had regard to Council's Design SPD the proposal is considered, on balance, to be acceptable in terms of protecting the amenity of existing occupiers as well as any future occupiers of the site.

4.5 Impact on Highway Safety

- 4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.5.2 In this respect Staffordshire County Highways Department were consulted on the proposal and raised no objections subject to a condition. As such, it is concluded that the proposal would not result in an unacceptable impact on highway safety.

4.6 Impact on Nature Conservation Interests

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

4.7 Drainage and Flood Risk

- 4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps.
- 4.7.2 In this respect it is noted that paragraph 155 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.
- 4.7.3 The applicant has stated that it is intended to connect to the existing drainage system. It is noted that the site immediately abuts a main road and is within a predominantly built up area. As such it is in close proximity to drainage

infrastructure that serves the surrounding area. Therefore, it is considered that reasonable options for draining the site are available.

4.8 Mineral Safeguarding

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

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

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

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

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

4.9 Waste and Recycling Facilities

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

4.9.2 The proposed dwelling would be sited within close proximity to the highway within a residential area where bins are already collected by the Local

Authority. The bins would, in this instance, be collected from the adjacent highway within Flaxley Road.

4.10.2 Ground Conditions and Contamination

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

4.10.2 However, given that the site was formerly used as a garage court there is the potential for contamination. In this respect the Environmental Health Officer has requested a suite of conditions to deal with any potential issues arising and to ensure that the site is fit for purpose.

4.11 Objections raised not already covered above:

4.11.1 The main points of objection have been addressed in the body of the report. An objector has commented that the proposal would impact on house prices. The impact on house prices is not a material consideration for the determination of planning applications.

4.11.2 In respect to the perceived loss of parking as a result of the proposal it is noted that this site is privately owned and the public have no right to park anywhere in the site and can be prevented from doing so at any time.

4.11.3 Issues raised in respect to the grassed area owned by the Highway Authority have been addressed by removing this area from the application site.

5	Human Rights Act 1998 and Equalities Act 2010
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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
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- 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.
- 6.1 It is therefore recommended that the application be approved subject to the attached conditions.

