

Please ask for: Mrs W. Rowe
Extension No: 4584
E-Mail: wendyrowe@cannockchasedc.gov.uk

10 October 2023

Dear Councillor,

Planning Control Committee

3:00pm, Wednesday 18 October 2023

Council Chamber, Civic Centre, Cannock

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda. The meeting will commence at 3.00pm or at the conclusion of the site visits, whichever is the later. Members should note that the following site visits have been arranged: -

Application Number	Application Location and Description	Start Time
CH/23/0252	446 Littleworth Road, Cannock WS12 1JB Erection of 2 storey dwelling to the rear of 446 Littleworth Road, including associated access, parking and landscaping	1.00pm
CH/23/0040	Sherbrook Court, Kingsley Wood Road, Rugeley WS15 2UF Replacement of existing dwelling, garage, workshop and green house with new dwelling	1.30pm
CH/22/0306	The Smallholding, Kingsley Wood Road, Rugeley WS15 2UF Change of Use of existing building currently approved for repairs, maintenance relating to forestry and agriculture to motor vehicle repairs and maintenance and to include a DVSA for MOT test centre for light vehicles up to 6500kg	1.50pm
CH/22/0058	41 Mill Street, Cannock WS11 0DX Demolition of existing building to create 15 apartments (1 & 2 bed) associated parking and amenity space	2.25pm

Members wishing to attend the site visits are requested to meet at the 446 Littleworth Road, Cannock WS12 1JB at 1.00pm as indicated on the enclosed plan. Please note that, following a risk assessment, Members undertaking site visits must wear full PPE

Civic Centre, Beecroft Road, Cannock, Staffordshire WS11 1BG

tel 01543 462621 | www.cannockchasedc.gov.uk

or they will not be permitted on to the site. In this case, the PPE will constitute a hard hat, hi-vis vest, and safety footwear.

Yours sincerely,



Tim Clegg
Chief Executive

To Councillors:

Fisher, P.A. (Chair)
Cartwright, S.M. (Vice-Chair)
Aston, J. Mawle, D.
Fitzgerald, A.A. Pearson, A.R.
Hoare, M.W.A. Prestwood, F.
Jones, P.T. Sutherland, M.
Jones, V. Thornley, S.J.
Kenny, B. Wilson, L.J.
Kruskonjic, P.

Agenda

Part 1

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

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

- 3. Disclosure of Details of Lobbying of Members**

- 4. Minutes**

To approve the Minutes of the meeting held on 20 September 2023 (enclosed).

- 5. Members' Requests for Site Visits**

- 6. Report of the Planning Services Manager**

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

Details about planning applications can be accessed on the Planning section of the Council's [website](#).

Site Visit Applications

Application Number	Location and Description	Item Number
1. CH/23/0252	446 Littleworth Road, Cannock WS12 1JB Erection of 2 storey dwelling to the rear of 446 Littleworth Road, including associated access, parking and landscaping	6.1 - 6.21
2. CH/23/0040	Sherbrook Court, Kingsley Wood Road, Rugeley WS15 2UF Replacement of existing dwelling, garage, workshop and green house with new dwelling	6.22 - 6.50
3. CH/22/0306	The Smallholding, Kingsley Wood Road, Rugeley WS15 2UF Change of Use of existing building currently approved for repairs, maintenance relating to forestry and agriculture to motor vehicle repairs and maintenance and to include a DVSA for MOT test centre for light vehicles up to 6500kg	6.51 - 6.63
4. CH/22/0058	41 Mill Street, Cannock WS11 0DX Demolition of existing building to create 15 apartments (1 & 2 bed) associated parking and amenity space	6.64 - 6.86

Planning Application

Application Number	Location and Description	Item Number
5. CH/23/0286	22 Williamson Avenue, Prospect Avenue, Cannock WS12 0QF Proposed two storey side extension to form a garage, utility room, 2 additional bedrooms and an ensuite following demolition of existing garage/store	6.87 - 6.99

Cannock Chase Council
Minutes of the Meeting of the
Planning Control Committee

Held on Wednesday 20 September 2023 at 3:00pm

In the Council Chamber, Civic Centre, Cannock

Part 1

Present: Councillors

Fisher, P.A. (Chair)	
Cartwright, S.M. (Vice-Chair)	
Aston, J.	Mawle, D.
Buttery, M.S. (substitute)	Pearson, A.R.
Fitzgerald, A.A.	Prestwood, F.
Jones, P.T.	Stanton, P. (substitute)
Kenny, B.	Wilson, L.J.
Kruskonjic, P.	

(The Chair advised that the order of the agenda had been amended and Application CH/23/0131, Land bound by Ringway, Church Street and Market Hall Street, Cannock Town Centre, WS11 1EB would be considered as the first item).

25. Apologies

Apologies for absence were received from Councillors M. Hoare, V. Jones, M. Sutherland, and S. Thornley.

Notification had been received that Councillor Buttery would substitute for Councillor Sutherland and Councillor Stanton would substitute for Councillor Thornley.

26. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

None.

27. Disclosure of Details of Lobbying by Members

Councillor A. Pearson declared that he had been lobbied in respect of Application CH/23/0172, 4 Brindley Crescent, Hednesford when the application had previously been considered by the Planning Control Committee on 28 June 2023. He clarified that he had not been lobbied since then.

28. Minutes

Resolved:

That the Minutes of the meeting held on 23 August 2023 be approved as a correct record.

29. Members Requests for Site Visits

None.

30. Application CH/23/0131, Land bound by Ringway, Church Street and Market Hall Street, Cannock Town Centre, WS11 1EB

The Interim Development Management Team Leader advised that, since the agenda had been published, comments had been received from Highways and further comments had therefore been requested from the applicant. In view of this she asked that the Committee consider deferring the application.

Resolved:

That the application be deferred to allow the applicant to consider and respond to the representations made by Highways.

31. Application CH/23/0111, The Holding, Rugeley Road, Hazelslade, Cannock, WS12 0PH - Demolition of Equestrian Buildings and Erection of 3-bed dwellinghouse (resubmission of CH/22/0321)

Following a site visit, consideration was given to the Report of the Planning Services Manager (Item 6.1 - 6.22) presented by the Planning Officer.

The Planning Officer provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Prior to consideration of the application representations were made by Michael Askew, the applicant's agent speaking in support of the application. The applicant, Mrs. Matthews, was also available to respond to any technical questions raised by Members.

Resolved:

(A) That, the applicant be requested to enter into an Agreement under S106 of the Town and Country Planning Act, 1990 to secure a contribution to mitigate recreation impacts upon Cannock Chase Special Area of Conservation.

(B) That, on completion of the Agreement, delegated authority be given to the Head of Economic Development and Planning to approve the application subject to the conditions contained in the report for the reasons outlined therein.

32. Application CH/23/0168, 205 Wimblebury Road, Heath Hayes, Cannock, WS12 2EP - Proposed conversion of existing property to create 4 apartments for residents with complex care needs

Following a site visit, consideration was given to the Report of the Planning Services Manager (Item 6.23 - 6.38) presented by the Planning Officer.

The Planning Officer provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Prior to consideration of the application representations were made by Bridget Highman, an objector, speaking against the application. Further representations were made by John Bell, the applicant's agent speaking in support of the application. Jenny Payne

from iBC Healthcare was also present and answered the technical questions raised by Members.

Following the application being moved and seconded by Councillors L. Wilson and A. Pearson, the Planning Officer advised that in response to some comments made during the debate, Members may wish to consider adding two additional conditions, should they be minded to approve the application. One condition would clarify that the staff changeover time should be earlier than the school drop off time. The other would be to agree the location of the bin store. Prior to taking a vote, the mover and seconder agreed that these additional conditions should be included within the motion to approve.

Resolved:

(A) That, the applicant be requested to enter into an Agreement under S106 of the Town and Country Planning Act, 1990 to secure a contribution to mitigate recreation impacts upon Cannock Chase Special Area of Conservation.

(B) That, on completion of the Agreement, delegated authority be given to the Head of Economic Development and Planning to approve the application subject to the conditions contained in the report for the reasons outlined therein and to the following additional conditions: -

i) Prior to commencement of the use hereby permitted, details of the proposed staff shift patterns shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the staff shift pattern at the facility shall be operated in accordance with the agreed details.

Reason: In the interests of parking capacity and avoiding staff changeover times occurring during peak hours of use of the adjacent highway.

ii) Prior to commencement of the use hereby permitted and notwithstanding the bin store area designated on the approved site plan, details of a revised bin store area shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed bin storage area shall be utilised for the storage of refuse receptacles for the life of the development.

Reason: In the interests of assuring a practical, accessible and unobtrusive location for the proposed bin storage area.

33. Application CH/22/0306, The Smallholding, Kingsley Wood Road, Rugeley, WS15 2UF - Change of use of existing building currently approved for repairs, maintenance relating to forestry and agriculture to motor vehicle repairs and maintenance and to include a DVSA for MOT test centre for light vehicles up to 6500kg

Consideration was given to the Report of the Planning Services Manager (Item 6.39 - 6.51) presented by the Development Control Consultant.

The Development Control Consultant provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Prior to consideration of the application representations were made by Vicki Waring, an objector, speaking against the application.

Members considered that it would be beneficial to undertake a site visit to assess whether there would be any potential intensification of the use of the site as a result of the proposed application.

Resolved:

That the application be deferred to enable a site visit to be undertaken in order to assess the impact of any potential intensification of the use of the site.

34. Application CH/23/0172, 4 Brindley Crescent, Hednesford, Cannock, WS12 4DS - Two storey side extension to form garage and annex at first floor and two bay garage to front of existing house

Prior to consideration of the application the Principal Solicitor advised that the application had previously been considered by the Committee on 28 June 2023 when Members agreed to defer the application. Only those Members present at that meeting could participate in the determination of the application today. She clarified that, as Councillors L. Wilson and M. Buttery were not in attendance on 28 June, they would not be able to participate. Councillor P. Stanton had acted as substitute at the meeting on 28 June and she would therefore be able to participate.

Councillors Wilson and Buttery then left the meeting whilst the application was determined.

Consideration was given to the Report of the Planning Services Manager (Item 6.52 - 6.70) presented by the Planning Officer.

The Planning Officer provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Councillor A. Pearson moved that the application be approved, and this was seconded by Councillor S. Cartwright. He put forward the planning reasons for the approval.

Officers advised that the application was recommended for refusal and, therefore, if Members were minded to approve the application, any conditions would need to be delegated to officers to determine and attach to the approval.

A vote was then taken on the motion to approve but was not carried.

Councillor D. Mawle moved the officer's recommendation to refuse the application for the reasons outlined in the report. This was seconded by Councillor B. Kenny. Following a vote, the motion was carried.

Resolved:

That the application be refused for the reasons outlined in the report.

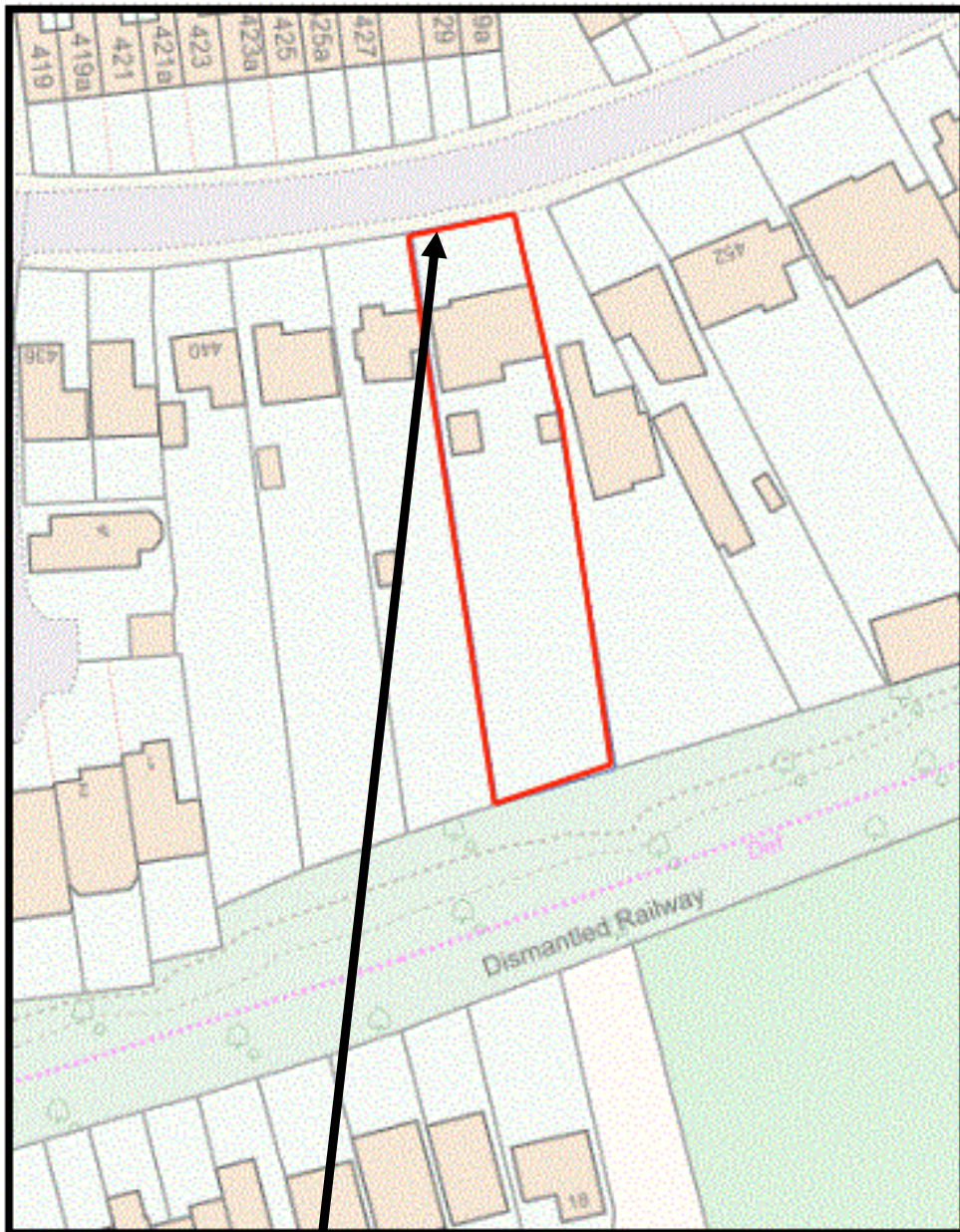
The meeting closed at 4:35pm

Chair

Application No: CH/23/0252

Location: 446 Littleworth Road, Cannock WS12 1JB

Proposal: Erection of 2 storey dwelling to the rear of 446 Littleworth Road, including associated access, parking and landscaping

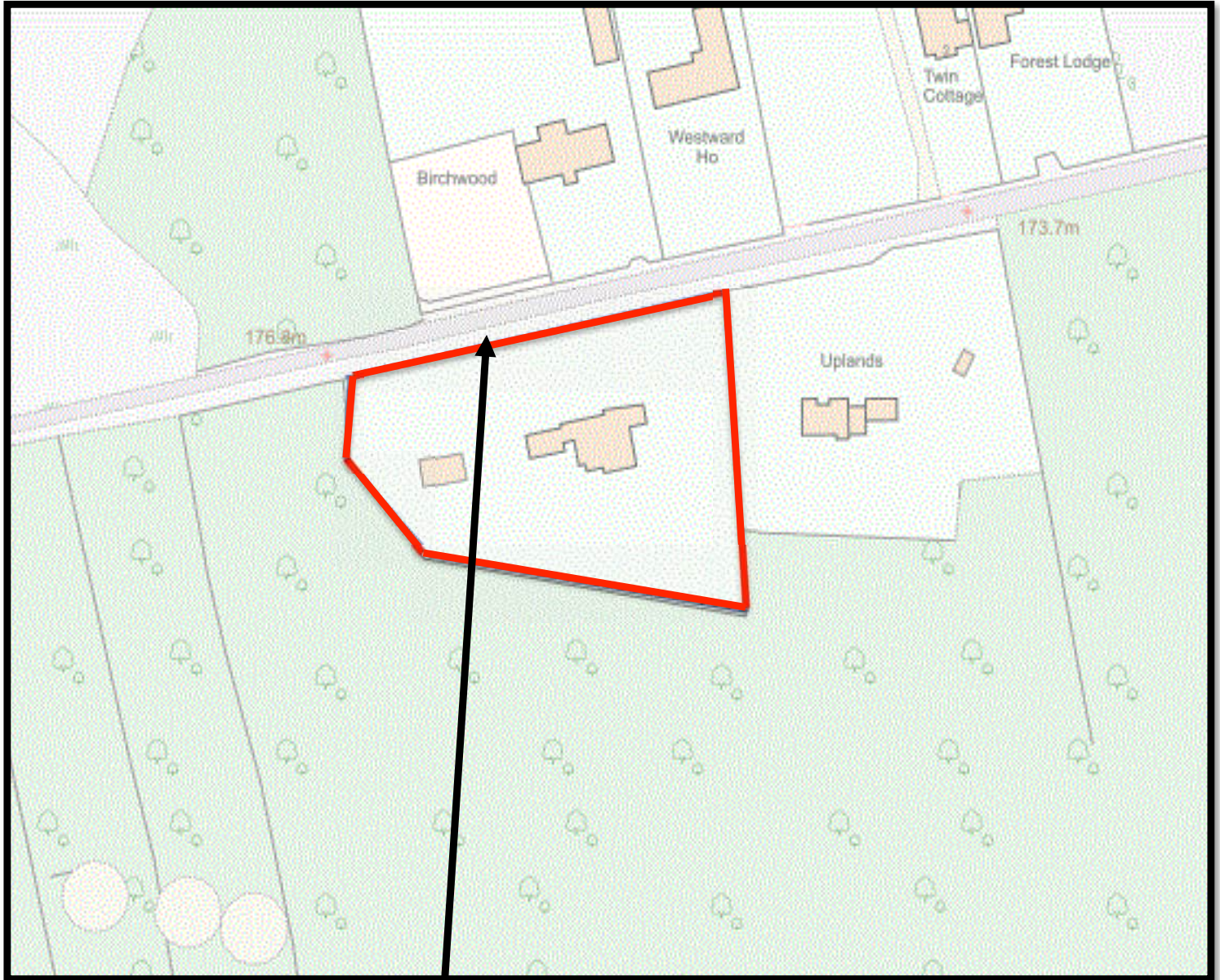


**SITE VISIT
MEETING POINT**

Application No: CH/23/0040

Location: Sherbrook Court, Kingsley Wood Road, Rugeley,
WS15 2UF

Proposal: Replacement of existing dwelling, garage,
workshop and green house with new dwelling

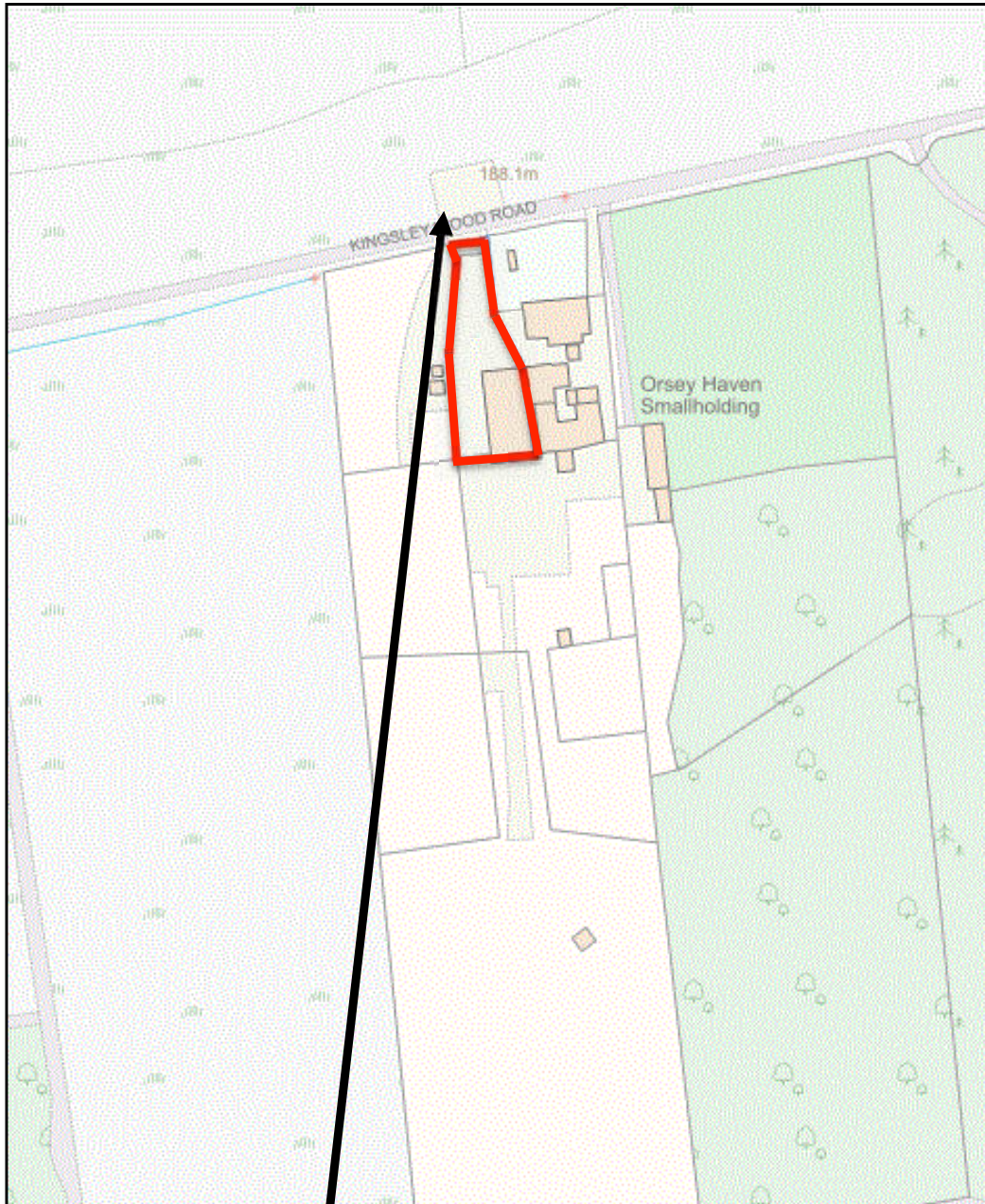


**SITE VISIT
MEETING POINT**

Application No: CH/22/0306

Location: The Smallholding, Kingsley Wood Road,
Rugeley, Staffordshire WS15 2UF

Proposal: Change of Use of existing building currently
approved for repairs, maintenance relating to forestry
& agriculture to motor vehicle repairs & maintenance
and to include a DVSA for MOT test centre for light
vehicles up to 6500kg

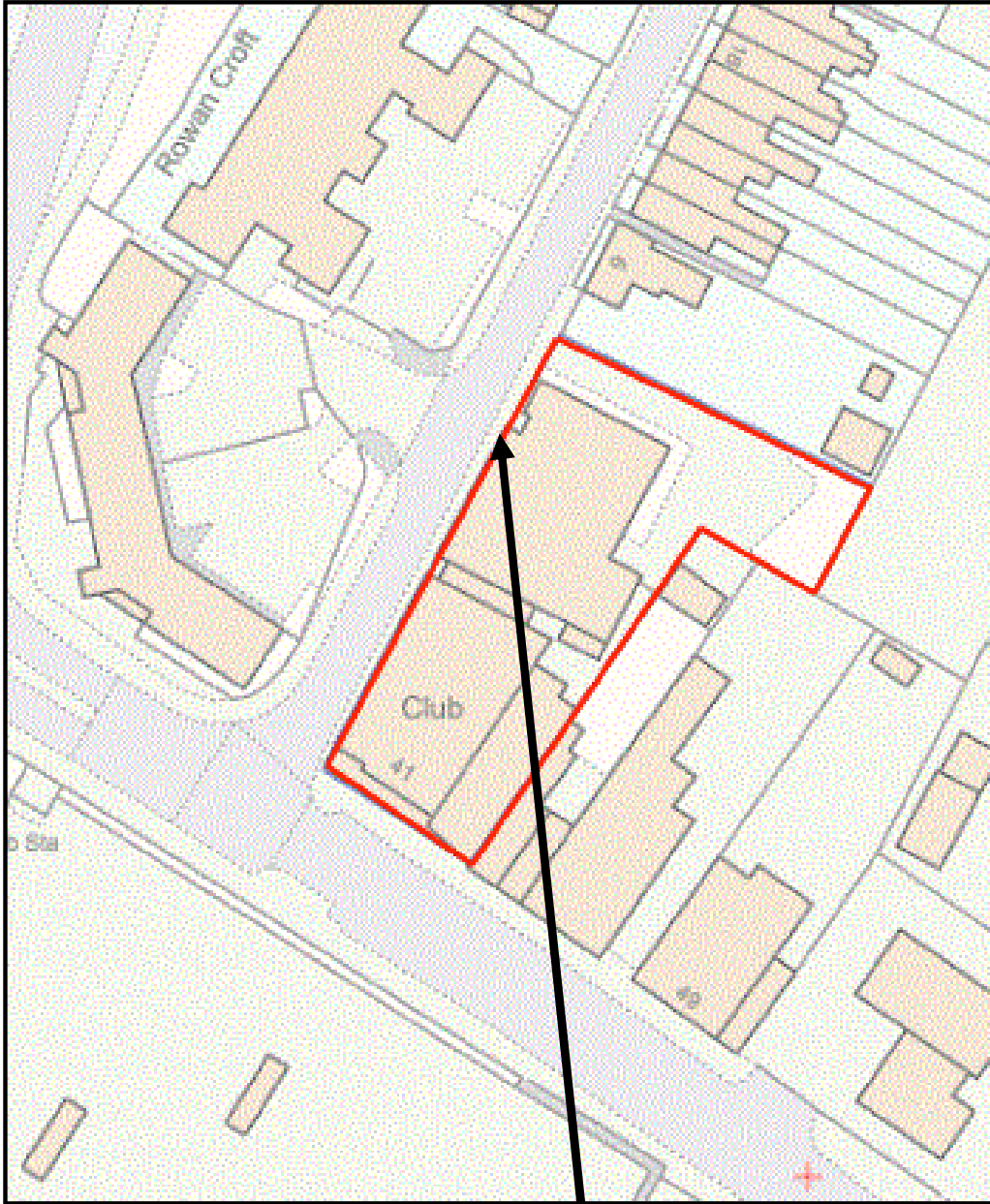


**SITE VISIT
MEETING POINT**

Application No: CH/22/0058

Location: 41 Mill Street, Cannock

Proposal: Demolition of existing building to create 15 apartments (1 & 2 bed), associated parking and amenity space



**SITE VISIT
MEETING POINT**



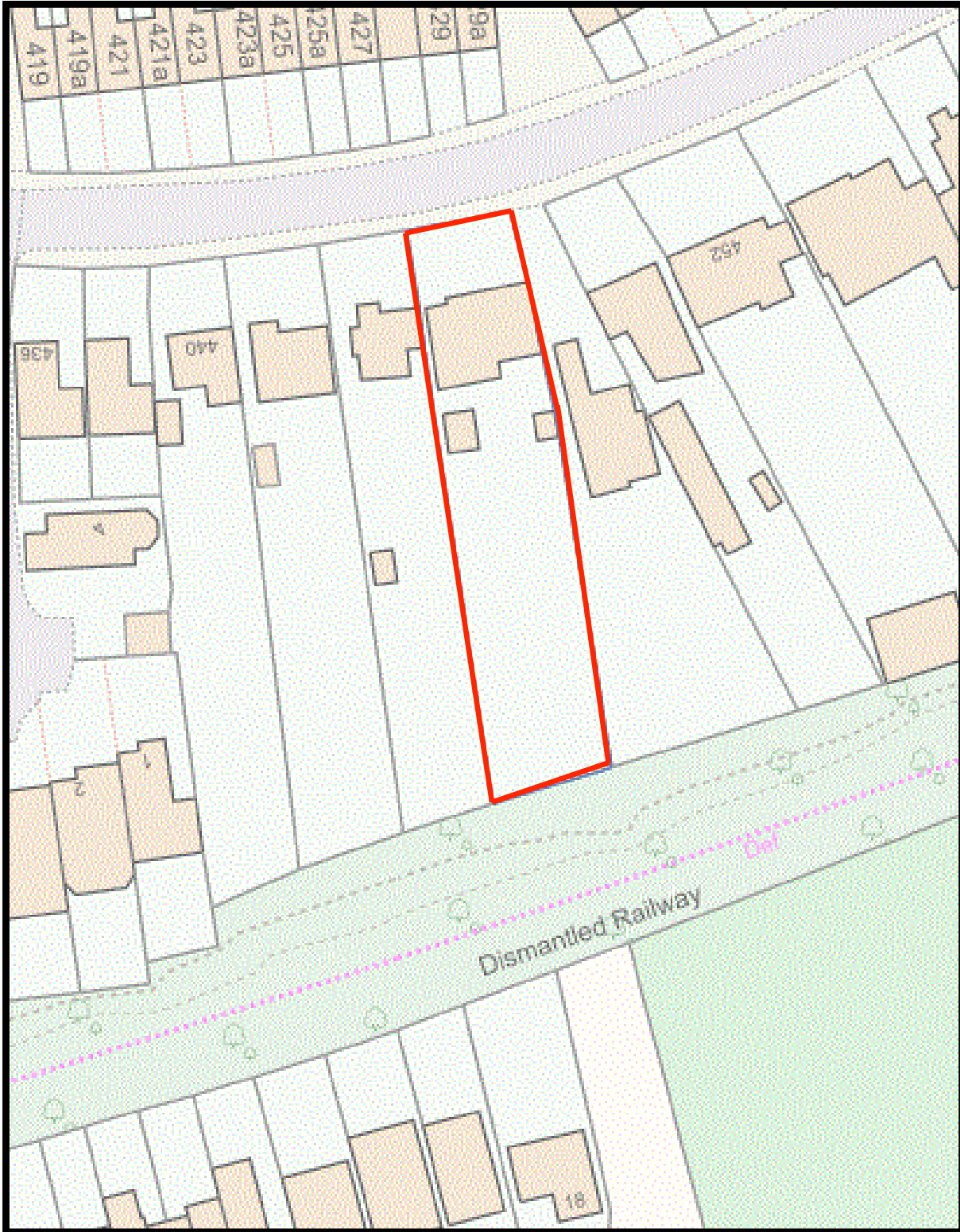
Application: CH/23/0252

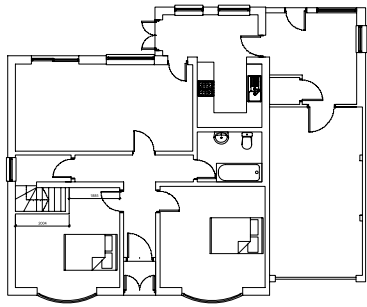
Location: 446 Littleworth Road, Cannock, WS12
1JB

Item No. 6.1

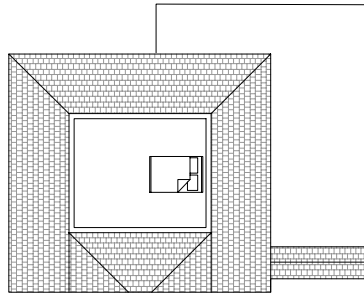


Location plan





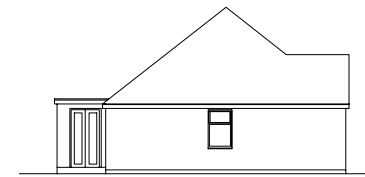
1 Ground Floor - Existing
1:100



2 First Floor - Existing
1:100



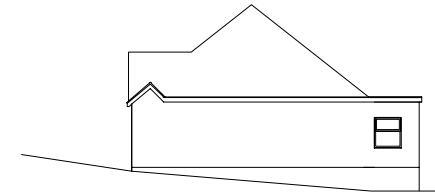
3 Principal Elevation - Existing
1:100



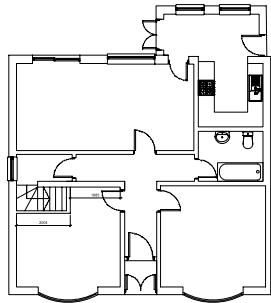
4 Side Elevation - Existing
1:100



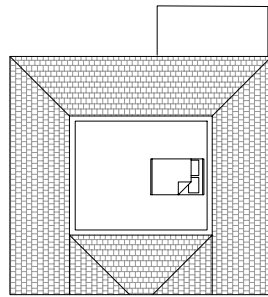
5 Rear Elevation - Existing
1:100



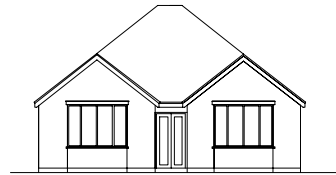
6 Side Elevation 02 - Existing
1:100



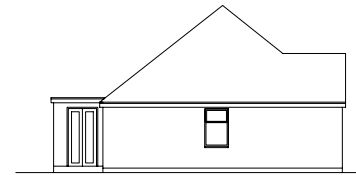
7 Ground Floor - Proposed
1:100



8 First Floor - Proposed
1:100



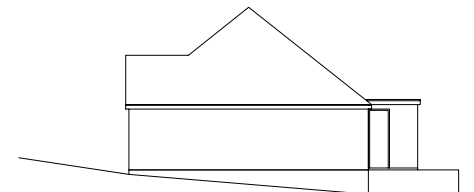
9 Principal Elevation - Proposed
1:100



10 Side Elevation - Proposed
1:100



11 Rear Elevation - Proposed
1:100



12 Side Elevation 02 - Proposed
1:100



14 Locations Plan
1:1250



SCALE 1:1250



SCALE 1:100

X	FIRST ISSUE	MB	22.05.23
Rev	Details	By/CHK	Date

Copyright of this drawing is vested in J Mason Associates and it must not be copied or reproduced without formal consent. Do not scale off this drawing for construction purposes. All contractors and sub-contractors are responsible for taking and checking all dimensions relative to their work.

Notify J Mason Associates immediately of any variation between drawings on site conditions.

DO NOT SCALE OFF THIS DRAWING FOR CONSTRUCTION PURPOSES - IF IN DOUBT ASK.

Where drawings are based on survey information received, surveys are available on request.

All drawings to be read in conjunction with all relevant Structural and M&E Engineers drawings and specifications.

H&S HAZARDS:
Significant hazards relative to the architectural design shown on this drawing have been assessed and highlighted with reasonable risk and are using a warning triangle system.

This drawing is to be read in conjunction with all other hazards/risks which have been identified and recorded within the construction phase H&S Plan.

It is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, to an approved method statement.

Significant hazards are defined as:-

- Those not likely to be obvious to a competent contractor or other designers.
- Those of an unusual nature.
- Those likely to be difficult to manage effectively.

J Mason Associates

www.jmasonassociates.co.uk
14 Oldfield Road, Hednesford, Staffordshire, ST11 1AR

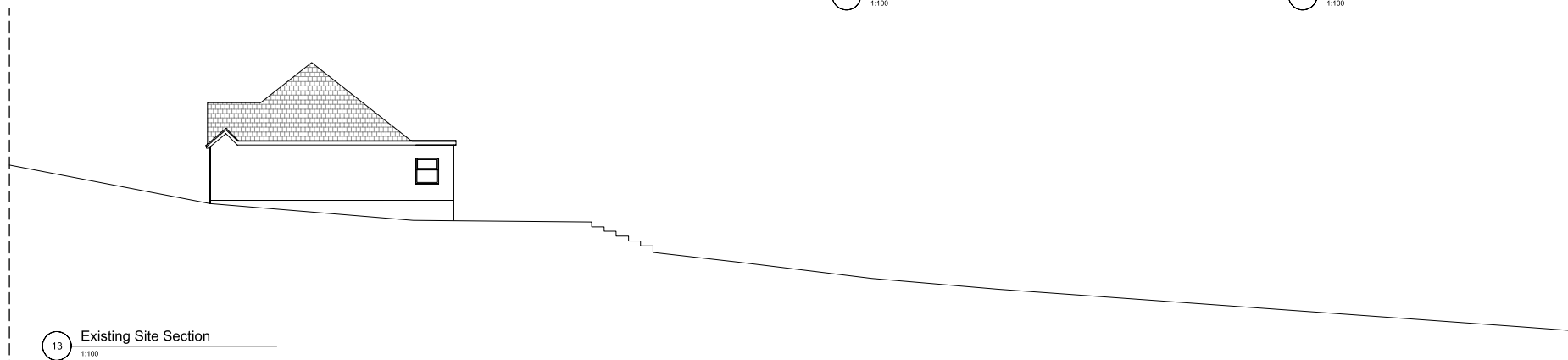
J Mason Associates
Registered in England & Wales
0093970

Client:
Mr & Mrs Lines

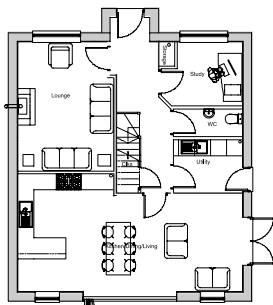
Project:
**446 Littleworth Road,
Hednesford**

Drawing Title:
**Existing & Proposed Bungalow
Plans, Elevations, Site Section**

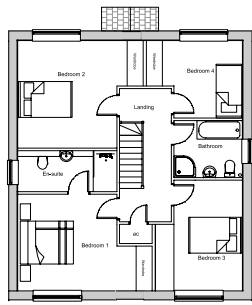
Stage:	Status:	Sheet Size:
RIBA 3	Planning	A1
2832	22.05.2023	As Noted
2832-01		



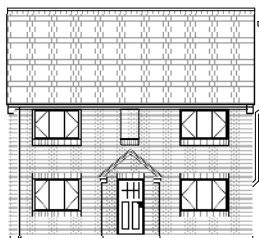
13 Existing Site Section
1:100



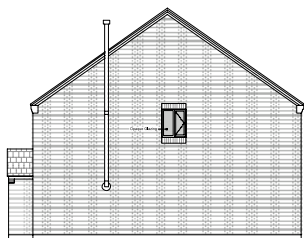
1 Ground Floor - Proposed
1:100



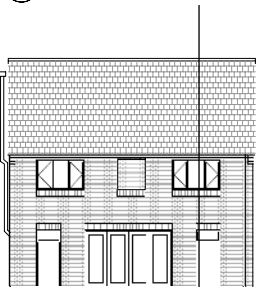
2 First Floor Proposed
1:100



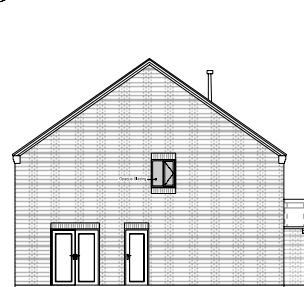
3 Principal Elevation - Proposed
1:100



4 Side Elevation - Proposed
1:100



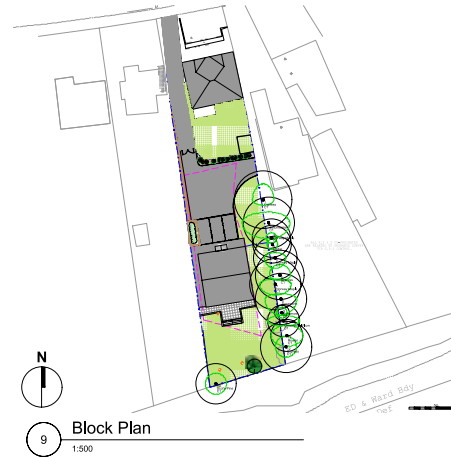
5 Rear Elevation - Proposed
1:100



6 Side Elevation 02 - Proposed
1:100



8 Site Plan
1:200



9 Block Plan
1:500

GENERAL NOTES:
2.0 SOILS: Should be sampled to 500mm depth prior to forming basements to BS4485. Basements to be formed to BS4485 and BS4486. For mixed ground (and improved if required) to be laboratory tested to BS3812 and embankment to be tested to BS3812. These samples shall be retained in position and in good condition until works are complete. Fencing to be located in accordance with Table 4.1 at a radius of 1.2 times the maximum depth of the stem roots or 10 times the basal diameter (whichever is greater) from the stem base. 1.2m from ground level to ensure 0.2m further penetration are to be taken as designed when BS3812:2003 is used.
2.0 EXISTING TREES: Where trees are to be retained they should be subject to a full arboricultural inspection to assess condition and safety. Retained trees should be protected from damage by erection of 2.0m tall wooden fencing on a concrete foundation in accordance with BS 5827:2003 (2). These fences shall be maintained in position and in good condition until works are complete. Fencing to be located in accordance with Table 4.1 at a radius of 1.2 times the maximum depth of the stem roots or 10 times the basal diameter (whichever is greater) from the stem base. 1.2m from ground level to ensure 0.2m further penetration are to be taken as designed when BS3812:2003 is used.
2.0 TREE SURVEY: REMOVAL: The survey and tree removal to be carried out by a registered tree surgeon in accordance with BS 3968:2010.
2.0 TREE PLANTING:
2.0.1 Trees to be in accordance with BS 3091/3236. Trees to be drilled in accordance with BS4428 and securely staked using 2m x 2m stakes and fast using 2m straps per tree. 100 litres and consider tree planting method should be used. Trees to be planted in pits 1000x1000x200mm (depth) with topsoil mixed with tree planting compost. Existing trees are a minimum of 75mm diameter and 20mm clear of the tree trunk. All pits to be drained to a depth of 500mm. All trees to be container grown. The base of trees to be drilled in grass areas are to be covered with 75mm depth 100x100mm diameter and 100mm deep.
2.0 SHRUB PLANTING: Plants are to be in accordance with BS3308 and handled in accordance with CPRE guidelines and planted in accordance with BS 4428. All plants to have a minimum of three levels, except hedges with a maximum of three. Wind water plants immediately after planting and prior spacing of masts. Shrub areas to be covered with 75mm depth 100x100mm diameter and 100mm deep.
2.0 HEDGE PLANTING: Plants to be in accordance with BS3308 and handled in accordance with CPRE guidelines and planted in accordance with BS 4428. Hedge plants to be drilled in 500mm diameter and 300mm apart at 450mm centres. All hedge plants immediately after planting and prior spacing of masts. Shrub areas to be covered with 75mm depth 100x100mm diameter and 100mm deep.
2.0 TURFING: Grass turf areas to be 18mm Avon or similar approved cultivated Turf to be delivered and laid on required area any debris or stones greater than 50mm diameter removed. Planting to be in accordance with BS 4428. Turf to be laid from debris with loose joints will be covered with 75mm depth 100x100mm diameter and 100mm deep.
2.0 MAINTENANCE: To be carried out approximately monthly routine to include the following:
• Eradicate weeds by hand or chemical means
• Cut and clear any overhanging branches or overgrown plants as required
• Ensure all plants and trees are firmly in securely staked and bed
• Apply all plants and trees to be in accordance with BS 4428
• Apply all plants and trees to be in accordance with BS 4428
• Carry out grass mowing to lay when attained 100mm, cut to 50mm

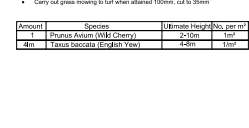
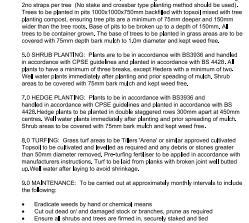
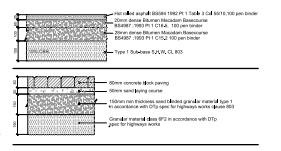


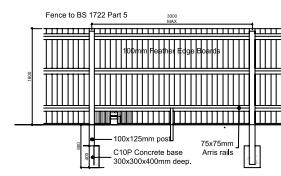
Table with 3 columns: Amount, Species, Ultimate Height. Rows include Prunus Avium (Wild Cherry) and Taxis baccata (English Yew).

- Key: Site boundary, 1.8m Closeboard fence, Tree Protection Fencing, Development zone, Trees to be removed, Grass, Paving slabs Type 1, Paving slabs Type 2, Self Binding Gravel, Red Brindle Block Paving, Bark.

10 Tree Planting Details
1:100



11 Surface Details
1:20



12 Fencing Detail
1:50

Table with 4 columns: A, Design Amendments, MB, 15.08.23. Rows include FIRST ISSUE, Rev, Details, MB, 25.05.23.

Copyright of this drawing is vested in J Mason Associates and it must not be copied or reproduced without formal consent. Do not scale off this drawing for construction purposes. All contractors and subcontractors are responsible for taking and checking all dimensions relative to their work.

DO NOT SCALE OFF THIS DRAWING FOR CONSTRUCTION PURPOSES IF IN DOUBT ASK. Where drawings are based on survey information, surveys are available on request.

Significant hazards relative to the architectural design shown on this drawing have been assessed and highlighted with reasonable care and using a warning triangle system.

Significant hazards are defined as:
• Those not likely to be obvious to a competent contractor or other designers.
• Those of an unusual nature.
• Those likely to be difficult to manage effectively.

J Mason Associates

www.jmasonassociates.co.uk
14 Oldfield Road, Hednesford, Staffordshire, ST16 2JH
J Mason Associates Ltd, Thomas House, Walsley, Hednesford, Staffordshire, ST16 2JH

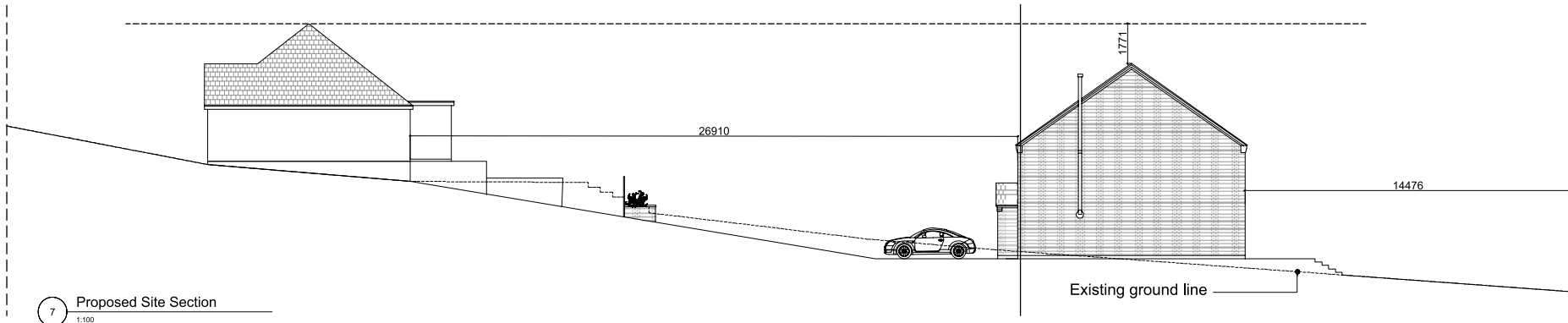
Client: Mr & Mrs Lines

Project: 446 Littleworth Road, Hednesford

Drawing Title: Proposed New Dwelling

Table with 3 columns: Stage, Status, Sheet Size. Rows include RIBA 3, Planning, A1; Job Number, Date, Scale; 2832, 25.05.2023, As Noted.

2832-02



7 Proposed Site Section
1:100



Context Analysis - Littleworth Road, Hednesford

Existing developments created to the rear of existing dwellings.



2 No. Two storey detached dwellings.

8 No. Apartments
Two Storey

4 No. Single storey dwellings

1 No. Single storey dwelling

3 No. Two Storey Dwellings

Proposed site of
1 No. Two storey dwellings

4 No. Single storey dwellings

As the above analysis demonstrates, there is a total of 22 dwellings which match the character and layout of the proposals within 400m of the proposed site.

Contact Officer:	David O'Connor
Telephone No:	(01543) 464 515

<p>Planning Control Committee</p> <p>18 October 2023</p>
--

Application No:	CH/23/0252
Received:	26 June 2023
Location:	446 Littleworth Road, Cannock, Staffordshire WS12 1JB
Ward:	Rawnsley
Description:	Erection of 2 storey dwelling to the rear of 446 Littleworth Road, including associated access, parking, and landscaping.
Application Type:	Full Planning Permission

The application is being presented to Members for determination for two reasons:

- 1) following a request to speak from an objector in relation to the proposals and**
- 2) the applicant is a Council employee.**

RECOMMENDATION: Refuse for the following reasons:

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.

- 1) The proposed development would, by reason of its siting within the plot result in substantive overlooking of an adjacent garden, to the detriment of the use of that garden and the privacy of the occupants. Impacts of this type are contrary to Local Plan Policy CP3 and Paragraph 130(f) of the NPPF.
- 2) The application contains insufficient information in relation to risks posed from the migration of coal mine gas. The National Planning Policy Framework at para 183a states that planning decisions should ensure a site is suitable for its proposed use taking account of risks from former activities such as mining. In the absence of this information the application development would fail to achieve compliance with Para 183a of the National Planning Policy Framework.
- 3) The Arboricultural Information presented does not include an Impact Assessment or Tree Protection Strategy to be employed during the course of the development works as is advocated in BS5837. The Arboricultural work presented does not fully

examine relevant drainage considerations, incursion into root zones or the effects of shadowing to the proposed dwelling and its garden. In the absence of these details and wider impact assessment, the application runs in conflict with Cannock Chase Local Plan Policy CP3 and para 131 of the National Planning Policy Framework as the Council is unable to determine if the application proposals successfully integrate with existing trees.

Notes to the Developer:

None

Consultations and Publicity

Internal Consultations

Environmental Health – Objection

The application is now supported by a Coal Mining Risk Assessment, GIP, 7 August 2023. This predominantly focuses on potential structural risks presented by abandoned coal mine workings.

Potential risks posed from the migration of coal mine gas have not been assessed to an appropriate standard in line with previous request to the applicant. The Coal Mining Risk Assessment acknowledges that the potential migration of coal mine gas presents a risk to the proposed development, and that the local authority may require a coal mine gas risk assessment to be carried out. The applicant should submit a coal mine gas risk assessment as part of their application and to date such has not been received.

Landscape Officer – Objection

Whilst it is appreciated the trees within the garden are currently of low arboricultural value, the removal of 7 with the replacement of just 1 is not acceptable, especially considering the present climate emergency.

Recommend a drainage survey is provided due to the relatively steep topography and significant amount of non-porous paving proposed. Aco-drains alone may not be suitable based on the scale of the development.

Objection to the current proposal due to an insufficient assessment against the existing trees, the negative impact the proposal places on them and the loss of privacy for adjacent residents.

External Consultations

Coal Authority – No objections subject to conditions

The Coal Authority previously objected to the proposal on 11 July 2023 due to the lack of a Coal Mining Risk Assessment report to identify and assess the risks posed to the proposed development by coal mining legacy. The applicant has now submitted a Coal Mining Risk Assessment report (7 August 2023, prepared by GIP Ltd) in support of their application.

Based on a review of relevant sources, the submitted report concludes that the site is likely to be underlain by historic coal mine workings, the further settlement of which could affect the proposed development. Accordingly, it goes on to make appropriate

recommendations for the carrying out of intrusive ground investigations, in the form of the drilling of boreholes to depths of 35.0m bgl, in order to establish the depth and condition of shallow coal seams/workings and to inform any necessary remedial works.

The Coal Authority's Planning & Development Team concurs with the recommendations of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included requiring:

- 1) Intrusive investigations and appropriate remedial works are carried out on the site
- 2) A declaration by a competent person that the site is safe and stable has been submitted

Staffordshire County Highways Authority – No objections

The new property will utilise an existing access that has been in operation since the property was built. Visibility has been reduced slightly to the west from the vehicular access crossing due to the erection of a fence, which may or may not require planning permission as it is over 1m high. However, the access as it is, has not proved an issue previously and accident records for the past 10 years since the installation of the fence have been checked with no personal injury collisions recorded at this location. This proposal will not increase the use of this driveway anymore than it was originally used. Parking provision for the existing property has been set back to provide the requisite visibility splays in each direction and will not interfere with visibility to the east when egressing from the proposal's access.

Conditions are therefore recommended requiring the access, parking, and turning areas are provided in a porous material prior to occupation.

Response to Publicity

The application has been advertised by neighbour letter. A range of objection letters from 3 No. main respondents have been received. In summary these raise the following points:

- The design proposed is out of scale with nearby properties and does not reflect an appropriate form or massing compared to the host property. The design is not sympathetic to local character or the heritage of the area.
- Concerns in relation to loss of green space. Garden grabbing is unnecessary. Backland development is not supported in policy.
- The development would cause ground unsettlement in the area as well as potential mine gas release.
- The area is subject to substantial traffic issues and further building would increase this.
- The access to serve the new dwelling has no proper visibility splay. Hill start onto the pavement is unsafe.

- The proximity of the proposed building would cause substantial amenity impacts to nearby properties including overshadowing, overlooking/loss of privacy and would have an overbearing effect on users within neighbouring gardens. This is worsened by the levels difference to neighbouring properties. Privacy impacts within the house and garden are a concern.
- Substantial disturbance would result from the build.
- How will access be created to allow for boreholes to be carried out in the back garden? The proposed access route is blocked by the garage.
- The dwellings siting has a contrived layout to avoid root protection zones of trees within a neighbouring garden.
- The development would directly impact trees adjacent and their root zones.
- The rear garden of 446 and the neighbouring properties create the distinction, integrity, and heritage of the buffer zone along the disused railway and the areas historic mining heritage. They should all be safeguarded against any building development of this type.
- Emergency vehicle access to the site would be impractical.
- The application includes land that was subject to a dispute. Hedgehog fencing is shown in fencing owned by a neighbouring property. A Chartered Surveyor in 2010 formally prepared documentation to demonstrate the legal boundary position. The development proposed in this case oversteps the boundary line. An amount in the region of 10-15cm of encroachment is apparent.
- The development would have a detrimental effect on wildlife impacting a range of species. 3 Ponds are present in the vicinity of the site with newts and toads.
- Light pollution
- Fire risks will be increased.
- Concerns the development would set a precedent.
- Views of open fields beyond would be impacted.
- The plot has a steep gradient and narrow access. Earthmoving and other construction vehicles would be impractical.
- Providing adequate drainage to the land and dwelling given the gradient is a concern.
- Demolition of the side garage would cause subsidence to neighbouring property. Underpinning of neighbouring property will be required to correct instability that would be caused. The side wall is just 50cm away from neighbouring property.

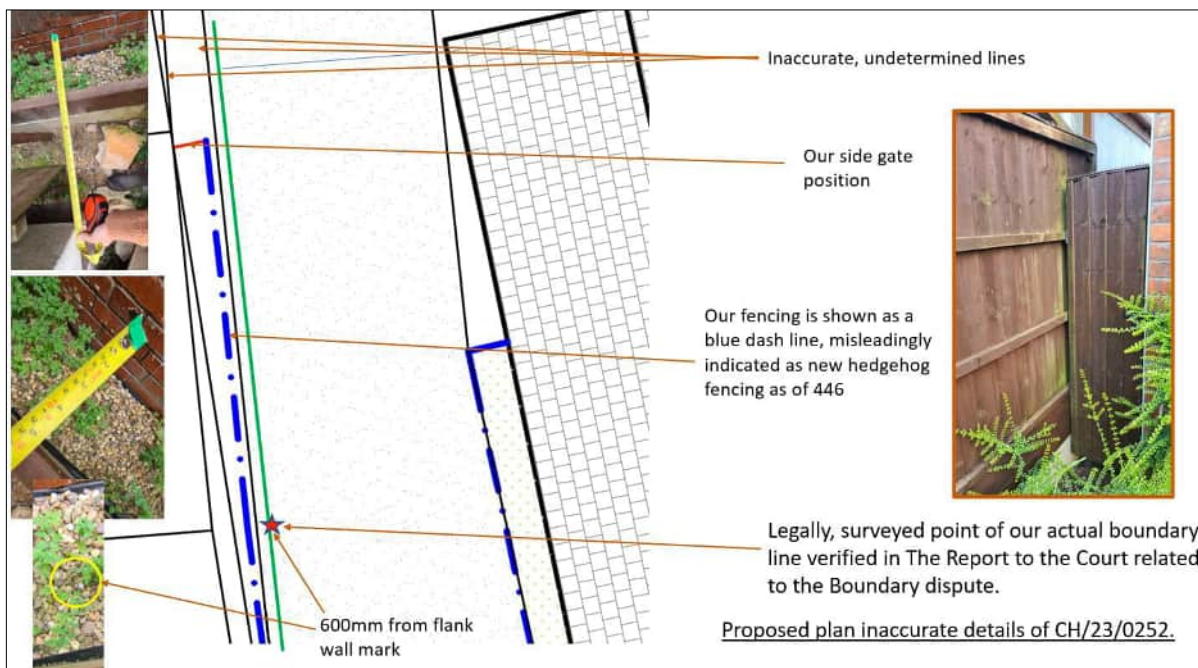


Figure 1: Imagery presented in representations showing the level of suggested boundary encroachment determined by a Chartered Surveyor in 2010

Relevant Planning History

CH/12/0367 Raised rear patio area - Approval With Conditions - 22 Oct 2012

CH/19/206 Proposed driveway alterations with retaining wall -
Approval with Conditions - 31 May 2019

CH/19/206/A Proposed driveway alterations with retaining wall - Full Approval -
22 May 2020

1. SITE AND SURROUNDINGS

1.1 The application site comprises a hipped roof bungalow roofed in small profile rosemary clay tiles and finished in white render. The property displays two pitched projecting gables to its frontage and sits down approx. 1.2m from the main road. The building forms a component of a range of properties that occupy the southern side of Littleworth Road. The dwellings in the vicinity of the site are mixed in style and date of origin. On the north side of road predominantly pitched roof terraced properties exist whereas considerable variety is apparent in the buildings on the southern side. Detached traditional properties, semi-detached modern properties, bungalows with hipped and pitched roofs – all form a mixed variety of development along the road.



Figure 2: Satellite imagery showing the sites location and context in relation to neighbouring tree cover. Taken from Google Earth ©

- 1.2 To the rear of the property is a large fairly open residential garden laid to lawn. In the neighbouring garden to the east a range of mature trees exist that exist in relative close proximity to the boundary but are within separate ownership.
- 1.3 The wider location of the property is within the settlement of Littleworth/Rawnsley, forming the outer edge of the Cannock Urban Area. To the southeast exists open fields that form part of the designated Green Belt. The site is within a High-Risk Coal Mining Area.

2. PROPOSAL

- 2.1 The application seeks full planning permission for the erection of a detached 2 storey dwelling within what is currently the rear garden of 446 Littleworth Road. The proposed dwelling is to have a dual pitched gable roof, and will be approximately 9.1m across, 10.9m in depth and will have a maximum height of 8.5m. The building would be constructed from facing brickwork and tiled roofing. The proposals also include the removal of the integral garage to the main dwelling (446 Littleworth Road), and this will provide a private driveway to the plot along with three parking spaces for the new house and separately two parking spaces for the existing dwelling are intended to be retained.
- 2.2 The application includes a Coal Mining Risk Assessment and Tree Survey Report which plots the trees in the vicinity of the site.

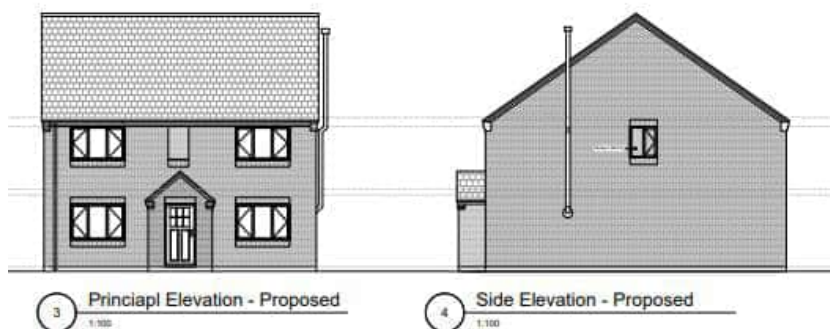


Figure 3: Extract from Design and Access Statement 3D imagery of proposed building

3. PLANNING POLICIES

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

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

Cannock Chase Local Plan Part 1

3.3 Relevant policies within the Local Plan include: -

CP1 - Strategy – the Strategic Approach

CP3 - Chase Shaping – Design

CP6 – Housing Land

CP7 – Housing Choice

Minerals Local Plan for Staffordshire

3.4 Relevant Policies within the Minerals Plan Include:

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

National Planning Policy Framework

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

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

3.7 Relevant paragraphs within the NPPF include paragraphs: -

8: Three dimensions of Sustainable Development

11-14: The Presumption in favour of Sustainable Development

47-50: Determining Applications

126, 128, 130, 131: Achieving Well-Designed Places

176 Conserving and Enhancing the Natural Environment

179 -182 Habitats & Biodiversity

212, 213 Implementation

3.8 Other relevant documents include: -

(i) Design Supplementary Planning Document, April 2016.

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

(iii) Manual for Streets

4. DETERMINING ISSUES

4.1 The determining issues for the proposed development include: -

- i) Principle of development
- ii) Character and Appearance
- iii) Amenity Considerations
- iv) Highways Considerations
- v) Tree Considerations
- vi) Biodiversity
- vii) Land Stability and Contamination
- viii) Other Issues

5. PROCEDURAL CONSIDERATIONS

5.1 The application is submitted with the red edged boundary as presented in Fig 4 (below). This shows broadly the linework from Ordinance Survey and this has been used by the agents to set out the extent of the land relevant to the application. The plan appears to show a boundary line that abuts the side of the neighbouring building No. 444. During the course of the application a detailed Chartered Surveyor report was by an objector which showed the Surveyors view at the time of what the correct boundary line was between the properties. Officers are informed this report was part of preparatory court proceedings in 2010 as part of a landownership dispute and the dates within the report reflect this.

5.2 The Certificate accompanying the application is signed as Cert A suggesting all the land within the application is owned by the applicant. If the above report is to be believed, then this statement is incorrect, and the extent of the site owned by the applicant is lesser than depicted.

5.3 Neither Officers nor the Council are arbiters of land ownership. Ultimately the courts would determine on the basis of the evidence available which party owns which relevant land, and the existence of a planning permission would not change ultimate ownership. Therefore, Officers have exercised judgement and taken at face value the red edged land presented in this case because no definitive determination can be made as to ownership.



Figure 4: Red Edged Boundary accompanying the application

6. PRINCIPLE OF THE DEVELOPMENT

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

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

'For decision taking this means:

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

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

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

- 6.4 The Council’s Housing Policy, CP6 conveys that ‘*Within a defined village settlement boundary as shown on the Policies Map [which the proposals in this case are not] will be limited to small infill sites which accord with sustainable development principles identified in the NPPF and the strategic approach defined in CP1.*’
- 6.5 In Spatial Planning terms, the site forms part of the Cannock Urban Area which does not have a settlement boundary in the same way as smaller villages. Nevertheless, Policy CP1 is clear that urban areas will accommodate most of the District’s new housing. In this regard, Officers assess the site is viable in principle as a site for housing.
- 6.6 It is noteworthy that mention is made in correspondence as to whether the site is classed as Brownfield land. The NPPF definition of ‘Previously Developed Land’ excludes gardens in built up areas, so in effect there is no ‘positive presumption in favour’ of redeveloping garden land in the NPPF as is stated at Para 119 like there is for true brownfield land. But neither does this preclude in principle development on garden land. Hence no policy steer is taken from this position generally.

7. DESIGN CONSIDERATIONS

- 7.1 Focussing solely on design character considerations, the design proposed is a fairly standardised type two storey property. It is comparable to the host dwelling in terms of footprint and is taller than the host dwelling in terms of the respective height of the building. However, its siting is to the rear of the main house where it would not be particularly prominent from the public realm or seen in the same vantage points as the host property - given the differing levels and set back position. Similarly, there are two storey properties that can be seen in the immediate context of the proposed building, including a mixed variety of styles and types of properties as highlighted at the start of this report. Therefore in isolation Officers assess the appearance of the building proposed would not be out of keeping with the immediate context.



Figure 5: Extract from submitted plans illustrating similar developments in the context of the application site

- 7.2 It is also accepted that a range of developments of varying scales have been approved along the southern side of Littleworth Road such that in wider layout terms, the development could not be suggested to be the first development that interrupts the rhythm of rear gardens or introduces a development approach that is out of keeping in layout terms. It is recognised the visibility of the proposed development from the public realm would be limited. As such in this regard the design of the building is judged to relate well to the development context of the site and its effect on the layout of the estate would be minimal. As such the proposals in the Officers view would be appropriate in design terms in line with Local Plan Policy CP3.

8. AMENITY

- 8.1 Paragraph 130(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 8.2 The dwelling proposed would be provided with a reasonable rear garden area (circa 200sqm) and the existing retained property similarly would have a garden of approx. 90sqm for a 3 No. bedroom property. This accords with the relevant adopted standards.
- 8.3 In relation to separation distances, distances of 27m and 28m respectively from neighbouring properties and the existing house are demonstrated. This exceeds the relevant standard for facing principle windows. It is also recognised that daylight impacts upon internal spaces within the nearest properties would be limited by virtue of the lower finished level and separation apparent.
- 8.4 In relation to overbearing, it is noted the main property impacted is No. 444. Overbearing from within the house is not a significant concern but judgement is needed in the rear garden area. Potential overbearing or sense of enclosure would result from the development in the areas immediately adjacent to the proposed development. In assessing this issue Officers note the garden impacted is fairly substantial and as such the sense of enclosure resulting differs drastically across the length of the garden. In adopting an assessment of overbearing impacts, Officers conclude that in the fullness of the garden length, the sense of enclosure resulting is not significantly adverse as to justify reason for refusal alone in this case.
- 8.5 Officers do have concerns around the level of overlooking that would occur to the neighbour at 444. The building's position is close to the side boundary and offers a clear splay of vision over the private garden space. Whilst a small amount of tree screening exists within the neighbour's garden, this is relatively low level and would do little to combat overlooking from the first-floor windows to the front of the proposed dwelling. Compounding the issue further from the neighbour's perspective is the steeply sloping garden apparent. The neighbouring property has a usable area of the garden that is more remote from the house than is typically the case, due to the need for steps down to access the lower level. This is not immediately evident from the site plan imagery presented. As such in this regard Officers assess there would be a significant adverse impact on the use of the neighbouring garden by virtue of resultant overlooking and privacy impacts. Such would be contrary to Local Plan Policy CP3 and NPPF Para 130(f).



Figure 6: Imagery showing proposed siting of dwelling

9. HIGHWAYS CONSIDERATIONS

- 9.1 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.2 Concerns are raised reference highway visibility and access safety. These matters were examined specifically with the Highways Officer concerned and updated comments adopt the view that the visibility splay for emerging vehicles is acceptable. The Highway Authority confirm:
- (i) *The new property will utilise an existing access that has been in operation since the property was built. Visibility has been reduced slightly to the west from the vehicular access crossing ... however the access as it is, has not proved an issue previously and accident records for the past 10 years since the installation of the fence have been checked with no personal injury collisions recorded at this location. This proposal will not increase the use of this driveway anymore than it was originally used. Parking provision for the existing property has been set back to provide the requisite visibility splays in each direction and will not interfere with visibility to the east when egressing from the proposal's access.*
- 9.3 The development is otherwise compliant with adopted Parking Standards in retaining two spaces for the existing house and providing 3 new spaces for the proposed dwelling.
- 9.4 Separate considerations around bin carry distances and fire appliance access are relevant to the proposals. Manual for Streets suggests that Bin Carry distances should not exceed 30m to the storage point and that waste collection vehicles should be within 25m of the waste collection point. In this instance the bin store

is shown at 30+m from the highway. Whilst this is the case, it is reasonable that the future owner could store bins where they wish to and that they will need to deposit them on the highway like most homes on collection day. Officers assess sufficient flexibility within the site to enable waste collection consideration to not be a substantial concern.

- 9.5 In relation to the fire appliance considerations, Manual For Streets states there should be vehicle access for a pump appliance within 45 m of single-family houses. The location of the house as shown from the edge of the public highway scales at 44.6m. As such this standard is met and is therefore not a substantive concern in this case.
- 9.6 Therefore, whilst the safety concerns raised in objection are noted, the Highway Authority are accepting of the development, they assess adequate visibility is available and that the development caters for parking in line with relevant standards. As such compliance with Local Plan Policy CP10 is assured.

10. TREE CONSIDERATIONS

- 10.1 The application includes a Tree Survey report which plots the trees within and close to the site. The report provides commentary on their condition. However, the report does not seek to examine further the impact of the proposals upon the trees or what protection measures would be put in place for the duration of construction works to seek to control impacts to retained trees.
- 10.2 Concerns are expressed about the level of information provided not being in compliance with the approach in BS5837 as it only provides the survey work. And does not go on to include the Impact Assessment or Tree Protection Strategy to be employed during the course of the approved development works. It is also suggested the Root Zone to T1 should be adjusted, that works within the root zones should be removed, drainage details should be provided (as these could impact root zones) and a formal BS5837 standard level of work should accompany the application.
- 10.3 Officers concur with the above and consider the Arboricultural work accompanying the application does not go far enough in examining the effect of the development on retained trees or providing a sufficient protection strategy during on site works. It also does reflect on shadow cast over the new dwelling and its garden as is a component of BS5837. Accordingly, Officers assess the application runs in conflict with Policy CP3 as the Council is unable to determine if the application proposals successfully integrate with existing trees.

11. BIODIVERSITY

- 11.1 Paragraph 174 of the NPPF states [amongst other things] that 'Planning policies and decisions should contribute to and enhance the natural and local environment.
- 11.2 Detailed survey of the site has not been provided. It is noted the majority of the land is mown amenity grassland and as such has relatively low starting ecological habitat value. Mention of nearby ponds is made in representations received, but taking account the mown nature of the grassland, there would seem to be no realistic prospect of habitat destruction as a consequence of the proposals.

- 11.3 Ecological enhancement could reasonably be secured by conditions in terms of bat or bird boxes and formal landscaping to assure compliance in terms Net Biodiversity uplift. Therefore, with regard to offsetting and enhancement, Officers are satisfied that subject to conditions the development would comply with Para 174(b).

Cannock Chase SAC

- 11.4 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. This is usually secured by unilateral undertaking (S106).

12. GROUND CONDITIONS AND CONTAMINATION

- 12.1 Paragraph 178a of the NPPF states that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. In this respect, the site is located in a general area in which Coal Authority consider to be a development high risk area and also where a number of historical features are nearby that present risk of ground/mining gas and ground contamination.
- 12.2 The application is accompanied by a Coal Mining Risk Assessment (CMRA) and the Coal Authority and the Council's Environmental Health Officer (EHO) were consulted on the application. The CMR report identifies the possible presence of a shallow unrecorded mine working beneath the site and makes recommendations for intrusive site investigations to determine whether any remediation measures are required. In response, the Coal Authority have stated that they concur with these recommendations and therefore have no objection to the proposal subject to the implementation of conditions requiring the recommended site investigations and any required remediation measures.
- 12.3 Related to the proposed borehole works and access to the rear garden, concerns are raised about the demolition of the garage leading to instability for the neighbouring property. Officers have examined this point on site, and whilst the proximity is noted, there is no obvious basis to assess demolition with due care and required support (if needed) would impact neighbouring land or buildings. Furthermore, it would be the responsibility of the party executing the work to assure a safe and appropriate execution of the works in line with Para 184 of the NPPF.
- 12.4 The Council's EHO recommends refusal of the application and has concerns that insufficient work has been carried out to examine potential risks posed from the migration of coal mine gas in line with previous requests to the applicant. It is suggested the applicant should submit a coal mine gas risk assessment as part of their application and to date such has not been received. The applicant's agent suggests that conditions should secure the submission of further work of this nature. However, noting the NPPF para 183a stance that planning decisions should ensure a site is suitable for its proposed use taking account of risks from former activities such as mining, a clear upfront consideration of risks and proposed remediation should be provided in the Officer's view.

- 12.5 In the absence of formal reporting considering the risks and remediation / mitigation, Officers assess the application would run in conflict with NPPF Para 183.

13. OTHER ISSUES

- 13.1 Concerns are raised that approval of the development would set a precedent for similar proposals and that others may consider selling off parts of their rear garden. Each application is assessed on its merits. As acknowledged in this report, it is the policy position that in principle, infill development within a main urban area is acceptable (subject to detailed considerations of relevant matters). As such it is assessed the potential for setting a precedent has no material bearing on Officers assessment in this case.

- 13.2 It is suggested the rear garden of 446 and the neighbouring properties create a form of heritage buffer zone along the disused railway that should be safeguarded. Officers note a range of similar development in close proximity to the former railway. Officers give this point limited weight in the assessment of the design merits of this case.

- 13.3 Light pollution is raised as a concern. Officers assess only a limited amount of additional light would be emitted from a single dwelling of this type. Officers do not such would be justifiable reason for refusal.

- 13.4 It is suggested backland development would promote fire risks. Officers are aware that fire transmission between buildings is a Buildings Regulations matter where unprotected areas and assessment of the distance to the boundary are relevant. The building would not appear to breach these Building Regulations requirements. Nevertheless, it is not for the planning process to duplicate the controls of other regulation. As such this matter is given little weight.

- 13.5 Concern was raised that views across the fields would be impacted. Officer confirms that protection of private views obtained across third party land, is not a planning matter.

- 13.6 Providing adequate drainage to the land and dwelling given the gradient is raised as a concern. Pumped manholes and similar would likely be used. Formal details of which could be secured by planning conditions. Similarly Building Regulations would deal with the appropriateness of foul and surface water discharges proposed.

14. HUMAN RIGHTS ACT 1998 AND EQUALITY ACT 2010

Human Rights Act 1998

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

Equality Act 2010

- 14.2 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.

- 14.3 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.

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

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

15. CONCLUSION

- 15.1 The application seeks full planning permission for the erection of a detached 2 storey dwelling within what is currently the rear garden of 446 Littleworth Road. The site is located within a main urban area and as such is provided with good access to day-to-day facilities and services. Therefore, in principle the proposed development is acceptable.

- 15.2 Officers have no significant concerns with the appearance of the development but assess its relationship with the neighbouring property would afford considerable overlooking and loss of privacy. Concerns also exist with regard to inadequate tree information and gas protection associated with former mine workings. As such the application is recommended for refusal.

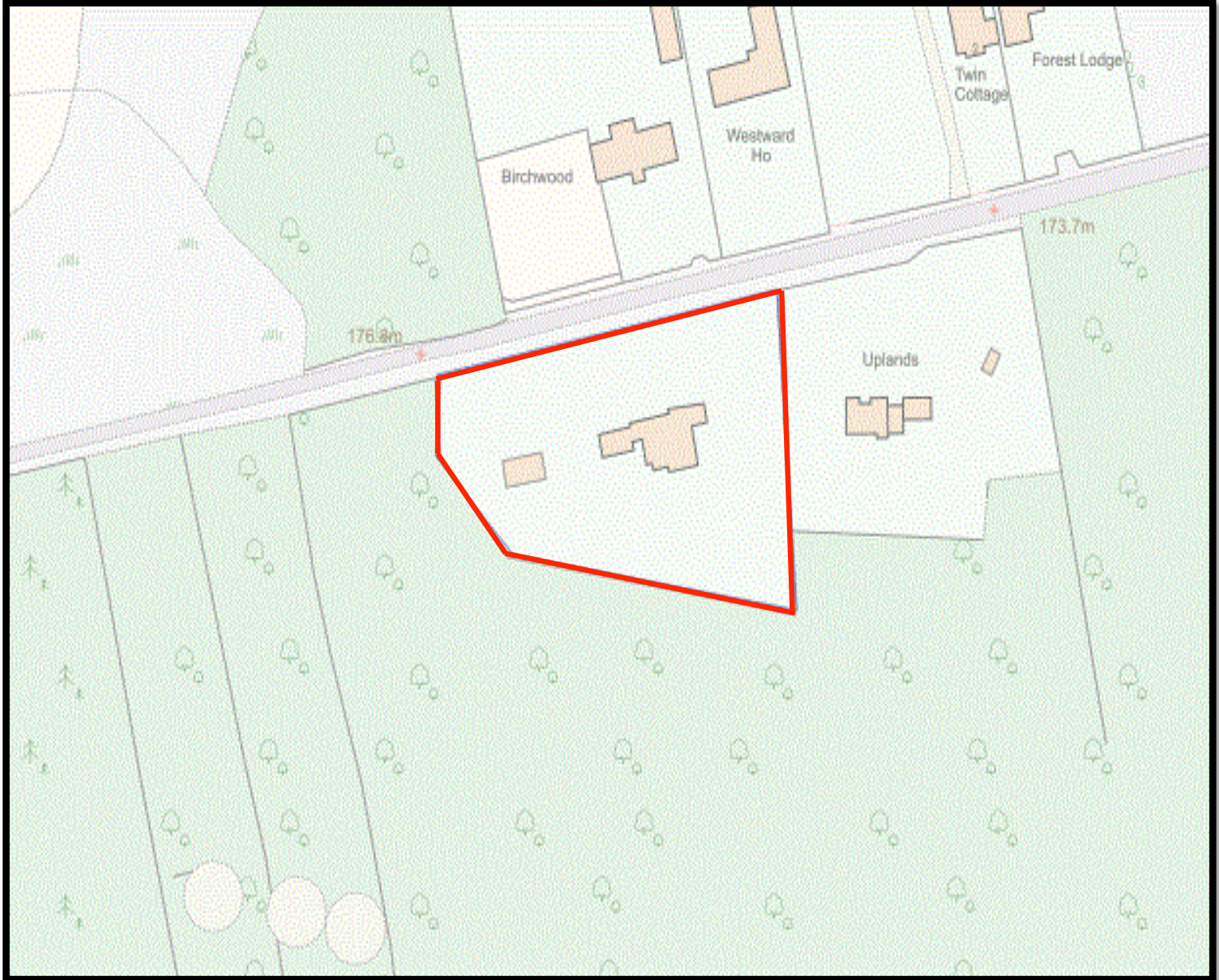


Application: CH/23/0040
Location: Sherbrook Court, Kingsley Wood Road,
Rugeley, WS15 2UF

Item No. 6.22

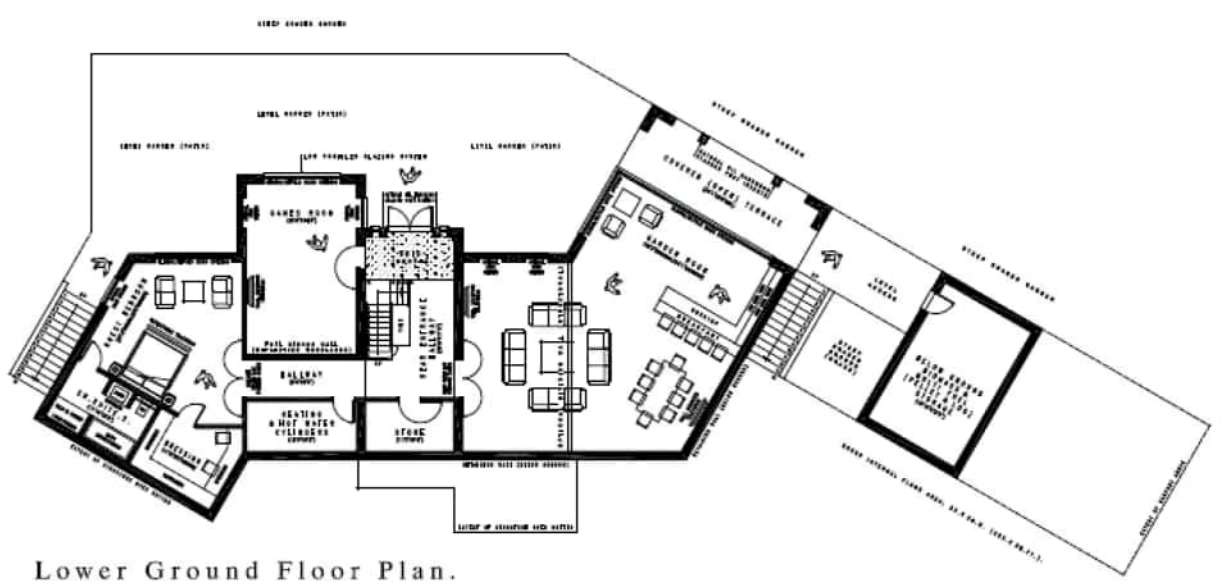
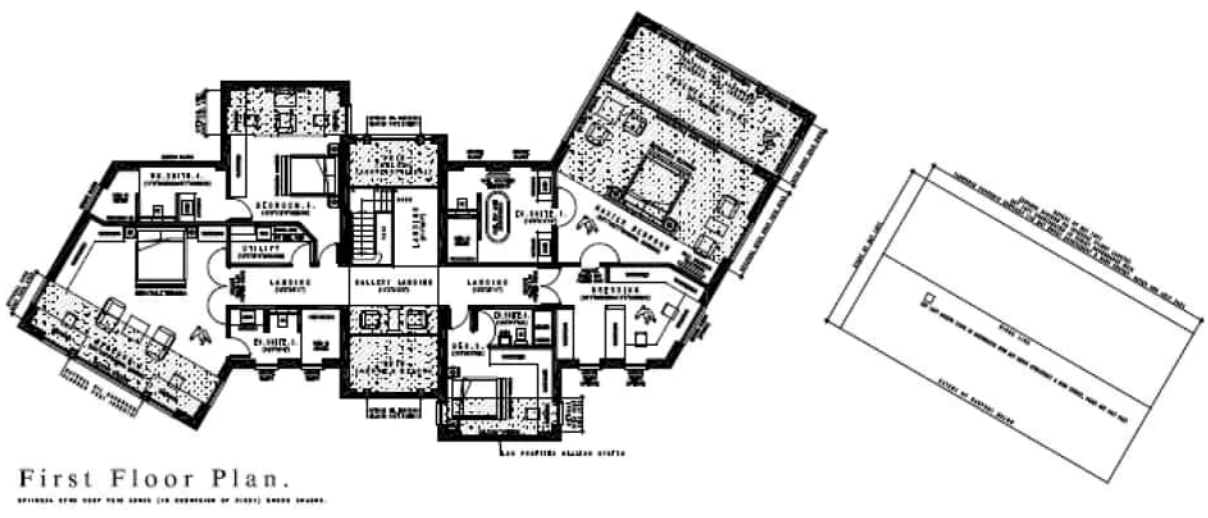
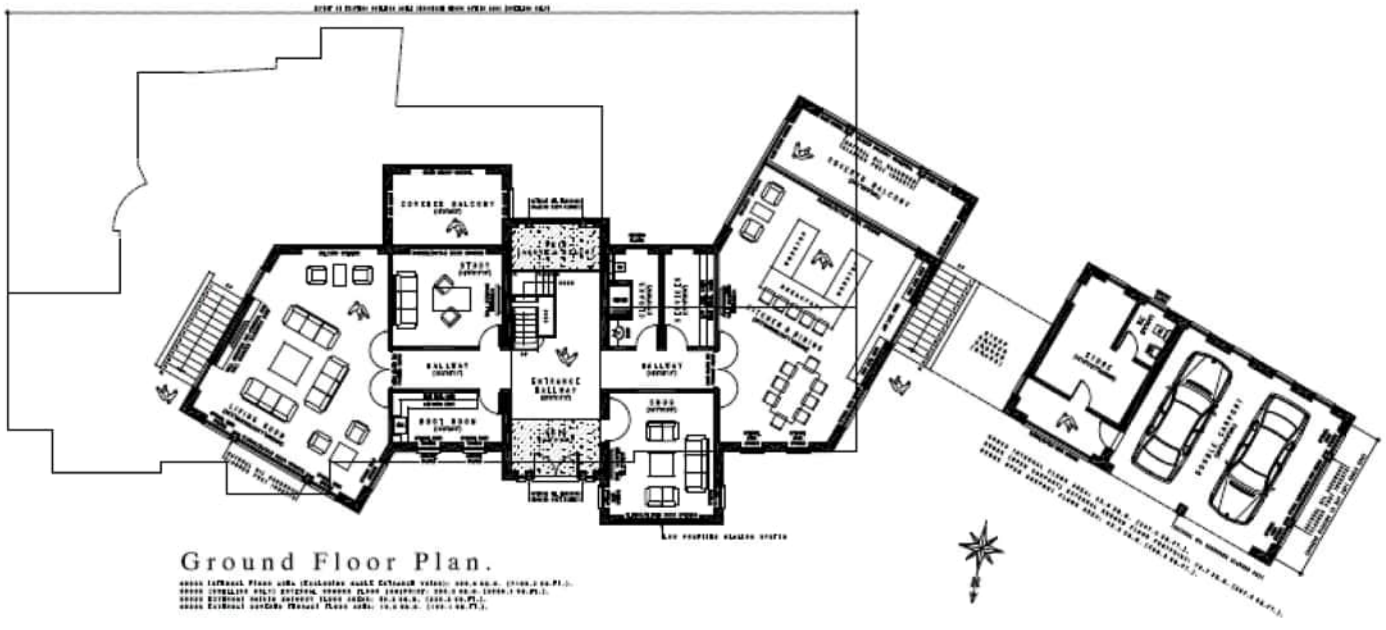


Location plan



Proposed Floor Plans

Item No. 6.23



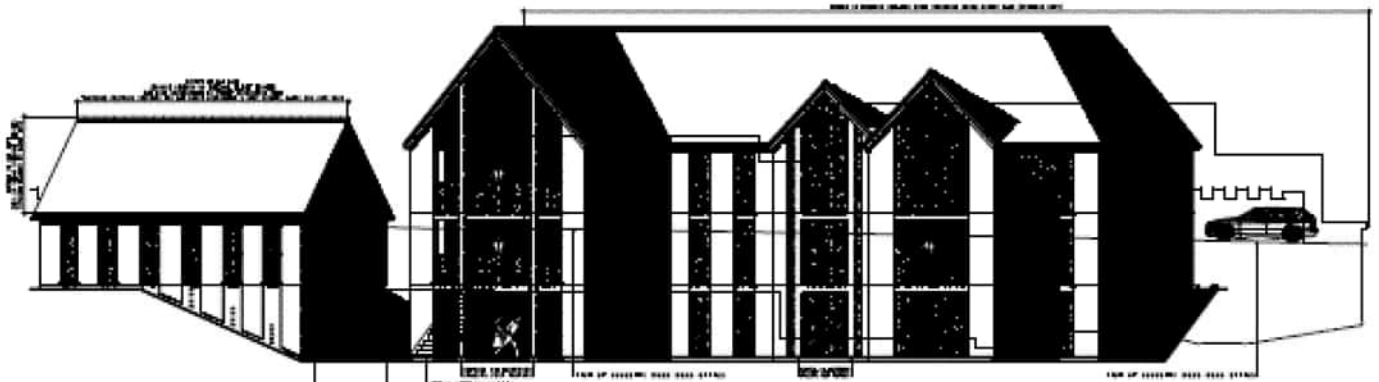
Proposed Elevations

Item No. 6.24



Front Elevation (Facing Kingsley Wood Road).

NOTE: THIS DRAWING IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE OR LOSS ARISING FROM THE USE OF THIS DRAWING. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE WORK SHOWN HEREON. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED HEREON. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE WORK SHOWN HEREON. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED HEREON.

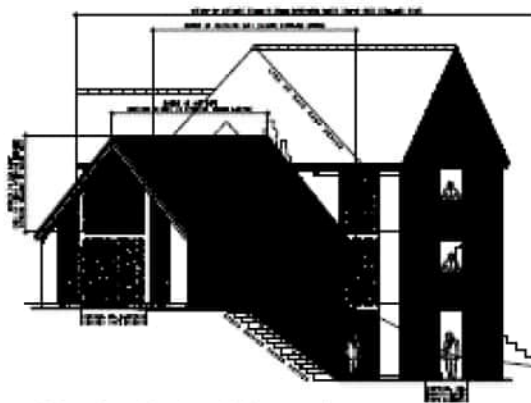


Rear Elevation.
(Facing South & Woodlands).

NOTE: THIS DRAWING IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE OR LOSS ARISING FROM THE USE OF THIS DRAWING. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE WORK SHOWN HEREON. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED HEREON. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE WORK SHOWN HEREON. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED HEREON.



Left Side Elevation.
(Facing East & Uplands).



Right Side Elevation.
(Facing West & Woodlands).

NOTE: THIS DRAWING IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE OR LOSS ARISING FROM THE USE OF THIS DRAWING. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE WORK SHOWN HEREON. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED HEREON. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE WORK SHOWN HEREON. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED HEREON.

Architectural Practice | Established 2008
111 Kingsley Wood Road, Kingsley Wood, Walsley, West Yorkshire, WF11 1TB, UK
Tel: 01924 474444 | Fax: 01924 474445 | Email: info@glensmithpartnership.com | www.glensmithpartnership.com

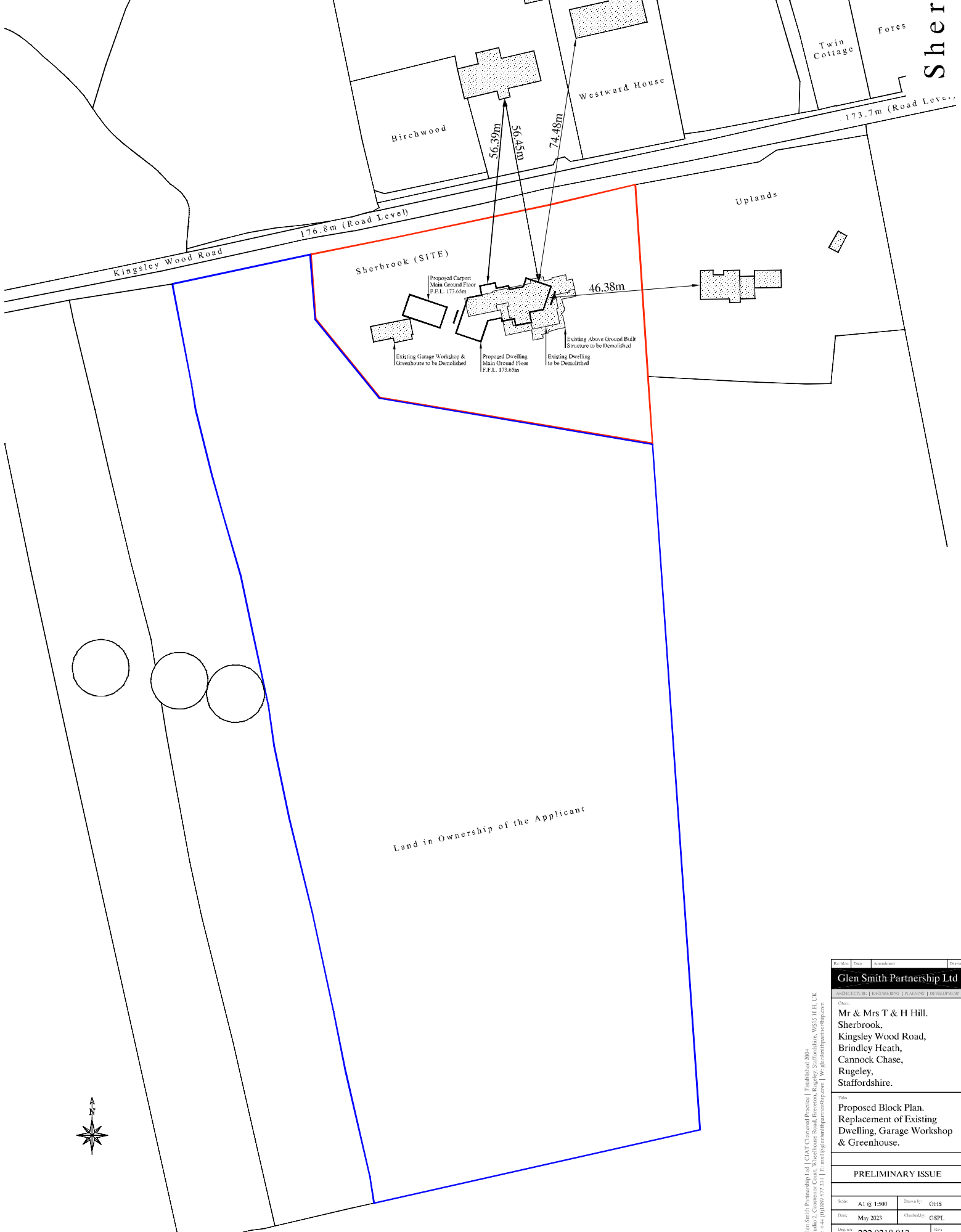
Project Name	Replacement of Existing Dwelling, Garage Work & Greenhouse
Client	Mr & Mrs T & H Hill
Address	Sherbrook, Kingsley Wood Road, Brindley Heath, Cannock Chase, Rugeley, Staffordshire
Date	
Scale	
Drawn by	
Checked by	
Project No.	

Glen Smith Partnership
 Mr & Mrs T & H Hill,
 Sherbrook,
 Kingsley Wood Road,
 Brindley Heath,
 Cannock Chase,
 Rugeley,
 Staffordshire.

The Planning Scheme Drawn Replacement of Existing Dwelling, Garage Work & Greenhouse.

PRELIMINARY ISSU

Drawing to be Read in Conjunction with The Glen Smith Partnership Landscaping Layout Drawing Number. 222.0218.004.
 Drawing to be Read in Conjunction with The Glen Smith Partnership Site Setting Out Drawing Number. 222.0218.003.
 Drawing to be Read in Conjunction with Urban Environmental Consultancy Ltd (Arboriculturist) Arboricultural Impact Assessment (Tree Survey Report) Number Ref: 260223.0082.ARB.V1.
 Drawing to be Read in Conjunction with Bradley Murphey Design Ltd (Ecologists) Ecological Impact Assessment (EIA) Number BMD.23.0051.RPR.IA.801.Ecology.
 Drawing to be Read in Conjunction with The Glen Smith Partnership Existing Building Survey Drawing Numbers 222.0218.001.A (Dwelling) & 222.0218.002.A (Garage Workshop & Greenhouse).
 Drawing to be Read in Conjunction with Beacon Land Surveys Ltd Topographical Survey Drawing Number 22.074.01.
 Drawing to be Read in Conjunction with The Glen Smith Partnership Site Setting Out & Composite Site Section Drawing Number 222.0218.008.
 Drawing to be Read in Conjunction with The Glen Smith Partnership Hazard Identification & Risk Assessment Forms 222.0218.
 Drawing to be Read in Conjunction with The Glen Smith Partnership Schedule of External Materials
 Document Number 222.0218.009 & Planning Scheme Drawing Number 222.0218.007.A.



Land in Ownership of the Applicant

Glen Smith Partnership Ltd

ARCHITECTURE | ENGINEERING | PLANNING | DEVELOPMENT

Client:
 Mr & Mrs T & H Hill,
 Sherbrook,
 Kingsley Wood Road,
 Brindley Heath,
 Cannock Chase,
 Rugeley,
 Staffordshire.

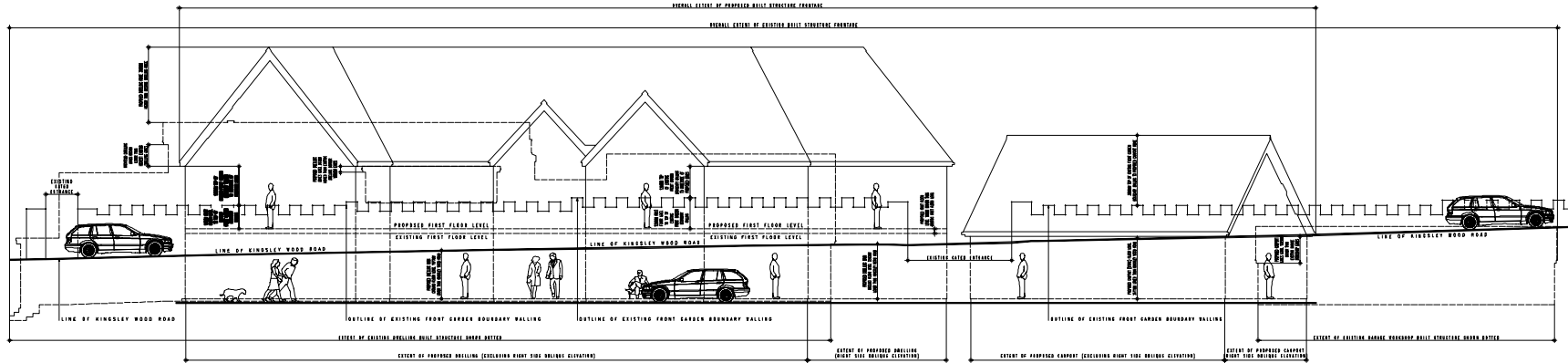
Title:
 Proposed Block Plan.
 Replacement of Existing
 Dwelling, Garage Workshop
 & Greenhouse.

PRELIMINARY ISSUE

Scale:	A1 @ 1:500	Drawn by:	GHS
Date:	May 2023	Checked by:	GSP/L
Dwg. No.:	222.0218.013	Rev.:	-

Glen Smith Partnership Ltd | CMT Chartered Practice | Published 2004 - 2023
 100, Woodhouse Road, Newcastle-under-Lyme, Staffordshire, ST15 4LH, UK
 T: +44 (0)1889 577 333 | F: +44(0)1889 577 331 | E: enq@glensmithpartnership.com | W: glensmithpartnership.com

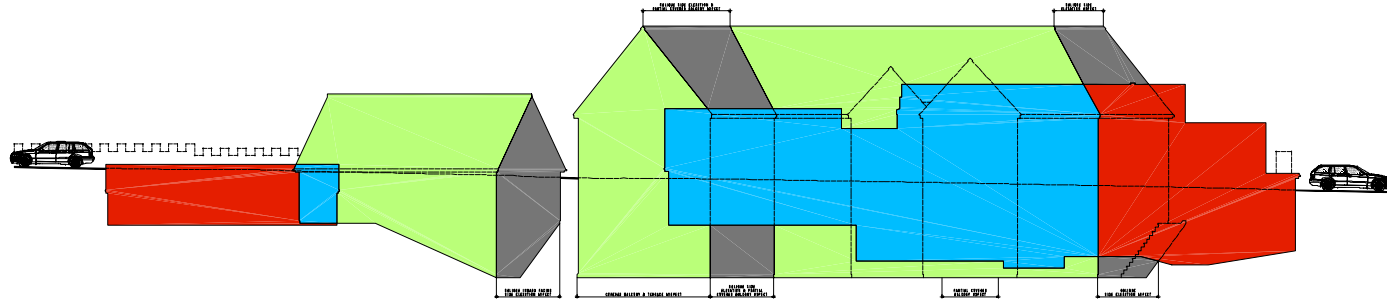
Sherbrook.



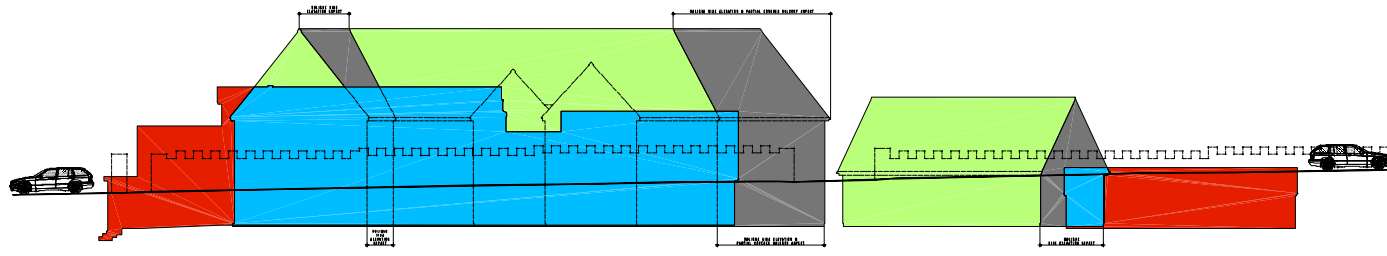
Front Elevation (Facing Kingsley Wood Road).

Glen Smith Partnership Ltd | CIAT Chartered Practice | Established 2004
 Plot, House Barn, Cannock Road, Blithfield, Cannock, Staffordshire, WS11 5QH, UK
 T: +44(0)15454531744 | E: mail@glenpartnership.com | W: glenpartnership.com

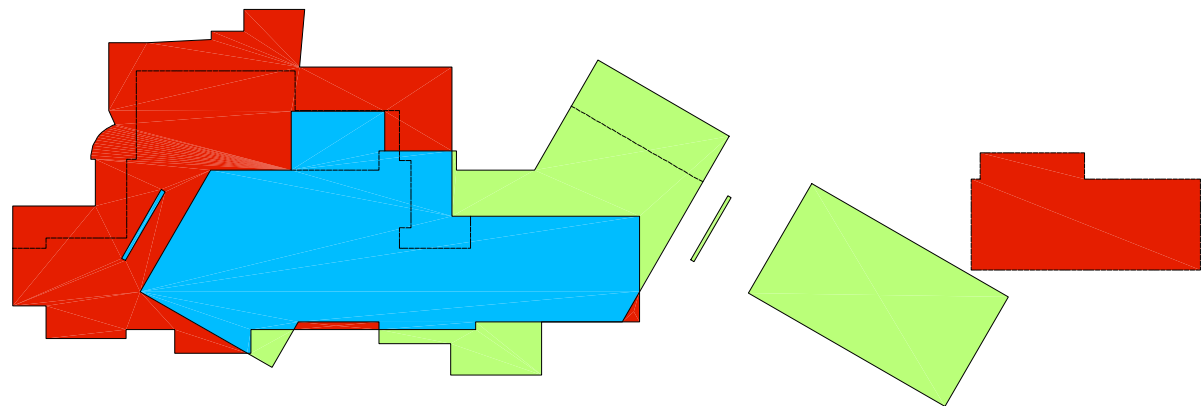
Revision	Date	Description	Drawn
Glen Smith Partnership Ltd			
Clients Mr & Mrs T & H Hill, Kingsley Wood Road, Brindley Heath, Cannock Chase, Rugeley, Staffordshire.			
Title: Height Comparison Drawing, Replacement of Existing Dwelling, Garage Workshop & Greenhouse.			
PRELIMINARY DRAWING			
Scale:	A1 @ 1:100	Drawn by:	GHS
Plot:	May 2023	Checked by:	GSPJ
Plot No.:	222.0218.014	Rev:	-



Existing & Proposed Built Structure Rear Elevation Comparison.



Existing & Proposed Built Structure Front Elevation Comparison.

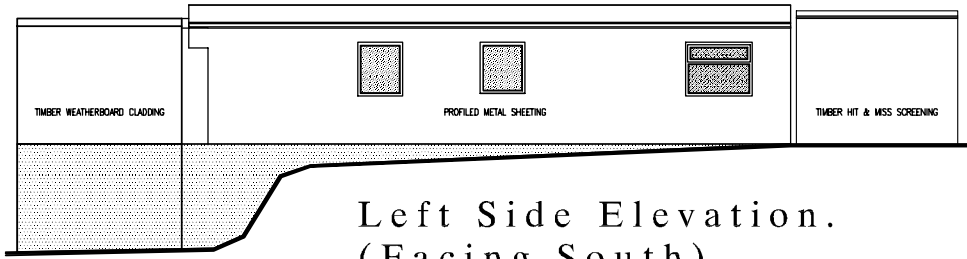


Existing & Proposed Built Structure Footprint Comparison Plan.

- Blue Denotes Existing & Proposed (Shared) Above Ground Built Structure Footprint to be Retained.
- Red Denotes Existing Above Ground Built Structure Footprint to be Removed.
- Green Denotes Above Ground Proposed Built Structure Footprint.
- Grey Denotes Proposed Elevation Area (Oblique Side Elevation Elements where 60 Degrees Back of Main Front Elevation Face).

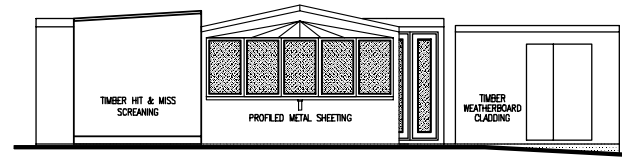
Glen Smith Partnership Ltd | CIAT Chartered Practice | Established 2004
Park House Barn, Cemenery Road, Blackfords, Cannock, Staffordshire, WS11 5QH, UK
T: +44 (0)1543 574 144 | E: mail@glenSmithPartnership.com | W: glenSmithPartnership.com

Revision	Date	Amendment	Drawn
Glen Smith Partnership Ltd			
ARCHITECTURE ENGINEERING PLANNING DEVELOPMENT			
Client: Mr & Mrs T & H Hill, Sherbrook, Kingsley Wood Road, Brindley Heath, Cannock Chase, Rugeley, Staffordshire.			
Title: Existing & Proposed Scale & Scale Comparison Drawing, Replacement of Existing Dwelling, Garage Workshop & Greenhouse.			
PRELIMINARY ISSUE			
Scale:	A2 @ 1:200	Drawn by:	GHS
Date:	May 2023	Checked by:	GSPL
Dwg. no:	222.0218.015	Rev:	-

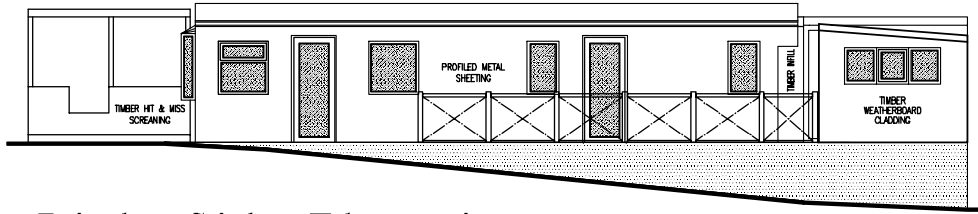


Left Side Elevation.
(Facing South).

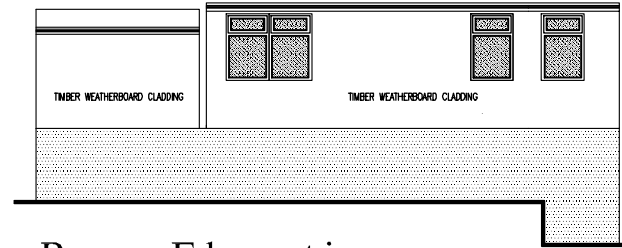
SHADED AREAS DENOTE OPEN TIMBER STRUCTURAL FRAMEWORK.



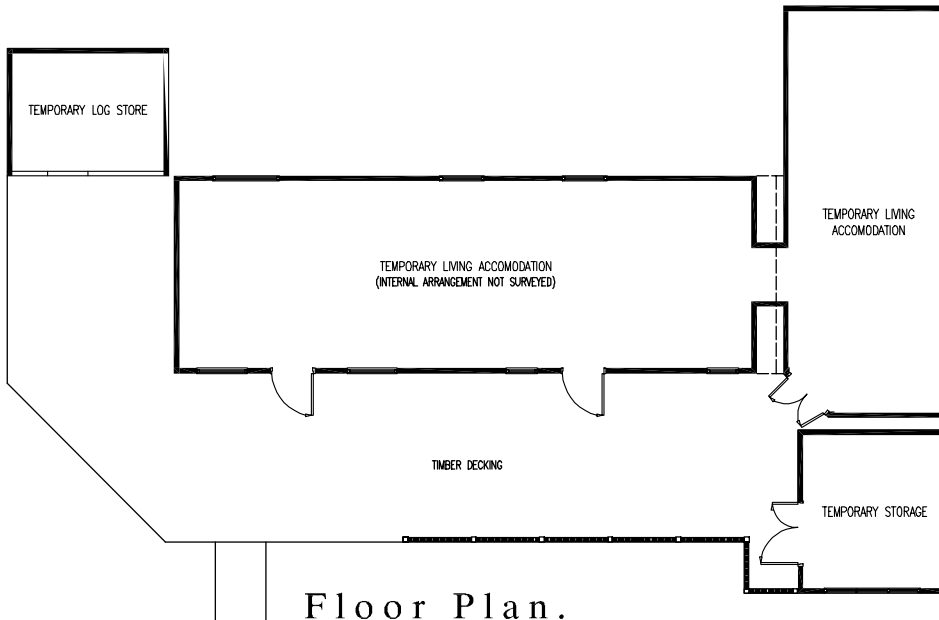
Front Elevation.
(Facing Kingsley Wood Road).



Right Side Elevation.
(Facing West).



Rear Elevation.
(Facing North).



Floor Plan.

Revision	Date	Amendment	Drawn
----------	------	-----------	-------

Glen Smith Partnership Ltd

ARCHITECTURE | ENGINEERING | PLANNING | DEVELOPMENT

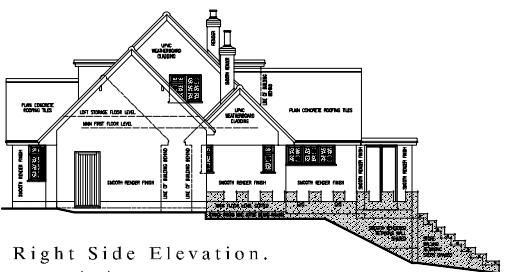
Client:
Mr & Mrs T & H Hill,
Sherbrook,
Kingsley Wood Road,
Brindley Heath,
Cannock Chase,
Rugeley,
Staffordshire.

Title:
Existing Building Survey.
Sherbrook: Temporary
Living Accomodation.

BUILDING SURVEY DRAWING

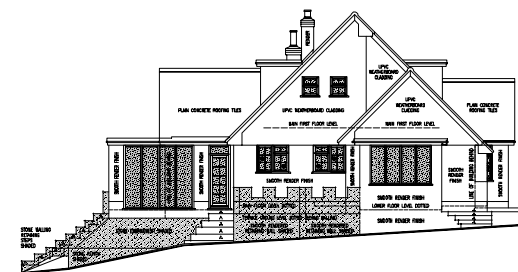
Scale: A3 @ 1:100	Drawn by: JCR
Date: July 2023	Checked by: GHS@GSPL
Dwg. no: 222.0218.016	Rev: -

Glen Smith Partnership Ltd | CIAT Chartered Practice | Established 2004
Park House Barn, Cemetery Road, Blackfords, Cannock, Staffordshire, WS11 5QH, UK
T: +44 (0)1543 574 144 | E: mail@glen-smith-partnership.com | W: glensmithpartnership.com

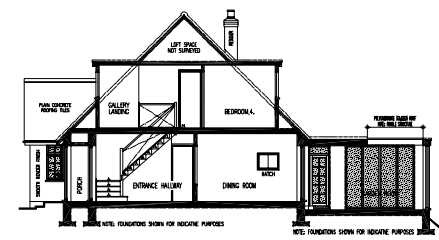


Right Side Elevation.

SMOOTH FACINGS (FLIGHT) FINISH RENDER TO WHOLE GENERALLY.
PLAIN CONCRETE INTERLOCKING ROOFING TILES TO WHOLE GENERALLY.
WHITE UPVC WINDOW FRAMES TO GABLE & BROWNE ASPECTS GENERALLY.
WHITE SINGLE GLAZED PAINTED SASH WINDOWS TO WHOLE GENERALLY.
BROWN SASHED WINDOWS TO WHOLE GENERALLY.
WHITE UPVC FACIAS & BARGE BOARDS TO WHOLE GENERALLY.
WHITE UPVC GUTTERING TO WHOLE GENERALLY.

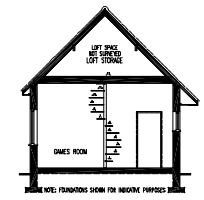


Left Side Elevation.

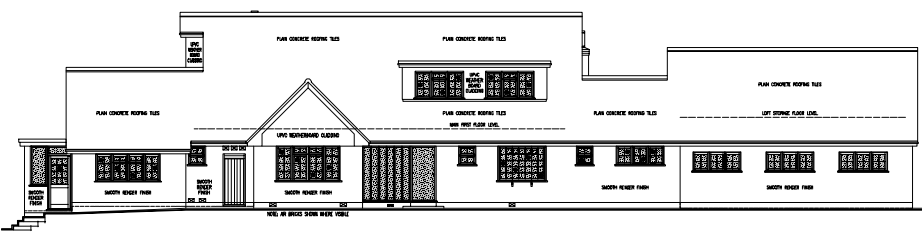


Typical Section.

NOTE: ALL ROOF SPACES ASSUMED (NOT SURVEYED).



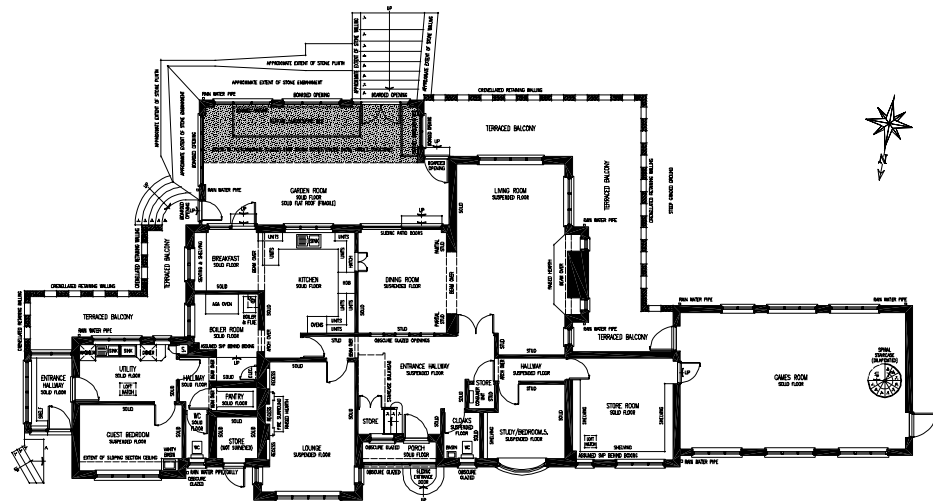
Typical Section.



Front Elevation.
(Facing Kingsley Wood Road).

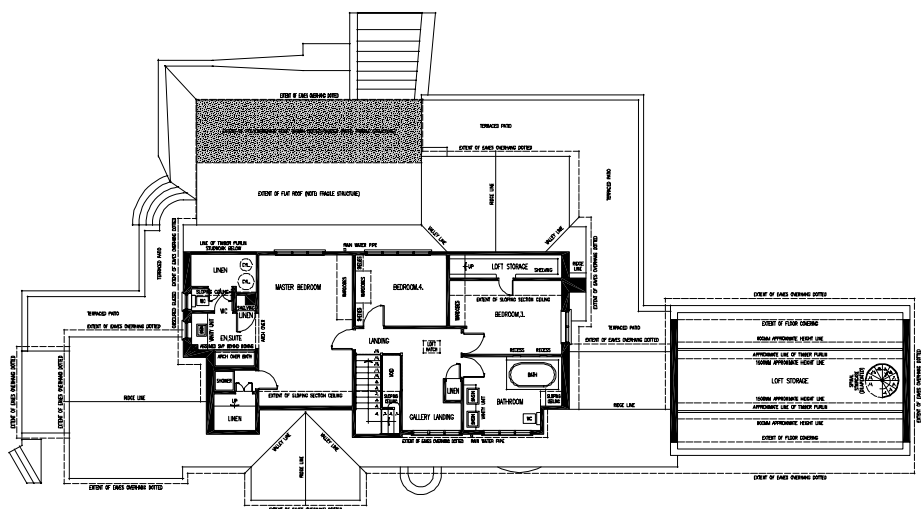


Rear Elevation.



Ground Floor Plan.

GROSS INTERNAL FLOOR AREA: 274.1 SQ.M. (2907.7 SQ.FT.).
GROSS (WALLING ONLY) EXTERNAL GROUND FLOOR FOOTPRINT: 283.1 SQ.M. (3073.3 SQ.FT.).
GROSS EXIST. STRUCTURE EXTERNAL GROUND FLOOR FOOTPRINT: 281.2 SQ.M. (3031.0 SQ.FT.).
GROSS EXTERNAL BRICK TERRACED BALCONY INTERNAL FLOOR AREA: 49.3 SQ.M. (532.1 SQ.FT.).



First Floor Plan.

Glen Smith Partnership Ltd | CMAA Chartered Practitioner | Established 2004
Studio 2, Governors Court, Warehouse Road, Brindley Heath, Rugeley, Staffordshire, WS11 1EL, UK
T: +44 (0)1829 577 331 | E: mail@glenpartnership.com | W: glenpartnership.com

Rev. A	17.22	Amendments made to 1/20. Please read Summary of Changes at Annex E, Section 2.3 for more detail. For Planning applications, please refer to the relevant paragraphs.	PHS
Rev. B	18.08	Amendments	PHS
Glen Smith Partnership Ltd			
CONSTRUCTION ENGINEERING PLANNING DEVELOPMENT			
Client: Mr & Mrs T & H Hill, Sherbrook, Kingsley Wood Road, Brindley Heath, Cannock Chase, Rugeley, Staffordshire.			
Title: Existing Building Survey, Sherbrook: Dwelling.			
BUILDING SURVEY DRAWING			
Scale:	A1 @ 1:100	Drawn by:	GHS
Date:	Aug. 2022	Checked by:	GSPL
Proj. no.:	222,0218.001	Rev.:	

Contact Officer:	David O'Connor
Telephone No:	(01543) 464 515

<p>Planning Control Committee</p> <p>18 October 2023</p>
--

Application No:	CH/23/0040
Received:	24 Feb 2023
Location:	Sherbrook Court, Kingsley Wood Road, Rugeley, WS15 2UF
Parish:	Brindley Heath CP
Ward:	Etching Hill and The Heath
Description:	Replacement of existing dwelling, garage workshop & greenhouse with new dwelling.
Application Type:	Full Planning Permission

The application is being presented to Members for determination as the proposal is subject to objections from Brindley Heath Parish Council.

RECOMMENDATION: Approve subject to Conditions

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions):

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

Reason

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

2. Within 1 month of the occupation of the reconstructed dwelling hereby permitted, the temporary caravan and associated buildings, decking and related structures as shown on drawing 222_0218_016 Sherbrook Building Survey Temporary Accommodation shall be removed from the site. The land upon which the caravan and temporary buildings stood shall be reinstated to lawn.

Reason:

In the interests of controlling development within the Green Belt in line with Local Plan policy CP3 and CP14.

3. Construction works shall only take place within the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays. There shall be no construction works undertaken on Sundays or Bank Holidays.

Reason:

In the interests of mitigating impacts associated with construction activities within a sensitive location and in the interests of residential amenity.

4. The development shall be carried out in line with the approach shown in the submitted Demolition and Construction Management Plan subject to the following:
 - (i) Deliveries to and removal of plant, equipment, machinery, and waste from the site must only take place within the permitted hours detailed above.
 - (ii) Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
 - (iii) Wheel wash facilities shall be employed on the site in circumstances or weather is likely to transfer debris onto the public highway.
 - (iv) The development shall at no stage undertake on site burning of materials or waste.

Reason:

In the interests of mitigating impacts associated with construction activities within a sensitive location

5. Prior to the first occupation of the hereby approved development, the site accesses shall be completed within the limits of the public highway in accordance with the submitted plan. The surface of the access to the rear of the carriageway edge should be constructed in a bound and porous material. The accesses shall be retained for the life of the development.

Reason:

In the interests of highway safety in line with Local Plan Policy CP10.

6. Prior to any site demolition or actions likely to interfere with the biological function of the retained trees and hedges, protective fencing shall be erected in the positions shown on the approved Tree Protection Plan drawing ref 260223_0082_TPP_V1 003.

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

Reason:

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

7. Prior to demolition of the existing dwelling as is hereby permitted, the construction of the proposed Bat Roost Mitigation shall be constructed in line with the details provided (222_0218_007B Amended Bat Loft Planning Scheme Drawing) and shall be made available for use by roosting bats. Only after the bat mitigation is provided in full shall any works to demolish the existing dwelling commence.

Reason:

In the interests of ensuring the bat roost mitigation is provided for ahead of the potential loss of the roost in line with the Wildlife and Countryside Act 1980 (as amended) and Local Plan Policy CP12.

8. The development shall be carried out in strict accordance with the Ecological Impact Assessment sections entitled 5.2.3 Mitigation and Generic Safeguarding Measures – including specifically avoiding use of limestone aggregates in the landscaping of the site. The identified approach to development shall be maintained for the duration of the construction programme.

Reason:

In the interests of minimising risks to sensitive nearby habitats and species in accordance with Local Plan Policy CP12.

9. Within the next planting season following the commencement of the development, the approved landscape works shown on Dwg. No. 222.0218.004 Rev B shall be carried out. Thereafter any trees which die, become diseased or are removed shall be replaced for a period of up to 5 years after the commencement of the development.

Reason:

In the interest of minimising the visibility of the development from the outset in accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

10. Prior to occupation of the dwelling hereby permitted, a scheme for the provision of bat roost enhancements and bird box nesting shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall indicate the location of proposed bat and bird boxes, their specification, height, and location. Thereafter the development shall be completed in accordance with the approved details.

Reason:

In the interests of enhancing bat and bird breeding habitat in accordance with Policy CP12 of the Local Plan and paragraphs 170, 175, 177, 179 of the NPPF.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Part 1 of Schedule 2 to the Order shall be carried out without an express grant of planning permission, from the Local Planning Authority, namely:
 - The enlargement, improvement, or other alteration of the dwellinghouse.

- The enlargement of the dwellinghouse consisting of an addition or alteration to its roof.
- Any other alteration to the roof of the dwellinghouse.
- The erection or construction of a porch outside any external door of the dwelling.
- The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement, or other alteration of such a building or enclosure.
- The provision within the curtilage of the dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such.
- The erection or provision within the curtilage of the dwellinghouse of a container for the storage of oil for domestic heating; or
- The installation, alteration, or replacement of a satellite antenna on the dwellinghouse or within the curtilage of the dwellinghouse.

Reason:

The Local Planning Authority considers that such development without due consideration could adversely affect the Green Belt and undermine care taken within the application to carefully control the nature and extent of development permitted. Such is in accordance with Local Plan Policy CP3 - Chase Shaping - Design and the NPPF.

12. Prior to the installation of any external lighting associated with the development hereby approved, a scheme for the provision of external lighting together with an Artificial Lighting Assessment (including design, size, and illuminance) shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of dark skies character of the AONB and in the interests of controlling impacts upon acknowledged bat habitats nearby to the site.

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

- 222_0218_015_Scale_Comparison_Drawing.pdf Amended Plan - Existing & proposed scale comparison 23 Aug 2023
- 222_0218_014_Elevation_Height_Comparison_Drawing Amended Plan - Elevation height 23 Aug 2023
- 222_0218_013_Proposed_Block_Plan Amended Plan - Proposed block plan 23 Aug 2023
- 222_0218_007B_Amended_Bat_Loft_Planning_Scheme_Drawing Amended Plan - Planning scheme 23 Aug 2023
- 222_0218_004B_Landscaping_Layout_Drawing Amended Plan - Landscaping layout 23 Aug 2023
- 222_0218_003A_Site_Setting_Out_Drawing
- 222_0218_009A_Schedule_of_External_Materials

Reason:

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

Notes to the Developer:

None

Consultations and Publicity

Internal Consultations

Planning Policy – No objections

The site is located within the Green Belt and is not located within any of the identified settlement boundaries on the Local Plan Policies Map. I can also advise that the site abuts the Cannock Chase AONB and SSSI and is adjacent to the Cannock Chase SAC. The site is not located within any other designated areas shown on the Local Plan Policies Map. Having looked at the proposal and the provisions of the Development Plan I would advise that I have no specific policy comments to make.

Landscape Officer – No comments received.

External Consultations

Brindley Heath Parish Council – Objection

Having considered the amendments I can confirm that the Parish Council wishes to restate its observations submitted in response to the original plans which are:

The Parish Council raises objections to the proposed development on the grounds that the dwelling is excessively large and overdeveloped, resembling a public building more than a family home. The size and scale of the building with its three storeys to the rear is considered out of keeping with the protected landscape and other properties in Kingsley Wood Road.

If the planning application is approved by the District Council, Parish Councillors would ask that planning conditions are imposed to protect the amenity of neighbouring occupiers in relation to the construction work and deliveries. No construction work or deliveries to the site should be undertaken outside the hours of 8:00am and 5:00pm on weekdays and 8:00am and 1:00pm on Saturdays with no work permitted on Sundays or Bank Holidays. Consideration should be given to noise, dust and ensuring that on street parking is considerately managed.

If the application is approved, Parish Councillors would like to be reassured that the chalet/log cabin will be treated as a temporary structure and be removed when the replacement dwelling is complete.

AONB Group – Conditional Objection

Following GSP's comments in '222 0218 012B Amended GSP Response to Consultee Concern', the AONB appreciates the movement towards to a scheme that 'does not erode the character of the AONB or detrimentally impact the habitats & wildlife that are intrinsic to the natural beauty of the AONB'.

In particular, the AONB welcomes the removal of roof lights on the car port / storeroom, & the introduction of opaque glazing on the south-eastern gable end on the car port /

storeroom, & also notes the effect of having overhead covered balconies/terrace areas, shielding light spillage (in particular upward light-spillage) in various positions.

However, the AONB considers there are still aspects of the design which are still likely to have detrimental impact on wildlife & the landscape & natural beauty of the AONB which are of concern, including:

1. The extensive use of multi-floor glazing facing the SAC or SSSI.
2. The absence of a detailed lighting scheme.
3. The absence of an enhanced landscape scheme.
4. The absence of details of Kingsley Wood Road boundary treatment, and
5. The potential use of limestone in construction of hard surfacing close to Cannock Chase SAC & SSSI.

As a result, the Conditional Objection remains in place as the AONB considers there is still 'Potential impact on the landscape & natural beauty of the AONB'.

A condition is requested for 3, 4 & 5 above.

Natural England – Habitat Regulation Assessment Required

Despite the proximity of the application site to a European Site -i.e., Cannock Chase Special Area of Conservation (SAC) the consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e., the consultation does not include a Habitats Regulations Assessment. Natural England advises that a Habitat Regulations Assessment is required as the proposal has the potential to impact the RAMSAR/SAC.

Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England must be consulted on any appropriate assessment your authority may decide to make.

Staffordshire County Highways Authority – No objections

Planning conditions should be included relating to the submission of a Construction Management Plan and requirement for the site accesses to be constructed prior to occupation.

Response to Publicity

The application has been advertised by site notice and neighbour letter. 4 No. letters of representation have been received with 2 No. in support of the proposals and 2 No. in opposition to the proposals. In summary these raise the following points:

- Sherbrook is undoubtedly in need of care and attention having stood empty for a number of years.
- The design proposed is in keeping with other contemporary houses on the road. It wouldn't be out of place given the others that have been constructed in the context. The development would be a substantial enhancement above and beyond the current property.

- The design makes good use of the topography of the site and offers a more space efficient layout as opposed to sprawling across the site as the current dwelling displays.
- It is positive to see new young families moving to the area.
- It is reassuring from a security perspective to have people occupying the property. The property has been subject to break ins and trespassing/vandalism due to its vacant state.
- Concerns exist regarding overlooking from the proposed design. The angled eastern side in particular directly faces a nearby property and would overlook their garden. Bedroom 3 on the plans similarly offers overlooking of nearby properties via the glass frontage.
- Trees on neighbouring plots would not provide adequate screening between neighbouring properties as is alluded to in the submissions.
- The dwelling would be significantly higher than surrounding properties and would be out of keeping.
- Restricted hours of working should be a made a planning condition requirement. 0800 to 1630 weekdays and 0800 to 1200 on Saturday with no working on Sundays.
- The design of the dwelling is not appropriate in this rural context.
- The caravan on site must be used as a temporary abode and removed as soon as the development is habitable. Further applications for use as a games room or holiday let should not be entertained.
- Noise pollution from radios during construction would cause unnecessary noise pollution.
- Parking of contractor's vehicles on the road or outside the property should be restricted.
- On site fires should be restricted
- The flue from the woodchip boiler should be set at an appropriate height.

Relevant Planning History

CH/88/831: Single storey domestic extension to side of dwelling - 12/02/1988

CH/96/0496: Proposed 600 gal. fuel tank - Full - Approval with Conditions - 10/22/1996

2. SITE AND SURROUNDINGS

2.1 The application site is located with the Cannock Chase Area of Outstanding Natural Beauty and Green Belt and exists in close proximity to a SSSI. The property is a large detached dwelling set within extensive grounds. The land to the rear of the building slopes down fairly steeply. Tree cover exists around much of the property with existing trees at boundary with Kingsley Wood Road and to the rear of the site shown as retained as part of the application. It is understood the property has remained unoccupied since the mid 1980's and is in a deteriorating condition.

- 2.2 The site area is 0.57 hectares (existing domestic curtilage), with an additional & approx. 2.88 hectares of natural woodlands to the rear & right side (south & west), also in ownership of the applicant.



Figure 1: View from the front of the property

3. PROPOSAL

- 3.1 This application seeks planning permission for the demolition of the existing five-bedroom detached dwelling and garage/workshop & greenhouse, and the erection of a new detached five-bedroom family house & carport/garage.



Figure 2: Extract from 3D imagery of proposed building

- 3.2 The design of the property would be two storeys when viewed from the front whilst to the rear, the design seeks to make use of the change in topography to provide for a three-storey element of the design. The overall linear proportions across the plot are maintained albeit with a lesser overall width than the existing building. An unusual 45-degree angled section is proposed to the property at either end.

- 3.3 Also included as part of the application is the temporary creation of detached dwelling within the garden of the property concerned. This comprises a static caravan with a pitched roof added as well as other outbuildings, raised decking, wood store and associated ground works. This work has already been undertaken and therefore retrospective consent is sought for the creation of the dwelling within the curtilage.

4. PLANNING POLICIES

- 4.1 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.
- 4.2 The Development Plan currently comprises the Cannock Chase Local Plan Part 1 (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030).

Cannock Chase Local Plan Part 1

- 4.3 Relevant policies within the Local Plan include: -
- CP1 - Strategy – the Strategic Approach
 - CP3 - Chase Shaping – Design
 - CP6 – Housing Land
 - CP7 – Housing Choice
 - CP14 - Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB)

Minerals Local Plan for Staffordshire

- 4.4 Relevant Policies within the Minerals Plan Include:
- Policy 3: Safeguarding Minerals of Local and National Importance and Important Infrastructure

National Planning Policy Framework

- 4.5 The NPPF (2021) sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social, and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.
- 4.6 The NPPF (2021) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.7 Relevant paragraphs within the NPPF include paragraphs: -
- 8: Three dimensions of Sustainable Development
 - 11-14: The Presumption in favour of Sustainable Development
 - 47-50: Determining Applications
 - 126, 128, 130, 131: Achieving Well-Designed Places

137 - 151 Protecting Green Belt
 176 Conserving and Enhancing the Natural Environment
 179 -182 Habitats & Biodiversity
 212, 213 Implementation

4.8 Other relevant documents include: -

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

5. DETERMINING ISSUES

5.1 The determining issues for the proposed development include: -

- i) Principle of development
- ii) Design and Landscape Considerations
- iii) Amenity Considerations
- iv) Highways Considerations
- v) Biodiversity
- vi) Drainage and flood risk

6. PRINCIPLE OF THE DEVELOPMENT

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

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

'For decision taking this means:

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

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

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

Green Belt Policy Considerations

- 6.4 Whether a proposal constitutes inappropriate development is set out in Paragraphs 149 & 150 of the NPPF. Paragraph 149 relates to new buildings whereas Paragraph 150 relates to other forms of development. In this respect, paragraph 149 of the NPPF is relevant. This states "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include, amongst other things: -

(d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

- 6.5 The application site has lawful extant use as a dwellinghouse and as such replacement of the main building with a new building to be used as a dwelling meets the requirements of Para d) provided it is not materially larger. As such subject to analysis of the scale parameters, Officers see the development would be acceptable in principle.
- 6.6 With regard to scale considerations, the measured building survey drawings show existing external footprint areas as: a). Existing detached dwelling (only) external footprint area is 283.1m². b). Existing detached dwelling above-ground built structure external footprint area is 369.2m². c). Existing detached garage workshop & greenhouse external footprint area is 65.8m². Giving a total (b+c) existing above-ground built structure external development area footprint of **435m²**.
- 6.7 The proposed development drawings show external footprint areas as: a). The external footprint area of the proposed dwelling (only) would amount to 286.2m². b). The external footprint area of the proposed carport would amount to 79.7m². Giving a total (a+b) proposed above-ground built structure external development area of **365.9m²**. There would be a gross reduction of above-ground built external development area footprint of **69.1m²**.
- 6.8 It is noteworthy therefore that in terms of plot coverage of buildings alone, the development proposed displays a net reduction of 69sqm from the existing scenario. It is relevant to acknowledge that in total floor area terms, the buildings proposed (706sqm) are larger than the existing buildings (489sqm) with a net increase of 217sqm of habitable internal floor area. Nevertheless, Policy CP14 states that development should not exceed the ground floor area of the original property by more than 50% (i.e., development footprint). Officers have no evidence to dispute the buildings on site are original and as such accept at face value the starting point for the floor areas presented. This starting point suggests the scale of development proposed in habitable floor area terms would not exceed 50% of the original dwelling in line with Policy CP14.

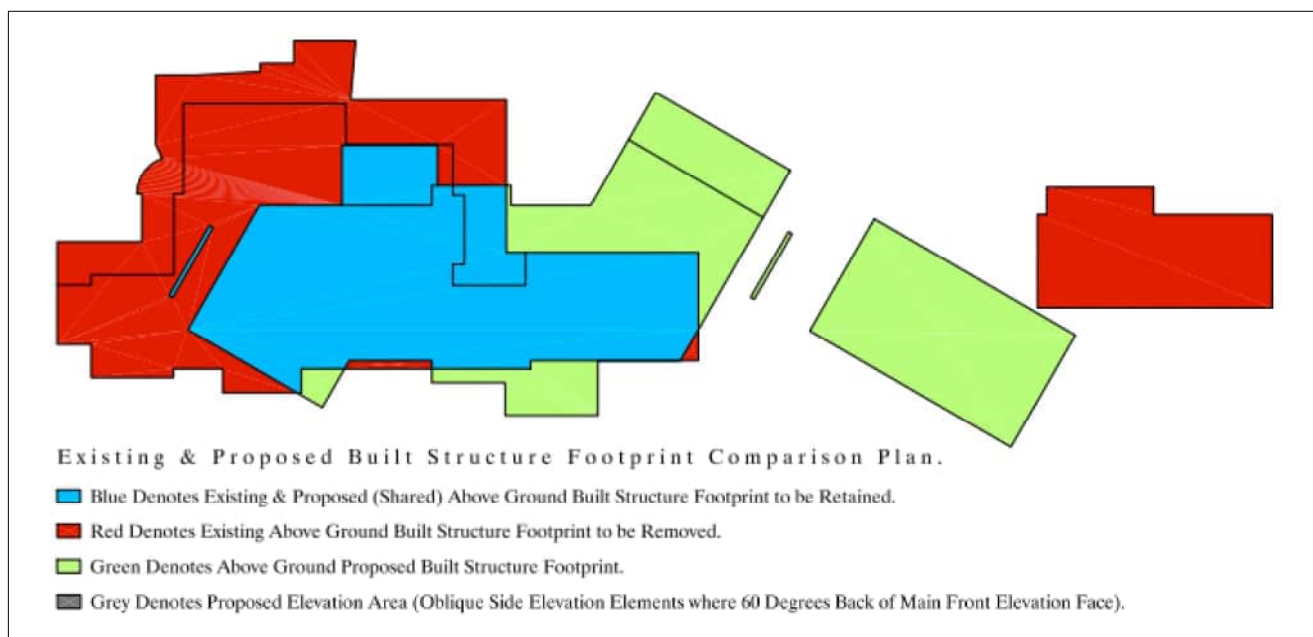


Figure 3: Extract from Built Structure Footprint Comparison Plan

- 6.9 The above figures exclude the retrospective outbuildings/caravan that has been stationed on the application site. Planning conditions should seek removal of the application buildings as such would be viewed as inappropriate development in the Green Belt on a permanent basis given their scale and separation from the main house.
- 6.10 In the Officers view and much like Policy CP14 - Green Belt controls seek to focus on the openness of the Green Belt and absence of development within it. It is reasonable therefore to view positively the net reduction in development footprint on the site. The development as a package represents no greater impact on the openness of the Green Belt and is 'not materially larger' than the existing house in line with Para 149 d) or in exceedance of the 50% figure as set out in Local Plan Policy CP14. As such the development is assessed as compliant with Para 149 d) within the NPPF and is acceptable in principle.

7. DESIGN AND LANDSCAPE CONSIDERATIONS

- 7.1 The site is located within the Cannock Chase AONB. In this respect Paragraph 176 of the NPPF sets out that great weight should be given to conserving landscape and scenic beauty in AONBs. This reflected in Policy CP14 of the Local Plan which requires that development proposals must be sensitive to the distinctive landscape character of the AONB. Proposals must ensure they do not have adverse impacts upon the setting of the AONB through design, layout, or intensity of uses proposed. Development proposals involving the replacement of existing buildings within the Green Belt will be expected to demonstrate sympathy with their location through size, appearance, and landscape impact mitigation.
- 7.2 In layout terms the application makes the case the form of development proposed seeks to consolidate buildings that are more peripheral to the site into the centre of the plot (this assumes temporary permission for the caravan and associated buildings). The submissions argue this benefits the landscape and the Green Belt.

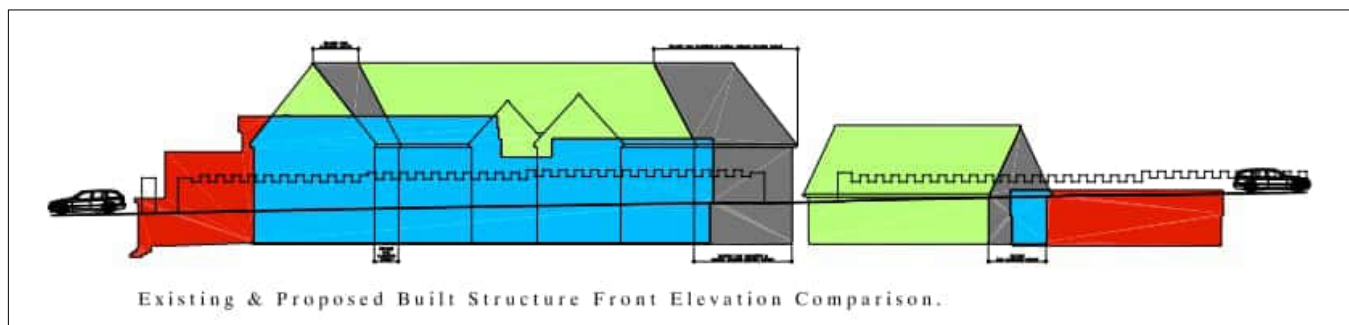


Figure 4: Extract from Built Structure Front Elevation Comparison Plan. Green denotes new height above the existing ridge lines

- 7.3 There is no doubt the building proposed is higher than the existing property on the site. The Council's policies such as CP3 and CP14 suggest that replacement buildings such as those within Green Belt or AONB locations should demonstrate sympathy with their location through size, appearance, and landscape impact mitigation.
- 7.4 The wooded context of the site means that main views will be from Kingsley Wood Road when directly passing the site. The view shown at Figure 4 seeks to illustrate the additional amount of development in green. Officers do not perceive the additional height shown in the illustrative imagery as negative when viewed from Kingsley Wood Road and coupled with screening in the wider context assess that views of the development would be relatively contained.

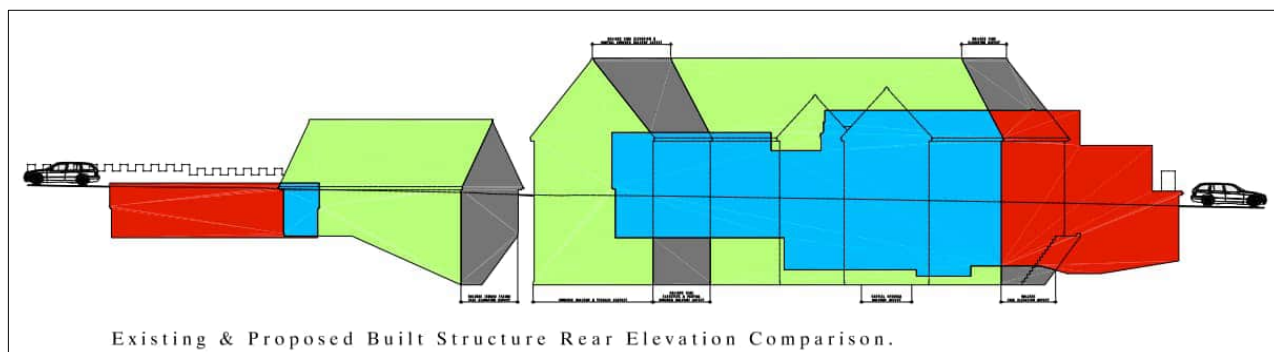


Figure 5: Views from Rear Elevation showing additional development extent in Green

- 7.5 The application proposes development that would be set into the hillside. Fig 5 seeks to illustrate the additional development extent for the rear elevation. This shows significant additional height when viewed from the rear at the central location within the site. However, noting the screened nature of views from this location Officers exercise judgement in assessing the development would not have a substantive effect on landscape character despite the height shown. In reaching this view a clear consideration is the presence of public routes/viewpoints in the context. In examining this Officers see that no public vantage points exist to the south of the site, with the nearest viewpoint being from Penkridge Bank some 500m away that is interrupted by substantial tree cover.

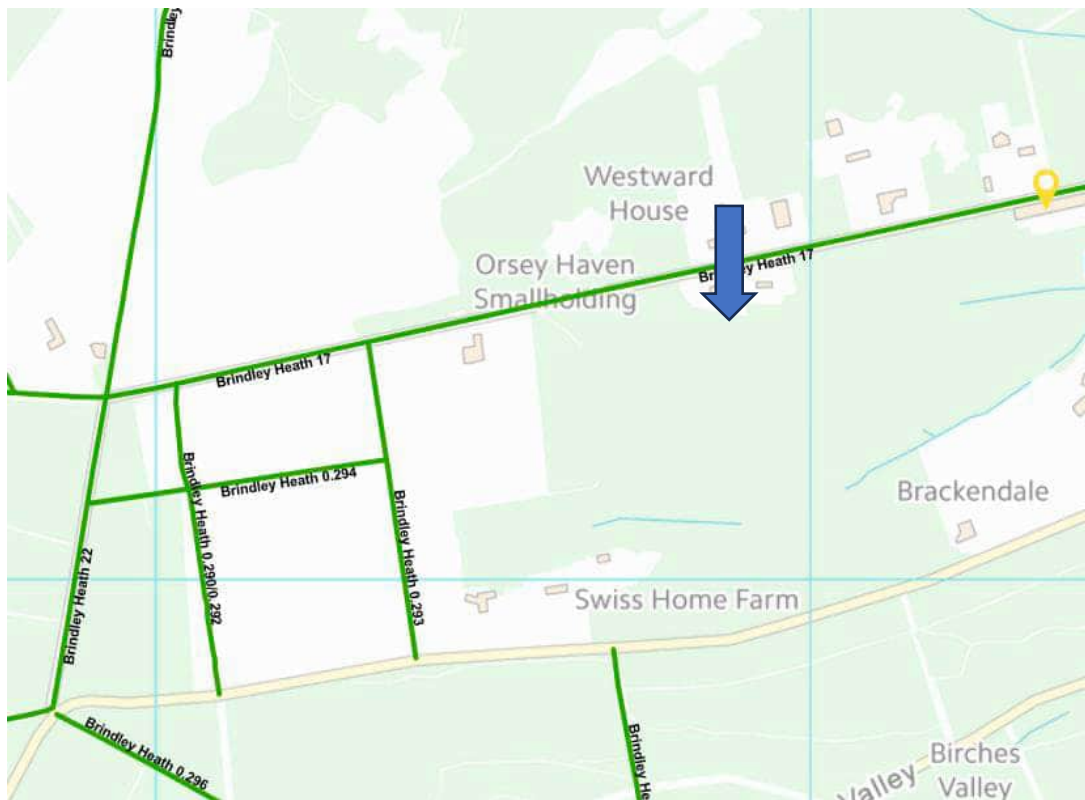


Figure 6: Staffordshire County Council Definitive Right of Way Map Extract © Crown Copyright

- 7.6 In considering the design of the development, the applicant's agent points to contemporary examples of design that have been approved in the context of the site and similar proposals are mentioned in correspondence received from properties nearby. In particular the development approved at Oakenway under application CH/17/419 is mentioned and is approx. 400m from the application site. The plans approved under this application have a broadly similar design with a large, glazed gable and 45-degree type projecting gable element, albeit the overall width and floor areas are less than in the current application.



Figure 7: Extract from 3D imagery showing rear elevation of the proposals conveying the levels difference from the front of the site

- 7.7 In this case the design seeks to provide for a pitched roofed building with large, glazed gables. A smooth render finish is proposed with concrete roofing tiles and oiled hardwood posts within the glazed expanses. The building has a contemporary feel and incorporates design features that are not typical of the local building tradition. Nevertheless, Officers assess the development displays design quality and consideration befitting of a property of the scale proposed. As such when examining if the development successfully integrates with its context and enhances the character and appearance of the area in line with Local Plan Policy CP3, Officers conclude the proposals would complement these aims. The development is judged to be well suited to a redeveloped site of this nature that is not readily observed in the context of other traditional buildings. Such site parameters offer opportunity to make use of contemporary design and more unusual form, massing and materials than would ordinarily be the case.
- 7.8 The AONB concerns reference lighting impacts and similar are noted. Conditions can adequately address these points. Subject to these conditions the design of the proposals and its effect on the AONB are assessed as positive, representing an overall improvement to the character of the area. As such for the reasons stated the proposals are judged to accord with Local Plan Policies CP14 and CP3.

8. AMENITY

- 8.1 The application dwelling already functions lawfully as a residential property. Nevertheless, it is appropriate to consider if the design now proposed would in some way impinge upon the amenity of other dwellings in exceedance of relevant Cannock Chase Standards.

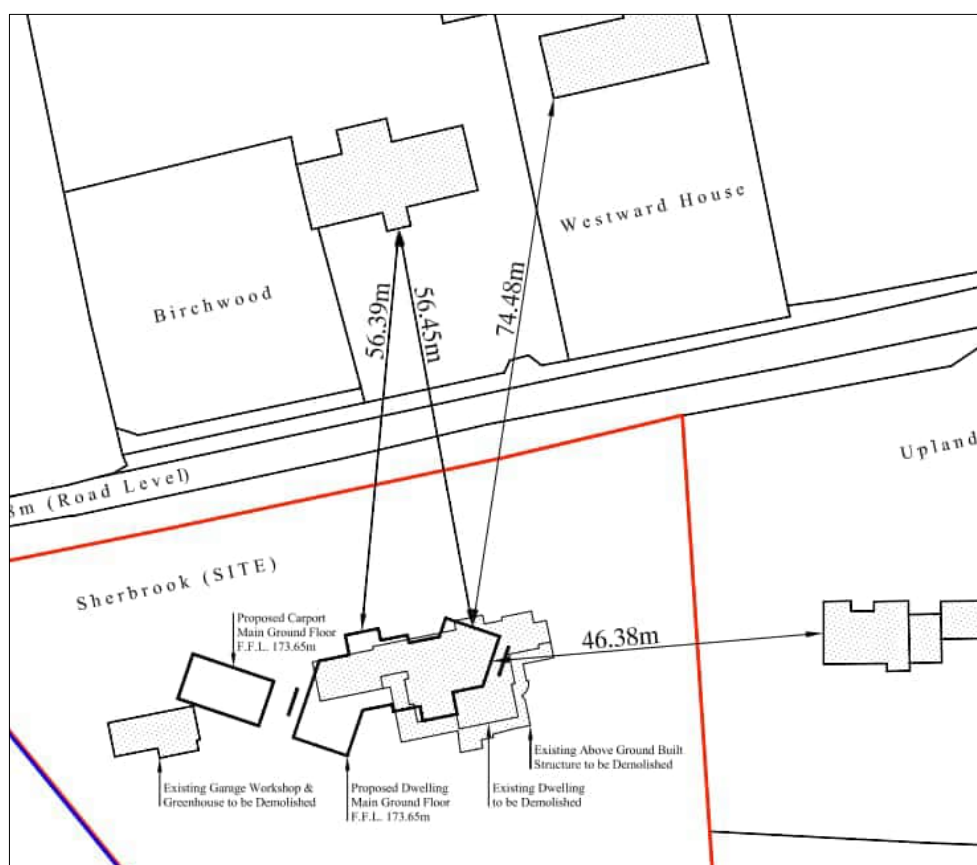


Figure 8: Separation Distances to nearby properties taken from Proposed Block Plan

- 8.2 The dwelling proposed would occupy a standalone position within the centre of the established plot. Observations are made in representations received that overlooking or privacy impacts may occur from the development. The Council's typical habitable room separation distances are 21.3m between facing windows and first floor windows should be in the region of 10m from boundaries to neighbouring private gardens (Cannock Chase Design Guide SPD). In this case it can be seen that more than 10m is achieved from nearby boundaries and that facing windows are circa 56m away or 46m at the minimum. As such the Council's adopted standards suggest that privacy (aka overlooking) impacts would not be a significant consideration in this application.
- 8.3 Officers assess the development would not otherwise be overbearing to nearby properties given the level of separation apparent and would not result in substantial loss of light that would breach 25- or 45-degree relevant standards. Similarly overshadowing is not assessed to be a serious concern with the application given the level of separation apparent.
- 8.4 Other considerations relating to fires during the building programme and control of hours of operation. Officers assess given proximity to Cannock Chase, on site fires should be restricted and that hours of operation in line with many applications should be controlled. Conditions are recommended accordingly for these aspects.
- 8.5 Therefore, taking all key amenity matters and impacts into account, it is assessed the development would be in compliance with relevant adopted amenity standards and would therefore comply with Local Plan Policy CP3.

9. HIGHWAYS

- 9.1 The application is provided within a substantial plot with ample parking opportunity once the development is completed. Main comments received raise issues in relation to on-site parking and making sure operatives use these facilities. The Planning Authority would likely find enforcing lawful parking on the public highway difficult, but nevertheless, assuring facilities are available within the site for storage of materials, waste collection, operative facilities and similar is appropriate.
- 9.2 The Highway Authority raise no objections to the proposals subject to conditions governing details of materials and plant storage, site compound, wheel wash facilities and similar as well as site accesses being completed in bound surfacing within the limits of the public highway. Officers note the applicant has provided a formal Demolition Construction Management Plan which provides much of the detail requested in the condition. As such Officers see it appropriate to require compliance with the Demolition Construction Management Plan to avoid duplication of this requirement. Subject to two conditions therefore, it is assessed there is no substantive basis to consider Highway Safety impacts should be a barrier to the proposed development and the proposals would therefore comply with Local Plan Policy CP10.

10. TREE CONSIDERATIONS

- 10.1 The application is accompanied by a formal tree report. This shows a range of Category C and B trees in the context of the site but very few that are actually likely to be impacted by incursion into their root protection zones. No tree removals are proposed as part of the development. Additionally, a formal Tree

Protection Plan is included that seeks to convey the locations of Tree Protection Fencing to be instated for the duration of the works on site.

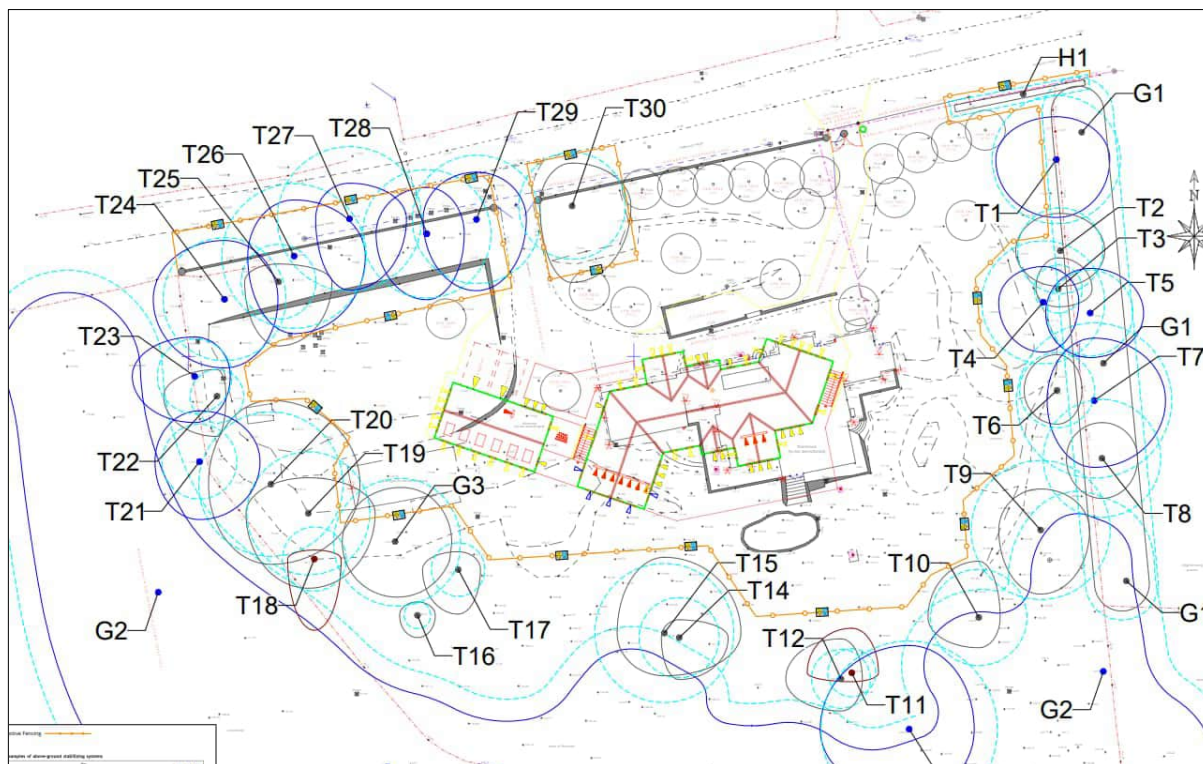


Figure 9: Extract from Tree Protection Plan showing in light blue the intended location of Tree Protection Fencing

10.2 Subject to conditions securing compliance with the above plan, Officers assess that tree impacts and risks to tree during construction can be addressed in line with Local Plan Policy CP3.

11. BIODIVERSITY

11.1 Paragraph 185 states that “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**” – Officer’s emphasis added.

11.2 Policy CP12 of the Local Plan states that the District’s biodiversity and geodiversity assets will be protected, conserved, and enhanced via *‘the safeguarding from damaging development of ecological and geological sites, priority habitats and species and areas of importance for enhancing biodiversity, including appropriate buffer zones, according to their international, national, and local status. Development will not be permitted where significant harm from development cannot be avoided, adequately mitigated, or compensated for.’*

Protected Species

11.3 In the case of bats and bat impacts through demolitions, proposals to demolish the main house are intended. Formal Bat survey emergence work was undertaken following the conclusions that the building was clearly used by bats in

the past given a range of droppings. Other buildings were of negligible potential. Subsequent surveys were undertaken as summarised below;

- Survey 1 – dusk emergence – 04/06/2023
- Survey 2 – dawn re-entry – 25/06/2023

- 11.4 The results of the bat activity surveys, which were conducted during the optimum survey period, confirm the emergence of a single Brown Long Eared Bat from the property. Other commuting bats were observed passing across the site.
- 11.5 As a bat roost was identified during the surveys, it will be necessary to apply for a Natural England European Protected Species (EPS) licence and further survey will be necessary. However in terms of the likelihood of Natural England granting the license having regard to relevant Derogation Tests, given the limited scale of the population impacted, the mitigation proposed in the form of the bat loft in the garage and the ‘no lesser alternative’ to realise the public benefit that results from the demolition of the building (i.e. it would not be feasible to part demolish the building or similar as the resultant design would likely be acceptable in planning terms), Officers assess the likelihood of a license being granted is high.
- 11.6 In terms of relevant planning conditions, conditions should require the provision of the bat loft prior to demolition commencing on the house. Therefore, appropriate conditions securing such are recommended.

Habitat Impacts

- 11.7 No direct habitat impacts are envisaged as part of the proposal given the developed nature of the application site land. A key issue is indirect potential impacts from the construction activities proposed such as use of limestone in hardsurfacing. This is acknowledged in the Ecological Reporting provided. This suggests:
- (i) *- Impacts to Cannock Chase SSSI/SAC from the built development footprint have been minimised with all the works located outside the boundary of the both the SAC and SSSI. There will be a buffer between the SSSI and the Site which will be marked by tree protection fencing.*
 - (ii) *Throughout the construction period appropriate spill kits to be readily available at all times. • Avoidance of materials such as limestone in construction which would inadvertently result in nutrient enrichment in soils. • Fuel to be appropriately and safely stored to current construction Site standard. • Dust damping measures.*
 - (iii) *Works between sunset and sunrise to be avoided.*
- 11.8 Subject to conditions requiring compliance with the Impact Assessment provided in the ecologist report, Officers are satisfied the concerns around indirect habitat pollution can be adequately addressed.

Net Gain

- 11.9 With regard to offsetting and enhancement, Paragraph 174 of the NPPF states [amongst other things] that 'Planning policies and decisions should contribute to and enhance the natural and local environment.
- 11.10 The Ecological Appraisal suggests provision of a variety of nesting boxes for different bird species, but the exact specifications are not stated, similarly a detailed landscaping plan is provided showing 20 No. new trees to be planted but relevant species and specifications are not stated. Conditions could reasonably require specifications for bird boxes and tree specifications as such as condition securing these would be appropriate. Subject to this Officers assess the need for net biodiversity uplift in line with Para 174(b) of the NPPF is met in this case.

Cannock Chase SAC

- 11.11 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. In this case there is no net uplift given the extant lawful use of the dwelling. Accordingly, funds for mitigation to offset the impacts from recreational use of Cannock Chase SAC are not considered to be justified.
- 11.12 It is separately noted that given the scale of the increase the development would be CIL liable. As such CIL contributions in line with normal procedures will be sought as part of the application if approved.

12. OTHER ISSUES

- 12.1 It is suggested the onsite caravan must be used as a temporary abode and removed as soon as the development is habitable. Officers agree with this point and recommend conditions accordingly given the clear breach of Green Belt policy if such conditions were not imposed. The respondent goes on to suggest further applications for use as a games room or holiday let should not be entertained. The Council is legally bound to consider any future valid planning application and if received it would be appropriate to assess compliance of the application at that stage.
- 12.2 It is suggested that noise pollution from site operative radios during construction would be unnecessary noise pollution and should be controlled by condition. Officers do not see that such as condition would be justifiable or enforceable in planning terms. It is assessed instead that such would duplicate Control of Pollution Act measures better suited to general noise complaints. As such conditions are not recommended for this purpose.
- 12.3 It is suggested the flue from the woodchip boiler should be set at an appropriate height. Such would be a Building Regulations requirement in any event. As such it is not for the planning process to duplicate these controls and no further action is required.

13. HUMAN RIGHTS ACT 1998 AND EQUALITY ACT 2010

Human Rights Act 1998

- 13.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve accords with the policies of the adopted Local Plan.

Equality Act 2010

- 13.2 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.
- 13.3 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.

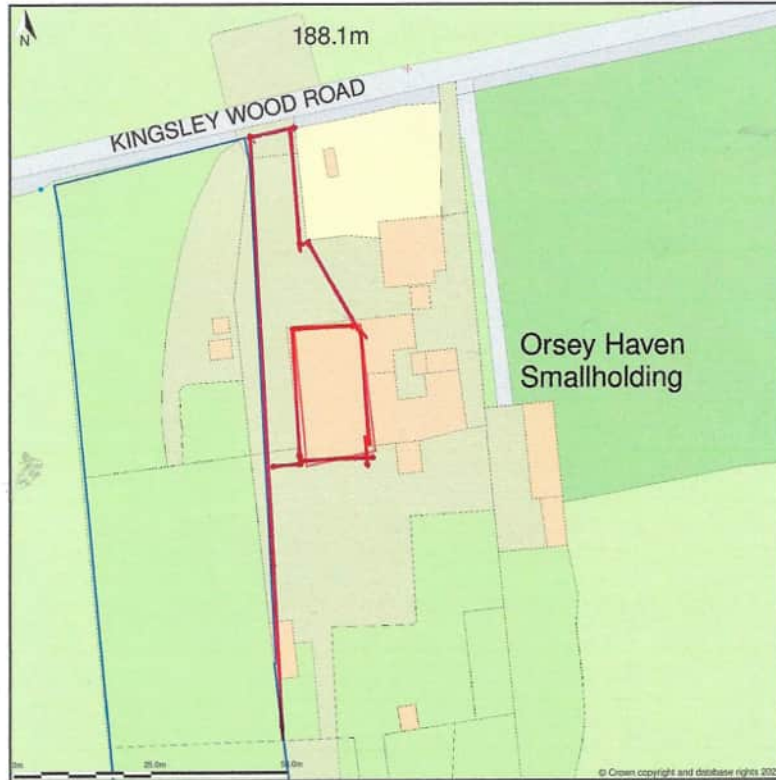
Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 13.4 It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.
- 13.5 Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equality Act.

14. CONCLUSION

- 14.1 The application seeks planning permission for the demolition of the existing property and replacement with a dwelling. In Green Belt terms, Officers assess in principle compliance with the requirements of Green Belt policy. Therefore, as a matter of principle the application is judged acceptable.
- 14.2 A range of other considerations are relevant to the proposals such as ecological reporting and tree protection plans, design 3D work and Construction Management Plans. The application is considered appropriate in the context of the wider landscape in light of the information provided. Subject to conditions requiring habitat enhancement/mitigation, landscaping, and tree protection these impacts upon these assets can be reasonably avoided. There are no other amenity or highway objections to the proposals. As such Officers recommend the application for approval.

Turner Workshop The Smallholding, Kingsley Wood Road, Rugeley, Staffordshire, WS15 2UF

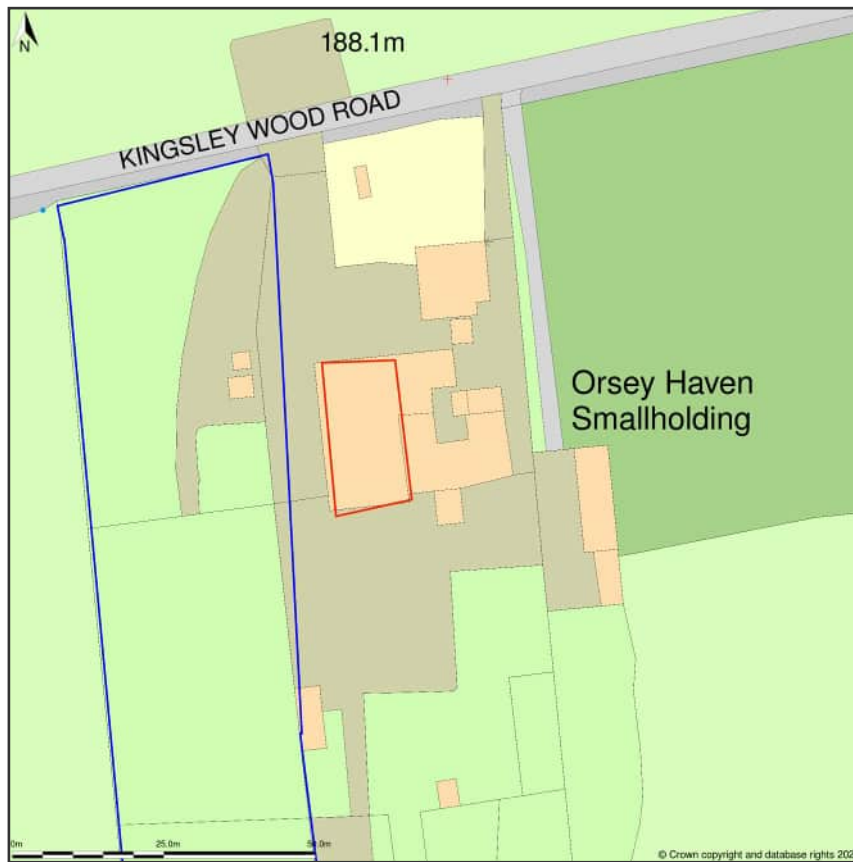


Site Plan shows area bounded by: 400417.89, 317271.69 400559.31, 317413.12 (at a scale of 1:1250), OSGridRef: SK 481734. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

Produced on 9th Aug 2022 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2022. Supplied by <https://www.buyaplan.co.uk> digital mapping a licensed Ordnance Survey partner (100053143). Unique plan reference: #00754331-44051F

Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain. Buy A Plan logo, pdf design and the www.buyaplan.co.uk website are Copyright © Pass Inc Ltd 2022

Turner Workshop The Smallholding, Kingsley Wood Road, Rugeley, Staffordshire, WS15 2UF



Site Plan shows area bounded by: 400417.89, 317271.69 400559.31, 317413.12 (at a scale of 1:1250), OSGridRef: SK 481734. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

Produced on 9th Aug 2022 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2022. Supplied by <https://www.buyaplan.co.uk> digital mapping a licensed Ordnance Survey partner (100053143). Unique plan reference: #00754331-44051F

Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain. Buy A Plan logo, pdf design and the www.buyaplan.co.uk website are Copyright © Pass Inc Ltd 2022

Contact Officer:	Kayleigh Williams
Telephone No:	07810 155 287

<p>Planning Control Committee</p> <p>18 October 2023</p>
--

Application No:	CH/22/0306
Received:	10 Aug 2022
Location:	The Smallholding, Kingsley Wood Road, Rugeley, Staffordshire WS15 2UF
Parish:	Brindley Heath CP
Ward:	Etching Hill and The Heath
Description:	Change of Use of existing building currently approved for repairs, maintenance relating to forestry & agriculture to motor vehicle repairs & maintenance and to include a DVSA for MOT test centre for light vehicles up to 6500kg
Application Type:	Full Planning Application

This application is being presented to Planning Committee due to the Parish Council objection.

Recommendation:

Approved subject to conditions

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions)

1. Time Limit

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. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved composite drawing demonstrating the

- Site Plan - 00754331-44051F
- Location Plan - 00754331-44051F

Reason:

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

3. External Lighting Restriction

External lighting that may be required for the purposes of the development hereby approved and, which is either attached to or surrounding the building will only be permitted if the applicant can demonstrate that the scheme proposed is the minimum needed for security and/or working purposes and that it minimises the potential for obtrusive light from glare or light trespass to an acceptable level without determinant to biodiversity and the dark skies of the AONB. Any such scheme proposed will need to be submitted to and approved by the Local Planning Authority before implementation.

Reason:

To protect local biodiversity and tranquillity of the AONB in accordance with Local Plan policy CP12

4. Hours of Operation

The premises shall not be open for business outside the hours of 0700 to 2030 on any day.

Reason:

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

Notes to the Developer:

1. Cadent Gas

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting www.cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations:

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588 quoting your reference at the top of this letter.

Consultations and Publicity

External Consultations

Consultee	Recommendation	Comments
Brindley Heath Parish Council	Objection	<ul style="list-style-type: none"> Inappropriate development in the Green Belt. Harm to AONB. Access road unsuitable for light or heavier vehicles. An adequate supply of MOT test stations in the locality.
Cadent Gas	No objection	<ul style="list-style-type: none"> Subject to informative 1
AONB Partnership	No objection	Subject to the inclusion of the following conditions: <ul style="list-style-type: none"> Details of external lighting proposed. Details of biodiversity enhancements
Natural England	No objection	-
SCC Highways	No objection	-

Internal Consultations

Consultee	Recommendation	Comments
Economic Development	No objection	-
Environmental Health	No objection	-

Response to Publicity

The application was advertised by site notice and neighbour notification. One letter of objection was received regarding the proposal which is summarised as follows:

- Intensified use of the site.
- Re-purposing of the site is not in keeping with the local area, AONB and SSSI.
- Access track is on poor condition which will only be exacerbated by the proposal.

The application also received one letter of support which is summarised as follows:

- Traffic and local environment would improve by not needing to serve HGVs and large forestry machines.
- Dust, pollution, and litter would be controlled by stringent standards set by garages.
- There would be an economic gain which would in turn improve the economic strength of Cannock Chase.
- The proposal will provide a local service which is in demand.

Relevant Planning History

- CH/14/0132 - Approved 1 September 2015
Re-submission of planning application CH/13/0270- Change of use from paddock to touring caravan site (for up to 10 caravans).
- CH/05/0477 - 31 January 2006
Proposed agricultural building including storage, maintenance & repair of equipment used in connection with forestry contracting.
- CH/05/0044 - Approved 5 April 2005
Certificate of lawfulness for agricultural small holding and operations relating to forestry contracting business.

1 Site and Surroundings

- 1.1 The application site includes an existing single storey workshop with a footprint of approximately 325 sqm. The building is agricultural in appearance with a pitched roof, and brick and timber elevations. The building has two large roller

shutter doors in the principal gable end elevation with the addition of a pedestrian access door. There are no windows on the side elevations of the building.

- 1.2 The application building has a lawful use for the storage, maintenance and repair of vehicles relating to forestry and agriculture.
- 1.3 The wider site includes a smallholding with farmhouse and a limited number of agricultural buildings. Aside from the applicants dwelling on the smallholding there are no residential dwellings in close vicinity. The nearest dwelling is over 250 metres away.
- 1.4 The application site also lies adjacent to a paddock, in the applicant's ownership, which has a lawful use for a touring caravans site.
- 1.5 The application site is located in the Cannock Chase Area of Outstanding Natural Beauty (AONB) and the Green Belt. The site is also located adjacent to the Cannock Chase Special Area of Conservation (SAC) and Cannock Chase Site of Scientific Interest (SSSI).

2 Proposal

- 2.1 The proposal seeks full planning permission to change the current use of the application building. Currently designated for forestry and agriculture-related repairs and maintenance, the aim is to convert it for motor vehicle repairs and maintenance. Additionally, the proposal includes the establishment of a DVSA MOT test centre for light vehicles up to 6500kg.
- 2.2 The proposal does not seek any alterations to the external elements of the building and does not include the increase in non-residential floorspace.

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 Part 1(2014), the Hednesford Neighbourhood Plan, and the Minerals Local Plan for Staffordshire (2015 – 2030).

Cannock Chase Local Plan (Part 1)

Relevant policies within the Local Plan include: -

- CP1 - Strategy – the Strategic Approach
- CP3 - Chase Shaping – Design
- CP11 – Centres Hierarchy

There are no relevant policies in the Minerals Local Plan.

3.3 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.
- 81, 84 & 85: Building a strong, competitive economy.
- 111: Promoting sustainable transport.
- 126, 130, 132, 134: Achieving well-designed places.
- 137, 138, 147-149: Protecting Green Belt Land
- 174, 176, 177: Conserving and Enhancing the Natural Environment
- 218, 219: Implementation.

3.4 Other relevant documents include: -

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

4 Determining Issues

4.1 The determining issues for the proposed development include:-

- (i) Principle of Development.
- (ii) Impact on Landscape Character.
- (iii) Impact on Neighbouring Land Uses.
- (iv) Impact on Highway Safety.
- (v) Impact on Conservation Sites.

4.2. Principle of Development

4.2.1 In Cannock Chase District, the primary focus of investment and regeneration efforts is directed towards existing settlements. Simultaneously, there is a commitment to preserving and enhancing the natural landscape of designated areas, including the Area of Outstanding Natural Beauty (AONB), Hednesford Hills, Green Belt, and the broader green infrastructure within the District. To realise this objective, Policy CP1 (Strategy) primarily seeks to focus residential and employment developments within the existing urban areas of the District.

4.2.2 In this case, the application site is situated approximately 2 miles outside the settlement limits of Rugeley, falling within the Green Belt and Cannock Chase Area of Outstanding Natural Beauty (AONB). However, the proposed change of use of the application building forms part of an existing employment use and does not include any external alterations to the application building itself, nor

does it seek additional non-residential floor space or increase in overall workforce.

- 4.2.3 Paragraph 84 of the National Planning Policy Framework (NPPF) highlights the importance of facilitating sustainable growth and expansion of all types of businesses in rural areas. This growth is to be achieved, through diversification of the business' activities within the application building.
- 4.2.4 The proposal is for the use of the application building for motor vehicle repairs & maintenance, including a MOT test centre for vehicles up to 6500kg, which constitutes a B2 land use (General Industrial - Industrial Processes). Such uses can also include ancillary elements such as, in this instance, the addition of the MOT Testing Centre. The ability for the business to repair and maintain vehicles other than those related to agriculture and forestry along with the MOT testing centre will support the viability and growth of the business, in line with the aspirations of paragraph 84 of the NPPF.
- 4.2.5 Local Plan Policy CP8 (Employment Land) seeks to retain B class uses to assist the diversification of the local economy and encourages the redevelopment of existing employment sites, provided the land is not of high environmental value. The existing land use also falls within the B2 land use classification and as such a change of land use is not considered to result from the proposal. However, the proposal does result in diversification of the business activities within the same land use class.

Impact on the Green Belt

- 4.2.6. The application site is located within the Green belt. The Cannock Chase Core Strategy Policy CP14 sets out that, development proposals within the Green Belt must be sensitive to the distinctive landscape character and ensure they do not have an adverse impact upon their setting through design, layout, or intensity. The proposal does not seek to alter the existing building and whilst the site would accommodate different types of vehicles there is nothing to indicate that the site use would intensify to the extent that adverse impact would occur.
- 4.2.7 Paragraph 147 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The main issues in assessing the impact on the Green Belt are as follows:
- a) whether the proposal would constitute inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy, and the effect on the purposes of the Green Belt, and
 - b) if it is inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Whether the proposal would constitute inappropriate development in the Green Belt

- 4.2.8 Paragraph 150 outlines a several forms of development which are not considered to be inappropriate development in the Green Belt, provided they

preserve the openness and do not conflict with the purposes of including land within in. They exception relevant to this proposal is as follows:

d) the re-use of buildings provided that the buildings are of permanent and substantial construction.

- 4.2.9 Accordingly the proposal is not considered to be inappropriate development in the Green Belt, subject to the openness being preserved and compliance with the purposes of including land within the Green Belt.
- 4.2.10 In regard to the above and further to reviewing the application against Local Plan policies CP1 and CP8, as well as the relevant paragraphs of the NPPF, the proposal is accepted in principle, subject to an assessment of its impact on the aforementioned landscape designations, sites of high environmental value, and other material considerations, as addressed below.

The effect of the proposal on openness and purpose of including land within the Green Belt

- 4.2.11 Openness, in the context of Green Belt policies means, an absence of visible development. The Green Belt is functioning countryside that, among other things, should serve the urban areas which it surrounds. Hence new and replacement development that sits comfortably within the rural landscape and contributes to the beneficial functioning of the countryside can preserve openness.
- 4.2.12 The Planning Practice Guidance: Green Belt sets out that a judgment is required based on the circumstances of the case, citing such matters that have been identified by the courts. The relevant factors in this case are the spatial and visual implications of the proposal, and its locational context.
- 4.2.13 As addressed above, the proposal does not result in external changes or an increase in floorspace and as such would preserve the openness of the site. Owing to this lack of physical development there would also be no conflict with the 5 purposes of including land within the Green Belt as set out within paragraph 138 of the NPPF. Consequently, the proposal does not amount to inappropriate development in the Green Belt, and Very Special Circumstances are therefore not required.

4.3 Impact on Landscape Character

- 4.3.1 Outside of identified Green Belt designation, the site also forms part of an Area of Outstanding Natural Beauty. The landscape character and visual amenity of the immediate area is therefore of a particularly high quality. Paragraph 176 of the NPPF sets out that great weight should be given to conserving and enhancing the landscape and scenic beauty of the AONB. This position is amplified by Core Strategy Policy CP14 which states development proposals in the AONB must be sensitive to the distinctive landscape character and ensure they do not have an adverse impact upon their setting through design, layout, or intensity.
- 4.3.2 As previously mentioned, external alterations to the existing building are not proposed in this application and therefore, there would be no greater impact on the character of the AONB. The applicant previously engaged AONB Partnership who responded, “that *on balance, bearing in mind the extant use and the*

proposed use, it was considered unlikely that the proposal would result in a significant change in landscape character or on the natural beauty of the AONB, but there may be a slight loss of tranquillity." As such, the neighbours objection regarding adverse impact on the AONB is not supported by the AONB Partnership.

- 4.3.3 To preserve the tranquility of the AONB the Partnership request a condition regarding external lighting to limit light spillage into the AONB which is agreed. The Partnership also request a condition in relation to appropriate biodiversity enhancements. However, this is considered unreasonable owing to the lack of physical development taking place.
- 4.3.4 Therefore, having regard of Policy CP14 of the Local Plan, the abovementioned paragraph of the NPPF and comments received from the AONB partnership, it is considered the proposal would not have an adverse impact on the distinctive landscape character of the AONB, subject to the application of the aforementioned planning conditions.

4.4. **Impact on Neighbouring Land Uses**

- 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 onto include [amongst other things] the protection of the "amenity enjoyed by existing properties". Protecting a high standard of amenity is also an expectation Paragraph 130(f) of the NPPF.
- 4.4.2 The proposal seeks to retain its vehicle repair and maintenance activity, albeit now proposed for alternative vehicles. The inclusion of the ancillary MOT testing centre is not considered to result in an additional noise or odour effects over and above that already experienced in the existing repair and maintenance of agricultural and forestry vehicles. The nearest residential dwelling would be located 250 metres away which is sufficiently distanced from the application site to avoid any amenity disturbance. There are no concerns with loss of light, privacy, or overbearing effects.
- 4.4.3 A neighbour objection was received regarding the intensified use of the site. This has been considered by officers who considered that the change in vehicles being repaired and maintained would not materially intensify the use of the site. With respect to the access track, the Highways Authority have reviewed the proposal in the context of this track and have provided no objection. It is also acknowledged that the track will no longer need to serve regular HGV's and other large vehicles associated with forestry and agriculture.
- 4.4.4 In considering the above matters in relation to the amenity of neighbouring land uses, it is considered the proposal sufficiently preserves existing levels of amenity. It is therefore concluded that that proposal accords with Local Plan Policy CP3 and paragraph 130(f) of the National Planning Policy Framework.

4.5 **Impact on Highways**

- 4.5.1 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be

severe. The comments from the neighbour objection in regard to suitability of the access is noted.

- 4.5.2 The Highway Authority was consulted regarding the proposal and has stated that since the land is currently utilised for the repair and maintenance of forestry and agricultural vehicles, they have no objections to the application. Furthermore, there are no requested highway-related conditions. Consequently, the Highways Authority does not support the neighbour's objection regarding the access being unsuitable.
- 4.5.3 It is therefore concluded that the proposal would not have an unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe. As such, the proposal would not be contrary to paragraph 111 of the NPPF.

4.6 Impact on Conservation Sites

- 4.6.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 174 and 180 of the NPPF.
- 4.6.2 Policy CP12 within the Local Plan prioritises the protection, conservation, and enhancement of the biodiversity and geodiversity assets within the District. It prioritises the protection of ecological and geological sites, as well as the preservation of priority habitats and species. This commitment aligns with the principles of Paragraph 174 of the NPPF, which outlines the role of planning policies and decisions in improving the natural and local environment. Paragraph 174 places emphasis on the importance of safeguarding and enhancing valued landscapes, biodiversity and geological sites and soils.
- 4.6.3 Policy CP12 and Paragraph 180 of the NPPF jointly resist developments that could result in significant loss or adverse effects which cannot be avoided, mitigated, or compensated for. In line with this, Paragraph 174 encourages the reduction of negative impacts on biodiversity and the achievement of a net gain. This includes the creation of interconnected ecological networks designed to withstand both current and future challenges. In this case, the application site is located adjacent to a Site of Special Scientific Interest (SSSI), a designation of national importance for its biodiversity and geodiversity values. The suggested biodiversity enhancement condition aims to achieve a net gain in biodiversity compared to the existing conditions.

Cannock Chase SAC

- 4.6.4 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. The comments from the neighbour in respect to the impact to the SSSI are noted.
- 4.6.5 As part of the application process, Natural England was consulted regarding the submitted Habitats Regulation Assessment (HRA). They have confirmed, based on the information and plans provided, that the proposed development is not expected to have a significant adverse impact on the Cannock Chase Special Area of Conservation (SAC) or Site of Special Scientific Interest (SSSI). As such

the neighbour objection in relation to the impact on the SSSI is not supported by Natural England.

- 4.6.6 The proposal, with no increase in non-residential floorspace, no external alterations to the building, and no additional staffing hours required, does not warrant mitigation measures in the form of a financial contribution. As such, the proposal is in accordance with CP12 and CP13 of the Local Plan and the relevant paragraphs of the NPPF.

5 Human Rights Act 1998 and Equality Act 2010

Human Rights Act 1998

- 5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998.

Equality Act 2010

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

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

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

6 Conclusion

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



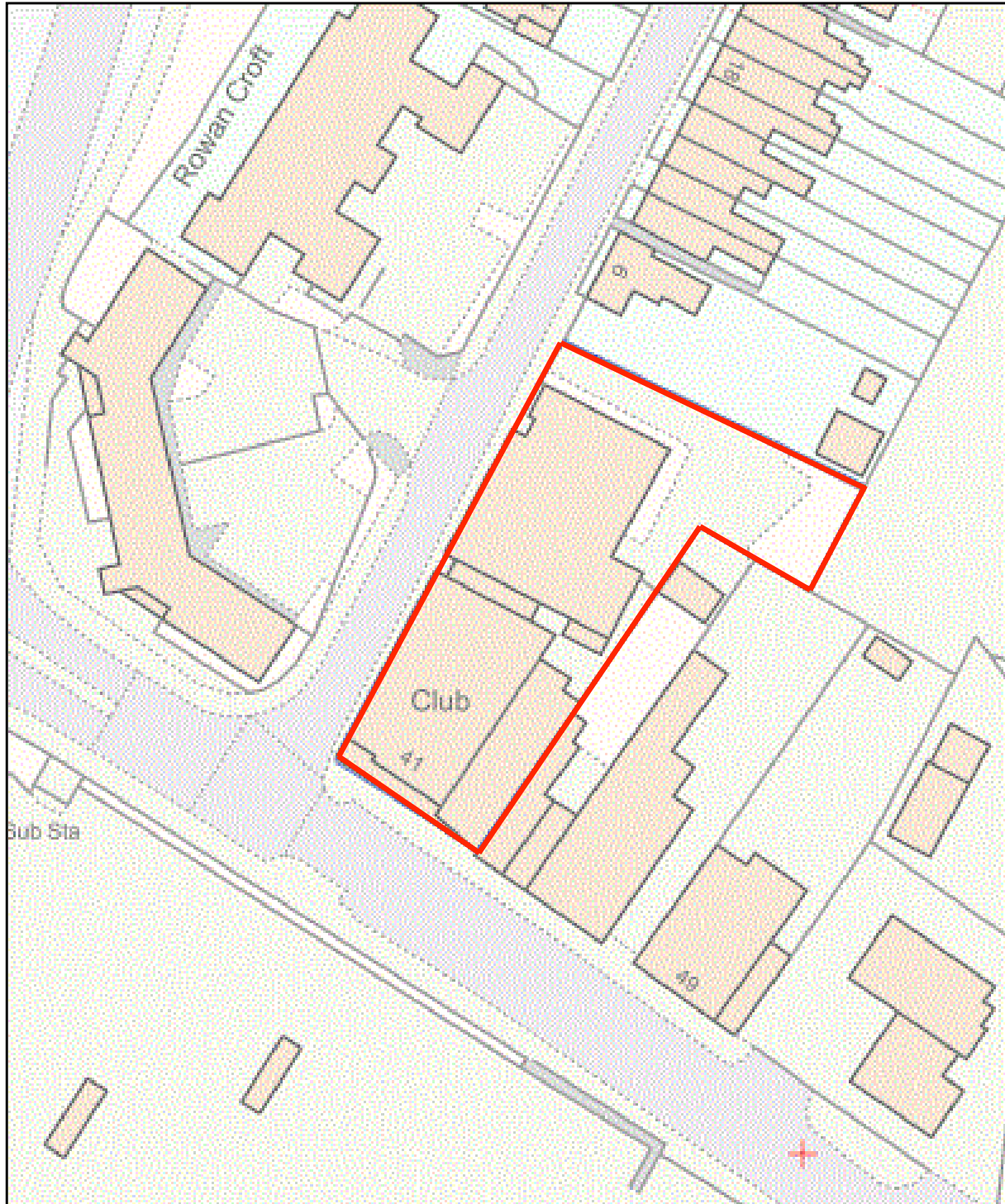
Application: CH/22/0058

Location: 41 Mill Street, Cannock





Item No. 6.64



Location plan



House

- Key:**
- Site boundary
 - - - 1.8m Closeboard fence
 - - - 600mm Hoop Top Fence
 -  Soft Landscaping Area (Bark Chippings)
 -  Soft Landscaping Area (Lawn)
 -  Block Paving
 -  450 x 450 x 35mm concrete slabs with suitable edging to all interfaces



D	Northwest access gate & fence amended	MB	11.07.21
C	Landscape officer comments incorporated	MB	22.06.21
B	Highways comments incorporated	MB	26.04.21
A	Amendments to amenity space	MB	01.03.21
X	IFC12 ISSUE 1	MB	11.11.20
Rev	Detail	By: CLK	Date:

Copyright of this drawing is vested in J Mason Associates and it must not be copied or reproduced without formal consent. Do not scale off this drawing for construction purposes. All contractors and subcontractors are responsible for taking and checking all dimensions relative to their work.

Notify J Mason Associates immediately of any variation between drawings on site conditions.

DO NOT SCALE OFF THIS DRAWING FOR CONSTRUCTION PURPOSES - IF IN DOUBT ASK.

Where drawings are based on survey information received, surveys are available on request.

All drawings to be read in conjunction with all relevant Structural and M&E Engineers drawings and specifications.

H&S HAZARDS:

Significant hazards relative to the architectural design shown on this drawing have been assessed and highlighted with reasonable risk and are using a warning triangle system.

This drawing is to be read in conjunction with all other hazards/risks which have been identified and assessed within the construction phase H&S Plan.

It is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, to an approved method statement.

Significant hazards are defined as:-

- Those not likely to be obvious to a competent contractor or other designers.
- Those of an unusual nature.
- Those likely to be difficult to manage effectively.

J Mason Associates

www.jmasonassociates.com
 Tel: 01454 887788
 E: Thomas.Hooks@jmasonassociates.co.uk
 05939102

J Mason Associates
 Registered in England & Wales
 05939102
 105111 1AR

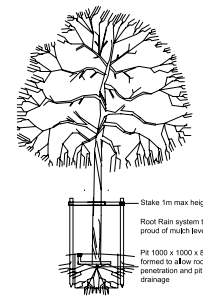
Client:
Mr S Murray

Project:
Redevelopment of former Silks Nighclub Mill Street Cannock

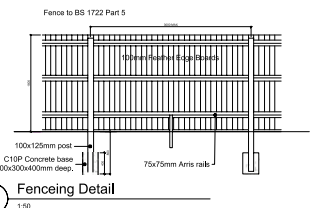
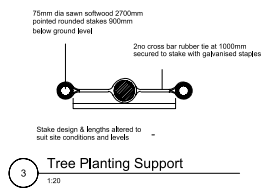
Drawing Title:
Proposed Site Plan

Stage: RIBA 3	Status: Planning	Sheet Size: A1
Job Number: 2612	Date: 11.11.2021	Scale: 1:100
2612-03		Revision: D

1 Site Plan
1:100



2 Tree Planting Support
1:50



Key:

- Site Boundary
- 1.8m Closeboard fence
- 600mm Hoop Top Fence
- Soft Landscaping Area (Bark Chippings)
- Soft Landscaping Area (Lawn)
- Block Paving
- 450 x 450 x 35mm concrete slabs with suitable edging to all intervals

GENERAL NOTES:

1.0 SOILS: Subsoils to be scarified to 100mm depth prior to spreading topsoil to 100mm compaction. Topsoil to be in accordance with BS5832 Premium Grade or an approved. An approved topsoil must be used to meet the required specification. Screened or mulched topsoils shall be maintained in condition and a good standard until works are complete. Fencing to be fixed in accordance with Table A at a maximum of 120mm from the ground level. Area levels to be fixed to the final finished level with more than one stem follow. 12m from ground level to 200mm below ground level to be fixed to BS 5832 2005 S4.

2.0 EXISTING TREES: Where trees are to be retained they shall be subject to a full arboricultural inspection to assess condition and safety. Retained trees shall be protected from damage by erection of 2.1m high tree protection on a full circumference in accordance with BS 5822:2005.

3.0 Tree retention shall be maintained in condition and a good standard until works are complete. Fencing to be fixed in accordance with Table A at a maximum of 120mm from the ground level. Area levels to be fixed to the final finished level with more than one stem follow. 12m from ground level to 200mm below ground level to be fixed to BS 5832 2005 S4.

4.0 TREE SURGERY (REMOVAL): Tree surgery and tree removal to be carried out by a registered tree surgeon in accordance with BS 3998:1989.

5.0 TREE PLANTING: All trees to be in accordance with BS 9008:2016. Trees to be planted in accordance with BS5832 and normally spaced using 2m tree stakes and not using any other tree tree. 2m stakes and number tree stakes method shall be used. Trees to be planted in pits 1000/1000/750mm backfill with topsoil fixed with tree staking supports, ensuring tree pits are a minimum of 75mm deeper and 150mm wider than the tree roots. Base of pits to be covered up to a depth of 150mm. All pits to be covered grass. The depth of tree pits to be defined in green areas to be covered with 75mm depth bark mulch to 10m diameter and kept weed free.

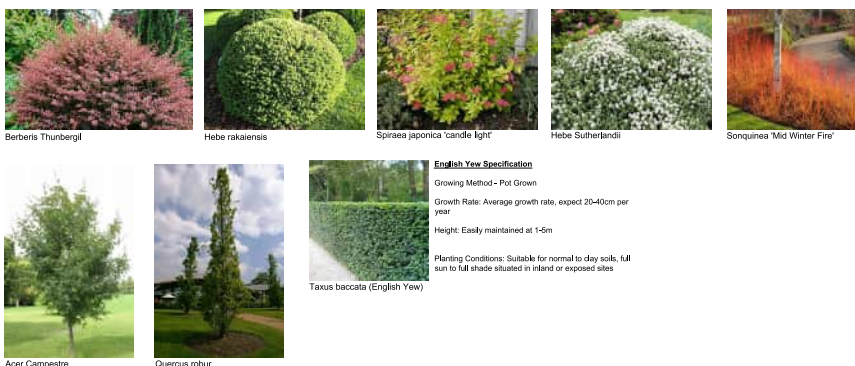
6.0 SHRUB PLANTING: Plants are to be in accordance with BS 5832 and shall be in accordance with BS 5832 and shall be in accordance with BS 4422. All plants to have a minimum of three stems, except Hebe with a minimum of two. All plants shall be planted in pits and not in holes and spacing of 600mm. Shrubs areas to be covered with 75mm bark mulch and kept weed free.

7.0 HEDGE PLANTING: Plants to be in accordance with BS 5832 and shall be in accordance with BS 5832 and shall be in accordance with BS 4422. All hedges to be planted in double dug pits spaced every 100mm apart at 400mm centres. All hedges shall be covered with 75mm bark mulch and kept weed free.

8.0 TURF PITS: Grass turf areas to be 1.8m x 0.9m or smaller approved turfs. Turfs to be planted and not to be replaced or replaced with any other or coarse grasses than those specified on drawings. Turfs to be laid on beds from plants with broken joints will be used to fill water after laying to avoid drainage.

9.0 MAINTENANCE: To be carried out at approximately monthly intervals to include the following:

- Grass areas to be mowed or strimmed
- Cut grass and damaged bark to be removed, grass as required
- Grass to be mowed and kept to a maximum of 40mm
- Cut bark, leaves and soil to be removed
- All plants to be inspected, sprayed and treated as required
- Carry out grass mowing to turf areas retained 100mm, cut to 30mm

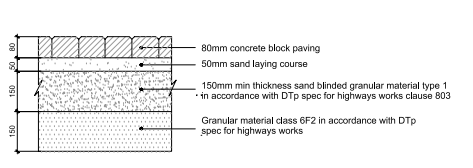


English Name Specification
Growing Method - Pot Growth
Growth Rate - Average growth rate, expect 20-40cm per year
Height: Easily maintained at 1.5m
Planting Conditions: Suitable for normal to dry soils, full sun to full shade situated in inland or exposed sites

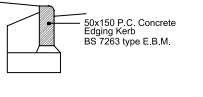
5 Planting Species

Amount	Species	Size	No. per m ²
81	Barberis thunbergii (BT)	30-40cm	4/m ²
80	Hebe rakaiensis (HR)	25-30cm	4/m ²
87	Spiraea japonica candle light (SJ)	40-45cm	3/m ²
30	Hebe Sutherlandii (HS)	25-30cm	4/m ²
30	Sonquinea Mid Winter Fire (SF)	25-30cm	4/m ²
6	Acer Campestre (Field Maple)	4-6m	1/m ²
88m	Taxus baccata (English Yew)	1m Pruned	-
2	Quercus robur (Fastigiata Group) Koster	1m Pruned dia	1/m ²

6 Planting Schedule



7 Block Paving Detail
1:10



8 Kerb Detail
1:10



9 Hoop Top Railing



10 Marshalls Keyblock - Brindle



11 Fencing Image

F	Roof terraces removed	MB	26.07.23
E	Swearing on roof terraces shown	MB	12.07.22
D	Landscape officer comments incorporated	MB	22.06.22
C	Landscape officer comments incorporated	MB	26.06.22
B	Highways comments incorporated	MB	28.04.22
A	Amendments to amenity space	MB	01.03.22
X	FIRST ISSUE	MB	13.11.21
Rev.	DATE	By / Ck:	Date

Copyright of this drawing is retained in J Mason Associates and it may not be copied or reproduced without formal consent. Do not scale off this drawing for construction purposes. All contractors and subcontractors are responsible for taking and checking all dimensions relative to their work.

Notly, J Mason Associates immediately of any variation between drawings on site conditions.

DO NOT SCALE OFF THIS DRAWING FOR CONSTRUCTION PURPOSES - IF IN DOUBT ASK.

Where drawings are based on survey information received, surveys are available on request.

All drawings to be read in conjunction with all relevant Structural and M&E Engineers drawings and specifications.

HKS HAZARDS:

Significant hazards relative to the architectural design shown on this drawing have been identified and highlighted with reasonable risk and are using a warning triangle symbol.

This drawing is to be read in conjunction with all other hazards/risks which have been identified and recorded within the construction phase H&S Plan.

It is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, to an approved method statement.

Significant hazards are defined as -

- Those not likely to be obvious to a competent contractor or other designers.
- Those of an unusual nature.
- Those likely to be difficult to manage effectively.

J Mason Associates
www.jmasonassociates.com | J Mason Associates Ltd
141 0143 887788 | J Mason Associates Ltd
11, Thorne House, Wilberhampston Road, B911 1AR | Registered in England & Wales 203970

Client:
Mr S Murray

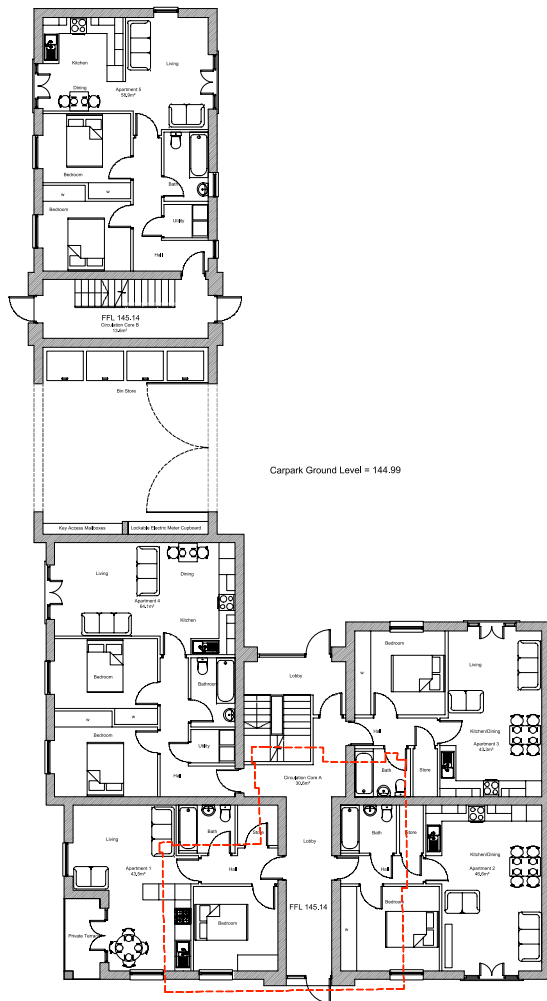
Project:
Redevelopment of former Silks Nighdub Mill Street Cannock

Drawing Title:
Proposed Site Plan

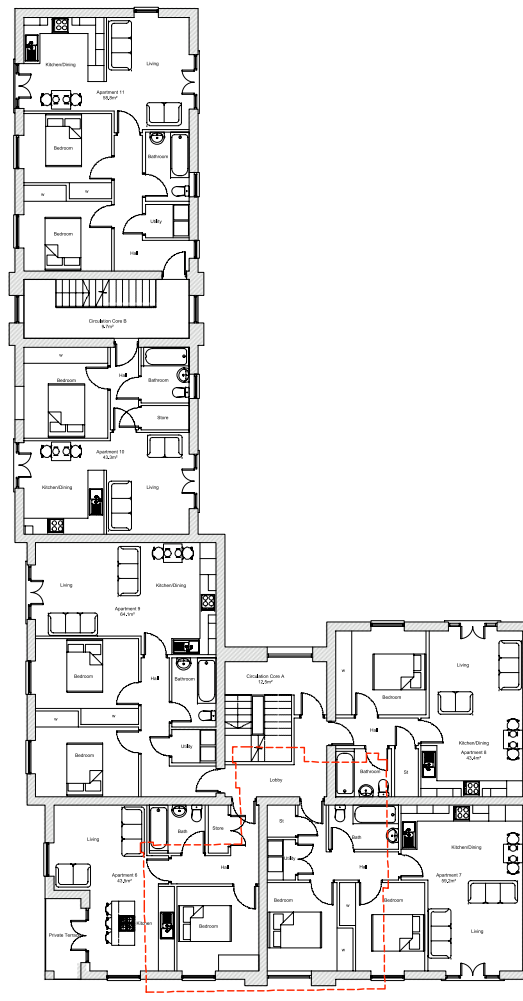
Stage:	Status:	Sheet Size:
RIBA 3	Planning	A1
Job Number:	Date:	Scale:
2612	11.11.2021	As Noted
Revision:		
2612-04		F

1 Landscape Plan
1:200

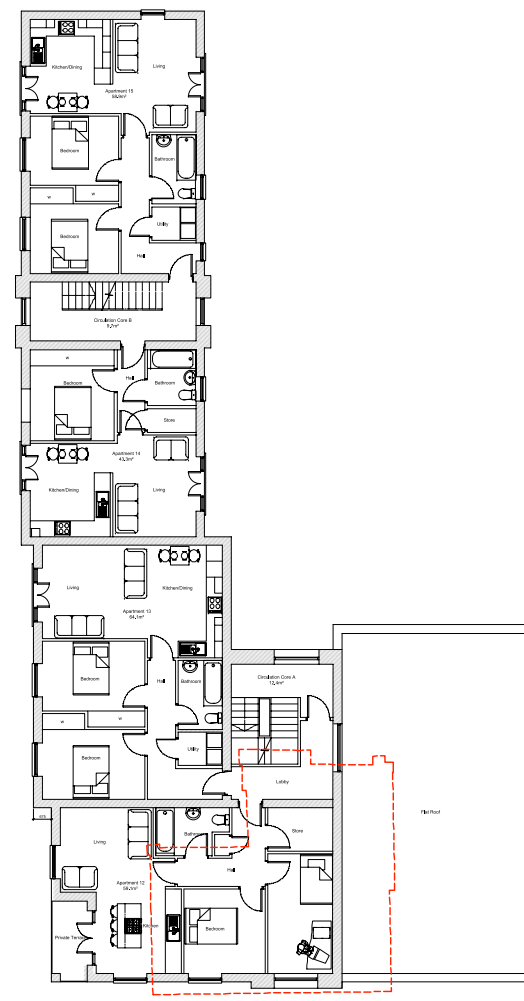




1 Ground Floor Plan
1:100



2 First Floor Plan
1:100



3 Second Floor Plan
1:100

KEY
--- 18th Century footprint of building

0 2 4 6 8m

SCALE 1:100

B	Garden deck removed	MB	25.07.23
A	Highway comments incorporated.	MB	25.06.22
X	FIRST ISSUE.	MB	11.11.21
Rev.	Detail	By: CLK	Date:

Copyright of this drawing is vested in J Mason Associates and it must not be copied or reproduced without formal consent. Do not scale off this drawing for construction purposes. All contractors and subcontractors are responsible for taking and checking all dimensions relative to their work.

Notably, J Mason Associates immediately of any variation between drawings on site conditions.

DO NOT SCALE OFF THIS DRAWING FOR CONSTRUCTION PURPOSES - IF IN DOUBT ASK.

Where drawings are based on survey information received, surveys are available on request.

All drawings to be read in conjunction with all relevant Structural and M&E Engineers drawings and specifications.

H&S HAZARDS:
Significant hazards relative to the architectural design shown on this drawing have been assessed and highlighted with reasonable care and care using a warning triangle system.

This drawing is to be read in conjunction with all other hazards/risks which have been identified and assessed within the construction phase H&S Plan.

It is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, to an approved method statement.

Significant hazards are defined as:-
 * Those not likely to be obvious to a competent contractor or other designers.
 * Those of an unusual nature.
 * Those likely to be difficult to manage effectively.

J Mason Associates

www.jmasonassociates.co.uk
14 Oldfield Road, Wetherby, West Yorkshire LS15 7AR
Registered in England & Wales
J Mason Associates
25, Thorne Road, Wakefield WF1 1AR
01937 541111

Client:
Mr S Murray

Project:
Redevelopment of former Silks Nighdub Mill Street Cannock

Drawing Title:
Proposed Floor Plans

Stage: RIBA 3	Status: Planning	Sheet Size: A1
Job Number: 2612	Date: 11.11.2021	Scale: 1:100
2612-05		Revision: B



1 South Elevation
1:100



2 East Elevation
1:100



3 North Elevation
1:100



4 West Elevation
1:100



5 Mill Street Elevation - Proposed
1:100



6 Bexhill Dark - A4009A

7 Clerkenhall Wigston - A5528A

8 Ibstock Enclosed Bat Box 'C'

9 Ibstock Eco-habitat for Swifts

10 RAL 7016 Window Frames/Door Frames/ Balcony

11 RAL 7016 Parapet Coping

12 Black Rainwater Goods

B	Guests deck removed	WB	25.07.23
A	Ridgey windows incorporated	WB	25.04.23
X	PROCT ISSUE	WB	11.11.21
Rev	Details	By/Clk	Date

Copyright of this drawing is vested in J Mason Associates and it must not be copied or reproduced without formal consent. Do not scale off this drawing for construction purposes. All contractors and sub-contractors are responsible for taking and checking all dimensions relative to their work.

NOTE: J Mason Associates is not responsible for any variation between drawings or site conditions.

DO NOT SCALE OFF THIS DRAWING FOR CONSTRUCTION PURPOSES - P IN SOURCE FILE.

Where drawings are based on survey information provided, surveys are available on request.

All drawings to be read in conjunction with all relevant Structural and M&E Engineers drawings and specifications.

HSE HAZARDS:

Significant hazards relative to the architectural design shown on this drawing have been identified and highlighted with measurable risk and cost saving energy systems.

This drawing is to be used in conjunction with all other specifications of work have been checked and recorded with the construction phase (P&C) plan.

It is assumed that all works on this drawing will be carried out by a competent contractor working where appropriate to an approved method statement.

Significant hazards are defined as:-

- Those that likely to be obvious to a competent contractor or other designers.
- Those that are not obvious.
- Those that are difficult to manage effectively.

J Mason Associates

100, The Quadrant, London, E1 1RN
 J Mason Associates
 020 7461 1111
 020 7461 1111

Client:
Mr S Murray

Project:
Redevelopment of former Silks Nightclub Mill Street Cannonock

Drawing Title:
Proposed Elevations

Stage:	Revision:	Draw Size:
RIIBA 3	Planning	A1
Job Number:	Date:	Scale:
2612	11.11.2021	1:100

2612-06 **B**



1 View from Mill Street/Prince Street Junction



2 Viewdown Mill Street



3 View down Prince Street



4 Aerial View

C	Garden deck removed	MB	25.07.23
B	Highway & Landscape comments incorporated.	MB	26.04.22
A	Adjustments to amenity space	MB	01.05.22
X	FIRST ISSUE	MB	13.11.21
Rev	Details	By: CHK	Date:

Copyright of this drawing is vested in J Mason Associates and it must not be copied or reproduced without formal consent. Do not scale off this drawing for construction purposes. All contractors and subcontractors are responsible for taking and checking all dimensions relative to their work.

NOTE: J Mason Associates immediately of any variation between drawings on site conditions.

DO NOT SCALE OFF THIS DRAWING FOR CONSTRUCTION PURPOSES - IF IN DOUBT ASK.

Where drawings are based on survey information received, surveys are available on request.

All drawings to be read in conjunction with all relevant Structural and M&E Engineers drawings and specifications.

HKS HAZARDS:

Significant hazards relative to the architectural design shown on this drawing have been assessed and highlighted with reasonable care and care using a warning triangle system.

This drawing is to be read in conjunction with all other hazards/risks which have been identified and recorded within the construction phase H&S plan.

It is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, to an approved method statement.

Significant hazards are defined as:-

- Those not likely to be obvious to a competent contractor or other designers.
- Those of an unusual nature.
- Those likely to be difficult to manage effectively.

J Mason Associates

www.jmasonassociates.com
 14 Oldfields Road, Cannock, Staffordshire, ST11 1AR
 J Mason Associates
 Registered in England & Wales
 0939070

Client:
Mr S Murray

Project:
Redevelopment of former Silks Nighclub Mill Street Cannock

Drawing Title:
Proposed 3D Views

Stage: RIBA 3	Status: Planning	Sheet Size: A1
Job Number: 2612	Date: 11.11.2021	Scale: 1:100
2612-07		Revision: C

Contact Officer:	Audrey Lewis
Telephone No:	01543 464 528

Planning Control Committee

18 October 2023

Application No:	CH/22/0058
Received:	15-February-2022
Location:	41 Mill Street, Cannock, WS11 0DX
Ward:	Cannock South
Description:	Demolition of existing building to create 15 apartments (1 & 2 bed), associated parking and amenity space
Application Type:	Full Planning Application

This application has been called in for determination at Committee by a local resident who wishes to address Members in support of their objection.

Recommendation:

It is recommended that delegated authority be given to the Head of Economic Development & Planning to grant planning permission, subject to the completion of a S106 legal agreement to secure a contribution to mitigate recreation impacts upon Cannock Chase Special Area of Conservation and for the financial contribution for the provision of off -site affordable housing, and the conditions as detailed below.

Reason(s) for Recommendation:

In accordance with paragraphs (186-187) of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and/or the National Planning Policy Framework.

Conditions (and Reasons for Conditions):

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

Reason:

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

2. The development hereby approved, shall be undertaken in accordance with the external materials detailed within the approved plans.

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. Prior to the development becoming occupied, the proposed sound attenuation measures (Section 5 in the RP Acoustics report of 17 February 2023) shall be implemented in full and maintained in perpetuity.

Reason:

To mitigate potential adverse impacts from noise on residential amenity in line with paragraphs 183-188 of the National Planning Policy Framework.

4. No development shall take place including any works of demolition until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority.

The approved CMP shall be adhered to throughout the construction period. The statement shall provide for:-

- A site compound with associated temporary buildings
- The parking of vehicles of site operatives and visitors
- wheel wash facilities
- Times of deliveries including details of loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Noise and vibration
- Dust Control
- Lighting
- Waste Management
- Traffic Management
- Engagement/Complaint handling with the local community.

Reason:

In the interests of highway safety, in accordance with Local Plan Policy CP3 and paragraph 111 of the NPPF.

5. 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.

6. Any trees or plants which within a period of five years from the date of planting die, are removed or become seriously damaged or diseased, shall be replaced in the following planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason:

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

7. The development hereby permitted shall not be brought into use until the access, parking and turning areas have been provided in a bound and porous material in accordance with 'Proposed Site Plan' 2612-04 Revision F and shall thereafter be retained for the lifetime of the development.

Reason:

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

8. The development hereby permitted shall not be brought into use until the visibility splays shown on the approved plan have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

Reason:

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

9. The development hereby permitted shall not be brought into use until the approved foul and surface water drainage scheme shown in the drawing below has been implemented:-

Proposed Drainage, Catchment Area, and exceedance Flow Layouts (Drawing Number J02236/A1/001 Revision A, 2nd November 2022).

Thereafter the drainage scheme shall be retained and maintained in accordance with the Drainage Maintenance Strategy dated October 2022 by the named maintenance company stated within the document.

During the demolition and construction phase, temporary measures shall be implemented by the Contractor on site to mitigate against the release of surface water runoff and sediment to 3rd party land.

Reason

To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site, in accordance with the requirements of the Local Plan and NPPF.

10. The development hereby approved shall not be occupied until the scheme for the secure two-tier cycle storage as indicated on Dwg.No. 2612 -04 Rev F 'Proposed Site Plan' has been implemented in full.

Thereafter the secure cycle storage shall be retained and maintained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of protecting the air environment in accordance with paragraph 152 of the National Planning Policy Framework.

11. Construction activities and deliveries of construction materials to the site shall not take place outside of the hours of 08:00 hours to 18:00 hours Monday to Friday, 08:00 hours to 13:00 hours on Saturday and at no time on Sundays and Bank Holidays.

Reason

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

12. The scheme for the provision of hedgehog access points as detailed within the Landscape Management Plan Rev B shall be implemented prior to occupation of the development hereby approved. Thereafter, the hedgehog access points shall be retained and maintained for the lifetime of the development.

Reason

In the interests of enhancing improving biodiversity habitat in accordance with Policy CP12 of the Local Plan and paragraphs 174 of the NPPF.

13. The scheme for the provision of Ibstock Enclosed Bat Box 'C' & Ibstock Eco-habitat Swift boxes as detailed within the Proposed Elevations Plan Dwg.No.2612-06 B shall be implemented prior to occupation of the dwellings hereby approved. The biodiversity improvement measures shall thereafter be retained for the lifetime of the development.

Reason

In the interests of enhancing improving biodiversity habitat in accordance with Policy CP12 of the Local Plan and paragraphs 174 of the NPPF.

14. Following completion of landscape establishment, the external landscape environment shall be managed in accordance with the approved Landscape Management, unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

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

Drg No.2612-01 (location plan)

Drg No.2612-02 Rev F (block plan & 25 degree right to light influence)

Drg No.2612-03 Rev D (proposed site plan)

Drg No.2612-04 Rev F (proposed site plan landscaping)

Drg No.2612-05 Rev B (proposed floor plans)

Drg No.2612-06 Rev B (proposed elevations)

Drg No.2612-07 Rev C (proposed 3 D views)

Drg No. J02236/A1/001 Revision A, 2nd November 2022 - Proposed Drainage, Catchment Area, and exceedance Flow Layouts.

Reason

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

Notes to the Developer:

Coal Authority

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

Highways

Please note the works require a Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to vehicle dropped crossings which includes a vehicle dropped crossing information pack and an application form for a dropped crossing. Please complete and send to the address indicated on the application form, which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to nmu@staffordshire.gov.uk)

www.staffordshire.gov.uk/Highways/licences/Vehicle-access/VehicleAccessCrossings.aspx

Severn Trent

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

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Secured By Design

Information is available on the website and should be reviewed by the applicant.

Consultations and Publicity

Internal Consultations

Development Plans and Policy Unit

No objections, subject to SAC & CIL payments being secured via a Section 106/278 if required, in accordance with the Councils policy/guidance.

Travel Management and Safety

No objections to the amended information, subject to the imposition of conditions.

Environmental Protection Officer

No objections to the amended information, subject to imposition of conditions.

Private Sector Housing

No comments received.

Waste and Engineering Services

No comments received.

Strategic Housing

No objection. The applicant has demonstrated that on site affordable housing would not receive support from Registered Providers due to the scale and nature of the development. As such, the applicant should provide a financial contribution for off-site affordable housing provision.

Economic Development

No objections.

CIL Officer

The development would be CIL liable for the sum of £44,369.06 (index linked).

Fire Officer

No comments received.

Landscaping Officer

No objections subject to conditions

External Consultations

Conservation Officer

No objections to the loss of the building, following heritage and viability assessments establishing that the building is not financially viable to be retained.

No objections to the proposed design of the replacement building.

Flood Risk Officer

No objection subject to condition

South Staffs Water

No comments

Severn Trent Water

No objections, subject to condition and informative.

School Organisation

No education contribution required, as there are sufficient number of school places at primary and secondary phases of education to mitigate the impact of the development.

Crime Prevention Officer

No objections, however, recommendations are made to achieve Secure By Design Accreditation.

Natural England

No objection - subject to appropriate mitigation being secured.

Minerals Team

No comments, as the development falls within the requirements of Policy 3 exemptions.

County Archaeologist

No objections, advises to defer to conservation advisor.

Historic Environment Officer

No comments received.

Response to Publicity

The application has been advertised by advert, site notice and neighbour letter. 5 No. letters of representation have been received (4 No. from the same person) on the following grounds:

- The neighbouring resident does not want the windows of the proposed development facing their garden/property.
- The proposal would cause light restriction to the garden of the neighbouring property.
- A new brick wall should be provided instead of the existing low wall (comprising brick pillars/wooden panels) to the boundary with No.6 Price Street.
- The demolition works could cause damage to the property, life, and profits of the adjacent business owner, who states they would claim compensation for any financial losses to the business as a result of the development.

Relevant Planning History

No recent relevant planning history

1 Site and Surroundings

- 1.1 The application site comprises a large, detached building formally known as Silks nightclub, which ceased trading in 2018. The building comprises part two storey (original) and part single storey elements (extensions) with a mixture of flat and pitched roofs and a large expanse of front canopy.
- 1.2 The building comprises a majority of white rendered finish. The building has remained vacant for several years and has fallen into a state of disrepair. The building is of no significant architectural merit.
- 1.3 The application site is located within a prominent corner position at the junction of Mill Street and Price Street, within the Cannock Town Centre boundary on the Local Plan (Part 1) Policies map and near to the Cannock Town Centre Conservation Area and Grade II Listed Buildings at 8, 8a & 10 Mill Street. It is also within a Mineral Safeguarding Area.
- 1.4 On the Price Street frontage, there is an existing dropped kerb, which is located adjacent to the edge of the application building.
- 1.5 The side boundary of a semi-detached house located at No.6 Price Street adjoins the rear boundary of the application property. No.6 has kitchen, bedroom and conservatory windows facing the application site, which are located approximately 4m from the rear boundary of the application site. There is a brick and fence panel boundary between the site and this residential property, comprising 2m high brick pillars and fence panel infills (some of which were missing at the time of site visit).
- 1.5. The nearest property at No.45 Mill Street comprises a C1800 part brick/part render property that has been altered with a ground floor modern shop front and illuminated signage. This property currently operates as a hot food takeaway. The application site also shares part of its rear boundary (beyond No.45 Mill Street) with the service area for the B&M Home Store accessed off Church Street.
- 1.6 There is a modern large two storey building, which operates as a training centre located on the opposite corner of Price Street. Morrison's supermarket and its associated car park is located opposite the site within Mill Street.
- 1.7 There are a mixture of two and three storey properties, red brick, and white/cream colour render finishes within the immediate locale.

2 Proposal

- 2.1 The application seeks site redevelopment to provide 15 No. x 1- and 2-bedroom apartments. The building would comprise two and three storey elements to be located on the Mill Street elevation, where it would step down to two storey height adjacent to the business premises.
- 2.2 The maximum height of the new building would be 10m high (3 storey element) with a flat roof design. The proposed building would comprise a modern contemporary design with red and cream colour brick materials with sections of mid and dark grey panels and fenestration, some of which would incorporate Juliet balconies.

- 2.3 To the rear of the proposed development would be the parking area with provision for 19 No. car parking spaces. This would be accessed from Price Street via an archway in the proposed building. On site covered cycle provision is also proposed adjacent the rear entrance into the building. To the rear would also be amenity space for the occupiers of the proposed building. These comprises of two small areas with one set out with seating. The amenity areas would be landscaped with grass and tree planting with further planting around the main road frontages. A secure bin store and cycle store would be provided.
- 2.4 Biodiversity enhancements are proposed and include inbuilt bird and bat boxes are as well as hedgehog corridors.

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 Part 1 (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030).

Cannock Chase Local Plan Part 1

Relevant policies within the Local Plan include: -

- CP1: - Strategy – the Strategic Approach
- CP3: - Chase Shaping – Design
- CP5: - Social Inclusion and Healthy Living
- CP6:- Housing Land
- CP7 - Housing Choice
- CP10: – Sustainable Transport
- CP12: - Biodiversity and Geodiversity
- CP13: - Cannock Chase Special Area of Conservation (SAC)
- CP15: - Historic Environment
- CP16: - Climate Change and Sustainable Resource Use

3.3 ***Relevant Policies within the Minerals Plan Include:***

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

3.4 **Relevant paragraphs within the NPPF include paragraphs: -**

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

180:	Biodiversity
194, 199, 202	Heritage Assets
218, 219	Implementation

3.5 Other relevant documents include: -

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

4 Determining Issues

4.1 The determining issues for the proposed development include: -

- i) Principle of development
- ii) Design and Impact on the character of the Conservation Area/Listed Buildings
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on nature conservation
- vi) Affordable Housing
- vii) Drainage and flood risk
- viii) Waste and recycling facilities
- ix) Crime and the fear of crime
- x) Mineral safeguarding

4.2 Principle of the Development

4.2.1 Both paragraph 11 of the NPPF (2021) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development. The site does not fall within any designated areas shown on the Local Plan Policies Map.

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

‘For decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay.
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless
 - (i) policies in the Framework that protect areas or assets of particular importance (e.g., Green Belt, AONB, habitats sites) provide a clear reason for refusing the development proposed; or

- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.'

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

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

4.2.4 Other than the above general strategic approach there are no relevant policies within the Local Plan in respect to the approach to be taken with regard to the development of wind-fall sites. As such the proposal falls to be determined in accordance with the tests set out in subsection (d) (i) or (ii) of paragraph 11 of the NPPF show above.

4.2.5 With that in mind it is noted that the application site is not designated as Green Belt, AONB or as a SSSI or SAC, nor does it contain a listed building or conservation area nor is it located with flood zones 2 or 3. However, the proposal has the potential to affect the setting of the Cannock Town Centre Conservation Area and nearby Grade II listed buildings. Therefore, the proposal does engage policies in the Framework that protect the setting of designated heritage assets. This issue will be addressed later in this report.

4.2.6 In other respects the site is located within an existing urban area in Cannock, wherein Policy CP6 identifies that there is an allowance for windfall housing sites to contribute to the District's housing requirements and positive consideration will be given to those which accord with sustainable development principles identified in the NPPF and the strategic approach identified in Policy CP1 and other Local Plan policies as appropriate.

4.2.7 The current building has been out of use as a nightclub for several years. The site is surrounded by a mixture of uses and is well served by bus routes giving access to public transport, walking, and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development.

4.2.8 The proposal would demolish a decaying building of no architectural merit, with a viable robust residential use that would also increase housing supply and choice. As such, it would comply with the thrust of policy requirements in respect to the broad location of developments. The proposal is therefore considered acceptable in principle subject to compliance with policy in respect to the impact on the setting of designated heritage assets.

4.2.9 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 **Impact on the Character of the Area including the Conservation Area/Listed Buildings**

- 4.3.1 The issues in respect to design and the impact on the character and form of the area are intrinsically linked to the impacts on the setting of the nearby Grade II listed building and Conservation Area. In this respect the proposal engages the duty under S66(1) and S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out that 'In considering whether to grant planning permission which affects a listed building or its setting, or conservation area, the local planning authority shall have special regard to the desirability of preserving or enhancing the character or appearance of that area.'
- 4.3.2 It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework at para 195 sets out that the local planning authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 4.3.3 Paras 194-208 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs. The proposal also engages Policy CP15 'Historic Environment' of the Local Plan.
- 4.3.4 In accordance with the requirements of paragraph 195 of the NPPF the applicant has submitted a Heritage Impact Statement and historic maps through which the development of the site, nearby conservation area and setting of the nearby listed buildings can be assessed.
- 4.3.5 This assessment states the building to be demolished is not a designated heritage asset, though it is sited within close proximity to the Town Centre Conservation Area and near to heritage assets and Listed Buildings.
- 4.3.6 An independent Conservation consultant was appointed by the Council to assess the contents of the submitted heritage impact assessment. The consultant found the original (front) part of the building could be classed as a non-designated heritage asset under paragraph 202 of the NPPF, as it was a mid-late 18th century former dwelling, recorded as The Black Horse in the 1860's.
- 4.3.7 Notwithstanding this, it was considered that 41 Mill Street does not fall within the setting of the Conservation Area, as the application site is separated from the Conservation Area by the ring road and intervening buildings. Furthermore, the site is remote from the listed building at No.s 8 & 10 Mill Street, as the Morrison's supermarket and junctions of the multi-lane road provide physical separation.
- 4.3.8 The Conservation Consultant accepted this view but continued that the demolition of the existing historic building had not been adequately justified within the Heritage Impact Statement. In this respect, the applicant submitted a Viability Appraisal carried out by Griffith Land for the proposed redevelopment of the former nightclub. The appraisal found that the building was not financially viable to retain due to the fact that the relatively low sale values of the proposed apartments together with the high building costs and the restrictions that would limit the development of the wider site if the frontage building is retained would

result in a negative value. The proposed three storey apartment block would, however, prove a viable solution to the site.

- 4.3.9 Subsequent to the submission of the applicants Viability Assessment, the Council appointed Dr Golland, an independent consultant, to assess their report. Dr Golland concurred with the findings of the applicants assessment and confirmed the retention of the frontage building would render the site unviable.
- 4.3.10 On balance, it is considered that the replacement building in a similar location is not considered harmful, but beneficial and an enhancement to the visual appearance of the area. The current building is in a poor state of repair, is visually damaging to the area and the replacement building will create a positive impact upon the immediate site and the surrounding town centre.
- 4.3.11 The distance and separation provided by the intervening roads and supermarket between the designated heritage assets to the application site would mean they are not directly affected physically by the redevelopment of the application site.
- 4.3.12 The replacement building, with a similar style of building finishes to the locality, using a mixture of red and cream colour brick and dark grey materials, would not detract from the character of the surrounding area. The proposal is of a simple modern design that would provide variety and complementary contrast in design within the street scene with details appropriate to this location, that would replace a derelict building currently having a negative impact on the Town Centre.
- 4.3.13 It is thus considered, the absence of harm to the setting of the Listed Buildings and Conservation Area, whilst demonstrating the wider public benefits of the proposal that would bring the site back into use by and providing a high quality building for 15 No. homes would conform with the provisions of Section 66(1) & 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and Paragraph 202 of the NPPF and CP15 of the Local Plan.

Design

- 4.3.14 The Conservation Officer had no objections to the proposed development being of a modern and contemporary design. It was stated within the consultation response that:
- 'the design is well-considered and in terms of its contextual relationship with the housing along Prince Street and the scale of existing development along the Mill Street frontage to the south-east, it relates well and is not oversized relative to its context. Materials are varied and reflect the variety of materials within Cannock. The flat roofs are contemporary, but as the site lies outside the historic core, I consider that this enables the scheme to have additional accommodation without having an over-bearing effect on the adjoining properties. It integrates well within its historic context and in my view it fulfils the Local Plan policy CP15.'*
- 4.3.15 Landscaping has been considered as part of the development, which would also enhance the street scene in accordance with Policy CP3 of the Local Plan.
- 4.3.16 As such, it is considered that the proposed building would easily assimilate into the already varied street scene. Having had regard to Policies CP3 and CP15 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 In respect to the impact on amenity, the comments of the neighbouring occupiers are noted. In this respect amended plan information (Drg No.2612-02 Rev F - block plan & 25 degree right to light influence) has been submitted to indicate that the proposal would not cause additional overshadowing, nor reduce receipt of light to the nearest residential property than that of the existing buildings. The nearest windows of the apartments would be located at least 21.3m from the side facing windows of No.6 Price Street. As such, adequate separation distance would be provided in accordance with the adopted Design SPD requirements. In addition, the proposed garden and parking area on Price Road elevation separates the proposed building from the residential property.
- 4.4.2. The building line layout would also respect the existing front-to-front relationship that exists along Price Street.
- 4.4.3 It is therefore considered that the proposal would not cause significant adverse impact on privacy to any residential neighbouring properties.
- 4.4.4 The Environmental Protection Officer has no objection to the proposal and suitable conditions have been imposed to ensure appropriate residential amenity of the potential and surrounding residents is retained.
- 4.4.5 It is therefore considered that the proposal would adequately protect the amenity of existing residents and would result in a good standard of amenity for both future occupiers and the nearby neighbouring residents. As such the proposal would comply with policy requirements of CP3 and the NPPF.

4.5 Impact on Highway Safety

- 4.5.1 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.5.2 Staffordshire County Highway Authority was consulted on the proposal and raised no objections to the proposal in terms of highway safety. The site is located within a sustainable location within Cannock Town Centre and as such it provides excellent access to public transport due to the town's main bus station being opposite. The site is also within walking/cycling distance of the town's main railway station and the scheme would provide a secure cycle store via the gated pedestrian access off Price Street, which would allow sustainable travel options to potential residents of the development.
- 4.5.3 The Highway Officer has recommended imposition of conditions pertaining to construction and cycle parking provision. As such, it is therefore considered that the proposal would not have an adverse impact upon highway safety, and that the level of parking is acceptable at this town centre location paragraph 111 of the NPPF.

4.6 Impact on Nature Conservation Interests/Cannock Chase SAC

- 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 by CIL or S106 agreement. An appropriate Habitats Regulation Assessment has been undertaken as part of the due process.
- 4.6.3 Given the above it is considered that the proposal, would not have a significant adverse impact on nature conservation interests either on, or off, the site. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

4.7 Affordable Housing and other Developer Contributions

- 4.7.1 Under Policy CP2, developments of 15 or more dwellings, 20% is required for affordable housing. The proposed development therefore has a requirement for 3 affordable units. However, the applicant has provided evidence that, due to the scale and nature of the development, a Registered Provider would not be interested in taking on such units. Your Strategic Housing Officer has assessed the evidence submitted and accepts that a Registered Provider would not be forthcoming. In light of the lack of deliverability for the affordable units, a financial contribution for off-site affordable housing provision should instead be secured via a s106.

4.8 Drainage and Flood Risk

- 4.8.1 The site is located in a Flood Zone 1 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 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 and is considered acceptable.

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 proposal indicates provision of a communal bin storage area, which would be screened by the proposed building from the street and located adjacent to the vehicular entrance to the courtyard area.

4.9.3 As such, it is considered that the proposal would conform with Local Plan Policy CP16 and the NPPF.

4.10 **Ground Conditions and Contamination**

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

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

4.11 **Crime and the Fear of Crime**

4.11.1 There have been no concerns raised relating to the proposal being perceived as leading to an increase in anti-social behaviour and crime.

4.11.2 The Crime Prevention Officer has no objection to the proposal and makes recommendations for the scheme to achieve SBD Accreditation. These will be attached as an informative to any permission granted bringing to the applicant's attention the advice of the crime prevention officer.

4.12 **Other Issues Raised by Objectors**

4.12.2 The issue relating to potential damage to property/life/loss of profit margins are not material planning considerations. If damage occurs from redevelopment, then this would be a civil matter between the relevant parties involved.

4.12.3 With regards to the issue raised regarding neighbour preference for provision of a new boundary wall, the scheme has to be considered as submitted based on its current merits. A low brick wall with pillars and fencing infill panels already exists to which the landscaping officer has raised no concerns or made any recommendation for its replacement. It would therefore be unreasonable to impose this requirement upon the applicant as there is no planning purpose for them to provide a new boundary treatment in this location. The neighbour could construct a new boundary treatment within their property if they required (subject to planning permission if required).

5 Human Rights Act 1998 and Equality Act 2010

Human Rights Act 1998

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

Equality Act 2010

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

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

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

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

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

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

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

6 Conclusion

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 It is therefore recommended that the application be approved subject to completion of a S106 for SAC mitigation and provision of a financial contribution for off-site affordable housing, then approval with conditions.



Application: CH/23/0286

Location: 22 Williamson Avenue, Prospect Village,
Cannock

Item No. 6.87

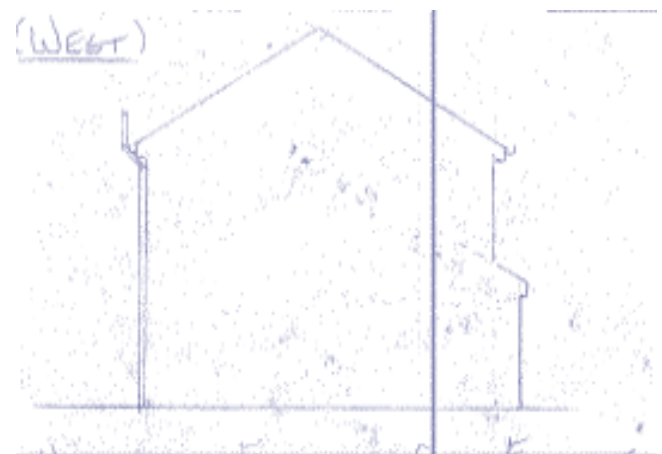
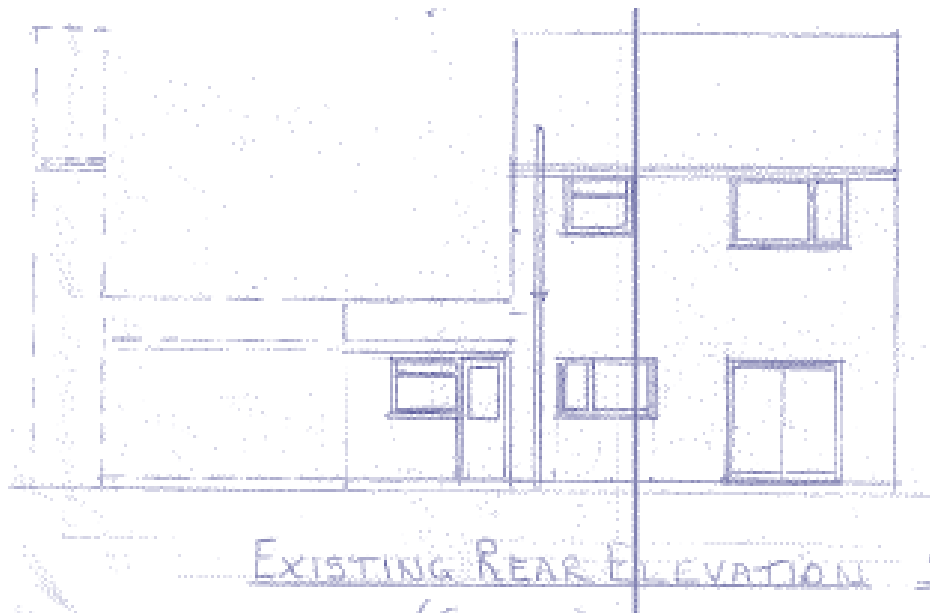


Location plan



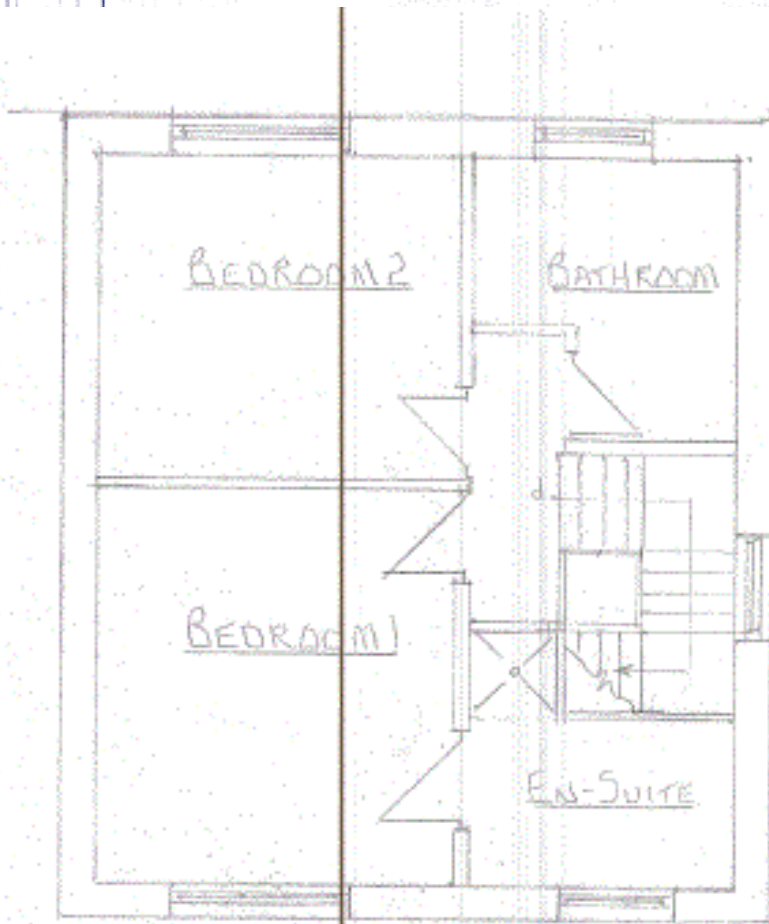
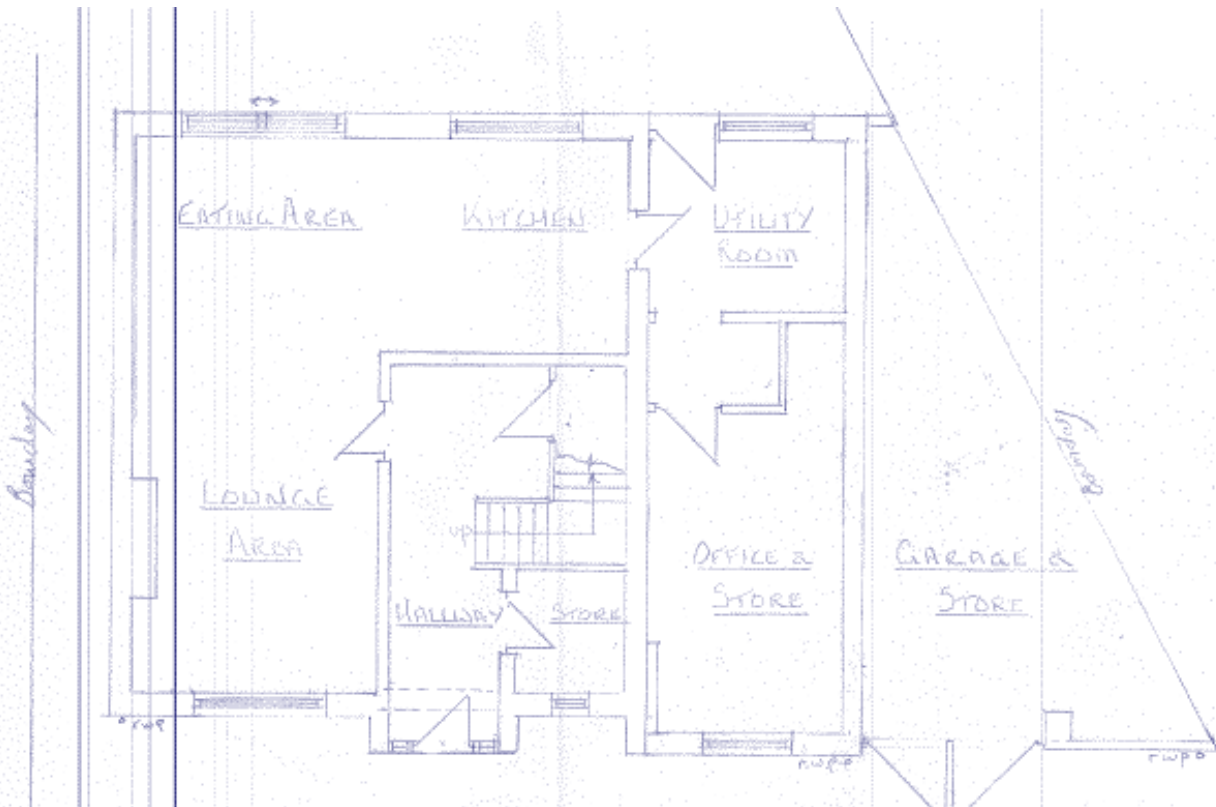
Existing Elevations

Item No. 6.88



Existing Plans

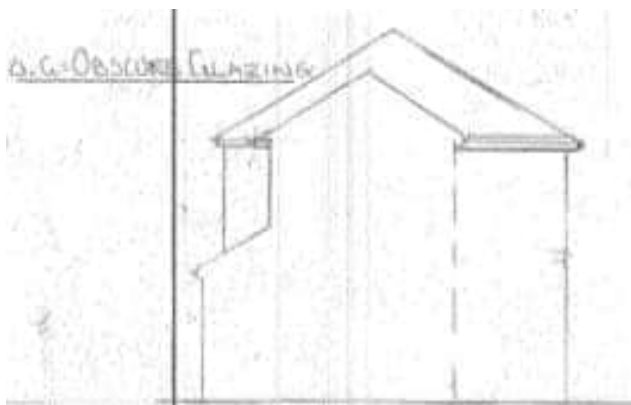
Item No. 6.89



EXISTING FIRST FLOOR PLAN Scale 1:50

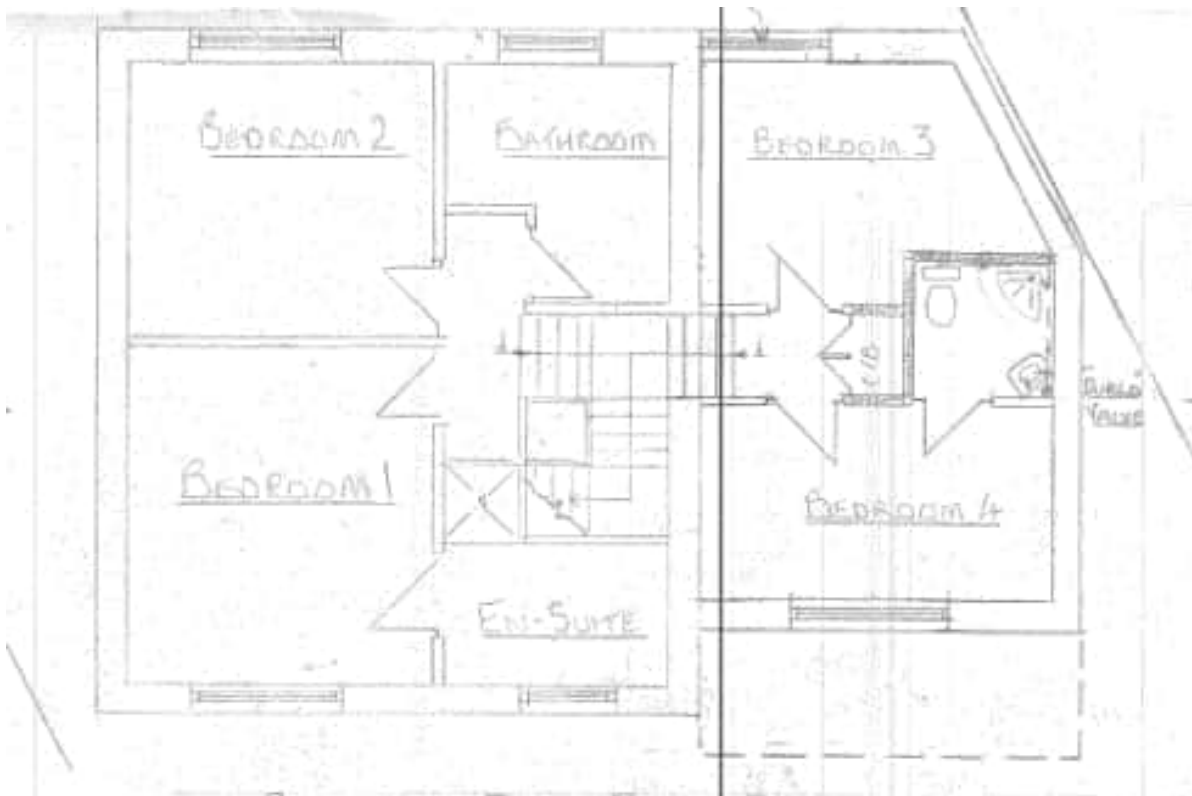
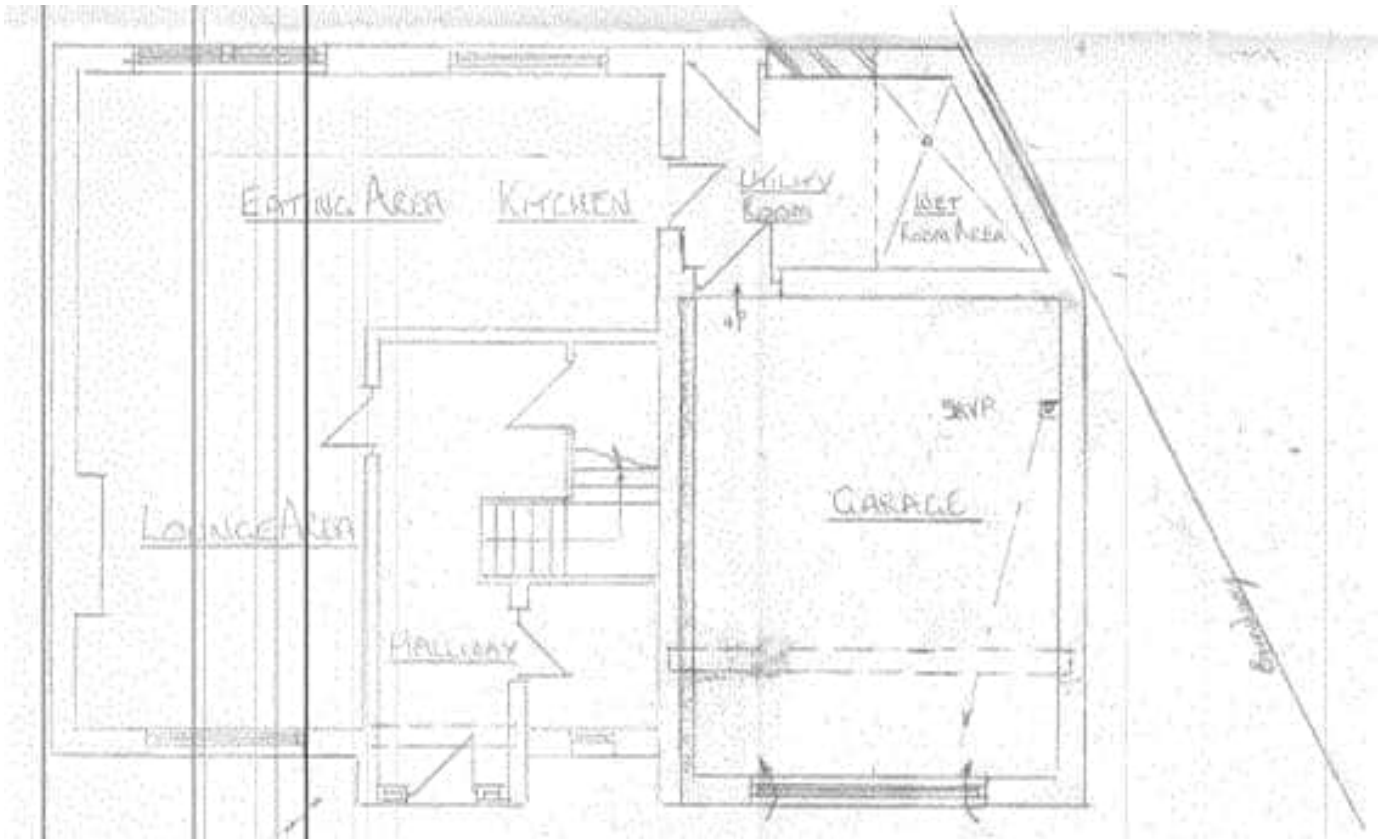
Proposed Elevations

Item No. 6.90



Proposed Floor Plans

Item No. 6.91



Contact Officer:	Amy Jackson
Telephone No:	(01543) 464 577

<p>Planning Control Committee 18 October 2023</p>

Application No:	CH/23/0286
Received:	28 th July 2023
Location:	22 Williamson Avenue, Prospect Village, Cannock, Staffordshire WS12 0QF
Ward:	Rawnsley
Description:	Proposed two storey side extension to form a garage, utility room, 2 additional bedrooms and an ensuite following demolition of existing garage/store
Application Type:	Full Planning Application

This application is being presented to Planning Committee as a neighbour wishes to speak in support of their objection.

Recommendation: Approval subject to conditions

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions)

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

Reason:

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

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

Reason:

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

3. The development hereby permitted shall not be occupied until the window indicated on the approved plan are obscure glazed. Thereafter the window will be retained and maintained as such for the life of the development.

Reason

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

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

Site Plan - b90c/uk/941778/1270476

Proposed Plans & Elevations - SchemeNo. 3/23

Reason:

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

Notes to the Developer:

Coal Authority

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

Consultations and Publicity

External Consultations

Travel and Management Safety

No objection.

Internal Consultations

Environmental Health

No comments.

Response to Publicity

The application has been neighbour letter. One letter of representation has been received raising the following concerns:

- Regarding access to exterior wall to perform maintenance works to their property.
- The foundation work will encroach onto their property.
- Their detached property would no longer appear as a detached property due to the proposed two storey extension being so close to the boundary to the rear, impacting house sale price.
- Potential noise due to proximity of extension at the rear.

- Existing ground floor garage and store is a temporary building; therefore, no foundations were needed when constructing this. Concerns that this permanent structure would negatively impact the foundations of their property, as the area is susceptible to subsidence.

Relevant Planning History

None relevant.

1 Site and Surroundings

- 1.1. The application site is comprised of a semi-detached two storey dwelling located in the rural area of Prospect Village and sits on the corner of Williamson Avenue and Longstaff Avenue.
- 1.2. The application site comprises a detached dwelling set behind a short frontage with a hard standing driveway and grassed lawn either side. There is a single storey porch and garage to the right of the dwelling which is angled towards right of the property. There is a private garden to the rear of the dwelling.
- 1.3. The wider street scene of Williamson Avenue consists of houses of a similar scale and design. There is a large open space to the front of the property which includes a children's play area.
- 1.4. The site is located within a Mineral Consultation Area, including Coal Fireclay, and is considered to be in a low-risk area by the Coal Authority. The site lies within an Environment Agency landfill and Site Investigation Boundary. The site is in the Local Plan 2014 Settlement boundary of Prospect Village.

2 Proposal

- 2.1. The applicant is seeking consent for a two-storey side extension to form a garage, utility room, 2 additional bedrooms and an ensuite following demolition of existing garage/store.
- 2.2. The proposed extension would be sited on the west side of the property. The proposed extension would be approx. 5.2m in width to the front and approx. 3.4m to the rear. The proposed extension would be finished with materials and roof styles to match the existing.

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 Part 1 (2014), and the Minerals Local Plan for Staffordshire (2015 – 2030).

3.3 Cannock Chase Local Plan Part 1

CP1: - Strategy – the Strategic Approach

CP3: - Chase Shaping – Design

3.4 Minerals Local Plan for Staffordshire

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

3.5 Relevant paragraphs within the NPPF

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
111:	Highway Safety and Capacity
126, 130, 132, 134:	Achieving Well-Designed Places
174, 180:	Biodiversity
183, 184, 185:	Ground conditions and pollution
218, 219	Implementation

3.9 Other relevant documents include: -

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

4 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) Ground Conditions

4.2 Principle of the Development

4.2.1 The proposal is for the extension of an existing residential property that is sited within a residential location. As such, the proposal for a side extension to an existing dwelling would meet the thrust of Local Plan Policy CP1 and be acceptable in principle.

4.2.2 However, proposals that are acceptable in principle are still subject to all other policy tests. The next sections of this report will consider the proposal in the light

of those policy tests and determine what harms or benefits arise from the proposal.

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

- 4.3.1. In this respect the application site is located within a residential location wherein there are a variety of residential properties that already benefit from some degree of extension / alteration.
- 4.3.2. The proposed extension would appear subservient to the existing main dwelling, due to the 1m set back of the first floor and the low ridge height of the roof. The proposed materials and roof styles would match those of the existing dwelling.
- 4.3.3. Therefore, having had regard to Policies CP3 and CP14 of the Local Plan and the appropriate sections of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings and would successfully integrate with existing features of amenity value 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. The nearest neighbours to the application site are 24 Williamson Avenue which shares the western boundary and 47 Longstaff Avenue which shares the eastern boundary. 45B Longstaff Avenue is located to the rear of the application site.
- 4.4.2. The main issues in this case are the potential for overlooking, loss of light to neighbouring dwellings and whether the proposal would appear overbearing. In this instance, the proposal complies with the Space About Dwelling Standards as set out within the Design SPD which seeks to protect neighbouring occupiers.
- 4.4.3. In terms of 45B Longstaff Avenue, there would be approx. 15m between the proposed extension and the neighbouring amenity area. There is an intervening fence and hedgerows, delineating the boundary between the two properties. The proposed rear window would be finished with obscure glazing, however, in any case, due to the orientation of the property, this window would not directly face this neighbouring property. For the reasons above, the proposal would not result in significant loss of privacy or be overbearing to the occupiers of this adjacent dwelling.
- 4.4.4. Due to the siting and orientation of the host dwelling, there would be no significant detrimental impact to the occupiers of No. 47 Longstaff who would be separated from the proposed extension by the host dwelling itself.
- 4.4.5. In regard to No. 24 Williamson Ave, the proposed two storey extension would be constructed to the immediate side of this dwelling, in place of an existing garage structure and wall. The proposed extension would not exceed the length of the existing rear elevation and therefore the proposal would not result in loss of light for 47 Longstaff Avenue, as the rear elevation for this property projects further back than the proposal.
- 4.4.6. The window in the rear elevation of the first floor would be angled slightly towards the rear garden of No.24 due to the orientation of the two properties. In this instance, the proposed window would be obscure glazed to ensure privacy is retained for the adjacent occupiers.

4.4.7. Concerns regarding potential noise nuisance have been raised by the objector due to the proximity of the rear of the extension. Environmental Health Officers were consulted regarding this application and raised no concerns regarding noise. In addition, as the proposal is a householder extension to an existing dwelling, it is not assessed that any significant additional noise would occur over and above that which already exists.

4.4.8. Given the above, the proposed extensions are considered to accord with the requirements of Policy CP3 of the Cannock Chase Local Plan and they meet the requirements of the Council's Design SPD.

4.5 **Impact on Highway Safety**

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

4.5.2 In this instance the proposal would result in additional bedrooms, resulting in four bedrooms in total. There is, however, sufficient parking provision for three car spaces within the curtilage of the site, therefore the proposal remains compliant with the Council's parking requirements. The Highway Authority was consulted on the application and raised no objections to the proposal.

4.5.3 Given the above, in this instance, the proposed development would not result in an unacceptable impact on highway safety and as such would accord with paragraph 111 of the NPPF.

4.6 **Mineral Safeguarding**

4.6.1 Part of the site falls within a Mineral Safeguarding Area (MSAs). Paragraph 212, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), aim to protect mineral resources from sterilisation by other forms of development.

4.6.2 The development would fall under Item 1 within the exemption list as an application for householder development and is therefore permitted. As such the proposal is compliant with Policy 3 of the Minerals Local Plan.

4.7. **Ground Conditions and Contamination**

4.7.1 The comments from the objector in regard to subsidence are noted. Environmental Health Officers were consulted on the application and raised no concern in this respect. Furthermore, the site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application, and it is advised that any risk can be managed by the attachment of an advisory note to any permission granted.

4.8 **Objections received not already addressed above.**

4.8.1. An objection was raised regarding the house sale price. Officers confirm that this is not a material consideration for the determination of this planning application.

4.8.2. An objection expressed concerns in respect of the proximity of the extension to his dwelling resulting in his property no longer appearing as detached. However, there would be approx. 3m between the front elevation of the proposed extension and the neighbouring property and whilst the proposed extension would be nearer to the neighbouring dwelling to the rear of the proposed extension due to the irregular shape of the boundary, it would not be attached.

4.8.3. **Access to east elevation for viewing and maintenance.**

This would be a civil matter between the applicant and the objector. It is noted however that the existing structure already exists up to the boundary albeit single storey level. It is further noted that the adjacent property currently would not be able to maintain their side elevation given that this is sited along the shared boundary and any use of the application site by the objector for maintenance purposes could be considered as trespass.

5 Human Rights Act 1998 and Equality Act 2010

Human Rights Act 1998

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

Equality Act 2010

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

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

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

6 Conclusion

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