



Application No: CH/20/075

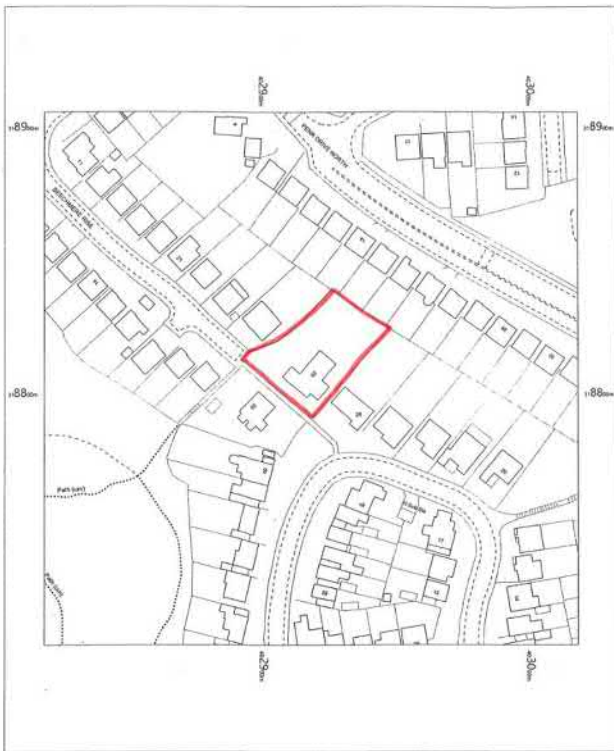
Location: Blue Cedars, 29, Beechmere Rise, Etchinghill, Rugeley, WS15 2XR

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

Item no. 6.



Location and Site Plan



LOCATION PLAN 1/1250

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

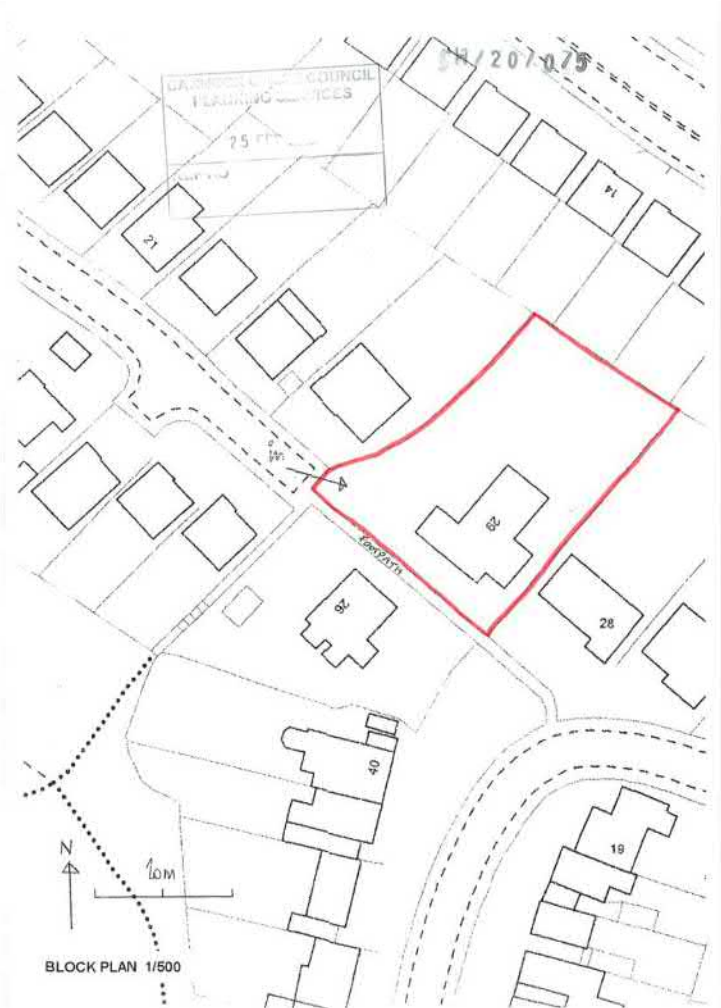
OS MasterMap 1:250/150/10000 scale
Wednesday, February 12, 2020, ID: BW1-00659750
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1:1250 scale print at A4, Centre: 402919 E, 318807 N

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BLOCK PLAN 1/500

Existing Plans and Elevations

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

PLANNING APPLICATION DRAWING ONLY

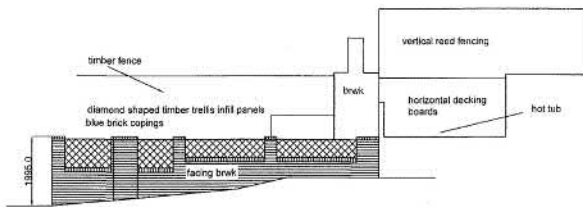


ELEVATION A (IE FROM REAR GARDENS TO NORTH-EAST OF APPLICATION SITE)

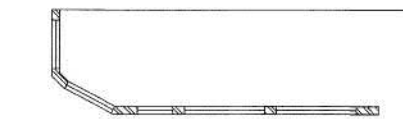


SECTION 1-1

CH/20/015

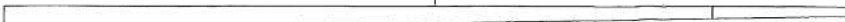


ELEVATION D



PLAN OF RAISED PATIO ON SOUTH-EAST WALL

approx line of front of dwelling



ELEVATION E (IE DRIVE RETAINING WALL)

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

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

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

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

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PROJECT:- VARIOUS LANDSCAPING ALTERATIONS (FRONT, SIDE & RAISED REAR TERRACE INCLUDING FENCING)

ADDRESS:- 29 BEECHMERE RISE, RUGELEY, STAFFS

CLIENT:- MR. A GITTINS

Drwg. No:- 1486 1 (existing)

Date:- January 2020

Scale/s:- 1/100

Amendments:-

Architectural Services

Heather Bank, Huntsman's Hill
Upper London, Staffs WS15 1QE

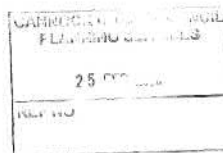
Telephone 01543 491205
Mobile 07854 143976

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Chartered Institute of
Architectural Technologists

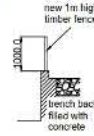
Sole practitioner:- David Yarnall, MCAT
Chartered Architectural Technologist
Member of the Chartered Institute of Architectural Technologists



Proposed Plans and Elevations

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

PLANNING APPLICATION DRAWING ONLY



SECTION 1-1

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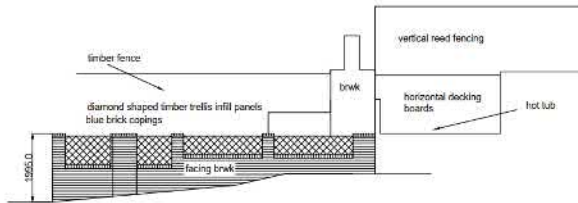
WHERE POSSIBLE, ALL ELEMENTS OF THE STRUCTURE SHOULD BE MANUFACTURED TO CURRENT BRITISH AND/OR EUROPEAN STANDARDS, INCLUDING BSA.

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

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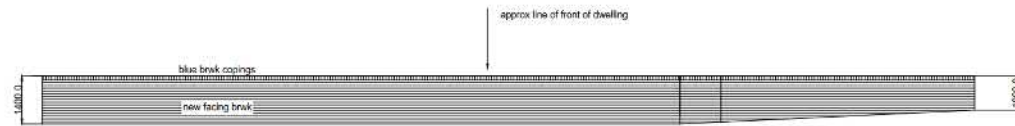
ELEVATION A (IE FROM REAR GARDENS TO NORTH-EAST OF APPLICATION SITE)



ELEVATION D



PLAN OF RAISED PATIO ON SOUTH-EAST WALL



ELEVATION E (IE DRIVE RETAINING WALL)

PROJECT: VARIOUS LANDSCAPING ALTERATIONS (FRONT, SIDE & RAISED REAR TERRACE INCLUDING FENCE)

ADDRESS: 29 BEECHMERE RISE, RUGELEY, STAFFS

CLIENT: MR. A. GITTINS

Drwg. No.: 1489.2A (proposed)

Date: November 2020

Scale/s: 1/100

Amendments:
A various planning amendments

Architectural Services

Heather Bank, Hurdsmans Hill,
Upper Longdon, Staffs WS15 1QE

Telephone 01543 491205

Mobile 07854 143978

e-mail davidardpsrvs@gmail.com



**Chartered Institute of
Architectural Technologists**

Sole practitioner: David Yamal, MCIAT
Chartered Architectural Technologist
Member of the Chartered Institute of Architectural Technologists

Contact Officer: Audrey Lewis**Telephone No:** 01543 464528**Planning Control Committee****24 March 2021****Application No:** CH/20/075**Received:** 04-Mar-2020**Location:** Blue Cedars, 29, Beechmere Rise, Etchinghill, Rugeley, WS15 2XR**Parish:** Rugeley**Ward:** Etching Hill and the Heath**Description:** Retention of brick and panel fence, decking, and reed fence, widening of driveway including associated construction of retaining walls, and erection of boundary wall and fence to NE boundary (Part Retrospective)**Application Type:** Full Planning Application**Recommendations:** Approve Subject to Conditions

Background: This application was referred to Planning Committee on 27 January 2021 when it was resolved to defer to allow the applicant the opportunity to provide a construction management plan (CMP) for remediation works of the rear wall adjacent to the gardens of Penk Drive North. The CMP has been made available for further consultation with the Council's Structural Engineer, neighbouring residents and Town Council. This has been done and has not altered the overall assessment of this application.

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions):

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

Reason

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

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

Reason

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

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

Reason

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

4. Remediation of the boundary wall located to the North Eastern boundary shall be undertaken within 3 months of the date of this permission, in accordance with the structural engineer report dated Aug 2020 received 10 December 2020. The Structural Engineer shall undertake a final inspection to confirm in writing to the Local Planning Authority that the works have been carried out in accordance with the Construction Method Statement dated 5 February 2021.

Reason:

To ensure the stability and integrity of the land is retained, in accordance with paragraph 179 of the NPPF.

5. Notwithstanding the submitted plans, the development hereby permitted shall be carried out in accordance with the following approved plans and pertains only to that as described by the 'propoosal':

Drg No.s

Location & block plan

18-080-01b (Existing Site Plan)

18-080-20-05a (Proposed arden layout design)

1489.2A (Proposed Elevations)

Structural Design & Calculations dated Aug 2020 received 10 December 2020.

Boundary wall assessment dated 26 January 2021.

Construction Method Statement dated 5 February 2021.

Planning Statement October 2020.

Reason

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

Notes to the Developer:

The contractor shall allow each concrete pour to cure for a minimum period of 24 hours before installing the next 150mm layer.

Coal Standing Advice:

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

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Consultations and Publicity

External Consultations

Rugeley Town Council (24 May 2020)

Councillors objected to both of the applications relating to this site. There had been concern raised by a number of neighbours to the property. Main areas of concern were around:

- 1) It was considered that there had been no material change since the previous application was refused.
- 2) The boundary/supporting wall to the Penk Drive North properties and to the Beechmere Rise neighbour were not deemed sufficient to hold back the earth being moved to raise the land levels.
- 3) Fear of safety for residents living below was very real with the amount of soil being retained.
- 4) The properties on Penk Drive North would now have a high wall in their back gardens rather than a slope of land.
- 5) Loss of privacy for all neighbours by raising the land levels.
- 6) Concern at possible land grab and development on land not owned by the owners.

Rugeley Town Council (10 December 2020)

The Town Council held an extraordinary Planning Committee meeting to consider the above applications. Four residents attended the meeting which was held via zoom and is available to view on the town councils Facebook page. Following discussion, the Town Council would like to OBJECT to the planning application for the following reasons:

- Amended plans do not show anything dramatically different.
- Lots of work has been undertaken without planning permission.
- Wall already constructed appears not to be of appropriate quality – no foundation, no bracing, bricks are cracking.
- Workmen have entered neighbours land without permission.
- Backfilling of soil behind the wall is causing the wall to move.
- Wall was built using shuttering rather than appropriate footings.
- Residents have maintained the land for years and understood it was unadopted land.
- Applicant has assumed ownership of the unadopted land for personal purposes of levelling the garden.
- Maintenance of the wall already constructed has not taken place.
- No care or consideration to neighbours affected.
- Wall is sitting some 7 feet high to residents on Penk Drive North.
- Oppressive feeling caused by height of the proposed wall
- Work already undertaken has remove the natural boundary to the properties on Penk Drive North
- Decimation of a natural wildlife corridor has taken place on land whose ownership is disputed.
- In order that the issues associated with the proposed development can be fully understood, Rugeley Town Council would further request that Cllrs on the Planning Cabinet should visit the site ensuring that they have access to the rear gardens of houses on Penk Drive which are directly affected by the development. Only by visiting these properties can the full extent of the proposed work be fully appreciated.

Structural Engineer (7 December 2020)

1. Proposed 1.4m high Retaining Wall to the South West of the Site.

- a) I have checked the site plans and proposed sections 5 - 5 and 6 – 6 for the site and I agree that the difference in levels between the driveway to 29, Beechmere Rise and the lower level of the 2 metre wide section of sloping ground adjacent to the public footpath will be approximately 1.4 metres.
- b) The calculation sheets A4868/6 to A4868/15 have been prepared for a retaining wall with a maximum stem height equal to 1.4 metres. However,

as shown on the section drawings within the calculations the base of the retaining wall is to be covered with a 300mm depth of makeup and finishes to the driveway/footpath adjacent to No 29 Beechmere Rise. As such the actual height of the retaining wall which is required will be $1.4\text{m} + 0.3\text{m} = 1.7\text{m}$. Therefore I am of the opinion that the structural calculations underestimate the stem height of the required retaining wall by 300mm.

- c) In my opinion there is a reasonable chance that the section sizes specified for the retaining wall base and wall stem will be capable of supporting the loads applied by the extra 300mm of fill material behind the wall. Nevertheless I recommend that the structural calculations should be revised to confirm this opinion.

2. Proposed 1m high Retaining Wall to the South West of the Site

- a) Calculation sheets A4868/16 to A4868/25 have been prepared for a retaining wall with a maximum stem height equal to 1.0 metres. However, as shown on the section drawings within the calculations the base of the retaining wall is to be covered with a 300mm depth of makeup and finishes to the footpath adjacent to No 29 Beechmere Rise. Therefore the actual height of the retaining wall stem which is required will be $1.0\text{m} + 0.3\text{m} = 1.3\text{m}$. As such I am of the opinion that the structural calculations underestimate the stem height of the required retaining wall by 300mm.
- b) Again I am of the opinion there is a reasonable chance that the section sizes specified for the retaining wall base and wall stem will be capable of supporting the loads applied by the extra 300mm of fill material behind the wall. Nevertheless I recommend that the structural calculations should be revised to confirm this opinion.
- c) The proposed site plan drawing BLS - 18-080-20-05a indicates the new 1.0m high retaining wall being built tight up to the edge of the existing footpath. However, as shown on calculation sheet A4868/16A the base of the retaining wall will be up to 1.5m lower than the level of the footpath. Therefore unless the proposed line of the retaining wall is moved away from the footpath it will be inevitable that it will be undermined and hence some reinstatement of the footpath will be required.

3. Remedial Works to Existing Retaining Wall.

- a) I agree with the recommendation to backfill behind the existing blockwork retaining wall with mass concrete installed in maximum 150mm layers. However, I recommend that a note should be added to instruct the contractor to allow each concrete pour to cure for a minimum period of 24 hours before installing the next 150mm layer.

Structural Engineer (9 December 2020)

I confirm that I have reviewed the revised structural calculation sheets A4868/1B to 25 B prepared by AJS Structural Design Ltd. Following this review I am satisfied that the calculations now agree with the proposed heights for the 1.0m and 1.4m high retaining walls and that the specified section sizes for these two retaining walls are satisfactory. Therefore I have no further comments to make.

Structural Engineer (15 February 2021)

I have read the two documents which were attached to your email and I can confirm that I have no objections to the proposed remedial works specified in the Method Statement produced by AJS Structural Design Ltd. My only recommendation would be to request that AJS undertake a further inspection to confirm that the works have been carried out in accordance with their Method Statement.

Internal Consultations

None undertaken.

Response to Publicity

The application has been advertised by site notice and neighbour letter. Re-consultations have been undertaken on the amended plans. Representations from 6 No. neighbouring households have been received on the following grounds:-

- Pleased to see that alterations have been made to the proposal for a brick wall to run alongside the public pathway, in so much as part of it is to be set back on the owners land, From personal experience (professional) a brick walkway alongside a narrow public footpath creates a more hostile environment. If there was someone attacked in a walkway like this, they stand more chance of being able to escape by breaking a wooden fence down than a brick wall.
- On the original planning application it indicated that no trees/bushes would be removed, which was untrue and the gap at the rear of my garden has left us with little privacy, so we erected a 2m high screen to help with this.
- Recording of the application is confusing with the large number of documents.
- A number of the Structural Design Sketches and statements are inaccurate. Detailed commentary provided with diagrams and photos to indicate specific failings (32 pages are included within neighbour objection).
- Trespass has occurred into neighbouring gardens to attempt patch repair to the cracked & buckling rear retaining wall.
- The structural design details state that there should be a void area to be kept free from debris to prevent land slip, this is not being adhered to.

- The backfilling of the rear retaining wall will create a plinth that will form a walkway that will allow increased overlooking.
- How will maintenance occur to the rear wall from the neighbouring side.
- The rear bank that was formerly covered in brambles formed a buffer to prevent overlooking.
- Who owns the land behind Penk Drive North?
- Detriment to privacy.
- Height of the wall.
- Health and safety to neighbouring properties, in the event of the wall failing.
- The boundary wall looks to have been built on land that does not belong to the applicant, but on waste land between Beechmere Rise and Penk Drive North rear gardens.
- To build the wall, damage has already been done to the existing conifer trees which have been significantly pruned back and therefore thinned out and then the wall built right up against them. A few wooden struts have also been wedged between my conifer trees and the wall in order to support the wall, but in doing so causing damage to the trees.
- The pruning of the conifer trees was not declared on either of the above planning applications, but this work is clearly visible in the pictures submitted in the application documents.
- The proposed adding of timber posts to add further support to the block wall doesn't look possible due to how close to the trees the wall has already been built and I worry this option will cause further damage to the trees.
- The wall has been built on top of rubble added to the waste land behind the trees and therefore starts from a higher ground level than the trees. From the base of the trees (the original land level where the wall is) the top of the wall is currently 6ft 7inches (200cms) at the rear left of my garden and rising to 7ft (213cms) at the rear right side. Therefore, proposing to build significantly above this level further and to then add a high fence on top will create an extremely imposing and oppressive feature that will tower over the end of the Penk Drive North rear gardens and will even be seen from the road on Penk Drive North between the houses.
- The proposed increased height of the wall and additional fence will cut out a lot of light and skyline to the south facing Penk Drive North rear gardens and will cast shade over the gardens on sunnier days.
- The reduction in light to the conifers would then cause them further damage or deterioration.
- In what used to be wasteland between the rear gardens of Beechmere Rise and Penk Drive North, there used to be some tall trees, along with lots of plants and wildlife. We used to notice foxes, hedgehogs and squirrels in the gardens frequently, but since the trees were felled and the vegetation removed, these are now a very rare sight. The wasteland also used to

- contain lots of large buddleia plants and it was always nice to see how many butterflies and bees these attracted to the gardens.
- 29 Beechmere Rise is obviously much higher up Etching Hill than the adjacent properties on Penk Drive North, however this was never an issue partly thanks to the vegetation and trees that used to be on the wasteland between providing adequate cover, but the main reason is due to the fact that the rear garden of 29 Beechmere Rise used to be set back and the end of the garden defined with a low picket fence. Due to severity of the upwards sloping gradient of the wasteland between the gardens, it would be impossible to extend/increase the length of the rear garden of 29 Beechmere Rise at the same level (as proposed), without having to build and backfill significantly (which comes with its own structural issues identified) and create anything that doesn't resemble a prison wall to its surrounding neighbours.
 - Extending the length or usable length of the rear garden at 29 Beechmere Rise will naturally bring its occupants further down their garden and this will reduce the privacy to the gardens of Penk Drive North and also increase the noise levels, as I'm afraid it would feel like the occupants are almost on top of us
 - As stated in previous correspondence, this wall was commenced in 2018 without planning permission. It has been built on land that was previously deemed no man's land. To my knowledge neighbours in Penk Drive North have never been made aware that the owners of 29 Beechmere had made any claim to this land.
 - The builders encroached on the gardens of neighbours in Penk Drive when laying flimsy shuttering before laying a concrete base. The wall is now showing signs of cracking. In the comments in the letter from AJS Structural Engineers, dated 27th July 2020, it states that there was "no buckling or cracking that was visible, however inspection of the front face of the wall was limited due to close proximity of trees and no safe access to this area being present." This confirms how high the wall is from the angle of Penk Drive North and also that a proper inspection of it could not be made in order to see the cracks that are evident from Penk Drive North. I am not sure why inspection hasn't been requested from the angle of Penk Drive.
 - AJS have suggested in their letter to the occupier of 29 that the void between the sandstone face and the wall could be filled with concrete in order to reduce excessive pressure on the retaining wall. They also state that "due to the length of the wall they anticipate movement to take place due to freeze thaw in winter months and heat expansion during the summer." They then go on to say they "advise to allow cracking to happen and locally repair these with Helifix crack-stitching bars when they occur." Does this not confirm that the wall is dangerous. As the void from No 29 is

to be filled with concrete, how is it proposed these repairs are undertaken. I feel this could only be done from the gardens of Penk Drive due to the close proximity of the wall to Penk Drive boundaries. I cannot see how this is acceptable.

- The view of the wall from the gardens in Penk Drive is not aesthetically pleasing, see attached photo Fig 3 included in AJS letter. The second photo is the view that is seen from Penk Drive.
- The state of the wall from the Penk Drive view is high and oppressive, it is already showing signs of cracking. If it cracks does this not indicate risk of falling into the gardens of Penk Drive. From leafy haven as indicated by CCDC Local Plan to concrete jungle springs to mind.
- Before planning was applied for, changes were made to the levels of the landscape around No 29 in 2018 that I feel are deemed the norm currently. Therefore I do not believe a fair representation of the changes is being made to planners.
- I would add, that on looking at the plans on the website, it is, evident that both applications have been merged into one, which results in unclear impact of what is applied for. I would also point out that levels were raised, pre-planning permission, around the boundary with 27 Beechmere which is now described as sandstone rock and which is in fact soil moved from the top of the site and placed on the original ground height. The whole area around gardens in Penk Drive North and number 27 Beechmere has been stripped of any natural screening, with levels being raised and an ugly and dangerous wall built, which will tower above the properties in Penk Drive North. This will not provide any privacy only an oppressive overlooking from No 29 which sits above our properties.
- The amended wall plan submitted as PREPARED IN ACCORDANCE WITH THE RELEVANT PARTS OF THE FOLLOWING CODES OF PRACTICE:- BS 6399 LOADINGS FOR BUILDINGS BS 8110 STRUCTURAL USE OF CONCRETE BS 8002 EARTH RETAINING STRUCTURES refers only to the wall adjacent to the public footpath. However, there are no such detailed structural plans provided for the wall at the end of the garden, which is adjacent to Penk Drive North and the boundary next to my garden. Such plans should be essential considering the steep gradient of the land on this and adjacent properties.
- The Schematic Section Showing Proposed Concrete Infill for the wall at bottom of the garden adjacent to Penk Drive North and the boundary with to my garden, indicates that the land by the fence is a sandstone rock face. However, this is not case; it is gross false claim. The ground here is composed of soil, which was moved from the top part of the garden, brought onto the site and placed on top of the original ground height – under which, there may possibly be a sandstone base. I would draw attention again to the fact that the level of the ground has been raised

significantly, at least 2m+ and was done without any planning application being made.

- Photographs submitted previously, (with last my objections) clearly show the increase in height of soil in that part of the garden. In consequence, the stability of the wall (for which they do not have planning permission and on to which they intend to build on further) must be suspect, because all debris and run-off water runs down to these boundaries.
- There are concerns over potential breaches of said walls as, although a proposed concrete ditch will lie low between the raised clay mound of soil (not a sandstone rock face as specified on the amended plans) and the flimsy wall constructed in 2018.
- The boundary fence at the end of my garden, which I installed three years ago, has already suffered damage because of this wall.
- As in the above point with regard to the hugely increased height, the amended plan does not give any indication of the steep gradient of the properties in Penk Drive North– this proposed increase in a boundary would be grossly overpowering – and if not structurally sound – dangerous.
- If there isn't a solid base there, even if there were a solid base, with current weather conditions this could cause a landslide.
- I reiterate that all planning application submitted after the ground level was raised, assumed that this increased ground level to be the original ground level. In the original planning objections CH/18/313 and CH/18/314 photographs of the property's original ground levels are depicted and photographs showing comparison of the increase in ground levels, i.e.. when the current occupier purchased the property.
- These new amended plans do not indicate the oppressive impact the raised ground levels will have on my garden. In the photographs in this application it is clear to see how high the ground will be next to the height of my fence (currently half the height of my fence). It does it show how oppressive the overshadowing produced by a further boundary fence, placed on top of this wall, will have on my garden.
- Following the increase in ground level done without planning permission, and the walls adjacent to Penk Drive North and the boundary next to my garden, also built without planning permission, have resulted in the loss of privacy of my bedrooms. Should both be kept, the privacy of my bedrooms will be compromised permanently. I was informed in 2018, that Local Authority (CCDC) had requested for the levels to be returned to their original state, before any submission of planning application. This didn't happen, a small amount of soil was moved back up to the top of the garden - nothing close to the quantity which had brought from the top of the garden, or had being brought to site.
- The property already has a substantial drive, which caters for eight cars. The proposed turning space and extension of the drive would bring it

nearer to my property's dining terrace. Fumes and noise from the number of cars currently visiting the property is oppressive, this will only increase, if planning is permitted.

- Along with increase in drive size, building a pillared gateway and the building of a brick boundary wall next to the public footpath will have a bleak overpowering negative impact. The huge copper tree that crowned the entrance to the property and stood out as a main street feature has already been cut down along with other shrubs and trees on the property. The whole nature of the area will be radically altered. The CCDC Local Plan indicates this part of Etchingill as green and leafy area – it is 2-minute walk to the top of the Etchingill Rock – the result of using so much manmade materials go against its aspirations. There will be no increase in accommodation, just destruction of a quiet cul de sac - with the removal so much soft landscape and the reverberation sound related to the extension of a brick landscape.
- The property already has approved planning permission (CH/18/187) to raise the height of the roof and add Dormer windows. With approval of these additional applications, the property will vastly over-power the street and neighbouring properties.

Re-consultation Responses (March 2021)

- No one from Planning or Blue Cedars surveyors has assessed the wall from our aspect garden on Penk Drive North. I cannot understand why councillors have been told they are not allowed to visit due to Covid restrictions. Even though Richard Sunter made a site visit and then also sent structural engineers around when he became concerned about the integrity of the wall. Our home is Covid safe no person would have to touch a gate or fence or anything. We have side access so no one would have to go through our home.
- The wall was built by trespass on to our property. Damage was done to our property as a result of the trespass.
- The land levels were not returned to the original levels when directed by CCDC Planning Department, which is evidenced by photos submitted by a neighbour of the land before and construction took place.
- The contour mound at the end of the original terrace are the remnants of the mound ramp created to enable wheeling soil down from the top of the site to the bottom. Although the mound lowered it was not removed - i.e. there wasn't a mound there before construction started.

- Tons of material (soil) was brought on to the site (photographs submitted to the Planning officer showing skip bags of soil). However, none of this was removed - some soil was placed into black bags and placed at the front of the property next to the drive - still in situ. But this small amount does not reflect the large tonnage brought on to site.
- The original steps (sleepers) by the side of the original terrace were left in place when the 'base' for the extended terrace was built and they clearly show that the original height of the land is lower than the raised land the other side of the 'base.'
- Neighbours repeatedly stated in objections and in person to the planning officer that the land had not been returned to original levels.
- The land was surveyed after the land had been raised and therefore do not show correct readings of the land before work began. This document was only added to the planning portal shortly before RTC meeting 17th February. Therefore no neighbour or councillors would have had sight of it.
- The case presented to the CCDC Planning committee was in favour of the application and the serious objections overlooked. In the papers submitted to the councillors, those objections were low on the list.
- The two applications were intermingled making it difficult to comprehend what was being applied for in each application and this was evident during councillor discussion. The planning officers present the applications as complex - this need not have been the case had the 2 applications remained separate. Councillors seemed perplexed and confused as discussions application CH/20/074 included items from CH/20/075.
- Councillors asked for a site visit including Councillor Fitzgerald who felt it only right to judge how overbearing it was - but this was rejected due to Covid restrictions.
- The wall's footing need to be corrected - which would mean coming on to our property.

In the report by MS Structural it states:-

'From inspection of the work from high ground behind the wall, it was evident this was not currently acting as a retaining wall due to having no earth directly behind the rear face.'

The footings are retaining soil back at present as the footings were made on top of the existing land levels and not dug into the ground.

'There was no evidence of the wall buckling out of plane or cracking that was visible. However, inspection of to the front face of the wall was limited due to the close proximity of trees and no safe access to this area being present.'

There is clear evidence of the wall cracking and they have accessed it from our side, there are photos that have been submitted also.

'We would recommend that the rock face be scraped free of any loose debris. Maintenance would have to be undertaken annually to remove any debris within the void to prevent this from building up and loading the rear face of the wall'.

Once the application has been made who will be there to ensure that the wall is to be maintained and that it will not collapse.

'Weepholes will need to be installed along the full length of the wall at centres matching the existing. A removal of a block at the base of the wall will suffice.'

Installing weepholes will only increase the amount of water falling onto our property. What are we supposed to do to stop excessive water falling onto our property? Build a soakaway? This was never a problem before with all the bushes and trees on the site beforehand. They will also get blocked overtime. Also as the foundations have been built on top of soft soil and there being a large slope water will erode the soil and wash it away leaving the wall and foundations floating. Water freezing under here will cause premature cracking and could potentially cause the wall to fail over time.

'A further option would be to fill the void between the wall and cleaned sandstone face with concrete in 150mm high lifts to reduce excessive force on the retaining wall. This will exclude the need for future maintenance being required and weepholes being installed. If this option is to be undertaken, at the ends of the wall where the blockwork returns, earth can be place behind the concrete infill to build up levels in these areas.'

This will make the wall even more oppressive as there then will be a walkway 1.7m above us right next to the boundary line. Also if this is not a retaining wall then what is the need to back fill it with concrete? Is this wall then not retaining x amount of concrete?

Although the existing fence was higher it was further away and in between there were bushes and trees so we never felt overlooked.

Finally:

- If the wall is not a retaining wall then what is retaining all the new soil brought onto the property?
- Who will ensure that there is no soil build up behind the wall. There is still soil build up around the footings as the footings were built up on top of the land and not dug into. This is evident on the number of holes that have been dug to find the footings.
- Why is there a need for the wall? Will this be filled in with concrete or soil to act as a walkway above our back garden? A fence would suffice.
- The wall is over bearing as it is in its present state and with the proposed increase in height and fence with a walkway along side it will make extremely oppressive.
- Very little has changed from the previous submission and CH/18/314 was rejected on grounds of the oppressive nature of the wall and the close proximity of the boundary. Nothing here has changed.
- What is the difference between the two applications? Does anyone know? Is there a summary showing this? All the documents in one are repeated in the other.
- Our side is a complete and utter mess left behind from when the wall was built without planning permission are we expected to live with it like this?
- From Penk Dive's aspect there is no change to the comments made in the refusal of CH/18/314.
- I have issues that need to be raised regarding the building works carried out. The foundations have not been dug into the ground and are sitting on top soft soil. I have concerns that what people are being told are misleading.

The further report From Applicant's Structural Engineer Survey undertaken on 26 January 2021 states the following:

'Discussions with the builder were undertaken while on site who confirmed during excavation of the foundations, there were areas of the foundation with formation on outcropping rock and some areas on soft ground. The builder introduced reinforcement into the foundations to span these soft spots with the addition of a large pad foundation to the Eastern end of the wall to support the foundation'.

Where and what are the reinforcements into the foundation the builder has said he has introduced? Who can prove this?

If this wall was constructed before planning permission was granted the council would see the build in stages and sign off at each stage. How can this

be done now as it has already been built. Who knows exactly how this has been constructed?

'With the information provided by the builder and our site observations, the foundation can be considered to act as a ground beam spanning soft spots in the bearing strata to firm outcropping rock formations.

The boundary wall still appears to be in a sound serviceable condition with the exception of the shrinkage cracking noted in our original report and provided the recommendations of this report and our original report are undertaken and the wall remains as a boundary wall with concrete backfill behind to the face of the outcropping rock should remain so for the foreseeable future.'

I do not believe there has been enough investigation to find out where are the soft spots are on this build and reinforcements as we know that there were no foundations dug and it was just shuttered and poured.

The backfilling of this wall will make it extremely overbearing and oppressive this is like in a normal garden situation your neighbour having a walkway along the top of your fence. How can this planning application be granted why if this is not a retaining wall can it not be a fence.

A material consideration is design/appearance/materials. The wall proposed is of almost industrial proportions and does not fit in to this area of natural beauty. If it forms a boundary, why does it need to be an ugly wall. Why can't the wall be removed and natural screening be reintroduced as before. This would also be better for the wildlife we used to see.

As things are being eased somewhat with the Covid situation, would it not be possible to deter a decisions on this application until a site visit is possible. I think this is important, especially from the perspective of the residents in Penk Drive North who will have to put up with the consequences of the proposals in this application if the plans are passed. Without a site visit to observe the impact the wall will have on residents in Penk Drive, I do not see how a fair decision can be made in passing the plans.

Relevant Planning History

CH/20/074:- Alterations to land levels including formation of enlarged driveway/turning area, formation of seating area, provision of steps to lower level and landscaping and removal of partially constructed raised terrace – currently under consideration at the same Committee meeting.

CH/18/313:- Driveway alterations and retaining walls. Full - Refusal 23/07/2019 for the following reason:

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

CH/18/314: - Rear boundary retaining wall - proposal to clad with close boarded fence panels. Full- Refusal 23/07/2019 for the following reason:

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

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

CH/08/0150: -Amendment to approved scheme CH/07/0389 to change front dormer design and one additional rear dormer and change doors and juliet balcony to window in side elevation (Retrospective application). Refused 18th April 2008 for the following reasons:

"The use of white UPVC cladding and mineral felt roofing on all dormer windows provides a strident and obtrusive feature in the street scene to the detriment of the locality, contrary to paragraphs (i) (ii) and (iii) of Policy B8 of the Adopted Local Plan." The development was allowed at appeal on the 22nd September 2008.

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

1 Site and Surroundings

- 1.1 Number 29 is a detached dormer bungalow sited at the east end of Beechmere Rise and in an elevated position above the properties to the north - Penk Drive North. The application is within the defined settlement boundary for Rugeley and an established residential area.
- 1.2 The property is a 1970's brick chalet bungalow with a basement currently used as a garage. The application site is approximately rectangular in shape and slopes steeply from south to north. The existing dwelling has a north-south orientation as the plot and is sited on the southern - highest - part of the site. Due to the large change in ground levels the basement to the bungalow forms a garage with access sweeping around from the access at the top of the site. There are 1.8m high fences to the side boundaries, but due to the change in ground levels the boundary fence has a staggered profile.
- 1.3 Adjacent to the southern boundary is a public footpath and on the opposite side of this a neighbouring property of similar age and design, the nearest point of the dwelling of which is at 10.5m.
- 1.4 Adjacent to the north western common boundary, is then No. 27 Beechmere Rise. The closest distance to the dwelling at No27 and the application dwelling is 15m to the southern wing of the application property which increases to 18m to the main parts of both dwellings.
- 1.5 The nearest distance to the northern boundary and dwellings access from Penk Drive North, to the north of the application site, is 37m. These dwellings are at significantly lower ground levels with rear habitable room windows and rear gardens facing the rear of the application property.
- 1.6 The application site is unallocated and undesignated within the Cannock Chase Local Plan (Part 1). The application site is located within a Mineral Safeguarding Area and is also within the Coal Authority Low Risk Boundary.

2 Proposal

- 2.1 The applicant is seeking (Part Retrospective consent for:
 - Retention of brick and panel fence, decked area and reed fence (retrospective) adjacent to the south western boundary of the site.
 - Widening of driveway including associated construction of retaining walls adjacent to the south western boundary of the site.
 - Rear retaining wall to NE boundary (retrospective) including the proposed new 1m high fence above the wall to a maximum height of

2.45m. Drawing number 1489.2A is annotated to indicate that this would comprise close boarded fence when viewed from the north east view from Penk Drive North. Remediation measures to be undertaken with concrete backfilling as per the structural engineer report.

2.2 The application has been amended since submission to:

- Provide additional structural calculations
- Omission of the raised terrace area and the winding pathway

2.3 Since the last applications in 2018, the following changes have been made:

- Provision of a lowered seating area and extension of garden, replacing a larger seating area that previously existed.
- Provision of steps down to lower level replacing original steps.
- Creation of a rockery.
- Enlargement of driveway/turning area to facilitate turning of vehicles within the site.
- Provision of landscaping to north western site boundary.
- Widening of driveway parallel with south western boundary and provision of new boundary wall.
- Provision of existing and proposed section drawings to show extent of levels alterations proposed.

3 Planning Policy

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

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

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

3.2 – Minerals Plan

3.3 National Planning Policy Framework

3.4 The NPPF (2019) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it

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

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

3.6 Relevant paragraphs within the NPPF include paragraphs: -

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

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

Manual for Streets

4 Determining Issues

4.1 The determining issues for the proposed development include:-

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

4.2 Principle of the Development

4.2.1 The site is located on unallocated land and contains an existing dwelling house. The proposal is for alterations to a domestic garden in the built up area of Rugeley and is therefore acceptable in principle subject to the considerations set out below:

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

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

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

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

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

Planning policies and decisions should ensure that developments:

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

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

- 4.3.5 Although the site is located within an established, wholly residential area the most significant component of the site and its immediate area is that it is on a pronounced slope. The dwellings in Beechmere Rise have rear gardens, which slope downwards along their lengths and across their widths from east to west. The gardens are landscaped with mature tree screening and shrubs with small areas of stepped patios forming the majority of the surface treatments. Boundary treatments comprise standard height closed board fencing, stepped to follow differing ground levels combined with conifer and deciduous trees and hedges. The gardens situated below the application site in Penk Drive North are also predominantly covered in mature landscaping comprising trees and shrubs.
- 4.3.6 Since the consideration of the previous applications, additional screening boundary treatment has been erected by one of the rear residents and conifer hedge growth has also occurred increasing the height, behind the rear retaining wall. However, a break in the conifer hedge screen to the rear of the application site remains to part of the rear boundary.
- 4.3.7 The proposed increased retaining wall structures, combined with the other retaining wall proposed by CH/20/074 has resulted in the loss of mature conifer hedging, trees and other lawned areas with a consequent increase in hard boundary/ surface treatments. This undoubtedly has had some impact on the visual amenity of the site. However, the front gardens along Beechmere Rise are characterised by extensive areas of hardstanding and drives and in this respect, as seen from the public realm the proposal would not significantly detract from the character of the streetscene.
- 4.3.8 Furthermore, although the site is in a poor state (as a result of the ground raising works) this could be mitigated by the use of an appropriately worded condition requiring a full landscaping scheme requiring restoration of grass areas augmented by appropriate tree and shrub planting.
- 4.3.9 Subject to such a condition it is considered that the proposal would not be contrary to Policy CP3 of the Cannock Chase Local Plan.

4.4 Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties".
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.

- 4.4.3 There have been several objections received to the ground levels changes and rear wall to the north eastern boundary on the grounds of impact upon residential amenity.
- 4.4.4 Given the above it is noted that like in many areas where there are substantial slopes there will always be some degree of overlooking from one site to another.
- 4.4.5 The proposal has raised the height of the rear boundary treatment and ground levels at the application site, which already sits higher than No.27 Beechmere Rise and much higher than the dwellings located in Penk Drive North.
- 4.4.6 Some ground works were temporary in order to facilitate access by a digger to the bottom of the site in order to construct the trench where the boundary wall is located. Following these works the land has been graded back to levels that provide comparative levels of overlooking to that of the original.
- 4.4.7 The addition of the 1m high fence above the existing rear wall to the north eastern boundary would prevent overlooking to occur to dwellings in Penk Drive North from the end of the garden, when a person stands immediately adjacent to the fence. It would be mostly screened from Penk Drive North by additional screening boundary treatment that has been erected by one of the rear residents and conifer hedge growth that has also occurred since the last applications were made. It is therefore considered that this would be acceptable in terms of the amenity and privacy relative to dwellings located at the rear in Penk Drive North. With regard to overlooking of No 27 Beechmere Rise, this aspect is considered under the separate application, which also proposes a higher side common boundary fence to a height of 2m, measured from the applicant's ground level. As such, it is considered that the refusal reason pertaining to this aspect of CH/18/314 has been sufficiently overcome.
- 4.4.8 The proposals pertaining to the retention of brick and panel fence, decking, and reed fence, widening of driveway including associated construction of retaining walls have not raised specific neighbour objections. It is considered they would not cause significant impact in terms of residential amenity.
- 4.4.9 In this respect, it is considered that the proposal would maintain a high standard of residential amenity, in accordance with Policy CP3 of the Cannock Chase Local Plan and the NPPF.

4.5 Impact on Highway Safety

- 4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on

highway safety, or the residual cumulative impacts on the road network would be severe.

4.5.2 The proposal would have a neutral impact upon highway safety. As such, it would not have an adverse impact upon highway or pedestrian safety, in accordance with paragraph 109 of the NPPF and the Parking SPD.

4.6 Other Issues Raised by Objectors

4.6.1 Land Stability

4.6.2 The neighbouring residents have raised concerns in relation to land stability regarding the proposed wall that has been constructed along the north eastern boundary shared with the properties on Penk Drive North. These are provided in detail in the “representations” part of the report and are therefore not repeated here but nevertheless taken into account.

4.6.3 The application originally proposed the retention of a blockwork wall that had been erected along the north eastern boundary of the application site boundary shared with the properties on Penk Drive North. In response to these concerns officers requested that the applicant submit structural calculations to demonstrate that the wall would have sufficient strength to act as a retaining wall.

4.6.4 Structural calculations prepared by AJS Structural Design Ltd on behalf of the applicant were subsequently submitted. These have been subject to an independent appraisal by SLP Consultants appointed by the Council to provide technical advice on this issue. On the advice of SLP the structural calculations have been revised since submission and again reassessed by SLP, who has confirmed that they are now satisfactory subject to appropriate remedial measures being undertaken.

4.6.4 The applicant’s structural engineer recommends that the remediation measures necessary include the following: -

- The wall should be locally taken down where movement joints are to be reintroduced.
- Cracking to front face of the boundary wall should be stitch repaired and made good.
- Clear all overgrowth and loose debris behind the wall and scrape free moss and other vegetation from rock face, to prepare it for concrete pour.
- Install dpm to rear of blockwork wall.

- If fence posts are to be embedded into concrete, position them at this stage and secure in position so they are plumb. Centre of posts to be dictated by manufacturer's fence and panel sizes.
- Concrete to be poured in no more than 150mm layers. 24 hours should be left between each pour to provide enough curing time for sufficient strength before next pour commences. Vibrate each layer of concrete to ensure no air pockets are present. Roughen the top of each layer to form suitable key to bond the following layer of concrete.
- Once all layers have been poured concrete should be left to cure to full strength and shall be undertaken using a concrete backfill method in accordance with the recommendations of the structural engineer report. The other retaining wall to the south western boundary side will also be undertaken in accordance with the requirements of the structural engineer report. As such the proposal would ensure the integrity of the land in accordance with Local Plan Policy and NPPF requirements.

4.6.5 The above being the case it is understood by officers that the retaining strength of the resultant structure would be primarily provided by the concrete poured in behind the blockwork wall and not the wall itself.

4.6.6 Furthermore, SLP have advised officers that they 'have no objections to the proposed remedial works specified in the Method Statement produced by AJS Structural Design Ltd' adding that their 'only recommendation would be to request that AJS undertake a further inspection to confirm that the works have been carried out in accordance with their Method Statement'.

4.6.7 Officers are therefore of the opinion that subject to the attached conditions to ensure that the remediation work is carried out that the proposal is acceptable in respect to ground conditions.

4.7 Land Ownership

4.7.1 Members will be aware that at the previous meeting when this application was discussed issues of land ownership were raised which disputed the applicant's assertion that the land within the application, as defined in outline by a red line on the application documents were in the ownership of the applicant.

4.7.2 Notwithstanding the above the agent for the applicant has completed Certificate A and has confirmed that the proposed development does not include land outside of the applicant's ownership.

4.7.3 It is advised that it is not for the local planning authority to adjudicate in matters of land ownership. Such issues are for the court to decide. Where

claims of ownership are disputed it is the responsibility of the local planning authority to bring this to the attention of the applicant and provide the applicant with an opportunity to amend details should the applicant chose to do so. If the applicant states that he wishes to progress the application without modification then that is as far as the local planning authority should take the issue.

- 4.7.4 If a third party wishes to continue the dispute then they must seek redress in the courts for any damages and expenses caused.
- 4.7.5 Given that the applicant has been made aware of the dispute about land ownership and has confirmed that they wish to continue with the application that is far as the local planning authority can take the matter.

5 Minerals Safeguarding

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

Human Rights Act 1998

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

Equalities Act 2010

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

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

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

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

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

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

6.0 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.

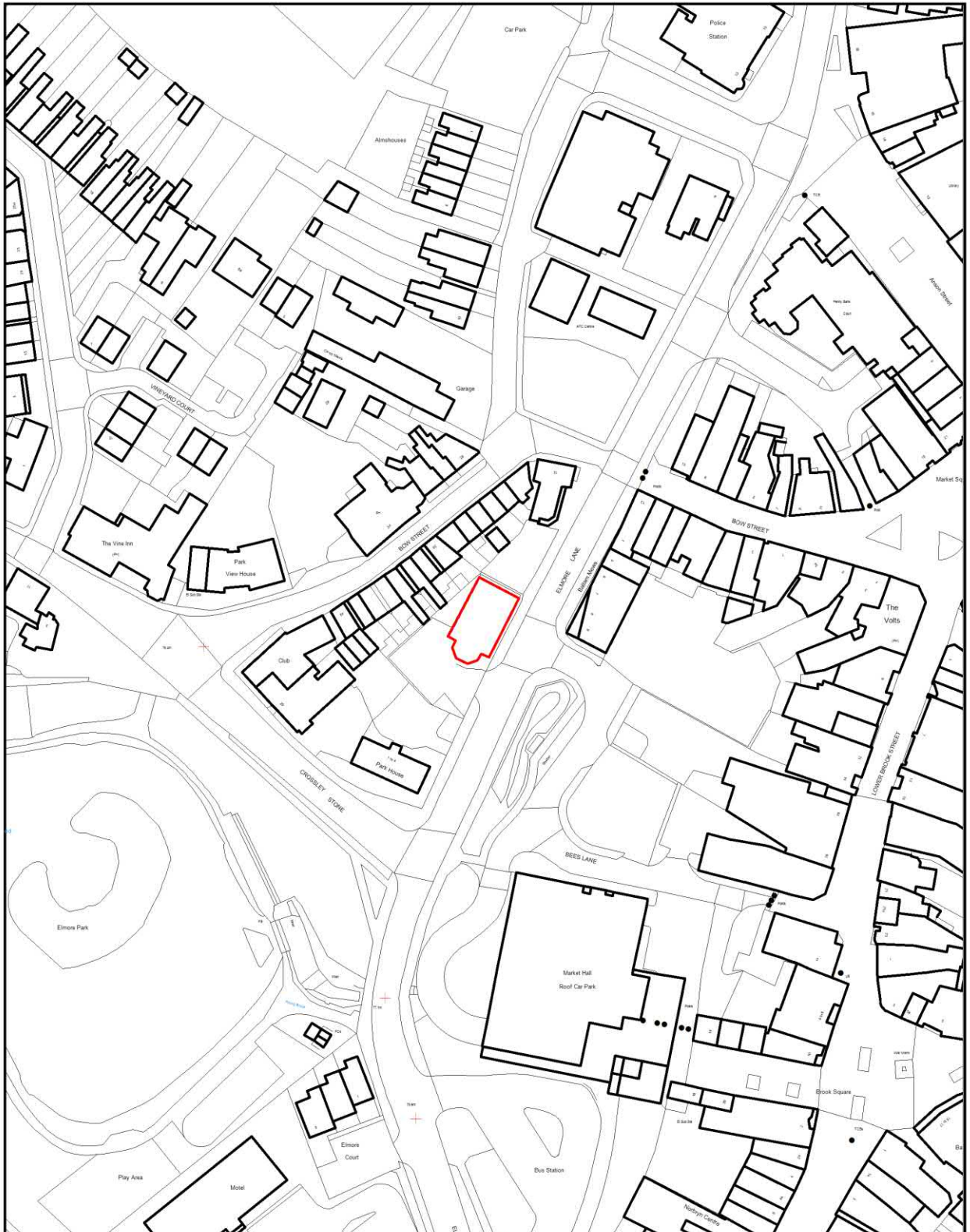


Application No: CH/20/378

Location: Shop at 2 Elmore Lane, Rugeley, WS15 2DL

Proposal: Advertisement application - (illuminated/non illuminated signs) 3 x Fascia, 4 x F/ACM, 6xACM panels, 4 x Poster cases.

Item no. 6.34



Location and Site Plan

Location / Block Plan

ONE STOP STORES LTD
2 Elmore Lane, Rugeley, Staffordshire, WS15 2DL



Scale Bar 1:1250 @ A3
0 10 20 30 40 50 60 70

Scale Bar 1:250 @ A3
0 5 10 15 20



10 Barnes Wallis Rd, Farnham,
Surrey GU14 7TT
Tel: 023 8033 3311
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Email: info@innovatesigns.co.uk

Client	One Stop Stores	Title	Proposal	Rev		Date		Description		Drw By	
Site Name	Rugeley, Elmore Lane	Date	28/01/2021	Rev	C	Date	10/12/20	Add Fascias - store name - Henley Group		IW	
Epos Code	6490	Scale	Do Not Scale	Rev	D	Date	14/12/20	Fascia A		IW	
Proj Type	Franchise	Drawn	IW	Rev	E	Date	05/01/21	Name to HENLEY'S, internal 'brick' to store		IW	
PM	JG	Drwg No	F	Rev	F	Date	28/01/21	Costa Coffee		IW	

This drawing is for approval purposes.
Please note all details shown in this drawing
are for information only and are not intended
to be used for construction. All work must be
approved by the relevant authority.
Sign Project Manager: This approval is based on the
information provided and does not constitute a
guarantee of any kind. The contractor is responsible
for ensuring all work is carried out in accordance
with the approved drawings and specifications.

Proposed Elevations

Proposed Site Signage	Category	Material
Proposed Site Signage	Category	Mid Affluence

ITEM 1 - FASCIA See specification page for detail. A. size: 11,930mm x 600mm x 75mm B. size: 3,485mm x 800mm x 75mm C. size: 3,645mm x 800mm x 75mm D. size: 1,805mm x 800mm x 75mm E. size: 1,245mm x 800mm x 75mm	ITEM 2 - FJACM Extruded aluminium paratrim frame Finished RAL 7016 with digitally printed ACM panel. A. size: 1120mm x 2140mm B. size: 720mm x 2140mm C. size: 1120mm x 2140mm D. size: 1300mm x 2140mm Includes 20mm fixing bracket top / bottom	ITEM 3 - ACM PANEL Aluminium composite panels with digitally printed image to face of the panel. A. size: 2484mm x 2320mm B. size: 2505mm x 2320mm C. size: 2330mm x 2370mm Subject to survey	ITEM 4 - MANIFESTATION Push / Pull and Window manifestation size: to suit area	ITEM 5 - POSTER CASES Lockable poster cases, anodised silver - 4 off size: 575mm x 830mm	ITEM 6 - WINDOW VINYL Digitally printed window graphic externally applied to glazing. Full height graphics are required to block view to back of counter, cigarette gantry area, and back of house areas. Half height graphics are required to block view to back of shelving and refrigeration units, and remainder of graphics are safety and site id related. A. size: 400mm x 2320mm
--	--	---	---	---	---



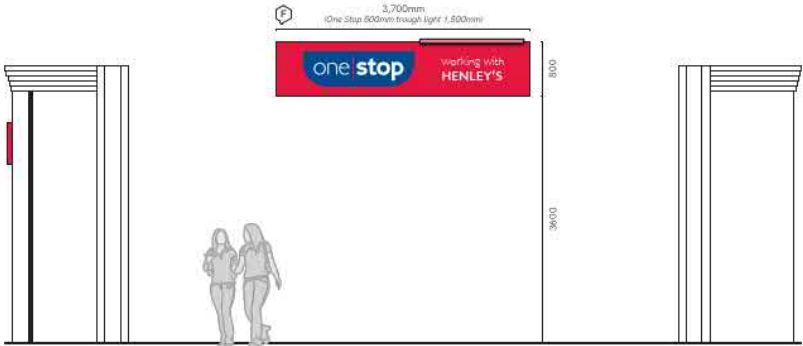
KEY: ● ACM Panel ● ACM/VW ● FJACM ● PETG ● Window Vinyl - External ● Window Vinyl - Internal

<p>implementing your brand</p> <p>18 Barnes Wallis Rd, Farnham, Hampshire GU14 5TT Tel: 023 8033 3311 Web: www.innovatesigns.co.uk Email: info@innovatesigns.co.uk</p>	Client	One Stop Stores	Title	Proposal	Rev	Date	Description	Drw By	<p>This drawing is for approval purposes. Please note all details subject to the customer's existing signage and signage order and confirmation of site approval to be provided. Signage Project Manager: Once approval is received all dimensions based on the approved drawing. Any changes made after construction has begun will incur an additional cost.</p>
	Site Name	Rugeley, Elmore Lane	Date	28/01/2021	C	10/12/20	Add Fascias - store name : Henley Group	IW	
	Epos Code	6490	Scale	Do Not Scale	D	14/12/20	Fascia A	IW	
	Proj Type	Franchise	Drawn	IW	E	05/01/21	Name to HENLEY'S, internal 'brick' to store	IW	
	PM	JG	Drwg No.	F	F	28/01/21	Costa Coffee	IW	

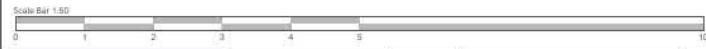
Proposed Elevations

Proposed Site Signage Grocery - Mid Affluence

ITEM 1 - FASCIA
See specification page for detail.
F, size: 3,700mm x 800mm x 75mm



Side Elevation (right) - Scale 1:50@A3



- KEY: ● ACM Panel ● ACM/VW ● F/ACM ● PETG ● Window Vinyl - External ● Window Vinyl - Internal



19 Berners Walk, Faversham,
Kent, ME13 9TT
Tel: 020 8033 2111
Web: www.innovatesigns.co.uk
Email: info@innovatesigns.co.uk

Client	One Stop Stores	Title	Proposal	Rev	Date	Description	Drw By
Site Name	Rugeley, Elmore Lane	Date	28/01/2021	C	10/12/20	Add Fascias - store name : Henley Group	IW
Epos Code	6490	Scale	Do Not Scale	D	14/12/20	Fascia A	IW
Proj Type	Franchise	Drawn	IW	E	05/01/21	Name to HENLEY'S, internal 'brick' to store	IW
PM	JG	Drwg No.	F	F	28/01/21	Costa Coffee	IW

This drawing is for approval purposes.
Please check all details against the drawings including working and provide written confirmation of your agreement to the **Website Sign Project Manager**. Once approved production will commence based on the approved drawing. Any changes made after production will incur an additional cost.

Proposed Elevations

Proposed Site Signage

ITEM 3 - ACM PANEL
 Aluminium composite panels with digitally printed image to face of the panel.
 D. size: 600mm x 400mm

ITEM 3 ● 600mm

400

KEY: ● ACM Panel ● ACM/VW ● F/ACM ● PETG ● Window Vinyl - External ● Window Vinyl - Internal

implementing your brand	19 Beech Walk, Farnham, Hampshire GU14 7JY Tel: 025 6033 3211 Web: www.innovatesigns.co.uk Email: info@innovatesigns.co.uk	Client	One Stop Stores	Title	Proposal	Rev	Date	Description	Drw By
	Site Name	Rugeley, Elmore Lane	Date	28/01/2021	C	10/12/20	Add Fascias - store name - Henley Group	IW	
	Epos Code	6490	Scale	Do Not Scale	D	14/12/20	Fascia A	IW	
	Proj Type	Franchise	Drawn	IW	E	05/01/21	Name to HENLEY'S, internal 'brick' to store	IW	
	PM	JG	Drwg No.	F	F	28/01/21	Costa Coffee	IW	
	This drawing is the approved proposal. Please check all details before production. Issuing, printing and production are the responsibility of the client. All dimensions are given unless otherwise stated. All dimensions are given unless otherwise stated. All dimensions are given unless otherwise stated. All dimensions are given unless otherwise stated.								

Proposed Elevations

Fascia Sign Specification

70mm x 70mm aluminium angle

White ACM light tray

Internally illuminated GE Select TX 5small (023E365-2) to standard layout

scale 1.5 @ A3

600

Opal 050 Perspex post with translucent vinyl applied logo to the face. Bonded to rear of fascia opening with VHB tape

75

Ecolux Mini trough light with 'T' Brackets

finished to RAL 3020 30% gloss

"Working with ..." white vinyl adhered to face

Traffic Red Matt folded Dibond fascia

A

600

Ecolux Mini trough light with 'T' Brackets

finished to RAL 3020 30% gloss

Opal 050 Perspex post with translucent vinyl applied logo to the face. Bonded to rear of fascia opening with VHB tape

600

"Working with ..." white vinyl adhered to face

F

75

45mm

TECHNICAL SPECIFICATION - ECOLUX MINI

LED STRIP
Latest high lighting chip giving 1450 Lumens per metre LED output. Only 14.4 watts per metre power consumption 75% energy saving compared to Fluorescent.

24 volt input, less current less voltage drop. 6000k cool white or 3000k warm white 120 degree angle.

IP65 protectant, 60,000 hours+ lamp life. 5 year Warranty.

Full CE certification and RoHS compliant.

DRIVERS
Epoxy encapsulated fully isolated case with IP67 protection. Constant voltage design. Short circuit, over current, over voltage protection. Fitted onto quick release slide in Gear Trays. Full CE certification and RoHS compliant.

LIGHT FITTING
Specially designed 45mm aluminium extrusion supplied up to 6000mm lengths which can be joined together using cast aluminium connectors. Die cast aluminium and caps with rear cable entry Standard 300mm ratchet brackets.

Snap-in polycarbonate 90 degree magnifying lens diffuser. Gasket sealed and certificated to IP65. Full CE certificate and 5 year parts warranty. Conforms to BS EN 60598-1:2015 and BS EN 60598-2-1:1999 'UK Deviations Only'.

Scale Bar 1:50

one stop working with HENLEY'S

one stop working with HENLEY'S

Client	One Stop Stores	Title	Proposal	Rev	Date	Description	Drw By	<p>This drawing is for approval purposes. Please check all details related to the drawing including spelling and grammar carefully. Work intended for print approval is in Innovate Sign Project Manager. Once approved production will commence based on the approved drawing. Any changes require prior permission. All designs are subject to electrical rules.</p>
Site Name	Rugeley, Elmore Lane	Date	28/01/2021	C	10/12/20	Add Fascias - store name : Henley Group	IW	
Epos Code	6490	Scale	Do Not Scale	D	14/12/20	Fascia A	IW	
Proj Type	Franchise	Drawn	IW	E	05/01/21	Name to HENLEY'S, internal 'brick' to store	IW	
PM	JG	Drwg No.	F	F	28/01/21	Costa Coffee	IW	

19 Bernes Walk, Farnham, Wiltshire, PO14 0TT
Tel: 023 8033 2311
Web: www.innovatesigns.co.uk
Email: info@innovatesigns.co.uk

innovate signs implementing your brand

Proposed Elevations

Fascia Sign Specification

Quantity 6

50mm x 25mm Aluminium Box Section

50mm x 50mm Aluminium Box Section

70mm x 70mm aluminum angle

White ACM light tray

Ecolum Mini trough light with 'T' Brackets
finished to RAL 3020 30% gloss

Opal 050 Perspex pod with translucent vinyl applied logo to the face. Bonded to rear of fascia opening with VH9 tape

Internally illuminated
GE Select TX 3mm (IGES565-2) to standard layout

scale 1:5 @ A3

Fascia - B full back tray

Fascia - D full back tray

Working with ... white vinyl adhered to face

TECHNICAL SPECIFICATION - ECOLUM MINI

LED STRIP
Latest high lighting chip giving 1650 Lumens per metre LED output. Only 14.4 watts per metre power consumption 75% energy saving compared to Fluorescent.

24 volt input, less current less voltage drop.
6000k cool white or 3000k warm white 120 degree angle.

IP65 protect, 50,000 hours+ lamp life.
5 year Warranty.

Full CE certification and RoHS compliant.

DRIVERS
Epoxy encapsulated fully isolated case with IP67 protection. Constant voltage design. Short circuit, over current, over voltage protection. Filtered onto quick release slide in Gear Trays. Full CE certification and RoHS compliant.

LIGHT FITTING
Specially designed 45mm aluminium extrusion / supplied up to 6000mm lengths which can be joined together using cast aluminium connectors. Die cast aluminium end caps with rear cable entry Standard 300mm multi brackets.

Snap-in polycarbonate 90 degree magnifying lens diffuser. Casing sealed and certificated to IP65. Full CE certificate and 5 year parts warranty. Conforms to BS EN 60598-1:2015 and BS EN 60598-2-1:1989 'UK Deviations Only'.

Scale Bar 1:50

one stop
working with **HENLEY'S**

15 Barnes Wallis Rd, Farnham,
Surrey GU14 7TT
Tel: 023 8033 3311
Web: www.innovatesigns.co.uk
Email: info@innovatesigns.co.uk

Client	One Stop Stores	Title	Proposal	Rev	C	Date	10/12/20	Description	Add Fascias - store name : Henley Group	Drw By	IW
Site Name	Rugeley, Elmore Lane	Date	28/01/2021	Scale	Do Not Scale	Date	14/12/20	Description	Fascia A	Drw By	IW
Epos Code	6490	Drawn	IW	Proj Type	Franchise	Date	05/01/21	Description	Name to HENLEY'S, internal 'brick' to store	Drw By	IW
PM	JG	Drwg No.	F	Date	F	Date	28/01/21	Description	Costa Coffee	Drw By	IW

This drawing is for approval purposes.
Please note all details subject to manufacturing tolerances and process control variations and approved as per **Release**
Sign Project Manager: Once approval is received all comments based on the approval drawing by the project manager (approved) and signed off by the project manager.

Proposed Elevations

Fascia Sign Specification

Quantity 4

50mm x 25mm Aluminium Box Section

12mm \varnothing holes

50mm

5mm

5mm Aluminium Base Plate

Solid 5mm Aluminium

Finished RAL 3020

70mm x 70mm aluminium angle

White ACM light tray

Ecolux Mini trough light with 'T' brackets finished to RAL 3020 30% gloss

Opal 050 Perspex post with translucent vinyl applied logo to the face. Bonded to rear of fascia opening with VHB tape

Internally illuminated GE Select TX Small (GESE565-2) to standard layout

scale 1:5 @ A3

Fascia - C full back tray

'Working with ... white vinyl adhered to face'

40mm

TECHNICAL SPECIFICATION - ECOLUX MINI

LED STRIP
Latest high lighting chip giving 1650 Lumens per metre LED output. Only 14.4 watts per metre; power consumption 75% energy saving compared to Fluorescent.

34 volt input, less current less voltage drop. 6000k cool white or 3000k warm white 120 degree angle.

IP65 protectat, 50,000 hours+ lamp life. 5 year Warranty.

Full CE certification and RoHS compliant.

DRIVERS
Epoxy encapsulated fully isolated case with IP67 protection. Constant voltage design. Short circuit, over current, over voltage protection. Fitted onto quick release slide in Gear Trays. Full CE certification and RoHS compliant.

LIGHT FITTING
Specially designed 45mm aluminium extrusion supplied up to 6000mm lengths which can be joined together using cast aluminium connectors. Die cast aluminium end caps with rear cable entry. Standard 300mm multi brackets.

Snap-in polycarbonate 90 degree magnifying lens diffuser. Casing sealed and certified to IP65. Full CE certificate and 5 year parts warranty. Conforms to BS EN 60598-1:2015 and BS EN 60598-2-1:1989 'UK Deviations Only'.

Scale Bar 1:50

<p>implementing your brand</p> <p>15 Barnes Wallis Rd, Farnham, Surrey GU14 0TT t: 01252 80232311 w: www.innovatesigns.co.uk e: info@innovatesigns.co.uk</p>	Client	One Stop Stores	Title	Proposal	Rev	Date	Description	Drw By	<p>This drawing is for approval purposes.</p> <p>Please notify of changes before this drawing is printed, ordered, and goods ordered.</p> <p>Construction of work shown is on Assume</p> <p>Signs Project Manager - Once approved production will commence based on the approved drawing. Any changes after production will incur a 48 hour on-site lead time.</p>
	Site Name	Rugeley, Elmore Lane	Date	28/01/2021	C	10/12/20	Add Fascias - store name : Henley Group	IW	
	Epos Code	6490	Scale	Do Not Scale	D	14/12/20	Fascia A	IW	
	Proj Type	Franchise	Drawn	IW	E	05/01/21	Name to HENLEY'S, internal 'brick' to store	IW	
	PM	JG	Drwg No.	F	F	28/01/21	Costa Coffee	IW	

Contact Officer: David Spring
Telephone No: Remote Working

Planning Control Committee
24 March 2021

Application No: CH/20/378
Received: 22-Oct-2020
Location: Shop at 2 Elmore Lane, Rugeley, WS15 2DL
Parish: Rugeley
Ward: Cannock
Description: Advertisement application - (illuminated/non illuminated signs) 3 xFascia, 4 x F/ACM, 6xACM panels, 4 x Poster cases
Application Type: Advertisement Application

Recommendations: Approve subject to conditions

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

Conditions (and Reasons for Conditions):

1. The consent is for a period of five years from the date of this decision.

Reason

To comply with the requirements of Regulation 14 of the Town and Country Planning (Control of Advertisements) Regulations (England) 2007.

2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Reason

To comply with the requirements of Regulation 14 of the Town and Country Planning (Control of Advertisements) Regulations (England) 2007.

3. The degree of brightness of the advertisements shall not exceed 600 candelas per metre squared.

Reason

To ensure that the brightness of the advertisement does not have an adverse effect on the amenities of the area and to avoid distraction and confusion to drivers on the adjoining highway.

4. The Illumination of the signs shall be constant (not flashing).

Reason

For purposes of ensuring highway safety.

5. The development hereby permitted shall be carried out in accordance with the details received on 1st February 2021.

Reason

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

6. All illuminated signs shall be switched off between the hours of 2300 and 0700hrs.

Reason:

In the interests of residential amenity

Notes to the Developer: None

Consultations and Publicity

External Consultations

Rugeley Town Council

Object to the proposed illuminated signs on the grounds that the development is adjacent to residential property and residents may be affected by illuminated signs.

SCC Highways

No objections

Internal Consultations

Environmental Health

No objections to the proposals provided that a curfew of 2300 to 0700 is applied.

Response to Publicity

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

Relevant Planning History

CH/20/004 Demolition of existing building and erection of 7 No. apartments
Full - Approval with Conditions 02/26/2020.

CH/06/0079: Two wall mounted display units. Advert - Refuse 03/21/2006.

CH/06/0299 One wall mounted display unit (Resubmission of CH/06/0079)
Advert - Refuse 06/22/2006.

1 Site and Surroundings

- 1.1 The site comprises a 'one stop shop' located on Elmore Lane, Rugeley.
- 1.2 The application building comprises of a brick and tile building of a two storey design with a small car park to the side and a service area to the rear. The service area is separated from the car park by 2m high palisade fencing.
- 1.3 The rear boundary comprises of brick walling which is constructed to varying heights between 2m and 3m (where it has been incorporated into the outbuildings of the adjacent dwellings). A low brick wall with 1.4m high wooden post fencing above runs along the south western boundary. Wooden fencing denotes the boundary to the north.
- 1.4 To the rear of the site runs a row of terraced houses which front Bow Street. There is a funeral directors to the east of the site and a three storey residential block of flats to the west. The application building sits to the immediate rear of the highway and faces a public car park.
- 1.5 The application site is located within the Rugeley Area Action Plan boundary but outside the Town Centre Boundary and the Primary Shopping Area Boundary.
- 1.6 The site is bound to the west by Sheepfair / Bow Street Conservation Area and is sited within the setting of a Listed Building (Nos. 20 & 20a Crossley Stone).

2 Proposal

- 2.1 The Applicant is seeking consent for Advertisement application - (illuminated/non illuminated signs) 3 xFascia, 4 x F/ACM, 6xACM panels, 4 x Poster cases.
- 2.2 The 3 proposed fascia signs would vary in their height from the ground and in their dimensions. All would have 30cm high white text on a red and blue background, be externally illuminated to 500 cd/m² and be constructed of aluminium, Perspex and vinyl. (Sign A: 2.6m from the ground - 0.6m High - 11.93m Wide - 0.075m Deep. Sign B: 2.53m from the ground - 0.8m High - 3.485m Wide - 0.075m Deep. Sign C: 2.53m from the ground - 0.8m High - 3.545m Wide - 0.075m Deep).
- 2.3 The 4 proposed F/ACM Panels would consist of extruded aluminium panatrim frames but would not be illuminated. All signs would be 0.25m from the ground - 2.14m High - 1.12m Wide - 0m Deep. (Sign A would have 5cm high white text on blue background. Sign B would not have text. Sign C would have 20cm high white text on image background. Sign D would have 10cm high white text on blue background).
- 2.4 The 6 proposed ACM panels would consist of aluminium composite panels and would not be illuminated.
- 2.5 The 4 proposed poster cases would consist of Adonised Silver Lockable cases. These cases would be 1.15m from the ground - 0.83m High - 0.575m Wide - 0m Deep

3 Planning Policy

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

CP1 - Strategy – the Strategic Approach

CP3 - Chase Shaping – Design

3.3 National Planning Policy Framework

- 3.4 The NPPF (2019) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of

sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.

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

3.6 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
124, 127, 128, 130:132	Achieving Well-Designed Places
212, 213	Implementation

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

Manual for Streets.

4 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) impact on visual amenity
- ii) public safety

4.2 Impact on Visual Amenity

4.2.1 Paragraph 132 of the NPPF states that: "The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisement's...Advertisements should be the subject to control only on the interests of amenity and public safety, taking account of cumulative impacts."

4.2.2 The applicant has provided a summary document on 28th January 2021 to clarify the impact of the combined lighting system on nearby residential dwelling, pre and post curfew. The document clarified:

- Identification of the locations of the most sensitive dwellings near to the development.
- The cumulative impact of all lighting components calculated light intensity at the nearest residential dwellings, pre- and post-curfew,
- An explanation as to how they derived the figures.

These further calculations did not include the street lamp directly in front of the application property. The dwellings above the shop and under the street lamp will not be impacted by the low levels of luminance created by the proposal, as has been illustrated in the 3d Luminance view, which references both cd/m² and lx, and the distance from the proposed lighting to the dwellings across the road also negates any impact from the lighting. No signs are proposed for the more sensitive western elevation. The lighting is on a timer so that when the shop is closed (curfew hours) the lights would not operate, and as such there would be no impact during the curfew hours. The Environmental Health Officer has no objections to the proposal.

4.2.3 A condition can be applied to the permission to ensure that the proposed lighting is on a timer and not operating from 2300 to 0700 hrs.

4.2.4 As such, it is considered that the use of the building and wider site is for business purposes and therefore advertisements would not be out of place in this location. Therefore the signage is considered appropriate in this location and would not have an adverse impact upon visual amenity in accordance with Local Plan Policy CP3 and the NPPF.

4.3 Impact on Highway Safety

4.3.1 The proposed signs would be sited on the One Stop shop premises and would be associated with the commercial use of the site. The illuminated fascia signs meet the luminance levels for their size and the Highways Officer has no objections to the proposal. Therefore it is considered the position of the proposed signs and their luminance adjacent to Elmore Lane would not have an unacceptable impact. The proposed illumination would be static and of a low brightness (500cd/m²).

4.3.2 As such the signage is not considered to have a detrimental impact upon public safety.

5 **Human Rights Act 1998 and Equalities Act 2010**

Human Rights Act 1998

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

accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.

Equalities Act 2010

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

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

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

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

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

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

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

6 Conclusion

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the adverts, 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

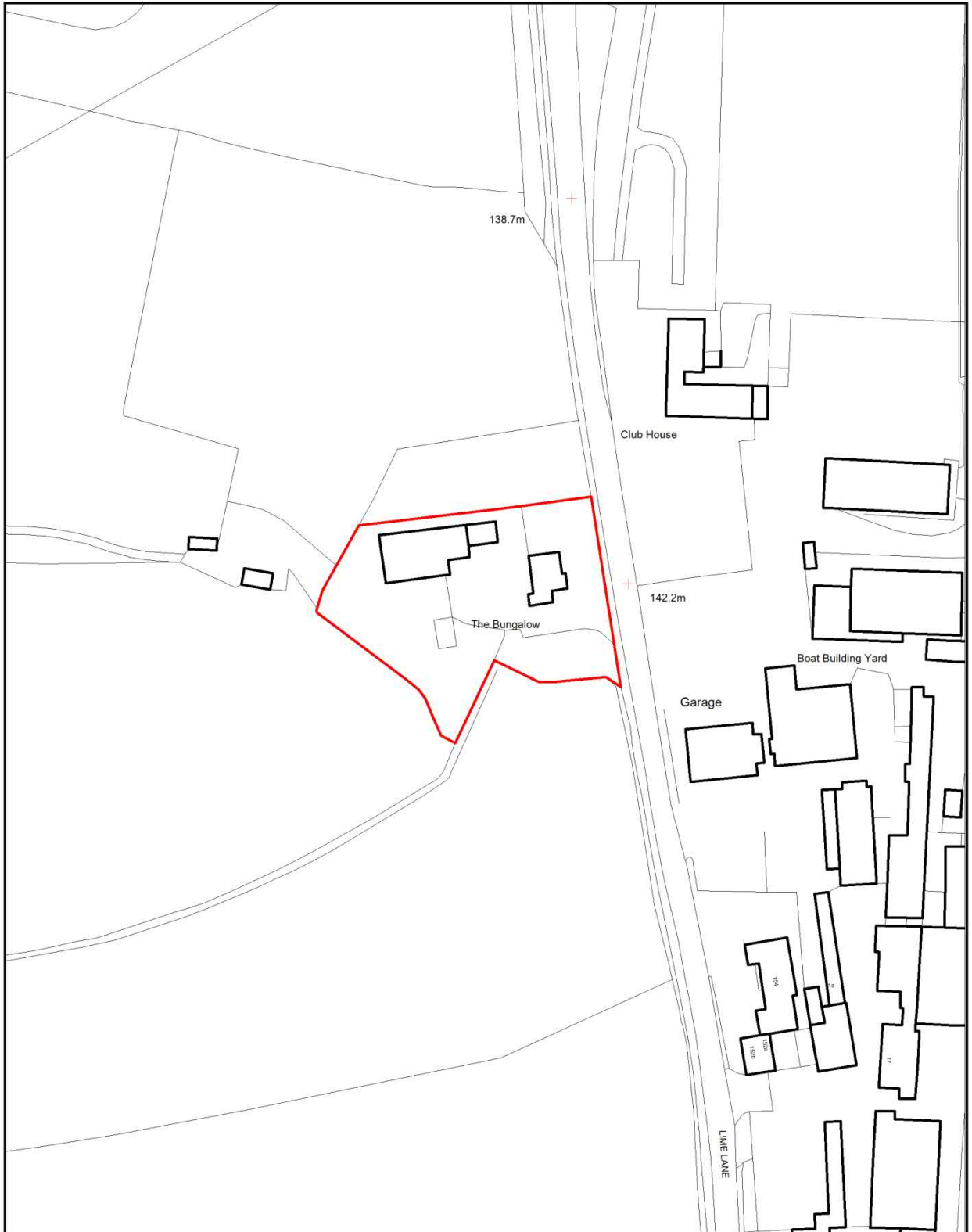


Application No: CH/20/398

Location: Lime Lane Kennels, Lime Lane, Pelsall, Walsall, WS3 5AL

Proposal: Demolition of existing kennel buildings and erection of 3no. detached bungalows and associated works

Item no. 6.49



Existing Site Plan



- 1. Extent of Topographical Survey.
- 2. Existing dwelling to be retained.
- 3. Existing building(s) to be demolished (Blue hatch).
- 4. Existing vehicular access from Lime Lane, through site to fields to rear (West).
- 5. Existing trees ALL to be retained. See Arboriculturist Survey for further detail.
 - 5.1. Green Ring - Canopy Spread
 - 5.2. Orange Ring - Root Protection Area



project title
 Redevelopment of Kennels @:
 The Bungalow, Lime Lane, Pelsall

drawing title
 Existing Site Plan

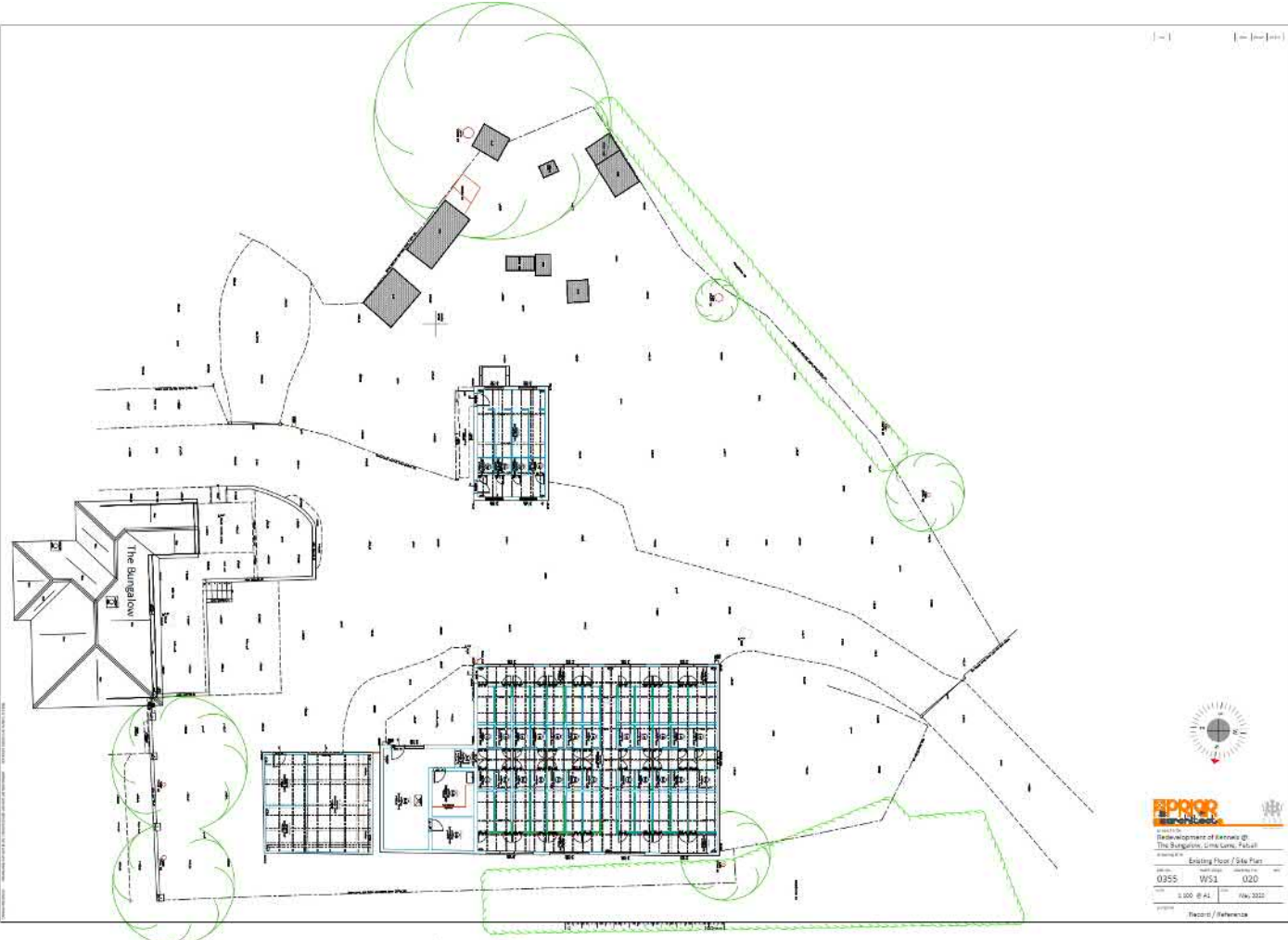
job no.	work stage	drawing no.	rev
0355	WS1	002	

scale	date
1:500 @ A3	May 2020

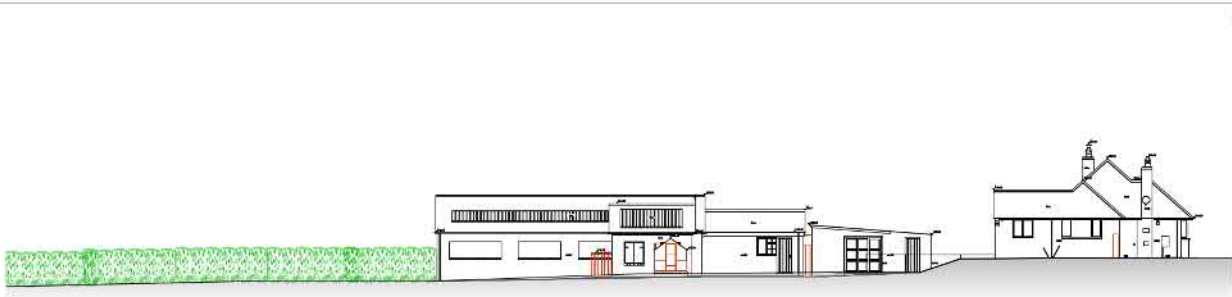
purpose
 Record / Reference

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Existing Floor/Site Plan

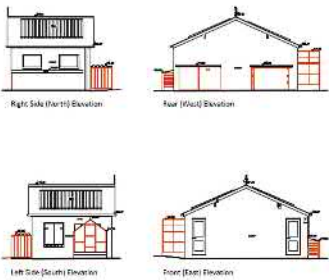


Existing Elevations



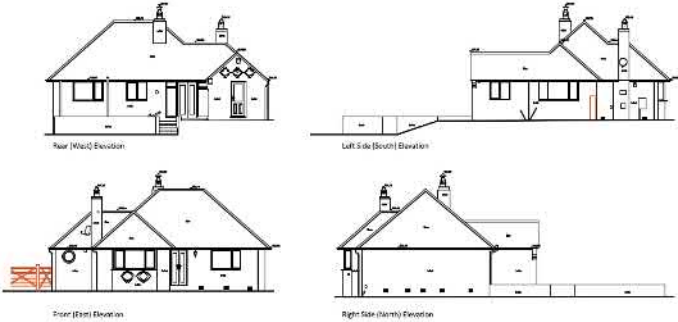
Existing Site Section Looking North

Existing Small Outbuilding & Greenhouse



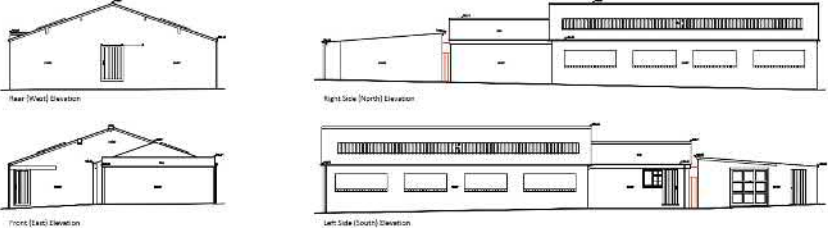
Right Side (North) Elevation
 Rear (West) Elevation
 Left Side (South) Elevation
 Front (East) Elevation

Existing Dwelling (The Bungalow)



Rear (West) Elevation
 Left Side (South) Elevation
 Front (East) Elevation
 Right Side (North) Elevation

Existing Large Outbuilding & Sheds



Rear (West) Elevation
 Right Side (North) Elevation
 Front (East) Elevation
 Left Side (South) Elevation

SPRINT
 ARCHITECTS

Prepared by: **SPRINT ARCHITECTS**
 The Redevelopment of Kenilworth St
 The Bungalow, Kenilworth, Walsley

Project: Existing Elevations

Site No: 0355 Plot No: WS1 Grid No: 025

Scale: 1:100 @ A4 Date: Nov 2021

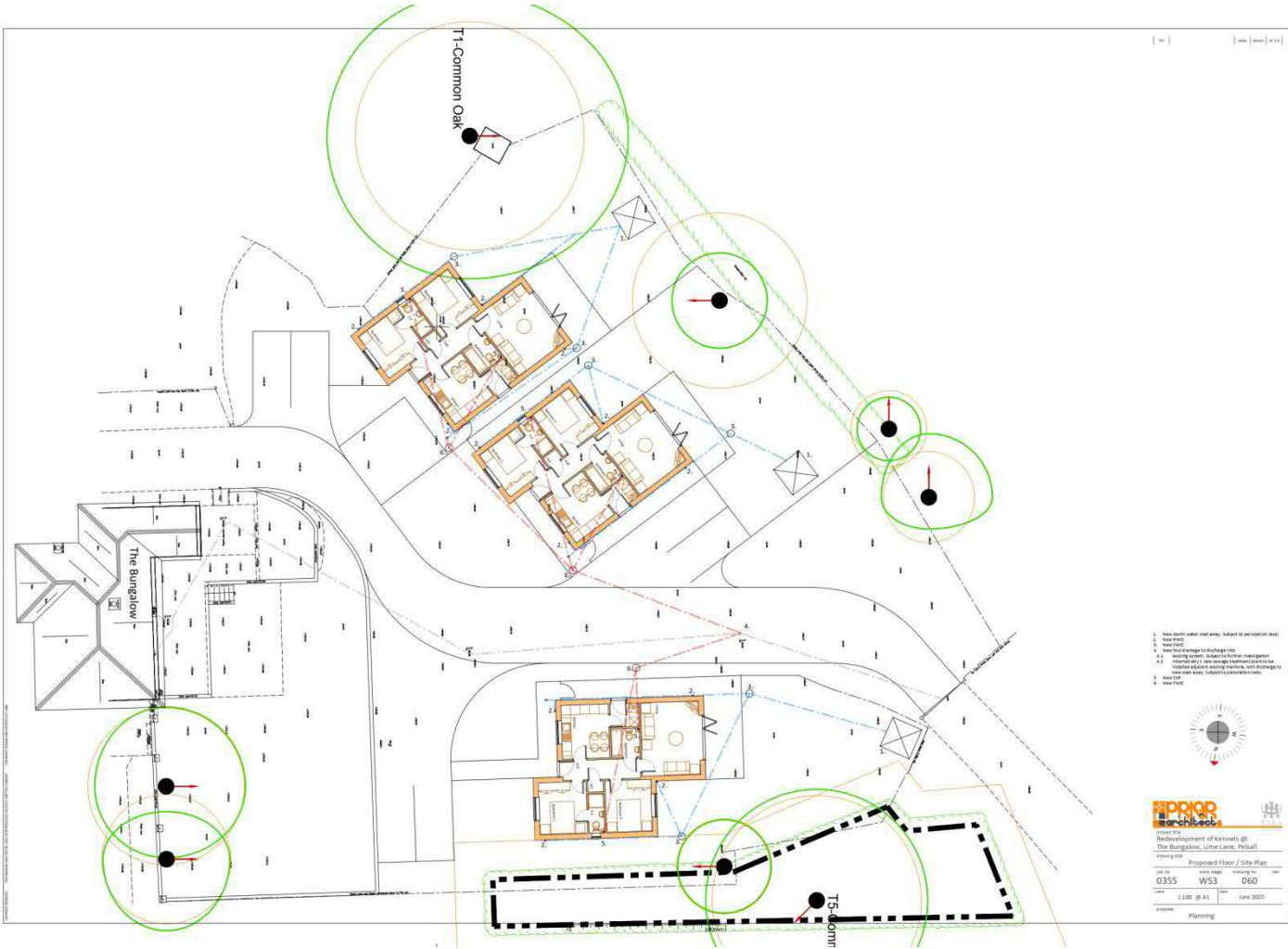
Author: Checked: Approved: Date: / /

Project: Record / Reference

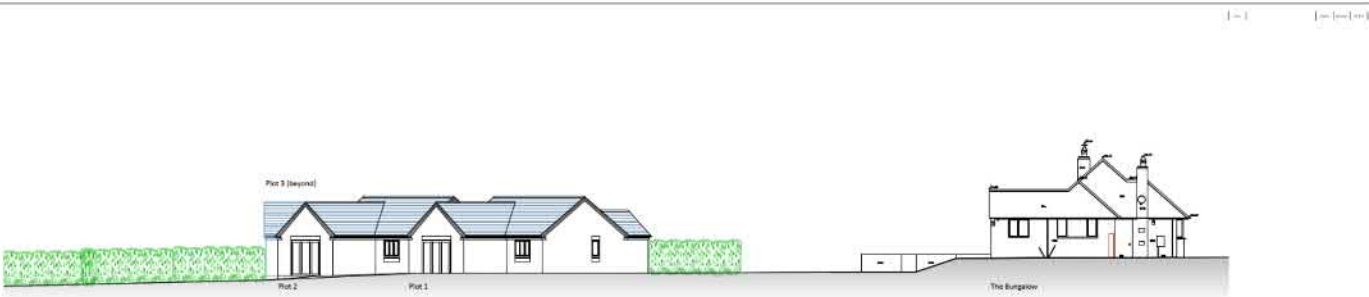
Proposed Site Plan



Proposed Floor/Site Plan



Proposed Floor Plans and Elevations



Proposed Site Section Looking North - 1:100

Plots 1 & 2 Plot 3



Ground Floor Plan



Front (North East) Elevation



Right Side (North West) Elevation



Rear (South West) Elevation



Left Side (South East) Elevation



Ground Floor Plan



Left Side (South) Elevation



Right Side (North) Elevation



Front (East) Elevation



Rear (West) Elevation

Redevelopment of Kermis @ The Burgow, Llanelli, Torfaen

Proposed Drawings

0755	WS3	063
1:50	@ A1	Issue 02/21

Planning

Contact Officer: David Spring

Telephone No:

Planning Control Committee

24th March 2021

Application No: CH/20/398

Received: 11-Nov-2020

Location: Lime Lane Kennels, Lime Lane, Pelsall, Walsall, WS3 5AL

Parish: Norton Canes

Ward: Cannock

Description: Demolition of existing kennel buildings and erection of 3no. detached bungalows and associated works

Application Type: Full Planning Application

Recommendations: Approve Subject to Conditions

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

Conditions (and Reasons for Conditions):

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

Reason

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

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

Tree Shading Plan THL-0867-4

Proposed Site Plan Dwg No. 005 Rev A

Proposed Dwellings Dwg. No 065

Proposed Floor Plan Dwg. No 060

Location Plan Dwg No. 001

Reason

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

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

Reason

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

4. The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

5. The development hereby approved shall not be brought into use until the key elements of the Ecological Mitigation and Enhancement Strategy, as well as the bat boxes have been incorporated into the dwellings.

Reason

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

6. Construction hours and deliveries to the site shall not take place outside of the hours 08:00-18:00 (Monday to -Friday) and 08:00-14:00 (Saturday) and at no time on Sundays or Bank Holidays. The development shall be carried out in accordance with the provisions of the CEMP (drawing 12A).

Reason

To avoid indiscriminate parking and obstruction of the highway in the interests of highway safety, in accordance with the objectives of Paragraph 108 of the NPPF 2019.

7. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with 'Proposed Site Plan' Drawing No.005. The parking and turning area shall thereafter be retained for the lifetime of the development.

Reason

In the interests of highway safety, in accordance with the objectives of Paragraph 108 of the NPPF 2019.

8. No development shall commence until a desktop study/ Phase 1 Contamination Report has been submitted to and approved in writing by the Local Planning Authority. This shall document the previous history of the site and surroundings, identifying the potential sources of contamination and the impacts on land and/or controlled waters relevant to the site. A Conceptual Site Model shall be produced for the site which shall identify all plausible pollutant linkages.

Reason

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

9. Where the phase 1 report has identified potential contamination, an intrusive site investigation shall be carried out to establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, water and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS/MCERTS accredited methods. The details of this investigation (including all technical data) shall be submitted to the Council, as a phase 2 report, for approval prior to any site demolition, remediation or construction works.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers neighbours and other

offsite receptors in accordance with Paragraph 178 of the National Planning Policy Framework.

10. In those cases where the phase 2 report has confirmed the presence of contamination, a Remediation Method Statement shall be submitted to the Local Planning Authority (for approval prior to works) detailing the exact manner in which mitigation works are to be carried out. The Statement shall also include details of validation testing that will be carried out once works have been completed.

Reason

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

11. If during remediation works, any contamination is identified that has not been considered within the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall, thereafter, form part of the Remediation Method Statement.

Reason

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

12. The development shall not be occupied until a validation/ phase 3 report has been submitted to and approved in writing by this Department. The Validation Report shall confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason

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

13. The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been surfaced in a bound and porous material for a minimum distance of 5m back from the site boundary and thereafter be retained for the lifetime of the development. The access drive shall thereafter be maintained as such for the life time of the development

Reason

In the interest of highway safety and in accordance with paragraph 109 of the National Planning Policy Framework.

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

Reason

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

15. No part of the development hereby approved shall commence until a scheme detailing the external environment-landscape, including planting, fencing, walls, surface treatment & construction details for the site has been submitted to and approved by the Local Planning Authority. The details shall be in the form as specified in Annex C of the Supplementary Planning Guidance 'Trees, Landscape and Development'. The approved scheme shall be completed within 12 months of the date of the occupation of the any dwelling on the site.

Reason

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

16. The development shall not commence until an Arboricultural Impact Assessment has been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of protecting the character of the area in accordance with Policy CP3 of the Cannock Chase Local Plan.

17. The development hereby permitted shall not be occupied until the windows indicated on the side elevations of the approved plan are obscure glazed. The windows shall be non-opening unless the parts of the window which can be

opened are more than 1.7m above the floor of the room in which the window is installed.

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

Reason

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

18. Prior to the first use of the approved development full details of a bin storage area for all 3 dwellings shall be provided adjacent to the site access. The details of this storage area shall be approved in writing by the Local Planning Authority and installed before any dwelling is brought into use.

Reason:

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

19. 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 would be likely to adversely affect the amenity of neighbouring occupiers and the character of the area. It is considered to be in the public interest to require an application to enable the merits of any proposal to be assessed and to ensure compliance with Local Plan Policy CP3 - Chase Shaping - Design and the NPPF.

Notes to the Developer:

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

County Highway Authority

No objections subject to the imposition of a number of conditions should permission be granted.

Staffordshire Wildlife Trust

No comments received

Historic England

No comments.

Norton Canes Parish Council

Wish to oppose the departure from the Green Belt. Parish Council do not agree with the justification of removal of redundant buildings as this is insufficient reason to waive green belt policies. Both the current kennels and the proposed development are not visible and therefore would be no different in terms of visibility on the site. A site visit is needed to understand the location of the proposed development.

Natural England

No objection subject to the appropriate mitigation being secured.

Severn Trent Water Ltd

No objections subject to the imposition of a number of conditions should permission be granted.

Inland Waterways Association

No objections.

Minerals Team Leader

No comment on application.

Internal Consultations

Development Plans and Policy Unit

No objections.

Environmental Health

No objections subject to the imposition of a number of conditions should permission be granted.

Parks & Open Spaces

No objections subject to the imposition of a number of conditions should permission be granted.

CIL Officer

Based on the CIL additional information form submitted, the chargeable amount for this development would be £8,484.91.

Response to Publicity

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

Relevant Planning History

CH/89/0579: Formation of vehicular access Full- Refusal. 10/04/1989

CH/90/0376: Proposed boarding kennels Full - Approval with Condition.
07/18/1990 .

1 Site and Surroundings

1.1 The application site is located within the West Midlands Green Belt and comprises a parcel of land that extends to approximately 0.27 hectares. At the

eastern end of the site lies the applicant's existing bungalow, with its associated frontage parking and manoeuvring area, and garden/ amenity space located to its south and west.

- 1.2 The site was previously used as a commercial dog kennels, which operated out of two existing buildings on the site, which have a collective footprint of 269 square metres. The buildings are located to the west of the applicant's existing bungalow and have rendered elevations and tiled roofs.
- 1.3 The existing kennel buildings are located to the west of the existing bungalow, and comprise one large, elongated building constructed from blockwork with a rendered finish and tiled roof atop that runs parallel with the northern site boundary, and a smaller building, also constructed from blockwork with rendered elevations and tiled roof, located to its south. A further outbuilding is also located in this general area.
- 1.4 Vehicular access to the kennel buildings is taken direct off Lime Lane and provides access to both the existing dwelling and the kennels. The land levels across the site gradually reduce in height towards the west, beyond which lie open fields which are also in the applicant's ownership. Woodland extends to the north and the south. The carriageway of Lime Lane encloses the eastern boundary of the site, beyond which lie a cluster of commercial buildings, including a social club, petrol filling station, café, dwellings and industrial/ business units.
- 1.5 The site lies within a short distance of a range of local day to day services, including the 'Moss Farm' Farm Shop and a recently constructed Spar mini-supermarket. The designated local centre of Norton Canes is located 1.5km to the north, with pedestrian footways available for the entire journey.

2 Proposal

- 2.1 The Applicant is seeking consent for the demolition of existing kennel buildings and the erection of 3no. detached bungalows and associated works.
- 2.2 The application proposes to demolish these buildings in their entirety in order to facilitate the construction of the proposed bungalows. The proposed bungalows would each have a footprint of 77 square metres, and an internal floor area of 65 square metres. Their accommodation would comprise of a living room, kitchen, utility, hallway, bathroom and two bedrooms. Externally each of the properties would benefit from a large area of private amenity space, along with off-street parking for two vehicles. The applicant's existing bungalow to the east would be retained.

3 Planning Policy

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

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

3.3 Relevant policies within the Local Plan include: -

CP1 - Strategy – the Strategic Approach

CP3 - Chase Shaping – Design

CP14-Landscape Character and Cannock Chase Area of Outstanding Natural Beauty

3.4 National Planning Policy Framework

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

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

3.7 Relevant paragraphs within the NPPF include paragraphs: -

8: Three dimensions of Sustainable Development

11-14: The Presumption in favour of Sustainable Development

47-50: Determining Applications

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

212, 213 Implementation

3.8 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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, including the Green Belt
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on nature conservation
- vi) Drainage and flood risk
- vii) Waste and recycling facilities

4.2 Principle of the Development

4.2.1 The proposed development is located within the Green Belt, wherein there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'. Paragraph 133 of the NPPF states that the Government attaches great importance to Green Belts, adding that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. As such the essential characteristics of Green Belts are their openness and permanence.

4.2.2 The stages in taking decisions on applications within the Green Belt are as follows.

- In the first instance a decision has to be taken as to whether the proposal constitutes appropriate or inappropriate development.
- If the proposal constitutes inappropriate development then it should not be allowed unless the applicant has demonstrated that 'very special circumstances' exist which would justify approval.
- If the proposal is determined to constitute appropriate development then it should be approved, unless it results in significant harm to acknowledged interests.

4.2.3 Local Plan Policy CP1 & CP3 require that development proposals at locations within the Green Belt must be considered against the NPPF and Local Plan Policy CP14. Local Plan Policy CP14 relates to landscape character and the AONB rather than to whether a proposal constitutes appropriate or inappropriate development.

4.2.4 Whether a proposal constitutes inappropriate development is set out in Paragraph 145 of the NPPF. Paragraph 145 relates to new buildings.

4.2.5 The NPPF, paragraph 145(d), states "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include, amongst other things: -

- (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority'

4.2.6 As such, the proposal could be considered as being not inappropriate provided it would not result in a development that would not have a greater impact on the openness of the Green Belt than the existing development. However, the term 'not materially larger' is not defined within either the NPPF or the Local Plan.

4.2.7 In this respect it is noted that the cumulative volume of the buildings (including the outbuilding and green house) as they currently stand is 1089m³. In comparison each of the proposed bungalows would have a volume of 231sqm and the three together would have a cumulative volume of 825m³. The proposal would result in a decrease in the bulk and mass of buildings on the site. Furthermore this decrease in scale and mass would be readily seen from views along Lime Lane to the south of the site. It is therefore clear that the proposed replacement bungalows would not have a greater impact on the openness of the Green Belt than the existing development.

4.2.8 It is therefore considered that the proposal would not have a greater impact on the openness of the Green Belt over that of the existing development. As such, it is considered that the proposal would not constitute inappropriate development and therefore would be acceptable in principle in accordance with the relevant paragraphs of the NPPF.

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

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

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

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

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

Planning policies and decisions should ensure that developments:

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

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

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

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

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

4.3.7 The proposed bungalows would each have a footprint of 77 square metres, and an internal floor area of 65 square metres. The proposed development would therefore represent a total built footprint of 231 square metres, and a collective volume of 825 cubic metres. The ridge height of the proposed dwellings would be 4.7 metres, which closely reflects the scale of the existing buildings on the site. The extent of built footprint on the site would be 73.9m² less and the overall volume of buildings would be 263.5m³ less than the existing.

- 4.3.8 The proposed will each comprise of a living room, kitchen, utility, hallway, bathroom and two bedrooms. Externally each of the properties will benefit from a large area of private amenity space, along with off-street parking for two vehicles. The applicant's existing bungalow to the east will be retained. The proposed will comprise of a living room, kitchen, utility, hallway, bathroom and two bedrooms. Externally each of the properties will benefit from a large area of private amenity space, along with off-street parking for two vehicles. The applicant's existing bungalow to the east will be retained.
- 4.3.9 It had been suggested during pre-application discussions that the dwellings be sited in the general position of the existing larger kennel building in the interests of minimising impact on the openness of the Green Belt. This has been explored by the applicant, but owing to a number of factors, including in the need to achieve the provision of rear garden spaces, the need to avoid impacting on existing drainage infrastructure, and the need to maintain a means of access to the fields to the west beyond (amongst others), such siting was not considered to represent a feasible option.
- 4.3.10 Efforts have been made to reduce the height of the bungalows in line with the recommendations received at pre-application stage. This has been achieved. Owing to the change in levels across the site along with the significant reduction in the extent of built development on the site and the additional landscaping which will be secured by condition, the resultant development will not have any greater impact on the openness of the Green Belt compared to the existing development.
- 4.3.11 The proposed bungalows all encompass the same design, and incorporate a simple, gabled style of design, with subservient outriggers to both the front and rear. This arrangement serves to break up the mass of the buildings and provide some visual interest to the properties. The dwellings are also to be constructed from red/ orange facing brickwork with a grey tiled roof to reflect that of the applicant's existing property adjacent.
- 4.3.12 The dwellings are located to the rear of the applicant's existing bungalow and would benefit from screening afforded by the existing frontage landscaping, and by virtue of the change in levels across the site, which slope down gently away from the highway in a westerly direction. The application proposes to retain the existing boundary hedgerows that enclose the site. Full details of proposed landscaping, external materials and surfacing can be secured via appropriately worded planning conditions.
- 4.3.13 Around the perimeter of the site are a number of trees of varying ages and quality, and consequently the applicant has commissioned Tree Heritage to prepare an Arboricultural Report to accompany the application. A total of 8 trees and 1 group were included in the tree survey, with two oak trees identified as Category B trees (moderate quality), and the remainder classed as Category C (low quality). All retained trees will require protection during the construction

work to make sure that they are not damaged. This can be achieved by creating a Construction Exclusion Zone (CEZ), using barriers to exclude vehicles, personnel and materials. These tree protection barriers would be erected before any work starts on the site and in accordance with Plan THL-0867-3. The tree survey plots out the root protection areas of those respective trees, and the site layout has been designed to ensure that there is no encroachment therein. The proposed surface and foul water drainage arrangements have also been designed to avoid incursion into the root protection areas of the trees.

- 4.3.14 The Arboricultural Report recommends the implementation of tree protection measures and identifies the position and type of these within the report. Compliance with these requirements can be secured via an appropriately worded planning condition and in doing so the development will meet the requirements of policy CP14 of the Local Plan.
- 4.3.15 Therefore, having had regard to Policy CP3 and CP14 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would not be acceptable in respect to its impact on the character and form of this Green Belt location.

4.4. Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.
- 4.4.4 However, it should always be taken into account that these distances are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels.
- 4.4.5 There have been no objections received from neighbouring residents on the grounds of residential amenity.

- 4.4.6 The proposals would comply with the requirements of the Design SPD, in terms of their appearance, scale, height and would be enhanced with appropriate landscaping. Furthermore, the proposals would not conflict with the 45/25 standard, due to the site being located in a solitary position sited away from any other residential properties.
- 4.4.7 Plot 1 would be the nearest to the existing bungalow and its front elevation would be approx. 13m from the side elevation of the existing. Plots 1 & 2 are at an angle to the existing bungalow. The front elevation of Plot 2 would be approx. 20m from the rear elevation of the existing. Plot 3 would be approx. 25m from the rear of the existing. Plot 1 & 2 are separated by approx. 2m. Each of the proposed dwellings would benefit from its own area of private amenity space that exceeds the minimum requirement of 40-44 square metres set out within the Local Authority's adopted Design SPD. It is considered this amenity space and these separation distances satisfy the Design SPD.
- 4.4.7 In terms of any potential overlooking/ loss of privacy between the proposed it is noted that the only openings on any side elevation would be either a utility door or a bathroom window. These bathroom windows would be obscure glazed by condition to maintain privacy.
- 4.4.7 As such, a high standard of residential amenity would remain and the proposal would comply with Policy CP3 of the Cannock Chase Local Plan.

4.5 Impact on Highway Safety

- 4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe adding at paragraph 110: -

Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 4.5.2 The proposed dwellings are to be served by the existing vehicular access that serves the kennel site and the existing dwellinghouse. An adjacent vehicular access serving the dwelling is also to be retained but used solely by the existing bungalow. The kennel access benefits from good visibility on egress and the submitted proposals incorporate sufficient space for vehicles to turn around, such that they can leave the site in a forward gear. The proposal also incorporates the provision of two parking spaces for each of the dwellings which meets the parking requirements set out in the Local Authority's Parking Standards, Travel Plans & Developer Contributions SPD.
- 4.5.3 Highways have no objections to the proposal subject to the imposition of conditions, should permission be granted.
- 4.5.4 It is therefore considered that the proposal would not have a detrimental impact upon highway or pedestrian safety.

4.6 Impact on Nature Conservation Interests

- 4.6.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 170, 174, 177, 179 of the NPPF.
- 4.6.2 Policy CP12 of the Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced via

'the safeguarding from damaging development of ecological and 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;

- support for the protection, conservation and enhancement of existing green infrastructure to facilitate robust wildlife habitats and corridors at a local and regional scale (particularly to complement Policy CP16);
- supporting and promoting initiatives for the restoration and creation of priority habitats and recovery of priority species and the provision of new spaces and networks to extend existing green infrastructure;
- supporting development proposals that assist the delivery of national, regional and local Biodiversity and geodiversity Action plan (LBAP/GAP)

targets by the appropriate protection, incorporation and management of natural features and priority species;

- the promotion of effective stewardship and management across the district to contribute to ecological and geological enhancements.

4.6.3 Paragraph 170 of the NPPF states [amongst other things] that

- 'Planning policies and decisions should contribute to and enhance the natural and local environment by:
 - protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); [and]
 - minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'

4.6.4 Paragraph 174 goes on to state, amongst other things: -

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

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

Site Specific Impacts on Ecology

4.6.5 The application is also accompanied by a Preliminary Ecological Assessment (PEA) prepared by Penny Anderson Associates Ltd, along with a Bat and Bird Survey prepared by Tamworth Property Services which have assessed the site for evidence of any important habitats or protected species. The PEA confirms that there was no evidence of bats using the buildings as a place of shelter but that there is evidence of birds nesting in Building 1. The demolition of the buildings will have no impact upon places of shelter for bats. Two emergence surveys were also undertaken and no bats were seen to emerge from the roosting opportunities. The demolition of Building 1 will have an impact on nesting birds but the demolition of building 2 will not have an impact on nesting birds. The demolition of the store/ workshop will have no impact on bats or birds. New nesting opportunities for the Wren's can be created on site by installing two

wren nest boxes in trees on the site. The report goes on to recommend a number of mitigation measures, including the installation of a brick built bat box at the gable apex of one elevation on each of the new dwellings, increasing the density of the boundary hedgerows, and providing at least six bird boxes on the retained trees on the site (as per the recommendations of the Bat and Bird Survey). The PEA also recommends that a habitat management plan be established for the meadow areas to the west of the site (east of the SBI) which is under the applicant's ownership. Such mitigation measures can be secured via an appropriately worded planning condition and in doing so the development will meet the requirements of policies CP12 and CP13 of the Local Plan.

Impacts of Cannock Chase Special Area of Conservation

4.6.6 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL. Based on the CIL additional information form and plans submitted the CIL chargeable amount for this development would be £8,484.91. Although area proposed is less than the demolished, the applicant has indicated on their additional information for that the existing buildings have not been in lawful use for a continuous period of 6 months over the past 3 years. This means that the existing floor space does not qualify for the lawful use discount and this cannot be deducted from the chargeable amount meaning all the proposed floor space is chargeable. An appropriate Habitat Regulations Assessment has been undertaken.

4.6.7 The application site is noted to lie within the 0-8km zone of influence of the Cannock Chase Special Area of Conservation, as well as within a short distance of the Cannock Extension Canal SAC. To this end the applicant has commissioned Penny Anderson Associates Ltd. to prepare a report to inform a Habitat Regulations Assessment in relation to the proposed development.

4.6.8 The SAC mitigation fee for this development would be £663.00 and this will be top sliced off the CIL amount (resulting in a figure of £7,818.91) so no S106 would be required for the SAC.

Impacts of Cannock Extension Canal Special Area of Conservation

4.6.9 In respect of the Cannock Extension Canal SAC the report confirms that the traffic generated by the proposals fall within the 200m distance where potential

effects could occur, but the amount of new traffic is insignificant compared to those which are considered to require assessment in the HRA of the Cannock Local Plan (LUC 2019). The report also notes that the proposal would represent a significant reduction in vehicle movements compared to the existing use of the site as a kennels. The report consequently concludes that air pollution effects would be insignificant.

4.7 Drainage and Flood Risk

4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps.

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

4.7.3 In addition to the above it is paragraph 165 of the NPPF states 'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development;

4.7.4 The report also confirms that there is no water quality connectivity between the site and the Cannock Extension Canal SAC as the site sits at a lower level and its drainage flows to the west, away from the SAC. Surface water drainage details are shown on the submitted plans. The site is furthermore noted to not have any direct habitat connectivity within the SAC because it is separated by the highway and nearby industrial units. No non-native invasive plants were furthermore identified on the site as part of the Preliminary Ecological Assessment. The absence of any likely significant effect on the Cannock Extension Canal SAC means the proposed development is in accordance with Policies CP12 and CP13 of the Local Plan.

4.8 Waste and Recycling Facilities

4.8.1 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).

- 4.8.2 Cannock Chase Council does not allow its refuse collection vehicles to travel on private roads / property in order to access waste containers. Bin storage details were not provided as part of this application but a condition will be added to any permission, if granted, to ensure their provision near the entrance of the site.
- 4.8.3 As such, the proposal would contribute to national and local waste reduction and recycling targets in accordance with the requirements of Policy CP16(1) (e).

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

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

Equalities Act 2010

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

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

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

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

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

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

Such consideration has been balanced along with other material planning considerations and applies in this proposal which is being funded through a disabled facility grant. It is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

6 Conclusion

- 6.1 For the reasons set out above it is accepted that the proposal would not comprise inappropriate development in this Green Belt location and would not cause significant harm to the openness of the Green Belt. As such the proposal is therefore acceptable at this Green Belt location, in accordance with the requirements of paragraph 146 of the NPPF.

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

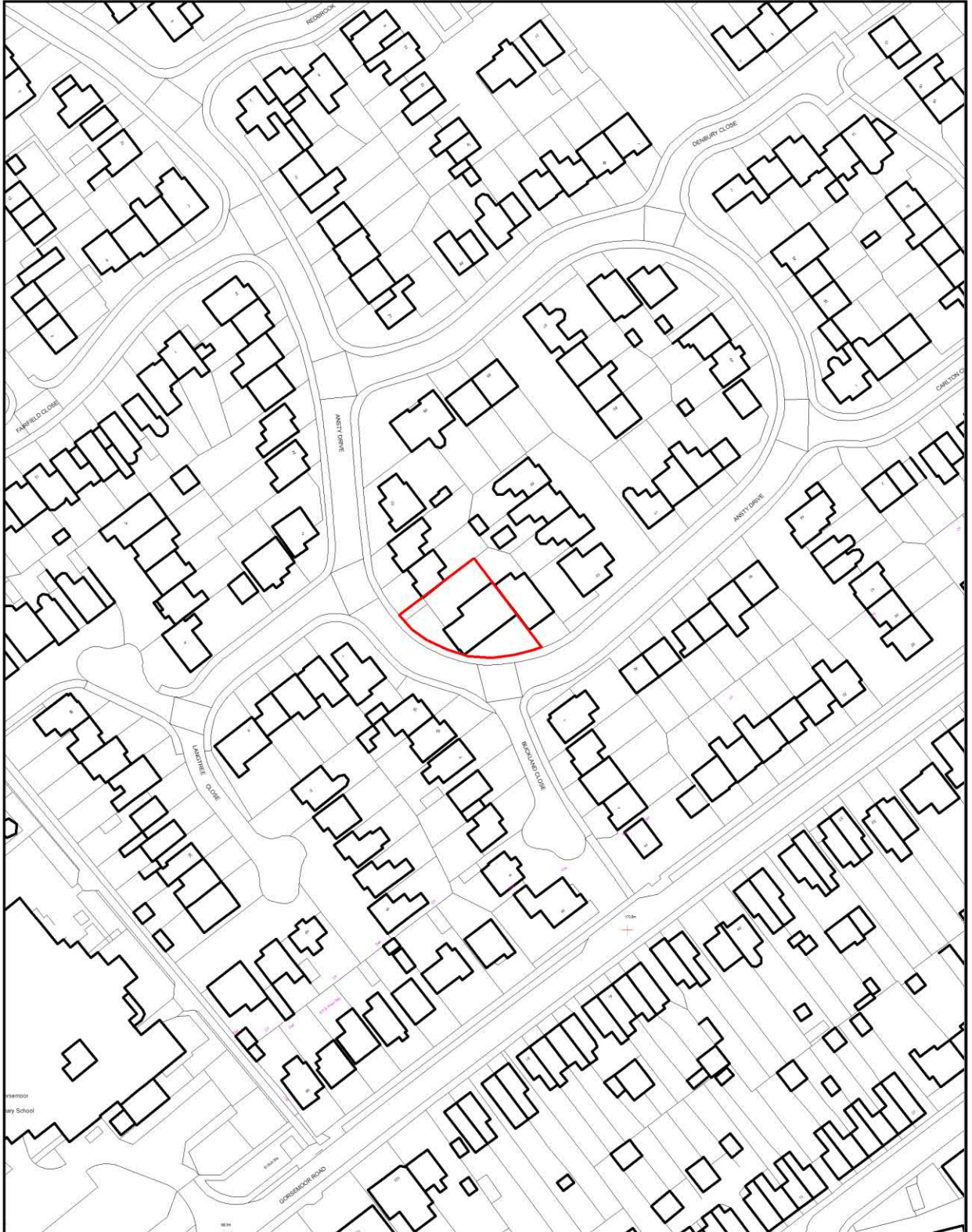


Application No: CH/21/0030

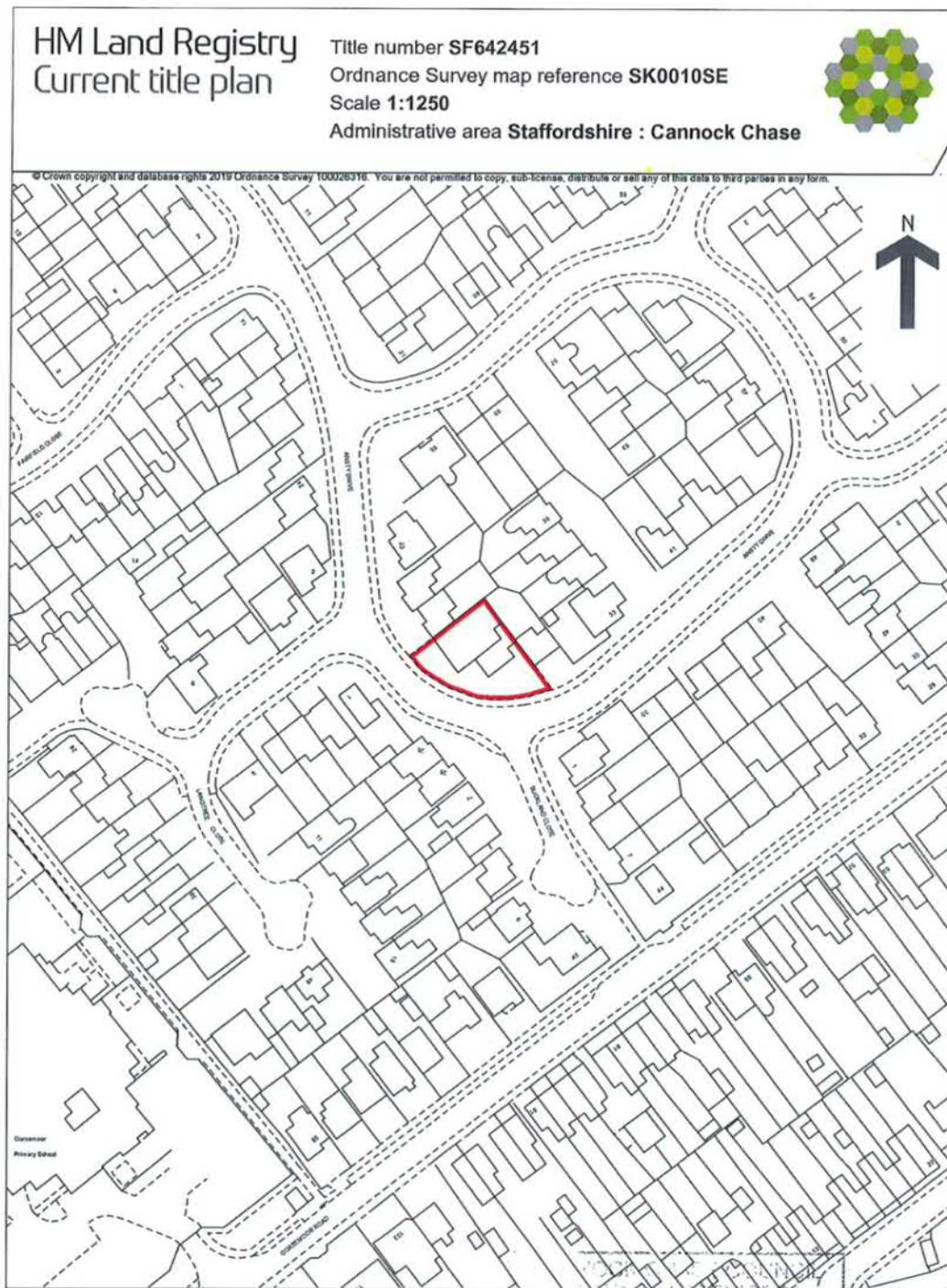
Location: 29 Ansty Drive, Heath Hayes, Cannock, WS12 3TZ

Proposal: Change of use of garage into small hairdressing salon

Item no. 6.79



Location Plan



Site Plan

Property boundaries edged in red, proposed garage for change of use marked in blue. Space for 4 vehicles on drive marked and space for 2 more in double garage.



Elevations

Existing Elevations (elevations remaining the same)



Proposed change of use shown above in solid black (garage door not changing)



Proposed change of use rear view edged in blue above. (Door not changing)



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CLIENT: DANIEL & KAREN LEIGHTON
SITE ADDRESS: 29 ANSTY DRIVE
HEATH HAVES
CHANGICK
W117 3TZ
PROPOSED ELEVATIONS
SCALE: 1:100 (A3)
DRAWING NUMBER: DRL 054 REV 0
DRAWN BY: KK

Contact Officer: Claire Faulkner

Telephone No: 01543 464337

Planning Control Committee

24th March 2021

Application No: CH/21/0030
Received: 18/1/2021
Location: 29 Ansty Drive
Parish: Heath Hayes
Ward: Hawks Green Ward
Description: Change of use of garage into small hairdressing salon
Application Type: Full Planning Application

Recommendations: Approve subject to conditions

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions):

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

Reason

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

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

[insert plan numbers]

Reason

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

3. The use hereby approved shall not be occupied by more than 1 client at any one time.

Reason

To ensure the continued protection of amenity for the neighbouring occupiers.

4. The car parking space identified on the Block Plan shall be made available during the hours of 09:30hrs to 17:00hrs Monday to Friday and 08:00hrs on Saturdays for the use of the business hereby approved.

Reason

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

5. The business shall not be open to clients outside the hours of 09:30hrs to 17:00hrs on Mondays to Friday, 08:00hrs to 14:00hrs on Saturdays and at no time on Sundays and public/ 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 Policies CP3 - Chase Shaping, Design, CP11 - Centres Hierarchy and the NPPF.

Notes to the Developer:

None

Consultations and Publicity

External Consultations

Heath Hayes Parish Council

Objection.

No business development should be allowed in residential areas

Internal Consultations

Environmental Health

I do not object to the application. However, as the location is predominantly residential, and the neighbouring property either adjoining or at least in very close proximity to the current garage, I would request that conditions are put in place to restrict the potential disturbance to the amenity of close neighbours. For example, restrictions should be placed on the hours of operation and the number of clients to no more than one being served at any one time.

Development Plans and Policy Unit

Thank you for consulting me on the proposed change of use of part dwelling house (C3) to hair dressing salon (Class E) 29 Ansty Drive, Heath Hayes, Cannock.

I can advise that the site does not fall within any designated areas shown on the Local Plan Policies Map. The development plan comprises the Cannock Chase Local Plan (Part 1) and the Staffordshire County Council Waste and Minerals Local Plan. The views of Staffordshire County Council as the waste and minerals authority should be considered, as necessary.

Having looked at the proposal and the provisions of the Development Plan I would advise that Policy CP3 of the Local Plan supports high-standards of design, and for development to be well-related to existing buildings and their surroundings; including protecting the amenity enjoyed by existing properties, supporting mixed uses whilst avoiding incompatible ones.

Principal Economic Development Officer

No comment received

Response to Publicity

The application has been advertised by site notice and neighbour letter. One letter of representation has been received:-

- On the 'Block Plan', this shows space for four vehicles, However due to the garage being further forward now there isn't the fourth space between the properties any longer. The other spaces are currently occupied by the three vehicles owned by the property owners. We feel the only available space now is to park at the top of the driveway which will not only be looking into our living room, but also blocking our view of the street. The plan is dated and doesn't correctly show the garage as increased.

- The applicant has suggested that the business will only operate on a small scale and won't have too many customers, however in their letter they submitted they have already mentioned they have looked at renting other premises in the high street. There's no way you would rent a commercial premise and only do a few customers a week as it simply wouldn't make financial sense.
- They also currently use the driveway for additional vehicles (as well as their own cars) who car share with the occupants for their main business. The driveway is already heavily filled and any potential customers will be parking outside our house, on the blind bend, or at the top of the drive in our only line of sight out of our property. We feel like we will be permanently looked in on and all the extra comings and goings will have an impact on noise against our living room wall.
- The single garage has an electric garage door & the lead flashing for this garage is attached to our property to prevent driving rain between both properties. The use of the garage door daily has already increased the noise to our property and the vibrations can be felt on that side of the house. The increased use of access to the garage will now add additional noise and disturbance when operating in the day and at weekends or evenings.
- Due to the location of the primary school, Ansty Drive is already a particularly busy road. This will increase traffic further and increase parking on the road. Vehicles already park outside our house and opposite our drive, this could potentially be increased depending on parking available at the property.
- On viewing all other planning applications in Ansty Drive, it appears no other property has a commercial business operating from their property, and as this is a residential estate we feel a potentially busy business operating against our living room wall is not ideal. Especially if the business operates outside of a 9-5 Monday to Friday timescale. The business could also potentially grow & increase over time.

Relevant Planning History

CH/19/028 Two storey side extension and single storey rear extension. Approved

1 Site and Surroundings

- 1.1 The application site is comprises of a detached dwelling sited on a spacious corner plot within Ansty Drive.
- 1.2 The application site is currently in the process of being extended however, the dwelling itself comprises of a four bedroom property with rear amenity space and

will be finished with hardstanding to the front which will provide parking for upto 5 vehicles.

- 1.3 The application site is located within a wholly residential location approx.. 1.3miles from Heath Hayes District Centre.
- 1.4 The application site is unallocated and undesignated within the Local Plan. The application site located within a Mineral SafeGuarding Area and considered low risk boundary by the Coal Authority.

2 Proposal

- 2.1 The applicant is seeking consent for the partial change of use of part of the dwelling to a hairsalon.
- 2.2 The applicant would like to convert the former garage into a small hairdressing salon. No alterations are proposed to the garage with the garage door remaining insitu and a new brick wall with door access constructed behind to allow the clients into the salon.
- 2.3 The applicant states that she is a hair colour specialist, and has stated that it takes on average, upto 4 hours per client, with smaller jobs taking upto 3 hours to complete.
- 2.4 The applicant is seeking permission to allow flexibility to work on a part-time basis around her teaching commitments. The applicant states that it is difficult to give an estimate of how much work the teaching will be in any given year, as it depends on how often she is needed due to staff sickness/holiday/courses that need staffing, but to give an example, in the last year she was given 21 days teaching. The applicant states that she would therefore keep days free for this and for the planning it involves. On an average week the applicant has confirmed that she would intend to work 2-3 days hairdressing.
- 2.5 The applicant has confirmed that there would be one client in the premises at any one time. The applicant also states that due to COVID Regulations the business would be small scale with one client at one time and the work area cleaned and sanatised prior to the next client arriving. The maximum number of clients would be 15, working on a booking system with 3 clients per day for 5 days, however this would be occasionally and normal hours would operate on 2-3 days.
- 2.6 The proposed hours would range between 9:30am until 5:00pm Monday to Friday and 8:00am until 2:00pm on Saturdays (1 Saturday per month). There would be no working on Sundays or Bank Holidays. There would be the only person working (the applicant).

- 2.7 The applicant has already built up her own client base up over the years working in the hairdressing industry via a mobile work system. The applicant is seeking to offer a safe salon for her clients that do not feel safe visiting busier hairdressing salons due currently to COVID. The applicant has also confirmed that a number of her clients live within the local area and as such would walk to the salon.
- 2.8 The applicant states that the equipment used would be a hairdryer and general tools associated with hairdressing.

3 Planning Policy

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

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

- 3.3 Relevant Policies within the Minerals Local Plan:

3.2 Safeguarding Minerals

National Planning Policy Framework

- 3.4 The NPPF (2019) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be "presumption in favour of sustainable development" and sets out what this means for decision taking.
- 3.5 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.6 Relevant paragraphs within the NPPF include paragraphs: -

8: Three dimensions of Sustainable Development

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

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

Manual for Streets.

4 Determining Issues

4.1 The determining issues for the proposed development include:-

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

4.2 Principle of the Development

4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise.

4.2.2 The benefit of planning permission is not always required to start running a business from home. If the intention to work from home changes the overall character of the house from the primary and predominant use as a dwelling house then planning permission would be required. As such, the applicant could operate a small business from home however, based on the maximum number of clients suggested by the applicant, planning permission would be required in this instance.

4.2.3 In this instance the use of the building as a hair salon is considered to be a town or local centre use. Paragraphs 86-90 of the NPPF seek applications to take a sequential approach for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then edge of centre locations; and only if suitable sites are not available should out of centre sites be considered.

- 4.2.4 Local Plan Policy CP11 seeks to maintain the roles of the Districts centres including the town centre retail uses and emphasises the NPPF stance that town centre uses should take a sequential approach of town centre first followed by edge of centre before considering out of centre locations. The Local Centres section aims to protect and provide small scale shops and services for local residents. It should be noted that the NPPF (p23) states that “*planning policies should... be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.*”
- 4.2.5 In this respect, the application site is located in a wholly residential location within Heath Hayes. The application site is located approx. 0.3 miles from Heath Hayes Local Centre. The conversion of this domestic garage and its use as a hair salon would provide a service to members of the public and therefore should be made available in a Town / District centre. As such, the applicant has provided a sequential test to demonstrate that there are no units available in the town / local centres that could be used. Having regard to the part-time nature of the applicant’s business, and the fact she will be the sole employee, the following business requirements have been identified and applied for the sequential assessment:
- Maximum floor area requirement of 20 square metres
 - Maximum rent for part time hours no more than £300 per month (roughly a third of intended income)
 - On site car parking or close proximity to public car park essential
 - One room with water supply
 - Suitability for part-time usage desirable
- 4.2.6 In this instance, the sequential test was carried out in Heath Hayes. The search of commercial property listings has revealed that there is only one commercial property available for consideration within the centre of Heath Hayes, that being a former pharmacy premises on the Hednesford Road, Heath Hayes.
- 4.2.7 However, despite being centrally located, and being available, the premises are not considered to be suitable for the applicant’s business requirements, as the internal floor area is in the order of some 69 square metres and therefore substantially exceeds the applicant’s maximum requirements (more than triple the requirement). This particular site is therefore not considered to be ‘suitable’. In addition, the rental price being sought - £900pcm is considered to grossly exceed the maximum rental that the applicant could realistically afford, having regard to the fact that the applicants hair salon is a part-time business venture. Consequently, this particular site is not considered to represent a viable option for the applicant.

4.2.7 In this instance, the sequential test has demonstrated that there are no appropriate vacant units available for use as a hair salon. The applicants' suggestion that the unit is not appropriate due to size and layout is accepted. The rental cost is not however a material consideration when considering applications. The parameters of the sequential test are accepted as are the findings that there are no suitable units available in the Heath Hayes area.

4.2.8 Furthermore, the client experience requiring a relaxing and quiet environment for clients who potentially could be in the salon for 4 hours, could be provided by the applicant in an edge of centre location. As such, the application is considered to comply with Policy CP11 of the Local Plan and the relevant sections of the NPPF.

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

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

- (i) high-standards of design, and for development to be well-related to existing buildings and their surroundings;
- (ii) protecting the amenity enjoyed by existing properties, supporting mixed uses whilst avoiding incompatible ones.

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

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

Planning policies and decisions should ensure that developments:

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

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

- 4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.
- 4.3.5 In this respect the application site is positioned in a residential dwelling on a bend within Ansty Drive. The property is in the process of being extended and the frontage would be provided as hardstanding and would accommodate up to 6 vehicles.
- 4.3.6 The partial change of use of the dwelling (garage) to a hair salon would not involve any external alterations to the host dwelling, with the garage door remaining in situ. A wall would be constructed to the rear of the garage door which would accommodate a doorway into the salon. The applicant has stated that on days she has clients visiting the property the garage door would remain up.
- 4.3.8 The applicant has stated that no staff are employed at the premises so the customer turnover is limited being on a one to one basis. The applicant has stated that generally she would work 2 - 3 days a week however she seeks flexibility to work more if required. The hours proposed would range between 09:00hrs until 17:00hrs Monday to Friday and 08:00hrs to 14:00hrs on Saturdays (1 Saturday per month) with no hours proposed Sundays or Bank / Public Holidays.
- 4.3.9 In respect to the potential trips by customers to the site based on the above, it is considered that the use of the premises on the above basis, would result in activity over and above that which is normally associated with a residential dwelling of this size. This would mean that the additional parking spaces at the front of the dwelling would be used more intensively than would be normal for a domestic dwelling. The capacity however exists for this additional parking and on the part time operation basis of this business, during normal office hours, it would not result in a detrimental impact to the residential nature of the dwelling or the wider estate.
- 4.3.9 Given the above, it is not considered the partial change of use of the dwelling to include a small scale use would change the residential character of the area and

therefore the proposal would comply with Policy CP3 of the Local Plan and paragraph 127 of the NPPF.

4.4 Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users. Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so (amongst others) (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 4.4.3 Although the Design SPD sets out guidance in respect to space about dwellings it does not contain guidance in respect to space about other uses. Of particular significance in this respect is the relationship between the application site and the residential properties to the sides.
- 4.4.3 The nearest neighbouring properties to the application site comprise of No.31 Ansty Drive, which is sited to the immediate east of the application site and No. 27 Ansty Drive which sits onto the rear boundary of the application site.
- 4.4.4 As laid out above it is noted that the applicant would generally work 2 - 3 days a week but would want the flexibility to work 5 days if required but with no more than 3 clients per day. The hours proposed would range between 09:30hrs until 17:00hrs Monday to Friday and 08:00hrs to 14:00hrs on Saturdays (1 per month) with no hours proposed Sundays or Bank / Public Holidays. During these times some degree of noise is considered acceptable. Notwithstanding this, the applicant has confirmed that the noisiest piece of equipment in the salon would be a hairdryer which is commonly found within residential properties. As such, there would be no significant impact to the neighbouring occupiers from the proposed use.
- 4.4.5 The comments of the neighbour are noted in terms of impact on privacy. In this instance, the host driveway runs along the shared boundary with the property at

No.31 Ansty Drive and, whilst the driveway is existing and could be used by the occupiers of the host dwelling, the use of this space for client parking could result in a detrimental impact to the privacy of the neighbouring property as a consequence of the proposed use. The host property benefits from parking within the front curtilage of the site that extends across the full width of the host dwelling. This allows parking for up to 6 vehicles. As such, a condition has been recommended for a space along the frontage to be used for client parking. This space would remain over 6m from the shared boundary and as such would mitigate any impact to the neighbours' privacy.

4.4.6 Environmental Health Officers were consulted on the application and raised no objections in terms of noise and smell nuisance subject to conditions.

4.4.7 As such it is concluded that the proposal would protect the "amenity enjoyed by existing properties" and maintain a high standard of amenity for existing and future users and therefore would comply with Policy CP3 of the Local Plan and paragraphs 127(f) and 180 of the NPPF.

4.5 Impact on Highway Safety

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

4.5.2 In this respect the comments of the neighbour are noted. In this instance, the dwelling is located on a bend within Ansty Drive. The property, whilst in the process of being extended, would comprise of hardstanding to the frontage and therefore has sufficient room for the parking of upto 6 vehicles. The dwelling comprises of a four bedroom property and therefore requires parking for three vehicles in accordance with the Parking SPD. This retains three parking spaces for visitors to the premises.

4.5.3 The Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport Supplementary Planning Document current parking standard does not define the parking requirement for hair salons. As such, it is considered that as the business operates on a one to one basis the provision of one vehicle parking space for customers would comply with the Councils Parking SPD and paragraph 109 of the NPPF.

4.6 Drainage and Flood Risk

5.6.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps. In this respect it is noted that the application site already exists with the proposal comprising of the conversion of the existing garage. As such, the

proposal would not create additional flood risk over and above the current situation.

5.7 Mineral Safeguarding

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

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

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

4.8. Ground Conditions and Contamination

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

4.9 Objections received not already addressed above

4.9.1 The objector raised concerns regarding the plans submitted not showing the full depth of the garage. Your Officers confirm that the applicant has extended the garage under permitted development and has also revised the plans with the current layout.

4.9.2 The objector has suggested that the applicant states that the business will only operate on a small scale and won't have too many customers, however in their letter (applicant's application) they submitted they have already mentioned they have looked at renting other premises in the high street. The objector continues that there's no way you would rent a commercial premise and only do a few customers a week as it simply wouldn't make financial sense. Your Officers confirm that the objector is referring to the sequential test that was submitted by the application as required to justify the proposed business use being allowed outside a District Centre.

4.9.3 The objector states that the single garage has an electric garage door & the lead flashing for this garage is attached to the objector's property to prevent driving rain between both properties. The objector continues that the use of the garage door daily has already increased the noise to the objector's property and the vibrations can be felt on that side of the house. The objector has raised concerns

that the increased use of access to the garage will add additional noise and disturbance when operating in the day and at weekends or evenings. Your Officers confirm that the applicant would raise the garage door on days she was expecting clients and lower it again at the end. The application does not seek to operate during the evenings or after 2pm on Saturdays. The lead flashing is not a material consideration in the determination of this application.

- 4.9.4 The objector states that there are no other applications for commercial uses within Ansty Drive, and as this is a residential estate the objector feels a potentially busy business operating against their living room wall is not ideal, especially if the business operates outside of a 9-5 Monday to Friday timescale. The objector continues that the business could also potentially grow & increase over time. The applicant has confirmed that their property is a detached property and as such does not share a party wall with the neighbour. Your Officers confirm that the proposed business seeks to operate for the majority during normal office hours (09:30hrs – 17:00hrs Monday to Friday with 08:00hrs – 14:00hrs on 1 Saturday per month) with one customer at any one time.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

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

Equalities Act 2010

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

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

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

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

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

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

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

6 Conclusion

- 6.1 Having had regard to the Development Plan and the NPPF it is considered that the proposal, subject to the attached conditions would be, on balance, acceptable.
- 6.2 It is therefore recommended that the application be approved subject to the attached conditions.

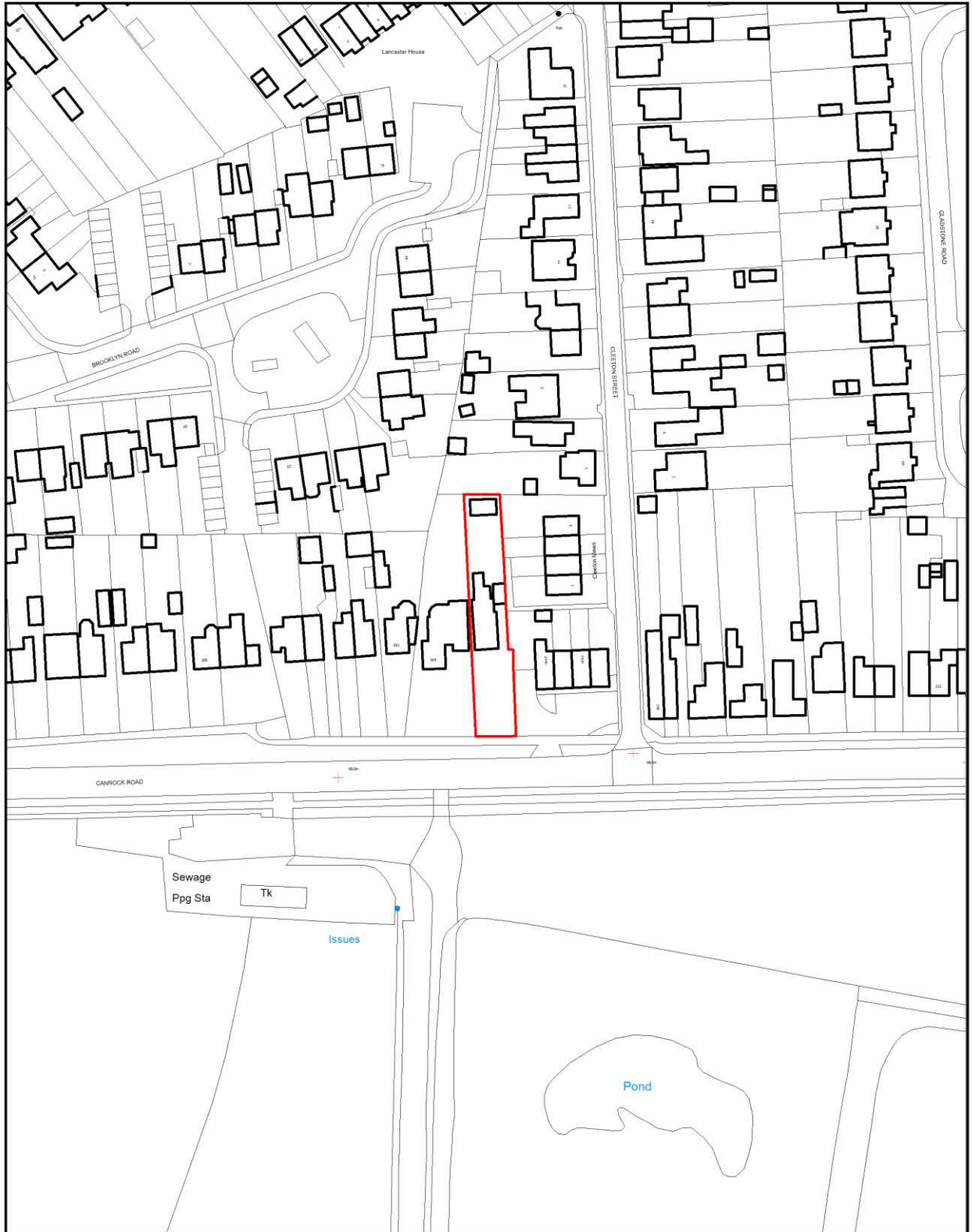


Application No: CH/21/0038

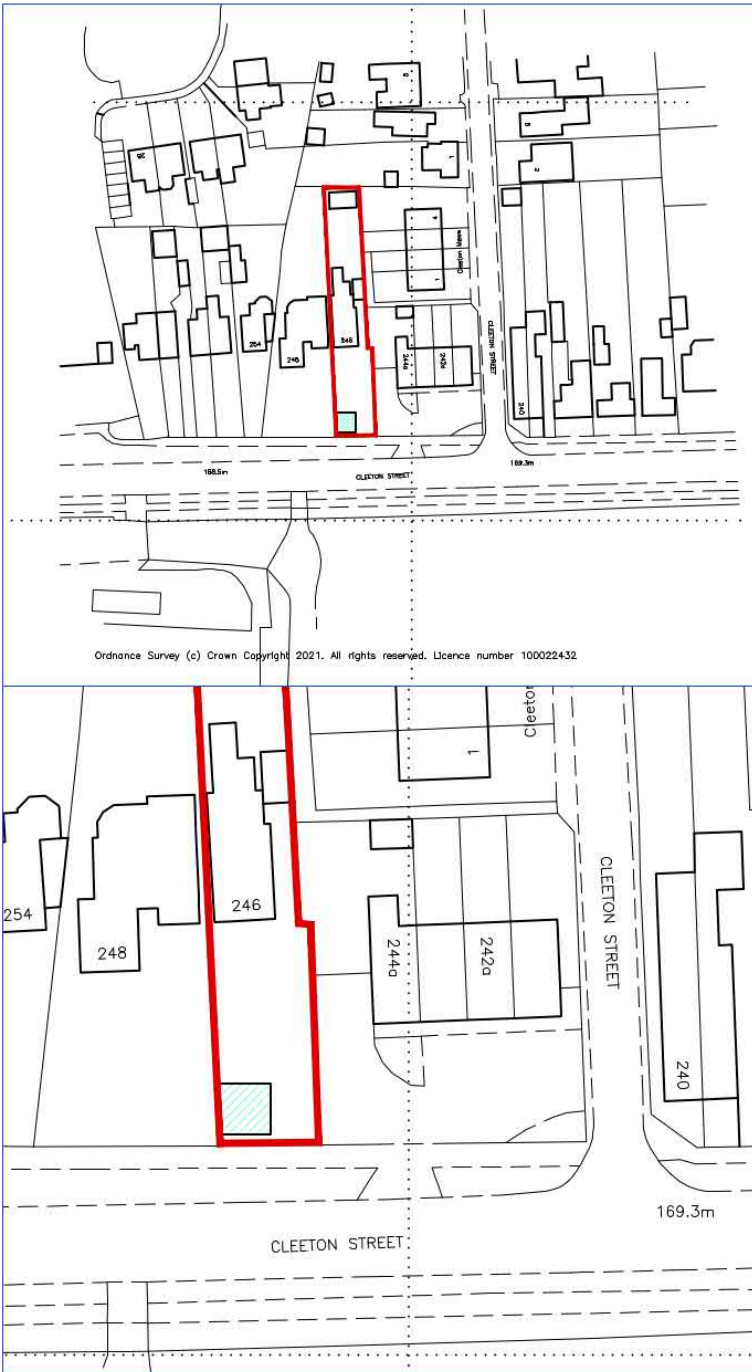
Location: 246 Cannock Road, Heath Hayes, Cannock, WS12 3HA

Proposal: Retention of detached garage

Item no. 6.98



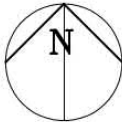
Location and Site Plan



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location plan 1:1250



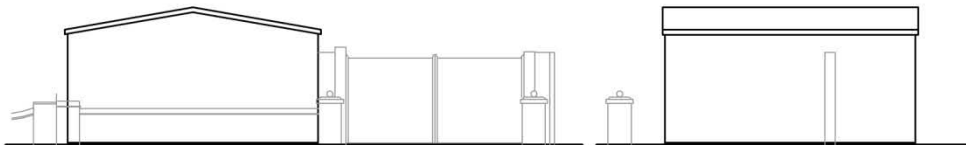
site plan 1:500

Plotted at A4

CLIENT
MR.A.GREENWOOD
 246 Cannock Road
 Heath Hayes
 Cannock
 WS12 3HA

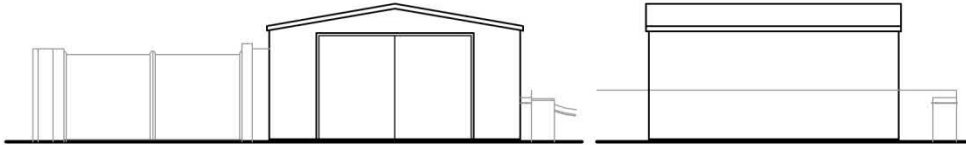
JANUARY 2021

Floor Plans and Elevations



FRONT ELEVATION 1:100

SIDE ELEVATION 1:100

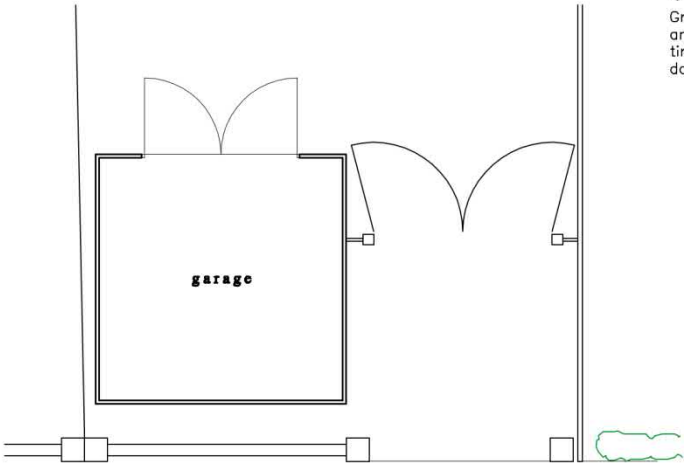


REAR ELEVATION 1:100

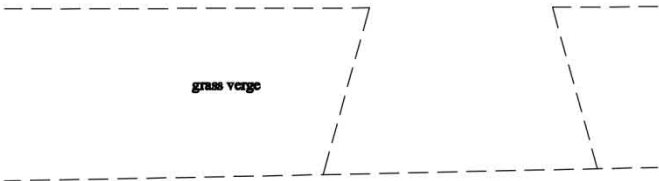
SIDE ELEVATION 1:100



Grey mineral felt pitched roof
 anthracite grey ship lap horizontal
 timber boarding to walls + garage
 doors



Cannock Road footpath



grass verge

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 246 Cannock Road
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CONTRACT
DETACHED GARAGE
 JANUARY 2021
 dr no
2021:02:01

floor plan + elevations 1:100

Contact Officer: Claire Faulkner

Telephone No: 01543 464337

Planning Control Committee

24th March 2021

Application No: CH/21/0038

Received: 19-01-2021

Location: 246 Cannock Road, Heath Hayes, Cannock, WS12 3HA

Parish: Heath Hayes

Ward: Heath Hayes East and Wimblebury Ward

Description: Retention of detached garage

Application Type: Full Planning Application

Recommendations: Refuse for the following reason:-

The garage, as constructed, appears as an incongruous and discordant structure in this prominent location. The garage is unrelated to the established linear and open pattern of development on this specific length of Cannock Road and as such, detracts from the character and appearance of the area. As such, the development as constructed is in conflict with Local Plan Policy CP3 and Paragraph 127 (a)(b) & (c) of the National Planning Policy Framework.

Reason(s) for Recommendation:

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

Notes to the Developer:

None required.

Consultations and Publicity

External Consultations

Heath Hayes & Wimblebury Parish Council

Objection

The garage should be constructed in line with the neighbouring property.

Staffordshire County Highway Authority

No objection

Current records show that there were no personal injury collisions on Cannock Road within 50 metres either side of the property accesses for the previous five years.

The application is for the erection of a detached garage in the front garden of No. 246 Cannock Road. Cannock Road is an A classified 40mph 7m wide road which benefits from street lighting. It lies approximately 2 miles east of Cannock town centre in the Heath Hayes area.

It is noted that the proposed garage is under the recommended internal dimensions for a single garage (6m x 3m as stated within Manual for Streets) the driveway does however have sufficient parking spaces for several vehicles therefore the Highway Authority have no objection to the proposal.

Internal Consultations

None undertaken

Response to Publicity

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

Relevant Planning History

None relevant.

1 Site and Surroundings

- 1.1 The application site is located adjacent Cannock Road, a main highway between Lichfield / Norton Canes and Cannock. There is linear residential development to the northern side of the highway and open fields within the South Staffordshire Green Belt to the south.
- 1.2 The application site relates to a detached garage constructed to the front of No. 246 Cannock Road which comprises a detached two storey dwelling with frontage parking and a private rear garden.
- 1.3 The frontage of the property comprises a width of 10m and has a depth of 20m. The access into the site is well established and is located in the south east corner. The front boundary comprises of a low brick wall and the side boundaries comprise a combination of high and low fencing and landscaping.
- 1.4 Cannock Road is a long road that can be visually separated into smaller sections. The application property is one of a row of residential properties of various designs that run from 318 to 244 Cannock Road and are set back from the pavement a roughly comparable distance. Their large front gardens create a sense of openness on this sizeable length of the road that is not undermined to any appreciable degree by the landscaping and boundary treatments. It is noted that the properties to the west do get nearer to the highway the further west you travel along Cannock Road however this is gradual and there are no large detached structures within the frontages of any of these dwellings. The properties to the immediate east (244) form a row of 4 modern terraces with shared parking to the frontage however they remain approx 12m from the rear of the highway.
- 1.5 The properties to the east, after Cleeton Street, are sited nearer to the highway than the host dwelling, set behind short frontages and closely spaced and as such appear in a visually different context to the dwellings to the west, including the application site.
- 1.6 The application site is unallocated and undesignated within the Cannock Chase Local Plan (Part 1). The application site is located within a Mineral Safeguarding Area and is also within the Coal Authority Low Risk Boundary.

2 Proposal

- 2.1 The application seeks consent for the retention of the detached garage within the front curtilage of the application site.
- 2.2 The garage comprises of a wooden ship-lap structure with a felt roof. The structure has been finished in an anthracite grey colour with the exception of

the western elevation which, at the time of compiling the report, remained untreated. The structure as constructed measures 4.6m x 4.6m and is orientated with doors opening into the site. The garage has a maximum height of 2.6m to the ridge.

2.3 The garage has been sited approximately 0.6m from the front boundary wall with a row of conifer trees planted between the wall and the rear elevation of the garage.

2.4 The applicants agent has submitted the following statement in support of the application:-

“I see there has been an objection from the Parish Council to the retention of this timber garage to the back of the footpath of 246 Cannock Road, but the Highways don't have an issue. If you are so minded to move this application to a refusal I would please like it be presented before a planning committee for further consideration.

“I would also like you to consider that Cannock Road, Heath Hayes historically has a lot of its existing properties quite close to the back of the footpath, not dissimilar to this application, see attached photos. As you are probably seen on site, my client has a large front drive and prior to him purchasing the house the existing garage to the rear has been converted, so when my client thought about having a garage, as he is considering having a classic car that will need to be kept under cover, where the timber garage is now placed seemed to be an obviously solution. Both the client and I agree that it doesn't look out of place painted Anthracite grey and to be shielded by conifers to the front once they get established, we don't believe that it's out of place in the street scene, taken into account what I have said in the paragraph above.

My client finds it difficult to understand what the difference is between his double garage at the back of the footpath and the double garage at the back of the footpath at no 72 Cannock Road, Heath Hayes.”

3.0 Planning Policy

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

3.2 Relevant Policies within the Local Plan Include:

- CP1 - Strategy – the Strategic Approach
- CP2 - Developer contributions for Infrastructure
- CP3 - Chase Shaping – Design

3.3 The relevant policies within the Minerals Plan are

3.2 Mineral Safeguarding.

3.4 National Planning Policy Framework

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

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

3.7 Relevant paragraphs within the NPPF include paragraphs: -

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

3.8 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.
Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

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) Drainage & Flood Risk
- v) Mineral Safeguarding
- vi) Ground Conditions
- vii) Impacts on Highway Safety

4.2 Principle of the Development

4.2.1 The proposal is for the retention of a detached garage within the front garden of an existing residential property that is located within an established residential area located within a built up location in Heath Hayes. The site is not allocated or designated within the Local Plan. It is therefore considered that the principle of the development is acceptable, subject to the considerations below.

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

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

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and
- (ii) Successfully integrate with trees, hedgerows and landscape features of amenity value.

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

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

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

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

4.3.5 This part of Cannock Road is predominantly characterised by dwellings set back behind deep frontages with the exception of the more recent dwellings to the immediate east (Nos 242-244) which comprise a different design, style and layout as the dwellings to the west.

4.3.6 The garage that has been constructed comprises a relatively substantial wooden building, unfinished along the western elevation and within close proximity to the frontage. As such, it appears highly incongruous in this context.

4.3.7 Your Officers note the row of conifer plants to the front of the garage and while it might be possible to plant and establish a hedge in the 0.6m available between the garage and the front boundary wall, it would sit uncomfortably close to the garage and, whilst it may conceal the garage to some degree when travelling westwards, it would still be apparent from a significant length of the road travelling eastwards along the side boundary which has no planting. Furthermore, there is no room along this boundary for any landscaping to be planted. As such it would do little to screen the mass of the garage behind.

4.3.8 Your Officers note the example referred to by the appellant at No. 72 Cannock Road, however, each application is determined on its own merits, and in that instance, the design of the garage together with the street scene in that location is different to the application site (approx. 500m to the east of the application site).

4.3.9 The NPPF advocates that development should respond to its local character. The 'local character' of a site need not necessarily extend to a very large area. As Cannock Road is a long road lined by housing that has been developed incrementally over time it does not have a consistent or uniform character or appearance along its entire length but rather one that changes from one stretch to another. From No. 240 Cannock Road eastwards there are a number of properties that are set much nearer to the road than No 246 and its neighbours to the west. These are separated from the application site and its adjacent neighbours by Cleeton Street. This layout has a significant effect on the character of that stretch of the road, and as such is visually different from the row of houses containing the application site.

4.3.10 For the reasons above, the garage, as constructed, is an incongruous and discordant structure in this location that is unrelated to the pattern of development on this specific length of Cannock Road and detracts unacceptably from the character and appearance of the area in conflict with Local Plan Policy CP3 and Paragraph 127 (a)(b) & (c) of the NPPF.

3.8 Impact on Residential Amenity

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

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

4.4.3 In terms of the neighbouring properties, the garage, as constructed would not result in an adverse impact to the adjacent dwellings, being sited approx..16m from the front elevation of the nearest dwelling and screened landscaping and fencing.

4.4.4 As such, the garage accords 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 Drainage and Flood Risk

4.5.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps. In this instance, the host dwelling already exists with the development constructed within the front curtilage. As such, the proposal would not create additional flood risk over and above the current situation.

4.6 Mineral Safeguarding

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

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

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

4.7. Ground Conditions and Contamination

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

4.8. Impact on Highway Safety

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

4.8.2 In this respect, the garage as constructed is substandard in dimension for a single garage as stated within Manual for Streets, however there is adequate room on the frontage for the parking of vehicles as associated with the host dwelling. The Highway Authority was consulted on the application and raised no objections in terms of highway safety.

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

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

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

Equalities Act 2010

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

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

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

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

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

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

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

6 Conclusion

- 6.1 In respect to its impact on residential amenity, flood risk and highway safety the proposal is considered acceptable. However, the garage is considered to have a harmful impact on the character of the area.
- 6.2 It is therefore recommended that the application be refused for the following reason:

- 1) The garage, as constructed, appears as an incongruous and discordant structure in this prominent location. The garage is unrelated to the established linear and open pattern of development on this specific length of Cannock Road and as such, detracts from the character and appearance of the area. As such, the development as constructed is in conflict with Local Plan Policy CP3 and Paragraph 127 (a)(b) & (c) of the National Planning Policy Framework.

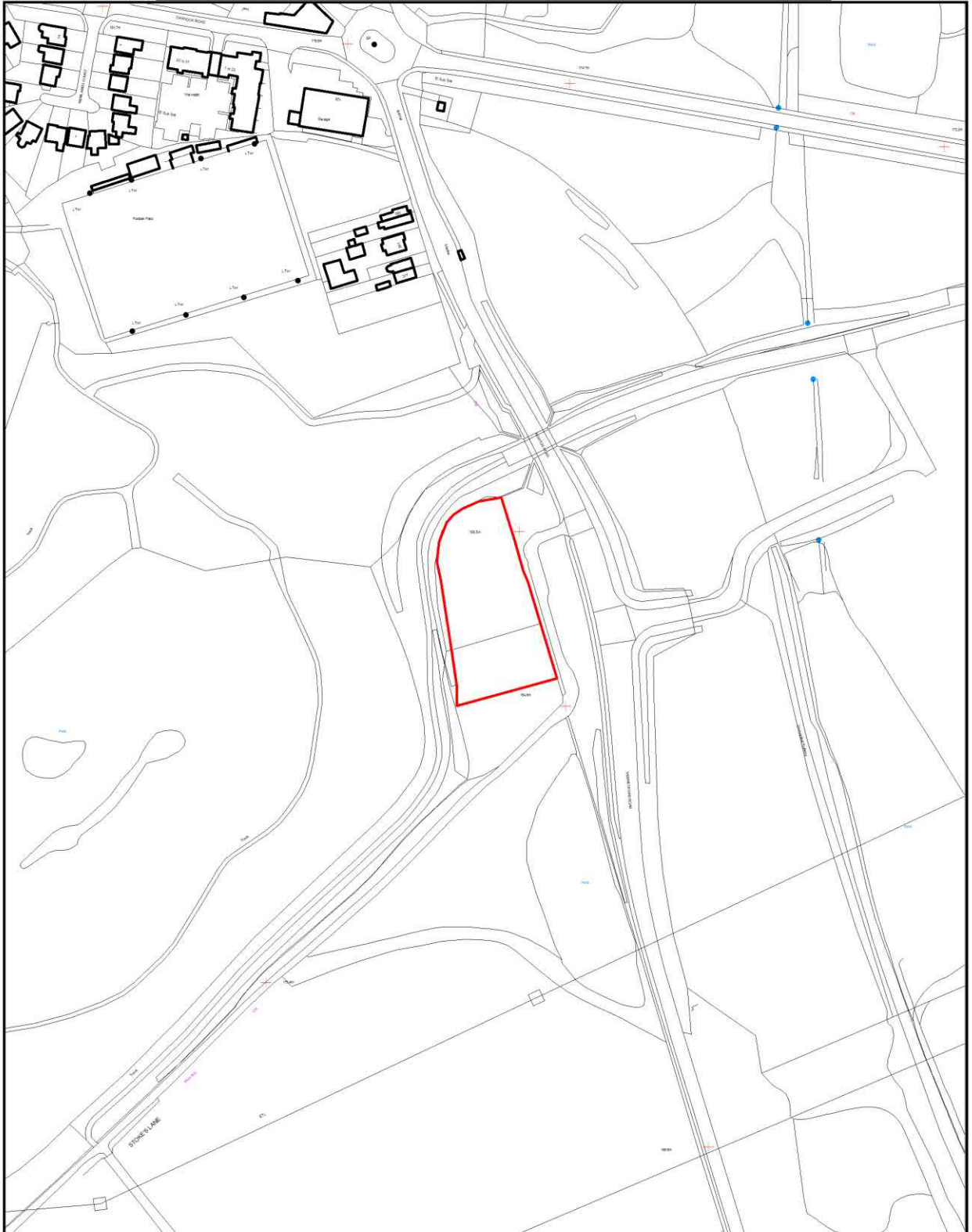


Application No: CH/21/0040

Location: Stokes Lane, Cannock, WS12 3HJ

Proposal: Application under Section 73 of the 1990 Town & Country Planning Act to develop the land not in accordance with approved plans but in accordance with plan JMD-60-07. (Larger amenity block). Pursuant to CH/20/198.

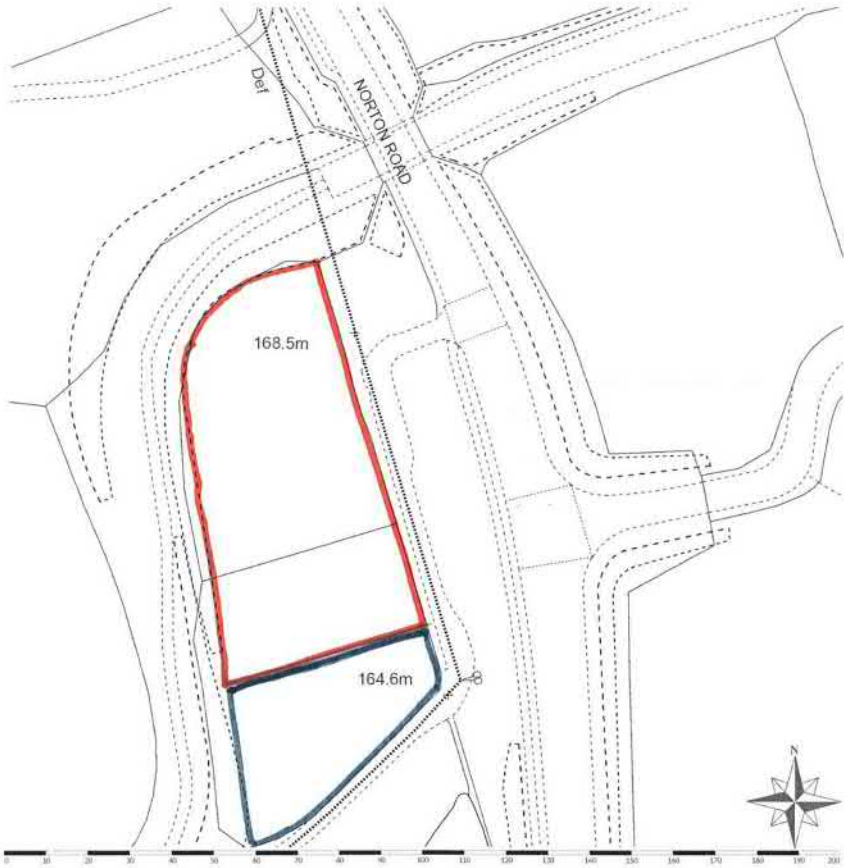
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Location Plan

19/01/2021

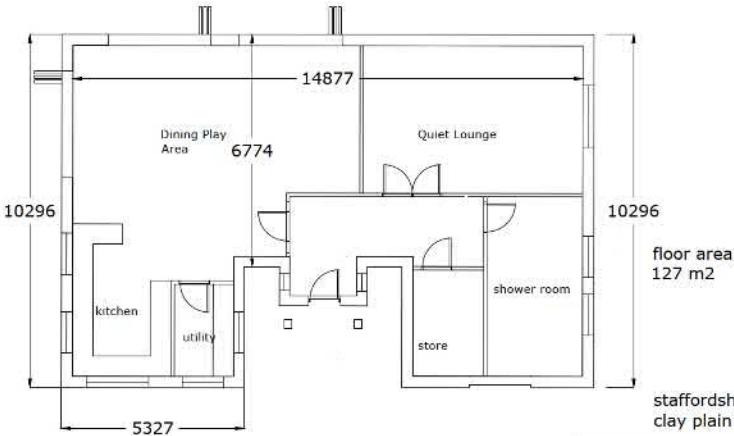
STREET RECORD, STOKES LANE, CANNOCK, WS12 3HJ



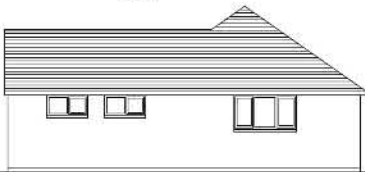
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Floor Plans and Elevations

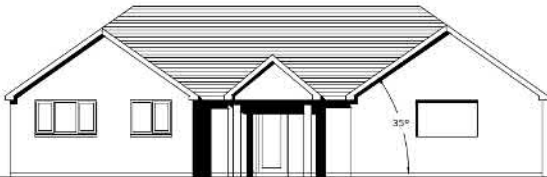
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DATE: 10/10/2018



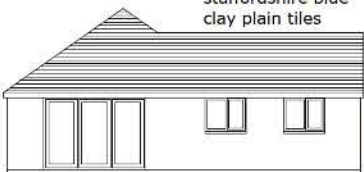
staffordshire blue clay plain tiles



PROPOSED NORTH SIDE ELEVATION OF AMENITY BLOCK
staffordshire blue clay plain tiles

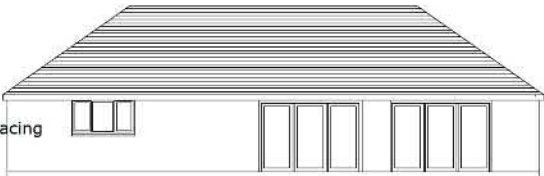


PROPOSED FRONT ELEVATION OF AMENITY BLOCK



PROPOSED SOUTH SIDE ELEVATION OF AMENITY BLOCK

brown multi facing brickwork



PROPOSED WEST REAR ELEVATION OF AMENITY BLOCK

CLIENT: Mr Tyson Lee
 PROJECT: Stokes Lane Site
 Norton Canes, WS12 3HJ
 DRAWING: Details of Amenity Block
 SCALE: 1:100
 DRAWING NO: JMD 60 7

Contact Officer: Richard Sunter**Telephone No:** 01543 464481**Planning Control Committee****24th March 2021****Application No:** CH/21/0040**Received:** 20th January 2021**Location:** Stokes Lane, Cannock, WS12 3HJ**Parish:** Heath Hayes / Norton Canes**Ward:** Heath Hayes East and Wimblebury Ward/ Norton Canes Ward**Description:** Application under Section 73 of the 1990 Town & Country Planning Act to develop the land not in accordance with approved plans but in accordance with plan JMD-60-07. (Larger amenity block). Pursuant to CH/20/198.**Application Type:** Full Planning Application**Recommendations:** Approve subject to conditions

.

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions):

1. The occupation of the 4 residential pitches shown on the approved site layout plans and use of the day room hall be carried out only by the following persons and their resident

dependents: John and Marie Lee, Tyson and Kizzy Lee, Monty and Mary Lee and Drewy and Kylie Lee.

Reason

The granting of this planning permission is based on, at least in part, on the personal circumstances of the Lee family.

2. There shall be no more than 4 permanent residential pitches, as shown on the approved Site Layout Plan. On each of those pitches there shall be no more than 2 caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 stationed at any time and no more than 1 caravan on each of those pitches shall be a static caravan.

Reason

For the avoidance of doubt as to what hereby has been permitted.

3. The proposed Amenity building shall be built in accordance with the submitted drawing Ref JMD 60-7 called "Details of the Amenity Block", received on 15 February 2021.

Reason

In the interest of protecting the character and form of this rural location in accordance with Policy CP3 of the Cannock Chase Local Plan.

4. No commercial activities shall take place on the land, including the storage of materials.

Reason

In the interest of protecting the character and form of this rural location in accordance with Policy CP3 of the Cannock Chase Local Plan.

5. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

Reason

In the interest of protecting the character and form of this rural location in accordance with Policy CP3 of the Cannock Chase Local Plan.

6. Within 3 months of the date of this decision, or such other period as the Local Planning Authority may agree in writing, the landscaping and layout scheme as shown on Drawings JMD 60-8 and Layout Drawing JMD 60 –

(As shall be implemented. For the avoidance of doubt that scheme includes the following: -

- (i) fencing, gates and other means of enclosure;
- (ii) the means of foul and surface and surface water drainage of the site;
- (iii) provision for the storage of domestic waste and recyclables, and
- (iv) provision of bird boxes and wood piles in the adjoining woodland.

Reason

In the interest of protecting the character and form of this rural location in accordance with Policy CP3 of the Cannock Chase Local Plan.

7. No construction of the amenity building or utility buildings shall commence until details of the ground gas protection to that amenity building, to a gas protection score of 6.5 (BS 8455) have been submitted to, and approved in writing by, the Local Planning Authority.

The amenity and utility buildings shall not be occupied until a validation report confirming that the ground gas protection to that amenity building has been installed in accordance with the approved scheme.

Reason

In order to ensure the development is suitable for its intended residential use, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

8. Within 6 months of the date of this permission the measures relating to removal of existing contaminated topsoil and provision of clean cover for landscaped areas shall be carried out in accordance with the recommendations in the GIP report submitted in support of CH/20/198.

Reason

In order to ensure the development is suitable for its intended residential use, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

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

Location Plan, Received 21 January 2021. .

JMD 60-8 Site Layout Plan, Received 21 January 2021.

JMD 60-9A Block Plan 1:500, , Received 21 January 2021.

JMD 60-7 Details of the Amenity Block, received on 15 February 2021

Toilet Block

Reason

For the avoidance of doubt as to what hereby has been permitted.

Notes to the Developer:

The Coal Authority notes that “The report advises that based on the nature of the proposal, the risk posed by possible unrecorded shallow coal mining activity should be mitigated through the use of an appropriate foundation design”. The Coal Authority therefore considers that the services of a suitably qualified structural engineer should be engaged in this regard.

The applicant is advised that the occupier(s) of the land will be required to obtain a Caravan Site Licence for Touring and Permanent residential under the provisions of the Caravan Sites and Control of Development Act 1960.

The applicant’s attention is drawn to the comments from staffordshire Police in respect to crime prevention and security.

The applicant’s attention is drawn to the comments from Staffordshire Fire and Rescue Service’s regarding sprinklers.

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

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

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

The applicant’s attention is drawn to the comments made by South Staffordshire Water Plc in respect to new water assets.

Consultations and Publicity

External Consultations

Norton Canes Parish Council

The Planning Committee have considered the above application and note that this is an extension to the existing amenity block but would raise concern if this was changed for use for residential purposes. It is also considered a further encroachment into the Green Belt.

Heath Hayes and Wimblebury Parish Council

No objections, Council would like a clause adding in the future this building must not become a residential building.

Internal Consultations

Policy

No comments have been received at the time of the compilation of this report. If comments are received members will be updated at Planning Committee.

Environmental Health

The site investigation report submitted in support of CH/20/198 will suffice for the purposes of this application. As such, the same level of ground gas protection must be provided to the newly proposed amenity block structure, ie a gas protection score of 6.5 (BS 8455). Details of the mitigation measures must be agreed with the planning authority prior to commencement, and be validated prior to occupation. Again, the scoring assigned to each component of the mitigation measures should be provided and referenced against BS 8455 in order that the proposals can be evaluated.

Measures relating to removal of existing contaminated topsoil and provision of clean cover for landscaped areas should follow recommendations in the GIP report submitted in support of CH/20/198.

Environmental Health (Private sector Housing)

The above planning application was reviewed by Environmental Health (Housing) and subject to the inclusion of a system of interlinked fire alarms providing coverage to the kitchen/dining area, quiet room and lobby area, a no objection response is given to the statutory consultation.

Response to Publicity

The application has been advertised as a departure from the Development Plan Site by newspaper advertisement and site notice. No letters of representation have been received.

Relevant Planning History

- CH/19/093: Proposed Change of Use of land for the keeping/stabling of horses
- CH/20/198: Change of use of land to use as a residential caravan site for 4 gypsy families. Approved 03-Sep-2020.
- CH/20/198/A: Application to discharge conditions 6 (Scheme), 7 (Ground Investigation Report) Pursuant to CH/20/198.

1.0 Site and Surroundings

- 1.1 The application site is comprised of an area of land which is subject to planning application for a change of use of land for as a residential caravan site for 4 gypsy families which was approved 3rd September 2020. The site has been laid out with areas of hardstanding and is enclosed by a 2m high close boarded wooden fence and caravan stationed it.
- 1.2 The site is located off Stokes Lane near its junction with B1454 Hednesford Road, between Heath Hayes and Norton Canes. It is surrounded, in part by semi-mature woodland which helps to screen the site although not entirely.
- 1.4 The site is located within the West Midlands Green Belt, the Forest of Mercia, a Mineral SafeGuarding Area, Coal Authority Low Risk Boundary, Coal Authority High Risk Boundary, near to Env Agency Historic Landfill Boundary, a Landmark Contaminated Land Boundary.
- 1.5 The site is located in the parish of Heath Hayes and wimblebury but on its boundary with Norton Canes.

2 Proposal

- 2.1 The application seeks consent under Section 73 of the 1990 Town & Country Planning Act to develop the land not in accordance with approved plans pursuant to planning permission CH/20/198 but in accordance with plan JMD-60-07 to allow for the construction of a larger amenity block.
- 2.2 The amenity block would resemble a traditional bungalow measuring 10.296m by 14.877m and contain a dining/play area cum kitchen and utility, a quiet lounge with store room and shower room.
- 2.3 The building would be under a hipped tiled roof with maximum height of 5m.
- 2.4 In support of the application the applicant has submitted the following statement: -

“Within the decision there was consent for various outbuildings. One of these buildings was a Day / Amenity Room. As Gypsy’s generally just sleep in the caravans, the room inside the caravan is restricted to mainly sleeping, especially if children are involved.

There is a need for such a building to allow general day to day operations such as cooking, meeting Quiet Room, children’s play areas and games room and socialising.

Usually each plot has an amenity space for each family. These vary across the country and examples are attached.

Appendix A Leeds City Council promotes an Amenity Block for a Gypsy Plot with a nett floor area of 34.4m² for one family. The plan shows a pair of amenity blocks for 2 plots.

Appendix B The Welsh Government standard is nett floor area of 31.35m². On sites provided for the gypsy community Amenity Blocks are normally provided as a pair.

On this site there would be need for 4 units to be provided. The plan that was submitted only provides for only approximately 1 to 1.5 families.

In the application process it was stated that the openness of the green belt was important and the proliferation of Amenity Blocks would certainly not help. It is therefore planned, as all the families are related, and only those families can use this site, that they group the families in one Amenity Building that is shared between them all. In this respect, the building would minimise the construction on site and promote the openness. The proposed internal area is 127m², within the design parameters of the local authority approved layouts shown in Appendix’s A and B.”

3.0 Planning Policy

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

3.3 Relevant Policies within the Local Plan Include:

- CP1 - Strategy – the Strategic Approach
- CP2 - Developer contributions for Infrastructure
- CP3 - Chase Shaping – Design
- CP13 -Cannock Chase Special Area of Conservation (SAC)
- CP14- Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB)

3.4 The relevant policies within the Minerals Plan are

3.2 Mineral Safeguarding.

3.5 National Planning Policy Framework

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

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

3.8 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Planning Applications
124, 127, 128, 130:	Achieving Well-Designed Places
133, 134, 143, 144, 145, 146:	Green Belt
163	Flood Risk
170; 175,	Countryside and Biodiversity
178-180	Ground Conditions and Pollution
212, 213	Implementation

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.
 Cannock Chase Local Development Framework Parking Standards, Travel
 Plans and Developer Contributions for Sustainable Transport.

4 Determining Issues

4.1 The determining issues for the proposed development include: -

- i) Principle of development in the Green Belt
- ii) Design and impact on the character and form of the area
- iii) Impact on highway safety.
- iv) Impact on residential amenity.
- v) Crime and the fear of crime
- vi) Drainage and flood risk
- vii) Mineral safeguarding
- viii) Waste and recycling
- ix) Ground conditions and contamination
- x) Impact on nature conservation Interests
- xi) The applicant's case that very special circumstances exist
- xii) Assessment of the applicant's case
- xiii) The weighing exercise to determine whether very special circumstances exist.

4.2 Principle of the Development

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

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

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

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

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

4.2.4 Although often referred as “variation of condition” applications, an approval of an application submitted under Section 73 results in the granting of a brand new permission which will sit side by side with the original consent. As such it is pertinent to ensure that an appropriate schedule of conditions and the appropriate obligations are attached to any permission granted. The starting point for the drafting of the new schedule of conditions is the original schedule but this would need amending to reflect that part of the conditions which have already been discharged (that is the required schemes have been submitted and approved and, or the works pursuant to those approved schemes have been implemented).

4.2.5 In this case the material minor amendment sought relates to an increase in the size of the approved amenity block and consequent changes to the layout of the site to accommodate it. This would be brought about by amending condition 8 on the approval which lists the approved plans so that the new permission refers to the plans which have been submitted under the current application. Therefore the only substantive issues in the determination of this application is whether the increased size of the dayroom is acceptable and whether any changes in circumstances would necessitate the redrafting of any of the other conditions or other obligations attached to the original permission.

4.2.6 The principle of the use of the site and its general layout as a residential caravan site for 4 gypsy families was established under the previous consent. However, an increase in the size of the day room would have an impact on its acceptability in terms of Green Belt policy as due to its increased volume and height it potentially has a greater impact on the openness of the Green and the conflicts with the purposes of including land within it.

4.2.6 Both the NPPF and the Local Plan contain a presumption in favour of sustainable development, the latest version of which is contained within the NPPF (2019) and states: -

“For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- 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. the application of policies in this Framework that protect areas or assets of particular importance provides 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 this Framework taken as a whole.

4.2.7 As such the decision taker needs to determine whether the proposal is in accordance with the development plan. In this respect it is noted that the application site lies within West Midlands Green Belt, wherein there is a presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and any such development should be considered a departure from the development plan.

4.2.8 Whether a proposal constitutes inappropriate development is set out in Paragraphs 145 & 146 of the NPPF. Paragraph 145 relates to new buildings whereas Paragraph 146 relates to other forms of development, including the making of material changes of use of land.

4.2.9 Paragraph 145 states: -

“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the

Green Belt and do not conflict with the purposes of including land within it;

- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

4.2.10 It is common ground between the applicant and officers that the proposal does not fall within any of the typologies of development identified as being allowed in the Green Belt as set out in paragraphs 145 and 146 of the NPPF. It is also common ground that the proposal would cause harm to the Green Belt by reason of inappropriateness and through loss of openness (albeit only marginally above that of the consented scheme) and therefore constitutes inappropriate development in the Green Belt.

4.2.11 Given that the proposal constitutes inappropriate development in the Green Belt the proposal should be considered to be not in accordance with the development plan.

4.2.12 In the Green Belt it should be noted that paragraph 143 of the NPPF makes it clear that inappropriate development should not be approved except in “very special circumstances”. Furthermore, paragraph 144 of the NPPF states that “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt” adding “‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.

4.2.13 Therefore in accordance with paragraph 144 it is considered that substantial weight should be given to the harm to the Green Belt identified above.

4.2.14 This report will now go on to consider what other harms may or may not arise as a consequence of the proposal before going on to consider what 'other considerations' exist in support of the proposal and the weight to be attached to these and then finally proceeding to weigh up those considerations to determine whether they clearly outweigh the harm to the Green Belt and any other harm such that very special circumstances have been demonstrated that would justify approval of the application.

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

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

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

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

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

Planning policies and decisions should ensure that developments:

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

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

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

4.3.5 The impact of the gypsy site and its smaller amenity block was considered during the part retrospective application CH/20/198 where it was considered that the proposal had/ would result in some harm to the rural character of the area. However, it was also noted that the site is generally well screened from certain angles apart from the higher ground to the North West such that its impact is localised.

4.3.6 In the present case it is noted that the proposed amenity block would be significantly larger than the one that was granted consent. However, the impact on the character of the area would still remain localised due to the woodland that screens the site from the surrounding area. As such any impacts on the character of the wider area arising from the increased size would only be marginal over and above that of the consented scheme.

4.3.7 In design terms the proposed amenity block would resemble a detached bungalow under a mainly hipped roof with gable projections to the front. It would therefore reflect a house type which is found in a variety of locations throughout the district. The roof would be constructed from Staffordshire Blue clay plain tiles (which resemble blue slate) and the building would be faced using brown facing brickwork. Given the stand alone nature of the building it is considered that these materials are acceptable.

4.3.8 Having had regard to the above it is considered that the proposal as per the consented scheme, due to its erosion of the rural character of the area would be contrary to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF and further that moderate weight should be afforded to that harm.

4.4 Impact on Residential Amenity

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

existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.

- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 Having regard to the above it is noted that the site is located approximately 114m to the nearest dwellings which are to the north and is screened by intervening woodland and the 2m high close boarded boundary fence that surrounds the application site. As such the proposal would not result in any significant level of overlooking, overshadowing or loss of outlook to any existing property in the neighbouring area.
- 4.4.4 In addition to the above it is noted that the proposed amenity block is a communal facility intended to serve an extended family. Furthermore, it is noted that the occupation of the wider site is controlled by condition and that a similar condition could be applied to any permission granted for this proposal. Subject to such a condition it is considered that the proposal would not cause significant loss of amenity for the occupiers of the site. In addition the larger amenity block would prevent overcrowding and consequent effects on physical and mental health that poor standards of accommodation and hence would result in a high standard of residential amenity of the occupiers of the wider site. This point is discussed further in this report.
- 4.4.5 It is therefore concluded that the proposal in respect to the high standard of residential amenity it would attain would not be contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 127(f) of the NPPF.

4.5 Impact on Highway Safety

- 4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.5.2 It is clear from the proposal that the compound is more than adequate to accommodate the vehicle parking needs associated with 4 pitches. Furthermore, the Highway Authority had no objections to the original proposal and this amenity building would not significantly alter the level of parking within the site.
- 4.5.3 It is therefore considered that subject to the attached conditions the proposal has not resulted in an unacceptable impact on highway safety and that the residual cumulative impacts on the road network have not been severe.

4.6 Crime and the Fear of Crime

- 4.6.1 Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can do to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment'.
- 4.6.2 In addition to the above paragraph 127(f) of the NPPF states planning policies and decisions should ensure that development create places which [amongst other things] create places that are safe and where crime and disorder, and the fear of crime, do not undermine quality of life, social cohesion and resilience.
- 4.6.3 Staffordshire Police Force confirmed that they had no objections to the original proposal approved under planning permission CH/20/198. This proposal would not significantly alter the overall layout of the site in this respect.
- 4.6.4 As such it is considered that the proposal would be acceptable in respect crime and disorder and the fear of crime and disorder.

4.7 Drainage and Flood Risk

- 4.7.1 Paragraph 155 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.
- 4.7.2 The site is located in Flood Zone 1 which is at the least risk of flooding.
- 4.7.3 Much of the site would remain as semi-permeable hard standing which facilitates the discharge of surface water. Foul water would be discharged to a septic tank which has already been installed in the adjacent woodland and would be accessed through a gate within the fence of the compound on the southern side. Nevertheless details of this would need to be submitted for retrospective approval to ensure that it is fit for purpose.
- 4.7.4 During consideration of the original planning application CH/20/198, Severn Trent and the Local Lead Flood Authority had no objections to the above although the Environmental Health Officer did request that details of the drainage system be submitted for approval to ensure that no harm has been

caused to the aquatic environment and to public health. That condition has not been discharged as yet and so will need to be included in any permission granted in respect to this application.

4.7.4 Therefore subject to a condition for the approval of the means of disposal of foul water it is considered that the proposal would be acceptable in respect to flood risk, drainage and protection of the aquatic environment

4.8 Mineral Safeguarding

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

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

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

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

4.8.3 However, it is noted that the County Planning and Minerals Authority had no objections to the original proposal and it is therefore concluded that the proposal would not result in the sterilization of mineral deposits. The proposed amendment that is the subject of the current application does not alter this conclusion.

4.9 Waste and Recycling

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 It is clear that there is sufficient space within the site for waste and recycling facilities and there is sufficient space at the entrance to accommodate a collection point. As such the amended proposal is acceptable in respect to Policy CP16(1) (e) of the Cannock Chase Local Plan.

4.10 Ground Conditions and Contamination

- 4.10.1 The Environmental Health Officer has stated that the site has a number of immediate or adjacent features that create potential land contamination and/or ground/ mining gas concerns, including unknown infill, Environment Agency historical infill sites and coal mining.

- 4.10.2 Paragraph 170 of the NPPF states: -

“Planning policies and decisions should contribute to and enhance the natural and local environment by [amongst other things]:

- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

- 4.10.3 In addition to the above paragraph 178 of the NPPF states: -

“Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.”

4.10.4 Finally paragraph 179 of the NPPF makes it clear that where 'a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'.

4.10.5 The original permission granted was subject to a condition requiring the submission of a ground condition investigation and, where required remediation. A scheme has been submitted under a discharge of condition application CH/20/198/A. The Environmental Health Officer (EHO) in considering the current application has stated that the “site investigation report submitted in support of CH/20/198 will suffice for the purposes of this application” adding “as such, the same level of ground gas protection must be provided to the newly proposed amenity block structure, i.e. a gas protection score of 6.5 (BS 8455). The EHO has added that “details of the mitigation measures must be agreed with the planning authority prior to commencement, and be validated prior to occupation and that “measures relating to removal of existing contaminated topsoil and provision of clean cover for landscaped areas should follow recommendations in the GIP report submitted in support of CH/20/198. All of these measures can be adequately controlled by condition.

4.10.6 In addition to the above it is noted that the original planning application was supported by a Coal Mining Risk Assessment report (9 June 2020, prepared by the Coal Authority’s commercial arm). Based on a review of appropriate sources of coal mining and geological information the report concluded that whilst the application site falls within the licenced boundary of Bleak House opencast site, it is understood to be outside the area of excavation. The report did, however, identify that shallow coal seams present beneath the site may have been worked and pose a medium risk to the proposed development.

4.10.7 The Coal Authority therefore responded noting that the

“The report advises that based on the nature of the proposal, the risk posed by possible unrecorded shallow coal mining activity should be mitigated through the use of an appropriate foundation design. The Coal Authority therefore considers that the services of a suitably qualified structural engineer should be engaged in this regard”;

and has no objection to the planning application, subject to the recommendations within the report in respect of foundation design being implemented on site.

4.10.8 The Coal Authority went on to state “further more detailed considerations of ground conditions, foundation design and gas protection measures may be required as part of any subsequent Building Regulations application”. However, the Coal Authority has clarified that it would not expect the LPA to impose a condition on the planning permission in respect of foundation design as foundations are considered under the Building Regulations and that they are therefore satisfied that the matter can be dealt with by means of an informative note. This approach was accepted and endorsed by officers and officers can further advise that there is nothing within the current application proposal that would suggest that a different approach should be taken in the current application.

4.10.9 It is therefore considered that subject to the attached condition to secure the required remediation, and an informative in respect of foundation design the amended proposal would be in accordance with paragraphs 170 and 178 of the NPPF.

4.11 Impact on Natural Conservation Interests

4.11.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 170 and 174 of the NPPF.

4.11.2 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”.

4.11.3 Paragraph 170 of the NPPF states [amongst other things]: -

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

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

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

4.11.4 Paragraph 174 goes on to state: -

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

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

Site Specific Impacts on Ecology

4.11.5 The site is not designated for any nature conservation purpose and is not known to support any species or habitat which is either legally protected or of ecological/ nature conservation interest, nor has any evidence been provided to suggest that the proposal would impact on any protected species that may inhabit the wider area.

4.11.6 A condition was attached to the original permission to seek a scheme for the provision of bird boxes and biodiversity enhancements. Such a scheme has been submitted under discharge of condition application CH/20/198 which has been approved. A scheme for the implementation of the bird boxes and enhancement will therefore need to be attached to any permission granted in respect of the current application.

Impacts of Cannock Chase Special Area of Conservation

4.11.7 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 of 4 dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL. However, given that the combined floor area of buildings on the site would be less than 100m² the proposal would not be CIL liable. As such the mitigation would be secured through a commuted sum via the alternative means of a unilateral undertaking under section 106.

4.11.8 As part of the assessment of the original application the LPA undertook a Habitats Regulations Appropriate Assessment which was subsequently accepted by Natural England and which concluded that subject to a payment towards mitigating impacts on the SAC the proposal would be acceptable. The SAC mitigation payment in respect to the original application has been received and therefore any new consent does not require any further action in respect to impacts on the Cannock Chase SAC

4.12 Education

4.12.1 Policy CP2 states that all housing developments will be required to contribute towards providing the infrastructure necessary for delivery of the Local Plan informed by viability assessment. It goes on to state that contributions will be secured primarily via (i) rates set out in a community Infrastructure Levy (CIL) charging schedule and (ii) Section 106 planning obligations.

4.12.2 The Education Authority has stated that although this development falls within the catchments of Jerome Primary School and Norton Canes High School no

education contribution is requested for this application as it falls under the threshold for such contributions. The proposed amendment to the day room does not affect this situation.

4.12.3 As such it is considered that the proposal is acceptable in respect to Policy CP2 without an education contribution.

4.13 The Applicant's Case for Very Special Circumstances

4.13.1 In support of the application the applicant has provide the following statement to demonstrate that very special circumstances exist that would justify approval of the application: -

“Within the decision there was consent for various outbuildings. One of these buildings was a Day / Amenity Room. As Gypsy's generally just sleep in the caravans, the room inside the caravan is restricted to mainly sleeping, especially if children are involved.

There is a need for such a building to allow general day to day operations such as cooking, meeting Quiet Room, children's play areas and games room and socialising.

Usually each plot has an amenity space for each family. These vary across the country and examples are attached.

Appendix A Leeds City Council promotes an Amenity Block for a Gypsy Plot with a nett floor area of 34.4m² for one family. The plan shows a pair of amenity blocks for 2 plots.

Appendix B The Welsh Government standard is nett floor area of 31.35m². On sites provided for the gypsy community Amenity Blocks are normally provided as a pair.

On this site there would be need for 4 units to be provided. The plan that was submitted only provides for only approximately 1 to 1.5 families.

In the application process it was stated that the openness of the green belt was important and the proliferation of Amenity Blocks would certainly not help. It is therefore planned, as all the families are related, and only those families can use this site, that they group the families in one Amenity Building that is shared between them all. In this respect,

the building would minimise the construction on site and promote the openness. The proposed internal area is 127m², within the design parameters of the local authority approved layouts shown in Appendix's A and B."

4.14 Appraising the Applicant's Case

4.14.1 In essence the applicant's case that very special circumstances exist is that the scheme as proposed would provide a substandard degree of residential amenity and that approval of amenity block as shown in this amended proposal would rectify this.

4.14.2 As stated by the applicant's agent the site is occupied by an extended Romany gypsy family comprising four distinct households and that this is controlled via planning condition which restricts occupancy of the site to certain named individuals and their dependants.

4.14.3 In total the consent restricts the occupancy of the site to 8 adults and 11 children with a further child that is expected to be born this year.

4.14.4 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users. As can be seen from Appendix 3 the approved "dayroom/ amenity block" is very modest measuring roughly 8m by 8m, containing a kitchen/living, bathroom and utility. Its design compares unfavourably with designs that have been adopted / allowed by other authorities (see Appendices 1 and 2) for single households and it clearly falls well below what would be required to reasonably accommodate an extended family of 8 adults and 11 children across three generations.

4.14.5 It is therefore considered that the approved scheme would fail to provide the high standard of amenity that is required under paragraph 127(F) of the NPPF.

4.14.6 In contrast the approved scheme would provide the high standard of amenity required under paragraph 127(f) of the NPPF and in doing so would prevent the problems of overcrowding and associated problems of mental and physical health that are linked to overcrowded accommodation.

4.15 Assessment as to whether the Harm to the Green Belt and Any Other Harm is Clearly Outweighed By Other Circumstances Such that Very Special Circumstances Exist to Justify Approval

- 4.15.1 Inappropriate development in the Green Belt should only be approved where 'very special circumstances' have been demonstrated to exist. The term 'very special circumstances' is not defined in the NPPF, which merely states that they will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. Ultimately, each case has to be judged on its own merits with weight given to all relevant considerations according to their relative gravity.
- 4.15.2 In this respect it is noted that it was considered in the previous application, substantial weight was afforded to the harm to the Green Belt, including the harm to the openness of the Green Belt and the purposes of including land within it. In addition moderate weight was afforded to the harm to the character of the area. Given the relatively marginal impact of the proposed larger dayroom in the context of the impact of wider site taken as a whole it is considered that the current proposal does not significantly alter the previous overall conclusions.
- 4.15.3 Turning now to the issue of other considerations which weigh in favour of the proposal. It is noted that in the assessment of the original application the Council concluded that that substantial weight should be afforded to the personal need of this extended family for a settled site, the lack of any realistically available alternative sites, personal circumstances with regard to health and education and the effect on the human rights if the extended family is required to leave the site. In addition the 'best interests of the 11 children living on the site and of the expected child as a primary consideration was also afforded substantial weight in favour of the proposal. Furthermore, the current uncertainty regarding the future provision of sites for travellers in the district and the neighbouring districts, that the sites falls within the general area of search for travellers sites as identified in the Local Plan (Part 2) and the strong likelihood that should future sites come forward in this area that they will also be in the Green Belt, the sustainability benefits of providing a settled site, including adequate accessibility to a range to services and facilities, were also found to individually carry moderate weight in the application's favour.
- 4.17.5 In addition to the above it is considered that the provision of an appropriate sized day room commensurate to the size of the extended family's day to day needs also adds moderate weight on favour of the proposal.
- 4.17.6 It is therefore concluded that, subject to the attached conditions and the completion of a unilateral undertaking, the harm to the Green Belt and to the

character of the area is clearly outweighed by the above considerations such that very special circumstances exist that would justify approval of the application.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

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

Equalities Act 2010

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

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

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

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

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

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

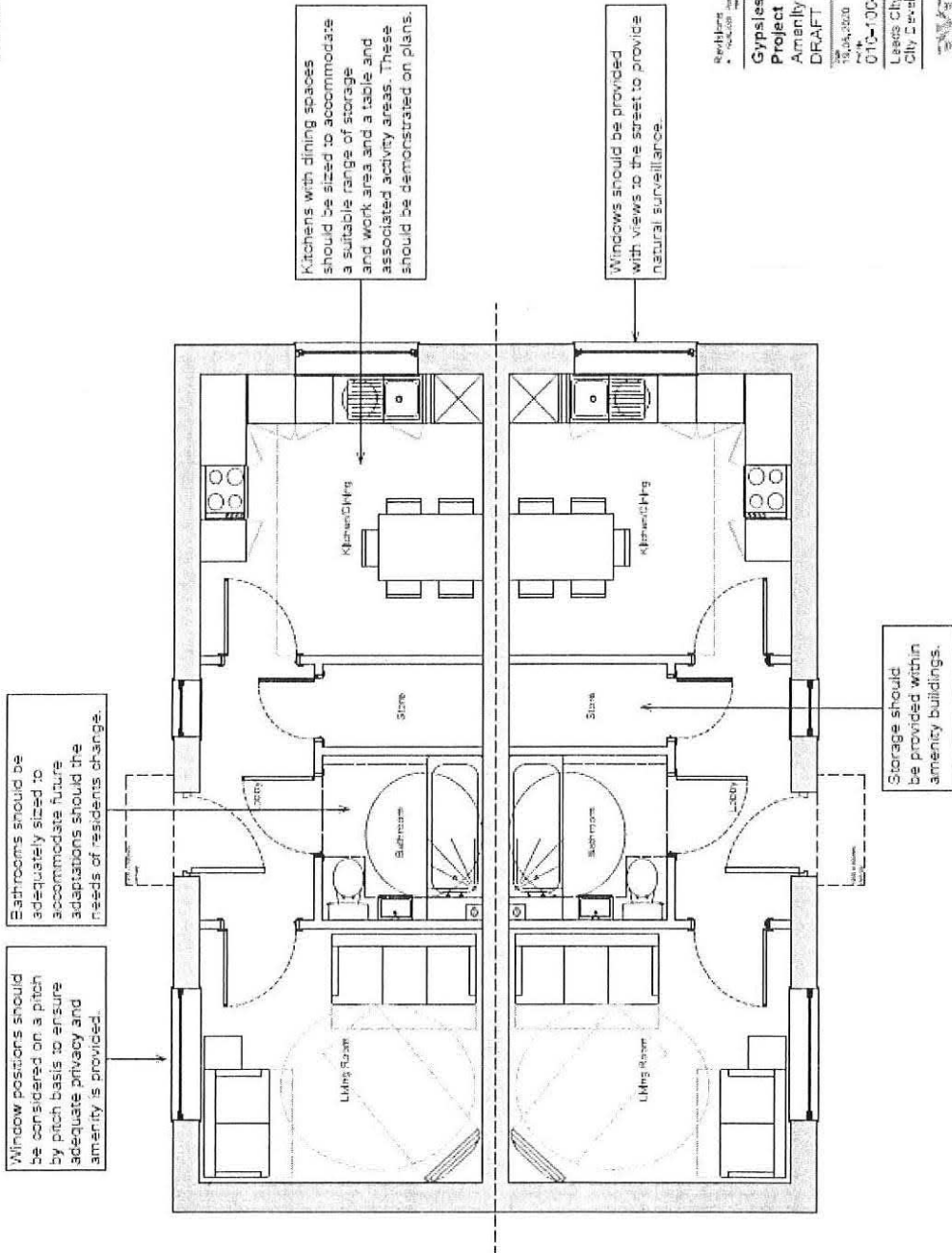
Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case, officers consider that the proposal would not conflict with the aim of the Equalities Act and would be a positive step in advancing the equality of opportunity in respect to accommodation provision for the traveller community

6 Conclusion

- 6.1 The application seeks consent under Section 73 of the 1990 Town & Country Planning Act to develop the land not in accordance with approved plans pursuant to planning permission CH/20/198 but in accordance with plan JMD-60-07 to allow for the construction of a larger amenity block.
- 6.2 The application site lies within West Midlands Green Belt, wherein there is a presumption against inappropriate development. Inappropriate development is by definition harmful to the Green Belt and any such development should be considered a departure from the development plan.
- 6.3 The proposal constitutes inappropriate development in the Green Belt. Paragraph 143 of the NPPF makes it clear that inappropriate development should not be approved except in “very special circumstances”.
- 6.4 It is concluded that, subject to the attached conditions the harm to the Green Belt and to the character of the area is clearly outweighed by the above considerations such that very special circumstances exist that would justify approval of the application
- 6.5 It is recommended that subject to the attached conditions the application be approved.
- 6.6 As in the original permission, given the overwhelming unmet need for traveller accommodation it is considered that any permission granted should be on a permanent basis. However, given that the personal circumstances of the family and the best interest of the child have added substantial weight in favour of the proposal it is recommended that approval should be subject to a condition that the site can only be used for accommodation by the named adults and their dependents.

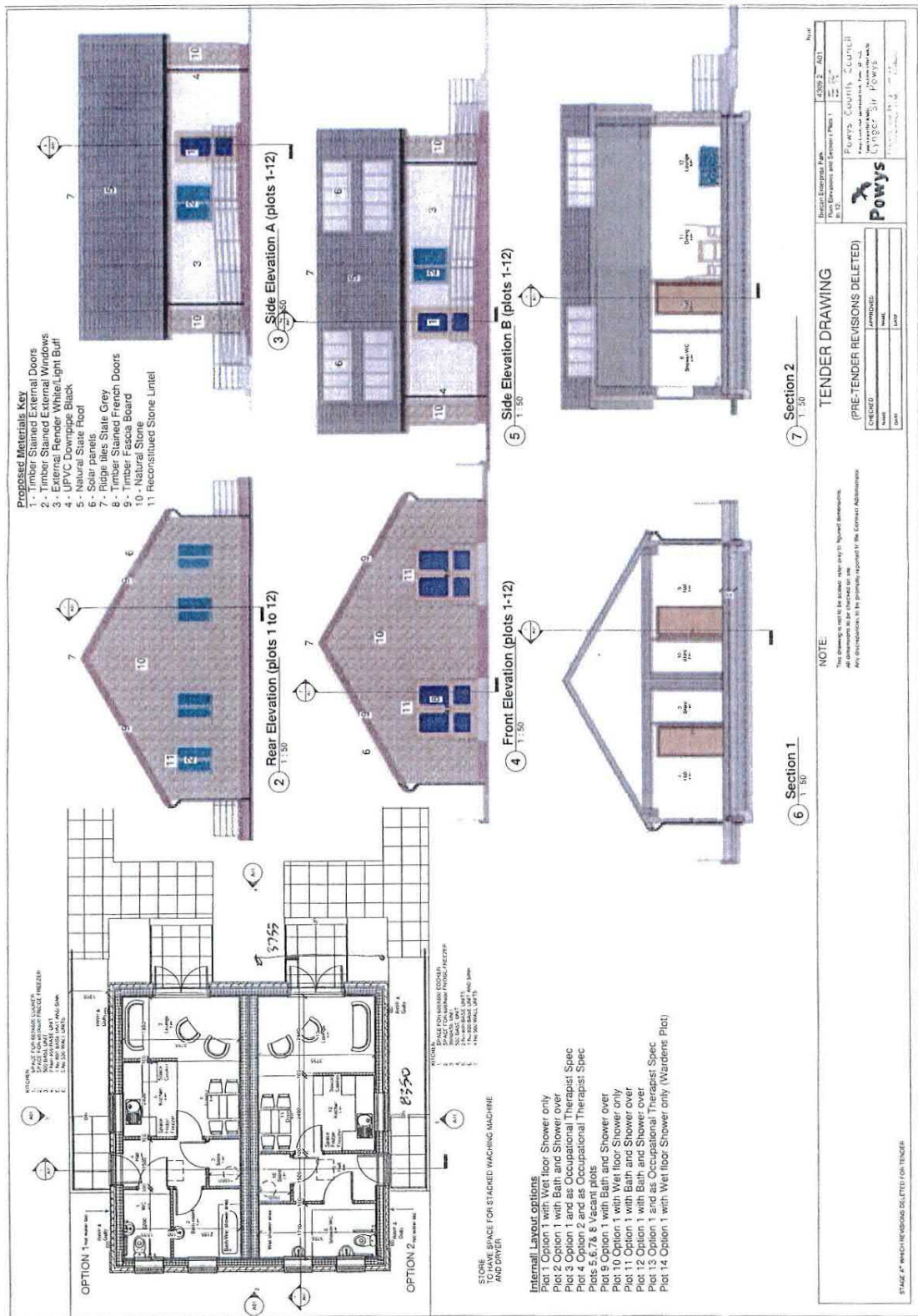
APPENDIX 1: Leeds City Council Amenity Block Design

DO NOT SCALE



Rev: 01/2018
 Project: Gypsies and Traveler
 Amenity Block Version 2
 DRAFT
 Date: 01/05/2018
 Sheet: 002 A
 Leeds City Council
 City Development Department

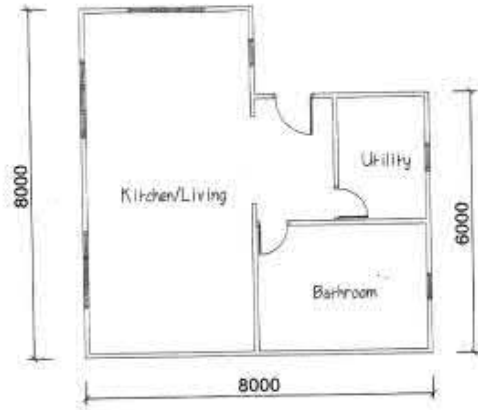
APPENDIX 2: King's Meadow site amenity block example



APPENDIX "B"

Photo Credit: Powys County Council and Capita Symonds

APPENDIX 3: Day room as Approved under Planning Permission CH/20/198



NOTES:

Date	Revisions

Copyright

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& DEVELOPMENT CONSULTANTS

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Tel: 01789 576214
Email: phil@brownassociates.co.uk

Client

Job Title
Amenity Building

Scale 1:100 Sheet A4

Date January 20 Drawn by Samuel Brown



Application No: CH/21/0052

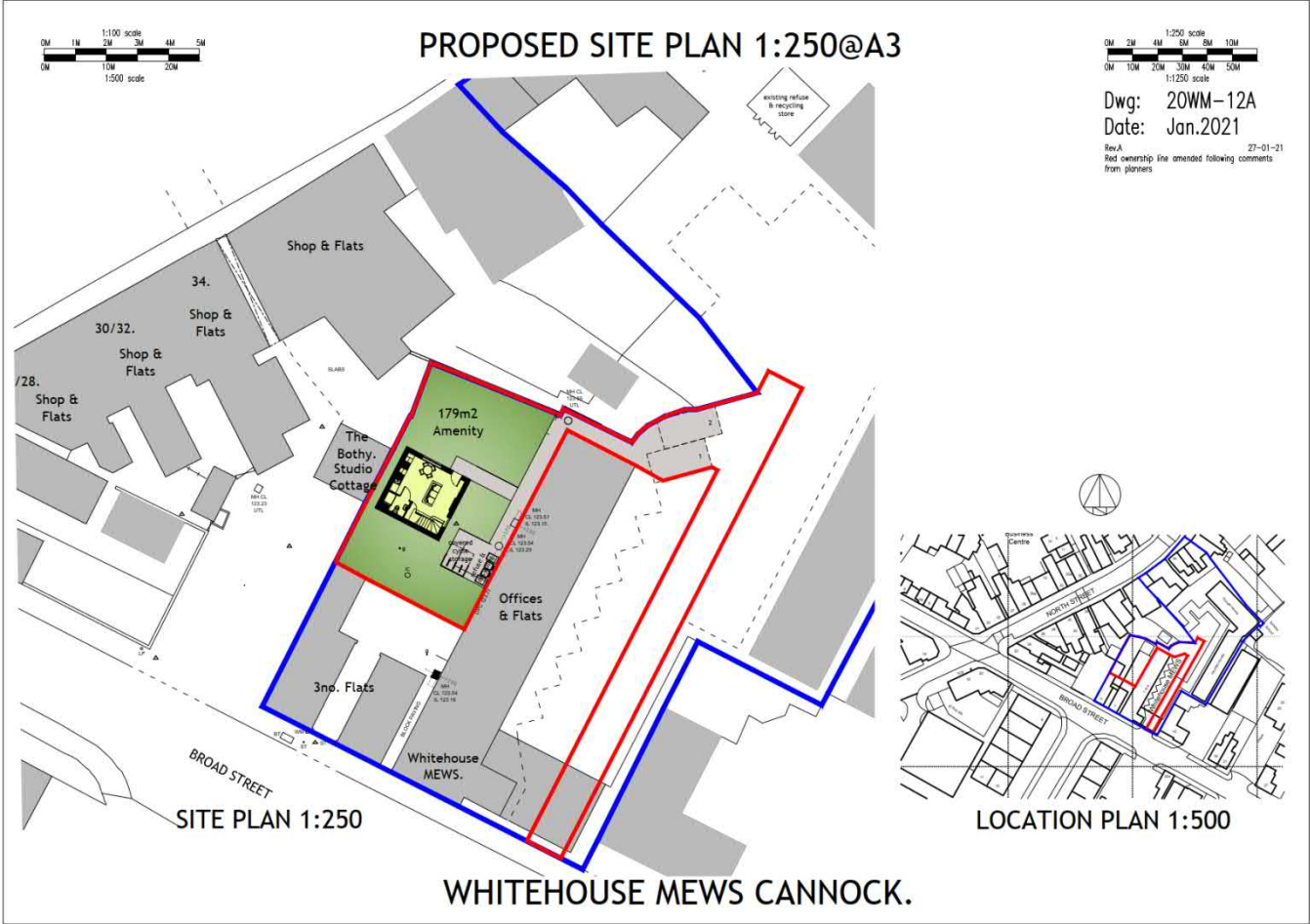
Location: 5-7, Broad Street, Bridgtown, Cannock, WS11 0DA

Proposal: 1no. 1&1/2 storey dwelling. Resubmission of CH/20/354.

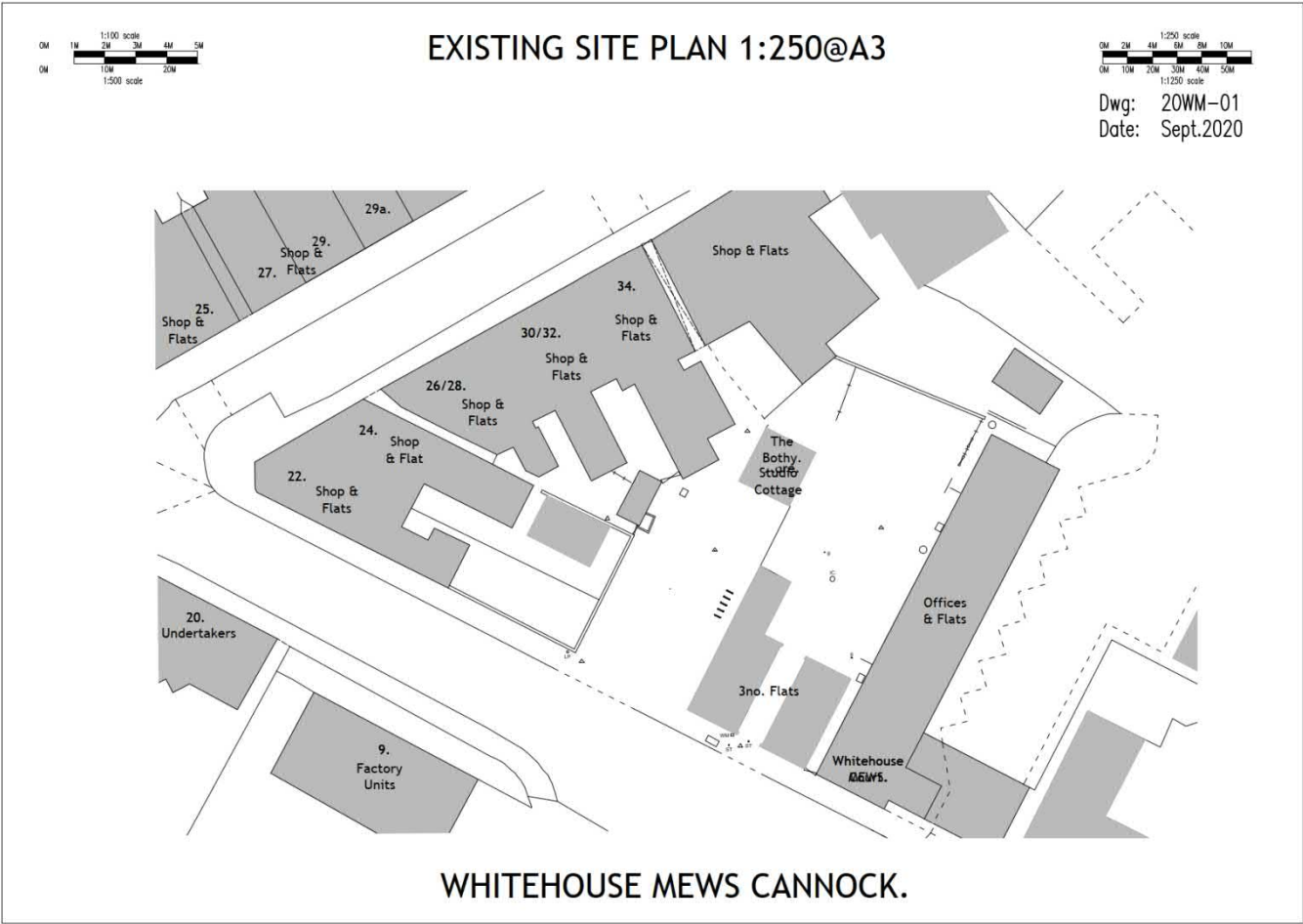
Item no. 6.149



Location and Site Plan



Existing Site Plan



Floor Plans and Elevations

PROPOSED PLANS & ELEVATIONS 1:100@A3

0M 1M 2M 3M 4M 5M
1:100 scale
0m 1m 2m

0M 2M 4M 6M 8M 10M
1:150 scale
0m 2m 4m 6m 8m 10m

Dwg: 20WM-13
Date: Jan.2021

5750
5500

GROUND FLOOR PLAN

FRONT ELEVATION

SIDE ELEVATION

REAR ELEVATION

SIDE ELEVATION

5750
5500

FIRST FLOOR PLAN

WHITEHOUSE MEWS. CANNOCK.

3D Visual of Proposal



Contact Officer: Claire Faulkner

Telephone No: 01543 464337

Planning Control Committee

24th March 2021

Application No: CH/21/0052
Received: 29/1/2021
Location: 5-7, Broad Street, Bridgtown, Cannock, WS11 0DA
Parish: Bridgtown
Ward: Cannock South
Description: 1no. 1&1/2 storey dwelling. Resubmission of CH/20/354.
Application Type: Full Planning Application

Recommendations: Approve subject to conditions

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions):

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

Reason

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

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

Reason

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

3. The development hereby permitted shall not be brought into use until the access and parking areas have been provided in accordance with the Proposed Site Plan Dwg.No.20WM-12A.

The spaces shall thereafter be retained for the lifetime of the development.

Reason

To comply with the objectives and policies contained within paragraph 109 of the NPPF.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:
20WM-12A Location / Block Plan
20WM-13 Proposed Plans & Elevations

Reason

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

Notes to the Developer:

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

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

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

In the interest of preventing deaths and injuries from fires within domestic dwellings Staffordshire Fire and Rescue Service strongly recommend the provision of a sprinkler system to a relevant standard. Early consultation with the Fire Service when designing buildings which incorporate sprinklers may have a significant impact on reducing fire deaths and injuries in domestic premises and financial implications for all stakeholders.

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

- 3) 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

- 4) There are concerns regarding the fire escape route from the first floor of the property, as the internal escape route descends into a high risk room. The proposed rooflight windows in the bedroom are an unsuitable fire escape route due to the height of the sill above the room floor level, which should be no greater than 1100mm. and as the rooflights would be located on the roof above the gutter line and would not be safe to use in an emergency.

The applicant should provide an internal lobby area connecting the staircase with the front entrance door, incorporating a solid timber doorframe set to provide access to the groundfloor living area.

Consultations and Publicity

External Consultations

Bridgtown Parish Council

No response to date.

Fire Safety Officer, NSDG Group Manager

No response to the current application however their previous comments are noted below and will be added as an informative to the applicant:-

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

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

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

In the interest of preventing deaths and injuries from fires within domestic dwellings Staffordshire Fire and Rescue Service strongly recommend the provision of a sprinkler system to a relevant standard. Early consultation with the Fire Service when designing buildings which incorporate sprinklers may have a significant impact on reducing fire deaths and injuries in domestic premises and financial implications for all stakeholders. Further information can be found at www.bafsa.org.uk - the website of the British Automatic Fire Sprinklers Association Ltd.

County Highway Authority

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

The application is a re—submission of CH/20/354 which was for the construction of 2m single storey semi—detached bungalows. This application is for a 1.5 storey dwelling to the rear of property numbers 5—7 which are currently 4no flats. Broad Street is an unclassified 30mph road which benefits from street lighting and is a mix of residential properties and businesses. it is located in the Bridgtown area of Cannock approximately 1.8 miles south of the town centre.

Access to the new dwelling is via an existing electric gate to Whitehouse Court which is a mix of flats. offices and commercial businesses. Two parking spaces are to be provided which is more than adequate for a one-bedroom dwelling and cycle parking has also been provided. It is noted that the proposal will replace the current location of the bin store that houses 17no refuse bins presumably for the flats and offices opposite. The applicant is requested to provide more information with regards to the relocated bin store and ensure that it is in close proximity to residents.

Recommendations:

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

Severn Trent Water Ltd

No objection and no requirement for a drainage condition to be imposed.

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

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

Internal Consultations

Conservation Officer

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

CIL Officer

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

Environmental Health

No objection

Environmental Health (Housing)

The above planning application was reviewed by Environmental Health (Housing). There are concerns regarding the fire escape route from the first floor of the property, as the internal escape route descends into a high risk room. The proposed rooflight windows in the bedroom are an unsuitable fire escape route due to the height of the sill above the room floor level, which should be no greater than 1100mm. and as the rooflights would be located on the roof above the gutter line and would not be safe to use in an emergency.

Whilst there are no objections to the proposal in principle, the proposal should only be approved if the following condition is included:

The applicant should submit to the Council an internal layout plan for the proposed dwelling which describes an adequate fire escape route from the firstfloor, by way of either:

- A lobby area connecting the staircase with the front entrance door, incorporating a solid timber doorframe set to provide access to the groundfloor living area.
- Provision of a suitable window opening within a bedroom wall, fitted with a window and opening casement/s of sufficient dimensions to satisfy the requirements of the LACoRS Housing Fire Safety Guide part 14, page 16.

Strategic Housing

No response to date

Development Plans and Policy Unit

Thank you for consulting me on this proposed residential development of 1no. 1.5 storey bungalow at 5-7 Broad Street, Bridgtown. I can advise that part of the site forms a 0-5year SHLAA site; C423 and that the site abuts the Bridgtown North Street Conservation Area. The site is within the area of influence of the Cannock Chase SAC. The site does not fall within any other designated areas shown on the Local Plan Policies Map.

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

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

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

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

Of particular relevance to this proposal are, paragraph c) *give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land* and paragraph d) *promote and support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure) [...].*

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

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

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

The NPPF at para 127 identifies factors which planning policies and decisions should ensure that developments achieve.

Of particular relevance to this proposal are, paragraph a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;* paragraph b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;* paragraph c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities;)* and paragraph f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Development Plan

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

The Cannock Chase Local Plan (Part 1) was adopted in 2014. Policy CP3 of the Local Plan supports high standards of design, and for development to be well-related to existing buildings and their surroundings, in terms of layout, density, access, scale, appearance, landscaping and materials based upon an understanding of the context of the site and appropriate professional expertise.

Policy CP3 requires development proposals to consider design imaginatively in its context, complementing and enhancing the character and appearance of the local area and reinforcing local distinctiveness, and to protect the amenity enjoyed by existing properties including supporting mixed uses whilst avoiding incompatible ones and have regard to existing uses with potential to generate pollution which could have an unacceptably detrimental effect on proposed development.

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

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

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

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

Further design considerations including spatial separation and garden space should refer to Appendix B of the Design SPD: Residential Development Guidelines including garden sizes, ensuring gardens provide health, social and physical benefits for occupiers and contribute to sustainable development (e.g. drying clothes, cycle storage, composting etc.). New Residential Development should provide for private outdoor garden space of a usable size and shape, fit for purpose, in proportion to the size of the dwelling and its locality, particularly where garden size is important to distinctive local character.

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

Other Comments

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

Contributions

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

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

would be required to address impacts upon the Cannock Chase SAC in accordance with the Councils policy/guidance.

Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and in consultation with the relevant infrastructure provider.

Conclusion

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

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

Waste and Engineering Services

No response to date.

Response to Publicity

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

Relevant Planning History

- CH/02/0679 - Flats and Business Units.
- CH/08/0383 - Construction of 2 storey building consisting 5 ground floor B1 units.
- CH/11/0385 - Change of use of three ground floor retail units into three 1 bedroom flats.
- CH/12/0013 - Retention of change of use of two ground floor offices (B1) into two 1 bedroom.
- CH/16/384 - Residential Development: Proposed erection of a three storey apartment block.
- CH/20/354 2no. .single storey semi-detached bungalows. Committee refused for the following reasons:

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

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

1 Site and Surroundings

- 1.1 The application site comprises an area of currently unused land to the rear of 5-7 Broad Street which comprise a traditional pair of Victorian brick built semi-detached houses with central passageway giving access to the rear. There are three units within the frontage property.
- 1.2 The boundaries are delineated by a combination of fencing, brick walling and the rear elevation of Whitehouse Mews which has no openings overlooking the application site. The 'Bothy Studio' is located adjacent the western boundary wall which has recently been converted into residential accommodation however there are no windows within this building that overlook the application site.
- 1.3 The application site also includes parking for the proposed development within the existing car park to the east which is located within the wider Whitehouse Mews development.
- 1.4 The streetscene along Broad Street is somewhat mixed with traditional Victorian villa style cottages and terrace housing alongside more modern residential and commercial buildings, including a 3 storey block of apartments at Andrew Court , built circa 2010 and the apartment block at Whitehouse Court which is situated immediately to the east of the application site.
- 1.5 The site lies adjacent to, but not within, the North Street Conservation Area. The application site is also located within a Mineral Safeguarding Area and is within a Coal Mining Low Risk Boundary as designated by the Coal Authority. The site is also located within Flood Zone 1 on the Environment Agency's flood risk maps.

2 Proposal

- 2.1 The applicant is seeking consent for the development of one 1 ½ storey detached dwelling.
- 2.2 The proposed dwelling would provide one bedroom with amenity space and parking provision. The unit would comprise of an open plan kitchen and living room with a bathroom on the ground floor and one bedroom in the roofspace.
- 2.3 The proposed dwelling would be sited adjacent the side boundary of the site, to the rear of the existing buildings (adjacent The Bothy). The proposed building would provide 1 unit and would have a footprint of 5.5m x 5.8m and would be constructed to a maximum height of 5.4m (3.5m to the eaves).

- 2.4 Amenity space would be provided around the proposed dwelling and would comprise of approximately 179m² which would be shared with the occupiers of the frontage properties.
- 2.5 The access to the proposed development would be via Whitehouse Court, to the east of the site. Parking would be provided within the existing car park to Whitehouse Mews and would have two spaces allocated. The existing 21 spaces within Whitehouse Mews would be retained as existing for use by the occupiers of Whitehouse Mews.

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).
- 3.3 Relevant Policies within the Local Plan Include:
- CP1 - Strategy – the Strategic Approach
 - CP3 - Chase Shaping – Design
 - CP6 – Housing Land
 - CP7 – Housing Choice
 - CP15 – Historic Environment
- 3.4 Relevant Policies within the Minerals Plan Include:
- 3.2 Safeguarding Minerals
- 3.5 National Planning Policy Framework
- 3.6 The NPPF (2019) sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.
- 3.7 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.8 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
124, 127, 128, 130:	Achieving Well-Designed Places
189-194, 196,	Heritage Assets
212, 213	Implementation

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

North Street Conservation Area Appraisal

4 **Determining Issues**

4.1 The determining issues for the proposed development include:-

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

4.2 Principle of the Development

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

4.2.2 The NPPF at paragraph 11 includes a presumption in favour of sustainable development. For decision taking this means:

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

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

- 4.2.3 In this case it is confirmed that an appropriate assessment has been undertaken and it has concluded that subject to mitigation in the form of a payment towards SAMMS, either through CIL or a section 106 agreement the proposal will not adversely affect the integrity of Cannock Chase SAC. As such it is concluded that the 'presumption in favour of sustainable development' applies to this proposal.
- 4.2.4. In this case it is confirmed that the proposal does not engage any of the policies in the NPPF that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) with the exception that it potentially affects the setting of the Bridgtown Conservation Area, which is a designated heritage asset. This issue is assessed in the next section of this report which concludes that the proposal would not affect the setting of the conservation area. This being the case the application should be determined on the basis as to whether any adverse impacts of granting approval would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 4.2.5 The site is within a mixed use location in the centre of Bridgtown and therefore is close to the schools and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development. The site is not located within either Flood Zone 2 or

3 and it is not designated as a statutory or non- statutory site for nature conservation.

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

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

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

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

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

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

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

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

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

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

Planning policies and decisions should ensure that developments:

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

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

4.3.9 The application site is sited behind a row of terraced buildings which form North Street and Broad Street. The North Street Conservation Area Appraisal identifies the adjacent part of the Conservation Area as being compact and small in scale, built in a linear pattern, and formed of two storey buildings almost continuously lining the frontages on North Street. The buildings are not uniform in height or alignment however, with variations between adjoining blocks and buildings. Generally roof slopes face the streets, with angled corners and hipped roofs around junctions. All of the plots include a moderate amount of land/garden at

the rear and many have small attached and detached one and two storey brick-built outbuildings attached to or close to the rear of the main frontages.

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

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

4.3.12 In this instance, the proposed development would be to the rear of properties within North Street and Broad Street which comprise of two storey terraced / semi detached properties. The proposed development would be 1 ½ storey and views of the proposal would be visible from Broad Street across a parking area although these views would be limited due to the distance and the intervening boundary walls and outbuildings. As such, the proposal would be read against a backdrop of two storey development and the roofscape of the intervening single storey and 1 ½ storey outbuildings and would reflect the general pattern and grain of area, in that it would represent a 1 ½ storey structure to the rear of a two storey building fronting the main road.

4.3.13 Having had regard to the above it is considered that the proposal would preserve the significance of setting of the Bridgtown Conservation Area and be in keeping with the general character of the area in accordance with Local Plan Policies CP3 and CP15 and the relevant paragraphs within the NPPF.

4.4. Impact on Residential Amenity

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

4.4.2 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to addressed in development proposals and goes onto include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes. Although the Design SPD sets out guidance in respect to space about dwellings it does not contain guidance in respect to space about other uses. Of particular significance in this respect is the relationship between the

application site and the commercial uses to the sides and to dwellings within 5-7 Broad Street.

- 4.4.3 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. This is set in order to protect occupiers from overlooking and to enable a reasonable outlook. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings and 30sqm per flat for flats with communal space.
- 4.4.4 However, it should always be taken into account that these distances are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels.
- 4.4.5 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users. Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so (amongst others) (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 4.4.6 With regard to the adjacent residential units, the layout plan demonstrates the proposed dwelling would be constructed to the rear of Nos.5-7 Broad Street at a distance of approx..9m adjacent the side boundary. The existing dwellings located to the front of the application site (Nos. 5-7) have recently (that is post 2016) been separated from the application site by close board fencing however the applicant has confirmed that this fencing would be removed to allow the occupiers of these flats to share the amenity space. The Design SPD seeks a separation distance of 21.3m between principle elevations however the principle elevation of the proposed unit would face to the rear of the site over part of the proposed amenity space and not be orientated towards the frontage properties. As a consequence, there would be no significant overlooking to the existing or future occupiers of the site and the proposed outlook from both, over amenity space, would be acceptable.
- 4.4.7 The orientation of the proposed dwellings faces north-east as per the existing buildings located to the front and eastern side of the site. The proposed dwellings being of a 1 ½ design would not give rise to additional overlooking of

the adjoining sites within North Street which back onto the site and are of mixed use and separated from the application site by substantial boundary walls. Velux windows are proposed in the roof slope of the proposed unit which would not give direct views into adjoining properties.

- 4.4.8 To the west of the application site lies 'The Bothy Studio' which is a 1 ½ storey outbuilding that has recently been converted to a residential unit. There are no windows in The Bothy that directly face onto the application site which is separated by a 2m high wall. As such, the proposal would not result in a significant detrimental impact to the occupiers of this dwelling.
- 4.4.9 The proposed dwelling would be located 5m (at nearest point) from the buildings fronting North Street. The nearest building (36-38 North Street) to the proposed development is orientated with the rear elevation facing along the land to the rear of the application site and not over the application site itself. These adjacent buildings comprise of commercial units primarily to the ground floor with residential units / storage areas above. The proposal comprising of a 1 ½ storey form of development would not impede on the daylight / outlook or privacy for these first floor units or the adjacent commercial units which, for the majority have small courtyards to the rear with outbuildings and are bound by substantial brick walls.
- 4.4.10 Environmental Health Officers were consulted on the application and raised no objections to the proposal in terms of noise nuisance from existing commercial units.
- 4.4.11 The comments from the Environmental Health (Housing) Team in respect to fire safety are noted however, they do not object to the proposal subject to a condition being included that requires an adequate fire escape route from the first floor, by way of either:
- A lobby area connecting the staircase with the front entrance door, incorporating a solid timber doorframe set to provide access to the ground floor living area, or,
 - Provision of a suitable window opening within a bedroom wall, fitted with a window and opening casement/s of sufficient dimensions to satisfy the requirements of the LACoRS Housing Fire Safety Guide.
- 4.4.12 Your Officers have not recommended such a condition because Fire Safety is covered by the Building Regulations. The applicant has confirmed that the development would be compliant with LACoRS Housing Fire Safety Guide via Building Regulations subject to the approval of this application. However, that would be a matter for the local Building Control Authority to assess.

4.4.13 With regard to the proposed dwelling, the amenity space would provide approx.. 179m² of communal garden space. The Design SPD requires an area of 30m² per 1 bedroom unit required for the proposed dwelling as well as for the existing units within 5 -7 Broad Street (3 in total). The proposed amount of amenity space would be well in excess of the 120m² requirement.

4.4.14 Two parking spaces would also be provided within the existing communal parking area to the rear of Whitehouse Mews.

4.4.15 Overall, on balance it is considered that the proposed development would comply with the Council's Design SPD in terms of protecting the amenity of existing occupiers as well as any future occupiers of the site. As such, the proposal accords with Policy CP3 of the Cannock Chase Local Plan and paragraphs 127 of the NPPF.

4.5 Impact on Highway Safety

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

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

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

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

4.6 Impact on Nature Conservation Interests

4.6.1 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that is given special protection or which is of particular conservation interest. As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.

4.6.2 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this would be provided through CIL.

4.7 Drainage and Flood Risk

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

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

4.8 Mineral Safeguarding

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

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

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

4.9 Waste and Recycling Facilities

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

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

4.9.2 In this respect, it is noted that the proposed dwelling would be sited within close proximity to the highway within a residential location where bins are already collected by the Local Authority. The bins would, in this instance, be collected from the pavement as per the existing situation for Nos.5-7 Broad Street.

4.9.3 The application site previously accommodated the bin store for the units within Whitehouse Court however this was relocated to within Whitehouse Court prior to the submission of the previous planning application. The location of the bin store is identified on the submitted plan for clarity. It is noted that the Highway Authority requested a condition for a revised plan to be submitted indicating the relocated bin store. Your Officers note that this area is already shown on the submitted plan and as such a condition has not been recommended.

4.10 Ground Conditions and Contamination

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

5 **Human Rights Act 1998 and Equalities Act 2010**

Human Rights Act 1998

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

Equalities Act 2010

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

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

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

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

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

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

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

6 Conclusion

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