

**Please ask for:** Mrs. W. Rowe  
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19 January 2021

Dear Councillor,

**PLANNING CONTROL COMMITTEE  
3:00 PM, WEDNESDAY 27 JANUARY, 2021  
MEETING TO BE HELD REMOTELY**

You are invited to attend this remote meeting for consideration of the matters itemised in the following Agenda. The meeting will commence at 3.00pm via Zoom. Details on how to access the meeting will be issued separately.

Yours sincerely,



**T. McGovern**  
**Managing Director**

To Councillors:-

Cartwright, Mrs. S.M. (Chairman)

Startin, P. (Vice-Chairman)

Allen, F.W.C.	Pearson, A.R.
Dudson, A.	Smith, C.D.
Fisher, P.A.	Stretton, Mrs. P.Z.
Fitzgerald, Mrs. A.A.	Thompson, Mrs. S.
Jones, Mrs. V.	Todd, Mrs. D.
Layton, A.	Witton, P.
Muckley, A.	

## A G E N D A

### PART 1

**1. Apologies**

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

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

**3. Disclosure of details of lobbying of Members**

**4. Minutes**

To approve the minutes of the meeting held on 13 January, 2021 (enclosed).

**5. Members' Requests for Site Visits**

**6. Report of the Development Control Manager**

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

*Finding information about an application from the website*

- On the home page click on planning applications, listed under the 'Planning & Building' tab.
- This takes you to a page headed "view planning applications and make comments". Towards the bottom of this page click on the text "*View planning applications. By clicking on the link I agree to the terms, disclaimer and important notice above.*"
- The next page is headed "Web APAS Land & Property". Click on 'search for a planning application'.
- On the following page insert the reference number of the application you're interested in e.g. CH/11/0001 and then click search in the bottom left hand corner.
- This takes you to a screen with a basic description - click on the reference number.
- Halfway down the next page there are six text boxes - click on the third one - view documents.
- This takes you to a list of all documents associated with the application - click on the ones you wish to read and they will be displayed.

## PLANNING APPLICATIONS

Application Number	Application Location and Description	Item Number
1. CH/20/074	<i>Blue Cedars, 29 Beechmere Rise, Etchinghill, Rugeley, WS15 2XR</i> – 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	6.1 – 6.24
2. CH/20/075	<i>Blue Cedars, 29 Beechmere Rise, Etchinghill, Rugeley, WS15 2XR</i> – 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)	6.25 – 6.47
3. CH/20/316	<i>37 Durham Drive, Rugeley, WS15 1LD</i> – Land between Durham Drive and Uplands Green, Pear Tree Estate Rugeley, Erection of Detached Dormer Bungalow	6.48 – 6.67
4. CH/20/369	<i>41 Sparrowhawk Way Cannock, WS11 7JW</i> – Single Storey bedroom and wet room extension	6.68 – 6.82
5. CH/20/373	<i>54 New Penkridge Road, Cannock, WS11 1HW</i> – Erection of 2 no. 2-bed dormer bungalows as an amendment to approved plan (CH/17/243) Plots 5 & 6	6.83 – 6.103
6. CH/20/379	<i>17 Rochester Way, Heath Hayes, Cannock, WS12 3YH</i> – Garage single storey side extension	6.104 - 6.112

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**PLANNING CONTROL COMMITTEE**

**HELD ON WEDNESDAY 13 JANUARY 2021 AT 3:00 P.M.**

**VIA REMOTE ACCESS**

**PART 1**

PRESENT: Cartwright, Mrs. S.M. (Chairman)  
Councillors Startin, P. (Vice-Chairman)

Allen, F.W.C.	Pearson, A.R.
Dudson, A.	Smith, C.D.
Fisher, P.A.	Stretton, Mrs. P.Z.
Fitzgerald, Mrs. A.A.	Thompson, Mrs. S.L.
Layton, A.	Todd, Mrs. D.M.
Muckley, A.	Witton, P.

**74. Apologies**

An apology for absence was received from Councillor Mrs. V. Jones.

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

None declared.

**76. Disclosure of Lobbying of Members**

Councillors F.W.C. Allen, A. Dudson, Ms. A. Fitzgerald, P.A. Fisher, A. Pearson, C.D. Smith, Mrs. S. Thompson and Mrs. D. Todd declared that they had been lobbied via email in respect of applications CH/20/218 and CH/20/306. Councillors A. Layton and A. Muckley had received the same email but had not read it.

**77. Minutes**

RESOLVED:

That the Minutes of the meeting held on 16 December, 2020 be approved as a correct record.

**78. Members requests for Site Visits**

None requested.

**79. Application CH/20/311, 2 Davy Place, Rugeley WS15 1NA – Erection of 3 Bedroom detached dwelling, Land between 44 Flaxley Road and 2 Davy Place, Pear Tree Estate, Rugeley**

Consideration was given to the report of the Development Control Manager (Item 6.39 – 6.21 of the Official Minutes of the Council).

The Development Control Manager provided an update to Committee, as detailed in Annex A attached to the minutes, and confirmed that this had been circulated prior to the meeting. He then provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Prior to consideration of the application representations were made by Christopher Mead and Councillor Mrs. C. Martin (the Ward Councillor), who were both speaking against the application and John Heminsley, the applicant's agent, speaking in support of the application.

RESOLVED:

That the application which was recommended for approval be refused for the following reason:

“The proposal by virtue of the proximity of the northern elevation of the proposed dwelling to the southern elevation of the existing dwelling at No44 Flaxley Road and its relative height would have an over bearing impact on the occupiers of No 44 as experienced from the door in the side elevation to the detriment of the residential amenity of the occupiers contrary to Policy CP3 of the Cannock Chase Local Plan (Part 1) and paragraph 127(f) of the National Planning Policy Framework.”

**80. Application CH/20/218, Demolition of existing buildings and the erection of a Class A1 Food Retail store with associated car parking and landscaping, Timber Yard, Power Station Road, Rugeley, WS15 2WD.**

Consideration was given to the report of the Development Control Manager (Item 6.22 – 6.108 of the Official Minutes of the Council).

The Development Control Manager provided an update to Committee, as detailed in Annex A attached to the minutes, and confirmed that this had been circulated prior to the meeting. He then provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Prior to consideration of the application representations were made by Robin Williams, the applicant's agent, speaking in support of the application.

RESOLVED:

- (A) That the applicant be requested to undertake a Section 106 Agreement to secure monies for the monitoring of the implementation of the travel plan;
- (B) On completion of the Agreement the application be approved subject to the conditions contained in the report for the reasons stated therein, any issues

detailed in the update sheet (Annex A) and to the amendment of Condition 14 to include reference to road sweeping, as follows: -

Prior to the commencement of any construction, including demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved management plan shall include details relating to construction access, hours of construction, routing of HGV's, delivery times and the location of the contractors compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash and a programme of highway inspections and the cleaning of mud brought onto the highway. It shall also include a method of demolition and restoration of the site. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.

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

(Councillor P. Witton lost connection during the determination of this application and was not present when the vote was taken).

*(At this point in the proceedings the Committee adjourned for a 10 minute comfort break)*

**81. Application CH/20/306 Removal of existing hardstanding and erection of a retail foodstore with associated car parking, access, landscaping and associated engineering works, Land at Power Station Road, Rugeley**

Consideration was given to the report of the Development Control Manager (Item 6.109 – 6.192 of the Official Minutes of the Council).

The Development Control Manager provided an update to Committee, as detailed in Annex A attached to the minutes, and confirmed that this had been circulated prior to the meeting. He then provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Prior to consideration of the application representations were made by Nick Hardy, the applicant's agent, speaking in support of the application.

RESOLVED:

- (A) That the applicant be requested to undertake a Section 106 Agreement to secure monies for the monitoring of the implementation of the travel plan and the transfer of land to the Council for the purposes of providing a footpath / cycleway from the Rugeley Power Station site to Power Station Road;
- (B) On completion of the Agreement the application be approved subject to the conditions contained in the report for the reasons stated therein and any issues detailed in the update sheet (Annex A).

(Councillors Mrs. S.M. Cartwright and P. Startin both briefly lost connection whilst the representations were being made by the applicant's agent. The Council's Solicitor confirmed that they could still take part in the determination of this application and vote).

**82. Application CH/20/435 Minor Material Amendment to alter Condition 35 (Q) of Planning Permission CH/17/279 to allow for click and collect services for Unit 36**

Consideration was given to the report of the Development Control Manager (Item 6.193 – 6.226 of the Official Minutes of the Council).

The Development Control Manager provided the following update which had been circulated prior to the meeting: -

**“Point of Clarification**

The last paragraph on Page 6.218 should be amended to read as follows: -

“was subsequently approved by Planning Control Committee and issued on 11 October 2017 following completion of a Supplemental Agreement under Section 111 of the Local Government Act 1972 which required the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) when the applicant acquired the freehold in the application site from the Council. That Section 106 Agreement was completed on 29 June 2018.”

Further to the compilation of the Committee agenda the following comments have been received: -

Heath Hayes and Wimblebury Parish Council - No objections.

Staffordshire County Council - No objections.

East Staffordshire Borough Council - No objections”.

Prior to consideration of the application representations were made by Kieron Gregson, the applicant's agent, speaking in support of the application.

**RESOLVED:**

That the application be approved subject to the completion of a deed of variation to the Section 106 agreement and the conditions contained in the report for the reasons stated therein.

**83. Application CH/17/279 Request to allow extended opening hours, West Midland Designer Outlet**

Consideration was given to the report of the Development Control Manager (Item 6.227 – 6.235

The Development Control Manager provided the following update which had been circulated prior to the meeting: -

**“Point of Clarification**

The second paragraph on Page 6.230 should be amended to read as follows: -

“was subsequently approved by Planning Control Committee and issued on 11 October 2017 following completion of a Supplemental Agreement under Section 111 of the Local Government Act 1972 which required the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) when the applicant acquired the freehold in the application site from the Council. That Section 106 Agreement was completed on 29 June 2018.”

RESOLVED:

That the written request made pursuant to condition 42 of planning permission CH/17/279 to amend the opening hours of the store be approved, as follows:

- (A) Extend opening hours on Sundays by 1 hour (10am to 6pm), however this will not apply to units that are larger than 280sqm as their opening hours are restricted by the Sunday Trading Act 1994; and
- (B) Allow extended opening hours on Public Holidays by 3 hours from 9.00am until 10.00pm (if required) to match those permitted on the 2 Promotion Days on Saturdays.

The meeting closed at 17:55pm.

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CHAIRMAN





## OFFICER UPDATE SHEET

### **Minute 79 - Application CH/20/311: Erection of 3 bedroom detached dwelling, Land between 44 Flaxley Road and 2 Davy Place, Rugeley, WS15 1NA**

#### Planning History

Since the publication of the agenda Officers have received comments from the Agent stating: -

The planning history section of the report on the above application contains two inaccuracies -

CH/04/0383 related to residential development on various garage courts across the Pear Tree estate and the subsequent appeal was allowed in part, There are no plans on the web site so I was unable to check whether the current application site was one of the sites included in the earlier proposal or, if it was, whether the appeal was allowed in relation to it. If I recall correctly, the issue at the time was that the sewers on the Pear Tree Estate were unadopted and the Council refused permission on the basis of unsatisfactory foul drainage. This reason was not supported on appeal and the sewers are now adopted by Severn Trent.

CH/14/0260 relates to land at 25 Hardie Avenue and not the application site.

Officers would comment that in respect to the appeal against refusal of CH/04/0383, it is noted that this related to various sites dotted throughout the Pear Tree Estate. These were granted approval with the exception of Pot 16 (which relates to the current application site) which was dismissed on the grounds that a proposed dwelling was considered to be visually dominant and detrimental to the streetscene and by virtue of the removal of the .parking area would be detrimental to highway safety.

Officers would also point out that since the appeal planning policy has undergone substantial changes with the introduction of the NPPF and the Planning Practice Guide and consequent introduction of the presumption in favour of sustainable development. Has such the proposal has to be considered within the context of current national and local policy.

In addition to the above the applicant has submitted an amended plan to deal with an inconsistency between the details of the windows shown on the floor plan and as shown on the side elevation. The amended plan is provided below and the amended detail does not alter the overall assessment of the proposal.



The schedule of conditions should be amended accordingly to reference the revised drawing.

**Minute 80 – Application CH/20/218: Timber Yard, Power Station Road, Rugeley, WS15 2WD – Demolition of existing buildings and the erection of a Class A1 Food Retail Store with associated car parking and landscaping**

Further to the publication of the report the applicant has advised that: -

There are two examples of stores that have closed mainly due to poor car parking provision/arrangements that we can recall in the Midlands region - Overend Street, West Bromwich and Coventry Rd, Small Heath, Birmingham. There are likely to be more examples in other ALDI UK regions.

**Additional Letters of Representation**

Since the publication of the Agenda Tesco's has submitted a further representation that states: -

The Council's advisor deals with a number of matters that I, on my behalf of my client Tesco Stores Ltd, do not think are central to decision-making here. That we have not addressed every single point raised should not be taken as applying agreement to any of them.

It is important to note that the adviser does not provide the Council with an assessment of the health of the town centre, the likely significance of the impact of either, or both, of the proposals together on the vitality and viability of the town centre, the impact on the continuing regenerative initiatives set out in the Action Area Plan or undertake a

sequential test assessment. The advice given primarily relates to an attempt at interpretation of part of paragraph 89 on the NPPF.

Significantly, the advisor confirms that *“the NPPF does not address situations where there are multiple simultaneous proposals which, collectively, have more than 2500m<sup>2</sup> of gross floorspace”*. That is critical to the determinations to be made by the Local Planning Authority

But the advisor having stated that the NPPF does not *“address situations where there are multiple simultaneous proposals”* then either misinterprets his own statement or promotes a different (erroneous) meaning asserting that there is *“no requirement in the NPPF to require an impact assessment in those situations”*. To advise that policy does *“not address”* a matter is quite clearly different from an assertion that it provides *“no requirement”*. There is a real risk, therefore, that decision makers could be misled by the advice given.

Notwithstanding this, the Council’s advisor does not assist the local planning authority to consider whether, in their decision-making, it should exercise discretion and require a full Retail Impact Assessment since there is nothing in the Development Plan or National Policy that presents such an appropriate and effective mechanism to assist decision-making in the current situation.

Finally, it is fundamentally incorrect for the adviser to assert that there is no *“retail impact policies that could be used to resist the proposed applications”*. The NPPF makes it very clear that when there are no relevant Development Plan policies, or the policies which are most important to determining the application are out-of-date, planning permission cannot be granted if *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF...”* (see its paragraph 11). As a result, paragraph 90 of the NPPF kicks in requiring that, *“Where an application... is likely to have significant adverse impact on one or more of the considerations in paragraph 89 i.e :*

*“a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*

*b) the impact of the proposal in town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment...” “It should be refused”.*

The dilemma for the decision-maker here, is therefore, that without full Retail Impact Assessments the Council is at risk of being unable to come to adequate and informed decisions.

Morrisons have also commented: -

I think the agents for the application are misleading in their response to the objections by Morrisons and Tesco when they say ‘Indeed a number of stores have closed’ due to a compromised layout. 2 stores from a portfolio of almost 900 stores is not a large number. This is a point that I think should be mentioned in your report to Members.

A further letter of representation was received from Peacocks on behalf of Morrisons on 12 January 2021, which states: -

We refer to the above planning application currently being determined under ref: CH/20/218 for a proposed new Aldi store in advance of tomorrow afternoon's planning committee meeting.

We act on behalf of our client, Wm Morrison Supermarkets plc (Morrisons), to uphold the strong objections set out in our letters dated 14 October 2020 and 18 November 2020. Having now read and carefully considered the conclusions in the report to committee, we have the final comments to make.

- The committee report at page 39 states that the future use of the existing Aldi store on Market Street is assumed to remain as an A1 food store. This point was not made clear in the planning application submission. The existing use should be extinguished through a S.106 Agreement if Members are minded to approve the planning application – otherwise the grant of this planning permission is effectively for an existing Aldi (or other A1 retailer) in addition to the 1,881 sq.m new out of centre store.
- The cumulative impact of this Aldi proposal and the proposed Lidl store (LPA ref: CH/20/306) has been raised in our previous letters of objection and despite planning policy offers requiring a 'policy justification for the quantum of floorspace proposed'; such justification has not been forthcoming. We note that advice has been taken on this matter from Santec [sic] but we disagree with their conclusion. The NPPF seeks to ensure the vitality of town centres and given the uncertain times and economic struggles retailers and town centres are currently facing, 4,160 sq.m of new out of centre floorspace could have a significantly adverse impact. If a retail assessment was provided; a more informed decision could be made. It is worth remembering that the policy threshold set nationally by the NPPF is 2,500 sq.m if a local planning authority does not have their own locally set threshold.
- The Agents for the application have confirmed that they have considered an extension to the existing site given its good physical relationship to the town centre and its proximity to the main pedestrianised [sic] area, the bus station and nearby residential area. They also confirm that they have considered other sites identified in the Rugeley Town Centre Area Action Plan. However, they conclude that the existing site and the available town centre sites would result in a compromised Aldi store and that in the past a 'number of compromised stores have had to close'. When asked for examples of these stores; just two (from an estate of almost 900 stores) were provided. At the time of writing, we are still awaiting the information on these store closures. The Agents for Aldi claim repeatedly that they have explored flexibility in the format and scale, but they have not provided any evidence. In line with the NPPF, flexibility needs to be 'fully' explored and demonstrated.
- Finally, if Members are minded to approve the application, we respectfully request that the planning conditions are reconsidered. There are no conditions restricting and controlling the quantum of floorspace, the hours of trading, or the hours and number of deliveries to the store.

We maintain that the justification put forward for the application is weak and that the applicant should seek to address the concerns highlighted, so that a more informed decision can be made – fully understanding the impacts of the proposal. In its present form the

application fails to satisfy the sequential and impact tests, and accordingly planning permission should be refused in accordance with Para. 90 of the NPPF.

We should be grateful if you would acknowledge receipt of this letter and forward it on to Committee Members and / or report it in full in tomorrow's meeting.

### **Stantec's Response**

Furthermore, Tesco's planning agent can't have it both ways, i.e. on the one hand try to rely on policies in the Local Plan which in his view support Tesco's objection, and on the other hand suggest that the Council could or should apply para 11 of the NPPF on the basis that those same Local Plan policies are out-of-date! Either Tesco wishes to rely on policies in the Local Plan, or not. If Tesco has now decided that the policies in the Local Plan are out-of-date, then your assessment is correct – namely, para 89 does not require an impact assessment.

Whichever way I look at, my view remains that Tesco's objection is weak.

### **Additional Stantec Response dated 12<sup>th</sup> January 2021**

I have reviewed the two letters from Peacock & Smith on behalf of Morrisons. My view is that the letters do not raise any new issues that have not already been addressed in our earlier advice.

I don't agree with Peacock & Smith's interpretation of the NPPF impact test. Paragraph 89 of the NPPF is very clear that the 2,500 sq.m impact threshold relates to individual proposals, using the singular terms '*the development*' and '*the proposal*'. To refuse either or both applications on the basis of a policy test that does not exist would not be advisable.

I have commented previously regarding the potential to formally extinguish the permission relating to the existing Aldi store, and also in relation to the sequential test. In my view, the letters from Peacock & Smith don't raise any new points in those regards.

Taking account of all factors, my overall view remains that the applicants' submissions are proportionate insofar as retail impact is concerned and there is no requirement for either applicant to submit a more formal retail impact assessment. My professional judgment also remains that there are no retail need/capacity or retail impact policies in the Local Plan that could be used to resist the proposed applications.

### **Officer Comment**

As to the suggested conditions in respect to hours of delivery and restriction in retail floor area members are advised that conditions should only be used where they are necessary. Given the location of the store it is not located adjacent to any noise sensitive receptors and as such there is no need to place a restriction on delivery hours. Furthermore given that the building has a gross external area of the building which would be well under the 2,500m for an impact for a retail assessment it is not considered necessary to restrict the internal retail floor space by condition.

**The above information does not alter the assessment in the original officer and the recommendation still stands.**

**Minute 81 – Application CH/20/306: Land at Power Station Road, Rugeley – Removal of existing hardstanding and erection of a retail foodstore, with associated car parking, access, landscaping and associated engineering works**

**Errata**

Since publication of the Agenda it has come to the attention of officers that the draft conditions are duplicated after condition no.23. As such Councillors are requested to disregard conditions 23 to 44 as they merely replicate those stated in 1 -22.

At para 4.4.6 the report refers to the lighting impacts and notes the comments from your EHO who confirms that the submitted lighting scheme is acceptable and that this should be secured by condition. However, due to subsequent changes to the proposal to accommodate the safeguarded land a new lighting scheme will need to come forward. As such condition 6 has been amended requesting an amended lighting scheme rather than approval of the one already submitted with the application.

Such a condition was added but we did amend the wording slightly to change it from compliance to a condition requiring the submission of a lighting strategy (see draft condition no.6). This was because the submitted lighting proposal was based on the original site layout and so does not account for the wider strip of safeguarded land. I'm not sure whether this point needs to be confirmed but just wanted to flag.

Paragraph 6.5 on page 6.192 should be amended to read

“As such it is recommended that the application be approved subject to a Section 106 agreement and the attached conditions.”

**Additional Letters of Representation**

Since the publication of the Agenda Tesco's have submitted a further representation that states: -

The Council's advisor deals with a number of matters that I, on my behalf of my client Tesco Stores Ltd, do not think are central to decision-making here. That we have not addressed every single point raised should not be taken as applying agreement to any of them.

It is important to note that the adviser does not provide the Council with an assessment of the health of the town centre, the likely significance of the impact of either, or both, of the proposals together on the vitality and viability of the town centre, the impact on the continuing regenerative initiatives set out in the Action Area Plan or undertake a sequential test assessment. The advice given primarily relates to an attempt at interpretation of part of paragraph 89 on the NPPF.

Significantly, the advisor confirms that *“the NPPF does not address situations where there are multiple simultaneous proposals which, collectively, have more than 2500m<sup>2</sup> of gross floorspace”*. That is critical to the determinations to be made by the Local Planning Authority

But the advisor having stated that the NPPF does not *“address situations where there are multiple simultaneous proposals”* then either misinterprets his own statement or promotes a different (erroneous) meaning asserting that there is *“no requirement in the NPPF to require an impact assessment in those situations”*. To advise that policy does *“not*

*address*” a matter is quite clearly different from an assertion that it provides “*no requirement*”. There is a real risk, therefore, that decision makers could be misled by the advice given.

Notwithstanding this, the Council’s advisor does not assist the local planning authority to consider whether, in their decision-making, it should exercise discretion and require a full Retail Impact Assessment since there is nothing in the Development Plan or National Policy that presents such an appropriate and effective mechanism to assist decision-making in the current situation.

Finally, it is fundamentally incorrect for the adviser to assert that there is no “*retail impact policies that could be used to resist the proposed applications*”. The NPPF makes it very clear that when there are no relevant Development Plan policies, or the policies which are most important to determining the application are out-of-date, planning permission cannot be granted if “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF...*” (see its paragraph 11). As a result, paragraph 90 of the NPPF kicks in requiring that, “*Where an application... is likely to have significant adverse impact on one or more of the considerations in paragraph 89 i.e :*

*“a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*

*b) the impact of the proposal in town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment...”*

*“It should be refused”.*

The dilemma for the decision-maker here, is therefore, that without full Retail Impact Assessments the Council is at risk of being unable to come to adequate and informed decisions.

On 11<sup>th</sup> January 2021 a further representation has been received on behalf of Tesco, which States: -

Having now read the officer’s Report to Planning Committee, I have instructions on behalf of my client, Tesco Stores Ltd, to provide additional explanation to an aspect of our objection. This arises from the officer’s misinterpretation of paragraph 89 of the NPPF as set out in the Report.

As you are aware paragraph 89 of the NPPF states:

*When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sqm of gross floorspace). This should include assessment of:*

*a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*



*b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)”.*

The combination of the two proposals (Aldi and Lidl) before Planning Committee total 3,460 sqm gross. Thus, ordinarily, any out of centre retail development of this scale in a location where both will have an effect on the same town centre ie, Rugeley, would be subject to the need for impact assessment. However, The Report at paragraph at 4.2.16 explains that:

*“... as the scale of the proposed development falls below the threshold of the requirement to submit a retail impact assessment of 2,500sqm set out in the NPPF and the Cannock Chase Local Plan (2014) does not contain a locally defined threshold there is no policy requirement for a retail impact assessment to be submitted. Nor is there any such requirement should the combined floorspace of this proposal and the Aldi proposal taken cumulatively exceed 2,500sqm”.*

The Council has taken advice from Stantec on this matter. That advice sets out the wording of paragraph 89. The advice then explains that the individual floorspace of each store falls below the 2,500 sqm threshold. It then continues by stating *“The NPPF does not address situations where there are multiple simultaneous proposals which, collectively, have more than 2,500 sqm of gross floorspace.*

Subsequently, the advice explains that *“Whilst the two proposed food stores have an aggregate gross floorspace that is above the 2,500 sqm threshold, there is, as noted above, no requirement in the NPPF to require an impact assessment in those situations. It is clear that paragraph 89 of the NPPF applies to individual proposals”.* There is, of course, a difference between the NPPF ‘not addressing’ or being silent, to a finding that the NPPF provides ‘no requirement’ in the sense that there is clarity that such assessment should not be undertaken. Indeed, Stantec’s advice is that the NPPF *“applies to individual proposals”* because it *“does not address situations where there are multiple simultaneous proposals which, collectively, have more than 2,500 sqm of gross floorspace”.*

This is a fundamental matter which, with the availability of an impact assessment might well be shown to *“have significant adverse impact on one or more of the considerations in paragraph 89, (such that) it should be refused”* (see paragraph 90 of the NPPF). It is therefore, a matter that is *“determinative of the outcome”* (see for instance at paragraph 25 of the Suffolk Coastal judgment referred below).

As you may be aware principles relating to the interpretation of planning policy have been the subject of clarification in recent judgments, notably in *Tesco v Dundee* and *Suffolk Coastal v Hopkins Homes Ltd*. In the latter (more recent) judgment it was confirmed that *“... policies in the Framework should be approached in the same way as those in a development plan”* (paragraph 23).

As Lord Carnwath made clear in *Suffolk Coastal*, it is important to distinguish, *“...between issues of interpretation of policy, appropriate for judicial analysis and issues of judgment in the application of that policy; and not to elide the two”* (paragraph 26). More recently Lindblom LJ confirmed in *Samuel Smith Old Brewery v North Yorkshire* that none of *“... those familiar principles detracts from the need for the Court to intervene where a planning decision has been made by a local planning authority on the basis of a misunderstanding and misapplication of national planning policy”.*

Notwithstanding the justification thus set out above for requiring the applicant to submit an appropriate retail assessment that addresses the risk of cumulative impacts from the grant of 3,460 sqm gross floorspace, the officer's Reports on both applications demonstrate that there is now a more realistic prospect of this occurring bearing in mind both the Lidl and Aldi applications are currently recommended for approval. It is therefore a matter that is fundamentally determinative to decision making.

On behalf of our client we must therefore urge that the local planning authority require an assessment of cumulative retail impact be undertaken in order to support this application or that it be refused due to the lack of this information."

A further letter of objection was received from Peacock on behalf of Morrisons on 12 January 2021. This states:

We refer to the above planning application currently being determined under ref: CH/20/306 for a proposed new Lidl store in advance of tomorrow afternoon's planning committee meeting.

We act on behalf of our client, Wm Morrison Supermarkets plc (Morrisons), to uphold the strong objections set out in our letter dated 17 December 2020.

As you are aware, we have also objected to the Aldi proposal and have said how important it is that both the Lidl and Aldi applications are considered at the same committee meeting but it is disappointing that the cumulative impact both proposals will have on the town centre is not understood at this time.

The cumulative impact of both proposals has been raised in our previous letters of objection and despite planning policy offers requiring a 'policy justification for the quantum of floorspace proposed'; such justification has not been forthcoming. We note that advice has been taken on this matter from Santec but we disagree with their conclusion. The NPPF seeks to ensure the vitality of town centres and given the uncertain times and economic struggles retailers and town centres are currently facing, 4,160 sq.m of new out of centre floorspace could have a significantly adverse impact. If a retail assessment was provided; a more informed decision could be made.

It is worth remembering that the policy threshold set nationally by the NPPF is 2,500 sq.m if a local planning authority does not have their own locally set threshold.

The Rugeley Town Centre Area Action Plan encourages investment and regeneration within and on parts of the periphery of the town centre. Land at Wellington Drive (ref: RTC.7) is a town centre site that is seeking a medium sized food store. The applicants [sic] have dismissed this site as not being suitable or available. Given its location in the town centre it is agreed that a comprehensive redevelopment would be required. It is also accepted that the land is in more than one ownership. However, these are not, alone, justification that the site is not available or suitable. Many town centre sites are complex, but they can be delivered. We respectfully request that more consideration and justification is given to this site given it is an identified and planned town centre site in need of development.

In our view, the sequential test has not been satisfied at this point as there is a more centrally located site that could potentially accommodate the proposed development.

Finally, if Members are minded to approve the application, we respectfully request that the planning conditions are reconsidered. There are no conditions restricting and controlling the quantum of floorspace, the hours of trading, or the hours and number of deliveries to the store.

We maintain that the justification put forward for the application is weak and that the applicants should seek to address the concerns highlighted, so that a more informed decision can be made – fully understanding the impacts of the proposal and the quantum of new retail floorspace that would come forward. In its present form the application fails to satisfy the sequential and impact tests, and accordingly planning permission should be refused in accordance with Para. 90 of the NPPF.

We should be grateful if you would acknowledge receipt of this letter and forward it on to Committee Members and / or report it in full in tomorrow's meeting.

### **Stantec's Response**

Furthermore, Tesco's planning agent can't have it both ways, i.e. on the one hand try to rely on policies in the Local Plan which in his view support Tesco's objection, and on the other hand suggest that the Council could or should apply para 11 of the NPPF on the basis that those same Local Plan policies are out-of-date! Either Tesco wishes to rely on policies in the Local Plan, or not. If Tesco has now decided that the policies in the Local Plan are out-of-date, then your assessment is correct – namely, para 89 does not require an impact assessment.

Whichever way I look at, my view remains that Tesco's objection is weak.

### **Stantec's Additional Response (12 January 2021)**

I have reviewed the latest correspondence from MRPP on behalf of Tesco, which appears to reiterate the same arguments that have been raised previously. I maintain that the advice in the NPPF is clear and unambiguous and that our original advice is robust.

### **Additional Stantec Response dated 12<sup>th</sup> January 2021**

I have reviewed the two letters from Peacock & Smith on behalf of Morrisons. My view is that the letters do not raise any new issues that have not already been addressed in our earlier advice.

I don't agree with Peacock & Smith's interpretation of the NPPF impact test. Paragraph 89 of the NPPF is very clear that the 2,500 sq.m impact threshold relates to individual proposals, using the singular terms '*the development*' and '*the proposal*'. To refuse either or both applications on the basis of a policy test that does not exist would not be advisable.

I have commented previously regarding the potential to formally extinguish the permission relating to the existing Aldi store, and also in relation to the sequential test. In my view, the letters from Peacock & Smith don't raise any new points in those regards.

Taking account of all factors, my overall view remains that the applicants' submissions are proportionate insofar as retail impact is concerned and there is no requirement for either applicant to submit a more formal retail impact assessment. My professional judgment also remains that there are no retail need/capacity or retail impact policies in the Local Plan that could be used to resist the proposed applications.

**Officer Comment**

As to the suggested conditions in respect to hours of delivery and restriction in retail floor area members are advised that conditions should only be used where they are necessary. Given the location of the store it is not located adjacent to any noise sensitive receptors and as such there is no need to place a restriction on delivery hours. Furthermore given that the building has a gross external area of the building which would be well under the 2,500m for an impact for a retail assessment it is not considered necessary to restrict the internal retail floor space by condition.

**The above information does not alter the assessment in the original officer and the recommendation still stands.**



**Application No:** CH/20/074

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

**Proposal:** 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

Item no. 6.1



# Location and Block Plan



LOCATION PLAN 1/1250

29 Beechmere Rise,  
Etchingham,  
Rugley,  
Staffordshire,  
WS15 2XR

OS MasterMap 1:250/1500/10000 scale  
Wednesday, February 12, 2020 ID: 8W1-06859750  
www.blackwellmapping.co.uk

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

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**BLACKWELL'S**  
www.blackwellmapping.co.uk

TEL: 0114 262 7608  
maps\_solutions@blackwell.co.uk



BLOCK PLAN 1/500

# Existing Site Plan



**Survey Key:-**

Symbol	Symbol
Boundary	Boundary
Structure	Structure
Planting	Planting
Level	Level
...	...

**Notes:**

- 1. The maximum footprint of the site in the vicinity of the proposed structure shall be 1000m<sup>2</sup>.
- 2. The maximum footprint of the site in the vicinity of the proposed structure shall be 1000m<sup>2</sup>.

gH/20/0/3

**Beacon Land Surveys**  
 The Lodge  
 Greenhough Road  
 Lichfield  
 Staffs. WS13 7AU  
 Tel: 01543 417399  
 Mob: 07764 565064  
 Email: info@beaconland.com

Project:  
 'Blue Cedars'  
 29 Beechmers Rise  
 Rugeley

Existing

Scale:  
 1:100  
 Drawing No:  
 mpy/A1

Date:  
 July 2018  
 18-080-01b

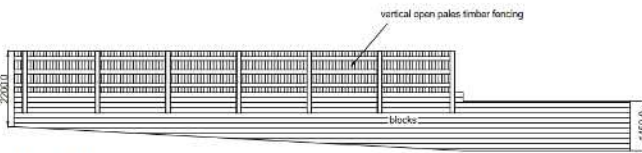
**NOTE:-**  
 ELEVATIONS A, D AND E WILL BE COVERED BY OTHER PLANNING APPLICATION.  
 ELEVATIONS B AND C AND ASSOCIATED STEPS AND PROTECTION IN LEVELS IN NORTHWEST CORNER WILL BE COVERED BY ANOTHER APPLICATION.

Drawn by: [Name] and [Name] on 18/07/2018

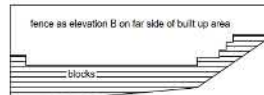
# Proposed Elevations

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

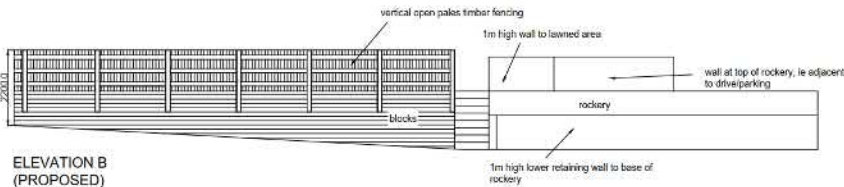
PLANNING APPLICATION DRAWING ONLY



ELEVATION B (EXISTING)



ELEVATION C



ELEVATION B (PROPOSED)



ELEVATION C  
broken lines denote steps behind lower rockery 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/DETAILED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.

WHERE POSSIBLE ALL ELEMENTS OF THE STRUCTURE SHOULD BE MANUFACTURED TO CURRENT BRITISH AND/OR EUROPEAN STANDARDS, INCLUDING BS11.

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.

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

COPYRIGHT ARCHITECTURAL SERVICES

**PROJECT:-** VARIOUS LANDSCAPING ALTERATIONS (CENTRAL PATIO AREA)

**ADDRESS:-** 29 BEECHMERE RISE, RUCOLEY, STAFFS

**CLIENT:-** MR. A. GITTINS

**Drwg No:-** 1489.3A (existing and proposed)

**Date:-** November 2020

**Scale/s:-** 1/100

**Amendments:-**  
A various planning amendments, Nov 20

## Architectural Services

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

Telephone 01543 491205  
Mobile 07854 143076

e-mail davidarchserve@gmail.com

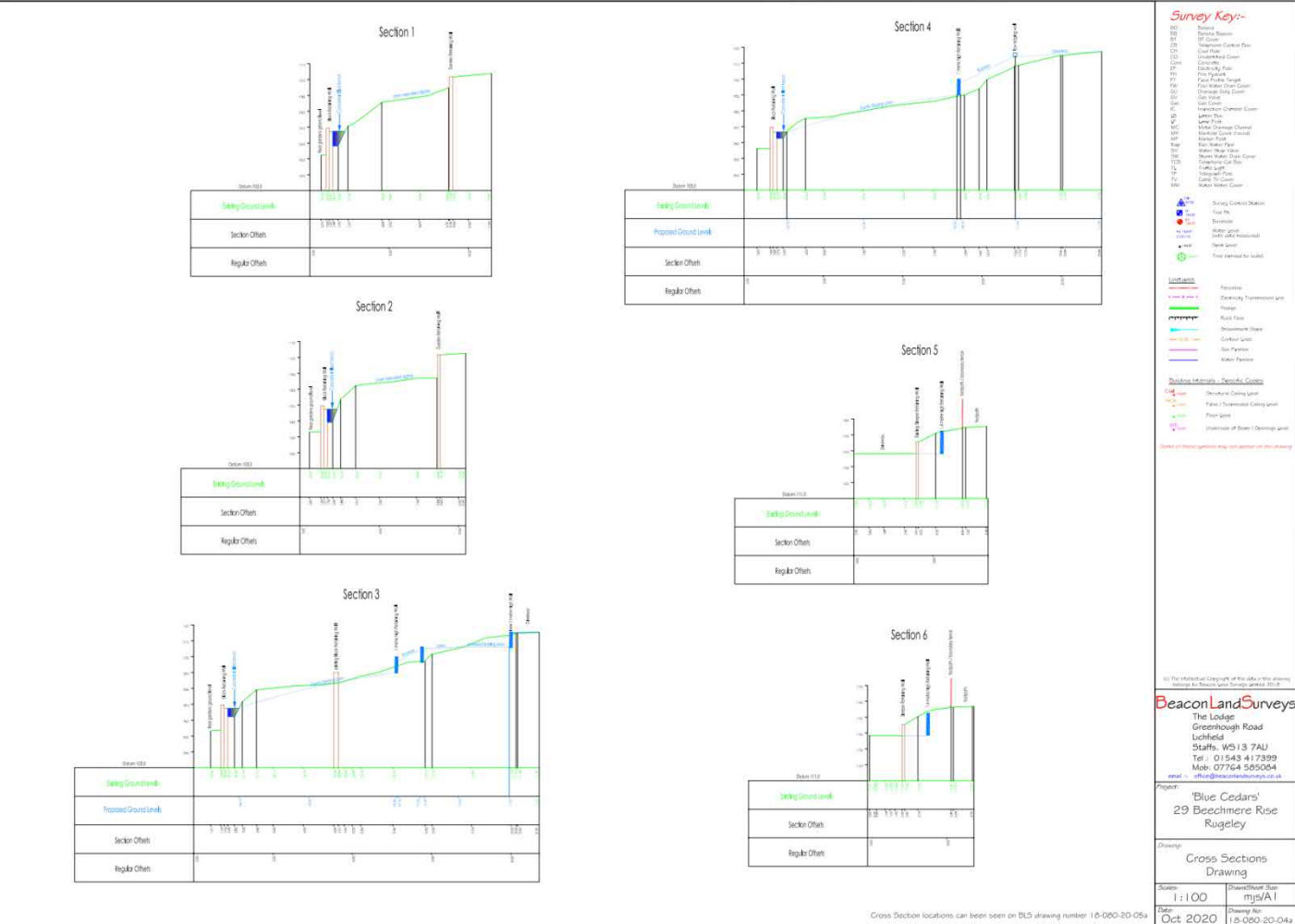


**Chartered Institute of  
Architectural Technologists**

Sole practitioner - David Yamal, MCITAT  
Chartered Architectural Technologist  
Member of the Chartered Institute of Architectural Technologists



# Proposed Cross Section



# Proposed Site Plan



**Contact Officer: Audrey Lewis**

**Telephone No: 01543 464528**

**Planning Control Committee**

**27 January 2021**

**Application No:** CH/20/074

**Received:** 04-Mar-2020

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

**Parish:** Rugeley

**Ward:** Etching Hill and the Heath

**Description:** 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

**Application Type:** Full Planning Application

**Recommendations:** Approve Subject to Conditions

**Reason(s) for Recommendation:**

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

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

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

Reason

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

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

Reason

In the interests of visual amenity and to ensure compliance with Local Plan Policies

CP3, CP15, CP16, RTC3 (where applicable) and the NPPF.

3. No part of the development hereby approved shall commence until a scheme detailing the landscape planting 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'.

Reason

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

4. 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.

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 'proposal':

Drg No.s

Location & block plan

18-080-01b (Existing Site Plan)

1489.1 (Existing Elevations)

1489.3A (Existing & Proposed Elevations)

18-080-20-04a (Existing and Proposed Sections)

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

Planning Statement October 2020.

Reason

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

### **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](http://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.

*The Council's Consultant 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.

### **Internal Consultations**

*County Highways*

No objections.

### **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 7



inches (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.

### Relevant Planning History

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

- The existing driveway would be extended across towards the north western boundary with No 27 Beechmere Rise. A new internal gate and 2m high fence would secure the parking area.
- A 2m high fence would be constructed along the common side boundary with No 27 Beechmere Rise (under permitted development rights for boundary treatments).
- The raised terrace would be removed.
- A lower seating area would be created with a 1 m high wall surrounding it.
- The north end corner ground levels would be decreased by 10cm and fence erected above the existing part of the wall that wraps around the corner to the common side boundary with No. 27 to a height of 2m.
- A new set of steps to replace the original and sited in the same position would be erected to gain access to the lower levels.
- A rockery and landscaping to include shrubs and trees would be located along the boundary with No.27.

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.
- No. 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 an external retaining wall to be clad with close boarded fence for the dwelling 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 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 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.
- 4.4.6 The proposal seeks to remove the raised terrace and replace with a lowered seating area, that would be similar in scale and height to that of the original patio area. It would be surrounded with a low level wall with steps down into the garden immediately abutting the seating area. The steps would be located in the same position and height as the original steps. The combined effects of the rockery, internal retaining walls and 2m side fence would prevent overlooking above the level of what was present when the houses were originally built. Furthermore, the imposition of a landscaping condition will help to provide enhanced screening and soften the hard landscaped boundaries, given time once the shrubs and trees are established. As such, it is considered that the proposal would not detrimentally impact upon privacy, or amenity of the neighbouring residents.
- 4.4.7 It is therefore considered that the refusal reason pertaining to overlooking, and adverse impact upon privacy of CH/18/313 has been sufficiently overcome.
- 4.4.8 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 County Highways Officer was consulted on the application and has not objection to the proposal.
- 4.5.3 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 **Ground Conditions and Other Issues Raised by Objectors**

### *Land Stability*

4.6.1 Paragraph 178 of the NPPF states that “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.

4.6.2 In addition paragraph 179 makes it clear that “Where a site is affected by contamination or land stability issues, responsibility securing a safe development rests with the developer and/or landowner”.

4.6.3 The neighbouring residents have raised concerns relative to land stability regarding the proposed retaining walls.

4.6.4 The application was accompanied with structural calculations which are relevant only to the other application being considered - CH/20/075. The structural calculations have been revised since submission and assessed by an independent structural engineer, who has confirmed that they are now satisfactory in respect to the other application.

## 4.7 **Land Ownership**

4.7.1 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. Officers have not received any substantive evidence to demonstrate otherwise and it is for the courts to adjudicate in matters of land ownership not the local planning authority.

## 4.8 **Minerals Safeguarding**

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

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

### **Human Rights Act 1998**

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

### **Equalities Act 2010**

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

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

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

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

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

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

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

## **6 Conclusion**

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



**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. 6.25



# Location and Block Plan



LOCATION PLAN 1/1250

29 Beechmere Rise,  
Etchingham,  
Rugseley,  
Staffordshire,  
WS15 2XR

OS MasterMap 1:250/1500/10000 scale  
Wednesday, February 12, 2020 ID: 8W1-06859750  
www.blackwellmapping.co.uk  
1:1250 scale print at A4, Centre: 402919 E, 318807 N  
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**BLACKWELL'S**  
www.blackwellmapping.co.uk  
TEL: 0114 262 7658  
maps\_sheff@blackwell.co.uk



BLOCK PLAN 1/500

# Existing Site Plan



**Survey Key:-**

	Boundary
	Road
	Footpath
	Utility
	Wall
	Fence
	Gate
	Window
	Door
	Staircase
	Terrace
	Lawn
	Garden
	Tree
	Pond
	Stream
	Boundary Line
	Proposed Change
	Proposed Addition
	Proposed Deletion
	Proposed Extension
	Proposed Alteration
	Proposed Replacement
	Proposed Structure
	Proposed Foundation
	Proposed Wall
	Proposed Fence
	Proposed Gate
	Proposed Staircase
	Proposed Terrace
	Proposed Lawn
	Proposed Garden
	Proposed Tree
	Proposed Pond
	Proposed Stream

**Boundary / Property Codes**

	Boundary Code 1
	Boundary Code 2
	Boundary Code 3
	Boundary Code 4
	Boundary Code 5
	Boundary Code 6
	Boundary Code 7
	Boundary Code 8
	Boundary Code 9
	Boundary Code 10

Scale: 1:100

Date: July 2018

Project: 29 Blue Cedars, 29 Beechmers Rise, Rugeley

Client: Blue Cedars

Drawn By: myj/Al

Checked By: 18-080-01b

ELEVATIONS A, D AND E WILL BE COVERED BY OTHER PLANNING APPLICATIONS. ELEVATIONS B AND C AND ASSOCIATED STAIRS AND PROVISION IN LEVELS IN NORTHWEST CORNER WILL BE COVERED BY ANOTHER APPLICATION.

Notes:  
 1. This is based on Ordnance Survey grid and uses the 1948 datum.  
 2. Contours are shown at 0.5m intervals and highlighted at 1m intervals.

# Proposed Site Plan

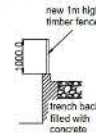




# Proposed Elevations

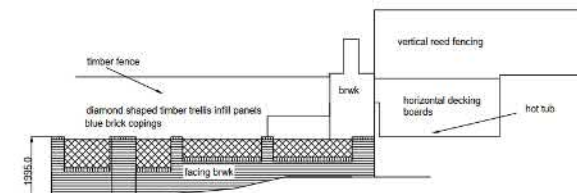
Any dimensions shown from existing and/or new buildings to boundaries can be scaled but are for planning application purposes only

PLANNING APPLICATION DRAWING ONLY



SECTION 1-1

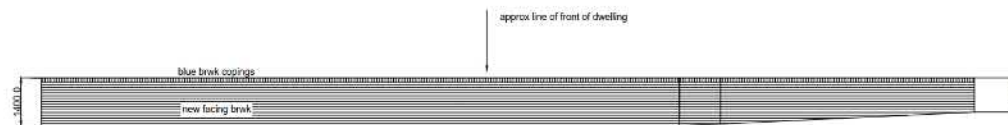
ELEVATION A (IE FROM REAR GARDENS TO NORTH-EAST OF APPLICATION SITE)



ELEVATION D



PLAN OF RAISED PATIO ON SOUTH-EAST WALL



ELEVATION E (IE DRIVE RETAINING WALL)

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

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

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

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

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.

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

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**PROJECT:-** VARIOUS LANDSCAPING ALTERATIONS (FRONT, SIDE & RAISED REAR TERRACE INCLUDING FENCE)  
**ADDRESS:-** 28 BEECHMERE RISE, RUGELEY, STAFFS

**CLIENT:-** MR. A. GITTINS

**Drwg No:-** 1469 2A (proposed)

**Date:-** November 2020

**Scale/s:-** 1/100

**Amendments:-**

A various planning amendments

## Architectural Services

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**Chartered Institute of  
Architectural Technologists**

Sole practitioner - David Yamal, MCIT  
Chartered Architectural Technologist  
Member of the Chartered Institute of Architecture Technologists

**Contact Officer:** Audrey Lewis

**Telephone No:** 01543 464528

**Planning Control Committee**

**27 January 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

**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. 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.

2. 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.

3. 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.

Reason

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

4. 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 'proposal':

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.

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](http://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.

*The Council's Consultant Structural Engineer (Comments Received 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.

*The Council's Consultant 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.

### **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 owner's 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 the 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.

### 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 downwards from south to north. The existing dwelling has a north-south orientation as the plot and is sited on the southern - highest - part of the site. Due to the large change in ground levels the basement to the bungalow forms a garage with access sweeping around from the access at the top of the site. There are 1.8m high fences to the side boundaries, but due to the change in ground levels the boundary fence has a staggered profile.
- 1.3 Adjacent to the southern boundary is a public footpath and on the opposite side of this a neighbouring property of similar age and design, the nearest point of the dwelling of which is at 10.5m.
- 1.4 Adjacent to the north western common boundary, is then No. 27 Beechmere Rise. The closest distance to the dwelling at No27 and the application dwelling is 15m to the southern wing of the application property which increases to 18m to the main parts of both dwellings.
- 1.5 The nearest distance to the northern boundary and dwellings accessed from Penk Drive North, to the north of the application site, is 37m. These dwellings are at significantly lower ground levels with rear habitable room windows and rear gardens facing the rear of the application property.
- 1.6 The application site is unallocated and undesignated within the Cannock Chase Local Plan (Part 1). The application site is located within a Mineral Safeguarding Area and is also within the Coal Authority Low Risk Boundary.

## 2 Proposal

2.1 The applicant is seeking consent for the retention of a 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).

- 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.
- 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

178-179: Ground Conditions and Pollution

212, 213 Implementation

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

Manual for Streets

## 4 Determining Issues

4.1 The determining issues for the proposed development include:-

i) Principle of development

ii) Design and impact on the character and form of the area

- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Ground Stability and other issues raised by neighbours

## 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 an external retaining wall to be clad with close boarded fence for the dwelling 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 concerns. 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 **Ground Conditions and Other Issues Raised by Objectors**

### 4.6.1 *Land Stability*

4.6.2 Paragraph 178 of the NPPF states that “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.

4.6.3 In addition paragraph 179 makes it clear that “Where a site is affected by contamination or land stability issues, responsibility securing a safe development rests with the developer and/or landowner”.

4.6.4 The neighbouring residents have raised concerns relative land stability regarding the proposed retaining walls.

4.6.5 The application was accompanied with structural calculations. The structural calculations have been revised since submission and assessed by an independent structural engineer commissioned by the Council, who has confirmed that they are now satisfactory.

4.6.6 A condition can be imposed to ensure remediation measures are undertaken within 3 months of permission, 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, subject to the attached conditions, ensure the integrity of the land in accordance with Local Plan Policy and NPPF requirements.

## 4.7 **Land Ownership**

4.7.1 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. Officers have not received any substantive evidence to demonstrate otherwise and it is for the courts to adjudicate in matters of land ownership not the local planning authority.

## 4.8 **Minerals Safeguarding**

4.8.1 The site falls within a Mineral Safeguarding Area and Coal Authority Low Risk Area. The Coal Authority do not require consultation on the application, as it considers the general area to be a development low risk area. The proposal would fall within Item 2 of the exemptions list as it is works to an existing

dwelling and is therefore permitted. As such the proposal is compliant with Policy 3 of the Minerals Local Plan.

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

### **Human Rights Act 1998**

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

### **Equalities Act 2010**

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

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

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

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

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

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

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

## **6 Conclusion**

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

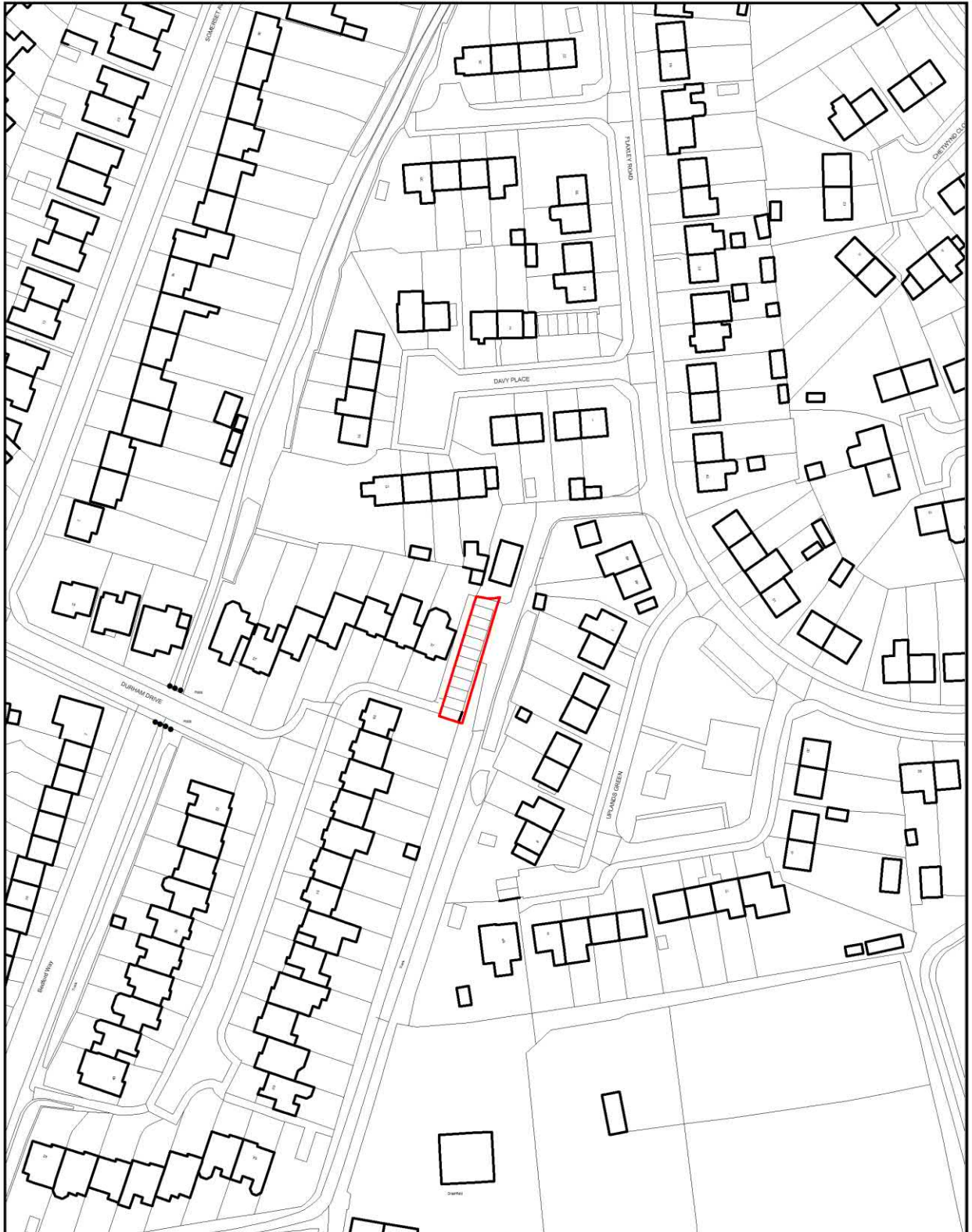


**Application No:** CH/20/316

**Location:** 37 Durham Drive, Rugeley, WS15 1LD

**Proposal:** Land between Durham Drive and Uplands Green, Pear Tree Estate, Rugeley, Erection of Detached Dormer Bungalow

Item no. 6.48



# Location and Site Plan



**John Heminsley**  
 OBE BA(hons) MRTPI  
 Planning Consultant

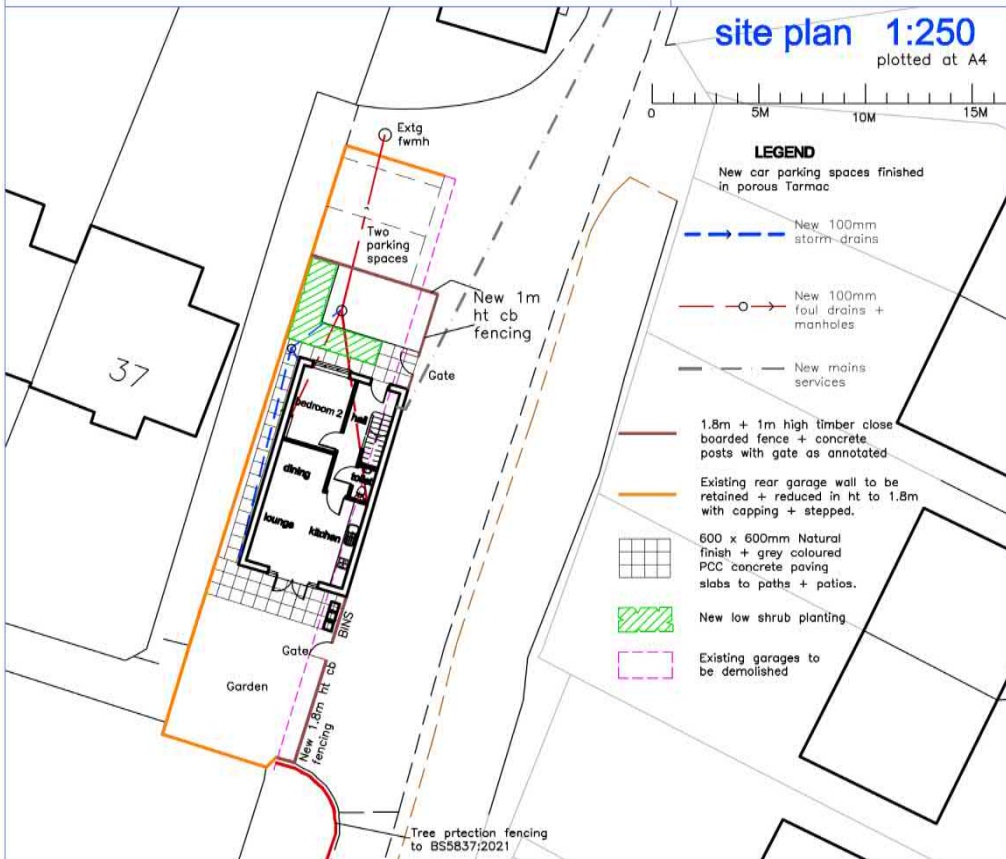
34 Talbot Street  
 Rugeley  
 Staffs WS15 2EG  
 Tele 01889 586692  
 Mob 07973 114627

E mail  
 ajhemin@aol.com  
 project  
**RESIDENTIAL DEVELOPMENT**

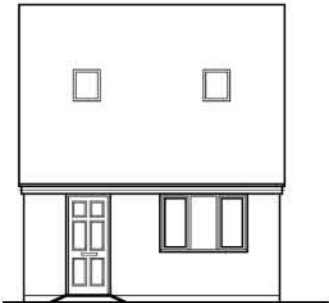
Land between  
 Durham Drive +  
 Uplands Green  
 Pear Tree Estate  
 Rugeley WS15 1LD  
 CLIENT

**MR.G.ELWELL**  
 SEPT 2020

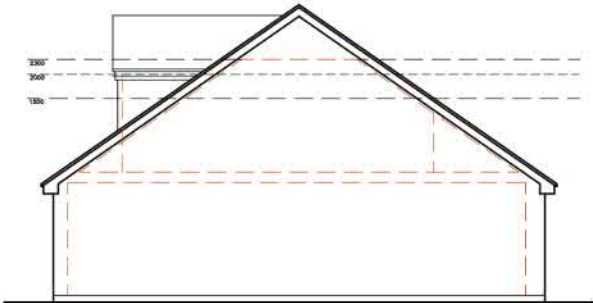
REV A  
 General amendments +  
 additions



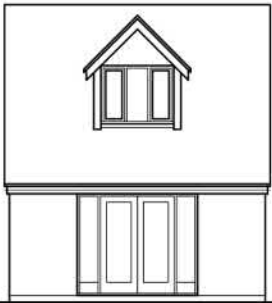
# Proposed Floor Plans and Elevations



FRONT ELEVATION 1:100

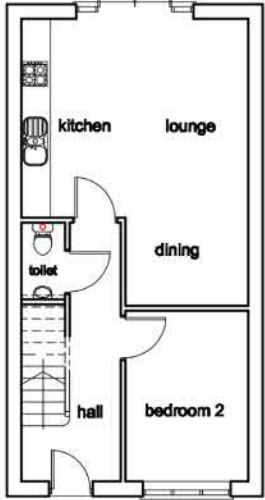


SIDE ELEVATION 1:100

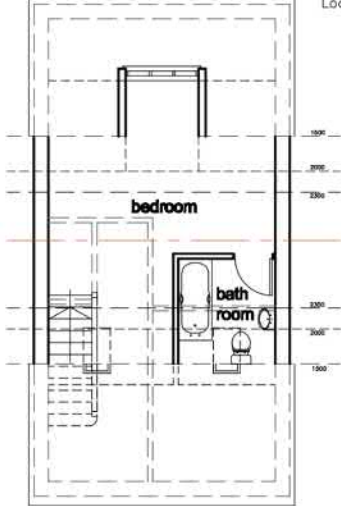


REAR ELEVATION 1:100

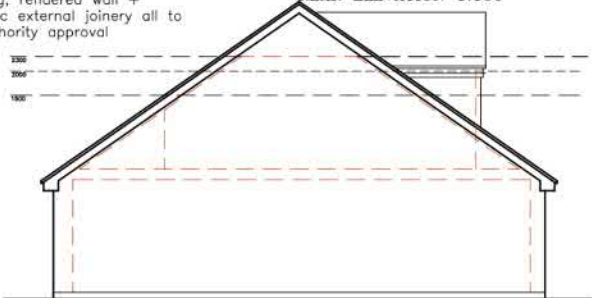
Roof tiling, rendered wall + white upvc external joinery all to Local Authority approval



GROUND FLOOR PLAN 1:100



FIRST FLOOR PLAN 1:100



SIDE ELEVATION 1:100

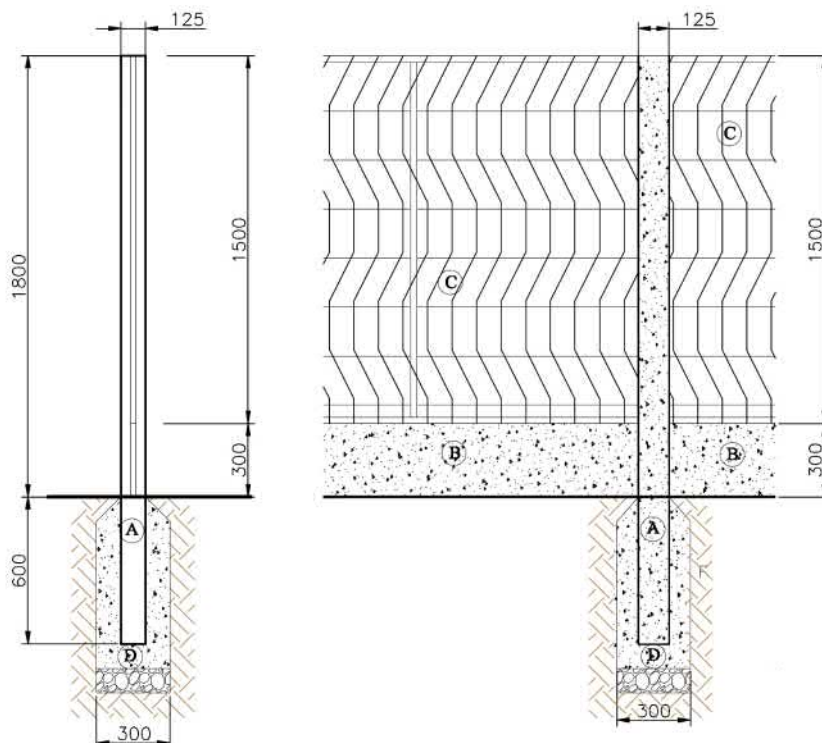
0 1M 2M 3M 4M 5M

REVISIONS

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**RESIDENTIAL DEVELOPMENT**  
Land between  
Durham Drive +  
Uplands Green  
Pear Tree Estate  
Rugeley WS15 1LD  
CLIENT  
**MR. G. ELWELL**  
SEPT 2020  
dr no  
**2020:200:01**

## Proposed Fence Details



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

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

Close boarded  
fence detail 1:20

plotted at A4

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project  
**RESIDENTIAL  
DEVELOPMENT**  
Land between  
Durham Drive +  
Uplands Green  
Pear Tree Estate  
Rugeley WS15 1LD  
CLIENT

**MR.G.ELWELL**  
SEPT 2020

dr no  
2020:200:02

**Contact Officer:** David Spring  
**Telephone No:** Remote Working

**Planning Control Committee**  
**January 27 2021**

**Application No:** CH/20/316  
**Received:** 09-Sep-2020  
**Location:** 37 Durham Drive, Rugeley, WS15 1LD  
**Parish:** Rugeley  
**Ward:** Hagley  
**Description:** Land between Durham Drive and Uplands Green, Pear Tree Estate, Rugeley, Erection of Detached Dormer Bungalow  
**Application Type:** Full Planning Application

**Recommendations:**

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

**Reason(s) for Recommendation:**

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

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

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

Reason

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

2. 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 approved landscape works shown on Dwg. Ref Site Plan & Location Rev A & Dwg 2020:200-02-Close board fence detail shall be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner.

Reason

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

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

Location & Site Plan Rev A, Drwg No. 2020:200:02, Drwg No. 2020:200:01

Reason

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

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

Reason

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

6. The development hereby permitted shall not be brought into use until the access and parking areas have been provided in accordance with the 'Location & Site Plan Rev A' submitted on 12<sup>th</sup> November 2020 and shall thereafter be retained for the lifetime of the development.

Reason

In the interests of Highway safety

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

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

- Wheel wash facilities

Reason

To protect the amenity of neighbouring occupiers.

8. The development hereby permitted shall not be commenced until:-

- (a) A site investigation for ground contamination including recommendations for remedial treatment has been undertaken and submitted in writing to the Local Planning Authority; and
- (b) The Local Planning Authority has given approval in writing to the method of remedial treatment;

The dwelling hereby approved shall not be occupied until the approved remedial treatment has been carried out in full and a verification certificate has been sent to and approved in writing by the Local Planning Authority.

Reason

In order to enable the development to proceed in a safe environment and to protect the health and safety of its occupiers.

### **Notes to the Developer:**

As the tree's to the South of and abutting the application site are not within the applicants ownership a condition cannot be imposed on any permission for protective fencing to be put in place on land not owned by the applicant. The applicant is however reminded of the legal status these protected trees have and that it is an offence to damage them in any way or for development to come within 5m of the base of these trees. All due care should be taken throughout the development process to ensure their protection.

### **Consultations and Publicity**

#### **External Consultations**

*SCC Highways*

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

*Rugeley Town Council*

Overdevelopment of the site in an area already heavily developed

*Severn Trent Water Ltd*

No objections.

#### **Internal Consultations**

*Environmental Health (Pollution Officer)*

No objections subject to the imposition of a condition, should permission be granted.

*Environmental Health (Housing)*

No objections

*Planning Policy Manager*

No objections. 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.

*CIL Officer*

This development would not be liable to pay CIL. This is because, even though there is an additional dwelling being created, the floor space of the (in use) garages to be demolished exceeds the residential floor space being created.

## Special Area of Conservation Mitigation Fee

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

*Landscape Officer*

No objections subject to the imposition of a number of conditions.

**Response to Publicity**

No letters of representation have been received.

**Relevant Planning History**

CH/04/0383: Residential development. Outline – Refuse. 2/22/2004

CH/09/0180: Residential development of former garage court sites (outline with all matters reserved. Outline-Approval With Conditions - S106 10/14/2009.

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

**1 Site and Surroundings**

1.1 The application site comprises of a garage court in the Pear Tree Estate in Rugeley. The garage court is adjacent to a pedestrian way that links Durham Drive and Flaxley Road with this pedestrian way passing between the application site and No. 37 Durham Drive.

- 1.2 The site is situated within a large residential estate located a short walk from Rugeley Town Centre. Dwellings in the surrounding area are nearly all two storey semi-detached but there are also several bungalows along Essex Drive which is at the end of Durham Drive.
- 1.3 The garages were originally designed to provide off-street parking for many of the surrounding properties. In recent years however the garages are under-used with most residents choosing to park their vehicles on street adjacent to their dwellings.
- 1.4 There is a tree preservation order to the south and abutting the site.

## **2 Proposal**

- 2.1 The Applicant is seeking consent for the erection of a detached dormer bungalow on land between Durham Drive and Uplands Green, Pear Tree Estate, Rugeley.
- 2.2 The proposed would have 2 bedrooms, one on the ground floor and an en-suite bedroom in the roof space. Also on the ground floor would be an open kitchen/ lounge/ dining area as well as a ground floor toilet. A rear facing pitched roof dormer window is proposed as well as 2 No. roof lights on the front elevation and sliding doors on the rear elevation.
- 2.3 Proposed materials would be render under a tiled roof with upvc doors and windows. A 1.8m high concrete post and timber close boarded fence is proposed for the perimeter. Sufficient hardstanding is proposed in the front curtilage to park 2 vehicles on site.

## **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
- 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
59, 64:	Delivering a Sufficient Supply of Homes
117, 118:	Making Effective Use of Land
124, 127, 128, 130:	Achieving Well-Designed Places
206	Mineral Safeguarding
170, 175	Biodiversity
178, 179, 180	Ground Condition and Pollution
212, 213	Implementation for Sustainable Transport

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.

Hednesford Neighbourhood Plan 2017-2028.

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

4.2.2 In respect to the principle of the proposal it is noted that that the site is within a residential location near to Rugeley Town Centre, close to the schools and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development. The site is not located within either Flood Zone 2 or 3 and it is not designated as a statutory or non- statutory site for nature conservation nor is it located within a Conservation Area (CA) nor does it affect the setting of a designated or undesignated heritage asset.

4.2.3 As such it is considered that the proposal is acceptable in principle.

4.2.4 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

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

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

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

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

Planning policies and decisions should ensure that developments:

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

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

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

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

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

4.3.7 The proposal would be constructed on a former garage block within Rugeley. To the south and abutting the site is some mature tree planting, some of which benefits from a tree protection order (TPO). These tpo'd trees are outside the application site but given this designation, the applicant has submitted a Tree Survey Report as well as an amended layout drawing with which to inform the

submission. The amended layout shows existing rear walls of garages together with the two end walls retained as a boundary wall to the curtilage of the new dwelling at a height of around 1.8 metres including new brick capping. Tree protection fencing in accordance with BS 5837:2012 as shown in Figure 2 Section 6.2 of BSI Standards Publication "Trees in Relation to Design, Demolition and Construction Recommendations" will be provided. This protective fencing will be placed along the boundary of the site and an informative will be added to remind the applicant that these trees are protected and due care needs to be taken throughout the development process. The two nearest trees the hawthorn and oak are shown on the location plan, retaining the end wall of the garage block in addition to the rear wall will ensure that there will be no need for any excavations near to the embankment. The car parking spaces have been repositioned to be at right angles to the lane instead of parallel to it. The Landscape Officer has no objections to the proposal but recommends the imposition of a number of conditions should permission be granted.

- 4.3.8 The application site is accessed by car from Flaxley Road and by foot from Durham Drive. 2 parking spaces would be provided at the front and a front and rear garden area forms part of this proposal. The site itself is narrower than surrounding sites but there are several bungalows along the entirety of Essex Road which runs perpendicular to Durnham Drive and so a chalet bungalow in this location would not be out of character with dwellings in the surrounding residential area. The plot already has 6 garages on it and although of a lower height these garages have more floor space than the proposed dwelling and appear run down in this residential area. The proposed dwelling would be of a high quality design and appropriate scale and therefore would not appear unduly incongruous in terms of the relationship with the nearby dwellings.
- 4.3.9 Having taken all of the above into account, in respect to the proposed dwelling, it is noted that it would sit within a residential location nearby a recently constructed modern dwelling located on a corner garden plot on Flaxley Road. There is another recent proposal on the corner of Davy Place and Flaxley Road which is going to the January 13<sup>th</sup> Planning Committee with a recommendation for approval. This proposal would also entail demolishing an existing garage block. It is against this context that this proposal would be viewed.
- 4.3.10 The proposed dwelling would be constructed out of materials reflective of this location which is considered appropriate and would be secured via condition. It is considered the erection of a chalet bungalow in this particular location would, on balance, visually improve the streetscene.
- 4.3.11 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

#### 4.4. **Impact on Residential Amenity**

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes 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.

- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.
- 4.4.4 However, it should always be taken into account that these distances are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels.
- 4.4.5 The layout plan shows the proposed dwellings constructed to the side of the dwellings within 'Durnham Way' at a distance of approx. 3m. The proposed dwellings would be orientated to reflect the buildings within 'Durnham Way' with principle elevations facing to the south and north. There would be no principle windows in the side elevations of the proposed dwellings that would overlook the properties within 'Durnham Way'.
- 4.4.6 The Design SPD requires a separation distance of 13.7m between side elevation and rear elevations. In this instance, it is noted that the proposed dwellings would be approx. 24m from the rear elevation of dwellings on Uplands Green which exceeds the distance specified within the Design SPD. Dwellings on Davy Place are approx. 34m from the rear elevation of the proposed over a well screened boundary. It is noted that a dormer window is proposed for the rear elevation of the proposed dwelling but due to the above this would not have a detrimental effect on these neighbouring dwellings for the above reasons.
- 4.4.7 The proposed dwelling would not give rise to any significant overlooking or affect the amenity space of any neighbouring property.
- 4.4.9 With regard to the proposed dwelling, the amenity space to the rear would provide a minimum of 50m<sup>2</sup> of private garden space. The Design SPD requires an area of 40 to 44m<sup>2</sup> per 2 bedroom dwelling and at least 2 parking spaces per dwelling would also be provided both of which are over and above that required within the Design SPD.
- 4.4.11 Given the above, overall, 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.

#### 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 In order to achieve the above requirements paragraph 111 of the NPPF goes on to state: -

‘All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.’

4.5.3 In this respect Staffordshire County Highways Department were consulted on the proposal and raised no objections subject to a condition. As such, it is concluded that the proposal would not result in an unacceptable impact on highway safety.

## 4.6 Impact on Nature Conservation Interests

4.6.1 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that are given special protection or which are of particular conservation interest.

4.6.2 As such the site is not known to have significant ecological value and therefore no obvious direct harm to nature conservation interests is considered to result.

4.6.3 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. There is a net increase of 1 dwelling such that SAC mitigation contributions are required. Such

contributions will be secured by CIL where applicable to the development. In this instance however, the applicant has indicated that the proposed dwellings would be self build and would therefore be CIL exempt. As such, the proposed development would require a S106 agreement for SAC mitigation.

- 4.6.4 Given the above it is considered that the proposal would not have a significant adverse impact on nature conservation interests either on, or off, the site. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

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

- 4.6.5 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. 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. It is noted that a self build exemption has been sought in respect to CIL and therefore a S106 agreement to secure SAC mitigation would be required.

#### **4.7 Drainage and Flood Risk**

- 4.7.1 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'.
- 4.7.2 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps. The applicant has indicated the means of drainage would be via a soakaway for storm drainage and new foul drainage to existing. Severn Trent was consulted on the application and raised no objection to the proposal.
- 4.7.3 Given the above, it is considered that the proposal would be acceptable with regard to drainage and flood-risk and would not exacerbate the existing problems in accordance with paragraph 155 of the NPPF.

#### **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 Policy 3.2 of the new Minerals Local Plan states that:

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

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

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

#### 4.9 **Waste and Recycling Facilities**

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

4.9.2 The proposed dwelling would be sited within close proximity to existing dwellings and within a residential located where bins are already collected by the Local Authority.

#### 4.10 **Ground Conditions and Contamination**

4.10.1 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.

4.11.2 Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

4.11.3 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.

4.11.4 The Council's Environmental Health Officer was consulted on the application and raised no object to the proposal in principle. However, given the site has been occupied by garages for some time, and has the potential for

contamination from hydrocarbons and asbestos a condition for site investigation works has been recommended.

#### 4.12 **Other Comments**

4.12.1 Rugeley Town Council objected to the proposal for reasons of Overdevelopment of the site in an area already heavily developed but as the report above lays out the amount of development on the existing site is more than the proposed development. Also as explained in the report above the proposal would not be out of character in this residential area of varied design and would not have a detrimental impact on neighbouring amenity or the amenity of any future occupiers.

### 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**

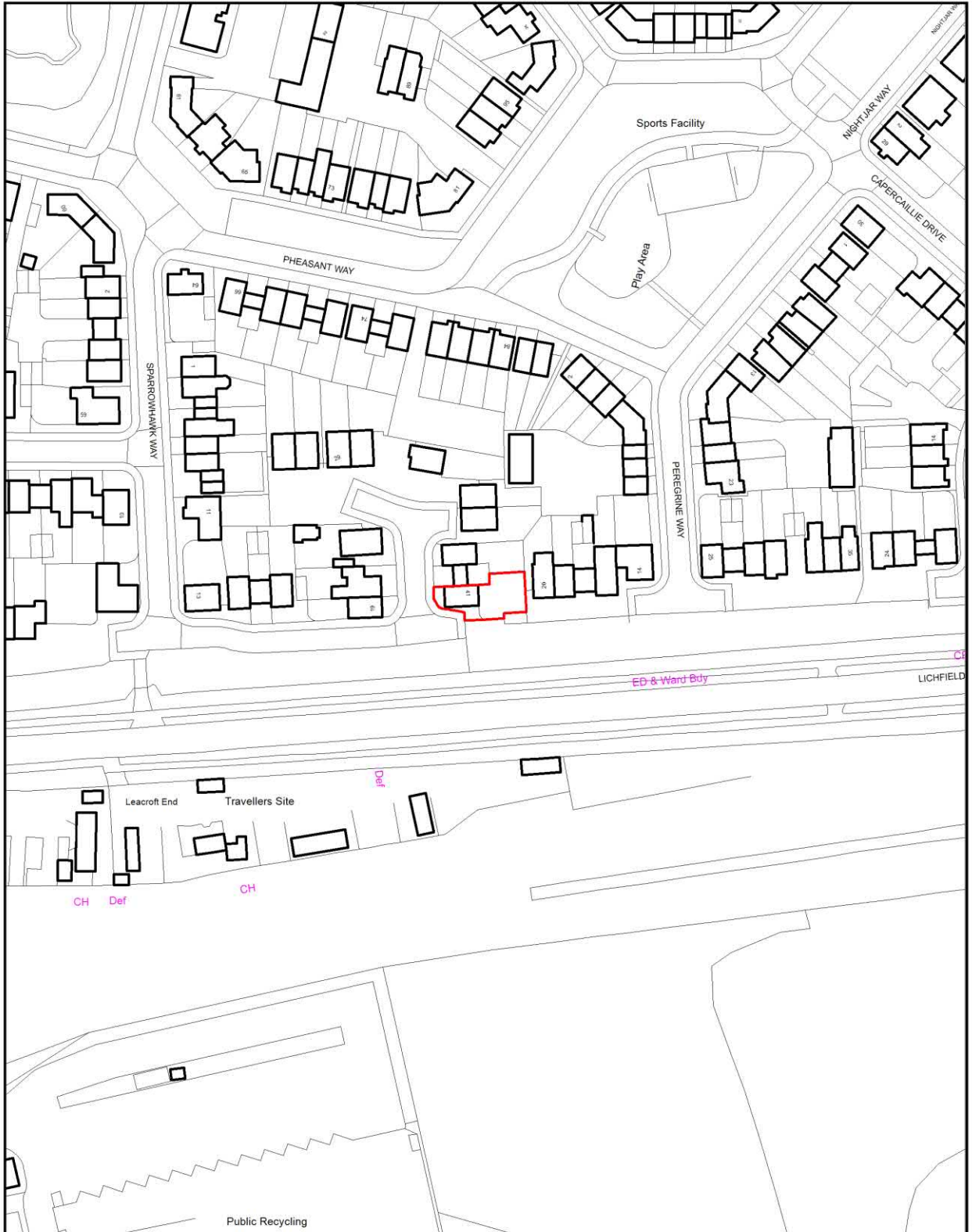
- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 It is therefore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





**Application No:** CH/20/369  
**Location:** 41 Sparrowhawk Way, Cannock, WS11 7JW  
**Proposal:** Single storey rear extension

Item no. 6.68



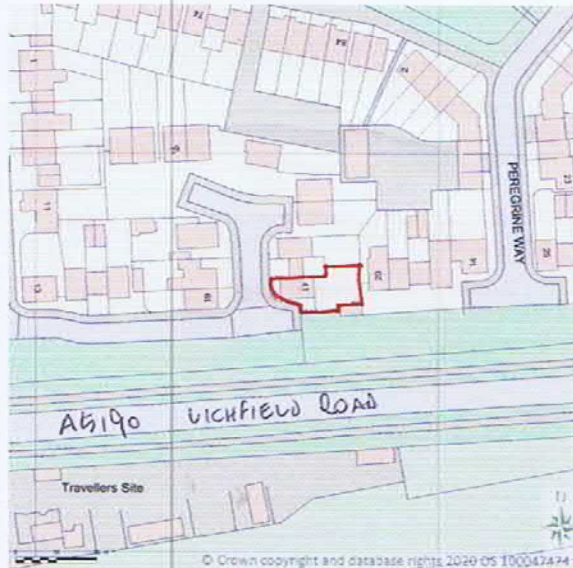


# Location Plan

Streetwise™



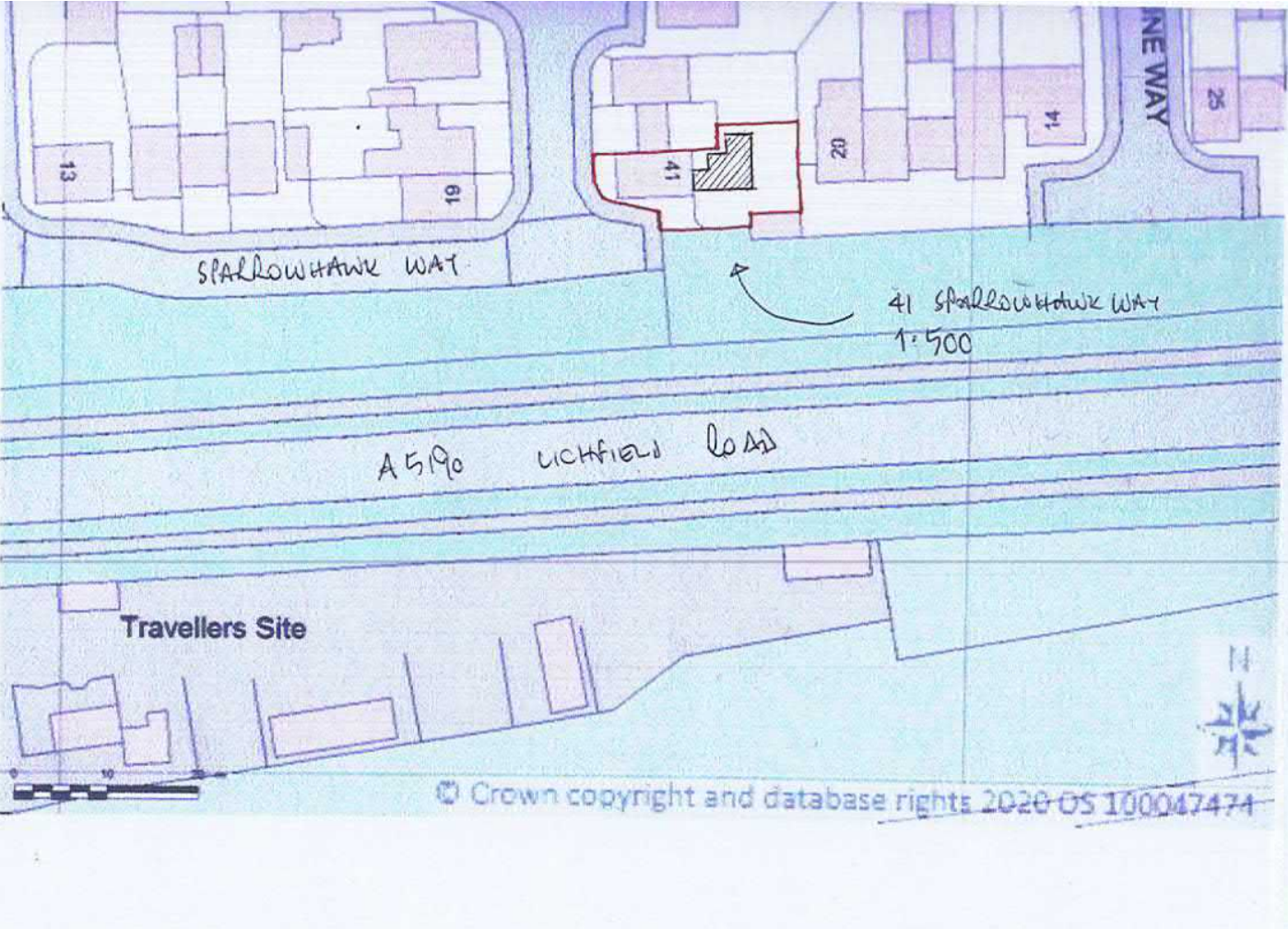
SITE LOCATION PLAN  
AREA 2 HA  
SCALE 1:1250 on A4  
CENTRE COORDINATES: 399364, 309866



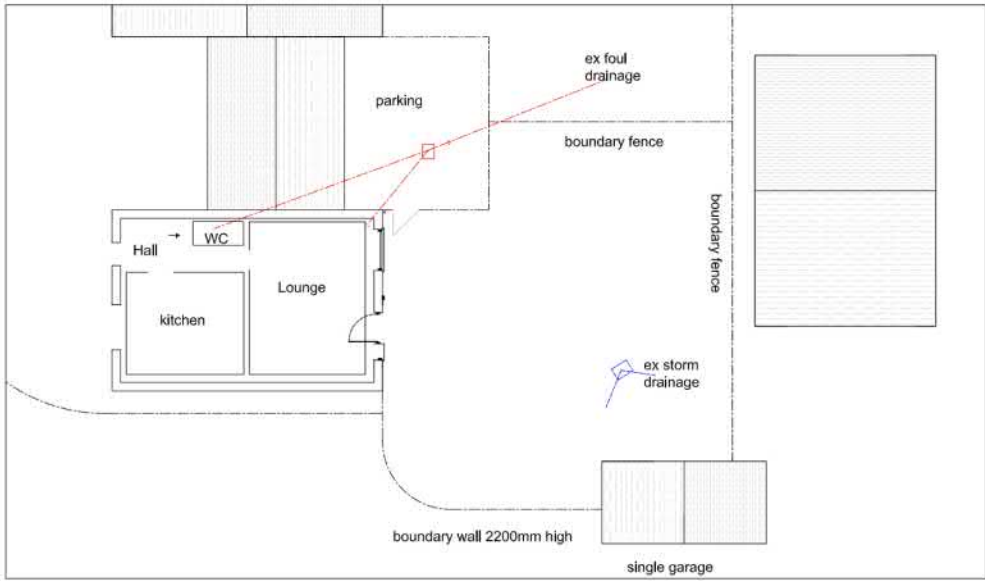
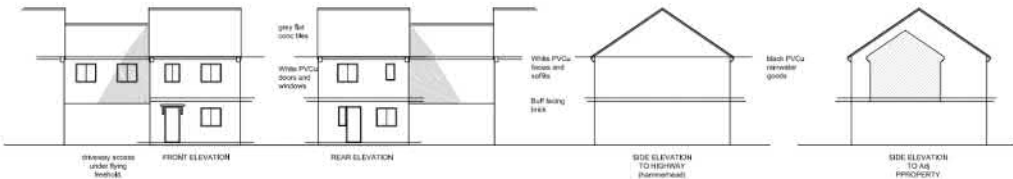
Supplied by Streetwise Maps Ltd  
www.streetwise.net  
Licence No: 100047474  
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41 SPARROWHAWK WAY  
WS11 7JW

# Block Plan



# Existing Floor Plan and Elevations

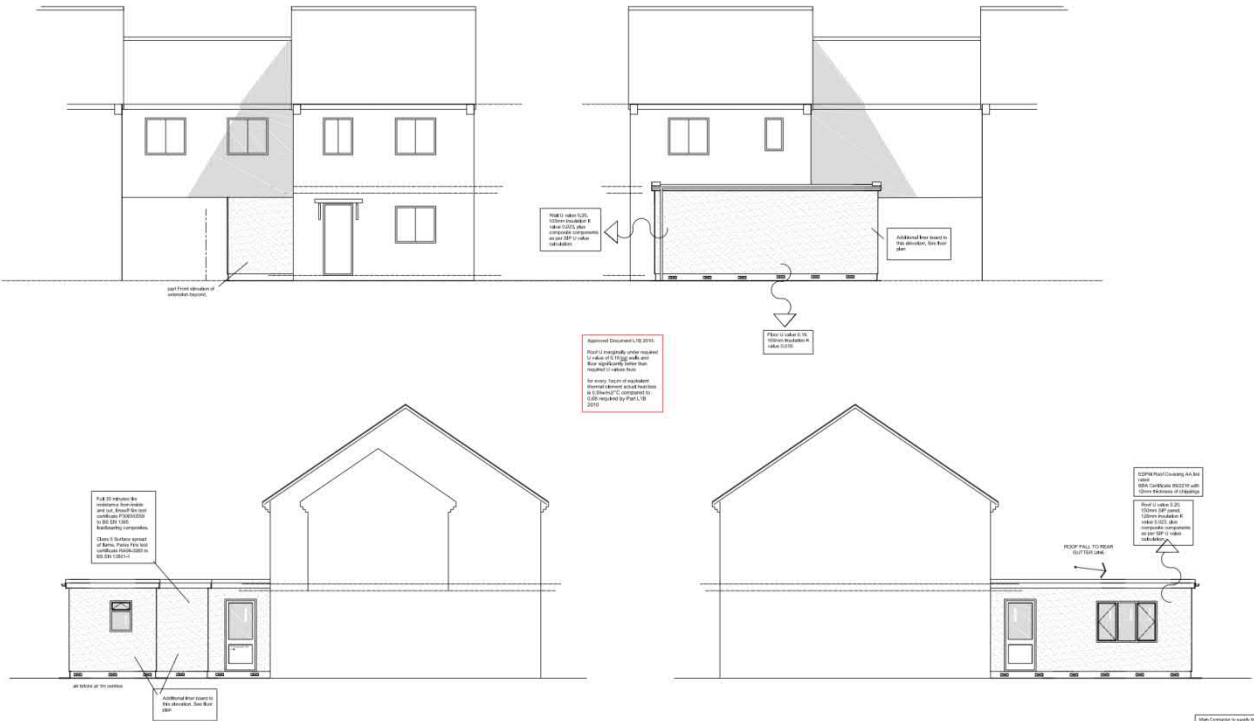


**PAB** PROJECT ARCHITECTS  
Architectural Building System

**edgebourne**  
100-102 Southway Road  
100 Southway Road, Southway, London SE16 2PP, Tel: 020 7816 0100  
www.edgebourne.co.uk

DATE: 10/10/11  
SCALE: 1:500

# Proposed Elevations



Approved Document L1B 2013.  
 Part 1: Energy efficiency.  
 Part 2: Energy efficiency.  
 Part 3: Energy efficiency.  
 Part 4: Energy efficiency.  
 Part 5: Energy efficiency.  
 Part 6: Energy efficiency.  
 Part 7: Energy efficiency.  
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 Part 30: Energy efficiency.

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- 2. Part 31 of the Building Regulations 2010.
- 3. Part 32 of the Building Regulations 2010.
- 4. Part 33 of the Building Regulations 2010.
- 5. Part 34 of the Building Regulations 2010.
- 6. Part 35 of the Building Regulations 2010.
- 7. Part 36 of the Building Regulations 2010.
- 8. Part 37 of the Building Regulations 2010.
- 9. Part 38 of the Building Regulations 2010.
- 10. Part 39 of the Building Regulations 2010.
- 11. Part 40 of the Building Regulations 2010.
- 12. Part 41 of the Building Regulations 2010.
- 13. Part 42 of the Building Regulations 2010.
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- 18. Part 47 of the Building Regulations 2010.
- 19. Part 48 of the Building Regulations 2010.
- 20. Part 49 of the Building Regulations 2010.
- 21. Part 50 of the Building Regulations 2010.

**FAB**
  
 FUTURE ARCHITECTURAL BUILDING SYSTEMS

**edgebourn**
  
 edgebourn

Design: The Edgebourn Group
   
 Edgebourn Group, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Date	Rev 01	Project Name	Sheet No.
Drawn by		Scale	



# Proposed Sections

Use of existing concrete/brickwork/stone/brickwork  
 All new masonry and plaster work shall be constructed  
 in accordance with the relevant standards and codes of practice  
 and shall be finished in accordance with the relevant standards  
 and codes of practice.

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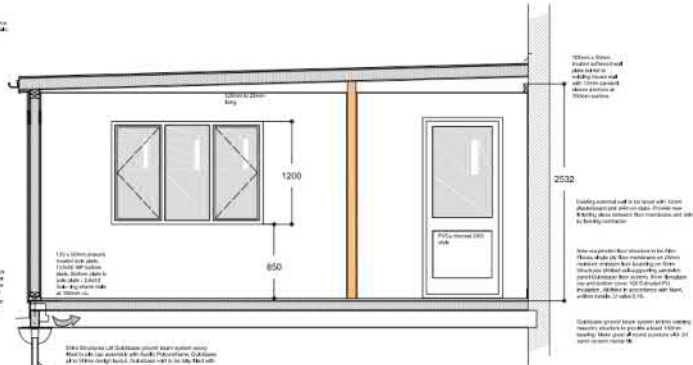
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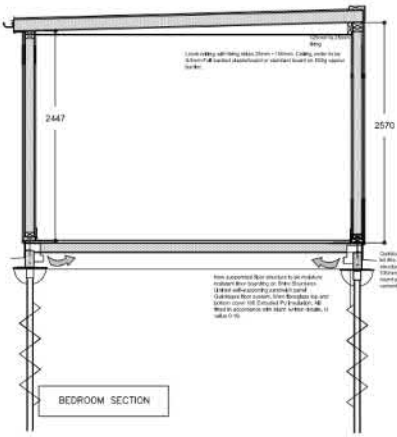
Use of existing concrete/brickwork/stone/brickwork  
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 and codes of practice.

Use of existing concrete/brickwork/stone/brickwork  
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 in accordance with the relevant standards and codes of practice  
 and shall be finished in accordance with the relevant standards  
 and codes of practice.



PORCH AND BEDROOM

Use of existing concrete/brickwork/stone/brickwork  
 All new masonry and plaster work shall be constructed  
 in accordance with the relevant standards and codes of practice  
 and shall be finished in accordance with the relevant standards  
 and codes of practice.



BEDROOM SECTION

Use of existing concrete/brickwork/stone/brickwork  
 All new masonry and plaster work shall be constructed  
 in accordance with the relevant standards and codes of practice  
 and shall be finished in accordance with the relevant standards  
 and codes of practice.

**PAB**
  
 PROJECT ARCHITECTS & BUILDERS
   
  
**edgeburn**
  
 ARCHITECTS
   
 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200

**Contact Officer:** David Spring  
**Telephone No:** Remote Working

**Planning Control Committee**  
**27 January 2021**

**Application No:** CH/20/369  
**Received:** 20-Oct-2020  
**Location:** 41 Sparrowhawk Way, Cannock, WS11 7JW  
**Parish:** Heath Hayes  
**Ward:** Hawks Green  
**Description:** Single storey bedroom and wet room extension  
**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 materials to be used for the external surfaces of the development shall be of the same as those listed in the application form which match the existing building.

Reason

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

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

Location Plan, Drawing No. EBC.103.20.004, EBC.103.20.003,  
EBC.103.20.002, Block Plan

Reason

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

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

### **Consultations and Publicity**

#### **External Consultations:**

*Heath Hayes & Wimblebury Parish Council*

Object to the proposal for reasons of over intensive development

#### **Internal Consultations**

*Environmental Health*

No comments or concerns

#### **Response to Publicity**

No letters of objection

### **Relevant Planning History**

CH/03/0860: Residential development. Res Mat - Approved with Conditions  
03/04/2004

CH/04/0604: Entrance feature Full - Approval with Conditions 10/20/2004

CH/99/0109 Residential development. Outline-Approval With Conditions  
10/24/2003.

## **1 Site and Surroundings**

1.1 The application property comprises a 2 storey linked dwelling sited in a modern residential estate in Cannock. The dwelling is linked at 1<sup>st</sup> floor only to No. 39 to the North with the ground floor area used as a car port. The dwelling is constructed of salmon-orange brick under a tiled roof with white UPVc doors and windows.



- 1.2 Sparrow Hawk Way is a residential cul de sac to the east of the A460 and just to the north of the A5190 (Lichfield Road). The host dwelling is orientated with the front elevation adjacent to a turning head and the private garden off the rear elevation behind a 2m high brick wall. The site is open fronted with the 2m high wall of the southern boundary beginning at the southern corner of the rear elevation. The car port on the northern side of the dwelling accommodates two vehicles.
- 1.3 The application site is bound to the northern side and rear by dwellings. The turning head within Sparrow Hawk Way gives way to a landscape buffer and Lichfield Road to the south.
- 1.4 Nearby dwellings are mixtures of semi-detached and other linked dwellings of a similar design as the application property.
- 1.5 The application site is designated by the Coal Authority as being within the low risk boundary and within a site investigation boundary and Mineral Safeguarding Area.

## **2 Proposal**

- 2.1 The applicant is seeking consent for the erection of a single storey extension to the rear.
- 2.2 The proposed extension would have an irregular shape and follow the northern rear boundary for much of its depth. It would measure 5.8m in depth and have a maximum width of 6.5m. The proposed extension would comprise of a near flat roof with a door on both the Southern and Northern side elevation. A bathroom window is proposed for the northern elevation and a larger window for the southern elevation. The height would be constructed to 2.7m.
- 2.3 The extension would be constructed from brickwork to reflect the host dwelling and glazing.
- 2.4 The remaining amenity as a result of this proposal would be approx. 65sqm in the rear garden area.

## **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 mineral plan include:

### 3.2 Safeguarding Minerals

#### 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
- iii) Impact on residential amenity.
- iv) Drainage and Flood Risk
- v) Mineral Safeguarding
- vi) Ground Conditions and Contamination
- vii) Impact on Highway Safety

#### 4.2 Principle of the Development

4.2.1 The proposal is for the erection of a single storey extension to the rear of the main dwelling. In this instance, the application site is sited within a modern

residential area located within Cannock. The site is unallocated and undesignated within the Local Plan. As such, it is considered that the principle of 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;

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 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 extensions to dwellings.

4.3.6 The proposed extension is of an irregular design and style but is typical in terms of scale for a domestic extension. The proposed extension comprises of a modern near flat roof extension which would not reflect the pitched roof over the main dwelling. However, the extension is at the rear and of a typical domestic extension commonly found on residential properties often built under permitted development rights (which could potentially have a larger depth). Furthermore,

the proposed extension would be to the rear of the host dwelling and would be, for the majority, screened from the private drive by existing buildings and boundary treatments.

4.3.7 Proposed materials are smooth faced render coloured to match existing brickwork and would blend well with the existing dwelling.

4.3.8 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that subject to the attached conditions the proposal would be, on balance, acceptable.

#### 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 terms of the neighbouring properties, No.39 Sparrow Hawk Way is located to the side of the host dwelling, separated by a car port but linked at 1<sup>st</sup> floor. No objections were received from any neighbouring occupier. The proposed would be 1.2m from the shared boundary which consists of a 1.8m high closed boarded fence. This plus the proposed roof which would be nearly flat and have a height of 2.7m dropping to 2.5m at the rear. This roof and separation distance would be sufficient to allow light to filter through to the amenity space of No.39. It is also noted that the proposed would have a door and bathroom window on this northern side elevation. This door would be 2.4m from the 1.8m high boundary and the bathroom window would be obscure glazed by condition which would limit any overlooking or loss of privacy to this neighbouring dwelling.

4.4.4 Although of an irregular shape the proposed extension is of a typical size and scale of a domestic extension and is therefore unlikely to attract significant noise disturbance over and above that which already exists within the residential curtilage. No other neighbour would be potentially impacted by this proposed extension.

4.4.5 As such, the proposal would be read against a residential backdrop within a residential location and would not be out of character with the surroundings.

4.4.6 As such, given the above paragraphs, the proposed extension is considered to accord with the requirements of Policy CP3 of the Cannock Chase Local Plan and they meet the requirements of the Council's Design SPD.

#### 4.5 **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

extending to the side. 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). 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 An additional bedroom is proposed but there would continue to be adequate off-street parking space to serve the development and prevent over-spill parking into the public highway. The access arrangements would otherwise be as existing, and no unacceptable harm is anticipated to highway safety or amenity.

#### **4.9 Other Comments**

4.9.1 As mentioned Parish Council have objected to the proposal for reasons of overdevelopment but have not stated whether this results in any harm. The above report elaborates on residential amenity in terms of overlooking, overshadowing, any potential overbearing or loss of outlook as a result of this proposal. The resulting amenity space would be sufficient for a dwelling of this size and any future occupiers.

4.9.2 To put the above into perspective it should be noted that under permitted development rights subject to certain caveats out buildings that are incidental to the enjoyment of a dwellinghouse are allowed to cover up to 50% of the garden area.

## **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 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.

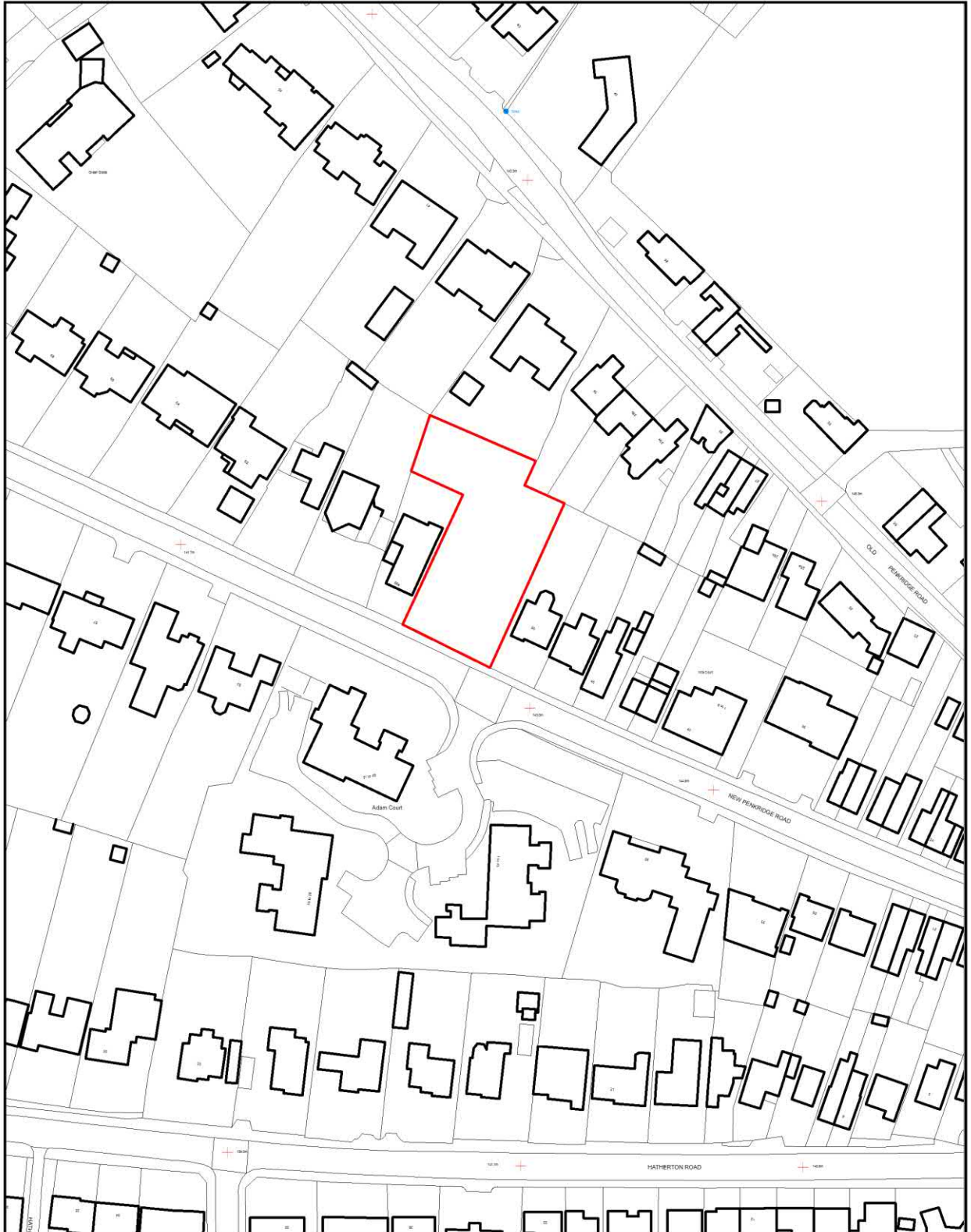


**Application No:** CH/20/373

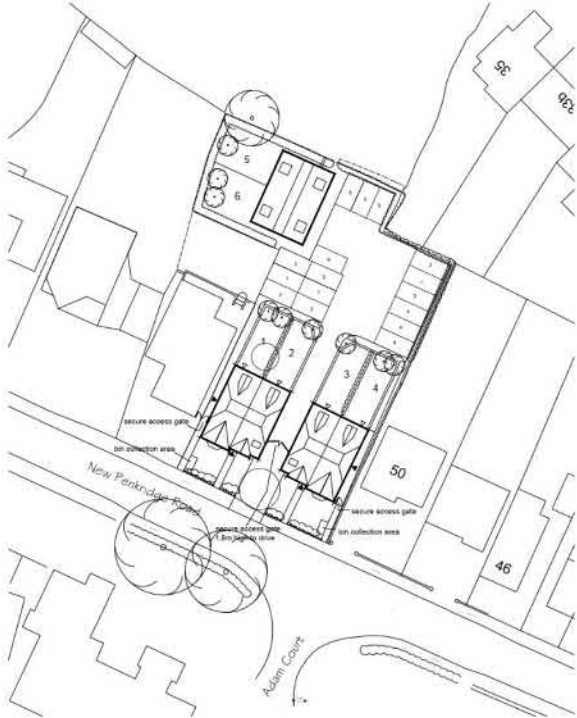
**Location:** 54, New Penkrige Road, Cannock, WS11 1HW

**Proposal:** Erection of 2 no 2-bed dormer bungalows as an amendment to approved plan (CH/17/243) - Plots 5&6

Item no. 6.83



# Location and Block Plan



LAYOUT PLAN



LOCATION



Proposed Residential Development  
at 54-56 NEW PENKRIDGE ROAD,  
CANWOCK.

DRAWING: Layout & Location Plans  
Plots 5 & 6  
Scale: 1:500 & 1:1250 @ A3  
Date: Oct 2020

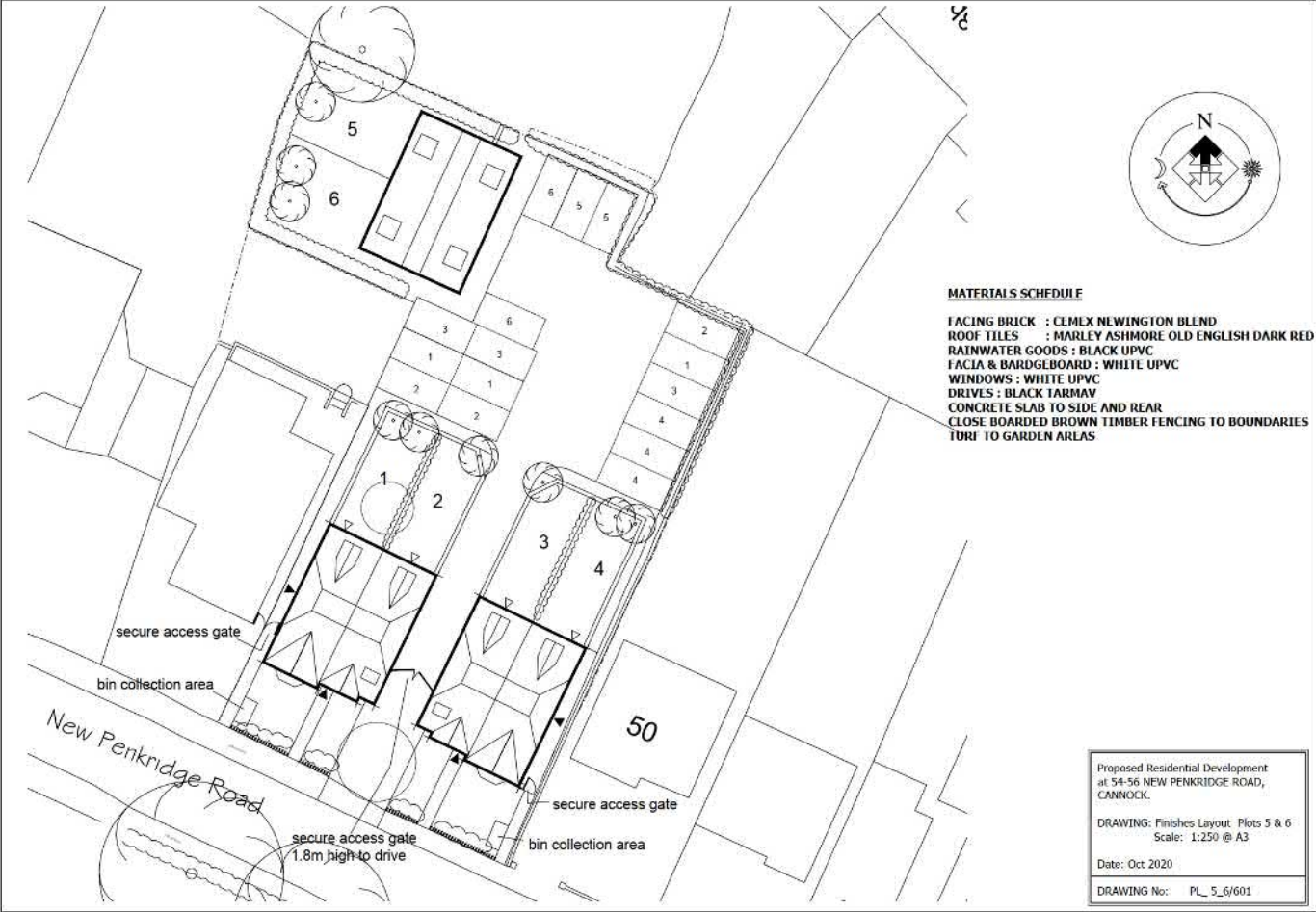
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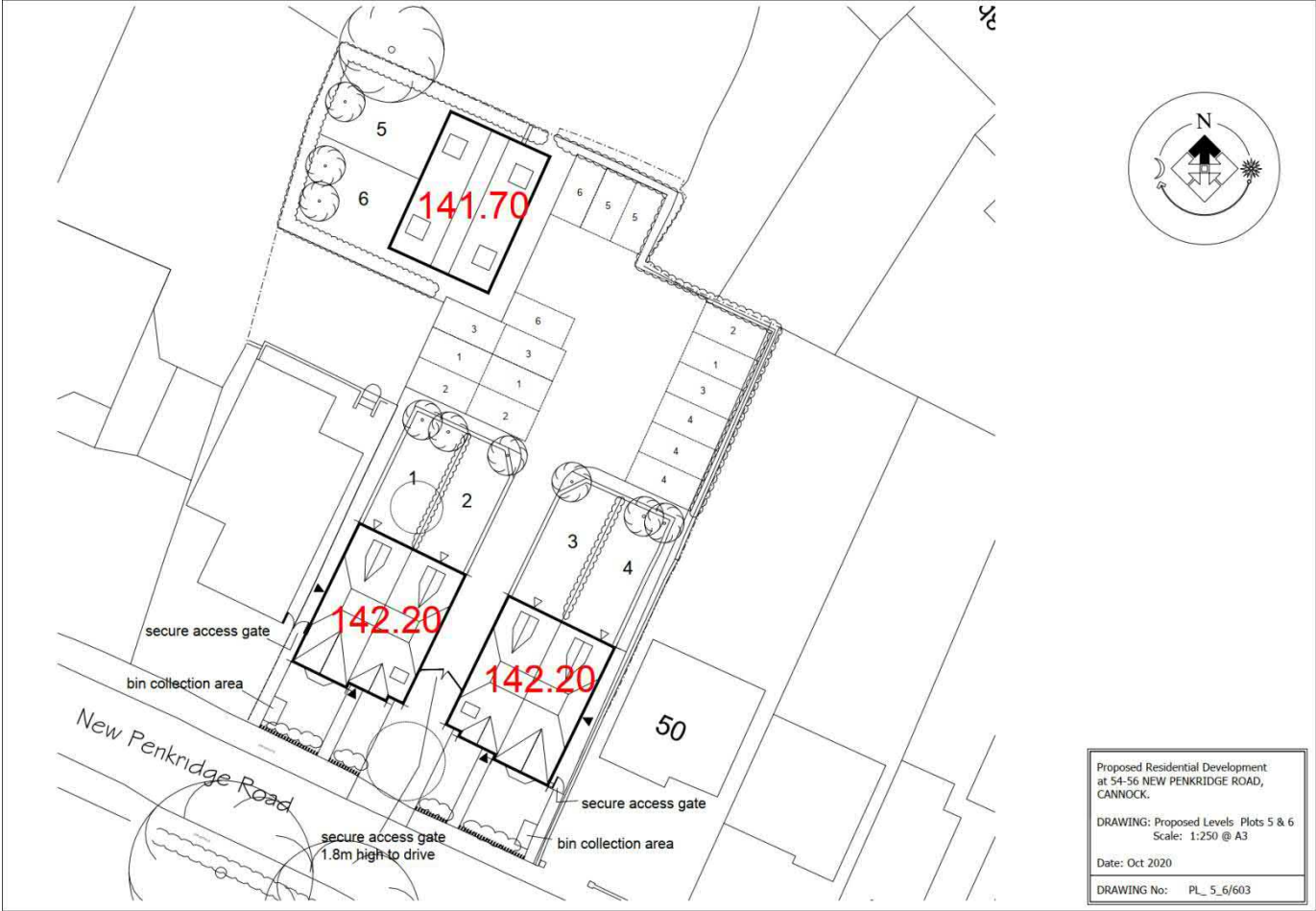
# Proposed Layout Plan



# Proposed Layout Plan with Materials



# Proposed Levels Plan



# Proposed Floor Plans and Elevations



**Contact Officer:** Audrey Lewis

**Telephone No:** 01543 464528

**Planning Control Committee**

**27 January 2021**

**Application No:** CH/20/373

**Received:** 21-Oct-2020

**Location:** 54, New Penkridge Road, Cannock, WS11 1HW

**Parish:** Non Parish Area

**Ward:** Cannock West

**Description:** Erection of 2 no 2-bed dormer bungalows as an amendment to approved plan (CH/17/243) - Plots 5&6

**Application Type:** Full Planning Application

**Recommendations:** Approve Subject to Conditions

**Reason(s) for Recommendation:**

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

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

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

Reason

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

2. 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. No trees or hedges shown as retained on Tree Protection Plan dated 13 June 2017, shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or destroyed.

Any trees or hedges which, within a period of 5 years from completion of the development are cut down, topped, lopped or uprooted without permission of the Local Planning Authority or become seriously damaged or diseased or die shall be replaced in the next planting season with similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason

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

4. Prior to the commencement of any construction or site preparation works including any actions likely to interfere with the biological function of the retained trees and hedges, approved protective fencing shall be erected in the positions shown on the approved Tree & Hedge Protection layout Tree Protection Plan dated 13 June 2017. (pursuant to Condition 3 above shall be erected to the approved layout).

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

Reason

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

5. 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'.

Reason

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

6. The approved landscape works approved in Condition 5 shall be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner. (pursuant to Condition 5 above)

## Reason

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

7. The development hereby permitted shall not be brought into use until the accesses to the site within the limits of the public highway have been completed.

## Reason

In the interest of highway safety and to comply with Staffordshire County Council requirement for vehicular access crossings. To comply with the principles set out in the National Planning Policy Framework.

8. The development hereby permitted shall not be brought into use until the access drive, parking and turning areas have been provided in accordance with the approved plans.

## Reason

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

9. 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.

10. No construction work or deliveries to the site shall be undertaken outside the hours of 0800 to 1800 on weekdays and 0800 and 1300 on Saturdays or at any time on Sundays, Bank or Public Holidays.

## Reason

To protect the amenity of neighbouring occupiers.

11. The development hereby approved shall be carried out in accordance with the mitigation detailed in Bat Assessment Report for bats and birds, dated 28 September 2016 and prepared by Ecolocation.

## Reason

To compensate against the loss of bat roosting habitat as a result of the development in accordance with Policy CP12 of the Cannock Chase Local Plan.

12. The dwellings hereby approved shall not be occupied until the scheme for the provision bird nest boxes and bat roosts, as detailed in Bat Assessment Report dated 28 September 2016, has been implemented in full. The roost shall thereafter be retained for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.

## Reason

To compensate against the loss of bat roosting habitat as a result of the development in accordance with Policy CP12 of the Cannock Chase Local Plan.

13. The development hereby permitted shall not be occupied until the side facing windows of Plots 5 & 6 indicated on the approved plan are obscure glazed. The window(s) shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

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

## Reason

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

14. Prior to commencement of development a scheme for the provision of bin storage (a minimum of 2 No. 240L for each dwelling) and bin fencing details shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to occupation of the the dwellings and retained as such for the lifetime of the development.



Reason

To provide a necessary facility, in accordance with Local Plan Policy CP3.

15. No part of the development hereby approved shall be occupied until a scheme detailing the external lighting for the rear courtyard parking area for the site has been submitted to and approved by the Local Planning Authority.

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 hereby permitted shall not be commenced until such time as a satisfactory foul and surface water design has been submitted to and approved in writing, by the Local Planning Authority

This shall include:

Surface water drainage system(s) designed in accordance with the non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).

Appropriate SuDS components to provide adequate water quality treatment and a reduction of discharge rates where possible.

Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details in any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

Provision of an acceptable management and maintenance plan for the lifetime of the development. This shall include a schedule of required maintenance activities and frequencies, and contact details for the organisation responsible for carrying out these duties.

Finished floor levels to be set at a minimum of 150mm above surrounding ground levels.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/ phasing arrangements embodied within the scheme or within any other period as may be subsequently agreed, in writing, by the Local Planning Authority.

Reason

To prevent flooding by ensuring the satisfactory storage of/ disposal of surface water from the site.

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

Bat Assessment Report dated 28th September 2016.

Arboricultural Report dated 5 June 2017 & Tree Protection Plan dated 13 June 2017.

Drg No.s PL-05-600, 601, 602, 603 & 604.

Reason

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

### **Notes to the Developer:**

#### *Coal Mining 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](http://www.gov.uk/government/organisations/the-coal-authority)

### **Consultations and Publicity**

#### **External Consultations**

##### *Severn Trent Water Ltd*

No comments.

#### **Internal Consultations**

##### *Environmental Health*

No objections subject to imposition of the same conditions as per previous application CH/17/243.

##### *CIL Officer*

The 2021 chargeable amount for the development would be £3,085.80.

##### *Waste & Recycling*

No comments received.

##### *Strategic Housing*

No comments received

##### *Planning Policy*

The site is in the Cannock urban area and it is not protected for a specific use on the Local Plan (Part 1) Policies Map.

The Cannock Chase Local Plan (part 1) 2014 policy CP1 supports sustainable development.

The Cannock Chase Local Plan (Part 1) 2014 was adopted more than five years ago; it is therefore the subject of a review. This review is at an early stage in the process with consultation on 'Issues and Options' being undertaken recently (May-July 2019). Therefore limited weight can be afforded to it. The starting point for the determination of planning applications remains the adopted development plan (Local Plan (Part 1)).

If it is a market housing residential development scheme the proposal may be CIL liable. If a net increase in dwellings is proposed the development may need 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 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 full exemption from CIL be sought then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Council's 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 the Council's most up to date CIL Infrastructure list.

Policy CP3 supports high standards of design of buildings and spaces within the District and advocates appropriate design and cohesion with adjacent uses in new development, including the protection of amenity. This includes addressing key requirements of high quality design including complementing the character/appearance of the local area and reinforcing local distinctiveness, be well related to existing buildings in terms of density and landscaping, and successfully integrate with existing landscape features.

The Design SPD should be consulted for specific guidance on appropriate design, especially the Design Guidance for Mature Suburbs on p79 which specifically refers to the New Penkridge Road area. This states that it is essential to maintain their distinctive quality and character to maintain sustainable communities, and that the lower density of these areas has led to development pressure, which can affect the local character and amenity of them.

In summary the principle of development was granted under existing Planning Permission CH/17/243, therefore the design and mass of the new proposal is the main issue to be considered.

#### *County Highways*

No objection subject to conditions.

#### **Response to Publicity**

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

- Our concerns are mainly on the position of the car parking spaces which will be directly next to our garden fence. This will cause noise, disruption and a lot of exhaust fumes in a small area.

- Adding another bungalow in to this area will increase the amount of cars on top of what will be there already.
- Also in the applications that are being passed by the council our land is included. This land is needed for main access to one of the semi detached houses at the front. We are currently not in agreement with Craig Watts Homes on this piece of land. They were hoping to be gifted the land which unfortunately will not be happening. So they do not own the land for the properties to be built on.
- Concerns of the previous approval being increased in size and the height of the windows to 2 dormer bungalows.
- Peaceful gardens at the rear of our house are now being replaced with a visible, noisy, polluting, business car park with 6 new properties and 16 car parking spaces.
- 2 No. Dormer Bungalows further adds to the expansion in the quantity of people/traffic which will be using this development. This new plan will not only attract a younger market with children meaning even more people and more car parking spaces being used with further noise from cars/vans, coming and going, day and night impacting on our peace and sleep rather than a retired or elderly market, but also will again reduce our privacy from the increased height from the dormer windows in the property looking upon our garden removing our privacy.
- This site originally had 2 detached houses with rear gardens adjoining our property. Not only is the expansion a potential further security risk to us, but as our council rates reflect, this is a desirable area in Cannock and this further expanding development will increasingly erode the value of our property which is unacceptable to us.
- Already we have been subjected to the constant noise from the development and the fencing at the back of all our houses being ripped apart from the newly exposed landscape bringing cross winds and having to view the monstrosity of such a vast development, which will be taking years to complete. But now we have the proposal of taller windows looking directly into our garden, bedroom and living room.

### Relevant Planning History

1. CH/20/020 Non Material Amendment Pursuant to CH/17/243 - alteration to width of houses Approved 10/02/2020
2. CH/19/261 Alteration to vehicular access. Full - Approval with conditions 27/08/2019
3. CH/17/243 Residential Development:- Erection of 4 No. 4 bed semi-detached houses and 1 No. 2 bed detached bungalow with associated access, gates and parking, together with the demolition of existing dwellings Nos. 54 & 56. Full - Approval with conditions 07/03/2018
4. CH/90/0800 - residential development (one bungalow) approved subject to conditions on 23 January 1991.

5. CH/90/0449 - residential development (1 bungalow) refused by Committee on 17 October 1990 for the following reason:
  - In view of the relative siting of the proposed dwelling in relation to No. 56, New Penkridge Road, the development will detract from the reasonable enjoyment of the occupants of that dwelling house.
6. CH/88/010 - renewal of permission CH/40/85 for dwelling house on 10 February 1988.

## **1 Site and Surroundings**

- 1.1 The application site comprises part of the rear garden area of No.56a New Penkridge Road. The front of the site is under construction with the new dwellings fronting onto New Penkridge Road largely completed that were granted permission under CH/20/020.
- 1.2 The site slopes upwards gradually from east to west along New Penkridge Road. There are a number of mature trees bordering the site, which are not subject to Tree Preservation Orders.
- 1.3 No.56a is a modern bungalow comprising brick and pitched roof construction. It has a 9.5m length of rear garden remaining.
- 1.4 The site is located within the predominantly residential area of New Penkridge Road, which is generally characterised by mature suburbs with large houses standing in generous plots sporting mature trees and hedgerows. However, the site sits between the more established large houses and newer modern detached houses to the east at No.s 48 & 50 New Penkridge Road. To the south and opposite the site, there are apartments in three storey blocks located in Adam Court. The streetscene within this part of the street is therefore mixed in terms of age and design of dwellings.
- 1.5 The site is approximately 750m from Cannock Town Centre and New Penkridge Road is served by the Nos 21 and 75 bus routes giving access by public transport to Longford Estate, Penkridge and Stafford.
- 1.6 The site is unallocated and undesignated in the Cannock Chase Local Plan (Part 1).

## **2 Proposal**

- 2.1 The proposal is for the erection of 2 No. 2 bedroom dormer bungalows as an amendment to approved plan (CH/17/243) - Plots 5 & 6.
- 2.2 The submitted application differs from the past approval in that it alters Plot 5 – a hipped roof design double fronted bungalow to a pair of semi bungalows with velux windows located within the roof space. The applicant has described the proposal as dormer window bungalows on the application form, however, no dormer windows are indicated on the detailed plan elevation, nor layouts with the roof space being served by velux type windows. The applicant has confirmed

that the height to the bottom of the velux window, as measured from the internal first floor level, would be 1.45m.

- 2.3 The semi detached bungalows would have 2 No. parking spaces each and private rear amenity areas of approx 60m<sup>2</sup> each.

### **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 paragraphs within the Local Plan include:

CP1-Strategy

CP2-Developer Contributions for Infrastructure

CP3 - Chase Shaping – Design

CP6 – Housing Land

CP7 – Housing Choice

CP13-Cannock Chase Special Area of Conservation (SAC)

- 3.4 There is Policy 3.2 within the Minerals Plan.

### **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

212, 213 Implementation

### 3.9 Other Relevant Documents

Design Supplementary Planning Document, April 2016.

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport Supplementary Planning Document (2005).

## 4 Determining Issues

4.1 The determining issues for the proposal are

- (i) Principle of the development
- (ii) Design and the impact on the character and form of the area
- (iii) Impact on residential amenity
- (iv) Impact on highway safety
- (v) Impact upon the Special Area of Conservation

### 4.2 Principle of the Development

4.2.1 The principle of residential development within this location has been established by the extant permission CH/17/243.

4.2.2 The following sections look at the potential impacts of the proposed submitted changes from that approved by CH/17/243.

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

4.3.1 Policy CP3 of the Local Plan states development proposals should 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 enhance local distinctiveness.

4.3.2 The site is located within the South and West Cannock Character Area, the character of which is described in Appendix A of the Design SPD. Key Local Design Principles [amongst others] are that development should

- Safeguard/enhance 'leafy character' of New Penkridge Road area with density of development, green views over and between buildings and householder permitted development rights controlled as appropriate. Promote retention and use of front garden boundary hedging to reinforce 'leafy' feel.

4.3.3 Specific Design Guidance for the 'Mature Suburb' of New Penkridge Road is provided on pages 79-80 of the Design SPD. Particular Key Features of the character of this area are that: -

- They usually consist of substantial houses and bungalows on large plots within well established gardens along roads leading to the open countryside of the Chase or Shoal Hill.
- The spacious nature and lower density of these areas has led to pressure for intensification of development, particularly on the larger plots with impacts on/loss of mature trees and shading effects on the new development itself. Whilst such development can have benefits by increasing housing stock and making efficient use of land, it can also affect local character, amenity and privacy unless development is designed to be sympathetic to the main features which makes these areas unique.

4.3.4 The previous scheme comprised Plot 5 located at the rear of the site to be constructed as 1 No. two bedroom hipped roof double fronted bungalow.

4.3.5 The submitted scheme alters the building to be split to form 2 No. 2 bedroom semis, which would occupy a similar footprint and siting to that of the previously approved bungalow. The design of the roof shape would be altered to a gable end shape to include front and rear facing velux windows. The roof would be a maximum height of 5m (3m to eaves) and would be mostly screened from the streetscene by the proposed semis and existing bungalow at No.56a. The majority of the existing mature trees around the periphery of the site would be retained and as such, would preserve the character and form of the area.

4.3.6 Given the above it is considered that the proposal would be well related to its context and would not be contrary to Policy CP3 of the Cannock Chase Local Plan, the guidance within the Design SPD and the Good Design section of the NPPF.

#### 4.4 **Impact on Residential Amenity**

4.4.1 A core planning principle is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and this is accommodated within Policy CP3 of the Local Plan and supported by the guidance for space about dwellings as outlined in the Design SPD.

4.4.2 There have been neighbour objections received on the grounds of adverse impact upon residential amenity, relating to noise from additional vehicular traffic, privacy and overlooking.

4.4.3 The Environmental Protection Officer has no objections to the proposal subject to imposition of the same conditions as per CH/17/243. The proposed layout would provide rear parking spaces, which would be located along the rear garden boundaries, which is not dissimilar to that of the approved arrangement. It is therefore considered that although the parking would be more intensive than that of the previously approved layout, it would not significantly increase noise, or disturbance to warrant a refusal, on that basis.

4.4.4 The proposal would occupy a similar footprint and scale to that of the extant permission CH/17/243. The proposed velux windows would not give rise to overlooking, due to their siting within the roof slope and relative siting to the neighbouring dwellings. As such the facing distances between the habitable



room windows of the existing and proposed dwellings would be broadly similar to those approved by the extant permission CH/17/243. As such, there would be no significant adverse impact with regard to overlooking of the neighbouring properties.

4.4.5 The proposed semi bungalows would have approx 60 sqm of rear garden space. The Design SPD requires 40-44 sqm of amenity, therefore the proposed amenity area of approx. 60 sqm would more than meet the guidance set out in the Design SPD.

4.4.6 In this respect it is considered that the proposal would ensure that a good standard of residential amenity could be attained for both future occupiers and existing residents in accordance with Policy CP3 of the Cannock Chase Local Plan, the Design SPD and the NPPF.

#### **4.5 Impact on Highway Safety**

4.5.1 There have been objections received on the grounds of off-street parking.

4.5.2 The proposal provides 2 No. spaces for each of the 2 No. two bedroom bungalows. This would meet the standards required by the Parking Standards SPD. In addition the Highway Officer has no objections to the amended proposal.

4.5.3 Taking the above into consideration it is therefore concluded that the proposal is acceptable in respect to parking, highway safety and capacity and therefore accords with Policy CP3 of the Cannock Chase Local Plan and paragraph 32 of the NPPF.

#### **4.6 Impact upon the Special Area of Conservation (SAC)**

4.6.1 The Council has a duty as a responsible authority under the Conservation of Habitats and Species Regulations 2010 (Habitat Regulations) to ensure that the decisions it makes on planning application do not result in adverse effects on the integrity of the Cannock Chase Special Area of Conservation (SAC), which has internationally protected status under the Regulations for its unique heathland habitat. The financial requirement for SAC Mitigation will be included in the calculation for the Community Infrastructure Levy.

#### **4.6.2 Waste and Recycling Facilities**

4.6.3 These can be provided subject to condition, as there is sufficient space within the site for them to avoid potential obstruction of the public highway.

#### **4.7 Mineral Safeguarding**

4.7.1 The site falls within a Mineral Safeguarding Area. 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.

4.7.2 Policy 3.2 of the 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 development sites or mineral site allocations would not unduly restrict the mineral operations.

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

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

#### 4.8 **Other Issues Raised by Objectors**

4.8.1 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.

### 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.



**Application No:** CH/20/379

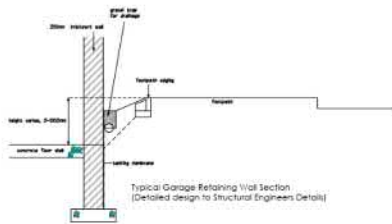
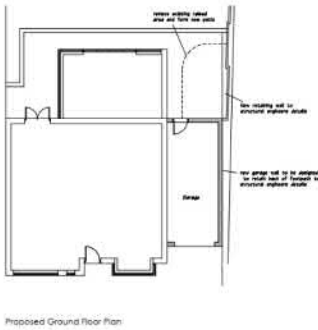
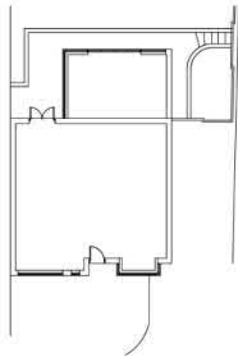
**Location:** 17 Rochester Way, Heath Hayes, Cannock, WS12 3YH

**Proposal:** Garage single storey side extension

Item no. 6.104



# Plans and Elevations



<p><b>J Mason Associates</b></p> <p>14 V Steward 17 Rochester Way Heath Hayes</p> <p>Survey &amp; Sketch Proposals</p>		
<p>Scale: 1:500</p> <p>Date: 15-09-20</p> <p>Sheet No: 1:1</p>	<p>Project: Proposed Garage</p> <p>Client: 17 Rochester Way, Heath Hayes</p> <p>Scale: 1:100</p>	<p>Sheet No: 1:1</p> <p>Scale: 1:100</p> <p>Revision: A</p>

**Contact Officer:** David Spring  
**Telephone No:** Remote Working

**Planning Control Committee**  
**27 January 2021**

**Application No:** CH/20/379  
**Received:** 23-Oct-2020  
**Location:** 17 Rochester Way, Heath Hayes, Cannock, WS12 3YH  
**Parish:** Heath Hayes  
**Ward:** Hawks Green  
**Description:** Garage single storey side extension  
**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 materials to be used for the external surfaces of the development shall be of the same type, colour and texture as those used on the existing building.

Reason

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

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

Drawing No. 2520-01 Rev A

Reason

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

4. The development hereby approved shall not be commenced until a Structural Engineers Report, to look at any potential instability of the adjacent public highway and its remediation, is provided and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the recommendations of the Structural Report

Reason

To ensure the integrity of the existing footpath and all street furniture along the south-western boundary.

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

**Consultations and Publicity**

**External Consultations**

*Heath Hayes & Wimblebury Parish Council*

Object to this application due to over development of site and will not stay in line with surrounding houses. There was a garage on left hand side of the building which has been converted into a domestic room which still has the drive leading to it. The extension to the right hand side of the property would be parallel and next to existing public footpath. It will also impact on existing street furniture ie Street sign, grit bin and lamppost. I would recommend a site visit from CCDC Planning Committee.

*SCC Highways*

No objections

**Internal Consultations**

None

**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 comprised of a detached 2 storey dwelling on the corner of Rochester Way and Truro Place. The dwelling is constructed of red brick under a tiled roof with white upvc doors and windows. The site is open fronted and also has no front side boundary. There is hardstanding at the front sufficient for 3 vehicles.
- 1.2 Dwellings in the nearby surrounding area are mostly 2 storey detached dwellings of a similar size and design. Most have integral garages. The application property had an integral garage but this was converted to habitable space.

## **2 Proposal**

- 2.1 The Applicant is seeking consent for a garage single storey side extension. Amended plans were received on 4<sup>th</sup> December which reduced the size of the garage and brought it back 1m from the front elevation. The garage would measure 3.1m in width by 7.4m in depth. A pitched roof is proposed which would have a ridge and eave height of 4m and 2.2m respectively. A retaining wall is proposed for the western side boundary to the rear of the garage and the proposed garage wall is to be designed to retain the back of the footpath to structural engineers' details.
- 2.2 Proposed materials would be to match the existing dwelling.

## **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:	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 proposal is for the extension of an existing residential property that is located within an established residential area within Cannock. The site is not allocated or designated within the Local Plan. It is considered that the principle of development of the extension 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 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 extensions to dwellings.

4.3.6 The proposed extension would be single storey, constructed of materials to match the existing dwelling and be set back from the front elevation. The proposed would therefore read as subservient and would integrate well with the architectural design of the existing dwelling.

4.3.7 The street scene comprises of residential properties of similar designs with some benefitting from some degree of personalisation. The proposed extension assimilates well with the host property and therefore would also be in keeping with the street scene and the wider area.

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

#### **4.4 Impact on Residential Amenity**

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 The material considerations in this case are the potential for overlooking and loss of light to neighbouring dwellings.
- 4.4.4 In respect to overlooking, the Design SPD recommends a minimum separation distance of 21.3m between facing principal windows, although the distance between facing windows at ground floor level may be reduced if there is an intervening permanent screening. The proposal is single storey and would not have any side facing windows. As such the proposed extension would not have any detrimental impact on neighbouring properties through means of overlooking or loss of privacy.
- 4.4.5 In respect to assessing the potential for loss of light to neighbouring properties, the Design SPD recommends the application of the 45/25 degree daylight test for windows serving principal rooms. The proposal is on a corner site and would not overshadow or obstruct light to any neighbouring property.
- 4.4.6 A new 2m high boundary wall is proposed to the rear of the proposed garage. The side elevation of the proposed garage would vary in distance from the existing footpath from 0.36m at the front to 0.55m at the rear. A condition would be imposed on any permission if granted requesting a structural engineers report to ensure the proposal would not have an effect on the existing footpath or any street furniture along this boundary.
- 4.4.7 The Parish Council object to the proposal for reasons of overdevelopment of the site and the proposals potential effect on street furniture such as lamppost and gravel bin. The report above has elaborated on why it is not felt the proposal would lead to overdevelopment of the site and the condition recommended above will ensure the footpath and all street furniture is safeguarded. It is considered a refusal of the application on the grounds put forward by the parish council would not be warranted.

#### **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 No additional bedrooms would be formed as a result of this proposal. The site currently has sufficient off street spaces and the proposed garage will provide 1 more. The Highways Officer has no objections to the proposal. Accordingly,

there are considered to be no significant access or highway safety issues as a consequence of the proposals as the alterations result in no greater intensity of use at the property. As such the development is considered to accord with Para 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 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.