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

20 July 2021

Dear Councillor,

Planning Control Committee

3:00pm, Wednesday 28 July 2021

Council Chamber, Civic Centre, Cannock

The meeting will commence at 3.00pm or at the conclusion of the site visits, whichever is the later. Members are requested to note that the following site visits have been arranged:-

Application Number	Application Description	Start Time
CH/21/0081	***139A Hill Street, Hednesford, WS12 2DW –*** Residential development to site to rear (resubmission of CH/20/210)	1.30pm
CH/21/0095	***Stumble Inn, 264 Walsall Road, Cannock WS11 0JL*** – change of use on ground floor to a nursery. Re-configuration and change of use of first floor from residential to 2 residential apartments and offices/historical centre	2.15pm

Members wishing to attend the site visits are requested to meet at the 139A Hill Street, Hednesford, WS12 2DW at 1.30pm, as indicated on the enclosed plan.

Yours sincerely,

Bob Kean

Interim Managing Director

To: Councillors

Startin, P. (Chairman)
Muckley, A. (Vice-Chairman)

Allen, F.W.C.	Layton, A.
Cartwright, Mrs. S.M.	Smith, C.D.
Fisher, P.A.	Sutton, Mrs. H.M.
Fitzgerald, Mrs. A.A.	Thompson, Mrs. S.L.
Hoare, M.W.A.	Wilson, Mrs. L.J.
Jones, Mrs. V.	Witton, P.T.
Kruskonjic, P.	

Agenda

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 7 July, 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.

Site Visit Applications

	Application Number	Application Location and Description	Item Number
1.	CH/21/0081	***139A Hill Street, Hednesford, WS12 2DW –*** Residential development to site to rear (resubmission of CH/20/210)	6.1 – 6.19
2.	CH/21/0095	***Stumble Inn, 264 Walsall Road, Cannock WS11 0JL*** – change of use on ground floor to a nursery. Re-configuration and change of use of first floor from residential to 2 residential apartments and offices/historical centre	6.20 – 6.39

Planning Applications

3.	CH/21/0250	***53 Stafford Road, Cannock, WS11 4AF –*** Application under Section 73 of the 1990 Town and Country Planning Act to remove Condition No.1 (12 months temporary permission) Pursuant to CH/19/143	6.40 – 6.53
4.	CH/21/0201	***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	6.54 – 6.75

Cannock Chase Council

Minutes of the Meeting of the

Planning Control Committee

Held on Wednesday 7 July 2021 at 3:33pm

in the Council Chamber, Civic Centre, Cannock

Part 1

PRESENT:
Councillors

Startin, P. (Chairman)
Muckley, A. (Vice-Chairman)

Allen, F.W.C.	Layton, A.
Fisher, P.A.	Smith, C.D.
Fitzgerald, Mrs. A.A.	Sutton, Mrs. H.M.
Hoare, M.W.A.	Thompson, Mrs. S.L.
Jones, Mrs. V.	Wilson, Mrs. L.
Kruskonjic, P.	Witton, P.T.

(The start of the meeting was delayed until 3.33pm due to the site visit over running).

16. Apologies

An apology for absence was received from Councillor Mrs. S.M. Cartwright.

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

None declared.

18. Disclosure of Lobbying of Members

All Members declared that they had been lobbied in respect of Application CH/20/0173, 268 Bradbury Lane, Hednesford, Cannock, WS12 4EP – Demolition of an existing dwelling and outbuildings, and the erection of 10 dwellings and associated development including access, parking, and landscaping.

19. Minutes

Resolved:

That the Minutes of the meeting held on 16 June 2021 be approved as a correct record.

20. Members requests for Site Visits

No site visits were requested.

The Chairman asked for an update in respect of Application CH/21/0095 – Stumble Inn, 264 Walsall Road, Cannock, WS11 0JL – change of use on ground floor to a nursery. Re-configuration and change of use of first floor from residential apartments and offices/historical centre. The Development Control Manager advised that amended plans had now been received and these would be advertised. He intended to submit the application to the next meeting on 28 July 2021 and confirmed that a site visit would be undertaken.

21. Application CH/20/0173, 268 Bradbury Lane, Hednesford, Cannock, WS12 4EP – Demolition of an existing dwelling and outbuildings, and the erection of 10 dwellings and associated development including access, parking, and landscaping

Following a site visit, consideration was given to the report of the Development Control Manager (Item 6.1 – 6.37 of the Official Minutes of the Council).

The Principal Development Control Planner and the Development Control Manager 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 Mr. and Mrs. Stanton, who were objecting to the application. Further representations were made by Mr. D. Pickford, the applicant's agent, speaking in favour of the application.

Resolved:

That the application be approved subject to the conditions contained in the report for the reasons stated therein.

(Councillor Mrs. S. Thompson requested that it be noted that she had raised concern about parking issues in the vicinity because of the development).

22. Application CH/21/0161, 246 Cannock Road, Heath Hayes, Cannock, WS12 3HA – Relocation of garage

Consideration was given to the report of the Development Control Manager (Item 6.38 – 6.50 of the Official Minutes of the Council).

The Legal Services Manager advised that this application had been considered by the Planning Control Committee on 26 May 2021 when it had been deferred. Therefore, only those Members that had been present at that meeting could take part in the debate and vote. The Members who were eligible to vote were Councillors P. Startin, A. Muckley, Mrs. S. Cartwright (not present at the meeting today), P. Fisher, Mrs. A. Fitzgerald, M. Hoare, Mrs. V. Jones, P. Kruskonjic, A. Layton, C.D. Smith, Mrs. H. Sutton, Mrs. S. Thompson, Mrs. L. Wilson, and P. Witton. Councillor F.W.C. Allen was not able to participate, and he left the meeting for a short comfort break whilst the application was being considered.

The Development Control Manager 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 John Reynolds, the applicant's agent, speaking in favour of the application.

Resolved:

(A) That, the Committee was satisfied that the development would not detract from the character and form of the area now that the location of the garage had been set back and the materials were in keeping with the area, and therefore the development was not contrary to Policy CP3 and the application should be approved subject to the following conditions and reasons:-

(i) 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.

(ii) The external materials to be used in the dwellings hereby approved shall be Solid Brick Panel Bristol 1000mm x420mm for the walls and Katepal Self Adhesive 3 Tab SBS Bitumen Roofing Shingles-Red for the roof.

Reason: In the interests of visual amenity and to ensure compliance with Policy CP3 of the Cannock Chase Local Plan and the National Planning Policy Framework.

(B) That Officers be granted delegated authority to instigate enforcement action if the existing garage was not taken down within 3 months' time.

(Councillor Allen returned to the meeting during the deliberations but did not take part in the determination of the application or vote).

23. Application CH/21/0081, 139A Hill Street, Hednesford, Cannock, WS12 2DQ – Residential development to site to rear (resubmission of CH/20/210)

Consideration was given to the report of the Development Control Manager (Item 6.51 – 6.71 of the Official Minutes of the Council).

The Development Control Manager advised the Committee that an update had been circulated in advance of the meeting. The Legal Services Manager read the update out, as follows: -

"The above item is being heard at today's Committee meeting. An update for this item is necessary as the outcome of an appeal for a similar proposal at the same site was received yesterday 6th July 2021 (Planning Inspectorate APP/X3405/W/21/3270592: 139A Hill Street, WS12 2DW - Planning Application CH/20/210). I attach a copy of this appeal decision for your scrutiny, but a summary of the most important parts of this appeal decision is provided below.

The inspector was largely in agreement with the points/ conclusions made in the Officer report that led to a recommendation for refusal but came to a different conclusion regarding a number of concerns outlined in the Officer report for CH/20/210. Specifically:

- The Inspector noted that an arboricultural assessment was submitted with the application and as there would only be a minor incursion into the root protection area of the Sycamore tree he concluded that it would be possible for the proposal to be successfully integrated with existing trees.
- The proposed dormer window would be sited around the same distance from the rear garden of No. 141 as the up-stairs windows on Nos 139 A and 143 Hill Street. Consequently, the inspector considers the proposal would barely alter the existing relationship and would not significantly harm the living conditions of the existing occupiers of No. 141 in respect of privacy levels.
- In terms of air-quality the inspector considered that the small size of the neighbouring commercial property is unlikely to affect the air quality within the vicinity of the site to any significant degree.

However, the Inspector concluded that the proposal would result in significant harm to the character and appearance of the area, and therefore the proposal did not accord with the development plan as a whole. The appeal was therefore dismissed".

The Development Control Manager suggested that as the outcome of the appeal decision had only just been published Members may wish to defer consideration of the application so that they could digest the information in the appeal decision. He also suggested that the Committee may wish to undertake a site visit in order to assess the impact the development would have on the character of the area.

Mr. Reynolds, who was due to be speaking in favour of the application today, would speak at the next meeting.

Resolved:

That the application be deferred due to the lateness of the publication of the appeal decision and a site visit be undertaken so that the Committee could assess the impact of the development on the character of the area.

24. Application CH/21/0135, Former Council Depot, Old Hednesford Road, Cannock – Application under Section 73 of the 1990 Town and Country Planning Act to vary conditions 16 (approved plans) and 19 (approved drainage drawings) pursuant to planning permission CH/19/408 to enable changes to the external works to plots 14-17 and revised drainage routes

Consideration was given to the report of the Development Control Manager (Item 6.72 – 6.105 of the Official Minutes of the Council).

The Development Control Manager provided a presentation to the Committee outlining the application.

Resolved:

That the application be approved subject to the conditions contained in the report for the reasons stated therein.

The meeting finished at 5:12pm.

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CHAIRMAN

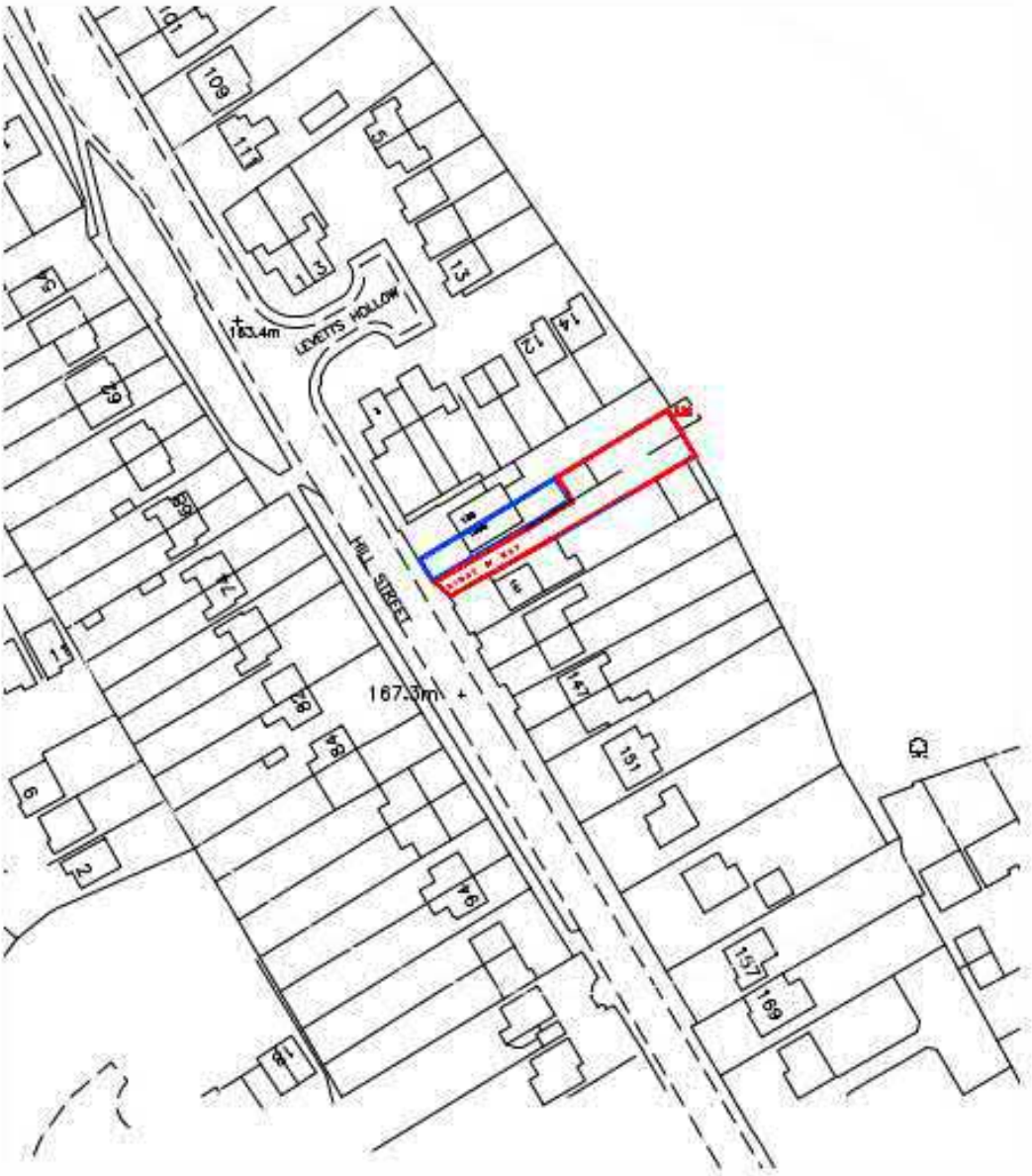
Application No: CH/21/0081

Location: 139A, Hill Street, Hednesford, Cannock, WS12 2DW

Proposal: Residential development to site to rear (resubmission of CH/20/210).

Item No. 6.1

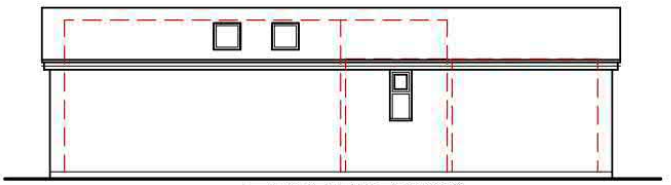
Location Plan



Site Plan

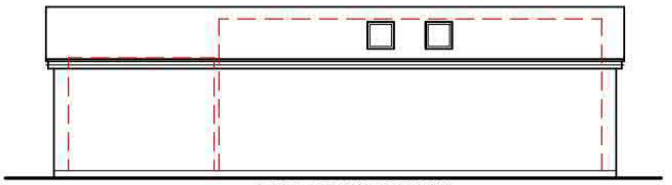

JOHN REYNOLDS & ASSOCIATES
ARCHITECTURAL CONSULTANT
3 Meadway Close
Hednesford
Cannock
Staffs
WS12 2PD
Tele 07710 359905
E mail
johnreynoldsandassociates@gmail.com
El Sub Station
Parking
EXTG
EXTG 1.8m CBF
PROPOSED TWO BED BUNGALOW
Bins
NEW 1.8m CBF
15m HABITABLE WINDOWS TO FRONT OF PROPOSED DWELLING at grd floor level
Amenity area 57sqm
Parking
EXISTING WORKSHOP GARAGE BUILDING
N
139
139a
2 bed with bed room
EXTG
ALL MAIN SERVICES
RIGHT OF WAY
HILL STREET
141
LEGEND
New 100mm foul drainage
New 100mm storm drainage
Gravel to parking area
1.8m ht timber panel fencing
600 x 600mm Natural finish + grey coloured PCC concrete paving slabs to paths + patios.
0
10M
20M
client
MR J.Langford Jones
139a Hill Street
Hednesford
WS12 2DW
contract
RESIDENTIAL DEVELOPMENT
Feb 2021
DR No
2020:20:10
plotted at A4
site plan 1:250

Floor Plan and Elevations

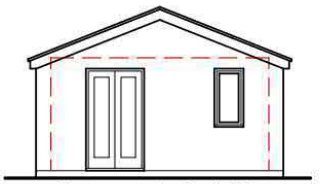


FRONT ELEVATION 1:100

SIDE ELEVATION 1:100

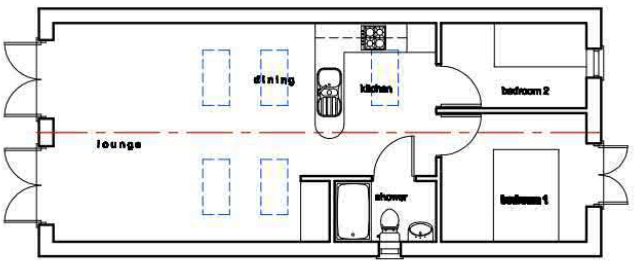


REAR ELEVATION 1:100



SIDE ELEVATION 1:100

Roof tiling, facing brickwork + white upvc doors, windows + rooflights



GROUND FLOOR PLAN 1:50

0 1M 2M 3M 4M 5M

Plotted AT A4

JOHN REYNOLDS & ASSOCIATES
ARCHITECTURAL CONSULTANT
3 Meadway Close
Hednesford
Cannock
Staffs WS12 2PD
Tele 07710 3599C
E mail
johnreynoldsandassociates@gmail.com

client
MR J.Langford Jones
139a Hill Street
Hednesford
WS12 2DW

contract
RESIDENTIAL DEVELOPMENT

floor plan + elevations 1:100

0 1M 2M 3M 4M 5M

Feb 2021

DR No
2020:20:11

Contact Officer:	**David Spring**
Telephone No:	**01543 464481**

Planning Control Committee

28 July 2021

Application No: CH/21/0081

Received: 16-Feb-2021

Location: 139A, Hill Street, Hednesford, Cannock, WS12 2DW

Parish: Hednesford

Ward: Hednesford South Ward

Description: Residential development to site to rear (resubmission of CH/20/210).

Application Type: Full Planning Application

Recommendations:

Refuse for the following reason: -

1. Given the proposal's layout, scale, and design, it is considered that it would result in a crowded and contrived form of development, and a visually incongruous effect within the rear garden environment and would therefore result in unacceptable harm to the character of the area, contrary to Policy CP3 of the Cannock Chase Local Plan and the guidance contained in the National Planning Policy Framework.

2. The applicant is required to plant two trees in the garden area of 139A, Hill Street in compensation for the loss of two trees that were subject to a Tree Preservation Order, and which have been felled. The proposal would subdivide the existing plot and would remove much of the existing garden area and hence would reduce the potential to accommodate the two replacement trees without having a detrimental impact on the long-term residential amenity of the occupiers of the existing and proposed dwellings. The applicant has failed to provide sufficient information to allow the Local Planning Authority to make a full and proper assessment of the proposal in terms of the standard of residential amenity and the long-term impact on the character of the area that the replacement trees would have and hence to determine whether the proposal is in compliance with Policy CP3 of the Cannock Chase Local Plan and paragraphs 127 and 130 of the National Planning Policy Framework

Background:

This application was presented to Planning Control Committee on 7th July when it was resolved to defer the application due to the lateness of the publication of the appeal

decision and a site visit be undertaken so that the Committee could assess the impact of the development on the character of the area.

Reason(s) for Recommendation:

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

Notes to the Developer:

None required.

Consultations and Publicity

External Consultations

Hednesford Town Council

No objections.

Severn Trent Water Ltd

No objections.

SCC Highways

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

Internal Consultations

Environmental Health

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

Pollution Control

No objections.

Development Plans and Policy Unit –

No objections

Tree Officer

Objects to the proposal as there are no tree protection measures or landscape details within the RPA. It may be possible to secure these through a pre-commencement condition if planning considered this approach to be acceptable.

Response to Publicity

The application has been advertised by site notice and neighbour letter. 3 letters of representation have been received. The main reasons for objection are summarised below as:

- The proposal would result in an invasion of privacy as the front of the dwelling will look into a neighbouring back garden which is on lower ground
- There is no visitor parking
- The proposal could block the driveway
- The proposed would be overbearing and is an inappropriate design for the site
- The proposed would be very close to the common boundary. Access to this neighbours property is not considered acceptable even for maintenance of the proposed building.
- The proposed will affect neighbouring amenity in terms of loss of sunlight and noise.

Relevant Planning History

CH/20/210: Residential development to site to rear - 1 no 2-bed dwelling. Full Refusal 10/16/2020 for the following reasons: -

1. Given the proposal's layout, scale, and design, it is considered that it would result in a crowded and contrived form of development, and a visually incongruous effect within the rear garden environment and would therefore result in unacceptable harm to the character of the area, contrary to Policy CP3 of the Cannock Chase Local Plan and the guidance contained in the National Planning Policy Framework.

2. The proposed first-floor dormer window would, given the proposal's siting, scale, design and relationship to neighbouring properties, result in overlooking in relation to the rear garden of No.141 Hill Street, to an extent that would result in an unacceptable loss of privacy and a harmful perception of being overlooked on the part of the occupiers of that property. As such, the proposal is contrary to Policy CP3 of the Cannock Chase Local Plan.

3. In the absence of information concerning the likely noise and air quality impacts in relation to a commercial use that could occur in a neighbouring building, and any mitigation that might be required as a result, and in the absence of sufficient information concerning the need for and possibility of works to an overhanging tree, it is not possible to determine whether the proposal would result in an acceptable standard of living accommodation for future occupiers, in accordance with Policy CP3 of the Cannock Chase Local Plan.

4. The submitted information is insufficient to determine what the impact of the proposal would be in relation to trees, and therefore whether

the proposal would successfully integrate with existing trees of amenity value, in accordance with Policy CP3 of the Cannock Chase Local Plan.

The decision was challenged at appeal (Planning Inspectorate APP/X3405/W/21/3270592) and the decision of that appeal was received on 6th July 2021 139A Hill Street, WS12 2DW.

The inspector was largely in agreement with the points/ conclusions made in the Officer report that led to a recommendation for refusal but came to a different conclusion regarding a number of concerns outlined in the Officer report for CH/20/210. Specifically:

- The Inspector noted that an arboricultural assessment was submitted with the application and as there would only be a minor incursion into the root protection area of the Sycamore tree he concluded that it would be possible for the proposal to be successfully integrated with existing trees.

- The proposed dormer window would be sited around the same distance from the rear garden of No. 141 as the up-stairs windows on Nos 139 A and 143 Hill Street. Consequently, the inspector considers the proposal would barely alter the existing relationship and would not significantly harm the living conditions of the existing occupiers of No. 141 in respect of privacy levels.

- In terms of air-quality the inspector considered that the small size of the neighbouring commercial property is unlikely to affect the air quality within the vicinity of the site to any significant degree.

However, the Inspector concluded that the proposal would result in significant harm to the character and appearance of the area, and therefore the proposal did not accord with the development plan as a whole. The appeal was therefore dismissed".

CH/04/0783: Residential development. Outline – Withdrawn 12/30/2004

CH/97/0281: Demolition of existing and erection of replacement. Full - Approval with Conditions 07/23/1997.

The applicant is also required to replant two trees in compensation for the loss of two trees that were subject to TPOs.

1 Site and Surroundings

1.1 The application site comprises land forming part of the rear curtilage of No.139A Hill Street, in Hednesford, along with an access track running to the northeast from Hill Street. The site area has been separated off from the remainder of the rear garden by fencing and is accessed from the aforementioned track, which runs between Nos. 139A and 141, and also serves a separate vehicle parking area and associated building in commercial use (CH/97/0281), along with an electricity substation.

1.2 The area to be developed as a residential property comprises part of the curtilage area of 139a only, and this part of the site is bounded to the northwest by the rear garden of No.139, beyond which are other residential properties; to the southwest by what would remain of No.139's curtilage; to the southeast by the access track; and to the northeast by land associated with the substation. The canopy of a sycamore tree, located within the curtilage of No.139, overhangs the site.

2 Proposal

2.1 The Applicant is seeking consent for residential development to the rear.

2.2 The proposed would be a detached, single storey dwelling, and the creation of an associated curtilage containing garden areas and two parking spaces, which would be located at opposite ends of the curtilage area from one another.

2.3 The proposed would have a pitched roof and bi-folding doors at the front and rear. One window is proposed for the bathroom on the southern elevation. 5 No. roof lights are proposed for the roof.

2.4 Proposed materials would be of brickwork and tiling with white upvc doors and windows. 1.8m high timber panel fences are proposed for the perimeter of the site as well as 1.2m high picket fencing. The parking area would consist of gravel.

2.5 The difference between this proposal and the previous which was refused is that the 2-storey element has been removed. The proposed is now fully single storey with a pitched roof in the same location and occupying the same footprint.

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

CP6 – Housing Land

CP7 – Housing Choice

3.3. Relevant Policies within the Minerals Plan Include:

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.

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

4 Determining Issues

4.1 The determining issues for the proposed development include: -

i) Principle of development

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

iii) Impact on residential amenity.

iv) 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

x) Affordable housing

4.2 **Principle of the Development**

4.2.1 Both the NPPF (2019) and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development.

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

c) approving development proposals that accord with an up-to-date development plan without delay.

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless

(i) policies in the Framework that protect areas or assets of particular importance (e.g., Green Belt, AONB, habitats sites) provide a clear reason for refusing the development proposed; or

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

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

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

4.2.4 Other than the above general strategic approach there are no relevant policies within the Local Plan in respect to the approach to be taken with regard to the development of wind-fall sites. As such the proposal falls to be determined in accordance with the above presumption in favour of development.

4.2.5 With that in mind it is noted that the application site is not designated as Green Belt, AONB or SSSI/ SAC site, nor does it contain a listed building or conservation area or is located with flood zones 2 or 3. As such the proposal should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

4.2.6 In respect to the location of the site it is noted that it is located with a main urban area of Cannock-Hednesford with good access to a range of goods and services including public transport to serve day to day needs without reliance on the private car. The use is also compatible with the predominant residential use of the immediate neighbourhood.

4.2.7 It is therefore concluded that the proposal is acceptable in principle.

4.2.8 However, proposal that are acceptable in principle are still subject to all other policy tests. This report will now go on to consider the proposal in the slight of these policy tests.

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. 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

(iv) Landscaping

4.3.6 The Parish Council note that the development is taking place in a relatively confined area but have no objection to the proposal subject to mitigation against any adverse impact on neighbouring properties.

4.3.7 In terms of its siting, the proposal would occupy a narrow plot situated in a 'back-land' location, to the rear of other residential properties. As such, it would mostly only be seen within the rear garden environment and would be largely screened from the public highway. There are other forms of back-land development in the locality, with the neighbouring commercial-use building located on the opposite side of the access track, and with residential development located to the north, at Levetts Hollow, which sits back from the main road, albeit in a more spacious and formalised way than is being proposed in this case.

4.3.8 In terms of its layout, the proposal would be rather constrained, with the dwelling filling the width of the narrow site area and the two parking spaces needing to be located on both sides of it. A neighbouring sycamore tree overhangs what would be the rear garden and parking area to a significant extent. The proposed would have a visually crowded appearance, being squeezed in between the narrow boundaries. Therefore, the proposal would appear to be an overdevelopment of the plot. This contention is supported by the Inspector at the previous appeal who stated: -

> 'The proposed dwelling would have a two-storey elevation to the rear, front roof slope (with dormer) extending down to single-storey height, and a single-storey flat roof (with lantern) section projecting off the front of the dwelling. I consider the unorthodox, asymmetrical design to be out of keeping with the form of surrounding dwellings.
>
> Additionally, the proposed dwelling would be sited such that there would barely be any space between the side elevations of the dwelling and the side boundaries of the plot. Furthermore, although the appellant points out that the extent of outdoor space would meet the Council's standards, the area of private outdoor space proposed would be significantly smaller than that of surrounding properties. I accept that the width of the proposed plot would be the same as that of the existing dwelling No. 139A. However, the dwelling of 139A has a gap around 1 m wide between its south-eastern facing side elevation and the access track. The factors outlined would also result in the proposal being out of keeping with the character and appearance of the area.'

4.3.9 In terms of its design, the proposed dwelling would be single storey with a pitched roof. As outlined above changes have been made in comparison to the original proposal which are an improvement on the original proposal, but it still remains the case that the plot is very narrow.

4.3.10 Whilst a back-land form of development is not considered to be harmful to the character of the area in principle, the proposal's appearance, even with the removal of the 1st floor, would serve to create a jarring and incongruous addition within the rear garden environment. Whilst the character of the area is broadly mixed, with a range of house types and styles, the area is characterised by conventional-looking dwellings set within spacious plots. The proposal would be at odds with this.

4.3.11 The proposal would potentially have significant implications on the ability of the applicant to undertake his/her duty to plant two trees which are required to be planted in compensation for the removal of trees that were subject to TPOs. This issue is addressed in detail in paragraphs 4.4.14 and 4.4.15 of this report.

4.3.12 Given the proposal's layout, scale, and design, it is considered that it would result in unacceptable harm to the character of the area, contrary to Policy CP3 of the Local Plan, and the guidance contained in the NPPF.

4.4 **Impact on Residential Amenity**

4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high-quality design will need to 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 Although the Parish Council objected to the previous proposal it does not have an objection to the current proposal. Neighbouring occupiers have raised concerns about a loss of privacy, outlook, and natural light, along with disturbance and pollution as a result of dust and noise. It has also been stated that the proposal could affect the operation of an existing business located close by.

4.4.6 In terms of its relationship to neighbouring properties, the proposed dwelling would be located around 26m from those houses located to the northwest and would not directly overlook their garden areas. Given its siting, scale, and design, it is considered that it would not result in harm to the amenities of those properties.

4.4.7 The proposal would directly face towards No.139A, with the nearest windows being located around 14m from the rear of that neighbouring property, and 5m

from the shared boundary. The distance from the rear elevation of No.139, which is attached to the aforementioned neighbouring property, would be similar. Whilst the proposed dwelling would be located very close to the boundary of No.139's garden, it is noted that the garden of that property is very long. In terms of the more sensitive parts of their garden areas, in addition to the windows of their dwellings, it is considered that the proposal would not result in unacceptable harm to the privacy of their occupiers. Given its siting, scale, and design, it is considered that it would not result in unacceptable harm to their outlook, privacy, or access to natural light.

4.4.8 Similar distances would exist to the rear elevation of No.141. It is not believed the proposed would diminish the privacy of that property's occupiers to an unacceptable degree or result in that property being overlooked.

4.4.9 In terms of the concerns raised about disturbance, as a result of noise and dust, the proposal's Pollution Control and Environmental Health officers have not raised any objections to the proposal in relation to such effects from the proposal to neighbouring properties, and the modest scale of the development is such that unacceptable harm is not anticipated in terms of pollution and disturbance. However, it is noted that there is an established commercial use only metres from where the proposed dwelling and its curtilage would be located. Planning permission CH/97/0281 gave approval for a vehicle maintenance and repair use within a detached garage building located to the rear of No.141 Hill Street. It is unclear precisely how this building is being used at the current time; however, the planning history shows that it has approval for the aforementioned use.

4.4.10 If the neighbouring building is used in this way, then there may be conflict between the commercial use and the proposed residential property. The Council's Pollution Control officer has been consulted and has no objections to the noise and air quality impacts arising from this neighbouring use. It is considered the proposal, in his respect, would not result in an unacceptable standard of living accommodation for future occupiers.

4.4.11 It is considered that the proposed dwelling would provide a sufficient amount of internal living accommodation, and external amenity space in terms of area for the enjoyment of future occupiers. The existing dwelling, No.139A, which would be separated from the proposed development plot, would retain sufficient private outdoor space once the plot has been sub-divided.

4.4.12 Notwithstanding the above although a proposal may have in theory sufficient amenity space it is also important that the amenity space provided is of sufficient quality to be fit for its intended purpose. This is of particular importance in respect to proposals which would be potentially affected by shade and other potential forms of disamenity arising from trees which would make an outdoor area unsuitable as an amenity space.

4.4.13 In this respect there is a sycamore tree which overhangs the existing garden and in particular that part of the garden of the proposed dwelling. This tree is described as having a height of 15m, of fair condition and with a life expectancy of 20 years. The applicant arboricultural report also comments that it has two stems from 2m, a dense crown with compact spread and is a "typical rear garden tree of little aesthetic value.

4.4.14 In relation to the proposal's quality of amenity space, given the significant extent to which a neighbouring tree would overhang what would be the rear garden, it is considered that the standard of amenity space would be compromised, being hemmed-in, and likely to suffer from sap and debris dropped from the tree. That said, the sycamore tree is not protected by TPO designation and the proposed dwelling's future occupiers would be at liberty to prune the tree where it overhangs their land. This would be a continuing maintenance problem that would result in the early demise of the tree. As such it is acknowledged that the sycamore tree is likely to suffer an early demise should the development go ahead. However, this pruning could take place with or without this planning consent and given that the tree is regarded to be of 'little aesthetic value' there is little public interest in protecting the tree. As such it is considered that the proposed works to prune back overhanding branches to protect the amenity of the future occupiers would be acceptable.

4.4.15 However, a more fundamental issue arising in respect to trees which is more pertinent to the proposal. This is the fact that the applicant, who owns No.139A, is required to replace two previously removed protected trees within the curtilage of No.139A and that these replacements would themselves be protected once in situ. It is therefore pertinent to establish where these trees would be planted, what species they would be and ultimately what potential impact the replacement trees would have on the long-term amenity of the occupiers of the existing and proposed dwellings should the application be approved. Clearly most species of trees will occupy some space and cast shade as they mature. Furthermore, the subdivision of the existing site and the development of an additional dwelling would severely reduce the opportunity for replacement planting. It is therefore considered essential that the details of the replacement tree planting are known to allow a full and proper assessment of the application in respect to the ability to undertake the planting and its impact on the amenity of the occupiers of the existing and proposed dwellings.

4.4.15 Given the above it is considered that the applicant has failed to provide sufficient information to allow the local planning authority to make a full assessment of the impacts of the proposal on the long-term character of the area and on the standard of residential amenity and to determine whether he proposal in this respect would be in compliance with Policy CP3 of the Local Plan and the paragraphs relating to design in the NPPF.

4.416 Given that this issue goes to the heart of the acceptability of the proposal it is considered that it cannot be dealt with by condition.

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 Both the existing and proposed properties would benefit from an adequate number of parking spaces following the completion of the development, with the existing property having at least two parking spaces to the front, and with the proposal benefiting from two spaces. It is noted that the access track already provides access, not only to the application site, but also other properties, including the substation. There is no evidence available to suggest that the access track could

not cope with the modest amount of traffic that would be generated by the proposed development. The Highway Authority has raised no objections to the proposal, subject to the use of planning conditions, which can be imposed should planning permission be granted.

4.5.4 In terms of its impacts on highway safety, the proposal is considered to be acceptable and in accordance with the guidance contained in the NPPF.

4.6 **Impact on Nature Conservation Interests**

4.6.1 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 in dwellings of one, such that SAC mitigation contributions are required. Such contributions are normally secured by CIL where applicable to the development. In this case, the proposal would be CIL-liable and the required CIL contribution would be £3,753.59. The site is not otherwise in a condition that would indicate that the proposal could result in harm to protected species and, in this regard, it is in accordance with Policies CP3, CP12, and CP13 of the Local Plan, and the guidance contained in the NPPF.

4.7 **Drainage and Flood Risk**

4.7.1 Paragraph 155 of the NPPF states that '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. As was the case in relation to the previously approved scheme, the site is located within a built-up area which is served by drainage, and the proposal would result in any significant change in the amount of hardstanding at the site. The Flood Risk Management Team has raised no objections to the proposal. The submitted information states that foul drainage would be to the mains sewer, and that surface water would be managed using soakaways. As such, a condition can be imposed to ensure satisfactory drainage arrangements for the disposal of surface water are approved by the Local Planning Authority.

4.7.3 It is considered that the proposal would be acceptable with regard to drainage and flood-risk and would not exacerbate any 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). 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 off a residential street located where bins are already collected by the Local Authority. The Council's Waste Management team have been consulted about the proposal but have not commented. A condition can be imposed to secure an acceptable scheme of waste storage.

4.10. **Ground Conditions and Contamination**

4.10.1 The Council's Pollution Control Officer has considered the proposal and raised no objections, subject to the use of a condition to ensure adequate controls in relation to ground contamination.

4.11 **Affordable Housing**

4.11.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, given the order of the Court of Appeal, dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014, and the subsequent revision of the PPG it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

4.12 **Other Issues Raised by Objectors**

The above summarised objections have been dealt with in the body of the report.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

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

Equalities Act 2010

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

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

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

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

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

6 Conclusion

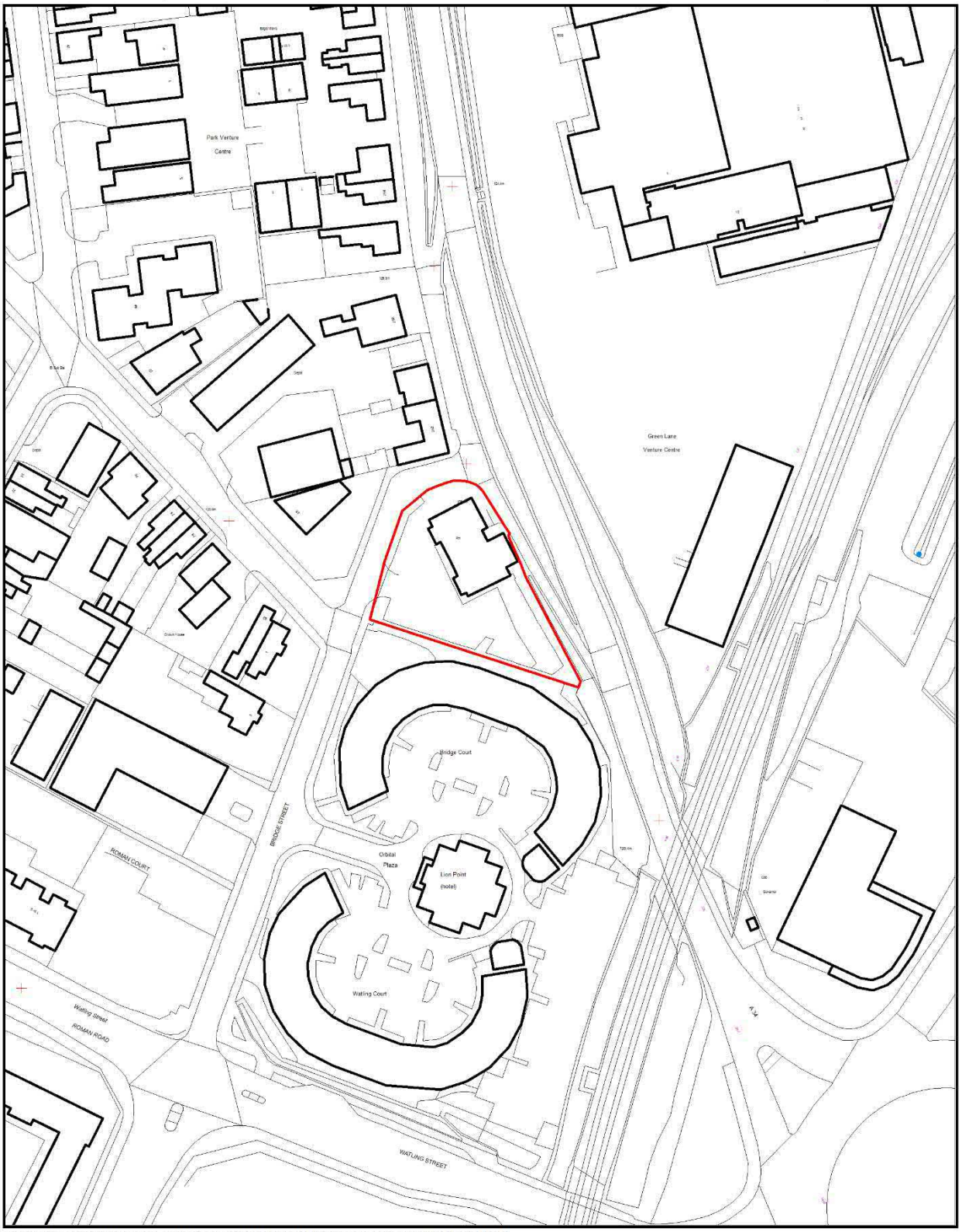
6.1 Given the proposal's impact on the character of the area; it is considered to be unacceptable, having regard to the Development Plan, and all other material considerations.

Application No: CH/21/0095

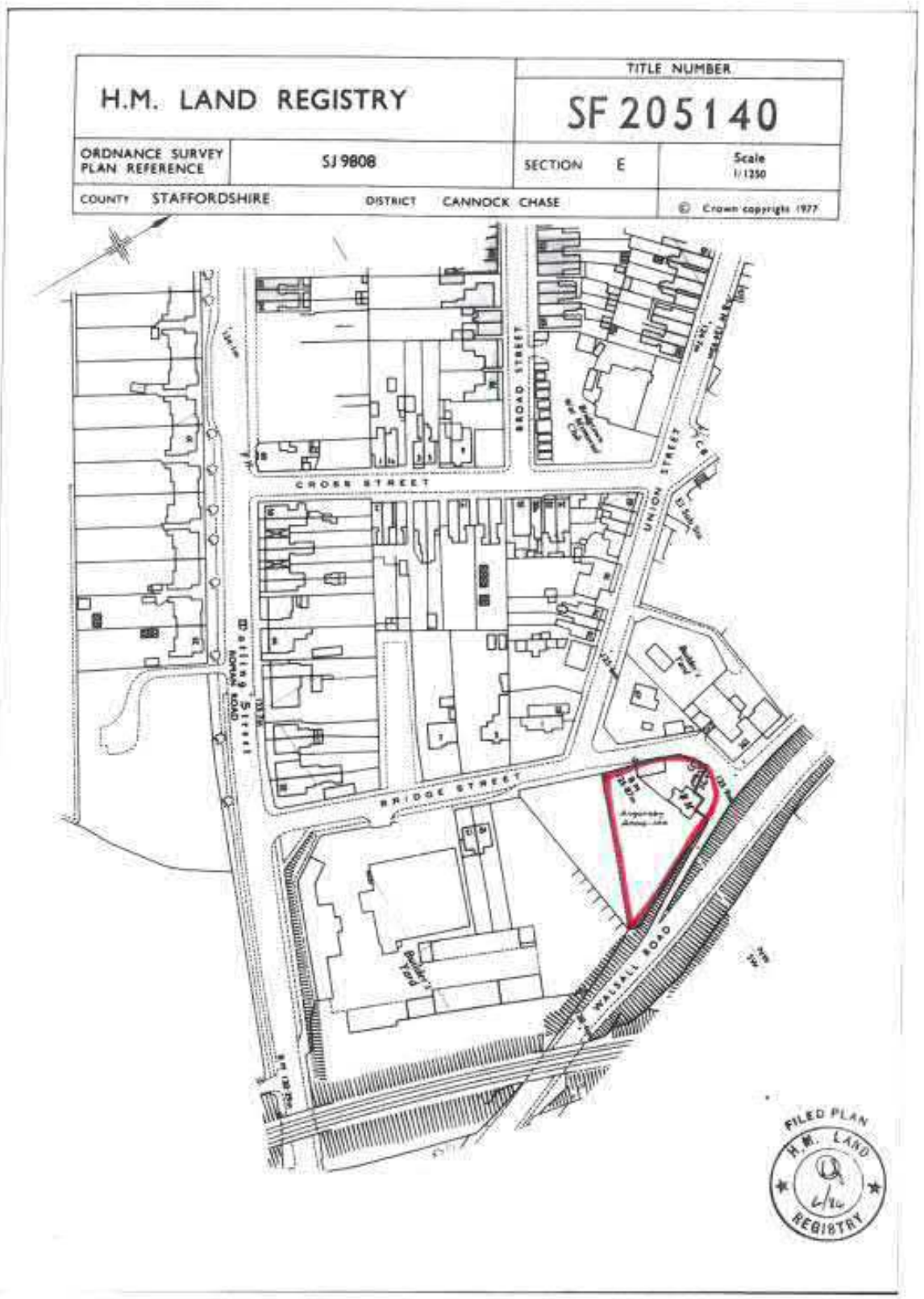
Location: Stumble Inn, 264 , Walsall Road, Cannock, WS11 0JL

Proposal: Change of use on ground floor to a nursery. Re-configuration & change of use of first floor from residential to 2 residential apartments and offices/historical centre.

Item No. 6.20



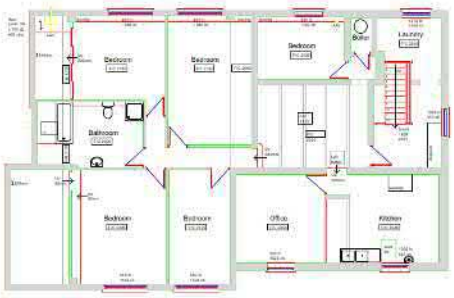
Location Plan



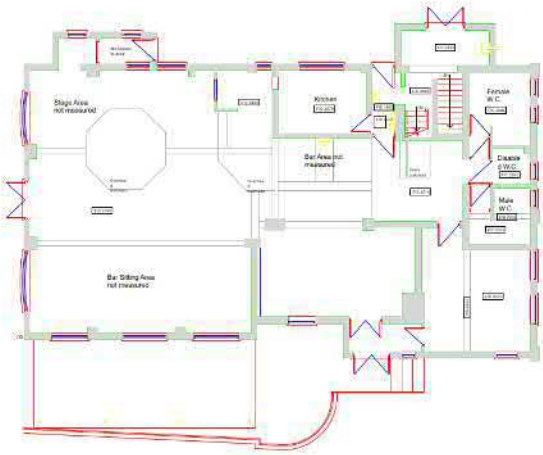
Site Plan


Gunsmith, Workshop & Shop
Existing Mixed Use. Shops, Workshop & Residential
Heritage Centre & Apartments Entrance
Main Nursery Entrance
Trim and tidy shrubs/verge
Bridge Street
Children's Play Garden
Car Sales & Residential House
Nursery Entrance
Anglesey House
Mixed Use - Children's Nursery, Bridgtown Heritage Centre & 2 Apartments
Existing unaltered entrance
Trim and tidy shrubs/verge
Trim and tidy shrubs/verge
Union Street
Cycle Store
Turning & Drop-Off
Existing Tree, Reduce Remainder of Crown to Re-Balance as advised by arboriculturalist
Hotel, Restaurant, offices and residential
New Trees, replacing dying trees as advised by arboriculturalist
Existing Bank & Planting
Existing Footpath
A34 - Walsall Road
Existing Trees Replaced as advised by arboriculturalist
New Trees as advised by arboriculturalist to replace dying trees
Existing Tree, trimme
advised by arboricult
Anglesey House 11-11
Scale: 1:200 @ A3

Existing Floor Plans



EXISTING FIRST FLOOR
PLAN 1:100



EXISTING GROUND FLOOR PLAN
1:100

Scale bar

NOTES:

All the builders must visit the site and be responsible for taking and checking dimensions relative to their work. Sutton and Wilkinson Chartered Architects to be advised of any variation between drawings and the conditions.

F/C 2595 Floor to ceiling level to be indicated thus

F/B 2225 Floor to beam level to be indicated thus

PRELIMINARY

PROJECT
STUMBLE INN PUBLIC HOUSE
BRIDGTOWN
CANNOCK

CLIENT
FRED PRITCHARD

TITLE
EXISTING FLOOR PLANS

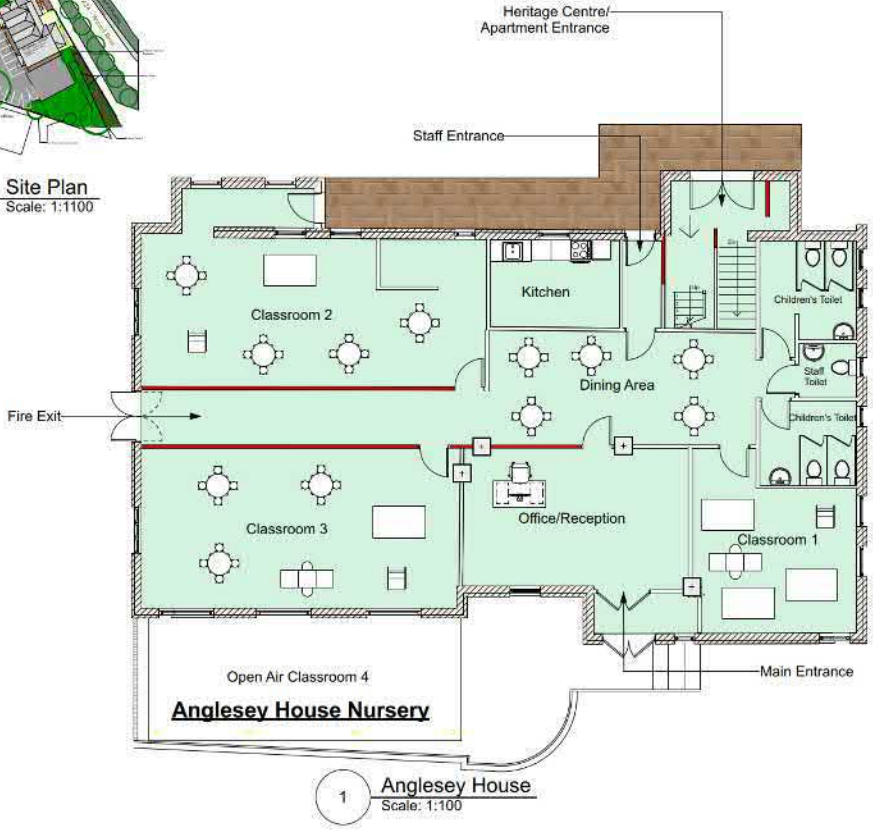
SUTTON AND WILKINSON
CHARTERED ARCHITECTS

SCALE	DRAWN	DATE	SIZE
1:100	YL	Aug 20	A2

DRAWING NUMBER
2581 / 01

Proposed Ground Floor Plan

2 Site Plan
Scale: 1:1100



1 Anglesey House
Scale: 1:100

3	30/3/21	A

The Stumble

Fred Pritchard Real Estate Ltd

Ground Floor

Stumble

23/2/2021

AS NOTED

JKP

FRED PRITCHARD REAL ESTATE LTD

Proposed First Floor Plan

Contact Officer:	**David Spring**
Telephone No:	**01543 464481**

Planning Control Committee

28 July 2021

Application No:	CH/21/0095
Received:	24-Feb-2021
Location:	Stumble Inn, 264, Walsall Road, Cannock, WS11 0JL
Parish:	Bridgtown
Ward:	Cannock
Description:	Change of use on ground floor to a nursery. Re-configuration & change of use of first floor from residential to 2 residential apartments and offices/historical centre.
Application Type:	Full Planning Application

Recommendations:

Approve Subject to Conditions and receipt of a Section 106 Unilateral Agreement for mitigation for impacts on Cannock Chase SAC/

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 more than a maximum of 35 children shall occupy the children's' nursery at any one time.

   Reason
   In the interests of ensuring that the there is adequate parking for the proposed

use, in accordance with Local Plan Policy CP3 and the Council's Parking Standards SPD.

3. The nursery shall not be open for business outside the hours of 07:00 hrs to 18:00 hrs Monday to Friday and at no time on Saturdays, Sundays Bank and Public Holidays.

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

4. No works shall commence on site including any tree pruning and felling until a specification for all trees works have been submitted to and approved in writing by the Council. The tree works shall be carried out only in accordance with the approved details.

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

5. Prior to first use of the children's nursery the parking areas indicated on the approved site plan shall be completed and surfaced in a porous bound material with the individual parking bays clearly delineated which shall thereafter be retained for drop off/collection/ residential/ heritage centre/ staff parking only for the life of the development.

   Reason
   In the interests of highway safety in accordance with paragraphs 108-110 of the National Planning Policy Framework (2019).

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

   The Stumble Ground Floor Issue 03 Rev A1:100, dated 23/02/2021*

   The Stumble First Floor Issue 03 Rev A1:100, dated 23/02/2021*

   Anglesey House Site Layout Plan, 11-11 Scale: 1:200 @ A3, received 6 July 2021

   *These drawings are hereby approved only in so much as they relate to the internal layout of the buildings. The site layout shown on these plans is not approved.

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

   * Conditions 6 and 8 will require minor changes to the layout

7. No works shall commence on site including any tree pruning and felling until a scheme of external landscape works have been submitted to and approved in writing by the Council.

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

8. No works shall commence on site including any tree pruning and felling until tree protection details have been submitted and approved in writing by the Council. Details shall include position and specification of tree protection barriers, sequence of works in relation to tree protection, storage of equipment and materials, etc.

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

9. Pursuant of condition 10, tree protection measures shall be installed in accordance with the approved submitted details and shall stay in situ for the duration of the build.

   Reason

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

10. There shall be no excavations or storage of materials within the approved tree protection construction exclusion zones.

    Reason

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

11. 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.

12 The proposed car and cycle parking, accesses, servicing and circulation areas as shown on the approved plan Drawing Number Anglesey House 11-11 shall be sustainably drained, hard surfaced in a bound material and marked out prior to the first occupation of the building hereby permitted. Thereafter these parking areas shall be retained in accordance with the approved plans for the lifetime of the development.

    Reason

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

Notes to the Developer:

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

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

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

Consultations and Publicity

External Consultations

SCC Highways

No objections.

Bridgtown Parish Council

No comments received

Ofsted Early Years

No comments received

Internal Consultations

Environmental Health

No objections

Tree Officer

No objections

CIL Officer

Based on the form submitted, as there is no increase in floor space, this development would not be liable to pay CIL.

However, as there is a net increase in dwellings, the applicant will be required to enter into a Section 106 Unilateral Undertaking in order to mitigate the impacts on the Cannock Chase Special Area of Conservation. This fee is £221.00 per dwelling plus legal costs.

Waste and Engineering Services

No comments received

Economic Development Officer

No comments received

Development Plans and Policy Unit

No objections

Response to Publicity

The application has been advertised by site notice and neighbour letter. 1 letter of representation have been received as an objection to the proposed. The main, summarised, points of objection are:

- The access to the car park is already very busy.
- A traffic assessment should be carried out
- The HM Land Registry documents used are 44 years old and out of date. The plans do not show additional homes, businesses etc
- Some nearby homes have not been consulted
- Disabled parking needs to be made available
- There is a risk of sewage/ drainage problem. This is a known issue
- The car park needs to be measured to see if all 19 spaces can be accommodated.
- Where will the waste storage be?
- Lighting on the exterior building needs to be in keeping with the surrounding area.

Relevant Planning History

CH/07/0261: Canopy to front elevation. Full - Approval with Conditions 06/20/2007.

CH/93/0133: Extension to existing public house. Full - Approval with Conditions. 04/28/1993.

CH/94/0315: Single storey extension to rear of building. Full - Approval with Conditions. 07/27/1994.

1 Site and Surroundings

1.1 The application site is comprised of a traditional public house, currently not in use, on the edge of Bridgtown with a frontage to the junction of Bridge Street and Walsall Road but at a higher level. There is a car park off Bridge Street to the rear.

1.2 The main part of the property is early Victorian with other later additions. It is of brick walls and tiled roof construction typical of the Victorian period and sits on a large plot of land.

1.3 The former public house (vacant since August 2019) consists of commercial on the ground floor with residential and part commercial on the 1st floor.

1.4 The proposed is within 500m of the local centre in Bridgetown and is also close to the A5 and M6 toll.

2 Proposal

2.1 The Applicant is seeking consent for a change of use on ground floor to a nursery, re-configuration & change of use of first floor from residential to 2 residential apartments and offices/ historical centre.

2.2 The proposal would not require any significant alterations to the external appearance of the building to facilitate the proposed nursery.

2.3 The applicant indicates 21 vehicle parking spaces; 6 spaces would be provided for the nursery and staff, 2 spaces would be provided for the heritage centre, 13 spaces for residents & visitors to the site with space also being provided for bicycles and motorcycles. Each apartment would have 1 space with further visitor space for ad hoc guests.

2.4 The applicant confirms that the staff would comprise of 6 members; and the proposed hours of operation would be from 07:00am to 18:00pm on weekdays closing for a week at Christmas and Bank Holidays. The proposed nursery would not be open during the evenings or at any time on weekends.

2.5 The applicant has confirmed that the drop-off and collection of the children would be staggered with children arriving between 7 and 9 a.m. and leaving between 12 noon to 4 p.m. with a few staying to 5 or 6 p.m. The nursery could accommodate up to 35 children at any one time.

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

CP2 - Developer contributions for Infrastructure

CP3 - Chase Shaping – Design

CP9 – A Balanced Economy

3.3 The relevant policies within the Minerals Plan include:

Policy 3.2 Mineral Safeguarding

3.4 **National Planning Policy Framework**

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

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

3.7 Relevant paragraphs within the NPPF include paragraphs: -

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

3.8 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

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) Mineral safeguarding.

vi) Impact on nature conservation interests

vii) Waste & Recycling Facilities

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 NPPF makes no specific mention to day care nurseries nor does the Local Plan. There are no specific location requirements for nurseries. In general, they are located near to the users of the facility and in sustainable locations.

4.2.2 In this instance the application site is sited within a few km's of Cannock Town Centre, but outside of the Primary Retail Area and is not protected for a specific use on the Local Plan Policies Map. The road is largely residential, but with some commercial use nearby and a large car park to the rear.

4.2.3 The Cannock Chase Local Plan (part 1) 2014 policy CP1 supports sustainable development. It is noted that there will be a loss of a public house, but also that the building is currently vacant (vacant since 2019) and would probably require updating to meet the requirements of any use. The property has been marketed as a public house for at least 12 months with no interest received. There will also be a gain in service provision for the local community as well as active use of the building, which would also help strengthen the local economy, in accordance with policy CP9, which promotes a vibrant local economy and workforce.

4.2.4 There are no policies that would restrict the use as a matter of principle.

4.2.5 As such, the proposal is considered to be acceptable in principle. However, the proposal 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 in so much as these issues relate to scale and means of access and impact on neighbouring amenity.

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

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

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

(ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.

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

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

Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

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

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

4.3.5 The change of use of the site would not involve any significant external alterations, with parking proposed on the existing hardstanding to the rear of the site and a safe garden area proposed to the north side of the site. Conditions are recommended to be placed on any permission granted to ensure that trees are protected during any works to the car park area. As such the proposal would not have a significant impact on the character of the area.

4.3.6 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 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 Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wider area to impacts that could arise from

the development. In doing so (amongst others) (a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

4.4.4 Although the Design SPD sets out guidance in respect to space about dwellings it does not contain guidance in respect to space about other uses. Of particular significance in this respect is the relationship between the application site and the residential properties to the sides. It is considered the distances between the proposed and neighbouring residences is sufficient to limit any significant impact on residential amenity. Environmental Health Officers have raised no objections to the proposal in terms of controlling noise generation for future occupiers and nearby residents. The outside play area is very small and only designed to accommodate a maximum of 10 children who would play outside between the hours of 10.30 a.m. and 3 p.m. weather permitting. The maximum age of these children would be 3 so noise levels would likely be low level chattering.

4.4.5 It is noted that the hours of operation for the proposed nursery would be between 07:00hrs to 18:00hrs when back-ground noise levels are relatively high. The Environmental Health Officer has no objections to these operating times and officers therefore consider that they are acceptable.

4.4.6 In respect to the amenity of the residents of the proposed flats it is noted that an outdoor amenity area for residents would be created to the south of the main building which would provide sufficient amenity space for any future occupiers.

4.4.7 Given the above, it is concluded that the proposed layout of the site, the existing boundary landscaping and the proposed hours of operation would ensure there would be no significant detrimental impact to the occupiers of the adjacent dwellings. As such it is concluded that the proposal would protect the "amenity enjoyed by existing properties" and would maintain a high standard of amenity for all future users and therefore comply with Policy CP3 of the Local Plan and paragraphs 127(f) and 180 of the NPPF.

4.5 **Impact on Highway Safety**

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

4.5.2 Having regard to the above it is noted that one local person has objected on the grounds of problems with access and traffic generation.

4.5.3 In order to inform the application, the applicant has submitted an indicative car parking layout drawing. Whilst this is only indicative it does show how the site can be laid out to accommodate 21 car parking spaces and therefore allow the Highway Authority to assess potential impacts of the proposal.

4.5.4 Notwithstanding the objections the County Highway Authority have no objections to the proposal subject to the imposition of suitable conditions. The Highways Officer acknowledges the fact that the proposed parking provision is sufficient and would comply with the parking requirements of the Cannock Chase Parking Standards SPD, although with some revision of the indicative scheme. The

applicant is reminded that parking spaces should be 2.4m x 4.8m and is advised that the area proposed for the cycle/ motorcycle parking would not be sufficient in size to accommodate this as well as providing access for nursery staff and apartment residents. The footprint of 2 cycles parked at a Sheffield stand should be taken as 2m x 1m and an aisle is needed to access the stands and should be 1.1m in width. These elements could be secured through the use of a suitably worded condition.

4.5.5 Officers are also of the opinion that the proposed use as a nursery would generate similar amounts of traffic as with the lawful use of the site which is as a Public House but with traffic arriving/ departing at more sociable hours.

4.5.6 As such, subject to appropriate conditions, it is considered that the proposal would not have an unacceptable impact on highway safety and that any residual cumulative impacts on the road network would not be severe. As such the proposal is considered to accord with paragraph 109 of the NPPF.

4.6 **Mineral Safeguarding**

4.6.1 The site falls within a Mineral Safeguarding Area (MSAs) for Brick Clay. 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 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.

4.6.3 The site is located within the site of a restaurant within an urban area of Cannock. As such the proposal would not prejudice the aims of the minerals plan to safeguard minerals.

4.7 **Impact on Nature Conservation Interests**

4.7.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 170, 174, 177, 179 of the NPPF.

4.7.2 Policy CP12 of the Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced via

'the safeguarding from damaging development of ecological and geological sites, priority habitats and species and areas of importance for enhancing biodiversity, including appropriate buffer zones, according to their international, national and local status. Development will not be permitted where significant harm from development cannot be avoided, adequately mitigated or compensated for;

- support for the protection, conservation and enhancement of existing green infrastructure to facilitate robust wildlife habitats and corridors at a local and regional scale (particularly to complement Policy CP16);
- supporting and promoting initiatives for the restoration and creation of priority habitats and recovery of priority species and the provision of new spaces and networks to extend existing green infrastructure;
- supporting development proposals that assist the delivery of national, regional and local Biodiversity and geodiversity Action plan (LBAP/GAP) targets by the appropriate protection, incorporation and management of natural features and priority species;
- the promotion of effective stewardship and management across the district to contribute to ecological and geological enhancements.'

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

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

4.7.4 Paragraph 174 goes on to state [amongst other things]: -

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

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

Site Specific Impacts on Ecology

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

4.7.6 As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.

Impacts of Cannock Chase Special Area of Conservation

4.7.7 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would normally be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL. However, given that the proposal would not lead to any increase floor area, and no CIL will need to be paid, the SAC contribution will need to be secured through a Unilateral Undertaking under Section 106 of the 1990 Planning Act.

4.7.8 It is therefore concluded that subject to such an undertaken being signed the proposal would not have any significant impact on Cannock Chase SAC.

4.8 **Waste and Recycling Facilities**

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

4.8.2 The proposed would be sited within close proximity to existing dwellings and off a residential street located where bins are already collected by the Local Authority. The submitted plans do not show an area for storing waste within the site but it is recommended that a condition be added to ensure this is provided.

4.9 **Affordable Housing**

4.9.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, given the order of the Court of Appeal, dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014, and the subsequent revision of the PPG it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

4.10 **Other Issues Raised by Objectors**

All planning related issues have been dealt with in the body of the report other than the assertion by a local objector that the sewerage system is at maximum capacity. However, given that this proposal is for a change of use of an existing building there would not be any increase in surface water run-off. Furthermore, the proposed use of the building would not significantly increase the foul discharge over and above that of the existing lawful use. As such it is considered that the proposal would not have any additional impact on the sewerage system.

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 receipt of a unilateral undertaking to pay monies in mitigation for impacts on Cannock Chase SAC and 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.

Application No: CH/21/0250

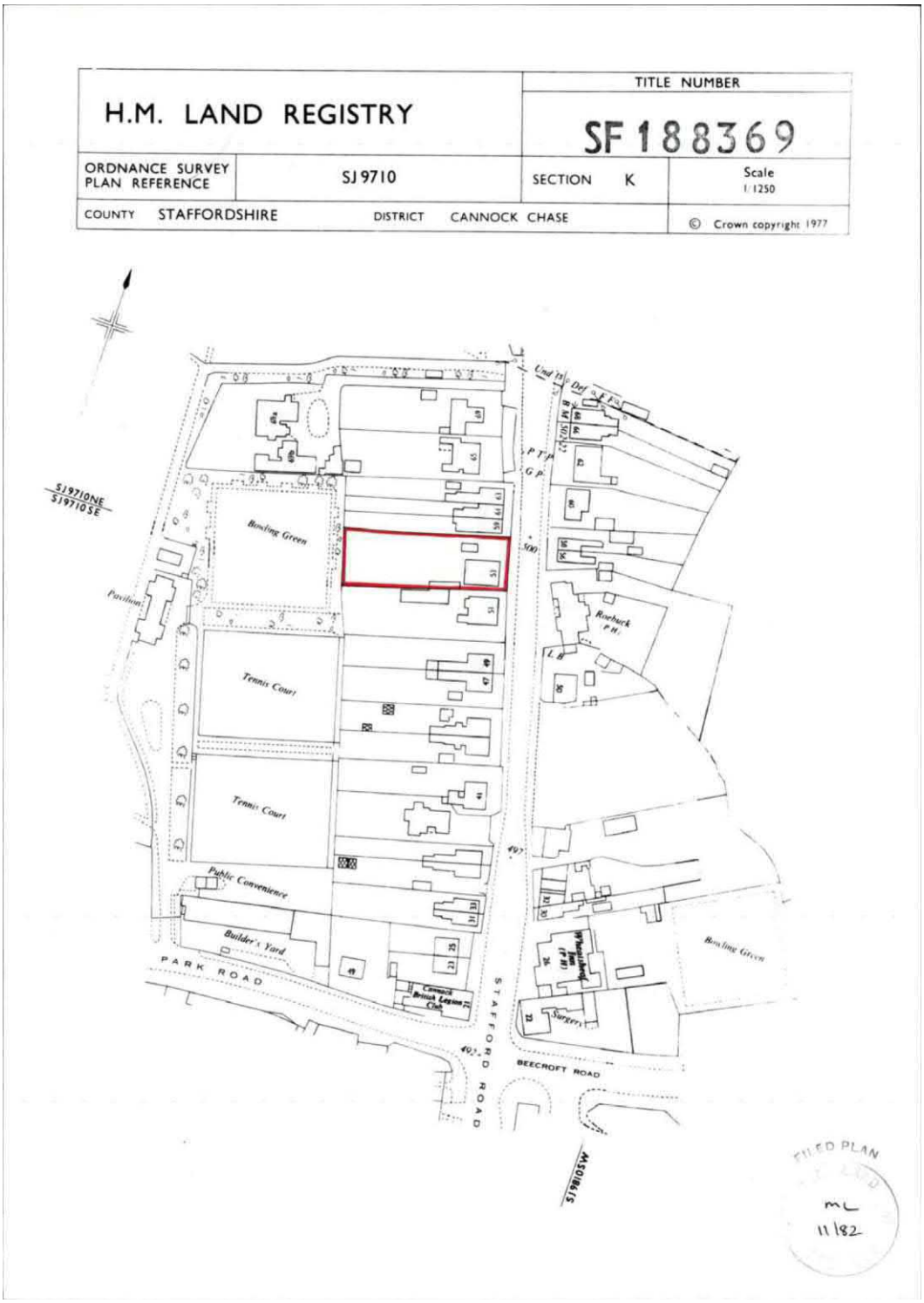
Location: 53 Stafford Road, Cannock, WS11 4AF

Proposal: Application to remove Condition No.1 (12 months temporary permission) Pursuant to CH/19/143

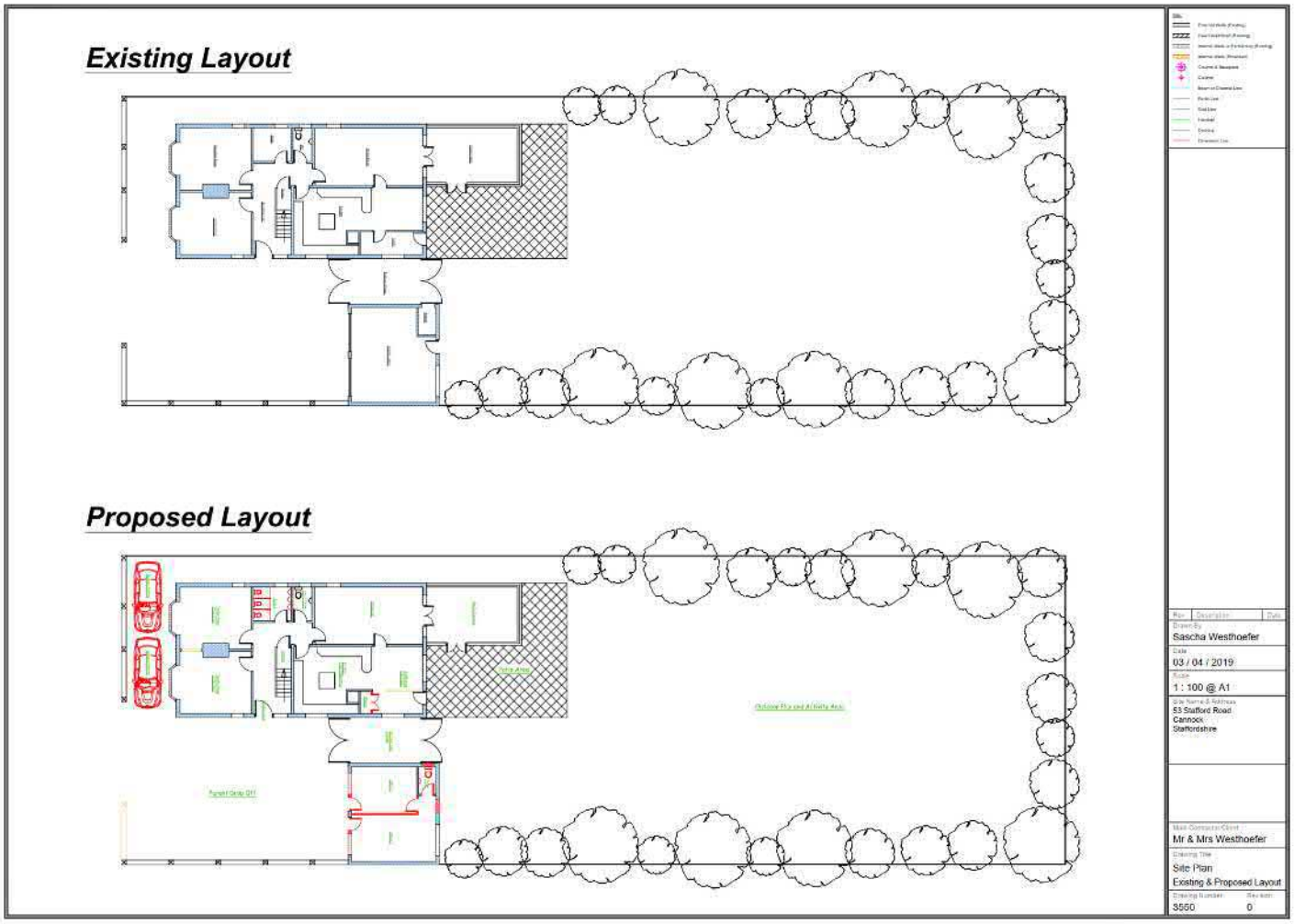
Item No. 6.40

Item No. 6.41

Location Plan

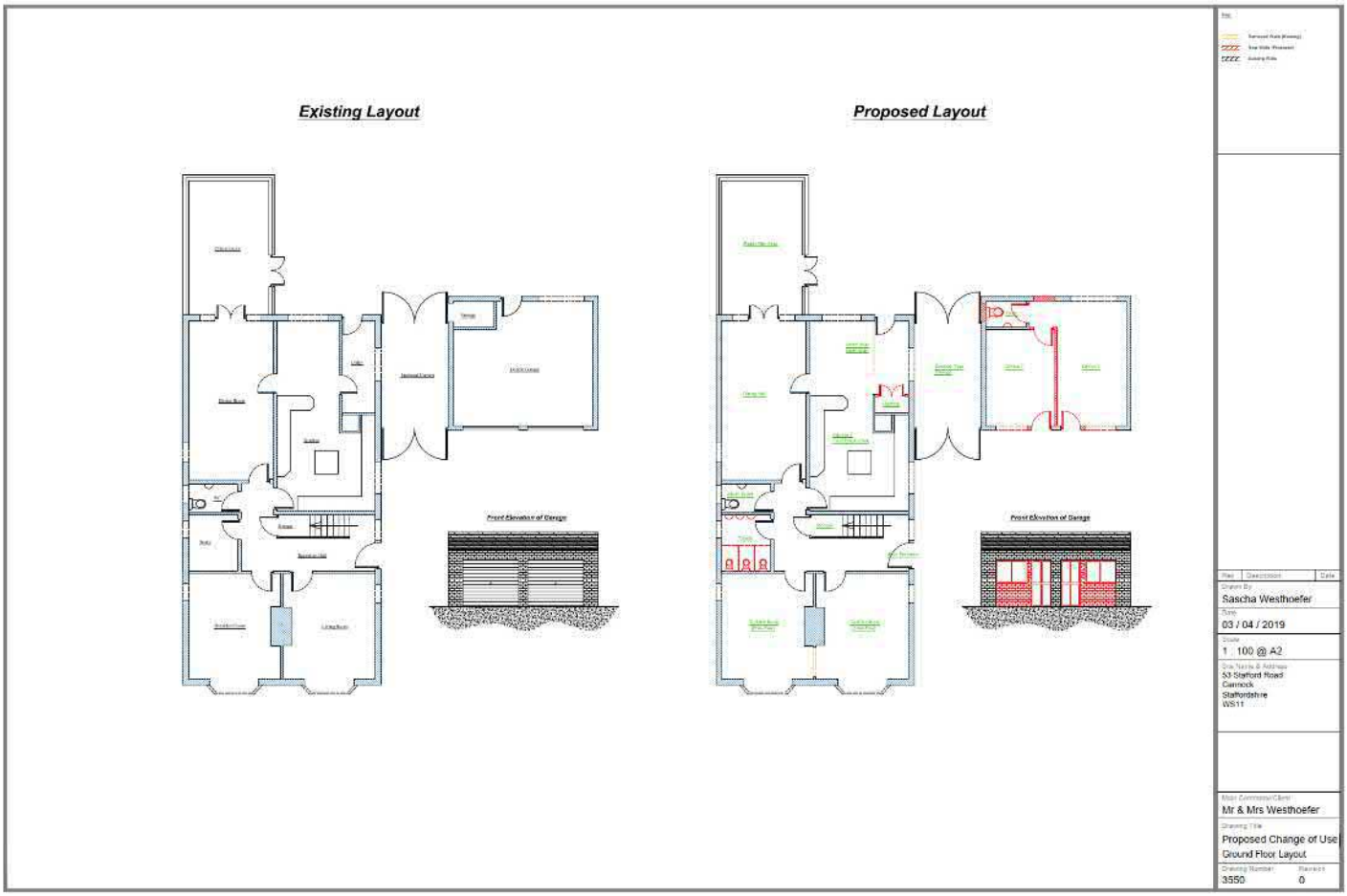


Site Plan


Existing Layout
Proposed Layout
Sascha Westhoefer
03 / 04 / 2019
1 : 100 @ A1
53 Stafford Road
Cannock
Staffordshire
Mr & Mrs Westhoefer
Site Plan
Existing & Proposed Layout
3560
0

Item No. 6.43

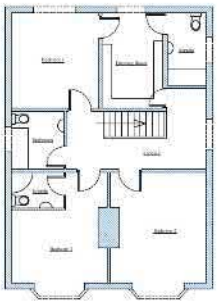
Ground Floor Plans



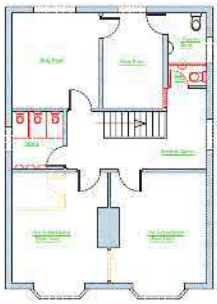
Item No. 6.44

First Floor Plans

Existing Layout



Proposed Layout



Rev | Description | Date

Drawn By
Sascha Westhoefer

Date
03 / 04 / 2019

Scale
1 : 100 @ A2

Site Name & Address
53 Stafford Road
Cannock
Staffordshire
WS11

Main Contractor/Client
Mr & Mrs Westhoefer

Drawing Title
Proposed Change of Use
First Floor Layout

Drawing Number | Revision
3550 | 0

Contact Officer:	**Claire Faulkner**
Telephone No:	**01543 464337**

Planning Control Committee

28 July 2021

Application No:	CH/21/0250
Received:	28-May-2021
Location:	53, Stafford Road, Cannock, WS11 4AF
Parish:	Non-Parish Area
Ward:	Cannock West Ward
Description:	Application under Section 73 of the 1990 Town and Country Planning Act to remove Condition No.1 (12 months temporary permission) Pursuant to CH/19/143
Application Type:	Full Planning Application

Recommendations:

Approve subject to conditions allowing for further 12-month temporary permission.

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.

Condition(s):

1. This permission expires 12 months after the date on which planning permission CH/21/0250 was granted. On or before this date the use shall be discontinued and all materials, equipment and waste associated with the use shall be removed.

   Reason
   In order to enable the effect of the development on the surrounding area to be assessed and reviewed if necessary and to ensure compliance with the Local Plan Policy CP3 - Chase Shaping and Design and the NPPF.

2. The unit as shown edged red on the site plan (as approved under planning permission CH/19/143) shall be occupied as a children's nursery falling within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended), or any order revoking and re-enacting that Order with or without modification, and for no other purpose.

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

3. A maximum of 37 children shall occupy the premises hereby approved at any one time.

   Reason
   In the interests ensuring that the there is adequate parking for the proposed use, in accordance with Local Plan Policy CP3 and the Council's Parking Standards SPD.

4. The premises shall not be open for business outside the hours of 07:00 hrs to 18:30 hrs Monday to Friday and at no time on Saturdays, Sundays Bank and Public Holidays.

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

5. No trees or hedges shown on Dwg No.3550 (as approved under Planning Consent CH/19/143), 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 screens the site and would assist in alleviating any potential disturbances to neighbouring occupiers. In accordance with Local Plan Policies CP3, CP14, CP12 and the NPPF.

6. The parking spaces provided in accordance with Dwg. No. 3550 A (as approved under Planning Consent CH/19/143) shall be retained for customer parking only for the life of the development.

   Reason
   In the interests of Highway safety in accordance with paragraph 109 of the NPPF.

7. The development shall be carried out in accordance with the approved Travel Plan (as approved under Planning Consent CH/19/143) and in particular the following elements:

- All vehicles leaving the site shall do so in a forward gear;

- All vehicles leaving the site shall turn left onto Stafford Road; and

- A walking bus shall be implemented during busy periods of the day with participants wearing high visibility vests.

Reason
To comply with the objectives and policies contained within the NPPF and in the interests of highway safety.

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

3550 Rev 0 Site Plan

*3550 Rev 0 Ground Floor Layout

*3550 Rev 0 First Floor Layout

*3550 Rev A Parking Layout / Proposed Layout

*Travel Plan

*As approved under planning permission CH/19/143

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

Consultations and Publicity

External Consultations

Highway Authority

Personal Injury Collisions: Current records show there were no Personal injury Collisions on Cannock Road within 50 metres either side of the property accesses for the previous five years.

Background: The property is located on Cannock Road (A34) a classified 30 mph road which benefits from street lighting. It is one of the main roads serving Cannock town centre.

Comments on information Submitted; The application is for the removal of Condition 1 (12 months temporary permission) The last 12 months have been during a global pandemic so not a typical year. The Highway Authority would suggest a further 12-month monitoring period to ensure the parking provision is suitable for the Nursery.

Internal Consultations

Environmental Health

No objection.

Planning Policy

Policy C3910 in the Cannock Chase Local Plan supports the Council working with developers to promote sustainable transport, to reduce car use and reduce air pollution.

Planning Policy advised in previous response to Planning Application CH/19/143 on 16.05.2019 that the Cannock Chase Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport Supplementary

Planning Document (SPD) sets out the recommended number of spaces for developments. Section 4 of the SPD car parking standards permits lower levels of on-site parking for change of use and small-scale developments based on local need and circumstances. in these cases, the District Council can use discretion to decide if lower parking levels are acceptable. This can take into account measures such as travel plans, proximity to Town Centre transport links and the promotion of sustainable transport modes.

It is noted that the applicant has a transport plan in place under Planning Application CH/19/143 and that the location is within walking distance to both Cannock bus and railway stations. The applicant previously stated that most staff do not drive to work and that a walking bus is ready to be put in place if required. Under this application they have added that they have not encountered any problems with measures put in place during the current 12 months temporary permission.

Response to Publicity

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

Relevant Planning History

CH/19/143: Proposed change of use to a Children's' Day Nursery. Committee Approval subject to a one-year temporary permission to allow the use as a nursery to be monitored in respect of highway safety.

1 Site and Surroundings

1.1 The application site relates to an existing building currently used as a children's' nursery fronting Stafford Road, Cannock.

1.2 The application building is a prominent double fronted dwelling set back from the highway behind a short and open frontage. The whole frontage comprises of hardstanding with parking spaces delineated.

1.3 The property benefits from a generous rear garden bound by mature landscaping. The property benefits from a conservatory to the rear and raised patio with pergola and a newly constructed log cabin to the rear.

1.4 The application site is bound on two sides by residential dwellings and sits opposite the former Roebuck public house which is currently being converted to residential flats. The rear of the application site gives way to the public tennis courts and bowling green located within Cannock Park.

1.5 The application site is located approximately 70m from Cannock Town Centre. The surrounding area is predominantly residential comprising of typically 2 storey dwellings of varying designs, styles, and types. There are several larger buildings located within close proximity to the application site; these being, the Cannock Leisure Centre, Cannock Chase Hospital, and Cardinal Griffin Catholic School.

1.6 The application site lies within a Mineral Safeguarding Area and is considered to be low risk boundary by the Coal Authority.

2 Proposal

2.1 The application seeks permission under Section 73 of the 1990 Town and County Planning Act for the removal of condition 1 (12-month temporary permission) of planning consent CH/19/143 to allow the children's' nursery to continue trading.

2.2 The applicant has stated that there have been no issues regards the parking and no issues have arisen in respect to the impact on traffic on Stafford Road. The applicant has confirmed that all drop-offs and collections are at staggered times which reduces the number of cars at the property at any one time.

2.3 No other alterations are proposed to the previous permission.

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).

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

3.3 The relevant policies within the Minerals Plan include:

Policy 3.2 Mineral Safeguarding

3.4 **National Planning Policy Framework**

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

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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
170	Conserving and Enhancing the Natural Environment
180	Ground Conditions and Pollution

3.8 **Other relevant documents include: -**

Design Supplementary Planning Document, April 2016.

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

4 Determining Issues

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

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

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

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

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

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

4.4 The determining issues for the proposal are whether the proposed variations to conditions would be acceptable in respect of their impact on 'highway safety'.

4.5 **The Principle of the Development**

4.5.1 The development of the application site as approved under CH/19/143 has been implemented since 3rd August 2020. Furthermore, the Local Planning Authority can only consider the conditions attached to the previous permission which are concerned with the acceptability of the proposal in respect to highway safety.

4.6 **The impact on Highway Safety**

4.6.1 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.

4.6.2 The applicant seeks the removal of condition one which restricted the use of the site as a child's day nursery to 12 months from the date of implementation, that being 3rd August 2020. The temporary permission was granted to allow the use of the site as a children's' day nursery to be monitored by the Highway Authority who objected to the original application on the grounds of highway safety.

4.6.3 The Highway Authority was consulted on the current application and have requested a further 12-month monitoring period to ensure the parking provision is suitable for the Nursery.

4.6.4 It is noted that the applicant has stated that there have been no issues regards the parking and no issues have arisen in respect to the traffic on Stafford Road. The applicant has confirmed that all drop-offs and collections are at staggered times which reduces the number of cars at the property at any one time. It is also noted that the applicant has erected signs within the site curtilage to prevent users of the facility turning right onto the main highway.

4.6.5 The Highway Authority, however, has requested a further 12-month period for which to monitor the use due to the past 12 months being impacted by the unusual circumstances of COVID. This global pandemic and the resultant lockdowns that have occurred over the past 12 months would have impacted on the use of the site as well as the use of the surrounding highway network and therefore made monitoring impractical.

4.6.6 Normally a temporary planning permission should be granted once. Such permissions are used in circumstances where it is anticipated that following the

temporary period there is a realistic prospect that there will be a material change in policy or circumstance or that a trial period is required so that the full impacts of a proposal can be assessed. In this case the temporary permission was granted to allow impacts on highway safety to be assessed. However, due to the Covid pandemic travel patterns have been substantially altered.

4.6.7 Given the above your officers consider the request by the Highway authority to be not unreasonable given the implications that arose as a consequence of the global pandemic in terms of business operations and vehicle movements which have both been heavily restricted during the last 12 months. As such, a temporary consent for a further 12-month period is recommended.

4.7 There are no other alterations proposed.

5 Human Rights Act 1998 and Equalities Act 2010

5.1 Human Rights Act 1998

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.

5.2 Equalities Act 2010

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 make a neutral contribution towards 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.

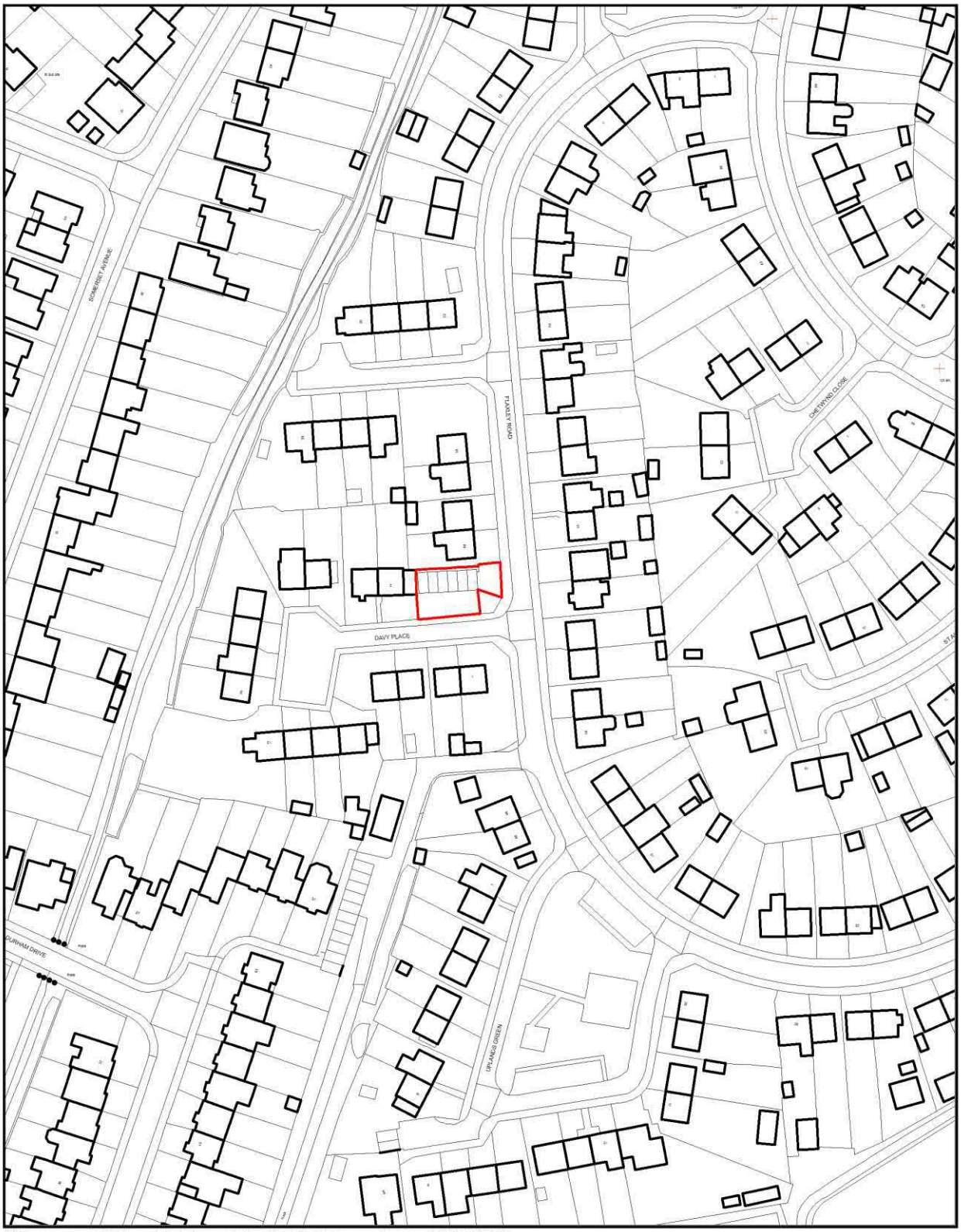
6.2 It is therefore recommended that the application be approved subject to the attached conditions.

Application No: CH/21/0201

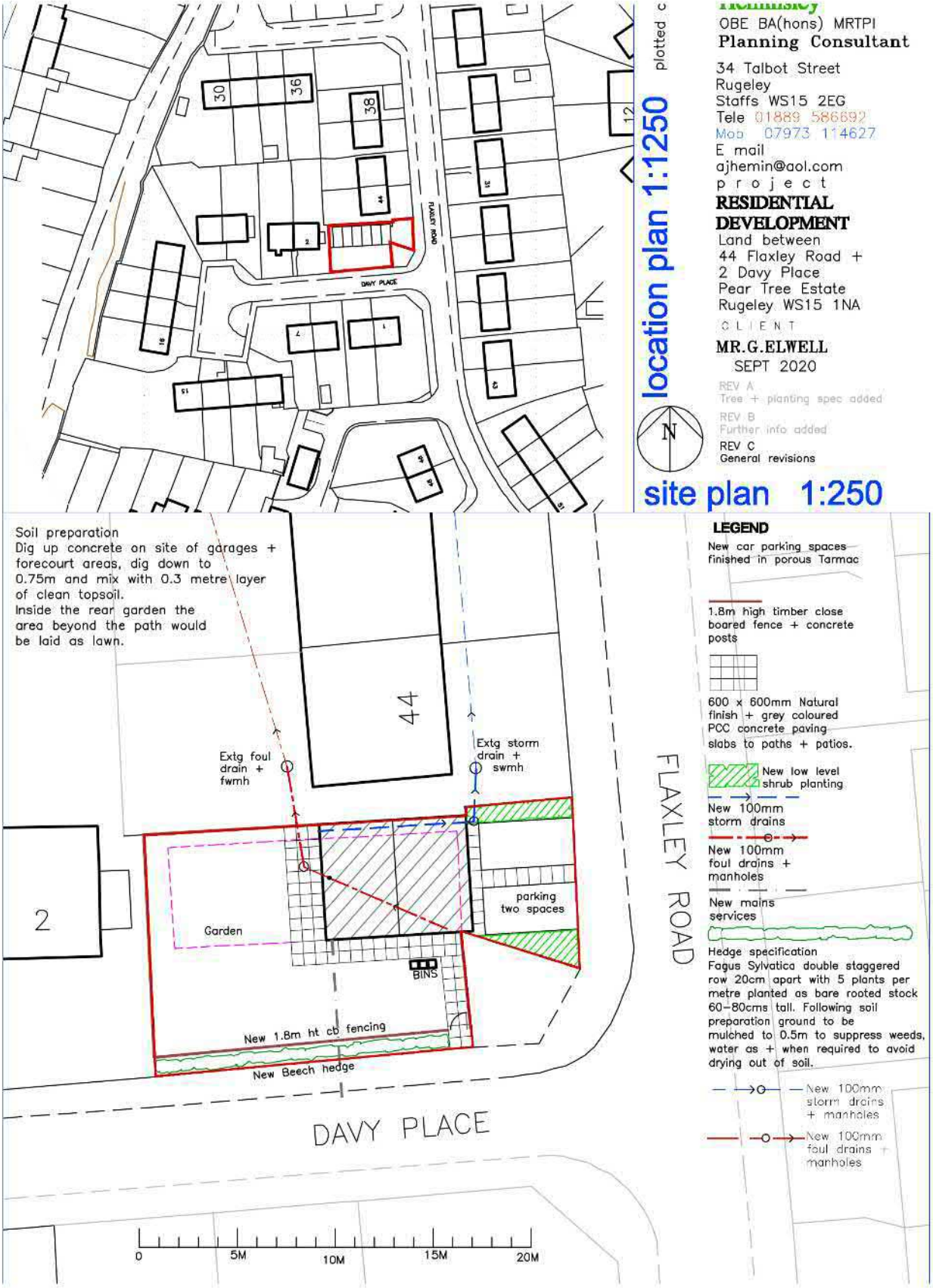
Location: 2 Davy Place, Rugeley, WS15 1NA

Proposal: Erection of a 3 bed detached dwelling on land between 44 Flaxley Road and 2 Davy Place, Rugeley. Re-submission of CH/20/311

Item No. 6.54

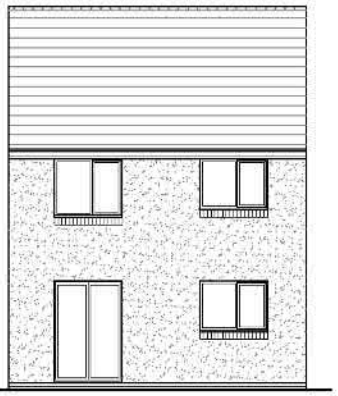


Location Plan and Site Plan

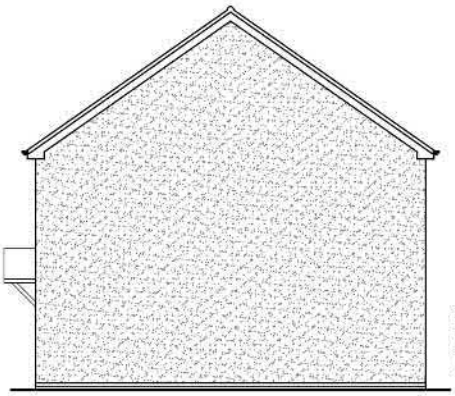


Floor Plans and Elevations

FRONT ELEVATION

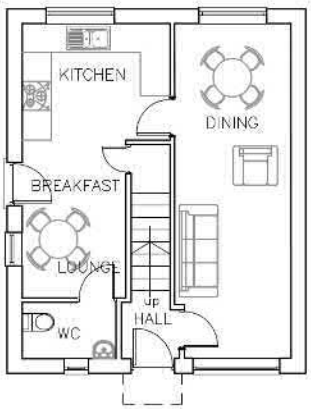


REAR ELEVATION

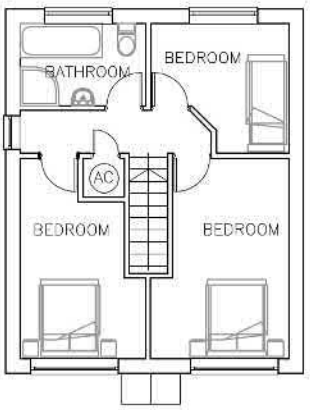


SIDE ELEVATION

REVISION
REV A
Side elevations corrected 12:01:2021

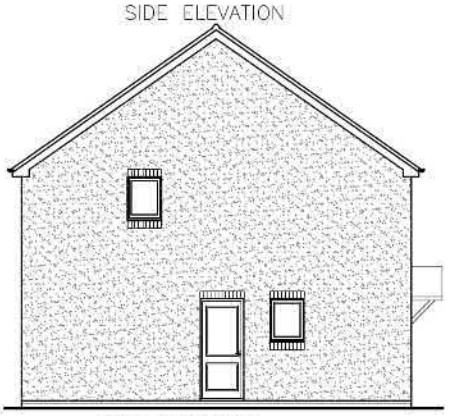


GROUND FLOOR PLAN 1:100



FIRST FLOOR PLAN 1:100

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



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

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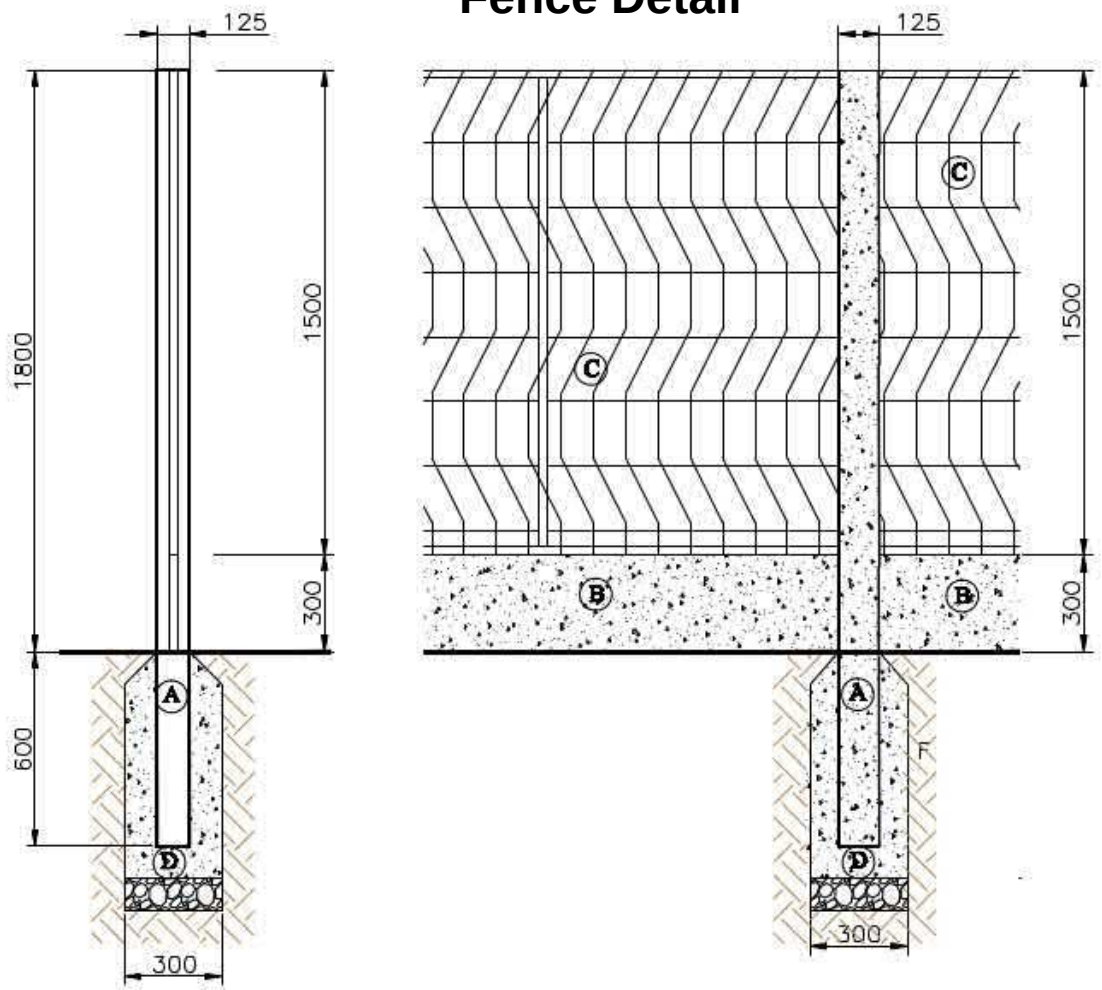
project
RESIDENTIAL DEVELOPMENT
Land between
44 Flaxley Road +
2 Davy Place
Pear Tree Estate
Rugeley WS15 1NA

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

Fence Detail



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
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CLIENT
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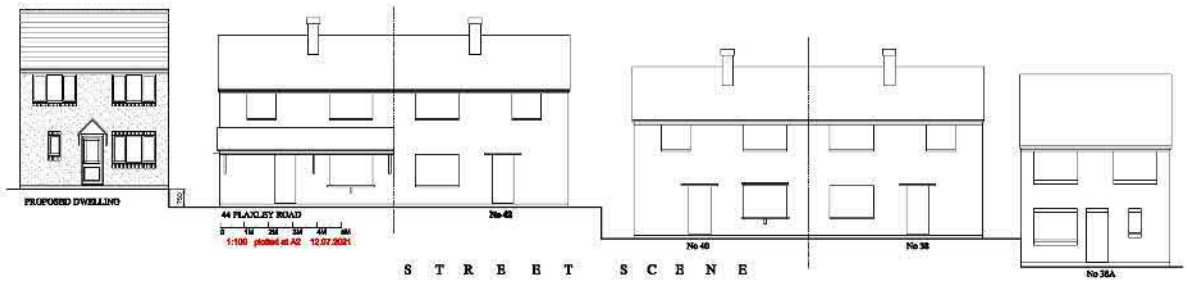
SEPT 2020
dr no
2020:201:02

Proposed Street Scene Elevation



Contact Officer:	**David Spring**
Telephone No:	**01543 464481**

Planning Control Committee

28 July 2021

Application No: CH/21/0201

Received: 29-Apr-2020

Location: 2 Davy Place, Rugeley, WS15 1NA

Parish: Rugeley

Ward: Cannock

Description: Erection of 3 Bedroom Detached Dwelling, Land between 44 Flaxley Road and 2 Davy Place, Pear Tree Estate, Rugeley

Application Type: Full Planning Application

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. The materials to be used for the external surfaces of the development shall be of the same type, colour and texture as those specified in the application form.

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

3. The approved landscape works shall be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner.

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

4. The development hereby permitted shall not be occupied until the window(s) indicated in the side elevations of the proposed dwelling on the approved plan are obscure glazed. The window(s) shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

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

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

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

   Location & Site Plan Rev C,

   Drwg No. 2020:201:02,

   Drwg No. 2020:201:01A

   Streetscene

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

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

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

7. The development hereby permitted shall not be brought into use until the access, parking and turning areas have been provided in accordance with the ‘Location & Site Plan Rev C’ and shall thereafter be retained for the lifetime of the development.

   Reason
   In the interests of Highway safety

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

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

    Reason
    To protect the amenity of neighbouring occupiers.

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

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

10. If site soils are exposed during site demolition/ concrete break-out, and these soils are to remain within 600mm of the final site levels, as garden or landscaped areas, then chemical analysis of these soils shall be carried out to ensure they will be suitable for use. These details, along with an appropriate human health risk assessment, shall be submitted to the Local Planning Authority for approval. If mitigation is required to render the material suitable for the proposed use, then a Remediation Method Statement shall be submitted for approval, which details the required works in full. If 600mm of subsoil and topsoil is to be imported to the site to form gardens and landscaped areas, then this condition is negated (although the condition relating to the quality of that imported material continues to apply). Note that the condition relating to the discovery of potential ground contamination is separate from this requirement, and that applies to contamination found at any depth, which may or may not be intended for retention on site.

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

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

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

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

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

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

13. No development shall commence until a scheme showing details of the finished floor levels and finished levels across the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with approved scheme.

    Reason
    For the avoidance of doubt as to what is permitted and in the interests of protecting the character of the area and the amenity of neighbouring.

Notes to the Developer:

SAC contribution of £221 for mitigation of the impact of the development under the Conservation of Habitats and Species Regulations 2010 (Habitat Regs)

Consultations and Publicity

External Consultations

Highways

No objections

Severn Trent Water Ltd

No objections

Rugeley Town Council

Object to the proposal

The reasons for objection are:

- The extension will be overbearing to the neighbouring property
- The extension would create issues over the finished height of the boundary fence
- The proposed development would be out of character to the area and increase the density
- Concerns that the proposed would lead to drainage issues

Internal Consultations

Environmental Health

No objections

Pollution Control Officer

No objections but conditions are recommended should permission be granted.

Landscape Officer

No objection to the principle of development. The Landscape Officer commented that the details submitted are acceptable but that the red line boundary should incorporate all land as per previous application and with same acceptable design proposals.

Planning Policy

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

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

CIL Officer

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

Special Area of Conservation Mitigation Fee

Given that a net increase in dwellings is proposed the development needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan Part 1 Policy CP13). As this development is not liable to pay CIL this will need to be done by entering into a Unilateral Undertaking. This fee is £221.00 per net additional dwelling plus legal costs

Response to Publicity

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

- Davy place is already congested with a shortage of street parking
- Removing existing garages and building a new dwelling will worsen matters
- The development will affect neighbouring amenity in terms of loss of sunlight
- There is a 1.2m high boundary on the side of a neighbour's house. The builder is going to build a 2m high fence around the new build which will result in a 3.2m high boundary on this side.
- The proposed is not in keeping with the surrounding area and would result in overdevelopment.
- The dropped kerbs in front of garages will go and have to be replaced with full kerbs, that will force vehicles to park on both side of the road in Davy Place, which will affect access for emergency vehicles.
- Plans are not presenting accurate details relating to the levels or the ridge line of the proposed.
- The actual height and whether the applicant intends to cut into the existing levels of the land to artificially achieve this must be understood
- Visibility splays are not shown.
- The cumulative impacts of this loss of parking will be severe
- The Highway Authority is failing to address the sustainability of continuing displacement of vehicles
- The Highway Authority don't understand the local parking context
- The parking area that fronts Flaxley road is not in private ownership
- Approving more crossovers reduces on street parking capacity
- The proposed will not be well related and will not successfully integrate

Relevant Planning History

CH/20/311: Erection of 3 Bedroom Detached Dwelling. Refused by Planning Committee for the following reasons: -

'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 overbearing 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.'

CH/04/0383: Residential development on 9 separate garage courts including the one subject to this application. Outline-Refused in respect to this application site on the grounds of it negative impact on the streetscene and with regard to highway safety 12/22/2004.

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

1 Site and Surroundings

1.1 The application site consists of a plot of land on the prominent corner of Davey Place and Flaxley Road, Rugeley. The plot contains 6 garages for residential parking, set back from both roadways and in line with the building line of both Davey Place and Flaxley Road.

1.2 The application site is on Pear Tree housing estate and is approximately 1km from Rugeley Town Centre.

1.3 The application site sits in an elevated position above the highway with the site sloping down to the North and to the East. The site is open at the front and southern side with a small wedge of grass to the front, outside the red edged site plan.

1.4 The site has an area of approx. 210 sqm.

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

1.6 The site is within a designated Mineral Safeguarding Area and a Low-Risk Coal Authority Designation Boundary.

2 Proposal

2.1 The Applicant is seeking consent for Erection of a 3-bed detached dwelling on land between 44 Flaxley Road and 2 Davy Place, Rugeley. Re-submission of CH/20/311. (As the applicant could not prove title to a small area of the site fronting Flaxley Road and the land is not registered, so this application is accompanied by Certificate D and a copy of the newspaper advertisement has

be supplied. In all other aspects the application is identical to the previous submission).

2.2 The proposed development would be sited 11m from the side of No. 2, 2m from the side of No. 44 and would front the main road through the estate.

2.3 The site is 210 sqm and the dwelling would have a footprint of 46 sqm. The proposed floor level would be approx. 0.5m above No. 44 to the south. The proposed dwelling would be constructed to a height of 7.7m to the ridge (4.6m to the eaves) and would be orientated with the front elevation facing onto the main highway through the estate.

2.4 Two parking spaces would be provided off Flaxley Road, in front of the proposed dwelling.

2.5 The private amenity space provided would measure approx.125 sqm and would be set behind a 1.8m high concrete post and timber panel fence. The proposed fence would be set back from the side boundary by 2m with a new landscaping strip proposed to the front of this. The landscaping proposed would comprise of 1No. Silver Birch Trees and a beech hedge along the northern boundary.

2.6 The external appearance of the dwelling would be similar to existing properties on this estate. Walls would be cream textured render with brick on edge detailing beneath all windows and also above the ground floor windows. Door and windows would be white upvc. Porous tarmac is proposed for the hardstanding at the front. Roof tiles would be plain concrete.

3 Planning Policy

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

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

CP1 - Strategy – the Strategic Approach

CP3 - Chase Shaping – Design

Minerals Local Plan for Staffordshire

Policy 3.2 of the new Minerals Local Plan

3.3 **National Planning Policy Framework**

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

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

3.6 Relevant paragraphs within the NPPF include paragraphs: -

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

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

Manual for Streets.

4 Determining Issues

4.1 The determining issues for the proposed development include: -

i) Principle of development

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

iii) Impact on residential amenity.

iv) Impact on highway safety.

v) Impact on nature conservation interests

v) Waste & recycling facilities

vi) Drainage & flood risk

vii) Minerals

viii) Ground Conditions and Contamination

ix) Affordable Housing

4.2 Principle of the Development

4.2.1 The proposal is for the construction of one dwelling on the corner of Flaxley Road and Davy Place. Both the NPPF and Cannock Chase Local Plan Policy

CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. Further, Local Plan Policy CP6 seeks to support the creation of new homes within existing urban areas.

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

4.2.3 In respect to the principle of the proposal it is noted that the site is located within the main urban area of Rugeley and hence broadly conforms to the requirements of Policy CP1. In addition to the above the site is located within a sustainable location with good access by cycle or walking to the town centre where there is a wide range of goods and services to meet the day to day needs of people. As such the proposal would meet the thrust of Policy CP1 to focus investment and regeneration on existing settlements which are expected to accommodate most of the District's housing and it is therefore concluded that the proposal is acceptable in principle.

4.2.4 However, proposals that are acceptable in principle are still subject to all other policy tests. The next sections of this report will consider the proposal in the light of those policy tests and determine what harms or benefits arise from the proposal.

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

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

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

(ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.

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

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

Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

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

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

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

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

(i) Overall layout

(ii) Density

(iii) Materials, scale and external appearance of the dwellings

(iii) Landscaping

4.3.7 In order to inform the application the applicant has provided a streetscene showing how the dwelling would look in its immediate context.

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

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

4.3.10 The relationship between the proposed dwelling and its immediate dwellings to the north is demonstrated by the streetscene drawing provided by the applicant. However, it is considered necessary to ensure that any permission is subject to a condition to establish the finished floor levels and levels throughout the site

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 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 indicates the proposed dwelling to be 2m from the side elevation of No.44. This distance is the same as the relationship between all semi-detached dwellings on this Road which is on a hill and therefore dwellings to the north are on a lower ground level. The proposed dwelling would be sited in line with the front and rear elevations of No. 44 and new fencing would delineate the side and rear boundaries. No windows are proposed for the elevation facing No. 44 and as the proposed is directly to the south the trajectory of the sun will be at its highest which will ensure adequate sunlight to any window on the southern side of No. 44. The southward facing windows are not primary windows in any case. New low level shrub planting is proposed for the front southern boundary. The proposal indicates two parking spaces to be provided to the front. As such, the proposed dwelling would have no significant impact on the occupiers of No.44.

4.4.6 The proposal would be 11m m from the side elevation of No. 2 Davy Place, which comprises of a blank elevation with the exception of a doorway, which is under the cover of a car port and largely unseen. Whilst the proposed development would fall short of the guidance set out within the Design SPD which seeks 12m between principle elevations and side elevations (a shortfall of 1m), the proposed dwelling would be constructed in line with existing dwellings and therefore would not significantly alter the existing situation in terms of overbearing to the occupiers of No.2. Furthermore, the orientation of the sun would result in a negligible loss of sun at the end of the day.

4.4.7 The proposed dwelling would benefit from a side/rear garden comprising of 125m² which would provide sufficient amenity space for any future occupiers and is nearly double that indicated in the Design SPD which requires a minimum area of 65m² per three-bedroom dwelling.

4.4.8 Given the above, overall, having had regard to Council's Design SPD the proposal is considered, on balance, to be acceptable in terms of protecting the amenity of existing occupiers as well as any future occupiers of the site.

4.5 **Impact on Highway Safety**

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

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

4.6 **Impact on Nature Conservation Interests**

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

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

4.6.3 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. There is a net increase of one dwelling and as such SAC mitigation contributions are required. Given that the proposal would not result in an increase in floor area on the site no CIL would have to paid. As such the mitigation for the impact on Cannock Chase SAC would need to be secured by means of a unilateral undertaking.

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

4.7 **Drainage and Flood Risk**

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

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

4.7.3 The applicant has stated that it is intended to connect to the existing drainage system. It is noted that the site immediately abuts a main road and is within a predominantly built-up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area. Therefore, it is considered that reasonable options for draining the site are available.

4.8 **Mineral Safeguarding**

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

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

> ‘Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:
>
> a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
>
> b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

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

4.9 **Waste and Recycling Facilities**

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

4.9.2 The proposed dwelling would be sited within close proximity to the highway within a residential area where bins are already collected by the Local Authority. The bins would, in this instance, be collected from the adjacent highway within Flaxley Road.

4.10. **Ground Conditions and Contamination**

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

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

4.11 **Affordable Housing**

4.11.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, given the order of the Court of Appeal, dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014, and the subsequent revision of the PPG it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

4.12 **Issues raised not already covered above**

4.12.1 The main points of objection have been addressed in the body of the report. An objector has commented that the combined height of the proposed northern boundary would be 3m high. The proposed boundary however is only 1.8m high and therefore would constitute permitted development. As such any harm arising from the boundary treatment would not be any greater than what could result from the applicant / site owner exercising their permitted rights.

4.12.2 In terms of drainage, new 100mm foul and storm water drains as well as new mains services are proposed.

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

4.12.4 Issues in respect of highway safety are addressed by the comments of the Highway Officer.

4.12.5 In respect to comments on the site's planning history it should be noted that each application should be determine don its own merits and in accordance with policy and guidance as it stands at the point that the decision is taken.

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.