

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

5 December, 2023

Dear Councillor,

Planning Control Committee

3:00pm, Wednesday 13 December 2023

Council Chamber, Civic Centre, Cannock

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

Application Number	Application Location and Description	Start Time
CH/23/0251	Outline application - erection of a pair of two bedroom bungalows (access and layout only) 28 Chapel Street, Heath Hayes, Cannock, WS12 3HE	1.55pm
CH/23/0278	Detached garage and amended vehicular access 19 Eskrett Street, Hednesford, Cannock, WS12 1AR	2.15pm
CH/23/0324	Erection of a detached four bed house with some matters reserved 18 Old Hednesford Road, Cannock, WS11 6LD	2.35pm

Members wishing to attend the site visits are requested to meet at 28 Chapel Street, Heath Hayes, WS12 3HE at 1.55pm as indicated on the enclosed plan. Please note that, following a risk assessment, Members undertaking site visits must wear full PPE or they will not be permitted on to the site. In this case, the PPE will constitute a hard hat, hi-vis vest, and safety footwear.

Yours sincerely,



Tim Clegg
Chief Executive

To Councillors:

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

Agenda

Part 1

1. Apologies

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

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

3. Disclosure of Details of Lobbying of Members

4. Minutes

To approve the Minutes of the meeting held on 13 December 2023 (enclosed).

5. Members' Requests for Site Visits

6. Report of the Planning Services Manager

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

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

Site Visit Applications

	Application Number	Location and Description	Item Number
1.	CH/23/0251	Outline application - erection of a pair of two bedroom bungalows (access and layout only) - 28 Chapel Street, Heath Hayes, Cannock, WS12 3HE	6.1 - 6.18
2.	CH/23/0278	Detached garage and amended vehicular access - 19 Eskrett Street, Hednesford, Cannock, WS12 1AR	6.19 - 6.35
3.	CH/23/0324	Erection of a detached four bed house with some matters reserved - 18 Old Hednesford Road, Cannock, WS11 6LD	6.36 - 6.52

Planning Applications

	Application Number	Location and Description	Item Number
4.	CH/23/0346	Retrospective change of use from residential property to short term let/holiday accommodation - 88 Hatherton Road, Cannock, WS11 1HH	6.53 - 6.66
5.	CH/23/0287	Part Demolition of ground floor, 2 storey rear extension and conversion into 4 no. 1 bedroom apartments - 151, Unit 2 and Flat Above, Walsall Road, Norton Canes, Cannock, WS11 9QX	6.67 - 6.84
6.	CH/23/0357	Single Storey side extension and erection of a 2 bay garage to front of existing house - 4 Brindley Crescent, Hednesford, Cannock, WS12 4DS	6.85 - 6.100

7. Exclusion of the Public

The Chair to move:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraph 1, 2 and 7, Part 1, Schedule 12A of the Local Government Act 1972 (as amended).

Agenda

Part 2

8. Enforcement Case - ENF/23/109

Not for Publication Report of the Planning Services Manager (Item No. 8.1 - 8. 11)

This Report is confidential due to the inclusion of:

- information relating to any individual
- information which is likely to reveal the identity of an individual
- information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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

Held on Wednesday 15 November 2023 at 3:00pm

In the Council Chamber, Civic Centre, Cannock

Part 1

Present: Councillors

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

45. Apologies

An apology for absence was received from Councillor A. Fitzgerald.

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

Nothing declared.

47. Disclosure of Details of Lobbying by Members

None declared.

48. Minutes

Resolved:

That the Minutes of the meeting held on 18 October 2023 be approved as a correct record.

49. Members Requests for Site Visits

None.

50. Application CH/23/0131, Land bound by Ringway, Church Street and Market Hall Street, Cannock Town Centre, WS11 1EB - Outline planning permission with all matters reserved for regeneration of town centre including mixed use leisure and cultural hub, refurbishment of Prince of Wales Theatre, up to 750sqm of new café/bar/restaurant premises within the theatre, new café building (up to 325sqm), managed workspace (up to 1300sqm), replacement retail unit (up to 1858sqm),

new office accommodation (up to 3170sqm), extra care/retirement accommodation (up to 70 dwellings), bicycle hub and associated public realm improvements

Consideration was given to the Report of the Planning Services Manager (Item 6.1 - 6.37) presented by the Planning Officer.

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

Prior to consideration of the application representations were made by Andrew Clarke, the agent, speaking in support of the application.

Resolved:

(A) That the applicant be requested to enter into an Agreement under Section 106 of the Town and Country Planning Act, 1990, to secure contributions as follows:

- To mitigate recreation impacts upon Cannock Chase Special Area of Conservation;
- The provision of 20% affordable housing contribution if C3 dwellings units are provided and not C2 residential care;
- NHS contribution for enhancement of healthcare facilities to address any associated uplift in population (a contribution of £56,874 is sought);
- Travel Plan along with a monitoring fee of £10,000.

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

51. Application CH/23/0341, 26 Heath Gap Road, Blackfords, Cannock, WS11 6DY - Erection of 1 x 2 bed house

Following a site visit, consideration was given to the Report of the Planning Services Manager (Item 6.38 - 6.52) presented by the Development Management Consultant.

The Development Management Consultant provided a presentation to the Committee outlining the application showing photographs and plans of the proposals. Members were advised of the following update, which had also been circulated to Members in advance of the meeting: -

“Following compilation of the report for the Committee agenda, officers have received the following:

Consultation Response: The Local Highway Authority has now commented and has no objections to the proposal subject to a condition regarding the surfacing material for the parking and turning area. This would have been based on the original set of plans. Notwithstanding this, the recommendation has not changed as the application is no longer recommended for refusal on highway grounds in any event.

Representation: 1 further objection letter has also been received raising objections the same as those set out in the committee report at Item 6.41. No new issues are raised.
Correction to Officer Report: At Item 6.46, Para. 4.15 should say 23 Hardie Green, not 31”.

Prior to consideration of the application representations were made by Tony Hughes, the applicant, speaking in support of the application.

Resolved:

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

52. Application CH/22/0419, 1 Brindley Heath Road, Hednesford, Cannock, WS12 4DR - Demolition of existing buildings and erection of 3 no. apartment buildings providing 14 no. dwellings, plus associated development including access, parking and landscaping

Following a site visit, consideration was given to the Report of the Planning Services Manager (Item 6.53 - 6.83) presented by the Development Management Team Leader.

The Development Management Team Leader 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 David Pickford, the agent, speaking in support of the application.

Resolved:

- (A) That the applicant be requested to enter into an Agreement under S106 of the Town and Country Planning Act, 1990 to secure a financial contribution for the provision of off-site affordable housing.
- (B) That on completion of the Agreement delegated authority be given to the Head of Economic Development and Planning to approve the application subject to the conditions contained in the report for the reasons stated therein.

53. TPO 2023/03 53A Hill Street, Hednesford

Consideration was given to the Report of the Planning Services Manager (Item 6.84 - 6.88) presented by the Principal Landscape and Countryside Officer.

The Principal Landscape and Countryside Officer provided a presentation to the Committee that outlined the report and showed photographs.

Resolved:

That TPO 2023/03 be confirmed without modification.

The meeting closed at 4.45pm.

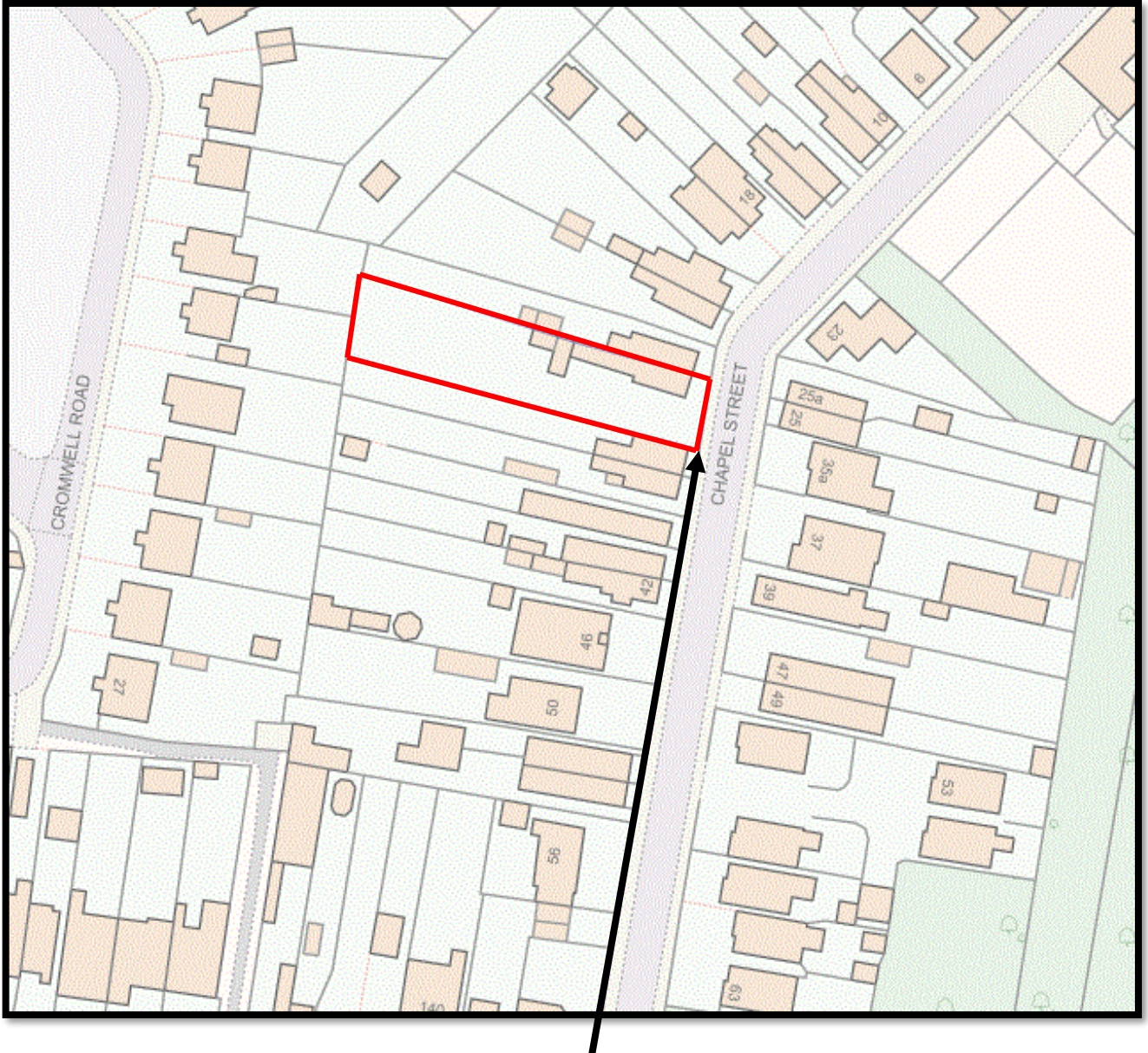
Chair



Application: CH/23/0251
Location: 28, Chapel Street, Heath Hayes,
Cannock, WS12 3HE
Proposal: Outline application - Erection of a pair of
two bedroom bungalows (access and layout only)



Site Visit Plan



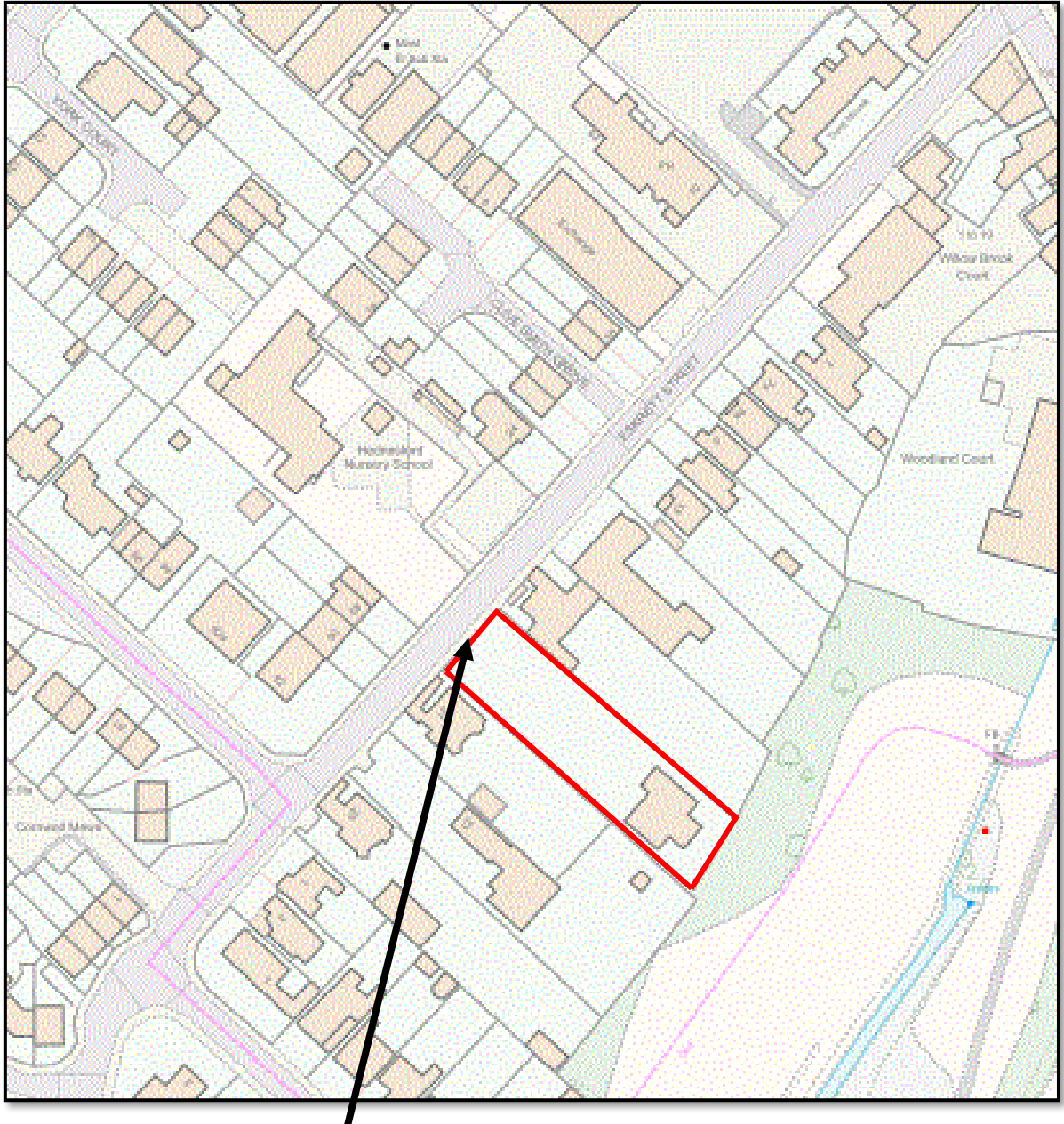
**SITE VISIT
MEETING POINT**



Application: CH/23/0278
Location: 19, Eskrett Street, Hednesford, Cannock,
WS12 1AR
Proposal: Detached garage and amended vehicular
access



Site Visit Plan



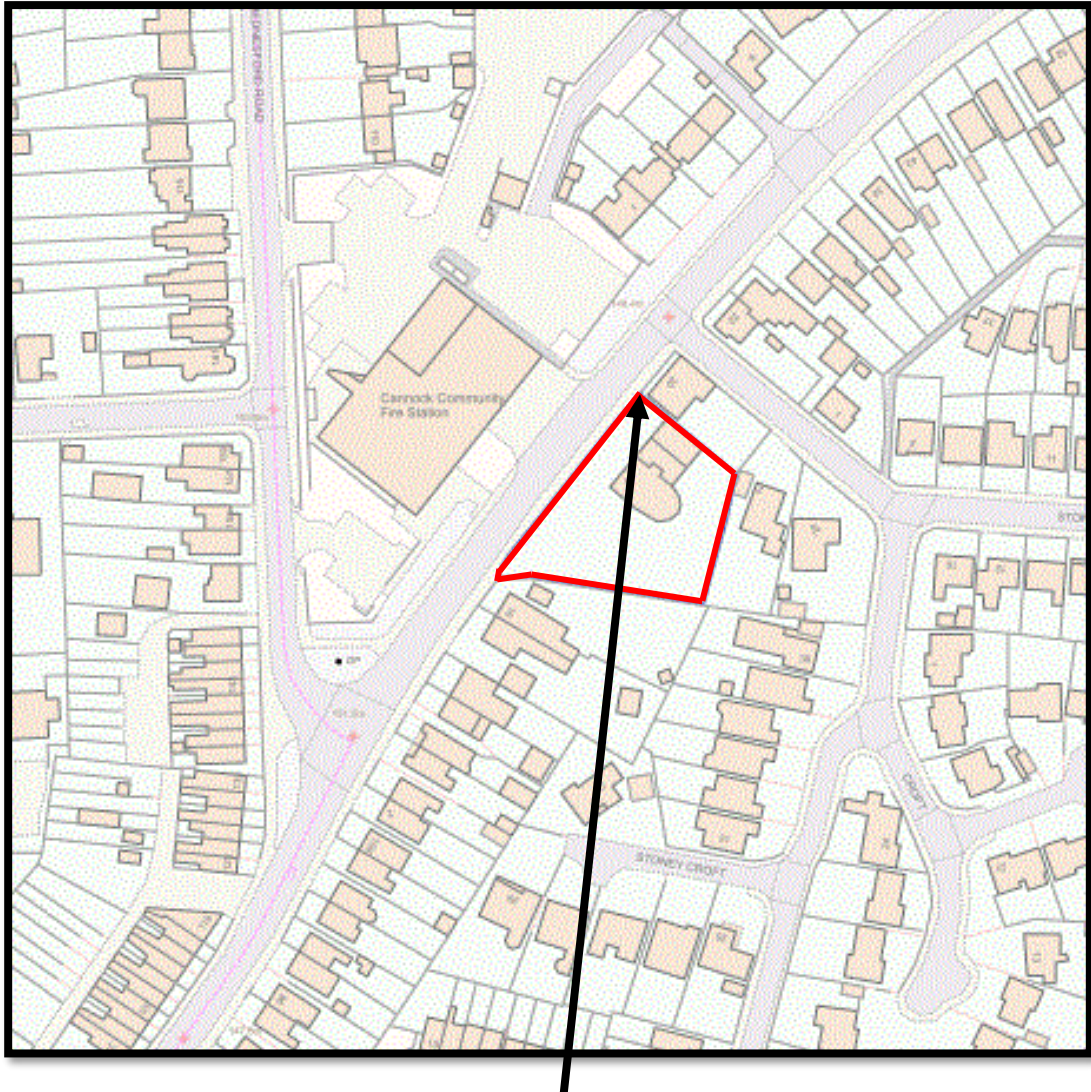
**SITE VISIT
MEETING POINT**



Application: CH/23/0324
Location: 18, Old Hednesford Road, Cannock,
WS11 6LD
Proposal: Erection of a detached four bed house
with some matters reserved



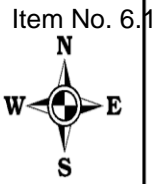
Site Visit Plan



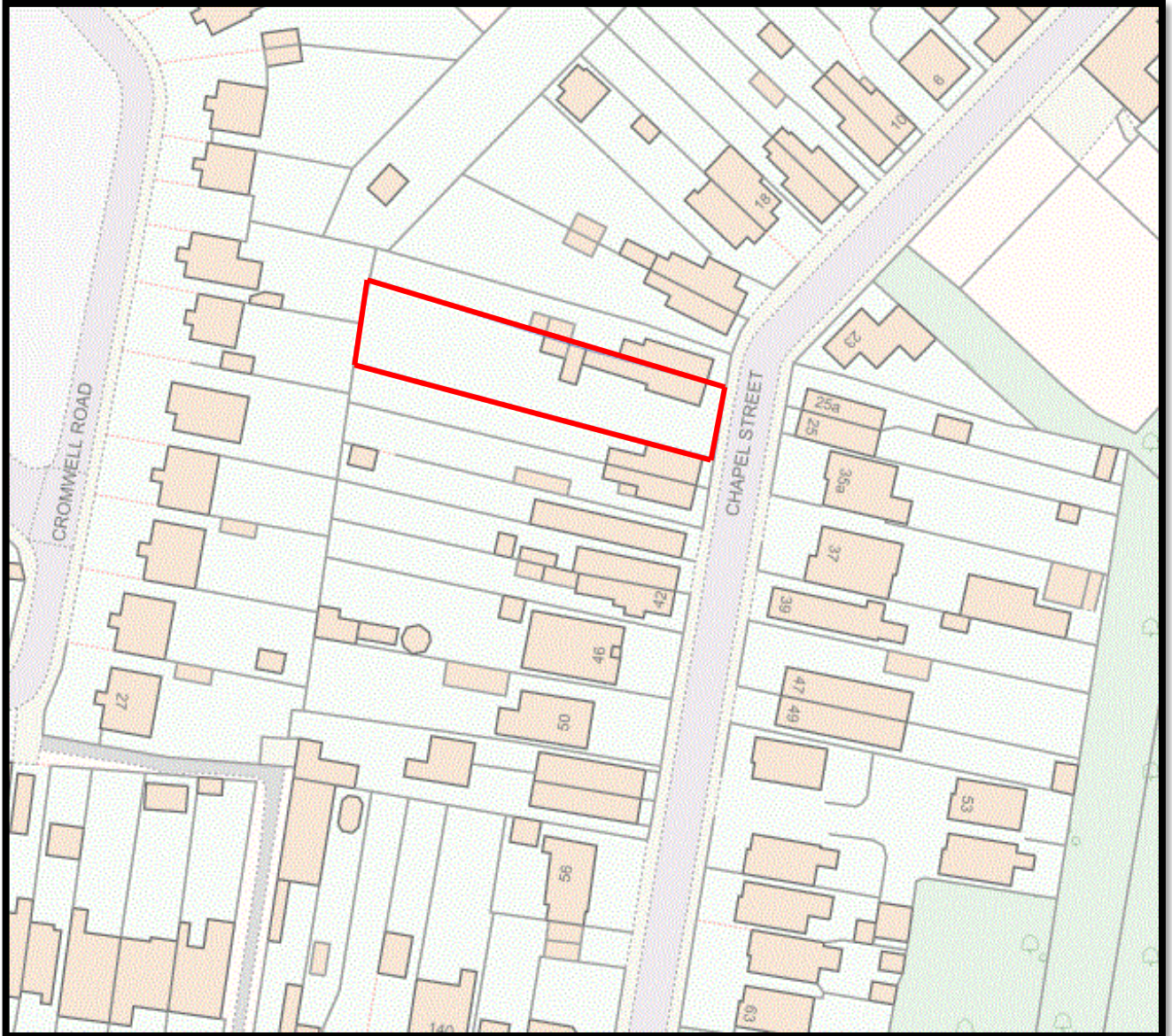
**SITE VISIT
MEETING POINT**

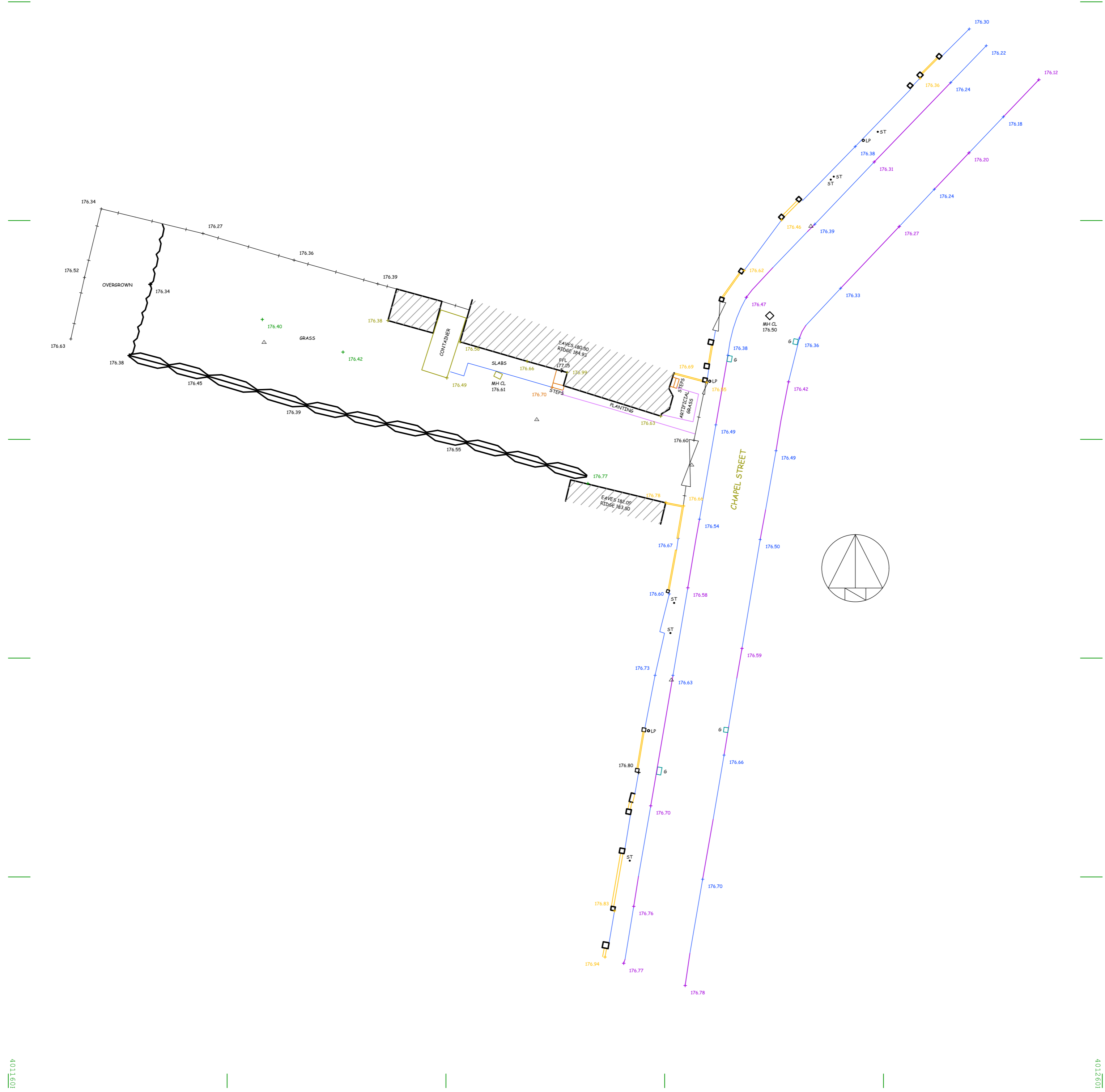


Application: CH/23/0251
Location: 28, Chapel Street, Heath Hayes,
Cannock, WS12 3HE
Proposal: Outline application - Erection of a pair of
two bedroom bungalows (access and layout only)



Location Plan





PLOTTED A2
JOHN REYNOLDS & ASSOCIATES LIMITED
 ARCHITECTURAL CONSULTANT
 3 Meadway Close
 Hednesford
 Cannock
 Staffs WS12 2PD
 Tele 07710 359905
 E mail johnreynoldsandassociates@gmail.com
 CLIENT
MR.IAMES
 28 Chapel Street
 Heath Hayes
 WS12 3HE
 PROJECT
RESIDENTIAL DEVELOPMENT
 one pair of two bed semis
 JUNE 2023
 DR No
2023:08:01

existing site plan 1:250

**JOHN
REYNOLDS &
ASSOCIATES
LIMITED**

ARCHITECTURAL
CONSULTANT
3 Meadway Close
Hednesford
Cannock
Staffs WS12 2PD
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E mail
johnreynoldsandassociates@gmail.com

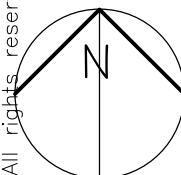
CLIENT
MR.I.AMES
28 Chapel Street
Heath Hayes
WS12 3HE
JUNE 2023



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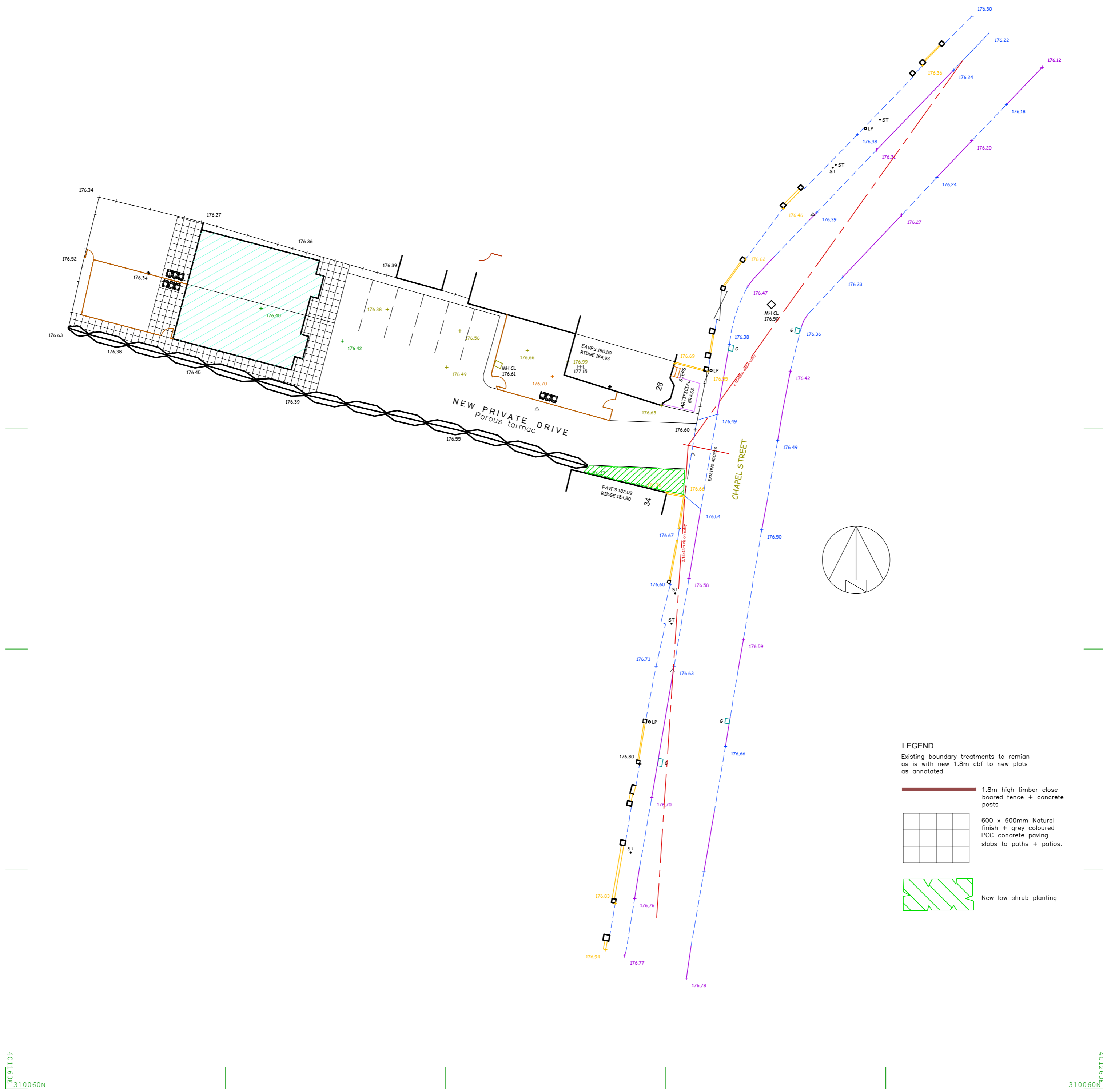
location plan

1:1250



site plan 1:500

plotted at A4



PLOTTED A2
JOHN REYNOLDS & ASSOCIATES LIMITED
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 PROJECT
RESIDENTIAL DEVELOPMENT
 one pair of two bed semis
 JUNE 2023
 DR No
2023:08:02

4012603E
310060N

4012603E
310060N

Contact Officer:	David O'Connor
Telephone No:	4515

Planning Control Committee 13 December 2023
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Application No:	CH/23/0251
Received:	26 June 2023
Location:	28, Chapel Street, Heath Hayes, Cannock, WS12 3HE
Parish:	Heath Hayes and Wimblebury CP
Ward:	Heath Hayes East and Wimblebury
Description:	Outline application - Erection of a pair of two bedroom bungalows (access and layout only)
Application Type:	Outline Planning Permission

The application is being presented to Members for determination following objections from Heath Hayes and Wimblebury Parish Council

RECOMMENDATION: Approve

- 1) In the case of any reserved matters, application for approval must be made not later than the expiration of three years beginning with the date on which this permission is granted ; and

The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Reason

To comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

- 2) No part of the development hereby permitted shall be commenced until approval of the details of appearance, landscaping, and scale ('the reserved matters') has been obtained from the Local Planning Authority.

Reason

The permission is in principle only and does not authorise development to commence until all 'the reserved matters' have been approved. To ensure compliance with the requirements of Section 92 of the Town & Country Planning Act 1990.

- 3) Construction activities, including deliveries and ground works, shall be restricted to the following times: • 08:00 – 18:00 Monday to Friday. • 08:00 – 13:00 Saturday. Construction shall not be undertaken on a Sunday or a public holiday.

Reason: To mitigate potential adverse impacts from construction noise on residential amenity.

- 4) The proposed access, turning and parking areas as shown on the approved drawing labelled Proposed Site Plan Drawing No. 2023:08:02 shall be sustainably drained, hard surfaced in a bound material and marked out prior to occupation of the proposal hereby permitted. Thereafter these parking areas shall be retained in accordance with the approved plans for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable drainage

- 5) Prior to the commencement of any construction or site preparation works including any actions likely to interfere with the biological function of the retained trees and hedges, approved protective fencing shall be erected in the positions shown on the approved Fig 1 Arboricultural Implications Assessment and Protection Plan to form a Tree Protection Zone.

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

Reason

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

- 6) As part of any subsequent Reserved Matters application, details of a Bin Store Area shall be provided for as part of any future submissions. Thereafter the bin store shall be made available for use prior to first occupation of the approved dwellings.

Reason: In the interests of assuring appropriate refuse storage provision in line with Local Plan Policy CP3.

- 7) No dwelling hereby permitted shall be occupied until bat roost enhancement measures have been installed to each dwelling. The measures shall include a Bat Box or Bat Brick which shall be integrated into the roof or elevations.

Thereafter, the provided bat boxes shall be retained for the lifetime for the development.

Reason

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

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

2023:08:02 – Proposed Site Layout

Reason: In the interests of the proper planning of the development

Notes to the Developer:

None

Consultations and Publicity

Internal Consultations

Environmental Health – No objection subject to condition

No objection to the proposed development, subject to the application of a condition to restrict construction times, in the interest of minimising impact to existing residential amenity.

Planning Policy – No objections

The site is within the Neighbourhood Area for Heath Hayes and Wimblebury. The site has not previously been identified as a potential development site in the Cannock Chase SHLAA/ELAA or as a Local Plan allocation.

The main policy considerations for this application are the principles of good design in accordance with the NPPF, Local Plan Policy CP3 and the Councils Design SPD including whether the proposed density, layout, orientation and spacing will complement and enhance the character and appearance of the local area, whether there is appropriate access and parking provision, whether this accords with adopted separation distances and garden size standards and the impact of loss of garden land in this location.

External Consultations

Staffordshire Police – No objections

Heath Hayes and Wimblebury Parish Council – Objection

Council considers this to be an over development of the area. The infrastructure is already overcrowded.

Staffordshire County Highways Authority – No objections subject to conditions

This is an outline application with means of access and layout only to be determined at this stage. The proposal is for the erection of a pair of two bedroom bungalows in the rear garden of property No. 28 Chapel Street. The proposed site plan shows a shared access of 4.2m which will allow two vehicles to pass each other safely and prevent vehicles waiting on the highway. This should remain ungated. Appropriate visibility splays have been provided.

A total of 6no car parking spaces are proposed; 2no for each new bungalow and 2no for the existing property which meets Cannock Chase District Council's parking standards for 2 and 3 bedroom dwellings. Any parking spaces should be 2.4m x 4.8m with a minimum 6m to the rear, this will allow vehicles to leave the site in a forward gear and prevent vehicles having to reverse out of the access onto Chapel Street. Bin stores are shown within the two dwellings' rear gardens. Confirmation is requested as to whether the bin drag distance from the dwellings to the highway is acceptable.

Response to Publicity

The application has been advertised by neighbour letter. No letters of representation have been received in relation to the proposals.

Relevant Planning History

No relevant History

1. SITE AND SURROUNDINGS

- 1.1 The application site comprises one half of a pair of pitched roofed dwellings that front onto Chapel St. The area is made up of a mix of architectural styles with building dating from Approx 1900 alongside more modern 1970s and later origin properties. A short distance from the site is a pitched roofed bungalows. In the wider area exist a range of facilities to the north along Hednesford Road, with a local pharmacy, Constitutional Club, café and hair and beauty facilities. Gorsemoor Primary School and Fiveways Primary School also exist approximately 0.4miles from the application site (8 min walk).

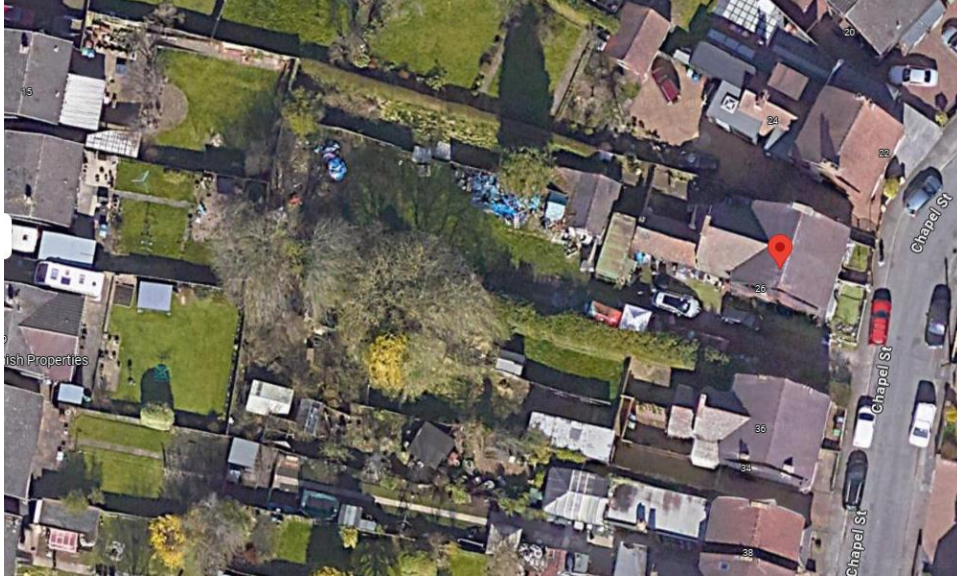


Figure 1: Satellite imagery showing the sites location and context in relation to neighbouring tree cover. Taken from Google Earth ©

- 1.2 To the rear of the property is a fairly large residential garden laid to lawn. In the neighbouring garden to the south are a range of trees that exist in relative close proximity to the boundary but are within separate ownership.

2. PROPOSAL

- 2.1 The application seeks Outline Planning Permission including matters of Access and Layout for the erection of two residential properties. The separate matters of Landscaping, Appearance and Scale are reserved for future consideration, albeit it is noteworthy the application description is for bungalows. The proposals involve the part demolition of an existing garage building to the rear of the site, removal of a shipping container and part demolition of an existing extension to the rear of the main house. The application includes a Tree Report and Bat and Bird Survey of the buildings to be demolished.

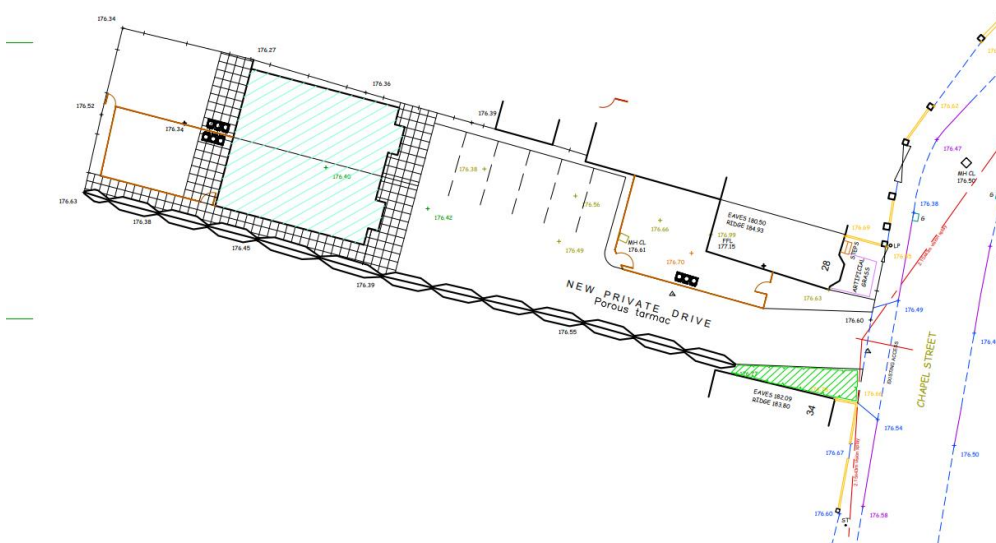


Figure 2: Extract from Proposed Layout Plan

3. PLANNING POLICIES

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan Part 1 (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030).

Cannock Chase Local Plan Part 1

- 3.3 Relevant policies within the Local Plan include: -

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

Minerals Local Plan for Staffordshire

- 3.4 Relevant Policies within the Minerals Plan Include:

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

National Planning Policy Framework

- 3.5 The NPPF (2023) 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 (2023) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.7 Relevant paragraphs within the NPPF include paragraphs: -
8: Three dimensions of Sustainable Development
11-14: The Presumption in favour of Sustainable Development
47-50: Determining Applications
126, 128, 130, 131: Achieving Well-Designed Places
176 Conserving and Enhancing the Natural Environment
179 -182 Habitats & Biodiversity
212, 213 Implementation
- 3.8 Other relevant documents include: -
(i) Design Supplementary Planning Document, April 2016.
(ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
(iii) Manual for Streets

4. **DETERMINING ISSUES**

- 4.1 The determining issues for the proposed development include: -
i) Principle of development
ii) Character and Appearance
iii) Amenity Considerations

- iv) Highways Considerations
- v) Tree Considerations
- vi) Biodiversity
- vii) Land Stability and Contamination
- viii) Other Issues

5. PRINCIPLE OF THE DEVELOPMENT

5.1 Both paragraph 11 of the NPPF (2023) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development.

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

'For decision taking this means:

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

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

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

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

5.3 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."

- 5.4 The Council's Housing Policy, CP6 conveys that *'Within a defined village settlement boundary as shown on the Policies Map [which the proposals in this case are not] will be limited to small infill sites which accord with sustainable development principles identified in the NPPF and the strategic approach defined in CP1.'*
- 5.5 In Spatial Planning terms, the site forms part of the Cannock Urban Area which does not have a settlement boundary in the same way as smaller villages. Nevertheless, Policy CP1 is clear that urban areas will accommodate most of the District's new housing. In this regard, Officers assess the site is viable in principle as a site for housing.

6. DESIGN CONSIDERATIONS

- 6.1 Focussing solely on design character considerations, the design proposed seeks to introduce development to the rear of the main frontages onto Chapel St. It is apparent that nearby (both north and south of the application site) a range of buildings including some infill dwellings are apparent. Such as the small courtyard development of 4 No. dwellings adjacent Bourne Methodist Chapel. Therefore in isolation Officers assess the appearance of the buildings proposed to the rear of the main road frontage would not be out of keeping with the immediate context.



Figure 3: Image showing location from road frontage with glimpsed view to existing rear outbuildings

- 6.2 It is also accepted relevant a range of developments of varying styles and types, including bungalows are apparent in the context of the wider application site. Additionally it is recognised the visibility of the proposed development from the public realm would be limited. Officers do not share the concerns of the Parish Council that providing the dwellings in this location would be overdevelopment. A marginal benefit is also that the site is relative run down in appearance and in this regard, redevelopment would assure visual improvement – albeit this benefit is moderated

by the fact the condition of the land is of the owners making. Nevertheless taking all relevant design considerations into account, the layout of the buildings proposed are judged to relate well to the development context of the site and its effect on the wider estate would be minimal. Accordingly in the Officers view would be appropriate in design terms in line with Local Plan Policy CP3.

7. AMENITY

- 7.1 Paragraph 130(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 7.2 The dwellings proposed would be provided with small rear gardens (55sqm and 43sqm respectively) which is in compliance with the Council's adopted SPD for a 2 bed property where a minimum of 40sqm is required. The existing dwelling is also provided with 57sqm rear garden and is considered acceptable for the scale of retained property.
- 7.3 In relation to separation distances, distances of 24m to the existing property and any neighbouring windows off Chapel Street are shown to exist in the submitted layout. This exceeds the relevant standard for facing principle windows. It is also recognised that daylight impacts upon internal spaces within the nearest properties would be limited by virtue of the lesser height of bungalow properties as stated in the description of development. With regards separation rearwards, the properties concerned are between 25m and 27m of the rear elevation of the proposed buildings. This also accords with relevant standards.
- 7.4 It is not assessed overbearing or overshadowing would be a significant consideration in this application. Similarly overlooking in whatever format of bungalow would be provided when the final design is presented, overlooking is likely to be able to be controlled by conditions or addressed by design in future.
- 7.5 As such in regards to Amenity matters, Officers assess there would be no substantive impacts on the use of neighbouring properties or their gardens as a consequence of the development. The proposals are therefore considered to comply with Local Plan Policy CP3 and NPPF Para 130(f).

8. HIGHWAYS CONSIDERATIONS

- 8.1 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.2 The proposed site plan shows a shared access of 4.2m which will allow two vehicles to pass each other safely and prevent vehicles waiting on the highway. It is also confirmed that appropriate visibility splays have been provided by the County

Highways Officer. As such in access terms, the development can be provided with a safe and suitable access.

- 8.3 A total of 6no car parking spaces are proposed; 2no for each new bungalow and 2no for the existing property. This meets Cannock Chase District Council's parking standards for 2 and 3 bedroom dwellings.
- 8.4 Separate considerations around bin carry distances and fire appliance access are relevant to the proposals. Manual for Streets suggests that Bin Carry distances should not exceed 30m to the storage point and that waste collection vehicles should be within 25m of the waste collection point. In this instance no bin store is shown, but reasonable space appears to exist to the front of the site approx. 32-35m from the dwellings. Officers assess sufficient flexibility within the site to enable waste collection consideration to not be a substantial concern and a condition is recommended.
- 8.5 In relation to the fire appliance considerations, Manual For Streets states there should be vehicle access for a pump appliance within 45 m of single family houses. The location of the house as shown from the edge of the public highway scales at 35.m. As such this standard is met and is therefore not a substantive concern in this case.
- 8.6 Therefore the Highway Authority are accepting of the development, they assess adequate visibility is available and that the development caters for parking in line with relevant standards. As such compliance with Local Plan Policy CP10 is assured.

9. TREE CONSIDERATIONS

- 9.1 The application includes a Tree Survey report which plots the trees within and close to the site. The report provides commentary on their condition. The main Trees impacted are a Goat Willow (G1) as shown in the submitted plans. The level of information provided with regard to trees and special construction techniques is limited. However it is acknowledged within the submissions that there is incursion into the root area of the Goat Willow. The report states:
- (i) *There will be a slight impact into the calculated RPA of the trees which is tolerable given the species profile and the amount of incursion into the RPA.*
 - (ii) *Any new services will be out of the RPAs of all the trees.*
 - (iii) *The trees are located to the south of the site so some shading may occur.*
 - (iv) *Storage and mixing of materials can be carried out to the south of the build area away from the trees*
- 9.2 Whilst more detail on proposed foundation design, shading and soil desiccation could have been discussed within the report, the overall nature of the issue is that

some incursion into the root zone is not likely to significantly affect the tree and that with basic tree protection fencing as shown in the submitted plan, the category C tree can be protected subject to the inclusion of a relevant condition.



Figure 4: Imagery showing position of trees to the left of where the proposed buildings would be located

- 9.3 Accordingly Officers assess the application is in compliance with Policy CP3 and the application is able to show how the development would successfully integrate with existing trees.

10. BIODIVERSITY

- 10.1 Paragraph 174 of the NPPF states [amongst other things] that ‘Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) 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);

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

- 10.2 With respect to Protected Species and Birds, a formal Bat and Bird Survey has been presented. This examines the buildings to be demolished as part of the proposals. In particular the report states:

- (i) *There is no evidence of bats using the buildings as a place of shelter.*

- (ii) *There was no evidence of birds nesting in the building.*
- (iii) *There is a very poor roosting opportunity between the rear of the plain tiles and the solid brick gable walls or against the ridge board in both buildings. The roof of outbuilding 1 is very poor and the potential places of shelter are open to weather penetration and can be managed by contractors following the method of working set out in this report.*
- (iv) *A single emergence survey of out building 2 has been undertaken to determine if bats are using the building as a place of shelter. No bats were recorded using the building as a place of shelter.*
- (v) *A new bat roosting opportunity can be created by installing an integrated bat box into the gable elevation of each new dwelling, to meet the requirements of the National Planning Policy Framework (2019).*
- (vi) *A method of working must be put in place with contractors to ensure that in the event of bats being found they will not be injured.*

10.3 Taking account the above, Officers are satisfied protected species would not be impacted by the proposals. Conditions securing compliance with the method of working approach advocated are recommended as are conditions to assure net enhancement.

10.4 Detailed habitat survey of the site has not been provided. It is noted the majority of the land is mown amenity grassland and as such has relatively low starting ecological habitat value. Ecological enhancement could reasonably be secured by conditions in terms of bat or bird boxes and formal landscaping to assure compliance in terms Net Biodiversity uplift. Therefore with regard to offsetting and enhancement, Officers are satisfied that subject to conditions the development would comply with Para 174(b).

Cannock Chase SAC

10.5 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. This may be provided through CIL and not require a s106 however CIL isn't calculated until the Reserved Matters phase.

11. **HUMAN RIGHTS ACT 1998 AND EQUALITY ACT 2010**

Human Rights Act 1998

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

Equality Act 2010

- 11.2 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.

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

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

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

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

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

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

12. **CONCLUSION**

- 12.1 The application seeks Outline planning permission for the erection two bungalows with matters of Access and Layout only. The site is located within a main urban area and as such is provided with good access to day to day facilities and services. Therefore in principle the proposed development is acceptable.

- 12.2 Officers have no significant concerns with the layout of the development or its relationship to neighbouring properties. The Tree Protection Strategy proposed is considered broadly acceptable and ecological enhancements can be incorporated into the build. As such the application is recommended for Approval.

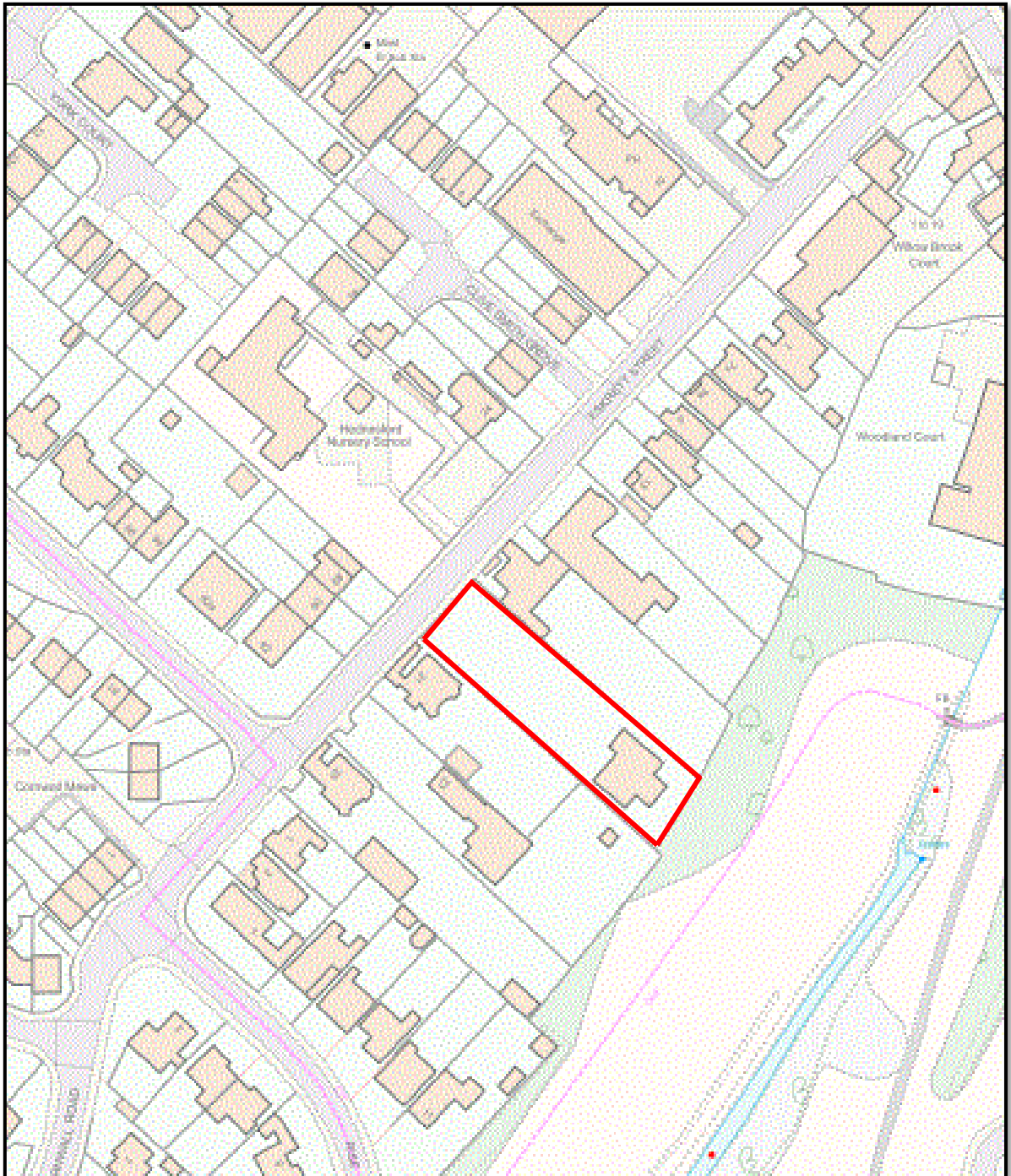


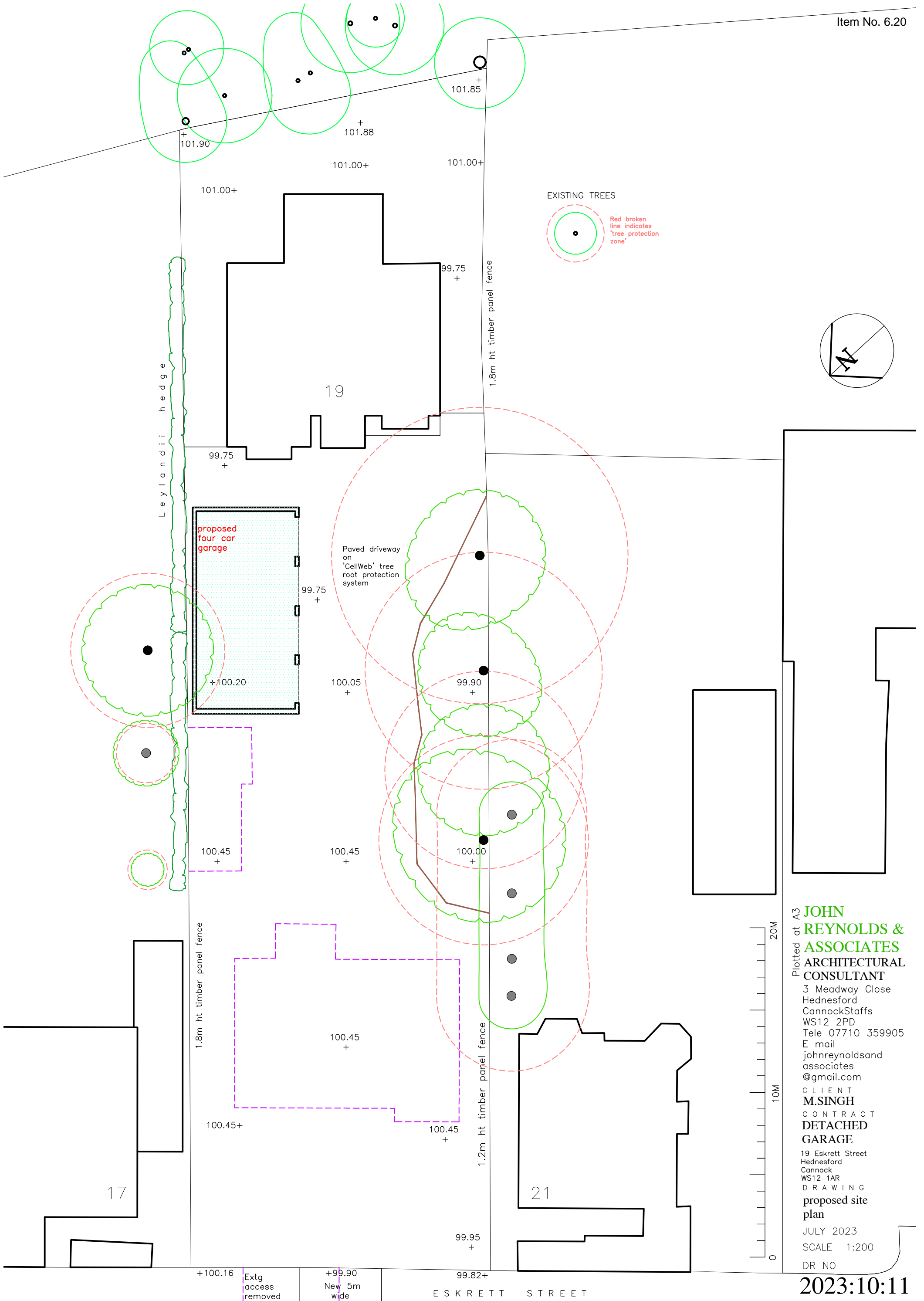
Application: CH/23/0278
Location: 19, Eskrett Street, Hednesford, Cannock,
WS12 1AR
Proposal: Detached garage and amended vehicular
access

Item No. 6.19

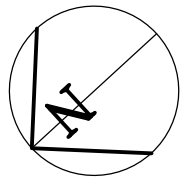


Location plan

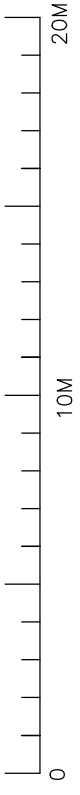




EXISTING TREES
 Red broken line indicates 'tree protection zone'

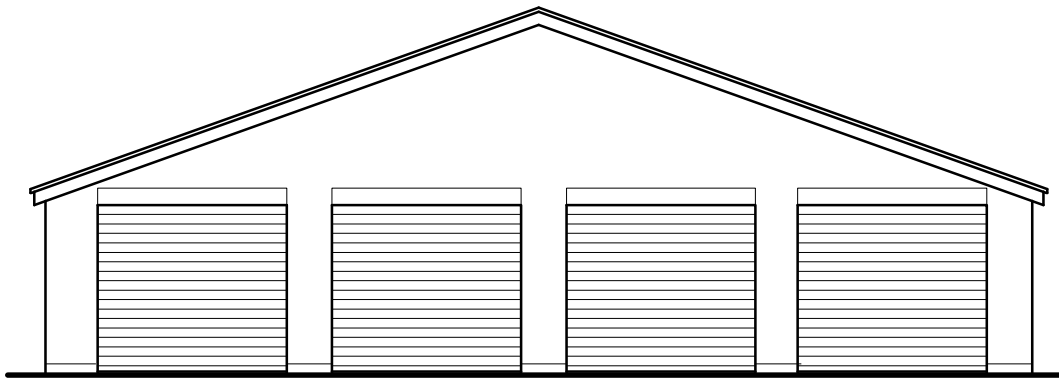


Plotted at A3
JOHN REYNOLDS & ASSOCIATES
 ARCHITECTURAL CONSULTANT
 3 Meadway Close
 Hednesford
 CannockStaffs
 WS12 2PD
 Tele 07710 359905
 E mail johnreynoldsandassociates@gmail.com
 CLIENT **M.SINGH**
 CONTRACT **DETACHED GARAGE**
 19 Eskrett Street
 Hednesford
 Cannock
 WS12 1AR
 DRAWING **proposed site plan**
 JULY 2023
 SCALE 1:200
 DR NO

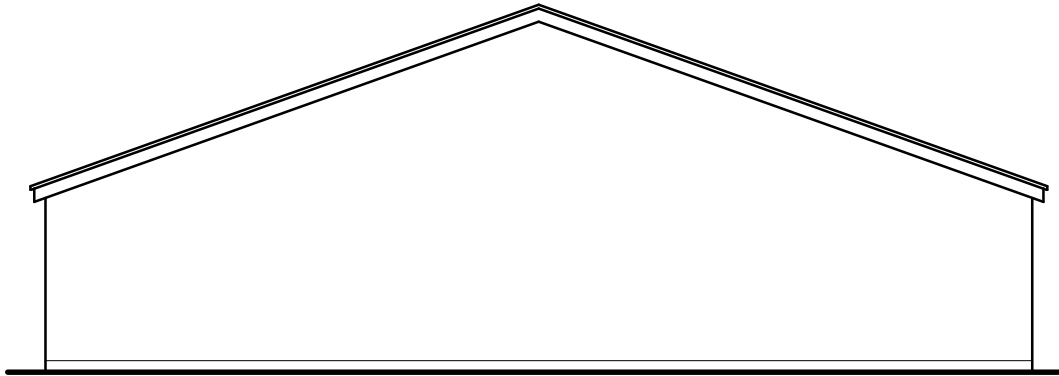


ESKRETT STREET

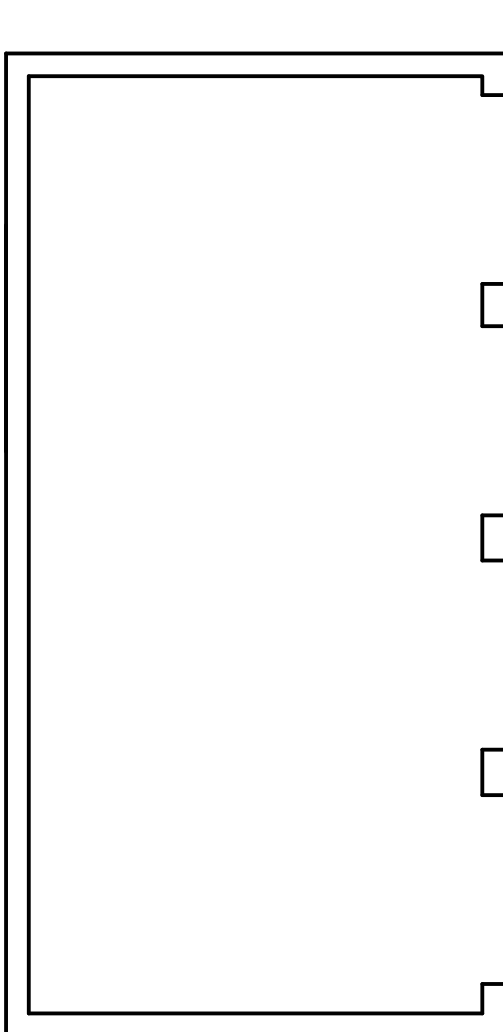
2023:10:11



SIDE ELEVATION 1:100



SIDE ELEVATION 1:100



FRONT ELEVATION 1:100



REAR ELEVATION 1:100
Roof tiling + facing brickwork
all to match existing

Plotted at A4
**JOHN
REYNOLDS &
ASSOCIATES**
ARCHITECTURAL
CONSULTANT

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CLIENT
M.SINGH

CONTRACT
**DETACHED
GARAGE**

19 Eskrett Street
Hednesford
Cannock
WS12 1AR

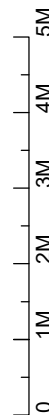
DRAWING
**floor plans +
elevations**

JULY 2023

SCALE 1:100

DR NO

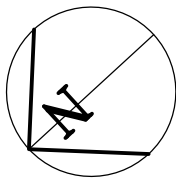
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**ARCHITECTURAL
CONSULTANT**

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LOCATION PLAN 1:1250

CLIENT
M.SINGH
19 Eskrett Street
Hednesford
Cannock
WS12 1AR
JULY 2023

Contact Officer:	David O'Connor
Telephone No:	4515

Planning Control Committee 13 December 2023
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Application No:	CH/23/0278
Received:	31 Jul 2023
Location:	19, Eskrett Street, Hednesford, Cannock, WS12 1AR
Parish:	Hednesford CP
Description:	Detached garage and amended vehicular access
Application Type:	Full Planning Application

The application is being presented to Members for determination following a request to speak from a member of the public

RECOMMENDATION: Approve

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

Reason

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

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

Reason

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

- 3) The garage shall not be used for any purpose other than the accommodation of private motor vehicles belonging to the occupiers of the dwelling or any other use which is incidental to the enjoyment of the dwelling.

Reason

To safeguard the amenities of the area and to ensure that the use of the premises does not detract from the enjoyment of their properties by adjoining residents and to ensure compliance with the Local Plan Policy CP3 - Chase Shaping Design and the NPPF.

- 4) No part of the development hereby approved shall commence or any actions likely to interfere with the biological function of the retained trees and hedges shall take place, until details of the proposed engineering approach to the construction of the foundations of the garage and the construction of the No Dig root protection surfacing to the driveway have been submitted and agreed in writing by the Local Planning Authority. Details shall include the position and construction of all fencing and the care & maintenance of the trees & hedges within. Thereafter the development shall be carried out in accordance with the agreed approach.

Reason

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

- 5) No part of the development hereby approved shall commence or any actions likely to interfere with the biological function of the retained trees and hedges shall take place, until a formal Arboricultural Method Statement have been submitted and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed approach.

Reason

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

- 6) Prior to the vehicle access crossing being constructed the lighting column shall be repositioned.

Reason: In the interests of Highway Safety in accordance with Local Plan Policy CP10.

- 7) The development hereby permitted shall not be brought into use until the access has been provided in a bound and porous material in accordance with Proposed Site Plan Drawing No.2023:10:11A and shall thereafter be retained for the lifetime of the development.

Reason: In the interests of Highway Safety in accordance with Local Plan Policy CP10.

- 8) Before the development is brought into use, the redundant footway crossing along Eskrett Street shall be reinstated with full height kerbs.

Reason: In the interests of Highway Safety in accordance with Local Plan Policy CP10.

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

2023:10:11 – Proposed Site Plan
2023:10:12 – Floor Plans + Elevations

Reason

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

Informatives:

1)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

2)Prior to commencement of any development an existing lighting column will need to be relocated. Approval will be required from Staffordshire County Council and the applicant will be responsible for all relocation costs. Please contact the following for further information – lightingforstaffordshire@eonenergy.com

It is recommended the vehicular access crossing will require altering 5no full height kerbs; 1no full height kerb shall be replaced with a downward transitional kerb,3no full height kerbs shall be replaced with dropped kerbs and finally 1no full height kerb shall be replaced with 1no upward transitional kerb.

Please note that prior to the access being constructed you will require a Section 184 Notice of Approval from Staffordshire County Council. Please email trafficanetwork@staffordshire.gov.uk for further details. The link below provides an overview of the permissions and licences required for undertaking work on or adjacent to the adopted highway: <https://www.staffordshire.gov.uk/Highways/licences/Overview.aspx>

The works required within condition 8 will require the relevant permit from our Network Management Section. Please note that prior to the reinstatement works taking place you require a Permit to Dig.Please contact Staffordshire County Council at Network Management Unit,Staffordshire Place 1,Wedgwood Building,Tipping Street,STAFFORD,Staffordshire,ST16 2DH. (or email to nmu@staffordshire.gov.uk)

3) 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.

Consultations and Publicity**Internal Consultations**

Landscape Comments: No objection subject to conditions

There is no objection in principle to the proposal on the basis of the detail submitted. If it is proposed to grant consent, then the implementation of the tree protection details will need to be secured via a suitably worded precommencement condition.

Engineering details of the proposed non-standard foundation method for the proposed garage and the no-dig surfacing within the RPA of the retained trees (as detailed within the arboricultural report) will also need to be secured via a suitably worded pre-commencement condition.

In addition an Arboricultural Method Statement (to BS5837-2012) will be required to control the implementation of the garage foundations and no dig surfacing. This too will need to be secured via a suitably worded precommencement planning condition.

Environmental Health: No comments on this application.

External Consultations

Highways Authority: No objections on highways grounds subject to the following conditions:

- Prior to the vehicle access crossing being reconstructed the lighting column shall be repositioned
- The development hereby shall not be brought into use until the access has been provided in a porous and bound material in accordance with the proposed siteplan, and shall thereafter be retained for the lifetime of the development.
- Before the development is brought into use, the redundant footway crossign along Eskrett Street must be reinstated with full height kerbs.

Response to Publicity

The application has been advertised by neighbour letter. The council have received the following responses in regards to this application:

- The proposed development is over development
- The size and scale could be converted to residential use
- The site is contaminated with asbestos from the demolition of the original garage
- Cannock Chase Council have previously designated the site as contaminated and have declared that no further development should take place until the contamination is remediated, so far it has not

See previous planning applications for details of the contamination and the Council's restrictions. See CH/13/149, CH/16/088, CH/12/0223 & CH/11/0085 and others.

Relevant Planning History

CH/06/0124 Residential development - Two semi detached bungalows to front and two detached bungalows to rear (demolish existing bungalow) Refusal 27 Feb 2006

CH/08/0071 Residential development - Two detached 3 storey dwellings, one block of 2 garages to rear (demolish existing bungalow) Refusal 08 Apr 2008

CH/11/0085 Residential development - three detached dwellings (including access & layout) Refuse 17 Mar 2011

CH/12/0223 Residential development - erection of two detached 3 storey 4 bedroom houses and one block of two garages Approval With Conditions 26 Jun 2012

CH/13/0149 Residential development:- erection of two 3 storey 4 bedroom detached houses and one detached 3 bedroom bungalow. Outline including access and layout (revision of CH/11/0085). Approval With Conditions 08 May 2013

CH/16/088 Residential Development: Proposed erection of 1no. detached dwelling and associated works Approval With Conditions 02 Mar 2016

1. SITE AND SURROUNDINGS

- 1.0 The application site is comprised of a single storey dwelling located within the Hednesford urban area, within Cannock. The dwelling is of a brick construction under a gable roof, the property features a front porch, and bay window either side of the main entrance. The property is finished in facing brick, roof tiles and brown UPVC fenestration. The siting of the property is to the very rear of the plot, far back from the main property line along Eskrett Street.



Figure 1: Satellite imagery showing the sites location and context in relation to the surrounding area. Taken from Google Earth ©

- 1.1 To the rear of the property is a small area of grassland and trees, designated under Policy CP5 Green Space Network, that exist up to the rear boundary of the site in question.

2. PROPOSAL

2.0 This application seeks planning permission for the erection of a detached garage unit. The proposed garage is to have 4 bays and will sit along the North-East boundary of the site, to the front of the main dwelling. The proposals also include the modification of the sites main entrance, removing the existing and installing a new 5m entrance, which is central to the site. The application includes a contamination report, a tree protection plan and a tree report.

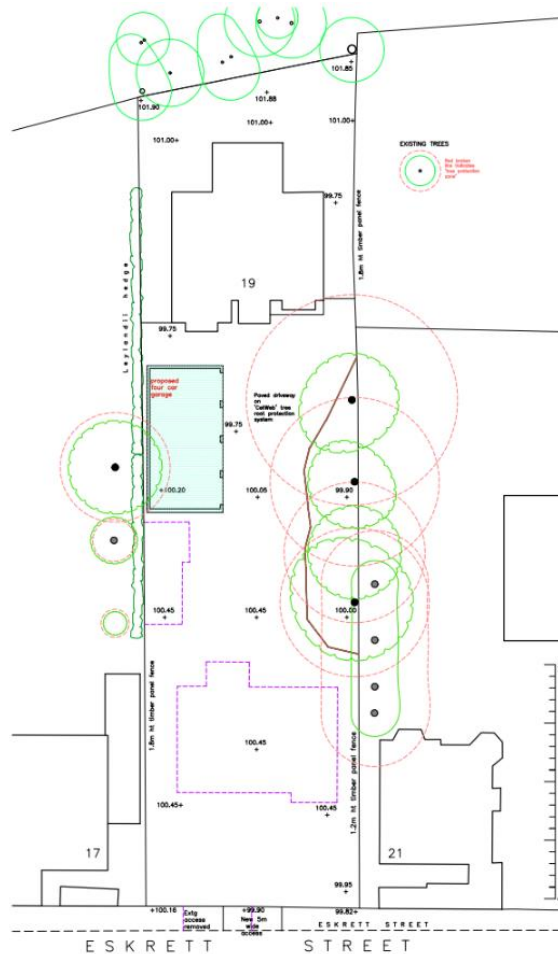


Figure 2: Extract from Proposed Layout Plan

3. PLANNING POLICIES

3.0 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.

- 3.1 The Development Plan currently comprises the Cannock Chase Local Plan Part 1 (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030).
- 3.2 Hednesford Neighbourhood Plan – No policies of relevance to the proposals in this case.

Cannock Chase Local Plan Part 1

- 3.3 Relevant policies within the Local Plan include: -

CP1 - Strategy – the Strategic Approach

CP3 - Chase Shaping – Design

Minerals Local Plan for Staffordshire

- 3.4 Relevant Policies within the Minerals Plan Include:

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

National Planning Policy Framework

- 3.5 The NPPF (2023) 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 (2023) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.7 Relevant paragraphs within the NPPF include paragraphs: -
 - 8: Three dimensions of Sustainable Development
 - 11-14: The Presumption in favour of Sustainable Development
 - 47-50: Determining Applications
 - 126, 128, 130, 131: Achieving Well-Designed Places

176 Conserving and Enhancing the Natural Environment

212, 213 Implementation

3.8 Other relevant documents include: -

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

4. DETERMINING ISSUES

4.0 The determining issues for the proposed development include: -

- i) Principle of development
- ii) Character and Appearance
- iii) Amenity Considerations
- iv) Tree Considerations
- v) Other Issues

5. PRINCIPLE OF THE DEVELOPMENT

5.0 Both paragraph 11 of the NPPF (2023) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development.

5.1 The proposal is for a new garage and alterations to the existing access. The property is an existing residential property that is sited within a residential location within Cannock. In general, domestic outbuildings within existing urban areas are acceptable in principle subject to other relevant policy and planning considerations. In this case there are no particular policy designations to consider. The next sections of this report will consider the proposal in the light of those considerations and determine what other considerations arise from the proposals.

6. DESIGN CONSIDERATIONS

6.0 Whilst the proposed garage unit is relatively large, its scale in the context of the existing dwelling and plot is considered reasonable. The proposed garage is to use facing brick, roof tiles and dark grey garage doors. These materials are considered appropriate in the context of the existing dwelling and its wider setting. Whilst the siting of the garage sits considerably forward of the main house, this is not

considered out of keeping in the streetscene given the garage is flanked by similarly forward positioned properties. Therefore as a piece of design Officers assess the appearance of the garage would not be out of keeping with the immediate context and would comply with the requirements of Local Plan Policy CP3.



Figure 3: Image showing location from road frontage.

7. AMENITY

- 7.0 Paragraph 130(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 7.1 In respect to overlooking and overbearing of neighbouring properties, as the proposals are for a standalone garage unit, and due to the positioning of the doors facing inwardly to the centre of the plot, no overlooking or overbearing is envisaged as a result of these proposals.
- 7.2 In respect to loss of light, when using the council 45 degree daylight test it can be observed the proposals do intersect with the 45 degree line taken from both neighbouring properties. However, after carrying out the subsequent 25 degree daylight test we can see that the proposals would not result in a significant change to light levels mainly as a consequence of the separation that exists between the building and affected windows.



Figure 4: Imagery showing application of 45 degree standard lines

- 7.3 As such in regards to Amenity matters, Officers assess there would be no substantive impacts on the use of neighbouring properties or their gardens as a consequence of the development. The proposals are therefore considered to comply with Local Plan Policy CP3 and NPPF Para 130(f).

8. HIGHWAYS CONSIDERATIONS

- 8.0 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.1 The proposed site plan shows a standalone access of 5m which allows enough space for two vehicles to pass each other safely when entering or exiting the site. It is also confirmed that the site provides enough visibility when pulling out onto the street. As such in access terms, the development can be provided with a safe and suitable access.
- 8.2 The Highway Authority has raised no objection in relation to the proposed garage and altered site access. The Council's Parking Standards require a minimum of three off-street parking spaces for four or more bedroom properties. The existing site appears to have no dedicated parking and instead parks on a gravel/loose stone surface directly in front of the dwelling. The proposals seek to implement 4 dedicated parking spaces within the new garage with additional space on plot. The proposals

also wish to centralise the access to the site. There is no technical highways basis to consider these changes are unacceptable subject to the conditions suggested by the Highways Authority. Therefore the proposals comply with the requirements of the Cannock Chase Parking Standards SPD and NPPF Para 111.

9. TREE CONSIDERATIONS

- 9.0 The application includes a Tree Report which plots the trees within and close by to the site. The report provides commentary on the tree types, and condition. The report states that the proposals would include an incursion into the root protection area of T5 (a Cedar which sits within the neighbours property).
- 9.1 The incursion to the RPA would occur under the footprint of the garage. It is suggested works can be completed without detriment to the tree if less invasive foundations are used during the construction process. The report also states that no trees are to be removed. The existing hard surface which has been in place for more than 10 years will continue to protect the underlying rooting material if a new wearing surface is constructed, and that a tree protection plan has been drawn up showing a line of protective fencing to be installed above the existing hard core.
- 9.2 Whilst more detail on proposed foundation design is required, the Council's Landscape Officer is satisfied that it would be appropriate to require these details by condition. No wider objections are raised to the proposed partial incursion into the root zone.
- 9.3 Accordingly Officers assess the application is in compliance with Policy CP3 and the application is able to show how the development would successfully integrate with existing trees subject to appropriate conditions.

10. OTHER ISSUES

- 10.0 Objections have been received as part of the application process. Those relating to design are considered in the design section of this report. Comments are made that the scale of the garage could lead to proposals for a future property. If this were to be the case this would be a consideration for any future application proposing that use. The Council cannot reasonably suppose that such may occur in future.
- 10.1 Comments received in relation to Asbestos contamination being an issue on the site are made. In the first instance it is the landowners responsibility to deal with Asbestos contamination where apparent under the Asbestos Regulations and such is not directly a Planning matter. Nevertheless, the applicant has provided a Contamination Report dated 2016. This includes photos of on site sample locations where materials were tested for containing asbestos. A total of 5 No. sample locations across the site are identified. All samples are confirmed as 'No Asbestos Detected' and formal Certificate from ENV Surveys is presented in the report. Taking the above into account Officers have no reasonable basis to conclude that asbestos materials should in some way prevent further development on the site.

- 10.2 Comments further suggest that the Council previously designated the site as contaminated and that no further development should take place until the contamination is remediated. No objections have been received from the Environmental Health in this regard. Furthermore, looking at the most recent planning permission CH/16/088 it is clear that site investigation conditions and special construction techniques were a requirement of this permission. Officers note that Discharge of condition application CH/16/088/A provided details to satisfy relevant conditions (including contamination) and was approved in December 2016. Specifically in relation to Condition 11 – Site Investigation it was stated that:

Environmental Health Officers agree that the proposed gas protection measures (characteristic situation 2) are acceptable in this instance and obviate the need for any gas testing on the site.

The level of protection are either a) or b) as follows:

A) Reinforced concrete cast in situ floor slab (suspended, non suspended or raft) with minimum 1200g DPM and underfloor venting

B) Block & beam or pre-cast concrete slab and 2000g DP/or reinforced gas membrane and underfloor venting. All joints and penetrations sealed.

- 10.3 Therefore taking account the concerns around Asbestos and wider contamination, Officers see no basis to suggest that the development should be prohibited on this basis.

11. HUMAN RIGHTS ACT 1998 AND EQUALITY ACT 2010

Human Rights Act 1998

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

Equality Act 2010

- 11.1 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.
- 11.2 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

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

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

12. CONCLUSION

12.0 The application seeks planning permission for the erection of a 4 bay garage and modified site access. The site is located within a main urban area and is acceptable in principle. The proposal does not have an adverse effect on the amenity of neighbouring properties in relation to overlooking, overbearing, loss of light or privacy or intervisibility issues. There is no material impact on parking or highway requirements as a consequence of the development and the design of the proposals is considered acceptable.

12.1 Accordingly, the development is judged to be in accordance with the Development Plan.

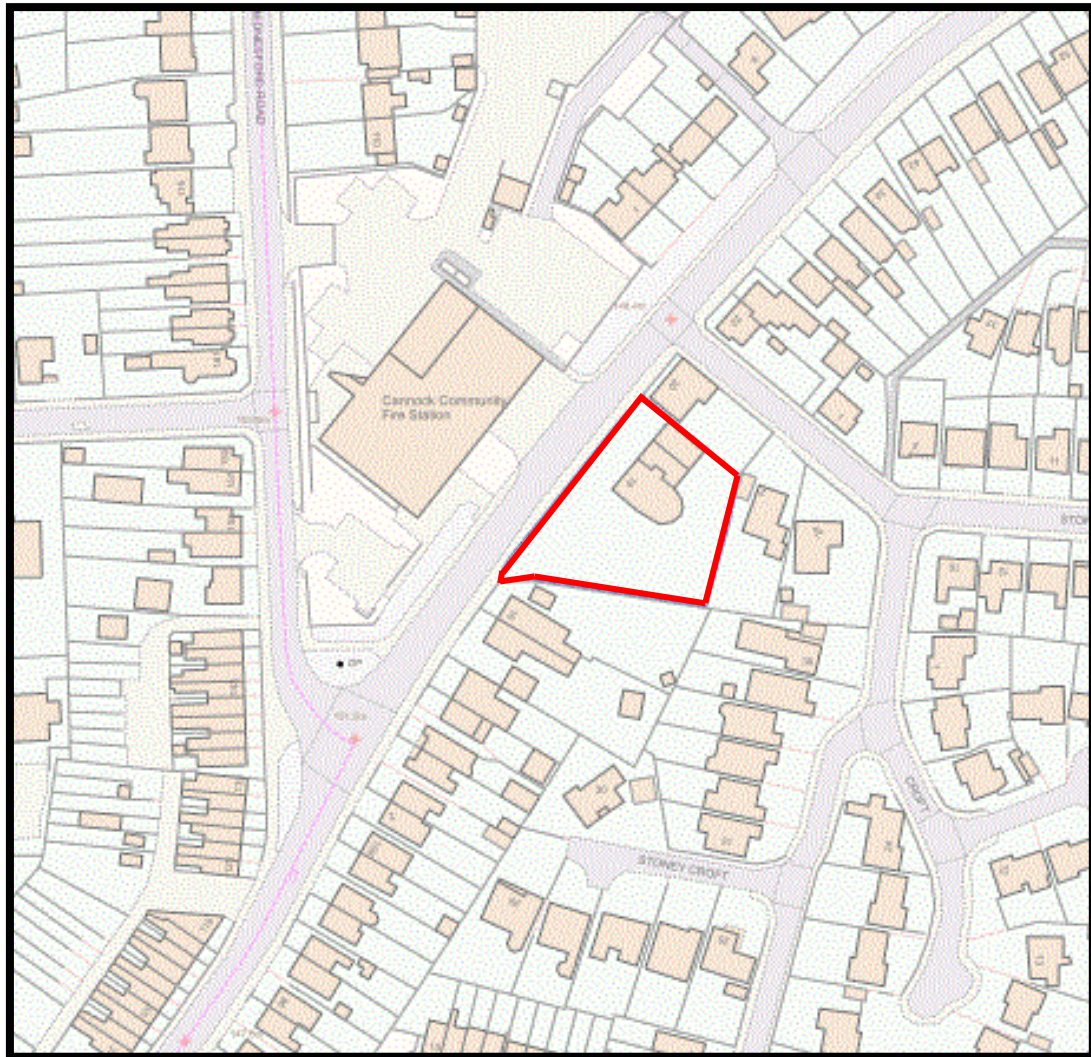


Application: CH/23/0324
Location: 18, Old Hednesford Road, Cannock,
WS11 6LD
Proposal: Erection of a detached four bed house
with some matters reserved

Item No. 6.36



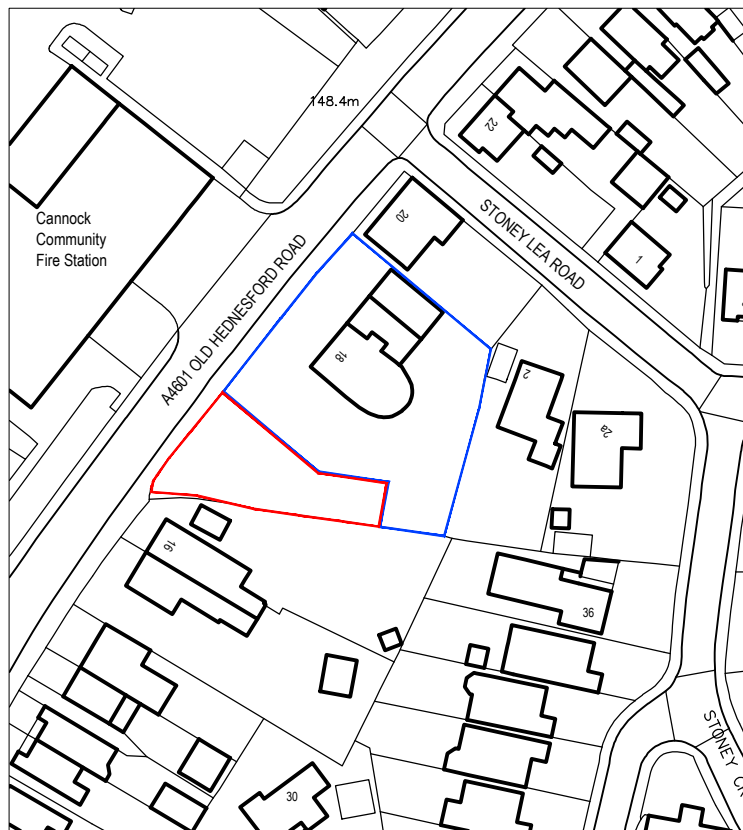
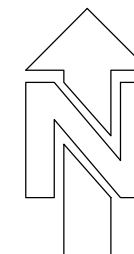
Location Plan



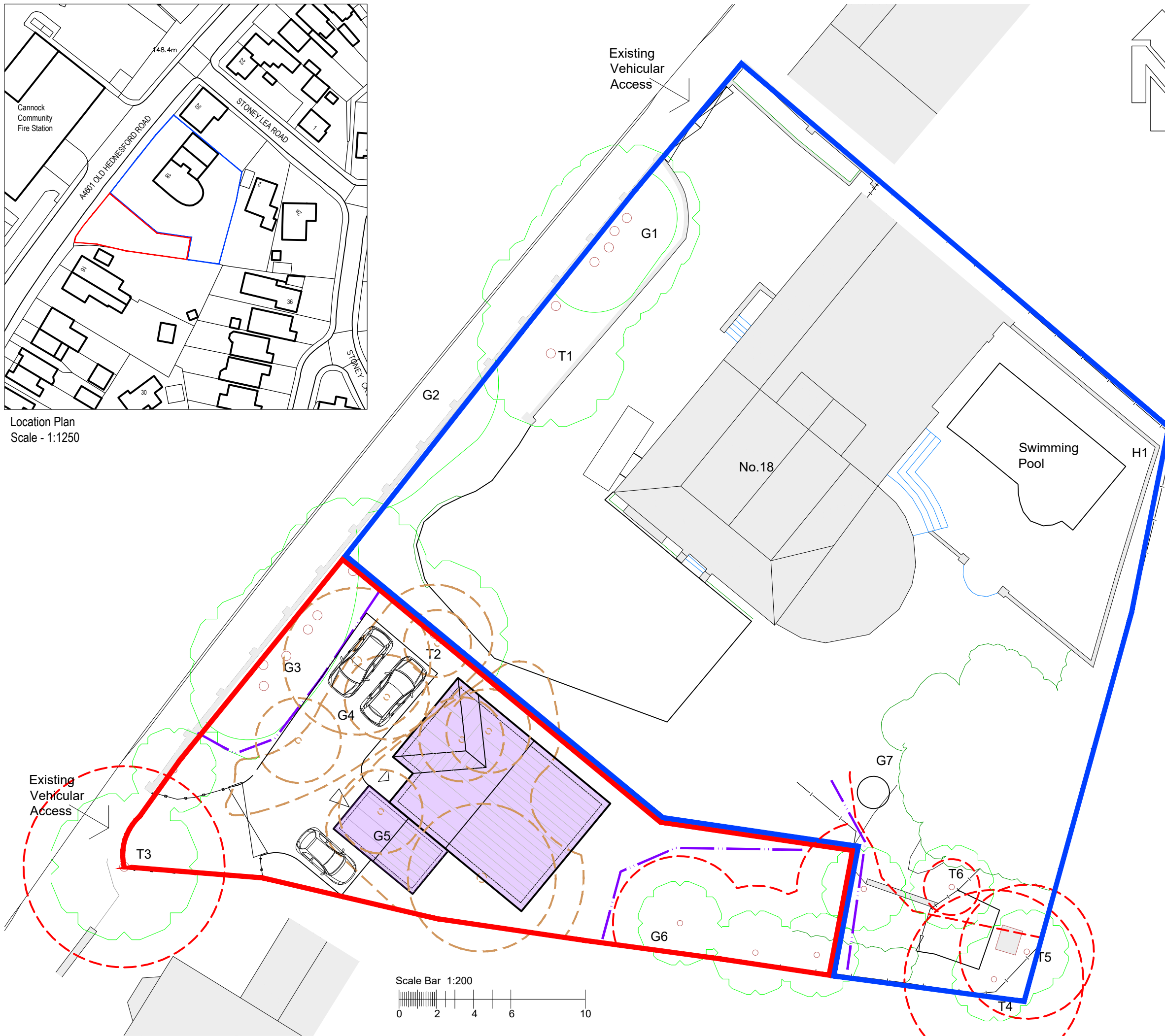
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All Contractors must visit the site and be responsible for taking and checking dimensions relative to their work. Sutton and Wilkinson Chartered Architects to be advised of any variation between drawings and site conditions.



Location Plan
Scale - 1:1250



LEGEND

-  Existing Trees / Hedges
-  Existing Trees / Hedges to be removed
-  Root Protection Zone
-  Tree Protection Fencing

REV:	AMENDMENT:	INT.	DATE:
A	Layout revised following comments from the LPA.	SC	08.11.23
B	Line of trees to be removed within (G5) amended to retain 3no. trees to the rear of proposed dwelling.	SC	13.11.23
C	Gates removed to No.18 and 3no. parking spaces indicated for proposed dwelling as requested by LPA.	SC	15.11.23
D	Boundary at entrance revised and Grouped trees (G5, G6 & G7) amended in line with latest Arboricultural report V3.	SC	24.11.23

PROJECT:
18 Old Hednesford Road,
Cannock,
WS11 6LD

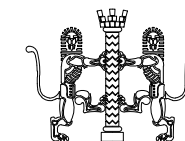
CLIENT:
Mr & Mrs S. Murray

TITLE:
Arboriculture Proposals

**SUTTON AND WILKINSON
CHARTERED ARCHITECTS**

Victoria House, 13 New Penkridge Road,
Cannock, Staffs, WS11 1HW

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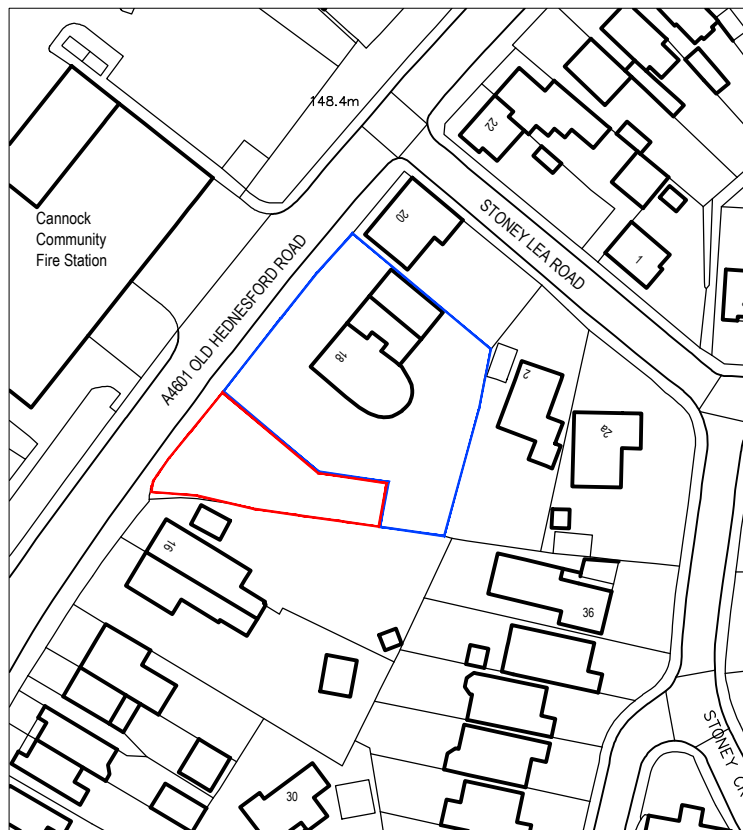
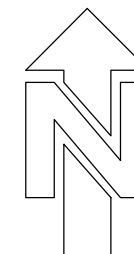


SCALE	DRAWN	DATE	SIZE
1:200 / 1:1250	SC	Aug. 23	A3
DRAWING NUMBER			REVISION
2718 - 03			D

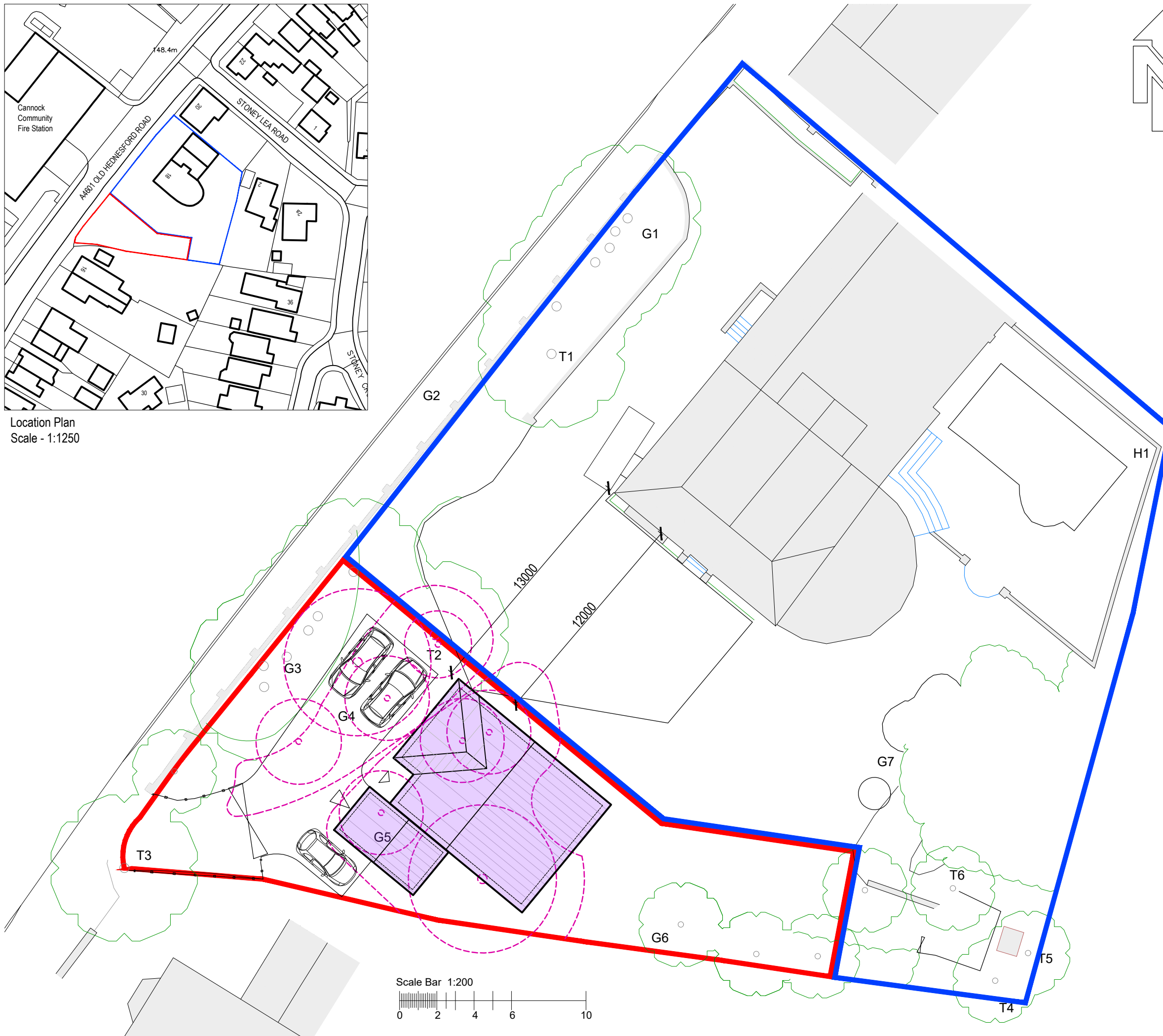
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All Contractors must visit the site and be responsible for taking and checking dimensions relative to their work. Sutton and Wilkinson Chartered Architects to be advised of any variation between drawings and site conditions.



Location Plan
Scale - 1:1250



LEGEND

	Existing Trees / Hedges
	Existing Trees / Hedges to be removed

REV:	AMENDMENT:	INT.	DATE:
A	Line of trees to be removed within (G5) amended to retain 3no. trees to the rear of proposed dwelling.	SC	13.11.23
B	Gates removed to No.18 and 3no. parking spaces indicated for proposed dwelling as requested by LPA.	SC	15.11.23
C	Boundary at entrance revised and Grouped trees (G5, G6 & G7) amended in line with latest Arboricultural report V3.	SC	24.11.23

PROJECT:
18 Old Hednesford Road,
Cannock,
WS11 6LD

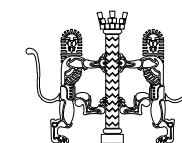
CLIENT:
Mr & Mrs S. Murray

TITLE:
Proposed Site Layout 2

SUTTON AND WILKINSON
CHARTERED ARCHITECTS

Victoria House, 13 New Penkridge Road,
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SCALE	DRAWN	DATE	SIZE
1:200 / 1:1250	SC	Nov. 23	A3
DRAWING NUMBER			REVISION
2718 - 04			C

Contact Officer:	Maria Philpott
Telephone No:	01543 464528

<p>Planning Control Committee</p> <p>13th December 2023</p>
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Application No:	CH/23/0324
Received:	5 th September 2023
Location:	18, Old Hednesford Road, Cannock, WS11 6LD
Parish:	Non-Parish Area
Ward:	Cannock East
Description:	Erection of a detached four bed house with some matters reserved
Application Type:	Outline Planning Application

The application is being presented to Members following a Councillor call-in request.

Recommendation: Approve subject to conditions.

Conditions (and Reasons for Conditions)

1. In the case of any reserved matters, application for approval must be made not later than the expiration of three years beginning with the date on which this permission is granted; and

The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

2. No part of the development hereby permitted shall be commenced until approval of the details of appearance, landscaping and scale ('the reserved matters') has been obtained from the Local Planning Authority.

Reason

The permission is in principle only and does not authorise development to commence until all 'the reserved matters' have been approved. To ensure compliance with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. This permission relates to the following plans:

2718-04 Rev C - Proposed Site Layout

2718-03 Rev D - Arboriculture Proposals

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

4. A minimum of 3 car parking spaces shall be available at all times within the curtilage of the dwelling hereby approved.

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

5. The existing gates associated with No. 18 Old Hednesford Road at the northern vehicular access shall either be removed in perpetuity or set back a minimum distance of 5 metres from the highway boundary and shall open away from the highway.

Reason: In the interests of highway safety to ensure compliance with the NPPF.

6. No trees or hedges shown as retained on drawing No.2718-03 Rev D, shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or destroyed.

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

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

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

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

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

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.

Consultations and Publicity

Original Submission

Internal Consultations

Environmental Health - No comments

Planning Policy - General planning policy advice given. Consider that the proposal should respect the character and density of the area and promote the creation of better places in which to live and work.

CIL Officer - Comments

The development would become CIL liable if permission for reserved matters is sought.

External Consultations

Local Highway Authority - No objections subject to conditions regarding the provision of an amended plan to show parking for 3 cars to meet with the Parking Standards and the existing access to No. 18 with gates that are set back 5m rear of the footway or with the gates removed to prevent vehicles waiting on the highway.

Response to Publicity

The application has been advertised by neighbour letter. 1 letter of objection has been received on the following grounds:

- Loss of privacy;
- Overbearing and loss of daylight and outlook;
- Noise and disturbance;
- Overdevelopment of the site and adverse impact on the character and appearance of the area;
- Loss of trees and impact on biodiversity
- Increase on traffic and substandard access arrangements, impacting on highway and pedestrian safety;
- Concerns regarding the foul and surface water strategy

Amended Plans

Following receipt of amended plans, the objector has been renotified about the application and the Local Highway Authority reconsulted. Further comments have been received as follows:

Local Highway Authority - No objection subject to a condition that requires the access to No. 18 to either be ungated or for any gates to be set back 5m.

Response to Publicity - 1 letter of objection received on the following grounds:

- Still concerns regarding the impact to No. 16 and the creation of a new dwelling with a brick gable wall in lieu of existing greenery;
- Seek clarification on trees to be retained (there are two G5's noted on the plan) and ownership of land.
- Tree T3 on the boundary is not necessarily within the applicant's boundary [*Officer comment: this tree is not proposed to be removed*]

[Officer Comment: Following the submission of these plans and the neighbour's comments, the applicant has further amended the plans to refer to the trees now as G5 and a new G6 and the Tree Survey has been updated accordingly. These further updates have not been reconsulted on as they merely clarify the proposals and address the concerns of the objector. The ownership of the land is still being clarified and an update will be provided at committee, however no works are proposed in the area that is in contention].

Relevant Planning History

CH/05/0219 Upgrading of existing building including section of new wall to front and re-roofing patio/conservatory and garage - approved with conditions in May 2005.

1 Site and Surroundings

- 1.1 The application site comprises a two-storey detached dwelling dating from the Victorian period. It is constructed in red brick with a slate tiled roof and a chimney. The dwelling is set back from the road frontage behind a boundary wall and railings. It is sited to the northern side of the site and has garden land to the south and east. The site benefits from two vehicular accesses from the A4601, one to the southern end and one at the northern end. The rear garden is separated from the front by a low fence with trellis. There are a number of mature trees at the site although none are protected.
- 1.2 The site is located in a primarily residential area of Cannock immediately to the north of the town centre and opposite the Fire Station. The site is surrounded on all other sides by residential properties. Most of these are two-storey terraced or semi-detached dwellings. All properties are orientated to face the road with garden land to the rear.
- 1.3 The site is affected by the following constraints:
- Mineral Consultation area - Low Risk Area
 - Mineral Consultation area - Coal Fireclay
 - Defra - Road Noise Day

- Within 15km of the Special Area of Conservation

2 Proposal

- 2.1 The application seeks consent for the erection of one detached dwelling with single garage to be located to the south of No. 18 Old Hednesford Road in the existing side garden area.
- 2.2 The proposal is in outline form, with only 'access' and 'layout' to be considered at this time. 'Scale', 'external appearance' and 'landscaping' are reserved matters.
- 2.3 The proposal has been amended during the course of the consideration of the application and includes the following amendments:
- The house has been reorientated to face the road;
 - A single garage has been provided to the side adjacent to No. 16;
 - Three car parking spaces have been shown on the plans - the garage will count as one space and the single space will act as the turning area for the cars;
 - A few additional trees are proposed to be removed to make way for the car parking area at the front of the proposed dwelling (not the trees on the road frontage);
 - The red line has been amended to accommodate a wider site frontage and car parking and slightly reduce the size of the rear garden.

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan Part 1 (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030).

The Development Plan

3.3 Cannock Chase Local Plan Part 1

- CP1- Strategy – the Strategic Approach
- CP3 - Chase Shaping – Design
- CP6 - Housing Land
- CP7 - Housing Choice
- CP12 - Biodiversity and Geodiversity
- CP13 - Cannock Chase Special Area of Conservation (SAC)
- CP14 - Landscape Character and Cannock Chase Area of Outstanding Natural Beauty

CP16 - Climate Change and Sustainable Resource Use

3.4 Minerals Local Plan for Staffordshire

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

[Officer Comment: This site falls within the exemptions set out in Appendix 6, Table 7 of the Minerals Local Plan by virtue of Point 4 in that the proposal falls within the development boundary of an urban area and by virtue of Point 13 in that the proposal does not constitute 'major' development.]

Other Material Considerations3.5 The National Planning Policy Framework (NPPF)

Relevant Paragraphs:

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
60, 74, 75, 76, 77:	Delivering a Sufficient Supply of Homes
111:	Highway Safety and Capacity
126, 130, 131, 134:	Achieving Well-Designed Places
174, 176, 180-182:	Biodiversity

3.6 Other relevant documents

- Design Guide Supplementary Planning Document, April 2016.
- Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport, July 2005

4	Determining Issues
----------	---------------------------

4.1 The determining issues relating to the proposed development are as follows:

- i) Principle of the Development
- ii) Design and Impact on the Character and Form of the Area
- iii) Impact on Residential Amenity and Future Occupancy
- iv) Impact on Highway Safety
- v) Impact on Trees
- vi) Impact on Nature Conservation and the Cannock Chase Special Areas of Conservation (SAC)

vii) Waste and Recycling Facilities

PRINCIPLE OF THE DEVELOPMENT

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

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

'For decision taking this means:

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

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

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

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

4.4 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."

4.5 In this instance, the proposal relates to a 'windfall' greenfield site within the residential curtilage of an existing dwelling. Although the Local Plan has housing policies (CP6 and CP7), it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such, in accordance with Policy CP1 of the Local Plan, the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF. The proposal is however in accordance with the thrust of Policy CP1 insofar as it would provide new housing within an existing settlement.

- 4.6 With regard to Habitat Sites, such as the Cannock Chase SAC and SSSI, the presumption does not apply where the project is likely to have a significant effect either alone or in combination with other plans or projects, unless an appropriate assessment has concluded that the proposal will not adversely affect the integrity of the habitats site.
- 4.7 In this case it is confirmed that an appropriate assessment has been undertaken and it has concluded that subject to mitigation in the form of a payment towards SAMMS, either through CIL or a section 106 agreement the proposal will not adversely affect the integrity of Cannock Chase SAC. As such it is concluded that the 'presumption in favour of sustainable development' applies to this proposal.
- 4.8 The proposal does not engage any of the policies in the NPPF that protect areas or assets of particular importance (e.g., Green Belt, AONB, habitats sites). This being the case the application should be determined on the basis as to whether any adverse impacts of granting approval would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 4.9 The site is within a residential location in the urban area of Cannock. The site is close to the schools and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development. The site is not located within either Flood Zone 2 or 3 and it is not designated as a statutory or non-statutory site for nature conservation. The site is therefore considered to be a suitable location for housing development in principle planning policy terms.
- 4.10 However, proposals that are acceptable in principle are still subject to all other policy tests. This report will now go on to consider the proposal in relation to these policy tests.

DESIGN AND IMPACT ON THE CHARACTER AND FORM OF THE AREA

- 4.11 The prevailing character of the area is of two storey semi-detached or terraced dwellings with a frontage to the road and long rear gardens. The application site is unusual in that it is set back from the road frontage behind a brick wall and railings. That said, it is still positioned parallel to the road in the same way as other dwellings that are set further forward.
- 4.12 This application is only considering layout at this time in order to establish the positioning of the dwelling within the plot. The original plans submitted with the application sought consent for a dwelling that was parallel to the southern boundary of the site which is on an angle and consequently was not orientated to face the road fully and presented a skewed arrangement at the front. This was considered to be out of character with the pattern of development in the area. It also resulted in a cramped appearance within the plot with the proposed dwelling built close to the site boundaries.
- 4.13 As a result of negotiations with the applicant, an amended site plan and arboriculture plan has been submitted. The proposed dwelling has been

reorientated to face the road frontage, albeit still set back from the road on the same alignment as the existing dwelling. This has enabled the proposed dwelling to have a wider site frontage and provides space for a single garage to the site. This arrangement is more in keeping with the prevailing character of the area and has addressed this concern. The amendment allows the proposed dwelling to have more space around the boundaries, particularly adjacent to No. 16 which is the closest residential property.

- 4.14 As scale and external appearance are reserved matters, no further detail has been given regarding the design of the proposed dwelling which will be for consideration at reserved matters stage.
- 4.15 Following receipt of the amendments it is considered that the application is now in accordance with Policy CP3 of the Local Plan and the NPPF.

IMPACT ON RESIDENTIAL AMENITY AND FUTURE OCCUPANCY

- 4.16 The nearest neighbour likely to be affected by the proposal is No. 16 to the south of the site and the existing dwelling No. 18 to the north. It is also important to ensure that the amenities of the future occupiers of the proposed dwelling will be to a good standard.
- 4.17 In this instance, the site is constrained due to the existing dwelling having a principal elevation to the side as well as the front/rear. There are habitable windows on the side elevation that would overlook the proposed dwelling. The Council's Design SPD states that in this situation where a principal elevation would face a side blank elevation, there should be a separation distance of 13.7m. In reorientating the dwelling to overcome the pattern of development concern (explained in the sub-heading above), the proposal now provides a 13m separation distance between the principal elevation of No. 18 and the side elevation of the proposed dwelling. Whilst this is slightly under the 13.7m, the deficit is marginal and the SPD is guidance. The separation distance is considered to be acceptable and will ensure that the amenities of the proposed dwelling are not adversely affected. There will be some overlooking to their rear garden from No. 18 (and vice versa), but this will be at an oblique angle and therefore not significant.
- 4.18 The relationship with No. 16 is now much improved due to the amended plan and reorientation of the dwelling. The proposed dwelling is now further from No. 16 and the provision of an attached single garage to the side will mean that the two-storey element of the dwelling is now further into the site and away from the boundary. The proposal will not appear as imposing and there will be no need for any overlooking from side windows as the dwelling can be designed to have non-habitable windows on the side elevation. There will be some mutual overlooking at the rear, but this is not considered to be significant and is as to be expected in residential areas.
- 4.19 The proposed dwelling will not cause any loss of sunlight to No. 16 as it is to be positioned to the north and slightly east of No. 16. Due to the orientation of the sun, the proposed dwelling will cast shadowing across its own front garden area/parking in the morning (east), the side garden area of No.18 around midday

(north) and its own rear garden in the afternoon (west). There will be no reduction in sunlight to No. 16. The 13m separation distance between the proposed dwelling and No. 18 will ensure that the proposed dwelling will not cause adverse overlooking despite being sited to the south of No. 18.

- 4.20 Whilst the objector's concern regarding the creation of a new blank elevation adjacent to them and the loss of outlook is acknowledged, due to No. 16 and the proposed dwelling having single garages adjacent to each other, the separation distance between the two-storey elements of No. 16 and the proposed dwelling will be around 12.6m as can be seen in **Figure 1**. The amended plan has improved the relationship and the provision of the attached garage to the side will significantly reduce the overbearing feeling and loss of outlook. This separation will also ensure the proposed dwelling is not unduly affected by loss of sunlight from No. 16.
- 4.21 Although the proposal will result in a net increase in one dwelling, this is not considered to be significant and will not result in an increase in noise and disturbance. Residential properties are able to co-exist alongside each other and whilst there may be some incidental impacts (car doors closing, chatter etc.) this will be minimal and what is expected in a residential area.

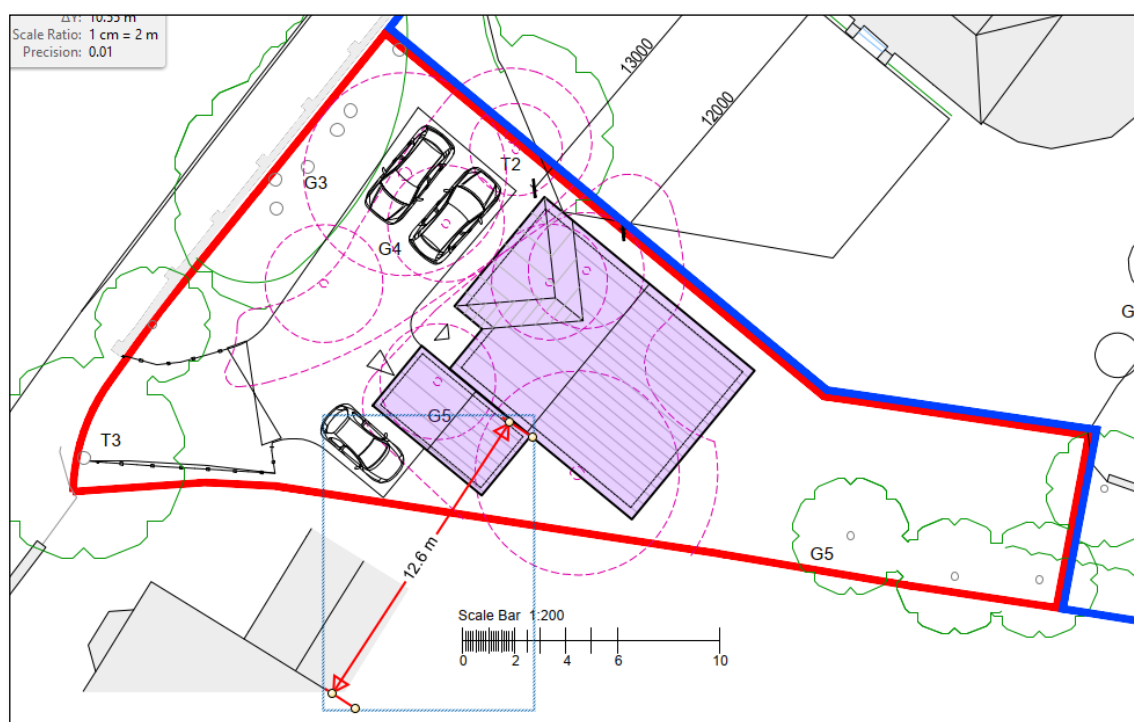


Figure 1: Extract from the proposed site plan by Sutton and Wilkinson Chartered Architects (drawing ref: 2718-04 Rev B) showing the separation distance between the proposed dwelling and the two-storey element of No. 16.

- 4.22 As a result of the proposed amendments that have been made to the application, the proposal is no longer considered to cause any harm to the amenities of No. 16 or No. 18 and the standards of residential amenity for the future occupiers of the proposed dwelling will also be sufficient. The proposal is therefore considered to be in accordance with Policy CP3 of the Cannock Chase Local Plan and the NPPF.

IMPACT ON HIGHWAY SAFETY

- 4.23 Paragraph 111 of the 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.
- 4.24 In this instance, the application, as amended, proposes the provision of three car parking spaces as required by the Parking Standards SPD. The garage is classed as a car parking space providing it meets the size requirements of 6m x 3m which the site plan demonstrates. The area shown as space for a third car can act as the turning space so that cars can adequately turning within the site and egress in a forward gear. The Local Highway Authority have no objections to the amendments providing a condition is imposed that No. 18 be ungated or any gates to be set back 5m to prevent waiting on the highway.
- 4.25 Whilst the objector's comments regarding the access and visibility are noted, the proposal will be no different to the existing situation with the southern access used to serve one dwelling. As the site will be divided, No. 18 will utilise the northern access rendering the south access to continue to be used to serve the proposed dwelling. With the onsite turning space provided and no objection from Highways regarding this issue, there are no grounds to refuse the application regarding the access.
- 4.26 The proposals are therefore considered to be in accordance with Policy CP3 of the Local Plan, the Parking Standards SPD and the NPPF.

IMPACT ON TREES

- 4.27 Landscaping is a reserved matter at this stage as only 'access' and 'layout' are to be considered as part of this outline application. However, notwithstanding that, the applicant has shown as part of the proposals the intentions regarding the trees. The amended arboriculture plan shows that there will be a number of trees removed within the site to make way for the new dwelling (T2, G4 and G5), but that existing trees along the site frontage (G3, T3) and in the rear garden (G6) will be retained (see **Figure 2**). The Tree Survey has been updated to ensure that it corresponds to the amended plans.
- 4.28 The proposals will ensure that the site continues to retain mature landscaping to soften the development within the area and are considered to be acceptable and in accordance with Policy CP3 and CP14 of the Cannock Chase Local Plan and the NPPF.

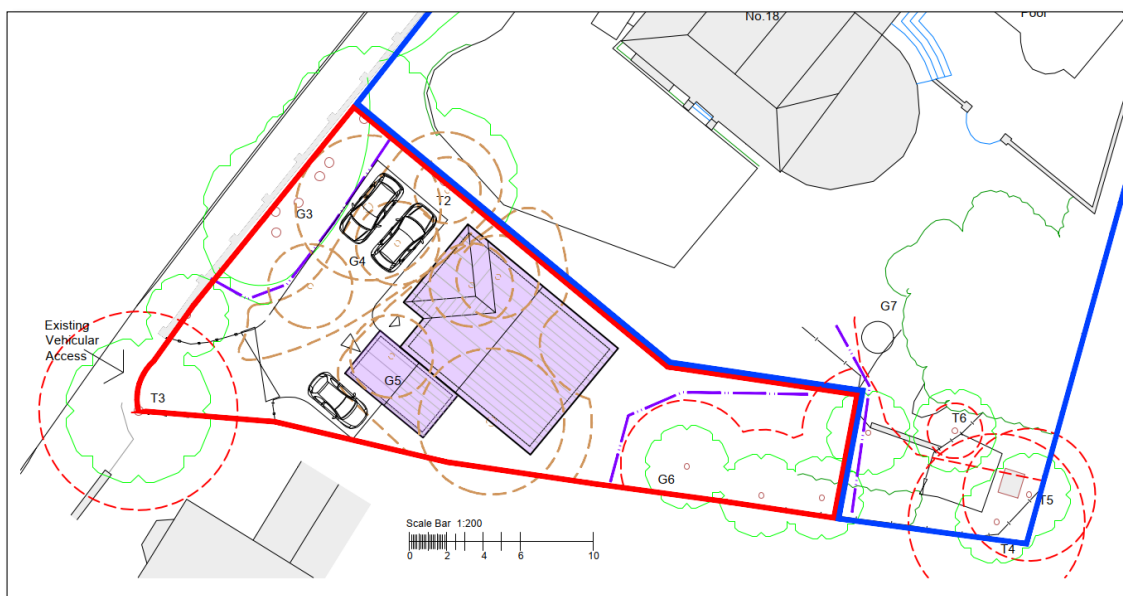


Figure 2: Extract from the Arboriculture Proposals by Sutton and Wilkinson Character Architect (drawing ref: 2718-03 Rev D) showing the trees to be removed (brown) and the trees to be retained (green). The red dotted line represents the tree's Root Protection Areas.

IMPACT ON NATURE CONSERVATION AND THE CANNOCK CHASE SPECIAL AREA OF CONSERVATION (SAC)

- 4.29 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 one dwelling on this site and as such, a Habitat Regulation Assessment has been carried out and SAC mitigation contributions are required. If the application were to be approved, the proposal will become CIL liable at reserved matters stage and the SAC mitigation will form part of the CIL payment. No exemption has been applied for at this stage.
- 4.30 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that is given special protection or which is of particular conservation interest. As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.
- 4.31 Given the above it is considered that the proposal, would not have a significant adverse impact on nature conservation interests either on, or off, the site. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

WASTE AND RECYCLING FACILITIES

- 4.32 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).
- 4.33 In this instance, bin storage can be provided on site and bin collection will already be in place in this existing and established urban area. Any occupier of the new dwelling will be able to bring the bins to the back of the existing highway for collection.

5 Human Rights Act 1998 and Equality Act 2010

Human Rights Act 1998

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

Equality Act 2010

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

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

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

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

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

6 Conclusion

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 The proposal will be in keeping with the character and pattern of development in the area and will not cause any harm to residential amenity, highway safety and will ensure that some of the existing mature trees are retained and incorporated into the scheme. The proposal will be CIL liable which will act as SAC mitigation as well as ensuring adequate bin storage and collection.
- 6.3 It is therefore recommended that the application be approved subject to the attached conditions for the above reasons.

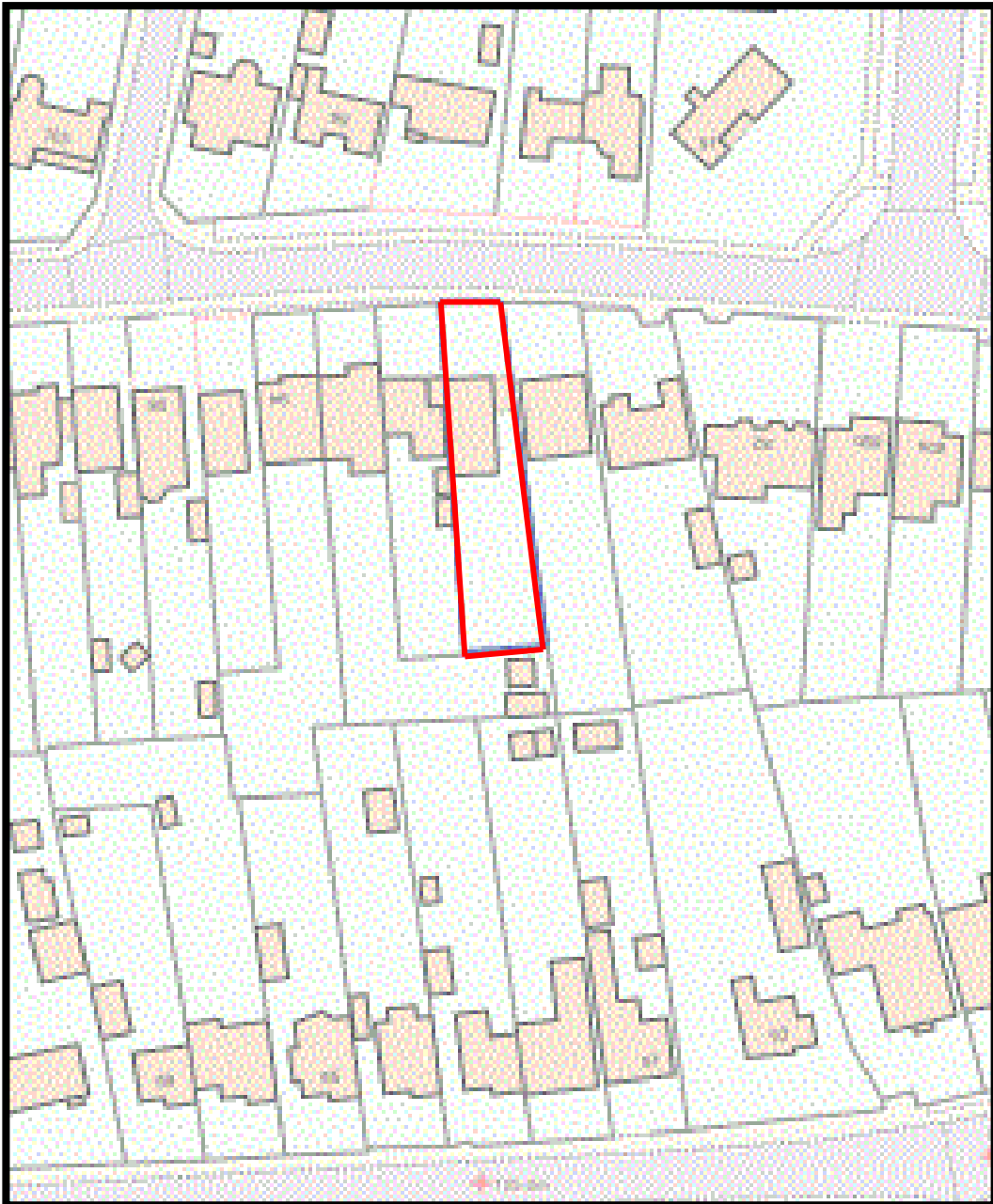


Application: CH/23/0346
Location: 88 Hatherton Road, Cannock, WS11 1HH
Proposal: Retrospective change of use from residential property to short term let/holiday accommodation

Item No. 6.53



Location Plan





88 Hatherton Road, Cannock, WS11 1HH



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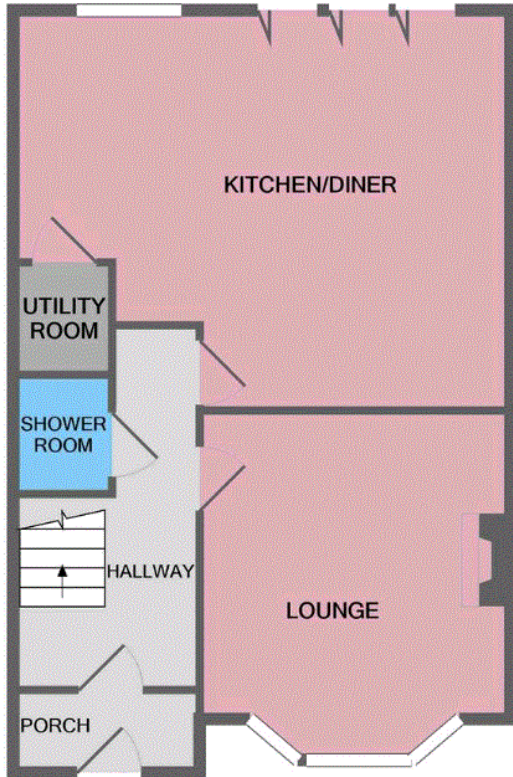




Cannock
Chase
Council

Floor Plans

Item No. 6.55



GROUND FLOOR



1ST FLOOR

Contact Officer:	Maria Philpott
Telephone No:	01543 464528

<p>Planning Control Committee</p> <p>13th December 2023</p>
--

Application No:	CH/23/0346
Received:	9 th October 2023 (Valid on 17 th October 2023)
Location:	88 Hatherton Road
Parish:	Non-Parish Area
Ward:	Cannock West
Description:	Retrospective change of use from residential property to short term let/holiday accommodation
Application Type:	Full planning application

The application is being presented to Members due to the level of public opposition to the application which is also retrospective.

Recommendation: Refuse for the following reasons:

Reasons for Recommendation:

Impact on Residential Amenity

1. The proposed use, by reason of the size of the property, number of bedrooms and guests able to stay, is considered to constitute a large holiday accommodation unit which is considered to be out of character within the quiet residential area and will result in adverse harm to the residential amenities of the occupiers of the existing dwellings due to the potential for anti-social behaviour and a fear of crime, together with insufficient parking and an increase in general noise and disturbance. The proposal will not therefore contribute positively to the visitor economy of Cannock Chase and is contrary to Policy CP3 and CP9 of the Cannock Chase Local Plan and Paragraph 130 of the NPPF.

Lack of S106 legal agreement for SAC mitigation

2. The proposed use, due to the lack of a signed S106 legal agreement in respect of SAC mitigation, will result in adverse harm to the Cannock Chase Special Area of Conservation (SAC) as a result of an increase in visitors to the area arising from the holiday accommodation. The proposal is therefore contrary to Policy CP13 of the Cannock Chase Local Plan and the NPPF.

Notes to the Developer:

None

Consultations and Publicity***Internal Consultations*****Environmental Health** - No objection

[Officer comment: Whilst the EHO has no objections to the proposal, they have confirmed that there have been two complaints associated with the property in the last year (January 2023 and July 2023) regarding accumulation of refuse and concerns that it was being used as a brothel. The complaint was logged with Planning Enforcement in July and has resulted in this planning application being submitted].

Economic Development - No objection**Planning Policy** - General policy advice given.***External Consultations***

Local Highway Authority - No objection. The property has 4 bedrooms and the existing driveway can easily accommodate 4 No. vehicles.

Response to Publicity

The application has been advertised by neighbour letter. 9 letters of objection have been received on the following grounds:

- Noise and disturbance/anti-social behaviour - Regular occurrences of drug use taking place at the property; Unable to use rear gardens due to the drug use smell; Parties often take place; One instance it was used as brothel; Distressed dogs left in the property all day causing considerable noise nuisance; workman often stay as guests and can comprise 4-8 men using the address with loud machinery and diggers starting from 6am with engines running and loud radios on and lots of shouting and use of foul language, the same occurs in the evenings;
- Insufficient car parking - only car parking for 3 cars is insufficient for 9 residents; some guests are involved in nearby construction work and park large trucks and lorries/HGVs which impacts on the neighbourhood and school run and makes it hard for neighbours to access their driveways;
- Fear of reprisals;
- Unable to control guests - The applicant and their letting agent are unable to control/vet the proposed occupants sufficiently to stop the problems occurring;
- Inappropriate location - use close to a primary school which is a safeguarding issue; the house is large and sleeps up to 9 people which encourages large groups and parties incompatible in this area;

- Benefits outweighed by nuisance and distress - Advantages stated are minimal and lacks any detailed factual information and is outweighed by the nuisance and distress this proposal has caused to residents;
- Poor maintenance - there is considerable littering with overflowing bins and the property looks unkept and the rear garden overgrown;

Relevant Planning History

121/79 Car port with bedroom over - Approved

CH/23/0346 Proposed single storey rear extension - Approved

1 Site and Surroundings

- 1.1 The application site comprises a two-storey detached dwelling located in a residential area of Cannock. It is set back from the road with space for car parking in front of the dwelling. The site is bordered by a low brick wall to the road frontage. The property is in the heart of a residential area and is therefore surrounded by residential properties on all sides.
- 1.2 The area is characterised by reasonable and large sized detached dwellings set within good sized plots, some of these are quite spacious. The properties are all set back from the road with generous front gardens and parking at the front in most cases.
- 1.3 The site is affected by the following constraints:
 - Mineral Consultation area - Low Risk Area

2 Proposal

- 2.1 The application seeks retrospective consent for the change of use of the dwelling to a short term let/holiday accommodation. The property has been in this use since approximately November 2022. The proposal has come about as a result of an enforcement complaint via the Council's Environmental Health team.
- 2.2 The application has been submitted with a floor plan that shows that there are 4 bedrooms in the property, it appears that 2 of these are double bedrooms, 1 a single bedroom and one that could be a twin room or small double. This means there is the ability to sleep up to 7 people. However, the property is advertised on various holiday accommodation sites, including one called 'Big Cottages' and it is stated that there are 5 bedrooms and the property can sleep up to 9 guests. At the time of writing, this was being clarified with the applicant and an update will be provided at the Committee for Members.
- 2.3 The supporting statement submitted with the application says that most clients are contractors working Monday - Friday and short break visitors over the weekends. The management company used (Ksuitses) actively pursues repeat business from reliable streams of companies working in the area.

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan Part 1 (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030).

The Development Plan

3.3 Cannock Chase Local Plan Part 1

- CP1- Strategy – the Strategic Approach
- CP3 - Chase Shaping – Design
- CP9 - A Balanced Economy
- CP13 - Cannock Chase Special Area of Conservation (SAC)
- CP16 - Climate Change and Sustainable Resource Use

3.4 Minerals Local Plan for Staffordshire

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

Case Officer Comment: This site falls within the exemptions set out in Appendix 6, Table 7 of the Minerals Local Plan by virtue of Point 4 in that the proposal falls within the development boundary of an urban area and by virtue of Point 13 in that the proposal does not constitute ‘major’ development.

Other Material Considerations

3.5 The National Planning Policy Framework (NPPF)

Relevant Paragraphs:

- | | |
|--------|--|
| 8: | Three dimensions of Sustainable Development |
| 11-14: | The Presumption in favour of Sustainable Development |
| 47-50: | Determining Applications |
| 81: | Building a Strong, Competitive Economy |
| 111: | Highway Safety and Capacity |
| 130: | Achieving Well-Designed Places |

3.6 Other relevant documents

- Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport, July 2005

4 Determining Issues

4.1 The determining issues relating to the proposed development are as follows:

- i) Principle of the Development
- iii) Impact on Residential Amenity
- iv) Impact on Highway Safety
- vi) Impact on Nature Conservation and the Cannock Chase Special Areas of Conservation (SAC)
- vii) Waste and Recycling Facilities

PRINCIPLE OF THE DEVELOPMENT

4.2 Both paragraph 11 of the NPPF (2023) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development.

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

'For decision taking this means:

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

4.4 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."

- 4.5 In this instance, the proposal relates to the provision of new holiday/tourist accommodation which is supported by Policy CP9 of the Local Plan. Whilst the Local Plan was adopted in 2014 and is currently under review, this policy continues to be relevant and is reinforced in the NPPF in Section 6, Para. 81. New tourist accommodation can help support the local and wider economy and is supported where it will contribute positively. The provision of tourist accommodation in an existing urban area is a sustainable location for new tourist accommodation and accords with the basic thrust of Policy CP1 to provide new development in sustainable locations. It is therefore considered that the proposal accords with an up-to-date Development Plan in this regard and the presumption in favour test in the NPPF does not apply.
- 4.6 Whilst the principle of tourist accommodation is supported, Policy CP9 does make it clear that it is proposals that *contribute positively* that will be supported. In addition, proposals that are acceptable in principle are still subject to all other policy tests. This report will now go on to consider the proposal in relation to these policy tests and with regard to the need for the proposal to contribute positively.

IMPACT ON RESIDENTIAL AMENITY

- 4.7 This application has received a number of objections from concerned local residents of Hatherton Road. The holiday/short term let accommodation has already been operating since November 2022 and therefore the impacts of the proposal are already being felt. Whilst holiday accommodation results in frequent changeover of occupiers, it nevertheless should be able to fit in a residential area seamlessly as it will only be occupied by one family/small group at a time and used largely in a similar way to existing residential properties.
- 4.8 However, in this case, it appears that the property is being marketed to larger groups and construction works for mid-week accommodation. The property is advertised on various websites including Bookings.com and BedandBreakfast.co.uk. It is also advertised on the 'Big Cottages' website and offers a 'Five-bedroom house' that can sleep 9 (**see Figure 1**).
- 4.9 Whilst the floor plans submitted with the application show this to be a 4-bedroomed home, the marketing suggests it is a 5-bedroomed. At the time of writing this committee report, this is being clarified with the applicant. One review on 'Bed and Breakfasts.co.uk' stated that "The house is huge, there was 9 of us in total, 8 adults, 1 child and there was ample room for everyone!!". The applicant in their supporting statement corroborates the resident's concerns by confirming that the property is aimed at contractors working in the area. It appears the size of the property is resulting in it being appealing to large groups of adults rather than as a typical family holiday accommodation.

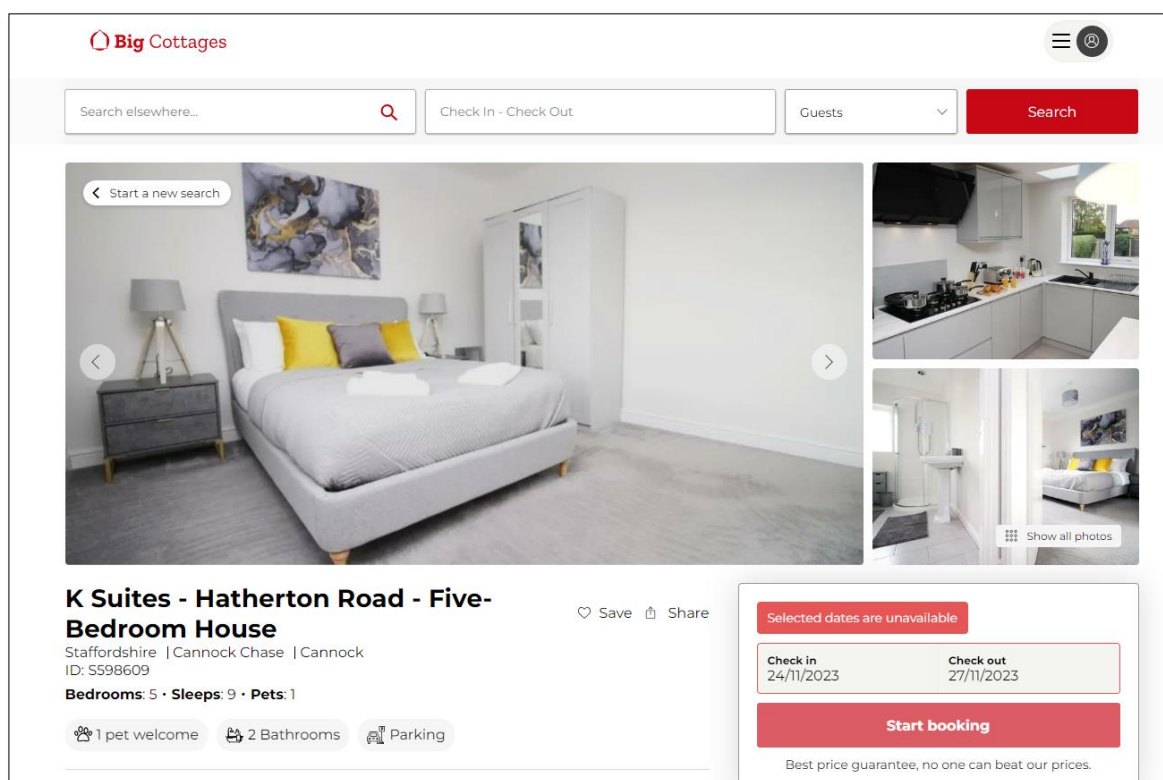


Figure 1: Extract from the Big Cottages website [as accessed on 23rd November 2023]

- 4.10 As a result, the use of the proposal has generated a number of issues, including significant anti-social behaviour, noise and disturbance to local residents. Policy CP9 seeks to support tourist accommodation that *contributes positively* to the visitor economy. This proposal is not considered to contribute positively, rather it has, and will continue to have, a negative impact on the residential amenities of the local environment if this application were to be approved. Policy CP3 also seeks to protect the amenity enjoyed by existing properties, supporting mixed uses, but avoiding incompatible ones. Para. 130 (f) of the NPPF also seeks to ensure that planning decisions create places that are safe, with a high standard of amenity for existing users and where crime and disorder and the fear of crime do not undermine the quality of life of community cohesion. In this instance, judging by the number of objections received and the strength of them, this proposal is having a significant adverse impact on people's daily lives and disrupting the community and negatively impacting on quality of life.
- 4.11 Consideration has been given to whether appropriate conditions can be imposed on the application to prevent it being used in the way it currently has been. Unfortunately, it is not considered that there are any conditions that can be imposed that are enforceable and allow the Council to have control over the use. A condition could be imposed to prevent it being occupied by contractors/construction workers, but this would not prevent it from being occupied by up to 9 adults as appears to have been the case previously. A condition restricting the occupancy to a lower number of residents would be difficult to enforce as it would not be possible to know who is living there and who might just be visiting.
- 4.12 Ultimately it is considered that the dwelling offers too much floor space accommodation (whether 4 or 5 bedrooms) for a holiday/short term let and is

incompatible in this quiet residential location. Were this dwelling to be sited somewhere else or alternatively be a smaller dwelling with the ability to sleep up to 4 (similar to an average family home), then the proposal in itself might be acceptable. However, it is the nature of this proposal and its location in a quiet residential suburb of Cannock combined that makes this use inappropriate in this location and incompatible with neighbouring uses.

- 4.13 The proposal will not contribute positively to the visitor economy and will cause significant adverse impacts to existing residential amenities contrary to Policies CP3 and CP9 of the Cannock Chase Local Plan and Para. 130 f) of the NPPF. This therefore forms a reason for refusal.

IMPACT ON HIGHWAY SAFETY

- 4.14 Paragraph 111 of the 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.
- 4.15 In this instance, the proposed short-term accommodation is aimed towards contractors who use large HGVs and trucks and park all across the street. At the time of the site visit by the case officer, some vehicles of this nature were parked up on the roadside clearly causing an obstruction (see **Figure 2**). Whilst it cannot be known for certain that these vehicles belonged to the occupiers of No. 88 Hatherton Road, in any event, it gives an indication of the impact of such large vehicles in the road on a daily basis.



Figure 2: Photo taken by the Case Officer on a site visit on 19th October 2023.

- 4.16 The dwelling is stated on the application form to have 3 car parking spaces, although the Local Highway Authority consider the dwelling could accommodate 4 car parking spaces at the front. Nevertheless, there is not sufficient parking for large construction vehicles and this is not the right location for them to be parked on a regular basis.
- 4.17 The lack of sufficient car parking to accommodate the nature of the short-term accommodation will result in these large vehicles being parked on the highway,

causing an obstruction to other road users and pedestrians. However, it is not considered that this would cause severe impacts in terms of highway safety as set out in Paragraph 111 of the NPPF. Furthermore, the Local Highway Authority has not objected to the proposal. Nevertheless, the nature of the vehicles associated with the short term let arrangement (advertised as being for contractors/construction workers) will contribute to the noise, disturbance, and reduced standards of amenity for the existing residents. As a result, the insufficient car parking will form part of the reason for refusal regarding residential amenity, rather than be a reason for refusal in its own right regarding highway safety and is considered to exacerbate the reduced quality of life for residents contrary to Policy CP3 of the Cannock Chase Local Plan and Para. 130 (f) of the NPPF.

IMPACT ON NATURE CONSERVATION AND THE CANNOCK CHASE SPECIAL AREA OF CONSERVATION (SAC)

- 4.18 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 or increase in visitors will be required to mitigate adverse impacts.
- 4.19 This proposal will result in the potential for additional tourists to the SAC and the SAC Guidance (2022) is clear that holiday accommodation is also required to undertake a Habitat Regulation Assessment (HRA). A HRA has been carried out and SAC mitigation contributions are required. If the application were to be approved, the proposal is not CIL liable and therefore a financial contribution would be required via a S106 agreement.
- 4.20 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that is given special protection or which is of particular conservation interest. As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.
- 4.21 Given the application is recommended for refusal, a S106 agreement has not been sought in connection with this proposal. Nevertheless, this needs to form a further reason for refusal in case of the event that the applicant chooses to appeal the decision. In the absence of a S106 legal agreement, there is no SAC mitigation in place arising from this proposal and the additional visitors could cause harm to the SAC. The proposal would not however have a significant adverse impact on nature conservation interests at the site. The proposal is therefore contrary to Policy CP13 of the Local Plan and the NPPF.

WASTE AND RECYCLING FACILITIES

- 4.22 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).
- 4.23 In this instance, bin storage can be provided on site and bin collection will already be in place in this existing and established urban area. However, the applicant has stated in their supporting statement that they have changed the bins to larger business waste bins. Whilst this may address the issue of waste at the site, it continues to infer that the use of the property is larger than an average residential dwelling as normal residential bins should be sufficient to cater for the property, even if in use as a holiday let.

5 Human Rights Act 1998 and Equality Act 2010

Human Rights Act 1998

- 5.1 The recommendation to refuse accords with the policies of the adopted Local Plan and the applicant has the right of appeal against this decision.

Equality Act 2010

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

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

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

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

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

6 Conclusion

- 6.1 The proposal will result in the adverse impact on residential amenities due to the size and scale of the property reducing resident's quality of life and introducing the fear of crime and anti-social behaviour. The holiday accommodation will not contribute positively to Cannock Chase District and any benefits are outweighed by the harm caused. The proposal will also cause harm to the SAC without a S106 legal agreement in place for SAC mitigation. The proposal is therefore contrary to policies CP3, CP9 and CP13 of the Cannock Chase Local Plan and the NPPF.
- 6.2 It is therefore recommended that the application be refused.

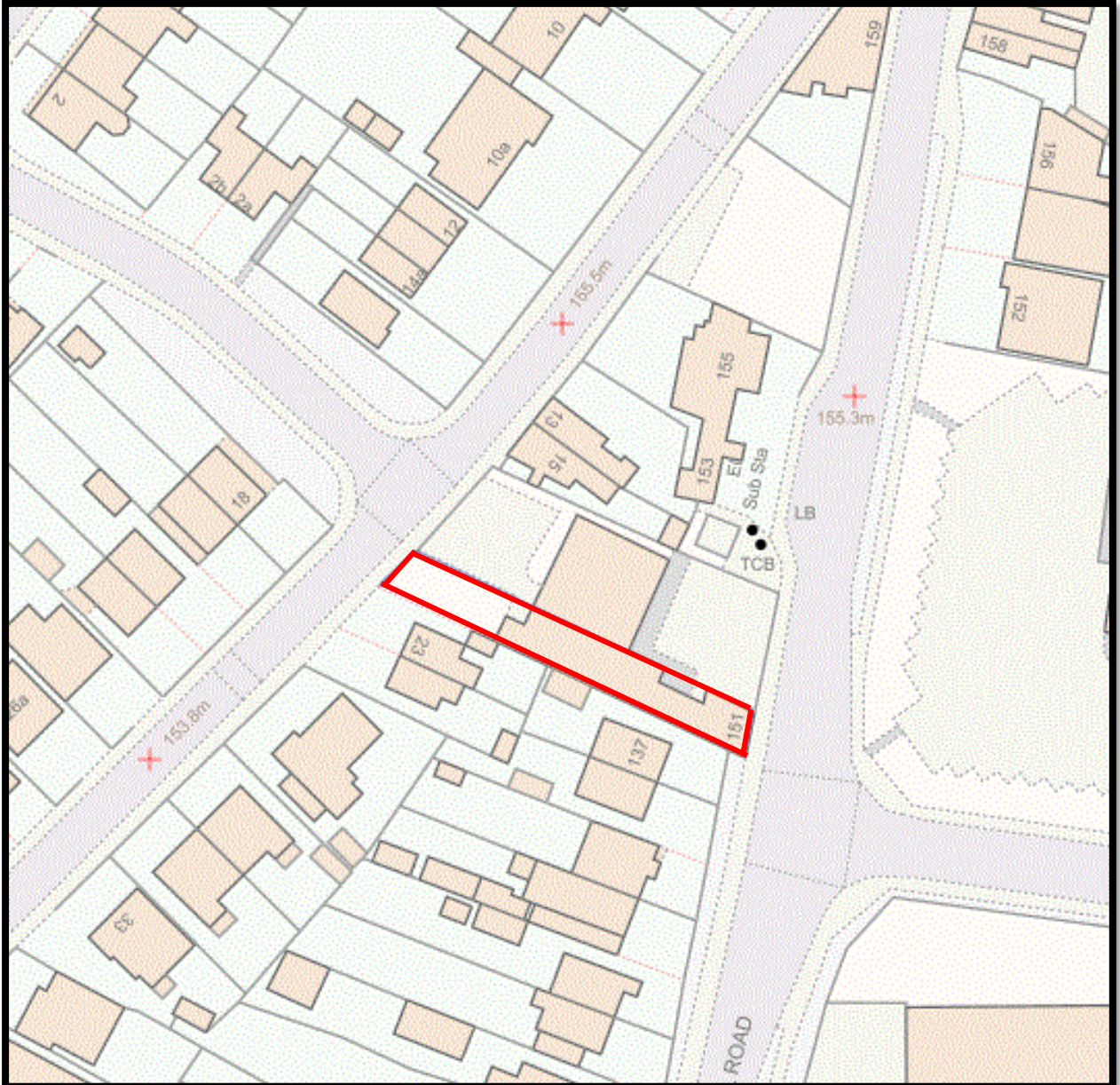


Application: CH/23/0287
Location: - Erection of a pair of two bedroom bunga151,
Unit 2 and Flat Above, Walsall Road, Norton Canes,
Cannock, Staffordshire, WS11 9QX
Proposal: Part demolition of ground floor, 2 storey rear
extension and conversion into 4no 1 bedroom apartments.

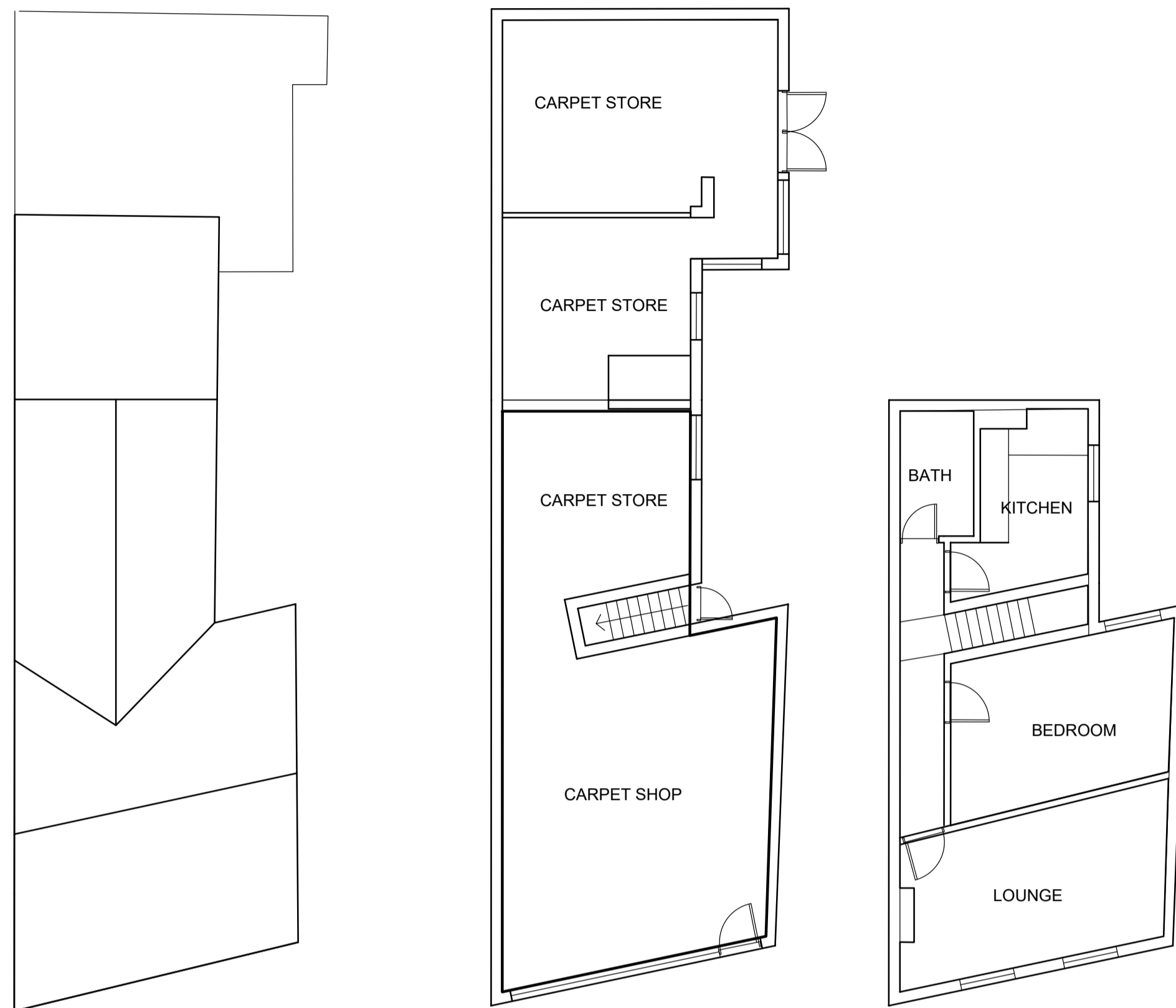
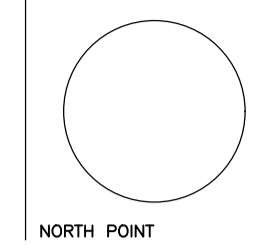
Item No. 6.67



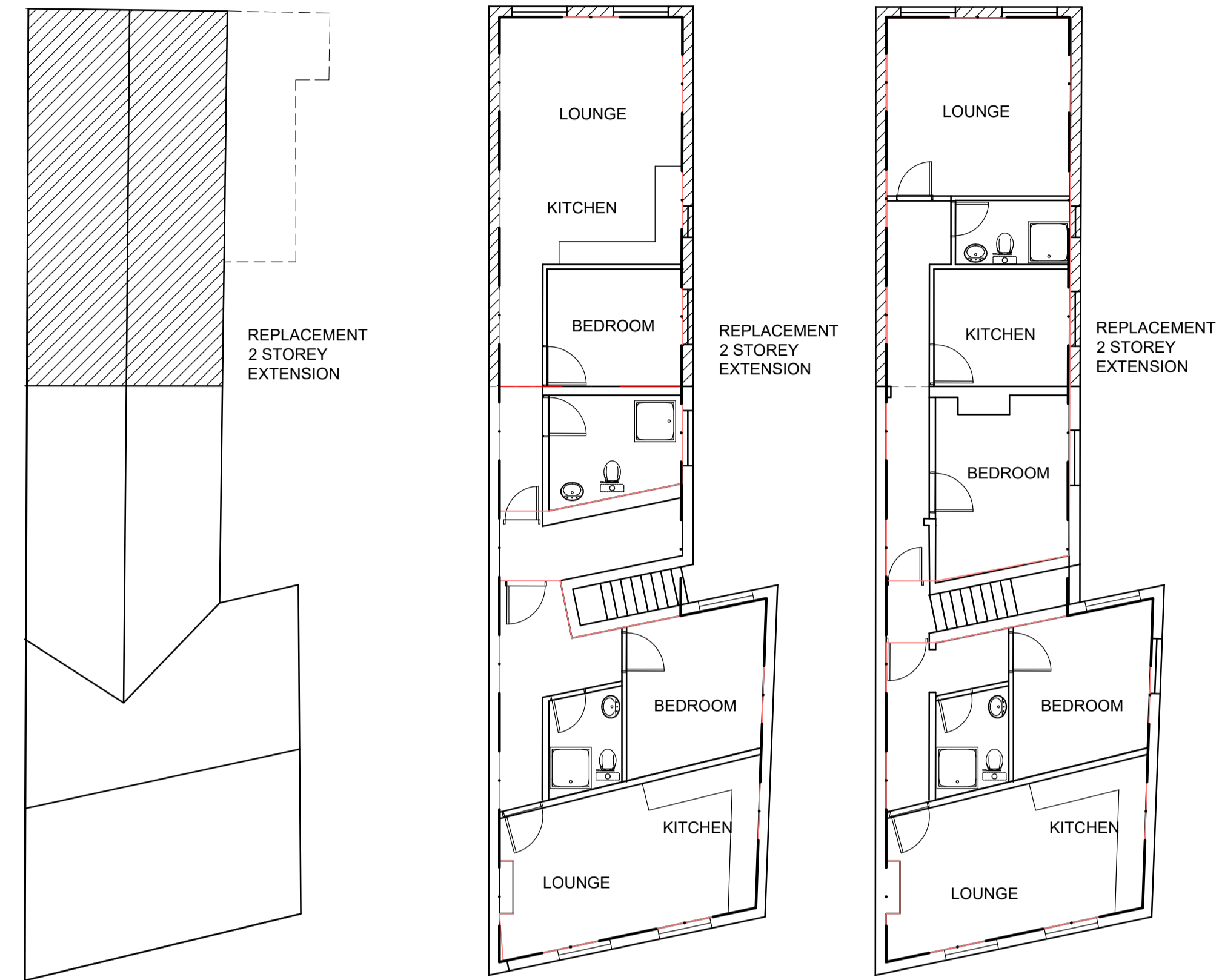
Location Plan



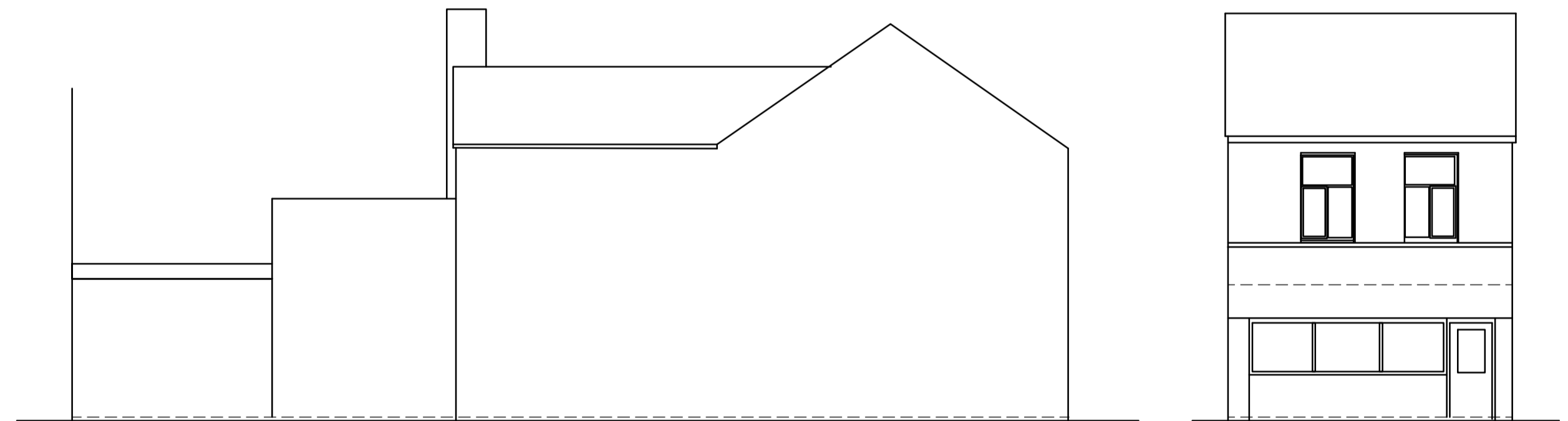
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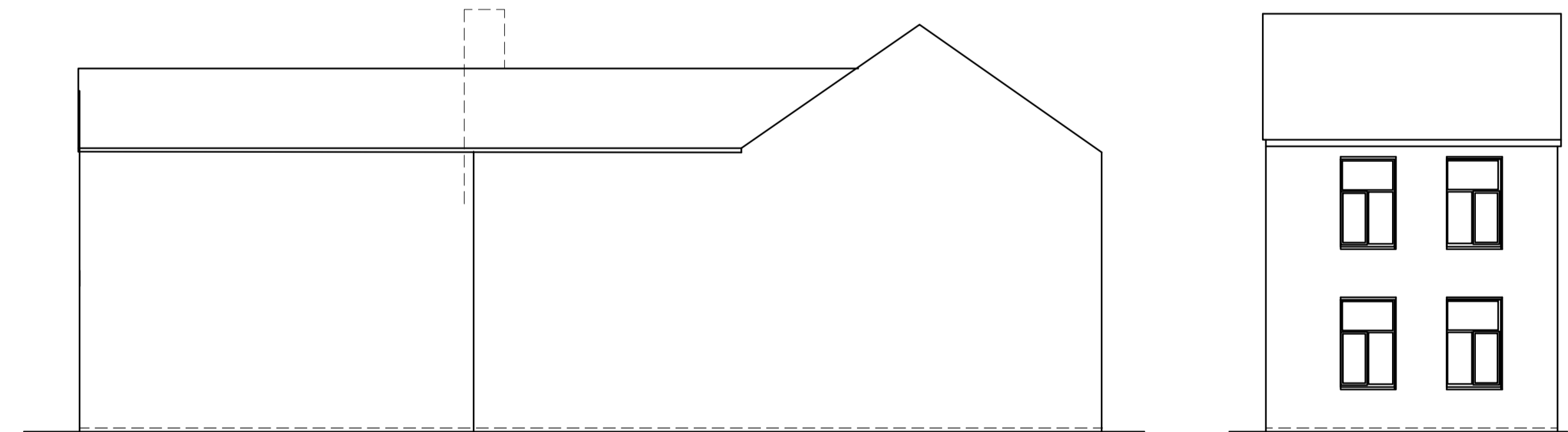
EXISTING ROOF PLAN CARPET SHOP
 EXISTING GROUND FLOOR PLAN CARPET SHOP
 EXISTING FIRST FLOOR PLAN APARTMENT



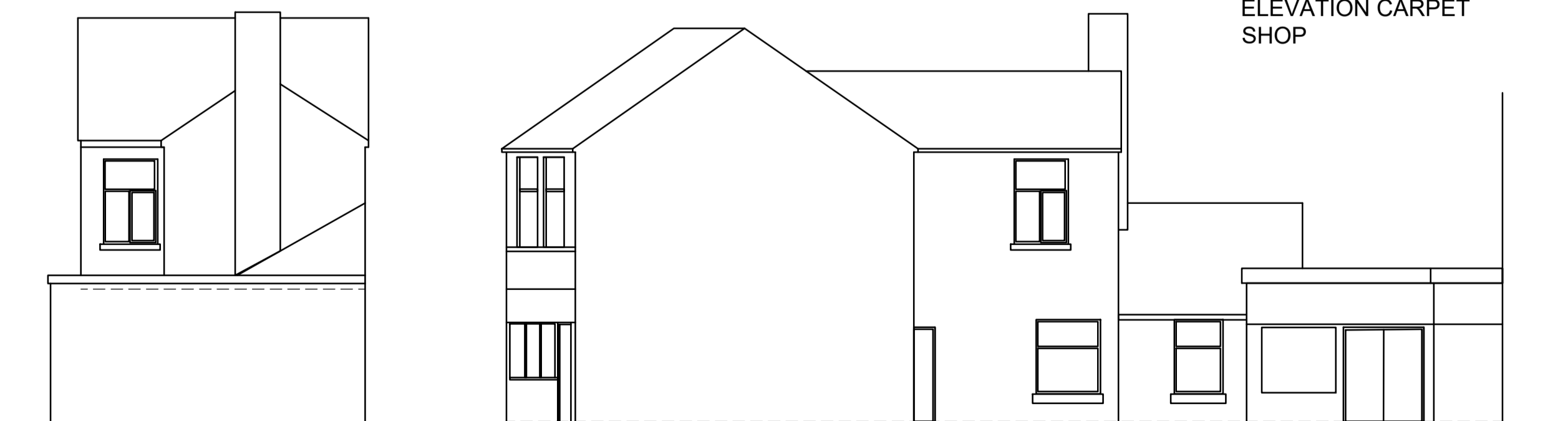
PROPOSED ROOF PLAN
 PROPOSED GROUND FLOOR PLAN
 PROPOSED FIRST FLOOR PLAN



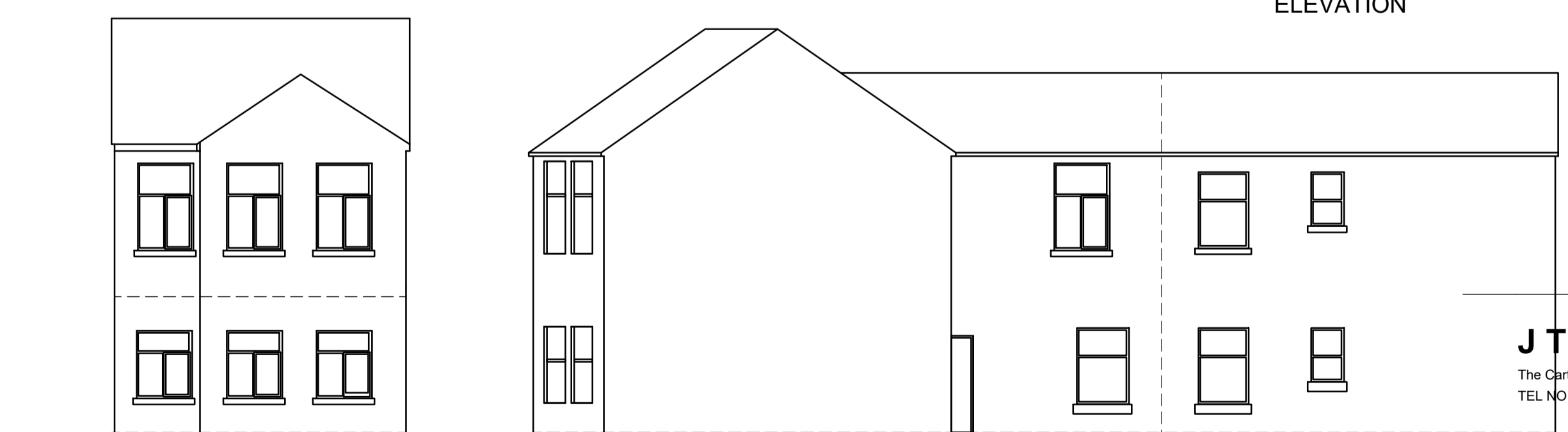
EXISTING SIDE ELEVATION CARPET SHOP
 EXISTING FRONT ELEVATION CARPET SHOP



PROPOSED SIDE ELEVATION
 PROPOSED FRONT ELEVATION



EXISTING REAR ELEVATION
 EXISTING SIDE ELEVATION CARPET SHOP



PROPOSED REAR ELEVATION
 PROPOSED SIDE ELEVATION

J T Design Partnership LLP
 The Cart Hovel, Court Drive, Shenstone, Lichfield, WS14 0JQ
 TEL NO 01543 481569

CLIENT PROJECT
Mr Jag Basi
Proposed conversion of Carpet store to 1 bed apartments

151 Walsall Road Norton Canes

DRAWING
Existing and Proposed Plans and Elevations

SCALE 1:100 DRAWING NO. JMD 796/02



SITE PLAN	DRAWN	CHECKED	SCALE
			1:200 @ A3

Contact Officer:	David O'Connor
Telephone No:	4515

Planning Control Committee 13 December 2023
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Application No:	CH/23/0287
Received:	11 Aug 2023
Location:	151, Unit 2 and Flat Above, Walsall Road, Norton Canes, Cannock, Staffordshire, WS11 9QX
Parish:	Norton Canes CP
Ward:	Norton Canes
Description:	Part demolition of ground floor, 2 storey rear extension and conversion into 4no 1 bedroom apartments.
Application Type:	Full Planning Permission

The application is being presented to Members for determination following a request to speak from Ward Councillors

RECOMMENDATION: Refuse

- 1) The application contains insufficient information in relation to prospective noise impacts from traffic and nearby uses. As such the Council is unable to determine if the resultant living environment would be appropriate for intensified use as a residential property. The application is therefore contrary to Local Plan Policy CP3 and Paragraph 130(f) of the NPPF.
- 2) The application contains insufficient information regarding parking and the relationship between the proposed development and neighbouring approved development which overlaps the same site. The site plan provided is inadequate and contains insufficient detail. The Council is unable to fully assess parking impacts and associated displacement onto the highway. As such the application is contrary to Local Plan Policy CP10.
- 3) The application contains insufficient detail reference the approved neighbouring development and the relationship between the respective dwellings within each site. Noting the development is for housing in both cases, further detail is required to enable consideration of impacts upon the living environment of respective

properties, intervisibility and privacy. In the absence of such detail, the application is contrary to Local Plan Policy CP3 and Paragraph 130(f) of the NPPF.

- 4) The site plan provided contains insufficient detail to enable consideration of whether the proposals would meet relevant amenity space standards. In the absence of proposed garden areas (communal or otherwise), there is conflict with the adopted Design SPD which suggests 30sqm per flat is required. In the absence of such detail, the application is contrary to Local Plan Policy CP3 and Paragraph 130(f) of the NPPF.
- 5) The application proposes demolition of buildings of traditional construction and fails to consider the presence of bats. In the absence of such information, the Council is unable to discharge its duties under the Wildlife and Countryside Act 1981

Notes to the Developer:

None

1. CONSULTATIONS AND PUBLICITY

Internal Consultations

Policy Comments – No Comments

Environmental Protection – Refuse

The proposed development will result in additional residential properties in a noise sensitive location, particularly the proposed ground floor flat, which fronts onto Walsall Road and local light industrial units.

The applicant should submit an assessment of the potential impacts of noise the proposed development.

Parks and Open Spaces – Holding objection

The submitted details are very limited to fully assess the proposal, especially in context of the previous applications for the site, ref. 20/033& 19/021. For example, no layout plan is provided to show the proposed building in context of the site footprint, to show the access, parking arrangements, bin storage and hard and soft landscaping.

It is expected that the proposal will have a negligible impact on the existing street scene due to a minimal amount of change in the building footprint, however this will need to be confirmed with a layout plan. It would be preferable to add in soft landscaping to enhance the street scene, improve the urban environment and mitigate the impacts of climate change.

Recommend a plan is provided showing how this proposal and the previously accepted proposal comply with CCDC SPD Appendix B: Residential Development Guidelines including garden sizes.

- (i) Concern that residents of the proposed houses approved within previous planning applications will be overlooked by the top floor flats.
- (ii) Recommend 120m² of communal space is provided to comply with the SPD stated.

There are no trees of value to require protection.

Recommend an inbuilt bird box and inbuilt bat box is incorporated to building.

External Consultations

Highway Authority – Refuse

Extant planning permission was granted at this site Ref no.: CH/20/330

- Partial demolition of existing retail unit and construction of 4 new dwelling houses with private drives

The application is for the part demolition of the ground floor, a two storey rear extension and conversion into 4no 1 bedroom apartments. Having reviewed the submitted information, the application form states there is no parking provision for the 1 bedroom apartments. The Design and Access statement refers to 'limited parking' available but also states 'there are parking spaces provided to the rear of the site with access off Chapel Street' but it is unclear whether these are attached to the former Carpet shop or whether these are to be made available for the apartments. The submitted plans don't show any parking. Within the red edged plan is the former carpet store to the rear of the proposal. There is insufficient information for the Highway Authority to make a decision. The applicant is therefore requested to provide further information to clarify the parking situation and also state what is proposed for the unit to the rear of the proposal.

2. RESPONSE TO PUBLICITY

The application has been advertised by neighbour letter. No public comments have been received but a joint representation from Councillors Newbury and Preece has been received. In summary this representation raises the following points:

- Car parking on site is limited and will be shared with the neighbouring site that has already been given planning permission. We feel that this is an unacceptable arrangement, the application for the development next door mentioned in the Design and Access Statement itself came with requirements of a certain number of parking spaces per dwelling per Cannock Chase Council's planning requirements for those properties alone. It is unacceptable that the parking spaces for this application should be also added to that parking space burden – the application needs to demonstrate its own parking facilities or else should be rejected as overdevelopment.
- Pooling parking spaces with another already agreed application will put pressure on the roads around the application including on the junction of Chasewater Way – pressure manifested in on road parking. We already receive constant complaints about parking on the road on Chapel Street from the junction with Walsall Road to

opposite the junction with Chasewater Way. This parking is from customers and residents in the buildings that sit between Walsall Road and Chapel Street. The junction of Walsall Road and Chapel street features a very sharp turning if you're coming from Walsall Road on Chapel Street and is made worse by the cars parked on this road. We believe that this stretch of road warrants double yellow lines to allow safe turning of vehicles into this road. Also with 2 additional access points to the driveway from application CH/21/0296 we believe that there will be an overburden on traffic flow from on-road parking as the cars who would have otherwise parked on this stretch will move further and further up Chapel Street and onto Chasewater Way.

Relevant Planning History

CH/19/021 Demolition of existing retail unit, erection of 5 no. new dwellings Full -
Approval with Conditions 17 Jan 2019

CH/20/206 Partial demolition of existing retail unit and construction of 4 new dwelling houses with private drives. A small extension to the retail unit, to regularise the rear elevation at first floor. Refused 18 Jun 2020

CH/19/021/A Discharge of Conditions No.1-15 (save for part of condition 2/3) , external environment, landscape, access & parking, construction method statement, foul/surface water, bat box, electric vehicle charging points. Pursuant to CH/19/021. Approved 07 Sep 2021

CH/19/021/B Application to discharge Conditions No. 2&3 (external environment-landscape). Pursuant to CH/19/021 Approved 19 Apr 2022

3. SITE AND SURROUNDINGS

- 3.1 The application site comprises of a traditional two-storey building, with the ground floor used for retail use as a carpet shop, and the first floor being used as a residential dwelling. The building has had various extensions to the rear in the form of a two-storey rear and an additional single storey rear beyond this, giving the current building an overall 'L' shape.
- 3.2 The main building sits under a gable roof, the two-storey rear section has an intersecting duo-pitch roof, and the single storey rear portion has mono pitch roof. All roofs are finished in facing brick and decorative ridge tiles, except for the single storey which does not have any decorative tiles. The property is finished in a white render on the front and side elevation. The main frontage sits directly on Walsall road, and contains 2 signs advertising "R.F Carpets and Beds", the side elevation also contains advertisement for "Optimu Leisure".
- 3.3 The immediate streetscene comprises of a mix of residential and commercial buildings, and the site sits directly opposite "The Yew Tree" a pub/restaurant whilst a short distance south is the entrance to Norton Canes Business Area – a industrial

estate. The majority of the dwellings within the nearby vicinity are semi-detached 2 and 1.5 storey dwellings.



Figure 1: Satellite imagery showing the sites location and context in relation to neighbouring properties. Taken from Google Earth ©

- 3.4 The site is allocated within the Local Plan as being within a Brownfield site 2022, the Norton Canes CP neighbourhood area, and a SHLAA 0-5 year site: N70. The site has also been identified as being within a Mineral Consultation Area (Coal Fireclay), a Coal Authority Low Risk Area, A Historic Landfill Site and a Site investigation history.

4. **PROPOSAL**

- 4.1 This application seeks planning permission for the change of use of the existing carpet shop and the formation of 4 No. residential flats. Also proposed is the demolition of the single storey sections of the building and their replacement with a 2 storey extension at the same height as the existing building. The proposals seek to use materials which match with the existing dwelling, the walls are to be rendered in a white render.



Figure 2: Extract from Proposed Elevations showing rear extension denoted by dotted line (right)

5. **PLANNING POLICIES**

- 5.1 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.
- 5.2 The Development Plan currently comprises the Cannock Chase Local Plan Part 1 (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030).

Cannock Chase Local Plan Part 1

- 5.3 Relevant policies within the Local Plan include: -

CP1 - Strategy – the Strategic Approach

CP3 - Chase Shaping – Design

CP6 – Housing Land

CP7 – Housing Choice

Minerals Local Plan for Staffordshire

- 5.4 Relevant Policies within the Minerals Plan Include:

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

National Planning Policy Framework

- 5.5 The NPPF (2023) 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.
- 5.6 The NPPF (2023) 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.

- 5.7 Relevant paragraphs within the NPPF include paragraphs: -
- 8: Three dimensions of Sustainable Development
 - 11-14: The Presumption in favour of Sustainable Development
 - 47-50: Determining Applications
 - 126, 128, 130, 131: Achieving Well-Designed Places
 - 176 Conserving and Enhancing the Natural Environment
 - 179 -182 Habitats & Biodiversity
 - 212, 213 Implementation
- 5.8 Other relevant documents include: -
- (i) Design Supplementary Planning Document, April 2016.
 - (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
 - (iii) Manual for Streets

6. DETERMINING ISSUES

- 6.1 The determining issues for the proposed development include: -
- i) Principle of development
 - ii) Character and Appearance
 - iii) Amenity Considerations
 - iv) Highways Considerations
 - v) Biodiversity

7. PRINCIPLE OF THE DEVELOPMENT

- 7.1 Both paragraph 11 of the NPPF (2023) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development.
- 7.2 The presumption in favour of sustainable development as set out in paragraph 11 of the NPPF states: -

'For decision taking this means:

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

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

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

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

7.3 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.”

7.4 The Council’s Housing Policy, CP6 conveys that *‘Within a defined village settlement boundary as shown on the Policies Map [which the proposals in this case are not] will be limited to small infill sites which accord with sustainable development principles identified in the NPPF and the strategic approach defined in CP1.’*

7.5 In Spatial Planning terms, the site forms part of the Cannock Urban Area which does not have a settlement boundary in the same way as smaller villages. Nevertheless, Policy CP1 is clear that urban areas will accommodate most of the District’s new housing. In this regard, Officers assess the site is viable in principle as a site for housing and the location is a sustainable one in spatial terms.

7.6 Another consideration is the loss of the retail use currently functioning as a carpet shop. The site is not within a defined Local Centre and the loss of the retail use would not appear to have a significant bearing upon the availability of local services. As such Officers have no significant concerns with the principle of the proposed development.

8. DESIGN CONSIDERATIONS

8.1 The proposed alterations to the property are for the demolition of the part of the ground floor, and for the erection of a two storey rear extension. Overall, whilst the extension is on the large size its scale still relates reasonably to the original building and is not substantially out of keeping within the context of the site. The proposals

seek to use a mix of matching and similar materials to the original building, ensuring that the extension will relate well the building and existing streetscene. Overall, the proposals would not appear out of keeping and would assimilate well with the host dwelling and surrounding residential estate.



Figure 3: Main view of the site from the rear

- 8.2 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 as a whole would be well-related to existing buildings and their surroundings such that it would be acceptable in respect to its impact on the character and form of the area.

9. RESIDENTIAL AMENITY

- 9.1 Paragraph 130(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 9.2 The dwellings proposed would be provided with internal floor areas that exceed the requirements of the National Space Standards and internally provide for a reasonable level of accommodation with open plan kitchen/living spaces and separate WC.
- 9.3 Externally the proposed site plan includes very little detail. It does not demonstrate any reasonable level of outside amenity space for the proposed flats. Cannock Chase Design SPD requirements state that 30sqm of communal garden space per flat should be provided for a part of a proposal giving a requirement of 120sqm of external amenity space. Officers see this as a substantial conflict with standards and assess the living environment of the respective units would be substantially eroded by non-compliance with this adopted standard.

9.4 It is also relevant that the adjacent site which appeared to be under construction during the Officer’s visit, is not shown on the relevant plan in this case. An extract from the approved site plan for CH/19/021 is shown below:

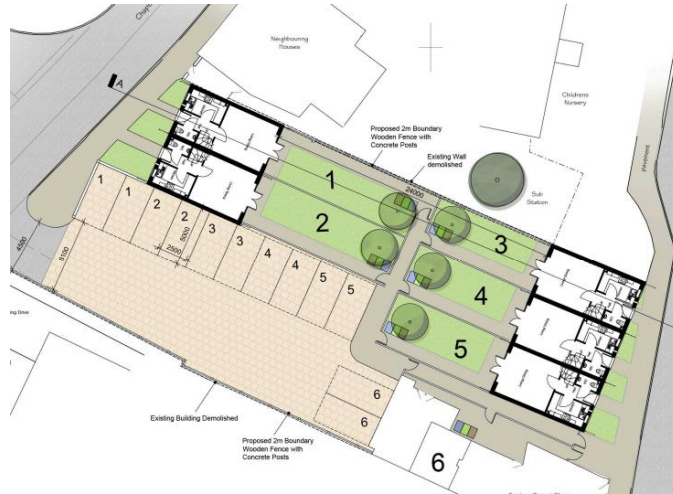


Figure 4: Extract of proposed site plan from previous application CH/19/021, showing proposed dwellings and associated parking, this application was approved with conditions.

9.5 It can be observed that the rear extension now proposed is roughly where the number 6 is within the image. The property in this case would have As indicated at Figure 2 of this report, a range of first floor windows would be afforded the opportunity to overlook gardens 4 and 5 – albeit given the ambiguous site plan this is not particularly clear from the submissions.

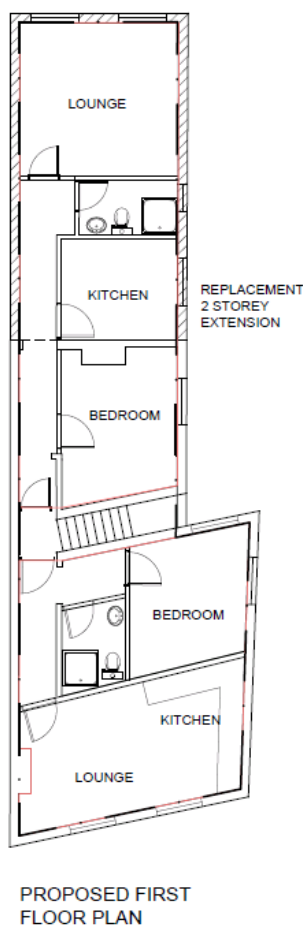


Figure 5: Extract from Proposed Floor Plan

- 9.6 In terms of wider impacts to future residents, the Council's Environmental Health Officer raises concerns about the impacts of noise from the Walsall Road and immediate context of the site (i.e. public house and industrial area). Particularly in the case of the ground floor units, noise is a reasonable consideration that could require changes to the premises to minimise disturbance. No detail is provided as part of the submission.
- 9.7 Officers remain concerned that the proposed development would not convey an appropriate living environment for existing residents by virtue of the limited garden space accompanying the development and the absence of consideration of noise impacts. Furthermore the proposals would appear to impact future prospective residents as a consequence of overlooking from first floor windows into private spaces. As such in this regard Officers assess there would be a significant adverse impact on prospective occupiers that would be contrary to Local Plan Policy CP3 and NPPF Para 130(f).
10. **PARKING AND HIGHWAYS**
- 10.1 The Council's Parking Standards require 1.5 spaces per dwelling for one to two bedroom dwellings with communal parking. The proposals seek to provide no parking spaces for the four, one bedroom dwellings, and state that due to the

proposals being within a sustainable area, i.e. public transport links and amenities within walking distance, this should not be an issue.

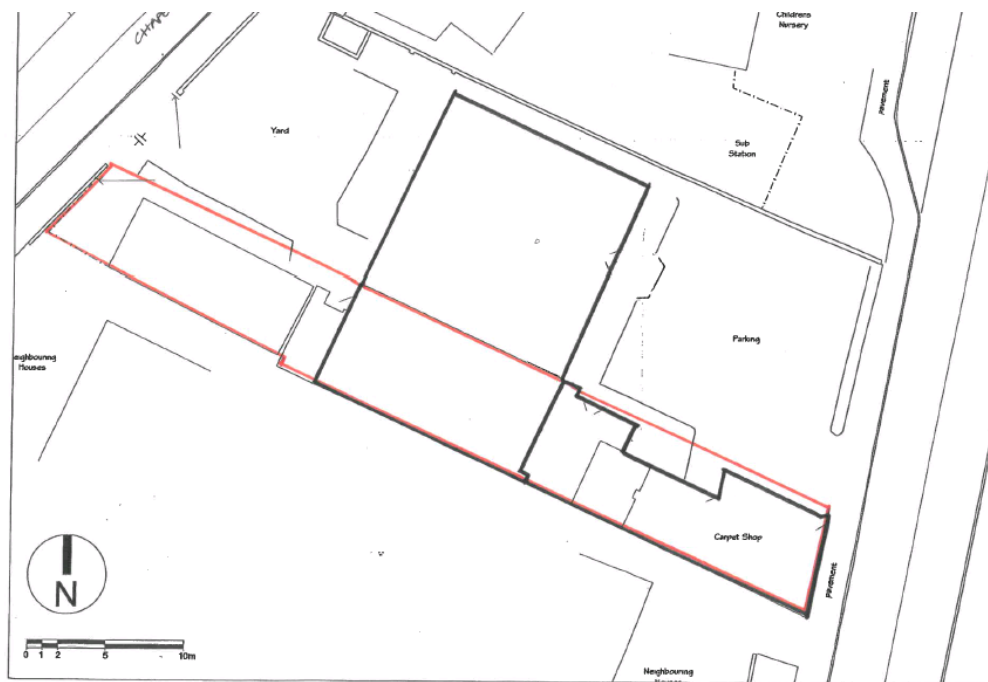


Figure 6: Site Plan provided as part of the application

- 10.2 The Highway Authority raise concerns reference the level of parking proposed. In particular it is highlighted that 'limited parking' is mentioned in the supporting documents to the application but it also states 'there are parking spaces provided to the rear of the site with access off Chapel Street'. It is unclear whether these are attached to the former Carpet shop or whether these are to be made available for the apartments. The submitted plans display an absence of clarity as to the proposed arrangements and the Highway Authority assess that there is insufficient information for the Highway Authority to make a decision. Further detail was requested from the agent about proposed parking.
- 10.3 In response it was stated that *'the use of these proposed flats is for rental supported accommodation for single persons Under the care of the company 1st Sutton Care. They are not market sale flats. There will be cycle racks included for the tenants. The 2 spaces car parking is for the visiting Support staff. Not the residents.'*
- 10.4 This response does not alleviate Officers concerns about insufficient clarity within the submissions or justify, on its own, a departure away from the adopted parking standards. It also raises a question of implementation 'over the top' of the approved parking layout under CH/19/021 when the plans do not acknowledge this. It should have been clear to the applicant and their agent that parking is a key issue on this site. There have previously been two applications for residential developments on this site in this past, these have varied between applications for 4 and 5 new dwellings. In the case of the application for 4 No. dwellings the proposal was refused due to their not being sufficient parking for the new dwellings, and for the proposed retail unit extension which "would have an overbearing effect and diminish the

outlook of that property.’ Care in the submissions should therefore have been taken to address these issues. To the contrary the detail provided fails to adequately deal with the parking and neighbour relationship points.

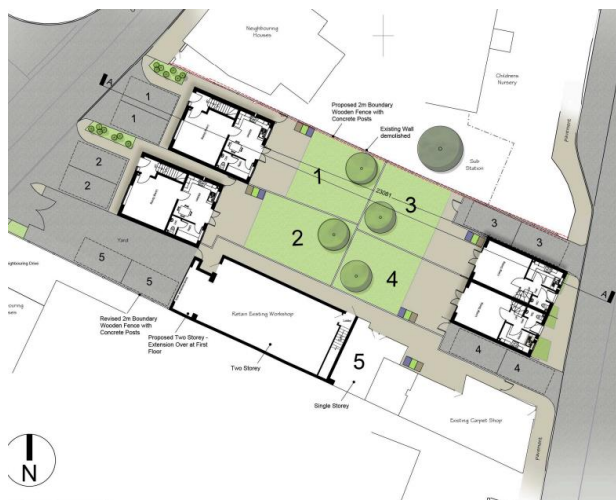


Figure 7: Extraction the proposed site plan for application CH/20/206, which shows an alternative layout to the site retaining an extending some of the retail space. This application was refused.

- 10.5 Considering the above information, it is clear the development does not provide sufficient information for Officers to establish whether the proposals comply with adopted Parking Standards and conflict with Local Plan Policy CP10. As such Officers recommend refusal of the application in this regard.

11. **BIODIVERSITY**

11.1 Paragraph 174 of the NPPF states [amongst other things] that ‘Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) *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);*

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

11.2 Much of the site is already partially demolished. Neither detailed or preliminary survey of the buildings proposed to be demolished has been provided. It is a requirement that Bat impacts should be assessed prior to the grant of planning permission, particularly where demolitions are proposed. Officers therefore assess insufficient information is provided in this regard and that at least a preliminary roost assessment should be provided.

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

Cannock Chase SAC

- 11.4 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. Although usually covered by CIL, given no new floorspace in this case a unilateral undertaking (S106) would be required in order to secure SAC contributions.

12. HUMAN RIGHTS ACT 1998 AND EQUALITY ACT 2010

Human Rights Act 1998

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

Equality Act 2010

- 12.2 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.
- 12.3 By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

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

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

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

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

13. **CONCLUSION**

- 13.1 This application seeks planning permission for the change of use of the existing carpet shop and the formation of 4 No. residential flats. Also proposed is the demolition of the single storey sections of the building and their replacement with a 2 storey extension at the same height as the existing building.
- 13.2 The application lacks detail in a number of areas particularly in relation to its relationship with the approved adjacent housing development. This results in unresolved parking, overlooking and amenity space considerations. Additionally no detail in relation to bats within potential buildings to be demolished is supplied and the Council's Environmental Health Officer raises concerns about the living environment in the absence of more detailed noise information. Taking these matters into account the application is recommended for refusal.



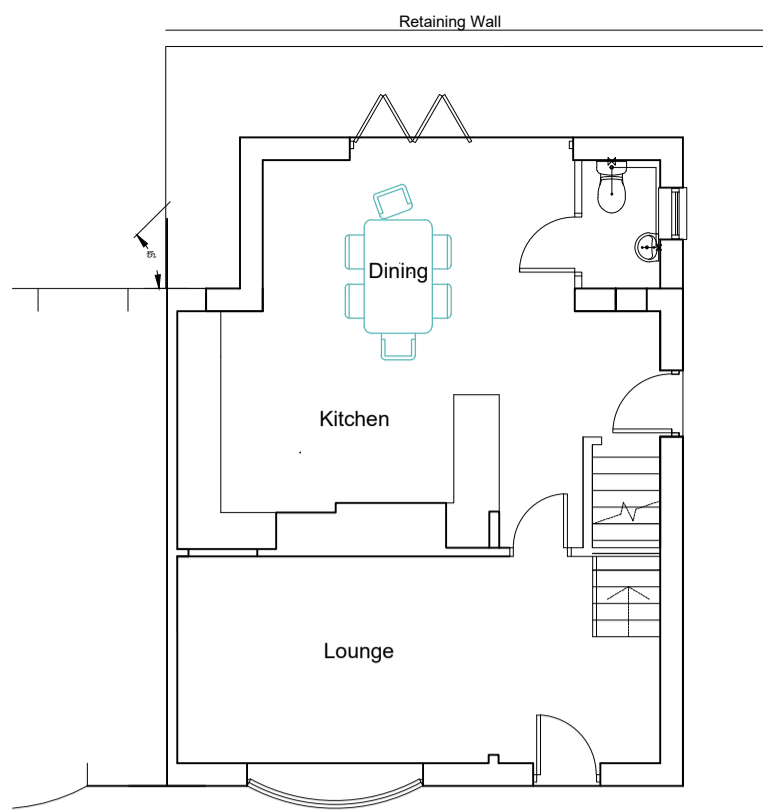
Application: CH/23/0357
Location: - 4, Brindley Crescent, Hednesford, Cannock,
WS12 4DS
Proposal: Single storey side extension and erection of a 2
bay garage to front of existing house.

Item No. 6.85

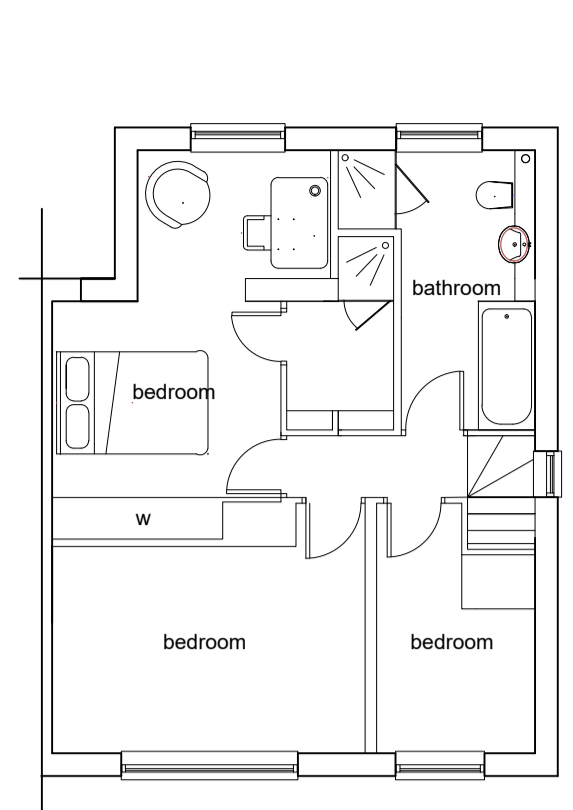


Location Plan

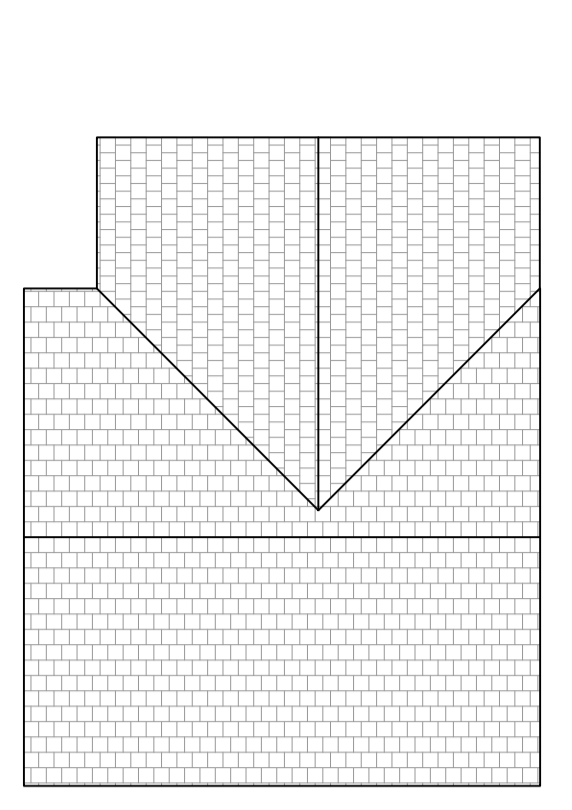




1 Ground Floor Plan - Existing
1:100



2 First Floor Plan - Existing
1:100



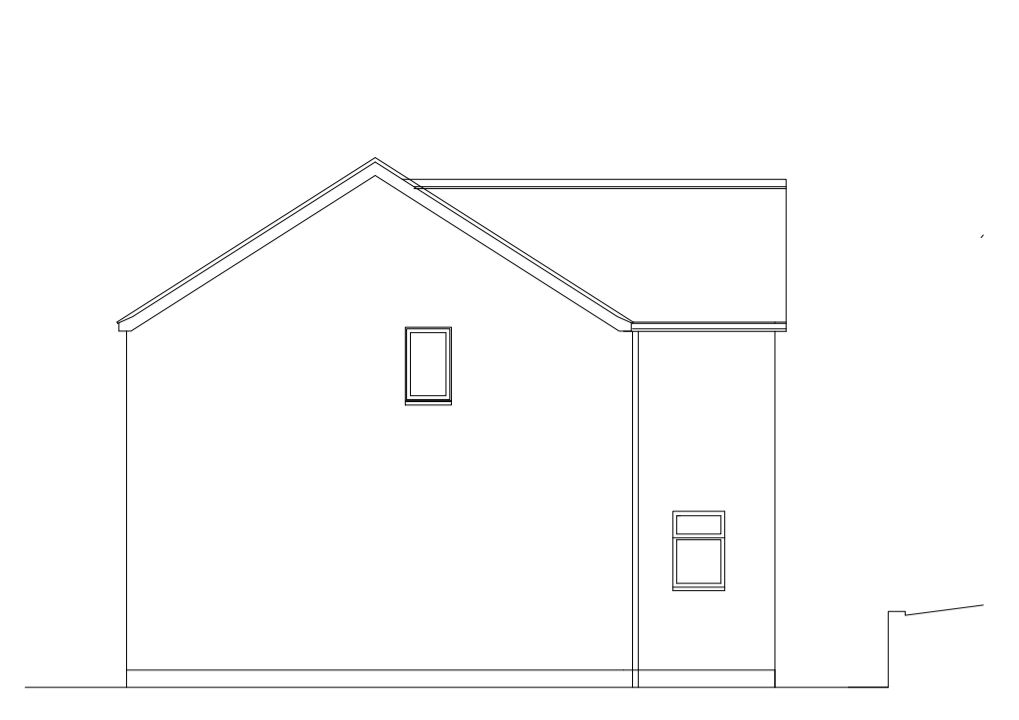
3 Roof Plan - Existing
1:100



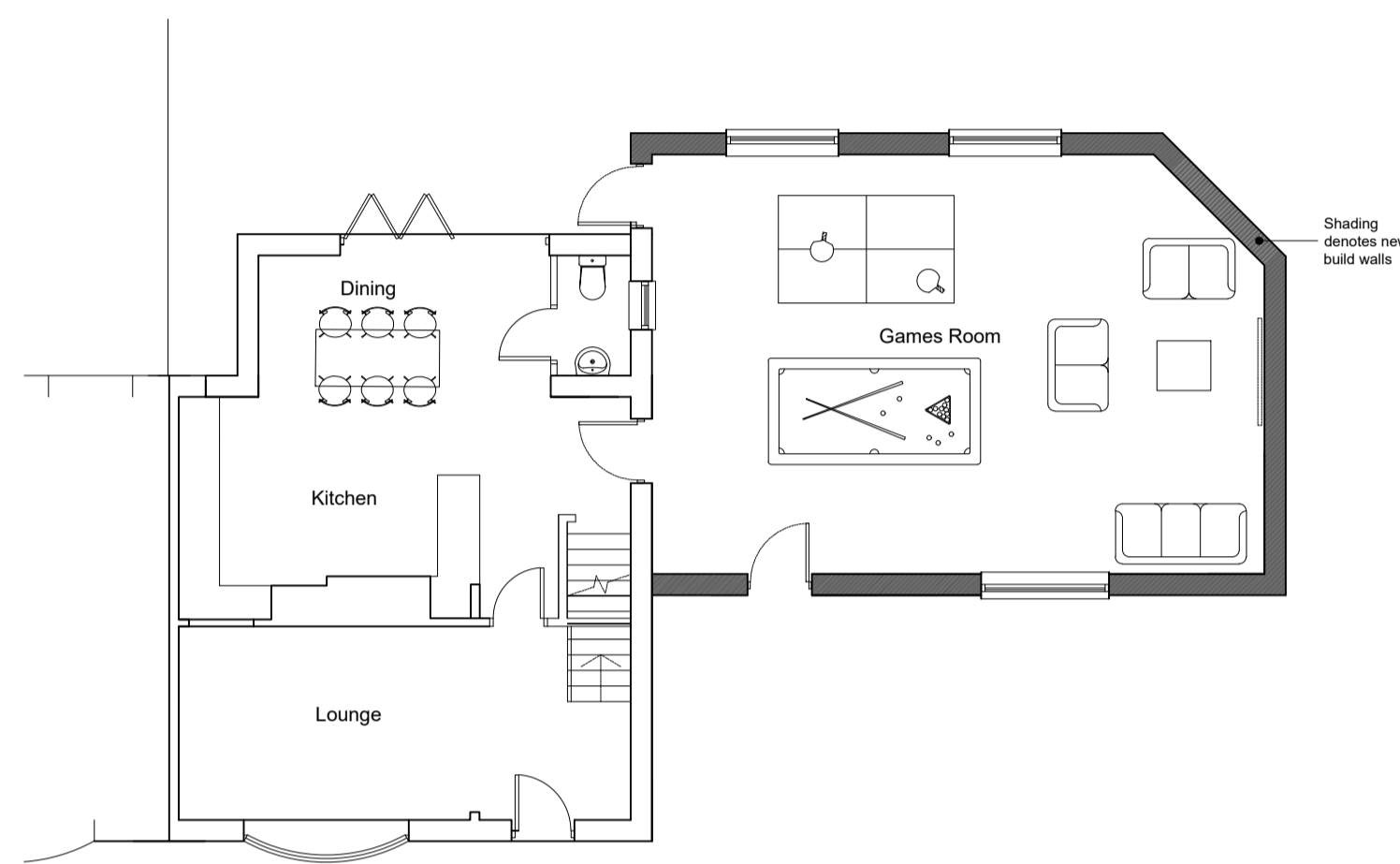
4 Front Elevation - Existing
1:100



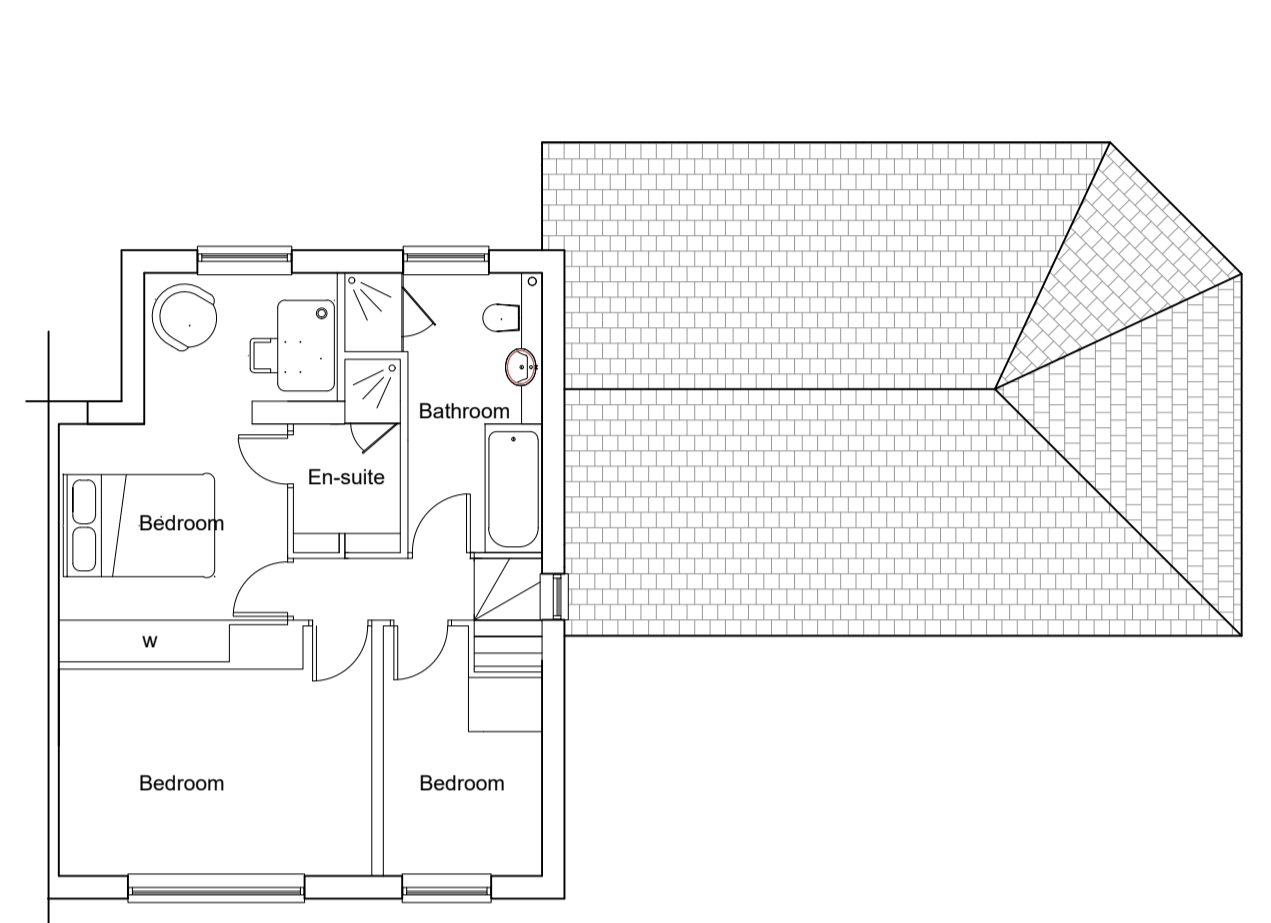
5 Rear Elevation - Existing
1:100



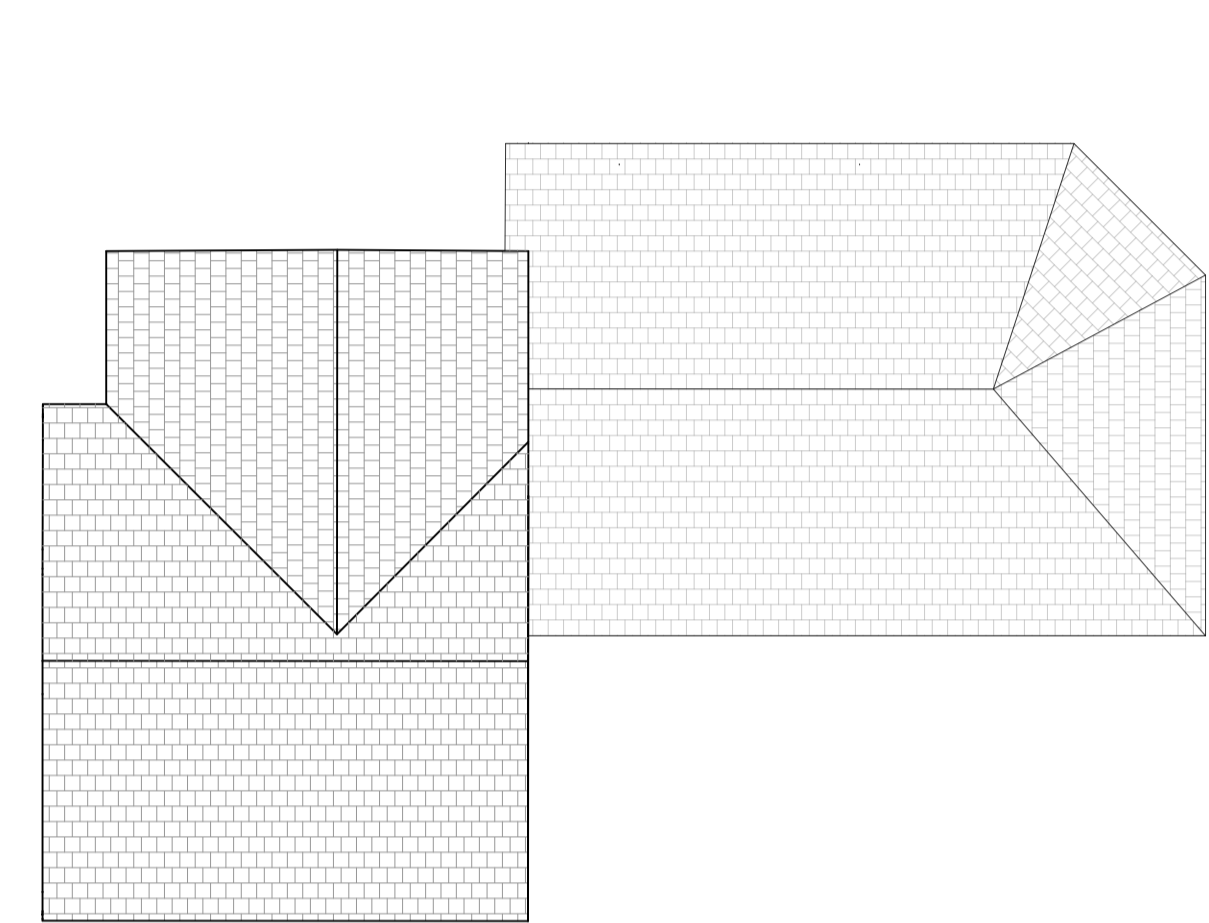
6 Side Elevation - Existing
1:100



7 Ground Floor Plan - Proposed
1:100



8 First Floor Plan - Proposed
1:100



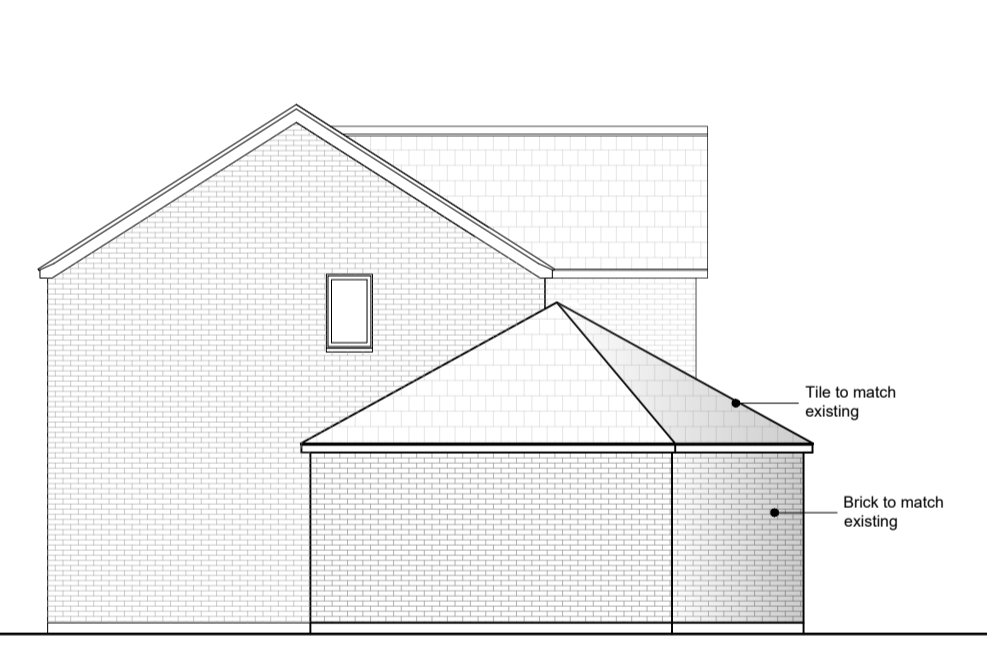
9 Roof Plan - Proposed
1:100



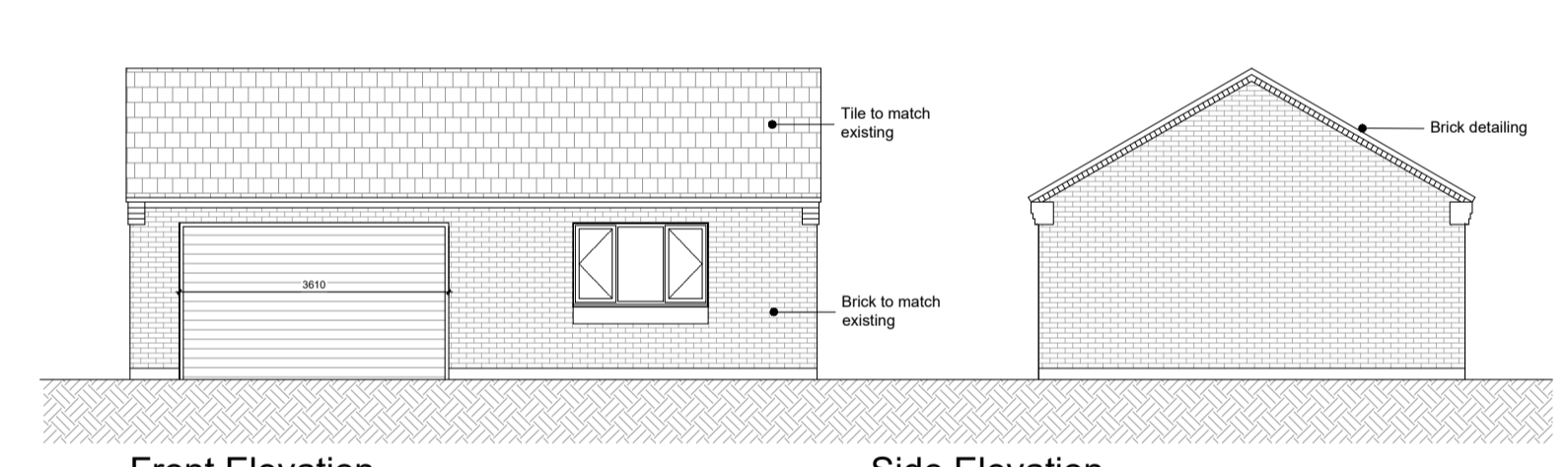
15 Location Plan
1:1250



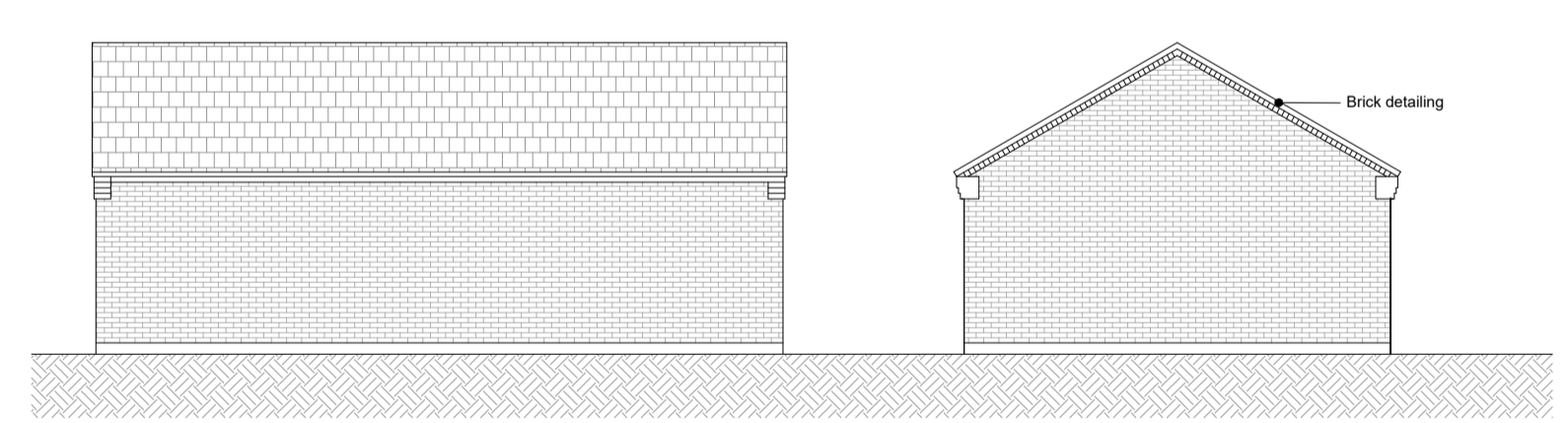
10 Front Elevation - Proposed
1:100



11 Side Elevation - Proposed
1:100



Front Elevation Side Elevation

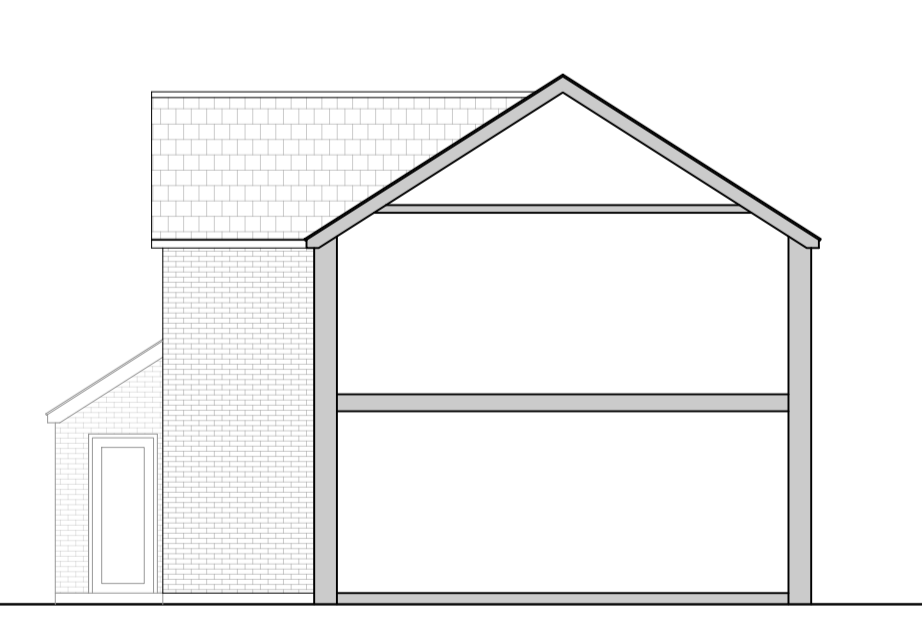


Rear Elevation Side Elevation 2

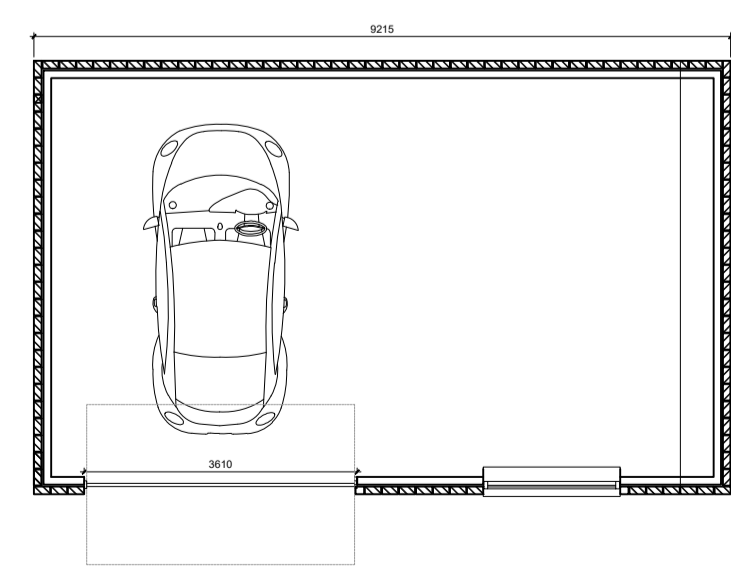
16 Proposed Garage Elevations
1:100



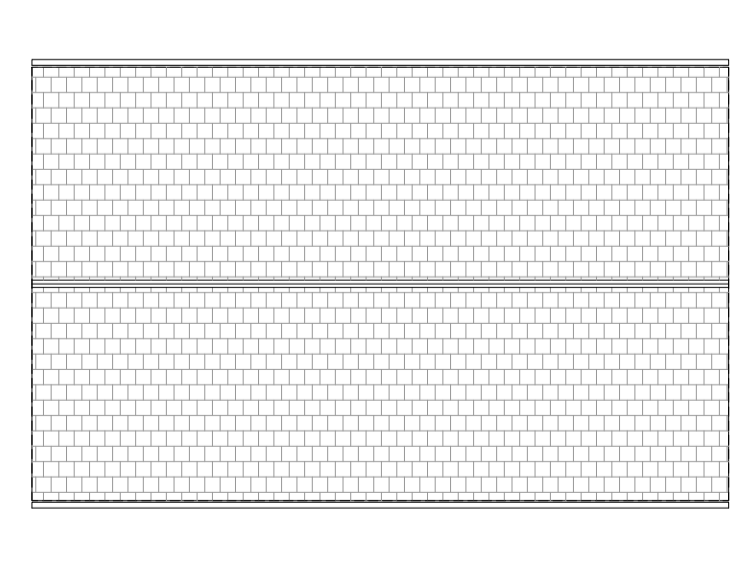
12 Rear Elevation - Proposed
1:100



13 Side Elevation 2 - Proposed
1:100



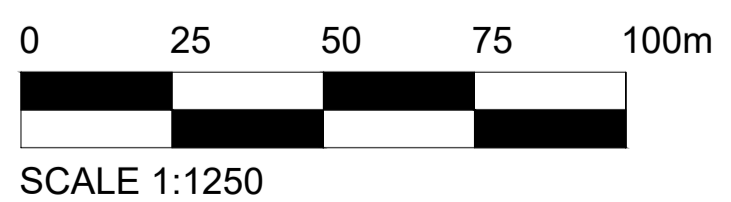
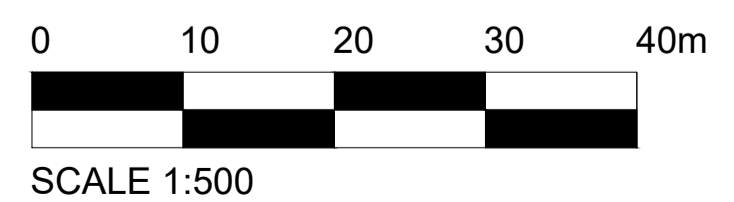
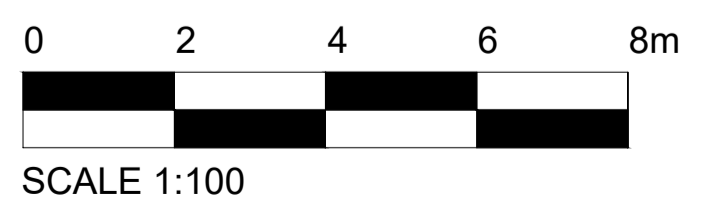
17 Proposed Garage Floor Plan
1:100



18 Proposed Garage Roof Plan
1:100



14 Block Plan
1:500



B	Design Amendments	MB	10.10.23
A	Design Amendments	MB	01.08.23
X	FIRST ISSUE		03.04.23
Rev:	Details:	By / Chk:	Date:

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

H&S HAZARDS:

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

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

Significant hazards are defined as:-

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

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Client:
Mr Mark Williams

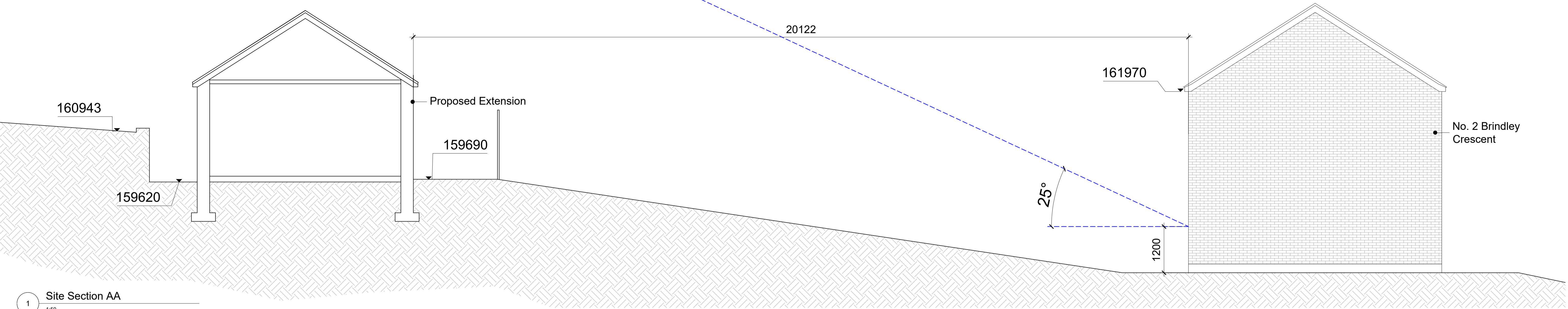
Project:
**4 Brindley Crescent
Hednesford**

Drawing Title:
Existing & Extension Proposals

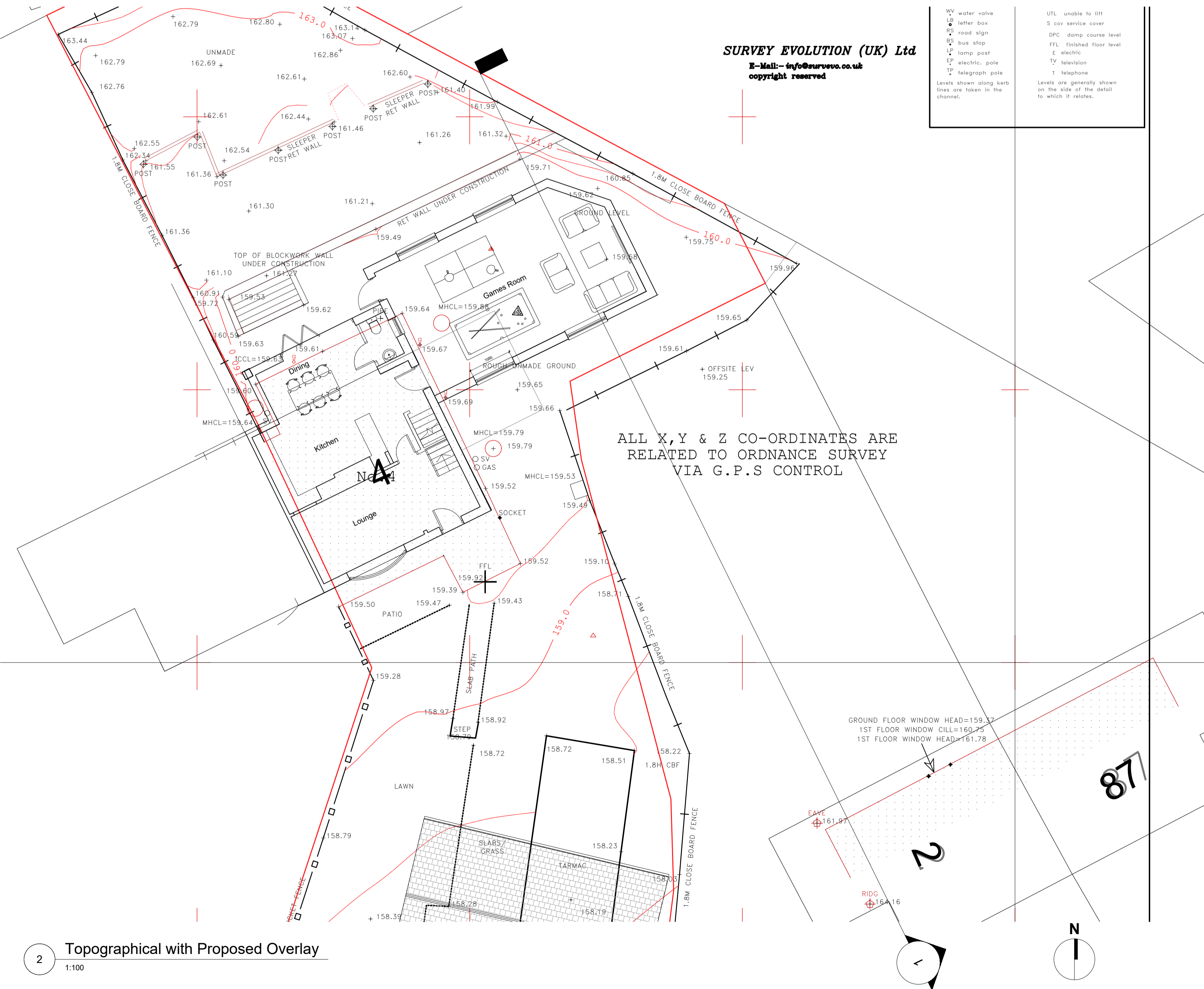
Stage: RIBA 3	Status: Planning	Sheet Size: A1
Job Number: 2910	Date: 03.04.2023	Scale: As Noted

Revision:
B

2910-01

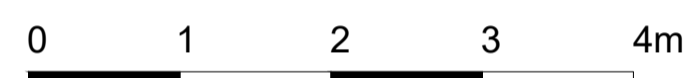


1 Site Section AA
1:50



2 Topographical with Proposed Overlay
1:100

WV	water valve	UTL	unable to fit
LB	letter box	S	soakaway
RS	road sign	DPC	damp course level
BS	bus stop	FFL	finished floor level
LP	lamp post	E	electric
EP	electric pole	TV	television
TP	telegraph pole	T	telephone
Levels shown along kerb lines are taken in the channel.		Levels are generally shown on the side of the detail to which it relates.	



SCALE 1:50



SCALE 1:100

A	Design Amendments	MB	10.10.23
X	FIRST ISSUE	MB	24.07.23
Rev:	Details	By / Chk:	Date:

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Client:
Mr Mark Willaims

Project:
**4 Brindley Crescent
Hednesford**

Drawing Title:
Proposed site Section and Levels Plan

Stage: RIBA 3	Status: Planning	Sheet Size: A1
Job Number: 2910	Date: 24.07.2023	Scale: As Noted

Revision:
A

2910-02

Contact Officer:	David O'Connor
Telephone No:	4515

Planning Control Committee Report

13th December 2023

Application No:	CH/23/0357
Received:	16 October 2023
Location:	4, Brindley Crescent, Hednesford, Cannock, WS12 4DS
Parish:	Brindley Heath
Ward:	Hednesford North
Description:	Single storey side extension and erection of a 2 bay garage to front of existing house
Application Type:	Full Planning Application

Reason for Planning Committee determination:

The previous application was subject to call in and determination by Planning Committee.

Recommendation: Refuse for the following reasons:-

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

1. By virtue of the scale and siting of the garage, it is assessed the garage would not be well-related to existing buildings and their surroundings, would not successfully integrate with existing features of amenity value, and in this regard conflict with Local Plan Policy CP3 and CP14 is apparent.

1. BACKGROUND

The previous application was brought before Planning Committee in June and September this year with an Officer recommendation of Refusal. Members raised concern with regards to elements of the application including the design and scale of the two storey side extension and the detached garage. The application was formally Refused at Planning Committee on the basis of:

- (i) overlooking concerns from the two storey side extension
- (ii) the sense of enclosure resulting from the two storey side extension
- (iii) the design of the proposed two storey side extension and front garage

Officers would highlight that whilst Members had mixed views about the garage proposals, Officers throughout both Planning Committees had tabled refusal recommendations suggesting the garage siting was out of keeping. In particular the reason for refusal relating to design matters in the June and September reports read as follows:

3) By virtue of their scale, massing and layout relative to the existing house and streetscene, the extension proposals and the garage would not be well-related to existing buildings and their surroundings, would not successfully integrate with existing features of amenity value, and in this regard conflict with Local Plan Policy CP3 and CP14 is apparent.

2. CONSULTATIONS AND PUBLICITY

Internal Consultations

None

External Consultations

Cannock Chase AONB Group – Objection

The AONB considers the submitted design proposals provide insufficient information & detail.

The character & setting of the AONB, & how new development should seek to minimise &/or mitigate its impact, is discussed & illustrated within the “Cannock Chase AONB Views and Setting Guide 2020” & its companion document the “Cannock Chase AONB Design Guide 2020”.

None of the submitted application documents refer to either of these documents & it is therefore assumed that no consideration of the sensitivities of the AONB have been

considered in the development of the scheme & that the design has not been arrived at with the guidance set out within these documents as a guiding influence.

The AONB's principal objection is that the proposals are likely to obstruct the existing views from Brindley Heath Road & Brindley Crescent towards the AONB & public open space near Bracken Close & beyond.

In '2910-02A-Site Section and Levels Plan' the Applicant has demonstrated the likely visual relationship between No.2 Brindley Crescent & the Proposed Extension, but there is no section to demonstrate the unobstructed view between Brindley Heath Road & Brindley Crescent towards the AONB & public open.

The AONB considers the proposed garage & potentially the proposed extension will block this open view into the AONB, which is contrary to Policy CP14 that suggests that appropriate development proposals must be sensitive to the distinctive landscape & ensure they do not have an adverse effect on their setting through layout, design or intensity.

The AONB considers the garage would not relate well to adjacent properties in design layout terms, interrupting the existing rhythm of buildings in the street & would be a prominent, dominant feature in the street scene.

Brindley Heath Parish Council – No comments received

Response to Publicity

The application has been advertised by neighbour letter. 1 No. letter of representation has been received objecting to the proposals. The main points of objection in summary are:

- (i) Concerns in relation to the sense of enclosure resulting from the extension. The roof still is considerably above the fence line of the nearest neighbour.
- (ii) The double garage isn't as much as a problem on its own but in combination with the side extension would cause a feeling of enclosure.
- (iii) We would not have bought this house had we known the extension plans as shown were to be proposed.

4. RELEVANT PLANNING HISTORY

CH/21/0425 – two storey rear extension. 4 brindley crescent, ws12 4ds. Approved 15 december 2021.

CH/23/0172 – two storey side extension to form garage and annex at first floor and two bay garage to front of existing house. Refused september 2023

Reasons for refusal stated included:

1. Whilst obscured glass is proposed to the front of the extension, these panes are likely to be openable to serve ventilation and means of escape purposes and the windows are set at normal height within the room. The usual expected separation distance from a boundary is 10m from in line with the adopted design guide. This is not achieved by the proposals and a much closer relationship is apparent (approx. 1.5m). Accordingly overlooking and loss of privacy from the proposed extension is observed in conflict with local plan policy CP3 and NPPF para 130(f).
2. The width of the proposed extension is considerable and coupled with the proposed detached garage and existing dwelling, would substantially envelope the neighbouring plot with development to their rear and side, with limited separation from the boundary and a levels difference that worsens this effect. As such an unacceptable level of enclosure is judged to result from the proposals upon the residential amenity of neighbouring property no. 2. Overbearing to this level is contrary to local plan policy CP3 and NPPF 130(f).
3. By virtue of their scale, massing and layout relative to the existing house and streetscene, the extension proposals and the garage would not be well-related to existing buildings and their surroundings, would not successfully integrate with existing features of amenity value, and in this regard conflict with local plan policy CP3 and CP14 is apparent.

4 SITE AND SURROUNDINGS

- 4.1 The application property consists of a semi-detached dwelling that sits back substantially within the plot from the main highway. The site slopes steeply down towards Brindley Heath Road, with properties along Brindley Crescent stepping down the street in a similar way. The dwellings along the street are set at a 45 degree angle to Brindley Crescent, offering a fairly spacious estate layout with large driveways and considerable set back from the street being apparent. Properties tend to be semi detached or terraced blocks.

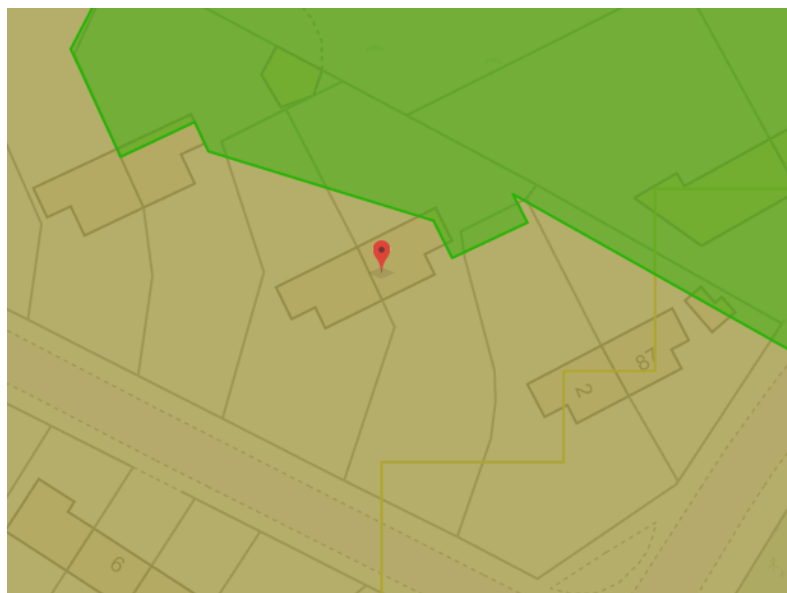


Figure 1: Application site location. Dark Green Denotes AONB boundary from within Council's Mapping System

- 4.2 The site unusually is on the edge of the AONB boundary according to the Council's Mapping System. The land to the rear of the house and side where the proposed extension is intended to be site would therefore technically be within the extent of the AONB designation.
- 4.3 No. 4 in particular has a large driveway and the plot partially wraps around the adjacent neighbouring plot No. 2. The design of the main house is a typical pitched roofed semi detached dwelling with light coloured facing brickwork to the walls, interlocking concrete roofing tiles (appear to be Double Roman type) and white UPVC fenestration.
- 4.4 No .4 has been extended to the rear with consent having been issued by the Council in 2021. Supplementary to this additional ground works that appear to be unauthorised have been carried out on the site. These works extend to the rear of the extension and to the right hand portion of the plot, excavating and flattening the land from its previous state. Such works are an engineering operation that would require planning permission.

5. PROPOSAL

- 5.1 The application seeks planning permission for the construction of single storey side extension and detached garage building. The extension would be to the right of the main house and would sit close up to the boundary with the nearest property. The floor plans show the space would be utilised as a games room.



Figure 2: Extract from submitted plan showing relative positions of the additions proposed within the plot

5.2 The garage proposed would be sited to the front of the main house. The garage would be approximately the size of a triple garage capable but would in part have a front window instead of an opening door. Both additions are proposed to be in materials to match the existing.

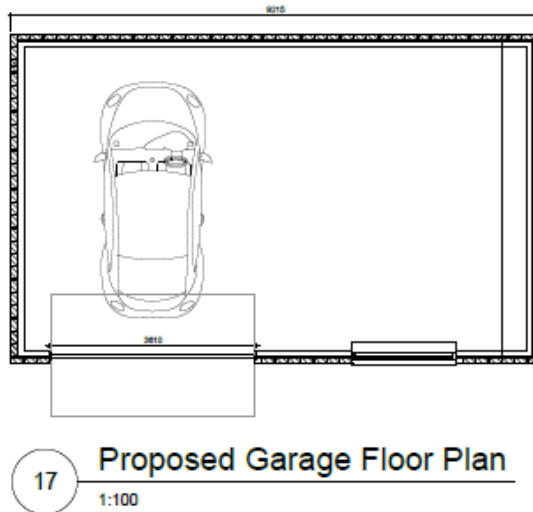


Figure 3: Extract from Proposed Garage Floor Plan

6. PLANNING POLICY

- 6.1 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.
- 6.2 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
- CP14 – Cannock Chase AONB

Relevant Policies within the Minerals Plan include:-

3.2 Safeguarding Minerals

National Planning Policy Framework

- 6.3 The NPPF (2023) 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.
- 6.4 The NPPF (2023) 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.

Relevant paragraphs within the NPPF include paragraphs: -

- 8: Three dimensions of Sustainable Development

11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
111:	Highway Safety and Capacity
126, 130, 132, 134:	Achieving Well-Designed Places
176	Conservation of the AONB
218, 219	Implementation

6.5 Other relevant documents include: -

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

7. DETERMINING ISSUES

The determining issues for the proposed development include: -

- i) Principle of development
- ii) Character and Appearance
- iii) Impact on residential amenity.
- iv) Impact on highway safety.

7.0 Principle of the Development

7.1 The site is located within a main built up area and is an established dwelling. The site is not allocated or otherwise designated Green Belt but is partially within the AONB. Whilst more stringent controls on Permitted Development rights exist within the AONB, this designation does not preclude development as such. Instead as part of formal application considerations the AONB designation seeks to raise design standards and requires for careful integration of proposals with the landscape character of the AONB. As such, subject to consideration of the design, amenity and highways impacts associated with the proposals, the development is considered acceptable in policy principle terms.

8. CHARACTER AND APPEARANCE

8.1 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.*

8.2 Additionally taking account a portion of the development is within the AONB designation, it is also relevant to consider Policy CP14 which suggests that appropriate development proposals must be sensitive to the distinctive landscape and ensure they do not have an adverse effect on their setting through layout, design or intensity.



Figure 4: Extract from proposed plan showing front and rear elevations of the proposed development

8.3 Officers assess the design of the extension proposed displays a more proportionate relationship to the existing house than the previous scheme. Whilst still large in width, the proposals do not compete with the scale or interrupt the form of the host building, leaving this as the architecturally dominant feature of the plot. The awkward rear roof junctions have been removed and the design overall is simpler, and in matching materials. As such Officers have no substantive concerns reference the appearance of the extension.

8.4 Whilst the AONB objections about landscape impacts are noted, Officers do not share these concerns and assess that for a householder development, the information requested on wider landscape analysis would not be proportionate to the quantum of development.



Figure 5: Image of existing street scene. N.B Garage would fill three quarters of the width of the plot broadly in line with the neighbouring property to the right of the image

- 8.5 In terms of the proposed garage, this is substantial in width. As shown at Fig 1 it would cover over approximately $\frac{3}{4}$ of the width of the plot and would stand substantially forward of the main building frontage. Officers acknowledge the unusual building line in the context of the site with properties at 45 degrees to the road, stepping down the hillside. The proposed garage would seek to impose itself considerably within this open streetscene. It would not relate well to adjacent properties in design layout terms, interrupting the existing rhythm of buildings in the street and would be a prominent, imposing feature in the street scene. The resulting effect of the garage is considered to be significantly out of character with the scale and siting of nearby properties.
- 8.6 Accordingly, having had regard to Policies CP3 and CP14 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered the garage would not be well-related to existing buildings and their surroundings, would not successfully integrate with existing features of amenity value, and in this regard significant conflict with Policy CP3 and CP14 is considered to occur in design terms.

9. IMPACT ON RESIDENTIAL AMENITY

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

- 9.2 Paragraph 130(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 9.3 The width of the proposed extension is considerable and has a close relationship to the neighbouring garden at No. 2 Brindley Crescent. Given the sloping nature of the site and lower position of the neighbouring dwelling, care is required about impacts that could result. The application includes a detailed levels plan that conveys the proposed finished levels between the plots. A 25 degree standard is applied in the plan and this is not breached by the proposals which is indicative of direct loss of light not being a substantial consideration. It is also noteworthy the roof is visible above the fence line from the adjacent neighbouring property and the neighbour has raised concerns about this. However given the 20m separation to the building, Officers are satisfied that there would be no significant sense of enclosure as a consequence of the roof element, which slopes away from the shared boundary.
- 9.5 Regarding indirect loss of light, the extension is sited in a northerly position relative to the nearest affected neighbour. Therefore loss of direct sunlight or overshadowing is not likely to occur from the extension. Similarly the garage is due west of the neighbour such that shading would only occur in the late evening. Such a relationship would not breach the typical BRE Daylight guidance.

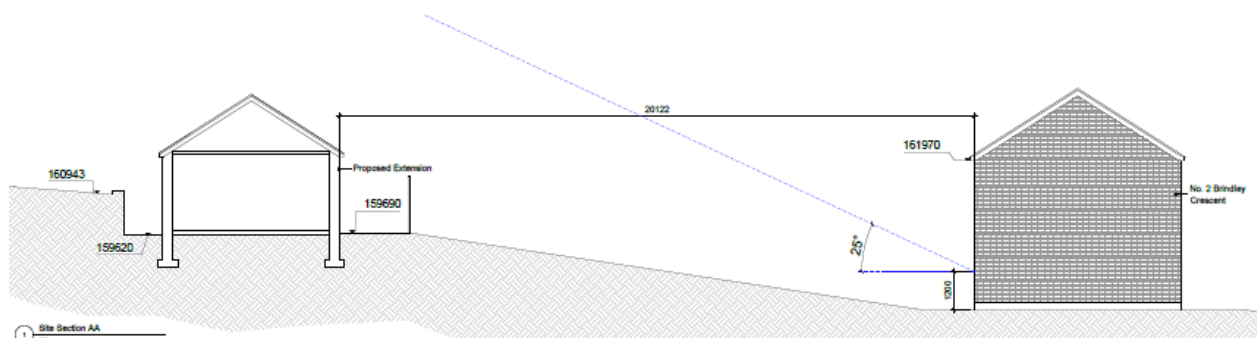


Figure 6: Photo from within the application site showing the relationship to the neighbouring property No. 2

- 9.6 For these reasons, it is considered that the extension and garage as proposed, would not have any significant adverse effect upon the residential amenity of the neighbouring property and the proposals overall would be in compliance with Local Plan Policy CP3 and NPPF Para 130(f).

10 IMPACT ON HIGHWAY SAFETY

- 10.1 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.2 Whilst the proposal would result in an increase in useable floor area to the dwelling, the scale of the site would appear to leave available parking. Coupled with the garage

areas, the effect on parking would be negligible and no substantive highway impacts are judged to occur.

12 MINERAL SAFEGUARDING

- 12.1 Part of the site falls within a Mineral Safeguarding Area (MSAs). Paragraph 212, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), aim to protect mineral resources from sterilisation by other forms of development.
- 12.2 Policy 3.2 of the Minerals Local Plan states that:
 ‘Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:
- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
 - b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.
- 12.3 The development would fall under Item 1 within the exemption list as an application for householder development and is therefore permitted. As such the proposal is compliant with Policy 3 of the Minerals Local Plan.

<h2>13 HUMAN RIGHTS ACT 1998 AND EQUALITY ACT 2010</h2>
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Human Rights Act 1998

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

Equality Act 2010

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

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

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

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

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

14 CONCLUSION

14.1 The application seeks planning permission for the erection of a single storey side extension and the erection of a single storey garage to the front of main house.

14.2 Despite the extension being of acceptable design, Officers assess the effect of the garage proposals in design terms would not align with the requirements of Local Plan Policy CP3 and the proposals would not integrate well with the character and layout of the area.

14.3 For these reasons, it is considered that the proposals would conflict with relevant Local Plan Policies CP3 and NPPF Para 130(f).