

**Please ask for:** Wendy Rowe  
**Extension No:** 4584  
**E-Mail:** [wendyrowe@cannockchasedc.gov.uk](mailto:wendyrowe@cannockchasedc.gov.uk)

20 February 2024

Dear Councillor,

**Planning Control Committee**

**3:00pm, Wednesday 28 February 2024**

**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: -

<b>Application Number</b>	<b>Application Location and Description</b>	<b>Start Time</b>
CH/23/0390	<b>446 Littleworth Road, Cannock, Staffordshire, WS12 1JB</b> Erection of a 2 storey 3 bedroom dwelling to the rear including associated access, parking and landscaping (resubmission of CH/23/0252)	1.45pm
CH/23/0429	<b>63 Sycamore Green, West Chadsmoor, Cannock, Staffordshire, WS11 4PN</b> Demolition of existing workshop and erection of 1 x 2 bed and 1 x 1 bed apartments including garages	2.30pm

Members wishing to attend the site visits are requested to meet at 446 Littleworth Road, Cannock, Staffordshire, WS12 1JB 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 7 February 2024 (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***

	<b>Application Number</b>	<b>Location and Description</b>	<b>Item Number</b>
1.	CH/23/0390	<b>446 Littleworth Road, Cannock, Staffordshire, WS12 1JB</b> Erection of a 2 storey 3-bedroom dwelling to the rear including associated access, parking and landscaping (resubmission of CH/23/0252)	6.1 - 6.28
2.	CH/23/0429	<b>63 Sycamore Green, West Chadsmoor, Cannock, Staffordshire, WS11 4PN</b> Demolition of existing workshop and erection of 1 x 2 bed and 1 x 1 bed apartments including garages	6.29 - 6.41

***Planning Application***

	<b>Application Number</b>	<b>Location and Description</b>	<b>Item Number</b>
3.	CH/22/0169	<b>203 Hednesford Road, Heath Hayes, Cannock, WS12 3NH</b> Erection of 1 No. two bedroom bungalow	6.42 - 6.57

**Cannock Chase Council**  
**Minutes of the Meeting of the**  
**Planning Control Committee**  
**Held on Wednesday 7 February 2024 at 3:15pm**  
**In the Council Chamber, Civic Centre, Cannock**  
**Part 1**

**Present:**  
Councillors

Cartwright, S.M. (Vice-Chair in the 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.	

(The meeting commenced slightly late due to a site visit taking place).

**78. Apologies**

An apology for absence was received from Councillor P.A. Fisher (Chair).

In the Chair's absence, the meeting was chaired by Councillor S.M. Cartwright (Vice-Chair).

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

None.

**80. Disclosure of Details of Lobbying by Members**

None

**81. Minutes**

**Resolved:**

That the Minutes of the meeting held on 10 January 2024 be approved as a correct record subject to Councillor Hoare advising that he was present at the meeting.

**82. Members Requests for Site Visits**

None.

**83. Application CH/23/0401, 26 Hardie Avenue, Rugeley WS15 1NU - Erection of 8 x 3 bed semi-detached houses and 1 x 3 bed detached house on land between Ashleigh Road and Hardie Avenue, Rugeley WS15 1NU**

Following a site visit consideration was given to the Report of the Planning Services Manager (Item 6.1 - 6.24) *(presented by the Planning Officer)*.

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

Members were also provided with an update that revised the rewording of the S106 to secure the phasing of the delivery of the footpath and future maintenance.

Prior to consideration of the application, representations were made by John Heminsley, 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 the phasing of the delivery of the footpath and its future maintenance responsibilities.

(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.

**84. Tree Preservation Order TPO 2023/08 - 26 St Lukes Close, Cannock, WS11 1BB**

Following a site visit consideration was given to the Report of the Planning Services Manager (Item 6.25 - 6.31) *(presented by the Tree and Landscape Protection Officer)*.

The Tree and Landscape Protection Officer provided a presentation to the Committee outlining the report.

Prior to consideration of the report, representations were made by Patricia Mills and Laura Mrozowski, objectors to the application.

Councillor Mawle moved that TPO 2023/08 be confirmed, which was seconded by Councillor Aston. Following a vote, the motion to confirm TPO 2023/08 was not carried.

(Councillor V. Jones abstained from voting on the approval to confirm TPO 2023/08).

Councillor Pearson then moved that confirmation of TPO 2023/08 be refused, and outlined the reasons for this. This was seconded by Councillor Hoare. Following a vote the motion to refuse was carried.

**Resolved:**

That the application for the confirmation of TPO 2023/08, which was recommended for approval, be refused as the TPO was made when the trees were potentially threatened by a change of ownership of the land in which the trees stand and as such, a site visit took place by Committee members. However, following representations from objectors,

the Committee took the view that the transfer of land to the ownership of the objectors did not constitute a threat to the trees.

**85. Exclusion of Public**

**Resolved:**

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

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

**Held on Wednesday 7 February 2024 at 3:00pm**  
**In the Council Chamber, Civic Centre, Cannock**

**Part 2**

**86. Enforcement Case - ENF/23/109**

Consideration was given to the Not for Publication report of the Planning Services Manager (Item 8.1 - 8.10) (*presented by the Enforcement Officer*).

The Enforcement Officer provided a presentation to the Committee outlining the report.

**Resolved:**

- (A) That, for the reasons and justification outlined in the report, an Enforcement Notice be served under s171A of the Town and Country Planning Act 1990 in respect of the unauthorised material change of use of the premises from a residential use (C1), and sui generis use (tattoo parlour), and for the unauthorised use of part of the land for vehicle repairs, vehicle dismantling, vehicle storage, storage of vehicle parts and the storage, sorting, import and export of scrap materials and vehicles.
- (B) That, should the terms of the Notice be not complied with by the compliance date stated in the Notice, authorisation be granted to initiate prosecution proceedings, under s179 of the Act.

The meeting closed at 4:45pm.

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**Chair**

**Application No:** CH/23/0390

**Location:** 446 Littleworth Road, Cannock, Staffordshire  
WS12 1JB

**Proposal:** Erection of a 2 storey 3 bedroom dwelling to  
the rear including associated access, parking  
and landscaping (resubmission of  
CH/23/0252)



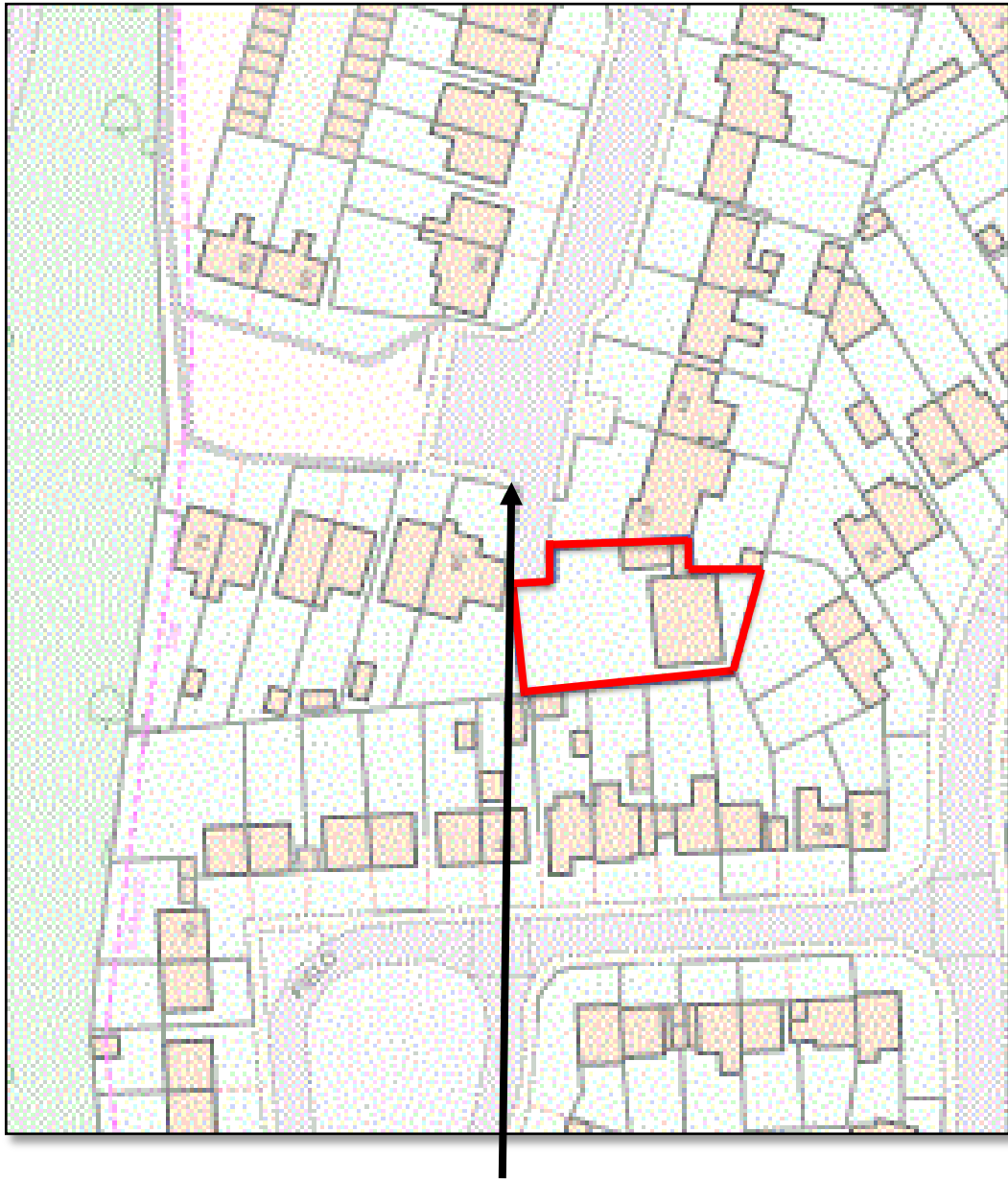
**SITE VISIT  
MEETING POINT**



**Application No:** CH/23/0429

**Location:** 63 Sycamore Green, West Chadsmoor,  
Cannock, Staffordshire WS11 4PN

**Proposal:** Demolition of existing workshop and erection of  
1 x 2 bed and 1 x 1 bed apartments including  
garages



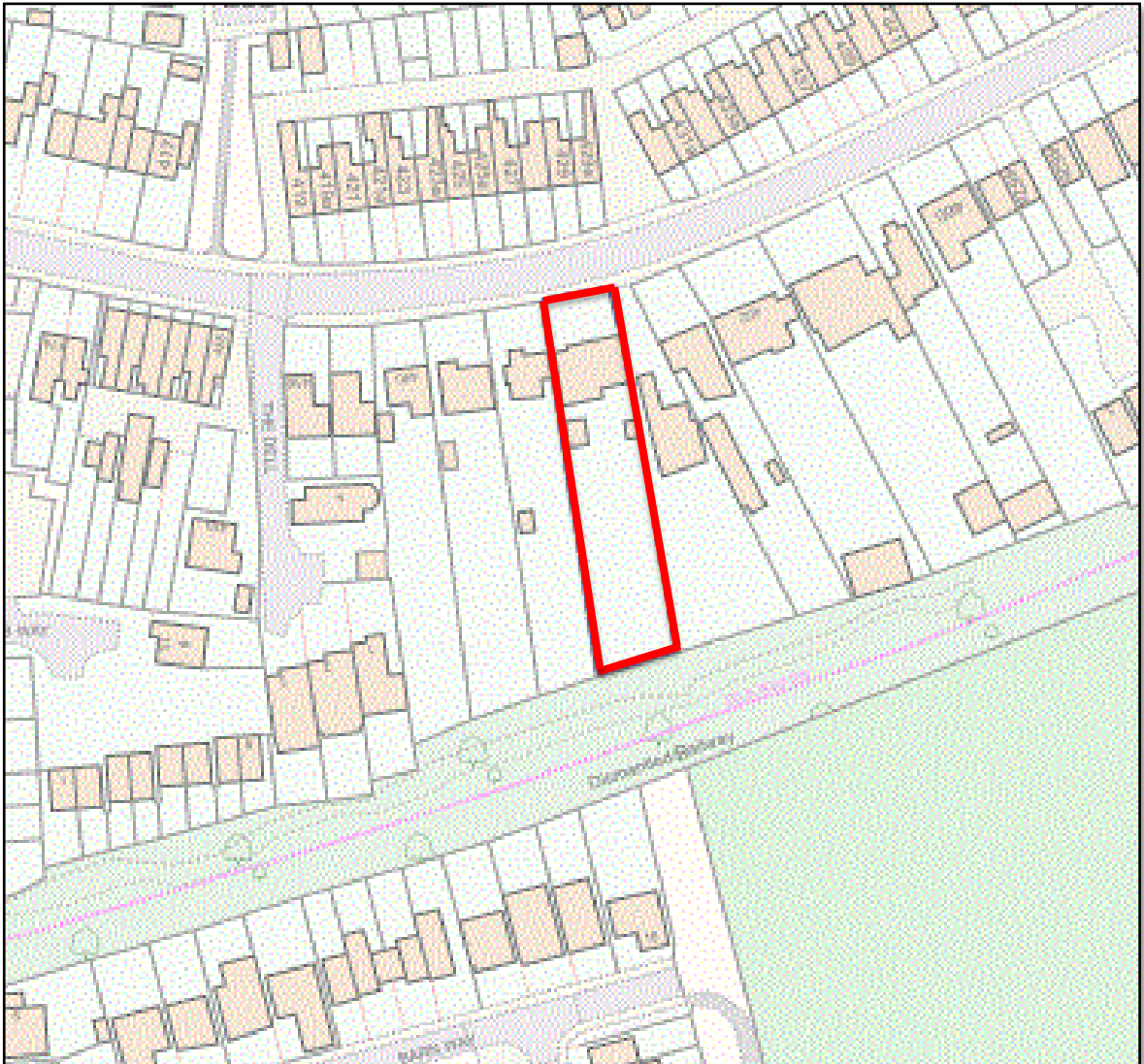
**SITE VISIT  
MEETING POINT**

**Application No:** CH/23/0390

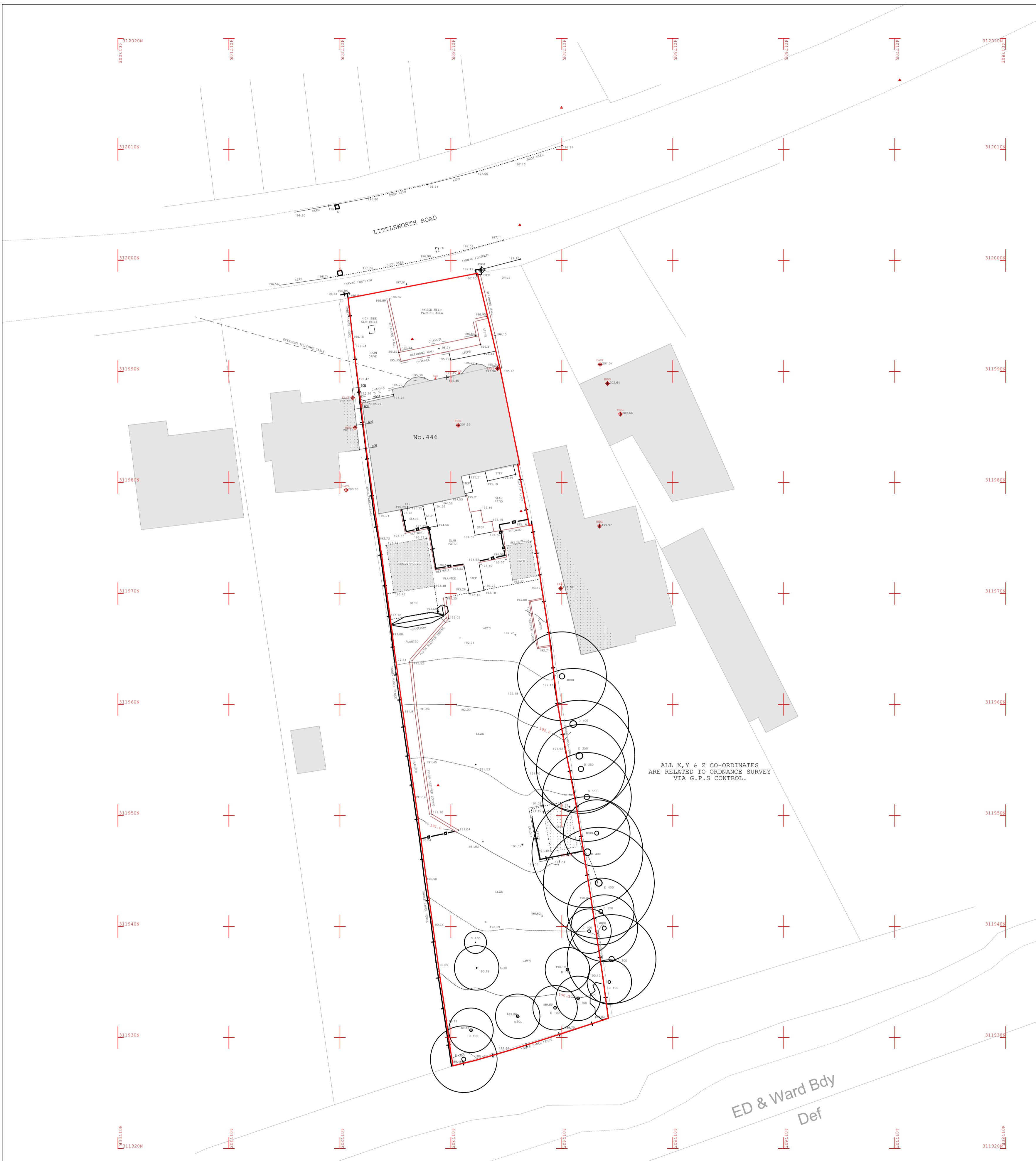
Item No. 6.1

**Location:** 446 Littleworth Road, Cannock, Staffordshire  
WS12 1JB

**Proposal:** Erection of a 2 storey 3 bedroom dwelling to  
the rear including associated access, parking  
and landscaping (resubmission of  
CH/23/0252)



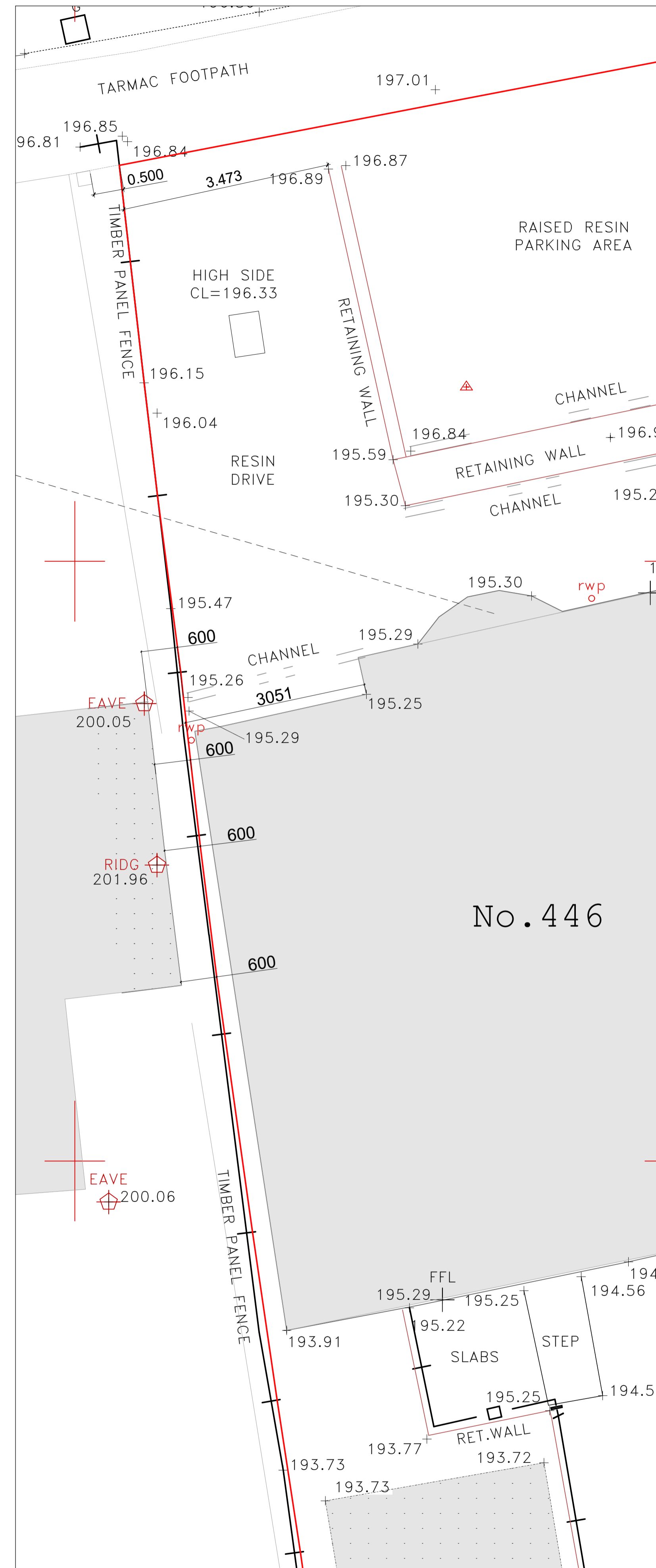
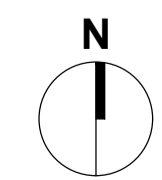
Location plan



1 Topographical Site Plan  
1:200

0 4 8 12 16m

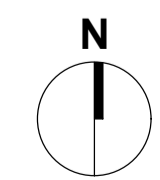
SCALE 1:200



2 Topographical Detail Site Plan  
1:50

0 1 2 3 4m

SCALE 1:50



— Site Boundary

X	FIRST ISSUE.	MB	18.12.23
Rev:	Details:	By / Chk:	Date:

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

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

**H&S HAZARDS:**

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

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

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

Significant hazards are defined as:-

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

## J Mason Associates

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WS11 1AR

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5003992

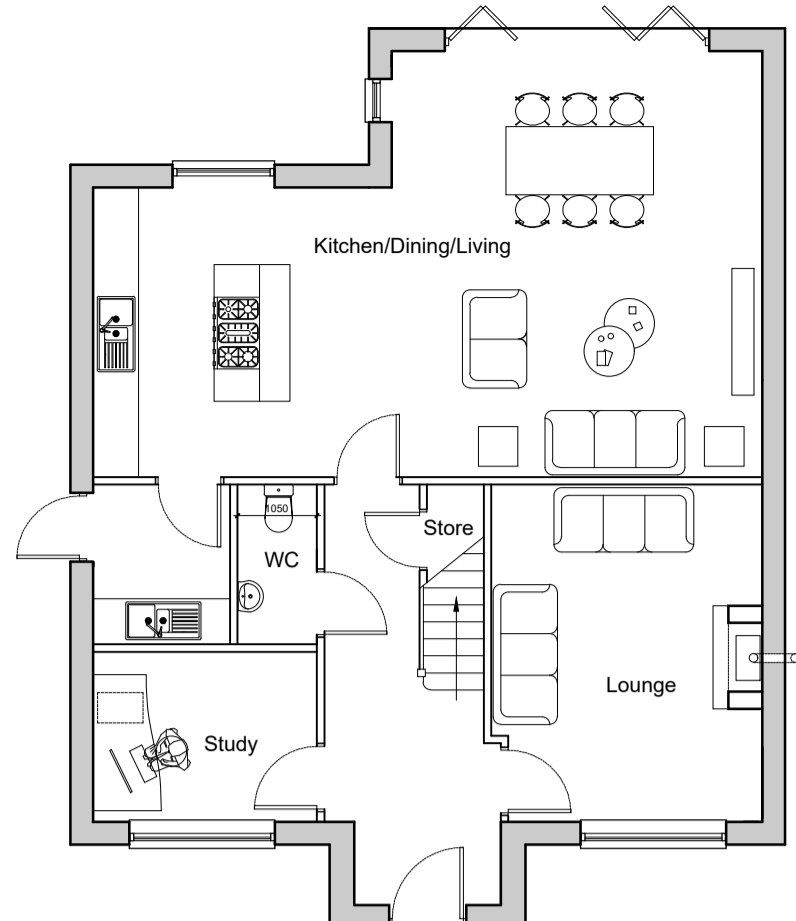
Client:  
**Mr & Mrs Lines**

Project:  
**446 Littleworth Road,  
Hednesford**

Drawing Title:  
**Existing Topographical Site Plan**

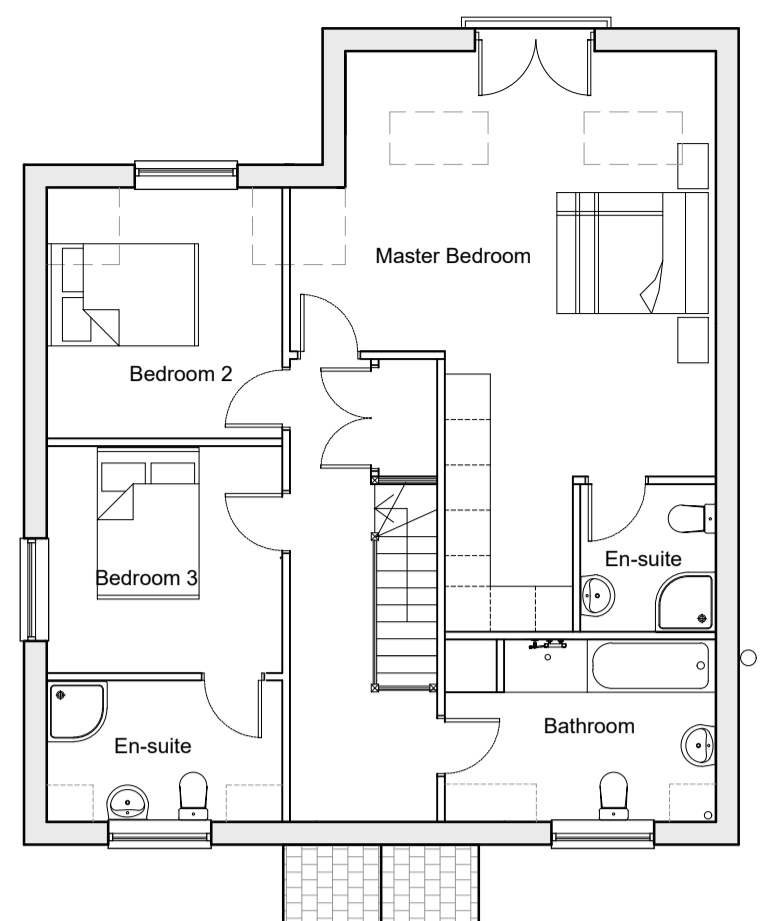
Stage: <b>RIBA 3</b>	Status: <b>Planning</b>	Sheet Size: <b>A1</b>
Job Number: <b>2832</b>	Date: <b>18.12.2023</b>	Scale: <b>As Noted</b>
Revision:		

**2832-03**



1 Ground Floor - Proposed

1:100



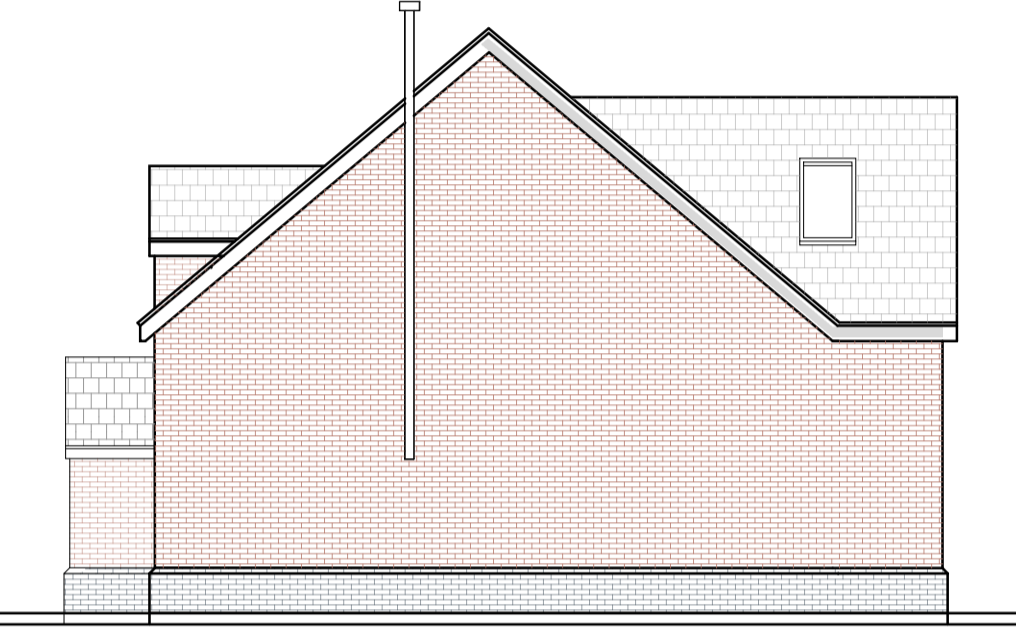
2 First Floor Proposed

1:100



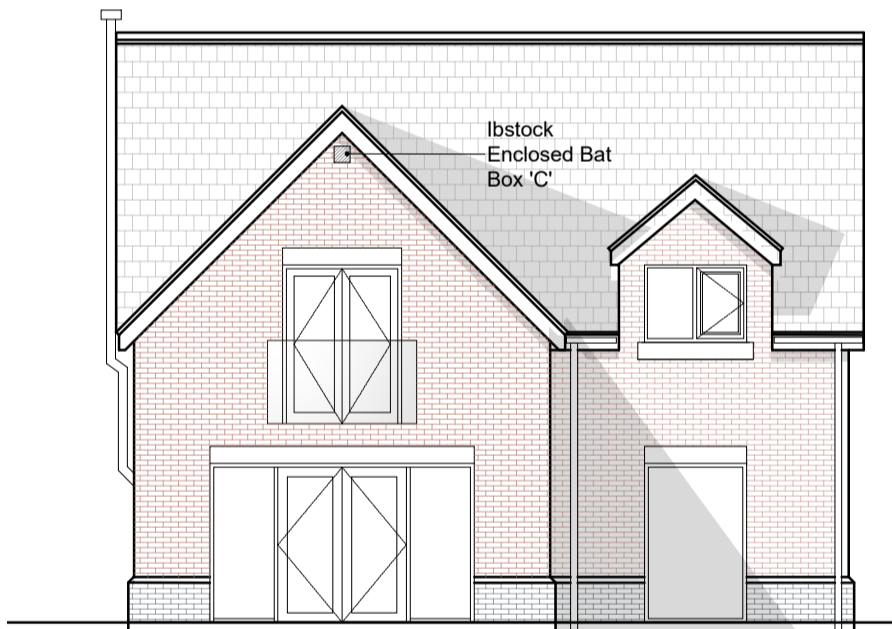
3 North Elevation - Proposed

1:100



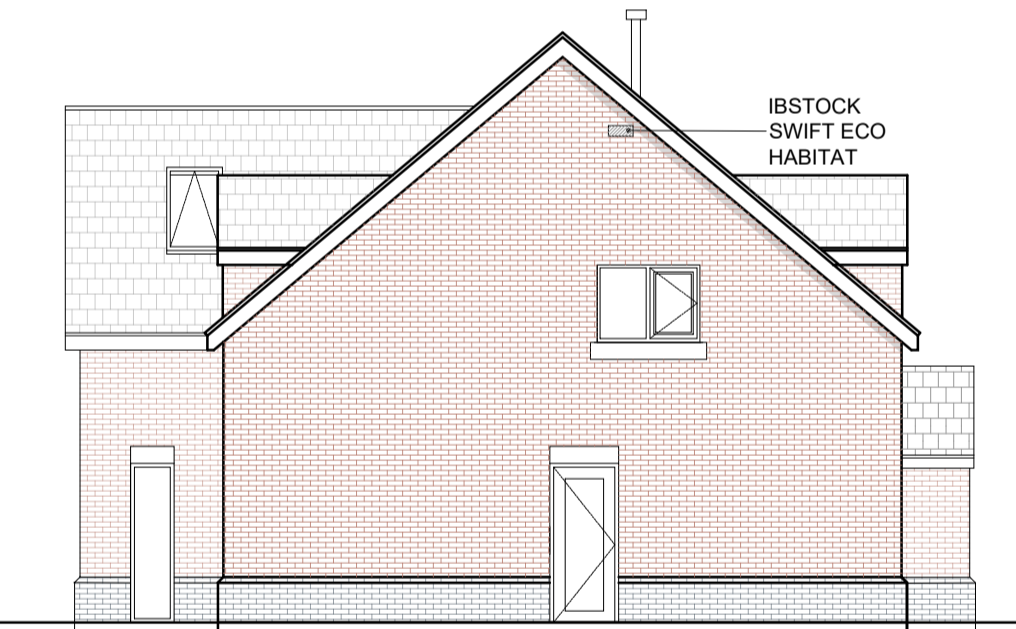
4 West Elevation - Proposed

1:100



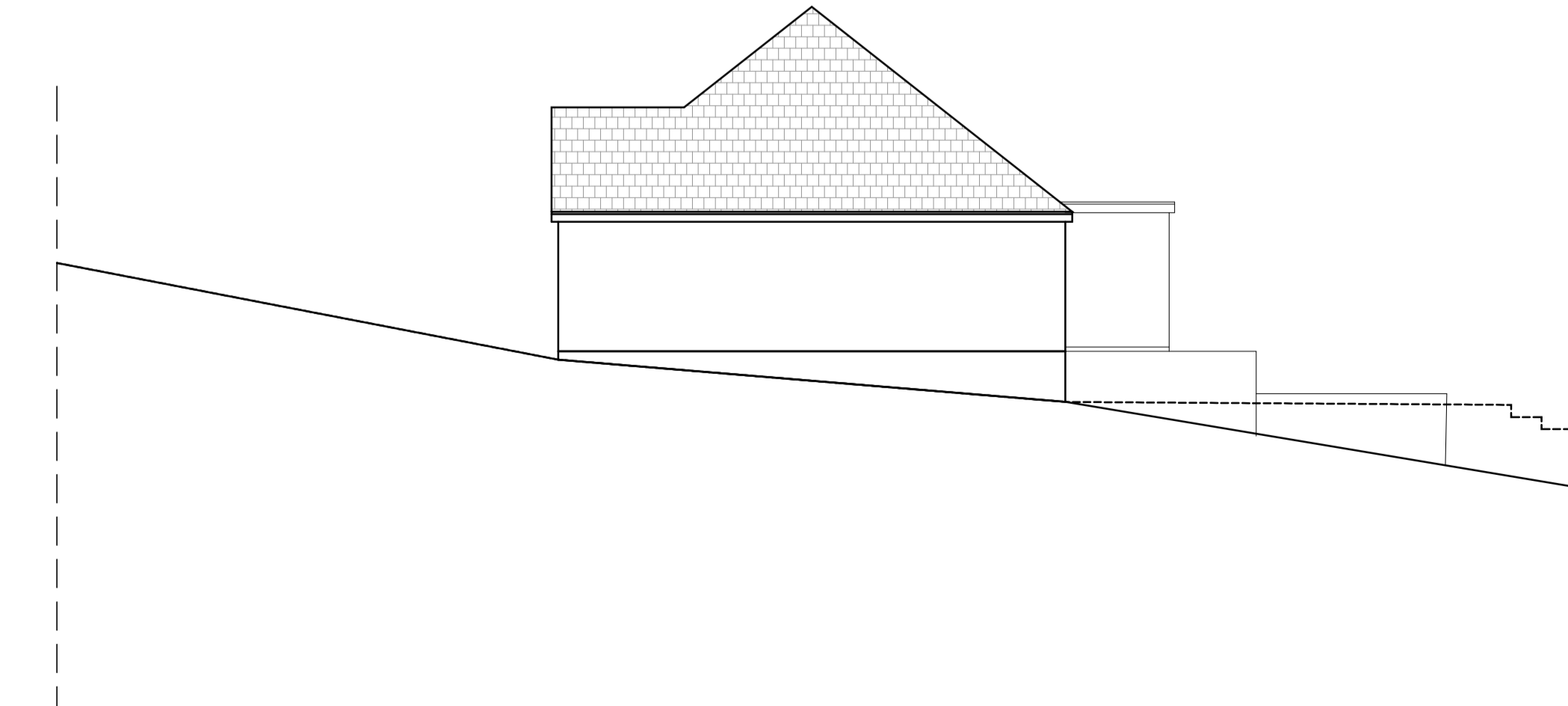
5 South Elevation - Proposed

1:100



6 East Elevation - Proposed

1:100



7 Proposed Site Section

1:100



8 Site Plan

1:200



9 Block Plan

1:500

**GENERAL NOTES:**

1.0 SOILS: Subsoil to be scarified to 300mm depth prior to spreading topsoil to alleviate compaction. Imported topsoil to be in accordance with BS3882 'Premium Grade' or as approved. As saved topsoil (and imported if required) to be laboratory tested to BS3882 and ameliorated as required to meet the required specification. Screened or manufactured topsoil is not acceptable. Grass areas to be a minimum depth of 150mm, shrub beds 450mm depth and forestry / transplants 300mm depth. Incorporate proprietary non peat compost to BS1 PAS 100 to 50mm depth evenly worked into soil.

2.0 EXISTING TREES: Where trees are to be retained they should be subject to a full arboricultural inspection to assess condition and safety. Retained trees shall be protected from damage by erection of 2.3m well-mesh fencing on a scaffold framework in accordance with BS5837:2012 Fig 2. These barriers shall be maintained in position and in good condition until works are complete. Fencing to be located in accordance with Table 2 at a radius of 12 times the stem diameter (single stem trees) or 10 times the basal diameter (trees with more than one stem below 1.5m from ground) refer to Clause 5.2.2 Further precautions are to be taken as detailed within BS5837:2012.

3.0 TREE SURGERY / REMOVAL: Tree surgery and tree removal to be carried out by a registered tree surgeon in accordance with BS 3968:2010.

4.0 TREE PLANTING: All trees to be in accordance with BS 3968 / 5236. Trees to be planted in accordance with BS4428.

Stakes to be softwood, peeled chestnut, larch or oak, straight, free from projections and large or edge knots and with pointed bases and. Preservative treatment to provide a 20-year service life. Nails: To BS 1202-1, galvanized, minimum 25mm long and with 10mm diameter heads. Stake size (minimum) 75mm diameter and sufficiently long to allow 600mm of stake to be driven into undisturbed ground at bottom of tree pit. Staking to comprise of two stakes, a crossbar and a tie; to hold the root collar steady.

Trees to be planted in pits 1000x1000x750mm backfilled with topsoil mixed with tree planting compost, ensuring tree pits are a minimum of 75mm deeper and 100mm wider than the tree roots. Base of pits to be broken up to a depth of 150mm. All trees to be container grown. The base of trees to be planted in grass areas are to be covered with 75mm depth bark mulch to 1.0m diameter and kept weed free.

5.0 SHRUB PLANTING: Plants are to be in accordance with BS3936 and handled in accordance with CPRE guidelines and planted in accordance with BS 4428. All plants to have a minimum of three breaks, except Hedera with a minimum of two. Well water plants immediately after planting and prior spreading of mulch. Shrub areas to be covered with 75mm bark mulch and kept weed free.

6.0 TURFING: Grass turf areas to be Tilers 'Arena' or similar approved cultivated Topsoil to be cultivated and leveled as required and any debris or stones greater than 50mm diameter removed. Pre-turfing fertiliser to be applied in accordance with manufacturers instructions. Turf to be laid from plants with broken joint well bedded up. Well water after laying to avoid shrinkage.

7.0 HEDGE PLANTING: Plants to be in accordance with BS3936 and handled in accordance with CPRE guidelines and planted in accordance with BS 4428. Hedge plants to be planted in double staggered rows 300mm apart at 450mm centres. Well water plants immediately after planting and prior spreading of mulch. Shrub areas to be covered with 75mm bark mulch and kept weed free.

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

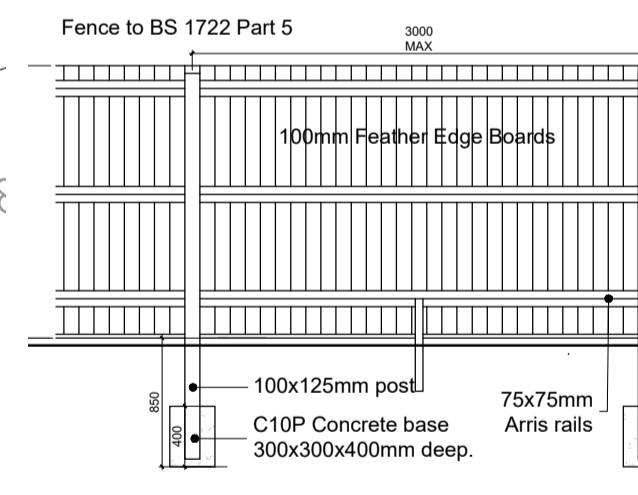
- Eradicate weeds by hand or chemical means
- Cut out dead or damaged stock or branches, prune as required
- Ensure all shrubs and trees are firmed in, securely staked and tied
- Collect litter, sweep and tidy site
- Apply suitable pesticides, fungicides and fertilisers as required
- Carry out grass mowing to turf when attained 100mm, cut to 35mm

ALL TREES/HEDGEROWS SHOWN TO BE RETAINED TO BE PROTECTED IN ACCORDANCE WITH BS 5837:2012. TREES IN RELATION TO DESIGN, DEMOLITION & CONSTRUCTION PRIOR TO THE COMMENCEMENT OF ANY WORK, OR ANY MATERIALS BEING BROUGHT ON SITE, EXISTING TREES TO BE RETAINED ARE TO BE PROTECTED FROM DAMAGE BY A 2.0M HIGH WELD MESH/RAILS FENCE OR SIMILAR APPROVED. THIS SHALL BE MAINTAINED IN GOOD AND EFFECTIVE CONDITION UNTIL THE WORK IS COMPLETED. ALLOW FOR STABILISER STRUTS TO SECURE FENCE FOR DURATION OF CONSTRUCTION.

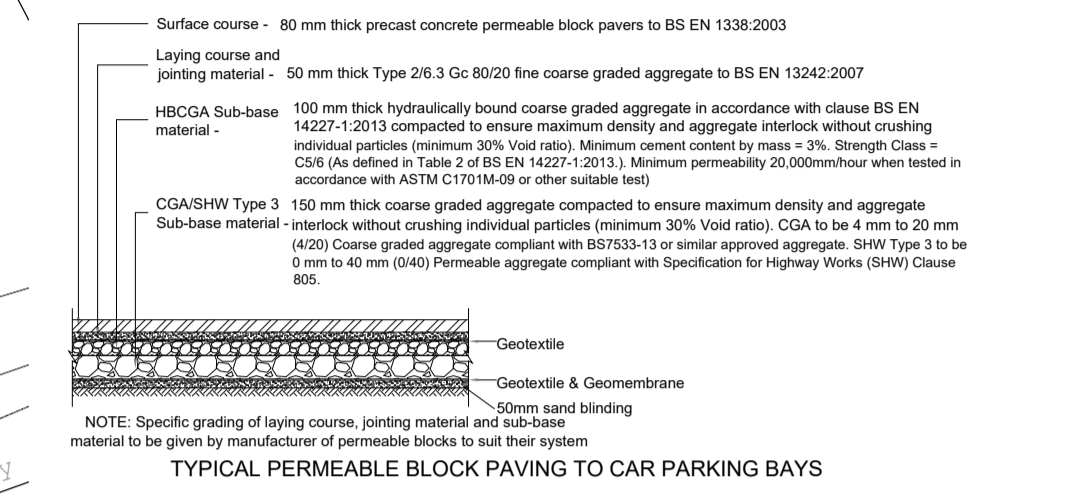
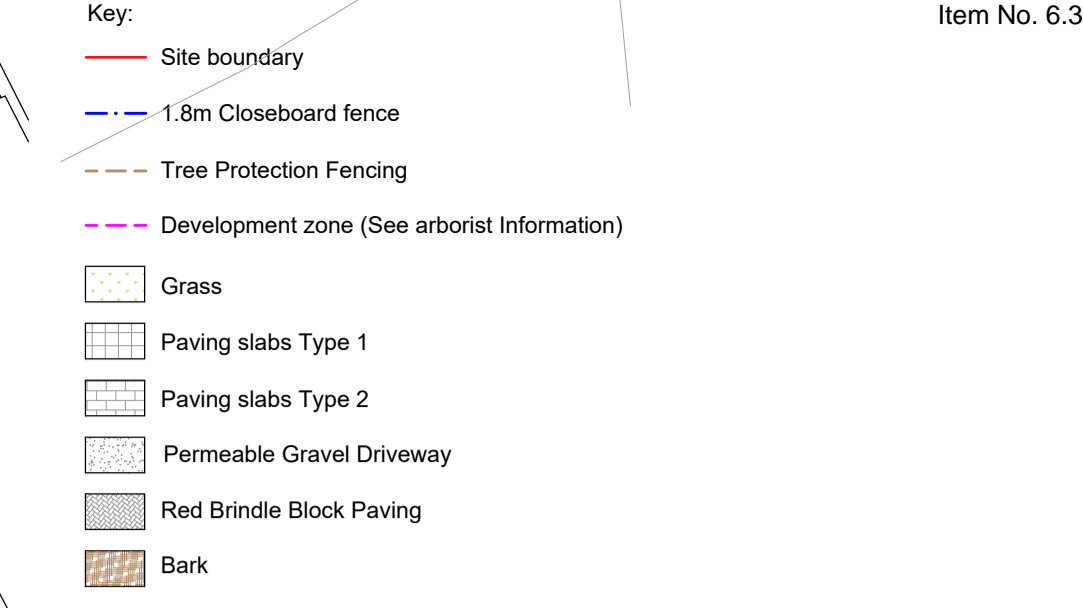
THE PROTECTIVE FENCING IS TO CONCLUDE, AS FAR AS IS PRACTICAL, WITH THE ROOT PROTECTION AREA (RPA), UNLESS OTHERWISE AGREED. ALL WEATHER NOTICES SHALL BE SECURELY FIXED TO THE FENCE WORDS SUCH AS 'CONSTRUCTION EXCLUSION ZONE - NO ACCESS'.

THE FOLLOWING MEASURES ARE PARTICULARLY IMPORTANT:

1. MATERIALS ARE NEVER TO BE STACKED WITHIN THE ROOT SPREAD OF THE TREE.
2. NO OIL, TAR, BITUMEN, CEMENT OR OTHER MATERIAL IS TO BE ALLOWED TO CONTAMINATE THE GROUND.
3. NO FIRES SHALL BE LIT BENEATH OR IN CLOSE PROXIMITY TO THE TREE CANOPY.
4. TREES TO BE RETAINED SHOULD NOT BE USED AS ANCHORAGES FOR EQUIPMENT OR FOR REMOVING STUMPS, ROOTS OR OTHER TREES, OR FOR OTHER PURPOSES.
5. NO NOTICES, TELEPHONE CABLES OR OTHER SERVICES SHOULD BE ATTACHED TO ANY PART OF THE TREE.
6. CEMENT MIXING SHOULD NOT BE CARRIED OUT WITHIN THE CANOPY/PROTECTED AREA OF THE TREE.
7. SOIL LEVELS ARE TO BE MAINTAINED AS EXISTING WITHIN THE ROOT SPREAD OF THE TREE. ANY ALTERATION TO SOIL LEVELS IN AN AREA UP TO ONE AND A HALF TIMES THE DIAMETER OF THE TREE CANOPY MUST BE AGREED WITH THE LANDSCAPE ARCHITECT.

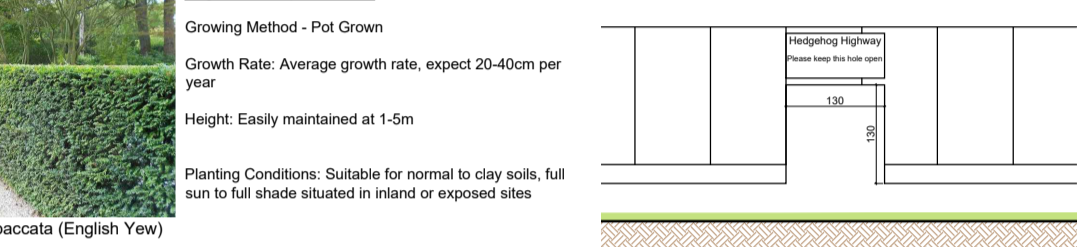


11 Landscaping Details

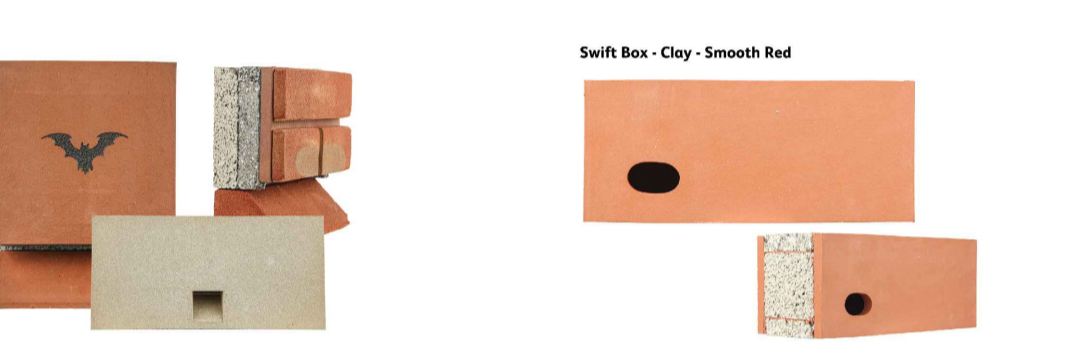


10 Paving detail

English Yew Specification



Hedgehog Highway Detail 1:10



Ibstock Enclosed Bat Box 'C' Ibstock Swift Eco Habitat

Rev:	Details:	By / Chk:	Date:
D	- Eaves height reduced by 150mm - Principal elevation first floor windows amended to lightless openers - Patio area to rear reduced - Bin store relocated	MB	09.01.23
C	Site & plot design amendments	MB	18.10.23
B	Planning comments incorporated	MB	07.09.23
A	Design Amendments	MB	15.06.23
X	FIRST ISSUE.	MB	25.05.23

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**H&S HAZARDS:**

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

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

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

Significant hazards are defined as:-

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

# J Mason Associates

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J Mason Associates  
St. Thomas House, Wolverhampton Road,  
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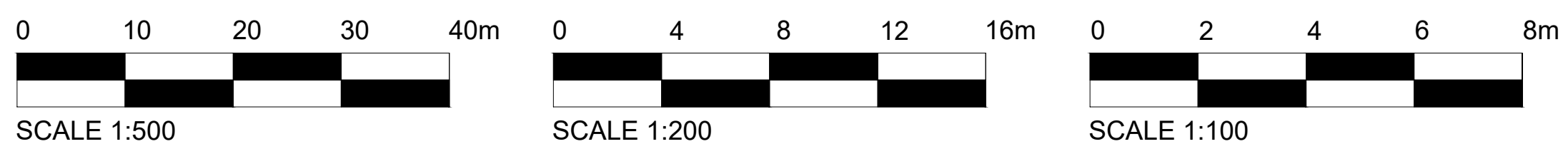
J Mason Associates  
Registered in England & Wales  
5030392

Client:  
**Mr & Mrs Lines**

Project:  
**446 Littleworth Road,  
Hednesford**

Drawing Title:  
**Proposed New Dwelling**

Stage:	Status:	Sheet Size:
RIBA 3	Planning	A1
Job Number:	Date:	Scale:
2832	25.05.2023	As Noted
Revision:		
2832-02		D



SCALE 1:500 SCALE 1:200 SCALE 1:100

Contact Officer:	David O'Connor
Telephone No:	4515

<b>Planning Control Committee</b> <b>28 February 2024</b>
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<b>Application No:</b>	CH/23/0390
<b>Received:</b>	23 November 2023
<b>Location:</b>	446 Littleworth Road, Cannock, Staffordshire WS12 1JB
<b>Parish:</b>	
<b>Ward:</b>	Rawnsley
<b>Description:</b>	Erection of a 2 storey 3 bedroom dwelling to the rear including associated access, parking and landscaping (resubmission of CH/23/0252)
<b>Application Type:</b>	Full Planning Permission

The application is being presented to Members for determination following a request to speak from an objector in relation to the proposals and given the applicant is a Council employee.

**RECOMMENDATION: Refuse**

- 1) Whilst the development would provide a modest contribution to new housing in a sustainable location, the complexity of construction within a substantially constrained site due to tree protection measures, the narrowness of the access, restricted pedestrian visibility at the site entrance and site levels make the physical construction of the dwelling challenging. These factors are assessed as minor negative factors that offset the benefits of housing delivery associated with the proposals, resulting in a broadly neutral planning balance.

Coupled to this the proposed development would, by combination of its close proximity, levels, scale and resultant perception of overlooking, cause an adverse effect upon the reasonable enjoyment of the neighbouring garden. Impacts of this type are contrary to Local Plan Policy CP3 and Paragraph 135(f) of the NPPF. On balance the application is not considered to represent a sustainable form of development when considered as a whole.

## 1. EXECUTIVE SUMMARY

- 1.1 The application proposes the erection of a single dwelling. In principle the delivery of a single dwelling is seen as a modest contribution to housing that weighs in favour of the development. In design terms the proposals have a broadly neutral effect on the wider setting of the public realm given their relatively screened nature.
- 1.2 In amenity terms the proposed dwelling meets relevant garden size and separation to habitable room standards but is proposed in close proximity to the boundary with the neighbouring property. Increased sense of enclosure would result from the development equivalent to a full height two storey dwelling given the site levels. Additionally the perception of overlooking within the neighbouring garden remains and is not entirely resolved by the obscure glazing proposed to the front windows. By combination of its close proximity, scale and resultant perception of overlooking from within the garden, it is assessed the proposals would result in a moderate adverse effect upon the reasonable enjoyment of the neighbouring garden contrary to Local Plan Policy CP3 and NPPF Para 135(f).
- 1.3 The Highway Authority are accepting the development if constructed as proposed, would display adequate visibility and parking so as to be judged to accord with the NPPF Para 115 requirement that there is no unacceptable impact on highway safety. Nevertheless Officers have some concerns reference the logistics of construction given the constrained, steep nature of the access and the limited site area to facilitate construction (once the tree protection fencing is implemented). This brings with it difficulties in managing export of spoil from the site by heavy vehicles, operative parking, site welfare and import of materials, creation of working areas. This is a practical difficulty and in the context of the site access with sloping ground and restricted pedestrian visibility, is seen as a minor negative factor that weighs in the planning balance.
- 1.4 There are no significant concerns with the development in terms of tree impacts subject to implementation of the protection strategy outlined and

there are no significant concerns with ecological impacts from the development. Similarly Coal Mining risks could be addressed with planning conditions.

- 1.5 In considering the planning balance, for the reasons given in this report the application proposals would result in a moderate adverse impact upon the reasonable enjoyment of the neighbouring garden through enclosure and the perception of overlooking. Additionally the limited site area post implementation of tree protection coupled with a constrained access, would cause practical difficulties in the construction of the building. Whilst the scheme would provide a modest contribution to housing and other matters are reasonably resolved, the material considerations in this case are judged to weigh more heavily against the proposals. As such on balance the application is recommended for Refusal and the proposals as a whole are not considered to represent a sustainable form of development.

## **Consultations and Publicity**

### **Internal Consultations**

#### **Planning Policy – Comments**

The NPPF advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (Chapter 12). The NPPF at para 135 identifies factors which planning policies and decisions should ensure that developments achieve.

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

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

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

### **Environmental Health – No objection subject to conditions**

Land Contamination - The application is now supported by the following document: Coal Mining Risk Assessment, GIP, 18 October 2023. The CMRA, whilst predominantly focused on potential structural risks presented by abandoned coal mine workings, presents a preliminary assessment of the potential risks posed from the migration of coal mine gas. The CMRA recommends that a site investigation be undertaken to determine whether remediation is necessary.

Construction Hours - The proposed development is in a residential area. It would be appropriate to add a condition to the development to restrict construction times, in the interest of protecting residential amenity.

Should the application be approved, it is recommended relating to land contamination and construction hours are included.

### **Landscape Officer – No objection subject to conditions**

No objection in principle pending the satisfactory clarification of the following:

- (i) Recommend condition of a pre-commencement Arboricultural Method Statement which satisfactorily covers the points raised.
- (ii) Detail of levels, surface runs and hard landscaping outside of utility room door to be clarified.
- (iii) Recommend grids are used to contain gravel. Detail to be provided for review.
- (iv) Clarification on quantity of yew plants proposed.
- (v) Detail to be provided on three trees proposed for rear garden.
- (vi) Recommend adjustment of hedgehog highway point as noted.
- (vii) Bat box and bird box location adjustment recommended.
- (viii) Condition required for installation of habitat features.
- (ix) Separate condition required for retention and maintenance of all habitat features for lifetime of the development.



## **External Consultations**

### **Coal Authority – No objections subject to conditions**

We last commented on this application in a letter to the LPA dated 14 December 2023. In this letter, we raised no objection to the application subject to relevant conditions being imposed on any permission granted. It is noted that the LPA is now in receipt of amended plans. The Coal Authority has no specific comments to make regarding these plans. We do however consider that our previous comments and recommendation, set out in our letter of 14 December 2023, remain valid and relevant to the decision making process. This was that based on a review of relevant sources, the submitted report concludes that the site is likely to be underlain by historic coal mine workings, the further settlement of which could affect the proposed development. Accordingly, it goes on to make appropriate recommendations for the carrying out of intrusive ground investigations, in the form of the drilling of boreholes to depths of 35.0m bgl, in order to establish the depth and condition of shallow coal seams/workings and to inform any necessary remedial works.

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

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

### **Staffordshire County Highways Authority – No objections subject to conditions**

The application is for the erection of a two storey dwelling in the rear garden of property No. 446 Littleworth Road. The proposed dwelling will utilise the existing vehicular access crossing which has historically been used by number 446 for vehicular access to their off-road parking. The submitted information shows the proposal will provide 2no parking spaces, which complies with Cannock Chase District Council's parking standards for 3no bedroom dwellings. Sufficient alternative off-road parking has been provided for No. 446 within the site curtilage.

This is a resubmission of application CH/23/0252. Amendments have been made to the layout of the proposal, the access is unchanged therefore my comments remain the same. The new property will utilise an existing access that has been in operation since the property was built. Visibility has been reduced slightly to the west from the vehicular access crossing due to the erection of a fence, which may or may not require

planning permission as it is over 1m high. However, the access as it is, has not proved an issue previously and accident records for the past 10 years since the installation of the fence have been checked with no personal injury collisions recorded at this location. This proposal will not increase the use of this driveway anymore than it was originally used. Parking provision for the existing property has been set back to provide the requisite visibility splays in each direction and will not interfere with visibility to the east when egressing from the proposal's access.

Conditions are recommended relating to assuring the provision of parking areas prior to occupation and submission and agreement of a construction management plan.

### Response to Publicity

The application has been advertised by neighbour letter. A range of objection letters from 1 No. main respondent have been received. In summary these raise the following points:

- Concerns in relation to tree impacts from the proposed new driveway and potential loss of privacy through such impacts. The information provided in relation to trees is insufficient.
- The development would lead to overlooking of neighbouring properties. The windows proposed have side opening and would permit overlooking of neighbouring private gardens despite being obscure glazed. A range of other windows cause overlooking as does the raised patio area to the rear of the building which stands well above the fence line and permits overlooking into the neighbouring garden.

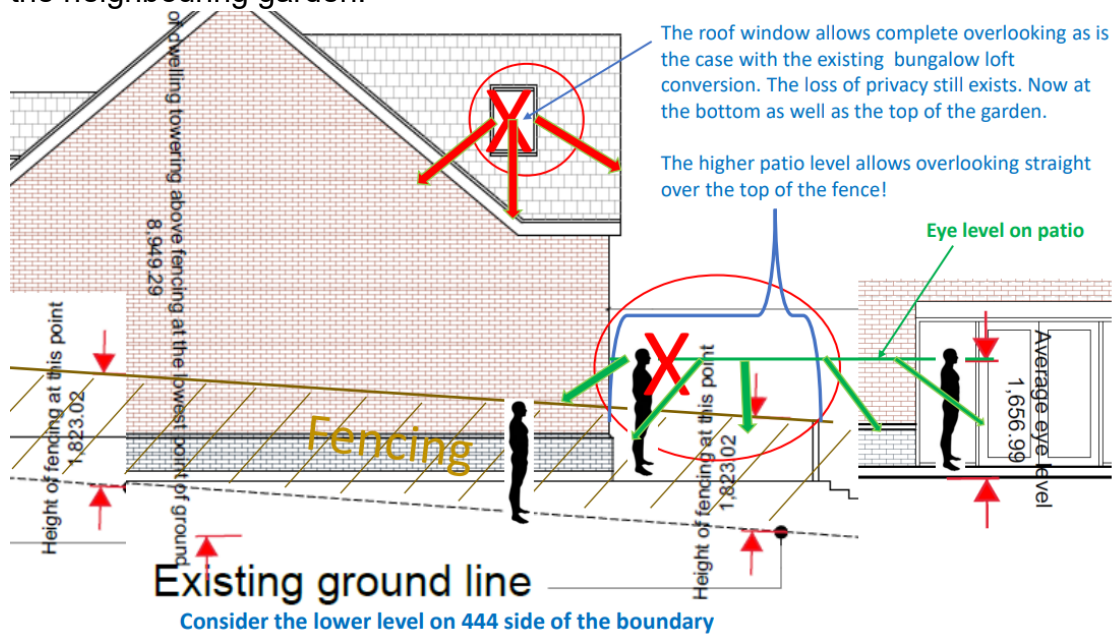


Figure 1: Image taken from representations provided showing an approximation of a person stood on the higher patio area with visibility over adjacent fencing

- The application impacts land that is not owned by the applicant and extends over the boundary line defined by a chartered surveyor. It is possible to observe the line from the Surveyors measurements – 50cm from the side wall and 60cm from the house flank wall. A range of comments are made about land ownership and incorrect measurements in the plans.

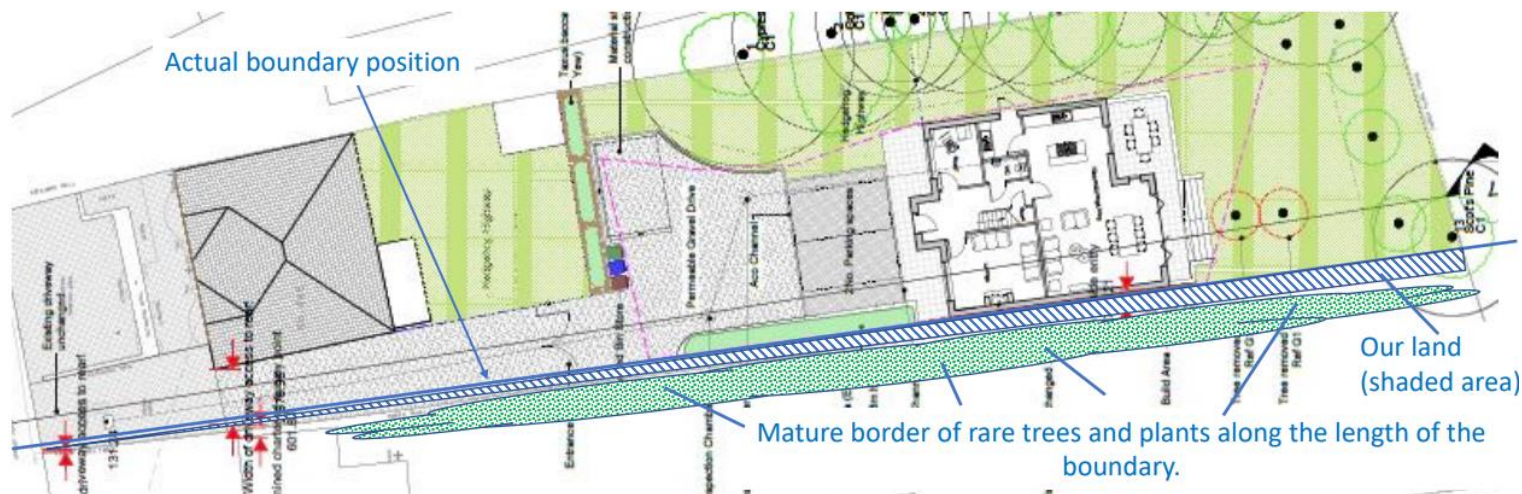


Figure 2: Extract from representations showing the extent of impacted land subject to the boundary dispute. This is extrapolated from two measurement points to the front of the site.

- The site is impractical for development. It cannot fit onto the site without encroaching into neighbouring land. The development is unviable without the illegal use of neighbouring land.
- Highway safety is a concern given the steepness of the driveway as is pedestrian visibility when emerging from the steep drive onto the pavement
- Building Regulations requires 1m from the boundary. The development does not comply with this
- A planning condition on Approval Notice CH/12/0367 for a rear patio at the existing site dwelling requires fencing to be maintained in perpetuity to limit the possibility of overlooking. The plans provided do not show this fencing maintained and show a door to the side/rear of the existing house onto a platform. There is a discrepancy in the plans provided.
- The gas supply crosses the driveway and is teed off No. 446. Concerns around impacts on the gas main exist and potentially the need for future gas supply work to all properties.
- Sewage disposal is unclear from the plans provided, particularly given the constrained nature of the site.
- The side facing roof window would permit overlooking of the neighbouring garden
- The proximity of the proposed building would cause substantial amenity impacts to nearby properties including overshadowing, overlooking/loss of privacy and would have an overbearing effect on users within neighbouring gardens. This is worsened by the levels difference to neighbouring properties. Privacy impacts within the house and garden are a concern.

- Substantial disturbance would result from the build
- The plot has a steep gradient and narrow access. Earthmoving and other construction vehicles would be impractical.

### Relevant Planning History

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

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

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

CH/23/0252 Erection of 2 storey dwelling to the rear of 446 Littleworth Road, including associated access, parking, and landscaping. Application Withdrawn prior to Planning Committee determination. Officers prepared a report which recommended the following Reasons for Refusal of the application:

- 1) The proposed development would, by reason of its siting within the plot result in substantive overlooking of an adjacent garden, to the detriment of the use of that garden and the privacy of the occupants. Impacts of this type are contrary to Local Plan Policy CP3 and Paragraph 130(f) of the NPPF.
- 2) The application contains insufficient information in relation to risks posed from the migration of coal mine gas. The National Planning Policy Framework at para 183a states that planning decisions should ensure a site is suitable for its proposed use taking account of risks from former activities such as mining. In the absence of this information the application development would fail to achieve compliance with Para 183a of the National Planning Policy Framework.
- 3) The Arboricultural Information presented does not include an Impact Assessment or Tree Protection Strategy to be employed during the course of the development works as is advocated in BS5837. The Arboricultural work presented does not fully examine relevant drainage considerations, incursion into root zones or the effects of shadowing to the proposed dwelling and its garden. In the absence of these details and wider impact assessment, the application runs in conflict with Cannock Chase Local Plan Policy CP3 and para 131 of the National Planning Policy Framework as the Council is unable to determine if the application proposals successfully integrate with existing trees.

## 2. SITE AND SURROUNDINGS

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



*Figure 3: Satellite imagery showing the sites location and context in relation to neighbouring tree cover. Taken from Google Earth ©*

- 2.2 To the rear of the property is a large fairly open residential garden laid to lawn. In the neighbouring garden to the east a range of mature trees exist that exist in relative close proximity to the boundary but are within separate ownership.
- 2.3 The wider location of the property is within the settlement of Littleworth/Rawnsley, forming the outer edge of the Cannock Urban Area. To the southeast exists open fields that form part of the designated Green Belt. The site does not form a component of the Green Belt but is within a High Risk Coal Mining Area.

## 3. PROPOSAL

- 3.1 The application seeks full planning permission for the erection of a detached 2 storey dwelling within what is currently the rear garden of 446 Littleworth

Road. The proposed dwelling is to have a dual pitched gable roof with projecting pitched roof dormer windows, and will be approximately 7.94m in height. The building would be constructed from facing brickwork and tiled roofing. The proposals also include the removal of the integral garage to the main dwelling (446 Littleworth Road) and this will provide a private driveway to the plot along with three parking spaces for the new house and separately two parking spaces for the existing dwelling are intended to be retained.

- 3.2 The application includes a Coal Mining Risk Assessment and Tree Survey Report which plots the trees in the vicinity of the site.



Figure 4: Extract from Design and Access Statement 3D imagery of proposed building

#### 4. PLANNING POLICIES

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

#### Cannock Chase Local Plan Part 1

4.5 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

4.6 Relevant Policies within the Minerals Plan Include:

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

National Planning Policy Framework

4.7 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.

4.8 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.

4.9 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

60, 75, 76, 77, 78: Delivering a Sufficient Supply of Homes

131, 135, 137, 139: Achieving Well-Designed and Beautiful Places

180, 191: Conserving and Enhancing the Natural Environment

4.10 Other relevant documents include: -

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

## 5. DETERMINING ISSUES

5.1 The determining issues for the proposed development include: -

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

## 6. PROCEDURAL CONSIDERATIONS

6.1 The application is submitted with the red edged boundary as presented in Fig 4 (below). This shows a plan which is generated from a formal site topographical survey. This has been used by the agents to set out the extent of the land relevant to the application. There has been dispute over boundaries for a number of years between the respective neighbours. During the course of the application various comments have been received from the neighbour about inaccurate measurements and measurements taken from a detailed Chartered Surveyor report which showed the Surveyor's view at the time of the correct boundary line. When comments have been made by the neighbour, these include a range of measures and lines using Pdf. scaling tools which lack precision and seek to extrapolate ownership from two measurements points at the front of the plot loosely plotted on plan.



- 6.2 Neither Officers nor the Council are arbiters of land ownership. Ultimately the courts would determine on the basis of the ownership evidence available which party owns which relevant land, and the existence of a planning permission would not change ultimate ownership. Therefore despite best efforts (as discussed in the Highway Considerations section of this report) Officers have explored the issue, exercised judgement and taken at face value the amended red edged land presented in this case. This is because no definitive determination can be made as to ownership and the land in any case would not seem to be fundamental to accessing the building or ultimately determination of the application.
- 6.3 Finally whilst it is clear there remains dispute, the purpose of signing Certificate B for example is to ensure that the acknowledged land owner is aware of a planning application involving their land. In this case, the party in dispute is well aware of the current application and has provided written representations. It is therefore clear this party and their right to comment on the application has not been prejudiced. All other legal ownership considerations are therefore civil matters.

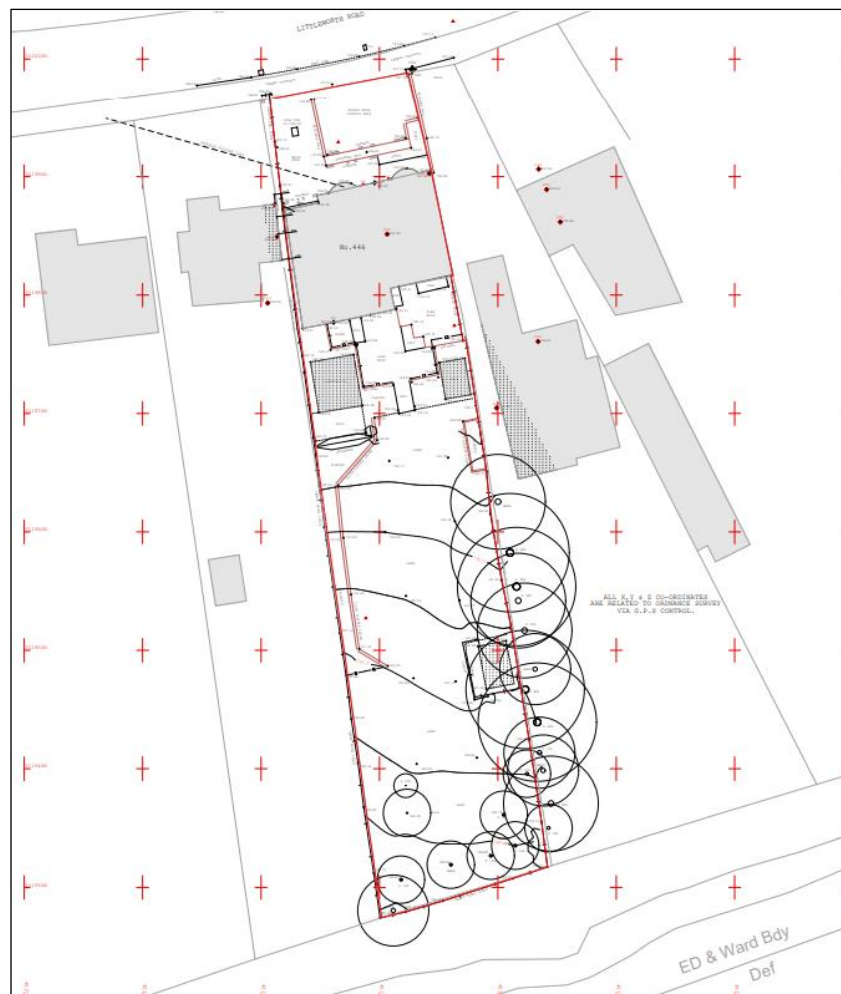


Figure 5: Red Edged Boundary accompanying the amended application

## 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.
- 7.6 It is noteworthy that mention is made in correspondence as to whether the site is classed as Brownfield land. The NPPF definition of 'Previously Developed Land' excludes gardens in built up areas, so in effect there is no 'positive presumption in favour' of redeveloping garden land in the NPPF as is stated at Para 123 like there is for true brownfield land. Hence no policy steer is taken from this position generally.

## 8. DESIGN CONSIDERATIONS

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



Figure 6: Extract from submitted plans illustrating similar developments in the context of the application site

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

## 9. AMENITY

- 9.1 Paragraph 135(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 dwelling proposed would be provided with a reasonable rear garden area (circa 200sqm) and the existing retained property similarly would have a garden of approx. 90sqm for a 3 No. bedroom property. This accords with the relevant adopted standards.
- 9.3 In relation to separation distances, distances of 27m and 28m respectively from neighbouring properties and the existing house are demonstrated. This exceeds the relevant standard for facing principle windows. It is also recognised that daylight impacts upon internal spaces within the nearest properties would be limited by virtue of the lower finished level and separation apparent.



Figure 7: Imagery showing proposed siting of dwelling

- 9.4 In relation to overbearing, it is noted the main property impacted is No. 444. Overbearing from within the house is not a significant concern but judgement is needed in the rear garden area. Increased sense of enclosure would result from the development in the areas immediately adjacent to the proposed dwelling which is exacerbated by the steeply sloping nature of the plot, with the building standing proud of neighbouring ground levels by a full height two storey dwelling (8.5m). In assessing this issue Officers note the garden impacted is fairly substantial and as such the sense of enclosure resulting differs drastically across the length of the garden. Officers conclude there would be some minor negative impact from the sense of enclosure resulting but that this point alone is not significantly adverse as to justify reason for refusal.
- 9.5 Officers previously had concerns around the level of overlooking that could have occurred to the neighbour at 444. The building's position is close to the side boundary and offers a clear splay of vision over the private garden space. The design has been amended to provide facing windows with obscure glazing. Although a small amount visibility may be possible through the openable window, the change reduces in part the effect of overlooking. The window design change does not resolve the perception of overlooking entirely that would likely be apparent from providing the dwelling in close proximity to the adjacent boundary. Whilst a small amount of tree screening exists within

the neighbour's garden, this is relatively low level and would do little to combat the perception of overlooking from the first floor windows to the front of the proposed dwelling. Therefore some perception of overlooking within the neighbouring garden results from the development and is not resolved by the amendments provided.

- 9.6 It is noted that the side facing rooflight mentioned in the neighbours objections is over 2m in the room such that visibility would not be possible through it.
- 9.7 Compounding the amenity matters from the neighbour's perspective is the steeply sloping garden apparent. The neighbouring property has a usable area of the garden that is more remote from the house than is typically the case due to the need for steps down to access the lower level. This is not immediately evident from the site plan imagery presented. By combination of its close proximity, scale and resultant perception of overlooking from within the garden, it is assessed the proposals would result in a moderate adverse effect upon the reasonable enjoyment of the neighbouring garden contrary to Local Plan Policy CP3 and NPPF Para 135(f).

## 10. HIGHWAYS AND ACCESS CONSIDERATIONS

- 10.1 NPPF Para 115 states Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

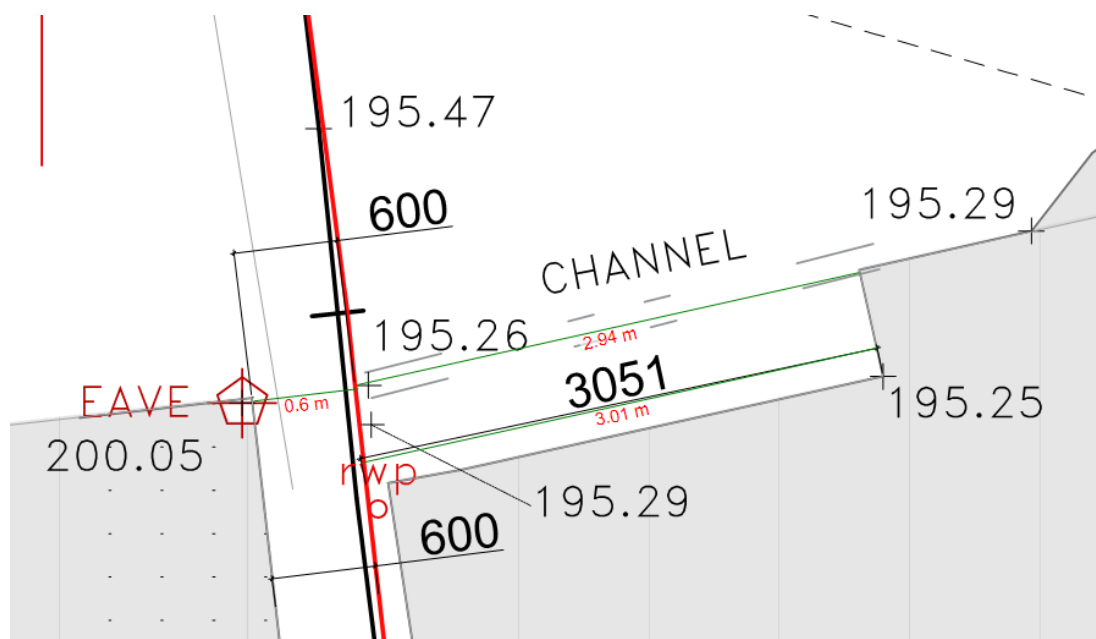


Figure 8: Extract from submitted Topographical survey showing width between house and existing bungalow. It is suggested ownership by the neighbour extends to 600mm from the side wall as shown. Officer measurements shown light green. The remaining extent leaves at worst 2.94m. These measurements reflect Officer's on site measurements.

- 10.2 During the course of the current application there has been considerable focus on land ownership. Officers have visited site to take measurements and relayed measurements of the worst case access width to the Highway Authority. In particular it was discussed that the Staffordshire Residential Design Guide suggests an access width of 3.2m is required. Officers relayed that taking account of concerns around ownership, a width of 2.95m may be the reality.
- 10.3 The Highway Officer informally confirmed that a width of 2.8m could still be acceptable and it was stated that in this case the Highway Officer considered *“the driveway is of a sufficient width for a modern vehicle to travel down and park and exiting/entering the vehicle will take place next to the dwelling where there is ample space. I don’t see this as a reason to refuse under the NPPF.”*
- 10.4 Whilst it is recognised the access is narrow by the existing house, and it is also steeply sloping with some level of obstructed visibility, taking the above into account Officers are bound to trust this professional advice given reference visibility.
- 10.5 Exploring these concerns more, the Highways Officer comments adopt the view that the visibility splay for emerging vehicles is acceptable. The Highway Authority confirm:
- (i) *The new property will utilise an existing access that has been in operation since the property was built. Visibility has been reduced slightly to the west from the vehicular access crossing ... however the access as it is, has not proved an issue previously and accident records for the past 10 years since the installation of the fence have been checked with no personal injury collisions recorded at this location. This proposal will not increase the use of this driveway anymore than it was originally used. Parking provision for the existing property has been set back to provide the requisite visibility splays in each direction and will not interfere with visibility to the east when egressing from the proposal’s access.*
- 10.6 The development is otherwise compliant with adopted Parking Standards in retaining two spaces for the existing house and providing 2 new spaces for the proposed dwelling.
- 10.7 The Highway Authority go on to suggest that a Construction Management Plan condition would adequately deal with the constrained nature of the site. Officers have some concerns in this regard. It is a statement of fact that when the tree protection fencing is added in as shown, and it is unclear from their

comments if the Highway Authority appreciate the constrained nature of the site area, post implementation of the tree protection proposed.

- 10.8 The resultant site area to facilitate the construction would be less than the site coverage of the dwelling itself. This brings with it difficulties in managing export of spoil from the site by heavy vehicles, operative parking, site facilities and import of materials. Coupled to this is the narrowness of the access and the position of the access point close to traffic lights on a bend. All materials, spoil and operatives would need to access the site via 2.95m width access. Whilst this is not impossible, it is a substantive practical difficulty that is likely to lead to disruption to traffic flows in the locality and in the context of restricted site visibility, is considered a moderate negative factor that weighs in the planning balance. In the Officer's view, it is not a point so easily dismissed by the Highways Officer as applying a condition relating to agreeing a Construction Management Plan. A condition of this type fails to appreciate the overlapping constraints of the site.
- 10.9 Overall whilst the safety concerns raised in objections are noted, the Highway Authority are accepting of the development if constructed as proposed, adequate visibility would be available for traffic emerging and that the development caters for parking in line with relevant standards so as to be judged to accord with the NPPF Para 115 requirement. Officers note other negative factors linked to enacting construction that also need to be weighed in the planning balance.

## 11. **TREE CONSIDERATIONS**

- 11.1 The application includes a Tree Survey report which plots the trees within and close to the site. The report provides commentary on their condition and additional tree protection is now set out in the proposed site plan alongside further comment from the Arboricultural Consultant. The Council's Landscape Officer has provided comments suggesting the details provided in relation to tree are adequate and that subject to conditions and the implementation of an appropriate tree protection strategy, harm to trees on site is unlikely to result. Officers had hoped for more information in relation to shadowing considerations from trees, but in the round, the Council's Landscape Officer is satisfied with the submission.
- 11.2 Taking the above into account Officers concur the submissions now go far enough in examining the effect of the development on retained trees or providing a sufficient protection strategy during on site works. Accordingly Officers assess the application runs in compliance with Policy CP3 as the Council is able to determine the proposals successfully integrate with existing trees.



## 12. BIODIVERSITY

- 12.1 Paragraph 180 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;’*
- 12.2 Detailed survey of the site has not been provided. It is noted the majority of the land is mown amenity grassland and as such has relatively low starting ecological habitat value. Mention of nearby ponds is made in representations received, but taking account the mown nature of the grassland, there would seem to be no realistic prospect of habitat destruction as a consequence of the proposals.
- 12.3 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 180(b).

### Cannock Chase SAC

- 12.4 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. This is usually secured by unilateral undertaking (S106).

## 13. GROUND CONDITIONS AND CONTAMINATION

- 13.1 Paragraph 189a of the NPPF states that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of

ground conditions and any risks arising from land instability and contamination. In this respect, the site is located in a general area in which Coal Authority consider to be a development high risk area and also where a number of historical features are nearby that present risk of ground/mining gas and ground contamination.

- 13.2 The application is accompanied by a Coal Mining Risk Assessment (CMRA) and the Coal Authority and the Council's Environmental Health Officer (EHO) were consulted on the application. The CMR report identifies the possible presence of a shallow unrecorded mine working beneath the site and makes recommendations for intrusive site investigations to determine whether any remediation measures are required. In response, the Coal Authority have stated that they concur with these recommendations and therefore have no objection to the proposal subject to the implementation of conditions requiring the recommended site investigations and any required remediation measures.
- 13.3 Related to the proposed borehole works and access to the rear garden, concerns are raised about the demolition of the garage leading to instability for the neighbouring property. Officers have examined this point on site, and whilst the proximity is noted, there is no obvious basis to assess demolition with due care and required support (if needed) would impact neighbouring land or buildings. Furthermore it would be the responsibility of the party executing the work to assure a safe and appropriate execution of the works in line with Para 190 of the NPPF.
- 13.4 The Council's EHO recommends further conditions in relation to risks posed from the migration of coal mine gas. Officers see no reason to disagree with this.
- 13.5 Subject to conditions therefore it is assessed the risks and remediation/mitigation, Officers assess the application would run in conflict with NPPF Para 189.

#### 14. **OTHER ISSUES**

- 14.1 Considerations around bin carry distances and fire appliance access are relevant to the proposals. Manual for Streets suggests that Bin Carry distances should not exceed 30m to the storage point and that waste collection vehicles should be within 25m of the waste collection point. In this instance the bin store is shown at 30+m from the highway. Whilst this is the case, it is reasonable that the future owner could store bins where they wish to and that they will need to deposit them on the highway like most homes on

collection day. Officers assess sufficient flexibility within the site to enable waste collection consideration to not be a substantial concern.

- 14.2 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 43.89m. As such this standard is met and is therefore not a substantive concern in this case.
- 14.3 Suggestion is made that Building Regulations requires a 1m standoff from boundaries. Whilst this is a separate consideration from Planning in its own right and it is not for the planning process to duplicate this, Officers are aware that buildings can be constructed within shorter distances subject to suitable materials being utilised. I.e. non combustible materials and limited unprotected areas such as window openings.
- 14.4 The plans provided do not show fencing required by planning condition as retained. Officers assess this would be a separate Enforcement matter if such fencing was not retained as per conditions. This matter should be given no weight in the consideration of the current application.
- 14.5 Suggestions about the gas supply crossing the drive are made. Officers consider this is matter for the supplier and site operatives. It is not uncommon for gas supplies to rerouted in line with appropriate supplier (Cadent) guidance.
- 14.6 Concerns reference site drainage and foul water disposal are raised. Pumped manholes and similar would likely be used to discharge drainage to main sewers. Drainage is shown in the plans as coming along the driveway. Similarly Building Regulations would deal with the appropriateness of foul and surface water discharges proposed.
- 14.7 The side facing roof window would permit overlooking of the neighbouring garden. Officers note this rooflight is 2m within the room and therefore is not likely to offer any visibility.
- 14.8 Concerns are raised that approval of the development would set a precedent for similar proposals and that others may consider selling off parts of their rear garden. Each application is assessed on its merits. As acknowledged in this report, it is the policy position that in principle, infill development within a main urban area is acceptable (subject to detailed considerations of relevant matters). As such it is assessed the potential for setting a precedent has no material bearing on Officers assessment in this case.

- 14.9 Light pollution is raised as a concern. Officers assess only a limited amount of additional light would be emitted from a single dwelling of this type. Officers do not such would be justifiable reason for refusal.
- 14.10 It is suggested backland development would promote fire risks. Officers are aware that fire transmission between buildings is a Buildings Regulations matter where unprotected areas and assessment of the distance to the boundary are relevant. The building would not appear to breach these Building Regulations requirements. Nevertheless it is not for the planning process to duplicate the controls of other regulation. As such this matter is given little weight.
- 14.11 It is suggested that the proposal would impact views however it is widely held that protection of private views is not a planning matter.

## 15. **HUMAN RIGHTS ACT 1998 AND EQUALITY ACT 2010**

### Human Rights Act 1998

- 15.1 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

- 15.2 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.
- 15.3 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

- 15.4 It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.
- 15.5 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.

16. **CONCLUSION**

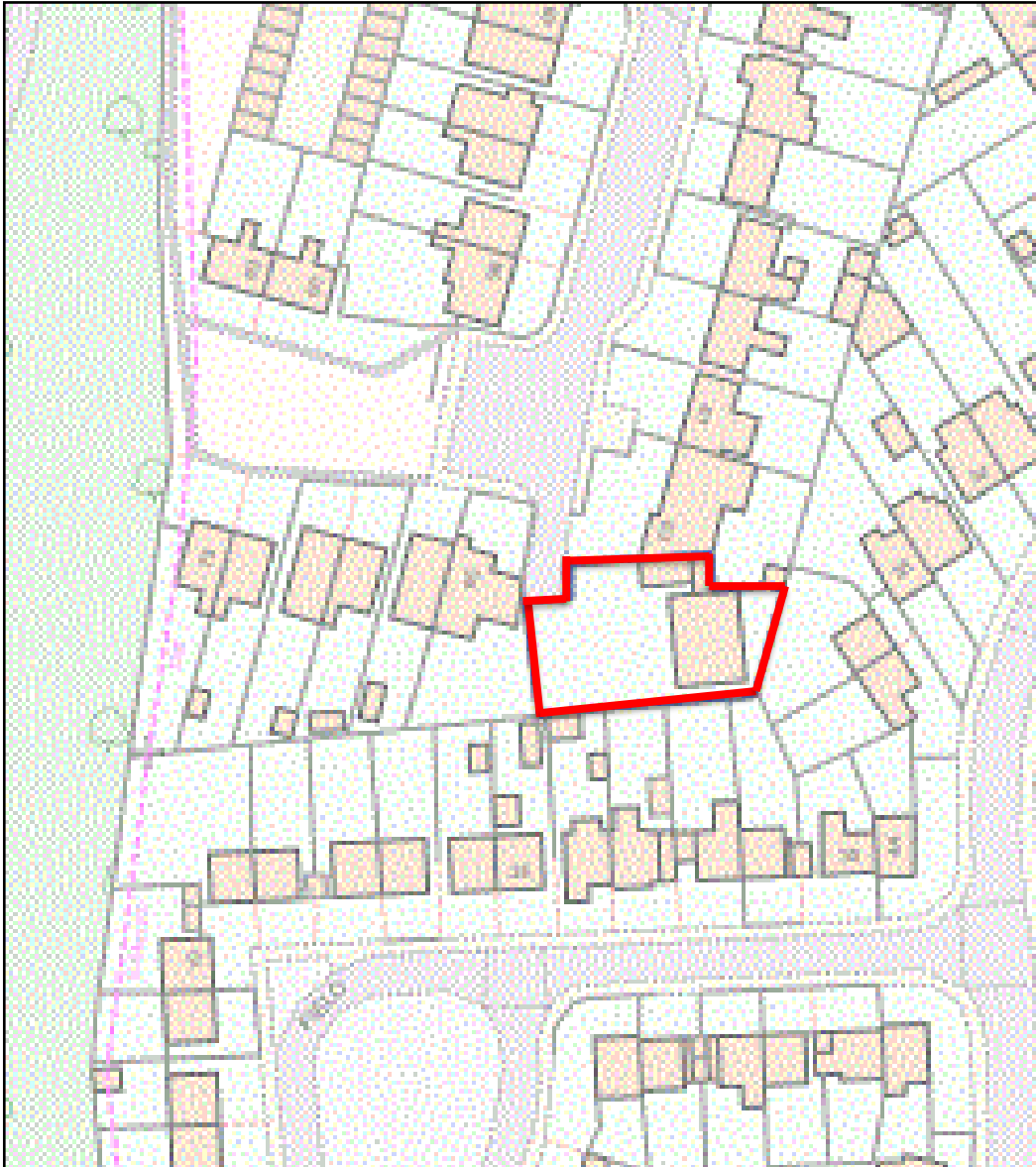
- 16.1 The application seeks full planning permission for the erection of a detached 2 storey dwelling within what is currently the rear garden of 446 Littleworth Road. The site is located within a main urban area and in principle the proposed development is acceptable.
- 16.2 Officers have no significant concerns with the appearance of the development but assess its relationship with the neighbouring property would result in adverse impacts upon the use of the residential garden adjacent, the perception of overlooking and resultant sense of enclosure. Concerns also exist with regard to the feasibility of construction given the narrowness of the access, limited on site storage, in the context of the site constraints and Tree Protection Fencing. Overall Officers assess the planning balance weighs negatively against the development and as a package the application does not represent a sustainable form of development.

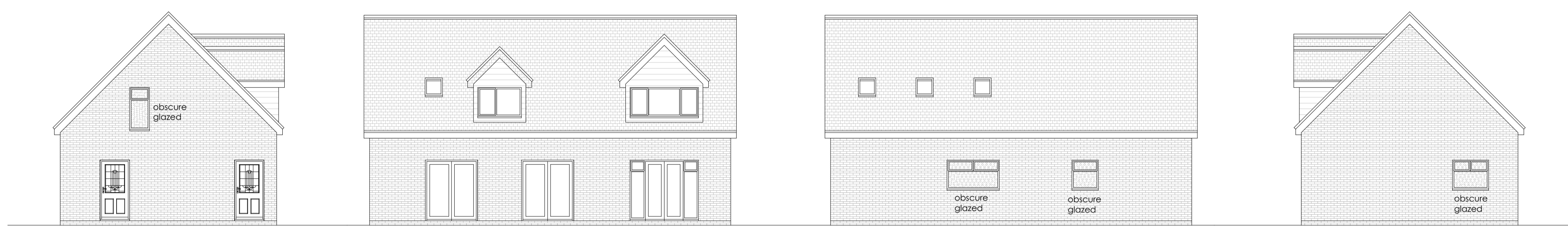
**Application No:** CH/23/0429

Item No. 6.29

**Location:** 63 Sycamore Green, West Chadsmoor,  
Cannock, Staffordshire WS11 4PN

**Proposal:** Demolition of existing workshop and erection of  
1 x 2 bed and 1 x 1 bed apartments including  
garages





North Elevation

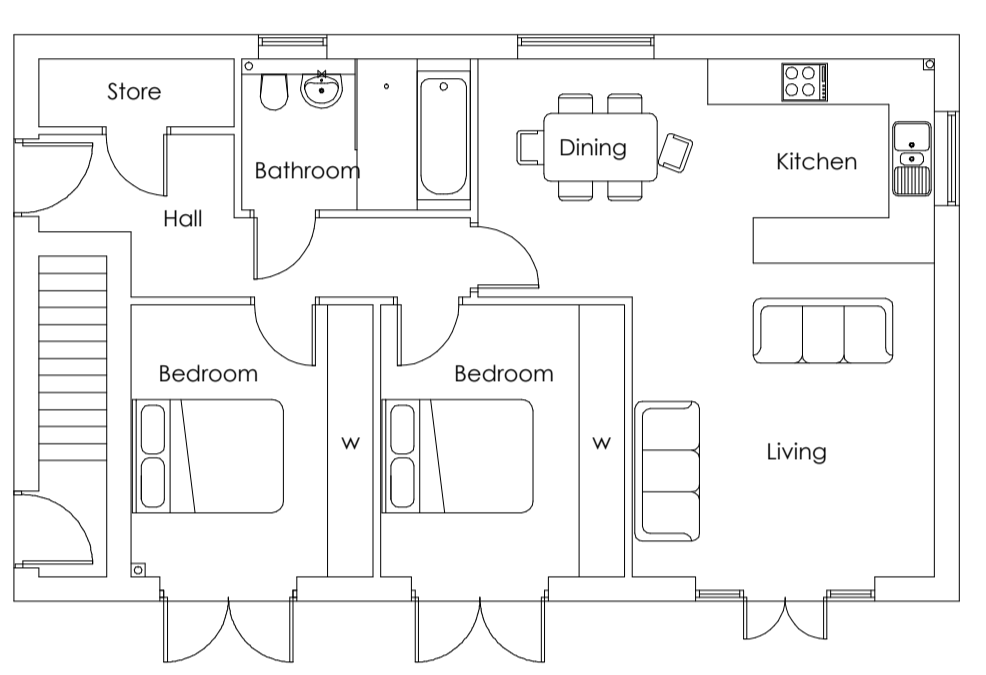
West Elevation

East Elevation

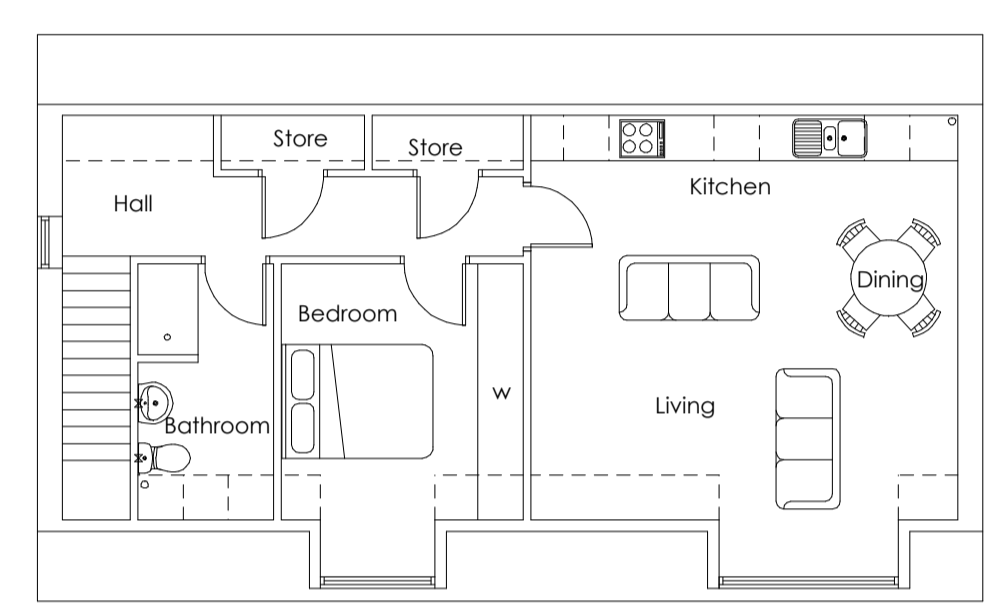
South Elevation



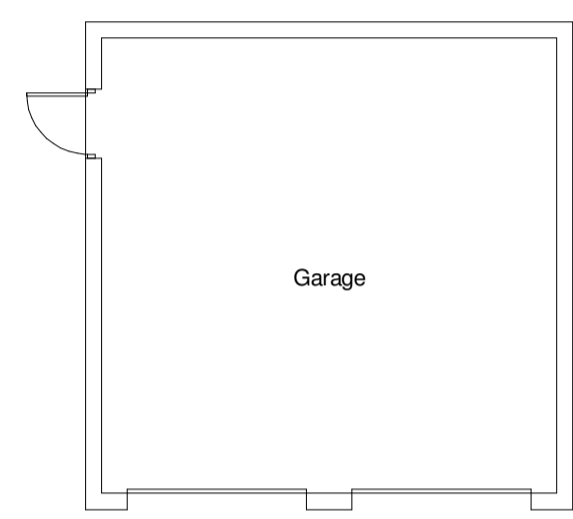
Existing Site Plan 1:500



Ground Floor Plan  
2 Bed Apartment



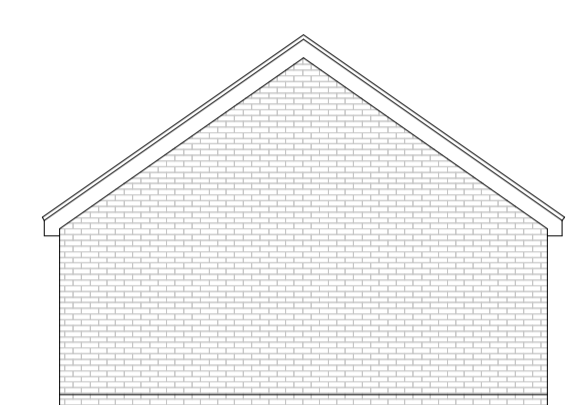
First Floor Plan  
1 Bed Apartment



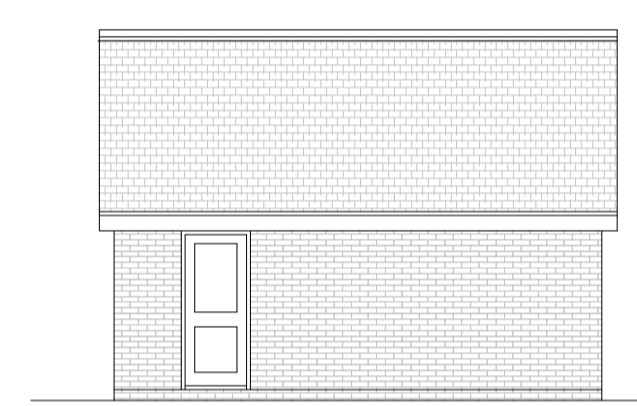
Garage Plan



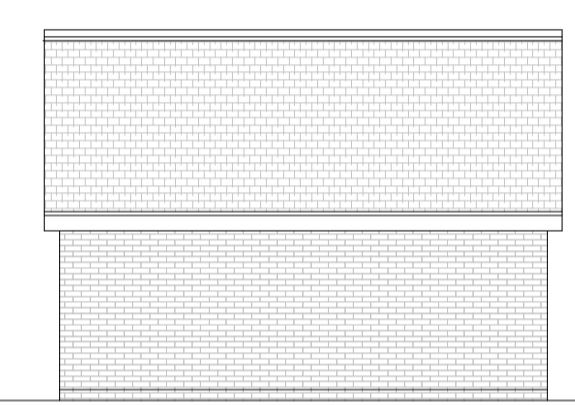
Front Elevation



Rear Elevation



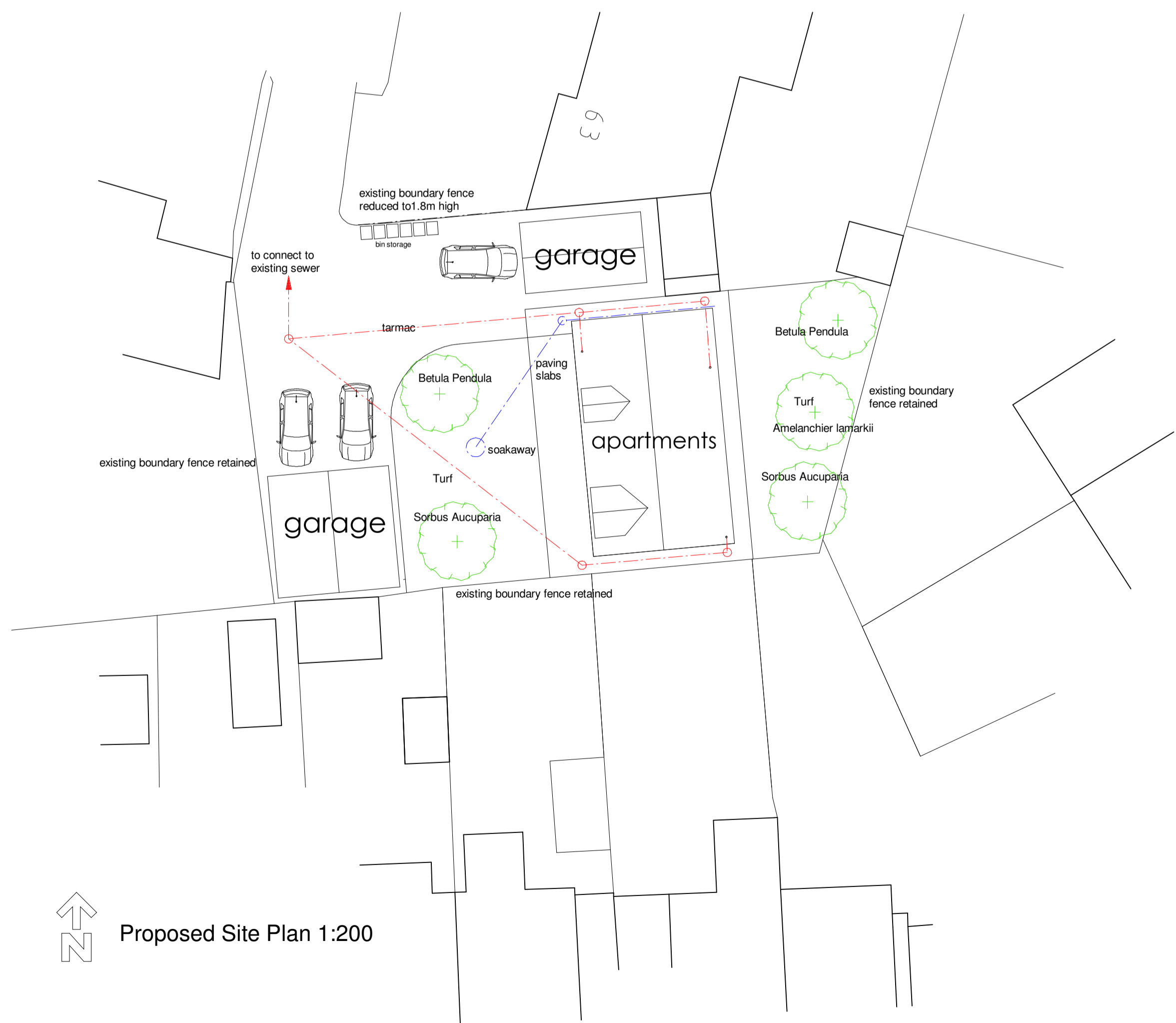
Side Elevation



Side Elevation



Location Plan 1:1250

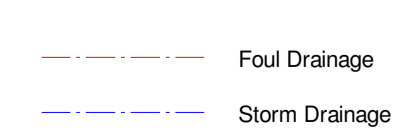


Proposed Site Plan 1:200

NOTES:

- 1.0 SOILS: Subsoil to be scarified to 300mm depth prior to spreading topsoil to alleviate compaction. Subsoil scarification not to be carried out within Root Protection Areas. Imported topsoil to be in accordance with BS3882 'Premium Grade' or as approved. As saved topsoil (and imported if requested) to be laboratory tested to BS3882 and ameliorated as required to meet the required specification. Screened or manufactured topsoil is not acceptable. Grass areas to be a minimum depth of 150mm, shrub beds 450mm depth and forestry / transplants 300mm depth. Incorporate proprietary non peat compost to BS1 PAS 100 to 50mm depth evenly worked into soil.
- 2.0 EXISTING TREES: Where trees are to be retained they should be subject to a full arboricultural inspection to assess condition and safety. Retained trees shall be protected from damage by erection of 2.3m weldmesh fencing on a scaffold framework in accordance with BS 3837:2012 Fig 2. These barriers shall be maintained in position and in good condition until works are complete. Fencing to be located in accordance with Table 2 at a radius of 12 times the stem diameter (single stem trees) or 10 times the basal diameter (trees with more than one stem below 1.5m from ground) refer to Clause 5.2.2 Further precautions are to be taken as detailed within BS3837:2012 9.4
- 3.0 TREE SURGERY / REMOVAL: Tree surgery and tree removal to be carried out by a registered tree surgeon in accordance with BS 3998:2010.
- 4.0 TREE PLANTING: All trees to be in accordance with BS 3934 / 5236. Trees to be planted in accordance with BS4428 and securely staked and tied in pits 1000x1000x1000mm backfilled with topsoil mixed with tree planting compost, ensuring tree pits are a minimum of 75mm deeper and 150mm wider than the tree roots. Base of pits to be broken up to a depth of 150mm. Root balls to be encircled by Root Rain Metro or similar irrigation pipe. Water well after planting. The base of trees to be planted in grass areas are to be covered with 75mm depth bark mulch to 1.0m diameter and kept weed free.
- 5.0 SHRUB PLANTING: Plants are to be in accordance with BS3936 and handled in accordance with CPSE guidelines and planted in accordance with BS 4428. All plants to have a minimum of three breaks, except Hedera with a minimum of two. Well water plants immediately after planting and prior spreading of mulch. Shrub areas to be covered with 75mm bark mulch and kept weed free.
- 6.0 TURFING: Grass turf areas to be Tillers 'Arena' or similar approved cultivated turf. Topsoil to be cultivated and levelled as required and any debris or stones greater than 50mm diameter removed. Pre-turfing fertiliser to be applied in accordance with manufacturers instructions. Turf to be laid from planks with broken joint well butted up. Well water after laying to avoid shrinkage.
- 7.0 MAINTENANCE: To be carried out at approximately monthly intervals to include the following:
  - a) Eradicate weeds by hand or chemical means
  - b) Cut out dead or/ and damaged stock or branches, prune as required
  - c) Ensure all shrubs and trees are firmed in, securely staked and tied
  - d) Collect litter, sweep and tidy site
  - e) Apply suitable pesticides, fungicides and fertilisers as required
  - f) Carry out grass mowing to turf when attained 100mm, cut to 35mm

All Trees to be 12-14cm girth



Rev:	Details:	By / Chk:	Date:
X	FIRST ISSUE.		

Copyright of this drawing is vested in J Mason Associates and it must not be copied or reproduced without formal consent.  
 All contractors and sub-contractors are responsible for taking and checking all dimensions relative to their work.  
 Notify J Mason Associates immediately of any variation between drawings an site conditions.  
 Where drawings are based on survey information received, surveys are available on request.  
 All drawings to be read in conjunction with all relevant Structural and M&E Engineers drawings and specifications.  
**H&S HAZARDS:**  
 Significant hazards relative to the architectural design shown on this drawing have been assessed and highlighted with reasonable skill and care using a warning triangle system.  
 This drawing is to be read in conjunction with all other hazards/tricks which have been identified and recorded within the construction phase H&S plan.  
 It is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, to an approved method statement.  
 Significant hazards are defined as:-  
 \* Those not likely to be obvious to a competent contractor or other designers.  
 \* Those of an unusual nature.  
 \* Those likely to be difficult to manage effectively.

## J Mason Associates

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 Registered in England & Wales  
 5033992

Client:  
**Mr G M McGuinness**

Project:  
**Proposed Apartments  
 63 Sycamore Green Cannock**

Drawing Title:  
**Sketch Proposals**

Stage:	Status:	Sheet Size: <b>A1</b>
Job Number: <b>2901</b>	Date: <b>10-04-23</b>	Scale: <b>1:100</b>
Revision: <b>2901-01</b>		<b>B</b>

<b>Contact Officer:</b>	Helen Sherratt
<b>Telephone No:</b>	01543 464621

<p><b>Planning Control Committee</b> <b>28<sup>th</sup> February 2024</b></p>
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<b>Application No:</b>	CH/23/0429
<b>Received:</b>	27/12//2024
<b>Location:</b>	63 Sycamore Green, West Chadsmoor, Cannock, Staffordshire WS11 4PN
<b>Ward:</b>	Cannock North
<b>Description:</b>	Demolition of existing workshop and erection of 1 x 2 bed and 1 x 1 bed apartments including garages
<b>Application Type:</b>	Full Planning Application

**The application is being presented to Members for determination, as it has been called in by Cllr Thornley due to concerns that the proposal would constitute the overdevelopment of the site.**

**Recommendation:**

**It is recommended that the planning application is approved, subject to planning conditions as detailed below:**

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

Reason:

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Sketch Proposals DWG Ref 2901-01B

Reason:

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

3. No construction work or deliveries to the site shall be undertaken outside the hours of 0800 to 1900 Monday - Friday, 0800 to 1300 on Saturdays or at any time on Sundays, Bank or Public Holidays.



Reason:

To protect the amenity of neighbouring occupiers.

4. The development hereby permitted shall not be brought into use until the access, parking and turning areas have been provided in a bound and porous material in accordance with DWG no. 2901 Revision B 'Sketch Proposals' and shall thereafter be retained for the lifetime of the development.

Reason:

In the interests of highway safety and the safe and convenient flow of traffic.

5. No part of the development hereby approved shall commence until a scheme detailing the external environment-landscape, including planting, fencing, walls, surface treatment & construction details for the site has been submitted to and approved by the Local Planning Authority. The details shall be in the form as specified in Annex C of the Supplementary Planning Guidance 'Trees, Landscape and Development'. Thereafter the development shall be carried out in accordance with the approved details.

Reason:

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

6. Prior to the commencement of the development a Construction and Environmental Management Plan and details of an intended Programme of Works shall be submitted to an agreed in writing by the Local Planning Authority. The Construction and Environmental Management Plan shall include details of site compounds, demolition of existing onsite structures, site hours, types of vehicles, proposed delivery hours, provision for parking of vehicles for site operatives and visitors, loading and unloading of plant and materials and storage of plant and materials used in constructing the development and the method of piling should piling be used. The approved scheme shall thereafter be implemented prior to and throughout the duration of any works on site.

Reason:

To comply with the objectives and policies contained within the NPPF. In the interests of site sustainability and highway safety.

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

#### Coal Authority

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

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

#### Highway Authority

Please note that prior to the access being widened you require a Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing.

Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk))

## **Consultations and Publicity**

### **External Consultations**

#### Staffordshire County Council Highways:

- Initial concerns were raised in relation to insufficient space for vehicles exiting the proposed single garage, as it would be difficult to reverse out of.
- Following an amendment to the site layout plan (DWG no. 2901/Rev A) of which included the removal of the return wall and fence to open up the manoeuvring space, the SCC Highways Officer confirmed that the proposal on highway grounds is acceptable subject to a condition requiring the development to be implemented in full accordance with the above site plan.

(Final comments received 02/02/2024)

### **Internal Consultations**

#### Environmental Protection:

- No objection, subject to planning condition requiring restrictions on construction hours.

(comments received 08/01/2024)

## **Response to Publicity**

The application has been advertised by neighbour letter. 1no letter of representation (objection) has been received, of which is summarised as follows:

- The workshop/garage is not supposed to be in use as such, it was for the storage of a motorhome.
- The applicant has erected a 10 foot fence, proposed to be retained as existing.
- Work is carried out on site during late hours and a small floodlight has been added.
- Outlook from nearby properties will be impacted and block light to neighbouring properties.
- 3 garages will create noise disturbance due to vehicles and visitors.

- The development will cause adjacent properties to be overlooked.
- The new development will be an intensification of the site.
- The applicant does not live in the community.

## Relevant Planning History

The site has no relevant planning history.

### 1.0 Site and Surroundings

- 1.1 The application site relates to an irregular parcel of land at the end of Sycamore Green, a residential cul de sac located within the settlement of Chadsmoor. The site currently comprises built structures, including a workshop and shed building.
- 1.2 A 3m high fence runs along the site's northern boundary, with a pedestrian gate. Double gates provide vehicular access, with this being taken directly from Sycamore Green. Residential properties lie to the south of the site along Abbots Field, with rear gardens backing onto the site.
- 1.3 The surrounding area is predominantly residential in character, with open agricultural land to the west.
- 1.4 The site lies within the Mineral Safeguarding Areas for bedrock and superficial sand and gravel, and is within the Coal Authority's designated Low Risk Development Area. Levels are relatively consistent across the site and it is within Flood Zone 1.

## 2 Proposal

- 2.1 The applicant seeks planning consent for the demolition of an existing workshop and erection of 1no 2 bedroom and 1no 1 bedroom apartments, including garages.
- 2.2 The apartment building will replace an existing single storey structure currently in use as a workshop/storage unit.
- 2.3 The 2no bedroom apartment will be located at ground floor, with a 1no bedroom apartment at first floor. The ground floor apartment will comprise living room, kitchen/dining area, bathroom, store and 2no bedrooms. The first floor will comprise a kitchen, with shared dining and living area, bathroom and a single bedroom.
- 2.4 1no double and 1no single garage is proposed, to serve the 2no and 1no bed units, respectively. These will be located to the south-west and north-east of the site with on-site parking provision for 3no spaces provided to the front of the garages. Front and rear amenity spaces are proposed.
- 2.5 The apartment building will measure 6.9 metres in height, with the existing workshop being 3.2 metres in height. The new building's floor area will measure 94 square metres, compared to 104 square metres for the existing workshop.

### 3 Planning Policy

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

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

#### 3.3 Cannock Chase Local Plan Part 1

- CP1: - Strategy – the Strategic Approach
- CP3: - Chase Shaping – Design
- CP5: - Social Inclusion and Healthy Living
- CP10: – Sustainable Transport
- CP12: - Biodiversity and Geodiversity
- 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.

#### 3.6 Relevant paragraphs within the NPPF: -

8: Three dimensions of Sustainable Development

11-14: The Presumption in favour of Sustainable Development

47-50: Determining Applications

60, 75, 76, 77, 78: Delivering a Sufficient Supply of Homes

131, 135, 137, 139: Achieving Well-Designed and Beautiful Places

180, 191: Conserving and Enhancing the Natural Environment

#### 3.9 Other relevant documents include: -

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

## 4 Determining Issues

4.1 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.

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

'For decision taking this means:

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

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

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

4.4 In this instance, the proposal relates to a brownfield site within a residential location. 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.

4.5 In this respect the location of the site is within a sustainable location, close to local centres close to schools and served by bus routes giving access to public transport, walking and cycling to a range of goods and services to serve day to day needs.

- 4.6 The site is not located within either Flood Zone 2 or 3 and it is not designated as a statutory or non-statutory site for nature conservation nor is it located within a Conservation Area or affect the setting of a designated or undesignated heritage asset. Given the above the proposal would be acceptable in principle.
- 4.7 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 the light of these policy tests.

## 5. Design and the Impact on the Character and Form of the Area

- 5.1 The application site is developed, comprising a single storey workshop. The majority of the site is largely screened by existing boundary treatments, including a 3-metre-high fence fronting Sycamore Green, and the overall design and layout of the scheme will improve the appearance of the site and the wider area more generally. The prevailing character of the area is residential, and the proposal will introduce a use and development at the site that is more compatible with the surrounding area.
- 5.2 The apartment building will measure 6.9 metres in height, with the existing workshop being 3.2 metres in height. The new building's floor area will measure 94 square metres, compared to 104 square metres for the existing workshop. The increase in height is noted by Officers, however on assessment the proposed height is no greater than existing neighbouring semi-detached properties and so the apartment building will not appear incongruous against the surrounding built context.
- 5.3 In terms of the appearance of the apartment building, its design and general roof form proposed is reflective of the appearance of the neighbouring semi-detached properties. It is appreciated that the combined floor space covered by the main building and garages will cause a tighter grain of development to be implemented; however, this is acceptable due to the visual betterment of the site brought about by the development. The existing boundary treatments are proposed to be retained, thereby retaining the existing level of visual screening from Sycamore Green.
- 5.4 Taking the above into account, Officers consider that subject to conditions the proposals broadly accord with the guidance within the Design SPD and broadly accord with the aims of Local Plan Policy CP3 and the aims of the NPPF.

## 6. Impact on Residential Amenity

- 6.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes onto include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 6.2 Of note in relation to the assessment of amenity impacts is the proximity of neighbours at Clarion Way, Abbots Field and Sycamore Green, of which will be assessed below.

- 6.3 The apartment building will face inward into the site, with first floor dormer windows proposed at the front elevation (west) only. 3no rooflights are proposed at the rear of the property (east elevation) at first floor, however given their size and orientation these are not considered to create any issues in respect of overlooking into the rear amenity spaces of properties along Clarion Way to the east. 2no window are proposed at the rear elevation at ground floor level, to serve the bathroom and dining area, both of which are to be obscure glazed. An intervening 1.8-metre-high fence along the eastern boundary will be retained, creating further screening for properties along Clarion Way.
- 6.4 1no window is proposed at ground floor level at the southern elevation, facing the rear of properties on Abbots Field. This will serve the kitchen and will also be obscure glazed and further screened by an existing 1.8 metre boundary fence. Double doors are proposed at the western elevation, allowing natural light to infiltrate the dining/living area.
- 6.5 A double garage building is proposed to be adjacent to the site's southern boundary, of which will be 4.7 metres in height. Whilst it is appreciated that this is 1.5 metres higher than the existing workshop building, an existing 1.8 metre fence to be retained will largely screen this building from properties to the south of the site and a garage in this section of the site will have a lesser impact on amenity given its dormant nature. Furthermore, the garage will be approximately 15 metres from the main property at no.26 Abbots Field.
- 6.6 Adjoining properties on Sycamore Green do not have first floor windows looking onto the site and are a sufficient distance from the apartment building to not give rise to issues in respect of overlooking; no. 65 Sycamore Green will be approximately 20 metres from the apartment building and no. 63 will be 17 metres away.
- 6.7 The existing 3 metre high fence at the site's northern boundary with no. 63 Sycamore Green is to be reduced in size to 1.8 metres, thereby having an improved impact upon the appearance of the surrounding area and increasing levels of natural surveillance.
- 6.8 Taking the above into account, it is judged the proposed dwellings would not cause an unacceptable degree of overlooking to neighbouring gardens. Taking the above factors into account, in accordance with the assessment criteria set out within the Council's adopted standards, it is considered that a good standard of amenity would be achieved for all existing and future occupiers of the existing and proposed dwellings in accordance with Policy CP3 of the Local Plan and the NPPF.
7. Impact on Highway Safety
- 7.1 Paragraph 115 of the NPPF states that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

- 7.2 Following a minor revision to the scheme, in which an existing return wall was removed to increase the manoeuvring space within the site, the County Highway Authority have raised no objections to the proposals in terms of highway safety subject to conditions. Whilst it is recognised there is currently some degree of on street parking on Sycamore Green, it is not judged that 2 no. additional dwellings would pose a severe transport or highways issue at the location.
- 7.3 With regards to parking provision, the dwellings proposed are 1- and 2-bedroom properties and so, in total, 2no off-street spaces would be required. The scheme exceeds this, by providing 3no spaces as shown on the site layout plan together with manoeuvring space. Accordingly, it is considered the proposals accord with the provisions of the Parking SPD.
- 7.4 Overall, it is concluded that the residual cumulative impacts of the proposal would not be severe in highway terms and would not create an unprecedented level of additional vehicles on the surrounding highway network, nor encourage the displaced parking of vehicles. As such, the scheme is compliant with the provisions of the Local Plan and the NPPF.

## 8. Impact on Nature Conservation Interests

- 8.1 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. There is a net increase in dwellings of 2 No. such that SAC mitigation contributions are required. Such contributions will be secured by CIL.
- 8.2 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.
- 8.3 Given the above it is considered that the proposal, would not have a significant adverse impact on nature conservation interests either on, or off, the site. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

## 9. Drainage and Flood Risk

- 9.1 The site is in a Flood Zone 1 which is at least threat from flooding. Although the applicant has not indicated the means of drainage it is noted that the site immediately abuts a main road and is within a predominantly built-up area. As such it is near drainage infrastructure that serves the surrounding area and is considered acceptable

## 10. Ground Conditions and Contamination



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

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

#### 11. Mineral Safeguarding

11.1 The site falls within two Mineral Safeguarding Area (MSAs) for superficial sand and gravel and bedrock.

11.2 Paragraph 212, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

11.3 The Council's Environmental Health Officers were consulted on the application and raised no issues in terms of mineral safeguarding.

#### 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.

12.2 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**

12.3 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.

12.4 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.

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

12.6 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

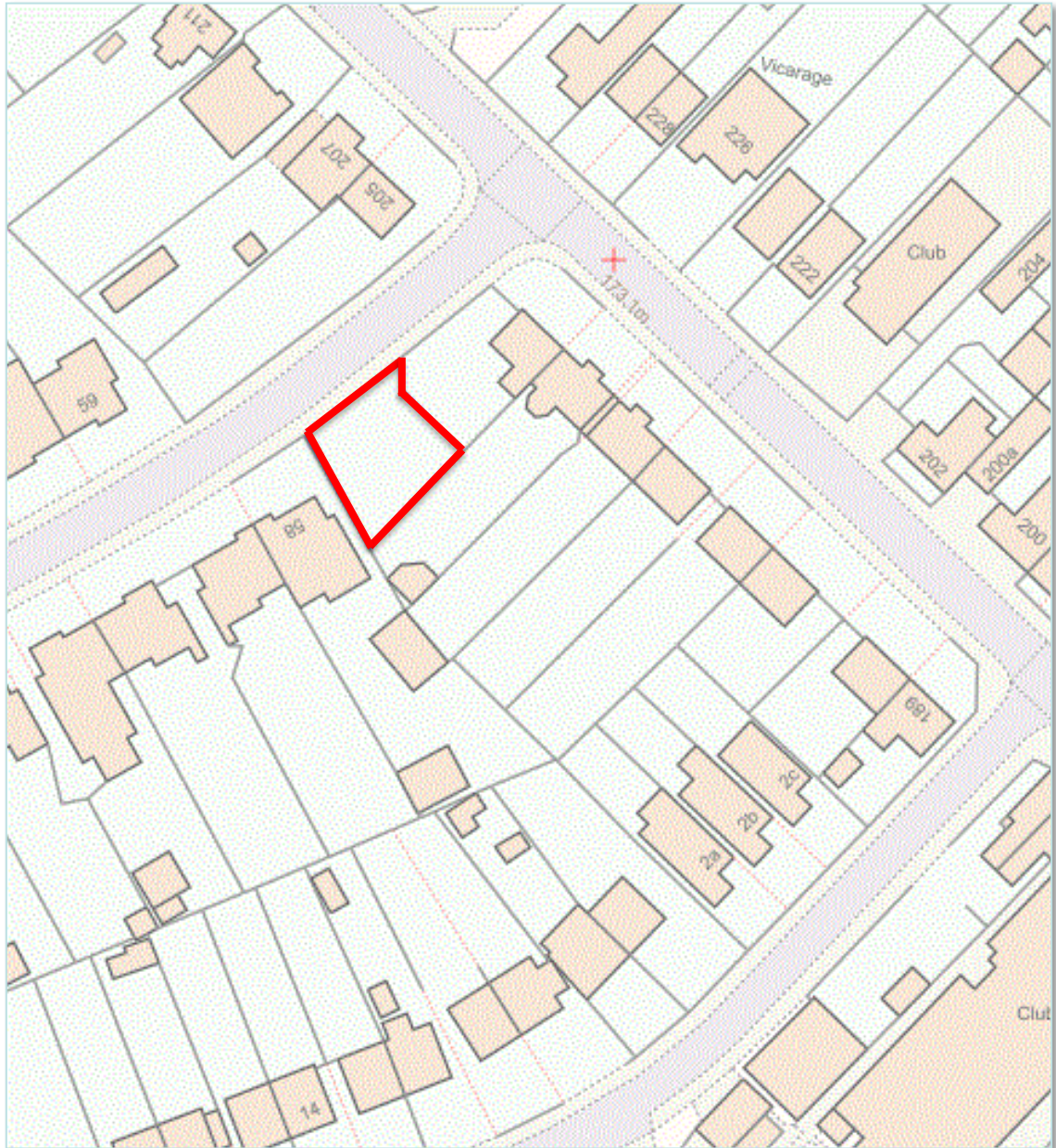
- 13.1 The application proposes the erection of a single apartment building, comprising 2no separate residential units. The proposed redevelopment of the site is considered to be acceptable in principle, given the site's location in an established residential area within the settlement of Chadsmoor.
- 13.2 Given the location of the site and its current use and appearance, its redevelopment would assist in improving the appearance of the wider area and raising design standards more generally.
- 12.3 The design and layout of the scheme has been thoroughly assessed and although the development proposal would bring about a slightly tighter grain of development at the site in comparison to its existing built coverage, the benefits brought about by the visual betterment of the site outweigh this concern.
- 13.4 A number of other issues such as traffic and parking and residential amenity considerations have been assessed in this report. In all cases it is considered that there are no substantial reasons as to why permission should be withheld, and in many cases the issues can be addressed via planning conditions.
- 13.5 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.
- 13.6 It is therefore recommended that the application be approved subject to the attached conditions for the above reasons.

**Application No:** CH/22/0169

Item No. 6.42

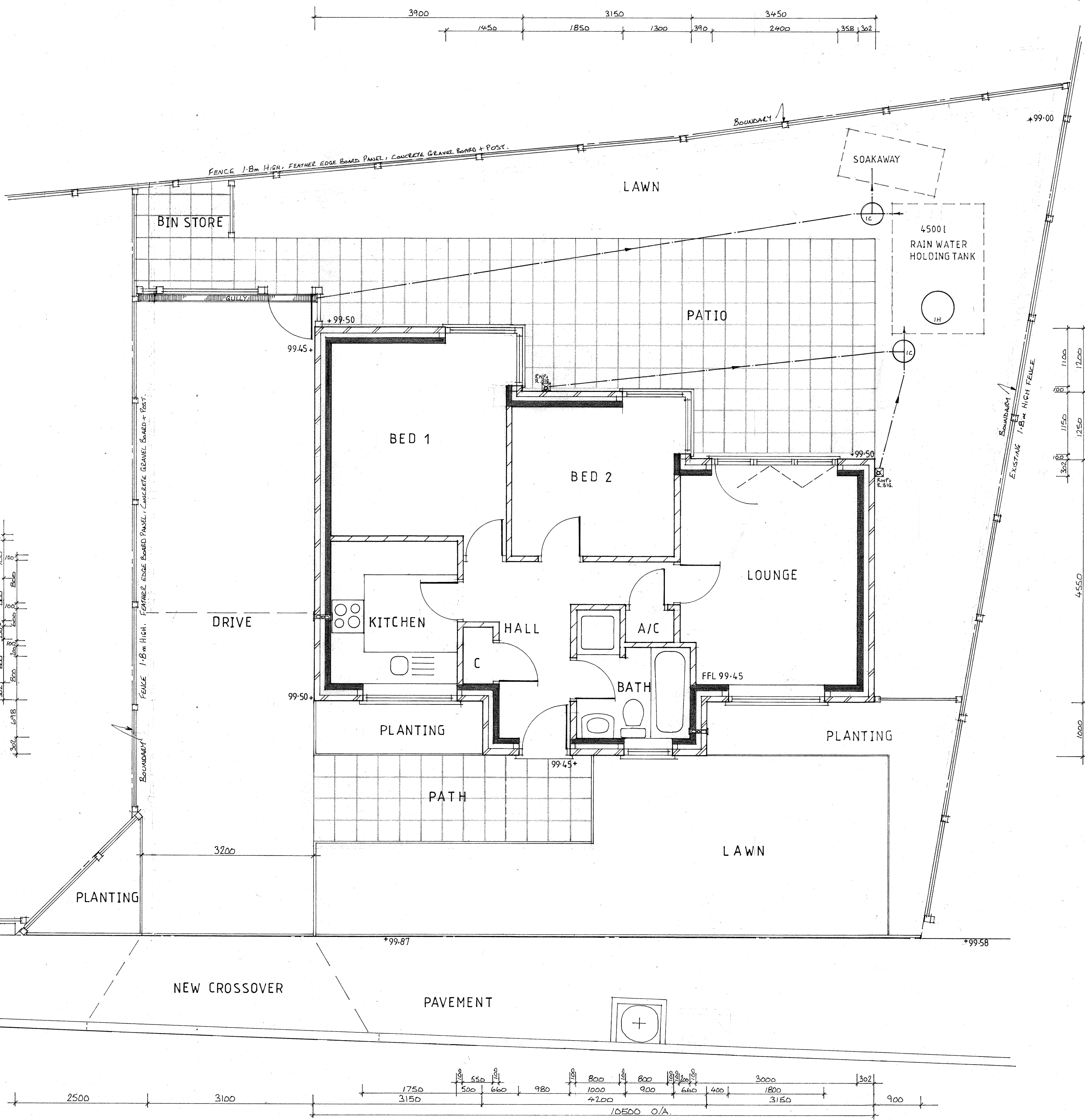
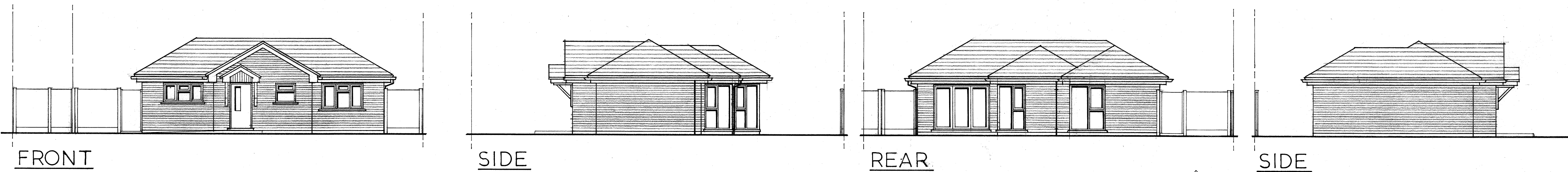
**Location:** 203, Hednesford Road, Heath Hayes, Cannock, Staffordshire, WS12 3HN

**Proposal:** Erection of 1 No. two bedroom bungalow

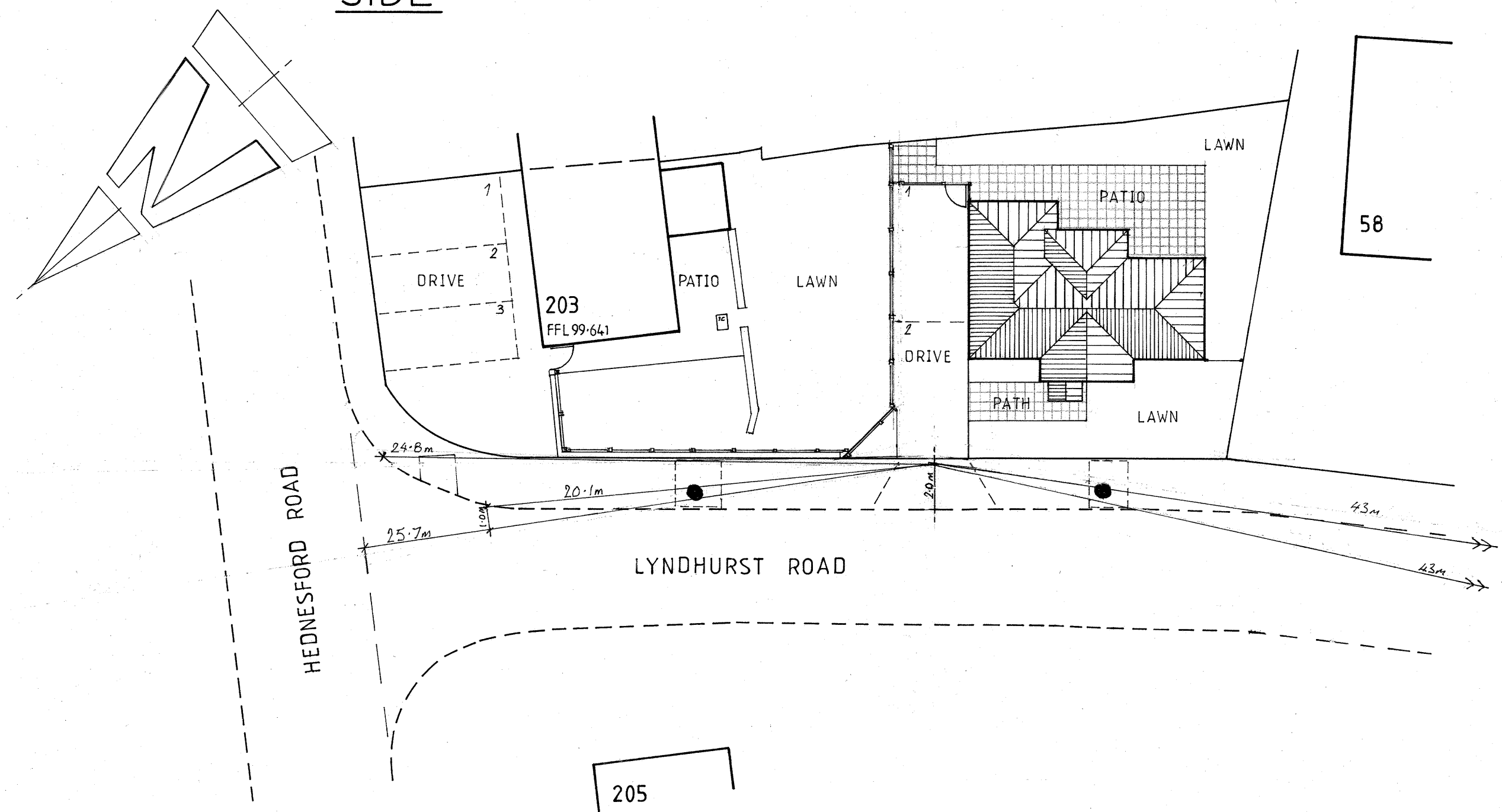


Location plan

PROPOSED ELEVATIONS



PROPOSED GROUND FLOOR PLAN



PROPOSED SITE PLAN

D	23/11/2023	3224Y LINES
SITE AREA: 236.1m <sup>2</sup>		
FOOTPRINT AREA: 65.53m <sup>2</sup>		
AMENITY AREA: 85.4m <sup>2</sup>		
LOUNGE: 3.9m x 3.3m: 13.28m <sup>2</sup>		
KITCHEN: 2.7m x 2.35m: 6.35m <sup>2</sup>		
BEDROOM: 1: 3.6m x 3.3m: 12.44m <sup>2</sup>		
BEDROOM: 2: 3.05m x 2.8m: 8.99m <sup>2</sup>		
BATHROOM: 2.4m x 2.15m: 4.22m <sup>2</sup>		
STORES: 1.12m <sup>2</sup>		

**AZIMUTH ARCHITECTURE**

19 CONEYBURY VIEW,  
BROSELEY, SHROPSHIRE, TF12 5AX.  
Tel: 07957612855  
E-mail: kevin@x-tremebase.com

C	09/11/2023	VIS SPRAY LINES
B	12/11/2022	VIS SPRAY LINES
A	16/06/2022	DRIVE WIDTH, VIS SPRAY LINES
Date	Revisions	

**Site**  
203 HEDNESFORD ROAD, HEATH HAYSE, CANNOCK,  
STAFFORDSHIRE, WS12 3DZ

**Job Title**  
PROPOSED ERECTION OF ONE, TWO BEDROOM DETACHED BUNGALOW.

**Drawing Title**  
PROPOSED SITE PLAN  
PROPOSED FLOOR PLANS  
PROPOSED ELEVATIONS,

**Scale:**  
1:200, 1:50, 1:100. @ A1

**Date**  
11<sup>TH</sup> APRIL 2022

**Drw No:** 203HR/001-2022. **Rev:** D

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<b>Contact Officer:</b>	Kayleigh Williams
<b>Telephone No:</b>	07810155287

<p><b>Planning Control Committee</b> <b>28<sup>th</sup> February 2024</b></p>
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<b>Application No:</b>	CH/22/0169
<b>Received:</b>	26-Apr-2022
<b>Location:</b>	203 Hednesford Road, Heath Hayes, Cannock, WS12 3HN
<b>Parish:</b>	Heath Hayes and Wimblebury
<b>Ward:</b>	Heath Hayes East and Wimblebury
<b>Description:</b>	Erection of 1 No. two bedroom bungalow
<b>Application Type:</b>	Full Application

**Reason for committee decision:-**

**Town Council objection due to overdevelopment of the site.**

**RECOMMENDATION:**

Approve Subject to Conditions

**Reason(s) for Recommendation:**

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

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

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

- Proposed Site Plan, Floor plans and elevations: 203HR/001-2022 Rev D
- Visibility Splay Lines: 203HR/001-2023

Reason

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

2. 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.

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

Reason

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

4. The dwelling hereby permitted shall not be completed above ground floor level until a scheme for the provision of a bird box has been submitted to and approved in writing by the Local Planning Authority.

The submitted scheme shall detail an integrated bird box and the height and location on the dwelling. The dwelling shall thereafter be completed in accordance with the approved scheme.

Reason

In the interests of enhancing bird breeding habitat in accordance with Policy CP12 of the Local Plan and the NPPF.

5. The development hereby approved must accord with Arboricultural Impact Assessment Doc Ref: P2242-AIA01 V1 (dated 17/03/2022) and implement all tree protection measures in sections: 3.3, 3.4, 3.5, 3.6, 3.7, 3.8 & 3.9 & on P2242-ASPO2 Arb Site Plan (Proposed).

Reason: In the interests of protecting existing landscaping features which contribute to the character of the area, in accordance with policy CP3 of the Local Plan and the NPPF

7. The development hereby permitted shall not be brought into use until the access and parking have been provided in a bound and porous material in accordance with the approved 'Proposed Site Plan' Drawing No. 203HR/001-2022 Revision D and shall thereafter be retained for the lifetime of the development.

Reason

To comply with the objectives and policies contained within the NPPF

To comply with the Cannock Chase Local Plan CP10

In the interests of highway safety

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

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

Reason

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

## **Note to Applicant**

### **1. Coal Authority**

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

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

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

### **2. Highway Authority**

Please note in order to widen the existing dropped kerb you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing.

Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk))

<https://www.staffordshire.gov.uk/Highways/licences/Vehicle-access/VehicleAccessCrossings.aspx>

## **Consultations and Publicity**

### **Internal Consultations**

- Environmental Health - No Objection
- CIL Officer -Based on the form submitted the proposed development would be CIL liable.

### **External Consultations**

- Staffordshire Highway Authority - No objections subject to condition and informative.
- Heath Hayes & Wimblebury Parish Council - Objection: Overdevelopment of the small plot.



## Response to Publicity

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

- I currently have problems with getting on and off my drive, as vehicles constantly park opposite my property - N° 58 Lyndhurst Road due to the double yellow lines opposite, ending just before my driveway. Having another driveway and property on this end of the street will only aggravate this problem.
- There are already double yellow lines across from the proposed drive and i feel if the lines were extended down to the first property on Lyndhurst Road it would alleviate the problem.

## Relevant Planning History

None relevant

### 1 Site and Surroundings

- 1.1 The application seeks consent for residential development on land to the rear of 203 Hednesford Road.
- 1.2 The site is of a regular rectangular shape and has a frontage dwelling facing out onto Hednesford Road with the rear garden siding onto Lyndhurst Road. The rear garden is long and is bound by a combination of dwarf walling, close board fencing and hedgerow planting.
- 1.3 The application site is of a modest size, being wider than adjoining properties. The proposed site measures approx. 16m x 14m and covers an area of approx.. 242m<sup>2</sup>.
- 1.3 The site is currently garden land used by No.203 Hednesford Road and is void of any soft landscaping, other than boundary hedges. There is a large area of hardstanding to the immediate front of the existing dwelling, accessed off Hednesford Road which is currently used for parking.
- 1.4 The wider area is varied and comprises of semi-detached properties as well as short rows of terraces. There is also more modern infill development. To the rear of the application site within Lyndhurst Road the dwellings are single storey and finished in a light render / pebble dash. There are two significant street trees sited along Lyndhurst Road adjacent the application site.

- 1.6 The site is in part unallocated and undesignated in the Cannock Chase Local Plan (Part 1). The application site is also located within a Low Risk Development Boundary as defined by the Coal Authority and a Mineral Safeguarding Area.

## 2. PROPOSAL

- 2.1 The applicant is seeking planning permission for residential development on land to the rear of 203 Hednesford Road.
- 2.2 The proposed dwelling would be a 2 bedroom bungalow and would be constructed with a footprint of approx. 66m<sup>2</sup> with associated amenity and two parking spaces.
- 2.3 The proposed dwelling would be constructed with a hipped roof to a height of 4.2m (2.2m to the eaves). The dwelling would face onto Lyndhurst Road and would have the private amenity space to the rear of the proposed dwelling which would comprises an area of approx. 88m<sup>2</sup>.
- 2.4 The proposed dwelling would be constructed from facing brickwork and tile.
- 2.5 The existing dwelling would retain three off road parking spaces (existing) and a private garden area of 158m<sup>2</sup>.

## 3 **Planning Policy**

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).
- 3.3 Relevant Policies within the Local Plan Include:
- CP1 - Strategy – the Strategic Approach
  - CP2 - Developer contributions for Infrastructure
  - CP3 - Chase Shaping – Design
  - CP6 - Housing Land
  - CP7 - Housing Choice
  - CP13 -Cannock Chase Special Area of Conservation (SAC)

- 3.3 The policies within the Minerals Plan are:

## Policy 3.2 – Safeguarding Minerals

### National Planning Policy Framework

- 3.6 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.
- 3.7 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.
- 3.8 Relevant paragraphs within the NPPF include paragraphs: -
- |                     |  |
|---------------------|--|
| 8:                  | Three dimensions of Sustainable Development          |
| 11-14:              | The Presumption in favour of Sustainable Development |
| 47-50:              | Determining Applications                             |
| 60 – 67:            | Delivering a sufficient supply of homes              |
| 115:                | Highway safety and capacity                          |
| 123 - 127:          | Making Effective Use of the Land                     |
| 131, 135, 136, 139: | 14 Achieving Well-Designed Places                    |
| 165:                | Flood Risk   |
| 180, 185, 186:      | Conserving and enhancing the natural environment     |
| 191 -194:           | Ground Conditions & Contamination                    |
| 215, 217:           | Safeguarding Minerals                                |
| 224-226:            | Implementation                                       |
- 3.9 Other relevant documents include: -
- Design Supplementary Planning Document, April 2016.
- Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

## 4 Determining Issues

4.1 The determining issues for the proposed development include:-

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

#### 4.2 Principle of the Development

4.2.1 Both 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.

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

'For decision taking this means:

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

4.2.3 The starting point of the assessment is therefore whether the proposal is in

accordance with the development Plan and whether that plan is up to date. In that respect it is noted that Policy CP1 of the Local Plan states: -

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

- 4.2.4 Other than the above general strategic approach there are no relevant policies within the Local Plan in respect to the approach to be taken with regard to the development of wind-fall sites. As such the proposal falls to be determined in accordance with the tests set out in subsection (d) (i) or (ii) of paragraph 11 of the NPPF shown above.
- 4.2.5 With that in mind it is noted that the application site is not designated as Green Belt, AONB or as a SSSI or SAC, nor does it contain a listed building or conservation area or affect the setting of a designated heritage asset; nor is it located within flood zones 2 or 3. Therefore the proposal does not engage any policies in the Framework that protect areas or assets of particular importance. As such the proposal should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.2.6 In respect to the location of the site it is within a residential location less than 1/4km from the district centre, close to the schools and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development.
- 4.2.7 It is therefore concluded that the proposal is acceptable in principle. 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 light of these policy tests.

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

- 4.3.1 In respect to issues in relation to design, the application site is identified as being located within the Heath Hayes Character Area; this character area is identified as having a core local centre with a historic high street which provides a unique character. The wider area however is dominated by post war and modern housing estates.
- 4.3.2 The layout plan demonstrates how the proposed dwelling would be set back behind a modest grassed frontage with a planting strip and pathway to entrance. The private amenity space would be to the rear and parking provision to the side.

- 4.3.3 The wider street scene is varied with some dwellings occupying narrower plot sizes; with minimal frontages and long rear gardens. Notwithstanding this, there are also plots of a similar size and design to the proposal within the wider area (Gladstone Road). As such, in line with this established urban grain, the proposed dwelling would sit comfortably within the existing and varied street scene.
- 4.3.4 The proposed dwelling would be of traditional construction and finished with facing brickwork under a tiled roof. The street scene comprises of a variety of finishes, including facing brickwork and rendered finishes within Lyndhurst Road. Given the proposal would differ from the dwellings within Lyndhurst Road in terms of overall design, and the existing variation of building materials within the wider area, it is considered that the proposed dwelling would easily assimilate into the already varied locale.
- 4.3.5 In respect to the landscaping, the application site appears to be void of any significant landscaping with the exception of the boundary hedging. The existing laurel hedge to the boundary between 203 Hednesford Road and 58 Lyndhurst Road would be removed however the existing boundary fence would be retained. The existing Laylandii hedge along the boundary with Lyndhurst Road would also be removed with the dwarf wall and fence retained. The loss of the hedgerows is regrettable however they are not a species that enhance ecology or that would be worthy of protection. It is also noted that the applicant could remove the existing hedgerows without the benefit of consent.
- 4.3.6 There are two significant street trees that would be sited adjacent the application proposal, within close proximity to the proposed access. In this respect the applicant has submitted an Arboricultural Impact Assessment with which to inform the submission. The installation of the proposed kerb in order to facilitate the proposed vehicle access would be close to T2 as identified within the Arboricultural Assessment and there would be an potential incursion into the root zone of T2 for the construction of the proposed dwelling by approx. 7.4%. The level of incursion is considered negligible and mitigation measures have been recommended and these would be secured via condition.
- 4.3.7 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

#### 4.4 Impact on Residential Amenity

- 4.4.1 The submitted plans demonstrate the proposed dwelling would be orientated to face Lyndhurst Road with the proposed private amenity space to the rear. The proposal would have views across Lyndhurst Road to the side boundary fence of 205 Hednesford Road, at a distance of approx.. 14m. The single storey design of the proposed dwelling would ensure there is no significant detrimental impact as a consequence of overlooking and privacy to this neighbouring dwelling.
- 4.4.2 The property to the south-west, comprises of 58 Lyndhurst Road which is a single storey dwelling, set back within its plot. No.58 would share a side boundary with the application proposal. The proposed dwelling would remain approx..1.5m from the boundary with this neighbouring dwelling which comprises of high closeboard fencing. It is further noted that the neighbouring dwelling is separated from the shared boundary by their driveway.
- 4.4.3 The dwelling to the east of the application site is located to the immediate rear of Hednesford Road and shares a rear side boundary with the application site. The proposed development would remain approx. 13m at an angle from the rear elevation of No.201 Hednesford Road. Given the separation distance together with the single storey design of the proposed dwelling, it is considered that the proposal would not result in a significant adverse impact to the daylight / outlook or privacy of this neighbouring property.
- 4.4.4 The host dwelling at No. 203 Hednesford Road sits to the rear of the highway behind a parking area and has a rear elevation facing towards the application site. The proposed dwelling would remain approx.. 12.5m from the rear elevation of the host dwelling. The rear amenity space to No. 203 would be defined by new 1.8m high closeboard fencing. The rear garden to the host dwelling would measure approx.158m<sup>2</sup>.
- 4.4.5 In conclusion, the separation distances to neighbouring properties are appropriate for the proposal and over and above the requirement of those set out within the Councils Design SPD.
- 4.4.6 With regard to the proposed dwelling, the private garden space to the rear would measure 88m<sup>2</sup> and adequate space to the side provided for 2 vehicles. The Design SPD requires an area of 40-44m<sup>2</sup> amenity space and parking for two vehicles per two bedroom dwelling. As such, it is considered that the proposal would provide a high quality of amenity for occupiers of existing dwellings as well as for the future occupiers of the proposed dwelling in accordance with the Design SPD and Local Plan Policy CP3.

#### 4.5 Impact on Highway Safety

- 4.5.1 Paragraph 115 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on

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

4.5.2 Staffordshire County Highways Department was consulted on the proposal and raised no objections to the proposal in terms of highway safety subject to the recommended condition.

4.5.3 As such, it is considered that there would be no adverse impact upon highway safety and the proposal would be in accordance with the Parking SPD and paragraph 115 of the NPPF.

#### 4.6 Impact on Nature Conservation Interests

4.6.1 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. In this instance, the proposed development would be CIL liable given the subsequent net increase in dwellings and the applicant hasn't sought an exemption.

4.6.2 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that is given special protection or which is of particular conservation interest. As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.

4.6.3 In order to enhance the nature conservation opportunities for the site, a condition requiring the incorporation of a bird box to be included in the construction of the dwelling has been recommended.

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

#### 4.7 Drainage and Flood Risk

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

4.7.2 The application site is located in Flood Zone 1 which is at least threat from flooding. Although the applicant has not indicated the means of drainage it is noted that the site immediately abuts a main road and is on the edge of a



predominantly built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area and is considered acceptable.

#### 4.8 Mineral Safeguarding

4.8.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 209, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

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

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

#### 4.9 Waste and Recycling Facilities

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

4.9.2 In this respect, it is noted that the proposed dwelling would be sited within close proximity to the highway within a residential location where bins are already collected by the Local Authority. The bins would, in this instance, be collected from the pavement as per the existing situation for the neighbouring properties.

#### 4.10. Ground Conditions and Contamination

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

4.10.2 The Council's Environmental Health Officers were consulted on the application and raised no objections to the proposal.

### 5 Human Rights Act 1998 and Equality Act 2010

### Human Rights Act 1998

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

### Equality Act 2010

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

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

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

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

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

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

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

## 6 Conclusion

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