

Please ask for: Mrs W. Rowe
Extension No: 4584
E-Mail: wendyrowe@cannockchasedc.gov.uk
20 June 2023

Dear Councillor,

Planning Control Committee
3:00pm, Wednesday 28 June 2023
Council Chamber, Civic Centre, Cannock

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

| Application Number | Application Location and Description | Start Time |
|---------------------------|---|-------------------|
| CH/22/0292 | <i>Park Lodge, Holly Hill Road, Cannock Wood, Rugeley WS15 4DS</i> Extension and alterations to existing garage / workshop - Retrospective | 1.35pm |
| CH/23/0023 | <i>37 Attlee Crescent, Rugeley, Staffordshire, WS15 1BP</i> Residential development - Erection of 1 x 4 Bed Detached Dwelling | 2.00pm |
| CH/23/0172 | <i>4 Brindley Crescent, Hednesford, Cannock, WS12 4DS</i> Two storey side extension to form garage and annex at first floor and two bay garage to front of existing house | 2.25pm |

Members wishing to attend the site visits are requested to meet at Park Lodge, Holly Hill Road, Cannock Wood, WS15 4DS at 1.35pm 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 3 May 2023 (enclosed).

5. Members' Requests for Site Visits

6. Report of the Planning Services Manager

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

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

Site Visit Applications

| | Application Number | Application Location and Description | Item Number |
|----|---------------------------|--|--------------------|
| 1. | CH/22/0292 | Park Lodge, Holly Hill Road, Cannock Wood, Rugeley, WS15 4SD Extension and alterations to garage/workshop - retrospective | 6.1 - 6.21 |
| 2. | CH/23/0023 | 37 Attlee Crescent, Rugeley, WS15 1BP, Residential Development: Erection of 1 x four bedroom dwelling | 6.22 - 6.39 |
| 3. | CH/23/0172 | 4 Brindley Crescent, Hednesford, Cannock, WS12 4DS, Two Storey side extension to form garage and annex at first floor and two bay garage to front of existing house | 6.40 - 6.56 |

Enforcement Report

| | Enforcement Number | Location and Description | Item Number |
|----|---------------------------|--|--------------------|
| 4. | ENF/20/078 | 23 Victoria Street, Cannock, WS11 1AG, Unauthorised brick built raised platform, steps, balustrade and elevated screening panels to the rear of 23 Victoria Stree, Cannock | 6.57 - 6.61 |

Cannock Chase Council
Minutes of the Meeting of the
Planning Control Committee
Held on Wednesday 3 May 2023 at 3:00pm
In the Council Chamber, Civic Centre, Cannock
Part 1

Present: Councillors

Thompson, S.L. (Chair)

| | |
|--------------------------|-----------------------------|
| Cartwright, S.M. | Jones, V. |
| Elson, J.S. (Substitute) | Kenny, B. |
| Fitzgerald, A.A. | Kruskonjic, P. |
| Hoare, M.W.A. | Molineux, G.N. (Substitute) |

98. Apologies

Apologies for absence were received from Councillors A. Beach (Vice-Chair), S.K. Crabtree, P.A. Fisher, A.M. Muckley, A.R. Pearson, S.J. Thornley, and L.J. Wilson.

Notification had previously been received that Councillor J.S. Elson would be acting as substitute for Councillor S.K. Crabtree and Councillor G.N. Molineux would be acting as substitute for Councillor P.A. Fisher.

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

None.

100. Disclosure of Details of Lobbying by Members

None.

101. Minutes

Resolved:

That the Minutes of the meeting held on 5 April 2023 be approved as a correct record.

102. Members Requests for Site Visits

None.

103. Application CH/23/0042 - 21 Beechmere Rise, Etching Hill, Rugeley, WS15 2XR - Retention of walk on balcony on existing flat roof with stainless steel balustrade and proposed composite panel screening

Consideration was given to the Report of the Planning Services Manager (Item 6.1 - 6.19) presented by the Planning Officer

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

Prior to consideration of the application, representations were made by Paul Grimsley, an objector speaking against the application and Leigh Harper, the applicant speaking in support of the application.

Resolved:

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

104. Application CH/23/0091, 17 Southbourne Place, Cannock, Staffordshire WS11 4SA - Change of use of land to incorporate into private garden and to construct 1m high fencing along boundary

Consideration was given to the Report of the Planning Services Manager (Item 6.20 - 6.30) presented by the Planning Officer

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

Resolved:

That the application be approved subject to the conditions contained in the report for the reasons stated therein and to the following additional conditions:-

- (A) No trees or hedges within the application site shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or destroyed.

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

Reason:

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

- (B) 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(f) of

Schedule 2 to the Order shall be carried out without an express grant of planning permission, from the Local Planning Authority, namely:

- The provision within the curtilage of the dwellinghouse of a hard surfacing for any purpose incidental to the enjoyment of the dwellinghouse.

Reason:

The Local Planning Authority considers that such development would be likely to adversely affect existing trees 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.

The meeting closed at 3.40pm.

Chair



Application :- CH/22/0292

Location - Park Lodge, Holly Hill Road, Cannock Wood, WS15 4DS

Proposal: Extension and alterations to existing garage / workshop – Retrospective



**SITE VISIT
MEETING POINT**



Application No: CH/23/0172

Location: 4, Brindley Crescent, Hednesford, WS12 4DS

Proposal: Two storey side extension to form garage and annex at first floor level and detached two bay garage to front of existing house.



**SITE VISIT
MEETING POINT**



Application No: CH/23/0023
Location: 37 Attlee Crescent , Rugeley WS15 1BP
Proposal: Residential Development: Erection of 1 x four bedroom dwelling



**SITE VISIT
MEETING POINT**



Application :- CH/22/0292

Location - Park Lodge, Holly Hill Road, Cannock Wood, WS15 4DS

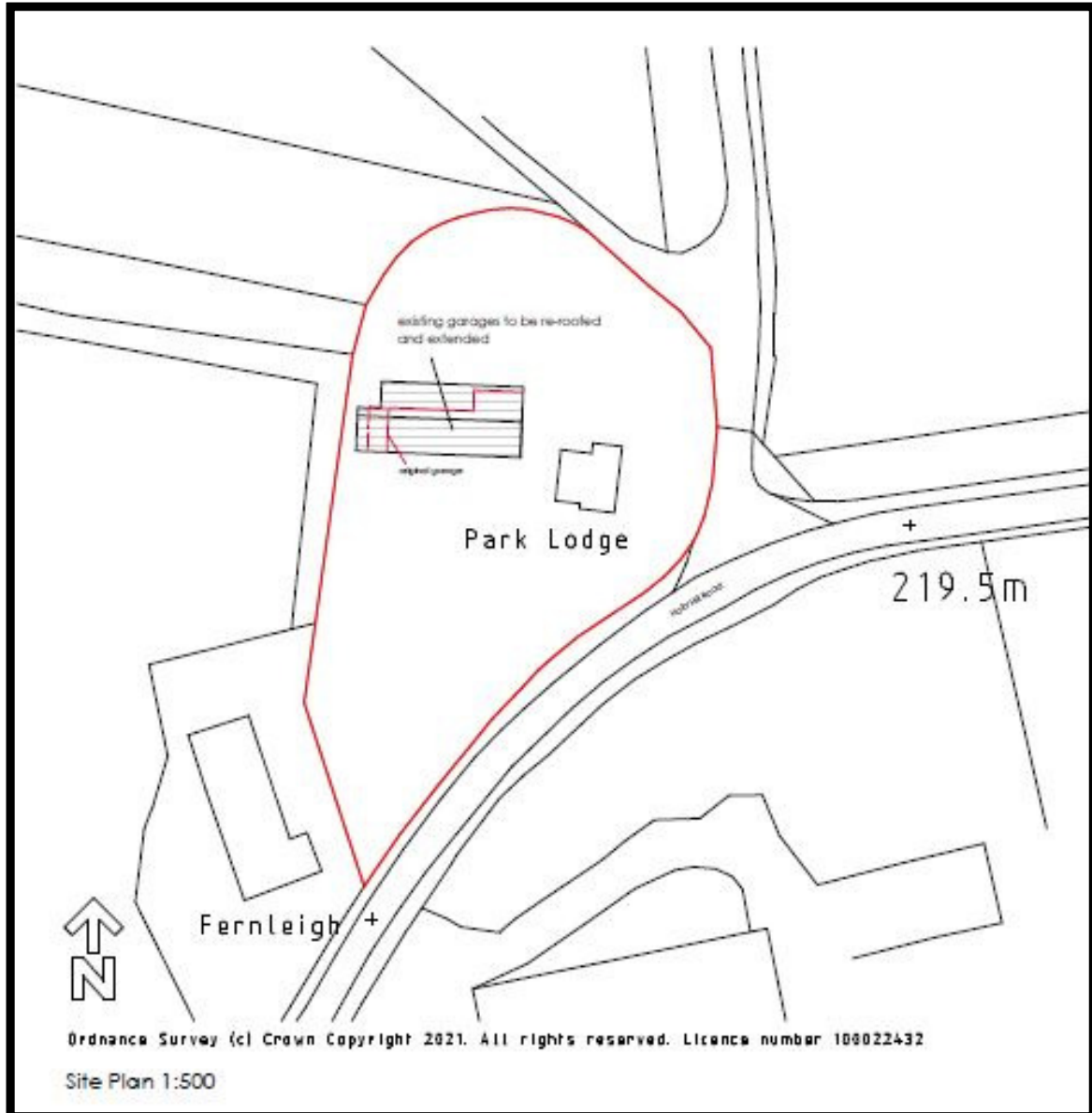
Proposal: Extension and alterations to existing garage / workshop – Retrospective



Application :- CH/22/0292

Location - Park Lodge, Holly Hill Road, Cannock Wood, WS15 4DS

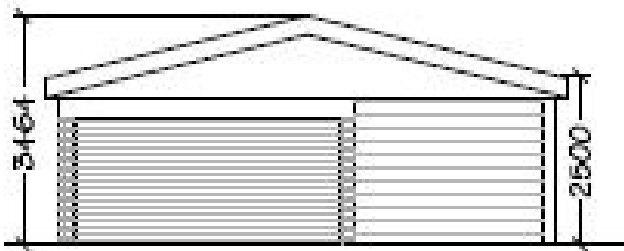
Proposal: Extension and alterations to existing garage / workshop –
Retrospective



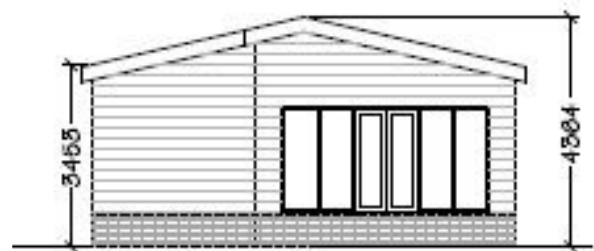
Application :- CH/22/0292

Location - Park Lodge, Holly Hill Road, Cannock Wood, WS15 4DS

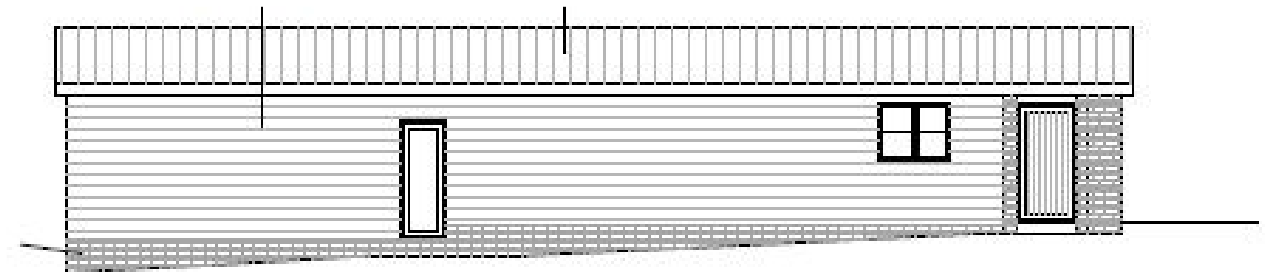
Proposal: Extension and alterations to existing garage / workshop –
Retrospective



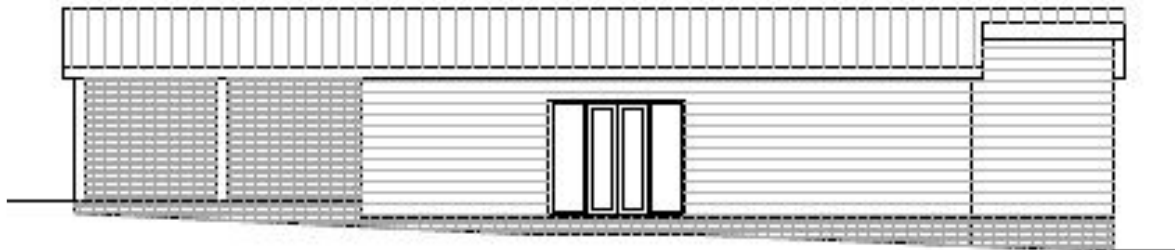
Front Elevation



Rear Elevation



Side Elevation

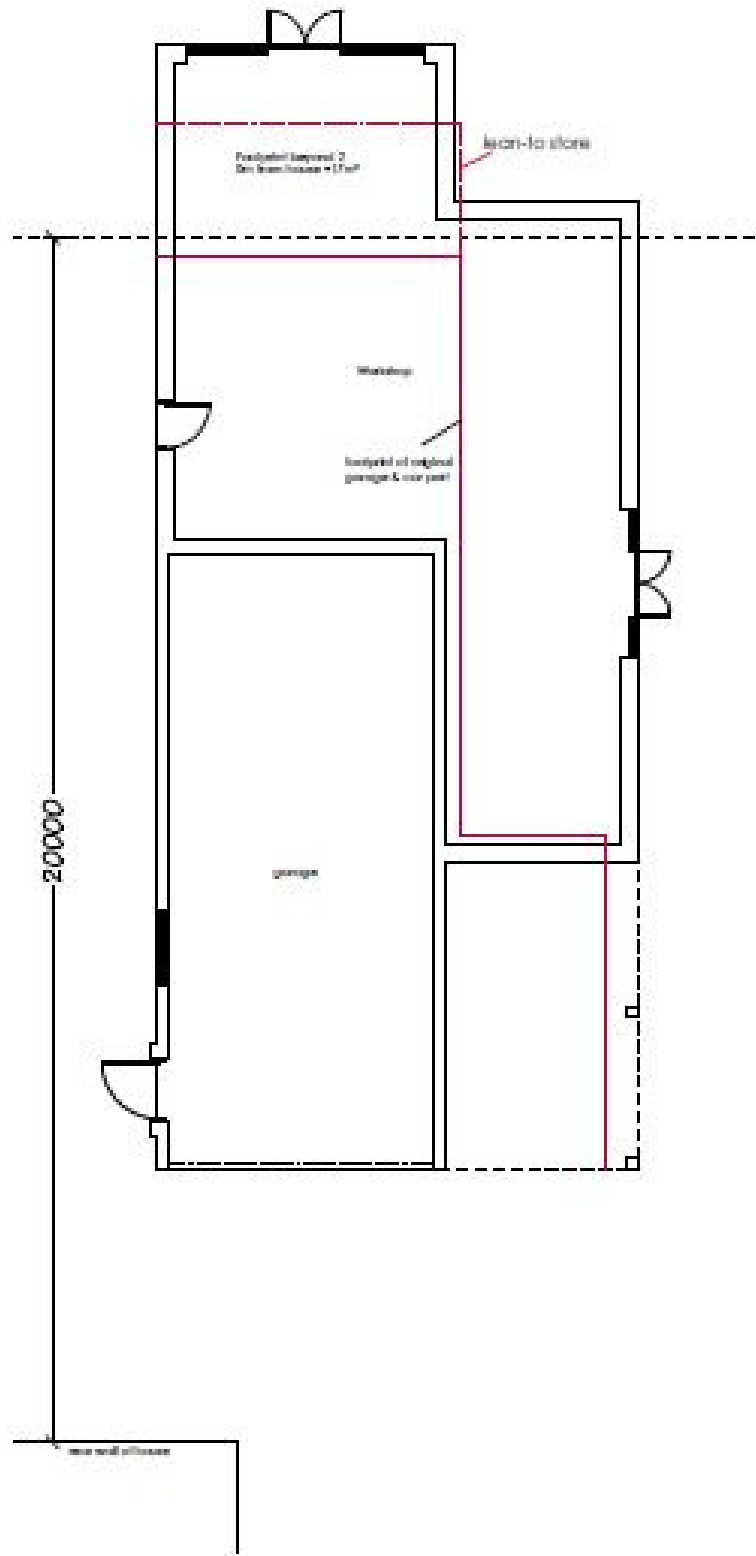


Side Elevation

Application :- CH/22/0292

Location - Park Lodge, Holly Hill Road, Cannock Wood, WS15 4DS

Proposal: Extension and alterations to existing garage / workshop –
Retrospective



Floor Plan

| | |
|-------------------------|-------------------|
| Contact Officer: | Kayleigh Williams |
| Telephone No: | 07810155287 |

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|--|
| <p>Planning Control Committee</p> <p>28th June 2023</p> |
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| | |
|--------------------------|--|
| Application No: | CH/22/0292 |
| Received: | 22 Jul 2022 |
| Location: | Park Lodge, Holly Hill Road, Cannock Wood, Rugeley, WS15 4SD |
| Parish: | Cannock Wood CP |
| Ward: | Rawnsley |
| Description: | Extension and alterations to garage/workshop - retrospective |
| Application Type: | Full Planning Application |

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.

Summary

- The proposal would be inappropriate development, causing harm to the openness which the NPPF states is harmful to the Green Belt and should only be approved in very special circumstances.

- The fallback position granted by a previous Lawful Development Certificate is of sufficient weight to outweigh the harm to the Green Belt by reason of inappropriateness and effect on openness. Therefore, very special circumstances exist to justify inappropriate development in the Green Belt.
- The rural design of the building reflects buildings typically found in countryside and AONB locations, such as the adjacent farm complex buildings.
- No neighbour amenity issues have been identified and highway safety is preserved. Accordingly, the proposal is considered to comply with Core Strategy policies CP1, CP3 and CP14.

Conditions (and Reasons for Conditions)

1. Approved plans

The development hereby permitted shall accord with the following approved plans for the lifespan of the development.

- Garage Workshop Alterations - 2661-02

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

2. Materials

Materials used for the external surfaces of the building shall be retained unless otherwise agreed in writing by the Local Planning Authority.

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

3. Removal of Permitted Development Rights.

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;
- 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; or
- The erection or provision within the curtilage of the dwellinghouse of a container for the storage of oil for domestic heating

Reason: The Local Planning Authority considers that such development would be likely to adversely affect 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.

4. Incidental Use to Host Dwelling.

The use of the building shall be restricted to purposes incidental to the enjoyment of the host dwelling and shall not be used for any other purposes at any time.

Reason: The application has been assessed on the basis of its use as a domestic outbuilding.

5. External lighting

No external lighting is to be affixed to the building without consent from the local planning authority.

Reason: To protect the landscape character of the AONB and the wildlife contained within it.

Notes to the Developer:

The granting of planning permission does not constitute authority for any interference with the public right of way and associated items - or its obstruction (temporary or permanent). If this public right of way does need diverting as part of these proposals the developer must apply to Cannock Chase District Council under section 257 of the Town and Country Planning Act 1990 to divert the public rights to allow the development to commence. For further information the applicant must read section 7 of DEFRA's Rights of Way Circular (1/09). Staffordshire County Council has not received any application to add to or modify the Definitive Map of Public Rights of Way in that vicinity. The possibility of the existence of a currently unrecognised public right of way, makes it advisable that the applicant pursue further enquiries and seek legal advice regarding any visible route affecting the land, or the apparent exercise of a right of way by members of the public.

Consultations and Publicity

External Consultations -

- **Cannock Wood PC comments:**

The application states that the development is allowed under permitted development. The previous building was, without doubt an eyesore and replacement with something appropriate is acceptable. The building now looks to be larger than the main dwelling and we cannot see any areas of original footprint in the plans but there is a significant sized extension which may exceed that allowed under permitted development. This needs to be checked. The plans do note that there is a storeroom to the rear of the building with an area of 17m². This exceeds the 10m² allowed under E.2 of the Permitted Development Rights for Householders. This part of the building is in close proximity to the boundary.

The external appearance is of higher quality than would be expected for a garage and store, including patio doors and windows. I believe that permitted development allows extensions and conversions for incidental purposes which would include enjoyment of the property but any approval needs to spell out that permission is not being given for any light industrial use or for use as accommodation or as a 'granny annex' etc.

CCDC need to verify that the materials of construction comply with AONB guidelines. The appearance of the building is significantly different from the main dwelling or nearby properties.

The application states that the building is not close to trees which could fall on it. This is not true as there are a number of mature trees on adjacent forestry commission land.

As pointed out by the Staffordshire County Council Rights of Way Officer, there is a footpath marked as crossing the site which has been blocked. This needs to be resolved before planning permission is granted.

- **Historic Environment** - No objections.
- **Public Rights of Way** - No objection subject to informative recommended above.

Internal Consultations

None.

Response to Publicity

The application has been advertised by site notice and neighbour letter. Four letters of objection have been received which raises the following concerns:

- Removal of permitted development rights requested.
- Building does not comply with permitted development allowance.
- Change of use has not been applied for.
- Impacts of light spillage on the AONB.
- Materials are out of keeping.
- Impact on public right of way.
- Impact on AONB and Green Belt.
- Impact on trees

Relevant Planning History

CH/23/0145 - Lawful development certificate granted for outbuildings compliant with Class E Permitted Development Rights

1 Site and Surroundings

- 1.1 The application site comprises a detached two storey dwelling sited off Holly Hill Road. The dwelling is finished in a mix of render and brick and includes hedgerow and post and rail boundary treatments, enclosing a large residential plot. The wider surroundings includes sporadic housing but is predominantly undeveloped land forming part of the Green Belt and AONB. A public right of way runs alongside the dwelling within the application site, east to west.
- 1.2.1 To the south west of the host dwelling is an detached dwelling which has a common boundary with the application site. In addition, a large farm complex is located along Chapel Lane (south east of application site), located approximately 50 metres from the host dwelling (as the crow flies).
- 1.2.2 The site is unallocated in the local plan but is within the Area of Outstanding Natural Beauty, Green Belt and Low Risk Mineral Consultation Area.

2 Proposal

- 2.1 The proposal is seeking planning permission to regularise the extension of an existing outbuilding to facilitate a garage and workshop. The building is single storey is finished in grey weatherboard with a grey steel roof.
- 2.2 The previous outbuilding had an external footprint of approximately 102 square metres and the extended and altered outbuilding will have an approximate external footprint of 140 square metres. The building is longer than the previous building by 1.3 metres and wider by 2.9 metres. Owing to a slight change in levels across the site, the ridge height (from ground level) on the eastern end of the

building will be 3.5 metres and the ridge height on the western end of the building will be 4.4 metres.

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.

Development Plan

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

- CP1 - Strategy – the Strategic Approach
- CP3 - Chase Shaping – Design
- CP14 - Landscape Character and Cannock Chase Area of Outstanding Natural Beauty

National Planning Policy Framework

- 3.3 The NPPF (2021) 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.
- 3.4 The NPPF (2021) 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.
- 3.5 Relevant paragraphs within the NPPF include paragraphs: -

| | |
|---------------------|--|
| 8: | Three dimensions of Sustainable Development |
| 11-14: | The Presumption in favour of Sustainable Development |
| 47-50: | Determining Applications |
| 126, 130, 132, 134: | Achieving Well-Designed Places |
| 137 – 150 | Proposals Affecting the Green Belt |
| 176 | Protecting the Natural Environment |
| 218, 219 | Implementation |

3.6 Other relevant documents include: -

- Design Supplementary Planning Document, April 2016.
- Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
- Manual for Streets.
- The AONB Management Plan 2019-2024

4 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and Landscape Character
- iii) Neighbouring Land Uses
- iv) Highway Safety

4.2 Principle of the Development

4.2.1 The site relates to an existing residential curtilage which is located outside the settlement boundary of Cannock Wood, within the Green Belt and the countryside. National Planning Policy continues to attach great importance to Green Belts and

the fundamental aim is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

4.2.2 The Cannock Chase Core Strategy policy CP14 sets out that development proposals for the replacement of existing building within the Green Belt will be expected to demonstrate sympathy with their location through size, appearance and landscape impact mitigation. The policy also restricts the increase in ground floor area to no more than 50% of the original building. In this case, the building increases the floor area by 37%, adopting a similar appearance to adjacent farm buildings with materials typically expected for rural outbuildings.

4.2.3 Paragraph 147 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The main issues in assessing the impact on the Green Belt are as follows:

- a) whether the proposal would constitute inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy, and the effect on the purposes of the Green Belt, and
- b) if it is inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Whether the proposal would constitute inappropriate development in the Green Belt

4.2.4 Paragraph 149 of the NPPF sets out that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this rule do however exist and are contained within paragraph 149 of the NPPF. In this case, the relevant exception is as follows:

- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

- 4.2.5 The development involves the extension of an existing outbuilding, resulting in a 37% increase in floorspace. The building will also be larger in terms of its scale and bulk comparatively to the existing building which had a tiered roof formation decreasing in height from the dwelling towards the rear boundary. The additions constructed on the outbuilding would therefore result in disproportionate additions over and above the size of the original building.
- 4.2.6 Notwithstanding the above, it is not however considered by officers that there would be an effect on the five purposes of the Green Belt as defined within paragraph 138 of the NPPF, owing to the development being an extension to an existing outbuilding, within a residential curtilage and given the large extension of the adjacent neighboring dwelling which projects beyond the application outbuilding.
- 4.2.7 However, as the proposed development would not meet any of the exceptions set out in Paragraph 149 of the NPPF, it would be inappropriate development and by definition, harmful to the Green Belt.

Effect of the proposal on openness

- 4.2.8 Openness, in the context of Green Belt policies means, an absence of visible development. The Green Belt is functioning countryside that, among other things, should serve the urban areas which it surrounds. Hence new and replacement development that sits comfortably within the rural landscape and contributes to the beneficial functioning of the countryside can preserve openness.
- 4.2.9 The Planning Practice Guidance: Green Belt sets out that a judgment is required based on the circumstances of the case, citing such matters that have been identified by the courts. The relevant factors in this case are the spatial and visual implications of the proposal, and its locational context.
- 4.2.10 As addressed above, the proposal would result in a disproportionate addition over and above the size of the original building, increasing bulk and massing and extending the building closer to the rear boundary, which would impact on the

spatial and visual dimensions of the application site. As such, the proposal would cause moderate harm to the openness in this location of Green Belt.

Other Considerations

4.2.11 The applicant recently obtained a Lawful Development Certificate for the inclusion of three potential outbuildings on the site which were all deemed to be lawful.

4.2.12 The Court of Appeal in *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314 clarified when a 'fallback' development may be a material planning consideration for an alternative development scheme. It was confirmed that the basic principle is that for a prospect to be a "real prospect", it does not have to be probable or likely: a possibility will suffice and therefore it is matter of judgement in each case.

4.2.13 In this case the fallback is the development comprising three outbuilding of varying scale which can be achieved through permitted development. The details of the outbuildings have been confirmed to be lawful through a Lawful Development Certificate (CH/23/0145). The combination of the proposals results in a greater form of development, resulting in increased harm to the Green Belt and character of the area when compared to the building subject to this application. Owing to the granted Lawful Development Certificate and the applicants' requirements for additional floorspace for incidental use, there is a real prospect of the fallback position being implemented and is therefore a material consideration which is given significant weight

Planning Balance

4.2.14 The proposal would result in a disproportionate addition to the existing outbuilding, thus forming inappropriate development in the Green Belt, and substantial weight is given to the harm. In addition, there are adverse impacts on the openness on this location of the Green Belt.

4.2.15 However, significant weight is given to the potential fallback which may be implemented, which would have a greater effect on openness compared to the extension subject to this application. It is therefore considered by officers that this other consideration is of sufficient weight to clearly outweigh the harm to the Green

Belt by reason of inappropriateness and effect on openness. As such, very special circumstances exist to justify inappropriate development in the Green Belt.

4.2.16 Given the above, on balance, the principle of the development is therefore accepted subject to all other material considerations outlined below.

4.3 Design and Landscape Character

4.2.17 Outside of the sites Green Belt designation, the site also forms part of an Area of Outstanding Natural Beauty (AONB). The landscape character and visual amenity of the immediate area is therefore of a particularly high quality. Paragraph 176 of the NPPF sets out great weight should be given to conserving and enhancing the landscape and scenic beauty of the AONB. This position is amplified by Core Strategy Policy CP14 which states development proposals in the AONB must be sensitive to the distinctive landscape character and ensure they do not have an adverse impact upon their setting through design, layout or intensity.

4.3.2 The application building is of a rural design reflecting a structure characteristically associated with agricultural uses, thus typically found in countryside locations and Areas of Outstanding Natural Beauty. The adjacent farm complex has a similar style building, approximately 50 metres away and is viewed in the context of the application site when travelling north along Holly Hill Road. As demonstrated in the below images the farm complex buildings are much larger than the application building but not uncharacteristic of a rural location such as this.





4.3.3 The materials used are considered to be acceptable and typical for rural outbuildings. To ensure the use of the building and activities relating to its use are not intensified, a condition is recommended that the building will only be used for purposes incidental to the host dwelling.

4.3.4 The building is in close proximity to some trees, however this relationship is not materially altered from the previous buildings location and is therefore considered to be acceptable. The application does not make reference to external lighting and as such permission is not granted for any lighting affixed to the building. Should the applicant seek to include any external lighting, a separate application should be applied for. This would be controlled by proposed planning condition 5.

4.3.5 Therefore, having had regard to Policy CP3 and CP14 of the Local Plan and the above mentioned paragraph of the NPPF, it is considered that the proposal, subject to the above condition, would be well-related to existing surroundings, and protect and conserve local distinctive landscape qualities, such that it would be acceptable in respect to its impact on the character and form of the area and AONB.

4.4 Neighbouring Land Uses

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

4.4.2 Paragraph 130(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.

4.4.3 The extended single storey outbuilding building is sited over 100 metres from the nearest neighbour, to the south east of the development. There are therefore no concerns with respect to loss of privacy, daylight/sunlight or overbearing effects on the occupants of The Glen.

4.4.4 There have been no neighbour objections received relating to impacts on neighbour amenity. Objections received pertain to other matters which are addressed in the relevant sections of this report.

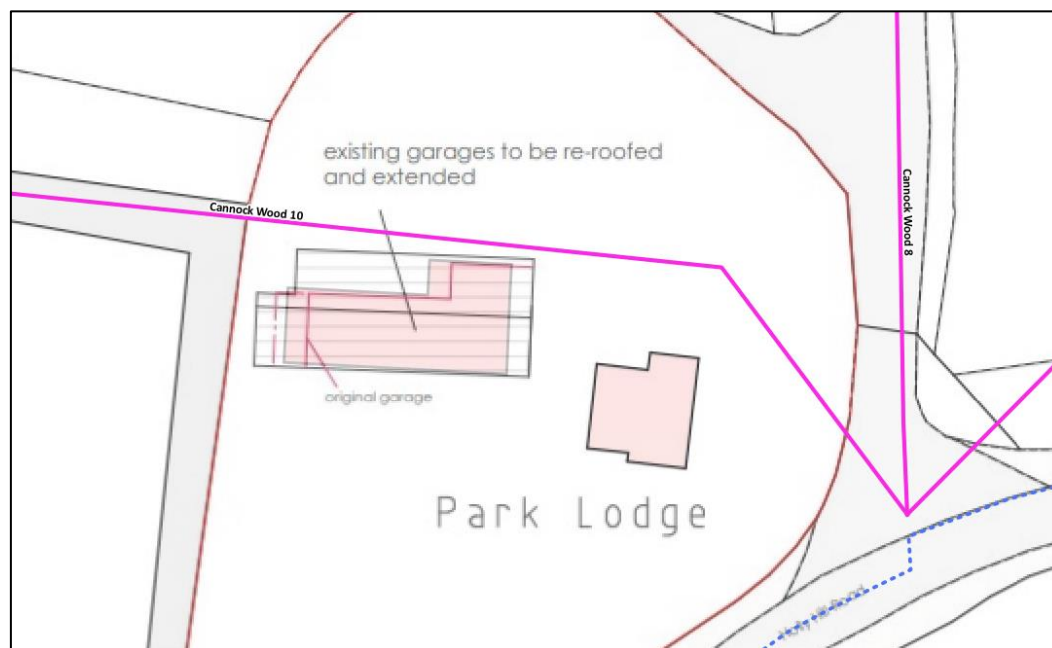
4.5 Highway Safety

4.5.1 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.5.2 The proposed development does not seek to alter the access to the property or result in any requirement for additional parking. There are therefore no highway safety concerns in this respect.

4.5.3 The building is however now in closer proximity to a Public Right of Way than the original building. The public rights of way officer has confirmed the public right of way will likely need diverting as the footpath is no longer wide enough for two walkers to pass each other. This is demonstrated on the below GIS extract.

4.5.4



4.5.5 Alteration to the legal alignment of Public Right of Way (PRoW) can only be achieved via a legal order, known as a Public Path Order (PPO). The decision as to whether a PRoW should be altered is primarily a public one. However, this process is separate to this planning application and should planning permission be granted, the applicant will have to apply separately to obtain permission for its diversion. As outlined in the notes to developer section, approval of this planning permission does not grant the stopping or diversion of the public right of way.

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.

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 As identified, the proposal would be inappropriate development, causing harm to the openness which the NPPF states is harmful to the Green Belt and should only be in very special circumstances.
- 6.2 The fallback position granted by the aforementioned Lawful Development Certificate is of sufficient weight to outweigh the harm to the Green Belt by reason of inappropriateness and effect on openness. Therefore, very special circumstances exist to justify inappropriate development in the Green Belt.
- 6.3 The rural design of the building reflects buildings typically found in countryside and AONB locations, such as the adjacent farm complex buildings. No neighbour amenity issues have been identified and highway safety is preserved. Accordingly, the proposal is considered to comply with Core Strategy policies CP1, CP3 and

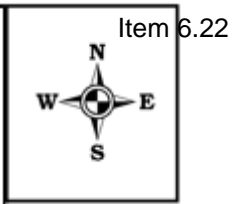
CP14 and the respective paragraphs of the NPPF and is therefore recommended to members for approval subject to the proposed conditions to control its use, lighting and prevent further permitted development taking place.



Application No: CH/23/0023

Location: 37 Attlee Crescent , Rugeley WS15 1BP

Proposal: Residential Development: Erection of 1 x four bedroom dwelling



Application No: CH/23/0023

Item 6.23

Location: 37 Attlee Crescent , Rugeley WS15 1BP

Proposal: Residential Development: Erection of 1 x four bedroom dwelling

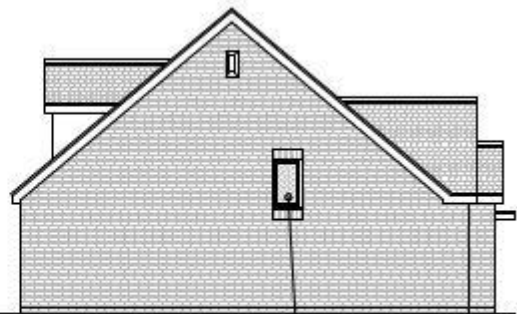


Front Elevation

Rear Elevation



Side Elevation



Side Elevation

Application No: CH/23/0023

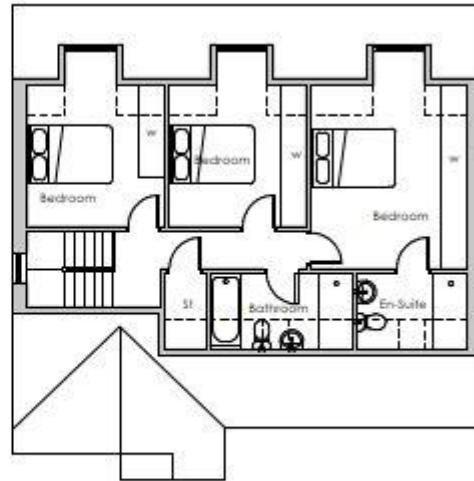
Item 6.24

Location: 37 Attlee Crescent , Rugeley WS15 1BP

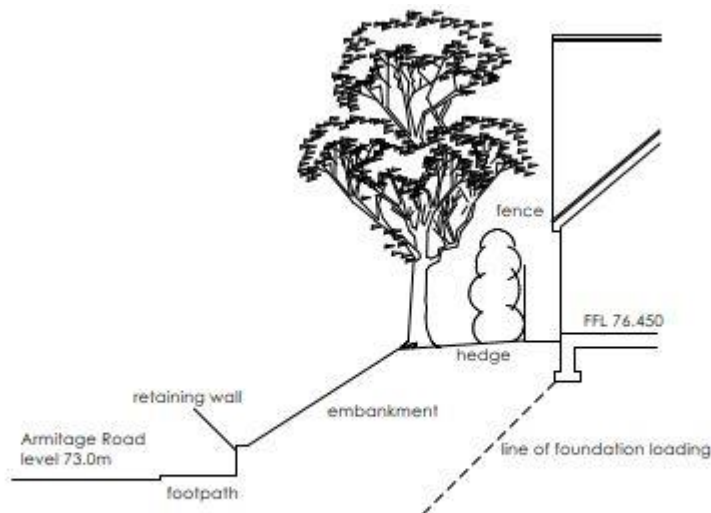
Proposal: Residential Development: Erection of 1 x four bedroom dwelling



Ground Floor Plan



First Floor Plan



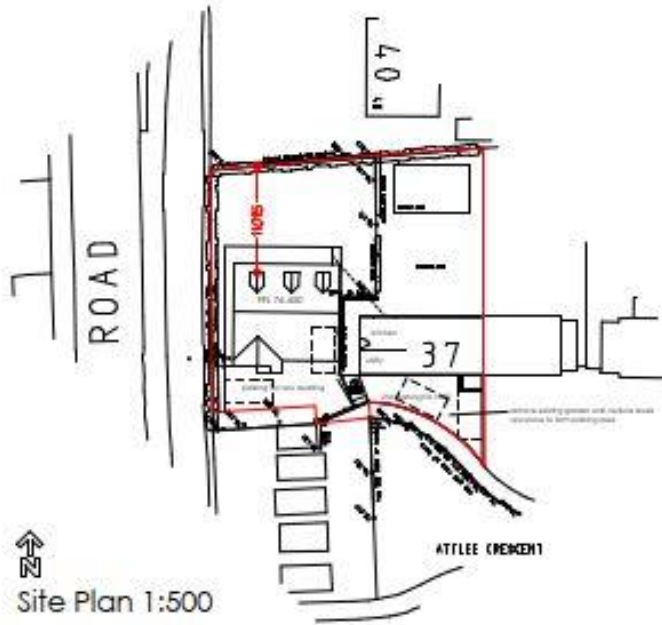
Site Section to Armitage Road

Application No: CH/23/0023

Item 6.25

Location: 37 Attlee Crescent , Rugeley WS15 1BP

Proposal: Residential Development: Erection of 1 x four bedroom dwelling



| | |
|-------------------------|----------------------|
| Contact Officer: | Audrey Lewis |
| Telephone No: | 01543 464 528 |

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| <p>Planning Control Committee 28 June 2023</p> |
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|--------------------------|---|
| Application No: | CH/23/0023 |
| Received: | 05-Jan-2023 |
| Location: | 37 Attlee Crescent, Rugeley, Staffordshire WS15 1BP |
| Parish: | Brereton and Ravenhill CP |
| Ward: | Brereton and Ravenhill |
| Description: | Residential Development - Erection of 4 Bed Detached Dwelling |
| Application Type: | Full Planning Application |

This application is being referred to Committee due to Parish concerns relating to character of the area, overdevelopment, lack of parking within the locality and insufficient drainage details.

Recommendation:

It is recommended that Delegated Authority be given to the Head of Economic Development & Planning for the completion of a s106 legal agreement for:-

1) A financial contribution to mitigate recreational impacts upon Cannock Chase Special Area of Conservation

Then approve with the conditions recommended below:

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions)

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

Reason

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

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

Reason

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

3. No development hereby approved shall be commenced until a scheme detailing the disposal of foul and surface water, supported by percolation test results in the case of soakaway design solutions, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works comprising the approved scheme have been implemented.

Reason

In the interests of providing an adequate means of disposal of foul and surface waters and the prevention of flooding in accordance with paragraphs 159-169 of the NPPF.

4. No development shall take place until a scheme for the protection of the roots of the hedge and trees along the northern boundary adjacent to Armitage Road has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Local Planning Authority.

Reason

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

5. No trees or hedges shown as retained on Dwg No.2852-01A, shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or destroyed.

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

Reason

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

6. No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.

Reason

In the interests of protecting the amenity of the occupiers of neighbouring residential properties, in accordance with Paragraph 185 of the NPPF.

7. Any construction activities or the delivery of materials pursuant to this permission shall not take place outside of the hours 08.00hrs to 18.00hrs Monday to Friday and

08.00hrs to 13.00hrs on Saturdays and shall not take place at any time on Sundays, Public and Bank Holidays.

Reason

In the interests of protecting the amenity of the occupiers of neighbouring properties, in accordance with Local Plan Policy CP3.

8. Prior to commencement of the development the new site access for number 37 Atlee Crescent shall be completed within the limits of the public highway as a vehicular dropped crossing.

Reason

In order to comply with Paragraph 111 of the NPPF.

9. The parking for the proposed dwelling and the existing, as shown on Drawing No. 2852-01A 'Sketch Proposals', shall be sustainably drained, hard surfaced in a bound material and marked out prior to the first occupation of the dwelling hereby permitted.

Thereafter these parking areas shall be retained in accordance with the approved plans for the lifetime of the development.

Reason

In order to comply with Paragraph 111 of the NPPF.

10. The garage indicated on the approved plan shall be retained for the parking of motor vehicles and cycles. It shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.

Reason

In order to comply with Paragraph 111 of the NPPF.

11. The dwelling hereby permitted shall not be completed above ground floor level until details for an inbuilt bird box has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of its orientation, height and location. The inbuilt bird box shall be completed in accordance with the approved scheme and maintained for the lifetime of the development.

Reason

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

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

2852-01A Sketch Proposals

Reason

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

Notes to the Developer:**Highway Authority:**

The developer is advised that the Highway Authority has stated:-

- (i) Any soakaways should be located a minimum of 4.5m rear of the highway boundary.
- (ii) Please note 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: Traffic and Network Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to trafficandnetwork@staffordshire.gov.uk).
www.staffordshire.gov.uk/Highways/licences/Vehicle-access/VehicleAccessCrossings.aspx

Coal Informative

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

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Consultations and Publicity**External Consultations*****Brereton & Ravenhill Parish Council***

Objection summary:

- A previous appeal decision is a material consideration to be taken into account when a planning application is made for the importance of consistency.
- The style of buildings in Attlee Crescent is attractive and one of the best examples of its type. The proposed development is out of character with the existing development and would harm the street scene. The better designed council estates are too often underrated. Attlee Crescent is a good example of such an estate. An attractive environment benefits residents, creates a sense of local pride and reduces crime and anti-social behaviour.
- The proposed development would be town cramming. With the large housing development on the former Rugeley power station site, there is no need to accept town cramming in order to meet housing need.
- There is already a serious parking problem in Attlee Crescent. The proposed development would exacerbate this. There is no answer to this problem, other than

reducing the size of the green in Attlee Crescent which would harm the amenities of residents.

- BRPC's assessment of the high value of Attlee Crescent was confirmed by the Appeal Decision of Inspector David Stephenson, OBE, BSc (Eng.), MICE, (APP/X3405/A/10/2124069), a copy which is attached for your convenience. BRPC draws particular attention to his paragraphs 2 to 6 of this decision. There has been no significant change in Attlee Crescent since long before his site visit for this appeal.
- BRPC is also concerned about the lack of information in respect of the above application: only the standard application form and a single sheet of sketch proposals. Sketch proposals are wholly inappropriate for an application for full planning permission since compliance with something so imprecise is unenforceable.
- The failure to provide any information at all as to the disposal of foul sewage is also wholly inappropriate. This would be so in any event. It is particularly so here since there have been complaints from local residents in respect of sewage. BRPC is not in a position to comment on these, other than to say that they merit proper investigation and a cautious approach to sewage disposal.

Internal Consultations

Environmental Health

No objections subject to conditions for a construction environmental management plan and electric vehicle charging point

Highway Authority (10.5.23)

No objection subject to conditions for provision of parking, access and retention of garage for parking.

Landscaping Officer (24.4.23)

Objection summary:

Detrimental impact on the street scene and the lack of detail provided for review, in relation to the protection of existing trees and hedges.

- Full scheme details as per CCDC requirements are required for review.
- Advisory note - it appears the access to the new property would have to cross third party land.

Response to Publicity

The application has been advertised by site notice and neighbour letter. No letters of representation have/have not been received, other than the Parish objection outlined above.

Relevant Planning History

CH/09/0323: Residential development - single storey detached dwelling (outline, access, layout Outline - Approval with conditions on 02/09/2010).

CH/13/0032: Renewal of planning permission CH/09/0323: Residential development. Approved on 03/28/2013.

CH/16/422: Residential Development:- Erection of 1No. detached dwelling - Full - Approval with conditions on 02/24/2017.

1 Site and Surroundings

- 1.1 The application site comprises the side and rear garden of 37 Attlee Crescent, Rugeley, a red brick semi detached house with single storey extension to the side and pitched tiled roof on an estate comprising similar style, age, size and materials.
- 1.2 37 Attlee Crescent has a small front garden and generous gardens to the side and rear. There is a static caravan (appears to be occupied), sited on the side garden and adjacent to the garage court. Beyond the northern boundary (which comprises a 3.5m high hedge) is an area of trees and shrubs which are sited on top of an embankment and retaining wall along the southern side of Armitage Road. As a result, the application site is approximately 3m above the level of Armitage Road.
- 1.3 Across Armitage Road is the Trent and Mersey Canal Conservation Area.
- 1.4 Attlee Crescent is an estate cul-de-sac at the head of which there is a garage court. Several of the dwellings in the immediate vicinity have hardsurfaced their front gardens to provide off-street parking areas.
- 1.5 The site is unallocated and undesignated in the Cannock Chase Local Plan. The site is located within a Mineral Consultation Area, Low Risk Coal Mining Area and Historic Landfill Site.

2 Proposal

- 2.1 The applicant is seeking consent for erection of a 4 bed detached dwelling. The design would comprise a brick and tile construction bungalow, featuring rear dormer windows, front velux windows, integral garage and 2 parking spaces on the frontage. The rear garden would be 11m long and approximately 180sqm. The existing boundary hedges and trees would be retained to the side and rear.
- 2.2 The existing front wall of the No. 37 Attlee Crescent would be removed in order to provide 2 car parking spaces for the existing dwelling. Approximately 180 sqm of garden would remain for the existing dwelling.
- 2.3 The applicant is claiming self build exemption, therefore the scheme is not CIL liable, but would require a S106 in order to secure SAC mitigation.
- 2.4 Amended plans were received to remove the proposed front dormers and retain the 2m gap to the northern hedge adjacent to Armitage Road (a similar gap as the approved, expired application CH/16/422). A tree report, Arboricultural Impact Assessment and Tree Information Addendum was submitted. In addition, Certificate B was served on the Council giving notice to cross 3rd party land, required in order to create access to the proposed dwelling, which expires on 23 June 2023.

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).

Cannock Chase Local Plan (Part 1)

Relevant policies within the Local Plan include: -

- CP1 - Strategy – the Strategic Approach
- CP3 - Chase Shaping – Design
- CP6 - Housing Land
- CP7 - Housing Choice
- CP10: Sustainable Transport
- CP12 - Biodiversity and Geodiversity
- CP13 - Cannock Chase Special Area of Conservation (SAC)
- CP15 - Historic Environment
- CP16 - Climate Change and Sustainable Resource Use

Relevant policies within the minerals plan:

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

3.3 ***National Planning Policy Framework***

- 3.4 The NPPF (2021) sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.
- 3.5 The NPPF (2021) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.6 Relevant paragraphs within the NPPF include paragraphs: -
- 8: Three dimensions of Sustainable Development
 - 11-14: The Presumption in favour of Sustainable Development
 - 47-50: Determining Applications
 - 111: Highway Safety and Capacity

| | |
|---------------------|------------------------------------|
| 126, 130, 132, 134: | Achieving Well-Designed Places |
| 159-169 | Planning & Flood Risk |
| 174 | Conserving the Natural Environment |
| 180: | Biodiversity |
| 183, 184 | Ground conditions and pollution |
| 194, 199, 202 | Heritage Assets |
| 218, 219 | Implementation |

3.7 Other relevant documents include: -

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

4 Determining Issues

4.1 The determining issues for the proposed development include: -

- i) Principle of development
- ii) Design and impact on the character and form of the area and heritage assets
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on Nature Conservation/SAC
- vi) Drainage
- vii) Mineral safeguarding
- viii) Waste and recycling facilities
- ix) Ground conditions

4.2 Principle of the Development

4.2.1 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.

4.2.2 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 show 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 with 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 noted that there was a previous permission for similar; CH/16/422, which has since expired. This is a material consideration and there have been no major policy changes to the determining issues that would alter the acceptability of the scheme. Furthermore, the site is within a sustainable location within an urban area and conforms with the predominant land use.

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

4.2.8 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 relative to these policy tests.

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

4.3.1 There have been objections received from the Parish Council regarding character of the area and overdevelopment. However, the previous approval CH/16/422, found the building layout acceptable and the scheme is broadly similar to that. Furthermore, the appeal that was mentioned is located on an exposed prominent corner location, which is not directly comparable to this cul-de-sac site to make any reasonable comparison. It is therefore considered, the proposed scheme

does not impact significantly upon the established pattern of development within the area.

- 4.3.2 Furthermore, the proposed development takes design cues from the neighbouring two storey pitched roof developments, while respecting the established building lines.
- 4.3.3 In respect to the impact of the proposal on the trees and shrubs to the north, the comments of the Landscaping Officer are noted. However, it is also noted that 3 other previous approvals for dwellings on site which had a similar separation distance to the hedge and which were considered acceptable within their immediate context. It is also noted that the northern elevation of the proposed dwelling would be approximately 2m from the northern hedge boundary line with Armitage Road. As such, the proposal subject to the erection of tree protection fencing would not have a significant impact on the adjacent trees and the contribution they make to the character of the area.
- 4.3.4 The request for a landscaping scheme by the Landscape Officer is noted. However, the applicant has shown landscaping details on the submitted plans and these are considered to be proportionate for a development of this scale. It is therefore recommended that a landscaping condition is not attached to any permission granted.
- 4.3.5 Taking this into account, Officers consider the proposed development would be well related to existing buildings in terms of layout, scale, appearance and materials. As such compliance with Local Plan Policy CP3 is observed.
- 4.3.6 **Impact on Heritage Assets**
- 4.3.7 To the north of the site across Armitage Road, is situated the Trent and Mersey Conservation Area, which is a designated heritage asset. As such, the proposal engages the duty under S66(1) and S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out that 'In considering whether to grant planning permission which affects a listed building or its setting, or conservation area, the local planning authority shall have special regard to the desirability of preserving, or enhancing the character or appearance of that area.'
- 4.3.8 It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework at paragraph 195 sets out that the local planning authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 4.3.9 Paragraphs 194-208 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.
- 4.3.10 The proposal also engages Policy CP15 'Historic Environment' of the Local Plan.
- 4.3.11 Officers have assessed the proposal and it is considered that the proposed development would make a very modest contribution to the housing supply and the local economy. Furthermore, it is considered that the proposal would have no

impact on the heritage asset due to its distance away and intervening boundary levels, treatments and residential backdrop; and therefore would not cause any significant harm to the significance of heritage assets by impact on the setting.

4.3.12 As such, the harm to the heritage asset would be less than substantial and the public benefit would be the use of a windfall site that would make a very modest contribution to the housing supply and the local economy. It is thus considered that appropriate regard has been made to the provisions of Section 66(1) & 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and Paragraph 202 of the NPPF and CP15 of the Local Plan.

4.4 Impact on Residential Amenity

4.4.1 No objections have been received on the grounds of loss of privacy or overlooking. The scheme has now introduced rear dormer windows and a slight change to the footprint to that of the previous approval, however, facing distances between habitable rooms remain acceptable.

4.4.2 The siting of the dwelling would comply with the 45 degree code, measured from the nearest windows of the neighbouring property, which would conform with the Council's adopted daylight standard. As such, it is considered there would be no substantive loss of light to the adjacent dwelling.

4.4.3 Noting the above it is assessed the proposed dwelling would be provided with adequate garden space and separation from neighbouring properties to ensure a good standard of amenity for both new and existing residents. The existing dwelling would have sufficient amenity space and daylight considerations are not substantively affected. Accordingly, a good standard of amenity in line with paragraph 130 of the NPPF would be achieved.

4.5 Impact on Highway Safety

4.5.1 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.5.2 The Parish raised concerns regarding parking congestion and this is noted. However, the Highways Officers have raised no objections to the scheme, subject to the imposition of conditions. Furthermore, the scheme is similar to the past approval, CH/16/422, therefore the scheme would be acceptable in this regard.

4.5.3 In terms of parking, notice has been served to gain access over Council Owned land; the proposed dwelling would have three spaces and the existing dwelling would have two spaces in line with the standard. The Environmental Protection Officer has suggested a condition for provision of electric vehicle charge points, however, it is not necessary to impose this condition, as it is now covered by Building Regulations legislation.

4.5.4 As such, the scheme would comply with the Council's adopted parking standards subject to conditions.

4.6 Impact on Nature Conservation Interests/SAC

4.6.1 Paragraph 174 of the NPPF states [amongst other things] that

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

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

4.6.2 The site in question comprises garden land with limited ecological value. Noting the ambition to secure habitat enhancements and the wider NPPF para above, Officers consider it proportionate to seek to secure biodiversity enhancement measures by condition to provide an inbuilt bird box in this case. Subject to this, it is assessed there would be no net loss to the biodiversity potential of the site following the development in line with Para 174.

Cannock Chase SAC

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

4.6.4 The site would require a S106 to secure SAC mitigation, due to net increase by creation of a single dwelling as self build exemption has been granted for CIL payment.

4.6.5 Drainage

4.6.6 The site is located within Flood Zone 1 in the Environment Agency's Flood Risk maps and hence is at the lowest risk of flooding.

4.6.7 The Parish have raised concerns relating to drainage and this is noted. The applicant has stated that surface water would be disposed of via a soakaway, however, no evidence has been submitted to suggest that soakaways would be effective. Notwithstanding this it is noted that if soakaways are shown not to work that run-off from a single dwelling could be readily accommodated for within the site, for example by underground tank before being released into the mains sewer. As such, it is considered that in principle the site can be adequately drained and that this can be controlled by condition for the submission of a scheme for the drainage of the site, as in the case of the past approvals.

4.7 Mineral Safeguarding

4.7.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 212, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

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

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

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

4.7.3 The site is located within an urban area where mineral recovery is not feasible. As such in line with Appendix 6, the development is subject to no objection.

4.8 **Waste and Recycling Facilities**

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

4.8.2 There is sufficient space for siting of waste and recycling bins on the approved plans and are considered acceptable.

4.9. **Ground Conditions**

4.9.1 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.

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

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

Human Rights Act 1998

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

Equality Act 2010

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

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

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

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

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

6 Conclusion

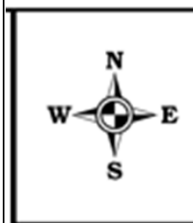
- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 The application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



Application No: CH/23/0172

Location: 4, Brindley Crescent, Hednesford, WS12 4DS

Proposal: Two storey side extension to form garage and annex at first floor level and detached two bay garage to front of existing house.



Application No: CH/23/0172

Location: 4, Brindley Crescent, Hednesford, WS12 4DS

Proposal: Two storey side extension to form garage and annex at first floor level and detached two bay garage to front of existing house.



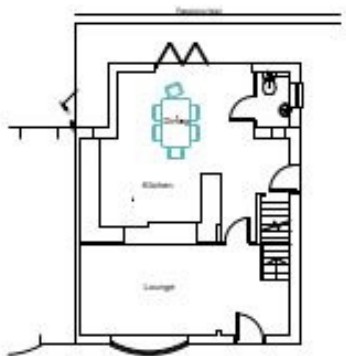
4 Front Elevation - Existing
1:100



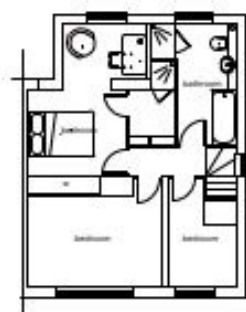
5 Rear Elevation - Existing
1:100



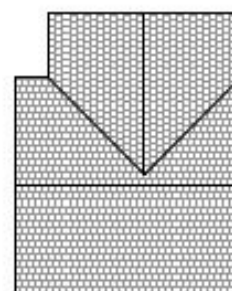
6 Side Elevation - Existing
1:100



1 Ground Floor Plan - Existing
1:100



2 First Floor Plan - Existing
1:100

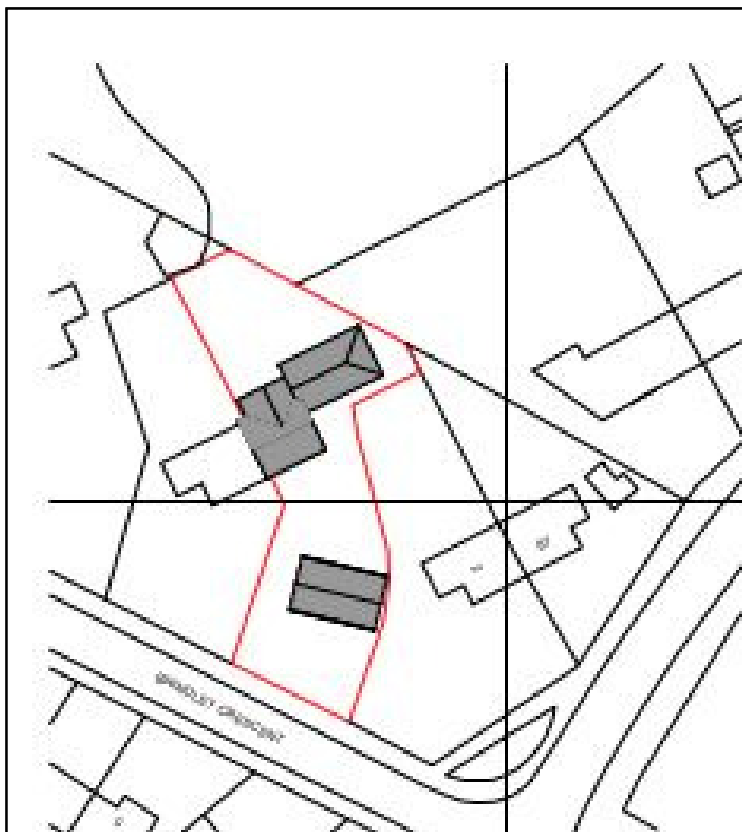


3 Roof Plan - Existing
1:100

Application No: CH/23/0172

Location: 4, Brindley Crescent, Hednesford, WS12 4DS

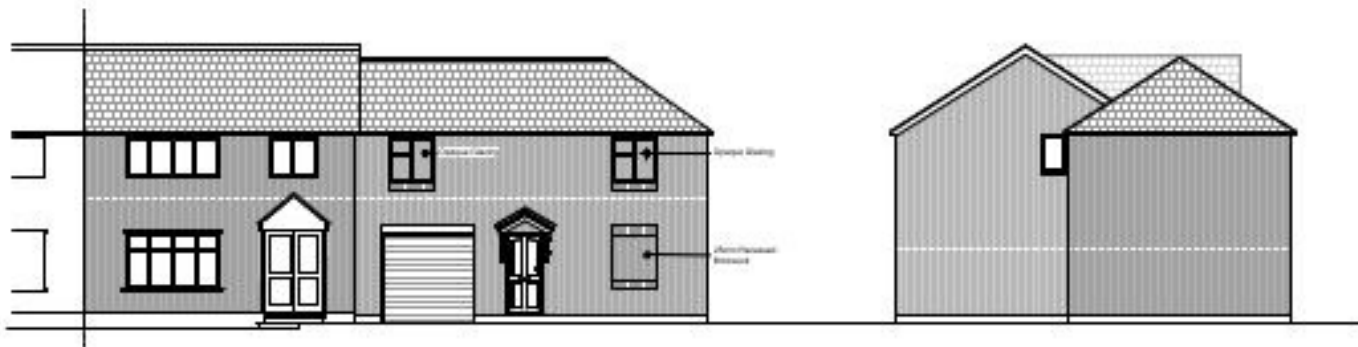
Proposal: Two storey side extension to form garage and annex at first floor level and detached two bay garage to front of existing house.



Application No: CH/23/0172

Location: 4, Brindley Crescent, Hednesford, WS12 4DS

Proposal: Two storey side extension to form garage and annex at first floor level and detached two bay garage to front of existing house.



10 Front Elevation - Proposed
1:100

11 Side Elevation - Proposed
1:100



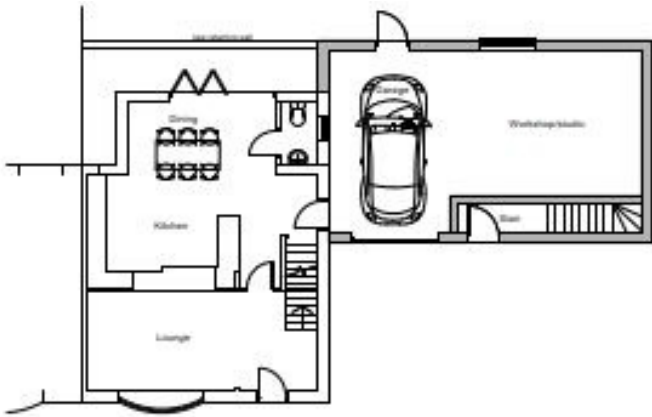
12 Rear Elevation - Proposed
1:100

13 Side Elevation 2 - Proposed
1:100

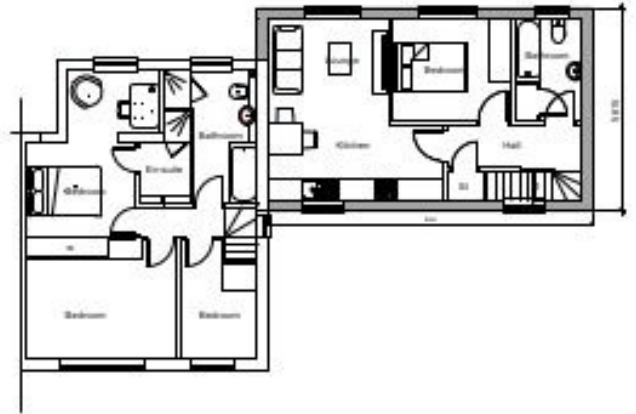
Application No: CH/23/0172

Location: 4, Brindley Crescent, Hednesford, WS12 4DS

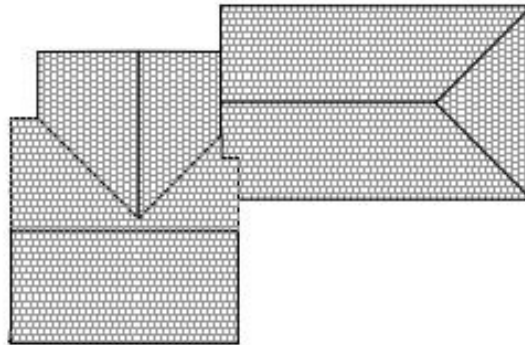
Proposal: Two storey side extension to form garage and annex at first floor level and detached two bay garage to front of existing house.



7 Ground Floor Plan - Proposed
1:100



8 First Floor Plan - Proposed
1:100

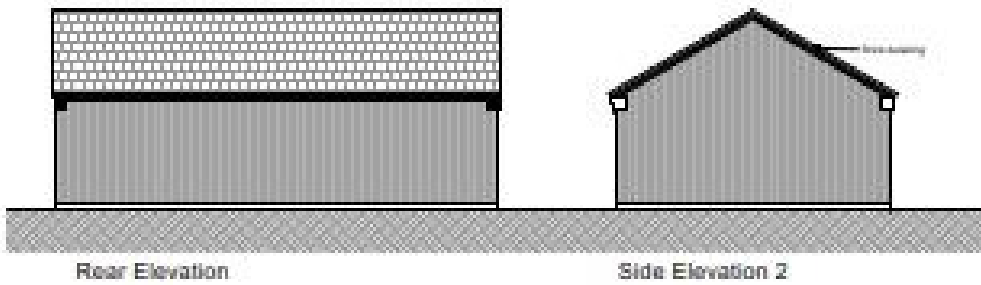
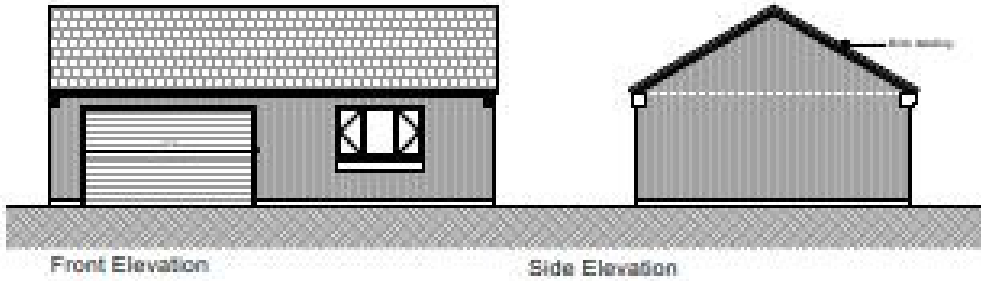


9 Roof Plan - Proposed
1:100

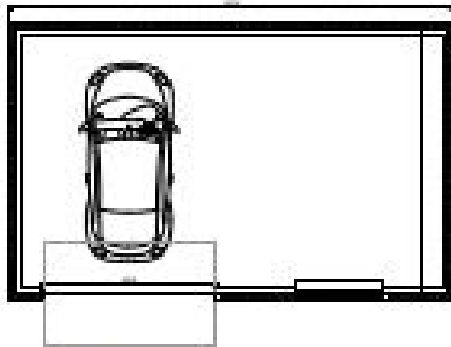
Application No: CH/23/0172

Location: 4, Brindley Crescent, Hednesford, WS12 4DS

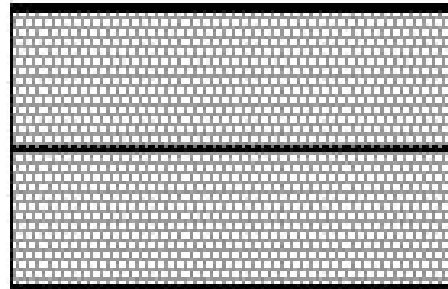
Proposal: Two storey side extension to form garage and annex at first floor level and detached two bay garage to front of existing house.



16 Proposed Garage Elevations
1/100



17 Proposed Garage Floor Plan
1/100



18 Proposed Garage Roof Plan
1/100

| | |
|-------------------------|------------------------|
| Contact Officer: | David O'Connor |
| Telephone No: | (01543) 464 515 |

Planning Control Committee

28 June 2023

| | |
|--------------------------|---|
| Application No: | CH/23/0172 |
| Received: | 18 April 2023 |
| Location: | 4, Brindley Crescent, Hednesford, Cannock, WS12 4DS |
| Parish: | Brindley Heath |
| Ward: | Hednesford North |
| Description: | Two storey side extension to form garage and annex at first floor and two bay garage to front of existing house |
| Application Type: | Full Planning Application |

Reason for Planning Committee determination:

Call in from Councillor Pearson on the basis the application may be overdevelopment of the site

Recommendation: Refuse for the following reasons:-

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

- 1 Whilst obscured glass is proposed to the front of the extension, these panes are likely to be openable to serve ventilation purposes in hot weather and the windows are set at normal height within the room. The usual expected separation distance from a boundary is 10m from in line with the adopted Design Guide. This is not achieved by the proposals and a much closer relationship is apparent (approx. 1.5m). Accordingly overlooking and loss of privacy from the proposed extension is observed in conflict with Local Plan Policy CP3 and NPPF Para 130(f).
- 2 The width of the proposed extension is considerable and coupled with the proposed detached garage and existing dwelling, would substantially envelope the neighbouring plot with development to their rear and side, with limited separation from the boundary and a levels difference that worsens this effect. As such an unacceptable level of enclosure is judged to result from the proposals upon the residential amenity of neighbouring property No. 2. Overbearing to this level is contrary to Local Plan Policy CP3 and NPPF Para 130(f).

3. By virtue of their scale, massing and layout relative to the existing house and streetscene, the extension proposals and the garage would not be well-related to existing buildings and their surroundings, would not successfully integrate with existing features of amenity value, and in this regard conflict with Local Plan Policy CP3 and CP14 is apparent.
4. The application contains insufficient information to examine the relationship to neighbouring properties. Evidence of the effects of the development in terms of assessment of levels, loss of light and sense of enclosure resulting to neighbouring properties is reasonably expected information given the close relationship of the development to the neighbouring property. Accordingly the application does not permit full assessment of amenity impacts in line with Local Plan Policy CP3 and NPPF Para 130(f).

1. CONSULTATIONS AND PUBLICITY

Internal Consultations

None

External Consultations

Brindley Heath Parish Council – Comments

The Parish Council although not raising outright objections to the development proposal, expresses concern about the size and appearance of the two-storey side extension which has the potential to be used as a separate dwelling.

The District Council is asked to take fully into account the concerns of neighbouring householders.

The Parish Council recommends that conditions are attached to the planning permission if awarded to require that use of the extension/annex remains incidental to the existing dwelling and is maintained as one planning unit. There should be no potential for the extension to be converted into separate residential accommodation in the future.

Response to Publicity

The application has been advertised by neighbour letter. 3 No. letters of representation have been received objecting to the proposals. The main points of objection in summary are:

- Concerns in relation to overlooking and privacy impacts from the extension. Whilst it noted the windows on the front are proposed to be obscured, these are still openable or could be changed to clear glass.
- Sense of enclosure impacts, shadowing and loss of light
- Enclosure would result on all sides of the nearest neighbour from the extension and garage proposed adjacent that neighbour's boundary
- There is insufficient distance between the proposed buildings and the property boundary lines
- Loss of view of greenery and the sky

2. RELEVANT PLANNING HISTORY

CH/21/0425 – Two storey rear extension. 4 Brindley Crescent, ws12 4ds.
Approved 15 December 2021.

3. SITE AND SURROUNDINGS

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

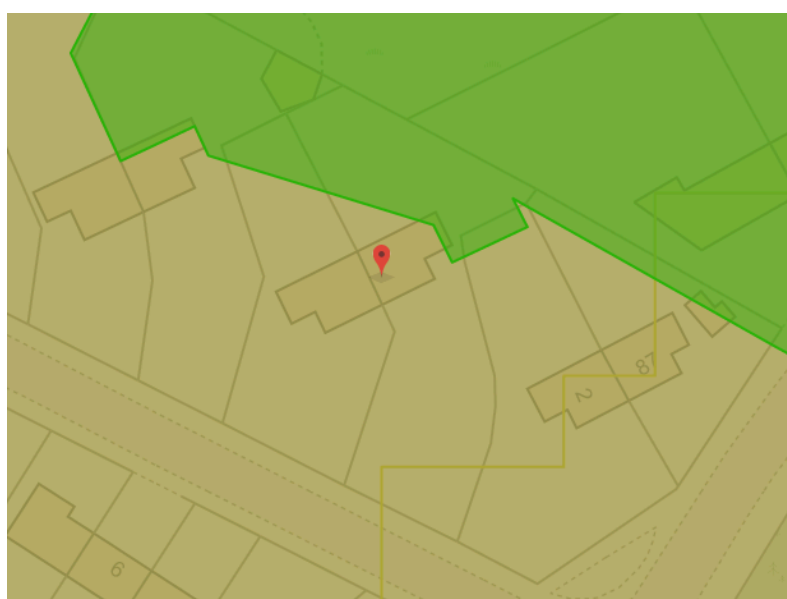


Figure 1: Application site location. Dark Green Denotes AONB boundary from within Council's Mapping System

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

4. PROPOSAL

4.1 The application seeks planning permission for the construction of a two storey side extension and detached garage building. The extension would be to the right of the main house and would sit close up to the boundary with the nearest property. At ground floor a garage/workshop studio is proposed with steps up to the first floor. The first floor contains a self contained unit of accommodation with lounge, kitchen, 1 bedroom, bathroom and dining area. The extension would sit back from the main front of the building so as to align with the wider portion of the plot. This means the two storey element would be an extension off the side of the existing rear extension partially overlapping and projecting beyond the previous rear extension.



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

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

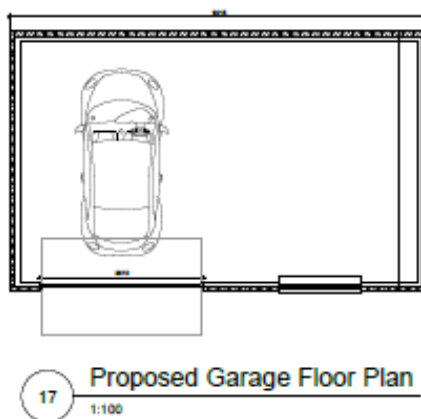


Figure 3: Extract from Proposed Garage Floor Plan

5. PLANNING POLICY

- 5.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 5.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030). Relevant policies within the Local Plan include: -
- CP1 - Strategy – the Strategic Approach
 - CP3 - Chase Shaping – Design
 - CP14 – Cannock Chase AONB

Relevant Policies within the Minerals Plan include:-

- 3.2 Safeguarding Minerals

National Planning Policy Framework

- 5.3 The NPPF (2021) sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.
- 5.4 The NPPF (2021) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

Relevant paragraphs within the NPPF include paragraphs:

- | | |
|---------------------|--|
| 8: | Three dimensions of Sustainable Development |
| 11-14: | The Presumption in favour of Sustainable Development |
| 47-50: | Determining Applications |
| 111: | Highway Safety and Capacity |
| 126, 130, 132, 134: | Achieving Well-Designed Places |
| 176 | Conservation of the AONB |
| 218, 219 | Implementation |

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

6. DETERMINING ISSUES

- 6.1 The determining issues for the proposed development include: -
- i) Principle of development
 - ii) Character and Appearance
 - iii) Impact on residential amenity.
 - iv) Impact on highway safety.

7. PRINCIPLE OF THE DEVELOPMENT

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

8. CHARACTER AND APPEARANCE

- 8.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be:
- (i) *well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and*
 - (ii) *successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.*
- 8.2 Additionally taking account a portion of the development is within the AONB designation, it is also relevant to consider Policy CP14 which suggests that appropriate development proposals must be sensitive to the distinctive landscape and ensure they do not have an adverse effect on their setting through layout, design or intensity.



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

- 8.3 Officers assess the design of the extension proposed does not sit well against the host building. The extension is wider than the existing house and as such appears out of balance in terms of its scale and proportions against the existing dwelling. Additionally the overall form of the extension is articulated clumsily against the approved extension with awkward rear roof junctions, a hipped end and partially overlapping rear wall that projects beyond the existing extension. In design terms it is assessed the extension is not well related to the existing building in terms of its roof form, scale and massing.



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

- 8.4 In terms of the proposed garage, the garage proposed is substantial in width. As shown at Fig 1 it would cover over approximately $\frac{3}{4}$ of the width of the plot and would stand substantially forward of the main building frontage. Officers

acknowledge the unusual building line in the context of the site and would suggest this is a positive design characteristic that contributes to the character of the area. The proposed garage would seek to impose itself considerably within this open streetscene. It would not relate well to adjacent properties in design layout terms, interrupting the existing rhythm of buildings in the street and would be a prominent, dominant feature in the street scene. Together with the extension to the house, the resultant plot would be significantly out of character with the scale and appearance of nearby properties.

- 8.5 Accordingly, having had regard to Policies CP3 and CP14 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered both the extension proposals and the garage would not be well-related to existing buildings and their surroundings, would not successfully integrate with existing features of amenity value, and in this regard significant conflict with Policy CP3 and CP14 is considered to occur from this application.

9. IMPACT ON RESIDENTIAL AMENITY

- 9.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings, daylight standard and garden sizes amongst other items.
- 9.2 Paragraph 130(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 9.3 The width of the proposed extension is considerable (8.84m) and has a close relationship to the neighbouring garden at No. 2 Brindley Crescent. Given the sloping nature of the site and lower position of the neighbouring dwelling, care is required about impacts that could result. The application contains no consideration of impacts upon the nearest neighbour in terms of typical daylight standards, levels information or any assessment of privacy separation distances in the context of the proposals. In this regard the impacts of the proposed extension are not fully understood or examined within the submitted proposals. This is considered a substantive failing in this case owing to the close relationship and sensitivity of the effects of the development, that would likely have been relevant to the assessment of the planning merits of the proposals. As such Officers assess an insufficient information reason for refusal is justified in this case.
- 9.4 Nevertheless in exploring the wider issues raised, in relation to concerns reference overlooking and the privacy of neighbouring properties - Officers share these concerns. Whilst obscured glass is proposed to the front of the extension, these panes are likely to be openable to serve ventilation purposes in hot weather and the windows are set at normal height within the room. It is also relevant the windows create the perception of overlooking even when the windows are closed. The usual expected separation distance from a boundary is 10m from in line with the adopted Design Guide. This is not achieved by the proposals and a much closer relationship is apparent (approx. 1.5m). Accordingly overlooking and loss of privacy from the proposed extension is a significant concern that is in breach of relevant standards.

- 9.5 Regarding loss of light, the extension is sited in a northerly position relative to the nearest affected neighbour. Therefore loss of direct sunlight or overshadowing is not likely to occur from the extension. Similarly the garage is due west of the neighbour such that shading would only occur in the late evening. Such a relationship would not breach the typical BRE Daylight guidance.



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

- 9.6 However a more simple point emerges from the proposals – this is in relation to sense of enclosure (also referred to as Overbearing). In this regard the development being perched above the neighbouring property by a substantial amount raises the perceived height of the extension from No. 2. As above the width of the extension is considerable (8.84m wide, with additional width from the existing house) and would substantially envelope the neighbouring plot with development to their rear and side, with limited separation from the boundary. In this regard the height of the extension is likely in excess of a normal two storey dwelling when the levels difference is accounted for. Officers remain concerned that in the circumstances, the levels of the site do not lend themselves to a development of this scale whilst also retaining a good standard of amenity for neighbouring properties. As such concerns in relation to the proposals having an overbearing effect upon the neighbouring property No. 2 are assessed as justified with no information presented within the submissions to the contrary.
- 9.7 For these reasons, it is considered that the extension and garage as proposed, would have an adverse impact upon the residential amenity of the neighbouring property contrary to the requirements of Local Plan Policy CP3 and NPPF Para 130(f).

10 IMPACT ON HIGHWAY SAFETY

- 10.1 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 10.2 Whilst the proposal would result in an increase in useable floor area to the dwelling, the scale of the site would appear to leave available parking. Coupled with the garage areas, the effect on parking would be negligible and no substantive highway impacts are judged to occur.

11 OTHER ISSUES

- 11.1 Reference is made in the comments received to their being insufficient distance from the property boundary. In planning terms there is no 'minimum boundary distance' in a legal sense but there are relevant standards that apply in terms of amenity impacts. These are applied elsewhere in this report and in particular focus is made on overlooking and privacy. As such the distance to the boundary as a specific item is given little weight in this assessment.
- 11.2 Loss of the view of greenery and the sky is also made in the comments provided. In itself this is not considered a legitimate objection to the proposals. I.e. the issues highlighted are not loss of the view of greenery, but instead focus on sense of enclosure and the level of development proposed. In this regard Officers assess the comments cannot be given weight, albeit the considerations in terms of amenity impacts can be given relevant weight.
- 11.3 The Parish Council recommends that conditions are attached to the planning permission if awarded to require that use of the extension/annex remains incidental to the existing dwelling and is maintained as one planning unit. Officers would support the use of such a condition but for the reasons set out in this report, refusal of the application for the reasons stated is recommended.

12 MINERAL SAFEGUARDING

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

13 HUMAN RIGHTS ACT 1998 AND EQUALITY ACT 2010

Human Rights Act 1998

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

Equality Act 2010

- 13.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.
- 13.3 By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:
- (i) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;*
 - (ii) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
 - (iii) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it*
- 13.4 It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.
- 13.5 Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equality Act.

14 CONCLUSION

- 14.1 The application seeks planning permission for the erection of a two storey side extension and the erection of a single storey garage to the front of main house.
- 14.2 Officers assess the effect of the proposals in design terms would not align with the requirements of Local Plan Policy CP3 and the proposals would not integrate well with the character and layout of the area. Officers also assess the amenity impacts of the development proposed are not fully made out, with insufficient levels information and assessment of the relationship to neighbouring properties having been provided. Nevertheless, in assessing the impacts on neighbouring users, Officers assess there would be substantive enclosure resulting from the proposals and that the development would offer overlooking opportunities of the neighbouring garden.
- 14.3 For these reasons, it is considered that the proposals would conflict with relevant Local Plan Policies CP3 and NPPF Para 130(f).