

Application No: CH/06/0720 Received: 31-Oct-2006

Location: Land rear of 2, Highfield Court, Cannock

Description: Change of use of land to be incorporated into domestic curtilage

Application Type: Full Planning Application

RECOMMENDATION Approve subject to Conditions

Reasons for the Grant of Permission

The proposed development complies in all material respects with the relevant policies in the Development Plan (DP) and (where applicable) Supplementary Planning Guidance (SPG) comprising:-

DPLB8: Design Principles of New Built Development

1. B2 Standard Time Limit
2. F1 Fencing Required
3. I2 Exclusion of Extensions
4. The development shall be carried out strictly in accordance with the deposited plans and drawings (Dated 17 & 31/10/06) with any minor changes being agreed in writing by the Local Planning Authority prior to their implementation.

Reason:

For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

INTERNAL CONSULTATIONS

Landscape – No objection subject to a replacement planting scheme

Property Services – No objections subject to condition

RESPONSE TO PUBLICITY

Near neighbours notified –

One letter of objection received regarding loss of visual amenity, daylight and children's playing area; additionally the proposal will lead to safety implications.

OBSERVATIONS

1.1 The applicant seeks consent for a change of use of land to be incorporated into domestic curtilage at the rear of 2 Highfield Court, Cannock. The land is currently open grassed area situated to the front and side of properties in McGeough Walk.

1.2 The area of land is currently owned by the Council and there is an agreement to sell the land to the applicant provided it is only used for garden use. Further information has been requested by the council's landscape section in relation to a replacement planting scheme; which will be reported verbally to Committee.

1.3 In regards to the letter of objection. The proposal area is situated over 16 metres from the front elevation of the objectors property, which already has views to the fencing surrounding the rear amenity space of the property in question. In regards to safety implications, no access for emergency vehicles exists at present to the front of the properties in McGeough Walk, additionally the area is not designated as a

children's play area. Therefore, it is considered that the effect of the proposal on properties within McGeough walk will not be significantly adverse.

HUMAN RIGHTS

The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The proposal could, potentially, interfere with an individual's right of peaceful enjoyment of his or her property as specified in Article 8 and Article 1 of the First Protocol, however, the issues arising have been considered in detail in the report and it is considered that, on balance, the proposals comply with Local Plan Policy and are proportionate.

CONCLUSION

It is considered that the change of use of this land to domestic curtilage will not have a significant detrimental impact on neighbouring properties or the surrounding area; therefore approval is recommended subject to the above conditions

Application No: CH/06/0726 Received: 06-Nov-2006

Location: 153, Wolseley Road, Rugeley.

Description: Formation of new vehicular access (resubmission of planning application CH/05/0693)

Application Type: Full Planning Application

RECOMMENDATION Refuse for the following reasons:-

1. The proposal would involve the removal of planting approved as part of a landscaping scheme under planning consent CH/03/0767 for residential development of 61 dwellings and would have a detrimental impact on the boundary planting which was conditioned to be retained as part of the residential development. The loss of this planting would have a detrimental effect on the character and visual aspect of the street scene. Therefore the proposal is contrary to Local Plan Policy B8.
2. The slowing down and turning of vehicles into the proposed access in close proximity to an existing road junction would adversely affect the free flow and safety of vehicles on the public highway and would be contrary to through traffic interests generally, particularly because of heavy volumes of traffic using A51 Wolseley Road.
3. The proposed development fails to provide sufficient space to accommodate a standing vehicle between the proposed gates and the highway boundary and consequently standing vehicles could cause an obstruction of the public highway with consequent risk to public safety.

EXTERNAL CONSULTATIONS

Rugeley Town Council - Objection. The residential access onto a main road is too close to the junction with Richardson Close

Travel Management & Safety - Recommend refusal for the following reasons:

S.C.C

1. The slowing down and turning of vehicles into the proposed access in close proximity to an existing road junction would adversely affect the free flow and safety of vehicles on the public highway and would be contrary to through traffic interests generally, particularly because of heavy volumes of traffic using A51 Wolseley Road.
2. The proposed development fails to provide sufficient space to accommodate a standing vehicle between the proposed gates and the highway boundary and consequently standing vehicles could cause an obstruction of the public highway with consequent risk to public safety.

RESPONSE TO PUBLICITY

Near neighbours notified with one letter of objection received, objecting on the following grounds:

The neighbours still have reservations to the proposal as they think the traffic problem has increased in the last 12 months. The neighbour knows that the new by-pass has work in progress and could be finished before permission is granted so should wait to see if there is a reduction in traffic.

PLANNING HISTORY

1.1 CH/05/0693 1.8 metre high fence to side boundary, 1.5 metre high railings to front to front and side incorporating gates to front and side incorporating gates and formation of new vehicular access Refused 16/12/2005

OBSERVATIONS

1.1 The applicant seeks consent for the formation of a new vehicular access at 153 Wolseley Road, Rugeley. The property currently has a detached garage to rear and two parking spaces which are accessed off Richardson Way. This is a resubmission of planning application CH/05/0693 which was for the erection of 1.8m high fence to side boundary, 1.5m high railings to front and side incorporating gates and formation of new vehicular access at 153 Wolseley Road, Rugeley.

1.2 Planning application CH/05/0693 was refused on three grounds, similar to the reasons given for this application, relating to highway safety and removal of landscaping which was approved as part of the residential development off Wolseley Road.

1.3 In regard to this new proposal, the applicant has removed the 1.5m high railings to front and side and has moved the gates back to allow a vehicle to leave the road and park in front of the gates. The applicant has also stated that other properties along Wolseley Road have driveways and that prior to the housing development, there was an access into Richardson's Garage Site. It is also argued that the introduction of the by-pass will reduce the volume of traffic along Wolseley Road and reduce speeds, making use of a new access off Wolseley Road acceptable.

1.4 As with the previous application the applicant has stated that the vehicular access proposed would be some distance away from the junction of Richardson Way and that landscaping to the front will not be removed through the erection of a boundary wall/fence or a new driveway, therefore not having a significant detrimental impact on the visual amenity when viewed in the street scene.

1.5 However, Landscape Officers have confirmed that the new vehicular access proposed would involve the removal of a stretch of planting which was part of a landscape scheme for planning consent CH/03/0767 (residential development of 61 dwellings), and therefore should be retained as adds to the visual amenity of the area. Also hard-works surfacing within the canopy of existing trees could also be detrimental to their health with no information provided to protection details given.

1.6 The proposal would introduce a vehicle access onto Wolseley Road which the overall development was designed not to do. Highway officers have also recommended refusal on safety grounds as the slowing down and turning of vehicles into the proposed access in close proximity to an existing road junction would adversely affect the free flow and safety of vehicles on the public highway and would be contrary to through traffic interests generally, particularly because of heavy volumes of traffic using this road. Also that the proposed development fails to provide sufficient space to accommodate a standing vehicle between the proposed gates and the highway boundary with a vehicle having to park on the public highway (footpath) whilst the proposed gates are being opened and closed creating an obstruction to pedestrians.

1.7 The proposal is therefore contrary to council policy in that the development proposed is inappropriate development having a detrimental effect on the character of the area and street scene and would potentially be a danger to highway users. Refusal is therefore recommended.

1.8 Human Rights Act

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

1.9 Conclusion

The development proposed is inappropriate development having a detrimental effect on the character of the area and street scene and could result in an increase in the likelihood of highway danger.

Application No: CH/06/0731 Received: 07-Nov-2006
Location: 17,High Meadow, Cannock Wood
Description:Loft conversion incorporating dormer to rear
Application Type:Full Planning Application
RECOMMENDATION Approve subject to Conditions

Reasons for the Grant of Permission

The proposed development complies in all material respects with the relevant policies in the Development Plan (DP) and (where applicable) Supplementary Planning Guidance (SPG) comprising:-

DPLB8: Design Principles of New Built Development
DPLC6: Green Belt and Area of Outstanding Natural Beauty- Design of Development
DPLDCP6: Space about Dwellings
SPG: Residential Extensions Design Guide.

1. B2 Standard Time Limit
2. D3 Materials to match
3. I3 Additional Fenestration
4. C16 Parking Spaces at Dwellings
5. The development shall be carried out strictly in accordance with the amended deposited plans and drawings with any minor changes being agreed in writing by the Local Planning Authority prior to their implementation.

Reason

For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details and in compliance with the requirements of Policy B8 of the Adopted Local Plan.

EXTERNAL CONSULTATIONS

Cannock Wood Parish Council – No response

RESPONSE TO PUBLICITY

Neighbour notification with no letters of objection received.

OBSERVATIONS

1.1 The applicant seeks consent for the construction of a loft conversion incorporating a dormer window to rear at 17 High Meadow, Cannock Wood. The dormer window would be located towards the centre of the roof, being 3.55m wide and will be below the ridge height of the existing dwelling and the loft conversion would incorporate one bedroom with en-suite.

1.2 The property at present has one car parking space whereas the guidance is for a two bedroom property to have two parking spaces. The property is located at the end of a cul-de-sac within a residential area. The parking standard for a three bedroom property is the same as that of a two bedroom property and so it is considered that the location of the property and the increase of one bedroom will not have a significant detrimental impact on the surrounding area in terms of parking.

1.3 The dormer window will be sited over 10m away from the boundary and also is over 21.3m away from any principal windows to a neighbouring property so it is therefore considered that the proposal will not have a significant detrimental impact on neighbouring properties amenity. The property is located within the Area of Outstanding Natural Beauty (AONB) but the proposal will not be out of character with the surrounding area, as the vicinity of the site is wholly residential, being built up and therefore the proposal would not conflict with Local Plan Policy C8 relating to the protection of the AONB.

1.4 The proposed dormer window has been designed to meet council design guidance and a condition is recommended to prevent any additional windows to be inserted in the side elevation of the dwelling to retain privacy to neighbouring properties. It is not considered that the proposal will have a significant detrimental impact on neighbouring properties amenity, being in keeping with the scale and character of the property. Approval is recommended.

1.5 Human Rights Act

The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The proposals could potentially interfere with an individual's rights to the peaceful enjoyment of his or her property as specified in Article 8 and Article 1 of the First Protocol, however, the issues arising have been considered in detail in the report and it is considered that, on balance, the proposals comply with Local Plan Policy and are proportionate.

1.6 Conclusion

In conclusion, it is considered that the proposal would not have a detrimental impact on the amenity of neighbouring properties or the character of the property and as such, is acceptable.

Application No: CH/06/0704 Received: 24-Oct-2006
Location: Land adjacent to, 7, Summerside Avenue, Prospect Village
Description: Residential development - One detached dwelling (Resubmission of planning application CH/06/0531)
Application Type: Full Planning Application
RECOMMENDATION Approve subject to Conditions

Reasons for the Grant of Permission

The proposed development complies in all material respects with the relevant policies in the Development Plan (DP) and (where applicable) Supplementary Planning Guidance (SPG) comprising:-

DPLB8: Design Principles of New Built Development
DPLDCP6: Space about Dwellings
DPLH3: Design
DPLH5: Infill Development
SPD1: Car parking standards.
SPG2: Staffordshire Residential Design Guide

1. B2 Standard Time Limit
2. D1 Materials - Details Required
3. I2 Exclusion of Extensions
4. I3 Additional Fenestration
5. I4 Obscured Glazing
6. C16 Parking Spaces at Dwellings
7. C13 Provision of parking and access
8. The access shall be ungated

Reason

In the interests of highway safety and to comply with Staffordshire and Stoke on Trent Structure Plan (1996-2011) Policy T13.

9. The use of the development hereby approved shall not commence until unobstructed visibility above a height of 600mm measured from the back edge of the footway has been provided within the 1.5 x 1.5m splays shown on the approved drawing. The splays shall thereafter remain unobstructed as described above for so long as the development remains in use.

Reason

To comply with Staffordshire and Stoke on Trent Structure Plan (1996-2011) Policy T13, in the interests of highway safety and to safeguard the public highway

10. No trees or hedges as shown as retained on the drawings approved, shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or destroyed.

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

Reason

The existing vegetation makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies B8, C8 and C15.

11. Prior to the commencement of any construction or site preparation works including any actions likely to interfere with the biological function of the retained trees and hedges, approved protective fencing shall be erected in the positions shown on the approved plans.

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

Reason

The existing vegetation makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies B8, C8 and C15.

12. K2 Site Investigation Required

13. The dwelling hereby approved shall be sited in accordance with levels shown on the approved plans unless the Local Planning Authority gives written consent to any variation.

Reason

In the interests of the visual amenity of the street scene in accordance with Local Plan Policy B8.

14. The development shall be carried out strictly in accordance with the amended deposited plans and drawings with any minor changes being agreed in writing by the Local Planning Authority prior to their implementation.

Reason

For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details and in compliance with the requirements of Policy B8 of the Adopted Local Plan.

EXTERNAL CONSULTATIONS

Travel Management & Safety - No objections subject to conditions
S. C. C.

Environment Agency - No objections

INTERNAL COMMENTS

Environmental Health - Testing for landfill gases required. No other comments offered on environmental health grounds in regards to this resubmission.

RESPONSE TO PUBLICITY

Site notice posted and adjacent occupiers notified. One letter of objection received, objecting on the following grounds:

1. The ground area is two feet higher than the neighbouring bungalow of 9 St. Bernard Close to the rear so privacy will be lost to the neighbouring property as the two storey property will overlook.
2. The dwelling will block out all sunlight from the west to the neighbouring bungalow.

PLANNING HISTORY

CH/05/0247 Residential development (Outline including siting) Approved under delegated powers on 11/07/2005

OBSERVATIONS

1.1 The application seeks consent for the residential development of a detached two storey property on land adjacent to 7 Summerside Avenue, Rawnsley. The application site is currently used as a driveway and as garden land for 7 Summerside Avenue. The site is primarily in a residential area located and the site proposed is approximately 7.5m wide at its closest point to the front widening to the rear. The new dwelling will use the existing access with a new access made for the existing dwelling.

1.2 The property proposed would be 7m wide and have a maximum length of 7.8m and will have a height of 7.6m. The property will have three bedrooms and will be a minimum distance of 8.2m away from the rear boundary. Outline planning consent, ref CH/05/0247, which included siting was approved on the site. Therefore the principle of one detached dwelling has already been granted on this site. The siting of the dwelling approved was located the same distance off the rear boundary, meeting the required distance between facing principal windows to neighbouring properties.

1.3 Policy H5 of the Local Plan states that there will be opportunity for infilling and minor consolidation will be acceptable within existing residential areas subject to the amenity of neighbouring residents and the character of the area not being adversely

affected. It is considered that the site is of sufficient size to meet the council's policies, with the nearest property.

1.4 Policy B8 of the Local Plan requires new built development to be well related within the development and to existing buildings and their surroundings in terms of design, scale and materials and avoid any adverse effects of loss of amenity to adjacent properties. In respect to objections received from the neighbouring bungalow located to the rear, the level of land that the new dwelling is to be built on is to be lowered by 600mm to reduce the impact on the neighbouring property and lower the building when viewed in the street scene.

1.5 County Council Highway Officers have no objections, with enough space to allow parking to the front of the property proposed. A condition has been recommended for no additional windows to be inserted in the side elevations to protect privacy to the neighbouring properties and a condition removing permitted development rights. It is considered that development of this site for a detached two storey residential dwelling would not be detrimental to the visual amenity of the area, therefore approval is recommended

1.6 Human Rights Act

The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The proposals could potentially interfere with an individual's rights to the peaceful enjoyment of his or her property as specified in Article 8 and Article 1 of the First Protocol, however, the issues arising have been considered in detail in the report and it is considered that, on balance, the proposals comply with Local Plan Policy and are proportionate.

1.7 Conclusion

In conclusion, it is considered that the site can be developed without adversely affecting the neighbouring properties or the character of the area and as such, is acceptable.

Application No: CH/06/0736 Received: 13-Nov-2006
Location: Chase Inn, Hagley Road, Rugeley
Description: Single storey covered all weather garden to front
Application Type: Full Planning Application
RECOMMENDATION Approve subject to Conditions

Reasons for the Grant of Permission

The proposed development complies in all material respects with the relevant policies in the Development Plan (DP) and (where applicable) Supplementary Planning Guidance (SPG) comprising:-

DPLB8: Design Principles of New Built Development

1. D2 Materials to be Specified
2. G1 Limited Permission - Buildings

3. The development shall be carried out strictly in accordance with the approved plans and drawings unless any minor amendments are first approved in writing by the Local Planning Authority.

Reason

For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details, and in compliance with Policy B8 of the Adopted Local Plan.

EXTERNAL CONSULTATIONS:-

Town Council - No objections.

RESPONSES TO PUBLICITY:-

A site notice was posted and neighbours consulted. 1 letter was received objecting to the proposal on the grounds of the proposal causing additional noise at night, and that it is not in keeping with the age of the building.

HISTORY:-

CH/96/0099 Retention of play equipment A 26/6/96 Cttee
CH/97/0445 Retention of play equipment A 26/11/97 Cttee
CH/99/0051 Side extension A 2/6/99 Cttee

OBSERVATIONS:-

1.1 The application seeks consent to erect a single storey, flat roofed building to the front of the Chase PH. The building is to be constructed of timber boarding with a trellis effect around the top portion. The building is to be used as an extension to the pub. It will be linked to, and accessed from, the existing lounge/bar. To the front of the proposal is an existing seating area comprising decking, seating, large umbrellas and heaters.

1.2 The objection raised states that the development will increase noise. There are no restrictions with regard to planning in respect of the hours that the pub may open, and existing external seating area to the front of the premises already exists. The proposed building will permit customers to be outside but in a greater degree of warmth and comfort than presently exists. It is possible that there will be noise, however, it is not considered that this will be unacceptable given that the floor area of the building is only 24 sq. m. Notwithstanding this it is considered that a temporary consent of 1 year is appropriate to allow an assessment of the effects of the development on the surrounding area. Approval is recommended.

1.3 Human Rights Implications

The proposals set out in this report are considered compatible with the Human Rights Act 1998. The proposals could potentially interfere with an individual's right to the peaceful enjoyment of his or her property as specified in Article 8 and Article 1 of the First Protocol, however, the issues arising have been considered in detail in the report and it is considered that, on balance, the proposals comply with Local Planning Policy and are proportionate.

Application No: CH/06/0714 Received: 10-Nov-2006

Location: 271, Longford Road, Cannock.

Description: Single storey extension to side and rear incorporating a garage, amended design with increased height (Resubmission of Planning Application CH/06/0176)

Application Type: Full Planning Application

RECOMMENDATION Approve subject to Conditions

Reasons for the Grant of Permission

The proposed development complies in all material respects with the relevant policies in the Development Plan (DP) and (where applicable) Supplementary Planning Guidance (SPG) comprising:-

DPLB8: Design Principles of New Built Development

DPLDCP6: Space about Dwellings

SPD1: Car parking standards.

SPG: Residential Extensions Design Guide.

1. B2 Standard Time Limit
2. C16 Parking Spaces at Dwellings
3. D3 Materials to match
4. I3 Additional Fenestration
5. The development shall be carried out strictly in accordance with the deposited plans and drawings with any minor changes being agreed in writing by the Local Planning Authority prior to their implementation.

Reason

For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details and in compliance with the requirements of Policy B8 of the Adopted Local Plan.

RESPONSE TO PUBLICITY

Adjacent occupiers notified with one letter received from neighbour objecting on the grounds:

1. The neighbour of no. 269 originally objected to the proposals put forward to the council planning control committee, but they were passed nonetheless. It has now transpired that the work being undertaken goes over and above the plans presented to residents and the council.

2. Not only noise and disruption to neighbours, but also it appears there is one rule for one, and one for another. Some years ago, the neighbour of 269 Longford Road was told by the council that the roof and walls on their garage extension needed to be in keeping with the frontages. The work being done is simply breeze-blocks and the roof is flat; totally out of keeping with the frontages of the adjacent properties.

3. It was understood that there would still be plenty of light into the dining room of no. 269 Longford Road. As it appears that the occupier of 271 has built well above the height agreed in the planning proposals, there is little or no light at the best of time.

PLANNING HISTORY

1.2 CH/06/0176 Single storey extension to side and rear incorporating a garage
Approved at Committee on 10/05/2006

OBSERVATIONS

1.1 The applicant seeks retrospective consent for a single storey extension to side and rear incorporating a garage at 271 Longford Road, Cannock. This planning application is a resubmission of planning application CH/06/0714, which members may recall, was approved at Planning Control Committee Meeting on 10th May 2006 following a site visit. The current building work on site is related to the planning consent but the extension being built on site is higher than that approved and therefore a subsequent planning application has been submitted.

1.2 The side extension proposed has increased in height from that approved under Planning Application CH/06/0176 from 2.5m to 2.8m. The applicant has stated that it has been necessary to increase the overall height of the extension roof to satisfy the thermal insulation required by the necessary amended Building Regulation Part L. Also that the increase is approximately 300mm and that in an attempt to keep the increase in height to a minimum the ceiling height in the proposed extension will be lower than that in the existing property.

1.3 The side extension is 2.8m wide, 13m in length and will have a height of 2.8m. The side extension will incorporate a garage and bedroom to rear. A tiled canopy is proposed to the front to screen the flat roof from the front which will make the side extension 3.2m high at that point. The rear extension is 8.7m wide, 3.5m in length and 2.8m high accommodating a dining room and extension to existing bedroom. The property had a garage originally to the side being 2m high, so there will be an increase in height of 0.8m.

1.4 The extensions proposed meet council design guidance. The neighbouring property of 269 extends further back than 271 Longford Road having one side window already facing the side of the existing garage of no.271. This window serves a dining room and there is an additional smaller window serving this room which allows light in from the verandah to the rear. In regard to the objection received, it is considered that the proposed increase in the side extension by a height of 0.3m will not have any more of a significant detrimental impact on the amenity of the neighbouring property than the single storey extension already approved with the side facing window looking at this blank elevation.

1.5 Prior to the current extension being constructed the neighbouring window on the side elevation faced onto a 2m high garage wall. In respect to the breeze block wall constructed, the applicant has confirmed that they wish for the walls of the extension to be rendered instead of brick, and the roof was designed to be flat to reduce the impact on the neighbouring property.

1.6 The neighbour of 273 Longford Road has a veranda to the rear of the garage that will screen views to the proposed development. It is not considered that the extensions will reduce amenity to the neighbouring properties to any significant degree, being designed to be in keeping with the scale of the property and therefore approval is recommended.

1.7 Human Rights Act

The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The proposals could potentially interfere with an individual's rights to the peaceful enjoyment of his or her property as specified in Article 8 and Article 1 of the First Protocol, however, the issues arising have been considered in detail in the report and it is considered that, on balance, the proposals comply with Local Plan Policy and are proportionate.

1.8 Conclusion

In conclusion, it is considered that the increase in extension height by 0.3m will not have an adverse affect on the neighbouring properties or the character of the area and as such, is acceptable

Application No: CH/06/0592 Received: 17-Aug-2006

Location: 2 to 20, Market Street, land adjacent to Rugeley Road and Victoria Street, Hednesford

Description: Mixed use development comprising 4 storey block with Shops (A1), Financial & Professional Services (A2), Restaurants (A3), Hot Food Take-Aways (A5) on ground floor and 18 flats above fronting Market Street. Single storey foodstore (A1) to rear and single storey block of 4 units (A1, A3 & A5) adjoining Graenor and Casa Mia Court. Construction of new access to Victoria Street and provision of 172 space car park.

Application Type: Full Planning Application

RECOMMENDATION S 106, Then Approval with Conditions

Reasons for the Grant of Permission

The proposed development complies in all material respects with the relevant policies in the Development Plan (DP) and (where applicable) Supplementary Planning Guidance (SPG) comprising:-

DPLB8: Design Principles of New Built Development

DPLS4: Local Shopping Provision

DPLS5: Non-Retail Uses, Cannock, Rugeley, Hednesford Town Centre

DPLS6: Town Centre Management

SPD1: Car parking standards.

1. B2 Standard Time Limit
2. D1 Materials - Details Required
3. E1 Landscaping Details required
4. E3 Landscaping Maintenance
5. E4 Landscape Management Plan
6. C13 Provision of parking and access
7. H4 External Storage
8. H10 Fume Extraction
9. No more than 233 metres squared of the gross ground floor floorspace of the Market Street units shall be used for purposes within Classes A2, A3 & A5 of the Town & Country Planning Use Classes Order and no more than 293 metres squared of the freestanding block of retail units shall be used for purposes within Classes A2, A3 & A5 of the Town & Country Use Classes Order.

Reason

In order to safeguard the retail vitality & viability of Hednesford Town Centre in accordance with Policy S5 of the Cannock Chase Local Plan 1997

10. None of the units proposed to be used for A3 & A5 use shall be occupied until the hours of business have been agreed in writing by the Local Planning Authority. The business hours shall thereafter operate in accordance with this approval.

Reason

To safeguard the amenity of adjoining residents.

11. Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved by the Local Planning Authority, and the scheme shall be subsequently implemented in accordance with the approved details before the development is completed/occupied.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

12. There is a public sewer which crosses the site. No buildings shall be erected or trees planted within 2.5 metres (300 CWS), 5 metres (450 CWS, 750 SWS, 675 SWS) of this sewer. The applicant may wish to apply to Severn Trent Water to divert the sewer in accordance with section 185 of the Water Industry Act 1991.

Reason

To maintain essential access for maintenance, repair, renewal and to protect the structural integrity of the public sewerage system.

13. No development approved by this permission shall be commenced until the application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved by the Local Planning Authority.

Reason

To prevent pollution of the water environment.

14. If the site investigation report identifies contaminated material, the applicant(s) shall submit to the Local Planning Authority for approval a remediation scheme for the site. The scheme shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason

To prevent the possibility of surface and/or groundwater pollution.

15. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason

To prevent the increase of flooding.

16. No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason

To prevent pollution of the water environment.

17. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason

To prevent pollution of the water environment.

18. No development shall take place within the area of archaeological interest indicated until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason

To safeguard the archaeological interest of the site.

EXTERNAL CONSULTATIONS

HEDNESFORD TOWN COUNCIL: No objection.

STAFFORDSHIRE COUNTY

COUNCIL HIGHWAYS: No objection subject to conditions and Travel Plan secured by Planning Obligation.

STAFFORDSHIRE COUNTY

COUNCIL ARCHAEOLOGY: Some archaeological interest on part of site – condition required for investigation.

ENVIRONMENT AGENCY: No objection subject to conditions.

SEVERN TRENT WATER: No objection subject to conditions.

CANNOCK & DISTRICT ACCESS

GROUP: No response.

POLICE ARCHITECTURAL

LIAISON: No response.

INTERNAL COMMENTS

LANDSCAPE: Concern about loss of lime tree fronting Victoria Street and inadequacy of new planting scheme – latter point now largely dealt with by amendments to scheme.

ECONOMIC DEVELOPMENT: Strongly support the application.

ENVIRONMENTAL PROTECTION: Concern about relationship between flats and possible ground floor uses needing fume extraction and generating noise problems.

RESPONSES TO PUBLICITY

The application has been advertised, site notices displayed and surrounding occupiers including all traders in Market Street have been notified resulting in receipt of 6 letters raising the following points:-

1. Loss of view from Casa Mia Court.
2. Additional nuisance from underage drinkers.
3. Object to hot food takeaways and the single storey block of shops in the car park.
4. A retail impact study should be undertaken in accordance with the advice in Planning Policy Statement 6. Without proven retail demand this is a risk that units will remain vacant or create vacancies elsewhere in the centre.
5. Issues concerning processes of acquisition or existing properties and businesses, potential problems with demolition.
6. Local traders will be disadvantaged.
7. Will SRB funding have to be repaid?

OBSERVATIONS

1.1 This is one of two applications comprising Phase I of the Hednesford Town Centre Regeneration Scheme. The report on the other application (CH/06/0591 outline for a pub/restaurant) follows on this agenda.

1.2 The application relates to nos. 2-20 even Market Street, the former Chase Car Sales site fronting Rugeley Road, the Victoria Street car park extending through to Cardigan Place and the site of the former Pool House, 31 Victoria Street. It is proposed to demolish the 2 and 3 storey buildings on Market Street and the car sales premises to redevelop the site in the following way:-

1. Erection of a 4 storey block fronting Market Street and the corner of Rugeley Road with the 4th floor in the roofspace comprising 6 shops (total floorspace 465m²) with 18 flats above.
2. A single storey foodstore to the rear of the above development (1533m²) having a frontage to Rugeley Road and the reconfigured car park.
3. A single storey block of 4 retail units (525m²) sited in the centre rear of the car park.
4. A reconfigured car park with a new access to Victoria Street to replace the existing access sited 40m from the junction with Rugeley Road. Service access to the new foodstore and the existing Somerfield store would be through the car park with space provided for HGV's to turn into the two separate service yards.

1.3 The main 4 storey block is of traditional brick and tile construction. The brickwork is broken up by the introduction of sections of rendering. Retail units would front both Market Street and Rugeley Road, in the latter case behind a paved/landscaped area at the junction. The overall height is similar to the existing 3 storey buildings at nos. 10 & 12 Market Street.

1.4 The foodstore has walls of brickwork cladding panels and glazing with an offset shallow pitched roof constructed in profiled metal.

1.5 Amendments have been negotiated to the design of these elements of the scheme to improve the appearance of the large store and the rear elevation of the main block to create more interest in the view from the rear and from Rugeley Road.

1.6 The freestanding retail block on the car park is of similar design to the foodstore with walls and brickwork and profiled metal offset shallow pitched roofing.

1.7 The car park with a total of 170 spaces includes 10 disabled spaces immediately adjoining the retail units. The overall increase in parking is 40 spaces more than the existing public car park.

1.8 The three main planning issues are retail policy, parking/access and design/layout in relation to the surroundings. The site is within the town centre. The town centre boundary was established in January 2001 by the then Planning Strategy Committee as part of the proposed review of the Local Plan. This has been taken forward into the Issues and Options stage of the new Local Development Framework Document relating to Site Allocations and Development Control Policies shortly to be published for consultation. The overall scale of retail development, although aiming to widen choice for shoppers in Hednesford, is not of a scale which involves repositioning the centre in the local hierarchy of centres. Cannock will remain the main centre and Rugeley the second centre in the District. Therefore no retail impact analysis has been requested and Government policy guidance in Planning Policy Statement 6 does not require one in this circumstances. The development will provide an attractive set of new shops at the southern end of the centre which has long been in need of revitalisation. The freestanding block in the car park is much more likely to attract retail and restaurant/takeaway businesses than the failed retail development at Casa Mai Court to the rear because it is at car park level and associated with a relatively major retail attraction, a new foodstore.

1.9 The vehicular access has been re-sited to the location of the former Pool Cottage, 40m from the traffic light junction to allow safer turning movements. The increase in parking provision of 40 spaces is considered reasonable in relation to the current use of the car park and the likely additional demand at peak times arising from the new development.

1.10 The overall design and layout is considered to be attractive being a substantial improvement over the existing buildings on the site presenting an active frontage to both Market Street and Rugeley Road. Ten trees would need to be felled, the most important of which is a large lime tree on the frontage of the former Pool Cottage. The tree is required to be felled in order to construct the new access and there is no feasible alternative which would allow its retention. The landscape scheme proposes the planting of 14 new trees on the Rugeley Road and Victoria Street frontage and within the car park which are considered to comprise a suitable landscaped setting for the development and appropriate mitigation for the loss of the lime.

1.11 The concerns raised by Environmental Protection are addressed by the recommended condition relating to fume extraction and opening hours. The improved surveillance of the car park with the provision of active retail frontages and the proposed pub would be more likely to have a positive rather than negative effect on anti-social behaviour. The levels relationship between Casa Mia Court and the adjoining detached bungalow and the freestanding single storey retail block (4.5m and 2.5m lower respectively) is such that the proposed building would not obstruct light or to any significant extent views from these properties. Demolition processes are controlled under the Building Act by the Council's Building Control Unit. None of the other issues raised by objectors are planning considerations. Hednesford received no SRB funding but the Market Street highway improvement scheme which received EU funding is unaffected by the proposals.

1.12 Drainage and archaeological issues are dealt with by condition as requested by the EA, Severn Trent and the County Archaeologist.

1.13 A S106 Agreement is required to secure the implementation of a travel plan, the normal financial contributions towards off site public open space from the residential element and a financial contribution towards town centre management.

1.14 Human Rights Act Implications

The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The proposals could potentially interfere with an individual's rights to the peaceful enjoyment of his or her property as specified in Article 8 and Article 1 of the First Protocol, however, the issues arising have been considered in detail in the report and it is considered that, on balance, the proposals comply with Local Plan Policy and are proportionate.

1.15 Conclusion

The proposed development is appropriate in its range of uses, layout and design and should make a major contribution to the vitality and viability of Hednesford Town Centre.

Application No: CH/06/0591 Received: 17-Aug-2006

Location: Land junction of, Rugeley Road, Victoria Street, Hednesford

Description: Erection of building for uses (A3) restaurants and cafes and (A4) drinking establishments

(Outline including access). Amended Description.

Application Type: Outline Planning APP

RECOMMENDATION S 106, Then Approval with Conditions

Reasons for the Grant of Permission

The proposed development complies in all material respects with the relevant policies in the Development Plan (DP) and (where applicable) Supplementary Planning Guidance (SPG) comprising:-

DPLB8: Design Principles of New Built Development

DPLS4: Local Shopping Provision

DPLS5: Non-Retail Uses, Cannock, Rugeley, Hednesford Town Centre

DPLS6:Town Centre Management
SPD1: Car parking standards.

1. A1 Time Limit -Outline Permission
2. No part of the development hereby permitted shall be commenced until approval of the details of layout, scale, appearance and landscaping (including implementation and maintenance periods) of the site ('the reserved matters') has been obtained from the Local Planning Authority.

Reason

The permission is in principle only and does not authorise development to commence until all the 'reserved matters' have been approved.

3. H4 External Storage
4. H5 External Machinery
5. H8 Heavy Goods
6. H9 No Burning
7. H10 Fume Extraction
8. H11 Hours Restriction
9. Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved by the Local Planning Authority, and the scheme shall be subsequently implemented in accordance with the approved details before the development is completed/occupied.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

10. There is a public sewer which crosses the site. No buildings shall be erected or trees planted within 2.5 metres (300 CWS), 5 metres (450CWS, 750 SWS, 675 SWS) of this sewer. The applicant may wish to apply to Severn Trent Water to divert the sewer in accordance with section 185 of the Water Industry Act 1991.

Reason

To maintain essential access for maintenance, repair, renewal and to protect the structural integrity of the public sewerage system.

11. No development approved by this permission shall be commenced until the application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved by the Local Planning Authority.

Reason

To prevent pollution of the water environment.

12. If the site investigation report identifies contaminated material, the applicant(s) shall submit to the Local Planning Authority for approval a remediation scheme for the site. The scheme shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason

To prevent the possibility of surface and/or groundwater pollution.

13. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason

To prevent the increase of flooding.

14. No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason

To prevent pollution of the water environment.

15. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason

To prevent pollution of the water environment.

16. No development shall take place within the area of archaeological interest indicated until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason

To safeguard the archaeological interest of the site.

EXTERNAL CONSULTATIONS

HEDNESFORD TOWN COUNCIL: No objection.

STAFFORDSHIRE COUNTY

COUNCIL HIGHWAYS: No objections subject to condition and Travel Plan secured by Planning Obligation.

STAFFORDSHIRE COUNTY

COUNCIL ARCHAEOLOGY: Some archaeological interest on part of site – condition required for investigation.

ENVIRONMENT AGENCY: No objection subject to conditions.

SEVERN TRENT WATER: No objection subject to conditions.

CANNOCK & DISTRICT ACCESS

GROUP: No response.

POLICE ARCHITECTURAL
LIAISON: No response.

INTERNAL COMMENTS

LANDSCAPE: Concern about loss of lime tree fronting Victoria Street and inadequacy of new planting scheme – latter point now largely dealt with by amendments to scheme.

ECONOMIC DEVELOPMENT: Strongly support the application.

ENVIRONMENTAL PROTECTION: Concern about relationship between flats and possible ground floor uses needing fume extraction and generating noise problems.

RESPONSES TO PUBLICITY

One response specifically relating to this application. No objection to pub but object to hot food takeaways.

OBSERVATIONS

1.1 Submitted in conjunction with application CH/06/0592 this is an outline application for a pub/restaurant (Use Classes A3 and A4) sited on a 0.18 ha site at the junction of Rugeley Road and Victoria Street. All matters are reserved for subsequent approval apart from means of access which is the same as proposed for application CH/06/0592.

1.2 The application originally proposed to include the additional use option of hot food takeaway (Use Class A5) but this was deleted from the application following discussion with your officers. Supporting information indicates that the building would be two storeys with a floorspace of 650 m². Limited staff parking and parking for the disabled would be provided within the site in addition to the 170 spaces proposed in connection with application CH/06/0592.

1.3 The proposed development would complement the main retail scheme. A pub/restaurant is an appropriate town centre use and the site which faces Hednesford Park and (across Rugeley Road) Hednesford Hills is one where an attractive building could provide a significant improvement to the street scene in comparison with the existing surface car park. It does not directly adjoin residential properties and would not be likely to have significant adverse effect on residential amenity taking into account the use which is already made of the existing public car park. The deletion of the hot food takeaway (A5) use has addressed the specific objection made to the application.

1.4 The travel plan and town centre management obligation (S106) also apply to this application.

1.5 Human Rights Act Implications

The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The proposals could potentially interfere with an individual's rights to the peaceful enjoyment of his or her property as specified in Article 8 and Article 1 of the First Protocol, however, the issues arising have been considered in detail in

the report and it is considered that, on balance, the proposals comply with Local Plan Policy and are proportionate.

1.6 Conclusion

As part of the comprehensive redevelopment scheme for the location and of Hednesford Town Centre the proposal is considered to provide an appropriate development to support the regeneration.