

Cannock Chase District Council

Planning Control Committee

28th July 2021

Officer Update Sheet

General Update on Changes to National Planning Policy Framework

Members are advised that since the publication of the agenda the National Planning Policy Framework has been. The latest revision is dated 20 July 2021. One of the consequences of the revision is that it has affected the paragraph numbering within the framework. As such some of the paragraphs referenced within the agenda are now incorrect. This update, in part, deals with these changes and identifies where appropriate what the new paragraphs are.

Updates to Planning Reports

CH/21/0201 Erection of 3 Bedroom Detached Dwelling, Land between 44 Flaxley Road and 2 Davy Place, Pear Tree Estate, Rugeley

Following compilation of the report for the Committee agenda, the following additional information was received:

Officer Update for Committee (22.07.21)

SCC Highways Response:

SCC Highway Consultation response states that

‘The area being developed does not form part of the Highway and so would not need stopping up. An ‘Extent of the Highway’ search can be requested to be sure but it looks as though the Highway Boundary at this location is marked by the pavement edge. My understanding is that the development will not include any alterations to the pavement and so the dropped kerb will be left in situ’.

Further information is provided if there is still some concern about this or if any issues arise during the Construction phase

Further Neighbour Objection:

- A further 2 page letter has been received in response to the above consultation response from SCC's Highways. It is stated that the SCC response is 'utterly inadequate' and that 'neither Cannock Chase nor Staffordshire even understand the premise of highway matters, the statutory consultee and the planning process' and that the application 'should be called in as should the reckless process for every single dwelling being at this committee'
- It is also claimed the SCC Highways Officer is 'not remotely qualified to make these claims', that the land is not registered, that it forms amenity to the development and the registration of the land should not be encouraged.
- The objector states he 'is sure none of the legalities will be address or prevented by planning, so a consent will simply result in it happening'
- 'The simple levels issue alone is so astoundingly obvious and history will repeat itself with poor quality'

Officer Response:

In order to make a lawful application an applicant has to sign one of four certificates (A to D), depending on the particular circumstances, which are as follows: -

Certificate A

This applies only where the applicant is the sole owner of the site. If the site is owned by a couple, married or unmarried, or by any other party see note* under the Certificate B section below.

Certificate B

Where the applicant does not own the whole of the site, (or is a joint owner) a declaration that Notice has been served on the other owner(s)* is required. The name and address of the person(s) on whom Notice has been served should be listed, together with the date on which the Notice was served (which must not be later than the date of the application declaration nor earlier than 21 days prior to the submission of the application). *NB this would also include a couple, married or unmarried. For example if the applicant is stated as the husband alone, a Notice must be served on the wife. If the applicant is stated as Mr and Mrs ... and they are the only owners together, then notice does not need to be served.

Certificate C

For use as with Certificate B above except that not all of the owners are known. Those which are known should be listed and an advertisement placed in a local newspaper, the publication date of which must be no more than 21 days before the submission of the application.

Certificate D

As with Certificates B and C but where none of the other owners are known. A statement of any steps taken to identify the owners is included, together with the date of publication of the advertisement in the local newspaper (which must not be more than 21 days before the submission of the application).

The application was originally accompanied with certificate D. Part way through the processing of the application the Council's Principal Estate Surveyor contacted the agent for this application to say the District Council owns the land fronting Flaxley Road which contains two parking spaces. The agent then changed to Certificate B and sent a notice to the Council's Estate Surveyor.

Members' attention is drawn to condition 7 within the report, which states: -

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

As such the applicant would not be able to bring the dwelling into use until the parking provision is provided and that could only be done by the applicant gaining a controlling interest in the land.

If permission is granted either on the application, or appeal, the agent is aware that the applicant will need to negotiate to acquire the Council's land.

Given that the Council has indicated that it has no objection in principle the condition is considered to meet the test of reasonableness.

NPPF Revision:

In the light of the recent revision to the NPPF the following amendments to the report should be noted: -

Paragraphs 3.3 to 3.6 of the report should be amended to read as follows: -

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
126, 130, 1132, 134:	Achieving Well-Designed Places
218, 219	Implementation

3.7 In the report reference to certain paragraphs is hereby amended as follows: -

<u>Reference in Officer Report</u>	<u>New Paragraph Reference</u>
109	111
124	126
127	130
128	132
130	134
155	167
178	183
212	218
213	219

Conclusion

The comments received by the objector and the revisions to the NPPF do not alter the overall assessment of the application and the original recommendation outlined in the officer report still stands.

CH/21/0095: Change of use on ground floor to a nursery. Re-configuration & change of use of first floor from residential to 2 residential apartments and offices/historical centre

NPPF Revision:

In the light of the recent revision to the NPPF the following amendments to the report should be noted: -

Paragraphs 3.3 to 3.6 of the report should be amended to read as follows: -

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development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.

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127	130
128	132
130	134
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170	174
174	180
178	183
212	218
213	219

Conclusion

The revisions to the NPPF do not alter the overall assessment of the application and the original recommendation outlined in the officer report still stands, subject to the reasons for conditions being amended to reflect the new paragraph numbering in the NPPF.

CH/21/0081: Residential development to site to rear (resubmission of CH/20/210) at 139A, Hill Street, Hednesford, Cannock, WS12 2DW

NPPF Revision:

In the light of the recent revision to the NPPF the following amendments to the report should be noted: -

Paragraphs 3.3 to 3.6 of the report should be amended to read as follows: -

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
126, 130, 1132, 134:	Achieving Well-Designed Places
167:	Drainage and Flood Risk
218, 219	Implementation

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Of particular relevance for this application is Paragraph 131 which inserts a new paragraph into the NPPF and states that:

'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users'.

This provides added weight to the second reason for refusal which should be amended as follows to incorporate reference to this paragraph and the amended numbering as shown above as follows: -

'The applicant is required to plant two trees in the garden area of 139A, Hill Street in compensation for the loss of two trees that were subject to a Tree Preservation Order and which have been felled. The proposal would subdivide the existing plot and would remove much of the existing garden area and hence would reduce the potential to accommodate the two replacement trees without having a detrimental impact on the long term residential amenity of the occupiers of the existing and proposed dwellings. The applicant has failed to provide sufficient information to allow the Local Planning Authority to make a full and proper assessment of the proposal in terms of the standard of residential amenity and the long term impact on the character of the area that the replacement trees would have and hence to determine whether the proposal is in compliance with Policy CP3 of the Cannock Chase Local Plan and paragraphs 130, 131 and 134 of the National Planning Policy Framework.'

CH/21/0250: - Application under Section 73 of the 1990 Town and Country Planning Act to remove Condition No.1 (12 months temporary permission) Pursuant to CH/19/143

NPPF Revision:

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Paragraphs 3.3 to 3.6 of the report should be amended to read as follows: -

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.

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8:	Three dimensions of Sustainable Development
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The revisions to the NPPF do not alter the overall assessment of the application and the original recommendation outlined in the officer report still stands, subject to the reasons for conditions being amended to reflect the new paragraph numbering in the NPPF.