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| **Contact Officer:** | Claire Faulkner |
| **Telephone No:** | 01543 464337 |

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| **PLANNING COMMITTEE REPORT**  **1st July 2020** |

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| **Application No:** | CH/20/100 |
| **Received:** | 12-Mar-2020 |
| **Location:** | 13 Bronte Drive, Cannock, WS11 7GL |
| **Parish:** | Heath Hayes |
| **Description:** | Proposed Detached Dormer Bungalow |
| **Application Type:** | Full Planning Application |

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| **RECOMMENDATION:** |
| Approve subject to conditions | |

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| **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. | |

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| **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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Part 1 of Schedule 2 to the Order shall be carried out without an express grant of planning permission, from the Local Planning Authority, namely: • The enlargement, improvement or other alteration of the dwellinghouse; • The enlargement of the dwellinghouse consisting of an addition or alteration to its roof; • Any other alteration to the roof of the dwellinghouse; • The erection or construction of a porch outside any external door of the dwelling; • The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; • The provision within the curtilage of the dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; • The erection or provision within the curtilage of the dwellinghouse of a container for the storage of oil for domestic heating; or • The installation, alteration or replacement of a satellite antenna on the dwellinghouse or within the curtilage of the dwellinghouse.  Reason  The Local Planning Authority considers that such development would be likely to adversely affect the amenity of neighbouring occupiers and the character of the area. It is considered to be in the public interest to require an application to enable the merits of any proposal to be assessed and to ensure compliance with Local Plan Policy CP3 - Chase Shaping - Design and the NPPF. 4. No part of the development hereby approved shall be undertaken above ground level until:  i) details the precautionary gas protection measures to be used on the proposed development, or, ii) a ground gas survey to ascertain the extent to which gas protective measures may be required, and iii) details of any gas protection measures identified in (ii) have been submitted to and approved by the Local Planning Authority.   Thereafter, the approved details shall be implemented and retained for the life of the development.  Reason  In order to enable the development to proceed in a safe environment and to protect the health and safety of its occupiers and to ensure compliance with Local Plan Policy CP3 and the NPPF. 5. The development hereby permitted shall not be brought into use until the access, parking and turning area has been provided in accordance with approved ‘Site Plans’ Drawing No. 19 749 02 and shall thereafter be retained for the lifetime of the development.   Reason  In the interests of highway safety and inaccordance with paragraph 109 of the NPPF.   1. No phase of the development shall take place above ground level until a Construction Vehicle Management Plan (CVMP) has been submitted to and approved in writing by the Local Planning Authority. The statement shall include:   - Arrangements for the parking of site operatives and visitors.  - Loading and unloading of plant and materials.  - Storage of plant and materials used in constructing the development.  - Construction hours.  - Wheel washing or other measures to remove mud or debris carried onto the highway.  The approved statement shall be adhered to throughout the construction period.  Reason  In the interests of highway safety and inaccordance with paragraph 109 of the NPPF.   1. Prior to the development hereby approved being constructed above ground leve, a scheme detailing the planting of a tree to the front of the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall be in the form as specified in Annex C of the Supplementary Planning Guidance 'Trees, Landscape and Development'.  Thereafter, the tree shall be planted in the first planting and seeding season following approval.  Reason In the interest of visual amenity of the area and in accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF. 2. Should the tree planted pursuant to condition 7 die, be removed or become seriously damaged or diseased, within a period of five years from the date of its planting it shall be replaced in the following planting season with another tree of similar size and species unless the Local Planning Authority gives written consent to any variation.  Reason In the interests of visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF. 3. The development hereby permitted shall be carried out in accordance with the following approved plans:   19 749 01 Survey Plan  19 749 02 Site Plans  19 749 03 A Proposed Dwelling  Design & Access Statement  Reason For the avoidance of doubt and in the interests of proper planning. | |

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| **Notes to Developer:** |
| Severn Trent Water advise that there may be a public sewer located within the application site. Although their records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have a statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.  The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.  Further information is also available on the Coal Authority website at:  [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority) | |

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| **Consultations and Publicity** |

**External Consultations**

Heath Hayes & Wimblebury Parish Council

No response to date.

Travel Management and Safety

No objection subject to conditions.

A site visit was carried out on 20/03/2020.

Current records show that there were no Personal Injury Collisions on Bronte Drive within 43 metres either side of the property accesses for the previous ﬁve years.

Background; The application is for a proposed detached dormer bungalow which is to be built in the side garden of the existing dwelling of No. 13 Bronte Drive. Bronte Drive is a cul-de-sac off Sidon Hill Way which lies approximately 2 miles from Cannock to the west and 2 miles south of Hednesford.

Site Access / Car / Cycle Parking Arrangements; The proposal is for one 2no bedroom dormer bungalow providing 2 parking spaces which meets Cannock District Council’s parking standards for this type of dwelling. The access will be off a private drive which leads to 3no properties and a parking area including a double garage.

Recommendations: There are no objections on Highway grounds to the proposed development subject to the conditions being included on any approval

County Flood Risk Managment (SUDS)

No response to date.

Severn Trent Water Ltd

Thank you for the opportunity to comment on this planning application. Please find our response noted below: With Reference to the above planning application the company’s observations regarding sewerage are as follows. As the proposal has minimal impact on the public sewerage system i can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn’t permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

**Internal Consultations**

Environmental Health

The site is within 250 metres of a former landfill site. As such, a ground gas survey should be undertaken. Any mitigations measures required must be agreed with the planning authority prior to commencement

CIL Officer

In respect of the above planning application,  based on the additional information form submitted, the CIL chargeable amount for this development would be £3,971.66.

Strategy Housing

No response to date

Development Plans and Policy Unit

The proposal needs to be considered in the context of national and local planning policy. The development plan for Cannock Chase District consists of the Local Plan (Part 1), adopted Neighbourhood Plans and the Staffordshire County Council Waste and Minerals Local Plan. The views of Staffordshire County Council as the waste and minerals planning authority should be considered, as necessary.

The Local Plan (Part 1) was adopted more than five years ago; it is now the subject of a review. This review is at an early stage in the process with consultation on ‘Issues and Options’ being undertaken recently (May – July 2019). Therefore limited weight can be afforded to it. The starting point for the determination of planning applications remains the adopted development plan (Local Plan (Part 1)).

The site is within the Cannock urban area; it is not identified for any specific use at this time on the Policies Map nor is the site located within any designated areas.

The Cannock Chase Local Plan (Part 1) 2014 Policy CP1 supports sustainable development, whilst Policy CP6 permits new housing on urban sites within Cannock Chase District.

Policy CP3 supports high standards of design, and for development to be well-related to existing buildings and their surroundings; in terms of layout, density, access, scale, appearance, landscaping and materials. Consideration should also be given to protecting the amenity enjoyed by existing properties.

With regards to the detailed design of the scheme, regard should also be paid to Policy CP16, the Design SPD (in particular Appendix B: Residential Development Guidelines including garden sizes), and the Parking Standards, Travel Plans and Development Contributions for Sustainable Transport SPD (2005) (contains parking standards).

As a residential development scheme the proposal may be CIL liable – advice on liability should be sought from the Planning Obligations Officer. Given that a net increase in dwellings is proposed the development also needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan (Part 1) Policy CP13). Should the development be liable to pay CIL charges then this will satisfy the mitigation requirements, as per the Local Plan (Part 1) Policy CP13, the Developer Contributions SPD (2015) and the Council’s Guidance to Mitigate Impacts upon Cannock Chase SAC (2017). However, should exemption from CIL be sought then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Councils policy/guidance.

Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and in consultation with the relevant infrastructure provider.

**Response to Publicity**

The application has been advertised by neighbour letter with 6 letters of representation received. The comments are summarised below:

* The proposal will be right on a corner of the road which gives access to the three four bed-room detached house at the end, so any building would greatly disrupt their access & surroundings.
* The road is so narrow that any on going building would cause access issues in and out of Bronte Drive.
* Our only right of access into our property and indeed number 19, next door to us, is to drive past the proposed development and after looking at the plans seems to cross a border which is now claimed by number 13. We believe that this development would cause disruption to ourselves on a daily basis not only during the build period but long after completion.
* When we moved into Bronte Drive we specifically chose the location as the house was situated on a nice private driveway with only 3 houses, the houses are nicely spaced out so residents are not crammed in as some developments are) and with plenty of bushes located to the front of the house so as not overlooked by Sidon Hill Way.
* Also the area of land of the proposed site has many bushes and trees and grassed area which encourages wildlife to the area and is pleasant to see.
* We see no real need for this development on this area, it's certainly not for the need of housing in the local area as there are many sites locally being developed by National and independent building contractors.
* Last year the occupants of number 13 did some foster caring and there were times when the children would be riding bikes and playing games right in front of our houses next to our parked cars. This was most unwelcome as the peace and quiet aspect of living in a private driveway was severely diminished. I would question if this is what a further residence built adjacent to number 13 would be used for.
* I understand that the residents of number 13 have tended to the grassed & shrubbed area to the side of their property have maintained this for a number of years and that this enables them to adopt this as their own, but how can this include part of an access road for 3 other properties as it appears to show on the boundaries on the plans?.
* This is a very small piece of existing garden that adjoins a narrow shared drive feeding numbers 15, 17 and 19 not on the main Bronte Drive roadway, this will be a very small dwelling and we feel the plans exaggerate how much room there is, also rear access onto Sidon Hill Way is to be provided which is not afforded to any existing properties, there are also no other buildings like this on the whole estate so it is not in keeping with existing properties.
* my main concern is parking, although 2 parking spaces are allocated they will be very limited and anything bigger than a small hatch type will not be able to use the space and there is limited on street parking available, this will lead to the inevitable use of the turning space provided in the close and blocking this to its proper use as this already happens when residents have visitors or tradesmen at their houses, this will just compound the problem
* we fear that this is just to fund their much talked about move to Portugal and they will sell up as soon as its completed and leave the rest of the residents with the problems created and just give us another brick wall to look at instead of the green space and hedges we have now, we most strongly object to this new dwelling being constructed,
* we are sure that if there was room for another dwelling that this would have been constructed when the estate was built originally, knowing how construction companies will utilise every  bit of land,
* there is also the concern that house prices will suffer because the close will be less attractive to buyers with an added building crammed in and the lack of space and openness that exists now.
* The outlined plans of the planning application include our only right of access to our home, therefore if this proposed application was to be approved how are we to access our home during the process of the build and going forward. As the only entrance to the shared driveway for Number 15, 17 and 19 now appears to be in the outline adopted boundary of Number 13.
* We understand the grass area to the side of Number 13 has been adopted by them through adverse possession due to them tending to the area for 10+years, this should not include the tarmac area which is our access route to our home so we do not understand how this has been an area adopted by them through this process and we believe this to be incorrect under the laws of adverse possession and therefore the area proposed for the new dwelling would not have enough square footage for such plans.
* Bronte Drive consists of predominantly of 3 and 4 Bedroom houses all in the same style of build therefore we do not see the need for a dormer bungalow which will be taking away a landscaped feature.
* Bronte Drive consists wholly of 3, 4 and 5 bedroom Detached Houses. A Dormer Bungalow is not in keeping with Bronte Drive. Bungalows do exist throughout the estate. However, existing bungalows have been built on an appropriately sized plot to accommodate a single storey dwelling. So a Dormer Bungalow squeezed onto a small plot is not in keeping with the whole estate.
* The plans drawn up by Armstrong \* Walker give the illusion of space for such a build. In reality it is a small plot. When I purchased my property 12 and a half years ago, I was led to believe that number 13 did not own the adjacent land, and were merely obliged to tend it.
* The view from number 15's front window, is currently gardens & hedges. The proposed new driveway would be extremely close, and would be the predominant view.
* And finally, the access to the proposed new build refers to Bronte Drive highway. The access at the top of Bronte Drive, as shown as grid ref 99.39 on the plans, from this point at the side of number 15 Bronte and continuing through to the frontage of numbers 15, 17 and 19 Bronte Drive is not adopted.

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| **Relevant Planning History** |

None relevant.

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| **1 Site and Surroundings** |

* 1. The application site relates to land to the side of No.13 Bronte Drive, which is located in Cannock.
  2. The application site is located towards the end of Bronte Drive which comprises of a residential cul-de-sac. The land is mainly level, is roughly triangular in shape, and covers an area of approx. 200m². Currently there is no separate access to the site however, a private driveway runs from the turning head of Bronte Drive along the front of the application site and gives access to a further 3 dwellings (Nos, 15, 17 & 19 Bronte Drive).
  3. The application site is bound to the side by a residential property (No.13) which falls within the blue line of the application. The site is bound to the front by a shared driveway which gives access to three further residential dwellings. Beyond this lies No.15 Bronte Drive, which has a side elevation facing the shared access and thus the application site. To the rear and side the application site is bound by a combination of high walling and low fencing which separates it from Sidon Hill Way.
  4. The front part of the application site is landscaped and open within Bronte Drive and a brick wall separates the front of the site from the rear which currently forms part of the private amenity space for No. 13. Shrub planting and a low boundary fence separates the front of the site from the adjacent Sidon Hill Way.
  5. The immediate street scene within Bronte Drive comprises of two storey dwellings of a similar size and design set behind modest frontages. The wider area is residential where properties vary in terms of design and scale.
  6. The application site is unallocated and undesignated within the Cannock Chase Local Plan. The site is located in a Low Risk Area Boundary as defined by the Coal Authority and within a Mineral Safeguarding Area. The site is also within influencing distance of an Environment Agency Historic Landfill Boundary.

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| **2 Proposal** |

2.1 The applicant is seeking consent for the development of a detached two bedroom dwelling.

2.2 The proposed dwelling would be of a dormer bungalow style with two bedrooms provided within the roofspace.

2.3 The layout of the site would be off the private driveway located to the front of the site which would lead to a driveway for the parking of two vehicles. The proposed dwelling would be set back from the shared access by approx. 5m and would be set behind a grassed front with tree planting.

2.4 The proposed dwelling would have a footprint of 6.8m x 6.8m and would be constructed to a maximum height of 6.5m (2.7m to the eaves). The proposed dwelling would be of a bespoke design featuring a front gable with canopy over the front door and walk in bay window. Two small dormer windows would be located on the rear roof slope.

2.5 Private amenity space would be provided to the rear of the proposed dwelling and would comprise of approx. 40m² with further amenity space to the front of the proposed dwelling.

2.6 The access to No.13 would not be altered as a consequence of the proposed development. The rear amenity space would be reduced however an area covering approx. 70m² would be retained. No.13 would retain an access from the front driveway to the rear garden along the side boundary.

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| 1. **Planning Policy** |

* 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.
  2. The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).
  3. Relevant Policies within the Local Plan Include:

CP1 - Strategy – the Strategic Approach

CP3 - Chase Shaping – Design

CP6 – Housing Land

CP7 – Housing Choice

* 1. Relevant Policies within the Minerals Plan Include:

3.2 Safeguarding Minerals

* 1. National Planning Policy Framework
  2. The NPPF (2019) 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. The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.8 Relevant paragraphs within the NPPF include paragraphs: -

8: Three dimensions of Sustainable Development

11-14: The Presumption in favour of Sustainable Development

47-50: Determining Applications

124, 127, 128, 130: Achieving Well-Designed Places

212, 213 Implementation

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

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| **4 Determining Issues** |

4.1 The determining issues for the proposed development include:-

i) Principle of development

ii) Design and impact on the character and form of the area

iii) Impact on residential amenity.

iv) Impact on highway safety.

v) Impact on nature conservation

vi) Drainage and flood risk

vii) Mineral safeguarding

viii) Crime and the fear of crime

ix) Waste and recycling facilities

x) Ground conditions and contamination

4.2 Principle of the Development

4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. The site is a windfall 'greenfield' site located within the urban area of Norton Canes. Although the Local Plan has a housing policy it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such in accordance with Policy CP1 of the Local Plan the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF.

4.2.2 However, paragraph 177 of the NPPF makes it clear: -

‘The presumption in favour of sustainable development does not apply where development requiring appropriate assessment (under habitat Regulations) because of its potential impact on a habitats site is being planned or determined’.

4.2.3 Policy CP13 of the Local Plan recognises that any project involving net new dwellings will have an impact on the SAC and as such should be subject to an appropriate assessment under the Habitat Regulations. This being the case it can only be concluded that the presumption in favour of sustainable development does not apply to the current application and that the proposal should be considered having regard to the development plan and other material considerations.

4.2.4 In respect to the principle of the proposal it is noted that the site is within a residential location approximately 1km from Heath Hayes District Centre and 1.5km from Hednesford District Centre, close to the schools and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development. The site is not located within either Flood Zone 2 or 3 and it is not designated as a statutory or non- statutory site for nature conservation nor is it located within a Conservation Area (CA) nor does it affect the setting of a designated or undesignated heritage asset. As such it is considered that the proposal is acceptable in principle.

4.2.5 However, although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect.

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

4.3.1 In respect to issues in relation to design 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.

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and

appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not

preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

4.3.5 Having taken all of the above into account it is considered that the layout of the application site is limited given its corner position within the cul-de-sac. The proposed dwelling would be accessed off the private driveway and would be orientated to reflect the adjacent dwelling.

4.3.8 Within the immediate street scene dwellings occupy similar plot sizes; with modest frontages and private gardens. In line with this established urban grain, the proposed dwelling would be set back behind a short frontage, in line with adjacent dwellings and with the private amenity space to the rear and parking to the front.

4.3.9 The comments from the objectors are noted in terms of the proposal being 2 bedrooms which would be at odds with the existing dwellings being 3 – 4 bedroom dwellings found within Bronte Drive. However, the proposed use of the site, for a residential property is compatible with surrounding uses albeit less bedrooms. Whilst the plot size is somewhat smaller than those found within Bronte Drive, it does reflect the wider residential location where smaller plots and smaller dwellings are found.

4.3.10 The proposed dwelling would be constructed out of materials reflective of this location which is considered appropriate and would be secured via condition.

4.3.11 The comments of objectors are noted in relation to the area being a landscape feature are noted however, there is no significant vegetation on this site. The applicant could remove all the landscaping and replace it with hardstanding at any time without the benefit of planning permission. It is also noted from the plans that a grassed area with tree planting would be proposed to the front of the new dwelling. Whilst the green area proposed would cover a smaller area than that already in situ, it is considered that this would retain a good degree of visual amenity within the street scene and would enhance the landscaping and wildlife opportunities with the planting of an appropriate tree. The plans also indicate a border of shrubbery along the boundary with Sidon Hill Way which would further retain visual amenity in this location.

4.3.11 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

4.4. Impact on Residential Amenity

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

4.4.2 Paragraph 127(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 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.

4.4.4 However, it should always be taken into account that these distances are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels.

4.4.5 The layout plan demonstrates the proposed dwelling would be constructed to the side of No.13 at a distance of approximately 1m. The dwelling located to the front of the application site is separated by the private drive. This dwelling (No.15) is orientated with its principle elevation facing Sidon Hill Way. Therefore the application site faces the side elevation of No.15, at a distance of 13m. The dwellings within Sidon Hill Way face onto the side/ rear of the application site but are separated from the application site by the highway and the existing boundary wall to the rear of the site. These dwelling would remain 19m from the proposed dwelling (at the nearest point). Given the above, it is considered that the separation distances to neighbouring properties are appropriate for the proposal and over and above the requirement of those set out within the Councils Design SPD.

4.4.5 With regard to the proposed dwelling, the amenity space to the rear would provide approximately 50m² of private garden space. The Design SPD requires an area of 44m² per two bedroom dwelling and 65m² per 3 bedroom dwelling. Two parking spaces per dwelling would also be provided. Approx.70m² of amenity space would be retained for the existing dwelling, which is over and above that required within the Design SPD.

4.4.6 Overall, the proposed development would comply with the Councils Design SPD in terms of protecting the amenity of existing occupiers as well as providing a high standard of amenity for any future occupiers of the site.

4.5 Impact on Highway Safety

4.5.1 Paragraph 109 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 In this respect, the proposed dwelling comprises of a 2 bedroom dwelling and therefore requires adequate parking for two vehicles. The submitted plan indicates two parking spaces to the front of the dwelling. The existing dwelling at No. 13 already benefits from a separate access which leads to an integral garage. The proposal would not remove parking for the existing dwelling and adequate parking would be retained for this property. As such, the proposal complies with the requirements of the Parking SPD.

4.5.3 Staffordshire County Highways Department was consulted on the proposal and raised no objections to the proposal in terms of highway safety, subject to conditions.

4.5.4 The comments of the neighbours are noted in terms of the access being off a private drive and included within the redline boundary of the site. In the first instance, the applicant was required to include the shared access within the red line boundary as applications need to show access to the adopted highway, in this case the turning head within Bronte Drive. As the applicant does not own this land, Certificate B was signed within the application form. Secondly, the granting of planning permission would not override other permissions required by the applicant in order to construct their proposal i.e: permission from adjacent landowners to access their property. This would be a civil matter between the applicant and the relevant interested parties and is not a material planning consideration or a matter for the local planning authority to adjudicate in.

4.5.6 Given the above, the proposal would not result an unacceptable impact on highway safety in accordance with paragraph 109 of the NPPF.

4.6 Impact on Nature Conservation Interests

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

4.6.2 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. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL.

4.7 Drainage and Flood Risk

4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps which is at least threat from flooding. The applicant has indicated that the disposal of foul water would be to the mains and surface water would be disposed via a sustainable urban drainage means. Given that the site immediately abuts main roads and is within a predominantly built up area it is in close proximity to drainage infrastructure that serves the surrounding area and therefore the proposed means of drainage is considered acceptable.

4.7.2 As such, the proposal would accord with the requirements of paragraph 155 of the NPPF which seeks to steer new development away from areas of flooding.

4.8 Mineral Safeguarding

4.8.1 The site falls within a Mineral Safeguarding Area (MSAs) for Coal and Fireclay. Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

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

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

4.9 Waste and Recycling Facilities

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

4.9.2 In this respect, it is noted that the proposed dwelling would be sited within close proximity to the highway within a residential located where bins are already collected by the Local Authority. The bins would, in this instance, be collected from the adjacent highway within Bronte Drive.

4.10.2 Ground Conditions and Contamination

4.10.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application.

4.10.2 The application site is located within influencing distance of an Environment Agency Historic Landfill Boundary. As such, the Councils Environmental Health Department was consulted on the application and raised no objection to the proposal subject to a condition.

* 1. Objections raised not already covered above:-
     1. Objections have been raised that the proposal will be on a corner of the road which gives access to the three four bed-room detached house at the end, so any building would greatly disrupt their access & surroundings. Your Officers confirm that there is likely to be some degree of disruption during the construction period however this would be for a temporary period only and can be controlled via a construction management plan that in turn can be secured by condition. Nevertheless the grant of planning permission would not confer any right on the developer to block any private access but in the event of that occurring it would be a private civil matter between the respective parties to resolve.
     2. Objectors state that the occupants of number 13 did some foster caring and there were times when the children would be riding bikes and playing games right in front of their houses next to our parked cars. The objector continued that this as most unwelcome as the peace and quiet aspect of living in a private driveway was severely diminished. The objector concludes that they would question if this is what a further residence built adjacent to number 13 would be used for. Your Officers confirm that it is not a material consideration for the determination of this application.
     3. An objector has stated that the site relates to a very small piece of existing garden that adjoins a narrow shared drive feeding numbers 15, 17 and 19 not on the main Bronte Drive roadway, this will be a very small dwelling and they feel the plans exaggerate how much room there is, also rear access onto Sidon Hill Way is to be provided which is not afforded to any existing properties. Your Officers confirm that the plans submitted as part of the application are drawn to scale and should be a true representation of the site. Any information that is incorrect or falsely denotes the site could potentially render the application invalid. Your Officers also confirm that there is no rear access onto Sidon Hill shown on the proposed plans.
     4. An objector has stated that they fear that the proposal is just to fund the applicants move to Portugal. Your Officers confirm that this is not a material planning consideration.
     5. An objector has queried why a dwelling was not constructed on the site when the estate was built originally, knowing how construction companies will utilise every  bit of land. Your officers confirm that they cannot comment why this may have been however, planning policy and guidance has changed significantly since the estate was first constructed and is policy is currently pushing for sustainable development within urban locations.
     6. An objector has raised concern that house prices will suffer because the close will be less attractive to buyers with an added building crammed in and the lack of space and openness that exists now. Your Officers confirm that house prices are not a material consideration for the determination of the application.
     7. An objector has raised concern regarding the view from number 15's front window, which is currently gardens & hedges. The objector continues that the proposed new driveway would be extremely close, and would be the predominant view. Your Officers confirm that the applicant could remove the existing grass and shrub planting and replace it with hardstanding without the benefit of planning permission. Furthermore, occupiers of adjacent properties are not entitled to a view across third party land.

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| **5 Human Rights Act 1998 and Equalities 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.

**Equalities 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 Equalities Act.

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| **6 Conclusion** |

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

6.2 It is therefore recommended that the application be approved subject to the attached conditions.