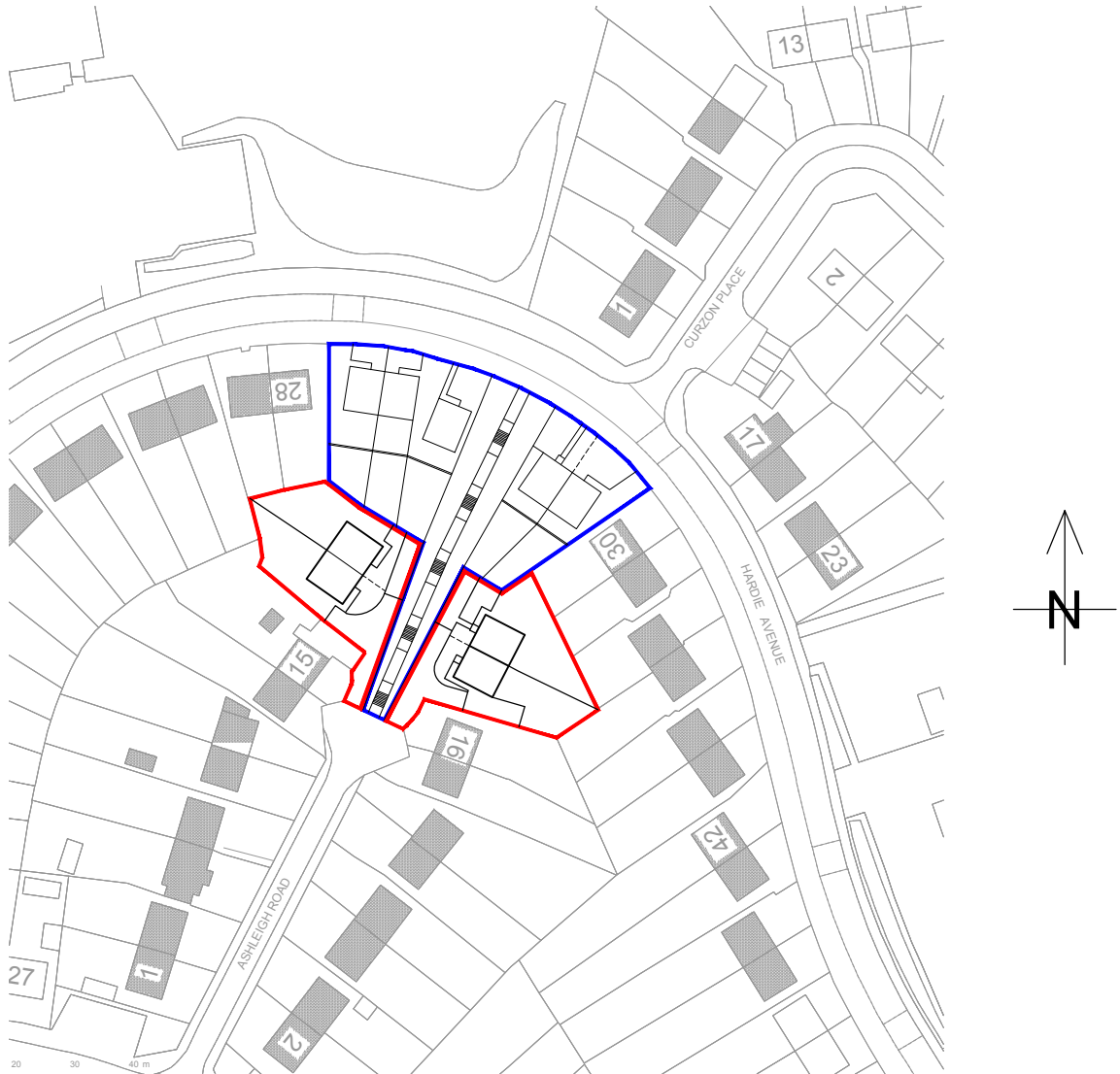


PLANNING ISSUE

© This drawing and the works shown are the copyright of Central Building Consultancy Limited and may not be reproduced except by written permission.

General Notes:

All dimensions on this drawing are in millimetres unless otherwise stated
 Do not scale off this drawing - use figured dimensions only !
 If in any doubt - ask !!
 All setting out dimensions to be confirmed prior to construction



©Crown Copyright 2009. All rights reserved. Licence number 100047474

LOCATION PLAN (1:1250)

REV. B - Layout amended 24.09.18
 REV. A - Position of plots 1-2 amended 28.02.18

CENTRAL BUILDING CONSULTANCY LTD



5 The Beech Tree,
 Elmhurst Business Park
 Lichfield, Staffs
 WS13 8EX
 T. 01543 887321

PROJECT: LAND ADJACENT ASHLEIGH
 ROAD, RUGELY

DRG TITLE: PROPOSED LOCATION PLAN

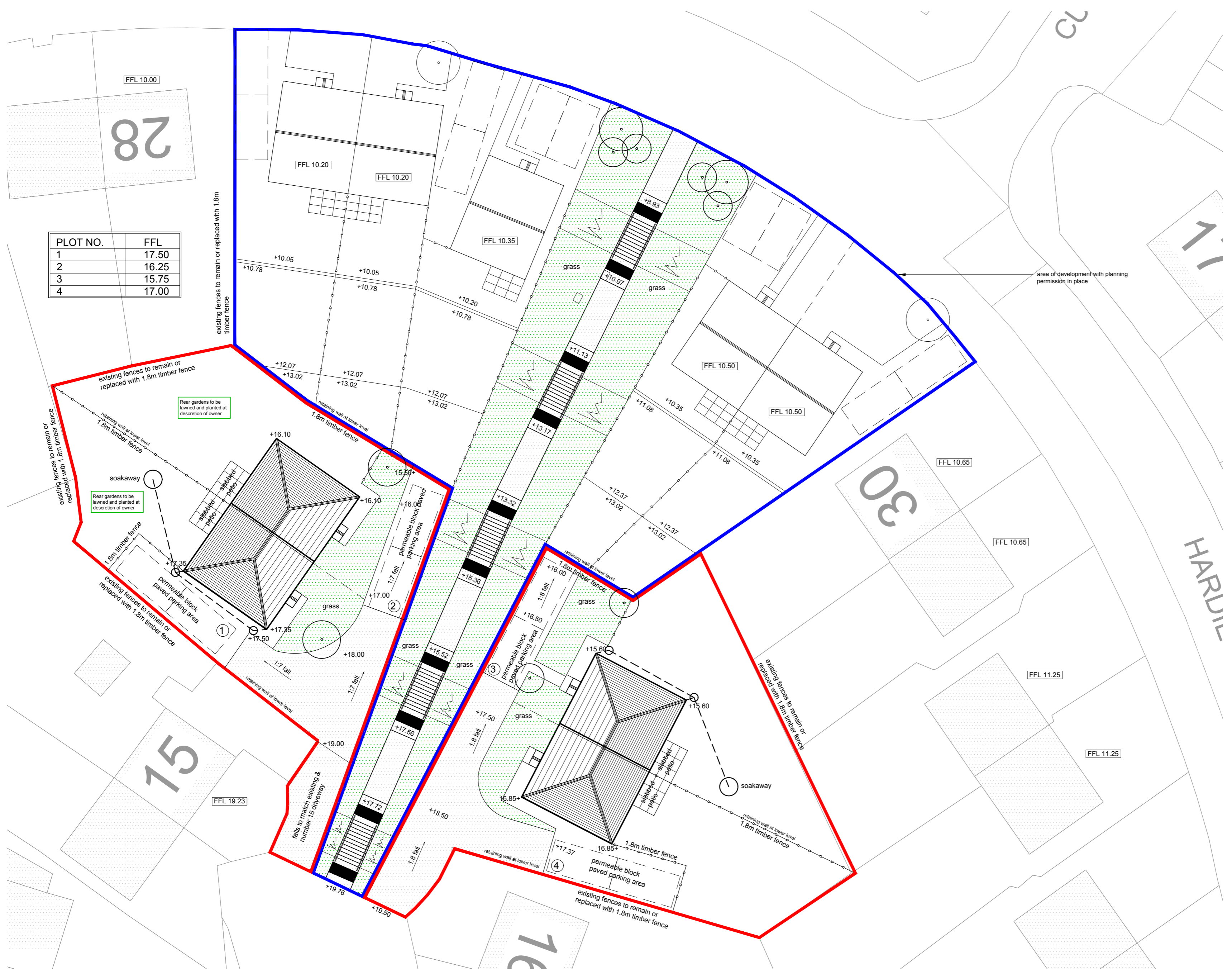
SCALE: 1:1250 @A4

DATE: JUNE 2017

DRG No.:
2016-004-02 B

PLANNING ISSUE

© This drawing and the works shown are the copyright of Central Building Consultancy Limited and may not be reproduced except by written permission.



PLOT NO.	FFL
1	17.50
2	16.25
3	15.75
4	17.00

LANDSCAPING:

GROUND PREPARATION:
Planting areas for new shrubs to be sprayed out with a glyphosate a minimum of 10 days prior to any further ground work to ensure weed control. Prior to placement of topsoil all areas to be cleared of all builders rubbish, stones etc. and base broken up to a depth of 500mm.
Planting areas to be cultivated to a depth of 500mm.

PLANTING:
Plants to be of size and type as shown in schedule. Trees and shrubs to be planted in locations given unless otherwise agreed. Plants shall be removed from their protective covering or packing immediately prior to planting. Roots shall not be allowed to dry under any circumstances. Immediately before planting the plants shall have their roots fully soaked in 3:1 water:broadleaf root dip solution.

PLANTING OF TREES SIZE 45-120mm TALL & SHRUBS:
All plants to be pit planted, with pits for trees to be at least 75mm greater than the root spread and depth but pits shall not be less than 450x450x300mm with base broken up with fork to a depth of 200mm. Pits for shrubs to be a minimum 75mm greater than root spread or depth and with base broken up. Notch planting will not be allowed. Backfill mixture to consist of 3:1 excavated material: peat free compost to which has been added 20gms of balanced NPK fertilizer per tree and 15gms per shrub. Tree stakes to be set to prevailing windward side of tree with stake set in ground prior to planting so as to avoid root damage to roots. Stakes not to be driven into ground following planting of trees.

REV:	DATE:	DESCRIPTION:
D	24.09.18	Position of plots amended
C	28.02.18	Position of plots 1-2 amended
B	29.11.17	Further levels added, plot levels amended
A	22.08.17	Further levels added

REV: DATE: DESCRIPTION:

CENTRAL BUILDING CONSULTANCY LTD

5 The Beech Tree,
Elmhurst Business Park
Lichfield, Staffs
WS13 8EX
T. 01543 887321

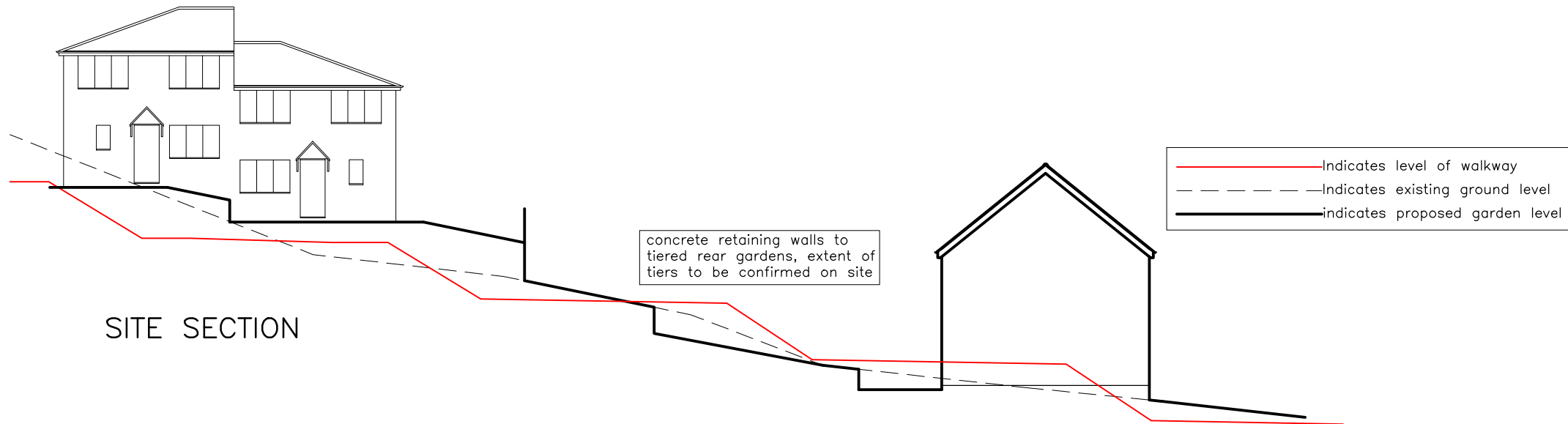
PROJECT:
PROPOSED DEVELOPMENT AT LAND
ADJACENT ASHLEIGH ROAD, RUGELEY

DRAWING TITLE:
PROPOSED SITE PLAN

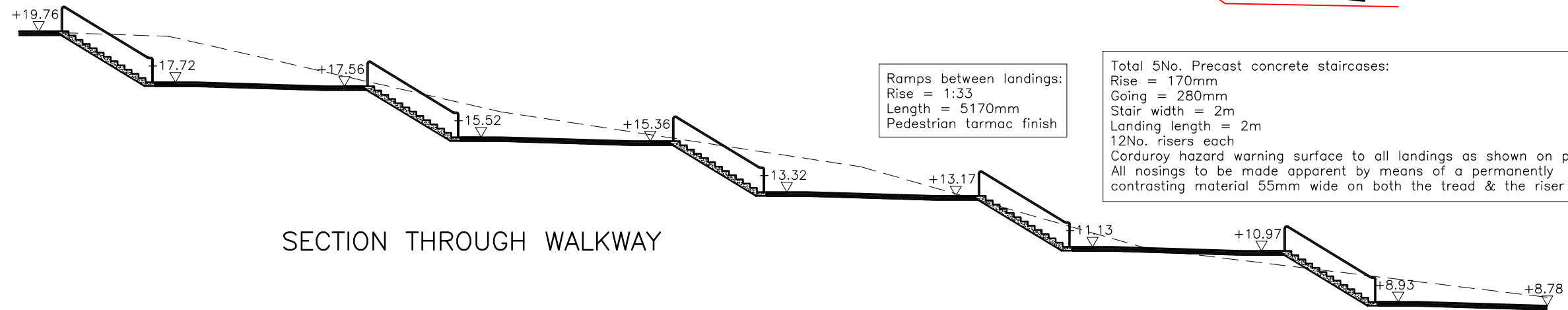
DATE:	June 17	SCALES:	1:200 @ A2
DRAWN:	IG	DRG No.:	2016-004-04
CHECKED:			
		REV:	D

© This drawing and the works shown are the copyright of I.G. Design Limited and may not be reproduced except by written permission.

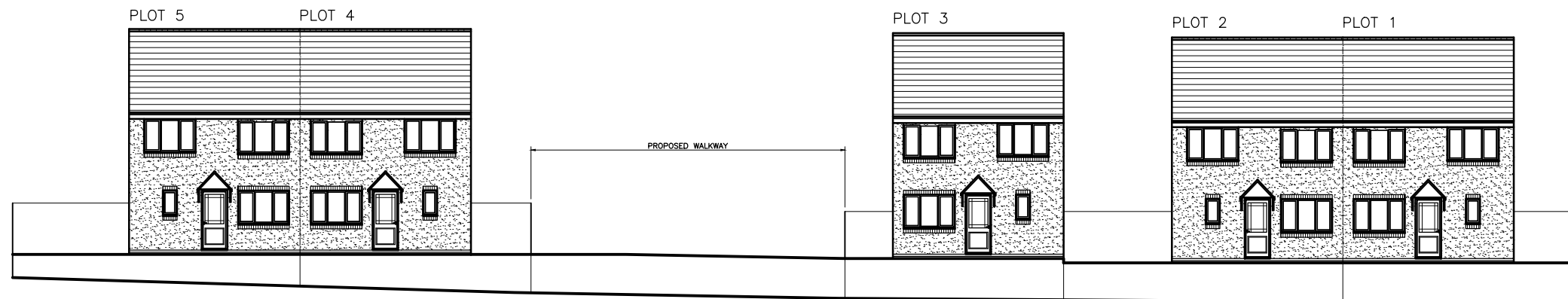
POSSIBLE FUTURE DEVELOPMENT TO REAR OF SITE



SITE SECTION



SECTION THROUGH WALKWAY



PROPOSED STREET SCENE

- E minor amendments 25.09.18
- D Additional detail added to walkway 12.07.16
- C Scheme amended & section through walkway added 25.01.16
- B Path made wider, position of houses amended 16.10.15
- A Area of future development & tiered gardens shown 01.10.15

General Notes:

All dimensions on this drawing are in millimetres unless otherwise stated
 Do not scale off this drawing – use figured dimensions only !
 If in any doubt – ask !!
 All setting out dimensions to be confirmed prior to construction

I.G. Design

Structural Engineering & Architectural Services

25 Stephenson Way Hednesford Staffs WS12 4AD
 Tel. 01543 423106 Mob. 07966 052457
 IGDLimited@aol.co.uk

Project:

Land Adjacent to 28/30 Hardie Avenue, Rugeley

Subject:

Typical Site Section & Street Scene

Scales:

1:200

Date:

September 2014

Job No:

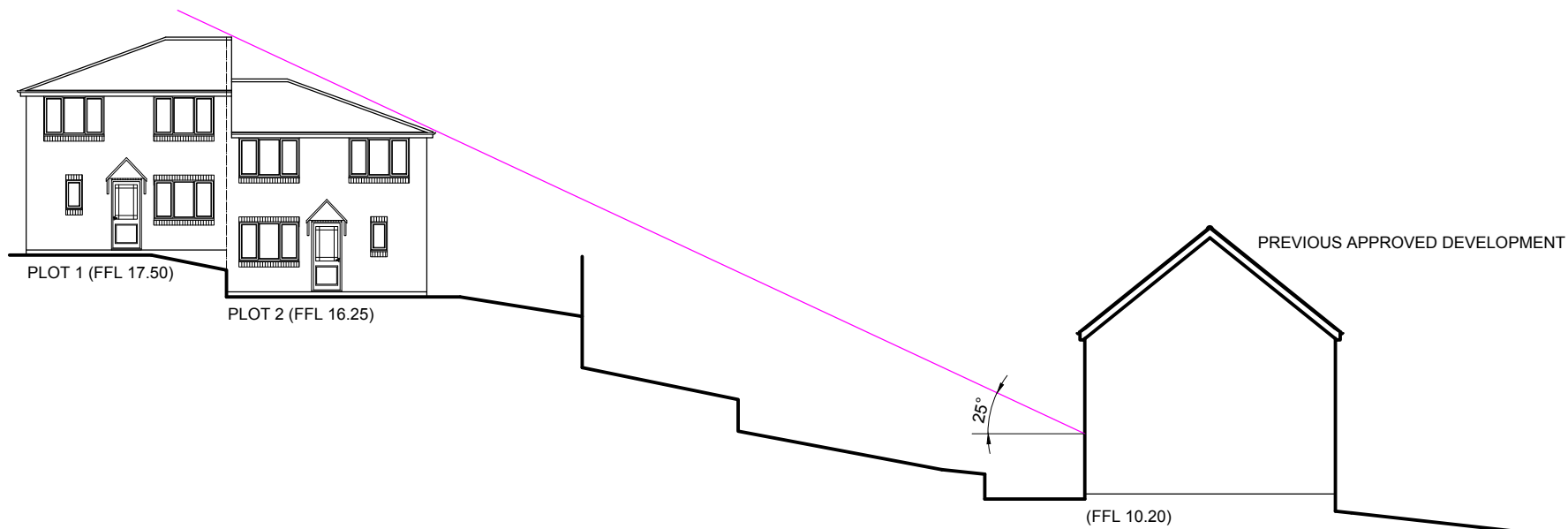
5129-001

Drg No:

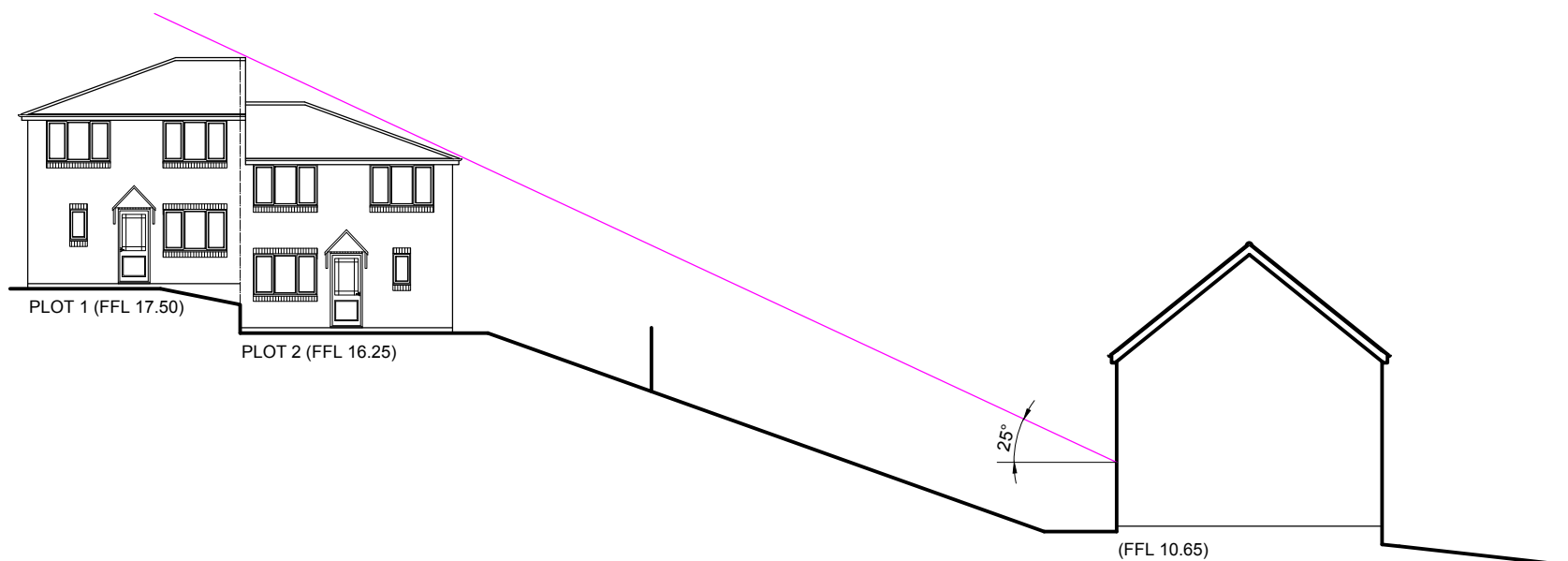
06E

PLANNING ISSUE


© This drawing and the works shown are the copyright of Central Building Consultancy Limited and may not be reproduced except by written permission.



SITE SECTION (PLOT 2 ASHLEIGH ROAD TO PLOT 1 HARDIE AVENUE)



SITE SECTION (PLOT 3 ASHLEIGH ROAD TO 32 HARDIE AVENUE)

REV:	DATE:	DESCRIPTION:
CENTRAL BUILDING CONSULTANCY LTD 		
		5 The Beech Tree, Elmhurst Business Park Lichfield, Staffs WS13 8EX T. 01543 887321
PROJECT: PROPOSED DEVELOPMENT AT LAND ADJACENT ASHLEIGH ROAD, RUGELEY		
DRAWING TITLE: PROPOSED SITE SECTIONS		
DATE:	Aug 17	SCALES: 1:200 @ A3
DRAWN:	IG	DRG No.:
CHECKED:		2016-004-07
		REV:

PLANNING ISSUE

© This drawing and the works shown are the copyright of Central Building Consultancy Limited and may not be reproduced except by written permission.




LANDSCAPING:
GROUND PREPARATION:
 Planting areas for new shrubs to be sprayed out with a glyphosate a minimum of 10 days prior to any further ground work to ensure weed control. Prior to placement of topsoil all areas to be cleared of all builders rubbish, stones etc. and base broken up to a depth of 500mm.
 Planting areas to be cultivated to a depth of 500mm.

PLANTING:
 Plants to be of size and type as shown in schedule. Trees and shrubs to be planted in locations given unless otherwise agreed. Plants shall be removed from their protective covering or packing immediately prior to planting. Roots shall not be allowed to dry under any circumstances. Immediately before planting the plants shall have their roots fully soaked in 3:1 water:broadleaf root dip solution.

PLANTING OF TREES SIZE 45-120mm TALL & SHRUBS:
 All plants to be pit planted, with pits for trees to be at least 75mm greater than the root spread and depth but pits shall not be less than 450x450x300mm with base broken up with fork to a depth of 200mm. Pits for shrubs to be a minimum 75mm greater than root spread or depth and with base broken up. Notch planting will not be allowed. Backfill mixture to consist of 3:1 excavated material: peat free compost to which has been added 20grms of balanced NPK fertilizer per tree and 15grms per shrub. Tree stakes to be set to prevailing windward side of tree with stake set in ground prior to planting so as to avoid root damage to roots. Stakes not to be driven into ground following planting of trees.

	Indicates 9am
	Indicates midday
	Indicates 3pm

REV:	DATE:	DESCRIPTION:
CENTRAL BUILDING CONSULTANCY LTD  5 The Beech Tree, Elmhurst Business Park Lichfield, Staffs WS13 8EX T. 01543 887321		
PROJECT: PROPOSED DEVELOPMENT AT LAND ADJACENT ASHLEIGH ROAD, RUGELEY		
DRAWING TITLE: PROPOSED EQUINOX SHADOWS		
DATE:	June 17	SCALES: 1:200 @ A2
DRAWN:	IG	DRG No.:
CHECKED:		2016-004-08
		REV:

Contact Officer:	David O'Connor
Telephone No:	01543 464515

PLANNING CONTROL COMMITTEE

6 February 2019

Application No:	CH/17/295
Received:	23 August 2017
Location:	Land off Ashleigh Road, Pear Tree Estate, Rugeley
Parish:	Rugeley
Ward:	
Description:	Residential development:- Erection of two pairs of semi-detached dwellings
Application Type:	Full Planning Application – Minor Development

RECOMMENDATION:

Approval subject to conditions and S106

Reason(s) for Recommendation:

The application proposes the erection of two pairs of semi-detached dwellings, 4 No. dwellings in total. The proposed redevelopment of the site is considered to be acceptable in principle given the sites location within the settlement of Rugeley. Whilst the site does form part of the Green Space Network, as evidenced within this report, the site is considered surplus to requirements and does not fulfil well its function as Green Space given the steeply sloping nature of the site. Indeed the location of the land in question and its appearance, are considered to be a contributing factor to ASB and crime within the area. Hence redevelopment of the land would assist in improving the appearance of the area, reducing the fear of crime and improving accessibility to the wider footpath network owing to the replacement footpath proposed.

Although the design of the proposed dwellings could be improved by steepening the roof pitches to reflect neighbouring dwellings, the shallower pitch is required to minimise the effects upon neighbouring properties. Detailed assessment of the amenity impacts of the development have been carried; including via sectional and shadow analysis. Overall the submitted plans show that the proposed development would be in accordance with the Design standards set out with the adopted Design

SPD.

A number of other issues such as traffic and parking, land stability, construction considerations have been considered in this report. In all cases it is considered there are no substantial reasons as to why permission should be withheld, and in many cases the issues can be addressed via planning conditions.

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.

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. Prior to the commencement of any development or earthworks on the site, a detailed report providing evidence to demonstrate the proposed dwellings and footpath will not impact upon ground stability shall be submitted to and approved in writing by the Local Planning Authority. The report shall consider the following:

- a) the proposed means of retaining the land and dwellings, details of any required specialist foundations and shall provide evidence of appropriate calculations from a suitably qualified party to demonstrate the suitability of the proposed engineering solution
- b) any required testing to establish ground conditions
- c) required drainage within any retaining structures post completion and during the construction of any retaining structures
- d) the proposed means of installation of any retaining structures, assess any potential impacts upon neighbouring properties and assess the opportunities for mitigating or minimising such impacts .

The development shall thereafter be undertaken in accordance with the approved report.

Reason:

In the interests of human health and addressing land stability in accordance with NPPF paragraph 170.

3. No part of the development hereby approved shall commence until a scheme detailing the extent of the proposed retaining walls, the materials used in their construction and details of any proposed balustrading have been submitted to

and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason

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

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

Reason

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

5. Prior to the commencement of the development a Construction and Environmental Management Plan and details of an intended Programme of Works shall be submitted to and agreed in writing by the Local Planning Authority. The Construction and Environmental Management Plan shall include details of site compounds, site hours, types of vehicles, proposed delivery hours, provision for parking of vehicles for site operatives and visitors, loading and unloading of plant and materials, vehicle movements (including those associated with the demolition works) to avoid school travel times and storage of plant and materials used in constructing the development and the method of piling should piling be used. The approved scheme shall thereafter be implemented prior to and throughout the duration of any works on site.

Reason

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

6. The development hereby permitted shall not be commenced until details of proposed measures to mitigate known former landfill gases have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved measures shall be incorporated into the construction of each dwellings hereby permitted. No dwelling shall be occupied until verification that the approved measures have been incorporated into the construction of that dwelling has been received by the Local Planning Authority.

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.

7. Prior to the commencement of the development, details of the proposed means of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall pay due regard to the sloping nature of the site and land stability. Thereafter the

development shall be carried out in accordance with the approved details.

Reason:

In the interests of ensuring appropriate site drainage that takes account of the constraints on the site in accordance with NPPF paragraph 163 and 170.

8. All side facing first floor windows and all bathroom windows shown within Drawing No. 2016-004-05 shall be obscured glazed to a minimum privacy level of Grade 5 and shall be permanently so retained for the life of the development.

Reason:

9. In the interests of reducing opportunities for overlooking and enhancing the privacy within neighbouring existing dwellings.
10. The development hereby permitted shall be carried out in strict accordance with the approved sectional details and stated datum levels within drawings 2016-004-04 Rev D, 5129-001 06e and 2016-004-06 Rev C. Unless otherwise agreed in writing the development shall be carried out in accordance with the stated levels. At the reasonable request of the Local Planning Authority, where it would appear deviation from the approved levels is apparent, the developer at his expense, shall provide evidence of the finished levels within the site via formal site survey.

Reason:

In order to ensure compliance with the submitted details in the interests of amenity and allow for assessment of the resulting stated levels on site, where required.

11. The development hereby permitted shall not be brought into use until the access, parking and turning areas have been provided and surfaced in accordance with drawing number 2016-004-04 Rev D and shall be thereafter retained for the lifetime of the development.

Reason:

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

12. Prior to the commencement of the development the replacement public footpath shall be provided in accordance with the submitted drawing number 2016-004-04 Rev D.

Reason:

In the interests of maintaining connectivity during the course of the construction process.

13. Approved Plans

Notes to the Developer:

Please note that prior to any alterations to the existing access within the public highway you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to "vehicle dropped crossings" which includes a "vehicle dropped crossings information pack" and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford. ST16 2DH or email (nmu@staffordshire.gov.uk) www.staffordshire.gov.uk/transport/staffshighways/licences

Consultations and Publicity

External Consultations

Staffordshire County Highways

No objection subject to conditions relating to:

1. Full provision of the access prior to use
2. Prior to commencement of the development, the replacement public footpath is provided
3. Provision of cycle storage

Staffordshire Policy Architectural Liaison

No objections.

It would be beneficial to the development and future occupiers if the proposals sought to become Secured by Design accredited. This involves, amongst other items, the provision of building products that meet certain standards e.g. PAS24 for windows and doors.

Internal Consultations

Planning Policy

Object.

The proposal is for the development of two pairs of semi-detached dwellings on an area of public open space within a residential area of Rugeley. The land forms a link in the District's Green Space Network.

The NPPF 2012 stated that existing recreational land should be built on unless the development is for alternative recreational provision that clearly outweighs the loss.

Cannock Chase Local Plan Part 1 (2014) and the accompanying Policies Map protect the land as part of the Green Space Network. Policy CP5 sets out a presumption against the loss of green space network sites unless they are surplus to demand. The exceptions to this are where the proposal outweighs the loss to the local community and/ or where replacement facilities are better.

As part of the previous planning application CH/15/0255 it appears that new residential development was permitted at the other end of the piece of open space. This appears to have been granted in return for an improved footpath across the remaining Green Space Network. This planning permission also took into account the land on that part of the application site was mostly concrete foundations from former Council owned garages and that the site was poor quality for public recreation. The applicant appears to suggest as part of this submission, that the green space designation is no longer relevant to the site owing to this past approval. However the 2015 application was a separate application and this submission would need to be assessed on its own merits.

The Green Space Network is part of a wider network of open space in both public and private ownership that consists of a range of formal and informal land uses. The new application for further development would result in loss of the Green Space Network. As such it would run contrary to the requirements of Policy CP5 unless mitigation is provided in the form of improved land elsewhere or further improvement to the existing site.

Housing Strategy

No objection.

There is no housing contribution required on developments of 10 units or fewer and which have a maximum combined gross floorspace of no more than 1000sqm.

Environmental Protection:

No objection to the development in principle. The provision of gas protection measures will be necessary due to the proximity to form landfill activity. Details of this should be required by condition. In addition, given the close proximity of existing residences, it is recommended that an Construction and Environmental Management Plan should be submitted. Working hours, including site deliveries should be restricted to 8am to pm weekdays, 8am to 1pm on Saturdays, with no working on Sundays or bank holidays.

Landscape Officer

In relation to the Open Space Network policy designation, the lower part of the site was sold off for development, but to enable this to occur, additional land was (with agreement reached) that two footpaths either side of the open space would be removed and relocated to a central 10m wide green corridor linking Hardie Avenue with Ashleigh Road.

As a result the remaining steeply sloping open space area had minimal recreation usability (the whole site previously had little) and also created isolated areas adjacent to properties that apart from being impractical to maintain (owing to poor/limited access), the redundant areas would be potential areas of ASB.

Given the usability issues and potential ASB, the site as a whole is deemed surplus to requirements subject to the proviso that a 10m green corridor containing a replacement footpath and hedge planting is constructed centrally through the site.

Additional comments in relation to the proposed submissions in terms of more functional matters were also provided. In summary these include:

- Floor level to plot 3 is 15.6m, the base of the stairs adjacent to the plot 3 parking space is 13.32m. Therefore the retaining wall would be 2.3m high. This is not reflected in the sectional detail provided.
- Boundary treatment details and treatments atop retaining walls should be provided.
- Confirmation of who is responsible for retaining walls on the site should be clarified.
- Soft landscaping details are required.
- Drainage runs and services details required.

Response to Publicity

Site notice posted and adjacent occupiers notified. In response 2 No. responses have been received. In summary these raise the following matters:

- Understanding of how access to 15 Ashleigh Road will be maintained during the construction process and how the proposals will affect neighbouring drives and walling.
- Surface water flooding from a sewer outside number 15 has been an issue in the past.
- Concerns about water supply implications and water pressure.
- Impacts on right to light and daylighting at 32 and 34 Hardie Avenue.
- Impacts on installed solar panels at 34 Hardie Avenue.

Relevant Planning History

CH/15/0255 - 5 No. 3 bedroom houses and associated access, Land adjacent to 28, Hardie Avenue, Rugeley. Approved subject to completion of S106 agreement. S106 yet to be formally signed and completed and therefore decision not yet issued.

1 Site and Surroundings

- 1.1. The application site relates to an irregular piece of land located behind numbers 28 and 30 Hardie Avenue on the Pear Tree Estate, Rugeley. The land is an open grassed area that forms part of the Green Space Network (GSN). The land slopes up steeply from Hardie Avenue providing a link to Ashleigh Road. All land at present is understood to be within the Council's ownership.
- 1.2. There are two stepped paths on either side of the site, which lead to Ashleigh Road. The street scene comprises of a residential estate with semi-detached dwellings, which are all similar in appearance.

2 Proposal

- 2.1 The application proposes the erection of two pairs of semi-detached dwellings, 4 No. dwellings in total. These are proposed to take access from Ashleigh Road via a driveway with a 1 in 7 gradient. The dwellings will be set down from the

height of the dwellings on Ashleigh Road but owing to the steeply sloping nature of the site, will sit substantially above the finished floor level of the dwellings at the foot of the slope accessed from Hardie Avenue. Each pair of dwellings will straddle the proposed new formalised public footpath link that is proposed within the centre of the site. This link descends down the hill and through an infill development of 5 units previously approved subject to S106 accessed from Hardie Avenue.

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030) .
- 3.3 Other material considerations relevant to assessing current planning applications include the National Planning Policy Framework (NPPF) and Supplementary Planning Guidance/Documents.
- 3.4 Cannock Chase Local Plan (2014):
- CP1 - Strategy – the Strategic Approach
 - CP2 - Developer contributions for Infrastructure
 - CP3 - Chase Shaping – Design
 - CP5 – Social Inclusion and Healthy Living
 - CP6 - Housing Land
 - CP7 - Housing Choice
 - CP13 -Cannock Chase Special Area of Conservation (SAC)

3.5 Minerals Plan for Staffordshire (2015)

Appendix 6: Supporting Information for Policy 3 Safeguarding Minerals of Local and National Importance and Important Infrastructure: Table 7: Exemptions Criteria for Mineral Safeguarding.

The current development is non-major residential development and therefore is subject to exemption from Minerals Policy 3 in accordance with Table 7: Exemptions Criteria for Mineral Safeguarding.

National Planning Policy Framework

- 3.6 The NPPF (2018) sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.

3.7 The NPPF (2018) confirms that a plan-led approach to the planning system and decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.8 The relevant sections of the NPPF in relation to this planning application are as follows;

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
172	Conserving and enhancing the natural environment

3.9 Other Relevant Documents

- Design Supplementary Planning Document, April 2016.
- Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport
- Design Guide SPD - Mature Suburbs Appendix

4 Determining Issues

4.1 The determining issues for the application are:

- Principle of development
- Design and Character and Appearance Implications
- Impact upon amenity and sunlight
- Highways Considerations and the Public Footpath
- Nature Conservation Interests and the SAC
- Affordable housing provision
- Land Stability and Construction Management

4.2 Principle of development

4.2.1 The proposal is for the construction of 4 new dwellings. Both the NPPF and Cannock Chase Local Plan Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. Further, Local Plan Policy CP6 seeks to support the creation of new homes within existing urban areas.

4.2.2 However Local Plan Policy CP5 seeks to ensure sufficient access to public open space for communities and seeks to protect loss of land that forms part of the Green Space Network unless within specific defined circumstances.

4.2.3 Paragraph 177 of the NPPF makes it clear

"the presumption in favour of sustainable development does not apply where development requiring appropriate assessment [under the habitat

Regulations] because of its potential impact on a habitats site is being planned or determined"

- 4.2.4 In this instance, 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. In this instance, the proposal would provide a net increase in dwellings, and therefore would have an impact on the SAC and should be determined with the presumption in favour of sustainable development.
- 4.2.5 The site is located within the settlement boundary of Rugeley (as defined on the Local Plan Policies Map). Policy CP6 states that housing proposals for 2350 new dwellings will be provided on urban sites with 29% provided in Rugeley. These will generally be provided on sites identified within the SHLAA, albeit the figures do account for discounts and additional windfalls evidenced historically within the SHLAA.
- 4.2.6 In respect to the principle of the proposal it is noted that the site is within the existing settlement, is within walking distance of key public services, public transport and is served by a local centre. Spatially therefore it is considered the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development.
- 4.2.7 Development of the site would run in conflict with the general presumption to maintain existing sites that form part of the defined Green Space Network. However Policy CP5 states that there will be a general presumption against the loss of these sites unless:
- The site is surplus to requirements and no longer required to meet demand for any of the identified purposes or;
 - The wider sustainability benefits of the proposals outweigh the loss or;
 - Appropriate replacement facilities of equivalent or better quality, quantity and accessibility are provided
- 4.2.8 The development in this case, as confirmed by the Council's Landscape Services team, is considered to be poor quality open space owing to the steeply sloping nature of the site. In their view, the site is surplus to requirements and does not fulfil its status as designated Green Space Network land. The site is also immediately adjacent to properties who report they have been burgled in recent years. The disposition of the public space around these existing dwellings means easy access is available to land that is not particularly overlooked, is in close proximity to private spaces and offers opportunities for individuals to linger unchallenged which in turn could contribute to anti-social behaviour (ASB), drug taking and crime. This is exacerbated by the various potential escape routes available, the absence of territoriality, ownership or management of the space, the poor appearance of the land and the overall absence of defensibility in terms of the transition away from public to private. Such factors are known to contribute to crime and the fear of crime alongside ASB and are cited within the Secured by Design Standards 2016, Urban Design Compendium and Building for Life Design Criteria. .

4.2.9 To remove opportunities such as these via the provision of the new dwellings in tandem with the scheme on the lower ground, would promote natural surveillance of the spaces, increase territoriality and ownership of the public space and would remove unmanaged or unmaintained corners where individuals could linger without challenge. Such changes display clear benefits in terms of reducing crime and the fear of crime and in terms of the aesthetic appearance of the area. Such benefits closely accord with the desire to promote defensible space set out in Local Plan Policy CP3.

4.2.10 Therefore on the basis of both the site being surplus to requirements in terms of open space provision and in terms of the wider sustainability benefits that would flow from the environmental improvements resulting from the development, in principle the proposals are considered to accord with the exceptions requirements of Local Plan CP5.

4.3 Design and Character and Appearance Implications

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.
- 4.3.5 The land in question is undeveloped grassland with two footpaths providing links to Hardie Avenue from Ashleigh Road. The land is not particularly well managed partly as a consequence of the difficulty in mowing such a steep site. It also is steeply sloping, which in bad weather means mud or icy conditions would render the route unusable. In conjunction with the consented development fronting onto Hardie Avenue, it is proposed to formalise the footpath into a single landscape strip with steps. This has benefits in terms of the appearance of the site and accessibility year round to the wider footpath network. It is noted retaining walls will be required to address the levels. It will be important to ensure these are constructed from appropriate materials and conditions are recommended accordingly.
- 4.3.6 In terms of the site itself, the land in question would be left over land if the other development consented off Hardie Ave was to proceed. This would appear slightly strange in design terms if the remaining land was not developed and would continue to pose an issue in terms of ASB to an increased number of properties.
- 4.3.8 In terms of the appearance of the buildings, the general hipped roof form proposed to the dwellings and the general plan form is reflective of the appearance of the neighbouring semi-detached properties. It is noted that in order to reduce the effects the of the proposed dwellings on neighbouring properties, the hipped roofs proposed are proposed to be much shallower than that apparent in the existing dwellings. This is considered to run at odds with the prevailing appearance of the existing dwellings in the area. Members will need to consider if this design deviation is so serious as to warrant refusal of the application. In the Officer's view, the design approach taken is justifiable on the basis of minimising effects on neighbouring buildings.
- 4.3.12 Taking the above into account, Officers consider that subject to conditions the proposals broadly accord with the guidance within the Design SPD and broadly accord with the aims of Local Plan Policy CP3 and the aims of the NPPF. Whilst a slight deviation from the design ideal is apparent resulting from the differing roof pitches proposed to existing properties, this is considered minor and is justifiable in amenity impact terms.

4.4 Amenity Considerations

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". 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 Of particular note in relation to the assessment of amenity impacts are the comments from the neighbours at 34 Hardie Avenue and 15 Ashleigh Road. In addition, specific reference is made by the neighbour at No. 34 that the proposals may interfere with or overshadow solar panels that exist on the roof of the property.

28-36 Hardie Avenue & prospective occupants of dwellings permitted under CH/150255

Separation Distances – Inter-visibility between dwellings

- 4.4.4 In relation to properties on Hardie Avenue and loss of privacy within the dwelling, in all instances where some outlook is apparent broadly towards neighbouring properties, separation distances in excess of 20m are apparent and these often are not square relationships (i.e. such that the standard can afford to be reduced marginally without impacting privacy and inter-visibility). The Council's standards suggest 21.3m would convey an acceptable relationship. Taking into account the particular circumstances of this case, (i.e. not facing elevations, unusual levels differences etc) it is considered there is no significant impact in terms of inter-visibility and privacy impacts between the most affected existing dwellings in the vicinity of the site and the dwellings permitted under the permitted application no. Ch/15/0255.

Overlooking of Gardens

- 4.4.5 With regard to garden areas and overlooking, the Council's standards within the Design SPD suggest that side facing windows not be nearer to boundaries than 10m. The windows in this case that are side facing serve only landing space and any lesser distance to a boundary will be dealt with by condition. However the Council's standards do not state a specific distance to boundaries for rear facing windows. It seems reasonable to Officers to carry forward the 10m side boundary standards to the rear as a minimum figure for main windows on the rear elevation.
- 4.4.6 Taking into account the above and applying it to the proposed development, it is noted that the first floor plans position the main rear facing window more centrally within the building and the other window is a bathroom window that could be obscure glazed and permanently so maintained by condition. In all cases for dwellings 28-36 Hardie Avenue and the new prospective properties this distance is 9.5m – 10m and often with an angular relationship such that direct views are less likely. Taking this into account, it is judged the proposed dwellings would not cause an unacceptable degree of overlooking to neighbouring gardens.

Loss of Light and Overbearing

4.4.7 The submitted plans provide detailed sectional analysis of the proposed buildings versus the existing finished ground levels for properties on Hardie Avenue. In particular the relationship to 32 Hardie Ave is examined in detail alongside Proposed Plot 1. In both instances the 25 degree standard is shown to be met within the detailed sectional appraisal. In line with the Council's guidelines for opposite obstructions this is indicative that an acceptable level of daylight and outlook would remain to the respective properties.

Overshadowing and Solar Panels

4.4.8 Detailed appraisal of the levels of overshadowing that would result from the proposals is provided in the submissions in response to Officers queries. These plans assess the shadows cast at Spring Equinox levels. This means the shadow path analysis is a mid-point analysis that takes account the shadows would be less than shown in the summer and more than shown in the winter. This approach to assessing the effects accords with the requirements of the BRE Site Layout: Planning for Daylight and Sunlight guidelines.

4.4.9 The submitted Shadowing Assessment plans show that all dwellings will receive at least 2 hours of sunlight to more than 50% of their gardens on 21 March (Spring Equinox Level). This accords with the suggested minimum standard at paragraph 3.3.7 of the above guidelines. Moreover it is shown within the shadow assessment plans that all neighbouring gardens to the existing and proposed properties would receive in excess 3 hours sun within their gardens such that the standard will be comfortably exceeded. The shadow paths shown also do not overlap existing or proposed building through the main parts of the day. This means that no shadowing of internal spaces is likely to occur (at Spring Equinox 'medium' sun levels) when some shadowing is permissible in practice. Hence the development is considered to not to cause significant additional shadowing of internal of external spaces to warrant refusal of the submission.

4.4.10 In relation to the proposed shading of solar panels at 34 Hardie Avenue, this property is situated due east of the proposed plots 3 and 4. Shading could not substantially affect the roof of this building until late into the evening when the sun is west of the development. Hence during main productive hours and at Spring Equinox mid-levels, it is not considered the solar panels associated with No. 34 would be substantially affected.

Amenity Considerations for 15 and 16 Ashleigh Road

4.4.11 For numbers 15 and 16 Ashleigh Road, these are the properties to the south of the site that are most likely to be impacted by the development. In exploring whether the proposals would lead to amenity impacts on these dwellings it is considered:

- The southerly position of these existing dwellings means no overshadowing from the development
- The front and back outlook of these existing properties is consistent with those proposed. In tandem with the lower finished datum level of the proposed properties this ensures no loss of light, sense of enclosure or inter-visibility between living spaces.

- Subject to conditions requiring obscured first floor side facing windows, no overlooking towards neighbouring gardens or other areas would result.

Prospective Residents Amenity

4.4.12 For the proposed dwellings the proposals would meet the minimum recommendations for outdoor amenity space and parking provision.

4.4.13 Taking the above factors into account, in accordance with the assessment criteria set out within the Council's adopted standards, it is considered that a good standard of amenity would be achieved for all existing and future occupiers of the existing and proposed dwellings in accordance with Policy CP3 of the Local Plan and the NPPF.

4.5 Impact on Highway Safety and Public footpath

4.5.1 Paragraph 109 of the NPPF states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

4.5.2 In this respect, the County Highway Authority raised no objections to the proposal in terms of highway safety subject to conditions. Whilst it is recognised there is some degree of on street parking on Ashleigh Road, it is not judged that 4 No. additional dwellings would pose a severe transport or highways issue at the location. Furthermore the conditions in particular require that the dwellings permitted are not brought into use until the driveways are provided i.e. to minimise on street parking. Furthermore the conditions seek to secure the replacement footpath shown on the drawings is provided prior to commencement of the development. This is considered justified taking account the full planning balance apparent in this case. i.e. there is a loss of open space and potentially public footpath. In order to combat this loss and ensure walkability within the community is not impacted, Officers would recommend that it is ensured the development is completed following re-provision of the footpath as shown. In addition this is intended to form a component of the S106 as part of this development.

4.5.3 With regards to parking provision, the dwellings proposed are 3 bedroom properties. Each would therefore require 2 off-street spaces. The proposals provide for this with appropriate manoeuvring. Accordingly it is considered the proposals accord with the Parking SPD of 2 spaces per 3 bedroom dwelling.

4.5.5 Overall, it is concluded that the residual cumulative impacts of the proposal would not be severe in highway terms, conditions would ensure site permeability is maintained and the proposals would be in accordance with the Parking SPD and the NPPF paragraph 109.

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 are given special protection or which are of particular conservation interest.

4.6.2 As such the site is not known to have significant ecological value and therefore no obvious direct harm to nature conservation interests is considered to result.

4.6.3 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. There is a net increase in dwellings of 4 No. such that SAC mitigation contributions are required. Such contributions will be secured by CIL where applicable to the development. .

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

4.7 Affordable Housing and other Developer Contributions

4.7.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, given the order of the Court of Appeal, dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014, and the subsequent revision of the PPG it is considered that the proposal is acceptable without a contribution towards affordable housing.

4.8 Land Stability and Construction Management

4.8.1 The development is located on a steeply sloping site. To develop the site will require detailed structural consideration to prevent land slip and danger to properties lying beneath the development. Whilst it is recognised an engineering drawing for a retaining wall with surface drainage outfall has been provided, more detailed consideration of potential land slip, impacts from surface water during construction and post completion and any other potential safety implications is considered necessary. Such matters can reasonably be secured by condition in the interests of health and safety of residents and property.

4.8.2 By its nature, the construction of the appropriately engineered solution and the dwellings and footpath itself will necessitate care and planning in relation to the development programme. Materials deliveries to the site, plant and machinery deliveries and storage etc, will all need to be considered given the narrow and parked nature of Ashleigh Road. Furthermore Environmental Protection recommend controls and care is taken in the construction process given the proximity to existing dwellings. Accordingly it is considered in the interests of maintaining safe and convenient access to the site and neighbouring properties and on the basis of amenity, a construction and environmental management plan and programme of works that takes account of any specialist engineered solution is required. Such a plan can reasonably be secured by condition.

4.9.1 Other Considerations

- 4.9.2 Owing to the proximity of the dwelling to a known landfill site, Environmental Protection recommend that gas protection measures are incorporated into the proposed dwellings. Accordingly the submission and agreement of details prior to commencement is considered reasonable and can be secured by conditions.
- 4.9.3 The Council's Landscape Officer recommends that boundary treatment details and balustrading details to retaining walls. Clarification via details of the maintenance responsibility for these features is also sought. Such details are relevant to the design merits of the proposals and are considered reasonable. Details of soft landscaping and foul and surface water drainage are also sought. These matters can also reasonably be secured by condition.
- 4.9.4 In terms of S106 requirements and contributions, the Councils CIL Charging Schedule was approved on 19th February 2015 and came into effect on the 1st June 2015. The CIL for all new residential development is £49.11 at 2019 rates per square metre of floorspace and is used to pay for infrastructure including SAC contributions. Therefore the only S106 matter required to be written into a formal agreement is the re-provision of the footpaths through the site.

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

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

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

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

- 5.4 It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.
- 5.5 Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to

the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

6 Conclusion

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 It is therefore recommended that the application be approved subject to the attached conditions and subject to signing the S106.

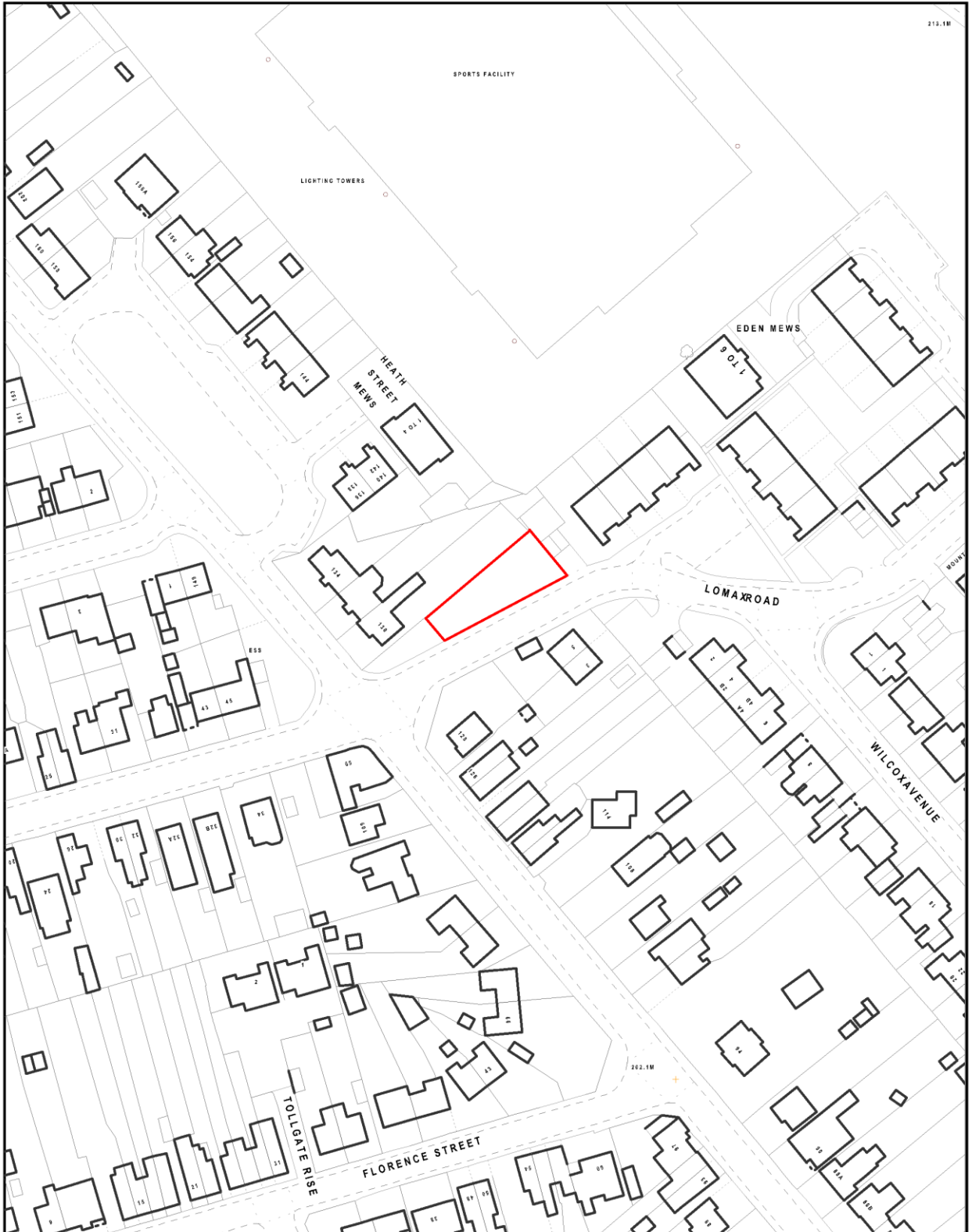


Application No: CH/18/416

Location: Land adjacent 130, Heath Street, Hednesford, Cannock, WS124BP

Proposal: Outline planning consent for 1 No dwelling (all matters reserved)

Item No.6.24



Location Plan



(C) Crown Copyright and Database Rights (2012) Ordnance Survey (500018754)

Contact Officer:	Richard Sunter
Telephone No:	01543 464481

PLANNING CONTROL COMMITTEE

6th February 2019

Application No:	CH/18/416
Received:	22-Nov-2018
Location:	Land adjacent 130 Heath Street, Hednesford
Parish:	Hednesford
Ward:	Hednesford North Ward
Description:	Residential Development of 1 Dwelling
Application Type:	Outline Planning Application (All Matters Reserved)

RECOMMENDATION:

Approve subject to conditions

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions):

1. In the case of any reserved matters, application for approval must be made not later than the expiration of three years beginning with the date on which this permission is granted ; and

The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Reason

To comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

2. This permission does not grant or imply approval of the layout/ design details accompanying the application which have been treated as being for illustrative purposes only.

Reason

The application is in outline form with these details reserved for subsequent approval. The illustrative information is not necessarily acceptable from the detailed planning point of view and to ensure compliance with Local Plan Policies CP3 - Chase Shaping Design and the NPPF.

3. No part of the development hereby permitted shall be commenced until approval of the details of access, appearance, landscaping, layout and scale ('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. To ensure compliance with the requirements of Section 92 of the Town & Country Planning Act 1990.

4. The design of the dwelling shall be single storey with any first floor rooms facilitated within the roofspace.

Reason

To safeguard the amenities of adjoining residents and to be compatible in character with adjoining development and to ensure compliance with Local Plan Policies CP3 - Chase Shaping Design.

5. The development hereby permitted shall not be occupied until:-

(a) a scheme detailing the remedial treatment in relation to ground gases has been undertaken;

(b) the Local Planning Authority has given approval in writing to the method of remedial treatment;

(c) the approved remedial treatment has been carried out in full; and

(d) verification that the approved remedial treatment has been carried out has been submitted to the Local Planning Authority.

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.

6. Notwithstanding the approved plans & documents, a detailed scheme for sustainable drainage for the dwellings hereby approved shall be submitted to

and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved scheme shall be implemented before the dwelling is first occupied. Thereafter the works comprising the approved scheme shall be retained for the life of the development.

Reason

To ensure the proposed development does not exacerbate flooding to surrounding properties of the adjacent highway.

7. This permission relates to the following plans:
Block Plan

Reason

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

Notes to the Developer:

Any reserved matters application would be required to submit sufficient car parking spaces (min 2.4x4.8m-per-space for the proposed developments based Cannock Chase Parking Standards. Any proposed garages should have a minimum internal space of 6 x 3m.

Please note that prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit Staffordshire Plaoe1. Wedgwood Building Tipping Street, Stafford, Staffordshire ST16 2DH. (or email to nmu@staffordshire.gov.uk).
<http://www.Staffordshire.gov.uk/transport/staffshighways/licences>

Consultations and Publicity

External Consultations

Hednesford Town Council

No objection

Staffordshire Highway Authority

No objection subject to condition

Rights of Way Officer

There is a rights of way that runs through 130 Heath Street. Technically this means the application will not affect the right of way.

Public Footpath No. 4 Hednesford Parish runs to the north-west of the application site. It does not appear from the application documents that this right of way will be affected by the proposals.

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

Internal Consultations

Environment Health

No objection.

A former household landfill site is present off Green Heath Road which is within potential influencing distance of this site. Consideration should be given to the provision of basic ground gas protection measures or a site risk assessment undertaken in respect of ground gases.

Response to Publicity

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

- The land in question is not big enough for a dwelling,
- Our property will be overlooked infringing upon our privacy,
- There is not enough space within the site for adequate family living space or garden to the front and rear of the site,
- We are not happy with the prospect that a building similar to the one opposite our property that offers bedsit style accommodation may be considered.

Relevant Planning History

There is no relevant history to the site.

1 Site and Surroundings

- 1.1 The application site relates to a plot of land located at the junction of Heath Street and Lomax Road.
- 1.2 The application site is open amenity land comprising short mowed grass and runs along the boundary with No. 130 and Lomax Road, set back from Heath Street by 18m. The application site is triangular in shape and benefits from a width of 34m along Lomax Street and a depth of between 8m and 15m.

- 1.3 The shared boundary with No. 130 is defined by close-board fencing and shrub planting with occasional conifer tree of limited amenity value and to the east lies a block of detached garages.
- 1.4 The surrounding area is residential and varies in terms of design and finishes of dwellings.
- 1.4 The site is in part unallocated and undesignated in the Cannock Chase Local Plan (Part 1).

2 Proposal

- 2.1 The proposal is seeking outline consent for a single dwelling with all matters reserved.
- 2.2 The plan submitted demonstrates how the applicant may wish to site the dwelling and where the potential access could be located. However, these details are indicative only and are not for approval at this stage.

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030).
- 3.3 Relevant policies within the Local Plan include:
 - CP1 - Strategy – the Strategic Approach
 - CP3 - Chase Shaping – Design
 - CP6 – Housing Land
 - CP7 – Housing Choice
- 3.4 There are no relevant policies within the Minerals Plan.
- 3.5 National Planning Policy Framework
- 3.6 The NPPF (2018) sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.
- 3.7 The NPPF (2018) 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.

Hednesford Neighbourhood Plan 2017-2028.

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) Affordable housing
- vii) Drainage and flood risk

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 appears to be a 'greenfield' site located within the urban area of Cannock. It is a 'windfall site' having not been previously identified within the Strategic Housing Land Availability Assessment (SHLAA) as a potential housing site. 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 within Hednesford which is approximately 1km from the district centre, close to the schools and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development. 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.
- 4.2.5 As such it would be acceptable in principle at this location. 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 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to extensions to dwellings.

4.3.6 The layout plan has been submitted to demonstrate how the proposed dwelling would accommodate the application site. Within the wider street scene dwellings occupy similar plot sizes; with varied frontages and rear and side gardens. In line with this established urban grain, the indicative layout demonstrates a dwelling that would be set back behind a short frontage, facing Lomax Road, in line with adjacent dwellings and with the private amenity space and parking to the side.

4.3.7 The proposed dwelling would use an area of open space to the side of No. 130 Heath Street, and would be similar to that of the dwellings to the southern side of Lomax Road, opposite the application site. As such, the proposed dwelling would sit comfortably within the existing and varied street scene.

4.3.8 The Hednesford Local Plan includes a policy to protect open spaces; Policy OS1 states that

'Development of open spaces within the urban area identified in appendix 6 will not be permitted'

The policy continues to list exemptions to this, however, the application site is not contained in the list identified in appendix 6 of the Hednesford Neighbourhood Plan.

4.3.9 There appeared to be a public right of way that runs through the application site (Public Footpath No.4). As such, the Public Rights of Way Officer was consulted and confirmed that the public right of way actually runs through the property to the north west (No.130 Heath Street).

4.3.10 One of the main constraints on any development would be the desirability of protecting the existing evergreen shrubbery along the boundary of the adjacent dwelling. The root zones of these shrubs are likely to extend into the site. However, the exact developable area would be determined through a tree

impact assessment which would inform any proposal in respect of its ground floor area and location. This is a matter that would need to be addressed at the reserved matters stage.

4.3.11 Therefore, having had regard to Policy CP3 of the Local Plan, relevant policies within the Hednesford Neighbourhood Plan and the above mentioned paragraphs of the NPPF it is considered that a proposal could come forward at the reserved matters stage that 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 be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings 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 The layout plan indicates the proposed dwelling to be within close proximity to the boundary with No.130 Heath Street. This boundary is landscaped with trees and mature shrubs which would protect the amenity to the rear garden of the adjacent dwelling. Notwithstanding this, in order to ensure continued protection of the neighbouring amenity your Officers are of the opinion that a low profile dwelling that accommodates rooms in the roof space would ensure the protection of the adjacent occupiers in terms of privacy and overlooking. This, together with the existing screening (landscaping), would further ensure the proposal accords with the Council's Daylight /Outlook Standard as stipulated within the Design SPD.

4.4.4 With regard to the proposed dwelling, the indicative private amenity would measure approx. 85m². The Design SPD requires an area of 44m² per two bedroom dwelling or 65m² per three bedroom dwelling. Also, the existing landscaping that runs along the neighbouring boundary with the application site would not result in a significant impact to the application site in terms of sunlight given the orientation of the sun.

4.4.5 Overall, a development could come forward at the reserved matters stage that could comply with the Council's Design SPD in terms of protecting the amenity of existing occupiers as well as 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 Staffordshire County Highways Department were consulted on the proposal and raised no objections subject to a condition. The indicative layout indicates an area of the site that could accommodate the parking provision. The Highway Authority has raised no concern over the introduction of a new single access within Lomax Road, being adjacent an existing garage block.
- 4.5.3 Notwithstanding this, the condition recommended by the Highway Authority states that the development hereby permitted shall not be brought into use until the access, parking and turning areas have been provided in accordance with the approved plans. Your Officers are not recommending this condition be imposed on any planning permission because the application is in outline with all matters reserved including access. Also, the plans submitted are indicative only to show where the parking could be accommodated within the site. Conditions for highways could be imposed at the Reserved Matters stage if required.
- 4.5.4 As such, it is considered that a scheme could come forward at reserved matters stage which would have no adverse impact upon highway safety and be in accordance with the Parking SPD.

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.
- 4.6.3 Given the above it is considered that the proposal, would not have a significant adverse impact on nature conservation interests either on, or off, the site. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

4.7 Affordable Housing and other Developer Contributions

- 4.7.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, given the order of the Court of Appeal, dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014, and the subsequent revision of the

PPG it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

4.8 Drainage and Flood Risk.

4.8.1 In this respect the application site is located in a Flood Zone 1 which is at least threat from flooding. Although the applicant has not indicated the means of drainage it is noted that the site immediately abuts a main road and is on the edge of a predominantly built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area and is considered acceptable. Therefore, it is considered that options for draining the site are available and that this can be adequately controlled by condition.

4.9 Comments received not covered above:-

4.9.1 A neighbour has commented that the site does not seem big enough for a dwelling or to provide adequate family living space or garden areas to the front and rear. However, it has been demonstrated that the site can accommodate a dwelling of a similar footprint and scale as surrounding dwellings whilst also providing adequate off-street parking and private amenity space which meets Council guidance.

4.9.2 A neighbour raised concern regarding overlooking infringing upon privacy. The proposal is in outline only and no details as to the design, scale and appearance have been provided. Notwithstanding this, there is sufficient scope to design a dwelling which is orientated with principle elevations facing away from the neighbouring properties. It is also noted that the footprint of the indicative dwelling would be sufficient to accommodate a single storey dwelling as per the need identified in the Hednesford Neighbourhood Plan.

4.9.3 An objection was received regarding a property opposite which offers bedsit style accommodation, and have concern that this will be proposed on the application site. Your Officers confirm that this proposal is an outline application for a single dwelling and at this stage not a house in multiple occupation.

5 Human Rights Act 1998 and Equalities Act 2010

5.1 Human Rights Act 1998

5.1.1 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.

5.2 Equalities Act 2010

5.2.1 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.

5.2.2 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

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

5.2.4 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 make a neutral contribution towards the aim of the Equalities Act.

6 Conclusion

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

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