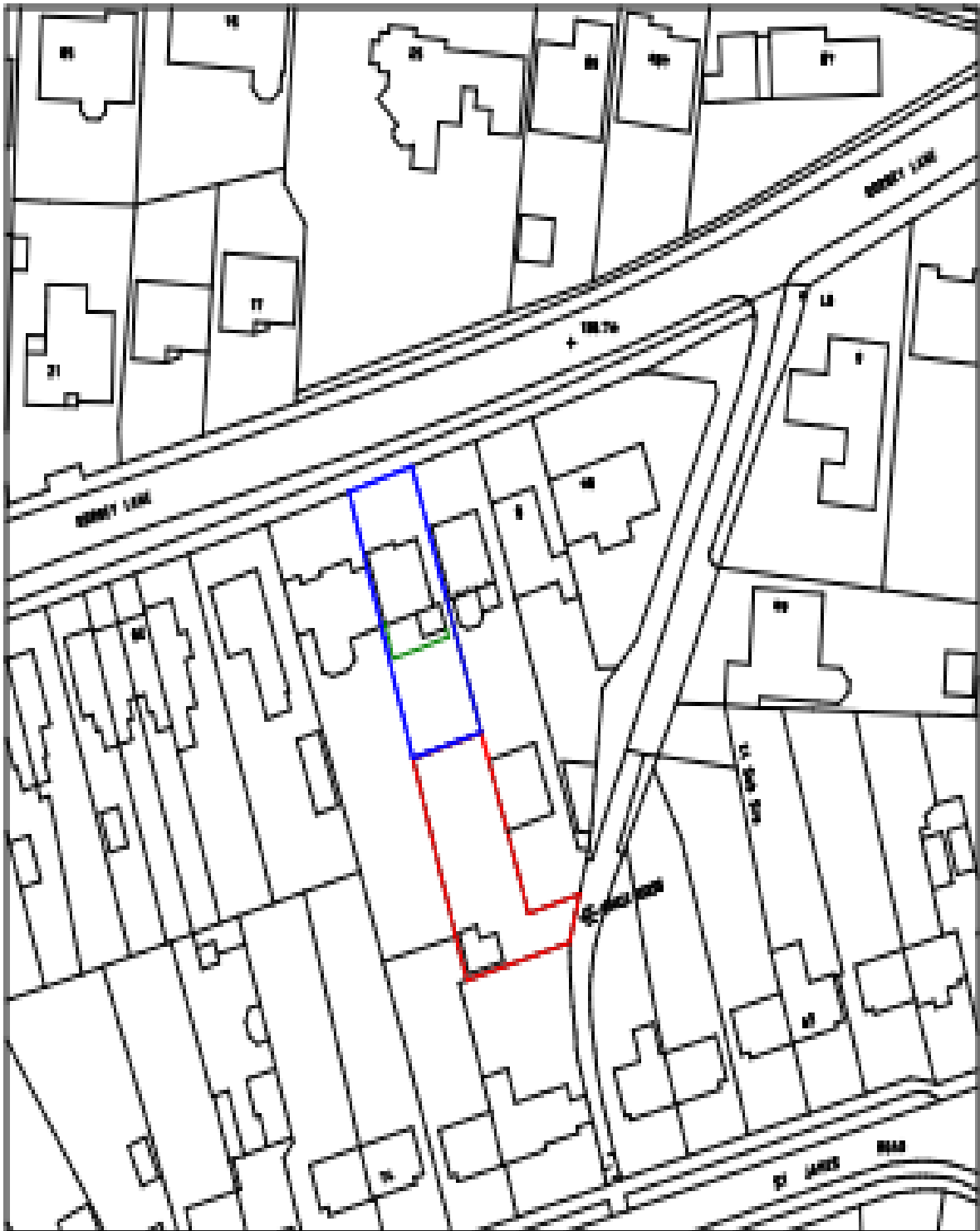


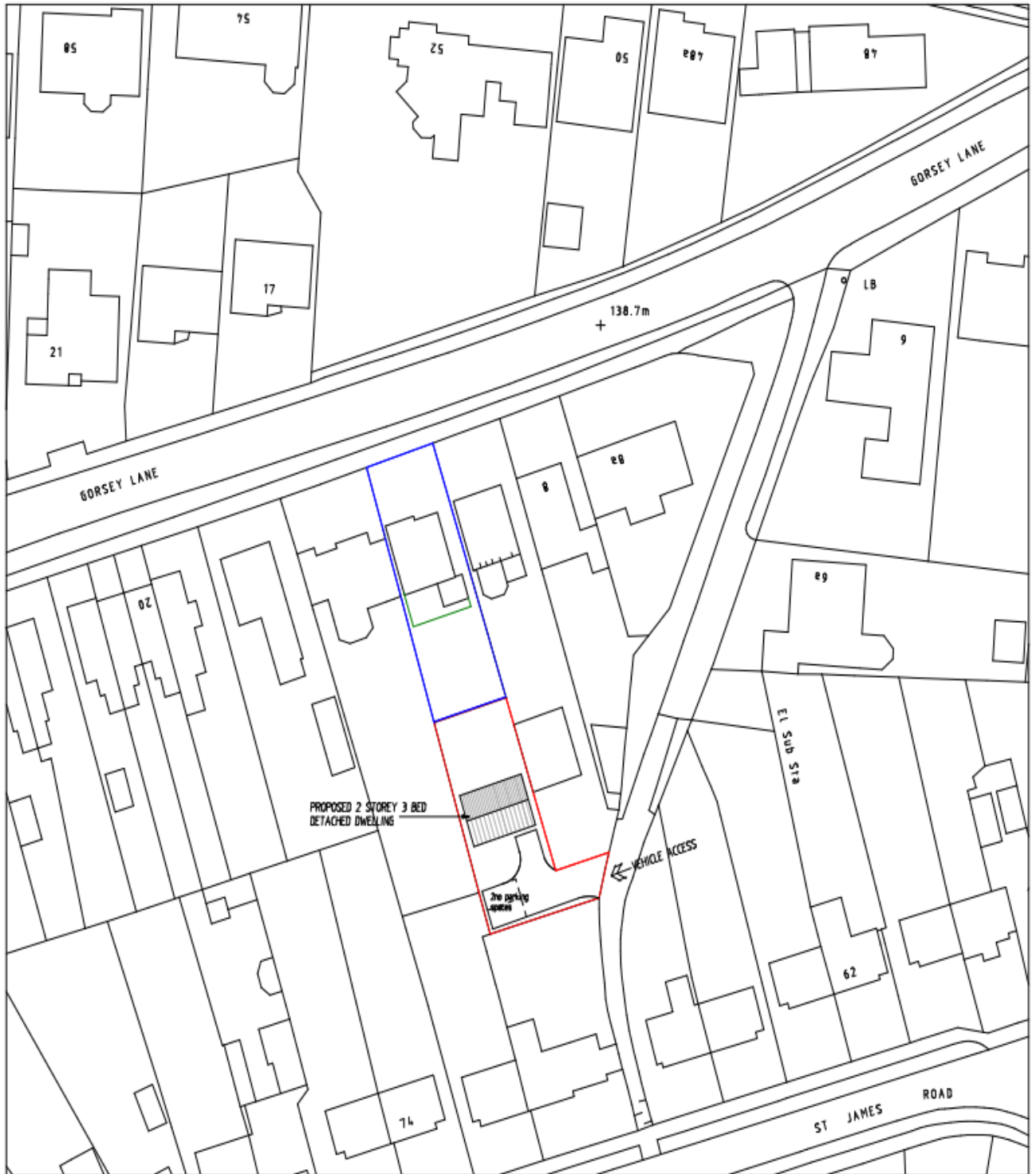
Location Plan



Ordnance Survey (c) Crown Copyright 2016. All rights reserved. Licence number 100022432

LOCATION PLAN 1:1250

Block Plan



Ordnance Survey (c) Crown Copyright 2016. All rights reserved. Licence number 100022432

PROPOSED BLOCK PLAN 1:500

PAGE INTENTIONALLY BLANK

Application No: CH/18/179

Received: 09-May-2018

Location: 12, Gorse Lane, Cannock, WS11 1EY

Parish: Non Parish Area

Ward: Cannock West Ward

Description: Residential development:- Erection of 1No. two storey detached three bed dwelling (outline application with all matters reserved)

Application Type: Outline Planning Application

RECOMMENDATION: Approve Subject to Conditions

1. A1 Time Limit - Outline Permission
2. A11 Illustrative Layout
3. A2 General Outline Condition
4. A7 Single Storey Dwelling
5. CVMP
6. Drainage
7. Approved Plans

EXTERNAL CONSULTATIONS

Staffordshire County Highways

No objection subject to conditions.

INTERNAL CONSULTATIONS

Planning Policy

No objection.

The site is within the Cannock urban area in a residential estate and is not protected for a specific use on the Local Plan (Part 1) Policies Map.

The National Planning Policy Framework (NPPF)(p4, March 2012) states that development proposals should be approved where they accord with the development plan and there are no policy restrictions. The Cannock Chase Local Plan (part 1) policy CP1 also supports sustainable development, while policy CP6 permits new housing on urban sites within Cannock Chase District.

Policy CP3 advocates appropriate design and cohesion with adjacent uses in new development, including the protection of amenity. The Design SPD provides additional guidance and as the development is being built on garden land at the rear of existing properties Appendix B (p91) should be consulted to ensure that the minimum garden sizes and distances from neighbouring dwellings are taken into account when considering the application.

If it is a market housing residential development scheme the proposal may be CIL liable. 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 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 full exemption from CIL be sought then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Council's 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 the Council's most up to CIL Regulation 123 list.

Environmental Health

No adverse comments offered.

Property Services

No response to date.

RESPONSE TO PUBLICITY

The application was advertised by neighbour letter and site notice. 7 letters of representation have been received. The objections raised have been summarised below:-

- Road safety may be problematic with the access to the property being such a narrow entrance on a very hazardous and often fast paced junction.
- Access to the dwelling for emergency service vehicles,
- The plans are not clear in showing which way the dwelling would be facing or where windows would be positioned,
- The proposed dwelling would stop sunlight and light to adjacent properties,
- No other houses have a dwelling so close to their back garden,
- The proposed dwelling would overlook all adjacent properties,
- If granted then would contractors be parking in the access road blocking existing accesses to neighbouring properties,
- The access road converts to a pedestrian walk which is used by young children going to St Lukes Primary School,
- The proposal if approved would set a precedent for other people to sell off their garden for development,
- The access to the dwelling is very tight,
- More details should be included in the application to assess impact on the adjacent neighbours,
- The proposed site does not have water or sewage. To have these put in the whole gully would need to be dug up. The gully provides access to a number of neighbouring properties.
- The proposal would devalue existing properties.

RELEVANT PLANNING HISTORY

There is no relevant history to the site.

1. **SITE AND SURROUNDINGS**

- 1.1 The application seeks consent for residential development on land to the rear of 12 Gorsey Lane, Cannock. The site measures approximately 313m².
- 1.2 The site is of a regular 'rectangular' shape and comprises of garden land to No.12 Gorsey Lane.
- 1.3 The application site is bound by close-board fencing and landscaping. A separate vehicle access off a private road located between Nos. 6 and 8a Gorsey Lane gives No. 12 a secondary vehicle access to the main dwelling. This private road currently gives vehicle access to Nos. 6a, 8a, 8, 10 and 12 Gorsey Lane and 66 St James Road. Nos. 6a benefits from a frontage onto the private access with other access points to neighbouring dwellings being secondary. The path narrows after the access to the application site and allows a pedestrian route through to St. James Road.
- 1.4 The site relates to part of the rear garden for 12 Gorsey Lane and is currently occupied by an outbuilding.
- 1.5 The street scene is varied and comprises of modern infill development (notably No.6a). The adjacent dwelling No.10 benefits from a large double garage. There is a variety of materials within this locale including facing brickwork and render.
- 1.6 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 with all matters reserved for residential development of the site. However, indicative layout and access have been submitted and the application will be considered in light of these to determine whether a dwelling could be accommodated on this site given the constraints of the site.
- 2.2 The indicative plan shows new dwelling to be sited in the rear garden of No. 12 adjacent the detached double garage at No. 10. The indicative dwelling is shown to be orientated with front and rear elevations facing to the north and south over the proposed rear garden and frontage.
- 2.3 The proposed dwelling would be positioned to the centre of the site and would provide an area of amenity to the rear comprising of approx. 100m² and a frontage for parking and turning comprising of approx.140m². There would be adequate room to the front for landscaping to be incorporated (approx. 35m²).
- 2.4 The existing access to No.12 (secondary access) would be used for the proposed dwelling with the main access drive at the front of No.12 being used by the existing dwelling. This rear access already exists.

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). Relevant policies within the Local Plan include

- CP1 - Strategy – the Strategic Approach
- CP3 - Chase Shaping – Design
- CP6 – Housing Land
- CP7 – Housing Choice

3.3 **National Planning Policy Framework**

3.4 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.

3.5 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.

3.6 Relevant paragraphs within the NPPF include paragraphs: -

- 8: Three dimensions of Sustainable Development
- 11-14: The Presumption in favour of Sustainable Development
- 47-50: Determining Applications
- 124, 127, 128, 130: Achieving Well-Designed Places
- 212, 213 Implementation

3.7 Other relevant documents include: -

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

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.

4.2 Principle of the Development

4.2.1 The application seeks outline consent for the residential development of one detached dwelling with all matters reserved.

4.2.2 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. This means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- the application of policies in this framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework, taken as whole.

4.2.3 The specific policies referred to in Paragraph 11 are identified in footnote 6 and include, for example, those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.

4.2.4 Local Plan (Part 1) Policy CP1 identifies that the urban areas of the District, will be the focus for the majority of new residential development. It also identifies that a 'positive approach that reflects the presumption in favour of sustainable development' will be taken when considering development proposals. The site does not appear to be located within either Flood Zone 2 or 3. The site and is not designated as a statutory or non- statutory site for nature conservation nor is it located within a Conservation Area (CA). As such there are no specific policies that would indicate that the development should be restricted and as such the application should be determined in respect of the first test.

4.2.5 The proposed use would be in the main urban area, in a sustainable location and would be compatible with surrounding land uses. 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 indicative plan has been submitted to demonstrate how the applicant envisages the site to be developed. The siting of the proposed dwelling would be set back behind a short frontage with the private amenity space to the rear. Whilst there are no dwellings that reflect this form of development immediately adjacent the application site, the proposed dwelling would be sited adjacent a large detached double garage on the adjacent site against which the proposed dwelling would be read. Whilst the frontage properties of both Gorsy Lane and St. James Road comprise of two storey buildings, where infill development has been permitted, it has been restricted to single storey with rooms in the roof space to protect the character and form of the area. For these reasons and notwithstanding the submitted plan (referring to a two storey dwelling) a condition has been recommended for the proposed dwelling to remain single storey with rooms in the roof space only in order to retain the character and form of this location.
- 4.3.7 Therefore, having had regard to Policy CP3 of the Local 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 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 From the indicative plan provided the proposed dwelling would be orientated with front and rear elevations facing the north and south. The Council's Design SPD states that:-

"a minimum distance of 21.3m is required between front and rear facing principal windows. Facing windows at ground floor level can be more closely spaced if there is an intervening permanent screen."

The indicative plans indicate a separation distance of 25m & 26m to Nos. 12 Gorse Lane and 70 St James Road respectively. The separation distances to neighbouring properties are appropriate for the proposal and over and above the requirement of those set out within the Council's Design SPD.

4.4.4 The private amenity for the proposed dwelling would measure approx. 100m². The Design SPD requires an area of 65m² per three bedroom dwelling. The garden to No.12 would also retain over 100m² which again is adequate for a dwelling of this size.

4.4.5 Overall, the proposed development would 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 The proposed dwelling would provide two parking spaces and a turning area to the frontage which is appropriate for 2 or 3 bedroom dwellings in accordance with the parking SPD.

4.5.3 Comments from neighbour regarding the access are noted however, in this instance, the access already exists. The proposed dwelling would utilise the existing secondary access currently used by the occupiers of the main building at No.12. As such, the proposal would not introduce an additional access off the private road. Staffordshire County Highway Department raised no objections to the proposal in terms of highway safety subject to the attached conditions.

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 at the Reserved Matters stage if the outline application is approved.

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 The 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 already comprises of building and some hardstanding and is within a predominantly built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area. Therefore, it is considered that options for draining the site are available and that this can be adequately controlled by condition.

4.9 Objections raised not already covered above

4.9.1 Concern has been raised regarding the access for emergency fire vehicles. Your officers confirm that fire safety is covered by Building Regulations and not a planning consideration. Notwithstanding this, the access within Manual For Streets states an access requires 3.7m for operating space for a fire engine however, it does continue that this distance can be reduced to 2.75m providing a pumping appliance can get to within 45m of dwelling entrance. Building Regulations may require the applicant (subject to permission being granted) to install a pump within the application site.

4.9.2 Concern has been raised that if granted would contractors be parking in the access road blocking existing accesses to neighbouring properties. Your officers have recommended a condition requiring a Construction Vehicle Management Plan to be submitted to and approved for the management and parking of construction and contractors vehicles. It is also noted that the grant of planning permission does not confer any right on a developer to block access to a third party property without that owner's consent.

4.9.3 Concern has been raised that if the proposal if i approved, would set a precedent for other people to sell off their garden for development. Your officers confirm that there is no such thing as precedent in terms of planning. Any future application submitted for development of a similar nature would be assessed on its own individual merits.

4.9.4 Neighbour objections raised concerns with regard to the devaluation of existing properties. Your officers confirm that this is not a material consideration for the determination of a planning application.

4.10 Whether any Adverse Impact of Granting Planning Permission would be Significantly and Demonstrably Outweighed by the Benefits, when Assessed Against the Policies in the Framework, Taken as Whole.

4.10.1 Although the Council has a five year supply of housing land it is noted that such a supply is not a ceiling and it is the Government's firm intention to significantly boost the supply of housing. With this in mind it is noted that the granting of the permission would make a contribution towards the objectively assessed housing needs of the District. In addition it would have economic benefits in respect to the construction of the property and the occupiers who would make some contribution into the local economy. Finally, the proposal would have an environmental benefit of making efficient use of land within a sustainable location and in creating several thermally efficient new dwellings which would be required to meet building standards.

4.10.2 Conversely when looking at potential harm it is considered that, subject to the attached conditions, there would be no significant and demonstrable harm to highway safety, residential amenity, wider nature conservation interests and flood risk.

4.10.3 As such it is considered that any adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as whole. As such the proposal benefits from the presumption favour of sustainable development and should, subject to the attached conditions, be approved.

5. HUMAN RIGHTS ACT

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.

6. EQUALITIES ACT

6.1 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.

6.2 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

- 6.3 It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.
- 6.4 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 not conflict with the aims of the Equalities Act.

7. **CONCLUSION**

- 7.1 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.
- 7.2 It is therefore recommended that the application be approved subject to the attached conditions.