

Application No: CH/17/252

Received: 19/06/2017

Location: Land at / Rear of 53 Gorsey Lane, Cannock WS11 1EY

Parish: Non Parish Area

Ward: Cannock West Ward

Description: Construction of a 3 bed dormer bungalow to the rear of No 52 Gorsey Lane.

Application Type: Outline

Planning Committee Item:

The application has been called in by Councillor Paul Snape on the grounds that the proposal may result in an over-development of the site and to allow for a site visit.

Recommendation: Approve subject to conditions

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

A longer period of time for the submission of reserved matters is necessary due to the lengthy decommissioning, demolition and remediation period that redevelopment of the site would require.

2. No part of the development hereby permitted shall be commenced until approval of the details of appearance, landscaping, 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.

3. No development hereby approved shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
 - i. specify the type and number of vehicles;
 - ii. provide for the parking of vehicles of site operatives and visitors;
 - iii. provide for the loading and unloading of plant and materials;

- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations and deliveries;
- vii. measures to control the emission of dust and dirt during construction
- viii specify method of piling should piling be undertaken

Reason

In order to comply with Para 32 of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Part 1 of Schedule 2 to the Order listed below shall be carried out without an express grant of planning permission, from the Local Planning Authority, namely:
- The enlargement of the dwellinghouse;
 - The enlargement of the dwellinghouse consisting of an addition or alteration to its roof;
 - The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;
 - The provision within the curtilage of the dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such;
 - The erection or provision within the curtilage of the dwellinghouse of a container for the storage of oil for domestic heating; or

Reason

The Local Planning Authority considers that such development would be likely to adversely affect the amenity of neighbouring occupiers and, or, the character of the area, given the presence of trees within the site and the juxtaposition of the approved building to neighbouring dwellings. It is considered to be in the public interest to require an application to enable the merits of any proposal to be assessed and to ensure compliance with Local Plan Policy CP3 - Chase Shaping - Design and the NPPF.

5. The approved dwelling shall not be brought into until a scheme for the boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme have been implemented in full.

Reason

The layout of the site could give rise to significant issues of amenity loss through overlooking which could only be addressed through adequate boundary treatment in accordance with the requirements of the Policy CP3 of the Cannock Chase Local Plan, the Council's Design SPD and paragraph 17 of the National Planning Policy Framework.

6. The development shall not commence until a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason

In the interests of protecting the roots of the adjacent oak in accordance with Policy CP3 of the Cannock Chase Local Plan.

7. The development hereby permitted shall not be brought into use until the parking areas for the proposed development have been provided in accordance with drawing number 2106.10B and shall be surfaced in a porous bound material and thereafter retained for the lifetime of the development. These parking areas shall thereafter be retained unless otherwise approved in writing by the Local Planning Authority.

Reason

In order to comply with Paragraph 32 of the National Planning Policy Framework and in the interest of Highway Safety

8. Prior to the commencement of the new development the new site access to Gorsey Lane shall be completed within the limits of the public highway as a vehicular dropped crossing and shall be surfaced in a bound material for the first 6.0 metres rear of the carriageway edge.

Reason

In order to comply with Paragraph 32 of the National Planning Policy Framework and in the interest of Highway Safety

9. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with drawing number 2106.10B of planning permission CH/17/206 and shall be surfaced in a porous bound material and thereafter retained for the lifetime of the development. The parking areas shall thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order to comply with Paragraph 32 of the National Planning Policy Framework and in the interest of Highway Safety.

10. Notwithstanding the details of the approved plan the grant of planning permission does not include any garage shown in the curtilage of the dwelling hereby approved.

Reason

For the avoidance of doubt as to what hereby is permitted.

21. Construction hours and deliveries to the site shall not take place outside of the hours 08:00hrs to 18:00hrs Mondays to Fridays, 08:00hrs to 13:00hrs on Saturdays and shall not take place at all on Sundays and Bank and Public Holidays.

Reason

To protect the residential amenity of the neighbouring properties and their end users.

23. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

2106.10B Feasibility Layout Proposed 1no 3 bed Dormer Bungalow

Reason

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

Informatives

1. Please note that prior to the access being constructed you require a 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
2. Any soakaways shall be located 4.5m rear of the highway boundary
3. At the Reserved Matters stage the applicant will be required to submit and complete the Council's Community Infrastructure Levy Liability Form (CIL) and submit this alongside the reserved matters application,

EXTERNAL CONSULTATIONS

Staffordshire County Council Highways

No objections subject to 3 planning conditions and 2 informatives.

INTERNAL CONSULTATION COMMENTS

Environmental Protection

No objections subject to one planning condition to control construction and deliveries.

Housing

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

Planning Policy

No objection.

The application site is located in a mature residential suburb of Cannock to the rear of an existing property. The site is fronted by a line of residential dwellings and sits within a large area of back gardens that are sited to the rear of houses on Hatherton Road, Longford Road and Gorse Lane. The gardens appear to be largely undeveloped, except for a few outbuildings/garages and are landscaped with trees/shrubs. There does not appear to be any residential dwellings within the back gardens, resulting in an unbroken line of rear gardens at the back of the property. This creates a green and spacious character to the suburb.

The National Planning Policy Framework (NPPF)(March 2012) states that development proposals should be approved where they accord with the development plan and there are no policy restrictions. It states that developments should be sustainable and the core planning principles include seeking good design and a good standard of amenity for existing/future occupants, and taking into account the roles/characters of different areas. 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, subject to consideration and compatibility with all other policies.

Policy CP3 supports high standards of design of buildings and spaces within the District and advocates appropriate design and cohesion with adjacent uses in new development, including the protection of amenity. This includes addressing key requirements of high quality design including complementing the character/appearance of the local area and reinforcing local distinctiveness, be well related to existing buildings in terms of density and landscaping, and successfully integrate with existing landscape features. The Design SPD should be consulted for specific guidance on appropriate design.

Conclusion

Development is generally supported within the urban area, however in this instance it is considered that the development would constitute overdevelopment in this location by setting a precedent for back land development within the garden areas and may result in loss of character, which goes against the good design principles set out in CP3, the NPPF and the Design SPD. The replacement of part of the rear garden with the bungalow would impact on the character of the area by introducing back land development to a long line of unbroken rear gardens that add to the green and spacious character of the this mature suburb.

Landscape Department

- The application submission is not acceptable.
- In order to determine the effects on retained mature trees the following information is essential: (For all trees and hedges on site)
 - Construction of parking space P3 with a No dig construction within the Root Protection Area is impossible, as there is no way the levels can be married back into the adjacent public highway. There is a strong objection to the construction of this parking space. This cannot be done retrospectively under PD rights as the area is over 5 Sqm and so will need planning approval.
 - Existing and proposed levels, showing there will be no levels changes within the Root protection areas or where levels are altered a suitable 3G load spreader is used.
 - Locations for materials storage and mixing areas.
 - Locations of service runs, these cannot go through a no dig surface, where

will these be routed as there is little other space on site to run them.

- Other considerations would then be:
 - Surface construction , should be of a porous nature and disposed of via soak-a-ways within the site constraints. New soak-a-ways must be a minimum of 5 meters from any buildings and trees. This will be near impossible in the rear garden.
 - Detached garage is shown on all plans except the feasibility layout and Arboricultural impacts assessment plan. The detached Garage must be removed from all other drawings.
 - Removal of all the mature trees on the Eastern boundary will open up views into and form the new dwelling. Will this be a planning issue ?
 - Hard works: Details of all surface finishes, boundary treatments and any Steps / ramps or walls.
 - Soft works : Replacement tree planting as per reference in the Tree Survey. All planting plans showing individual plant beds, numbers spacing and planting specification.

Summary

- Objection.
- Contrary to planning polices:
 - CP3 – Design
 - CP14 – Landscape Character.
- The effects of these proposal on existing trees has not been appropriately considered or dealt with. As such there is concern of proposed retention of existing trees.
- Lack of detailed information on hard and soft works proposals

RESPONSE TO PUBLICITY

The application was advertised by way of neighbour letters and a site notice was placed adjacent to the site. 1 objection was received from the neighbouring property of No 51 Gorsey Lane. This objection letter is summarised below:

- Would be a detriment to the design and character of this beautiful area on the borders of Cannock Chase.
- Mr Wood changed his existing garage roof in 2015 from a flat roof to a pitched roof without any planning consideration, despite lying on the boundary. The roof structure that went up was massive; blocking out sunlight and daylight on our terrace. There was no consultation before these works took effect and some of it even required access from our garden due to its close proximity to our fence.
- The planning application does not take in to account the impact on wildlife, such as bats and birds which nest in trees along the boundary.
- Extremely concerned about the highways impact of further development, which would mean more cars in the immediate vicinity. The location on Gorsey Lane, on a bend and near a busy junction with Oaks Drive, is already overcrowded with cars parked kerbside. Normally two of the vehicles parked along the road are already from the existing property at 53.
- Also raise concern with regard to an aged Oak tree along our boundary with 53 Gorsey Lane which is alongside the rear of their existing garage. Our tree has

obtained significant past damage to it as result of incorrect cutting many years ago, most likely when the garage was erected next door, and certainly precedes our ownership of the site. Cutting off a main branch in the wrong direction has (according to advice of several experts) allowed water to get into the main body of the tree. If any structural work was required to the garage walls that would affect the roots of this tree, we would probably lose this 150 year old plus monument.

- There will be a loss of daylight and sunlight because of such development to our property at 51 Gorsey Lane.
- Consideration of CH/17/206 – previously approved planning application that is for a proposed two storey extension that would need to remove trees
- Consider the 3 development proposals will overshadow our home and garden, to the point where 50% of the property boundary is impacted.
- The street scene of this side of Gorsey Lane would be adversely changed if the properties were developed in the ways proposed, as all properties along the lane have long gardens, offering privacy, reduced levels of noise and pollutants and safe environment for local wildlife and young children. They are also all built in keeping with the style of this old lane and those adjacent on Hatherton Road, and New and Old Penkridge Road above. It is important to retain these leafy suburbs for future generations of Cannock residents.

RELEVANT PLANNING HISTORY

- CH/17/251 Garage conversion into a one bedroom annex – approved at committee, decision issued 04/01/18.
- CH/17/206 Two storey side extension including single integral garage-granted 13/09/17.
- CH/10/0227 Two storey side extensions, demolition of existing conservatory and Replacement with a single storey rear extension, and alterations to roof granted on 13/08/10.
- CH/08/0228 First floor extension to side and conservatory to rear granted on 30/05/08.
- CH/07/0573 Residential Development (Outline including layout and access) granted on 28/11/17.
- CH/02/0645 Renewal of Planning Permission CH/99/0614 – Land between 53-57 Gorsey Lane – granted on 18/12/02
- CH/99/0614 Residential Development – Outline – granted 26/01/00

1. SITE AND SURROUNDINGS

- 1.1. The application site comprises part of the side and rear garden of a detached two storey house at No53 Gorsey Lane, Cannock. No 53 Gorsey Lane comprises a detached 3 bedroom house with a render finish and it has a tiled pitched roof with a gable roof to the rear outrigger. The house has an existing rear conservatory to the western side of the rear elevation. To the rear of the dwelling there is an existing single storey detached garage with a pitched roof. The detached garage is located directly adjacent to the common side boundary to the neighbouring property of No 51 (to the east) and is therefore directly adjacent to their rear garden.

- 1.2. The rear garden to No 53 is 41 metres long and benefits from a range of mature and semi-mature trees and shrubs, including a laurel hedge along the western boundary augmented by two birch trees. Along the rear boundary there are two sycamores augmented by hollies. Along the eastern boundary (shared with No 51) there are 4 trees (denoted as T10-T13 comprising 2 sycamores, an ash and a cypress with a further sycamore further towards the rear boundary
- 1.3. On the 13th September 2017 the applicant recently secured planning permission (reference CH/17/206) for a two storey side extension including single integral single garage to the right hand side of the property facing the neighbouring property of No 51 Gorsey Lane which would result in the property becoming a 4 bedroomed house.
- 1.4. On the 3rd January 2018 the Council's Planning Committee granted planning permission (reference CH/17/251) for the conversion of the existing detached garage to form a residential one bedroom annex to the main property of No 53 Gorsey Lane.
- 1.5. No 53 Gorsey Lane is one of a series of detached and semi-detached houses fronting onto Gorsey Lane, Cannock. Gorsey Lane is a leafy residential street which consists a variety of sizes, ages and styles of houses. The property has a row of leylandii along the front of the street scene. These are approximately 6-8m high are classified as poor quality and appear over dominant in their context.
- 1.6. No 53 Gorsey Lane currently has 4 off street car parking spaces located at the left hand side of the property leading to the single detached garage located in the rear garden.
- 1.7. The site is not allocated within the Cannock Chase Local Plan (Part 1) but it lies within the existing settlement boundary of Cannock. The site has established public transport links including bus links to Cannock.

2. PROPOSAL

- 2.1. The applicant is seeking outline planning permission for the construction of a 3 bedroom dormer bungalow in the rear garden of No 53 Gorsey Lane with the means of access and layout to be determined at this stage. Matters such as the external appearance, scale and landscaping are reserved and are therefore not for consideration under this application.
- 2.2. The proposals consist of: -
 - The layout of a 3 bedroom dormer bungalow
 - Approximate ground floor footprint of bungalow is shown as 83 sqm (not including 1st floor dormer floor areas)
 - A rear garden amenity space of approximately 8.4m x 18.4m = 154.56 sqm
 - Front garden of approximately 7.4m x 3.2m = 23.68 sqm
 - A 4 metre wide driveway leading to 2 parking spaces of 4.8m x 2.6m

- The felling of the following trees T4 Pear Tree (west), T7 Sycamore (south), T9 Sycamore (south /south east), T10 Sycamore (south /south east) and two of the leylandii along the frontage.

2.3. The existing border fencing between the application site of No 53 Gorsey Lane and neighbouring property of No 51 Gorsey Lane is proposed to be retained.

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 of the adopted Cannock Chase Local Plan - Part 1 (2014).

3.3. Other material considerations relevant to assessing current planning applications include the National Planning Policy Framework (NPPF) and Supplementary Planning Guidance / Documents.

Cannock Chase Local Plan – Part 1 – Adopted (2014)

3.4. The relevant policies within the Cannock Chase Local Plan are as follows

CP1: -	Strategy
CP2:-	Developer Contributions for Infrastructure
CP3: -	Chase Shaping – Design
CP6: -	Housing Land
CP7: -	Housing Choice
CP12: -	Biodiversity and Geodiversity
CP14: -	Landscape Character and Cannock Chase Area of Outstanding Natural Beauty
CP16: -	Climate Change and Sustainable Resource Use

3.5 National Planning Policy Framework

3.6 The NPPF 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 outlines the “presumption in favour of sustainable development”.

3.7 The NPPF confirms that a plan-led approach to the planning system and decisions must be made in accordance with the Development Plan. In particular, the following NPPF references are considered to be appropriate.

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

Paragraph 17	Core planning principles.
Paragraphs 47, 49, 50	Delivering a wide choice of high quality homes.
Paragraphs 56, 60, 61, 64	Design.
Paragraph 73	Promoting healthy communities.
Paragraph 96, 103	Meeting the challenge of climate change, flooding.
Paragraphs 109, 111, 118, 120, 123	Conserving the natural environment.
Paragraph 216	Implementation.

3.9 Other Relevant Documents

- a) The Cannock Chase District Council's Supplementary Planning Document on Design - April 2016.
- b) Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport Supplementary Planning Document (2005).

4.0 DETERMINING ISSUES

4.1 The determining issues for the application area:-

- (i) Principle of the development
- (ii) Design and the impact on the character and form of the area
- (iii) Impact on residential amenity
- (iv) Impact on highway safety and capacity
- (v) Impact on wildlife and nature conservation objectives
- (vi) Waste & recycling facilities
- (vii) Drainage and flood risk
- (viii) Affordable housing provision

4.2 Principle of the Development

4.2.1 Policy CP1 of the Local Plan provides the overall strategy in respect of the District and states that in Cannock Chase District the focus of investment and regeneration will be in existing settlements whilst conserving and enhancing the landscape of the AONB, Hednesford Hills, Green Belt and the green infrastructure of the District. Other than this point the Local Plan is largely silent on the issue of housing on unallocated sites.

4.2.2 Paragraph 49 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development. What the presumption means in practice is set out in Policy CP1 of the Local Plan and Paragraph 14 of the NPPF which states

"For decision taking this means

approving development proposals that accord with the development plan without delay; and

-where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

-any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole; or

-specific policies in this framework indicate development should be restricted.

- 4.2.3 The reference above to specific policies in the framework relates to those policies in the Framework relating to sites protected under the Birds and Habitats Directive 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, designated heritage assets and locations at risk of flooding or coastal erosion. Officers can confirm that the site is not subject to any designation that would render it appropriate to be considered under any of the above policies. As such the proposal should be assessed against whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits.
- 4.2.4 In respect to the principle of the proposal it is noted that the site is located within the main urban area of Cannock and hence broadly conforms to the requirements of policy CP1.
- 4.2.5 In addition to the above the site is located within a sustainable location with good access by cycle or walking to Cannock Town Centre where there is the main bus station and a wide range of goods and services to meet the day to day needs of people. Therefore the proposal meets the core planning principle of actively managing "patterns of growth to make fullest possible use of public transport, walking, cycling and focus significant development in locations which are or can be made sustainable" (NPPF, para17).
- 4.2.6 As such the proposal would meet the thrust of Policy CP1 to focus investment and regeneration on existing settlements which are expected to accommodate most of the District's housing and it is therefore concluded that the proposal is acceptable in principle.
- 4.2.7 However, proposals that are acceptable in principle are still subject to all other policy tests. The next sections of this report will consider the proposal in the light of those policy tests and determine what harms or benefits arise from the proposal.
- 4.3 Design and the Impact on the Character and Form of the Area
- 4.3.1 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 In addition to the above Paragraph 56 of the NPPF states that the government attaches great importance to the design of the built environment and states good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

4.3.3 Paragraph 61 of the NPPF goes on to state: -

"Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

4.3.4 In addition Paragraph 64 of the NPPF makes it clear that

"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."

4.3.5 Notwithstanding the above policy context it is noted that matters such as appearance, landscape and scale are reserved and are therefore not for determination under this application.

4.3.6 However, the layout and means of access are for determination and it is therefore appropriate to determine the impact of these matters on the character and form can therefore be assessed.

4.3.7 The layout is essentially for a single storey dwelling to be positioned to the rear of the existing dwelling. This would be set back over 42m from the highway to the front and would be largely screened by a combination of the existing dwelling and its annex. As such the siting of the dwelling in-itself would have an insignificant impact on the streetscene along Gorsey Lane.

4.3.8 In respect to the means of access it is noted that this would result in the removal of three of the conifers along the frontage. These are somewhat overgrown within their context and of low quality and are beginning to suffer from die back in their lower sections. As such it is very debatable whether the row of conifers, along the frontage, adds to or detracts from the amenity of the area. The removal of some of the conifers to facilitate the access would open up views into the site which would result in a similar arrangement to many of the dwellings along Gorsey Lane which have relatively open frontages, bounded by low walls augmented by a variety of shrubs and hedges.

- 4.3.9 The proposal would involve the loss of some trees within the site which therefore has the potential to have an impact on the character of the area. The proposal involves the loss of 4 trees (T10-T13) along the eastern boundary, a small ornamental conifer tree (T2) in the rear garden and three conifers along the frontage. All these trees are classified as U (less than 10 years useful life) or C1 (low quality) and their removal would have no significant Impact on the character of the area.
- 4.3.10 In respect to two birches along the western boundary it is noted that the root protection areas of these would to a small extent extend into the driveway. Any impact on these could be mitigated by a no dig solution to be adopted on the small area of conflict (if required) and this can be secured by an appropriately worded condition. In respect to the issue of services it is noted that a width of 2m would remain within the drive down which services could be accommodated without going into the root protection areas. In respect to the location of soakaways it is also noted that there is space within the rear garden of the proposed dwelling which is 5m from both the dwelling and the surrounding trees. If this area is unsuitable for soakaways then surface water could be disposed to mains drains subject to attenuation. This could be dealt with through an appropriately worded condition.
- 4.3.11 In respect to the impact arising from the layout and density in relation to the wider context it is noted that although the garden serving 53 Gorsey Lane is very long (in excess of 60m) and this is reflected in the properties on either side and especially to the west along Gorsey Lane, garden sizes become progressively smaller as one moves eastwards along Gorsey Lane as it merges with Hatherton Road. The resultant gardens for the existing and proposed dwelling would therefore fall within the range of garden sizes already in existence along Gorsey Lane
- 4.3.12 Given that the sizes of the proposed garden areas fall within the parameters of that already in existence, that the new dwelling would scarcely be seen from the public highways due to screening of existing buildings and that the verdant nature of the garden would be largely retained it is considered that the proposal would be well-related to existing buildings and their surroundings in terms of layout, density, access, and would successfully integrate with existing trees; hedges and landscape features of amenity value. As a result it is considered that the proposals would comply with the NPPF, Policy CP3 of the Cannock Chase Local Plan (Part 1) and the Council's Design SPD.

4.4 Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Cannock Chase Local Plan and the Council's Design SPD seeks to protect the amenity enjoyed by existing properties, whereas paragraph 17 states that a core planning principle is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 4.4.2 To this effect the Council has issued the Design SPD which at Appendix B provides guidance in respect to space about dwellings and garden sizes.
- 4.4.3 The common side border between the application site of No 53 Gorsey Lane and No 51 Gorsey Lane is a 1.8 m fence. The proposed dormer bungalow would be located

between 1.4 and 1 metre away from the common border fencing to the rear garden of the neighbouring property of No 51 Gorsey Lane.

- 4.4.4 The common side border between the application site of No 57 Gorsey Lane and No 53 Gorsey Lane is also comprised of a 1.8 m fence.
- 4.4.5 Although appearance is reserved at this outline stage the submitted plans and description of development clearly indicate that the proposal is for a “dormer bungalow”. As such it is important to determine whether a dormer at this location could in principle be acceptable within its context.
- 4.4.6 The proposed bungalow at its nearest point would be 7.8 metres away from the common border to No 57 Gorsey Lane. The provision of a 1st floor dormer window would face west towards the common border and rear garden of No 57 Gorsey Lane. The proposed window would be 12.8 metres from the common border to No 57 Gorsey Lane which exceeds the 10 metre distance requirement in the Council’s Design SPD and is therefore considered to be acceptable.
- 4.4.7 The internal layout of the proposed bungalow is not yet known and therefore its full impact cannot be assessed at this stage. However it is important to determine whether a dwelling could be accommodated at this location in the site which would meet the guidance for space about development. In this instance it is noted that a logical layout would have main windows facing west towards the common boundary with No57 Gorsey Lane or northwards to the rear boundary. This being the case then it is noted that a dormer bungalow which meets the space about dwellings guidance could be accommodated on the site.
- 4.4.8 The proposed 3 bedroom dormer bungalow is proposed to have a rear garden amenity space of approximately 154sqm and a small scale front garden. This far exceeds the Council’s minimum requirement for a 3 bedroom property of 65sqm.
- 4.4.9 The adjacent neighbours were consulted on the above application and the neighbouring property of No 51 Gorsey Lane has objected based on a variety of reasons outline above. It is considered that the proposed dormer bungalow would be at a sufficient distance from the neighbouring properties that it would not result in a poor standard of residential amenity.
- 4.4.10 Therefore, it is considered that a bungalow at the location shown need not result in a poor standard of residential amenity for all existing and future occupiers and that a scheme could come forward which would accord with Policy CP3 of the Cannock Chase Local Plan, the Council’s Design SPD and the NPPF.

4.5 Impact on Highway Safety and Capacity

- 4.5.1 Paragraph 32 of the NPPF states that Plans and decisions should take account of whether: -

the opportunities for sustainable transport modes have been taken on depending on the nature and location of the site, to reduce the need for transport infrastructure.

safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds, where the residual cumulative impacts of development are severe.

- 4.5.2 The proposed detached dormer bungalow is proposed to have two off street car parking spaces and a detached garage. The required parking provision for a 3 bedroom dwelling is for 2 off street car parking spaces. Therefore it is considered that the 2 off street car parking spaces proposed would meet the Council's Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport Supplementary Planning Document (2005).
- 4.5.3 Staffordshire County Council Highways Department have been consulted on the proposals and have no objections subject to the provision of 3 conditions and 2 informatives.
- 4.5.4 As such the proposal is considered acceptable in respect to parking provision, access and highway safety and is therefore in accordance with Policy CP16 (a) and (c) of the Local Plan and paragraphs 32 of the NPPF, the Cannock Chase Local Plan Policy CP3.

4.6 Impact on Wildlife and Nature Conservation Objectives

- 4.6.1 Policy CP12 of the Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced via the safeguarding from damaging development of ecological and geological sites, priority habitats and species and areas of importance for enhancing biodiversity, including appropriate buffer zones, according to their international, national and local status.
- 4.6.2 Furthermore, Paragraph 118 of the NPPF states: when determining planning applications, local planning authorities should, amongst other things (not relevant to the determination of this application)

"aim to conserve and enhance biodiversity by applying the following principles:

if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"

- 4.6.3 In this respect it is noted that the application site is a residential garden in a suburban area and is not known to support any species, or habitat, of ecological significance and is not designated as a site of ecological or geological value or forms the buffer to such a site.

4.6.4 However, development within Cannock Chase district that leads to a net increase in dwellings is required to mitigate adverse impacts on the Cannock Chase SAC. 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. Although the proposal is CIL liable the applicant has not sought exemption from payment as a self build. As such the mitigation towards the SAC would be included in the CIL payment.

4.6.5 Subject to the CIL payment the proposal is considered acceptable in respect of its impact on nature conservation interests and therefore would be in compliance with Policies CP3, CP12 and CP13 of the Cannock Chase Local Plan and paragraph 118 of the NPPF.

4.7 Waste & Recycling Facilities

4.7.1 It is clear from the layout that there is sufficient space in the site to accommodate waste and recycling facilities and a collection point. As such the proposal would contribute to national and local waste reduction and recycling targets in accordance with the requirements of Policy CP16(1) (e) of the Local Plan.

4.8 Drainage and Flood Risk

4.8.1 The site is located within Flood Zone 1 in the Environment Agency's Flood Risk maps and hence is at the lowest risk of flooding. Paragraph 103 of the NPPF states that when "determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere".

4.8.2 The site is located within a suburban area and is therefore well served by drainage infrastructure. It is noted that there is sufficient space within the site to accommodate a soakaway whilst still attaining the distances of 5m from trees and the proposed bungalow. However, a percolation test has not been submitted at this stage to demonstrate that soakaways will work. Notwithstanding this it is noted that there is sufficient space within the site to accommodate and balance any additional run-off generated by the proposal to enable it to be discharged to the public sewer network. This could be satisfactorily dealt with by means of a condition attached to any approval granted.

4.9 It is therefore concluded that subject to a condition for a drainage sagem the proposal is acceptable in respect to drainage and flood risk.

4.10 Affordable Housing Provision

4.10.1 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.

4.11 Whether any Adverse Impacts of Approving the Development would Significantly and Demonstrably Outweigh the Benefits.

- 4.11.1 Paragraph 49 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development. What the presumption means in practice is set out in Policy CP1 of the Local Plan and Paragraph 14 of the NPPF which states for decision taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole; or specific policies in the framework indicate development should be restricted.
- 4.11.2 There are no specific policies in the framework which indicate that the development proposed should be restricted and hence the application should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole.
- 4.11.3 In respect to the above it is considered that there are no significant adverse impact of granting permission. As such the benefits that one dwelling would contribute towards meeting the objectively assessed housing needs of the District, the economic benefits associated with the construction and future occupation of the dwelling and the environmental benefits of providing a dwelling in a sustainable location are not outweighed by any adverse impacts. As such the proposal is considerable acceptable and in accordance with paragraph 14 of the NPPF.

5.0 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.
- 5.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

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

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

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

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would make a positive contribution towards the aim of the Equalities Act.

6.0 CONCLUSION

- 6.1 The application seeks outline approval with means of access and layout for the provision of a detached 3 bedroom dormer bungalow together with two off street car parking spaces.
- 6.2 The proposal is located in a sustainable location with good access to goods, services and areas of employment by modes of transport other than the private car.
- 6.3 It is considered that the proposals meet, except in respect of affordable housing, the requirements of the NPPF, the Cannock Chase Local Plan – Part 1 and the Council’s Design SPD and the Council’s Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport Parking SPD.
- 6.4 In respect to the issue of affordable housing given the 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.
- 6.5 In respect to all other matters of acknowledged interest the proposal, subject to the attached conditions is considered to be acceptable.
- 6.6 It is noted that the reserved matters application relating to this outline application would be subject to the requirement for the provision of a Community Infrastructure Levy Liability Form and that this proposal would require the payment of CIL.
- 6.7 It is therefore recommended that the application be approved subject to the attached conditions.