

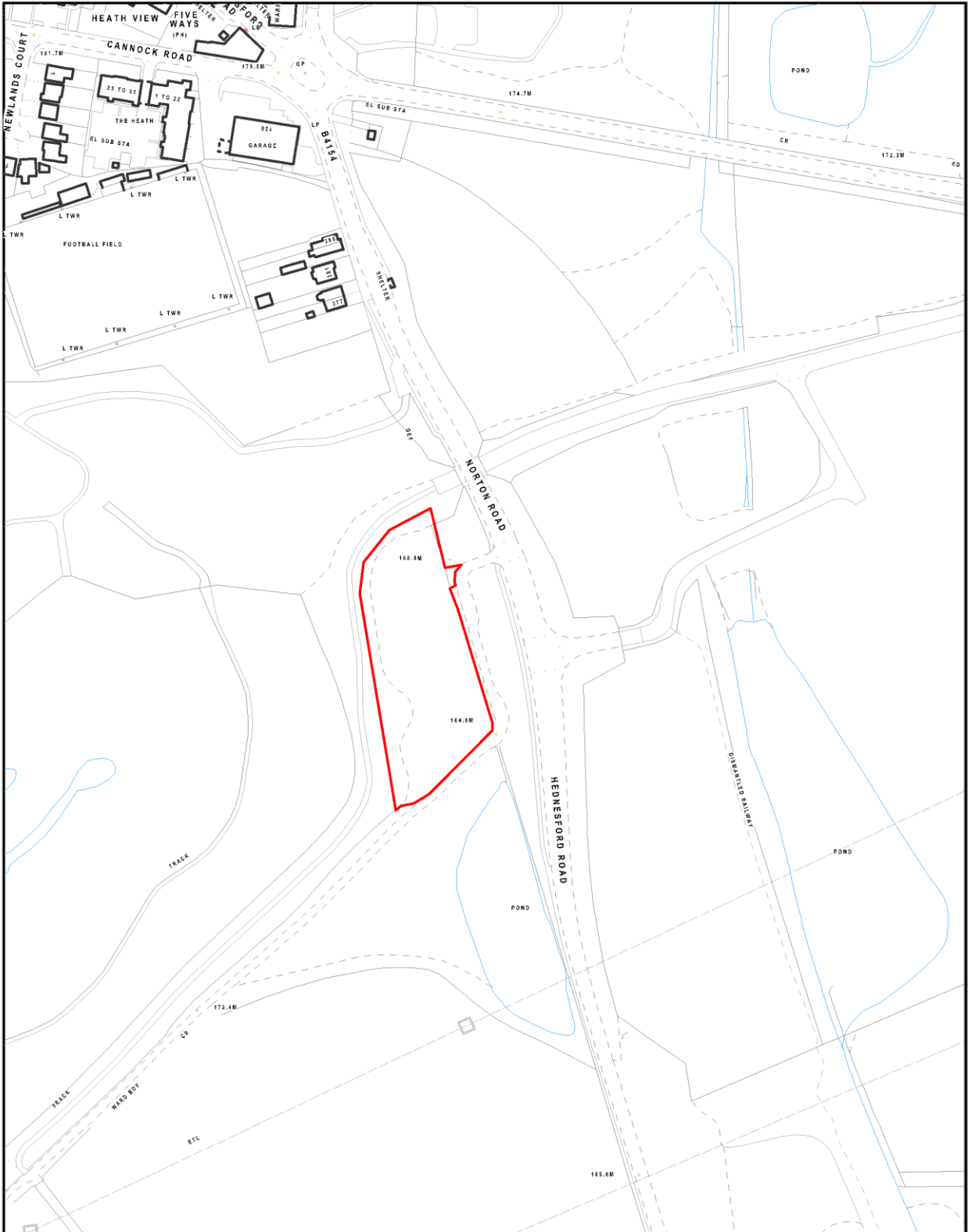


**Application No:** CH/19/093

**Location:** Land Off, Stokes Lane, Norton Canes, Cannock, WS12 3HJ

**Proposal:** Proposed Change of Use of land for the keeping/stabling of horses

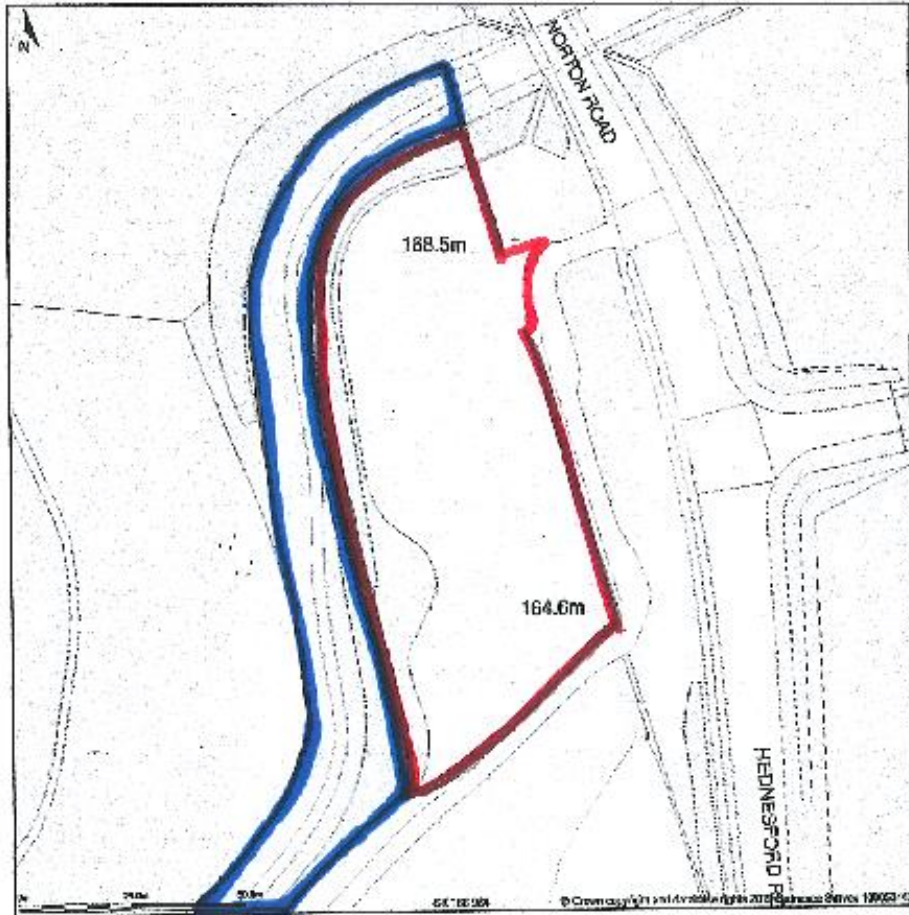
Item No. 6.1



# Location Plan



Stokes Lane, Cannock, Staffordshire, WS12 3HJ



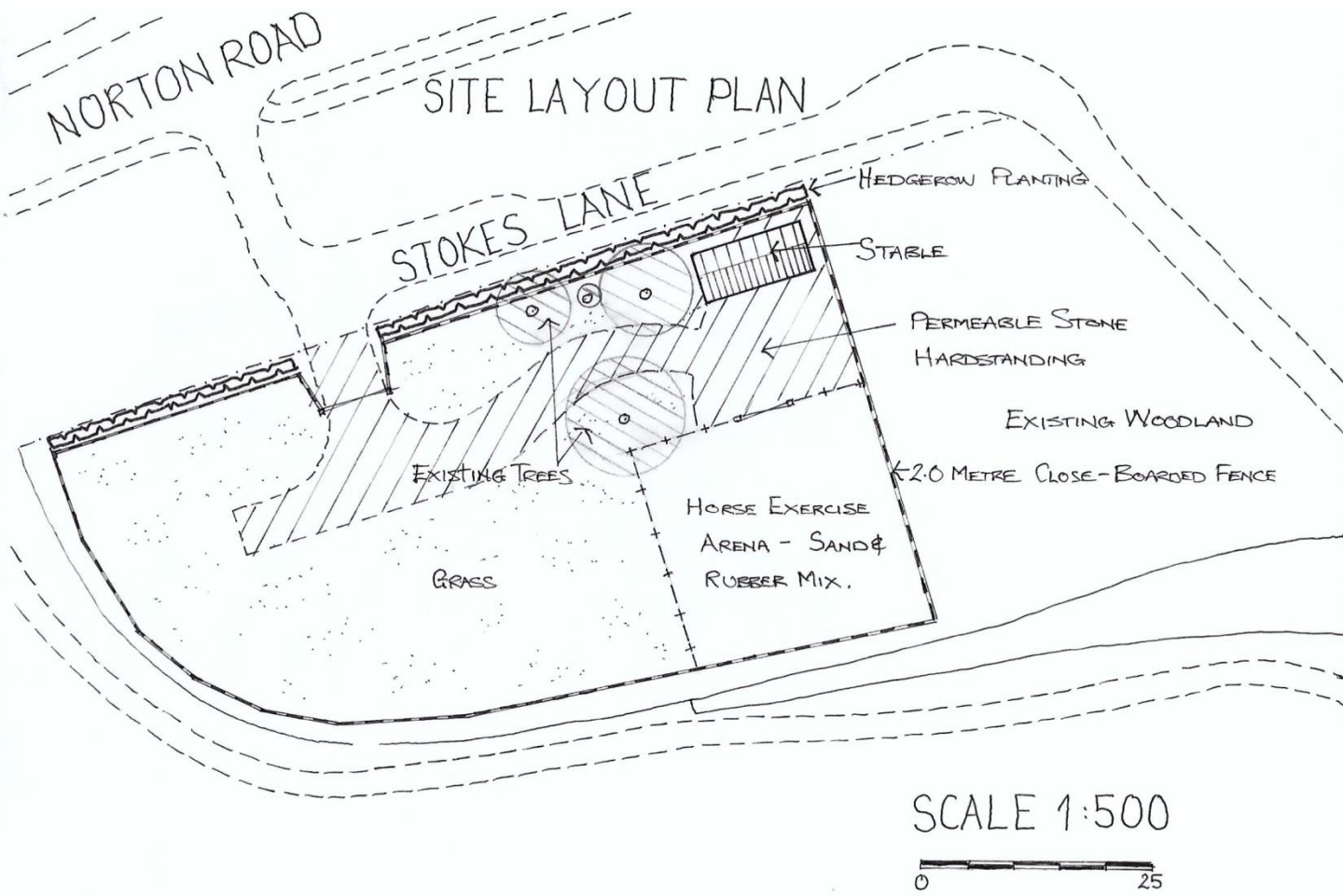
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CANNOCK CHASE COUNCIL  
PLANNING SERVICES  
04 MAR 2019  
REF 08/19/093

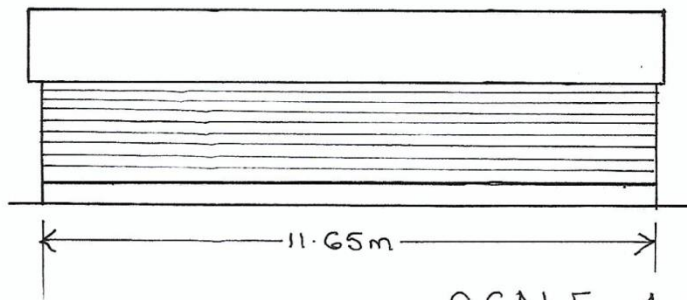
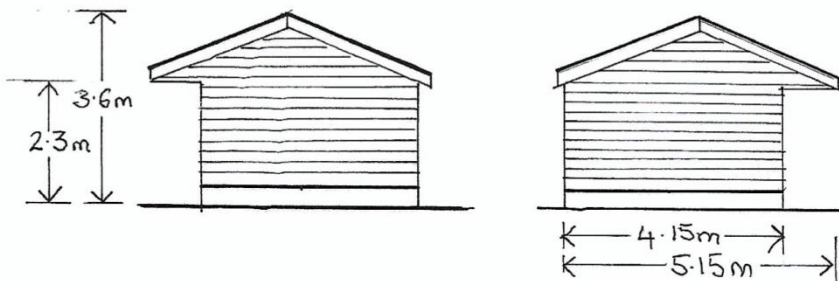
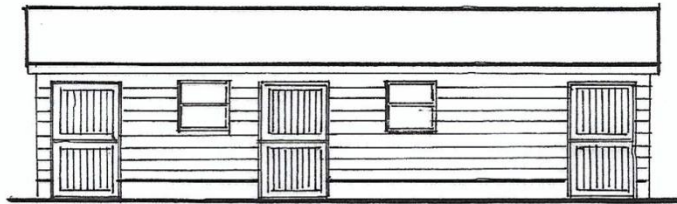
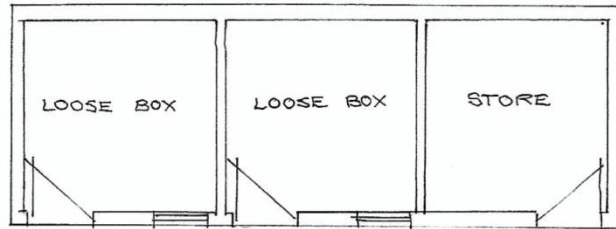
# Site Plan



# Floor Plan and Elevations

STABLE BUILDING.

FLOOR PLAN & ELEVATIONS



SCALE 1:100

<b>Contact Officer:</b>	David O'Connor
<b>Telephone No:</b>	4515

<b>PLANNING CONTROL COMMITTEE</b>	
<b>Application No:</b>	CH/19/093
<b>Received:</b>	04-Mar-2019
<b>Location:</b>	Land Off, Stokes Lane, Norton Canes, Cannock, WS12 3HJ
<b>Parish:</b>	Heath Hayes Norton Canes
<b>Description:</b>	Proposed Change of Use of land for the keeping/ stabling of horses
<b>Application Type:</b>	Full Planning Application

**RECOMMENDATION:**

Approve Subject to Conditions

**Reason(s) for Recommendation:**

The application proposes the erection of stable building, horse exercise arena and the construction of an associated access track. Whilst the site is within the designated Green Belt where new buildings are usually strictly controlled, the development is for an outdoor sport and recreation purpose that falls within the permitted list of exceptions set out within NPPF Para 145(b). As such in principle the development is considered acceptable. In design terms, the positioning of the building close to adjacent woodland, the maintenance of the trees on site and the general proportions of the building are of a scale that ensure limited wider landscape impact. Subject to conditions to better pin down tree mitigation, landscaping, lighting, and CCTV amongst others, the development is considered to constitute appropriate design in this setting. Consideration of the highway implications is also assessed within this report, but the relevant standards are found to be met and no objections are raised by the County Highways Authority given the limited scale and intensity of development proposed.

Taking the above factors into account it is considered the development is in accordance with the adopted development plan, relevant locally set standards and the NPPF.

**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 erection of the stable or the riding arena hereby permitted, an amended site plan showing a relocated stable building and resized riding arena that are positioned outside the root protection areas of retained trees shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved plans.

Reason:

In the interests of minimising root disturbance and severance to retained trees and in the interests of minimising the wider landscape impacts associated with the development in accordance with Local Plan Policy CP3.

3. Prior to the erection of the stable building hereby permitted, a scheme detailing all soft landscaping including proposed species for the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall be in the form as specified in Annex C of the Supplementary Planning Guidance 'Trees, Landscape and Development'. Thereafter the development shall be carried out in accordance with the approved details within the first planting season following the completion of the development.

Any trees or plants which within a period of five years from the date of planting die, are removed or become seriously damaged or diseased, shall be replaced in the following planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason

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

4. Notwithstanding the details referenced within the submitted Tree Report and prior to the construction of the vehicular driveway access, hardstanding or horse riding arena, precise details of the extent and specification for the proposed Cell Web 'no dig' membrane and precise details of the proposed utilities routing to the site shall be submitted to and agreed in writing by the Local Planning Authority, Thereafter the development shall be carried out in accordance with the approved details.

Reason

The existing vegetation makes an important contribution to the visual amenity of the area and damage to it should be avoided. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

5. Prior to the erection of any lighting within the development hereby permitted, details of the proposed lighting including the proposed location, type of cowling and lighting intensity shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed lighting scheme shall be implemented in accordance with the approved details.

## Reason

To ensure that the brightness of any lighting erected does not have an adverse impact on protected species, highway safety and the night time character of the area in line with Local Plan Policy CP3.

6. Prior to the erection of the stable building hereby permitted, details of the proposed CCTV shall be provided showing the specification and proposed location of the CCTV cameras. Thereafter the development shall be carried out in accordance with the approved details prior to first use of the development.

## Reason:

In the interests of site security and discouraging crime in line with Local Plan Policy CP3.

7. Without the express consent of the Local Planning Authority, there shall be no barbed or razor wire, lighting, lighting columns or additional fencing erected or positioned on the site beyond that expressly permitted by the Local Planning Authority as part of this consent.

## Reason:

In the interests of the character and appearance of the area in line with Local Plan Policy CP3.

8. No trees or hedges shown as retained on the 1:500 Site Plan dated as received 22 May 2019 shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or destroyed.

Any trees or hedges which, within a period of 5 years from completion of the development are cut down, topped, lopped or uprooted without permission of the Local Planning Authority or become seriously damaged or diseased or die shall be replaced in the next planting season with similar size and species unless the Local Planning Authority gives written consent to any variation.

## Reason

The existing vegetation makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3, CP14, CP12 and the NPPF.

9. The development hereby permitted shall be carried out in accordance with the following approved plans:  
The amended 1:500 Site Plan dated as received 29 April 2019 subject to the requirements of Condition 2 of this notice  
The amended Elevations and Floorplans dated as received 23 May 2019  
The Post and Rail Fence Details dated as received 4 March 2019  
The Vertical Boarded Fencing (Ref PBA4) dated as received 4 March 2019

## Reason

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

**Notes to Developer:****Consultations and Publicity****External Consultations**Staffordshire Wildlife Trust

No response received

Historic England

No comments offered

Heath Hayes & Wimblebury Parish Council

No objections

The site is within the Green Belt but the application is considered suitable agricultural development. There should be a condition restricting the number of vehicles on the site to a maximum of 2. Conditions should also be added to prohibit any means of human habitation such as caravans, tents and restrictions in terms of storage. The Arboricultural Impact Assessment recommendations should be followed, particularly with regard to services, should they be required.

Norton Canes Parish Council

No objections relating to the equestrian development proposed but we would comment that we would not wish to see this land developed in future for the residential use for gypsies/ travellers.

Coal Authority

No objection

The Coal Authority's general approach where development is proposed within a Defined High Risk Area is to recommend the applicant submits a Coal Mining Risk Assessment with the application. However when considering this particular proposal, whilst there are potential mining features within the application site, the specific part of the site where development is proposed actually falls outside of the defined High Risk Area. Therefore we do not consider a Coal Mining Risk Assessment is necessary and we do not object to this proposal. An informative note should be



added to any decision highlighting the presence of potential unrecorded coal mining hazards.

#### Staffordshire County Highways Authority

No objections subject to conditions

The proposal is for 2 No. loose boxes only. The traffic generated from this would be negligible given the low level of horses on the site. The Highway Authority consider the current access off Norton Road (including visibility) to be acceptable given the limited quantum of development proposed.

#### Police Crime Prevention Officer

No objections, following comments are made:

Rural crime is both a local and national issue, the theft of trailers and horse tack being particularly prevalent. The documents provided state that it is intended to house tack within the proposed structure which offers very little crime resistance and is set in a location that actually assists offenders.

#### Illumination

The building should have all elevations and recesses illuminated with a series of vandal resistant, high-pressure sodium lamps, operated by photoelectric sensors, mounted at the highest inaccessible point.

#### Roof

Should construction dictate installing a lightweight roofing system, I recommend installing one certificated to STS 202 BR1. LPS 1175 SR 1 which is less vulnerable to intrusion by cutting through the deck, attempts to gain access through the roof can be prevented by fixing expanded metal to the topside of rafters.

#### Walls

Composite panels, profiled metal cladding and wooden walls are all vulnerable to forced entry. The first 2m height of all walls, internally or externally, should be brickwork or materials of similar strength. All grilles should use security screws or bolts.

#### Perimeter Doors

The minimum Association of British Insurers (ABI) and Police security standard for perimeter doors is that they should comply with STS 202 BR2, LPS 2081SRB or LPS 1175 SR2, the opening leaf of perimeter double doors must be fitted top and bottom with key operated rack mortise bolts and the meeting styles should be rebated.

## **Internal Consultations**

### Planning Policy

No objections.

### Environmental Health

No objections.

Appropriate arrangements will be necessary for the disposal of liquid and solid wastes and a manure management plan is recommended.

### Environmental Services

The following comments are made:

The site was formerly well treed, forming a screen to the former haulage road and has recently been cleared of the majority of trees. This has resulted in opening up views from the main road across the site.

In relation to trees and the Tree Report provided:

- The proposal is site the stable within the root protection of the trees on the site. What is the extent of the incursion and will this have long term impacts? The tree report provided does not consider this. More details regarding the proposed foundations if within the root protection area of the trees should also be provided.
- The no dig surface proposed should cover the length of the area not just the specific sections and specific details of the produce specification proposed should be provided so it can be secured by condition
- How will services on the site be provided? If along the driveway, this will impacts existing trees
- The Tree Protection Barriers proposed do not sufficiently protect the trees on site.
- The horse exercise area cuts into the Root Protection Area of Tree 3 as shown and no consideration of this impact is given in the report.
- Horse fouling, root compaction and the browsing action of horses could impact the potential for tree retention

The proposed stable is generally inkeeping in revised design however the inclusion of a tall 2m close boarded fence around the site perimeter is not in character with the area. It is domestic in appearance and considerably increases the visual prominence of the site to the detriment of the local area.

## Response to Publicity

Site notice posted and adjacent occupiers notified in line with Development Management Procedure Order 2015 requirements. In response 3 No. individual letters were received and in summary these raise the following matters:

- We do not have concerns about stabling but would suggest a condition should be added that stipulates 'no caravans, tents or living accommodation (even temporary accommodation) shall be permitted on the land'. We are concerned that as there is already a Travelers camp on Stokes Lane, the stables will soon be joined by a caravan and over time will become an unofficial Travellers Camp Site.
- The fenced nature of the site, the ornate gates proposed and the effort made to stone up the site in a level way clearly indicate there will be Traveller's caravans put on the site.

## Relevant Planning History

1. CH/08/0001: Installation of a wind farm, comprising three wind turbines, control building Full – Withdrawn. 08/05/2009.
2. CH/97/0254: Proposed modification to the working and restoration County Reg 3 - No Objections. 09/24/1997.
3. CH/89/0503 Opencast coal and clay extraction and restoration to woodland Full – Approval. 06/13/1990.

## 1 Site and Surroundings

- 1.1. The application site is located close to the junction of Stokes Lane and Hednesford Road (B4515 turning into Norton Road just to the north of the application site). The site occupies a slightly set down position from Hednesford Road and is now a cleared parcel of land located to the west - and accessed from - Stokes Lane. The site was recently cleared of vegetative cover and the majority of trees that existed with a domestic style 2m fence now having been erected around the site.
- 1.2. The site is located within the defined Green Belt, is within a known contaminated land area, High Risk Coal Mining designation area and is within a defined Minerals Consultation Area. The site is also in the defined Norton Canes Neighbourhood Plan Area.
- 1.3. The context of the site is relatively rural in character, well landscaped and undeveloped with the exception of the main roads in the area and the

previous Coal Haulage Road to the north of the site. Views across the site are apparent from Hednesford Road to the west and the elevated land known as Fair Lady Coppice to the east of the site.

## **2 Proposal**

- 2.1 The amended application proposals seek full planning permission for the erection of a stable building and horse exercise area and the associated change of use of the land to enable use for equestrian purposes. The development proposed involves the erection of a pitched roofed 5.15m x 11.65m stable with a height of 3.6m that would be constructed on a brick plinth with timber walls and doors. A horse exercise area 25m x 26m surfaced in sand and shredded rubber is also proposed along with compacted stone hardstanding access and turning area.

## **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). Relevant policies within the Local Plan include: -

CP1 - Strategy – the Strategic Approach  
CP3 - Chase Shaping – Design  
CP10 – Sustainable Transport  
CP12 - Biodiversity and Geodiversity  
CP14 – Landscape Character and Cannock Chase AONB

### **3.3 National Planning Policy Framework**

- 3.4 The NPPF (2019) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be "presumption in favour of sustainable development" and sets out what this means for decision taking.

3.5 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.6 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
145-146	Green Belt Developments
172	Landscape and Scenic Beauty in Protected Areas
212, 213	Implementation

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016. Notably pages 63-66 regarding equestrian developments.

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

## 4 Determining Issues

4.1 The determining issues for the application are:

- Principle of development
- Design and Landscape Character Considerations
- Trees
- Highways Considerations
- Crime and Vandalism Considerations
- Other issues:
  - Potential use for Gypsy and Traveller Site
  - Erection of fencing
  - Coal Mining Risk

4.2 Principle of development

4.2.1 The proposal is for the change of use of land and development of an equestrian stable including the provision of a stable building, riding arena and associated access track. Whilst clearance of vegetation from the site has been undertaken, this work was not development within the terms of S.55 of

the Town and Country Planning Act 1990 and so does not fall to be considered within this application as a material consideration taking account the starting point for these submissions is the cleared site.

4.2.2 Local Plan Policy CP1 and CP14 refer to the application of relevant National Policy when considering development within the Green Belt. Para 134 of the NPPF states that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.2.3 In this case of most relevance to the proposals is the desire to safeguard the countryside from encroachment. In particular NPPF Para 144 makes clear that 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.' Para 145 goes further and states that 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;....'

4.2.3 Officers assess that whilst the development of a stable is a new building, in principle the use and building functionally fulfils an outdoor sport and recreation purpose so as to fall within the exception criteria stated in Para 145(b) of the NPPF. The building is modest in scale and is otherwise positioned to minimise its effect on the openness of the Green Belt being screened by adjacent woodland and is not considered to represent a substantial encroachment into the countryside that would impact the permanence of the Green Belt.

4.2.4 Also of relevance is the construction of the horse exercise area and the access track proposed. In this regard, in principle Para 146 of the NPPF states that other forms of development are also 'not inappropriate' in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One of the items listed in Para 146 is 'Engineering Operation' which in this case could include the formation of the access track and riding arena. These items are not judged to substantially impact the purpose of safeguarding the countryside from development in this case, have a limited effect on openness and would not be likely to affect the permanence of the Green Belt in the long term.

4.2.5 Accordingly, in principle both the construction of the building and the associated facilities are considered to align in principle with the exceptions within National Green Belt Policy as referenced. In turn, the development is considered to accord with Local Plan Policies CP1 and CP14 in principle.

### 4.3 Design and Landscape Character Considerations

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 To assist with considering equestrian developments, the Council has produced a Design Supplementary Planning Document. Equestrian developments are considered on page 64. Extracts from this state:

- Freestanding buildings need to be sensitively located to minimise their effect on their surroundings and where possible they should be sited so they closely relate to existing screening ... additional screening may be required.
- Stables need to be of a size that are comfortable for their purpose but not large enough to enable easy conversion to other uses.
- Materials used in the construction of stables should be sensitive to their countryside location. The use of stained wood on traditionally designed and constructed buildings can be acceptable ... Stables constructed of brick and tile should be purpose built with the use of plain tiles and bricks that reflect the local character of the area.
- Boundary treatments, external lighting, hardstanding and clutter should be carefully controlled.
- Riding arenas can appear intrusive in the natural landscape so need care in terms of siting, design and surfacing materials. Materials should be carefully considered.

4.3.6 The amended scale of the building in this case closely accords with the recommendations made within the Council's Design SPD. The building and riding area are also proposed in a location that is immediately adjacent the wooded area retained to the south of the site, thus containing wider landscape visibility. The applicant also proposes additional landscaping along the site



frontage albeit the details provided could be more precise. The Council could also require that any additional lighting be submitted to and agreed by the Council in order to minimise potential for light spill and ecological disturbance. The materials to be utilised in the stable accord with those suggested in the Council's Design SPD being predominantly timber with a black roof made from Onduline sheeting.

- 4.3.7 The main negative factor associated with the development is the highly domestic fencing enclosing the site that is not appropriate in an otherwise green landscape. Whilst this is the case, Members will need to also recognise that much of this fencing is permitted development under Part 2 Class A of the General Permitted Development Order 2015 being 2m (or in some cases just over). Hence the applicant was entitled to carry out this fencing work and the fenced and cleared site is in effect the legitimate starting point for the current submissions (albeit this is with the exception of the fencing fronting Stokes Lane). The Council would be within their rights to insist the fencing adjacent the highway to the front of the site is taken down to 1m in line with permitted development requirements and this option is open to Members. However Officers also note the competing security considerations that would be apparent from only a 1m fence. The applicant instead seeks to provide screening along the external face of fence to the site frontage. This in time would soften the appearance of the fence but Officers accept this approach is not ideal and conveys some landscape impact whilst the hedging matures. Officers would highlight it would have been preferable if the applicant had discussed the full proposals with Officers before proceeding with the erection of the fence so a coordinated approach could have been assured.
- 4.3.8 It is also relevant that in line with the Council's Local Plan Policy CP10, the Local Plan Proposals Map envisages a new recreational footpath / cycle route in the area immediately to the south of the site linking in with Coal Haulage Road. This route is not affected by the current application directly. Indirectly however, this would promote additional pedestrian movements westwards towards Norton Lane in the long term and thus places increased importance in the quality of the landscape experienced by users of the proposed route.
- 4.3.8 Taking the above factors into account, whilst the proposals are not ideal in landscape terms subject to more precise soft landscaping details to the site frontage and submission and agreement of lighting details prior to erection, Officers consider the proposals as a whole - and excluding much of the fencing that has been erected under Permitted Development - do not have a significant impact upon the landscape character of the area or the Green Belt.

Accordingly, having had regard to Local Plan Policies CP3, CP10 and CP14 the proposal, on balance, is considered acceptable.

#### 4.4 Tree Considerations

- 4.4.1 The site previously contained a number of trees. These were not subject to TPO and were lawfully removed as part of site clearance work. The site still contains 3 No. trees, all Silver Birch with an amenity category 'B' according to the submitted Tree Report. These trees assist in screening the site from the main road and these will help soften the appearance of the site more generally.
- 4.4.2 Criticism has been made of the submitted tree report by the Council's Tree Officer in that the report lacks detail regarding utilities routes into the site, clarity regarding the extent of the no dig surface proposed, formal confirmation of the type of 'Cell Web' membrane proposed to try and avoid root compaction. Questions are also raised regarding avoidance of encroachment into root protection areas by the stable building and the riding arena.
- 4.4.3 Officers consider it would be highly desirable in landscape terms to ensure long term retention of the trees that remain on site. Therefore the issues above were put to the applicant's agent by email on 4 June 2019. At the time of writing this report, no response has been received.
- 4.4.4 It is envisaged that minor changes such as slight changes to the size of the riding arena, repositioning of the stable and additional details from the applicant would likely address the above concerns. Such detail could be secured by condition prior to erection of the building, and could include the slight reorientation of the building and more specific details regarding root protection. In the absence of any response from the applicant's agent on the issues raised, this route appears the most appropriate and would ensure the Council takes the required steps to ensure the long term protection of the trees. Subject to these conditions, it is considered the development proposed would accord with Local Plan Policy CP12.

#### 4.5 Highways Considerations

- 4.5.1 The site is located on the inside of a shallow bend off Hednesford Road. Officers noted that the access emerging from the site had some impeded visibility as a consequence of vegetation in the highway verge. Specifically the issue of visibility was raised with Staffordshire County Council Highways Authority. In response as part of their role as a Statutory Consultee, Officers

were assured that specific assessment of this visibility issue was undertaken and that given the minimal level of traffic associated with two stables, no objections would be raised to the use of the site for equestrian purposes. Accordingly there are considered to be no substantive highway safety issues subject to the conditions set out by the Highways Authority.

#### 4.6 Crime and Vandalism Considerations

4.6.1 Upon visiting the site, it is apparent the site is somewhat isolated from opportunities for natural surveillance. Whilst the site is adjacent to a road, this is a 40mph road on a bend such that surveillance by a casual observer is problematic. At the same time, the road promotes an awareness of the site and an awareness of potential for criminal opportunity with means of escape in a variety of directions. It was also noted the extensive fencing erected further restricts surveillance whilst not particularly providing security given the low level in certain areas. Supported by the observations from the Police, these factors could contribute to rural crime which is both a local and national issue, with the theft of trailers and horse tack being particularly prevalent. Recommendations are made by the Police consultee to include lighting, CCTV, steel roof decking, reinforced walls and high security doors to assist in restricting criminal opportunity.

4.6.2 The above matters were put to the applicant who considers he has a good relationship with his neighbours and they keep him informed of any activity on the site. The applicant also proposes to install CCTV and that since his activity on the site, a noticeable reduction in fly tipping has been apparent. In the applicants view, surveillance cameras and the regular presence on the land are likely to deter criminal activity.

4.6.3 Officers assess the CCTV proposed would go some way to deterring criminal behaviour. At the same time Officers consider that additional barbed wire, high intensity lighting, lighting columns and more industrial type fencing for example, would be undesirable in this location. Therefore conditions should require provision of the details of CCTV proposed along with submission and agreement of any other security measures before their installation. This ensures the Council retains some degree of proportionate control over such measures which could impact on the wider character of the area if implemented poorly. Subject to these conditions, Officers consider this approach represents a proportionate response to the scale of risk posed to the development.

#### 4.9 Other Considerations

##### Potential for use as Gypsy and Traveller Site

4.9.1 A number of respondents and the Parish Council's consulted highlighted concerns about uses beyond the proposed use for stabling – including use as

a Traveller Site. Members should note the application in law must be determined on the basis of the submission. It is not a material consideration to 'suppose' that a person might do something other than is suggested in their application. Therefore to be clear, the use as travellers accommodation is not a component of the application submitted and would require separate permission of its own, if an unauthorised use was to occur. Further assessment and separate planning permission would then be required in terms of compliance with planning policy and other material considerations.

- 4.9.2 Request has been made that Officers consider utilising conditions that prohibit temporary living accommodation such as caravans, tents or other forms of living accommodation from the land. It is questionable if such a condition meets the test of necessity given that permission would be required for such a use in any event. As such, Officers recommend that a condition restricting living accommodation is not attached to any permission granted.

#### Erection of Fencing Around Site Periphery

- 4.9.3 During the course of the application submissions a fence was erected around the site. In nearly all cases, all landowners benefit from deemed consent to carry out fencing works on their land subject to certain restrictions. This right is given at the national level Part 2 Class A of the General Permitted Development Order 2015 which permits fencing up to 1m adjacent a highway and 2m elsewhere. This right extends to all land except listed buildings. Therefore whilst the application had been submitted, approx. 75% of the fencing erected benefits from being permitted development. Only the front face of the fencing onto Stokes Lane would technically require planning permission. Therefore in assessing the current application, Officers and Members are advised to take a balanced view of the impact of the fencing that takes account of the fact that 75% of the fencing around the site already lawfully exists.

#### Coal Mining

- 4.9.4 The site is within a known Coal Mining Risk Zone. The applicant has not provided a site specific Coal Mining Risk Assessment describing the approach to be adopted to deal with residual risks from Coal Mining. The Coal Authority have considered whether such a report is required in this case. It is suggested when considering this particular proposal, whilst there are potential mining features within the application site, the specific part of the site where development is proposed actually falls outside of the defined High Risk Area. Therefore a Coal Mining Risk Assessment is not considered necessary and the Coal Authority do not object to this proposal.

## 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 The application proposes the erection of stable building, horse exercise arena and the construction of an associated access track. Whilst the site is within

the designated Green Belt where new buildings are strictly controlled, the development is for an outdoor sport and recreation purpose that falls within the permitted list of exceptions set out within NPPF Para 145(b). As such in principle the development is considered acceptable.

- 6.2 In design terms, the positioning of the building close to adjacent woodland, the maintenance of the trees on site and the general proportions of the building are of a scale that ensure limited wider landscape impact. Subject to conditions to better pin down tree mitigation, landscaping, lighting, and CCTV amongst others, the development is considered to constitute appropriate design in this setting. Consideration of the highway implications is also assessed within this report, but the relevant standards are found to be met and no objections are raised by the County Highways Authority given the limited scale and intensity of development proposed.
- 6.2 Taking the above factors into account it is considered the development, on balance, is acceptable having had regard to the adopted development plan, relevant locally set standards and the NPPF.



**Application No:** CH/19/129

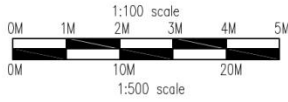
Item No. 6.23

**Location:** Mercury House, 63, Union Street, Bridgtown, Cannock, WS11 0BS

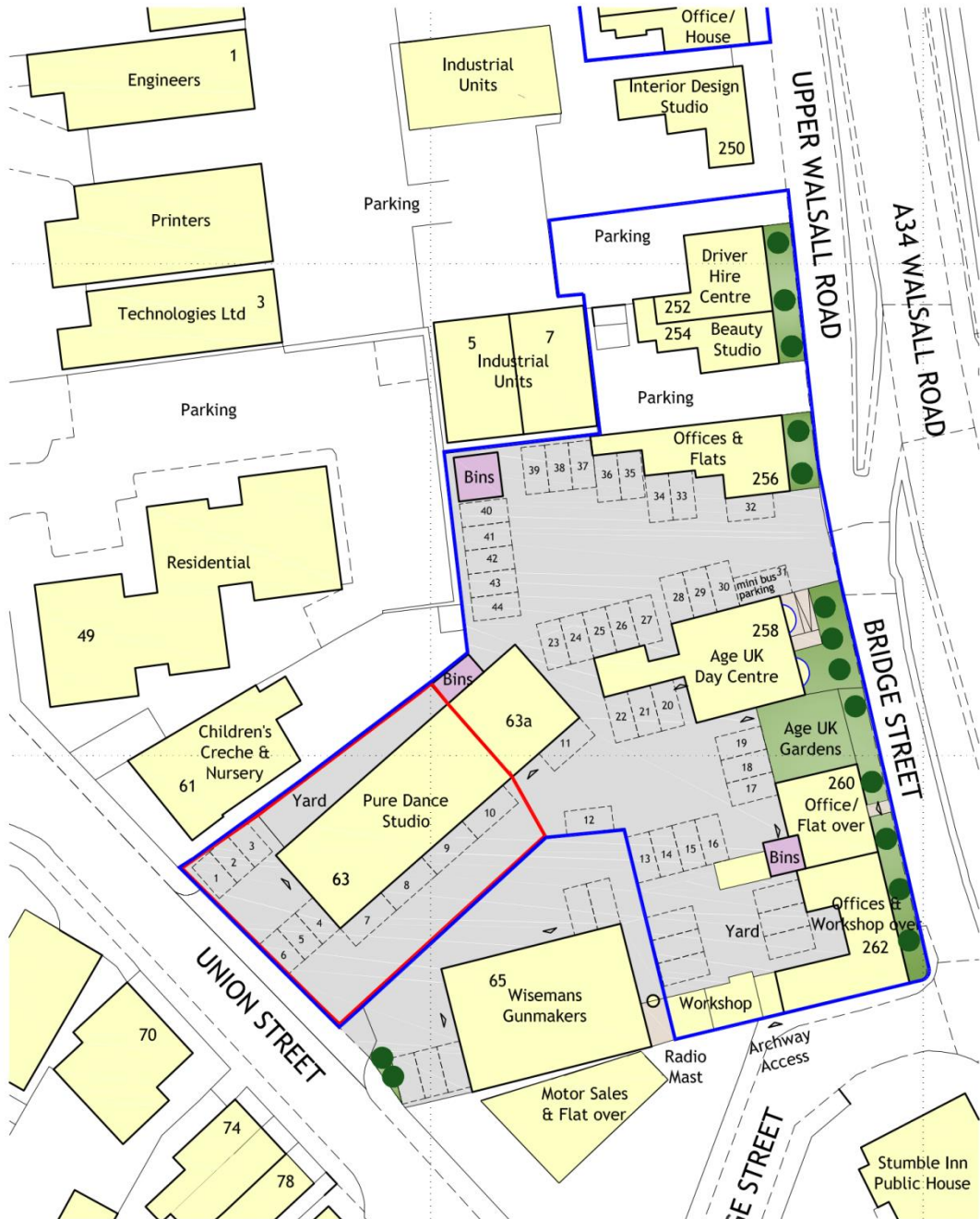
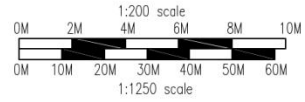
**Proposal:** Change of use from Industrial to professional dance studio & manufacture of professional dance clothing.



# Site Plan



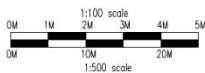
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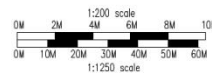
## MERCURY COURT. CANNOCK.



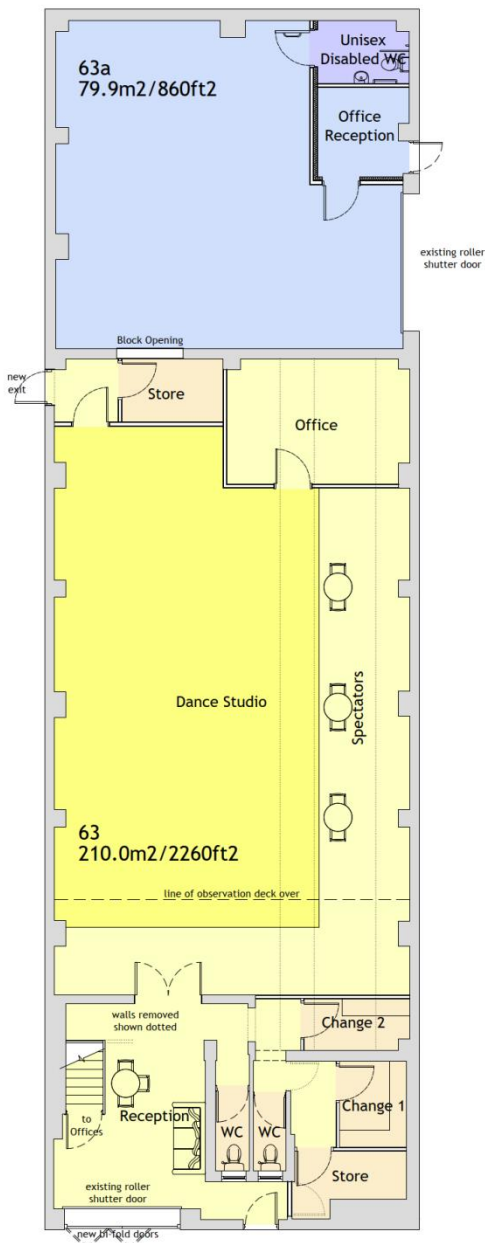
# Proposed Ground Floor Plan



1:100@A3



Dwg: 18MC-11  
Date: 25.Mar.2019

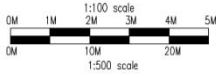


PROPOSED GROUND FLOOR PLAN  
No.63

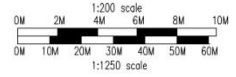
MERCURY HOUSE.  
CANNOCK.



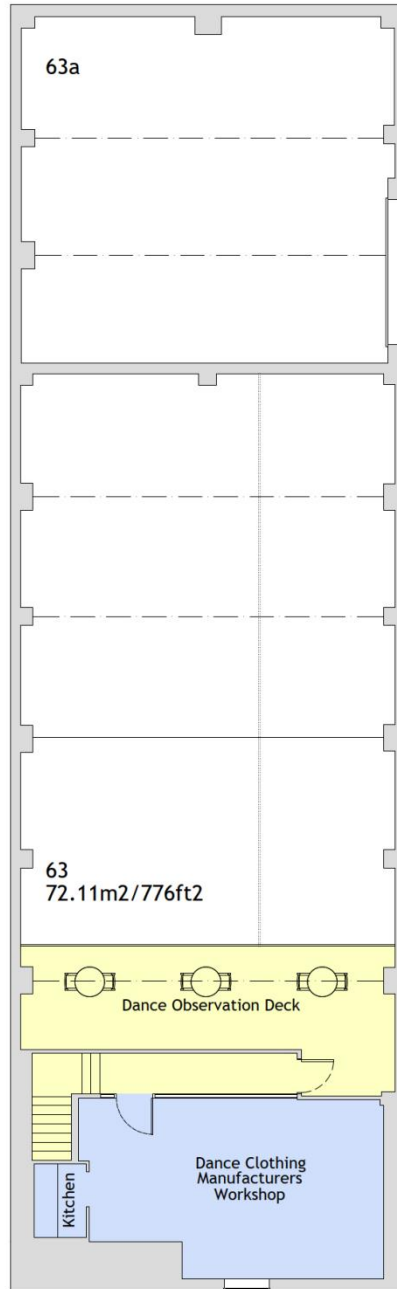
# Proposed First Floor Plan



1:100@A3



Dwg: 18MC-12  
Date: 25.Mar.2019



PROPOSED FIRST FLOOR PLAN  
No.63



MERCURY HOUSE.  
CANNOCK.



<b>Contact Officer:</b>	Claire Faulkner
<b>Telephone No:</b>	01543 464337

**PLANNING CONTROL COMMITTEE**

26<sup>th</sup> June 2019

<b>Application No:</b>	CH/19/129
<b>Received:</b>	29-Mar-2019
<b>Location:</b>	Mercury House, 63 , Union Street, Bridgtown, Cannock, WS11 0BS
<b>Parish:</b>	Bridgtown
<b>Description:</b>	Change of use from Industrial to professional dance studio & manufacture of professional dance clothing.
<b>Application Type:</b>	Full Planning Application

**RECOMMENDATION:**

Approve subject to conditions

**Reason(s) for Recommendation:**

In accordance with paragraphs (186-187) 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/or the National Planning Policy Framework.

**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 first occupation of the development the parking and turning area indicated on the amended submitted plan dated 5th May 2019, shall be completed and surfaced in a bound material with the individual parking bays clearly delineated. The parking and turning area shall thereafter be retained solely for the purpose of turning and parking for the life of the development.

## Reason

To comply with the objectives and policies contained within the NPPF and in the interests of highway safety.

3. Within 2 months of the commencement of the use hereby approved, a noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall include the impact and subsequently the degree of noise insulation works necessary to ensure that there is no adverse effect from music arising from the use of the dance studio. Any insulation works found to be necessary shall be implemented and completed within 2 months of the date of the approval of the noise insulation scheme.

## Reason

To protect the amenity of neighbouring residents in accordance with paragraph 127(f) of the National Planning Policy Framework.

4. The building shall not be open to customers outside the hours of 08:00hrs to 22:00 hrs Monday to Saturday and 10:00hrs to 16:00hrs on Sundays or Bank Holidays and Public Holidays.

## Reason

To ensure the protection of the amenity of neighbouring occupiers in accordance with paragraph 127(f) of the National Planning Policy Framework.

5. Notwithstanding the approved plan and the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking or amending that Order, the premises shall only be used as a dance studio and light industrial for dress making and for no other use falling within the D1 Use Class or any use falling within Class A1, A2, A3 or B1 of the Use Classes Order, 2017.

## Reason

The proposal as only been assessed in connection with the proposed use and to ensure the continued protection of the amenities of the neighbouring occupiers.

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

Location / Block Plan

18-MC-11

18-MC-12

Reason

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

**Notes to Developer:**

None

**Consultations and Publicity****External Consultations**Bridgtown Parish Council

No response to date

County Highway Authority

No objection subject to conditions.

**Internal Consultations**Environmental Health

No objection subject to condition

I note the hours of use on the application are upto 22:00hrs. Potentially this could impact adversely upon nearby residences, accordingly a noise impact assessment should be undertaken to determine the likely impact and subsequently the degree of noise insulation works necessary to ensure that there are no adverse effects from music sound levels arising from the use of the dance studio.

Development Plans and Policy Unit

The National Planning Policy Framework (NPPF, p4, 2019) says that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The Cannock Chase Local Plan – Local Plan (Part 1) Policy CP1 also reflects this stance.

Policy CP3 defines the design standards that will need to be addressed and the need to protect the amenity of existing properties including supporting mixed uses whilst avoiding incompatible ones.

Policy CP5 states that the Council will work with private and third sector partners to ensure that infrastructure is provided to support social inclusion and healthy living in the District. This includes indoor sport and physical activity facilities, and community facilities for leisure/activity opportunities.

Policy CP11 seeks to maintain the roles of the Districts centres including the town centre retail uses and emphasises the NPPF stance that town centre uses should take a sequential approach of town centre first followed by edge of centre before considering out of centre locations. Town Centre uses including retail, commercial and leisure uses will take a sequential approach to give priority to the regeneration of the town centre.

The Cannock Chase Council Parking Standards, Travel Plans & Contributions for Sustainable Transport SPD sets out the parking requirements.

### **Conclusion**

The proposal would expand healthy living opportunities for Council residents in a location that is accessible on foot and by bus. It is also on the edge of Bridgtown Local Centre in a mixed use area with manufacturing, light industrial and residential units nearby.

It would be useful if the applicant can provide justification for the out of centre location in terms of the space and parking requirements for this type of use.

While it is noted that the five spaces referred to in the planning application form may be considered adequate for the two members of staff and 4-6 dancers attending the booked sessions referred to in the Design & Access Statement, it would be useful if the applicant can provide more information on the additional parking at the side and any other planned events that may take place on the premises. This is because it is noted on the plans that the dance studio contains a ground floor spectator area and a first floor observation deck that could accommodate additional users in the building, who could potentially arrive by car.

### **Response to Publicity**

The application was advertised by neighbour letter and a site notice displayed. Two letters of objection have been received. Concerns raised are summarised below:-

- The submitted plans indicate that there will be three workers (1 full time and 2 part time) and then their dance customers (states 6), if everyone travels separately then 9 spaces are required. There is insufficient parking available.
- The plans indicate 5 spaces being available however as a resident of Bridgtown I have observed a maximum of 4 spaces being available at any one time.
- The observation platform indicates there will be potential for more people.
- The street should operate a permit system for residents with visitors to the area having to use the public car parks or drop off points being made available.
- If the use until 10:30pm can be stipulated this would reduce the potential noise being close to residents.
- Would the permission be specific to the dance studio and therefore be changed as soon as permission is granted?
- Could the unit be split into smaller units
- The lack of parking;- the nursery next door has no parking which is already a problem when parents collect / drop off children. The hotel, car rental and gym don't have suitable parking. The existing situation is already dangerous.
- If this is reverted to manufacturing rather than a dance studio are the properties opposite expected to accept noise until 10:30pm?
- A risk assessment needs to be carried out to assess the danger that already exists.
- No.63 has been used as warehouse and never had planning permission for light industrial or manufacturing and the unit always run by family businesses serviced by 2 vans which has never been a problem.
- The increase in working hours would bring increased light and noise disturbance to the front bedrooms and living rooms.

### Relevant Planning History

CH/87/391:	Conversion to day nursery - approved.
CH/88/862:	Extension to day nursery - approved
CH /90/0421:	First floor extension to provide creche facilities- approved.
CH /90/0737:	Extensions to front and rear of existing warehouse. Refusal
CH /91/0043:	Extensions to front & rear of existing Warehouse - approved

CH /96/0013: Relaxation of condition – approved.

## **1 Site and Surroundings**

- 1.1 The application site comprises a modern factory unit built from brick under a cement fibre roof with side yard to side served by a vehicular access to Union Street.
- 1.2 There is a roller shutter door to the front of the unit and a second access along the side elevation. The area to the front comprises of hardstanding currently used on an *ad hoc* basis.
- 1.3 Opposite the site, across Union Street, are several semi-detached houses; to the East a Gunmakers unit, to the West another commercial unit 'Transworld' beyond which is 'Tiny Toes' day nursery. To the rear is Julian House which is used by Age Concern.
- 1.4 The surrounding area is mixed use in character with residential properties situated adjacent to commercial properties and where there is considerable variety in the scale of buildings from domestic scale up to the Orbital Plaza Hotel and the commercial units at the Green Lane Venture Centre.
- 1.5 Union Street is somewhat narrow and congested with most properties having no alternative but on-street parking.
- 1.6 The site is unallocated and undesignated in the Cannock Chase Local Plan (Part 1).

## **2 Proposal**

- 2.1 The application seeks planning consent for the proposed change of use from industrial (B2) to professional dance studio and manufacture of professional dance clothing. A dance studio is commonly understood to be a space in which dancers learn or rehearse. The primary purpose of such studios is therefore to provide training or tuition and therefore is educational in nature albeit in a manner which involves some degree of physical activity (as compared to a gym which is for the purpose of keeping fit and which may involve some incidental 'keep fit' training) and which may be in private ownership and small scale in nature.
- 2.2 As such it is officer's opinion that the use as a dance studio would fall within Use Class D1 (Non Residential Institutions) which includes "non residential education' uses.



- 2.3 In respect to the proposed manufacture of professional dance clothing this would take place within a small workshop occupying a single room on the first floor.
- 2.4 The proposed change of use would involve changing the front roller shutter to a window and access door. No other changes to the building are proposed.
- 2.5 The proposal would be accompanied by 10 parking spaces; 6 spaces to the front and 4 spaces along the side of the building.
- 2.6 The use of the building would be for a one to one professional low profile dance school with purely the one family member tutoring up to no more than 3 couples who arrive together by appointment only necessitating minimal car spaces.
- 2.7 To clarify, whilst lessons would be available for up to 3 couples, only one dance couple would be on the dance floor at any one time during lessons. The spectator area is purely for the other 2 couples that are sharing a lesson to observe only.

### **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 they Local Plan include: -
- CP1 - Strategy – the Strategic Approach
  - CP8 - Employment Land
  - CP9 - A Balanced Economy
- 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
80, 81, 82:	Building a strong, competitive economy
85 - 87:	Vitality of Town Centres
92 – 93	Promoting Healthy and Safe Communities
124, 127, 128, 130:	Achieving Well-Designed Places
178-183	Ground Conditions and Pollution
212, 213	Implementation

3.7 Other relevant documents include: -

Design Supplementary Planning Document (2016).

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport (2005).

## 4 DETERMINING ISSUES

4.1 The determining issues for the proposed development include:-

- i) Principle of the development
- ii) Design and impact on the character and form.
- iii) Impact on the amenity of the adjacent units and the wider location
- iv) Impact on highway safety

### 4.2 Principle of the Development

4.2.1 Policy CP1 of the Cannock Chase Local Plan states that in 'Cannock Chase the focus for investment and regeneration will be in existing settlements' adding that 'the urban areas will accommodate most of the district's housing and employment development, distributed broadly in proportion to the existing scale of settlement. The policy goes on to state that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework.

4.2.2 The site is located within the main urban area of Cannock, near to the identified local centre of Bridgtown which has good links by a range of transport modes.

As such the proposal meets the thrust of Policy CP1 of the Local Plan of focussing investment into the main urban area and promoting development in sustainable areas.

4.2.3 However, the proposal would lead to the loss of an existing industrial use which is a Class B employment use. In this respect it should be noted that Policy CP8 states

“proposals which involve the redevelopment or conversion of employment uses to alternative uses will be considered on their merits, based upon Core Strategy policies and having primary regard to the following key criteria: -

The ongoing availability of land supply at other locations and ability of existing business on site to relocate to suitable sites within the District;

Benefits arising from the proposal including improvements to local residential and environmental amenity, supporting existing businesses on site (see Policy CP9), or enabling funding for the relocation of an existing business within the District;

The quality of the site/ unit and the extent to which the unit is no longer viable for employment use taking into account any information on vacancy rates and the potential for modernisation. This will be based upon the sites/ units market attractiveness (taking into account its portfolio offer to locally based investors) and the viability of any potential employment redevelopment scheme.

The Council will seek to retain primarily employment generating uses on site where evidence demonstrates that the site is still viable for employment use and that redevelopment will not provide any benefits, as defined above.”

4.2.4 In addition to the above Paragraph 80 of the NPPF states: -

“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”;

adding: -

“The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.”

4.2.5 In addition to the above paragraph 81(c) of the NPPF states [amongst other things] that: -

“planning policies should be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation) and to enable a rapid response to changes in economic circumstances”

- 4.2.6 The applicant has confirmed that the application site was first marketed in May 2018 and sold to the applicant in April 2019. During this time the application site was not being used due to the ill health of the previous owner. The site was advertised as a light industrial unit with no interest shown. The applicant has advised that the proposed new tenants of the Dance Manufactory and Studio operated from a small unit in Cannock 15 years ago but the unit was too small so they contracted their business to a small manufactory in Bridgtown and since then say they have been looking for a unit of the size of the application site. It is particularly attractive to them because it is in Bridgtown within walking distance of where they live and work now.
- 4.2.6 The applicant has confirmed there is sufficient provision within the wider District for the provision of employment uses. The applicant himself and a associate company, have more than 10 other industrial units within his/ their ownership, all based within the District.
- 4.2.7 The business that wishes to occupy the premises will generate 5 full time jobs (not 2 as noted on the application form). As such, the planning proposal may result in the loss of an industrial site however it would still generate employment for 5 persons.
- 4.2.8 Within the immediate vicinity uses comprise of a childrens' play nursery (D1), a light industrial unit to the rear (B2), a gun-makers to the east (B2). Within the wider area are residential properties, a day centre for age concern (D1) and office uses (B1). There is also an extant permission for the unit to the immediate east for residential development (CH/17/247), which is a material consideration of this application.
- 4.2.9 A B2 Use, complete with heavy / noisy machinery could relocate to within the application site which could cause statutory noise and pollution nuisance to neighbours of the site. Therefore the loss of one light industrial use adjacent to non-industrial uses is considered to be betterment to the amenity of this location. The proposed D1 use would be small scale and conditions would be imposed to control noise, hours and future uses within the site. As such, on balance, whilst there is a loss of the B2 use, the proposed use is considered to be a more compatible use in this context subject to the recommended conditions.
- 4.2.10 It is noted that there would be a loss of an employment site however, the applicant has demonstrated that there is an abundance of sites for employment uses better placed than the application site. The location of the site within close proximity to residential properties can sterilise an industrial site as industrial

uses generally tend to cause nuisance either through noise, working hours or pollution and therefore draw complaints.

4.2.11 The applicant has considered other units available within Bridgtown and confirmed that for a professional ballroom dancing studio, a large area is required and that there are no properties of the required size available in the local area due to the size required.

4.2.12 Given the above, the proposed change of use would comply with policies CP1 and CP11 of the Local Plan however it would be contrary to Policy CP8 due to the loss of an employment site. In this instance, the applicant has demonstrated there is a sufficient supply of readily available employment sites within the wider District the majority of which are sited within specific industrial / business parks away from residential properties. It is considerations that on balance, the change of use to a controlled, small scale use would be a betterment to the amenity of the surrounding existing uses and therefore should be supported subject to the considerations below.

#### 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, the NPPF places the creation of high quality buildings and places as fundamental to what the planning process should achieve. Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

- i) Consider design imaginatively in its context, complementing and enhancing the character and appearance of the local area and reinforcing local distinctiveness.
- ii) Be well-related within the development and to existing buildings and their surroundings in terms of layout, density, access scale, appearance, landscaping and materials based upon an understanding of the context of the site and appropriate professional expertise.

4.3.2 The character of the Bridgtown comprises of mixed uses varying in residential, light industrial and commercial uses. Over more recent years this character has seen a shift from the provision of industrial to more commercial uses or even residential uses. The addition of a further D1 use within the mixed use area would not be detrimental to the character or form of Bridgtown. Also, the existing building would be retained and re-used.

4.3.3 It is noted that the urban grain of the area is quite tight, often with buildings coming up to the back edge of pavement or coming close to it with small front gardens. In the immediate vicinity of the application site there is greater tendency for small car parking areas in front of commercial buildings or within

communal areas to the rear of buildings. The external layout of the proposed use would reflect this part of the character of the streetscene by providing a parking area for cars to the short frontage and along the side of the building.

4.3.4 Therefore, having had regard to Policy CP3 of the Local Plan and the appropriate sections of the NPPF it is considered that the proposal be acceptable in respect to its impact on the character and form of the area.

#### 4.4 Impact on the Amenity of the Adjacent Units and the Wider Location

4.4.1 Policy CP3 of the Local Plan requires that, amongst other things, developments should: -

- (i) protect the amenity enjoyed by existing properties including supporting mixed uses whilst avoiding incompatible ones and have regard to existing uses with potential to generate pollution which could have an unacceptably detrimental impact on proposed development.

4.4.2 Furthermore, paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the effects of pollution on health and living conditions (amongst others). In doing so they should (amongst others);

- a) mitigate and reduce to a minimum the potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) limit the impact of light pollution from artificial light on local amenity.

4.4.3 The application site is located within a well established industrial / business / residential location, where the adjacent units operate on a variety of uses. The units immediately adjacent the application site comprise of a children's nursery and a light industrial unit neither of which would be impacted by the proposed use which would operate on a small scale.

4.4.4 Opposite the application site lies residential dwellings, approximately 19m distant. The proposed use would operate on a small scale, providing adequate parking within the curtilage of the site. No significant alterations are proposed to the building to facilitate the proposed use.

4.4.5 Environmental Health Officers were consulted on the application and raised no objection to the proposal subject to conditions. Environmental Health Officers recommend a condition for a noise impact assessment to be undertaken to determine the likely impact and subsequent degree of noise insulation works necessary to ensure there is no adverse effect from music sound levels arising from the proposed use. Normally, one would expect such

an assessment to be undertaken before any permission is granted. However, in this instance it is noted that the site has a B2 general industrial use which has the potential to create noise. In contrast although a dance studio may involve amplified music this is unlikely to be at a level that could not be satisfactorily mitigated by the use of simple sound insulation measure if proved necessary. As such although noise is not considered to be a determinative factor it is considered prudent to attach a condition on any permission granted for a noise assessment to be undertaken once the use has commenced so that should any sound proofing be considered necessary the extent and nature of the remedial measures can be determined.

- 4.4.6 The hours proposed have been considered by Environmental Health Officer who raised no concern. It has been recommended that the hours are conditioned to protect the amenity of adjacent residents.
- 4.4.7 The comments of an objector are noted in respect to the hours; “if the use is reverted to manufacturing rather than a dance studio are the properties opposite expected to accept noise until 10:30pm?” To clarify, in the first instance, the application seeks consent for hours up to 10pm not 10:30pm. Secondly, if permission is granted for the dance studio and the permission is implemented the use of the building cannot be reverted back to an industrial use without first seeking planning permission. Any application and the imposition of conditions pertaining to it would be considered on their own merits at that time
- 4.4.8 On balance, given the degree of separation of the application site to the adjacent residential properties, the current industrial use of the building and the small scale use proposed it is considered that the proposal, subject to the attached conditions, would not result in any significant detrimental impact to the occupiers of the residential properties or the adjacent commercial/ industrial uses, subject to the conditions proposed.

#### 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 adding at paragraph 110: -
- 4.5.2 Within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible to facilitating access to high quality public transport, with layouts that

maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

4.5.3 Whilst the comments from the neighbours regarding the issue of on street parking are noted. The Parking SPD requires D1 uses to provide a maximum of 1 parking space per full time member of staff plus a further 6 spaces. The proposal would provide 10 parking spaces for the proposed use in accordance with the Parking SPD. In this respect Staffordshire County Highways Department were consulted on the proposal and raised no objections subject to a condition.

4.5.4 The Highway Authority require a condition for the parking bays to be clearly delineated and retained for parking in association with the proposed use for the life of the development. As such, subject to the attached conditions it is considered that there would be no adverse cumulative impact on the road network and the proposal is not contrary to paragraph 109 of the NPPF.

#### 4.6 Objections received not already covered above

4.6.1 Concern has been raised that the observation platform indicates there will be potential for more people. The applicant has confirmed that these areas would be used by the persons taking the dance class or for persons to wait whilst the class is being undertaken i.e. parents of children. Notwithstanding this, your officers consider that the linear spectator gallery could be used for performances however, the viewing area is not so large that it would cause significant impacts to the parking provision or the amenity of neighbours.



- 4.6.2 An objector has stated that the street should operate a permit system for residents with visitors to the area having to use the public car parks or drop off points being made available. Your Officers suggest this issue is taken up with Staffordshire Highway Authority as it is not the role of planning to facilitate a parking permit scheme on an existing highway.
- 4.6.3 An objector queried whether the permission would be specific to the dance studio and therefore be changed as soon as permission is granted? Your Officers confirm that the planning permission would, if granted, be for a D1 use. Within the Town & Country Planning Use Class Order a D1 use relates to Non-residential Institutions. Therefore any use falling within a D1 use category would not normally require the benefit of planning permission. The D1 use class also has permitted development to change from D1 to A1, A2, A3, B1 for a temporary period without planning permission. The application has been assessed on the basis of the proposed use as a dance studio and not for general D1 uses which may have other impacts over and above that of a dance studio. It is therefore considered necessary to restrict the use to a dance studio and B1 manufacture and a condition to this effect has been included with the recommended schedule of conditions.
- 4.6.4 An objector queried whether the unit could be split into smaller units. Your Officers confirm that the sub-division may require planning permission depending on the facts of any particular case.

## 5 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.

## 6 EQUALITY ACT 2010

- 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:

- (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

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 aim of the Equality Act.

## 7 CONCLUSION

7.1 Having had regard to the tests set out in Policy CP8 in respect to the loss of employment uses (i.e. Class B uses) it is considered that the proposal, on balance, is acceptable.

7.2 Furthermore having had regard to impacts on acknowledged interests it is considered that the proposal, subject to the attached conditions, would be acceptable and in accordance with the Development Plan.

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



**Application No:** CH/18/366

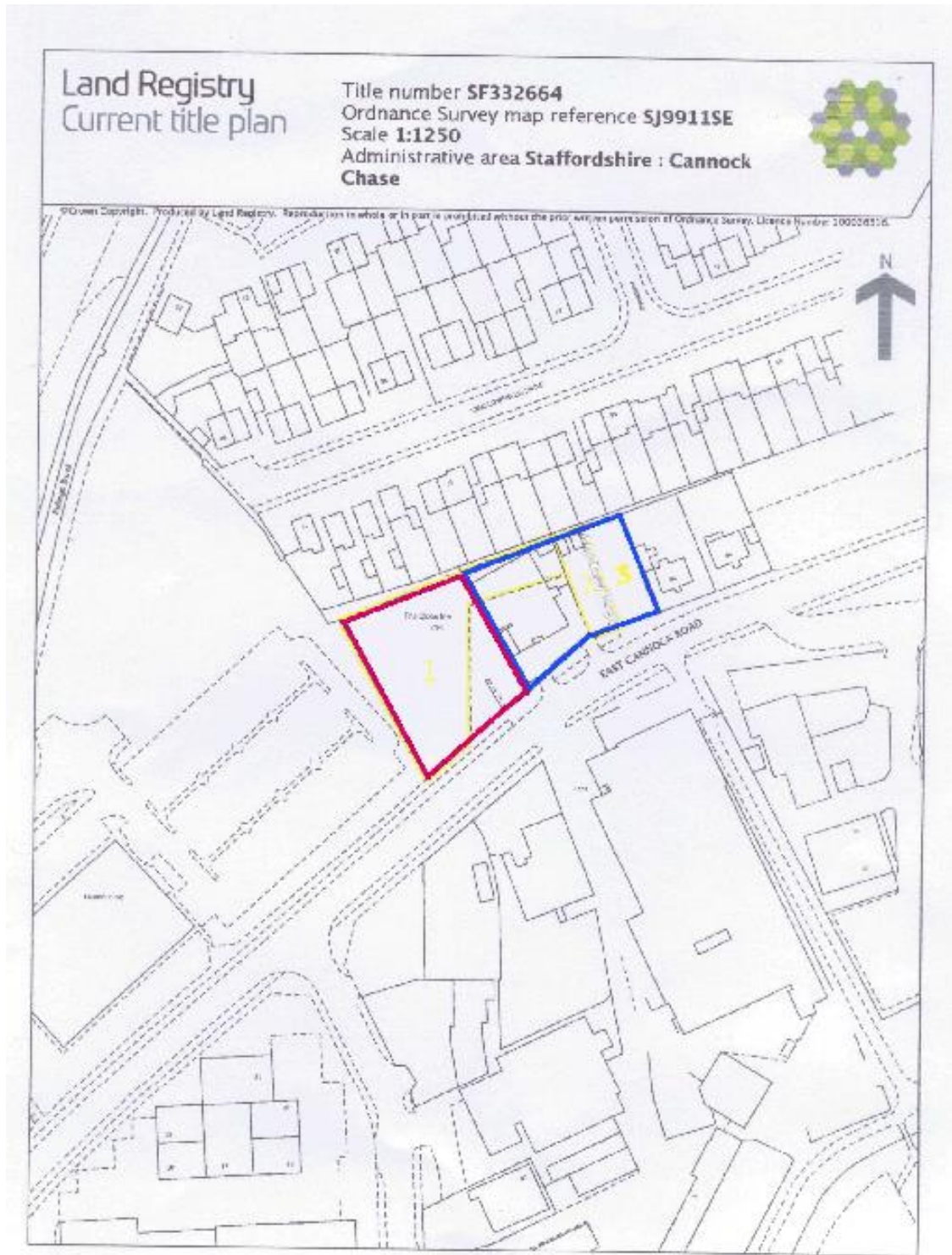
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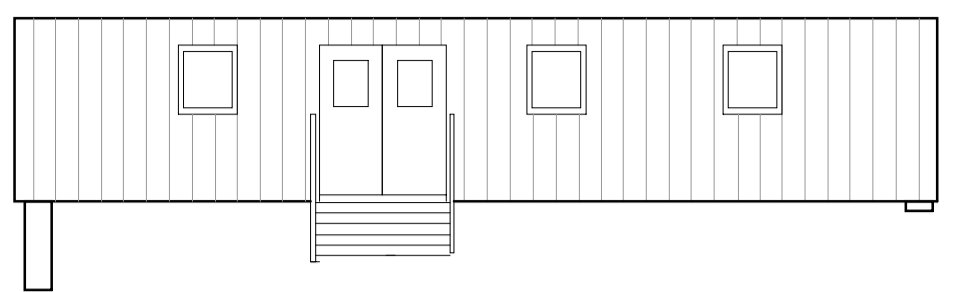
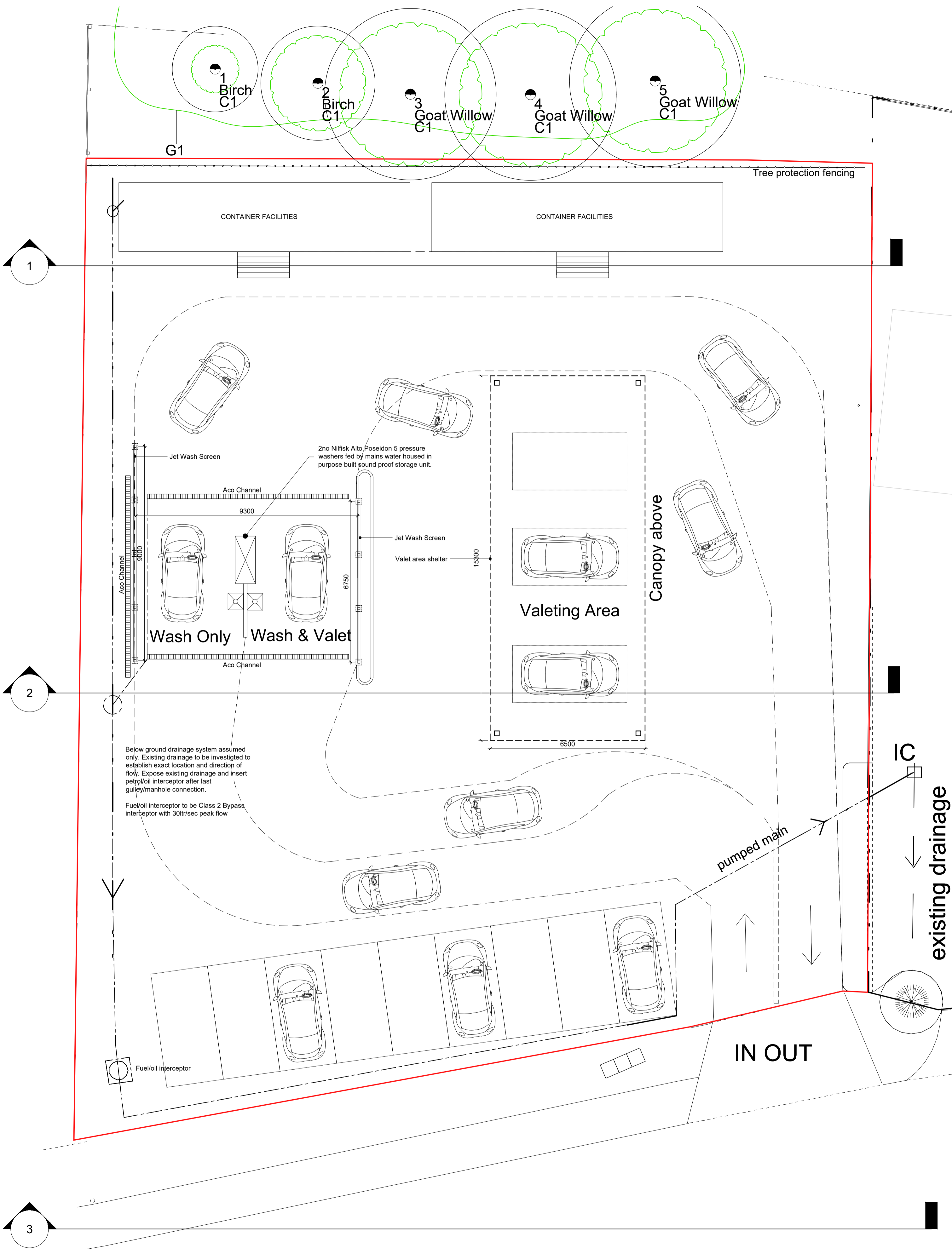
**Location:** Car Park to former Globe Inn, (car park to former Globe Inn), The Globe Site, East Cannock Road, Cannock, Hednesford

**Proposal:** Proposed Car Wash on former Public House Car Park

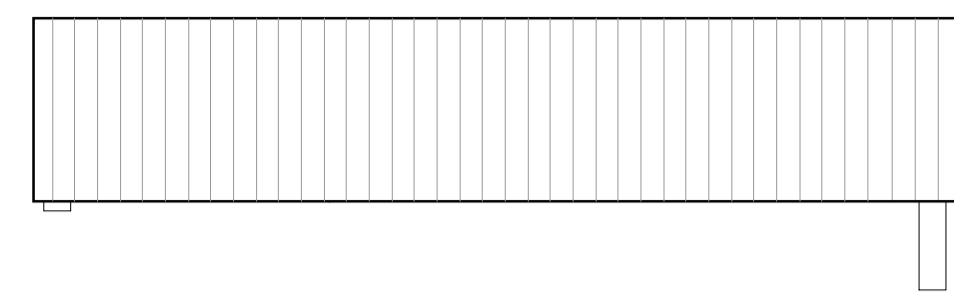


# Location Plan

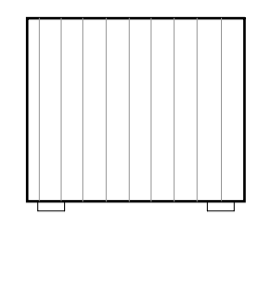




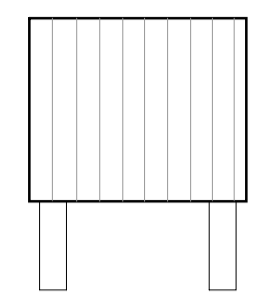
2 Site Cabin Front Elevation  
1:100



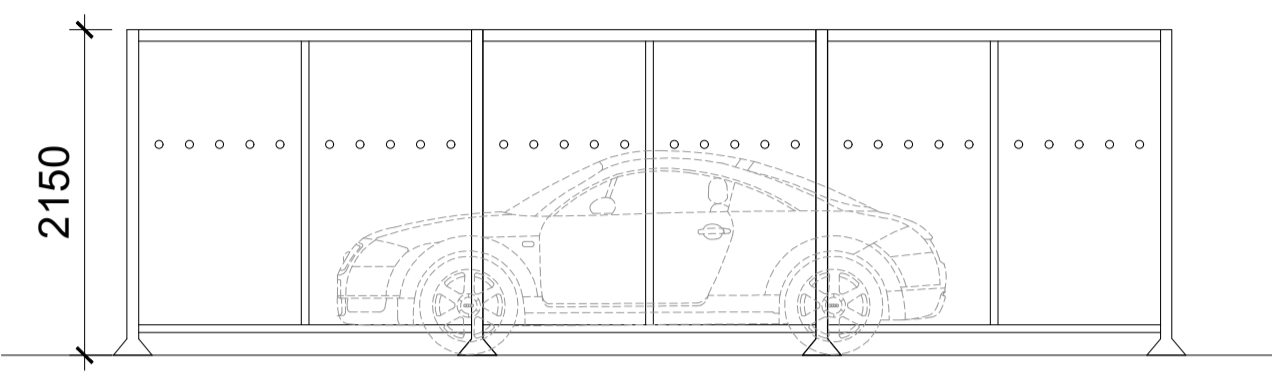
3 Rear Elevation  
1:100



4 Side Elevation  
1:100



5 Side Elevation  
1:100



7 Jet Wash Screen Elevation  
1:50



6 Site Cabin Manufacturer Images  
NTS



8 Jet Wash Screen Product Image  
NTS

A	Container units moved further out from tree protection zone. Red line amended to front of trees.	MB/JM	13.06.19
X	FIRST ISSUE.	MB/JM	23.04.19
Rev:	Details:	By / Chk:	Date:

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Notably J Mason Associates immediately of any variation between drawings an site conditions.

**USE FIGURED DIMENSIONS IN PREFERENCE TO SCALED - IF IN DOUBT ASK.**

Where drawings are based on survey information received, surveys are available on request.

All drawings to be read in conjunction with all relevant Structural and M&E Engineers drawings and specifications.

**H&S HAZARDS:**

Significant hazards relative to the architectural design shown on this drawing have been assessed and highlighted with reasonable skill and care using a warning triangle system.

This drawing is to be read in conjunction with all other hazards/risks which have been identified and recorded within the construction phase H&S plan.

It is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, to an approved method statement.

Significant hazards are defined as:-

- Those not likely to be obvious to a competent contractor or other designers.
- Those of an unusual nature.
- Those likely to be difficult to manage effectively.

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Client:  
**Steven Singh**

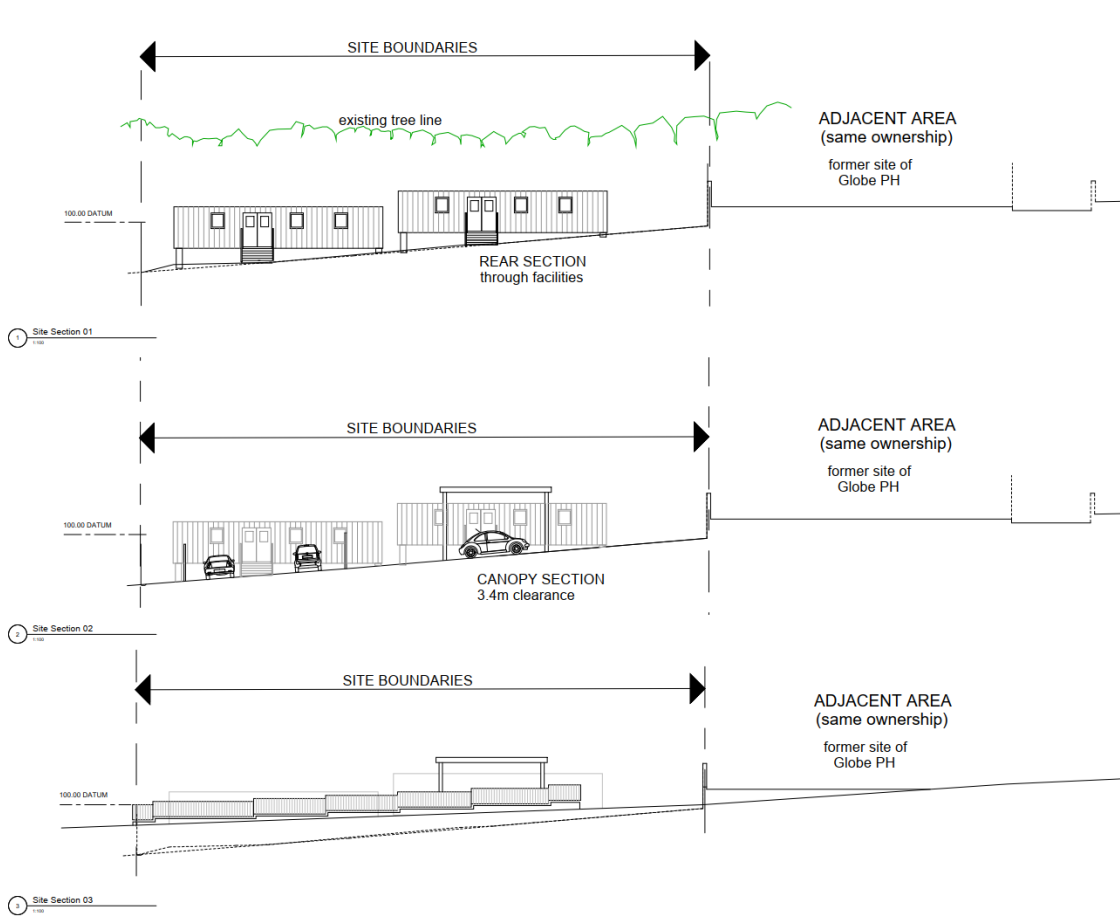
Project:  
**East Cannock Road, Car Wash**

Drawing Title:  
**Revised Site Plan**

Stage: <b>RIBA 3</b>	Status: <b>Planning</b>	Sheet Size: <b>A1</b>
Job Number: <b>2297</b>	Date: <b>10.05.2019</b>	Scale: <b>As Noted</b>
Revision: <b>JMA-ZZ-SI-A-2101</b>		<b>A</b>

1 Site Plan  
1:100

# Site Sections



Site Plan  
1:100

NO.	REVISION	DATE	BY	CHKD BY
1	ISSUED	20.05.2019	SS	SS

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**USE DIMENSIONS IN PREFERENCE TO SCALES - IF IN DOUBT USE DIMENSIONS**

These drawings are based on survey information provided. Surveyors are not responsible for the accuracy of the survey data.

It is the responsibility of the client to ensure that the site is suitable for the proposed development and that all necessary approvals and permits are obtained.

These drawings are not to be used for any other purpose without the prior written consent of J Mason Associates Pty Ltd.

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 2297  
 10.05.2019  
 As Noted  
 JMA-ZZ-SE-A-2102

<b>Contact Officer:</b>	Claire Faulkner
<b>Telephone No:</b>	01543 464337

<b>Application No:</b>	CH/18/366
------------------------	-----------

<b>PLANNING CONTROL COMMITTEE</b> 26 <sup>th</sup> June 2019	
<b>Received:</b>	03-Oct-2018
<b>Location:</b>	Car Park to former Globe Inn, (car park to former Globe Inn), The Globe Site, East Cannock Road, Cannock, Hednesford
<b>Parish:</b>	Hednesford
<b>Description:</b>	Proposed Car Wash on Former Public House Car Park
<b>Application Type:</b>	Full Planning Application

**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) No materials shall be used for the external surfaces of the development other than those specified on the application, except with the written approval of the Local Planning Authority.

## Reason

In the interests of visual amenity and to ensure compliance with Local Plan Policies CP3, CP15, CP16, RTC3 (where applicable) and the NPPF.

- 2) No trees or hedges shown as retained on Dwg No.JMA-ZZ-SI-A-2101A shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or destroyed.

Any trees or hedges which, within a period of 5 years from completion of the development are cut down, topped, lopped or uprooted without permission of the Local Planning Authority or become seriously damaged or diseased or die shall be replaced in the next planting season with similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason

The existing vegetation makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3, CP14, CP12 and the NPPF.

- 3) Prior to the commencement of any construction or site preparation works including any actions likely to interfere with the biological function of the retained trees and hedges, approved protective fencing shall be erected in the positions shown on the approved Tree & Hedge Protection layout drawing Ref Dwg. No. JMA-ZZ-SI-A-2101 A.

Within the enclosed area known as the Tree Protection Zone, no work will be permitted without the written consent of the Local Planning Authority. No storage of material, equipment or vehicles will be permitted within this zone. Service routes will not be permitted to cross the Tree Protection Zones unless written consent of the Local Planning Authority is obtained. The Tree Protection Zone will be maintained intact and the vegetation within maintained until the cessation of all construction works or until the Local Planning Authority gives written consent for variation.

Reason

To ensure the retention and protection of the existing vegetation which makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

- 4) Should the use, hereby approved, cease for a period in excess of 12 months all materials, equipment and waste associated with the use shall be removed from the site within a period of 2 months of that date.

Reason

To ensure that the site is restored to a suitable standard in the interest of preventing crime and anti-social behaviour and in the interest of protecting the amenity of the area in accordance with Local Plan Policy CP3 and paragraph 127(f) of the NPPF.

- 5) The site shall not be open for business outside the hours of 08:00hrs to 18:00hrs Monday to Saturday and 09:00hrs to 13:00hrs on Sundays and Public and Bank Holidays.

Reason

To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policy CP3 - Chase Shaping, Design and the NPPF.

- 6) The use of the site hereby permitted shall not commence until details for the water treatment and recycling systems to be installed for the drainage of the site have been submitted to and approved by the Local Planning Authority. Thereafter, the



development shall be implemented in accordance with the approved details before the development is first brought into use.

Reason:

This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

- 7) No means of illumination to the car wash shall be brought into use until a scheme for external illumination has been submitted to and approved in writing by the Local Planning Authority. Any means of external illumination employed shall be in accordance with the approved scheme.

Reason

In the interests of protecting the amenity of neighbouring occupiers from light pollution.

- 8) No development shall commence until a detailed statement for the removal / eradication of Japanese Knotweed on the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / roots / stems of any invasive plant covered under the Wildlife & Countryside Act 1981. The approved details shall thereafter be implemented.

Reason

To ensure a satisfactory standard of environment for existing and future occupiers of the land

- 9) Prior to the first use of the approved development the circulation lanes and individual parking bays shall be clearly marked out and delineated as indicated on the submitted drawing A120 (proposed site plan) and shall thereafter be retained for the life of the development.

Reason

To minimise the likelihood of vehicles queuing onto the East Cannock Road highway.

- 10) Prior to the first use of the approved development a scheme for the surface materials of the site shall be submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme shall be implemented. The works shall thereafter be retained for the lifetime of the development.

Reason

To ensure that the development is provided with a satisfactory means of drainage and to protect the water environment.

- 11) The development hereby permitted shall be carried out in accordance with the following approved plans:

A120

A100

A110

JMA-ZZ-SI-A-2101 A

JMA-ZZ-SI-A-2102

Arboricultural Survey

**Reason**

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

**Notes to Developer:**

It is recommended that regard is paid to good practice guidance previously provided by the EA (Guidelines for vehicle washing & cleaning given in PPG 13, now withdrawn) or joint Scottish / Welsh / Northern Irish guidance document (GPP 13: Vehicle washing and cleaning).

It is likely that the Japanese knotweed will be disturbed during development. Waste containing Japanese knotweed is classified as controlled waste, and will require disposal to a suitably registered waste site. It is also recommended that a management plan is drawn up to control or remove the growth to avoid future liabilities. The INNSA Code of Practice, Managing Japanese Knotweed is a widely acknowledged document to refer to. Such management plan would best be co-ordinated with the adjacent land owner.

**Consultations and Publicity****External Consultations**Clerk to Hednesford Town Council Objection

The Town Council object to the application as the proposed use for a car wash is inappropriate in this location with another car wash immediately opposite on the industrial estate.

The potential for nuisance and disturbance to be caused to adjoining residential properties in East Cannock Road and Swallowfields Drive.

There is concern for highway safety and traffic movement. East Cannock Road at this location can become very congested. This is due to traffic to the KFC restaurant and the industrial premises on the south east side of East Cannock Road. Drivers of heavy vehicles have difficulty manoeuvring their vehicles onto the industrial estate road.

Note the application does not specify opening hours.

Approval of the application could prejudice a comprehensive development of the entire site of the former Globe Inn which is currently in a derelict condition and very unsightly.

### County Highways

No objection subject to conditions

### **Internal Consultations**

#### Environmental Health,

There are residential properties to the northern side of the proposal site. Appropriate screening will therefore be required to ensure that adjacent uses do not experience nuisance from noise and are fully protected against overspray and spray drift from the use of jet washers.

The hours have not been specified. Given the sensitivity of the site location, I would recommend that hours are restricted to 08:00 to 18:00 Monday to Saturday and 09:00 to 13:00 Sundays. Should floodlighting of the site during winter months be required, this should be installed in such a manner so as to ensure that there is no glare or lighting overspill outside the site boundary.

Waste water from vehicle cleaning can contain detergents, oil and fuel, suspended solids, grease and antifreeze which must not be allowed to enter surface water drains, surface water or ground waters. Details of water treatment / recycling systems to be installed should be subject to prior approval by the local water and sewage undertakers.

It is recommended that regard is paid to good practice guidance previously provided by the EA (Guidelines for vehicle washing & cleaning given in PPG 13, now withdrawn) or joint Scottish / Welsh / Northern Irish guidance document (GPP 13: Vehicle washing and cleaning).

The site currently has established stands of Japanese Knotweed growth:

- i) Adjacent the entrance, where car parking is planned,
- ii) At the location where plans show the inceptor, filter & pumps and parking is planned. This growth is noted to be extending onto adjacent car park planting areas.

It is likely that the Japanese knotweed will be disturbed during development. Waste containing Japanese knotweed is classified as controlled waste, and will require disposal to a suitably registered waste site. It is also recommended that a management plan is drawn up to control or remove the growth to avoid future liabilities. The INNSA Code of Practice, Managing Japanese Knotweed is a widely acknowledged document to refer to. Such management plan would best be coordinated with the adjacent land owner.

Trees, Landscape and Countryside

No response to the amended plans.

An objection was raised to the initial plans due to the lack of a detailed tree survey.

A full tree survey was submitted with the revised plans.

**Response to Publicity**

Site notice displayed and adjacent occupiers notified with three letters of representation received. The comments are summarised below:-

- The site drainage. Adequate details have not been provided with the application as to how water runoff and chemicals from the washed vehicles will be dealt with. The existing and proposed tarmac of the application site is unsuitable for the proposed car wash use. We are aware that the chemicals used in car wash process are particularly corrosive of tarmac surfaces, which will quickly erode away and allow contaminated water to soak into the ground and potentially percolate into and contaminate surrounding water courses.
- There is no noise assessment accompanying the application to assess the noise impact of the car wash equipment on the adjacent properties. Equipment such as jet washes and vacuums can generate high levels of noise.
- The applicant does not provide any details such as lighting or hours of operation, both of which have potential implications for causing nuisance to the residents at the rear.
- The application does not provide adequate assessment of the vehicle access, nor does it include a transport assessment of the likely traffic movements associated with the proposed use.
- The application is bound on two sides by trees and hedgerows. The proposed use is likely to have a serious detrimental impact on this vegetation and the application should therefore be accompanied by an arboricultural impact assessment to establish the impact of the use.
- The extent of the parking provision proposed is not required for such a use.
- The proposal will only provide three low skilled jobs so there is no economic benefit.

Four letters of representation have been received as a consequence of the revised plans and additional information:-

- There are already car wash facilities in the area, no further uses are required in this location.
- I fear that the site will be used for more than car wash provision, with uses extended to other vehicle uses such as vehicle repairs and / or sales.

- Land ownership query.

### Relevant Planning History

CH/14/0022: Demolition of the existing public house and erection of a two storey care home and erection of a two storey building with retail (A1) on the ground floor and 5 flats on the first floor. Approved

### 1 Site and Surroundings

- 1.1. The application relates to part of the parking area associated with the former Globe Public House, located on Cannock East Road.
- 1.2. The application site is broadly rectangular shaped and lies between the pub and the car park of the adjacent health and fitness centre.
- 1.3. To the east of the site is land which previously accommodated the Globe Public House. This land is also in the applicant's ownership and benefits from planning permission for a care home.
- 1.4. There is a row of two storey residential properties to the north in Swallowfields Drive that abut the rear boundary of the site. These dwellings back onto the application site at a distance of 16m and are separated from the application site by private gardens and a band of semi-mature willow and silver birch trees. To the west the site abuts the car park for a health centre which is sited on lower ground than the application site and separated by a semi-mature landscape buffer. Across the road to the south opposite the site is a fast-food restaurant and an industrial estate which is described in the Hednesford Neighbourhood Plan as having an unattractive frontage where there is potential for environmental improvement.
- 1.5. The streetscene primarily comprises of commercial properties with the exception of the two dwellings to the east of the site, separated by the land which formerly accommodated the Globe Public House building. The properties in the locale are a mix of single and two storey buildings. East Cannock Road rises in level from west to east, giving the site a levels difference of 2.4m from the western boundary to the eastern boundary.
- 1.6. Five of the trees located between the application site and the properties within Swallowfields Drive are covered by a Tree Preservation Order (TPO).
- 1.7. The application site is located within a minerals safeguarding area and considered to be an area of low risk development by the Coal Authority. The application site is covered by Hednesford Neighbourhood Plan.

## 2 Proposal

- 2.1 The application seeks consent for a car wash and valeting service.
- 2.2 The application includes the siting of container units sited to the rear of the site to provide facilities for customers and staff.
- 2.3 The proposal would operate a one way system within the site and would provide customer parking for 9 vehicles. The wash area would accommodate two vehicles at any one time and would be bound by a 2.15m high perspex screen to restrict spray. An aco-drain would be positioned to the entrance and exit of the wash area to take additional water away.
- 2.4 A separate valeting area for three vehicles would also be provided which would be covered by an open canopy at a height of 4.3m at the highest point.
- 2.4 The proposal would employ 3 members of staff on a full time basis. No hours have been specified however, the applicant is aware of the hours suggested by your Environmental Health Officers.

## 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) and the Hednesford Neighbourhood Plan.
- 3.3 Relevant Policies within the Local Plan Include:
- CP1 - Strategy – the Strategic Approach
  - CP2 - Developer contributions for Infrastructure
  - CP3 - Chase Shaping – Design
- 3.4 The relevant policies within there Minerals Plan include:
- Policy 3.2 Mineral Safeguarding
- 3.5 National Planning Policy Framework
- 3.6 The NPPF (2019) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the

purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.

3.7 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.8 Relevant paragraphs within the NPPF include paragraphs: -

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

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

## 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.
- vi) Drainage and flood risk
- vii) Mineral safeguarding

4.2 The Principle of development

4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. The site is a vacant plot in an established mixed use location. The application site is located within the main urban area of Cannock and is not subject to any planning allocation or designation that would preclude the proposed use.

4.2.2 Furthermore, the application site has been vacant for a number of years with the former pub building since demolished. The application site is situated on part of a former public house site and is surrounded by industrial, leisure, residential and commercial uses. Therefore in principle, the proposal would be generally compatible with the surrounding uses.

4.2.3 However, although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect in so much as these issues relate to scale and means of access.

#### 4.3 Scale 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 The application site is devoid of any significant feature. However, there is a row of trees, outside of the site but abutting the rear boundary of the site (west) comprising of two Birch trees and three Goat Willow trees all of which are covered by protection orders (TPO) and which help to screen the site in views from the adjacent residential properties. This strip of land also a thick, dense layer of laurel understorey however this under-layer is not protected. The comments of an objector are noted in respect to the impact on the existing trees. However, the applicant has submitted a tree survey within which to inform the application.
- 4.3.6 The tree report identifies the trees as being class C1 which means they are of low quality and value. Notwithstanding this, the trees are to be retained with no works proposed to facilitate the proposal. The existing hardstanding on the site extends to within approx..1-2m of the trees. The proposed container facilities are shown on the submitted plan as being sited on the existing hardstanding and would not involve disturbance of the soil underneath the tarmac.
- 4.3.7 The change of use of the site would involve the siting of containers, a jet wash compound and a valeting canopy all of which are single storey and functional in nature. In addition to the above the proposed structures would be seen from the highway within the context of the former Globe Pub site, the industrial estate, the leisure centre car park and the roofline of the adjacent residential dwellings interspersed by the trees. In this respect the proposed structures and buildings would reflect the modern, functional character of the surrounding sites along Hednesford Road. As seen from the dwellings along Swallowfields Drive the containers would not appear over-dominant due to their single storey nature and the impact would be further reduced (particularly in spring-summer) due to the screening provided by the intervening trees.
- 4.3.9 It is therefore considered that the proposed unit, by virtue of its scale, would be well-related to the existing buildings and their surroundings in the immediate

and wider area and sympathetic to the local character of the area and would therefore comply with Policy CP3 of the Local Plan and paragraph 127 of the NPPF.

#### 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".
- 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 Although the Design SPD sets out guidance in respect to space about dwellings it does not contain guidance in respect to space about other uses. Of particular significance in this respect is the relationship between the application site and the residential properties to the rear. On the basis of the proposed layout the distance between the main washing / valeting areas of the site and the adjacent residential dwellinghouses would be 32m. Furthermore, the proposed development would be screened to a degree by the existing landscaping and the siting of the container facilities.
- 4.4.4 The comments from an objector are noted in respect to the potential nuisance to neighbouring occupiers. In this instance, Environmental Health Officers were consulted on the application and raised no objection to the proposal in principle and have not requested a noise survey in order to assess the proposal.
- 4.4.5 However, the Environmental Health Officer did recommend appropriate screening to ensure adjacent uses did not experience nuisance from noise and are fully protected against overspray and spray wind drift from the use of the jet washers. The trees along the rear boundary of the site are not considered to be of a sufficient density to act as a noise barrier and the gaps between the containers would allow noise to pass through. As such, a condition for additional screening is recommended. It is noted on the proposed plan, that the applicant proposes to use purpose built sound proof units to house the jet washers. It is recommended that details of these are also required via an appropriately worded condition.
- 4.4.6 It is noted that no lighting provision has been proposed. Given the close proximity to the residential properties to the rear, a condition preventing any lighting from being installed without prior approval of the Planning Authority has been recommended.

4.4.7 It is noted that the hours of operation have not been specified. Given the sensitivity of the site location, Environmental Health Officers recommend that hours are restricted to 08.00 to 18.00 Monday to Saturday and 09.00 to 13.00 on Sundays. A condition for the restricted hours in line with EHO Officers has been recommended. This is considered sufficient to protect the adjacent residents from noise and general disturbance.

4.4.8 As such it is concluded that the proposal would protect the "amenity enjoyed by existing properties" and maintain a high standard of amenity for existing and future users and therefore comply with Policy CP3 of the Local Plan and paragraph 127(f) of the NPPF.

#### 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 comments of an objector are noted in terms of the potential highway implications however, the Highway Authority has no objections to the means of access and has expressed no concerns regarding the capacity of the wider network to accommodate the traffic generated by the proposal.

4.5.4 As such it is concluded that the proposal in respect to use, scale of the use and means of access would not have an unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe. As such the proposal would not be contrary to paragraph 109 of the NPPF.

#### 4.6 Impacts of Cannock Chase Special Area of Conservation

4.6.1 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. Given the size and nature of the proposal and its location in respect to Cannock Chase SAC and Pasturefields, the connectivity of the wider highway network and particularly the fact that the proposal in itself would not generate traffic but cater for existing traffic, it is considered that the proposal would have no significant impacts, directly or indirectly on the SACs.

#### 4.7 Drainage and Flood Risk

4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps, and therefore is in the zone of least risk from flooding.

4.7.2 In this respect it is noted that paragraph 155 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by

directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

- 4.7.3 Given that the site is located within Flood Zone 1 there is no need to apply a sequential test.
- 4.7.4 The comments of both the Environmental Health Officer and an objector are noted in respect to the waste water from vehicle cleaning can contain detergents, oil and fuel, suspended solids, grease and antifreeze and that these must not be allowed to enter surface water drains, surface water or ground waters. In this instance, the applicant proposes a drainage channel to run along the western boundary of the application site (lowest level) that would filter and pump the water to existing drainage. A condition requiring the details of water treatment/ recycling systems to be installed has been recommended to enable the planning authority to fully assess the facilities proposed.
- 4.7.5 Subject to the attached conditions it is considered that the proposal would be acceptable in respect of drainage and flood risk in accordance with paragraph 155 of the NPPF.

#### 4.8 Mineral Safeguarding

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

4.8.2 Policy 3.2 of the new Minerals Local Plan states that:

'Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

4.8.3 The site is located within the site of a former public house and associated car park within an urban area of Cannock. As such the proposal would not prejudice the aims of the minerals plan to safe guard minerals.

#### 4.9 Ground Conditions and Contamination

4.9.1 The site is located in a general area considered to be low risk for development by the Coal Authority. However there are established stands of Japanese Knotweed growth within the curtilage of the site. It is likely that the Japanese knotweed will be disturbed during development. Waste containing Japanese knotweed is classified as controlled waste.

4.9.2 In this respect paragraph 170 of the NPPF states: -

“Planning policies and decisions should contribute to and enhance the natural and local environment by [amongst other things]:

- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

4.9.3 In addition to the above paragraph 178 of the NPPF states: -

Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

4.9.4 Finally paragraph 179 of the NPPF makes it clear that where 'a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'.

4.9.5 In this respect the comments of the Environmental Health officer are noted and accepted in respect to the Japanese knotweed growing within the application site. Your Environmental Health Officers indicate that the proposed change of use of the site would likely disturb the knotweed. Your Officers therefore recommend the submission of a management plan is drawn up to control or remove the Japanese knotweed. As such, a suitably worded condition has been recommended to cover this issue. It is therefore considered that subject to the attached conditions the proposal would be acceptable in respect of the requirements of paragraph 170 of the NPPF.

4.10 Objections received not already covered above:-

- 4.10.1 An objector has stated that the extent of the parking provision proposed is not required for such a use. Your Officers confirm that the proposed use would require adequate provision for 5 queuing spaces. Notwithstanding this, whilst the proposal provides 4 additional spaces for waiting, the East Cannock Road is a very busy highway and therefore the additional spaces would be beneficial in this instance.
- 4.10.2 Objectors state that the proposal will only provide three low skilled jobs so there is no economic benefit. Your Officers confirm the applicant envisages that three workers will be employed at the site. However, your Officers confirm that application site is not currently designated as an employment site and that three jobs on a dilapidated site would be of some, if only slight, benefit to the wider economy.
- 4.10.3 Objectors have raised the fact there are already car wash facilities in the area and no further uses are required in this location. Your Officers confirm that there are car wash facilities within the wider area however in this instance the market will dictate whether there is an unnecessary amount or if the application is responding to a demand and it is not for the planning system to stifle competition.
- 4.10.4 An objector has raised concern that the site will be used for more than car wash provision, with uses extended to other vehicle uses such as vehicle repairs and / or sales. Your Officers confirm that the application seeks consent for a change of use to car wash only and any other use would require the benefit of planning permission. Any such proposal would be considered on its own merits at that time.
- 4.10.5 An objector has queries the land ownership of the site, stating the land to the rear containing the trees is within the ownership of the properties within Swallowfields Drive. Your Officers have asked the applicants agent to confirm the land within the red line is within the ownership of the applicant. This has resulted in the red line being revised accordingly. Notwithstanding this, no development is proposed on the land pertaining to this section of the site and any issues arising relating to land ownership would be a civil matter.
- 4.10.6 The parish ocuncil has statedv that the approval of the application could prejudice a comprehensive development of the entire site of the former Globe Inn which is currently in a derelict condition and very unsightly. However, officers would respond that this matter is merely conjecture, it is for the landowner to come forward for a residential scheme and that there is no policy basis for refusing the application on this ground. As such it is considered that no weight should be given to this issue.

## **5 Human Rights Act 1998 and Equalities Act 2010**

### **Human Rights Act 1998**

- 5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.

### **Equalities Act 2010**

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

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

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

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

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

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

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

## **5 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.

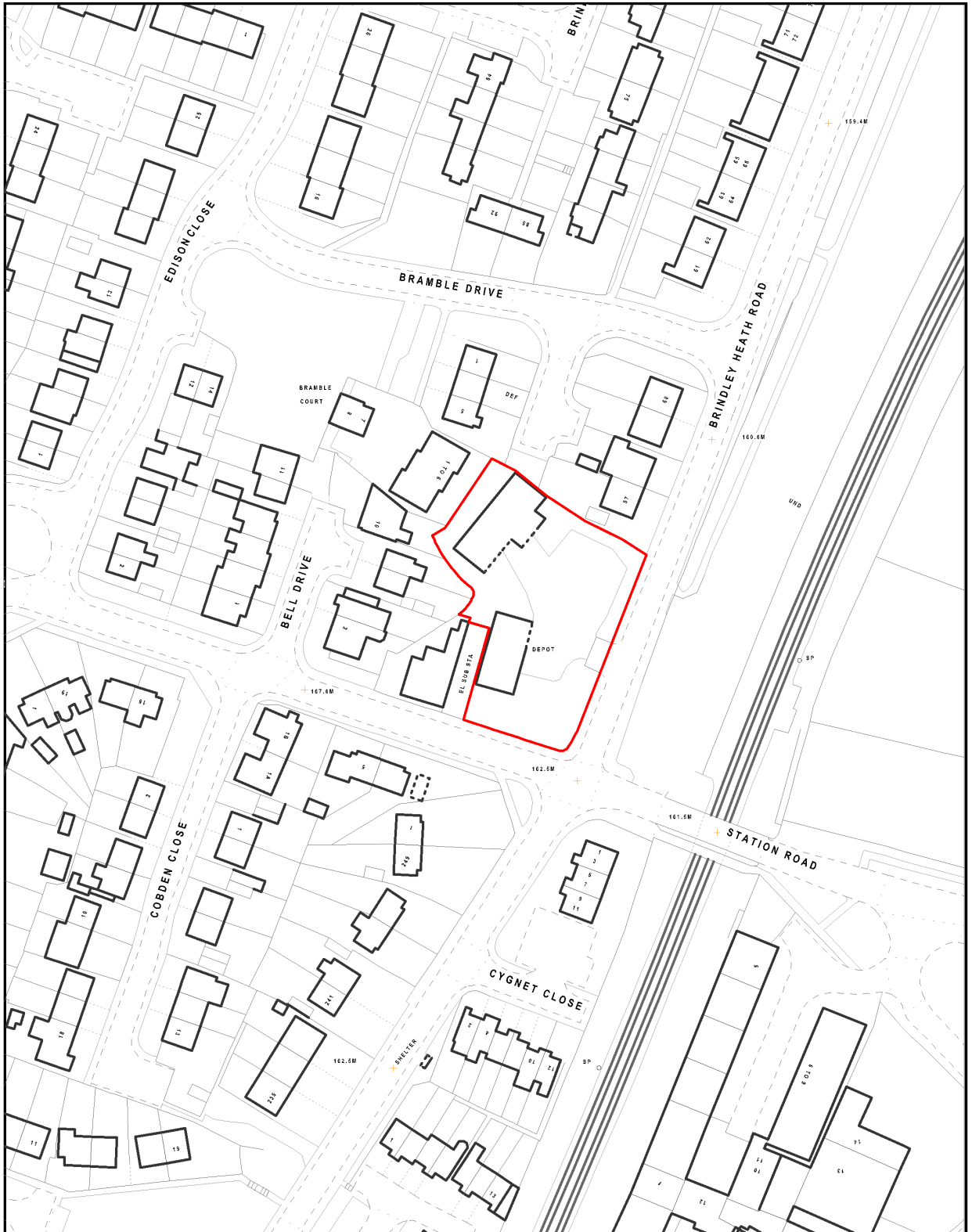


**Application No:** CH/18/145

Item No. 6.64

**Location:** 1, Brindley Heath Road, Cannock, WS12 4DR

**Proposal:** Residential development:- Erection of 4no. 2 bed houses and 3no. 3 bed houses (outline application with all matters reserved except access and layout)







<b>Contact Officer:</b>	Claire Faulkner
<b>Telephone No:</b>	01543 464337

**PLANNING CONTROL COMMITTEE**

26<sup>th</sup> June 2019

<b>Application No:</b>	CH/18/145
<b>Received:</b>	10-Apr-2018
<b>Location:</b>	1, Brindley Heath Road, Cannock, WS12 4DR
<b>Parish:</b>	Hednesford
<b>Description:</b>	Residential development:- Erection of 4no. 2 bed houses and 3no. 3 bed houses (outline application with all matters reserved except access and layout)
<b>Application Type:</b>	Outline Planning APP

**RECOMMENDATION:**

Approve subject to the attached 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.

**Officer Update**

At the meeting of Planning Committee held on 2<sup>nd</sup> January 2019 Members resolved to defer the determination of the application, in order to allow the applicant further

consideration for alternative options with regards to the access into the site and to allow consideration of the stability of the bank to the rear of the site.

With regard to the access, the land to the rear that would allow access from Bramble Drive is not within the ownership of the applicant. Therefore the likelihood of an implementable scheme being presented at this stage is highly unlikely.

The applicant's agent has revised the proposed scheme so that it now would utilise one access from Brindley Heath Road to give vehicle access to 7 of the 8 plots. A separate driveway access would be retained off Bradbury Lane for one of the plots. Parking would be provided on a frontage courtyard area for four plots with individual curtilage parking from the shared access for two plots. Staffordshire County Highway Authority have raised no objections to this revision.

With regard to the stability of the bank; the applicant's agent has confirmed that he has contacted a Geotechnical Engineer regarding the slope stability report, but unfortunately this cannot be done at the moment. The assessment requires access to the embankment for an excavator and the existing building prohibits this access. The applicant's agent has confirmed that they would be happy for this to be included as a pre-commencement condition. A condition for an assessment has been recommended in the report below.

Your Officers advise Committee Members that there are no planning reasons for refusing the application based on the above update. The original report presented to Planning committee on 2<sup>nd</sup> January 2019 is set out below with the addition of a condition to assess the stability of the slope to the rear of the site.

<b>Conditions (and Reasons for Conditions):</b>
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- |   |
|---|
| <p>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</p> |
|---|

<p>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.</p>
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<p><b>Reason</b></p>
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<p>To comply with the requirements of Section 92 of the Town &amp; Country Planning Act 1990.</p>
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- |   |
|---|
| <p>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.</p> |
|---|

## 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. The development hereby permitted shall not be commenced until:-

(a) a site investigation for ground gases including recommendations for remedial treatment 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.

## 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.

4. The development hereby permitted shall not be brought into use until the existing access to the site within the limits of the public highway has been reconstructed and completed.

## Reason

In the interests of highway safety

5. The development hereby permitted shall not be brought into use until the new access to the site within the limits of the public highway has been completed.

## Reason

In the interests of highway safety

6. The development hereby permitted shall not be brought into use until the access drive, parking and turning areas have been provided in accordance with the approved plans.

## Reason

In the interests of highway safety

7. The development hereby permitted shall not be brought into use until the visibility splays shown on drawing 2194-01 E have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over

a height of 600mm above the adjacent carriageway level.

**Reason**

In the interests of highway safety.

8. No development shall commence until a detailed statement for the removal / eradication of Japanese Knotweed on the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / roots / stems of any invasive plant covered under the Wildlife & Countryside Act 1981. The approved details shall thereafter be implemented.

**Reason**

To ensure a satisfactory standard of environment for existing and future occupiers of the land.

9. Prior to the commencement of the development hereby approved, a full slope stability assessment for the embankment to the rear of the site shall be submitted to and approved by the Local Planning Authority. The assessment shall include any remediation required as a consequence of the proposed development and a timetable for the implementation of that remedial treatment. Thereafter, the approved remedial treatment shall be carried out in full and in accordance with the approved timetable.

**Reason**

To ensure a satisfactory standard of environment for existing and future occupiers of the land

10. The development hereby permitted shall be carried out in accordance with the following approved plans:  
2194-01E

**Reason**

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

**Notes to Developer:**

Demolition works should be undertaken in accordance with Building Act Controls and in accordance with BS 6187:2011 Code of Practice for full & partial demolition with

the appropriate necessary attention being paid to the removal and disposal of any asbestos containing materials.

The existing and proposed dropped crossing to the site shall be constructed in accordance with the submitted drawing No.2194-01D. Please note that the prior accesses 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.

No part of the development hereby approved shall be adopted as public highway.

## **Consultations and Publicity**

### **External Consultations**

Hednesford Town Council  
Objection.

There is concern regarding the access to the site and its close proximity to the junction with Bradbury Lane / Brindley Heath Road and Station Road. No comments have been received to date regarding the amended plans.

Staffordshire County Highways  
No objection subject to conditions.

### School Organisation

This development falls within the catchments of West Hill Primary School and Kingsmead School. The development is scheduled to provide 8 dwellings. A development of this size could add 2 Primary School aged children and 1 Secondary School aged child.

Due to the pressure for primary school places in West Hill Primary School this application would previously have been subject to a request for a S106 contribution of £22,062 for education. However in light of the implementation of CIL in June 2015 in Cannock Chase we understand that contributions towards additional infrastructure will be recognised through the allocation of CIL funding through the Regulation 123 list which we have submitted to the district. The 123 List includes a project to increase the capacity at West Hill Primary School.

Whilst the 1/2FE expansion project at West Hill has recently been delivered to ensure there are sufficient places for the additional children generated through new housing, it is hoped that some of the costs will be recovered through the CIL mechanism.

Kingsmead School are projected to have sufficient space to accommodate the likely demand from pupils generated by the development and therefore no request will be made towards High School provision.

### **Internal Consultations**

#### Environmental Health

No adverse comments offered.

It is possible that there could be ground gas issues associated with this site, accordingly an appropriate site investigation will be necessary to determine whether gas protection measures will be required or if there is residual ground contamination from the electrical sub station or tanks previously situated on the site. Any remediation proposals identified should be submitted for prior approval purposes. Should the development proceed then suitable and adequate arrangements for the storage and disposal of waste materials will be required.

#### Planning Policy

No objection.

The site is within the Hednesford urban area and is not protected for a specific use on the Local Plan (Part 1) Policies Map. It is a light industrial site surrounded largely by residential properties.

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.

It should be noted that the site is located within the Hednesford Neighbourhood Area and that the Town Council are preparing a Neighbourhood Plan for their Parish area, which has been submitted for Examination.

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 Councils policy/guidance. Any site specific requirements may be addressed via a Section 106/278 if required, in

accordance with the Developer Contributions and Housing Choices SPD (2015) and the Council's most up to CIL Regulation 123 list.

### Crime Prevention Design Advisor

There is no surveillance for the parking bays relating to house type C and all properties should achieve Secured by Design

### **Response to Publicity**

The application was advertised by neighbour letter and site notice. Two letters of representation have been received. These are summarised below:-

- There is some contamination of Japanese Knot Weed along the rear boundary of the site next to the fencing belonging to the flats.
- The site has a very large mature Willow tree and other trees on the site. The site has mature hedgerows along the boundary with the footpaths on both Bradbury Lane and Brindley Heath Road.
- A previous planning was refused in 2016 because access to and from the site is in too close a proximity of the traffic light controlled junction. With the amount of properties proposed it will mean increased traffic movement on and off the site at peak times, this junction has already had collisions in the past due to vehicles approaching the lights too fast.
- High soil banking to the rear of properties on Bell Drive are in danger of collapse should any ground works be undertaken on or near, this has the potential to also damage and devalue the properties.
- The sheds on the site are roofed in asbestos which requires specialist removal to comply with current legislation.
- There are Bats seen regularly flying at dusk around the sheds, there could possibly be a colony roosting in them
- The amount of properties planned needing 16 parking spaces required will be directly next to our rear garden, we already have a car park next to the side of our house belonging to the flats in Bramble Close, another car park on the proposed development will effectively mean we will be surrounded on two sides of our house bringing yet more noise and disturbance than we already have from vehicles belonging to the flats.
- One of 3 bed houses on the plan are immediately to the side of my house, where the windows are some 15ft tall. The tops of 2 of the 3 windows are on



the mezzanine floor, where the bedroom is located. I am extremely concerned about privacy and the right of light which will be blocked out and also the view.

- The car parking spaces are immediately adjoining the boundary of my building and am concerned that any interference by building works will damage and may destroy the walls which are over 100 years old, although it is not clear from the plan how near this would be.
- There will be a need, I would imagine, for all trees to be removed and I understand that the willow tree on Dunford's has a protection order placed on it.

### Relevant Planning History

CH/15/0241 Skip Storage. Refused for the following reasons

1. The area used for skip storage is near to existing dwellings. As such the noise and disturbance associated with the skip storage use results in an adverse impact on the amenity of nearby residents. Therefore, the proposal is contrary to Local Plan Policy CP3 and the NPPF, both of which seek to safeguard the amenity of existing occupiers from incompatible uses.
2. The skip storage area is accessed via a narrow entrance and is in close proximity to an existing junction. Consequently, it is considered that large vehicles using a narrow entrance near to a junction would be detrimental to highway safety. As such, the proposal is contrary to Local Plan Policy CP3 and the NPPF.

### 1 Site and Surroundings

- 1.1 The application site comprises part of a commercial yard and associated buildings north-west of the junction of Station Road, Bradbury Lane with Brindley Heath Road, Hednesford.
- 1.2 The site is generally bound by fencing and hedges along its boundaries. There are trees within the application site; two to the Bradbury Lane frontage and one within the site itself. None of the trees are protected by a TPO. The site measures approx. 2200m<sup>2</sup>.
- 1.3 The wider site is occupied by a long established landscape contractors business. There are residential areas to the north and west of the site with open land in the Green Belt to the east. The properties to the west of the application site are located on significantly higher ground than the application site.

- 1.4 The application site benefits from an existing access off Brindley Heath Road.
- 1.5 The existing building is of an industrial appearance being two storey in height and of a brick and corrugated metal construction. Further structures within the site are open sided units in a dilapidated condition sited along the western boundary. Several skips are sited within the curtilage of the site and two large metal containers are sited adjacent the eastern boundary.
- 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 except access and layout.
- 2.2 The proposal seeks permission for the siting of 7 dwellings three sited to the corner of the site where Brindley Heath Road meets Station Road and Bradbury Lane and four dwellings in the form of 2 pairs of semi-detached buildings fronting Brindley Heath Road. The parking is proposed to the front and side with private gardens to the rear.
- 2.3 Three new access points would be introduced to the site; one along Bradbury Lane and two along Brindley Heath Road. The access from Bradbury Lane would be in the form of a single drive and would provide two parking spaces for one plot. The access off Brindley Heath Road would be located in a similar position to the existing access and would provide vehicle access and parking for two of the proposed dwellings. The third access would be sited to the north of the existing access and would lead to a shared parking area for four proposed dwellings.
- 2.3 The existing buildings within the application site would be demolished.

## **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.

Hednesford Neighbourhood Plan

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.
- 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 approximately 0.6km from Hednesford district centre, close to the schools and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development. The site is not located within either Flood Zone 2 or 3 and it is not designated as a statutory or non- statutory site for nature conservation nor is it located within a Conservation Area (CA) nor does it affect the setting of a designated or undesignated heritage asset.

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 There are trees sited within the application site and a mature hedgerow around the street boundaries with a gap for the access. It is likely that all the trees and the hedgerow would need to be removed to accommodate the proposed dwellings. The hedgerow and the planting currently screen the light industrial use of the site within what is a predominantly residential location. This degree of screening would not be required if planning permission is granted for the proposed dwelling as these would sit comfortably within the residential street scene. Whilst the loss of the existing vegetation is unfortunate, the landscaping is not covered by TPOs and could be removed at any stage by the applicant without the benefit of planning permission. It is noted that there is sufficient scope within the site to include a tree replacement planting scheme with the submission of the Reserved Matters application subject to this application being approved.
- 4.3.6 The layout of the application site is logical and addresses both street scenes within Bradbury Lane and Brindley Heath Road. The submitted plan demonstrates how two pairs of semi-detached dwellings would be set behind a short parking forecourt with gardens to the rear. A further three terraced dwellings are proposed to the corner of the site in a design that turns the corner with parking provided on individual drives to the sides and rear.
- 4.3.7 Within the wider street scene dwellings occupy similar plot sizes; with modest frontages and varied rear gardens. Opposite the application site the dwellings are designed to turn the corner from Bradbury Lane onto Station Road. In line with this established urban grain, the proposed dwellings would be set back behind a short frontage with the private amenity space to the rear.
- 4.3.8 The proposed development of the application site would also remove the light industrial use immediately adjacent residential dwellings and replace it with a more compatible use of the land.
- 4.3.9 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

#### 4.4 Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to 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 demonstrates a separation distance of 21m+ to the dwelling to the rear within Bell Drive. It is also noted that these properties are sited on significantly higher ground than that of the application site.
- 4.4.4 The nearest dwelling within Bradbury Lane is a former chapel building which has been converted to provide residential accommodation. This dwelling does not benefit from principle windows in the front elevation but does instead have windows in the side elevation which lead to habitable rooms. The nearest proposed dwelling to this property would have a side elevation facing sited 12.5m from the side elevation of the former chapel. The Design SPD seeks separation distances of 12.2m. In this instance the proposed dwelling is sited on lower ground than the former chapel and therefore complies with the requirements of the Design SPD. Furthermore, it is noted that the existing two storey industrial building (whilst set back into the site by 9m) is located immediately adjacent the boundary 6m from the side elevation of the former chapel, separated only by the sub station. Therefore whilst the comments of the neighbour are noted, the proposed demolition of the light industrial building and the erection of seven dwellings would result in a betterment in terms of overbearing, outlook and privacy.
- 4.4.5 In conclusion, the separation distances to neighbouring properties are appropriate for the proposal and over and above the requirement of those set out within the Councils Design SPD.
- 4.4.6 With regard to the proposed dwellings, the amenity spaces to the rear of the dwellings would provide between 60m<sup>2</sup> and 265m<sup>2</sup> of private garden space. The Design SPD requires an area of 44m<sup>2</sup> per two bedroom dwelling and 65m<sup>2</sup> per 3 bedroom dwelling. Two parking spaces per dwelling would also be provided.
- 4.4.7 Overall, the proposed development would comply with the Councils 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 the comments of the Town Council are noted. Staffordshire County Highways Department were consulted on the proposal and raised no objections subject to the attached conditions in terms of highway safety.

4.5.3 The proposed dwelling would provide two spaces per dwelling either in the form of individual drives or within a shared parking area.

4.5.4 As such, it is considered that there would be no adverse impact upon highway safety and the proposal would 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 main roads 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. A condition has been recommended that drainage details are submitted to and approved by the Local Planning Authority to ensure adequate drainage is provided.

#### 4.8 Comments received not covered above:-

- 4.8.1 Concern has been raised that there is some contamination of Japanese Knot Weed along the rear boundary of the site next to the fencing belonging to the flats. Your Environmental Health Officers have recommended a condition to ensure the Japanese Knotweed is dealt with appropriately.
- 4.8.2 Concern has been raised in relation to the high soil banking to the rear of properties on Bell Drive is in danger of collapse should any ground works be undertaken on or near, this has the potential to also damage and de value the properties. Your Officers confirm that the Reserved Matters application would consider the external environment including any retaining structures that may be required as a consequence of the proposed works. Also, any development approved on the site would need to comply with building regulations which considers how development is constructed.
- 4.8.3 A neighbour has referred to the sheds on the site are roofed in asbestos which requires specialist removal to comply with current legislation. Your officers confirm that a note would be included on any decision notice making the applicant aware of the possible use of asbestos.
- 4.8.4 A neighbour has commented that there are Bats seen regularly flying at dusk around the sheds, there could possibly be a colony roosting in them. No evidence has been submitted in support of this claim. However, the Council Ecologist has advised that the buildings on site are of a construction type that would not automatically trigger a bat survey. There are bat roosts close to this location and it is probable that they use the site to a limited extent for foraging.
- 4.8.5 The amount of properties planned needing 16 parking spaces required will be directly next to our rear garden, we already have a car park next to the side of our house belonging to the flats in Bramble Close, another car park on the proposed development will effectively mean we will be surrounded on two sides of our house bringing yet more noise and disturbance than we already have from vehicles belonging to the flats. Your Officers note the concerns raised and confirm that the layout of the proposal has been amended from rear courtyard parking to parking to the frontage and on individual driveways.
- 4.8.6 Concern has been raised regarding the car parking spaces immediately adjoining the boundary of the former chapel building and potential damage by the building works damaging / destroying the walls which are over 100 years

old, although it is not clear from the plan how near this would be. Your officers confirm that the nearest parking spaces / development would remain approx.5m from the rear wall of the chapel building and any works approved would be covered by Building Regulations.

## **5 Human Rights Act 1998 and Equalities Act 2010**

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 EQUALITIES ACT

5.3 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.

5.4 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

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

5.6 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.

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

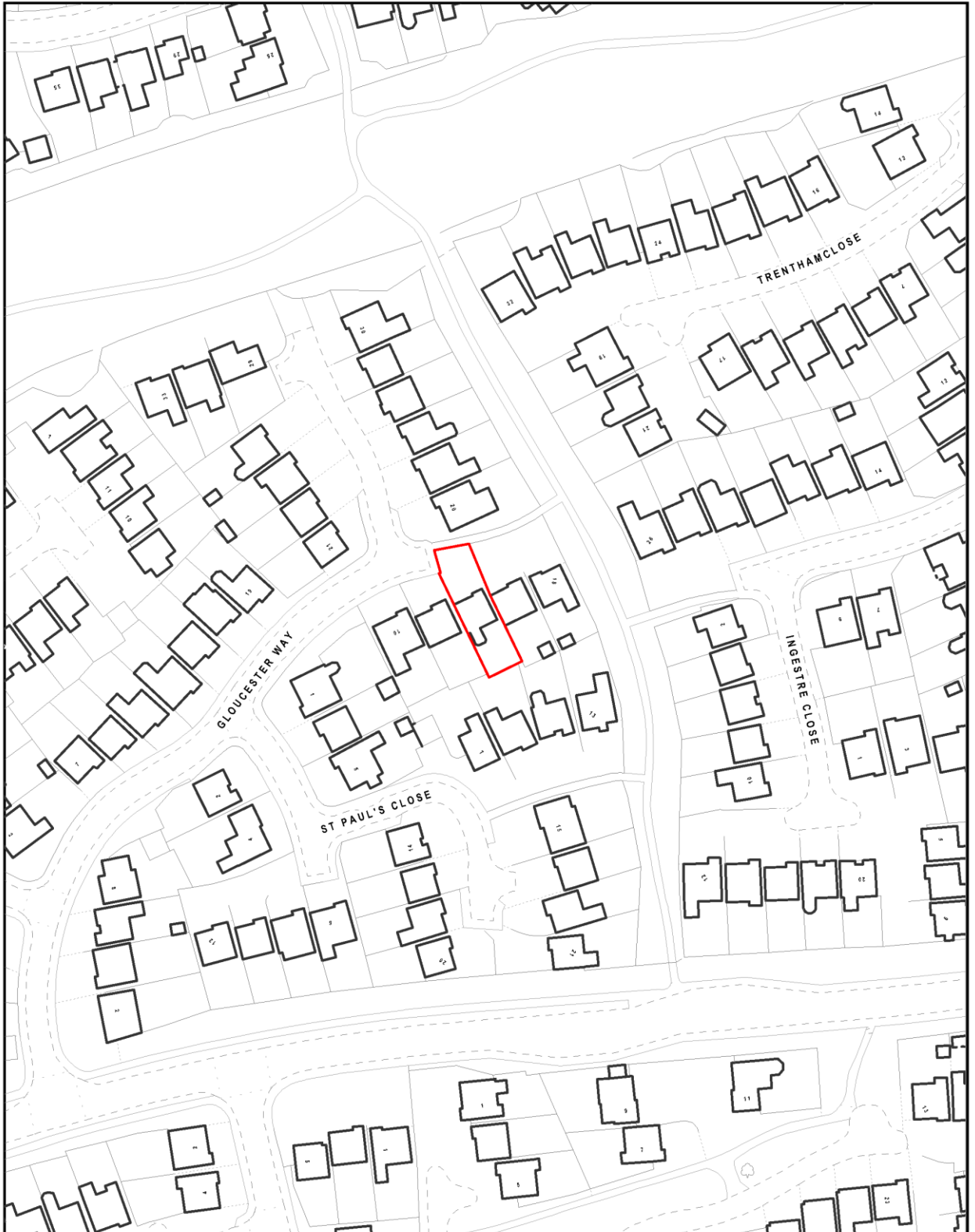


**Application No:** CH/19/161

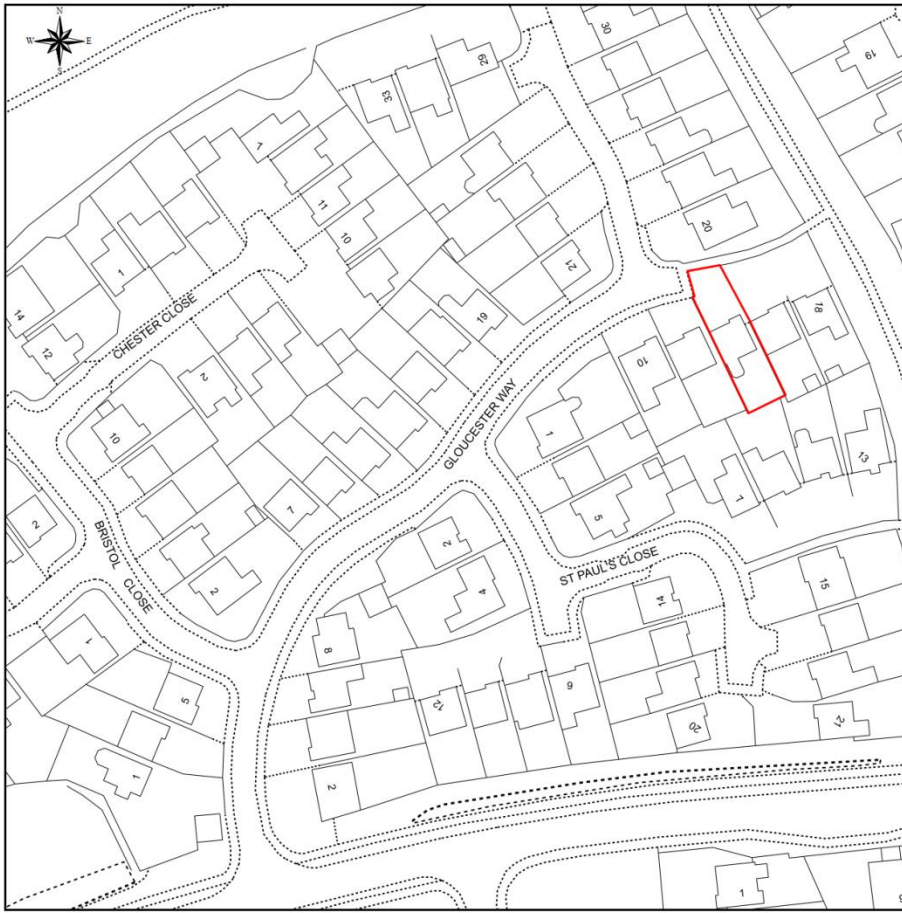
Item No. 6.84

**Location:** 14, Gloucester Way, Heath Hayes, Cannock, WS11 7YN

**Proposal:** Single storey rear extension to replace existing conservatory



## Location Plan



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0m 20m 40m 60m 80m 100m

Scale: 1:1250, paper size: A4

ABAPA2019Partridge03

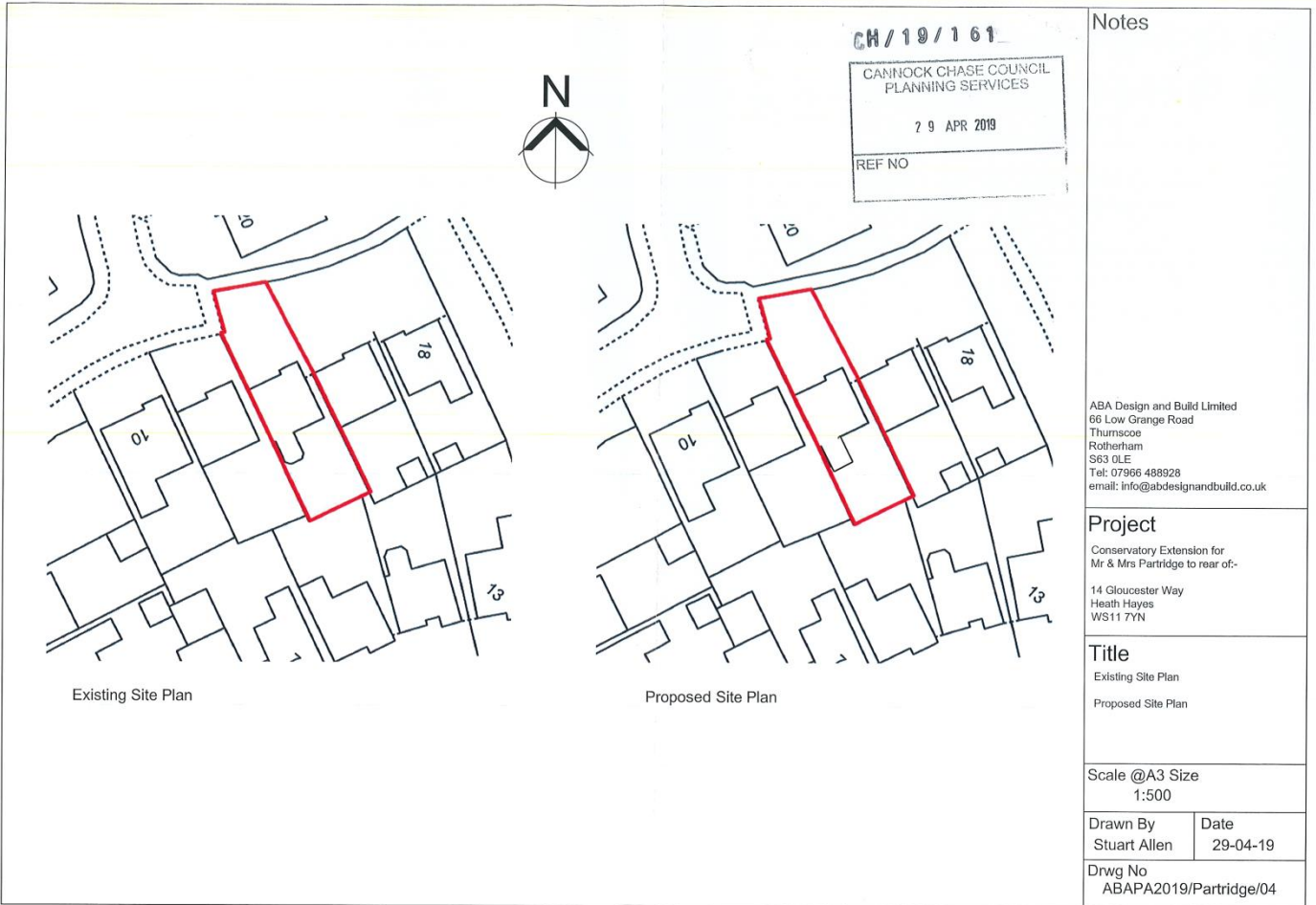
Partridge WS11 7YN

Proposed Conservatory Extension to Rear of Property

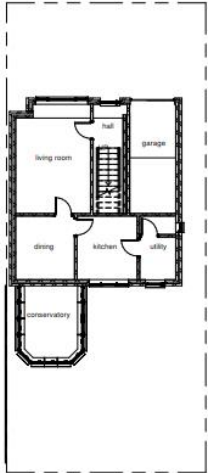


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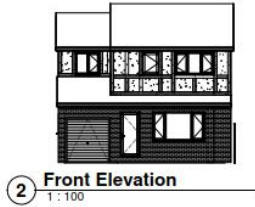
# Site Plan



# Plans and Elevations



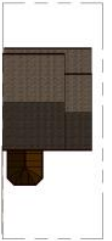
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1 : 100



2 **Front Elevation**  
1 : 100



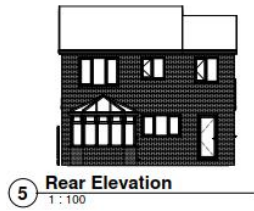
3 **Side Elevation**  
1 : 100



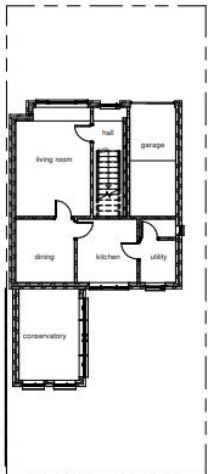
6 **Site Plan**  
1 : 200



4 **Side Elevation**  
1 : 100



5 **Rear Elevation**  
1 : 100



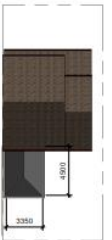
7 **Ground Floor Proposed**  
1 : 100



8 **Proposed Front Elevation**  
1 : 100



9 **Proposed Side Elevation**  
1 : 100



12 **Site Proposed**  
1 : 200



10 **Proposed Side Elevation**  
1 : 100



11 **Proposed Rear Elevation**  
1 : 100

# 3D Visualisation



1 3D Existing



2 3D Proposed

Notes

66 Low Grange Road  
 Thurnscoe  
 Rotherham  
 S63 0LE  
 Tel: 07956 488928  
 email:  
 info@abdesignandbuild.co.uk



Project

Conservatory Extension for Mr & Mrs  
 Partridge to rear of:-  
 14 Gloucester Way  
 Heath Hayes  
 WS11 7YN

Title

Existing 3D View  
 Proposed 3D View

Scale

1:100

Drawn By	Date
Stuart Allen	9/4/19

Drwg No	ABAPA2019/Partridge/02
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<b>Contact Officer:</b>	Sam Everton
<b>Telephone No:</b>	01543 464514

**PLANNING COMMITTEE REPORT  
26<sup>th</sup> JUNE 2019**

<b>Application No:</b>	CH/19/161
<b>Received:</b>	01-May-2019
<b>Location:</b>	14 , Gloucester Way, Heath Hayes, Cannock, WS11 7YN
<b>Parish:</b>	Heath Hayes
<b>Description:</b>	Single storey rear extension to replace existing conservatory
<b>Application Type:</b>	Full Planning Application

**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. 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. The materials to be used for the external surfaces of the development shall be of the same type, colour and texture as those used on the existing building.

**Reason**

In the interests of visual amenity and to ensure compliance with Local Plan Policies CP3, CP15, CP16, RTC3 (where applicable) and the NPPF.

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

Location Plan

ABAPA2019/Partridge/01

ABAPA2019/Partridge/02

ABAPA2019/Partridge/04

**Reason**

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

**Notes to Developer:**

**Consultations and Publicity**

**External Consultations**

Heath Hayes & Wimblebury Parish Council

No objection.

**Internal Consultations**

None.

## Response to Publicity

The application has been advertised by site notice and neighbour letter. No letters of representation have been received.

## Relevant Planning History

CH/87/203	The erection of 87 residential dwellings plus associated	Approved 19/08/1987
CH/87/204	The erection of 87 residential dwellings plus associated	Approved 19/08/1987
CH/87/386	Extension of existing distributor road	Approved 19/08/1987
CH/88/089	House type substitution residential	Approved 09/03/1988

## 1 Site and Surroundings

- 1.1 The application site is comprised of a two storey detached dwelling located on Gloucester Way, Heath Hayes.
- 1.2 The dwelling is of a contemporary design and is constructed of brick under a gable roof. The dwelling is finished in brick, cream render, UVPC fenestration brown roof tiles.
- 1.3 To the front of the dwelling is a paved driveway which can accommodate at least two vehicles. To the rear is an existing conservatory and garden area, bound by 1.8m close-board fencing.
- 1.3. The street scene is residential and is comprised of two storey detached dwellings of various finishes.
- 1.4. The site is unallocated in the Local Plan, however the site is located within a Mineral Safeguarding area, the Forest of Mercia and a Coal Authority Low Risk area.

## 2 Proposal

- 2.1 The application seeks planning permission for the erection of a conservatory to rear to replace the existing conservatory.
- 2.2 The proposed conservatory would project 4.5m off the rear elevation and would measure 3.4m in width, 3.2m to the ridge and 2.4m to the eaves.
- 2.3 The conservatory would have a dual pitched roof and would be constructed using matching brickwork, roof tile and fenestration.

### **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). Relevant policies within the Local Plan include: -
  - CP1 - Strategy – the Strategic Approach
  - CP3 - Chase Shaping – Design
- 3.3 Relevant policies within the minerals plan include: -
  - Policy 3 - Safeguarding Minerals of Local and National Importance and Important Infrastructure
- 3.4 National Planning Policy Framework
- 3.5 The NPPF (2019) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be "presumption in favour of sustainable development" and sets out what this means for decision taking.
- 3.6 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.7 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 (2016).

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport (2005).

Manual for Streets (2007).

## 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) Minerals Safeguarding.

### 4.2 Principle of the Development

4.2.1 The site is on unallocated land and contains an existing dwellinghouse. The proposal is for an extension to the dwelling and is therefore acceptable in principle subject to the considerations set out below.

### 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 proposed design, scale and materials would ensure that the conservatory would read as a subservient, sympathetic extension to the host dwelling and as such the proposal would assimilate well with the design and character of the host dwelling and its surrounding.

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

#### 4.4 Impact on Residential Amenity

4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to 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 In respect to overlooking, the Design SPD recommends a minimum distance of 21.3m between front to front and rear to rear elevations where they have windows serving principle rooms. In this instance the rear garden of the host property abuts the garden of No9 St Pauls Close. The proposed extension would extend some 4.5m from the rear elevation such that it would be approximately 8m from the shared rear boundary. However, it is noted that the existing conservatory projects 3.6m, that there is a 1.8m high close boarded wooden fence along the rear boundary and that the host property and the property at No 9 St Pauls Close are at a slight angle to one another. As such it is concluded that any additional degree of overlooking would be marginal, and that a high standard of residential amenity would be maintained. As such the proposal is considered to be acceptable in this respect.

4.4.4 In respect to assessing the potential for loss of light to neighbouring properties, the Design SPD recommends the application of the 45/25° daylight test. The proposed conservatory would impinge on light to a rear door at No. 12, however this door serves a kitchen which is also served by another rear facing window that would remain unaffected. As such it is considered that the proposed conservatory would not cause any significant loss of light to neighbouring properties.

#### 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 Council's Parking Standards require parking provision for at least two vehicles for two and three bedroom dwellings. The property has on-site parking provision for two vehicles on the drive to the front which would remain unaltered. Further, the proposal would not increase the number of bedrooms within the host property and as such parking provision would remain adequate.
- 4.5.3 The proposal would not alter any access arrangements or visibility splays.
- 4.5.4 The proposal therefore would not have an adverse impact on highways safety.

#### 4.6 Mineral Safeguarding

- 4.6.1 The site falls within a Mineral Safeguarding Area (MSAs) for coal fireclay. Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), aim to protect mineral resources from sterilisation by other forms of development.
- 4.6.2 Policy 3.2 of the Minerals Local Plan states that:
- ‘Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:
- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
  - b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.
- 4.6.3 The development would fall under Item 2 within the exemption list as an application for an extension to an existing building and is therefore permitted. As such the proposal is compliant with Policy 3 of the Minerals Local Plan.



## 5 Human Rights Act 1998 and Equalities Act 2010

### Human Rights Act 1998

- 5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.

### Equalities Act 2010

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

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

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

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

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

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

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

## 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.