

Please ask for: Mrs. W. Rowe

Extension No: 4584

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13 August 2024

Dear Councillor,

Planning Control Committee

3:00pm, Wednesday 21 August 2024

Council Chamber, Civic Centre, Cannock

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda. The meeting will commence at 3.00pm.

Yours sincerely,



Tim Clegg
Chief Executive

To Councillors:

Fisher, P. (Chair)
Cartwright, S.M. (Vice-Chair)
Aston, J. Samuels, G.
Fitzgerald, A. Sutherland, M.
Jones, V. Thornley, S.
Lyons, N. Thornley, S.J.
Mawle, D. Wilson, L.
Prestwood, F.

Agenda

Part 1

1. Apologies

2. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

To declare any personal, pecuniary, or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

3. Disclosure of Details of Lobbying of Members

4. Minutes

To approve the Minutes of the meeting held on 31 July 2024 (enclosed).

5. Members' Requests for Site Visits

6. Report of the Development & Policy Manager

Members wishing to obtain information on applications for planning approval prior to the commencement of the meeting are asked to contact the Development & Policy Manager.

Details of planning applications can be accessed on the Council's website by visiting www.cannockchasedc.gov.uk/residents/planning and then clicking on the square marked 'Planning Applications'.

Planning Applications

	Application Number	Application Location and Description	Item Number
1.	CH/24/062	Unit 1, Bennick Trading Estate, Union Street, Bridgtown, Cannock, WS11 0BP: Retrospective Change of Use to Pole Fitness establishment.	6.1 - 6.11
2.	CH/24/170	20 Brooke Road, Pye Green, Cannock, WS12 4HH: Retrospective Application for the Installation of a Ramp.	6.12 - 6.22

7. Exclusion of the Public

The Chair to move:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7, Part 1, Schedule 12A of the Local Government Act 1972 (as amended).

Agenda

Part 2

8. Enforcement Case - ENF/22/106

Not for Publication Report of the Development & Policy Manager (Item 8.1 - 8.7).

The Report is confidential due to the inclusion of information:

- Relating to any individual.
- Which is likely to reveal the identity of an individual.
- Relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

9. Enforcement Case - ENF/24/044

Not for Publication Report of the Development & Policy Manager (Item 9.1 - 9.5).

The Report is confidential due to the inclusion of information:

- Relating to any individual.
- Which is likely to reveal the identity of an individual.
- Relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

10. Enforcement Case - ENF/24/112

Not for Publication Report of the Development & Policy Manager (Item 10.1 - 10.6).

The Report is confidential due to the inclusion of information:

- Relating to any individual.
- Which is likely to reveal the identity of an individual.
- Relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

Cannock Chase Council
Minutes of the Meeting of the
Planning Control Committee

Held on Wednesday 31 July 2024 at 3:10pm
In the Council Chamber, Civic Centre, Cannock

Part 1

Present:
Councillors

Fisher, P. (Chair)
Cartwright, S. (Vice-Chair)

Fitzgerald, A.	Samuels, G.
Lyons, N.	Sutherland, M.
Mawle, D.	Thornley, S.
Prestwood, F.	Thornley, S.J.
Prestwood, J. (<i>substitute</i>)	Wilson, L.

The commencement of the meeting was delayed due to the site visits running over.

21. Apologies

Apologies for absence had been submitted by Councillors J. Aston and V. Jones.

Councillor J. Prestwood was in attendance as substitute for Councillor Aston.

22. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

Member	Interest	Type
Fisher, P.A.	TPO/2024/02 Armitage Lane/Rugeley Road, Rugeley, WS15 1ED: Tree Preservation Order Confirmation: <i>Member was a local resident and was a good friend of the applicant's friend.</i>	Personal and Prejudicial

23. Disclosure of Details of Lobbying by Members

Councillor L. Wilson declared that she had been lobbied in respect of Application CH/24/062, Unit 1 Bennick Trading Estate, Union Street, Bridgtown, Cannock, WS11 0BP: Retrospective Change of Use to Pole Fitness establishment.

Councillor S.J. Thornley declared that she had been lobbied in respect of Application CH/24/132, 26 Cleeton Street, Heath Hayes, Cannock, WS12 3HB: Erection of a detached 3x bedroom dwelling following demolition of existing dwelling.

Councillor P. Fisher declared that he had been lobbied in respect of TPO/2024/02, Armitage Lane/Rugeley Road, Rugeley, WS15 1ED: Tree Preservation Order Confirmation.

24. Minutes

Resolved:

That the Minutes of the meeting held 3 July 2024 be approved as a correct record.

25. Members Requests for Site Visits

None.

26. Tree Preservation Order 2024/02 - Armitage Road / Rugeley Road, Rugeley, WS15 1ED: Tree Preservation Order Confirmation

Having declared a personal and prejudicial interest Councillor P. Fisher (Chair) left the meeting during the determination of the application. Councillor S. Cartwright (Vice-Chair) took the Chair for this application.

Consideration was given to the report of the Development & Policy Manager (Item 6.1 - 6.10) *(presented by the Tree and Landscape Protection Officer)*.

The Tree and Landscape Protection Officer provided a presentation to the Committee outlining the report.

Prior to consideration of the report representations were made by Rob Lane, an objector, speaking against the confirmation of the Tree Preservation Order. Mr. Lane commented that he knew Councillor N. Lyons as they had worked together. The Principal Solicitor therefore asked Councillor Lyons to confirm whether he wished to declare an interest. Councillor Lyons confirmed that he did not.

Resolved:

That Tree Preservation Order Number 2024/02 be confirmed without modification.

(Councillor P. Fisher (Chair) returned to the meeting at this point).

27. Application CH/24/132 - 26 Cleeton Street, Heath Hayes, Cannock, WS12 3HB: Erection of a detached 3x bed dwelling following demolition of existing dwelling

Consideration was given to the report of the Development & Policy Manager (Item 6.15 - 6.27) *(presented by the Planning Officer)*.

The Planning Officer provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Resolved:

That the application be approved subject to the conditions contained in the report for the reasons stated therein.

28. Application CH/24/062 - System Design Controls Limited, Unit 1, Bennick Trading Estate, Union Street, Bridgtown, Cannock, WS11 0BP: Retrospective change of use to pole fitness establishment

Consideration was given to the report of the Development & Policy Manager (Item 6.11 - 6.27) *(presented by the Senior Planning Officer)*.

The Senior Planning Officer provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

The Chair advised that the applicant had not registered to speak but had approached him and asked whether he could be allowed to speak prior to Members considering the application. The Chair exercised his discretion and confirmed that he would allow the applicant to speak.

Prior to consideration of the application representations were made by the applicant, speaking in support of the application.

During the debate Members discussed whether conditions could be added to amend the operating hours and restrict the playing of music. In view of this the Senior Planning Officer suggested that Members may wish to defer the application to the next meeting to enable officers and the applicant to discuss these issues. Alternatively, Members could consider approving the application for a temporary 12 month period to allow time to determine whether any significant complaints or issues arose.

Councillor S. Thornley then moved that the application be deferred for the reasons outlined above and this was seconded by Councillor M. Sutherland. Following a vote, the motion to defer was approved.

Resolved:

That the application be deferred to the next meeting to enable officers and the applicant to discuss the issues raised by Members in terms of operating hours and the playing of music.

29. Exclusion of Public

Resolved:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7, Part 1, Schedule 12A of the Local Government Act 1972 (as amended).

Cannock Chase Council
Minutes of the Meeting of the
Planning Control Committee

Held on Wednesday 31 July 2024 at 3:10pm
In the Council Chamber, Civic Centre, Cannock

Part 2

30. Enforcement Case - ENF/23/102

Consideration was given to the Not for Publication report of the Development & Policy Manager (Item 8.1 - 8.5) *(presented by the Enforcement Officer)*.

The Enforcement Officer suggested that consideration of the enforcement case be deferred to the next meeting.

Resolved:

That the enforcement case be deferred to the next meeting.

31. Enforcement Case - ENF/23/103

Consideration was given to the Not for Publication report of the Development & Policy Manager (Item 9.1 - 9.5) *(presented by the Enforcement Officer)*.

Resolved:

That:

- (A) Authorisation be granted to serve an Enforcement Notice under s171(a) of the Town and Country Planning Act 1990.
- (B) Should the Notice referred to in decision (A) above not be complied with in the time specified within the Notice, then authorisation be granted to initiate prosecution proceedings under s179 of the Town and Country Planning Act 1990.

The meeting closed at 4:32pm.

Chair

Location Plan

Site Address: System Design Controls Limited, Unit 1, Bennick Trading Estate, Union Street, Bridgtown, Cannock, WS11 0BP

Item No. 6.1

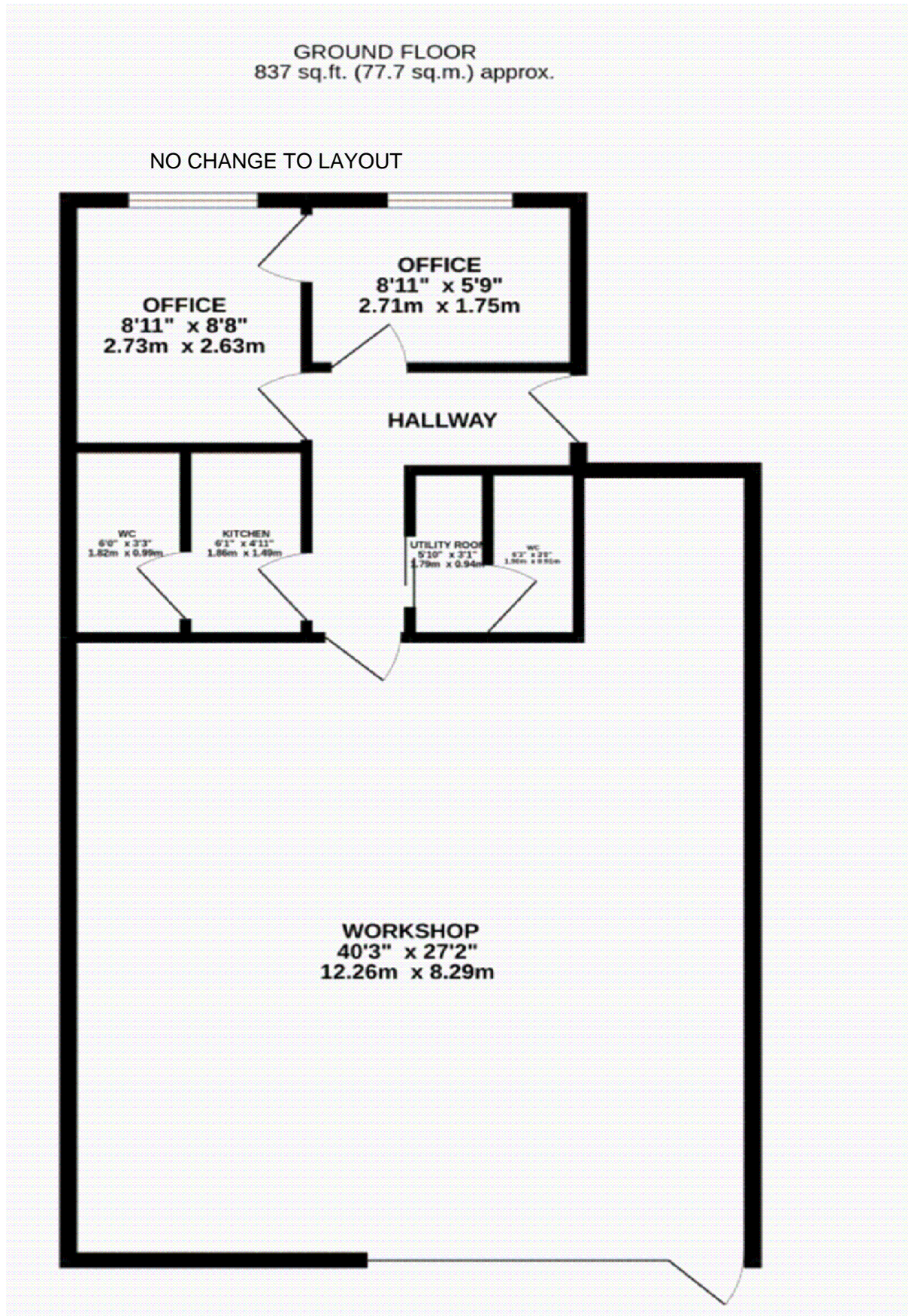
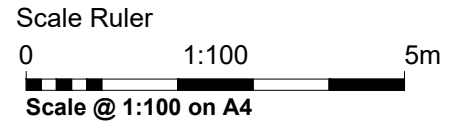
Date Produced: 10-Feb-2024



Scale: 1:1250 @A4



Planning Portal Reference: PP-12730655v1



Floor Plans

Contact Officer:	Helen Sherratt
Telephone No:	01543 462 621

<p>Planning Control Committee 21 August 2024</p>
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Application No:	CH/24/062
Received:	5 March 2024
Location:	System Design Controls Limited, Unit 1, Bennick Trading Estate, Union Street, Bridgtown, Cannock, WS11 0BP
Parish:	Bridgtown
Ward:	Cannock Longford and Bridgtown
Description:	Retrospective Change of Use to Pole Fitness establishment
Application Type:	Full Planning Application

Reason for Committee decision

The application was called-in to Planning Control Committee by Councillor Alan Pearson who requested a site visit and the Parish Council objection. Concerns were raised in respect of the overdevelopment of the site, parking and noise.

Recommendation:

Approve, subject to conditions (temporary consent for a period of 12 months).

Officer Note

During the previous Planning Control Committee meeting on 31st July, Members deferred the planning application to allow the applicant the opportunity to provide additional information in respect of opening hours and to discuss with the Council the possibility of a temporary planning consent. This has been accepted and, on this basis, the recommendation of the Council is now to approve the application subject to a temporary consent for a period of 12 months. Reasoning for this is set out within section 4.3 of the following report.

Reasons 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 reason for conditions):

1. The development hereby permitted shall be retained in accordance with the following approved plans:
 - Site Location Plan

- Site Block Plan
- Floor Plan

Reason

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

2. This permission expires 12 months from the date that the decision was issued and on or before this date the use shall be discontinued and all materials, equipment and waste associated with the use shall be removed.

Reason

In order to enable the effect of the development on the surrounding area to be assessed and reviewed if necessary and to ensure compliance with the Local Plan Policy CP3 - Chase Shaping and Design and the NPPF.

3. The use to which this permission relates to shall only be in use by the applicant, Lianne Hollings of Xtreme Pole Fitness, in accordance with the terms of the application. The use shall not be used at any time for F1(a) use by any other persons and following the vacation of the applicant from the premises, the use shall be discontinued and revert back to its original use (B2).

Reason

The application has been determined on the basis that the building will be used solely by the applicant, in accordance with the terms of the application in order to protect the amenity of nearby residential occupiers in accordance with Core Policy 3 of the Local Plan and the NPPF.

4. Notwithstanding the submitted plan details shall be submitted to and approved in writing by the Local Planning Authority within three months of planning consent being granted, indicating adequate covered and secure cycle storage facilities for the proposed development. The cycle storage facilities shall thereafter be provided and retained for the lifetime of the development.

Reason

To comply with the principles set out in the Cannock Chase Local Plan and the National Planning Policy Framework.

5. The premises shall only be in operation during the following hours:

Monday - 9.00am to 8.00pm

Tuesday - 10.00am to 9.00pm

Wednesday - 9.00am to 8.00pm

Thursday - 9.00am to 8.00pm

Friday - 9.00am to 8.00pm

Saturday - 10.00am to 2.00pm

Sunday - Closed

The hours of operation shall be retained as such for the lifetime of the development.

Reason

To protect the amenity of nearby residential occupiers in accordance with Core Policy 3 of the Local Plan and the NPPF.

Consultations and Publicity

Internal Consultations

Environmental Protection

Noise assessment requested to assess the impact of the proposal on adjoining residential occupiers.

Economic Development

No objections.

External Consultations

Bridgtown Parish Council

Objection, due to concerns in respect of noise and parking.

Staffordshire County Council (Highways)

No objection, subject to condition relating to cycle parking provision.

Cadent Gas

No objection.

Response to Publicity

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

Relevant Planning History

None.

1 Site and Surroundings

- 1.1 The application site relates to Unit 1, Bennick Trading Estate at Broad Street, Bridgtown.
- 1.2 The premises comprises a unit in industrial use and is part of a wider group of adjoining buildings that are in similar use, such as an MOT test centre and a light industrial unit.
- 1.3 An area of hardstanding provides parking to the units, with several vehicles parking informally. There is unrestricted parking on street on Broad Street, of which the application site fronts on to. Residential properties lie directly opposite the site, with Broad Court Mews to the east of the site.
- 1.4 The site is within a Mineral Consultation Area (Fireclay) and is in a Low Risk Area for historic coal mining activity.

2 Proposal

- 2.1 The applicant is seeking consent for the retrospective change of use from B2 Use (General Industrial) to professional dance studio (Class F1 a).
- 2.2 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.
- 2.3 As such it is officer's opinion that the use as a dance studio would fall within Use Class F1(a) (learning and non-residential institutions).
- 2.4 No other changes to the building are proposed.
- 2.5 The premises would operate on the following basis:
- Class numbers will be a maximum of 10 students, with the latest class running until 9pm.
 - Classes operate Monday to Saturday, with classes beginning at 10am with 1:1 sessions also being provided.
 - Saturday operating hours are 10am to 2pm.
 - 3no instructors are required.
- 2.6 Parking provision would be to the front (4no spaces) and to the rear (6no spaces).

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 Part 1 (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030).
- 3.3 **Cannock Chase Local Plan Part 1**
- CP1: Strategy – the Strategic Approach
 - CP3: Chase Shaping – Design
 - CP5: Social Inclusion and Healthy Living
 - CP8: Employment Land
 - CP9: A Balanced Economy
 - CP10: Sustainable Transport
 - CP11: Centres Hierarchy
 - CP12: Biodiversity and Geodiversity

- CP13: Cannock Chase Special Area of Conservation (SAC)
- CP14: Landscape Character and Cannock Chase Area of Outstanding Natural Beauty
- CP16: Climate Change and Sustainable Resource Use

3.4 Minerals Local Plan for Staffordshire

- Policy 3: - Safeguarding Minerals of Local and National Importance and Important Infrastructure

3.5 Relevant paragraphs within the NPPF

- 8: Three dimensions of Sustainable Development
- 11-14: The Presumption in favour of Sustainable Development
- 47-50: Determining Applications
- 131, 135, 137, 139: Achieving Well-Designed and Beautiful Places
- 142-156: Protecting Green Belt Land
- 224, 225: Implementation

3.6 Other relevant documents include:

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

4 Determining Issues

4.1 The determining issues for the proposed development include: -

- i) Principle of development
- ii) Impact on residential amenity
- iii) Impact on highway safety
- iv) Impact on nature conservation interests
- v) Drainage and Flood Risk
- vi) Mineral safeguarding

4.2 Principle of the Development

4.2.1 The planning application seeks retrospective planning consent for the change of use of a premises in B2 use to F1 (a), with no external alterations proposed.

4.2.2 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.

4.2.3 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.

4.2.4 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.”

4.2.5 Within the immediate vicinity uses comprise of a MOT testing centre (B2), a wholesaler (B8) and a light industrial unit to the rear. Within the wider area are residential properties and office uses. Therefore, the loss of one industrial use would not detract from the mixed-use function of this location nor would it remove an A1 use from the main District centre.

4.2.6 As such the proposed change of use to F1(a) would accord with both local Plan policies CP1 and CP11 and is therefore acceptable in principle subject to the considerations set out below.

4.3 **Impact on Amenity**

4.3.1 The Parish Council’s concern in respect of noise disturbance are noted and the Environmental Protection Officer has requested a Noise Assessment to be undertaken to determine the level of noise, the duration of noise and its potential impact and mitigation measures.

- 4.3.2 It is noted by Officers that the application site is located within a concentrated area of commercial and industrial uses. The applicant proposes the latest opening time to be 9pm on Tuesdays, with the latest opening time at the surrounding commercial/industrial uses to be 7pm. The additional two hours one day a week that the premises will be in operation is not considered to have a detrimental impact upon the amenity of adjoining occupiers over and above that of the adjoining units.

Furthermore, whilst the applicant has not provided a noise assessment, the scheme is relatively low impact in terms of its scale due to the low class numbers. Notwithstanding this, several residential properties surround the site and so the use, in respect of noise created by music and activity within the site, has the potential to have a detrimental impact upon the amenity of adjoining residential occupiers. To address this, a temporary consent of 12 months has been proposed to provide the Council with control if the premises does become a noise nuisance.

On this basis, the scheme can be re-assessed as part of a future planning application to either remove the planning condition imposing a temporary use by way of a Section 73 application or a full planning application should neighbour complaints be received in respect of noise and disturbance. A planning condition requiring the planning consent to be personal to the applicant has also been recommended, to ensure that should the premises be taken over by a different operator this will not lead to noise issues should class numbers be larger, or a higher noise level of music be used.

- 4.3.3 In respect of the above, Officers consider that on balance, the proposal is acceptable and the Council will have a sufficient level of control to be able to address issues in respect of noise and disturbance, should they arise, due to the suggestion of a personal and temporary planning consent. On this basis, it has been demonstrated that the scheme is compliant with the provisions of Policy CP3 of the Local Plan.
- 4.3.4 Notwithstanding noise matters, parking concerns have also been raised by the Parish Council. Given the maximum number of attendees (10), the number of displaced vehicles parking on the surrounding highway network will likely increase, however the site and the surrounding area is considered to have sufficient on site and on street capacity to accommodate this.
- 4.3.5 In respect of the above, the scheme has not been demonstrated to have an acceptable impact in relation to its impact on the amenity of adjoining residential occupiers in respect of noise and disturbance and is therefore in conflict with Policy CP3 of the Local Plan.

4.4 **Impact on Highway Safety**

- 4.4.1 Paragraph 115 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.
- 4.4.2 The application site is currently in use as B8 (General Industrial), with parking provision to the front and rear of the premises as well as unrestricted on street parking outside the site. Given the relatively small class sizes and the level of

parking on site and nearby, the proposals are not considered to generate an unprecedented level of additional vehicles on the surrounding highway network, over and above that which would be expected of a B8 use.

4.4.3 The Highway Authority has been consulted and has no objections to the scheme, subject to a planning condition requiring the submission of cycle parking details.

4.4.4 Given the above, in this instance, the proposed development would not result in an unacceptable impact on highway safety and as such would be in accordance with paragraph 115 of the NPPF.

4.5 **Impact on Nature Conservation Interests**

4.5.1 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.

4.5.2 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.

4.6 **Drainage and Flood Risk**

4.6.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps.

4.6.2 Given the nature of the proposal and that it will not create additional areas of hardstanding, the proposal would not exacerbate the impacts of climate change in accordance with paragraph 158 of the NPPF.

4.7 **Mineral Safeguarding**

4.7.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 212, 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.

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

5 Human Rights Act 1998 and Equality 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 accords with the policies of the adopted Local Plan and the applicant has the right of appeal against this decision.

Equality 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 Equality Act.

6 Conclusion

6.1 Following a revision to the proposed opening hours and the imposition of a temporary and personal consent, it has been demonstrated that the scheme is unlikely to have a detrimental impact upon the amenity of adjoining neighbouring occupiers. As such, the scheme is compliant with Policy CP3 of the Cannock Chase Local Plan and relevant paragraphs contained within the NPPF.

Location Plan

Site Address: 20, Brooke Road, Pye Green, Cannock, WS12 4HH

Date Produced: 23-Jun-2024

Scale: 1:1250 @A4



Planning Portal Reference: PP-13093458v3

Application No: CH/24/170

Item No. 6.13

Location: 20 Brooke Road, Pye Green, Cannock, Staffordshire
WS12 4HH

Proposal: Retrospective application for the installation of a
ramp



Application No: CH/24/170

Item No. 6.14

Location: 20 Brooke Road, Pye Green, Cannock, Staffordshire
WS12 4HH

Proposal: Retrospective application for the installation of a
ramp

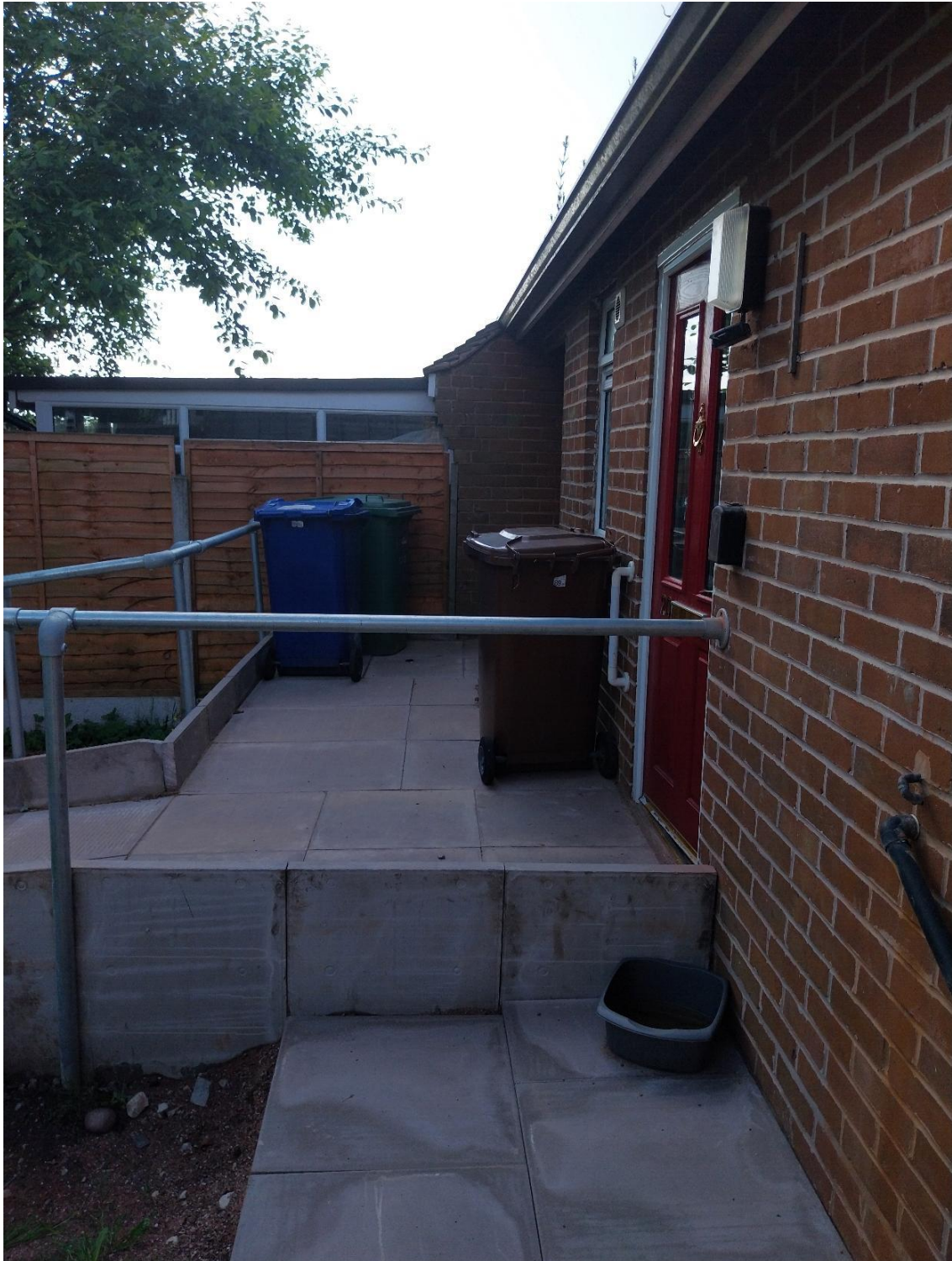


Application No: CH/24/170

Item No. 6.15

Location: 20 Brooke Road, Pye Green, Cannock, Staffordshire
WS12 4HH

Proposal: Retrospective application for the installation of a ramp



Contact Officer:	Gianina Diwa
Telephone No:	01543 464 517

<p>Planning Control Committee 21 August 2024</p>
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Application No:	CH/24/170
Received:	24 June 2024
Location:	20 Brooke Road, Pye Green, Cannock, WS12 4HH
Parish:	Hednesford CP
Ward:	Hednesford Green Heath
Description:	Retrospective Application for the Installation of a Ramp
Application Type:	Full Planning Application

Reason for Committee Decision

The application was called-in to Planning Control Committee because it was submitted by the Council.

Recommendation

Approve subject to condition.

Reasons 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 reason for conditions):

1. The development hereby permitted shall be retained in accordance with the following approved photos:
 - 20 Brooke 01
 - 20 Brooke1
 - 20 Brooke2

Reason

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

Consultations and Publicity

Internal Consultations

None.

External Consultations

None.

Response to Publicity

The application has been advertised by neighbour letter. The Council has received two letters of representation from the same objector.

2 Aug 2024 Letter of objection:

- Relating to the ramp at the rear of the property.
- Substantial visual interference.
- Overlooking and loss of privacy impacts as a result of the raised platform.
- Disruption as people walk up and down the ramp.

Relevant Planning History

None.

1 Site and Surroundings

- 1.1 The application site is comprised of an attached bungalow, located within a suburban area of Hednesford, Cannock.
- 1.2 The dwelling is of brick construction under a gable roof, the property features brown roof tiles and white UPVC fenestration. To the front of the dwelling is a small garden. To the immediate right of the dwelling is a passageway which provides access to the main entrance of the dwelling, situated at the rear of the property. To the rear of the site is also a private garden bound by close board fencing.
- 1.3 The immediate streetscene is residential and is comprised of similar semi-detached bungalows. During the site visit it was observed that the topography in the area differs, the cul-de-sac section of Brook Rd is on higher ground than where it meets Foster Avenue. The application site is located at a point where there is a noticeable slope, which could give rise to the potential for overlooking.
- 1.4 The site is not allocated within the Local Plan but has been identified as being in a Mineral Consultation Area, a historic landfill site and is considered as a low-risk development area by the Coal Authority.

2 Proposal

- 2.1 The application seeks retrospective planning permission for the installation of an accessibility ramp at the rear of the dwelling. The ramp, which has already been constructed, features an L-shaped design and extends to a total length of approximately 10.8 meters. At its highest point, the ramp reaches approximately 0.32 meters.
- 2.2 This structure aims to provide improved access to the dwelling, particularly for those with mobility challenges.

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 Part 1 (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030).
- 3.3 **Cannock Chase Local Plan Part 1**
- CP1: Strategy – the Strategic Approach
 - CP3: Chase Shaping – Design
 - CP5: Social Inclusion and Healthy Living
- 3.4 **Minerals Local Plan for Staffordshire**
- Policy 3: - Safeguarding Minerals of Local and National Importance and Important Infrastructure
- 3.5 **Relevant paragraphs within the NPPF:**
- 8: Three Dimensions of Sustainable Development
 - 11-14: The Presumption in favour of Sustainable Development
 - 47-50: Determining Applications
 - 131, 135, 137, 139: Achieving Well-Designed and Beautiful Places
 - 224, 225: Implementation
- 3.6 **Other relevant documents include:**
- (i) Design Supplementary Planning Document, April 2016.
 - (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
 - (iii) Manual for Streets.

4 Determining Issues

4.1 The determining issues for the proposed development include: -

- i) Principle of the Development
- ii) Character and Appearance
- iii) Residential Amenity
- iv) Parking and Highways
- v) Environmental Considerations

4.2 Principle of the Development

4.2.1 The application is for the retrospective installation of a ramp at an existing residential property that is sited within a residential location. In general, domestic installations within existing urban areas are acceptable in principle subject to other relevant policy and planning considerations. The next sections of this report will consider the development in the light of these considerations and determine what harms or benefits arise.

4.3 Character and Appearance

4.3.1 The ramp as constructed is modest in size and scale and appropriate in the context of the existing dwelling. Furthermore, the design is typical of a standard ramp and railings commonly implemented for accessibility at residential properties.

4.3.2 Regarding the impact on the surrounding area, the ramp at the rear of the property would not be visible from the streetscape, and thus have no impact. Notwithstanding, other properties in the area have benefited from similar ramp installations as the one constructed, and thus would not look out of place.

4.3.3 The letter of objection raised concern that the ramp would cause 'substantial visual interference' due to the raised nature of the path. However, it is noted that the neighbourhood is primarily made up of bungalows with several neighbouring houses benefitting from accessibility ramps. The installation of such ramps has not resulted in adverse visual impact to the character and form of this location.

4.3.4 Therefore, having had regard to Policy CP3 of the Local Plan and the aforementioned paragraphs of the NPPF, it is considered that the proposal as a whole would be well-related to existing buildings and their surroundings such that it would be acceptable in respect to its impact on the character and form of the area.

4.4 Residential Amenity

4.4.1 The nearest neighbours to the application site are both adjoined with No. 18 Brooke Road to its right and No. 22 Brooke Road to its left.

4.4.2 Regarding the impact of overbearing and loss of light, due to the basic design of the ramp and railing, there would be no adverse impact in this regard and given the intervening boundary fence which screens the ramp from the neighbouring properties.

- 4.4.3 An objection was raised in regard to overlooking and loss of privacy as a result of the ramp position. In this regard, it is noted that the Objector's property benefits from an extension to the immediate side of the shared fence which incorporates windows at a high level, and which are now subject to the overlooking and privacy issue.
- 4.4.4 The Applicant proposed several remedies to address the issue of overlooking and privacy, ultimately agreeing to the installation of blinds. However, it is important to note that this measure cannot be secured via a planning condition. It is also noted that the objection remains and has not been withdrawn on this basis.
- 4.4.5 It has been considered that whilst a level of overlooking would occur as a result of the proposed ramp at the rear of the property, it would not be to a significantly adverse degree that is more than usual in residential locations.
- 4.4.6 Officers further consider that ramps are used transiently, in this instance to provide level access to the entrance and the garden area. It would unlikely be used as an area for leisure or long periods of time.
- 4.4.7 It is also noted that due to the dwellinghouse being sited on sloping land, a small degree of overlooking already exists and would be unavoidable although it is noted that this is exacerbated by the depth of the ramp projecting back past the rear elevation of the host dwelling.
- 4.4.8 In light of the above conclusions, it is considered that, on balance, the ramp as constructed is acceptable in regards to its amenity considerations, in the context of NPPF requirements and, Policy CP3 of the Cannock Chase Local Plan and the Council's Design SPD.
- 4.4.9 The Objector has also raised concerns regarding nuisance and a disturbance as a result of people and coming and going. Officers consider this to hold little weight as noise and disturbance of a residential nature would not be increased as a consequence of the ramp installation.

4.5 Parking and Highways

- 4.5.1 Paragraph 115 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 ramp is to the rear of the dwelling and as such does not encroach on to the footpath, and thus does not prevent pedestrians from passing along the footway. As such, the proposal accords with Paragraph 115 of the NPPF.

4.6 Environmental Considerations

- 4.6.1 The site falls within a Mineral Consultation Area (MCAs). Chapter 17, 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. The development would fall within the exemption list and is therefore permitted. As such the proposal is compliant with Policy 3 of the Minerals Local Plan.

- 4.6.2 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps which is at least threat from flooding. In this instance, the proposed extension would be constructed within an existing residential curtilage and as such would have no further impact on flood risk in this location.
- 4.6.3 As such, the proposal subject to conditions, would accord with the requirements of Paragraph 165 of the NPPF which seeks to steer new development away from areas of flooding.
- 4.6.4 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application, and it is advised that any risk can be managed by the attachment of an advisory note to any permission granted.

5 Human Rights Act 1998 and Equality 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 accords with the policies of the adopted Local Plan and the applicant has the right of appeal against this decision.

Equality 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 Equality Act.

6 Conclusion

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the ramp as constructed, subject to the attached conditions, would not result

in any significant harm to acknowledged interests regarding design, overlooking, overbearing, loss of light or privacy, and intervisibility. There is also no material impact on parking or highways requirements as a consequence of the development. Accordingly, the development is judged to be in accordance with the Development Plan.

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