

Please ask for: Mrs. W. Rowe

Extension No: 4584

E-Mail: wendyrowe@cannockchasedc.gov.uk

24 July, 2018

Dear Councillor,

**PLANNING CONTROL COMMITTEE
3:00PM, WEDNESDAY 1 AUGUST, 2018
COUNCIL CHAMBER, CIVIC CENTRE, CANNOCK**

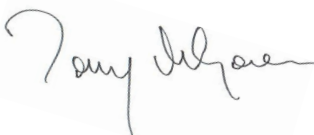
You are invited to attend this meeting for consideration of the matters itemised in the following Agenda.

The meeting will commence at 3.00pm or at the conclusion of the site visit, whichever is the later. Members are requested to note that the following site visit has been arranged:-

<u>Application Number</u>	<u>Application Description</u>	<u>Start Time</u>
CH/18/163	36 Church Street, Rugeley, WS15 2AH – <i>Proposed demolition of existing bungalow and erection of 3 No. dwellings and associated works</i>	2.00 p.m.
CH/17/252	Land at 53 Gorse Lane, Cannock, WS11 1EY – Residential development – <i>Erection of 1 No. three bed dormer bungalow (outline application including access and layout)</i>	2.30 p.m.

Members wishing to attend the site visits are requested to meet at 36 Church Street, Rugeley at 2:00pm as indicated on the enclosed plan.

Yours sincerely,



**T. McGovern
Managing Director**

To Councillors:

Cartwright, Mrs. S.M. (Chairman)
Allen, F.W.C. (Vice-Chairman)
Cooper, Miss J. Snape, P.A.
Dudson, A. Stretton, Mrs. P.Z.
Fisher, P.A. Sutherland, M.
Hoare, M.W.A. Tait, Ms. L.
Lea, C.I. Todd, Mrs. D.M.
Pearson, A.R. Woodhead, P.E.
Smith, C.D.

A G E N D A

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 11 July, 2018 (enclosed).

5. Members' Requests for Site Visits

6. Report of the Development Control Manager

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

Finding information about an application from the website

- On the home page click on planning applications, listed under the 'Planning & Building' tab.
- This takes you to a page headed "view planning applications and make comments". Towards the bottom of this page click on the text [View planning applications. By clicking on the link I agree to the terms, disclaimer and important notice above.](#)

- The next page is headed "Web APAS Land & Property". Click on 'search for a planning application'.
- On the following page insert the reference number of the application you're interested in e.g. CH/11/0001 and then click search in the bottom left hand corner.
- This takes you to a screen with a basic description - click on the reference number.
- Halfway down the next page there are six text boxes - click on the third one - view documents.
- This takes you to a list of all documents associated with the application - click on the ones you wish to read and they will be displayed.

SITE VISIT APPLICATIONS

<u>Application Number</u>	<u>Application Description</u>	<u>Item Number</u>
1. CH/18/163	36 Church Street, Rugeley, WS15 2AH – <i>Proposed demolition of existing bungalow and erection of 3 No. dwellings and associated works.</i>	6.1 – 6.27
2. CH/17/252	Land at 53 Gorsey Lane, Cannock, WS11 1EY – <i>Residential development – Erection of 1 No. three bed dormer bungalow (outline application including access and layout).</i>	6.28 – 6.47

CANNOCK CHASE COUNCIL

**MINUTES OF THE MEETING OF THE
PLANNING CONTROL COMMITTEE**

WEDNESDAY 11 JULY 2018 AT 3:00 P.M.

IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 1

PRESENT: Cartwright, Mrs. S.M. (Chairman)
Councillors Allen, F.W.C. (Vice-Chairman)

Dudson, A.	Snape, P.A.
Fisher, P.A.	Stretton, Mrs. P.Z.
Hoare, M.W.A.	Tait, Ms. L.
Pearson, A.R.	Todd, Mrs. D.M.
Smith, C.D.	Woodhead, P.E.

21. Apologies

Apologies for absence were received for Councillors Miss J. Cooper, C.I. Lea and M. Sutherland.

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

There were no declarations of interests submitted.

23. Disclosure of lobbying of Members

All Members present declared that they had been lobbied in respect of the Enforcement Investigation related to 64 New Penkridge Road, Cannock (Application CH/17/073).

24. Minutes

RESOLVED:

That the Minutes of the meeting held on 20 June, 2018 be approved as a correct record.

25. Members' Requests for Site Visits

None.

26. Enforcement Investigation – Application CH/17/073 64 New Penkridge Road, Cannock. WS11 1HW, Erection of a Five Bedroom House

Following a site visit consideration was given to the report of the Development Control Manager (Item 6.1 – 6.62 of the Official Minutes of the Council).

Prior to determination of the matter, representations were made by Mr Rudd, speaking on behalf of the complainant, and Mr Heminsley, speaking on behalf of the Applicant.

RESOLVED:

- (A) A further site visit be undertaken by the Committee in respect of the Enforcement Investigation related to 64 New Penkridge Road, Cannock (Application CH/17/073): Residential development, erection of a five bedroom detached house. The site visit to be undertaken prior to the meeting of the Committee scheduled for 12 September, 2018.

Reason: To fully comply with the resolution of the Committee made on 20 June, 2018, concerning this matter (Minute no. 15 refers).

- (B) An independent person be appointed by the Council to undertake new measurements of the application site for consideration by the Committee.

Reason: To provide the Committee with measurements of the application site produced independently of any previous measurements undertaken by the complainant or applicant.

27. Application CH/18/106, Land adjacent to Rugeley Cricket Club, Chaseley Road, Rugeley. WS15 2LQ, Change of use from agricultural land to cricket playing field

Consideration was given to the report of the Development Control Manager (Item 6.63 – 6.78 of the Official Minutes of the Council).

RESOLVED:

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

28. Application CH/18/141, land off Pye Green Road, Hednesford, Cannock. WS11 5RZ – application to vary condition 5 of planning permission CH/17/037 to allow for a minor material amendment comprising a reduction in size to a 1FE school

Consideration was given to the report of the Development Control Manager (Item 6.79 – 6.88 of the Official Minutes of the Council).

RESOLVED:

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

The meeting closed 3:37pm

CHAIRMAN



Application No: CH/18/163

Location: 36, Church Street, Rugeley, WS15 2AH

Proposal: Proposed demolition of existing bungalow and erection of 3No. dwellings and associated works





Application No: CH/17/252

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

Proposal: Residential development:- Erection of 1 No. three bed dormer bungalow (outline application including access and layout)



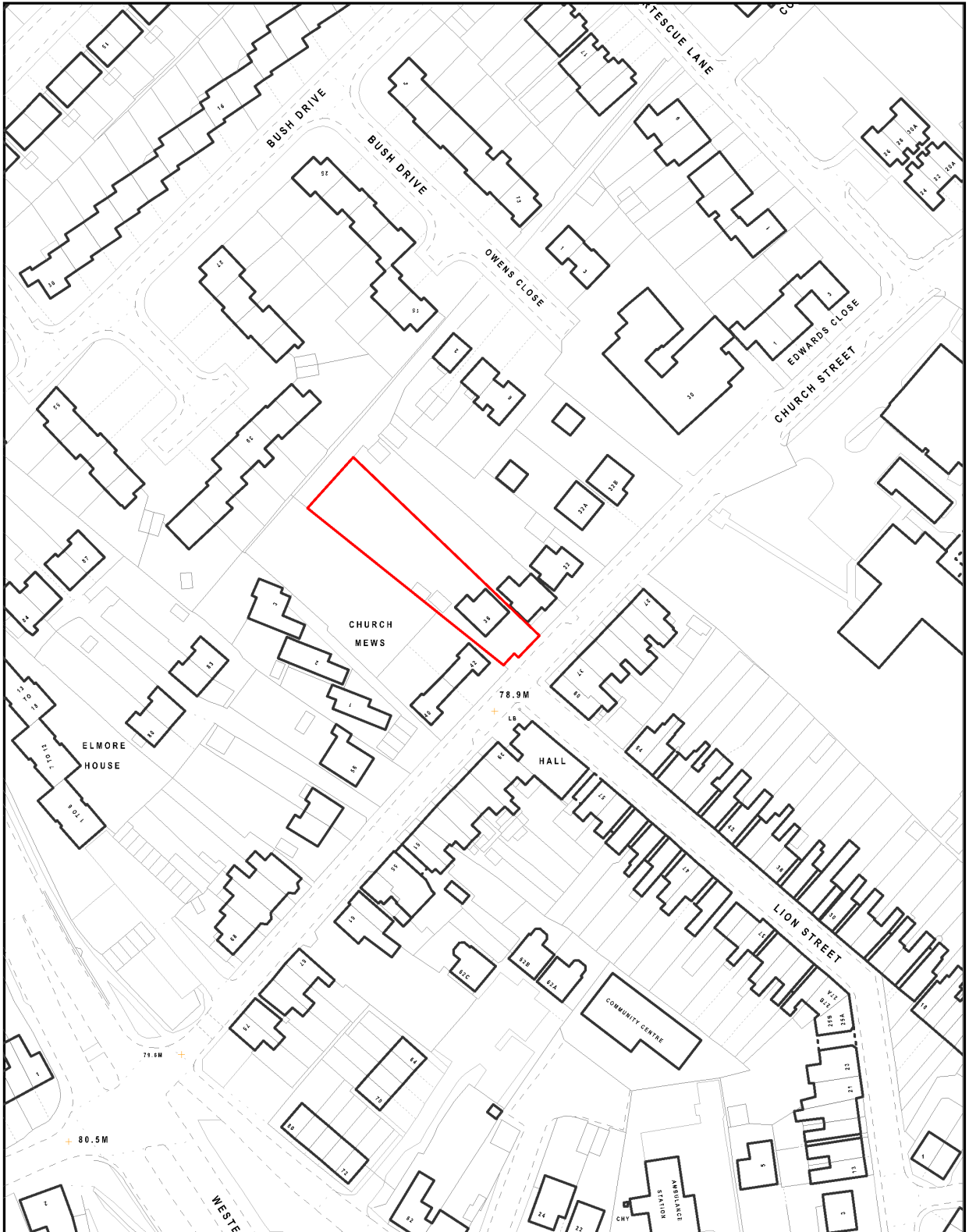


Application No: CH/18/163

Location: 36, Church Street, Rugeley, WS15 2AH

Proposal: Proposed demolition of existing bungalow and erection of 3No. dwellings and associated works

ITEM 6.1



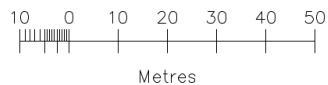
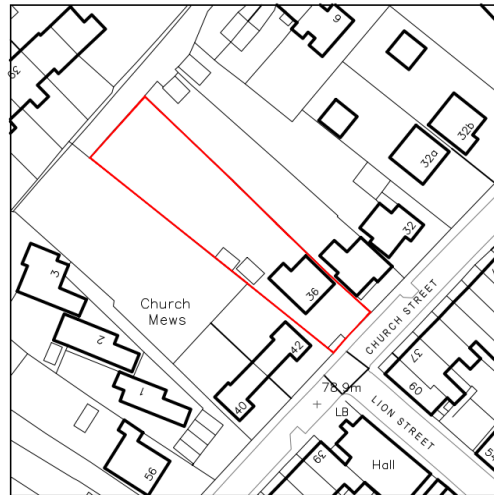
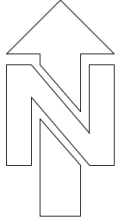
Location Plan

ITEM 6.2

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Produced on 27 September 2017 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date.
This map shows the area bounded by 404074,318247 404074,318347 404174,318347 404174,318247
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Data licenced for 1 year, expiring 27 September 2018. Unique plan reference: v1b/192579/263781

PROJECT:
Development at:
36 Church Street
Rugeley
WS15 2AH

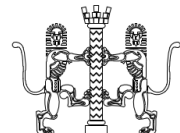
TITLE:
Location Plan

CLIENT:
Rougemont Developments Ltd.

SUTTON AND WILKINSON
CHARTERED ARCHITECTS

Victoria House, 13 New Penkridge Road,
Cannock, Staffs, WS11 1HW

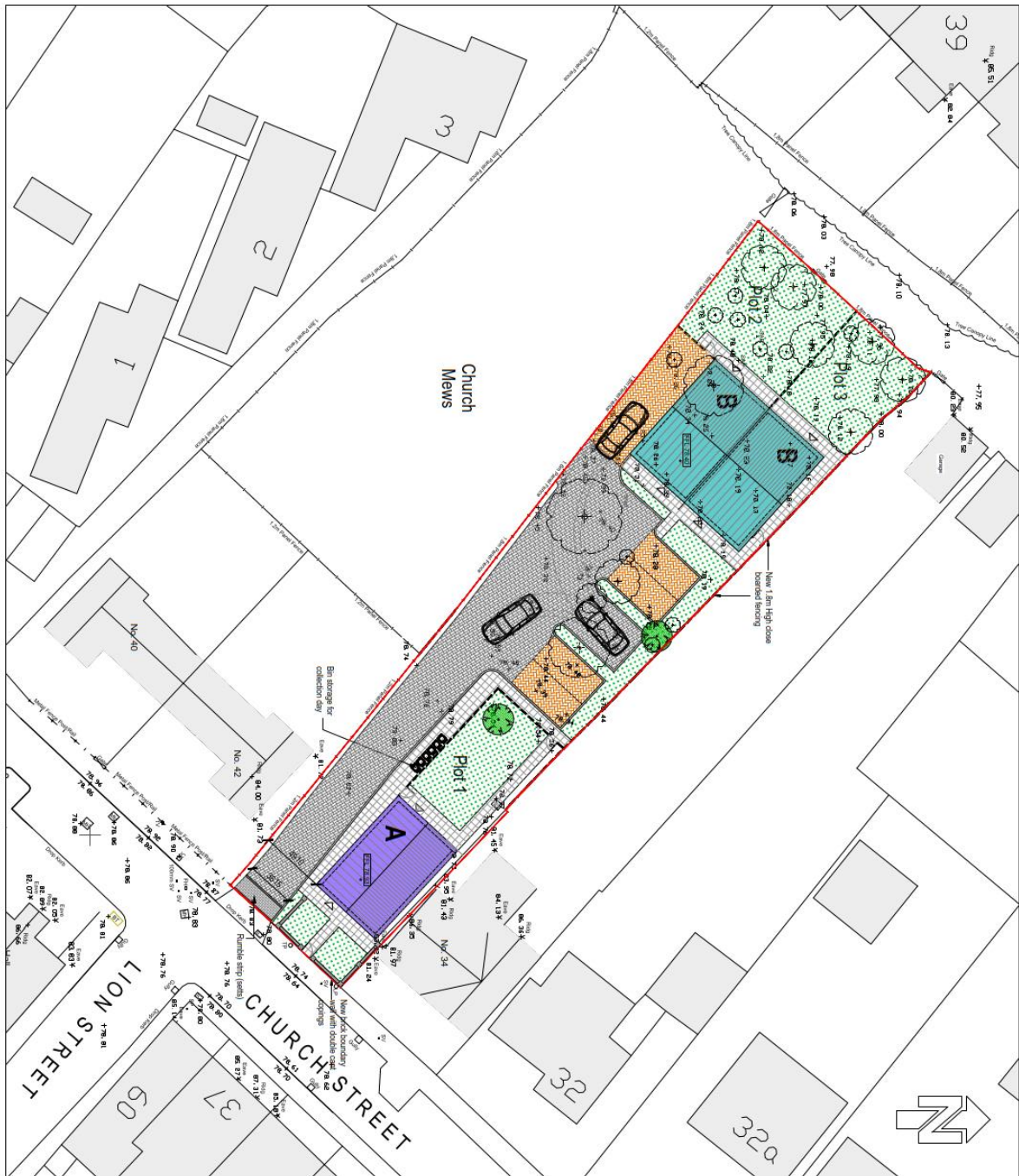
Telephone: 01543 466441
Facsimile: 01543 462469
e-mail: office@suttonwilkinson.co.uk



SCALE 1:1250	DRAWN SD	DATE March 18	SIZE A4
DRAWING NUMBER 2467-10			REVISION



Site Plan

ITEM 6.3



SITE LAYOUT

LEGEND:

-  Type A - 3 Bed SP - 1No.
93 sq.m
-  Type B - 3 Bed SP - 2No.
89 sq.m

Total - 3No.
Parking - 6No.
Approx Site Area
0.22 Acres
0.09 Hectares

1.8m High close boarded fencing
to L.A. approval.

Macadam private access road.

450x450x25mm concrete slabs.
Suitable edging to all interfaces.

Block paved parking bays.

Existing trees to remain

Existing trees to be removed

Proposed Trees



NO.	DESCRIPTION	NO.	NO.
1	PROPOSED	2	EXISTING

PROJECT:
Proposed site
36 Church Street
Rugby
WS15 2AH

CLIENT:
Roughwood Developments Ltd

TITLE:
SITE LAYOUT

SUTTON AND WILKINSON
CHARTERED ARCHITECTS

10000, 10000, 13 Newborough Road,
Cardiff, South Wales, CF11 1NF
Telephone: 0344 844444
Mobile: 07920 000000
Email: info@suttonandwilkinson.co.uk
www.suttonandwilkinson.co.uk



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DATE OF ISSUE			
24/01/11			A

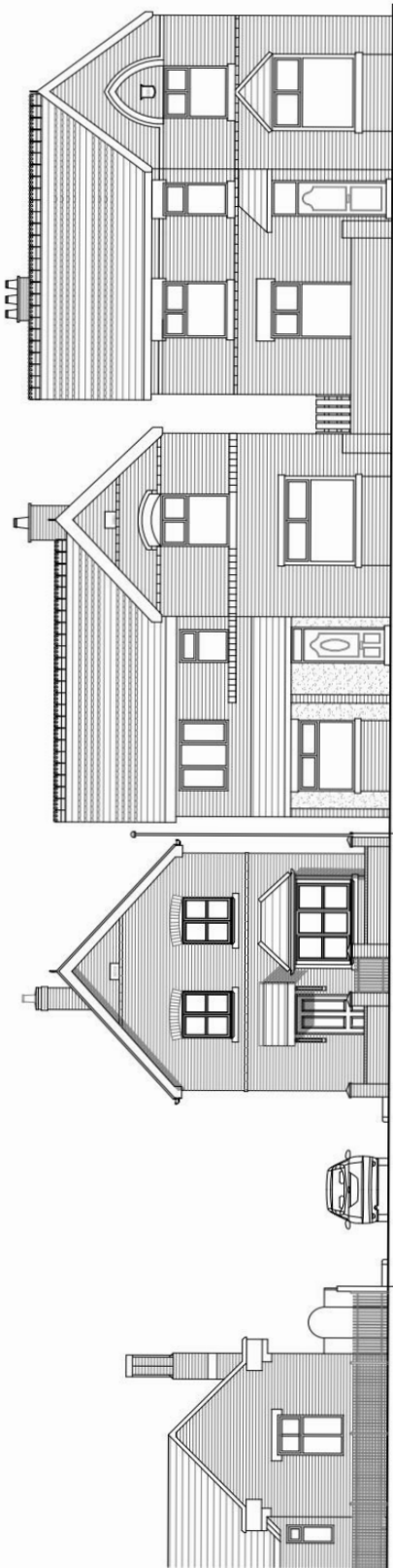
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Street Scene

ITEM 6.4

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REV.	AMENDMENT:	INT.	DATE:
A	WALL ADDED TO FRONT BOUNDARY	SD	18/04/18

PROJECT:
 Development at:
 36 Church Street
 Rugeley
 WS15 2AH
 CLIENT:

TITLE:
 Proposed Street Scene

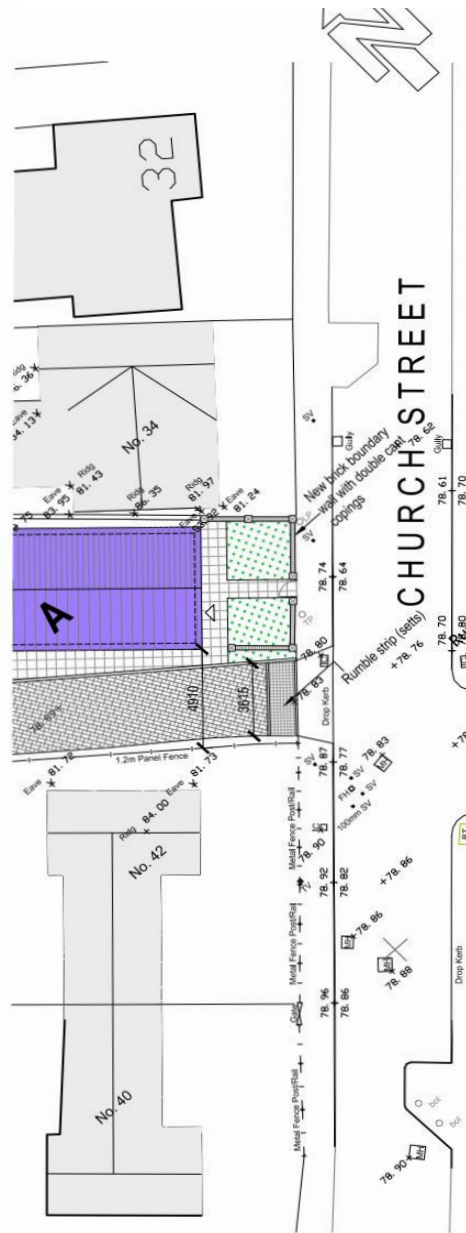
SUTTON AND WILKINSON
 CHARTERED ARCHITECTS



Victoria House, 13 New Pentridge Road,
 Cannock, Staffs, WS11 1HW
 Telephone: 01543 466441
 Facsimile: 01543 402469
 e-mail: info@suttonandwilkinson.co.uk

SCALE	DRAWN	DATE	SIZE
1:100, 1:200	SC	Jan. 18	A3
DRAWING NUMBER			REVISION
2467-04			A

Proposed Street Scene



Part Site Plan 1:200

House Type A

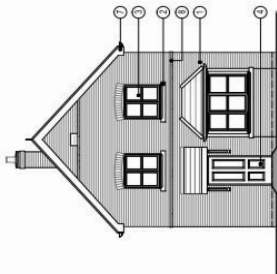
ITEM 6.5

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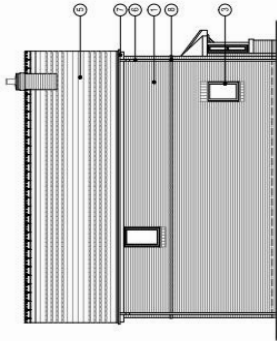
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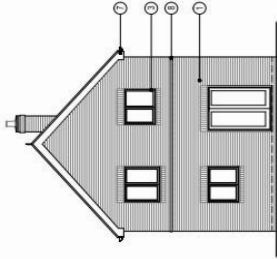
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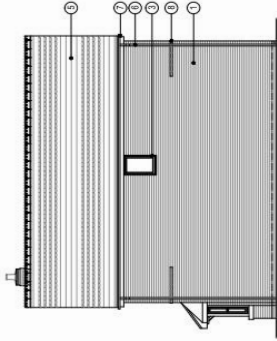
FRONT ELEVATION



SIDE ELEVATION



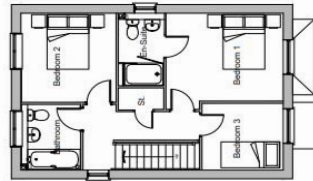
REAR ELEVATION



SIDE ELEVATION



Plot 1
GROUND FLOOR



Plot 1
FIRST FLOOR

MATERIALS LEGEND:

- ① Facing Brickwork to LA Approval
- ② Recon. Stone Chills
- ③ PVCu Double Glazed Windows
- ④ Steel Core GRP Door
- ⑤ Concrete Interlocking Roof Tiles to LA Approval
- ⑥ PVCu Rainwater Gutters & Down Pipes
- ⑦ PVCu Facias & Soffit Boards
- ⑧ Contrasting brick feature course

PROJECT:
Development at:
28 Church Street
Barnsley
WS16 2AH

CLIENT:
Roughmont Developments Ltd.

TITLE:
HOUSE TYPE A
PLANS & ELEVATIONS

SUTTON AND WILKINSON
CHARTERED ARCHITECTS

Ground Floor, 100, Kingsgate Road,
London, SE1 1JL, UK
Telephone: 01473 646161
Facsimile: 01473 624161
e-mail: office@suttonandwilkinson.co.uk



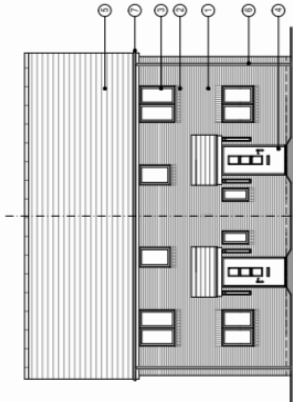
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1:100	SD	March 18	AZ
DRAWING NUMBER			REVISION
24677-12			

House Type B

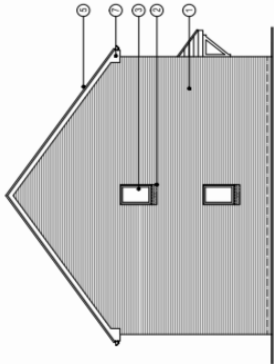
ITEM 6.6

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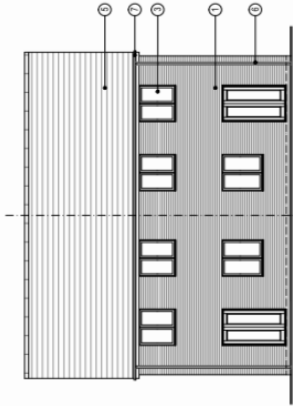
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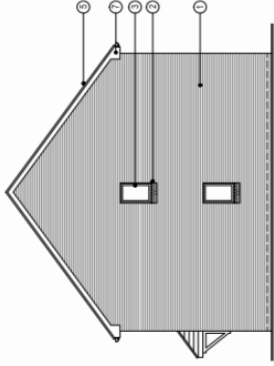
Plot 2 FRONT ELEVATION
Plot 3



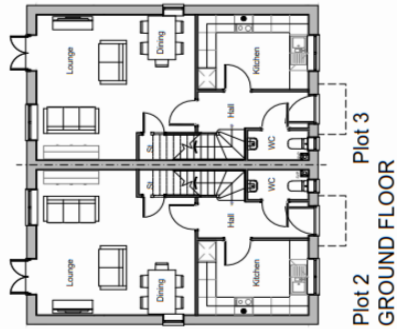
Plot 2 SIDE ELEVATION
Plot 3



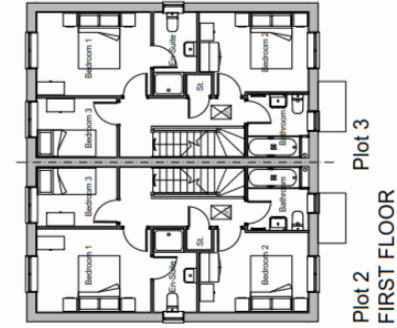
Plot 3 REAR ELEVATION
Plot 2



Plot 3 SIDE ELEVATION
Plot 2



Plot 2 GROUND FLOOR
Plot 3



Plot 2 FIRST FLOOR
Plot 3

MATERIALS LEGEND:

- 1 Facing Brickwork to LA Approval
- 2 Feature Brickwork to window heads and cills
- 3 PVCu Double Glazed Windows
- 4 Steel Core GRP Door
- 5 Concrete Interlocking Roof Tiles to LA Approval
- 6 PVCu Rainwater Gutters & Down Pipes
- 7 PVCu Facias & Soffit Boards

PROJECT: Development at: 28 Church Street Wokingham, RG40 2AH		CLIENT: Pegasus Developments Ltd.	
TITLE: HOUSE TYPE B PLANS & ELEVATIONS		SUTTON AND WILKINSON CHARTERED ARCHITECTS	
10000, 10000, 15 New Reading Road, Canons Park, 1971, 1971 Telephone 01494 686447 Facsimile 01494 684489 e-mail: info@suttonandwilkinson.co.uk			
SCALE	DATE	DATE	DATE
1:100	SD	March 19	A2
DRAWING NUMBER	REVISION		
2467-13			

Application No: CH/18/163
Received: 24-Apr-2018

Location: 36, Church Street, Rugeley, WS15 2AH
Parish: Rugeley
Ward: Western Springs Ward
Description: Proposed demolition of existing bungalow and erection of 3No. dwellings and associated works

Application Type: Full Planning Application

RECOMMENDATION Approve Subject to 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. No part of the development hereby approved shall be commenced until details of the materials to be used for the external surfaces have been submitted to and approved by 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.

3. No part of the development hereby approved shall be occupied until a scheme detailing the replacement tree planting scheme for the site has been submitted to and approved by the Local Planning Authority. The details shall be in the form as specified in Annex C of the Supplementary Planning Guidance 'Trees, Landscape and Development'.

The approved landscape works shall thereafter be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner.

Reason

In the interest of visual amenity of the area and in accordance with Local Plan Policies CP3, CP12, CP14 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 and to comply with Staffordshire County Council requirement for vehicular access crossings.

5. 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 and to comply with the principles set out in the NPPF.

6. The development hereby permitted shall not be brought into use until a surface water drainage interceptor, connected to a surface water fallout, has been provided across the access immediately to the rear of the highway boundary unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of highway safety and to comply with the principles set out in the NPPF.

7. The development shall not commence until a scheme for the disposal of surface and foul water has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works comprising the approved scheme have been completed.

Reason

In the interest of the proper drainage of the area to protect other properties from flood risk and protection of the aquatic environment.

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

2467-11 C

2467-04 A

2467-12

2467-13

Location Plan

Heritage Statement

Pre-development tree survey BS5837:2012

Reason

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

Note to applicant

An asbestos survey should be undertaken prior to the commencement of any works in order that the appropriate attention may be paid to the removal and disposal of any ACMs found to be present.

Demolition should be undertaken in accordance with BS 6187:2011 Code of Practice for full and partial demolition.

The existing dropped crossing to the site shall be reconstructed in accordance with the submitted drawing No.2467-11 E. Please note that prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place1, Wedgewood Building, Tipping Street, Stafford, ST16 2DH or email nmu@staffordshire.gov.uk

EXTERNAL CONSULTATIONS

Rugeley Town Council

Objection:

Although views of the rear gardens of No.36 Church Street are partially obscured by frontage properties, a sense of spaciousness is created by the lack of buildings or structures to the rear. This makes a material contribution to the established character and appearance of the Conservation Area and is a defining feature as noted at para.1 of the Townscape Character Appraisal of the Conservation Area Appraisal.

The proposed long straight access drive would open up views of the proposed new dwellings at the rear of the site. The development proposed would introduce built development where none existed previously and would create a more enclosed layout which would diminish the open and spacious setting of the existing houses.

When viewed from Bush Drive, the gardens to the rear of No.36 and its neighbours create an undeveloped area at the edge of the Conservation Area. Development on the site would bring built up development right up to the boundary of the Conservation Area in complete contrast and at jarring odds with the current character and appearance of this edge of the Conservation Area, materially diminishing the sense of spaciousness that is an intrinsic part of the character and appearance of the conservation area.

The impact of the proposal would be relatively localised and the harm to the conservation area identified above would, in the parlance of the NPPF, be less than substantial.

However, the courts have held that any harm to a heritage asset is to be given considerable importance and weight. The NPPF makes clear that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be outweighed against the public benefits. The development would be in an accessible location and would contribute to the supply of housing, albeit on a limited scale. In terms of economic benefits, jobs would be created during construction and new residents would spend money in local businesses. The proposal would be an efficient use of the land. However, in the extent that they constitute public benefits, the Town Council do not consider that they outweigh the harm that would be created to the significance of the CA.

The dwellings would be served by an access drive which would run along the side boundary of No.36. There are concerns regarding the noise and disturbance including vehicles passing in close proximity to the common boundaries and rear gardens of these properties and activity from the use of the garden areas of the new dwellings.

The proposed development in the garden of No.36 is seen to be imposing and overbearing to the neighbouring properties with a resulting lack of privacy.

The Church Street CA Appraisal states that most of the properties face the road frontages. Uniformity of the building line gives cohesion to the area. The development in the rear garden is contrary to the inherent physical attraction of the CA.

Along Church Street the development is well detailed with plots of good size. The character and appearance of the CA can be easily eroded as a result of unsympathetic alterations and development and the decay or removal of characteristic features. New development will need to acknowledge the relationship of buildings to spaces. The proposed development would in fact do great harm to the character and appearance of the CA. The protection of existing trees and hedges with views maintained from the Conservation Area outwards area also mentioned as being key in policy.

The proposed plot sizes for the new development would be very small and completely out of character with the existing grain of this part of the CA. The site viewed from neighbouring properties would no longer be low lying hedges and an orchard with glimpses to distant churches, but a sea of tarmac and parking with buildings blocking the views.

The proposed development is completely out of scale and character and would block and remove the assets and views and openness of the Conservation Area.

The Landor Society

Objection

The demolition and construction of three new dwellings on this site would be in direct contravention of the purpose of a Conservation Area.

New builds no matter how well they are designed to 'blend in' with existing properties, rarely if ever achieve a satisfactory replication. Not only would the new build change the character of that part of the street but would also bring with it an inevitable increase in traffic and refuse bins.

There would be the removal of some established trees and hedges to facilitate the project. This would also change the character of the Conservation Area.

INTERNAL CONSULTATIONS

Conservation Officer

No objections.

The site is an infill Brownfield site located within the existing urban area of Rugeley. The proposal involves a net gain of 2 dwellings contributing to the District's housing need set out in Local Plan Policy CP6.

The site is located within the Church Street, Rugeley Conservation Area on the Local Plan (Part 1) Policies Map. Local Plan (Part 1) Policy CP1 identifies that the urban areas of the District will be the focus for the majority of new residential development. It also identifies that a '*positive approach that reflects the presumption in favour of sustainable development*' will be taken when considering development proposals. Policy CP6 also identifies that new housing will be focused in the urban areas, including windfall developments which will receive 'positive consideration'. As it is a brownfield site it would also help meet the aims of Local Plan (Part 1) Policy CP16 which states a preference for the reuse of brownfield land.

Subject to consideration of the detailed design of the scheme, the proposals are supported in principle from a Planning Policy viewpoint.

The site is occupied by a 20thC bungalow fronting Church Street with a long rear garden running back from the road and containing a number of trees. It is located in the southern section of the Church Street Conservation Area and is marked in the adopted Appraisal as having a neutral impact on the Conservation Area. It stands between more historic buildings having a positive impact including the single storey 1930's almshouses. It does not play a large role in the streetscene but has neat enclosing frontage walls.

Legislation and Policy

The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the local planning authority's duties:

- S.69 the local planning authority shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and shall designate these areas as Conservation Areas.

- S.72 the local planning authority has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. While the duty may only require that no harm should be caused, it nonetheless creates a special presumption and considerable weight and attention should be given to any harm found to arise regarding the character or appearance of the Conservation Area.

The NPPF (ch.12) requires that applicants describe the significance of any heritage assets affected including any contribution made by their setting. A Local Authority should identify and assess the particular significance of any heritage assets affected by a proposal and take this into account when considering the impact to avoid or minimise conflict with their conservation. In determining applications the Local Authority should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposal on the significance of a designated asset great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting. Any harm or loss should require clear and convincing justification.

Local Plan Policy CP15 seeks the safeguarding of historic buildings, areas and their settings from developments harmful to their significance in order to sustain character, local distinctiveness and sense of place. Proposals including new developments that are sensitive to and inspired by their context and add value to the existing historic environment, landscape and townscape character will generally be supported, with planning standards applied in a flexible manner to maintain historic continuity. The conservation and enhancement of heritage assets are supported via Conservation Area Appraisals and Management Plans and the local decision making process will be based on an assessment of significance of heritage assets including their setting informed by evidence including the Historic Environment Record and Conservation Area Appraisals and Management Plans.

Assessment

No objections are raised to demolition of the existing building on conservation grounds providing the replacement development preserves, or preferably enhances, the character and appearance of the Conservation Area.

The proposed development is of good design and materials, in keeping with its setting, reflecting the gable design of adjacent properties, the bay and porch projections and brick detailing. Whilst the form of development behind the existing frontage is not typical of the Area, there is a precedent for it nearby and the built frontage onto Church Street which will be the prominent feature of the development relates well to its surroundings

and will retain the sense of enclosure of the street scene with new walling and an active frontage.

Providing that the Council's Tree Officer is happy with the impacts on existing trees and the proposed planting replacements, all of which help to maintain the green backdrop to the buildings which is a feature of the Area, then the proposal is considered to enhance the character and appearance of the Conservation Area. Approval is recommended subject to conditions to require details of external materials for approval.

Landscape and Tree Officer

The Landscape and Tree Officer has raised several issues in respect to the submitted arboricultural report. These include the following comments: -

Root protection areas for multi-stemmed trees are calculated in accordance with a standard which was withdrawn 6 years ago. As a result T4 is significantly underestimated.

The report makes reference to protecting trees in accordance with BS5637:2012, section 9. This BS does not have a section 9. There is also no TPP as suggested.

Details supplied in relation to hard surfacing are extremely vague.

The report states that trees with a diameter of less than 1250mm have not been recorded as they are outside of the scope of the standard. The standard does not say this. The standard states that all trees with a diameter of >75mm should be included on the topo and then the tree survey should include all trees on the topo and any that have been missed.

There seems to be some confusion as to the height at which stem diameters are measured with the report mentioning 1.5m, 1m and DBH which is 1.3m.

Replacement trees with a stem girth of 9-10cm are not light standard in fact 9-10cm does not exist. Light standard is 6-8cm is regular standard or standard standard.

There is no arboricultural impact assessment.

There are no scale plans. As such it is difficult to see how the ecologist has determined that there will be no impact on the trees off-site.

RESPONSE TO PUBLICITY

Site notice posted and adjacent occupiers notified. 8 Letters received from neighbours who have raised concerns regarding:

- Increase in noise from traffic accessing the parking areas allotted to the properties at the rear.
- There is no access to the field at the bottom of the gardens (Nos. 40 & 42), but there is fear that this may change in the future.
- The introduction of dwelling in the rear garden would overlook adjacent dwellings and be very close to existing houses.
- The proposed dwellings would cut down the light to neighbouring dwellings.
- Disappointed the proposal removes so many trees and hedgerows given its Conservation Area status.
- Concern about emergency vehicles accessing the new properties as the land to the rear is not accessible to emergency vehicles.
- The large gardens within this location support a large variety of wild life which would be significantly impacted.
- The lush green area to the rear of the properties would become a cramped and bricked up estate.
- Previous applications on this site have been refused.
- The proposal for entry and exit for vehicles onto the street scene can only cause more problems. The street is a one way and cars frequently travel the wrong way, cars speed which is dangerous,
- Parking is already problematic and this would make the situation worse,
- The grassed area which runs alongside No.2 Owens Close, provides limited access to Nos.32,34 & 36 Church Street and to a piece of land owned by the trustees of the Almshouses. This access is not wide enough for commercial vehicles, with No.2 already suffering damage.
- Privacy would be compromised to neighbouring dwellings.
- The proposed application is not in keeping with the existing street scene.
- The proposed dwellings would overlook the ladyhouses on Church Street

PLANNING HISTORY

An application, reference w CH/91/0331as refused on the following grounds: -

- 1) The proposed scheme constitutes unacceptable backland development which would introduce an overly dominant development out of character with surrounding residential properties.
- 2) The proposed development contravenes to an unacceptable degree Residential Design Guide Standards with respect to the distance between the principal windows of 3, Church Mews to Unit 1 of the development.
- 3) The proposed demolition of part of 42, Church Street would destroy the character of this attractive architectural unit of 42 and 44 Church Street.

An application, reference CH/90/0409, was refused on the grounds: -

- 1) The proposed development constitutes unacceptable backland development which would introduce an overly dominant feature out of character with surrounding residential development.
- 2) The proposed development has no access to the public highway.

An application, reference CH/256/81, was refused on the following grounds: -

- 1) The access to the site is unacceptable as the distance between the dwellings and the public highways would be substantially in excess of the maximum permitted for refuse collection and access for fire appliances.
- 2) The proposal constitutes undesirable backland development of a piecemeal nature which would be poorly related to the existing adjoining development and prejudicial to the future redevelopment of the area as a whole.

1.0 SITE AND SURROUNDINGS

- 1.1 The site comprises the property known as No.36 Church Street, Rugeley, including the dwelling and its garden
- 1.2 The existing dwelling comprises of a single storey bungalow constructed of red brick under a double hipped rosemary tile roof and mock Tudor gables set behind a low moulded concrete/ reconstituted stone wall and short grassed frontage. There is a generous garden to the rear. There is an access drive into the site which runs along the south western boundary, along the side of the existing dwelling and terminates in a single detached garage.
- 1.3 The application site is roughly rectangular in shape comprising a frontage of 11.4m increasing to 17.2m across the rear boundary. The depth measures 64.4m.
- 1.4 The boundaries of the site are delineated with a combination of close board fencing and well maintained hedgerows.
- 1.5 The application site is located within the Church Street Conservation Area.
- 1.6 Although there are several listed buildings to the north of Church Street they are at such a distance and the views of the application and the listed buildings so oblique that it is considered the proposal would not affect the setting of the listed buildings.

2.0 PROPOSAL

- 2.1 The application seeks full planning permission for residential development comprising 3 detached dwellings with private amenity space and associated parking. The existing dwelling would be demolished as a consequence of the proposal. The dwellings are accessed via a private drive that runs along the south western boundary of the site. The proposed dwellings would comprise of three 3-bedroom dwellings.
- 2.2 Plot 1 would be positioned on Church Street behind a short frontage. The parking would be to the rear adjacent the private garden. The garden comprises of an area of 66m² and would be bound by close board fencing. The short frontage would be sited behind a low brick boundary wall.
- 2.3 Plots 2 & 3 are located towards the rear of the site, approx. 30m from the rear elevation of plot 1. These dwellings comprise a pair of semi-detached properties and are accessed off the private drive and parking area. The private gardens for these dwellings would be to the rear and comprise of areas of 90m² and 68m².
- 2.4 The application site does not directly border the properties to the rear (Bush Drive). The rear boundary of the site would remain 16m to the rear of these dwellings and separated by an access lane from Owens Close. The rear elevation of the proposed dwellings would therefore remain 26m from these neighbouring properties.
- 2.5 The parking area for the proposed dwellings would be located between the frontage plot and the rear plots. Plot 2 would have the parking provided to the side of the dwelling and plot 3 to the front. Two parking spaces would be provided adjacent the amenity space of plot one for the users of this dwelling. A total of 6 spaces are provided for the proposed development with a turning area.
- 2.6 The proposed dwellings would be of a traditional construction finished in facing brickwork and tiles to the roof. Window cill and header details and front door canopies are proposed and a walk in bay window to the front elevation to help the proposal to sit comfortably in with the surroundings.
- 3.0 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).
- 3.3 Other material considerations relevant to assessing current planning applications include the National Planning Policy Framework (NPPF) and Supplementary Planning Guidance/Documents.

3.4 Cannock Chase Local Plan (2014):

- CP1 - Strategy – the Strategic Approach
- CP2 - Developer contributions for Infrastructure
- CP3 - Chase Shaping – Design
- CP6 - Housing Land
- CP7 - Housing Choice
- CP13 - Cannock Chase Special Area of Conservation (SAC)
- CP15 – Historic Environment

3.5 National Planning Policy Framework

3.6 The NPPF sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a “presumption in favour of sustainable development”.

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

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

7, 11-14, 17, 49, 50, 56, 57, 58, 60, 61, 64,123, 128, 129, 131, 132, 134

3.9 Other Relevant Documents

- Design Supplementary Planning Document, April 2016.
- Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport
- Church Street Conservation Area Appraisal, 2006

4 DETERMINING ISSUES

4.1 The determining issues for the application are:-

- Principle of development
- Impact on character of the area and the Church Street Conservation Area
- Impact upon amenity
- Access & parking
- Impact upon neighbours
- Affordable housing provision
- Impact upon the Cannock Chase Special Area of Conservation

- Whether any adverse impact of granting planning permission would be significantly and demonstrably outweighed by the benefits, when assessed against the policies in the Framework, taken as whole.

4.2 Principle of Development

- 4.2.1 The proposal is for the demolition of the existing dwelling and for the construction of a new building in its place and a further two dwellings to the rear. Both the NPPF and Cannock Chase Local Plan Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. Further, Local Plan Policy CP6 seeks to support the creation of new homes within existing urban areas.
- 4.2.2 The site is located within the urban area of Rugeley. 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 14 of the NPPF. This states that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework, taken as whole, or
 - Specific policies in this framework indicate otherwise.
- 4.2.3 The specific policies referred to in Paragraph 14 are identified in footnote 9 and include, for example, those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion. It is noted that the site does fall within the Church Street Conservation Area and hence falls to be considered against those policies which relate to designated heritage assets.
- 4.2.4 Notwithstanding the above the Cannock Chase Local Plan (Part 1) Policy CP1 identifies that the urban areas of the District, including Rugeley, will be the focus for the majority of new residential development. It also identifies that a ‘positive approach that reflects the presumption in favour of sustainable development’ will be taken when considering development proposals. The site does not appear to be located within either Flood Zone 2 or 3. The site and is not designated as a statutory or non- statutory site for nature conservation.

4.2.5 In respect to the principle of the proposal it is noted that the site is within the curtilage of a residential use and is located within the Church Street which is less than 1/2km from the town centre of Rugeley, close to the local primary school 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.

4.2.6 As such, setting the issue of the potential impact on the conservation area aside, it is concluded that the site is located within a sustainable location.

4.2.7 The next part of this report will go to consider the proposal in this respect its impact on 'designated heritage assets'.

4.3 Impact on the character and form of the area and the Church Street Conservation 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 In addition the above requirement it should also be noted that the site is located within the Church Street Conservation Area and therefore there are additional considerations over and above the requirements of policy CP3.

4.3.3 In respect to the impact on the conservation area it is noted that section 72(i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on a local planning authority in the exercise, with respect to any buildings or other land in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

4.3.4 Furthermore, the NPPF requires the applicants to describe the significance of any heritage assets affected including any contribution made by their setting, and goes on to state that when considering the impact of a proposal on the significance of a designated asset great weight should be given to the assets conservation. It is also noted that the NPPF states that significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting.

- 4.3.5 To this effect the Local Plan contains Policy CP15 does not preclude development in Conservations areas. However, it does seek development proposals to be sensitive to and inspired by their context and add value to the existing historic environment, landscape and townscape character by virtue of their use, layout, scale, appearance and landscaping and materials to ensure that the historic environment acts as a stimulus to high quality design based upon guidance set out within the Design SPD. Opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance will be considered.
- 4.3.6 It is noted that the Church Street Conservation Area Appraisal identifies the existing dwelling as having a neutral contribution to the Church Street Conservation Area. As such, its replacement is acceptable in principle subject to the replacement being a high quality design that preserves or enhances the character, appearance and significance of the Conservation Area.
- 4.3.7 The proposal would introduce two new dwellings towards the rear of the site and one two storey dwelling to the front of the site in place of the existing bungalow. There are no dwellings in the rear gardens to the nearby properties at No 41, 42 and 34 and 32 Church Street and to that extent the proposal would represent an anomaly in this immediate context. Notwithstanding this, there is back land development to the west, in the form of 1-3 Church Street and Nos.80-87 Church Street which is accessed between 56 & 58 Church Street and visible from the application site.
- 4.3.8 Furthermore, the proposal would be visible from within the public realm (at a distance of approx.40m), since it would be largely obscured by the proposed frontage dwelling and adjacent properties. The views of the proposed development would be similar to the existing views of residential dwellings within this part of Church Street.
- 4.3.9 Church Street comprises of a variety of large Victorian buildings with some more recent in fill development together with more modest terrace properties with small rear yards. Buildings therefore range from modest sized terrace properties on small plots to large detached dwellings with spacious plots and mature gardens. The proposed dwellings are of a bespoke design of traditional construction finished in brick and tile. The proposed dwellings reflect the high quality design of the existing buildings with the proposed brick detailing, window cil and header details, canopies and a walk in bay window to the front dwelling which would help the proposal to sit comfortably in with the surroundings. Overall, the design and scale of the dwellings together with the plots size within which they sit reflect the varied nature of this location. The comments from the Landor Society are noted in terms of new builds rarely if ever achieving a satisfactory replication. However these dwellings are not intended to replicate the existing buildings but to

reflect the high quality design and scale of them rather than a pastiche of what is already present.

- 4.3.10 The applicant has submitted a Tree Survey Report with which to inform the submission. This outlines that the quality of trees is categorised as follows: -A (high quality and value), B (moderate quality and value), C (low quality and value) and U which are considered as unsuitable for retention. In this respect it is noted that the trees within the application site are category C to U.
- 4.3.11 The report goes on to state that the scheme would involve the loss of trees T1, T2, T3, T4, T5, T6 & T7 (4 trees of Category C and 2 trees Category U). Replacement trees are proposed in locations that would enhance the street scene to mitigate the loss of the removed trees. It is noted that the trees proposed to be removed are Category C & U trees and of low quality and value. There is adequate room within the site to plant new trees in locations that would benefit the visual amenity of the Conservation Area and Street scene.
- 4.3.12 The Council's Conservation Officer was consulted on the application and raised no objections to the proposal in respect of the impact on the Conservation Area. The Conservation Officer considered that the proposed development is of a good design and materials in keeping with its setting, reflecting the gable design of adjacent properties, the bay and porch projections and the brick detailing. Whilst the form of development behind the existing frontage is not typical of the area, there is a precedent for it nearby and the built frontage onto Church Street which will be the prominent feature of the development relates well to its surroundings and will retain a sense of enclosure of the street scene with new walling and an active frontage.
- 4.3.13 Also, it is noted that the trees within the site are protected due to the designation of the Conservation Area and not due to Tree Protection Orders (TPO). The trees make little contribution to the street scene as they are screened by existing buildings. Whilst they do add green vegetation to the Conservation Area in terms of garden planting their removal would not harm the Conservation Area overall and more appropriate tree planting is proposed which would be visible from the public domain and thus enhance the wider Conservation Area.
- 4.3.14 The Landscape Officer raised concern regarding the qualifications of the author of the tree assessment. However the author of the tree assessment, a Mr Bodnar has a PhD in Forestry and recent certified BS5837 training. The verifier of the report has also been trained in BS5837. As such there is no evidence to suggest that the two consultants are otherwise then qualified to make such assessments.
- 4.3.15 The tree officer also raised concerns regarding the calculation of the Root Protection Zone (RPZ) for T4 however; T4 is identified on the plan as being a Category C tree and is proposed to be removed. Therefore there is no requirement for a tree protection zone.

4.3.16 In relation to the other issues the arboricultural consultant has commented as follows: -

- (i) Under the calculation of the root protection areas as per the Tree officer's standard would increase the radius from 2.7m to 2.9m which is hardly a significant underestimation.
- (ii) The reference to section 9 was a typo and has been deleted. There are no tree protection plans as no trees are planned for retention. How can you protect a tree that is not there?
- (iii) In relation to the issue as to whether a diameter of 150mm or >75mm should be used the consultant considers that this changes nothing in the evaluation.
- (iv) In relation to the height at which measurements are taken the consultant has confirmed that they were all measured at 1.5m and this is stated throughout the report.
- (v) The report has been amended to refer to 8-10cm regular standard.
- (vi) An arboricultural impact assessment has been added to the report.
- (vii) In respect to the scale of the plans the consultant has stated that the topographical survey on which the trees are overlaid is a scaled plan. It has a scale on the diagram very clearly. The off-site trees are so far away that the topographical survey did not pick them up. The consultant has included them to demonstrate that they are outside the zone of influence.

4.3.17 It is clear from the above that the issues are minor rather than substantive in nature in nature, and do not affect the overall conclusions of the arboricultural report, that the trees on the site are not worthy of retention in themselves and that the proposal would not significantly affect the trees that are located off but nearest to the application site.

4.3.18 In respect to the loss of the open nature of the rear garden to No36 attention is drawn to the fact that plot sizes vary widely within the conservation area from modest back gardens serving terrace houses to more generous plots serving villa type properties. The current garden now serves a somewhat modest 1930s bungalow and therefore any historic relationship between house and garden has been lost. As such the development of the plot would not affect the historical significance. Similarly the existing "orchard" is a modern creation and has no historical significance. The trees within the orchard do not form a significant component of the historic townscape and therefore loss would not significantly harm the character and appearance of the conservation area.

4.3.19 For the reasons listed above, the proposal is considered to preserve the character and appearance of the conservation area and its significance as an historic townscape. Therefore having had regard to Section 72 of the Planning (Listed Buildings and Conservation Act) 1990 it is concluded that the proposal would be

acceptable having had regard to Policy CP15 of the Local Plan and the guidance contained within Section 12 of the NPPF.

4.4 Impact on Amenity

4.4.1 A core planning principle is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and this has been accommodated within Policy CP3 of the Local Plan and supported by the guidance as outlined in the Design SPD.

4.4.2 In order to support Policy CP3, the Design SPD, sets out, amongst other things recommended minimum distances for space about dwellings and between different elevations, in addition to recommended garden sizes. However, it should be noted that in applying these recommendations that they are in nature of guidance and allowances should be made for differences in levels and or where the relationship between elevations is at an angle.

4.4.3 In this respect it is considered that the proposal meets the guidance set out within the Design SPD having regard to angles and juxtaposition between the proposed dwellings themselves and with surrounding neighbours properties. There are no windows within the proposed development at first floor level that would give rise to unacceptable levels of overlooking to adjacent dwellings or their gardens with front and rear principle windows facing out over the application site itself. Whilst there may be some views over neighbouring land, these views would be oblique and not direct.

4.4.4 In addition to the above the proposal would meet the minimum recommendations for outdoor amenity space and parking provision.

4.4.5 As such, whilst the comments from neighbours and the Town Council in terms of the proposal being overbearing and intrusive, the proposal comfortably complies with the relevant standards within the Design SPD with regard to overbearing, privacy and daylight / Outlook. Therefore it is considered, that the proposal would provide a good standard of amenity for all existing and future occupiers of the existing and proposed dwellings in accordance with Policy CP3 of the Local Plan and para.17 of the NPPF.

4.5 Impact on Highway Safety and Capacity

4.5.1 Paragraph 32 of the NPPF states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

4.5.2 In this respect, the existing access would be used and extended and the existing garage demolished. The access drive would extend for 25m along the shared

boundary with No. 42 before terminating in a parking area for the three proposed dwellings. The County Highway Authority raised no objections to the proposal in terms of highway safety.

4.5.3 The proposed access drive would allow vehicles to pass and would terminate in the parking area for the proposed dwellings. There is sufficient room within the application site for six vehicles (2 per dwelling), which would be required as a consequence of the proposed development.

4.5.4 The comments from neighbours regarding the existing parking situation being problematic and driving the wrong way along the one way street are noted. However, the parking requirements of the Parking SPD seek two spaces per two and three bedroom dwelling which is what is being provided in this instance. The Council have no control over users of the highway in terms of street parking or driving the wrong way along Church Street.

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.

4.6.2 As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.

4.6.3 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. 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. The proposal would be CIL liable.

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

4.7 Affordable Housing and other Developer Contributions

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

Ministerial Statement of 28 November 2014, and the subsequent revision of the PPG it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

4.8 Drainage and Flood Risk.

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

4.9 Objections raised not already covered above

4.9.1 Concern was raised regarding the increase in noise from traffic accessing the parking areas allotted to the properties at the rear. In respect to the assertion that noise and pollution will be increased it is noted that there is the potential for disturbance due to engine noise, fumes, manoeuvres into and out of the proposed parking area and general human activity associated with parking areas. Whilst there is already a driveway and garage to the side of the host dwelling, as a consequence of the proposal it will be extended further into the plot where vehicle manoeuvring does not currently exist. Notwithstanding this, the two dwellings proposed would retain existing boundary treatments and any additional noise and pollution would be domestic in nature and would not significantly prejudice the peace and enjoyment of the rear gardens for existing occupiers.

4.9.2 One objection raised concern regarding the access to the rear off Owens Close stating, that there is currently no access to the field at the bottom of the gardens (Nos. 40 & 42), but there is fear that this may change in the future. Your Officers confirm that whilst there is an access to the rear off Owens Lane this applicant does not own the access and it does not form part of the application currently being considered. If it does come forward in the future as an application it will need be considered at that time based on its own planning merits.

4.9.3 An objector raised their disappointment that the proposal removes so many trees and hedgerows given its Conservation Area status. Your Officers confirm that the tree assessment categorised the trees within the site as being Category C and U which have a low quality and value. The proposal would however retain the trees to the rear of the site and proposes two new trees to mitigate against the loss.

4.9.4 Concern about emergency vehicles accessing the new properties as the land to the rear is not accessible to emergency vehicles. Emergency vehicles are covered by Building Regulations. Notwithstanding this, the access within Manual for Streets states an access requires 3.7m from operating space for a fire engine however, it

- does continue that this distance can be reduced to 2.75m providing a pumping appliance can get to within 45m of dwelling entrance. Building Regulations may require the applicant (subject to permission being granted) to install a pump within the application site.
- 4.9.5 A neighbour raised the fact that previous applications on this site have been refused. Your Officers confirm that applications were refused on the site in the 1980's and 1990's and planning policy has change twice wince these refusals. Notwithstanding that, each application is considered on its individual merits having regard to policy as it stands at the time the decision is made.
- 4.9.6 Concern was raised regarding the grassed area which runs alongside No.2 Owens Close, which provides limited access to Nos.32,34 & 36 Church Street and to a piece of land owned by the trustees of the Almshouses. This access is not wide enough for commercial vehicles, with No.2 already suffering damage. Your Officers confirm that the access from Owens Close does not form part of this application and is not identified as being within the ownership of the applicant.
- 4.10.0 Whether any Adverse Impact of Granting Planning Permission would be Significantly and Demonstrably Outweighed by the Benefits, when Assessed Against the Policies in the Framework, Taken as Whole.
- 4.10.1 Although the Council has a five year supply of housing land it is noted that such a supply is not a ceiling and it is the Government's firm intention to significantly boost the supply of housing. With this in mind it is noted that the granting of the permission would make a contribution towards the objectively assessed housing needs of the District. In addition it would have economic benefits in respect to the construction of the property and the occupiers who would make some contribution into the local economy. Finally, the proposal would have an environmental benefit of making efficient use of land within a sustainable location.
- 4.10.2 Conversely when looking at potential harm it is considered that, subject to the attached conditions, there would be no significant and demonstrable harm to the setting of the Church Street Conservation Area, highway safety, residential amenity, wider nature conservation interests and flood risk.
- 4.10.3 As such it is considered that any adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as whole. As such the proposal benefits from the presumption favour of sustainable development and should, subject to the attached conditions, be approved.
- 5.0 EQUALITIES ACT
This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the

recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

6.0 HUMAN RIGHTS ACT

6.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The proposals could potentially interfere with an individual's rights to the peaceful enjoyment of his or her property as specified in Article 8 and Article 1 of the First Protocol, however, the issues arising have been considered in detail in the report and it is considered that, on balance, the proposals comply with Local Plan Policy and are proportionate.

7.0 CONCLUSION

7.1 The proposal is an effective re-use of previously-developed land in a sustainable location and provides good quality housing. The properties are of a good quality design and incorporate appropriate landscaping and parking provisions. The development would not lead to harm to the Conservation Area. The proposed development accords with the standards of the Design SPD which seeks to protect neighbouring amenity and is therefore acceptable and in accordance with Local Plan Local Plan Policies and the NPPF.

7.2 As such, approval is recommended subject to conditions



Application No: CH/17/252

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

Proposal: Residential development:- Erection of 1 No. three bed dormer bungalow (outline application including access and layout)

ITEM 6.28



Application No: CH/17/252

Received: 19/06/2017

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

Parish: Non Parish Area

Ward: Cannock West Ward

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

Application Type: Outline

Planning Committee Item:

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

Recommendation: Approve subject to conditions

Conditions

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

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

Reason

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

2. No part of the development hereby permitted shall be commenced until approval of the details of appearance, landscaping, and scale ('the reserved matters') has been obtained from the Local Planning Authority.

Reason

The permission is in principle only and does not authorise development to commence until all 'the reserved matters' have been approved. To ensure compliance with the requirements of Section 92 of the Town & Country Planning Act 1990.

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

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

Reason

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Part 1 of Schedule 2 to the Order listed below shall be carried out without an express grant of planning permission, from the Local Planning Authority, namely:

- The enlargement of the dwellinghouse;
- The enlargement of the dwellinghouse consisting of an addition or alteration to its roof;
- The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;
- The provision within the curtilage of the dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such;
- The erection or provision within the curtilage of the dwellinghouse of a container for the storage of oil for domestic heating; or

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

2106.10B Feasibility Layout Proposed 1no 3 bed Dormer Bungalow

Reason

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

Informatives

1. Please note that prior to the access being constructed you require a Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to "vehicle dropped crossings" which includes a "vehicle dropped crossings information pack" and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford. ST16 2DH or email (nmu@staffordshire.gov.uk)
www.staffordshire.gov.uk/transport/staffshighways/licences
2. Any soakaways shall be located 4.5m rear of the highway boundary
3. At the Reserved Matters stage the applicant will be required to submit and complete the Council's Community Infrastructure Levy Liability Form (CIL) and submit this alongside the reserved matters application,

EXTERNAL CONSULTATIONS

Staffordshire County Council Highways

No objections subject to 3 planning conditions and 2 informatives.

INTERNAL CONSULTATION COMMENTS

Environmental Protection

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

Housing

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

Planning Policy

No objection.

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

The National Planning Policy Framework (NPPF)(March 2012) states that development proposals should be approved where they accord with the development plan and there are no policy restrictions. It states that developments should be sustainable and the core planning principles include seeking good design and a good standard of amenity for existing/future occupants, and taking into account the roles/characters of different areas. The Cannock Chase Local Plan (part 1) policy CP1 also supports sustainable development, while policy CP6 permits new housing on urban sites within Cannock Chase District, subject to consideration and compatibility with all other policies.

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

Conclusion

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

Landscape Department

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

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

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

Summary

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

RESPONSE TO PUBLICITY

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

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

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

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

RELEVANT PLANNING HISTORY

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

1. SITE AND SURROUNDINGS

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

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

2. PROPOSAL

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

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

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

3. PLANNING POLICY

3.1. Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

3.2. The Development Plan currently comprises of the adopted Cannock Chase Local Plan - Part 1 (2014).

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

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

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

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

3.5 National Planning Policy Framework

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

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

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

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

3.9 Other Relevant Documents

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

4.0 DETERMINING ISSUES

4.1 The determining issues for the application area:-

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

4.2 Principle of the Development

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

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

"For decision taking this means

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

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

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

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

- 4.2.3 The reference above to specific policies in the framework relates to those policies in the Framework relating to sites protected under the Birds and Habitats Directive and/or designated as Sites of Special Scientific Interest, land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park, designated heritage assets and locations at risk of flooding or coastal erosion. Officers can confirm that the site is not subject to any designation that would render it appropriate to be considered under any of the above policies. As such the proposal should be assessed against whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits.
- 4.2.4 In respect to the principle of the proposal it is noted that the site is located within the main urban area of Cannock and hence broadly conforms to the requirements of policy CP1.
- 4.2.5 In addition to the above the site is located within a sustainable location with good access by cycle or walking to Cannock Town Centre where there is the main bus station and a wide range of goods and services to meet the day to day needs of people. Therefore the proposal meets the core planning principle of actively managing "patterns of growth to make fullest possible use of public transport, walking, cycling and focus significant development in locations which are or can be made sustainable" (NPPF, para17).
- 4.2.6 As such the proposal would meet the thrust of Policy CP1 to focus investment and regeneration on existing settlements which are expected to accommodate most of the District's housing and it is therefore concluded that the proposal is acceptable in principle.
- 4.2.7 However, proposals that are acceptable in principle are still subject to all other policy tests. The next sections of this report will consider the proposal in the light of those policy tests and determine what harms or benefits arise from the proposal.
- 4.3 Design and the Impact on the Character and Form of the Area
- 4.3.1 Policy CP3 of the Local Plan requires that, amongst other things, developments should be

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and
- (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.

4.3.2 In addition to the above Paragraph 56 of the NPPF states that the government attaches great importance to the design of the built environment and states good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

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

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

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

"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

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

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

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

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

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

4.4 Impact on Residential Amenity

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

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

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

4.5 Impact on Highway Safety and Capacity

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

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

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

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

4.6 Impact on Wildlife and Nature Conservation Objectives

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

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

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

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

4.6.4 However, development within Cannock Chase district that leads to a net increase in dwellings is required to mitigate adverse impacts on the Cannock Chase SAC. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL. Although the proposal is CIL liable the applicant has not sought exemption from payment as a self build. As such the mitigation towards the SAC would be included in the CIL payment.

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

4.7 Waste & Recycling Facilities

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

4.8 Drainage and Flood Risk

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

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

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

4.10 Affordable Housing Provision

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

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

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

5.0 HUMAN RIGHTS ACT

- 5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.
- 5.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

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

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

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

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

6.0 CONCLUSION

- 6.1 The application seeks outline approval with means of access and layout for the provision of a detached 3 bedroom dormer bungalow together with two off street car parking spaces.
- 6.2 The proposal is located in a sustainable location with good access to goods, services and areas of employment by modes of transport other than the private car.
- 6.3 It is considered that the proposals meet, except in respect of affordable housing, the requirements of the NPPF, the Cannock Chase Local Plan – Part 1 and the Council’s Design SPD and the Council’s Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport Parking SPD.
- 6.4 In respect to the issue of affordable housing given the given the order of the Court of Appeal, dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014, and the subsequent revision of the PPG it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.
- 6.5 In respect to all other matters of acknowledged interest the proposal, subject to the attached conditions is considered to be acceptable.
- 6.6 It is noted that the reserved matters application relating to this outline application would be subject to the requirement for the provision of a Community Infrastructure Levy Liability Form and that this proposal would require the payment of CIL.
- 6.7 It is therefore recommended that the application be approved subject to the attached conditions.