

**Please ask for:** Mrs. W. Rowe

**Extension No:** 4584

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28 May, 2019

**PLEASE NOTE: THE MEMBERSHIP OF  
THIS COMMITTEE WILL BE  
CONFIRMED AT THE ANNUAL  
COUNCIL MEETING ON 29 MAY, 2019**

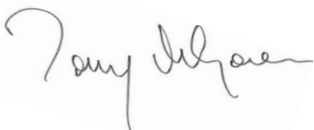
Dear Councillor,

**PLANNING CONTROL COMMITTEE  
3:00PM, WEDNESDAY 5 JUNE, 2019  
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.

You will be aware that a **compulsory** training session has been arranged for **Tuesday 4 June, 2019 at 2.00pm in the Council Chamber** for all Members of the Planning Control Committee and nominated substitutes. Members will not be able to attend a meeting of the Planning Control Committee until relevant training has been received.

Yours sincerely,



**T. McGovern  
Managing Director**

To All Members of the Council  
*(Membership to be confirmed at the Annual Council Meeting on 29 May, 2019).*

## AGENDA

### PART 1

#### 1. Apologies

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

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

#### 3. Disclosure of details of lobbying of Members

#### 4. Minutes

To approve the Minutes of the meeting held on 15 May, 2019 (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.

## PLANNING APPLICATIONS

<u>Application Number</u>	<u>Application Location and Description</u>	<u>Item Number</u>
1. CH/19/105	<i>4 Holly Lodge Close, Rugeley WS15 2JG</i> – Erection of a 3 bed dormer bungalow with associated parking	6.1 – 6.20
2. CH/19/096	<i>35 Canterbury Way, Heath Hayes, Cannock WS12 3YR</i> – Proposed single storey rear extension	6.21 – 6.33

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**PLANNING CONTROL COMMITTEE**  
**WEDNESDAY 15 MAY 2019 AT 3:00 P.M.**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**

**PART 1**

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

Buttery, M. (substitute for	Smith, C.D.
Sutherland, M.)	Stretton, Mrs. P.Z.
Dudson, A.	Todd, Mrs. D.M.
Fisher, P.A.	Woodhead, P.E.
Pearson, A.R.	

**151. Apologies**

An apology for absence was received from Councillor M. Sutherland.

Notification had been received that Councillor M. Buttery would be acting as substitute for Councillor M. Sutherland.

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

None declared.

**153. Disclosure of lobbying of Members**

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

The Principal Solicitor confirmed that the complainant had sent all Members (apart from Councillor M. Buttery) a letter asking that the application be deferred as he and his representative were unable to attend the meeting.

**154. Minutes**

RESOLVED:

That the Minutes of the meeting held on 24 April, 2019 be approved subject to the above being noted.

**155. Members' Requests for Site Visits**

None.

**156. Application CH/17/073, Enforcement Investigation – 64 New Penkridge Road, Cannock, WS11 1HW.**

Following a site visit consideration was given to the report of the Development Control Manager (Item 6.1 – 6.73 of the Official Minutes of the Council). As the complainant was not available to attend the meeting the Committee were not able to view the recently constructed property from the complainant's property.

The Development Control Manager read out the following statement in order to make the particulars of the case clear to the Committee:-

"This case was initially presented to Planning Committee on 20 June 2018 when it was resolved that a site visit be undertaken by the Committee in order to enable the Committee to view the newly built property from both the complainants property and the application site so that a more informed judgment could be made.

Although a site visit was undertaken on 11<sup>th</sup> June the committee did not visit the complainant's property, a fact that was brought to Committee's attention at the subsequent meeting. As such at the meeting of Planning Committee held on 11<sup>th</sup> July 2018, it was resolved to defer consideration of the report so that

- (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.

Following, a range of delays to accommodate the requirements of the complainant and the owner of the property, to accommodate other cases and to seek Counsel opinion on matters of law, both parties were notified that the case would be presented to Planning Committee on 15<sup>th</sup> May. The complainant has advised the Council that the date is not convenient for him as his representative is not available to speak. However, representations from both the complainant and the owner are included in the report.

Given that the complainant has not made arrangements for Planning Control Committee to enter his property, Members must satisfy themselves that they have sufficient information in order to make a full and reasonable assessment of the case.

In order to help Members drawings have been provided which show the dwelling as approved, as built and a composite showing one drawing superimposed on top of the other so that the differences can be more easily seen.

The site and its surroundings are described within section 2 of the officer report and the policy implications are set out in section 3.

The substantive issues in respect to the determination as to whether it is expedient to take enforcement action are set out in section 5 of the officer report and are: -

- (i) whether there are discrepancies between the drawing of the dwelling as shown in the plans approved under planning permission CH/17/073 and the drawing of the dwelling as-built, and if so,
- (ii) if there are any differences the extent of those, whether they are material and whether they cause material harm or adverse impacts on amenity when compared with what was approved, and
- (iii) whether the conditions attached to planning approval CH/17/073 would equally apply to the dwelling as-built.
- (iv) How the situation can be remedied.

Members should be clear in their minds that this is not a planning application and that the only matters relevant to the case are those set out above.

The discrepancies between the drawing of the dwelling as shown on the plans approved under planning permission CH/17/073 and the drawings of the dwelling as-built are set out in paragraphs 5.2.3 of the officer report and can be seen by comparing the drawings in the appendices.

Members' attention is also drawn to the caveats and issues that arise when comparing two sets of drawings. However, notwithstanding these caveats, a comparison has to be made and this is the best way of illustrating the differences.

Whether the differences are material and whether they have caused material harm or adverse impacts on amenity is set out in section 5.3 of the officer report.

Members should note that there is no statutory definition of what constitutes a change being 'non- material'. This is because whether a change is material or non-material depends on the context of the overall scheme-an amendment that is non-material in one context may be material in another.

Members are also advised that the two interests that could be potentially impacted on by any difference in the dwelling 'as-built' as compared to 'as-approved' are the impact on the character of the area and the impact on residential amenity. Assessments in respect to these interests are set out in the officer report.

Having had regard to all of the above it is considered that the differences between the dwelling 'as-approved' and 'as-built' are so trivial that they do not cause any adverse impact on the amenity of the occupiers of the adjacent properties.

In looking at how the situation can be remedied Members are advised that the matter has been referred to Counsel for a legal opinion.

Following Counsel opinion Members are advised that should they conclude that the differences are trivial so that they are non-material and have had no material adverse impact on amenity the applicant could be invited to submit an application under section 96A of the Town and Country Planning Act 1990 (as amended) for the approval of non-material changes to the planning permission. This would ensure that the conditions attached to planning permission CH/17/073 would continue to remain in force.

Given the trivial nature of the discrepancies it is officer's view that they are non-material and hence would recommend that Planning Control Committee resolves to invite the owner of 64 New Penkridge Road to make an application under section 96A to seek to obtain consent for a non-material amendment to Planning Permission CH/17/073 to ensure that the conditions attached to the planning approval continue to apply.

Other issues raised by the complainant are set out in section 6.1 of the officer report. However, Members are advised that these issues do not have a material bearing on the matter that is on front of Planning Control Committee.

## **CONCLUSION**

The substantive issue in this case is whether the building 'as-built' materially differs from that 'as-approved' under planning permission CH/17/073. It is clear from an examination of the approved plans and the independent drawings commissioned by the Council of the dwelling 'as-built' that there are a number of differences when compared to the approved drawings.

However, having had regard to the size, scale and nature of the differences within their immediate and wider contexts it is considered that they are so trivial as to be non-material and furthermore would cause no material harm or adverse impacts on amenity. This being the case it is concluded that the situation could be satisfactorily remedied by inviting the owner of 64 New Penkridge Road to submit an application under Section 96A for a non-material minor amendment to planning permission CH/17/073. Subject to such an approval the situation would be remedied and the conditions attached to the original planning permission would still remain in force.

The other issues raised by the complainant do not alter the above conclusion”.

Following this and prior to consideration of the application representations were made by Mr. John Heminsley (applicant’s agent) and Mr. Michael Smyth (applicant’s Solicitor) who were both speaking in favour of the application on behalf of the applicant.

A Member considered that it would be appropriate for a site visit to be undertaken from the complainant’s property. In response the Principal Solicitor commented that Members should consider what they would gain from visiting the complainant’s property. She advised Members that when the Committee originally agreed to undertake a site visit at No. 66 New Penkrudge Road at the Planning Control Committee held on 20 June, 2018 the information and drawings from the independent architect were not available. She confirmed that all of the relevant issues have been included within the officer’s report along with the representations from both the complainant and the owner of the property and the independent architect’s drawings. She agreed that there were differences between the as-built’ property and the ‘as-approved’ property but these were considered non-material. She asked the Committee to consider whether they could determine the application today with the information that was available to them.

In response to a question from a Member the Development Control Manager confirmed that should the Committee approve the Officer’s recommendation the applicant would be invited to submit a planning application under Section 96A of the Town and Country Planning Act 1990 for a non-material change to planning permission CH/17/073. This would be an amendment to the original application and it would not be necessary for an application to be submitted to the Planning Control Committee for approval; it would be determined by officers under their delegated powers.

RESOLVED:

(A) That the owner of 64 New Penkrudge Road be invited to submit a planning application under Section 96A of the Town and Country Planning Act 1990 for a non-material change to planning permission CH/17/073.

(B) That subject to such an application being submitted no enforcement action be taken.

**157. Application CH/19/076, Dental Practice, 18 Burntwood Road, Norton Canes, Cannock, WS11 9RE – retention of roller shutter to secure shopfront**

Following a site visit consideration was given to the report of the Development Control Manager (Item 6.74 – 6.84 of the Official Minutes of the Council).

The Development Control Manager advised that should Members be mindful to approve the application there was a condition attached to the approval to ensure the roller shutter was finished in a matt white colour.

RESOLVED:



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

**158. Application CH/18/403, 31 Market Square, Rugeley, WS15 2FA, Change of use of first and second floors from A2 (bank) to Large-scale HMO (Sui Generis)**

Consideration was given to the report of the Development Control Manager (Item 6.85 – 6.107 of the Official Minutes of the Council).

Prior to consideration of the application representations were made by David O'Connor, the applicant's agent, speaking in favour of the application.

RESOLVED:

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

**159. Application CH/18/405, 31 Market Square, Rugeley, WS15 2FA, Listed Building Consent – works to facilitate the conversion of first and second floors to HMO comprising predominantly stud-walling (retrospective)**

Consideration was given to the report of the Development Control Manager (Item 6.108 – 6.113 of the Official Minutes of the Council).

RESOLVED:

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

**160. Proposed Amendment to the Local Protocol for Planning Decision Making for Officers to request site visits on Planning Applications, Tree Preservation Orders and Enforcement Cases**

Consideration was given to the report of the Development Control Manager (Item 6.114 – 6.116 of the Official Minutes of the Council).

Prior to consideration of the application the Development Control Manager circulated an update to the Committee which advised that Paragraph 2.2 of the report should be amended and the word "Committee" should be inserted after the words "the Chairman or in their absence the Vice-Chairman of the" in paragraph 7.8 (i).

RESOLVED:

That Council be recommended to amend paragraph 7.8(i) of the Local Protocol for Planning Decision Making as follows:-

"7.8 Inspections can be made to sites which are the subject of planning applications, TPO's or enforcement cases in the following circumstances:

- (i) When officers recommend an inspection in advance of producing a report so that if the Chairman or in their absence the Vice-Chairman of the Committee agrees the inspection can take place on the day the Committee meets to consider the report on the application.

The meeting closed at 4.10pm.

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CHAIRMAN

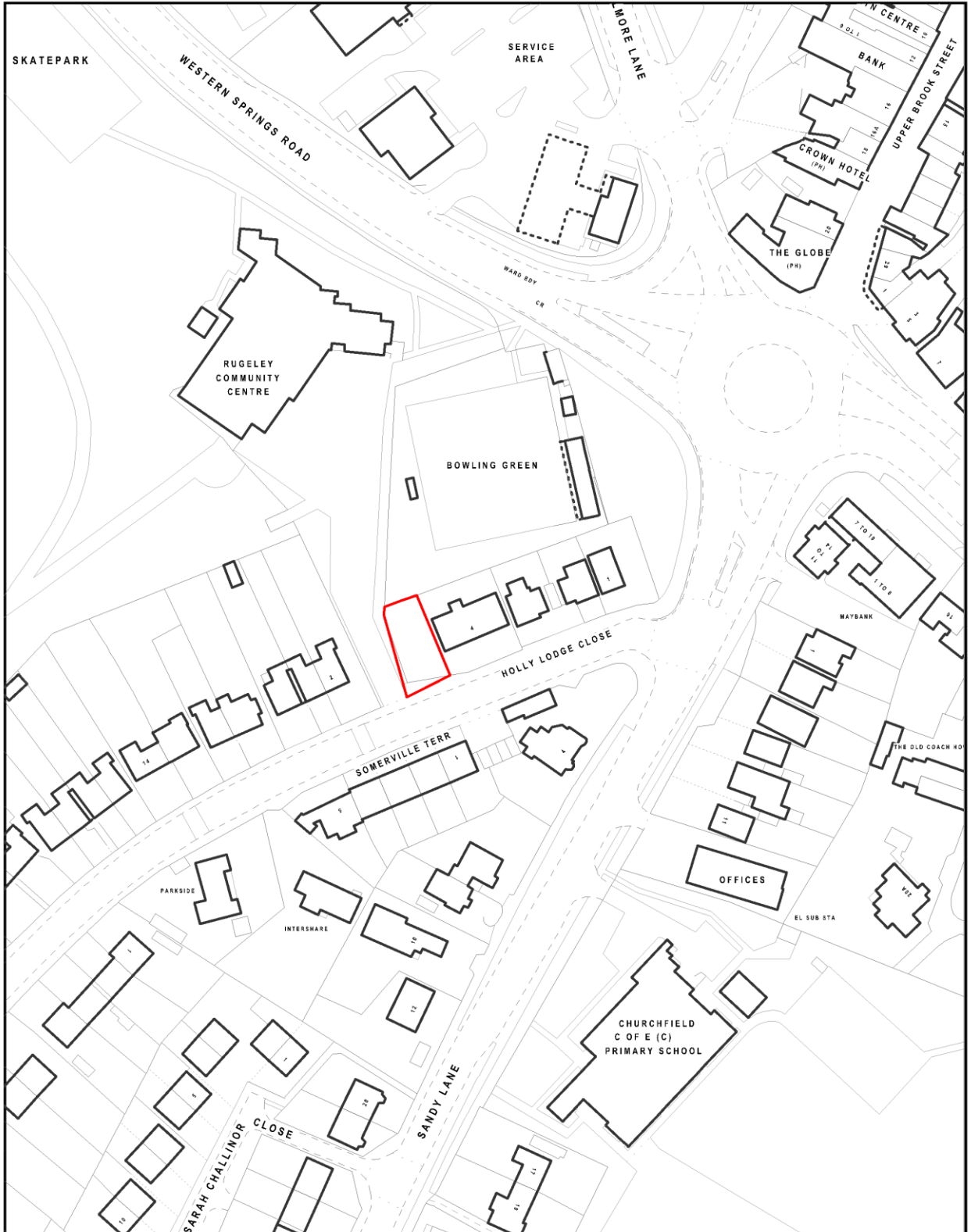


**Application No:** CH/19/105

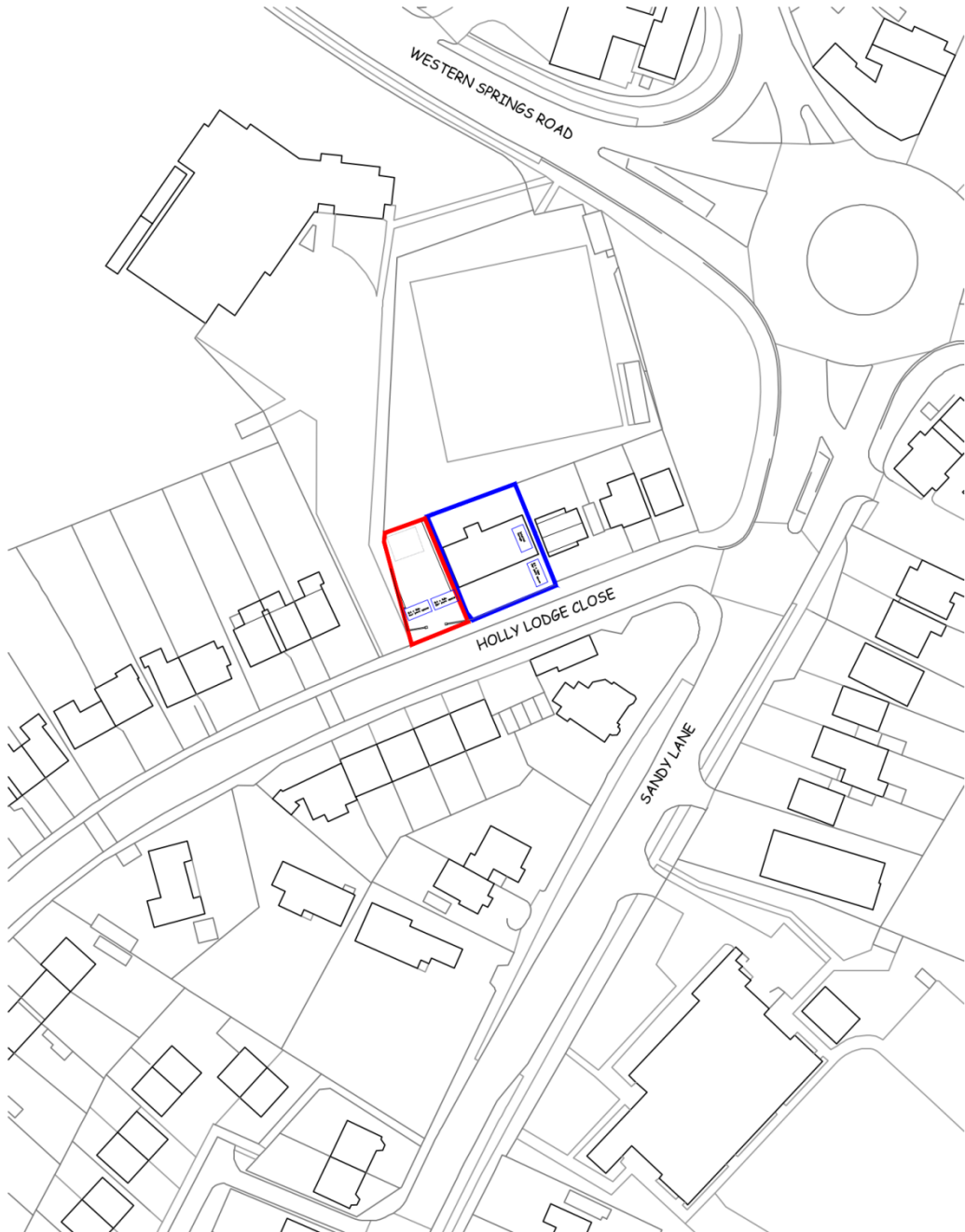
**Location:** 4, Holly Lodge Close, Rugeley, WS15 2JG

**Proposal:** Erection of a 3 bed dormer bungalow with associated parking

Item no. 6.1



# Location Plan



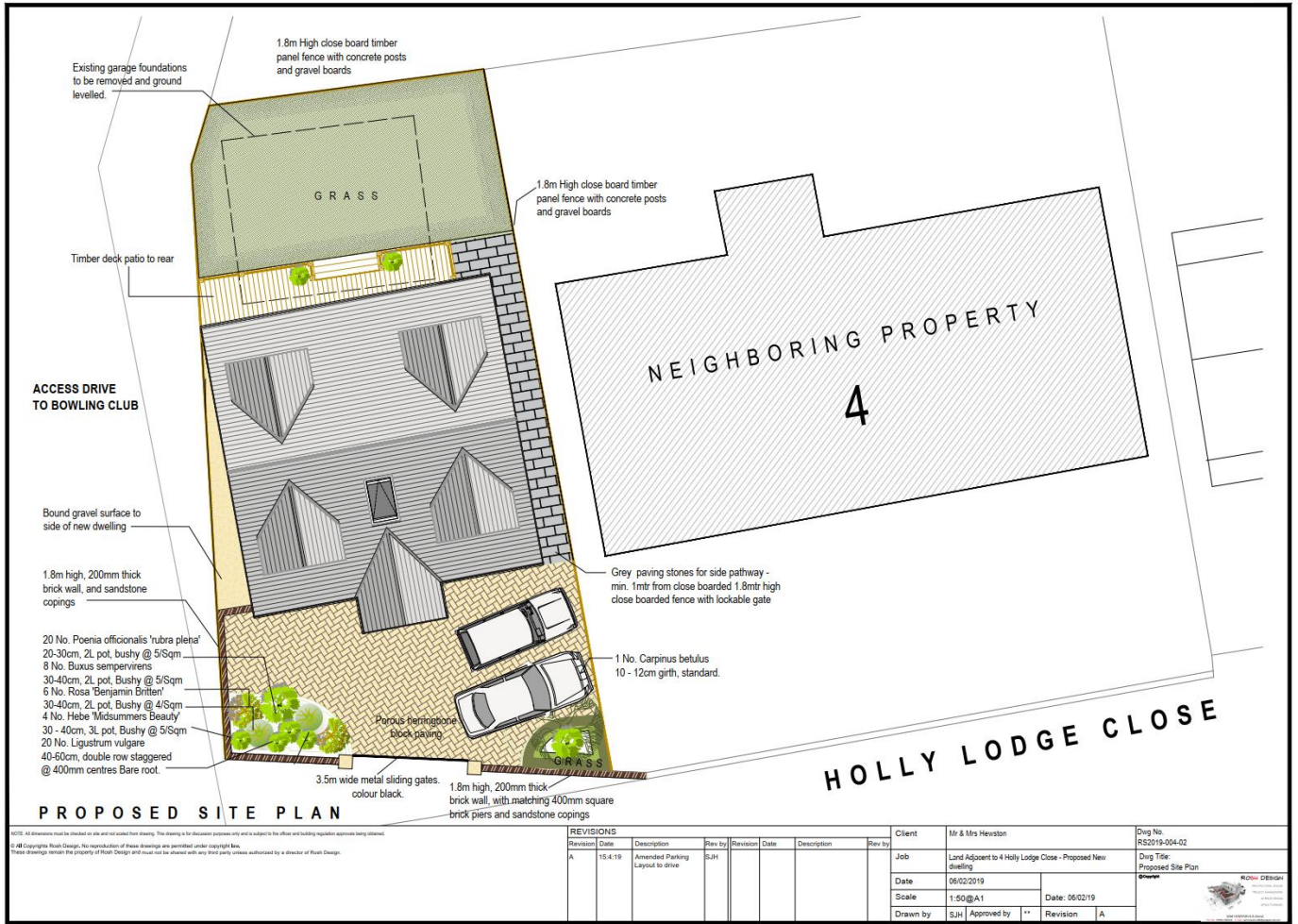
**Client - Mr & Mrs Roney**  
**Land Adjacent 4 Holly Lodge Close**  
**Planning Application Drawing - February 2019**

**Title : Location Plan**  
**Date: 20th February 2019**

**Revision:**  
Rev b - 14.03.19 - Site boundary amended

**Scale 1:1250 @ A4**  
**Dwg No: 2019-02-001b**

# Proposed Site Plan



# Proposed Floor Plans and Elevations

**FRONT ELEVATION**

**REAR ELEVATION**

**SIDE ELEVATION**

**PROPOSED GROUND FLOOR PLAN**

**PROPOSED DORMER FIRST FLOOR PLAN**

**SIDE ELEVATION**

**REVISIONS**

Revision	Date	Description	Rev by	Revision	Date	Description	Rev by

**Client** Mr & Mrs Hewton  
**Job** Land Adjacent to 4 Holly Lodge Close - Proposed New dwelling  
**Date** 06/02/2019  
**Scale** 1:50@A1  
**Drawn by** S,JH **Approved by** \*\* **Revision** \*

**Dwg No.** RS0319-004-01  
**Dwg Title:** Proposed Plans & Elevations  
**PROJ: DESIGN**

NOTE: All elevations must be checked on site and not scaled from drawing. This drawing is for discussion purposes only and is subject to the client's and building regulatory approvals being obtained.  
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<b>Contact Officer:</b>	Claire Faulkner
<b>Telephone No:</b>	01543 464337

<b>PLANNING COMMITTEE REPORT</b> 5 <sup>th</sup> June 2019	
<b>Application No:</b>	CH/19/105
<b>Received:</b>	11-Mar-2019
<b>Location:</b>	4 , Holly Lodge Close, Rugeley, WS15 2JG
<b>Parish:</b>	Rugeley
<b>Description:</b>	Erection of a 3 bed dormer bungalow with associated parking
<b>Application Type:</b>	Full Planning Application

**RECOMMENDATION:**

Approve subject to conditions and the completion of a Section 106 agreement to secure mitigation for potential impacts on the Cannock Chase SAC.

**Reason(s) for Recommendation:**

In accordance with paragraphs (186-187) of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and/or the National Planning Policy Framework.

**Conditions (and Reasons for Conditions):**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

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

Reason

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

3. No part of the development hereby approved shall be undertaken above ground level until:

- i) details of the precautionary gas protection measures to be used on the proposed development, or,
- ii) a ground gas survey to ascertain the extent to which gas protective measures may be required

have been submitted to and approved by the Local Planning Authority.

Thereafter, the approved details shall be implemented before the dwelling is brought into use and retained for the life of the development.

Reason

In order to enable the development to proceed in a safe environment and to protect the health and safety of its occupiers and to ensure compliance with Local Plan Policy CP3 and the NPPF.

4. The development hereby permitted shall not be brought into use until the access, allocated parking and turning areas have been provided and surfaced in accordance with Dwg.No. RS2019-004-02 and thereafter retained for the lifetime of the development.

Reason

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

5. Prior to first use of the new development, the parking and turning areas to the



existing dwelling (No.4 Holly Lodge Close) shall be provided as per Dwg.No RS2020-004-02 and shall thereafter be retained for the lifetime of that dwelling.

**Reason**

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

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

RS2020-004-02

RS2019-004-02

RS2019-004-01

**Reason**

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

7. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details before the development is first brought into use.

**Reason**

In the interests of ensuring the proper drainage of the area.

8. The dwelling hereby approved shall not be occupied until a scheme for the fitting of the dwelling with electric charging points for electric vehicles has been submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme have been completed. The works shall thereafter be retained for the lifetime of the development unless otherwise approved in writing by the Local Planning authority.

**Reason**

In the interests of improving air quality and combatting climate change in accordance with policy CP16 and the National Planning Policy Framework.

**Notes to Developer:**

Severn Trent Water advises that there may be a public sewer located within the application site. Although their records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have a statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will

seek to assist in obtaining a solution which protects both the public sewer and the building.

## **Consultations and Publicity**

### **External Consultations**

#### Rugeley Town Council

No response to date.

#### Staffordshire County Highway Authority

No objection subject to conditions.

#### Severn Trent

No objection.

### **Internal Consultations**

#### Planning Policy

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

The Cannock Chase Local Plan (part 1) 2014 policy CP1 supports sustainable development, while policy CP6 permits new housing on urban sites within Cannock Chase District.

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

If it is a market housing residential development scheme the proposal may be CIL liable. Given that a net increase in dwellings is proposed the development also needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan Part 1 Policy CP13). Should the development be liable to pay CIL charges then this will satisfy the mitigation requirements, as per Local Plan Part 1 Policy CP13, the Developer Contributions SPD (2015) and the Council's Guidance to Mitigate Impacts upon Cannock Chase SAC (2017). However, should full exemption from CIL be sought then a Unilateral Undertaking would be required to address impacts upon the

Cannock Chase SAC in accordance with the Councils policy/guidance. Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and the Council's most up to CIL Regulation 123 list.

### Environmental Health

The site lies within 250m of a former landfill site. As such, I would recommend that a ground investigation is undertaken to determine the necessary level of gas protection if applicable. Should this be the case, then proposals should be confirmed with this department prior to installation and the installation verified by a suitably qualified person.

### **Response to Publicity**

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

### **Relevant Planning History**

CH/91/0214: Resisting boundary wall and gates to front of bungalow.  
Approval with Conditions 05/16/1991.

### **1 Site and Surroundings**

- 1.1 The application site comprises the side garden to No.4 Holly Lodge, Rugeley.
- 1.2 The application site is located adjacent a corner within Holly Lodge Close and the access into Rugeley Community Centre. The application site did occupy a detached garage (since removed) and is wholly finished in hardstanding.
- 1.3 The boundaries of the site are delineated with brick pillar and access gates to the front and close board fencing to the side and rear.
- 1.4 The site is located within the predominantly residential area of Rugeley, which is characterised by a variety of dwellings including bungalows set behind modest frontages and private rear gardens.
- 1.5 The site is unallocated and undesignated in the Cannock Chase Local Plan (Part 1). The application site is located within a Mineral Safeguarding Area and is also within the Coal Authority Low Risk Boundary.

### **2 Proposal**

- 2.1 The applicant is seeking consent for erection of a 3 bed dormer bungalow with associated parking.
- 2.2 The proposed dwelling would be sited to the side of the existing building and would utilise the existing access off Holly Lodge Road leading to a parking area for 2 vehicles. The private garden would be sited to the rear and comprise of 64m<sup>2</sup>.
- 2.3 The existing dwelling would retain a private amenity area to the rear comprising 120m<sup>2</sup> and vehicle parking on the existing driveway for 2 vehicles.

### 3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).
- 3.3 The relevant policies in the Cannock Chase Local Plan include:
  - CP1: - Strategy – the Strategic Approach
  - CP2: - Developer Contributions for Infrastructure
  - CP3: - Chase Shaping – Design
  - CP5: - Social Inclusion and Healthy Living
  - CP6: - Housing Land
  - CP7: - Housing Choice
  - CP10:- Sustainable Transport
  - CP12:- Biodiversity and Geodiversity
  - CP13:- Cannock Chase Special Area of Conservation (SAC)
  - CP16:- Climate Change and Sustainable Resource Use
- 3.4 The relevant policies within there Minerals Plan include:
  - Policy 3.2 Mineral Safeguarding
- 3.4 National Planning Policy Framework
- 3.5 The NPPF (2019) sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of

sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.

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

3.7 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
54-59:	Planning Conditions and Obligations.
117,118, 120:	Making Effective Use of Land.
124, 127, 128, 130:	Achieving Well-Designed Places
212, 213	Implementation

3.8 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

## 4 Determining Issues

4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on nature conservation
- vi) Drainage and flood risk
- vii) Air quality
- viii) Mineral safeguarding
- ix) Waste and recycling facilities
- x) Ground conditions and contamination

4.2 Principle of the Development

4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. The site is a windfall 'greenfield' site located within the urban area of Norton Canes. Although the Local Plan has a housing policy it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such in accordance with Policy CP1 of the Local Plan the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF.

4.2.2 However, paragraph 177 of the NPPF makes it clear: -

‘The presumption in favour of sustainable development does not apply where development requiring appropriate assessment (under habitat Regulations) because of its potential impact on a habitats site is being planned or determined’.

4.2.3 Policy CP13 of the Local Plan recognises that any project involving net new dwellings will have an impact on the SAC and as such should be subject to an appropriate assessment under the Habitat Regulations. This being the case it can only be concluded that the presumption in favour of sustainable development does not apply to the current application and that the proposal should be considered having regard to the development plan and other material considerations.

4.2.4 In respect to the principle of the proposal it is noted that the site is within the curtilage of a residential use and is located within Holly Lodge Road which is approximately 130m from the town centre of Rugeley, close to the local schools and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development. In addition the proposal entails the reuse of an existing building and therefore constitutes a sustainable use of resources and the site is not allocated or subject to designation that would preclude residential development. As such it is concluded that the proposal is acceptable in principle.

4.2.5 However, although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect.

4.3 Design and the Impact on the Character and Form of the Area

4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

4.3.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to space about dwellings.

4.3.6 Having taken all of the above into account it is considered that the main issues in respect to design and the impact on the character and form of the area are: -

- (i) Overall layout
- (ii) Density
- (iii) Materials, scale and external appearance of the dwellings
- (iii) Landscaping

4.3.7 Within the wider street scene dwellings occupy similar plot sizes; with modest frontages and short rear gardens. In line with this established urban grain, the proposed dwelling would be set back behind a short frontage, in line with adjacent dwellings and with the private amenity space to the rear and parking to the front.

4.3.8 The proposed dwelling would be constructed out of materials reflective of this location. In this instance a light render finish under a dark red roof tile. There are a number of buildings within Holly Lodge Road that are finished with render, including 'Holly Lodge' which is located opposite the application site at the junction of Holly Lodge Close and Sandy Lane. As such, the proposed dwelling would not be at odds with the existing street scene.

4.3.9 The use of the dormer windows to the front and rear would reflect the design of the existing street scene, but would incorporate small individual dormer windows instead of the box like dormer windows already visible at 1, 2 & 3 Holly Lodge Road.

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

#### 4.4. Impact on Residential Amenity

4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.



- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.
- 4.4.4 However, it should always be taken into account that these distances are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels.
- 4.4.5 To the rear of the site lies the parking area for Rugeley Community Centre which has its access located to the side of the application site. Therefore the nearest neighbour to the proposed development is No.4, which would remain in line at the side of the proposed development. Opposite the application site lies a flat roof block of four garages and a single storey dwelling adjacent (approx. 22.5m distant). The application site sits on lower ground than the adjacent highway and opposite dwelling which would further reduce the impact on the street scene and adjacent occupiers.
- 4.4.6 In conclusion, the separation distances to neighbouring properties are appropriate for the proposal and over and above the requirement of those set out within the Councils Design SPD.
- 4.4.7 With regard to the proposed dwelling, the private amenity would measure approx. 64m<sup>2</sup>. The Design SPD requires an area of 65m<sup>2</sup> per three bedroom dwelling. However, the deficiency is so marginal as not to warrant a reason for refusal. The garden to No.4 would retain over 120m<sup>2</sup> which again is adequate for a dwelling of this size.
- 4.4.8 Overall, the proposed development would generally comply with the Council's Design SPD in terms of protecting the amenity of existing occupiers as well as any future occupiers of the site such that a high standard of residential amenity would be attained for all existing and future occupiers of existing surrounding dwellings and the occupiers of the proposed dwelling. In this respect the proposal would accord with Policy CP3 of the Local Plan and paragraph 127(f) of the NPPF.
- 4.5 Impact on Highway Safety

- 4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.5.2 In this respect, the proposed dwelling comprises of a 3 bedroom dwelling and therefore requires adequate parking for two vehicles. The submitted plan indicates two parking spaces to the front of the dwelling. The existing dwelling at No. 4 already benefits from a separate access which leads to an integral garage. There is sufficient parking within the curtilage of No.4 to accommodate 3 vehicles. As such, the proposal complies with the requirements of the Parking SPD.
- 4.5.3 Staffordshire County Highways Department were consulted on the proposal and has raised no objections subject to a condition.
- 4.5.4 As such the proposal is considered acceptable from a highway safety and capacity perspective.
- 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 are given special protection or which are of particular conservation interest.
- 4.6.2 As such the site is not known to have significant ecological value and therefore no obvious direct harm to nature conservation interests is considered to result.
- 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. In this case there would be a net increase in dwellings by one unit such that SAC mitigation contributions are required. Such contributions are normally secured by CIL where applicable to the development or by section 106 agreement where CIL is not applicable or the development is exempt. In this case the applicant has claimed exemption and therefore the applicant is required to enter into a section 106 agreement to secure the SAC mitigation payment.
- 4.6.4 Given the above it is considered that the proposal, subject to mitigation for the impacts on the Cannock Chase SAC, 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 Drainage and Flood Risk

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

4.7.2 In this respect it is noted that paragraph 155 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

4.7.3 In this case it is noted that the site is located within Flood Zone 1 which is at the lowest risk of flooding and that it would not result in significant increase in surface water run-off.

4.7.4 It is also noted that the site immediately abuts a main road and is on the edge of a predominantly built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area and there is no reason why a satisfactory drainage scheme should not be able to come forward. This could be controlled via the use of a suitably worded condition. Subject to the condition recommended it is considered that the proposal would be acceptable in respect to drainage and flood risk.

#### 4.8 Mineral Safeguarding

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

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

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

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and

- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

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

4.8.4 As such, the proposal would not prejudice the aims of the Minerals Local Plan.

#### 4.9 Waste and Recycling Facilities

4.9.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to national and local waste reduction and recycling targets according to the waste hierarchy'. One of the ways of achieving this is by ensuring development can be adequately serviced by waste collection services and that appropriate facilities are incorporated for bin collection points (where required).

4.9.2 The proposed dwelling would be sited within close proximity to the highway within a residential located where bins are already collected by the Local Authority. The bins would, in this instance, be collected from the adjacent highway within Holly Lodge Road.

#### 4.10 Ground Conditions and Contamination

4.10.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application.

4.10.2 However, the site lies within 250m of a former landfill site. As such the comments of the Environmental Health Officer are noted in respect to the potential for ground gas. It is therefore recommended that a condition is attached to any permission granted to ensure ground gas is adequately mitigated.

### **Human Rights Act 1998**

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

### **Equalities Act 2010**

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

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

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

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

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

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

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

## **6 Conclusion**

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions and a section 106 agreement, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 It is therefore recommended that the application be approved subject to the attached conditions and the completion of a Section 106 agreement to secure mitigation for potential impacts on the Cannock Chase SAC.



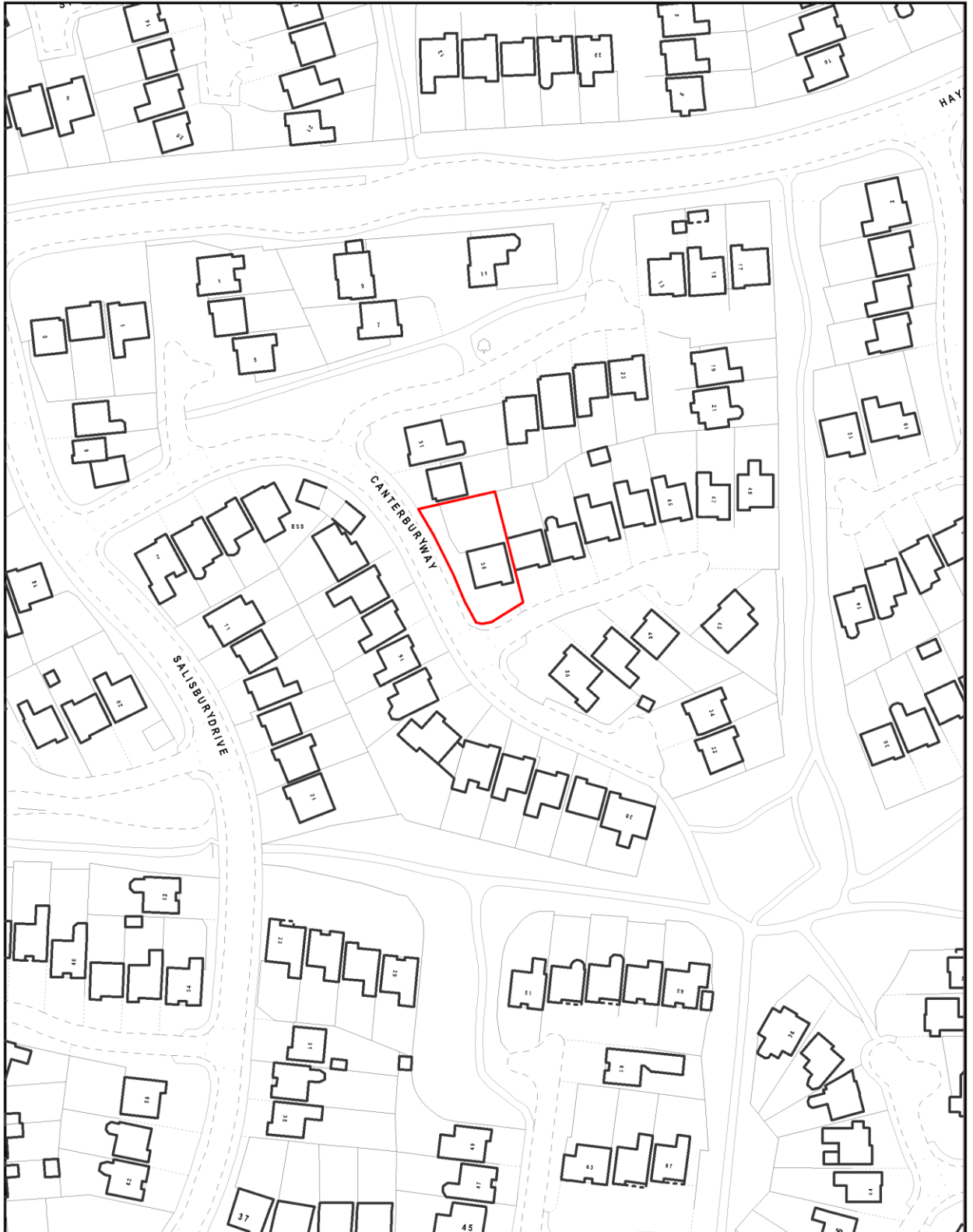


**Application No:** CH/19/096

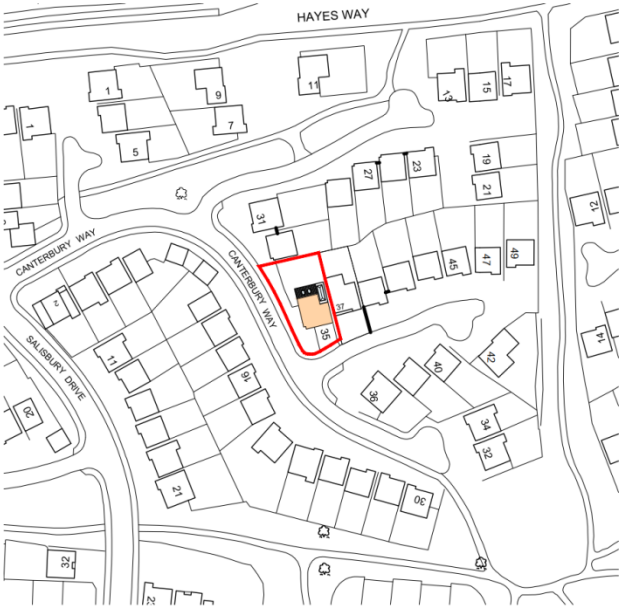
**Location:** 35, Canterbury Way, Heath Hayes, Cannock, WS12 3YR

**Proposal:** Proposed single storey rear extension

Item no. 6.2



# Location and Block Plan



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LOCATION PLAN (1:1250)



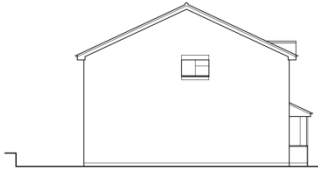
BLOCK PLAN (1:500)



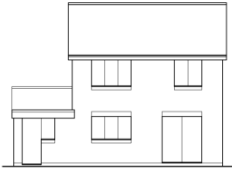
# Existing Floor Plans and Elevations



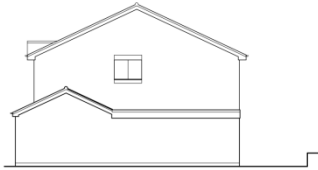
EXISTING FRONT ELEVATION



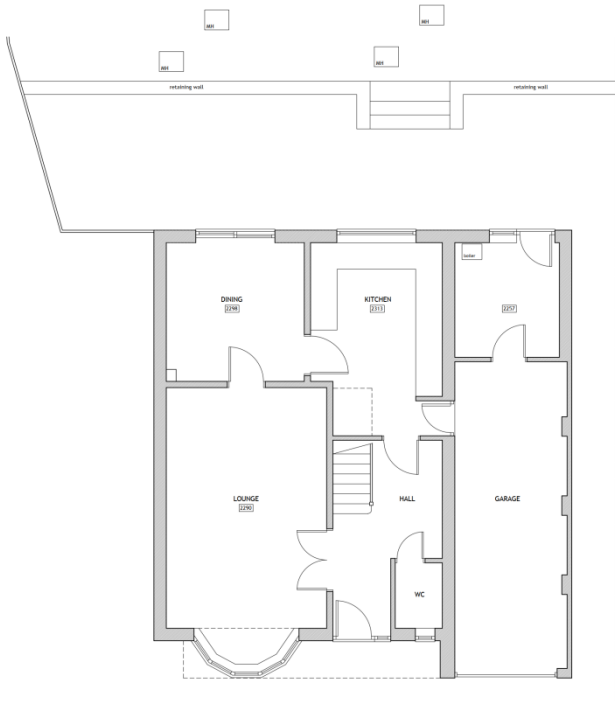
EXISTING SIDE ELEVATION




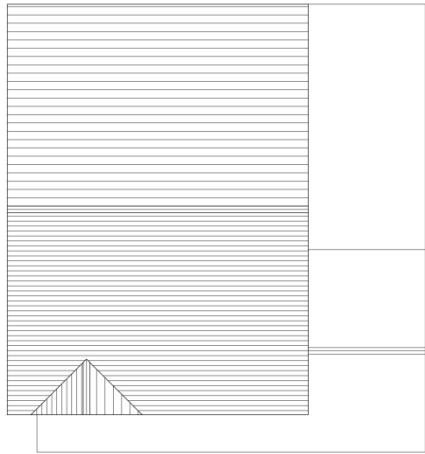
EXISTING REAR ELEVATION



EXISTING SIDE ELEVATION



 indicates floor / ceiling height  
EXISTING GROUND FLOOR PLAN

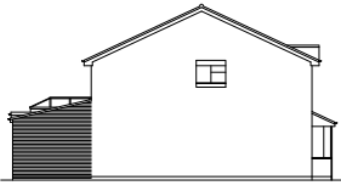


EXISTING ROOF PLAN

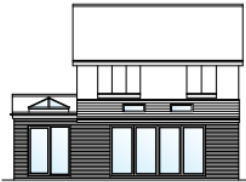
# Proposed Floor Plans and Elevations



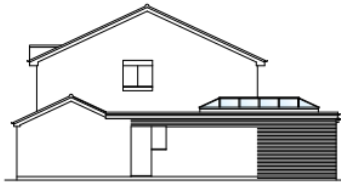
PROPOSED FRONT ELEVATION



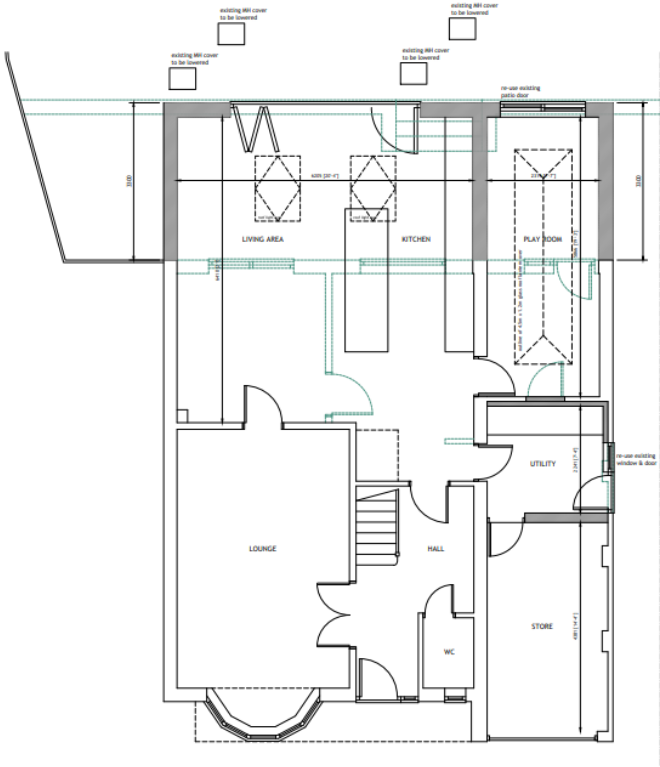
PROPOSED SIDE ELEVATION



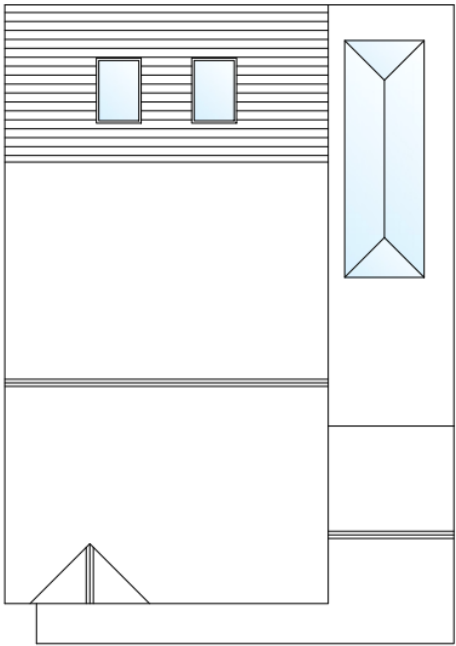
PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED GROUND FLOOR PLAN



PROPOSED ROOF PLAN

<b>Contact Officer:</b>	Sam Everton
<b>Telephone No:</b>	4514

<b>PLANNING COMMITTEE REPORT</b>	
<b>5<sup>th</sup> JUNE 2019</b>	
<b>Application No:</b>	CH/19/096
<b>Received:</b>	05-Mar-2019
<b>Location:</b>	35, Canterbury Way, Heath Hayes, Cannock, WS12 3YR
<b>Parish:</b>	Heath Hayes
<b>Description:</b>	Proposed single storey rear extension
<b>Application Type:</b>	Full Planning Application

**RECOMMENDATION:**

Approve Subject to Conditions

**Reason(s) for Recommendation:**

In accordance with paragraph 38 of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and the National Planning Policy Framework.

**Conditions (and Reasons for Conditions):**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

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

**Reason**

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

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

2008-018-01 deposited 05/03/2019

2008-018-02 deposited 05/03/2019

**Reason**

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

**Notes to Developer:**

None.

**Consultations and Publicity**

**External Consultations -**

Heath Hayes & Wimblebury Parish Council

No response received.

**Internal Consultations**

None.

**Response to Publicity**

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

**Relevant Planning History**

CH/12/0371 First floor side extension and two storey rear extension. Approved  
01/07/2013

## 1 Site and Surroundings

- 1.1 The application site is comprised of a two storey detached dwelling located on Canterbury Way, Heath Hayes.
- 1.2 The dwelling is of a contemporary design and is constructed of brick under a gable roof. The dwelling is finished in brick with tile cladding, brown UPVC fenestration and the roof is finished with brown tiles.
- 1.3 The host property has an attached single storey garage to side with utility room. Whilst this has a small pitched roof to the front the larger part of this single storey element is flat roofed.
- 1.4 To the front of the dwelling is a lawn and a wide drive which can accommodate at least two vehicles. To the rear is a modest sized garden bound in 1.8m close-board fencing. To the side of the dwelling is an attached garage and utility area.
- 1.5 The street scene is residential and is comprised of two storey detached dwellings of various finishes.
- 1.6 The site is unallocated in the Local Plan, however the site is located within a Mineral Safeguarding area, the Forest of Mercia and a Coal Authority Low Risk area.

## 2 Proposal

- 2.1 The application seeks planning permission for the erection of a single storey extension to rear for use as living space.
- 2.2 The proposed extension would project 3.3m off the rear elevation and would measure 9.3m in width. The part of the proposed extension which is off the rear of the utility area would have a flat roof with a roof lantern which would measure 2.8m to the eaves and 3.5m to the ridge of the lantern. The part of the proposed extension which projects off the living area would have a mono-pitched roof with two roof lights measuring 2.5m to the eaves and 3.4m to the ridge.
- 2.3 The extension would be constructed using matching brickwork, roof tile and matching white UPVC fenestration.

### 3 Planning Policy

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

3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030). Relevant policies within the Local Plan include: -

CP1 - Strategy – the Strategic Approach  
CP3 - Chase Shaping – Design

3.3 Relevant policies within the minerals plan include: -

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

#### 3.4 National Planning Policy Framework

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

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

3.7 Relevant paragraphs within the NPPF include paragraphs: -

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

3.7 Other relevant documents include: -

Design Supplementary Planning Document (2016).

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

Manual for Streets (2007).

#### **4 Determining Issues**

4.1 The determining issues for the proposed development include:-

- i) Principle of development.
- ii) Design and impact on the character and form of the area.
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Minerals safeguarding.

4.2 Principle of the Development

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

4.3 Design and the Impact on the Character and Form of the Area

4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

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

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

4.3.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to extensions to dwellings.

4.3.6 The proposed extension would reflect both the pitched roof element of the main part of the dwelling and the flat roofed element incorporating the garage to side and in this respect would complement the design of the host property. Furthermore, the extension would read as subservient addition and with the use of matching materials would assimilate well with the design and character of the host dwelling and its surroundings.

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

#### 4.4 Impact on Residential Amenity

4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes



onto include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.

4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.

4.4.3 In respect to overlooking, the Design SPD recommends a minimum separation distance of 21.3m between front and rear facing principal windows. The proposed extension would be approximately 10.25m from the rear garden of No. 33 Canterbury Way. However, it would not directly face any windows and the proposal is single storey. As such the proposal would not cause any overlooking that could be considered significant and to the detriment to the amenity of neighbouring properties.

4.4.4 In respect to assessing the potential for loss of light to neighbouring properties, the Design SPD recommends the application of the 45/25° daylight test. The proposed extension meets this test and therefore would not cause any significant loss of light to neighbouring properties.

#### 4.5 Impact on Highway Safety

4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.5.2 The Council's Parking Standards require parking provision for at least two vehicles for two and three bedroom dwellings. The property has on-site parking provision for two vehicles on the drive to the front which remain unaltered. Further, the proposal would not increase the number of bedrooms within the host property and as such parking provision would remain adequate.

4.5.3 The proposal would not alter any access arrangements or visibility splays.

4.5.4 The proposal therefore would not have an adverse impact on highways safety.

#### 4.6 Mineral Safeguarding

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

4.6.2 Policy 3.2 of the Minerals Local Plan states that:

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

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

4.6.3 The development would fall under Item 2 within the exemption list as an application for an extension to an existing building and is therefore permitted. As such the proposal is compliant with Policy 3 of the Minerals Local Plan.

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

### **Human Rights Act 1998**

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

### **Equalities Act 2010**

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

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

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

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

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

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

## **6 Conclusion**

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 It is therefore recommended that the application be approved subject to the attached conditions.