

Please ask for: Mrs. W. Rowe

Extension No: 4584

E-Mail: wendyrowe@cannockchasedc.gov.uk

5 November 2024

Dear Councillor,

Planning Control Committee

3:00pm, Wednesday 13 November 2024

Council Chamber, Civic Centre, Cannock

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda. The meeting will commence at 3.00pm or at the conclusion of the site visits, whichever is the later. Members should note that the following site visits have been arranged:

Application Number	Application Location and Description	Start Time
CH/24/107	1 Fairmount Drive, Cannock, WS11 0DZ Erection of a detached 1 x 2 bed dwelling	2:10pm
CH/24/242	35 Rowan Road, Cannock, WS11 1JJ: Retrospective application for erection of a boundary fence and change of use of land to residential garden area to the side of 35 Rowan Road.	2:35pm

Members wishing to attend the site visits are requested to meet at **1 Fairmount Drive, Cannock, WS11 0DZ at 2:10pm** as indicated on the enclosed plan.

Please note that, following a risk assessment, Members undertaking site visits must wear full PPE or they will not be permitted on to the site. PPE in this case constitutes a hard hat, hi-vis vest, and safety footwear.

Yours sincerely,



Tim Clegg
Chief Executive

To Councillors:

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

Agenda

Part 1

- 1. Apologies**
- 2. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members**

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

- 3. Disclosure of Details of Lobbying of Members**
- 4. Minutes**

To approve the Minutes of the meeting held on 16 October 2024 (enclosed).

- 5. Members' Requests for Site Visits**
- 6. Report of the Development and Policy Manager**

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

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

Site Visit Applications

Application Number	Application Location and Description	Item Number
1. CH/24/107	1 Fairmount Drive, Cannock, WS11 0DZ: Erection of a detached 1 x 2 bed dwelling	6.1 - 6.22
2. CH/24/242	35 Rowan Road, Cannock, WS11 1JJ: Retrospective application for erection of a boundary fence and change of use of land to residential garden area to the side of 35 Rowan Road.	6.23 - 6.31

7. Exclusion of the Public

The Chair to move:

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

Agenda Part 2

8. Enforcement Case - ENF/24/164

Not for Publication Report of the Development & Policy Manager (Item 8.1 - 8.5).

The Report is confidential due to the inclusion of information:

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

9. Enforcement Case - ENF/24/090

Not for Publication Report of the Development & Policy Manager (Item 9.1 - 9.6).

The Report is confidential due to the inclusion of information:

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

10. Enforcement Case - ENF/23/200

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

The Report is confidential due to the inclusion of information:

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

11. Enforcement Case - ENF/22/091

Not for Publication Report of the Development & Policy Manager (Item 11.1 - 11.5).

The Report is confidential due to the inclusion of information:

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

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

Held on Wednesday 16 October 2024 at 3:00pm
In the Council Chamber, Civic Centre, Cannock

Part 1

Present:
Councillors

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

Aston, J.	Prestwood, F.
Fitzgerald, A.	Samuels, G.
Haden, P. (substitute)	Thornley, S.
Jones, V.	Thornley, S.J.
Lyons, N.	Wilson, L.
Mawle, D.	

(The Chair advised that the order of the agenda would be amended and Application CH/24/190 - Multi Storey Car Park, 02 Site, Market Hall Street, Cannock would be considered as the first item).

54. Apologies

An apology for absence had been received from Councillor M. Sutherland.

Notification had been received that Councillor P. Haden would be substitute for Councillor Sutherland.

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

Member	Interest	Type
Mawle, D.	CH/24/176: 2 Chase Heights, Hednesford, WS12 4WX - Proposed Change of Use from Existing Dwelling into Serviced Accommodation / Holiday Let (C3 to Sui Generis):	Pre-determination

Member has a similar business in the District

56. Disclosure of Details of Lobbying by Members

Councillor P. Fisher declared he had been lobbied in respect of Application CH/23/0132, Formerly Talbot Inn, The Academy Early Years Childcare, Main Road, Brereton, Rugeley, WS15 1EE: New proposed residential and respite care home along with supported living unit for adults aged 18 to 65.

57. Minutes

Resolved:

That the Minutes of the meeting held 18 September 2024 be approved as a correct record.

58. Members Requests for Site Visits

None.

59. Application CH/24/190, Multi Storey Car Park, 02 Site, Market Hall Street, Cannock, Staffordshire, WS11 1EB - Demolition of Units 1 and 2, and partial demolition of Unit 3, removal of glazed canopy to Market Hall Street. Demolition of Multi Storey Car Park and erection of temporary compound

Following a site visit, consideration was given to the report of the Development and Policy Manager (Item 6.17 - 6.43) *(presented by the Planning Officer)*.

The Planning Officer provided a presentation to the Committee outlining the application showing photographs and plans of the proposals. Members were provided with the following update that had also been circulated in advance of the meeting:

“Following compilation of the report for the Committee agenda, officers have the following updates:

- 1.1 The first update is that additional comments from Staffordshire Police have been received. This discusses awareness of rough sleepers and persons trying to gain access to the closed Multi Storey Car Park. It is suggested that site contractor compounds need to be appropriately secured each night once the site is closed for the day. Officers agree fully with this but do not feel conditions or changes to the recommendations are needed to address this matter.
- 1.2 A further update relates to late agreement from the Highway Authority that their recommended condition included at condition 2 of the Officer Report can now be omitted.
- 1.3 The condition required the applicant to assess the physical state of publicly owned highway prior to any heavy vehicles or demolition processes occurring at the site. This was with a view to establishing a base line position which can then be re-examined once the work is completed to see if any damage to public assets occurs during the process. Since this condition was suggested the Highway Authority have brought online new software which they are confident documents the condition of relevant areas already and as such it is suggested the condition is no longer required.
- 1.4 Therefore, Officers seek to request that condition 2 as recommended is no longer included”.

Prior to consideration of the application representations were made by Mike Kehoe (C&D Contractors), the Demolition Consultant, speaking in support of the application.

Resolved:

That the application be approved subject to the conditions contained in the report for the reasons stated therein and subject to the omission of Condition 2, as detailed in the Officer update.

(Having declared he had pre-determined the application, Councillor D. Mawle left the meeting prior to the determination of the following application.)

60. Application CH/24/176, 2 Chase Height, Hednesford, Cannock WS12 4QX - Proposed change of use from existing dwelling into serviced accommodation/holiday let (C3 to Sui Generis)

Following a site visit, consideration was given to the report of the Development and Policy Manager (Item 6.1 - 6.16) *(presented by the Planning Officer)*.

The Planning Officer provided a presentation to the Committee outlining the application showing photographs and plans of the proposals. Members were provided with the following update that had also been circulated in advance of the meeting: -

“Following compilation of the report for the Committee agenda, officers have the following amendment to Paragraph 5.7.3, which should read as follows:

5.7.3 Given the above, the proposal is not considered to increase the risk of crime or anti-social behaviour. As such, the proposal accords with the relevant paragraphs of the NPPF”.

Prior to consideration of the application representations were made by Mrs. Ridgway, an objector, speaking against the application. Further representations were made by Vikki Lindop, the applicant, speaking in support of the application.

Resolved:

That the application be refused for the reasons outlined in the report.

(Councillor Mawle returned to the meeting at this point).

61. Application CH/23/0132, Formerly Talbot Inn, The Academy Early Years Childcare, Main Road, Brereton, Rugeley, WS15 1EE - New proposed residential and respite care home along with supported living unit for adults aged 18 to 65

Consideration was given to the report of the Development and Policy Manager (Item 6.44 - 6.65) *(presented by the Senior Planning Officer)*.

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

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

Resolved:

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

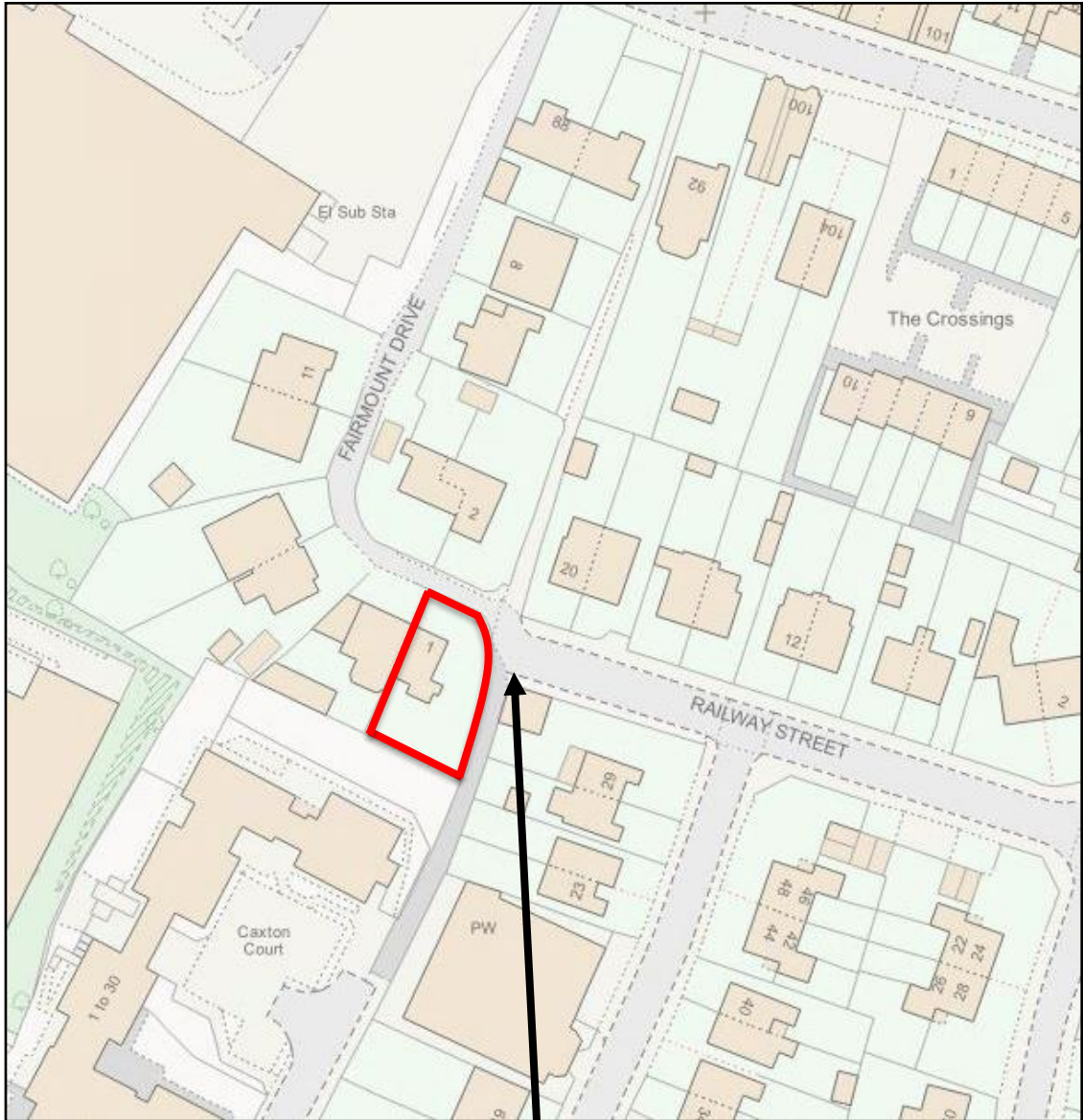
The meeting closed at 4:20pm.

Chair

Application No: CH/24/107

Location: 1 Fairmount Drive, Cannock, Staffordshire WS11 0DZ

Proposal: Erection of a detached 1 x 2 bed dwelling

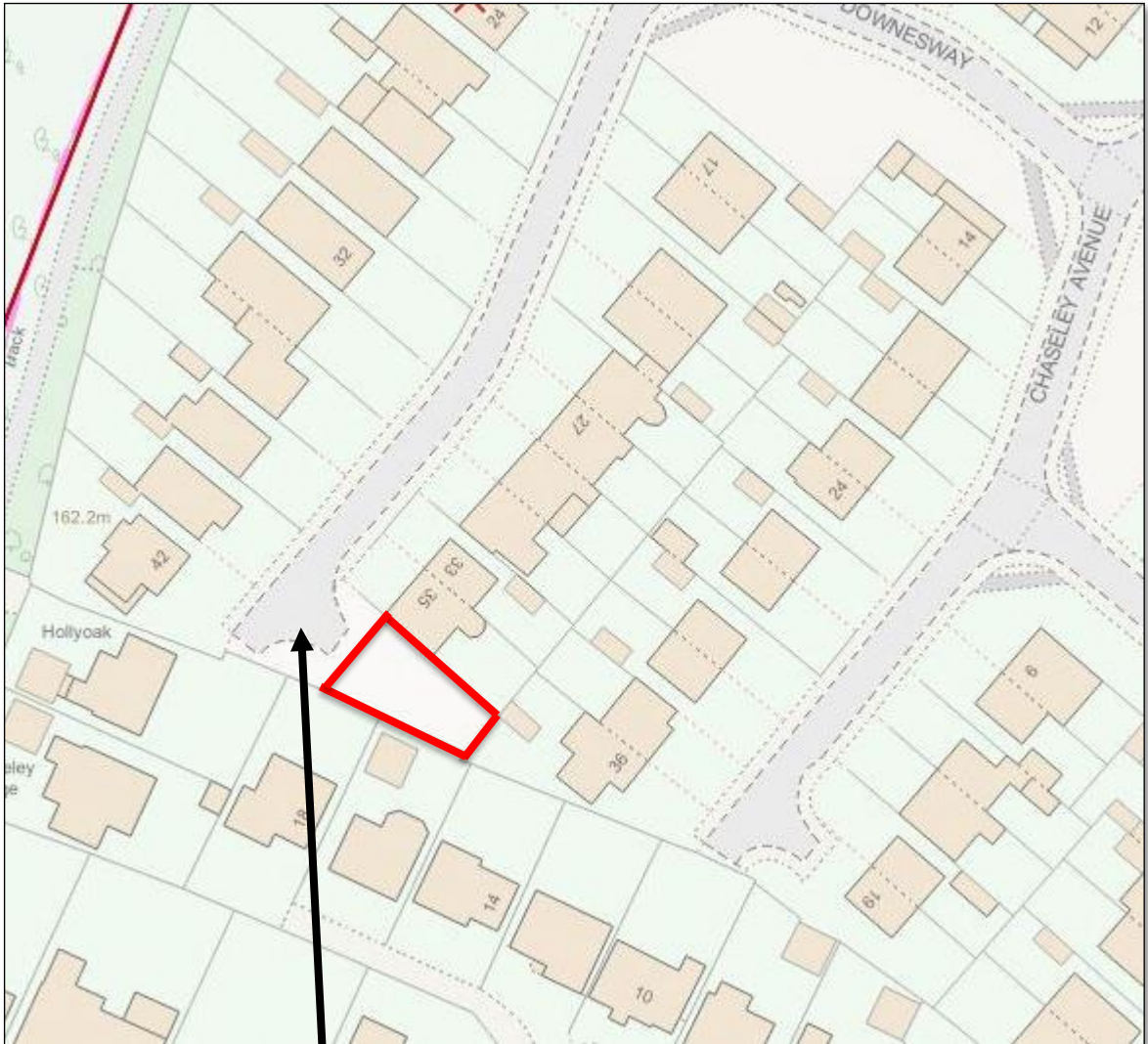


**SITE VISIT
MEETING POINT**

Application No: CH/24/242

Location: Land adjacent 35 Rowan Road, Cannock, WS11 1JJ

Proposal: Retrospective application for erection of a boundary fence and change of use of land to residential to garden area to the side of 35 Rowan Road



**SITE VISIT
MEETING POINT**

Application No: CH/24/107

Location: 1 Fairmount Drive, Cannock, Staffordshire WS11 0DZ

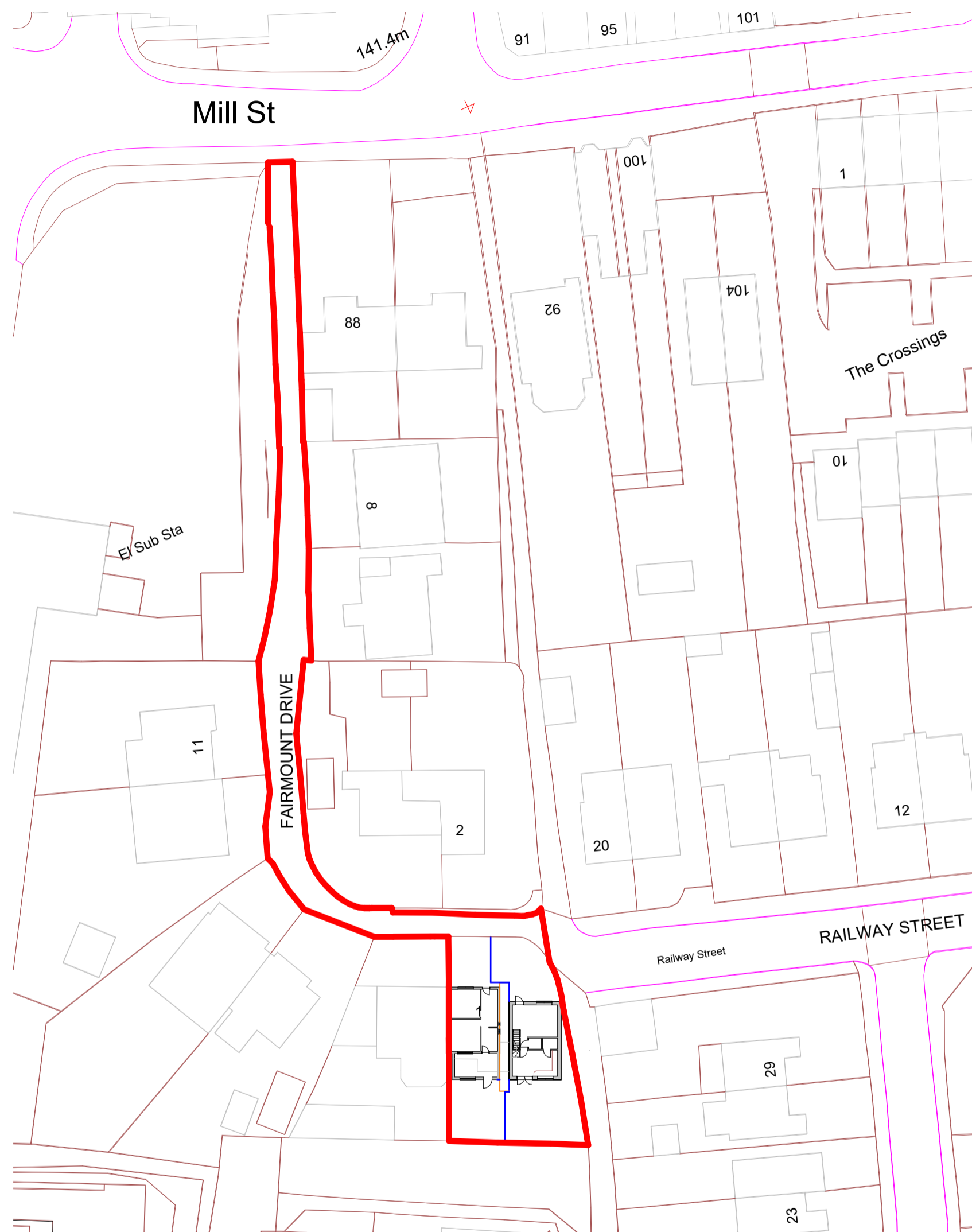
Proposal: Erection of a detached 1 x 2 bed dwelling



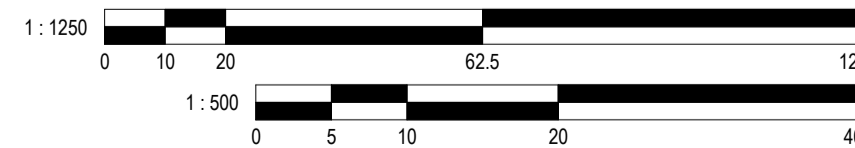
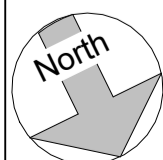
Site Location Plan



00. Location Plan 1.1250
1 : 1250



Site Plan 1.500
1 : 500



No.	Description	Date

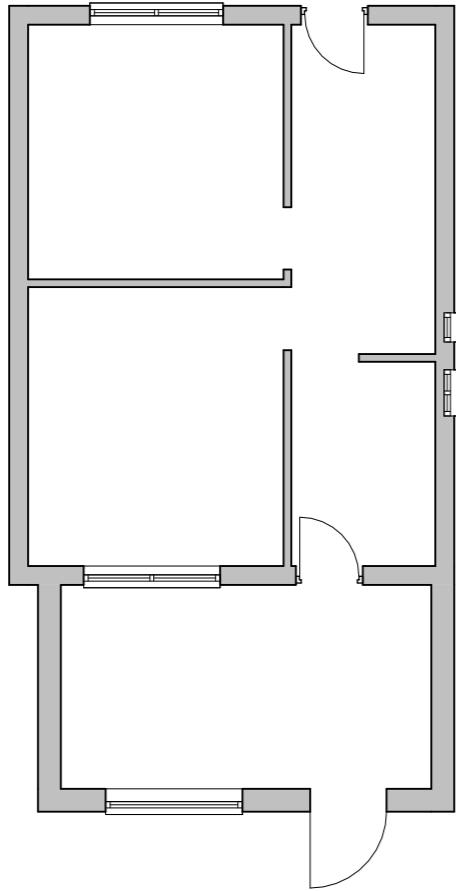


PROJECT
1 Fairmount Drive

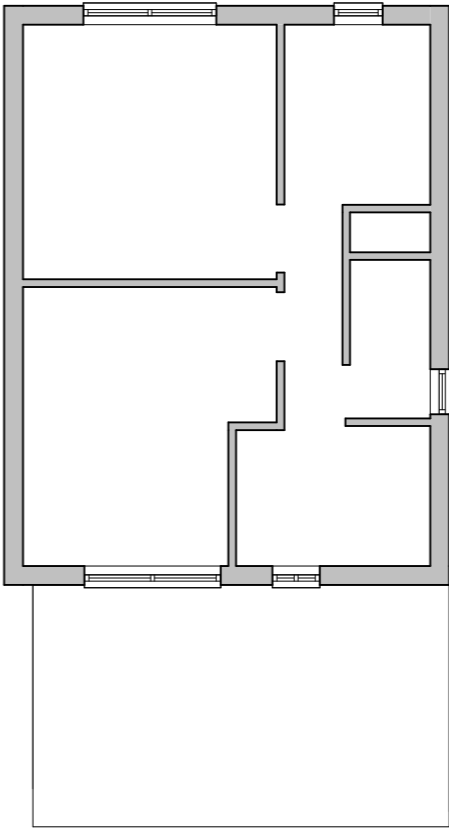
TITLE
Site and Location Plan

CLIENT
Owner

DRAWN BY Author	CHECKED BY Checker	DATE 30/08/2024
SCALE (@A2) As indicated		PROJECT NUMBER 80027
DRAWING NUMBER 80027 - 04 - 01		REV



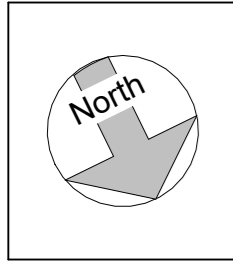
01. GF - FFL Existing
1 : 100



05. FF - FFL Existing
1 : 100



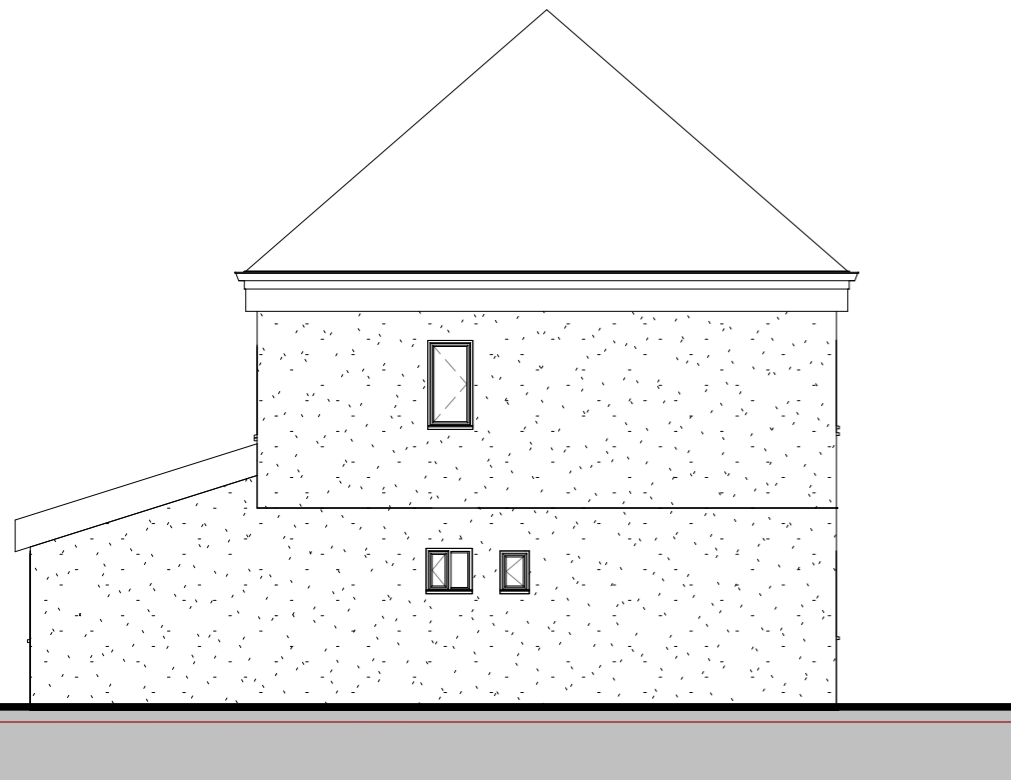
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No.	Description	Date



PROJECT	1 Fairmount Drive		
SHEET	EXISTING FLOOR PLANS		Owner
	Date	Scale (@ A3) - 1 : 100	DRAWING NUMBER
	30/08/2024	80027 - 04 - 02	
Drawn by	RT	REV	
Checked by	JG		



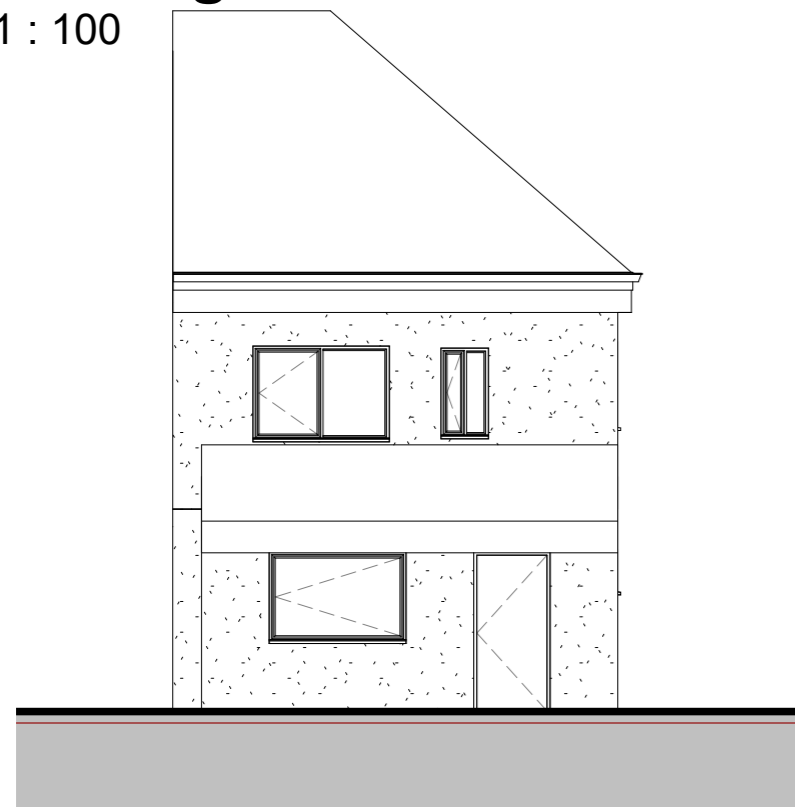
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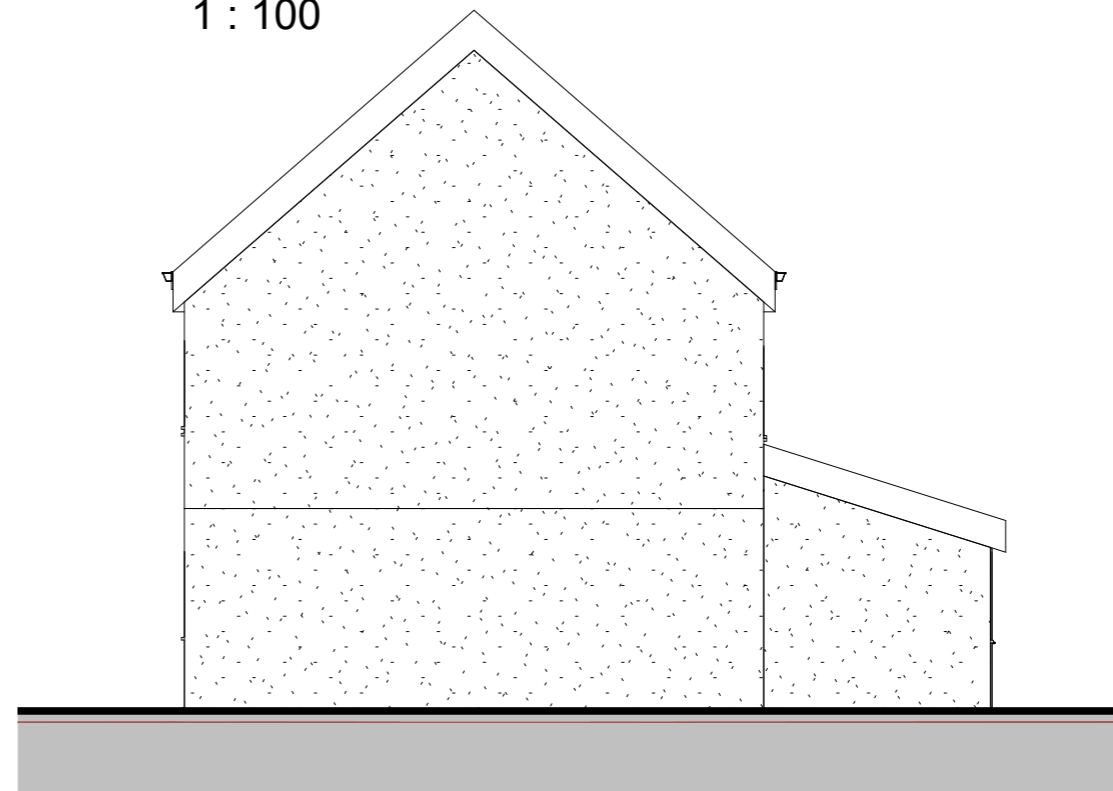
Existing North Elevation

1 : 100



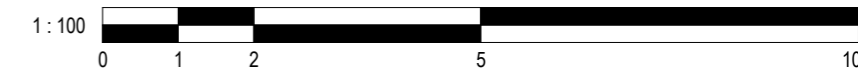
Existing South Elevation

1 : 100



Existing West Elevation

1 : 100

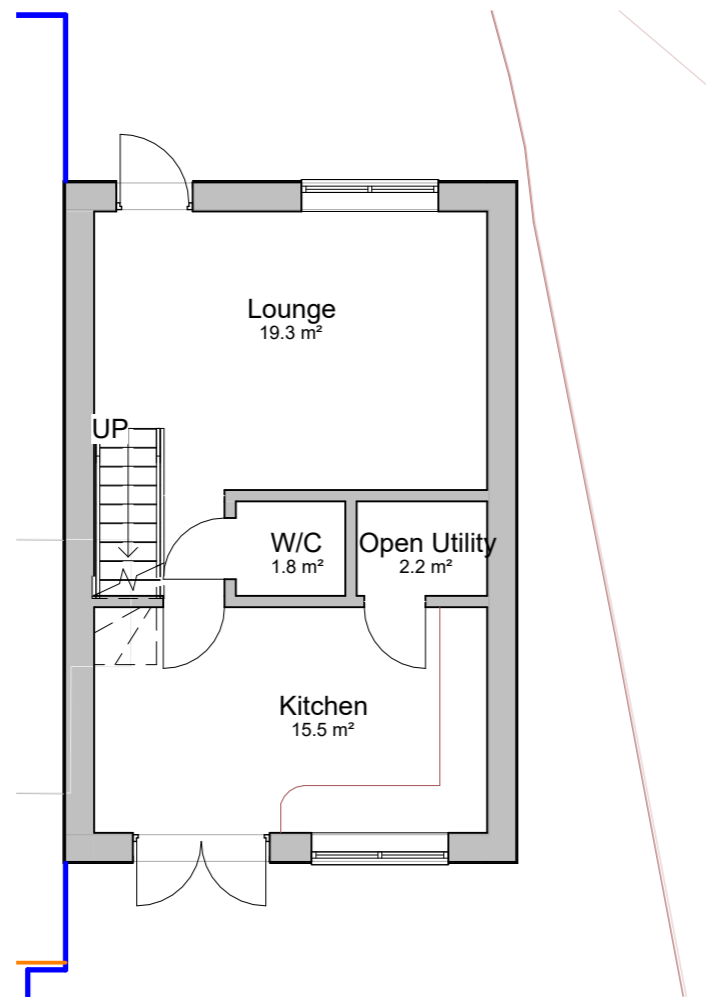


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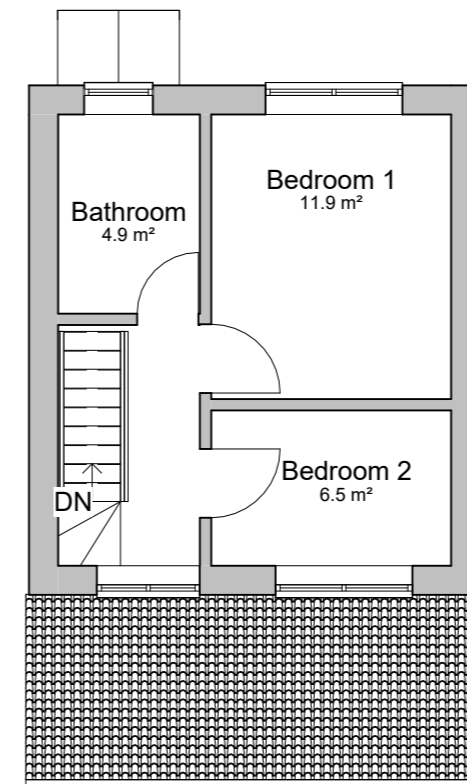
No.	Description	Date



PROJECT	1 Fairmount Drive			Owner
SHEET	EXISTING ELEVATIONS			Date 30/08/2024
				Scale (@ A3) - 1 : 100
				Drawn by RT
				Checked by JG
				DRAWING NUMBER 80027 - 04 - 03
				REV



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1 : 100



Proposed FF - FFL
1 : 100

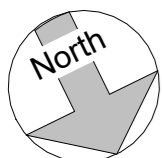


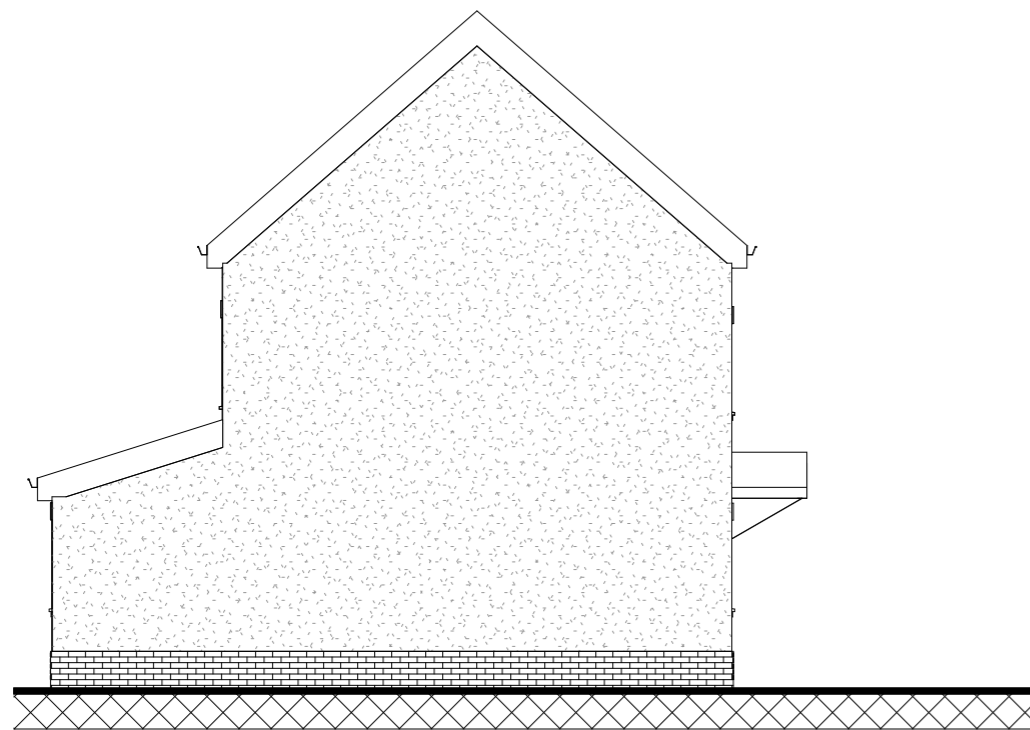
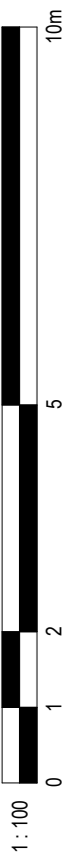
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No.	Description	Date
A	multiple amendments	27.08.24
B	Porch Canopy; brick banding drawing style; Bathroom window	30/08/24

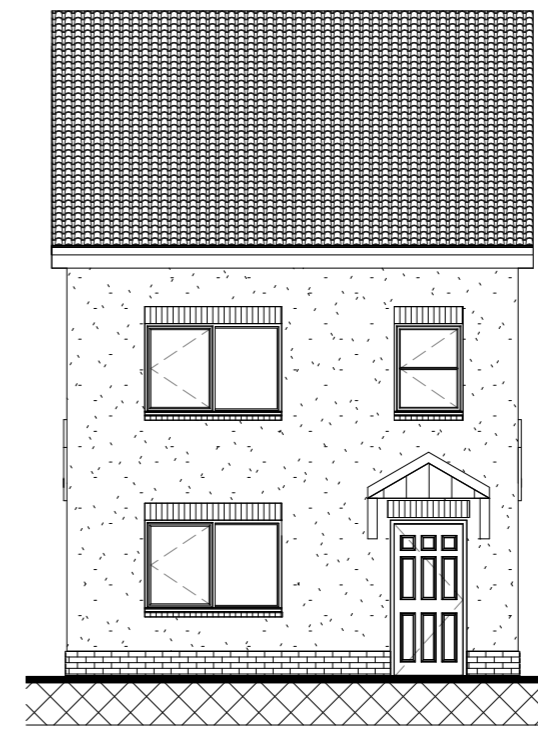


PROJECT	1 Fairmount Drive			Owner
SHEET	PROPOSED FLOOR PLANS	Date	30/08/2024	Scale (@ A3) - 1 : 100
		Drawn by	RC	DRAWING NUMBER
		Checked by	JG	80027 - 05 - 04
				REV
				B

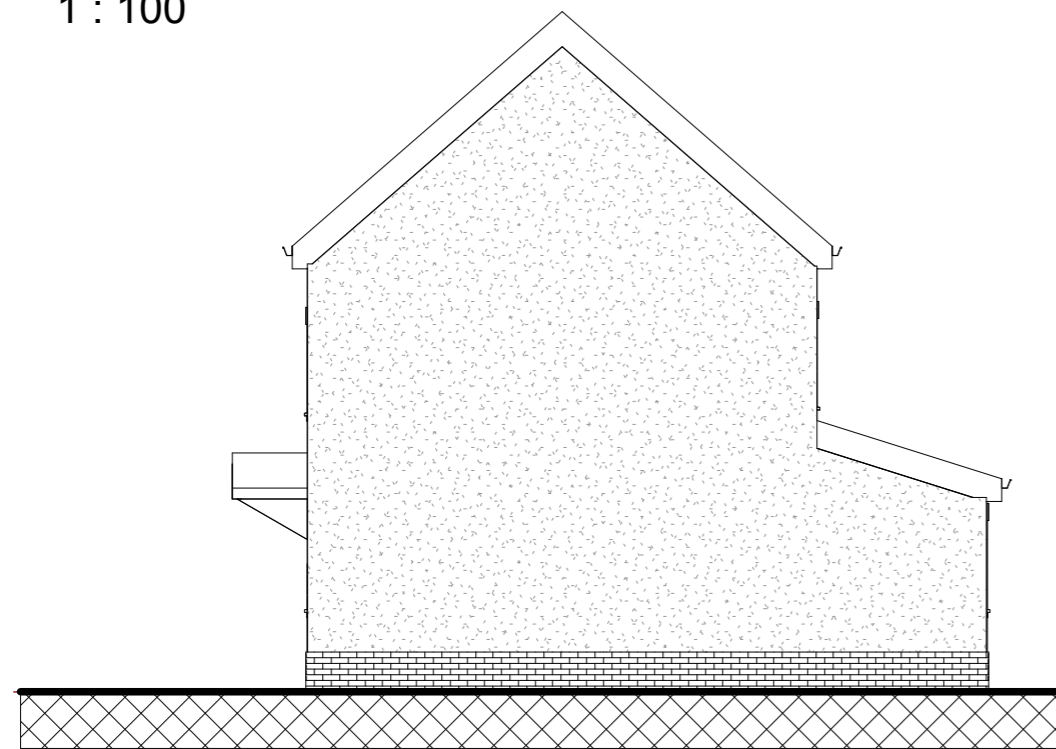




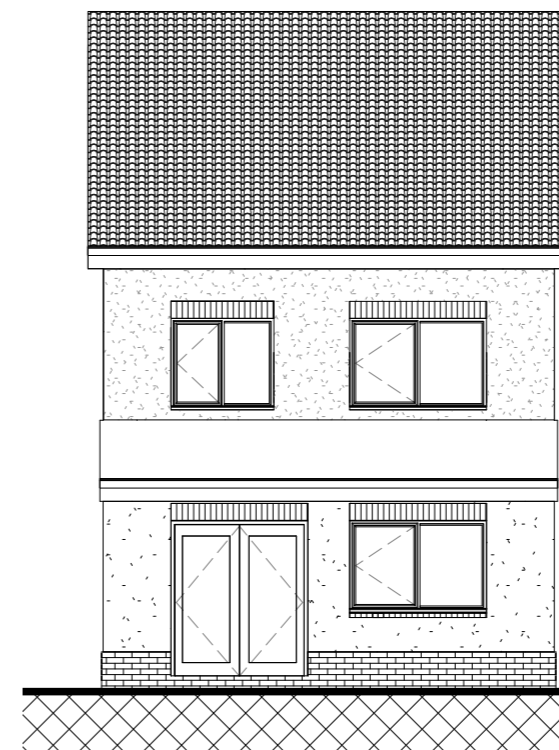
Proposed East Elevation
1 : 100



Proposed North Elevation
1 : 100



Proposed West Elevation
1 : 100



Proposed South Elevation
1 : 100

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No.	Description	Date
A	multiple amendments	27.08.24
B	Porch Canopy; brick banding drawing style; Bathroom window	30/08/24



PROJECT	1 Fairmount Drive			Owner
SHEET	PROPOSED ELEVATIONS	Date	30/08/2024	Scale (@ A3) - 1 : 100
		Drawn by	RC	DRAWING NUMBER
		Checked by	JG	80027 - 05 - 05
				REV
				B

Topography to be established



Party Wall Boundary

Street Elevation Front

1 : 100

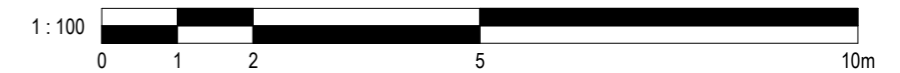
Party Wall Boundary



Topography to be established

Front Elevation Back

1 : 100

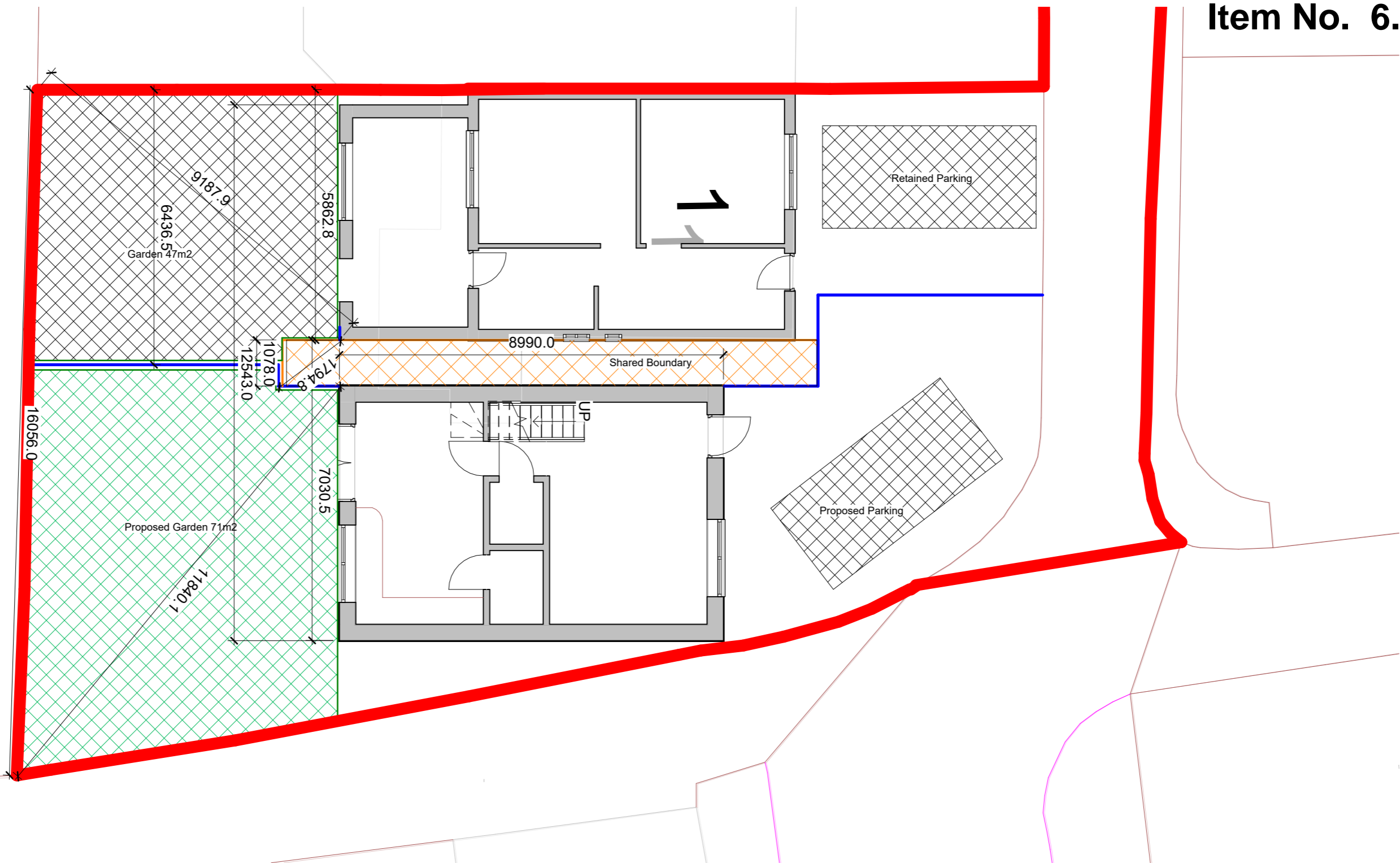


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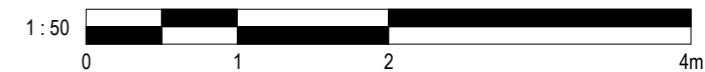
No.	Description	Date
A	multiple amendments	27.08.24
B	Porch Canopy; brick banding drawing style; Bathroom window	30/08/24



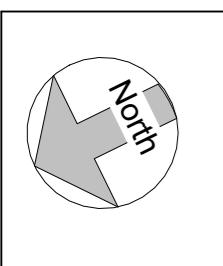
PROJECT	1 Fairmount Drive		
SHEET	Proposed Street Elevation		Owner
	Date	30/08/2024	Scale (@ A3) - 1 : 100
	Drawn by	RC	DRAWING NUMBER
	Checked by	JG	80027 - 05 - 06
			REV
			B



 Site boundary
 Title Split



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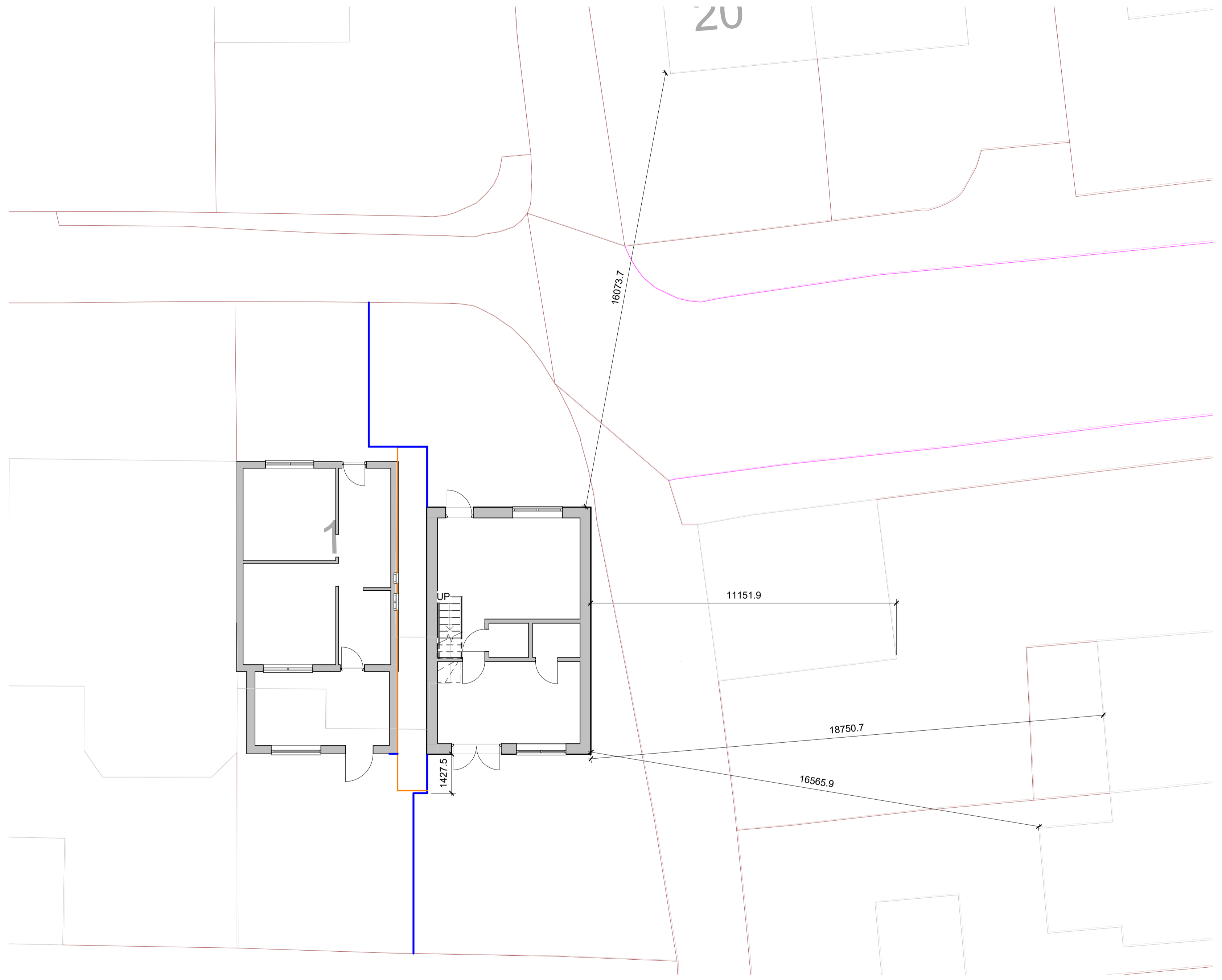


No.	Description	Date
A	multiple amendments	27.08.24



PROJECT	1 Fairmount Drive		
SHEET	Proposed Site Plan		
Owner		Date	Scale (@ A3) - 1 : 100
		30/08/2024	
		Drawn by	DRAWING NUMBER
		RC	80027 - 05 - 07
		Checked by	REV
		JG	A

Item No. 6.8



Site Plan 1.100
1 : 100

No.	Description	Date
A	multiple amendments	27.08.24



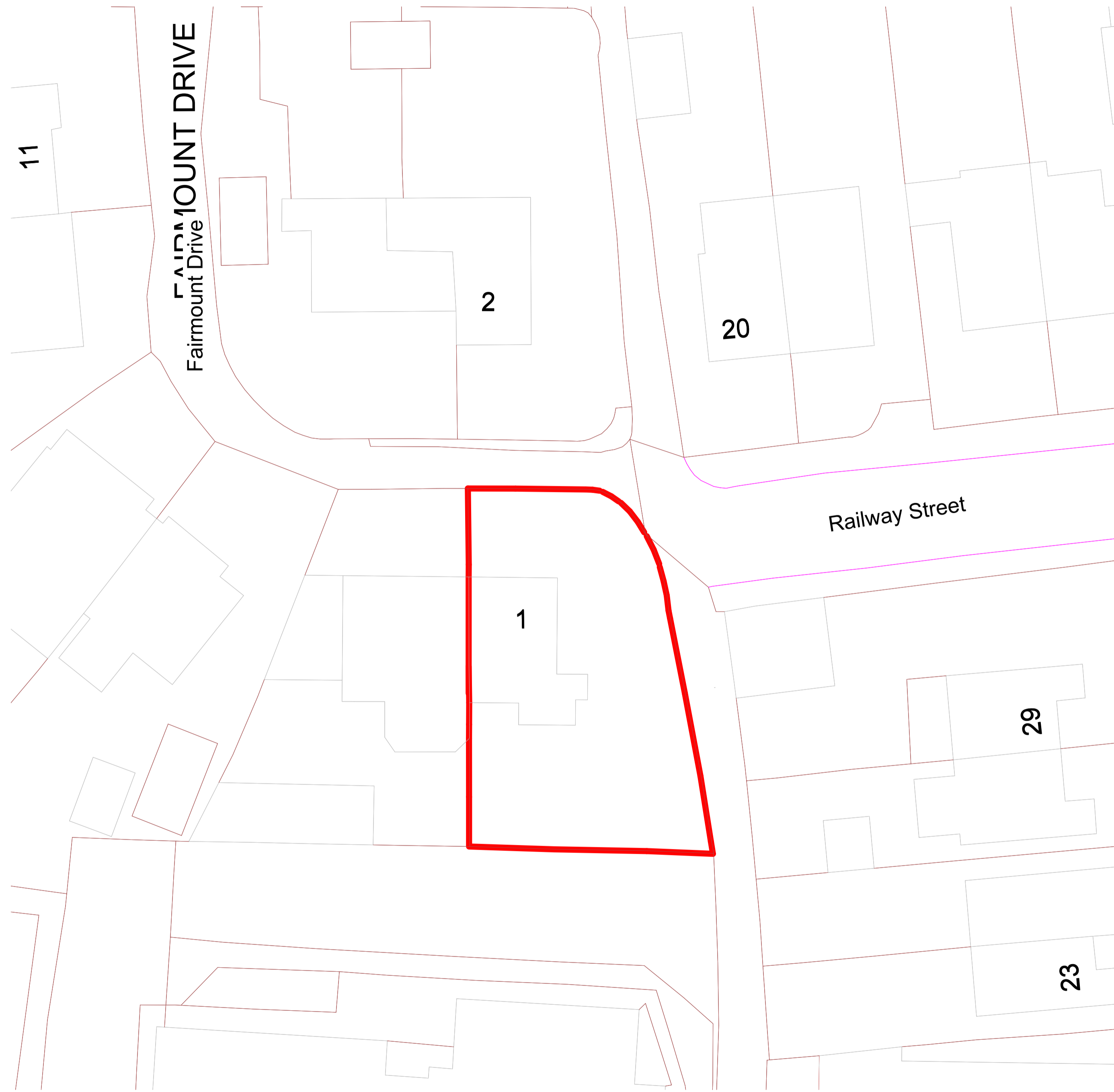
PROJECT
1 Fairmount Drive

TITLE
Site Constraints

CLIENT
Owner

DRAWN BY RC	CHECKED BY JG	DATE 30/08/2024
SCALE (@A2) 1 : 100		PROJECT NUMBER 80027
DRAWING NUMBER 80027 - 05 - 08		REV A

30/08/2024 14:43:11



1.200 Existing Site Plan
1 : 200



Notes:

Sample Notes **Item No. 6.9**

REV	DESCRIPTION	BY	DATE
STATUS: Project Status			

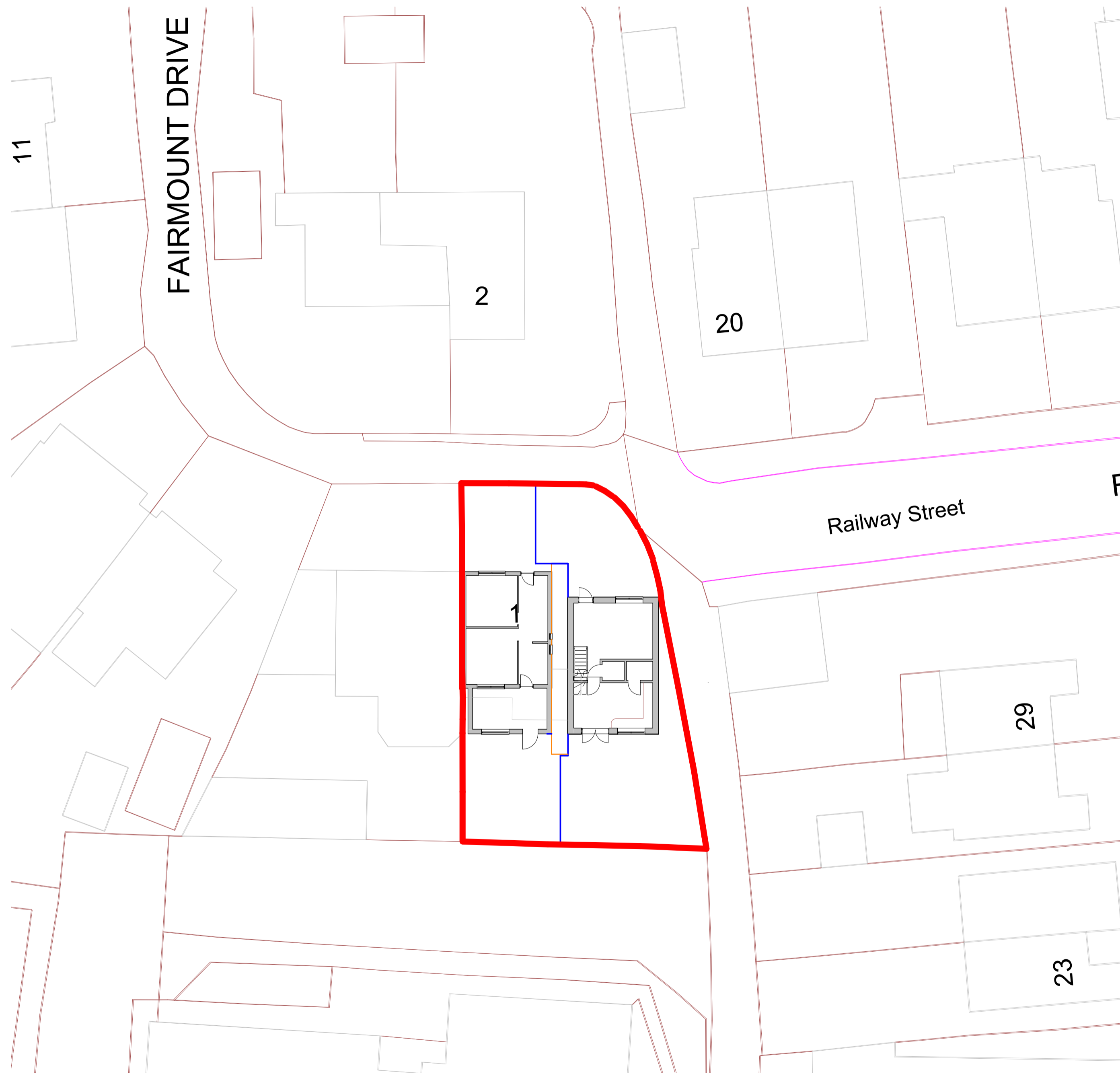


CLIENT:	Owner

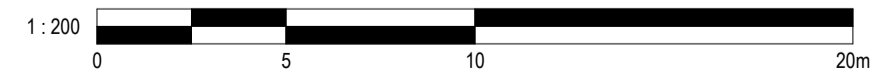
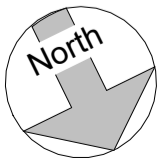
SITE:	1 Fairmount Drive
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TITLE:	Existing Site Plan
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SCALE AT A2:	DATE:	DRAWN:	CHECKED:
1 : 200	04/15/24	BO	Checker
PROJECT NO:	DRAWING NO:	REVISION:	
80027	80027 - 05 - 09		



1.200 Proposed Site Plan
1 : 200



Notes:
Sample Note **Item No. 6.10**

REV	DESCRIPTION	BY	DATE
A	multiple amendments		27.08.24
STATUS:			Project Status



CLIENT:
Owner

SITE:
1 Fairmount Drive

TITLE:
Proposed Site Plan

SCALE AT A2:	DATE:	DRAWN:	CHECKED:
1 : 200	04/15/24	BO	Checker
PROJECT NO:	DRAWING NO:	REVISION:	
80027	80027 - 05 - 10	A	

Contact Officer:	Amy Jackson
Telephone No:	(01543) 464 577

<p>Planning Control Committee 13 November 2024</p>
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Application No:	CH/24/107
Received:	08-Jul-2024
Location:	1 Fairmount Drive, Cannock, Staffordshire WS11 0DZ
Parish:	N/A
Ward:	Cannock Longford & Bridgtown
Description:	Erection of a detached 1 x 2 bed dwelling
Application Type:	Full Planning Application

Reason for committee determination

This application is being presented to committee due to a call-in request by Councillor Cartwright.

Recommendation: Full Refusal

Reason(s) for Recommendation:

- 1) The proposed dwelling, by reason of its scale and location on an elevated corner plot, would not be well-related to the layout and pattern of the existing surrounding development. Rather it would appear as an incongruous and intrusive feature, reducing spaciousness in the street scene adversely affecting the character and appearance of the area contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 135 of the National Planning Policy Framework (NPPF).
- 2) The proposed dwelling would be sited immediately adjacent a public right of way. The site sits in an elevated position above the adjacent right of way and together with the proposed two storey scale and siting of the dwelling would result in a domineering and oppressive form of development that would be harmful to the amenity of the adjacent public footpath for its users. As such, the proposal would be contrary to paragraph 135(f) of the National Planning Policy Framework.
- 3) The proposed two-storey dwelling would, by reason of its elevated position, scale, and its relationship to the rear amenity area of No. 29 Wallhouse Road appear overbearing and result in a significant detrimental impact to the occupiers of this adjacent dwelling. As such, the proposal would not retain a high standard of amenity for the neighbouring occupiers contrary to paragraph 135(f) of the National Planning Policy Framework.

Consultations and Publicity

External Consultations

Highway Authority

No objection, subject to condition.

Internal Consultations

Environmental Health

No comments.

Countryside Ecologist

No objection. Subject to condition in relation to Biodiversity Net Gain.

Community Infrastructure Levy (CIL) Officer

The proposal would be CIL liable.

Response to Publicity

The application has been advertised by site notice and neighbour letter. No 1 letters of representation and one petition with 9 signatures has been received.

Objections due to:

- Highway safety
- Traffic generation
- Inadequate parking (turning and loading)
- Layout and density of building
- Out of character appearance
- Walking access from Caxton Court to Mill Street elderly and disabled.
- Causing neighbours much undeserved stress and many sleepless nights.
- The new property will face directly at my parents' house. Nobody else in Fairmount Drive will have this issue.
- The plans are to build another property next to No. 1 will make parents' house feel more like a prison than a home; totally enclosed and losing natural daylight which they have a right to.
- Previous residents of No.1 Fairmount did not drive, therefore there has never been any vehicles parked at the property.
- There was never enough turning space to get a modern vehicle even onto or off the drive. Turning space for proposed three vehicles is unachievable.
- The contractor does not park his contractor vehicles on site as they are unable to gain access.
- Future purchasers would most likely end up parking on the adjacent Railway Street, due to their driveways being extremely awkward to park on and can almost guarantee, hindering existing residents.

- Existing issues regarding cars and vans endangering pedestrians. If the new property is allowed to be built, this will cause a greater lack of visibility, not just to most pedestrians but especially for those less able and sitting on a mobility scooter.
- Request for officer to visit neighbouring property.

Relevant Planning History

None applicable.

1 Site and Surroundings

- 1.1 The application site comprises an existing two storey semi-detached dwelling, with a side and rear garden. The eastern boundary of the site is delineated by a brick wall. The site is located on the corner of Fairmount Drive and Railway Street with alleyways located to the north and south, accessing Mill Street and Caxton Street.
- 1.2 The application site is located on higher ground than Railway Street and Wallhouse Street. Fairmount Drive is a 2.4m wide private road accessed off Railway Street to the east and Mill Street to the north. It has no footway and is unlit.
- 1.3 The street scene comprises of residential dwellings of varying design, styles, and scales. Dwellings within Fairmount Drive include driveways to the front and private gardens to the rear. Frontage and prominent corner boundary treatments within the wider street scene are small in scale or comprise of soft boundary treatments i.e. hedgerows, all which maintain a degree of openness and space to an otherwise fairly ad hoc residential estate.
- 1.4 The site is located approx. 50m outside the Cannock Town Centre boundary. The site is within a Mineral Consultation area, including Fireclay, a historic landfill site and is considered low risk by the Coal Authority.

2 Proposal

- 2.1. The applicant is seeking consent for the erection of a two-storey detached dwelling.
- 2.2. This dwelling would be located on the existing garden space to the side (east) of the existing dwelling. The proposed dwelling would be constructed with a pitched roof and finished with brown clay roof tiles and render walls.
- 2.3. The proposed dwelling would project approximately 11m across the eastern boundary of the site, at a distance between 0.2m and 2m from this boundary.
- 2.4. The scheme proposes one off-road parking space to the front of No.1 Fairmount Drive and the proposed dwelling. No.1 and the proposed dwelling would both have their own private garden to the rear.

3 Planning Policy

- 3.1. Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 3.2. The Development Plan currently comprises the Cannock Chase Local Plan Part 1 (2014), and the Minerals Local Plan for Staffordshire (2015 – 2030).
- 3.3. **Cannock Chase Local Plan Part 1**
- CP1: Strategy – the Strategic Approach
 - CP2: Developer contributions for Infrastructure
 - CP3: Chase Shaping – Design
 - 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. **Minerals Local Plan for Staffordshire**
- Policy 3: Safeguarding Minerals of Local and National Importance and Important Infrastructure
- 3.5. **Relevant paragraphs within the NPPF:**
- | | |
|---------------------|--|
| 8: | Achieving Sustainable Development |
| 11-14: | The Presumption in favour of Sustainable Development |
| 47-50: | Determining Applications |
| 115: | Highway Safety and Capacity |
| 128: | Making effective use of land |
| 131, 135, 137, 139: | Achieving Well-Designed and Beautiful Places |
| 159: | Meeting the Challenges of Climate Change |
| 186, 188: | Biodiversity |
| 217: | Facilitating the Sustainable Use of Minerals |
| 224, 225: | Implementation |
- 3.6. **Other relevant documents include:**
- (i) Design Supplementary Planning Document, April 2016.
 - (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
 - (iii) Manual for Streets.

4 Determining Issues

- i) Principle of Development
- ii) Design and the Impact on the Character and Form of the Area
- iii) Impact on Residential Amenity
- iv) Impact on Highway Safety
- v) Impact on Nature Conservation Interests
- vi) Drainage and Flood Risk
- vii) Mineral Safeguarding
- viii) Waste and Recycling Facilities
- ix) Ground Conditions and Contamination
- x) Affordable Housing

4.1 Principle of Development

4.1.1. Both paragraph 11 of the NPPF (2023) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development.

4.1.2. The presumption in favour of sustainable development as set out in paragraph 11 of the NPPF states:

‘For decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay.
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless
 - (i) policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.’

4.1.3. The starting point of the assessment is therefore whether the proposal is in accordance with the development Plan and whether that plan is up to date. In that respect it is noted that Policy CP1 of the Local Plan states: -

“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. The urban areas will accommodate most of the District’s new housing and employment development, distributed broadly in proportion to the existing scale of settlement.”

4.1.4. Other than the above general strategic approach there are no relevant policies within the Local Plan in respect to the approach to be taken with regard to the development of wind-fall sites. As such the proposal falls to be determined in

accordance with the tests set out in subsection (d) (i) or (ii) of paragraph 11 of the NPPF show above.

- 4.1.5. With that in mind it is noted that the application site is not designated as Green Belt, AONB or as a SSSI or SAC, nor does it contain a listed building or conservation area or affect the setting of a designated heritage asset; nor is it located within flood zones 2 or 3. Therefore the proposal does not engage any policies in the Framework that protect areas or assets of particular importance. As such the proposal should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.1.6. In respect to the location of the site, it is within a residential location, bordering Cannock Town Centre, within close proximity to the local amenities such as schools, shops, public transport, and public open space. 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.
- 4.1.7. It is therefore concluded that the proposal is acceptable in principle. However, proposals that are acceptable in principle are still subject to all other policy tests and material considerations which are set out and addressed below.

4.2 Housing Land Supply

- 4.2.1 The proposal would provide a modest 2-bedroom dwelling. Notwithstanding, the NPPF was updated on 19th December 2023 which identified that if the criteria set out within paragraph 76 are not met, that in all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply.
- 4.2.2 Paragraph 226 of the NPPF states that from the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those local authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. [...].
- 4.2.3 As Cannock Chase Council have reached Regulation 19 stage including both a policies map and proposed allocations towards meeting housing need, it is considered for the purposes of decision-making that the Council meet the 4-year requirement as set out within paragraph 226 of the NPPF (2023).

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

- 4.3.1. The application site is located within a residential area within Cannock. The application site, being a corner plot, benefits from a side garden. Except for ancillary single-storey domestic outbuildings and extensions to existing dwellings, the side gardens of properties within this location have minimal development.
- 4.3.2. The proposed dwelling would be on substantially higher ground than the dwellings and public highway to the east of the application site and would project approx. 11m across the eastern boundary. Given this, the proposal would be considered a stark, visually dominating feature within the street scene. The dwelling would be an overbearing and invasive structure, visible from neighbouring properties, as well as being overtly visible from the public realm and for persons who utilise the adjacent public footpaths.
- 4.3.3. Whilst it is noted that the wider street scene does not necessarily follow a set design or style, frontages and corners remain somewhat open and devoid of substantial buildings. As such, the proposal would fail to reflect the continuity of the street and undeveloped spaces and modest boundary treatments and would not maintain the areas character or setting. As such, the proposal is considered contrary to Cannock Chase Local plan CP3 and paragraph 135 of the NPPF.
- 4.3.4. The proposed dwelling by virtue of its scale and location on a prominent corner plot, on higher ground, would not be well-related to the layout and pattern of the existing surrounding development. Rather it would be an incongruous and intrusive feature, reducing spaciousness in the street scene adversely affecting the character and appearance of the area contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 135 of the NPPF.

4.4 Impact on Residential Amenity

- 4.4.1. The nearest neighbours to the application site are No.1 Fairmount Drive, is the host dwelling, No.3 Fairmount Drive, which shares the western boundary, 29 Wallhouse Street, located to the east, No.2 Fairmount Drive which is located opposite the application site and residents of Caxton Court which is located to the immediate rear of the application site.
- 4.4.2. The main issues in this case are the potential for overlooking and loss of light to neighbouring dwellings and whether the proposal would appear overbearing.
- 4.4.3. In respect of No. 1 Fairmount Drive, the proposed dwelling would not project further than the rear elevation of this dwelling and, as such would not be overbearing or result in loss of light to the occupiers of this property. The proposed dwelling would be orientated to face directly over the amenity space to the rear and parking area to the front. There are no side facing windows included on the proposed dwelling. Therefore, it is not envisioned that the proposal would result in overlooking of this adjacent dwelling. No.3 Fairmount Drive would remain separated from the proposed dwelling by No. and as such there would be no detrimental impact to the occupiers of this dwelling.
- 4.4.4. In respect of No 2. Fairmount Drive, the frontage of this property faces directly towards Railway Street, with ground and first floor side windows facing towards the application site. However, these are oriented directly towards the existing dwelling within the application site. The proposed dwelling would face out over the front garden area for No. 2 at a distance of approx. 11m. Although the

development would result in additional overlooking into this part of the garden, it is noted that the garden is the front garden and is already visible from within the public domain. As such, there would be no further erosion of privacy to the occupiers of this dwelling over and above that which already exists.

- 4.4.5. Caxton Court is sited to the rear of the application site. The proposed dwelling would, however, have a similar relationship with this neighbour as No.1 Fairmount, as such it is not envisioned that the proposal would result in significant detrimental impacts, over and above that of the existing situation.
- 4.4.6. No. 29 Wallhouse Road is sited to the east of the application site and backs onto site at a distance of approx.19m, remaining separated by the public footpath. The proposed dwelling would have a side elevation facing towards this neighbouring property. The Council Design SPD states where the side of one dwelling faces the rear of a neighbouring property a minimum of 13.7m should be achieved between two-storey elevations. It continues however, that this distance should be greater when the proposed development is on higher ground, although no specific formula or measurement is provided in order to determine what distance would be acceptable for difference in levels. It is noted that there is approx. 15m between the rear conservatory and the side elevation of the proposed dwelling, however there is a significant difference in ground levels. The proposed two-storey dwelling would extend approx. 11m alongside the neighbouring properties rear boundary which would create a visually overbearing form of development when viewed from the adjacent dwelling and its rear garden. As such, it is assessed that the proposed works would result in an overbearing and intrusive impact and as such would have an unacceptable impact on the residential amenity to the occupiers of this dwelling.
- 4.4.7. Turning now to the proposed dwelling and host dwelling, the amenity proposed for the new dwelling and the existing dwelling at No.1, would comply with the Councils minimum garden sizes outlined in the Design SPD, and as such are considered acceptable and would not cause significant harm to the amenity of existing or future occupiers.
- 4.4.8. Given the above, due to the impact on the residential amenity of No.29 Wallhouse Road, the proposed development is not considered to accord with the requirements of Policy CP3 of the Cannock Chase Local Plan and or requirements of the Council's Design SPD.

4.5 **Impact on Highway Safety**

- 4.5.1. Paragraph 115 of the 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 applicant has provided tracking showing vehicles entering and exiting the proposed parking spaces. The proposal includes provision of one parking space per dwelling. This falls short of the required two spaces per two/three-bedroom dwelling outlined in the Councils Parking Standards, albeit these are maximum standards. In addition, the existing dwelling can currently facilitate three off-road parking spaces, therefore the proposal would reduce existing parking provision as well as creating additional need.

- 4.5.3. Officers do have concerns that the proposed additional dwelling and removal of existing parking spaces will result in parking being displaced in neighbouring streets, as there is no provision for on-street parking within Fairmount Drive, due to it being a single-lane road.
- 4.5.4. Notwithstanding these concerns, it is noted that the Highway Authority commented that as the site is sustainably located near Cannock town centre and within walking distance of bus stops and Cannock railway station, it is considered that the parking would be deemed acceptable and would not have a significant impact on the surrounding highway or on highway safety. As such, the Highway Authority have no objection to the proposal, subject to condition.
- 4.5.5. Objectors have also raised concerns that the development would result in additional risk to pedestrians and an increase in traffic. The Highway Authority raised no concerns in this regard and confirm there have been no personal injury collision on Railway Street, within 43 metres, for the previous five years.
- 4.5.6. Given the above, on balance, considering the scale, location, and nature of the proposal and that the Highway Authority retained no objections, it is assessed that the proposed development would not result in an unacceptable impact on highway safety and as such would accord with paragraph 115 of the NPPF.

4.6 **Impact on Nature Conservation Interests**

- 4.6.1. Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. 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. There is a net increase in dwellings of one, such that SAC mitigation contributions are required. This development would be CIL liable, as such contributions would be secured by CIL.
- 4.6.2. The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that is given special protection, or which is of particular conservation interest. As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.

Biodiversity Net Gain

- 4.6.3. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, subject to some exemptions, every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition that development may not begin unless:
- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.
- 4.6.4. This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits, in that order of priority.

- 4.6.5. Based on the information available this proposal is considered to be one which will require the approval of a Biodiversity Gain Plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.
- 4.6.6. If Officers were minded to approve this application, a condition and informative would be included as part of the permission in order to secure the statutory 10% biodiversity value.
- 4.6.7. The proposal therefore complies with Policy CP13, paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and relevant paragraphs of 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. Policy in respect to drainage and flood risk is provided by 165-175 of the NPPF.
- 4.7.2. Of particular note is paragraph 165 which states:
 - ‘When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.’
- 4.7.3. In this respect it is noted that the building and surrounding hardstanding already exist and is serviced by drainage. The proposal would not increase the area of buildings or hard standing occupying the site to such an extent that would generate significant additional run-off from the site.

4.8 **Mineral Safeguarding**

- 4.8.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 212, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development. 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.
- 4.8.2 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 In this respect, it is noted that the proposed dwelling would be sited within close proximity to the highway within a residential location where bins are already collected by the Local Authority. The bins would, in this instance, be collected from the pavement as per the existing situation for the neighbouring properties.

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, and it is advised that any risk can be managed by the attachment of an advisory note to any permission granted.

4.10.2. The Council's Environmental Health Officers were consulted on the application and raised no issue in terms of ground contamination.

4.11 **Affordable Housing**

4.11.1. Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, paragraph 65 of the NPPF states that the 'provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)'.

4.11.2. As such, it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

4.12 **Other Issues Raised by Objectors not covered above**

4.12.1. *Objectors raise concerns that the proposal is causing neighbours much undeserved stress and many sleepless nights.*

Your officers confirm that the applicant has a right to submit a planning application for determination which the Planning Authority has a duty to determine.

4.12.2. *Previous residents of No.1 Fairmount did not drive, therefore there has never been any vehicles parked at the property.*

Your officers confirm this would not be a material planning consideration in the determination of this planning application.

4.12.3. *The contractor does not park his contractor vehicles on there as they are unable to gain access.*

Your officers confirm this would not be a material planning consideration in the determination of this planning application.

4.12.4. *Request for officer to visit neighbouring property.*

Officers were able to assess impact from the site visit.

5 Human Rights Act 1998 and Equality Act 2010

Human Rights Act 1998

5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to refuse accords with the policies of the adopted Local Plan and the applicant has the right of appeal against this decision.

Equality Act 2010

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

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

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

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

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

6 Conclusion

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, would result in significant harm to acknowledged interests and is therefore considered to not be in accordance with the Development Plan.
- 6.2 It is therefore recommended that the application be refused for the reasons outlined at the beginning of this report.

Application No: CH/24/242

Item No. 6.23

Location: Land adjacent 35 Rowan Road, Cannock, WS11 1JJ

Proposal: Retrospective application for erection of a boundary fence and change of use of land to residential to garden area to the side of 35 Rowan Road



Site Location Plan

Contact Officer:	Gianina Diwa
Telephone No:	(01543) 462 621

<p>Planning Control Committee 13 November 2024</p>
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Application No:	CH/24/242
Received:	25 September 2024
Location:	35, Rowan Road, Cannock, WS11 1JJ
Parish:	N/A
Ward:	Cannock Park & Old Fallow
Description:	Retrospective application for erection of a boundary fence and change of use of land to residential to garden area to the side of 35 Rowan Road
Application Type:	Full Planning Application

Reason for Committee decision:

The application was Called in to Planning Control Committee by Councillor Jones who also requested a site visit. Concerns were raised in respect of the four trees with TPOs on the site.

Recommendation: Approve

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)

- The development hereby permitted shall be carried out and retained in accordance with the following approved plans:
 - MDA-A-000 Site location & block plan
 - MDA-A-004 Proposed block plan
 - MDA-A-005 Existing & proposed elevations
 - Picture of present fence to Rowan Road

Reason

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

2. 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 shall be carried out without an express grant of planning permission, from the Local Planning Authority, namely:
- The enlargement, improvement, or other alteration of the dwellinghouse.
 - The enlargement of the dwellinghouse consisting of an addition or alteration to its roof.
 - Any other alteration to the roof of the dwellinghouse.
 - The erection or construction of a porch outside any external door of the dwelling.
 - 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
 - The installation, alteration, or replacement of a satellite antenna on the dwellinghouse or within the curtilage of the dwellinghouse.

Reason

The Local Planning Authority considers that such development would be likely to adversely affect the amenity of neighbouring occupiers and the character of the area. 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.

Consultations and Publicity

Internal Consultations

Parks and Open Spaces

- The application form is incorrect in terms of trees and landowner and thus certificate used.
- The Crown (Government Legal Department) should be consulted on this application.
- No objection in principle to change of use, but preferable to include all land to the frontage.
- No objection to the proposed fence line or style.
- Conditions required as noted with any consent.

External Consultations

None.

Response to Publicity

The application has been advertised by neighbour letter. Two letters of representation have been received.

- Concern over the risk to the TPO-protected trees in the green space, valued for their environmental benefits and contribution to the local landscape.
- Applicant's omission of the trees from the application raises suspicion, as a tree surgeon was previously instructed to cut them down but was stopped by a council officer due to TPO protections.
- Scepticism about the applicant's stated reason for erecting the fence due to "harassment by travellers," citing site context as implausible.
- The application incorrectly claims the applicant erected fences at the bottom of neighbouring gardens, which were, in fact, installed by the neighbours.
- Unclear ownership of the green space raises questions about the applicant's authority to pursue planning changes.
- Due to omissions, inaccuracies, and concerns over the future of the trees, the request is for the planning officers/committee to reject the application.
- Concerns over potential future development and applicant's disregard for existing rules and regulations, requesting that the application be rejected.

Relevant Planning History

CH/22/0118: Approved 18 May 2022: Ground and first floor extensions.

CH/99/0470: Approved 11 November 1999: Single storey domestic extension to side of dwelling incorporating garage and utility room.

1 Site and Surroundings

- 1.1 The application site is comprised of a semi-detached two storey dwelling located within a suburban area of Cannock. The immediate streetscape is residential, with the dwelling located at the end plot of a cul-de-sac amid a variety of detached and semi-detached houses.
- 1.2 The dwelling is of brick construction under a gable roof and finished in grey render. The property features brown roof tiles and white UPVC fenestration. To the right of the dwelling is a double storey side extension with an integral garage on the ground floor. To the front of the dwelling is hardstanding suitable for up to two vehicles. To the rear of the site is a private garden bound by close board fencing.
- 1.3 Further left of the dwelling lies the plot of land proposed for the change of use. The land contains four trees with Tree Preservation Orders.
- 1.4 The site is within a Mineral Consultation Area (Fireclay) and is in a Low Risk Area for historic coal mining activity.

2 Proposal

- 2.1 The applicant is seeking retrospective consent for the erection of a boundary fence at the plot of land to the left of the application site, as well as a change of use to residential garden in order to incorporate it within their residential curtilage.

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan Part 1 (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030).
- 3.3 **Cannock Chase Local Plan Part 1:**
- CP1: - Strategy – the Strategic Approach
CP3: - Chase Shaping – Design
- 3.4 **Minerals Local Plan for Staffordshire:**
- Policy 3: - Safeguarding Minerals of Local and National Importance and Important Infrastructure.
- 3.5 **Relevant paragraphs within the NPPF:**
- 8: Three dimensions of Sustainable Development
11-14: The Presumption in favour of Sustainable Development
47-50: Determining Applications
115: Highway Safety and Capacity
131, 135, 137, 139: Achieving Well-Designed and Beautiful Places
224, 225: Implementation
- 3.6 **Other relevant documents include:**
- (i) Design Supplementary Planning Document, April 2016.
 - (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
 - (iii) Manual for Streets.

4 Determining Issues

- 4.1 The determining issues for the proposed development include: -
- i) Principle of the Development
 - ii) Design and Impact on the Character and Form of the Area
 - iii) Impact on Residential Amenity
 - iv) Impact on Protected Trees
 - v) Impact on Highway Safety

- vi) Drainage and Flood Risk
- vii) Mineral Safeguarding
- viii) Procedural Matters

4.2 Principle of the Development

4.2.1 The proposal is for the change of use to residential curtilage and erection of boundary fence that is sited within a residential location. The proposed use of land would serve the same function as the existing rear garden of the application site. As such, the proposal would meet the thrust of Local Plan Policy CP1 and be acceptable in principle.

4.4.2 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 In this respect the application site is located within a residential location wherein there are a variety of residential properties that already benefit from some degree of alteration. The concerns raised by objectors in this regard are noted.

4.3.2 The application site benefits from its position at the end of a cul-de-sac, largely hidden from public view. The boundary fences of No. 18 Chaseley Croft and Hollyoak/46 Rowan Road form part of the end boundary of the cul-de-sac and are visible from the street. Therefore, the fencing at the application site does not look out of place as it blends in with the existing fencing present around the site. Furthermore, the land in question is not subject to any public rights of way.

4.3.3 Therefore, having had regard to Policies CP3 of the Local Plan and the appropriate sections of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings and would successfully integrate with existing features of amenity value 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 The nearest neighbours to the site are No. 18 and No. 16 Chaseley Croft, and No. 36 Chaseley Avenue with which their rear boundary walls form the perimeter of the site in question, as well as No. 33 Rowan Road to which the site is adjoined to.

4.4.2. The proposed change of use would align with a typical residential setting and merely extends the use of the existing rear garden. Consequently, it is not anticipated that this change would have any significant impact on the neighbouring properties beyond the current situation.

4.4.3. The fencing along Rowan Road does not sit on any shared boundaries and, as such, is not expected to have an overbearing impact on neighbouring properties or result in any loss of light. Nor does the frontage fencing appear at odds within the residential street. The fencing to the remaining boundaries of the application site consist of existing fences belonging to the neighbours.

4.4.4 Given the above, the proposal is considered to accord with the requirements of Policy CP3 of the Cannock Chase Local Plan and the requirements of the Council's Design SPD.

4.5 Impact on Protected Trees

4.5.1 Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments and that existing trees be retained where possible. Four trees on site are covered under Tree Protection Orders as set out in Section 197 of the Town and Country Planning Act 1990.

4.5.2 The site encompasses four trees with Tree Preservation Orders. The fence has no impact to the protected trees and in this regard your Tree Officers hold no objections.

4.5.3 Objections were received from neighbours which express concern about the protected trees on-site and question why they were omitted from the application. Your Officers confirm that whilst the application form did not reference the trees on site, these trees have been considered as part of the planning application.

4.5.4 The objectors also oppose the change of use due to a past incident where a tree surgeon was previously instructed to cut one down but was stopped by a Council Officer. Whilst this was the case, had any damage occurred to the trees the applicant would be liable for prosecution. The current application is for the retrospective change of use of the land and erection of boundary fencing not what has occurred to the trees previously. It is important to note that the planning application cannot be determined based on what may or may not happen in the future.

4.5.5 Moreover, the approval of this application would not impact the existing Tree Preservation Orders, which would remain in place to safeguard the trees. Any unlawful actions against the protected trees would constitute an offense and would result in the applicant being prosecuted under the relevant legislation if found guilty.

4.5.4 Objection letters also raise the concern of future development on the site however it is important to note that the area of land subject of the change of use would not form part of the domestic curtilage as originally associated with the dwelling and therefore does not benefit from Permitted Development Rights. This is further endorsed by the imposition of the condition that removes permitted development rights to the land. As such, the development of any further structures within this site would require planning permission.

4.5.5 In light of the above, due to the existing TPOs and withdrawn Permitted Development Rights, the site has limited development potential. Allowing the change of use would primarily provide additional garden space for the applicant, and would not significantly impact on the visual amenity afforded by the trees to the adjacent neighbours and wider street scene.

4.5.6 As such, it has been considered that the proposal would not result in adverse impacts to the protected trees and thus, safeguarding their contribution to the character and quality of the area. The proposal is in accordance with Paragraph 136 of the NPPF and relevant legislation set out within the TCPA 1990.

4.6 Impact on Highway Safety

- 4.6.1 Paragraph 115 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.6.2 In this instance the proposal would have no effect on existing parking provision for the applicant or any neighbours. Therefore, the proposed development would not result in an unacceptable impact on highway safety and as such would accord with paragraph 115 of 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 which is at least threat from flooding. In this instance, the fence would have no further impact on flood risk in this location.
- 4.7.2 As such, the proposal subject to conditions, would accord with the requirements of Paragraph 165 of the NPPF which seeks to steer new development away from areas of flooding.

4.8 Mineral Safeguarding and Historic Coal Mining Risk

- 4.8.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 212, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.
- 4.8.2 The development would fall under Item 1 within the exemption list as an application for householder development and is therefore permitted. As such the proposal is compliant with Policy 3 of the Minerals Local Plan.
- 4.8.3 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application, and it is advised that any risk can be managed by the attachment of an advisory note to any permission granted.

4.9 Procedural Matters

- 4.9.1 Comments have been received in regard to the ownership of the land. In this instance, the applicant has signed Certificate D which indicates that they do not own the land in question. Therefore, the applicant, as required by the Town and Country Planning (Development Management Procedure) (England) Order 2015, has published notice in a newspaper circulating in the locality in which the land to which the application relates is situated.
- 4.9.2 Due to omissions and inaccuracies, objectors have requested that the planning officers and committee reject the application. Officers confirm that the inaccuracies and omissions have been noted by Officers and addressed within their considerations of the proposal. It should also be noted that the determination of the application should be based exclusively on planning considerations, such as compliance with local and national policies, the impact on residential amenity, the effect on the character of the area, and adherence to tree preservation regulations. These factors ensure that decisions are made fairly within the framework set by planning law.

4.10 Other objections not already covered above:

- 4.10.1 An objector stated that the claims of harassment from travellers trying to park on the site were incorrect. However, this is not a material considerations for the determination of this planning application.

5 Human Rights Act 1998 and Equality Act 2010

Human Rights Act 1998

- 5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve accords with the policies of the adopted Local Plan and the applicant has the right of appeal against this decision.

Equality Act 2010

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

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

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

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

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

6 Conclusion

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to conditions, would not result in any significant harm to acknowledged interests regarding design and residential amenity. There is also no significant impact on parking or highways requirements as a consequence of the development.
- 6.2 Accordingly, the development is judged to be in accordance with the Development Plan and is recommended for approval.