

Please ask for: Mrs. W. Rowe

Extension No: 4584

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28 January 2025

Dear Councillor,

Planning Control Committee

3:00pm, Wednesday 5 February 2025

Council Chamber, Civic Centre, Cannock

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

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 15 January 2025 (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'.

Planning Applications

Application Number	Application Location and Description	Item Number
1. CH/24/324	28 Hatherton Road, Cannock, WS11 1HG: Planning application for the continued use of the property as a children's home (C2 use class).	6.1 - 6.14

Cannock Chase Council
Minutes of the Meeting of the
Planning Control Committee
Held on Wednesday 15 January 2025
In the Council Chamber, Civic Centre, Cannock

Part 1

Present:
Councillors

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

74. Apologies

Apologies for absence were received from Councillors S. Thornley and L. Wilson.

Notification had been received that Councillor J. Prestwood would be substituting for Councillor L. Wilson.

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

Councillors F. Prestwood, D. Mawle and M. Sutherland declared that they had met the registered speaker who was objecting to Application CH/24/249, Annex - Civic Centre, Beecroft Road, WS11 1BG: Approval of Reserved Matters for the access, layout, landscaping, external appearance and scale of the Northern Gateway comprising café, ramps and steps, new toucan crossing to Ringway and landscaping to public realm including infill of the subway, in a recent public meeting that was held to discuss the town centre plans and the issues surrounding the Prince of Wales Theatre. All members confirmed they had not predetermined the application.

76. Disclosure of Details of Lobbying by Members

Councillor A. Fitzgerald declared she had been lobbied in respect of Application CH/24/0249, Annex - Civic Centre, Beecroft Road, WS11 1BG: Approval of Reserved Matters for the access, layout, landscaping, external appearance and scale of the Northern Gateway comprising café, ramps and steps, new toucan crossing to Ringway and landscaping to public realm including infill of the subway. She had been approached by the public to speak about the application.

77. Minutes

Resolved:

That the Minutes of the meeting held 13 November 2024 be approved as a correct record.

78. Members Requests for Site Visits

None.

79. Application CH/24/249, Annex - Civic Centre, Beecroft Road, WS11 1BG: Approval of Reserved Matters for the access, layout, landscaping, external appearance and scale of the Northern Gateway comprising café, ramps and steps, new toucan crossing to Ringway and landscaping to public realm including infill of the subway

Consideration was given to the report of the Development and Policy Manager (Item 6.1 - 6.36) (*presented by the Planning Officer*).

The Planning Officer provided a presentation to the Committee outlining the application showing photographs and plans of the proposals. The Officer advised that an update had been circulated to members in advance of the meeting, which read as follows:

“1.1 Within the main Officer report it was raised that detailed concerns about the validity of the data presented in the Lin Sig model would not account for uplift in usage of the crossing and concerns about traffic queuing. Officers reported that potential queuing was the number 1 issue that the Highway Authority wished to explore as part of these proposals. It is clear that following their review of the data presented the Highway Authority remain satisfied with the conclusions and modelling methodology. Nevertheless, Officers sought further comment from the Highway Authority in relation to observations made in representations. The following comments from the Highway Authority were received in response to the points stated:

Development would cause further queuing

The proposed new single movement crossing will be approximately 150 metres from the Queen’s Square roundabout and 90 metres from Beecroft roundabout. Although the new crossing will be used by more pedestrians than the existing staggered crossing by the bus station, it is located approximately 30 metres further away from the Beecroft roundabout. Staffordshire County Council undertook its own traffic modelling exercise as part of outline planning application CH/23/0131 of the new crossing to verify the data supplied by the applicant and the results indicated that at peak times queues were not forecast to cause queuing through the Beecroft Road and/or Queen’s Square roundabouts. The modelling results have been verified by SCC’s traffic signal team.

Equipment can be fitted to the proposed single movement crossing and can be connected to SCC’s Urban Traffic Control system, allowing for an element of control, including potentially limiting the number of times the crossing is called for in a certain length of time during peak vehicle traffic periods, if necessary.

It should be noted that the Highway Code published on Saturday 29 January 2022 introduced a hierarchy of road users. Pedestrians were given a higher priority as vulnerable users than motorists for example. This scheme will provide a more

attractive and convenient route for pedestrians between the Beecroft Road car park and the town centre. There are clear guidelines in the latest NPPF published in December 2024 regarding traffic impact. Para 116 states:

116. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Following the production of the RSA1 audit, amendments were made to the scheme and as a result, Staffordshire County Council as local highway authority do not believe there would be an unacceptable impact on highway safety if this scheme were built, or the impact on the highway network would be severe. We do not believe we would win an argument either on highway safety or severity if this application went to appeal.

Insufficient width at the crossing

The width of the crossing has been designed to SCC standards. With the available space north and south of the proposed crossing it isn't believed there is an issue with overcrowding.

Data does not account for pedestrian uplift

Projected pedestrian flows are anticipated to be under 600 per hour as an estimate. Cycle time of signals 60 seconds, therefore 60 cycles per hour max. $600 \text{ peds} / 60 \text{ cycles} = 10 \text{ peds waiting per cycle}$, 5 either side of the road or 10 one side or the other combinations. As stated above, we believe there is adequate waiting areas on either side of the new Toucan Crossing to cater for the signals not being called (someone pushing the button) every minute. The data utilised in the Lin Sig modelling is based on a worst case pedestrian to traffic intergreen of 17 seconds. This is consistent with the pedestrian to traffic intergreen expected by the Highway Engineers.

Road Safety Audit 2 – RSA2

I wish to make the Council aware that SCC undertook another Road Safety Audit (an RSA 2 - Detailed Design) which was published just before Christmas. This was not available till recently and obviously hasn't formed part of the planning submission. The scheme as now amended only has one minor item mentioned (provision of tactile paving) which is a minor design change. No other 'Problems' as termed within the RSA process are highlighted by the RSA process as amended since the RSA1 report. This is an indication that previous design matters are now addressed.

RSA Conducted during school holidays

Stage 1 Road Safety Audits are required to be undertaken at the completion of a preliminary design. They should include road safety matters which have a bearing upon land take, or easements and published before planning consent is applied for. The RSA guidelines do not stipulate that Audits should not be carried out during school holidays. Staffordshire County Council have no objections to when the RSA1 audit was undertaken.

For information: There are 4 stages of Road Safety Audit a scheme such as this will go through. For stages 3 (Post Construction) & 4 (Post-opening Monitoring) you would expect those audits to be carried out at peak periods in light and dark conditions, if possible, although in the summer this is not always possible.

- 1.2 Having considered the further explanations offered on the respective matters by the Highway Authority, Officers assess the recommendation to approve subject to conditions is unchanged. The applicant has provided assessment of junction capacities in line with that expected and the methodology behind this assessment is endorsed by the County Council Highways Officers, has been subject to renewed RSA2 and overall is considered to represent appropriate practice in modelling potential traffic impacts. On this basis, the proposals are judged acceptable subject to the conditions set out in the Officer report”.

Mark Evans, Staffordshire County Highways Officer was present at the meeting and responded to questions of clarification from members in relation to the highway matters.

Prior to consideration of the application representations were made by Heather Sutton, objector, speaking against the application and Ghazala Jared, speaking in support of the application.

Resolved:

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

- 80. Application CH/23/0401, 26 Hardie Avenue, Rugeley, Staffordshire, WS15 1NU: Erection of 8x 3-bed semi-detached houses and 1x 3-bed detached house on land between Ashleigh Road and Hardie Avenue, Rugeley, WS15 1NU**

The Development Management Team Leader advised that the application had been withdrawn as the applicant had now instructed their Solicitor to enter into the S106 Agreement. Therefore, there was no reason to bring this report to Committee.

- 81. Application CH/24/314, 832 Pye Green Road, Cannock, Staffordshire WS12 4LW: Subdivision of bungalow into two dwellings**

Consideration was given to the report of the Development and Policy Manager (Item 6.62 - 6.74) *(presented by the Planning Officer)*.

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

Resolved:

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

- 82. Application CH/24/093, 123 New Penkrige Road, Cannock, Staffordshire WS11 1HN: Erection of 2 no. dwelling, conversion of existing single principal dwelling to 2 no. dwellings, conversion of existing barns to 1 no. dwelling and extensions and alterations to existing amenity land**

Following a site visit, consideration was given to the report of the Development and Policy Manager (Item 6.75 - 6.95) *(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, a minor error was noted in the Officer’s report at paragraphs 2.4 and 2.5 in which it is stated that no external alterations are proposed. This is an error, and minor alterations are proposed to both the outbuilding (plot 4) and the Gardener’s Cottage (Plot 5), as detailed:

Plot 5 - a new front gable is proposed of which will match the existing, with a two-storey rear extension also proposed. The new gable will introduce a more symmetrical build form, and the cumulative impact of the extensions will not alter the character of the former Gardener’s Cottage. Distinctive design features such as the stacked chimneys and decorative ridge tiles will be retained.

The extension will be of sufficient distance from neighbouring properties to avoid any undue impact in respect of overlooking and the proposal complies with the 45-degree rule for amenity. The extensions are subordinate to the existing property and are appropriate to convert the property into a family dwelling and the scheme is acceptable in this regard and in accordance with Policy CP3 of the Cannock Chase Local Plan and relevant sections contained with the National Planning Policy Framework.

Plot 4 - minimal alterations are proposed at plot 4, including the installation of roof windows and raised roof height to allow greater ceiling height. Rooflights are a common addition to outbuildings converted to residential use, as they have a minimal visual impact whilst providing a good level of natural light. New windows are also proposed in the existing garage doors. The cumulative impact of the proposals does not have a detrimental effect on the character of the building and the scheme is acceptable in this regard and in accordance with Policy CP3 of the Cannock Chase Local Plan and relevant sections contained with the National Planning Policy Framework”.

Resolved:

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

83. Exclusion of the Public

Resolved:

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

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

Held on Wednesday 15 January 2025 at 3:00pm

In the Council Chamber, Civic Centre, Cannock

Part 2

84. Enforcement Case - ENF/22/072

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

Members were asked to note that the Enforcement Case number was ENF/22/072 and not ENF/24/164 as indicated in the report.

Resolved:

That:

- (A) For the reasons and justification given in the report, authorisation be granted to serve an Enforcement Notice under s215 of the Town and Country Planning Act 1990.
- (B) Should the terms of the Notice not be complied with in full by the compliance date stated in the Notice, authorisation be granted to initiate prosecution proceedings, under s216 of the Act.
- (C) That authorisation be given to enter the land to carry out works, if necessary, under s219 of the Act.

The meeting closed at 4.45pm

Chair

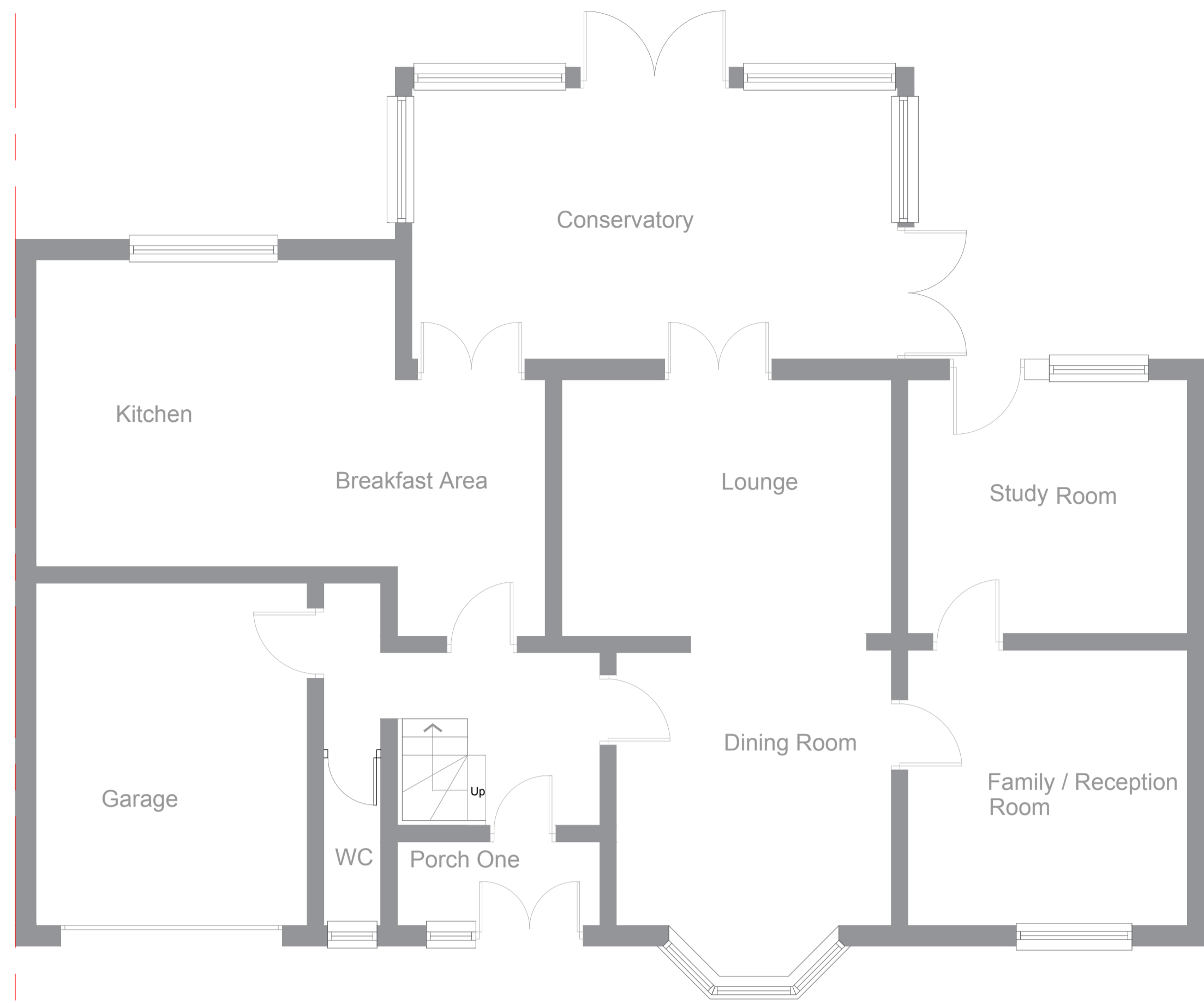
Application No: CH/24/324

Location: 28, Hatherton Road, Cannock, WS11 1HG

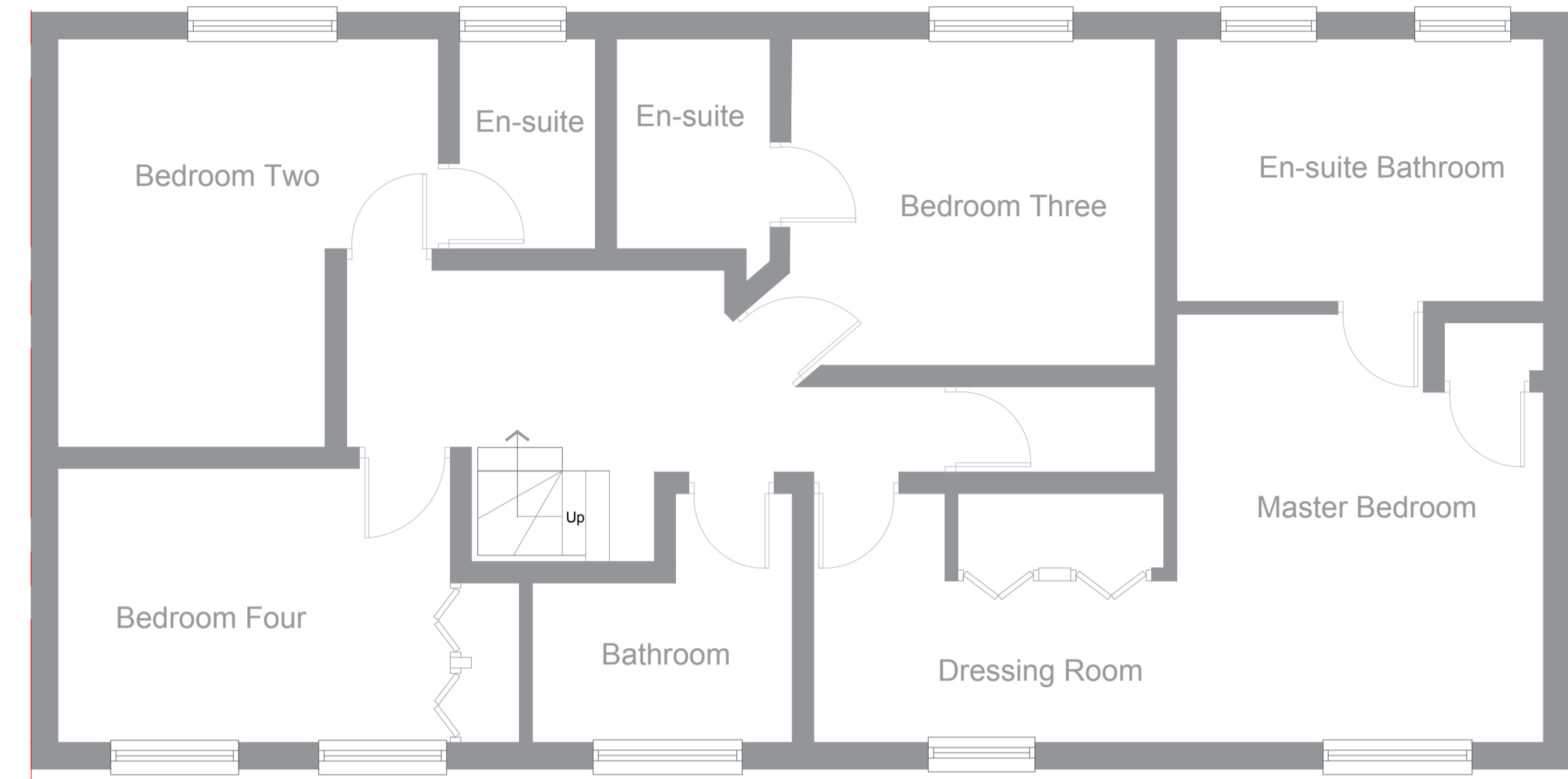
Proposal: Planning application for the continued use of the property as a children's home (C2 use class).



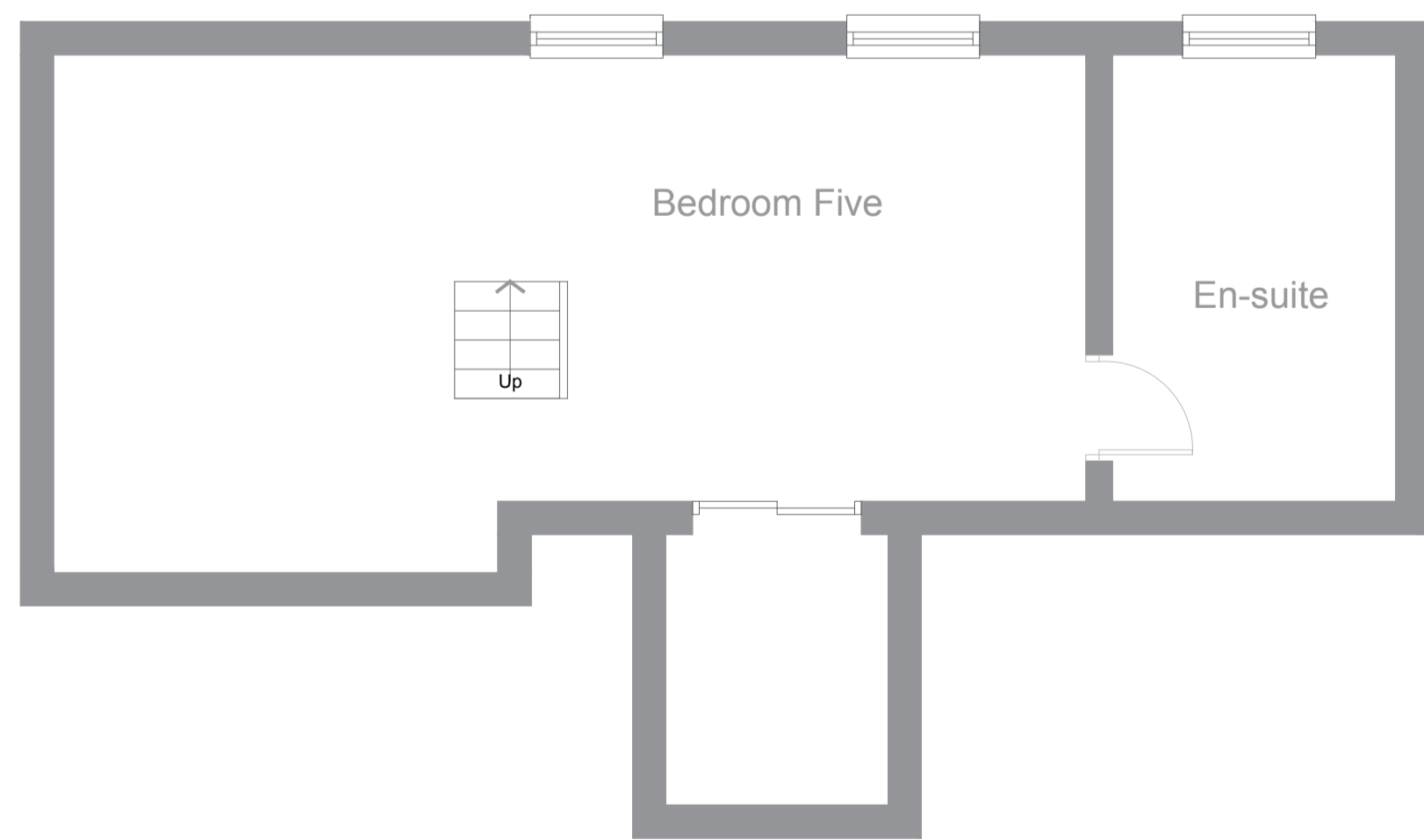
Site Location Plan



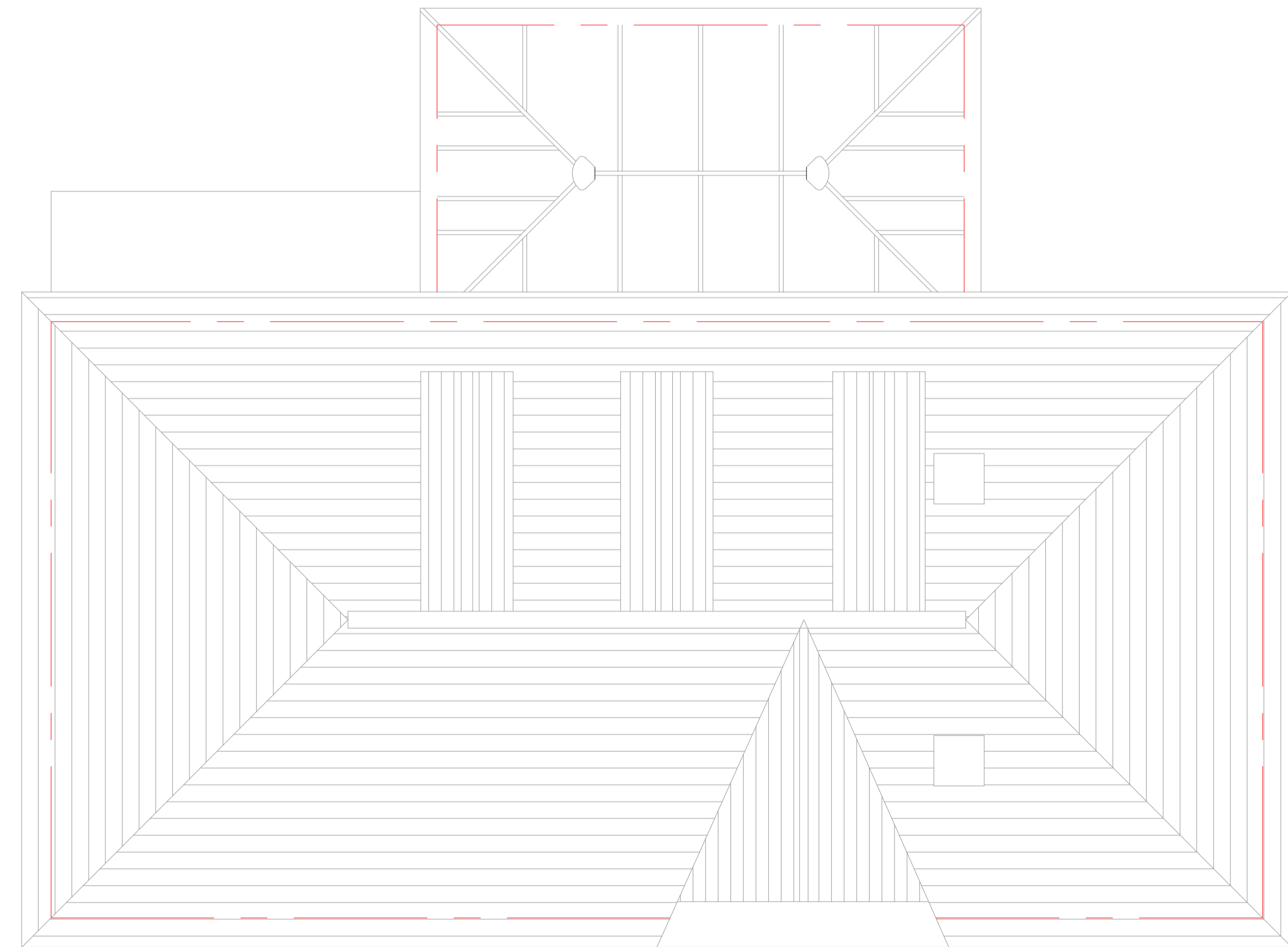
Ground Floor
Scale 1:50



First Floor
Scale 1:50



Second Floor Plan
Scale 1:50



Roof Plan
Scale 1:50

Rev: A Rev Date: 11/02/2022 Drawn By: A PUNCHARD

Rev Details:
Initial Issue

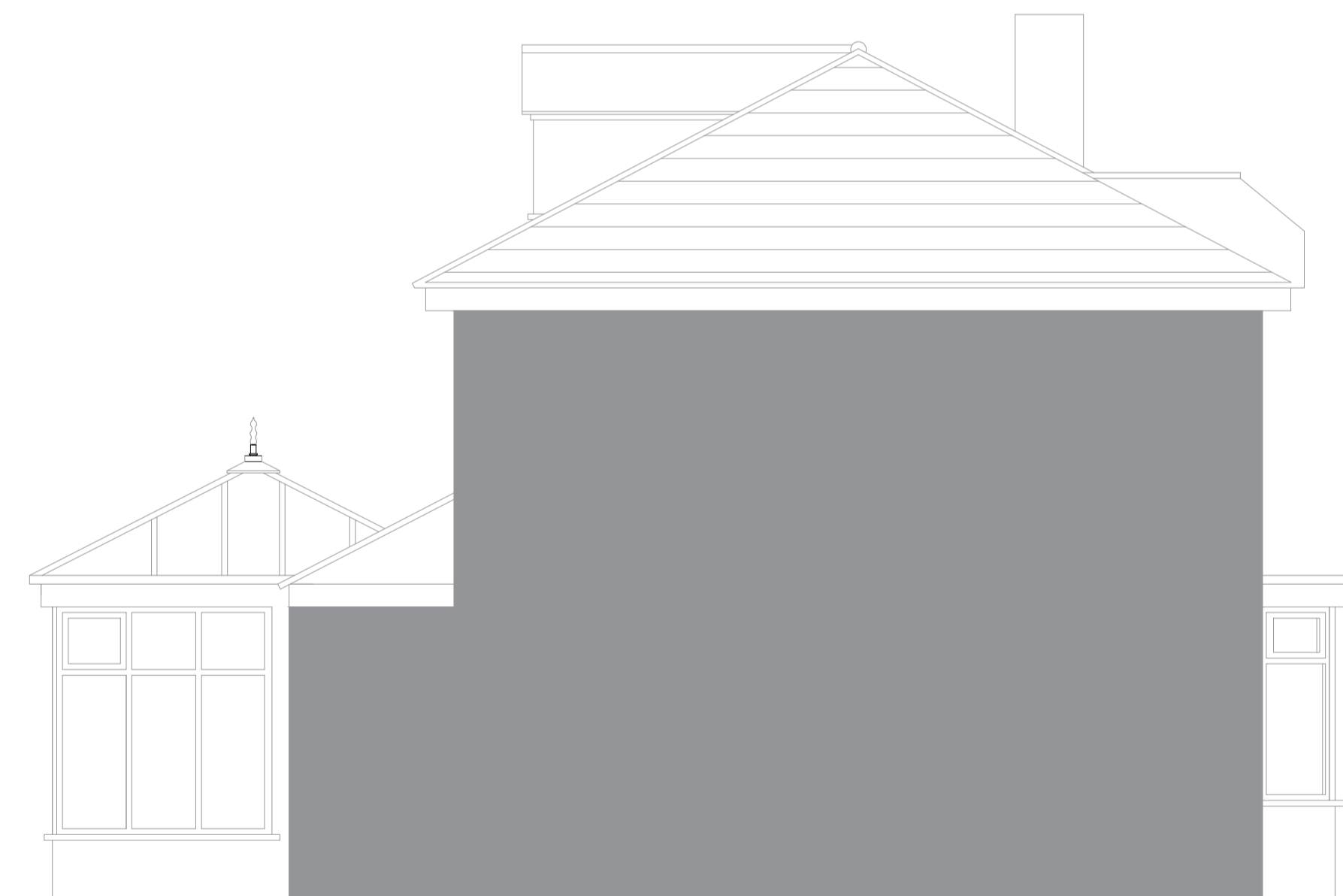
DRAWING FOR INFORMATION ONLY



Rear Elevation
Scale 1:50



Right Side Elevation
Scale 1:50



Left Side Elevation
Scale 1:50



Front Elevation
Scale 1:50

Rev: A Rev Date: 11/02/2022 Drawn By: A Punchard

Rev Details:
Initial Issue

DRAWING FOR INFORMATION ONLY



Anita Punchard | Bsc (Hons) | Building Surveyor

Client: Ultimate investment properties

Drawing No: 1077/002

Scale @ A1:
As Shown

28 Hatherton Road

Drawing Title:
Draft Issue
Existing Elevations

Contact Officer:	Helen Sherratt
Telephone No:	01543 462621

<p>Planning Control Committee 5 February 2025</p>

Application No:	CH/24/324
Received:	28 November 2024
Location:	28 Hatherton Road, Cannock, WS11 1HG
Ward:	Cannock Park & Old Fallow
Description:	Planning application for the continued use of the property as a children's home (C2 use class).
Application Type:	Full planning application

Reason for Committee decision:

The application is being presented to Members for determination, as a neighbour petition has been received which objects to the development proposal on the grounds of anti-social behaviour, breach of planning conditions, parking and highway safety issues and management of the care home.

Recommendation:

It is recommended that the planning application is approved, subject to planning conditions as detailed below.

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)

Retrospective

- The development hereby permitted shall be retained in accordance with the following approved plans:
 - Existing Floor Plan 1077/001 Rev A
 - Location Plan
 - Existing Elevations 1077/002 Rev A

Reason

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

2. The premises shall be used for the purposes of a C2 use only and shall be operated in accordance with the details provided within the supporting Design and Access Statement, produce by ET Planning. The premises shall not be used for any other purpose.

Reason:

To protect the residential amenity and safety of future occupiers neighbouring occupiers and ensure compliance with Local Plan Policies CP3 Chase Shaping - Design, and the NPPF.

3. No more than three residents of the care home hereby permitted will occupy the site at any one time.

Reason:

To protect the residential amenity of neighbouring occupiers and ensure compliance with Local Plan Policies CP3 Chase Shaping - Design, and the NPPF.

4. No more than 5 staff members of the care home hereby permitted will be present on site at any one time.

Reason:

To protect the residential amenity of neighbouring occupiers and ensure compliance with Local Plan Policies CP3 Chase Shaping - Design, and the NPPF.

5. Within one month of the grant of planning permission, details of on-site waste management, including bin storage details, shall be submitted to, and approved in writing by the Local Planning Authority. The details shall thereafter be retained as such, unless otherwise agreed by the Local Planning Authority.

Reason:

To protect the residential amenity of neighbouring occupiers and ensure compliance with Local Plan Policies CP3 Chase Shaping - Design, and the NPPF.

Notes to the Developer:

Coal Authority

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Consultations and Publicity

External Consultations

Staffordshire County Council Highways: No objection.

Staffordshire Police: No objection, subject to conditions restricting the number of staff members on site and training to be held offsite.

Internal Consultations

Environmental Health: No objection.

Response to Publicity

The application has been advertised by neighbour letter. 3no letters of representation and a neighbour petition have been received. The representations are summarised below:

- Concerns raised in respect of highway safety and parking.
- The home breaches the parameters of the 2022 lawful development certificate.
- Staff training takes place on site.
- The management of the care home is not satisfactory / Suitability and experience of the business owners.
- The care home increases the instances of anti-social behaviour.
- Black bin bags are left on the site frontage.
- Principle of private care homes motivated by profit.
- Cost of care provision to public purse.
- Quality of care provided.
- Changeover activities.
- Litter.
- Alleged drug use.

Relevant Planning History

- CH/89/0132 - Single storey domestic extension to side of dwelling - Granted 23/03/89.
- CH/03/0401 - First floor extension and installation of 3 dormer windows to rear in conjunction with loft conversion - Granted - 02.07.03.
- CH/22/0066 - Lawful Development Certificate: - Proposed use as a children's home (Use Class C2) providing accommodation and care for up to three children with a maximum of 3 members of staff on site at any one time - Granted - 01.03.22.
- CH/24/235 - Certificate of lawfulness to demonstrate that no development is occurring in the change of use from dwelling to children's home. Refused - 22.10.24.

1 Site and Surroundings

- 1.1 The application site comprises a three storey, detached residential property with an integrated garage and a large rear garden. The property benefits from a tarmacked frontage, providing parking amenities for approximately 6no vehicles.
- 1.2 The site is located within a defined settlement boundary and is in a highly sustainable location, in walking distance of a number of shops and services in Cannock Town Centre and transport links.
- 1.3 The site does not comprise a listed building, nor is it located within a Conservation Area. The site is in Flood Zone 1.

- 1.4 The site is within a Low-Risk Area for past coal mining activity and is within a Mineral Consultation Area.

2 Proposal

- 2.1 The applicant is seeking consent for the continued use of the property as a children's care home.
- 2.2 The proposed staffing arrangements are as follows:
- From 9am to 5pm, there would be 5no members of staff on site in total. This would consist of 3no carers, as well as a manager and a deputy manager that would be at the home from 9am to 5pm.
 - Up to 3no children would be living at the home at any one time.
 - At 23:00 daily, the third member of staff would leave the property, leaving 2no permanent members of staff to remain at the property overnight to care for the children. A third member of staff would return to the property the following morning.

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan Part 1 (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030).
- 3.3 **Cannock Chase Local Plan Part 1**
- CP1: Strategy – the Strategic Approach
- CP3: Chase Shaping – Design
- CP5: Social Inclusion and Healthy Living
- CP8: Employment Land
- CP9: A Balanced Economy
- CP10: Sustainable Transport
- CP11: Centres Hierarchy
- CP12: Biodiversity and Geodiversity
- CP13: Cannock Chase Special Area of Conservation (SAC)
- CP14: Landscape Character and Cannock Chase Area of Outstanding Natural Beauty
- CP15: Historic Environment
- CP16: Climate Change and Sustainable Resource Use
- 3.4 **Minerals Local Plan for Staffordshire**
- Policy 3: Safeguarding Minerals of Local and National Importance and Important Infrastructure.

3.5 Relevant paragraphs within the NPPF: -

- 8: Three dimensions of Sustainable Development
- 11-14: The Presumption in favour of Sustainable Development
- 48-51: Determining Applications
- 115-118: Considering Development Proposals
- 131-141: Achieving Well-Designed Places
- 231-243: 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 include:

- (i) Principle of Development
- (ii) Design and the Impact on the Character and Form of the Area
- (iii) Impact on Residential Amenity
- (iv) Safety, Crime & Antisocial Behaviour
- (v) Impact on Highway Safety
- (vi) Impact on Nature Conservation Interests
- (vii) Drainage and Flood Risk
- (viii) Mineral Safeguarding
- (ix) Waste and Recycling Facilities
- (x) Ground Conditions and Contamination
- (xi) Other Issues Raised by Objectors

4.2 Principle of Development

4.2.1 Both paragraph 11 of the NPPF (2024) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development.

4.2.2 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed placed and providing affordable homes, individually or in combination.*

4.2.3 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.”

4.2.4 In this respect the site is within a sustainable location, close to local / district centres, close to schools and served by bus routes giving access to public transport, walking, and cycling to a range of goods and services to serve day to day needs.

4.2.5 Further, the site is not located within either Flood Zone 2 or 3, and it is not designated as a statutory or non-statutory site for nature conservation nor is it located within a Conservation Area or affect the setting of a designated or undesignated heritage asset.

4.2.6 The NPPF at paragraph 61 states it is important that the needs of groups with specific housing requirements are addressed. This application seeks consent for the delivery of a care home to provide care for those with a wide range of health needs. Policy CP7 of the Local plan also acknowledges a need for a range of housing choice. The proposal therefore represents a positive contribution to the specialist needs of the region and is compliant with NPPF ambitions and Policy CP7 of the Local Plan. Given the above the proposal would be acceptable in principle.

4.2.7 However, proposals that are acceptable in principle are still subject to all other policy tests. This report will now go on to consider the proposal in the slight of these policy tests.

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

4.3.1 No external alterations or extensions are proposed as part of the development scheme. Neighbour objections that raise concerns as to the impact on visual amenity and the subsequent negative effect on the character and appearance of the surrounding area are noted. However, the property will remain as existing externally and no additional window or door openings that could potentially lead to overlooking issues are proposed.

4.3.2 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 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".

4.4.2 A number of neighbour objections raise concerns as to the impact of the scheme on residential amenity, in respect of increased noise levels and the risk of anti-social behaviour by residents and potential risk to the wider community. Whilst noted, the Environmental Health Officer has no objections to the development proposal and it would be perverse to assume that continued use of the property as a children's care home for a maximum of 3no children would generate greater levels of noise and disturbance than a residential property, as there is insufficient evidence to support this. In terms of noise when residents use the rear amenity space, noise levels are not considered to be higher than that experienced within a residential property housing a single family.

4.4.3 The Design and Access Statement submitted in support of the application sets out that 3no staff members will be on site during the day, to provide 1:1 care, reducing to 2no staff members overnight. This is considered to provide a sufficient level of support to residents and would replicate the structure of a family dwelling as well as providing one-to-one care for residents, ensuring appropriate monitoring and care.

4.4.4 Having had regard to the above it is considered that, subject to the above condition, a good standard of residential amenity would be maintained for both future occupiers and existing residents of the surrounding dwellings in accordance with Policy CP3 of the Cannock Chase Local Plan and the NPPF.

4.5 **Safety, Crime & Antisocial Behaviour**

4.5.1 Several neighbour comments raise concerns in respect of an increase in anti-social behaviour brought about by the development proposal. Whilst noted, it would be inappropriate and presumptuous to expect a residential care home to increase instances of anti-social behaviour and crime within the wider area in which it is located. To do so would conflict with the provisions of para 96a) of the NPPF which states that:

Planning policies and decisions should aim to achieve healthy, inclusive, and safe places and beautiful buildings which:

(a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages.

4.5.2 Furthermore, paragraph 135 of the NPPF outlines that planning decisions should ensure that developments are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

4.5.3 In this instance, the Designing Out Crime Officer was consulted on the application. The Officer confirmed that the police had visited this property about matters not pertaining to planning, instead being in relation to other matters that the police associated with general activities occurring from a family home. The Police did however find the home regularly holding meetings and training sessions for up to 11no staff members which resulted in complaints about parking. The current application confirms that meetings and training sessions will not occur and conditions to restrict the number of staff at the property at any one time have been recommended.

4.5.4 Given the above, the proposal is not considered to increase the risk of crime or anti-social behaviour and concerns regarding meetings and staff training addressed. As such, the proposal accords with the relevant paragraphs of the NPPF.

4.6 Impact on Highway Safety

4.6.1 Paragraph 116 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.

4.6.2 In this instance, no alterations are proposed to the existing access from Hatherton Road and there is parking provision for approximately 6no vehicles at the frontage.

4.6.3 The Local Highway Authority have assessed the proposals and considered the proposals acceptable and complies with their standards. Car parking is sufficient and complies with the SPD on Parking Standards. The proposals are therefore considered to be in accordance with Policy CP3 of the Local Plan, the Parking Standards SPD and the NPPF.

4.7 Impact on Nature Conservation Interests

4.7.1 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 not an increase in the number of dwellings on site, and so mitigation is not required.

4.7.2 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.

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

Biodiversity Net Gain

- 4.7.4 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land 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.
- 4.7.5 There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.
- 4.7.6 Based on the information available this permission is considered to be one which will not require the approval of a Biodiversity Gain Plan before development is begun because one of the statutory exemptions or transitional arrangements are considered to apply.
- 4.7.7 Given the above it is considered that the proposal, would not have a significant adverse impact on nature conservation interests either on, or off, the site. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

4.8 Drainage and Flood Risk

- 4.8.1 The concerns of the Parish Council and neighbours in respect of additional pressure placed on the existing drainage infrastructure is noted. However, the site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps and so is at low risk of flooding and surface water flooding.

4.9 Mineral Safeguarding

- 4.9.1 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.
- 4.9.2 In this instance, the site lies within a mineral safeguarding area. However, its location in the middle of an urban area and adjacent to a school means that it would not be a suitable site for mineral workings as it would not be practical or environmentally viable as set out in Policy 3. The planning benefits of making efficient use of this site for new housing development also outweighs the loss of the site for mineral workings.

4.10 Waste and Recycling Facilities

- 4.10.1 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).

- 4.10.2 The comments from the objector in terms of waste being left at the front of the property are noted and a condition is recommended to ensure that bin storage and a waste management procedure is agreed by the Council within a month of the grant of planning permission. Subject to this, the scheme is compliant with the provisions of Policy CP16.

4.11 **Ground Conditions and Contamination**

- 4.11.1 The site is 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.

4.12 **Other Issues Raised by Objectors**

- 4.12.1 An objector has raised concerns in respect of the management of the care home and its suitability to care for vulnerable children. Whilst noted, this is not within the planning remit to assess. The home will be reviewed by separate bodies such as Ofsted and Social Services, of which will categorise the quality of care provided at the care home and by Utopia Care more generally. This is not a planning matter and should not factor into the determination of this planning application.

- 4.12.2 Other issues raised as follows:

- Principle of private care homes motivated by profit.
- Cost of care provision to public purse.
- Litter.
- Alleged drug use.

Your officers confirm that the above issues do not fall within the remit of the Planning Authority. These issues are not material considerations for the determination of this 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 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.

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 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 for the above reasons.