

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

**Extension No:** 4584

**E-Mail:** [wendyrowe@cannockchasedc.gov.uk](mailto:wendyrowe@cannockchasedc.gov.uk)

25 March 2025

Dear Councillor,

**Planning Control Committee**

**3:00pm, Wednesday 2 April 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 5 March 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-building-control/development-control/11-view-planning-applications-and-make](http://www.cannockchasedc.gov.uk/residents/planning-and-building-control/development-control/11-view-planning-applications-and-make)

### Planning Applications

	<b>Application Number</b>	<b>Application Location and Description</b>	<b>Item Number</b>
1.	CH/25/0003	<b>1 Fairmount Drive, Cannock, Staffordshire, WS11 0DZ:</b> Erection of a detached 1 bed dwelling.	6.1 - 6.26
2.	CH/25/0032	<b>21 Stafford Road, Cannock, WS11 4AF:</b> Change of use of a former British Legion Club to a 14-bedroom HMO	6.27 - 6.44

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

**Held on Wednesday 5 March 2025 at 3.00pm**  
**in the Council Chamber, Civic Centre, Cannock**

**Part 1**

**Present:**  
Councillors

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

Aston, J.	Prestwood, J. (substitute)
Fitzgerald, A.	Samuels, G.
Haden, P. (substitute)	Sutherland, M.
Lyons, N.	Thornley, S.
Mawle, D.	Thornley, S.J.

**91. Apologies**

Apologies for absence were received from Councillors V. Jones, F. Prestwood, and L. Wilson.

Notification had been received that Councillor J. Prestwood would be substituting for Councillor L. Wilson and Councillor P. Haden would be substituting for Councillor V. Jones.

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

None.

**93. Disclosure of Details of Lobbying by Members**

None

**94. Minutes**

**Resolved:**

That the Minutes of the meeting held 5 February 2025 be approved as a correct record.

**95. Members Requests for Site Visits**

Councillor D. Mawle and S. Cartwright requested a site visit be undertaken in respect of Application CH/25/0051, Retrospective proposed rear extension, change of use from car repair garage to Petrol Filling Station (Sui Generis) under planning classification, installation of 11 no. 50,000 litre tank and 2 no. jet wash bays, installation of new shop with internal alteration - Tower Garage, Brindley Road, Pye Green, Cannock, WS12 4LL.

Reason: To assess potential overdevelopment of the site

## Resolved:

That a site visit be undertaken in respect of Application CH/25/0051, Retrospective proposed rear extension, change of use from car repair garage to Petrol Filling Station (Sui Generis) under planning classification, installation of 11 no. 50,000 litre tank and 2 no. jet wash bays, installation of new shop with internal alteration - Tower Garage, Brindley Road, Pye Green, Cannock, WS12 4LL in order to assess potential overdevelopment of the site.

### 96. **Application CH/22/0044, Application for a change of use of land for an outdoor recreational country park, the erection of an ancillary visitor centre, visitor car park, and the siting of holiday lodge caravans - Brereton Former Closed Colliery, Land on Southeast Side of Colliery Road, Brereton, WS15 1QS**

Consideration was given to the report of the Development and Policy Manager (Item 6.1 - 6.24) *(presented by the Planning Officer)*.

The Planning Officer provided the following update which had been circulated in advance of the meeting:

“Following compilation of the report for the Committee agenda, the Staffordshire County Council Highways team have confirmed their objection to the scheme and the following reason for refusal will be formally proposed to Members:

*Insufficient information has been provided to assess the impact of the proposal upon highway safety, as the proposed development fails to provide safe all-weather, all-season pedestrian routes to local facilities, services, and public transport facilities and therefore would increase the likelihood of pedestrian/vehicle conflict resulting in increased highway danger. In respect of this, the proposal is contrary to Policies CP3 and CP10 of the Cannock Chase Local Plan (Part 1) 2014 and Paragraph 116 National Planning Policy Framework (2024)”.*

The Planning Officer also advised of the following further update:-

*“Officers have noted a small error within the officer’s report at paragraph 4.2.4 in that paragraph 154 h) should have been referenced here rather than part b).*

*Part h) states:*

*Development in the Green Belt is inappropriate unless one of the following exceptions applies:*

*Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

- i. mineral extraction;*
- ii. engineering operations;*
- iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order”.*

She then 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 Paul Harwood, the applicant's agent, speaking in support of the application.

**Resolved:**

The agent verbally agreed to enter into a further extension of time until the September Planning Control Committee, and it was therefore agreed that the application be deferred for 6 months to enable the applicant sufficient time to resolve the outstanding technical issues.

*(During his representations the speaker asked that the Committee undertake a site visit. The Chair suggested that the applicant's agent should liaise with Officers in respect of this).*

**97. Application CH/24/252, Retrospective proposed change of use of first floor from C3 to use E (e) provision of massage therapy space, in relation to existing ground floor use E(e) - 23 - 23A, North Street, Cannock, WS11 0BB**

Consideration was given to the report of the Development and Policy Manager (Item 6.25 - 6.41) *(presented by the Planning Officer)*.

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

A representative from Bridgtown Parish Council had registered to speak but was not present at the meeting.

**Resolved:**

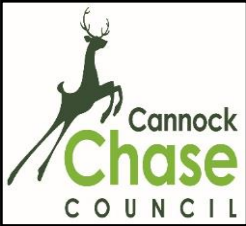
That the application be deferred to enable the Committee to undertake a site visit to assess the impact of the development on the surrounding areas in terms of amenity, highways issues including parking, noise and any safeguarding issues/effect on the local school.

*(Members asked that an update in respect of the outstanding Enforcement case be provided when the application came back to Committee. It was also requested that Officers liaise with the Building Control team to ascertain whether the internal alterations had been undertaken appropriately).*

The meeting closed at 4:09pm

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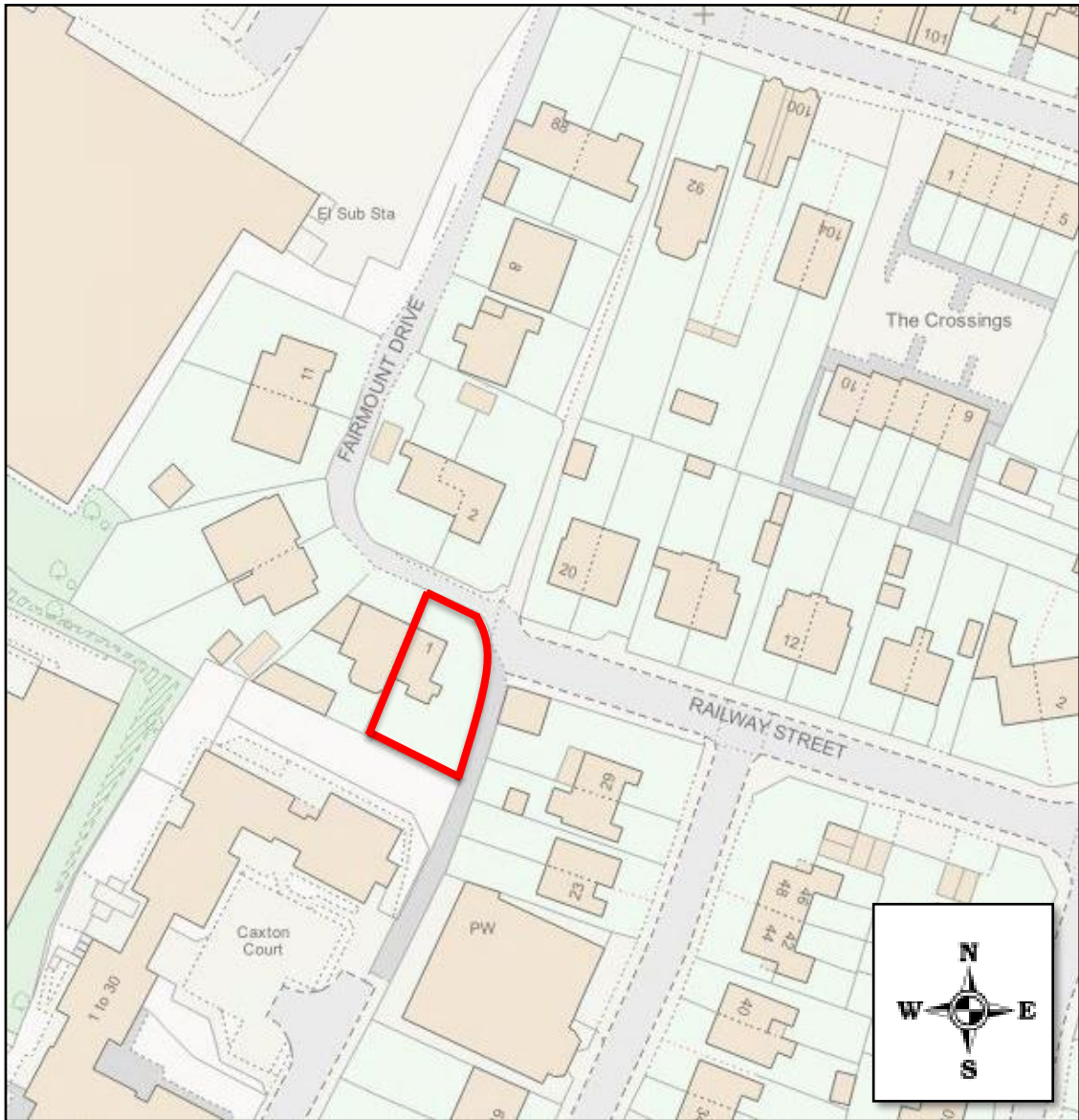
**Chair**



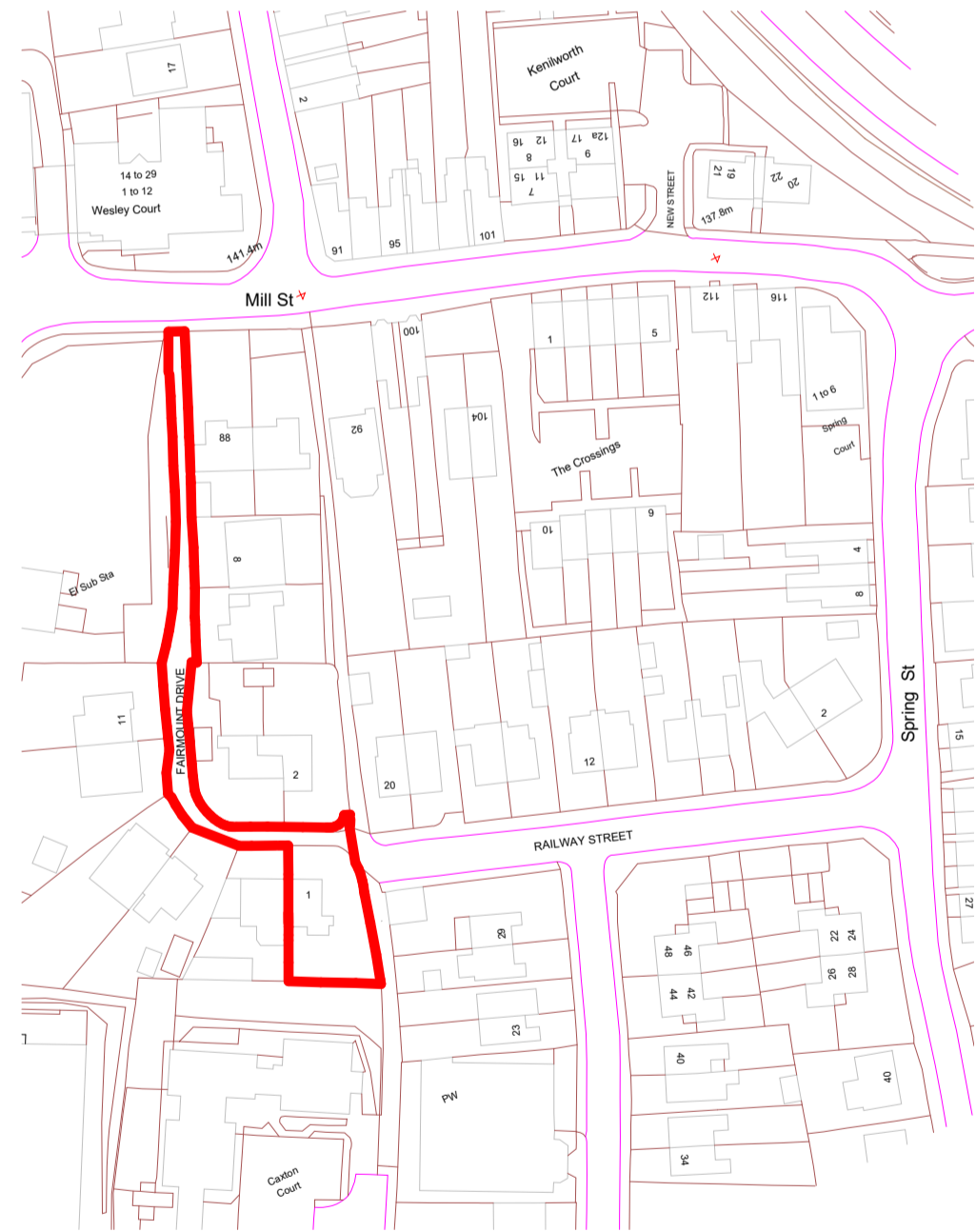
**Application No:** CH/25/0003

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

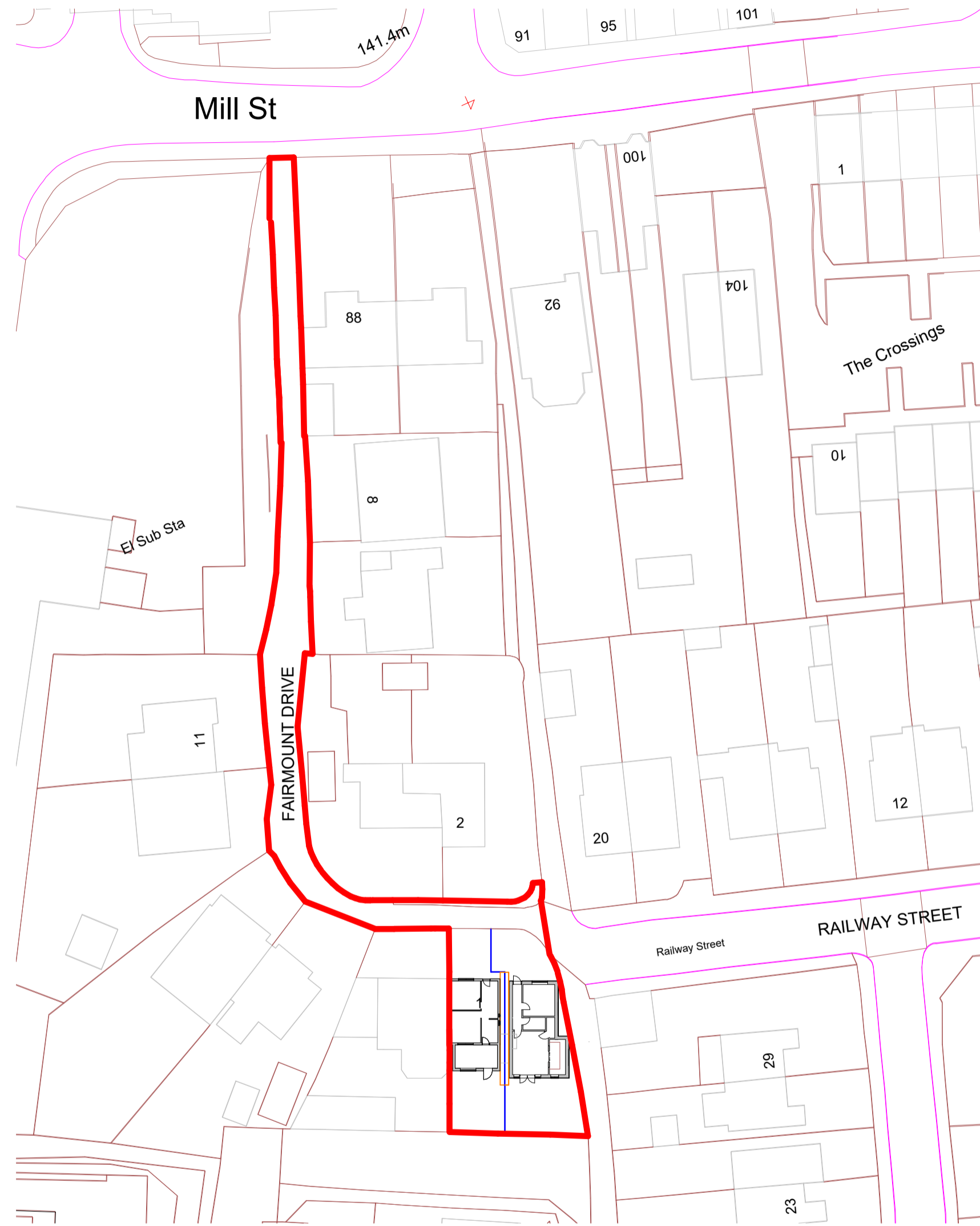
**Proposal:** Erection of a 1x bed dwelling



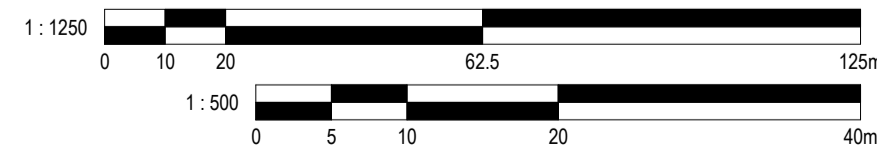
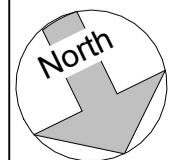
**Location Plan**



**00. Location Plan 1:1250**  
1 : 1250



**Site Plan 1:500**  
1 : 500



No.	Description	Date

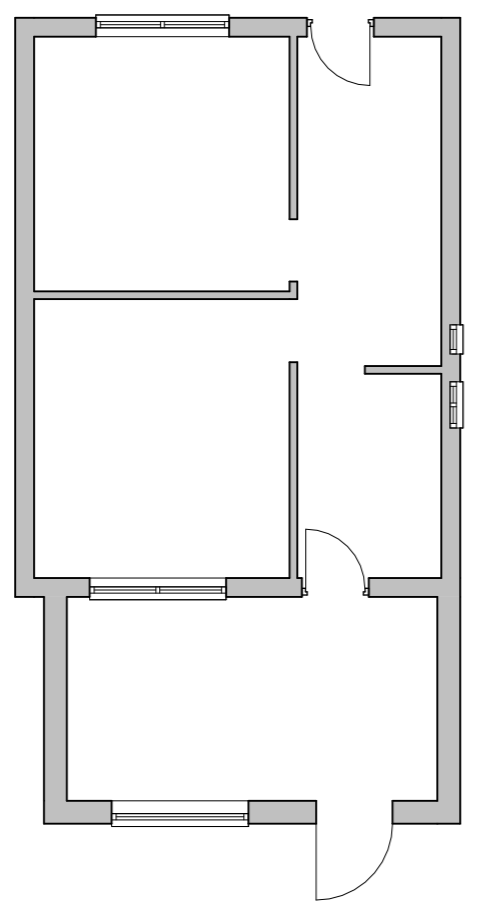


1 Fairmount Drive, Cannock,  
WS11 0DZ

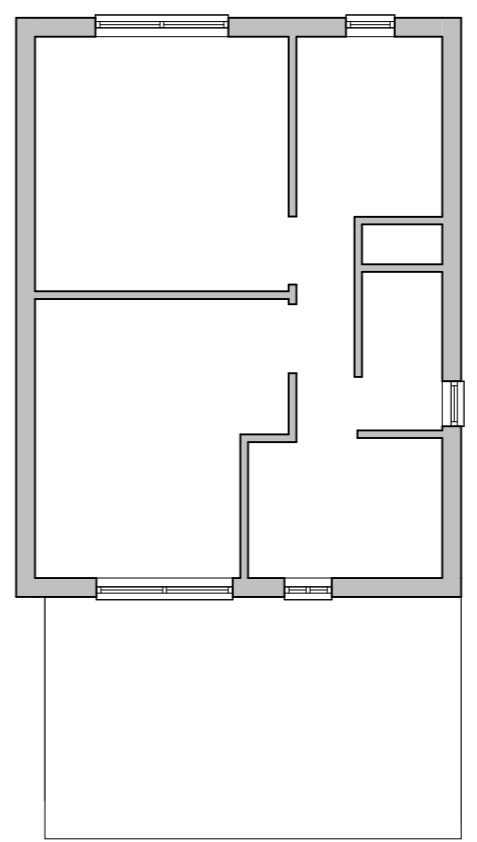
TITLE  
**Site and Location Plan**

CLIENT  
**Owner**

DRAWN BY Author	CHECKED BY RC	DATE 04/12/2024
SCALE ( @A2 ) As indicated		PROJECT NUMBER 80027
DRAWING NUMBER 80027 - 04 - 01		REV



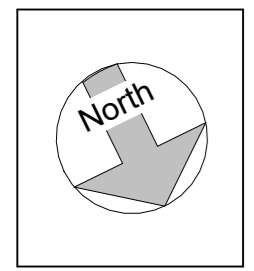
**01. GF - FFL Existing**  
1 : 100



**05. FF - FFL Existing**  
1 : 100



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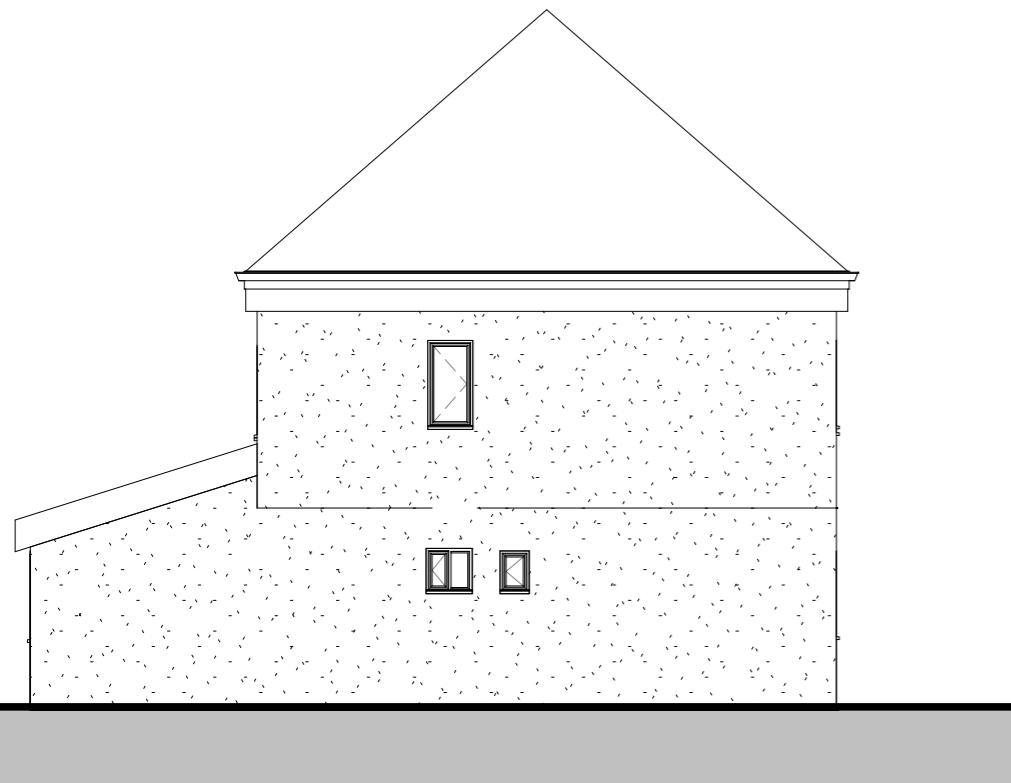


No.	Description	Date



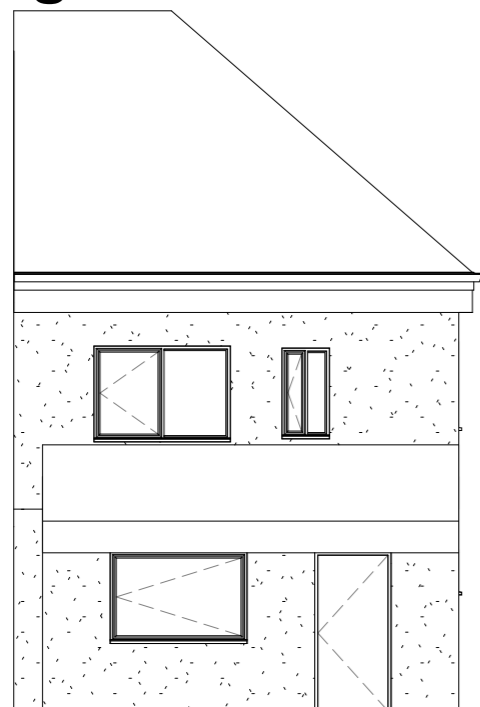
PROJECT 1 Fairmount Drive, Cannock, WS11 0DZ		Owner	
SHEET EXISTING FLOOR PLANS		Date 04/12/2024	Scale (@ A3) - 1 : 100
		Drawn by RT	DRAWING NUMBER
		Checked by JG	80027 - 04 - 02
			REV





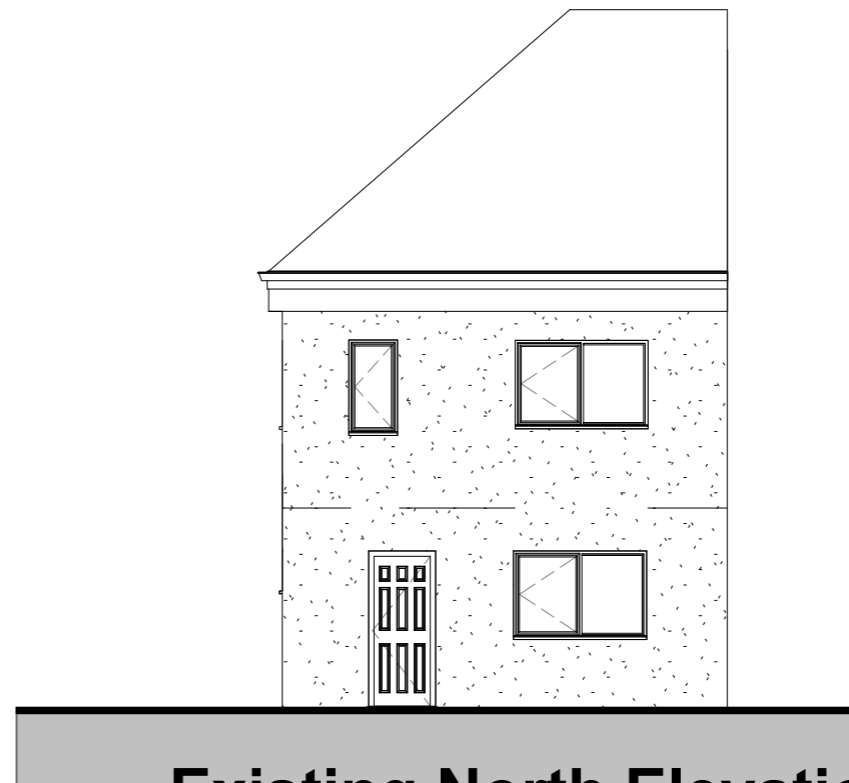
**Existing East Elevation**

1 : 100



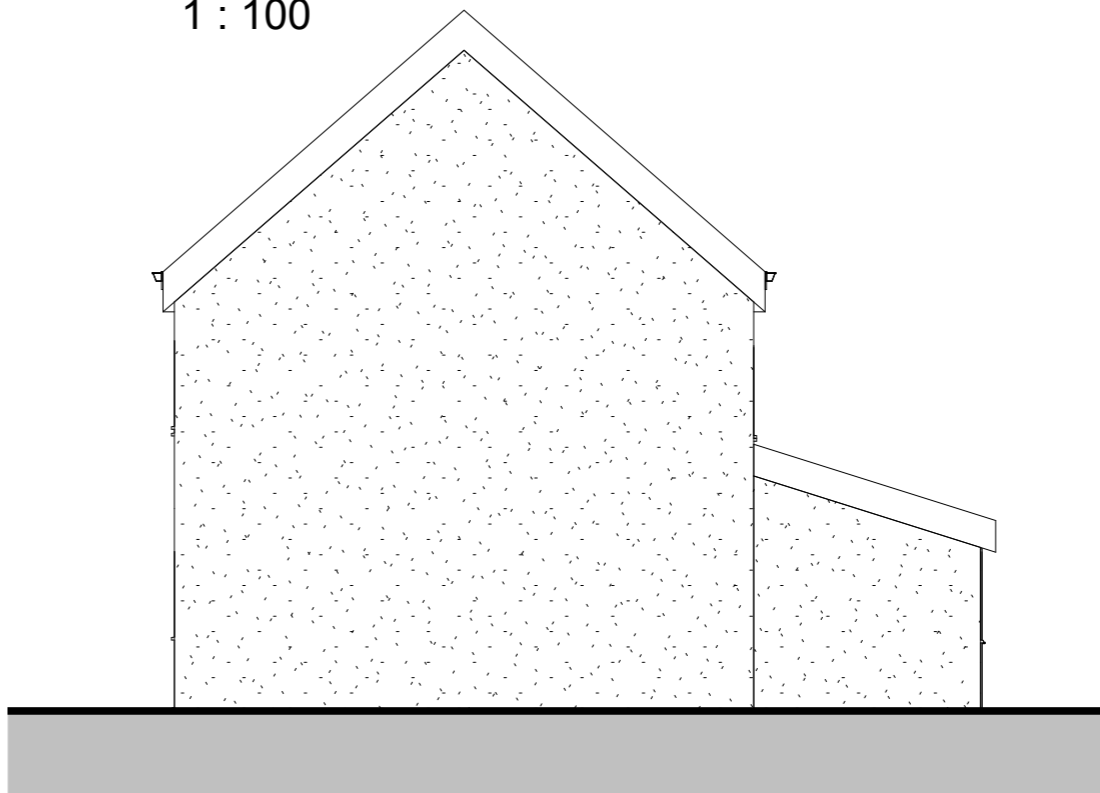
**Existing South Elevation**

1 : 100



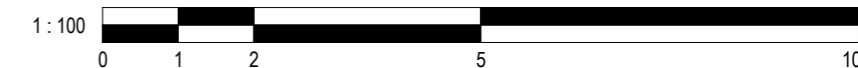
**Existing North Elevation**

1 : 100



**Existing West Elevation**

1 : 100



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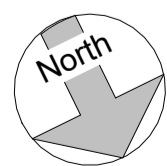
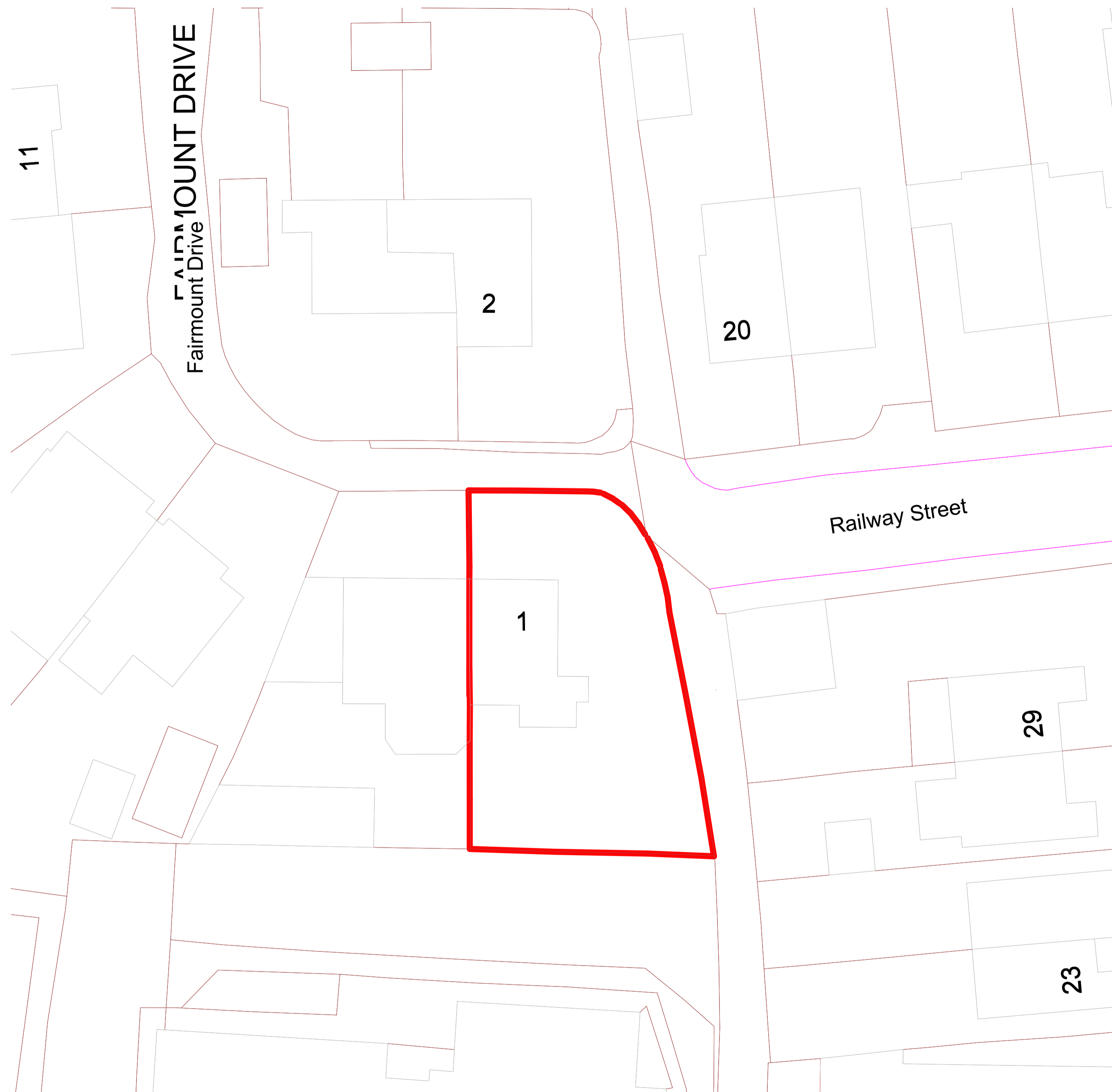
No.	Description	Date



PROJECT	1 Fairmount Drive, Cannock, WS11 0DZ		
SHEET	EXISTING ELEVATIONS		
Date	04/12/2024	Scale (@ A3) -	1 : 100
Drawn by	RT	DRAWING NUMBER	80027 - 04 - 03
Checked by	JG	REV	

Notes

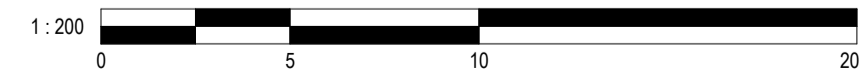
Sample Notes



### 1.200 Existing Site Plan

1 : 200

PW



REV	DESCRIPTION	BY	DATE
STATUS: Project Status			

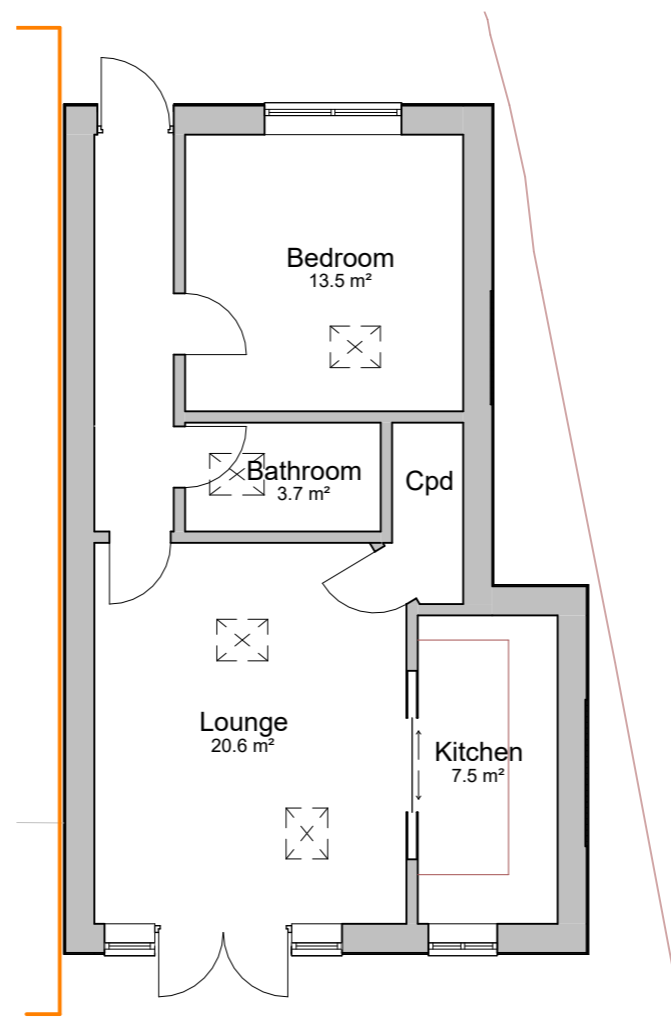


CLIENT:	Owner

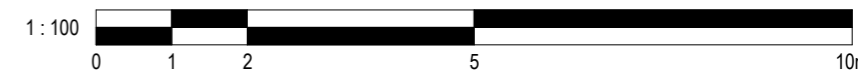
SITE:	1 Fairmount Drive
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TITLE:	Existing Site Plan
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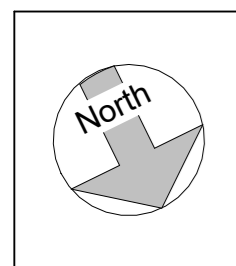
SCALE AT A2:	DATE:	DRAWN:	CHECKED:
1 : 200	04/15/24	BO	Checker
PROJECT NO:	DRAWING NO:	REVISION:	
80027	80027 - 05 - 09		



**01. GF - FFL Proposed**  
1 : 100



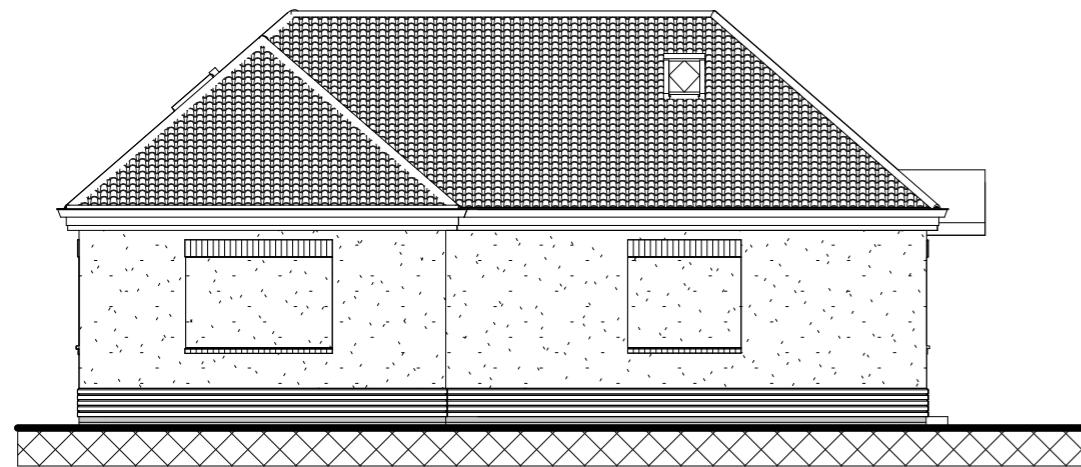
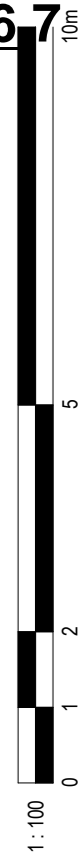
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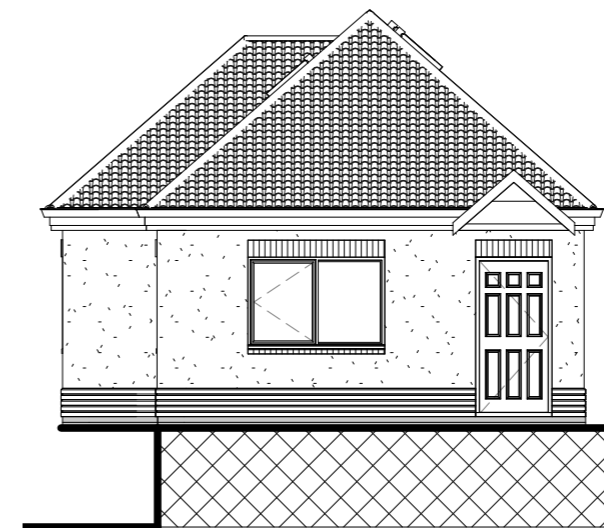
No.	Description	Date
A		



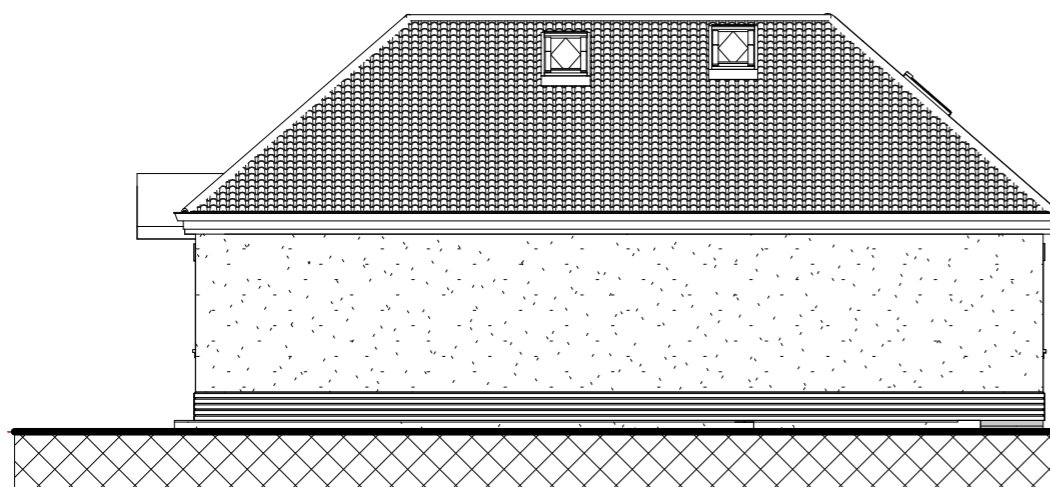
PROJECT	1 Fairmount Drive, Cannock, WS11 0DZ		
SHEET	Owner		
	Date	Scale (@ A3) - 1 : 100	
	Drawn by	DRAWING NUMBER	REV
	Checked by	800271 - 05 - 04	A
	RC		



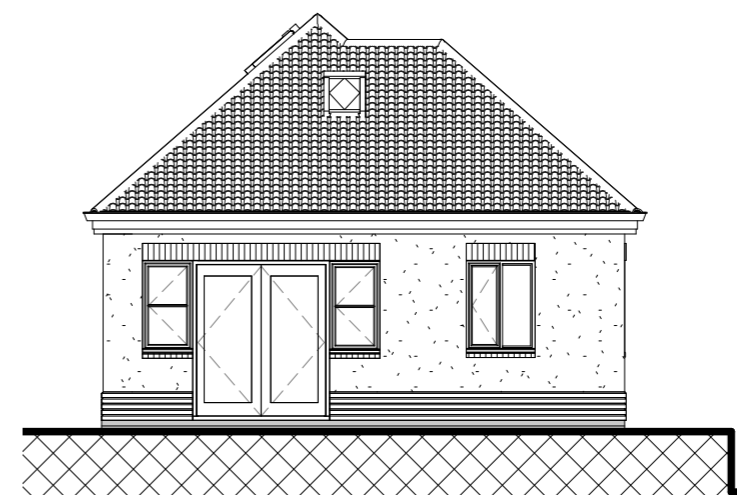
**Proposed East Elevation**  
1 : 100



**Proposed North Elevation**  
1 : 100



**Proposed West Elevation**  
1 : 100



**Proposed South Elevation**  
1 : 100

Topography to be established

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No.	Description	Date
A		



PROJECT	1 Fairmount Drive, Cannock, WS11 0DZ		
SHEET	Owner		
	Date	Scale (@ A3) - 1 : 100	
	Drawn by	DRAWING NUMBER	REV
	Checked by	800271 - 05 - 05	A
	RC		



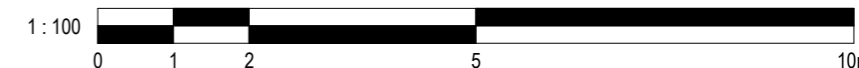
**Street Elevation Front**

1 : 100



**Front Elevation Back**

1 : 100

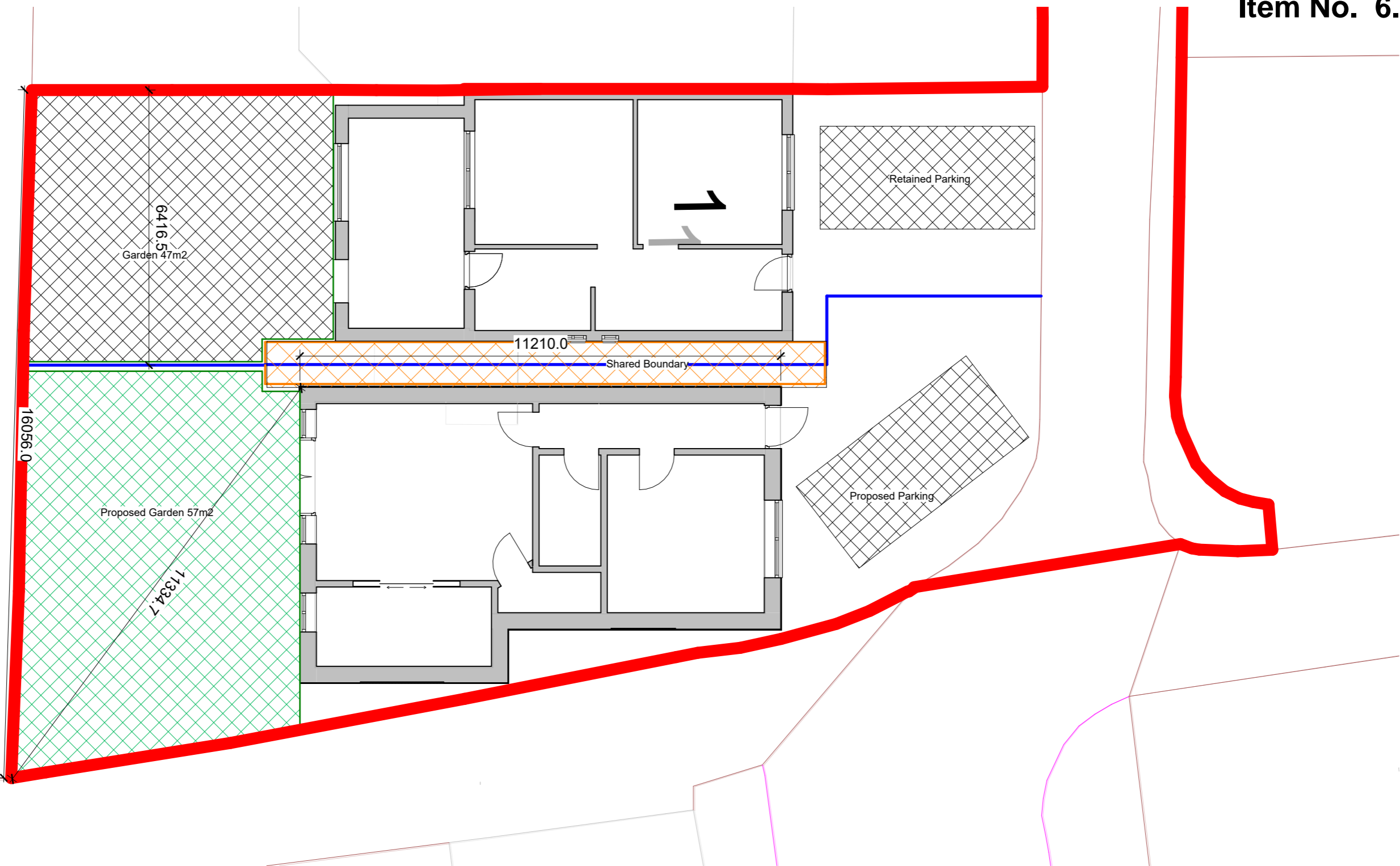


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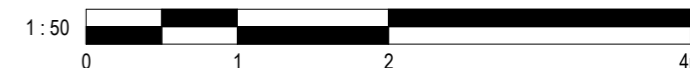
No.	Description	Date
A		



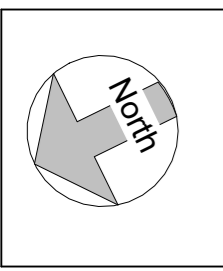
PROJECT	1 Fairmount Drive, Cannock, WS11 0DZ		
SHEET	Proposed Street Elevation		Owner
	Date	04/12/2024	Scale (@ A3) - 1 : 100
	Drawn by	Checked by	DRAWING NUMBER
	RC	800271 - 05 - 06	REV
			A



 Site boundary  
 Title Split



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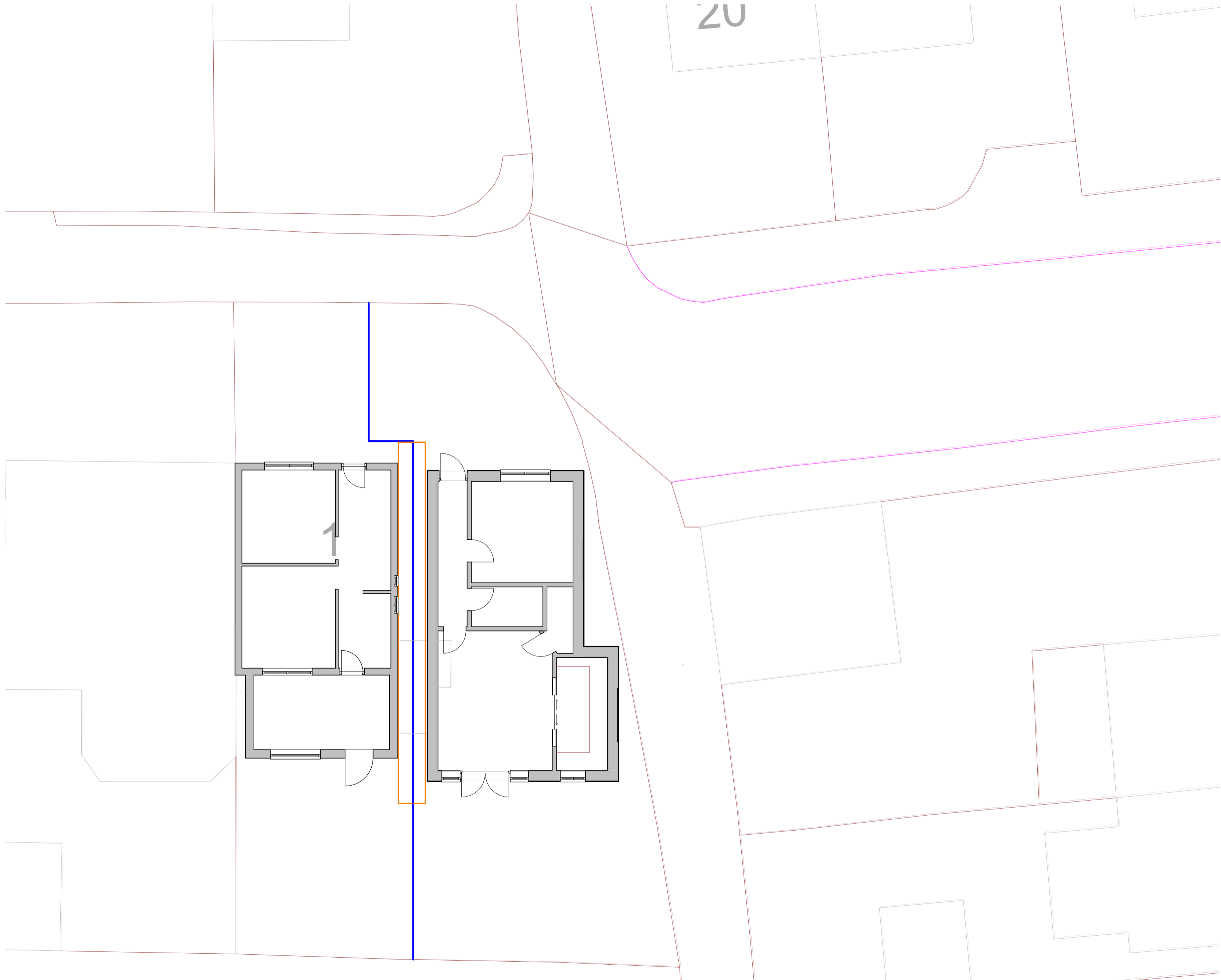
No.	Description	Date



PROJECT	1 Fairmount Drive, Cannock, WS11 0DZ	
SHEET	Proposed Site Plan	

Owner		
Date	Scale (@ A3) - 1 : 100	
04/12/2024	DRAWING NUMBER	
Drawn by	800271 - 05 - 07	REV
Checked by		
RC		

ZU



**Site Plan 1.100**  
1 : 100

No.	Description	Date

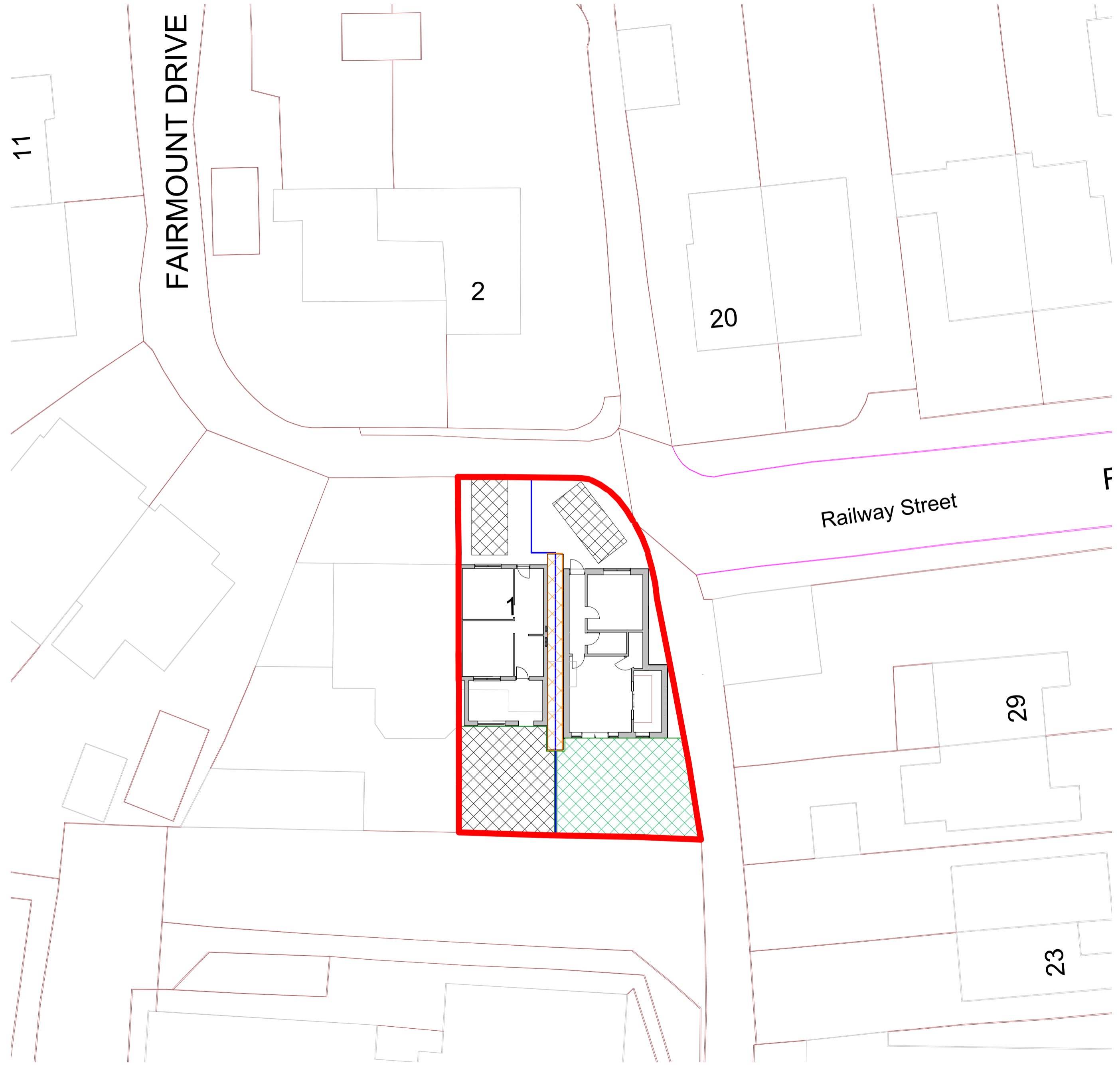


1 Fairmount Drive, Cannock,  
WS11 0DZ

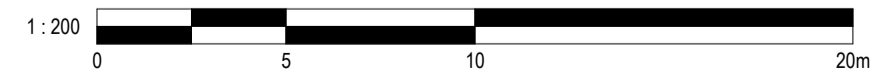
TITLE  
**Site Constraints**

CLIENT  
**Owner**

DRAWN BY RC	CHECKED BY JG	DATE 04/12/2024
SCALE ( @A2 ) 1 : 100	PROJECT NUMBER 80027	
DRAWING NUMBER 800271 - 05 - 08		REV



**1.200 Proposed Site Plan**  
1 : 200



Sample Notes

REV	DESCRIPTION	BY	DATE
STATUS: Project Status			

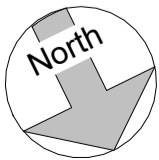


CLIENT:  
Owner

SITE:  
1 Fairmount Drive

TITLE:  
Proposed Site Plan

SCALE AT A2: 1 : 200	DATE: 04/15/24	DRAWN: BO	CHECKED: Checker
PROJECT NO: 80027	DRAWING NO: 800271 - 05 - 10	REVISION:	





<b>Contact Officer:</b>	<b>Amy Jackson</b>
<b>Telephone No:</b>	<b>(01543) 464 577</b>

<p><b>Planning Control Committee</b> <b>2 April 2025</b></p>
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<b>Application No:</b>	CH/25/0003
<b>Received:</b>	8 January 2025
<b>Location:</b>	1 Fairmount Drive, Cannock, WS11 0DZ
<b>Parish:</b>	N/A
<b>Ward:</b>	Cannock Longford & Bridgtown
<b>Description:</b>	Erection of a detached 1 bed dwelling
<b>Application Type:</b>	Full Planning Application

### **Reason for Committee Determination**

This application is being presented to committee due to request to speak at committee by objector.

**Recommendation:** Approve subject to condition.

### **Reason(s) for Recommendation:**

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

### **Conditions (and Reasons for Conditions)**

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

*Reason*

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

2. The development hereby permitted shall not be brought into use until the parking areas have been provided in a bound and porous material in accordance with approved Drawing No. 800271-05-07 'Proposed Site Plan' and shall thereafter be retained for the lifetime of the development.

*Reason*

In the interest of highway safety.

3. No materials shall be used for the external surfaces of the development other than those specified on the application.

*Reason*

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

4. No plant or machinery shall be operated, no loading or unloading of vehicles and no movement of commercial vehicles to or from the site shall take place outside the hours of 08:00hrs. to 18:00hrs Monday to Friday and 08:00hrs to 13:00hrs Saturday. None of the above operations shall be carried out at any time on Sundays or Bank and Public Holidays.

*Reason*

To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policies CP3 - Chase Shaping, and the NPPF.

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

- Site and Location Plan - 80027 - 04 - 01
- Proposed Site Plan - 800271 - 05 - 07
- Proposed Floor Plans - 800271 - 05 - 04 Rev A
- Proposed Elevations 800271 - 05 - 05 Rev A
- Proposed Street Elevation - 800271 - 05 - 06 Rev A

*Reason*

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

## Notes to Developer

### Biodiversity Net Gain

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.

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.

Based on the information available this permission 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.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at [Biodiversity net gain: exempt developments - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments).

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission is Cannock Chase Council.

The Biodiversity Gain Plan should be submitted as an 'application for approval of details reserved by condition following grant of planning permission' via the Planning Portal.

When submitting an application to discharge the biodiversity gain condition the LPA requests that the applicant uses the standard national templates for a Biodiversity Gain Plan and a Habitat Management and Monitoring Plan ([www.gov.uk/guidance/submit-a-biodiversity-gain-plan](http://www.gov.uk/guidance/submit-a-biodiversity-gain-plan))

The biodiversity gain condition cannot be removed or varied.

### **Cadent Gas**

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus.

The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions).

Prior to carrying out works, including the construction of access points, please register on [www.linerearchbeforeudig.co.uk](http://www.linerearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

### **Mining Remediation 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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: [www.gov.uk/government/organisations/mining-remediation-authority](http://www.gov.uk/government/organisations/mining-remediation-authority)

## **Consultations and Publicity**

### ***External Consultations***

**Highway Authority** - No objection, subject to condition.

**Cadent Gas** - Informative required.

### ***Internal Consultations***

**Environmental Health** - No objection, subject to condition.

### **Countryside Ecologist**

No objection.

This application is subject to the mandatory requirement to deliver at least a 10% net gain for biodiversity. A Biodiversity Gain Plan (and relevant accompanying information) must be submitted to, and approved by, the LPA prior to commencement of the development.

### **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. One petition with 19 signatures has been received.

Objections due to:

- Traffic generation
- Highway safety
- Inadequate parking spaces and insufficient turning spaces
- 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
- 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.

### **Relevant Planning History**

**CH/24/107:** 1 Fairmount Drive, Cannock, Staffordshire WS11 0DZ, Erection of a detached 1 x 2 bed dwelling - Refusal

### **Reasons for refusal**

- 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.

## **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 detached single-storey 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 hipped roof and Render K-rend, Pure White Brick plinth to match bricks of 1 Fairmount Drive.
- 2.3. The proposed dwelling would project approximately 11.5m across the eastern boundary of the site, at a distance between 0.2m and 1.3m from this boundary. The proposed would be constructed up to a height of 5.7m.
- 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                             |
| 72, 73, 78:    | Delivering a sufficient supply of homes              |
| 116:           | Highway Safety and Capacity                          |
| 130:           | Making effective use of land                         |
| 131, 135, 137: | Achieving Well-Designed and Beautiful Places         |
| 170:           | Meeting the Challenges of Climate Change             |
| 187, 189:      | Biodiversity   |
| 222:           | 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.
  - iv. Cannock Chase District Five Year Supply Position Statement 2024.

## 4 Determining Issues

- Principle of Development
- Housing Land Supply
- Design and the Impact on the Character and Form of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Impact on Nature Conservation Interests
- Drainage and Flood Risk
- Mineral Safeguarding
- Waste and Recycling Facilities
- Ground Conditions and Contamination
- Affordable Housing

### 4.1 Principle of Development

4.1.1. 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.

4.1.2. 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 this 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 places and providing affordable homes, individually or in combination.’

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 shown 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. Policy CP7 of the Local Plan states:
- ‘Particular attention will be given to restoring balance in the housing market during the plan period by encouraging increases in the following types of provision:*
- *Housing suitable for households with specific needs as well as delivering housing for the ageing population, within both C2 and C3 class uses.*
- The proposed development would be supported by the above in delivering accessible bungalows.
- 4.1.7. 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.
- 4.1.8. 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 NPPF emphasises the Government’s objective of significantly boosting the supply of homes indicating that it is important that a sufficient amount and variety of land can come forward where it is needed. The NPPF (December 2024) sets out at paragraph 78 the need for LPAs to identify and update annually a supply of deliverable sites sufficient to provide a minimum of five years’ worth of housing.
- 4.2.2. The purpose of a five-year land supply position statement is to provide a listing of the currently deliverable sites across the District and an assessment (having set out the timescales for their delivery) as to whether they are sufficient to meet the five-year requirement. The statement is a material consideration which should be considered when dealing with planning applications and appeals. The Planning Practice Guidance requires that for the period within five years of a plan being adopted (or where a plan housing target has been subsequently formally



reviewed) the strategic housing requirement of that plan should be used to calculate the five-year supply.

- 4.2.3. In the case of Cannock Chase District, the last strategic housing requirement was set in the 2014 Local Plan (Part 1) which was adopted on 14th June 2014. Therefore, the strategic housing requirement is more than five years old as of the 14th of June 2019. A Local Plan Review has been commenced which identified a need for a review of the strategic housing requirement. Planning practice guidance states that:

*“where there is no adopted strategic housing requirement policy, the authority’s local housing need figure must be used for calculating a five-year housing land supply.”*

- 4.2.4. The Council’s 2024 position statement provides an updated summary of the Council’s five-year land supply for the period 1st April 2024 to 31st March 2029. It identifies that the Council currently has a housing land supply of 1.88 years and thus does not have a five-year supply of housing land.

- 4.2.5. Paragraph 73 of the NPPF states that:

*‘Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:*

*d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes;’*

- 4.2.6. In this instance, proposal would be located within an established residential area and as such great weight should be given to the modest contribution towards the Councils housing shortfall, given the limited harm the proposal would have, outlined within this report.

### **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. 11.5m across the eastern boundary. The previously refused application (CH/24/107) proposed a two-storey dwelling in this location, up to a height of 9.2m, was considered a stark, visually dominating feature within the street scene, that would have resulted in harm to the amenity of the adjacent public footpath for its users.

- 4.3.3. However, in this instance, the proposed single-storey dwelling would be constructed to a height of 5.7m, and while its elevated corner position may cause some degree of harm, this would not be considered to be substantial.

- 4.3.4. The wider street scene does not follow a set design or style in respect to the built form of residential dwellings, with a similar dwelling to the proposed located at No. 13 Spring Street. Frontages and corners remain somewhat open and devoid of substantial buildings, albeit there are some single-storey outbuildings / extensions present. As such, the proposal would not necessarily reflect the continuity of the street and undeveloped spaces and modest boundary treatments and would not maintain the areas character or setting.
- 4.3.5. The proposed dwelling by virtue of its location on a prominent corner plot, on higher ground, would cause some adverse impact to the layout of the street scene and the adjacent footpath, however due to its reduced scale, it is not envisaged this would be substantial in this instance.

#### **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 be a lesser height than and would not project significantly 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. There are no side facing windows included on the proposed dwelling and the proposed is single storey. Therefore, it is not envisioned that the proposal would result in overlooking or intervisibility.
- 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 the front garden area for No. 2 at a distance of approx. 10m. Although the development may result in additional perceived overlooking into this part of the garden, this would be at a ground floor level, with intervening hedgerows, and 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 be single storey and would be unlikely to result in overlooking or be considered overbearing, 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.18m between the original rear elevation, remaining separated by the public footpath. The proposed dwelling would have a side elevation facing towards this neighbouring property, with no windows. 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. 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. The proposed single-storey dwelling would extend approx. 11.5m alongside the neighbouring properties rear boundary. However, given the proposals single-storey nature and intervening boundary treatments and outbuilding, it is not considered that the proposal would result in a significant overbearing impact on the residential amenity to the occupiers of this dwelling and as such addresses one of the previous reasons for refusal.

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, the proposed development is considered to accord with the requirements of Policy CP3 of the Cannock Chase Local Plan and requirements of the Council's Design SPD.

#### **4.5 Impact on Highway Safety**

4.5.1. 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.

4.5.2. The proposed provides one parking space for the proposed dwelling and No.1. This falls short of the required two spaces per two/three-bedroom dwelling in regard to No.1, outlined in the Councils Parking Standards, albeit these are maximum standards. In regard to the proposed one-bedroomed dwelling, the proposed one space would comply with this standard.

4.5.3. 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.

4.5.4. 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.

4.5.5. Given the above, 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 116 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. A condition and informative has been 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 170-182 of the NPPF.
- 4.7.2. Of particular note is paragraph 170 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 222, 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 Mining Remediation Authority consider to be a development low risk area. As such, the Mining Remediation 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.

#### 4.13 **Planning Balance and the Weighing Exercise**

4.13.1 Your Officers confirm that The Council does not have a five-year land supply and the proposal for one dwelling in a sustainable location would assist in the delivery of homes for the District. As set out within the NPPF (2024) Officers attach great weight to this matter.

4.13.2 The proposal would not result in any adverse impact to the neighbouring occupiers in terms of overbearing, privacy or to space about dwellings and complies with the Councils Design SPD and as such, Officers afford this matter considerable weight.

4.13.3 Your Officers confirm that there are no statutory objections from the Highway Authority who support the sustainable location of the application proposal and again Officers afford this matter great weight in the planning balance.

4.13.5 Your Officers also confirm that the proposal would be CIL liable and would need to provide a 10% uplift in biodiversity which would be secured via condition. Both of these elements have been afforded modest weight by Officers.

4.13.4 Notwithstanding the above, it is acknowledged that the proposed dwelling by virtue of its location on a prominent corner plot, on higher ground, would cause some adverse impact to the layout of the street scene and the adjacent footpath, however due to its reduced scale, it is not envisaged this would be substantial and as such Officers attach modest weight to this matter.

4.13.5 Given the above, on balance, when considering the Councils current housing position outlined at section 4.2 of this report, the benefit of the scheme, in providing one additional accessible dwelling for the district, together with no objections from statutory consultees and compliance with the Councils Design SPD, would outweigh the harm caused to the character and layout of the existing residential location.

## **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**

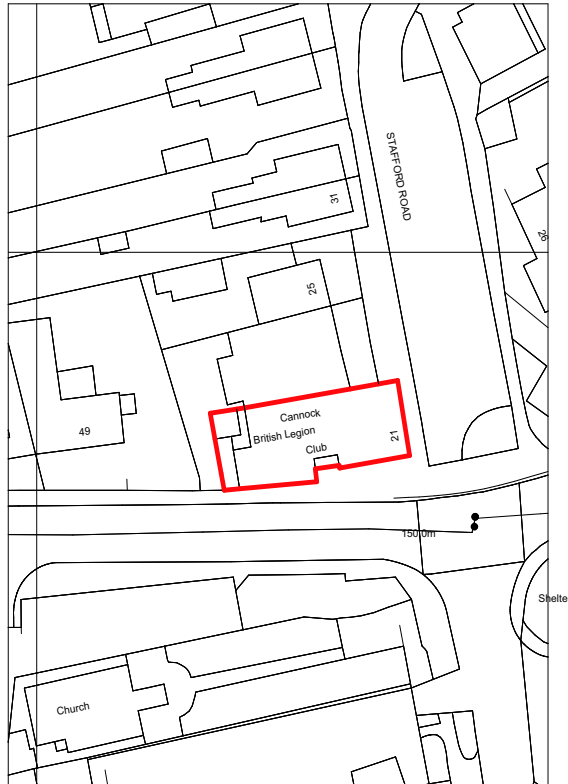
- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 It is acknowledged that the proposed dwelling by virtue of its location on a prominent corner plot, on higher ground, would cause some adverse impact to the layout of the street scene and the adjacent footpath, however due to its reduced scale, it is not envisaged this would be substantial. Therefore, on balance, when considering the Councils current housing position outlined at section 4.2 of this report, the benefit of the scheme, in providing one additional accessible dwelling for the district, would outweigh the harm caused to the character and layout of the existing residential location and as such would be acceptable in this regard.
- 6.3 It is therefore recommended that the application be approved subject to the attached conditions for the above reasons. that the proposal, would result in significant harm to acknowledged interests and is therefore considered to not be in accordance with the Development Plan.

# Location Plan

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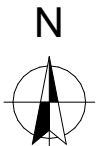
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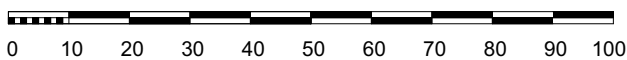
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Key

 Application Boundary



SCALE BAR 1:1250



Rev.	Date.	Revision Description.	By.	Chk.



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Project Title

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Client

Your Property Ventures Ltd

Drawing Title

Location Plan

Project No.

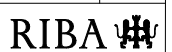
CP0206

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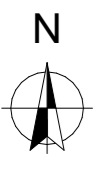
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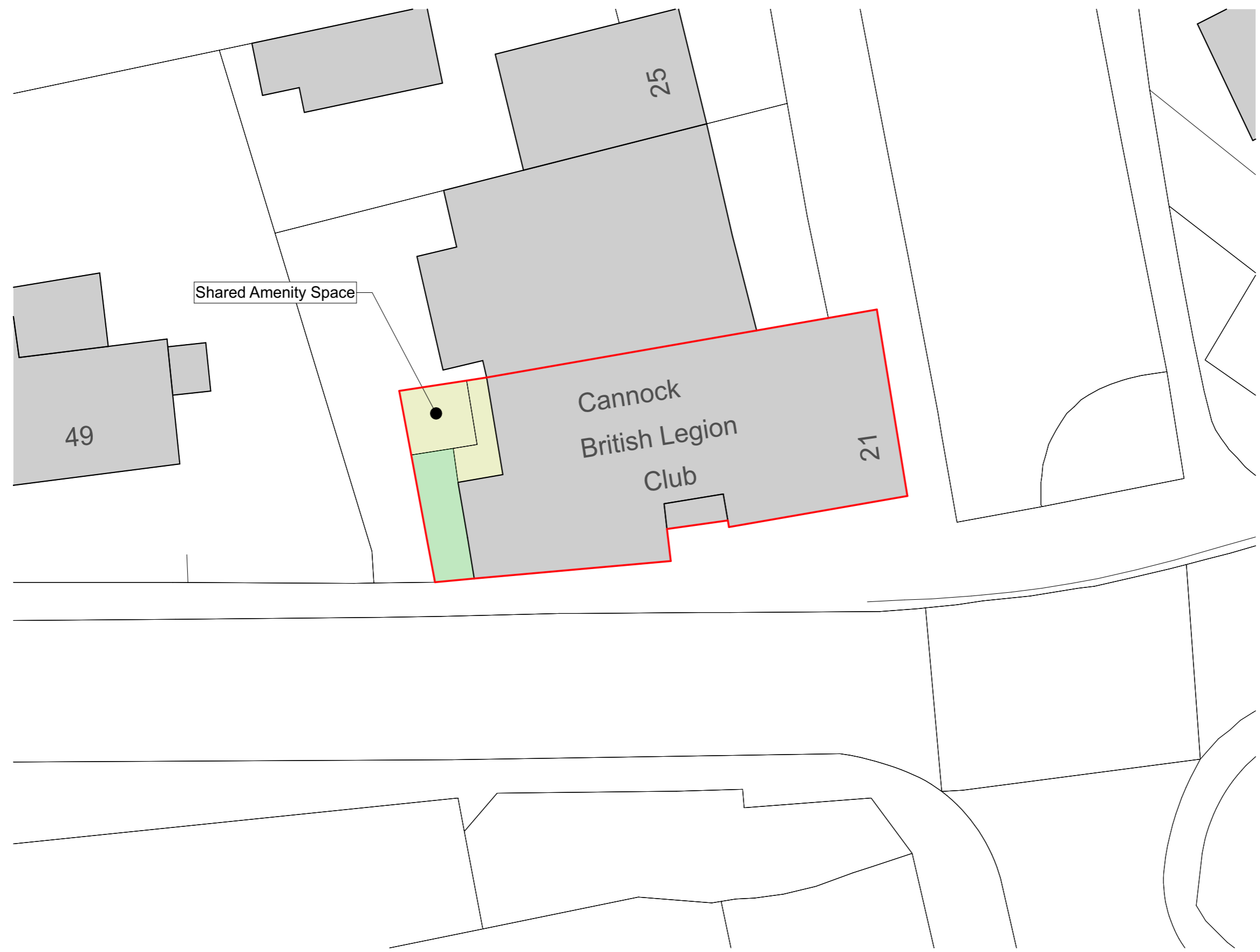
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






# Proposed Site Plan



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## Key

-  Existing Hardstanding
-  Existing Mowed Grass
-  Existing Hard Surface
-  Existing Building
-  Application Boundary

<b>Site Area</b>	<b>= 253.5 sq.m</b>
Hardstanding	= 19.5 sq.m
Buildings	= 219.7 sq.m
Soft Landscaping	= 14.3 sq.m

Rev.	Date.	Revision Description.	By.	Chk.



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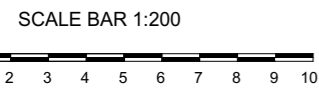
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**Project Title**  
21 Stafford Road

**Client**  
Your Property Ventures Ltd

**Drawing Title**  
Proposed Site Plan

<b>Project No.</b> CP0206	<b>Drawing No.</b> PL-003	<b>Rev.</b> -
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Proposed Elevations



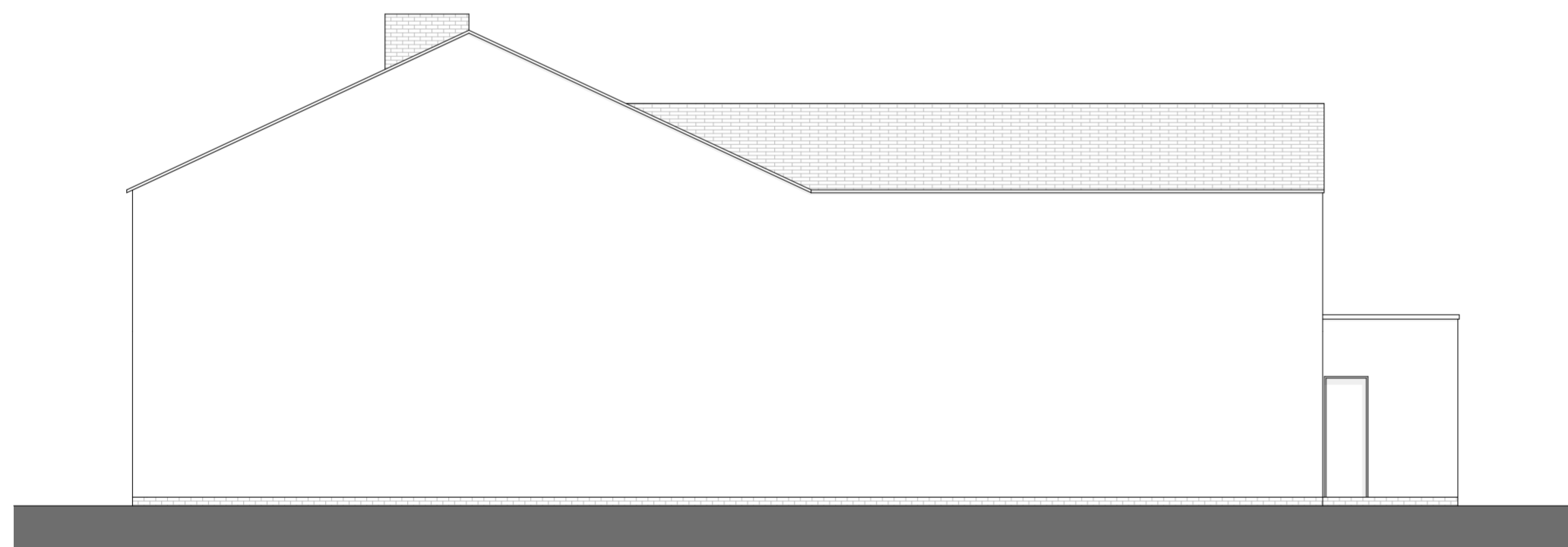
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E1 Front Elevation



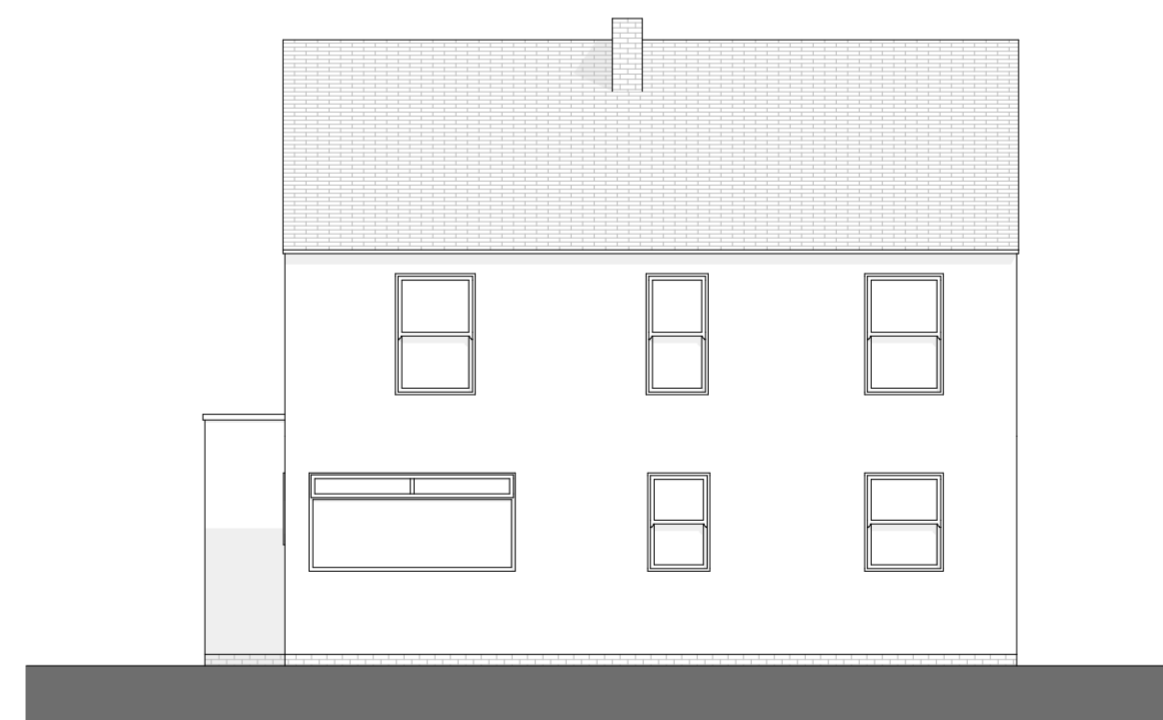
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E2 Side Elevation



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E3 Rear Elevation



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E4 Side Elevation

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All windows replaced with white uPVC to specification in Acoustic Report

Rev.	Date.	Revision Description.	By.	Chk.



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**Scale.**  
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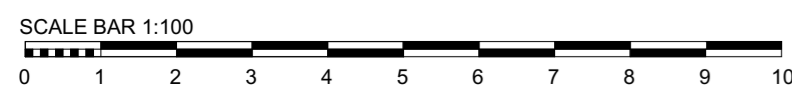
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**Project Title**  
21 Stafford Road

**Client**  
Your Property Ventures Ltd

**Drawing Title**  
Proposed Elevations

<b>Project No.</b> CP0206	<b>Drawing No.</b> PL-005	<b>Rev.</b>
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<b>Contact Officer:</b>	<b>Helen Sherratt</b>
<b>Telephone No:</b>	<b>01543 462 528</b>

<p><b>Planning Control Committee</b> <b>2 April 2025</b></p>
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<b>Application No:</b>	CH/25/0032
<b>Received:</b>	5 <sup>th</sup> February 2025
<b>Location:</b>	21, Stafford Road, Cannock, WS11 4AF
<b>Ward:</b>	Cannock Park & Old Fallow
<b>Description:</b>	Change of use of a former British Legion Club to a 14-bedroom HMO
<b>Application Type:</b>	Full Planning Application

**This application has been reported to Planning Control Committee due to an objector wishing to address Members.**

**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.

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

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

*Reason:*

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

2. The external materials (new windows) shall be completed in accordance with the submitted details prior to first occupation of the development hereby approved.

*Reason:*

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

3. Prior to the development becoming occupied, glazing which meets the recommended specification contained in the Noise Impact Assessment (P8113-R1-V1) report of 28 January 2025 shall be installed throughout the building and maintained in perpetuity.

*Reason:*

To mitigate potential adverse impacts from noise on residential amenity in line with Policy CP3 and paragraph 191 of the National Planning Policy Framework.

4. Notwithstanding the details already submitted, details relating to refuse storage facilities, including the number of bins provided and the provision for removal of waste (including bin collection day arrangements), shall be approved in writing by the Local Planning Authority prior to first occupation of the scheme hereby approved. The development shall not be brought into use until the works comprising the approved scheme have been implemented.

*Reason:*

To provide a necessary facility, in accordance with Local Plan Policies CP3 & CP16 and the NPPF.

5. Notwithstanding any details shown on the approved plans no development shall be commenced above slab level until details of 14no secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority.

*Reason:*

To comply with paragraph 116 of the NPPF and in the interest of Highway Safety.

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

PL-001 Location Plan

PL-003 Proposed Site Plan

PL-004 Proposed Floor Plans

PL-005 Proposed Elevations

*Reason:*

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

**Notes to the Developer:**

**Informative**

All housing developments must comply with national housing standards, such as the Decent Homes Standard, and must be free from Category 1 hazards when assessed in accordance with the Housing Health and Safety Rating System (HHSRS) (sections 1 and 2 of the Housing Act 2004). The Councils Environmental Health Housing section also apply specific space and amenity standards to premises defined as Houses in Multiple Occupation (HMO's).

Premises may include:

- i. Houses divided into flats or bedsits where some amenities are shared.
- ii. Houses occupied on a shared basis where occupiers have rooms of their own.
- iii. Lodging accommodation where resident landlords let rooms.
- iv. Hostels, lodging houses and bed and breakfast hotels.
- v. Registered residential hotels.

## **Informative**

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](http://www.gov.uk/government/organisations/the-coal-authority)

## **Consultations and Publicity**

### ***Internal Consultations***

**Ecology Officer** - No objection and proposal is exempt from BNG.

**Planning Policy** - No objection.

**Economic Development** - No objections to the proposed development. Though the premises at the address as detailed in this application is best suited as employment use, having previously operated as a public house it is noted that the current unoccupied building structure is showing signs of neglect and disrepair, with internal damage due to the ingress of rainwater. If it remains unoccupied it could end up becoming totally derelict and a detrimental visual impact to the surrounding area.

**Environmental Health** - No objections, subject to the inclusion of a planning condition requiring glazing to meet the recommended specification as set out within the submitted Noise Impact Assessment.

### **Private Sector Housing Team (EH):**

- The applicant would need to apply for an HMO licence.
- Further information is required to clarify if the rooms are for single occupancy or not, as this will determine the facilities that would need to be provided for example adequate cooking facilities/fridges and freezers for the number of residents.
- Further information is required regarding the fire safety precautions – proposed fire alarm system/fire doors/emergency lighting.
- The applicant would need to make contact with the Private Sector Housing Team to discuss the proposal, together with the HMO requirements - space standards and amenities.

**Housing** - The proposed development falls into Sui Generis and therefore does not attract the requirement to provide an affordable housing contribution.

### ***External Consultations***

**Staffordshire County Council (Highways)** - No objection, subject to a planning condition requiring the submission of details relating to cycle parking.

## **Response to Publicity**

The application has been advertised by advert, site notice and neighbour letter.

3no letters of objection have been received and are summarised as follows:

- Parking concerns - The property currently has no parking, and I cannot reasonably see where a resident could park within the location.

- Concerns about the number of units in relation to the size of the current layout of the property.
- Noise pollution concerns, due to the plan for the outdoor amenity space and residents potentially using this late at night.
- The proposal will exacerbate instances of anti-social behaviour.

### **Relevant Planning History**

#### **CH/22/0352: Redevelopment of site to provide 17 room houses of multiple occupation, refused on the following grounds:**

- The proposed development by reason of its number of rooms constitutes an overdevelopment of the site. As such, the proposed development fails to accord with Policy CP3 of Cannock Chase Local Plan and paragraph 130(f) of the NPPF.

Following refusal of the above proposal there was an appeal submission, which was dismissed by The Planning Inspector and is summarised on the following grounds:

The proposed 17-bed HMO would have no internal communal areas and no meaningful communal outside amenity area(s) for occupants to use. Furthermore, the only access to the building and outside space would be through a smoking area. This would result in a poorly considered and designed layout of development that would not provide acceptable living conditions for future occupants. As appropriate internal and external communal areas cannot be provided on site, it follows that the proposal would amount to overdevelopment. Accordingly, the proposal would be contrary to Policy CP3 of the Cannock Chase Local Plan. Whilst principally a design-related policy rather than specifically relating to space and living conditions, it does expect development to be, amongst other things, well-related in terms of layout. It would also be contrary to Framework paragraph 135 f) that seeks to ensure developments are designed, amongst other things, to promote health and wellbeing, and have a high standard of amenity for existing and future users.

It is noted that the planning inspector did not find any grounds for dismissal on lack of parking, or any factors causing issues regarding social cohesion.

#### **CH/20/026: Site redevelopment to provide 18 Room House of Multiple Occupancy refused on the following grounds:**

(i) The proposed building, by virtue of its size, scale would not be well-related to existing buildings along the northern side of Park Road and Stafford Road to the detriment of the street scene contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 127(c) of the National Planning Policy Framework.

(ii) The proposal would introduce an 18-bedroom house in multiple occupation, with no parking provision for the occupants into an area with little or no public parking or on-street parking provision within the immediate vicinity that would be suitable for parking by residents to the detriment of highway safety.

Following refusal of the above proposal there was an appeal submission, which was dismissed by The Planning Inspector and is summarised on the following grounds:

- The proposal, due to the increased height viewed from Park Road would be visually imposing and incongruous, contrary to CCLP policy CP3.

It is noted that the planning inspector did not find any grounds for dismissal on lack of parking, or any factors causing issues regarding social cohesion.

**CH/18/247: Demolition of existing building and erection of 24-bedroom House of Multiple Occupancy (HMO) and associated works refused on 5 December 2018 on the following grounds:**

(i) The site is located at the northern edge of Cannock town centre at a transition between the main town centre to the south of the B5012 Park Road and the predominantly residential areas to the north which are more domestic in scale and character, and which front onto Park Road and Stafford Road. The proposed building, by virtue of its size, scale and three-storey design would not be well-related to existing buildings along the northern side of Park Road and Stafford Road to the detriment of the character of the area contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 127(c) of the National Planning Policy Framework.

(ii) The proposal would introduce a 24-bedroom house in multiple occupation, with no parking provision for the occupants into an area with little or no public parking or on-street parking provision within the immediate vicinity that would be suitable for parking by residents. This would lead to increased conflicts between existing and future residents over the limited parking within the vicinity of the HMO to the detriment of social cohesion and therefore increase the potential for crime and the fear of crime contrary to paragraph 127(f) of the National Planning Policy Framework.

Following refusal of the above proposal there was an appeal submission, which was dismissed by The Planning Inspector and summarised on the following grounds:

The front elevation where the narrow two storey element adjacent to 23 Stafford Road would fail to respond to the roof form of No. 23, and at the rear where the awkward and competing lines of the recessed three storey element and the substantial rear gable would create an awkward and visually intrusive feature into the Park Road street scene.

The position of such a dominant flank immediately at the back edge of the footpath would be an imposing and visually overpowering feature at a point where the pedestrian environment is constrained by the restricted width of the pavement and pedestrian crossing.

As such it would fail to secure the high-quality design sought by CCLP policy CP3.

**CH/13/0086: Residential development: Demolition of rear ground floor and first floor elements and proposed 2 storey extension to create 4No. 2 bed flats - approved subject to conditions on 3 May 2013.**

**CH/12/0336: Change of use of first floor into 2 flats; ground floor change of use from British Legion Club (sui generis) to drinking establishment (A4); and new porch, rear extension, and external alterations withdrawn 30 November 2012.**

**1. Site and Surroundings**

1.1 The application site comprises a large, detached building formally occupied by the British Legion. The building comprises part two storey and part single storey elements and has a mixture of flat and pitched roofs with a rendered finish. The building has remained vacant for several years and has fallen into a state of disrepair. The building is of no significant architectural merit.

- 1.2 The application site is located within a prominent corner position adjacent to the cul-de-sac end of Stafford Road and Park Road, within the Cannock Town centre boundary as defined in the Local Plan. The site lies opposite the Cannock Town Conservation Area and is within close proximity to Grade II Listed Buildings. It is also within a Mineral Safeguarding Area.
- 1.3 On the Park Road frontage, there is an existing dropped kerb, which is located adjacent to the edge of the application site building. The existing vehicular access serves side access to the application site and is set behind black iron railing 2m high double gates.
- 1.4 The side boundary of a semi-detached house at No.23 Stafford Road adjoins the rear boundary of the application property. No. 23 has a two-storey side and rear extension, which is located approximately 0.5m from the rear wall of the application property. The rear of the extensions are approximately level with the west side elevation of the application property.

## **2. Proposal**

- 2.1 The application seeks conversion of the property at 21 Stafford Road to provide a 14 No. bedroom House of Multiple Occupancy and associated works.
- 2.2 The primary entrance would remain on the southern elevation as the main access into the building. The area of land to the west of the building will be retained as shared communal space.
- 2.3 The main entrance would lead to a central circulation space and the main staircase positioned within a separate lobby space towards the back of the building. A communal kitchen and living space (41 sq.m) is positioned close to the external amenity space at the ground floor along with 7 double bedrooms, each with en-suite and all above the minimum space standards for a double bedroom (10.2 sq.m).
- 2.4 The kitchen has sufficient cookers, sinks, worktop space, refrigerators, storage, and electrical sockets to the Council's HMO standards. At first floor level, a further 7 bedrooms are proposed, all with en-suites. No extensions are proposed as part of the development and the only external alterations are limited to the insertion of two windows on the eastern elevation at ground floor level and the replacement of the fire escape door at first floor with a new window. No parking provision is provided on site.

## **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), the draft Neighbourhood Plan and the Minerals Local Plan for Staffordshire (2015 – 2030).

### ***Cannock Chase Local Plan Part 1***

Relevant policies within the Local Plan include:

- CP1: Strategy – the Strategic Approach



- CP3: Chase Shaping – Design
- CP5: Social Inclusion and Healthy Living
- CP6: Housing Land
- CP7: Housing Choice
- CP10: Sustainable Transport
- CP12: Biodiversity and Geodiversity
- CP13: Cannock Chase Special Area of Conservation (SAC)
- CP15: Historic Environment
- CP16: Climate Change and Sustainable Resource Use

### ***Minerals Local Plan for Staffordshire***

Relevant Policies within the Minerals Plan Include:

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

### **3.3 National Planning Policy Framework**

3.4 The NPPF (2024) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social, and environmental terms, and it states that there should be "presumption in favour of sustainable development" and sets out what this means for decision taking.

3.5 The NPPF (2024) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.6 Relevant paragraphs within the NPPF include paragraphs:

- 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
- 187-191: Conserving and Enhancing the Historic Environment
- 231-243: Implementation

3.7 Other relevant documents include:

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

## **4 Determining Issues**

4.1 The determining issues for the proposed development include:

- i) Principle of development
- ii) Design and Impact on the character of the Conservation Area/Listed Buildings
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on nature conservation.
- vi) Affordable Housing.
- vii) Drainage and flood risk.
- viii) Waste and recycling facilities.
- ix) Crime and the fear of crime.
- x) Mineral safeguarding.

### **4.2 Principle of the Development**

4.2.1 The application site history includes three relevant previous applications and appeals:

- CH/22/0352 - Redevelopment of site to provide 17 room house of multiple occupation.
- CH/20/026 - Site redevelopment to provide 18 Room House of Multiple Occupancy.
- CH/18/247: - Demolition of existing building and erection of 24-bedroom House of Multiple Occupancy (HMO) and associated works.

4.2.2 Whilst the Planning Inspector dismissed the appeals on design aspects of the development there was no objection to the principle of the proposals. As such, the principle of development in this location of a HMO has therefore been established at appeal.

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

### **4.3 Impact on the Character of the Conservation Area/Listed Buildings**

4.3.1 In respect to the impact on character of the surrounding conservation area and listed buildings, the comments of the neighbouring occupiers are noted.

4.3.2 The issues in respect to design and the impact on the character and form of the area are intrinsically linked to the impacts on the setting of the nearby Grade II listed building and Conservation Area. In this respect the proposal engages the duty under S66(1) and S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out that 'In considering whether to grant planning permission which affects a listed building or its setting, or conservation area, the local planning authority shall have special regard to the desirability of preserving, or enhancing the character or appearance of that area.'

- 4.3.3 It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework at para 208 sets out that the local planning authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 4.3.4 Paras 187-191 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.
- 4.3.5 The proposal also engages Policy CP15 'Historic Environment' of the Local Plan.
- 4.3.6 The applicant has submitted a Heritage Statement and historic maps through which the development of the site, nearby conservation area and setting of the nearby church can be assessed.
- 4.3.7 This assessment acknowledges the building subject to the application is not a designated heritage asset, though it is sited on the opposite side of the Town Centre Conservation Area and within 200m of heritage assets and Listed Buildings. The building itself is that of a house built in the 1870's that was modified to accommodate the social club use in the 1940's. This resulted in addition of a single storey side extension, rendering and new windows that changed the property substantially. The site itself was part of a wider farm which was broken up and the open land forms the Cannock Park and Golf course and the more recently developed areas within the adjacent residential zone. There is no evidence on site, or in the construction of the building of any early elements of buildings on the site prior to the house being accommodated or retained on site.
- 4.3.8 The significance as such therefore is that the site and any proposed development has to consider the impact upon the heritage/conservation area and buildings of significant importance. As indicated on the Heritage Statement maps, the site is notably opposite the Congregational Chapel and within the immediate vicinity of Cannock Technical College and the wider Conservation Area.
- 4.3.9 More notable buildings of significance include the 19th century meeting hall, a house with 2 storeys plus an attic and another Town Centre House on the main square dating from the 16th Century with brickwork elevations and stone chimney. Also, on High Green in Market Place area a listed mid-19th century red brick industrial building is retained and is currently occupied as a bank.
- 4.3.10 There are no records of archaeological significance within the confines of the site from any previous works or historical digs evidenced on the application area.
- 4.3.11 The building has been modified inside and out and represents little of the local architectural detail and merit that the noted buildings within the town centre feature. The building itself whilst dating back to the late 1800s is not outstanding and is of no architectural or artistic merit or interest but the geographical location means that the impact on other buildings and sites of architectural interest has been considered in particular the relationship to the buildings within the Conservation Area from which the site is visible.

- 4.3.12 The existing building is of no great architectural merit which has been largely changed internally and visually completely altered and extended externally. The scheme is not considered harmful but beneficial and would enhance the setting of the nearby listed assets. The current building, in a poor state of repair, is visually damaging to the area and a conversion scheme will create a positive impact upon the immediate site and the Conservation Area and town centre.
- 4.3.13 The designated heritage assets within or very close to the application site will not be directly affected physically by the redevelopment of the application site.
- 4.3.14 The conversion scheme will not detract from the character or setting of the nearby Listed Building, given that there would be minor external alterations. The proposal is of a simple design and uses traditional materials and details appropriate to this location to convert a derelict building currently having a negative impact on the heritage of the Town Centre.
- 4.3.15 It is thus considered that the applicant has identified within the Heritage Assessment, the significance of the site, the absence of harm to the setting of the Listed Buildings and nearby Conservation Area, Notwithstanding, the Heritage Assessment does not identify the wider public benefits of the proposal. In line with para 214 of the NPPF it is necessary to weigh the harm, regardless of the level, against any public benefit. In this instance, Officers have assessed the proposal and consider the wider public benefits of removing the vacant building that currently has a negative impact on the adjacent heritage assets and wider locale, the contribution to the local economy whilst being constructed that would also continue once the building is inhabited and through providing a high quality building for 14 No. homes in a town centre location, the harm to the significance of the designated heritage asset would be outweighed and therefore, has had regard to the provisions of Section 66(1) & 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and Paragraph 212 of the NPPF and CP15 of the Local Plan.

#### **4.4 Design**

- 4.4.1 In this respect, design concerns relating to past refusals and appeal decisions have been raised by the residents and are noted.
- 4.4.2 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be:
- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping, and materials.
- 4.4.3 The inspector dismissed the appeal for CH/20/026, due to the Park Road elevation design, which included a 2 storey high double gable end roof feature, which combined with an increase in height would make the proposal appear more prominent and visually imposing than the existing building when seen from Park Road.
- 4.4.4 The current proposal will convert the existing building, with no external alterations proposed save for the insertion of two windows on the eastern elevation at ground floor level and the replacement of the fire escape door at first floor with a new window. By virtue of this, the current scheme has addressed the Planning Inspectors concerns from the 2020 appeal.

4.4.5 As such, the proposal building is assimilated into the already varied street scene and having had regard to Policies CP3 and CP15 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

#### **4.5 Impact on Residential Amenity**

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

4.5.2 No external alterations are proposed, as the scheme involves the conversion of the existing property at 21 Stafford Road. The proposed entrance will be retained as existing at the southern elevation, facing Park Road, with a communal outdoor amenity area adjoining the property to the west. There is no requirement in the Design SPD for amenity space for HMO. The location of the site is within a town centre and there is a public park within close proximity to the site.

4.5.3 The proposal would not face any residential properties on the front or side elevation. No rear windows (north facing) are proposed that would face any residential properties. It is therefore considered that the proposal would not cause a detriment impact on privacy to any residential neighbouring properties.

4.5.4 The Environmental Protection Officer has no objection to the proposal and suitable conditions have been imposed to ensure residential amenity of the potential and surrounding residents. In addition, the room sizes would be in accordance with requirements suitable for licencing.

4.5.5 It is therefore considered that the proposal would adequately protect the amenity of existing residents and would result in a good standard of amenity for both future occupiers and the nearby neighbouring residents. As such the proposal would comply with policy requirements of CP3 and the NPPF.

#### **4.5 Impact on Highway Safety**

4.5.1 Paragraph 116 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.5.2 The comments from neighbours in this respect are noted.

4.5.3 Staffordshire County Highways Department were consulted on the proposal and raised no objections to the proposal in terms of highway safety, due to the site's location within Cannock Town Centre, as it provides excellent access to public transport due to the town's main bus station being opposite. The proposal seeks to redevelop the former Cannock Royal British Legion into a 14-bedroom house in multiple occupation. While the building's footprint will remain unchanged, internal modifications will be made to accommodate the living areas. The site

does not include any dedicated parking; however, a cycle store will be provided within the building. The applicant is requested to provide 14 cycle parking spaces, one per tenant, as no further details have been submitted, and this has been secured via planning condition.

- 4.5.4 The Planning Inspector also had no concerns regarding this aspect on the past appeal decision for CH/22/0352, as it was concluded that residents and visitors would not be heavily reliant on car usage.
- 4.5.5 As such, it is therefore considered that the proposal would not have an adverse impact upon highway safety, and that the level of parking is acceptable at this town centre location paragraph 116 of the NPPF.

#### **4.6 Impact on Nature Conservation Interests/Cannock Chase SAC**

- 4.6.1 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that is given special protection, or which is of particular conservation interest. As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.
- 4.6.2 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 14 No. such that SAC mitigation contributions are required. Such contributions will be secured by CIL.
- 4.6.3 Cannock Chase SAC is principally an area of lowland heathland, one of twelve European dry heaths In Britain, and the most extensive such habitat in the Midlands. The SAC contains the main British population of the hybrid bilberry, a plant of restricted occurrence, and important populations of butterflies and beetles. Also found within the SAC are the European Nightjar and five bat species. As the application site is near the SAC, and residential development is of a type that is likely to result in recreational visits to the protected habitat, it is necessary for the Council, as the competent authority for the purposes of the Regulations, to conduct an appropriate assessment in relation to the effect of the development on the Integrity of the SAC.
- 4.6.4 The application site is situated close to Cannock Chase SAC, and its residential development both of itself, and in combination with other developments in the area is likely to give rise to additional recreational activity within the SAC, which would materially increase the risk of disturbance to the protected habitat. Such disturbance could include the creation of new paths, path widening, erosion and nutrient enrichment. As a result, the proposal would be likely to cause significant adverse impacts to the Integrity of the SAC.
- 4.6.5 Policy CP13 of the Local Plan sets out that all development within the District that leads to a net increase In dwellings would be required to mitigate adverse effects on the integrity of the SAC.

4.6.6 In such a circumstance, mitigation will be secured by CIL. An obligation that sought mitigation would be directly related to the adverse effect that the application scheme would cause to the SAC and would be proportionate to the scale of the development proposed. Consequently, it is considered that such an obligation would be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to it, and thus meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) in these regards. Subject to this, the proposal would not have an adverse impact on nature conservation interests off site. In this respect the proposal would be compliant with Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

4.4.7 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*

4.7.8 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.

4.7.9 There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

4.7.10 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.

4.7.11 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.

#### **4.7 Affordable Housing and other Developer Contributions**

4.7.1 Under Policy CP2 the proposal would normally be required to provide a contribution towards affordable housing for development of 15 or more dwellings. However, given the proposal is for a 14-room HMO in Sui Generis use, this would not trigger an affordable housing contribution. It is therefore considered that the proposal is acceptable without a contribution towards affordable housing.

#### **4.8 Drainage and Flood Risk**

4.8.1 The site is located in a Flood Zone 1 which is at least threat from flooding. Although the applicant has not indicated the means of drainage it is noted that the site immediately abuts a main road and is within a predominantly built-up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area and is considered acceptable.

## **4.9 Waste and Recycling Facilities**

- 4.9.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to national and local waste reduction and recycling targets according to the waste hierarchy'. One of the ways of achieving this is by ensuring development can be adequately serviced by waste collection services and that appropriate facilities are incorporated for bin collection points (where required).
- 4.9.2 The Council's Waste and Recycling Officer has been consulted on the proposal but has not responded at the time of compiling the report. However, if comments are provided by the time of the Committee Meeting, an Officer Update Sheet will be provided for Members.
- 4.9.3 The proposal indicates internal accommodation for bin storage facilities within the building. The scheme has been designed along similar lines to the past proposal to accord with the Council's waste and recycling requirements, which was previously agreed under application CH/18/247. In addition, a suitable condition can be imposed to ensure adequate provision.
- 4.9.4 As such, it is considered that the proposal would conform with Local Plan Policy CP16 and the NPPF.

## **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 Crime and the Fear of Crime**

- 4.11.1 There have been a number of concerns raised relating to the proposal being perceived as leading to an increase in anti-social behaviour and crime.
- 4.11.2 Whilst noted, it would be inappropriate and presumptuous to expect a property in use as a HMO 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.*

## **4.12 Other Issues Raised by Objectors**

- 4.12.1 The issue relating to the status of the potential occupants of the proposed HMO is not a material planning consideration.



## **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 planning conditions.