



Please ask for: Mrs. W. Rowe
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30 November 2021

Dear Councillor,

Planning Control Committee
3:00pm, Wednesday 8 December 2021
Council Chamber, Civic Centre, Cannock

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda. The meeting will commence at 3.00pm.

Yours sincerely,

Tim Clegg
Chief Executive

To: Councillors

Startin, P. (Chairman)
Muckley, A. (Vice-Chairman)

Allen, F.W.C.	Kruskonjic, P.
Beach, A.	Smith, C.D.
Cartwright, Mrs. S.M.	Sutton, Mrs. H.M.
Fisher, P.A.	Thompson, Mrs. S.L.
Fitzgerald, Mrs. A.A.	Wilson, Mrs. L.J.
Hoare, M.W.A.	Witton, P.T.
Jones, Mrs. V.	

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 24 November 2021 (enclosed).

5. Members' Requests for Site Visits

6. Report of the Development Control Manager

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

Finding information about an application from the website

- On the home page click on planning applications, listed under the 'Planning & Building' tab.
- This takes you to a page headed "view planning applications and make comments". Towards the bottom of this page click on the text **View planning applications. By clicking on the link I agree to the terms, disclaimer and important notice above.**
- On the following page insert the reference number of the application you're interested in e.g. CH/21/0001 and then click search
- This takes you to a list of all documents associated with the application - click on the ones you wish to read and they will be displayed.

Planning Applications

Application Number	Application Location and Description	Item Number
1. CH/21/0397	Shop 10, Victorian New Hall, 81, High Green, Cannock, WS11 1BN - Application under Section 73 of the Town & Country Planning Act 1990 to vary condition No. 4 (opening hours) of Planning Permission CH/21/0024 to extend the opening hours of the booking office	6.1 – 6.13

2. CH/21/0438 *35, Greenwood Park, Pye Green, Cannock, WS12 4DQ* 6.14 – 6.30
- Two x two storey side extensions and a single storey rear extension to create (in part) a self contained 1 bedroom annex and other domestic extensions to the host dwelling

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

Held on Wednesday 24 November, 2021 at 3:00 pm
in the Council Chamber, Civic Centre, Cannock

Part 1

Present:
Councillors

Muckley, A. (Vice-Chairman – in the Chair)

Allen, F.W.C.	Molineux, G.N. (substitute)
Buttery, M. (substitute)	Smith, C.D.
Cartwright, Mrs. S.M.	Sutton, Mrs. H.M.
Fitzgerald, Mrs. A.A.	Thompson, Mrs. S.J.
Hoare, M.W.A.	Wilson, Mrs. L.J.
Jones, Mrs. V.	Witton, P.T.
Kruskonjic, P.	

58.	<p>Apologies</p> <p>Apologies for absence were received for Councillors P. Startin (Chairman), P.A. Fisher and A. Beach.</p> <p>Notification had been received that Councillor M. Buttery would be acting as substitute for Councillor P. Startin, and Councillor G.N. Molineux would be acting as substitute for Councillor P.A. Fisher.</p>
59.	<p>Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members</p> <p>None declared.</p>
60.	<p>Disclosure of details of lobbying by Members</p> <p>Councillor F.W.C. Allen declared that he had been lobbied in respect of Application CH/21/0364, Unit 33, Martindale Trading Estate, Martindale, Hawks Green, Cannock, WS11 7XN – Application under Section 73 of the Town & Country Planning Act 1990 to vary Condition No. 4 of planning permission CH/99/0639 to allow movement of vehicles Mon-Fri 6.30am – 6.00pm, Sat 8.00am – 2.00pm, all other operations from 8.00am onwards</p>
61.	<p>Minutes</p> <p>Resolved:</p>

	That the Minutes of the meeting held on 13 October 2021 be approved as a correct record.
62.	Members requests for Site Visits
	None
63.	<p>Application CH//21/0364, Unit 33, Martindale Trading Estate, Martindale, Hawks Green, Cannock, WS11 7XN – Application under Section 73 of the Town & Country Planning Act 1990 to vary Condition No. 4 of planning permission CH/99/0639 to allow movement of vehicles Mon-Fri 6.30am – 6.00pm, Sat 8.00am – 2.00pm, all other operations from 8.00am onwards</p> <p>Consideration was given to the report of the Development Control Manager (Item 6.1 – 6.18 of the Official Minutes of the Council).</p> <p>The Interim Planning Services Manager provided the following update to the Committee which had been circulated in advance of the meeting :-</p> <p>“Following compilation of the report for the Committee agenda, officers have received, further representation from a neighbour regarding a condition that was imposed on the previous planning permission (CH/20/165) which also sought to vary hours. The condition was imposed to protect the amenity of nearby neighbours and read as follows:</p> <p><i>On no occasion between the hours of 04:00 and 07:00 shall the noise from site be greater than the background noise at the nearest domestic property.</i></p> <p>The neighbour has requested the condition be reimposed on the current application if approval is granted. In this instance, as the hours being varied differ from the previous planning permission, the condition would read as follows: -</p> <p><i>On no occasion between the hours of 06:00 and 07:00 shall the noise from site be greater than the background noise at the nearest domestic property.</i></p> <p><i>Reason : To ensure the continued protection of the nearby residential amenity.</i></p> <p>Environmental Health Officers requested the condition on the previous permission but made no request in relation to the current application. Notwithstanding this, the use of the condition on the current application has been considered by Environmental Health Officers who have confirmed that it would be acceptable to include on any permission granted in this instance.</p> <p><u>Point of Clarification on the above application</u></p> <p>Paragraph 5 of the above report should refer to the Equality Act 2010 and not Equalities Act 2010”.</p> <p>The Interim Planning Services Manager then provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.</p>

Prior to consideration of the application representations were made by Paul Outhwaite, an objector and Louise Jackson, the applicant, who was speaking in favour of the application.

Councillor F.W.C. Allen moved refusal of the application stating that this would be detrimental to the amenities of the area, which was seconded by Councillor P. Witton.

The motion to refuse was taken first and, following a vote, the motion fell.

Councillor L. Wilson then moved approval of the application with one amended condition (2) and the additional condition contained in the officer update note. This was seconded by Councillor M. Buttery.

Resolved:

That the application be approved subject to the conditions contained in the report for the reasons stated therein, and subject to the following amended condition and additional condition:

“Amended Condition:

No movement of commercial vehicles shall take place outside the hours of 07:00hrs to 18:00hrs Monday to Friday and 08:00hrs to 14:00hrs on Saturday and at no time on Sundays and Public or Bank Holidays.

All other operations shall take place between the hours of 08:00hrs to 18:00hrs Monday to Friday and 08:00hrs to 14:00hrs on Saturday. No activities shall take place on Sundays or Public and Bank Holidays.

Reason : To ensure the continued protection of the nearby residential amenity.

Additional condition:

On no occasion between the hours of 06:00 and 07:00 shall the noise from site be greater than the background noise at the nearest domestic property.

Reason: To ensure the continued protection of the nearby residential amenity”.

(At this point in the proceedings the Committee adjourned for a short comfort break. Councillors F.W.C. Allen, P. Witton and Mrs. V. Jones all left the meeting and were therefore not present to determine the remaining applications).

- | | |
|-----|--|
| 64. | Application CH//21/0376, Land at Lime Lane, Pelsall, WS3 5AT – Application under Section 73 of the Town & Country Planning Act 1990 to develop the land not in accordance with approved plans but in accordance with plans “Wyrley Traveller Site, proposed amenity building plans and elevations dated 25 August 2021” and “Wyrley Traveller Site, proposed site plan revision L August 2021” and “Wyrley Traveller Site, Utility Block Revision A, August 2021” Pursuant to CH/20/305 |
|-----|--|

Consideration was given to the report of the Development Control Manager (Item 6.19 – 6.62 of the Official Minutes of the Council).

The Interim Planning Services Manager provided the following update to the Committee which had been circulated in advance of the meeting:-

“Points of Clarification on the above application

Paragraph 5 of the above report should refer to the Equality Act 2010 and not Equalities Act 2010.

Paragraph 4.11.1 - of the above report should refer to the Habitats and Species Regulations 2017 and not the Habitats and Species Regulations 2010”.

The Interim Planning Services Manager then provided a presentation to the Committee outlining the application showing photographs and plans of the proposals”.

The Council’s Principal Solicitor drew Member’s attention to the fact that the application was an application under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary conditions and that the principle of the use of the site as a gypsy and traveller site for 5 gypsy families had been established under the previous consent.

Prior to consideration of the application, representations were made by Ray Clee, the applicant, who was speaking in favour of the application.

A Member asked if consideration could be given to including a condition to prevent the use of the utility block for residential use.

Resolved:

That the application be approved subject to the conditions contained in the report for the reasons stated therein, and subject to an additional condition preventing the use of the utility block for residential use and that authority be delegated to the Development Control Manager to provide the wording of that condition. The condition is:

“The proposed utility block as detailed on Dwg.No104370-025-06 Titled ‘Wyrley Traveller Site, proposed Utility Block Revision A’, shall remain for purposes ancillary to the occupiers of the site and at no time converted into or used as a separate dwelling without prior permission of the Local Planning Authority.

Reason: In the interest of protecting the character and form of this rural location in accordance with Policy CP3 of the Cannock Chase Local Plan”.

65. Renewal of Temporary Changes to the Planning Enforcement Protocol

Consideration was given to the report of the Development Control Manager (Item 6.63 – 6.64 of the Official Minutes of the Council).

Members expressed concern at the proposal to not accept anonymous complaints as there may be mitigating factors behind a complainant not being willing to provide their details. It was considered that the protocol should allow anonymous complaints to be

investigated. The Interim Planning Services Manager agreed to give further consideration of the protocol to take on board the comments provided at the meeting.

Resolved:

That the report be noted.

(Councillor Mrs. S. Cartwright left the meeting at 5.11 pm).

The meeting closed at 5.20 pm.

Chairman

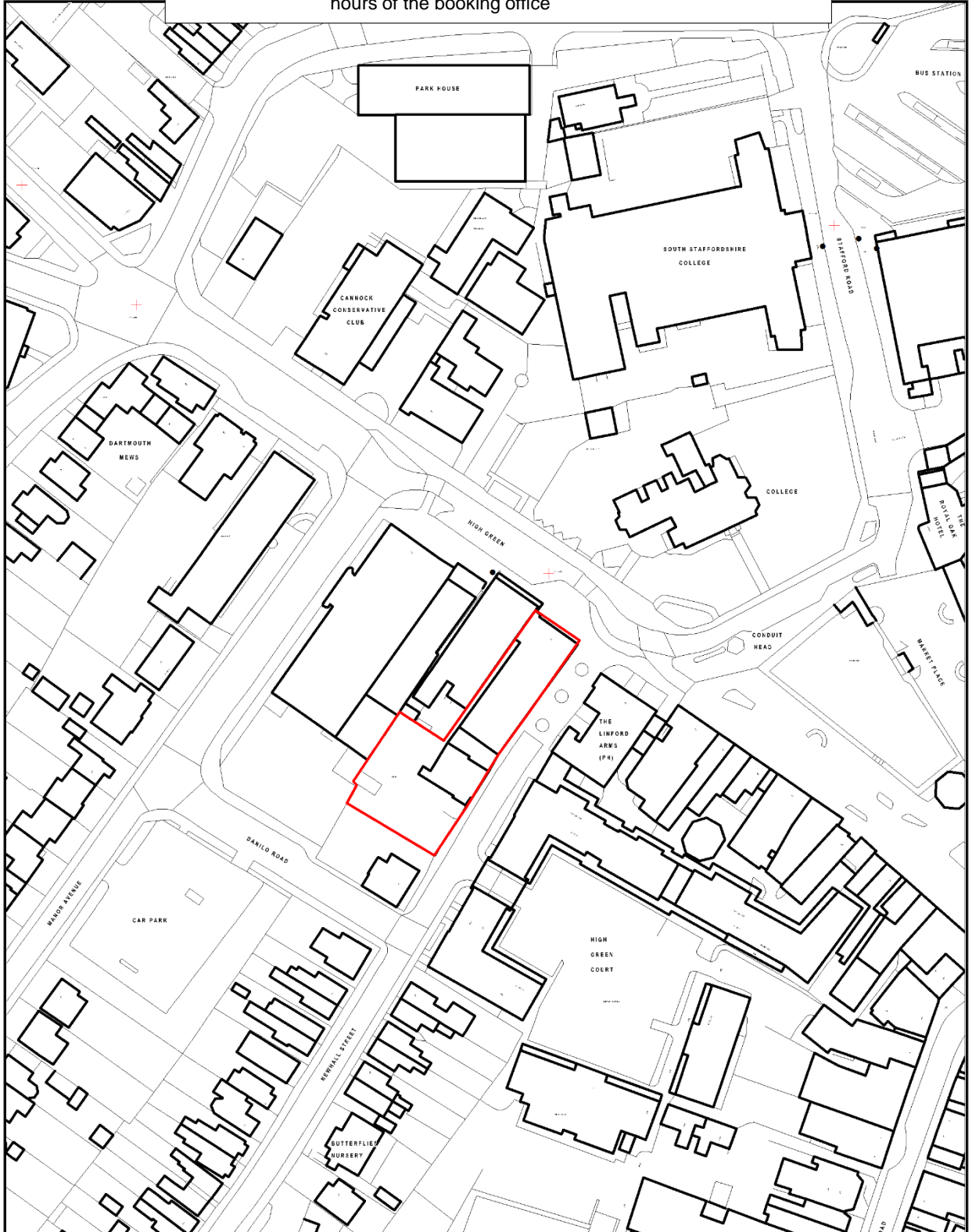


Application No: CH/21/0397

Location: Shop 10, Victorian New Hall, 81, High Green, Cannock, WS11 1BN

Proposal: Application under Section 73 of the Town & Country Planning Act 1990 to vary condition No. 4 (opening hours) of Planning Permission CH/21/0024 to extend the opening hours of the booking office

ITEM NO. 6.1



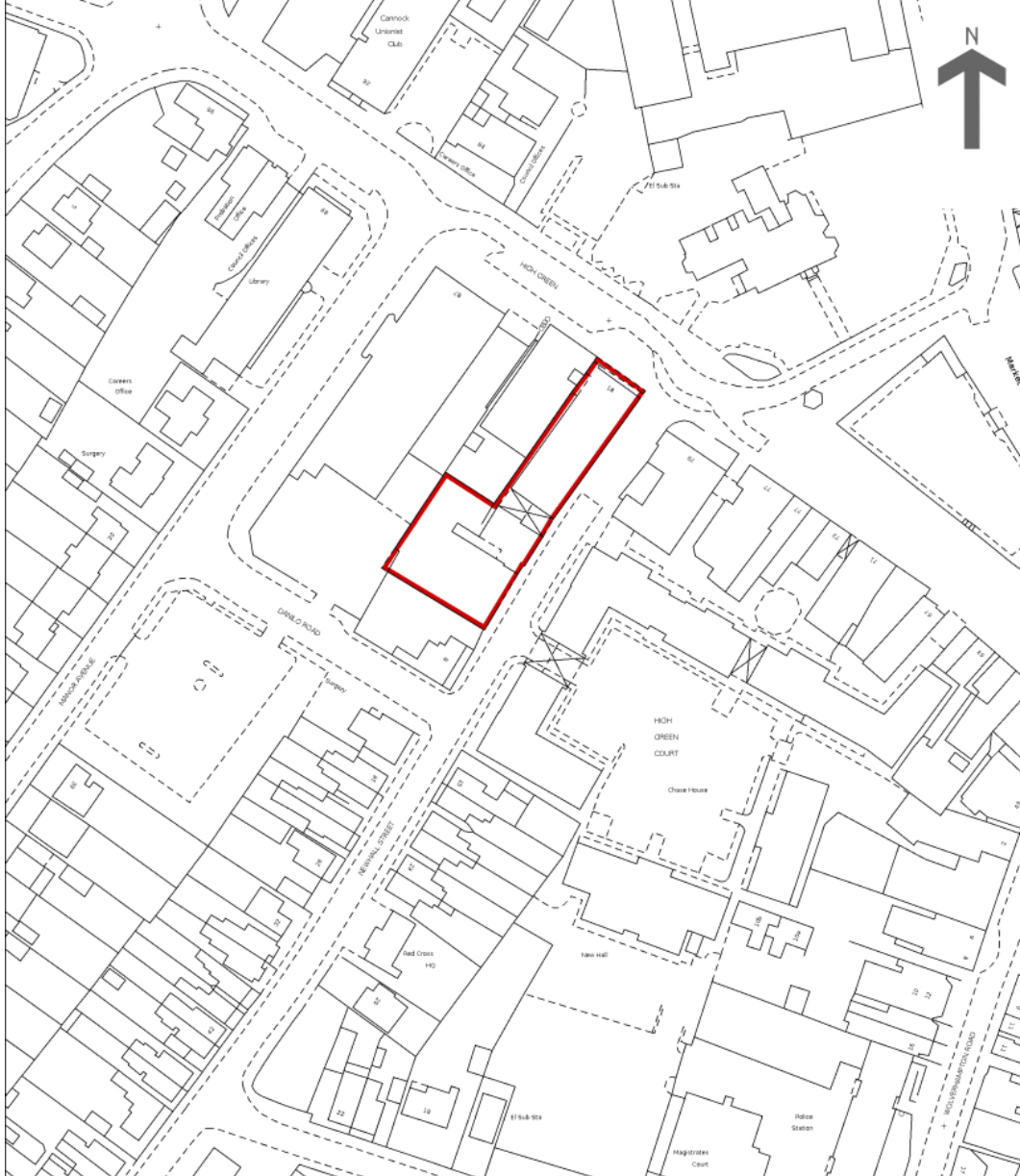
Location Plan from CH/21/0024

HM Land Registry
Official copy of
title plan

Title number **SF344177**
Ordnance Survey map reference **SJ9710SE**
Scale **1:1250**
Administrative area **Staffordshire : Cannock Chase**



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Ground Floor Plan



Contact Officer: Claire Faulkner

Telephone No: 01543 464337

Planning Control Committee

8 December, 2021

Application No: CH/21/0397

Received: 27-Sep-2021

Location: Shop 10, Victorian New Hall, 81, High Green, Cannock, WS11 1BN

Parish:

Ward: Cannock West

Description: Application under Section 73 of the Town & Country Planning Act 1990 to vary condition No. 4 (opening hours) of Planning Permission CH/21/0024 to extend the opening hours of the booking office

Application Type: Full Planning Application

Recommendations: Approve subject to conditions

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions):

1. The development to which this permission relates must be begun not later than the expiration of 14th April 2024.

Reason

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

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

Site Plan

Reason

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

3. No taxi cabs or private hire vehicles operating through the radio control at the premises, shall call at the office for the purposes of waiting or taking orders and instructions, collecting clients or for the purpose of taking refreshment.

Reason

In the interests of highway safety.

4. The premises shall not be open outside the hours of 08:00hrs to 01:00hrs on Sundays to Wednesdays and 08:00hrs to 04:00hrs on Thursday to Saturdays 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 Policy CP3 - Chase Shaping, Design and the NPPF.

Notes to the Developer:

None

Consultations and Publicity

External Consultations

Crime Prevention Officer

No response to date

Staffordshire Highway Authority

No objection

Internal Consultations

Environmental Health

Thank you for referring this matter for consideration. I wish to confirm that I have no adverse comments, but I would like to reiterate on the comments made by the licensing department previously.

The location of the taxi rank is situated in an area of the town that is a hive of activity in the evening and especially at weekends with various bars and restaurants within the vicinity.

We have had noise complaints previously in this area, although not from the public but from the residents above the bars. Extended opening hours of the taxi rank to 4am may see the noise levels rise due to customers being intoxicated and waiting for taxis in that area. Although there is no evidence that this has happened it is a possibility.

The Officer has since clarified his comments as follows:-

To date we have not received any complaints for the rank so I feel this would not be an issue. I made reference to previous licensing comments as an advisory. But as none of their concerns have materialised, we have no issues.

Licensing Department comments

The willingness to employ a Taxi Marshal at the premises may be helpful if planning permission is granted, but for us, it serves to reinforce our concerns in so far as Corkys cars can also clearly envisage some difficulties arising from having a booking office within the town centre and just a few yards from the official taxi rank.

Although I recognise that the town centre environment can be busy, lively and at times noisy, we don't believe that the proposed office will be a benign addition to that environment and does have the potential for increased noise nuisance late at night or early into the morning as well as potential for an increase in anti-social behaviour.

Development Plans and Policy Unit

Thank you for consulting me on this proposal.

The development plan comprises the Cannock Chase Local Plan (Part 1) and the Staffordshire County Council Waste and Minerals Local Plans.

Having looked at the proposal and the provisions of the Development Plan I would advise that I have no specific policy comments to make.

Economic Development

The recommendation is that if the taxi booking office hours were to be extended to 04:00, the extended opening hours should be restricted to weekends only.

Property Services

No response to date

Response to Publicity

The application has been advertised by site notice and neighbour letter with one letter of support received:-

- this is not a residential area, is an established area of public resort with at least one takeaway food outlet and one licensed bar, both open until 3 am it would be reasonable to allow a taxi booking office to be open until at least the closing time of these venues.
- This would meet Council objectives of supporting local business, the night time economy and public safety, especially for more vulnerable members of the public who would benefit from the booking office acting as a safe space while they wait for a taxi home with a predetermined and contractually-agreed pick-up time.
- They may find the walk-in booking office option preferable to and safer than waiting on the taxi rank which is unsupervised and where there is no contractual guarantee in place that a taxi will come to pick them up in a timely manner during busy periods. The scenario of having to wait an indeterminate amount of time at the taxi rank is more likely to occur around and immediately after the closing time of the abovementioned establishments.

Relevant Planning History

CH/21/0024 Change of use from shop (Class E) to Taxi booking office (Sui Generis).
Full - Approval with Conditions 04/14/2021

1 Site and Surroundings

- 1.1 The application site relates to a unit within the recently modernised Victorian Newhall, High Green, Cannock.
- 1.2 The application site was recently granted permission for the change of use to a taxi booking office. The host building is accessed from the front and the side off Newhall Street. There is no separate access for the application unit directly from the adjacent highways. The application site is located with a frontage onto High Green and is sited within Cannock Town Centre.
- 1.3 The wider use of the building comprises a multi occupancy building with a mixture of retail, cafe and a micro brewery with residential accommodation on the first floor. The building has recently undergone a total refurbishment.

- 1.4 The site is within Cannock Town Centre Conservation Area and lies adjacent a number of Listed Buildings. The application site is also located within a Mineral Safeguard Area and is within a low risk development boundary as designated by the Coal Authority.

2 Proposal

- 2.1 The Applicant is seeking consent for Application under Section 73 of the Town & Country Planning Act 1990 to vary condition No. 4 (opening hours) of Planning Permission CH/21/0024 to extend the opening hours of the booking office.

- 2.2 The condition on planning permission CH/21/0024 read as follows:-

The premises shall not be open to staff outside the hours of 08:00hrs to 01:00hrs on any day. The office shall thereafter only be open to the public between the hours of 08:00hrs to 22:00hrs on any day.

- 2.3 The proposal would revise this condition in two ways:-

- 1) The office would stay open until 04:00 hrs for staff, and
- 2) The office would stay open to the public until 04:00hrs

- 2.4 No other alterations to the extant permission are sought.

3 Planning Policy

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

- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).

- 3.3 Relevant Policies within the Local Plan Include:

- CP1 - Strategy – the Strategic Approach
- CP2 - Developer contributions for Infrastructure
- CP3 - Chase Shaping – Design
- CP11 – Centres Hierarchy
- CP15 Historic Environment

- 3.4 The relevant policies within the Minerals Plan are

3.2 Mineral Safeguarding.

3.5 National Planning Policy Framework

3.6 The NPPF (2021) 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

3.7 The NPPF (2021) 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.

3.8 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
86-91	Ensuring the Vitality of Town Centres
92-97	Promoting Healthy Living and safe communities
111	Highway Safety and Capacity
110	Considering Development Proposals
126, 130, 132, 134	Achieving Well-Designed Places
185	Noise Pollution
218, 219	Implementation

4 Determining Issues

4.1 When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. However, new issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are not fundamental or substantial, but still material in nature, a developer may seek to obtain approval for the changes through the provision of Section 73 of the 1990 Town and Country Planning Act.

4.2 An application can be made under [section 73 of the Town and Country Planning Act 1990](#) to vary or remove conditions associated with a planning permission. One of the uses of a Section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied (Paragraph: 013 Reference ID: 17a-013-20140306 of the Planning Practice Guidance).

4.3 Section 73(2) of the 1990 Act states: -

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

4.4 The determining issues for the proposal are whether the proposed variations to conditions would be acceptable in respect of their impact on: -

- (i) The principle of the development
- (ii) The standard of amenity in the locality

4.5 The Principle of the Development

4.5.1 The principle of the development is already approved under the previous planning application ref no CH/21/0024. This permission has been implemented. Hence the principle for the change of use of the site has been firmly established and there have been no material changes in policy or circumstances that would alter this stance.

4.5.2 Impact upon Amenity

4.5.3 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties".

4.5.4 Paragraph 130(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users. Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so (amongst others) (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

4.5.5 Of particular significance in this respect is the relationship between the application site and the residential uses above it. In this instance, it is noted that the application site is located within the Cannock Town Centre Boundary and is located within an area of mixed uses, some with residential units above and within

close proximity to several existing drinking establishments and take away units. It is noted that there is a bar and a takeaway unit within close proximity to the application site that operate until 03:00hrs.

- 4.5.6 However, there are also a number of flats in close proximity, including immediately above the application site. Harm to residential amenity from noise emanating directly from the proposed booking office is not generally an insuperable problem; and any noise generated is likely to be less distinguishable from other background noises and activity within the town centre location.
- 4.5.7 In this instance, the office comprises of communications equipment and is manned by two members of staff. The applicant proposes to allow the public into the unit however these would be monitored by staff. The applicant states that the extended hours would be beneficial to the local users who may be out later and require the safety and security of a booking office. The applicant further states that there have been no incidents and that their CCTV footage has assisted the police in the fight against anti social behavior.
- 4.5.8 The applicant was requested to submit evidence as to the potential demand for taxis up to 04:00hrs. The Councils Economic Development Officer assessed the evidence provided by the applicant and has stated that a demand had only been established during weekends. As such, Officers have recommended that if the hours are permitted until 04:00hrs a condition should restrict this to weekends and Public and Bank Holidays only.
- 4.5.9 The Councils Licensing Officer was consulted on the application and stated that the increase in opening hours of the booking office had the potential for an increase in noise nuisance as well as a potential increase in anti-social behavior issues. The Officer has confirmed that whilst they raised concerns regarding potential noise and anti-social behavior issues nothing has materialised, in in this regard since the booking office use commenced.
- 4.5.10 The Council's Environmental Health Officer was also consulted on the application and made no objections in terms of noise nuisance. The Officer stated that they had received noise complaints previously in this area, from the residents above the bars and they had concern that extended opening hours of the taxi rank to 04:00 hrs may see the noise levels rise due to customers being intoxicated and waiting for taxis in that area, however the officer continued that there is no evidence that this has happened and such behavior, whilst socially unacceptable, can be affectively controlled through licensing and or the police.
- 4.5.11 In considering issues such as noise it can be beneficial to look at appeal decisions to see how Planning Inspectors have approached the issue. One such case in West Lancashire involved a town centre taxi booking office. In this case, an inspector opined that an efficiently run taxi service could assist in the quicker

dispersal of people from the centre at night, in this instance from the nearby premises that benefit from late night opening.

- 4.5.12 Given the above, it is considered that the to the approved hours, subject to a condition restricting the revised hours to weekends only, would have no significant detrimental impact to the amenity of the neighbouring occupiers given the town centre location and as such the proposal is considered acceptable in accordance with paras.130 and 185 of the NPPF.

5 Human Rights Act 1998 and Equality Act 2010

Human Rights Act 1998

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

Equality Act 2010

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

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

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

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

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

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

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

6 Conclusion

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any

significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.

- 6.2 It is therefore recommended that the application be approved subject to the attached conditions.



Application No: CH/21/0438

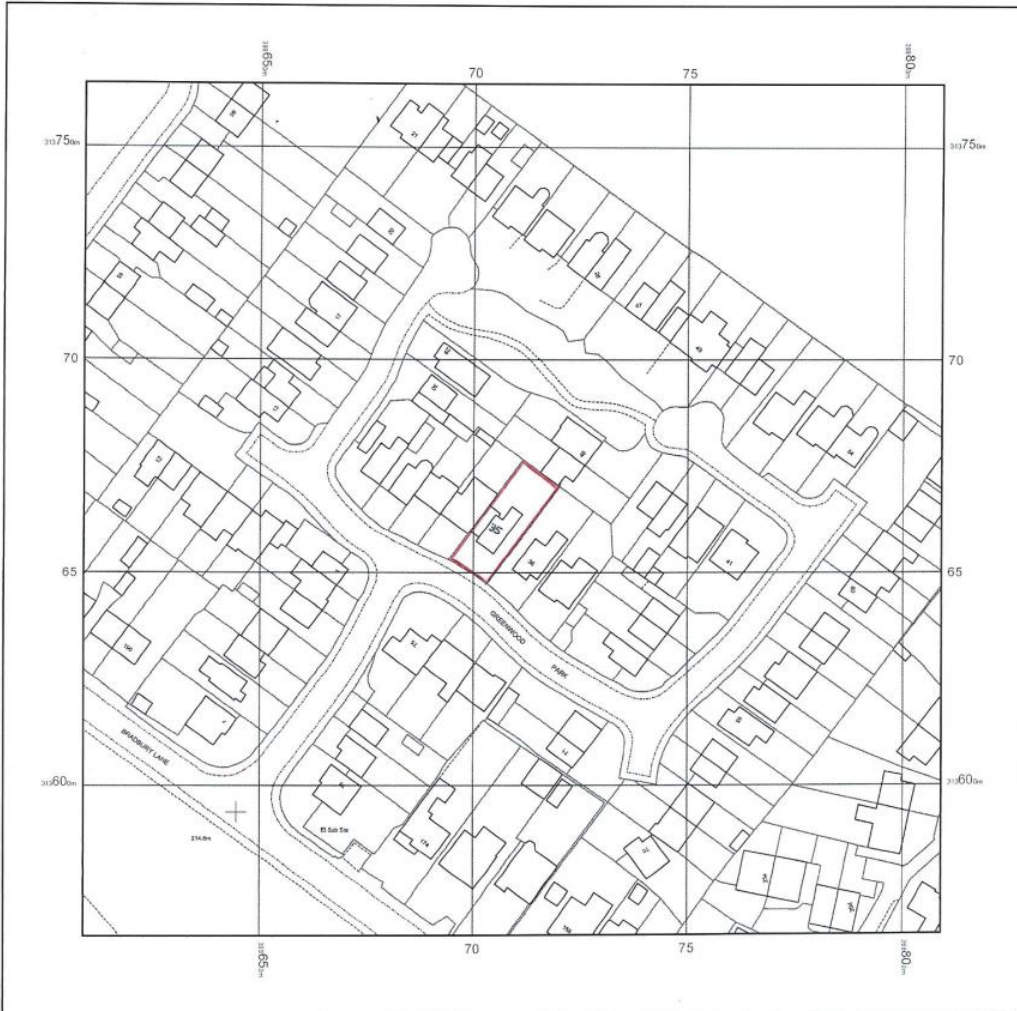
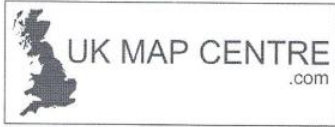
Location: 35, Greenwood Park, Pye Green, Cannock, WS12 4DQ

Proposal: Two x two storey side extensions and a single storey rear extension to create (in part) a self contained 1 bedroom annex and other domestic extensions to the host dwelling

ITEM NO. 6.14



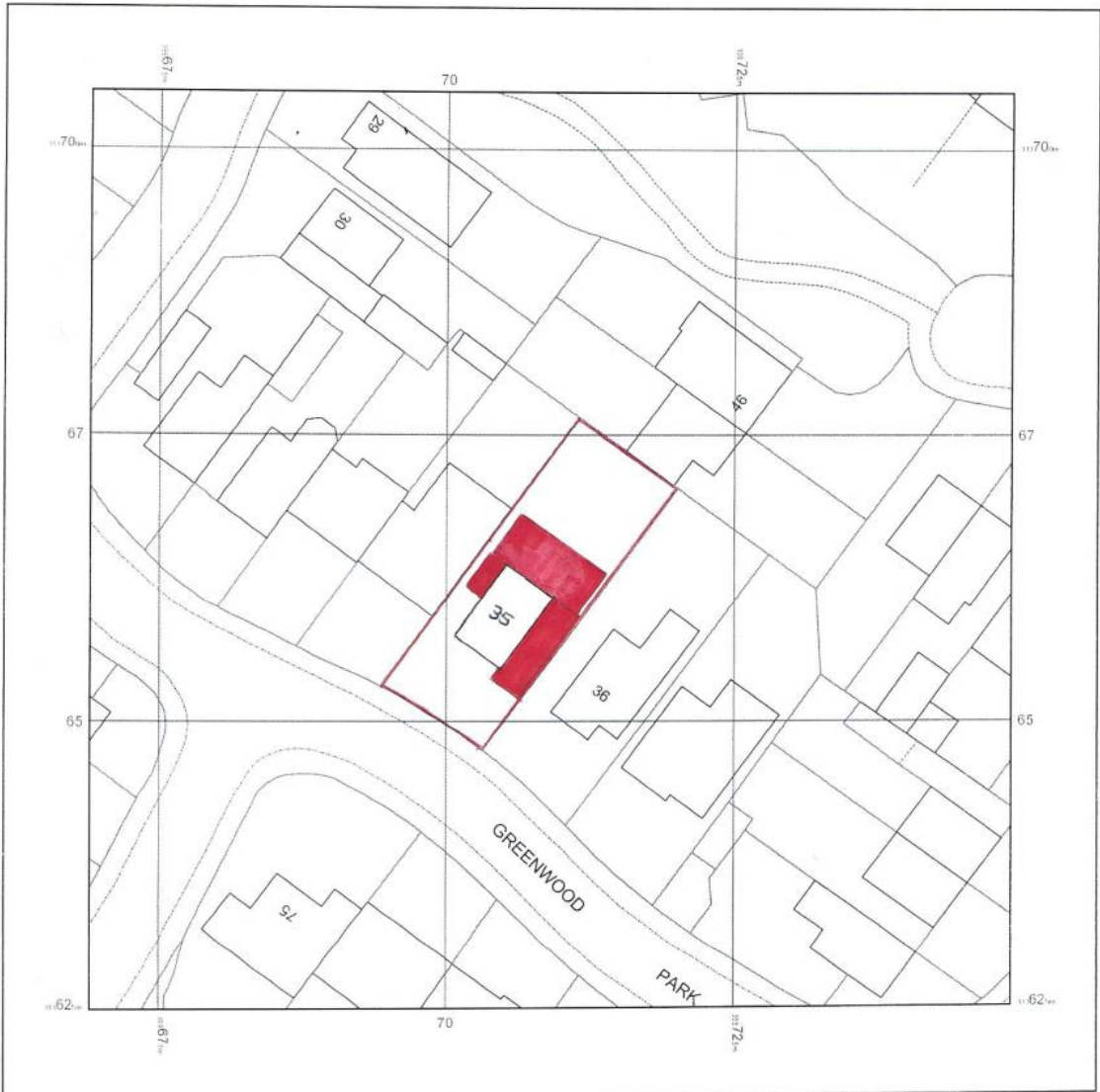
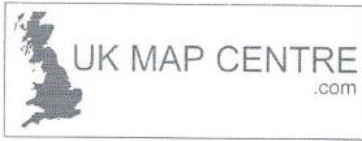
Location Plan



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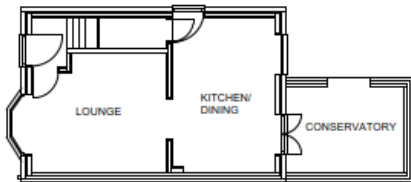
Block Plan



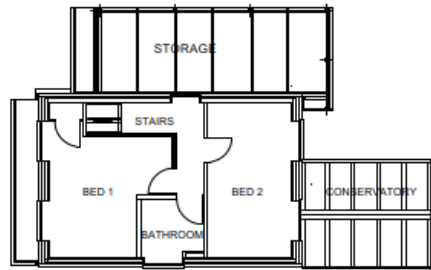
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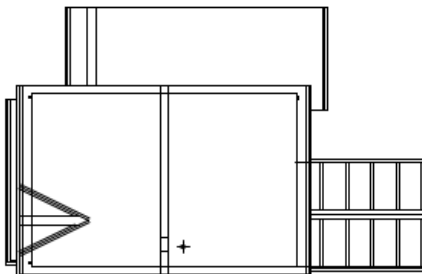
Existing Floor Plans



EXISTING GROUND FLOOR



EXISTING FIRST FLOOR



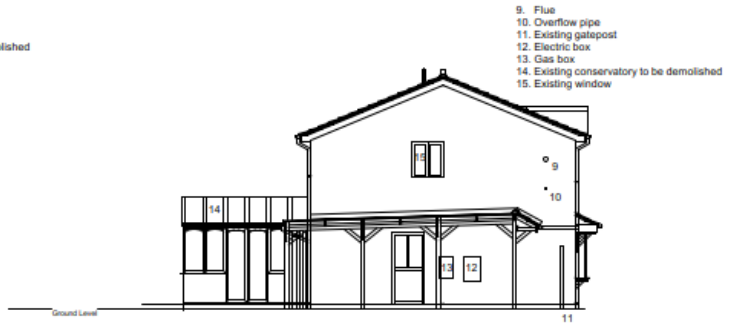
EXISTING ROOF PLAN

PLANNING PERMISSION			
TITLE: EXISTING FLOOR PLANS & ROOF PLAN - OCTOBER 2021			
SITE ADDRESS: 35 GREENWOOD PARK, HEDNESFORD, CANNOCK, WS12 4DQ			
SIZE A3	SCALE 1:100	DWG NO AN-PP-002	REV -

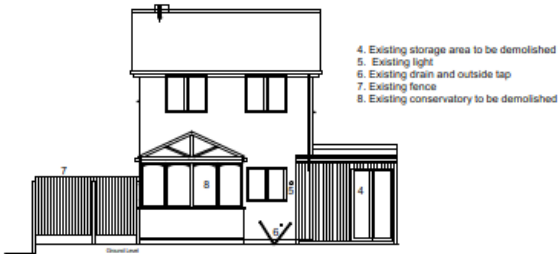
Existing Elevations



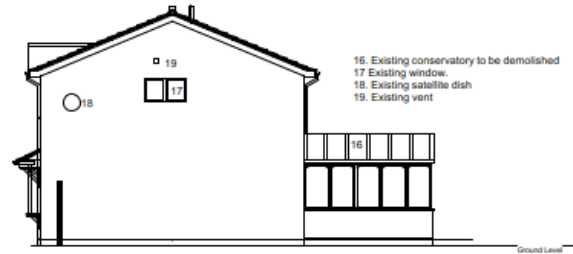
Existing Front Elevation



Existing Side Elevation No 34



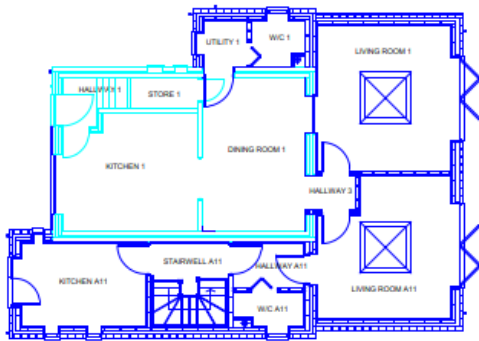
Existing Rear Elevation



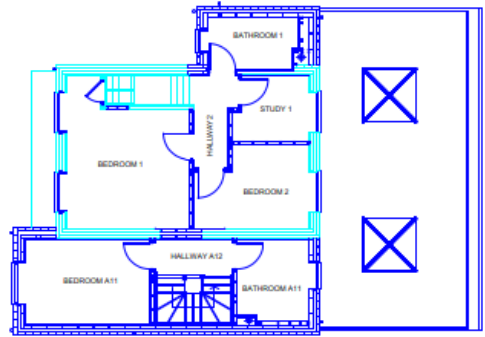
Existing Side Elevation No 36

PLANNING PERMISSION			
TITLE: EXISTING ELEVATIONS - OCTOBER 2021			
SITE ADDRESS: 35 GREENWOOD PARK, HEDNESFORD, CANNOCK, WS12 4DQ			
SIZE A3	SCALE 1:100	DWG NO AN-PP-001	REV -

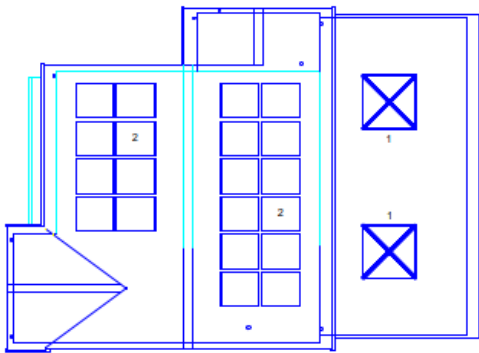
Proposed Floor Plans



Proposed Ground Floor Plan



Proposed First Floor Plan



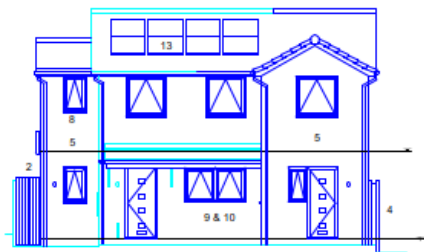
Proposed Roof Plan

Notes:

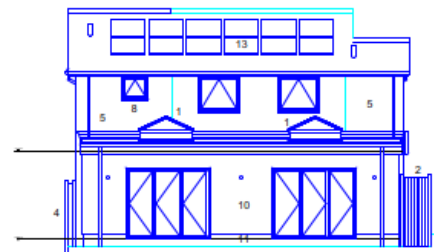
- 1. Roof lantern - Anthracite finish
- 2. Solar panels

PLANNING PERMISSION			
TITLE: PROPOSED FLOOR & ROOF PLANS		DATE: OCT 2021	
SITE ADDRESS: 35 GREENWOOD PARK, HEDNESFORD, CANNOCK, WS12 4DQ			
SIZE A3	SCALE 1:100	DWG NO AN-PP-004	REV -

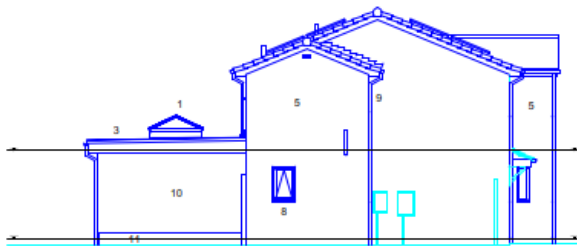
Proposed Elevations



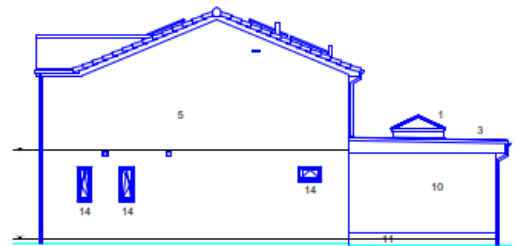
PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION NO.34



PROPOSED SIDE ELEVATION NO.36

Notes:

- 1. Roof lantern - Anthracite finish
- 2. Timber gate
- 3. Roof covering - Black Edpm or equivalent
- 4. Boundary fence
- 5. Bricks to be similar in appearance to existing
- 6. Roof tiles to be similar in appearance to existing
- 7. Doors & windows - Grey/Anthracite finished UPVC/Aluminium
- 8. Opaque glass window
- 9. Aperture infill
- 10. Rendered finish - White/Off white finish
- 11. Blue Class B engineering brick
- 12. Fascias, soffits, guttering & downpipes - Anthracite finish
- 13. Solar panels
- 14. Tilt & turn window - Opaque glass

PLANNING PERMISSION			
TITLE: PROPOSED ELEVATIONS		DATE: OCT 2021	
SITE ADDRESS: 35 GREENWOOD PARK, HEDNESFORD, CANNOCK, WS12 4DQ			
SIZE A3	SCALE 1:100	DWG NO AN-PP-003	REV -

Contact Officer: Claire Faulkner

Telephone No:01543 464337

Planning Control Committee

8 December 2021

Application No: CH/21/0438

Received: 03-Nov-2021

Location: 35, Greenwood Park, Pye Green, Cannock, WS12 4DQ

Parish: Hednesford CP

Ward: Hednesford North

Description: Two x two storey side extensions and a single storey rear extension to create (in part) a self contained 1 bedroom annex and other domestic extensions to the host dwelling

Application Type: Full Planning Application

RECOMMENDATION:

Approve Subject to Conditions

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions):

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

AN-PP-003 Proposed Elevations
AN-PP-004 Proposed Floor Plans
Block Plan
Planning Statement

Reason

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

2. 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.

3. A minimum of 3 car parking spaces shall be available at all times within the curtilage of the four bedroom dwelling.

Reason

In the interests of highway safety and to ensure compliance with The Staffordshire County Council Residential Design Guide, the Parking Standards, Travel Plans and Developer contributions for sustainable transport SPD and the NPPF.

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

Reason

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

5. The annex hereby approved shall only be used by the occupants of 35 Greenwood Park, and members of their immediate family, therefore restricting the occupancy of the annex to ancillary accommodation to the main house. The annex shall not be used at any time for commercial or residential lettings or be separated from the wider planning unit.

Reason

The application has been determined on the basis that the annex will be used as ancillary accommodation to the host property and its use as an independant dwelling house has not been fully assessed.

Notes to Developer:

Coal Authority

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on

0345 762 6848. Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Consultations and Publicity

Internal Consultations

None undertaken

External Consultations

Hednesford Town Council

No response to date

Response to Publicity

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

Relevant Planning History

None relevant

1 Site and Surroundings

- 1.1 The application site is comprised of a detached dwelling fronting Greenwood Park in Hednesford.
- 1.2 The application site comprises a two storey dwelling finished in facing brickwork under a tiled roof. The application site has hardstanding to the front set behind a low boundary fence. The private garden is to the rear of the dwelling. The application site benefits from a conservatory to the rear and a car port to the side.
- 1.3 The street scene comprises a linear strip of detached dwellings fronting the highway set behind modest frontages. Dwellings differ in terms of scale but are generally of a similar design and finish. Several of the adjacent dwellings benefit from extensions similar to those proposed.

- 1.4 The application site located within a Mineral SafeGuarding Area and considered to be in a low risk area by the Coal Authority.

2 Proposal

- 2.1 The application seeks consent for the erection of two x two storey side extensions and a single storey rear extension to create (in part) a self contained 1 bedroom annex and other domestic extensions to the host dwelling.
- 2.2 The two storey extension proposed to the western elevation would comprise a width of 1.7m and a depth of 3.6m. The proposed side extension would be constructed with a height of 6m (5m to the eaves). The proposed side extension would be set back from the front elevation by approx. 4.2m.
- 2.3 The proposed side extension to the eastern elevation would comprise a width of 3.2m and a depth of 9m. This would result in a projection to the front of the dwelling by approx. 1.2m. The proposed side extension would be designed with a projecting front gable constructed to a height of 6m (5m to the eaves).
- 2.4 The single storey extension proposed to the rear would extend across the full width of the dwelling, including to the rear of the proposed side extensions with a depth of 4.4m and a height of 3m to the top of the flat roof.
- 2.5 The proposed extensions, in part, would create an annex to the host dwelling comprising of a bedroom, bathroom, kitchen, downstairs cloakroom and living room. The annexe is specifically required as accommodation for an elderly relative (over 65 years of age). The floor plan has been designed so that it can easily to be incorporated back into the main dwelling house with very little alteration once it is no longer required as an annexe. It will not have its own utility supplies and cannot function as a separate dwelling house. The annexe will share the rear garden, parking and access with the main dwelling house.
- 2.6 The proposed extensions would be finished in render and tile to match the host dwelling.
- 2.7 The proposed car port and conservatory would be demolished to facilitate the proposed extensions.

3 Planning Policy

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

3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014), Hednesford Neighbourhood Plan (2017-2028) and the Minerals Local Plan for Staffordshire (2015 – 2030). Relevant policies within the Local Plan include: -

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

3.3 Relevant policies within the Minerals Local Plan are:-

Policy 3.2 Minerals Safeguarding

3.4 There are no relevant policies within the Hednesford Neighbourhood Plan.

3.5 National Planning Policy Framework

3.6 The NPPF (2021) 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.

3.7 The NPPF (2021) 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.

3.8 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
126, 128, 130 & 134:	Achieving Well-Designed Places
218, 219	Implementation

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

4 Determining Issues

4.1 The determining issues for the proposed development include:-

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

v) Mineral safeguarding

4.2 Principle of the Development

4.2.1 The proposal is for the extension of an existing residential property that is located within an urban location. As such, the proposal for various extensions to an existing dwelling would meet the thrust of Local Plan Policy CP1 and would be acceptable in principle.

4.2.2 However, proposals that are acceptable in principle are still subject to all other policy tests. The next sections of this report will consider the proposal in the light of those policy tests and determine what harms or benefits arise from the proposal.

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

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

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

4.3.2 Paragraph 130(f) of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

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

4.3.3 Finally, Paragraph 134 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a

development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

- 4.3.4 In this instance the host dwelling is a detached building set behind modest frontage with an urban location. The proposed extension is considered to reflect the character of this location wherein dwellings have been substantially extended including projecting front gables.
- 4.3.5 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

4.4 Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes onto include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 130(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 In terms of the neighbouring properties the proposed extensions are located to both sides and the rear of the host dwelling and therefore adjacent the sides of Nos. 34 & 36 Greenwood Drive. To the rear of the site is No.47 Greenwood which has a side elevation facing the application site.
- 4.4.4 It is noted that the proposed side extensions would, for the majority, be constructed adjacent to the shared boundary with No.36 but in line with the front and rear elevations of this adjoining dwelling. The rear extension would remain approx. 2m from the shared boundary which comprises of closeboard fencing. It is noted that No. 36 is sited on slightly lower ground than that of the application site however the proposed extensions would not impede the Daylight / Outlook to the occupiers of this adjacent dwelling.
- 4.4.5 To the west of the host dwelling is No. 34 Greenwood. This dwelling benefits from a single storey rear extension that runs along the shared boundary of the application site. The two storey extension would be constructed adjacent the two storey dwelling with the single storey extension being constructed in line

with the rear elevation of the adjacent extension. As such, there would be no significant detrimental impact to the occupiers of this adjacent dwelling as a consequence of the proposed extensions.

4.4.6 The property to the rear has a side elevation facing the application site. This dwelling would remain 9m from the proposed single storey rear extension and separated by the boundary treatment. As such the proposal would not result in a significant adverse impact to the occupiers of this adjacent dwelling.

4.4.7 As such, the proposed extensions are considered to accord with the requirements of Policy CP3 of the Cannock Chase Local Plan and they meet the requirements of the Council's Design SPD.

4.5 Impact on Highway Safety

4.5.1 Paragraph 111 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 proposal would result in an increase in bedrooms at the host dwelling from 2 to 3 (plus a study that could be used as a bedroom). As such, there would be an increase in the parking provision from two spaces to three. It is noted however there is sufficient room on the existing frontage for the parking of three vehicles as required by the Parking SPD for a four bedroom dwelling.

4.5.3 As such, the proposed development accords with the provisions of the parking SPD and the proposal would not result in an unacceptable impact on highway safety in accordance with paragraph 111 of the NPPF.

4.6 Drainage and Flood Risk

4.6.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps which is at least threat from flooding. In this instance, the proposed extensions would be constructed on an area of hardstanding or in place of existing structures and as such would have no further impact on flood risk in this location.

4.6.2 As such, the proposal subject to conditions, would accord with the requirements of paragraph 155 of the NPPF which seeks to steer new development away from areas of flooding.

4.7 Mineral Safeguarding

4.7.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 209, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

4.7.2 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.

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

4.8 Ground Conditions and Contamination

4.8.1 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.

5 **Human Rights Act 1998 and Equality Act 2010**

Human Rights Act 1998

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

Equality Act 2010

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

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

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

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

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

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

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

6 Conclusion

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