

**Application No: CH/18/163**  
**Received: 24-Apr-2018**

**Location: 36, Church Street, Rugeley, WS15 2AH**  
**Parish: Rugeley**  
**Ward: Western Springs Ward**  
**Description: Proposed demolition of existing bungalow and erection of 3No. dwellings and associated works**

**Application Type: Full Planning Application**

**RECOMMENDATION Approve Subject to Conditions**

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

Reason

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

2. No part of the development hereby approved shall be commenced until details of the materials to be used for the external surfaces have been submitted to and approved by the Local Planning Authority.

Reason

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

3. No part of the development hereby approved shall be occupied until a scheme detailing the replacement tree planting scheme for the site has been submitted to and approved by the Local Planning Authority. The details shall be in the form as specified in Annex C of the Supplementary Planning Guidance 'Trees, Landscape and Development'.

The approved landscape works shall thereafter be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner.

Reason

In the interest of visual amenity of the area and in accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

4. The development hereby permitted shall not be brought into use until the existing access to the site within the limits of the public highway has been reconstructed and

completed.

Reason

In the interests of highway safety and to comply with Staffordshire County Council requirement for vehicular access crossings.

5. The development hereby permitted shall not be brought into use until the access drive, parking and turning areas have been provided in accordance with the approved plans.

Reason

In the interests of highway safety and to comply with the principles set out in the NPPF.

6. The development hereby permitted shall not be brought into use until a surface water drainage interceptor, connected to a surface water fallout, has been provided across the access immediately to the rear of the highway boundary unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of highway safety and to comply with the principles set out in the NPPF.

7. The development shall not commence until a scheme for the disposal of surface and foul water has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works comprising the approved scheme have been completed.

Reason

In the interest of the proper drainage of the area to protect other properties from flood risk and protection of the aquatic environment.

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

2467-11 C

2467-04 A

2467-12

2467-13

Location Plan

Heritage Statement

Pre-development tree survey BS5837:2012

Reason

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

Note to applicant

An asbestos survey should be undertaken prior to the commencement of any works in order that the appropriate attention may be paid to the removal and disposal of any ACMs found to be present.

Demolition should be undertaken in accordance with BS 6187:2011 Code of Practice for full and partial demolition.

The existing dropped crossing to the site shall be reconstructed in accordance with the submitted drawing No.2467-11 E. Please note that prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place1, Wedgewood Building, Tipping Street, Stafford, ST16 2DH or email [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk)

EXTERNAL CONSULTATIONS

Rugeley Town Council

Objection:

Although views of the rear gardens of No.36 Church Street are partially obscured by frontage properties, a sense of spaciousness is created by the lack of buildings or structures to the rear. This makes a material contribution to the established character and appearance of the Conservation Area and is a defining feature as noted at para.1 of the Townscape Character Appraisal of the Conservation Area Appraisal.

The proposed long straight access drive would open up views of the proposed new dwellings at the rear of the site. The development proposed would introduce built development where none existed previously and would create a more enclosed layout which would diminish the open and spacious setting of the existing houses.

When viewed from Bush Drive, the gardens to the rear of No.36 and its neighbours create an undeveloped area at the edge of the Conservation Area. Development on the site would bring built up development right up to the boundary of the Conservation Area in complete contrast and at jarring odds with the current character and appearance of this edge of the Conservation Area, materially diminishing the sense of spaciousness that is an intrinsic part of the character and appearance of the conservation area.

The impact of the proposal would be relatively localised and the harm to the conservation area identified above would, in the parlance of the NPPF, be less than substantial.

However, the courts have held that any harm to a heritage asset is to be given considerable importance and weight. The NPPF makes clear that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be outweighed against the public benefits. The development would be in an accessible location and would contribute to the supply of housing, albeit on a limited scale. In terms of economic benefits, jobs would be created during construction and new residents would spend money in local businesses. The proposal would be an efficient use of the land. However, in the extent that they constitute public benefits, the Town Council do not consider that they outweigh the harm that would be created to the significance of the CA.

The dwellings would be served by an access drive which would run along the side boundary of No.36. There are concerns regarding the noise and disturbance including vehicles passing in close proximity to the common boundaries and rear gardens of these properties and activity from the use of the garden areas of the new dwellings.

The proposed development in the garden of No.36 is seen to be imposing and overbearing to the neighbouring properties with a resulting lack of privacy.

The Church Street CA Appraisal states that most of the properties face the road frontages. Uniformity of the building line gives cohesion to the area. The development in the rear garden is contrary to the inherent physical attraction of the CA.

Along Church Street the development is well detailed with plots of good size. The character and appearance of the CA can be easily eroded as a result of unsympathetic alterations and development and the decay or removal of characteristic features. New development will need to acknowledge the relationship of buildings to spaces. The proposed development would in fact do great harm to the character and appearance of the CA. The protection of existing trees and hedges with views maintained from the Conservation Area outwards area also mentioned as being key in policy.

The proposed plot sizes for the new development would be very small and completely out of character with the existing grain of this part of the CA. The site viewed from neighbouring properties would no longer be low lying hedges and an orchard with glimpses to distant churches, but a sea of tarmac and parking with buildings blocking the views.

The proposed development is completely out of scale and character and would block and remove the assets and views and openness of the Conservation Area.

### The Landor Society

#### Objection

The demolition and construction of three new dwellings on this site would be in direct contravention of the purpose of a Conservation Area.

New builds no matter how well they are designed to 'blend in' with existing properties, rarely if ever achieve a satisfactory replication. Not only would the new build change the character of that part of the street but would also bring with it an inevitable increase in traffic and refuse bins.

There would be the removal of some established trees and hedges to facilitate the project. This would also change the character of the Conservation Area.

### INTERNAL CONSULTATIONS

#### Conservation Officer

No objections.

The site is an infill Brownfield site located within the existing urban area of Rugeley. The proposal involves a net gain of 2 dwellings contributing to the District's housing need set out in Local Plan Policy CP6.

The site is located within the Church Street, Rugeley Conservation Area on the Local Plan (Part 1) Policies Map. Local Plan (Part 1) Policy CP1 identifies that the urban areas of the District will be the focus for the majority of new residential development. It also identifies that a '*positive approach that reflects the presumption in favour of sustainable development*' will be taken when considering development proposals. Policy CP6 also identifies that new housing will be focused in the urban areas, including windfall developments which will receive 'positive consideration'. As it is a brownfield site it would also help meet the aims of Local Plan (Part 1) Policy CP16 which states a preference for the reuse of brownfield land.

Subject to consideration of the detailed design of the scheme, the proposals are supported in principle from a Planning Policy viewpoint.

The site is occupied by a 20thC bungalow fronting Church Street with a long rear garden running back from the road and containing a number of trees. It is located in the southern section of the Church Street Conservation Area and is marked in the adopted Appraisal as having a neutral impact on the Conservation Area. It stands between more historic buildings having a positive impact including the single storey 1930's almshouses. It does not play a large role in the streetscene but has neat enclosing frontage walls.

#### Legislation and Policy

The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the local planning authority's duties:

- S.69 the local planning authority shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and shall designate these areas as Conservation Areas.

- S.72 the local planning authority has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. While the duty may only require that no harm should be caused, it nonetheless creates a special presumption and considerable weight and attention should be given to any harm found to arise regarding the character or appearance of the Conservation Area.

The NPPF (ch.12) requires that applicants describe the significance of any heritage assets affected including any contribution made by their setting. A Local Authority should identify and assess the particular significance of any heritage assets affected by a proposal and take this into account when considering the impact to avoid or minimise conflict with their conservation. In determining applications the Local Authority should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposal on the significance of a designated asset great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting. Any harm or loss should require clear and convincing justification.

Local Plan Policy CP15 seeks the safeguarding of historic buildings, areas and their settings from developments harmful to their significance in order to sustain character, local distinctiveness and sense of place. Proposals including new developments that are sensitive to and inspired by their context and add value to the existing historic environment, landscape and townscape character will generally be supported, with planning standards applied in a flexible manner to maintain historic continuity. The conservation and enhancement of heritage assets are supported via Conservation Area Appraisals and Management Plans and the local decision making process will be based on an assessment of significance of heritage assets including their setting informed by evidence including the Historic Environment Record and Conservation Area Appraisals and Management Plans.

#### Assessment

No objections are raised to demolition of the existing building on conservation grounds providing the replacement development preserves, or preferably enhances, the character and appearance of the Conservation Area.

The proposed development is of good design and materials, in keeping with its setting, reflecting the gable design of adjacent properties, the bay and porch projections and brick detailing. Whilst the form of development behind the existing frontage is not typical of the Area, there is a precedent for it nearby and the built frontage onto Church Street which will be the prominent feature of the development relates well to its surroundings

and will retain the sense of enclosure of the street scene with new walling and an active frontage.

Providing that the Council's Tree Officer is happy with the impacts on existing trees and the proposed planting replacements, all of which help to maintain the green backdrop to the buildings which is a feature of the Area, then the proposal is considered to enhance the character and appearance of the Conservation Area. Approval is recommended subject to conditions to require details of external materials for approval.

#### Landscape and Tree Officer

The Landscape and Tree Officer has raised several issues in respect to the submitted arboricultural report. These include the following comments: -

Root protection areas for multi-stemmed trees are calculated in accordance with a standard which was withdrawn 6 years ago. As a result T4 is significantly underestimated.

The report makes reference to protecting trees in accordance with BS5637:2012, section 9. This BS does not have a section 9. There is also no TPP as suggested.

Details supplied in relation to hard surfacing are extremely vague.

The report states that trees with a diameter of less than 1250mm have not been recorded as they are outside of the scope of the standard. The standard does not say this. The standard states that all trees with a diameter of >75mm should be included on the topo and then the tree survey should include all trees on the topo and any that have been missed.

There seems to be some confusion as to the height at which stem diameters are measured with the report mentioning 1.5m, 1m and DBH which is 1.3m.

Replacement trees with a stem girth of 9-10cm are not light standard in fact 9-10cm does not exist. Light standard is 6-8cm is regular standard or standard standard.

There is no arboricultural impact assessment.

There are no scale plans. As such it is difficult to see how the ecologist has determined that there will be no impact on the trees off-site.

#### RESPONSE TO PUBLICITY

Site notice posted and adjacent occupiers notified. 8 Letters received from neighbours who have raised concerns regarding:

- Increase in noise from traffic accessing the parking areas allotted to the properties at the rear.
- There is no access to the field at the bottom of the gardens (Nos. 40 & 42), but there is fear that this may change in the future.
- The introduction of dwelling in the rear garden would overlook adjacent dwellings and be very close to existing houses.
- The proposed dwellings would cut down the light to neighbouring dwellings.
- Disappointed the proposal removes so many trees and hedgerows given its Conservation Area status.
- Concern about emergency vehicles accessing the new properties as the land to the rear is not accessible to emergency vehicles.
- The large gardens within this location support a large variety of wild life which would be significantly impacted.
- The luscious green area to the rear of the properties would become a cramped and bricked up estate.
- Previous applications on this site have been refused.
- The proposal for entry and exit for vehicles onto the street scene can only cause more problems. The street is a one way and cars frequently travel the wrong way, cars speed which is dangerous,
- Parking is already problematic and this would make the situation worse,
- The grassed area which runs alongside No.2 Owens Close, provides limited access to Nos.32,34 & 36 Church Street and to a piece of land owned by the trustees of the Almshouses. This access is not wide enough for commercial vehicles, with No.2 already suffering damage.
- Privacy would be compromised to neighbouring dwellings.
- The proposed application is not in keeping with the existing street scene.
- The proposed dwellings would overlook the ladyhouses on Church Street

### PLANNING HISTORY

An application, reference w CH/91/0331as refused on the following grounds: -

- 1) The proposed scheme constitutes unacceptable backland development which would introduce an overly dominant development out of character with surrounding residential properties.
- 2) The proposed development contravenes to an unacceptable degree Residential Design Guide Standards with respect to the distance between the principal windows of 3, Church Mews to Unit 1 of the development.
- 3) The proposed demolition of part of 42, Church Street would destroy the character of this attractive architectural unit of 42 and 44 Church Street.

An application, reference CH/90/0409, was refused on the grounds: -

- 1) The proposed development constitutes unacceptable backland development which would introduce an overly dominant feature out of character with surrounding residential development.
- 2) The proposed development has no access to the public highway.

An application, reference CH/256/81, was refused on the following grounds: -

- 1) The access to the site is unacceptable as the distance between the dwellings and the public highways would be substantially in excess of the maximum permitted for refuse collection and access for fire appliances.
- 2) The proposal constitutes undesirable backland development of a piecemeal nature which would be poorly related to the existing adjoining development and prejudicial to the future redevelopment of the area as a whole.

#### 1.0 SITE AND SURROUNDINGS

- 1.1 The site comprises the property known as No.36 Church Street, Rugeley, including the dwelling and its garden
- 1.2 The existing dwelling comprises of a single storey bungalow constructed of red brick under a double hipped rosemary tile roof and mock Tudor gables set behind a low moulded concrete/ reconstituted stone wall and short grassed frontage. There is a generous garden to the rear. There is an access drive into the site which runs along the south western boundary, along the side of the existing dwelling and terminates in a single detached garage.
- 1.3 The application site is roughly rectangular in shape comprising a frontage of 11.4m increasing to 17.2m across the rear boundary. The depth measures 64.4m.
- 1.4 The boundaries of the site are delineated with a combination of close board fencing and well maintained hedgerows.
- 1.5 The application site is located within the Church Street Conservation Area.
- 1.6 Although there are several listed buildings to the north of Church Street they are at such a distance and the views of the application and the listed buildings so oblique that it is considered the proposal would not affect the setting of the listed buildings.

#### 2.0 PROPOSAL

- 2.1 The application seeks full planning permission for residential development comprising 3 detached dwellings with private amenity space and associated parking. The existing dwelling would be demolished as a consequence of the proposal. The dwellings are accessed via a private drive that runs along the south western boundary of the site. The proposed dwellings would comprise of three 3-bedroom dwellings.
- 2.2 Plot 1 would be positioned on Church Street behind a short frontage. The parking would be to the rear adjacent the private garden. The garden comprises of an area of 66m<sup>2</sup> and would be bound by close board fencing. The short frontage would be sited behind a low brick boundary wall.
- 2.3 Plots 2 & 3 are located towards the rear of the site, approx. 30m from the rear elevation of plot 1. These dwellings comprise a pair of semi-detached properties and are accessed off the private drive and parking area. The private gardens for these dwellings would be to the rear and comprise of areas of 90m<sup>2</sup> and 68m<sup>2</sup>.
- 2.4 The application site does not directly border the properties to the rear (Bush Drive). The rear boundary of the site would remain 16m to the rear of these dwellings and separated by an access lane from Owens Close. The rear elevation of the proposed dwellings would therefore remain 26m from these neighbouring properties.
- 2.5 The parking area for the proposed dwellings would be located between the frontage plot and the rear plots. Plot 2 would have the parking provided to the side of the dwelling and plot 3 to the front. Two parking spaces would be provided adjacent the amenity space of plot one for the users of this dwelling. A total of 6 spaces are provided for the proposed development with a turning area.
- 2.6 The proposed dwellings would be of a traditional construction finished in facing brickwork and tiles to the roof. Window cill and header details and front door canopies are proposed and a walk in bay window to the front elevation to help the proposal to sit comfortably in with the surroundings.
- 3.0 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).
- 3.3 Other material considerations relevant to assessing current planning applications include the National Planning Policy Framework (NPPF) and Supplementary Planning Guidance/Documents.

3.4 Cannock Chase Local Plan (2014):

- CP1 - Strategy – the Strategic Approach
- CP2 - Developer contributions for Infrastructure
- CP3 - Chase Shaping – Design
- CP6 - Housing Land
- CP7 - Housing Choice
- CP13 - Cannock Chase Special Area of Conservation (SAC)
- CP15 – Historic Environment

3.5 National Planning Policy Framework

3.6 The NPPF 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 emphasises a “presumption in favour of sustainable development”.

3.7 The NPPF confirms that a plan-led approach to the planning system and decisions must be made in accordance with the Development Plan. In particular, the following NPPF references are considered to be appropriate.

3.8 The relevant sections of the NPPF in relation to this planning application are as follows;

7, 11-14, 17, 49, 50, 56, 57, 58, 60, 61, 64,123, 128, 129, 131, 132, 134

3.9 Other Relevant Documents

- Design Supplementary Planning Document, April 2016.
- Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport
- Church Street Conservation Area Appraisal, 2006

4 DETERMINING ISSUES

4.1 The determining issues for the application are:-

- Principle of development
- Impact on character of the area and the Church Street Conservation Area
- Impact upon amenity
- Access & parking
- Impact upon neighbours
- Affordable housing provision
- Impact upon the Cannock Chase Special Area of Conservation

- Whether any adverse impact of granting planning permission would be significantly and demonstrably outweighed by the benefits, when assessed against the policies in the Framework, taken as whole.

## 4.2 Principle of Development

- 4.2.1 The proposal is for the demolition of the existing dwelling and for the construction of a new building in its place and a further two dwellings to the rear. Both the NPPF and Cannock Chase Local Plan Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. Further, Local Plan Policy CP6 seeks to support the creation of new homes within existing urban areas.
- 4.2.2 The site is located within the urban area of Rugeley. It is a ‘windfall site’ having not been previously identified within the Strategic Housing Land Availability Assessment (SHLAA) as a potential housing site. Although the Local Plan has a housing policy it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such in accordance with Policy CP1 of the Local Plan the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 14 of the NPPF. This states that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework, taken as whole, or
  - Specific policies in this framework indicate otherwise.
- 4.2.3 The specific policies referred to in Paragraph 14 are identified in footnote 9 and include, for example, those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion. It is noted that the site does fall within the Church Street Conservation Area and hence falls to be considered against those policies which relate to designated heritage assets.
- 4.2.4 Notwithstanding the above the Cannock Chase Local Plan (Part 1) Policy CP1 identifies that the urban areas of the District, including Rugeley, will be the focus for the majority of new residential development. It also identifies that a ‘positive approach that reflects the presumption in favour of sustainable development’ will be taken when considering development proposals. The site does not appear to be located within either Flood Zone 2 or 3. The site and is not designated as a statutory or non- statutory site for nature conservation.

4.2.5 In respect to the principle of the proposal it is noted that the site is within the curtilage of a residential use and is located within the Church Street which is less than 1/2km from the town centre of Rugeley, close to the local primary school and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development.

4.2.6 As such, setting the issue of the potential impact on the conservation area aside, it is concluded that the site is located within a sustainable location.

4.2.7 The next part of this report will go to consider the proposal in this respect its impact on 'designated heritage assets'.

#### 4.3 Impact on the character and form of the area and the Church Street Conservation Area

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

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

4.3.2 In addition the above requirement it should also be noted that the site is located within the Church Street Conservation Area and therefore there are additional considerations over and above the requirements of policy CP3.

4.3.3 In respect to the impact on the conservation area it is noted that section 72(i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on a local planning authority in the exercise, with respect to any buildings or other land in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

4.3.4 Furthermore, the NPPF requires the applicants to describe the significance of any heritage assets affected including any contribution made by their setting, and goes on to state that when considering the impact of a proposal on the significance of a designated asset great weight should be given to the assets conservation. It is also noted that the NPPF states that significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting.

- 4.3.5 To this effect the Local Plan contains Policy CP15 does not preclude development in Conservations areas. However, it does seek development proposals to be sensitive to and inspired by their context and add value to the existing historic environment, landscape and townscape character by virtue of their use, layout, scale, appearance and landscaping and materials to ensure that the historic environment acts as a stimulus to high quality design based upon guidance set out within the Design SPD. Opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance will be considered.
- 4.3.6 It is noted that the Church Street Conservation Area Appraisal identifies the existing dwelling as having a neutral contribution to the Church Street Conservation Area. As such, its replacement is acceptable in principle subject to the replacement being a high quality design that preserves or enhances the character, appearance and significance of the Conservation Area.
- 4.3.7 The proposal would introduce two new dwellings towards the rear of the site and one two storey dwelling to the front of the site in place of the existing bungalow. There are no dwellings in the rear gardens to the nearby properties at No 41, 42 and 34 and 32 Church Street and to that extent the proposal would represent an anomaly in this immediate context. Notwithstanding this, there is back land development to the west, in the form of 1-3 Church Street and Nos.80-87 Church Street which is accessed between 56 & 58 Church Street and visible from the application site.
- 4.3.8 Furthermore, the proposal would be visible from within the public realm (at a distance of approx.40m), since it would be largely obscured by the proposed frontage dwelling and adjacent properties. The views of the proposed development would be similar to the existing views of residential dwellings within this part of Church Street.
- 4.3.9 Church Street comprises of a variety of large Victorian buildings with some more recent in fill development together with more modest terrace properties with small rear yards. Buildings therefore range from modest sized terrace properties on small plots to large detached dwellings with spacious plots and mature gardens. The proposed dwellings are of a bespoke design of traditional construction finished in brick and tile. The proposed dwellings reflect the high quality design of the existing buildings with the proposed brick detailing, window cil and header details, canopies and a walk in bay window to the front dwelling which would help the proposal to sit comfortably in with the surroundings. Overall, the design and scale of the dwellings together with the plots size within which they sit reflect the varied nature of this location. The comments from the Landor Society are noted in terms of new builds rarely if ever achieving a satisfactory replication. However these dwellings are not intended to replicate the existing buildings but to

reflect the high quality design and scale of them rather than a pastiche of what is already present.

- 4.3.10 The applicant has submitted a Tree Survey Report with which to inform the submission. This outlines that the quality of trees is categorised as follows: -A (high quality and value), B (moderate quality and value), C (low quality and value) and U which are considered as unsuitable for retention. In this respect it is noted that the trees within the application site are category C to U.
- 4.3.11 The report goes on to state that the scheme would involve the loss of trees T1, T2, T3, T4, T5, T6 & T7 (4 trees of Category C and 2 trees Category U). Replacement trees are proposed in locations that would enhance the street scene to mitigate the loss of the removed trees. It is noted that the trees proposed to be removed are Category C & U trees and of low quality and value. There is adequate room within the site to plant new trees in locations that would benefit the visual amenity of the Conservation Area and Street scene.
- 4.3.12 The Councils Conservation Officer was consulted on the application and raised no objections to the proposal in respect of the impact on the Conservation Area. The Conservation Officer considered that the proposed development is of a good design and materials in keeping with its setting, reflecting the gable design of adjacent properties, the bay and porch projections and the brick detailing. Whilst the form of development behind the existing frontage is not typical of the area, there is a precedent for it nearby and the built frontage onto Church Street which will be the prominent feature of the development relates well to its surroundings and will retain a sense of enclosure of the street scene with new walling and an active frontage.
- 4.3.13 Also, it is noted that the trees within the site are protected due to the designation of the Conservation Area and not due to Tree Protection Orders (TPO). The trees make little contribution to the street scene as they are screened by existing buildings. Whilst they do add green vegetation to the Conservation Area in terms of garden planting their removal would not harm the Conservation Area overall and more appropriate tree planting is proposed which would be visible from the public domain and thus enhance the wider Conservation Area.
- 4.3.14 The Landscape Officer raised concern regarding the qualifications of the author of the tree assessment. However the author of the tree assessment, a Mr Bodnar has a PhD in Forestry and recent certified BS5837 training. The verifier of the report has also been trained in BS5837. As such there is no evidence to suggest that the two consultants are otherwise then qualified to make such assessments.
- 4.3.15 The tree officer also raised concerns regarding the calculation of the Root Protection Zone (RPZ) for T4 however; T4 is identified on the plan as being a Category C tree and is proposed to be removed. Therefore there is no requirement for a tree protection zone.

4.3.16 In relation to the other issues the arboricultural consultant has commented as follows: -

- (i) Under the calculation of the root protection areas as per the Tree officer's standard would increase the radius from 2.7m to 2.9m which is hardly a significant underestimation.
- (ii) The reference to section 9 was a typo and has been deleted. There are no tree protection plans as no trees are planned for retention. How can you protect a tree that is not there?
- (iii) In relation to the issue as to whether a diameter of 150mm or >75mm should be used the consultant considers that this changes nothing in the evaluation.
- (iv) In relation to the height at which measurements are taken the consultant has confirmed that they were all measured at 1.5m and this is stated throughout the report.
- (v) The report has been amended to refer to 8-10cm regular standard.
- (vi) An arboricultural impact assessment has been added to the report.
- (vii) In respect to the scale of the plans the consultant has stated that the topographical survey on which the trees are overlaid is a scaled plan. It has a scale on the diagram very clearly. The off-site trees are so far away that the topographical survey did not pick them up. The consultant has included them to demonstrate that they are outside the zone of influence.

4.3.17 It is clear from the above that the issues are minor rather than substantive in nature in nature, and do not affect the overall conclusions of the arboricultural report, that the trees on the site are not worthy of retention in themselves and that the proposal would not significantly affect the trees that are located off but nearest to the application site.

4.3.18 In respect to the loss of the open nature of the rear garden to No36 attention is drawn to the fact that plot sizes vary widely within the conservation area from modest back gardens serving terrace houses to more generous plots serving villa type properties. The current garden now serves a somewhat modest 1930s bungalow and therefore any historic relationship between house and garden has been lost. As such the development of the plot would not affect the historical significance. Similarly the existing "orchard" is a modern creation and has no historical significance. The trees within the orchard do not form a significant component of the historic townscape and therefore loss would not significantly harm the character and appearance of the conservation area.

4.3.19 For the reasons listed above, the proposal is considered to preserve the character and appearance of the conservation area and its significance as an historic townscape. Therefore having had regard to Section 72 of the Planning (Listed Buildings and Conservation Act ) 1990 it is concluded that the proposal would be

acceptable having had regard to Policy CP15 of the Local Plan and the guidance contained within Section 12 of the NPPF.

#### 4.4 Impact on Amenity

4.4.1 A core planning principle is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and this has been accommodated within Policy CP3 of the Local Plan and supported by the guidance as outlined in the Design SPD.

4.4.2 In order to support Policy CP3, the Design SPD, sets out, amongst other things recommended minimum distances for space about dwellings and between different elevations, in addition to recommended garden sizes. However, it should be noted that in applying these recommendations that they are in nature of guidance and allowances should be made for differences in levels and or where the relationship between elevations is at an angle.

4.4.3 In this respect it is considered that the proposal meets the guidance set out within the Design SPD having regard to angles and juxtaposition between the proposed dwellings themselves and with surrounding neighbours properties. There are no windows within the proposed development at first floor level that would give rise to unacceptable levels of overlooking to adjacent dwellings or their gardens with front and rear principle windows facing out over the application site itself. Whilst there may be some views over neighbouring land, these views would be oblique and not direct.

4.4.4 In addition to the above the proposal would meet the minimum recommendations for outdoor amenity space and parking provision.

4.4.5 As such, whilst the comments from neighbours and the Town Council in terms of the proposal being overbearing and intrusive, the proposal comfortably complies with the relevant standards within the Design SPD with regard to overbearing, privacy and daylight / Outlook. Therefore it is considered, that the proposal would provide a good standard of amenity for all existing and future occupiers of the existing and proposed dwellings in accordance with Policy CP3 of the Local Plan and para.17 of the NPPF.

#### 4.5 Impact on Highway Safety and Capacity

4.5.1 Paragraph 32 of the NPPF states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

4.5.2 In this respect, the existing access would be used and extended and the existing garage demolished. The access drive would extend for 25m along the shared

boundary with No. 42 before terminating in a parking area for the three proposed dwellings. The County Highway Authority raised no objections to the proposal in terms of highway safety.

4.5.3 The proposed access drive would allow vehicles to pass and would terminate in the parking area for the proposed dwellings. There is sufficient room within the application site for six vehicles (2 per dwelling), which would be required as a consequence of the proposed development.

4.5.4 The comments from neighbours regarding the existing parking situation being problematic and driving the wrong way along the one way street are noted. However, the parking requirements of the Parking SPD seek two spaces per two and three bedroom dwelling which is what is being provided in this instance. The Council have no control over users of the highway in terms of street parking or driving the wrong way along Church Street.

#### 4.6 Impact on Nature Conservation Interests

4.6.1 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that is given special protection or which is of particular conservation interest.

4.6.2 As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.

4.6.3 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL. The proposal would be CIL liable.

4.6.4 Given the above it is considered that the proposal, subject to the CIL payment, 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 be required to provide a contribution towards affordable housing. However, given the order of the Court of Appeal, dated 13 May 2016, which give legal effect to the policy set out in the Written

Ministerial Statement of 28 November 2014, and the subsequent revision of the PPG it is considered on balance 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 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, there is an existing dwelling on the site with existing drainage and it is located within a built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area. Therefore, it is considered that options for draining the site are available and that this can be adequately controlled by condition.

#### 4.9 Objections raised not already covered above

4.9.1 Concern was raised regarding the increase in noise from traffic accessing the parking areas allotted to the properties at the rear. In respect to the assertion that noise and pollution will be increased it is noted that there is the potential for disturbance due to engine noise, fumes, manoeuvres into and out of the proposed parking area and general human activity associated with parking areas. Whilst there is already a driveway and garage to the side of the host dwelling, as a consequence of the proposal it will be extended further into the plot where vehicle manoeuvring does not currently exist. Notwithstanding this, the two dwellings proposed would retain existing boundary treatments and any additional noise and pollution would be domestic in nature and would not significantly prejudice the peace and enjoyment of the rear gardens for existing occupiers.

4.9.2 One objection raised concern regarding the access to the rear off Owens Close stating, that there is currently no access to the field at the bottom of the gardens (Nos. 40 & 42), but there is fear that this may change in the future. Your Officers confirm that whilst there is an access to the rear off Owens Lane this applicant does not own the access and it does not form part of the application currently being considered. If it does come forward in the future as an application it will need be considered at that time based on its own planning merits.

4.9.3 An objector raised their disappointment that the proposal removes so many trees and hedgerows given its Conservation Area status. Your Officers confirm that the tree assessment categorised the trees within the site as being Category C and U which have a low quality and value. The proposal would however retain the trees to the rear of the site and proposes two new trees to mitigate against the loss.

4.9.4 Concern about emergency vehicles accessing the new properties as the land to the rear is not accessible to emergency vehicles. Emergency vehicles are covered by Building Regulations. Notwithstanding this, the access within Manual for Streets states an access requires 3.7m from operating space for a fire engine however, it

- does continue that this distance can be reduced to 2.75m providing a pumping appliance can get to within 45m of dwelling entrance. Building Regulations may require the applicant (subject to permission being granted) to install a pump within the application site.
- 4.9.5 A neighbour raised the fact that previous applications on this site have been refused. Your Officers confirm that applications were refused on the site in the 1980's and 1990's and planning policy has change twice wince these refusals. Notwithstanding that, each application is considered on its individual merits having regard to policy as it stands at the time the decision is made.
- 4.9.6 Concern was raised regarding the grassed area which runs alongside No.2 Owens Close, which provides limited access to Nos.32,34 & 36 Church Street and to a piece of land owned by the trustees of the Almshouses. This access is not wide enough for commercial vehicles, with No.2 already suffering damage. Your Officers confirm that the access from Owens Close does not form part of this application and is not identified as being within the ownership of the applicant.
- 4.10.0 Whether any Adverse Impact of Granting Planning Permission would be Significantly and Demonstrably Outweighed by the Benefits, when Assessed Against the Policies in the Framework, Taken as Whole.
- 4.10.1 Although the Council has a five year supply of housing land it is noted that such a supply is not a ceiling and it is the Government's firm intention to significantly boost the supply of housing. With this in mind it is noted that the granting of the permission would make a contribution towards the objectively assessed housing needs of the District. In addition it would have economic benefits in respect to the construction of the property and the occupiers who would make some contribution into the local economy. Finally, the proposal would have an environmental benefit of making efficient use of land within a sustainable location.
- 4.10.2 Conversely when looking at potential harm it is considered that, subject to the attached conditions, there would be no significant and demonstrable harm to the setting of the Church Street Conservation Area, highway safety, residential amenity, wider nature conservation interests and flood risk.
- 4.10.3 As such it is considered that any adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as whole. As such the proposal benefits from the presumption favour of sustainable development and should, subject to the attached conditions, be approved.
- 5.0 EQUALITIES ACT  
This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the

recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

6.0 HUMAN RIGHTS ACT

6.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The proposals could potentially interfere with an individual's rights to the peaceful enjoyment of his or her property as specified in Article 8 and Article 1 of the First Protocol, however, the issues arising have been considered in detail in the report and it is considered that, on balance, the proposals comply with Local Plan Policy and are proportionate.

7.0 CONCLUSION

7.1 The proposal is an effective re-use of previously-developed land in a sustainable location and provides good quality housing. The properties are of a good quality design and incorporate appropriate landscaping and parking provisions. The development would not lead to harm to the Conservation Area. The proposed development accords with the standards of the Design SPD which seeks to protect neighbouring amenity and is therefore acceptable and in accordance with Local Plan Local Plan Policies and the NPPF.

7.2 As such, approval is recommended subject to conditions