

21. Minutes

RESOLVED:

That the Minutes of the meeting held on 26 June, 2019 be approved as a correct record.

22. Members' Requests for Site Visits

Councillor A. Pearson requested that a site visit be undertaken in respect of Application CH/19/241, Proposed Swimming Pool Enclosure, White Gables, Kingsley Wood Road, Rugeley, WS15 2UG.

RESOLVED:-

That a site visit be undertaken in respect of Application CH/19/241, Proposed Swimming Pool Enclosure, White Gables, Kingsley Wood Road, Rugeley, WS15 2UG.

Reason: to assess whether there was any overdevelopment of the site.

23. Enforcement Case in relation to Planning Application CH/18/398 – 25 Surrey Close, Cannock, WS11 8UF

Consideration was given to the report of the Development Control Manager (Item 6.92 – 6.107 of the Official Minutes of the Council).

Prior to consideration of the application representations were made by Mr. Harry Wilkes, an objector and Mr. David Hyden, speaking on behalf of the applicant.

The Development Control Manager advised that following compilation of the report a further letter of objection had been received from the neighbouring resident of Mill Green View, this was circulated to the Committee and is attached as Annex A to the minutes.

RESOLVED:

(A) That an enforcement notice be served to remedy the situation by requiring:-

- (i) The erection of a 1.8 metre high fence added to the edge of the top patio area; and
- (ii) The reduction in ground level of the lower patio by 0.3m which would result in a rear fence height of 1.8m as measured from the inside of the lowered patio.

(B) That no enforcement action be taken in respect to the conservatory.

24. Application CH/18/428, 6 Hewston Croft, Littleworth, Hednesford, Cannock, WS12 1PB – Detached Garage with Gymnasium

Consideration was given to the report of the Development Control Manager (Item 6.39 – 6.53 of the Official Minutes of the Council).

The Development Control Manager provided the Committee with an update, which had been circulated at the meeting and is attached at Annex A to the minutes.

Prior to the determination of the application representations were made by Stephen Wood and Dave Jones, objecting to the application.

Following the representations the Development Control Manager confirmed that the site is not in the Green Belt and the application should be judged on its merits and not based on what the applicant may intend to do in the future.

The Landscape Projects Officer then clarified the landscaping team's comments and objection in relation to the impact on the existing protected trees.

RESOLVED:

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

25. Application CH/18/366, Car Park to former Globe Inn, The Globe Site, East Cannock Road, Cannock, Hednesford WS12 1LZ – Proposed car wash on former public house car park

Consideration was given to the report of the Development Control Manager (Item 6.1 – 6.20 of the Official Minutes of the Council).

The Development Control Manager provided the Committee with an update, which was circulated to Members and is attached at Annex A to the minutes.

Prior to the determination of the application representations were made by Paul Bailey, an objector.

Members were of the opinion that the application should be refused and discussed reasons based around visual amenity, drainage issues and highway safety.

Staffordshire County Highways Officers were present and provided the Committee with advice on the effect the application would have on the highway.

The Development Control Manager suggested that, if the Committee were minded to refuse the application, they may wish to defer the application in order to enable Officers to provide further information relating to the reasons put forward by Members and submit this to the next meeting of the Committee for consideration.

The Principal Solicitor advised that only those Members of the Committee present at today's meeting would be able to consider the reasons for refusal when they were presented to the Committee at the next meeting.

RESOLVED:

That Members were minded to refuse the application but deferred the application to the next meeting to allow discussion of the wording of the reasons for refusal following receipt of further information from the Development Control Manager.

- 26. Application CH/18/145, 1 Brindley Heath Road, Cannock, WS12 4DR – Residential development – erection of 4 no. 2 bed houses and 3 no 3 bed houses (outline application with all matters reserved except access and layout)**

Consideration was given to the report of the Development Control Manager (Item 6.21 – 6.38 of the Official Minutes of the Council).

RESOLVED:

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

- 27. Application CH/19/139, 18 Anson Street, Rugeley, WS15 2BE – Proposed change of use from (A1) post office to (A4) drinking establishment**

Consideration was given to the report of the Development Control Manager (Item 6.54 – 6.76 of the Official Minutes of the Council).

Prior to the determination of the application representations were made by Mr. P. Hackett, the applicant, speaking in support of the application.

RESOLVED:

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

- 28. Application CH/19/161, 14 Gloucester Way, Heath Hayes, Cannock WS11 7YN – Single storey rear extension to replace existing conservatory**

Consideration was given to the report of the Development Control Manager (Item 6.77 – 6.91 of the Official Minutes of the Council).

RESOLVED:

Members noted the representations made by the neighbour and confirmed that the application be approved, subject to the conditions contained within the report for the reasons stated therein.

The meeting closed at 4.40pm.

CHAIRMAN

Enforcement Case in relation to Planning Application CH/18/398 – 25 Surrey Close, Cannock, WS11 8UF

**“Support Enforcement Action CH/18/398
(Retention of Conservatory /Garden Levels)**

Dear Sir or Madam

It must be known to the Planning Committee that the alterations were done before the original Planning Application was submitted. Therefore when the P.A. that was submitted shows on the existing plan shows how they have altered the garden but it does not show how the garden was before the alterations were done. No over-viewing was done before the alterations but now MGV and others have lost their privacy altogether.

- 1) Before the Bungalow on Surrey Close were built in 2014 a condition was set out by the CCDC Planning Committee on a letter dated 23rd October 2014
- 2) This letter stated that nothing shall be constructed such as a porch or no hard surface outside of the external door of the dwelling without a Planning Application being done.
- 3) This was clearly done without any P.A. being submitted.
- 4) No 25 were told by neighbours that this should be done but took no notice and carried out the alterations without planning consent
- 5) Very conveniently No 25 told this committee that their solicitors could not find anything in the search appertaining to this effect of this letter.
- 6) **This has been checked by the CCDC Planning Committee and this was there to be found in the Public domain of the property conditions. But this had not been checked till the objection had been raised by MGV which was too late as they had already done the alteration. Solicitor must not have done his research as it was there to be found.**
- 7) Very conveniently again when the P.A. was done it did not show you how the garden was it showed how the garden was done without planning consent. The Existing plan shows how they have already altered the garden so therefore you take it as you see not as it was originally was in the first instance. The proposed is to show how they can cover up their wrong doings.

ANNEX A

- 8) What is of great importance is that the lower patio has been built up onto the wall of MGV but the wall is **not a support wall** and not be used as such but it means the perimeter fence is now **4ft plus rather than 6ft**
- 9) This totally contravenes what was set out by CCDC planning committee in 2014 and it's like building a viewing platform to which overview MGV. Taking the 6ft fence to just over 4ft on the lower section. There should be an 1800mm fence all-round the property perimeter to stop any overlooking. This is not the case now.
- 10) To add onto this the top section of the Patio near to the bungalow can still overview MGV taking away their privacy altogether.
- 11) No 25 can look at their boundary fence to find that the Left rear fence shows belongs to them but in matter of a fact does not as it belong to MGV as their boundary fence and built within MGV boundary.
- 12) The boundary fence to No 25 was not constructed as when agreed with the property owner why 2 boundary fences have back to back when MGV will do the job.
- 13) You have to look at No 21 where Mr Dukes at Roskerr insisted that this boundary fence was done so there you have a double fence. That is what I should have done but did not as I thought it was not necessary.
- 14) This means the rear boundary fences to No 25 was never done but get it straight it belongs to MGV and is within MGV boundary. The same applies to No 27 and No 23
- 15) When MGV put in the objection and the sight was visited by CCDC Ian Cunningham who definitely said that the ground level should be taken down to its original level about 0.7 mts but he could not do this as it has to go through the correct channels.
- 16) The site had also been visited by the Case Officer who seen how this impacted on MGV privacy and others.
- 17) This has been to 2 P.A. committees one which was deferred and the other it was said that the 2 parties should get together and come to an arrangement to sort out the objection.
- 18) This was done but was not a very constructive as Mr Wyle's (No 25) was in any way listening to any one and very aggressive to both myself and the Chairman to which may I say was not called for. Therefore no solution was agreed and now back to where we started which is back to the committee.

ANNEX A

- 19) I do believe that the P.A has been withdrawn and to me this is like playing a gain as if this committee does not do anything then we allow people to go against the CCDC principle layed out and get away with what has been set out.
- 20)If the committee take no action then what happens as I believing 4 years nothing can be done. What happens when the property is sold we are back to where we started and this is no joke as the to go through this again.
- 21)Lets not look at Cost as all this was done without permission and the ground levels should be put so no overwiewing of MGV is possible as set out in the conditions of the bungalows being built in 2014. Again a date should be set for this to be done as if not nothing will happen.

Harry and Christine Wilkes.

Application CH/18/428, 6 Hewston Croft, Littleworth, Cannock, WS12 1PB – Detached Garage with Gymnasium

Following compilation of the report for the Committee agenda, Severn Trent have responded to consultation on the proposal. They comment that there are no objections to the scheme and do not require a drainage conditions to be applied.

However, they do advise the applicant to contact them at the earliest opportunity to discuss whether any public sewers are located within the site that may have been adopted under the Transfer of Sewer Regulations 2011.

Officer Response

The applicant's agent has been notified of the above.

The planning permission can be determined, irrespective of the requirement for other permissions, such as building over agreements for sewers, or building regulations. The planning application should therefore be assessed on the material planning considerations, as outlined within the officer's committee report.

Agent Email Received 4.7.19

The design is subjective and everyone will have an opinion.

We are nowhere near the large TPO trees and their RPA on this development and all properties receive supplies in large trucks.

I sent an email on 8 February 2019 with a landscape layout that would seem to have not been taken into consideration - no further comments were received from the landscape officer.

ANNEX A

We will let the committee meeting take its course and decide if we appeal.

Officer Response

The landscaping team have looked at the additional information received and their comments remain unchanged from comments made in their initial response dated 21 December 2018. They do not remove their objection due to potential impact to existing protected trees and there is a lack of detailed information, as per SPG ' Trees, landscape and development.

Application CH/18/366, Car Park to former Globe Inn, The Globe Site, East Cannock Road, Cannock, Hednesford WS12 1LZ – Proposed car wash on former public house car park

During the application process the applicant informed officers that there had been a change of agent. Following completion of the report for the Committee agenda, Officers have received an email from the former agent who has stated the following:

“I confirm that the drawings you have on the website and on your planning committee agenda are a combination of my drawings and overlays of my drawings. Drawings submitted by John Masons are also overlays of my drawings. I therefore hold copyright of them.

Furthermore there has been no communication to me of change of agent. There remains outstanding fees.

There is untreated Knotweed on site which should have prevented a tree survey.

Neighbours are currently in communication with myself over a boundary dispute.

The applicant has stated in writing (this week) that he has emigrated from 9th July and another family member may take on ownership. This is a repeat of an earlier scenario where your enforcement officer spent much time.

The application should be withdrawn to sort out these issues.

If you would like to call into the Premier Suite here in Cannock you can hear the advice of our learned council on this during a break in the current planning hearings.”

Your Officers have considered the above representation and would respond as follows: -

1. The drawings relied upon in preparing the report (with the exception of the location plan) were provided by John Mason. The Council has relied on these in good faith. If there is any issue relating to copyright that is a matter between Mr Cotton (the former agent), the applicant and John Mason (the current agent).

ANNEX A

2. It is for the applicant and not the Council to advise an agent that he is no longer working on the applicant's behalf.
3. Any issue concerning outstanding fees is a civil matter between the agent and the applicant.
4. The issue of Japanese Knotweed is dealt with by condition.
5. The issue in respect to the boundary was raised in the committee report at the last meeting and the fact that the red edging had been amended .
6. The reference to the applicant having emigrated has no bearing on considering the application today as his agent John Mason is dealing with the application on his behalf.

Officers consider that the issues raised do not constitute a valid reason to defer or withdraw the application.

For clarity, your Officers recommend Condition 5 be reworded to omit the following plans: A120, A100 & A110 and the condition amended to read:

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

JMA-ZZ-SI-A2101 A
JMA-ZZ-SI-A2102
Arboricultural Survey

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