

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
PLANNING CONTROL COMMITTEE
WEDNESDAY, 9 JANUARY 2013 AT 3.00 P.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 1

PRESENT:
Councillors

Cartwright, Mrs. S. (Vice-Chairman)
Kraujalis, J.T. (Vice-Chairman)

Allen, F.W.C.	Morgan, C.W.J.
Bernard, J.D.	Pearson, A.
Davies, D.N.	Rowley, J.
Fisher, P.	Todd, Mrs. D.M.
Freeman, Miss M.	Todd, R.

238. Apologies

Apologies for absence were received from Councillors M. Sutherland and Mrs. L. Whitehouse.

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

The following Declarations of Interests were made in addition to those already confirmed by Members in the Register of Members' Interests:

Member	Interest	Type
Allen, F.W.C.	Application CH/12/0326, Change of use from Dwelling (C3) to GP Surgery – Member uses the Dentist opposite	Personal
Bernard, J.	Application CH/12/0326, Change of use from Dwelling (C3) to GP Surgery – The Applicant is the Members Doctor (at another surgery)	Personal
Cartwright, Mrs. S.	Application CH/12/0326, Change of use from Dwelling (C3) to GP Surgery – Member knows the Applicant as he is her Doctor	Personal and Pecuniary
Morgan, C.	Application CH/12/0326, Change of use from Dwelling (C3) to GP Surgery – The Applicant	Personal

is the Members Doctor

240. Disclosure of lobbying of Members

None disclosed.

241. Minutes

The Planning Projects Manager advised that with regard to Minute 237 (C) (the Growth and Infrastructure Bill) he had liaised with the Chairman and Vice-Chairman of the Planning Control Committee and the Economic Development and Planning Portfolio Leader and Shadow Portfolio Leader. He circulated the questions and the proposed responses and asked Members to confirm they were in agreement to the proposed response being sent to the DCLG.

The response was as follows:

Question 1: Do you agree that the local planning authority performance should be assessed on the basis of the speed and quality of decisions on planning applications?

Response: Yes in principle, but see comments on detailed questions below.

Question 2: Do you agree that speed should be assessed on the extent to which applications for major development are determined within the statutory time limits, over a two year period?

Response: Yes in principle, but authorities who may deal with very few major applications even over a rolling 2 year period could be unfairly penalised if the few applications determined were complex and most of all took longer than the statutory time periods to decide. A minimum threshold of 10 decisions over 2 years should be included in the assessment criteria set out in question 7.

Question 3: Do you agree that extensions to timescales made with the written consent of the applicant following submission, should be treated as a form of planning performance agreement and therefore excluded from the data on which performance will be assessed?

Response: Yes it is appropriate for applications which are the subject of a local agreement between an applicant and an LPA to be excluded from national data on speed of decision making.

Question 4: Do you agree that there is scope for a more proportionate approach to the form and content of planning performance agreements?

Response: Yes they need to be no more than a simple set of timescales covering LPA's, statutory consultees' and applicants' actions.

Question 5: Do you agree that quality should be assessed on the proportion of major decisions that are overturned at appeal over a two year period?

Response: Yes in principle, but authorities who may receive very few appeals against decisions to refuse permission for major development over a rolling 2 year period could be unfairly penalised unless a minimum quantity threshold was included in the assessment criteria set out in question 7. A minimum threshold of 5 appeal cases should be specified.

Question 6: Do you agree with the proposed approach to ensuring that sufficient information is available to implement the policy?

Response: Yes it is reasonable to expect LPA's to submit the quarterly PS1/2 statistics in a timely manner.

Question 7: Do you agree that the threshold for designations should be set initially at 30% or fewer of major decisions made on time or more than 20% of major decisions overturned at appeal?

Response: The 30% figure is reasonable in relation to the decision timescale, but the 20% appeals allowed criterion is unreasonable on the basis that the national average success rate for appellants on all appeals has generally been between 30/40% in recent years and therefore a 35% threshold would be more appropriate. Also see answers to questions 2 and 5 in relation to suggested minimum thresholds for numbers of cases.

Question 8: Do you agree that the threshold for designation on the basis of processing speeds should be raised over time? And, if so, by how much should it increase after the first year?

Response: No it should not be changed in such a short period. The threshold and the overall principle of the process could be reassessed after 3 years taking into account its effectiveness in achieving improvements.

Question 9: Do you agree that designations should be made once a year, solely on the basis of published statistics, as a way to ensure fairness and transparency?

Response: Yes but the more difficult issue is how to assess improvement in order for authorities to become de-designated, particularly if they have not been dealing with any major applications.

Question 10: Do you agree that the option to apply directly to the Secretary of State should be limited to applications for major development?

Response: The definition of major applications includes relatively small scale developments of 10 dwellings or 1000sq. m. of building floorspace. To include minor or other applications would be unduly cumbersome (different criteria defining poor performance would need to be devised), would raise significant issues about the principle of local decision making and would also be likely to have major resource implications for the Inspectorate.

Question 11: Do you agree with the proposed approaches to pre-application engagement and the determination of applications submitted directly to the Secretary of State?

Response: It is interesting to note that it is proposed that the Inspectorate would charge for pre-application advice, whereas many LPA's offer this as a free service. Applicants would therefore be burdened with additional costs in some areas. If either the applicant, a statutory consultee, the LPA or someone responding to publicity given to an application requests a hearing in front of an Inspector, this should be arranged as a right as part of the decision making process. The LPA would still be involved in potentially significant administration duties on these applications and also professional duties where a S106 agreement is proposed, so a reasonable proportion of the application

fee should be paid to the LPA to cover these costs.

Question 12: Do you agree with the proposed approach to supporting and assessing improvement in designated authorities? Are there specific criteria or thresholds that you would propose?

Response: If the LPA is still dealing with some major applications because applicants choose to continue to submit them locally, an improved performance sufficient to meet the target should provide for the LPA to be de-designated after one year of improvement at this level. If none or too few major applications are submitted to enable an assessment to be made, then speed of performance in dealing with minor and other applications at or above the national average should be sufficient to de-designate along with the two other criteria suggested in paragraph 69, i.e. efficiency in carrying out the administrative and professional work it is still required to be done on major applications and evidence of a robust and deliverable improvement plan for decision making on them.

Question 13: Do you agree with the proposed scope of the planning guarantee?

Response: The use of the word guarantee appears to be inappropriate in the context of what is proposed, as no direct redress is involved other than the possibility of a fee refund to the applicant. There is no guarantee of the decision the applicant wants, so effectively it is merely a backstop target. Applicants have the option of appealing against non-determination 13 weeks earlier than the time allocated to the LPA to make a decision in this scheme. The principle of the so called guarantee is not supported. If the Government intends to pursue this, in addition to applications which are the subject of planning performance agreements, mentioned in the consultation as proposed to be exempt from the so called guarantee, those where LPAs and applicants have agreed extensions of time for decision making logically must also be excluded.

Question 14: Do you agree that the planning application fee should be refunded if no decision has been made within 26 weeks?

Response: No, the LPA will have committed significant resources to processing the application and applicants already have the option of a free resubmission following approval, refusal or withdrawal. If it is decided to proceed with this proposal, applications which are the subject of extensions of time agreements should also be excluded in addition to those subject of a planning performance agreement.

Additionally, it was agreed that the following comment be included in the response:

“The Council fundamentally disagrees with the principle of taking decision making on major planning applications away from the local level and passing it to the Planning Inspectorate at national level. This runs counter to the Government’s philosophy on localism.

Having made this point of principle the Council’s responses to the 14 specific questions are attached”.

With regard to Minute 236 the Development Manager advised that the parking issue along Girton Road had been raised with Staffordshire County Council Highways Authority. The Highways Authority had explained that this area was listed as a priority for 2012/13; however, due to staff shortages this may slip in to the following year. Councillor Kraujalis asked that a strongly worded letter be forwarded to the Highways Authority asking for confirmation of the timescale for the implementation of the Traffic Regulation Order in respect of Girton Road, Cannock.

RESOLVED:

- (A) That the proposed response as outlined above be forwarded to the DCLG.
- (B) That the Minutes of the Meeting of the Planning Control Committee held on 19 December 2012 be approved as a correct record.
- (C) That a strongly worded letter be forwarded to Staffordshire County Council Highways Authority asking for confirmation of the timescale for the implementation of the Traffic Regulation Order in respect of Girton Road, Cannock.

242. Members' requests for site visits

There were no requests for site visits.

243. Application CH/12/0270, Erection of additional plant and equipment to existing power station comprising of biomass fuel storage, milling tower, cleaning tower and associated conveyors and infrastructure; to facilitate biomass as a primary fuel source for power station, Rugeley Power Limited, Power Station Road, Rugeley

Following a site visit by Members of the Committee, consideration was given to the Report of the Development Manager (Enclosure 6.1 – 6.30 of the Official Minutes of the Council).

The Development Manager circulated an update to the Committee. The update was as follows:

- (a) Enclosure 6.7 of the report – Condition 3 is not required as its requirements are duplicated by the detailed Condition 6, suggested by the Environment Agency.
- (b) Enclosure 6.9 of the report – Condition 8 – The applicant has suggested an amended wording to this condition as set out below for practicality reasons:
No biomass fuel shall be imported to the site by means other than rail except in the following circumstances:
 - (i) *In the event of an emergency (e.g. the rail network supplying the site is inoperable and rail access to the site is blocked); or*
 - (ii) *With the prior written approval of the Local Planning Authority where there is a potential supply contract from the local area.*

- (c) Enclosure 6.9 and 6.10 of the report – Condition 10 – The applicant has stated that whilst they have no objections to the requirement for a Construction Method Statement, they would seek to incorporate some flexibility in the operations which are restricted by this condition, on the basis that the station is afforded a range of permitted development rights which would enable preparatory or enabling works to be undertaken without the need for planning permission and Rugeley Power Limited would not like these to be restricted in any way. Therefore, suggest flexibility in the wording of Condition 10 to allow this. In addition it is suggested that this condition include a requirement to provide “hours of construction”. Therefore the amended condition is:

No development shall take place, including any works of demolition (other than those undertaken under the relevant provisions of the General Permitted Development Order 1985 (as amended), until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) The access/parking of vehicles of site operatives, visitors and deliveries;*
- (ii) Loading and unloading of plant and materials;*
- (iii) Storage of plant and materials used in constructing the development;*
- (iv) Measures to control the emission of dust and dirt during construction;*
- (v) A scheme for recycling/disposing of waste resulting from demolition and construction works;*
- (vi) Hours of demolition and construction.*

Also the reason for this condition, which is missing in the report, is “In the interests of the amenity of nearby residents, in accordance with Local Plan Policy B8.

- (d) Enclosure 6.10 of the report – Condition 11 – It is suggested that for further clarification this condition is amended to read:

No development shall commence until details of biodiversity enhancements on land within the ownership of the applicant in accordance with the advice given by Natural England, have been submitted to and agreed in writing with the local planning authority. Thereafter the biodiversity enhancements shall be undertaken in accordance with an agreed timescale.

- (e) Enclosure 6.11 of the report – Natural England comments, line 3, should read:

West Midlands Mosses SAC and Midland Meres and Mosses Ramsar

Site

(f) Enclosure 6.11 of the report – Natural England comments: Since writing this report Natural England have advised as follows:

- Have confirmed that the further work they had requested the applicant to undertake has been carried out correctly.
- That the Environment Agency have concluded the proposal will have no likely significant effect upon the European Designated Sites referred to in our advice letter dated 9 October 2012. Therefore, advise that the local planning authority may wish to seek further information from the Agency to show how they have reached this conclusion. They advise that the Agency are not expected to conduct any Habitats Regulations Assessment as part of the permitting process for “some months” and that the Council ensures it carries out its own Habitats Regulations Assessment of the proposal now for the purposes of the planning application, and that the local planning authority liaise with the Environment Agency on the subject of air quality modelling and associated results/data.

(g) Enclosure 6.11 of the report – Further response from the Environment Agency on the additional report undertaken by the applicant to inform the “appropriate assessment”.

*We reiterate that we have **NO OBJECTIONS** to the planning application. It also appears likely, given the information submitted so far, that there should be no issues gaining a variation to the permit.*

We have commented directly to the operator (and their consultants) on the Draft Report to Support an Appropriate Assessment and have been part of the Environment Agency’s review of the wider Power Station/Refinery Operators document.

At this stage we have no objections nor do we disagree with the contents of either report. At this time the appropriate assessment has not been undertaken and this will occur when the documents are formally submitted to us as part of the variation of permit application process.

(h) Enclosure 6.27, para. 3.53: “no significant impact” should read “no adverse effect”.

(i) Enclosure 6.25-6.28 (paragraphs 3.44-3.53): Update regarding Appropriate Assessment:

Since the report was written the Environment Agency have stated that they are satisfied with the information provided by the applicant to inform the “Appropriate Assessment” (Report to Support Appropriate Assessment by Enzygo) and therefore have no objections.

At this stage in determining the planning application the local planning

Authority is the “Competent Authority” and has therefore undertaken an “Appropriate Assessment” in the light of the additional information submitted by the applicant (as referred to above). Based on the conclusion of that report and in light of no objection from the Environment Agency, your officers conclude that granting of planning consent for the proposed development would have no adverse affect on the integrity of the Natura 2000/SSSI network within 15 km of the site.

(j) Enclosure 6.28 (para. 3.57): S106 Contributions

Since writing the report your officer has reviewed the requirement for the following contributions:

Environment, Art and Public Realm Improvements;
Open Space;
Indoor Sports Facilities

The trigger for these requirements is based on the creation of additional floorspace, which is intended to cover conventional buildings. In this instance the additions comprise plant and machinery. Furthermore, the Rugeley Power Station already provides open space, sports and social facilities. Therefore, S106 requirements in respect of the above are not required for this development.

The Committee was advised that the Officer recommendation was to grant consent subject to S106 Agreement to:

- Secure financial contributions for Transport Infrastructure, Access Improvements and Sustainable Transport - £30,000;
- Financial contribution and/or support for the benefit of local businesses and local workers/contractors through implementing the proposed development. The details of such matters would be agreed between officers and the applicant.
- And recommended conditions with suggested amendments.

Following the update and prior to the determination of the application representations were made by the Applicant’s Agent.

RESOLVED:

- (A) That the applicant be requested to enter into an Agreement under Section 106 of the Town and Country Planning Act, 1990 (as amended) in order to secure
- (i) a financial contribution of £30,000 towards Transport Infrastructure, Access Improvements and Sustainable Transport;
 - (ii) a financial contribution of £25,000 into a fund to support new

business formation and for employment in the renewable energy/energy efficiency sector of the local economy, stimulated by the proposed development. The details of the application of the fund to be agreed between the Council and the applicant.

- (B) That on completion of the Agreement, the application be approved subject to the conditions contained in the report for the reasons stated therein and to the following amended conditions:

“Condition 8 :

No biomass fuel shall be imported to the site by means other than rail except in the following circumstances:

- (iii) In the event of an emergency (e.g. the rail network supplying the site is inoperable and rail access to the site is blocked); or
- (iv) With the prior written approval of the Local Planning Authority where there is a potential supply contract from the local area.

Condition 10:

No development shall take place, including any works of demolition (other than those undertaken under the relevant provisions of the General Permitted Development Order 1985 (as amended), until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) The access/parking of vehicles of site operatives, visitors and deliveries;
- (ii) Loading and unloading of plant and materials;
- (iii) Storage of plant and materials used in constructing the development;
- (iv) Measures to control the emission of dust and dirt during construction;
- (v) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- (vi) Hours of demolition and construction.

The reason for this condition, which is missing in the report, is “In the interests of the amenity of nearby residents, in accordance with Local Plan Policy B8.

Condition 11:

No development shall commence until details of biodiversity enhancements on land within the ownership of the applicant in accordance with the advice given by Natural England, have been submitted to and agreed in writing with the local planning authority. Thereafter the biodiversity enhancements shall be undertaken in accordance with an agreed timescale”.

244. Application CH/12/0376, Retention of marquee and 3m high fence, Park Gate Inn, Park Gate Road, Rugeley

Following a site visit by Members of the Committee, consideration was given to the Report of the Development Manager (Enclosure 6.31 – 6.40 of the Official Minutes of the Council).

The Development Manager circulated an update to the Committee. The update was as follows:

- (a) Enclosure 6.36 – Reference to Rugeley Town Council should read Cannock Wood Parish Council
- (b) Since the report was written we have received further representations from the Council's Environmental Health Team who have made the following further observations, as summarised below:

- (1) Consider the recommendation for grant of permission for one year to be unduly long, given the problems experienced last year that resulted in the service of a Noise Abatement Notice and weighs more heavily on the side of the applicant, particularly given that it is a temporary structure and was introduced without permission. Therefore suggest a 6 month temporary permission should the Committee be minded to approve the application.

Also, suggest that the number of events in the marquee is restricted by 26 (one a week).

- (2) Want to clarify that contrary to paragraph 3.3 (enclosure 6.38) Environmental Health did not recommend the installation of the fence.
- (3) The position of the fence will render it of little or no significant effect in mitigating noise and therefore suggest a more robust, sound attenuating structure.
- (4) Recommend that the condition controlling amplified music should also extend to unamplified performances by any live musical act within the marquee.
- (5) Suggest additional measures such as a scheme of sound insulation to be incorporated within the proposed marquee.

The Committee was advised that the Officer recommendation was as set out in the report, subject to including "unamplified performances by any live musical act", as set out below:

For the benefit of Committee two of the four proposed conditions are set out below:

Condition 1

The permission for the marquee expires one year from the date of approval and on or before this date the use of the marquee shall be discontinued and the marquee shall be dismantled and removed from the site.

Reason

In order to enable the effect of the development on the surrounding area to be assessed and reviewed if necessary, in the interest of amenity of nearby residents. In accordance with Local Plan Policy B8: Design Principles of New Built Development.

Condition 2

No amplified music or unamplified performances by any live musical act shall be undertaken in the marquee between the hours of 23.00 and 12:00 hours on any day.

Reason

To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policies B8: Design Principles of New Built Development.

RESOLVED:

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

Condition 1

The permission for the marquee expires one year from the date of approval and on or before this date the use of the marquee shall be discontinued and the marquee shall be dismantled and removed from the site.

Reason

In order to enable the effect of the development on the surrounding area to be assessed and reviewed if necessary, in the interest of amenity of nearby residents. In accordance with Local Plan Policy B8: Design Principles of New Built Development.

Condition 2

No amplified music or unamplified performances by any live musical act shall be undertaken in the marquee between the hours of 23.00 and 12:00 hours on any day.

Reason

To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policies B8: Design Principles of New Built Development.

245. Application CH/12/0367, Raised patio area, 446 Littleworth Road, Cannock

Following a site visit by Members of the Committee, consideration was given to the Report of the Development Manager (Enclosure 6.41 – 6.51 of the Official Minutes of the Council).

Prior to determination of the application representations were made by an objector. The Development Manager also read out a statement prepared by the Applicant.

RESOLVED:

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

246. Application CH/12/0393, Extension to existing manufacturing unit to house new effluent treatment plant, Tallent Automotive, Wolverhampton Road, Cannock

Following a site visit by Members of the Committee, consideration was given to the Report of the Development Manager (Enclosure 6.52 – 6.60 of the Official Minutes of the Council).

Prior to the determination of the application representations were made by the Applicant's representative.

RESOLVED:

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

(Councillor J. Kraujalis requested that his name be recorded as having abstained from voting in respect of this application).

(At this point in the proceedings, the meeting adjourned for ten minutes to allow a comfort break for Members).

247. Application CH/12/0326, Change of use from dwelling (C3) to GP Surgery (D1); as an annex to existing GP Surgery, 3 Coniston Way, Cannock

Following a site visit by Members of the Committee, consideration was given to the Report of the Development Manager (Enclosure 6.61 – 6.70 of the Official Minutes of the Council).

Having declared a personal and pecuniary interest the Chairman, Councillor Mrs. S. Cartwright left the meeting during consideration of this application and took no part in the decision making process.

The Vice-Chairman, Councillor J. Kraujalis took the Chair for consideration of this application.

The Development Manager circulated an update to the Committee. The update was as follows:

(a) Since writing the report we have now received a reply from County Highways who have advised that they have no objections to the revised proposal, subject to the following conditions and informatives:-

- (1) 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.*
- (2) The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the revised layout drawing No. 2249-02 A.*
- (3) The development hereby permitted shall not be brought into use until the internal layout has been completed in accordance with the revised layout drawing No. 2249-02 A. No alteration to the amount of consulting/treatment rooms shall be allowed unless written permission is first granted by the Local Planning Authority.*

Reasons

- 1. In the interests of highway safety and to comply with Staffordshire County Council requirement for vehicular access crossings.*
- 2&3. In the interest of highway safety. To comply with Staffordshire and Stoke on Trent Structure Plan (1996-2011) saved Policy T13.*

Informative for Decision Notice

The existing dropped crossing to the site shall be reconstructed in accordance with the submitted drawing No. 2249-02 A. Please note that prior to the access being reconstructed you require a permit to dig from Staffordshire County Council, Network Management Unit, Staffordshire Place 1, Wedgewood Building, Tipping Street, Stafford, ST16 2DH.

(b) County Highways have also suggested that should; “the Committee have any doubts with regard to on-street parking problems as a result of the proposed development, it is suggested that a sum of £3,000 is secured from the applicant by either a Section 106 Agreement or a Unilateral Undertaking towards a contribution to look into the rationalisation of the existing parking restrictions within Coniston Way”.

The Committee was advised that the Officer recommendation remains as set out in the report, subject to the additional conditions and informative suggested by County Highways.

Following the update and prior to determination of the application representations were made by an objector, Staffordshire County Council Ward Member (Councillor P. Corfield), Cannock Chase Council Ward Member (Councillor C. Anslow) and the Applicant.

RESOLVED:

That the application be refused for the following reason:-

In accordance with paragraphs (186-187) 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. However, in this instance, the proposed development is unacceptable and conflicts with the National Planning Policy Framework for the following reason:-

The proposed change of use of the dwelling to a surgery, which includes alterations such as removal of trees, hedges and the creation of a large car parking area would have an adverse impact on the character of the surrounding area, which is predominantly residential. Also, the resulting increase in activity arising from the proposed change of use would have a detrimental impact on the amenity of neighbours. Consequently, the proposed development would conflict with the aims of the National Planning Policy Framework, particularly paragraphs 56-58 and 64.

CHAIRMAN

The meeting closed at 5.25 p.m.