

67. Disclosure of lobbying of Members

None disclosed.

68. Minutes

RESOLVED:

That the Minutes of the meeting held on 9 October, 2019 be approved as a correct record.

69. Members' Requests for Site Visits

None requested.

70. Application CH/19/143, 53 Stafford Road, Cannock, WS11 4AF – Proposed change of use to a Childrens' Day Nursery

Consideration was given to the report of the Development Control Manager (Item 6.1 – 6.22 of the Official Minutes of the Council).

The Principal Solicitor advised that only those Members of the Committee who were present at the meeting on 9 October, 2019 were able to vote on the suggested list of conditions.

The Development Control Manager circulated the following update:-

Errata

Members are advised that condition 2 should be amended to read: -

“The unit as shown edged red on the site plan shall be occupied as a children’s nursery falling within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) , or any order revoking and re-enacting that Order with or without modification, and for no other purpose”.

RESOLVED:

That the application be approved for a temporary 12 month period from the start of operation, subject to the conditions contained in the report and the amended condition as contained in the Officer update, for the reasons stated therein.

71. Application CH/19/154, Court Bank Farm, Slang Lane, Cannock Wood, Cannock, WS15 4RY – Proposed erection of a storage building (390 sq m) for the equestrian enterprise

Consideration was given to the report of the Development Control Manager (Item 6.23 – 6.45 of the Official Minutes of the Council).

The Principal Solicitor provided the following update:-

“This application was considered by the Planning Control Committee at its meeting on 21 August 2019 when Members resolved as follows:

“That the size, scale and location of the proposed building be accepted but the application be deferred to enable officers the opportunity to discuss altering the design of the building with the Applicant”

In view of the decision taken by Members, only those Members who attended the meeting of 21 August may take part in considering the application today. In law Members must have regard to the decision which they made previously but are not bound by it but must be able to provide reasons if they come to a different decision. I have discussed this with the Council’s Monitoring Officer”.

The Development Control Manager circulated the following update:-

Following compilation of this agenda and the previous Committee meeting held on 21 August 2019, the applicant has supplied amended plans, which indicate design changes to include green concrete panels to lower section of the building, green box profiled steel cladding to the upper sections of the building and a grey roof, together with a proposed landscaping scheme.

The relevant consultees and neighbours were re-consulted on the changes and objected on the following grounds:

AONB Officer

This response should be read in conjunction with my previous comments dated May 2019.

The proposal is for an extension 32m x 12m x 4.6m to eaves, stepped up to respond to existing ground levels. There have been no amendments to the dimensions of the building. I understand the building has been moved away from the hedge by 1m. Drawing No. 427.1 indicates replacement hedge planting and 3 new trees, which in the medium term (5-10 years) are likely to filter views of the lower elevations of the building.

AONB Issues. The main issue for the AONB are:

- The impact of the proposed development on the landscape and scenic beauty of the AONB.
- The amended plans do not alter the scale or the overall appearance of the development, therefore the AONB’s original objection that the proposed building would potentially result in overdevelopment of the site, be visually intrusive and have a detrimental effect on the character of this part of the AONB are not substantially addressed by the amendments.

Neighbouring Residents

Residents have raised the following concerns:

- The proposal is an abutment, not an extension and should be treated as

such.

- Massing – both in terms of the proposed structure and the overall development.
- Excessive footprint of proposed structure.
- Height of proposed structure.
- Overdevelopment of site, given the number of structures present.
- Inappropriate development of and impact upon the AONB and greenfield land.
- Negative impact upon the streetscene.
- Inaccurate information about the proposed building not being viewed from roads or footpaths.
- Inaccurate information regarding the trees on the proposed development site.
- The creeping development nature of the overall site.
- It is hard to understand how any of the concerns raised have been addressed with these new plans.
- Neighbours views are being disregarded in this matter.
- Planning Control Committee requested that if the application was to be approved, that the building must blend into the environment. Further information as to how a ‘grey roof, green clad sides and concrete walls’ aids blending into a natural environment would be beneficial, particularly as this building *would* be visible from houses, roads and footpaths, contrary to what is stated within the original application.
- The proposal does *not* comply with national or local policies with regards to many aspects other than building materials. Confusion remains as to why this application has been encourage despite not meeting ‘*special circumstances,*’ which could overrule the principle of inappropriate development (as stated by CCDC planning officers amongst others).
- Planning officers and committee are required by law to make decisions regarding planning applications in line with local and national policy. Considering the evidence provided by planning officers, AONB and local residents the applicant is lacking in being able to counter these issues. It would appear that refusal remains appropriate, particularly as another planning application for a much less obtrusive construction nearby at Bellscale How has been refused on similar grounds with much less objection, suggesting a lack of equity in this situation and calling into question the probity of the Planning process at CCDC.
- With the weight of evidence against this application, the Committee’s decision could be seen as somewhat irregular and potentially in conflict with the Local Plan and NPPF. The concerns raised by CCDC’s own Planning Officers seemingly being unjustifiably dismissed.
- Concern is raised that the Committee will not see fit to reconsider elements of this application relating to size, scale, impact and appropriateness, focussing only on the materials to be used. It is urged that the Committee look upon this new application in it’s entirety so that it can satisfy itself and the objectors that this matter has been dealt with appropriately.
- To that end, the Committee may wish to revisit some of the issues raised together with a brief response as to whether these concerns have been addressed. A table has been provided for this purpose:

Objections to Application/Suggestions for Improvement	Raised By	Addressed in amended application?
Protection of Trees	AONB Team and others	Yes
Presumption against inappropriate development	CCDC Planning Officers and Others	No
Scale and location causing harm to the AONB, exacerbated by lack of screening, highly visible nature of the proposal, loss of openness to the Greenbelt and impact on scenic beauty	CCDC Planning Officers, Parish Council and Others	No
Considerations put forward by applicant for 'special circumstances' that would overrule the principle of inappropriate development carry little or no weight, amount to matters of convenience and/or bad design	CCDC Planning Officers and Others	No
Application being contrary to policies CP3 and CP14 of the Local Plan and paragraph 144 of the NPPF	CCDC Planning officers and Others	No
Footprint and the height of the proposed building should be reduced, so that any extension appears subservient to existing development	AONB team	No
Proposed rooflines should be lower than those of existing buildings to the south, to minimise visual intrusion and detrimental landscape impacts.	AONB Team	No

- As can be seen from the table, the core issues remain – the proposal does not comply with national or local policy and should therefore be refused; any other decision defies the considerable weight of uncontested evidence as presented to the Committee by experts, in addition to the submissions of the residents.

Conditions, Informative & Note for Applicant:

If Committee Members are minded to approve the application, it is recommended that the following informative, note for applicant and conditions should be attached to the decision notice:

Informative

Reason for Grant of Permission:

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

Note to Applicant:

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

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 materials shall be used for the external surfaces of the development other than those specified on the application, except with the written approval of the Local Planning Authority.

Reason

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

3. The building hereby approved shall only be used for storage of hay and straw bedding in association with the equestrian use of the site.

Reason

In the interests of proper planning.

4. No trees or hedges shown as retained on Dwg No. 427.1 Rev B shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or destroyed.

Any trees or hedges which, within a period of 5 years from completion of the development are cut down, topped, lopped or uprooted without permission of the Local Planning Authority or become seriously damaged or diseased or die shall be replaced in the next planting season with similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason

The existing vegetation makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3, CP14, CP12 and the NPPF.

5. The approved landscape works shown on Dwg. No. 427.1 Rev B shall 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. (pursuant to Condition 4 above)

Reason

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

6. Any trees or plants which within a period of five years from the date of planting die, are removed or become seriously damaged or diseased, shall be replaced in the following planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason

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

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

Drg No.s Newton-18-1, 200-01 Rev A, 200-02 Rev B & 427.1 Rev B.

Reason

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

Prior to the determination of the application representations were made by Councillor Mrs. A.M. Muckley, the Ward Councillor speaking against the application. Having declared she had predetermined the application she then moved to the public gallery whilst the application was determined.

Prior to determination of the application representations were made by John Heminsley, speaking in favour of the application on behalf of the applicant.

RESOLVED:

That the design of the proposal as detailed in the amended plans was considered acceptable and, therefore, the application be approved subject to the informative, note for applicant and conditions contained within the Officers update, for the reasons stated therein.

The meeting closed at 4.50 pm.

CHAIRMAN