

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**PLANNING CONTROL COMMITTEE**  
**WEDNESDAY 15 JANUARY, 2020 AT 3:00 P.M.**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**

**PART 1**

PRESENT: Councillors                      Cartwright, Mrs. S.M. (Chairman)  
    Allen, F.W.C. (Vice-Chairman)

Dudson, A.	Smith, C.D.
Fitzgerald, Mrs. A.A.	Startin, P.D.
Jones, Mrs. V.	Thompson, Mrs. S.L.
Layton, Mrs. A.	Todd, Mrs. D.M.
Muckley, Ms. A.M. (Substitute)	Woodhead, P.E.
Pearson, A.R.	

**85. Apologies**

Apologies for absence were submitted for Councillors S.K. Crabtree, P.A. Fisher, Mrs. C.E. Martin (Substitute for Councillor Mrs. P.Z. Stretton) and Mrs. P.Z. Stretton.

Councillor Ms. A.M. Muckley was in attendance as substitute for Councillor S.K. Crabtree.

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

Nothing declared.

**87. Disclosure of lobbying of Members**

All Members declared they had been lobbied in respect of Application CH/19/048, Grove Colliery, Lime Lane, Pelsall – Change of Use of Land to Gypsy Traveller Residential site for up to 7 caravans, of which no more than 3 would be static caravans. The construction of a day room block and utility block, creation of a new vehicular access and the laying of hard standing.

**88. Minutes**

RESOLVED:

That the Minutes of the meeting held on 18 December, 2019 be approved as a correct record.

**89. Members' Requests for Site Visits**

None.

- 90. Application CH/19/201, Rugeley 'B' Power Station, Power Station Road, Rugeley, WS15 2HS – Outline Planning Application with the points of access included for the creation of a development platform and the demolition of existing office building and environmental centre, site clearance, remediation and mixed-use development of land at the former Rugeley Power Station comprising: up to 2,300 new dwellings and residential units (Use Classes C3 and C2), up to 1.2 ha of mixed-use (Use Class A1, A2, A3, A4, A5, C1, C2, C3, D1 & D2) up to 5ha of employment (Use Classes B1(a, b and c) and B2), 1 No. 2 form entry primary school (Use Class D1), formal and informal Publicly Accessible Open Space, key infrastructure including new adoptable roads within the site and the provision of a new primary access junction on to the A513, ground mounted solar panels with 2 No. existing electricity substations (132 kV & 400 kV) retained**

Following a site visit consideration was given to the report of the Development Control Manager (Item 6.1 – 6.148 of the Official Minutes of the Council).

Prior to consideration of the application representations were made by Mr. Mark Sitch, speaking on behalf of the Applicant.

The Development Control Manager circulated the following update to the Committee:-

“

**1. Incorrect description within header of original Officer Report**

Since production of the original Officers Report, it has become apparent a slightly different application description appears at the top of the original report than that which was advertised formally as part of the statutory publicity process.

The original report description included the words “with the points of access included” and the word ‘with’ instead of ‘and’. Officers therefore wish to point out the description should have appeared as that which is apparent at the head of this updated report. This change is not otherwise considered to impact the merits of the case or formal consultation procedures undertaken.

**2. Figures included in recommendation for S106**

Officers included monetary figures in the recommendation with reference to approximate amounts in the knowledge these might be subject to change, but wishing to illustrate the scale and extent of monetary amounts involved i.e.

4. Delivery of 2 form of entry primary school on site or £7.9 Million contribution and secondary school contribution of £8 Million.
5. Highways and Transport Contributions (Off-site Highway Works costed to approximately £4.6 Million), off site linkage improvements, Trent Valley

Station Improvements and canal towpath improvements.

6. Public Transport Contribution (approx. £3.345 Million) or equivalent similar provision of public transport.
7. Travel Plan Monitoring Sum £50,000.
8. Air Quality Mitigation Contribution towards Cannock Chase SAC (£2.387 Million).
9. Provision of on-site Community Building and Healthcare Contribution (between £430-736K)

The applicant considers 'The Section 106 discussions are ongoing with details to be finalised, including confirmation of exact amounts for some costs. As such, in respect of the Recommendations, we request that costs in relation to 5, 6 and 9 are removed.'

Officers adopt the view that the approximate figures included in the recommendation are provided for Member's information only, will be impacted by costings to be determined by other parties and may not be the exact figure carried through to the S106. Nevertheless, to ensure clarity and the right for Officers to proceed with drafting the S106 with potentially different monetary amounts (justified in liaison with Staffordshire County Highways and the NHS CCG) Officers recommend the inclusion of a slight change to recommendation (3).

This change seeks to permit Officers to make minor changes to the S106 requirements as may be required. The underlined text in the recommendation in this Update Report reflects the extent of the proposed change.

A slight change to recommendation (2) is also proposed for consistency of the terminology used in both recommendations."

RESOLVED:

That the application be approved subject to the conditions contained within the report detailed at Item No. 6.128 – 6.140, and for the reasons stated therein and:

(1) Subject to the owners/applicants first entering into a Section 106 Legal Agreement under the Town and Country Planning Act (as amended) to secure contributions/planning obligations towards:-

1. On-site affordable housing provision equivalent to 17.6% spread evenly across the site (approx. 405 dwellings total)
2. On-site Sports Provision (including changing facilities and management).
3. On-site Public Open Space Provision (including delivery of Riverside Park, retained and new allotments and public art)
4. Delivery of 2 form of entry primary school on site or £7.9 Million

contribution and secondary school contribution of £8 Million

5. Highways and Transport Contributions (Off-site Highway Works costed to approximately £4.6 Million), off site linkage improvements, Trent Valley Station Improvements and canal towpath improvements

6. Public Transport Contribution (approx. £3.345 Million) or equivalent similar provision of public transport

7. Travel Plan Monitoring Sum £50,000

8. Air Quality Mitigation Contribution towards Cannock Chase SAC (£2.387 Million)

9. Provision of on-site Community Building and Healthcare Contribution (between £430-736K)

Note a separate Unilateral Undertaking relating to the payment of £221 per dwelling for the mitigation of visitor pressure on the Cannock Chase SAC is also required.

(2) If the S106 legal agreement / Unilateral Undertaking are not signed/completed by the 13<sup>th</sup> April 2020 or the expiration of any further agreed extension of time, then powers be delegated to the Development Control Manager to refuse planning permission based on the unacceptability of the development, without the required contributions and undertakings, as outlined.

(3) And delegated power to the Development Control Manager to make minor changes to conditions and the amount of financial contributions to be secured by the Section106 Agreement as may be required.

**91. Application CH/19/375, 40 March Banks, Rugeley, WS15 2SA – Side extension to create 2<sup>nd</sup> lounge, new dining room at ground floor, 2 new bedrooms and family bathroom at 1<sup>st</sup> floor.**

Following a site visit consideration was given to the report of the Development Control Manager (Item 6.149 – 6.164 of the Official Minutes of the Council).

Prior to consideration of the application representations were made by Mr. Richard Lever, speaking on behalf of the Applicant.

RESOLVED:

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

At this point, the Chairman agreed to change the order of the Agenda.

**92. Application CH/19/363, Land adjacent to 38 Flaxley Road, Rugeley, WS15 1LY – Residential Development, one detached 3 bedroom dwelling.**

Consideration was given to the report of the Development Control Manager (Item 6.237 – 6.254 of the Official Minutes of the Council).

Prior to consideration of the application representations were made by Mr. John Heminsley, speaking on behalf of the Applicant.

RESOLVED:

That a site visit be undertaken so that Members can assess the impact of the proposal on the character and form of the area.

**93. Application CH/19/411, 71 Old Penkrige Road, Cannock, WS11 1HY – Demolition of existing two storey house and erection of 2no. houses and associated works (Resubmission of CH/19/015).**

Consideration was given to the report of the Development Control Manager (Item 6.255 – 6.258 of the Official Minutes of the Council).

Prior to consideration of the application representations were made by Mr. Martyn Rochelle and Mr. Albert Haywood, objectors to the Application and Ms. Heather Sutton, representing the Applicant.

Members were advised that Page 4 of the Planning Inspectorate Appeal Decision had been omitted from the main Report (this would follow on from Item No. 6.285). Therefore this was circulated to all Members.

The Development Control Manager circulated the following update to the Committee :-

“Following compilation of the report for the Committee agenda, officers have received, two late consultation responses, as follows:-

Natural England

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Your Officers confirm that the Habitat Regulations Assessment (HRA) was completed and submitted to Natural England for comment (as per point 1) above). Further, your officers confirm that the S106 Unilateral Undertaking has been completed.

Parks and Open Spaces

Objection for the following reasons:-

- No appropriate tree survey and arboriculture assessment information,
- Variance in submitted plans,
- Potential detrimental impact on retained trees

- Insufficient information to be able to determine the application appropriately.

The landscape officer also stated that:-

“It should be noted that this section was not consulted on the original application CH/19/015. “

Your Officers confirm that the landscape department were not consulted on the original planning application CH/19/015 as it is not standard procedure to consult them on such small applications.

Officers did liaise with the landscape department in the first application on the site CH/17/234 however, given the neighbours requests for the Scots Pine on the frontage to be protected. The Landscape Department objected to the previous application. This application was presented to Members and, following a site visit, Members’ approved the application at the Development Control Planning Committee. The landscaping within the current application is not significantly different to that which was approved under extant permission CH/17/234 with the exception of the access into the site, which has been amended from running along the shared boundary with No. 69 to the shared boundary adjacent No.73.

Furthermore, within the Inspector’s decision for planning application CH/19/015; it was noted that the area is generally well vegetated with mature trees and hedges particularly along and adjacent to boundaries. The Planning Inspector, at no time, raised concern in relation to the landscaping within and surrounding the application site. Your Officers confirm that there is no difference to the landscaping proposals submitted in planning application CH/19/015.

Your Officers note that within the Appeal Decision, the Planning Inspectorate did state that had the application been acceptable in other aspects of the proposal, conditions could be attached requiring any further planting or boundary treatments necessary to mitigate fully any adverse effects in terms of the impact on the occupiers of Nos.73 and 75a who are adjacent the proposed access.

Notwithstanding this, the impact of noise and disturbance of neighbouring properties was not a reason the original application was refused.

#### Additional Representations

Additionally, following the public consultation two neighbours have stated that they would welcome the Planning Committee members to view the site again from their property at any further site visit.

However, given the nature of the proposal in relation to the Planning Inspectorates reason for refusal, your officers considered that no further site visits are necessary for the determination of this application.”

RESOLVED:

- (A) That the applicant be requested to enter into an Obligation under Section 106 of the Town and Country Planning Act, 1990

- (B) On completion of the Obligation the application be approved subject to the conditions contained in the report for the reasons stated therein.

**94. Application CH/19/048, Grove Colliery, Lime Lane, Pelsall – Change of Use of Land to Gypsy Traveller Residential site for up to 7 caravans, of which no more than 3 would be static caravans. The construction of a day room block and utility block, creation of a new vehicular access and the laying of hard standing**

Following a site visit consideration was given to the report of the Development Control Manager (Item 6.165 – 6.236 of the Official Minutes of the Council).

Prior to consideration of the application representations were made by Ward Councillors John Preece, Zaphne Stretton and Josh Newbury, objecting to the Application. Representations were also made by Parish Councillor Bernard, Mr. David Fenton and Mr. Chisholm Wallace also objecting to the Application.

Representations were then made by Mr. M. Hargreaves, representing the applicant and Mr. Clee the applicant, who were speaking in favour of the Application.

The Development Control Manager circulated the following update to the Committee:-

“Following compilation of the report for the Committee agenda, officers have received, further objections regarding the proposal from the Parish Council. The objection is as follows:-

“This is a further letter of objection from the Parish Council to the above planning application. It is to be read in conjunction with the letter of objection submitted by the Parish and dated 14 March 2019. Further, the Parish is aware of and supports fully the letters of objection dated 26 March 2019 and 19 December 2019 submitted on behalf of Little Wyrley Estates.

Attached is a note which makes the case for heritage-led regeneration of the former colliery and against the current planning application. it argues:

- That the site and buildings of the former Grove Colliery is unquestionably an heritage asset which because of its history and as the only surviving colliery and canal wharf complex in the District, should be considered of importance to the District and the local community.
- That current planning policy through the adopted Local Plan (Part 1) July 2014 and emerging planning policy through the replacement Local Plan issues and Options stage, support heritage—led regeneration of the former colliery and canal wharf and the promotion of the site for recreation and tourism.
- That national planning policy recognises the value of heritage assets and could support enabling development to secure their future, even in the Green Belt.

- That the land ownerships, both at the Grove site and in the wider area, are supportive of delivering acceptable development on the site and linked leisure and recreation uses in the adjacent countryside.
- That the proposals of planning application CH/19/048 involving the demolition of heritage assets and development unsympathetic to heritage— led regeneration, will irreparably damage any opportunity of achieving the current planning policy for the site. The heritage assets at the Grove are unique and irreplaceable while there are other site opportunities to provide for Gypsy and Traveller needs.
- That an offer to collaborate with the aim of realising an heritage—led regeneration of the site, fully in line with current planning policy. has been made to the District Council by the Parish Council and Little Wyrley Estates, the other major landowner.

In addition to the above, the Parish Council notes that the planning application for a Gypsy and Traveller site is, under national planning policy, "inappropriate development" in the Green Belt, and should not be approved except in very special circumstances. The Parish Council has seen no evidence to suggest that the personal circumstances of the applicant create an exceptional case to allow this application contrary to national and local planning policy. Whilst the adopted Local Plan identifies an unmet need for Gypsy and Traveller sites, this is not of itself sufficient to outweigh the Green Belt and heritage policy considerations.

Indeed it is noted that when the District Council identified a short-list of potential Gypsy and Traveller sites in 2016, this site at the former Grove Colliery was not one of them. Also, significantly and material to the consideration of this application, the Parish notes that an offer of an alternative Gypsy and Traveller site has been made by Little Wyrley Estates.

The Parish Council is aware that one of the two buildings proposed in the current application to be demolished, the former Harrison's office building, is in a poor state of repair. Whilst the financial costs associated with the maintenance liabilities of this building or the costs of repair may be relevant to the District Council's decision to sell their property asset, these are not, in the opinion of the Parish Council, relevant to the merits of the current planning application. This application is inappropriate development in the Green Belt; is contrary to the Council's own policies for the protection and enhancement of the District's heritage assets, including — as here — locally significant assets, and would irreparably damage those local heritage assets; is unable to satisfy the legally required tests to justify the destruction of protected species in this case, bat roosts; and is potentially damaging to the adjacent Special Area of Conservation — the Parish notes and supports the contention of Little Wyrley Estates that the application does not have the required legally compliant Habitat Regulation Assessment.

The future of the former Harrison's office building, including the associated costs, should be should be fully explored in the context of the policy compliant heritage-led regeneration of the site including the potential for enabling development. it should be considered against the policies in the adopted Local Plan. Policy CP15



proposes "promoting development proposals that are sensitive to and inspired by their context and add value to the existing historic environment"; considering "Opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance": supporting schemes "which help to promote wider understanding and enjoyment of the historic environment by all members of the local and wider community... including continued use and enhancement of heritage assets most at risk". To achieve this policy aim, the Parish Council and Little Wyrley Estates have offered to collaborate with the District Council on a heritage—led regeneration of the Grove Site. A joint masterplan/ brief for the site, including its role as a recreation / tourism hub, would consider the future of the existing buildings and structures, including the office building. In the meantime the office building could be secured to prevent further deterioration at a cost much lower than complete refurbishment and renovation.

For the reasons above the Parish Council respectfully submits that the application CH/19/048 be refused."

#### RESOLVED:

That the application, which was recommended for approval, be refused for the following reasons:

#### Reasons for Refusal

1. The proposed change of use of the site to a gypsy traveller residential site would, by virtue of the noise and general disturbance generated by neighbouring commercial uses, fail to provide a high standard of residential amenity to the future occupiers of the site, contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 127(f) of the National Planning Policy Framework.
2. The proposal, by virtue of the substandard access without pedestrian pavements or lighting, would result in conflicts between pedestrians generated by the use of the site and the commercial traffic generated by existing businesses to the detriment of pedestrian safety contrary to paragraph 109 of the National Planning Policy Framework.
3. The former colliery buildings on the site and their historic association with the adjacent Cannock Extension Canal and Wharf comprise an undesignated heritage asset of high local historic significance, being the only example of this type of arrangement within the Cannock Chase District. The proposal, by virtue that it would result in the total loss of the former colliery buildings, would result in the loss of the heritage asset to the significant detriment to the heritage of the District contrary to Policy CP15 of the Cannock Chase Local Plan. The loss of the heritage asset would not be outweighed by the provision of the three pitches for travellers and gypsy accommodation and the proposal should be refused in accordance with

paragraph 197 of the National Planning Policy Framework.

The meeting closed at 6:55 pm.

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CHAIRMAN