

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**PLANNING CONTROL COMMITTEE**  
**WEDNESDAY, 16 APRIL, 2014 AT 3.00 P.M.**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**

**PART 1**

PRESENT: Councillors

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

Allen, F.W.C.	Pearson, A.
Ball, G.D.	Rowley, J.
Fisher, P.A.	Todd, Mrs. D.
Freeman, Miss M.	Todd, R.
Grocott, M.R.	Whitehouse, Mrs. L.M.

**122. Apologies**

Apologies for absence were received from Councillors C. Anslow and M. Sutherland.

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

No further declarations were made in addition to those already confirmed by Members in the Register of Members Interests.

**124. Disclosure of lobbying of Members**

Councillors J.T. Kraujalis, Miss M. Freeman and R. Todd declared they had been lobbied in respect of Application CH/13/0430, Residential development – demolition of Ivy House and erection of six 2 bedroom houses, six 3 bedroom houses and four 1 bedroom flats; with access from Wolverhampton Road and Oakwoods, amended layout and design – Ivy House at junction of Wolverhampton Road and Oakwoods, Cannock

**125. Minutes**

RESOLVED:

That the Minutes of the Meeting held on 26 March, 2014 be approved as a correct record.

**126. Members' requests for site visits**

No requests were made.

**127. Application CH/13/0430, Residential development – demolition of Ivy House and erection of six 2 bedroom houses, six 3 bedroom houses and four 1 bedroom flats; with access from Wolverhampton Road and Oakwoods, amended layout and design – Ivy House at junction of Wolverhampton Road and Oakwoods, Cannock**

Following a site visit consideration was given to the Report of the Development Control Manager (Item 6.1 – 6.22 of the Official Minutes of the Council).

The Development Control Manager provided Members with the following update:

“The description of the application should read twelve 3 bedroom houses and four 1 bedroom flats – there were no 2 bedroom houses.

**Enclosure 6.10**

Council Ecologist’s comments – *“From the information submitted it appears unlikely that the granting of planning consent would result in a significant adverse impact on species that are legally protected or of principle conservation importance. Therefore I have no objection to the proposals”*

Environmental Services (Landscaping) comments regarding encroachment onto open space – The Councils Estates Officer has looked into this and has advised as follows – *“.....the proposed development as drawn on revised drawing no. 2239-1001-J encroaches onto land owned by CCDC by approximately 300mm. The development site has clearly been extended beyond the legal boundary between CCDC owned land and the site of Ivy House. Under normal circumstances I would be seeking payment from the developer on the basis that the Council is entitled to a share of the development value of the plot of which the Council’s land forms part. You have confirmed however that the proposed development is made up entirely of affordable housing. Therefore, in recognition of the Council’s support for the development of affordable housing in the District, the Council does not intend to take any action in respect of this encroachment”*.

**S106 Contributions**

A letter has been received from the applicant “The Wrekin Housing Trust” today, which in summary states that:

*The current situation is that the scheme is unviable without incurring the additional £66,320 (S106 contribution) cost, which is as a consequence of build costs increasing and costs of other survey work;*

*The scheme provides 12 family homes and 4 x 1 bed flats for people with learning difficulties; the Trust is happy to enter into a nominations agreement and agree a letting plan so that the proposed affordable*

*dwellings are let to people who are currently living in Cannock and its surrounding areas;*

*The applicant states that they have liaised with the Council's Housing Team who supported the bid for the grant funding for the proposed schemes and the type of dwellings proposed are needed in the district;*

*The proposed scheme proposes sufficient open space in the form of rear gardens and other open space on adjoining "Langbourn" site. Also, refer to financial contribution for loss of existing play area;*

*For the above reasons the applicant is requesting that the s106 requirements are removed.*

### **Affordable Housing**

In addition to the s106 requirements set out in the report Officers also request that any subsequent s106 Agreement includes a requirement to secure the proposed "affordable housing" in perpetuity.

The Development Control Manager advised that professional valuers would need to consider the applicant's request to remove the s106 contributions due to viability.

He confirmed that the development, as proposed, was needed in the district and the suggestion to enter into a nominations agreement was supported. He also advised that the SAC financial contribution of £7,200 was non-negotiable as it is a requirement under Habitat Regulations. With regards to the other elements of the s106 contribution he commented that the applicant would have to demonstrate via a viability assessment that the scheme was unviable.

He suggested that if the Committee was minded to approve the application, Officers be given delegated authority to assess any viability assessment to support the suggestion that the scheme was unviable with the requested s106 contributions. He confirmed that the recommendation as set out in the report would remain unchanged as the viability of the scheme had not yet been independently assessed.

He also commented that Condition 21 would be reworded for clarity should the application be approved.

Members raised concern regarding the applicants request to remove the suggested s106 contributions and it was suggested that the application should be deferred to allow further investigations.

**RESOLVED:**

That the application be deferred to allow further investigations to take place with regard to the applicant's request to remove the s106 contributions.

**128. Application CH/13/0132, Residential development – 5 pairs of 2 storey 3 bedroom houses (with rooms in roof space), 3 detached 2 storey 4 bedroom houses and 1 detached 3 bedroom bungalow – amended plans – Hednesford Court Office, Anglesey Street, Hednesford**

Consideration was given to the Report of the Development Control Manager (Item 6.23 – 6.42 of the Official Minutes of the Council).

The Development Control Manager advised that at the meeting of the Committee on 5 March Members raised concern regarding the applicant's viability assessment indicating that the development would be unviable and their request for a substantially reduced s106 contribution. Officers were asked to liaise with the applicant to renegotiate the s106 contribution. Officers had now met with the applicant and his agent and the applicant's surveyor has re-assessed the scheme. The latest assessment (which had been verified by an independent valuer) indicates that without any S106 contribution the developer will be making a 2% profit on the scheme. The developer was questioned over why the scheme would be going ahead given this situation and his response was contained in paragraph 5.18 of the report.

The Officer advised that this was a genuine case and the Committee's role was not to question the process that had been followed. It was considered that the reduced s106 contributions were acceptable.

Members raised concerns regarding the reduced s106 contributions. The Officer commented that, whilst he understood the concerns being raised, an independent professional valuer had analysed the viability assessment and confirmed that the site was unlikely to be viable with any form of contribution.

Following a lengthy debate Councillor Pearson moved approval of the application and this was seconded by Councillor Kraujalis.

Following a vote the motion was not carried.

Councillors M. Grocott and J. Rowley requested their names be recorded as having abstained from voting.

Councillor J. Kraujalis then moved that the application be deferred to enable Members to receive further information regarding the viability assessment. This was seconded by Councillor M. Grocott.

Following a vote the motion was carried.

Councillor F.W.C. Allen left the meeting prior to the vote being taken.

**RESOLVED:**

That the application be deferred to enable Members to be provided with further information regarding the viability assessment.

The meeting finished at 3.55pm.

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CHAIRMAN