

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**PLANNING CONTROL COMMITTEE**  
**WEDNESDAY 5 NOVEMBER, 2014 AT 3.15 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.	Freeman, Miss M.
Anslow, C.	Grocott, M.R.
Ball, G.D.	Pearson, A.
Bernard, J.D.	Snape, P.A.
Bottomer, B.	Todd, Mrs. D.M.
Dean, A.	Todd, R.
Fisher, P.A.	

(The commencement of the meeting was delayed until 3.15pm due to the site visits running over).

(The Chairman reported that the order of the agenda would be amended in order to accommodate the speakers).

**69. Apologies**

No apologies for absence were received.

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

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

<b>Member</b>	<b>Interest</b>	<b>Type</b>
<i>Grocott, M.R.</i>	<i>CH/14/0327, 27 Millington Street, Rugeley - first floor side and rear extension – Member knows the owner of the property</i>	Personal
Cartwright, Mrs. S.	<i>CH/14/0286, West Cannock Sports and Social Centre, Bradbury Lane, Hednesford – demolition of existing club building and erection of single storey sports pavilion, new artificial grass pitch and smaller grass pitch</i>	Personal

with associated floodlighting, fencing and parking – Member lives on the estate opposite the site

Dean, A.                    *CH/14/0124, 40 Stafford Street, Cannock* -    Personal change of use from house in multiple occupancy (HMO) to 2 no. 1 bed flats and change of use from office to bedsit (retrospective) – Member knows the objector speaking at the meeting

#### **71. Disclosure of lobbying of Members**

All Members declared that they had been lobbied in respect of application CH/14/0124, 40 Stafford Street, Cannock - change of use from house in multiple occupancy (HMO) to 2 no. 1 bed flats and change of use from office to bedsit (retrospective).

#### **72. Minutes**

RESOLVED:

That the Minutes of the Meeting held on 15 October, 2014 be approved as a correct record subject to the following amendments:

- Minute No. 62 should read CH/14/0360 (not CH/14/630)
- Minute No. 65(A) should state “Town and Country Planning Act, 1990” and not “1900”.

#### **73. Members’ Requests for Site Visits**

No site visits were requested.

#### **74. Application CH/14/0124, Change of use from house in multiple occupancy (HMO) to 2 no. 1 bed flats and change of use from office to bedsit (retrospective), 40 Stafford Street, Heath Hayes, Cannock**

Following a site visit, consideration was given to the Report of the Development Control Manager (Item 6.76 – 6.88 of the Official Minutes of the Council).

The Development Control Manager clarified that the application consisted of two components:-

- (i) Unit C – the bedsit;
- (ii) The conversion of the single dwelling into 2 flats.

He confirmed that the officer’s recommendation was for refusal which was based on the bedsit part of the application and not the conversion. As the two components formed part of the same application the whole of the application was being recommended for refusal. However, should the application submit a further application for the house conversion the officer’s

recommendation would be for approval. He also reported that an additional reason relating to parking and amenity would be included in the reasons for refusal should Members be minded to agree with the officer's recommendation.

Prior to consideration of the application representations were made by Mr. Hasler and Councillor J. Toth (a Ward Councillor) who were both objecting to the application.

Members had concern regarding both elements of the application; the bedsit (Unit C) and the conversion of the single dwelling into 2 flats. The Officer advised that he had noted the comments made by Members in this regard; however, he wished to clarify that it would be difficult to defend the refusal of the single dwelling into 2 flats should there be an appeal.

RESOLVED:

- A) That the application be refused for the reasons outlined in the report and to the following additional reasons:-

The conversion of No. 40 into two self contained flats (Units A and B) has resulted in an intensification of activity at the property, which results in increased overlooking, loss of privacy and impact on the amenity of adjacent neighbours. As such, the development conflicts with adopted Local Plan Policy CP3, which seeks to safeguard the amenity of neighbours.

Unit C (bedsit) at No. 38 is located between an office and a commercial car garage. Its only habitable room windows face onto the yard and car park area for the existing garage, office and first floor residential accommodation. This poor outlook provides an unsatisfactory standard of amenity for its occupiers. Therefore, the proposal conflicts with adopted Local Plan Policy CP3 and the NPPF, which seek to secure high quality development with good amenity for future occupiers.

Overall, the bedsit at No. 38 and conversion of No. 40 to two self contained flats results in a requirement for additional parking. The applicant has failed to demonstrate adequate parking for the existing uses on the site (including those subject of this application). As such, the development results in on street parking to the detriment of limited existing on street parking provision and highway safety. As such, the development is considered contrary to Local Plan Policy CP3, Council's Parking Standards, Travel Plans & Developer Contributions for Sustainable Transport SPD and the NPPF, which seek to secure high quality development with adequate parking provision.

- B) That enforcement action be authorised in respect of the unauthorised bedsit at No. 38 Stafford Street and two self contained flats at No.40 Stafford Street.

**75. Application CH/14/0327, First floor side and rear extension, 27 Millington Street, Rugeley**

Following a site visit, consideration was given to the Report of the Development Control Manager (Item 6.1 – 6.11 of the Official Minutes of the Council).

Prior to consideration of the application representations were made by Mr. J. Reynolds, the applicant's agent, speaking in support of the application.

RESOLVED:-

That the application, which was recommended for refusal, be approved subject to the following conditions and reasons:-

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. The materials to be used for the external surfaces of the development shall be of the same type, colour and texture as those used on the existing building.

Reason: In the interests of visual amenity and to ensure compliance with Local Plan Policies CP3, CP15, CP16, RTC3 (where applicable) and the NPPF.

3. The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule Location Plan 1:1250 Site Plan 1:500 Existing First Floor Side Extension Drg No. 2014:050:01 Amended Plan First Floor Side Extension Drg No. 2014:050:02A

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

**76. Application CH/14/0286, Demolition of existing club and erection of single storey sport pavilion, new artificial grass pitch and smaller grass pitch, with associated floodlighting, fencing and parking, West Cannock Sports and Social Centre, Bradbury Lane, Hednesford**

Following a site visit, consideration was given to the Report of the Development Control Manager (Item 6.12 – 6.36 of the Official Minutes of the Council).

The Development Control Manager circulated an update to the Committee which was as follows:-

1. *Sport England* – further to discussion with officers they have confirmed support for the planning application.
2. *Item 6.33, Paragraph 4.20 – Environmental Protection – comments on Noise Impact Assessment:-*

*The Noise Impact Assessment prepared by Apex Acoustics, received last week has been reviewed and Officers have some reservations regarding the consultants approach, findings, conclusions and recommendations.*

*In particular no reference is made to the correction to reflect the impulsive nature of the noise (ball strikes) and the adjustment made in relation to the effect of a partially open window does not adequately address a worst case scenario. Furthermore reference is made to the potential sub-division of the site for 4 no. pitches, whereas the assessment is merely based on 2. This would not represent the "worst case scenario". No consideration appears to have been given to the combined effect on the noise of multiple pitches being in use at the same time.*

*It is therefore considered that further discussions are required to address the concern noted and to secure a more robust assessment of the potential noise impacts of the development. Experience strongly indicates that the ball impact noise and voices will be primary cause of complaint and that their effect has not been fully reflected in the assessment provided.*

*Officers will be conducting noise assessments at the Bradbury Lane site and at an existing AGP facility in the district for comparison.*

*Should members be minded to approve the application in principle it is recommended that the following conditions be applied:-*

*The Noise impact Assessment should be reviewed and revised to address the concerns noted and identify any potential mitigation measures that would be effective in reducing the degree to which the noise from ball strikes and voices may affect local residential amenity.*

*Any noise mitigation scheme proposed following the review should be agreed by the Council and implemented prior to the commencement of the use of the AGP facility.*

3. *Additional Conditions*

*Officer recommendation for an additional condition to control hours of use of the Pavilion Building in line with proposed lighting condition (8pm to 10pm on any day).*

4. *Update on changes proposed by applicant:-*

*Revised floor plans, elevations and coloured visuals to show an enhanced treatment to the elevation fronting Bradbury Lane. The elevation has been enhanced to include an additional window along with areas of coloured render and signage.*

*Revised site plans to show a revised car park layout with an amended alignment to the access road to follow the existing route. The new car park has been enlarged to 30 spaces and a minibus parking space has been included in response to neighbour comments.*

*The car park is set at 30 spaces on the following basis:*

*The maximum capacity for the pitch relates to it being used for 4 games of 5 v 5 people and if each game had a referee this would total 44 people. This is an unusual situation but we should assume it as the worst case scenario. If we assume at a change over time then the same number of people may be waiting to enter the pitch as are leaving this results in a maximum of 88 people on site at a given time. Standard highways design guidance leads us to provide one car space per 3 users on the basis of shared car use and public transport use associated with the typically younger age group using this type of facility. 88 divided by 3 results in a maximum requirement for thirty car parking spaces on site.*

*Officer recommendation – Delegate to Development Control Manager to approve subject to acceptability of proposed amendments to County Highways and any suggested conditions/informatives. In addition the following additional conditions be added:-*

*“The Noise Impact Assessment should be reviewed and revised to address the concerns noted and identify any potential mitigation measures that would be effective in reducing the degree to which the noise from ball strikes and voices may affect local residential amenity.*

*Any noise mitigation scheme proposed following the review should be agreed by the Council and implemented prior to the commencement of the new AGP facility.*

*Reason:- In the interests of safeguarding the amenity of nearby neighbours. In accordance with Local Plan Policy CP3 and the NPPF.*

*The proposed pavilion building shall not be open for business outside the hours of 08:00 a.m. to 10:30 p.m. on any day.*

*Reason:- To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policy CP3 - Chase Shaping, Design and the NPPF”.*

Following the update the Committee expressed concern regarding the number of car parking spaces. The Development Control Manager confirmed that there was a condition which required a Traffic Management Plan to be submitted prior to the commencement of the development; however, he would speak informally to Leisure Services to express the concern raised by Members regarding parking and, depending on the outcome of the discussions, additional parking would be provided if

necessary.

RESOLVED:

(A) That the Development Control Manager be delegated to approve the application subject to acceptability of proposed amendments to County Highways and any suggested conditions/informatives.

(B) That the following additional conditions be added:-

“The Noise Impact Assessment should be reviewed and revised to address the concerns noted and identify any potential mitigation measures that would be effective in reducing the degree to which the noise from ball strikes and voices may affect local residential amenity.

Any noise mitigation scheme proposed following the review should be agreed by the Council and implemented prior to the commencement of the new AGP facility.

Reason: In the interests of safeguarding the amenity of nearby neighbours. In accordance with Local Plan Policy CP3 and the NPPF.

The proposed pavilion building shall not be open for business outside the hours of 08:00 a.m. to 10:30 p.m. on any day.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policy CP3 - Chase Shaping, Design and the NPPF”.

**77. Application CH/14/0097, Residential development:- demolition of existing house and erection of 14 No. 3 bedroom houses, Land off Burgoyne Street, Cannock**

Following a site visit, consideration was given to the Report of the Development Control Manager (Item 6.37 – 6.54 of the Official Minutes of the Council).

The Development Control Manager circulated an update to the Committee which was as follows:-

1. Additional Highway Conditions:-

- i) The dwellings hereby approved shall not be occupied until the accesses to the site have been completed.
- ii) The development hereby approved shall not be brought into use until the existing site access(es), which shall include the access crossing between the site and carriageway edge made redundant as a consequence of the development hereby permitted are permanently closed and the access crossing reinstated as footway.
- iii) The development hereby permitted shall not be brought into

use until the visibility splays shown on Drg. No. 1627.01F have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.

- iv) The development hereby permitted shall not be commenced until details have been submitted to and approved in writing by the Local Planning Authority indicating all road construction, street lighting, drainage including longitudinal sections and a satisfactory means of draining roads to an acceptable outfall which shall thereafter be constructed in accordance with the approved drawings.
- v) The development hereby permitted shall not be brought into use until the parking areas have been provided in accordance with Dwg. No. 1627.01F and thereafter retained for the lifetime of the development.
- vi) The development hereby permitted shall not be commenced until a Traffic Management Plan/Construction Method Statement comprising construction traffic access, delivery time restrictions, provision for parking of vehicles for site operatives and visitors, loading and unloading of plant and materials, and storage of plant and materials used in constructing the development has been submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall thereafter be implemented prior to any works commencing on site.

Reasons – in the interests of providing safe access highway safety in accordance with Local Plan Policy CP3 and the NPPF.

2. Other additional condition:-

The details for the external bin storage are adjacent Burgoyne Street shall be submitted to and approved in writing by the Local Planning Authority.

Notwithstanding the submitted drawings no development shall commence until a scheme for boundary treatments has been submitted to and approved in writing by the Local Planning Authority.

3. Item 6.53, Para. 4.22 – Update of Viability Assessment

The applicant has submitted a viability assessment indicating that as it stands the development would be unviable. This is because the insurmountable impact of the required financial contributions on profitability. As such, the level of contributions would be considered unviable as they would make the site more difficult to develop.

Paragraph 173 of the NPPF states that: to ensure viability, the cost of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of



the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Paragraph 205 of the NPPF states that planning obligations should be sufficiently flexible to prevent planned development being stalled. In this instance, as the site is a brownfield site in a sustainable location a flexible approach to the S106 requirements is required and supported.

To bring forward the development of the site the implementation period for the proposal has reduced from three years to two years.

Therefore, in this instance it is considered favourable to support the development without S106 contribution in the interest of securing a development rather than stalling it, which has wider economic, social and environmental benefits.

The re-development of the site would also remove the long standing eyesore of the existing dilapidated dwellings and the social problems it attracts. This approach accords with paragraphs 173 and 205 of the NPPF and its wider aims to secure new housing in sustainable locations.

**Officer Recommendation: S106 for SAC mitigation contribution, then approve subject to recommended conditions.**

Members expressed concern regarding the reduced S106 contribution and asked whether Officers could negotiate an extra contribution from the developer. The Officer asked whether Members wished the viability issue to be reconsidered and whether it would be their priority to seek a financial contribution to affordable housing even if it was not the full figure quoted in the report. Members confirmed that they wished officers to seek to negotiate a financial contribution for this purpose.

RESOLVED:

That the application be deferred to enable officers to speak with the developer regarding reviewing the viability assessment with a view to considering any scope for S106 financial contribution towards affordable housing.

**78. Application CH/14/0312, Demolition of existing properties and erection of 141 dwellings, new play area, relocation and enlargement of existing play area and environmental works to existing flats, Land at the Moss Road housing estate, Land at the Moss Road housing estate, Cannock**

Following a site visit, consideration was given to the Report of the Development Control Manager (Item 6.55 – 6.75 of the Official Minutes of the Council).

Councillors M.R. Grocott and C. Anslow left the meeting during consideration of this application and therefore did not vote on the application and took no part in the decision making process.

The Development Control Manager circulated an update to the Committee which was as follows:-

#### S106 issues

Funding to cover the maintenance/management costs of the open spaces/play areas has already been provided for in the overall financial arrangements between the Council and Keepmoat, so no planning obligation is required to cover this matter. The implementation of the provision and maintenance/management of open spaces/play areas can therefore be covered by additional/amended planning conditions set out below.

It is proposed to respond to the County Council's request for a financial contribution to primary education facilities by offering a Unilateral Undertaking under S106 of the Town and Country Planning Act, 1990 at the figure recommended in the report of £178,373 which applies the County Council formula to the market housing only.

#### Amended/additional conditions

These changes are needed to deal with the open space point above and the County Council's highway requirements.

#### Additional condition and amended condition re. play areas

The detailed design of the play areas shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the new build development. The play areas shall be constructed in accordance with the approved details unless the LPA gives written approval to any variation. The timing of construction of the play areas shall be in accordance with an implementation programme to be agreed in writing by the LPA.

Amend condition E16 add "including the play areas".

#### Additional condition re. highways:-

Details of the design, construction, drainage and lighting of each individual re-configured or new highway shall be submitted to and approved in writing prior to commencement of construction of the relevant phase of development.

The highway design, construction, drainage and lighting shall be carried out in accordance with the approved details and in accordance with an implementation programme approved in writing by the Local Planning Authority.

**Recommendation: S106, then approval with conditions.**

RESOLVED:

- (A) That the applicant be requested to enter into a Unilateral Undertaking under S106 of the Town and Country Planning Act, 1990 to secure a financial contribution of £178,373 towards primary;
- (B) On completion of the Unilateral Undertaking the application be approved subject to the conditions contained in the report for the reasons stated therein and to the following additional conditions regarding play areas and highways as set out above”.

(Councillor M.R. Grocott, who had been absent during part of the deliberations, requested that it be noted he was in favour of the application).

**79. TPO 2014/07, Proposed Tree Preservation Order at Sherbrook Primary School, Brunswick Road, Cannock**

Consideration was given to the Report of the Development Control Manager (Item 6.89 – 6.92 of the Official Minutes of the Council).

Councillor C. Anslow left the meeting during consideration of this application and therefore did not vote on the application and took no part in the decision making process.

RESOLVED:

That TPO No. 2014/15 be confirmed with modification in that T4, T6 and T9 should be excluded.

The meeting closed at 4.50pm.

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CHAIRMAN