

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
PLANNING CONTROL COMMITTEE
WEDNESDAY, 13 NOVEMBER, 2013 AT 3.10 P.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 1

PRESENT: Councillors

Kraujalis, J.T. (Vice-Chairman-in the Chair)

Anslow, C.	Rowley, J.
Ball, G.D.	Stretton, Mrs. P.Z.
Cartwright, Mrs. S.M.	Sutherland, M.
Fisher, P.	Todd, Mrs. D.M.
Freeman, Miss. M.A.	Todd, R.
Grocott, M.R.	Whitehouse, Mrs. L.
Pearson, A.	

It was reported that the meeting would commence at 3.10pm in order to allow Members a short recess following the site visits.

Members were advised that although the Chairman, Councillor Mrs. S. M. Cartwright was present at the meeting, she did not feel well enough to chair the meeting. In the circumstances, the Vice-Chairman, Councillor J.T. Kraujalis agreed to take the Chair for the meeting.

50. Apologies

An apology for absence was received from Councillor F.W.C. Allen.

51. 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:

<u>Member</u>	<u>Nature of Interest</u>	<u>Type</u>
Freeman, Miss M.	CH/13/338, Former Parker Hannifin Valve Works, Walkmill Lane, Cannock – Member of Bridgtown Parish Council	Personal
Freeman, Miss M.	CH/11/0314, Units between Walsall Road,/Park Street, Bridgtown, Cannock – Member of Bridgtown Parish Council	Personal

Grocott, M.R.	CH/13/0289, 88 Peakes Road, Rugeley – <i>Member is an acquaintance of the neighbour at 84 Peakes Road</i>	Personal
Grocott, M.R.	TPO/2013/10, 27 Abbots Walk, Rugeley – <i>the Speaker objecting to the TPO is the brother of the Member's Sister in Law</i>	Personal and Pecuniary

52. Disclosure of lobbying of Members

All Members present declared they had been lobbied in respect of Application CH/13/0295, Cardinal Griffin High School, Cardinal Way, Cannock

Councillor P.Z. Stretton declared she had been lobbied in respect of Application CH/13/0319, 120 Burntwood Road, Norton Canes

Councillors J.T. Kraujalis and Miss M. Freeman declared they had been lobbied in respect of Application CH/13/0338, Former Parker Hannifin Valve Works, Walkmill Lane, Cannock

53. Minutes

RESOLVED:

That the Minutes of the Meeting held on 23 October, 2013 be approved as a correct record.

54. Members' requests for site visits

Councillor G.D. Ball requested that a site visit be undertaken in respect of TPO/2013/10, 27 Abbots Walk, Rugeley which was due to be considered at the meeting today.

RESOLVED:

That a site visit be undertaken in respect of TPO/2013/10, 27 Abbots Walk, Rugeley in order to assess the impact on the neighbouring properties.

55. Application CH/13/0295, Cardinal Griffin Catholic High School, Cardinal Way, Cannock, Variation of condition 31 of planning permission CH/11/0249 for the removal of 2.4m high acoustic timber fencing from the 3G synthetic football pitch

Following a site visit by Members of the Committee consideration was given to the Report of the Development Control Manager (Item 6.1 – 6.12 of the Official Minutes of the Council).

The Development Control Manager read out a representation that had been received from a local resident who was objecting to the application. The Officer summarised the concerns raised by the objector and explained that the resident had been unable to speak at the meeting due to the protocol which only allowed a maximum of two people to speak against the application.

Prior to consideration of the application representations were made by Mrs. Haywood and Mrs. Heaton who were objecting to the application and Mr. Popovic who was representing Cardinal Griffin School.

RESOLVED:

That the application be refused for the following reason:

The approved 2.4m acoustic fence along part of the western perimeter of the 3G Synthetic Football Pitch would mitigate the noise impact of the approved development and safeguard the amenity of neighbours. As such, because the acoustic fence has not been implemented the development has an adverse impact on the amenity of residents. Therefore, the variation of Condition 31, to omit the requirement for the approved acoustic fencing is contrary to the aims of Local Plan Policy B8 and the NPPF which seek to safeguard amenity.

56. Application CH/13/0289, 88 Peakes Road, Rugeley, Residential development – demolition of existing dwelling and erection of two detached houses (outline including access and layout)

Following a site visit by Members of the Committee consideration was given to the Report of the Development Control Manager (Item No. 6.13 – 6.24 of the Official Minutes of the Council).

The Development Control Manager provided the Committee with the following update:-

“Enclosure 6.23 (paragraph 4.11) – Protected Species: Since the report was written the applicant has commissioned a protected species survey of the house and site. The survey has shown no evidence of protected species using the site or building at present. The Council’s ecologist has no objections to the proposal, subject to further conditions requiring that:-

- a) The proposed works being undertaken in accordance with the submitted method statement:
- b) A further follow-up badger survey being undertaken immediately prior to work commencing.”

Prior to consideration of the application a representation was made by Mr. J. Reynolds, agent for the applicant.

RESOLVED:

- (A) That the applicant be requested to enter into and Agreement under Section 106 of the Town and Country Planning Act, 1990 to secure a financial contribution of £450 for the mitigation of the impact of the development on the SAC;
- (B) 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 additional conditions:
- 1. The approval shall be carried out strictly in accordance with the method statement included in the Bat and Bird Survey dated 6th November 2013.**

Reason

To ensure protection of any protected species that may be on the site and to comply with the requirements of the Conservation and Habitat Regulations 2010.

2. Immediately before the commencement of any development, including any demolition works or tree felling on the site, a badger survey shall be undertaken and submitted to the Local Planning Authority.

Reason

To ensure protection of any protected species that may be on the site and to comply with the requirements of the Conservation and Habitat Regulations 2010.

- 57. Application CH/13/0132, Hednesford Court Office, Anglesey Street, Hednesford, 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**

Following a site visit by Members of the Committee consideration was given to the Report of the Development Control Manager (item 6.25 – 6.41 of the Official Minutes of the Council).

Members raised concern regarding the block of four garages that would be available to rent and formed part of the planning application. It was considered that the garage block should be excluded from the application should permission be approved and car parking spaces and landscaping be provided instead.

RESOLVED:

- (A) That subject to the applicant agreeing to provide car parking spaces and landscaping in lieu of the block of four garages the applicant be requested to enter into an Agreement under Section 106 of the Town and Country Planning Act, 1990 to secure a financial contribution in respect of (i) Education (£33,093 to provide 3 primary

school places); (ii) Open space sport and recreation (£29,405.25) and (iii) Cannock Chase SAC mitigation (£6,300);

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

58. Application CH/13/0338, Parker Hannifin Valve Works, Walkmill Lane, Cannock, Removal of Condition 3 of planning permission CH/13/0200 to allow heavy good vehicles to load, unload, arrive and depart at any time of day

Following a site visit by Members of the Committee consideration was given to the Report of the Development Control Manager (Item No. 6.42 – 6.49 of the Official Minutes of the Council).

The Development Control Manager provided the Committee with the following update:-

“The applicant has agreed that heavy goods vehicles leaving and accessing the site between the hours of 22:30 and 06:30 will use Vine Lane to reduce impact on nearby residential occupiers.”

The Development Control Manager advised that the re-routing arrangement offered by the applicant would not be dealt with by condition as it would be difficult to enforce.

Prior to consideration of the application a representation was made by Mr. Julian Wilson, representing the applicant.

Members referred to the noise being generated by lorries that were driving over raised manhole covers in the surrounding area. It was suggested that Staffordshire County Council be approached in an attempt to resolve the condition of the manhole covers. It was noted that the Severn Trent Water may be responsible for the manhole covers.

RESOLVED:

That the application be approved for a temporary period of 12 months subject to the conditions contained in the report for the reasons stated therein.

(Councillor J.T. Kraujalis requested that his name be recorded as having voted against this decision).

(Members requested that Officers approach Staffordshire County Council in an attempt to address the condition of the raised manhole covers.)

59. Application CH/11/0314, Units between Walsall Road and Park Street, Bridgtown, Cannock, Residential development – part demolition of existing industrial buildings and erection of 29 new build residential

dwelling and the conversion of existing building to 6 residential dwellings (outline with access only) (amended plans and description)

Following a site visit by Members of the Committee consideration was given to the Report of the Development Control Manager (Item No. 6.50 – 6.67 of the Official Minutes of the Council).

The Development Control Manager provided the Committee with the following update:-

“ Enclosure 6.64 (Paragraph 3.24) – Environment Agency have removed their objection and advised as follows:

The Environment Agency expects that a Preliminary Site Investigation should be undertaken for all applications where contamination is considered likely as with this development. This is to aid the Local Authority in the decision making process and to allow ourselves to be able to recommend suitable conditions based upon the preliminary findings. Without this, all parties cannot be sure in relation to the viability of the scheme and we cannot make site specific comments and recommend site specific conditions. It has been confirmed that any issues that arise with this approach will be the responsibility of the Local Planning Authority to resolve.

There are many conditions that could be applied by ourselves (EA) in relation to contamination, some of the most common ones that may apply to this development are:

1. Condition:
Prior to Reserved Matters approval (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be

collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure the protection of Controlled Waters receptors.

2. Condition:

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure the remediation scheme has been undertaken to a satisfactory standard.

3. Condition:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure a mechanism is in place to allow for any residual contamination to be dealt with appropriately.”

The Development Control Manager then displayed an indicative site plan and advised that this was different to the plan shown in the report.

Prior to consideration of the application, a representation was made by Mr. R. Thorley, 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 to secure a financial contribution in respect of (i) Cannock Chase SAC mitigation (£450 per dwelling); (ii) a minimum contribution of £75,750 towards Public Open Space and Affordable Housing and (iii) a review mechanism to re-consider viability prior to the development commencing;
- (B) 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 additional conditions:

1. Condition:

Prior to Reserved Matters approval (or such other date or Stage in development as may be agreed in writing with the Local Planning Authority), a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks from contamination at the site.**
- 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site**
- 3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.**
- 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure the protection of Controlled Waters receptors.

2. Condition:

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure the remediation scheme has been undertaken to a satisfactory standard.

3. Condition:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure a mechanism is in place to allow for any residual contamination to be dealt with appropriately.

60. Application CH/13/0319, 120 Burntwood Road, Norton Canes, Cannock, Detached double garage to rear

Following a site visit by Members of the Committee consideration was given to the Report of the Development Control Manager (Item 6.68 – 6.76 of the Official Minutes of the Council).

RESOLVED:

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

No part of the development hereby approved shall commence until a

scheme detailing the fencing and landscaping along the shared boundary with no.118 Burntwood Road has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be carried out in the first planting and seeding season following the use of the garage or its completion, whichever is the sooner.

Reason

In the interest of the amenity of the neighbouring occupier. In accordance with Local Plan Policy B8.

61. Application CH/13/0305, 268 Bradbury Lane, Hednesford, Cannock, Residential development – extension of time limit to CH/10/0213

Consideration was given to the Report of the Development Control Manager (Item 6.77 – 6.85 of the Official Minutes of the Council).

RESOLVED:

That the application to extend the time limit be approved subject to:

(A) the applicant being requested to enter into an Agreement under Section 106 of the Town and Country Planning Act, 1990 to secure a financial contribution of £1800.00 for the mitigation of the impact of the development on the SAC;

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

62. Tree Preservation Order at 27 Abbots Walk, Rugeley – TPO No. 2013/10

Consideration was given to the Report of the Development Control Manager (Item 6.86 – 6.90 of the Official Minutes of the Council).

RESOLVED:

That the application be deferred to enable a site visit to be undertaken in order to assess the impact on the neighbouring properties.

CHAIRMAN

The meeting finished at 5.35 pm