

Cannock Chase Council
Minutes of the Meeting of the
Planning Control Committee

Held on Wednesday 24 November, 2021 at 3:00 pm
in the Council Chamber, Civic Centre, Cannock

Part 1

Present:
Councillors

Muckley, A. (Vice-Chairman – in the Chair)

| | |
|--------------------------|-----------------------------|
| Allen, F.W.C. | Molineux, G.N. (substitute) |
| Buttery, M. (substitute) | Smith, C.D. |
| Cartwright, Mrs. S.M. | Sutton, Mrs. H.M. |
| Fitzgerald, Mrs. A.A. | Thompson, Mrs. S.J. |
| Hoare, M.W.A. | Wilson, Mrs. L.J. |
| Jones, Mrs. V. | Witton, P.T. |
| Kruskonjic, P. | |

| | |
|------------|--|
| 58. | <p>Apologies</p> <p>Apologies for absence were received for Councillors P. Startin (Chairman), P.A. Fisher and A. Beach.</p> <p>Notification had been received that Councillor M. Buttery would be acting as substitute for Councillor P. Startin, and Councillor G.N. Molineux would be acting as substitute for Councillor P.A. Fisher.</p> |
| 59. | <p>Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members</p> <p>None declared.</p> |
| 60. | <p>Disclosure of details of lobbying by Members</p> <p>Councillor F.W.C. Allen declared that he had been lobbied in respect of Application CH/21/0364, Unit 33, Martindale Trading Estate, Martindale, Hawks Green, Cannock, WS11 7XN – Application under Section 73 of the Town & Country Planning Act 1990 to vary Condition No. 4 of planning permission CH/99/0639 to allow movement of vehicles Mon-Fri 6.30am – 6.00pm, Sat 8.00am – 2.00pm, all other operations from 8.00am onwards</p> |
| 61. | <p>Minutes</p> <p>Resolved:</p> |

| | |
|------------|---|
| | That the Minutes of the meeting held on 13 October 2021 be approved as a correct record. |
| 62. | Members requests for Site Visits |
| | None |
| 63. | <p>Application CH//21/0364, Unit 33, Martindale Trading Estate, Martindale, Hawks Green, Cannock, WS11 7XN – Application under Section 73 of the Town & Country Planning Act 1990 to vary Condition No. 4 of planning permission CH/99/0639 to allow movement of vehicles Mon-Fri 6.30am – 6.00pm, Sat 8.00am – 2.00pm, all other operations from 8.00am onwards</p> <p>Consideration was given to the report of the Development Control Manager (Item 6.1 – 6.18 of the Official Minutes of the Council).</p> <p>The Interim Planning Services Manager provided the following update to the Committee which had been circulated in advance of the meeting :-</p> <p>“Following compilation of the report for the Committee agenda, officers have received, further representation from a neighbour regarding a condition that was imposed on the previous planning permission (CH/20/165) which also sought to vary hours. The condition was imposed to protect the amenity of nearby neighbours and read as follows:</p> <p><i>On no occasion between the hours of 04:00 and 07:00 shall the noise from site be greater than the background noise at the nearest domestic property.</i></p> <p>The neighbour has requested the condition be reimposed on the current application if approval is granted. In this instance, as the hours being varied differ from the previous planning permission, the condition would read as follows: -</p> <p><i>On no occasion between the hours of 06:00 and 07:00 shall the noise from site be greater than the background noise at the nearest domestic property.</i></p> <p><i>Reason : To ensure the continued protection of the nearby residential amenity.</i></p> <p>Environmental Health Officers requested the condition on the previous permission but made no request in relation to the current application. Notwithstanding this, the use of the condition on the current application has been considered by Environmental Health Officers who have confirmed that it would be acceptable to include on any permission granted in this instance.</p> <p><u>Point of Clarification on the above application</u></p> <p>Paragraph 5 of the above report should refer to the Equality Act 2010 and not Equalities Act 2010”.</p> <p>The Interim Planning Services Manager then provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.</p> |

Prior to consideration of the application representations were made by Paul Outhwaite, an objector and Louise Jackson, the applicant, who was speaking in favour of the application.

Councillor F.W.C. Allen moved refusal of the application stating that this would be detrimental to the amenities of the area, which was seconded by Councillor P. Witton.

The motion to refuse was taken first and, following a vote, the motion fell.

Councillor L. Wilson then moved approval of the application with one amended condition (2) and the additional condition contained in the officer update note. This was seconded by Councillor M. Buttery.

Resolved:

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

“Amended Condition:

No movement of commercial vehicles shall take place outside the hours of 07:00hrs to 18:00hrs Monday to Friday and 08:00hrs to 14:00hrs on Saturday and at no time on Sundays and Public or Bank Holidays.

All other operations shall take place between the hours of 08:00hrs to 18:00hrs Monday to Friday and 08:00hrs to 14:00hrs on Saturday. No activities shall take place on Sundays or Public and Bank Holidays.

Reason : To ensure the continued protection of the nearby residential amenity.

Additional condition:

On no occasion between the hours of 06:00 and 07:00 shall the noise from site be greater than the background noise at the nearest domestic property.

Reason: To ensure the continued protection of the nearby residential amenity”.

(At this point in the proceedings the Committee adjourned for a short comfort break. Councillors F.W.C. Allen, P. Witton and Mrs. V. Jones all left the meeting and were therefore not present to determine the remaining applications).

- | | |
|-----|--|
| 64. | Application CH//21/0376, Land at Lime Lane, Pelsall, WS3 5AT – Application under Section 73 of the Town & Country Planning Act 1990 to develop the land not in accordance with approved plans but in accordance with plans “Wyrley Traveller Site, proposed amenity building plans and elevations dated 25 August 2021” and “Wyrley Traveller Site, proposed site plan revision L August 2021” and “Wyrley Traveller Site, Utility Block Revision A, August 2021” Pursuant to CH/20/305 |
|-----|--|

Consideration was given to the report of the Development Control Manager (Item 6.19 – 6.62 of the Official Minutes of the Council).

The Interim Planning Services Manager provided the following update to the Committee which had been circulated in advance of the meeting:-

“Points of Clarification on the above application

Paragraph 5 of the above report should refer to the Equality Act 2010 and not Equalities Act 2010.

Paragraph 4.11.1 - of the above report should refer to the Habitats and Species Regulations 2017 and not the Habitats and Species Regulations 2010”.

The Interim Planning Services Manager then provided a presentation to the Committee outlining the application showing photographs and plans of the proposals”.

The Council’s Principal Solicitor drew Member’s attention to the fact that the application was an application under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary conditions and that the principle of the use of the site as a gypsy and traveller site for 5 gypsy families had been established under the previous consent.

Prior to consideration of the application, representations were made by Ray Clee, the applicant, who was speaking in favour of the application.

A Member asked if consideration could be given to including a condition to prevent the use of the utility block for residential use.

Resolved:

That the application be approved subject to the conditions contained in the report for the reasons stated therein, and subject to an additional condition preventing the use of the utility block for residential use and that authority be delegated to the Development Control Manager to provide the wording of that condition. The condition is:

“The proposed utility block as detailed on Dwg.No104370-025-06 Titled ‘Wyrley Traveller Site, proposed Utility Block Revision A’, shall remain for purposes ancillary to the occupiers of the site and at no time converted into or used as a separate dwelling without prior permission of the Local Planning Authority.

Reason: In the interest of protecting the character and form of this rural location in accordance with Policy CP3 of the Cannock Chase Local Plan”.

65. Renewal of Temporary Changes to the Planning Enforcement Protocol

Consideration was given to the report of the Development Control Manager (Item 6.63 – 6.64 of the Official Minutes of the Council).

Members expressed concern at the proposal to not accept anonymous complaints as there may be mitigating factors behind a complainant not being willing to provide their details. It was considered that the protocol should allow anonymous complaints to be

investigated. The Interim Planning Services Manager agreed to give further consideration of the protocol to take on board the comments provided at the meeting.

Resolved:

That the report be noted.

(Councillor Mrs. S. Cartwright left the meeting at 5.11 pm).

The meeting closed at 5.20 pm.

Chairman