

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
PLANNING CONTROL COMMITTEE

HELD ON WEDNESDAY 3 FEBRUARY 2021 AT 3:00 P.M.

VIA REMOTE ACCESS

PART 1

PRESENT: Cartwright, Mrs. S.M. (Chairman)
Councillors Startin, P. (Vice-Chairman)

Allen, F.W.C. (<i>joined at 3:32pm</i>)	Layton, A.
Crabtree, S. (<i>substitute – joined at 3.08pm</i>)	Pearson, A.R.
Dudson, A.	Smith, C.D.
Fisher, P.A.	Stretton, Mrs. P.Z.
Fitzgerald, Mrs. A.A.	Thompson, Mrs. S.L.
Jones, Mrs. V.	Todd, Mrs. D.M.
	Witton, P.

(The Chairman advised that the order of the agenda had been amended and Application CH/20/363 would be considered as the first item).

95. Apologies

An apology for absence was received from A. Muckley. Notification was received that Councillor S. Crabtree would be attending as her substitute.

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

Application CH/20/128, 23 Walsall Road, (Ex-Servicemen's Club car park) Cannock WS11 5BU – outline application some matters reserved, erection of 12 apartments and associated works (re-submission of CH/19/399)

With regard to the above application Councillor A. Pearson advised that he and Councillor P. Witton thought they were Members of the Ex-Servicemen's Club when this application was considered at a previous Planning Control Committee and therefore declared an interest. However, he confirmed that neither Councillors were Members of the Club as they were required to re-register. He clarified that that they had no involvement with the club or its Members.

Member	Interest	Type
Dudson, A.	Application CH/20/292, Lea Hall Miners Welfare & Social Club, Sandy Lane, Rugeley, WS15 2LB – Proposed development for Platform Housing	Personal and Pecuniary

Association on redundant tennis courts –
14 residential units – Member of Lea Hall
Miners Welfare & Social Club

(NOTE: Councillor A. Dudson withdrew this declaration of interest when the application was considered (See Minute No. 102 below)

97. Disclosure of Lobbying of Members

Councillors Ms. A. Fitzgerald, Mrs. V. Jones, C.D. Smith, P. Startin and Mrs. S.L. Thompson declared that they had been lobbied in respect of Application CH/20/292, Lea Hall Miners Welfare & Social Club, Sandy Lane, Rugeley, WS15 2LB – Proposed development for Platform Housing Association on redundant tennis courts – 14 residential units.

98. Minutes

RESOLVED:

That the Minutes of the meeting held on 27 January 2021 be approved as a correct record.

99. Members requests for Site Visits

None requested.

100. Application CH/20/363 Unit 33 Martindale Trading Estate, Martindale, Hawks Green, Cannock WS11 7XN – replace fencing with 5m concrete panels to act as an acoustic barrier between yard and residents to rear

Consideration was given to the report of the Development Control Manager (Item 6.87 – 6.105 of the Official Minutes of the Council).

The Development Control Manager provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Prior to consideration of the application representations were made by Councillor Mrs. C. Mitchell, the Ward Councillor and Paul Outhwaite, a local resident. Further representations were made by Louise Jackson, the applicant, speaking in support of the application.

RESOLVED:

That the application be approved subject to the conditions contained in the report for the reasons stated therein and to the alteration of condition 4 as follows: -

“Notwithstanding the approved plans, a scheme for the painting of the rear side of the boundary wall (facing Pebble Mill Drive) including the RAL No and paint description shall be submitted to and approved in writing by the Local Planning Authority. **Within one month of the erection of the wall,** the approved scheme shall be implemented in full and shall be retained in

the approved colour for the lifetime of the development”.

(Councillor S. Crabtree and Councillor F.W.C. Allen joined the meeting whilst the application was being determined and therefore did not take part in the deliberations or vote on the application).

101. Application CH/20/128 23 Walsall Road, (Ex-Servicemen’s Club car park) Cannock WS11 5BU – outline application some matters reserved, erection of 12 apartments and associated works (re-submission of CH/19/399)

Consideration was given to the report of the Development Control Manager (Item 6.1 – 6.37 of the Official Minutes of the Council).

The Development Control Manager provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

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:-

“Notwithstanding details of the approved plans the development hereby approved shall not commence until a scheme showing the access and egress points together with any barrier to the car parking area has been submitted in writing to and approved by the Local Planning Authority. The development hereby approved shall not be brought into use until the works comprising the approved scheme have been implemented in full.

Reason: In the interest of public and highway safety in accordance with Policy CP3 of the Cannock Chase Local Plan and the good design section of the National Planning Policy Framework”.

102. Application CH/20/292 Lea Hall Miners Welfare & Social Club, Sandy Lane, Rugeley, WS15 2LB – Proposed development for Platform Housing Association on redundant tennis courts – 14 residential units

Councillor A. Dudson advised that although he had declared a personal and pecuniary interest in this item earlier in the meeting, he was now aware that all memberships to the Lea Hall Miners Welfare & Social Club ended on 31 December, 2020. He therefore withdrew his declaration of interest in this application and confirmed he had not pre-determined the application.

Consideration was given to the report of the Development Control Manager (Item 6.38 – 6.86 of the Official Minutes of the Council).

The Development Control Manager provided the following update to the Committee and confirmed this had been circulated in advance of the meeting:-

“Following compilation of the report for the Committee agenda, the following additional information was received:

Additional Representation

Councillor Olivia Lyons has made the following representation as her ward immediately abuts the application site:-

“The site in question borders my ward and, as such, I feel that any development would have a significant impact upon residents within Western Springs.

Following the submission of the proposals, I have been approached by a number of residents who are both members and Committee Members of Lea Hall Tennis Club. The concerns I wish to raise relate to the loss of the sports facilities on the site and the direct impact this could have on both residents living within my ward and, more widely, the local Rugeley community.

It is very clear that Lea Hall Tennis Club is an active group and the tennis court on the site in question is very much still in use. There is a 14 strong Tennis Club Team that regularly train on the court and, in addition to this, it is regularly used by members of the Phoenix Club, members of Lea Hall itself and there is an arrangement for regular coaching sessions to take place in partnership with the surrounding local schools.

Within their initial feedback, Sports England expressed concerns surrounding displaced players with which I strongly agree. I do appreciate that not all court users will live within the direct vicinity, but I think it is fair to assume that the majority will be Rugeley residents. I therefore feel that the suggestion expressed within some of the reports in relation to expecting Rugeley players relocate and travel to Cannock is unreasonable.

I appreciate that both Lea Hall Tennis Club, and nearby Etching Hill Tennis Club, are private clubs. However, the popularity of the sport locally is can be seen merely by the fact that the Council’s own courts are heavily utilised, especially in the summer. Due to such heavy use the need for refurbishment at neighbouring Cannock Park and the need for a total rebuild at Heath Hayes Park is well documented.

With these concerns in mind, I would strongly urge that a contribution from any development should be sought to improve local facilities and ensure adequate tennis provision be provided imminently within Rugeley. We cannot wait for a future review leave our local residents without facilities in the short term, particularly in light of the growing importance of exercise and outdoor sports.

It should be noted that the nearest children's play area to the site is Flaxley Road and Chester Road Play Area on the Birches Estate which is accompanied by open

green space. I firmly believe that s S106 contribution should be sought to improve these spaces in order to the benefit of all Rugeley residents.”

Asset of Community Value

Members are advised that the Lea Hall Welfare Miners Centre, Rugeley has been nominated for consideration as an Asset of Community Value.

Officers would advise that the fact of the site having been nominated as an Asset of Community Value (ACV) does not prevent the planning application being determined. Although the site has been nominated, it has now been referred to the Council’s Head of Law and Administration/Monitoring Officer, but no decision has been made by him so the site is not on the Council’s list of ACVs.

Furthermore Officers advise that the fact that a building or space has been nominated or accepted as an “Asset of Community Value” it is not a material planning consideration. Members are also advised that the committee report gives full consideration to the loss of the tennis courts.

Response from the Lead Local Flood Authority (LLFA) (1 February 2021)

“We are now satisfied with the submitted proposals and have no objection to the granting of planning permission. We would however recommend that the condition below is attached to any planning permission in order to secure the implementation of the scheme in accordance with the submitted documents.

Condition:-

“The development hereby permitted shall not be brought into use until the approved drainage scheme shown in the following documents has been implemented:

- Drainage Statement, Issue 6, 18/01/2021.

Thereafter, the drainage scheme shall be retained and maintained in accordance with the submitted management and maintenance plan by Banners Gate and Fitzpatrick Group.

Reason

To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development. ”

Officer Response

The Council’s Solicitor has confirmed the site, having been nominated as an Asset of Community Value (ACV), does not prevent the planning application being

determined, therefore there is no reason to delay determination of the planning application at this Planning Committee Meeting.

The revised information submitted to the LLFA has satisfied their requirements. As a result the recommendation can be changed to the following:

“Approve subject to the attached conditions and the completion of a section 106 agreement to secure:-

- (i) A contribution of £221 x 14 to mitigate the impact of the proposed development on the Cannock Chase SAC.
- (ii) The provision of 100% on site affordable housing.
- (iii) A contribution of £21,000 to be targeted at Hednesford Park and Cannock Park to mitigate against loss of the tennis courts.”

The approved details ‘Drainage Statement, Issue 6’, 18/01/2021’ should be added to condition No.14 (plan number condition) and the additional condition noted above and recommended by the LLFA should be added to the decision notice, if the application is approved”.

Following the update and prior to consideration of the application, representations were made by Councillor Mrs. C. Martin, the Ward Councillor. Further representations were made by Mark Fitzpatrick, the applicant, speaking in support of the application.

Tom Walsh, Parks and Open Spaces Manager was also present at the meeting to assist in answering any questions as to why certain tennis courts had been chosen.

A number of Members raised concerns about the S106 contribution being targeted at Hednesford Park and Cannock Park rather than being spent in the Rugeley and Brereton area.

Councillor A. Dudson and Councillor P. Fisher supported the application but considered that Cabinet should decide on the way the £21,000 S106 contribution should be spent.

Prior to the vote being taken, the Principal Solicitor clarified that what had been moved by Members and they were voting on was the recommendation to approve the application on page 6.46 subject to the completion of a S106 agreement, as detailed in the agenda, and subject to the conditions contained in the report and the additional drainage condition.

RESOLVED:

(A) That the applicant be requested to undertake a Section 106 Agreement to secure:-

- (i) A contribution of £221 x 14 to mitigate the impact of the proposed development on the Cannock Chase SAC;
- (ii) The provision of 100% on site affordable housing;

(iii) A contribution of £21,000 to be targeted at Hednesford Park and Cannock Park to mitigate against loss of the tennis courts.”

(B) On completion of the Agreement the application be approved subject to the conditions contained in the report for the reasons stated therein and the approved details ‘Drainage Statement, Issue 6’, 18/01/2021’ should be added to condition No.14* (plan number condition) and an additional condition to read:-

“The development hereby permitted shall not be brought into use until the approved drainage scheme shown in the following documents has been implemented:

- Drainage Statement, Issue 6, 18/01/2021.

Thereafter, the drainage scheme shall be retained and maintained in accordance with the submitted management and maintenance plan by Banners Gate and Fitzpatrick Group.

Reason: To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development”.

103. Application CH/20/396 412 Rawsley Road, Cannock WS12 1RB Construction of two new 4 bedroom dwellings, re-submission of previous application on the side garden of 412 Rawsley Road

Consideration was given to the report of the Development Control Manager (Item 6.106 – 6.138 of the Official Minutes of the Council).

The Development Control Manager provided the following update to the Committee and confirmed this had been circulated in advance of the meeting:-

“Point of Clarification

Paragraph 5.1 of the Officers report should read:-

5.1 Human Rights Act

The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest”.

He then provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

RESOLVED:

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

104. Application CH/20/425 Beau Desert Golf Club, Rugeley Road, Hazelslade, Cannock, WS12 0PJ – erection of Halfway House Structure adjacent to the 11th green of golf course

Consideration was given to the report of the Development Control Manager (Item 6.139 – 6.155 of the Official Minutes of the Council).

The Development Control Manager provided the following update to Committee and confirmed that this had been circulated prior to the meeting:-

“Point of Clarification

Paragraph 5.1 of the Officers report should read:-

5.1 Human Rights Act

The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest”.

He then provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

RESOLVED:

That the application be deferred to allow the applicant to investigate accommodating a toilet for use by people with disabilities in the halfway house structure.

105. Application CH/20/430 1 Hodnet Place, Hawks Green, Cannock WS11 7YF – ground floor rear extension and new site boundary fence and walls

Consideration was given to the report of the Development Control Manager (Item 6.156 – 6.174 of the Official Minutes of the Council).

The Development Control Manager provided the following update to Committee and confirmed that this had been circulated prior to the meeting:-

“Point of Clarification

Paragraph 5.1 of the Officers report should read as:-

5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to have a split decision accords with the policies of the adopted Local Plan and the applicant has the right of appeal against that part of the decision for a refusal”.

He then provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Prior to consideration of the application representations were made by Danny Doleman, the applicant, speaking in support of the application.

The Committee discussed the land ownership issue and the Development Control Manager confirmed that land ownership was not a material consideration and should not be taken into account when determining the application.

RESOLVED:

That a split decision be approved as follows:-

- (A) The new site and boundary fence and walls be refused for the reasons outlined in the report.
- (B) That the ground floor rear extension be approved subject to the conditions contained in the report for the reasons stated therein.

The meeting closed at 5:22 pm.

CHAIRMAN