

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

HELD ON WEDNESDAY 21 OCTOBER 2020 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.	Layton, A.
Crabtree, S.K. <i>(substitute for A. Muckley)</i>	Pearson, A.R.
Dudson, A.	Smith, C.D.
Fisher, P.A. <i>(not in attendance when the meeting commenced)</i>	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 would be amended and Application CH/20/197 would be considered as the first item).

47. Apologies

An apology for absence was received from Councillor A. Muckley.

Notification had been received that Councillor S. K. Crabtree would be acting as a substitute for Councillor. A.M. Muckley.

48. Disclosure of Lobbying of Members

Nothing declared.

49. Minutes

RESOLVED:

That the Minutes of the meeting held on 30 September, 2020 be approved as a correct record.

Arising from this Councillor Pearson referred to the previous meeting when he was heard to say an expletive. He explained that he was having issues connecting to the remote meeting and was not aware he could be heard. He offered an apology for any embarrassment caused to any Councillors or any member of the public.

50. Members requests for Site Visits

The Committee was aware that site visits were not currently being undertaken due to the on-going situation with the Coronavirus Covid-19 pandemic and the restrictions in place regarding public gatherings.

In view of this, it was requested that more detailed information and additional photographs be provided to the Committee in relation to Application CH/20/336, construction of self contained development of 4 no. 2 bedroom houses and 4 no. 1 bedroom apartments including revised access to Main Road and car parking, 98 Main Road, Brereton. The reason for the additional information was in order to assess any highway implications and whether there would be any adverse impact on the area.

51. Application CH/20/197, 114-116 Cannock Road, Chadsmoor, Cannock, WS11 5BZ – Change of use of ground floor from retail unit to A5 hot food takeaway including installation of extract flue

Consideration was given to the report of the Development Control Manager (Item 6.125 – 6.142 of the Official Minutes of the Council).

The Development Control Manager showed photographs and plans of the proposals and outlined the amended car park layout.

Prior to consideration of the application representations were made by Councillor Mrs. C. Mitchell, the Ward Councillor, speaking against the application. Further representations were made by Jim Malkin, the applicant's agent, speaking in support of the application.

RESOLVED:

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

(Councillor Mrs V. Jones lost connection during consideration of this application. As she was not present for the whole of the discussions, she did not take part in the vote).

(At this point Councillor P. Fisher joined the remote meeting).

52. Application CH/16/267, Land to North of Wyrley Common and South of A5 Watling Street, Norton Canes – Proposed change of use to outdoor go-karting facility and associated operational development including formation of track (1200m), car park and associated landscaping and works

Consideration was given to the report of the Development Control Manager (Item 6.1 – 6.124 of the Official Minutes of the Council).

The Development Control Manager advised that an update had been circulated to Members in advance of the meeting along with further information that had been received from the applicant following publication of the agenda. The update was as follows:

“Further to the completion of the agenda a submission has been received by the applicant’s agent. This contains several plans and illustrative drawings and what purports to be a rebuttal to the reasons for refusal outlined in the officer report.

Officers have considered the information and have concluded that there is nothing within that submission that has not been discussed within the officer report.

Habitat Regulations Assessment and Drainage

However, for the purposes of clarity officers reiterate that they have undertaken an ‘appropriate assessment’ as required under the Habitat Regulations 2017, in respect to the impacts of the proposal on the Cannock Extension Canal SAC. This has been considered by Natural England who has commented: -

“Natural England notes that your authority, as competent authority, has endeavoured to undertake an appropriate assessment of the proposal, in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England’s advice.

Your authority concludes that not enough information has been provided to ascertain that the proposal will not result in adverse effects on the integrity of Cannock Chase Extension Canal SAC.

Having considered the information available and the advice of the Council’s ecologist and local lead flood authority Natural England concurs with the conclusion you have drawn, that it is not possible to ascertain that the proposal will not result in adverse effects on site integrity.

If the information sought is not provided to your authority to undertake a full appropriate assessment of the proposal then Natural England advises your authority should not grant planning permission at this stage [officer emphasis]”.

Therefore the applicant’s assertion that Natural England has accepted the drainage strategy and therefore does not object is not correct.

Officers also advise that where there is ambiguity as to impacts on a SAC those matters cannot be lawfully dealt with by condition.

Landscape

The Extract of the Local development framework Interactive policies Map Plan included under the Heading “Landscape on page 8 should be interpreted with great care. As an interactive map, layers can be shown or hidden. It also includes layers showing the results of the call for sites for employment and housing. Such information does not mean that any particular site is designated, merely that a land owners has submitted a site to be considered as part of the plan making process. This has no bearing on the merits of the current case.

All other issues raised are dealt with in detail in the officer report and require no

further comment in this update.

Conclusion

Having considered all of the additional information provided officers conclude that the recommendation to refuse for the reasons provided still stand”.

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 Reba Danson, an objector, Councillor J Bernard (Parish Councillor) who was in support the application and Christopher Timothy, the applicant’s agent, who was speaking in favour of the application.

RESOLVED:

That the application be refused for the reasons outlined in the report.

53. Clawback Provisions under Schedule 7 of the Section 106 Agreement attached to outline approval CH/11/395 in respect of the payment of monies towards mitigation of impacts on Cannock Chase Special Area of conservation under Planning Permission CH/18/121, Residential Development comprising 52 no. dwellings at Common Farm, Pye Green Road, Hednesford

Consideration was given to the report of the Development Control Manager (Item 6.143 – 6.145 of the Official Minutes of the Council).

RESOLVED:

It was agreed that:-

SAC mitigation for 13 social units of £2,873
Top slice of CIL (£221 x 39 market units) £8,619
Total £11,492

be approved as clawback to be transferred to the land owners who entered into the Section 106 Agreement attached to outline consent CH/11/0395 dated 24 June 2014 subject to them providing the Council with indemnity to protect the Council against any claims made against it in respect of that sum, by any other owners of the land bound by the terms of the Section 106 Agreement.

(Councillor F.W.C. Allen lost connection during consideration of this application and did not take part in the vote).

The meeting closed at 4:25pm.

CHAIRMAN