

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

Held on Wednesday 14 April 2021 at 3:00pm

Via Remote Access

Part 1

PRESENT:	Cartwright, Mrs S.M. (Chairman)
Councillors	Startin, P.D. (Vice-Chairman)
Allen, F.W.C.	Pearson, A.R.
Crabtree, S.K. (<i>substitute</i>)	Smith, C.D.
Dudson, A.	Stretton, Mrs. P.Z.
Fisher, P.A.	Thompson, Mrs. S.L.
Fitzgerald, Mrs. A.A.	Todd, Mrs. D.M. (<i>joined at 15:09</i>)
Jones, Mrs. V.	Witton, P.T.
Layton, A.	

Prior to the commencement of the meeting the Committee observed a one minutes silence to mark the death of HRH Prince Philip, Duke of Edinburgh.

125. Apologies

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

Notification had been received that Councillor S.K. Crabtree would attend as substitute for Councillor Muckley.

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

None declared.

127. Disclosure of Lobbying of Members

Councillor C.D. Smith declared that he had been lobbied in respect of Application CH/20/424, 26 View Street, Pye Green, Cannock WS12 4JD - Replacement garage in rear garden (resubmission of planning permission CH/19/396).

128. Minutes

RESOLVED:

That the Minutes of the meeting held on 24 March 2021 be approved as a correct record.

129. Members requests for Site Visits

None.

130. Application CH/20/424, 26 View Street, Pye Green, Cannock WS12 4JD - Replacement garage in rear garden (resubmission of planning permission CH/19/396)

Consideration was given to the report of the Development Control Manager (Item 6.1 – 6.19 of the Official Minutes of the Council).

(Councillor Mrs. D. Todd joined the meeting at this point).

The Development Control Manager provided the Committee with the following update that had been circulated in advance of the meeting:

- “1. Since the publication of the report, officers have received further correspondence from neighbours at No. 32, which contained a copy of a letter dated 3rd April from Marwood Surveyors acting on their behalf in respect to Party Wall and boundary issues. The letter reads:

“Dear Mr and Mrs Bayliss

Re: Party Wall and associated Boundary Matters, 32 and 26 View Street, Hednesford, Cannock, WS12 4JD

I am writing to summarise the position to date in respect of the above.

Further to the Party Structure Notice dated 23rd September 2020 served upon Mr T Darby the adjoining owner of 26 View Street, and the consent to notice provided by Mr Darby dated 5th October 2020, I can confirm that we are still in the process of designing a suitable replacement structure and methodology in respect of providing a means of support to your property whilst the works are undertaken.

For clarification purposes, the Party Structure Notice was served upon Mr Darby as he had carried out excavations adjacent to the concrete post and gravel board structure that was providing support to your property and in doing so has caused damage and instability to the said structure which was also confirmed in writing by the Structural Engineer from Evan Consultancy, in addition Mr Darby did not serve notice as required under The Party Wall etc. Act 1996 however, having consented to the notice served upon him, he has also agreed to pay any reasonable cost in respect of the works including fees.

As you are aware, we have confirmed the legal boundary line to the front of your property, the width is as stated in your title deeds, the survey and measuring was undertaken by Evan Consultancy and myself using modern survey instrumentation which was confirmed in writing. Once we have agreed the methodology and design for means of support to your property, we will be able to obtain competitive and reasonable quotations for the works. When undertaking the works, it will be possible to straighten the existing boundary line currently defined by the retaining fence structure, to ensure that it is erected along the correct boundary line erected in a straight line from the existing position at the

rear of the properties to the position defined at the front of the property in accordance with your title deeds. It will be important to agree upon a suitable retaining structure so that there is no danger of any further movement or damage to your property. The boundary structure when completed will form the line of junction between the two properties.

Should you have any queries regarding the above please do not hesitate to contact me.

Yours sincerely

Andrew J Bullock MCIOB AssocRICS”

In response officers would advise members that the content of this letter does not change the view of the Councils engineer. He advises that the lowering of the ground on the side of No. 26 should have required a Party Wall Agreement which does not appear to have been obtained. He adds that he does not consider the line of the retaining fence has been significantly altered in recent years, but however is not aware of any stated widths that may have been discussed.

Officers would add that whether a Party Wall Agreement should have been served for activities undertaken at No. 26 falls outside of the scope of the determination of this application.

Officers would also add that the applicant has confirmed in writing to the Council that the land contained within the application site boundary edged red on the Location Plan is correct and believes that the Ownership Certificate has therefore been correctly issued. Notwithstanding this, officers would stress that issues pertaining to land ownership and boundaries are a civil matter to be resolved privately between the affected parties and therefore fall outside the scope of the determination of planning applications.

2. Paragraph 4.4.4 of the report states that:

“In addition, the garage does have any windows or doors within the side or rear elevations”.

Officers would advise that there is a typo here with the word ‘not’ missing. The sentence should instead read:

“In addition, the garage does **not** have any windows or doors within the side or rear elevations”.

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 Ian Bayliss, an objector.

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: -

“The use of the garage shall be restricted to purposes incidental to the dwelling house and the garage shall not be used, at any time, for the purposes of providing accommodation, either ancillary to the use of 26 View Street or rented out to third parties.

Reason: The application has been assessed on the basis of its use as a domestic garage”.

131. Application CH/21/0022, Former Aelfgar School, Church Street, Taylors Lane, Rugeley WS15 2AA – outline application for the construction of 58 dwellings including access (all other matters reserved)

Consideration was given to the report of the Development Control Manager (Item 6.20 – 6.100 of the Official Minutes of the Council).

The Development Control Manager provided the Committee with the following update that had been circulated in advance of the meeting:

“Point of Clarity:

The recommendation should be amended to read:

Approve subject to the attached conditions and the completion of **Section 106** unilateral undertaking **or other legal agreement** to secure: -

- (i) A contribution of £221 x 17 to mitigate the impact of the proposed development on the Cannock Chase SAC.
- (ii) A contribution of £95,192 (index linked) towards the provision of education payable in 2 instalments with the first on the commencement of development”.

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 Steve Faizey, the applicant, speaking in favour of the application.

Resolved:

(A) That the applicant be requested to enter into a Section 106 unilateral undertaking or other legal agreement to secure:

- (i) A contribution of £221 x 17 to mitigate the impact of the proposed development on the Cannock Chase SAC

- (ii) A contribution of £95,192 (index linked) towards the provision of education payable in 2 instalments with the first on the commencement of development

(B) On completion of the unilateral undertaking or other legal agreement the application be approved subject to the conditions contained in the report for the reasons stated therein.

132. Application CH/21/0024, Shop 10 Victorian New Hall, 81 High Green, Cannock WS11 1BN – change of use from shop (Class E) to Taxi booking office (Sui Generis)

Consideration was given to the report of the Development Control Manager (Item 6.101 – 6.122 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 the consideration of the application representations were made by Sarah Pritchard, the applicant's agent, speaking in favour of the application.

Sean O'Meara, the Senior Licensing Officer, was also present to answer any questions from Members.

Resolved:

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

133. Application CH/21/0059, Land to the east of Norton Road and South of Cannock Road, Heath Hayes – Application under Section 73 to remove Condition 11 of planning permission CH/14/0404 (overflow car park extension) as not required

Consideration was given to the report of the Development Control Manager (Item 6.123 – 6.136 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.

134. Application CH/21/0083, Land off Colliery Road, Rugeley – Change of use to mixed use for stabling of horses and as a residential caravan site for 1 gypsy family with 2 caravans including no more than 1 static/mobile home

Consideration was given to the report of the Development Control Manager (Item 6.137 – 6.177 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 Philip Brown, the applicant's agent, speaking in favour of the application.

The applicant's agent advised that the photographs shown by the Development Control Manager in his presentation were taken from within the application site and not from Colliery Road. The Principal Solicitor raised concern that the photographs could be misleading, and it was essential that the Committee had a view of the application site from Colliery Road. The Development Control Manager apologised for this and suggested that Members may wish to defer consideration of the application to another meeting. This would enable additional photographs of the site to be taken from the road and plotted on a plan indicating where they had been taken from.

Resolved:

That the application be deferred to another meeting of the Committee to enable officers to take several photographs of the application site from Colliery Road and these be accompanied by a plan indicating where the photographs had been taken from.

(The Development Control Manager advised that he would be on leave for the next meeting and, therefore, this application would be submitted to the following meeting which was scheduled for 26 May 2021. The Committee noted that only those Members present today would be able to participate and determine the application).

135. Discussion on site visits

Members sought an update on when site visits would be allowed to commence again. The Principal Solicitor advised that she had liaised with the Council Solicitor and Monitoring Officer who had indicated that no site visits should be arranged before the next step in the national lockdown easing of 17 May when some larger outdoor gatherings are likely to be acceptable. Even then site visits would be subject to an appropriate risk assessment being undertaken. Members would be receiving correspondence in this regard from the Council Solicitor and Monitoring Officer in due course.

The meeting closed at 5.08 pm.

CHAIRMAN