

Please ask for: Mrs. W. Rowe

Extension No: 4584

E-Mail: wendyrowe@cannockchasedc.gov.uk

23 July, 2019

Dear Councillor,

**PLANNING CONTROL COMMITTEE
3:00 PM, WEDNESDAY 31 JULY, 2019
COUNCIL CHAMBER, CIVIC CENTRE, CANNOCK**

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda.

The meeting will commence at 3.00pm

Yours sincerely,



**T. McGovern
Managing Director**

To Councillors:-

Cartwright, Mrs. S.M. (Chairman)

Allen, F.W.C. (Vice-Chairman)

Crabtree, S.K.

Smith, C.D.

Dudson, A.

Startin, P.D.

Fisher, P.A.

Stretton, Mrs. P.Z.

Fitzgerald, Mrs. A.A.

Thompson, Mrs. S.L.

Jones, Mrs. V.

Todd, Mrs. D.M.

Layton, Mrs. A.

Woodhead, P.E.

Pearson, A.R.

AGENDA

PART 1

1. Apologies

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

To declare any personal, pecuniary or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

3. Disclosure of details of lobbying of Members

4. Minutes

To approve the Minutes of the meeting held on 10 July, 2019 (enclosed).

5. Members' Requests for Site Visits

6. Report of the Development Control Manager

Members wishing to obtain information on applications for planning approval prior to the commencement of the meeting are asked to contact the Development Control Manager.

Finding information about an application from the website

- On the home page click on planning applications, listed under the 'Planning & Building' tab.
- This takes you to a page headed "view planning applications and make comments". Towards the bottom of this page click on the text View planning applications. By clicking on the link I agree to the terms, disclaimer and important notice above.
- The next page is headed "Web APAS Land & Property". Click on 'search for a planning application'.
- On the following page insert the reference number of the application you're interested in e.g. CH/11/0001 and then click search in the bottom left hand corner.
- This takes you to a screen with a basic description - click on the reference number.
- Halfway down the next page there are six text boxes - click on the third one - view documents.
- This takes you to a list of all documents associated with the application - click on the ones you wish to read and they will be displayed.

PLANNING APPLICATION DEFERRED FROM PREVIOUS MEETING

1. CH/18/366 *Car Park to former Globe Inn, The Globe Site, East Cannock Road, Hednesford, WS12 1LZ* – proposed car wash on former public house car park 6.1 – 6.22

PLANNING APPLICATIONS

2. CH/19/093 *Land off Stokes Lane, Norton Canes, Cannock WS12 3HJ* – Proposed change of use of land for the keeping/stabling of horses 6.23 – 6.43
3. CH/19/198 *The Ascot Tavern, Longford Road, Cannock WS11 1NE* – application to vary conditions 7 & 15 of CH/18/240 (Traffic Management Scheme & Approved Plans) 6.44 – 6.70
4. CH/19/201 *Rugeley B Power Station, Power Station Road, Rugeley, WS15 2HS* – Outline planning application for the creation of development platform and the demolition of existing office building and environmental centre, site clearance, remediation and mixed-use development of land at the former Rugeley Power Station comprising: up to 2,300 new dwellings (Use Class C3), up to 1.2 ha of mixed-use (Use Class A1, A2, A3, A4, A5, C1, C2, C3, D1 & D2) up to 5ha of employment (Use Classes B1,B2,B8), 1 No. 2 form entry primary school (Use Class D1), formal and informal Publicly Accessible Open Space, key infrastructure including new adoptable roads within the site and the provision of a new primary access junction on to the A513, ground mounted solar panels and 2 No. existing electricity substations (132 kV & 400 kV) retained 6.71 – 6.72

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CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
PLANNING CONTROL COMMITTEE
WEDNESDAY 10 JULY 2019 AT 3:00 P.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 1

PRESENT: Councillors Cartwright, Mrs. S.M. (Chairman)
 Allen, F.W.C. (Vice-Chairman)

Dudson, A.	Stretton, Mrs. P.Z.
Fisher, P.A.	Thompson, Mrs. S.L.
Fitzgerald, Mrs. A.A.	Todd, Mrs. D.M.
Layton, Mrs. A.	Woodhead, P.E.
Pearson, A.R.	
Smith, C.D.	

(The Chairman advised that the running order of the agenda had been amended).

18. Apologies

Apologies for absence were received from Councillors S.K. Crabtree, Mrs. V. Jones and P.D. Startin.

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

None declared.

20. Disclosure of lobbying of Members

All Members declared they had been lobbied by residents of Swallowfields Drive in respect of Application CH/18/366, Car Park to former Globe Inn, The Globe site, East Cannock Road, Hednesford, Cannock WS12 1LZ – Proposed car wash on former public house car park.

Councillor P.E. Woodhead declared that he had represented residents in a previous enforcement case relating to 6 Hewston Croft, Littleworth, Cannock WS12 1PB. At that time, he was not a Member of the Committee.

21. Minutes

RESOLVED:

That the Minutes of the meeting held on 26 June, 2019 be approved as a correct record.

22. Members' Requests for Site Visits

Councillor A. Pearson requested that a site visit be undertaken in respect of Application CH/19/241, Proposed Swimming Pool Enclosure, White Gables, Kingsley Wood Road, Rugeley, WS15 2UG.

RESOLVED:-

That a site visit be undertaken in respect of Application CH/19/241, Proposed Swimming Pool Enclosure, White Gables, Kingsley Wood Road, Rugeley, WS15 2UG.

Reason: to assess whether there was any overdevelopment of the site.

23. Enforcement Case in relation to Planning Application CH/18/398 – 25 Surrey Close, Cannock, WS11 8UF

Consideration was given to the report of the Development Control Manager (Item 6.92 – 6.107 of the Official Minutes of the Council).

Prior to consideration of the application representations were made by Mr. Harry Wilkes, an objector and Mr. David Hyden, speaking on behalf of the applicant.

The Development Control Manager advised that following compilation of the report a further letter of objection had been received from the neighbouring resident of Mill Green View, this was circulated to the Committee and is attached as Annex A to the minutes.

RESOLVED:

(A) That an enforcement notice be served to remedy the situation by requiring:-

- (i) The erection of a 1.8 metre high fence added to the edge of the top patio area; and
- (ii) The reduction in ground level of the lower patio by 0.3m which would result in a rear fence height of 1.8m as measured from the inside of the lowered patio.

(B) That no enforcement action be taken in respect to the conservatory.

24. Application CH/18/428, 6 Hewston Croft, Littleworth, Hednesford, Cannock, WS12 1PB – Detached Garage with Gymnasium

Consideration was given to the report of the Development Control Manager (Item 6.39 – 6.53 of the Official Minutes of the Council).

The Development Control Manager provided the Committee with an update, which had been circulated at the meeting and is attached at Annex A to the minutes.

Prior to the determination of the application representations were made by Stephen Wood and Dave Jones, objecting to the application.

Following the representations the Development Control Manager confirmed that the site is not in the Green Belt and the application should be judged on its merits and not based on what the applicant may intend to do in the future.

The Landscape Projects Officer then clarified the landscaping team's comments and objection in relation to the impact on the existing protected trees.

RESOLVED:

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

25. Application CH/18/366, Car Park to former Globe Inn, The Globe Site, East Cannock Road, Cannock, Hednesford WS12 1LZ – Proposed car wash on former public house car park

Consideration was given to the report of the Development Control Manager (Item 6.1 – 6.20 of the Official Minutes of the Council).

The Development Control Manager provided the Committee with an update, which was circulated to Members and is attached at Annex A to the minutes.

Prior to the determination of the application representations were made by Paul Bailey, an objector.

Members were of the opinion that the application should be refused and discussed reasons based around visual amenity, drainage issues and highway safety.

Staffordshire County Highways Officers were present and provided the Committee with advice on the effect the application would have on the highway.

The Development Control Manager suggested that, if the Committee were minded to refuse the application, they may wish to defer the application in order to enable Officers to provide further information relating to the reasons put forward by Members and submit this to the next meeting of the Committee for consideration.

The Principal Solicitor advised that only those Members of the Committee present at today's meeting would be able to consider the reasons for refusal when they were presented to the Committee at the next meeting.

RESOLVED:

That Members were minded to refuse the application but deferred the application to the next meeting to allow discussion of the wording of the reasons for refusal following receipt of further information from the Development Control Manager.

- 26. Application CH/18/145, 1 Brindley Heath Road, Cannock, WS12 4DR – Residential development – erection of 4 no. 2 bed houses and 3 no 3 bed houses (outline application with all matters reserved except access and layout)**

Consideration was given to the report of the Development Control Manager (Item 6.21 – 6.38 of the Official Minutes of the Council).

RESOLVED:

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

- 27. Application CH/19/139, 18 Anson Street, Rugeley, WS15 2BE – Proposed change of use from (A1) post office to (A4) drinking establishment**

Consideration was given to the report of the Development Control Manager (Item 6.54 – 6.76 of the Official Minutes of the Council).

Prior to the determination of the application representations were made by Mr. P. Hackett, 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.

- 28. Application CH/19/161, 14 Gloucester Way, Heath Hayes, Cannock WS11 7YN – Single storey rear extension to replace existing conservatory**

Consideration was given to the report of the Development Control Manager (Item 6.77 – 6.91 of the Official Minutes of the Council).

RESOLVED:

Members noted the representations made by the neighbour and confirmed that the application be approved, subject to the conditions contained within the report for the reasons stated therein.

The meeting closed at 4.40pm.

CHAIRMAN

Enforcement Case in relation to Planning Application CH/18/398 – 25 Surrey Close, Cannock, WS11 8UF

**“Support Enforcement Action CH/18/398
(Retention of Conservatory /Garden Levels)**

Dear Sir or Madam

It must be known to the Planning Committee that the alterations were done before the original Planning Application was submitted. Therefore when the P.A. that was submitted shows on the existing plan shows how they have altered the garden but it does not show how the garden was before the alterations were done. No over-viewing was done before the alterations but now MGV and others have lost their privacy altogether.

- 1) Before the Bungalow on Surrey Close were built in 2014 a condition was set out by the CCDC Planning Committee on a letter dated 23rd October 2014
- 2) This letter stated that nothing shall be constructed such as a porch or no hard surface outside of the external door of the dwelling without a Planning Application being done.
- 3) This was clearly done without any P.A. being submitted.
- 4) No 25 were told by neighbours that this should be done but took no notice and carried out the alterations without planning consent
- 5) Very conveniently No 25 told this committee that their solicitors could not find anything in the search appertaining to this effect of this letter.
- 6) **This has been checked by the CCDC Planning Committee and this was there to be found in the Public domain of the property conditions. But this had not been checked till the objection had been raised by MGV which was too late as they had already done the alteration. Solicitor must not have done his research as it was there to be found.**
- 7) Very conveniently again when the P.A. was done it did not show you how the garden was it showed how the garden was done without planning consent. The Existing plan shows how they have already altered the garden so therefore you take it as you see not as it was originally was in the first instance. The proposed is to show how they can cover up their wrong doings.

ANNEX A

- 8) What is of great importance is that the lower patio has been built up onto the wall of MGV but the wall is **not a support wall** and not be used as such but it means the perimeter fence is now **4ft plus rather than 6ft**
- 9) This totally contravenes what was set out by CCDC planning committee in 2014 and it's like building a viewing platform to which overview MGV. Taking the 6ft fence to just over 4ft on the lower section. There should be an 1800mm fence all-round the property perimeter to stop any overlooking. This is not the case now.
- 10) To add onto this the top section of the Patio near to the bungalow can still overview MGV taking away their privacy altogether.
- 11) No 25 can look at their boundary fence to find that the Left rear fence shows belongs to them but in matter of a fact does not as it belong to MGV as their boundary fence and built within MGV boundary.
- 12) The boundary fence to No 25 was not constructed as when agreed with the property owner why 2 boundary fences have back to back when MGV will do the job.
- 13) You have to look at No 21 where Mr Dukes at Roskerr insisted that this boundary fence was done so there you have a double fence. That is what I should have done but did not as I thought it was not necessary.
- 14) This means the rear boundary fences to No 25 was never done but get it straight it belongs to MGV and is within MGV boundary. The same applies to No 27 and No 23
- 15) When MGV put in the objection and the sight was visited by CCDC Ian Cunningham who definitely said that the ground level should be taken down to its original level about 0.7 mts but he could not do this as it has to go through the correct channels.
- 16) The site had also been visited by the Case Officer who seen how this impacted on MGV privacy and others.
- 17) This has been to 2 P.A. committees one which was deferred and the other it was said that the 2 parties should get together and come to an arrangement to sort out the objection.
- 18) This was done but was not a very constructive as Mr Wyle's (No 25) was in any way listening to any one and very aggressive to both myself and the Chairman to which may I say was not called for. Therefore no solution was agreed and now back to where we started which is back to the committee.

ANNEX A

- 19) I do believe that the P.A has been withdrawn and to me this is like playing a gain as if this committee does not do anything then we allow people to go against the CCDC principle layed out and get away with what has been set out.
- 20)If the committee take no action then what happens as I believing 4 years nothing can be done. What happens when the property is sold we are back to where we started and this is no joke as the to go through this again.
- 21)Lets not look at Cost as all this was done without permission and the ground levels should be put so no overwiewing of MGV is possible as set out in the conditions of the bungalows being built in 2014. Again a date should be set for this to be done as if not nothing will happen.

Harry and Christine Wilkes.

Application CH/18/428, 6 Hewston Croft, Littleworth, Cannock, WS12 1PB – Detached Garage with Gymnasium

Following compilation of the report for the Committee agenda, Severn Trent have responded to consultation on the proposal. They comment that there are no objections to the scheme and do not require a drainage conditions to be applied.

However, they do advise the applicant to contact them at the earliest opportunity to discuss whether any public sewers are located within the site that may have been adopted under the Transfer of Sewer Regulations 2011.

Officer Response

The applicant's agent has been notified of the above.

The planning permission can be determined, irrespective of the requirement for other permissions, such as building over agreements for sewers, or building regulations. The planning application should therefore be assessed on the material planning considerations, as outlined within the officer's committee report.

Agent Email Received 4.7.19

The design is subjective and everyone will have an opinion.

We are nowhere near the large TPO trees and their RPA on this development and all properties receive supplies in large trucks.

I sent an email on 8 February 2019 with a landscape layout that would seem to have not been taken into consideration - no further comments were received from the landscape officer.

ANNEX A

We will let the committee meeting take its course and decide if we appeal.

Officer Response

The landscaping team have looked at the additional information received and their comments remain unchanged from comments made in their initial response dated 21 December 2018. They do not remove their objection due to potential impact to existing protected trees and there is a lack of detailed information, as per SPG 'Trees, landscape and development.

Application CH/18/366, Car Park to former Globe Inn, The Globe Site, East Cannock Road, Cannock, Hednesford WS12 1LZ – Proposed car wash on former public house car park

During the application process the applicant informed officers that there had been a change of agent. Following completion of the report for the Committee agenda, Officers have received an email from the former agent who has stated the following:

“I confirm that the drawings you have on the website and on your planning committee agenda are a combination of my drawings and overlays of my drawings. Drawings submitted by John Masons are also overlays of my drawings. I therefore hold copyright of them.

Furthermore there has been no communication to me of change of agent. There remains outstanding fees.

There is untreated Knotweed on site which should have prevented a tree survey.

Neighbours are currently in communication with myself over a boundary dispute.

The applicant has stated in writing (this week) that he has emigrated from 9th July and another family member may take on ownership. This is a repeat of an earlier scenario where your enforcement officer spent much time.

The application should be withdrawn to sort out these issues.

If you would like to call into the Premier Suite here in Cannock you can hear the advice of our learned council on this during a break in the current planning hearings.”

Your Officers have considered the above representation and would respond as follows: -

1. The drawings relied upon in preparing the report (with the exception of the location plan) were provided by John Mason. The Council has relied on these in good faith. If there is any issue relating to copyright that is a matter between Mr Cotton (the former agent), the applicant and John Mason (the current agent).

ANNEX A

2. It is for the applicant and not the Council to advise an agent that he is no longer working on the applicant's behalf.
3. Any issue concerning outstanding fees is a civil matter between the agent and the applicant.
4. The issue of Japanese Knotweed is dealt with by condition.
5. The issue in respect to the boundary was raised in the committee report at the last meeting and the fact that the red edging had been amended .
6. The reference to the applicant having emigrated has no bearing on considering the application today as his agent John Mason is dealing with the application on his behalf.

Officers consider that the issues raised do not constitute a valid reason to defer or withdraw the application.

For clarity, your Officers recommend Condition 5 be reworded to omit the following plans: A120, A100 & A110 and the condition amended to read:

The development hereby permitted shall be carried out in accordance with the following approved plans:

JMA-ZZ-SI-A2101 A

JMA-ZZ-SI-A2102

Arboricultural Survey

Reason: For the avoidance of doubt and in the interests of proper planning.



Application No: CH/18/366

ITEM NO. 6.1

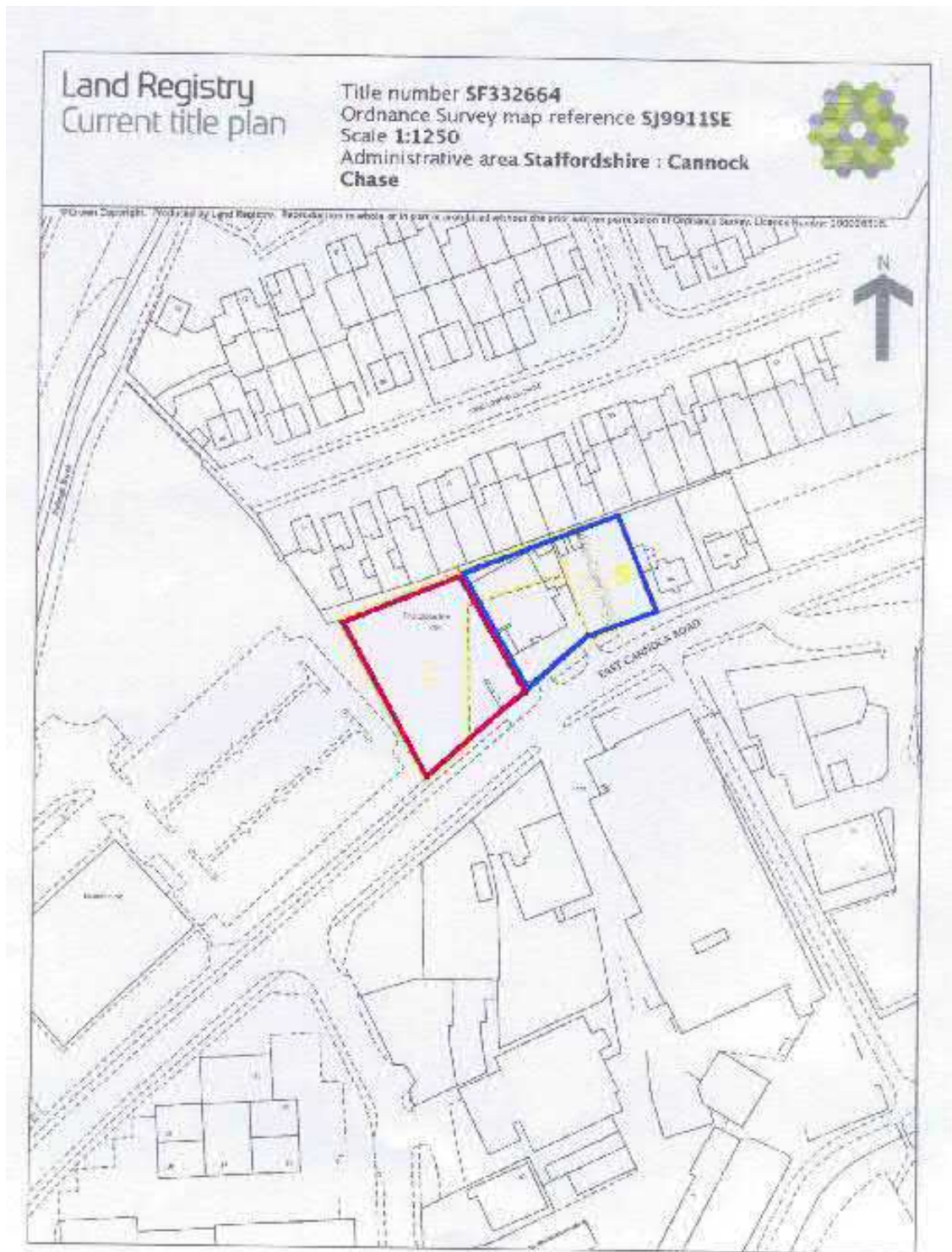
Location: Car Park to former Globe Inn, (car park to former Globe Inn), The Globe Site, East Cannock Road, Cannock, Hednesford, WS12 1LZ



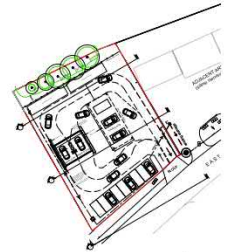
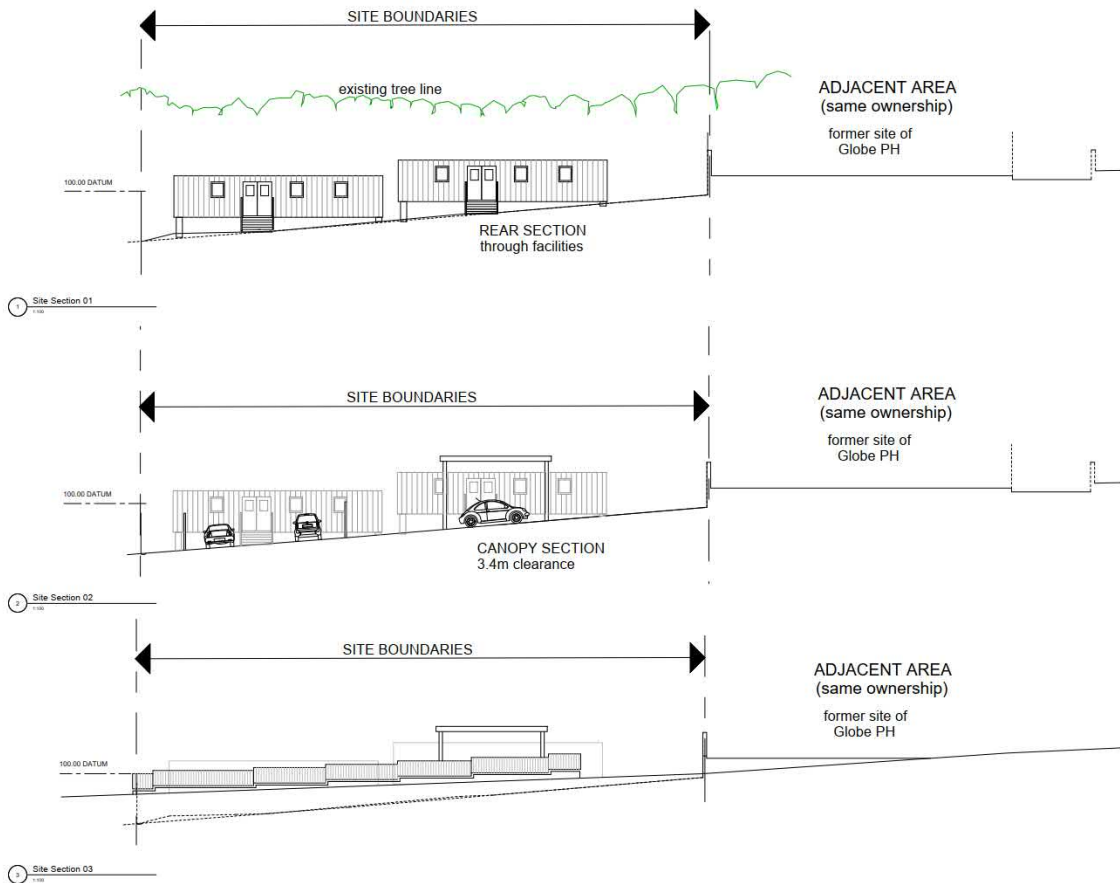
Proposal: Proposed Car Wash on former Public House Car Park



Location Plan



Site Sections



Site Plan

NO.	DATE	BY	CHKD BY
1	10/05/2019	SM	SM

USE DIMENSIONS IN PREFERENCE TO SCALES - IF IN DOUBT USE DIMENSIONS

J Mason Associates
 10/05/2019
 Steven Singh

Project:
 East Cannock Road, Car Wash

Revised Sections

Date	Issue	Drawn By
10/05/2019	Planning	A1
22/07	10/05/2019	As Noted

JMA-ZZ-SE-A-2102

Contact Officer:	Claire Faulkner
Telephone No:	01543 464 337

PLANNING CONTROL COMMITTEE

10 JULY 2019

Application No:	CH/18/366
Received:	03-Oct-2018
Location:	Car Park to former Globe Inn, (car park to former Globe Inn), The Globe Site, East Cannock Road, Cannock Hednesford
Parish:	Hednesford
Description:	Proposed Car Wash on Former Public House Car Park
Application Type:	Full Planning Application

Update

At the meeting of Planning Committee on 10th July 2019 Members were of the opinion that that the application should be refused and discussed reasons based around visual amenity, drainage issues and highway safety. As such members resolved that they were minded to refuse the application but deferred the application to the next meeting to allow discussion of the wording of the reasons for refusal following receipt of further information from the Development Control Manager.

Officers having considered the reasons put forward by Members have restructured the the comments made by Members into formal reasons for refusal. These are: -

1. Although the application site is situated on the edge of an industrial area the streetscene along the A460 Old Hednesford Road in the vicinity of the site, and particularly on the north side of the road, is characterised by semi-mature green frontages with trees and shrubs which has ensured that industrial buildings have integrated well with their surroundings.

The proposed car wash, associated structures and machinery would, by virtue of their stark, functional design, layout and appearance and lack of landscaping together with the associated temporary structures would be contrast sharply with the character of the streetscene resulting in a detrimental impact on the visual amenity of this location contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 127 (a) and (b) of the National Planning Policy Framework.

Given the above the it is clear that the proposal comprises poor design that fails to take the opportunities available fro improving the character and quality of the

area and the way it functions and as such is inappropriate and fails to comply with paragraph 130 of the National Planning Policy Framework.

2. The proposed change of use of the site from vacant land to a car wash facility would increase water run off onto the adjacent highway and as such would exacerbate the existing flooding problems already experienced on the A460 under the railway bridge to the south of the application site. As such, the proposal would be contrary to paragraph 127 (a) and 160 (b) of the National Planning Policy Framework.
3. The introduction of a car wash facility on the vacant site in an already busy location with an entrance to a hot food take-away opposite would lead to an intensification of vehicle movements within the immediate vicinity to the detriment of the highway safety of existing and future users of the highway network. As such, the residual cumulative impacts arising from the proposal on the local highway network would be severe contrary to paragraph 109 of the National Planning Policy Framework.

Officers can also confirm that Severn Trent Water Authority has no objection to the proposal.

The original officer report is attached at Appendix 1 of this report for Members reference.

APPENDIX 1

**Copy of the Officer Report Presented to Planning Control Committee
on 10th July 2019**

Application No:	CH/18/366
Received:	03-Oct-2018
Location:	Car Park to Former Globe Inn, The Globe Site, East Cannock Road, Cannock, Hednesford
Parish:	Hednesford
Description:	Proposed Car Wash on Former Public House Car Park
Application Type:	Full Planning Application

Background:

This application was presented to Planning Committee on 26 June 2019 when it was deferred for a Members' site visit.

RECOMMENDATION:

Approve subject to conditions

Reason(s) for Recommendation:

In accordance with paragraph 38 of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and the National Planning Policy Framework.

Conditions (and Reasons for Conditions):

- 1) No materials shall be used for the external surfaces of the development other than those specified on the application, except with the written approval of the Local Planning Authority.

Reason

In the interests of visual amenity and to ensure compliance with Local Plan Policies CP3, CP15, CP16, RTC3 (where applicable) and the NPPF.

- 2) No trees or hedges shown as retained on Dwg No.JMA-ZZ-SI-A-2101A shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or destroyed.

Any trees or hedges which, within a period of 5 years from completion of the development are cut down, topped, lopped or uprooted without permission of the Local Planning Authority or become seriously damaged or diseased or die shall be replaced in the next planting season with similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason

The existing vegetation makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3, CP14, CP12 and the NPPF.

- 3) Prior to the commencement of any construction or site preparation works including any actions likely to interfere with the biological function of the retained trees and hedges, approved protective fencing shall be erected in the positions shown on the approved Tree & Hedge Protection layout drawing Ref Dwg. No. JMA-ZZ-SI-A-2101 A.

Within the enclosed area known as the Tree Protection Zone, no work will be permitted without the written consent of the Local Planning Authority. No storage of material, equipment or vehicles will be permitted within this zone. Service routes will not be permitted to cross the Tree Protection Zones unless written consent of the Local Planning Authority is obtained. The Tree Protection Zone will be maintained intact and the vegetation within maintained until the cessation of all construction works or until the Local Planning Authority gives written consent for variation.

Reason

To ensure the retention and protection of the existing vegetation which makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

- 4) Should the use, hereby approved, cease for a period in excess of 12 months all materials, equipment and waste associated with the use shall be removed from the site within a period of 2 months of that date.

Reason

To ensure that the site is restored to a suitable standard in the interest of preventing crime and anti-social behaviour and in the interest of protecting the amenity of the area in accordance with Local Plan Policy CP3 and paragraph 127(f) of the NPPF.

- 5) The site shall not be open for business outside the hours of 08:00hrs to 18:00hrs Monday to Saturday and 09:00hrs to 13:00hrs on Sundays and Public and Bank Holidays.

Reason

To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policy CP3 - Chase Shaping, Design and the NPPF.

- 6) The use of the site hereby permitted shall not commence until details for the water treatment and recycling systems to be installed for the drainage of the site have been submitted to and approved by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details before the development is first brought into use.

Reason:

This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

- 7) No means of illumination to the car wash shall be brought into use until a scheme for external illumination has been submitted to and approved in writing by the Local Planning Authority. Any means of external illumination employed shall be in accordance with the approved scheme.

Reason

In the interests of protecting the amenity of neighbouring occupiers from light pollution.

- 8) No development shall commence until a detailed statement for the removal / eradication of Japanese Knotweed on the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / roots / stems of any invasive plant covered under the Wildlife & Countryside Act 1981. The approved details shall thereafter be implemented.

Reason

To ensure a satisfactory standard of environment for existing and future occupiers of the land

- 9) Prior to the first use of the approved development the circulation lanes and individual parking bays shall be clearly marked out and delineated as indicated on the submitted drawing A120 (proposed site plan) and shall thereafter be retained for the life of the development.

Reason

To minimise the likelihood of vehicles queuing onto the East Cannock Road highway.

- 10) Prior to the first use of the approved development a scheme for the surface materials of the site shall be submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme shall be implemented. The works shall thereafter be retained for the lifetime of the development.

Reason

To ensure that the development is provided with a satisfactory means of drainage and to protect the water environment.

11) The development hereby permitted shall be carried out in accordance with the following approved plans:

A120

A100

A110

JMA-ZZ-SI-A-2101 A

JMA-ZZ-SI-A-2102

Arboricultural Survey

Reason

For the avoidance of doubt and in the interests of proper planning.

Notes to the Developer:

It is recommended that regard is paid to good practice guidance previously provided by the EA (Guidelines for vehicle washing & cleaning given in PPG 13, now withdrawn) or joint Scottish / Welsh / Northern Irish guidance document (GPP 13: Vehicle washing and cleaning).

It is likely that the Japanese knotweed will be disturbed during development. Waste containing Japanese knotweed is classified as controlled waste, and will require disposal to a suitably registered waste site. It is also recommended that a management plan is drawn up to control or remove the growth to avoid future liabilities. The INNSA Code of Practice, Managing Japanese Knotweed is a widely acknowledged document to refer to. Such management plan would best be coordinated with the adjacent land owner.

Consultations and Publicity***External Consultations***Clerk to Hednesford Town Council**Objection**

The Town Council object to the application as the proposed use for a car wash is inappropriate in this location with another car wash immediately opposite on the industrial estate.

The potential for nuisance and disturbance to be caused to adjoining residential properties in East Cannock Road and Swallowfields Drive.

There is concern for highway safety and traffic movement. East Cannock Road at this location can become very congested. This is due to traffic to the KFC restaurant and

the industrial premises on the south east side of East Cannock Road. Drivers of heavy vehicles have difficulty manoeuvring their vehicles onto the industrial estate road. Note the application does not specify opening hours.

Approval of the application could prejudice a comprehensive development of the entire site of the former Globe Inn which is currently in a derelict condition and very unsightly.

County Highways

No objection subject to conditions

Internal Consultations

Environmental Health,

There are residential properties to the northern side of the proposal site. Appropriate screening will therefore be required to ensure that adjacent uses do not experience nuisance from noise and are fully protected against overspray and spray drift from the use of jet washers.

The hours have not been specified. Given the sensitivity of the site location, I would recommend that hours are restricted to 08:00 to 18:00 Monday to Saturday and 09:00 to 13:00 Sundays. Should floodlighting of the site during winter months be required, this should be installed in such a manner so as to ensure that there is no glare or lighting overspill outside the site boundary.

Waste water from vehicle cleaning can contain detergents, oil and fuel, suspended solids, grease and antifreeze which must not be allowed to enter surface water drains, surface water or ground waters. Details of water treatment / recycling systems to be installed should be subject to prior approval by the local water and sewage undertakers.

It is recommended that regard is paid to good practice guidance previously provided by the EA (Guidelines for vehicle washing & cleaning given in PPG 13, now withdrawn) or joint Scottish / Welsh / Northern Irish guidance document (GPP 13: Vehicle washing and cleaning).

The site currently has established stands of Japanese Knotweed growth:

- i) Adjacent the entrance, where car parking is planned,
- ii) At the location where plans show the inceptor, filter & pumps and parking is planned. This growth is noted to be extending onto adjacent car park planting areas.

It is likely that the Japanese knotweed will be disturbed during development. Waste containing Japanese knotweed is classified as controlled waste, and will require disposal to a suitably registered waste site. It is also recommended that a management plan is drawn up to control or remove the growth to avoid future liabilities. The INNSA Code of Practice, Managing Japanese Knotweed is a widely acknowledged document to refer to. Such management plan would best be co-ordinated with the adjacent land owner.

Trees, Landscape and Countryside

No response to the amended plans.

An objection was raised to the initial plans due to the lack of a detailed tree survey.

A full tree survey was submitted with the revised plans.

Response to Publicity

Site notice displayed and adjacent occupiers notified with three letters of representation received. The comments are summarised below:-

- The site drainage. Adequate details have not been provided with the application as to how water runoff and chemicals from the washed vehicles will be dealt with. The existing and proposed tarmac of the application site is unsuitable for the proposed car wash use. We are aware that the chemicals used in car wash process are particularly corrosive of tarmac surfaces, which will quickly erode away and allow contaminated water to soak into the ground and potentially percolate into and contaminate surrounding water courses.
- There is no noise assessment accompanying the application to assess the noise impact of the car wash equipment on the adjacent properties. Equipment such as jet washes and vacuums can generate high levels of noise.
- The applicant does not provide any details such as lighting or hours of operation, both of which have potential implications for causing nuisance to the residents at the rear.
- The application does not provide adequate assessment of the vehicle access, nor does it include a transport assessment of the likely traffic movements associated with the proposed use.
- The application is bound on two sides by trees and hedgerows. The proposed use is likely to have a serious detrimental impact on this vegetation and the application should therefore be accompanied by an arboricultural impact assessment to establish the impact of the use.
- The extent of the parking provision proposed is not required for such a use.
- The proposal will only provide three low skilled jobs so there is no economic benefit.

Four letters of representation have been received as a consequence of the revised plans and additional information:-

- There are already car wash facilities in the area, no further uses are required in this location.
- I fear that the site will be used for more than car wash provision, with uses extended to other vehicle uses such as vehicle repairs and / or sales.
- Land ownership query.

Relevant Planning History

CH/14/0022: Demolition of the existing public house and erection of a two storey care home and erection of a two storey building with retail (A1) on the ground floor and 5 flats on the first floor. Approved.

1 Site and Surroundings

- 1.1 The application relates to part of the parking area associated with the former Globe Public House, located on Cannock East Road.
- 1.2 The application site is broadly rectangular shaped and lies between the pub and the car park of the adjacent health and fitness centre.
- 1.3 To the east of the site is land which previously accommodated the Globe Public House. This land is also in the applicant's ownership and benefits from planning permission for a care home.
- 1.4 There is a row of two storey residential properties to the north in Swallowfields Drive that abut the rear boundary of the site. These dwellings back onto the application site at a distance of 16m and are separated from the application site by private gardens and a band of semi-mature willow and silver birch trees. To the west the site abuts the car park for a health centre which is sited on lower ground than the application site and separated by a semi-mature landscape buffer. Across the road to the south opposite the site is a fast-food restaurant and an industrial estate which is described in the Hednesford Neighbourhood Plan as having an unattractive frontage where there is potential for environmental improvement.
- 1.5 The streetscene primarily comprises of commercial properties with the exception of the two dwellings to the east of the site, separated by the land which formerly accommodated the Globe Public House building. The properties in the locale are a mix of single and two storey buildings. East Cannock Road rises in level from west to east, giving the site a levels difference of 2.4m from the western boundary to the eastern boundary.
- 1.6 Five of the trees located between the application site and the properties within Swallowfields Drive are covered by a Tree Preservation Order (TPO).
- 1.7 The application site is located within a minerals safeguarding area and considered to be an area of low risk development by the Coal Authority. The application site is covered by Hednesford Neighbourhood Plan.

2 Proposal

- 2.1 The application seeks consent for a car wash and valeting service.
- 2.2 The application includes the siting of container units sited to the rear of the site to provide facilities for customers and staff.

- 2.3 The proposal would operate a one way system within the site and would provide customer parking for 9 vehicles. The wash area would accommodate two vehicles at any one time and would be bound by a 2.15m high perspex screen to restrict spray. An aco-drain would be positioned to the entrance and exit of the wash area to take additional water away.
- 2.4 A separate valeting area for three vehicles would also be provided which would be covered by an open canopy at a height of 4.3m at the highest point.
- 2.5 The proposal would employ 3 members of staff on a full time basis. No hours have been specified however, the applicant is aware of the hours suggested by your Environmental Health Officers.

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030) and the Hednesford Neighbourhood Plan.
- 3.3 Relevant Policies within the Local Plan Include:
- CP1 - Strategy – the Strategic Approach
 - CP2 - Developer contributions for Infrastructure
 - CP3 - Chase Shaping – Design
- 3.4 The relevant policies within there Minerals Plan include:
Policy 3.2 Mineral Safeguarding
- 3.5 National Planning Policy Framework
- 3.6 The NPPF (2019) sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.
- 3.7 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.8 Relevant paragraphs within the NPPF include paragraphs: -
- | | |
|---------------------|--|
| 8: | Three dimensions of Sustainable Development |
| 11-14: | The Presumption in favour of Sustainable Development |
| 47-50: | Determining Applications |
| 124, 127, 128, 130: | Achieving Well-Designed Places |

212, 213 Implementation

- 3.9 Other relevant documents include: -
Design Supplementary Planning Document, April 2016.

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

4 Determining Issues

- 4.1 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- vi) Drainage and flood risk
- vii) Mineral safeguarding

4.2 The Principle of development

- 4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. The site is a vacant plot in an established mixed use location. The application site is located within the main urban area of Cannock and is not subject to any planning allocation or designation that would preclude the proposed use.

- 4.2.2 Furthermore, the application site has been vacant for a number of years with the former pub building since demolished. The application site is situated on part of a former public house site and is surrounded by industrial, leisure, residential and commercial uses. Therefore in principle, the proposal would be generally compatible with the surrounding uses.

- 4.2.3 However, although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect in so much as these issues relate to scale and means of access.

4.3 Scale and the Impact on the Character and Form of the Area

- 4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and
- (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.

- 4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -
- Planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- 4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.
- 4.3.5 The application site is devoid of any significant feature. However, there is a row of trees, outside of the site but abutting the rear boundary of the site (west) comprising of two Birch trees and three Goat Willow trees all of which are covered by protection orders (TPO) and which help to screen the site in views from the adjacent residential properties. This strip of land also a thick, dense layer of laurel understorey however this under-layer is not protected. The comments of an objector are noted in respect to the impact on the existing trees. However, the applicant has submitted a tree survey within which to inform the application.
- 4.3.6 The tree report identifies the trees as being class C1 which means they are of low quality and value. Notwithstanding this, the trees are to be retained with no works proposed to facilitate the proposal. The existing hardstanding on the site extends to within approx..1-2m of the trees. The proposed container facilities are shown on the submitted plan as being sited on the existing hardstanding and would not involve disturbance of the soil underneath the tarmac.
- 4.3.7 The change of use of the site would involve the siting of containers, a jet wash compound and a valeting canopy all of which are single storey and functional in nature. In addition to the above the proposed structures would be seen from the highway within the context of the former Globe Pub site, the industrial estate, the leisure centre car park and the roofline of the adjacent residential dwellings

interspersed by the trees. In this respect the proposed structures and buildings would reflect the modern, functional character of the surrounding sites along Hednesford Road. As seen from the dwellings along Swallowfields Drive the containers would not appear over-dominant due to their single storey nature and the impact would be further reduced (particularly in spring-summer) due to the screening provided by the intervening trees.

4.3.8 It is therefore considered that the proposed unit, by virtue of its scale, would be well-related to the existing buildings and their surroundings in the immediate and wider area and sympathetic to the local character of the area and would therefore comply with Policy CP3 of the Local Plan and paragraph 127 of the NPPF.

4.4. Impact on Residential Amenity

4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties".

4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.

4.4.3 Although the Design SPD sets out guidance in respect to space about dwellings it does not contain guidance in respect to space about other uses. Of particular significance in this respect is the relationship between the application site and the residential properties to the rear. On the basis of the proposed layout the distance between the main washing / valeting areas of the site and the adjacent residential dwellinghouses would be 32m. Furthermore, the proposed development would be screened to a degree by the existing landscaping and the siting of the container facilities.

4.4.4 The comments from an objector are noted in respect to the potential nuisance to neighbouring occupiers. In this instance, Environmental Health Officers were consulted on the application and raised no objection to the proposal in principle and have not requested a noise survey in order to assess the proposal.

4.4.5 However, the Environmental Health Officer did recommend appropriate screening to ensure adjacent uses did not experience nuisance from noise and are fully protected against overspray and spray wind drift from the use of the jet washers. The trees along the rear boundary of the site are not considered to be of a sufficient density to act as a noise barrier and the gaps between the containers would allow noise to pass through. As such, a condition for additional screening is recommended. It is noted on the proposed plan, that the applicant proposes to use purpose built sound proof units to house the jet washers. It is recommended that details of these are also required via an appropriately worded condition.

4.4.6 It is noted that no lighting provision has been proposed. Given the close proximity to the residential properties to the rear, a condition preventing any lighting from being installed without prior approval of the Planning Authority has been recommended.

4.4.7 It is noted that the hours of operation have not been specified. Given the sensitivity of the site location, Environmental Health Officers recommend that hours are restricted to 08.00 to 18.00 Monday to Saturday and 09.00 to 13.00 on Sundays. A condition for the restricted hours in line with EHO Officers has been recommended. This is considered sufficient to protect the adjacent residents from noise and general disturbance.

4.4.8 As such it is concluded that the proposal would protect the "amenity enjoyed by existing properties" and maintain a high standard of amenity for existing and future users and therefore comply with Policy CP3 of the Local Plan and paragraph 127(f) of the NPPF.

4.5 Impact on Highway Safety

4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.5.2 The comments of an objector are noted in terms of the potential highway implications however, the Highway Authority has no objections to the means of access and has expressed no concerns regarding the capacity of the wider network to accommodate the traffic generated by the proposal.

4.5.3 As such it is concluded that the proposal in respect to use, scale of the use and means of access would not have an unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe. As such the proposal would not be contrary to paragraph 109 of the NPPF.

4.6 Impacts of Cannock Chase Special Area of Conservation

4.6.1 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Given the size and nature of the proposal and its location in respect to Cannock Chase SAC and Pasturefields, the connectivity of the wider highway network and particularly the fact that the proposal in itself would not generate traffic but cater for existing traffic, it is considered that the proposal would have no significant impacts, directly or indirectly on the SACs.

4.7 Drainage and Flood Risk

4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps, and therefore is in the zone of least risk from flooding.

4.7.2 In this respect it is noted that paragraph 155 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

4.7.3 Given that the site is located within Flood Zone 1 there is no need to apply a sequential test.

4.7.4 The comments of both the Environmental Health Officer and an objector are noted in respect to the waste water from vehicle cleaning can contain detergents, oil and fuel, suspended solids, grease and antifreeze and that these must not be allowed to enter surface water drains, surface water or ground waters. In this instance, the applicant proposes a drainage channel to run along the western boundary of the application site (lowest level) that would filter and pump the water to existing drainage. A condition requiring the details of water treatment/ recycling systems to be installed has been recommended to enable the planning authority to fully assess the facilities proposed.

4.7.5 Subject to the attached conditions it is considered that the proposal would be acceptable in respect of drainage and flood risk in accordance with paragraph 155 of the NPPF.

4.8 Mineral Safeguarding

4.8.1 The site falls within a Mineral Safeguarding Area (MSAs) for Brick Clay. Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

4.8.2 Policy 3.2 of the new Minerals Local Plan states that:

‘Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

4.8.3 The site is located within the site of a former public house and associated car park within an urban area of Cannock. As such the proposal would not prejudice the aims of the minerals plan to safe guard minerals.

4.9 Ground Conditions and Contamination

4.9.1 The site is located in a general area considered to be low risk for development by the Coal Authority. However there are established stands of Japanese Knotweed growth within the curtilage of the site. It is likely that the japanese knotweed will be distrurbed during development. Waste containing japanese knotweed is classified as controlled waste.

4.9.2 In this respect paragraph 170 of the NPPF states: -

“Planning policies and decisions should contribute to and enhance the natural and local environment by [amongst other things]:

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

4.9.3 In addition to the above paragraph 178 of the NPPF states: -
Planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

4.9.4 Finally paragraph 179 of the NPPF makes it clear that where 'a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'.

4.9.5 In this respect the comments of the Environmental Health officer are noted and accepted in respect to the Japanese knotweed growing within the application site. Your Environmental Health Officers indicate that the proposed change of use of the site would likely disturb the knotweed. Your Officers therefore recommend the submission of a management plan is drawn up to control or remove the Japanese knotweed. As such, a suitably worded condition has been recommended to cover this issue. It is therefore considered that subject to the attached conditions the proposal would be acceptable in respect of the requirements of paragraph 170 of the NPPF.

4.10 Objections received not already covered above:-

4.10.1 An objector has stated that the extent of the parking provision proposed is not required for such a use. Your Officers confirm that the proposed use would require adequate provision for 5 queuing spaces. Notwithstanding this, whilst the proposal provides 4 additional spaces for waiting, the East Cannock Road is a very busy highway and therefore the additional spaces would be beneficial in this instance.

4.10.2 Objectors state that the proposal will only provide three low skilled jobs so there is no economic benefit. Your Officers confirm the applicant envisages that three workers will be employed at the site. However, your Officers confirm that application site is not currently designated as an employment site and that three jobs on a dilapidated site would be of some, if only slight, benefit to the wider economy.

- 4.10.3 Objectors have raised the fact there are already car wash facilities in the area and no further uses are required in this location. Your Officers confirm that there are car wash facilities within the wider area however in this instance the market will dictate whether there is an unnecessary amount or if the application is responding to a demand and it is not for the planning system to stifle competition.
- 4.10.4 An objector has raised concern that the site will be used for more than car wash provision, with uses extended to other vehicle uses such as vehicle repairs and / or sales. Your Officers confirm that the application seeks consent for a change of use to car wash only and any other use would require the benefit of planning permission. Any such proposal would be considered on its own merits at that time.
- 4.10.5 An objector has queries the land ownership of the site, stating the land to the rear containing the trees is within the ownership of the properties within Swallowfields Drive. Your Officers have asked the applicants agent to confirm the land within the red line is within the ownership of the applicant. This has resulted in the red line being revised accordingly. Notwithstanding this, no development is proposed on the land pertaining to this section of the site and any issues arising relating to land ownership would be a civil matter.
- 4.10.6 The parish council has stated that the approval of the application could prejudice a comprehensive development of the entire site of the former Globe Inn which is currently in a derelict condition and very unsightly. However, officers would respond that this matter is merely conjecture, it is for the landowner to come forward for a residential scheme and that there is no policy basis for refusing the application on this ground. As such it is considered that no weight should be given to this issue.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

- 5.1 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.

Equalities Act 2010

- 5.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

6 Conclusion

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 It is therefore recommended that the application be approved subject to the attached conditions.



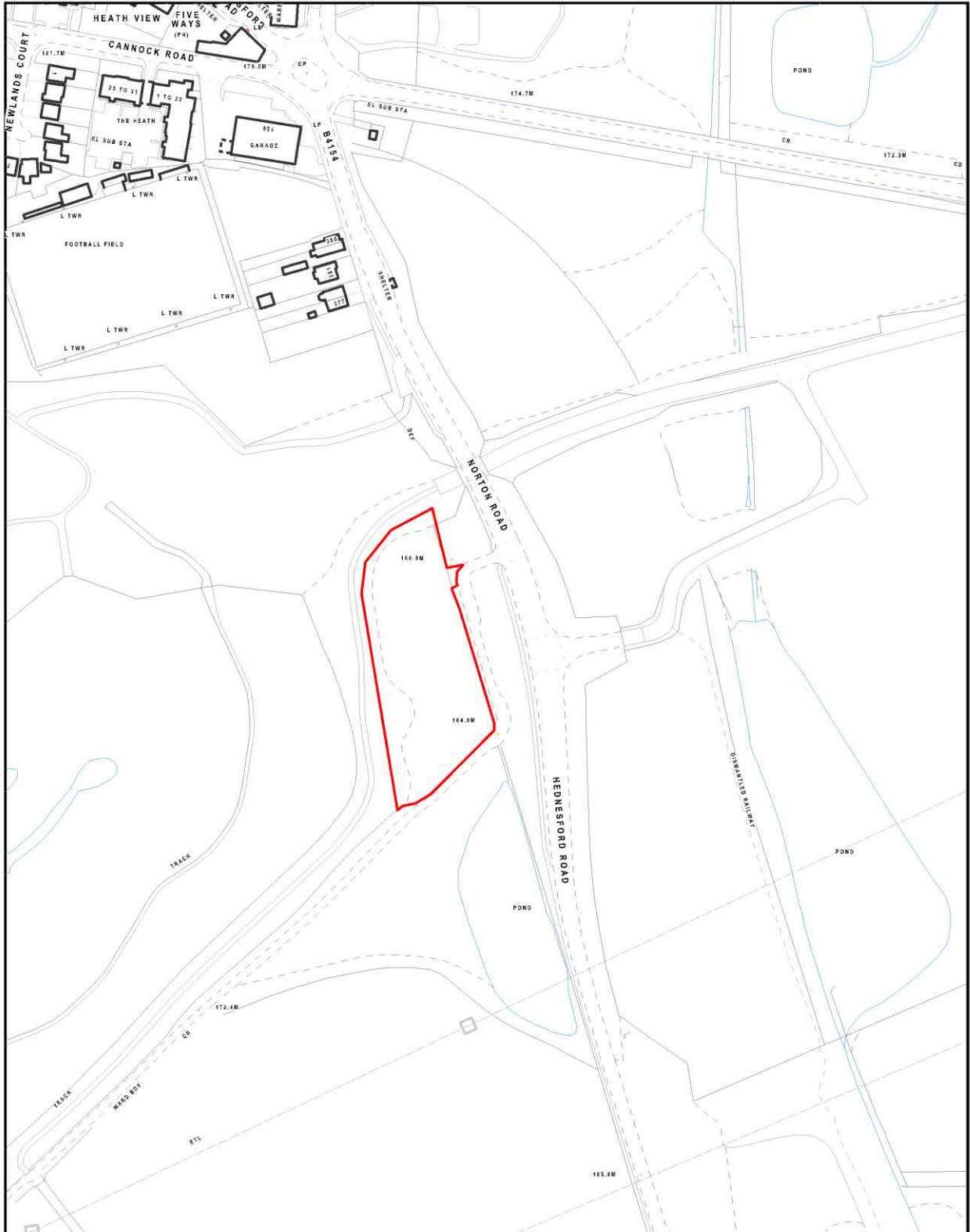
Application No: CH/19/093

ITEM NO. 6.23

Location: Land Off, Stokes Lane, Norton Canes, Cannock, WS12 3HJ



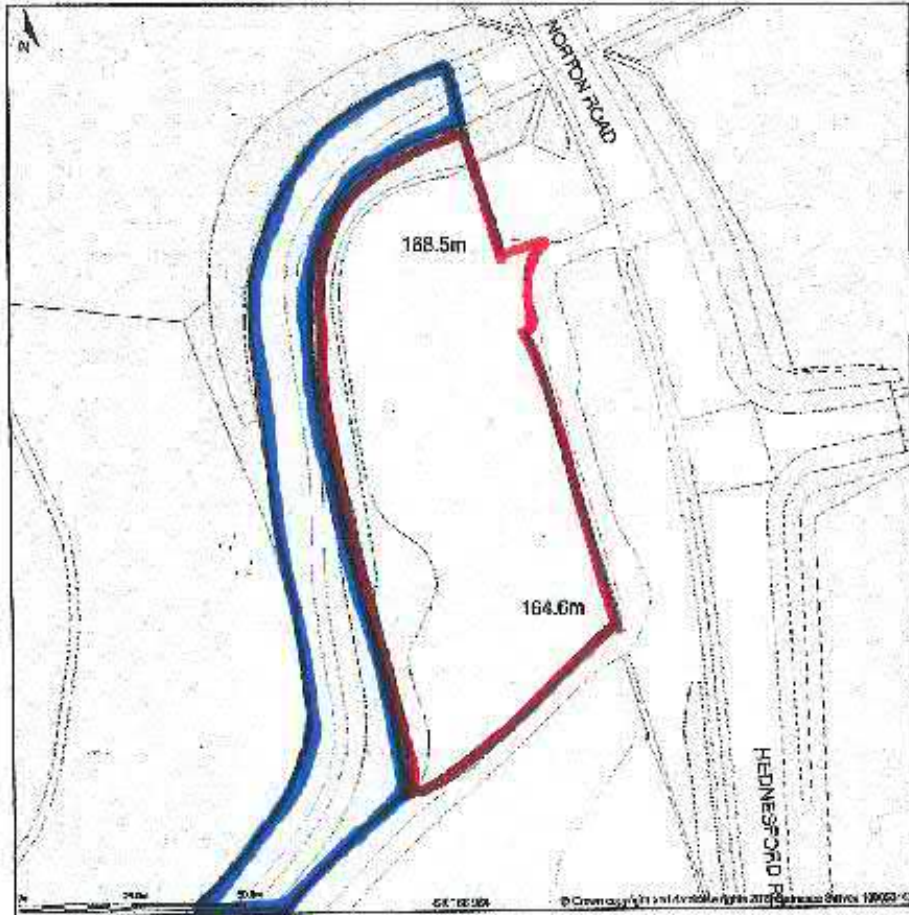
Proposal: Proposed Change of Use of land for the keeping/stabling of horses



Location Plan



Stokes Lane, Cannock, Staffordshire, WS12 3HJ



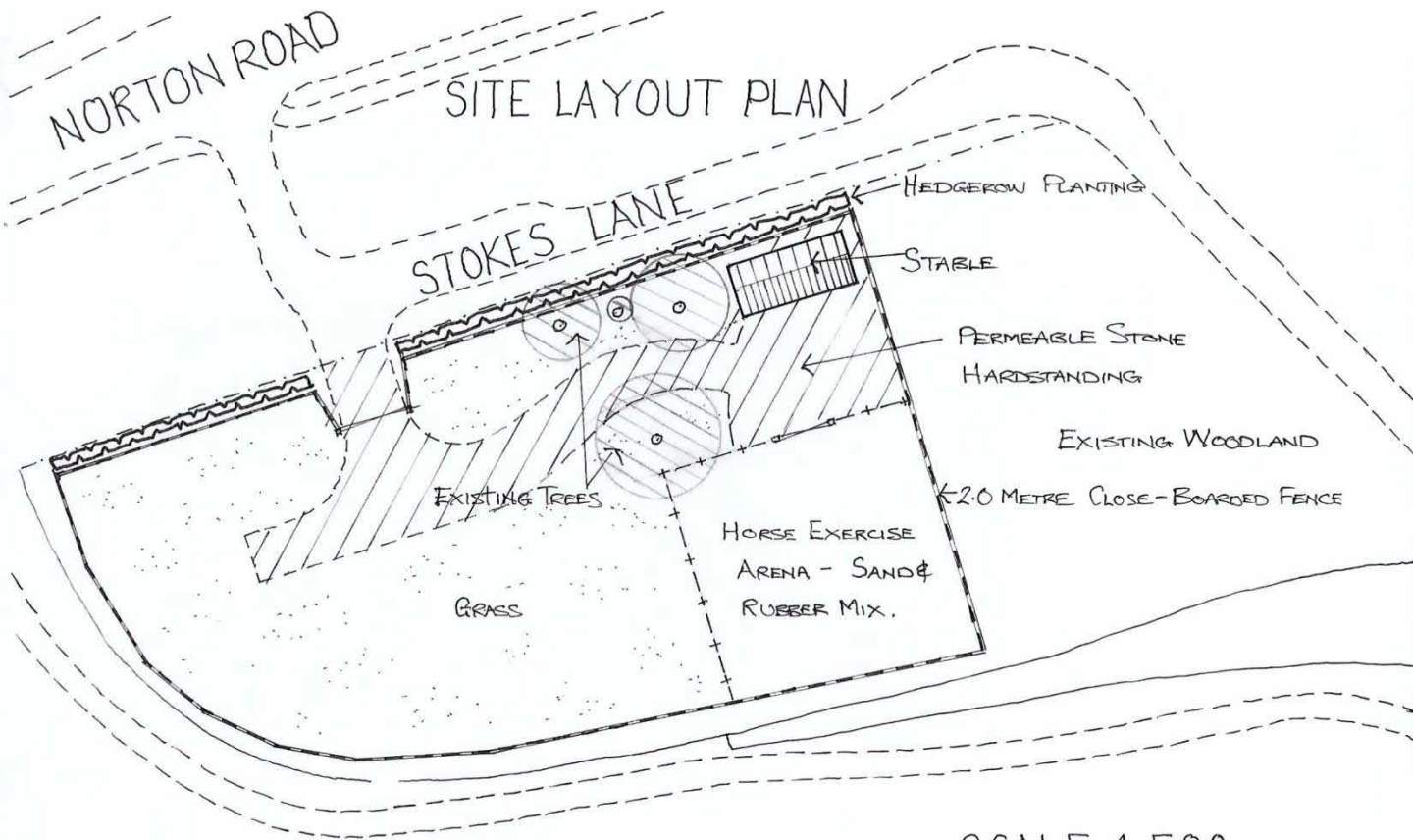
This Plan shows areas bounded by 401560.00, 300043.75, 431700.54, 335000.00 in a section of 1:12500, OS21 datum, SK 300 97A. The representation of a road, track or path is not a licence of a right of way. The representation of features is their approximate location only.

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CANNOCK CHASE COUNCIL
PLANNING SERVICES
04 MAR 2019
REF NO 19/197093

Site Plan



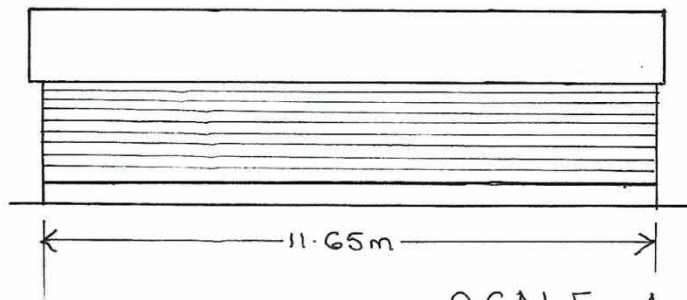
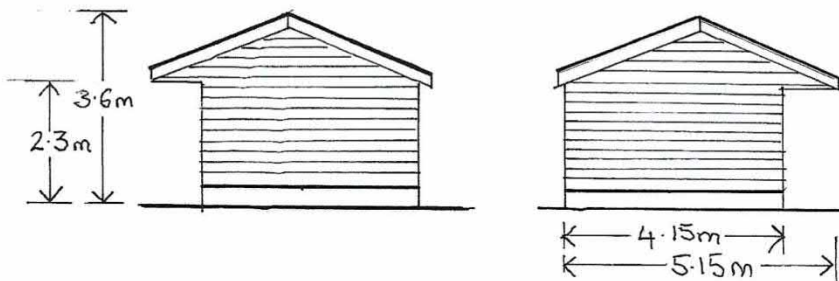
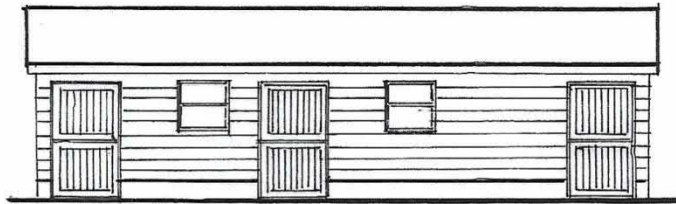
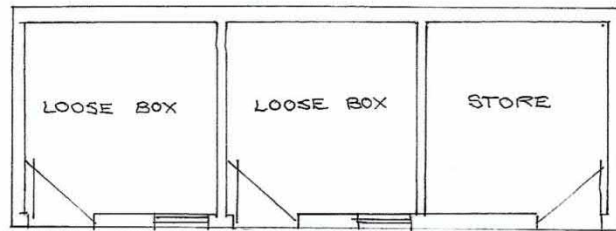
SCALE 1:500



Floor Plan and Elevations

STABLE BUILDING.

FLOOR PLAN & ELEVATIONS



SCALE 1:100

Contact Officer:	David O'Connor
Telephone No:	01543 464 515

PLANNING CONTROL COMMITTEE

10 JULY 2019

Application No:	CH/19/093
Received:	04-Mar-2019
Location:	Land Off Stokes Lane, Norton Canes, Cannock, WS12 3HJ
Parish:	Heath Hayes Norton Canes
Description:	Proposed Change of Use of Land for the Keeping/Stabling of Horses
Application Type:	Full Planning Application

UPDATE

The current application was brought before Planning Control Committee on 26 June 2019. The application proposed the erection of a stable building, horse exercise arena and the construction of an associated access track. Members raised concerns in relation to the fencing that had been erected on the site and deferred determination of the application to permit Officers further time to discuss potential improvements and fencing to the site frontage with the applicant.

Although the applicant was advised of Planning Committee's preference for a more open style traditional form of fencing this suggestion was declined. However the applicant was amenable to the suggestion of a living willow style fence.

The applicant has subsequently provided further details in the form of a Living Willow Fence specification that could be secured by conditions to the front of the site. If the fence as submitted was provided, this would assist in screening the domestic fencing that has been erected at the site and would in turn improve the appearance of the site and offer natural screening. Officers assess the improvement offered would be beneficial to the character and appearance of the area and as such conditions to secure this improvement within 3 months of the date of any consent being granted are recommended within this report.

Also in line with the Minutes from 26 June 2019 Planning Control Committee, if Members are minded to approve the proposed development a condition relating to a Manure Management Plan as recommended by the Council's Environmental Health section is also included.

A copy of the original Officer report is attached at Appendix 1 of this report.

RECOMMENDATION:

Approve Subject to Conditions within the Original Officer Report and the further two conditions stated below: -

Prior to the development hereby permitted being brought into use, a Manure Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the use of the stables shall be carried out in full accordance with the approved Manure Management Plan for the life of the development.

Reason:

In the interests of controlling foul waste water run off, trees and the amenity of the site.

Within three months of the date of this consent, the proposed Living Willow Hedge to the front of the application site as referenced within submitted details received by email on 10 July 2019 shall be planted along the entirety of the site frontage with Stokes Lane. Thereafter any trees removed, dying or becoming diseased shall be replanted within the next available planting season for a period no less than 5 years from the date of this consent.

Reason:

In the interests of the visual amenity of the area and in order to comply with Local Plan Policy CP3.

APPENDIX 1

**Copy of the Officer Report Presented to Planning Control Committee
on 26th June 2019**

Application No:	CH/19/093
Received:	04-Mar-2019
Location:	Land Off, Stokes Lane, Norton Canes, Cannock, WS12 3HJ
Parish:	Heath Hayes Norton Canes
Description:	Proposed Change of Use of land for the keeping/ stabling of horses
Application Type:	Full Planning Application

RECOMMENDATION:

Approve Subject to Conditions

Reason(s) for Recommendation:

The application proposes the erection of stable building, horse exercise arena and the construction of an associated access track. Whilst the site is within the designated Green Belt where new buildings are usually strictly controlled, the development is for an outdoor sport and recreation purpose that falls within the permitted list of exceptions set out within NPPF Para 145(b). As such in principle the development is considered acceptable. In design terms, the positioning of the building close to adjacent woodland, the maintenance of the trees on site and the general proportions of the building are of a scale that ensure limited wider landscape impact. Subject to conditions to better pin down tree mitigation, landscaping, lighting, and CCTV amongst others, the development is considered to constitute appropriate design in this setting. Consideration of the highway implications is also assessed within this report, but the relevant standards are found to be met and no objections are raised by the County Highways Authority given the limited scale and intensity of development proposed.

Taking the above factors into account it is considered the development is in accordance with the adopted development plan, relevant locally set standards and the NPPF.

Conditions (and Reasons for Conditions):

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

2. Prior to the erection of the stable or the riding arena hereby permitted, an amended site plan showing a relocated stable building and resized riding arena that are positioned outside the root protection areas of retained trees shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved plans.

Reason:

In the interests of minimising root disturbance and severance to retained trees and in the interests of minimising the wider landscape impacts associated with the development in accordance with Local Plan Policy CP3.

3. Prior to the erection of the stable building hereby permitted, a scheme detailing all soft landscaping including proposed species for the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall be in the form as specified in Annex C of the Supplementary Planning Guidance 'Trees, Landscape and Development'. Thereafter the development shall be carried out in accordance with the approved details within the first planting season following the completion of the development.

Any trees or plants which within a period of five years from the date of planting die, are removed or become seriously damaged or diseased, shall be replaced in the following planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason

In the interest of visual amenity of the area and in accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

4. Notwithstanding the details referenced within the submitted Tree Report and prior to the construction of the vehicular driveway access, hardstanding or horse riding arena, precise details of the extent and specification for the proposed Cell Web 'no dig' membrane and precise details of the proposed utilities routing to the site shall be submitted to and agreed in writing by the Local Planning Authority, Thereafter the development shall be carried out in accordance with the approved details.

Reason

The existing vegetation makes an important contribution to the visual amenity of the area and damage to it should be avoided. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

5. Prior to the erection of any lighting within the development hereby permitted, details of the proposed lighting including the proposed location, type of cowl and lighting intensity shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed lighting scheme shall be implemented in accordance with the approved details.

Reason

To ensure that the brightness of any lighting erected does not have an adverse impact on protected species, highway safety and the night time character of the area in line with Local Plan Policy CP3.

6. Prior to the erection of the stable building hereby permitted, details of the proposed CCTV shall be provided showing the specification and proposed location of the CCTV cameras. Thereafter the development shall be carried out in accordance with the approved details prior to first use of the development.

Reason:

In the interests of site security and discouraging crime in line with Local Plan Policy CP3.

7. Without the express consent of the Local Planning Authority, there shall be no barbed or razor wire, lighting, lighting columns or additional fencing erected or positioned on the site beyond that expressly permitted by the Local Planning Authority as part of this consent.

Reason:

In the interests of the character and appearance of the area in line with Local Plan Policy CP3.

8. No trees or hedges shown as retained on the 1:500 Site Plan dated as received 22 May 2019 shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or destroyed.

Any trees or hedges which, within a period of 5 years from completion of the development are cut down, topped, lopped or uprooted without permission of the Local Planning Authority or become seriously damaged or diseased or die shall be replaced in the next planting season with similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason

The existing vegetation makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3, CP14, CP12 and the NPPF.

9. The development hereby permitted shall be carried out in accordance with the following approved plans:

The amended 1:500 Site Plan dated as received 29 April 2019 subject to the requirements of Condition 2 of this notice

The amended Elevations and Floorplans dated as received 23 May 2019

The Post and Rail Fence Details dated as received 4 March 2019

The Vertical Boarded Fencing (Ref PBA4) dated as received 4 March 2019

Reason

For the avoidance of doubt and in the interests of proper planning.

Consultations and Publicity

External Consultations

Staffordshire Wildlife Trust

No response received

Historic England

No comments offered

Heath Hayes & Wimblebury Parish Council

No objections

The site is within the Green Belt but the application is considered suitable agricultural development. There should be a condition restricting the number of vehicles on the site to a maximum of 2. Conditions should also be added to prohibit any means of human habitation such as caravans, tents and restrictions in terms of storage. The Arboricultural Impact Assessment recommendations should be followed, particularly with regard to services, should they be required.

Norton Canes Parish Council

No objections relating to the equestrian development proposed but we would comment that we would not wish to see this land developed in future for the residential use for gypsies/ travellers.

Coal Authority

No objection

The Coal Authority's general approach where development is proposed within a Defined High Risk Area is to recommend the applicant submits a Coal Mining Risk Assessment with the application. However when considering this particular proposal, whilst there are potential mining features within the application site, the specific part of the site where development is proposed actually falls outside of the defined High Risk Area. Therefore we do not consider a Coal Mining Risk Assessment is necessary and we do not object to this proposal. An informative note should be added to any decision highlighting the presence of potential unrecorded coal mining hazards.

Staffordshire County Highways Authority

No objections subject to conditions

The proposal is for 2 No. loose boxes only. The traffic generated from this would be negligible given the low level of horses on the site. The Highway Authority consider the current access off Norton Road (including visibility) to be acceptable given the limited quantum of development proposed.

Police Crime Prevention Officer

No objections, following comments are made:

Rural crime is both a local and national issue, the theft of trailers and horse tack being particularly prevalent. The documents provided state that it is intended to house tack within the proposed structure which offers very little crime resistance and is set in a location that actually assists offenders.

Illumination

The building should have all elevations and recesses illuminated with a series of vandal resistant, high-pressure sodium lamps, operated by photoelectric sensors, mounted at the highest inaccessible point.

Roof

Should construction dictate installing a lightweight roofing system, I recommend installing one certificated to STS 202 BR1. LPS 1175 SR 1 which is less vulnerable to intrusion by cutting through the deck, attempts to gain access through the roof can be prevented by fixing expanded metal to the topside of rafters.

Walls

Composite panels, profiled metal cladding and wooden walls are all vulnerable to forced entry. The first 2m height of all walls, internally or externally, should be brickwork or materials of similar strength. All grilles should use security screws or bolts.

Perimeter Doors

The minimum Association of British Insurers (ABI) and Police security standard for perimeter doors is that they should comply with STS 202 BR2, LPS 2081SRB or LPS 1175 SR2, the opening leaf of perimeter double doors must be fitted top and bottom with key operated rack mortise bolts and the meeting styles should be rebated.

Internal Consultations

Planning Policy

No objections.

Environmental Health

No objections.

Appropriate arrangements will be necessary for the disposal of liquid and solid wastes and a manure management plan is recommended.

Environmental Services

The following comments are made:

The site was formerly well treed, forming a screen to the former haulage road and has recently been cleared of the majority of trees. This has resulted in opening up views from the main road across the site.

In relation to trees and the Tree Report provided:

- The proposal is site the stable within the root protection of the trees on the site. What is the extent of the incursion and will this have long term impacts? The tree report provided does not consider this. More details regarding the proposed foundations if within the root protection area of the trees should also be provided.
- The no dig surface proposed should cover the length of the area not just the specific sections and specific details of the produce specification proposed should be provided so it can be secured by condition.
- How will services on the site be provided? If along the driveway, this will impacts existing trees.
- The Tree Protection Barriers proposed do not sufficiently protect the trees on site.
- The horse exercise area cuts into the Root Protection Area of Tree 3 as shown and no consideration of this impact is given in the report.
- Horse fouling, root compaction and the browsing action of horses could impact the potential for tree retention.

The proposed stable is generally in keeping in revised design however the inclusion of a tall 2m close boarded fence around the site perimeter is not in character with the area. It is domestic in appearance and considerably increases the visual prominence of the site to the detriment of the local area.

Response to Publicity

Site notice posted and adjacent occupiers notified in line with Development Management Procedure Order 2015 requirements. In response 3 No. individual letters were received and in summary these raise the following matters:

- We do not have concerns about stabling but would suggest a condition should be added that stipulates 'no caravans, tents or living accommodation (even temporary accommodation) shall be permitted on the land'. We are concerns that as there is already a Travelers camp on Stokes Lane, the stables will soon be joined by a caravan and over time will become an unofficial Travellers Camp Site.

- The fenced nature of the site, the ornate gates proposed and the effort made to stone up the site in a level way clearly indicate there will be Traveller's caravans put on the site.

Relevant Planning History

1. CH/08/0001: Installation of a wind farm, comprising three wind turbines, control building Full – Withdrawn. 08/05/2009.
2. CH/97/0254: Proposed modification to the working and restoration County Reg 3 - No Objections. 09/24/1997.
3. CH/89/0503: Opencast coal and clay extraction and restoration to woodland Full – Approval. 06/13/1990.

1 Site and Surroundings

- 1.1. The application site is located close to the junction of Stokes Lane and Hednesford Road (B4515 turning into Norton Road just to the north of the application site). The site occupies a slightly set down position from Hednesford Road and is now a cleared parcel of land located to the west - and accessed from - Stokes Lane. The site was recently cleared of vegetative cover and the majority of trees that existed with a domestic style 2m fence now having been erected around the site.
- 1.2. The site is located within the defined Green Belt, is within a known contaminated land area, High Risk Coal Mining designation area and is within a defined Minerals Consultation Area. The site is also in the defined Norton Canes Neighbourhood Plan Area.
- 1.3. The context of the site is relatively rural in character, well landscaped and undeveloped with the exception of the main roads in the area and the previous Coal Haulage Road to the north of the site. Views across the site are apparent from Hednesford Road to the west and the elevated land known as Fair Lady Coppice to the east of the site.

2 Proposal

- 2.1 The amended application proposals seek full planning permission for the erection of a stable building and horse exercise area and the associated change of use of the land to enable use for equestrian purposes. The development proposed involves the erection of a pitched roofed 5.15m x 11.65m stable with a height of 3.6m that would be constructed on a brick plinth with timber walls and doors. A horse exercise area 25m x 26m surfaced in sand and shredded rubber is also proposed along with compacted stone hardstanding access and turning area.

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030). Relevant policies within the Local Plan include: -

- CP1 - Strategy – the Strategic Approach
- CP3 - Chase Shaping – Design
- CP10 – Sustainable Transport
- CP12 - Biodiversity and Geodiversity
- CP14 – Landscape Character and Cannock Chase AONB

3.3 National Planning Policy Framework

3.4 The NPPF (2019) sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.

3.5 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.6 Relevant paragraphs within the NPPF include paragraphs: -

- 8: Three dimensions of Sustainable Development
- 11-14: The Presumption in favour of Sustainable Development
- 47-50: Determining Applications
- 124, 127, 128, 130: Achieving Well-Designed Places
- 145-146 Green Belt Developments
- 172 Landscape and Scenic Beauty in Protected Areas
- 212, 213 Implementation

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016. Notably pages 63-66 regarding equestrian developments.

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport

4 Determining Issues

4.1 The determining issues for the application are:

- Principle of development
- Design and Landscape Character Considerations
- Trees
- Highways Considerations
- Crime and Vandalism Considerations
- Other issues:
 - Potential use for Gypsy and Traveller Site

- Erection of fencing
- Coal Mining Risk

4.2 Principle of development

4.2.1 The proposal is for the change of use of land and development of an equestrian stable including the provision of a stable building, riding arena and associated access track. Whilst clearance of vegetation from the site has been undertaken, this work was not development within the terms of S.55 of the Town and Country Planning Act 1990 and so does not fall to be considered within this application as a material consideration taking account the starting point for these submissions is the cleared site.

4.2.2 Local Plan Policy CP1 and CP14 refer to the application of relevant National Policy when considering development within the Green Belt. Para 134 of the NPPF states that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.2.3 In this case of most relevance to the proposals is the desire to safeguard the countryside from encroachment. In particular NPPF Para 144 makes clear that 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.' Para 145 goes further and states that 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;....'

4.2.3 Officers assess that whilst the development of a stable is a new building, in principle the use and building functionally fulfils an outdoor sport and recreation purpose so as to fall within the exception criteria stated in Para 145(b) of the NPPF. The building is modest in scale and is otherwise positioned to minimise its effect on the openness of the Green Belt being screened by adjacent woodland and is not considered to represent a substantial encroachment into the countryside that would impact the permanence of the Green Belt.

4.2.4 Also of relevance is the construction of the horse exercise area and the access track proposed. In this regard, in principle Para 146 of the NPPF states that other forms of development are also 'not inappropriate' in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One of the items listed in Para 146 is 'Engineering

Operation' which in this case could include the formation of the access track and riding arena. These items are not judged to substantially impact the purpose of safeguarding the countryside from development in this case, have a limited effect on openness and would not be likely to affect the permanence of the Green Belt in the long term.

4.2.5 Accordingly, in principle both the construction of the building and the associated facilities are considered to align in principle with the exceptions within National Green Belt Policy as referenced. In turn, the development is considered to accord with Local Plan Policies CP1 and CP14 in principle.

4.3 Design and Landscape Character Considerations

4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale, appearance, landscaping and materials;
and
- (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

4.3.5 To assist with considering equestrian developments, the Council has produced a Design Supplementary Planning Document. Equestrian developments are considered on page 64. Extracts from this state:

- Freestanding buildings need to be sensitively located to minimise their effect on their surroundings and where possible they should be sited so they closely relate to existing screening ... additional screening may be required.
- Stables need to be of a size that are comfortable for their purpose but not large enough to enable easy conversion to other uses.
- Materials used in the construction of stables should be sensitive to their countryside location. The use of stained wood on traditionally designed and constructed buildings can be acceptable ... Stables constructed of brick and tile should be purpose built with the use of plain tiles and bricks that reflect the local character of the area.
- Boundary treatments, external lighting, hardstanding and clutter should be carefully controlled.
- Riding arenas can appear intrusive in the natural landscape so need care in terms of siting, design and surfacing materials. Materials should be carefully considered.

4.3.6 The amended scale of the building in this case closely accords with the recommendations made within the Council's Design SPD. The building and riding area are also proposed in a location that is immediately adjacent the wooded area retained to the south of the site, thus containing wider landscape visibility. The applicant also proposes additional landscaping along the site frontage albeit the details provided could be more precise. The Council could also require that any additional lighting be submitted to and agreed by the Council in order to minimise potential for light spill and ecological disturbance. The materials to be utilised in the stable accord with those suggested in the Council's Design SPD being predominantly timber with a black roof made from Onduline sheeting.

4.3.7 The main negative factor associated with the development is the highly domestic fencing enclosing the site that is not appropriate in an otherwise green landscape. Whilst this is the case, Members will need to also recognise that much of this fencing is permitted development under Part 2 Class A of the General Permitted Development Order 2015 being 2m (or in some cases just over). Hence the applicant was entitled to carry out this fencing work and the fenced and cleared site is in effect the legitimate starting point for the current submissions (albeit this is with the exception of the fencing fronting Stokes Lane). The Council would be within their rights to insist the fencing adjacent the highway to the front of the site is taken down to 1m in line with permitted development requirements and this option is open to Members. However Officers also note the competing security considerations that would be apparent from only a 1m fence. The applicant instead seeks to provide screening along the external face of fence to the site frontage. This in time would soften the appearance of the fence but Officers accept this approach is not ideal and conveys some landscape impact whilst the hedging matures. Officers would highlight it would have been preferable if the applicant had discussed the full proposals with Officers before proceeding with the erection of the fence so a coordinated approach could have been assured.

4.3.8 It is also relevant that in line with the Council's Local Plan Policy CP10, the Local Plan Proposals Map envisages a new recreational footpath / cycle route in the area immediately to the south of the site linking in with Coal Haulage Road. This route is not affected by the current application directly. Indirectly however, this would promote additional pedestrian movements westwards towards Norton Lane in the long term and thus places increased importance in the quality of the landscape experienced by users of the proposed route.

4.3.9 Taking the above factors into account, whilst the proposals are not ideal in landscape terms subject to more precise soft landscaping details to the site frontage and submission and agreement of lighting details prior to erection, Officers consider the proposals as a whole - and excluding much of the fencing that has been erected under Permitted Development - do not have a significant impact upon the landscape character of the area or the Green Belt. Accordingly, having had regard to Local Plan Policies CP3, CP10 and CP14 the proposal, on balance, is considered acceptable.

4.4 Tree Considerations

4.4.1 The site previously contained a number of trees. These were not subject to TPO and were lawfully removed as part of site clearance work. The site still contains 3 No. trees, all Silver Birch with an amenity category 'B' according to the submitted Tree Report. These trees assist in screening the site from the main road and these will help soften the appearance of the site more generally.

4.4.2 Criticism has been made of the submitted tree report by the Council's Tree Officer in that the report lacks detail regarding utilities routes into the site, clarity regarding the extent of the no dig surface proposed, formal confirmation of the type of 'Cell Web' membrane proposed to try and avoid root compaction. Questions are also raised regarding avoidance of encroachment into root protection areas by the stable building and the riding arena.

4.4.3 Officers consider it would be highly desirable in landscape terms to ensure long term retention of the trees that remain on site. Therefore the issues above were put to the applicant's agent by email on 4 June 2019. At the time of writing this report, no response has been received.

4.4.4 It is envisaged that minor changes such as slight changes to the size of the riding arena, repositioning of the stable and additional details from the applicant would likely address the above concerns. Such detail could be secured by condition prior to erection of the building, and could include the slight reorientation of the building and more specific details regarding root protection. In the absence of any response from the applicant's agent on the issues raised, this route appears the most appropriate and would ensure the Council takes the required steps to ensure the long term protection of the trees. Subject to these conditions, it is considered the development proposed would accord with Local Plan Policy CP12.

4.5 Highways Considerations

4.5.1 The site is located on the inside of a shallow bend off Hednesford Road. Officers noted that the access emerging from the site had some impeded visibility as a

consequence of vegetation in the highway verge. Specifically the issue of visibility was raised with Staffordshire County Council Highways Authority. In response as part of their role as a Statutory Consultee, Officers were assured that specific assessment of this visibility issue was undertaken and that given the minimal level of traffic associated with two stables, no objections would be raised to the use of the site for equestrian purposes. Accordingly there are considered to be no substantive highway safety issues subject to the conditions set out by the Highways Authority.

4.6 Crime and Vandalism Considerations

4.6.1 Upon visiting the site, it is apparent the site is somewhat isolated from opportunities for natural surveillance. Whilst the site is adjacent to a road, this is a 40mph road on a bend such that surveillance by a casual observer is problematic. At the same time, the road promotes an awareness of the site and an awareness of potential for criminal opportunity with means of escape in a variety of directions. It was also noted the extensive fencing erected further restricts surveillance whilst not particularly providing security given the low level in certain areas. Supported by the observations from the Police, these factors could contribute to rural crime which is both a local and national issue, with the theft of trailers and horse tack being particularly prevalent. Recommendations are made by the Police consultee to include lighting, CCTV, steel roof decking, reinforced walls and high security doors to assist in restricting criminal opportunity.

4.6.2 The above matters were put to the applicant who considers he has a good relationship with his neighbours and they keep him informed of any activity on the site. The applicant also proposes to install CCTV and that since his activity on the site, a noticeable reduction in fly tipping has been apparent. In the applicants view, surveillance cameras and the regular presence on the land are likely to deter criminal activity.

4.6.3 Officers assess the CCTV proposed would go some way to deterring criminal behaviour. At the same time Officers consider that additional barbed wire, high intensity lighting, lighting columns and more industrial type fencing for example, would be undesirable in this location. Therefore conditions should require provision of the details of CCTV proposed along with submission and agreement of any other security measures before their installation. This ensures the Council retains some degree of proportionate control over such measures which could impact on the wider character of the area if implemented poorly. Subject to these conditions, Officers consider this approach represents a proportionate response to the scale of risk posed to the development.

4.9 Other Considerations

Potential for use as Gypsy and Traveller Site

4.9.1 A number of respondents and the Parish Council's consulted highlighted concerns about uses beyond the proposed use for stabling – including use as a Traveller Site. Members should note the application in law must be determined on the basis of the submission. It is not a material consideration to 'suppose' that a person might do something other than is suggested in their application. Therefore to be clear, the use as travellers accommodation is not a component

of the application submitted and would require separate permission of its own, if an unauthorised use was to occur. Further assessment and separate planning permission would then be required in terms of compliance with planning policy and other material considerations.

- 4.9.2 Request has been made that Officers consider utilising conditions that prohibit temporary living accommodation such as caravans, tents or other forms of living accommodation from the land. It is questionable if such a condition meets the test of necessity given that permission would be required for such a use in any event. As such, Officers recommend that a condition restricting living accommodation is not attached to any permission granted.

Erection of Fencing Around Site Periphery

- 4.9.3 During the course of the application submissions a fence was erected around the site. In nearly all cases, all landowners benefit from deemed consent to carry out fencing works on their land subject to certain restrictions. This right is given at the national level Part 2 Class A of the General Permitted Development Order 2015 which permits fencing up to 1m adjacent a highway and 2m elsewhere. This right extends to all land except listed buildings. Therefore whilst the application had been submitted, approx. 75% of the fencing erected benefits from being permitted development. Only the front face of the fencing onto Stokes Lane would technically require planning permission. Therefore in assessing the current application, Officers and Members are advised to take a balanced view of the impact of the fencing that takes account of the fact that 75% of the fencing around the site already lawfully exists.

Coal Mining

- 4.9.4 The site is within a known Coal Mining Risk Zone. The applicant has not provided a site specific Coal Mining Risk Assessment describing the approach to be adopted to deal with residual risks from Coal Mining. The Coal Authority have considered whether such a report is required in this case. It is suggested when considering this particular proposal, whilst there are potential mining features within the application site, the specific part of the site where development is proposed actually falls outside of the defined High Risk Area. Therefore a Coal Mining Risk Assessment is not considered necessary and the Coal Authority do not object to this proposal.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

- 5.1 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.

Equalities Act 2010

- 5.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

- 5.3 By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

- 5.4 It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.
- 5.5 Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

6 Conclusion

- 6.1 The application proposes the erection of stable building, horse exercise arena and the construction of an associated access track. Whilst the site is within the designated Green Belt where new buildings are strictly controlled, the development is for an outdoor sport and recreation purpose that falls within the permitted list of exceptions set out within NPPF Para 145(b). As such in principle the development is considered acceptable.
- 6.2 In design terms, the positioning of the building close to adjacent woodland, the maintenance of the trees on site and the general proportions of the building are of a scale that ensure limited wider landscape impact. Subject to conditions to better pin down tree mitigation, landscaping, lighting, and CCTV amongst others, the development is considered to constitute appropriate design in this setting. Consideration of the highway implications is also assessed within this report, but the relevant standards are found to be met and no objections are raised by the County Highways Authority given the limited scale and intensity of development proposed.
- 6.3 Taking the above factors into account it is considered the development, on balance, is acceptable having had regard to the adopted development plan, relevant locally set standards and the NPPF.

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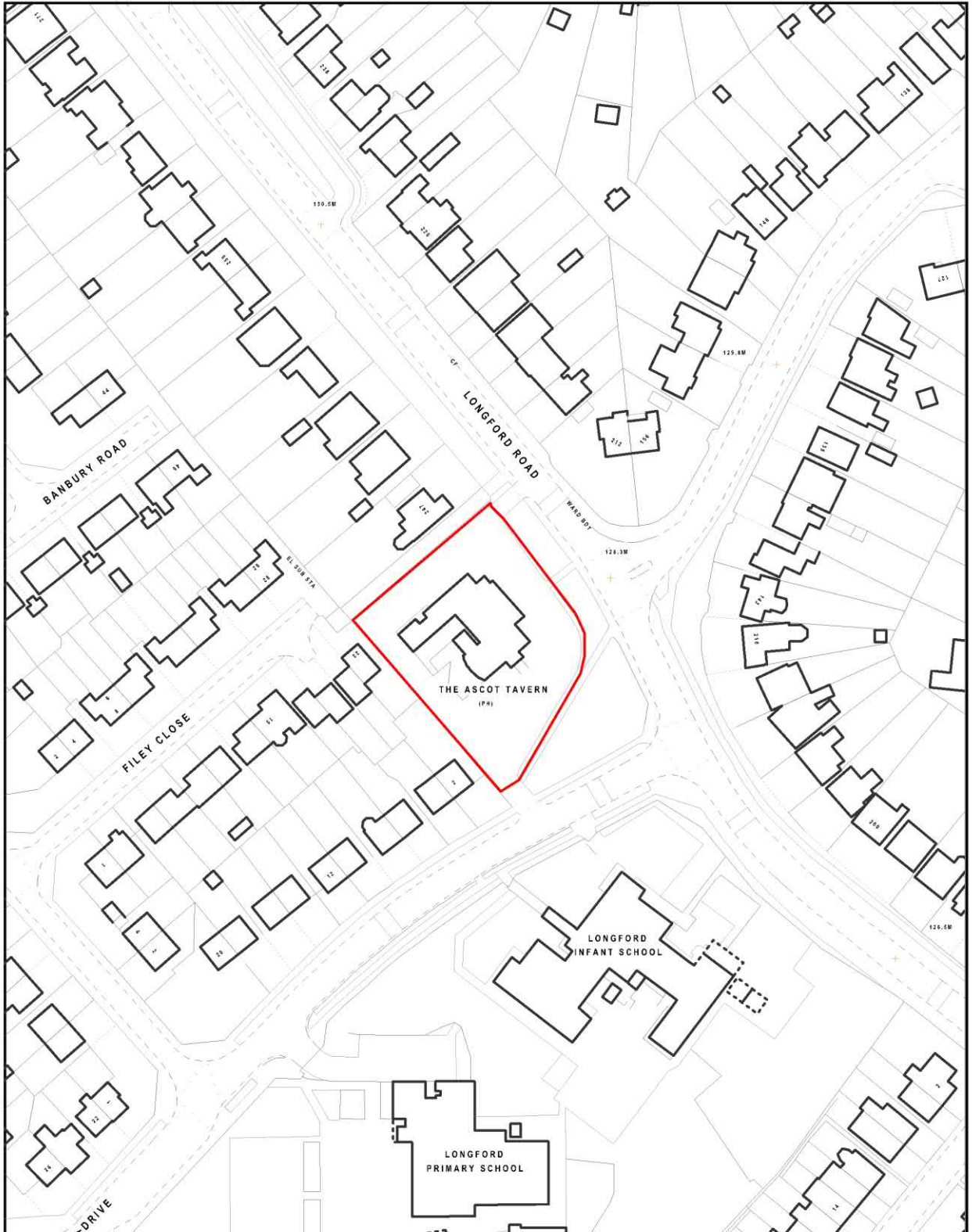


Application No: CH/19/198

ITEM NO. 6.44

Location: The Ascot Tavern, Longford Road, Cannock, WS11 1NE

Proposal: Application to vary conditions 7&15 of CH/18/240 (Traffic Management Scheme & Approved Plans)

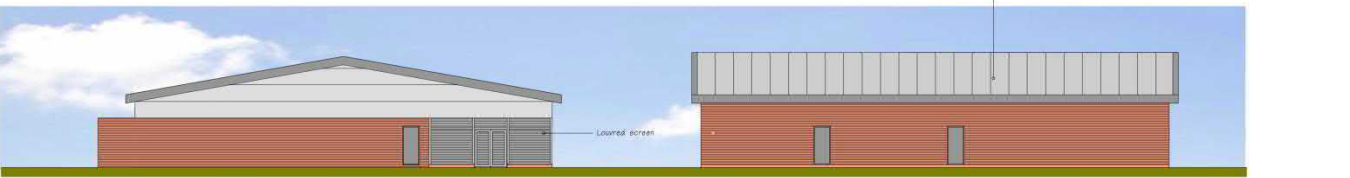


Plans and Elevations



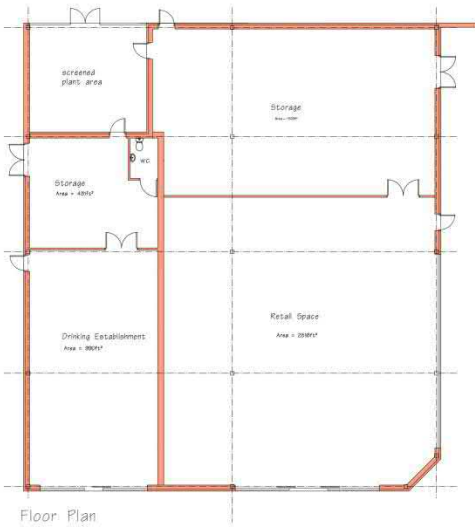
North East Elevation

South East Elevation

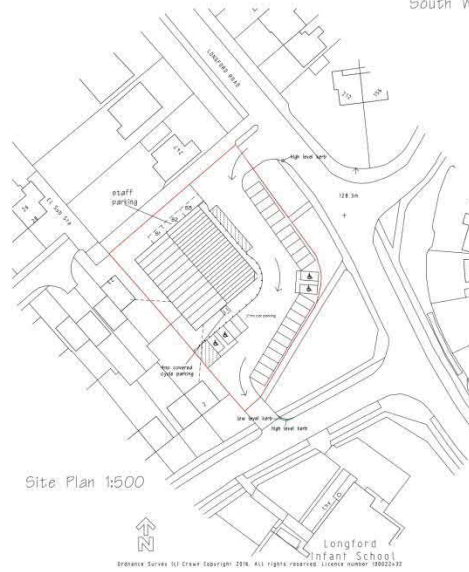


North West Elevation

South West Elevation



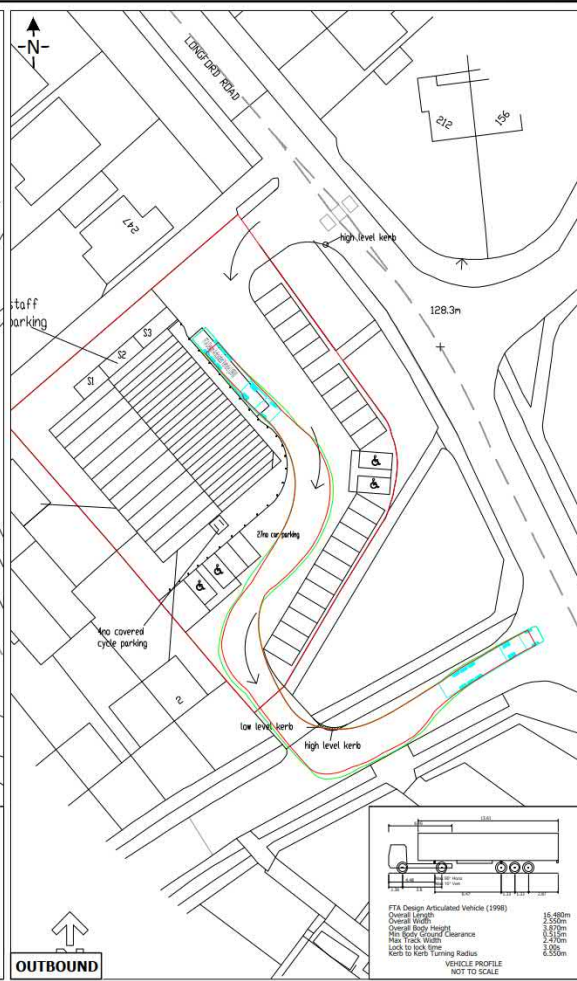
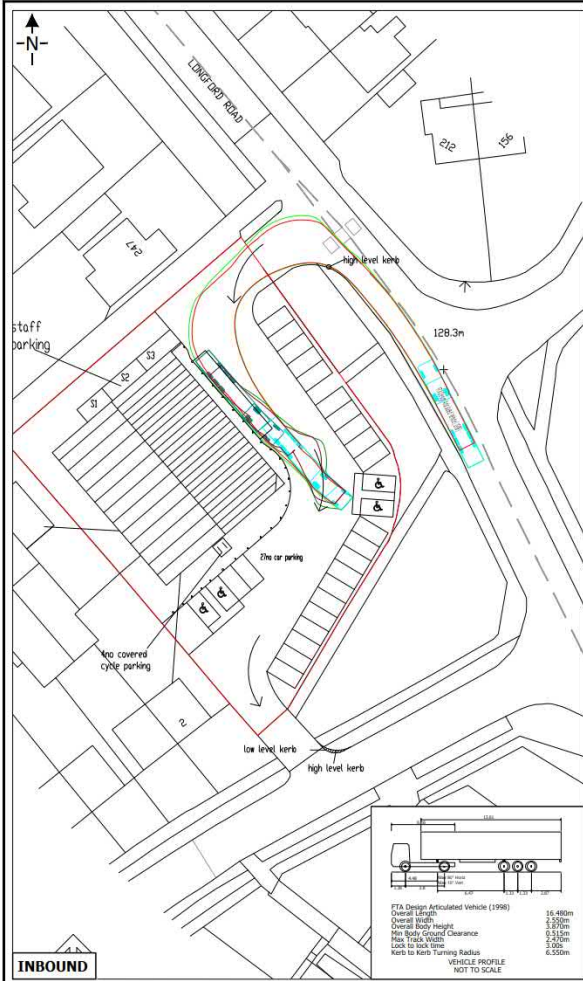
Floor Plan



Site Plan 1:500

<p>Globe Homes Ltd</p>		
<p>Project: Retail Development Ascot Tavern, Longford Road Cannock</p>		
<p>Drawn: Proposed Plans & Elevations</p>		
<p>Scale: 1:1000EA1</p>	<p>Date: 22-09-17</p>	<p>Sheet No.: 2172-01F</p>
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Vehicle Swept Path Analysis Articulated Vehicle



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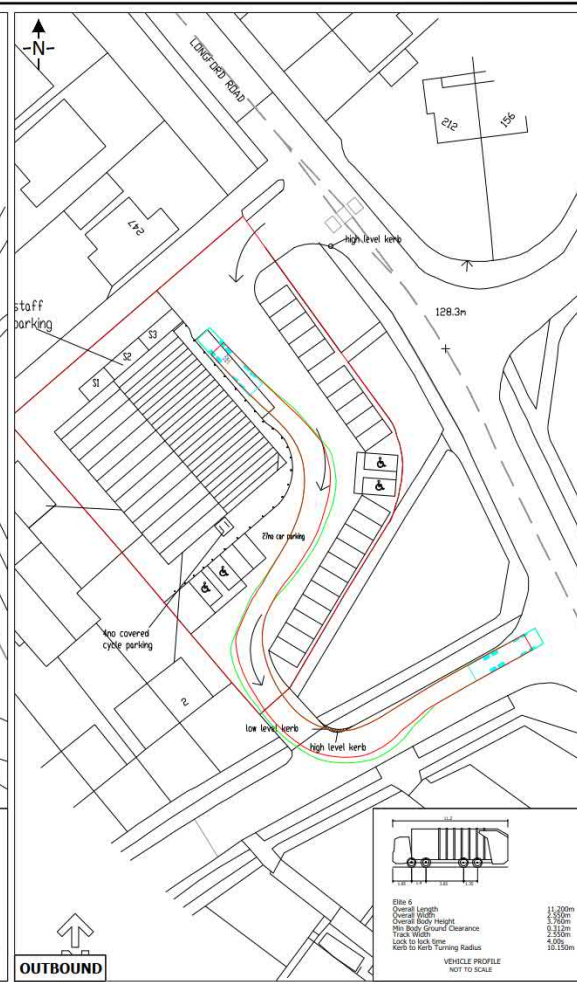
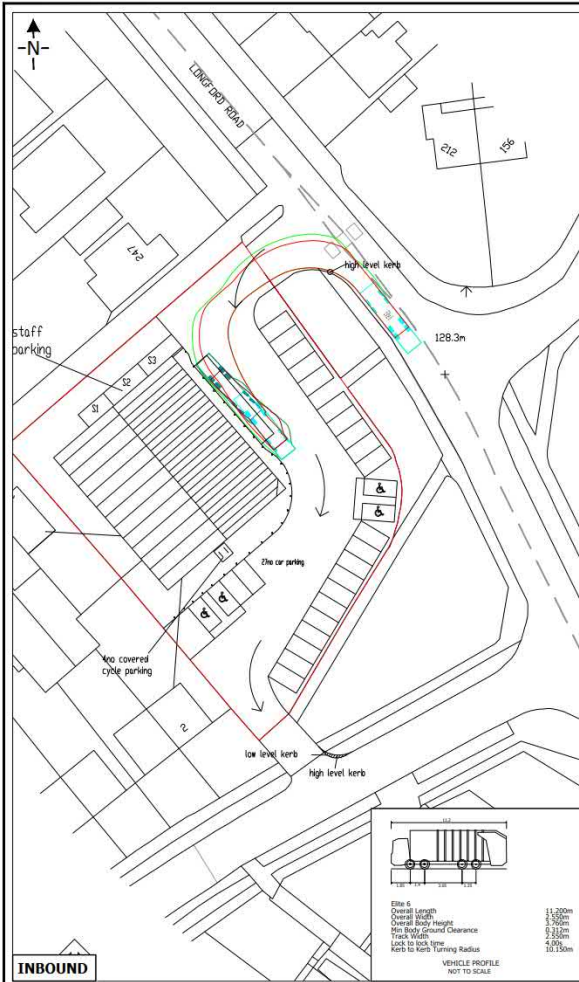
REV	DESCRIPTION	DATE	BY	APP
4	UPDATES TO MEET REVISION 4 LAYOUT	12/02/18	SM	SM

Travis Baker
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CLIENT: **GLOBE HOMES LTD**
 PROJECT: **ASCOT TAVERN, CANNOCK**
 TITLE: **VEHICLE SWEEP PATH ANALYSIS ARTICULATED VEHICLE**
 DRAWN: **RDS** APPROVED: **SM** SCALE: **1:500@A3** DATE: **12.02.18**
 PROJECT NO: **T18004** DRAWING NO: **SK01** SHEET: **A**
 STATUS: **FOR INFORMATION**

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Vehicle Swept Path Analysis Refuse Collection Vehicle



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4. CREATED TO SUIT MESSAGE # 140147

REV	DESCRIPTION	DATE	BY	APP	CHK

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CLIENT: **GLOBE HOMES LTD**

PROJECT: **ASCOT TAVERN, CANNOCK**

TITLE: **VEHICLE SWEEP PATH ANALYSIS
REFUSE COLLECTION VEHICLE**

DRAWN: RDS	REVISIONS: SM	SCALE: 1:500@A3	DATE: 12.02.18
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PROJECT NO: **T18004** DRAWING NO: **SK02** PLOT: **A**

TITLE: **FOR INFORMATION**

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Contact Officer:	Claire Faulkner
Telephone No:	01543 464337

PLANNING CONTROL COMMITTEE

31st July 2019

Application No:	CH/19/198
Received:	28 th May 2019
Location:	The Ascot Tavern, Longford Road, Cannock, WS11 1NE
Parish:	Non Parish Area
Ward:	Cannock South Ward
Description:	Application to vary conditions 7 & 15 of planning permission CH/18/240 (Traffic Management Scheme and Approved Plans)
Application Type:	Full Planning Application

Update

The initial planning application was presented to and approved by Planning Control Committee on 27th February 2019. This application seeks to vary two conditions, namely 7 (Traffic Management Scheme) and 15 (Approved Plans) associated with that consent.

The original officer report is attached at Appendix 1 of this report for Members reference.

RECOMMENDATION:

Approve Subject to Conditions

Reason(s) for Recommendation:

In accordance with paragraph 38 of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and the National Planning Policy Framework.

Conditions (and Reasons for Conditions):

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

2. No part of the development hereby approved shall be undertaken above ground level until details of the materials to be used for the external surfaces have been submitted to and approved by the Local Planning Authority.

Reason

In the interests of visual amenity and to ensure compliance with Local Plan Policies CP3, CP15, CP16, RTC3 (where applicable) and the NPPF.

3. The premises shall not be open to the public outside the hours of 06:00hrs to 23:00hrs on any day.

Reason

To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policies CP3 - Chase Shaping, Design, CP11 - Centres Hierarchy and the NPPF.

4. The development hereby permitted shall not be brought into use until the existing accesses to the site within the limits of the public highway has been reconstructed and completed.

Reason

In the interest of highway safety and to comply with the principles set out in the NPPF.

5. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans.

Reason

In the interest of highway safety and to comply with the principles set out in the NPPF.

6. The development hereby permitted shall not be brought into use until the details have been submitted to and approved in writing by the Planning Authority indicating a means of enforcing the proposed one way system of entrance and exit. The system shall thereafter be implemented in accordance with the approved details before the proposed development is brought into use and retained for the life of the development.

Reason

In the interest of highway safety and to comply with the principles set out in the

NPPF.

7. The Traffic Management Statement shall be read in conjunction with Dwg. No. 2172-04 as approved under planning permission CH/18/240 and shall be implemented prior to any works commencing on site and thereafter throughout the construction process.

Reason

In the interest of highway safety and to comply with the principles set out in the NPPF.

8. The development hereby permitted shall not be brought into use until the proposed cycle parking facilities have been provided.

Reason

In the interest of highway safety and to comply with the principles set out in the NPPF.

9. During the construction of the proposed development work shall not take place outside the hours of 0800 to 1800 Monday - Friday, 0800 to 1300 on Saturdays or at no time on Sundays, Bank or Public Holidays.

Reason

To protect the amenity of neighbouring occupiers.

10. No heavy goods vehicles shall load, unload, arrive or depart from the premises outside the hours of 08:00 - 18:00 Monday - Saturday and 10:00 - 16:00hrs on Sundays or Public and Bank Holidays.

Reason

To ensure the proposed development does not prejudice the right of neighbours to enjoy their properties.

11. No part of the development hereby approved shall commence above ground level or any actions likely to interfere with the biological function of the retained trees and hedges shall take place, until details for tree and hedge protection have been submitted to and approved by the Local Planning Authority. Details shall include the position and construction of all fencing and the care & maintenance of the trees & hedges within.

Reason

The existing vegetation makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

12. Prior to the commencement of any construction above ground level or site preparation works including any actions likely to interfere with the biological function of the retained trees and hedges, approved protective fencing shall be erected in the positions shown on the approved Tree & Hedge Protection layout drawing pursuant to Condition 12 above shall be erected to the approved layout.

Within the enclosed area known as the Tree Protection Zone, no work will be permitted without the written consent of the Local Planning Authority. No storage of material, equipment or vehicles will be permitted within this zone. Service routes will not be permitted to cross the Tree Protection Zones unless written consent of the Local Planning Authority is obtained. The Tree Protection Zone will be maintained intact and the vegetation within maintained until the cessation of all construction works or until the Local Planning Authority gives written consent for variation.

Reason

To ensure the retention and protection of the existing vegetation which makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

13. The details as detailed on Dwg.No.CR3 Rev 3 together with the Plant Noise Impact Assessment carried out by NSL Noise Solutions revised on 25th June 2019 shall be implemented as per the approved details and retained for the life of the development. All new mechanical and electrical service plant for extraction, air conditioning and refrigeration systems shall comply with the noise rating levels of 43dB for daytimes / evenings and 35dB night times when measured at 3.5m from the façade of the nearest dwelling and the octave band frequency noise limits specified in Table 4.1 of the Acoustic Air Noise Assessment Ref:AA1146N/R1 dated Nov 2017 and approved under planning permission CH/18/240.

Reason

To ensure the continued protection of adjoining occupiers.

14. Prior to the first use of the development hereby approved, details for the final design and construction of the bin storage area shall be submitted to and approved in writing by the Local Planning Authority. The binstore shall thereafter be implemented as per the approved plans and retained for the life of the development.

The waste generated by the premises shall be stored in secure containers.

Reason

To ensure the continued protection of neighbouring amenity

15. The development hereby permitted shall be carried out in accordance with the following approved plans:

2172-01F Layout and Elevations

Planning Statement Including Sequential Assessment*

Retail and Commercial Development Ascot Tavern Transport Statement*

Acoustic Air - Noise Assessment*

Economic Viability*

Plant Noise Assessment carried out by NSL Noise Solutions revised on 25th June 2019

CR3 Rev 3 Proposed Refrigeration Plant Layout

(* as approved under planing permission CH/18/240)

Reason

For the avoidance of doubt and in the interests of proper planning.

Notes to the Developer:

The reconstruction of the existing vehicular access shall require a Highway Works Agreement with Staffordshire County Council. The applicant is therefore requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application Form. Please complete and send to the address indicated or email to nmu@staffordshire.gov.uk. The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

www.staffordshire.gov.uk/transport/staffshighway/highwayscontrol/HighwaysworkAgreements.aspx

Consultations and Publicity

EXTERNAL CONSULTATIONS

Staffordshire County Highways

No objections subject to conditions.

INTERNAL COMMENTS

Environmental Protections

Thank you for referring this matters for consideration. No adverse comments are offered from Environmental Protection in respect of the proposed variations.

The acoustic report submitted by MEC, ref:- 25052-04-NA-01, May 2019 is noted. Plant and equipment to be installed to service the developments should be compliant with the noise specification specified in this report.

Waste & Engineering

No comments

RESPONSE TO PUBLICITY

The application was advertised by site notice and adjacent occupiers were notified. One letter of objection has been received. The representations are summarised as follows:

- The plans incorporate a 'plant area' which was not identified on the previous application. As per the noise assessment it is not stated what

type of equipment will be used within the development. Further, incorporating the plant room means an extension to the north west side of the development and this would be even more build up by the walls of erected building resulting in less daylight (to No. 23 Filey Close).

Relevant Planning History

CH/18/240 Demolition of existing building and erection of new building for use as a convenience shop (Class A1) and a micro pub (Class 4), parking and associated works. Approved.

1 Site and Surroundings

- 1.1. The application site is 0.25ha in area and comprises of hardstanding and mature trees along one frontage.
- 1.2. The application site is located on the corner of Longford Road and Ascot Drive in a mature residential area south west of Cannock town centre. Opposite the site on Ascot Drive there is a primary school.
- 1.3. The application site is not located within a defined local centre or shopping centre. The nearest defined centres are Cannock, which is 1km away, and Bridgtown, which is 1.3 km away.

2 Proposal

- 2.1 The proposal is for the variation of Conditions 7 (Management Plan) and 15 (Approved Plans) of planning permission CH/18/240.
- 2.2 The application seeks to vary condition 15 to replace the approved plan Dwg.No.2172-01 B for Dwg.No. 2172-01 F. The proposed changes have arisen from the prospective operator (Co-operative Group) requiring an alternative servicing arrangement that would reduce delivery vehicle manoeuvring on site.
- 2.3 It is now proposed to position the service area adjacent to the eastern elevation of the approved building to allow delivery vehicles to drive in, drop off goods and then pull out in a forward gear, with less manoeuvring required than the approved scheme.
- 2.4 The revised scheme pursuant to drawing reference 2172~G1F also includes a screened plant area to the north—west corner of the building. The external fabric of the building would be increased in this corner, remaining in line with the rear and side elevations. A total increase of 39m². As a result of the proposed amended service arrangements, the internal layout of the proposed building would be amended slightly, however there would be no change to overall size and scale of the approved building. The internal layout of the building has been revised; the internal servicing area between unit 1 and unit 2 has been removed and the storage area to the rear of the building increased in size. As such, the floorspace of units 1 & 2 remain roughly as per the previous permission.

2.5 The proposal would also result in a minor change to the previously approved layout of the parking area. Three staff spaces to the rear yard would be lost as a consequence of the proposed plant room. However two additional spaces would be gained to the front of the site as access to the internal servicing yard would no longer be required.

2.6 The following documents have been submitted:

Plant Noise Impact Assessment
Refrigeration Plant Layout

3 Planning Policy

3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014). Relevant policies within the Local Plan include

CP1 - Strategy – the Strategic Approach
CP3 - Chase Shaping – Design

3.3 National Planning Policy Framework

3.4 The NPPF (2018) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be a "presumption in favour of sustainable development" and sets out what this means for decision taking.

3.5 The NPPF (2018) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.6 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
124, 127, 128, 130:	Achieving Well-Designed Places
190	impact from noise
212, 213	Implementation

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

4 Determining Issues

4.1 The When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. However, new issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are not fundamental or substantial, but still material in nature, a developer may seek to obtain approval for the changes through the provision of Section 73 of the 1990 Town and Country Planning Act.

4.2 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a Section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied (Paragraph: reference ID: 17a—013-20140306 of the Planning Practice Guidance).

4.3 Section 73(2) of the 1990 Act states: —

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

4.4 Given that the principle of the development was firmly established under planning permission the determining issues for the proposal are whether the proposed variations to conditions would be acceptable in respect of their impact on: —

- (i) the character and appearance of the approved development
- (ii) the standard of amenity in the locality
- (iii) highway safety
- (iv) CIL

4.5 Design and the impact on the Character and Form of the Area

4.5.1 The alterations to the building include a rear extension to accommodate the plant room and an alteration in the design of the roof to incorporate this extension. The overall height of the building would remain at 6m to the ridge (3.5m to the eaves) as per the original permission. The overall depth of the building would not be extended with the proposed plant room accommodating an

area of infill toward the rear corner. The front elevation would also be revised to omit the internal service yard access. As a consequence, the units would be serviced from the external parking area which would reduce the overall delivery vehicle manoeuvres within the site.

4.5.2 On balance, given the location of the proposed alterations being to the rear of the approved building, it is considered that the proposed alterations required to accommodate the plant room would be negligible within the wider scale of the approved development. Therefore it is considered that the proposal would meet the requirements of the NPPF and Policy CP3 of the Cannock Chase Adopted Local Plan.

4.6 Impact on Residential Amenity

4.6.1 In this instance, the proposed building would be constructed to a height of 6m to the ridge (3.5m to the eaves) adjacent to No. 247 Longford Road and No.23 Filey Close. The overall depth of the building adjacent No.23 Filey Close would be extended by approximately 6m. This extension would be sited to the side of No.23 Filey Close at a distance of approximately 7m. In order to accommodate the rear extension the roof would be altered from a split level design to one pitched roof over the whole building. Whilst this would not result in an increase in the overall height of the proposal, it would result in an increase in the amount of building to the corner of the building adjacent No. 23 Filey Close.

4.6.2 Notwithstanding this, the proposed development complies with the 25 degree angle to the ground-floor rear—facing windows of the three nearest dwellings. Your officers therefore consider that the revised design would not give rise to unacceptable harm to the occupiers of the adjacent properties by virtue of significant loss of light or outlook.

4.6.3 The position of the plant room and associated plant machinery would be sited within the proposed extension. The applicant has submitted a Plant Noise Assessment in order to inform the submission. The assessment was carried out in line with the Planning Practice Guidance. As part of the assessment an environmental sound survey has been undertaken to establish the prevailing background sound pressure levels at this location representative of the sound levels outside the nearest noise receptors to the site. Plant noise levels have been predicted at the nearest noise-sensitive receptor and assessed against the local authority's guidance and recognised standards. The assessment demonstrates that the proposed changes, the subject of this application, can continue in line with the requirements of condition 13 of planning permission CH/18/240, relating to noise rating levels.

4.6.4 The Assessment also demonstrated that noise from delivery vehicles and from patrons using the development would be no greater as a result of this proposal, than for those similar activities associated with the approved scheme, and have been shown to lie below the typical ambient noise levels. The Assessment found that due to the delivery/service area being proposed alongside the eastern facade of the amended building, the unloading/ loading operations would be largely screened from neighbouring dwellings. Consequently, operational noise levels from this facility will predominantly be more than 10 dB below the average background noise levels, which indicates it would not have an adverse impact

upon local receptors. Therefore, operations would have no adverse impacts upon neighbouring dwellings and there would be no change to the ambient noise climate.

4.6.5 Your Environmental Health Officers have assessed the Plant Noise Assessment and confirm the levels of noise demonstrated within the assessment are acceptable.

4.6.6 Planning conditions are recommended in relation to the operation of plant and machinery and the hours of delivery that HGVs would be permitted to attend the premises. Your officers consider that, subject to the attached recommended conditions being complied with, that the proposal would not be likely to result in unacceptable harm to the living conditions of adjoining occupiers with particular regard to potential noise and disturbance. Environmental Services raise no objections to the proposal subject to recommended conditions. Your officers concur with this view.

4.6.7 With regard to the bin store, this was approved to the rear of the building however, the final design and finish of the bin store has not been submitted and therefore a condition for this recommended to ensure there is no detrimental impact to neighbours amenity. The Council's Waste and Engineering Officers were consulted on the application and raised no comments to the proposal.

4.6.8 It is therefore concluded that the proposal would attain a high standard of residential amenity in accordance with paragraph 127(f) of the NPPF.

4.7.1 Access/ Parking/ Deliveries and Impact on Highway Safety

4.7.2 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.7.3 The revision of the parking layout would introduce two additional parking spaces to the front however three of the staff parking spaces would be removed to the rear to facilitate the plant room extension. The alteration to the delivery/ servicing plan would result in fewer delivery vehicle movements on site with delivery vehicles pulling into the car park off Longford Road, delivering the goods from the designate area within the car park before leaving in a forward gear onto Ascot Drive.

4.7.4 Condition 7 of planning permission reference CH/18/240 has been discharged, following an application to the Council, in accordance with information contained within a submitted Site Management Statement and as shown on associated Drawing No. 2172-04. As part of a new permission granted under Section 73 of the Town and Country Planning Act 1990 to vary condition 15, it is considered that it would be necessary to vary condition 7 so that the development proceeds in accordance with details already.

4.7.5 Staffordshire County Highways Authority has raised no objections to the variation of condition or the revisions to the car park and delivery plan. The tests set out in paragraph 109 of the NPPF are therefore met and the proposed

Section 73 application would not result in an unacceptable impact on highway safety.

4.8 Community Infrastructure Levy (CIL)

- 4.8.1 The proposed retail development would normally be liable for CIL provision. However, because the existing public house is some 165 m² larger than the building proposed, the proposal would not be liable for any levy under CIL as the charging schedule makes provision for the demolition of existing buildings to be deducted from the floor space proposed.

5 Human Rights Act 1998 and Equalities Act 2010

5.1 *Human Rights Act 1998*

- 5.1.1 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.

5.2 *Equalities Act 2010*

- 5.2.1 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

- 5.2.2 By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

- 5.2.3 It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

- 5.2.4 Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would make a neutral contribution towards the aim of the Equalities Act.

6 Conclusion

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result

in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.

- 6.2 It is therefore recommended that the application be approved subject to the attached conditions.

Copy of the Officer Report Presented to Planning Control Committee on 27th February 2019

4 Determining Issues

4.1 Principle of Development

4.1.1 Paragraph 14 of the NPPF advises that there is a presumption in favour of sustainable development and that development in accordance with the development plan should be granted without delay, unless material considerations indicate otherwise.

4.1.2 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. As such in accordance with Policy CP1 of the Local Plan the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF. This states approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- the application of policies in this framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework, taken as whole.

4.1.3 Local Plan (Part 1) Policy CP1 identifies that a 'positive approach that reflects the presumption in favour of sustainable development' will be taken when considering development proposals. The site is not located within either Flood Zone 2 or 3. The site is not designated as a statutory or non-statutory site for nature conservation nor is it located within a Conservation Area (CA).

4.1.4 The site is located within an urban area where it is accessible by the local community by a range of transport means, including walking and cycling. As such it is located within a sustainable location that would generally conform to the objective of the strategy contained within Policy CP1 of the Local Plan and as such is considered acceptable in principle.

4.2 Community Asset

4.2.1 An application to list the Ascot Tavern as an Asset of Community Value was received on 8th June 2015, and following consideration by the Council's Monitoring Officer the building was designated as an Asset of Community Value on 3rd August 2015 having been nominated by the former customers of the Ascot

Tavern. The Ascot Tavern was designated as an Asset of Community Value (“an ACV”) under Section 89 of the Localism Act 2011. However, in line with Section 95 of the Localism Act 2011, which provides the mechanism to remove listings from the register, the relevant disposal process has taken place since the listing in 2015 and therefore, the Ascot Tavern has been removed from the Asset of Community Value Register. On 30th October 2015, the Council received a ‘Disposal Notice’ from the previous owners of the site, in line with Section 95 of the Localism Act 2011. As the correct procedure has taken place since the initial listing, the property can be removed from the Assets of Community Value Register.

4.2.2 Policy CP5 states that there will be a presumption against the loss of other green space network sites and community buildings (that are not subject to the above national policy requirement) unless they are surplus and clearly no longer required to meet demand for any of the identified purposes or

- (i) The wider sustainability benefits or major community benefits delivered by the proposal outweigh the loss (taking into account the value of the site);
- (ii) Appropriate mitigation measures and/ or replacement space/ facilities, equivalent or better in terms of quantity, quality and accessibility can be provided to compensate for the loss of the site and its value.

4.2.3 In addition to the above paragraph 92 of the NPPF states

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should [amongst other things]:

- (a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;”

4.2.4 The comments from objectors regarding the impact on existing businesses are noted and that they object to the current application on the basis that it is nonsense to suggest that a shop fulfils the same community use and purpose as a pub. The local community asset being replaced by what will be an elitist micro pub selling expensive ales etc. is not an acceptable amendment and should be dismissed out of hand. Your Officers confirm that in terms of the planning Use Class Order, the use of the Ascot Tavern is an A4 Use the same use as the proposed micro-pub.

4.2.5 In this instance, the proposal has been amended to include a retail unit (A1) and a drinking establishment use (A4). As such, your officers consider the need of the local community would be met and further improved with the addition of the small scale retail unit and drinking establishment.

4.2.6 Neighbours contend that there is still much public interest in retaining the site as a pub, as evidenced by a petition, which has received many signatures. Your

Officers confirm that they have not received a petition with regard to this application.

- 4.2.7 The comments from objectors are also noted in relation to the loss of the site as a public house, however, the facility has been closed for 18 months. Your Officers also note the comments made by the Planning Inspectorate in the previous planning appeal. The Inspector stated that although the public house was said not to be viable at the time (2015), the alternative community facilities that support day to day community need are some distance away, and it has not been demonstrated to be unviable in the long term to the extent that its redevelopment with a different use is justified. The Inspector also went on to state: -

“However, it appears to me that the alternative premises suggested by the appellants are some 800m away. This appears to me to be a significant distance away from the local community to regard the existing facility as surplus. Further, from the limited information available, I cannot be sure that a pub on the site cannot be made viable in the long term, including the use by a different user/ operator. The scope of this would have to be identified through a marketing exercise.”

- 4.2.8 An Economic Viability Report has been submitted by the applicant to inform the decision. The Economic Viability reports prepared by Fleurets demonstrates that given a range of factors, including the cost of refurbishment and current market conditions the reuse of the building for a pub is unlikely to be viable.

- 4.2.9 Your Officers requested Property Service Officers of the Council to assess the Economic Viability Report. The Officer who assessed the report is a Chartered Surveyor working and a Member of the Royal Institute of Chartered Surveyors. Your Officer concurred with the conclusion within the report and stated that:-

“there is no doubt that public houses have suffered over recent years with factors such as the abolition of smoking, financial collapse of 2007 with the consequent ongoing economic problems and changing trends with leisure activities and this decline has, in my opinion, been particularly evident with small ‘neighbourhood’ pubs that rely largely on local pedestrian trade and are less able to attract more custom/ profits as a combined drinks/bood operation. The report was under taken by Anthony Barnes BSc (Hons), MRICS who has extensive experience at Fleurets in the sale, letting and valuation of such as public houses, restaurants and hotels”.

- 4.2.10 It is the view of your Officers that the report provided by Anthony Barnes is comprehensive, detailed and measured considering potential trade, location, condition and layout, operating costs, funding issues, market demand, trade potential and economic viability and there is little doubt that a Planning Inspector would give considerable regard and weight to the report and opinions expressed therein.

- 4.2.11 The Planning Inspector who refused the previous planning application to demolish the public house was of the opinion that the distance from the site of this pub to alternative public houses was such that it made its retention more

desirable and that the potential continued viability of the Ascot Tavern would need to be identified through a marketing exercise. Whilst no such marketing exercise has been carried out it is my opinion that a planning Inspector might be likely to accept the report from Anthony Barnes as being of sufficient 'strength' to stand in place of the suggested marketing exercise which by its nature could lead to offers that could not be sustained by funding.

4.2.12 Given the above, it is the view of your Officers that the replacement of the existing public house with a micro pub and convenience store would result in the unacceptable loss of facilities required by local residents for day-to-day living

4.3 Impact on Vitality and Viability of Existing Centres

4.3.1 The application site is not located within a designated local centre. Paragraphs 85 and 86 of the NPPF advise that a sequential test is required for all main town centre uses that are not in an existing centre and not in accordance with an up-to-date plan. The sequential assessment is used to consider whether any alternative site(s) are suitable for the proposed development, not whether the proposed development can be altered or reduced to fit an alternative, available site. It is noted that paragraph 87 of the NPPF states that preference should be given to accessible sites which are well connected to the town centre.

4.3.2 The applicant has submitted evidence in relation to the availability and suitability of alternative sites within established centres, including Cannock Town Centre where there are vacant units. The applicants' sequential test identifies a number of units within Cannock town centre or on the 'edge of centre' that are not deemed suitable mainly as a result of their size, even with degree of flexibility set in relation to scale. Further, both the Council and the Inspector has previously accepted that the sequential test had been passed in the previous proposal.

4.3.3 Given the above, your officers do not consider that suitable sequentially preferable sites for the development as a whole can be demonstrated in this case.

4.3.4 Your officers note the concerns raised by local residents in relation to retail impact on existing shopping centres and parades of shops in the immediate area. It is also noted that the larger retail unit would not have a significant floor space, and is designed to provide 'top-up' convenience shopping opportunities to local residents. Para. 89 of the NPPF states:-

'When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold (if there is no locally set threshold, the default threshold is 2,500m²).

The Council do not have a locally set floor space, therefore the default threshold is 2500m². The proposed development is well below this and so a retail impact assessment is not required.

4.3.5 Given all of the above factors, your officers consider that the proposal is acceptable in relation to either its location in relation to existing centres, or retail impact.

4.4 Design and the Impact on the Character and Form of the Area

4.4.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials;

4.4.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.4.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

4.4.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

4.3.5 The proposal seeks consent for a low height building of a modern design and finish which would be different to the surrounding residential buildings but akin to the proposed use. In this instance, the proposed building would measure 3.5m in height at the eaves rising to a maximum height of 6m and therefore would be in scale with the size and scale of the surrounding dwellings.

- 4.3.6 Officers note that the building would not be forward of the building lines in either Longford Road or Ascot Drive, with the building occupying a similar (albeit bigger) footprint and position within the site to the existing building.
- 4.3.7 Officers consider that the proposed goods display windows to the corner would provide an active building that would enhance the legibility of the corner. Officers note that the trees fronting the site are located 19m from the proposed building, the hardstanding of the car park already existing. Notwithstanding this, a condition for tree protection fencing has been recommended to ensure materials, works vehicles etc. are not kept within the root protection area.
- 4.3.8 Overall, your officers consider that the proposal would result in a high-quality brick building that would enhance the appearance of the street corner. Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

4.5 Impact on Residential Amenity

- 4.5.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties".
- 4.5.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.5.3 The previous scheme was dismissed in part on grounds of impact on residential amenity
- “The nature of the proposed building and the layout of the site would give rise to a large building bulk close to the western boundary, together with the location of the working service yard, which would have a significantly harmful effect on the living conditions of the occupiers of the neighbouring residential properties.”
- 4.5.4 The Planning Inspector comments with regard to the nature of the previously refused building and layout of the site are noted. The previous scheme proposed a 5.5m high building running for a depth of 14m along the shared boundary with Nos. 2 Ascot Drive and 23 Filey Close. Furthermore the external bin store and servicing yard would have been within close proximity to 247 Longford Road and would extend for the full depth of the rear garden to No.247 (albeit separated by a 4.5m wide strip of land).
- 4.5.5 In this instance, the proposed building would be constructed to a height of 3.5m and would be 4m to the shared boundaries with No. 2 Ascot Drive and No.23 Filey Close, comprising a depth of 19m. The proposed building would increase in height to 5.4m, however, this would be some 22m and 21m from the Nos 2 &

23 respectively. The proposed development complies with the 25 degree angle to the ground-floor rear-facing windows of the three nearest dwellings. The service yard would remain integral to the proposed building being accessed between the two buildings from the parking area to the front. Your officers therefore consider that the proposal would not give rise to unacceptable harm to the occupiers of these properties by virtue of significant loss of light or outlook.

- 4.5.6 The applicant has submitted a Noise Assessment in order to inform the submission. The assessment was carried out in line with the Planning Practice Guidance.
- 4.5.7 The submitted Noise Assessment recorded noise levels on the site 14 times over a period of 4 days (day and night hours). The assessment recorded existing noise levels of between 40dB and 76.5dB. The assessment considered the proposed development in terms of the potential noise from delivery lorries such as vans, trucks and articulated lorries to and from the proposed shops. It concluded that as the service yard is located between the proposed buildings all loading and unloading would be fully enclosed by the buildings, consequently the operational noise levels from this would lie more than 10dB below the average background noise levels. The assessment also considered the noise from customers vehicles using the facility. It concluded that there would be no greater impact than the use of the building as a public house, which also lies below the typical ambient noise level.
- 4.5.8 In terms of plant noise i.e.: extractor units or refrigeration units, use of the noise limits set out within the Noise Assessment for the design and installation of all new mechanical / electrical service plant would ensure that its operation would not adversely affect the existing background noise level and would not give rise to adverse impacts under BS4142.
- 4.5.9 Given the above, the proposed development was considered to fall within category “noticeable and not intrusive” on the Noise Exposure Hierarchy (PPG) which concludes that whilst noise can be heard, it does not cause any change in behaviour or attitude and there would be no perceived change in the quality of life.
- 4.5.10 Planning conditions are recommended in relation to the operation of plant and machinery and the hours of delivery that HGVs would be permitted to attend the premises. Your officers consider that, subject to the attached recommended conditions being complied with, that the proposal would not be likely to result in unacceptable harm to the living conditions of adjoining occupiers with particular regarding to potential noise and disturbance. Environmental Services raise no objections to the proposal subject to recommended conditions. Your officers concur with this view.
- 4.5.11 The siting of the proposed bin store is logical being behind the proposed building. The final design and finish of the bin store has not been submitted and therefore a condition for this recommended to ensure there is no detrimental impact to neighbours amenity.

4.6 Access/ Parking/ Deliveries and Impact on Highway Safety

- 4.6.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.6.2 The application site is located in a sustainable location, and is within walking distance of a large residential catchment area, and an existing parade of shops. The premises would not be used for the sale of bulky goods and would be used for a mixture of convenience and comparison shopping. Your officers are satisfied that people travelling to the site for top-up convenience shopping would not be reliant on the motor car to travel to the site.
- 4.6.3 The speed limit in force within the highway fronting the application site is 30 mph. The visibility splays that can be achieved at the junctions, in both directions, exceed 50 metres. Access into the site would be from Longford Drive and the exit would be onto Ascot Drive. It is therefore considered that the access into and out of the site would not given rise to significant highway safety concerns.
- 4.6.4 It is noted that a one-way system is proposed, and that four of the parking spaces have been designed for people with disabilities. Cycle parking is also proposed to encourage modal shift away from reliance on the motorcar, which is desirable. County Highways have raised no objections to the proposal subject to a one-way system being implemented, and for conditions to be imposed in relation to access, hard surfacing and turning areas.
- 4.6.5 In relation to the concerns raised by local residents regarding the potential for conflict between people travelling to the convenience store, and people travelling to the school opposite, your officers acknowledge that there are existing highway problems owing to congestion in the early morning and mid-afternoon. However, the peak-time hours for the proposed convenience stores would not be likely to coincide with the peak-time network hours of the adjoining school. In any event, your officers consider that the surge in vehicles in the vicinity associated with the school would only occur for a period of 40 to 50 minutes each day. As such, your officers concur with County Highways that the proposal, subject to the attached conditions being complied with, would not result in severe highway impacts that would justify the refusal of the submitted application on highway safety grounds.
- 4.6.6 Your officers note the concerns that have been raised by local residents in relation to the 25 car parking spaces proposed plus a further 3 staff spaces to the rear. The Council's maximum car parking standard is 1 space per 14m² of floor space for retail uses and 1 space per 5m² for drinking establishment use. At the higher standard of 14m² per space, this would equate to a maximum requirement of 35 car parking spaces. Based on the above observations the proposed parking would have a shortfall of 7 spaces. However the Parking SPD seeks the maximum standards and gives no guidance for minimum standards. Your Officers are of the opinion that given the sustainable location of the application site and the close proximity of the local community for which the

facilities will provide for, the shortfall of seven parking spaces in acceptable in this instance.

- 4.6.7 It is noted that the Inspector in the last appeal decision opined that 22 vehicle spaces was reasonable for the proposed use. Furthermore, the Inspector was also satisfied that given the sustainable location of the site it had not been demonstrated that the development would likely result in circumstances where the cumulative impact of the development on local roads would be severe. The test set out in paragraph 109 of the NPPF are therefore met.

4.7 Community Infrastructure Levy (CIL)

- 4.7.1 The proposed retail development would normally be liable for CIL provision. However, because the existing public house is some 165 m² larger than the building proposed, the proposal would not be liable for any levy under CIL as the charging schedule makes provision for the demolition of existing buildings to be deducted from the floor space proposed.

4.8 Drainage and Flood Risk.

- 4.8.1 The site is located in a Flood Zone 1 which is at least risk from flooding. Although the applicant has not indicated the means of drainage it is noted that the site already exists with development and hardstanding, immediately adjacent a main road and is within a predominantly built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area and is considered acceptable.

4.9 Comments Received not Covered Above

- 4.9.1 Concern was raised regarding the potential trouble caused by youths that objectors suggest will gather outside. The building has been vacant for 18 months with no current regulation over who uses the land. Notwithstanding this, the proposed layout would provide a good use of the site with clear and legible pedestrian and vehicle areas whilst encouraging active street frontages.

- 4.9.2 Objections were received in regarding the previous application and subsequent refusal. Objectors have queried how another application can even be considered. It is also suggested by Objectors that the Council continuing with this proposal is irresponsible and puts the local community in danger. Officers would comment that the applicant has a right to submit an application for development and has a rightful expectation that it will be considered by the Council on its individual merits. Therefore officers consider that these comments made by objectors carry no weight in this instance.

- 4.9.3 Objectors have stated that the Planning Statement refers to existing shops in the vicinity as 'differing in its operation of the proposed uses' and is 'limited in overlap of service provision'. Objectors go on to state it has been pointed out by the owner of the Nisa shop on Bideford way, that the proposed use as a food retail unit by The Co-operative Group would operate in exactly the same way as the existing shop and have exactly the same service proposition. Further, The Co-operative Group has acquired Nisa and The Co-operative Group products will be and indeed already are sold in our shop. This means we would sell

products that are exactly identical to those that would be sold in the Planning Application. Therefore, objectors opine that the Planning Statement is inaccurate as there is no distinction in the proposed use and operation and our shop and there is a very strong overlap of service provisions, with identical (including The Co-operative Group) service provisions already being provided in our shop, which as the Planning Application notes, is already within a 500m walking distance from local residents. Objectors go on to state that making blatantly incorrect statements in the Planning statement should be challenged and dismissed by the planning officers in their assessment and ensure the planning committee is aware of the actual facts.

- 4.9.4 In respect to the above your Officers have noted the extent of the existing services and facilities in the area which are noted in the report above and confirm that the planning system should not be used to stifle competition.
- 4.9.5 Objectors have stated that the proposal in this location would promote unhealthy eating choices for school children exacerbating childhood obesity and health issues in the area. Officers note the proposal is for an A1 use and not a hot food takeaway. The comments made by the objector amount to conjecture and are unsupported by any empirical evidence. As such little weight should be attached this objection.
- 4.9.6 It has been suggested that the proposal will lead to further unemployment. Your Officers confirms that the application site is currently an unused public house which employs no staff. The proposal would employ approx. 10 full time members of staff and 15 part time members of staff.
- 4.9.7 Concern has been raised regarding the bin/ waste area causing smells and attracting vermin and rodents. The bin area is proposed to the rear of the building away from the highway as required by the Highway Authority. A condition for its final design has been recommended together with the condition for all waste to be stored in secure containers until collection.
- 4.9.8 Objectors have stated that Staff might use the rear area for smoking breaks. Officers would comment that this could happen under the existing use if it was to recommence. Furthermore, any dis-amenity occurring from this would not be sufficient to warrant refusal.
- 4.9.8 Neighbours have suggested the developer construct houses on this site or the Council should carry local support and pursue a Compulsory Purchase Order for the benefit of the local community as opposed to the elite property developer's interests. Your Officers confirm that the applicant has a right to submit an application for development of the site. Once an application is registered, the Council has an obligation to consider the application submitted based on the individual merits of the application.

5 Human Rights Act 1998 and Equalities Act 2010**5.1 Human Rights Act 1998**

5.1.1 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.

5.2 Equalities Act 2010

5.2.1 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

5.2.2 By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

5.2.3 It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

5.2.4 Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would make a neutral contribution towards the aim of the Equalities Act.

6 Conclusion

6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.

6.2 It is therefore recommended that the application be approved subject to the attached conditions.

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Contact Officer:	David O'Connor
Telephone No:	4515

PLANNING CONTROL COMMITTEE
10 JULY 2019

Application No:	CH/19/201
Received:	28-May-2019
Location:	Rugeley B Power Station, Power Station Road, Rugeley, WS15 2HS
Parish:	Brereton and Ravenhill Rugeley
Description:	Outline planning application for the creation of development platform and the demolition of existing office building and environmental centre, site clearance, remediation and mixed-use development of land at the former Rugeley Power Station comprising: up to 2,300 new dwellings (Use Class C3), up to 1.2 ha of mixed-use (Use Class A1, A2, A3, A4, A5, C1, C2, C3, D1 & D2) up to 5ha of employment (Use Classes B1,B2,B8), 1 No. 2 form entry primary school (Use Class D1), formal and informal Publicly Accessible Open Space, key infrastructure including new adoptable roads within the site and the provision of a new primary access junction on to the A513, ground mounted solar panels and 2 No. existing electricity substations (132 kV & 400 kV) retained.
Application Type:	Full Planning Application Major

RECOMMENDATION:

That Members accept the applicant's invitation for a site visit to Rugeley Power Station. Officers will make formal arrangements and provide further information to Members of the Planning Control Committee accordingly

1 Site and Surroundings

The application site is an area of land approximately 1km to the east of Rugeley Town Centre. The land concerned is located across two Local Authority areas, Lichfield District Council and Cannock Chase District Council. The south eastern part of the site falls within Lichfield Council's administrative area whilst the north western part of the site falls within Cannock Chase's Administrative Area.

The site is approximately 139Ha and was a coal powered power station that provided electricity for transmission to the National Grid. Historically the power station was one of the main employers in Rugeley, however employment within the site ceased 2016 following closure of the power station. Much of the infrastructure associated with the sites previous use remains in situ. This includes a rail connection, four cooling towers, a chimney stack, plant buildings and pumping facilities, an electricity substation and switching stations. Following the closure of Rugeley Power Station in 2016, works to progress decommissioning and demolition of all buildings on the site were consented under Cannock Chase application CH/18/268 and Lichfield Council application 18/01098/FULM. Demolition works commenced in September 2018 and are expected to be completed by 2021.

The site is subject to substantial security given its previous use and the ongoing demolition process. Accordingly, visits to the site by the general public are not usually permitted.

2 Invitation for Site Visit

In conjunction with the consideration of the site redevelopment application currently being considered by the Council, the applicants have offered to permit access to Members of the Planning Control Committee to visit the site. It is hoped this will allow for further understanding of the scale of the site, the areas affected and the constraints the development faces. It is expected the visit itinerary would take place as follows:

- Collection of Members at the Cannock Chase Council Office by minibus
- Drive to the power station and sign in (30 mins)
- Tour site visiting key locations relevant to the development (1 hour)
- Drop all Members back at the Council Office (30 mins)

Subject to further confirmation with the applicant, the visit would be conducted on the day of a scheduled planning committee. E.g. 21 August with pickup potentially at 12:00 noon, drive to site 30 mins, tour of site 1 hour, drive back to Council office 30 mins, in time for 2pm in case further visits are scheduled for that committee.