

Please ask for: Mrs. W. Rowe
Extension No: 4584
E-Mail: wendyrowe@cannockchasedc.gov.uk

26 April 2021

Dear Councillor,

Planning Control Committee
3:00pm, Wednesday 5 May 2021
Meeting to be held Remotely

You are invited to attend this remote meeting for consideration of the matters itemised in the following Agenda. The meeting will commence at 3.00pm via Zoom. Details on how to access the meeting will be issued separately.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Bob Kean", written over a horizontal line.

Bob Kean
Interim Managing Director

To Councillors:-

Cartwright, Mrs. S.M. (Chairman)

Startin, P. (Vice-Chairman)

Allen, F.W.C.	Pearson, A.R.
Dudson, A.	Smith, C.D.
Fisher, P.A.	Stretton, Mrs. P.Z.
Fitzgerald, Mrs. A.A.	Thompson, Mrs. S.
Jones, Mrs. V.	Todd, Mrs. D.
Layton, A.	Witton, P.
Muckley, A.	

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 14 April 2021.

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 Applications

Application Number	Application Location and Description	Item Number
1. CH/21/0065	<i>Land between A460/Eastern Way & Mill Green, West Midlands Designer Outlet, Mill Green, Eastern Way, Cannock, WS11 7JU</i> - Submission of details pursuant to Schedule 7 of the Section 106 Agreement for Planning Permission CH/20/435 to enable out of hours closure of the central section of that part of the Chase Heritage Trail leading to the West Midlands Designer Outlet	6.1 – 6.13
2. CH/21/0030	<i>29 Ansty Drive, Heath Hayes</i> - Change of use of garage into small hairdressing salon	6.14 – 6.30

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

Held on Wednesday 14 April 2021 at 3:00pm

Via Remote Access

Part 1

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

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

125. Apologies

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

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

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

None declared.

127. Disclosure of Lobbying of Members

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

128. Minutes

RESOLVED:

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

129. Members requests for Site Visits

None.

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

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

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

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

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

“Dear Mr and Mrs Bayliss

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

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

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

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

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

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

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

Yours sincerely

Andrew J Bullock MCIOB AssocRICS”

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

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

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

2. Paragraph 4.4.4 of the report states that:

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

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

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

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

Prior to consideration of the application representations were made by Ian Bayliss, an objector.

Resolved:

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

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

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

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

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

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

“Point of Clarity:

The recommendation should be amended to read:

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

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

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

Prior to consideration of the application representations were made by Steve Faizey, the applicant, speaking in favour of the application.

Resolved:

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

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

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

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

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

Consideration was given to the report of the Development Control Manager (Item 6.101 – 6.122 of the Official Minutes of the Council).

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

Prior to the consideration of the application representations were made by Sarah Pritchard, the applicant's agent, speaking in favour of the application.

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

Resolved:

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

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

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

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

Resolved:

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

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

Consideration was given to the report of the Development Control Manager (Item 6.137 – 6.177 of the Official Minutes of the Council).

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

Prior to consideration of the application, representations were made by Philip Brown, the applicant's agent, speaking in favour of the application.

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

Resolved:

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

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

135. Discussion on site visits

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

The meeting closed at 5.08 pm.

CHAIRMAN

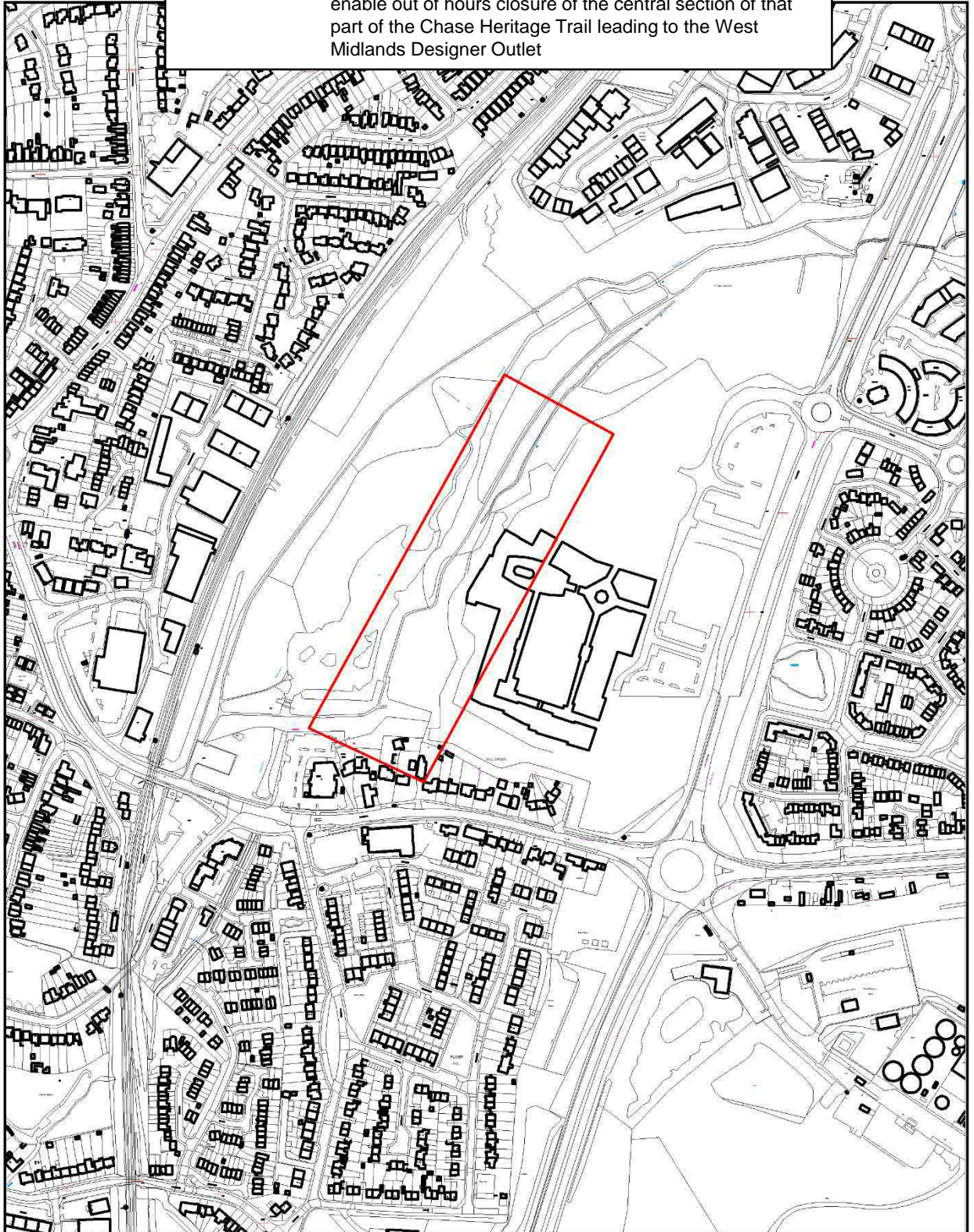


Application No: CH/21/0065

Location: Land between A460/Eastern Way & Mill Green, West Midlands Designer Outlet, Mill Green, Eastern Way, Cannock, WS11 7JU

Proposal: Submission of details pursuant to Schedule 7 of the Deed of Variation for Planning Permission CH/20/435 to enable out of hours closure of the central section of that part of the Chase Heritage Trail leading to the West Midlands Designer Outlet

Item No. 6.1



Location Plan



Holder Mathis architects
10000 17th Avenue S.W.
Suite 1000
Burien, WA 98148
Phone: 206.835.1100
Fax: 206.835.1101
www.holdermathis.com

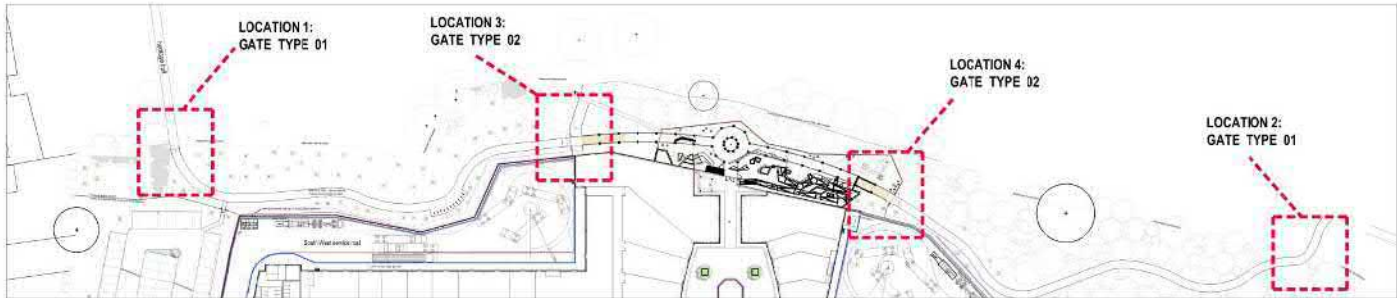
188 Green Oaks Village
COURTHOUSE

Site Location Plan (Quota / Montage Table)

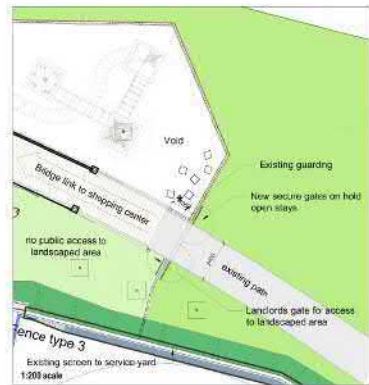
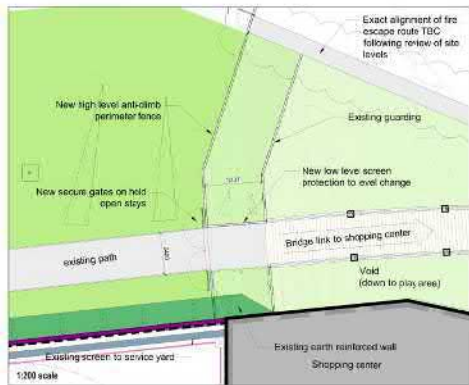
DATE	NO.	DESCRIPTION
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12/1/09	2	ISSUED FOR PERMITTING
12/1/09	3	ISSUED FOR PERMITTING
12/1/09	4	ISSUED FOR PERMITTING
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12/1/09	100	ISSUED FOR PERMITTING

3838	A-00-120
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Proposed Plans



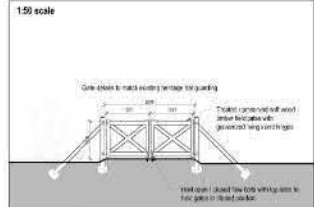
KEY PLAN



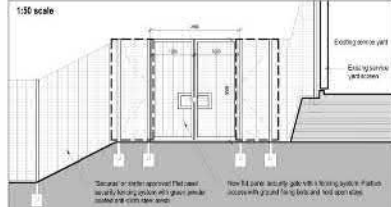
Existing Photographs



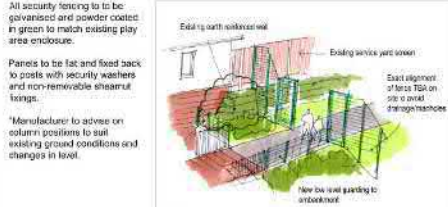
GATE TYPE 01



GATE TYPE 02



Perspective Illustration of Gate 2, (Location 03).



HoederMathis architects

Wendy Mathis Designer Client
Glenbrook
Bryant & Kirkland
Play & Heritage Trail Gates

Information

3830	A-78-45	A
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Contact Officer:	Richard Sunter
Telephone No:	01543 464481

<p>Planning Control Committee</p> <p>5 May 2021</p>

Application No:	CH/21/0065
Received:	05/02/2021
Location:	Land between A460/Eastern Way & Mill Green, West Midlands Designer Outlet, Mill Green, Eastern Way, Cannock, WS11 7JU
Parish:	Non-Parish Area
Ward:	Cannock South Ward and Cannock East Ward
Description:	Submission of details pursuant to Schedule 7 of the Section 106 Agreement for Planning Permission CH/20/435 to enable out of hours closure of the central section of that part of the Chase Heritage Trail leading to the West Midlands Designer Outlet
Application Type:	N/A

Recommendations:

Approve a Deed of Variation to the existing Section 106 Agreement to enable out of hours closure of the central section of that part of the Chase Heritage Trail leading to the West Midlands Designer Outlet.

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.

Notes to the Developer:

None

Consultations and Publicity

External Consultations

Staffordshire Police

Whilst I have no objections to this application, it is important that I take this opportunity to provide the following guidance and recommendations aimed at reducing opportunities for crime and ensuring that a high level of physical security is incorporated in this development.

The Secured by Design Website (www.securedbydesign.com) provides valuable information regarding police and home office recognised standards and licensed component manufacturers.

1. Development Concerns.

I support the proposal to restrict the use of this pedestrian route outside of the developments opening times. There has already been an incident of vandalism, and this restriction would help to reduce opportunities for anti-social behaviour.

1.1 CCTV. (Design Guidance).

I recommend that the area between gate location 3 and 4 be covered by the development CCTV system.

1.2 Boundary Fence / Gate Type 2 (recommended minimum security standards).

I recommend that Gate Type 2 be paladin (weldmesh) fencing and gates manufactured to LPS 1175 Security Rating 1 or Sold Secure Gold standard.

Secured by Design. Commercial 2015.

Note 43.16: The above LPS standard relates to both the height and penetrative resistance of the fence i.e. SR 3 is substantially more resistant to penetration than SR1. Such penetrative resistance may not always be required even though a height of 2.4m is necessary. In such circumstances, SBD will allow the extension in height of a certificated SR 1 fence.

Section 43.17 All fencing systems and gates as described in paragraphs 43 and 44 (Secured By Design Commercial 2015) must be installed by the manufacturer or to the exact installation specifications provided by the manufacturer. BS 1722 offers installation advice. Consideration must given to the provision of a strip foundation if there is a perceived risk of the fence being bypassed or undermined by the removal of substrate, guidance is also provided in BS 1722.

This fencing must be installed by the manufacturer or to the exact installation specifications provided by the manufacturer. BS 1722 offers installation advice.

Gates

All gates installed within a secure fencing system as described above must be certificated to the same standard as the adjoining fencing and be of the same height and similar style. It should not be possible to lift the gate from its hinges, and the hinges and lock cylinder should be protected in such a way as to prevent their use as climbing aids.

Care should also be taken in the design to ensure that cross sections do not inadvertently aid climbing. It should not be possible to pass under the gate when in the closed position.

Heaths Hayes and Wimblebury Parish Council

No objection.

Ramblers Association

The Ramblers Association objects to the cycle path being closed at night and I assume some weekends and bank holidays. There is a lack of information with this consultation, route of path, time and days path will be closed. This closure should have been considered at the time the planning application was considered by the Council for the shopping centre. Can the path be diverted? if so, can we be consulted?

Internal Consultations

Landscape

With reference to the submitted details including: - Doc Ref Title Carter Jonas letter of 30 March 2021 and previous memos of 22 Mar & 24 Feb 21, I have the following comments in respect of the items noted: -

1. Formal Working Agreement/ Method Statement.

Comments noted.

A formal agreement detailing how the process would operate will be required as whilst Met Office info may advise of heavy rain this does not directly mean flooding of the paths. Therefore, unless checks are made on site as to the actual level of the balancing area the gates could be left open when not essential. The flood level can take some time to reduce and passed the time period of the Met office flood warning.

2. Opening Times of the Walkway

In light of the above and subsequent discussion, the opening from 5am to 1 hour after the closing time of the Outlet Village would be acceptable and would cover the various different approved closing times. This wording would need to be included within the agreement.

Given the issues raised by the applicant, the comment that 'there would be limited surveillance in this area' is a concern.

Summary

No objection subject to the above agreement/arrangement being produced and confirmed.

Response to Publicity

The application has been advertised by site notice. One letter of representation has been received stating: -

Although I do not wish to formally object to the planning application, I do wish to comment. There appears to be no compelling reason to close a path, which has been available for the enjoyment of Cannock residents for many years. I personally often use this path to exercise in the early mornings and late evenings during daylight hours, which are long during the summer months, and certainly before and after what would be considered out of hours for shopping. I am particularly worried that the path would be closed in the early mornings on weeks days and for 18 hours on Sundays. A walk, a run or a cycle around the lake gives the people of Cannock a great deal of enjoyment, if measured by the number of people I see using it, during my regular exercise. This facility should not be casually denied to people of Cannock for the convenience of a shopping centre, that would just make other arrangements if this planning application were to be denied.

Perhaps a compromise could be to keep the path open during daylight hours and, only close it during the hours of darkness.

Relevant Planning History

In 2016 an application (reference CH/15/0048) for a hybrid planning application for a designer outlet village development was approved subject to conditions and the completion of a section of a legal agreement, which amongst other things secured improvements to the Cannock Chase Heritage Trail and Mill Green Nature Reserve, including a link from the footpath around the lake to the rear of the outlet.

In 2017 an application (reference CH/17/279) made under Section 73 of the Town and Country Planning Act 1990 was approved to secure amongst other things a redesign of the exterior façade of the outlet to a more traditional character. This effectively resulted in a new planning permission which was subject to conditions and a legal agreement.

In 2021 an application (reference CH/20/435) for a Minor Material Amendment to alter Condition 35 (Q) of Planning Permission CH/17/279 was approved. This effectively resulted in a new planning permission which was subject to an updated schedule conditions and a Section 106 Agreement.

Condition 39 of the above application reads: -

The premises shall not be open for business outside the hours of 10.00am. to 8.00pm on Mondays to Friday except for 5 Promotion Days in any calendar year when opening hours can be extended from 9.00am to 10.00pm, 9.00am to 8.00pm on Saturdays except for 2 Promotion Days in any calendar year when opening hours can be extended from 9.00am to 10.00pm, 10.00am to 6.00pm on Sundays and 10.00am to 8.00pm on public holidays (with extended hours between 9.00am to 10.00pm (if required)), unless otherwise agreed in writing with the Local Planning Authority.

1 Site and Surroundings

- 1.1 The application site comprises the West Midlands Designer Outlet and associated footpath improvements through the adjacent Mill Green Nature Reserve.
- 1.2 The original planning permission for the outlet sought to improve linkages by people arriving by foot or by bus or rail in several ways. One of these was the improvement of pedestrian linkages to and from Cannock Railway Station via Lichfield Road and Mill Green Nature Reserve. This included not only provision of improved surfacing and lighting but also the provision of a footpath from the main foot path around the lake to the rear of the outlet by means of a raised walkway over the formal play area. The footpath and raised walkway were designed as a through route and so reconnects to the main route around the reserve lake further to the north and forms part of the Cannock Chase Heritage Trail.
- 1.3 As such there are several routes through the nature reserve to link Lichfield Road to Eastern Way, including a footpath each side of the lake and another footpath connecting into the Outlet on higher ground to the east and reconnecting to the path along the eastern side of the lake .

2 Proposal

- 2.1 The applicant is seeking consent for amendment of Schedule 7 of the Section 106 Agreement for Planning Permission CH/20/435 to enable out of hours closure of the central section of that part of the Chase Heritage Trail leading to the West Midlands Designer Outlet. It is proposed that the gates would be opened at 05:00hrs and would then be closed one hour after the closure of the outlet.
- 2.2 In support of the application the applicant has stated: -

“It is the concern of our client that if the central section (between location 3 and 4 as shown on the enclosed plan A-78045 rev A) is not secured through the installation of the two locked gates (Gate Type 02) when the Outlet is closed, the area would be open to anti-social behaviour and vandalism. The bird hide has already been vandalised and our client wants to try and limit further opportunities throughout the Outlet and immediate area with this including the children’s playground which has been constructed at significant cost.

We have discussed the need to install gates and redirect the public with the Council and Staffordshire Police.

In particular, the Police expressed concerns that should this section not be secured out of trading hours, it would:

- Attract anti-social behaviour such as damage, graffiti, litter, drug, and alcohol consumption. The openness of the site also lends itself to the potential of crime and trespassers through the development; and

- Create community disharmony through the increase in demand of Police time / services and an increased number of complaints to the Council in respect of anti-social behaviour taking place in this area.

It is only proposed to restrict access when the Outlet is closed, and appropriate signage will notify walkers who would otherwise be intending to use this section of the Trail. Consequently, the installation of the gates will not inconvenience late night / early morning walkers as they would still be able to circumnavigate the nature reserve.

In summary, the gates are required to stop anti-social behaviour and trespassing into the development and the Police support the installation as a crime prevention tactic.”

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

National Planning Policy Framework

- 3.3 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.
- 3.4 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.
- 3.5 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

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

4 Determining Issues

4.1 The determining issues for the proposed development include: -

- i) Background
- ii) Principle of development
- ii) Design and impact on community safety and public access

4.2 **Background**

4.2.1 The Chase Heritage Trail links Cannock with Rugeley and part of the route of the Trail was incorporated into the West Midlands Outlet Centre to provide links to and from the outlet to footpaths links around the Mill Green Nature Reserve and therefore Cannock and its railway station. The route of the Cannock Heritage Trail through the outlet centre was intended to remain open 24 hours a day and this was controlled by the provisions of a Section 106 agreement.

4.2.2 The route as it passes though the outlet allows pedestrian access to, and from the rear of the outlet but also allows an alternative route complementing the existing routes between Lichfield Road and Eastern Way that pass through the Mill Green Nature Reserve. The route through the outlet is particularly important as it is on higher ground than the other two main footpaths through the nature reserve which run either side of the lake and can be affected by flooding at times of high rainfall.

4.2.3 The route of the footpath though the outlet connects to the rear of the outlet by means of a wooden bridge which in effect flies over the play area at the rear of the outlet. This play area can only lawfully be accessed through the outlet and cannot be lawfully accessed directly from the main wooden bridge. This was a specific design feature that enabled the operators of the outlet to control access in the interests of public safety and security.

4.2.4 Since the Outlet came under the management of McArthurGlen they have expressed concerns that the wooden bridge could provide an attraction to youths after dark who would then ether attempt to jump from the bridge onto the play equipment and hence injure themselves and , or indulge in criminal or anti-social behaviour. Consequently McArthurGlen are requesting permission to gate off that section of the footpath that crosses the wooden bridge structure so that it is open until 1 hour after the outlet closes (which is variable but typically 20:00hrs) and would then be reopened at 5:00hrs the following day.

4.3 **Principle of the Development**

4.3.1 The applicant is seeking to close off the central part of the Chase Heritage Trail as it crosses over the play area to the rear of the outlet one hour after the outlet has closed on an evening. The access would be reopened at 05:00hrs in the morning.

4.3.2 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. With this in mind it is noted that the principle of the of the West Midlands Designer Outlet and the infrastructure serving it was firmly established under planning permission CH./15/0048, and CH/17/279. The proposal is a matter of detail which does not alter the fundamental nature or character of the wider development and therefore is acceptable in principle.

4.3.3 The main issues of details therefore are the impact of the proposal on community safety and public access.

4.4 Design and Impact on Public Access

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.

4.4.5 Although the proposal would in effect close the footpath in the late evening the other two footpaths around the lake would remain open for public use at all times

and hence people would be able to move freely between Lichfield Road and Eastern Way through the nature reserve.

- 4.4.6 In those infrequent times when the water levels rise within the lake that it floods the lower footpaths McArthurGlen have put forward a operational protocol that would allow the monitoring of the situation such that the route through the outlet would remain 24 hours a day until the other footpaths become fit for use.
- 4.4.7 The Parks and Open Spaces Section have no objection to the proposal subject to the above being incorporated into the “Chase Heritage Trail Scheme” which has to be approved by the Council under Schedule 7 of the Section 106 Agreement.
- 4.4.8 Subject to the above officers advise that the proposal would not be contrary to Policy CP3 of the Local Plan or the Design policies of the NPPF.

4.5 **Design and Impact on Community Safety**

- 4.5.1 Paragraph 127(f) of the NPPF states “Planning policies and decisions should ensure that developments [amongst other things] create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.
- 4.5.2 The proposal seeks to address concerns of McArthurGlen about design issues in the original scheme that could lead to crime and anti-social behaviour. The measures have been broadly welcomed by Staffordshire Police.
- 4.5.3 Having had regard to the above it is officer’s opinion that the proposal would not be contrary to the policy in paragraph 127(f) of the NPPF and is acceptable.

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.

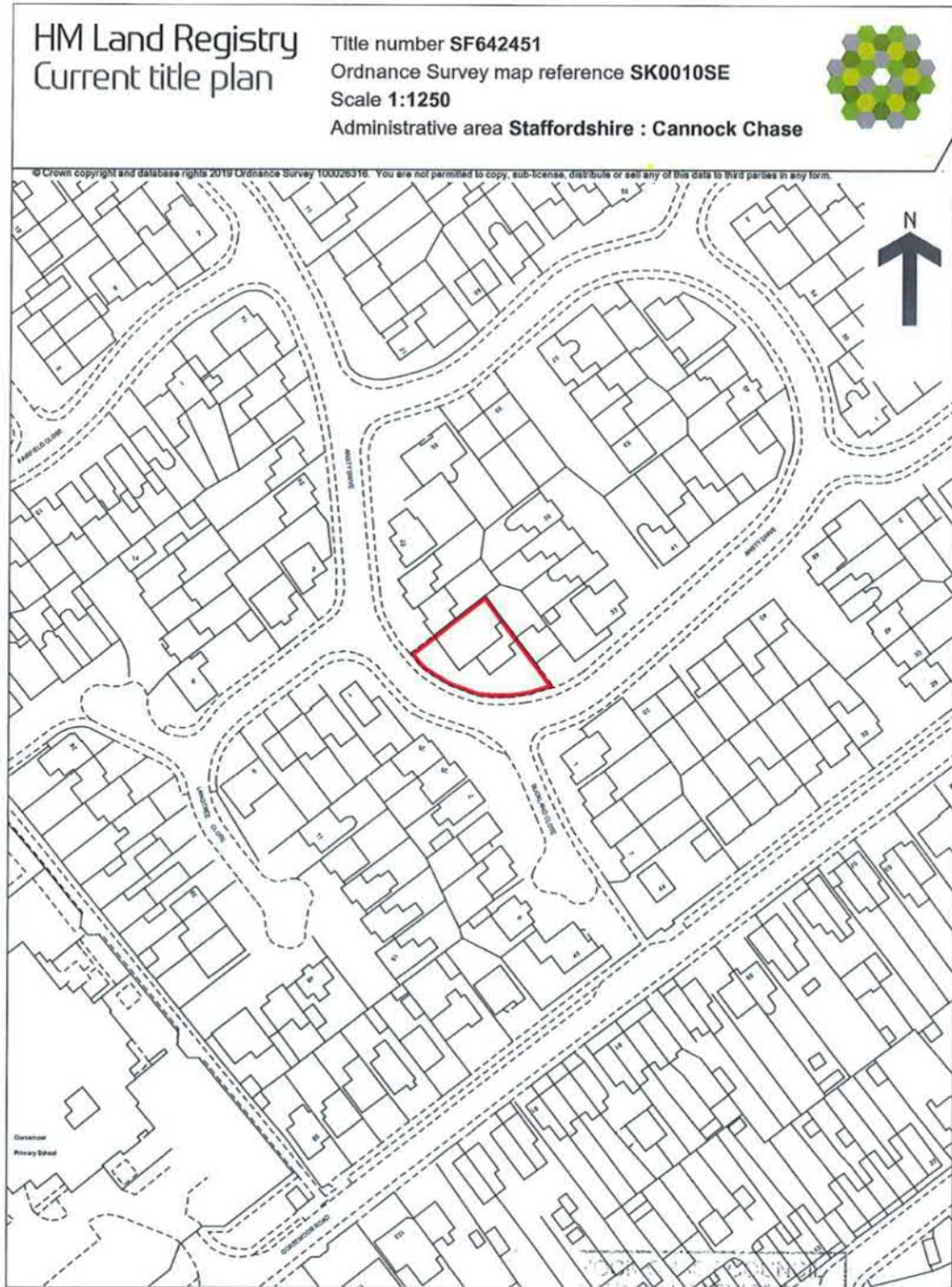
It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

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.

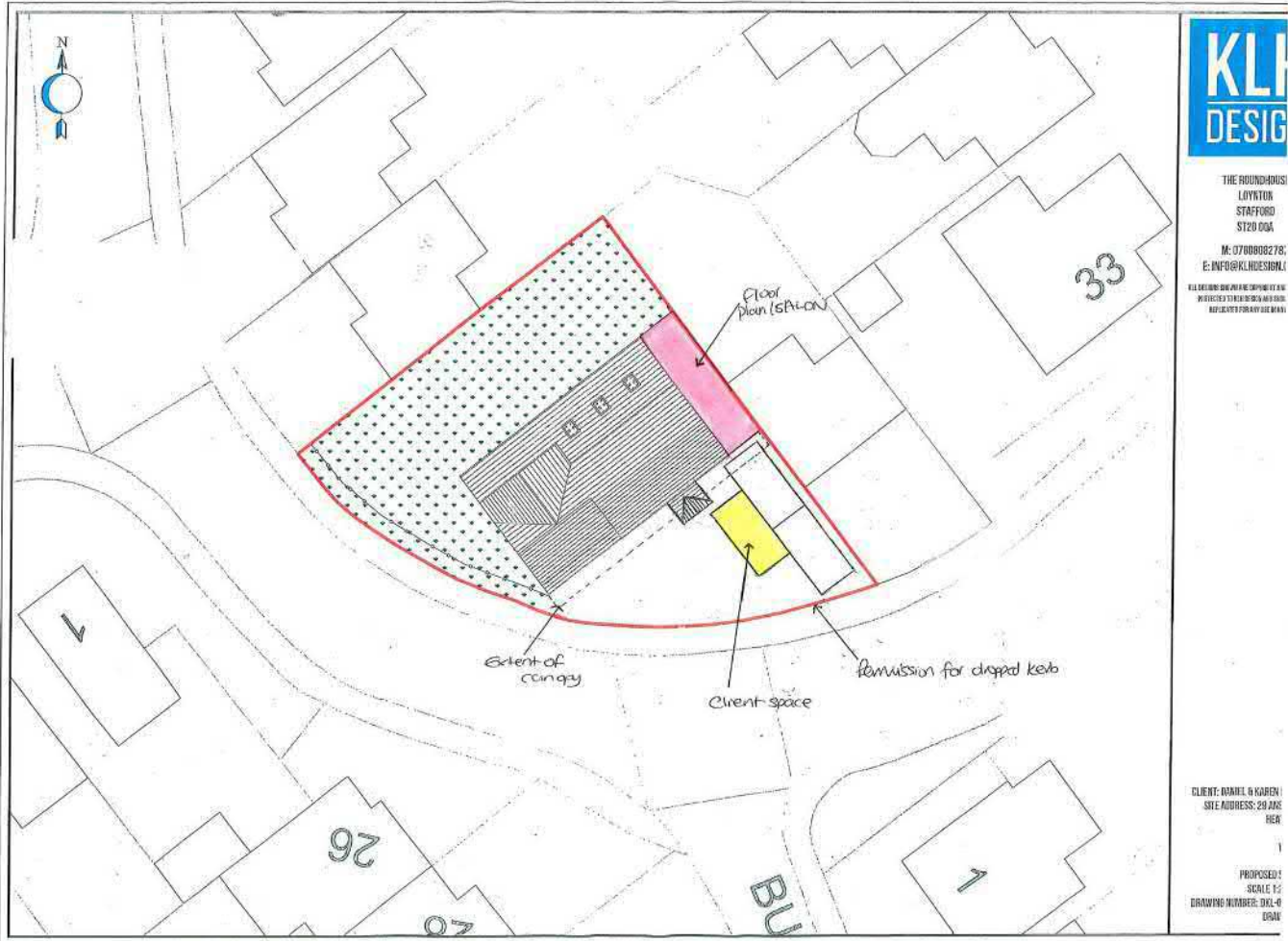
6 Conclusion

- 6.1 Having had regard to the above it is considered that the proposal to amend the provisions of Schedule 7 of the Section 106 Agreement for Planning Permission CH/20/435 to enable out of hours closure of the central section of that part of the Chase Heritage Trail leading to the West Midlands Designer Outlet is in accordance with the Cannock Chase Local Plan and the NPPF.
- 6.2 It is therefore recommended that a Deed of Variation to the existing Section 106 Agreement be entered into accordingly.

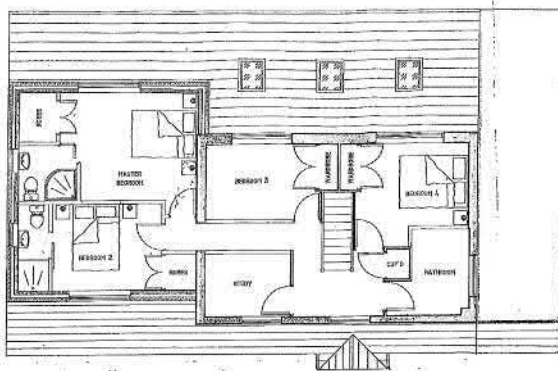
Location Plan



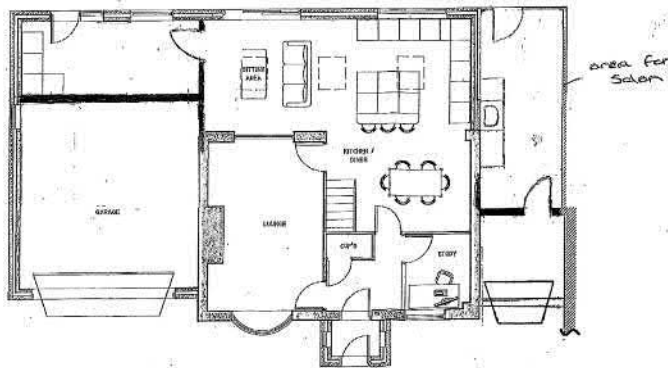
Site Plan



Floor Plan



FIRST FLOOR



GROUND FLOOR



THE BOUNDHOUSE
LOVYNTON
STAFFORD
ST20 0DA

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CLIENT: DANIEL & KAREN LEIGHTON
SITE ADDRESS: 29 ARISTY DRIVE
HEATH HAYES
CRANFORD
WS12 3TZ

PROPOSED PLANS
SCALE 1:100 @ A3
DRAWING NUMBER: DKL-016 REV B
DRAWN BY: RH

Contact Officer:	Claire Faulkner
Telephone No:	01543 464337

Planning Control Committee

5 May 2021

Application No:	CH/21/0030
Received:	18/1/2021
Location:	29 Ansty Drive
Parish:	Heath Hayes
Ward:	Hawks Green Ward
Description:	Change of use of garage into small hairdressing salon
Application Type:	Full Planning Application

Recommendations:

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

Site Plan (as amended)

Internal Layout

Reason

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

3. The use hereby approved shall not be occupied by more than 1 client at any one time.

Reason

To ensure the continued protection of amenity for the neighbouring occupiers.

4. The car parking space identified on the Block Plan shall be made available during the hours of 09:30hrs to 17:00hrs Monday to Friday and 08:00hrs to 14:00hrs on Saturdays for the use of the business hereby approved.

Reason

In the interests of highway safety and to ensure compliance with The Staffordshire County Council Residential Design Guide, the Parking Standards, Travel Plans and Developer contributions for sustainable transport SPD and the NPPF.

5. The business shall not be open to clients outside the hours of 09:30hrs to 17:00hrs on Mondays to Friday, 08:00hrs to 14:00hrs on Saturdays and at no time on Sundays and public/ 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 Policies CP3 - Chase Shaping, Design, CP11 - Centres Hierarchy and the NPPF.

Notes to the Developer:

None

Consultations and Publicity

External Consultations

Heath Hayes Parish Council

Objection.

No business development should be allowed in residential areas

Staffordshire County Council Highway Authority

No objection.

Internal Consultations

Environmental Health

I do not object to the application. However, as the location is predominantly residential, and the neighbouring property either adjoining or at least in very close proximity to the

current garage, I would request that conditions are put in place to restrict the potential disturbance to the amenity of close neighbours. For example, restrictions should be placed on the hours of operation and the number of clients to no more than one being served at any one time.

Development Plans and Policy Unit

Thank you for consulting me on the proposed change of use of part dwelling house (C3) to hair dressing salon (Class E) 29 Ansty Drive, Heath Hayes, Cannock.

I can advise that the site does not fall within any designated areas shown on the Local

Plan Policies Map. The development plan comprises the Cannock Chase Local Plan (Part 1) and the Staffordshire County Council Waste and Minerals Local Plan. The views of Staffordshire County Council as the waste and minerals authority should be considered, as necessary.

Having looked at the proposal and the provisions of the Development Plan I would advise that Policy CP3 of the Local Plan supports high-standards of design, and for development to be well-related to existing buildings and their surroundings; including protecting the amenity enjoyed by existing properties, supporting mixed uses whilst avoiding incompatible ones.

Principal Economic Development Officer

No comment received

Response to Publicity

The application has been advertised by site notice and neighbour letter. One letter of representation has been received: -

- On the 'Block Plan', this shows space for four vehicles, However, due to the garage being further forward now there isn't the fourth space between the properties any longer. The other spaces are currently occupied by the three vehicles owned by the property owners. We feel the only available space now is to park at the top of the driveway which will not only be looking into our living room, but also blocking our view of the street. The plans are dated and doesn't correctly show the garage as increased.
- The applicant has suggested that the business will only operate on a small scale and won't have too many customers, however in their letter they submitted they have already mentioned they have looked at renting other premises in the high street. There's no way you would rent a commercial premise and only do a few customers a week as it simply wouldn't make financial sense.
- They also currently use the driveway for additional vehicles (as well as their own cars) who car share with the occupants for their main business. The driveway is already heavily filled and any potential customers will be parking outside our house, on the blind bend, or at the top of the drive in our only line of sight out of our property. We feel like we will be permanently looked in on and all the extra comings and goings will have an impact on noise against our living room wall.

- The single garage has an electric garage door & the lead flashing for this garage is attached to our property to prevent driving rain between both properties. The use of the garage door daily has already increased the noise to our property and the vibrations can be felt on that side of the house. The increased use of access to the garage will now add additional noise and disturbance when operating in the day and at weekends or evenings.
- Due to the location of the primary school, Ansty Drive is already a particularly busy road. This will increase traffic further and increase parking on the road. Vehicles already park outside our house and opposite our drive, this could potentially be increased depending on parking available at the property.
- On viewing all other planning applications in Ansty Drive, it appears no other property has a commercial business operating from their property, and as this is a residential estate we feel a potentially busy business operating against our living room wall is not ideal. Especially if the business operates outside of a 9-5 Monday to Friday timescale. The business could also potentially grow & increase over time.

No neighbour comments have been received in light of the new / amended plans.

Relevant Planning History

CH/19/028 Two storey side extension and single storey rear extension. Approved

1 Site and Surroundings

- 1.1 The application site is comprised of a detached dwelling sited on a spacious corner plot within Ansty Drive.
- 1.2 The application site is currently in the process of being extended however, the dwelling itself comprises of a four-bedroom property with rear amenity space and will be finished with hardstanding to the front.
- 1.3 The application site is located within a wholly residential location approximately 1.3miles from Heath Hayes District Centre.
- 1.4 The application site is unallocated and undesignated within the Local Plan. The application site located within a Mineral SafeGuarding Area and considered low risk boundary by the Coal Authority.

2 Proposal

- 2.1 The applicant is seeking consent for the partial change of use of part of the dwelling (garage) to a hairsalon.
- 2.2 The applicant would like to convert the former garage into a small hairdressing salon. No external alterations are proposed to the garage with the garage door remaining insitu and a new brick wall with door access constructed behind to allow the clients access into the salon.

- 2.3 The applicant states that she is a hair colour specialist, and has stated that it takes on average, upto 4 hours per client, with smaller jobs taking upto 3 hours to complete.
- 2.4 The applicant is seeking permission to allow flexibility to work on a part-time basis around her teaching commitments. The applicant states that it is difficult to give an estimate of how much work the teaching will be in any given year, as it depends on how often she is needed due to staff sickness/holiday/courses that need staffing, but to give an example, in the last year she was given 21 days teaching. The applicant states that she would therefore keep days free for this and for the planning it involves. On an average week the applicant has confirmed that she would intend to work 2-3 days hairdressing.
- 2.5 The applicant has confirmed that there would be one client in the premises at any one time. The applicant also states that due to COVID Regulations the business would be small scale with one client at one time and the work area cleaned and sanitised prior to the next client arriving. The maximum number of clients would be 15, working on a booking system with 3 clients per day for 5 days, however this would be occasionally and normal hours would operate on 2-3 days.
- 2.6 The proposed hours would range between 9:30am until 5:00pm Monday to Friday and 8:00am until 2:00pm on Saturdays (1 Saturday per month). There would be no working on Sundays or Bank Holidays. There would be the only person working (the applicant).
- 2.7 The applicant has already built up her own client base up over the years working in the hairdressing industry via a mobile work system. The applicant is seeking to offer a safe salon for her clients that do not feel safe visiting busier hairdressing salons due currently to COVID. The applicant has also confirmed that a number of her clients live within the local area and as such would walk to the salon.
- 2.8 The applicant states that the equipment used would be a hairdryer and general tools associated with hairdressing.

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
- 3.3 Relevant Policies within the Minerals Local Plan:

3.2 Safeguarding Minerals

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

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.

Manual for Streets.

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.

4.2 Principle of the 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.

- 4.2.2 The benefit of planning permission is not always required to start running a business from home. If the intention to work from home changes the overall character of the house from the primary and predominant use as a dwelling house then planning permission would be required. As such, the applicant could operate a small business from home however, based on the maximum number of clients suggested by the applicant, planning permission would be required in this instance.
- 4.2.3 In this instance the use of the building as a hair salon is considered to be a town or local centre use. Paragraphs 86-90 of the NPPF seek applications to take a sequential approach for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then edge of centre locations; and only if suitable sites are not available should out of centre sites be considered.
- 4.2.4 Local Plan Policy CP11 seeks to maintain the roles of the Districts centres including the town centre retail uses and emphasises the NPPF stance that town centre uses should take a sequential approach of town centre first followed by edge of centre before considering out of centre locations. The Local Centres section aims to protect and provide small scale shops and services for local residents. It should be noted that the NPPF (p23) states that “planning policies should... be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.”
- 4.2.5 In this respect, the application site is located in a wholly residential location within Heath Hayes. The application site is located approx. 0.3 miles from Heath Hayes Local Centre. The conversion of this domestic garage and its use as a hair salon would provide a service to members of the public and therefore should be made available in a Town / District centre. As such, the applicant has provided a sequential test to demonstrate that there are no units available in the town / local centres that could be used. Having regard to the part-time nature of the applicant’s business, and the fact she will be the sole employee, the following business requirements have been identified and applied for the sequential assessment:
- Maximum floor area requirement of 20 square metres
 - Maximum rent for part time hours no more than £300 per month (roughly a third of intended income)
 - On site car parking or close proximity to public car park essential
 - One room with water supply
 - Suitability for part-time usage desirable
- 4.2.6 In this instance, the sequential test was carried out in Heath Hayes. The search of commercial property listings has revealed that there is only one commercial property available for consideration within the centre of Heath Hayes, that being a former pharmacy premises on the Hednesford Road, Heath Hayes.
- 4.2.7 However, despite being centrally located, and being available, the premises are not considered to be suitable for the applicant’s business requirements, as the

internal floor area is in the order of some 69 square metres and therefore substantially exceeds the applicant's maximum requirements (more than triple the requirement). This particular site is therefore not considered to be 'suitable'. In addition, the rental price being sought - £900pcm is considered to grossly exceed the maximum rental that the applicant could realistically afford, having regard to the fact that the applicant's hair salon is a part-time business venture. Consequently, this particular site is not considered to represent a viable option for the applicant.

4.2.8 In this instance, the sequential test has demonstrated that there are no appropriate vacant units available for use as a hair salon. The applicants' suggestion that the unit is not appropriate due to size and layout is accepted. The rental cost is not however a material consideration when considering applications. The parameters of the sequential test are accepted as are the findings that they are no suitable units available in the Heath Hayes area.

4.2.9 Furthermore, the client experience requiring a relaxing and quiet environment for clients who potentially could be in the salon for 4 hours, could be provided by the applicant in an edge of centre location. As such, the application is considered to comply with Policy CP11 of the Local Plan and the relevant sections of the NPPF.

4.3 Design 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) high-standards of design, and for development to be well-related to existing buildings and their surroundings;
- (ii) protecting the amenity enjoyed by existing properties, supporting mixed uses whilst avoiding incompatible ones.

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 In this respect the application site is positioned in a residential dwelling on a bend within Ansty Drive. The property is in the process of being extended and the frontage would be provided as hardstanding and would accommodate upto 3 vehicles.
- 4.3.6 The partial change of use of the dwelling (garage) to a hair salon would not involve any external alterations to the host dwelling, with the garage door remaining in situ. A wall would be constructed to the rear of the garage door which would accommodate a doorway into the salon. The applicant has stated that on days she has clients visiting the property the garage door would remain up.
- 4.3.7 The applicant has stated that no staff are employed at the premises so the customer turnover is limited being on a one to one basis. The applicant has stated that generally she would work 2 - 3 days a week however she seeks flexibility to work more if required. The hours proposed would range between 09:00hrs until 17:00hrs Monday to Friday and 08:00hrs to 14:00hrs on Saturdays (1 Saturday per month) with no hours proposed Sundays or Bank / Public Holidays.
- 4.3.8 In respect to the potential trips by customers to the site based on the above, it is considered that the use of the premises on the above basis, would result in activity over and above that which is normally associated with a residential dwelling of this size. This would mean that the additional parking spaces at the front of the dwelling would be used more intensively than would be normal for a domestic dwelling. The capacity however exists for this additional parking and on the part time operation basis of this business, during normal office hours, it would not result in a detrimental impact to the residential nature of the dwelling or the wider estate.
- 4.3.9 Given the above, it is not considered the partial change of use of the dwelling to include a small scale use would change the residential character of the area and therefore the proposal would 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". This is supported by the guidance as outlined in Appendix B of the

Design SPD which sets out guidance in respect to space about dwellings and garden sizes.

- 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. Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so (amongst others) (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 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 sides.
- 4.4.4 The nearest neighbouring properties to the application site comprise of No.31 Ansty Drive, which is sited to the immediate east of the application site and No. 27 Ansty Drive which sides onto the rear boundary of the application site.
- 4.4.5 As laid out above it is noted that the applicant would generally work 2 - 3 days a week but would want the flexibility to work 5 days if required but with no more than 3 clients per day. The hours proposed would range between 09:30hrs until 17:00hrs Monday to Friday and 08:00hrs to 14:00hrs on Saturdays (1 per month) with no hours proposed Sundays or Bank / Public Holidays. During these times some degree of noise is considered acceptable. Notwithstanding this, the applicant has confirmed that the noisiest piece of equipment in the salon would be a hairdryer which is commonly found within residential properties. As such, there would no significant impact to the neighbouring occupiers from the proposed use.
- 4.4.6 The comments of the neighbour are noted in terms of impact on privacy. In this instance, the host driveway runs along the shared boundary with the property at No.31 Ansty Drive and, whilst the driveway is existing and could be used by the occupiers of the host dwelling, the use of this space for client parking could result in a detrimental impact to the privacy of the neighbouring property as a consequence of the proposed use. Notwithstanding this, the applicant has identified a parking space for customers to the salon which would remain away from the shared boundary. As such, a condition has been recommended for a space along the frontage to be used for client parking and as such would mitigate any impact to the neighbours' privacy.
- 4.4.7 Environmental Health Officers were consulted on the application and raised no objections in terms of noise and smell nuisance subject to conditions recommended.
- 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 would comply with Policy CP3 of the Local Plan and paragraphs 127(f) and 180 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 In this respect the comments of the neighbour are noted. In this instance, the dwelling is located on a bend within Ansty Drive. The property, whilst in the process of being extended, would comprise of hardstanding to the frontage and therefore has sufficient room for the parking of upto 3 vehicle. The property also benefits from a further space within the new garage. The dwelling comprises of a four bedroom property and therefore requires parking for three vehicles in accordance with the Parking SPD. This retains three parking spaces for the occupiers of the property plus a further space for clients to the proposed salon.
- 4.5.3 The Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport Supplementary Planning Document current parking standard does not define the parking requirement for hair salons. As such, it is considered that as the business operates on a one to one basis the provision of one vehicle parking space for customers would comply with the Councils Parking SPD.
- 4.5.4 Staffordshire Highway Authority was consulted on the application and stated that the minimal vehicular movements generated by this small-scale proposal would have no adverse impact on highway safety. Furthermore, permission has been granted by the Highway Authority for a dropped Kerb that would allow all vehicles suitable access to the parking area from the highway. As such, the proposed development would not result in an unacceptable impact on highway safety, or result in a cumulative impact on the road network in accordance with paragraph 109 of the NPPF. .

4.6 Drainage and Flood Risk

- 4.6.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps. In this respect it is noted that the application site already exists with the proposal comprising of the conversion of the existing garage. As such, the proposal would not create additional flood risk over and above the current situation.

4.7 Mineral Safeguarding

- 4.7.1 The site falls within a Mineral Safeguarding Area (MSAs). 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.
- 4.7.2 The application site is located within a Mineral Safeguarding Area. Notwithstanding this, the advice from Staffordshire County Council as the Mineral Planning Authority does not require consultation on the application as

the site falls within the development boundary of an urban area and is not classified as a major application.

4.7.3 As such, the proposal would not prejudice the aims of the Minerals Local Plan.

4.8 **Ground Conditions and Contamination**

4.8.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application.

4.9 **Objections received not already addressed above**

4.9.1 The objector raised concerns regarding the plans submitted not showing the full depth of the garage. Your Officers confirm that the applicant has extended the garage under permitted development and has also revised the plans with the current layout.

4.9.2 The objector has suggested that the applicant states that the business will only operate on a small scale and won't have too many customers, however in their letter (applicant's application) they submitted they have already mentioned they have looked at renting other premises in the high street. The objector continues that there is no way you would rent a commercial premise and only do a few customers a week as it simply would not make financial sense. Your Officers confirm that the objector is referring to the sequential test that was submitted by the application as required to justify the proposed business use being allowed outside a District Centre.

4.9.3 The objector states that the single garage has an electric garage door & the lead flashing for this garage is attached to the objector's property to prevent driving rain between both properties. The objector continues that the use of the garage door daily has already increased the noise to their property and the vibrations can be felt on that side of the house. The objector has raised concerns that the increased use of access to the garage would add additional noise and disturbance when operating in the day and at weekends or evenings. Your Officers confirm that the applicant would raise the garage door on days she was expecting clients and lower it again at the end. The application does not seek to operate during the evenings or after 2pm on Saturdays. The lead flashing is not a material consideration in the determination of this application.

4.9.4 The objector states that there are no other applications for commercial uses within Ansty Drive, and as this is a residential estate the objector feels a potentially busy business operating against their living room wall is not ideal, especially if the business operates outside of a 9-5 Monday to Friday timescale. The objector continued that the business could also potentially grow & increase over time. The applicant has confirmed that their property is a detached property and as such does not share a party wall with the neighbour. Your Officers confirm that the proposed business seeks to operate for the majority during normal office hours (09:30hrs – 17:00hrs Monday to Friday with 08:00hrs – 14:00hrs on 1 Saturday per month) with one customer at any one time. It is also noted that there are several businesses operating within Ansty Drive, however these may be operating as incidental to the main dwelling and therefore do not

require the benefit of planning permission. Notwithstanding this, these other business uses are not the subject of this application.

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 Having had regard to the Development Plan and the NPPF it is considered that the proposal, subject to the attached conditions would be, on balance, acceptable.
- 6.2 It is therefore recommended that the application be approved subject to the attached conditions.