



# MINUTES RECORD

FOR MEETINGS OF  
CABINET, COMMITTEES,  
SUB-COMMITTEES AND  
PANELS HELD BETWEEN:

**16 JULY AND  
7 SEPTEMBER, 2018**

This Record contains the minutes of meetings of Cabinet, Committees, Sub-Committees and Panels held between 16 July and 7 September, 2018.

Any minutes contained within this Record which have not yet been approved as a correct Record by the relevant body are clearly marked as DRAFT (once approved, any such minutes shall not be included in a future edition of the Record, but will be published on the Council's website).

**Any Member who wishes to ask a question or make a comment on any item in the Record at the Council meeting must give written notice to the Managing Director at least 3 clear working days before the start of the meeting, giving the minute number of the item and setting out clearly the question to be asked or comment to be made.** Questions may be asked of the Leader, Cabinet member who holds the relevant portfolio, or the Chairman of the relevant meeting. Comments and questions shall be confined to the subject matter of that item.

(N.B. For a normal Council meeting held on a Wednesday the deadline is 5:00pm on the previous Thursday.)

A maximum of 10 questions or comments will be permitted for each meeting and no Member may submit more than 2 questions or comments for each Council meeting. Questions and Comments will be accepted in the order in which they are received.

A written response from the Leader, Cabinet Member or Chairman will be compiled. A document containing all questions and comments together with the responses will be circulated to all Members at or before the commencement of the Council meeting. For the avoidance of doubt, the response may be that the person declines to give a response to the question or comment.

The person chairing the Council meeting will call each of the Members who have submitted a question or comment in the order in which they appear in the document and that Member may ask a supplementary question or make a supplementary comment confined to the subject matter or the original question or comment or the content of the response. The Leader, Cabinet Member or Chairman who gave the original response may answer the supplementary question or respond to the supplementary comment but there shall be no further questions, comments or discussion.

This Rule is not intended to restrict Members access to information or to restrict their ability to ask questions or seek information by other means or at other times. Members should before using this Rule contact the Leader, Cabinet Members or the Chairmen of Committees or Officers to ask questions or seek information. Any questions or comments received after the deadline or which exceed the number allowed under this Rule will be passed to the appropriate person but will not be circulated at the Council meeting.

Any recommendations of the Cabinet, Committees, Sub-Committees, Panels or Forums which requires a decision by Council shall be considered as a separate agenda item on the Council agenda. Any questions or comments in relation to such an item will be taken with that item.

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### PART ONE MINUTES:

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Licensing Sub-Committee	Monday 16 July	1 – 4	1 – 2	Final
Community Scrutiny Committee	Tuesday 17 July	1 – 8	1 – 4	Draft
Audit & Governance Committee	Thursday 26 July	10 – 16	5 – 9	Draft
Planning Control Committee	Wednesday 1 August	29 – 35	29 – 33	Final
Appeals and Complaints Panel	Thursday 2 August	1 – 4	1	Final
Planning Control Committee	Wednesday 22 August	36 – 43	34 – 35	Final
Cabinet	Thursday 23 August	33 – 46	25 – 31	Draft
Appeals and Complaints Panel	Tuesday 4 September	1 – 4	1	Final

### PART TWO MINUTES:

Meeting	Date	Minute Numbers	Page Numbers	Status (Draft / Final)
Appeals and Complaints Panel	Thursday 2 August	5	2 – 3	Final
Cabinet	Thursday 23 August	47 – 48	32 – 34	Draft
Appeals and Complaints Panel	Tuesday 4 September	5	2 – 3	Final

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# **PART 1**

# **MINUTES**

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**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**LICENSING SUB-COMMITTEE**  
**HELD ON MONDAY 16 JULY 2018 AT 10:00AM**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**  
**PART 1**

PRESENT:

Councillors:

Cartwright, Mrs. S.M.  
Johnson, T.B.  
Todd, Mrs. D.M.

Applicant: Ms. F. Green, FMD Events Ltd.

Representing the Licensing Authority:

Mr D. Prosser-Davies (Food, Safety & Licensing Manager)

Mr S. O'Meara (Senior Licensing Officer)

Responsible Authorities:

Mr D. Pritchard, Pollution Control Officer, Cannock Chase Council

Mr. R. Sunter, Development Control Manager, Cannock Chase Council

Legal Advisor to the Sub-Committee: Mr S. Turner (Principal Solicitor)

Secretary to the Sub-Committee: Mr M. Berry (Senior Committee Officer)

Persons who submitted Representations on the Application:

Councillor D. Cotton, Brindley Heath Parish Council

Councillor M. Sutherland, Staffordshire County Council

35 members of the public

**1. Appointment of Chairman**

Councillors Mrs. Cartwright and Mrs. Todd nominated Councillor T. Johnson as Chairman.

RESOLVED:

That Councillor T. Johnson be appointed as Chairman for the meeting.

**2. Apologies and Reconstitution of Membership**

No apologies were received.

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

No declarations of interests were received.

**4. Licensing Act 2003 – Application for a Premises Licence – Glo Festival, Four Oaks Farm, Penkridge Bank Road, Rugeley, Staffordshire, WS15 2NE**

The Chairman introduced the Members of the Sub-Committee and then advised of a change in the advertised procedure to allow the Applicant to provide an update on the Application.

The Applicant addressed the Sub-Committee and all other parties present to advise that due to a number of factors, she had decided to formally withdraw the Application.

Following confirmation of withdrawal of the Application, the Chairman advised all parties present that it would not be necessary to continue with the meeting and duly called the Hearing to a close.

The meeting closed at 10:10 a.m.

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CHAIRMAN



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## CANNOCK CHASE COUNCIL

### MINUTES OF THE MEETING OF THE

### COMMUNITY SCRUTINY COMMITTEE

HELD ON TUESDAY 17 JULY 2018 AT 4:00 P.M.

IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

#### PART 1

PRESENT:  
Councillors

Allen, F.W.C. (Chairman)  
Hewitt, P.M. (Vice-Chairman)

Cooper, Miss J.	Snape, D.J.
Davis, Mrs. M.A.	Startin, P.D.
Dudson, Miss M.J.	Wilkinson, Ms. C.L.
Freeman, Miss M.A.	Witton, P.T. (substitute)
Johnson, J.P.	

#### 1. Apologies

Apologies for absence were submitted for Councillors A. Dudson and D. Foley.

Councillor P.T. Witton was in attendance a substitute for Councillor Foley.

#### 2. Declarations of Interests of Members in Contracts and Other Matters and Restrictions on Voting by Members and Party Whip Declarations

No declarations of interests or party whip declarations were received.

#### 3. Minutes

Health, Culture and Environment Scrutiny Committee Minutes – Staffordshire County Council Healthy Staffordshire Select Committee update (Minute no. 24)

In respect of the discussion under this item on the 'All Age Disability Strategy', a Member asked if there had been any update concerning delayed payments from the Cannock Chase Clinical Commissioning Group (CCG) as this matter had also been raised at the recent Wellbeing Scrutiny Committee meeting. Councillor Hewitt advised that no update was available at present, but he would chase this matter up with County Council colleagues and report back accordingly.

RESOLVED:

That the Minutes of the Housing, Crime & Partnerships and the Health, Culture and Environment Scrutiny Committees held on 22 and 26 March, 2018, respectively, be approved.

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## 4. **End of Year 2017/18 Crime & Partnerships and Environment Priority Delivery Plans Performance Update**

Members considered and noted the end of year performance information for the Crime & Partnerships and Environment Priority Delivery Plans (PDP) 2017/18 (Item 4.1 – 4.11 of the Official Minutes of the Council).

### Environment PDP – Explore Delivery Options for a new Cemetery Site

The Managing Director advised that a report on provision of a new cemetery for the District was due to be submitted to Cabinet on 23 August, 2018. Feedback from the Health, Culture and Environment Scrutiny Committee meeting held on 26 March, 2018 would be taken account of as part of scoping the report.

## 5. **Housing, Crime and Partnerships Scrutiny Committee Annual Report 2017/18**

Consideration was given to the Report of the Head of Housing and Partnerships (Item 5.1 – 5.4 of the Official Minutes of the Council) *(presented by the Managing Director)*.

RESOLVED:

That the Housing, Crime and Partnerships Scrutiny Committee Annual Report 2017/18 be noted, and submitted to Council on 25 July, 2018, for information.

## 6. **Health, Culture and Environment Scrutiny Committee Annual Report 2017/18**

Consideration was given to the Report of the Head of Environment and Healthy Lifestyles (Item 6.1 – 6.4 of the Official Minutes of the Council) *(presented by the Managing Director)*.

RESOLVED:

That the Health, Culture and Environment Scrutiny Committee Annual Report 2017/18 be noted, and submitted to Council on 25 July, 2018, for information.

## 7. **Community Wellbeing PDP 2018/19**

Members considered the Community Safety, Partnerships and Environment sections of the Community Wellbeing PDP 2018/19 (Item 7.1 – 7.5 of the Official Minutes of the Council).

## 8. **Community Scrutiny Committee Work Programme 2018/19**

Consideration was given to the Report of the Managing Director (Item 8.1 – 8.14 of the Official Minutes of the Council).

The Chairman outlined to Members the draft work programme for 2018/19 as detailed in Appendix 1 of the report and sought their views on what topics should be included.

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It was suggested that the Committee look at child exploitation in the District, with particular reference to the 'County Lines' drugs related issues. A number of Members were agreement with this suggestion based on feedback received from other sources. The Managing Director advised that if Members wished to choose this as their review topic, they would need to be clear on what the issues were, what questions they would want to ask of partners and what they would hope to get out of the review. A Member then raised concern that the topic would be too wide in scope to consider properly, and as it also covered national issues, the Committee did not have the power to make any significant impact. As such, the Member felt it would be more beneficial for reviews to be undertaken on local issues on which the Committee could make a difference.

The Managing Director advised that the Committee could ask questions, examine evidence, invite parties to engage and make recommendations, but the Committee was not a decision making executive.

### RESOLVED:

That the Community Scrutiny Committee's work programme for 2018/19 be agreed as follows:

- End of Year Outturn for the 2017-18 Crime & Partnerships and Environment PDPs.
- Housing, Crime & Partnerships and Health, Culture & Environment Scrutiny Committees 2017-18 Annual Reports.
- Community Wellbeing PDP 2018-19
- Community Wellbeing PDP 2018-19 performance updates.
- Child Exploitation and 'County Lines' Review

In respect the Child Exploitation and 'County Lines' Review, the following actions were agreed:

1. Staffordshire Police and Staffordshire County Council Social Services be invited to give a presentation to the Committee, specifically covering the following questions:
  - a) What is the scale of child exploitation in Cannock Chase with particular reference to 'County Lines' drug related activity?
  - b) What is the relative position of Cannock Chase in relation to the above when compared to other District / Borough / Local Policing Team areas in Staffordshire?
  - c) Are there any issues that the District Council need to consider to support existing and future action child exploitation in the District/
2. That a Task & Finish Group comprised of four members of the Committee be formed to undertake additional work on the review, if required.

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The meeting closed at 4:52 p.m.

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CHAIRMAN

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**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**AUDIT AND GOVERNANCE COMMITTEE**  
**HELD ON THURSDAY 26 JULY 2018 AT 4:00 P.M.**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**

## PART 1

PRESENT:  
Councillors

Grice, Mrs. D. (Chairman)  
Bowater, J.      Tait, Ms. L.  
Johnson, J.P.

Also Present:

- Richard Percival, Associate Director, Grant Thornton (External Auditors)
- Jim McLarnon, Audit Manager, Grant Thornton (External Auditors).

### 10. Apologies

Apologies for absence were submitted for Councillors Miss M.J. Dudson (Vice-Chairman), S.K. Crabtree and Mrs. P.Z. Stretton.

### 11. Declaration of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

No Declarations of Interests were made in addition to those already confirmed by Members in the Register of Members' Interests.

### 12. Minutes

RESOLVED:

That the Minutes of the meeting held on 19 June, 2018, be approved as a correct record and signed, subject to the inclusion of Richard Percival in the attendees list..

### 13. The Audit Findings for Cannock Chase District Council

Consideration was given to the Report of the External Auditors (Item 4.1 – 4.25 of the Official Minutes of the Council).

The External Auditors thanked the Officers in the Finance team for the prompt delivery of the 2017/18 statement of accounts, and for the working papers and support provided as part of the audit process.

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Members were then taken through the following key sections of the report:

<u>Report section</u>	<u>External Auditor's conclusions/comments</u>
<u>Headlines:</u>	
Financial Statements	No amendments were identified during the audit process that would have required an adjustment to the Statement of Comprehensive Income and Expenditure.
Value for Money arrangements	It was anticipated that an 'unqualified' value for money conclusion would be issued to the Council.
Statutory duties	It had not been necessary to use any of the additional statutory duties or powers available as part of the audit work.
Materiality	The Council's materiality threshold for 2017/18 was circa £1.4m. Nothing was identified as part of the audit to put the Council above this amount.
<u>Significant Audit Risks:</u>	
Improper revenue recognition	Based on evidence received as part of the audit, this was not considered a significant risk for the Council.
Management of override controls	No issues were identified in this area during the audit.
Valuation of property, plant and equipment	No issues were identified in this area during the audit. Consideration was given during the audit as to how management obtained assurances that the value of assets not revalued in 2017/18 was materially correct. Based on information provided, it was accepted that the estimated values provided were below the materiality threshold and therefore not material to the Council's accounts.
Valuation of pension fund net liability	No issues were identified in this area during the audit.
Employee remuneration	No issues were identified in this area during the audit.
Operating expenses	No issues were identified in this area during the audit.
<u>Other Matters:</u>	
Publication of the draft Annual Governance Statement	It was noted that the draft Annual Governance Statement (AGS) was not published by 31 May, 2018, as required by the Audit & Accounts Regulations 2015.

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<u>Report section</u>	<u>External Auditor's conclusions/comments</u>
A number of assets with a net book value of zero are included in the fixed asset register	Following a review of the Council's assets base, it was recommended that the fixed asset register be reviewed on a regular basis to ensure that only assets still in use by the Council were included.
<u>Value for Money:</u>	
Our work	Audit work focussed on the significant risks identified in the Council's arrangements, particularly related to: follow up on progress made of Financial Recovery Plan (FRP) implementation; assessment of the key assumptions made in the Medium Term Financial Strategy (MTFS); and the level of reserve balances available over the lifetime of the MTFS.
Financial sustainability	<p>The Council's outturn financial position for 2017/18 was better than expected, which in turn presented an improved position for 2018/19 and 2019/20.</p> <p>Any delays in delivery of the Mill Green Designer Outlet Village could have a detrimental impact on the Council's finances in the medium term. Accordingly, the Council needed to ensure that any associated risks were managed effectively.</p> <p>Beyond 2019/20, there was still significant uncertainty about how local government would be funded, included potential changes to New Homes Bonus (NHB) funding, so it would be important for the Council to ensure reserves were of a sufficient level.</p>

### RESOLVED:

That the Report of the External Auditors be noted.

#### 14. External Audit of the Statement of Accounts 2017/18

Consideration was given to the Report of the Head of Finance (Item 5.1 – 5.6 of the Official Minutes of the Council).

In response to the issue raised in the previous item concerning the Annual Governance Statement, the Head of Finance commented that the Head of Governance and Corporate Services was addressing this matter as necessary for future years.

The Head of Finance then advised that due to a change in accounting requirements, it was necessary for the Committee to consider the Statement of Accounts by 31 July, rather than 30 September as was previously the case. As such, this had required a lot of work by the Finance team, led by the Chief Accountant. Alongside this, the role of the External Auditors in helping to get the Council to this position was duly acknowledged.

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RESOLVED:

- (A) The contents of the report be noted, with reference to the separate reports included on the agenda on 'The Audit Findings for Cannock Chase District Council' and the 'Statement of Accounts 2017/18'.
- (B) The Management Representation letter, as included at Appendix 1 to the Report, be approved and signed by the Chairman on behalf of the Committee.

## 15. Statement of Accounts 2017/18

Consideration was given to the Report of the Head of Finance (Item 6.1 – 6.113 of the Official Minutes of the Council) (*presented by the Chief Accountant*).

The Chief Accountant advised that the narrative section of the Statement of Accounts had been significantly changed to reflect a 'company style' of accounts reporting. This included providing information about: the background and purpose of the Council; staffing capacity and key staff; performance management and risk assessment; and comparators against previous year's accounts.

Members were then taken through the following key sections of the Accounts:

- Comprehensive Income and Expenditure Statement;
- Movement in Reserves Statement;
- Balance Sheet;
- Cash Flow Statement;
- Housing Revenue Account; and
- Collection Fund.

The Head of Finance advised that the Movement in Reserves Statement was a key section for the Committee to note as it showed the Council had put an increased amount of money into its reserves to support its future financial sustainability. The External Auditors further advised that the improved position of the Council's reserves balances compared to what was originally anticipated for 2017/18 was an important part of their overall assessment of the Council's financial health.

The Head of Finance then advised that spending on the General Fund was lower in 2017/18 compared to 2016/17 because of the implementation of the FRP. Additionally, proposed changes to NHB funding would likely mean the Council having to build an increased number of houses in order to qualify for future NHB grants. It was also expected that the NHB grant would be replaced in 2021 by a 'housing delivery grant'.

The Chairman, on behalf of the Committee, thanked Officers for their hard work in producing the accounts within the statutory timescales.

RESOLVED:

That the audited Statement of Accounts for 2017/18 be approved.



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## 16. Annual Treasury Management Report 2017/18

Consideration was given to the Report of the Head of Finance (Item 7.1 – 7.8 of the Official Minutes of the Council).

The Head of Finance advised that the report set out the Council's outturn position of treasury management activity during 2017/18.

None of the prudential or treasury management indicators set out in Appendix 1 of the report were breached during the last financial year, and return on investment had performed better than the current benchmark rates.

RESOLVED:

That:

- (A) The annual treasury management report 2017/18 be noted.
- (B) The actual 2017/18 prudential and treasury indicators as set out in Appendix 1 of the Report be approved.

The meeting closed at 4:40 p.m.

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CHAIRMAN

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**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**PLANNING CONTROL COMMITTEE**  
**WEDNESDAY 1 AUGUST 2018 AT 3:08 P.M.**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**

**PART 1**

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

Cooper, Miss J.	Sutherland, M.
Dudson, A.	Todd, Mrs. D.M.
Lea, C.I.	Witton, P.T. (substitute for Cllr. Ms. L. Tait)
Pearson, A.R.	Woodhead, P.E.
Snape, P.A.	

(The commencement of the meeting was delayed slightly due to the site visits running over).

**29. Apologies**

Apologies for absence were received from Councillors C.D. Smith and Mrs. L. Tait.

Notification had been received that Councillor P.T. Witton would be substituting for Councillor Ms. L. Tait.

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

There were no declarations of interests submitted.

**31. Disclosure of lobbying of Members**

Councillor P.A. Snape declared that he had been lobbied (via a telephone call) in respect of Application CH/18/163, 36 Church Street, Rugeley, WS15 2AH – Proposed demolition of existing bungalow and erection of 3 no. dwellings and associated works

**32. Minutes**

RESOLVED:

That the Minutes of the meeting held on 11 July, 2018 be approved as a correct record and signed.

### **33. Members' Requests for Site Visits**

Councillor M. Sutherland requested that a site visit be undertaken in respect of Application CH/17/224, 132 Chaseley Road, Rugeley – Residential dwelling, erection of 2 detached dwellings (demolish existing dwelling) which was due to be considered at a future meeting of the Committee. Members had received a letter in respect of the application so considered a site visit would be useful.

RESOLVED:

That a site visit be undertaken in respect of Application CH/17/224, 132 Chaseley Road, Rugeley - Residential dwelling, erection of 2 detached dwellings (demolish existing dwelling)

Reason: In view of the letter that Members had received it was considered that a site visit would be useful.

### **34. Application CH/18/163, 36 Church Street, Rugeley WS15 2AH – Proposed demolition of existing bungalow and erection of 3 no. dwellings and associated works**

Following a site visit consideration was given to the report of the Development Control Manager (Item 6.1 – 6.27 of the Official Minutes of the Council).

The Development Control Manager advised that since the agenda was published the Government had published a revised version of the National Planning Policy Framework (NPPF). This necessitated a reassessment of the application so that Members could have regard to the new policy contained within the revised framework. This update was circulated to Members prior to the meeting and is attached at Appendix A to the minutes.

The Officer then advised that a further update had been published and this was circulated at the meeting. This advised the following:-

In paragraph 4.10 the reference to “Paragraph 22” should read as “Paragraph 122”.

Since the publication of the previous update sheet Officers have received comments in respect to the fact that the Church Street Conservation Appraisal refers to policies that are not referred to in the officer report. In response officer would comments as follows: -

Given that the Appraisal was published in 2006 it referred to the policies in the Local Plan that was in force at the time.

The Conservation Area Appraisal referred to in planning application CH/18/163 is in the process of being updated and is expected to go before Cabinet in the autumn to authorise consultation. Updating of the various Appraisals is a continuous process as policies are always in a state of flux and, whilst some reference is required to be made to policy context within them it should be noted that they are a snapshot in time and this inevitably means that when other policy documents are updated this element is not always up to date within the appraisal. Nevertheless the new Local Plan policies still reflect and in many cases enhance the aspirations of the old.

Local Plan (Part 1) Appendix 1C – Replacement of Saved Policies:-

This list (page 151) identifies the Local Plan Part 1 policies which have replaced Cannock Chase Local Plan 1997 Saved Policies. Policies relevant to the current planning application are as follows:-

<u>Local Plan Policy 1997</u>	<u>Local Plan Part 1 2014</u>	<u>Other Coverage</u>
B3: New Development in Conservation Areas	CP15, RTC3	NPPF
B4: New Development Affecting the Setting or views Into and out of Conservation Areas	CP15	NPPF
B8: Design Principles for New Built Development	CP3, RTC3	NPPF
C15: Protecting Trees	CP3, CP12, CP14	NPPF

Prior to consideration of the application representations were made by Mr. Horodczuk (neighbour) and Bob Dipple (on behalf of Rugeley Town Council) who were both speaking against the application. Representations were also made by Heather Sutton, speaking in favour of the application on behalf of the applicant.

In response to representations made the Development Control Manager clarified that the application site was not in a Greenbelt area – it was part Greenfield and part Brownfield. The land to the rear of the existing bungalow was Greenfield as it had not previously been developed and the land where the bungalow/drive/garage were sited was Brownfield (previously developed land).

A Member asked for it to be noted there had been reports from residents regarding the volume of traffic along Church Street and therefore he considered that the highways aspect should be taken into account when determining the application.

**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:-

1. No dwelling hereby approved shall be occupied until it has been fitted with charging points for electric and low emission vehicles and that verification that such points have been fitted has been received by the Local Planning Authority.

Reason: In the interests of promoting clean air, tackling climate change and the achievement of sustainable development in accordance with paragraph 105 of the National Planning Policy Framework.

*(Councillor P. Witton left the meeting at this point and therefore did not take part in the consideration or determination of the following application).*

**35. Application CH/17/252, Land rear of 53 Gorsey Lane, Cannock, WS11 1EY – Construction of a 3 bed dormer bungalow to the rear of No. 53 Gorsey Lane, Cannock**

Following a site visit consideration was given to the report of the Development Control Manager (Item 6.28 – 6.47 of the Official Minutes of the Council).

The Development Control Manager advised that since the agenda was published the Government had published a revised version of the National Planning Policy Framework (NPPF). This necessitated a reassessment of the application so that Members could have regard to the new policy contained within the revised framework. This update was circulated to Members prior to the meeting and is attached as Appendix A to the minutes.

The Officer then advised that a further update had been published and this was circulated at the meeting. This advised the following:-

In paragraph 4.10 the reference to “Paragraph 22” should read as “Paragraph 122”.

The description of the development should read: Construction of a 3 bed dormer bungalow to the rear of No. 53 and not No. 52 as stated in the report.

**RESOLVED:**

That the application, which was recommended for approval, be refused for the following reasons:

The application site is located within an area of mature suburbs which is characterised by large dwellings within extensive, mature gardens with a variety of mature and semi-mature trees and shrubs, with many gardens along Gorsey Lane benefitting from tree planting along their frontages, which forms an important element of street scene.

Given the above the proposal, by virtue that it would:

- (i) constitute an overdevelopment of the site; and
- (ii) result in the significant loss of prominent mature trees along the site frontage and several mature trees along the eastern boundary; and
- (iii) the replacement of soft landscaped areas with an extensive area of hard standing in the form of the drive; and
- (iv) the opening up of the site frontage giving uninterrupted views into the site would
  - (a) fail to successfully integrate with existing trees, hedges and features of amenity value
  - (b) fail to maintain a strong sense of place;
  - (c) not be sympathetic to local character; and

- (d) fail to be visually attractive as a result of its layout and not have appropriate and effective landscaping.

As such the proposal would be contrary to Policy CP3 of the Cannock Chase Local Plan (Part 1) and the provisions of Paragraph 127 (b), (c) and (d) of the National Planning Policy Framework (2018).

(Following the meeting Members received a presentation from the Parks and Open Spaces Manager, the Principal Landscape and Countryside Officer and Staffordshire Police on Multi Use Game Areas with the opportunity of visiting the MUGA at Peregrine Way, Heath Hayes afterwards).

The meeting closed at 4:05 p.m.

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CHAIRMAN





**Officer Update:**

**APPLICATION CH/18/163, 36 CHURCH STREET, RUGELEY. WS15 2AH – PROPOSED DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF 3 NO. DWELLINGS AND ASSOCIATED WORKS**

**RECOMMENDATION: Approve Subject to the Conditions in the original Officer Report And the Following Condition**

- 1 No dwelling hereby approved shall be occupied until it has been fitted with charging points for electric and low emission vehicles and that verification that such points have been fitted has been received by the Local Planning Authority.

**Reason**

In the interests of promoting clean air, tackling climate change and the achievement of sustainable development in accordance with paragraph 105 of the National Planning Policy Framework.

Conservation Officer

No objections.

I confirm that I've read through the new NPPF provisions regarding the historic environment and consider that there is no substantive change to the tests affecting consideration of this proposal.

3.5 National Planning Policy Framework

3.6 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 emphasises a "presumption in favour of sustainable development".

3.7 The NPPF (2018) confirms that a plan-led approach to the planning system, decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise and that the Framework should be read as a whole including its footnotes.

3.8 The relevant sections of the revised NPPF in relation to this planning application are as follows;

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
59, 63, 68, 76:	Delivering a Sufficient Supply of Homes
117, 118, 122:	Making Effective Use of Land
124, 127, 128, 130:	Achieving Well-Designed Places
175	Habitats and Biodiversity

189, 190, 191, 192, 193, 194, 196, Heritage Assets  
212, 213 Implementation

3.9 The presumption in favour of sustainable development has been reworded to state:

"For decision taking this means:

- (c) approving development proposal that accord with an up-to-date development plan without delay; or
- (d) 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;
  - i. 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
  - ii. any adverse impacts of doing so would significantly and demonstrable outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

3.10 Paragraph 213 of the NPPF makes it clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater they weight that may be given).

#### 4 DETERMINING ISSUES

4.1 The determining issues for the application are:-

##### 4.2 Principle of Development

4.2.1 The revised NPPF reiterates that there are three dimensions to sustainable development (para 8) and the presumption in favour of sustainable development. As such it does not materially affect the policy test to assess the principle of the development or the conclusion arrived at as set out in the original officer report.

##### 4.3 Impact on the character and form of the area and the Church Street Conservation Area

4.3.1 The revised NPPF, at paragraphs 189, 190, 191, 192, 193, 194, 196, still requires the applicant to describe the significance of any heritage assets affected, the LPA to identify and assess the particular significance of any heritage asset affected by a proposal, take account desirability of sustaining

and enhancing significance, the positive contribution that conservation of heritage assets can make to sustainable communities and to making a positive contribution to local character and distinctiveness. It also reiterates the tests for assessing proposals on the grounds as to whether they result in substantial or less than substantial harm. In this respect there is no material change to policy.

4.3.2 However, paragraph 193 makes it clear that

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

4.3.3 Having had regard to the revised NPPF it is considered that the proposal would preserve the character and appearance of the conservation area and its significance as an historic townscape and that the proposal would be acceptable having had regard to Policy CP15 of the Local Plan and the guidance contained within the revised NPPF.

#### 4.4 Impact on Amenity

4.4.1 Although paragraph 17 "Core Planning Principles" is not replicated in the revised NPPF, paragraph 127(f) reiterates that planning decisions should ensure that developments 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...." This is not substantially different to the wording of paragraph 17 of the superseded NNPPF which stated a "core planning principle is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".

4.4.2 Officers can confirm that the proposal comfortably complies with the relevant standards within the Design SPD with regard to overbearing, privacy and daylight / outlook and therefore would achieve a high standard of amenity for existing and future occupiers of the existing and proposed dwellings in accordance with Policy CP3 of the Local Plan and para.127 of the NPPF.

#### 4.5 Impact on Highway Safety and Capacity

4.5.1 Paragraph 109 of the NPPF states: -

"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 above is not substantially different from the test in para 32 of the superseded NPPF which stated that "development should only be prevented

or refused on transport grounds where the residual cumulative impacts of development are severe".

4.5.3 However, 110 of the NPPF does introduce a new requirement that

"applications for development should:

- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations"

4.5.4 This could be adequately dealt with by way of a suitably worded condition.

4.5.4 Therefore, subject to the attached condition and the conditions attached to the original officer report it is considered that the proposal would be acceptable in respect to highway safety and capacity.

#### 4.6 Impact on Nature Conservation Interests

4.6.1 Paragraph 175 of the revised NPPF reiterates the policy within paragraph 118 of the superseded NPPF and therefore has no impact on the conclusions arrived at in the original officer report.

#### 4.7 Affordable Housing and other Developer Contributions

4.7.1 Paragraph 63 of the revised NPPF states that "provision of affordable housing should not be sought for residential developments that are not major developments. This effectively reiterates the guidance in the Planning Practice Guidance and does not materially affect the original officer conclusion that the proposal is acceptable without a contribution towards affordable housing.

#### 4.8 Drainage and Flood Risk.

4.8.1 The site is located in Flood Zone 1 which is at least threat from flooding. The revised NPPF effectively reiterates the policy in the superseded NPPF and does not materially affect the original officer conclusion that the proposal is acceptable in respect to drainage and flood risk

#### 4.9 Making Effective Use of Land

4.9.1 The superseded NPPF at paragraph 17 stated that it was a 'core planning principle' that planning should 'encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value.

4.9.2 The thrust of the above policy is reiterated in paragraph stating "planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions."

4.93 In addition to the above paragraph 118 of the revised NPPF states

" Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and
- e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

4.9.4 Officers consider that the content of paragraph 118 has little bearing on this particular proposal.

4.9.5 It is considered that having had regard to the above the proposal would promote an effective use of land in meeting the objectively assessed housing need for the District, whilst safeguarding the environment and ensuring safe and healthy living conditions."

#### 4.10 Achieving Appropriate Densities

4.10.1 Unlike the superseded NPPF the revised NPPF has an emphasis on achieving appropriate densities. To this effect paragraph 22 of the revised NPPF states

"Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places."

4.10.2 Paragraph 123 of the NPPF refers to instances where "there is an existing or anticipated shortage of land for meeting identified housing needs". This is not the case within Cannock Chase District which has more than a 5 year supply of land to meet the objectively set housing needs of the District.

4.1.0.3 It is considered that the proposal does maintain the area's prevailing character and setting and would secure a well-designed, attractive and healthy places in a sustainable location whilst making efficient use of the land.

## 5.0 CONCLUSION

5.1 Having had regard to the revised NPPF it is considered that proposal is acceptable that the conclusions and recommendations of the original officer report still stand with the exception of a further condition to ensure the dwellings are designed to enable charging of plug-in and other ultra-low emission vehicles.

5.2 As such, approval is recommended subject to condition attached to this update and the conditions as set out in the original officer report.

**Officer Update**

**APPLICATION CH/17/252, LAND REAR OF 53 GORSEY LANE, CANNOCK, WS11 1EY – CONSTRUCTION OF A 3 BED DORMER BUNGALOW TO THE REAR OF NO. 53 GORSEY LANE, CANNOCK**

**RECOMMENDATION: Approve Subject to the Conditions in the original Officer Report And the Following Condition**

1. No dwelling hereby approved shall be occupied until it has be fitted with charging points for electric and low emission vehicles and that verification that such points have been fitted has been received by the Local Planning Authority.

**Reason**

In the interests of promoting clean air, tackling climate change and the achievement of sustainable development in accordance with paragraph 105 of the National Planning Policy Framework.

**3.5 National Planning Policy Framework**

- 3.6 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 emphasises a “presumption in favour of sustainable development”.

- 3.7 The NPPF (2018) confirms that a plan-led approach to the planning system, decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise and that the Framework should be read as a whole including its footnotes.

- 3.8 The relevant sections of the revised NPPF in relation to this planning application are as follows;

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
59, 63, 68, 76:	Delivering a Sufficient Supply of Homes
117, 118, 122:	Making Effective Use of Land
124, 127, 128, 130:	Achieving Well-Designed Places
175	Habitats and Biodiversity
212, 213	Implementation

- 3.9 The presumption in favour of sustainable development has been reworded to state:

"For decision taking this means:

- (c) approving development proposal that accord with an up-to-date development plan without delay; or
- (d) 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;
  - i. 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
  - ii. any adverse impacts of doing so would significantly and demonstrable outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

3.10 Paragraph 213 of the NPPF makes it clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

#### 4.2 Principle of Development

4.2.1 The revised NPPF reiterates that there are three dimensions to sustainable development (para 8) and the presumption in favour of sustainable development. As such it does not materially affect the policy test to assess the principle of the development or the conclusion arrived at as set out in the original officer report.

#### 4.4 Impact on the character and form of the area

4.4.1 The revised NPPF, at paragraph 127 states

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;

- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) 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.

4.4.2 In addition paragraph 130 of the revised NPPF states

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-maker as a valid reason to object to development.”

4.4.3 Having had regard to the revised NPPF it is considered that the proposal would constitute good design and be acceptable having had regard to Policy CP3 of the Local Plan and the guidance contained within paragraphs 127 and 130 of the revised NPPF.

4.4 Impact on Amenity

4.4.1 Although paragraph 17 "Core Planning Principles" is not replicated in the revised NPPF, paragraph 127(f) reiterates that planning decisions should ensure that developments 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...." This is not substantially different to the wording of paragraph 17 of the superseded NNPPF which stated a "core planning principle is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".

4.4.3 Officers can confirm that the proposal comfortably complies with the relevant standards within the Design SPD with regard to overbearing, privacy and daylight / outlook and therefore would achieve a high standard of amenity for existing and future occupiers of the existing and proposed dwellings in accordance with Policy CP3 of the Local Plan and para.127 of the NPPF.

4.5 Impact on Highway Safety and Capacity

4.5.1 Paragraph 109 of the NPPF states: -

## APPENDIX A

"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 above is not substantially different from the test in para 32 of the superseded NPPF which stated that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

4.5.3 However, 110 of the NPPF does introduce a new requirement that

"applications for development should:

- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations"

4.5.4 This could be adequately dealt with by way of a suitably worded condition.

4.5.4 Therefore, subject to the attached condition and the conditions attached to the original officer report it is considered that the proposal would be acceptable in respect to highway safety and capacity.

### 4.6 Impact on Nature Conservation Interests

4.6.1 Paragraph 175 of the revised NPPF reiterates the policy within paragraph 118 of the superseded NPPF and therefore has no impact on the conclusions arrived at in the original officer report.

### 4.7 Affordable Housing and other Developer Contributions

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### 4.8 Drainage and Flood Risk.

4.8.1 The site is located in Flood Zone 1 which is at least threat from flooding. The revised NPPF effectively reiterates the policy in the superseded NPPF and does not materially affect the original officer conclusion that the proposal is acceptable in respect to drainage and flood risk

### 4.9 Making Effective Use of Land

4.9.1 The superseded NPPF at paragraph 17 stated that it was a 'core planning principle' that planning should 'encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is

not of high environmental value.

4.92 The thrust of the above policy is reiterated in paragraph stating "planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions."

4.93 In addition to the above paragraph 118 of the revised NPPF states

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- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
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4.10.3 It is considered that the proposal does maintain the area's prevailing character and setting and would secure a well-designed, attractive and healthy places in a sustainable location whilst making efficient use of the land.

#### 5.0 CONCLUSION

5.1 Having had regard to the revised NPPF it is considered that proposal is acceptable that the conclusions and recommendations of the original officer report still stand with the exception of a further condition to ensure the dwellings are designed to enable charging of plug-in and other ultra-low emission vehicles.

5.2 As such, approval is recommended subject to condition attached to this update and the conditions as set out in the original officer report.

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**APPEALS AND COMPLAINTS PANEL**  
**THURSDAY 2 AUGUST 2018 AT 10:00 A.M.**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**  
**PART 1**

PRESENT: Councillors

Allt, Mrs. A.	Hewitt, P.M.
Bennett, C.	Stretton, Mrs. P.Z.
Davis, Mrs. M.A.	

**1. Appointment of Chairman**

Councillor C. Bennett was appointed Chairman for the meeting.

**2. Apologies**

None. It was noted that the Complainant was not in attendance.

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

<b>Member</b>	<b>Interest</b>	<b>Type</b>
Davis, Mrs. M.A.	Member's husband is a Councillor of Hednesford Town Council, which had objected to the initial planning application referred to in the complaint considered by the Panel.	Personal

**4. Exclusion of the Public**

RESOLVED:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraphs 1 and 2, Part 1, Schedule 12A, Local Government Act 1972 (as amended).

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**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**PLANNING CONTROL COMMITTEE**  
**WEDNESDAY 22 AUGUST, 2018 AT 3:00 P.M.**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**

**PART 1**

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

Cooper, Miss J.	Stretton, Mrs. P.Z.
Fisher, P.A.	Sutherland, M.
Hoare, M.W.A.	Tait, Ms. L.
Lea, C.I.	Todd, Mrs. D.M.
Pearson, A.R.	Woodhead, P.E.
Snape, P.A.	

**36. Apologies**

Apologies for absence were received from Councillors A. Dudson and C.D. Smith.

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

There were no declarations of interests submitted.

**38. Disclosure of lobbying of Members**

None.

**39. Minutes**

RESOLVED:

That the Minutes of the meeting held on 1 August, 2018 be approved as a correct record and signed.

**40. Members' Requests for Site Visits**

None.

**41. Application CH/17/348, Fallow Park, Rugeley Road, Hednesford, WS12 0QZ – Residential Development:- Erection of 3 no. Houses**

Following a site visit consideration was given to the report of the Development Control Manager (Item 6.1 – 6.24 of the Official Minutes of the Council).

Prior to the determination of the application representations were made by Clive Jessup, the applicant, speaking in favour of the application.

RESOLVED:

- (A) That the application, which was recommended for refusal, be approved as the Committee did not consider that the scheme had any greater impact on the openness of the Green Belt.
- (B) That the applicant be requested to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure an affordable off site housing contribution.
- (C) That on completion of the Agreement the application be approved subject to relevant conditions and reasons and these be delegated to officers.

**42. Application CH/18/179, 12 Gorsey Lane, Cannock, WS11 1EY – Residential Development:- Erection of 1 no. Two Storey Detached Three Bed Dwelling (Outline Application with All Matters Reserved)**

The item was withdrawn.

**43. Appeal Decision: Application CH/17/377, 17 Southgate, Cannock, WS11 1PS – Residential Development:- Erection of 1 no. One Bed Detached Bungalow**

Consideration was given to the report of the Development Control Manager (Item 6.39 – 6.41 of the Official Minutes of the Council).

RESOLVED:

That the report be noted.

The meeting closed at 3.40 p.m.

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CHAIRMAN



**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**CABINET**

**HELD ON THURSDAY 23 AUGUST 2018 AT 4:00 P.M.**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**

**PART 1**

PRESENT: Councillors:

Alcott, G.	Deputy Leader of the Council and Economic Development and Planning Portfolio Leader
Kraujalis, J.T.	Corporate Improvement Portfolio Leader
Bennett, C.	Crime and Partnerships Portfolio Leader
Mitchell, Mrs. C.	Culture and Sport Portfolio Leader
Preece, J.P.T.L.	Environment Portfolio Leader
Martin, Mrs. C.E.	Health and Wellbeing Portfolio Leader
Pearson, A.R.	Housing Portfolio Leader
Todd, Mrs. D.M.	Town Centre Regeneration Portfolio Leader

Councillors P. Snape, Leader of the Opposition and Conservative Group Leader, and P. Woodhead, Green Party Group Leader, were also present for the duration of the meeting.

**33. Apologies**

Apologies for absence were submitted for Councillor G. Adamson, Leader of the Council.

In the Leader's absence the meeting was chaired by the Deputy Leader.

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

No other Declarations of Interest were made in addition to those already confirmed by Members in the Register of Members' Interests.

**35. Updates from Portfolio Leaders**

**Culture and Sport**

Official Opening of Former Stadium Site

The Portfolio Leader reminded Members that the official opening would take place at 2.00 p.m. on Wednesday, 19 September, 2018. All Members should have received an invitation to attend.

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## 36. Minutes of Cabinet Meeting of 12 July, 2018

RESOLVED:

That the Minutes of the meeting held on 12 July, 2018, be approved as a correct record and signed.

## 37. Forward Plan

The Forward Plan of Decisions for the period August to October, 2018 (Item 5.1 – 5.2 of the Official Minutes of the Council) was considered.

RESOLVED:

That the Forward Plan of Decisions for the period August to October, 2018 be noted.

## 38. Motion Referred from Council

Consideration was given to the following Motion submitted by Councillor Ms. C.L. Wilkinson to Council on 25 July, 2018, which was referred to Cabinet for determination:

### Goldfish

"We all enjoy a visit to the fair, the circus or one of the many other festivals or events held across our district. Whilst we enjoy it, animals should not suffer. Over the past few months a couple of issues have arisen in neighbouring Council areas where Goldfish are being offered as prizes in fairground games and I have been contacted by several residents concerned about this cruel and outdated practice.

Giving live animals as prizes is not against the law, unless they are giving them away to unaccompanied children:

The Animal Welfare Act 2006 in England and Wales makes it an offence to give away an animal as a prize if the person can reasonably be believed to be under 16 and is not accompanied by an adult (there are some exceptions in sections 11(3)-(6) of the Act). This is not the case in Scotland, where under the Animal Health and Welfare (Scotland) Act 2006, it is an offence to offer or give an animal to another person as a prize (whatever their age), except where it is offered in a family context.

This is not something that has been observed in our District and we note that the District Council has existing policies regarding not allowing animals performing as part of a circus. Addressing this with a positive policy statement will reinforce the Councils' and the residents' strong commitments to the rights of animals.

Instruct the Managing Director to ask staff to draw up a suitable policy statement to prohibit the offer of live animals as prizes at any fair, circus, festival or event held on (i) land owned by the District Council (ii) supported by the District Council in any way or (iii) licensed by the District Council."

The Health and Wellbeing Portfolio Leader provided the following response to the Motion:

"I am proud to say the Council has, since 1992, prohibited circuses with performing animals and, indeed, any use of animals for entertainment purposes,

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on Council land.

The Council's original policy statement, approved in 1992, reads '...as a matter of policy, the hiring of Council land shall not be used for the purposes of animals for entertainment.'

For the avoidance of doubt, and to reinforce the Council's commitment to animal welfare, I recommend that Cabinet approves a revision to the original policy statement as follows:

"Notwithstanding the provisions of the Animal Welfare Act 2006, Council Policy is that the use of animals for entertainment purposes, including the offering of live animals, such as fish, as prizes (irrespective of the age of the recipient) will not be permitted on Council land. Similarly, where the Council lends support to, facilitates, or endorses, events, this shall be conditional upon there being no use of animals for entertainment purposes as described above.

Provided that this Policy shall not prohibit events such as properly organised and supervised dog agility shows, or similar exhibition type events, for which prior consent will be required."

I hope Cabinet will agree the recommendation."

RESOLVED:

That the Council's policy statement, as agreed on 30 January, 1992, be amended to include the following wording:

"Notwithstanding the provisions of the Animal Welfare Act 2006, Council Policy is that the use of animals for entertainment purposes, including the offering of live animals, such as fish, as prizes (irrespective of the age of the recipient) will not be permitted on Council land. Similarly, where the Council lends support to, facilitates, or endorses, events, this shall be conditional upon there being no use of animals for entertainment purposes as described above.

Provided that this Policy shall not prohibit events such as properly organised and supervised dog agility shows, or similar exhibition type events, for which prior consent will be required."

### **39. Recommendations from Scrutiny Committees**

Consideration was given to the following recommendation from the Wellbeing Scrutiny Committee made at its meeting held on 3 July, 2018:

Task and Finish Group – Impact of Hot Food Takeaways (Draft Minute No. 6)

"That Cabinet instructs Officers to write to the Secretary of State for Health & Social Care and the Secretary of State for Housing, Communities and Local Government expressing concern over the lack of powers available to local authorities to control the local health impact of take away premises. In particular, powers to control total numbers, locations and 'clustering' of outlets selling cheap, unhealthy food; powers to limit local advertising and promotion of unhealthy foods; powers to require clearer consumer information on the salt, fat and sugar content of take away meals."

RESOLVED:

That Officers write to the Secretary of State for Health & Social Care and the Secretary of State for Housing, Communities and Local Government expressing

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concern over the lack of powers available to local authorities to control the local health impact of take away premises. In particular, powers to control total numbers, locations and 'clustering' of outlets selling cheap, unhealthy food; powers to limit local advertising and promotion of unhealthy foods; powers to require clearer consumer information on the salt, fat and sugar content of take away meals.

### 40. Annual Report 2017/18

Consideration was given to the Report of the Head of Governance and Corporate Services (Item 8.1 – 8.19 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The information and achievements as detailed in the Annual Report 2017/18 be noted.
- (B) The Annual Report 2017/18 be approved for publication on the Council's website.

#### Reasons for Decisions

The Annual Report 2017/18 presented a summary of the major events and developments in Cannock Chase during the year. As such, it provided a user friendly digest of key information to be presented to the Council's residents, partners and communities.

### 41. Final Accounts 2017/18

Consideration was given to the Report of the Head of Finance (Item 9.1 – 9.32 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The final accounts position for the year ending 31 March, 2018, be noted.
- (B) The financing of the capital programme as outlined in the report be approved.

#### Reasons for Decisions

The overall revenue account position showed net expenditure reducing by £134,000 when compared with the budget agreed by Council. The overall impact after taking into account changes in financing was an increase in transfer to balances of £470,000.

The portfolio outturn for 2017/18 showed a favourable variance of £145,000 consisting of a number of minor variations.

Income from the Business Rates Retention Scheme was £310,000 higher than anticipated following a reduction in the provision made for appeals.

Council Tax collection rates continued to improve and combined with additional properties, a further surplus of £100,000 had occurred for the Council and in accordance with regulations would be included in the 2019/20 Budget.

## 42. Housing Revenue Account – Final Accounts 2017/18

Consideration was given to the Joint Report of the Head of Finance and the Head of Housing and Partnerships (Item 10.1 – 10.7 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The final accounts position of the Housing Revenue Account for the year ending 31 March, 2018, be noted.
- (B) The financing of the capital programme as outlined in the report be approved.

### Reasons for Decisions

The overall revenue account position showed net expenditure reduced by £0.099 million when compared with the budget agreed by Council.

Income at 31 March, 2018, was £19.914 million, broadly in line with the revised budget position of £19.895 million reported to Cabinet in January 2018.

Expenditure at 31 March, 2018, was £19.956 million, compared to the revised budget position of £20.035 million reported to Cabinet in January 2018. The £0.080 million decrease in expenditure related primarily to savings in supervision and management, and repairs and maintenance.

The final accounts therefore showed a use of working balances of £0.041 million compared with a planned use of £0.140 million, a reduction of £0.099 million.

Working balances at 31 March, 2018 were now £1.739 million compared to the £1.640 million reported to Cabinet in January 2018.

The report set out the capital outturn of £10.039 million compared to a budget of £10.635 million, a reduction of £0.596 million. Details of financing for the current year and resources available were also included.

## 43. Quarter 1 Performance Report 2018/19

Consideration was given to the Report of the Head of Governance and Corporate Services (item 11.1 – 11.31 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) The performance information related to the Priority Delivery Plans (PDPs) as detailed in appendices 1 to 4 of the report be noted.
- (B) The actions that have been flagged as requiring amendment to the timescale, scope or timeline be noted.

### Reasons for Decisions

Information for performance indicators for Quarter 1 2018/19 was included for relevant items in appendices 1 to 4 of the report.

The overall rankings for each portfolio area were detailed in section 5 of the report, indicating that 92% of actions/projects had been achieved, or were on

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target to be achieved.

## 44. 'Swift' Smart Travel Card

Consideration was given to the Report of the Interim Head of Economic Prosperity (Item 12.1 – 12.6 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) An allocation of £20,000 to secure the implementation of the 'Swift' smart card and associated infrastructure in the Cannock Chase Council area be approved, to allow Swift card readers to be located at strategic locations in the District, at the earliest opportunity.
- (B) The Head of Economic Prosperity, in consultation with the Economic Development and Planning Portfolio Leader, be authorised to work in partnership with Transport for West Midlands (TfWM) to secure the introduction of 'Swift' smart-card readers in the Cannock Chase Council area, in its capacity as a non-constituent member of the West Midlands Combined Authority (WMCA).
- (C) The finalisation of the scheme be delegated to the Head of Economic Prosperity, in consultation with the Economic Development and Planning Portfolio Leader, including the completion of an agreement to secure that the £20,000 be used for the purpose set out in decision (A), above.

### Reasons for Decisions

The report sought authorisation to provide funding to allow the installation of Swift smart-card readers at suitable locations across the District, initially likely to be at Cannock and Rugeley bus stations, Hednesford and the Civic Centre, Cannock.

At the West Midlands Combined Authority (WMCA) Board meeting on 9 March, 2018, it was announced that following the successful launch of Swift in Redditch in January 2018, Cannock Chase District was next in line to receive the Swift smart-card. The Council had held discussions with Transport for West Midlands (TfWM) and bus operators to progress the implementation in the District, as detailed in the strategy set out in paragraph 5.5 of the report. The Council had engaged with Staffordshire County Council on this issue, but they had declined to work in partnership on this matter.

Evidence from the WMCA area indicated that the introduction of Swift smart travel cards on bus services would encourage the use of services, which had recently seen cutbacks in the network in both frequency and patronage.

## 45. Disposal of Stile Cop Cemetery Lodge, Stile Cop Road, Rugeley

Consideration was given to the Report of the Head of Housing and Partnerships (Item 13.1 – 13.5 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) An open market disposal of the freehold interest in Stile Cop Cemetery Lodge, Rugeley, on terms and conditions to be agreed by the Head of

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Housing and Partnerships be authorised.

- (B) Authority be delegated to the Head of Housing and Partnerships to instruct agents to market the above property for sale and to take all other actions required to implement the decision.

## Reasons for Decisions

Stile Cop Cemetery Lodge was a two-storey residential dwelling attached to a single storey staff area (for use by cemetery operatives), situated at the entrance of Stile Cop Cemetery, Rugeley. Until recently, the property was occupied by a Council employed Sexton on a service tenancy agreement. The Sexton retired at the end of March, 2018 and the Lodge was now vacant.

The Council recently commissioned a condition survey report in respect of the Lodge, which indicated that it required substantial refurbishment to bring it back into a lettable condition. A refurbishment was also recommended for the staff area if it was to remain in the same location.

A disposal of Stile Cop Cemetery Lodge would necessitate relocation of the cemetery operatives' staff area within a purpose built modular building elsewhere within the cemetery site. The new building could also provide a separate room for members of the public to view records etc.

It would also be necessary to fence off the Lodge from the remainder of Stile Cop Cemetery and create a separate access and driveway to the Lodge.

External agents had expressed the view that, subject to the works outlined above being undertaken, Stile Cop Cemetery Lodge would be attractive to potential residential purchasers. The proposed sale of the above property would not only avoid ongoing maintenance and security costs for the Council, but should also generate a substantial capital receipt, the level of which would be determined by market demand.

It was therefore recommended that Stile Cop Cemetery Lodge be declared surplus to Council requirements and offered for sale on the open market.

## **46. Exclusion of the Public**

RESOLVED:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraph 3, Part 1, Schedule 12A of the Local Government Act 1972 (as amended).

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**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**APPEALS AND COMPLAINTS PANEL**  
**THURSDAY 4 SEPTEMBER 2018 AT 10:00 A.M.**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**  
**PART 1**

PRESENT: Councillors Adamson, G. (Chairman)  
Cartwright, Mrs. S.M. Sutton, Mrs. H.M.  
Hoare, M.W.A. Todd, Mrs. D.M.

**1. Appointment of Chairman**

Councillor G. Adamson was appointed Chairman for the meeting.

**2. Apologies**

None.

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

No declarations of interest were made.

**4. Exclusion of the Public**

RESOLVED:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraphs 1 and 2, Part 1, Schedule 12A, Local Government Act 1972 (as amended).

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# **PART 2**

# **MINUTES**

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**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**APPEALS AND COMPLAINTS PANEL**  
**THURSDAY 2 AUGUST 2018 AT 10:00 A.M.**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**  
**PART 2**

**5. Stage 3 Complaint**

Due to the failure of the Complainant to attend the Hearing, the Panel debated whether to hear the complaint in his absence.

The Council's Legal Advisor informed Members that the Complainant was unavailable for the original proposed Hearing date, and therefore this Hearing had been arranged in line with the Complainant's wishes. The Complainant was advised of the new Hearing date several weeks in advance to allow him sufficient time to inform the Secretary to the Panel if the new date was convenient.

The Panel therefore determined that the Complainant had been offered the opportunity of attending the meeting and agreed that the complaint should be heard in his absence.

The Chairman invited all parties present to introduce themselves and then confirmed the procedure for the Hearing.

The Officer representing the Council presented the Council's case by taking the Panel through the relevant sections of the Not for Publication Report of the Interim Head Economic Prosperity (Item 5.1 – 5.8 of the Official Minutes of the Council).

The Complainant was not present to ask questions and as such, section 5 of the procedure could not be heard. Members of the Panel were then afforded the opportunity to ask questions of the Officer representing the Council. Members asked questions of the Officers.

The Complainant was not present to put forward his case to the Panel. Therefore Sections 7, 8 and 9 of the procedure could not be heard.

The Officer representing the Council was then given the opportunity to sum up the Council's case to the Panel. The Officer summed up the Council's case. The Complainant was not present to sum up his case. Therefore section 11 of the procedure could not be heard.

The Panel then deliberated in private, accompanied by the Council's Legal Advisor and Secretary to the Panel.

At the conclusion of the deliberations Officers representing the Council returned to the meeting and the Chairman announced the decision of the Panel:-

RESOLVED (UNANIMOUS):

That the complaint not be upheld.

Reasons for Decision

Whilst it was acknowledged that there was some delay in the planning application being determined, the delay was not unduly excessive given the circumstances.

The process followed and the decisions made by Officers of the Council were in accordance with the law and published policies and guidance.

The Panel was satisfied that Officers did engage with and offered advice to the applicant/agent throughout the whole process, prior to the planning application being referred to the Planning Control Committee (at the request of the applicant/agent) for determination.

*A written copy of the decision and the reasons for the decision would be sent to the Complainant. Furthermore, the Complainant would be advised that if he was dissatisfied with the Panel's decision then he could refer his complaint to the Local Government and Social Care Ombudsman.*

The meeting closed at 11.00 am.

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CHAIRMAN

**CANNOCK CHASE COUNCIL  
MINUTES OF THE MEETING OF THE  
CABINET**

**HELD ON THURSDAY 23 AUGUST 2018 AT 4:00 P.M.  
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**

**PART 2**

**47. Options for the Development of a New Cemetery and Crematorium**

Consideration was given to the Not for Publication Report of the Head of Environment and Healthy Lifestyles (Item 15.1 –15.18 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) Having considered the options presented in the report, Option 1 be agreed, and the Head of Environment and Healthy Lifestyles be authorised, in consultation with the Culture and Sport Portfolio Leader, to:
  - (i) Submit an outline planning application for a crematorium on the Council's site; and
  - (ii) Commence and undertake the process to identify a partner to deliver the cemetery and crematorium proposal.
- (B) Additional capital resource of £327,000 be earmarked to deliver the cemetery-only proposal if Option 1 cannot be delivered.
- (C) Further reports be received on progress of the above decisions.

**Reasons for Decisions**

There was a lack of burial space in the southern part of the District. The Council had been searching for many years to establish a new cemetery that would serve the burial requirements of the residents in this part of the District. Cannock cemetery had been closed to new burials since April 2006.

Planning consent for a proposed new cemetery on the Council's preferred site was granted on 28 January, 2015, and the purchase of the 50-acre site was completed on 22 October, 2015. After purchase, there remained a balance of £983,870 in the capital budget to develop a new cemetery.

Based on a revision of the original estimates reported to Cabinet on 25 August, 2016, there was a capital shortfall of circa £327,270 to establish a new cemetery on site as originally proposed, and as such, Cabinet had a number of options available to progress the scheme:

- (1) (a) To submit an outline planning application for a crematorium on the Council's site; and

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- (b) To commence and undertake the process to identify a partner to deliver the crematorium proposal.
- (2) Reduce the cemetery scheme to within the current capital budget.
- (3) Provide additional capital to deliver the current scheme if the preferred option cannot be delivered.
- (4) Explore a feasibility study for the provision of a crematorium,

The detail supporting the above options was set out in paragraphs 5.25 to 5.29 of the report.

### 48. Urgent Repairs – Church Street Ramp, Cannock Town Centre

Consideration was given to the Not for Publication Report of the Head of Housing and Partnerships (Item 16.1 – 16.10 of the Official Minutes of the Council).

RESOLVED:

That:

- (A) Up to £200,000 be allocated from the existing Building Maintenance Reserve to undertake urgent remedial works of the service ramp due to safety concerns and the lease obligations to businesses.
- (B) St. Modwen should not be pursued to contribute to the costs identified in decision (A), above, on the grounds that legal action could be protracted with an uncertain outcome, and would not be in the Council's wider best interest.
- (C) Due to the urgency of the works required, a direct award be made to a contractor to undertake the works via a procurement waiver.
- (D) It be noted that with the agreement of the Group Leaders, the above decisions will be exempt from call-in, as any delay caused in implementing the decisions would seriously prejudice the Council's and the public's interests.

#### Reasons for Decisions

Issues have been highlighted previously regarding the need for remedial repairs to the MSCP and service ramp. Therefore, the Council sought affirmation from structural engineers as to the current condition and structural capabilities of both assets, i.e. the MSCP and service ramp.

Cabinet at its meeting of 12 July, 2018, agreed to fund remedial repairs to the Multi-Storey Car Park (MSCP) and service ramp. However, this decision was without the benefit of the structural engineers' report that subsequently identified more significant works and / or weight restrictions requirements for users of the service ramp.

A substantial amount of work had been carried out by specialists commissioned over a number years. No report had actually cast doubt over the loading capacity of the service ramp until recently, i.e. August 2018.

It would not possible to permanently close the ramp without alternative



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agreements with Leaseholders being agreed, although a temporary closure would need to be put in place to deliver the work needed to repair the ramp.

The meeting closed at 4.40 p.m.

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**CANNOCK CHASE COUNCIL**

**MINUTES OF THE MEETING OF THE**

**APPEALS AND COMPLAINTS PANEL**

**THURSDAY 4 SEPTEMBER, 2018 AT 10:00 A.M.**

**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**

**PART 2**

**5. Succession Policy**

Consideration was given to the Not for Publication Report of the Head of Housing and Partnerships (Item 5.1 – 5.5 of the Official Minutes of the Council).

The Chairman invited all parties present to introduce themselves and then confirmed the procedure for the Hearing.

The Officer representing the Council presented the Council's case by taking the Panel through the report. The Appellant, Appellant's Representative and Members of the Panel were afforded the opportunity to ask questions of the Officer representing the Council. Questions were asked by the Appellant, Appellant's Representative and Members of the Panel.

The Appellant's Representative presented the Appellants case to the Panel. The Officer representing the Council and Members of the Panel were then afforded the opportunity to ask questions of the Appellant. Questions were asked by Members of the Panel only.

The Officer representing the Council, Appellant and Appellant's Representative were then given the opportunity to sum up their respective cases to the Panel.

The Panel then deliberated in private, accompanied by the Council's Legal Advisor and Secretary to the Panel.

At the conclusion of the deliberations and voting the Appellant, Appellant's Representative and Officer representing the Council returned to the meeting and the Chairman announced the decision of the Panel:-

**RESOLVED:**

That the Appeal be dismissed and the decision under the Council's Succession Policy that the Appellant had no right of succession and alternative accommodation be offered, be upheld.

**Reasons for the Decision**

The Panel carefully considered all relevant factors, issues and the representations made on behalf of the Appellant. However, considering the law and the Council's Succession Policy it was clear that the Appellant had no right of succession for the property he resided at.

The Panel asked that Housing Tenancy Services did its utmost to ensure that the Appellant was offered suitable alternative two bedroom accommodation within the vicinity at the earliest possible opportunity.

The meeting closed at 10:45 a.m.

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CHAIRMAN