



**Please ask for:** Mrs. W. Rowe  
**Extension No:** 4584  
**E-Mail:** [wendyrowe@cannockchasedc.gov.uk](mailto:wendyrowe@cannockchasedc.gov.uk)

14 September 2021

Dear Councillor,

**Planning Control Committee**  
**3:00pm, Wednesday 22 September 2021**  
**Council Chamber, Civic Centre, Cannock**

The meeting will commence at 3.00pm or at the conclusion of the site visit, whichever is the later. Members are requested to note that the following site visit has been arranged:-

| <b>Application Number</b> | <b>Application Description</b>   | <b>Start Time</b> |
|---------------------------|--|-------------------|
| CH/21/0289                | <b>154 Dartmouth Avenue, Cannock, WS11 1EJ</b> – Two Storey extension to side to replace existing garage | 2:10pm            |

Members wishing to attend the site visit are requested to meet at 154 Dartmouth Avenue at 2.10pm, as indicated on the enclosed plan.

Yours sincerely,

**Tim Clegg**  
**Chief Executive**

To: Councillors

Startin, P. (Chairman)  
Muckley, A. (Vice-Chairman)

|                       |                     |
|-----------------------|---------------------|
| Allen, F.W.C.         | Kruskonjic, P.      |
| Beach, A.             | Smith, C.D.         |
| Cartwright, Mrs. S.M. | Sutton, Mrs. H.M.   |
| Fisher, P.A.          | Thompson, Mrs. S.L. |
| Fitzgerald, Mrs. A.A. | Wilson, Mrs. L.J.   |
| Hoare, M.W.A.         | Witton, P.T.        |
| Jones, Mrs. V.        |                     |

## 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 18 August 2021 (enclosed).

5. **Members' Requests for Site Visits**
6. **Report of the Development Control Manager**

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

#### **Finding information about an application from the website**

- On the home page click on planning applications, listed under the 'Planning & Building' tab.
- This takes you to a page headed "view planning applications and make comments". Towards the bottom of this page click on the text **View planning applications. By clicking on the link I agree to the terms, disclaimer and important notice above.**

- The next page is headed "Web APAS Land & Property". Click on 'search for a planning application'.
- On the following page insert the reference number of the application you're interested in e.g. CH/11/0001 and then click search in the bottom left hand corner.
- This takes you to a screen with a basic description - click on the reference number.
- Halfway down the next page there are six text boxes - click on the third one - view documents.
- This takes you to a list of all documents associated with the application - click on the ones you wish to read and they will be displayed.

## Site Visit Application

|    | <b>Application Number</b> | <b>Application Location and Description</b>  | <b>Item Number</b> |
|----|---------------------------|--|--------------------|
| 1. | CH/21/0289                | <b>154 Dartmouth Avenue, Cannock, WS11 1EJ</b> – Two storey extension to the side to replace existing garage | 6.1 – 6.16         |

## Planning Application

|    |            |  |            |
|----|------------|--|------------|
| 2. | CH/21/0367 | <b>Gypsy residential site Stokes Lane, Cannock, WS12 3HJ</b><br>Non-material amendment to planning permission no. CH/21/0040 to combine 2 no. proposed utility buildings into 1 no. building | 6.17– 6.27 |
|----|------------|--|------------|

## Other Items

|    |  |  |           |
|----|--|--|-----------|
| 3. |  | Public Speaking on Planning Applications, Tree Preservation Orders and Enforcement cases – Report of Development Control Manager | 6.28–6.32 |
| 4. |  | Discussion item – Timing of meetings   |           |

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

**Held on Wednesday 18 August 2021 at 3:00 pm**  
**in the Council Chamber, Civic Centre, Cannock**

**Part 1**

**Present:**  
**Councillors**

Startin, P. (Chairman)  
Muckley, A. (Vice-Chairman)

|                          |                   |
|--------------------------|-------------------|
| Allen, F.W.C.            | Kruskonjic, P.    |
| Buttery, M. (substitute) | Layton, A.        |
| Cartwright, Mrs. S.M.    | Smith, C.D.       |
| Fisher, P.A.             | Sutton, Mrs. H.M. |
| Fitzgerald, Mrs. A.A.    | Wilson, Mrs. L.J. |
| Hoare, M.W.A.            | Witton, P.T.      |
| Jones, Mrs. V.           |                   |

Prior to commencement of the meeting, the Development Control Manager updated the Committee about the Planning Portal.

**34. Apologies**

An apology for absence was received from Councillor Mrs. S.L. Thompson.

Councillor M. Buttery was in attendance as substitute for Councillor Thompson.

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

None declared.

**36. Disclosure of Lobbying of Members**

Nothing declared.

**37. Minutes**

**Resolved:**

That the Minutes of the meeting held on 28 July 2021 be approved as a correct record.

**38. Members requests for Site Visits**

No site visits were requested.

**39. Application CH/21/0055, Silvertrees Caravan and Chalet Park, Stafford Brook Road, Rugeley, WS15 2TX - the change of use of two areas within Silver Trees Holiday Park to accommodate static caravans in lieu of touring caravans (retrospective) and an extension to the park limits to accommodate a further 12 static holiday caravans**

Following a site visit consideration was given to the report of the Development Control Manager (Item 6.1 – 6.28 of the Official Minutes of the Council).

The Development Control Manager advised the Committee that an update had been circulated in advance of the meeting. He read the update out, as follows:

“Following compilation of the report for the Committee agenda, the following additional information has been received:

**Additional Statement from Applicant’s Agent (received 17.8.21):**

With regards to the above, you will be aware that the subject planning application comprises 2 parts - the first being to regularise the layout of the main holiday park and relinquish 40 extant touring caravan pitches, and the second, to allow for 12 static caravans to be sited on a paddock to the south.

As you will see on your site visit, this paddock is enclosed on all sides - to the north and west by the existing park, to the east by a holiday let owned by the applicant, and to the south by Penkrudge Bank Road. It is heavily planted on most of its boundaries, with views into the site very restricted.

There have been no objections from any statutory consultees, nor from the public, on this application. In fact, the application has been unanimously supported by those who have made comments on the proposals, demonstrating how this holiday park business is supported in the local community.

In addition to this, the application has also been supported at officer-level. We (being myself and the applicant) were advised in April 2021 that our application would proceed towards an approval, subject to submitting additional details on landscaping. Accordingly, the applicant commissioned this additional work, at a cost, to get the application over the line, and this information was deemed acceptable by both the landscaping and AONB officers involved. It was only at the point of a decision being issued in June of this year, that Cannock Chase planning authority have changed their stance and no longer support the proposals on the basis of the site’s green belt location, despite having clearly been aware of this land designation throughout the process.

The application we have put forward fully acknowledges the green belt location and does not take lightly the restrictions on development in such areas. However, there are unique merits to this case which we believe justify the small-scale expansion of this rural business. In particular, that there will be 40 extant touring caravan pitches relinquished from the existing park to offset the proposed increase in the number of static caravans. Overall, there will still be fewer caravan pitches on site as a result of this application being approved, than were originally permitted under the planning permission currently in place; this being a reduction from 140 caravan pitches to 117. Although over a slightly extended site area, this is a far less intense use of the land.

It appears that the Council are concerned that the approval of this planning application will set an unwanted precedent for the expansion of other caravan sites in Cannock Chase. However, we do not agree that this will be the case because of the unique circumstances behind this application. We would also add that any planning application needs to be considered on its own merits - a business should not be constrained from expanding on the basis that others may or may not follow suit.

Finally, the officer's committee report which you will all have seen references the economic contribution of the proposed development and gives limited weight to this aspect. However, given the post-pandemic economic climate we find ourselves in, we believe significant weight should be given to this aspect. The tourism industry has been one of the strongest in Britain since the pandemic began, and the general message from the government during this time has been to support our tourism businesses.

At this point I would reference the appeal decision for Abbey Farm Caravan Park in Lancashire which you will find attached at Appendix 1 of this addendum report. We submitted a copy of this appeal decision to the planning officer, Audrey Lewis, in support of our proposals on 7 July 2021.

As a brief summary of this decision, the inspector found that proposals for a "modest extension to the well-established caravan site" for an additional 14 static caravans (lodges) were able to demonstrate the very special circumstances required for development in the green belt. The inspector states at paragraph 16:

*"The support given to a prosperous rural economy by the National Planning Policy Framework, the support for tourism by the Council, the apparent or likely demand for static caravan provision and the fact that almost any other location would be in the Green Belt, and thus similarly constrained, are all considerations weighing in favour of the proposal. So too is the fact that this would be a modest extension to a well-established existing facility in the Green Belt, added to which is the advice that the financial viability of that business needs to be secured by the generation of additional revenue. Taken together, these other considerations amount to very special circumstances clearly outweighing the harm to the Green Belt by reason of inappropriateness and the very modest impact arising from loss of openness and visual impact".*

This scenario is almost identical to the subject planning application, however it did not offer the benefit of relinquishing 40 existing pitches, nor was it within the economic context that we are experiencing today whereby Britain is experiencing a tourism 'boom' of unprecedented scale.

It is for the above reasons we believe that the subject proposals sufficiently demonstrate the very special circumstances required, and we hope that you will consider this planning application in a positive light.

#### **Officer Response to the Applicant's Statement:**

The applicant's agent was advised that it was the case officer's intention at that point to recommend approval. However, it was made clear that this statement was caveated that this was 'subject to Line Manager signing it off.' As such the comments did not prejudice the Development Control Manager's right to order the case to be reviewed, especially in respect to a review of planning appeal case law.

## *Abbey Farm Appeal*

The applicant's agent has provided an example of a Planning Inspector appeal that was allowed for a similar proposal in respect of Abbey Farm, Lancashire. However, officers are sceptical that this appeal is representative of the main body of appeal cases that deal with the extension of holiday parks in the Green Belt.

The main area which concerns officers is provided by paragraph 16 of the appeal decision which states

“Very special circumstances are necessary to justify inappropriate development in the Green Belt but, in this case, **the harm to be outweighed by those circumstances is limited.**”

This statement flies in the face of the direction of paragraph 148 of the NPPF which makes it clear that: -

“When considering any planning application, local planning authorities should ensure that **substantial weight is given to any harm to the Green Belt.**”

It is officers' opinion that in only affording limited weight to the harm to the Green Belt the Inspector misdirected himself.

This contrasts to the approach taken in other appeal decisions. Officers provide two examples of which at 1 (Holme Lea) & 2 (Beechwood Grange)

In the case of Holme Lea (ref APP/C2741/W/15/3008377) for a change of use of land for siting of 20 holiday static caravans in place of tourers, the Inspector stated: -

“Overall, I conclude that the harm caused by the inappropriateness of the proposal, its effect on the openness of the Green Belt and a purpose for including land within it carry substantial weight”.

In the case of Beechwood Grange (ref APP/C2741/W/18/3200824) relating to an increase in the number of pitches by converting a recreational field to the west of the current site), the Inspector stated at paragraph 15 of the appeal decision

“Given the failure of the proposal to preserve the openness of the Green Belt and the accompanying encroachment into the countryside, I conclude that the appeal site is not within the exceptional categories of the provision for outdoor sport and recreation or a material change of use of the land for the purposes of 145(b) and 146(e) of the Framework. Therefore, the proposed scheme would **be inappropriate development and thus harmful to the Green Belt.** Pursuant to paragraph 144 of the Framework, **I attach substantial weight to this harm.**”

It is clear from both Beechwood Grange and Holme Lea that the correct approach to affording weight to inappropriate development in the Green Belt, and to any other harm to the Green Belt, is to afford that harm, substantial weight. To do otherwise would constitute misdirection and expose the Council to challenge by judicial review.

With regard to the other comments made within the agent's statement received yesterday, Members should refer to the full officer report, which addresses all points made.”

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 a representation was made by Philippa Davey, speaking in favour of the application.

**Resolved:**

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

**40. Application CH/21/0314, McArthur Glen Designer Outlet West Midlands, Mill Green, Eastern Way, Cannock, WS11 7JZ – Non-Material Amendment to CH/21/0197 – changes to elevational treatment of units, external areas, Unit 71 and relocation and addition of signage across McArthur Glen Outlet West Midlands site**

Consideration was given to the report of the Development Control Manager (Item 6.29 – 6.74 of the Official Minutes of the Council).

The Development Control Manager advised the Committee that an update had been circulated in advance of the meeting. He read the update out, as follows:

“The recommendation has been amended in the interest of clarity to read as follows:

“That the application for a non-material amendment to planning permission CH/21/0197 made under Section 96A of the Town and Country Planning Act 1990 (as amended) be approved.”

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

**Resolved:**

That the application for a non-material amendment to planning permission CH/21/0197 made under Section 96A of the Town and Country Planning Act 1990 (as amended) be approved.

The meeting closed at 4:14 pm.

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CHAIRMAN

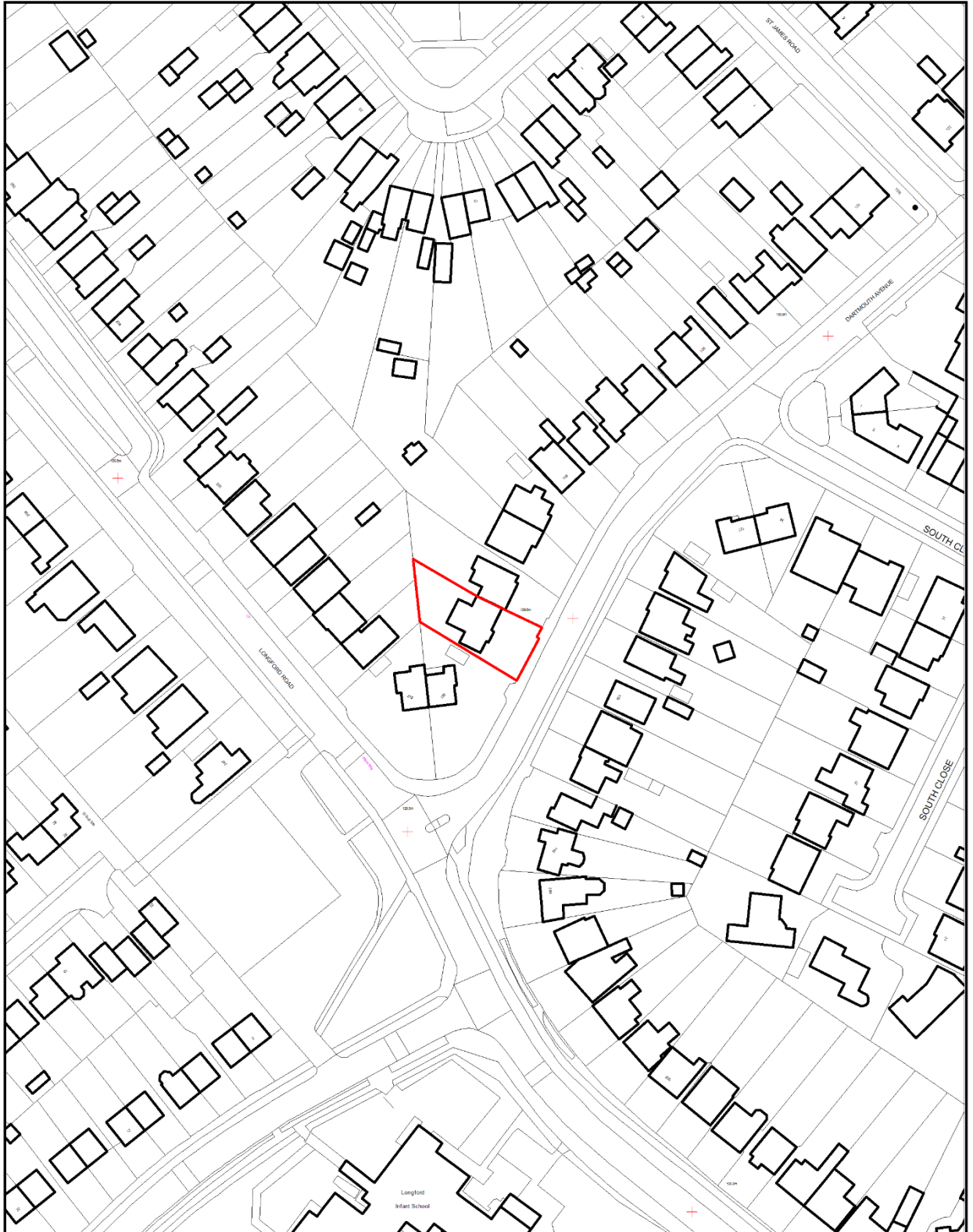
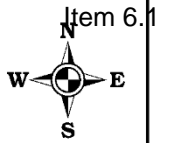




**Application No:** CH/21/0289

**Location:** 154, Dartmouth Avenue, Cannock, WS11 1EJ

**Proposal:** Two storey extension to the side to replace existing garage



# Location and Block Plan



Proposed Extension  
at No. 154 Dartmouth  
Avenue,  
Canmode W511 1E J.  
for Mr. & Mrs. S.  
McLoughlin.  
Jun 2021.

# Existing and Proposed Elevations

Item 6.3



Existing Front Elevation



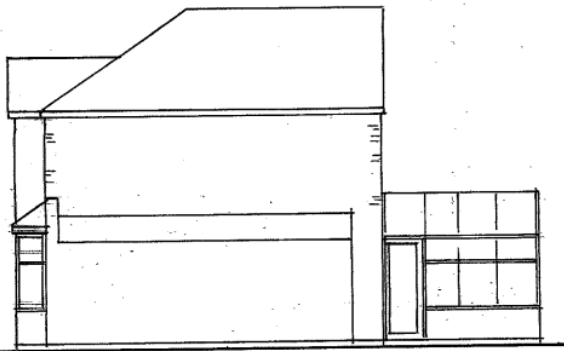
Proposed Front Elevation



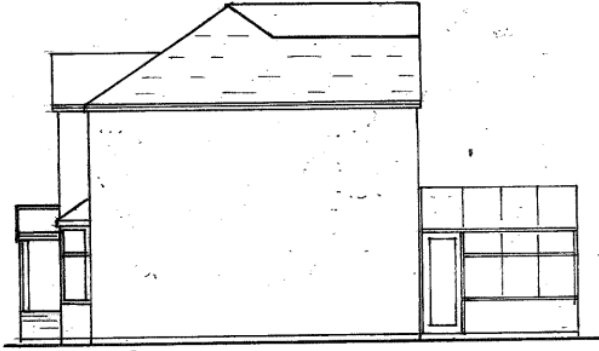
Existing Rear Elevation



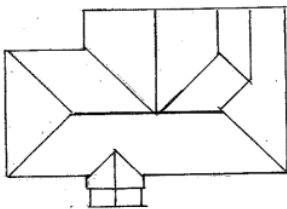
Proposed Rear Elevation



Existing Side Elevation



Proposed Side Elevation

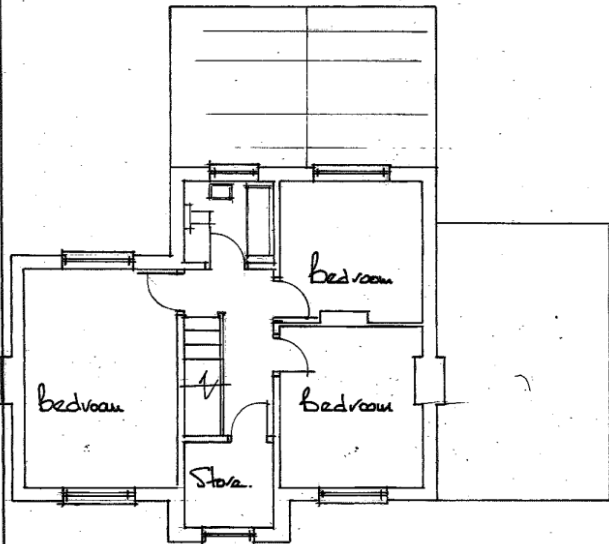


Proposed Roof Plan (Scale 1:200)

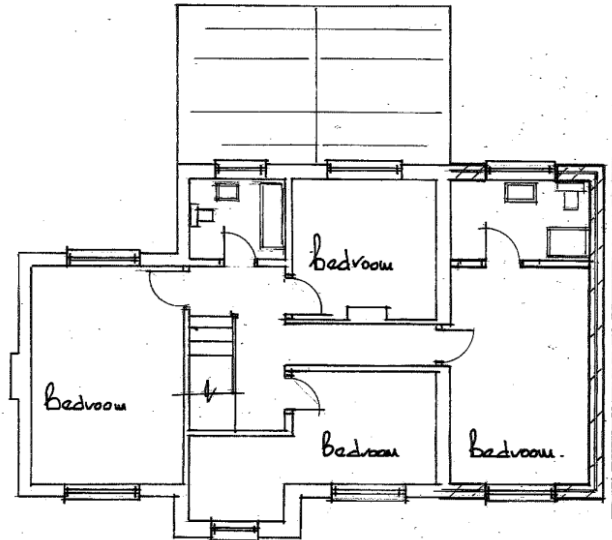
Proposed Extension for Mr. & Mrs. S. Mc Loughlin  
at No. 154 Dartmouth Avenue Carnock with I.E.J

Scale: 1:100  
Dwg. No. SM 2021/1189/2.  
Date: June 2021

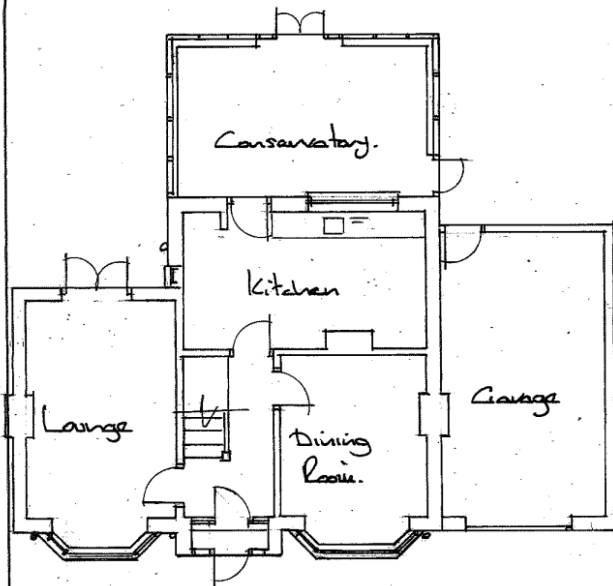
# Existing and Proposed Floor Plans



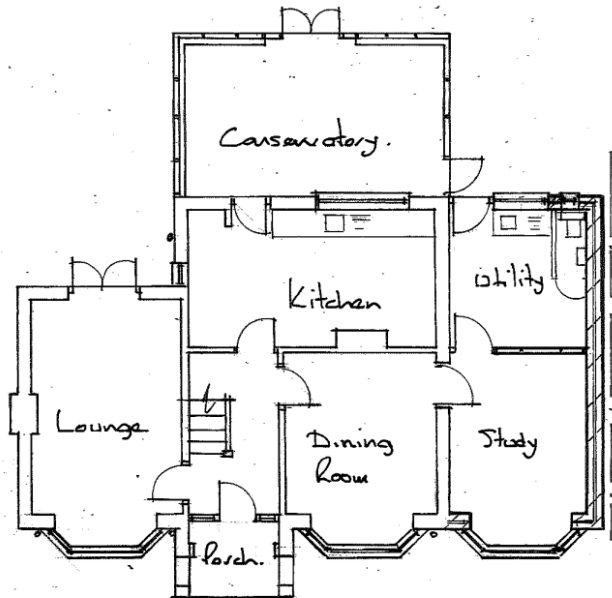
Existing 1st Floor Plan.



Proposed 1st Floor Plan



Existing G.F. Plan

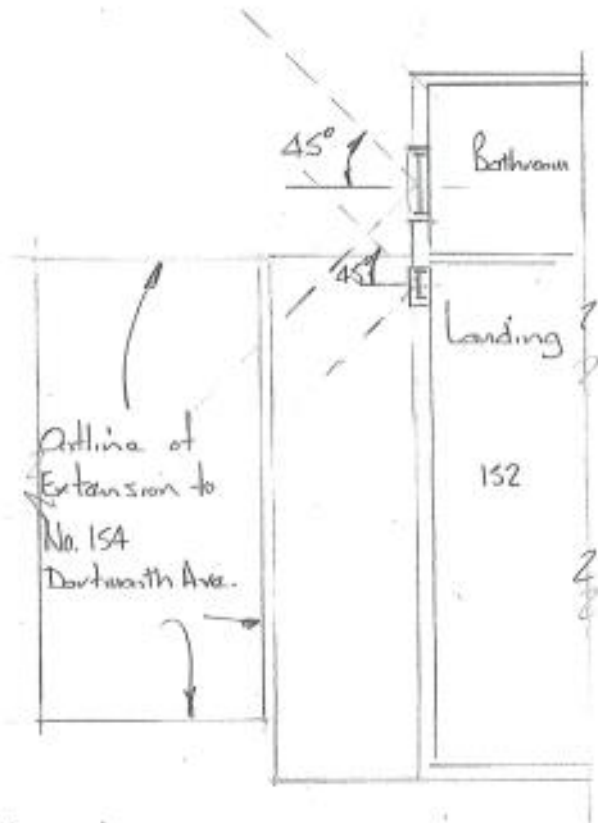


Proposed G.F. Plan

Proposed Extension for Mr. & Mrs. S. McLaughlin  
at No. 154 Dartmouth Avenue Concock W5111EJ.

Scale: 1:100  
Dwg. No. SM 2621/1185/1.  
Date: May 26/21

**Plan Showing the Proposal in Respect to the Daylight Standard (Indicative)** Item 6.5

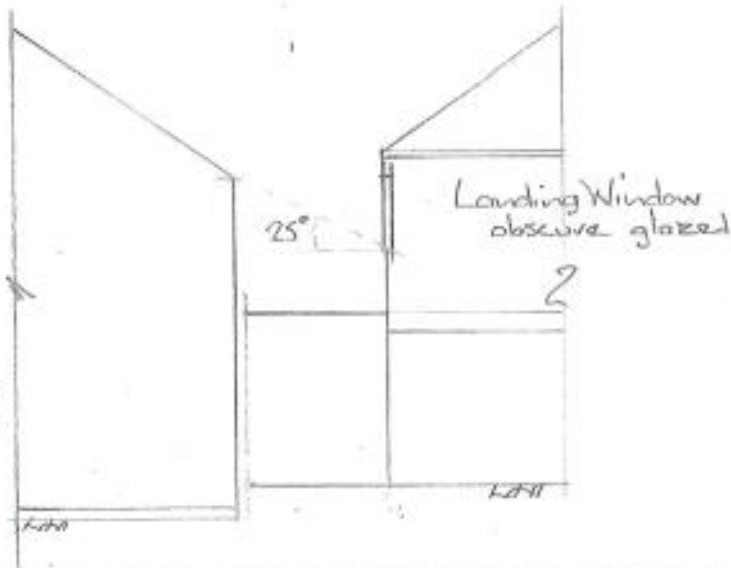


Bathroom & Landing Windows  
obscure glazed.  
(Note: ? Bathroom & Landing  
Windows Principal Windows)

Scale 1:100  
June 2021

Detail showing windows to  
No 152 Dartmouth Ave.  
affecting daylight standard

Scale 1:100. June 2021



Contact Officer: Samuel Everton

Telephone No:01543-464514

**Planning Control Committee**

**22 September 2021**

**Application No:** CH/21/0289

**Received:** 30-Jun-2021

**Location:** 154, Dartmouth Avenue, Cannock, WS11 1EJ

**Parish:** Non Parish Area

**Ward:** Cannock West Ward, Cannock West

**Description:** Two storey extension to the side to replace existing garage

**Application Type:** Full Planning Application

**RECOMMENDATION:**

Approve Subject to Conditions

**Reason(s) for Recommendation:**

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

**Conditions (and Reasons for Conditions):**

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

Reason

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

2. The materials to be used for the external surfaces of the development shall be of the same type, colour and texture as those used on the existing building.

Reason

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

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

Location Plan

Block Plan

Drawing No. SM2021/1189/1

Drawing No. SM2021/1189/2

Reason

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

### **Notes to the Developer**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

### **Consultations and Publicity**

#### **Internal Consultations**

##### Environmental Health

No objection.

#### **External Consultations**

None.

#### **Response to Publicity**

The application has been advertised by site notice and neighbour letter. One letter of representation followed by two letters containing further comments has been received from adjoining neighbours in objection to the proposal. The letters raised the following comments and concerns: -

- Concerns relating to loss of daylight to neighbour's kitchen, laundry, stairs, landing and bathroom areas at No. 152 Dartmouth Avenue. Particularly during the winter when the sun is low in the sky. Reduced lighting to stairs could be a hazard.
- Neighbours spend a lot of time in the kitchen, and whilst the kitchen has a secondary window, it is north/west facing and does not get direct sunlight until late afternoon during the summer and hardly at all in the winter.
- The proposal would make the dwelling the largest fronted property within the street and would resemble a hotel in appearance, which would not be in-keeping with the neighbourhood



- Neighbours have had a meeting with the applicants to try to reach a compromise and suggest either –
  - A full ground floor extension but only half full length extension on the first floor so that the neighbour's kitchen, landing and bathroom windows are not obstructed
  - A full extension commencing forward of the existing dwelling (but ending sooner by a corresponding amount) so that they have the same amount of extra square footage. This would not then block the neighbour's kitchen window
  - A slightly smaller extension (approx. 30 inches smaller) so that the extension would end up being level with the neighbour's laundry and would not protrude in front of our kitchen window
- That the drawing submitted showing the proposal in relation to the neighbour's side facing windows and 45 degree splays is incorrect. Neighbours provided photos and an annotated copy of the drawing showing the correct position of the bathroom window overlaid which is further forwards towards the front of the dwelling.
- Provided additional photos showing the inside of each affected window.

### **Relevant Planning History**

#### CH/91/0050

First floor domestic extension to rear of dwelling. Granted 15/02/1991

#### CH/93/0111

Extension to front of garage and canopy over. Granted 06/04/1993

## **1. Site and Surroundings**

- 1.1 The application site is comprised of a detached three-bedroom two storey dwelling located on Dartmouth Drive, Cannock.
- 1.2 The dwelling is of a brick construction under a hipped roof and features two bay windows and a garage to the side. To the front of the dwelling is a front garden area and a large driveway which can accommodate at least three vehicles. To the rear is an existing conservatory and a garden area bound by 1.8m closeboard fencing.
- 1.3. The street scene is predominately residential and is comprised of a mix of bungalows and two storey detached and semi-detached dwellings, with a variety of architectural styles and finishes. It is also noted that the footprint of the dwellings within the area are varied, and that a number of properties feature large extensions.



- 1.4. The site is unallocated in the Local Plan, however the site is located within the Forest of Mercia, a Mineral Safeguarding area and a Coal Authority Low Risk Area.

## **2. Planning Policy**

- 2.1 The application seeks planning permission for the erection of two storey side extension which would replace the existing garage.
- 2.2 The proposed side extension would measure 7.4m in height to the ridge, 5.2m to the eaves, 3.3m in width off the side elevation and 7.3m in depth. The proposal would provide an additional bedroom (four bedrooms in total) as well as a study and utility space on the ground floor.
- 2.3 The proposed extension would be finished in matching brick, roof tiles and UPVC fenestration.

## **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

Relevant policies within the minerals plan include: -

Policy 3 - Safeguarding Minerals of Local and National Importance and Important Infrastructure

### **3.3 National Planning Policy Framework**

- 3.4 The NPPF (2021) 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 (2021) 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                             |
| 126, 130, 132, 134: | Achieving Well-Designed Places                       |
| 218, 219            | 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. July 2005.

Manual for Streets, 2007.

#### **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.
- v) Minerals Safeguarding.

#### **4.2 Principle of the Development**

4.2.1 The site is on unallocated land and contains an existing dwelling. The proposal is for an extension to the dwelling for to create additional bedroom space and a study and utility and is therefore acceptable in principle subject to the considerations set out below.

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

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 126, 130, 132 and 134. Paragraph 126 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 130 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 134 states planning permission should be refused for development that is not well designed, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. 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. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

4.3.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to extensions to dwellings.

4.3.6 Whilst the proposed extension is relatively large and the neighbour's comments in this respect are noted, it is also noted that other dwellings within the streetscene vary in size, with several examples present of properties that have had large side extensions such as No's. 131 and 137. As such, the scale and design of the proposal would integrate with the design of the of the host dwelling and the mix of architectural styles and dwelling sizes present within the street scene. The proposed window placement, roof design and matching external finishes would ensure that the proposal is proportionate and assimilates into the architecture of the into the host dwelling as well as its surrounding.

4.3.7 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

#### 4.4 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 addressed in development proposals and goes onto 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 130(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.

4.4.3 The material considerations in this case are the potential for overlooking and loss of light to neighbouring dwellings.

- 4.4.4 In respect to overlooking, the Design SPD recommends a minimum separation distance of 21.3m between front and rear facing principal windows. The front and rear facing windows of proposal would not directly face any principal windows of neighbouring properties within this distance and no side facing windows are proposed. As such, the proposal would not have any significant impact on neighbours in respect to overlooking.
- 4.4.5 In respect to assessing the potential for loss of light to neighbouring properties, the Design SPD recommends the application of the 45/25° daylight standard to front and rear windows serving habitable rooms. The proposal would not intersect any front or rear windows serving habitable rooms at the adjoining neighbour's properties and therefore meets the 45/25° daylight test. The neighbour's comments are noted regarding the loss of light to side facing ground and first floor windows serving their kitchen, laundry, stairs, landing and bathroom areas at No. 152. Indeed, whilst the proposal would result in a loss of light to these areas, these are all non-habitable rooms served by side facing windows and are therefore not afforded the same level of protection as front and rear facing principal windows where the 45/25° daylight standard is used. In addition, the kitchen would also benefit from a rear facing window which would not be affected by the proposal and would serve as an additional light source, though it is noted that this window is northwest facing and would not benefit from directly from the sun's path. Therefore, given that the affected rooms are all non-habitable rooms, it is considered on balance that the proposal would not cause a significant loss of light to neighbouring properties so as to warrant refusal.
- 4.4.6 The neighbour's comments in relation to the plan showing the proposal in respect to the daylight standard are also noted and the position of the bathroom window shown would indeed appear to be incorrect. However, this does not alter the fact that the window is side facing and serves a non-habitable room as addressed above. As this plan does not form a critical part of the proposed drawings it is recommended that it be omitted from the list of approved plans set out in condition No. 3 should the Council be minded to grant permission.
- 4.4.7 Following the above, it is concluded that the proposal would maintain a high standard of amenity for existing and future users of the host property and for occupiers of the surrounding dwellings and therefore it is considered that the design of the proposal is acceptable and meets the requirements of the NPPF, Policy CP3 of the Cannock Chase Local Plan and the Council's Design SPD.

#### 4.5 Impact on Highway Safety

- 4.5.1 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on

highway safety, or the residual cumulative impacts on the road network would be severe.

4.5.2 The Council's Parking Standards require parking provision for at least three vehicles for four-bedroom dwellings. The property has an existing garage and a drive with space for at least three vehicles. Whilst the existing garage would be lost, the drive would remain unaltered and would have adequate space to provide the required three spaces. As such the proposed on-site parking provision would be adequate and the proposal therefore would not have an adverse impact on highways safety and would be in accordance with Paragraph 111 of the NPPF.

#### 4.6 Mineral Safeguarding

4.6.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 212, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), aim to protect mineral resources from sterilisation by other forms of development.

4.6.2 Policy 3.2 of the Minerals Local Plan states that:

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

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

4.6.3 The development would fall under Item 1 within the exemption list as an application for householder development and is therefore permitted. As such the proposal is compliant with Policy 3 of the Minerals Local Plan.

#### 4.7 Other Issues Not Already Addressed Above

4.7.1 In response to the comments received by neighbours outlining their suggested amendments to the proposal, officers would advise that whilst these amendments may indeed reduce the impact of the proposal on neighbour's daylight, the Council can only consider the proposal presented before it.

Certainly, the applicant could consider any suggestions and seek to alter the proposal following the outcome of this application via a re-submission.

## **5. Human Rights Act 1998 and Equalities Act 2010**

### **Human Rights Act 1998**

- 5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.

### **Equalities Act 2010**

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

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

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

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

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

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

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

## **6. Conclusion**

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

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



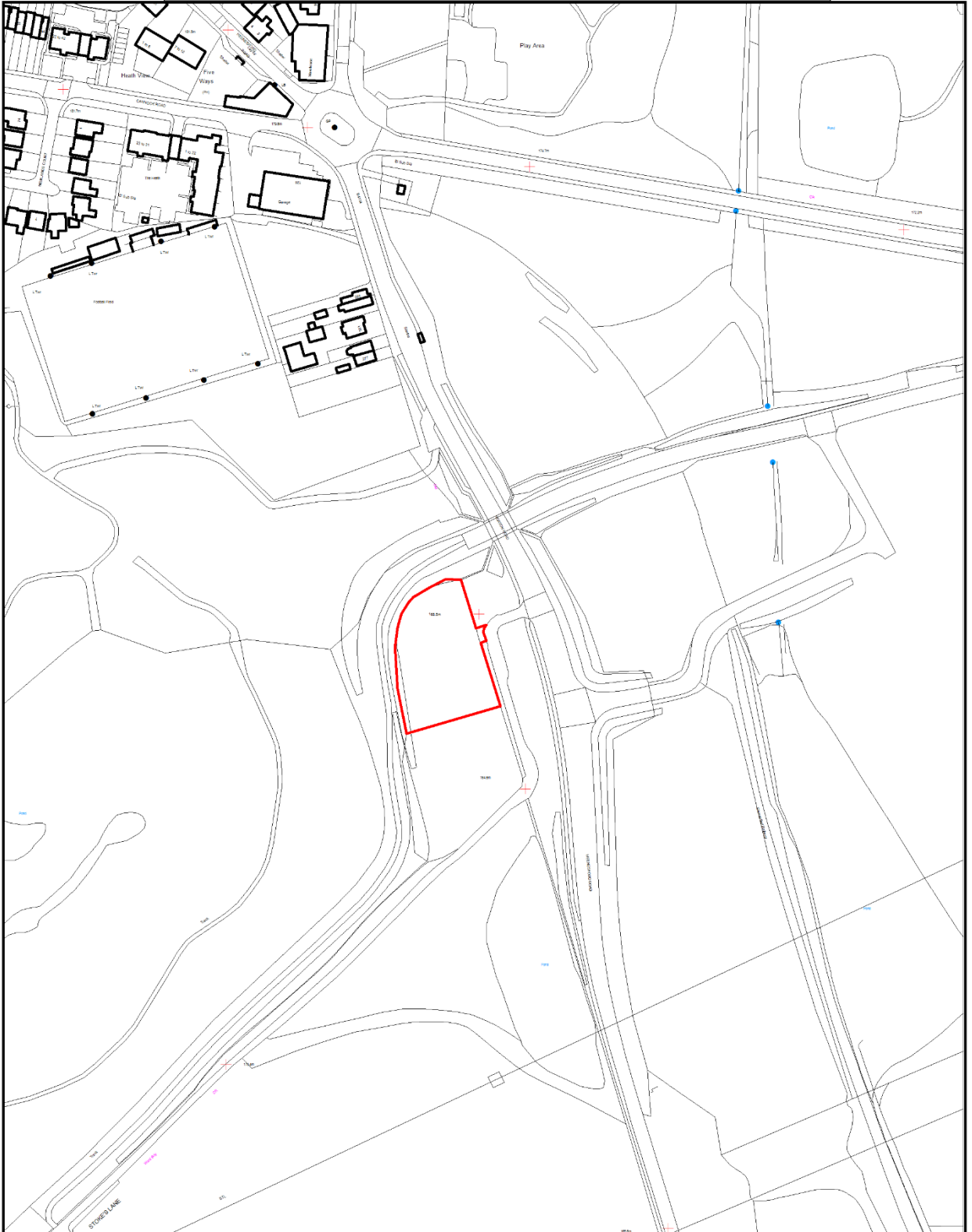


**Application No:** CH/21/0367

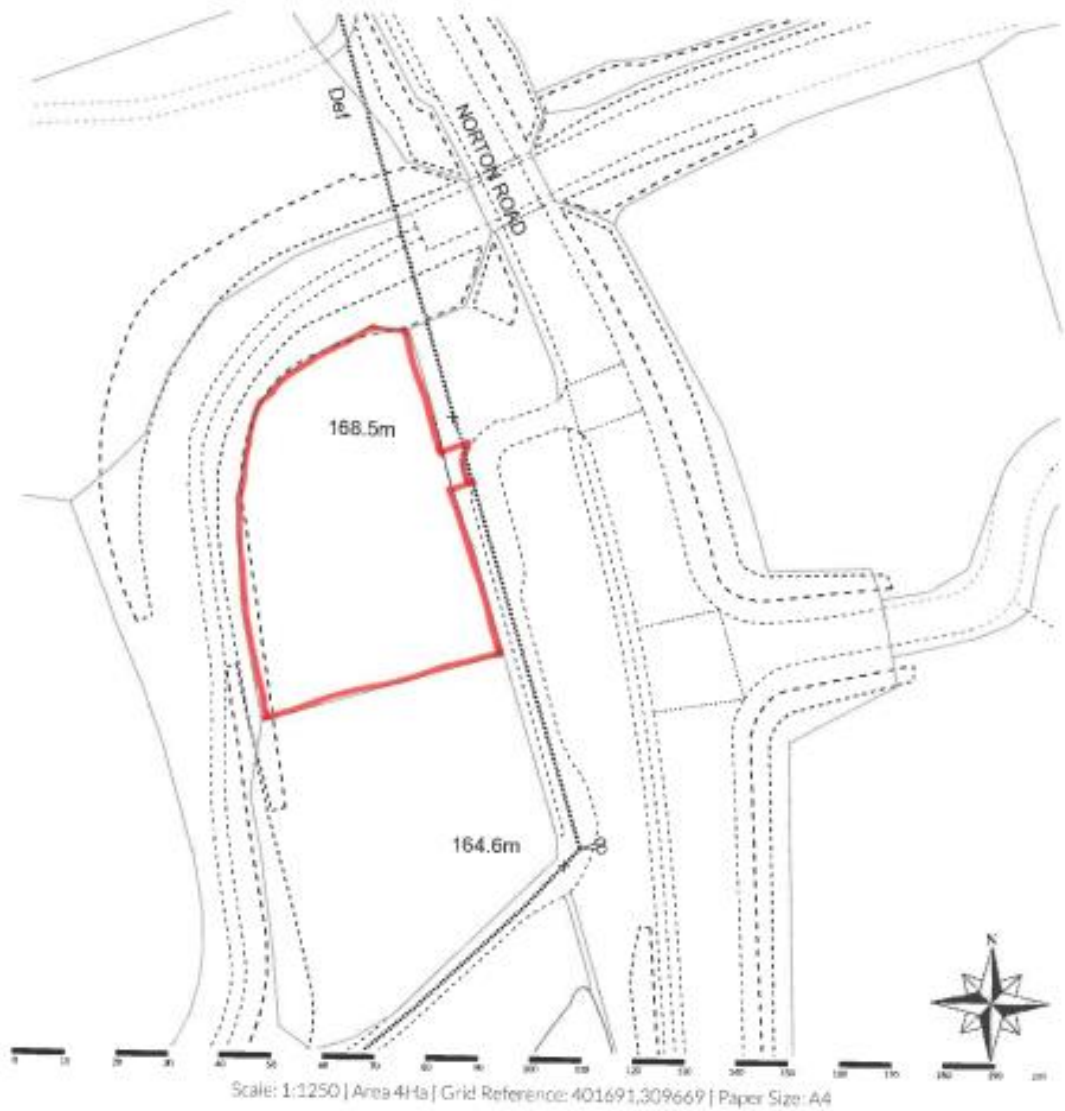
**Location:** Gypsy residential site, Stokes Lane, Norton Canes, WS12 3HJ

**Proposal:** Non-material Amendment to Planning Permission No. CH/21/0040 to combine 2 No. proposed utility buildings into 1. No building

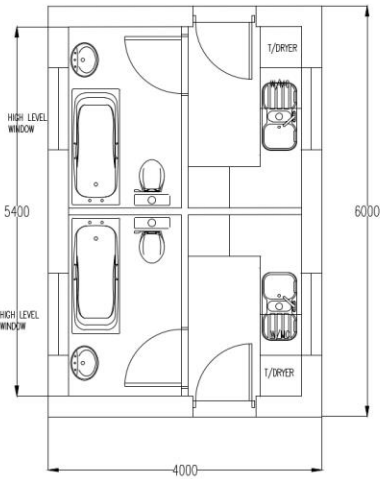
Item 6.17



# Location Plan



# Site Plan and Elevations



**Contact Officer:** Richard Sunter  
**Contact:** 01543 464481

**Planning Control Committee**  
**22<sup>nd</sup> September 2021**

**Application No:** CH/21/0367  
**Received:** 2<sup>nd</sup> September 2021  
**Location:** Gypsy residential site Stokes Lane, Cannock, WS12 3HJ  
**Parish:** Heath Hayes / Norton Canes  
**Ward:** Heath Hayes East and Wimblebury Ward/ Norton Canes Ward  
**Description:** Non-material Amendment to Planning Permission No. CH/21/0040 to combine 2 No. proposed utility buildings into 1. No building  
**Application Type:** Non-Material Amendment

**Recommendations:** Approve

**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. This approval of the non-material amendment shall relate to the combining of 2 No. proposed utility buildings into 1. No building as shown on the approved Drawing JMD 60-B.

**Notes to the Developer:**

As this is a non-material amendment approved under Section 96A of the Town and Country Planning Act all conditions relating to planning permission CH/21/0040 will continue to be in force with equal affect subject to the specific non-material

amendments hereby permitted.

## **Consultations and Publicity**

### **External Consultations**

None.

### **Internal Consultations**

None.

### **Response to Publicity**

As this application is for a non-material amendment it has not been advertised.

### **Relevant Planning History**

- CH/21/0040: Application under Section 73 of the 1990 Town & Country Planning Act to develop the land not in accordance with approved plans but in accordance with plan JMD-60-07. (Larger amenity block). Pursuant to CH/20/198. Approved 24 March 2021.
- CH/20/198: Change of use of land to use as a residential caravan site for 4 gypsy families. Approved 3<sup>rd</sup> September 2020.
- CH/19/093: Proposed Change of Use of land for the keeping/stabling of horses. Approved 21<sup>st</sup> August 2019.

## **1 Site and Surroundings**

- 1.1 The application site is comprised of an area of land which is subject to planning application for a change of use of land for as a residential caravan site for 4 gypsy families which was approved 3<sup>rd</sup> September 2020 and subject to a material minor amendment on 24 March 2021. The site has been laid out with areas of hardstanding and is enclosed by a 2m high close boarded wooden fence and caravan stationed it and the amenity block/ day room is under construction.
- 1.2 The site is located off Stokes Lane near its junction with B1454 Hednesford Road, between Heath Hayes and Norton Canes. It is surrounded, in part by semi-mature woodland which helps to screen the site although not entirely.
- 1.4 The site is located within the West Midlands Green Belt, the Forest of Mercia, a Mineral SafeGuarding Area, Coal Authority Low Risk Boundary, Coal Authority High Risk Boundary, near to Env Agency Historic Landfill Boundary, a Landmark Contaminated Land Boundary.

- 1.5 The site is located in the parish of Heath Hayes and Wimblebury but on its boundary with Norton Canes.

## 2 Proposal

- 2.1 The Applicant is seeking consent for a non-material amendment to planning permission CH/21/0040 to combine 2No. utility buildings into 1 No building.

## 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
- CP2: - Developer contributions for Infrastructure
- CP3: - Chase Shaping – Design
- CP13: - Cannock Chase Special Area of Conservation (SAC)
- CP14: - Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB)

- 3.3 There are no relevant policies within the Minerals Plan.

### 3.4 National Planning Policy Framework

- 3.4 The NPPF (2021) 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 (2021) 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: -

|                     |  |
|---------------------|--|
| 8:                  | Three dimensions of Sustainable Development          |
| 11-14:              | The Presumption in favour of Sustainable Development |
| 47-50:              | Determining Applications                             |
| 111: -              | Highway safety and capacity                          |
| 126, 130, 132, 134: | Achieving Well-Designed Places                       |
| 147-150: -          | Green Belt   |
| 179-182: -          | Biodiversity   |
| 183, 184: -         | Ground Conditions                                    |
| 218, 219            | Implementation                                       |

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

### 3.8 Planning Practice Guidance

3.8.1 Paragraph: 001 (Reference ID: 17a-001-20140306) states

‘When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements.

New issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are fundamental or substantial, a new planning application under section 70 of the Town and Country Planning Act 1990 will need to be submitted. Where less substantial changes are proposed, there are the following options for amending a proposal that has planning permission:

- Making a non-material amendment
- Amending the conditions attached to the planning permission, including seeking to make minor material amendments’.

3.8.2 Paragraph: 002 (Reference ID: 17a-002-20140306) goes on to state: -

‘There is no statutory definition of ‘non-material’. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.’

3.8.3 Finally, paragraph 005 (Reference ID: 17a-005-20140306) goes on to state: -

‘As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views.

#### **4 Determining Issues**

- 4.1 The determining issue for the determination of the application is whether the proposed changes are material or non-material in nature. If the decision taker considers that the changes are non-material in nature then they should approve the application as a non-material amendment to planning permission CH/21/0040.
- 4.2 The main issues in the determination of planning permission CH/21/0040 were the impacts on the Green Belt, character of the area, residential amenity of neighbouring properties, highway safety, drainage and biodiversity.
- 4.3 The proposed amendments would not alter the quantum of built-form on the site, and as such would not have any material impact on the openness of the Green Belt or conflict with the purposes of including land within the Green Belt over and above that of the consented scheme.
- 4.4 Further to the above the proposal, by virtue of its nature and location within the existing compound would not result in any additional traffic flows, demonstrable impact on the character of the area, biodiversity or the residential amenity of neighbouring properties over and above that of the consented scheme.
- 4.5 As such it is considered that the proposed amendments are non-material in nature and therefore the application should be approved.

#### **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 applies in this proposal which is being funded through a disabled facility grant. It is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

## **6 Conclusion**

- 6.1 The Applicant is seeking consent for a non-material amendment to CH/21/0040 to combine two individual utility buildings into one semi-detached building.
- 6.2 The determining issue for the determination of the application is whether the proposed changes are material or non-material in nature.
- 6.3 There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another.
- 6.4 Given that the amendments sought would not alter the quantum of built-form on the site it would not have any material impact on the openness of the Green Belt or conflict with the purposes of including land within the Green Belt over and above that of the consented scheme.
- 6.5 Further to the above the proposal, by virtue of its nature and location within the existing compound would not result in any additional traffic flows,

demonstrable impact on the character of the area, biodiversity or the residential amenity of neighbouring properties over and above that of the consented scheme.

- 6.6 It is recommended that the application be approved as a non-material amendment to planning permission CH/21/0040.



**PLANNING CONTROL MEETING**

**WEDNESDAY 22<sup>nd</sup> SEPTEMBER 2021**

**PUBLIC SPEAKING ON PLANNING APPLICATIONS, TREE PRESERVATION**

**ORDERS AND ENFORCEMENT CASES**

**1. Purpose of Report**

- 1.1 To provide an opportunity for members to consider whether to recommend reducing the time allowed for speakers to address the committee on planning applications, TPOs and enforcement cases from 10 minutes to 5 minutes.

**2. Background**

- 2.1 In the 10 years leading up to 2011 the system for public speaking at Planning Committee was to allow up to two objectors to a planning application (provided that they had different issues to raise), the applicant or applicant's agent, a parish representative and a ward member to speak for 5 minutes.
- 2.2 In 2011 Council agreed to the committee's recommendation to permit the maximum time for speeches to be extended from 5 minutes to 10 minutes for an experimental period of one year, after which the protocol for public speaking was adopted on a permanent basis to allow
- (i) The time allowed for public speakers to address Planning Committee from 5 to 10 minutes.
  - (ii) To allow equal numbers of supporters to speak on an application as objectors, limited to one objector and the applicant or applicant's agent.
  - (iii) No limit on the number of ward members who can speak.
  - (iv) In the event of a parish council objecting and officers minded to recommend refusal the application shall be referred to Planning Committee.

**3. Practice Elsewhere in Staffordshire**

- 3.1 At the time of the previous decision in 2011 a study was undertaken into current practice throughout Staffordshire. A similar exercise was again undertaken in 2019 and so where possible current practice in respect to the length of time for speakers is also given.

| Local Authority      | Time Allowed for Speakers |                        |
|----------------------|---------------------------|------------------------|
|                      | 2011                      | 2019                   |
| Lichfield            | 5                         | 5 but ward Members 10. |
| Newcastle-under-Lyme | 5                         | 5                      |
| South Staffordshire  | 5 on majors/ 3 on others  | 3                      |

|                              |   |  |
|------------------------------|---|--|
| Stafford Borough             | 3 | 5 on majors/ 3 on others /5 for each ward councillor<br><br><u>Special Planning</u><br><br>10 for speakers and 10 minutes shared for all ward councillors* |
| Staffordshire Moorlands      | 3 |  |
| Stoke                        | 5 | 5  |
| Tamworth                     | 5 |  |
| Staffordshire County Council | 5 | 5  |
| East Staffordshire           | 0 |  |

\*subject to Cabinet approval

- 3.2 Your officers are of the opinion that although the current arrangements are not onerous for meetings with a smaller agenda it does result in lengthy meetings when several controversial applications appear on the same agenda and there are a large number of speakers.
- 3.3 It is also noted that the current arrangements are particularly generous compared to current practice throughout the county.

#### **4. Process for Changing the Practice**

- 4.1 If Members wish to consider extending the time limit in public speaking, this would need to be in the form of a recommendation to Council to make a change to the Local Protocol for Planning Decision Making which forms part of the constitution. A copy of the relevant part of the Local Protocol for Planning Decision Making is attached at Appendix 1.

#### **5. Recommendation**

- 5.1 Members are invited to consider whether to recommend changing the time limit on public speaking at Planning Control.

**Appendix 1:**  
**Extract of the Local Protocol for Planning Decision Making**  
**(April 2021)**

**PROTOCOLS FOR PUBLIC SPEAKING AT PLANNING CONTROL COMMITTEE**

1. **Protocols**

1.1 Who is Entitled to Speak

i. In relation to a planning application:

- a. The applicant or a person representing the applicant.
- b. A supporter of the application.
- c. An objector who is acting on his or her behalf or on behalf of a group of objectors or a person representing objectors. Normally, only one person will be permitted to speak on behalf of all objectors unless it can be demonstrated that there are significantly differing points of view that are wished to be expressed when a maximum of two people will be permitted to speak.
- d. A Ward Councillor(s).
- e. A representative of the Parish Council.

ii. In relation to Tree Preservation Orders:

- a. A person or representative of a person supporting the making of an order.
- b. A person or representative of a person objecting to the making of an order.
- c. A Ward Councillor(s)
- d. A representative of the Parish Council.

- iii. In relation to planning enforcement cases:
  - a. A person or representative of a person making a complaint about a planning enforcement matter.
  - b. A person or representative of a person responsible for the alleged unauthorised development.
  - c. A Ward Councillor(s)
  - d. A representative of the Parish Council.

#### 1.2 Making an Application to Speak

Requests to speak must be made by completing an application form obtainable from the Planning Control Unit at the Civic Centre. The completed form must be delivered to the Civic Centre by, at the latest, 3:00pm on the Monday before the meeting of the Planning Control Committee due to take place on the Wednesday. Receipt of the completed form will be acknowledged in writing. Ward Councillors need not complete an application form but should inform the Chairman of the Planning Control Committee that they wish to speak on a particular application.

#### 1.3 Procedure following Receipt of Application to Speak

If an application to speak has been received from one of the parties, other than a Ward Councillor, officers will use their best endeavours to contact the other parties to give them an opportunity of speaking if they so wish. In cases where there are a large number of objectors, it may not be possible to contact everyone. As information about speaking rights will already have been sent to applicants, people notified of applications and Parish Councils at an early stage in the processing of an application, failure to contact other parties following receipt of an application to speak from one of them will not invalidate the procedure. No contact will be made in writing at this stage.

#### 1.4 Procedure at the Meeting

Applications and other matters on which there are speakers will be dealt with at the start of the meeting. The procedure for dealing with these matters will be as follows:

- i. An officer will give a verbal report updating the written report with any information received after its completion.
- ii. Speakers will be called to speak in the following order:
  - objector(s);
  - Parish;

- Ward Councillor(s)
  - A supporter of the application
  - Applicant or supporter or alleged contravener (where applicable)
- iii. Speeches must last no longer than TEN MINUTES. The Chairman will invite the speaker to sum up before the ten-minute time limit is reached.
- iv. Members of the Planning Control Committee may then ask questions of any of the speakers.
- v. The Planning Officer may then answer any points arising from the speeches.
- vi. The speakers will then withdraw to the public gallery and a decision will be made following whatever further discussions members of the Planning Control Committee wish to have.
- vii. In the event that Committee decide to defer a decision before any speakers have been called to speak on the matter speakers will be invited to decide whether they wish to defer their speeches until the deferred date. Only one opportunity to speak will be allowed.
- viii. In the event that the Committee decide to defer consideration of a matter after any speaker has addressed the Committee on that matter all the speakers on that matter will be allowed to speak again on the deferred date. If a speaker is unavailable on that date they may nominate a substitute to speak on their behalf.

## 1.5 Procedure after the Meeting

Speakers will be sent written notification of the Planning Control Committee's decision.

### 1.6.1 Chairman

The ruling of the Chairman of the meeting as to the construction or application of any of the above shall not be challenged.