

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

15 August 2023

Dear Councillor,

Planning Control Committee

3:00pm, Wednesday 23 August 2023

Council Chamber, Civic Centre, Cannock

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda. The meeting will commence at 3.00pm or at the conclusion of the site visit, whichever is the later. Members should note that the following site visit has been arranged: -

Application Number	Application Location and Description	Start Time
CH/23/0137	<i>Land at Farm Garage Petrol Station, Hednesford Road, Cannock, WS12 3TN</i> Proposed new food convenience store with associated access and parking - use classification E. Resubmission of CH/22/0322	2.20pm

Members wishing to attend the site visit are requested to meet at Land at Farm Garage Petrol Station, Hednesford Road, Cannock, WS12 3TN at 2.20pm as indicated on the enclosed plan. Please note that, following a risk assessment, Members undertaking site visits must wear full PPE or they will not be permitted on to the site. In this case, the PPE will constitute a hard hat, hi-vis vest, and safety footwear.

Yours sincerely,



Tim Clegg
Chief Executive

To Councillors:

Fisher, P.A. (Chair)
Cartwright, S.M. (Vice-Chair)
Aston, J. Mawle, D.
Fitzgerald, A.A. Pearson, A.R.
Hoare, M.W.A. Prestwood, F.
Jones, P.T. Sutherland, M.
Jones, V. Thornley, S.J.
Kenny, B. Wilson, L.J.
Kruskonjic, P.

Agenda

Part 1

1. Apologies

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

To declare any 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 26 July 2023 (enclosed).

5. Members' Requests for Site Visits

6. Report of the Planning Services Manager

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

Details about planning applications can be accessed on the Planning section of the Council's [website](#).

Site Visit Application

Application Number	Location and Description	Item Number
1. CH/23/0137	Land at Farm Garage Petrol Station, Hednesford Road, Cannock, WS12 3TN - Proposed new food convenience store with associated access and parking - use classification E. Resubmission of CH/22/0322	6.1 - 6.23

7. Exclusion of the Public

The Chair to move:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraph 1, 2 and 7, Part 1, Schedule 12A of the Local Government Act 1972 (as amended).

Agenda

Part 2

8. Enforcement Case - ENF/23/109

Not for Publication Report of the Planning Services Manager (Item No. 8.1 - 8. 4)

This Report is confidential due to the inclusion of:

- information relating to any individual
- information which is likely to reveal the identity of an individual
- information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Cannock Chase Council
Minutes of the Meeting of the
Planning Control Committee
Held on Wednesday 26 July 2023 at 3:05pm
In the Council Chamber, Civic Centre, Cannock

Part 1

Present: Councillors

Fisher, P.A. (Chair)	
Cartwright, S.M. (Vice-Chair)	
Elson, J.S. (Substitute)	Pearson, A.R.
Fitzgerald, A.A.	Prestwood, F.
Jones, P.T.	Sutherland, M.
Jones, V.	Thornley, S.J.
Kenny, B.	Wilson, L.J.
Kruskonjic, P.	

(The meeting commenced slightly late due to a site visit taking place).

10. Apologies

Apologies for absence had been received from Councillors J. Aston, M.W.A. Hoare, and D. Mawle.

Notification had previously been received that Councillor J. Elson would be acting as substitute for Councillor D. Mawle.

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

None.

12. Disclosure of Details of Lobbying by Members

None.

13. Minutes

Resolved:

That the Minutes of the meeting held on 28 June 2023 be approved as a correct record.

14. Members Requests for Site Visits

None.

15. Application CH/23/0088, 6 Post Office Lane, Slitting Mill, Rugeley, Staffordshire, WS15 2UP, Extension and Alterations of Existing Dwelling

Following a site visit, consideration was given to the Report of the Planning Services Manager (Item 6.1 - 6.24) presented by the Planning Officer.

The Planning Officer 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 Michael Bullock, the applicant's agent speaking in support of the application.

Resolved:

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

16. Application CH/23/0203, 10 Poplar Lane, Cannock, Staffordshire, WS11 1NQ, Extension to Rear of Existing Garage

Consideration was given to the Report of the Planning Services Manager (Item 6.25 - 6.39) presented by the Planning Officer.

The Planning Officer provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Resolved:

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

The meeting closed at 3:35pm.

Chair

Application No: CH/23/0137

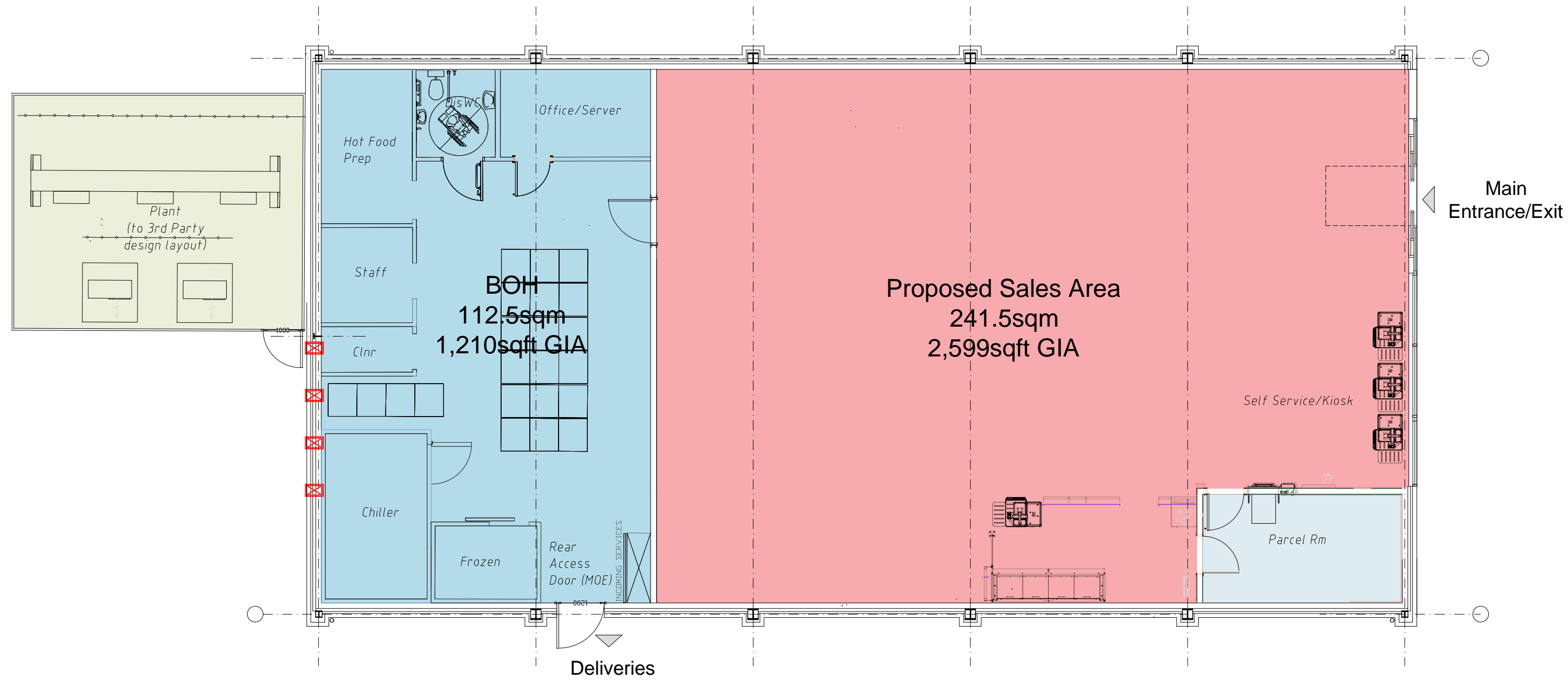
Location: Land at Farm Garage Petrol Station,
Hednesford Road, Cannock, WS12 3TN

Proposal: Proposed new food convenience store with
associated access and parking - use
classification E. Resubmission of CH/22/0322



**SITE VISIT
MEETING POINT**

Note
 All references to the specification of any product, material or system used in the proposed construction, repair, treatment and refurbishment of any building or structure detailed on this drawing, in respect of the performance of combustibility, fire resistance or fire protection shall be fully in accordance with manufacturer's or supplier's specifications and recommendations and in accordance with current applicable regulations. Where specified refer to fire engineer consultant's specific details where appointed.
 No reliance shall be placed on such details on this drawing.



Retail Unit - Ground Floor Plan

Scale 1:100

Schedule of Areas:

 Proposed Sales Area	- 241.5sqm (2,599sqft)
 Proposed BOH Area	- 112.5sqm (1,210sqft)
 Proposed Parcel Area	- 13.8sqm (148.5sqft)
Total Approx. GIA	- 367.8sqm (3,598sqft)

E	18.07.23	Updated plant design from client information	JH
D	08.12.22	Updated to latest client information	HC
C	31.10.22	Updated to latest client information	JH
B	18.08.22	Updated note in drawing title to LPA comments	JH
A	23.05.22	Updated to show structural indicative layout	JH

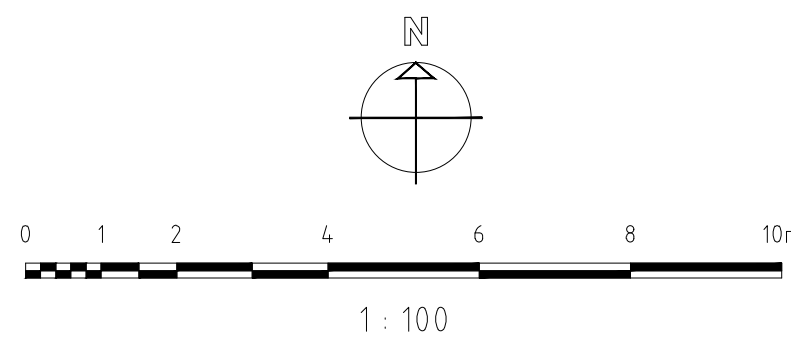
rev.	date	drawn	chk'd

Gould Singleton Architects Tel: 0121 550 0359 Fax: 0121 550 8088
 Earls Way, Halesowen, West Midlands, B63 3HR e-mail: info@gould-singleton.co.uk

scales **1:100@A2**
 date **08.11.21**
 Land Off
 Hednesford Road
 Cannock
 WS12 3TN

number drawn **JH** checked **GSA** **Proposed Ground Floor Plan**

21-1892/05e This drawing and the building works depicted are the copyright of the Architects and may not be reproduced except by written permission. This drawing must be read and checked against any specialist drawings and information provided. Figured dimensions only to be taken from this drawing.



Note
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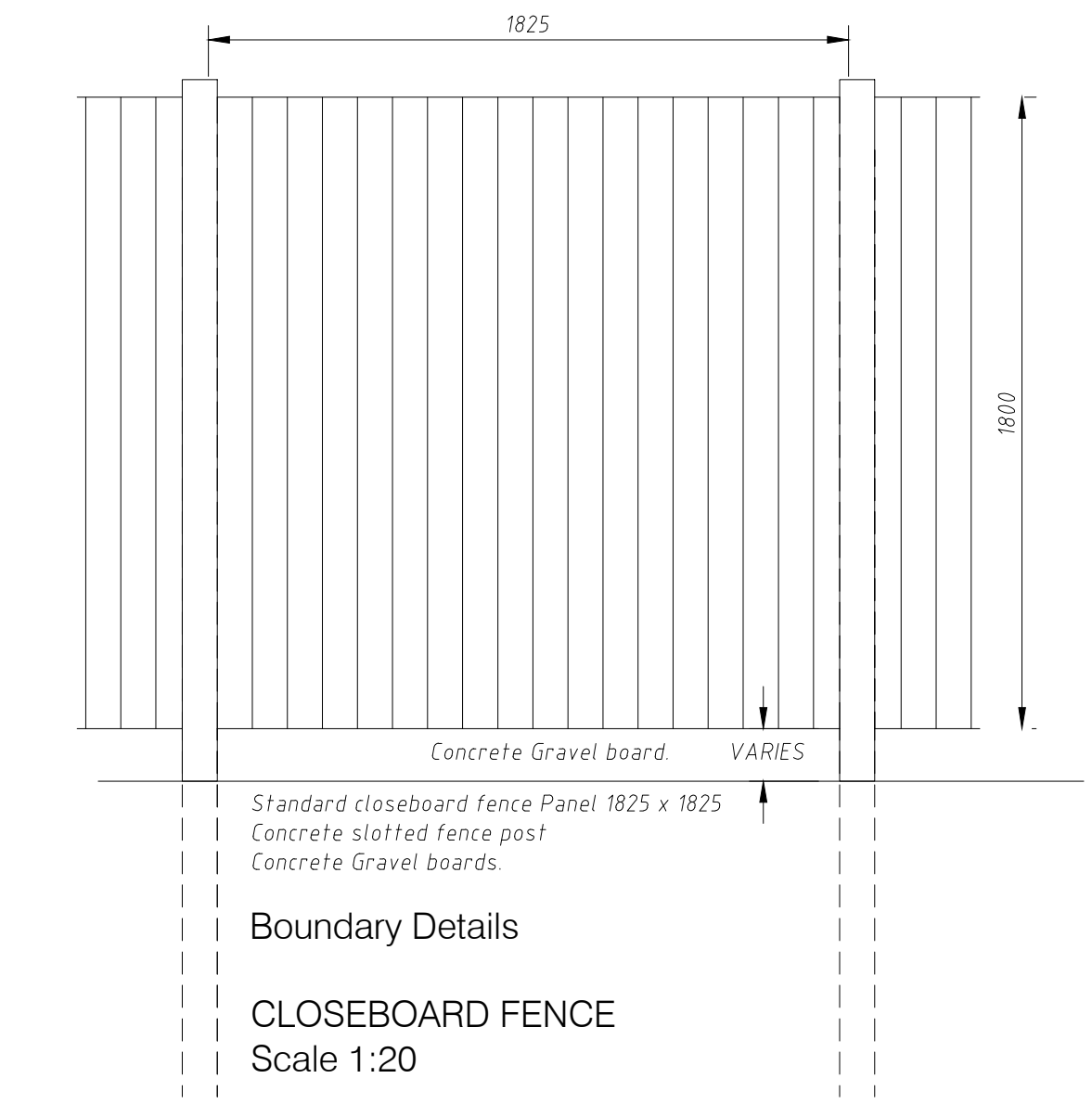
Proposed Site Plan

Scale 1:200

EXTERNAL MATERIALS/FINISHES:

- LANDSCAPING/PLANTING - Details TBA
- NEW TARMAC PAVING TO FOOTPATHS
- EXISTING LANDSCAPING/PLANTING TO BE RETAINED- Details TBA
- INDICATIVE PLANTING - Refer to Landscape Scheme Plan
- PROPOSED NEW CANOPY (refer to drawing 19-1782/07)
- NEW TARMAC PARKING SPACES
- TARMAC ACCESS ROADS/CAR PARK
- Thermoplastic white lining to Car Park Spaces

- PROPOSED DEVELOPMENT
- APPROX. SITE AREA - 1,557sqm (0.384acres)
- PROPOSED PARKING - 16 SPACES (INC. 1 X DIS, 1 x 1 ELECTRIC CHARGING POINT)
- Note: Tracking provided by 3rd Party

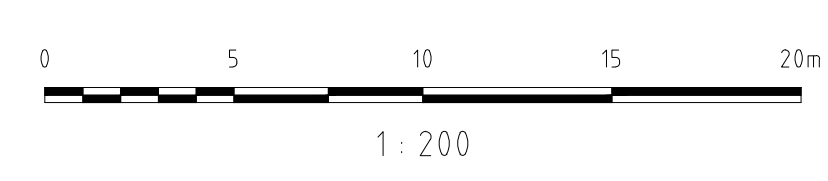


R	03.04.23	Updated note for cycling parking	JH
P	13.02.23	Updated access to site layout	JH
N	06.02.23	Updated from design team meeting	JH
M	16.01.23	Updated from drainage plan requirements	JH
L	05.01.23	Relocation of cycle parking	DI
K	08.12.22	Updated layout from discussion with client	HC
J	28.11.22	Updated layout from discussion with client	JH
H	14.11.22	Updated layout from discussion with client	JH
G	08.11.22	Updated layout from discussion with transport consultant	JH
F	31.10.22	Updated to latest client information	JH
E	18.08.22	Updated note in drawing title to LPA comments	JH
D	29.07.22	Updated to latest drainage levels reqd.	JH
C	08.07.22	Indicative proposed levels added	JH
B	28.06.22	Minor amendment.	TD
A	23.05.22	Updated to show structural indicative layout	JH

rev.	date	drawn	chk'd
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 email: info@gould-singleton.co.uk

number	date	checked	proposed
1:200@A1	05.01.23	JH GSA	Proposed Site Plan
21-1892/04V			

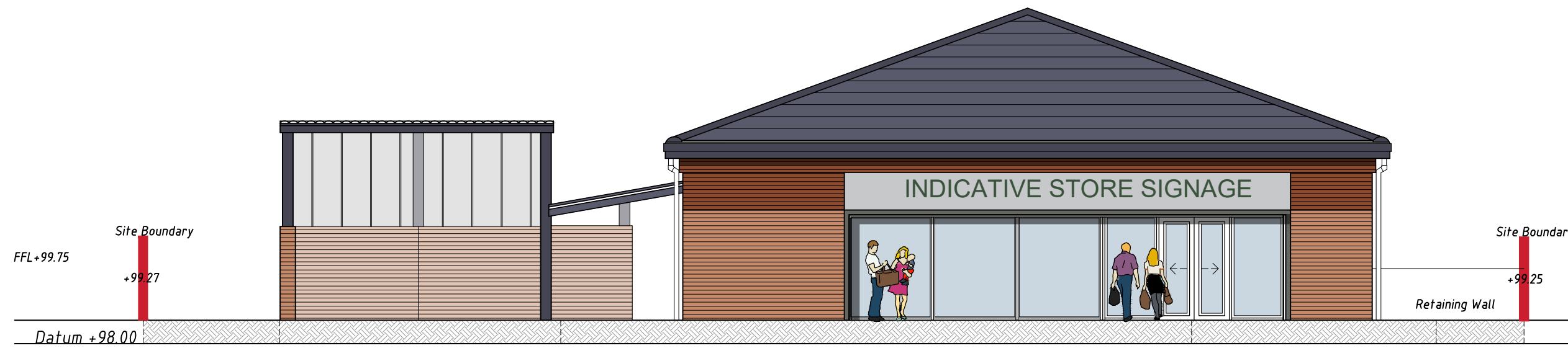


V	18.07.23	Updated plant design from client information
U	15.06.23	Updated boundary for drainage amendments
T	15.05.23	Updated note for bollards/canopy

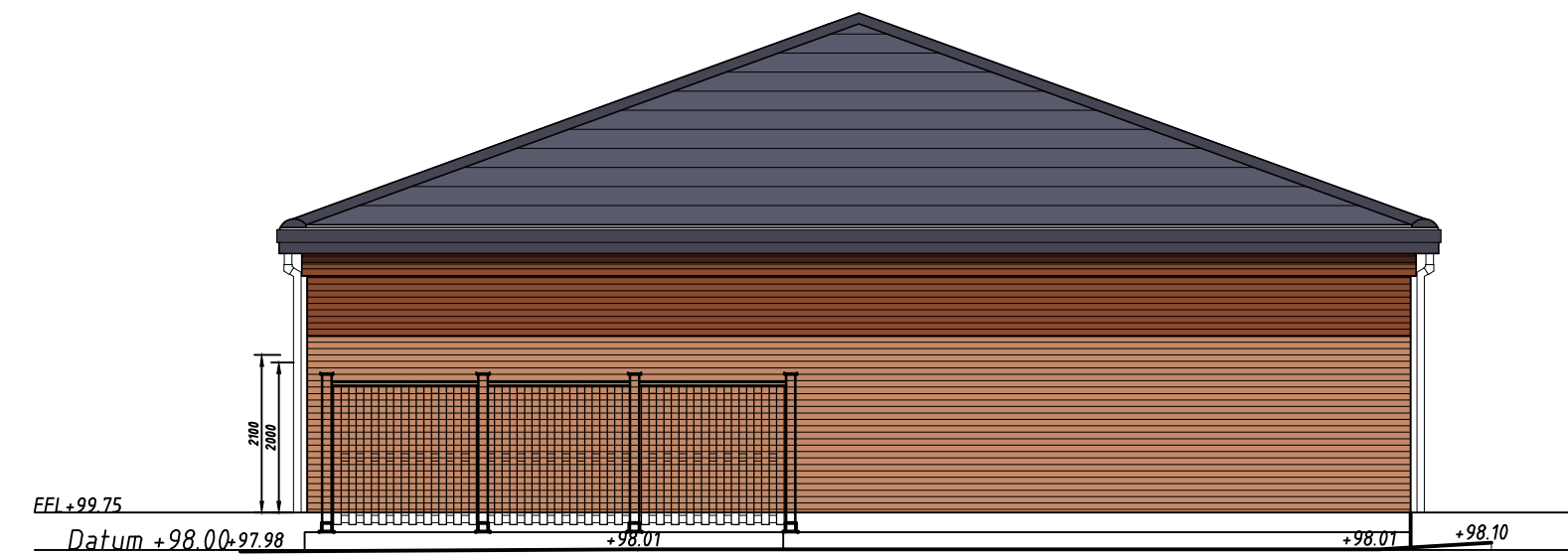
JH
 JH
 JH

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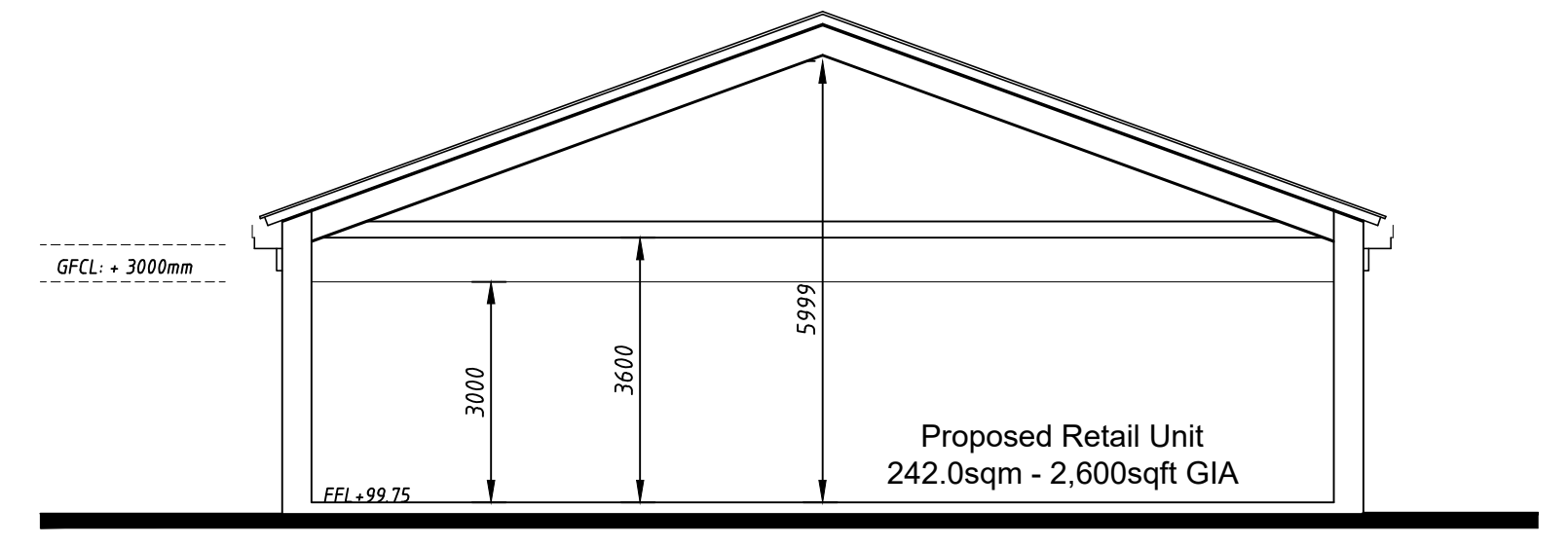
Note
 All references to the specification of any product, material or system used in the proposed construction, repair, treatment and refurbishment of any building or structure detailed on this drawing, in respect of the performance of combustibility, fire resistance or fire protection shall be fully in accordance with manufacturer's or supplier's specifications and recommendations and in accordance with current applicable regulations. Where specified refer to fire engineer consultant's specific details where appointed.
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Front Elevation
 Scale 1:100

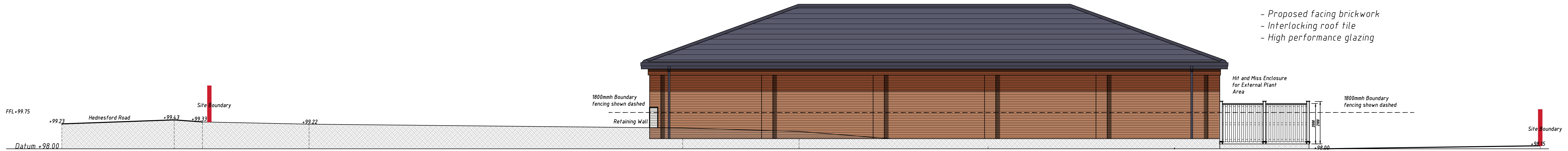


Rear Elevation
 Scale 1:100



Indicative Section
 Scale 1:100

- Materials Schedule**
- Proposed facing brickwork
 - Interlocking roof tile
 - High performance glazing



Side Elevation
 Viewing from North West
 Scale 1:100



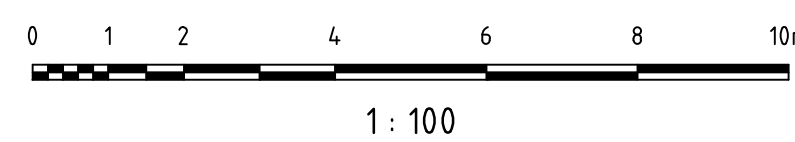
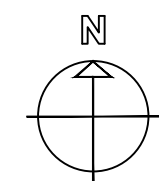
Side Elevation
 Viewing from South-East
 Scale 1:100



Proposed Streetscene

From Hednesford Road
 Scale 1:200

Note: Existing planting and levels to neighbouring properties shown indicatively. Full survey required



rev.	date	description	author
G	06.02.23	Updated from latest design amendments	JH
F	08.12.22	Updated to latest client proposed unit amendments	JH
E	02.11.22	Updated to latest client proposed unit amendments	JH
D	18.08.22	Updated note in drawing title to LPA comments	JH
C	29.07.22	Updated to latest drainage levels reqd.	JH
B	07.07.22	Proposed streetscene added	JH
A	23.05.22	Updated to show structural indicative layout	JH



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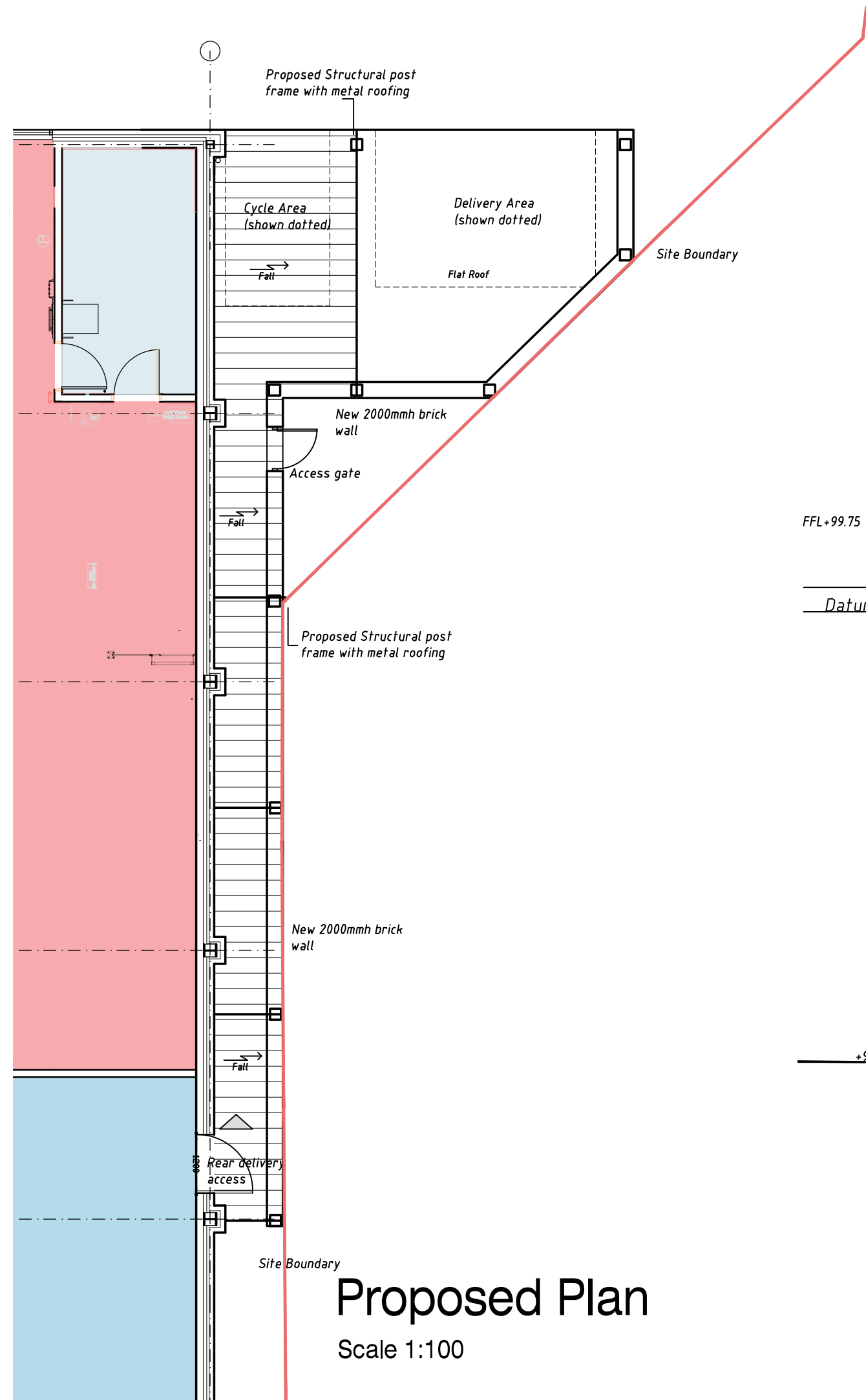
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 e-mail: info@gould-singleton.co.uk

number	drawn	date	scale	description
21-1892/06g	JH GSA	08.11.21	1:100@A1	Land off Hednesford Road Cannock WS12 3TN
	JH GSA			Proposed Elevations & Streetscene

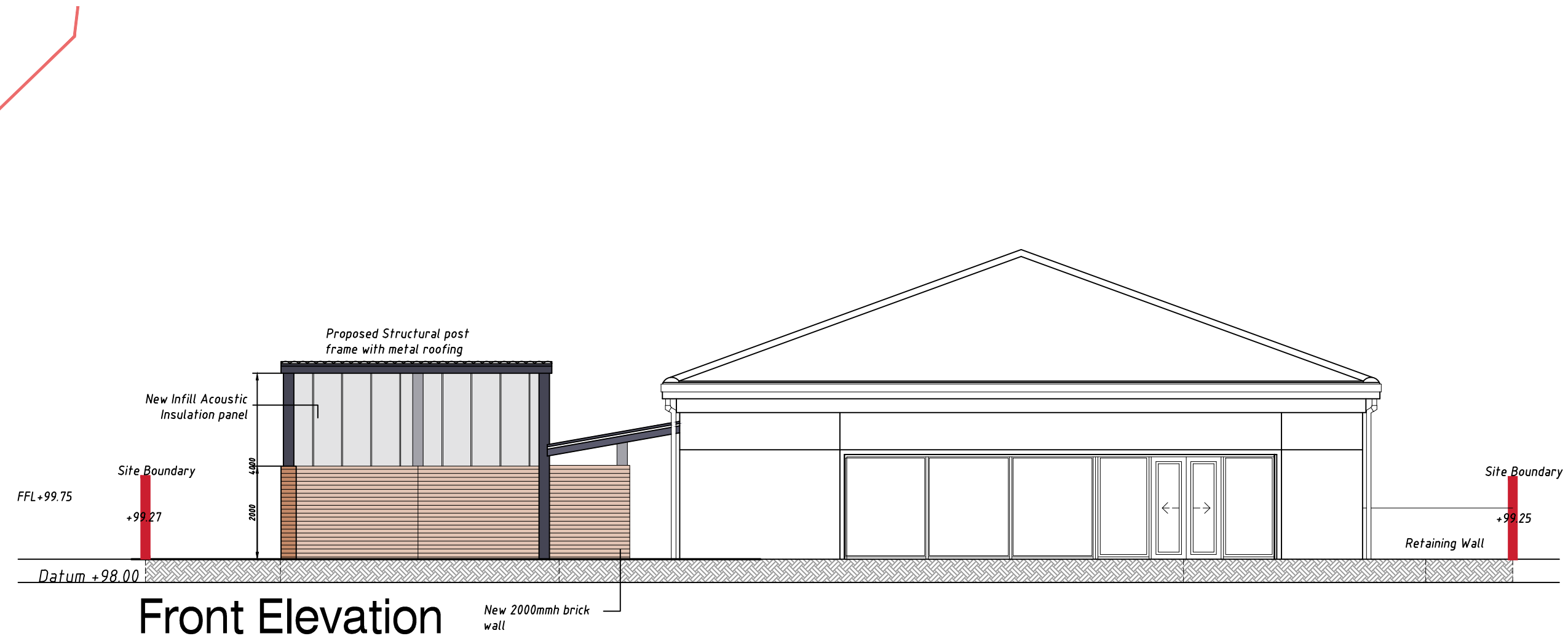
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Note

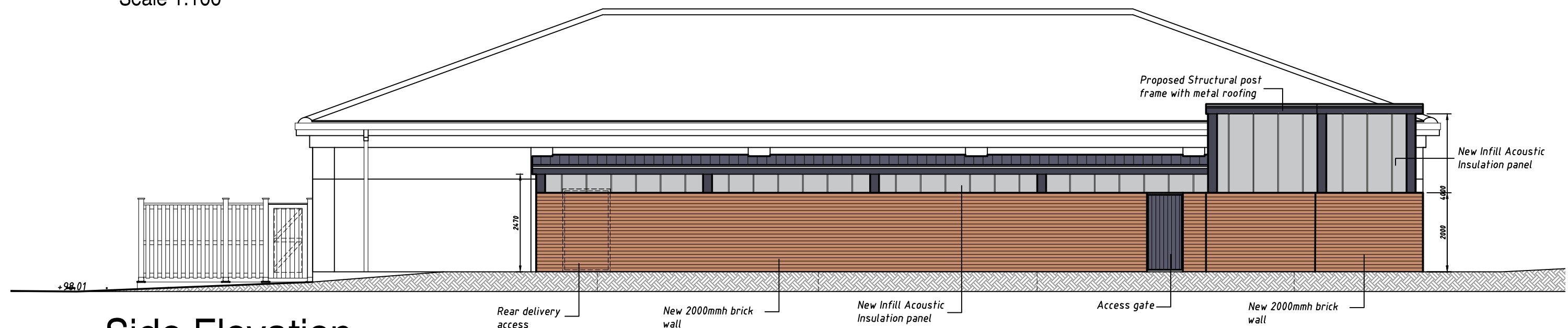
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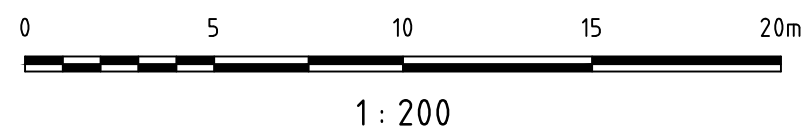
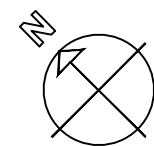
Proposed Plan
Scale 1:100



Front Elevation
Scale 1:100



Side Elevation
Viewing from South-East
Scale 1:100



rev.	date	drawn	chk'd



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scales	1:100@A2
date	06.02.23
drawn	JH checked GSA
number	21-1892/07

Land Off
Hednesford Road
Cannock
WS12 3TN

Proposed Delivery Canopy

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Contact Officer:	Audrey Lewis
Telephone No:	

<p>Planning Control Committee 23 August 2023</p>
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Application No:	CH/23/0137
Received:	15-Mar-2023
Location:	Land at Farm Garage Petrol Station, Hednesford Road, Cannock, WS12 3TN
Parish:	Heath Hayes and Wimblebury CP
Ward:	Hawks Green
Description:	Proposed new food convenience store with associated access and parking - use classification E. Resubmission of CH/22/0322.
Application Type:	Full Planning Application

This application has been called in for determination at Committee by a local councillor in relation to concerns regarding the location of the site opposite a school and the impacts on highway safety.

Reason(s) for Recommendation:

In accordance with paragraphs (186-187) 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/or the National Planning Policy Framework.

Conditions (and Reasons for Conditions):

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.
2. No part of the development hereby approved shall be undertaken above ground level until details of the materials to be used for the external surfaces have been submitted to and approved by the Local Planning Authority.

Reason:

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

2. Where the Phase 1 Geo-Environmental Report carried out by Sladen Associates Job.No.22-326-2 has identified an unacceptable risk from land contamination, suitable and sufficient site investigations, carried out in accordance with Environment Agency Land Contamination: Risk Management guidance, shall be undertaken to determine the significance of that contamination. A report on the findings of such investigations shall be submitted to the Local Planning Authority for approval.

Where site investigations have confirmed unacceptable risks from land contamination, potential remediation options should be appraised and a remediation strategy, prepared in accordance with Environment Agency Land Contamination: Risk Management guidance, shall be submitted to the Local Planning Authority for approval.

The developer shall implement the approved remediation strategy in accordance with Environment Agency Land Contamination: Risk Management guidance, following which a verification report shall be submitted to the Local Planning Authority for approval.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems in accordance with the National Planning Policy Framework.

4. Identification of contamination that was not previously identified by site investigations shall be reported to the Local Planning Authority as soon as is practicable. Details on how the identified contamination is to be addressed shall be submitted to the Local Planning Authority for approval. Remediation shall be undertaken in accordance with the approved submission. Following development, if no further contamination was identified then comment to this effect shall be submitted to the Local Planning Authority for approval prior to first occupation.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems in accordance with the National Planning Policy Framework.

5. The premises shall not be open for business outside the hours of 06:00 - 23:00 on any day.

Reason:

To mitigate potential adverse impacts from noise on residential amenity in line with paragraphs 183-188 of the National Planning Policy Framework

6. Deliveries to the site and the collection of waste shall not take place outside the hours of 07:00 - 22:00 on any day.

Reason:

To mitigate potential adverse impacts from noise on residential amenity in line with paragraphs 183-188 of the National Planning Policy Framework.

7. Construction activities and deliveries of construction materials to the site shall not take place outside of the hours of 08:00 hours to 18:00 hours Monday to Friday,

08:00 hours to 13:00 hours on Saturday and at no time on Sundays and Bank / Public Holidays.

Reason:

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

8. No development shall take place including any works of demolition until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The approved CEMP shall be adhered to throughout the construction period. The statement shall provide for:

- construction access,
- hours of construction,
- routing of HGV's,
- delivery times
- the location of the contractors compounds, cabins, material storage areas and contractors parking
- a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash. It shall also include a method of demolition and restoration of the site.

Reason:

In the interests of highway safety, in accordance with Local Plan Policy CP3 and paragraph 111 of the NPPF.

9. The development hereby approved shall not be occupied until the scheme for secure cycle storage has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in full and retained in perpetuity/

Reason:

In the interest of highway safety. To comply with the principles set out in the National Planning Policy Framework.

10. The proposed (car parking, access, servicing, and circulation areas) as shown on the approved plans drawing No. 21-1892/04T shall be sustainably drained, hard surfaced in a bound material, (lit) and marked out prior to the first occupation of the building hereby permitted. Thereafter these parking/servicing areas shall be retained in accordance with the approved plans for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interest of highway safety. To comply with the principles set out in the National Planning Policy Framework.

11. Prior to the commencement of any construction or site preparation works including any actions likely to interfere with the biological function of the retained trees and hedges, approved protective fencing shall be erected in the positions shown on the

approved Tree & Hedge Protection layout drawing Ref Dwg. Title: Landscape Proposals Drg.No.1

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

Reason:

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

12. The approved landscape works shall be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner.

Reason:

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

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

Reason:

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

14. No part of the development hereby approved shall be undertaken above ground level until an updated established plan and long-term management plan for the external areas have been submitted to and reviewed by the Local Planning Authority.

Reason:

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

15. The development hereby permitted shall not be completed above ground floor level until a scheme for the provision of bat roost, bird boxes and hedgehog friendly fencing has been submitted to and approved in writing by the Local Planning Authority.

The submitted scheme shall indicate the type of bat roosts and bird box which shall be integrated into the roof or wall of the building, together with the heights and locations. Thereafter, the building shall be completed in accordance with the approved scheme.

Reason:

In the interests of enhancing improving biodiversity habitat in accordance with Policy CP12 of the Local Plan and paragraphs 174 of the NPPF.

16. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.

The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Reason:

To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site, in accordance with the requirements of the Local Plan and NPPF.

17. The proposed Starbeam lighting as detailed by TL Thorlux Lighting together with the further details contained within the email dated 6th July 2023 shall be provided prior to the first use of the development hereby approved.

Thereafter, the approved scheme shall be retained in accordance with the approved details and maintained in perpetuity.

Reason:

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

18. The noise mitigation measures as recommended within the Plant Noise Assessment produced by ACP Acoustic Consultancy Partnership Ref.11772 in relation to the plant area shall be provided prior to the first use of the development hereby approved.

Thereafter, the implemented measures shall be retained in perpetuity.

Reason:

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

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

Drg No.21-1892 / L-d Location plan

Drg No.21-1892/07 Proposed Delivery Canopy

Drg No.21-1892 / 04v Proposed site plan.

Drg No.21-1892 / 05e Proposed ground floor plans.

Drg No.21-1892 /06g Proposed elevations & Street Scene

Drg.No.23/4240/M50-0001 P3 Proposed External Plant Layout Landscape Proposals (and existing trees) Drg.No.1 dated May 22

Reason:

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

Notes to the Developer:**Coal Authority**

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. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Severn Trent

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required, there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Please note if you wish to respond to this email, please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days.

Environmental Health

- a. The site is known or suspected to be contaminated. The responsibility for safe development and secure occupancy of the site rests solely with the developer.
- b. Please note that Environmental Health comments relate to risks posed from land contamination to human health only; the Environment Agency and other agencies may have additional requirements.
- c. The Local Planning Authority will determine the application based on the information submitted to it. Please be aware that should a risk of harm from contamination remain post development, the applicant is likely to be liable under Part 2(a) of the Environmental Protection Act 1990 for any additional remediation.
- d. The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency should be consulted, as these activities may need to be licensed or permitted.
- e. Cannock Chase Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded

the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. Environmental Protection is also prepared to review draft copies of reports prior to final submission to the Local Planning Authority in order to ensure that works undertaken are sufficient to gain approval of contaminated land conditions. Further information regarding the requirements of Cannock Chase Council can be obtained from Environmental Protection (environmentalhealth@cannockchasedc.gov.uk / 01543 462621).

Cadent

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions.

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Crime Reduction Officer

The applicant is asked to familiarise themselves with the comments of the officer which are available on the website.

Consultations and Publicity

Internal Consultations

Environmental Health

No Objection subject to conditions

Trees and Landscapes Department

No Objection subject to conditions

CIL Officer

Based on the form submitted if permission is granted the proposed development would be CIL liable.

Economic Development Team

No objection

The proposal would bring an unused piece of land that has been vacant and boarded up for a number of years into productive use which will enable job creation for local residents both during the construction phase and with the end user.

External Consultations

Travel Management and Safety

No objection, subject to conditions

Heath Hayes & Wimblebury Parish Council

Objection

Council have concerns over traffic opposite a school with no safe crossing, parking issues and noise.

Environment Agency

No objection

Staffordshire County Council Minerals

The site lies in an urban area and would be exempt from safeguarding for any underlying brick clay. With regard to coal, the site is small and constrained by neighbouring residential development so it is unlikely that extraction would be practicable or environmentally acceptable.

Crime Officer

Makes recommendations for the scheme to obtain Secure by Design accreditation.

Response to Publicity

The application has been advertised by site notice and neighbour letter. 1 No. letter of representation has been received from a County Councillor. In summary it raises the following matters:

- Concerns relating to impact on local roads and schools.

Relevant Planning History

CH/22/0322 - Proposed new food convenience store with associated access and parking - use classification E. Refused on 12 October 2022 for the following reasons:

1. The application includes no information relating to town centre sequential test matters. No alternative site information, details of search criteria utilised or similar has been provided. Therefore, taking into account relevant national and local policy requirements, Officers assess the sequential test requirement for Main Town Centre Uses, as stated in Policy CP11 of the Local Plan and in paragraphs 87 and 88 of the NPPF is failed.
2. The site is within a historic landfill buffer zone and is a former petrol station. The application includes insufficient information with respect to proposed measures intended to remediate the site from this former use or precautionary construction techniques proposed to be employed during any groundworks (taking account proximity to nearby residential properties and a primary school). Noting the requirements of NPPF Para 183 which requires that decisions should ensure that a site is suitable for its proposed use and that the responsibility for securing a safe development 'rests with the developer' (NPPF Para 184), the application fails to

include sufficient detail with respect to contamination to satisfactorily comply with these requirements.

3. The application includes insufficient information relating to noise matters (such as noise from patrons using the site and from plant associated with the proposed use e.g., refrigeration/air con) and lighting in order to fully assess impacts on nearby users. Given the close proximity to neighbouring properties and the emphasis within the NPPF on creating places with a high standard of amenity as set out in Para 130(f), the application fails to provide sufficient detailed information to enable assessment of these matters.
4. The Council is unable to determine the current application favourably owing to insufficient information to assess the impact of the development on highway safety in line with Para 111 of the NPPF.

1 Site and Surroundings

- 1.1 The application site comprises a vacant plot of land that was most recently used as a former petrol station. The site has now been cleared but it is understood no groundworks have been carried out, hence the infrastructure associated with the petrol station use appears to remain in situ.
- 1.2 The site is located within the wider area of Cannock, in between the areas of Hawks Green and Heath Hayes. Immediately opposite the site is a primary school whilst to the western boundary is some form of commercial or warehousing use within its own secure yard area. It is noted that there is planning permission on this adjacent site for residential development. The remainder of the surroundings comprises of residential properties within a wider residential neighbourhood.
- 1.3 The application site sits at a lower level than the adjacent highway. An area of land to the rear of the application site green space that is understood to be owned by the Council. There are a few scattered trees bordering the periphery of the site. Additionally, the site is within a Historic Landfill Buffer Zone.

2. Proposal

- 2.1 The application seeks full planning permission for the construction of a new food convenience store with associated access and parking - use classification E.
- 2.2 The proposals seek to introduce a neighbourhood food store for the local community on the previous commercial site making use of a brownfield land development. Due to the previous use as a petrol station, it is proposed that the new site will be remediated and cleaned from the previous uses and with new services and drainage connections.
- 2.3 The proposed building would facilitate a contemporary structure that would be set back within the site behind the proposed parking frontage. The proposed building would be of a brick construction under a pitched tiled roof. The frontage elevation would comprise primarily of a glazed shopfront. The proposed sales area would provide an area of 241.5 m² (2599sqft) with a

supportive back of house of 112.5 m² (1210sqft). To the rear of the building air handling plant accommodation would be located to support the store. This would be bound with acoustic fencing.

- 2.4 A new access would be provided from Hednesford Road to a front car park that would provide access for customers and servicing deliveries. A covered cycle parking area would be provided adjacent the building and a service point for vehicle dropping off goods provided adjacent. The vehicle drop off point would also be partially covered and would lead to a lower canopy giving access to the building from the delivery bay. The layout of the car park has been designed to include turning and parking for up to 16 cars.
- 2.5 The existing trees would be retained where possible and a new frontage hedgerow to a height of 1m incorporated along the Hednesford Road boundary.
- 2.6 The proposed use would operate between the hours of 06:00hrs and 23:00hrs on any day.
- 2.7 The proposed commercial use would employ a total of 20 staff on a full-time basis.

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).
- 3.3 Relevant policies within the Local Plan include:
 - CP1: - Strategy
 - CP2: - Developer Contributions for Infrastructure
 - CP3: - Chase Shaping-Design
 - CP5: - Social Inclusion and Healthy Living
 - CP10: - Sustainable Transport
 - CP11: - Centres Hierarchy
 - CP12: - Biodiversity and Geodiversity
 - CP16: - Climate Change and Sustainable Resource Use
- 3.4 Relevant paragraphs within the NPPF include paragraphs:
 - 8: Three dimensions of Sustainable Development
 - 11-14: The Presumption in favour of Sustainable Development
 - 38: Decision-making
 - 47-50: Determining Applications
 - 86, 87, 90, 91: Ensuring the vitality of town centres
 - 110, 111, 112, 113: Promoting Sustainable Transport
 - 126, 130-132, 134: Achieving Well-Designed Places
 - 152, 154, 157, 159, 167, 169: Meeting the Challenge of Climate Change, Flooding and Coastal Change

174, 176, 177:	Conserving and enhancing the natural environment
180:	Habitats and Biodiversity
183, 184, 186:	Ground Conditions and Pollution
212:	Minerals
218, 219	Implementation

3.5 Other relevant documents include:

Cannock Chase District Council (April 2016) Design Supplementary Planning Document.

Cannock Chase District Council (July 2005), Cannock Chase Local Development Framework; Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

4 Determining Issues

4.1 The determining issues for the proposed development -

- (i) Principle of development
 - a. Sequential Test Considerations
 - b. Retail Impact Considerations
- (ii) Character and appearance
- (iii) Residential amenity
- (iv) Highway's considerations
- (v) Tree Considerations
- (vi) Crime and the fear of crime
- (vii) Ground conditions and contamination

4.2 Principle of the Development

4.2.1 Both paragraph 11 of the NPPF (2021) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development.

4.2.2 The presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. For decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay.
- 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) policies in the Framework that protect areas or assets of particular importance (e.g., Green Belt, AONB, habitats sites) provide a clear reason for refusing the development proposed; or

- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.'

4.2.3 The starting point of the assessment is therefore whether the proposal is in accordance with the development Plan and whether that plan is up to date. In that respect it is noted that Policy CP1 of the Local Plan states: -

“In Cannock Chase District the focus of investment and regeneration will be in existing settlements whilst conserving and enhancing the landscape of the AONB, Hednesford Hills, Green Belt and the green infrastructure of the District. The urban areas will accommodate most of the District’s new housing and employment development, distributed broadly in proportion to the existing scale of settlement.

4.2.4 In this instance, the application site is not located within either Flood Zone 2 or 3 and is not designated as a statutory or non- statutory site for nature conservation, nor is it located within a Conservation Area (CA).

4.2.5 The application site is not located within a designated local centre. Paragraphs 86 and 87 of the NPPF advise that a sequential test is required for all main town centre uses that are not in an existing centre and not in accordance with an up to-date plan. The sequential assessment is used to consider whether any alternative site(s) are suitable for the proposed development, not whether the proposed development can be altered or reduced to fit an alternative, available site. It is noted that paragraph 88 of the NPPF states that preference should be given to accessible sites which are well connected to the town centre.

4.2.6 The applicant has submitted evidence in relation to the availability and suitability of alternative sites within established centres, including Hawkes Green and heath Hayes. The sequential site assessment has been undertaken having regarded to key case law relating to the application of the sequential test and it is evident that there are no suitable or available sequentially superior sites capable of accommodating the proposed main town centre use floorspace.

4.2.7 In order to be considered suitable, any alternative available sites must meet the specific commercial requirements of the developer subject to the requisite flexibility with regard to format and scale. Given all of the above factors, your officers consider that the proposal has passed. It is also noted that the current use of the site for a petrol station would have included some degree of retail. Given the above, Officers accept the sequential test, and the proposal is considered acceptable in principle. However, proposals that are acceptable in principle are still subject to all other policy tests. This report will now go on to consider the proposal in the light of these policy tests.

4.3 Previous Reasons for Refusal

4.3.1 The previous application CH/22/0322 - proposed new food convenience store with associated access and parking - use classification e. was refused on 12 October 2022 for the following reasons:

1. The application includes no information relating to town centre sequential test matters. no alternative site information, details of search criteria utilised or similar has been provided.
2. The site is within a historic landfill buffer zone and is a former petrol station. the application includes insufficient information with respect to proposed measures intended to remediate the site from this former use or precautionary construction techniques proposed to be employed during any groundworks (taking account proximity to nearby residential properties and a primary school).
3. The application includes insufficient information relating to noise matters (such as noise from patrons using the site and from plant associated with the proposed use e.g., refrigeration/air con) and lighting in order to fully assess impacts on nearby users.
4. The Council was unable to determine the previous application owing to insufficient information to assess the impact of the development on highway safety.

4.3.2 It is noted that the reasons as listed above all relate to a lack of sufficient information submitted to allow Officers to fully assess the proposal. In this instance the applicant has submitted a Transport Assessment, a Noise Assessment, a Sequential Test and provided details required by the Highway Authority. As such, the applicant has addressed the previous reasons for refusal and provided sufficient information with which to inform the application.

4.4 Character and Appearance

- 4.4.1 The proposed building would be set back within the site behind the proposed parking area. The proposed building would be of a brick construction under a pitched tiled roof. The frontage elevation would comprise primarily of a glazed shopfront.
- 4.4.2 The design approach is reflective of the commercial requirements and is typical of a convenience store whilst at the same time broadly respecting the character of the surrounding built form in terms of scale and massing. The traditional palette of materials would reflect the surrounding locale. A condition has been recommended for the finished materials to be submitted for approval.
- 4.4.3 It is noted that there are several trees around the curtilage of the site. Paragraph 131 of the NPPF makes clear that trees make an important contribution to the character and quality of an area and that existing trees are retained wherever possible.
- 4.4.4 The Council's Landscape was consulted on the application and raised no objection to the principle of the development subject to the inclusion of conditions as recommended above.
- 4.4.5 Therefore, having had regard to Policy CP3 of the Local Plan and the appropriate sections of the NPPF it is considered that the proposal would, on balance, be well-related to existing buildings and their surroundings and successfully integrate with existing features of amenity value such that it would be acceptable in respect to its impact on the character and form of the area.

4.5 Impact on Residential Amenity

- 4.5.1 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.
- 4.5.2 In this respect the nearest property to the application site is located to the immediate south at No. 243 Hednesford Road. It is noted that this property is within an unusually shaped plot, sits well back from the highway and is well screened along the shared boundary by well-established trees. The proposed store would be generally in line with this neighbouring property and as such would not result in any detrimental impact in terms of overlooking, or impact to daylight or outlook.
- 4.5.3 It is also noted that the land to the immediate north benefits from planning permission for the residential development of 5 dwellings. The proposed convenience store was assessed taking into account this development as it is a material consideration in the determination of the planning application. In this instance, there would be two dwellings that would side onto the northern boundary of the application site. Notwithstanding this, the proposal has been assessed in terms of the potential impact on Daylight and Outlook for these dwellings. Officers confirm that the proposed development being of a single storey design would comply with the requirements set out within the Design SPD.
- 4.5.4 It is noted that the delivery point would be sited adjacent the shared boundary with No.243 Hednesford Road. Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. The concerns of the Parish Council in respect to noise are also noted.
- 4.5.5 In this respect the applicant submitted Noise Assessment produced by Nova Acoustics with which to inform the application. This concluded that provided the mitigation measures specified within the report are adhered to, the level of impact would be classed as 'Lowest Observed Adverse Effect Level' ('LOAEL') when assessed in accordance with the NPPF. The potential noise from the external plant area would be minimal given the use of acoustic fencing proposed to be used.
- 4.5.6 The applicant further submitted details for the proposed lighting of the site which would ensure the height of the lighting and proposed lighting luminaires together with methods to reduce obtrusive lighting would not result in a significant impact to neighbouring properties.
- 4.5.7 The proposed use would operate between the hours of 06:00hrs and 23:00hrs on any day.
- 4.5.8 Environmental Health was consulted on the application, and they raised no objection to the findings of the noise assessment subject to the recommended conditions. Whilst officers did not consider the potential light overspill to have been fully considered within the applicants' assessment, Officers anticipated that this would not be significant given the lighting to the rear of the site is limited. As

such, Environmental Health confirmed they had no objection in this respect. Environmental Health also confirmed the proposed opening hours would be acceptable in this location. Your Officers confirm that conditions have been recommended accordingly.

- 4.5.9 Given the above, and subject to the recommended conditions, it is considered the proposal would not cause any significant impact upon amenity to the occupiers of the neighbouring units. The proposal is therefore in accordance with Local Plan Policy CP3 and Paragraph 185 of the NPPF.

4.6 Impact on Highway Safety

- 4.6.1 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. The comments of the County Councillor and Parish Council in respect to parking issues and the impact on the local roads, pedestrian safety given the proximity of the school and no crossing facilities provided are noted.

- 4.6.2 Objective 5 of the Cannock Chase Local Plan is to 'encourage sustainable transport infrastructure'. Paragraph 4.65 of the Local Plan states: -

'It is necessary to manage demand and develop transport policies that are sustainable. Transport policies help deliver sustainable development but are also important in contributing to economic and social prosperity and health objectives, such as addressing respiratory diseases linked to air pollution. Local transport objectives must therefore be met within the overall principles of environmental sustainability. Reducing dependence on the car and promoting attractive and realistic alternatives, including public transport, walking, and cycling are therefore priority objectives, together with the need to travel.

- 4.6.3 The above objective is supported by Policy CP10 'Sustainable Transport' of the Local Plan which states that:

'Developments will be expected to promote sustainable transport and where appropriate, developer contributions will be sought to support sustainable transport solutions elaborated in a Supplementary Planning Document and a Community Infrastructure Levy (CIL) charging schedule. Transport Assessments, Transport Statements or Travel Plans, will be prepared in accordance with DfT and LTA guidance for all developments that are likely to generate significant amounts of movement, to determine the measures required on the surrounding highway network to ensure necessary access by all transport modes.

- 4.6.4 The proposal sets out that a total of 16 spaces would be provided, including 1 accessible space and a parent and toddler space together with a cycle shelter which would accommodate 8 cycle spaces.

- 4.6.5 In order to inform the application the applicant has submitted a Transport Statement (TS) prepared by FLOW Consult Limited, which confirms:

- The development proposals comprise a food retail convenience store located at land to the southwest of Hednesford Road.

- The site accommodated a petrol filling station.
- The site is accessible by non-car travel modes, with integration with pedestrian networks and access to public transport.
- The level of vehicle trip generation forecast for the proposed food retail convenience store is lower than vehicle trip generation calculated for the existing petrol filling station use.
- It is highly likely that the proposed level of on-site parking will accommodate demand.
- There do not appear to be any significant highway safety issues along the immediate highway network that need to be addressed to facilitate the development as proposed. Furthermore, there is no apparent reason to suggest that the development proposals will result in or exacerbate any existing highway safety issues across the local highway network.

4.6.6 As such the TS concludes that the proposals are considered to be acceptable in highways and transport terms and that it has been clearly demonstrated that the application proposals would fully comply with the highways related policies of the adopted Development Plan, as well as national guidance contained within the NPPF in this regard.

4.6.7 Staffordshire County Highway Authority was consulted on the application and raised no objections to the proposal, subject to the recommended conditions, on highway safety, access, or capacity grounds.

4.6.8 Given the above, it is concluded that, subject to the attached conditions the proposal would not lead to unacceptable impacts on highway safety and that the residual cumulative impacts on the road network would not be severe. As such the proposal would accord with the broad thrust of Policy CP10 of the Local Plan and Paragraph 111 of NPPF.

4.7 Crime and the Fear of Crime

4.7.1 Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can do to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment'.

4.7.2 It is considered that the recommended Advisory could reasonably secure the use of security measures, CCTV and similar to ensure the proposal obtains SBD accreditation as recommended by the Crime Officer.

4.8 Ground Conditions and Contamination

4.8.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require consultation on the application, and it is advised that any risk can be managed by the attachment of an advisory note to any permission granted.

4.8.2 Policy CP16(f) recognises that development proposals should have regard to all sources of land contamination and stability issues arising from the mining legacy.

As such, the applicant has submitted a Phase 1 Desk Top Study produced by Sladen Associates with which to inform the application.

- 4.8.3 In relation to the former petrol station use of the site, there are underground storage tanks which may cause contamination. However, it has been established that these tanks could remain if they do not sit under the proposed building and have no residual contamination. It is understood that some of the tanks have been filled with concrete with further investigations to be undertaken before the construction phase to assess whether they may need removal and associated ground remediation works.
- 4.8.4 Paragraphs 183 – 185 of the NPPF seek to ensure new development is suitable for the proposed use taking into account ground conditions and any risks arising from land instability and contamination.
- 4.8.5 The Phase 1 assessment found that natural ground conditions beneath the site area comprised of glacial drift deposits overlain by a variable thickness of made ground. The report continued that the historic use of the site it is recommended that further intrusive ground investigations are carried out prior to the commencement of the development and remedial precautions proposed where required.
- 4.8.6 The Councils Environmental Health Officer was consulted on the application and raised no objection to the Phase 1 Report. Notwithstanding the recommendations set out within the report, the EHO has recommended a condition for further works to be carried out as recommended above. As such, the proposal is considered to accord with the requirements of the NPPF and Policy CP16 of the Cannock Chase Local Plan, subject to the recommended conditions.

4.9 Mineral Safeguarding

- 4.9.1 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), both aim to protect mineral resources from sterilisation by other forms of development.
- 4.9.2 The site lies in an urban area and would be exempt from safeguarding for any underlying brick clay. With regard to coal, the site is small and constrained by neighbouring residential development so it is unlikely that extraction would be practicable or environmentally acceptable.
- 4.9.3 Staffordshire County Council, acting as the Mineral and Waste Planning Authority, has no objection to the planning application taking these matters into account.

4.10 Impact on Nature Conservation Interests

- 4.10.1 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that is given special protection, or which is of particular conservation interest. As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.

- 4.10.2 In order to enhance the nature conservation opportunities for the site the applications propose to retain the existing landscaping where appropriate and to complement this with additional planting including a 1m high hedgerow along the highway frontage. To further enhance the nature conservation opportunities a condition has been recommended for the incorporation of bird boxes, bat boxes and hedgehog friendly fencing where new fencing is proposed. Such enhancements would provide a net gain to this location and would be secured via the relevant conditions that Officers have recommended.
- 4.10.3 Given the above it is considered that the proposal, would not have a significant adverse impact on nature conservation interests either on, or off, the site. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

4.11 **Drainage and Flood Risk**

- 4.11.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps which is at least threat from flooding. In this instance, the proposed extensions would be constructed within the curtilage of an existing dwelling and as such would have no further significant impact on flood risk in this location.
- 4.11.2 As such, the proposal subject to conditions, would accord with the requirements of paragraph 159 of the NPPF which seeks to steer new development away from areas of flooding.

5 **Human Rights Act 1998 and Equality 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.

Equality 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 Equality 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 for the above reasons.