

Please ask for: Mrs. W. Rowe

Extension No: 4584

E-Mail: wendyrowe@cannockchasedc.gov.uk

4 November 2025

Dear Councillor,

Planning Control Committee

3:00pm, Wednesday 12 November 2025

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 visits, whichever is later. Members should note that the following site visits have been arranged:

| Application Number | Application Location and Description | Start Time |
|-----------------------|---|---------------|
| CH/25/0302 | 21, Rochester Way, Heath Hayes, Cannock, WS12 3YH Retrospective Planning Application for rear garden play area. | 2:00pm |
| CH/25/0205 | 46 Stafford Lane, Hednesford, Cannock, Staffordshire WS12 1LE Reserved Matters Application for the Appearance, Landscaping, Layout and Scale following the grant of permission for 5 dwellings (CH/22/0255). | 2:20pm |
| CH/25/0175 | Tower Garage, Brindley Road, Pye Green, Cannock, WS12 4LL Retrospective Change Of Use from car repair garage to Sui Generis (Petrol Station), installation of 50,000 litre tank and new shop front | 2:40pm |

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. PPE in this case constitutes a hard hat, hi-vis vest, and safety footwear.

Yours sincerely,

Tim Clegg
Chief Executive



To Councillors:

Fisher, P. (Chair) Cartwright, S.M. (Vice-Chair)

Aston, J. Samuels, G. Elson, J. Sutherland, M. Fitzgerald, A. Thornley, S.J. Jones, V. Lyons, N. Wilson, L.

Mawle, D.

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 15 October 2025 (enclosed).

5. Members' Requests for Site Visits

6. Report of the Development and Policy Manager

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

Details of planning applications can be accessed on the Council's website by visiting www.cannockchasedc.gov.uk/residents/planning-and-building-control/development-control/11-view-planning-applications-and-make



Site Visit Applications

| | Application Number | Application Location and Description | Item Number |
|----|-----------------------|--|----------------|
| 1. | CH/25/0302 | 21, Rochester Way, Heath Hayes, Cannock, WS12 3YH | 6.1 - 6.7 |
| | | Retrospective Planning Application for rear garden play area. | |
| 2. | CH/25/0205 | 46 Stafford Lane, Hednesford, Cannock, Staffordshire WS12 1LE | 6.8- 6.24 |
| | | Reserved Matters Application for the Appearance, Landscaping, Layout and Scale following the grant of permission for 5 dwellings (CH/22/0255). | |
| 3. | CH/25/0175 | Tower Garage, Brindley Road, Pye Green, Cannock, WS12 4LL | 6.25- 6.39 |
| | | Retrospective Change Of Use from car repair garage to Sui Generis (Petrol Station), installation of 50,000 litre tank and new shop front | |

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Cannock Chase Council

Minutes of the Meeting of the

Planning Control Committee

Held on Wednesday 15 October 2025 at 3:00pm

in the Council Chamber, Civic Centre, Cannock

Part 1

Present:

Councillors

Fisher, P. (Chair) Cartwright, S. (Vice-Chair)

Aston, J. Mawle, D.

Fitzgerald, A. Muckley, A. (Substitute)

Jones, V. Samuels, G. Hill. J. (Substitute) Thornley, S.J.

Wilson, L. Thompson, S. (Substitute)

Lyons, N.

The Chair informed the meeting that recording would be taking place in accordance with Section 40 of the Council's Constitution, specifically the Protocol for Recording, Filming and Social Media at Meetings.

14. Apologies

Apologies for absence were received from Councillors S. Cartwright, J. Elson, M. Sutherland, and S. Thornley.

Notification had been received that Councillor J. Hill would substitute for Councillor S. Thornley, Councillor A. Muckley would substitute for Councillor J. Elson, and Councillor S. Thompson would substitute for Councillor M. Sutherland.

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

Member Interest Type

Samuels, G. Declared that he was a Cabinet Member Personal

16. Disclosure of Details of Lobbying by Members

Councillors V. Jones, A. Fitzgerald, S. Thompson, N. Lyons, A. Muckley and D. Mawle declared that they had been lobbied in respect of Application CH/25/0189, Cannock Shopping Centre, Market Hall Street, Cannock, WS11 1WS.

17. Minutes

Resolved:

That the Minutes of the meeting held 30 July 2025 be approved as a correct record.

18. Members Requests for Site Visits

Councillor A. Fitzgerald requested a site visit be undertaken in respect of Application CH/25/0302. Retrospective rear garden play area, 21 Rochester Way, Heath Hayes, Cannock, WS12 3YH.

Reason:

To view the application site following complaints and concerns that neighbouring properties would be overlooked.

Application CH/25/0189 - Cannock Shopping Centre, Market Hall Street, Cannock, WS11 1WS: Demolition of The Forum including all associated structures and external elements

Consideration was given to the report of the Development and Policy Manager (Item 6.1 - 6.30) (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, representation was made by Mike Kehoe, speaking in support of the application.

Members considered that an additional condition in respect of the demolition of the building would assure additional control over the intended demolition works. The following wording was read out for potential inclusion as an additional condition if the application was to be approved:

The demolition of the building hereby permitted shall be limited to the Forum shopping centre (and associated access ramps) and no other structure within the red line boundary without first obtaining a future planning consent. For the avoidance of doubt the demolition of the Theatre is excluded by this planning permission.

Reason:

In the interests of precision and defining the extent of consented demolition.

This was moved by Councillor V. Jones and seconded by Councillor A. Muckley.

Resolved:

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

9. The demolition of the building hereby permitted shall be limited to the Forum shopping centre (and associated access ramps) and no other structure within the red line boundary without first obtaining a future planning consent. For the avoidance of doubt the demolition of the Theatre is excluded by this planning permission.

Reason:

In the interests of precision and defining the extent of consented demolition.

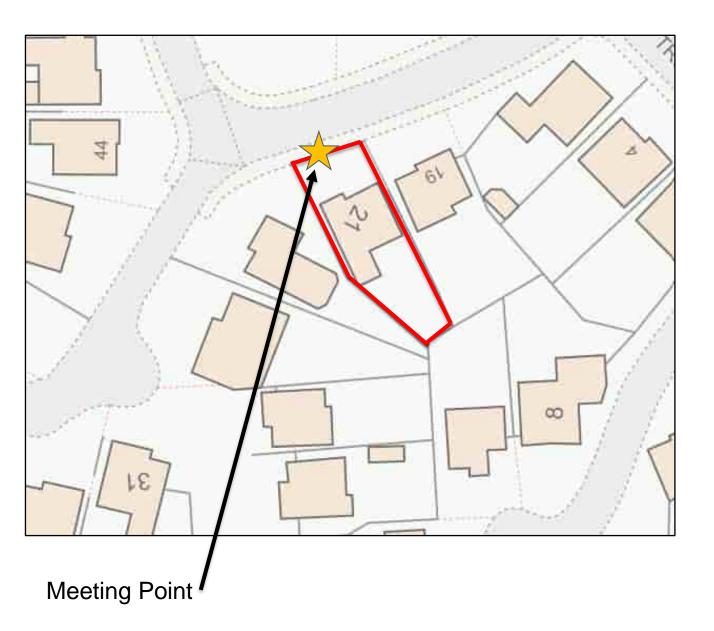
The meeting closed at 4:10 pm

| Chair | |
|-------|--|

Location: 21 Rochester Way, Heath Hayes, WS12 3YH

Proposal: Retrospective Rear Garden Play Area

Site Location Plan



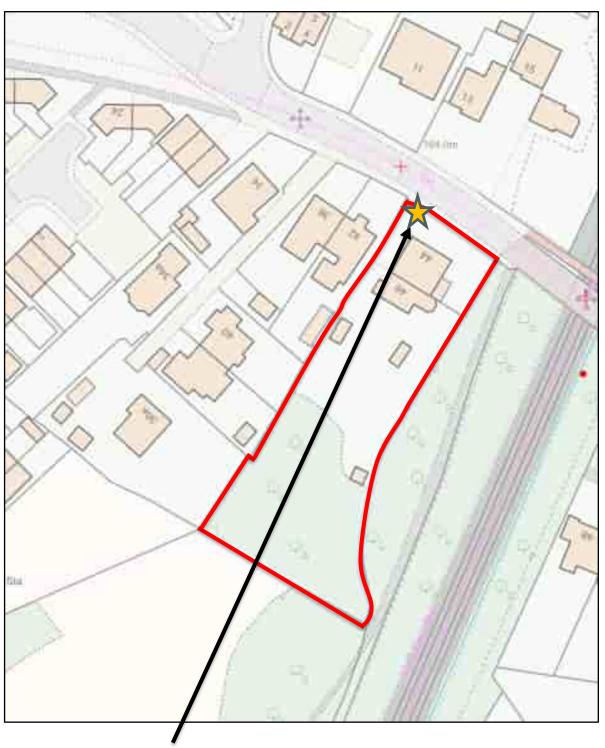
Location: 46 Stafford Lane, Hednesford, Cannock, Staffordshire

WS12 1LE

Proposal: Reserved Matters Application for the Appearance,

Landscaping, Layout and Scale following the grant of

permission for 5 dwellings (CH/22/0255)



Site Meeting Point Plan

Location: Tower Garage, Brindley Road, Pye Green, Cannock, WS12 4LL

Proposal: Retrospective Change Of Use from car repair garage to Sui

Generis (Petrol Station), installation of 50,000 litre tank

and new shop front

Site Location Plan



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Location: 21 Rochester Way, Heath Hayes, WS12 3YH

Proposal: Retrospective Rear Garden Play Area



Site Location Plan



| Contact Officer: | Gianina Diwa | |
|------------------|---------------|--|
| Telephone No: | 01543 462 621 | |

Planning Control Committee 12th November 2025

| Application No: | CH/25/0302 | | |
|-------------------|---|--|--|
| Received: | 10 th October 2025 | | |
| Location: | 21, Rochester Way, Heath Hayes, Cannock, WS12 3YH | | |
| Parish: | Heath Hayes and Wimblebury CP | | |
| Ward: | Hawks Green with Rumer Hill | | |
| Description: | Retrospective rear garden play area | | |
| Application Type: | e: Full Planning Application | | |

Reason for Committee Decision:

The application was Called in to Planning Control Committee by Councillor Fitzgerald and a site visit requested. Concerns were raised in respect of the impact on residential amenity, specifically with regards to overlooking.

Recommendation: Refuse

Reason(s) for Recommendation:

- 1) The structure, by virtue of its height and elevated position, appears visually dominant and out of keeping within the surrounding residential context. Whilst play areas are typical of private gardens within residential locations, in this instance, the scale and form fail to assimilate with the character of garden development, resulting in harm to the visual amenity and character of the area. The development is therefore contrary to Policy CP3 of the Cannock Chase Local Plan and Paragraph 135b of the National Planning Policy Framework 2024.
- 2) The structure, due to its height, elevated position, and proximity to neighbouring boundaries, has a significant overbearing impact for neighbouring occupiers, particularly at No. 19 and No. 23 Rochester Way. The development therefore causes significant harm to neighbouring residential amenity, contrary to Paragraph 135f of the National Planning Policy Framework 2024, Policy CP3 of the Cannock Chase Local Plan and the design principles set out within the Council's Design SPD.
- 3) The raised decking platform forms an elevated vantage point that allows direct views into the adjoining gardens of No. 19 and No. 23 Rochester Way, resulting in a material loss of privacy and potential for overlooking to neighbouring occupiers. The development therefore fails to safeguard neighbouring residential amenity, contrary to Paragraph 135f of the National Planning Policy Framework 2024, Policy CP3 of

the Cannock Chase Local Plan and the Council's Design SPD.

Consultations and Publicity

Internal Consultations

None.

External Consultations

Heath Hayes & Wimblebury Parish: No response to date.

Response to Publicity

The application has been advertised by neighbour letter. No letters of representation have been received. At the time of writing, the public consultation period had not expired. As such, any comments received will be updated to Members at the Planning Committee Meeting.

Relevant Planning History

None relevant.

1 Site and Surroundings

- 1.1 The application site is comprised of a detached two storey-dwelling located within a suburban area of Heath Hayes, Cannock. The immediate streetscene is residential and sits on slightly sloping land comprised of various two-storey dwellings. The site is nearby to forestry and agricultural land to its east and south.
- 1.2 The dwelling is of brick construction under a cross-gable roof and finished in brick and tudor board cladding. To the rear of the dwelling is a conservatory within the private garden, bound by close board fencing. The rear garden is tiered over three levels, with the land rising up towards the rear of the site.
- 1.3 The site is not allocated within the Local Plan but has been identified as being subject to the Heath Hayes and Wimblebury CP Neighbourhood Area.

2 Proposal

- 2.1 The applicant is seeking retrospective consent for the erection of a play area structure within the rear garden. It consists of a rock-climbing wall (approximately 1.6m tall) leading to a decking platform on which there is a frame (approximately 2.5m tall), a rear wall and a gently sloping canopy roof.
- 2.2 The application was submitted following a complaint to the Council.

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 Part 1 (2014) and the Minerals Local Plan for Staffordshire (2015 2030).

3.3 Cannock Chase Local Plan Part 1

CP1: - Strategy – the Strategic Approach

CP3: - Chase Shaping - Design

3.4 Minerals Local Plan for Staffordshire 2015- 2030

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

3.5 National Planning Policy Framework 2024

8: Three Dimensions of Sustainable Development

11-14: The Presumption in Favour of Sustainable Development

48-51: Determining Applications

116: Highway Safety and Capacity

131, 135, 137, 139: Achieving Well-Designed and Beautiful Places

231, 232: Implementation

- 3.6 Other relevant documents include: -
 - (i) Design Supplementary Planning Document, April 2016
 - (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport
 - (iii) Manual for Streets

4 Determining Issues

- 4.1 The determining issues for the proposed development include: -
 - I. Principle of the Development
 - II. Design and Impact on the Character and Form of the Area
 - III. Impact on Residential Amenity

4.2 Principle of Development

4.2.1 The application is for a play area structure that would be used for purposes incidental to the existing dwelling within a residential location. In general, domestic structures within existing urban areas are acceptable in principle subject to other relevant policy and planning considerations. The next sections of this report will consider the application in light of these considerations and determine what harms or benefits arise from the development.

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

4.3.1 In this respect the application site is located within a residential location wherein there are a variety of residential properties that already benefit from some degree of alteration or extension within rear gardens. The land within the rear garden is tiered over three levels, gradually rising towards the rear of the garden.

- 4.3.2 The play structure is domestic in nature and constructed from materials typical of garden play equipment. However, its siting on the uppermost tier of the garden significantly elevates its height relative to neighbouring plots. As a result, the structure appears visually intrusive when viewed from neighbouring properties. The structure to its rear rises over 1m above the boundary fence shared with No. 10 Truro Place and over 2m above the boundaries with No. 19 and No. 23 Rochester Way to its side. This prominent positioning, combined with its height, results in an incongruous feature that dominates the visual amenity of the surrounding garden environment. Whilst Officers acknowledge children's play areas are commonplace within rear private gardens the visual intrusion of the play area in this instance is to the detriment of the surrounding occupiers.
- 4.3.3 Therefore, having had regard to Policy CP3 of the Cannock Chase Local Plan and the relevant provisions of the NPPF, it is considered that the structure fails to be well-related to existing buildings and their surroundings and does not integrate successfully with existing features of amenity value. As such, it is unacceptable in respect of its impact on the character and form of the area.

4.4 Impact on Residential Amenity

- 4.4.1 The nearest neighbours to the site are No. 19 and No. 23 Rochester Way situated either side of the dwelling, and No. 10 Truro Place with which it shares its rear boundary.
- 4.4.2 With regards to the overbearing impact, the play structure reaches an overall height of approximately 4.1m from the base of the rock-climbing wall to the top of the canopy roof. However, when accounting for the raised ground level on which it sits, the perceived height from neighbouring gardens is notably greater. The structure's height and proximity to boundaries result in an overbearing feature when viewed from neighbouring gardens, particularly of No. 19 and No. 23 Rochester Way.
- 4.4.3 With regard to overlooking, the decking platform measures approximately 1.6m above the higher ground level and is positioned directly adjacent to boundary fencing of around 2m in height. Given this, the platform allows direct and elevated views into the neighbouring gardens of No. 19 and No. 23, leading to a material loss of privacy and potential for overlooking that is unacceptable within a residential setting.
- 4.4.4 Your Officers note that although the existing garden was already tiered and allowed for a degree of overlooking when standing at the bottom of the garden, it is considered that the proposed use of the play area would further increase the potential instances of overlooking and is thus considered unacceptable.
- 4.4.5 Given the above, the proposal is considered to not accord with the requirements of Policy CP3 of the Cannock Chase Local Plan and the requirements of the Council's Design SPD, resulting in significant adverse impacts relating to residential amenity.

5 Human Rights Act 1998 and Equality Act 2010

5.1 Human Rights Act 1998

The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to refuse accords with the policies of the adopted Local Plan and the applicant has the right of appeal against this decision.

5.2 **Equality Act 2010**

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 results in significant harm to acknowledged interests regarding visual and residential amenity.
- 6.2 Accordingly, the development is judged to conflict with the Development Plan and is recommended for refusal.

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Item No. 6.8

Application No: CH/25/0205

Location: 46 Stafford Lane, Hednesford, Cannock, Staffordshire

WS12 1LE

Proposal: Reserved Matters Application for the Appearance,

Landscaping, Layout and Scale following the grant of

permission for 5 dwellings (CH/22/0255)



Site Location Plan

Cadsquare Midlands Ltd Suite 28, Greenbox Westonhall Road Stoke Prior Bromsgrove Worcestershire B60 4AL t: 01527 878555 www.cadsquaremidlands.co.uk

Item No. 6.9

Architecture

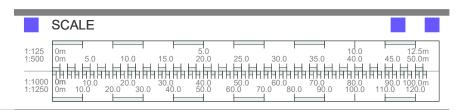
Planning

Engineering





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CCC DEVELOPMENTS

PLANNING

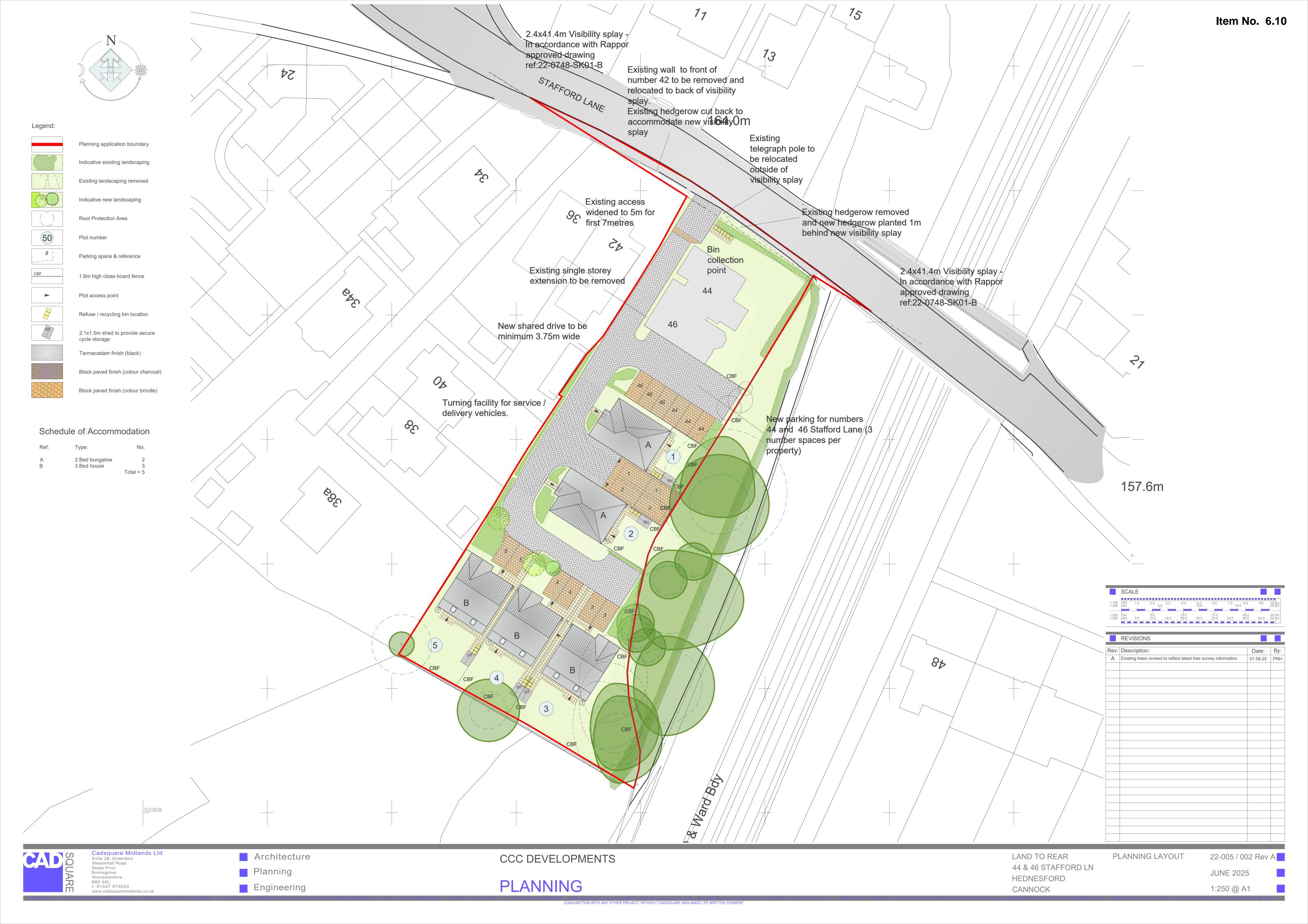
LAND TO REAR 44 & 46 STAFFORD LN **HEDNESFORD CANNOCK**

LOCATION PLAN

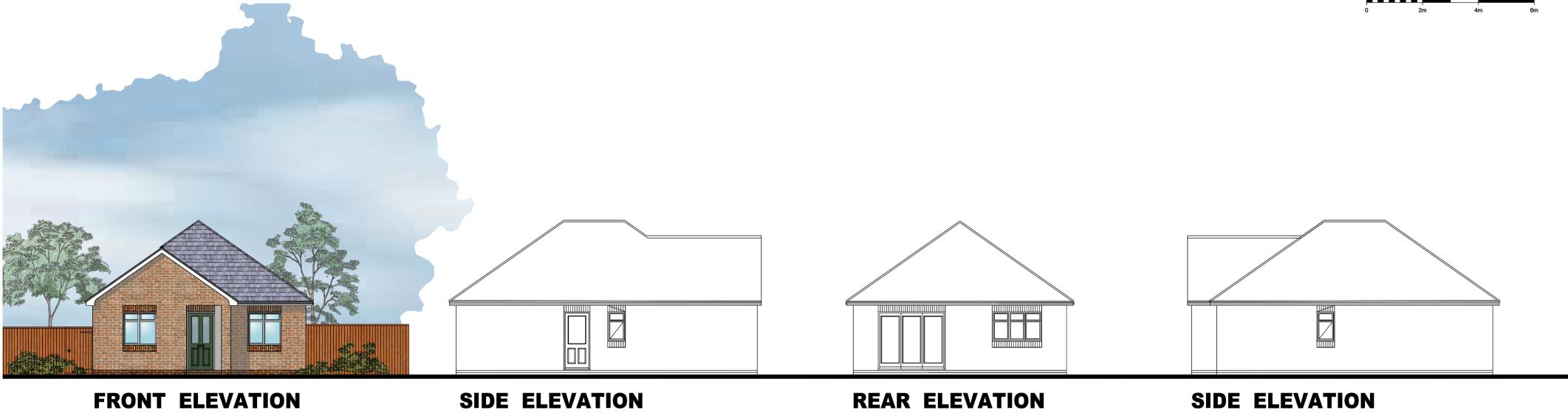
22-005 / 001

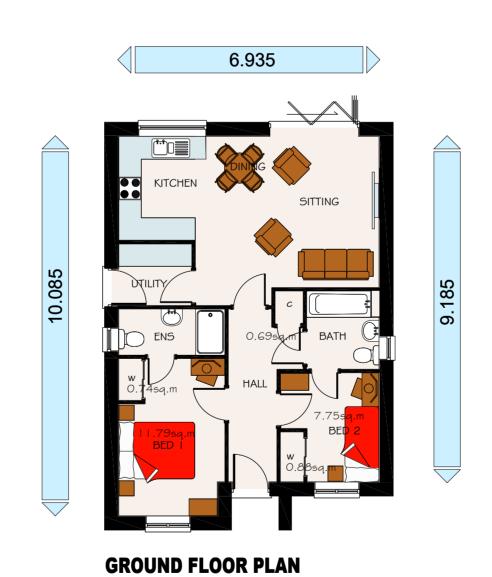
JUNE 2025

1:1250 @ A4









NDSS AREA REQUIREMENTS

| BEDS / PEOPLE | REQ'D FLOOR | FLOOR AREA | REQ'D | STORAGE AREA |
|---------------|-------------|------------|--------------|--------------|
| | AREA | ACHIEVED | STORAGE AREA | ACHIEVED |
| | (FINISHED) | (FINISHED) | (FINISHED) | (FINISHED) |
| 2B / 3P | 61m² | 66.09m² | 2.0m² | 2.31m² |

Cadsquare Midlands Ltd Suite 28, Greenbox Westonhall Road Stoke Prior Bromsgrove Worcestershire B60 4AL t: 01527 878555

Architecture

Planning

Engineering

CCC DEVELOPMENTS

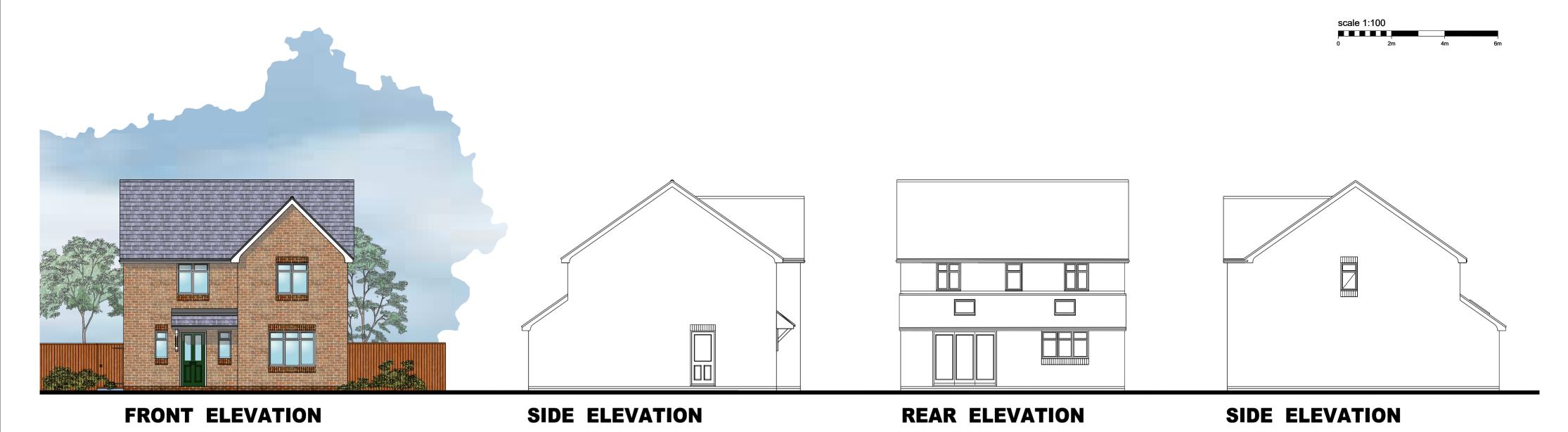
PLANNING

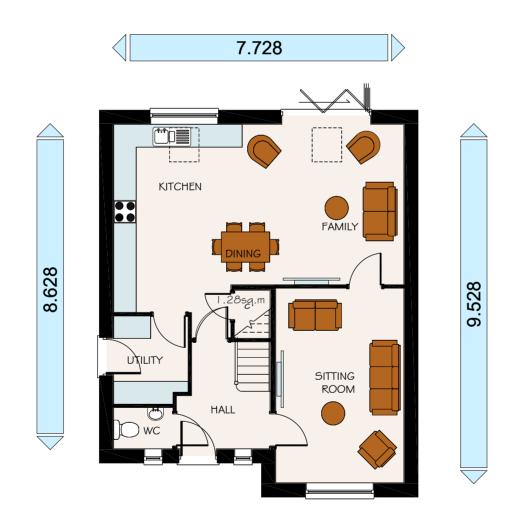
LAND TO REAR 44 & 46 STAFFORD LANE HEDNESFORD CANNOCK

HOUSE TYPE A PLANS AND ELEVATIONS PLOTS 1 (OPP), AND 2 (AS)

22-005/03 JUNE 2025

1:100 @ A2







NDSS AREA REQUIREMENTS

| BEDS / PEOPLE | REQ'D FLOOR | FLOOR AREA | REQ'D | STORAGE AREA |
|---------------|-------------|------------|--------------|--------------|
| | AREA | ACHIEVED | STORAGE AREA | ACHIEVED |
| | (FINISHED) | (FINISHED) | (FINISHED) | (FINISHED) |
| 3B / 5P | 93m² | 120.12m² | 2.5m² | 2.71m² |

GROUND FLOOR PLAN

FIRST FLOOR PLAN



Cadsquare Midlands Ltd Suite 28, Greenbox Westonhall Road

Stoke Prior Bromsgrove Worcestershire B60 4AL t: 01527 878555

Engineering

Architecture

Planning

CCC DEVLOPMENTS

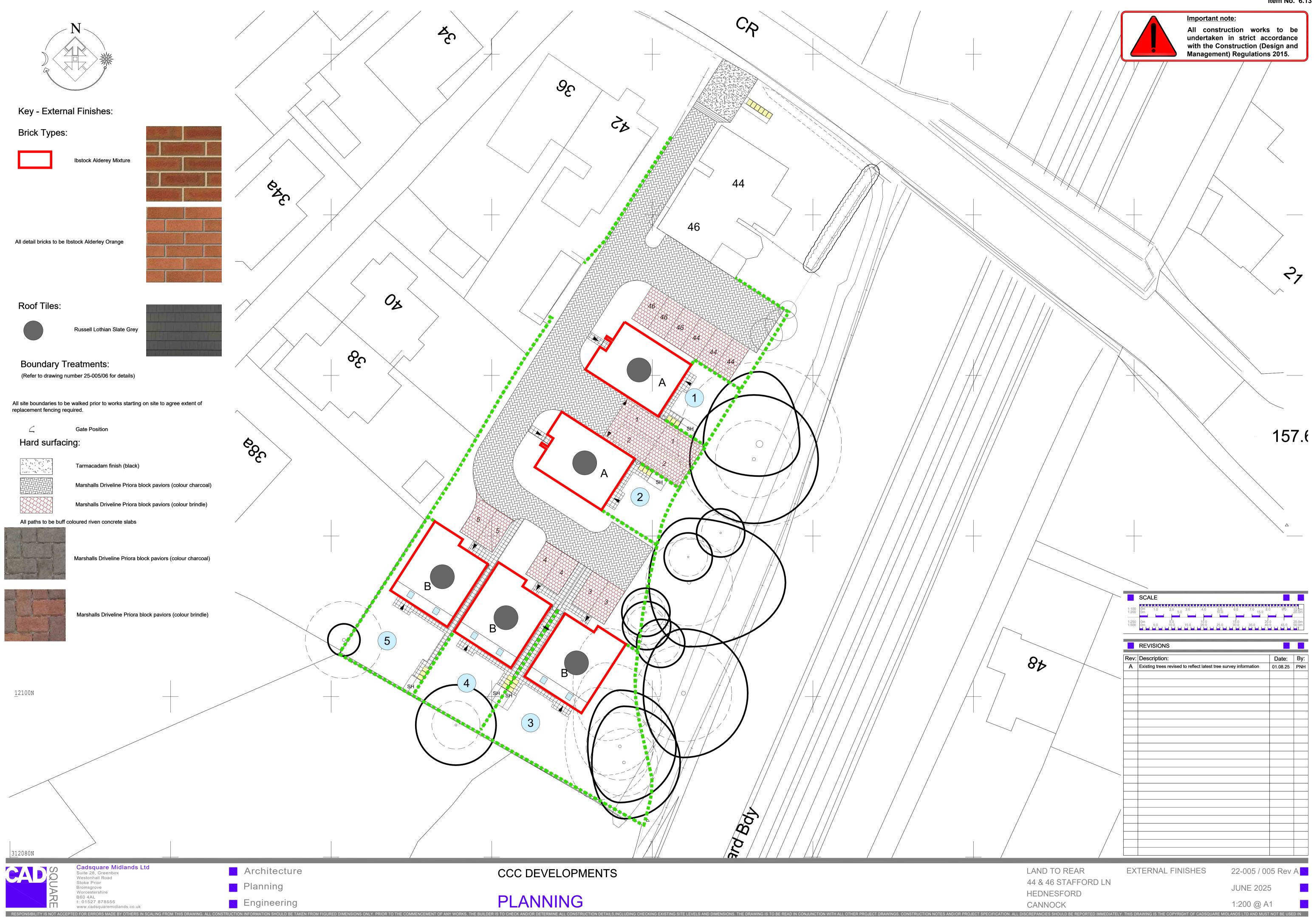
PLANNING

LAND TO REAR 44 & 46 STAFFORD LANE HEDNESFORD CANNOCK

HOUSE TYPE B PLANS AND ELEVATIONS PLOTS 3 (OPP), 4 (AS) AND 5 (AS)

22-005/04 MAY 2025

1:100 @ A2



Planning Control Committee 12th November 2025

| Application No: | CH/25/0205 |
|-------------------|---|
| Received: | 4 th July 2025 |
| Location: | 46 Stafford Lane, Hednesford, Cannock, Staffordshire WS12 1LE |
| Ward: | Chadsmoor |
| Description: | Reserved Matters Application for the Appearance, Landscaping, Layout and Scale following the grant of permission for 5 dwellings (CH/22/0255) |
| Application Type: | Reserved Matters |

The application is being presented to Members as an objector expressed their wish to address Planning Committee.

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):

Prior to Commencement

1. Prior to the commencement of the development hereby approved, an Arboricultural Monitoring Statement shall be submitted to and approved in writing by the Local Planning Authority. The document will provide details of the groundworks to take place within the identified Root Protection Areas as shown on drawing reference 22-005/002 REV A. The approved document shall thereafter be adhered to throughout the construction of the development.

Reason:

In the interests of visual amenity and the longevity of off-site trees, to ensure compliance with Local Plan Policies CP3, CP15, CP16 and the NPPF.

Prior to First Occupation

2. Where remediation works have been carried out in pursuance of the recommendations detailed on page 29 of the Ground Investigation report, produced by ASL (reference 231-22-042-10), 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 prior to first occupation of the development.

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.

3. The development hereby approved shall not be occupied until the surfacing, parking areas and access has been provided in full accordance with DWG reference Planning Layout 22-005/002 Rev A.

Thereafter, the approved details shall be managed for the lifetime of the development.

Reason:

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

4. The boundary treatments shall be provided in accordance with the approved details, as identified on plan reference 25-005/002 Rev A, prior to the first occupation of the dwelling the respective boundary treatment is to serve and thereafter shall be retained for the life of the development.

Reason:

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

All Other Planning Conditions

5. This approval of Reserved Matters is granted in respect of Outline permission CH/22/0255 and the development hereby approved shall comply in all respects with the terms of that permission and the conditions imposed on it.

Reason:

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

- 6. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Planning Layout 22-005-02 Rev A
 - External Finishes Plan22-005-05 Rev A
 - Landscape Proposals BEA-25-052-02
 - Site Location Plan 22-005-01
 - Type B Plans and Elevations 22-005-04
 - Type A Plans and Elevations 22-005-03

Reason:

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

7. No materials shall be used for the external surfaces of the development other than those specified within the application and on the External Finishes Plan DWG Reference 22-005-05 Rev A.

Reason:

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

8. The approved landscape works shown on Dwg. Nos BEA-25-052-02 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 interests of visual amenity and to ensure compliance with Local Plan Policies CP3, CP15, CP16, RTC3 and the NPPF.

9. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site, which dies or is lost through any cause during a period of 5 years from the date of first planting, shall be replaced in the next planting season with others of similar size and species.

Reason:

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent re-enactment thereof, no fences, walls or other means of enclosure shall be erected between any elevation of the proposed dwellings and any highway boundary or boundary to a private drive, without the prior written permission, on application to the Local Planning Authority.

Reason:

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

11. If during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until either:

A site investigation has been designed and undertaken in accordance with details approved in writing by the Local Planning Authority, a risk assessment has been produced and a method statement detailing remediation requirements using the information obtained from the site investigation has been approved by the Local Planning Authority; or

If the above has been previously undertaken, the developer has submitted and obtained written approval from the Local Planning Authority for an addendum to the method statement detailing how this unsuspected contamination shall be dealt with.

Reason:

In order to enable the development to proceed in a safe environment and to protect the health and safety of its occupiers and to ensure compliance with Local Plan Policy CP3 and the NPPF.

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

Network Rail

- The developer will ensure that there are road vehicle incursion prevention measures on parking spaces adjacent to the railway to prevent accidental incursion of vehicles onto the existing operational railway. RVI measures to be agreed with NR.
- Trespass proof fencing adjacent to the railway boundary set back 1m. the type to be agreed with NR.
- All excavation/earthworks within 10m of the railway boundary require NR agreement.
 Drainage must not include soakaways within 30m of the railway boundary to ensure there is no risk of flooding/slippage or pollution to the railway. All surface & foul water require extraction from site within 30m via a closed sealed pipe system.
- All works to be undertaken within the applicant's land ownership and there must be no NR land included within the red line proposal area. For the avoidance of doubt this should be confirmed with NR.
- All scaffolding to be undertaken within applicant's land no over-sailing the railway boundary.
- RAMS for the proposal to be agreed with NR. Applicant to ensure that the dwellings mitigating existing railway noise & vibration and that these may alter. The railway operates 24/7, 365.
- Access to the railway must be maintained.
- A BAPA (basic asset protection agreement) will be required to facilitate this proposal.

Consultations and Publicity

Statutory Consultees

Staffordshire County Council Highways - No objections.

Network Rail - No objections, subject to informative.

Hednesford Town Council - No comments received.

Non statutory Consultees

Internal Consultations

Environmental Health - No objections. The application includes a ground investigation, I agree with the findings in this report and that the recommendations provided by the consultant to deal with the contaminated land on page 29 of the report are followed and once completed a validation report to back up the mitigation measures is provided.

Landscape Officer - Arboricultural Impact Assessment required, to assess the impact of the development upon the root protection areas of existing trees, as well as potential impact of shading on the amenity space of future occupiers of the site.

Response to Publicity

The application has been advertised by neighbour letter.

1no letter of representation has been received and is summarised as follows:

- The respondent stated their desire to speak at Planning Control Committee
- The respondent stated that their objections are the same as those submitted during the outline stage. For clarify, they are as follows:
 - Concerns were raised in respect of overlooking and privacy, overshadowing, noise and disturbance, loss of trees and habitat, light pollution, the width of the access road and the safety of the proposed access.

Relevant Planning History

CH/22/0255: Outline application - some matters reserved, (Access) - Alterations to existing vehicular access and erection of 5 dwelling houses - Approved 16th July 2024.

1.0 Site and Surroundings

- 1.1 The application site comprises the large rear garden of no. 46 Stafford Lane, Hednesford. No. 44 and 46 are a pair of joined properties fronting Stafford Lane. A mature hedgerow largely screens the site from Stafford Lane.
- 1.2 The site has been largely cleared of vegetation, save for a group of mature trees and vegetation which bound the site to the east, with a railway line lying parallel to the site beyond this. Access to the site is achieved via Stafford Lane to the north and land levels across the site are relatively consistent.
- 1.3 To the immediate south of the site is a nature reserve, with bungalows adjacent to the site to the west. The character of the area is predominantly residential, interspersed with areas of green space. The site is 0.25 miles west of Hednesford Town Centre.
- 1.4 The application site lies within a Mineral Consultation Area and is defined as being within a Low Risk Area by the Coal Authority.

2.0 Proposal

- 2.1 The applicant is seeking consent for a Reserved Matters application for the layout, landscaping, external appearance and scale pursuant to CH/22/0255.
- 2.2 The proposed 5no dwellings will comprise 2no 2-bedroom bungalows, of which will be centrally located within the site, and 3no 3-bedroom detached two storey dwellings at the southern end of the site, facing inward. Plots 1 and 2 are planned as single storey bungalows, as required under condition 4 of the outline approval.
- 2.3 The proposed layout with a single shared access taken from Stafford Lane follows the layout as shown by the illustrative plans submitted at outline stage. 6no parking spaces will be located in the northern section of the site to serve nos. 44 and 46 Stafford Lane. Each dwelling will be served by 2no parking spaces each, with the parking for the bungalows being in tandem form.

2.6 The design of the dwellings is characteristic of the surrounding area, with architectural details including red brick facing, grey slate roof toles, brick detailing and a mixture of hipped and gable roofs.

3.0 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 Part 1 (2014), the Hednesford Neighbourhood Plan 2017-2028 and the Minerals Local Plan for Staffordshire (2015 2030).

The Development Plan

- 3.3 Cannock Chase Local Plan Part 1
 - CP1 Strategy the Strategic Approach
 - CP2 Developer Contributions for Infrastructure
 - CP3 Chase Shaping Design
 - CP4 Neighbourhood-Led Planning
 - CP6 Housing Land
 - CP7 Housing Choice
 - CP10 Sustainable Transport
 - CP12 Biodiversity and Geodiversity
 - CP13 Cannock Chase Special Area of Conservation (SAC)
 - CP14 Landscape Character and Cannock Chase Area of Outstanding Natural Beauty
 - CP16 Climate Change and Sustainable Resource Use

3.4 Hednesford Neighbourhood Plan 2017-2028

H1: Housing Development

3.5 Minerals Local Plan for Staffordshire

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

Other Material Considerations

3.6 The National Planning Policy Framework (NPPF)

Relevant Paragraphs:

8: Three dimensions of Sustainable Development

11-14: The Presumption in favour of Sustainable Development

48-51: Determining Applications

115-118: Considering Development Proposals

131-141: Achieving Well-Designed Places

231-243: Implementation

3.6 Other relevant documents

- Design Guide Supplementary Planning Document, April 2016.
- Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport, July 2005
- Developer Contributions and Housing Choices SPD (July 2015)
- Manual for Streets

4 Determining Issues

- 4.1 The determining issues for the proposed development include:
 - i) Principle of development
 - ii) Appearance
 - iii) Landscaping
 - iv) Layout and Scale

4.2 Principle of the Development

- 4.2.1 It has been established through the grant of outline planning permission (CH/22/0255) that the principle of residential development in this location is acceptable.
- 4.2.2 The principle of development has therefore been accepted and only the matters of appearance, landscaping, layout and scale are to be considered in this application.

4.3 Appearance

- 4.3.1 The design of the dwellings exhibit features typical of the wider area, of which comprises an eclectic mix of properties in terms of their age, design and style.
- 4.3.2 The design of the dwellings will be broadly reflective of those within the surrounding area and therefore, it is considered that the building heights and street character areas, accord with the outline consent to create a positive residential character.
- 4.3.3 Details of materials to be used within the development have been submitted with this application. Red brick facing will be used for external walls and all plots are to have grey roof tiles. These materials are considered to be appropriate, and a condition has been imposed ensuring that the development is carried out in accordance with these details.
- 4.3.4 A proposed fencing and hard landscaping scheme has been submitted showing a mixture of charcoal and brindle block paving and the site will be enclosed by 1.8-metre-high close board fencing. To ensure that the boundary treatments remain as approved, a condition is proposed to remove permitted development rights for the erection of new boundary structures.

4.3.5 The proposed housing and associated development would be satisfactorily assimilated into its surroundings and would not have a harmful impact in the wider landscape. Accordingly, it is considered that the application, in this regard, is consistent with the Local Plan as well as relevant paragraphs contained within the NPPF.

4.4 Landscaping

- 4.4.1 The Landscape Officer has reviewed the landscaping information submitted in support of this application and within their most recent comments request an Arboricutural Impact Assessment to assess the impact of the new dwellings on the Root Protection Areas of the off-site trees to the east of the site as well as any potential shading cast on the rear gardens of the new dwellings.
- 4.4.2 Whilst noted, most of the trees impacting the site fall outside of the eastern boundary and it would be the future occupier's right to maintain and prune overhanging branches of the adjoining unprotected trees to avoid shading. In terms of the impact of the scheme on RPAs, the rear garden of plot 1 partially lies within the RPA of a Sycamore tree (T5). To address this, a pre commencement condition requiring an Arboricultural Monitoring Statement has been imposed to review ground works within this RPA.
- 4.4.3 The applicant has provided a landscaping scheme and planting schedule, comprising low level planting, ornamental hedges and turfed areas of which will enhance the appearance of the site. It is noted that the Landscape Officer has requested a long-term management plan for communal areas within the site. When reviewing the site layout plan, there are minimal communal areas, comprising a small, grassed area; the majority of the on-site landscaping will fall within the ownership of individual homeowners/occupiers and so a management plan will not be required. A planning condition has been imposed to ensure that should any new planting die within 5 years of the scheme being occupied, it must be replaced within the following planting season.
- 4.5.6 In respect of the above, the landscaping measures are acceptable, with the loss of on-site unprotected trees being appropriately mitigated and sufficient tree protection measures in place to protect those to be retained. As such, the scheme is compliant with Policy CP12 of the Cannock Local Plan

4.6 Layout and Scale

- 4.6.1 The application proposes a mix of single storey bungalows and two storey dwellings which vary in height between 4.6 metres and 8.9 metres; this is of comparable height to adjacent neighbours on Stafford Lane. Furthermore, there is sufficient distance between them and surrounding roads to not result in overbearing effects on those dwellings or the character of the street scene. It is noted that the variation in roof height will create visual interest and texture within the site similar to that which already exists with the single storey development to the west and new two storey development beyond.
- 4.6.2 The proposed heights would not be significantly taller than a typical two storey dwelling and will align with the heights of the dwellings facing onto Stafford Lane.

4.6.3 The layout of the site complements and will integrate with that of the surrounding area and will be of similar density to surrounding residential development. The scale of the units, and development overall, are therefore considered acceptable with respect to the character and appearance of the area.

Residential Amenity

- 4.6.4 The Council's Design Supplementary Planning Document contains guidance detailing appropriate space around dwelling standards. These standards establish a minimum distance of 21.3 metres to separate principle habitable windows and that there should be at least 10 metres between side facing first floor principal windows overlooking neighbouring private amenity space.
- 4.6.5 Where the side of one dwelling (blank elevation) faces the rear of a neighbouring properties the minimum distance should be 13.7 metres between the two storey parts of each dwelling. Finally, the SPD identifies that for 1 or 2 bedroom dwellings, a minimum garden size of 40-44m² should be provided, for 3 bed 65m² and 4 + bedroom dwellings 80m².
- 4.6.6 The layout complies with the requirements of the Design SPD in regard to the neighbouring occupiers. The layout of the scheme, given the above described circumstances, will also ensure an appropriate standard of living accommodation for future residents of the site. Therefore, the development will comply with the requirements of the Development Plan and NPPF in this regard.
- 4.6.7 Consequently, it is considered that the proposals are in accordance with the Council's Supplementary Planning Documents, the Development Plan and NPPF, and will not lead to a loss of amenity for existing or future residents.

4.7 Access & Highway Safety

- 4.7.1 Means of access into the wider application site was granted permission at the outline stage.
- 4.7.2 The outline application included an access plan and visibility splay, of which was found acceptable by the Highway Authority. The main consideration of this Reserved Matters application is whether the internal road layout and pedestrian routes are useable and safe. The Highway Authority was consulted on the application and found the internal arrangements to be acceptable. The siting of the new driveways to serve the dwellings and their proximity to junctions and wider siting has been considered with no concerns raised.
- 4.7.3 In light of the above, the proposal is considered not to be the cause of highway danger and therefore is consistent with local and national policy including the requirements of Core Policy 10 and relevant paragraphs contained within the NPPF.
- 4.7.4 In respect of parking, the scheme either delivers the maximum provision required by the Parking SPD or exceeds this provision. Thus, both 2-bedroom dwellings within the site are served by two off-street car parking spaces. The parking levels identified within this site are therefore considered to be acceptable

4.7.5 The development will offer suitable vehicular access, sufficient car parking to meet the likely future demands of the site, whilst also offering appropriate alternative access to sustainable forms of transport and is therefore compliant in this regard with the requirements of the Local Plan and the NPPF.

4.8 Cannock Chase SAC Mitigation

4.8.1 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. As the proposal includes the creation of 5no new dwellings, mitigation payment will be required in this instance, and this will be deducted from CIL contributions. Subject to this, the application is compliant with the provision of Policy CP13 of the Cannock Chase Local Plan.

5.0 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.

6.0 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 The principle of residential development in this location was established under planning application reference CH/22/0255. The design and scale of the development will fit in comfortably with the surroundings and provide sufficient garden land and access, parking and turning arrangement with no adverse impact to residential amenities. Landscaping will be provided and the proposals will provide a high standard of development for future occupiers.
- 6.3 It is therefore recommended that the application be approved subject to the attached conditions for the above reasons.

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Item No. 6.25

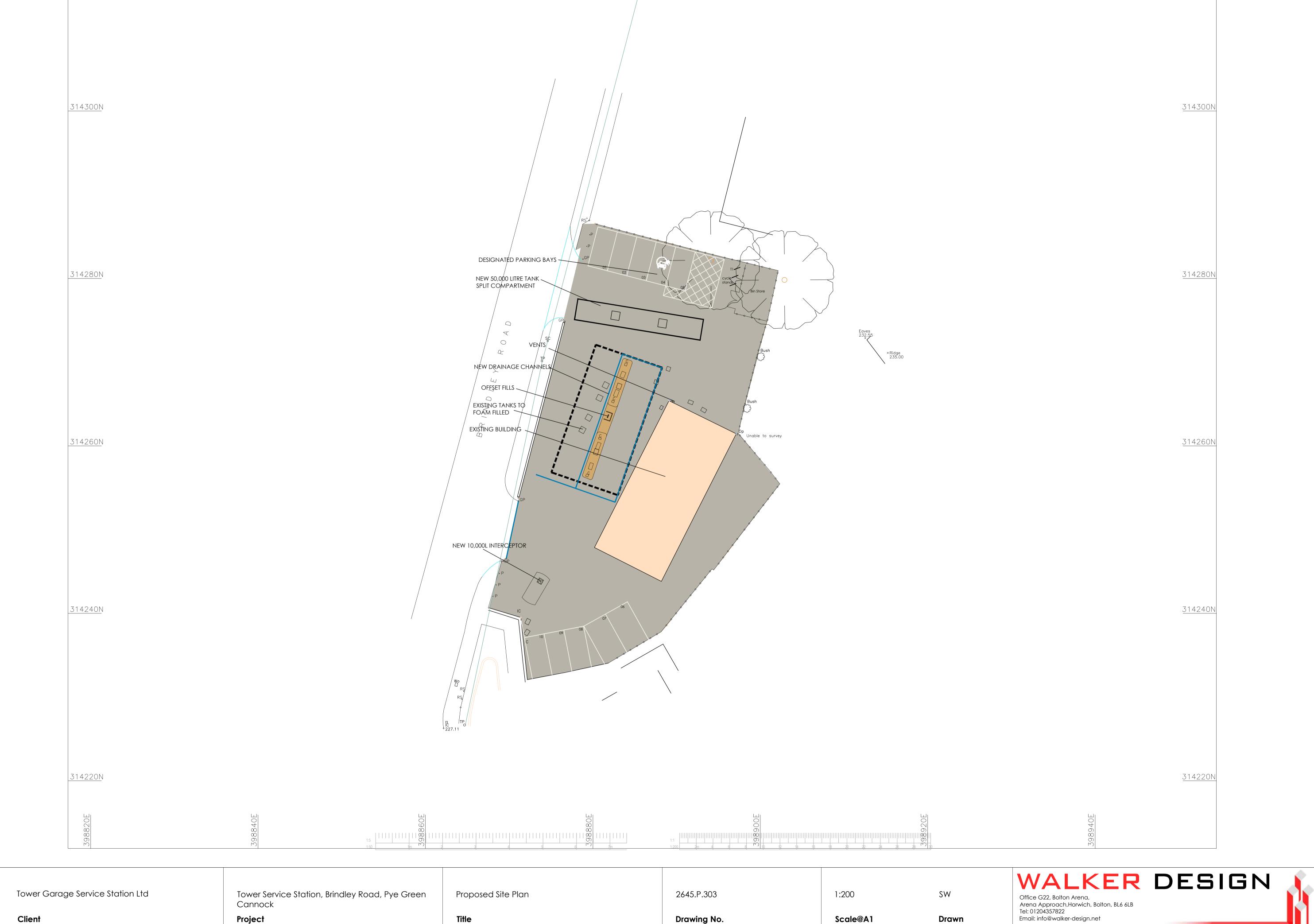
Application No: CH/25/0175

Location: Tower Garage, Brindley Road, Pye Green, Cannock, WS12 4LL Proposal:Retrospective Change Of Use from car repair garage to Sui Generis (Petrol Station), installation of 50,000 litre tank

and new shop front



Site Location Plan

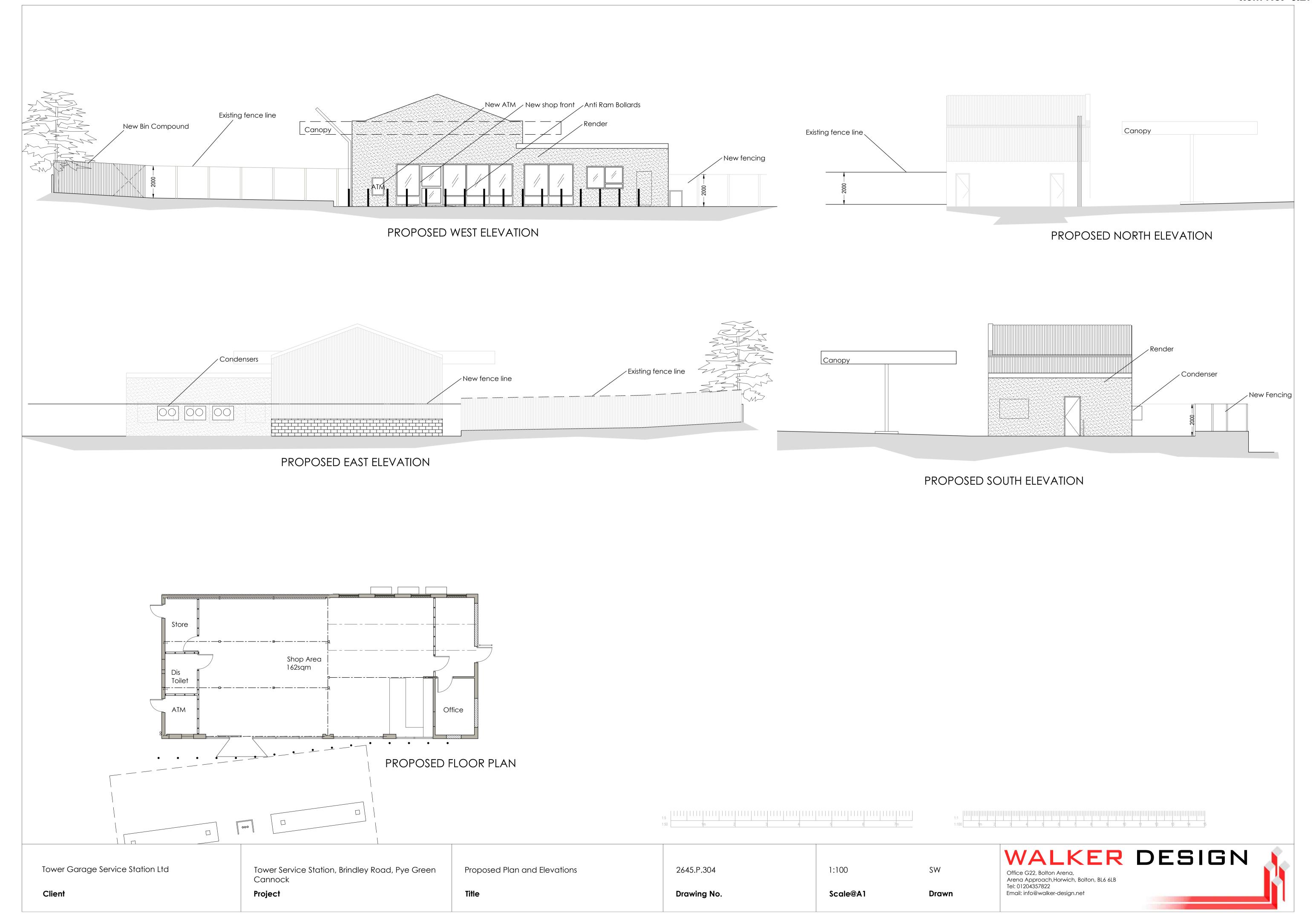


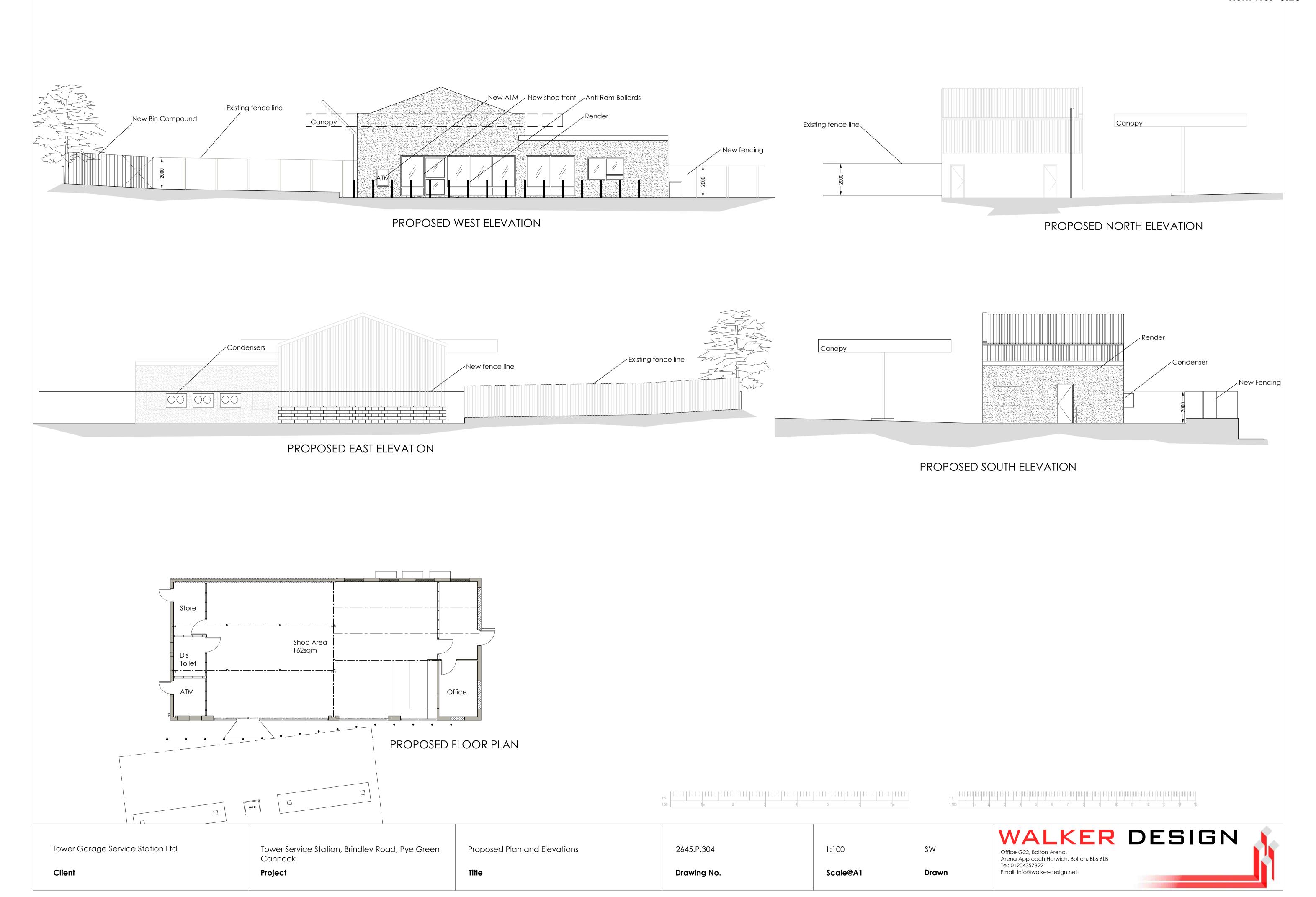
Drawing No.

Client Project

Drawn

Scale@A1





Planning Control Committee 12 November 2025

| Application No: | CH/25/0175 |
|-------------------|--|
| Received: | 2 nd June 2025 |
| Location: | Tower Garage, Brindley Road, Pye Green, Cannock, WS12 4LL |
| Parish: | Hednesford CP |
| Ward: | Hednesford Pye Green |
| Description: | Retrospective Change Of Use from car repair garage to Sui Generis (Petrol Station), installation of 50,000 litre tank and new shop front |
| Application Type: | Full Planning Application |

The application has been called in to Planning Control Committee by Cllr Mawle, due to concerns in respect of the overdevelopment of the application site.

Recommendation: Approve, subject to conditions.

Reason 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.

- 1. The development hereby approved shall be retained in accordance with the following approved plans:
 - Site Location Plan 2645.P.305
 - Proposed Plans and Elevations 2645.P.304
 - Proposed Site Plan 2645.P.303

Reason:

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

2. The car parking, access, servicing and circulation areas as shown on the drawing number 2645.P303 shall be hard surfaced in a bound material and marked out accordingly within one month of the grant of this permission.

Thereafter these parking/servicing areas shall be retained in accordance with the approved plans for the lifetime of the development.

Reason:

In the interest of highway safety.

3. The collection of waste, fuel deliveries and any other delivery to and from the site shall be restricted to the following times:

08:00 – 18:00 Monday - Sunday (including Bank Holidays)

Reason:

To mitigate potential adverse impacts from noise on residential amenity.

4. The development hereby approved shall only be open to the public between the hours of 06:00 - 23:00 Monday - Sunday (including Bank Holidays).

Reason:

To mitigate potential adverse impacts from noise on residential amenity.

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. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority
- Operators of petrol filling stations should take appropriate measures to manage their sites to ensure they do not cause an unacceptable risk to groundwater quality. The Environment Agency has powers to take action where groundwater pollution occurs or is likely to occur.

If pollution was to occur, Section 161, Water Resources Act 1991 empowers us to recover all costs reasonably incurred in:

- carrying out works, operations or investigations to prevent pollution of surface waters or groundwater;
- undertaking remedial action following a pollution of surface waters or groundwater. Should we be required to undertake such work we would be able to recover these from the company or person responsible. Where we consider that other forms of control or voluntary action do not give sufficient protection to groundwater, we will serve EPR groundwater activity notices to avoid or restrict inputs of pollutants to groundwater including from, for example, underground storage and distribution facilities

Consultations and Publicity

Statutory Consultees

Environment Agency - No objections.

Staffordshire County Council Highways - No objection, subject to the hard surfacing of the car parking, access, servicing and circulation areas being completed in accordance with the approved plans and the request for a pre commencement condition requiring a Construction Environmental Management Plan (CEMP).

Hednesford Town Council - No response to date.

Non-Statutory Consultees

Internal Consultations

Economic Development - No objection.

Planning Policy (CCDC) - No objection.

Environmental Health - No objection; the risk from land contamination is unlikely to be significant and the proposed opening hours are consistent with the proposed change of use, subject to these being secured via planning condition.

Landscape Officer - No comments received.

External Consultations

Trading Standards - No objections, the team have given direct and specified business advice in respect of the tank vent pipes and the vapour recovery connector point.

Staffordshire Police - No objection.

Response to Publicity

The application has been advertised by neighbour letter. No letters of representation have been received.

Relevant Planning History

CH/25/0051: Retrospective proposed rear extension, change of use from car repair garage to Petrol Filling Station (Sui Generis) under planning classification, installation of 1No 50,000 litre tank and 2No jet wash bays, installation of new shop from with internal alteration. Refused 17th April 2025 on the following grounds:

- 1. Insufficient information has been submitted with the application relating to the potential noise and disturbance from the relocated car repair bay and its opening hours, bin store and jet wash facility to adequately assess the impact of the proposed development having regard to the adjoining residential properties. As such, the proposal has the potential to have a detrimental affect upon the amenities and quiet enjoyment that nearby neighbours may reasonably be expected to enjoy. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Policy CP3 of the Local Plan and the National Planning Policy Framework (2024).
- 2. Insufficient information has been submitted in respect of on-site parking provision for the retail unit and vehicle repair garage as well as on site queueing space for the car wash and deliveries and sufficient space for HGVs to manoeuvre within the site to allow the Highway Authority to adequately assess the impact on highway safety. The proposal would intensify the use of the site and as such result in an increased demand for on road parking provision and/or vehicle waiting in the locality, which would be to the detriment of highway safety and the free flow of traffic. The development proposal is therefore in conflict with Policies CP3 and CP10 of the Cannock Chase Local Plan (Part 1) 2014, the Cannock

Chase Parking Standards, travel Plans & Developer Contributions for Sustainable Transport SPD and Paragraph 116 National Planning Policy Framework (2024).

CH/24/290 - Proposed raise of canopy to existing petrol forecourt. Approved 13th December 2024.

1 Site and Surroundings

- 1.1 The application site comprises of a Morrisons Local store and a filling station and forecourt and canopy. The site has parking provision for approximately 15no vehicles to the sides and rear. The building is a mixture of brick-facing with a steel portal frame. There are two access points to the site along Brindley Road.
- 1.2 The site has been in use as a car repair centre, petrol filling station and car sales centre since the 1980s.
- 1.3 The site is located in adjacent residential dwellings to its north, east and south. To the east of the site is agricultural land, with the Cannock Chase Forest located beyond this of which is designated as an Area of Outstanding Natural Beauty.
- 1.4 The site is not allocated within the Local Plan but has been identified as being in a Mineral Consultation Area and is considered as a low-risk development area by the Coal Authority.

2 Proposal

- 2.1 Retrospective planning consent is sought for the change of use from a car repair garage to a petrol filling station (Sui Generis), the installation of 1No 50,000 litre tank and a new shop front with internal alterations.
- 2.2 The new petrol station will be rendered and the existing window and doors altered. The forecourt will comprise 3No pump islands under an existing canopy (approved under planning application CH/24/290).
- 2.3 An area of hardstanding lies within the northern section of the site, of which will provide 10no parking spaces, a cycle stand and bin storage.
- 2.4 The internal alterations include the removal of an internal wall and inserting a steel wall to support the existing masonry. This will provide an open plan retail area, typical of shop floors. The roller shutter has been removed and replaced with a new shop front.
- 2.5 Bollards are located at the shop frontage to enhance pedestrian safety within the site. New 2m high fencing will be provided along the boundaries where required.
- 2.6 The premises will be in operation from 6:00 to 23:00, daily (including Sundays and Bank Holidays).

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), the Hednesford Neighbourhood Plan (made 2018) 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

CP11 - Centres Hierarchy

CP13 - Cannock Chase Special Area of Conservation (SAC)

CP16 - Climate Change and Sustainable Resource Use

- 3.3 There are no relevant policies identified within the Hednesford Neighbourhood Plan.
- 3.4 Relevant policies within the minerals plan include: -

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

- 3.5 Other relevant documents include:
 - (i) Design Supplementary Planning Document, April 2016.
 - (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
 - (iii) Manual for Streets.

National Planning Policy Framework

- 3.6 The NPPF (2024) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be "presumption in favour of sustainable development" and sets out what this means for decision taking.
- 3.7 The NPPF (2024) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.8 Relevant paragraphs within the NPPF include paragraphs:

8: Three Dimensions of Sustainable Development

11 - 14: The Presumption in favour of Sustainable Development

48 - 51: Determining Applications

115 - 118: Highway Safety and Capacity

131, 135, 137, 139: Achieving Well-Designed Places

231, 232: Implementation

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) Impact on nature conservation
 - vi) Mineral safeguarding
 - vii) Drainage and Flood Risk
 - viii) Contamination
 - ix) Planning Balance and the Weighing Exercise

4.2 Principle of the Development

- 4.2.1 Policy CP9 of the Cannock Chase Local Plan 2014 states that priority will be given to employment uses which add value to and strengthen the local economy to achieve the priority aims of economic resilience and restructuring.
- 4.2.2 Further Policy CP8 of the Cannock Chase Local Plan 2014 identifies that the redevelopment and modernisation of existing employment sites and other appropriate Brownfield land for employment purposes will be encouraged and supported.
- 4.2.3 In this instance, it is noted that the historic use of the site is a petrol filling station, vehicle repair workshop and vehicle sales. This application refers to a retrospective proposal for a petrol filling station and ancillary convenience store (Morrisons Local).
- 4.2.4 The proposed retail element of the site would be ancillary to the main use of the wider site and as such would not require a Sequential test as the floorspace is below the required threshold. In light of this the proposal would not result in a detrimental impact to the viability of the Town Centres.
- 4.2.5 The development proposal is compatible with the longstanding use of the site for vehicle related activities. As the site is an established use within the built-up area and is located outside of the designated areas, the new proposals are not considered to have any previously unidentified impact on the Cannock Chase National Landscape or the Green Belt.
- 4.2.6 The site is not located within either Flood Zone 2 or 3 and it is not designated as a statutory or non-statutory site for nature conservation. The site is not within a Conservation Area nor comprises a Listed Building. Given the above the proposal would be acceptable in principle.
- 4.2.7 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 slight of these policy tests.

4.3 Design and impact on the character and form of the area

- 4.3.1 The alterations to the wider site are acceptable, given the context of the site and its established use. The amendments are relatively minor and facilitate the use of the site as a petrol filling station, as well as modernise the wider site and generally improve the appearance of the surrounding area.
- 4.3.2 Therefore, having had regard to Policies CP3 of the Local Plan and the appropriate sections of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings and would successfully integrate with existing features of visual value 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 requires development proposals to protect the amenity enjoyed by existing properties including supporting mixed uses whilst avoiding incompatible ones and have regard to existing uses with potential to generate pollution which could have an unacceptably detrimental effect on proposed development.
- 4.4.2 The previous refused planning application (application reference: CH/25/0051), proposed 3no separate uses within the site (a vehicle repair centre, car sales and petrol filling station). This application included an increased retail area, extension of building to include a vehicle repair shop to the rear and two water jet bays. As part of the current application, the number of uses on site have been reduced to a petrol filling station with ancillary convenience store, with the repair shop and car sales element, as well as the jet wash bays, being omitted from the scheme. As such, the current scheme is no longer considered to be an over intensification of the site and acceptable in relation to the former use.
- 4.4.3 The previous scheme proposed car vehicle repairs to take place in a bay to the rear of the main building, of which comprised a shuttered elevation that would have remained open during operating hours. This would have potentially had a detrimental impact upon the amenity of adjoining residential occupiers due to noise. The omission of this from the current scheme reduces the level of comings and goings and concerns relating to the intensification of the site due to displaced or waiting vehicles have been addressed as part of the current application. Large areas of open hardstanding are available for parking and manoeuvring and the current scheme aligns with its historic use. Furthermore, the nature of the proposed use as a petrol filling station and convenience store will be a less intensive use in that patrons will make specific, short duration trips; it is not anticipated that these trips will generate significant levels of disturbance, over and above that of the established use. The applicant has submitted a noise impact assessment with which to support this application. In light of the above, the current application has addressed the reasons for refusal of the previous scheme.
- 4.4.4 The Environmental Health Officer (EHO) and Environment Agency have no objections to the scheme and the EHO has confirmed that the proposed opening hours are acceptable and are typical of petrol stations within residential areas. A planning condition has been imposed to secure the proposed opening hours of 6:00 23:00, daily.

- 4.4.5 It is noted that the EHO has requested a planning condition restricting construction hours, however, as the proposal relates to a retrospective application and the works have already been completed the condition does not meet the tests as set out within the NPPF which state that (amongst others) the condition must be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (para 56). As such, the condition will not be imposed in this case.
- 4.4.6 In respect of the above, the Council is satisfied that the scheme will not have a detrimental impact upon the amenity of nearby residential occupiers and the proposal complies with Policy CP3 of the Cannock Chase Local Plan and the NPPF.

4.5 Impact on Highway Safety

- 4.5.1 Paragraph 116 of the 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 One of the previous reasons for refusal for planning application CH/25/0051 related to insufficient on-site parking provision for the proposed uses as well as adequate space for vehicles queueing for the car wash facilities, deliveries and to allow HGVs (such as fuel delivery tankers) to safely manoeuvre within the site. Due to the decrease in the number of uses at the site and the removal of the jet wash bays, the concerns set out within the previous refusal have been addressed and it has been demonstrated that there is adequate space within the site to accommodate the proposed use.
- 4.5.3 As part of the proposal, 10no car parking spaces are proposed with 2no accessed taken from Brindley Heath Road to provide single entrance and exit points and a one-way route through the site.
- 4.5.4 Staffordshire County Highways Department was consulted on the proposal and have no objections to the development proposal, subject to the imposition of the recommended planning conditions. The request for a pre-commencement condition requiring the submission of a construction environment management plan (CEMP) is noted. However, as the proposal relates to a retrospective application and the works have already been completed the condition does not meet the tests as set out within the NPPF. As such, the condition will not be imposed in this case. A planning condition has been secured to ensure that the submitted site layout plan will be provided and retained for the lifetime of the development.
- 4.5.5 As such, it is considered that there would be no adverse impact upon highway safety and the proposal would be in accordance with the Parking SPD and paragraph 116 of the NPPF.

4.6 Impact on Nature Conservation Interests

4.6.1 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. The application is for the change of use from a former car repair garage with ancillary petrol station and car sales yard to a petrol filling station and ancillary convenience store. As such, it is

- considered that there would be no significant intensification of the use of the site that would result in an adverse impact on the SAC.
- 4.6.2 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.
- 4.6.3 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.

Biodiversity Net Gain

- 4.6.4 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the biodiversity net gain condition.
- 4.6.5 There are statutory exemptions and transitional arrangements which mean that the biodiversity net gain condition does not always apply.
- 4.6.6 Based on the information available this permission is considered to be one which will not require the approval of a Biodiversity Gain Plan before development is begun because one of the statutory exemptions or transitional arrangements are considered to apply.
- 4.6.7 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.

4.7 Mineral Safeguarding

- 4.7.1 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.
- 4.7.2 The application site is located within a Mineral Safeguarding Area. Notwithstanding this, the advice from Staffordshire County Council as the Mineral Planning Authority does not require consultation on the application as the site falls within the development boundary of an urban area and is not classified as a major application.
- 4.7.3 As such, the proposal would not prejudice the aims of the Minerals Local Plan.

4.8 **Drainage and Flood Risk**

4.8.1 The site is located within Flood Zone 1 in the Environment Agency's Flood Risk maps and hence is at the lowest risk of flooding. Notwithstanding the applicant has submitted a Phase 1 & 11 Geo-environmental Assessment in regard to the risk to groundwater. The Environment Agency was consulted on the application and raised no objection in this regard.

- 4.8.2 As the previous/existing use of the site in that large areas of hardstanding have been in place for a number of years and the site it is near drainage infrastructure that serves the surrounding area, this is considered acceptable.
- 4.8.3 In respect of the above, the scheme is acceptable in terms of foul and surface water drainage.

4.9 Contamination

4.9.1 The application site lies in a Coal Authority Low Risk Area and its historic use relates to vehicles. The Environmental Health Officer and Environment Agency have no objection to the scheme and does not require further investigative works to be undertaken in respect of groundwater contamination. As such, the proposal will be in accordance with Policy CP16 of the Local Plan and the NPPF.

4.10 Planning Balance and the Weighing Exercise

- 4.10.1 Your Officers confirm that the change of use from a former car repair garage with ancillary petrol station and car sales yard to a petrol filling station and ancillary convenience store is in a wholly sustainable location. As such, Officers give this matter significant weight.
- 4.10.2 The proposal would not result in any adverse impact to the neighbouring occupiers in terms of being overbearing or privacy and Officers afford this matter sizeable weight.
- 4.10.3 Your Officers confirm that there are no statutory objections from the Highway Authority who raised no objections to the scheme. The Environment Agency and Environmental Health Officers raise no concerns in respect of contamination. As such, great weight is afforded this matter in the planning balance.
- 4.10.4 Notwithstanding the above, it is acknowledged that the application has been called in to Planning Control Committee due to concerns relating to the overdevelopment of the site. Whilst noted, the current scheme proposes a single main use at the site as opposed to the previous refused scheme that set out three uses. Officer further consider the modernisation of the site to be a betterment in terms of the visual amenity for the wider location.
- 4.10.5 Given the above, the benefit of the scheme enhancing and modernising an existing commercial premises and creating employment opportunities within this location, would weigh significantly in favour of the proposed development.

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.