

Please ask for: Mrs J. Hunt

Extension No: 4623

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22 July 2024

Dear Councillor,

Planning Control Committee

3:00pm Wednesday 31 July 2024

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 the later.

Members should note that the following site visits have been arranged: -

Application Number	Application Location and Description	Start Time
TPO 2024/02	Armitage Lane/Rugeley Road, Rugeley, WS15 1ED: Tree Preservation Order Confirmation	1:40pm
CH/24/132	26 Cleeton Street, Heath Hayes, Cannock, WS12 3HB: Erection of a detached 3x bedroom dwelling following demolition of existing dwelling.	2:15pm
CH/24/062	Unit 1, Bennick Trading Estate, Union Street, Bridgtown, Cannock, WS11 0BP: Retrospective Change of Use to Pole Fitness establishment	2:35pm

Members wishing to attend the site visits are requested to meet at Armitage Lane, Rugeley, WS15 1ED, at 1:40pm 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. The PPE 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.
Fitzgerald, A. Sutherland, M.
Jones, V. Thornley, S.
Lyons, N. Thornley, S.J.
Mawle, D. Wilson, L.
Prestwood, F.

Agenda

Part 1

1. Apologies

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

To declare any personal, pecuniary, or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

3. Disclosure of Details of Lobbying of Members

4. Minutes

To approve the Minutes of the meeting held on 3 July 2024 (enclosed).

5. Members' Requests for Site Visits

6. Report of the Development & 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 & Policy Manager.

Details of planning applications can be accessed on the Council's website by visiting www.cannockchasedc.gov.uk/residents/planning and then clicking on the square marked 'Planning Applications'.

Site Visit Applications

	Application Number	Application Location and Description	Item Number
1.	TPO 2024/02	Armitage Lane/Rugeley Road, Rugeley, WS15 1ED: Tree Preservation Order Confirmation.	6.1 - 6.10
2.	CH/24/132	26 Cleeton Street, Heath Hayes, Cannock, WS12 3HB: Erection of a detached 3x bedroom dwelling following demolition of existing dwelling.	6.15 - 6.27
3.	CH/24/062	Unit 1, Bennick Trading Estate, Union Street, Bridgtown, Cannock, WS11 0BP: Retrospective Change of Use to Pole Fitness establishment	6.28 - 6.36

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 Paragraphs 1, 2 and 7, Part 1, Schedule 12A of the Local Government Act 1972 (as amended).

Agenda

Part 2

8. Enforcement Case - ENF/23/102

Not for Publication Report of the Development & Policy Manager (Item 8.1 - 8.5).

The Report is confidential due to the inclusion of information:

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

9. Enforcement Case - ENF/23/103

Not for Publication Report of the Development & Policy Manager (Item 9.1 - 9.5).

The Report is confidential due to the inclusion of information:

- Relating to any individual.
- Which is likely to reveal the identity of an individual.
- 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 3 July 2024 at 3:00pm
In the Council Chamber, Civic Centre, Cannock

Part 1

Present:
Councillors

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

Aston, J.	Prestwood, F.
Fitzgerald, A.	Samuels, G.
Haden, P. (Substitute)	Thornley, S.
Lyons, N.	Thornley, S.J.
Mawle, D.	Wilson, L.

12. Apologies

Apologies for absence had been submitted by Councillors V. Jones and M. Sutherland.

Councillor P. Haden was in attendance as substitute for Councillor Jones.

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

Member	Interest	Type
Haden, P.	NFP Enforcement Case - ENF/24/50: <i>Member's father lives in the vicinity of the enforcement case and she had discussed the case with him.</i>	Personal
Mawle, D.	NFP Enforcement Case - ENF/24/041: <i>Member has a similar business in the District.</i>	Personal and Pecuniary

14. Disclosure of Details of Lobbying by Members

All Members had been lobbied by way of email from Councillor O. Lyons (Ward Councillor) in respect of Application CH/24/051 - Former Aelfgar School, Church Street, Rugeley. All Members confirmed they had viewed the email, apart from Councillors G. Samuels, F. Prestwood, S. Thornley and S.J. Thornley who had not seen the email.

15. Minutes

Resolved:

That the Minutes of the meeting held 5 June 2024 be approved as a correct record.

16. Members Requests for Site Visits

None.

17. Application CH/24/051 - Former Aelfgar School, Church Street, Rugeley: Reserved Matters Application for the Construction of up to 58 Dwellings - Layout, Landscaping, External Appearance and Scale (Following Outline Permission CH/21/0022)

The application had been considered at the previous Planning Control Committee on 5 June 2024. The Chair confirmed that only those Members present at that meeting would be eligible to take part in the determination of the application. Councillors A. Fitzgerald, F. Prestwood and G. Samuels therefore left the meeting at this point as they were not present at the meeting on 5 June.

Consideration was given to the report of the Development & Policy Manager (Item 6.1 - 6.31) (presented by the Senior Planning Officer).

Prior to consideration of the application the Officer advised that an update had been circulated to Members in advance of the meeting. The update read:

“Following completion of the report for the Committee agenda, officers received further information in respect of suggested conditions 4 (surface treatment), 7 (tree protection signage) and 8 (hedgehog highways). Each condition is addressed in turn below:-

Condition 4 is as follows:

Notwithstanding details already provided, no part of the development hereby approved shall commence above ground level until a scheme detailing the surface treatment, including internal roads, parking and pedestrian areas, access, servicing and turning areas has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance with the approved details before the development is first brought into use and shall be managed for the lifetime of the development in accordance with the Long Terms Landscape Management Plan, dated January 2024 (reference BEA/24-001/DR/LPP01).

Drawing reference WD50 Rev A (External Works and Boundary Treatments) has been submitted to show road surfacing details. In correspondence with the Staffordshire County Council Highways team, the team confirmed that the surface material proposed for development is acceptable.

The wording of Condition 4 shall be updated accordingly to reflect this.

Condition 7 is as follows:

No part of the development hereby approved shall commence or any actions likely to interfere with the biological function of the retained trees and hedges shall take place, until full details of the installation of warning notices relating to tree exclusion zones to be installed on tree protection fencing have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved signage shall be installed on the protective fencing prior to commencement of the development and shall remain in place for the duration of the construction period.

Drawing reference TPF 01 (Tree Protection Fencing and Associated Signage) has been submitted to discharge condition 7. These details are considered to be appropriate.

The wording of condition 7 shall be updated accordingly to reflect this.

Condition 8 is as follows:

Notwithstanding the ecological mitigation measures shown on drawing BEA-24-001-01-P02_DETAILED SOFT LANDSCAPE PROPOSALS Sh1, prior to commencement above ground level, details of hedgehog corridors shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in accordance with the approved details before the development is first brought into use. Reason: In the interests of enhancing hedgehog habitat in accordance with Policy CP12 of the Local Plan and paragraph 180 of the NPPF.

Drawing reference WD50 Rev A (External Works and Boundary Treatments) has been submitted to hedgehog corridors and access. In correspondence with the Staffordshire County Council Highways team, the team confirmed that the surface material proposed for development is acceptable.

The wording of condition 8 shall be updated accordingly to reflect this.

A small error is noted in the report in respect of the drawing numbers for the revised landscaping scheme. The only amendment made is the inclusion of an oak tree within the green buffer. For clarity, the drawing references are as follows:

- DETAILED SOFT LANDSCAPE PROPOSALS. DWG No. BEA-24-001-01 Rev P03
- DETAILED SOFT LANDSCAPE SPECIFICATION. DWG No. BEA-24-001-02 Rev P02.”

Following the update, the Committee was advised that Angela Lawrence (an objector) had registered to speak and had requested that the written objection she submitted to the previous Planning Control Committee be read out to Members. The Senior Planning Officer read this out for the benefit of Members.

The Senior Planning Officer advised that Councillor O. Lyons (the Ward Councillor) had informed the Chair that she wished to make a representation at the meeting. However, she was not able to attend the meeting today and had requested that her statement be read to the Committee. The Senior Planning Officer read this out for the benefit of Members.

The Senior Planning Officer then provided a presentation to the Committee outlining the appendum to the application showing Members photographs and plans.

Resolved:

That:

- (A) The point of clarification in respect of the proposal to remove the oak tree as part of the proposal be noted.
- (B) The decision to approve the application subject to the conditions contained in the report for the reasons stated therein be confirmed.

(C) The approval be subject to the updated conditions 4, 7 and 8 and the amendment to the drawing numbers for the revised landscaping scheme, as detailed in the Officer update outlined above.

(Councillors A. Fitzgerald, F. Prestwood and G. Samuels returned to the meeting at this point).

18. Exclusion of Public

Resolved:

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

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

Held on Wednesday 3 July 2024 at 3:00pm

In the Council Chamber, Civic Centre, Cannock

Part 2

19. Enforcement Case - ENF/23/50

Having declared a personal interest, Councillor P. Haden left the meeting prior to the determination of the following case.

Consideration was given to the Not for Publication report of the Development & Policy Manager (Item 8.1 - 8.7).

The Senior Planning Officer read out a letter from an objector prior to the consideration of the case. She then provided a presentation to the Committee outlining the report.

Resolved:

That, for the reasons and justification given in the report no action can or should be taken to enforce the planning conditions 2 & 4 of planning permission CH/21/0289.

(Councillor P. Haden returned to the meeting at this point).

20. Enforcement Case - ENF/23/041

Having declared a personal and pecuniary interest, Councillor D. Mawle left the meeting prior to the determination of the following case.

Consideration was given to the Not for Publication report of the Development & Policy Manager (Item 9.1 - 9.7).

The Senior Planning Officer provided a presentation to the Committee outlining the report.

Resolved:

That:

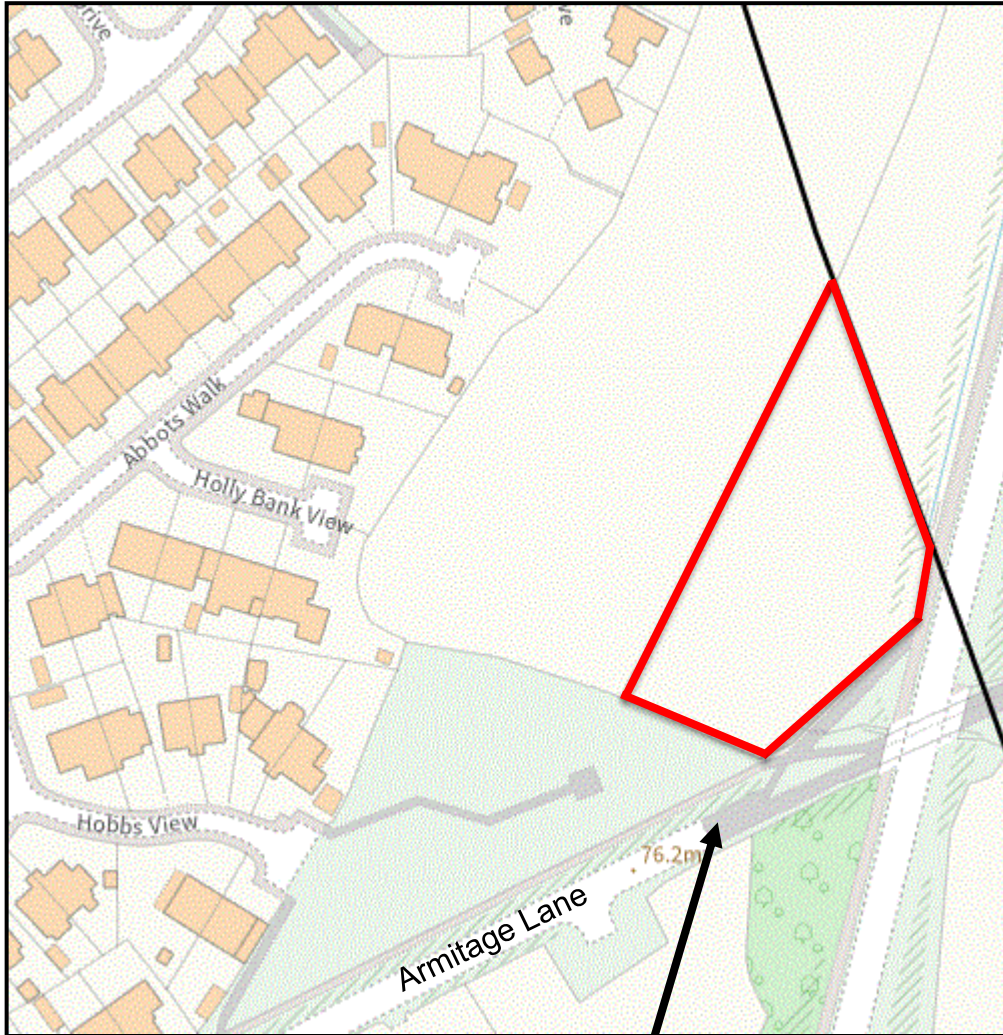
- (A) For the reasons and justification given in the report, authorisation be granted to serve an Enforcement Notice under s171A of the Town and Country Planning Act 1990 in respect of the unauthorised material change of use of the property detailed in the report from a residential dwellinghouse (C3) to a use of the property for short term holiday lets.
- (B) Should the terms of the Notice not be complied with in full by the compliance date stated in the Notice, authorisation be granted to initiate prosecution proceedings, under s179 of the Act.

The meeting closed at 4:10pm.

Chair

TPO 2024/02

Location: Armitage Lane / Rugeley Road, Rugeley, WS15
1ED

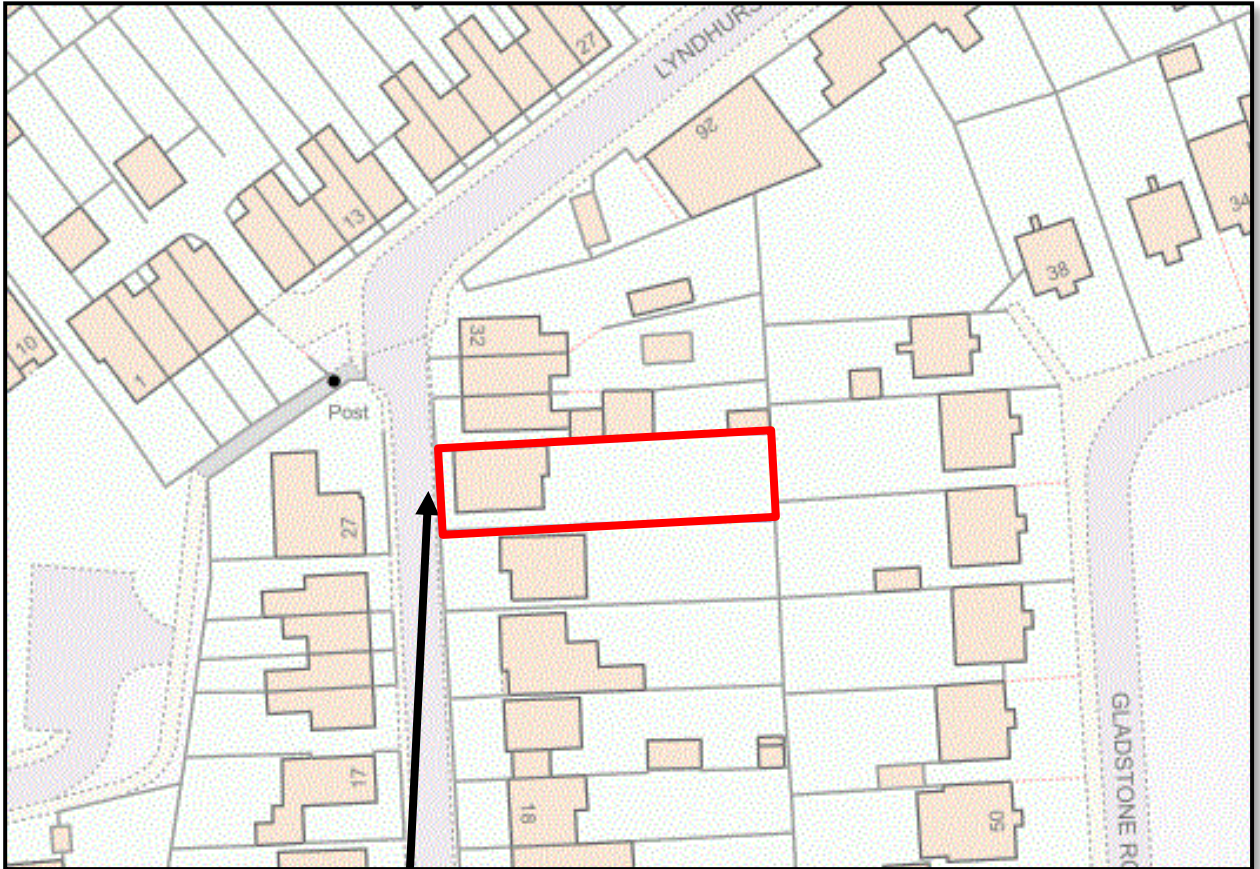


**SITE VISIT
MEETING POINT**

Application No: CH/24/132

Location: 26 Cleeton Street, Heath Hayes, Cannock,
WS12 3HB

Proposal: Erection of a detached 3xbedroom dwelling
following demolition of existing dwelling.

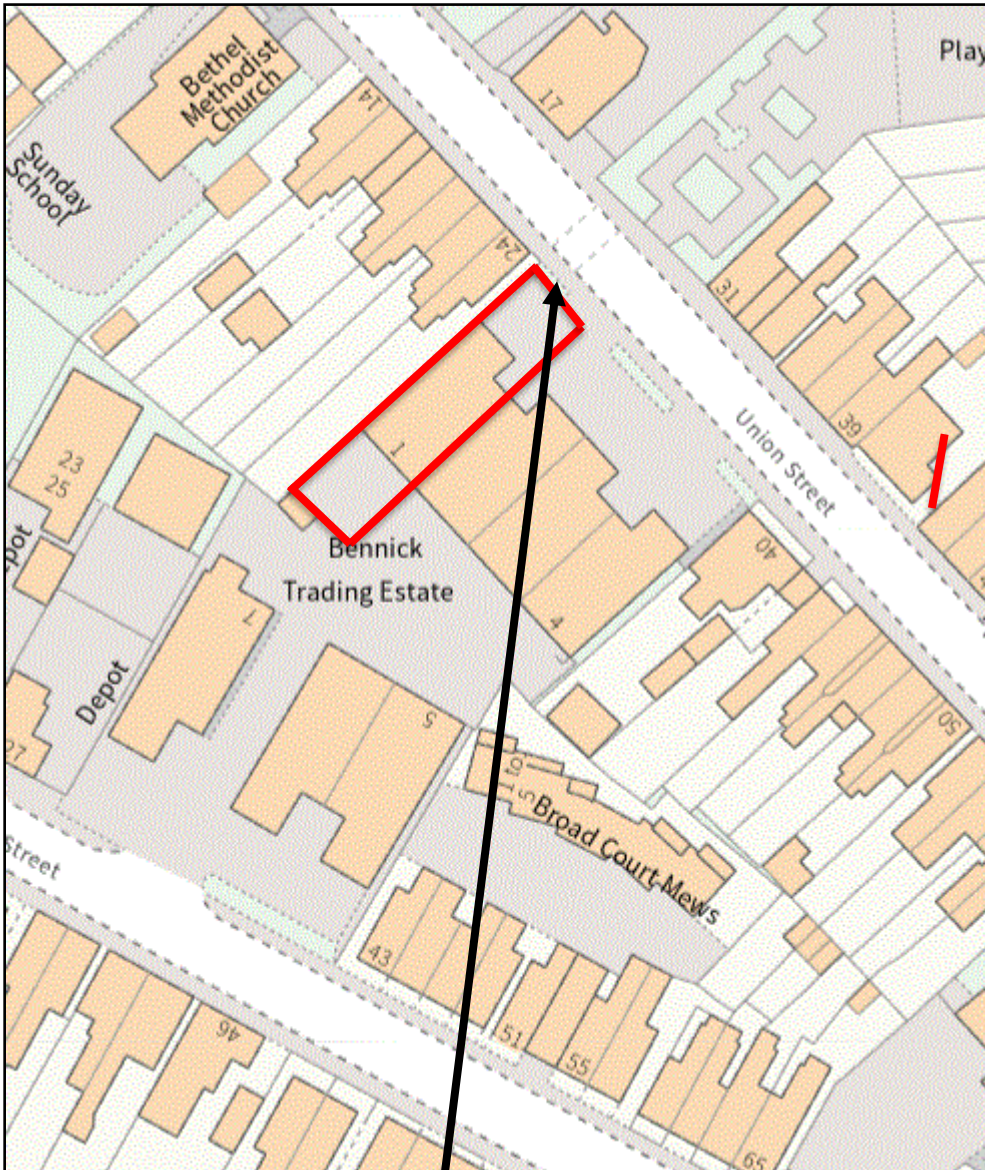


**SITE VISIT
MEETING POINT**

Application: CH/24/062

Location: Unit 1, Bennick Trading Estate, Union Street, Bridgtown, Cannock, WS11 0BP

Proposal: Retrospective Change of use to Pole Fitness establishment



**SITE VISIT
MEETING POINT**

Contact Officer:	Gareth Hare
Telephone No:	(01543) 462 621

Planning Control Committee 31 July 2024
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Tree Preservation Order Reference:	TPO 2024/02
Location:	Armitage Road / Rugeley Road, Rugeley, Staffs
Ward:	Brereton and Ravenhill

Reason for Committee Decision:

One objection was raised in response to the making of the Tree Preservation Order (TPO). This must be considered by the Committee in order to determine whether or not to confirm the TPO.

Recommendation:

To confirm Tree Preservation Order No: 2024-02 without modification.

Reason(s) for Recommendation:

To protect the amenity value that the woodland provides locally.

1 Policy Context

- 1.1 Section 198 of the Town and Country Planning Act 1990 (as amended) empowers Local Planning Authorities to protect trees or woodlands in their area in the interest of amenity by making TPOs.
- 1.2 Local Planning Authorities can make a TPO if it appears to them to 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'. In this respect, 'expediency' means that there is a risk of trees being felled or pruned severely so as to spoil the amenity of the trees or be detrimental to the health of the trees. An Order prohibits the cutting down, topping, lopping, uprooting or wilful destruction of trees without the Local Planning Authority's written consent.
- 1.3 Amenity, whilst not defined in law, is a matter of judgement for the Local Planning Authority. In terms of the purpose of TPOs, they should be used to protect selected trees and woodlands if their destruction or removal would have significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order, they should be able to show that protection would bring a reasonable degree of public benefit in the present or the future. Matters to consider are:

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, Collective and Wider Impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- Size and form
- Future potential as an amenity
- Rarity, cultural or historic value
- Contribution to, and relationship with, the landscape, and
- Contribution to the character or appearance of a conservation area.

Other Factors

Where relevant to the assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as the importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

- 1.4 An Order comes into effect on the day that it is made, and once made, interested parties have a minimum of 28 days to make representations either supporting or objecting to the Order. A Local Planning Authority has six months in which to confirm the Order or to decide not to confirm it. An Order cannot be confirmed unless the Local Planning Authority has considered duly made representations in response to the Order.

2 Description of Site and Trees
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- 2.1 The woodland is situated to the North of Armitage Lane and to the West of the A51 Rugeley Road. The boundary between Cannock Chase District and Lichfield District runs through the woodland with the Southern part of the woodland being within Cannock Chase District. The woodland appears to have been planted to provide screening/noise attenuation from the adjacent A51.



Google street view 2023 from the A51 (Northerly view)



Google street view 2023 from the A51 (Southerly view)

- 2.2 Images from Google street view (2023) show the woodland in the context with the A51. The first image shows the view looking along the A51 in a Northerly direction and the second image shows the view looking in a Southerly direction.
- 2.3 From both viewpoints it can be seen that the woodland affords substantial amenity to the area, providing a green and pleasant edge to this busy road corridor. Due to its location, the woodland will be seen by many thousands of people per year from the A51. Armitage Lane, although closed to vehicles where it passes the woodland, is a well-used walking route and the woodland is prominent in views to the North in context with the adjacent field. Properties sited to the West of the woodland (Abbots Walk, the Meadows etc.), benefit from the screening the woodland provides to/from the A51 and any amelioration or perceived amelioration or traffic noise. The interception of pollution such as particulates and exhaust gases should also be considered.
- 2.4 A number of enquiries regarding the woodland -and the felling works- from concerned members of the public and the Parish/District Councillors representing them were received by the Council in advance of making the preservation order.

3 Representations

- 3.1 The Order was made on the 20th of February 2024 with one objection being received. The points raised are summarised below:
- The specific trees protected by the Order aren't stated.
 - An objection to the Woodland category being used.
 - The expediency of making the Order.
 - Lack of inspection of the site by a qualified person prior to making the Order.

4 Responses to Representations

- 4.1 The specification is found at page 3 of the Order (Schedule) and is as follows: Reference on Map: W1, Description: Mixed broadleaf and coniferous woodland.

Situation: Land to the West of the A51 Rugeley, Staffs, between Armitage Lane and Rugeley Road. The schedule can also be found at the end of this report (section 7).

4.2 The Woodland category is used as the area is a belt of mixed woodland planted along the line of the A51/to the North or Armitage Lane. As detailed at report paragraph 2.1, the site is split between Cannock Chase District Council and Lichfield District Council areas. In total, the site is approximately 0.8 Hectares with approximately 0.3 Hectares within the Cannock Chase District Council area and approximately 0.5 Hectares within the Lichfield District Council area. There is no physical separation between the two areas. The National Forestry Inventory (NFI) defines woodland as:

- A minimum area of 0.5 Hectares.
- A minimum width of 20m.
- A potential tree canopy cover of at least 20%.
- A canopy consisting of specimens that meet the definition of trees (see Section 3).

The woodland in question meets all these criteria.

4.3 It was expedient to make the Order as there was an immediate threat to the woodland, with parts of the woodland in the process of being felled. As detailed in report paragraph 1.2, in this respect, 'expediency' means that there is a risk of trees being felled or pruned severely so as to spoil the amenity of the trees or be detrimental to the health of the trees. An investigation by the Forestry Commission is ongoing in relation to potential offences relating to the Forestry Act 1967. The investigation encompasses the land within both Local Authority areas. A Tree Preservation Order is also in force in the Lichfield District Council area of the woodland.

4.4 Prior to making the Order, the woodland was inspected by the Council's Tree and Landscape Protection Officer who is qualified and experienced in both forestry and arboriculture. The officer has 22 years' experience in local authority arboriculture, is a Fellow of the Institute of Chartered Foresters, a professional member of the Arboricultural Association, holds the Professional Diploma in Arboriculture from the Royal Forestry Society and has an honours degree and higher national diploma in forestry.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to confirm the Order accords with relevant legislation which aims to secure the proper planning of the area in the public interest.

Equalities Act 2010

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

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

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

6	Conclusion
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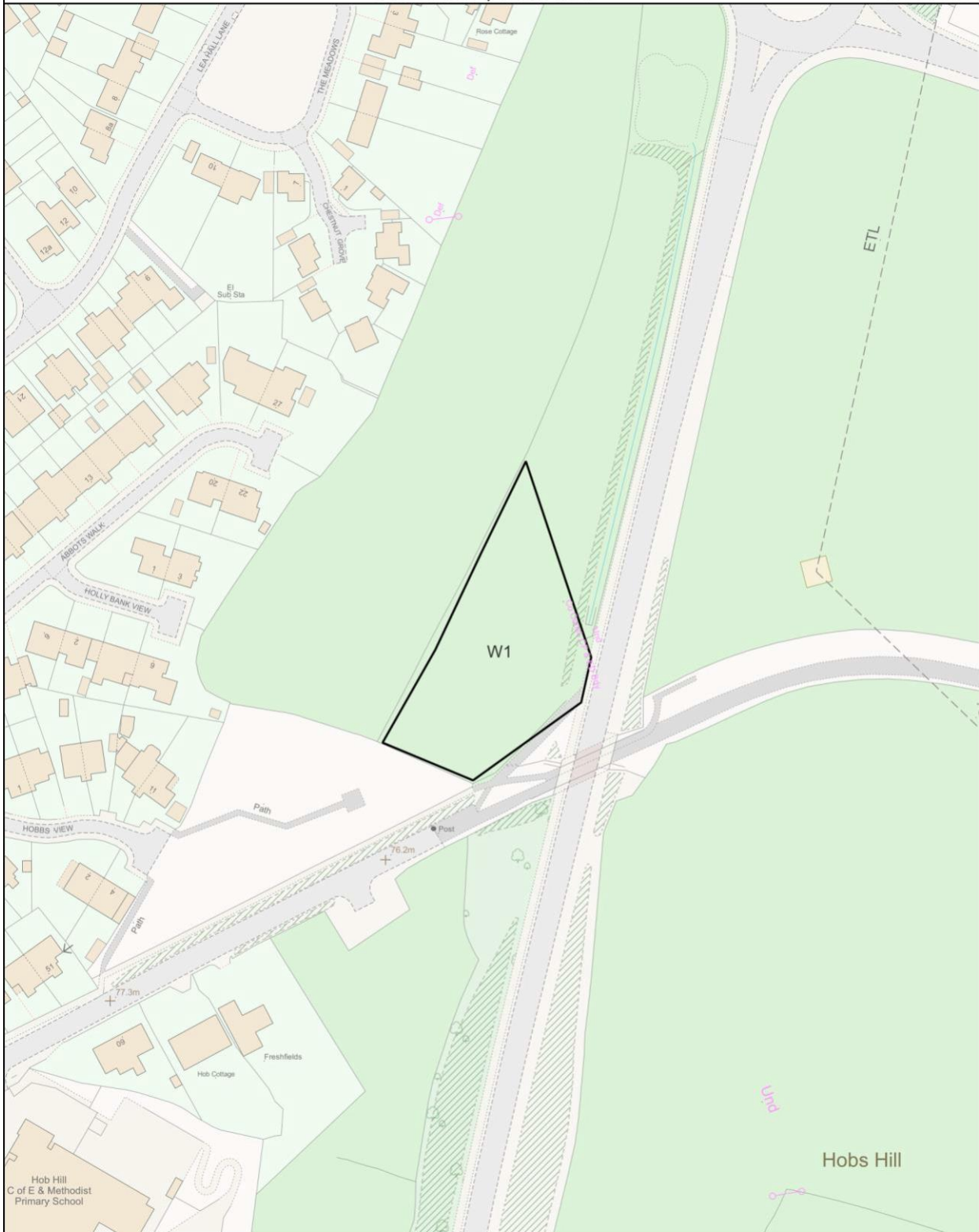
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| 6.1 | In respect to the points detailed within the report, it is considered that TPO 2024/02 should be confirmed without modification. |
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7	Enclosures
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| 7.1 | Tree Preservation Order plan and schedule as follows: |
|-----|---|

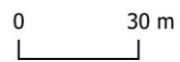
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Cannock Chase Council
TPO 2024-02 Land off Armitage Lane/Rugeley Road, Rugeley,
Staffordshire, WS15 1GU



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Date Created:
20-02-2024



Schedule

Specification of Trees

Trees specified individually

(encircled in black on the map)

Reference on map	Description	Situation
	None	

Trees specified by reference to an area

(within a dotted black line on the map)

Reference on map	Description	Situation
	None	

Groups of trees

(within a broken black line on the map)

Reference on map	Description	Situation
	None	

Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation
W1	Mixed broadleaf and Coniferous woodland	Land to the West of the A51 Rugeley, Staffs between Armitage Lane and Rugeley Road

7.2 Example of felling within the Cannock Chase District Council area now protected by W1:



7.3 Felled woodland with arisings chipped in Cannock Chase District Council area now protected by W1:



7.4 Trees uprooted in Lichfield District Council area of woodland:

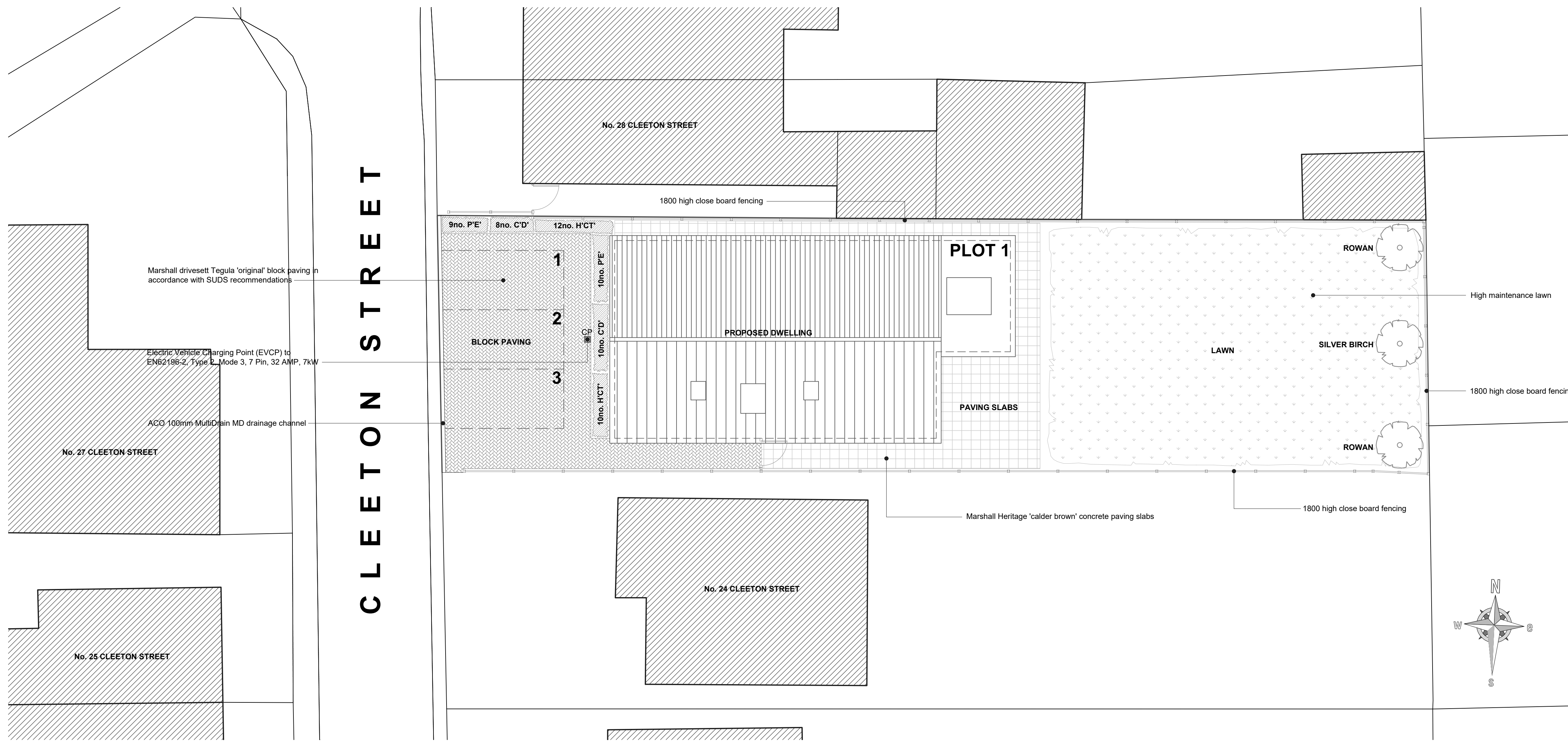


COLOUR, FORM, TEXTURE AND WEATHERING QUALITIES OF ALL EXTERNAL MATERIALS TO MATCH EXISTING AND TO SATISFACTION OF LOCAL PLANNING AUTHORITY

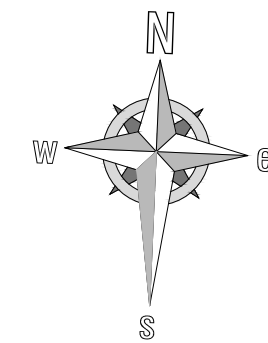
STRICTLY NO ENCROACHMENT OF NEIGHBOURING BOUNDARIES. ANY WORK AFFECTING ADJACENT PROPERTY/BOUNDARY TO BE CARRIED OUT WITH THE WRITTEN CONSENT OF ALL INTERESTED PARTIES AND IN ACCORDANCE WITH THE PARTY WALL ACT

NOTES:
This drawing is the property of Armstrong Walker. It shall not be copied or scanned, in part or whole, without the prior consent of Armstrong Walker.

PLANNING



SITE PLAN at 1:100
SITE AREA: 411.38m²



Tree Schedule			
SPECIES	SPECIFICATION	HEIGHT	GIRTH NO.
Rowan 'Sorbus Sheerwater Seeding'	Container growth	150-180cm	12-14cm 2
Silver Birch 'Betula jacquemontii'	Container growth	150-180cm	12-14cm 1

Shrubs Schedule			
H'CT	Hebe 'Carl Teschner'	20-30cm	2 ltr. pot 22 no.
PE'	Potentilla 'Elizabeth'	20-30cm	3 ltr. pot 19 no.
CD'	Cotoneaster 'Dammeri'	20-30cm	2 ltr. pot 18 no.

Grass Seeding Schedule	
Chewings Fescue (Festuca Rubra Commutata)	24%
Smooth Stalked Meadow grass (Poa Pratensis)	24%
Hard Fescue (Festuca Rubra)	24%
Brown Top (Agrostis Tenulis)	8%
Perennial Ryegrass (Lolium Perenne) 'ranger'	20%

Planting
All plants to be pit planted in pits of sufficient size to allow roots to spread without cutting or bending. Trees pits to be 100mm greater than root growth, min. 600 x 600 x 450 with base loosened for a depth of 200mm. Backfill mixture to consist of 3 parts excavated soil with 1 part peat free compost with 20gms. balanced NPK fertiliser per tree and 15gms. per shrub. Apply 75mm of forest biomulch to planted areas.

Planting areas to be cleared of all builders rubble etc. Ground to broken-up to a depth of 300mm prior to the importation of clean topsoil (150mm grass areas, 500mm shrub and tree areas). Cultivate to a depth of 300mm prior to planting. Areas to be treated with Glyphosate 10 days prior to planting.

Plants to be size and type as shown in schedule. Trees & shrubs to be planted in locations and densities shown. All shrubs shall be good quality, properly grown and to BS 3936 and advance stock to BS 5236

Protective coverings and packing to plants to be removed immediately prior to planting, under no circumstances are roots to be allowed to dry. Immediately before planting the plants shall have their roots fully soaked in 3:1 Water : Broadleaf root dip solution.

Turfing
All front gardens shall be turfed using clean and strong turf and shall comply with BS 3969. The turfs shall be well bonded and tamped into the prepared topsoil bed. All turfs shall be laid within one week of cutting during the period 1st April to 31st August or within two weeks of cutting during the remainder of the year. Grass seeding shall be evenly sown at the proper time at a rate of not less than 1kg to 30sq.m and lightly raked into the soil. In case of failure the sowing shall be repeated until the grass is established. The grass seed shall be a tested mixture from an approved source, certificates of purity and germination shall be available for inspection.

Hardstanding
Footpaths to be finished with UK manufactured slabs, being laid on a bed of ground and crushed stone over geotextile membrane. Access drive and parking areas to be finished with concrete block paving on sub-grade abd.

Garden Areas
Domestic lawns to be high maintenance grass, growth not to exceed 50mm at any time, cut as and when necessary using a cylinder mower to maintain 35mm sward. Lawn areas shall be aerated once per year by means of a spiked roller to a depth of 200mm. Turf to be laid on freshly prepared, levelled, smooth & firmed topsoil and well watered after laying.

MAINTENANCE & CARE

All planted trees and shrubs to be inspected twice per year in the months of April/May and September/October and appropriate remedial action taken as required. Tree staking to be single untreated stake set at 45° to tree trunk and max height of 600mm out of ground. Secure with adjustable tie.

- Check base of tree for "rocking" and "socketing". Straighten tree, restake, fill voids with topsoil and firm up, as required.
- Check tree ties. Adjust, refix or replace as necessary.
- Check tree stakes for firmness, vertical positions, signs of rot or damage. Re-firm, remove or replace if necessary.
- Check trees and shrubs for signs of damage to stem, crown or branches. Cut back broken branches. Reme to shape if necessary
- If dead or severely damaged, remove tree, make good ground and replace

Additionally all trees shall be similarly inspected and any work found to be necessary carried out, immediately after periods of high winds or storm conditions. The base of all trees shall be maintained in a weed free condition, trees growing in grassed areas shall be spot weeded with herbicides applied by an approved method in order to avoid damage to the trees or surrounding grass. Such applications will consist of a liquid spray applied during the months of May to August and a granular herbicide during the months of January to March

All shrub beds to be maintained in a weed free condition. This may be achieved by a combination of hand weeding and the use of approved chemical herbicides. All dead weeds to be removed from surface.

All beds with the exception of susceptible species shall be treated with an approved herbicide, or mixture of herbicides, in the form of a liquid spray and an approved granular herbicide between the months October and January. The spray shall be applied by knapsack spray, dribble bar or wheelbarrow.

Care must be taken to avoid damage to, or disturbance to the roots of the planted material. All weeds, dead plants and debris resulting from hand weeding operations shall be gathered up, collected and removed from site as the work proceeds. All hard surfaces to receive a total and residual weed killers in the form of a liquid spray.

Topsoil shall be provided in accordance with BS3882:1994 to a minimum depth of 400mm and shall be rotavated, raked and graded. Plant material shall be provided in accordance with BS3936 Part 1:1992 'Nursery Stock Specification for Trees and Shrubs'. Planting shall be carried out in accordance with BS4428: 1989 'General Landscape Operations' Hedging to be planted as a double staggered row. Rows to be 25cm apart and plants within each row to be planted at 50cm centers = 5 plants per linear metre of hedging. Weed control shall be carried out in accordance with BS4428:1989 'General Landscape Operations' by the application of a bark mulch 50mm in depth and 100cm width

Any tree, hedge or shrub planted as part of a soft landscaping scheme (or replacement tree/hedge) on the site, and which dies or is lost through any cause during a period of 3 years from the date of first planting shall be replace in the next planting season

Date	Revisions

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Client **121 ASSET MANAGEMENT LTD**

Job Title
Proposed Replacement Dwelling at: 26 Cleeton Street Cannock Staffordshire WS12 3HB

Drawing Title
SITE PLAN

Scale **1:100, @ A1**

Date **March 2024** Drawn By **MJB/REJB**

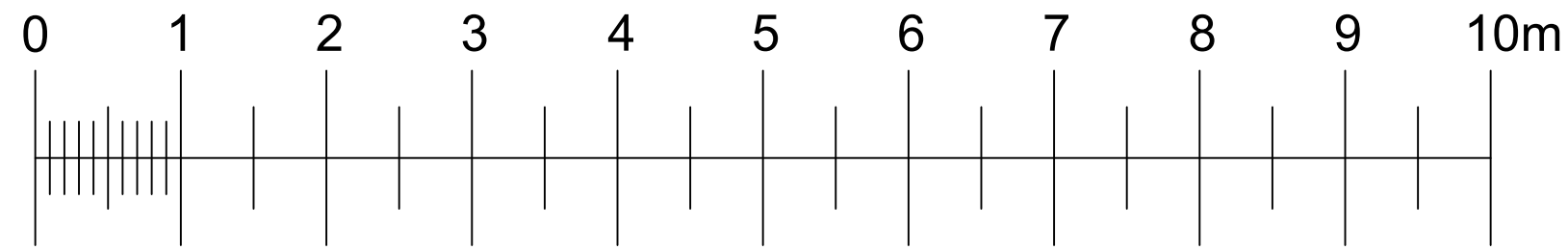
Drg. No. **23 967 04** Rev.

THIS PLAN MUST BE READ IN CONJUNCTION WITH SPECIFICATION NOTES

COLOUR, FORM, TEXTURE AND WEATHERING QUALITIES OF ALL EXTERNAL MATERIALS TO MATCH EXISTING AND TO SATISFACTION OF LOCAL PLANNING AUTHORITY

STRICTLY NO ENCROACHMENT OF NEIGHBOURING BOUNDARIES. ANY WORK AFFECTING ADJACENT PROPERTY/BOUNDARY TO BE CARRIED OUT WITH THE WRITTEN CONSENT OF ALL INTERESTED PARTIES AND IN ACCORDANCE WITH THE PARTY WALL ACT

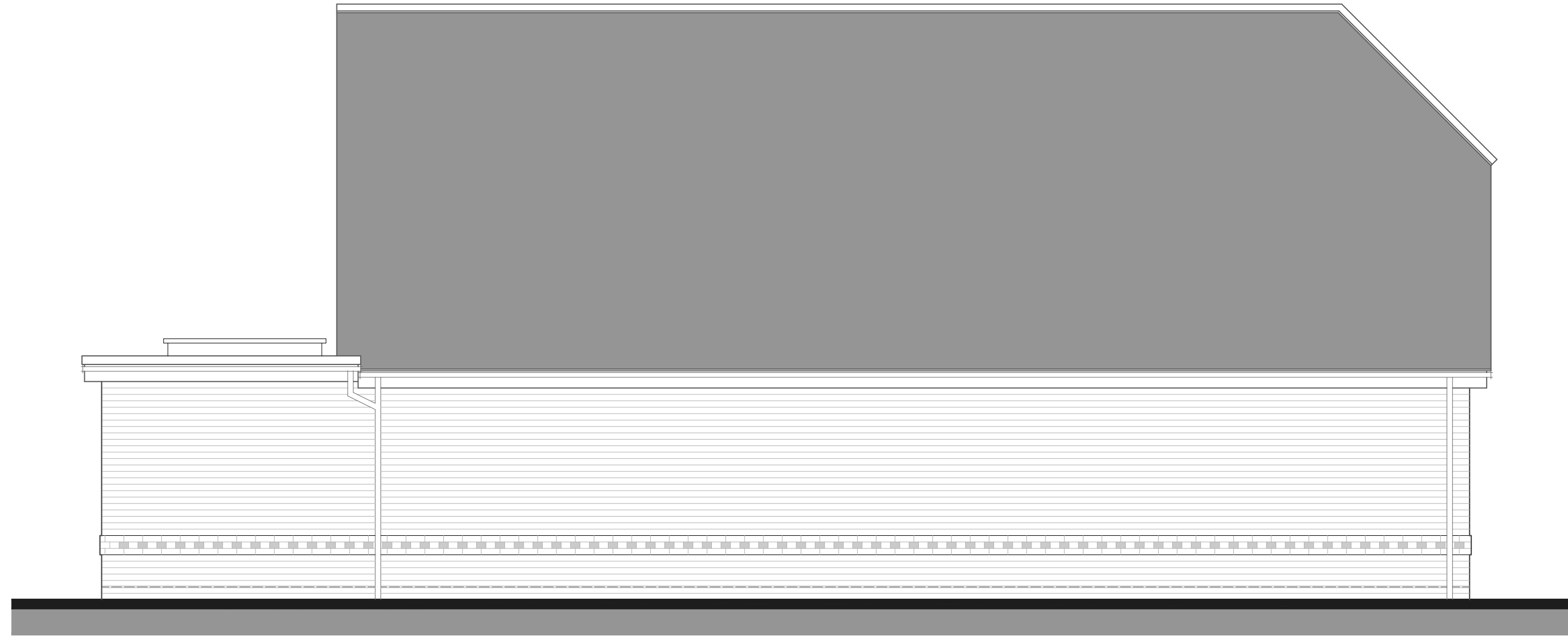
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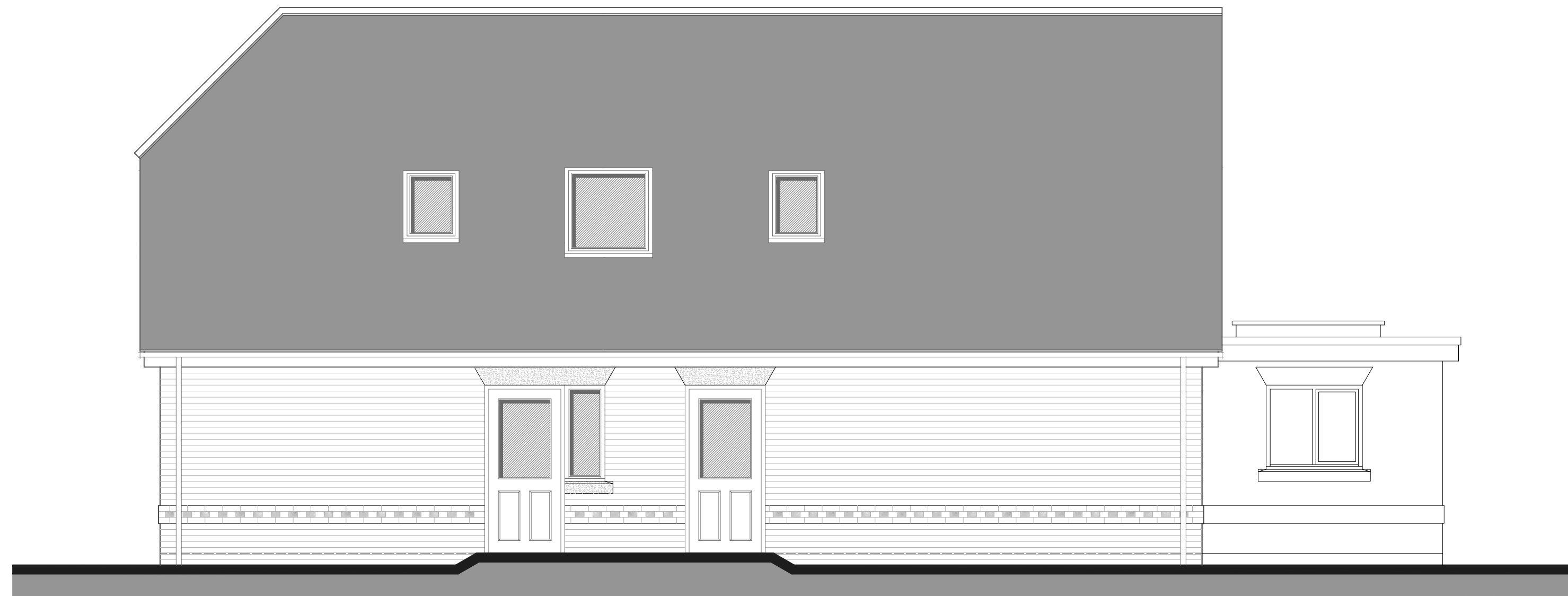
PLANNING



PROPOSED FRONT ELEVATION



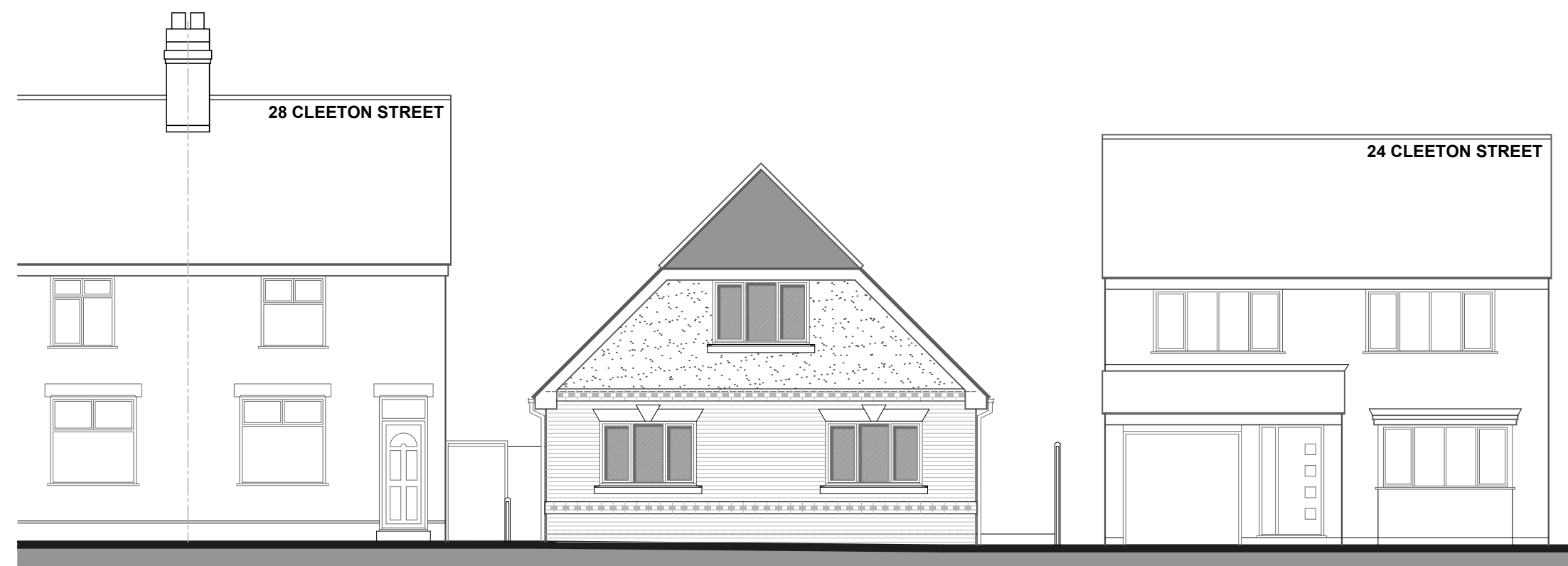
PROPOSED SIDE ELEVATION



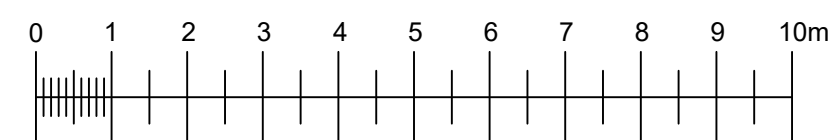
PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



PROPOSED STREET SCENE



ALL DIMENSIONS IN MILLIMETRES AND TO STRUCTURAL FACES

B	4/24	Client requirements
A	3/24	Client requirements
	Date	Revisions

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Client **121 ASSET MANAGEMENT LTD**

Job Title
Proposed Replacement Dwelling at:
26 Cleeton Street
Cannock
Staffordshire
WS12 3HB

Drawing Title
ELEVATIONS

Scale 1:50, 1:100, @ A1

Date March 2024 Drawn By MJB/REJB

Dwg. No.	Rev.
23 967 03	B

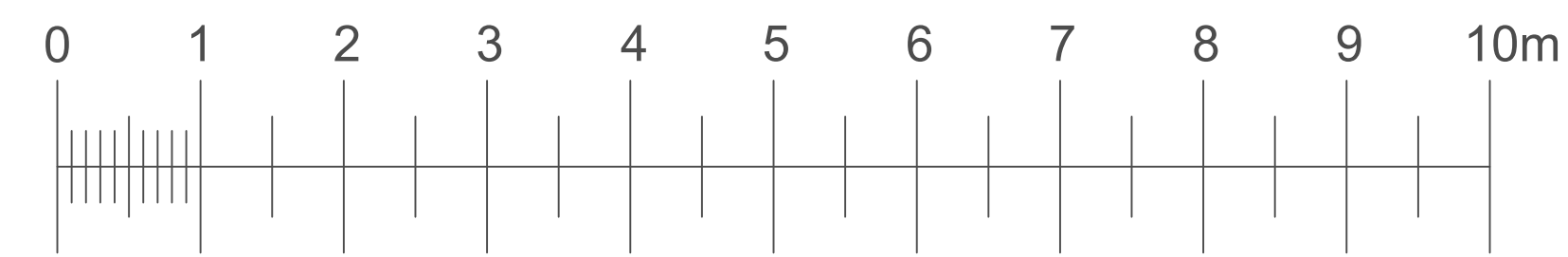
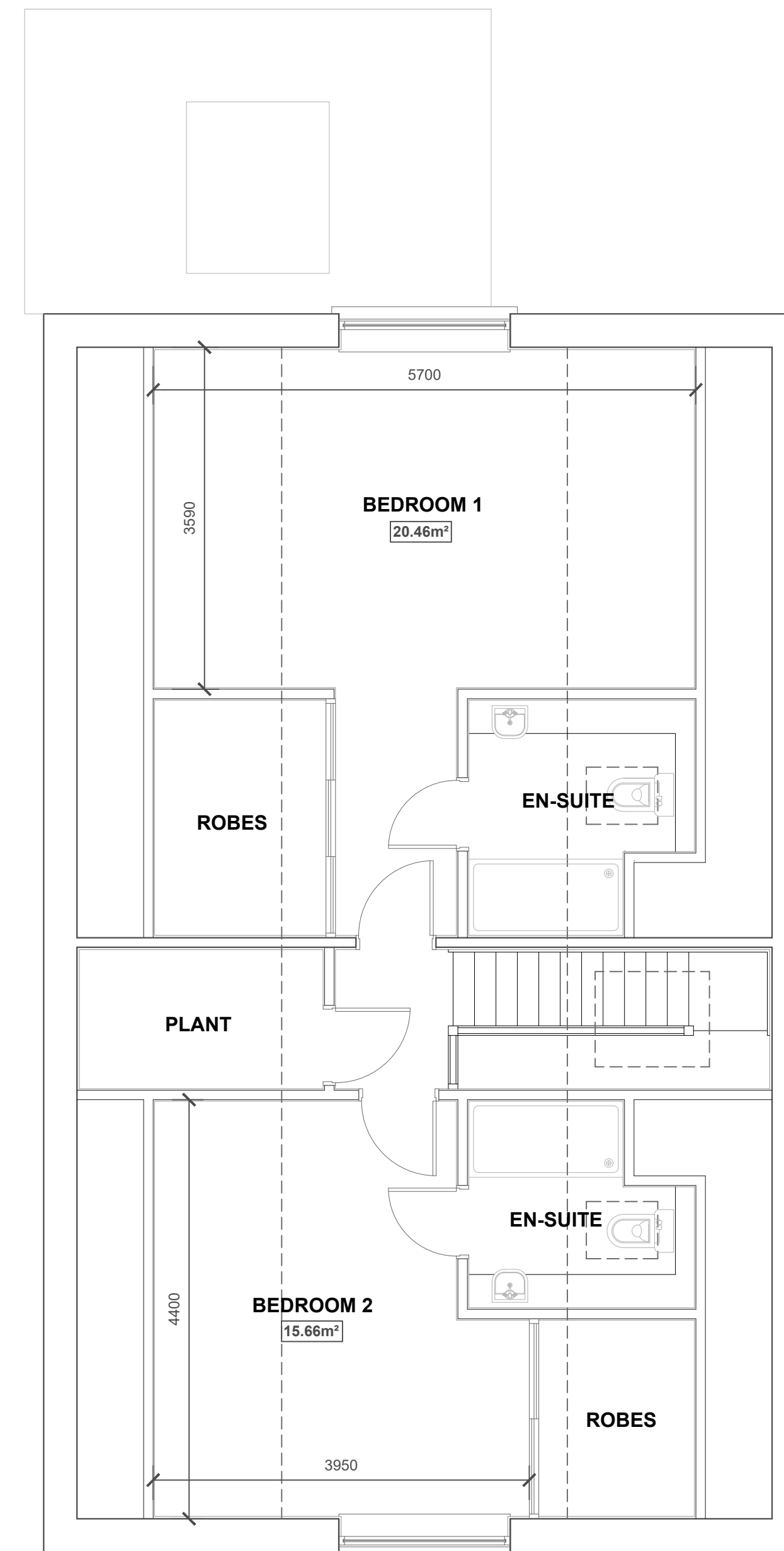
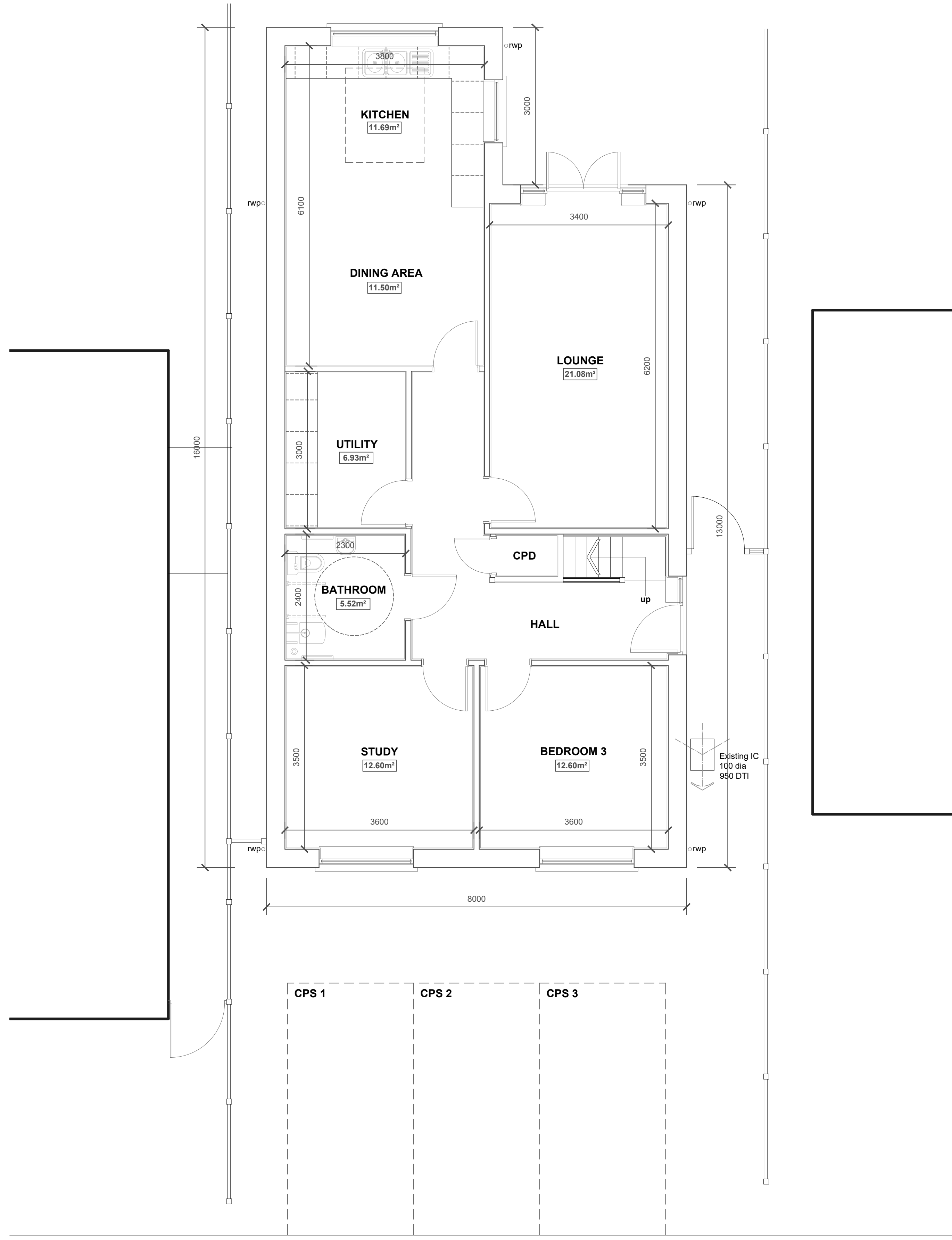
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PLANNING



Rev.	Date	Revisions
B	4/24	Client requirements
A	3/24	Client requirements

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Client: **121 ASSET MANAGEMENT LTD**

Job Title: Proposed Replacement Dwelling at:
 26 Cleeton Street
 Cannock
 Staffordshire
 WS12 3HB

Drawing Title: **FLOOR PLANS**

Scale: 1:50, @ A1	
Date: March 2024	Drawn By: MJB/REJB
Drg. No. 23 967 02	Rev. B

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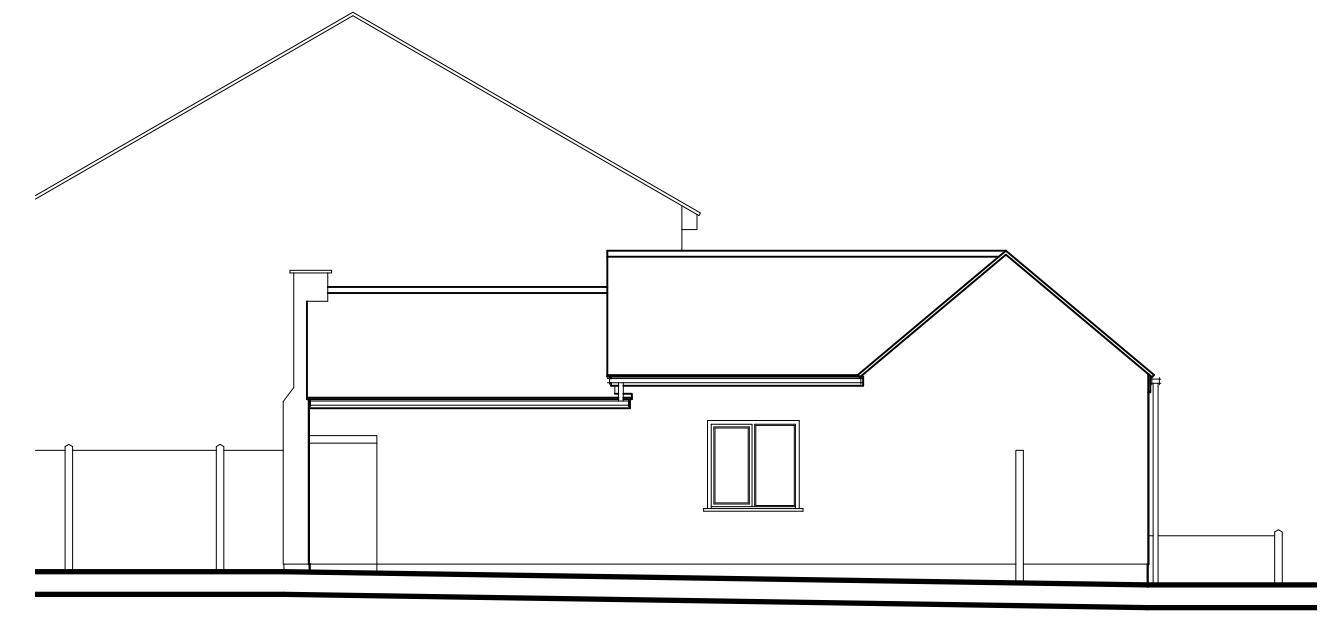
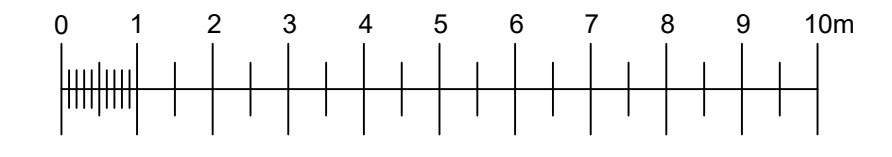
EXISTING FRONT ELEVATION



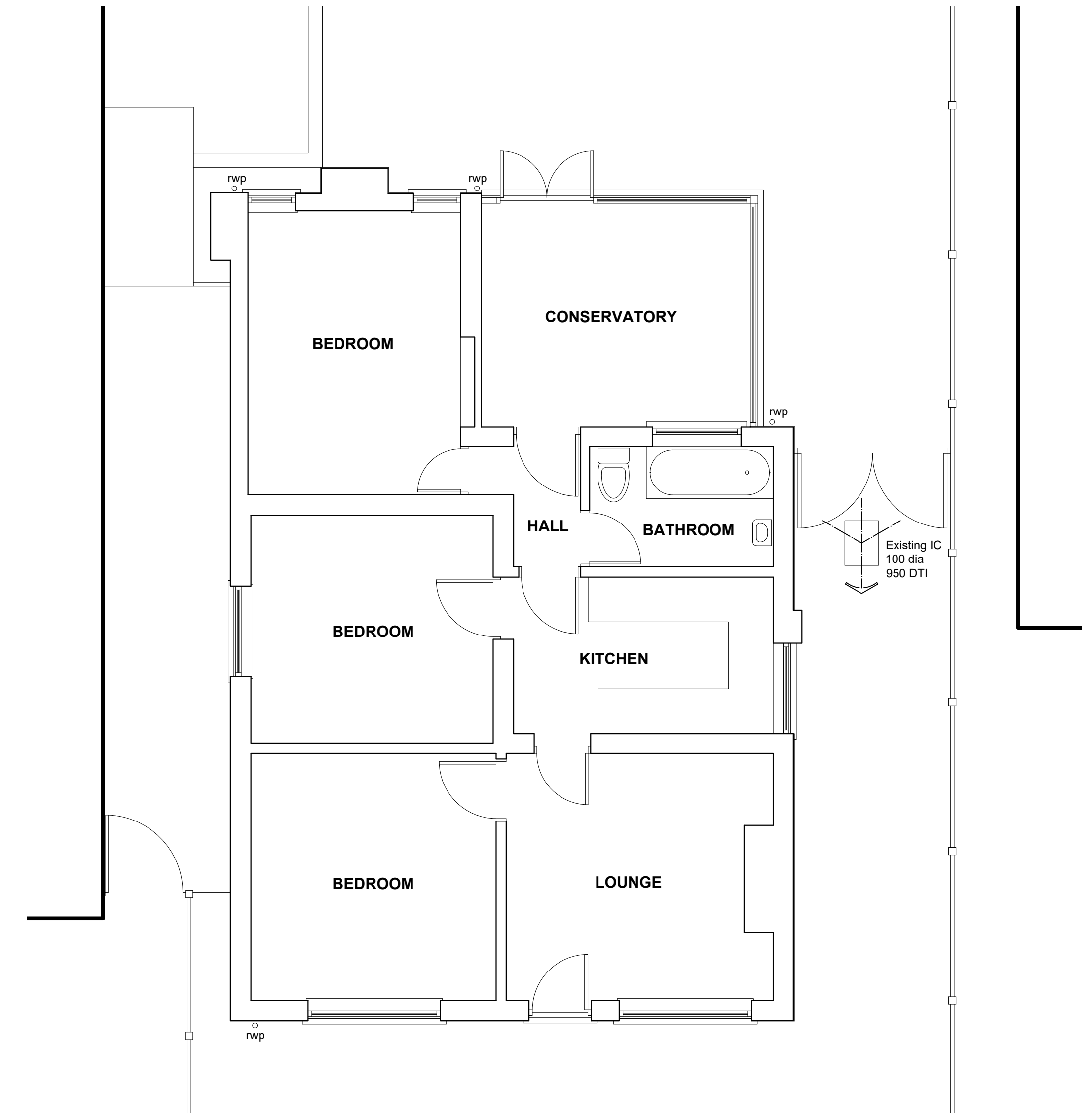
EXISTING REAR ELEVATION



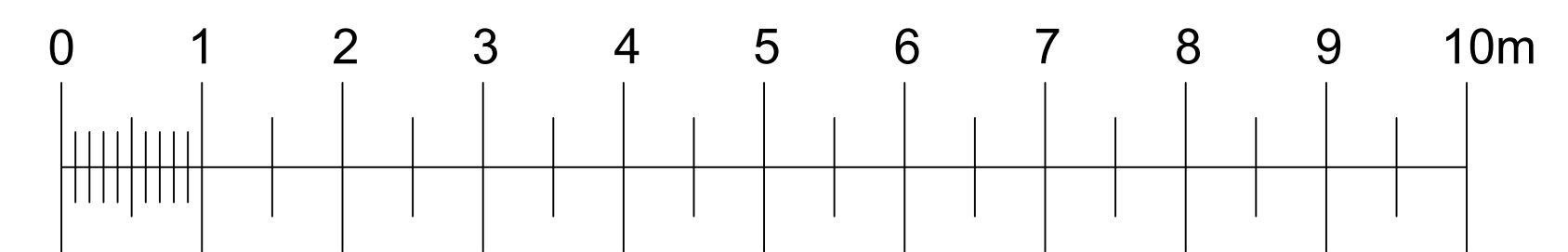
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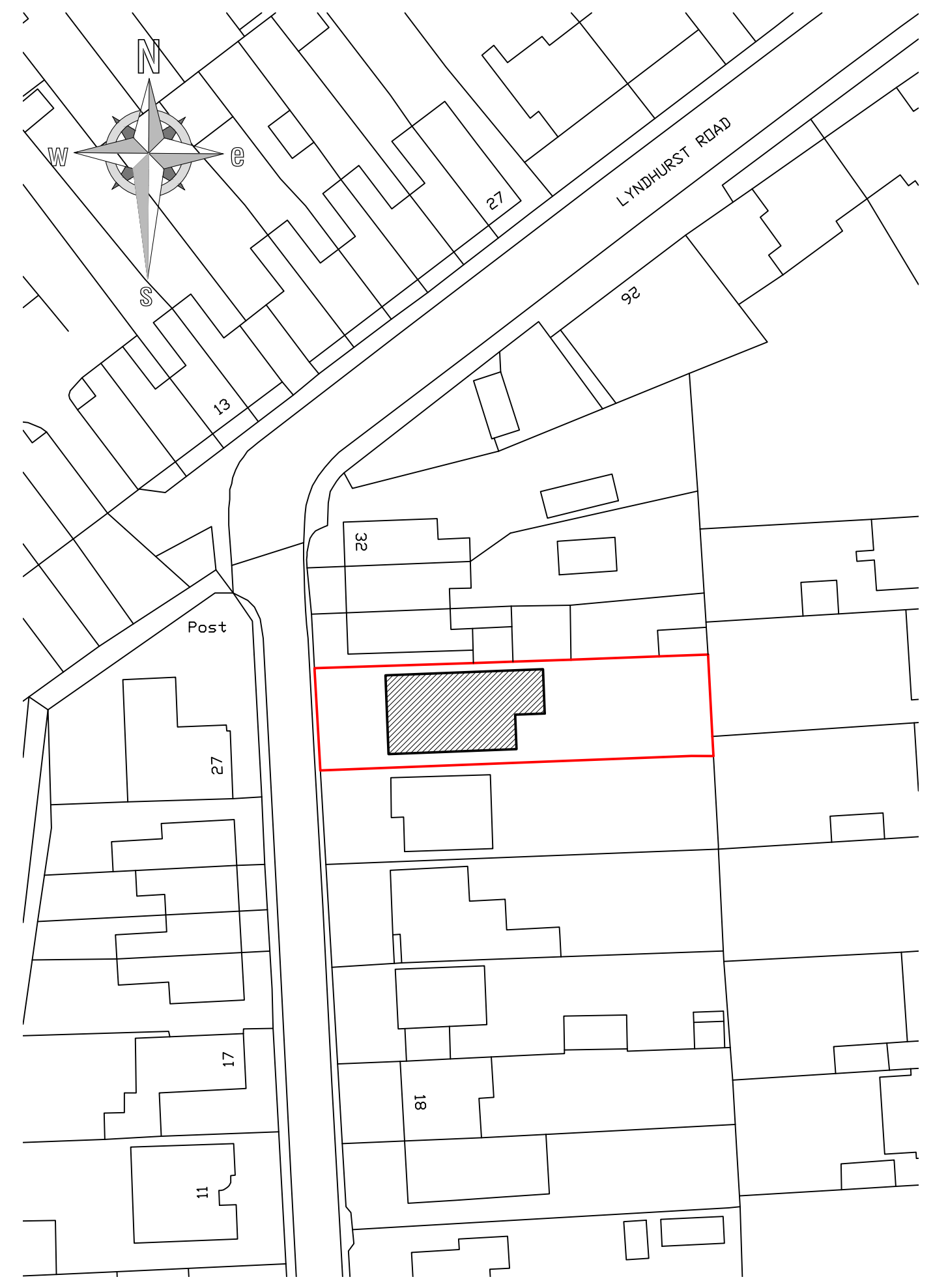
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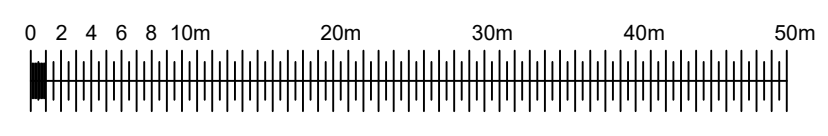
EXISTING GROUND FLOOR PLAN



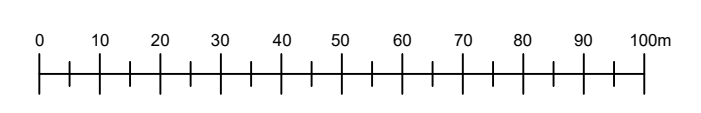
ALL DIMENSIONS IN MILLIMETRES AND TO STRUCTURAL FACES



BLOCK PLAN at 1:500



LOCATION PLAN at 1:1250



A	Date	Revisions

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Client **121 ASSET MANAGEMENT LTD**

Job Title
**Proposed Replacement Dwelling at:
26 Cleeton Street
Cannock
Staffordshire
WS12 3HB**

Drawing Title
SURVEY

Scale 1:50, 1:100, 1:500, 1:1250, @ A1

Date March 2024 Drawn By MJB/REJB

Drg. No. **23 967 01** Rev.

Contact Officer:	Amy Jackson
------------------	-------------

Planning Control Committee

31 July 2024

Application No:	CH/24/132
Received:	16-May-2024
Location:	26, Cleeton Street, Heath Hayes, Cannock, WS12 3HB
Parish:	Heath Hayes and Wimblebury CP
Ward:	Heath Hayes and Wimblebury
Description:	Erection of a detached 3x bed dwelling following demolition of existing dwelling.
Application Type:	Full Planning Application

Presented to Planning Committee due to objection from the Parish Council and Cllr Todd request for committee site visit. Concerns raised in regard to parking.

Recommendation: Approval subject to conditions.

Reason(s) for Recommendation:

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

Conditions (and Reasons for Conditions)

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

Reason

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

2. No materials shall be used for the external surfaces of the development other than those specified on the application.

Reason

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

3. Before the development is brought into use, the 0.9m wide footway along Cleeton Street shall be reinstated with tarmac in accordance with 'Site Plan' Drawing No. 23967 04.

Reason

In the interest of highway safety.

4. The development hereby permitted shall not be brought into use until the access and parking areas have been provided in a bound and porous material in accordance with 'Site Plan' Drawing No. 23967 04 and shall thereafter be retained for the lifetime of the development.

Reason

In the interest of highway safety.

5. No development shall take place including any works of demolition, until a Highways Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The statement shall provide for :-
 - A site compound with associated temporary buildings
 - The parking of vehicles of site operatives and visitors
 - Times of deliveries including details of loading and unloading of plant and materials

Reason

In the interest of highway safety.

6. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Plan - 23 967 04
 - Proposed Floorplans - 23 967 02 Rev: B
 - Proposed Elevations - 23 967 03 Rev: B

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

Highway Authority

Please note the works outlined in Condition 4 require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, Stafford, Staffordshire ST16 2DH (or email to nmu@staffordshire.gov.uk)

www.staffordshire.gov.uk/transport/staffshighways/licences/

The reinstatement works required within Condition 3 will also require the relevant permit from our Network Management Section. Please note that prior to the reinstatement works taking place you require a Permit to Dig. Please contact Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH (or email to nmu@staffordshire.gov.uk).

Consultations and Publicity

External Consultations

Travel Management & Safety

No objection, subject to conditions.

Heath Hayes & Wimblebury Parish

Objection due to inadequate parking for the development.

Internal Consultations

CIL Officer

Not CIL or SAC liable.

Response to Publicity

The application has been advertised by site notice and neighbour letter. Four letters of representation have been received.

The objections are summarised below:-

- Concerns regarding removal of hedge located between application site and No. 24 Cleeton Street. Have already removed part of hedge without permission and applicant does not currently maintain this hedge.
- Existing parking problems on the road with vehicles blocking drives, without three additional vehicles parking on the road. Yellow lines must be put outside 27 to stop vehicles parking and impeaching on visibility splay.
- Notes that 26 Cleeton Street was granted a Lawful Development Certificate (LDC) for change of use to children's care home.
- Issues regarding 44 Gladstone Road care home regarding parking and disturbance during shift changeovers. No Lawful Development Certificate for this property.
- Believe there is going to be a corridor made between 44 Gladstone Road and application site, to allow staff working at 26 Cleeton Street to park on Gladstone Road.
- Proposed first floor would result in loss of privacy.
- Query whether the change of building impacts the LDC previous approved at application site.
- Query how many carers residents would require.
- Concerns regarding changeover of staff and length of time they will be parked outside resident properties.

Comments supporting the application:

- The current property is completely run down. The proposal would be an improvement.
- The proposal would offer additional parking.
- Comments from neighbours regarding corridor are absurd.
- Support use as a care facility.

Relevant Planning History

1) CH/23/0362

26, Cleeton Street, Heath Hayes, Cannock, WS12 3HB

Single storey rear extension

Granted - 17-Nov-2023

2) CH/23/0011

26, Cleeton Street, Heath Hayes, Cannock, WS12 3HB

Lawful Development Certificate for the change of use from dwelling house C3 to Care Home C2

Permitted Development - 01-Feb-2023

1 Site and Surroundings

- 1.1 The application site comprises a single storey, detached residential property located in the suburban area of Heath Hayes.
- 1.2 There is parking provision for one car to the front of the property. There is a private garden to the rear which has an existing conservatory and the garden is delineated by timber fencing and tall hedgerows.
- 1.3 The wider street scene consists of dwellings of varying scales and design. The application site lies within a Mineral Conservation area, including Fireclay, and is considered low risk by the Coal Authority.

2 Proposal

- 2.1. The applicant is seeking consent for the erection of a detached 3x bed dwelling following demolition of existing dwelling.
- 2.2. The proposed dwelling would be constructed with a combination of pitched and flat roof styles with gable and hipped ends and finished with facing brickwork & rendered masonry.

- 2.3. The dwelling would be set back further from the footpath than the existing building to accommodate three off-road parking spaces.

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***

Relevant policies within the Local Plan include: -

- CP1 - Strategy – the Strategic Approach
- CP2 - Developer contributions for Infrastructure
- CP3 - Chase Shaping – Design
- CP6 - Housing Land
- CP7 - Housing Choice
- CP13 - Cannock Chase Special Area of Conservation (SAC)

3.4 ***Minerals Local Plan for Staffordshire***

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

3.5 ***Relevant paragraphs within the NPPF: -***

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
111:	Highway Safety and Capacity
126, 130, 132, 134:	Achieving Well-Designed Places
174, 180:	Biodiversity
183, 184, 185:	Ground conditions and pollution
218, 219	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 Background

- 4.1 The applicant received planning permission on 17th November 2023 for a single storey rear extension.
- 4.2 Upon implementation of the planning permission it was found that the property did not benefit from foundations and as such works on its demolition was commenced.
- 4.3 The applicant was advised that planning permission for a replacement dwelling would be required.
- 4.4 Prior to the issues surrounding the rear extension, a certificate of Lawful Use was granted by the Planning Authority for the use of the dwelling as a Care Home.
- 4.5 The Certificate of Lawful Development was allowed as the use of the property for the purposes of a care home did not surmount to a material change of use of the property as a C3 dwelling house. The certificate relates to the land and as such is still relevant.

5 Determining Issues

- 5.1 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. Waste and recycling facilities
 - viii. Drainage and Flood Risk
 - ix. Ground Conditions and Contamination
- 5.2 **Principle of the Development**
 - 5.2.1 Both paragraph 11 of the NPPF and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development.
 - 5.2.2 The presumption in favour of sustainable development as set out in paragraph 11 of the NPPF states: -

‘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.'

5.2.3 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.”

5.2.4 The application site is not designated as Green Belt, AONB or as a SSSI or SAC, nor does it affect the setting of a designated heritage asset; nor is it located with flood zones 2 or 3. Therefore the proposal does not engage any policies in the Framework that protect areas or assets of particular importance. As such the proposal should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

5.2.5 In respect to the location of the site, it is within a residential location within Heath Hayes. The site currently occupies a dwelling and the proposed development would be a replacement for this existing dwelling. The site is close to the local amenities such as schools, shops, public transport and public open space. As such, the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development.

5.2.6 It is therefore concluded that the proposal is acceptable in principle. However, proposals that are acceptable in principle are still subject to all other policy tests and materials considerations which are set out and addressed below.

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

5.3.1 The character of this location is residential and comprises of dwellings addressing the highway in a linear formation along Cleeton Street. Dwellings vary in distance from the highway with the majority being set behind driveway frontages or small front gardens with side drives. All properties within this location benefit from private gardens to the rear.

5.3.2. Within the wider street scene, the majority of dwellings occupy similar plot sizes differing between terrace, semi-detached and detached, with modest frontages and rear gardens. The proposed dwelling would be set further back in the plot than the existing dwelling to accommodate three parking spaces with a garden to the rear.

- 5.3.3. The street scene comprises differing residential dwellings with a variety of finishes, designs and styles. The proposed dwelling would include a combination of roof styles and the materials proposed include facing brickwork and render.
- 5.3.4. Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

5.4 Impact on Residential Amenity

- 5.4.1 The nearest properties to the application site are Nos. 24 7 28 Cleeton Street which share the southern boundary and northern boundary respectively. No's 42 and 44 Gladstone Road are located to the rear of the application site.
- 5.4.2 In general, the Design SPD sets out guidance for space about dwellings, however, it should always be taken into account that these standards are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels as well as the character of the area.
- 5.4.3 Concerns were raised by an objector that the proposed additional first floor would result in overlooking into the properties to the rear. Whilst it is noted that the existing dwelling comprises of a single storey building, the proposed replacement dwelling would provide accommodation on the first floor.
- 5.4.4 In respect of No.42 and No.44 Gladstone Road, located to the rear, the distance from the proposed first floor rear window and the rear elevation of these dwellings would be approx. 38m, with intervening timber fencing and landscaping.
- 5.4.5 The proposal would therefore comply with the Councils Design SPD, as such, the proposal would not result in a significant detrimental impact on the privacy of this neighbouring occupier or be deemed as overbearing, with their relationship to the proposed dwelling being similar to No.24 and No.28 Cleeton Street.
- 5.4.6 In respect of No. 28 Cleeton Street, the proposal would comply with the 45-degree daylight standard. There are no windows proposed to the side elevation facing this dwelling and the windows proposed in the rear elevation would project directly towards the application sites rear amenity area. Given the above, the proposal would not result in a significant loss of privacy or light or be deemed as overbearing.
- 5.4.7 In respect of No.24 Cleeton Street, although there are Velux windows proposed on the side elevation facing this neighbouring property, these would face a blank elevation and would not serve principal rooms. Therefore, the proposal would not result in loss of privacy for this neighbouring property as a consequence. The proposal would comply with the 45-degree daylight standard and as such would not have a significant detrimental impact on light afforded to this neighbouring property. The proposed extension would project further then the rear elevation of this neighbouring property, however this would be less than 3m and as such, given the 2m+ distance between the properties and intervening boundary treatments, the proposal would not be overbearing.

- 5.4.8 In conclusion, the separation distances to neighbouring properties are appropriate for the proposal and over and above the requirement of those set out within the Councils Design SPD.
- 5.4.9 In regard to the proposed replacement dwelling, the proposed private garden space to the rear would comply with the 65m² amenity space required by the Design SPD for three-bedroom dwellings and three off road parking spaces are proposed. Therefore, the proposal is considered acceptable and would not cause harm to the amenity of future occupiers of the site.
- 5.4.10 Given the above, in this instance it is considered that the proposal would provide a high quality of amenity for occupiers of existing dwellings as well as for the future occupiers of the proposed dwelling in accordance with the Design SPD and Local Plan Policy CP3.

5.5 Impact on Highway Safety

- 5.5.1. Paragraph 115 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.
- 5.5.2. Staffordshire County Highways Department was consulted on the proposal and subject to the recommended condition, raise no objections to the proposal in terms of highway safety.
- 5.5.3. Concerns have been raised by objectors that the development will have an unacceptable impact on highway safety, due to the application site being located on a bend and narrow nature of the street. The Highway Authority acknowledge that Cleeton Street is an unclassified 30mph 4.5m wide road which benefits from street lighting. There is a narrow 0.87m footway on the eastern side of Cleeton Street and 1m wide footway on the western side. There is a single solid white line indicating that there is no pavement on the corner of Cleeton Street/Lyndhurst Road. Notwithstanding the Highway Authority has not raised an objection in this regard.
- 5.5.4. Objectors go on further to explain, that although it is acknowledged that the proposal includes three parking spaces, they believe that as the property will be used as a care home, this will result in additional need for parking, over and above the three off road spaces provided.
- 5.5.5. Your Officers confirm that the approved Lawful Development Certificate was accepted as it would not result in a material change of use of the site and therefore would not have any further impact over and above that of a residential property. In this instance, the property would provide three bedrooms which in accordance with the Councils Parking SPD would require two parking spaces within the curtilage of the site. The proposed development would facilitate three parking spaces which is over and above the Parking SPD requirements.
- 5.5.6. 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 115 of the NPPF.

5.6 Mineral Safeguarding

- 5.6.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.
- 5.6.2 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.
- 5.6.3 As such, the proposal would not prejudice the aims of the Minerals Local Plan.

5.7 Impact on Nature Conservation Interests

- 5.7.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 174 and 180 of the NPPF. Policy CP12 of the Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced

5.7.2 Cannock Chase SAC

- 5.7.3 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. In this instance, the proposed development would not result in a net increase in dwellings and as such would not be required to mitigate adverse impacts on the SAC.
- 5.7.4 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.

5.7.5 Biodiversity Net Gain (BNG)

- 5.7.6 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 gain condition that development may not begin unless:
- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

5.7.7 Based on the information available this proposal 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. In this instance, the building is a replacement for an existing dwelling and therefore would not impact a priority habitat.

5.7.8 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.

5.8 Drainage and Flood Risk

5.8.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps which is at least threat from flooding. Although the applicant has not indicated the means of drainage it is noted that the site comprises of a replacement dwelling, immediately abuts a main road and is on the edge of a predominantly built up area. As such it is in close proximity to drainage infrastructure that serves the surrounding area and is considered acceptable.

5.9 Waste and Recycling Facilities

5.9.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to national and local waste reduction and recycling targets according to the waste hierarchy'. One of the ways of achieving this is by ensuring development can be adequately serviced by waste collection services and that appropriate facilities are incorporated for bin collection points (where required).

5.9.2 In this respect, it is noted that the proposed dwelling would be sited within close proximity to the highway within a residential location where bins are already collected by the Local Authority. The bins would, in this instance, be collected from the pavement as per the existing situation for the neighbouring properties.

5.10. Ground Conditions and Contamination

5.10.1. 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.

5.11 Other Issues Raised by Objectors not already cover above:

5.11.1. *Concerns regarding removal of hedge located between application site and No. 24 Cleeton Street. Have already removed part of the hedge without permission and applicant does not currently maintain this hedge.*

Disputes regarding ownership and removal of the hedge located between properties would be a civil matter and are not a material planning consideration for the determination of this application.

5.11.2. *Yellow lines must be put outside 27 to stop vehicles parking and impeaching on visibility splay.*

Your officers confirm the process for requesting parking restrictions, such as yellow lines fall outside the scope of the Planning Authority and would need to be requested through Staffordshire County Highway Authority.

- 5.11.3. *Notes that 26 Cleeton Street was granted a Lawful Development Certificate (LDC) for change of use to children's care home.*

Your officers confirm that any concerns regarding this are not material considerations for the determination of this planning application.

- 5.11.4. *Issues regarding 44 Gladstone Road as a care home regarding parking and disturbance during shift changeovers. No Lawful Development Certificate for this property.*

Your officers confirm that concerns regarding the alleged care home at 44 Gladstone Road would not be a material planning consideration for the determination of this application and have been investigated by the Planning Enforcement Officer.

- 5.11.5. *Concern has been raised that there is going to be a corridor made between 44 Gladstone Road and the application site, to allow staff working at 26 Cleeton Street to park on Gladstone Road.*

Your Officers confirm that there is no corridor proposed between these two dwellings as part of this planning application.

- 5.11.6. *A query whether the change of building impacts the Lawful Development Certificate previously approved at application site.*

Your Officers confirm that permissions lie with the land which remains as C3, therefore the Lawful Development Certificate would apply to this replacement dwelling.

- 5.11.7. *A query was received in regard to how many carers residents would require.*

Your officers confirm that this is not a material consideration for the determination of this application which is an application for a replacement C3 dwelling.

- 5.11.8. *Concerns regarding changeover of staff and length of time they will be parked outside resident properties.*

Your officers confirm that this is not a material consideration for the determination of this application which is an application for a replacement C3 dwelling.

6 Human Rights Act 1998 and Equality Act 2010

Human Rights Act 1998

- 6.1 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

- 6.2 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.

7 Conclusion

- 7.1 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.
- 7.2 It is therefore recommended that the application be approved subject to the attached conditions for the above reasons.

Location Plan

Site Address: System Design Controls Limited, Unit 1, Bennick Trading Estate, Union Street, Bridgtown, Cannock, WS11 0BP

Item No. 6.28

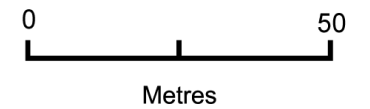


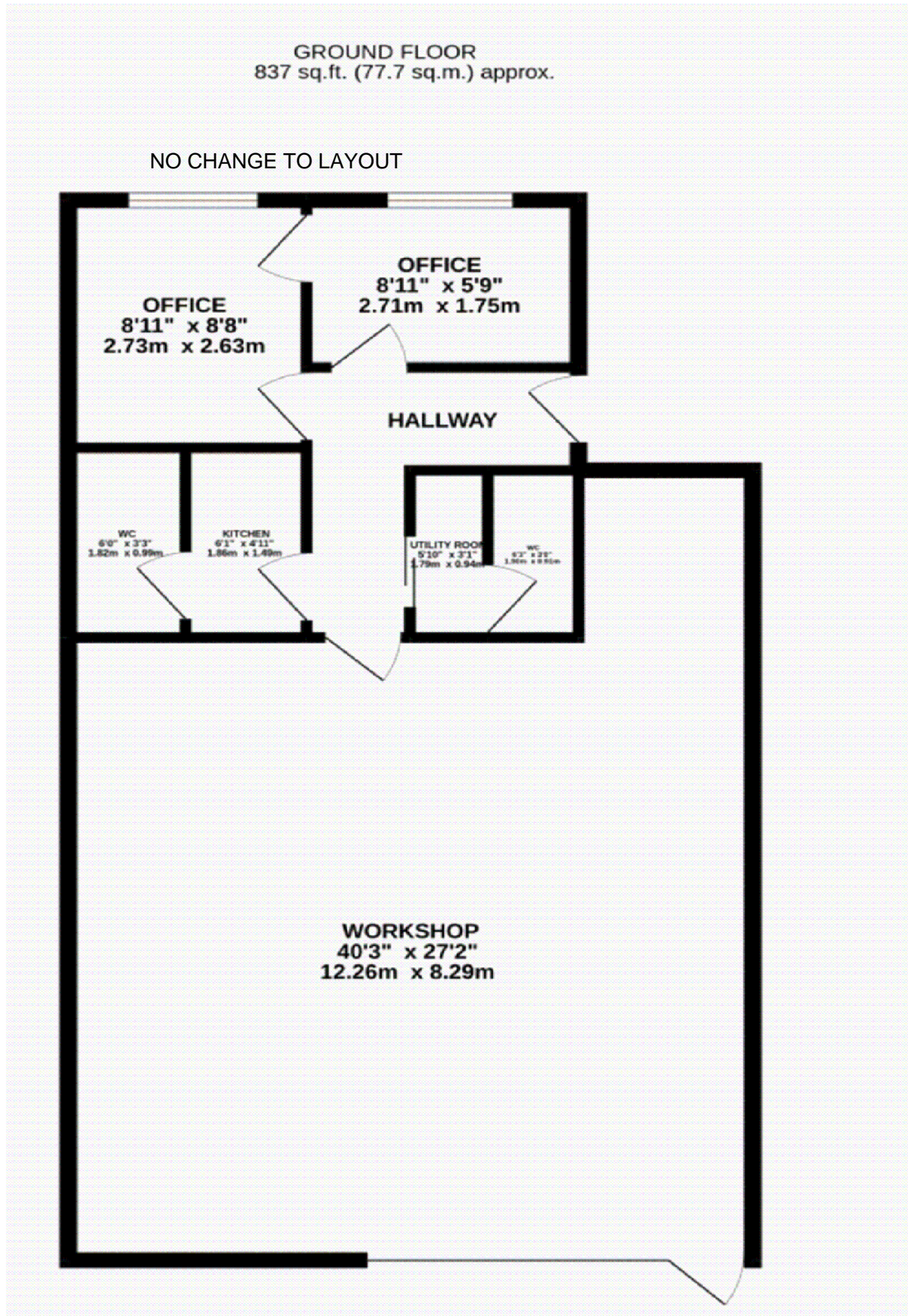
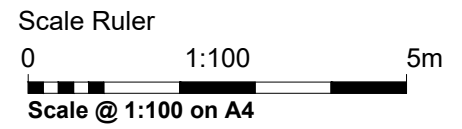
Date Produced: 10-Feb-2024

Scale: 1:1250 @A4



Planning Portal Reference: PP-12730655v1





Floor Plans

Contact Officer:	Helen Sherratt
Telephone No:	01543 462 621

Planning Control Committee
31 July 2024

Application No:	CH/24/062
Received:	5 th March 2024
Location:	System Design Controls Limited, Unit 1, Bennick Trading Estate, Union Street, Bridgtown, Cannock, WS11 0BP
Parish:	Bridgtown
Ward:	Cannock Longford & Bridgtown
Description:	Retrospective Change of use to Pole Fitness establishment
Application Type:	Full Planning Application

Reason for Committee decision

The application was Called in to Planning Control Committee by Councillor Alan Pearson who requested a site visit and the Parish Council objection. Concerns were raised in respect of the overdevelopment of the site, parking, and noise.

Recommendation: Refuse

Reason(s) for Recommendation:

1. Insufficient information has been provided in respect of potential noise and disturbance arising from the change of use. The increased activity at the site in respect of comings and goings and the provision of dance classes in this semi-residential location, together with associated playing of music, has the potential to have a detrimental impact upon the amenity of neighbouring occupiers and the wider locality. The development proposal is therefore in conflict with Policies CP3 of the Cannock Chase Local Plan (Part 1) 2014 and the NPPF (2023).

Consultations and Publicity

Internal Consultations

Environmental Protection - objection

Noise assessment requested to assess the impact of the proposal on adjoining residential occupiers.

Economic Development - No objection.

External Consultations

Bridgtown Parish Council - Objection

Concerns in respect of noise and parking.

Staffordshire County Council (Highways) - No objection

Subject to conditions relating to cycle parking provision.

Cadent Gas - No objection.

Response to Publicity

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

Relevant Planning History

None.

1 Site and Surroundings

- 1.1 The application site relates to Unit 1, Bennick Trading Estate at Broad Street, Bridgtown.
- 1.2 The premises comprises a unit in industrial use and is part of a wider group of adjoining buildings that are in similar use, such as an MOT test centre and a light industrial unit.
- 1.3 An area of hardstanding provides parking to the units, with several vehicles parking informally. There is unrestricted parking on street on Broad Street and Union Street of which the application site fronts on to with further access from Broad Street.
- 1.4 A public park lies opposite the site with residential properties adjacent and immediately adjacent the north-west boundary of the application site.
- 1.5 The site is within a Mineral Consultation Area (Fireclay) and is in a Low Risk Area for historic coal mining activity.

2 Proposal

- 2.1 The applicant is seeking consent for the retrospective change of use from B2 Use (General Industrial) to professional dance studio.
- 2.2 A dance studio is commonly understood to be a space in which dancers learn or rehearse. The primary purpose of such studios is therefore to provide training or tuition and therefore is educational in nature albeit in a manner which involves some degree of physical activity (as compared to a gym which is for the purpose of keeping fit and which may involve some incidental 'keep fit' training) and which may be in private ownership and small scale in nature.

- 2.3 As such it is the officer's opinion that the use as a dance studio would fall within Use Class F1(a) (learning and non-residential institutions).
- 2.4 No other changes to the building are proposed.
- 2.5 It is proposed that the dance studio would operate on the following basis:
- Class numbers will be a maximum of 10 students, with the latest class running until 9pm.
 - Classes operate Monday to Saturday, with classes beginning at 10am with 1:1 sessions also being provided.
 - Saturday operating hours are 10am to 3pm.
 - 3no instructors are required.
- 2.6 Parking provision would be to the front (4no spaces) and to the rear (6no spaces). Music will be provided via the use of a portable CD player; however, the applicant has most recently advised that no source of music or speakers will be used going forward. Notwithstanding this, it is difficult to envisage how a dance studio could operate with no music.

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
 - CP5: - Social Inclusion and Healthy Living
 - CP8: - Employment Land
 - CP9: - A Balanced Economy
 - CP10: – Sustainable Transport
 - CP11: - Centres Hierarchy
 - 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 ***Minerals Local Plan for Staffordshire***
- Policy 3: - Safeguarding Minerals of Local and National Importance and Important Infrastructure

3.5 **Relevant paragraphs within the NPPF: -**

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
131, 135, 137, 139:	Achieving Well-Designed and Beautiful Places
142-156:	Protecting Green Belt Land
224, 225:	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

<h2>4 Determining Issues</h2>

4.1 The determining issues for the proposed development include: -

- i) Principle of development
- ii) Impact on residential amenity
- iii) Impact on highway safety
- iv) Impact on nature conservation interests
- v) Drainage and Flood Risk
- vi) Mineral safeguarding

4.2 **Principle of the Development**

4.2.1 The planning application seeks retrospective planning consent for the change of use of a premises in B2 use to F1 (a), with no external alterations proposed.

4.2.2 Policy CP1 of the Cannock Chase Local Plan states that in

‘Cannock Chase the focus for investment and regeneration will be in existing settlements’ adding that ‘the urban areas will accommodate most of the district’s housing and employment development, distributed broadly in proportion to the existing scale of settlement’.

The policy goes on to state that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework.

4.2.3 The site is located within the main urban area of Cannock, near to the identified local centre of Bridgtown which has good links by a range of transport modes. As such the proposal meets the thrust of Policy CP1 of the Local Plan of focussing investment into the main urban area and promoting development in sustainable areas.

- 4.2.4 However, the proposal would lead to the loss of an existing industrial use which is a Class B employment use. In this respect it should be noted that Policy CP8 states:

“proposals which involve the redevelopment or conversion of employment uses to alternative uses will be considered on their merits, based upon Core Strategy policies”.

- 4.2.5 Within the immediate vicinity, uses comprise of a MOT testing centre (B2), a wholesaler (B8) and a light industrial unit to the rear. Within the wider area are residential properties and office uses. Therefore, the loss of one, small scale industrial use would not detract from the overall mixed-use function of this location, nor would it remove an A1 use from the main District centre.

- 4.2.6 As such the proposed change of use to F1(a) would accord with both local Plan policies CP1 and CP11 and is therefore acceptable in principle subject to the considerations set out below.

4.3 **Impact on Amenity**

- 4.3.1 The Parish Council’s concern in respect of noise disturbance are noted and the Environmental Protection Officer has requested a Noise Assessment to be undertaken to determine the level of noise, the duration of noise and its potential impact and mitigation measures.

- 4.3.2 It is noted by Officers that the application site is located within a concentrated area of commercial and industrial uses. Notwithstanding this, a number of residential properties surround the site and so an unrestricted use (in the absence of a noise assessment) in respect of noise created by music and activity within the site has the potential to have a detrimental impact upon the amenity of adjoining residential occupiers. On this basis, Officers concur with the Environmental Protection Officer’s request for a noise assessment, given the use of the site as a dance studio and in the absence of this it has not been demonstrated that the scheme is compliant with the provisions of Policy CP3 of the Local Plan.

- 4.3.3 Notwithstanding noise matters, parking concerns have also been raised by the Parish Council. Given the maximum number of attendees (10), the number of displaced vehicles parking on the surrounding highway network will likely increase, however the site and the surrounding area is considered to have sufficient on site and on street capacity to accommodate this.

- 4.3.4 On balance and in respect of the above, the scheme has not been demonstrated to have an acceptable impact in relation to the amenity of adjoining residential occupiers in respect of noise and disturbance and is therefore in conflict with Policy CP3 of the Local Plan.

4.4 **Impact on Highway Safety**

- 4.4.1 Paragraph 115 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 4.4.2 The application site is currently in use as B8 (General Industrial), with parking provision to the front and rear of the premises as well as unrestricted on street parking outside the site. Given the relatively small class sizes and the level of parking on site and nearby, the proposals are not considered to generate an unprecedented level of additional vehicles on the surrounding highway network, over and above that which would be expected of a B8 use.
- 4.4.3 The Highway Authority has been consulted and has no objections to the scheme, subject to a planning condition requiring the submission of cycle parking details.
- 4.4.4 Given the above, in this instance, the proposed development would not result in an unacceptable impact on highway safety and as such would be in accordance with paragraph 115 of the NPPF.

4.5 Impact on Nature Conservation Interests

- 4.5.1 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.
- 4.5.2 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.

4.6 Drainage and Flood Risk

- 4.6.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps.
- 4.6.2 Given the nature of the proposal and that it will not create additional areas of hardstanding, the proposal would not exacerbate the impacts of climate change in accordance with paragraph 158 of 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.

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 refuse accords with the policies

of the adopted Local Plan and the applicant has the right of appeal against this decision.

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 Insufficient information has been provided in respect of noise and disturbance and the Local Authority is unable to determine that the scheme would not have a detrimental impact upon the amenity of neighbouring residential occupiers. As such, the scheme is in conflict with Policy CP3 of the Cannock Chase Local Plan and relevant paragraphs contained within the NPPF.