

Please ask for: Mrs. W. Rowe

Extension No: 4584

E-Mail: wendyrowe@cannockchasedc.gov.uk

25 February 2025

Dear Councillor,

Planning Control Committee

3:00pm, Wednesday 5 March 2025

Council Chamber, Civic Centre, Cannock

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda.

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 5 February 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 then clicking on the square marked 'Planning Applications'.

Planning Applications

| | Application Number | Application Location and Description | Item Number |
|----|---------------------------|--|--------------------|
| 1. | CH/22/0044 | Brereton Former Closed Colliery, Land on Southeast Side of Colliery Road, Brereton, WS15 1QS: Application for a change of use of land for an outdoor recreational country park, the erection of an ancillary visitor centre, visitor car park, and the siting of holiday lodge caravans. | 6.1 - 6.24 |
| 2. | CH/24/252 | 23 - 23A North Street, Bridgtown, Cannock, WS11 0BB: Retrospective proposed change of use of first floor from C3 to use E (e) provision of massage therapy space, in relation to existing ground floor use E(e). | 6.25 - 6.41 |

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

Held on Wednesday 5 February 2025 at 3.00pm
in the Council Chamber, Civic Centre, Cannock

Part 1

Present:
Councillors

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

| | |
|------------------------|----------------|
| Aston, J. | Samuels, G. |
| Fitzgerald, A. | Sutherland, M. |
| Haden, P. (Substitute) | Thornley, S. |
| Jones, V. | Thornley, S.J. |
| Mawle, D. | Wilson, L. |
| Prestwood, F. | |

85. Apologies

An apology for absence was received from Councillor N. Lyons.

Notification had been received that Councillor P. Haden would be substituting for Councillor Lyons.

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

| Member | Interest | Type |
|----------------|---|--------------------------|
| Thornley, S.J. | CH/24/324 - 28 Hatherton Road, Cannock, WS11 1HG: Planning application for the continued use of the property as a children's home (C2 use class): <i>Member lives very close to the application site.</i> | Personal and Prejudicial |
| Thornley, S. | CH/24/324 - 28 Hatherton Road, Cannock, WS11 1HG: Planning application for the continued use of the property as a children's home (C2 use class): <i>Member lives very close to the application site.</i> | Personal and Prejudicial |

87. Disclosure of Details of Lobbying by Members

None

88. Minutes

Resolved:

That the Minutes of the meeting held 15 January 2025 be approved as a correct record.

89. Members Requests for Site Visits

None.

(Having declared a personal and prejudicial interest in the following application Councillors S.J. Thornley and S. Thornley left the room at this point and took no part in the determination of the application).

90. Application CH/24/324, 28 Hatherton Road, Cannock, WS11 1HG: Planning application for the continued use of the property as a children's home (C2 use class)

Consideration was given to the report of the Development and Policy Manager (Item 6.1 - 6.14) *(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 representations were made by Gareth Jones (Agent) & Yazmine Hinds, who spoke in favour of the application and shared the 10 minutes between them.

Resolved:

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

The meeting closed at 3.30pm

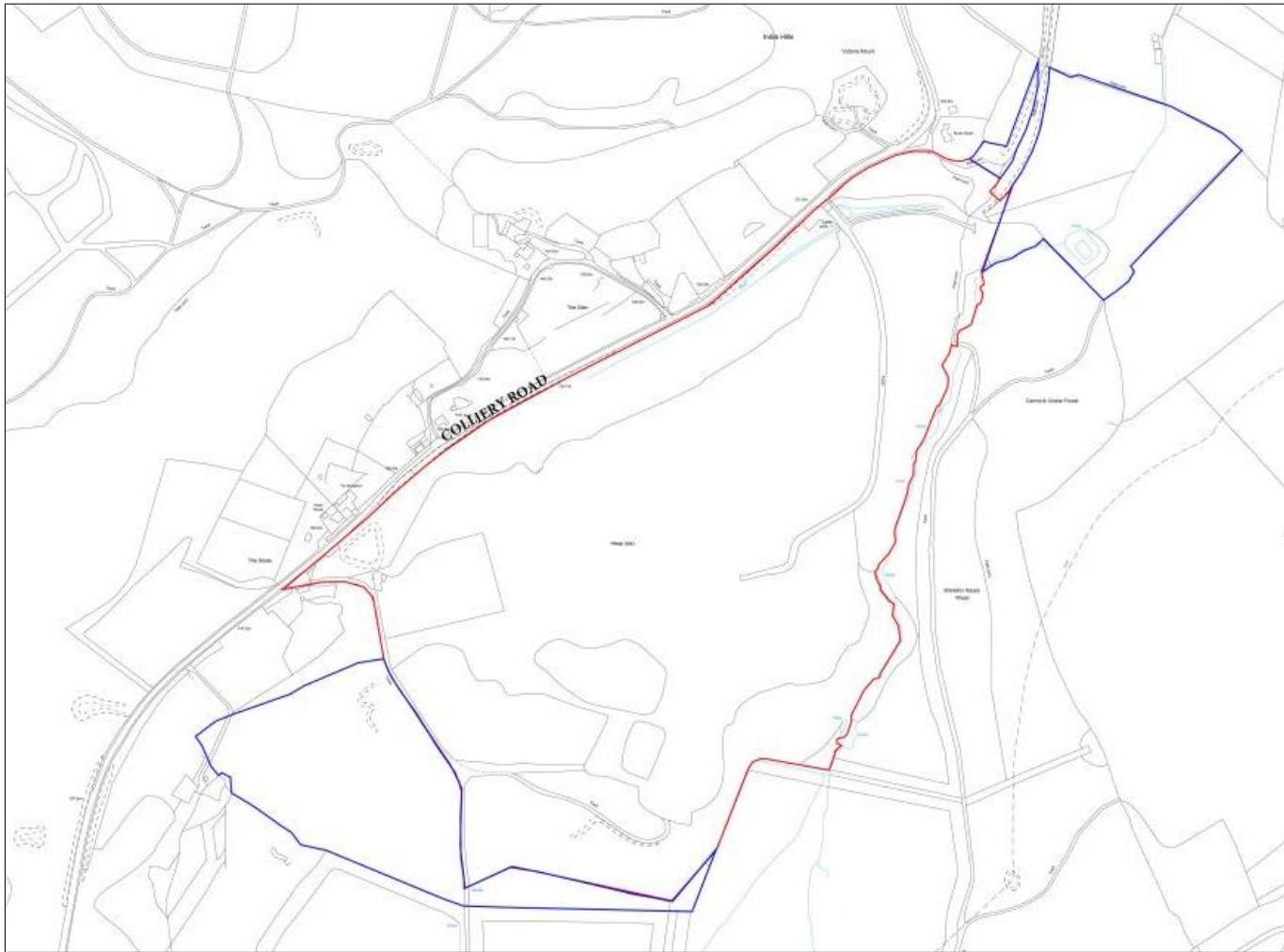
Chair

Application No: CH/22/0044

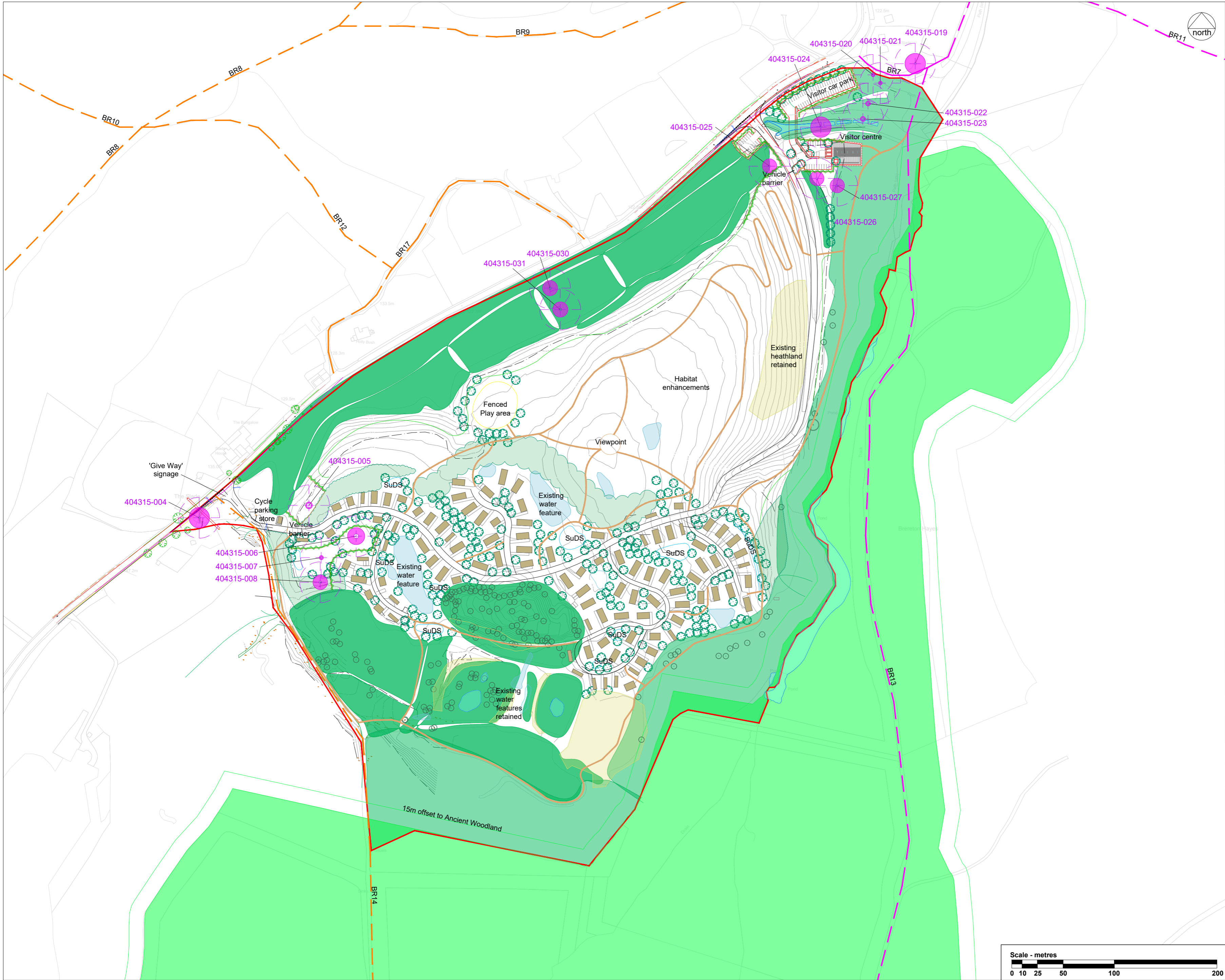
Item No. 6.1

Location: Brereton Former Closed Colliery, Land on South East Side of Colliery Road, Brereton, WS15 1QS

Proposal: Application for a change of use of land for an outdoor recreational country park, the erection of an ancillary visitor centre, visitor car park, and the siting of holiday lodge caravans



Site Location Plan

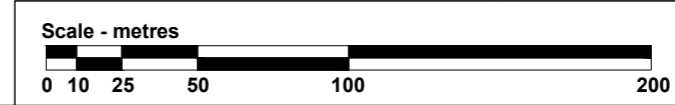


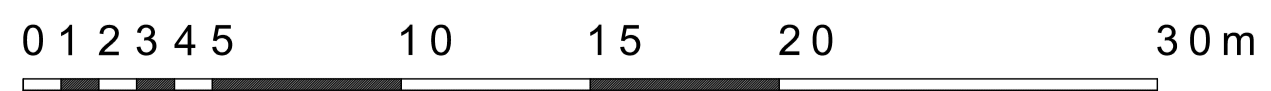
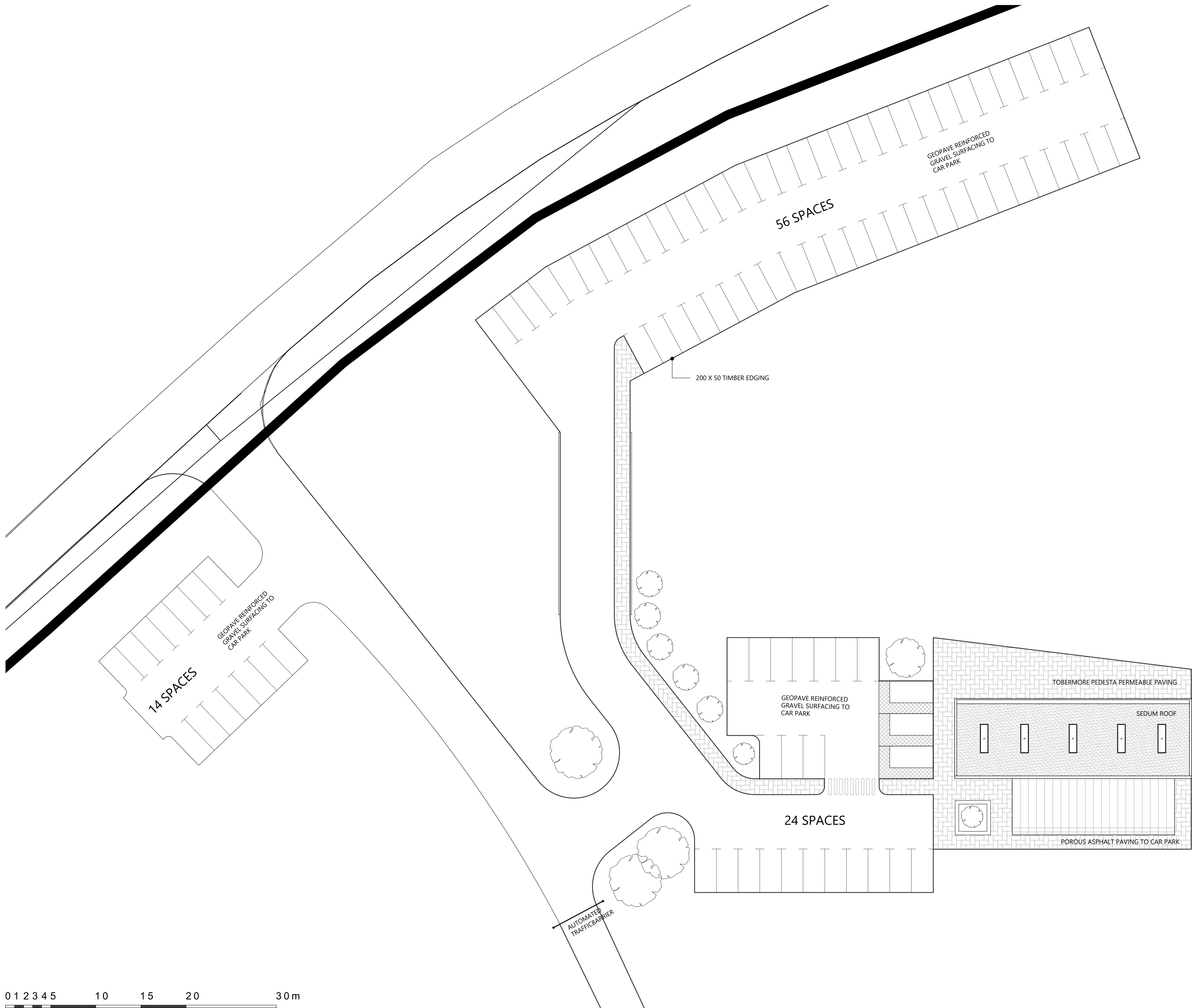
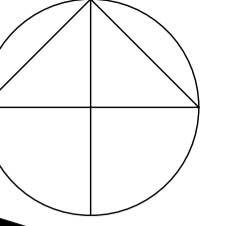
KEY

| | |
|--|--|
| | Existing Ancient Woodland |
| | Existing Woodland |
| | Existing Heathland |
| | Existing Trees |
| | Mine Entry and Associated Zone of Influence |
| | Footpath |
| | Bridleway |
| | Proposed Trees |
| | Proposed Mixed Native Hedgerow & Stock Proof Fence |
| | Proposed Footpath |
| | Proposed Lodges |

CLIENT: Seisdon UK Ltd
 PROJECT: Brereton Colliery
 TITLE: Site Plan
 SCALE AT A2: 1:2,500
 DATE: December 2022
 591.1 / 09G

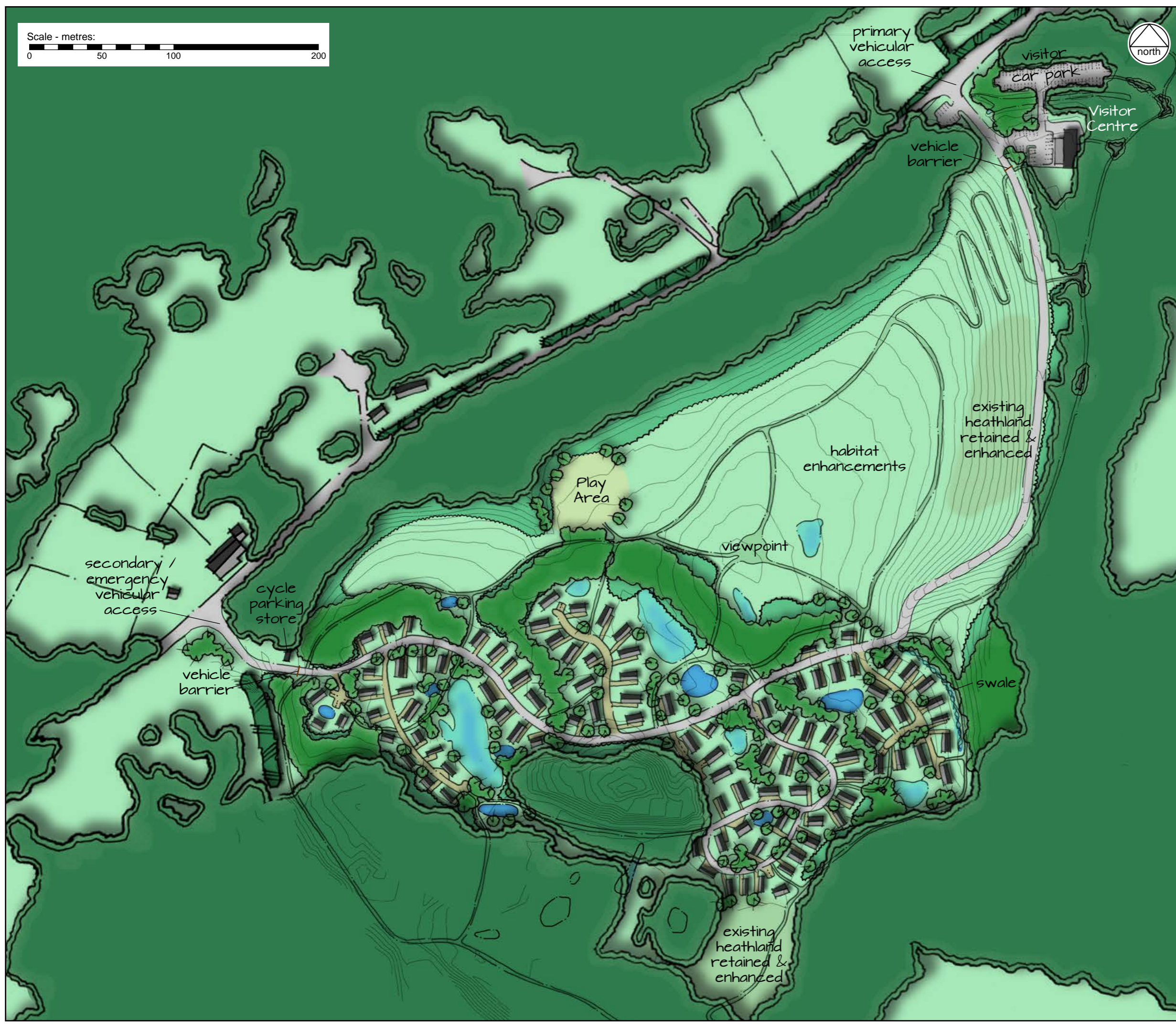
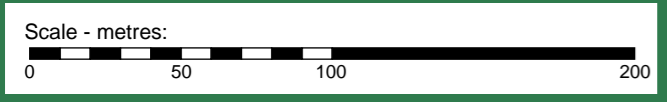
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 t 01491 838176 e consult@hda-enviro.co.uk w www.hda-enviro.co.uk





| | | | | | |
|------------|--|-------------|-------|--------------------|--|
| 15.12.2022 | Site layout amended following the coal mining report | | | | |
| 01.12.2022 | Car Park amended | | | | |
| 09.11.2022 | Parking Access Via Bridge | | | | |
| 02.09.2021 | Parking moved 5m away from pond | | | | |
| Rev. | Date | Description | Drawn | Checked | Project |
| | | | HS | JT | Mr & Mrs T Smyth |
| | | | | | Breton Colliery, Resident's and Visitor's Centre |
| Date | Job No. | Dwg No. | Rev. | Proposed Site Plan | |
| Feb.21 | 20192 | 900 | D | | |

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KEY **Item No. 6.4**

- Existing trees and woodland retained and protected
- Existing hedgerow
- Proposed tree groups or woodland
- Proposed trees
- Proposed native scrub / ecotone
- Existing grassland managed to improve species diversity
- Existing heathland retained and enhanced
- Existing wetland features retained and protected
- Proposed SUDs basin
- Proposed lodges
- Primary access road
- Secondary road
- Informal footpath / cycleway

CLIENT:
Seisdon UK Ltd

PROJECT:
Brereton Colliery

TITLE:
Illustrative Masterplan

SCALE AT A3:
1:2,500

DATE:
December 2021

591.1 / 1G **HDA 7**

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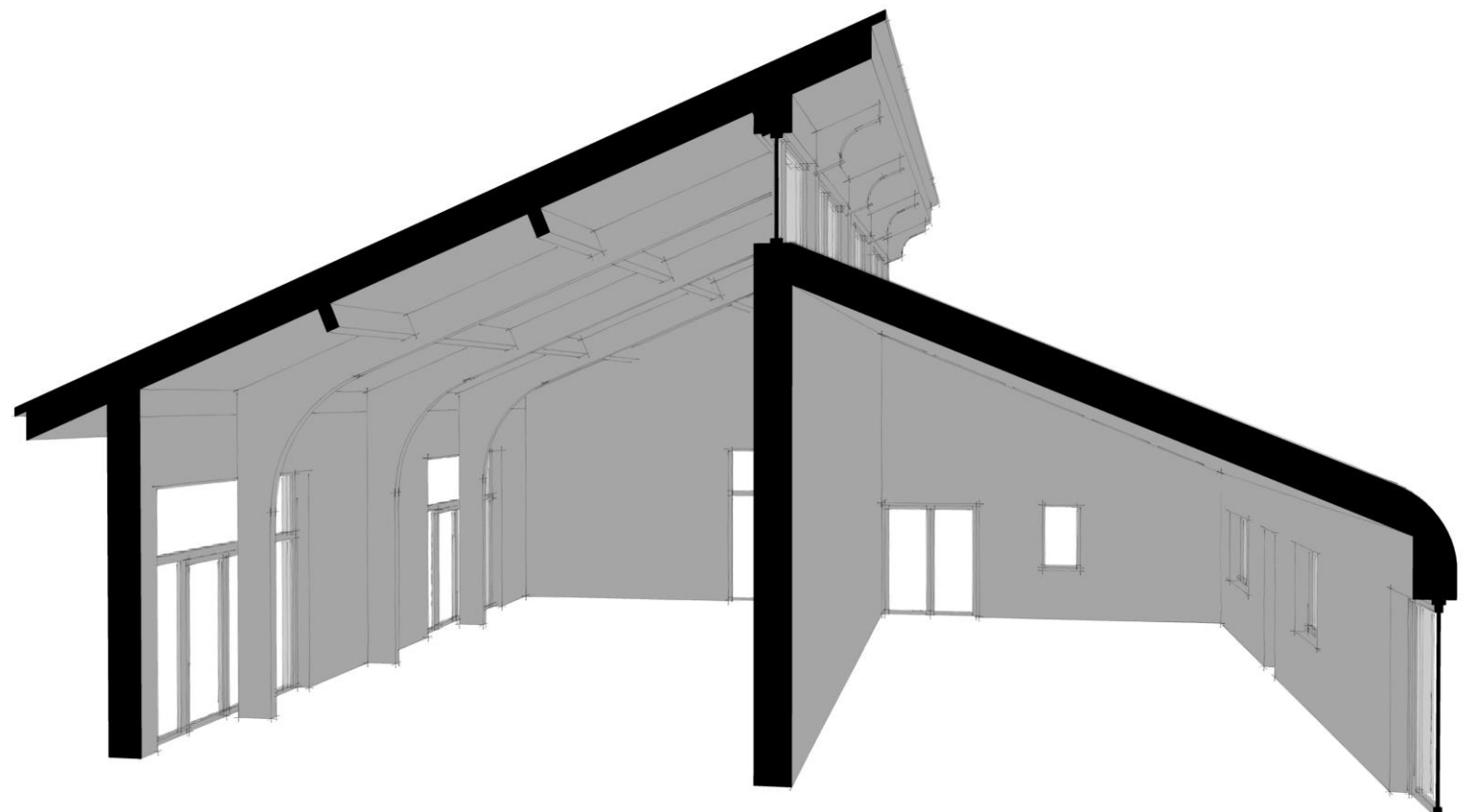
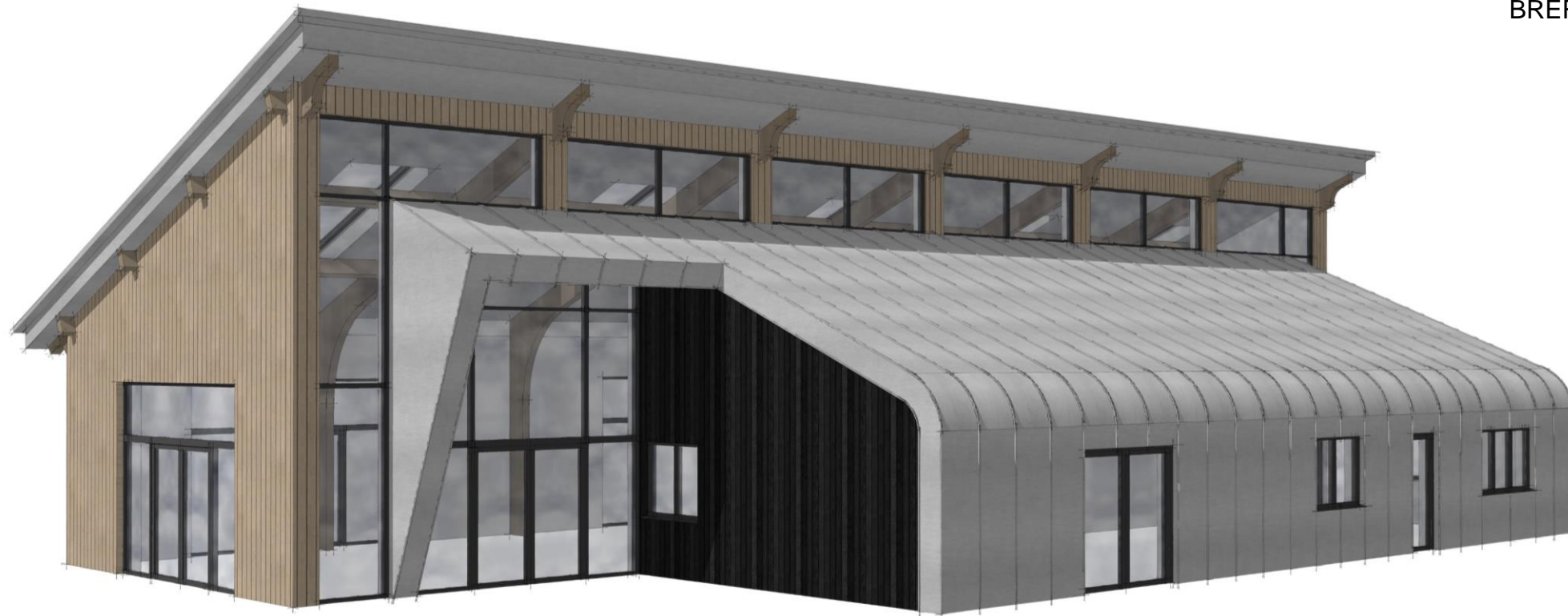
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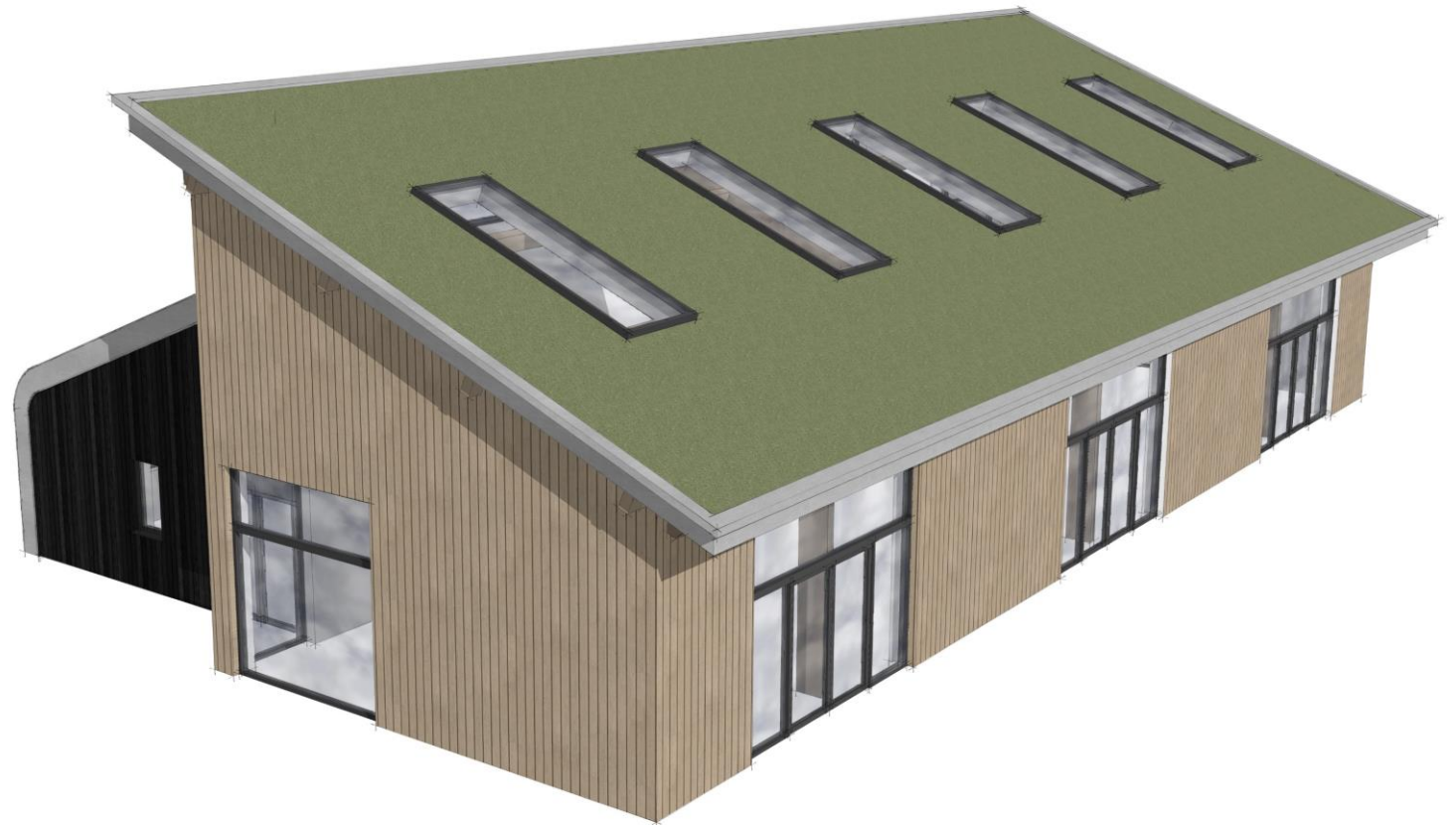
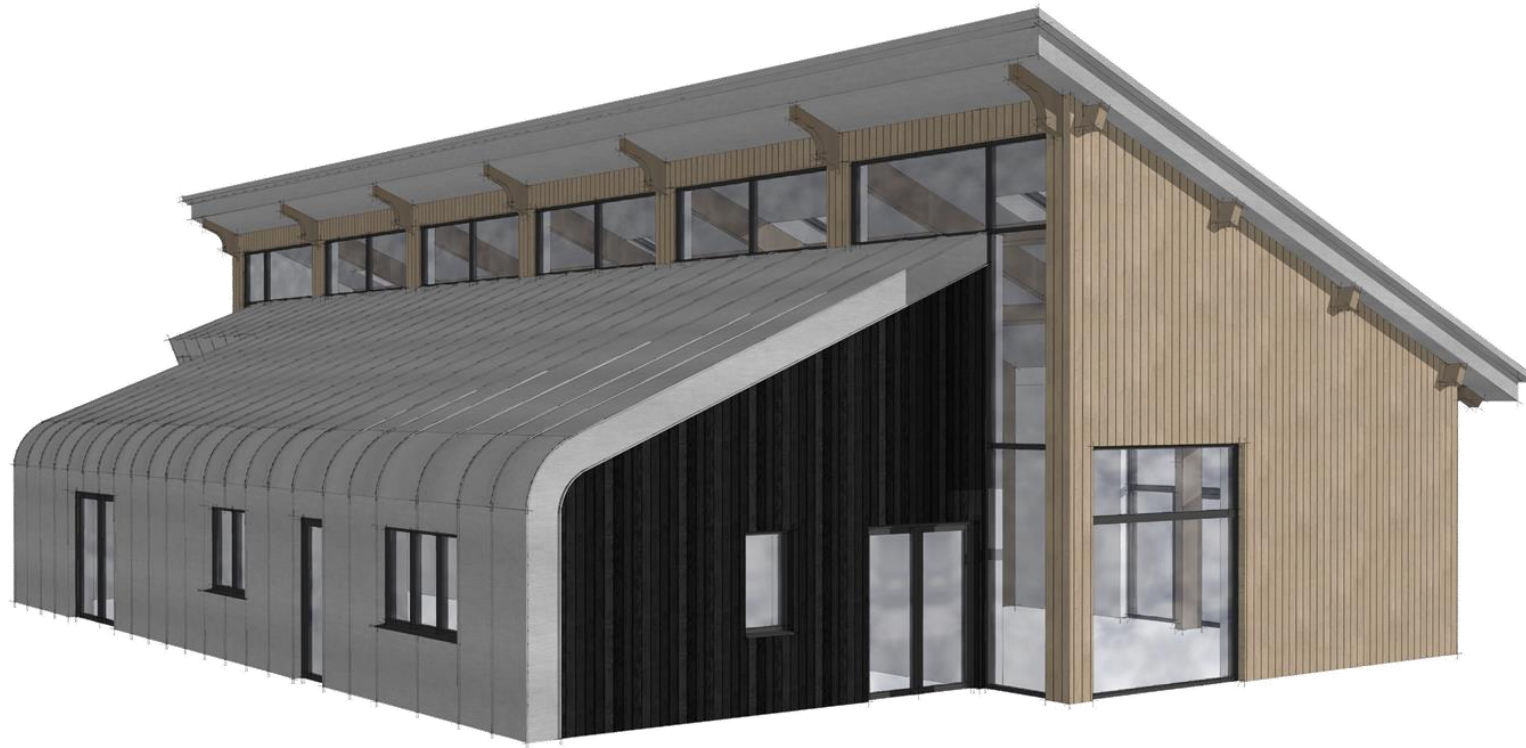
**Landscape Architecture
Masterplanning
Ecology**

Item No. 6.5

BRERTON COLLIERY, RESIDENT'S
AND VISITOR'S CENTRE 3Ds



Item No. 6.6
BRERTON COLLIERY, RESIDENT'S
AND VISITOR'S CENTRE 3Ds



Planning Control Committee
5 March 2025

| | |
|--------------------------|---|
| Application No: | CH/22/0044 |
| Received: | 7 th February 2022 |
| Location: | Brereton Former Closed Colliery, Land on Southeast Side of Colliery Road, Brereton, WS15 1QS |
| Parish: | Brereton and Ravenhill |
| Ward: | Brereton and Ravenhill |
| Description: | Application for a change of use of land for an outdoor recreational country park, the erection of an ancillary visitor centre, visitor car park, and the siting of holiday lodge caravans |
| Application Type: | Full Planning Application (Major) |

The application is being presented to Members at Planning Control Committee at the request of the applicant.

RECOMMENDATION:

Refuse for the following reasons:

1. The site is in the West Midlands Green Belt wherein there is a presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should only be allowed where very special circumstances have been demonstrated to exist. Very special circumstances can only exist where the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

The proposed development by virtue of its scale, siting and design would fail to preserve the openness of the Green Belt and would, by reason of encroachment, conflict with the purposes of including land within it and hence constitutes inappropriate development. As such the proposal is harmful to the Green Belt and, in accordance with paragraph 153 of the NPPF, substantial weight should be afforded to that harm.

The considerations advanced by the applicant in respect of the acceptability of the scheme and the Very Special Circumstances are not relevant. As to the economic and social benefits of the proposal it is considered that only very limited weight should be afforded to these factors.

As such it is concluded that the harm to the Green Belt is not clearly outweighed by other considerations and that very special circumstances to justify approval of the application have not been demonstrated to exist. As such in accordance with paragraph 153 of the National Planning Policy Framework, the application is refused.

2. Insufficient information has been provided to assess the impact of the proposal upon on site trees and nearby ancient woodland. As such, the proposal has the potential to have a detrimental impact upon the wider character of the open, rural area and the Cannock Chase Landscape Character. In respect of this, the proposal is contrary to policies CP12 and CP14 of the Cannock Chase Local Plan 2014 and paragraphs 135(c) and 189 of the National Planning Policy Framework (2024).
3. Insufficient information has been provided to adequately assess the proposal's impact upon surface flooding across the site and within the wider area, in conflict with Policy CP16 of the Local Plan and paragraph 170 of the National Planning Policy Framework (2024).
4. Insufficient information has been provided to assess the impact of the proposal upon the biodiversity of the site. The applicant has failed to provide species specific surveys as well as additional information regarding recreational impacts, impacts to ancient woodland and clarification on the approach to wet flushes. As such, it has not been demonstrated that the scheme accords with policies CP12 and CP13 of the Local Plan and paragraphs 187 and 192 of the National Planning Policy Framework (2024).

Reason for Refusal of Planning Permission

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. However, in this instance the proposal fails to accord with the Local Plan and the National Planning Policy Framework.

Consultations and Publicity

Internal Consultations

Landscape Officer - Objection, due to insufficient information in respect of tree protection, shade paths and low impact construction methods.

Environmental Protection - No objections.

Planning Policy (CCDC) - Objection, due to the proposal comprising inappropriate development in the Green Belt.

Economic Development - No objection.

Ecology Officer - Objection: Further species surveys are required as detailed within the EA as well as additional information regarding recreational impacts, impacts to ancient woodland and clarification on the approach to wet flushes. A suite of conditions would be required with regards to ecology which can be supplied when the requested information has been submitted and is satisfactory.

External Consultations

Brereton and Ravenhill Parish Council - Without a speed restriction in place on Colliery Road, BRPC object to the application. If one is agreed, they would remove their objection subject to conditions relating to contamination, limiting the number of caravans, limiting the use and provision of details of a lighting scheme.

Lead Local Flood Authority - Objection, as the submitted infiltration testing does not take account for seasonal variability.

Cannock Chase AONB Partnership - Conditional objection: Further clarity is requested as if only 210 users are envisaged then the AONB questions the need for 100 lodges. These figures will also influence developer contributions for mitigation to Cannock Chase SAC which would need to be secured if permission is granted.

The AONB accepts that the proposal is for timber clad lodges. Often such lodges are set within established woodland, each individual lodge being surrounded by trees, which helps assimilation into the landscape. The site at Brereton Former Colliery is wooded around the site perimeter, but the proposed location for the lodges on higher landform comprises open grassland, which would remain open for about 10 years while tree planting is establishing. Road infrastructure, lodges, car parking and lighting all contribute to urbanisation.

If the Authority is minded to approve the application, then comprehensive conditions are sought covering aspects of mitigation for impacts on the SAC and the landscape and natural beauty of the AONB. These should include a limit on the number of lodges, detailed design, materials and finishes, lighting (type and operation), detailed mitigation for impacts on the SAC, detailed landscape proposals and long-term site management. We suggest that as part of the long-term site management there should be a requirement to include proposals for visitor engagement and education to support the Cannock Chase Code of protect, respect, enjoy.

Staffordshire County Council (Minerals and Waste) - No objection.

Staffordshire County Council (Highways) - Objection:

- i) The proposed development fails to provide a drawing that has annotated visibility splays agreed at pre-application stage; and
- ii) Conflicting drawings in respect of parking provision and access to parking areas have been submitted and as a consequence the Highway Authority is unable to recommend a condition relating to parking facilities and the access to parking facilities within the site curtilage.

Staffordshire County Council (Archaeology) - No objection.

Coal Authority - No objection.

Severn Trent Water - No objection, subject to conditions.

Network Rail - No objection.

Landor Society - Concerns raised in respect of potential archaeological items at the site, the impact on the nearby woodland and the highway safety of the access and exit points.

Staffordshire Police - No objection.

South Staffs Water - No objection.

Staffordshire County Council (PRoW Officer) - Further information requested, as PRoWs not shown on submitted plans.

Historic England - No comments.

Friends of Cannock Chase - Objection, due to highway safety concerns, pedestrian safety risks, proximity to ancient woodland, pressure on the AONB and that there is already sufficient accommodation provided for visitors to the Chase.

The Ramblers Association - No objection.

Chase Rider Buses Limited - No objection.

Environment Agency - No objection, subject to conditions.

Staffordshire Fire and Rescue Services - No objection, general advice provided.

Natural England - No objection, subject to appropriate mitigate being secured.

Response to Publicity

The application has been advertised by site notice and neighbour letter.

15no letters of representation (objections) have been received, of which are summarised as follows:

- Concerns raised in relation to the volume of traffic on Colliery Road and that the development will cause it to increase.
- Impact on the character of the surrounding area and the AONB.
- Increased levels of waste and litter.
- Increased levels of anti-social behaviour.
- Concerns in respect of existing sewerage infrastructure and how it will accommodate such a number of additional visitors.
- Concerns raised in respect of the ecological impact of the scheme, and if the site comprises any endangered or protected species.

Relevant Planning History

CH/97/0631

Restoration of spoil tip. Approved 23/03/1998.

CH/98/0475

Variation of condition 3 attached to planning permission CH.97/631 to allow stationing and use of one mobile screening machine and one mobile crushing machine. Approved 18/01/1999.

CH/97/0631

Aftercare scheme. Approved 24/03/2000.

CH/99/0411

Variation of condition 2 of planning permission CH.97/631 to extend the time period for the restoration of the site for a further 18-month period. Approved 09/11/2000.

CH/99/0411/712 MW D1

Submission of aftercare details in compliance with condition 20 of planning permission CH.99/0411 relating to restoration and aftercare. Approved 18/05/2011.

1. Site and Surroundings

- 1.1 The site itself is approximately 28ha and consists of a mix of grassland together with some areas of recent natural regenerating woodland growth to the south, bordered by more established mature and unmanaged woodland/dense grassland with well-established trees. There is a fenced off area towards the southwest of the site along with an old machine shed. A brook runs down and forms the eastern boundary of the site. This and a separate land drain feed into the existing rectangular ponds either side of the eastern access. The eastern access extends up the hill and far into the middle of the site.
- 1.2 The site has two access points onto Colliery Road, the main one at the eastern end of the site and a second access at the western end. Colliery Road heads northeast towards Brereton and southwest (becoming Rugeley Road) into the Cannock Chase AONB. Two Public Right of Ways traverse the site, one through the northern tip of the site and one along the southern boundary.
- 1.3 The site lies within the Cannock Chase National Landscape and is bordered by either woodland (owned by Forestry Commission) or open fields on all sides. A dwelling lies adjacent to the eastern site boundary also fronting Colliery Road. Further dwellings are located on the opposite side of Colliery Road. The site is entirely within the Green Belt and is within Flood Zone 1. Small portions of the site are within Coal Authority High Risk Areas, with the majority of the site being within a Low-Risk Area. The site is also within a Mineral Safeguarding Zone.

2. Proposal

- 2.1 The applicant is seeking consent for the proposed use of a former colliery for an outdoor recreational country park, the erection of an ancillary visitor centre, visitor car park and the siting of holiday lodge caravans.

Specifically, the proposal comprises the following:

1. **Informal public open space in the form of a country park**, proposed to be managed as open grassland throughout the centre of the site with woodland retained as landscape screen and wildlife habitat around the periphery of the site. A public car park for 60 cars is proposed to the east of the north entrance with a smaller one for 10 cars to the west.
2. **An ancillary visitor centre** with shop, café, small kitchen, toilets, site heritage interpretation and a residential unit for the site manager. A third car park with 24 spaces is proposed next to the visitor centre. This will provide a shared facility for staying guests as well as a gateway facility for members of the public seeking to visit the rest of Cannock Chase by foot or cycle. The structure of the building will comprise laminated timber and cross-laminated timber panels with hempcrete infill and insulation to provide a thermal performance well above the standards required by the current Building Regulations.
3. **A holiday lodge park** further into the site comprising 100 wooden holiday lodges within new woodland planting with small ponds (SUDS). The submitted design and access statement states that 'the exact style and type of each lodge sited on each pitch will depend on future demand, the manufacturer chosen and customer preference. However, the proposed holiday lodges will all be high specification twin-unit caravan.' Below is an indicative appearance of the lodges. Each lodge will be sited on a hardstanding base with a parking space.



2.2 The site would be accessed through the existing entrance to the north of the site and the existing access to the southwest of the site will be relocated.

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).

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

CP5 - Social Inclusion and Healthy Living

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 Minerals Local Plan for Staffordshire

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

Other Material Considerations

3.5 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 d), 116: | Highway Safety |
| 131-141: | Achieving Well-Designed and Beautiful Places |
| 142,153, 154, 155: | Protecting Green Belt Land |
| 170-182: | Planning and Flood Risk |
| 189, 190: | National Landscape |
| 192-195: | Habitats and Biodiversity |
| 196-201: | Ground conditions and Pollution |
| 231-233: | 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

4 Determining Issues

4.1 The determining issues for the proposed development include: -

- i) Principle of development in the Green Belt
- ii) Design and impact on the character and form of the area, including the National Landscape
- iii) Impact on amenity
- iv) Impact on highway safety
- v) Impact on nature conservation interests
- vi) Drainage and flood Risk
- vii) The applicant's case that very special circumstances exist
- viii) The planning balance and the test as to whether very special circumstances exist.

4.2 Principle of the Development

4.2.1 Both the NPPF and the Local Plan contain a presumption in favour of sustainable development, the latest version of which is contained within the NPPF (2024) and states:

"For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

4.2.2 The first stage in the determination of the application is to establish whether the proposal is in accordance with the development plan. In this respect it is noted that the application site lies within the West Midlands Green Belt, wherein there is a presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and any such development should be considered a departure from the development plan.

Green Belt Assessment

4.2.3 In respect to whether a proposal constitutes inappropriate development in the Green Belt the starting point should be the Local Plan. Local Plan Policy CP1 states that development 'proposals in the Green Belt will be assessed against the NPPF and Policy CP14. Local Plan Policy CP14 (and also bullet point 11 of Policy CP3) relate to impacts on landscape character rather than to whether a proposal constitutes appropriate or inappropriate development.

4.2.4 Whether a proposal constitutes inappropriate development is set out in Paragraph 154 of the NPPF. The proposals involve the siting of caravans which constitute the making of a material change in the use of the land. Paragraph 154 of the NPPF which states (amongst others):

'b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'

4.2.5 With regards to the above it is noted that the application is in three parts namely:

- (i) the change of use of Public Open Space to an outdoor recreational centre;
- (ii) An ancillary visitor centre; and
- (iii) A holiday lodge park comprising 100 wooden holiday lodges.

4.2.6 As such, the proposal could be considered as appropriate development within the Green Belt. In order to not constitute inappropriate development however, each part must demonstrate that it would preserve the openness of the Green Belt and not conflict with the purposes of including land within.

4.2.7 The purposes of including land within the Green Belt are set out in paragraph 143 of the NPPF, which states: - 'Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'

4.2.8 Whilst caravans are generally moveable structures, the nature of the proposal would result in them becoming a permanent feature and would not be moved once in situ. The ancillary visitor centre would also be of a permanent nature together with the infrastructure to facilitate the development. Openness in terms of Green Belt means the absence of built form. In this respect it is noted that the site is free from significant built form and there are only a handful of residential properties surrounding the wider site. The introduction of permanent structures on the site, would fail to preserve the openness of the Green Belt and would therefore constitute inappropriate development.

4.2.9 In respect to the issue of conflicts with the purposes of including land in the Green Belt, the most relevant purpose in respect to this application is to 'assist in safeguarding the countryside from encroachment.' In this instance, the proposal would introduce 100 caravans and a visitor centre on the site as well as the required infrastructure associated with the proposal. As such the proposed development would be an encroachment on the countryside, contrary to the purposes of including land within the Green Belt.

4.2.10 For these reasons, and when taken together with scale and mass of the overall development, it is concluded that the scheme would harm the openness of the Green Belt.

4.2.11 Therefore, in accordance with paragraph 153 it is considered that substantial weight should be given to the harm to the Green Belt identified above.

4.2.12 The revised NPPF (2024) introduced paragraph 155 which states that development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
- b) there is a demonstrable unmet need for the type of proposed development.
- c) the development would be in a sustainable location.
- d) the development would adhere to all of the 'Golden Rules' requirements set out in paragraphs 156 and 157 of the NPPF.

4.2.13 Annex 2 of the NPPF states the definition of Grey Belt as the following:

"For the purposes of plan-making and decision-taking, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey Belt' excludes land where the application

of the policies relating to the areas of assets in footnote 7 (other than Green Belt) would provide strong reason for refusing or restricting development.

4.2.14 Annex 2 of the NPPF also states the definition of previously developed land as the following:

“Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

4.2.15 In light of the above, Officers note that Staffordshire County Council, acting as the Mineral and Waste Planning Authority, identify that the application site was used for the disposal of colliery spoil from deep mines and that permissions granted by the County Council to reclaim the former colliery tip; details of final restoration and aftercare works were approved in 2011 (Ref: CH.99/0411/712 MW D1), and that a site visit confirmed that there are restoration works remaining to be completed before the approved aftercare works can commence. It is considered that the development site as a former mine where provision for restoration has been approved and commenced would fall under the exclusions outlined in the above definition for previously developed land.

4.2.16 With regards to Paragraph 155 and the provisions outlined in clause (a) for the consideration of grey belt land it is considered that the sites location within the National Landscape would provide a strong reason for refusing development. In this case, the site is in the countryside, separated from any defined settlement and is sited in an undeveloped area of the Cannock Chase National Landscape, therefore it cannot be stated that development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

4.2.17 The Council does not have evidence that there is a demonstrable unmet need for the type of development proposed. In consideration of the provisions outlined in clause (b), the Council at this time does not have specific evidence in relation to the need for holiday accommodation and/or tourism within the District, it should however be noted that as part of the emerging Local Plan process it has not been considered necessary to include allocations for sites of this nature. Notwithstanding, the application site is not located within a sustainable location.

4.2.18 Furthermore, the proposal would not adhere to all of the ‘Golden Rules’ requirements set out in paragraphs 156 and 157 of the NPPF.

4.2.19 Given the above, it is concluded that the proposal would fail to preserve the openness of the Green Belt and that it would conflict with the purposes of including land within the Green Belt. Therefore, it is also concluded that the proposal must

constitute inappropriate development in the Green Belt and a departure from the development plan.

4.2.20 Paragraph 153 of the NPPF states that ‘Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’. Furthermore, paragraph 153 goes on to make it clear that ‘When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt’ adding ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations’.

4.2.21 It is considered that substantial weight should be afforded to the harm to the Green Belt. The next part of this report will go on to consider the impacts of the proposal on acknowledged interests to determine whether there are any other harms that should be added to the harm to the Green Belt. It will then move on to outline the case made by the applicant that there are other considerations which in their opinion clearly outweigh the harm to the Green Belt, an officer assessment of those considerations and finally a weighing exercise to determine whether very special circumstances exist.

4.3 **Design and the Impact on the Character and Form of the National Landscape**

4.3.1 The application site is located within an area that lies between the large built-up areas of Cannock and Rugeley and forms the largest expanse of undeveloped and open land within the District. Largely comprising of Cannock Chase National Landscape, Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). As a result of these constraints, the area contains little development and any development within the area is rural in character.

4.3.2 The submitted details have been assessed by the AONB Partnership and the Councils Landscape Officer. The AONB Partnership has provided a ‘conditional objection’ to the proposal and has commented that ‘the AONB Unit accepts that the proposal is for timber clad lodges. Often such lodges are set within established woodland, each individual lodge being surrounded by trees, which helps assimilation into the landscape. The site at Brereton Former Colliery is wooded around the site perimeter, however the proposed location for the lodges on higher landform comprises open grassland, which would remain open for about 10 years while tree planting is establishing. Road infrastructure, lodges, car parking and lighting all contribute to urbanisation. Notwithstanding, the AONB Partnership has not objected to the application subject to controls over potential lighting.

4.3.4 Policy CP14 of the Local Plan (Part 1) considers Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB) and that the District’s landscape character will be protected, conserved, and enhanced. Of particular relevance to the proposed development are:

- The consideration of landscape character in all development proposals in order to protect and conserve locally distinctive qualities, rural openness and sense of place and maximise opportunities for restoring, strengthening, and enhancing distinctive landscape features [...].
- Supporting development proposals within the AONB that are compatible with its management objectives, as set out in the AONB Management Plan.

Unless, in exceptional circumstances, an overriding need that cannot be accommodated elsewhere can be demonstrated to be in the public interest and the sustainability benefits outweigh the detrimental effects, major developments will not be permitted.

- 4.3.5 The Cannock Chase AONB Management Plan (2019 - 2024) states that development and land management proposals in the area, which by virtue of their nature, size, scale, siting, materials or design can be considered to have a negative impact on the natural beauty and special qualities of Cannock Chase AONB, should be resisted and finally, wherever possible, recreational activity should be moved away from the most sensitive parts of the AONB, ensuring that suitable measures are in place to reduce the negative impacts of an increase in visitors (both within and outside the AONB Boundary).
- 4.3.6 In regard to the landscape proposals, objections have been received from the Councils Landscape Officer on the basis of insufficient information in relation to shade paths and the overall impact on the nearby wooded areas and on-site vegetation. The applicant has been asked to provide this and at the time of writing, additional information has not been received.
- 4.3.7 Therefore, having had regard to Policy CP3 of the Local Plan and relevant paragraphs of the NPPF it is considered that there is insufficient information to assess if the proposal would be well-related to existing surroundings and successfully integrate with existing features of amenity value.
- 4.3.8 Officers from the Council and the AONB Partnership share concerns that the additional visitors to the development proposal would increase pressure on the Cannock Chase National Landscape and that the applicant has not sufficiently demonstrated that the scheme would not have a detrimental impact upon the character and appearance of the surrounding area.

4.4 Impact on Amenity

- 4.4.1 It is noted that 15no neighbour objections have been received to the proposal, including an objection from the Longdon Parish Council. However, most of the concerns relate to the principle of the development and its impact upon wildlife and the Cannock Chase National Landscape, rather than the scheme's impact upon the amenity of nearby residential properties. In this regard, a facing distance of at least 50m would be preserved between the nearest caravans and the existing surrounding dwellings.
- 4.4.3 Given the above it is considered that a high standard of amenity would be achieved for all existing neighbouring properties and the proposal is considered in accordance with Policy CP3 and the NPPF.

4.5 Impact on Highway Safety

- 4.5.1 Paragraph 116 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.5.2 The Highway Authority recommends refusal for the following reasons:
- 1) *The proposed development includes the erection of 100No. holiday lodges, which would be erected in an unsustainable location.*

- 2) *It is likely that most journeys by the future occupiers of the proposed holiday lodges to local services and facilities would be made by private vehicles.*
- 3) *The proposed development fails to provide safe all-weather, all-season pedestrian routes to local facilities, services, and public transport facilities and therefore would increase the likelihood of pedestrian/vehicle conflict resulting in increased highway danger.*

4.5.3 The applicant has been invited to address the above matters through the submission of revised plans, however, to date has not done so.

4.5.4 It is therefore considered that in its current form, insufficient information has been submitted to demonstrate that the proposal would not have an unacceptable impact on highway safety and that its residual cumulative impacts on the road network would potentially be severe, in conflict with paragraph 116 of the NPPF.

4.6 **Impact on Nature Conservation Interests**

4.6.1 Policy CP12 of the Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced via 'the safeguarding from damaging development of ecological and geological sites, priority habitats and species and areas of importance for enhancing biodiversity, including appropriate buffer zones, according to their international, national and local status. Development will not be permitted where significant harm from development cannot be avoided, adequately mitigated, or compensated for:

- support for the protection, conservation, and enhancement of existing green infrastructure to facilitate robust wildlife habitats and corridors at a local and regional scale (particularly to complement Policy CP16).
- supporting and promoting initiatives for the restoration and creation of priority habitats and recovery of priority species and the provision of new spaces and networks to extend existing green infrastructure.
- supporting development proposals that assist the delivery of national, regional, and local Biodiversity and geodiversity Action plan (LBAP/GAP) targets by the appropriate protection, incorporation and management of natural features and priority species.
- the promotion of effective stewardship and management across the district to contribute to ecological and geological enhancements.'

4.6.2 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 proposal would lead to an increase in visitors to the SAC, an opinion shared by the Cannock Chase AONB Officer given the proposed number of caravans, together with the recreational use of the site and the ancillary visitor centre. A HRA has been completed by the Council, as the competent Authority, and concludes that mitigation measures would be required if the proposal is approved. It has not been adequately demonstrated however to what extent the impact would be in order to provide mitigation measures. This detail could however be secure via condition and would not be a reason for refusal.

4.6.3 The applicant has submitted an Environmental Assessment which has been reviewed by the Council's Ecology Officer. The Officer has requested species surveys as well as additional information regarding recreational impacts, impacts to ancient woodland and clarification on the approach to wet flushes. The applicant has been invited to provide this information and at the time of writing, has not done so. As such, it has not been demonstrated that the scheme accords with policies CP12 and CP13 of the Local Plan and relevant paragraphs contained within the NPPF.

4.7 Drainage and Flood Risk

4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps and therefore is in the zone least at risk of flooding. Notwithstanding this, the site is subject to closer review of drainage and flood risk due to the application being a Major Full Application.

4.7.2 The Lead Local Flood Authority (LLFA) have raised an objection to the proposal on the grounds of insufficient information being received to determine the 'year round' risk of flooding within the site and across the wider area, as the submitted infiltration testing and Flood Risk Assessment do not take account for seasonal variability. As such, the risk of flooding from surface water during months in which adverse weather is more prevalent, such as Winter months, cannot be adequately assessed and the scheme therefore conflicts with the requirements of the NPPF and Policy CP16 of the Local Plan.

4.8 The Applicant's Case that Very Special Circumstances Exist

4.8.1 In support of the application the applicant has submitted a Planning Statement within which are outlined the considerations that the applicant believes outweighs the harm to the Green Belt and any other harm such that 'very special circumstances' exist to warrant approval of the application. These are summarised as:

"The provision of the country park for outdoor recreational use is an appropriate use in the Green Belt. The provision of a car park and the ancillary visitor centre building is an appropriate facility in connection with that proposed use in accordance with paragraph 149a. The siting of holiday lodge caravans does not involve any building but is a material change of use. The layout of the lodges has been designed such that they will be among trees and therefore will not harm the openness of the Green Belt, and as stated above, they will not conflict with the purposes of including land within the Green Belt. Therefore, the proposed lodges are appropriate development in accordance with paragraph 150. If it is considered that the lodges are inappropriate in some way, it should be highlighted that they are needed as enabling development to cross fund the creation of the proposed country park and ancillary visitor centre and to provide on-site customers over a longer season and length of day to support a viable visitor centre facility and this amounts to very special circumstances in accordance with paragraph 148".

"Furthermore, very special circumstances exist as the proposed development of this site will take pressure off other existing visitor sites in the Cannock Chase AONB. In addition, the lodge proposal will encourage existing/new day trippers to stay for a night or more within the local area thus spending money on the local economy and causing less transport congestion. The proposed lodges and other built development are to be sited within a part of the site that is hidden

by the natural topography and existing landscaping. Proposed landscaping will enhance this and mitigate any existing gaps in the screening. The income from holiday lodges will also allow for further tree planting across the site would also assist with improving the visual appearance and biodiversity of this former colliery site which also amounts to very special circumstances.”

In an addendum Planning Statement received on 20th January 2025, the applicant states the following:

The site cannot be classed as Grey Belt due to its slightly within an Area of Outstanding Natural Beauty. However, the revised Framework is of use to assess the type of development that the Government wish to see within the Green Belt. Had it not been for the AONB then the site would be Grey Belt and would comply with the requirements of paragraph 155. Insofar that the scheme by and large meets the spirit of the Framework and is a former mine, we consider that some weight should be attached the site complying with the bulk of Grey Belt policy in its main thrust.’

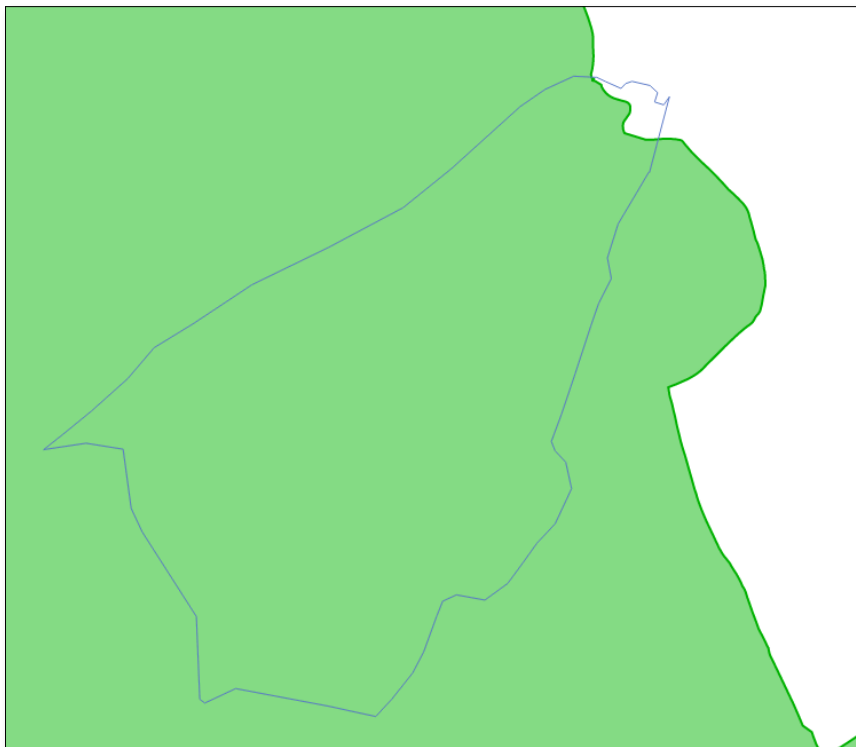
The Councils Assessment of the Very Special Circumstances

- 4.8.2 Addressing each point in turn, the viability of the scheme and the necessity of the lodges are not a relevant planning matter and do not outweigh the identified harm to the Green Belt.
- 4.8.3 In terms of the economic factors, whilst it is acknowledged that the proposal would support tourism in the area and there would be associated economic benefits, the Council would point out that although the NPPF and the Local Plan offer support to rural tourism that support has to be taken in the wider context of policy, including the presumption in favour of sustainable development and the presumption against inappropriate development in the Green Belt. However, any additional tourism units have the potential to contribute to the local economy and the economic sustainability of the business the 100 caravans and business centre would likely make a reasonable contribution. The Councils Economic Development Officers see the benefits of such a development in relation to the creation of jobs during construction and once open along with the potential of wider job creation due to a rise in tourism visitors to local attractions and businesses. A site of this nature could increase tourism for the area and therefore, visitor spend would increase which is all good for the local economy. In light of the above, limited weight should be afforded to this argument.
- 4.8.4 The applicant’s assertion that ‘the siting of holiday lodge caravans does not involve any building but is a material change of use’ is wholly incorrect as the proposal will introduce fixed/permanent development of typically mobile structures within the Green Belt and constitutes inappropriate development within the Green Belt. Furthermore, it should also be noted that harm to the openness of the Green Belt can exist irrespective of whether, or not, a site is observable from the public realm, or whether it is well screened. Large parts of the Green Belt benefits from screening, an excellent example of which is the wooded part of the Chase itself, yet it still contributes to the purposes of the Green Belt. As such, no weight is afforded to this justification from the applicant.

4.8.5 Turning to the final point highlighted, the 2024 NPPF defined Grey Belt land as the following:

“Grey belt: For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development”.

4.8.6 For clarity, the entirety of the application site falls within the National Landscape, not a small amount as the applicant’s statement would suggest (as below):



Whilst it is appreciated that the site comprises a former mine, it has been reinstated within the Cannock Chase landscape over a considerable number of years and has been left to return to a natural state. Its current form does not therefore differentiate visually from the open, rural character of the surrounding area. Furthermore, Planning Policy Officers have confirmed that the site does not comprise previously developed land and so it is considered that weight cannot be afforded to the point raised by the applicant.

4.9 Planning Balance and the Weighing Exercise

4.9.1 As stated earlier in this report Paragraph 153 of the NPPF states that ‘Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’. Furthermore, Paragraph 149 makes it clear that ‘very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations’. This part of the report will therefore seek to apportion weight to the various considerations.

- 4.9.2 The proposal constitutes inappropriate development in the Green Belt, which is, by definition harmful, and would cause harm to the openness of the Green Belt and by virtue of encroachment conflict with the purposes of including land within the Green Belt. It is considered that substantial weight should be given to the harm to the Green Belt.
- 4.9.3 For the reasons given above it is considered that little to no weight should be afforded to the applicant's Very Special Circumstances as provided in the previous section and only very limited weight should be afforded to the economic benefits of the proposal. As such, it is considered that the harm to the Green Belt has not been clearly outweighed such that very special circumstances exist to justify approval of the 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 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.

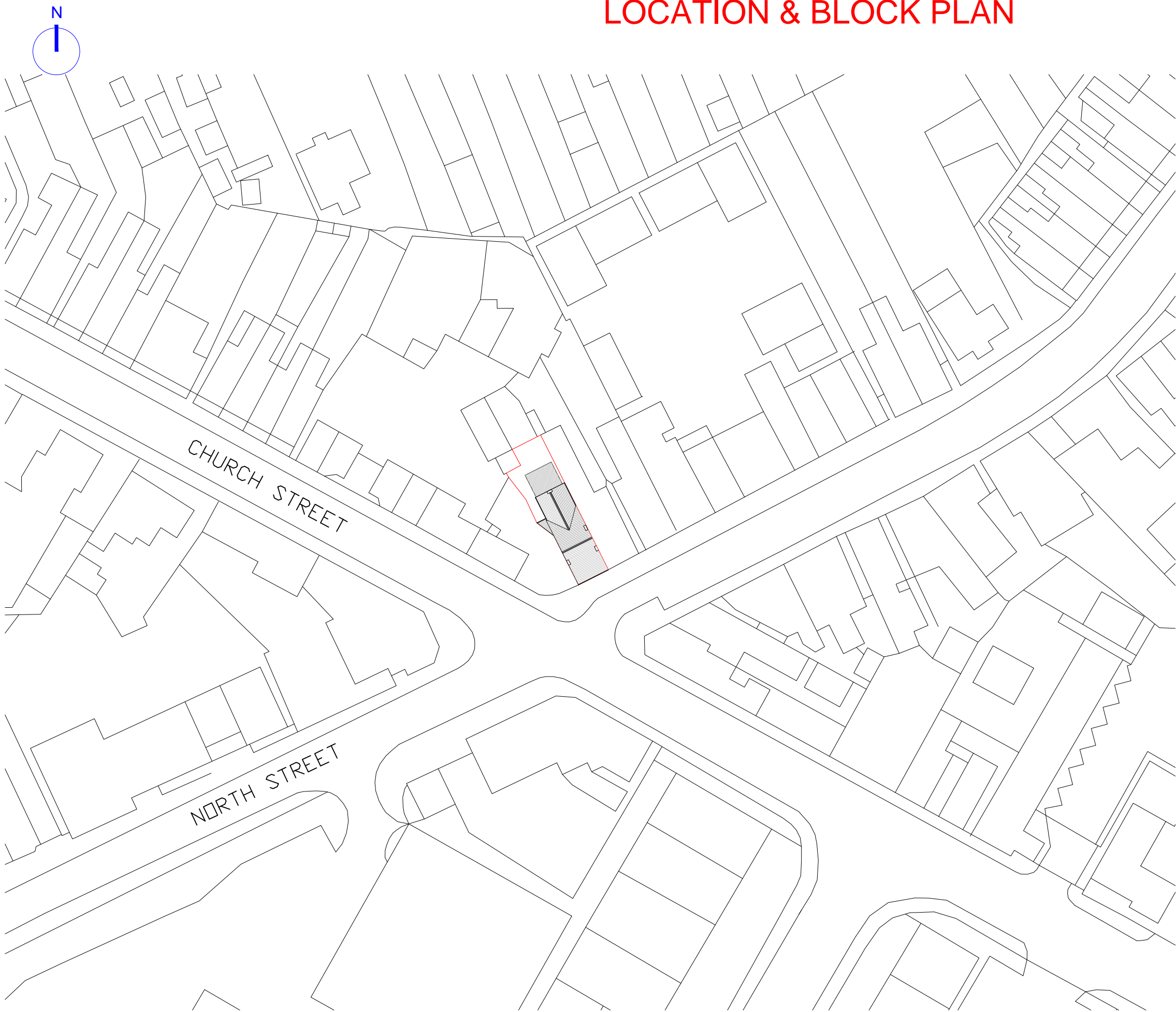
Such consideration has been balanced along with other material planning considerations, and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim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

6. Conclusion

- 6.1 The site is in the West Midlands Green Belt wherein there is a presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should only be allowed where very special circumstances have been demonstrated to exist. Very special circumstances can only exist where the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

- 6.2 The proposed development by virtue of its siting and design would fail to preserve the openness of the Green Belt and would, by reason of encroachment, conflict with the purposes of including land within it and hence constitutes inappropriate development. As such the proposal is harmful to the Green Belt and, in accordance with paragraph 148 of the NPPF substantial weight should be afforded to that harm.
- 6.4 As to the economic benefits of the proposal it is considered that limited weight should be afforded to these factors as an increase in tourism and associated activity would be of benefit to local businesses.
- 6.5 In light of the above, it is concluded that the harm to the Green Belt is not clearly outweighed by other considerations and that very special circumstances to justify approval of the application have not been demonstrated to exist to such an extent as to outweigh the harm. As such, It is recommended that the application be refused for the reasons given at the beginning of the report.

LOCATION & BLOCK PLAN



Location Plan
Scale 1:1250

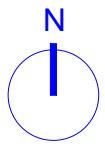
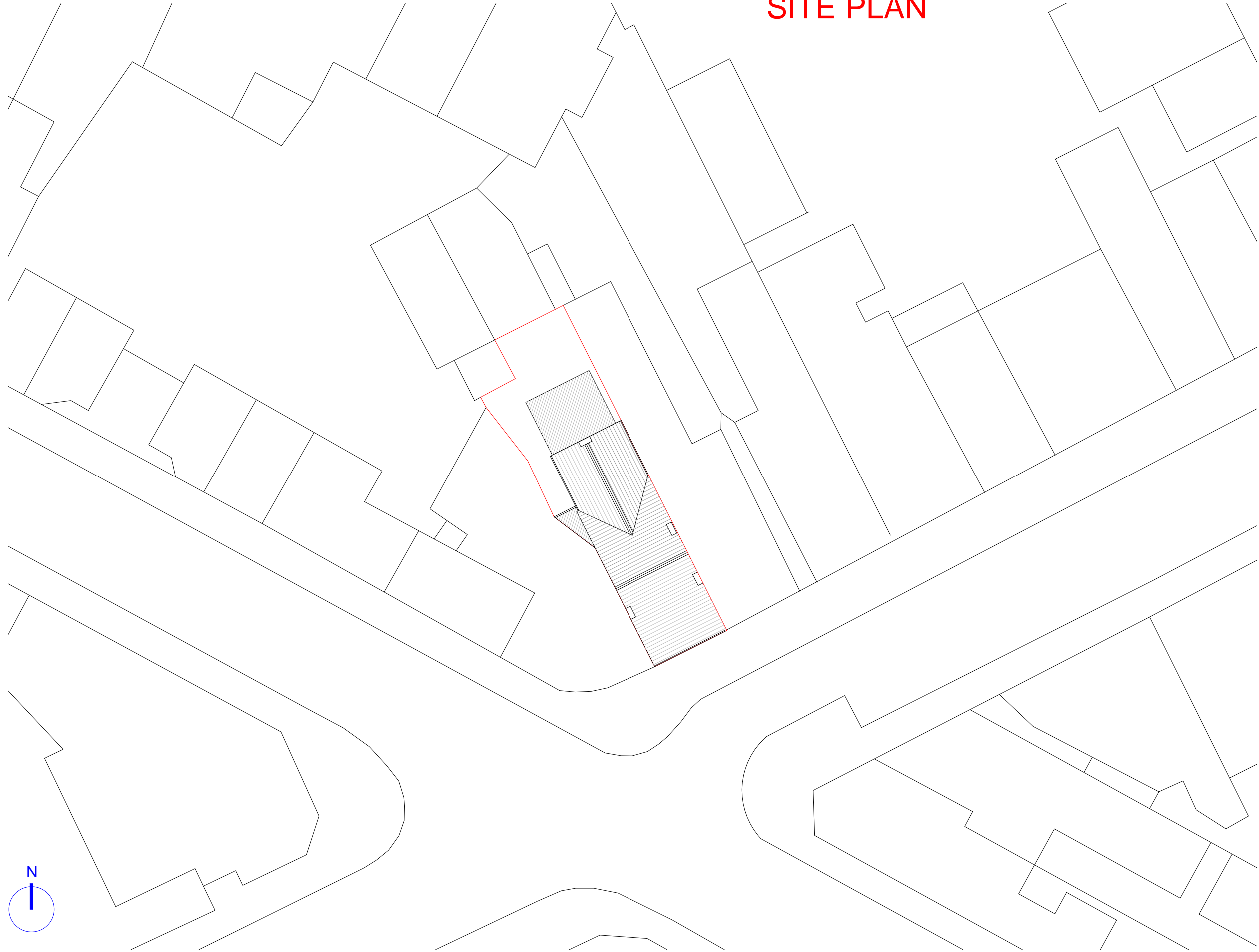
Block Plan
Scale 1:500

20 Watermint Close, Wimblebury,
Cannock, Staffs, WS12 2GL



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| NORTH STREET MASSAGE THERAPY | | Client | |
| 23 / 23A NORTH STREET, CANNOCK, WS11 0BB | | Project | |
| LOCATION & BLOCK PLAN | | Title | |
| DRAWN | CHECKED | DATE | SCALE |
| MGH | MGH | JULY 2024 | 1:500 / 1:1250 |
| REVISION | DRAWING STATUS | DRAWING NUMBER | |
| A | PLANNING | 100 | |

SITE PLAN



Proposed Site Plan
Scale 1:200

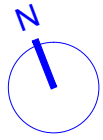
Key:

 Site Boundary



20 Watermint Close, Wimblebury,
Cannock, Staffs, WS12 2GL

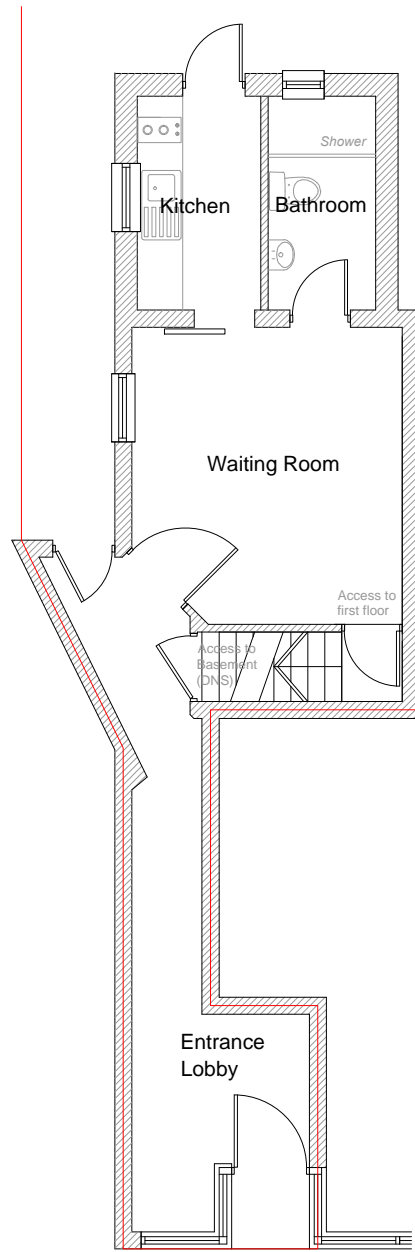


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| SITE PLAN | | | | Title | |
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| MGH | MGH | JUNE 2024 | A3 ISSUE | A1 ISSUE | |
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| A | PLANNING | | 101 | | |

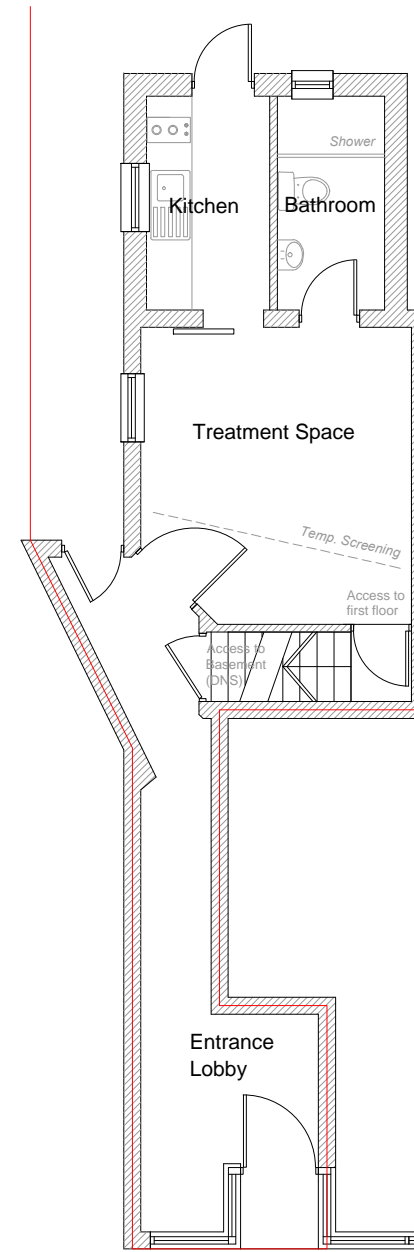


EXISTING & PROPOSED GROUND FLOOR PLAN

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|---|----------------------------|
| Key: | |
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|  | Site Boundary |
|  | Existing Wall Construction |

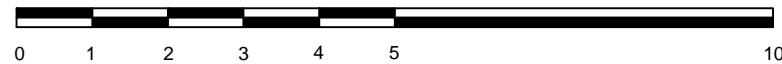


Proposed Ground Floor Plan
Scale 1:100



Existing Ground Floor Plan
Scale 1:100

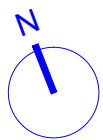
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20 Watermint Close, Wimblebury,
Cannock, Staffs, WS12 2GL

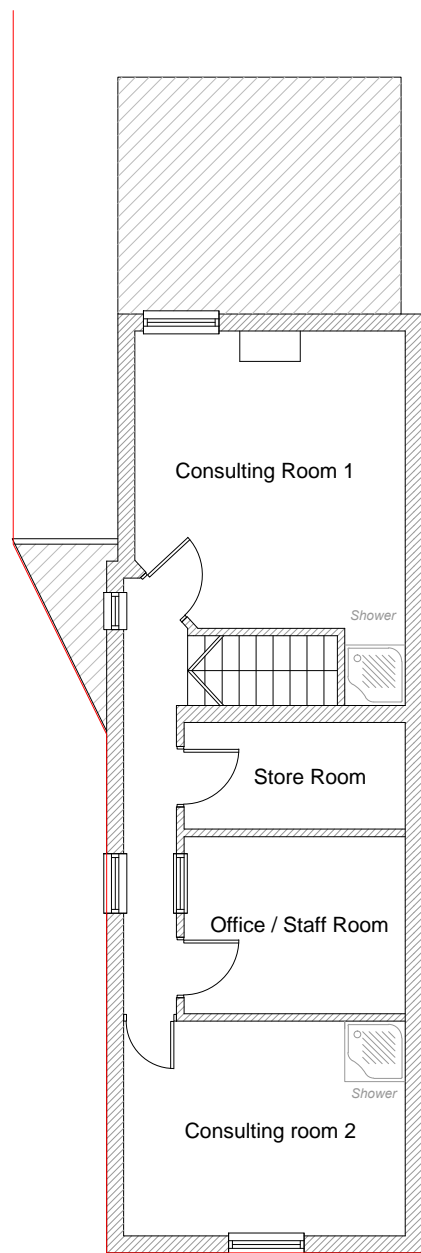


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| EXISTING & PROPOSED GROUND FLOOR PLAN | | Title |
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| REVISION | DRAWING STATUS | DRAWING NUMBER |
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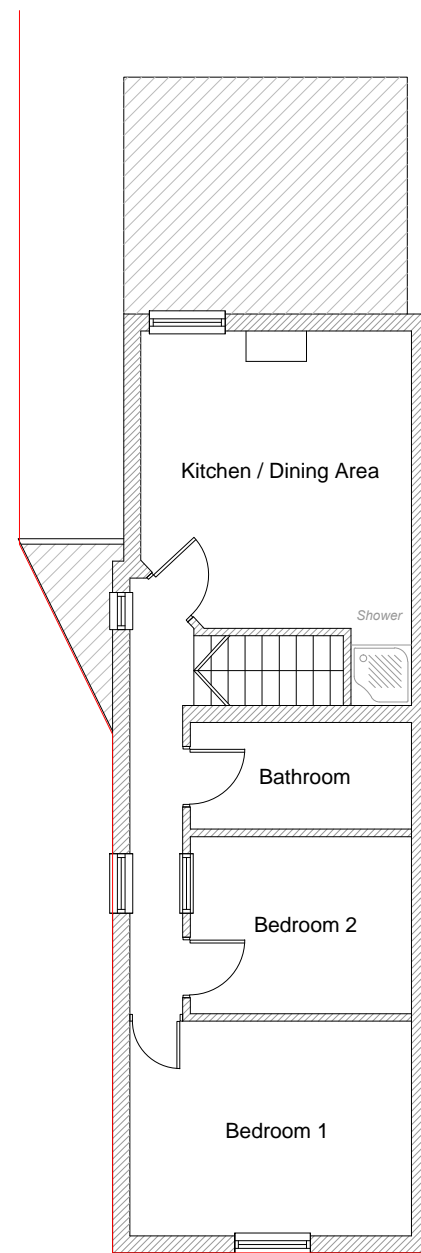


EXISTING & PROPOSED FIRST FLOOR PLAN

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| Key: | |
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|  | Site Boundary |
|  | Existing Wall Construction |

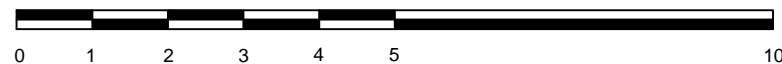


Proposed First Floor Plan
Scale 1:100



Existing First Floor Plan
Scale 1:100

Scale at 1:100



20 Watermint Close, Wimblebury,
Cannock, Staffs, WS12 2GL



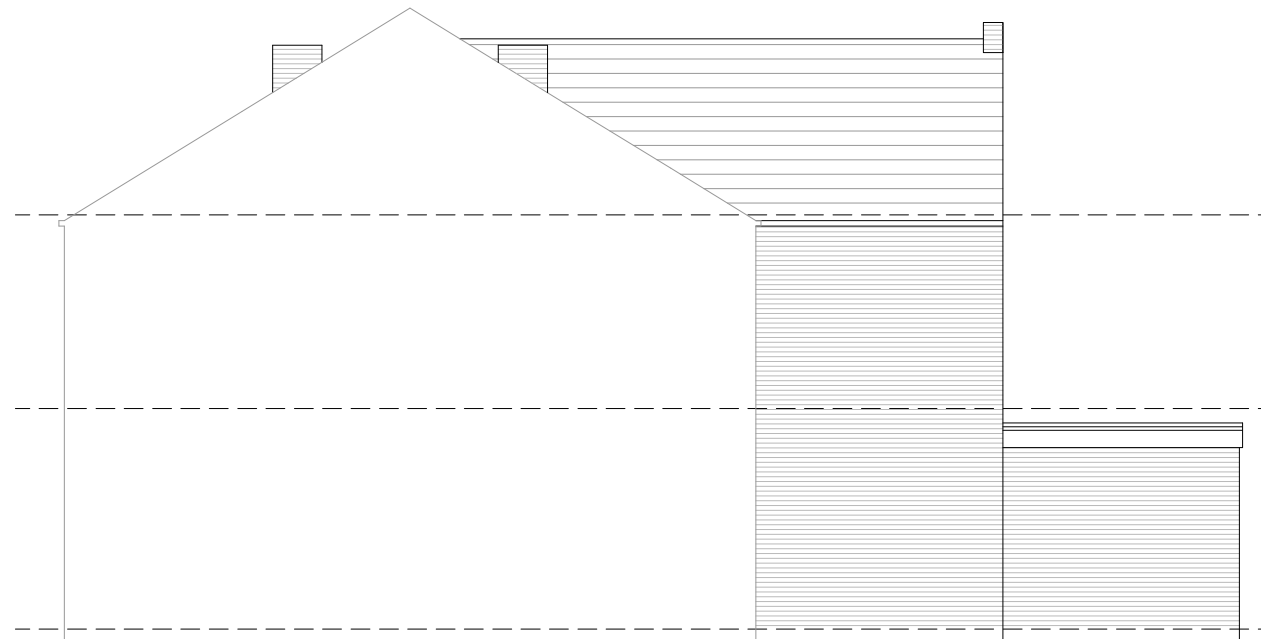
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| EXISTING & PROPOSED | | Title |
| FIRST FLOOR PLAN | | |
| DRAWN | CHECKED | DATE |
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| REVISION | DRAWING STATUS | DRAWING NUMBER |
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EXISTING ELEVATIONS

1 OF 2

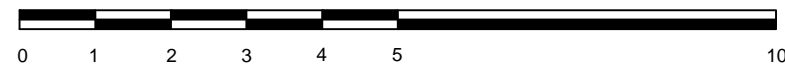


Existing North Elevation
Scale 1:100



Existing East Elevation
Scale 1:100

Scale at 1:100



20 Watermint Close, Wimblebury,
Cannock, Staffs, WS12 2GL



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| NORTH STREET MASSAGE | | | | <i>Client</i> | |
| THERAPY | | | | | |
| 23 / 23A NORTH STREET, | | | | <i>Project</i> | |
| CANNOCK, WS11 0BB | | | | | |
| EXISTING ELEVATIONS | | | | <i>Title</i> | |
| 1 OF 2 | | | | | |
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| REVISION | DRAWING STATUS | | DRAWING NUMBER | | |
| A | PLANNING | | 105 | | |

EXISTING ELEVATIONS 2 OF 2

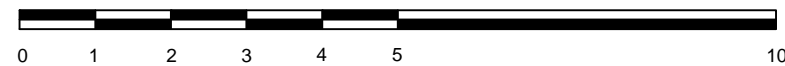


Existing South Elevation
Scale 1:100



Existing West Elevation
Scale 1:100

Scale at 1:100



20 Watermint Close, Wimblebury,
Cannock, Staffs, WS12 2GL



Clementine
Design

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| NORTH STREET MASSAGE THERAPY | | | | Client |
| 23 / 23A NORTH STREET, CANNOCK, WS11 0BB | | | | Project |
| EXISTING ELEVATIONS | | | | Title |
| 2 OF 2 | | | | |
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| REVISION | DRAWING STATUS | DRAWING NUMBER | | |
| A | PLANNING | 105 | | |

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| Contact Officer: | AmyJackson |
| Telephone No: | 01543 464 577 |

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| <p>Planning Control Committee 5 March 2025</p> |
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|--------------------------|--|
| Application No: | CH/24/252 |
| Received: | 12-Sep-2024 |
| Location: | 23 - 23A, North Street, Cannock, WS11 0BB |
| Parish: | Bridgtown CP |
| Description: | Retrospective proposed change of use of first floor from C3 to use E (e) provision of massage therapy space, in relation to existing ground floor use E(e) |
| Application Type: | Full Planning Application |

Reason for Committee decision

This application is being presented to Planning Control Committee due to an objection from Bridgtown Parish Council.

Recommendation: Approve subject to conditions.

Conditions (and Reasons for Conditions):

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - a. EXISTING & PROPOSED FIRST FLOOR PLAN - 103 - Rev A
 - b. EXISTING & PROPOSED GROUND FLOOR PLAN - 102 - REV A
 - c. SITE PLAN - 101 - REV A

Reason

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

2. The premises shall not be open for business outside the hours of 10:00hrs to 22:00hrs on any day.

Reason

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

3. Notwithstanding the provisions within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the first-floor of the premises shall be used for the purposes of use class E(e) only and shall not be

occupied by any other use within use Class E in The Town and Country Planning (Use Classes) Order 1987 (as amended), without written approval from the Local Planning Authority.

Reason

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

Consultations and Publicity

External Consultations

Crime Prevention Officer

Comments regarding previous enforcement notice served on property and alleged uses.

Clerk to Bridgtown Parish Council

- Queries in relation to previous enforcement notice served on the property.
- Query what services are being offered.
- Residents would be living next to a commercial enterprise.
- If this is the case to move the dwelling from C3 to E do Cannock Council intend to buck the plans put forward by the government to introduce more residential dwellings?
- Residents and neighbouring businesses are unhappy with the amount of men going in and out of the premises.
- Premises has been raided by police previously.
- Concerns regarding safety due to male customers lingering outside.
- Type of service should not be considered in residential area, especially where young children are walking to from school with their mothers.
- There is currently a massage parlour and planning is retrospectively for another massage parlour I find this extremely unbelievable that the applicants who have now applied for planning retrospectively are totally different applicants to the people that are using it for the massage parlor at the moment and are being monitored by planning enforcement.
- Query parking arrangements and staffing

Highway Authority

No objections.

Internal Consultations

Planning Policy

No objection.

CIL Officer

No response.

Environmental Health

No comment.

Economic Development

No objection.

Response to Publicity

The application has been advertised by site notice and neighbour letter. Three letters of representation have been received. The comments are summarised below:

- Object to the loss of C3 dwelling.
- Objections due to concerns regarding previous enforcement notice relating to other services being provided at the premises.
- Impact on children who may pass the premises.
- We feel businesses such as this have a negative impact on all the other businesses in our area.

1. Relevant Planning History & Background

- 1.1. An Enforcement Notice was served on 13th June 2024 in regard to 23/23a North Street in relation to the use of land for the sale of sexual services.
- 1.2. Following this, the new operator of the business applied for retrospective permission to use the existing first-floor flat for the use of a massage therapy space, associated with the existing ground floor use.
- 1.3. The enforcement notice which was served on the site is subject to ongoing investigation and monitoring by Planning Enforcement in liaison with Staffordshire Police.
- 1.4. This, however, is not a material planning consideration for the determination of this application and Members are asked to consider the use proposed within the application and no other alleged use.

2. Site and Surroundings

- 2.1. The application site comprises a terraced two storey property located in the urban area of Bridgtown. The existing uses are E on the ground-floor and C3 two-bedroom residential flat to the first floor. There is no off-street parking provision within the curtilage of the site. There are parking restrictions to the front of the site in the form of double yellow lines. North Street is a one-way road with access only allowed from the east.
- 2.2. The site is located within the Bridgtown local centre, which comprises predominantly of a mixture of E and B uses, with some C3 dwellings. The site is designated as Employment Area on the Local Plan, 2014.

- 2.3. The application site is located within North Street Conservation Area and considered to have a positive impact within the North Street Conservation Area Appraisal 2014, due to its historic shopfront.

3. Proposal

- 3.1. The applicant is seeking consent for the retrospective change of use of first floor from C3 to use E (e) provision of massage therapy space, in relation to existing ground floor use E(e).
- 3.2. There will be 2 members of staff and 2 customers on site at any given time. The proposed opening times would be 10:00hs - 22:00hrs, on any day.

4. Planning Policy

- 4.1. 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.
- 4.2. The Development Plan currently comprises the Cannock Chase Local Plan Part 1 (2014), and the Minerals Local Plan for Staffordshire (2015 – 2030).

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
- CP15: Historic Environment

4.3. **Relevant paragraphs within the NPPF:**

- 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, 135,136: Achieving Well-Designed Places
- 168: Climate change
- 196, 198-201: Ground conditions and pollution
- 202, 207-221: Historic Environment
- 231, 232: Implementation

- 4.4. 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
 - iv. Cannock Chase District Five Year Supply Position Statement 2024
 - v. North Street, Bridgtown Conservation Area Management Plan, 2014
 - vi. North Street, Bridgtown Conservation Area Appraisal, 2014
 - vii. 2023 Housing Delivery Test

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, including North Street Conservation Area
 - iii) Impact on residential amenity.
 - iv) Impact on highway safety.

5.2 Principle of the Development

5.2.1. Both 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 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

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 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, however it is located within North Street Conservation Area.

5.2.5. Policy CP11 of the Local Plan states:

‘Local, village or neighbourhood centres at Chadsmoor, Norton Canes, Heath Hayes, Bridgtown, Fernwood Drive and Brereton, will be protected and enhanced to provide small scale shops, services and community facilities for local residents.’

5.2.6. Paragraph 85 of the NPPF states:

‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity’

5.2.7. The North Street Conservation Area Management Plan 2014 states:

‘The existing mix of uses will be maintained with any compatible additional uses considered which would enhance the vitality and viability of the local centre.’

5.2.8. In this instance, the site is located within Bridgtown Local Centre, is a designated Employment Area and would expand a small, existing service within this area.

5.2.9. The proposal would result in a loss of a C3 two-bedroom flat. The Council can currently only demonstrate a 1.88-year housing land supply against the 5-year supply target, and this has consequences for the consideration of any planning applications for delivering housing. However, this does not have any direct impact on proposals for the loss of dwellings. The Council has a score of 191% in the 2023 Housing Delivery Test, meaning there is no specific action required to increase housing delivery or prevent losses. There is also no policy in the existing or emerging Local Plan which restricts the loss of dwellings.

5.2.10 Given the above, the proposal would be acceptable in principle, however proposals that are acceptable in principle are still subject to all other policy tests. This report will now go on to consider the proposal in the light of these policy tests.

5.3 Design and the Impact on the Character and Form of the Area, including North Street Conservation Area

5.3.1. In this instance, the proposal would not include any external alterations to the property, therefore would not have an adverse impact on the character and form of the area.

5.3.2. Notwithstanding the above, the site lies within the North Street Conservation Area. In this respect, it is noted that The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the local planning authority’s duties:

“section 72(i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on a local planning authority in the exercise, with respect to any buildings or other land in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area”.

- 5.3.3. It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework at para 208 sets out that the local planning authority should identify and assess the particular significance of any heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.
- 5.3.4. Paras 210-221 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.
- 5.3.5. In this instance, as there are no proposed external alterations, the proposed development would not have any adverse impact on the conservation area.
- 5.3.6. Therefore, having had regard to Policies CP3 & CP14 of the Local Plan, the appropriate sections of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposal would be well-related to existing buildings and their surroundings and would successfully integrate with existing features of amenity value such that it would be acceptable in respect to its impact on the character and form of the area. Including the conservation area.

5.4 Impact on Neighbouring Uses

- 5.4.1 The site is located within Bridgtown Local Centre and as such is surrounded predominantly by E and B uses, with some C3 uses within the wider area. The comments of neighbours in regard to the impact of the use on the neighbouring uses / occupiers are noted.
- 5.4.2 In this instance, the business can already operate from the ground-floor, which could facilitate one customer at a time. The proposal would increase the capacity to two customers at a time with two members of staff spread across the two floors of the property.
- 5.4.3 The existing first-floor use is a two-bedroom flat which would result in some degree of comings and goings and therefore, it is deemed unlikely that the increase in one additional customer and staff member at any given time would lead to significant levels of disturbance for neighbouring uses, especially given the nature of these uses, which themselves will include similar, if not more activity. For example, the neighbouring restaurants are likely to see frequent visits from customers collecting orders or spending time dining in the restaurant. The closing time for the proposed would be 10pm, which reflects the immediate neighbouring units.
- 5.4.4 The fallback position would be that the proposed use could continue to operate from the ground floor, which would mean the treatment room would be located on this floor, visible to passersby. The proposed incorporation of the first floor means

the waiting room would be located on the ground floor and treatment rooms would be located on the first floor, which would be considered a betterment.

5.4.5 Environmental Health were consulted on the application and raised no objections to the proposed use.

5.4.6 Given the above, the proposed is considered to accord with the requirements of Policy CP3 of the Cannock Chase Local Plan.

5.5 Impact on Highway Safety

5.5.1. 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. The parking standards for the existing 2-bedroom dwelling would be 2 spaces, which is not provided on site. In this instance whilst capacity would be increased by one staff member and one customer, the site is located within a Local Centre which benefits from nearby bus routes. Traffic Protection Orders are in place directly outside the site to prevent on street parking. There are public car parks available and existing on-street parking nearby which could be utilised.

5.5.3. The County Highway Authority has raised no objection to the proposal.

5.5.4. Given the above, in this instance, the proposed development would not result in an unacceptable impact on highway safety and as such would accord with the relevant paragraphs of the NPPF.

5.6 Other Issues Raised by Objectors not covered above

5.6.1 *Objectors raised queries and concerns in relation to the previous enforcement notice served on the property*

Officers confirm this would not be a material planning consideration for the determination of this application. The current application that has been submitted is for a specific massage therapy space to the first floor only and as such Members can only determine the application on that basis and not on an alleged previous use.

5.6.2 *Objectors raised concerns that residents would be living next to a commercial enterprise.*

Whilst there are residential dwellings located nearby, the site is located within Bridgtown Local Centre and is designated as an Employment area. Therefore the use of a small scale E use is commonplace and appropriate within this area. There are much larger scale businesses located closer to residential properties within this area. The proposed use of the first floor massage therapy space would, by its very nature, be a quiet use and Environmental Health Officers have not raised any concern in this regard.

5.6.3 *Objectors expressed that residents and neighbouring businesses are unhappy with the amount of men going in and out of the premises.*

Officers confirm the amount of male customers visiting the property would not be a material planning consideration for this application.

5.6.4 *Objectors state that the premises has been raided by police previously.*

Officers confirm this would not be a material planning consideration for the determination of this application.

5.6.5 *Objectors have concerns regarding safety due to male customers lingering outside.*

Officers confirm this would not be a material planning consideration for the determination of this application.

5.6.6 *Objectors state that this type of service should not be considered in residential area, especially where young children are walking to from school with their mothers.*

The area is considered as a Local Centre, and employment area, as such small scale E uses are appropriate for this area. Notwithstanding, the application applies to the first floor only, which is not overtly visible to passersby. If permission were to be refused, the proposed use could still operate from the ground floor, meaning the treatment room would be more visible to the public.

5.6.7 *Objectors state that ‘There is currently a massage parlour and planning is retrospectively for another massage parlour I find this extremely unbelievable that the applicants who have now applied for planning retrospectively are totally different applicants to the people that are using it for the massage parlor at the moment and have are being monitored by planning enforcement’*

Your Officers confirm that this application is not for a separate massage therapy space, this application is to incorporate the first-floor into the existing use taking place on the ground floor.

5.6.8 *Objectors feel businesses such as this have a negative impact on all the other businesses in our area.*

Your Officers confirm that in terms of planning policies, the use of the first floor of the application building for a massage therapy space is deemed appropriate for its location within a defined Local Centre area.

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| 6 Human Rights Act 1998 and Equality Act 2010 |
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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.