

Please ask for: Mrs. W. Rowe

Extension No: 4584

E-Mail: wendyrowe@cannockchasedc.gov.uk

14 July 2026

Dear Councillor,

Planning Control Committee

3:00pm, Wednesday 22 July 2026

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)	
Fitzgerald, A. (Vice-Chair)	
Cecil, D.	Mawle, D.
Deakin, S.	Millington, G.
Freeman, M.	Parkes, J.
Gaye, D.	Prestwood, J.
Jones, V.	Sheppard, M.
Lyons, N.	

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 24 June 2026 (enclosed).

5. Report of the Development and Policy Manager

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

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

Application Number	Application Location and Description	Item Number
CH/26/165	Tower Garage, Brindley Road, Pye Green, WS12 4LL: Variation of condition no.4 (Opening Hours) of planning consent CH/25/0175 to allow 24hr opening of petrol filling station.	5.1 - 5.11

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

Held on Wednesday 24 June 2026 at 3:00pm
in the Council Chamber, Civic Centre, Cannock

Part 1

Present:
Councillors

Fisher, P. (Chair)
Fitzgerald, A. (Vice-Chair)
Cecil, D. Mawle, D.
Deakin, S. Millington, G.
Freeman, M. Parkes, J.
Gaye, D. Prestwood, J.
Lyons, N. Thompson, S. (substitute)

1. Apologies

Apologies for absence were received from Councillors V. Jones and M. Sheppard.
Notification had been received that Councillor S. Thompson would act as substitute for Councillor V. Jones.

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

Member	Interest	Type
Gaye, D.	Application CH/26/108, Sheepwash Row, Slitting Mill Road, Slitting Mill, Rugeley, WS15 2UX <i>Member knows the applicant due to his previous role as a District Councillor</i>	Personal
Mawle, D.	Application CH/26/108, Sheepwash Row, Slitting Mill Road, Slitting Mill, Rugeley, WS15 2UX <i>Member knows the applicant due to his previous role as a District Councillor</i>	Personal

3. Disclosure of Details of Lobbying by Members

Councillors A. Fitzgerald, P. Fisher and M. Freeman declared that they had been lobbied in respect of Application CH/26/108, Sheepwash Row, Slitting Mill Road, Slitting Mill, Rugeley, WS15 2UX.

4. Minutes

Resolved:

That the Minutes of the meeting held 29 April 2026 be approved as a correct record.

5. Planning Application CH/26/108, Sheepwash Row, Slitting Mill Road, Slitting Mill, Rugeley, WS15 2UX – Erection of a detached 3 bed dwelling

Following a site visit consideration was given to the report of the Development and Policy Manager (Item 5.1 - 5.16) *(presented by the Planning Officer)*.

The Planning Officer provided a presentation to the Committee outlining the application showing photographs and plans of the proposals. She then provided the following update that had been circulated to members in advance of the meeting:

“Since the compilation of the Officer’s report for Planning Control Committee, the applicant has submitted a further supporting document to the Council, which sets out a series of photographs with brief commentary. The applicant considers that the photographs are evidence to justify the erection of a new dwelling at the site and are as follows:

- Several photographs refer to new residential developments in the nearby area, such as Brindley Heath Road and Rawnsley Road, Hednesford and Hazel Moor, Slitting Mill Road which lies adjacent to the application site. Several of the properties referenced appear to be constructed in the mid-late 20th century, and so would likely have been permitted under now outdated planning legislation. Notwithstanding, each application is determined on its own merit, and previous planning consent does not set a precedent for decisions.
- Similarly, a location plan provided refers to planning consent for a bungalow at the site in 1970. Whilst noted, this is over fifty years ago and was assessed against relevant planning legislation at the time.
- A photograph refers to unauthorised parking close to the site.
- A photograph shows an adder on site.
- A photograph shows two people sitting within the site.
- A photograph shows litter at the site.

The above referenced images have been reviewed by Officers and do not provide sufficient justification for the erection of a new dwelling at the application site. As such, the recommendation set out within the Officer’s report is relevant and Officers do not wish to present any new material considerations in light of the above submission”.

Prior to consideration of the application representations were made by John Reynolds, the Applicant’s Agent and Alan Pearson, the Applicant, who both spoke in support of the application.

Resolved:

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

6. Tree Preservation Order No. 2025/08, Land adjacent to 1 Midhurst Drive and 2 Chancery Drive, Hednesford

Members noted that the application had been withdrawn from the agenda.

The meeting closed at 3.31pm.

Chair

Application No: CH/26/165

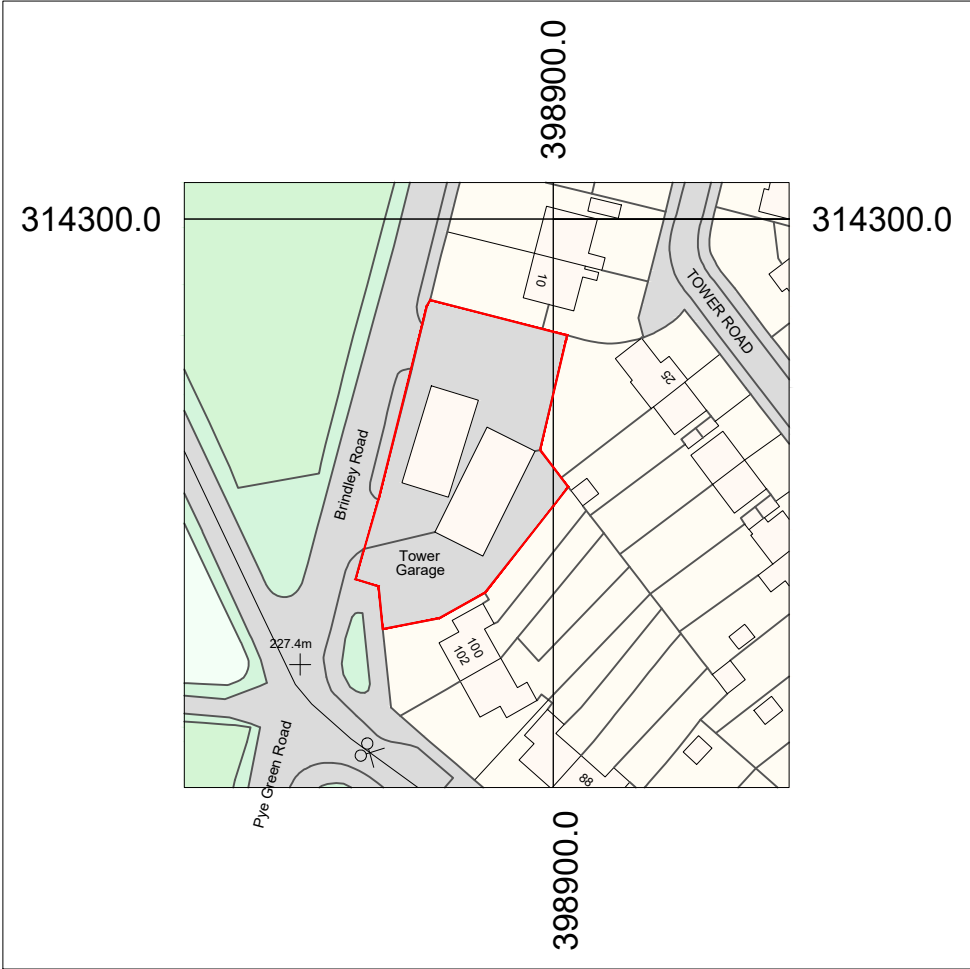
Item No. 5.1

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

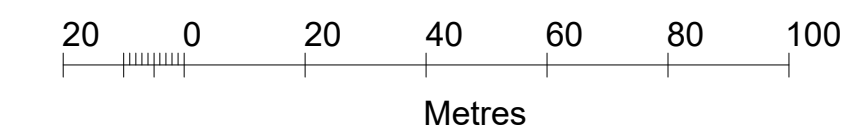
Proposal: Variation of condition no. 4 (Opening Hours) of planning consent CH/25/0175 to allow 24hr opening of petrol filling station



Site Location Plan



Stanfords Planning Map Data



Production Date: 04 October 2024

Top Left: 398839 314306 Bottom Right: 398939 314206

© Crown copyright and database rights 2024 Ordnance Survey OS100035409.

Reproduction in whole or in part is prohibited without the permission of Ordnance Sur

Tower Garage Service Station Ltd	Tower Garage Brindley Road, Cannock	OS Map	2645.P.305	1:1250	SW	WALKER DESIGN Office G22, Bolton Arena, Arena Approach, Horwich, Bolton, BL6 6LB Tel: 01204357822 Email: info@walker-design.net
Client	Project	Title	Drawing No.	Scale@A3	Drawn	

Contact Officer:	Helen Sherratt
Telephone No:	01543 462 528

Planning Control Committee 22 July 2026
--

Application No:	CH/26/165
Received:	9 June 2026
Location:	Tower Garage, Brindley Road, Pye Green, Cannock, WS12 4LL
Ward:	Hednesford Pye Green
Parish:	Hednesford
Description:	Variation of condition no. 4 (Opening Hours) of planning consent CH/25/0175 to allow 24hr opening of petrol filling station
Application Type:	Full Planning Application <i>Section 73 - Variation of Condition</i>

Reason for Committee decision

This application has been reported to Planning Control Committee due to an objection being received from Hednesford Town Council and a call-in request from Cllr Mawle due to issues relating to noise and disturbance of nearby residents.

Recommendation:

It is recommended that the planning application is approved, subject to planning conditions as detailed below.

Conditions (and Reasons for Conditions):

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

Reason:

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

- The car parking, access, servicing, and circulation areas shall be retained in accordance with drawing number 2645.P303 for the lifetime of the development.

Reason:

In the interest of highway safety.

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

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

Reason:

To mitigate potential adverse impacts from noise on residential amenity.

4. The premises shall be permitted to operate 24 hours a day, 7 days a week, including Bank Holidays.

Reason:

For the avoidance of doubt and to set out the operation hours of the premises.

5. Prior to the commencement of the operating hours set out in condition 4, details of illumination between the hours of 22:00hrs and 08:00hrs within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in full with immediate effect and retained in perpetuity.

Reason:

To safeguard the amenity of neighbouring occupiers, in accordance with Policy S02.2 the Cannock Chase Local Plan 2018 and the National Planning Policy Framework.

Notes to the Developer

- The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website.
- Operators of petrol filling stations should take appropriate measures to manage their sites to ensure they do not cause an unacceptable risk to groundwater quality. The Environment Agency has powers to take action where groundwater pollution occurs or is likely to occur. If pollution was to occur, Section 161, Water Resources Act 1991 empowers us to recover all costs reasonably incurred in: - carrying out works, operations, or investigations to prevent pollution of surface waters or groundwater; - undertaking remedial action following a pollution of surface waters or groundwater.

Should we be required to undertake such work we would be able to recover these from the company or person responsible. Where we consider that other forms of control or voluntary action do not give sufficient protection to groundwater, we will serve EPR groundwater activity notices to avoid or restrict inputs of pollutants to groundwater including from, for example, underground storage and distribution facilities.

Consultations and Publicity

Statutory

Hednesford Town Council – Objection. Concerns over the proposed 24-hour opening resulting in noise and disruption to residents.

Staffordshire County Council Highways – No objection.

Non-Statutory

Economic Development – No comments received.

Environmental Health – No objection.

Crime Prevention Officer - No objection.

Response to Publicity

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

2no letters of objection has been received and are summarised as follows:

Material

- Strong objection, due to 24 hours a day operation previously tried at the site, and it became a living nightmare. Cars come into the garage with radios playing, car doors banging and the grids in the floor banging as the cars drive over them and people talking loudly.
- Lighting from the garage causes light pollution into neighbouring properties at night and frightens wildlife away.

Non-Material

- Very rarely do cars go past the garage at night.

Relevant Planning History

Live planning applications that, at the time of writing, are awaiting a decision:

CH/26/143 - Proposed fuel tank installation with 1No additional pump island.

CH/26/164 - Installation of 2no. jet wash bays to existing petrol filling station forecourt.

Determined planning applications:

CH/25/0175

Retrospective Change of Use from car repair garage to Sui Generis (Petrol Station), installation of 50,000 litre tank and new shop front. Approved 13th November 2025.

CH/25/0051

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

CH/24/290

Proposed raise of canopy to existing petrol forecourt. Approved 13th December 2024.

1 Site and Surroundings

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

2 Proposal

- 2.1 The proposed variation relates to condition no. 4 (Opening Hours) of planning consent CH/25/0175, which seeks 24 hours a day, 7 days a week operation.

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 District Local Plan (2026) and the Minerals Local Plan for Staffordshire (2015 – 2030).
- 3.3 Cannock Chase District Local Plan
 - Policy SO1.2: Enhancing the Quality of the Built Environment
 - POLICY SO2.2: Safeguarding health and amenity.

Minerals Local Plan for Staffordshire

Relevant Policies within the Minerals Plan Include:

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

National Planning Policy Framework

- 3.4 The NPPF (2024) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social, and environmental terms, and it states that there should be "presumption in favour of sustainable development" and sets out what this means for decision taking.

- 3.5 The NPPF (2024) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.6 Relevant paragraphs within the NPPF include paragraphs: -
- 8: Three dimensions of Sustainable Development
 - 11-14: The Presumption in favour of Sustainable Development
 - 48-51: Determining Applications
 - 85-87: Building a strong, competitive economy
 - 115-118: Considering Development Proposals
 - 131-141: Achieving Well-Designed Places
 - 231-243: Implementation
- 3.7 Other relevant documents include: -
- (i) Design Supplementary Planning Document, April 2016.
 - (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
 - (iii) Manual for Streets.

4 Determining Issues

- 4.1 When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. However, new issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are not fundamental or substantial, but still material in nature, a developer may seek to obtain approval for the changes through the provision of Section 73 of the 1990 Town and Country Planning Act.
- 4.2 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a Section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied (Paragraph: 013 Reference ID: 17a-013-20140306 of the Planning Practice Guidance).
- 4.3 Section 73(2) of the 1990 Act states:
- On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—
- a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
 - b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

- 4.4 The determining issues for the proposal are whether the proposed variations to conditions would be acceptable in respect of their impact on:
- i) The principle of the development
 - ii) Residential Amenity
 - iii) Highway Matters
 - iv) Other Matters
 - v) The Weighing Exercise

i) Principle of Development

- 4.5 The principle of the development has already been established under the previous planning permission reference CH/25/0175. This sought retrospective planning consent for a change of use from car repair garage to Sui Generis (Petrol Station), the installation of a 50,000-litre underground fuel tank and new shop front.
- 4.6 Since the grant of planning permission, the Cannock Chase Local Plan (2026) has been adopted. However, there have been no material changes in planning policy, site circumstances, or other material considerations that would justify reaching a different conclusion on the acceptability of the development in principle. The proposal continues to accord with the aims of Policies SO1.2 and SO2.2 of the adopted Local Plan. Furthermore, the extant planning permission represents a material fallback position which could be implemented, subject to compliance with the relevant planning conditions.

ii) Residential Amenity

- 4.7 The nearest neighbours to the application site adjoin it to the north at no. 10 Brindley Road and no. 25 Tower Road and no. 104 Broadhurst Green, which rear gardens back onto the application site. Neighbour objections have been received, raising concerns in respect of noise and disturbance, if the premises is in operation 24 hours a day, 7 days a week. The Planning Enforcement team has confirmed that four complaints were received in relation to the site operating outside of opening hours permitted under consent CH/25/0175 (08:00 to 22:00), notwithstanding, the applicant is seeking to formalise the opening hours within this planning application.
- 4.8 Neighbour objections raise concerns in relation to lighting pollution. Under the current consent ref CH/25/0175, lighting details have been approved by way of planning condition during the current operating hours. The applicant has confirmed that between the hours of 22:00 and 08:00, lighting across the site will be dimmed. A planning condition has been imposed to secure these details, prior to the commencement of the new operating hours. Subject to this, Officers are satisfied that appropriate mitigation can be secured to ensure that light pollution does not have a detrimental impact upon the amenity of neighbouring occupiers.
- 4.9 Neighbour objections also raise concerns in relation to the impact on local wildlife; however, these are not relevant considerations under the current planning application as only the alteration of the operating hours is being considered.

- 4.10 The applicant has submitted a Noise Impact Assessment in support of the application. The assessment focused on the impact of typical noise originating from the proposed operational hours of the site and its impact on sensitive nearby receptors, such as residential properties. The assessment found that the predicted day and night-time noise levels are below the background sound level, at the closest noise sensitive receptors. These results indicate no adverse noise impact.
- 4.11 Neighbour concerns in relation to increased vehicle activity are also noted and the assessment also included a review of associated vehicle traffic anticipated as part of the development. The noise impact of proposed traffic in the short term was found to be negligible. The Council's Environmental Health Officer has reviewed the assessment and agrees with its findings, confirming that they have no objection to the development proposal. The Highways Officer has also confirmed that they have no objection to the proposal in this regard. This carries significant weight in the assessment of the impact on neighbouring residential amenity.
- 4.12 Neighbour concerns in relation to increased activity and anti-social behaviour are noted. The Crime Prevention Officer has confirmed that they have no objections to the proposal. Concerns relating to vehicle doors slamming, loud music and similar behaviour are acknowledged. However, such matters are generally associated with the actions of individual site users rather than the planning merits of the development itself. The applicant's agent has confirmed that the premises would be staffed on a 24-hour basis, which may assist in discouraging and managing incidents of anti-social behaviour. Furthermore, anti-social behaviour is primarily controlled through separate legislative powers available to the Police and other relevant authorities, rather than through the planning system. Accordingly, limited weight is afforded to these concerns in the determination of the application.
- 4.13 In light of the above, the scheme would continue to meet the requirements of the NPPF and Policy SO2.2 of the Cannock Chase District Local Plan and the NPPF.

iii) Highway Matters

- 4.14 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.
- 4.15 The scheme would not alter the approved access arrangements or parking provision. Whilst the increase in operating hours would result in vehicle movements occurring during the period when the premises is currently closed (22:00–08:00), the level of activity during the night-time and early morning periods is anticipated to be significantly lower than during daytime hours. As such, it is not considered that the additional vehicle movements associated with the proposed extended operating hours would result in an unacceptable impact on highway safety or a severe impact on the surrounding highway network.
- 4.16 Staffordshire County Council, as Highway Authority, have been consulted on the proposals and have no adverse comments to make and do not require any planning conditions to be imposed.

- 4.17 Given the above it is concluded that the proposal would not lead to unacceptable impacts on highway safety and that the residual cumulative impacts on the road network would not be severe. As such the proposal would accord with Paragraph 116 of NPPF.

iv) Other Matters

Gates

- 4.18 The previous planning consent reference CH/25/0175 imposed a condition requiring the following:

Within one month of the grant of planning permission, details of access gates and/or bollards shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in full, with the access gates and/or bollards to be in operation between the hours of 11pm and 6am. The gates / bollards shall be implemented in within 28 days as approved and thereafter retained in perpetuity.

- 4.19 The condition was imposed to ensure that vehicles would not be entering the site during non-operating hours and to safeguard the amenity of neighbouring occupiers. However, given that the current scheme proposes 24-hour operation, the purpose of this condition would no longer be relevant. Consequently, the condition would fail the tests for planning conditions set out in paragraph 58 of the NPPF, specifically that conditions must be necessary and relevant to the development permitted. Accordingly, the condition has not been re-imposed as part of this permission.

v) The Weighing Exercise

- 4.20 Your Officers confirm that the proposal would support an existing commercial enterprise within the District, generating employment opportunities and economic benefits. As such, modest weight is attached to this matter.
- 4.21 Subject to the proposed planning conditions, the development would not result in an unacceptable impact on neighbouring occupiers in respect of noise and light disturbance. Furthermore, the Council's Environmental Health Officer has raised no objection to the proposal. Great weight is therefore afforded to this matter in the planning balance.
- 4.22 Notwithstanding the above, it is acknowledged that instances of antisocial behaviour and noise have been reported in relation to the site. It has been set out that antisocial behaviour should be addressed through alternative legislative mechanisms outside the planning system, such as those available to the Police and other relevant authorities. Whilst the reported incidents are acknowledged, limited weight is attached to these concerns, as they relate primarily to the behaviour of individual site users rather than the planning merits of the development.
- 4.23 Your Officers confirm that there are no objections from the Highway Authority and, accordingly, great weight is afforded to this matter in the planning balance.

- 4.24 Given the above, the identified economic benefits of the proposal, together with the absence of objections from the Highway Authority, Environmental Health Officer and Crime Prevention Officer, are considered to outweigh the limited harm identified. Having regard to all material considerations, the proposal is considered acceptable and should be determined in accordance with the Development Plan.

5 Human Rights Act 1998 and Equality Act 2010

5.1 Human Rights Act 1998

The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to 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.

5.2 Equality Act 2010

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

- 5.3 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

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

- 5.5 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 Having regard to the Development Plan, the submitted technical evidence, consultation responses and all other material considerations, officers conclude that the proposed variation of condition would not result in unacceptable harm to residential amenity, highway safety, or any other acknowledged planning interest.
- 6.2 It is therefore recommended that the application be approved subject to the attached conditions for the above reasons.