

Please ask for: Mrs. W. Rowe

Extension No: 4584

E-Mail: wendyrowe@cannockchasedc.gov.uk

8 September 2026

Dear Councillor,

Planning Control Committee

3:00pm, Wednesday 16 September 2026

Council Chamber, Civic Centre, Cannock

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda. The meeting will commence at 3.00pm.

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 22 July 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 22 July 2026 at 3:00pm
in the Council Chamber, Civic Centre, Cannock

Part 1

Present:
Councillors

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

7. Apologies

An apology for absence had been received from Councillor D. Mawle.

Notification had been received that Councillor J. Elson would act as his substitute. However, Councillor Elson was not in attendance at the meeting.

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

None declared.

9. Disclosure of Details of Lobbying by Members

Councillor P. Fisher declared he had been lobbied in respect of application 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.

10. Minutes

Resolved:

That the Minutes of the meeting held 24 June 2026 be approved as a correct record.

11. Planning Application 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

Consideration was given to the report of the Development and Policy Manager (Item 5.1 - 5.11) *(presented by the Senior Planning Officer)*

The Senior Planning Officer advised that three updates had been provided to members in advance of the meeting. The first update was as follows:

“Since the compilation of the Officer’s report for Planning Control Committee, the application has been reviewed by the Principal Environmental Health Officer. Following this review, the Environmental Health Team has withdrawn its previous consultation response, which raised no objection to the proposal, and now objects to the development.

The revised consultation response advises that insufficient information has been submitted to enable a robust assessment of the noise impacts associated with the proposed 24-hour operation of the petrol filling station. In particular, the Environmental Health Officer considers that the submitted information does not adequately assess the potential impact of vehicle movements, customer activity and other operational noise associated with overnight trading on nearby residential properties.

As a consequence, the Environmental Health Officer is unable to conclude that the proposed extended opening hours would not result in unacceptable impacts on the living conditions of neighbouring residential occupiers.

In light of this, the Planning Officer recommendation has been amended to a refusal for the following reason:

Insufficient information has been submitted to demonstrate that the proposed variation of condition to permit the operation of the petrol filling station on a 24-hour basis would not result in unacceptable noise and disturbance impacts on neighbouring residential occupiers. In particular, insufficient evidence has been provided to enable a robust assessment of noise arising from vehicle movements, customer activity, and general site operations during night-time hours.

In the absence of a satisfactory assessment, the Local Planning Authority cannot be satisfied that the amenities and quiet enjoyment of nearby residential occupiers would be adequately safeguarded. The proposal therefore fails to demonstrate compliance with Policy SO2.2 of the Cannock Chase District Local Plan and the National Planning Policy Framework (2024).

Officer recommendation:

That the application be refused for the following reason:

Insufficient information has been submitted to demonstrate that the proposed variation of condition to permit the operation of the petrol filling station on a 24-hour basis would not result in unacceptable noise and disturbance impacts on neighbouring residential occupiers. In particular, insufficient evidence has been provided to enable a robust assessment of noise arising from vehicle movements, customer activity, and general site operations during night-time hours.

In the absence of a satisfactory assessment, the Local Planning Authority cannot be satisfied that the amenities and quiet enjoyment of nearby residential occupiers would be adequately safeguarded. The proposal therefore fails to demonstrate compliance with Policy SO2.2 of the Cannock Chase District Local Plan and the National Planning Policy Framework (2024)”.

She then advised that a further update had been circulated to members this morning which replaced the update above. She read out the update, as follows:

“Since the publication of the Officer update (provided 21st July), the applicant has requested that the application be deferred to allow further work to be undertaken in order to address concerns raised by Environmental Health.

A revised consultation response from Environmental Health, received following the publishing of the committee agenda, has advised that insufficient information has been submitted to enable a robust assessment of the noise impacts associated with the proposed 24-hour operation of the petrol filling station. In particular, concerns have been raised that the submitted information does not adequately assess the potential impact of vehicle movements, customer activity and other operational noise arising from overnight trading on nearby residential properties. Additional concerns have also been raised regarding the lack of detailed information relating to the proposed acoustic fencing; and the assessment of vehicle noise, which is considered not to reflect current traffic flows to and from the site.

As a result, Environmental Health Officers are unable to conclude that the proposed extension of opening hours would not result in an unacceptable impact on the living conditions of neighbouring residential occupiers and subsequently objected to the application, contrary to their initial consultation response of no objections.

In light of the revised consultation response, the Officer recommendation was amended from approval subject to conditions to full refusal.

Officers consider it reasonable to accept the applicant's request for a deferral to the next meeting of the Planning Control Committee on 19 August 2026, subject to member agreement, thereby providing the applicant with an opportunity to address the technical matters raised by Environmental Health.

However, should Members be minded to determine the application at this meeting, it should be noted that Environmental Health's position changed following publication of the agenda. Proceeding to determine the application without affording the applicant a reasonable opportunity to respond to these late technical concerns could be considered procedurally unreasonable.

Officer Recommendation:

Defer consideration of the application to the Planning Control Committee meeting scheduled for 19 August 2026”.

She advised that an additional update had also been circulated to members this morning. She read this out, as follows:

“Since the publication of the Officer Update (provided 22nd July), a representation has been received from the ward member of the adjacent ward. Officers have reviewed the comments, and Officers confirm that the comments do not raise any new material considerations that haven't already been addressed within the Officer's Planning Control Committee report.”

To clarify, the Planning Officer explained that due to the Environmental Health team's comments the applicant had requested that the application be deferred to enable the applicant an opportunity to address the technical matters raised by Environmental Health. Officers confirmed they were happy with this request, subject to Member approval.

A Member asked for clarification on the technical matters raised by Environmental Health. The Officer advised that the applicant had submitted a noise impact assessment and there were four technical matters the Environmental Health team were not happy with and these related to vehicle noise, noise from car doors, fuel deliveries, and customers.

The Chair then moved that the application be deferred to the next meeting of the Committee on 19 August 2026. This was seconded by Councillor M. Freeman.

The speakers were advised that they would have the opportunity to attend the next meeting to make their representations should the Committee agree to defer the application.

Resolved:

That the application be deferred to the next meeting on 19 August 2026 to enable the applicant an opportunity to address the technical matters raised by Environmental Health.

The meeting closed at 3:14pm.

Chair

Application No: CH/26/165

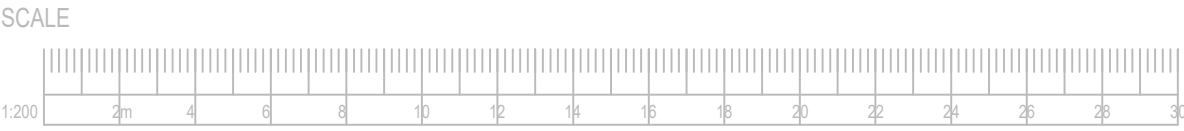
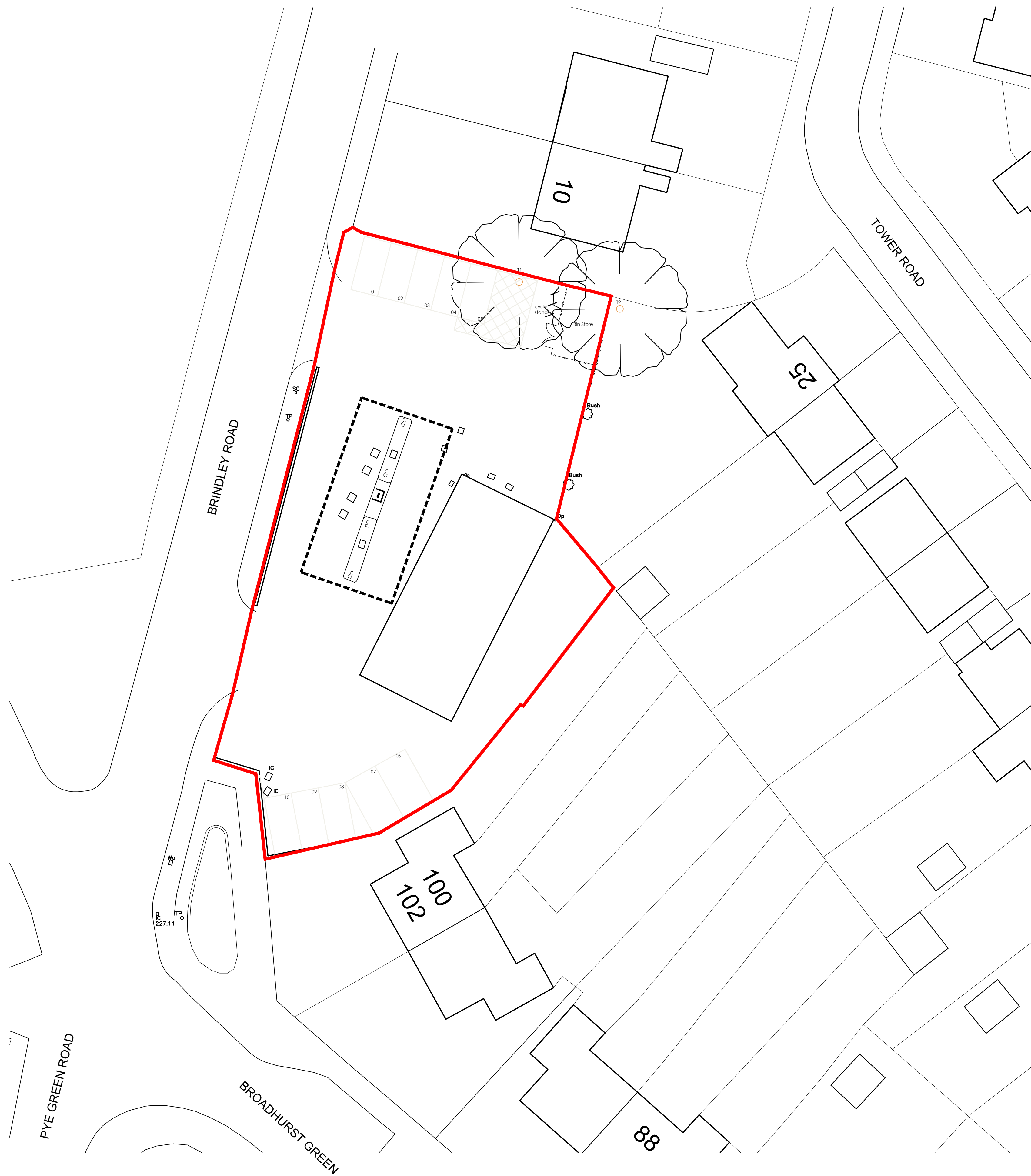
ITEM 5.1

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



Tower Garage Service Station Ltd

Client

Tower Service Station, Brindley Road, Pye Green
Cannock

Project

Proposed Site Plan

Title

2645.P.402

Drawing No.

1:200

Scale@A1

CMc

Drawn

WALKER DESIGN

Office G22, Bolton Arena,
Arena Approach, Horwich, Bolton, BL6 6LB
Tel: 01204357822
Email: info@walker-design.net



Planning Control Committee

16th September 2026

Application No:	CH/26/165
Received:	9 th 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 refused.

Reason for Recommendation:

1. The application has failed to provide sufficient information to enable the Planning Authority to adequately assess the likely noise and disturbance arising from the proposed 24-hour operation of the petrol station. In particular, insufficient information has been provided in relation to overnight customer activity, vehicle movements, vehicle door slamming, acoustic mitigation and associated noise impacts on nearby residential properties. Consequently, it has not been demonstrated that the scheme would safeguard the amenity of neighbouring occupiers. The proposal is therefore contrary to Policy SO2.2 of the Cannock Chase District Local Plan (2018-2040) and Policy P3, Section 2 b) (Page 80) of the National Planning Policy Framework (2026).

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 – Objection.

Crime Prevention Officer - No objection.

Response to Publicity

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

3no letters of objection have been received, including representation from the Cannock Chase MP Josh Newbury, 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.
- Concerns raised in relation to potential anti-social behaviour.
- Cumulative impact of vehicles accessing and leaving the site would cause a nuisance.
- Lighting from the garage causes light pollution into neighbouring properties at night and frightens wildlife away.
- Concerns raised in relation to delivery hours and associated disturbance.

Non-Material

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

Relevant Planning History

CH/26/143

Proposed fuel tank installation with 1No additional pump island. Refused 30th July 2026.

CH/26/164

Installation of 2no. jet wash bays to existing petrol filling station forecourt. Refused 21st July 2026.

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 adjacent to residential dwellings to the 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 (2018 - 2040) 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 (2026) 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 (2026) 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: -

- Paragraph 1) 17: Three Dimensions of Sustainable Development (Page 5)
- Policy S3: The Presumption in Favour of Sustainable Development (Page 24)
- Policy DM3: Determining Development Proposals (Page 19)
- Policy TR6: Highway Safety (Page 71)
- Policy P3: Living Conditions and Pollution (Page 79)
- Policy DP3, DP4: Key Principles for Well-Designed Places (Pages 66 and 67, respectively)
- Annex A: Implementation (Page 99)

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.

Accordingly, the Council's consideration is limited to the acceptability of the proposed variation to opening hours and its resulting impacts.

- 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) 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 (2018 - 2040) has been adopted (March 2026) and a new version of the NPPF has been published (August, 2026). 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, in principle, continues to accord with the aims of Policies SO1.2 and SO2.2 of the adopted Local Plan. Whilst the existing permission represents a material fallback position, the application seeks a materially different form of operation by introducing activity throughout the overnight period.

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. Whilst lighting details were previously approved under CH/25/0175, the Council's Environmental Health Officer is not satisfied that the information submitted demonstrates the acceptability of the lighting impacts associated with overnight operation.
- 4.9 Neighbour objections also raise concerns in relation to the impact on local wildlife; however, these carry limited weight in the determination of this Section 73 application as only the alteration of the operating hours is being considered.
- 4.10 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. 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. As such, limited weight is afforded to these concerns in the determination of the application.

- 4.11 The MP's concerns in relation to delivery hours are noted. Condition 3 of planning consent limits the collection of waste, fuel deliveries and any other delivery to the site from 08:00 to 18:00 to mitigate potential disturbance to neighbouring properties. Officers are aware of complaints from neighbouring occupiers that deliveries are taking place outside of this time frame, and this matter has been passed to the enforcement team to investigate. Limited weight is afforded to this concern in the determination of the application.
- 4.12 Concerns relating to vehicle doors slamming, loud music and similar behaviour are acknowledged. An objection was received from the Council's Environmental Health Officer on 17th July. Their objection set out that insufficient information had been submitted to enable a robust assessment of the noise impacts associated with the proposed 24-hour operation of the petrol filling station. Concerns were raised that the submitted information did not adequately assess the potential impact of vehicle movements, customer activity and other operational noise arising from overnight trading on nearby residential properties. Additional concerns were raised regarding the lack of detailed information relating to the proposed acoustic fencing; and the assessment of vehicle noise, which is considered not to reflect current traffic flows to and from the site.
- 4.13 The applicant submitted an addendum statement in order to address the above outstanding matters. The document has been reviewed by the Council's Environmental Health Officer. The Environmental Health Officer raises concerns relating to the absence of an assessment of vehicle door slamming during night-time hours, the absence of details relating to acoustic fencing, and confirms that insufficient information has been provided to adequately demonstrate a realistic level of vehicle noise at the site. As such, the Noise Impact Assessment and additional comments by Azymuth Acoustics do not provide a sufficient assessment of the potential noise impacts. The Council's Environmental Health Officer is not satisfied that the noise levels will be 'essentially indistinguishable' as claimed and inadequate information has been provided to the Council to allow Officers to undertake a robust assessment of the application in respect of noise and disturbance. Accordingly, great weight is afforded to this in the determination of the application.
- 4.14 In light of the above, the scheme has not been demonstrated to meet the requirements of Policy SO2.2 of the Cannock Chase District Local Plan and the NPPF 2026 (pages 79 & 80).

iii) Highway Matters

- 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, has been consulted on the proposals and have no objection to the proposal
- 4.17 No evidence has been provided by the Highway Authority to indicate that the extended operating hours would result in a severe residual cumulative impact on the highway network. As such the proposal would accord with Policy TR6 of the NPPF 2026 (Page 71).

iv) **The Weighing Exercise**

- 4.18 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.
- 4.19 However, it has not been adequately demonstrated that the development would not result in an unacceptable impact on neighbouring occupiers in respect of noise and light disturbance. The Council's Environmental Health Officer has raised an objection to the proposal and great weight is therefore afforded to this matter in the planning balance.
- 4.20 It is acknowledged that instances of antisocial behaviour 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.
- 4.21 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.
- 4.22 Given the above, the identified economic benefits of the proposal are considered to be outweighed by the potential harm identified to the amenity of neighbouring residential occupiers. Having regard to all material considerations, the proposal is not considered to be acceptable and is therefore recommended for refusal for the reason set out at the beginning of this report.

5 Human Rights Act 1998 and Equality Act 2010
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5.0 **Human Rights Act 1998**

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

5.1 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.

5.2 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

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

5.4 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 has failed to demonstrate that the proposed variation would not result in unacceptable harm to residential amenity.

6.2 It is therefore recommended that the application be refused.