

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
PLANNING CONTROL COMMITTEE
WEDNESDAY 25 NOVEMBER, 2015 AT 3.00 P.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PART 1

PRESENT:
Councillors

Cartwright, Mrs. S.M. (Chairman)

Dean, A.	Kraujalis, J.T.
Dudson, Ms. M.	Lea, C. (substituting for Burnett, G.)
Foley, D.	Pearson, A.
Freeman, Miss M.A.	Snape, P.A.
Gamble, B.	Sutherland, M.
Grocott, M.R.	
Hardman, B.	
Johnson, T. (substituting for Preece, J.)	

85. Apologies

Apologies for absence were received from Councillors G. Burnett and J. Preece (Vice-Chairman).

Notification had been received that Councillor T.B. Johnson would be in attendance as substitute for Councillor J. Preece and Councillor C. Lea would be in attendance as substitute for Councillor G. Burnett.

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

No further declarations were made in addition to those already confirmed by Members in the Register of Members Interests.

87. Disclosure of lobbying of Members

All Members declared that they had been lobbied in respect of Application CH//15/0048, Mill Green, Eastern Way, Cannock.

88. Minutes

RESOLVED:

That the Minutes of the meeting held on 11 November, 2015 be approved as a correct record and signed.

89. Members' Requests for Site Visits

RESOLVED:

That a site visit be undertaken in respect of Application CH/15/0423 - Proposed change of use from Post Office (A1) to Drug and Alcohol Support Service Clinic (D1) - Post Office, 11 Church Street, Cannock

Reason: To assess the impact of the development on the town centre environment.

- 90. Application CH/15/0048 - Mill Green, Eastern Way, Cannock – Hybrid planning application for a designer outlet village development comprising:- Full application for Phase 1 – comprising remodeling of existing landform of the site; erection of up to 23,758 sqm (GEA) of commercial units comprising a mix of uses at ground floor, including retail, restaurants/cafes and drinking establishments (classes A1, A3 and A4) and outdoor play areas and centre management suite and retail storage areas at first floor level; diversion of water courses and sewers and associated drainage works. Associated works include hard and soft landscaping, new vehicular and pedestrian access from A460/Eastern Way including underpass and formation of two pedestrian accesses to the adjoining Mill Green Nature Reserve and associated works to include formation of part of the Heritage Trail, and upgraded pedestrian and cycle route along Eastern Way, provision of temporary and permanent car and coach parking. Outline application for Phase 2 – comprising erection of up to 10,389 sqm (GEA) of commercial units comprising retail uses at ground floor (Class A1), erection of multi storey car park with associated access and hard/soft landscaping (all matters reserved expect access). Application accompanied by environmental statement. Application does not accord with the provisions of the Development Plan.**

Following a site visit consideration was given to the Report of the Development Control Manager (Item 6.1 – 6.145 of the Official Minutes of the Council).

Prior to consideration of the application the Development Control Manager provided the Committee with a brief presentation in respect of the site and surroundings, the proposal and the determining issues.

He then explained that an update on the Committee report had been circulated. Any amendments to the planning conditions contained in the report were explained and highlighted on the update. The update was as follows:-

- 1. Further representations received since planning agenda was**

issued.

a) Further objection letter from M&M Asset Management owners of The Forum shopping centre in Cannock town centre. This letter has also been circulated to all Members of Planning Control Committee and in summary:

- refers to previous representations made by M&M Asset Management objecting to the proposed development;
- advise that: i) the planning application does not meet the requirements of the NPPF sequential test because the applicant does not appear to have undertaken a comprehensive assessment of any such sites, given the suggested extent of the area of search. ii) the scheme is being promoted on the basis that it will differ from the existing town centre, i.e. higher end, upscale, high quality retailers selling goods at heavily discounted prices. M&M Asset Management are concerned that the applicant will introduce tenants into the scheme who would traditionally be represented in the town centre, if all 129 units cannot be occupied by its targeted tenants.
- requests that the planning application is refused due to the negative impact of the development on Cannock town centre, which would be contrary to the Cannock Chase Local Plan (Policy CP11) and the NPPF.

b) Objection from Lichfield Road resident – Summary of concerns raised:

- impact from increased traffic;
- noise impact
- impact on Nature Reserve
- impact on Cannock town centre.

c) Objection from Rumer Hill resident - Summary of concerns raised:

- Traffic and pollution impact on local roads
- Impact on Nature Reserve and loss of trees
- Impact on pond from new development
- Impact on Cannock town centre
- Impact of development on residents amenity.

d) Representation in support of proposal from local resident – Summary of reasons:

- proposal will boost local economy
- welcome additional job creation

e) Representation from local business - Summary of reason:

- in support of planning application (no further information provided).

2. Amendments to recommended planning conditions.

6. Prior to the occupation/use of any building, a Landscape Management Plan for the whole site shall be submitted to and approved by the Local Planning Authority. The plan shall stipulate the maintenance and future long term management of the proposed and existing landscape features including all vegetation within and overhanging the site and shall be grouped according to zones as follows:-

- **Buffer area to Mill Green & Hawks Green Valley Nature Reserve**
- **Buffer and protected area to eastern side of the site**
- **All remaining areas inc internal landscape, frontage areas, car parks & buffer areas etc**

Reason:-

In the interests of visual amenity of the area and to prevent any adverse impacts on Mill Green and Hawks Green Valley Nature Reserve in accordance with Local Plan Policies CP3, CP12, CP14, CP15 and the NPPF.

21. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Reason

In the interests of public safety and to ensure compliance with **the Environmental Protection Act 1990 Part 11a**. In accordance with Local Plan Policy CP3 and the NPPF.

22. Before occupation of any building, a verification plan shall be submitted to the Council to demonstrate that the works required under Condition **21** are complete and this should identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason

In the interests of proper planning

27. To be deleted as it duplicates condition requiring Construction and

Environmental Management Plan (CEMP).

33. No development shall take place until a programme of archaeological work has been undertaken in accordance with a written specification which has been submitted to and approved by the local planning authority in writing. This will include a programme for visits and inspections to observe the excavations and record finds and items of interest. The results of the archaeological work shall be submitted to the local planning authority.

Reason:

In order to ensure that the site, which has had limited archaeological investigation, is adequately investigated prior to development in accordance with Policy **CP15** of the Cannock Local Plan and the NPPF.

35. No occupation shall take place until a waste management strategy for the development has been submitted to and approved in writing by the Local Planning Authority. The strategy shall provide details (including accompanying layout and design plans) of the following:

- (a) responsible person (including contact details);
 - (b) description of the development (proposed buildings, site area, curtilage, future use, and occupancy);
 - (c) estimation of the type and quantity of wastes anticipated to be produced during occupation of the development;
 - (d) identification of appropriate neighbourhood waste management design features (internal and /or external) and facilities;
 - (e) how adequate space and access provisions for waste management features and facilities will be provided and maintained;
 - (f) neighbourhood waste management facility capacity;
 - (g) ***how the provision of facilities and design features complement and contribute towards existing waste management infrastructure network and sustainable waste management, and***
 - (ii) the provision made for ongoing facility management and maintenance, including the collection and use of recycled and composted materials.
- The development shall be carried out in accordance with the approved strategy.

Reason

In the interests of proper planning.

36. ***Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking and re-enacting that Order with or without modification) the development hereby approved*** shall be operated solely as a Designer Outlet Village in accordance with the following principles of outlet retailing i.e. the sale of discounted comparison goods where at least 90% of the floor space is used for the sale of previous season's stock, run-offs, over-runs, samples of branded goods, goods produced for subsequently cancelled orders, market testing lines, rejects, seconds, clearance goods, surplus stock and accessories priced at least 30% below the normal price at which similar types of merchandise are or have been offered for sale at their usual place of sale.

Reason:

Only this specific type of comparison goods retailing and no other form of retailing has been tested by appropriate impact analysis and found to comply with the requirements of paragraph 26 of the NPPF.

37. The following uses within Use Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking and re-enacting that Order with or without modification) are not permitted anywhere within the site:

- (a) as a post office,
- (b) for the sale of tickets or as a travel agency,
- (c) for hairdressing,
- (d) as an opticians or for eye, ear or other medical testing/procedures,
- (e) for the direction of funerals,
- (f) for the hiring out of domestic or personal goods or articles,
- (g) for the washing or cleaning of clothes or fabrics on the premises or for the reception of goods to be washed, cleaned or repaired,
- (h) **for the sale of any convenience goods including food, save for a retailer of exclusively confectionary (other than incidental goods),** household goods, pets or pet food, pharmaceuticals and health foods, unless such sales are ancillary and incidental to the main product ranges and comprise not more than 5% of the floor space of any individual unit.
- (i) for the sale of furniture, large white goods comprising refrigerators, freezers, dishwashers, washing machines/dryers, cookers, DIY items, carpets, gardening equipment,
- (j) for the sale of motor vehicles and bicycles,
- (k) for the sale of books, newspapers and greeting cards,
- (l) as a charity shop,
- (m) for the sale of computer games/consoles/CDs or DVDs,
- (n) for photographic processing,
- (o) for the sale of toys,
- (p) as a bank or other financial service other than provision of an ATM,
- (q) click and collect services from the site for the purpose of distributing full price items.**

Reason: None of the uses specified are considered to be appropriate for the Designer Outlet Village applied for and, if permitted, would have an unacceptable adverse impact.

38. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification)

- a) no mezzanine or other form of internal floor to create a first floor retail sales

area shall be constructed in any unit, and

b) the approved mezzanine floor space as shown in on drawing A-00-110 and A-00-115 shall not be used as retail floor space accessible to the public.

Reason

To safeguard the vitality and viability of town centres in accordance with Local Plan Policy CP11 and the NPPF.

39. ***To be deleted as it duplicates Condition 38***

40. ***Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification)*** the total A1 and A3 floor space hereby permitted under this permission shall not exceed 26,505 sq m and the net sales area for each use shall be:

A1 – 24,753 sq m

A3 – 1,752 sq m

Reason

To safeguard the vitality and viability of town centres in accordance with Local Plan Policy CP11 and the NPPF.

41. ***Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification)*** no A3 units shall be permitted to change to A1.

Reason:

To safeguard the vitality and viability of town centres in accordance with Local Plan Policy CP11 and the NPPF.

44. The development hereby permitted shall be carried out in accordance with the ~~***Schedule of approved drawings and documents***~~ following approved plans and documents:

Reason

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

50. ***Before any reserve matters application is submitted for Phase Two a car parking survey in respect of car parking associated with Phase One of the development, which shall identify number of visitors and parking requirements on a day to day basis (or otherwise agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority.***

Reason

In accordance with Local Plan Policy CP10.

3. Other Amendments.

a) Item No. 6.10 – Artists Impression: To be deleted as this is an incorrect drawing.

b) Item Nos. 6.28 / 6.29 – Para. 2.0 – Environment Agency: delete “(Condition x)”
Highways England: delete “(Condition x)”

RECOMMENDATION – As set out in report, subject to proposed amendments to conditions.

Following the update representations were made by the Mr. Wilkes, (local resident), Mr. Laurence Holmes (GVA – representing Walsall Metropolitan Borough Council, Wolverhampton City Council and Stafford Borough Council) and Ms. Andrea Arnall (Turleys – representing Gentings) who were objecting to the application.

Representations in favour of the application were then made by the Applicant, Mr. Giles Membrey (Rioja Developments), Mr. Steve Norris (Carter Jonas) Applicant’s representative and Mr. Neale McCracken (WYG) Applicant’s representative.

The Committee then adjourned for a 5 minute comfort break.

The Committee then reconvened and the Planning Projects Officer clarified some of the issues raised by the speakers.

Members were then invited to ask questions of the representative from Staffordshire County Council (Highways).

RESOLVED:

That the application be approved subject to:-

- (A) The applicant being requested to enter into a Legal Agreement pursuant to Section 111 of the Local Government Act 1972, which will require the applicant to complete an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) upon completion of the purchase of the application site to secure the Section 106 obligations as set out under Appendix A of the report;
- (B) The conditions contained in the report for the reasons outlined therein subject to the amendments to these conditions as outlined in the update circulated (the final detailed wording to be delegated to the Head of Economic Development in conjunction with the Chair of Planning Control Committee, and;
- (C) The referral of the application to the Secretary of State as the application is for more than 5,000 sq m of floor space, includes town centre uses and is not in accordance with all provisions of the development plan.

The meeting closed at 5.00pm.

CHAIRMAN