

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

Held on Wednesday 26 January 2022 at 3:00 pm
in the Council Chamber, Civic Centre, Cannock

Part 1

Present:

Councillors

Muckley, A. (Vice-Chairman - in the Chair)

Allen, F.W.C.	Molineux, G.N. (substitute)
Beach, A.	Smith, C.D.
Cartwright, Mrs. S.M.	Sutton, Mrs. H.M.
Fitzgerald, Mrs. A.A.	Thompson, Mrs. S.L.
Hoare, M.W.A.	Wilson, Mrs. L.J.
Jones, Mrs. V.	Witton, P.T.
Kruskonjic. P.	

80. Apologies

Apologies for absence were received from Councillors P.D. Startin (Chairman), P.A. Fisher and Mrs. V. Jones.

Notification had been received that Councillor Molineux would attend as substitute for Councillor Fisher.

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

None declared.

82. Disclosure of details of lobbying by Members

Councillor Kruskonjic declared that he had been lobbied in respect of application CH/21/0293, 8-10 Coppice Road, Rugeley, WS15 1LN - Change of use of Caretakers room at rear to residential unit (retrospective)

83. Minutes

Resolved:

That the Minutes of the meeting held on 5 January 2022 be approved as a correct record.

84. Members requests for Site Visits

A site visit was requested in respect of Application CH/21/0476, Land off Girton Road, Cannock, WS11 0ED - Erection of two apartment buildings to accommodate 24 no. apartments and associated development, including access, parking and landscaping.

Resolved:

That a site visit be undertaken in respect of Application CH/21/0476.

Reason:

To assess the suitability of the development in terms of traffic, road structure and size of the proposed properties.

85. Application CH/21/0231 - Units 8 & 9 Orbital Retail Park, Voyager Drive, Cannock, WS11 8XP - External alterations to elevations associated with the amalgamation of Units 8 & 9 to accommodate a food store, relaxation of the range of goods currently restricted under Planning Permissions CH/97/0377 and CH/10/0454, to allow the sale of food and drink, other associated works

Consideration was given to the report of the Development Control Manager (Item 6.1 – 6.50 of the Official Minutes of the Council).

The Development Control Manager outlined the following update that had been circulated in advance of the meeting:

“Following publication of the agenda a letter of representation has been received from Mr Neil Denison of Turley’s on behalf of Aldi. In summary the letter takes issue with the use of a condition aiming to restrict the number of product lines that can be sold at any one time from the supermarket. It is claimed that such a condition would fail the tests of need, reasonableness, and enforceability.

This condition was recommended to be placed on any permission granted by AlderKing who are acting as retail advisers to the Council. The condition was recommended on the basis that Aldi operate as ‘Limited Assortment Discounter’ and it was on this basis that the applicant submitted the Retail Impact Assessment (RIA) and how that RIA was subsequently appraised by AlderKing.

Given that this material issue has been raised by Turley’s, Officers will need to allow AlderKing the opportunity to advise. As such it is recommended that the application be deferred to allow Officers to investigate whether the condition meets the tests for conditions set out in para 56 of the NPPF.

Extract of Letter of Representation from Neil Denison of Turley’s, dated 24/01/2022

We have been made aware of the discussions between Montague Evans and the LPA regarding proposed conditions on a development at Orbital Retail Park under application ref CH/21/0231. That application involves an amendment to conditions to allow convenience goods to be sold from Units 8/9, the purpose of which is to enable Aldi to occupy those units. We note that Alder King (AK) carried out an audit of the Retail Impact assessment submitted with that application. AK concluded that the proposal would not

result in a significant adverse impact on any designated centre, but nevertheless advised that planning permission should be subject to a number of planning conditions, one of which would seek to impose restrictions on the number of product lines that can be sold from the retail unit.

We note that the LPA have accepted that recommendation and propose the following condition in the Officer Report to Planning Committee:

“Limited Assortment Discounter

7. The development hereby approved shall only be used as a Class E(a) retail food store and shall be restricted to ‘limited product line deep discount retailing’ and shall be used for no other purpose falling within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting or amending that order with or without modification). ‘Limited product line deep discount retailing’ shall be taken to mean the sale of no more than 2,500 individual product lines.”

While the proposed development at Orbital Retail Park is developer led, so that it will be ultimately out of Aldi’s hands whether or not that condition is imposed (subject to planning permission being granted) and accepted, we write on behalf of Aldi stores Ltd to place on record their deep concern about the appropriateness of such a condition and their opposition to it being imposed on the basis that it fails to meet certain ‘tests’ for conditions set out at para 56 of the NPPF, namely those relating to need, reasonableness and potentially, enforceability.

Aldi have made it clear to the applicant that this is an unacceptable condition, and it has been agreed that the applicant will seek to remove the Condition via a S73 application should planning permission be granted as per the recommendation in the Officer’s Report.

Resolved:

That the application be deferred to allow Officers to investigate whether the condition meets the tests for conditions set out in para 56 of the NPPF.

86. Application CH/21/0293 - 8-10 Coppice Road, Rugeley, WS15 1LN - Change of use of Caretakers room at rear to residential unit (retrospective)

Consideration was given to the report of the Development Control Manager (Item 6.51 – 6.67 of the Official Minutes of the Council).

The Development Control Manager outlined the following update that had been circulated in advance of the meeting:

“Following compilation of the report for the Committee agenda, Officers have received an email from Cllr Martin asking for an email to be read out to Members or circulated on her behalf as she is now unable to attend the meeting.

The email reads as follows: -

“I first reported this change of use from storage to multi occupancy in July 2020. The enforcement officer did not visit until, I think, April 2021. The alterations had then been

completed. There is a perfectly good flat above the premises, where all previous managers have lived with their families. Why is extra accommodation needed for a 'caretaker' & where are goods being stored now?

If I had not notified the planning department about this change of use an application would never have been submitted.

I am asking Councillors to refuse retrospective permission for this application"

Your Officers confirm that the application does seek retrospective consent as a consequence of investigations carried out by the Enforcement Officer. Your Officers also confirm that applications are determined based on the material considerations of the individual application and the fact the application is retrospective is not a material planning consideration. The system allows developers to seek to regularise the situation should it transpire that a development requires the express consent of the local planning authority.

In respect to the other points raised, your Officers confirm that there is still a first floor flat at the premises and the 'extra accommodation' is for residential purposes, not necessarily for a caretaker.

Your Officers would also draw your attention to the plans which demonstrate that there is still room retained to the rear of the retail unit for storage".

The Development Control Manager then provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

In response to some concern raised by Members the Development Control Manager confirmed that Officers could bring the development to the attention of Building Control Officers so that they could assess whether it was compliant with building control regulations.

Resolved:

- (A) That the applicant be requested to enter into an Agreement under Section 106 of the Town and Country Planning Act, 1990 to secure a financial contribution to mitigate the impact of the development on the Cannock Chase Special Area of Conservation (SAC);
- (B) On completion of the Agreement the application be approved subject to the conditions contained in the report for the reasons stated therein.

(Members requested that Officers bring the development to the attention of Building Control Officers so that they could assess whether it was compliant with building control regulations).

87. Application CH/21/0427, 19 Coppice Road, Rugeley WS15 1LT - Residential Development - Erection of pair of 3-bedroom semi-detached dwellings

The Development Control Manager referred to the update circulated in advance of the meeting. This stated:-

"Following compilation of the report for the Committee agenda, Officers have received an email from the agent instructing that the application be withdrawn".

The Committee noted that the application had been withdrawn.

The meeting closed at 4:02pm.

Chairman