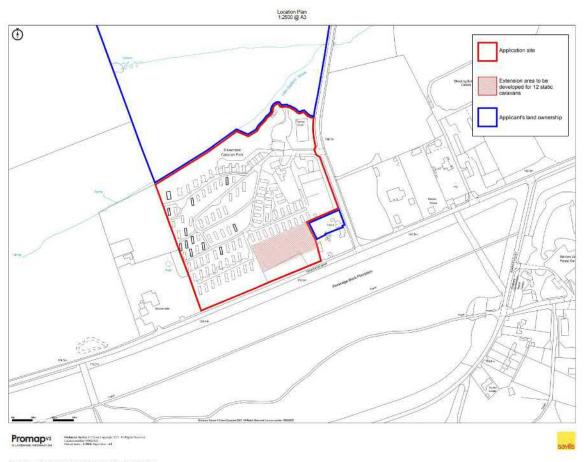
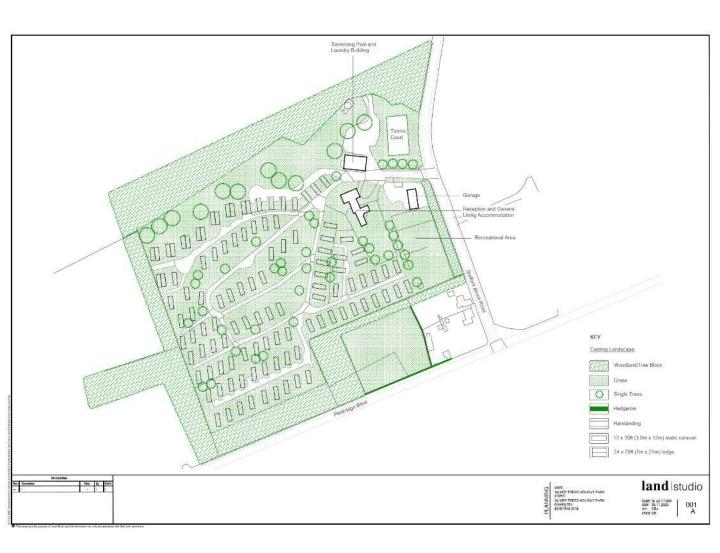


# **Location Plan**

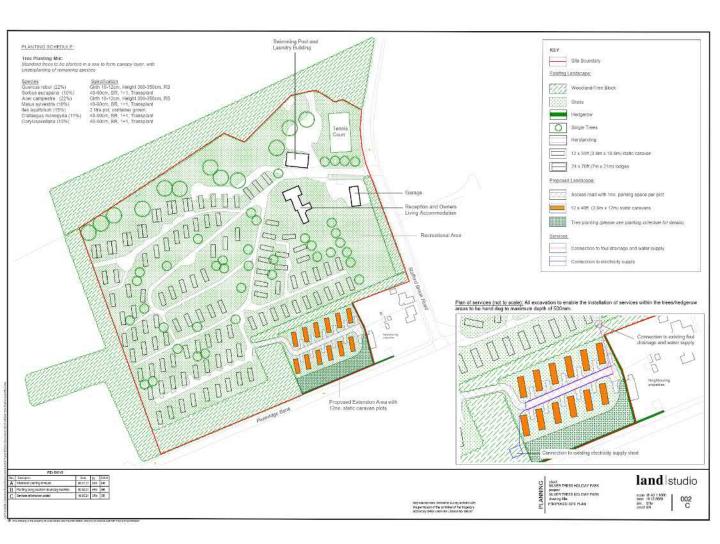


Silver Trees Holiday Park, Stafford Brook Road, Rugeley WS15 2TX

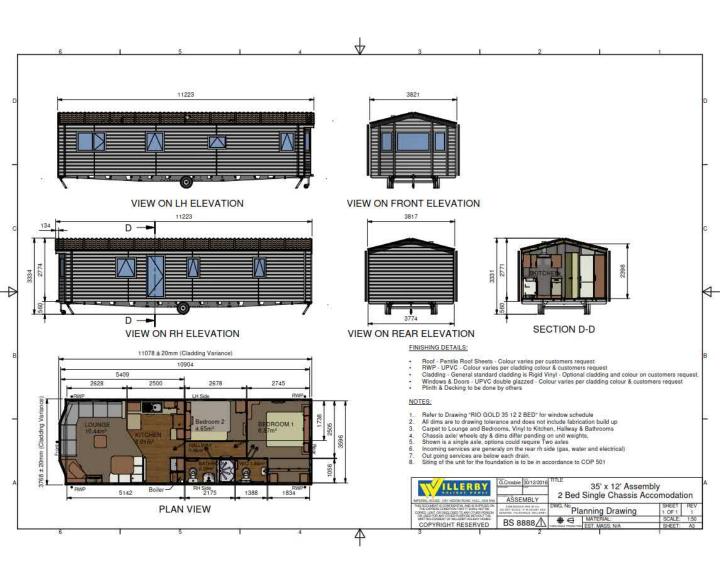
# **Existing Site Plan**



# **Proposed Site Plan**



# **Proposed Elevations**



Contact Officer:	Audrey Lewis
Telephone No:	01543 464 528

# Planning Control Committee 18 August 2021

Application No:	CH/21/0055
Location:	Silver Trees Caravan and Chalet Park, Stafford Brook Road, Rugeley, WS15 2TX
Parish:	Brindley Heath
Ward:	Etching Hill and The Heath
Description:	The change of use of two areas within Silver Trees Holiday Park to accommodate static caravans in lieu of touring caravans (retrospective) and an extension to the park limits to accommodate a further 12 static holiday caravans
Application Type:	Full Planning Application

#### Recommendation:

Refuse for the following reason:

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 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.

The considerations advanced by the applicant in respect to the Site Characteristics', the 'Scale of the Development' and the 'Impact of the Proposal' lend no weight in favour of the proposal. 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 148 the application is refused.

## Reason(s) for Recommendation:

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.

### Notes to the Developer:

Not applicable.

# **Consultations and Publicity**

#### **External Consultations**

#### Cannock Chase AONB Unit

The information includes elevations of the static caravans proposed, amended Arboricultural Report and Proposed Site Plan 0028. The static caravan elevations specify that colour finishes are subject to customer requirements, previously described in the Design and Access statement as environmental green cladding. Plan 0028 indicates a belt of woodland planting comprising native trees and shrub pianting alongside the boundary hedge to the south of the proposed extension area.

I am satisfied that the amended planting proposals would deliver enhanced screening of the proposed development. Planting density is not specified, and for clarity it would be useful for the Authority to establish this. Similarly, the Arboricultural report refers to replacement planting for the mature trees that wiil be removed, but no specified replanting location. I assume this forms part of the new planting belt, which would be acceptable. The proposed planting should be sensitive to existing patches of semi natural vegetation and complement these.

No objection, subject to conditions.

#### **Natural England**

No objections received.

#### **Historic England**

No objections

# **Brindley Heath Parish Council**

No objections

#### **Police Liaison Officer**

No comments received.

### **County Flood Risk Managment (SUDS)**

No objections subject to condition.

### **Environment Agency**

No objections.

#### **Internal Consultations**

# Planning Policy Manager (dated 4 March 2021)

The application site is located within the Cannock Chase Area of Outstanding Natural Beauty (AONB) and the Green Belt. It is adjacent to a SSSI (Site of Special Scientific Interest) and within close proximity to the Cannock Chase SAC (Special Area of Conservation).

The National Planning Policy Framework (P4) states that there should be a presumption in favour of sustainable development, unless specific policies indicate that development should be restricted; this includes Areas of Outstanding Natural Beauty such as Cannock Chase, a SSSI and Green Belt. The NPPF (P9) states that in order to support a prosperous rural economy the expansion of all types of business should be supported if it is sustainable and the buildings are well designed. Rural tourism developments should respect the local character of the area. The NPPF (P26-7) states that great weight should be given to conserving the landscape in the A.O.N.B. The need for the development in the location and any detrimental effects on the environment should be assessed. The NPPF (p20-21) states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 133 – 147 in the NPPF set out the purpose of the Green Belt and what types of development are appropriate within it.

The Cannock Chase Local Plan (Part 1) 2014 was adopted more than five years ago; it is therefore the subject of a review. This review is at an early stage in the process with consultation on 'Issues and Options' being undertaken in May-July 2019. Therefore limited weight can be afforded to it. The starting point for the determination of planning applications remains the adopted development plan (Local Plan (Part 1).

The following Cannock Chase Local Plan – Local Plan (Part 1) 2014 policies are considered relevant to the application:

- Policy CP1 reflects the position in the NPPF by permitting sustainable development, unless material considerations indicate otherwise.
- Policy CP3 in the Local Plan requires high quality design and integration with the
  existing environment. The proposal should show how it forms appropriate
  development within the Green Belt to a design in keeping with its surroundings and
  preserve the landscape and character of the AONB. The Design SPD should be
  consulted for additional design guidance.

- Policy CP9 says that tourist accommodation and visitor facilities will be supported where they comply with national Green Belt policy and other Core Strategy (Local Plan) policies.
- Policy CP12 safeguards biodiversity and protected habitats from harmful development states that planning permission will be refused for developments resulting in adverse effects upon designated sites, even where the impacts are indirect.
- Policy CP13 says that development will not be permitted where it would directly or indirectly lead to an adverse effect on the integrity of the SAC.
- Policy CP14 states that the landscape character of the AONB and sense of place will be protected, development proposals must be sensitive to the landscape character and that their setting must not have an adverse impact on the location.

The development is close to the Cannock Chase SAC (Special Area of Conservation). Natural England and the Cannock Chase SAC Officer can provide further advice on these issues if required.

#### Conclusion

The overall number of caravans both in terms of the site extension and replacement caravans is not considered an issue as it will still be below the maximum number of caravans/plots permitted on the caravan site. In addition the replacement of the touring caravans with static caravans within the existing caravan site is likely to be limited in terms of visual impact as the site is relatively well screened. However the replacement of the touring caravans with static caravans does introduce fixed/permanent development within the site and materially larger caravans, although in the same area as the touring caravans would be sited, and any impact on the Green Belt still needs to be considered.

The extension appears to relate well to the rest of the site being sited between the existing site and existing dwellings fronting the road, however it may require additional planting to the road frontage to help screen the site. The appropriateness of the site extension will need to be considered both in terms of any impact on the Green Belt and the visual impact from within the AONB.

The proposal will not increase the recreational impact on Cannock Chase SAC given the proposed number of caravans will be below the total number already permitted on the site.

## **County Flood Risk Management (SUDS)**

No objection subject to condition

**Travel Management and Safety** 

No objections.

#### **Ecological Officer**

No comments received.

# **Environmental Health (Housing)**

No objections.

### **Economic Development**

No comments received.

### Parks & Open Spaces

The site is situated on land that is designated as Greenbelt and is within the Cannock Chase AONB (as previously commented).

- Soakaways are positioned within the RPAs of T28, T33, T36, and T37.

Recommended mitigation is acceptable and should be conditioned (as previously commented).

- The revised planting schedule adds height to the scheme and so is acceptable and should be conditioned (as previously commented).
- Tree protection details including installation of services, position of protective fences, and the TPP are acceptable.

### **Waste and Engineering Services**

No comments received.

#### **Response to Publicity**

The application has been advertised by site notice and neighbour letter. Three letters of representation have been received on the following grounds:

• I have been familiar with this business for a number of years and have been very impressed with the way it is managed. The owners operate their holiday site in an efficient way with great care for the environment. As it is set in the beautiful landscape of Cannock Chase, it is essential that any development is handled sensitively, showing an awareness of the protected landscape within which they operate. I am confident that the owners will demonstrate a level of care for their environment that reflects the importance of their setting and continue to make a significant contribution to the tourism trade in Cannock Chase.

Silver Trees is a well-founded business that operates in an ethical and environmentally sound way, so I have no hesitation in recommending that their application to extend their operation into the land they have recently acquired should be accepted.

The Holiday Home and campsite industry in the UK supports Over 170,000 Jobs, generating £9.3 Bn in visitor expenditure, equivalent to £5.3Bn GVA.

A park (as with Silver Trees) supports their local communities through:

 Expenditure – Capital expenditure, Operating expenditure, Wages and salaries, with shops, pubs, restaurants often relying on the rural spend supporting the widder community.

- Local Community Engagement Hosting events, fund raising.
- Environmental Activities including support for wildlife, recycling and conservation, and participation in conservation David Bellamy Awards.
- Health and Wellbeing Including, cycling, walking and encouragement of outdoor activity.

As one of the largest holiday home retailers in the UK we constantly monitor consumer behaviour.

The Holiday Park industry has changed dramatically over the last 10 years, with consumer demand for bigger and better, behaviour has seen an increase in demand for larger more luxury Holiday homes, and simultaneously the decline in demand for smaller pitches and units. There has been an 80% reduction in the manufacture of shorter holiday homes in the last decade. It is vital for the applicant to stay in line with consumer demand.

We believe one of the changes from the Covid-19 Pandemic will be the desire for additional space, for both larger Holiday homes and space around the unit.

As an industry we believe that domestic tourism can and will be an important tool to re start the economy as customer decide to holiday in the UK.

## **Relevant Planning History**

CH/00/0504: Variation of condition 2 on planning permission CH/11/85 to allow

the siting of 140 caravans (comprsing 100 static and 40 tourers).

Full - Approval with conditions 05/09/2001.

CH/11/85: Intensification of use of caravan site approved with conditions 1985

CH/96/0253: Amendment of condition 3 on planning permission CH/11/85. Full -

Approval with conditions 08/07/1996

CH/96/0610: Amendment of condition 3 planning permission CH/96/0253

Full - Approval with 3 conditions 01/08/1997

# 1 Site and Surroundings

- 1.1 The application site is comprised of the Silver Trees Holiday Park and an adjoining paddock that has been recently acquired by the owners of the park. The Silver Trees Holiday Park is an area comprising 4.9 ha, containing 105 static caravans (in breach of planning permission CH/00/0504 that allows 100 static caravans). It lies within the Cannock Chase AONB and Green Belt. The park extends, in part, alongside Penkridge Bank Road, a main route running east-west through the AONB. The Holiday Park lies adjacent to the Cannock Chase SAC in the north.
- 1.2 Existing caravans are set back approximately 20 metres from the highway, and views towards these are mainly filtered by a buffer of vegetation approximately 10 metres wide consisting of established trees and a conifer hedge.

- 1.3 There is a network of well used paths and cycle tracks on the Forestry England estate that have views towards the site.
- 1.4 The application site is designated as an Area of Outstanding Natural Beauty and Green Belt. It lies within a Mineral Safeguarding Area, Coal Authority Low Risk Boundary. It is adjacent to a Site of Special Scientific Interest and subject to a Tree Preservation Order.

# 2 Proposal

- 2.1 The applicant is seeking consent for the change of use of two areas within Silver Trees Holiday Park to accommodate static caravans in lieu of touring caravans (retrospective) and an extension to the park boundary limits to accommodate a further 12 static holiday caravans (a total of 117 static caravans) on the adjoining paddock.
- 2.2 The extension element comprises an area of 0.6 ha of paddock. The Design and Access Statement says this has been driven by high demand for larger modern units which cannot be accommodated on the existing site due to the constrained pitch sizes.
- 2.3 The 12 caravans would sit in a linear layout, with the units slightly offset from one another. The larger static units would measure 11m x 3.8m x 3.3m and would be sited 0.6m above ground level. They would comprise a pitched pentile roof sheet design and cladded sides, with UPVC windows and doors which would vary in colour according to customer requirements.
- 2.4 There would be direct vehicular access to each caravan with one private parking space next to each caravan. The access road and parking spaces would be laid with a natural crushed stone top lay in line with the existing park.

# 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 (2014) and the Minerals Local Plan for Staffordshire (2015 2030). Relevant policies within the Local Plan include: -
  - CP1 Strategy
  - CP2 Developer contributions for Infrastructure
  - CP3 Chase Shaping-Design
  - CP5: Social Inclusion and Healthy Living
  - CP9 A Balanced Economy
  - 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

## 3.3 National Planning Policy Framework

3.6

- 3.4 The NPPF (2021) 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 (2021) 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.
  - Relevant paragraphs within the NPPF include paragraphs: -

8: Three dimensions of Sustainable Development

11-14: The Presumption in favour of Sustainable

Development

47-50: Determining Applications

111: - Highway safety and capacity

84(c): - Sustainable rural tourism and leisure developments

126, 130, 1132, 134: Achieving Well-Designed Places

147-150: - Green Belt

176: - Areas of Outstanding Natural Beauty

179-182: - Biodiversity

218, 219 Implementation

#### 3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

Manual for Streets.

The AONB Management Plan 2019-2024

# 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 AONB..
  - iii) Impact on residential 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) Assessment of the Applicant's case.
  - ix) 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 (2019) 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:
  - 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.
- 4.2.2 The first stage in the determination of the application is to determine whether the proposal is in accordance with the development plan. In this respect it is noted that the application site lies within 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.

- 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 and therefore are not of assistance in determining whether proposals constitute inappropriate development, or not.
- 4.2.4 Whether a proposal constitutes inappropriate development is set out in Paragraphs 149 & 150 of the NPPF. Paragraph 149 relates to new buildings whereas Paragraph 150 relates to other forms of development, including the making of material changes of use of land.
- 4.2.5 The proposals involve the siting of caravans which constitute the making of a material change in the use of land. As such the proposal engages paragraph 150 of the NPPF which states: -

'Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are [amongst other things]:

- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);'
- 4.2.6 With regards to the above it is noted that the application is in two parts namely
  - (i) the change of use of two areas within Silver Trees Holiday Park to accommodate static caravans in lieu of touring caravans (retrospective) and
  - (ii) an extension to the park boundary limits to accommodate a further 12 static holiday caravans.
- 4.2.7 In order to not constitute inappropriate development each part must demonstrate that it would preserve the openness of the Green Belt not conflict with the purposes of including land within.
- 4.2.8 The purposes of including land within the Green Belt are set out in paragraph 138 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'

- 4.2.9 The site benefits from planning permission for the siting of 100 static caravans and 40 touring caravans under planning permission CH/00/0504 dated 5 September 2001. The proposal seeks to amend this to regularise the existing situation whereby 105 static caravans and no tourers are sited within the camp. This would in effect reduce the total number of caravans within the confines of the current site by 35 tourer units.
- 4.2.10 Notwithstanding the above, the impact of the reduction in numbers of tourers would be off-set by the increase in the number of statics (5 units) on the current site which are larger than the tourers and the additional 12 statics that would be accommodated on the adjoining paddock, that is a total increase of 17 statics spread across a wider area).
- 4.2.11 The applicant has stated that each static caravan would measure 11.2m by 3.8 by 3.3m high and therefore have a volume of 140m<sup>3</sup>, meaning that the proposed 17 statics would have a combined volume of 2380m<sup>3</sup>.
- 4.2.12 Under UK law the maximum width for a trailer is 2.5 and many touring caravans are between 2.2 to 2.3m wide. Furthermore, there is a maximum length of 7 metres for a trailer towed by a vehicle weighing up to 3,500 kilograms. Given that tourers will have a similar height to statics one would expect that the maximum volume of tourer caravan would be 2.3m by 7m by 3.3m high, that is 53m<sup>3</sup>. Therefore, the maximum combined volume of 35 tourers can reasonably assumed to be 1860m<sup>3</sup>.
- 4.2.13 It is quite clear that the proposal would result in an increase in volume of 520m³. Furthermore, this additional volume would be spread out over an additional 0.6 ha of open, undeveloped paddock. As such it can only be reasonably concluded that the proposal will have some harm to the openness of the Green Belt, albeit that harm may be limited. However, even limited harm is sufficient to mean that a proposal will fail to preserve the openness of the Green Belt.
- 4.2.14 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'. The siting of 12 static caravans with a combined volume (140m³ x 12) 1680m³ on an area of 0.6ha of undeveloped paddock land can only reasonably be concluded to constitute an encroachment into the countryside.
- 4.2.15 As such 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.
- 4.2.16 Paragraph 147 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 148 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'.

4.2.17 In accordance with paragraph 148 it is considered that substantial weight should be afforded to the harm to the Green Belt. The next part of this report will go 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 the 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 AONB

- 4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -
  - (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and
  - (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.
- 4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 126, 130, 132 and 134. Paragraph 128 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 4.3.3 Paragraph 130 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- 4.3.4 Finally Paragraph 134 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into

account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

4.3.5 In addition to the above paragraph 176 of the NPPF states: -

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. and the Broads. The scale and extent of development within these designated areas should be limited.

4.3.6 In order to inform the application the applicant has submitted a 'Landscape Appraisal & Design Strategy'. This concludes

'As set out in the early pages of this report, the hedged and wooded boundaries to the site limit views of the holiday park from the nearby paths and roads. As part of the assessment, the report has evaluated the potential impact of the proposals from a selection of viewpoint locations taken from the footpaths and lanes that surround the holiday park.

The conclusion of this assessment is that due to the screening of views into the park, and the existing use of the site, there will be negligible impact generated by the proposals on the wider landscape. In addition to the proposed extension of the park, we have set out environmental improvements of tree and wildflower planting that will enhance the natural character of the area and relate more directly to the surrounding landscape character of fields and woodland blocks. These proposals will create a higher quality, more integrated setting for the proposed extension area of the park.'

4.3.7 This has been assessed by the AONB Unit and the Landscape Officer and the Tree Officer. The AONB Unit has not objected to the proposal and has commented that

'The information includes elevations of the static caravans proposed, amended Arboricultural Report and Proposed Site Plan 0028. The static caravan elevations specify that colour finishes are subject to customer requirements, previously described in the Design and Access statement as environmental green cladding. Plan 0028 indicates a belt of woodland planting comprising native trees and shrub planting alongside the boundary hedge to the south of the proposed extension area.

I am satisfied that the amended planting proposals would deliver enhanced screening of the proposed development. Planting density is not specified, and for clarity it would be useful for the Authority to establish this. Similarly, the Arboricultural report refers to replacement planting for the mature trees that will be removed, but no specified replanting location. I assume this forms part of the new planting belt, which would be acceptable. The proposed planting

should be sensitive to existing patches of semi natural vegetation and complement these.

I request a standard condition for implementation of the landscape scheme and a 5 year aftercare period.'

- 4.3.8 Similarly no objections have been received from the Landscape Officer or the Tree Officer and the observations all three consultees are accepted.
- 4.3.9 As such it is concluded that subject to conditions in respect to landscaping, colour finishes of the caravans the proposal would be sensitively sited, so as not to appear visually prominent within the streetscene, or from wider views.
- 4.3.10 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and be visually attractive such that it would be acceptable in respect to its impact on the character and form of the area and AONB.

### 4.4 Impact on Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to addressed in development proposals and goes onto include [amongst other things] the protection of the "amenity enjoyed by existing properties". This is supported by the guidance as outlined in Appendix B of the Design SPD which sets out guidance in respect to space about dwellings and garden sizes.
- 4.4.2 Paragraph 130(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 No neighbour objections have been received to the proposal.
- 4.4.4 A facing distance of at least 40m would be preserved between the nearest caravans and the existing surrounding dwellings.
- 4.4.5 Given the above it is considered that subject to the attached conditions, a high standard of residential amenity would be achieved for all existing neighbouring properties and the proposal is considered in accordance with Policy CP3 and paragraph 130(f) of the NPPF.

#### 4.5 Impact on Highway Safety

- 4.5.1 Paragraph 111 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 County Highways Authority has raised no objections to the proposal. The access into the site would remain the same and dedicated parking provision for each static caravan would be provided.

4.5.3 It is therefore considered that the proposal would not have an unacceptable impact on highway safety and that its residual cumulative impacts on the road network would not be severe, in accordance with paragraph 111 of the NPPF.

# 4.6 Impact on Nature Conservation Interests

- 4.6.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 179-182 of the NPPF.
- 4.6.2 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.'
- 4.5.5 Paragraph 179 of the NPPF states [amongst other things] that
  - 'Planning policies and decisions should contribute to and enhance the natural and local environment by:
  - protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); [and]
  - minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'

# 4.5.6 Paragraph 180 goes on to state

When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 4.5.7 In order to inform the application the applicant has submitted a Preliminary Ecological Assessment. This concludes: -

#### 'Statutory and non-statutory sites

It is unlikely for the development to have a significant adverse effect on the statutory or non-statutory sites that lie within 2km, as the development site is not linked physically or hydrologically to have an indirect effect.

#### **Habitats**

The construction of the access road in the northwest corner of the site will result in the loss of six semi-mature trees from the broad-leaved plantation. Five of the trees are beech, which are not a locally native species and due to their small size are considered not to be of significant conservation value.

The static caravans are to be located on approximately 0.27ha of species-poor semi-improved grassland. The habitat has a low conservation value due to a lack of herb and grass species and regularly mowing has resulted in a uniform structure.

#### **Great crested newts**

Due to the lack of water bodies within 250m of the site, and the regularly mown grassland on much of the site, it considered that disturbance to this species by development works is considered to be very low.

#### **Bats**

It is not proposed to remove any mature trees within the site boundary that might have potential roost features for bats. Proposed works will involve the removal of approximately six semi-mature trees from the plantation on the western side of the site to allow access, but due to the lack of potential roost features in these trees, disturbance to roosting bats is considered negligible.

#### **Birds**

Clearance of some six semi-mature trees and vegetation will be required during development works which potentially could cause disturbance to nesting birds. Clearance works should be ideally conducted outside the main bird nesting season (March – August inclusive). If works are carried out during the nesting season then a suitably qualified ecologist should make a check for nesting birds immediately before works commence. 4.3.4 Reptiles The unmanaged fenced off area along the southern side of the site offers greatest potential for supporting reptile species. It is not proposed to locate caravans in this area and instead the site will be managed as a wildlife habitat as mitigation/ enhancement for the tree felling required to access the site.'

#### On -Site nature Conservation Issues

- 4.5.7 Officers note that habitats present on the extension site are broadleaved plantation, hedgerow, semi improved acid grassland and species poor semi improved grassland. The construction of the access road in the north west corner of within the site would result in the loss of 6 No. semi mature trees from the broad leaved plantation (5 of which comprise small sized Beech species).
- 4.5.8 Species present within 2 km of the extension site are great crested newts, bats, badgers, woodland and hedgerow birds and reptiles. The Ecology report considers that there will be 'negligible' to 'very low' impact on these species as a result of the proposed development. Tree felling would take place outside of nesting season to avoid disturbance to birds. Due to the lack of potential root features on the trees to be felled, the impact on bats is considered to be negligible.
- 4.5.9 No objections have been received from the Council's Ecology Officer. The application site does not support any rare or protected habitats or species given special protection. It is recommended to impose conditions for clearance of site to be undertaken in accordance with the Ecology Report and shall take place outside of bird breeding season.
- 4.5.10 Subject to the imposition of suitable conditions, it is therefore considered that the proposal would not have a significant adverse impact upon ecological interests.
  - Impact on Cannock Chase SAC
- 4.5.11 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 not lead to an increase in visitors to the SAC, given the proposed number of caravans will be below the total number already permitted on the site.
- 4.5.12 As such the proposal is not required to mitigate its adverse impact on the SAC.

### 4.6 **Drainage and Flood Risk**

- 4.6.1 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.
- 4.6.2 In this respect it is noted that paragraph 159 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.
- 4.6.3 In addition to the above it is paragraph 169 of the NPPF states 'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
  - a) take account of advice from the lead local flood authority;
  - b) have appropriate proposed minimum operational standards;
  - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.
- 4.6.4 The LLFA, Staffordshire Water and Severn Trent have no objections subject to the imposition of suitable conditions.
- 4.6.5 Subject to the attached conditions, it is considered that the proposal would be acceptable with regard to drainage and flood-risk, in accordance with the requirements of the NPPF and Policy CP16 of the Local Plan.

## 4.7 The Applicant's Case that Very Special Circumstances Exist

- 4.7.1 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: -
  - 1. Site Characteristics
  - 2. Scale of Development
  - 3. Impact of Development
  - 4. Sustainability

Taking each consideration in turn: -

## **Site Characteristics**

4.7.2 The applicant's Planning Statement states:

'The extension land to the south of the park is bordered on 3 of its boundaries by development, either in the form of the existing caravan park to the north and west, or by built dwellings to the east which are used as holiday lets. Also to the immediate south of the extension site is Penkridge Bank Road. The site is therefore an enclosed paddock which lends itself to being incorporated into the existing holiday park. It is therefore not considered to demonstrate true and unconstrained 'openness' in order to contribute significantly to this specific green belt quality.'

### Scale of Development

# 4.7.3 The applicant's Planning Statement states:

'The proposed development is small-scale and involves an extension to Silver Trees Holiday Park to accommodate 12 static holiday caravans. The total number of static caravans that will be accommodated at Silver Trees Caravan Park should this planning application be approved will be 117; far below the approved number of 140 mixed static and touring pitches permitted under planning permission CH/00/0504. The 40 touring caravans permitted under CH/00/0504 were able to remain on site for the full 12 months of the year, so their replacement with small number of static caravans does not introduce a more permanent or intense use of the land.'

### Impact of the Proposal

# 4.7.4 The applicant's Planning Statement states:

'Views are restricted from all directions as demonstrated within the Visual Appraisal and Landscape Strategy report. The extension to the park will be viewed in the context of the existing holiday park and will not be an incongruous addition to the development that already exists in this location. Any impact resulting from the development of the extension land will be offset by a reduction in the intensity of the use on the existing site, as a result of the cessation of the touring caravans. Accordingly, the proposed caravans would have no significant harmful visual impact on its setting or the wider landscape, nor on the openness of the green belt.'

#### **Sustainability Benefits**

#### 4.7.5 The applicant's Planning Statement states:

'In economic terms, the extension to the site to allow for 12 further pitches to be created will contribute to the economic sustainability of Silver Trees Holiday Park as a rural tourism business, in a way that respects the setting in which it is located. This is supported by paragraph 84 of the NPPF and is a material consideration in determining this planning application. On top of this, the expansion of this park will have positive financial impacts on the local economy both directly and indirectly.'

'In environmental (and economic) terms, the extension of an existing caravan park is more sustainable than the creation of a new caravan site. This proposal is a low-impact way of catering to the enormous demand for domestic holidays. In addition, sustainable modes of travel can be actively encouraged to and from the site. In social terms, the proposed development will result in a high quality, well-designed holiday development in an attractive rural location which offers numerous footpaths, trails and cycle routes for holidaymakers. Following the pandemic, holidaymakers are more than ever seeking trips which allow them to get outdoors and explore nature for the wellbeing and health benefits it offers.'

## 4.8 Officer's Assessment of the Applicant's Case

#### Site Characteristics

- 4.8.1 The applicant's submission argues that as the site is "exceptionally well screened" and is enclosed by Penkridge Bank Road that it lends itself to be" incorporated into the existing holiday park". Furthermore, the agent argues that the site "does not contribute significantly to the purposes of including land within the green belt and that it does not demonstrate true and unconstrained 'openness' in order to contribute significantly to this specific green belt quality.
- 4.8.2 Officers would point out that openness in terms of Green Belt means the absence of built form. In this respect it is noted that the area to be extended into is an open paddock, free from built form. It may be abutted to by the existing caravan park along its northern boundary, however the caravans within the park to the west only come down one third of the western boundary and the dwellings to the east are set well away from the boundary and near to Stafford Brook Road. To the south across Penkridge Bank Road is open countryside dominated by the wooded landscape of the Chase. As such it is officers' opinion that the site does have the key characteristic of the Green Belt, that is of being permanently open.
- 4.8.3 The fact that the proposal to extend the site into the paddock, constitutes inappropriate development, (a circumstance that the applicant's agent concedes), demonstrates that the paddock has the essential attributes of Green Belt of being open and contributes to the purposes of including land within it; because in order to constitute inappropriate development the proposal must fail to preserve the openness of Green and conflict with the purposes of including land within it (in this case to prevent encroachment).
- 4.8.4 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.
- 4.8.5 As such it is considered that this part of applicant's argument has very little merit and should consequently be given no weight.

# **Scale of Development**

- 4.8.6 The applicant argues that the proposed extension of Silver Trees Holiday Park to accommodate 12 static holiday caravans is 'small scale'. Officers would point out that it is questionable as to whether a proposal of this nature and size this could be described as 'small scale'. Officers would also point out that static caravans are the size of modest bungalows and 12 bungalows would not be considered a small-scale development. Furthermore, officers note that if the proposal was for bricks and mortar houses it would be considered a major planning application.
- 4.8.7 In addition to the above officers would point that the assertion that the proposed extension is small scale doe sot of itself lend any weight in favour of a proposal. At best it may indicate that harm to openness, or to the character of the area or by reason of encroachment would be limited. However, harm to the Green Belt would still exist and in accordance with the NPPF substantial weight should be

- afforded to that harm. As such the 'small-scale' of the proposal cannot be a factor that lends weight in support of the proposal.
- 4.8.8 As to the applicant's assertion the total number of static caravans that will be accommodated at Silver Trees Caravan Park should this planning application be approved will be 117; far below the approved number of 140 mixed static and touring pitches permitted under planning permission, it has already been demonstrated that any potential benefit to openness by the reduction in numbers of caravans would at best be counterbalanced and at worse be outweighed by the overall increase in built form by the accommodation of larger statics and the fact that they would be distributed across a wider area than the existing park.
- 4.8.9 Having had regard to the above officers conclude that there is little merit in this part pf the applicant's argument and that no weight should be attributed to it.

## Impact of the Proposal

4.8.10 As to the applicant's assertion that the 'visual impact of the extension land will be very limited, even without the proposed landscape planting and that views are restricted from all directions as demonstrated within the Visual Appraisal and Landscape Strategy report' Officers would point out that although this may be so, such a factor only means that there is no harm to the character of the area to add to the harm to the Green Belt by reason of inappropriateness.

## **Sustainability Benefits**

- 4.8.11 The applicant's asserts that 'In economic terms, the extension to the site to allow for 12 further pitches to be created will contribute to the economic sustainability of Silver Trees Holiday Park as a rural tourism business, in a way that respects the setting in which it is located. This is supported by paragraphs 84-85 of the NPPF and is a material consideration in determining this planning application. On top of this, the expansion of this park will have positive financial impacts on the local economy both directly and indirectly."
- 4.8.12 Officers would point 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. In this case no information has been provided that the business is economically unsustainable or to the magnitude of the economic benefits that would arise from the proposal. At best 12 caravans would make only a very modest contribution and as such only limited weight should be afforded to this argument.
- 4.8.13 As to the applicants argument that "In environmental (and economic) terms, the extension of an existing caravan park is more sustainable than the creation of a new caravan site officers note that this is not supported by any empirical data or evidence base. In addition, although this may be the case there are no other proposals for a caravan park and any such proposal would have to considered on its own individual merits. As such it is officer's opinion that this part of the applicant's argument does not lend any significant weight in favour of the proposal.

# 4.8.14 The Planning Balance and the Weighing Exercise

- 4.8.15 As stated earlier in this report Paragraph 147 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 148 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.
- 4.8.16 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. In accordance with Paragraph 148 it is considered that substantial weight should be given to the harm to the Green Belt. This report has not identified any further harm to acknowledged interest to be added to the harm to the Green Belt.
- 4.8.17 For the reasons given above it is considered that no weight should be afforded to the applicant's comments about the 'Site Characteristics', the 'Scale of the Development' and the 'Impact of the Proposal' and only very limited weight should be afforded to the economic benefits of the proposal.
- 4.8.18 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 Equalities 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 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.

#### **Equalities 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;

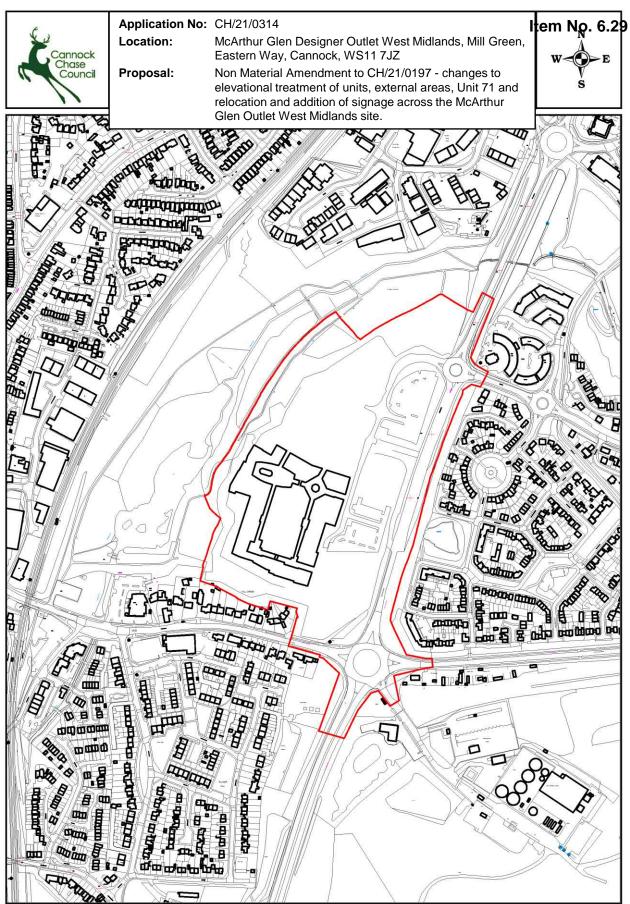
Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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 Equalities 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.
- 6.3 No harm to other acknowledged interests has been found to exist
- 6.4 As to the considerations advanced by the applicant in respect to the Site Characteristics', the 'Scale of the Development' and the 'Impact of the Proposal' it is considered that these lend no weight in favour of the proposal. As to the economic and social benefits of the proposal it is considered that only very limited weight should be afforded to these factors.
- 6.5 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. It is recommended that the application be refused.



# **Proposed Site Plan**



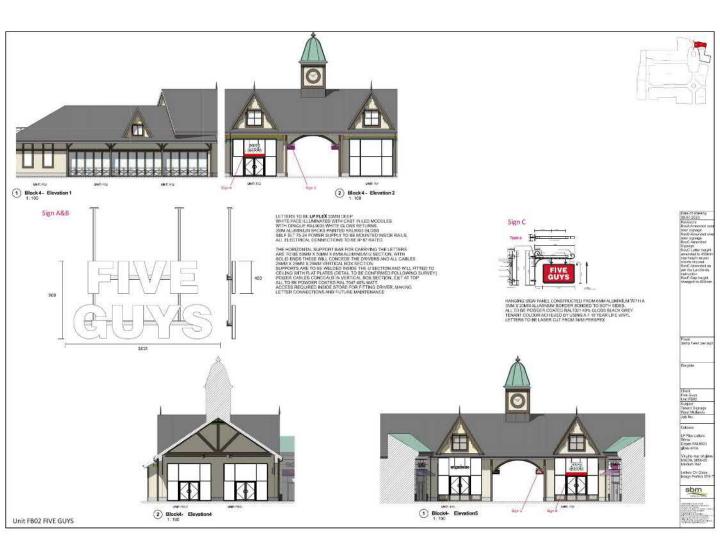
# **Proposed Site Plan**



# **Plans and Elevations**



# **Plans and Elevations**



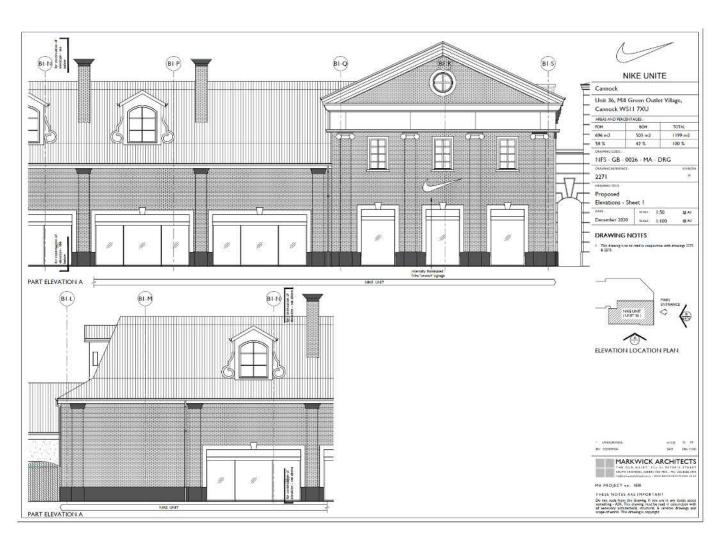
# **Plans and Elevations**

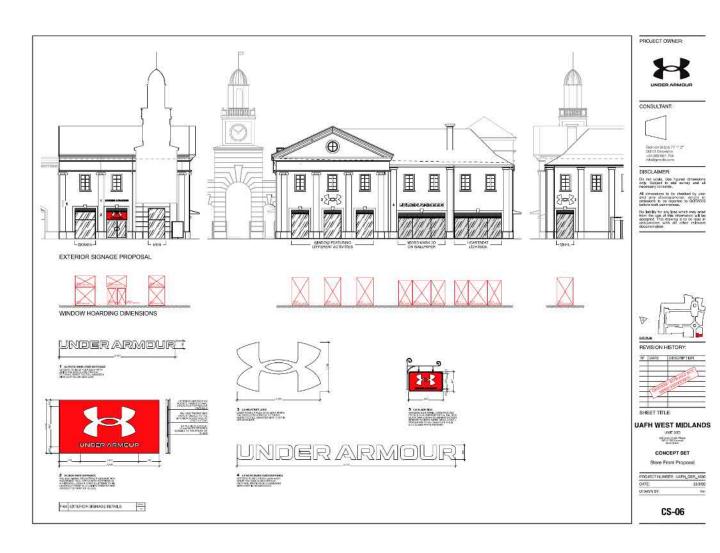


# **Elevations**

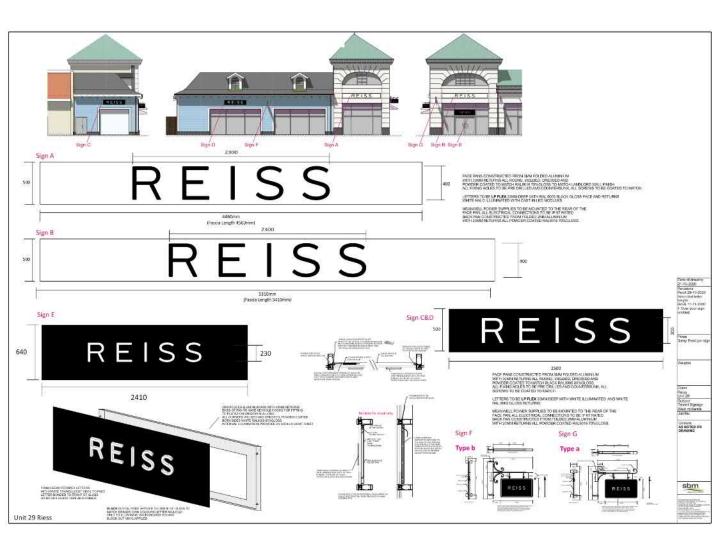


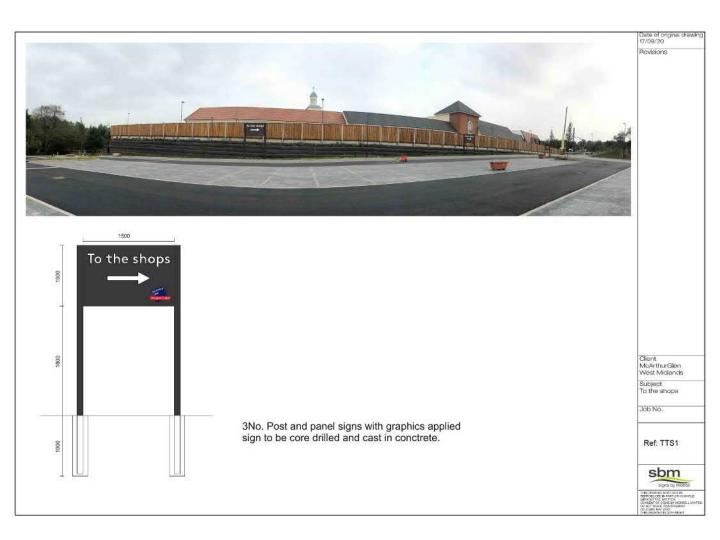
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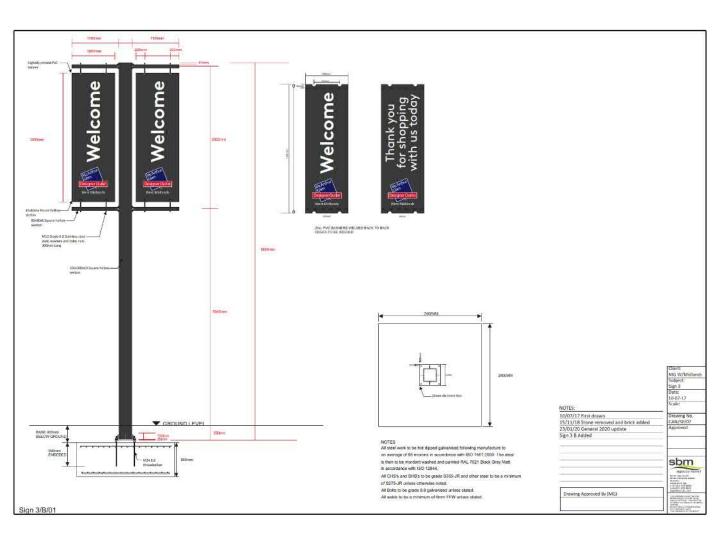


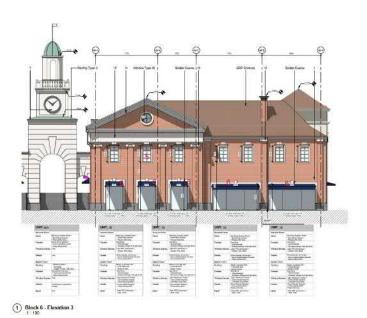
















































Block 3b - Elevation 3







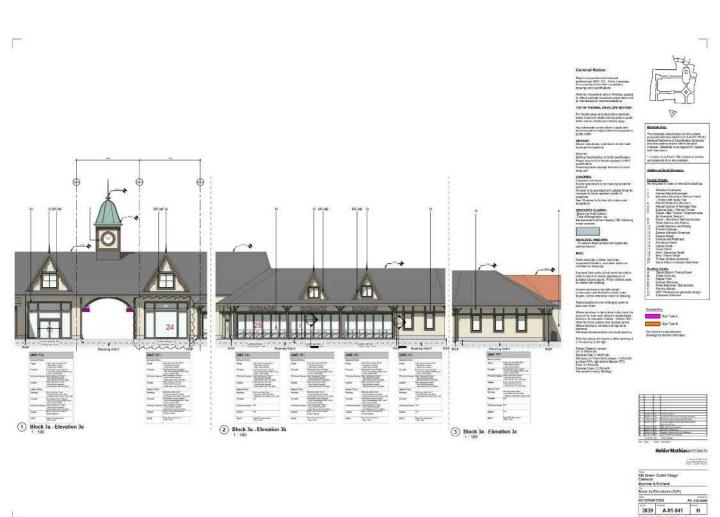


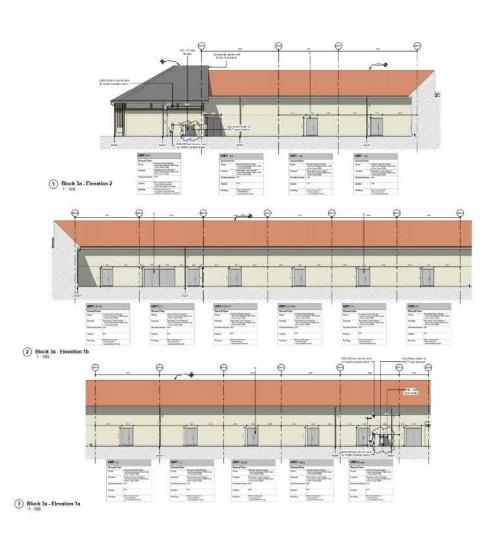




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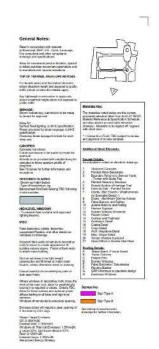










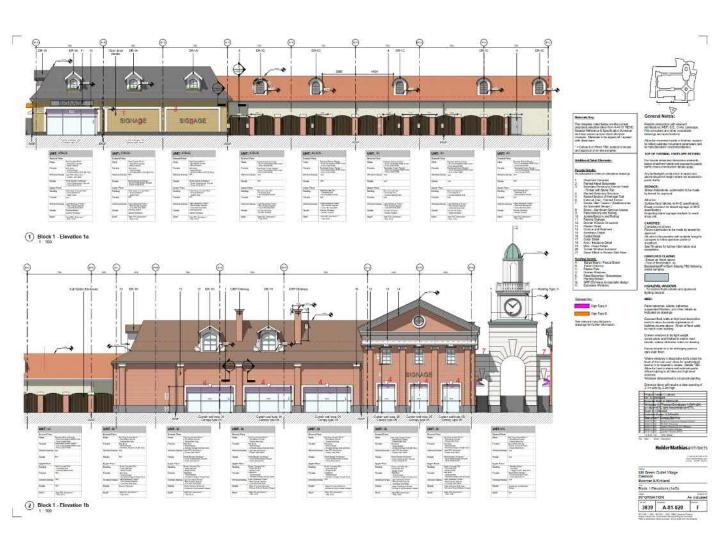












Contact Officer:	Richard Sunter
Telephone No:	01543 464 481

# Planning Control Committee 18 August 2021

Application No:	CH/21/0314	
Received:	14 July 2021	
Location:	McArthur Glen Designer Outlet West Midlands, Mill Green, Eastern Way, Cannock, WS11 7JZ	
Parish:	Non-Parish Area	
Ward:	Cannock South Ward, Cannock East Ward	
Description:	Non-Material Amendment to CH/21/0197 – Changes to elevational treatment of units, external areas, Unit 71 and relocation and addition of signage across the McArthur Glen Outlet West Midlands site.	
Application Type:	Non-Material Amendment	

#### **Recommendation:**

Approve.

#### Reason(s) for Recommendation:

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, which accords with the Local Plan and the National Planning Policy Framework.

#### **Conditions (and Reasons for Conditions):**

1. The non-material amendment hereby approved relates to the details shown in the following plans subject to the provisions in condition 2.

A-01-020 Rev F	Block 1 Elevations (1 of 3)
A-01-021 Rev L	Block 1 Elevations (2 of 3)
A-01-022 Rev J	Block 1 Elevations (3 of 3)
A-01-030 Rev H	Block 2 Elevations (1 of 3)
A-01-031 Rev I	Block 2 Flevations (2 of 3)

A-01-032 Rev H	Block 2 Elevations (3 of 3)
A-01-040 Rev F	Block 3a Elevations (1 of 4)
A-01-041 Rev H	Block 3a Elevations (2 of 4)
A-01-042 Rev H	Block 3a Elevations (3 of 4)
A-01-043 Rev G	Block 3a Elevations (4 of 4)
A-01-050 Rev E	Block 3b Elevations (1 of 2)
A-01-051 Rev E	Block 3b Elevations (2 of 2)
A-01-060 Rev J	Block 3c Elevations (1 of 2)
A-01 061 Rev H	Block 3c Elevations (2 of 2)
A-01-070 Rev K	Block 4 Elevations (1 of 2)
A-01-071 Rev H	Block 4 Elevations (2 of 2)
A-01-080 Rev G	Block 5 Elevations (1 of 2)
A-01-081 Rev F	Block 5 Elevations (2 of 2)
A-01-090 Rev G	Block 6 Elevations (1 of 3)
A-01-091 Rev H	Block 6 Elevations (2 of 3)
A-01-092 Rev D	Block 6 Elevations (3 of 3)
P1134-00-001-100 Rev 3	4 General Arrangement Plan
WM/AO/01 Rev R CAN/SP/07	Signage

#### Reason

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

2. Notwithstanding the details of the approved plans the non-material amendments hereby approved shall only relate to the following elements and to no other amendments shown on those plans from the plans approved under planning permission CH/21/0197: -

#### **Amendments to Unit 71**

Unit 71 raised by 2.45m to match the balustrade of the adjoining unit and incorporation of a first floor and increase in floor area of 18 sq. m.

#### **Amendment to Layout**

The entrance road between Car Parks C and D moved further south and pedestrian footpath from Car Park D aligned with main entrance mall;

Paving material changed to granite;

Re-configuration of Car Park F; and

Revised tree provision / layout.

#### **Amendment to Signage Scheme**

Sign 2/1 – position moved further south towards totem due to levels on site;

Sign 3B/1 – New welcome signs added (see Drawing ref: CAN/SP/07 for detail);

Sign 4/7 – new finger post sign added;

Sign 4/8 – new finger post sign added;

Sign 4/9 – new finger post sign added;

Signs 6/2, 6/5, 6/6, 6/7 – new signs added at pedestrian entrances; and

Three x "To The Shops" signs added to car park 4 (see also Drawing ref: TTS1 for detail).

#### **Elevation Changes**

Unit	Elevation	Change
47B-52	elevation 1a	glazing between gl B1-B and B1C replaced with brickwork
		signage zones amended
		decorative surround added to brickwork between gl B1-C and B1-D
36	elevation 1b	decorative surrounds added to GF windows
35	elevation 3	signage panel removed and replaced with window at 1F
		decorative surrounds added to GF windows
clock tower	elevation 1b	pitched roof removed
9	elevation 1a	roof tiles changed from red to grey
8	elevation 1a	roof tiles changed from red to grey
7	elevation 1a	roof tiles changed from red to grey
6	elevation 2a	roof tiles changed from mid grey to dark grey
5	elevation 2a	roof tiles changed from mid grey to dark grey
4	elevation 2a	roof tiles changed from mid grey to dark grey
3	elevation 2a	roof tiles changed from mid grey to dark grey
35D	elevation 2	decorative surround added to GF window
		2nr decorative panels added at 1F

	Unit	Elevation	Change
3	5C	elevation 2	signage panel removed
29	9	elevation 1b	blue brick changed to blue weatherboard
28	3	elevation 3	buff brick changed to red brick
			light render changed to red brick
F	02	elevation 1	decorative timber surrounds added between gl B4-E & B4-D
			frame of sliding doors changed from dark hardwood to aluminium (RAL 8007 fawn brown)
		elevation 2	timber shopfront changed from dark hardwood to aluminium (RAL 8007 fawn brown)

#### Reason

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

#### **Notes to the Developer:**

As this is a non-material amendment all conditions relating to planning permission CH/21/0197 will continue to be in force with equal affect subject to the specific non-material amendments hereby permitted.

#### **Consultations and Publicity**

#### **External Consultations**

None.

#### **Internal Consultations**

None.

#### Response to Publicity

As this is application is for a non-material amendment it has not bene advertised.

#### **Relevant Planning History**

CH/15/0048 - Hybrid planning application for a designer outlet village development was approved on 26-Jul-2016.

CH/17/279: - Application (under Section 73 of the Town and Country Planning Act 1990 (as amended)) to vary conditions 33 (control of mezzanine floorspace), 36 (control of A1 & A3 floorspace) & 44 (approved plans) to permit minor material amendments to Phase 1 in terms of elevation treatment, place-

making, layout, form and services provision and Addendum to Environmental Statement of planning permission was approved on 11-Oct-2017.

- CH/20/435: An application for a Minor Material Amendment to alter Condition 35 (Q) of Planning Permission CH/17/279 to allow for click & collect services for Unit 36 was approved on 18-May-2021.
- CH/21/0197: An application Under Section 73 of the 1990 Town and Country Planning Act for a Minor Material Amendment to Planning Permission CH/20/435 (Conditions 33 & 41) in relation to Unit FB03 (Slim Chickens). Enabling works to increase Unit FB03 by 83.14sq m, reducing the amount of retail floorspace by 83.14sq m was approved on 26-May-2021.

#### 1 Site and Surroundings

1.1 The application site is the West Midlands Designer Outlet Village, situated off Eastern Way Cannock. Phase 1 of the Village opened in April 2021.

#### 2 Proposal

- 2.1 The Applicant is seeking consent for a Non Material Amendment to CH/21/0197 changes to elevational treatment of units, external areas, Unit 71 and relocation and addition of signage across the McArthur Glen Outlet West Midlands site.
- 2.2 The application in effect seeks to regularise a plethora of small design changes that have taken place during the construction phase and have been submitted together to prevent the submission of series of applications for each minor change.
- 2.3 In summary the application seeks retrospective planning permission for:
  - Amendments to elevation materials and replacement of a number of shopfront doors with fixed glazing;
  - Changes to Unit 71;
  - Changes to the general arrangement / layout; and
  - Additional and relocated signage

These will be described in detail below.

2.4 The changes to Unit 71 have been brought about to enhance public facilities including the introduction of an escalator, provision of a female and male prayer room and a separate foot washing area and lockers, together with increasing the entrance lobby to both the female and male public toilets. The ridge line of the roof of Unit 71 has also been raised by 2.45m to match the balustrade of the adjoining unit and a first floor has been incorporated to provide the additional facilities. The changes have increased Unit 71 by just over 18 sq. m.

- 2.5 In respect to 'external works' a revised General Arrangement Plan (Drawing ref: P1134-00-001-100 Rev 34) has been included as part of this submission, and this confirms the amendments made to the approved layout which includes:
  - The entrance road between Car Parks C and D moved further south and pedestrian footpath from Car Park D aligned with main entrance mall;
  - Paving material changed to granite;
  - Re-configuration of Car Park F; and
  - Revised tree provision / layout.
- 2.6 A number of signs have been added or relocated, with their updated position shown on (Drawing ref: WM/AO/01 Rev R). The changes are summarised as follows:
  - Sign 2/1 position moved further south towards totem due to levels on site (1.2m x 2.5m x 0.5m):
  - Sign 3B/1 New welcome signs) (1.2m x 2.5m x 0.5m) added (see Drawing ref: CAN/SP/07 for detail;
  - Sign 4/7 new finger post sign (0.8m x 0.8m x 0.6m) added;
  - Sign 4/8 new finger post sign (0.8m x 0.8m x 0.6m) added;
  - Sign 4/9 new finger post sign (0.8m x 0.8m x 0.6m) added;
  - Signs 6/2, 6/5, 6/6, 6/7 0.6 x 2.1m x 0.3m) new signs added at pedestrian entrances; and
  - Three x "To The Shops" signs (0.55 x 0.55m x 0.5m) added to car park 4 (see also Drawing ref: TTS1 for detail). Also included as part of this application are the details of the external signage for the following units:
- 2.7 The applicant has also submitted details of the signage to a number of shop units within the outlet. These include: -
  - Unit 29 Reiss (Drawing ref: Rev B 11-11-2020);
  - Unit 34 Hugo Boss (Drawing ref: Rev B 02-10-2020);
  - Unit 35D Under Armour (Drawing ref: CS-06);
  - Unit 36 Nike (Drawing ref: NFS-GB-0026-MA-DRG);
  - Unit 47B-52 GAP (Drawing ref: Rev D 15-12-2020);
  - Unit FB01 Wagamama (Drawing ref: Rev WA206.20.450);
  - Unit FB02 Five Guys (Drawing ref: Rev F); and
  - Unit FB03 Slim Chickens (Drawing ref: 478104/D)

- 2.8 The submission also outlines a variety of changes to the approved elevational treatment/materials that have taken place. The detail of all the amendments is included in the document titled 'WMDO s96a Elevation Changes'. The full list is shown in appendix 1 to this report and includes items such as: -
  - decorative surrounds added to GF windows
  - glazing between gl B1-B and B1C replaced with brickwork
  - roof tiles changed from red to grey
  - roof tiles changed from mid grey to dark grey
  - 2nr decorative panels added at 1F
  - blue brick changed to blue weatherboard
  - chimney pot added to gable wall on gl B2-B

#### 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 (2014) and the Minerals Local Plan for Staffordshire (2015 2030). Relevant policies within the Local Plan include: -

CP1: - Strategy – the Strategic Approach

CP3: - Chase Shaping – Design

3.3 There are no relevant policies within the Minerals Plan.

#### 3.4 National Planning Policy Framework

- 3.5 The NPPF (2021) 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.
- 3.6 The NPPF (2021) 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.
- 3.7 Relevant paragraphs within the NPPF include paragraphs: -
  - 8: Three dimensions of Sustainable Development

11-14: The Presumption in favour of Sustainable

Development

47-50: Determining Applications

126, 130, 132, 134: Achieving Well-Designed Places

218, 219 Implementation

3.8 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

#### 3.9 Planning Practice Guidance

3.9.1 Paragraph: 001 (Reference ID: 17a-001-20140306) states

'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.

New issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are fundamental or substantial, a new planning application under section 70 of the Town and Country Planning Act 1990 will need to be submitted. Where less substantial changes are proposed, there are the following options for amending a proposal that has planning permission:

- Making a non-material amendment
- Amending the conditions attached to the planning permission, including seeking to make minor material amendments'.
- 3.9.2 Paragraph: 002 (Reference ID: 17a-002-20140306) goes on to state: -

'There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.'

3.9.3 Finally, paragraph 005 (Reference ID: 17a-005-20140306) goes on to state: -

'As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views.

As by definition the changes sought will be non-material, consultation or publicity are unlikely to be to be necessary, and there are unlikely to be effects which would need to be addressed under the Environmental Impact Assessment Regulations 2011.'

#### 4 Determining Issues

4.1 The determining issue for the determination of the application is whether the proposed changes are material or non-material in nature. If the decision taker considers that the changes are non-material in nature, then they should approve the application as a non-material amendment to planning permission. CH/21/0197.

#### 4.2 Changes to Unit 71

- 4.2.1 Changes to Unit 71 have been brought about to enhance public facilities and include the introduction of an escalator, provision of a female and male prayer room and a separate foot washing area and lockers, together with increasing the entrance lobby to both the female and male public toilets. These elements are all internal and have no impact on the external appearance of the outlet.
- 4.2.2 However, to accommodate the changes the ridge line of the roof of Unit 71 has also been raised by 2.45m to match the balustrade of the adjoining unit and a first floor has been incorporated to. The changes have increased Unit 71 by just over 18 sq. m. Whilst, on first glance the changes may look significant, when viewed within the context of the outlet, taken as whole, which would eventually have 10,389 sqm (GEA) of commercial floor space on a site area 160,723.47sqm they are very small. Furthermore, the changes are only observable within the confines of the outlet centre and as such have had no observable impact on the character of the wider area. As such officers consider that these amendments to the approved scheme are non-material in nature.

#### 4.3 Changes to the External Environment

- 4.3.1 These entail the movement of the entrance road between Car Parks C and D further south and the pedestrian footpath from Car Park D aligned with the main entrance mall; paving material changed to granite; the re-configuration of Car Park F; and associated revised tree provision / layout. This provides a better and more legible layout than the arrangement that was approved and helps to guide the visitor to the main entrance to the shopping area. Again, in the context of the wider car park these changes are relatively small and well within the site such that the visual effect viewed from outside of the site is negligible.
- 4.3.2 As such officers consider that these amendments to the approved scheme are non-material in nature.

#### 4.4 Signs

- 4.4.1 Additional and amended signs falls within two categories, namely (i) directional and welcome signs throughout the outlet; and (ii) signage on the unit fronts. As to the former there are 12 in number that would be distributed across the 16ha site. Set within the 16ha site the additional or amended signs would not have any material impact on either public safety or the visual amenity of the area
- 4.4.2 As such officers consider that these amendments to the approved scheme are non-material in nature.

- 4.4.3 As to the signs on the unit fronts these would all be sited within the confines of the enclosed space within the shopping centre. As such they would fall within the definition of signs within Class A (An advertisement displayed on enclosed land.) of Schedule 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 which fall outside of the scope of advertisement control as they would not be 'readily visible from outside the enclosed land or from any place to which the public have a right of access'.
- 4.4.4 As to this part pf the application it is recommended that the appropriate response would be to notify the applicant that the advertisements fall outside of planning controls.
- 4.4.5 Given the above it is considered that the advertisements and signs that fall under planning control are non-material in nature.

#### 4.5 **Elevational Changes**

- 4.5.1 These changes, although numerous relate to relatively small details of design to individual units or changes to materials within the palette of materials that have already been approved within the outlet. Examples of such changes include the addition of a chimney pot, decorative surrounds to windows added, and red brick changed to light render and Tudor boarding above signage zone and into dormers.
- 4.5.2 Given that the outlet is purposely designed to resemble a West Midlands town centre high street its composite units have facades which have a wide range of architectural styles and materials. As such the amendments from the approved scheme have not materially affected the external appearance of the inside of the centre. In addition, the amendments can only be seen once the observer has entered the shopping area. Even then only the most discerning observer with the benefits of approved and as built plans would be able to discern the changes to the elevations.
- 4.5.3 As such officers consider that these amendments to the approved scheme are non-material in nature.

#### 5 Human Rights Act 1998 and Equalities 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 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.

#### **Equalities 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 Equalities Act.

#### 6 Conclusion

- 6.1 The Applicant is seeking consent for a Non Material Amendment to CH/21/0197 changes to elevational treatment of units, external areas, Unit 71 and relocation and addition of signage across the McArthur Glen Outlet West Midlands site.
- 6.2 The determining issue for the determination of the application is whether the proposed changes are material or non-material in nature.
- 6.3 'There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme an amendment that is non-material in one context may be material in another.
- 6.4 Given that the amendments sought would be viewed within the context of a development of 10,389 sqm (GEA) of commercial floor space on a site area 16ha it is considered that the amendments sought, taken as a whole, would be acceptable as a non-material amendment to planning permission CH/21/0197.

## Appendix 1

#### **Amendments to Elevations**

Unit	Elevation	Change
47B-52	elevation 1a	glazing between gl B1-B and B1C replaced with brickwork
		signage zones amended
		decorative surround added to brickwork between gl B1-C and B1-D
36	elevation 1b	decorative surrounds added to GF windows
35	elevation 3	signage panel removed and replaced with window at 1F
		decorative surrounds added to GF windows
clock tower	elevation 1b	pitched roof removed
9	elevation 1a	roof tiles changed from red to grey
8	elevation 1a	roof tiles changed from red to grey
7	elevation 1a	roof tiles changed from red to grey
6	elevation 2a	roof tiles changed from mid grey to dark grey
5	elevation 2a	roof tiles changed from mid grey to dark grey
4	elevation 2a	roof tiles changed from mid grey to dark grey
3	elevation 2a	roof tiles changed from mid grey to dark grey
35D	elevation 2	decorative surround added to GF window
		2nr decorative panels added at 1F
35C	elevation 2	signage panel removed
29	elevation 1b	blue brick changed to blue weatherboard
28	elevation 3	buff brick changed to red brick
		light render changed to red brick
F02	elevation 1	decorative timber surrounds added between gl B4-E & B4-D
		frame of sliding doors changed from dark hardwood to aluminium (RAL 8007 fawn brown)
	elevation 2	timber shopfront changed from dark hardwood to aluminium (RAL 8007 fawn brown)