



**Please ask for:** Mrs. W. Rowe  
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15 February, 2022

Dear Councillor,

**Planning Control Committee**  
**3:00pm, Wednesday 23 February 2022**  
**Council Chamber, Civic Centre, Cannock**

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda.

The meeting will commence at 3.00pm or at the conclusion of the site visit, whichever is the later. Members are requested to note that the following site visit has been arranged:-

<b>Application Number</b>	<b>Application Description</b>	<b>Start Time</b>
CH/21/0407	<b>1-7 Park Road, Cannock, WS11 1JN</b> - Installation of external air conditioning units (retrospective application)	2.30pm

Members wishing to attend the site visits are requested to meet at 1-7 Park Road, Cannock, WS11 1JN at 2.30pm, as indicated on the enclosed plan.

Yours sincerely,

**Tim Clegg**  
**Chief Executive**

To: Councillors

Startin, P. (Chairman)  
Muckley, A. (Vice-Chairman)  
Allen, F.W.C.                      Kruskonjic, P.  
Beach, A.                              Smith, C.D.  
Cartwright, Mrs. S.M.          Sutton, Mrs. H.M.  
Fisher, P.A.                          Thompson, Mrs. S.L.  
Fitzgerald, Mrs. A.A.          Wilson, Mrs. L.J.  
Hoare, M.W.A.                      Witton, P.T.  
Jones, Mrs. V.

## **Agenda**

### **Part 1**

- 1. Apologies**
- 2. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members**

To declare any personal, pecuniary or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

- 3. Disclosure of details of lobbying of Members**
- 4. Minutes**

To approve the Minutes of the meeting held on 9 February 2022 (enclosed).

- 5. Members' Requests for Site Visits**
- 6. Report of the Development Control Manager**

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

#### **Finding information about an application from the website**

- On the home page click on planning applications, listed under the 'Planning & Building' tab.
- This takes you to a page headed "view planning applications and make comments". Towards the bottom of this page click on the text **View planning applications. By clicking on the link I agree to the terms, disclaimer and important notice above.**

- On the following page insert the reference number of the application you're interested in e.g. CH/21/0001 and then click search
- This takes you to a list of all documents associated with the application - click on the ones you wish to read and they will be displayed.

## Site Visit Application

Application Number	Application Location and Description	Item Number
1. CH/21/0407	<b>1-7 Park Road, Cannock, WS11 1JN</b> - Installation of external air conditioning units (retrospective application)	6.1 – 6.15

## Planning Applications

2. CH/21/0231	<b>Units 8 &amp; 9 Orbital Retail Park, Voyager Drive, Cannock, WS11 8XP</b> - External alterations to elevations associated with the amalgamation of Units 8 & 9 to accommodate a foodstore, relaxation of the range of goods currently restricted under Planning Permission CH/97/0377 and CH/10/0454, to allow the sale of food and drink, other associated works	6.16 – 6.68
3. CH/21/0387	<b>33 Mardell House, Market Street, Rugeley, WS15 2JH</b> - Change of use of former funeral director's premises with first floor one bedroomed flat, garages and storage to 4 x 2 bedroomed flats together with rear first floor extension	6.69 - 6.97

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

**Held on Wednesday 9 February 2022 at 3:00 pm**  
**in the Council Chamber, Civic Centre, Cannock**

**Part 1**

**Present:**  
Councillors

Startin, P. (Chairman)

Allen, F.W.C.	Jones, Mrs. V.
Beach, A.	Kruskonjic, P.
Cartwright, Mrs. S.M.	Smith, C.D.
Fisher, P.A.	Sutton, Mrs. H.M.
Fitzgerald, Mrs. A.A.	Wilson, Mrs. L.J.
Hoare, M.W.A.	

<b>88.</b>	<b>Apologies</b>  Apologies for absence were received from Councillors A.M. Muckley (Vice-Chairman) and Mrs. S.L. Thompson.
<b>89.</b>	<b>Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members</b>  None declared.
<b>90.</b>	<b>Disclosure of details of lobbying by Members</b>  Nothing declared.
<b>91.</b>	<b>Minutes</b>  <b>Resolved:</b>  That the Minutes of the meeting held on 26 January 2022 be approved as a correct record.
<b>92.</b>	<b>Members requests for Site Visits</b>  None.

**93. Application CH/21/0405 - McArthurGlen Designer Outlet West Midlands, Mill Green, Eastern Way, Cannock WS11 7JZ - Environmental Impact Development - Outline Planning Application for the construction of a multi storey car park, increasing the overall level of car parking spaces up to 2,500 across the McArthurGlen Designer Outlet West Midlands, realignment of existing service road and all other works with all matters reserved except scale**

Consideration was given to the report of the Development Control Manager (Item 6.1 – 6.53 of the Official Minutes of the Council).

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

**“Changes to the Recommended Schedule of conditions**

Following discussions with the applicant the following conditions are recommended to be attached to any permission granted:

Conditions (and Reasons for Conditions):

1. In the case of any reserved matters, application for approval must be made not later than the expiration of three years beginning with the date on which this permission is granted; and

The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

2. No part of the development hereby permitted shall be commenced until approval of the details of access, appearance, landscaping and layout ('the reserved matters') has been obtained from the Local Planning Authority.

Reason: The permission is in principle only and does not authorise development to commence until all 'the reserved matters' have been approved. To ensure compliance with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted *shall* not commence (*other than enabling works*) until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and

The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

4. No development (*other than enabling works*) shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved

in writing by the local Planning Authority. The approved CEMP shall be adhered to throughout the construction period. The statement shall include:

- Details of access;
- Arrangements for the parking of site operatives and visitors;
- Location of the contractors compounds, cabins and materials storage areas;
- Construction hours;
- Delivery hours and routeing;
- Recorded daily inspections of the private road/ adopted highway leading to the site access;
- Measures to remove mud or debris carried onto the private road/ adopted highway;
- Measures to protect from neighbouring properties and prevent noise, vibration and dust;
- Measures to protect biodiversity; and
- Method of piling should piling be considered necessary.

Reason: In the interest of highway safety in accordance with paragraph 111 of the National Planning Policy Framework.

5. No development (*other than enabling works*) shall commence until a comprehensive scheme for lighting of the application site and buildings has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- a) Baseline conditions at the site and assess the likely effects of artificial lighting from the development on identified receptors.
  - b) Building luminance, service areas, car parks, under floor zones, signage and advertising boards.
  - c) Measures to minimise light pollution or obtrusive light external from the development

Thereafter the lighting scheme shall be implemented in accordance with the approved details.

Reason: In the interests of the amenity of neighbours and safeguarding the nature reserve and associated wildlife in accordance with Policies CP3 and CP12 of the Cannock Chase Local Plan.

6. No development shall commence until a report outlining the methodology, and results of a survey of burrowing protected mammals, together with an assessment of potential impacts on any protected burrowing mammal and mitigation of any impacts identified has been submitted to and approved in writing by the Local Planning Authority. The survey shall encompass all land up to 50m from the edge of the application site.

The development shall thereafter be undertaken in accordance with the mitigation strategy outlined in the report.

Reason: In order to ensure adequate provision is given to conserving protected species of burrowing mammals in accordance with Policy CP12 of the Cannock Chase Local Plan and the National Planning Policy Framework.

7. No development (*other than enabling works*) shall commence until a scheme for the provision of nesting and roosting opportunities for bird and bats to be incorporated within the fabric of the building has been submitted to and approved in writing by the Local Planning Authority. The building thereafter shall be constructed in accordance with the approved scheme.

Reason: In order to ensure that the biodiversity value of the site is enhanced in accordance with Policy CP12 of the Cannock Chase Local Plan and the National Planning Policy Framework.

8. The Multi Storey Car Park will be operated in accordance with the updated Travel Plan as set out in Appendix 6.2 of Part III of the Environmental Statement. Any amendment to the Travel Plan will be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of reducing reliance on the private motor vehicle by promoting sustainable transport options in accordance with Policy CP10 of the Cannock Chase Local Plan and the National Planning Policy Framework.

9. No development (*other than enabling works*) shall commence until scheme(s) totalling 58 electric vehicle charging points across the site has been submitted to and approved in writing by the Local Planning Authority. The Multi-Storey Car Park shall not be brought into use until the approved scheme has been implemented and the electric vehicle charging points have been made available for their intended purpose. The electric vehicle charging points shall thereafter be retained and made available for their intended purpose the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of sustainability and tackling the causes of climate change in accordance with Policy CP16 of the Cannock Chase Local Plan and the National Planning Policy Framework.

10. The development hereby permitted shall be carried out in accordance with the following approved plans:

A-90-401 (Rev B) MSCP – Red Line Location Plan

A-90-102 (Rev A) Phase 2 Parameters Plan

A-00-301 (Rev A) Ph 2 External Elevations, Ht Parameters

A-00-302 (Rev A) Ph 2 External Elevations, Ht Parameters

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

## **Amendments to Section 5 of the Officer Report**

Section 5.0 is amended to read as follows to reflect that the application is for approval and not refusal and to ensure consistency in reference to the Equality Act 2010:-

### **5.0 Human Rights Act 1998 and Equality 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 accords with the policies of the adopted Local Plan and the applicant has the right of appeal against this decision.

#### Equality 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 Equality Act”.

The Development Control Manager verbally corrected the above note by clarifying that the last sentence of condition 6 should read as follows:

‘The survey shall encompass all land up to 50m from the edge of the parameters plan.’

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

#### **Resolved:**

That the application be approved subject to the conditions contained in the report for the reasons stated therein.



<p><b>94.</b></p>	<p><b>33 North Street, Cannock, WS11 0BB - Erection of 2 no. two storey buildings to create 3 no. flats, 3 no. garages, 1 no. cycle store and associated works (resubmission of CH/15/0385)</b></p> <p>Consideration was given to the report of the Development Control Manager (Item 6.54 – 6.85 of the Official Minutes of the Council).</p> <p>The Development Control Manager then provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.</p> <p>Prior to consideration of the application representation was made by John Reynolds, the Applicant's representative, speaking in favour of the application.</p> <p>Councillor F.W.C. Allen moved approval of the application stating that the division of the plot and development would not cause harm to the conservation area and the amenity space was acceptable. This was seconded by Councillor Mrs. S. Cartwright.</p> <p>The motion to approve was taken first and, following a vote, the motion fell.</p> <p>Councillor M.W.A. Hoare then moved refusal of the application, which was seconded by Councillor P. Kruskonjic.</p> <p><b>Resolved:</b></p> <p>That the application be refused for the reasons outlined in the report.</p> <p><i>(Councillor P.A. Fisher left the meeting during consideration of the application and did not take part in the determination of this application).</i></p>
<p><b>95.</b></p>	<p><b>139A Hill Street, Hednesford, Cannock, WS12 2DW - Residential development to site to rear (resubmission of CH/20/210)</b></p> <p>Consideration was given to the report of the Development Control Manager (Item 6.86 – 6.121 of the Official Minutes of the Council).</p> <p>The Principal Solicitor advised that only those Members who took part in considering the application at the meeting on 28 July 2021 would be able to take part and determine the application today.</p> <p>The Development Control Manager then provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.</p> <p>Prior to consideration of the application representation was made by John Reynolds, the Applicant's representative, speaking in favour of the application.</p> <p><b>Resolved:</b></p> <p>That the application be approved subject to the conditions contained in the report for the reasons stated therein.</p> <p><i>(Councillor P. Fisher was not present for the determination of this application).</i></p>

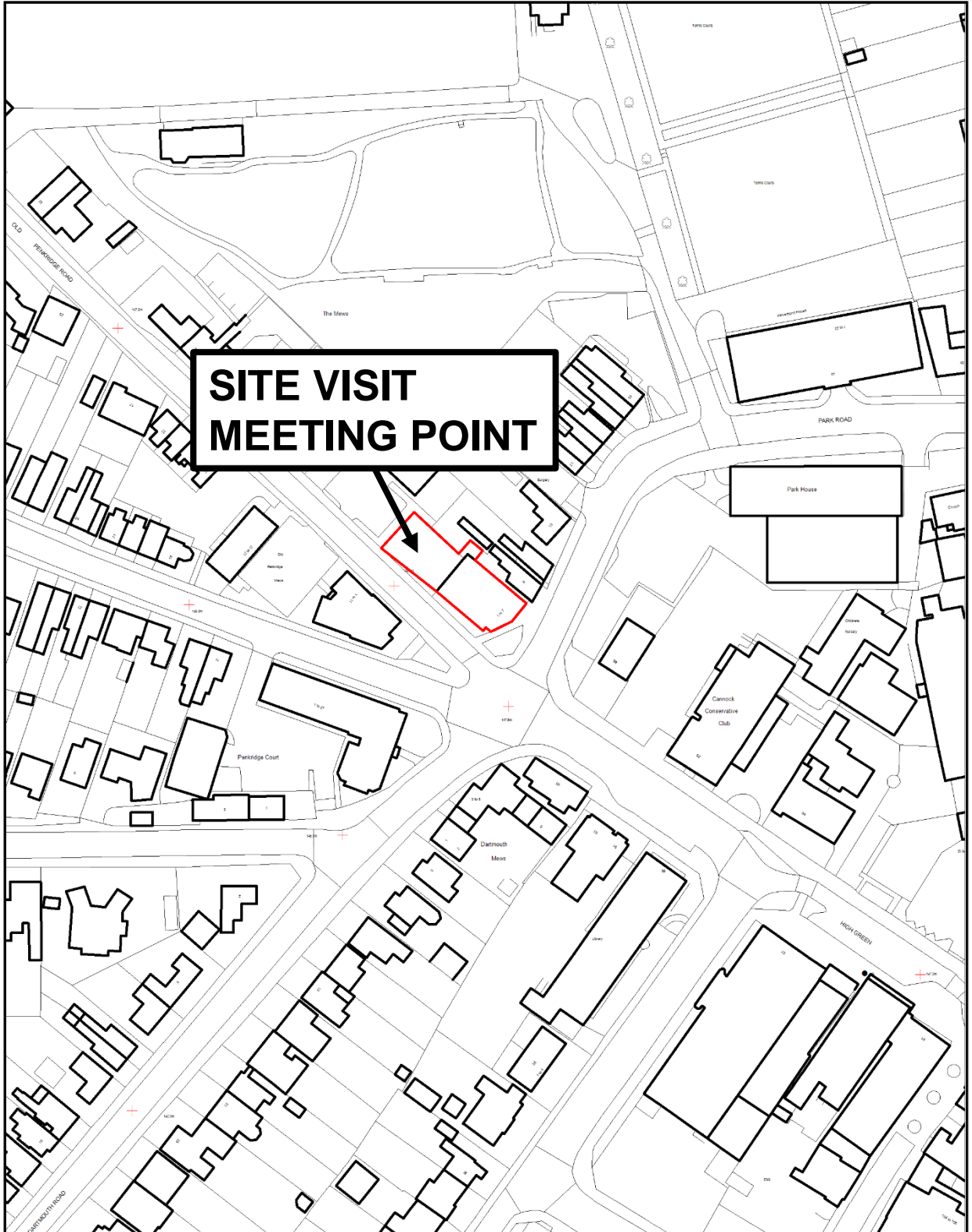
	The meeting closed at 4.45pm.
	_____ <b>Chairman</b>



**Application No:** CH/21/0407

**Location:** 1-7, Park Road, Cannock, WS11 1JN

**Proposal:** Installation of external air conditioning units (retrospective application)

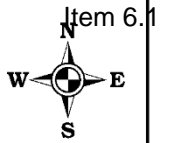




**Application No:** CH/21/0407

**Location:** 1-7, Park Road, Cannock, WS11 1JN

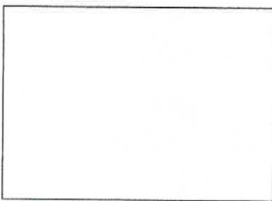
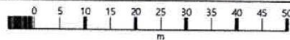
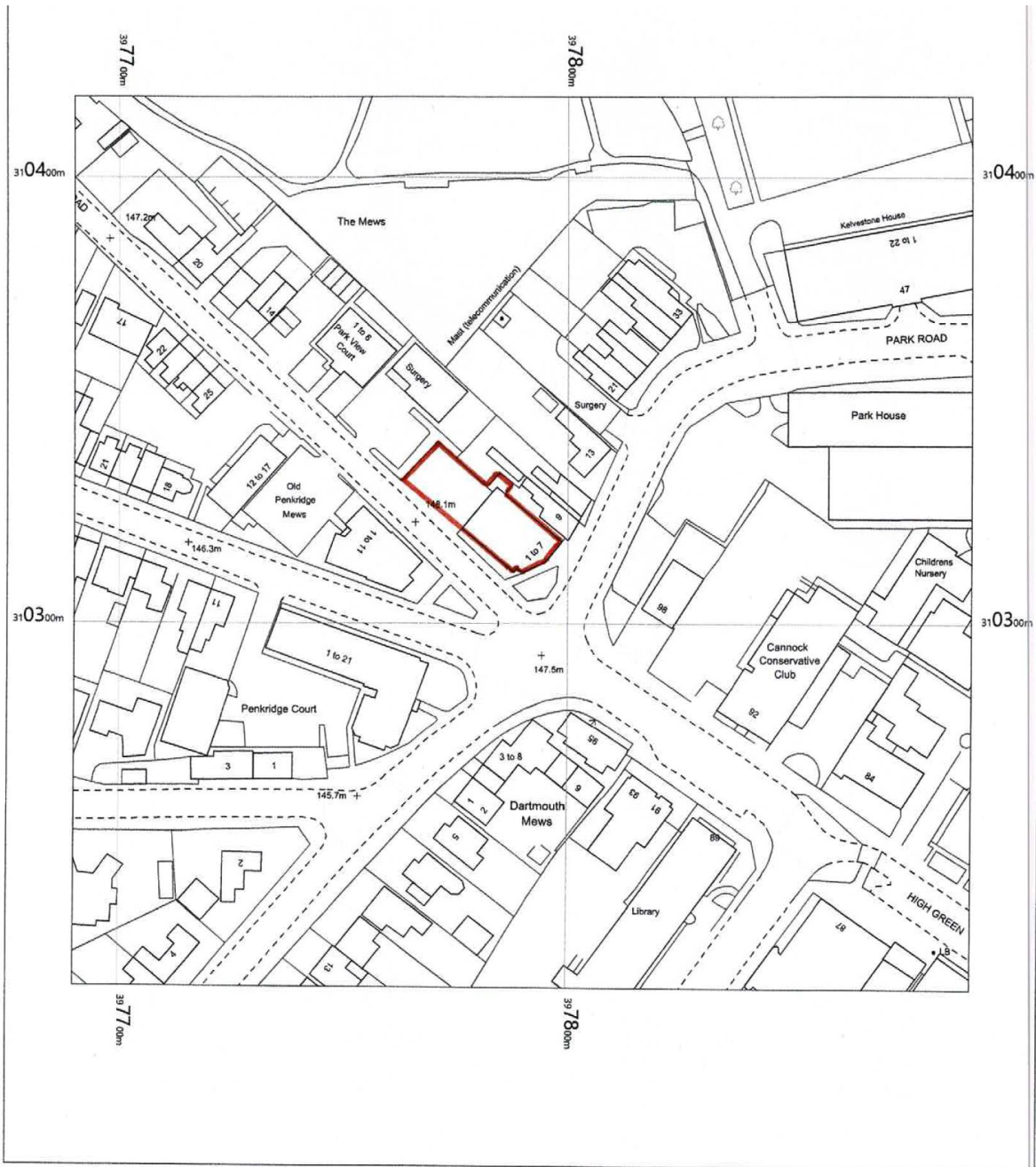
**Proposal:** Installation of external air conditioning units (retrospective application)



Item 6.1



# Location Plan



OS MasterMap 1250/2500/10000 scale  
Thursday, September 23, 2021, ID: CM-00992247  
[www.centremapslive.co.uk](http://www.centremapslive.co.uk)

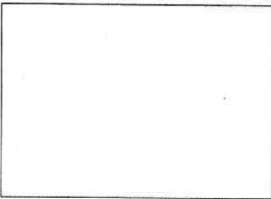
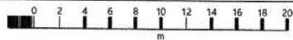
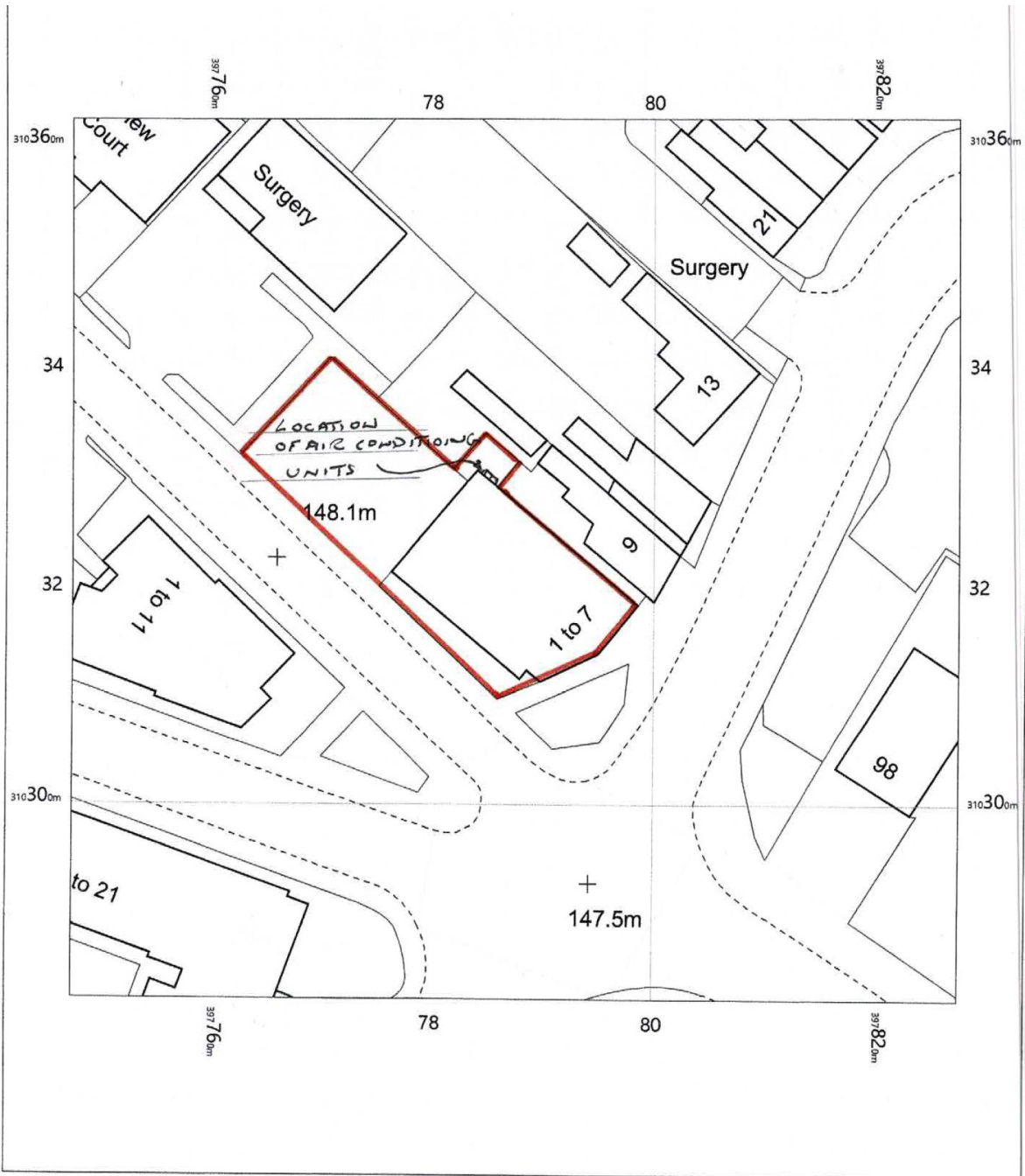
1:1250 scale print at A4, Centre: 397790 E, 310318 N

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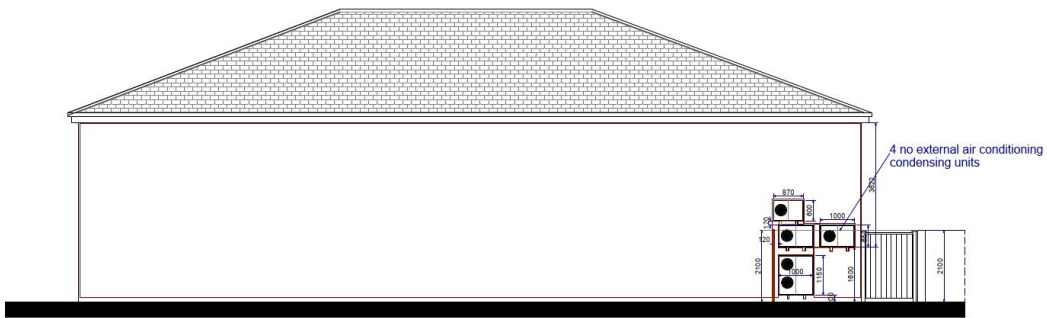
# Block Plan



OS MasterMap 1250/2500/10000 scale  
Monday, September 27, 2021, ID: CM-00992851  
[www.centremapslive.co.uk](http://www.centremapslive.co.uk)  
1:500 scale print at A4, Centre: 397788 E, 310322 N  
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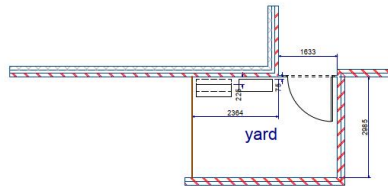
# Plans and Elevations



Existing Side Elevation



Site photographs of Air conditioning units condensing units and relationship to adjacent building



Existing yard area showing location of air conditioning units

## Notes



Project  
Elevation - Plan Details  
(air conditioning units)

Londis  
1-7 Park Road  
Cannock  
WS11 1JN

Client  
Haran Retail Ltd

Drawing No.  
DPM812/01

Date Scale  
September 2021 1:100

Page Size - A3



Contact Officer: Samuel Everton

Telephone No:4514

**Planning Control Committee**

**23<sup>rd</sup> February 2022**

**Application No:** CH/21/0407

**Received:** 01-Oct-2021

**Location:** 1-7, Park Road, Cannock, WS11 1JN

**Parish:** None

**Ward:** Cannock West

**Description:** Installation of external air conditioning units (retrospective application)

**Application Type:** Full Planning Application

**RECOMMENDATION:**

Approve for a Temporary Six-Month Period, Subject to Conditions

**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 development hereby permitted shall be retained in accordance with the following approved plans:

Location Plan

Block Plan

Drawing No. DPM812/01

Reason

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



2. Notwithstanding the details of the approved plans, within 21 days of the date of this permission an acoustic enclosure shall be erected around the the Air Conditioning Condenser Units. The acoustic enclosure shall thereafter be retained for the lifetime of the permission

#### Reason

To enable the mitigation measures set out in the submitted Noise Survey Report to be carried out and to ensure that they have achieved the desired reduction in sound levels generated from the Units. This is so as to ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policy CP3 - 'Chase Shaping, Design' and the NPPF.

3. This permission shall expire on 24th August 2022. On, or before, that date the Air Conditioning Condenser Units shall be removed unless otherwise agreed in writing by the Local Planning Authority\*.

#### Reason

To enable the mitigation measures set out in the submitted Noise Survey Report be carried out and to ensure that they have achieved the desired reduction in sound levels generated from the Units. This is so as to ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policy CP3 - Chase Shaping, Design and the NPPF.

#### Notes to the Developer

- \* A new application for planning permission to the Council will be required for the retention of the Air Conditioning Units hereby approved beyond this period. The applicant is therefore advised to use this period to undertake robust surveying of the noise generated by the units and the mitigating impact of the acoustic enclosure.

### Consultations and Publicity

#### Internal Consultations

##### Environmental Health

Advises that +11dB is rather significant and therefore the applicant would need to either move the Units to where the assessment suggests or put an acoustic noise barrier up. Adding that if they go for this option, then another noise assessment will need to be completed afterwards to ensure the barrier has worked.

The Environmental Health Officer also confirmed that they would be amenable to a temporary six-month permission to enable steps to mitigate the noise impacts to be undertaken and further acoustic testing to then be carried out

### **External Consultations**

None.

### **Response to Publicity**

The application has been advertised by site notice and neighbour letter. One letter of representation has been received which is in objection to the proposal and raises the following concerns: -

- No written technical information of the units has been forthcoming, or a Noise Impact Assessment, or information on the hours of operation has been submitted with the application.
- The units are unsightly and are in view from the windows and patio of the neighbour's property.
- They units are noisy and concerns that one of the bedrooms of the neighbouring flat is in close proximity to them and will be heard at night. During the warmer weather it will seriously affect the quality of life of occupiers of the neighbouring flat.
- The units are situated directly behind and on top of the boundary fence separating the application building from the neighbouring flat's patio garden/amenity space. Air disturbance and noise from these units will seriously affect enjoyment of this vital amenity space.
- The area where these units are located was the sole location for refuse storage. This could also cause a conflict.
- That the units were erected without planning permission which prevented neighbours from commenting on the proposals until now.
- That there may be more suitable locations that should have been explored before they were installed.

Following the later receipt of the Noise Survey Report and Technical Information, the Council re-consulted on the application and received the following further comments from neighbours: -

- The Noise Impact Assessment for Application number CH/21/047 confirms my concerns that the air conditioning units will have a detrimental effect on my tenants' wellbeing at 9a Park Road. Therefore I believe that the application should be refused and alternative sites explored.

### **Relevant Planning History**

None.

## **1. Site and Surroundings**

- 1.1 The application site comprises a two-storey building and associated car park and yard area, used as a 'Londis' shop located on the corner of Park Road and Old Penkridge Road.
- 1.2 The application building comprises a brick construction with a hipped roof, and features recently installed signage on its east, south and western elevations in connection with the shop. There is an existing 2.1m brick wall on the northern boundary of the site and enclosing the yard area.
- 1.5 The application site is located within the Cannock Town Centre boundary, with the area comprised of a mix of retail and other commercial uses associated with the town centre as well as residential uses including two storey dwellings and apartments. To the northeast of the site there is a two-storey building divided into a beauty and massage clinic at ground floor level with a flat at first floor level at No's. 9 and 9A, with the rear area used as a patio for the flat. There is also a dwelling at No. 11 and a row of two storey dwellings further along Park Road and to the northwest there is a doctor's surgery.
- 1.6 The site is also located within a Mineral Conservation Area and a Coal Mining Low Risk area.

## **2. Proposal**

- 2.1 The application seeks retrospective planning permission for the installation of 4 No. Air Conditioning (AC) Units on the northern elevation of the building within the enclosed service yard area.
- 2.2 The AC units comprise a typical design, with the highest unit at 2.9m above ground level.

## **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

Relevant policies within the minerals plan include: -

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

3.3 National Planning Policy Framework

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.

3.6 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
185:	Ground conditions and Pollution
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.

**4. Determining Issues**

4.1 The determining issues for the proposed development include: -

- i) Principle of development.
- ii) Design and impact on the character and form of the area.
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Minerals safeguarding.

## 4.2 Principle of the Development

4.2.1 The AC units are located on the side of an existing retail premises in connection with the retail land use. As such the development is considered acceptable in principle subject to the considerations outlined below.

## 4.3 Design and the Impact on the Character and Form of the Area

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 126 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 that is not well designed, especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents such as design guides and codes. 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. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

4.3.5 The AC units are of a typical design, comprising a grey metallic box structure with associated black wiring visible against the brickwork. Whilst the units do not present an aesthetically pleasing addition to the host building, the units are located out of sight and mostly screened from the street scene within the rear yard area. As such, the units do not significantly harm the character and form of the wider area.

4.3.6 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 acceptable in respect to its impact on the character and form of the area.

#### 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 be addressed in development proposals and goes on to 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 In addition paragraph 185 of the NPPF states

'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should [amongst other things]:

- (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life ;'

#### 4.4.4 The material considerations in this case are the potential for noise and disturbance to neighbours.

4.4.5 The AC units are located in close proximity to the flat at No. 9A Park Road, which given its use as residential would be susceptible to any significant degree of noise generated by the proposed air conditioning units. The rear windows of the flat would be within 10m of the AC units and the rear amenity space would be directly adjacent to the units. In the light of this, it is noted that the application is supported by a Noise Survey Report and related technical information. The Report identifies the dwellings at No's. 9-11 Park Road as the nearest noise receptors to the AC units and finds that the units would generate 11dB above the night-time background sound level, therefore indicating a potential for a significant adverse impact. The Report therefore made two recommendations to mitigate this impact, (i) either move the unit to the rear elevation of the shop or (ii) the housing of the condenser units within an acoustic enclosure.

4.4.6 However, officers would discount moving the units to the rear elevation as a viable option. As moving the units here would result in them being sited within a highly prominent position which would have a significant adverse impact on the street scene of Old Penkridge Road. Moreover, the application is retrospective, and therefore the application should be assessed on the basis as it stands now. Therefore, this leaves the use of an acoustic enclosure as the only viable mitigation method presented that can be considered.

4.4.7 As such, the Report details that the condenser units would need to be housed within acoustic enclosures that achieve a minimum weighted sound reduction of 11dB, so as to reduce the noise levels generated to below the night-time background sound level. According to the findings of the Report, this would then achieve a no observed effect to noise receptors such as the first floor flat at No.

9A Park Road. Considering this, officers have liaised with the Council's Environmental Health department and recommend that a temporary permission be granted for 6 months so as to enable the applicant to install the acoustic enclosures and carry out further acoustic testing to confirm that the enclosures have achieved the desired reduction in noise generation. After this period, the permission would expire and the applicant would need to reapply and support the application with a new Noise Report outlining the findings of the testing. If it is found that the mitigation measures have not achieved the desired results after this period, the Council would be able to require their removal or to investigate whether there are other options available to resolve the issue.

4.4.8 Therefore, it is considered that having had regard to paragraph 185 of the NPPF, Policy CP3 of the Cannock Chase Local Plan it is appropriate in this instance to grant a temporary permission to allow the applicant the opportunity to mitigate potential noise issues and to assess the efficacy of those measures.

#### 4.5 Impact on Highway Safety

4.5.1 Paragraph 111 of the 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 AC units do not alter any access arrangements or visibility splays and therefore would not have any significant adverse impact on highways safety and would be in accordance with Paragraph 111 of the NPPF.

#### 4.7 Mineral Safeguarding

4.7.1 Part of the site falls within a Mineral Safeguarding Area (MSAs) for Superficial Sand and Gravel and Coal Fireclay. Paragraph 212, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), aim to protect mineral resources from sterilisation by other forms of development.

4.7.2 Policy 3.2 of the Minerals Local Plan states that:

'Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and



- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.'

4.7.3 The development would fall under Item 2 within the exemption list as an application development to an existing building and is therefore permitted. As such the proposal is compliant with Policy 3 of the Minerals Local Plan.

## **5. Human Rights Act 1998 and Equality Act 2010**

### **5.1 Human Rights Act 1998**

5.1.2 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.

### **5.2 Equality Act 2010**

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

5.2.2 By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

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

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

5.2.4 Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equality Act.

**6. Conclusion**

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the proposed mitigation measures, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 It is therefore recommended that the application be granted temporary approval for a six-month period, subject to the attached conditions.

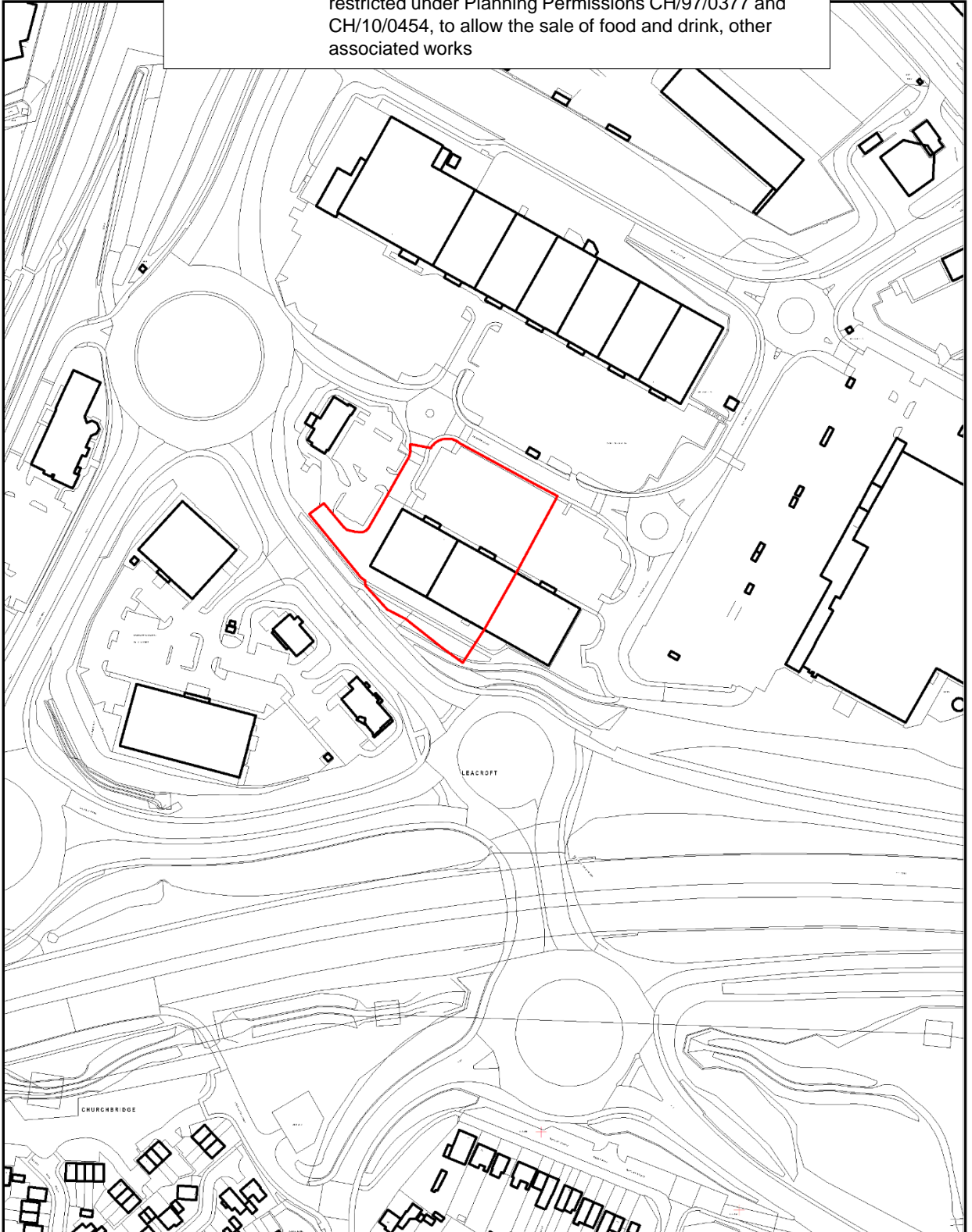


**Application No:** CH/21/0231

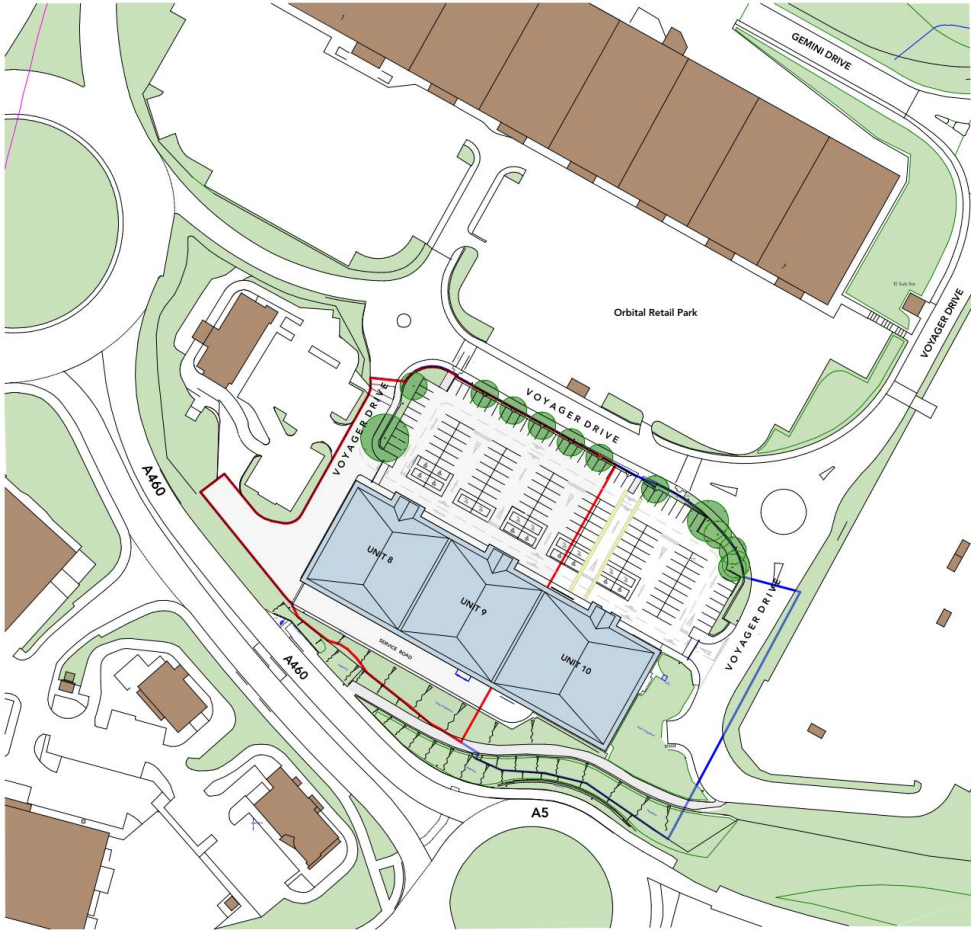
**Location:** Units 8 & 9 Orbital Retail Park, Voyager Drive, Cannock, WS11 8XP

**Proposal:** External alterations to elevations associated with the amalgamation of Units 8 and 9 to accommodate a foodstore, 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

Item 6.16



# Location Plan



Site Location Plan

1:500

05	18/05/2021	Dr. Paul Smith (Site Designer)	01	Site
04	23/03/2021	Planning Application (Initial)	01	Site
03	17/03/2021	Final Site Plan (2020)	01	Site
02	15/03/2021	Planning Application (Final)	01	Site
01	15/03/2021	Site Plan (Initial)	01	Site

## Clearbell

RIBA Stage 3

A55, Orbital Retail Park

Site Location Plan

05/04/2021 09:00:00 A-0520

01/04/2021

01/04/2021

01/04/2021

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01/04/2021

01/04/2021

Scale (m) 1:500

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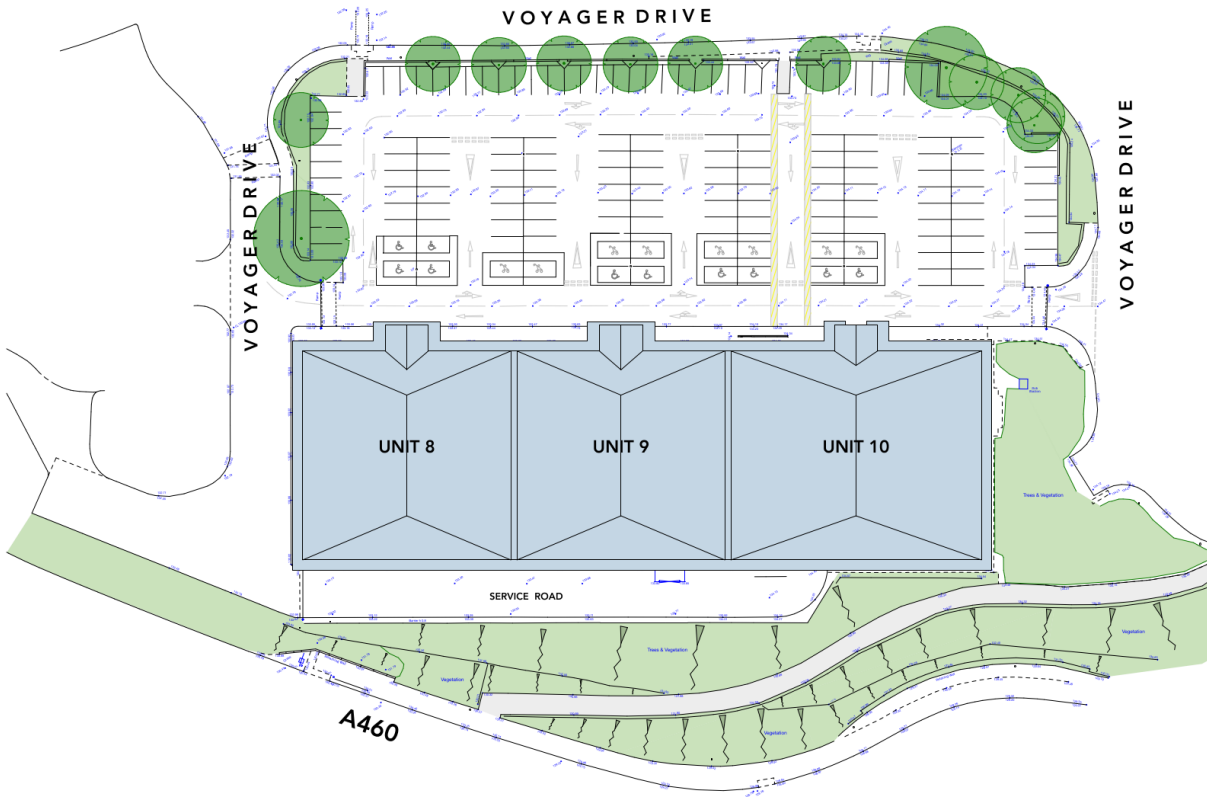
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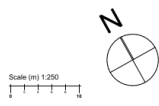
00200

# Existing Site Plan



Site Plan Existing

1:250



05	18/05/2021	On-site site plan removed	01	00A
04	23/05/2021	Planning Application: Issue	01	00A
03	17/05/2021	Final site plan	01	00A
02	16/05/2021	Planning Application: Issue	01	00A
01	15/05/2021	Site plan	01	00A

**Clearbell**  
RIBA Stage 3

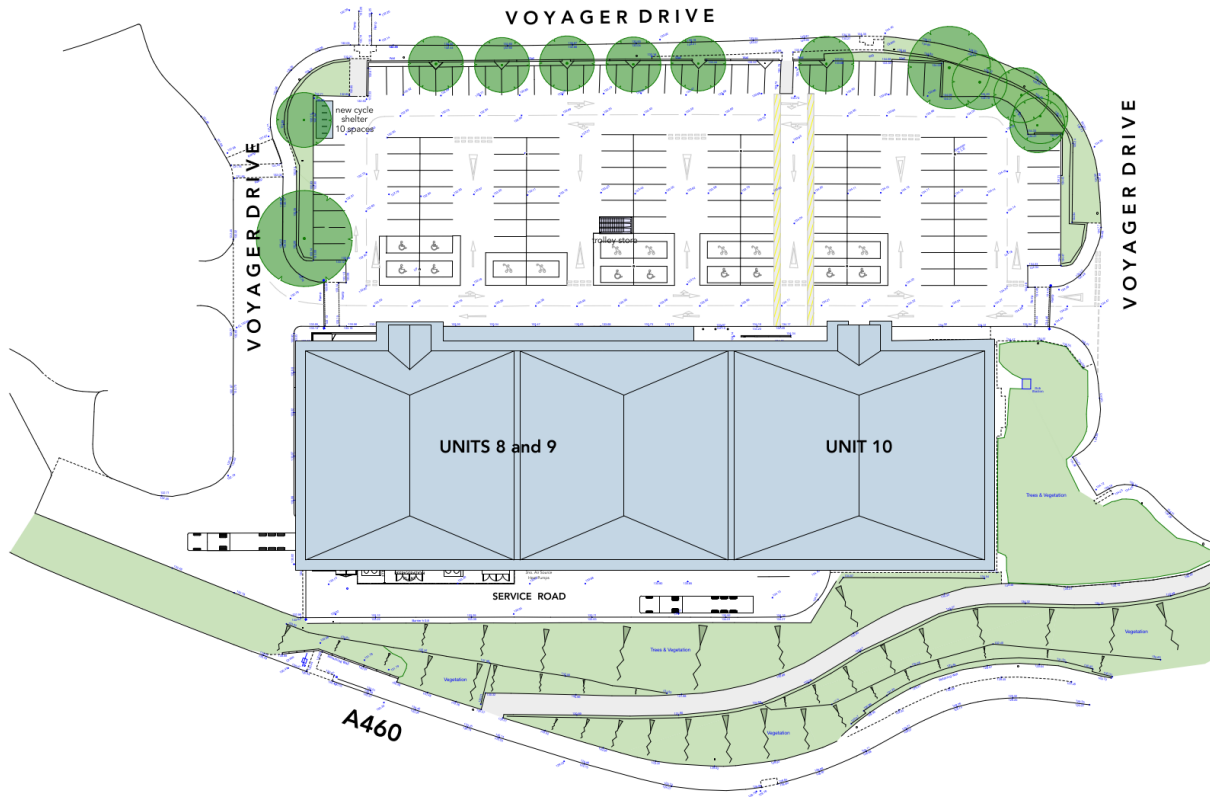
Site: AISI, Orbital Retail Park

Existing Site Plan

Project:	00A-000000	Scale:	1:250
Client:	00A-000000	Author:	00A-000000
Drawn:	00A-000000	Checked:	00A-000000
Date:	00A-000000	Project No.:	00A-000000

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# Proposed Site Plan



Site Plan Proposed

1:250

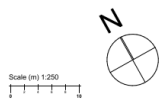
01	18/05/2021	On-site cycle shelter removed	01	004
02	23/05/2021	Planning Application: minor changes	01	004
03	17/06/2021	Planning Application: minor changes	01	004
04	18/06/2021	Planning Application: minor changes	01	004
05	18/06/2021	Planning Application: minor changes	01	004
06	18/06/2021	Planning Application: minor changes	01	004
07	18/06/2021	Planning Application: minor changes	01	004
08	18/06/2021	Planning Application: minor changes	01	004
09	18/06/2021	Planning Application: minor changes	01	004
10	18/06/2021	Planning Application: minor changes	01	004
11	18/06/2021	Planning Application: minor changes	01	004
12	18/06/2021	Planning Application: minor changes	01	004
13	18/06/2021	Planning Application: minor changes	01	004
14	18/06/2021	Planning Application: minor changes	01	004
15	18/06/2021	Planning Application: minor changes	01	004
16	18/06/2021	Planning Application: minor changes	01	004
17	18/06/2021	Planning Application: minor changes	01	004
18	18/06/2021	Planning Application: minor changes	01	004
19	18/06/2021	Planning Application: minor changes	01	004
20	18/06/2021	Planning Application: minor changes	01	004

**Clearbell**  
RIBA Stage 3

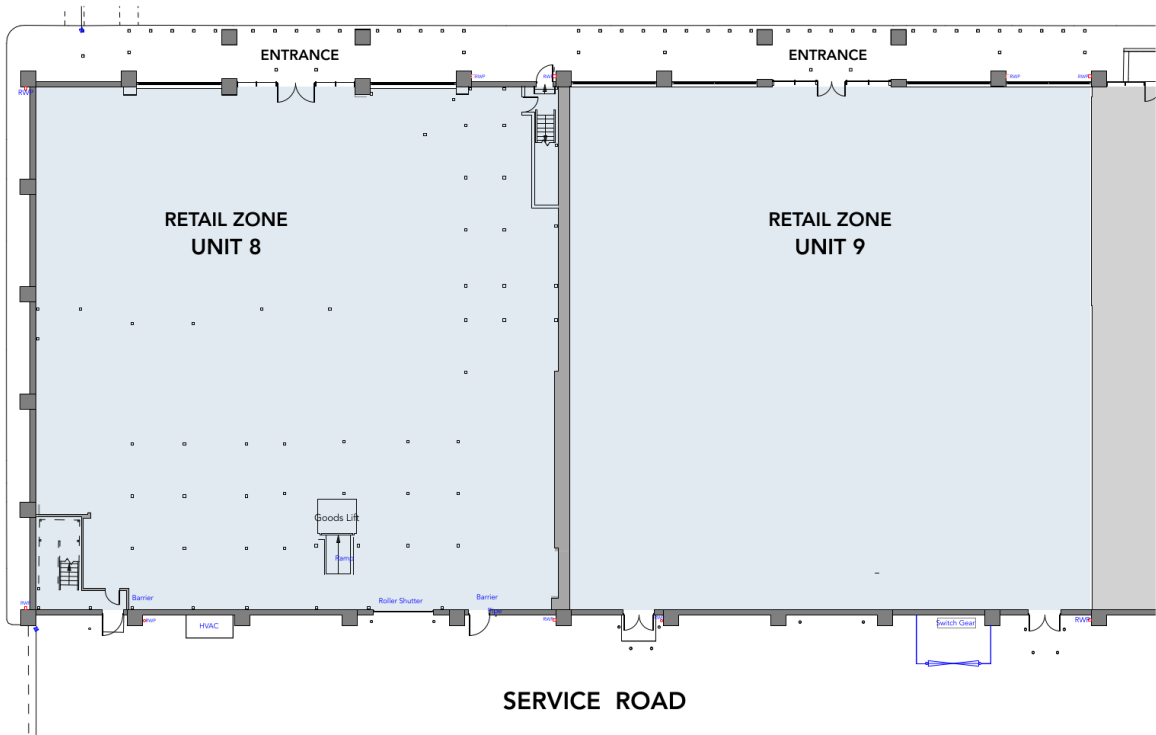
Site: Orbital Retail Park

Proposed Site Plan  
 18/05/2021 00:00:00 A-00210  
 18/05/2021 00:00:00 A-00210  
 18/05/2021 00:00:00 A-00210

**maber** CONSULTANTS ENGINEERS ARCHITECTS  
 00210



# Existing Floor Plans



Ground Floor Plan - Existing

1:100

01	19/02/2021	Site plan update	JG	Site
02	20/02/2021	Planning Application Notes	JG	Site
03	19/02/2021	Issue 001 Issues	JG	Site
04	19/02/2021	Issue 001 Issues	JG	Site

## Clearbell

RIBA Stage 3

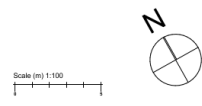
Site: Orbital Retail Park

Project: Ground Floor Plan Existing

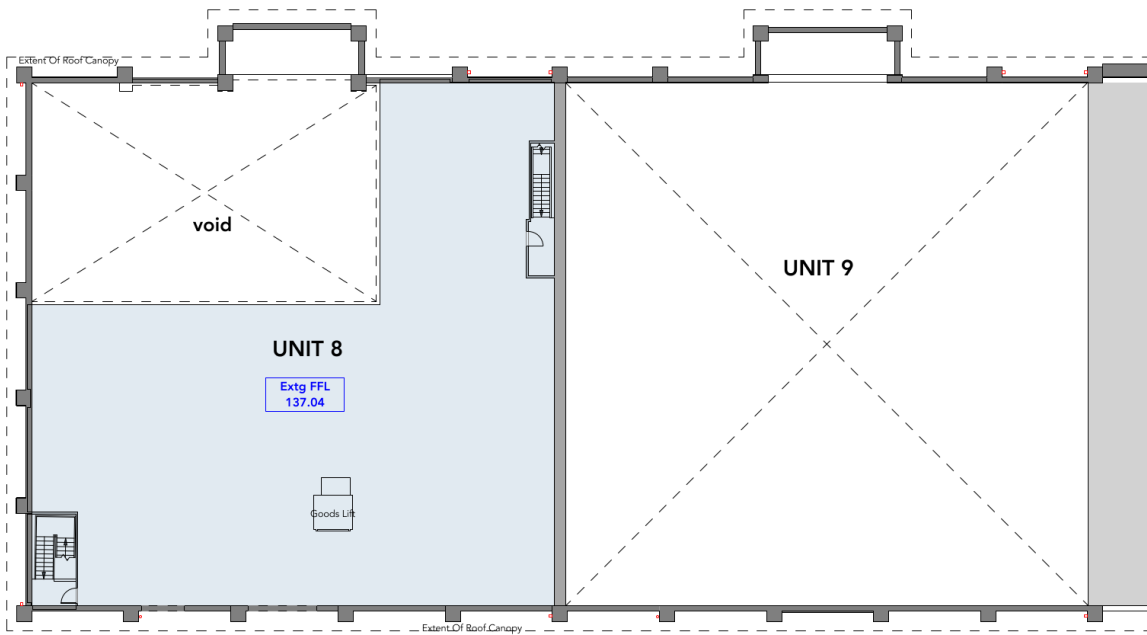
Author:	JG
Check:	JG
Date:	19/02/21


**00301**

Drawings are to be printed at A1 or A2. All dimensions are indicated unless otherwise stated. All dimensions are in millimeters unless otherwise stated. All dimensions are in millimeters unless otherwise stated. All dimensions are in millimeters unless otherwise stated. All dimensions are in millimeters unless otherwise stated.



# Existing Floor Plans



Mezzanine Floor Plan - Existing

1:100

01	14/02/2021	Site visit and scope review	JG	Site
02	20/02/2021	Planning Application Review	JG	Site
03	10/03/2021	Issue Brief Review	JG	Site
04	10/03/2021	Issue Brief Review	JG	Site

## Clearbell

RIBA Stage 3

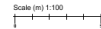
Site: Orbital Retail Park

Mezzanine Floor Plan Existing

Author:	MAK
Checked:	JG
Drawn:	MAK
Scale:	1:100 @ A1


**00302**

Drawings are to be printed at this scale. All dimensions are indicated unless otherwise stated. All dimensions are in millimeters unless otherwise stated. The client is responsible for ensuring that the drawings are used for the intended purpose. The client is responsible for ensuring that the drawings are used for the intended purpose.



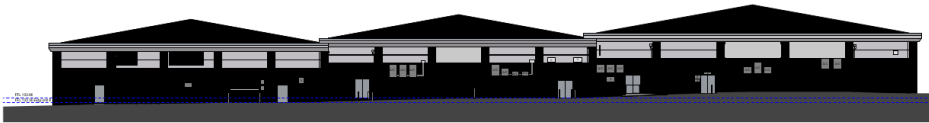


# Existing Elevations



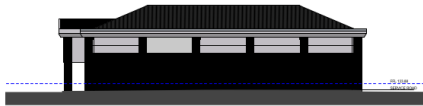
Front Elevation Existing

1:200



Rear Elevation Existing

1:200



NW Elevation Existing

1:200



03	19/02/2021	Site and access notes reviewed	JG	Site
02	28/02/2021	Planning Application Notes	JG	Site
01	18/02/2021	Issue Brief Issues	JG	Site
00	00/00/00	Issue Brief	JG	Site

## Clearbell

RIBA Stage 3

Site: Orbital Retail Park

Existing - Elevations 1

Project Ref: 00600-02-02-01-A-0000

Project Name: Orbital Retail Park

Project Location: Orbital Retail Park

Project Date: 19/02/2021

Project Status: RIBA Stage 3

Project Ref: 00600-02-02-01-A-0000

Project Name: Orbital Retail Park

Project Location: Orbital Retail Park

Project Date: 19/02/2021

Project Status: RIBA Stage 3

Project Ref: 00600-02-02-01-A-0000

Project Name: Orbital Retail Park

Project Location: Orbital Retail Park

Project Date: 19/02/2021

Project Status: RIBA Stage 3

Project Ref: 00600-02-02-01-A-0000

Project Name: Orbital Retail Park

Project Location: Orbital Retail Park

Project Date: 19/02/2021

Project Status: RIBA Stage 3

Project Ref: 00600-02-02-01-A-0000

Project Name: Orbital Retail Park

Project Location: Orbital Retail Park

Project Date: 19/02/2021

Project Status: RIBA Stage 3

Project Ref: 00600-02-02-01-A-0000

Project Name: Orbital Retail Park

Project Location: Orbital Retail Park

Project Date: 19/02/2021

Project Status: RIBA Stage 3

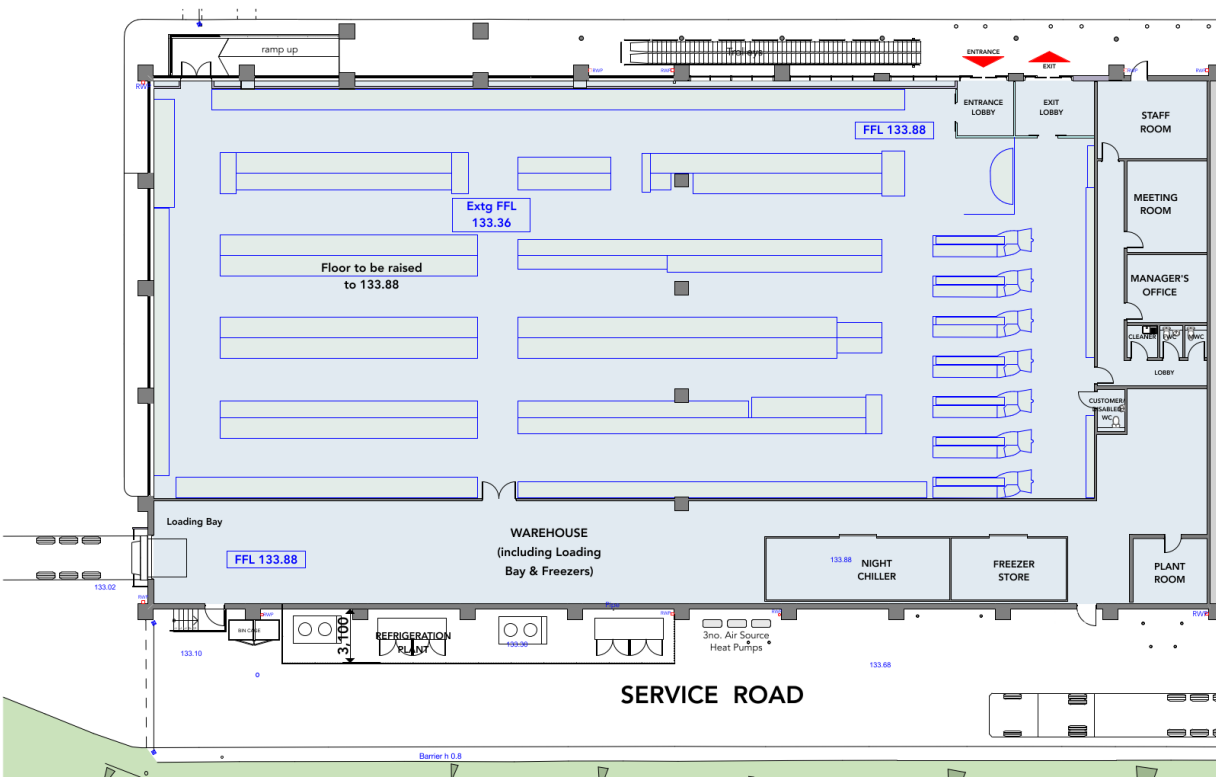
Project Ref: 00600-02-02-01-A-0000

Project Name: Orbital Retail Park

Project Location: Orbital Retail Park

00600

# Proposed Floor Plans



Ground Floor Plan - Proposed

1:100

Proposed GIA Schedule (approx.)		
	Storey	GIA
GIA Proposed	00-Ground Floor	1,876.5
		1,876.5 m <sup>2</sup>

Net Sales Area (approx.)		
	Storey	Area
N/A	00-Ground Floor	1,288.7
		1,288.7 m <sup>2</sup>

Scale (m) 1:100



- 01 18/03/2021 Site visit notes table reviewed
- 02 07/05/2021 Drawings and notes changed to include RIBA Stage 3
- 03 12/05/2021 Planning Application submitted
- 04 20/05/2021 Planning Application issued
- 05 18/06/2021 Revised Planning Application submitted
- 06 18/06/2021 Revised Planning Application issued
- 07 18/06/2021 Revised Planning Application submitted
- 08 18/06/2021 Revised Planning Application issued
- 09 18/06/2021 Revised Planning Application submitted
- 10 18/06/2021 Revised Planning Application issued

**Clearbell**  
RIBA Stage 3  
Site: Orbital Retail Park

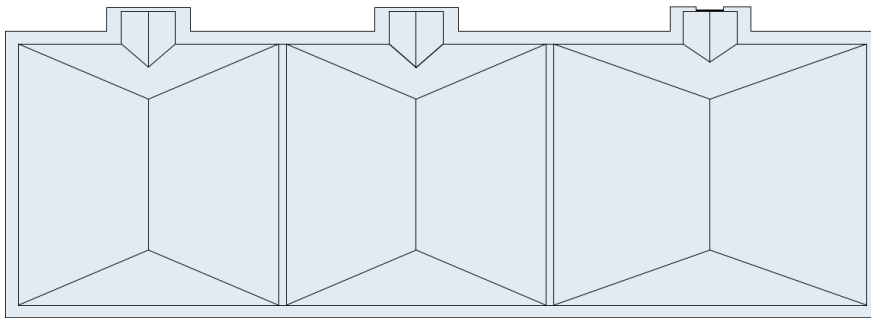
Ground Floor Plan

0310

00310

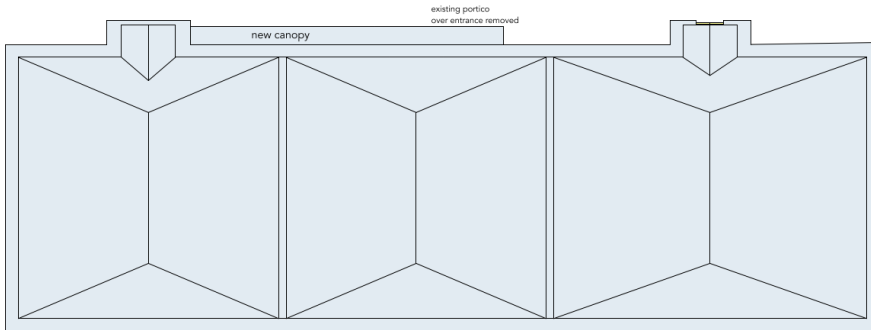
0310

# Roof Plans



Roof Plan Existing

1:200



Roof Plan Proposed

1:200



03	19/03/2021	Site plan update submitted	JG	Site
02	20/03/2021	Planning Application Stage	JG	Site
01	18/03/2021	Issue Brief Issue	JG	Site
00	00/00/00	Issue Brief	JG	Site

## Clearbell

RIBA Stage 3

Site: Orbital Retail Park

Roof Plan - Exis and Proposed

03/04/2021 09:02:00 A-0303



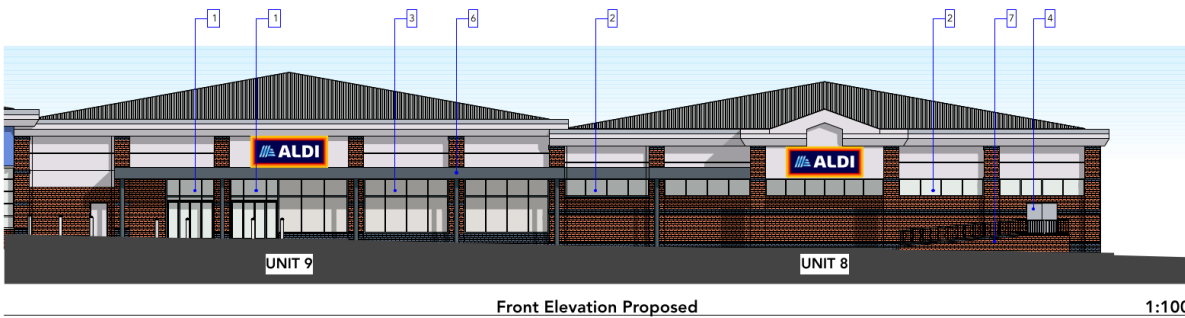
00303

Drawings are to be checked and signed by the Designer. All dimensions are reference unless otherwise stated. All dimensions are in millimeters unless otherwise stated. The Designer shall be responsible for ensuring that the drawings are in accordance with the relevant standards and specifications. The Designer shall be responsible for ensuring that the drawings are in accordance with the relevant standards and specifications. The Designer shall be responsible for ensuring that the drawings are in accordance with the relevant standards and specifications.

# Proposed Elevations



Indicative signage shown, new signage proposals will be a separate application



### Materials Key

1. Colour coated aluminium entrance screens, colour: RAL 7016
2. Colour coated aluminium ribbon window frames, colour: RAL 7016
3. Colour coated aluminium window frames, colour: RAL 7016
- Look alike glass panels, to receive graphics.
4. Colour coated aluminium doors, colour: RAL 7016
5. Colour coated metal overhead sectional door, colour: RAL 7016
6. Canopy - Canopy soffit to be Ash and Lacy 150mm wide soffit plank colour RAL 9010 White  
Canopy Fascia to be coated aluminium flat sheet, colour RAL 7016 Anthracite grey  
Circular columns, paint finish, colour RAL 7016 Anthracite grey
7. Dwarf wall and ramp for new fire exit. Facing brick to match existing.  
Metal handrail, paint finish, colour RAL 7016 Anthracite grey

05	16/05/2021	Site not visible with proposed	JCJ	Site
06	20/05/2021	Revised plans submitted	JCJ	Site
07	23/05/2021	Planning Application issued	JCJ	Site
08	11/06/2021	Planning Application issued	JCJ	Site
09	16/06/2021	Planning Application issued	JCJ	Site
10	16/06/2021	Planning Application issued	JCJ	Site
11	16/06/2021	Planning Application issued	JCJ	Site
12	16/06/2021	Planning Application issued	JCJ	Site

**Clearbell**  
RIBA Stage 3

Site: Orbital Retail Park

Proposed Elevations 1

Author:	05/06/2021	Scale:	1:100
Checked:	05/06/2021	Scale:	1:100
Drawn:	05/06/2021	Scale:	1:100
Plot:	05/06/2021	Scale:	1:100

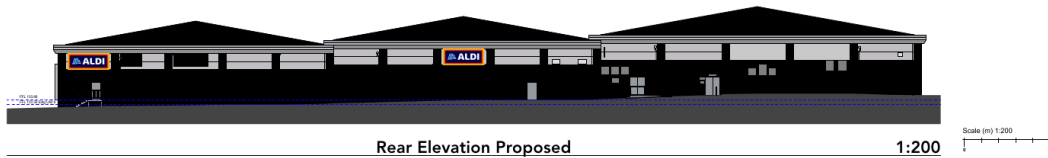
**maber** ARCHITECTS

00610

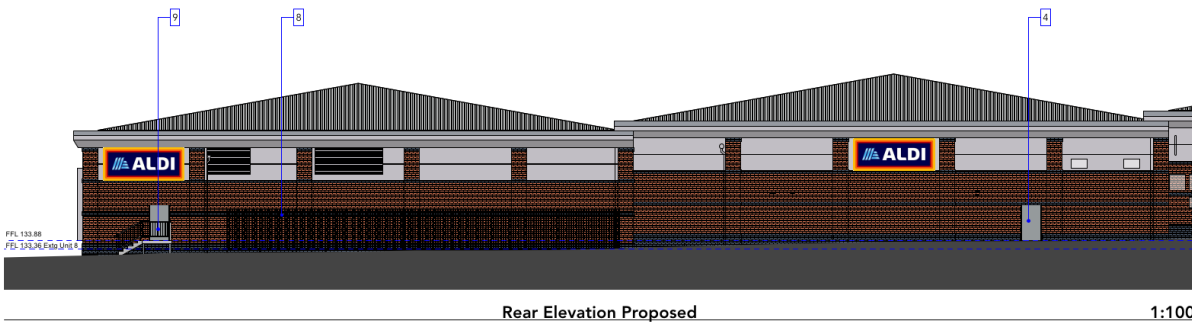
05/06/2021

00610

# Proposed Elevations



Indicative signage shown, new signage proposals will be a separate application



### Materials Key

1. Colour coated aluminium entrance screens, colour: RAL 7016
2. Colour coated aluminium ribbon window frames, colour: RAL 7016
3. Colour coated aluminium window frames, colour: RAL 7016  
Look alike glass panels, to receive graphics
4. Colour coated aluminium doors, colour: RAL 7016
5. Colour coated metal overhead sectional door, colour: RAL 7016  
Look alike glass panels, to receive graphics
6. Canopy - Canopy soffit to be Ash and Lacy 150mm wide soffit plank colour RAL 9010 White  
Canopy Fascia to be coated aluminium flat sheet, colour: RAL 7016, Anthracite grey  
Circular columns, paint finish, colour RAL 7016 Anthracite grey
7. Dwarf wall and ramp for new fire exit. Facing brick to match existing.  
Metal handrail, paint finish, colour RAL 7016 Anthracite grey
8. Palisade fence enclosure to external plant, 2.4m high
9. Galvanised steel staircase and handrail

Existing openings to be removed to be blocked up with brick to match existing.

05	16/03/2021	Site and scale note updated	JG	Site
06	20/03/2021	Revised notes submitted	JG	Site
07	23/03/2021	Planning Application Notes	JG	Site
08	11/04/2021	Revised Draft Signage Plans submitted	JG	Site
09	16/05/2021	Following meeting 19.11.21. Notes added	JG	Site
10	16/05/2021	Final Draft Issue	JG	Site

**Clearbell**  
RIBA Stage 3  
Aldi, Orbital Retail Park

Proposed Elevations 2

Author: JG  
Date: 16/05/2021  
Scale: 1:100, 1:200 @ A1

**maber** ARCHITECTS  
00611

00611

# 3D Views



View of entrance



Corner View

01	10/02/2021	Site plan layout with landscape	JGJ	Site
02	23/03/2021	Planning Application Draw	JGJ	Site
03	10/02/2021	External Pavement, Floor finished	JGJ	Site
04	10/02/2021	Site plan layout 19.11.21, Notes added	JGJ	Site
05	10/02/2021	Final Final issue	JGJ	Site
06	08/01/2021	Final issue	TV	Site

## Clearbell

RIBA Stage 3

Site: Orbital Retail Park

### Sketch 3D Views

Project:	006-000-00-02-00-A-0000	Area (m <sup>2</sup> ):	52,174
Client:	Clearbell	Perimeter (m):	406,110
Scale:	1:75.00	Plot Size (m <sup>2</sup> ):	1,171.00


**00620**

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Contact Officer: Richard Sunter

Telephone No: 01543 464481

## **Planning Control Committee**

**26<sup>th</sup> January 2022**

**Application No:** CH/21/0231

**Received:** 19-May-2021

**Location:** Units 8 & 9 Orbital Retail Park, Voyager Drive, Cannock, WS11 8XP

**Parish:** Norton Canes

**Ward:** Norton Canes Ward

**Description:** External alterations to elevations associated with the amalgamation of Units 8 and 9 to accommodate a foodstore, 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

**Application Type:** Full Planning Application

**RECOMMENDATION:** Approve subject to conditions and section 106 agreement in respect to monies for the implementation of a travel plan.

### **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 development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

2. The materials to be used for the external surfaces of the development shall be of the same type, colour and texture as those specified in the approved plans.

Reason

In the interests of visual amenity and to ensure compliance with Local Plan Policies CP3, CP15, CP16, RTC3 (where applicable) and the NPPF.

Floorspace Restriction

3. The total Class E(a) floorspace hereby permitted shall not exceed 1,876sq m gross internal area. The net sales (defined as all internal areas to which customers have access, including checkouts and lobbies) shall not exceed 1,289sq m without the consent of the Local Planning Authority.

Reason

In the interests of protecting the vitality of Cannock town centre, Hednesford town centre and Hawks Green District Centre and to ensure compliance with Local Plan Policies CP11 and the NPPF.

Sale of Goods Restriction

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting or amending that Order with or without modification), the Class E(a) (retail) floorspace hereby permitted shall be used primarily for the sale of convenience goods with a maximum of 258sq m of the net sales are devoted to comparison goods.

Reason

In the interests of protecting the vitality of Cannock town centre, Hednesford town centre and Hawks Green District Centre and to ensure compliance with Local Plan Policies CP11 and the NPPF.

Subdivision

5. The Class E(a) (retail) unit hereby permitted shall be used as a single unit and shall not be sub-divided into two or more units, and no concessions shall be permitted within the unit without the consent of the Local Planning Authority.

Reason

In the interests of protecting the vitality of Cannock town centre, Hednesford town



centre and Hawks Green District Centre and to ensure compliance with Local Plan Policies CP11 and the NPPF.

#### Mezzanine Restriction

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended) (or any order revoking or re-enacting or amending that order with or without modification), no mezzanine floor or other form of internal floor to create additional floorspace other than that hereby permitted shall be constructed in the hereby permitted Class E(a) (retail) unit without the consented of the Local Planning Authority.

#### Reason

In the interests of protecting the vitality of Cannock town centre, Hednesford town centre and Hawks Green District Centre and to ensure compliance with Local Plan Policies CP11 and the NPPF.

#### Limited Assortment Discounter

7. The development hereby approved shall only be used as a Class E(a) retail foodstore 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.

8.

#### Reason

In the interests of protecting the vitality of Cannock town centre, Hednesford town centre and Hawks Green District Centre and to ensure compliance with Local Plan Policies CP11 and the NPPF.

8. The proposed car parking, accesses, servicing and circulation areas as shown on the approved plan Drawing Number 00210 Proposed Site Plan shall be sustainably drained, hard surfaced in a bound material, lit and marked out prior to the first occupation of the building hereby permitted. Thereafter these parking areas shall be retained in accordance with the approved plans for the lifetime of the development.

#### Reason

In the interests of highway safety in accordance with Paragraph 111 of the NPPF.

9. Notwithstanding any details shown on the approved plans no development shall be brought into use until details indicating the following have been submitted to and approved in writing by the Local Planning Authority:

- details of secure and weatherproof cycle parking facilities within the curtilage of the site.

The parking shall thereafter be carried out in accordance with the approved details and be completed prior to first occupation and shall thereafter be retained as such for the lifetime of the development.

Reason

In the interests of promoting sustainable travel in accordance with Policy CP16 and the NPPF.

10. The Travel Plan which is hereby approved shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning Authority for approval for a period of five years from first occupation of the development permitted by this consent.

Reason

In the interests of promoting sustainable travel in accordance with Policy CP16 and the NPPF.

11. The development hereby permitted shall be carried out in accordance with the following approved plans:

3356-MAB-00-00-DR-A-00200 S2/05	Location Plan
3356-MAB-00-00-DR-A-00210- S2 / 05	Proposed Site Plan
3356-MAB-00-ZZ-DR-A-00610- S2 / 05	Proposed Elevations 1
3356-MAB-00-ZZ-DR-A-00611-S2/ 05	Proposed Elevations 2
3356-MAB-00-02-DR-A-00303- S2 / 03	Roof Plan - Extg and Proposed
3356-MAB-00-00-DR-A-00310 S2 / 06	Ground Floor Plan

Reason

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

12. Prior to the commencement of any construction or site preparation works including any actions likely to interfere with the biological function of the retained trees and hedges, protective fencing shall be erected in accordance with BS5837.

Within the enclosed area known as the Tree Protection Zone, no work will be permitted without the written consent of the Local Planning Authority. No storage of material, equipment or vehicles will be permitted within this zone. Service routes will not be permitted to cross the Tree Protection Zones unless written consent of the Local Planning Authority is obtained. The Tree Protection Zone will be maintained intact and the vegetation within maintained until the cessation of all construction works or until the Local Planning Authority gives written consent for variation.

#### Reason

To ensure the retention and protection of the existing vegetation which makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

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

The developer's attention is drawn to the comments made by Staffordshire Police in respect to designing out crime.

The developers attention is drawn to the fact that the site is located within a Coal Authority High Risk Boundary, an Environment Agency Historic Landfill Boundary, a Site Investigation Boundary and a Landmark Contaminated Land Boundary. The responsibility for the safe development and secure occupancy of a site rests with the developer. You are advised that a prudent developer would undertake sufficient steps to ensure that any risk posed by these designations is addressed.

#### **Consultations and Publicity**

##### **Internal Consultations**

##### Environmental Health:

I wish to confirm that I have no adverse comments.

##### Economic Development

Supportive of the application. Hope that there will be consideration of local recruitment initiatives.

##### Development Plans and Policy Unit

My previous comments on the applications were as follows, however I note that the NPPF has subsequently been revised and the paragraph numbers referred to are incorrect:

The site lies within an existing out-of-centre development. There are no designations on the site identified on the Local Plan Proposals Map relevant to the consideration of the application.

The site is within the Norton Canes designated Neighbourhood Area, there is no Neighbourhood Plan for this area however one is currently being prepared.

The proposal seeks to permit the sale of food and drink from these units. The existing floorspace of the units is 2526sqm (gross internal) and the application forms state that 1876sqm of gross new internal floorspace is proposed; a reduction of 650sqm (arising from the removal of the mezzanine in Unit 8).

The application is accompanied by a planning and retail statement which contains a sequential test and proportionate impact test.

### **National Planning Policy Framework (NPPF) and the presumption in favour of development**

In terms of national guidance, the NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. It identifies that there are three overarching objectives – economic, social and environmental which are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.

The NPPF at paragraph 11 includes a presumption in favour of sustainable development. For decision taking this means:

- c) approving development proposals that accord with an up to date development plan without delay.
- 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 policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide 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 the Framework taken as a whole.

Chapter 7 in the NPPF Ensuring the vitality of town centres at para 85 states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption. To achieve this Paragraph 86 provides guidance on considering planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up to date plan advising that authorities should apply a sequential test.

Paragraph 87 states when considering edge of centre and out of centre proposals preference should be given to accessible sites which are well connected to the town centre. Applicants should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre and edge of centre sites are fully explored.

Para 89 of the NPPF states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up to date plan, local authorities should require an impact assessment if the development is over a proportionate, locally set threshold (if there is no locally set threshold, the default threshold is 2,500sqm of gross floorspace). This should include assessment of:

- a) The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal and
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

#### **Cannock Chase Local Plan 2014**

The Cannock Chase Local plan (Part 1) was adopted in 2014 and is the development plan. Relevant policies within it include:

CP1- Strategy states comparison retail development will be mainly focused in Cannock town centre with convenience and comparison retail development in the town centres of Rugeley and Hednesford (Policy CP11)

The Local Plan identifies the centres within the district and Cannock is identified as a strategic sub-regional centre. Policy CP11 directs main town centre uses to take a sequential approach and give priority to the regeneration of the town centre within the boundary identified and then edge of centre locations and is in accordance with the NPPF.

Policy CP11 seeks to deliver 35,000sqm (gross) of comparison retail in the plan period which may include ancillary leisure uses. Cannock's convenience retail offer is considered to be strong, consequently additional convenience floorspace is primarily directed towards Hednesford.

A primary retail area is also defined in the adopted Local Plan within which existing A1 retail uses will be retained and to which new retail development will be directed, together with secondary frontages.

Hednesford town centre will be improved as a shopping centre serving mainly local shopping needs especially for food items via the addition of up to 6,400sqm gross convenience retail development. Up to 8,000sqm of comparison retail floor space will also be delivered in Hednesford.

The policy also refers to the close shopping links of Hednesford residents with Cannock.

Since the adoption of the policy the West Midlands designer village has opened and has provided additional comparison retail floorspace and the growth referred to has been completed in Hednesford.

Hawks Green District Centre is identified as a district centre to meet the needs of local communities and should not compete with the town centres of Cannock or Hednesford.

Local Centres – in the pre-application advice a number of local centres such as Bridgtown were referred to. Policy CP11 identifies these centres and states that they should be protected and enhanced to provide small scale shops, services and community facilities for local residents.

CP16 – Climate Change and Sustainable Resource Use - seeks to improve the energy performance and wider sustainability of the existing building stock.

### **Other relevant evidence**

Cannock Town Centre Development Prospectus – is a promotional document published by the Council identifying opportunities for developers to see how Cannock town centre is changing and a chance to see the development opportunities on offer. It was launched in October 2019 and is available on the Council's website.

Town Centre vacancy check- the vacancy rate within the centre of Cannock, Hednesford and Rugeley is monitored and Cannock's vacancy rate has worsened in the time frame since the findings of the Retail and Town Centres study. Whilst the data is not directly comparable, the vacancy rate is monitored quarterly.

The Cannock Chase Retail and Town Centre Uses Study January 2021 was commissioned to act as the evidence base to assist in the formulation of future development plan policy to sustain and increase the vitality and viability of the town centres across the district as well as providing baseline information to assist in the determination of planning applications for potential retail and leisure development.

The Study found that Cannock Town Centre is currently displaying reasonably poor levels of vitality and viability. It has higher than the national average convenience floorspace provision, this includes the Asda and Morrison's stores.

6.5.2 Though the town centre (including the edge of centre stores) provides a good convenience goods retail offer there is limited leisure and food and drink offer, the centre has a high vacancy rate and provides a poor level of environmental quality of the areas close to and within the main shopping area.

Strengths of the town centre includes the good convenience offer with several large food stores located at its edges.

One of the threats is listed as competition from other out of centre retail parks along the A5 and from regional centres such as Birmingham, Walsall and Wolverhampton. Along with low footfall at the edges of the town centre.

The study considers there is only a quantitative need for 100sqm net of convenience goods floorspace in Cannock and the current surplus expenditure will reduce with no need/capacity for additional convenience floorspace up to 2040. (Fig 6.3)

The study shows the importance of the convenience sector to the vitality and viability of Cannock Town Centre especially in advance of the planned redevelopment.

The sequential test has been undertaken which has considered alternative sites within Cannock Town Centre and Hednesford. I am unaware of any edge of centre sites which could have been assessed by the study. The report considered that no suitable sites exist. I am unaware of any updates relating to the availability of potential redevelopment sites within the town centre prospectus so will leave comment upon this to colleagues in Economic Development.

An impact assessment has been undertaken to assess if the proposal will have a significant adverse impact upon the considerations set out in para 89 of the NPPF and duplicated above. It concludes that the largest impact will be to the existing Aldi store, although smaller impacts will occur on the other food stores Asda, Morrisons and Iceland store

The Cannock Chase Retail and Town Centre Uses Study 2021 shows the importance of the convenience sector to the vitality and viability of Cannock Town Centre and how vulnerable it is with limited capacity for growth and a long-term reduction in convenience expenditure. It follows that relatively modest changes in retail could have a significant adverse impact upon the vitality and viability of the town centre and its ability to attract investment and deliver planned investment.

The Study recommends a threshold of 500sqm gross floorspace for retail in an edge or out of centre location should be the subject of an impact assessment due to the current health, performance, unit and floorspace composition, increasing composition from the internet; availability of units in the main shopping areas capable of meeting potential national multiple occupiers.

The Study has also recommended a reduction in the town centre boundary to concentrate retail development although the new use classes order Class E has impacted upon this.

#### Emerging Policy - Local Plan -Preferred Options

The Council is reviewing the adopted Local Plan and has recently completed a consultation upon a preferred option. At this moment in accordance with Para 48 of the NPPF little weight to the decision making process can be afforded to the policies contained within this document. They are not therefore referred to within this response.

#### **Conclusions (2<sup>nd</sup> June 2021)**

Aldi have indicated in their statement that they are currently overtrading in Cannock town centre and this is supported by the Council's own evidence. This proposal would provide an additional store and Aldi in their evidence states that trade would be diverted from their existing store. Retention of their existing store shows support for the town centre and accords with para 86 of the NPPF.

Aldi have an existing store in Hednesford and Rugeley. Cannock is a sub-regional centre and the Orbital Retail Park is a bulky goods out-of-town retail area which serves a wide catchment. There are 2 other food retailers in close proximity – Sainsburys and M&S Food.

The agents have provided a sequential test and I do not disagree with its findings.

Cannock Town Centre retains 2 supermarkets – Morrisons, ASDA, and 2 discount supermarkets – Aldi and Iceland.

The town centre evidence has reconsidered the existing town centre and primary retail area boundaries and proposes to reduce the Cannock town centre boundary.

The findings of the impact test show an impact upon the existing town centre convenience retailers; Asda, Morrisons, Iceland and Aldi. Aldi have indicated that they are retaining their store on the edge of Cannock Town Centre. I am not qualified to advise if these changes would have a significant impact upon the viability of the remaining stores, the importance of retaining a good convenience offer has been outlined above.



I have no comments regarding the proposals to alter the elevations and will leave these matters of design and accessibility to my colleagues.

### **Revisions to the original conclusions 13<sup>th</sup> September 2021**

Since the original opinion was given the NPPF has been revised, however other than amendments to the paragraph numbering the relevant content remain unchanged.

The advice from the consultants (Alder King) acting on behalf of the Council consider that from the sequential approach to site selection undertaken that more evidence is required. In addition, whilst the Council's appointed consultants advise that there will be no significant adverse impact arising from the impact test with regard to the first test set out in Para 90 a) of the NPPF; the impact upon the vitality and viability on existing town centres is inconclusive and additional analysis has been requested.

At present I am therefore unable to advance a further policy opinion at this time from that outlined above.

### **Addendum to the Planning and Retail Statement December 2021**

A further addendum to the Planning and Retail statement was submitted and circulated for consultation on 22<sup>nd</sup> October 2021. Further advice was sought from consultants - Alder King which concludes that the retail policy tests have been met and that the proposal is unlikely to result in an adverse impact on the health of Cannock Town Centre, Hednesford Town Centre and Hawks Green District Centre, subject to the form of development being that as tested through the assessments prepared. A number of conditions have therefore been proposed. I have no evidence which would give contrary advice to that given.

I have no comments regarding the proposals to alter the elevations and will leave these matters of design and accessibility to my colleagues.

#### Alder King (Acting Retail Consultant to the Council)

Cannock Chase Council ('the Council') has instructed Alder King Planning Consultants ('AK') to provide retail planning advice in respect of an application seeking planning permission at Orbital Retail Park, Voyager Drive, Cannock for works to Units 8 and 9 including relaxation of the range of goods restricted by condition to allow a proposed Aldi store (Use Class E) to trade (LPA ref: CH/21/0231).

The two units comprise:

Unit 8 – vacant – 930sq m at ground floor, 667sq m at mezzanine level.

Unit 9 – Boots the Chemist – 930sq m at ground floor.

Thus, the proposal seeks to deliver a 1,876sq m single unit and results in a reduction in overall retail floorspace of 667sq m at mezzanine level.

It follows the appraisal previously undertaken by AK in October ('the AK Appraisal') of the submitted retail work undertaken by Montague Evans ('ME') on behalf of the application contained within the Planning and Retail Statement ('PRS') dated 6 May 2021

This further advice responds to the Addendum Planning and Retail Statement ('APRS') dated 22 October 2021 prepared by ME which seeks to address matters raised in the AK Appraisal.

Thus, this further advice deals only with the information provided by ME in the APRS relating to the sequential test and second part of the impact test. It should be read in conjunction with the earlier Appraisal which concluded in respect of the first part of the impact test. This further advice is structured using the headings from the APRS.

#### The Aldi 'LAD' Business Model

ME seek to address our comments at paragraphs ('#') 1.19,1.20 of the AK Appraisal that the view that a LAD 'complements, rather than competes with, existing local traders, independent retailer and other supermarkets' is outdated, by suggesting we 'erroneously equate the concept of competition with complementarity' #2.5 of the APRS.

ME's explanation accepts that LADs compete for expenditure and change shopping patterns, but at the same time suggest they play a complementary role to mainstream food retailers relating to providing additional choice to consumers and operating in a different manner to other retailers by virtue of their product range, including range and depth of choice, and price. Thus, in essence, ME repeat the reasoning set out in the original PRS.

Accordingly, our view remains as per the AK Appraisal i.e. that a LAD cannot simply be seen as offering a complementary role to existing local traders, independent retailers and other supermarkets, largely for the reasons set out by ME that there is a finite available pot of local expenditure and consumers have to make choices to meet their food shopping needs.

As noted in the AK Appraisal, the restricted offer of a LAD/deep discounter is still relevant to the trading performance and competitive overlap with existing centres and mainstream foodstores and this underlies the work undertaken by ME. As such, subject to the findings of this further advice, we will advise on planning conditions to ensure the use and operation of the amalgamated retail unit aligns with the form of development tested through the impact assessment presented by ME.

#### Accessibility and Linked Trips

ME provide additional information about the accessibility of the site. This additional information is useful and we agree that accessibility by bus is better than we had

understood. However, our view on accessibility by foot and cycle remain as per the AK Appraisal. We do not disagree that there are dedicated pedestrian/cycleways that serve this area, but even with these in place the retail park is surrounded by main roads and major junctions and other commercial uses separating it from 3 residential areas to the south and west. Thus, it is unlikely that significant levels of visits will be generated to the retail park will be on foot, in our view. Whilst entirely anecdotal, we note that there is not one pedestrian or cyclist in any of the four images of the shared pedestrian/crossings provided by ME.

On the matter of linked trips, there is agreement that any such linked trips generated by the new Aldi store will be with the retail park and surrounding commercial uses, rather than Cannock Town Centre (#2.19, APRS).

### The Sequential Test

ME provide additional information in terms of flexibility being applied as part of the sequential approach. Regrettably, ME consider that there is no need to provide greater flexibility than 10% higher or lower being a 'standard approach'. We are not aware that there is an accepted 'standard approach', rather case law dictates sites/stores suitable and available for the broad type of development proposed by approximate size, type and range of goods. Setting aside the new city centre formats, it follows that if Aldi are looking for stores for their LAD/deep discounter type of development of between 1,672sq m – 1,858sq m, that without any flexibility being applied this should be the minimum.

ME set out an explanation relating to the new city centre models and multi-storey development (#3.5-3.7, APRS). This additional information is helpful in terms of deliverability of smaller format deep discount stores in Cannock. ME continue that decked developments would not be possible in Cannock owing to the increased build cost and additional site size needed, rendering it unviable in Cannock. We are not convinced on the site size point, but accept the evidence on viability.

Turning to availability, the AK Appraisal asked ME to clarify what might constitute a reasonable period in the current case, given the need to relocate Boots the Chemist from one of the units elsewhere on the retail park, something that requires a planning permission to be secured to widen goods capable of being sold (#2.14-2,15 of AK Appraisal). Rather than answering this question, ME has chosen to justify their position that sequential sites should be 'available now or in the immediate short term' without quantifying 'immediate short term'. In doing so, they quote the Inspector in the Rushden Lakes decision. This is simply not helpful, given that it is a decision from 2014, when the test set out in the 2012 National Planning Policy Framework ('NPPF') was different in terms of availability of sites to that now contained in the 2021 version of the NPPF.

At that time, #24 of the 2012 NPPF stated in terms of the sequential approach to site selection: '...only if suitable sites are not available..'

Whereas the 2021 version of the NPPF, at #87 states: ‘...only if suitable sites are not available (or expected to come available within a reasonable period)...’

It is what might constitute a reasonable period in this case that we sought ME to clarify, given the circumstances for this case i.e. the fact that unit 9 remains occupied. Thus, it is not simply that this relocation is in the ‘control’ of the applicant, rather the time period for the development to be delivered. And given the need for a separate planning permission to be secured, it is not a tenable position of ME to take that they dismiss any site where planning permission might be required to be sought, as presented in the PRS.

To unlock this impasse, on the basis of our experience, we suggest that for the necessary permissions to be in place, for Boots the Chemist to relocate and alterations be undertaken to units 8 and 9, this might take up to a maximum of 18-24 months. Thus, in this case, 18-24 months might properly be considered as a ‘reasonable period’ for sequential sites to be considered available for the broad type of development proposed allowing for some flexibility reflecting the complexity of delivering complex central sites, as sought by national policy guidance.

Turning to sequential sites, ME confirm that the vacant Poundland unit in Cannock is 1,200sq m gross and, moreover, that it is not being marketed. At this size, we agree that the unit alone is too small to accommodate the broad type of development proposed. ME provide further details in respect of three further sequential sites, responding to the AK Appraisal as follows:

Cannock Town Centre: Site A (Church Street)

ME provide further commentary on likely timescale for this town centre scheme to come forward, given the current progress of development proposals for this site. ME suggest given the stages still to be completed, it’s development is likely to take around five years and so is beyond the period that could be considered as a ‘reasonable timeframe’ (#3.21, APRS).

Given the discussion about what might constitute a ‘reasonable period’ above, we accept that this site is not available for the broad type of development proposed. Thus, this site cannot be considered available for the purposes of this sequential test.

Cannock Town Centre: Site B (Beecroft Car Park)

ME state that Aldi advise that a decked option would not be viable for this site, which is a relevant consideration (#3.14, APRS). Moreover, that the site, at 0.6ha, is not large enough to accommodate the broad type of development proposed and re-provide car parking, including through a decked solution.

Noting that the site is smaller than the application site, that there is a desire to maintain the level of parking spaces on the site and given the viability issues confirmed by Aldi, we accept that this site is not suitable to accommodate the broad type of development proposed.

### Hednesford Town Centre: Market Street/Victoria Street

As requested, ME provide commentary on this site, which was not considered as part of the PRS. ME note that it extends to 0.64ha and the neighbourhood plan suggest it could be used for residential development, tourist accommodation and a retail market and any scheme should be masterplanned (#3.26, APRS).

ME further state the site is not 'uniform', although it is not clear what is meant by this. But this is the main reason why the site is considered by ME to be too small to accommodate the proposed foodstore, despite the site extending to 0.64ha i.e. roughly the same as the application site.

The desired masterplan approach being sought by the neighbourhood plan is likely to take time in ME's view and, thus, is unlikely to come forward for occupation by Aldi in the 'short to medium term' (#3.30, APRS).

ME further note that Aldi has as a store in Hednesford Town Centre and so they have no requirement for an additional store. Following the Mansfield2 decision, where it was established that on the proper application of the sequential approach, the applicant or proposed occupier is generally irrelevant, this is not a valid argument – one which Aldi and its advisors should know as they were involved in the Mansfield case.

That said, it is accepted that the neighbourhood plan seeks a mixed use scheme and that a foodstore development would not deliver this requirement. Moreover, on the basis of discussions with officers, our understanding that this site is not yet assembled and so it is likely that it will not be available within a reasonable period i.e. within 18-24 months. On this basis, we are content that this site can reasonably be discounted.

On the basis of the above, it is concluded that the sequential approach to site selection has been met; there are no suitable or available sites capable of accommodating the broad type of development proposed.

### The Impact Assessment

At the outset of this section of the APRS, ME appear to take exception to our reservations about the Aldi business model and how this influences competitive overlap with existing stores. This appears to ignore the fact that we accepted at #3.29 of the AK Appraisal the broad premise of ME's approach to trade diversion including proximity, role and function of existing and proposed stores, market share and accessibility.

ME provide further commentary on the comparison goods analysis; it emphasises that the proposed Aldi store will accommodate 258sq m of comparison goods floorspace, which is a significant reduction in the current 2,269sq m floorspace of the existing units which have planning permission to trade for the sale of comparison goods. On the basis that we now understand how the existing Boots the Chemist is proposed to be

accommodated, this reduction in floorspace is accepted and its relevance in considering impact is acknowledged (#4.7, APRS).

ME note that they have updated their assessment in the light of the most up to date Experian Retail Planner Briefing Note (#4.11, APRS). ME has also reviewed their trade draw assumptions to those previously presented in the light of the comments provided in the AK Appraisal (#4.13), which they say are presented for sensitivity testing purposes (see Table 7 of Appendix 1 of the APRS). Thus, the previous and new trade diversion patterns are summarised as follows:

	<b>PRS</b>	<b>APRS</b>
<b>Cannock Town Centre</b>	<b>0%</b>	<b>1%</b>
• Iceland	0%	1%
• Other	0%	0%
<b>Edge of Centre , Cannock</b>	<b>45.3%</b>	<b>47.5%</b>
• Asda	2.8%	7.5%
• Morrisons	5.6%	7.5%
• Aldi	36.7%	32%
<b>Other Stores Cannock</b>	<b>19.6%</b>	<b>25%</b>
• Asda, Lichfield Road	0.9%	2%
• Tesco Express	0%	0%
• Sainsbury's, Orbital RP 1	5.7%	20%
• M&S Food Hall, Orbital RP	-	1%
• Tesco, Hawks Green	3%	3%
• Other Cannock	0%	0%
<b>Hednesford</b>	<b>8.9%</b>	<b>18%</b>
<b>Rugeley</b>	<b>0%</b>	<b>0%</b>
<b>Outside Cannock Chase</b>	<b>20.9%</b>	<b>10%</b>
<b>Outside Study Area (5-11)</b>	<b>5%</b>	<b>-</b>

ME explain the reasoning for these changes at #4.13; this rationalise is accepted. We are more comfortable with this suggested trade diversion pattern and believe it is likely to more closely reflect how a new store at Orbital Retail Park might trade.

On the basis of this new trade diversion pattern, ME calculate convenience goods impact on potential 2024 turnover levels of 3.5% on Cannock Town Centre and just under 8% on edge of centre stores in Cannock, of relevance for indirect impacts. The

impact on the town centre will fall almost exclusively on the Iceland store. This level of impact does not typically give rise to concerns in respect of significance adverse impact, albeit in this case it is noted that the centre has been found to display poor levels of vitality and viability. In terms of the edge-of-centre stores, ME highlight that the majority of the impact will fall on the existing Aldi store.

As regards, Hednesford Town Centre the impact on 2024 convenience goods turnover levels is calculated at just under 4%. It is noted that Hednesford Town Centre has been found as both vital and viable and so this level of impact would not normally give rise for concern.

In terms of Hawks Green District Centre, the calculated convenience goods impact is just under 2% on the Tesco store which anchors the centre. Again, this level of impact would not normally give rise to concerns in respect of significant adverse impact.

As the test is impact on centres as a whole, rather than just one sector, ME has provided impact of the proposed store on total centre turnover, setting out a comparison goods trade diversion at Table 8 of Appendix 1 of the APRS. ME explain that as the Council's Retail Study did not separate out the centre's turnover from the edge-of-centre foodstore, only a combined impact on in-centre and edge-of-centre can be calculated. On this basis, an impact on Cannock Town Centre and edge of centre stores is calculated to be just over 5% on 2024 turnover levels. It is stressed that the majority of this impact will fall on edge-of-centre stores and, moreover, it does not take account of the reduction in floorspace which arises owing to the 'lost' mezzanine and reduction of comparison good floorspace overall, which is likely to give rise to a positive effect on the centre, given its turnover is largely predicated on the basis of comparison goods (#4.17, APRS). This reasoning is accepted. We agree that this level of indirect impact is unlikely to give rise to concerns in terms of significant adverse impact, even acknowledging the poor health of the centre in the current case.

Turning finally to indirect impacts arising from lost linked trips to the town centre arising from reduced patronage to the edge-of-centre stores, ME present an argument that these are likely to be for comparison goods shopping and the offer at the retail park is largely different and so cannot replace those trips i.e. customers will still need to visit the town centre. The premise of this argument is accepted in this case. And overall, given also the proposal will result in both a reduction overall of out-of-centre retail floorspace and a reduction in comparison goods floorspace, we agree with ME that the indirect impact arising from a reduction in shoppers visiting the edge-of-centre foodstores will fall 'well short of what could be considered 'significant''.

## Conclusion

In the light of the above, we conclude that ME has demonstrated compliance with the sequential approach to site selection. There are no sequentially preferable sites available or suitable for the broad type of development proposed. This is our conclusion notwithstanding our continued reservations about the level of flexibility applied by ME, which has not been determinative in this case.

As regards the second part of the impact test, on the balance of evidence now available, we conclude that the proposal is unlikely to result in significant adverse impact on Cannock Town Centre, Hednesford Town Centre and Hawks Green District Centre. The health of these centres, their role and function and potential indirect impacts has been borne in mind in drawing this conclusion.

Accordingly, the retail policy tests are met in the current case. This conclusion is predicated on the basis that the proposed store trades in line with the form of development tested through the impact assessments prepared by ME, being a LAD/deep discounter, are secured by condition through any grant of planning permission.

Therefore, we would suggest the Council consider attaching conditions along the following lines:

Floorspace Restriction – the total Class E(a) floorspace hereby permitted shall not exceed 1,876sq m gross internal area. The net sales (defined as all internal areas to which customers have access, including checkouts and lobbies) shall not exceed 1,289sq m without the consent of the Local Planning Authority.

Sale of Goods Restriction – notwithstanding the provisions of the Town and Country Planning (General Permitted Development etc.) (Amendment) Order 2021 (or any order revoking or re-enacting or amending that Order with or without modification), the Class E(a) (retail) floorspace hereby permitted shall be used primarily for the sale of convenience goods with a maximum of 258sq m of the net sales are devoted to comparison goods.

Subdivision – The Class E(a) (retail) unit hereby permitted shall be used as a single unit and shall not be sub-divided into two or more units, and no concessions shall be permitted within the unit without the consent of the Local Planning Authority.

Mezzanine Restriction - notwithstanding the provisions of the Town and Country Planning (General Permitted Development etc.) (Amendment) Order 20121(or any order revoking or re-enacting or amending that order with or without modification), no mezzanine floor or other form of internal floor to create additional floorspace other than that hereby permitted shall be constructed in the hereby permitted Class E(a) (retail) unit without the consented of the Local Planning Authority.

Limited Assortment Discounter - the development hereby approved shall only be used as a Class E(a) retail foodstore 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 County Planning (Use Classes) (Amendment) Regulations 2020 (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 2,000 individual product lines.

#### Parks and Open Spaces:

No objections subject to inclusion of a protection and retention condition.

#### **External Consultations**

#### Travel Management and Safety

The applicant has submitted a Transport Statement in support of the application, but it is disappointing to note that this was not supported by any traffic surveys or car park assessments. The Marks and Spencer's Food store opposite the proposal could have been used as a comparison being a similar use class.

The application is for the amalgamation of Unit 8 & 9 to create a single unit of 1,876 sq. m (GIA) for a food retail store. This is a net reduction in space across the combined units of 650 sq. m arising from the removal of 667 sq. m at mezzanine level. The proposal also includes the introduction of two trolley bays facilitated by the removal of 10 parking spaces.

The existing car parking is provided on a shared basis rather than individually for each unit, this allows for a more efficient use of the car park with some of the units complimenting each other allowing shoppers to visit more than one site whilst parked, however it is unlikely you would park on the other side of the road when carrying out food shopping. The car parking requirement when compared between the previous and proposed uses would leave a slight shortfall, 8 spaces.

I would require the applicant to clarify the total number of spaces available as the red line boundary shown on submitted Site Location Plan Drawing Number 00200 does not include the parking for Unit 10 so providing 88 spaces but the parking outside of unit 10 is included in parking spaces provision within the Transport Statement. As the whole site is within the blue line then presumably these spaces are under the applicants control and would be available for use? If that is not the case then I reserve the right to amend my comments accordingly. I am of the opinion that if the whole of the car park for units 8, 9 and 10 would be available for this proposal that there should be sufficient numbers to cater for the everyday demand without causing any issues on the adopted highway.

The applicant has also submitted information on the likely traffic generation of the site in comparison to the existing use. Again, this is based on theoretical data rather than observed traffic, which is disappointing although any observed data may have been affected by the Covid restrictions. Given both uses are retail they will have similar traits with demand in the weekday evening peak and lunchtime at weekends. The data shows a modest increase in new traffic on the surrounding network. As the site is within an existing retail park many of these visits will already be present on the

network and the potential increase would be unnoticeable especially if the existing units were fully occupied.

The site is well situated with access to sustainable transport and although the development will see an increase of vehicle movements and parking demand it is unlikely the culminative impact on the highway network will be severe and so difficult to refuse on highway grounds therefore I have no objection in principle subject to the following being secured by conditions and a Section 106 agreement.

1. The proposed car parking, accesses, servicing and circulation areas as shown on the approved plan Drawing Number 00210 Proposed Site Plan shall be sustainably drained, hard surfaced in a bound material, lit and marked out prior to the first occupation of the building hereby permitted. Thereafter these parking areas shall be retained in accordance with the approved plans for the lifetime of the development.
2. Notwithstanding any details shown on the approved plans no development shall be commenced until details indicating the following have been submitted to and approved in writing by the Local Planning Authority:
  - details of secure and weatherproof cycle parking facilities within the curtilage of the site.

The parking shall thereafter be carried out in accordance with the approved details and be completed prior to first occupation and shall thereafter be retained as such for the lifetime of the development.

3. The Travel Plan which is hereby approved shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning Authority for approval for a period of five years from first occupation of the development permitted by this consent.

Note to Planning Officer

This Form X is issued on the assumption that the developer enters into a Section 106 Agreement to secure the following:

- A travel plan which includes a contribution towards the monitoring of the plan of £7,000.

National Highways:

No objections.

Staffordshire Police:

No objections but general advice given in respect to the specification of various aspects of the building's design such as roller shutters.

### **Response to Publicity**

The application has been advertised by site notice and neighbour letter. No letters of representation have been received.

### **Relevant Planning History**

- CH/00/0516: Variation of condition 13 on planning permission CH/97/0377 Full- Refusal. 02/28/2001.
- CH/03/0926: Variation of condition. Full- Refusal. 10/13/2004.
- CH/06/0083: External alterations to existing building. Full - Approval with Conditions. 03/14/2006.
- CH/07/0169: Alterations to entrance and glazing and the installation of new entrance feature Full - Approval with Conditions. 04/23/2007.
- CH/10/0454: Variation of Condition 13 of planning permission CH/97/0377. Full - Approval with Conditions. 06/10/2011.
- CH/11/0261: New shopfront and entrance doors, replacement of ram raid bollards to front. Full - Approval with Conditions. 09/14/2011.
- CH/96/0660 Proposed retail units and associated car parking and service yard. Full - Approval with Conditions. 03/05/1997
- CH/97/0377 Proposed retail units and associated car parking. Full - Approval with Conditions. 09/03/1997.

This site is subject to a section 52 agreement dated 8 February 1990 and a variation to that dated 5 June 1992 which introduced a raft of clauses restricting use/sales of goods. This included a restriction on the sale of food. Should the current application be approved the applicant has stated that they will seek a Deed of Release/ Variation to the original Section 52 agreement to regularise the situation as the planning consent will control the use of the site and the section 52 agreement as amended is no longer relevant.

## **1.0 Site and Surroundings**

- 1.1 The application site comprises of Units 8 and 9 on the Orbital Retail Park, Voyager Drive, Cannock. Unit 8 is currently vacant, while Unit 9 is occupied by Boots. Each unit has a ground floor area of 930 sq. m Gross Internal Area (GIA), with Unit 8 also having a mezzanine of 667 sq. m GIA.

- 1.2 The Orbital Retail Park is located approximately 2.5km to the south of Cannock Town Centre. It is accessed from both Voyager Drive and Eastern Way, close to junction T7 of the M6 Toll Road. The Retail Park accommodates 12 retail units and a restaurant. Current retailers at the site include M&S Food, SCS, Pets at Home and Homebase.
- 1.4 The wider area is characterised by mix of retail and commercial uses. Nearby uses include a Sainsbury's foodstore to the southeast which is accessed from Voyager Drive along with Sofology, TK Maxx, Burger King and Costa Coffee to the south of the A460 at Cannock Gateway Retail Park. There are also a number of commercial warehouses and open storage to the north accessed from Orbital Way.
- 1.5 The closest residential is located to the south of the A6 Toll in Churchbridge.
- 1.6 The site is unallocated and undesignated in the Cannock Chase Local Plan. However, the site falls within the Forest of Mercia, a Mineral SafeGuarding Area, Coal Authority High Risk Boundary, an Environment Agency Historic Landfill Boundary, a Site Investigation Boundary and a Landmark Contaminated Land Boundary. It is also in the parish of Norton Canes which is subject to a draft Neighbourhood Area Plan.

## **2.0 Proposal**

- 2.1 The Applicant is seeking consent for external alterations to elevations associated with the amalgamation of Units 8 and 9 to accommodate a foodstore and the 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, and other associated works.
- 2.2 The proposed physical works in order proposed to meet the specific requirements of Aldi include: -
- The removal of the 667 sq. m mezzanine from within Unit 8
  - The amalgamation of the existing ground floor areas;
  - Removal of existing canopy from Unit 8;
  - A new canopy to extend across the front elevation of the unit;
  - Relocation on entrance doors and additional brickwork on front elevation;
  - The creation of a new fire exit and associated ramp on front elevation;
  - Additional windows and new servicing doors on side elevation;
  - Removal of 4 no. escape doors, and provision of steel staircase and handrail to one of the two new doors on rear elevation;

- The creation of a plant area with associated palisade fence and the provision of 3 no. air source heat pumps to rear of unit;
- Installation of trolley bay within the car park and a trolley store to the front of unit; and
- The provision of a new 10-space cycle shelter within the car park; and
- The loss of four car parking spaces (1 to accommodate the trolley bay) and 3 to accommodate the cycle parking)

### **3.0 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 Part 1 (2014), and the Minerals Local Plan for Staffordshire (2015 – 2030).

#### Cannock Chase Local Plan Part 1

3.3 Relevant policies within the Local Plan include: -

- CP1: - Strategy – the Strategic Approach
- CP3: - Chase Shaping – Design
- CP10: – Sustainable Transport
- CP11: - Centres Hierarchy
- CP12: - Biodiversity and Geodiversity

#### Minerals Local Plan for Staffordshire

3.4 There are no relevant policies in the Minerals Plan.

#### 3.5 National Planning Policy Framework

3.6 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.

3.7 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.

3.8 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
86-91:	Ensuring the vitality of town centres
111:	Highway Safety and Capacity
126, 130, 132, 134:	Achieving Well-Designed Places
218, 219	Implementation

3.9 Other relevant documents include: -

- (i) Design Supplementary Planning Document, April 2016.
- (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
- (iii) Manual for Streets

## **4 Determining Issues**

4.1 The determining issues for the proposed development include: -

- i) Principle of development
- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on air quality
- vii) Drainage and flood risk
- viii) Mineral safeguarding
- ix) Waste and recycling facilities
- x) Crime and anti-social behaviour

### **4.2 Principle of the Development**

4.2.1 Both paragraph 11 of the NPPF (2021) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development.

4.2.2 The presumption in favour of sustainable development as set out in paragraph 11 of the NPPF states: -

‘For decision taking this means:

- c) approving development proposals that accord with an up to date development plan without delay.
- 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
  - (i) policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide 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 the Framework taken as a whole.’

4.2.3 The starting point of the assessment is therefore whether the proposal is in accordance with the development Plan and whether that plan is up to date. In that respect it is noted that Policy CP1 of the Local Plan states: -

“In Cannock Chase District the focus of investment and regeneration will be in existing settlements whilst conserving and enhancing the landscape of the AONB, Hednesford Hills, Green Belt and the green infrastructure of the District. The urban areas will accommodate most of the District’s new housing and employment development, distributed broadly in proportion to the existing scale of settlement.”

4.2.4 In this case it is noted that there are two elements to the proposal, namely (i) alterations to the external appearance of the building and (ii) the 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.

4.2.5 Given that the application does not fall within any particular designation, such as conservation area, AONB or Green Belt that would restrict the alteration and extension of an existing building it is considered that the first element of the proposal is acceptable in principle.

4.2.6 However, the second element constitutes relaxation of planning conditions that were originally put on to the planning permission in order to protect the vitality of local town centres. As such the proposal engages policies both with the Local Plan and the National Planning Policy Framework which aim to ensure the vitality of town centres.

4.2.7 In this respect Policy CP11 identifies Cannock as a 'Strategic Sub-regional Centre', Hednesford as a 'Town Centre'; and Hawks Green as a 'District Centre'.

4.2.8 In respect to Cannock town centre, Policy CP11 states

'In order to retain and strengthen Cannock's role as a strategic sub-regional centre in the West Midlands the Council will encourage economic development and regeneration within an expanded Town Centre boundary identified on the Policies Map. Main town centre uses including retail, offices, commercial, leisure and cultural facilities should take a sequential approach that gives priority to the regeneration of the town centre within this boundary, followed by edge of centre locations. More specifically the Council will seek to deliver 35,000sqm (gross) comparison retail floor space in the plan period which may include ancillary leisure uses. Cannock's convenience retail offer is considered to be strong, consequently additional convenience floor space is primarily directed towards Hednesford. The importance of retaining and enhancing town centre markets is recognised. Working with developers, the Council will enable development of up to 30,000sqm of additional office floorspace at the District's town centres and their edges (with Cannock being the principal likely location). In recognition of the current challenging nature of delivering such developments at town and edge of town locations,..... Development within Cannock town centre will be guided by a Supplementary Planning Document or Area Action Plan (see Policy CP3).'

4.2.9 In respect to Hednesford town Centre, Policy CP11 states

'Hednesford town centre will be improved as a shopping centre serving mainly local shopping needs especially for food items via the addition of up to 6,400sqm (gross) convenience retail development. Up to 8,000sqm (gross) comparison retail floor space will also be delivered in Hednesford. Work on the largest site, Victoria Shopping Park, started in 2012, including a new Tesco store and 640 parking spaces. A second smaller retail development, Chase Gateway, was also under construction in 2012, the two developments being linked by the main Market Street shopping area. Additionally the close shopping links of Hednesford residents with Cannock are further strengthened via the much improved comparison goods offer in Cannock town centre identified above.' Adding: -

'In view of its relatively small size, secondary retail frontages are not identified. Main town centre uses including retail, offices, commercial, leisure and cultural facilities should take a sequential approach that gives



priority to the regeneration of the town centre within this boundary, followed by edge of centre locations.'

#### 4.2.10 In respect to Hawks Green District Centre, Policy CP11 states

'Hawks Green's role as a District Centre providing shops, services and community facilities to meet the needs of local communities will continue to be recognised. Further retail proposals will be supported where they meet identified local needs, do not significantly compromise the range of shops, services and facilities available and do not compete with the town centres of Cannock and Hednesford. '

#### 4.2.11 Section 7 of the NPPF provides national policy in respect to 'ensuring the vitality of town centres' with paragraph 86 stating planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation

#### 4.2.12 Paragraph 87 goes on to state 'Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'

#### 4.2.13 Paragraph 88 of the NPPF also makes it clear that 'When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.'

#### 4.2.14 In addition paragraph 90 states: -

'When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace). This should include assessment of:

- (a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

- (b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

4.2.15 Finally, paragraph 91 concludes that 'Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused.'

4.2.16 In order to support the application the applicant has submitted a Planning and Retail Statement prepared by ME which has been supplemented by an Addendum also prepared by ME. This includes information to support the applicant's assertion that the retail impact and sequential test have been passed.

4.2.17 The applicant's Planning and Retail Statement and Addendum has been assessed on behalf of the Council by AlderKing and their final report is provided in the Internal Consultation Responses section of this report and therefore will not be repeated *verbatim* here.

4.2.18 However, AlderKing have advised that ME has demonstrated compliance with the sequential approach to site selection and that there are no sequentially preferable sites available or suitable for the broad type of development proposed. Furthermore, AlderKing advises that with regards the second part of the impact test, on the balance of evidence now available, they conclude that the proposal is unlikely to result in significant adverse impact on Cannock Town Centre, Hednesford Town Centre and Hawks Green District Centre.

4.2.19 AlderKing therefore have concluded that the retail policy tests are met in the current case, although they clarify that this conclusion is predicated on the basis that the proposed store trades in line with the form of development tested through the impact assessments prepared by ME, being a LAD/deep discounter and that this is secured by condition through any grant of planning permission.

4.2.20 The suggested conditions include wording to control/ restrict the development in respect to: -

- Floorspace Restriction
- Subdivision –
- Mezzanine Restriction -
- Limited Assortment Discounter

4.2.21 The conclusions and advice of Alderking are accepted and it is considered that the proposal is in accordance with, or would not conflict with, Policy CP11 of the Cannock Chase Local Plan and the thrust of the policies set out in Section 7 of the NPPF. As such the proposal is considered acceptable in principle.

4.2.22 However, proposals that are acceptable in principle are still subject to all other policy tests. This report will now go on to consider the proposal in the light of these policy tests.

### 4.3 Design and the Impact on the Character and Form of the Area

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 126 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

‘Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning

documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'

4.3.5 In respect to impacts on the character of the area the applicant's Design and Access Statement states that the changes to the existing front facade include the following:

- The existing portico to Unit 9 will be removed
- A new canopy will be created
- New glazed entrance and exit doors
- New ribbon windows
- Existing windows and doors to be removed to be infilled with brickwork to match existing
- The new feature canopy will be clad in dark grey aluminium panels with a white boarded soffit. This canopy design is used on most new Aldi stores and provides a cover over the entrance/exit doors and the trolley store.
- Ribbon windows on the front and side elevations will allow natural daylight into the store.

4.3.6 In addition to the above the proposals to combine existing Units 8 and 9 would involve the removal of the existing mezzanine floor in Unit 8 to create one retail unit. and the existing floor within Unit 8 to be raised to the same level as Unit 9. As these elements will be internal they will not impact, in themselves, on the character of the area. However, the proposals also include

- The introduction of a new loading bay on the NW elevation;
- External plant area at the rear, to be enclosed by a palisade fence; and
- Addition of a cycle shelter

which will bring about external changes to the building and its service areas.

4.3.7 However, the changes would not fundamentally alter the commercial nature of the building or the commercial nature of the surrounding retail park and are considered to be in keeping with the general character of the area and it is concluded that they would not be contrary to Policy CP3 of the Local Plan or

paragraphs 130 and 134 of the NPPF, subject to a condition to protect the limited soft landscaping on the site during the construction phase of the development.

#### **4.4 Impact on the Amenity of Existing and Future Users**

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to 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 The site is located in a wholly commercial area, separated from residential development by other intervening commercial units and busy roads such as the A5, M6 Toll and Eastern Way. Furthermore, the changes to the external appearance of the building would not be readily perceived outside of the retail park. Furthermore, any increase in activity associated with the changes would be experienced against the backdrop of the retail park, surrounding commercial area and the busy highways in the surrounding areas.
- 4.4.4 It is therefore considered that the proposal would protect the "amenity enjoyed by existing properties both residential and commercial and therefore accord with Policy CP3 of the Local Plan 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 Objective 5 of the Cannock Chase Local Plan is to 'encourage sustainable transport infrastructure'. Paragraph 4.65 of the Local Plan states: -

'It is necessary to manage demand and develop transport policies that are sustainable. Transport policies help deliver sustainable development but are also important in contributing to economic and social prosperity and health objectives, such as addressing respiratory diseases linked to air pollution. Local transport objectives must therefore be met within the overall principles of environmental sustainability.'

Reducing dependence on the car and promoting attractive and realistic alternatives, including public transport, walking and cycling are therefore priority objectives, together with the need to travel.

4.5.3 The above objective is supported by Policy CP10 'Sustainable Transport' of the Local Plan which states that

'Developments will be expected to promote sustainable transport and where appropriate, developer contributions will be sought to support sustainable transport solutions elaborated in a Supplementary Planning Document and a Community Infrastructure Levy (CIL) charging schedule. Transport Assessments, Transport Statements or Travel Plans, will be prepared in accordance with DfT and LTA guidance for all developments that are likely to generate significant amounts of movement, to determine the measures required on the surrounding highway network to ensure necessary access by all transport modes'.

4.5.4 The applicant's Design and Access Statement sets out that the existing car park in front of Units 8 to 10 includes a total of 150 spaces, including 10 accessible spaces and 8 parent and child spaces. The applicant is proposing a total 146 spaces, including 10 accessible spaces and 8 parent and child spaces, together with a new trolley shelter to accommodate the special sized trolleys and a cycle shelter which would result in the loss of 4 car parking spaces. The new cycle shelter would accommodate 10 cycle spaces.

4.5.3 In order to inform the application the applicant has submitted a Transport Statement (TS) prepared by TTP Consulting. The TS states that: -

- The proposals include minor alterations to the car park layout to facilitate the introduction of cycle parking and a trolley bay thereby reducing the overall number of spaces in front of the southern terrace to 146 spaces. It is anticipated that the proposals would result in an increased demand for up to 44 parking spaces on a typical Saturday afternoon when compared to the existing use. Although it has not been possible to undertake surveys to support this application, it is understood that the car park typically operates within capacity under normal trading conditions, with additional space is available in the car park on the northern side of Voyager Drive. The Applicant and ALDI are satisfied that there is sufficient car parking for the proposed use.
- The occupier will implement a Travel Plan to encourage staff to travel by sustainable modes.
- Parking for up to 10 bicycles will be provided in a secure shelter in the car park, with the facility available for staff and visitors.
- It is anticipated that the proposed store would receive on average two to four deliveries per day, with deliveries expected to be on site for an

average of 20 minutes whilst unloading. The proposals include the creation of a dedicated loading dock on the side flank of the building, with vehicles reversing back from the hammerhead opposite. Although this could delay deliveries to adjacent units, the likelihood is low and unlikely to be an infrequent occurrence and not dissimilar to retail parks throughout the UK.

- No changes are proposed to the access arrangements.

4.5.4 As such the TS concludes that the 'proposals are considered to be acceptable in highways and transport terms and would not result in an unacceptable impact on the local highway or transportation network.' Officers note that the proposal makes provision for cycling and that the site is adequately served by public bus services and therefore the proposal promotes the use of sustainable transport means.

4.5.5 National Highway (formerly Highways England) and the County Highway Authority have no objections to the proposal on highway safety or capacity grounds

4.5.6 The advice of the highway authorities is accepted and it is concluded that, subject to the attached conditions and the completion of a section 106 to obtain monies towards monitoring the implementation of the Travel Plan the proposal would not lead to unacceptable impacts on highway safety and that the residual cumulative impacts on the road network would not be severe. As such the proposal would accord with the broad thrust of Policy CP10 of the Local Plan and Paragraph 111 of NPPF.

## **4.6 Impact on Air Quality**

4.6.1 Paragraph 186 of the NPPF states

'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.'

4.6.2 The site is near to the Air Quality Management Area centred on the A5 at Bridgtown and traffic to and from site has the potential to conflict with the purposes of the AQMA. As such the applicant has submitted an Air Quality

Assessment produced by XCO2. This concludes that the proposed redevelopment of the site would not cause a significant impact on local air quality based on the assertions that: -

- All construction activities have the potential to generate dust nuisance. However, the proposed works are very minor and through the implementation of best practice mitigation measures, the any impacts will be effectively minimised and are unlikely to be significant.
- Operational traffic associated with the site is not anticipated to significantly affect local air quality.
- Existing and future pollutant concentrations at the site are expected to be well within the short-term air quality objectives for the protection of health.

4.6.3 The Environmental Health Officer (EHO) has no objections to the proposal and it is considered that the conclusions of the Air Quality Report and recommendations of the EHO should be accepted.

4.6.4 It is therefore concluded that the proposal would not be contrary to the aims of paragraph 186 of the NPPF.

#### **4.7 Drainage and Flood Risk**

4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps.

4.7.2 Policy in respect to drainage and flood risk is provided by 159-169 of the NPPF. Of particular note is paragraph 167 which states

‘When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere’.

4.7.3 In this respect it is noted that the building already exists and is serviced by drainage. Furthermore, the proposal would not increase the area of buildings or hard standing occupying the site and as such would not generate additional run-off from the site.

4.7.4 As such it is concluded that the proposal would be acceptable from a flood risk and drainage perspective.

#### **4.8 Mineral Safeguarding**

4.8.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 212, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.



4.8.2 Policy 3.2 of the new Minerals Local Plan states that:

'Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

4.8.3 Given that the proposal relates to an existing building in a built up area it is considered that it would not have any significant conflict with policies that aim to safeguard minerals.

#### **4.9 Waste and Recycling Facilities**

4.9.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to national and local waste reduction and recycling targets according to the waste hierarchy'. One of the ways of achieving this is by ensuring development can be adequately serviced by waste collection services and that appropriate facilities are incorporated for bin collection points (where required).

4.9.2 The applicant's Design and Access Statement sets out that in respect to recycling and refuse : -

Recyclable waste from the store is generally cardboard packaging materials. These will be compacted on site by a purpose built compactor situated within the warehouse, before being collected by a delivery vehicle and returned to the distribution centre. From the warehouse it will be collected and recycled by an approved contractor. Any non-recyclable waste is disposed of in bins which are located in a locked cage at the rear of the building.

4.9.3 As such it is considered that adequate provision would be made for the provision of waste and recycling within the site which would contribute towards the aim of Policy CP16(1)(e) to promote sustainable resource use.

#### **4.10. Ground Conditions and Contamination**

4.10.1 The application site is subject to ground contamination/ land stability issues being located within a Coal Authority High Risk Boundary, an Environment

Agency Historic Landfill Boundary, a Site Investigation Boundary and a Landmark Contaminated Land Boundary.

#### 4.10.2 Paragraph 183 of the NPPF states

'Planning policies and decisions should ensure that:

- (a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- (b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- (c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

#### 4.10.3 Furthermore, paragraph 184 goes on to state: -

'Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rest with the developer and/or landowner'

4.10.4 Given the nature of the proposal and that the site is already built out it is considered that the proposal would not give rise to significant issues in respect of land contamination or stability. However, it is recommended that an informative be placed on any permission granted bringing to the applicant's attention that the site falls within the above zones.

### **4.11 Crime and anti-social behaviour**

4.11.1 The comments of the Police are noted. However, the advice given goes into detail of specifications that go beyond reasonable planning controls. As such it is considered that such issue scan be adequately controlled through the imposition of suitably worded informative attached to any permission granted.

### **4.12. Conditions**

4.12.1 This application was due to be presented to Planning Committee on 26 January 2022 but was deferred due to a late letter f representation received from Turleys who act on behalf of Aldi, and the subsequent need of officers to discuss the issues raised by Turleys with the Council's independent advisers (Alder King). The letter from Turleys stated: -

'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 foodstore 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 County 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.'

4.12.2 In response Alder King ( the Council's independent retail consultant) has advised as follows (paragraph numbers shown are those referred to in the documents supplied by Alder King): -

- 4 Turley seek to question whether such a condition meets the necessary tests for condition and confirm that Aldi will seek to remove such a condition via a S73 application should planning permission be granted with such a condition. It is worth noting that Aldi trades under such conditions elsewhere, reflecting the cases presented on behalf of Aldi in promoting new stores.
- 5 As advanced by the applicant in this case (and consistently by Turley elsewhere), and accepted by us, the restricted offer of a LAD/deep discounter is relevant to the trading performance and competitive overlap with existing centres and main stream foodstore. Thus, it underpins our conclusion and advice provided to the Council in recommending that the applicant had met the retail tests, on the basis of the evidence presented that the store will trade as a 'LAD'. In the absence of evidence, it is not possible to say whether the conclusion would remain the same should the same floorspace trade as a mainstream supermarket, as that evidence is not before us.
- 6 Thus, the condition stems from the applicant's case about how the store will trade on the basis that it is a 'LAD' and why 'Aldi is different' compared with other supermarkets. The Aldi business model is set out as an appendix to the PRS, which explains inter alia:
- 'Aldi has a very different approach to food retailing...'
- '..sells high quality products, from a limited core range (compared to other supermarkets)'
- '..carefully selected and limited core range of 2,000 products'
- 'The deliberate intention is to restrict the range of core goods to approximately 2,000 products in the interests of the consumer and operational efficiencies..'
- 7 And helpfully in the current context, the appendix explains how Aldi is different from other larger supermarkets and even modest sized operators:
- 'This is unlike the larger supermarkets which stock in the region of 20,000-40,000 product lines, and more modest sized operators, with floor areas of 1,000-1,500sq m selling 2,500-4,000 products.....'
- Thus, it can be deduced from this explanation that a similar sized store selling over 2,500 products is a 'supermarket' and under 2,500 a 'LAD/deep discounter'.
- 8 And 'how Aldi is different' goes to the heart of the assessment provided by Montagu Evans, as this limited assortment means that 'Aldi

complement, rather than compete with, existing local traders, independent retailers and other supermarkets, as well as service providers, as Aldi customers use other facilities to fulfil their grocery and local service needs. This generates a propensity for linked trips and associated spin-off trade which brings qualitative benefits.’ (#13 of the appendix). Thus, it is the applicant’s case that it is the limited range of products within the Aldi store which mean customers have to visit other stores/services as well. Should that change, such benefits would not transpire and different shopping patterns would occur, not presented or assessed by Montagu Evans.

- 9 The LAD/deep discounter trading characteristics not only reflects the assessment undertaken in terms of impact, but also the sequential approach. Montagu Evans confirmed that LADs, and specifically Aldi, have a well established business model and, in terms of the sequential approach, importantly all stores must provide the ‘necessary floorspace to accommodate the standard, minimum product range (approximately 2,000 product lines) along with adjacent surface level car parking and servicing facilities’ and on this basis the sequential approach is applied.
- 10 If now the position of the applicant and end-user is different, then it will be important that the Council satisfy themselves that the sequential approach is met in the current case with an appropriate degree of flexibility applied, rather than that dictated by the ‘business model’ of Aldi as presented by Montagu Evans.
- 11 The same for assessment on impact, this has been conducted on the basis that the distinct type of retail development is a LAD/deep discounter. This includes inter alia the definition of the catchment area appropriate for a discount foodstore, distribution of existing Aldi stores and trade draw from them, and likely trade draw patterns, including the general principles of ‘like competing with like’.
12. Thus, the conclusions drawn on whether the applicant has met the retail policy tests is based on the evidence provided by the applicant, which in turn is underpinned by the trading characteristics of Aldi as a LAD as a distinct form of development. Accordingly, the purpose for the condition is clear i.e. to ensure the proposed development trades in reality as it has been assessed and found to be acceptable i.e. as a LAD; such a condition meets all tests for a condition - importantly, it is necessary, relevant and reasonable. Such conditions have regularly been applied to discount foodstore operators across the country, reflecting the individual cases made by applicants.
- 13 We are of course happy to discuss the finer detail of such a condition. Such discussions have already resulted in a change to that originally

proposed in order to more closely reflect the business model of Aldi and to allow some flexibility. The revised condition, which increased the product numbers from 2,000 to 2,500, thus reflects the details provided in the application to describe the business model of a LAD, as compared with a more modest supermarket selling between 2,500-4,000 products.

4.12.3 Officers can confirm that the retail impact assessment was presented and appraised on the basis of the Aldi business model and was found to be acceptable on that basis. This may not have been the case had the applicant applied for a permission as a standard supermarket operator. As such it is officers opinion that the condition is necessary, reasonable and enforceable and therefore should be attached to any permission granted.

## **5.0 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 accords with the policies of the adopted Local Plan and the applicant has the right of appeal against this decision.

### 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.

## 6.0 Conclusion

- 6.1 The application site comprises of Units 8 and 9 on the Orbital Retail Park, Voyager Drive, Cannock. Unit 8 is currently vacant, while Unit 9 is occupied by Boots. Each unit has a ground floor area of 930 sq. m Gross Internal Area (GIA), with Unit 8 also having a mezzanine of 667 sq. m GIA.
- 6.2 The Applicant is seeking consent for external alterations to elevations associated with the amalgamation of Units 8 and 9 to accommodate a foodstore and the 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, and other associated works.
- 6.3 In respect to the implication in respect of retail policy AlderKing (acting as retail advisers to the Council) have concluded that the retail policy tests in CP11 and paragraph 90 of the NPPF) are met in the current case, although they clarify that this conclusion is predicated on the basis that the proposed store trades in line with the form of development tested through the impact assessments prepared by ME, being a LAD/deep discounter and that this is secured by condition through any grant of planning permission.
- 6.4 In respect to all other policy tests (CP1, CP3, CP10, and CP16 and NPPF policies) and impacts on acknowledged interests the proposal is considered to broadly accord with the development plan and national policy and therefore be acceptable subject to the attached conditions and obligations and advisory notes. Accordingly, in accordance with both section 38(6) of the Town Planning and Compulsory Purchase Act 2004 and the NPPF it is recommended that planning permission should be granted.



**Application No:** CH/21/0387

**Location:** 33, Mardell House, Market Street, Rugeley, WS15 2JH

**Proposal:** Change of use of former funeral director's premises with first floor one bedroomed flat, garages and storage to 4x2 bedroomed flats together with rear first floor extension

Item 6.69





# Location Plan and Site Plan



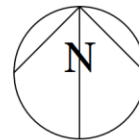
Ordnance Survey (c) Crown Copyright 2021. All rights reserved. Licence number 100022432

**JOHN  
REYNOLDS &  
ASSOCIATES  
LIMITED**  
ARCHITECTURAL  
CONSULTANT

3 Meadway Close Hednesford  
Cannock Staffs WS12 2PD

Tele 07710 359905  
E-mail johnreynoldsandassociates@gmail.com

location plan 1:1250



site plan 1:500  
plotted at A4

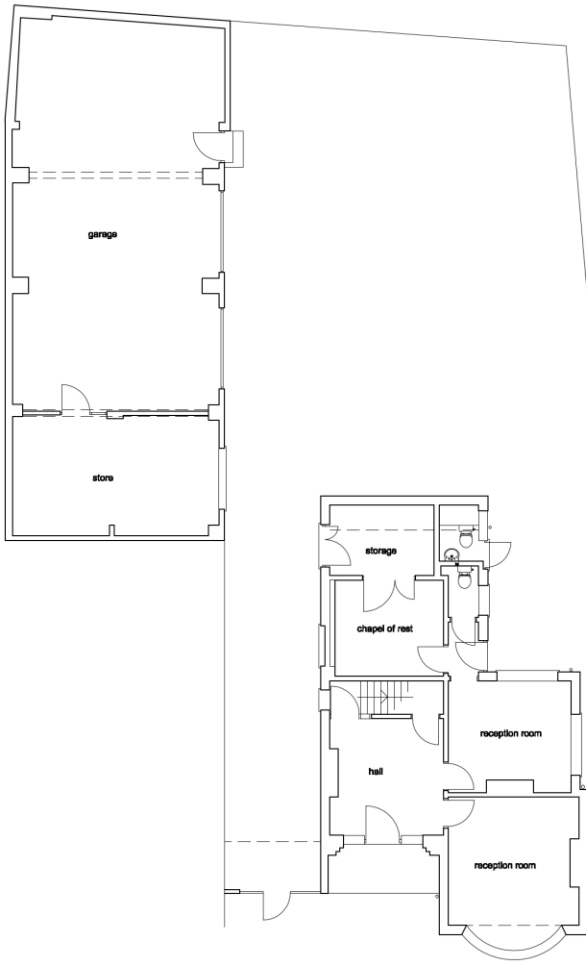
REVISION A  
Car parking reduced to 1no space at front + amenity area increased to 183sqm  
20.01.2022

Entrance to front of property to have vehicle access reduced with installation of 3no removal bollards for maintenance purposes only

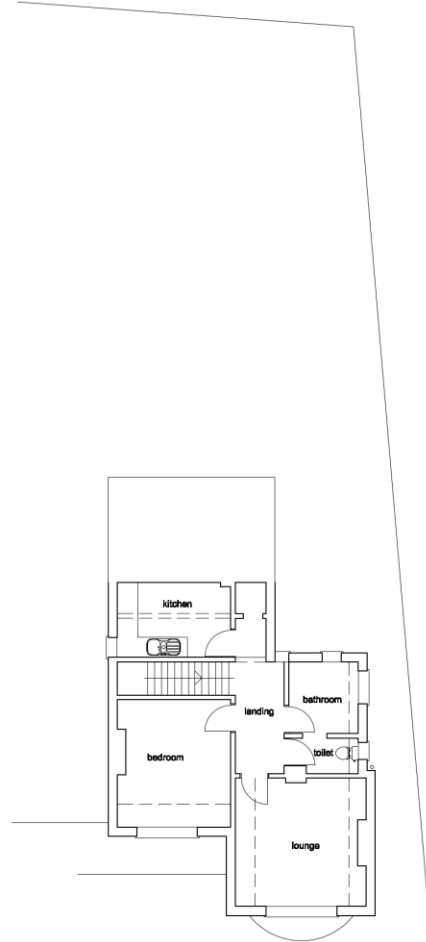
PROJECT  
Mardell House  
33 Market Street  
Rugeley  
WS15 2JH

SEPT 2021

# Existing Floor Plans



EXISTING GROUND FLOOR PLAN 1:100



EXISTING FIRST FLOOR PLAN 1:100

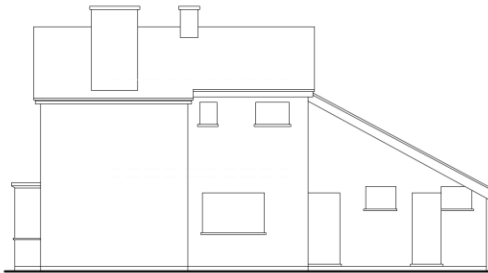
13  
JOHN REYNOLDS & ASSOCIATES  
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3 Massey Close, Hodnesford, Cannock, Staffs WS12 2PD  
Tele: 07710 359905  
E-mail: john@reynoldsassociates.co.uk  
P. R. O. A. R. C. H. I. T. E. C. T.  
CHANGE OF USE OF FORMER FUNERAL DIRECTORS PREMISES WITH FIRST FLOOR ONE BEDROOM FLAT, GARAGE & STORAGE TO 4 x 2 BED ROOM FLATS TOGETHER WITH REAR FIRST FLOOR EXTENSION  
Mardell House  
33 Market Street  
Rugeley  
WS15 2JH  
SEPT 2021  
2021:67:01

# Existing Elevations

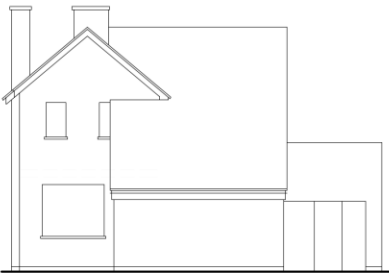
MAIN HOUSE



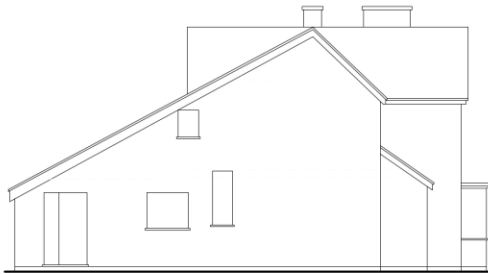
EXISTING FRONT ELEVATION 1:100



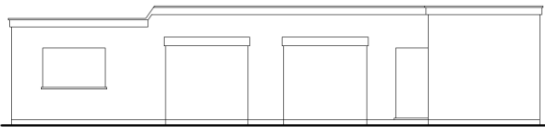
EXISTING SIDE ELEVATION 1:100



EXISTING REAR ELEVATION 1:100



EXISTING SIDE ELEVATION 1:100



EXISTING FRONT ELEVATION 1:100



EXISTING SIDE ELEVATION 1:100



EXISTING REAR ELEVATION 1:100



EXISTING SIDE ELEVATION 1:100

DETACHED GARAGE

Plotted at A3  
**JOHN REYNOLDS & ASSOCIATES**  
 ARCHITECTURAL CONSULTANT  
 3 Meadow Close Rednorsford  
 Cannock Staffs WS12 2PD  
 Tele: 07710 359905  
 E-mail: john@reynoldsandassociates.com

P. R. O. J. E. C. T.  
**CHANGE OF USE OF FORMER FUNERAL DIRECTORS PREMISES WITH FIRST FLOOR ONE BEDROOM FLAT, GARAGE + STORAGE TO 4 x 2 BED ROOM FLATS TOGETHER WITH REAR FIRST FLOOR EXTENSION**  
 Mardell House  
 33 Market Street  
 Rugeley  
 WS15 2JH  
 SEPT 2021  
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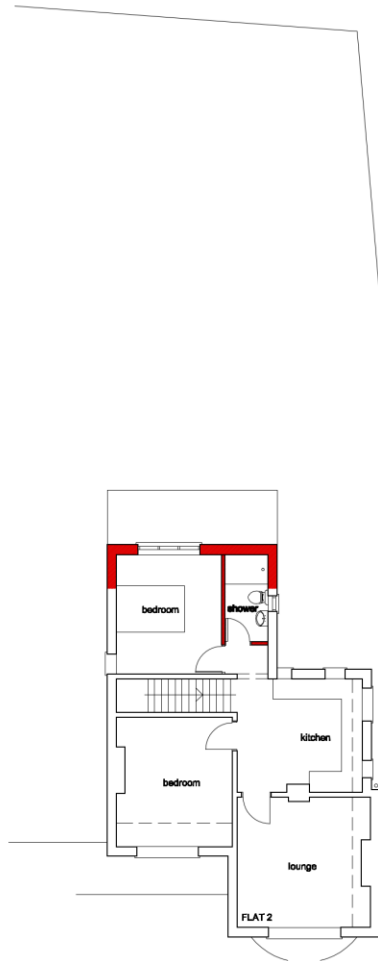
0 1M 2M 3M 4M 5M  
 existing elevations 1:100

2021:67:02

# Proposed Floor Plans



PROPOSED GROUND FLOOR PLAN 1:100



PROPOSED FIRST FLOOR PLAN 1:100

plotted at A3  
**JOHN REYNOLDS & ASSOCIATES ARCHITECTURAL CONSULTANT**  
3 Meadow Close Hednesford Cannock Staffs WS12 2PD  
Tele 07710 359905  
E-mail: [jrh@reynoldsandassociates.co.uk](mailto:jrh@reynoldsandassociates.co.uk)  
[jrh@reynoldsandassociates.co.uk](mailto:jrh@reynoldsandassociates.co.uk)  
PROJECT  
**CHANGE OF USE OF FORMER FUNERAL DIRECTORS PREMISES WITH FIRST FLOOR ONE BEDROOM FLAT, GARAGES + STORAGE TO 4 x 2 BED ROOM FLATS TOGETHER WITH REAR FIRST FLOOR EXTENSION**  
Mardell House  
33 Market Street  
Tugley  
WS15 2JH  
dr no  
**2021:67:03**

# Proposed Elevations

MAIN HOUSE



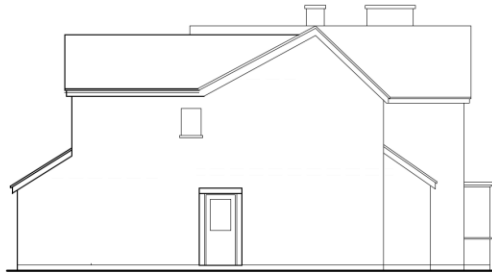
PROPOSED FRONT ELEVATION 1:100



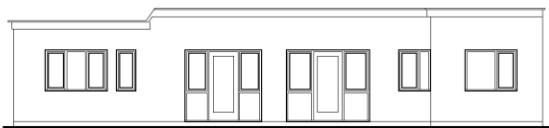
PROPOSED SIDE ELEVATION 1:100



PROPOSED REAR ELEVATION 1:100



PROPOSED SIDE ELEVATION 1:100  
Roof tiling, render to walls + white upvc windows  
all to match existing



PROPOSED FRONT ELEVATION 1:100

DETACHED GARAGE

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Contact Officer: Claire Faulkner

Telephone No: 01543 464337

## **Planning Control Committee**

**23<sup>rd</sup> February 2022**

**Application No:** CH/21/0387

**Received:** 16-Sep-2021

**Location:** 33, Mardell House, Market Street, Rugeley, WS15 2JH

**Parish:** Rugeley CP

**Ward:** Western Springs

**Description:** Change of use of former funeral director's premises with first floor one bedroomed flat, garages and storage to 4x2 bedroomed flats together with rear first floor extension

**Application Type:** Full Planning Application

### **RECOMMENDATION:**

S 106, Then Approval with Conditions

### **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 development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

#### **Reason**

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

2. The materials to be used for the external surfaces of the development shall be of the same type, colour and texture as those used on the existing building.

## Reason

In the interests of visual amenity and to ensure compliance with Local Plan Policies CP3, CP15, CP16, RTC3 (where applicable) and the NPPF.

3. Flat 2 of the development hereby permitted shall not be occupied until the first floor side facing window(s) to the ensuite of flat 2, as indicated on the approved plan is obscure glazed. The window(s) shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Thereafter the window(s) will be retained and maintained as such for the life of the development.

## Reason

To ensure that the development does not give rise to overlooking of adjoining property injurious to the reasonable privacy of the occupiers and to ensure compliance with Local Plan Policies CP3 Chase Shaping - Design, and the NPPF.

4. The development hereby permitted shall not be commenced until:-
  - (i) noise assessment must be submitted to and approved in writing by the Local Planning Authority to include the impact of nearby noise sources including traffic and
  - (ii) any mitigation works identified in the noise assessment have been carried out in full; a verification report has been submitted to the Local Planning Authority confirming that the mitigation works have been undertaken

## Reason

In order to enable the development to proceed in a safe environment and to protect the health and safety of its occupiers and to ensure compliance with Local Plan Policy CP3 and the NPPF.

5. No flat within the development hereby approved shall be occupied until a scheme for the fitting of that property with an electric charging point for electric vehicles has been submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme have been completed. The works shall thereafter be retained for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.

## Reason

In the interests of improving air quality and combatting climate change in accordance with policy CP16 and the National Planning Policy Framework.

6. The development hereby permitted shall not be brought into use until the parking area has been provided in accordance with the approved 'Site Plan Rev A and shall thereafter be retained for the lifetime of the development.

**Reason**

To comply with the objectives and policies contained within the NPPF and in the interests of highway safety.

7. The development hereby permitted shall be carried out in accordance with the following approved plans:

2021:67:03 Proposed Floor Plan  
 2021:67:04 Proposed Elevations  
 Site Plan Rev A

**Reason**

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

### **Note to Applicant**

#### **Coal Authority**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

#### **Severn Trent**

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider



catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Housing Team

The applicant is asked to familiarise themselves with the comments of Environmental Health Housing Team in respect to escape routes / windows.

## **Consultations and Publicity**

### **Internal Consultations**

#### CIL Officer

Thank you for submitting your Community Infrastructure Levy (CIL) additional form in respect of planning application CH/21/0387.

Based on the form submitted, if permission is granted the chargeable amount for this development would be £280.29. Please note this figure is index linked and will differ depending on the year permission is granted.

The amount above would not be sufficient to cover the Cannock Chase Special Area of Conservation mitigation fee, which would be £663.00 (£221.00 per net dwelling created). This means the applicant will be required to enter into a Section 106 Unilateral Undertaking for the outstanding amount. This fee would be £382.71 plus legal costs. The assigned Planning Officer for this case will be in contact with the Council's solicitor to arrange this.

In order for us to ensure the CIL liability notice is issued to the correct party, could you please complete and submit the attached Assumption of Liability form. The party assuming liability will be responsible for paying CIL if permission is granted and implemented. This can be transferred at any point before the last CIL payment is made.

#### Environmental Health

Prior to the commencement of works

- (i) a noise assessment must be submitted to and approved in writing by the Local Planning Authority to include the impact of NEARBY NOISE SOURCES, INCLUDING TRAFFIC (EHO emphasis) ; and
- (ii) any mitigation works identified in the noise assessment have been carried out in full; and
- (iii) a verification report has been submitted to the Local Planning Authority confirming that the mitigation works have been undertaken

#### Economic Development

There are no objections from Economic Development to this change of use.

### Private Sector Housing

The above planning application was reviewed by Environmental Health (Housing) I have concerns with regards the internal layout of each of the four units as the primary escape routes from each of the bedrooms is via an open plan kitchen area, which is considered a high risk room. In order to protect the occupants it will be necessary to adjust the internal layout so that the final exit door to each flat can be reached without passing through a kitchen, living room or other bedroom. Alternatively, a secondary fire escape route can be created through the installation of suitably designed windows.

For information: windows intended for fire escape purposes should meet the requirements of LACORS Housing Fire Safety Part C section 14: Escape Windows. Page 16.

[Officers note that these issues relate to matter that fall under Building Control].

### Development Plans and Policy Unit

I can advise that the site is situated within the Rugeley Town Centre Boundary and abuts ELAA 2020 Site RE19 (Not Available) and SHLAA 2020 Site R145 (Restricted & Excluded) also identified as Site RTC5 (Market Street Garages) in the Rugeley Town Centre Area Action Plan.

The site does not fall within any other designated areas shown on the Local Plan Policies Map.

National Planning Policy Framework (NPPF) and the presumption in favour of development

In terms of national guidance, the NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. It identifies that there are three overarching objectives – economic, social and environmental which are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.

Chapter 7 of the NPPF; Ensuring the vitality of town centres advises that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Of particular relevance to this proposal are, paragraph a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters; paragraph b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre; and paragraph f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

The NPPF at Chapter 12; Achieving well-designed places advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The NPPF at para 130 identifies factors which planning policies and decisions should ensure that developments achieve.

Of particular relevance to this proposal are, paragraph 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; paragraph b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; paragraph 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); paragraph d) establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit and paragraph f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>49</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

#### Development Plan

The development plan comprises the Cannock Chase Local Plan (Part 1) including the Rugeley Town Centre Area Action Plan, and the Staffordshire County Council Waste and Minerals Local Plan. The views of Staffordshire County Council as the waste and minerals authority should be considered, as necessary.

The Cannock Chase Local Plan (Part 1) was adopted in 2014. Policy CP11 of the Local Plan (Part 1) identifies that Rugeley's role as a Market Town serving the shopping needs of its hinterland will be continued and strengthened. Main town centre uses including retail, offices, commercial, leisure and cultural facilities should take a sequential approach that gives priority to the regeneration of the town centre within this boundary, followed by edge of centre locations. [...] Non-retail uses will only be permitted where they do not detract from the primary retail function of the town centre.

Local Plan (Part 1) Policy CP3 of the Local Plan supports high standards of design, and for development to be well-related to existing buildings and their surroundings, in terms of layout, density, access, scale, appearance, landscaping and materials based upon an understanding of the context of the site and appropriate professional expertise.

Policy CP3 requires development proposals to consider design imaginatively in its context, complementing and enhancing the character and appearance of the local area and reinforcing local distinctiveness, and to protect the amenity enjoyed by existing properties [...].

The Local Plan (Part 1) at Policy CP3 also requires development to promote appropriate design and uses in town centres with 'active' street frontages [...].

Further design considerations including spatial separation and garden space should refer to Appendix B of the Design SPD: Residential Development Guidelines including garden sizes. New Residential Development should provide for private outdoor garden space of a usable size and shape, fit for purpose, in proportion to the size of the dwelling and its locality, particularly where garden size is important to distinctive local character.

With regards to the further detailed design of the scheme, regard should also be paid to Policy CP16 and the Parking Standards, Travel Plans and Development Contributions for Sustainable Transport SPD (2005) (contains parking standards).

Policy RTC2 of the Rugeley Town Centre Area Action Plan considers Town Centre Land Uses and advises that retail premises in Rugeley Town Centre outside the Primary Shopping Area may be appropriate for conversion to residential uses that contribute to meeting local housing need.

#### Other Comments

The Highways Authority should also be consulted with regards to the proposed parking provision and access from the highway.

#### Contributions

As a residential development scheme the proposal may be CIL liable – advice on liability should be sought from the Planning Obligations Officer.

Given that a net increase in dwellings is proposed the development also needs to mitigate its impacts upon the Cannock Chase SAC (Local Plan (Part 1) Policy CP13). Should the development be liable to pay CIL charges then this will satisfy the mitigation requirements, as per the Local Plan (Part 1) Policy CP13, the Developer Contributions SPD (2015) and the Council's Guidance to Mitigate Impacts upon Cannock Chase SAC (2017). However, should exemption from CIL be sought then a Unilateral Undertaking would be required to address impacts upon the Cannock Chase SAC in accordance with the Councils policy/guidance.

Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and in consultation with the relevant infrastructure provider.

#### Five year housing land supply

The latest published SHLAA (December 2020) identifies that the Council currently has a housing land supply of 4.8 years and thus does not have a 5 year supply of housing land at 1st April 2020. The SHLAA advises that most recent housing delivery test results indicate that Cannock Chase delivered 172% of the relevant housing requirement over the last 3 years.

#### Conclusion

The development proposes the loss of a former A1 now E(a) building, the NPPF recognises that residential developments on appropriate sites often play an important role in town centres. The site is situated within an area of residential, retail and business premises and is in proximity of the Primary Retail Area. The Cannock Chase Retail & Town Centre Use Study (2021) identifies that Rugeley Town Centre presently displays reasonably good levels of vitality and viability. It also advises that despite this, that there is evidence of increasing vitality of the town centre or upon future redevelopment policies within the town centre AAP. ng levels of vacancies in the town centre and connectivity between the shopping core, railway stations and areas in the north of the town centre could be improved.

I have no evidence to indicate that the additional residential use would negatively impact upon the viability.

It is considered that the proposal should respect the character and density of the area and promote the creation of better places to live and work. We are happy to leave the planning balance judgement to the case officer.

## **External Consultations**

### Travel Management and Safety

No objection to the proposal subject to the attached conditions. The property is located within a sustainable town centre location, in proximity to the bus and railway station and nearby car parks and is therefore acceptable subject to the recommended condition.

### Severn Trent Water Ltd

With Reference to the above planning application the company's observations regarding sewerage are as follows. As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Please note if you wish to respond to this email please send it to [Planning.apwest@severntrent.co.uk](mailto:Planning.apwest@severntrent.co.uk) where we will look to respond within 10 working days.

## **Response to Publicity**

The application has been advertised by site notice and neighbour letter. Six letters of representation have been received. The objections are summarised below: -

- Market Street is a very busy road. There is already massive parking issue within Market Street. The proposal will add to the existing problem.
- Potential parking permit scheme for residents within Market Street
- Changes to the historic nature of the building in this historic location are devaluing the history value of this location,
- Neighbouring properties will be devalued,
- Increased traffic on an already busy road, and

- Short term occupancy of the flats effecting the sense of community

### Relevant Planning History

CH/04/0803:	Residential development. Outline - Refuse. 01/14/2005.
CH/88/821:	Change of use from house to office and loiving accomodation. Full - Approval with Conditions. 08/25/1989.
CH/90/0146:	Residential Development (Outline). Outline - Refuse. 07/18/1990.
CH/90/0744:	Change ofuse from workshop to garage fro 2 cars, coffin. Exisiting Lawful Use/Dev Cert. Issued 11/29/1990 .
CH/90/0773:	Residential dEvelopment (3 town houses). Full - Approval with Conditions 01/09/1991.
CH/91/0025:	Garage for 2 cars , coffin preparartion area , coffin store. Full - Approval with Conditions - S106. 01/23/1992.
CH/91/0332	Demoliation of existing buildings and redevelopment. Full - Approval with Conditions. 07/10/1991.
CH/96/0620	Formation of door openings in side elevation. Full - Approval with Conditions. 01/08/1997.

### 1.0 Site and Surroundings

- 1.1 The application site comprises a detached two storey brick and tile building set behind a short frontage on Market Street, Rugeley.
- 1.2 To the rear of the main building and extending behind the adjoining property to the south is a single storey flat roofed building divided into four sections, two comprising garage space and two storage areas.
- 1.3 The property is currently vacant. Its previous use was as a funeral director's premises. The ground floor of the main building was used as reception areas and a chapel of rest. The first floor comprised a one bedroomed flat. The single storey building at the rear was used for garaging of the funeral cars and storage.
- 1.4 The whole of the rest of the former rear garden of the dwelling is hard surfaced. The front garden is shallow and enclosed with an attractive low stone wall. There is a single vehicle width access extending under a canopy and garage door to the rear of the site.
- 1.5 This part of Market Street lies beyond the main pedestrianised town centre of Rugeley. Land uses in the vicinity of the site comprise a mix of residential and business premises including a veterinary surgery immediately adjoining to the

south, beyond which is a recently built two storey block of flats and a public house. To the north of the site is a pair of semi-detached dwellings and opposite a group of Victorian terraced houses. There is also a light industrial unit opposite the newly built flats. A small public car park is located on the edge of the pedestrian area, opposite which is the rear of the Morrisons foodstore.

1.6 The site is unallocated in the Local Plan, however the site is located within a Mineral Safeguarding area and a Coal Authority Low Risk Area.

## 2.1 **Proposal**

2.1 The applicant is seeking consent for change of use of former funeral director's premises with first floor one bedroomed flat, garages and storage to 4 x2 bedroomed flats together with rear first floor extension

2.2 It is proposed to convert the house into two 2 bedroomed flats. The first floor extension would comprise a footprint of 5m<sup>2</sup> and be constructed to the rear

2.3 The former garages and storage spaces would also be converted to two x 2 bedroomed flats with principal windows facing into the site.

2.4 One parking space would be provided for the proposed conversion which would be on the existing driveway to the front, side of the frontage building. The rear yard would be laid out as amenity space with pedestrian access only. The existing vehicular access would remain unaltered.

## 3.0 **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 Part 1 (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030).

### Cannock Chase Local Plan Part 1

3.3 Relevant policies within the Local Plan include: -

CP1 -	Strategy – the Strategic Approach
CP2	Developer Contributions for Infrastructure
CP3 -	Chase Shaping – Design
CP6 –	Housing Land
CP7 –	Housing Choice
CP10-	Sustainable Transport

CP11 – Centres Hierarchy  
 RTC2 – Town Centre Land Uses

### Minerals Local Plan for Staffordshire

#### 3.4 Relevant Policies within the Minerals Plan Include:

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

#### 3.5 National Planning Policy Framework

3.6 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.

3.7 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.

3.8 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
126, 130, 132, 134:	Achieving Well-Designed Places
218, 219	Implementation

3.9 Other relevant documents include: -

- (i) Design Supplementary Planning Document, April 2016.
- (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
- (iii) Manual for Streets

#### **4.0 Determining Issues**

4.1 The determining issues for the proposed development include: -

- i) Principle of development



- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on nature conservation
- vi) Drainage and flood risk
- vii) Mineral safeguarding
- viii) Waste and recycling facilities
- ix) Ground conditions and contamination
- x) Affordable housing
- xi) Other Issues raised

## 4.2 Principle of the Development

4.2.1 Both paragraph 11 of the NPPF (2021) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development.

4.2.2 The presumption in favour of sustainable development as set out in paragraph 11 of the NPPF states: -

‘For decision taking this means:

- c) approving development proposals that accord with an up to date development plan without delay.
- 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
  - (i) policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide 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 the Framework taken as a whole.’

4.2.3 The starting point of the assessment is therefore whether the proposal is in accordance with the development Plan and whether that plan is up to date. In that respect it is noted that Policy CP1 of the Local Plan states: -

“In Cannock Chase District the focus of investment and regeneration will be in existing settlements whilst conserving and enhancing the landscape of the AONB, Hednesford Hills, Green Belt and the green infrastructure of the District. The urban areas will accommodate most of the District’s new housing and employment development, distributed broadly in proportion to the existing scale of settlement.”

4.2.4 Other than the above general strategic approach there are no relevant policies within the Local Plan in respect to the approach to be taken with regard to the

development of wind-fall sites. As such the proposal falls to be determined in accordance with the tests set out in subsection (d) (i) or (ii) of paragraph 11 of the NPPF show above.

- 4.2.5 With that in mind it is noted that the application site is not designated as Green Belt, AONB or as a SSSI or SAC, nor does it contain a listed building or conservation area or affect the setting of a designated heritage asset; nor is it located with flood zones 2 or 3.
- 4.2.6 The application site does however relate to a previous A1 (now E) Use within the Use Class Order and would result in the loss of a retail unit. The application site is located within Rugeley Town Centre Boundary although it is not within the Primary Retail Area.
- 4.2.7 The NPPF at para 120 identifies factors which planning policies and decisions should ensure that developments encourage. Of particular relevance to this proposal are, paragraph d) promote and support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 4.2.8 Policy RTC2 of the Rugeley Town Centre Area Action Plan considers Town Centre Land Uses and advises that retail premises in Rugeley Town Centre outside the Primary Shopping Area may be appropriate for conversion to residential uses that contribute to meeting local housing need.
- 4.2.9 In the case of residential proposals, regard will also be paid to the findings of the Strategic Housing Land Availability Assessment. Where a shortfall in the five-year housing supply is apparent then the presumption should be in favour of residential development, unless the economic evidence is strong and compelling.
- 4.2.8 In this respect the latest published SHLAA (December 2020) identifies that the Council currently has a housing land supply of 4.8 years and thus does not have a 5 year supply of housing land at 1st April 2020. As such the proposal should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.2.9 In respect to the location of the site it is within a mixed use location within Rugeley Town Centre, close to the schools and served by bus routes giving access by public transport. As such the site has good access by public transport, walking and cycling to a range of goods and services to serve the day to day needs of the occupiers of the proposed development. The site is not located within either Flood Zone 2 or 3 and it is not designated as a statutory or non- statutory site for nature conservation nor is it located within a Conservation Area (CA) nor does it affect the setting of a designated or undesignated heritage asset.

4.2.10 It is therefore concluded that the proposal is located in a sustainable location and is acceptable in principle.

4.2.11 However, proposals that are acceptable in principle are still subject to all other policy tests. This report will now go on to consider the proposal in the light of these policy tests.

#### 4.3 Design and the Impact on the Character and Form of the Area

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;

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 126 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

‘Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design

guidance and supplementary planning documents such as design guides and codes; and/or

- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'

4.3.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to space about dwellings. In this context the comments of the objectors are noted.

4.3.6 The application site lies within Rugeley Town Centre wherein there is a variety of land uses. The application site is not within a Conservation Area although the Conservation Area is located approx.. 50m to the south. There are two Listed Buildings within the surrounding area; one being the public house to the south (approx.. 50m) and the other being two residential properties approx.. 40m to the north-east. The application building is not Listed either nationally or locally.

4.3.7 The proposed development would, subject to a small, first floor extension, use the existing buildings already located within the site. The rear of the site would be given over to amenity space and the small walled frontage retained to the front. In this respect the proposal would reflect the character of the residential properties to the immediate north of the site and would not affect the setting of the Listed Buildings.

4.3.7 Having had regard to the above and 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 buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

#### 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 be addressed in development proposals and goes on to 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 In general the Design SPD sets out guidance for space about dwellings, stating that for normal two storey to two storey relationships there should be a minimum

distance of 21.3m between principal elevations (front to front and rear to rear) and 12m between principal elevations and side elevations. Furthermore, the Design SPD sets out minimum rear garden areas, recommending 30sqm per flat for those flats which are served by a communal space.

- 4.4.4 However, it should always be taken into account that these distances and areas are in the nature of guidance. When applying such guidance consideration should be given to the angle of views, off-sets and changes in levels as well as the character of the area.
- 4.4.5 In this instance, the buildings already exist and would be converted without too much alteration. The proposed extension would be to the rear and comprises of a first floor extension of 5m<sup>2</sup> that would be constructed in place of the existing roof slope. It is noted that one window would be introduced into the side elevation facing towards No. No.35 however this would be to an ensuite and a condition recommended that it is obscure glazed. As such, the proposal would not result in any significant increase in overlooking or privacy to the adjoining property.
- 4.4.6 The proposed first floor extension would remain 3.5m from the shared boundary and therefore would not result in a significant detrimental impact to the occupiers of the adjacent dwelling in terms of outlook or daylight.
- 4.4.7 Therefore it is concluded that the proposal by virtue of the distance from the nearest dwellings, the proposal would not result in any significant impact, by virtue of overlooking, loss of light or loss of outlook, on the residential amenities of the occupiers of the neighbouring properties as per the requirements set out within the Councils Design SPD.
- 4.4.8 It is noted that the application site lies adjacent a veterinary clinic, located to the immediate south of the application site. Paragraph 185 of the NPPF states planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- 4.4.12 In this respect The Councils Environmental Health Officers were consulted on the application and raised no objection to the proposed development. In order to sufficiently safeguard the future occupiers of the site however they did recommended the attached condition for a noise assessment to be submitted and approved by the Local Planning Authority.

4.4.12 Given the above and subject to the recommended conditions, it is considered that the proposal would provide a high quality of amenity for occupiers of existing dwellings as well as for the future occupiers of the proposed dwelling in accordance with the Design SPD and Local Plan Policy CP3.

4.4.13 With regard to the proposed dwellings, the private garden space to the rear would measure approx.. 150m<sup>2</sup> with off road parking for one vehicle. The Design SPD requires an area of 30m<sup>2</sup> amenity space per unit of communal space. As such, it is considered that the proposal would provide a high quality of amenity for occupiers of existing dwellings as well as for the future occupiers of the proposed dwelling in accordance with the Design SPD and Local Plan Policy CP3.

#### 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. In this respect the comments of the neighbours are noted.

4.5.2 The existing vehicular access would be used to as a driveway to the side of the host building. No alterations are proposed to the access. The objections from neighbours received in respect to the parking issues within Market Street are noted.

4.5.3 The applicant has stated that The Council's current policy on parking is contained within the Parking SPD which is based on rom 2005 and is based on the principle of operating maximum rather than minimum standards. So The maximum standard for 2 bedroomed flats is 1.5 spaces per flat. However, the document states that lower levels of parking provision can be applied in town centres with good access to public transport and to public car parks. Distances of 100 metres to a public car park and 400 metres to a bus stop served by a frequent service. The application site is 70 metres from the nearest public car park on Market Street and 150 metres from the main town centre car park off Forge Road. The town centre bus station from where frequent services run to Cannock, Stafford and Lichfield is 350 metres walking distance.

4.5.4 The SPD also states that lower levels of parking provision are acceptable for student or single person accommodation and in connection with conversion of houses or non-residential buildings to flats.

4.5.4 The Highway Authority was consulted on the application and raised no objection to the proposal subject to the attached conditions. The Highway Authority stated that the property is located within a sustainable town centre location, in proximity to the bus and railway station and nearby car parks and is therefore acceptable subject to the recommended condition.

4.5.5 As such, it is considered that there would be no adverse impact upon highway safety and the proposal would be in accordance with the Parking SPD and 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 174 and 180 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 ecological 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.'

4.6.3 Paragraph 174 of the NPPF states [amongst other things] that

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) 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);

- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'

#### 4.6.4 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.

#### Impacts of Cannock Chase Special Area of Conservation

- 4.6.5 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. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. There is a net increase in dwellings of 3 No. such that SAC mitigation contributions are required. However, based on the form submitted, if permission is granted the chargeable amount for this development for CIL would not be sufficient to cover the Cannock Chase Special Area of Conservation mitigation fee. This means



the applicant will be required to enter into a Section 106 Unilateral Undertaking for the outstanding amount.

#### On Site Impacts

- 4.6.6 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species that is given special protection or which is of particular conservation interest. As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.
- 4.6.7 In order to enhance the nature conservation opportunities for the site, a condition requiring the provision of an electrical vehicle charging point has been recommended.
- 4.6.8 Given the above it is considered that the proposal, would not have a significant adverse impact on nature conservation interests either on, or off, the site. With the recommendation to include a bat box and an electrical vehicle charging point, the proposal would provide opportunities to enhance nature conservation. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF

#### 4.7 Drainage and Flood Risk

- 4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps.
- 4.7.2 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'.
- 4.7.3 It is noted that the site relates to an existing building within a built up area. As such it is in close-proximity to drainage infrastructure that serves the surrounding area and is considered acceptable. The applicant has demonstrated that soakaways would be incorporated in the scheme and links through to existing drainage. Severn Trent were consulted on the application and are satisfied that the proposal would not impact on the public sewerage system. No condition for drainage was requested.

#### 4.8 Mineral Safeguarding

- 4.8.1 The site falls within a Mineral Safeguarding Area (MSAs) for Coal and Fireclay. Paragraph 209, of the National Planning Policy Framework (NPPF) and Policy

3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

4.8.2 Policy 3.2 of the new Minerals Local Plan states that:

‘Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

4.8.3 The application site is located within a Mineral Safeguarding Area. Notwithstanding this, the advice from Staffordshire County Council as the Mineral Planning Authority does not require consultation on the application as the site falls within the development boundary of an urban area and is not classified as a major application.

4.8.4 As such, the proposal would not prejudice the aims of the Minerals Local Plan.

#### 4.9 Waste and Recycling Facilities

4.9.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to national and local waste reduction and recycling targets according to the waste hierarchy'. One of the ways of achieving this is by ensuring development can be adequately serviced by waste collection services and that appropriate facilities are incorporated for bin collection points (where required).

4.9.2 In this respect, it is noted that the proposed dwelling would be sited within close proximity to the highway within a residential location where bins are already collected by the Local Authority. The bins would, in this instance, be collected from the pavement as per the existing situation for the neighbouring properties.

#### 4.10. Ground Conditions and Contamination

4.10.1 The site is located in a general area in which Coal Authority consider to be a development low risk area. As such, the Coal Authority does not require

consultation on the application and it is advised that any risk can be managed by the attachment of an advisory note to any permission granted.

4.10.2 The Council's Environmental Health Officers were consulted on the application and raised no issue in terms of ground contamination.

#### 4.12 Affordable Housing

4.12.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, given the order of the Court of Appeal, dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014, and the subsequent revision of the PPG it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

#### 4.13 Objections raised not already covered above: -

4.13.1 A neighbour has raised concern regarding potential parking permit scheme for residents within Market Street. Your Officers confirm that this would be a matter for Staffordshire County Highway Authority to address.

4.13.2 An objector raised concern that the adjacent property prices would be devalued as a consequence of the proposed development. Your Officers confirm that property prices are not material considerations in the determination of a planning application.

4.13.3 An objector raised concern that the development is unlikely to appeal to families and will, due to the limited floorspace, lack of amenity area and the potential short term lease of the units. Your Officers confirm that the use of the land would be for residential purposes and there is no distinction within planning policy between ownership of a property or short term leasing. As such, this is not a material consideration for the determination of the application.

## **5 Human Rights Act 1998 and Equality 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.

### **Equality 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 Equality Act.

## **6 Conclusion**

- 6.1 Residential development on this unallocated site within a sustainable location in a predominantly residential area within the urban area of Rugeley is considered acceptable under current local and national policy.
- 6.2 It is concluded that any adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as whole. As such the proposal benefits from the presumption favour of sustainable development and should, subject to the attached conditions, be approved.