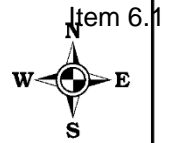




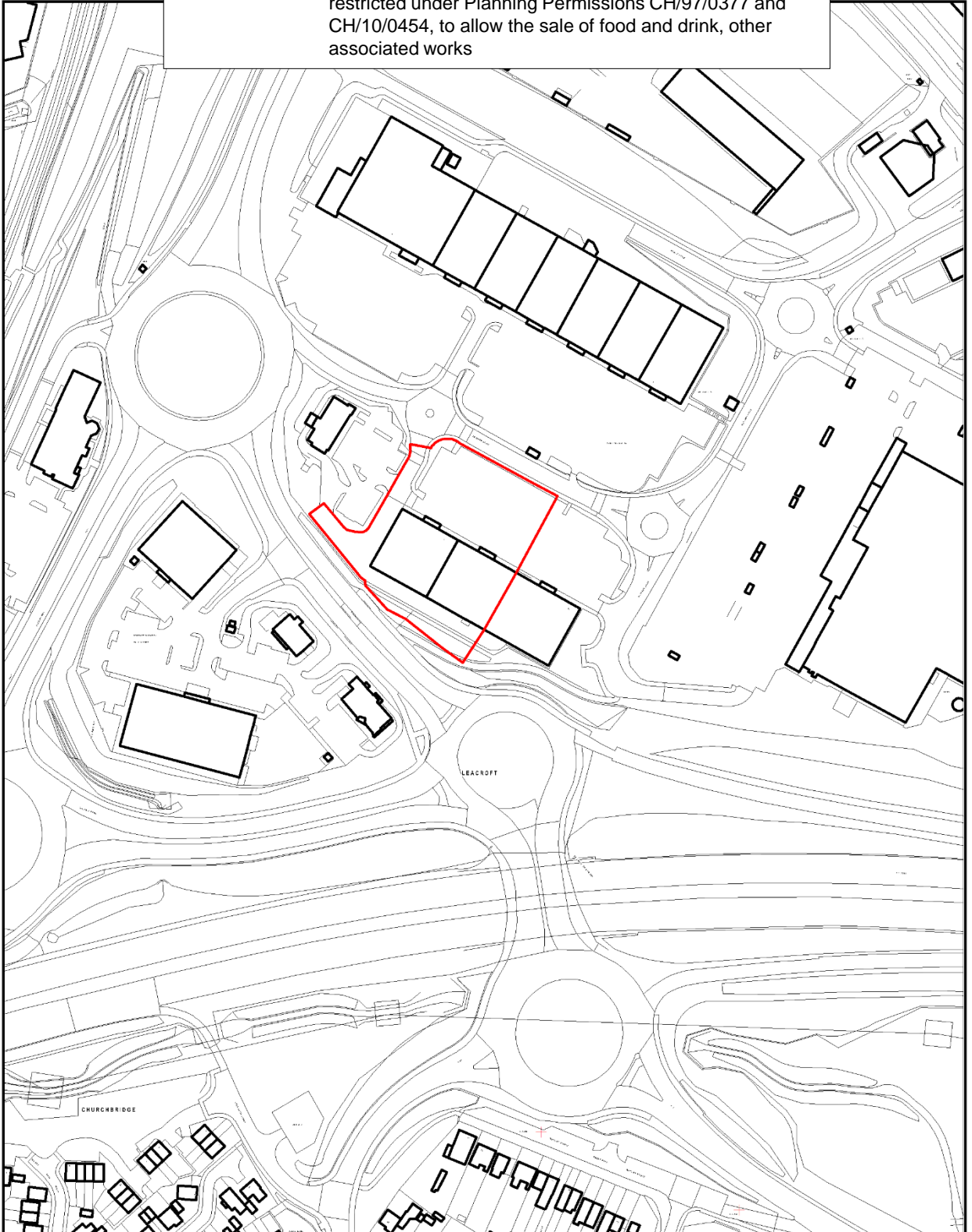
**Application No:** CH/21/0231

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

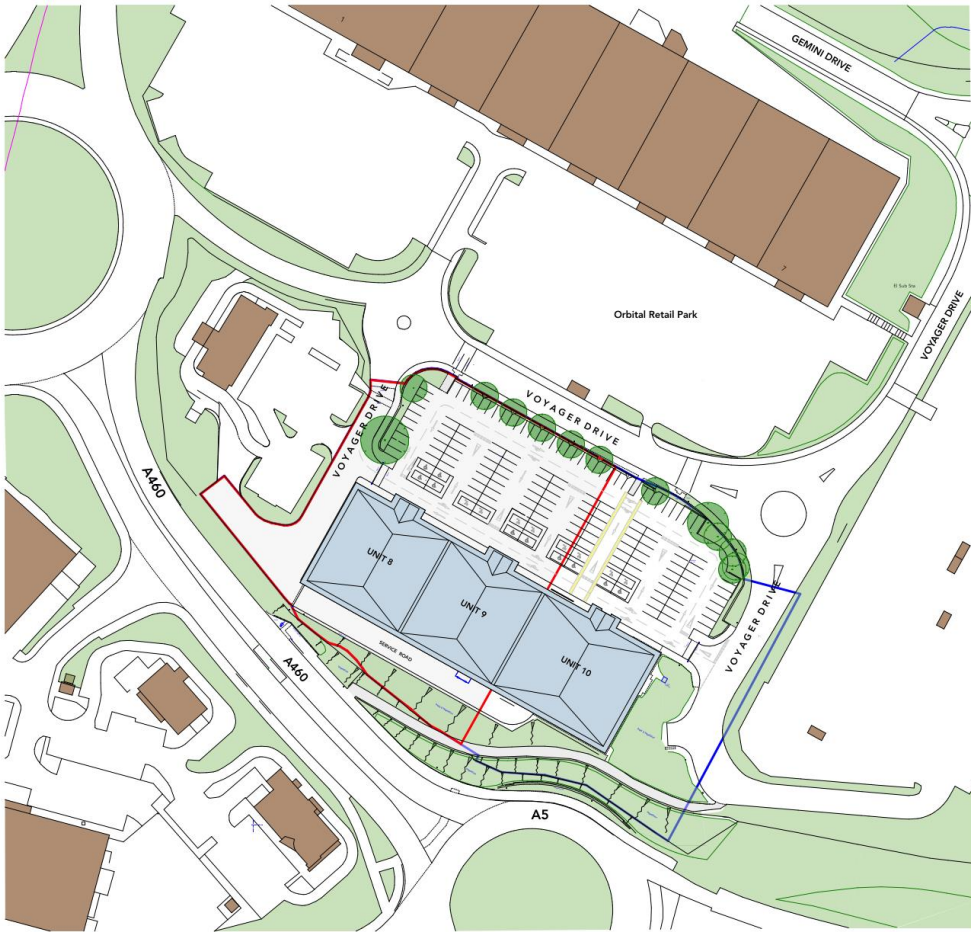
**Proposal:** External alterations to elevations associated with the amalgamation of Units 8 and 9 to accommodate a foodstore, relaxation of the range of goods currently restricted under Planning Permissions CH/97/0377 and CH/10/0454, to allow the sale of food and drink, other associated works



Item 6.1



# Location Plan



Site Location Plan

1:500

Scale (m) 1:500



06	18/05/2021	Driveway layout removed	JCJ	08/04
07	23/05/2021	Planning Application: Final	JCJ	08/04
08	17/06/2021	Finalised version of development plan	JCJ	08/04
09	15/08/2021	Finalised Final Issue: Plans updated	JCJ	08/04
10	15/08/2021	Authority meeting 19.12.21: Notes added	JCJ	08/04
11	15/08/2021	Final Final Issue	JCJ	08/04
12	15/08/2021	Finalised	JCJ	08/04

## Clearbell

RIBA Stage 3

A55, Orbital Retail Park

### Site Location Plan

Project: A55, Orbital Retail Park

Client: Clearbell

Date: 15/08/2021

Scale: 1:500 @ A1

Drawn by: JCJ

Checked by: JCJ

Approved by: JCJ

Clearbell

00200

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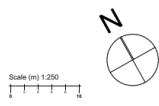
00200

# Existing Site Plan



Site Plan Existing

1:250



05	16/05/2021	Dr. Paul Smith: Site reviewed	01	004
04	15/05/2021	Planning Application: Issue	01	004
03	17/04/2021	Issue	01	004
02	16/05/2021	Planning Application: Issue	01	004
01	16/05/2021	Planning Application: Issue	01	004

**Clearbell**  
RIBA Stage 3

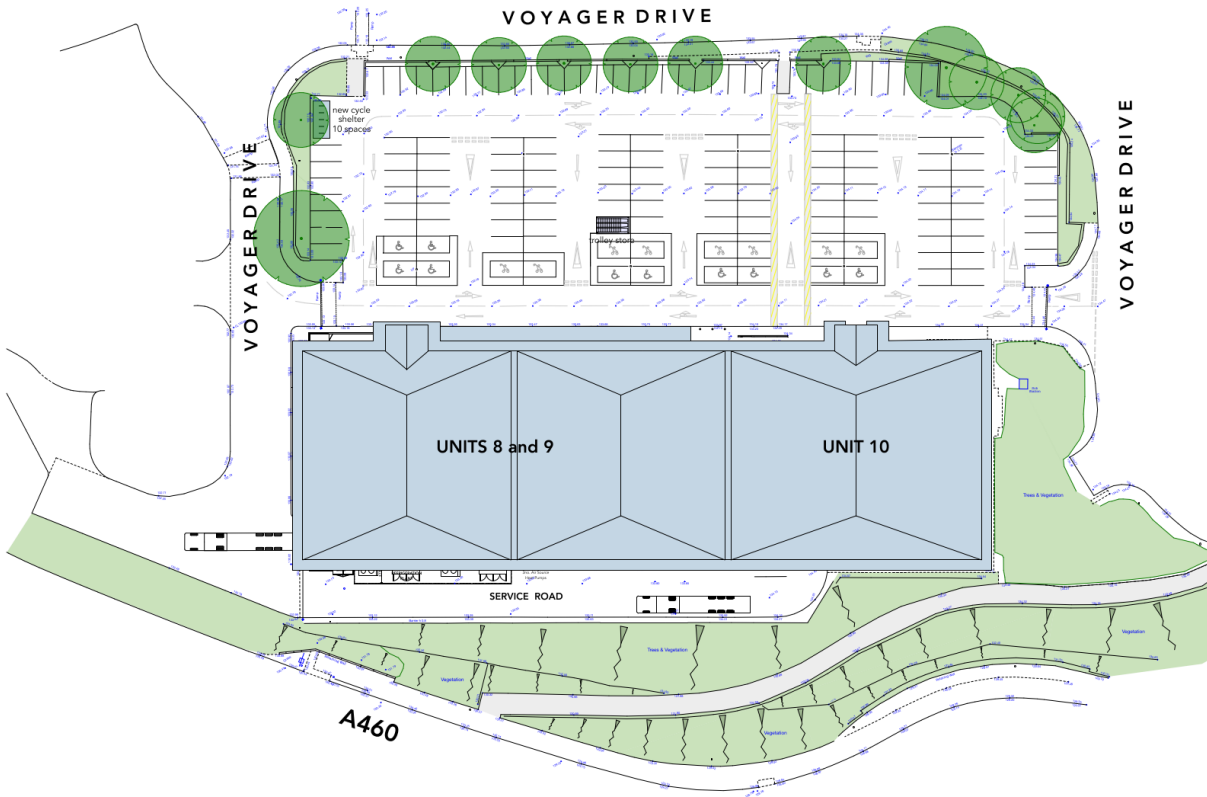
Site: AISI, Orbital Retail Park

Existing Site Plan  
 Project: AISI, Orbital Retail Park  
 Date: 15/05/2021  
 Scale: 1:250  
 Author: [Name]

**maber** CONSULTANTS ENGINEERS ARCHITECTS  
 00201

Drawings are made to the standard of work to be completed. All drawings are subject to the terms and conditions of the contract. The client is responsible for the accuracy of the information provided. The client is responsible for the accuracy of the information provided. The client is responsible for the accuracy of the information provided.

# Proposed Site Plan



Site Plan Proposed

1:250

01	18/05/2021	Site plan update with removed	01	004
02	23/05/2021	Planning Application: Street	01	004
03	17/06/2021	Planning Application: Street	01	004
04	18/06/2021	Planning Application: Street	01	004
05	18/06/2021	Planning Application: Street	01	004
06	18/06/2021	Planning Application: Street	01	004
07	18/06/2021	Planning Application: Street	01	004
08	18/06/2021	Planning Application: Street	01	004
09	18/06/2021	Planning Application: Street	01	004
10	18/06/2021	Planning Application: Street	01	004
11	18/06/2021	Planning Application: Street	01	004
12	18/06/2021	Planning Application: Street	01	004
13	18/06/2021	Planning Application: Street	01	004
14	18/06/2021	Planning Application: Street	01	004
15	18/06/2021	Planning Application: Street	01	004
16	18/06/2021	Planning Application: Street	01	004
17	18/06/2021	Planning Application: Street	01	004
18	18/06/2021	Planning Application: Street	01	004
19	18/06/2021	Planning Application: Street	01	004
20	18/06/2021	Planning Application: Street	01	004

**Clearbell**  
RIBA Stage 3

Site: AISI, Orbital Retail Park

Proposed Site Plan

Project: AISI, Orbital Retail Park  
Date: 18/06/2021  
Scale: 1:250  
Author: [Name]  
Check: [Name]

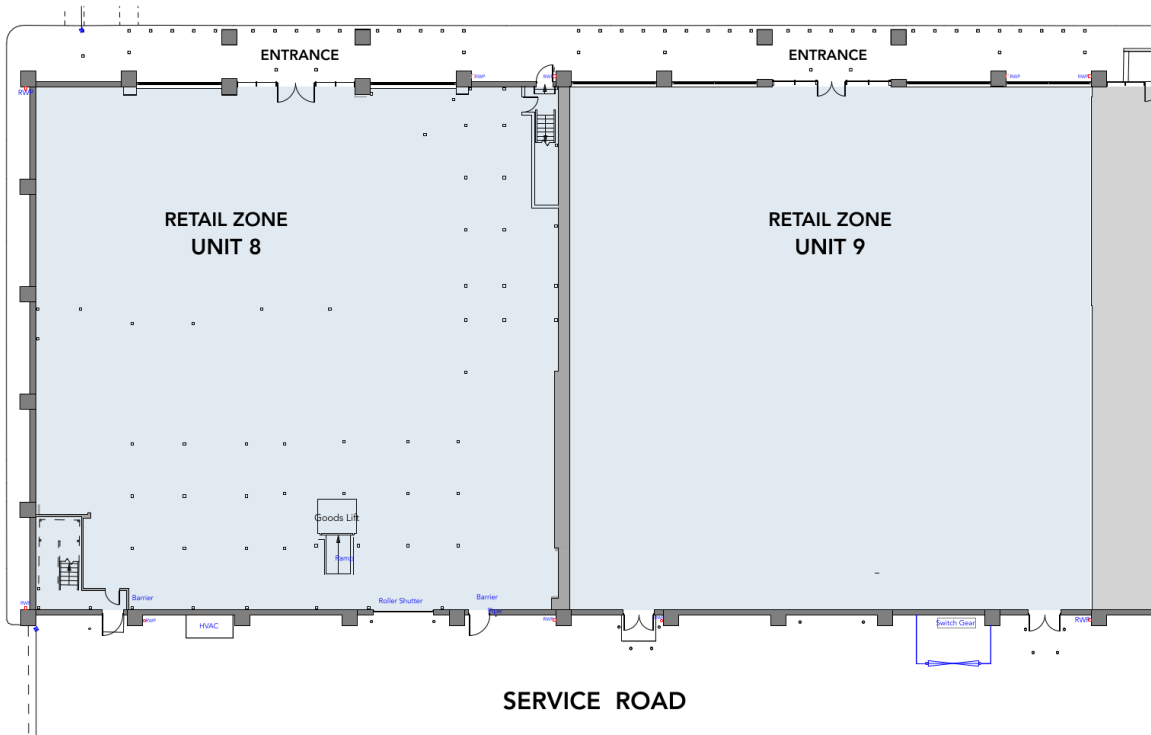
**00210**



Scale (m) 1:250

00210

# Existing Floor Plans



Ground Floor Plan - Existing

1:100

01	19/02/2021	Site visit and site assessment	JG	Site
02	20/02/2021	Planning Application Stage	JG	Site
03	19/02/2021	Issue Final Report	JG	Site
04	19/02/2021	Final Report	JG	Site

**Clearbell**  
RIBA Stage 3

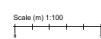
Site: Orbital Retail Park

Project: Ground Floor Plan Existing

Author:	JG	12/10
Check:	AK	11/08
Drawn:	AK	11/08

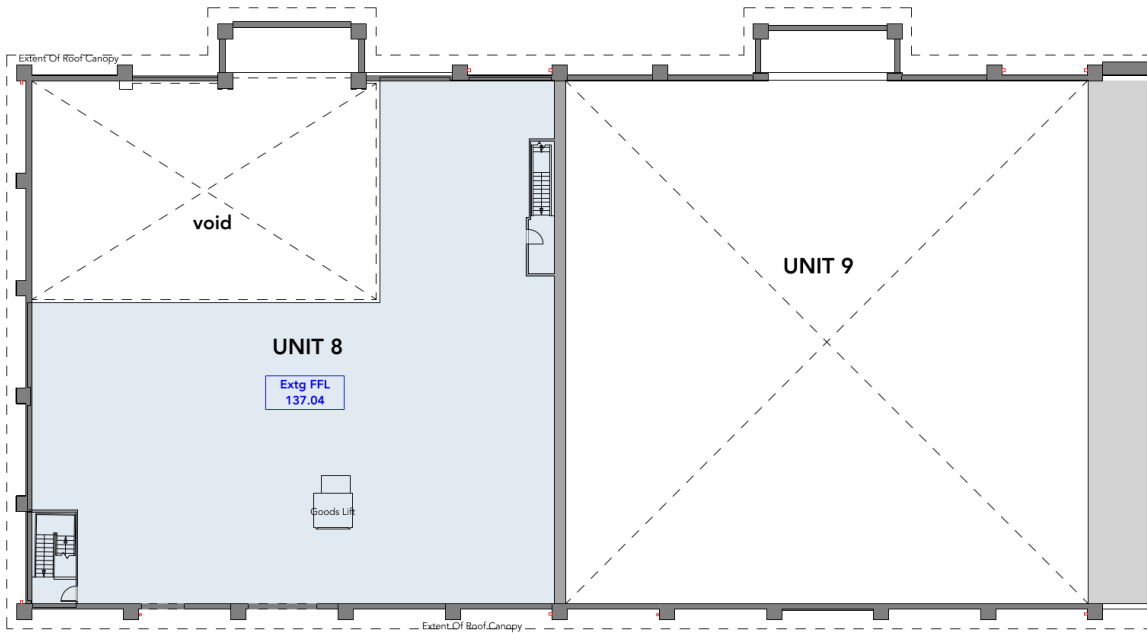
Scale: 1:100 @ A1

00301



**malcol** malcolmal.com  
Architectural & Planning Consultants  
020 7323 2222  
100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

# 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	16/03/2021	Issue Brief Review	JG	Site
04	16/03/2021	Issue Brief	JG	Site

## Clearbell

RIBA Stage 3

Site: Orbital Retail Park

Mezzanine Floor Plan Existing

Author:	MAK
Checked:	JG
Date:	13/03/21

**00302**

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020 7323 2222

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Scale (m) 1:100



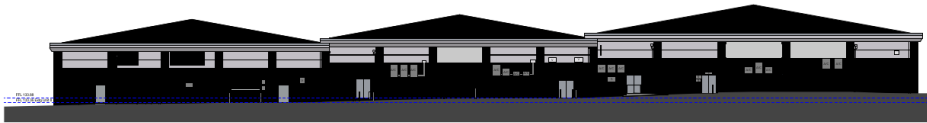
Drawings are to be printed at this scale. All dimensions are indicated unless otherwise stated. Dimensions are given in millimetres unless otherwise stated. The client is responsible for ensuring that the drawings are suitable for the intended use. The client is responsible for ensuring that the drawings are suitable for the intended use.

# Existing Elevations



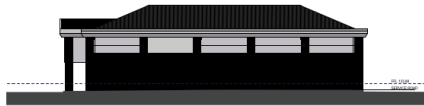
Front Elevation Existing

1:200



Rear Elevation Existing

1:200



NW Elevation Existing

1:200



03	19/02/2021	Site plan update notes reviewed	JG	Shea
02	28/02/2021	Planning Application Notes	JG	Shea
01	18/02/2021	Issue Brief Update	JG	Shea
00	00/00/00	Issue Brief	JG	Shea

## Clearbell

RIBA Stage 3

Site: Orbital Retail Park

Existing - Elevations 1

Project No: 00600

Scale: 1:200

Date: 19/02/2021

Author: JG

Check: JG

Drawn: JG

Scale: 1:200

Date: 19/02/2021

Author: JG

Check: JG

Drawn: JG

Scale: 1:200

Date: 19/02/2021

Author: JG

Check: JG

Drawn: JG

Scale: 1:200

Date: 19/02/2021

Author: JG

Check: JG

Drawn: JG

Scale: 1:200

Date: 19/02/2021

Author: JG

Check: JG

Drawn: JG

Scale: 1:200

Date: 19/02/2021

Author: JG

03	19/02/2021	Site plan update notes reviewed	JG	Shea
02	28/02/2021	Planning Application Notes	JG	Shea
01	18/02/2021	Issue Brief Update	JG	Shea
00	00/00/00	Issue Brief	JG	Shea

## Clearbell

RIBA Stage 3

Site: Orbital Retail Park

Existing - Elevations 1

Project No: 00600

Scale: 1:200

Date: 19/02/2021

Author: JG

Check: JG

Drawn: JG

Scale: 1:200

Date: 19/02/2021

Author: JG

Check: JG

Drawn: JG

Scale: 1:200

Date: 19/02/2021

Author: JG

Check: JG

Drawn: JG

Scale: 1:200

Date: 19/02/2021

Author: JG

Check: JG

Drawn: JG

Scale: 1:200

Date: 19/02/2021

Author: JG

Check: JG

Drawn: JG

Scale: 1:200

Date: 19/02/2021

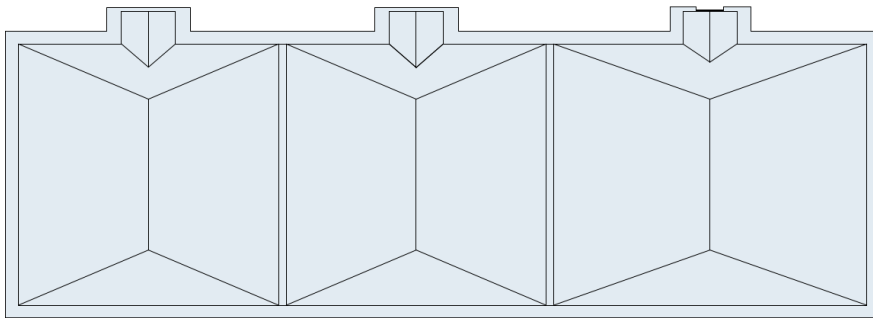
Author: JG

00600



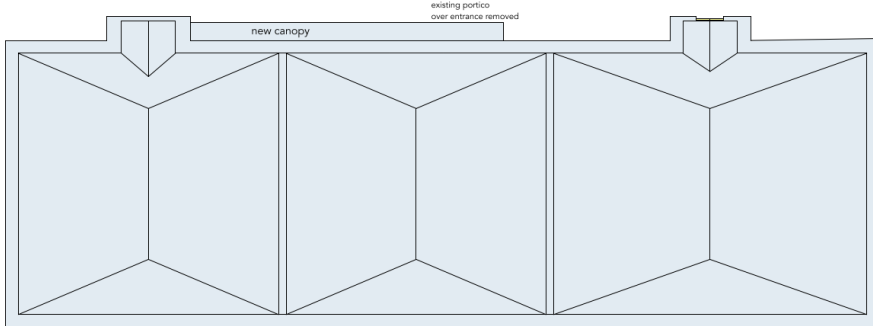


# Roof Plans



Roof Plan Existing

1:200



Roof Plan Proposed

1:200



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

## Clearbell

RIBA Stage 3

Client: Orbital Retail Park

Project: Roof Plan - Exis and Proposed

Author:	19/02/2021	Site
Check:	20/02/2021	Site
Issue:	20/02/2021	Site

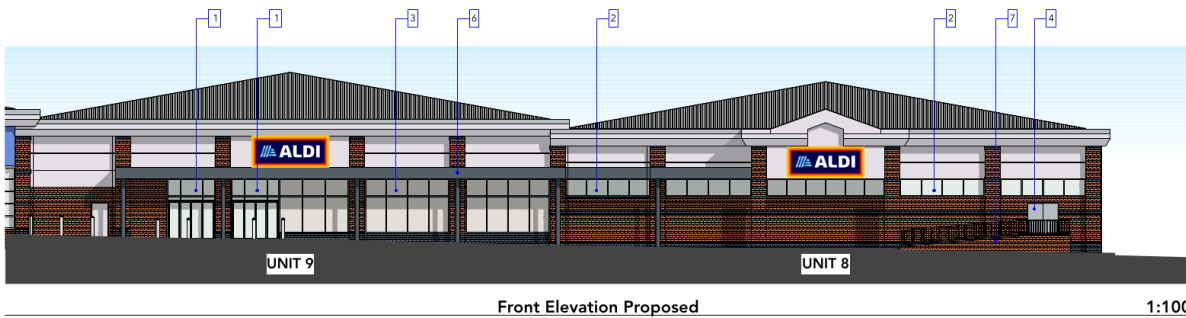

**00303**

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 Building Regulations. The Designer shall be responsible for ensuring that the drawings are in accordance with the relevant Building Regulations.

# 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 and scale note updated	JG	Site
06	20/06/2021	Revised notes submitted	JG	Site
07	23/07/2021	Planning Application Issues	JG	Site
08	11/08/2021	Revised Draft Report - Plans submitted	JG	Site
09	16/08/2021	Following meeting 19.10.21. Notes added	JG	Site
10	16/08/2021	Issue Draft Report	JG	Site
11	16/08/2021	Finalised	JG	Site

**Clearbell**  
RIBA Stage 3

Site: Orbital Retail Park

Proposed Elevations 1

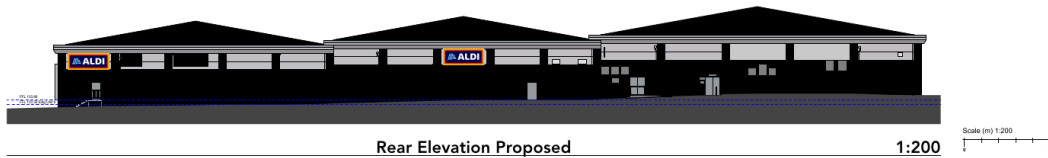
Author:	Site
09/06/2021 09:02:02 09-A-00010	02/10
09/06/2021 09:02:02 09-A-00010	02/10
09/06/2021 09:02:02 09-A-00010	02/10

**maber** ARCHITECTS

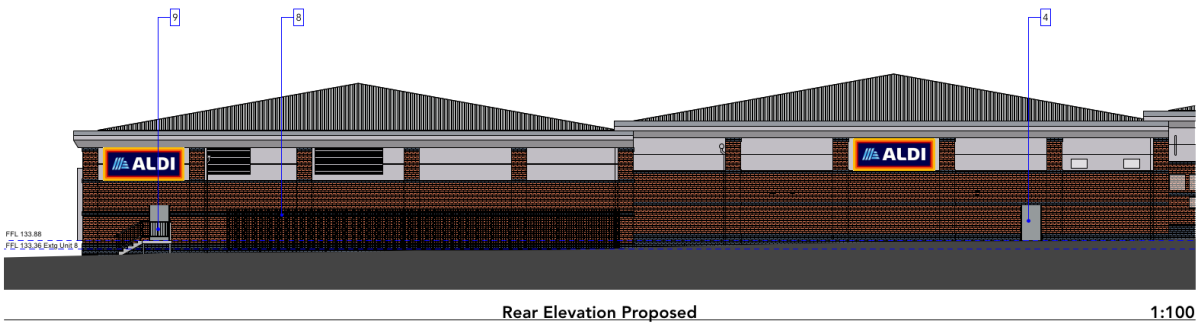
00610

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	16/05/2021	Site not made available	JC	Site
06	20/05/2021	Revised plans submitted	JC	Site
07	23/05/2021	Planning Application issued	JC	Site
08	11/06/2021	Planning Application issued - Plans submitted	JC	Site
09	16/06/2021	Planning meeting 19.30.21. Notes issued	JC	Site
10	16/06/2021	Final design issues	JC	Site

**Clearbell**  
RIBA Stage 3

Site: Aldi, Orbital Retail Park

Proposed Elevations 2

Author: M&P Architects  
Date: 02/10/2021  
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	Revised	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, 18-24months 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.

## 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 refuse 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/21/0293

**Location:** 8-10, Coppice Road, Rugeley, WS15 1LN

**Proposal:** Change of use of caretakers room at rear to residential unit (retrospective)

Item 6.51







Contact Officer: David Spring

Telephone No: 01543 464337

## **Planning Control Committee**

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

**Application No:** CH/21/0293

**Received:** 02-Jul-2021

**Location:** 8-10, Coppice Road, Rugeley, WS15 1LN

**Parish:** Rugeley

**Description:** Change of use of caretakers room at rear to residential unit (retrospective)

**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.

### **Background**

This application was on the agenda for the meeting of Planning Control Committee dated 5<sup>th</sup> January 2022 but was deferred for the following reason: -

‘Councillor Christine Martin (Rugeley Town Council) had registered to speak against this application but she was not in attendance at the meeting. Members agreed that the application should be deferred to enable the speaker to attend.’

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

1. The development hereby permitted shall be retained in accordance with the following approved plans:

KRC/2021/20/01

## Reason

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

2. Within two months of the date of this permission a scheme for securing the private amenity space of the residential unit by the erection of fencing shall be submitted to the Local Planning Authority. Within one month of the approval of the scheme in writing by the Local Planning Authority the works comprising that approved scheme shall be implemented in full.

## Reason

In the interest of protecting the amenity of the occupiers of the dwelling in accordance with Policy CP3 of the Cannock Chase Local Plan and paragraph 130(f) of the National Planning Policy Framework.

## Consultations and Publicity

### Internal Consultations

#### Planning Policy

Thank you for consulting me on this proposed change of use to care takers room at rear at 8-10 Coppice Road, Rugeley, WS15 1LN. I can advise that the site does not fall within any other designated areas shown on the Local Plan Policies Map.

The development plan comprises the Cannock Chase Local Plan (Part 1) 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.

Having looked at the proposal and the provisions of the Development Plan I would advise that I have no specific policy comments to make.

With regards to the design of the proposed development and impact upon the surroundings we are happy to leave this to the judgement of the Case Officer.

#### Economic Development

No objection.

#### Environmental Health

No objection.

#### Environmental Health (Housing)

Whilst there is no objection in principle there would be a requirement to ensure that the residential premises have been constructed with a minimum of one hours fire protection separating the two uses. Subject to this a no objection response is given to the statutory consultation.

## **External Consultations**

### Rugeley Town Council

Concern as to the increased use of this retail unit into HMO - question over change of use for the whole building - inappropriate change of use.

## **Response to Publicity**

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

## **1 Site and Surroundings**

- 1.1 The application seeks retrospective consent for the change of use of a rear storage area to residential accommodation at 8 – 10 Coppice Road, Rugeley.
- 1.2 The wider application site comprises of a two storey building used as a retail unit on the ground floor and residential accommodation on the first floor. There is a single storey flat roof extension to the rear that was for caretakers storage in part.
- 1.3 The application site is formed of a hall with one bedroom, a kitchen and a shower room and is accessed to the rear of the building.
- 1.4 The wider property is sited near the junction of Coppice Road and Queensway and sits behind a short frontage finished in hardstanding and used for car parking.
- 1.5 The application site is located with a side elevation facing the frontage shops located within Queensway. To the south lies a private residential dwelling and to the rear, a row of garages and parking area for the residential units above the shops within Queensway.
- 1.6 The site is in part unallocated and undesignated in the Cannock Chase Local Plan (Part 1). The site falls within a Mineral Safeguarding Area and is also within a low development risk area as defined by the Coal Authority.

## **2 Proposal**

- 2.1 The proposal is seeking retrospective consent for the change of use of the former caretakers storage room to a residential unit.



- 2.2 The application site was converted in June 2020 and comprises of a one bedroom unit consisting of approx.. 40m<sup>2</sup>.
- 2.3 There is no parking provision with the unit, however there is parking along the frontage of the wider site, which is used for the parking to the retail unit. There is no outdoor amenity space provided for the residential unit.

### **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).
- 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
  - CP13 -Cannock Chase Special Area of Conservation (SAC)
- 3.3 The policies within the Minerals Plan are:
- Policy 3.2 – Safeguarding Minerals
- 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
126, 130, 134:	Achieving Well-Designed Places
218, 219	Implementation

3.9 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.

#### **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 nature conservation
- vi) Drainage and flood risk
- vii) Mineral safeguarding
- viii) Waste and recycling facilities
- ix) Ground conditions and contamination

#### **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. Therefore the proposal does not engage any policies in the Framework that protect areas or assets of particular importance. 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.

4.2.6 In respect to the location of the site it is within a mixed-use location adjacent a small local 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

4.2.7 It is therefore concluded that the proposal is acceptable in principle.

4.2.8 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 Appendix B of the Design SPD sets out clear expectations and guidance in respect to space about dwellings.

4.3.6 In this instance, the residential unit has been provided within the fabric of an existing building, being an unused caretaker store. No significant alterations have been made to the building in order to facilitate the accommodation. The wider area comprises of mixed uses and as such the addition of the residential unit to the rear of the existing building would have no significant impact to the character and appearance of this location.

4.3.7 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing 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 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.

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 The wider application building already existed and as such there has been no impact on neighbouring properties over and above that which already existed in that respect.

4.4.6 The use of the unit for residential purposes has also had no significant impact on the neighbouring properties. No. 12 Coppice Road is sited on higher ground than the application site and is separated by closeboard fencing. Further, residential accommodation already exists on the application site with the first floor accommodation. Therefore, the intensification of the use to allow 1 further unit would not significantly impact on these adjoining neighbours.

4.4.6 The new unit does not benefit from a private amenity area however it is noted that the site lies within close proximity to leisure facilities and areas of public open space. Furthermore, it is not unusual to find that one bedroom flats do not have outside amenity space. As such, it is considered that the proposal would provide an acceptable quality of amenity for occupiers of new unit and a high standard of amenity for existing occupiers and as such, on balance is considered acceptable in this instance, 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.

4.5.2 The application site does not incorporate any parking provision. However, it is noted that there is parking located to the front of the wider site and within the surrounding area. Notwithstanding, the surrounding highways benefit from restrictions to prevent on road parking.

4.5.3 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 geological sites, priority habitats and species and areas of importance for enhancing biodiversity, including appropriate buffer zones, according to their international, national and local status. Development will not be permitted where significant harm from development cannot be avoided, adequately mitigated or compensated for;

- support for the protection, conservation and enhancement of existing green infrastructure to facilitate robust wildlife habitats and corridors at a local and regional scale (particularly to complement Policy CP16);
- supporting and promoting initiatives for the restoration and creation of priority habitats and recovery of priority species and the provision of new spaces and networks to extend existing green infrastructure;
- supporting development proposals that assist the delivery of national, regional and local Biodiversity and geodiversity Action plan (LBAP/GAP) targets by the appropriate protection, incorporation and management of natural features and priority species;
- the promotion of effective stewardship and management across the district to contribute to ecological and geological enhancements.'

#### 4.6.3 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.

#### Cannock Chase SAC

- 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. In this instance, the proposed development would not be CIL liable as there has been no increase in floorspace. As such, the SAC Mitigation would be secured via a s106 agreement.

#### 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 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. 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 which is at least threat from flooding. Although the applicant has not indicated the means of drainage it is noted that the building already exists and the proposal relates to the change of use of part of this structure. As such the proposal is considered acceptable in terms of drainage.



## **4.8 Mineral Safeguarding**

4.8.1 The site falls within a Mineral Safeguarding Area (MSAs). 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.

4.8.3 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.

#### **4.11 Objections received not already covered above:**

4.11.1 The comments from the Town Council are noted in respect to the increased use of this retail unit into HMO and in relation to the whole building, stating that it would be an inappropriate change of use. Your Officers confirm that the application is for the retrospective change of use of the caretakers store into one residential unit and not a change of use to the whole building. Any proposal to convert the whole building would require permission and would be determined on its own merits at that time.

4.11.2 In respect to the comments made in respect of fire safety your officers advise that this issue falls well within the remit of building control. In addition it is not for the local planning authority to replicate controls of other legislator regimes..

## **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.

## **6.0 Conclusion**

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, 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 approved subject to the attached conditions.

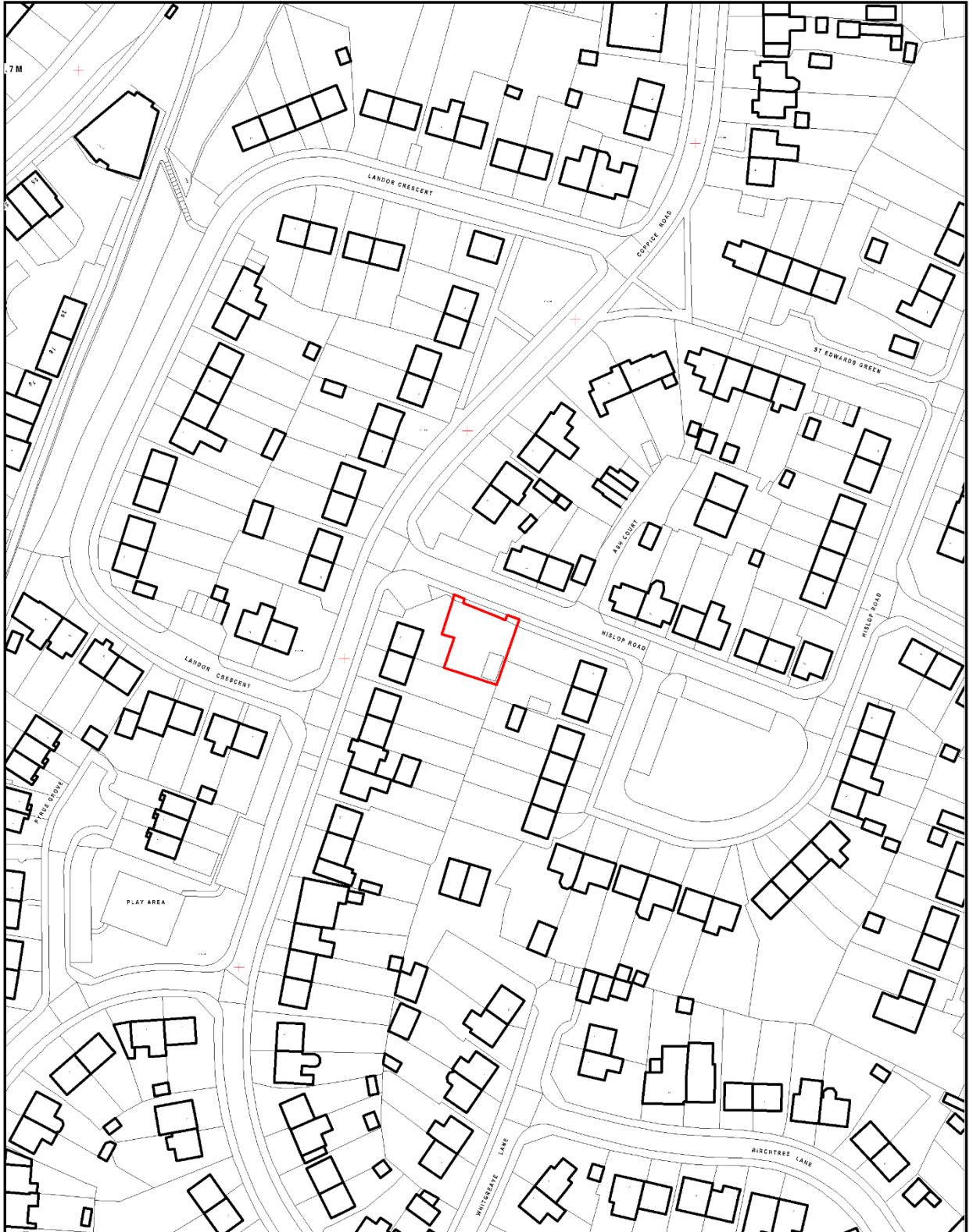


**Application No:** CH/21/0427

**Location:** 25, Coppice Road, Rugeley, WS15 1LT

**Proposal:** Residential Development - Erection of pair of 3 bedroom semi-detached dwellings

Item 6.68



# Location Plan

location plan

1:1250

plotted at A4

**John  
Heminsley**

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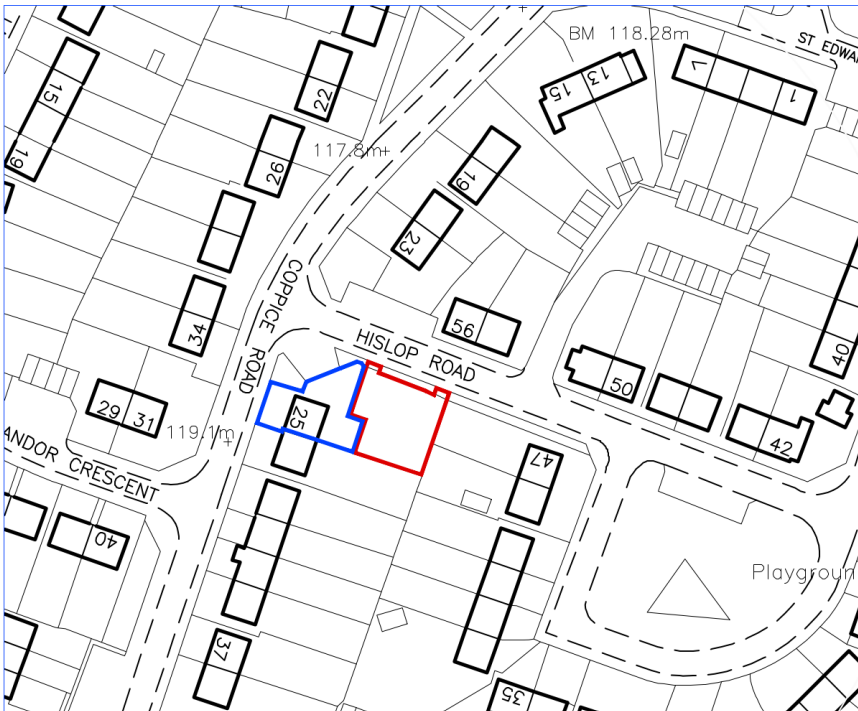
project  
**RESIDENTIAL  
DEVELOPMENT**

Land adjacent to  
25 Coppice Road  
Pear Tree Estate  
Rugeley WS15 1LT

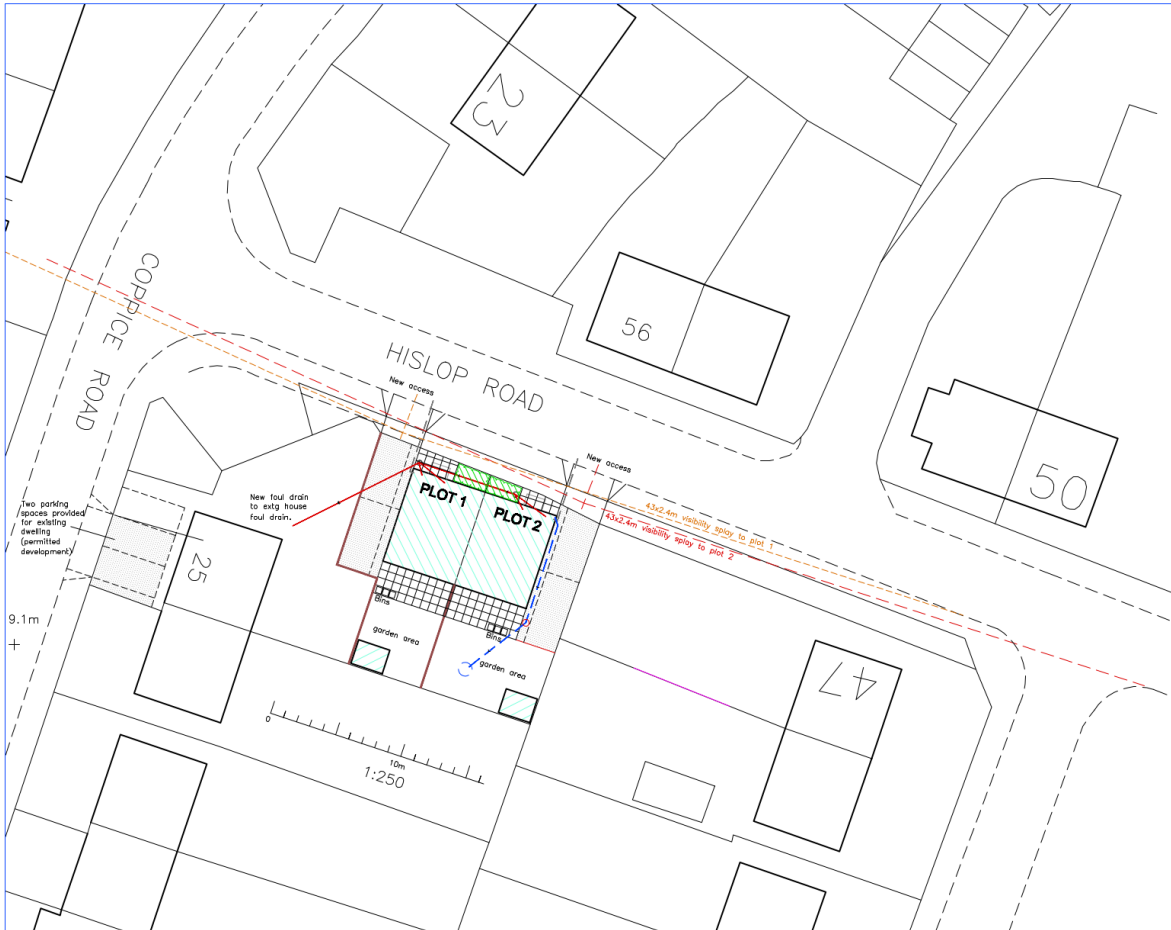
CLIENT

**MR.G.ELWELL**

Oct 2021



# Site Plan



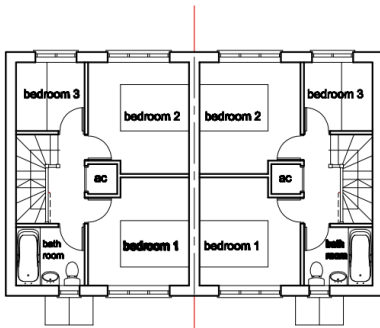
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 project  
**RESIDENTIAL DEVELOPMENT**  
 Land adjacent to  
 25 Coppice Road  
 Rear Tree Estate  
 Rugeley WS15 1LT  
 CLIENT  
**MR.G.ELWELL**  
 Oct 2021  
 dr no  
**2021:135:01A**  
**site plan 1250**

**REVISIONS**  
 REV A  
 2.4 x 4.3m visibility splay added to each new plot vehicle access.  
 Bike sheds added and sizes of parking spaces confirmed. These two revisions highlighted in pink!!! 18.12.2021

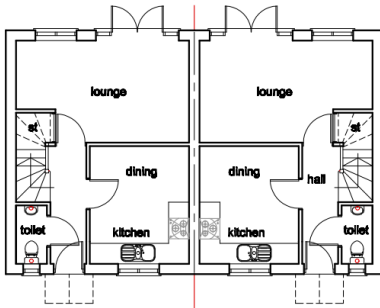
**LEGEND**

- N
- 2.4 x 1.8m timber bike shed
- DETACHED HOUSE 10 x 3m  
For two parking spaces with porous tarmac drives
- 1.8m high timber close boarded fence + concrete posts
- 600 x 600mm Natural finish + grey coloured PCC concrete paving slabs to paths + patios.
- New low shrub planting
- Mains services
- New 100mm storm drains + soakway
- New 100mm foul drains + manholes

# Proposed Plans and Elevations



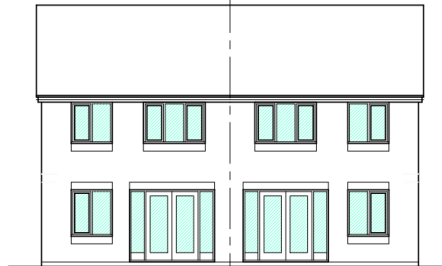
FIRST FLOOR PLAN 1:100



GROUND FLOOR PLAN 1:100

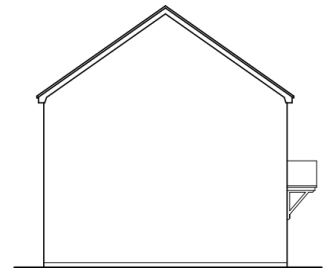


FRONT ELEVATION 1:100

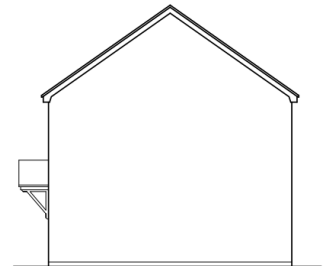


REAR ELEVATION 1:100

Roof tiling, rendered wall +  
white upvc external joinery all to  
Local Authority approval



SIDE ELEVATION 1:100



SIDE ELEVATION 1:100

0 1M 2M 3M 4M 5M

R E V I S I O N S

floor plans +  
elevations 1:100

Project of  
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project  
**RESIDENTIAL  
DEVELOPMENT**  
Land adjacent to  
25 Coppice Road  
Rear Tree Estate  
Rugeley WS15 1LT  
CLIENT  
**MR.G.ELWELL**  
Oct 2021  
dr no  
2021:135:02

Contact Officer: Claire Faulkner  
Telephone No: 01543 464337

**Planning Control Committee**  
**26<sup>th</sup> January 2022**

**Application No:** CH/21/0427

**Received:** 19-Oct-2021

**Location:** 25, Coppice Road, Rugeley, WS15 1LT

**Parish:** Rugeley CP

**Ward:** Hagley

**Description:** Residential Development - Erection of pair of 3 bedroom semi-detached dwellings

**Application Type:** Full Planning Application

**RECOMMENDATION:** Refuse for the following reasons:

- i. The proposed development, by virtue of its layout and building to plot area ratio, proximity to other dwellings and substandard rear garden depths would appear as an over development of the site and a cramped appearance. In this respect the proposal would not relate well to surrounding buildings and therefore the proposal would be to the detriment of the character of the area contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 130 of the National Planning Policy Framework which aims to promote good design.
- ii. The proposed development, by virtue of its layout, substandard rear garden depths of 8m and the resulting proximity to the gardens and dwellings of the existing surrounding dwellings would result in a cramped form of development, with high levels of overlooking and poor outlook and therefore fail to provide a high standard of residential amenity for the existing and future occupiers of the existing dwellings and the proposed dwellings contrary to Policy CP3 of the Local Plan and paragraph 130(f) of the National Planning Policy Framework.

Reason for Refusal of Planning Permission



In accordance with paragraph (38) of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development. However, in this instance the proposal fails to accord with the Local Plan and the National Planning Policy Framework.

## **Consultations and Publicity**

### **Internal Consultations**

#### Development Plans and Policy Unit

I can advise that the site does not fall within any 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.

The NPPF advises in Chapter 11; Making effective use of land, that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 122 of the NPPF identifies that planning policies and decisions should support development that makes efficient use of land.

Of particular relevance to this proposal are, paragraph c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use; paragraph d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and paragraph e) the importance of securing well-designed, attractive and healthy places.

The NPPF 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 arrangement 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; 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) 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 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 also 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.

The Council's Design SPD 2016 provides design guidance relating to new dwellings and that development should normally respect the established density of the neighbourhood with higher density development close to town/centres/public transport interchanges, reducing to lower density at the edges of settlements.

The Design SPD continues to state that lower density developments are more appropriate on edges of towns or in smaller settlements. This type of suburban environment is a challenge to design for and it will be important to establish a strong design concept to produce an environment of variety, quality and visual interest. Infill sites may give scope for individual designs and established landscaping should be carefully safeguarded to help the new development fit into this setting.

The development site is identified as being located within the Hagley Character Area; this character area is identified as being in a suburban area Character Area Density Zone. The Character Area Descriptions and District Profile for Hagley, states that it is a residential suburban area to the south-west of Rugeley town centre of inter-war, post-war and modern character type houses with associated community facilities e.g. schools, health centre, reaching out to the urban-rural fringes.

The Character Area Descriptions identifies key local design principles and / or design principles new development should consider, including: recognise scope for variety of good quality design and materials throughout area whilst respecting scale and density of existing development, however area characterised by housing estates of homogenous design types which are each more sensitive to introduction of innovation; and promote the permeability of cul-de-sac developments and links between key facilities via improved green links where appropriate.

The Design SPD for New Dwellings also considers that the effects of shade from existing/proposed trees or buildings on or adjacent to the site must be fully considered.

Further design considerations including spatial separation and garden space should refer to Appendix B of the Design SPD: Residential Development Guidelines including garden sizes, ensuring gardens provide health, social and physical benefits for occupiers and contribute to sustainable development (e.g. drying clothes, cycle storage, composting etc.). 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).

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 Council's 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.

### Conclusion

It is considered that the proposed should respect the character and density of the area and promote the creation of better places in which to live and work.

It is of my opinion that the main policy consideration for this application is with regards to the design of the proposed development and impact upon the surroundings, we are happy to leave this to the judgement of the Case Officer.

### CIL Officer

The proposed development would be CIL liable. Please note this figure is index linked and will differ depending on the year permission is granted.

### Environmental Health

I have no adverse comments to make however the following conditions and recommendations should be considered before the development commences.

[Officers advise that the suggested conditions relate to (i) Site investigation- A desktop study/ Phase 1 Contamination Report; (ii) Construction Management Plan; (iii) Environmental Management Plan; (iv) Sewage Disposal - Implementation; and (v) Electric Vehicle Charging Points.]

## **External Consultations**

### Rugeley Town Council

Rugeley Town Council heard this application at its meeting on 17th November 2021. Cllrs had received numerous objections to the application. Whilst it was appreciated that infill development is supported by CCDC, this part of Rugeley has significant problems with an inadequate sewerage system. Existing properties find themselves unable to get insurance as historically there have been cases of sewerage rising up through domestic drains. the development of these 2 x 3-bed properties would put yet more pressure on the failing infrastructure.

### Rights of Way Officer

The County Council's Definitive Map of Public Rights of Way shows that no rights of way cross the proposed application site.

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question.

It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980.

It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

### Staffordshire County Highway Authority

This reply supersedes all previous replies.

### Personal Injury Collisions

Current records show that there are 1 No personal injury collision (PIC) on Coppice Road and not any on Hislop Road within 43 metres either side of the proposal for the previous five years. Although all PICs are regrettable, the overall volume of collisions does not suggest there are any existing safety problems that would be exacerbated by the proposed development.'

### Background

The development is at the rear of 25 Coppice Road which is an unclassified road (Road No. ZU5103) with a speed limit of 30mph. The access to the proposed development is

off Hislop Road which is unclassified road (Road No. ZU5103) with a speed limit of 30mph. Coppice Road and Hislop Road both have footways on either side of the carriageway. Both roads are lit.

#### Description of Proposal

The proposed to erect a pair of three bedroomed two storey semi-detached dwellings, each being 5.5m wide and 7m deep on a 2.5m building line to Hislop Road. Each property would have two parking spaces to the side of each property accessed from Hislop Road.

Site Plan drawing No. 2021:135:01A shows the existing property (No.25) is proposing to have 2 No. car spaces (stated as permitted development) on the frontage with access being gained off Coppice Road. No.25 currently has no vehicular access off Coppice Road and would therefore require permission from Staffordshire County Council as highway authority to lower the existing full height kerbing. On my site visit the front of the property was grassed and is partially walled. The revised Site Plan states that the new driveway would be constructed of porous tarmac and now indicates the extent of dropping kerbing required to access the proposed driveway for the existing property.

With regards to the proposed new dwellings (Plots 1 & 2), Drawing No. 2021:135:01A states the car parking spaces to each dwelling will be of 10m x 3m with porous material. This is acceptable.

Drawing No. 2021:135:01A also shows a visibility splay of 2.4m x 43m for both proposed dwelling access points off Hislop Road. In my previous formal reply, I requested a visibility splay taken from 2m rear of the carriageway edge. This revised drawing has given a 2.4m setback instead. Whilst the visibility splay to the west (towards Coppice Road) is shown as terminating in someone's front garden, content that appropriate visibility can be provided to the west given the speeds of vehicles using the junction.

Cycle parking is also provided in the back of the properties via a garden shed.

Finally, with regards to Drawing No. 2021:135:02, this shows a visibility splay of 2.4m x 43m from the centre of the proposed 2no. parking spaces for the existing dwelling. Again a 2.4m set back is not required in this location and I would normally only require a 2m setback. I will however point out that the splays are drawn incorrectly and will need to be redrawn when the applicant applies to Staffordshire County Council for a S184 permit to lower the existing full height kerbs. It is understood that the proposed 2no. parking spaces are permitted development and is not within the red line of the planning

application, therefore I have not objected to an incorrectly drawn plan, merely made an observation that the splays are incorrect, but this is a matter which will be picked up with the highway authority separately when an application is submitted to lower the kerbing.

Recommendations:

I have no objection (on Highway grounds) subject to the following being secured by condition and informative: -

1. No building shall be occupied until the vehicular accesses onto Hislop Road has been fully constructed in accordance with Drawing No. 2021:135:01A and shall thereafter be retained for the lifetime of the development.

#### INFORMATIVE

The works required will require the relevant permit from our Network Management Section. Please note that prior to both accesses on Hislop Road being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form, which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk))

<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

#### Severn Trent Water Ltd

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.

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.

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. 33 letters of representation have been received:-

#### Road access to the Pear Tree Estate

There is a single access point for the whole estate at the junction of Queensway and Hednesford Road (A460). Congestion at this access junction has been a problem for years, with successive Councillors raising issue with the congestion at the junction. Although the County Council has identified the problem, there is currently no planned upgrade of the junction to mitigate the congestions.

#### Sewers on the Pear Tree Estate

Problems with the sewer infrastructure on the estate are another ongoing matter. Multiple properties on the estate experience problems with the sewers every year. The whole estate is connected to the same, very old, sewer system.

#### Parking on the Pear Tree Estate

There are a large number of properties on the estate that do not have off-road parking and as a result on~ road parking space is at a premium. Most of the old garage sites, which used to mitigate this problem, have been sold and developed.

Although this planned development is small, it follows a steady stream of development on the Pear Tree Estate in recent years. For the most part, each of these past developments have also been small and, similar to this planned development, their impact on infrastructure (highways and sewers) has been deemed negligible. However, the continuous development on the estate without any corresponding upgrade to the



estates infrastructure has led to a continuing deterioration of the situation outlined in the three points above.

### **Relevant Planning History**

None relevant

#### **1 Site and Surroundings**

- 1.1 The application site relates to part of the rear garden of 25 Coppice Road which is located near the junction of Coppice Road and Hislop Road.
- 1.2 The application site itself comprises of land to the rear of No. 25 and measures 17m across the frontage with a depth of approx..18m. The western boundary of the application site dog-legs into the site by 3m resulting in the rear of the site having a narrower width (14m) than the front.
- 1.3 The wider site, including land edged blue on the submitted location plan, comprises of No. 25 Coppice Road which is a two storey dwelling with private garden to the rear and frontage onto Coppice Road. The wider site is rectangular in shape with the exception of the chamfered corner at the junction of Coppice Road and Hislop Road which is set behind three parking spaces accessed from the radius of the junction.
- 1.4 The wider site comprises a larger than average plot within the wider Pear Tree Estate and has a depth of approx..34m and a width of approx..18m. The side boundary runs along Hislop Road.
- 1.5 The wider site rises by approximately 3metres from the junction of Coppice Road with Hislop Road to the end of the rear garden. On the opposite side of Hislop Road is bay for 5 vehicles to park off road, beyond which is a pair of semi-detached dwellings. To the rear of the site lies the rear gardens to 45 & 47 Hislop Road to and to the side, extending the full depth of the plot is No.27 Coppice Road and its private rear garden. The wider street scene comprises of similar design and style of dwellings finished with rendered walls and concrete tiled roofs.
- 1.6 The site is in part unallocated and undesignated in the Cannock Chase Local Plan (Part 1). The application site is also located within a Low Risk Development Boundary as defined by the Coal Authority and a Mineral Safeguarding Area.

## **2. Proposal**

- 2.1 The applicant is seeking planning permission for residential development on land to the rear of 25 Coppice Road.
- 2.2 The application proposes one pair of three bedroomed, two storey semi-detached dwellings, each being 5.5m wide and 7m deep. The proposed dwellings would each have two parking spaces to the side accessed from Hislop Road. The rear gardens would be 8 metres in depth. The smaller rear garden to plot 1 would have an area 45m<sup>2</sup> due to the dogleg design of the boundary and the larger garden to plot 2 would benefit from 65m<sup>2</sup>.
- 2.3 The existing dwelling at No.25 Coppice Road would retain a private garden to the side and rear comprising a combination of 110m<sup>2</sup>. Two parking spaces would also be provided to the front of the existing dwelling accessed off Hislop Road.
- 2.4 The proposed dwellings would be finished in render walls and plain concrete tiled roofs to reflect the wider area. It is proposed for the parking spaces to be surfaced in porous tarmac, the frontage fenced with a low post and rail and other boundaries with 1.8 metre timber panel fencing.

## **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).
- 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
  - CP13 -Cannock Chase Special Area of Conservation (SAC)
- 3.3 The policies within the Minerals Plan are:

## Policy 3.2 – Safeguarding Minerals

### 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
60 – 67	Delivering a sufficient supply of homes
119	Making Effective Use of the Land
126, 130, 131 &134:	Achieving Well-Designed Places
159	Flood Risk
174, 182	Habitats and Biodiversity
183 -188	Ground Conditions & Contamination
209	Safeguarding Minerals
218, 219	Implementation

### 3.9 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.

## 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 nature conservation
- vi) Drainage and flood risk
- vii) Mineral safeguarding
- viii) Waste and recycling facilities
- ix) Ground conditions and contamination

## 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. Therefore the proposal does not engage any policies in the Framework that protect areas or assets of particular importance. 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.
- 4.2.6 In respect to the location of the site it is within a residential location in close proximity to 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.
- 4.2.7 It is therefore concluded that the proposal is acceptable in principle.
- 4.2.8 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: -

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 Within the Design SPD, The application site is identified as being located within the Hagley Character Area; this character area is identified as being in a suburban area Character Area Density Zone. The Character Area Descriptions and District Profile for Hagley, states that it is a residential suburban area to the south-west of Rugeley town centre of inter-war, post-war and modern character type houses with associated community facilities e.g. schools, health centre, reaching out to the urban-rural fringes.
- 4.3.6 The Character Area Descriptions identifies key local design principles and / or design principles new development should consider, including: recognise scope for variety of good quality design and materials throughout area whilst respecting scale and density of existing development, however area characterised by housing estates of homogenous design types which are each more sensitive to introduction of innovation; and promote the permeability of cul-de-sac developments and links between key facilities via improved green links where appropriate.
- 4.3.7 Appendix B of the Design SPD sets out clear expectations and guidance in respect to space about dwellings.
- 4.3.8 The layout plan demonstrates how the proposed dwellings would front Hislop Road being set back behind a minimal frontage with the private amenity space to the rear and parking provision to the sides. The plan also shows how No.25 would retain garden areas to the side and rear and have parking spaces provided within the front of the site.
- 4.3.9 Within the wider street scene, properties are varied with some dwellings occupying modest plot sizes; with minimal frontages and long rear gardens.
- 4.3.10 It is noted that the gardens size of plot 2 would accord with the requirements set out within the design SPD however plot 1 would have a shortfall of approx.. 20m<sup>2</sup>. The proposed depths of the gardens comprising 8m would also add to the

uncomfortable form of development that would appear incongruous and cramped in in this location.

4.3.11 Whilst it is noted that the proposed layout would not be dissimilar to that of the relationship between Nos. 54 and 56 Hislop Road with No.23 Coppice Road (opposite) however this is a long established relationship and the dwellings are sited on larger plots and benefit from greater separation distances than those of the application site and surrounding properties.

4.3.12 The application site is devoid of any significant trees comprising a rear garden with some overgrown shrubbery to the boundaries. The proposed development would leave insufficient room to accommodate any significant landscaping being set behind short frontages with side parking.

4.3.12 Given the above, the proposed development would appear as overdevelopment of the site due to the substandard separation distances and plot sizes proposed. Therefore, the proposal is considered to be contrary to Policy CP3 of the Local Plan and paragraph 130 of the NPPF and would result in an unacceptable detrimental impact to 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 40-44sqm for 1 or 2 bed dwellings, 65sqm for 3 bed dwellings and 80sqm for 4 bed dwellings.



- 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 The submitted plans demonstrate the proposed dwellings would be orientated to face Hislop Road with private rear amenity space. The proposal would have views across Hislop Road to No.56 (in part) and the parking bays to the side of No. 56 at a distance of approx..12.8m.
- 4.4.6 The properties to the east comprise of 45 & 47 Hislop Road which back onto the side boundary with the application site at a distance of approx.. 18m being separated by their private gardens.
- 4.4.7 The dwelling to the south is No.27 Coppice Road and this has its private rear garden immediately adjacent the application site. The proposed gardens would have a depth of 8m which would give significant rise to overlooking of the private rear garden of No.27 by first floor windows of plots 1 & 2.
- 4.4.8 The dwelling at No.25 Coppice Road sits to the west of the application site and would retain garden space to the rear and side. The reduced depth of the rear garden to No.25 would measure 7.5m at the deepest point. The proposed dwellings would be oblique to No.25 with the associated amenity space being to the rear. The close proximity of the proposed two storey dwellings with gable end facing towards Coppice Road, would impede the Daylight / Outlook Standard as stipulated within the Design SPD in relation to No.25.
- 4.4.9 In conclusion, the separation distances to neighbouring properties are not appropriate for the proposed development and would fail to secure a high standard of residential amenity contrary to the requirements set out within the Design SPD, CP3 of the Cannock Chase Local Plan and paragraph 130 of the NPPF.
- 4.4.8 With regard to the proposed dwellings, the private garden spaces to the rear would measure 45m<sup>2</sup> & 65m<sup>2</sup> to plots 1 and 2 respectively with two parking spaces proposed per dwelling. The proposal would provide a shortfall in amenity space to plot 1 with no justification for the shortfall. As such, it is considered that the proposal would not provide a high quality of amenity for future occupiers of the proposed dwellings as required within the Design SPD.

## **4.5 Impact on Highway Safety**

- 4.5.1 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.5.2 The proposal would provide two parking spaces per new dwelling located to the sides of the properties and a further 2 spaces to the front of No.25 Coppice Road would also be provided. This is in accordance with the Council's Parking Standards.
- 4.5.3 Although the comments of the objectors are noted Staffordshire County Highways Department was consulted on the proposal and raised no objections to the proposal in terms of highway safety subject to the recommended condition and informative.
- 4.5.4 As such, it is considered that there would not be an unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe and therefore the proposal would be in accordance with paragraph 111 of the NPPF.

## **4.6 Impact on Nature Conservation Interests**

- 4.6.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 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 geological sites, priority habitats and species and areas of importance for enhancing biodiversity, including appropriate buffer zones, according to their international, national and local status. Development will not be permitted where significant harm from development cannot be avoided, adequately mitigated or compensated for;

- support for the protection, conservation and enhancement of existing green infrastructure to facilitate robust wildlife habitats and

corridors at a local and regional scale (particularly to complement Policy CP16);

- supporting and promoting initiatives for the restoration and creation of priority habitats and recovery of priority species and the provision of new spaces and networks to extend existing green infrastructure;
- supporting development proposals that assist the delivery of national, regional and local Biodiversity and geodiversity Action plan (LBAP/GAP) targets by the appropriate protection, incorporation and management of natural features and priority species;
- the promotion of effective stewardship and management across the district to contribute to ecological and geological enhancements.'

#### 4.6.3 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;

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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. In this instance, the proposed development would be CIL liable given the subsequent net increase in dwellings and the applicant has not sought an exemption.

#### Site Specific Considerations

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, the proposal could provide bird or bat boxes, hedgehog friendly fencing and electrical vehicle charging points all of which could be secured via condition if the application is approved.

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 bird box, 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. 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. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.’

4.7.3 The application site is located in a Flood Zone 1 which is at least threat from flooding. Notwithstanding this, the comments from the objectors are noted in terms of drainage. However, Severn Trent is the statutory consultee on planning applications and was consulted on the current application. Severn Trent has not objected to the application nor requested a drainage condition in this instance.

4.7.4 As such, the proposed development would accord with the requirements of paragraphs 159-169 of the NPPF and is acceptable in this instance.

## **4.8 Mineral Safeguarding**

4.8.1 The site falls within a Mineral Safeguarding Area (MSAs). 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.

4.8.3 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 objection subject to the application subject to conditions recommended.

#### **4.11 Affordable Housing**

4.11.1 Under Policy CP2 the proposal would be required to provide a contribution towards affordable housing. However, paragraph 64 of the NPPF states that the 'provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)'.

4.11.2 As such, it is considered on balance that the proposal is acceptable without a contribution towards affordable housing.

### **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 refuse 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.

## **6.0 Conclusion**

- 6.1 The proposed development, for the reasons set out above, is not acceptable and fails to accord with Local Plan Policy CP3, the Design SPD and the requirements of the NPPF and would result in an adverse impact on the character and fail to provide a high standard of amenity for all existing and future users of the proposed dwellings as those of existing properties. Therefore, refusal is recommended for the reasons set out above.