

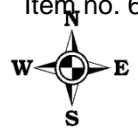


Application No: CH/21/0083

Location: Land Off Colliery Road, Rugeley

Proposal: Change of Use to mixed use for stabling of horses and as a residential caravan site for 1 gypsy family with 2 caravans including no more than 1 static/mobile home.

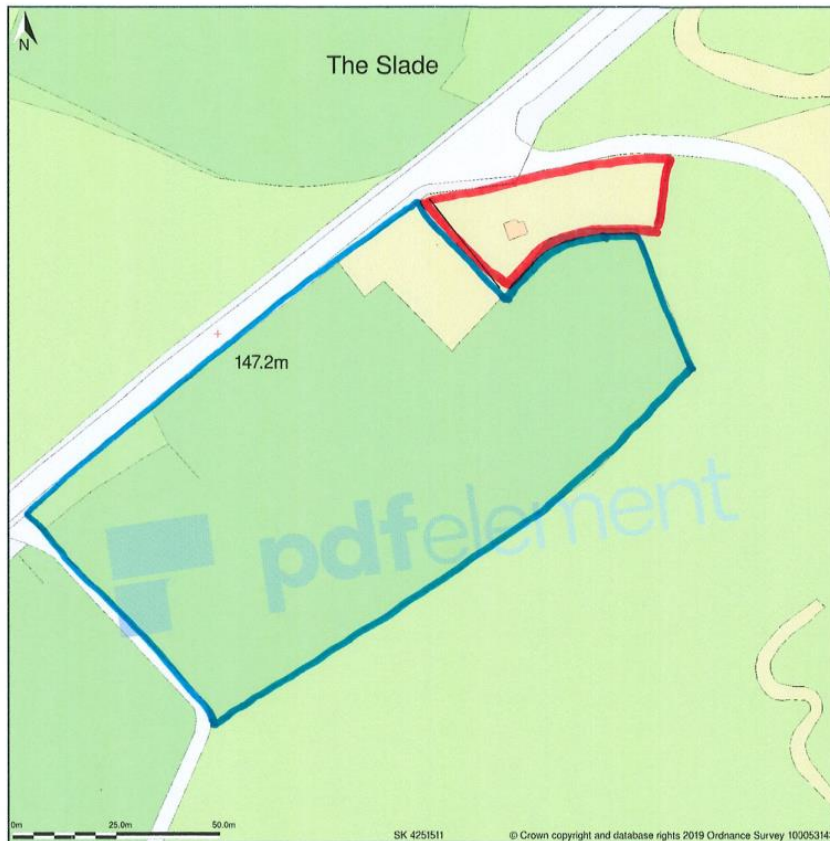
Item no. 6.1



Location Plan



Land off Colliery Road, Brereton, Rugeley, Staffordshire, WS15 1QR

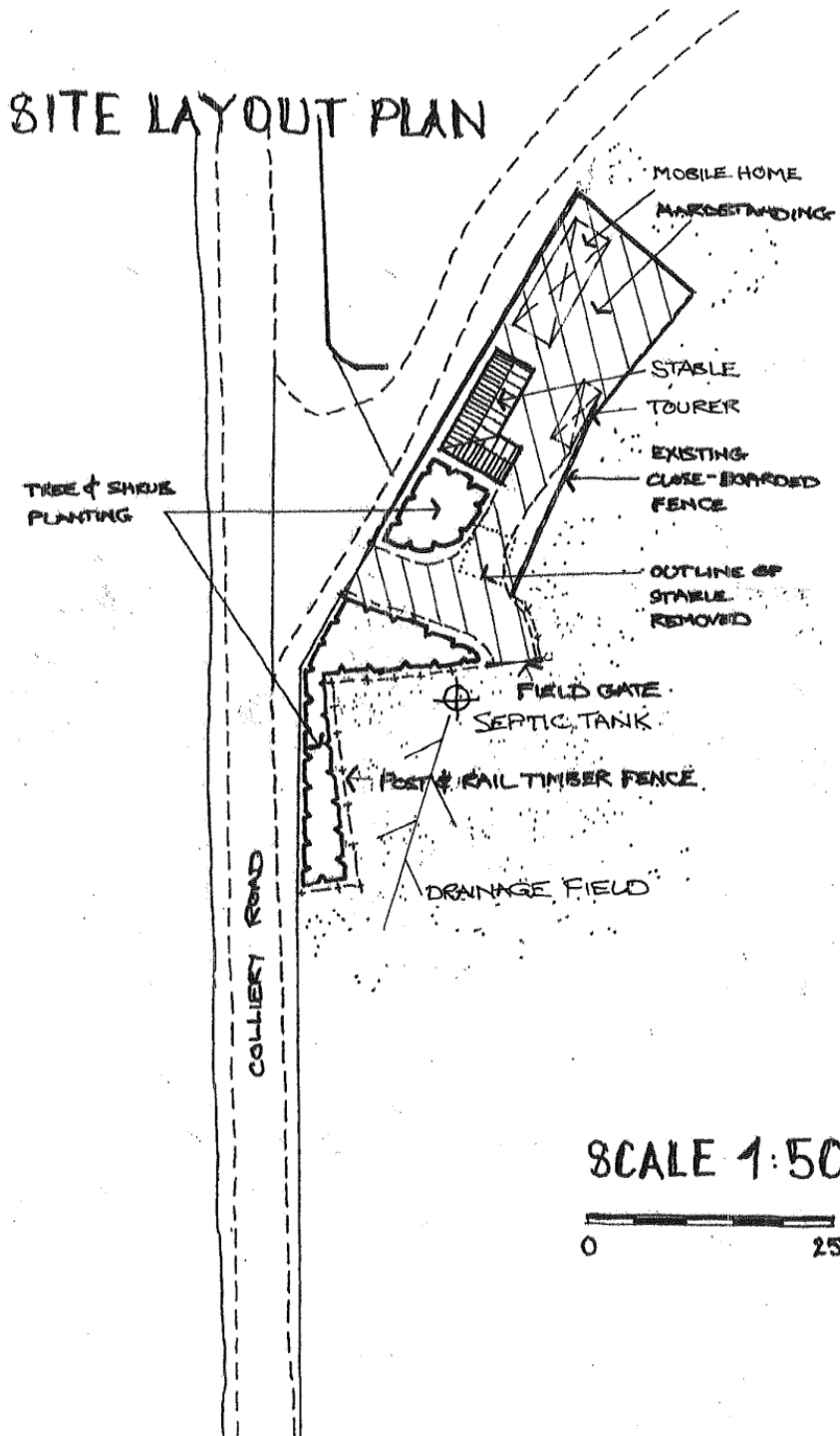


Site Plan shows area bounded by: 404160.78, 315010.94 404350.78, 315210.94 (at a scale of 1:1250), OSGridRef: SK 4251511. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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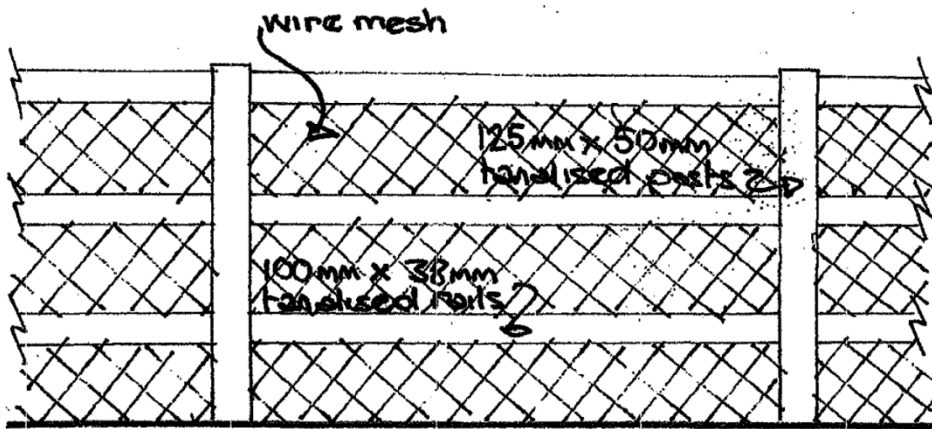
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Site Plan



Proposed Fence Elevation

DRAWING N° PBA 3



Post & rail fence 1:20

Contact Officer: Claire Faulkner

Telephone No: 01543 464337

Planning Control Committee

26th May 2021

Application No: CH/21/0083

Received: 22/2/2021

Location: Land Off Colliery Road, Rugeley

Parish: Brereton and Ravenhill

Ward: Brereton and Ravenhill Ward

Description: Change of Use to mixed use for stabling of horses and as a residential caravan site for 1 gypsy family with 2 caravans including no more than 1 static/mobile home.

Application Type: Full Planning Application

Recommendations: Refuse for the following reasons

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. However, in this instance the proposal fails to accord with the Local Plan and the National Planning Policy Framework.

- (i) The site is located within the West Midlands Green Belt, wherein there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'. Paragraph 144 of the NPPF states that local planning authorities should ensure substantial weight is given to any harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.

The proposed change of use to mixed use for stabling of horses and as a residential caravan site for 1 gypsy family with 2 caravans including no more than 1 static/ mobile home would fail to preserve the openness of the Green Belt and conflict with the purposes of including land within it. The proposal therefore

constitutes inappropriate development in the Green Belt and therefore should only be allowed in very special circumstances which will only exist where the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

Consistent with paragraph 144 of the NPPF substantial weight has been afforded to the harm to the Green Belt, including the harm to the openness of the Green Belt and the purposes of including land within it

In addition substantial weight has been afforded to the harm the proposal has had on the special character and scenic beauty of this part of the Cannock Chase Area of Outstanding Natural Beauty by virtue of the introduction of uncharacteristic and obtrusive structures and residential paraphernalia into the landscape.

Given that the site lies well beyond the limits of the main settlement of Brereton and Ravenhill and is spatially divorced so as to constitute an isolated development approximately 2.8km from Rugeley and approximately 8km from Cannock, where the applicant's children attend school the proposal fails in respect to its location and the contribution that makes towards promoting sustainable development to which limited weight has been attributed.

In respect to the factors which weigh in favour of the proposal substantial weight has been afforded to the personal needs of the family for a settled site, the personal circumstances with regard to health and education and the effect on the human rights should the family be required to leave the site. Similarly substantial weight has been afforded to the best interests of the 4 children living on the site.

Furthermore, moderate weight has been afforded to the current uncertainty regarding the future provision of sites for travellers in the district and the neighbouring districts, and the strong likelihood that should future sites come forward in the District that they will also be in the Green Belt. Limited weight has also been attributed to the applicant's culture of keeping horses.

Having had regard to the above the Council concludes that the harm to the Green Belt, the harm to the character of Cannock Chase Area of Outstanding Natural Beauty and to the policy objective of achieving sustainable development has not been clearly outweighed by the above considerations such that very special circumstances exist that would justify approval of the application.

Notes to the Developer:

None

Consultations and Publicity

External Consultations

Staffordshire County Council Highway Authority

No objections subject to conditions.

AONB Unit

Objection

The site lies within the AONB and in Green Belt.

According to the Review of the AONB Landscape Character Framework for Cannock Chase AONB (2017) the site lies at the transition between Settled Heathland (north of Colliery Road), Sandstone Hills and Heaths, to the east of the site and Forest heathlands. The main character of the valley is Settled Heathland characterised by pastoral farmland and paddocks; small to medium sized hedged fields; dispersed roadside dwellings. The valley and valley sides rise into the unenclosed landscapes occupied by heathland and woodland.

The site has approval for a small stable, an area of hardstanding and grazed paddock in the valley bottom enclosed by post and rail timber fence.

The application is for a residential caravan site; for 2 caravans including a static caravan/mobile home to occupy part of the existing hardstanding. The stable and caravans would mainly be enclosed by close board timber fencing. The mobile home would be located at the east end of the site, east of the permitted stable close to Right of way Brereton and Ravenhill 14. The remaining area of hardstanding is limited for circulation. A septic tank is proposed set apart from the stable and static caravan, located within the adjacent pasture field.

AONB Issues.

The main issue for the AONB is:

- The impact of the proposed development on the landscape and scenic beauty of the AONB

The AONB objected previously to inappropriate development of this site in application CH/20/029, in the response dated 13th February 2020. The application was subsequently amended and reduced to an acceptable level for development to ensure the landscape and natural beauty of the AONB would be safeguarded.

The application is not clear regarding the nature of the proposed caravans however notwithstanding that this is in Green Belt and represents a change of use, the AONB is concerned this proposal would introduce uncharacteristic obtrusive structures into the landscape and overdevelop an already constrained site, causing detrimental effects on the landscape and natural beauty of the AONB, hence the objection.

The valley has an intimate character of small to medium hedged pasture fields with occasional brick roadside dwellings. The AONB Landscape Character Review cites a vision to conserve and restore the enclosed small-scale pastoral character of the landscape and mitigate the suburbanising impact of sub-divided horse paddocks, maneges and stabling. The AONB Design Guide provides advice on stabling and maneges to ensure proposals are not obtrusive and are assimilated into the landscape.

The clearing of the site of rubbish left by the previous owner does not change the view of the AONB Unit.

Local Lead Flood Authority

Thank you for consulting us on the above application. As non-statutory consultees we offer the following comments in good faith:

Firstly, the flood team hold no records of flooding within 20m of the site and no record of ordinary watercourses within 5m of the site. Our surface water flood mapping does show that some of the site is shown in the uFiVIfSW layer for a 1:1000 year, so has a chance of surface water flooding of greater than 1 in 100 (1%) and 1 in 1000 (0.1%) each year and has a low probability of flooding. Surface water flooding can be difficult to predict, more so than river or sea flooding, as it is hard to forecast exactly where or how much rain will fall in any storm. This is based on the best available information, such as topography, ground levels and drainage.

As the site does have a small probability of flooding we recommend that finished floor levels and surrounding ground levels should be designed in accordance with building regulations to direct surface water away from dwellings and set floor levels at least 150mm above surrounding ground levels.

Severn Trent

No objections and we do not require a drainage condition to be imposed on any permission granted.

Internal Consultations

Planning Policy

Thank you for consulting me on this proposed change of use to mixed use for stabling of horses and as a residential caravan site for 1 gypsy family with 2 caravans including no more than 1 static/mobile home on land off Colliery Road, Rugeley.

I can advise that the site lies within the adopted Green Belt and within the Area of Outstanding Natural Beauty.

The site does not fall within any designated neighbourhood plan area.

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 (paragraph 11) requires plans and decisions to ‘apply 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; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance 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’.

The NPPF identifies land designated as Green Belt and an Area of Outstanding Natural Beauty as important considerations in determining applications for development.

National planning policy in relation to Green Belts is set out within the NPPF. The NPPF (paragraph 133) states that ‘the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence’. The NPPF (paragraph 134) sets out the 5 purposes that Green Belt serve. These include ‘to assist in safeguarding the countryside from encroachment’.

The NPPF (paragraphs 143-147) also considers proposals affecting the Green Belt, and states that ‘inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances’. It further advises that when considering planning applications ‘local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.’

The NPPF (paragraph 145) lists the exceptions when the construction of new buildings could be regarded as not ‘inappropriate development’, and (paragraph 146) advises that some other forms of development are also not inappropriate in the Green Belt provided they preserve its openness.

'Openness' is not defined in national planning policy or guidance, but the NPPF (paragraph 133) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is a matter of planning judgment for the decision-maker. Impacts upon openness can be assessed in spatial (quantum of development) and visual impact terms¹.

Should openness not be preserved, then the development should be considered as inappropriate development within the Green Belt and to be permitted, it would need to demonstrate 'very special circumstances'. The NPPF (paragraph 144) states that of 'very special circumstances' will not exist 'unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'.

The NPPF (paragraph 171) states that 'great weight should be given to conserving and enhancing landscape and scenic beauty... in Areas of Outstanding Beauty, which have the highest status of protection in relation to these issues', and that 'the scale and extent of development within these designated areas should be limited'. The NPPF also sets out the relevant considerations when assessing applications for development, including 'the scope for developing outside the designated area' and the 'effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated'.

The NPPF does not address the needs for traveller sites in detail, but it does recommend that the Framework should be read in conjunction with the Government's Planning Policy for Traveller Sites (August 2015). Also, when making decisions on applications for these types of development, regard should be had to the policies in the NPPF where relevant.

The Planning Policy for Traveller Sites (2015) 'Policy E: Traveller sites in Green Belt' (paragraph 16) states that 'Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances'.

Planning Policy for Traveller Sites (2015) 'Policy H: Determining planning applications for traveller sites' (paragraph 24) sets out the issues, amongst other relevant matters, that should be taken into account when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants

¹ As set out in the Court of Appeal judgement in John Turner v SSCLG and East Dorset Council [2016] EWCA Civ 466 and repeated in:

- Samuel Smith Old Brewery (Tadcaster) Limited v North Yorkshire CC [2018] EWCA Civ 489

- Euro Garages Ltd v SSCLG and [2018] EWHC 1753

- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections

Planning Policy for Traveller Sites (2015) also states that sites in rural areas should respect the scale of, and not dominate, the nearest settled community and should avoid placing undue pressure upon local infrastructure (paragraph 25), and provides a series of factors to which weight can be given, including the redevelopment of brownfield land (paragraph 26). The Planning Policy (paragraph 26) also states that a lack of 5 year supply of sites should be a significant material consideration, with an exception in the case of proposals in the Green Belt, Areas of Outstanding Natural Beauty (and other designated sites).

The Planning Policy outlines (paragraphs 27 and 28) situations where conditions or planning obligations may be appropriate in order to overcome planning objections to proposals.

Development Plan

The development plan for Cannock Chase District consists of the Local Plan (Part 1) and the Staffordshire County Council Waste and Minerals Local Plans. These policy comments are restricted to matters concerning the Local Plan (Part 1).

Policy CP1 – Strategy, and Policy CP 14 – Landscape Character and Cannock Chase Area of Outstanding Beauty AONB), set out the policy in relation to the protection of the Green Belt and AONB.

Policy CP7 – Housing Choice identifies a need for 41 gypsy and traveller residential pitches from 2012-2028 (although more up to date evidence is now available - see below). The provision of sites was due to be delivered via the allocation of sites in the Local Plan (Part 2) focusing upon an 'Area of Search' (matching travel patterns and based along the A5 road corridor) which is identified on the Local Plan (Part 1) Key Diagram (p50). The 'Area of Search' is wholly outside the AONB and its setting.

Policy CP7 also provides a series of criteria for the consideration of gypsy and traveller sites and planning applications, which should be taken into account i.e. the proximity of existing settlements with access to shops, schools and other community facilities; providing adequate space for vehicles; providing appropriate highway access.

Policy CP14 - Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB) gives support to 'development proposals within the AONB that are compatible with its management objectives, as set out in the AONB Management Plan'. Major developments will not be permitted unless, in 'exceptional circumstances, an

overriding need that cannot be accommodated elsewhere can be demonstrated to be in the public interest and the sustainability benefits outweigh the detrimental effects.'

The Local Plan (Part 2) has not progressed to completion, and the Council has begun the preparation of a new Local Plan. The review of the Plan has reached the consultation stage on the Preferred Options (March 2021). However, the Local Plan has not yet reached a stage where weight which can be accorded to it in the determination of this application.

The Design SPD provides guidance on the design of new traveller sites (page 27-28). The approach to be taken to each site depends upon its size and intended occupants; however there are common features across all sites to be considered too e.g. provision of appropriate utility buildings and space around the caravans.

Gypsy and Traveller Accommodation Assessment

The Gypsy and Traveller Accommodation Assessment (GTAA 2019) provides an up to date assessment of need within the District and was consulted upon with the Issues and Option consultation in May 2019. Its findings require 14 Gypsy and Traveller pitches to be provided between 2019 and 2024 (and a further 11 pitches between 2024 and 2038).

The GTAA 2019 offers an opinion on the broad area of search in the adopted Local Plan, which is based around the A5 corridor. The evidence found that the majority of traveller sites within the District and identified need continues to remain within this broad area, and that the preference for most households that were interviewed was to meet current and future need on or near existing sites.

A number of our neighbouring local authorities have already advised that they would be unable to help meet our needs as they too are either unable to meet their own current needs or have an existing need of their own which already requires Green Belt site options to be considered.

Recent planning permissions were approved subject to personal consents for the siting of upto 9 static caravans for Gypsy and Traveller families at 2 sites, Stokes Lane, Norton Canes and at Lime Lane, Pelsall. There is an outstanding appeal against a refusal for up to 7 caravans (upto 4 pitches) at Grove Colliery, Lime Lane, Pelsall.

Other comments

The views of Staffordshire County Council as the waste and minerals planning authority and highways authority should be considered, as necessary. Comments from Environmental Health regarding the air quality implications should also be taken into consideration.

Conclusion

This site lies within the adopted Green Belt and within the Area of Outstanding Natural Beauty and is beyond the broad area of search identified in the key diagram within the adopted Local Plan. The site is also not within or adjacent to an existing settlement, and further assessment is required to consider if the site is within reasonable proximity of an existing settlement and with access to shops, schools and other community facilities. Comment on the appropriateness of the highway access and if there is adequate space for vehicles I will also leave to colleagues able to make these technical judgements.

In principle, the NPPF considers proposals affecting the Green Belt, and states that 'inappropriate development' is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The Planning Policy for Traveller Sites (2015) states that Traveller sites (temporary or permanent) in the Green Belt are 'inappropriate development' and that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

The adopted Cannock Chase District Local Plan (Part 1) Policy CP7 identifies a need for 41 gypsy and traveller residential pitches from 2012-2028 (although more up to date evidence is now available). The provision of sites was due to be delivered via the allocation of sites in the Local Plan (Part 2) focusing upon an 'Area of Search' which is identified on the Local Plan (Part 1) Key Diagram. Policy CP7 also provides a series of criteria for the consideration of gypsy and traveller planning applications.

The Gypsy and Traveller Accommodation Assessment (GTAA 2019) supersedes the outcomes of the previous Gypsy, Traveller and Travelling Show people Accommodation Needs Assessment completed in 2012 and set a baseline of February 2019 for the study. It identifies a requirement for 14 Gypsy and Traveller pitches to be provided between 2019 and 2024 (and a further 11 pitches between 2024 and 2038). The GTAA 2019 also confirms that the identified need continues to be within the broad area identified in the adopted Local Plan, and that the preference for most households that were interviewed was to meet current and future need on or near existing sites.

A number of our neighbouring local authorities have already advised that they would be unable to help meet our needs as they too are either unable to meet their own current needs or have an existing need of their own which already requires Green Belt site options to be considered. Recent planning applications have been approved (subject to personal consents) for the siting of 9 static caravans for Gypsy and Traveller families at two sites, Stokes Lane, Norton Canes and at Lime Lane, Pelsall. These sites lie within the Green Belt and within the 'Area of Search' but are outside the AONB and its setting. There is also an outstanding appeal against a refusal for up to 7 caravans (upto 4 pitches) at Grove Colliery, Lime Lane, Pelsall. The Council has not published an up to date assessment of five year supply for gypsy, traveller and travelling showpeople.

The adopted Cannock Chase District Local Plan (Part 1) Policy CP14 provides support for development proposals within the AONB that are compatible with the management

objectives of the AONB Management Plan and I will leave further comment to my colleagues more familiar with this document.

It is for the applicant to demonstrate that 'very special circumstances' exist and I shall leave this judgement to the case officer along with the other matters referred to above. However, I would add that in line with recent case law, should the personal circumstances of the applicants constitute a significant part of any necessary case for 'very special circumstances' then a personal planning permission should be considered and secured via condition.

Environmental Health

Thank you for referring this matter for consideration. Having reviewed the application submissions, I would ask that the conditions attached to the previous application CH/20/029 made by my colleague are attached to this application.

In addition, I would advise that whilst it is assumed that the mobile home will have inherent ventilation due to the absence of foundations, the applicant should seek professional advice to ensure that there is adequate sub-floor ventilation.

Comments received for CH/20/029 as referenced above:-

No adverse comments are offered in principle.

The site is immediately adjacent to a former infill site, which may have the potential to generate landfill gas. I would assume that the stable building will be well ventilated, thereby potentially precluding the necessity for dedicated ground gas protection measures. However, I would ask that the level of ventilation is confirmed by the applicant in order that I may be satisfied that this is the case.

The applicant has stated that it is not known whether lighting will be a requirement. Should external lighting form part of the proposal, details should be supplied and approved prior to approval.

Response to Publicity

Site notice erected and adjacent occupiers notified with one letter of representation received. The comments are summarised below:-

- It seems totally inappropriate for such a development to be in the AONB of Cannock Chase. Such a small and important area needs as much protection as possible.
- The site is visible for some distance, and does not look at all good.

- There seem to have been no horses kept on the pasture at all since the change of ownership, as has been suggested in the application details, though there always were horses there in time gone by.
- The site entrance is at a point where it is on a quite dangerous and busy road, especially with vehicles coming downhill getting up to quite a speed.
- It is worth noting that if the Planning Application number is entered into the search bar on the Planning website it finds nothing. I would have thought that might limit the amount of interest from the public.

Relevant Planning History

CH/20/029 Erection of a stable building and hardstanding. Approved

CH/18/354 Retention of hard surface area and proposed stable block. Refused for the following reasons:-

- (i) The site is located within the West Midlands Green Belt, wherein there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'. Paragraph 144 of the NPPF states that local planning authorities should ensure substantial weight is given to any harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.

The proposed stable and associated area of hardstanding would entail the introduction of built form in the countryside, the effect of which would be exacerbated by the positioning of the stable block in an area of open land, the materials used and the extent of the area of associated hardstanding which would fail to preserve the openness of the Green Belt; and conflict with the purposes of including land within the Green Belt. The proposal would therefore constitute inappropriate development in the Green Belt.

Furthermore, the harm by reason of inappropriateness and the harm to the character of the Cannock Chase Area of Outstanding Natural Beauty would not be clearly outweighed by the benefits of fire and crime prevention put forward by the applicant such that very special circumstances would exist to support approval of the proposal.

- (ii) The proposed stable and associated area of hardstanding, the proposed materials, and the lack of appropriate screening would detract from the rural, semi-natural character of this part of the Cannock Chase Area of Outstanding Natural Beauty contrary to Policies CP3 and CP14 of the Local Plan and section 172 of the NPPF.

1 Site and Surroundings

- 1.1 The application site comprises 0.08 hectares of a wider 1.82 hectare site situated on Colliery Road which is used for the grazing and stabling of horses.
- 1.2 The application site is comprised of an area of land which is subject to planning application for a change of use of land for the keeping/ stabling of horses under planning permission CH/20/029 . The site has been laid with hardstanding and is enclosed by a low level fencing and 2m high close board fencing.
- 1.3 Subsequent to the granting of the above planning permission the site has been occupied and used unlawfully as a residential campsite to accommodate a family of Romany gypsies.
- 1.4 There are some dwellings along Colliery Road with several pieces of land used for horse grazing and stabling. The landscape is undulating but remains predominately open.
- 1.5 The site is situated within the West Midlands Green Belt and Area of Outstanding Natural Beauty (AONB). and which also partly forms a gateway into the attractive woodland, heath and small fields landscape of the AONB to the south – west of the built up area of Rugeley.
- 1.6 According to the Review of the AONB Landscape Character Framework for Cannock Chase AONB (2017) the site lies at the transition between Settled Heathland (north of Colliery Road), Sandstone Hills and Heaths, to the east of the site and Forest heathlands. The main character of the valley is Settled Heathland characterised by pastoral farmland and paddocks; small to medium sized hedged fields; dispersed roadside dwellings. The valley and valley sides rise into the unenclosed landscapes occupied by heathland and woodland.
- 1.7 There are a number of mature and semi-mature trees around the boundary of the wider site which are covered with a TPO (29/2003). A public bridle path runs along the north of the site before continuing round to the east and up into Brereton Hays Wood before terminating at Startley Lane. The site is however only visible for the first approx. 50 m of the bridle path from Colliery Road due to the undulating topography of the surrounding area.
- 1.8 The site is located within the West Midlands Green Belt, an Area of Outstanding Natural Beauty (AONB), the Forest of Mercia, a Mineral SafeGuarding Area, Coal Authority High and Low Risk Boundary and adjacent to a public bridleway.

2 Proposal

- 2.1 The applicant is seeking consent for change of use of land to use as a mixed use site for the keeping and stabling of horses and a residential caravan site for 1 gypsy family with 2 caravans (1 x static).

2.2 The applicant's Design and Access Statement states: -

"The proposal is to accommodate a family of Romany Gypsies, comprising 1 household. The household would have two caravans, including no more than one static caravan/ mobile home. The proposal would include the installation of an underground septic tank and associated drainage.

The static caravan would be located adjacent to the northern boundary adjacent the existing fence. The touring caravan would be sited adjacent the fencing along the eastern boundary.

2.3 The site would also accommodate the approved stable block.

2.4 The applicant proposes to discharge foul waste to an underground septic tank with a drainage field running to the west.

2.5 At the time of the site visit the caravan and the touring caravan had been moved onto the site and were already occupied. As such the application is retrospective.

3 Planning Policy

3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030). Relevant policies within the Local Plan include: -

- CP1: - Strategy – the Strategic Approach
- CP3: - Chase Shaping – Design
- CP7: - Housing Choice
- CP13: - Cannock Chase Special Area of Conservation
- CP14: - Landscape Character and Cannock Chase Area of Outstanding Natural Beauty.
- CP16: - Climate Change and Sustainable Resource Use

3.3 National Planning Policy Framework

3.4 The NPPF (2019) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be "presumption in favour of sustainable development" and sets out what this means for decision taking.

3.5 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.6 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Planning Applications
59, 73, 74, 78, 79,	Delivering a Sufficient Supply of Homes
124, 127, 128, 130:	Achieving Well-Designed Places
133, 134, 143, 144, 145, 146:	Green Belt
163	Flood Risk
170; 172, 175,	Countryside and Biodiversity
178-180	Ground Conditions and Pollution
212, 213	Implementation

3.7 Other relevant documents include: -

Planning Policy for Traveller Sites, 2015, Department for Communities and Local Government.

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 in the Green Belt
- ii) Design and impact on the character and form of the area
- iii) Impact on highway safety.
- iv) Impact on residential amenity.
- v) Crime and the fear of crime
- vi) Drainage and flood risk
- vii) Mineral safeguarding
- viii) Waste and recycling
- ix) Ground conditions and contamination
- x) Impact on natural conservation Interests

- xi) Education
- xii) Sustainability
- xiii) Other issues raised by objectors
- xiv) The applicant's case that very special circumstances exist
- xv) Assessment of the applicant's case
- xvi) The weighing exercise to determine whether very special circumstances exist

4.2 Principle of the Development

4.2.1 Both the NPPF and the Local Plan contain a presumption in favour of sustainable development, the latest version of which is contained within the NPPF (2019) and states: -

“For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

4.2.2 The first stage in the determination of the application is to determine whether it is in accordance with the development plan. In this respect it is noted that the application site lies within West Midlands Green Belt, wherein there is a presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and any such development should be considered a departure from the development plan.

4.2.3 In respect to whether a proposal constitutes inappropriate development in the Green Belt the starting point should be the Local Plan. Local Plan Policy CP1 states that development ‘proposals in the Green Belt will be assessed against the NPPF and Policy CP14. Local Plan Policy CP14 (and bullet point 11 of Policy CP3) relate to impacts on landscape character rather than to whether a proposal constitutes appropriate or inappropriate development.

4.2.2 Whether a proposal constitutes inappropriate development is set out in Paragraphs 145 & 146 of the NPPF. Paragraph 145 relates to new buildings

whereas Paragraph 146 relates to other forms of development, including the making of material changes of use of land.

- 4.2.3 The proposal does not fall within any of the typologies of development identified as being allowed in the Green Belt as set out in paragraphs 145 and 146 of the NPPF. It is also asserted that the proposal would cause harm to the Green Belt by reason of inappropriateness and through loss of openness and therefore constitutes inappropriate development in the Green Belt. This is consistent with Policy E of the Planning Policy for Traveller Sites (PPfTS) which makes it clear that “Traveller sites (temporary or permanent) in the Green Belt are inappropriate development”.
- 4.2.4 Given that the proposal constitutes inappropriate development in the Green Belt the proposal cannot be considered to be in accordance with the development plan.
- 4.2.5 The next test which arises from the ‘presumption in favour of sustainable development’ requires the decision taker to determine where there are any relevant development plan policies or not, or whether the policies which are most important for determining the application are out-of-date.
- 4.2.6 The requirements of the development plan in this respect are set out in Paragraph 10 of the Government’s Planning Policy for Traveller Sites (2015) which states: -

Local planning authorities should, in producing their Local Plan:

- a) identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years’ worth of sites against their locally set targets
- b) identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15
- c) consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)
- d) relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population’s size and density
- e) protect local amenity and environment.”

- 4.2.7 Given the above context it should be noted that the development plan is over 6 years old, relying on an evidence base for traveller accommodation need that was published in 2019 and identifies a requirement for 14 Gypsy and Traveller pitches

to be provided between 2019 and 2024 (and a further 11 pitches between 2024 and 2038).

- 4.2.8 However as stated previously, the GTAA only refers to broad locations that may be suitable for traveller sites and defers to the Local Plan (Part 2) to make allocations for traveller sites. Work on the Local Plan Part 2 has now ceased and work has commenced on a new local plan. Furthermore, the local planning authority cannot demonstrate a five year supply of deliverable (that is deliverable now) and developable sites in suitable locations (to meet the accommodation needs of the travelling community).
- 4.2.9 It can therefore only be concluded that whilst the evidence base is upto date, the Development Plan is out of date and the Council cannot demonstrate a five year supply of deliverable and developable sites in suitable locations.
- 4.2.10 Having regard to the above; and in accordance with the 'presumption in favour of sustainable development', the decision taker is required to determine whether there any policies in the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed. Footnote 6 of the NPPF sets out the policies that this applies to which include policies relating to [amongst other things] "Green Belt". As such it is necessary to consider Green Belt policy.
- 4.2.11 In the Green Belt it should be noted that paragraph 143 of the NPPF makes it clear that inappropriate development should not be approved except in "very special circumstances". Furthermore, paragraph 144 of the NPPF states that "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt" adding "Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".
- 4.2.12 Therefore in accordance with paragraph 144 it is considered that substantial weight should be given to the harm to the Green Belt identified above.
- 4.2.13 This report will now go on to consider what other harms may or may not arise as a consequence of the proposal before going on to consider what 'other considerations' exist in support of the proposal and the weight to be attached to these and then finally proceeding to weigh up those considerations to determine whether they clearly outweigh the harm to the Green Belt and any other harm such that very special circumstances have been demonstrated that would justify approval of the application.

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

4.3.1 The site is located within the Cannock Chase Area of Outstanding Natural Beauty. Paragraph 172 of the NPPF sets out that great weight should be given to conserving the landscape and scenic beauty of an AONB. This is continued in Local Plan Policy CP14 which states:

“Development proposals including those for appropriate development within the Green Belt ... must be sensitive to the distinctive landscape character and ensure they do not have an adverse impact on their setting through design, layout or intensity.”

4.3.2 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.

4.3.3 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.4 Paragraph 127 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;

- 4.3.5 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.
- 4.3.6 The area of the application site is covered by TPO 39/2003 however no tree report, arboricultural assessment or tree protection plan was submitted to support the application. Notwithstanding this, the position of the static caravan and septic tank has been considered to avoid the main tree issues.
- 4.3.7 In further considering the impact on the character of the area the comments made by the AONB Unit are noted in particular that the site lies at the transition between Settled Heathland (north of Colliery Road), Sandstone Hills and Heaths, to the east of the site and Forest heathlands. The main character of the valley is Settled Heathland characterised by pastoral farmland and paddocks; small to medium sized hedged fields; dispersed roadside dwellings. The valley and valley sides rise into the unenclosed landscapes occupied by heathland and woodland. A public bridle path runs around the front and side of the site which allows clear views of the static caravan. Whilst there is a 2m high close board fence sited around the static caravan, the caravan sits in an elevated position above the fence and as such is clearly visible from this public path.
- 4.3.6 It is also noted that the valley has an intimate character of small to medium hedged pasture fields with occasional brick roadside dwellings. The AONB Landscape Character Review cites a vision to conserve and restore the enclosed small-scale pastoral character of the landscape and mitigate the suburbanising impact of subdivided horse paddocks, maneges and stabling.
- 4.3.7 The AONB Unit has objected to the proposal on the grounds that it has introduced uncharacteristic obtrusive structures into the landscape and overdeveloped an already constrained site, causing detrimental effects on the landscape and natural scenic beauty of this part of the AONB.
- 4.3.11 Officers accept the comments of the AONB Unit and note that the caravans and other residential paraphernalia have urbanised the site and that this can be seen from the public highway. However, views of the site and the development are localised being screened by the surrounding woodland and rolling topography of the wider area. This reduces the harm caused and in normal situations it would be concluded that moderate weight should be attributed that harm. However, the prominence of the static caravan above the adjacent public bridle way through the AONB has caused harm to the character and appearance of the landscape in this location. Further, the site is located within the Cannock Chase AONB and paragraph 172 of the NPPF states that great weight should be given to conserving

the landscape and scenic beauty of an AONB. The AONB is a finite resource and the weight afforded to any harm to the AONB should reflect that.

4.3.12 Therefore, it is considered that the proposal, due to erosion of the special rural character of the AONB is contrary to Policies CP3 and CP14 of the Local Plan and that in accordance with paragraph 172 of the NPPF that substantial weight should be afforded to that harm.

4.3 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 127(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 Having regard to the above it is noted that the site is located approximately 70m to the nearest dwelling which is to the north-east and is screened by intervening landscaping and the 2m high close boarded boundary fence that surrounds part of the application site. As such the proposal would not result in any significant level of overlooking, overshadowing or loss of outlook to any existing property in the neighbouring area.

4.4.5 It is therefore concluded that the proposal in respect to the high standard of residential amenity it has attained would not be contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 127(f) of the NPPF.

4.4 Impact on Highway Safety

4.4.1 Paragraph 109 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.

4.4.2 It is clear from the proposal that the compound is more than adequate to accommodate the vehicle parking needs associated with 1 pitch. Furthermore, the Highway Authority has no objections to the proposal subject to the attached condition.

4.4.3 It is therefore considered that subject to the attached conditions the proposal has not resulted in an unacceptable impact on highway safety and that the residual cumulative impacts on the road network have not been severe.

4.6 Crime and the Fear of Crime

4.6.1 Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can do to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment'.

4.6.2 In addition to the above paragraph 127(f) of the NPPF states planning policies and decisions should ensure that development create places which [amongst other things] create places that are safe and where crime and disorder, and the fear of crime, do not undermine quality of life, social cohesion and resilience.

4.6.3 Staffordshire Police Force has confirmed that they have no objections to the proposal.

4.6.4 It is noted that the site is surrounded by a close boarded timber fence and the caravans would be arranged so that there would be a high degree of natural surveillance within the site. In addition the site would be occupied by one family.

4.6.5 As such it is considered that the proposal would be acceptable in respect crime and disorder and the fear of crime and disorder.

4.7 Drainage and Flood Risk

4.7.1 Paragraph 155 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

4.7.2 The site is located in Flood Zone 1 which is at the least risk of flooding.

4.7.3 Much of the site would remain as semi-permeable hard standing which facilitates the discharge of surface water. Foul water would be discharged to a septic tank and details of this would need to be submitted for approval to ensure that it is fit for purpose.

4.7.4 Severn Trent and the Local Lead Flood Authority have no objections to the above. The comments of the Local Lead Flood Authority are noted in respect to the small probability of flooding. The Local Lead Flood Authority has recommended that finished floor levels and surrounding ground levels should be designed in

accordance with building regulations to direct surface water away from dwellings and set floor levels at least 150mm above surrounding ground levels. Planning Committee is advised that should the application be approved that this issue is dealt with by way of a condition.

4.7.5 Given the above, the application, subject to the aforementioned condition would be acceptable in respect to flood risk and would not exacerbate the risk of flooding within this location.

4.8 Mineral Safeguarding

4.8.1 The site falls within a Mineral Safeguarding Area (MSAs) for bedrock sand and Coal and FireClay. Paragraph 206, 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 proposal is not classified as a major application.

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

4.9 Waste and Recycling

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 It is clear that there is sufficient space within the site for waste and recycling facilities and there is sufficient space at the entrance to accommodate a collection point adjacent Colliery Road. As such the proposal is acceptable in respect to Policy CP16(1) (e) of the Cannock Chase Local Plan.

4.10 Ground Conditions and Contamination

4.10.1 The Environmental Health Officer has stated that the site is immediately adjacent to a former infill site, which may have the potential to generate landfill gas.

4.10.2 Paragraph 170 of the NPPF states: -

“Planning policies and decisions should contribute to and enhance the natural and local environment by [amongst other things]:

- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

4.10.3 In addition to the above paragraph 178 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.”

4.10.4 Finally paragraph 179 of the NPPF makes it clear that where 'a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'.

4.10.5 Given the above the Environmental Health Officer (EHO) has advised that whilst it is assumed that the mobile home will have inherent ventilation due to the absence of foundations, the applicant should seek professional advice to ensure that there is adequate sub-floor ventilation.

4.10.6 The site is located in a general area in which the Coal Authority consider to be a development high risk and low risk area. The proposed static mobile home and tourer caravan would be located within the high risk area whilst the septic tank in the low risk area.

4.10.7 Within a high risk development area, the Coal Authority set out a list for those types of development for which a Coal Mining Report or subsequent consultation is not required. The "Exemptions List" for the Risk Based Approach to Development Management.

4.10.8 The Exemptions List is divided into two parts, namely the "Type of Application" and "Nature of Development". Only one of these needs to be met. In this instance, the application is for the siting of a static mobile home and a tourer caravan with no foundations and as such, the proposal falls within Part B (Nature of Development):- as a non-permanent structure with no ground works. Whilst the septic tank would be within the ground, this element of the proposal falls within the area designated as low risk. As such, given the above, the Coal Authority does not require consultation on the application and the proposal is considered acceptable in respect of risks from former workings.

4.11 Impact on Natural Conservation Interests

4.11.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 170 and 174 of the NPPF.

4.11.2 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".

4.11.3 Paragraph 170 of the NPPF states [amongst other things]: -

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

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); [and]
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;”

4.11.4 Paragraph 174 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.”

Site Specific Impacts on Ecology

4.11.5 The site is not designated for any nature conservation purpose and is not known to support any species or habitat which is either legally protected or of ecological/nature conservation interest, nor has any evidence been provided to suggest that the proposal would impact on any protected species that may inhabit the wider area.

Impacts of Cannock Chase Special Area of Conservation

4.11.8 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. The proposal would lead to a net increase of 1 dwelling and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL. However, given that the combined floor area of buildings on the site would be less than 100m² the proposal would not be CIL liable. As such the mitigation would be secured through a commuted sum via the alternative means of a unilateral undertaking under section 106.

4.11.9 The LPA has undertaken a Habitats Regulations Appropriate Assessment which concludes that subject to a payment towards mitigating impacts on the SAC the proposal would be acceptable.

4.11.10 Therefore subject to such a contribution been secured via the mechanism of a unilateral undertaking the proposal would be acceptable in respect to the requirements of Policy CP13 and the Habitats Regulations.

4.13 Sustainability

4.13.1 Paragraph 13 of the Planning Policy for Traveller Sites (PPfTS) states that

“Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

- a) promote peaceful and integrated co-existence between the site and the local community
- b) promote, in collaboration with commissioners of health services, access to appropriate health services
- c) ensure that children can attend school on a regular basis
- d) provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment
- e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development
- f) avoid placing undue pressure on local infrastructure and services

- g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans
- h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.

4.13.2 Paragraph 25 of the PPfTS goes on to state: -

“Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.”

4.13.3 In this respect it is noted that the site lies beyond the limits of the main settlement of Brereton and Ravenhill and is spatially divorced so as to constitute an isolated development. Further, the site is approx 2.8km from Rugeley and approx. 8km from Cannock, where the applicant’s children attend school.

4.13.4 As such the proposal fails in respect to its location and the contribution that makes towards promoting sustainable development.

4.13.5 Given the unsustainable location of the proposal, paragraph 79 of the NPPF states that planning decisions should avoid the development of isolated homes within the countryside unless the proposal meets the test for exemption. In this instance, the proposal would not meet the test and as such fails to accord with paragraph 79 of the NPPF.

4.14 The Applicant’s Case for Very Special Circumstances

4.14.1 In support of the application the applicant has provide the following statement to demonstrate that very special circumstances exist that would justify approval of the application: -

“The Cannock Chase Gypsy and Traveller Accommodation Assessment (GTAA), March 2019, distinguishes between need arising from gypsies and travellers who meet the definition in Annex 1 of PPTS and, those whose status is unknown. In total, the GTAA estimates a need for a total of 29 permanent pitches in the period 2019 — 2038.

Apart from 4 pitches granted planning permission in the Green Belt at Stokes Lane, Norton Canes, no other pitches appear to have been approved in Cannock Chase District since before 2012.

Furthermore, the Council does not have an up-to-date Development Plan

policy for the provision of new gypsy and traveller sites. Policy CP7 of Part 1 of the Local Plan sets out the Council's intention to provide 41 residential pitches in the period 2012-2028, through the allocation of land in Part 2 of the Local Plan. Work on the Part 2 Local Plan has been abandoned in favour of production of a new Local Plan and, this is not expected to be adopted before July 2022. In the meantime, the Council will be unable to fulfil its obligations to the gypsy and traveller communities and, identify a five-year supply of deliverable land for gypsy sites.

Just because the District is affected by Green Belt and AONB designations does not excuse the Council from meeting the identified need for gypsy and traveller sites.

The identified need for additional gypsy sites, the absence of a five-year supply and, the failure of policy which has led to this situation are all matters that weigh in favour of the proposal.

The proposed caravan site would accommodate:

the applicant and his wife together with their 5 children. All of the younger children are attending school in Cannock.

The applicant and his extended family currently live on a site at [a site] in Cannock but, they have outgrown the site. There are 3 households living on a site which should accommodate a single bungalow. The applicant's mother lives in the bungalow; the applicant has been living with his wife and 5 children in a mobile home and tourer; and, the applicant's sister, and her daughter, are having to live in a tourer. The applicant's sister now needs a larger home, in the form of a mobile home but, in order for this to be accommodated, the applicant is having to remove his own mobile home from the site (which currently takes up much of the front garden). Continuing to live at [the site] has become untenable for the applicant and his family: there is now insufficient vehicle parking and manoeuvring space, and nowhere for the children to play.

The applicant wishes to move to the application site in order to relieve overcrowding on the existing site and, provide a decent standard of accommodation for his own household.

Failure of this application would mean that the applicant's family would have no suitable alternative site to go to. This would amount to an interference with his family's human rights under Article 8 of the Human Rights Act, which addresses respect for family life and home. It would also have a negative effect on the applicant's children.

It is consistent with caselaw that the best interests of children should be a primary consideration in the determination of this application, although not necessarily the determinative factor. There are 4 children in this case. Their best interests would be for the site to be developed as proposed. It would give them the best opportunity for a stable and secure family life, for continued access to regular schooling and health care, and with opportunities for play and personal development.

On balance, the unmet need for sites; the [applicant's] family's personal accommodation needs and personal circumstances; the absence of alternative sites; the failure of the development plan to bring forward suitable land for traveller sites in a timely manner; the likelihood that pitch provision will have to be made in the Green Belt; and the needs of the children, clearly outweigh harm to the Green Belt and any other harm. Very special circumstances therefore exist to justify the granting of planning permission."

4.16 Appraising the Applicant's Case

4.16.1 In essence the applicant's case that very special circumstances exist can be distilled into the following points: -

- (i) There is an unmet need for sites of gypsies and travellers in the District;
- (ii) failure of the development plan to bring forward suitable land for traveller sites in a timely manner;
- (iii) the absence of alternative sites;
- (iv) the likelihood that some pitch provision will be made in the Green Belt;
- (v) the family's personal accommodation needs and personal circumstances;
- (vi) the needs of the children,

This report will consider each of the above issues in turn.

Unmet Need

4.16.2 The Authority Monitoring Report (2018) which monitors Local Plan policies outlines that only 9 pitches have been provided to meet the Local Plan (Part 1) requirements to date and that the Council does not have a five year supply of sites.

4.16.3 Policy CP7 of the Local Plan states that provision for gypsies, travelers will be made through the allocation of sites in a Local Plan Part 2. However, due to the extent of more recent changes to the national and local policy context the Council

has since ceased work on the Local Plan (Part 2) and is now undertaking a review of the Local Plan.

- 4.16.4 The Local Plan Review (Issues and Options) was consulted upon in May 2019 and acknowledges the difficulties that have been faced in terms of identifying sites for gypsy and traveller uses since the adoption of the Local Plan (Part 1). This is largely due to a combination of the inability of existing gypsy and traveller sites in the District to expand further (due to physical and landownership constraints) and a lack of new sites being available, that is landowners are promoting alternatives uses of their land.
- 4.16.5 As part of the Local Plan Review in March 2019 the Council has published a new Gypsy and Traveller Accommodation Assessment (GTAA 2019) which provides an up to date assessment of need within the District. This identifies a need for an additional 14 pitches during 2019-2024 and a further 11 pitches between 2024-2038 arising from existing households falling within the definition within the District and potentially a further 4 more from undetermined households to 2038. It uses 2018 as the base date and excludes any shortfall from the previous plan period to avoid double counting.
- 4.16.6 A number of Cannock's neighbouring local authorities have advised that they would be unable to help meet Cannock District's needs as they too are either unable to meet their own current needs or have an existing need of their own which already requires Green Belt site options to be considered.
- 4.16.7 Given the above it is considered that there is a clear unmet need for suitable sites to accommodate the housing needs for gypsies and travellers in Cannock District.

Failure of the Development Plan to Bring Forward Suitable Land for Traveller Sites in a Timely Manner

- 4.16.8 The Local Plan (Part 1) was adopted in 2014. Policy CP7 of the Plan stated

"The Cannock Chase Gypsy and Traveller Accommodation Needs Assessment 2012 will be used as a basis for levels of provision within the District requiring 41 additional residential pitches and four Travelling Showpeople plots over the plan period and five transit pitches as follows:

	Residential Pitches
2012-18	22
2018-23	10
2023-28	9
2012-28	41

4.16.9 In the six years from the adoption of the Local Plan (Part 2) in 2014 the Council has received 3 applications for gypsy and traveler accommodation. These are

CH/20/305: Change of use of the land to a Gypsy and Traveller residential site with the siting of up to ten caravans of which no more than five would be static caravans, the construction of a utility block, and the creation of a new vehicular access and the laying of hard standing at Land at Lime Lane, Pelsall, WS3 5AT. Approved 15-Feb-2021.

CH/20/198: Change of use of land to use as a residential caravan site for 4 gypsy families at Stokes Lane, Norton Canes. Approved 03-Sep-2020.

CH/19/048: Change of Use of land to Gypsy Traveller Residential site for up to 7 caravans, of which no more than 3 would be static caravans. The construction of a day room block and utility block, creation of a new vehicular access and the laying of hard standing at Grove Colliery. Refused 15-Jan-2020.

4.16.10 Planning approval CH/20/305 involved the same family involved in the refusal under planning application CH/19/048 at Grove Colliery who had come forward with an alternative site which would not involve the demolition of a non-designated heritage asset.

4.16.11 The above has resulted in the approval of up to 9 gypsy and traveller pitches and demonstrates that the Council has worked proactively with applicants to deliver sites in the appropriate locations. Notwithstanding this it is also clear that the Local Plan has failed to deliver 13 of the 22 pitches that were identified to be delivered by 2018.

4.16.10 It is also clear that at the present time the Council has no firm plan to deliver any identifiable, deliverable or affordable site in the immediate future, either in the form of a planning permission or indeed a planning application. As such it can only reasonably be concluded that the Development Plan has failed to bring forward suitable land for traveller sites in a timely manner. This is a factor that weighs in favour of the proposal.

The Likelihood that some Pitch Provision will be Made in the Green Belt and AONB

4.16.10 Adopted policy CP7 refers to a broad area of search for Gypsy and Traveller sites, matching travel patterns and based along the A5 road corridor which is identified in the Key Diagram. The Key Diagram is provided at page 7 of the Local Plan (Part 1) and covers a swathe of land which includes the settlement of Norton Canes, a swathe of the countryside west of Norton, south of the Cannock/ Lichfield Road (A5190) and east of the Poplars Landfill site and Kingswood Lakeside

Industrial Estate; and a second swathe of countryside comprising most if not all of the land within the District that falls south of the A5.

4.16.11 The open land within the settlements of Rugeley-Brereton & Ravenhill, Hednesford or Norton Canes appears to be designated as Green Space Network and has value to the community as either a recreational resource or for its nature conservation value. Outside of the urban area much, if not all of the open land is designated as Green Belt. As such it is highly likely that any future provision for gypsy or traveller accommodation will need to be found within the Green Belt. Indeed the main area of search for such accommodation identified within the Local Plan largely comprises land within the designated Green Belt.

4.16.12 It is also worthy of note that the two applications that have been granted planning permission recently, those being CH/20/305 Lime Lane and CH/20/198 Stokes Lane, are located within the Green Belt.

4.16.13 As such on basis of the available evidence it is concluded that some, if not all pitches that will come forward within this identified area of search are likely to be within the Green Belt.

4.16.14 Notwithstanding the above it is noted that the AONB only takes up a proportion of the District and that it falls well outside the broad area of search for Gypsy and Traveller sites referred to in Policy CP7.

The Absence of Alternative Sites

4.16.14 Although the Council has recently approved 9 pitches, this only partially meets the objectively assessed need for gypsy and traveller accommodation. The site at Stokes Lane is already built up and fully occupied and its occupation is restricted to a particular family. The Lime Lane site has yet to be built out and should it be then that again would be fully occupied by its intended family. There are no further proposals in the form of planning applications to meet the objectively assessed need.

4.16.18 Given the above, it is concluded that there is an absence of lawful alternative sites which are available to the applicant. Furthermore at this point in time, given the stage of preparation of the Local Plan there is no guarantee that any such site would come in the immediate or medium term.

The Family's Personal Accommodation Needs and Personal Circumstances and Best Interest of the Children

4.16.19 The comments put forward by the applicant's agent and outlined in paragraph 4.15.1 of this report are noted. No substantive evidence has come forward to challenge any of the assertions made on behalf of the family. It is quite clear that

there are no sites available that would enable the family to live together as a family group with sufficient space for all members to live comfortably.

4.16.20 It is therefore clear that the extended family have a need for accommodation to provide a safe and secure home for the children, and a permanent base from which the children can gain access to education and the wider family can gain access to medical care.

4.16.21 Should this application be refused the extended family would have to leave the application site. This would result in an interference with their human rights with regard to Article 8 of the European Convention on Human Rights, which encompasses respect for family life and the home.

4.16.22 There are 5 children currently living on the site of which 4 are under the age of 18. It is consistent with relevant caselaw that the best interests of these children should be a primary consideration in my decision, although not necessarily the determining factor. The best interests of the 4 children are to remain on the application site and for it to be developed as proposed. An ordered and settled site would afford them the best opportunity of a stable, secure and happy family life, opportunities for education, access to health and other services and opportunities for play and personal development. Although a roadside existence would not necessarily prevent all access to education and health services it is likely that the prolonged absence of a settled site would lead to serious disruption to access to education, health and other services for these children. This is another factor that weighs significantly in favour of the application and should be afforded weight as a primary consideration in determining this application.

4.17 Assessment as to whether the Harm to the Green Belt and Any Other Harm is Clearly Outweighed By Other Circumstances Such that Very Special Circumstances Exist to Justify Approval

4.17.1 Inappropriate development in the Green Belt should only be approved where 'very special circumstances' have been demonstrated to exist. The term 'very special circumstances' is not defined in the NPPF, which merely states that they will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

4.17.2 The Planning Policy for Traveller Sites, at paragraph 16 states that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. However, it should be made clear that the paragraph 16 uses the word "unlikely". This should not be construed to mean that in all cases the "best interests of the child, personal circumstances and unmet need" will not clearly outweigh harm to the Green Belt and any other harm. Ultimately, each case has to be judged on its own merits with weight given to all relevant considerations according to their relative gravity.

- 4.17.3 In this respect it is considered that, consistent with paragraph 144 of the NPPF substantial weight should be afforded to the harm to the Green Belt, including the harm to the openness of the Green Belt and the purposes of including land within it. In addition it is considered that substantial weight should be afforded to the harm to the character of the Cannock Chase AONB.
- 4.17.4 In addition to the above it is noted that the site is relatively remote and would rely totally on the private car to meet day to day needs. It is also noted that the family have previously resided at Bridgtown Cannock and that the children go to school in Cannock. As such the site provides no particular benefits in access to these educational facilities or to any other service. As such the proposal conflicts with aim of planning policy to facilitate sustainable development and it is considered that limited weight should be afforded to the harm resulting from conflict with policy.
- 4.17.4 Turning now to the issue of other considerations which weigh in favour of the proposal. It is considered that substantial weight should be afforded to the personal need of the family for a settled site, personal circumstances with regard to health and education and the effect on the human rights if the family is required to leave the site. The best interests of the 4 children living on the site are a primary consideration and therefore should also be given substantial weight in favour of the proposal.
- 4.17.5 Furthermore, the current uncertainty regarding the future provision of sites for travellers in the district and the neighbouring districts, and the strong likelihood that should future sites come forward in the District that they will also be in the Green Belt, the benefits of providing a settled site, each carries moderate weight in the appellant's favour.
- 4.17.5 As in the previous two decisions it would be concluded that the benefits arising from the proposal would clearly outweigh the harm to the Green Belt this site is located within the Cannock Chase AONB. These along with National Parks constitute the country's most valued and protected landscapes. They are also a finite resource. It is considered that the harm to this finite resource tips the balance in favour of refusing the application. So does the fact that as the Council has shown although it may be inevitable that gypsy and traveller accommodation may have to be in the Green Belt it is highly unlikely that it will need to be found within the AONB.
- 4.17.6 It is therefore concluded that the harm to the Green Belt, the harm to Cannock Chase Area of Outstanding Natural Beauty and to the policy objective of achieving sustainable development is not clearly outweighed by the above considerations such that very special circumstances exist that would justify approval of the application in this respect.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

- 5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to 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 on balance has taken into account the objectives of the Equalities Act 2010 and balanced these against other consideration of public interest.

6 Conclusion

- 6.1 The applicant is seeking consent for change of use of land to use as a stable for horses and a residential caravan site for 1 gypsy family with 2 caravans (1 x static) and associated septic tank.
- 6.2 The application site lies within West Midlands Green Belt, wherein there is a presumption against inappropriate development. Inappropriate development is by

definition harmful to the Green Belt and any such development should be considered a departure from the development plan.

- 6.3 The proposal constitutes inappropriate development in the Green Belt. Paragraph 143 of the NPPF makes it clear that inappropriate development should not be approved except in “very special circumstances”.
- 6.4 It is concluded however, that the proposal would result in harm to the special character and scenic beauty of this part of the Cannock Chase Area of Outstanding Natural Beauty by virtue of the introduction of uncharacteristic and obtrusive structures into the landscape which would result in overdevelopment of an already constrained site. As such, the application is contrary to Policies CP3 and CP14 of the Local Plan and having had regard to paragraph 172 of the NPPF it is considered that substantial weight should be afforded to that harm.
- 6.5 In respect to the factors which weigh in favour of the proposal it is considered that substantial weight should be afforded to the personal needs of the family for a settled site, personal circumstances with regard to health and education and the effect on the human rights if the family is required to leave the site. The best interests of the 4 children living on the site are a primary consideration and therefore should also be given substantial weight in favour of the proposal.
- 6.6 Furthermore, the current uncertainty regarding the future provision of sites for travellers in the district and the neighbouring districts, and the strong likelihood that should future sites come forward in the District that they will also be in the Green Belt, the benefits of providing a settled site, each carries moderate weight in the appellant’s favour.
- 6.7 Although, as in the previous two decisions it would be concluded that the benefits arising from the proposal would clearly outweigh the harm to the Green Belt it also has to be acknowledged that this site is located within the Cannock Chase AONB. Areas of Outstanding Natural Beauty along with National Parks constitute the country’s most valued and protected landscapes. They are also a finite resource and are sensitive to changes. It is considered that the harm to this finite resource tips the balance in favour of refusing the application. It is also noted that although it may be inevitable that gypsy and traveller accommodation may have to be in the Green Belt it is highly unlikely that it will need to be found within the AONB.
- 6.8 It is therefore concluded that the harm to the Green Belt, the harm to the character of Cannock Chase Area of Outstanding Natural Beauty and to the policy objective of achieving sustainable development is not clearly outweighed by the above considerations such that very special circumstances exist that would justify approval of the application.
- 6.9 As such, refusal is recommended.

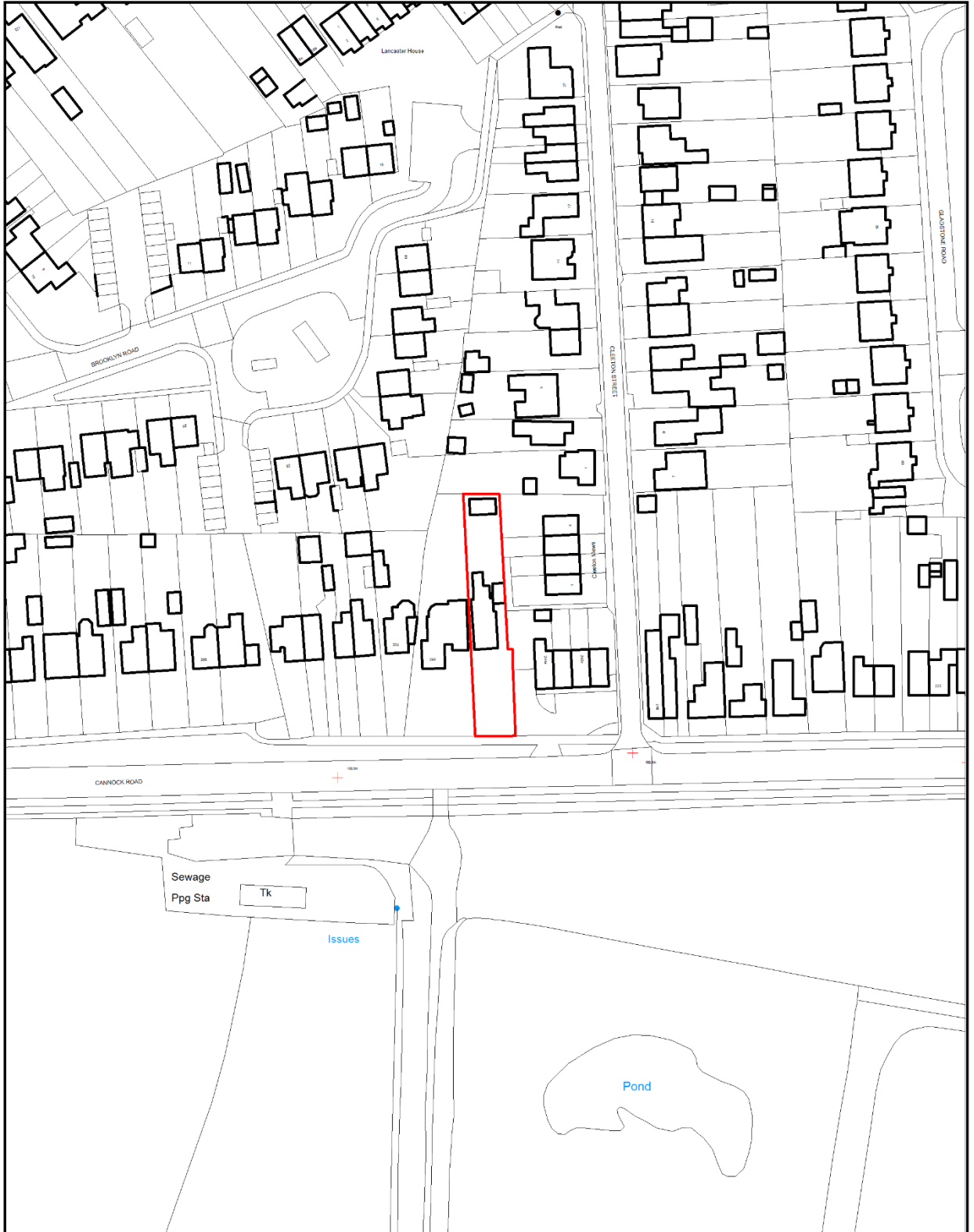
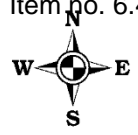


Application No: CH/21/0161

Location: 246 Cannock Road, Heath Hayes, Cannock, WS12 3HA

Proposal: Relocation of garage

Item no. 6.42



Location and Site Plans



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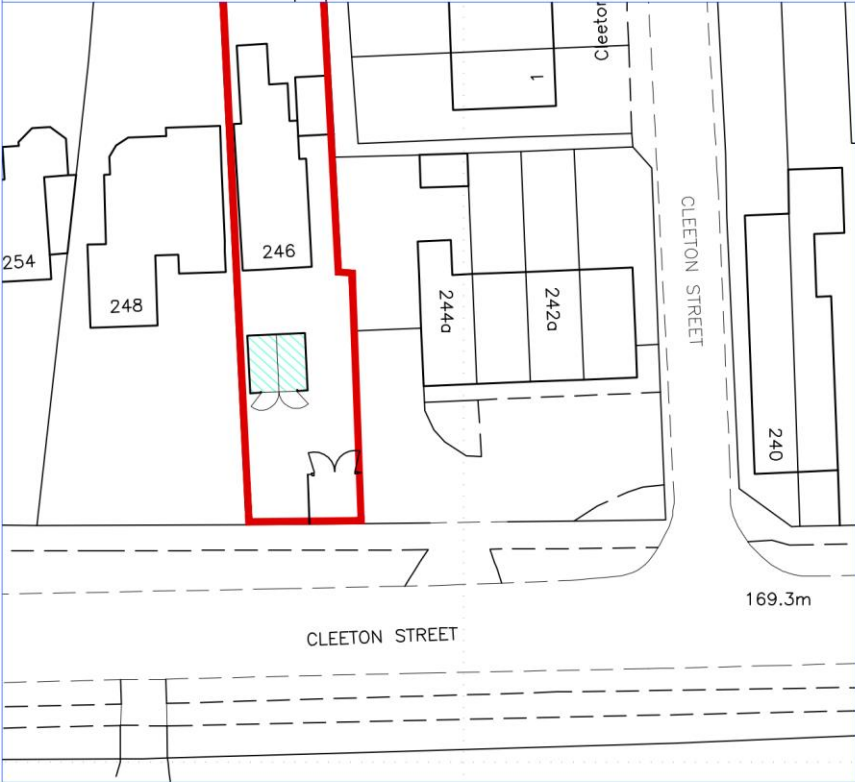
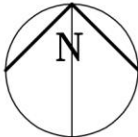
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location plan 1:1250



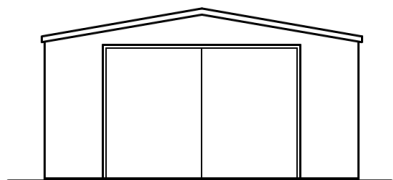
site plan 1:500
Plotted at A4

REV A
Garage repositioned

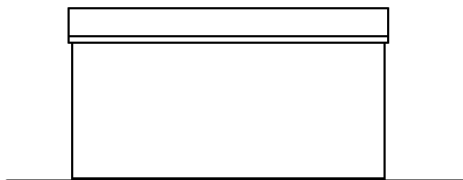
CLIENT
MR.A.GREENWOOD
246 Cannock Road
Heath Hayes
Cannock
WS12 3HA

APRIL 2021

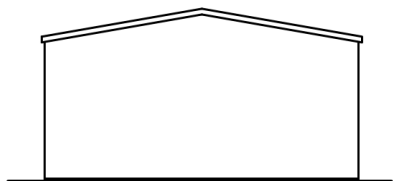
Plans and Elevations



FRONT ELEVATION 1:100

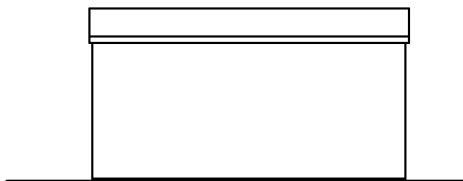


SIDE ELEVATION 1:100

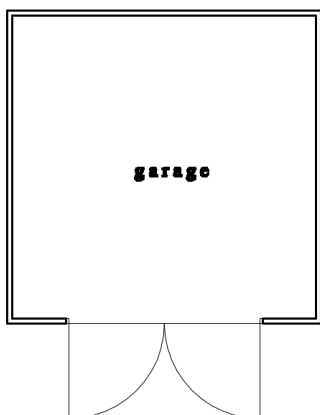


REAR ELEVATION 1:100

Grey mineral felt pitched roof
anthracite grey ship lap horizontal
timber boarding to walls + garage
doors



SIDE ELEVATION 1:100



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CONTRACT
DETACHED GARAGE
APRIL 2021
dr no
2021:02:05

1:100
floor plan + elevations

Contact Officer: Claire Faulkner

Telephone No: 01543 464337

Planning Control Committee

26th May 2021

Application No: CH/21/0161
Received: 06-Apr-2021
Location: 246 Cannock Road, Heath Hayes, Cannock, WS12 3HA
Parish: Heath Hayes
Ward: Heath Hayes East and Wimblebury Ward
Description: Relocation of garage
Application Type: Full Planning Application

Recommendations: Refuse for the following reason: -

- 1) The proposed garage, by virtue of its materials and siting, would constitute an incongruous and discordant structure in this location that would be unrelated to the pattern of development on this specific length of Cannock Road and which therefore would detract unacceptably from the character and appearance of the area contrary to Policy CP3 of the Cannock Chase Local Plan and Paragraph 127 (a)(b) & (c) of the National Planning Policy Framework.

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. However, in this instance the proposal fails to accord with the Local Plan and the National Planning Policy Framework.

Notes to the Developer:

None required.

Consultations and Publicity

External Consultations

Heath Hayes & Wimblebury Parish Council

No Objection.

Staffordshire County Highway Authority

No objection

Current records show that there were no personal injury collisions on Cannock Road within 50 metres either side of the property accesses for the previous five years.

The application is for the erection of a detached garage in the front garden of No. 246 Cannock Road. Cannock Road is an A classified 40mph 7m wide road which benefits from street lighting. it lies approximately 2 miles east of Cannock town centre in the Heath Hayes area.

Is noted that the proposed garage is under the recommended internal dimensions for a single garage (6m x 3m as stated within Manual for Streets) the driveway does however have sufficient parking spaces for several vehicles therefore the Highway Authority have no objection to the proposal.

Internal Consultations

None undertaken

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/21/0038: Retention of detached garage. Refused for the following reason: -

The garage, as constructed, appears as an incongruous and discordant structure in this prominent location. The garage is unrelated to the established linear and open pattern of development on this specific length of Cannock Road and as such, detracts from the character and appearance of the area. As such, the development as constructed is in conflict with Local Plan Policy CP3 and Paragraph 127 (a)(b) & (c) of the National Planning Policy Framework.

1 Site and Surroundings

- 1.1 The application site is located adjacent Cannock Road, a main highway between Lichfield / Norton Canes and Cannock. There is linear residential development to the northern side of the highway and open fields within the South Staffordshire Green Belt to the south.
- 1.2 The application site relates to a detached garage constructed to the front of No. 246 Cannock Road which comprises a detached two storey dwelling with frontage parking and a private rear garden.
- 1.3 The frontage of the property comprises a width of 10m and has a depth of 20m. The access into the site is well established and is located in the south east corner. The front boundary comprises of a low brick wall and the side boundaries comprise a combination of high and low fencing and landscaping.
- 1.4 Cannock Road is a long road that can be visually separated into smaller sections. The application property is one of a row of residential properties of various designs that run from 318 to 244 Cannock Road and are set back from the pavement a roughly comparable distance. Their large front gardens create a sense of openness on this sizeable length of the road that is not undermined to any appreciable degree by the landscaping and boundary treatments. It is noted that the properties to the west do get nearer to the highway the further west you travel along Cannock Road however this is gradual and there are no large detached structures within the frontages of any of these dwellings. The properties to the immediate east (244) form a row of 4 modern terraces with shared parking to the frontage however they remain approx 12m from the rear of the highway.
- 1.5 The properties to the east, after Cleeton Street, are sited nearer to the highway than the host dwelling, set behind short frontages and closely spaced and as such appear in a visually different context to the dwellings to the west, including the application site.
- 1.6 The application site is unallocated and undesignated within the Cannock Chase Local Plan (Part 1). The application site is located within a Mineral Safeguarding Area and is also within the Coal Authority Low Risk Boundary.

2 Proposal

- 2.1 The application seeks consent for the relocation of the detached garage currently sited within the front curtilage of the application site.
- 2.2 The garage comprises of a wooden ship-lap structure with a felt roof. The structure has been finished in an anthracite grey colour with the exception of the western elevation which, at the time of compiling the report, remained untreated. The

structure as constructed measures 4.6m x 4.6m and is orientated with doors opening into the site. The garage has a maximum height of 2.6m to the ridge.

- 2.3 The garage would be moved to a new location within the site, approx. 10m from the front boundary. The garage would be orientated with the doors opening towards the highway. There is a row of conifer trees newly planted along the front boundary of the site.

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

- 3.4 The relevant policies within the Minerals Plan are

3.2 Mineral Safeguarding.

- 3.5 National Planning Policy Framework

- 3.6 The NPPF (2019) 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 (2019) 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
124, 127, 128, 130:	Achieving Well-Designed Places
212, 213	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) Drainage & Flood Risk
- v) Mineral Safeguarding
- vi) Ground Conditions
- vii) Impacts on Highway Safety

4.2 Principle of the Development

4.2.1 The proposal is for the extension of an existing residential property that is located within an established residential area located within a built-up location in Heath Hayes. The site is not allocated or designated within the Local Plan. It is considered that the principle of development is acceptable, subject to the considerations below.

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

4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and
- (ii) Successfully integrate with trees, hedgerows and landscape features of amenity value.

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124

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 127 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 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

4.3.5 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to extensions to dwellings.

4.3.6 This part of Cannock Road is predominantly characterised by dwellings set back behind deep frontages with the exception of the more recent dwellings to the immediate east (Nos 242-244) which comprise a different design, style and layout as the dwellings to the west.

4.3.7 The garage that has been constructed relates to a relatively substantial wooden building, unfinished along the western elevation. The garage would be repositioned within the site and would remain approx.10m from the front boundary of the site.

4.3.8 Your officers note the newly planted row of conifer plants to the front of the site and also the mature planting adjacent the western boundary of the site. Whilst this

planting may conceal the garage to some degree when travelling westwards, it would still be apparent from a significant length of the road travelling eastwards along the side boundary which has limited planting. As such it would do little to screen the mass of the garage.

4.3.9 It is noted that since the last application the applicant has proposed to push the garage back into the site, more in line with existing development to the east. It is noted however, that there are no other substantial sized, detached wooden structures located within the front gardens of nearby neighbours. Whilst the garage would be in line with the adjacent building (No. 244a) this relates to a dwelling and not an outbuilding more commonly found in the private rear gardens. As such, the design and siting of the garage would remain an incongruous and discordant addition to the dwelling in this prominent location.

4.3.10 The NPPF advocates that development should respond to its local character. The 'local character' of a site need not necessarily extend to a very large area. As Cannock Road is a long road lined by housing that has been developed incrementally over time it does not have a consistent or uniform character or appearance but rather one that changes from one stretch to another. From No. 240 Cannock Road eastwards there are a number of properties that are set much nearer to the road than No 246 and its neighbours to the west. These are separated from the application site and its adjacent neighbours by Cleeton Street. This layout has a significant effect on the character of that stretch of the road, and as such is visually different from the row of houses containing the application site.

4.3.10 For the reasons above, it is concluded that the proposed garage, by virtue of its materials and siting, would constitute an incongruous and discordant structure in this location that would be unrelated to the pattern of development on this specific length of Cannock Road and which therefore would detract unacceptably from the character and appearance of the area contrary to Policy CP3 of the Cannock Chase Local Plan and Paragraph 127 (a)(b) & (c) of the National Planning Policy Framework

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 127(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 terms of the neighbouring properties, the proposed position of the garage within the site would be approx. 5m from the front elevation of the host dwelling. The neighbouring dwelling is sited in line with the host dwelling and approx. 1m to the west. It is noted however that there is a group of mature tree / hedgerow planting within the front curtilage of No. 248 that would screen the garage in the proposed location to the front. As such, the proposal would not result in an adverse impact to the adjacent dwellings.

4.4.4 As such, the garage accords with the requirements of Policy CP3 of the Cannock Chase Local Plan and they meet the requirements of the Council's Design SPD.

4.5 Drainage and Flood Risk

4.5.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps. In this instance, the host dwelling already exists with the development constructed within the front curtilage. As such, the proposal would not create additional flood risk over and above the current situation.

4.6 Mineral Safeguarding

4.6.1 The site falls within a Mineral Safeguarding Area (MSAs) for Coal and Fireclay. Paragraph 206, 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.

4.6.2 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.

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

4.7. Ground Conditions and Contamination

4.7.1 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.

4.8. Impact on Highway Safety

- 4.8.1 Paragraph 109 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.
- 4.8.2 In this respect, the garage as constructed is substandard in dimension for a single garage as stated within Manual for Streets, however there is adequate room on the frontage for the parking of vehicles as associated with the host dwelling. The Highway Authority was consulted on the application and raised no objections in terms of highway safety.
- 4.8.3 Given the above, the proposal would not result an unacceptable impact on highway safety in accordance with paragraph 109 of the NPPF.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

- 5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to 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 Conclusion

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the development would result in significant harm to acknowledged interests and is therefore considered to be in contrary to the Development Plan.
- 6.2 It is therefore recommended that the application be refused for the following reason:
- 1) The proposed garage, by virtue of its materials and siting, would constitute an incongruous and discordant structure in this location that would be unrelated to the pattern of development on this specific length of Cannock Road and which therefore would detract unacceptably from the character and appearance of the area contrary to Policy CP3 of the Cannock Chase Local Plan and Paragraph 127 (a)(b) & (c) of the National Planning Policy Framework.

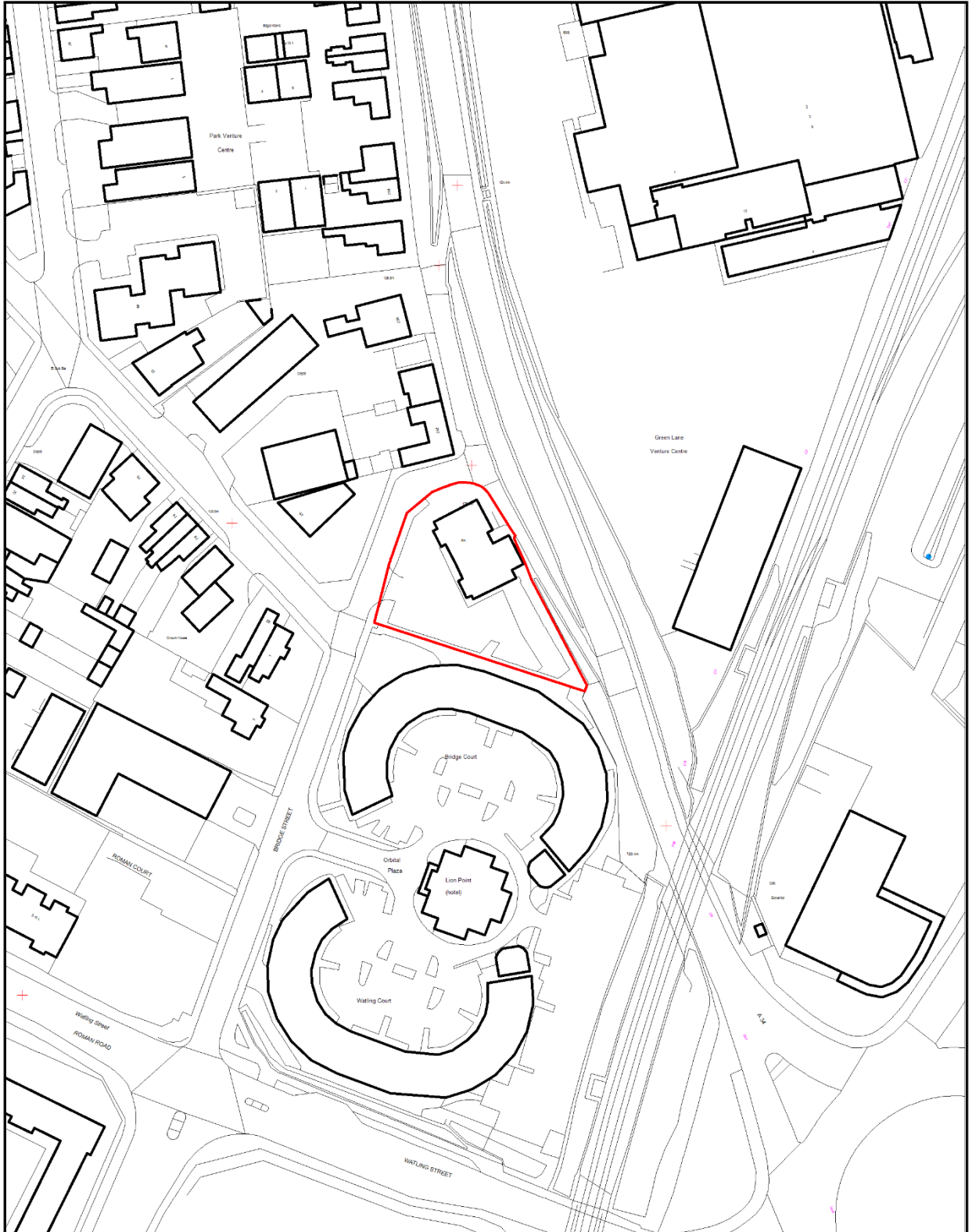


Application No: CH/21/0095

Location: Stumble Inn, 264 , Walsall Road, Cannock, WS11 0JL

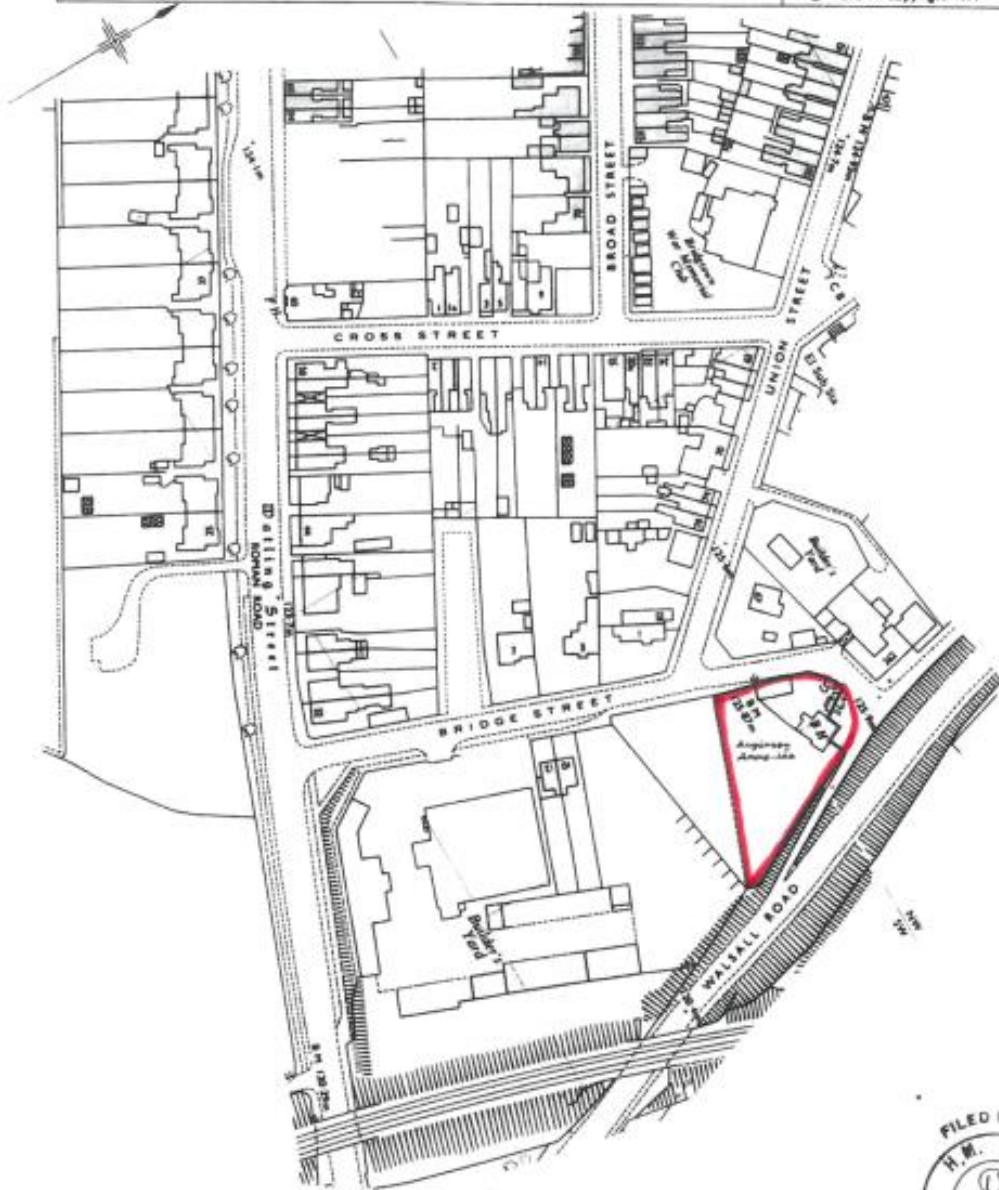
Proposal: Change of use on ground floor to a nursery. Re-configuration & change of use of first floor from residential to 2 residential apartments and offices/historical centre.

Item no. 6.55



Location Plan

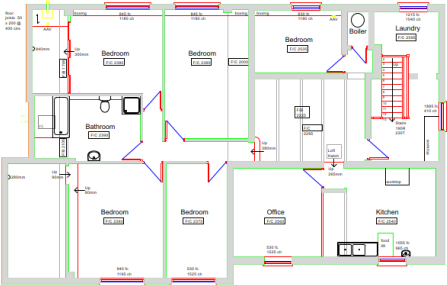
H.M. LAND REGISTRY		TITLE NUMBER	
		SF 205140	
ORDNANCE SURVEY PLAN REFERENCE	SJ 9808	SECTION E	Scale 1/1250
COUNTY STAFFORDSHIRE	DISTRICT CANNOCK CHASE	© Crown copyright 1977	



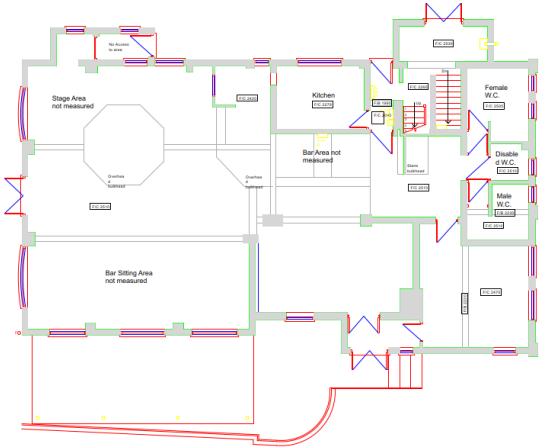
Site Plan



Existing Floor Plans



EXISTING FIRST FLOOR PLAN 1:100



EXISTING GROUND FLOOR PLAN 1:100

NOTES:
 The copyright of this drawing is vested in the Architect and must not be copied or reproduced without consent.
 All Contractors must visit the site and be responsible for taking and checking dimensions relative to their work. Sutton and Wilkinson Chartered Architects to be advised of any variation between drawings and site conditions.

- F/C 2595** Floor to ceiling level to be indicated thus
- F/B 2225** Floor to beam level to be indicated thus

NO.	REVISION	DATE
1	Amend window position to planning officer's comments	16.04.20
2	New drainage layout added to drawing. Amended bathroom and kitchen location	16.08.20

PRELIMINARY

PROJECT:
 STUMBLE INN PUBLIC HOUSE
 BRIDGOTOWN
 CANNOCK

CLIENT:
 FRED PRITCHARD

TITLE:
 EXISTING FLOOR PLANS

SUTTON AND WILKINSON
 CHARTERED ARCHITECTS

Victoria House, 13 New Pennington Road,
 Cannock, Staffs, WS11 1HP
 Telephone: 01542 856411
 Facsimile: 01542 824249
 e-mail: office@suttonwilkinson.co.uk

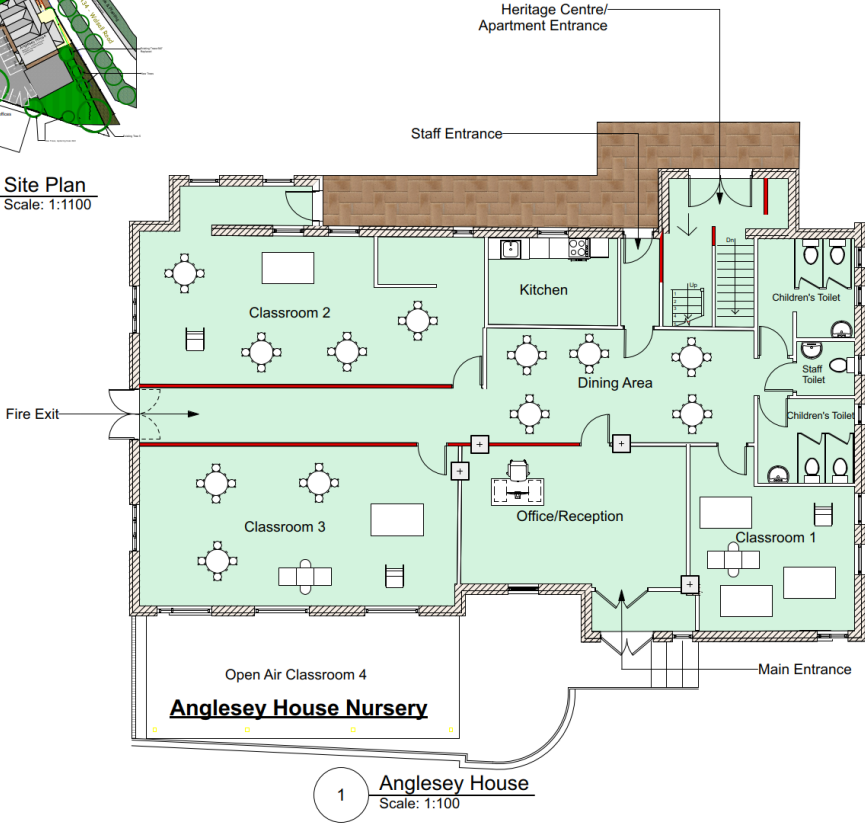


SCALE	DRAWN	DATE	ISS
1:100	VL	Aug 20	A2
2591 - 01			REVISION

Proposed Ground Floor Plan



2 Site Plan
Scale: 1:1100



1 Anglesey House
Scale: 1:100

Children's Play Garden

ISSUE	3	DATE	30/3/21	REVISION	A
NOTE: DO NOT SCALE FROM DRAWING. USE FIGURED DIMENSIONS ONLY. CHECK ALL DIMENSIONS ON SITE BEFORE ANY MANUFACTURE OR CONSTRUCTION.					

PROJECT
The Stumble

CLIENT
Fred Pritchard Real Estate Ltd

DRAWING
Ground Floor



PROJECT #	Stumble	DATE		REV	
DATE		23/2/2021			
SCALE 1:2000 (A)		AS NOTED			
DRAWN	JKP	CHKD			
FRED PRITCHARD REAL ESTATE LTD					
T: 01543 226256 W: www.fredpritchard.com E: fpritchard@fredpritchard.com					

Proposed First Floor Plan



2 Site Plan
Scale: 1:1100



1 First Floor
Scale: 1:100

Issue	3	Date	30/3/21	Revision	A
NOTE: DO NOT SCALE FROM DRAWING. USE FIGURED DIMENSIONS ONLY. CHECK ALL DIMENSIONS ON SITE BEFORE ANY MANUFACTURE OR CONSTRUCTION.					

PROJECT
The Stumble

CLIENT
Fred Pritchard Real Estate Ltd

DRAWING
First Floor



PROJECT #	Stumble	DRAWN BY		REV	
DATE	23/2/2021				
SCALE 1:1000 (A3)	1:100				
DRAWN	JKP	CHKD			
FRED PRITCHARD REAL ESTATE LTD					
T: 01543 226296 W: www.fredpritchard.com E: fpritchard@fredpritchard.com					

Contact Officer: David Spring

Contact:

Planning Control Committee

26th May 2021

Application No: CH/21/0095

Received: 24-Feb-2021

Location: Stumble Inn, 264 , Walsall Road, Cannock, WS11 0JL

Parish: Bridgtown

Ward: Cannock

Description: Change of use on ground floor to a nursery. Re-configuration & change of use of first floor from residential to 2 residential apartments and offices/historical centre.

Application Type: Full Planning Application

Recommendations: Approve Subject to Conditions and receipt of a Section 106 Unilateral Agreement for mitigation for impacts on Cannock Chase SAC/

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. No more than a maximum of 35 children shall occupy the childrens' nursery at any one time.

Reason

In the interests of ensuring that there is adequate parking for the proposed use, in accordance with Local Plan Policy CP3 and the Council's Parking Standards SPD.

3. The nursery shall not be open for business outside the hours of 07:00 hrs to 18:00 hrs Monday to Friday and at no time on Saturdays, Sundays Bank and Public Holidays.

Reason

To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policy CP3 - Chase Shaping, Design and the NPPF.

4. No works shall commence on site including any tree pruning and felling until a specification for all trees works have been submitted to and approved in writing by the Council. The tree works shall be carried out only in accordance with the approved details.

Reason

In the interest of visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

5. Prior to first use of the children's nursery the parking areas indicated on the approved site plan shall be completed and surfaced in a porous bound material with the individual parking bays clearly delineated which shall thereafter be retained for drop off/collection/ residential/ heritage centre/ staff parking only for the life of the development.

Reason

In the interests of highway safety in accordance with paragraphs 108-110 of the National Planning Policy Framework (2019).

6. Notwithstanding any details shown on the approved plans no development shall be commenced until car and cycle parking details indicating the following have been submitted to and approved in writing by the Local Planning Authority:

- A revised plan showing proposed car parking with dimensions of 2.4m x 4.8m
- Details of secure and weatherproof cycle/ motorcycle parking facilities within the curtilage of the site

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

Reason

In the interests of highway safety in accordance with paragraphs 108-110 of the National Planning Policy Framework (2019).

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

Drg No. 03 Rev A (Site Plan, Ground & First Floor), Tree Plan submitted with the application

unless otherwise indicated by condition attached to this permission*.

Reason

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

* Conditions 6 and 8 will require minor changes to the layout

8. Notwithstanding any details shown on the proposed plans no development shall be commenced until full details of bin storage facilities have been submitted to and approved in writing by the Local Planning Authority.

Reason

To provide a necessary a bin storage facility, in accordance with Local Plan Policy CP3.

9. No works shall commence on site including any tree pruning and felling until a scheme of external landscape works have been submitted to and approved in writing by the Council.

Reason

In the interest of visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

10. No works shall commence on site including any tree pruning and felling until tree protection details have been submitted and approved in writing by the Council. Details shall include position and specification of tree protection barriers, sequence of works in relation to tree protection, storage of equipment and materials, etc.

Reason

In the interest of visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

11. Pursuant of condition 10, tree protection measures shall be installed in accordance with the approved submitted details and shall stay in situ for the duration of the build.

Reason

In the interest of visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

12. There shall be no excavations or storage of materials within the approved tree protection construction exclusion zones.

Reason

In the interest of visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

13. No part of the development hereby approved shall be undertaken above ground level until details of the materials to be used for the external surfaces have been submitted to and approved by the Local Planning Authority.

Reason

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

Notes to the Developer:

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Consultations and Publicity

External Consultations

SCC Highways

No objections subject to the imposition of a number of conditions should permission be granted.

Bridgtown Parish Council

No comments received

Ofsted Early Years

No comments received

Internal Consultations

Environmental Health

No objections

Tree Officer

No objections

Miss Amy Jackson CIL Officer

Based on the form submitted, as there is no increase in floor space, this development would not be liable to pay CIL.

However, as there is a net increase in dwellings, the applicant will be required to enter into a Section 106 Unilateral Undertaking in order to mitigate the impacts on the Cannock Chase Special Area of Conservation. This fee is £221.00 per dwelling plus legal costs.

Waste and Engineering Services

No comments received

Economic Development Officer

No comments received

Development Plans and Policy Unit

No objections

Response to Publicity

The application has been advertised by site notice and neighbour letter. 1 letter of representation have been received as an objection to the proposed. The main, summarised, points of objection are:

- The access to the car park is already very busy.
- A traffic assessment should be carried out
- The HM Land Registry documents used are 44 years old and out of date. The plans do not show additional homes, businesses etc
- Some nearby homes have not been consulted
- Disabled parking needs to be made available
- There is a risk of sewage/ drainage problem. This is a known issue
- The car park needs to be measured to see if all 19 spaces can be accommodated.
- Where will the waste storage be?
- Lighting on the exterior building needs to be in keeping with the surrounding area.

Relevant Planning History

CH/07/0261: Canopy to front elevation. Full - Approval with Conditions 06/20/2007.

CH/93/0133: Extension to existing public house. Full - Approval with Conditions. 04/28/1993.

CH/94/0315: Single storey extension to rear of building. Full - Approval with Conditions. 07/27/1994.

1 Site and Surroundings

- 1.1 The application site is comprised of a traditional public house, currently not in use, on the edge of Bridgtown with a frontage to the junction of Bridge Street and Walsall Road but at a higher level. There is a car park off Bridge Street to the rear.
- 1.2 The main part of the property is early Victorian with other later additions. It is of brick walls and tiled roof construction typical of the Victorian period and sits on a large plot of land.
- 1.3 The former public house (vacant since August 2019) consists of commercial on the ground floor with residential and part commercial on the 1st floor.

- 1.4 The proposed is within 500m of the local centre in Bridgetown and is also close to the A5 and M6 toll.

2 Proposal

- 2.1 The Applicant is seeking consent for a change of use on ground floor to a nursery, re-configuration & change of use of first floor from residential to 2 residential apartments and offices/ historical centre.
- 2.2 The proposal would not require any significant alterations to the external appearance of the building to facilitate the proposed nursery.
- 2.3 The applicant indicates 21 vehicle parking spaces; 6 spaces would be provided for the nursery and staff, 2 spaces would be provided for the heritage centre, 13 spaces for residents & visitors to the site with space also being provided for bicycles and motorcycles. Each apartment would have 1 space with further visitor space for ad hoc guests.
- 2.4 The applicant confirms that the staff would comprise of 6 members; and the proposed hours of operation would be from 07:00am to 18:00pm on weekdays closing for a week at Christmas and Bank Holidays. The proposed nursery would not be open during the evenings or at any time on weekends.
- 2.6 The applicant has confirmed that the drop-off and collection of the children would be staggered with children arriving between 7 and 9 a.m. and leaving between 12 noon to 4 p.m with a few staying to 5 or 6 p.m. The nursery could accommodate up to 35 children at any one time.

3 Planning Policy

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030). Relevant policies within the Local Plan include: -
- CP1 - Strategy – the Strategic Approach
 - CP2 - Developer contributions for Infrastructure
 - CP3 - Chase Shaping – Design
 - CP9 – A Balanced Economy
- 3.3 The relevant policies within the Minerals Plan include:

Policy 3.2 Mineral Safeguarding

3.4 National Planning Policy Framework

3.4 The NPPF (2019) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be "presumption in favour of sustainable development" and sets out what this means for decision taking.

3.5 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.6 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
124, 127, 128, 130:	Achieving Well-Designed Places
212, 213	Implementation

3.7 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

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

Manual for Streets.

4 **Determining Issues**

4.1 The determining issues for the proposed development include: -

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

- vi) Impact on nature conservation interests
- vii) Waste & Recycling Facilities

4.2 Principle of the Development

- 4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. The NPPF makes no specific mention to day care nurseries nor does the Local Plan. There are no specific location requirements for nurseries. In general they are located near to the users of the facility and in sustainable locations.
- 4.2.2 In this instance the application site is sited within a few km's of Cannock Town Centre, but outside of the Primary Retail Area and is not protected for a specific use on the Local Plan Policies Map. The road is largely residential, but with some commercial use nearby and a large car park to the rear.
- 4.2.3 The Cannock Chase Local Plan (part 1) 2014 policy CP1 supports sustainable development. It is noted that there will be a loss of a public house, but also that the building is currently vacant (vacant since 2019) and would probably require updating to meet the requirements of any use. The property has been marketed as a public house for at least 12 months with no interest received. There will also be a gain in service provision for the local community as well as active use of the building, which would also help strengthen the local economy, in accordance with policy CP9, which promotes a vibrant local economy and workforce.
- 4.2.4 There are no policies that would restrict the use as a matter of principle.
- 4.2.2 As such, the proposal is considered to be acceptable in principle. However the proposal is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect in so much as these issues relate to scale and means of access and impact on neighbouring amenity.

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 124, 127, 128 and 130. Paragraph 124 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 127 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 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

4.3.5 The change of use of the site would not involve any significant external alterations, with parking proposed on the existing hardstanding to the rear of the site and a safe garden area proposed to the north side of the site.

Conditions are recommended to be placed on any permission granted to ensure that trees are protected during any works to the car park area. As such the proposal would not have a significant impact on the character of the area.

- 4.3.6 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be 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 127(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 Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so (amongst others) (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 4.4.4 Although the Design SPD sets out guidance in respect to space about dwellings it does not contain guidance in respect to space about other uses. Of particular significance in this respect is the relationship between the application site and the residential properties to the sides. It is considered the distances between the proposed and neighbouring residences is sufficient to limit any significant impact on residential amenity. Environmental Health Officers have raised no objections to the proposal in terms of controlling noise generation for future occupiers and nearby residents. The outside play area is very small and only designed to accommodate a maximum of 10 children who would play outside between the hours of 10.30 a.m. and 3 p.m. weather permitting. The maximum age of these children would be 3 so noise levels would likely be low level chattering.

- 4.4.5 It is noted that the hours of operation for the proposed nursery would be between 07:00hrs to 18:00hrs when back-ground noise levels are relatively high. The Environmental Health Officer has no objections to these operating times and officers therefore consider that they are acceptable.
- 4.4.6 In respect to the amenity of the residents of the proposed flats it is noted that an outdoor amenity area for residents would be created to the south of the main building which would provide sufficient amenity space for any future occupiers.
- 4.4.7 Given the above, it is concluded that the proposed layout of the site, the existing boundary landscaping and the proposed hours of operation would ensure there would be no significant detrimental impact to the occupiers of the adjacent dwellings. As such it is concluded that the proposal would protect the "amenity enjoyed by existing properties" and would maintain a high standard of amenity for all future users and therefore comply with Policy CP3 of the Local Plan and paragraphs 127(f) and 180 of the NPPF.

4.5 Impact on Highway Safety

- 4.5.1 Paragraph 109 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 Having regard to the above it is noted that one local person has objected on the grounds of problems with access and traffic generation.
- 4.5.3 In order to inform the application the applicant has submitted an indicative car parking layout drawing. Whilst this is only indicative it does show how the site can be laid out to accommodate 21 car parking spaces and therefore allow the Highway Authority to assess potential impacts of the proposal .
- 4.5.4 Notwithstanding the objections the County Highway Authority have no objections to the proposal subject to the imposition of suitable conditions. The Highways Officer acknowledges the fact that the proposed parking provision is sufficient and would comply with the parking requirements of the Cannock Chase Parking Standards SPD, although with some revision of the indicative scheme. The applicant is reminded that parking spaces should be 2.4m x 4.8m and is advised that the area proposed for the cycle/ motorcycle parking would not be sufficient in size to accommodate this as well as providing access for nursery staff and apartment residents. The footprint of 2 cycles parked at a Sheffield stand should be taken as 2m x 1m and an aisle is needed to access the stands and should be 1.1m in width. These elements could be secured through the use of a suitably worded condition.

4.5.5 Officer are also of the opinion that the proposed use as a nursery would generate similar amounts of traffic as with the lawful use of the site which is as a Public House but with traffic arriving/ departing at more sociable hours.

4.5.6 As such, subject to appropriate conditions, it is considered that the proposal would not have an unacceptable impact on highway safety and that any residual cumulative impacts on the road network would not be severe. As such the proposal is considered to accord with paragraph 109 of the NPPF.

4.6 Mineral Safeguarding

4.6.1 The site falls within a Mineral Safeguarding Area (MSAs) for Brick Clay. Paragraph 206, 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.

4.6.2 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.

4.6.3 The site is located within the site of a restaurant within an urban area of Cannock. As such the proposal would not prejudice the aims of the minerals plan to safeguard minerals.

4.7 Impact on Nature Conservation Interests

4.7.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 170, 174, 177, 179 of the NPPF.

4.7.2 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.'

4.7.3 Paragraph 170 of the NPPF states [amongst other things] that

- 'Planning policies and decisions should contribute to and enhance the natural and local environment by:
- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); [and]
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'

4.7.4 Paragraph 174 goes on to state [amongst other things]: -

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;

Site Specific Impacts on Ecology

- 4.7.5 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.
- 4.7.6 As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.

Impacts of Cannock Chase Special Area of Conservation

- 4.7.6 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. The proposal would lead to a net increase in dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would normally be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL. However, given that the proposal would not lead to any increase floor area, and no CIL will need to be payed, the SAC contribution will need to be secured through a Unilateral Undertaking under Section 106 of the 1990 Planning Act.
- 4.7.8 It is therefore concluded that subject to such an undertaken being signed the proposal would not have any significant impact on Cannock Chase SAC.

4.8 Waste and Recycling Facilities

- 4.8.1 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).
- 4.8.2 The proposed would be sited within close proximity to existing dwellings and off a residential street located where bins are already collected by the Local

Authority. The submitted plans do not show an area for storing waste within the site but it is recommended that a condition be added to ensure this is provided.

4.9 Other Issues Raised by Objectors

All planning related issues have been dealt with in the body of the report other than the assertion by a local objector that the sewerage system is at maximum capacity. However, given that this proposal is for a change of use of an existing building there would not be any increase in surface water run-off. Furthermore, the proposed use of the building would not significantly increase the foul discharge over and above that of the existing lawful use. As such it is considered that the proposal would not have any additional impact on the sewerage system.

5 **Human Rights Act 1998 and Equalities Act 2010**

Human Rights Act 1998

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

Equalities Act 2010

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

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

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

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

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

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

Such consideration has been balanced along with other material planning considerations and applies in this proposal which is being funded through a disabled facility grant. It is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

6 Conclusion

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the receipt of a unilateral undertaking to pay monies in mitigation for impacts on Cannock Chase SAC and 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.

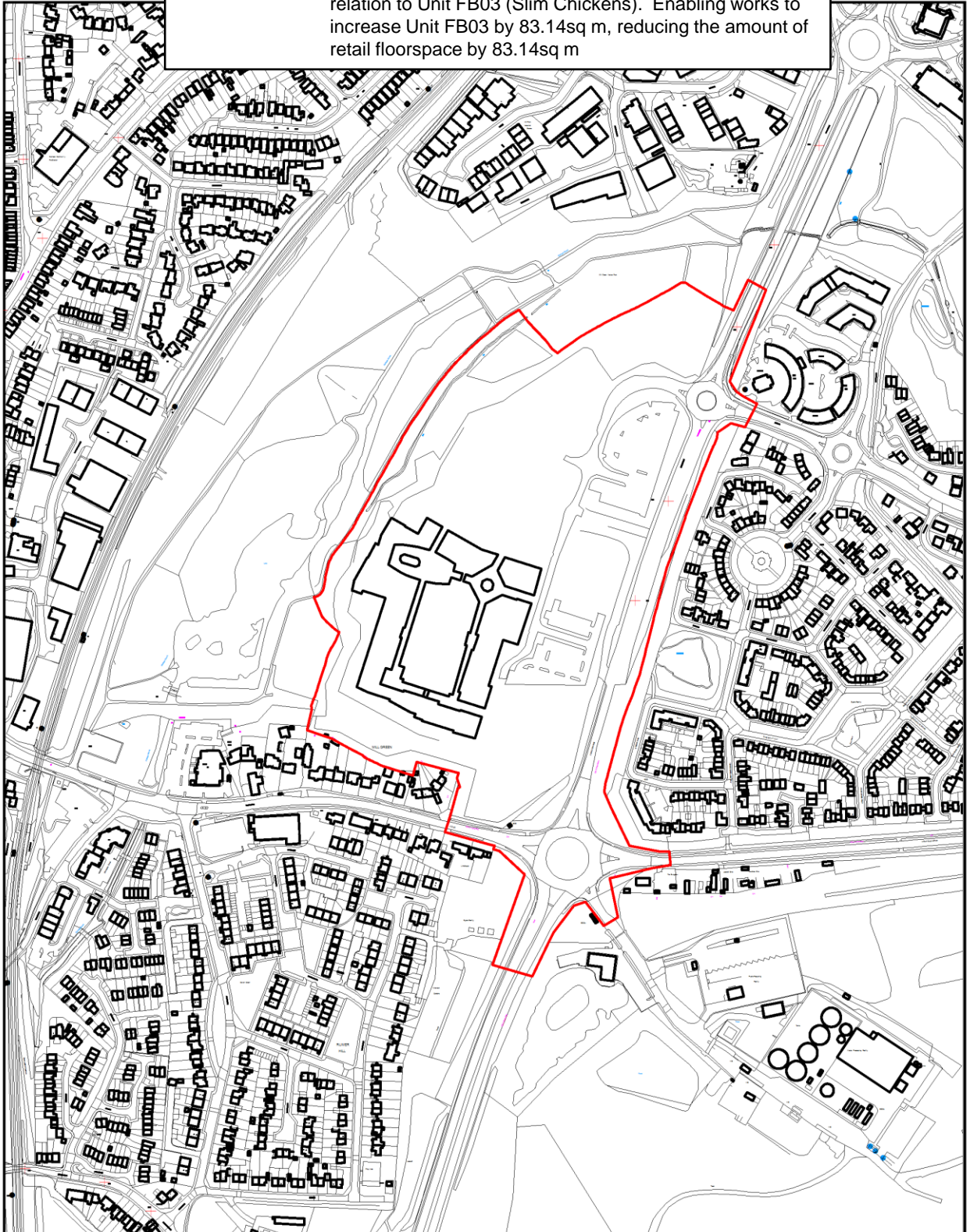


Application No: CH/21/0197

Location: Unit FB03, McArthur Glen Designer Outlet, Mill Green, Eastern Way, Cannock, WS11 7JZ

Proposal: Application Under Section 73 of the 1990 Town and Country Planning Act for a Minor Material Amendment to Planning Permission CH/20/435 (Conditions 33 & 41) in relation to Unit FB03 (Slim Chickens). Enabling works to increase Unit FB03 by 83.14sq m, reducing the amount of retail floorspace by 83.14sq m

Item no. 6.78



Proposed Leasing Plan

LEASING PLAN WEST MIDLANDS



For identification purposes only

Contact Officer:**Richard Sunter****Telephone No:****01543 464481****Planning Control Committee**26th May 2021

Application No: CH/21/0197

Received: 28-April-2021

Location: West Midland Designer Outlet

Parish: Heath Hayes, Norton Canes

Ward: Hawks Green Ward, Cannock South Ward, Norton Canes Ward, Cannock East Ward

Description: Application Under Section 73 of the 1990 Town and Country Planning Act for a Minor Material Amendment to Planning Permission CH/20/435 (Conditions 33 & 41) in relation to Unit FB03 (Slim Chickens). Enabling works to increase Unit FB03 by 83.14sq m, reducing the amount of retail floorspace by 83.14sq m.

Application Type: Minor Material Amendment

Recommendations:

Subject to no representations being received before the expiration of the consultation period that members should resolve that they are minded to Approve the application subject to the attached conditions and give delegated authority to the Development Control Manager to approve the application following the expiration of the consultation period.

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/ or 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. No materials shall be used for the external surfaces of the development other than those specified on the drawings, data sheets and schedules listed below, unless otherwise approved in writing by the Local Planning Authority: -

A-40-01 - Material Reference & Specifications - REV D;

External Elevations (A-00-050D – Phase 1 (1 of 4));

External Elevations (A-00-051D – Phase 1 (2 of 4));

External Elevations (A-00-052D – Phase 1 (3 of 4));

External Elevations (A-00-053D – Phase 1 (4 of 4));

Internal Elevations (A-00-054D – Phase 1 (1 of 8));

Internal Elevations (A-00-055D – Phase 1 (2 of 8));

Internal Elevations (A-00-056D – Phase 1 (3 of 8));

Internal Elevations (A-00-057D – Phase 1 (4 of 8));

Internal Elevations (A-00-058D – Phase 1 (5 of 8));

Internal Elevations (A-00-059D – Phase 1 (6 of 8));

Internal Elevations (A-00-060D – Phase 1 (7 of 8));

Internal Elevations (A-00-061D – Phase 1 (8 of 8));

Rear of Decorative Roofs Precedent - Image from Roermond Designer Outlet Village; and SK-AG-124-Views from Lichfield Road Roundabout.

Data Sheets:

Duk906 – Dryvit prefabricated features – standard and custom prefabricated eifs mouldings;

Duk driangle design series brochure;

Duk driangle elite series brochure; and

Installation instructions & specs.

Reason

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

3. The development shall not be brought into use until the provision of renewable energy sources in accordance with the details submitted in the Technical Submission for a Photovoltaic System at Mill Green Outlet Village, Cannock, reference Q2989-DBS-XX-XX-TS-E-001 revision 02, dated 27.06.2018 and prepared by Bowmer and Kirkland, have been implemented in full.

Reason

In the interest of sustainable development and climate change in accordance with the NPPF and pursuant to the information provided in the Mill Green Outlet Village Energy

Strategy report (Ramboll, January 2015).

4. No trees or hedges shown as retained on Dwg No. 4334-D Rev (Hayden's Arboricultural Consultants) and page 90 of the submitted Design and Access statement, shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or destroyed.

Any trees or hedges which, within a period of 5 years from completion of the development are cut down, topped, lopped or uprooted without permission of the Local Planning Authority or become seriously damaged or diseased or die shall be replaced in the next planting season with similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason

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

5. The approved landscape works as indicated in the following drawings shall be carried out in the first planting and seeding season following the occupation of the any buildings or the completion of the development whichever is the sooner.

P10302-00-001-200-01 Revision 02	Path Type A Typical Section Detail.
P10302-00-001-202-01 Revision 02	Path Type B Typical Section Detail.
P10302-00-001-203-01 Revision 02	Path Type C Typical Section Detail.
P10302-00-001-204-01 Revision 02	Path Type C (Woodland) Typical Section Detail.
P10302-00-001-205-01 Revision 03	Path Type F Typical Section Detail.
P10302-00-001-206-01 Revision 02	Path Type I.
P10302-00-001-210-01 Revision 04	Landscape Site Boundary Section.
P10302-00-001-211-01 Revision 04	Landscape Entrance Section.
P10302-00-001-212-01 Revision 04	Landscape Retail Section.
P10302-00-001-510-01-00 Revision	Planting Schedule.
P11314-00-001-110-01 Revision 01	General Arrangement Plan .
P11314-00-001-111-01 Revision 00	Hard Landscape (1 of 6).
P11314-00-001-112-01 Revision 01	Hard Landscape (2 of 6).
P11314-00-001-113-01 Revision 00	Hard Landscape (3 of 6).
P11314-00-001-114-01 Revision 01	Hard Landscape (4 of 6).
P11314-00-001-115-01 Revision 01	Hard Landscape (5 of 6).
P11314-00-001-116-01 Revision 01	Hard Landscape (6 of 6).
P11314-00-001-117 Revision 00	Boundary Treatment Strategy*.
P10302-00-001-300-02 Revision 03	Bench Details.
P10302-00-001-301-01 Revision 02	Litter Bin Detail.
P10302-00-001-302-01 Revision 02	Illuminated Bollard Detail.
P10302-00-001-310 Revision 01	Typical; Paving Details.
P10302-00-001-312 revision 01	Paving Transition Typical Details.
P10302-00-001-313 Revision 01	Typical Paving Details.
P10302-00-001-330 Revision 00	Play area Typical Details Retail.
P11314-00-001-320 Revision 00	Paving Details.
P11314-00-001-321 Revision 00	Paving Details.
P11314-00-001-322 Revision 00	Typical Paving Section.
P11314-00-001-323 Revision 00	Street Furniture.
P10302-00-001-410 Revision 01	Typical tree Pit Details.
P10302-00-001-411 Revision 02	Landscape Detail Section.

P11314-00-001-420 Revision 01 Planting Plan (1 of 6).
 P11314-00-001-421 Revision 01 Planting Plan (2 of 6).
 P11314-00-001-422 Revision 01 Planting Plan (3 of 6).
 P11314-00-001-423 Revision 01 Planting Plan (4 of 6).
 P11314-00-001-424 Revision 01 Planting Plan (5 of 6).
 P11314-00-001-425 Revision 01 Planting Plan (6 of 6).
 P11314-00-001-430 Revision 00 Tree Planting Detail.
 P11314-00-001-431 Revision 00 Tree Planting Detail.
 P11314-00-001-432 Revision 00 Climbers on Vertical Structure/
 Planting on Retaining Wall.
 P11314-00-001-511 Landscape External Works Schedule of Elements and
 Outline Specification.
 3839-SK-180409 Revision - Hard Landscape Proposed.
 07853-HYD-XX-XX-SK-S-SK002 RevP1 Standardised Retaining Wall Details
 Mill Green Outlet Village Cannock-Public Realm Maintenance.

*Please note that should there be any conflict between the boundary treatment as shown on P11314-00-001-117 Revision 00 and that shown on any other approved drawing the details shown in drawing P11314-00-001-117 Revision 00 shall be taken as the approved scheme.

Reason

In the interest of visual amenity of the area and in accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

6. The approved landscape works shall be carried out in accordance with the Mill Green Outlet Village Phasing Plan, drawing reference SK01 Rev A, received on 28th June 2018

Reason

In the interest of visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

7. The development shall be undertaken in accordance with the Arboricultural Works Document Revision B, prepared by Bowmer and Kirkland and dated 25th May 2018 and the Tree Removal Plan Drawing Ref: P10302-001-001-104-02

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.

8. The approved arboricultural work (pursuant to Condition 7 above) shall be carried out fully in accordance with the submitted details including timetable and to BS 3998 Tree Work & BS 5837 Trees in Relation to Construction, unless otherwise approved in writing

by the Local Planning Authority.

Reason

The existing vegetation makes an important contribution to the visual amenity of the area and in accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

9. The development shall be carried out in accordance with the approved programme of phasing work within the Outline Construction Environmental Management Plan (CEMP) including associated appendices and proposed Ground Exploratory Hole Location Plan (G05-001 Rev 01), dated December 2016, as approved by the Local Planning Authority, in the decision notice, from Mazer Aqbal, dated 13 January 2017 and in accordance with the Mill Green Outlet Village Phasing Plan, drawing reference SK01 Rev A, received on 28th June 2018.

Reason

To ensure the protection and retention 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.

10. The works on site will be carried out in accordance with the approved programme of works unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure the protection and retention 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.

11. The development hereby approved shall not commence trading until the works comprising the approved scheme for the improvement of the Cannock Heritage Trail, as shown in drawings: -

CTS Drawing – General Arrangement – Northern Ramp Bridge Module, Drawing Number 4648-01 Rev B;

CTS Drawing – General Arrangement – Southern Ramp Bridge Module, Drawing Number 4648-02 Rev A;

CTS Drawing – General Arrangement – Centre Ramp Bridge, Drawing Number 4648-03 Rev A;

CTS Drawing – Overall Plan and elevation, Drawing Number 4648-100 Rev A;

CTS Drawing – Column Set Out Plan – Southern Ramp, Drawing Number 4648-101 Rev B;

CTS Drawing – Column Set Out Plan – Northern Ramp, Drawing Number 4648-102 Rev B;

CTS Drawing – Column Set Out Plan – Platform, Drawing Number 4648-103 Rev A;

CTS Drawing – 3D Model View – Northern Ramp, Drawing Number 4648-104 Rev A;

CTS Drawing – 3D Model View – Southern Ramp, Drawing Number 4648-105 Rev A;

CTS Drawing – 3D Model View – Platform and Centre Bridge Drawing Number 4648-106 Rev A;

CTS – Operations and Maintenance Manual Rev 0 Draft (To be updated to Issue Rev 01 after Construction);

Gillespies Drawing – Heritage Trail Maintenance Strategy Drawing Number P10302-00-005-GIL 0235 Rev 00;

CTS – Product Data Sheet – Ekki Hardwood Timber; and

CTS – Drawing Issue and Record Sheet – Dated 04/07/19;

have been implemented in full.

Thereafter the Cannock Heritage Trail shall be maintained and retained for the life of the development, in accordance with the approved details.

Reason

In the interests of safeguarding and improving the Cannock Heritage Trail in accordance with Local Plan Policy CP5.

12. The development hereby approved shall not commence trading until the works comprising the approved scheme for the provision of the play area under drawings: -

Carve Scheme Proposal – 17.017 West Midlands Outlet Main Drawing, Drawing number SD-1000;

Carve Drawing – 17.017 West Midlands Outlet Main Sections Towers, Drawing Number SD 1100;

Carve Scheme Proposal – 17.017 West Midlands Designer Outlet – Updated Colour and Material Document, dated 14th August 2019;

Carve Scheme Proposal – 17.017 West Midlands Designer Outlet – Updated Sketch Scheme Proposal, dated 14th August 2019; and

Gillespies Design Pack – Play Area Planting Proposal Rev 00, dated 16th August 2019;

have been implemented in full

Reason

In the interests of the visual amenity of the wider area in accordance with Local Plan Policy CP3.

13. The development shall not commence trading until such time as the mitigation works detailed in the following submitted plans are completed:

A084215_AR_029_A – Required Highway Alterations at Lodge Lane Roundabout

A084215_AR_030_A – Required Highway Alterations at Lodge Lane Roundabout (Phase 2)

A084215_AR_031 – Proposed Highway Alterations
 A084215_AR_34 – Churchbridge Interchange Proposed Improvements.

Any variation to the timing of these works shall only be permitted following the prior written agreement from the Local Planning Authority, following consultation with Highways England.

Reason

To ensure that the A5 continues to serve its purpose as a national system of routes for through traffic in accordance with the requirements of Section 10 (2) of the Highways Act 1980.

14. The development hereby permitted shall not commence trading until the approved off-site highway works detailed in the following plans have been implemented in full

CDD9999/DA/R00/02 RevT0:	Location Plan and Drawing Index.
CDD9999/DA/R00/03 RevT0	Constraints Plan
CDD9999/DA/R00/05 RevT0	Land use and Boundaries
CDD9999/DA/R00/07 RevT0	Site Investigation (Sheet 1 of 2)
CDD9999/DA/R00/08 RevT0	Site Investigation (Sheet 2 of 2)
CDD9999/DA/R01/01 RevT0	General Arrangement (Overview)
CDD9999/DA/R01/02 RevT0	General Arrangement (Sheet 1 of 2)
CDD9999/DA/R01/03 RevT0	General Arrangement (Sheet 2 of 2)
CDD9999/DA/R01/04 RevT0	General Arrangement (aerial)
CDD9999/DA/R01/05 RevT0	Topographical Survey (Sheet 1 of 2)
CDD9999/DA/R01/06 RevT0	Topographical Survey (sheet 2 of 2)
CDD9999/DA/R01/07 RevT0	Setting Out information (Sheet 1 of 2)
CDD9999/DA/R01/08 RevT0	Setting Out information (Sheet 2 of 2).
CDD9999/DA/R02/01 RevT0	Site Clearance (Sheet 1 of 2)
CDD9999/DA/R02/02 RevT0	Site Clearance (Sheet 2 of 2)
CDD9999/DA/R02/03 RevT0	Road Lighting Site Clearance (Sheet 1 of 2)
CDD9999/DA/R02/04 RevT0	Road Lighting Site Clearance (Sheet 2 of 2)
CDD9999/DA/R03/01 RevT0	Fencing & RRS (Sheet 1 of 2)
CDD9999/DA/R03/02 RevT0	Fencing & RRS (Sheet 2 of 2)
CDD9999/DA/R05/01RevT0	Drainage Contours (Sheet 1 of 2)
CDD9999/DA/R05/02RevT0	Drainage Contours (Sheet 2 of 2)
CDD9999/DA/R05/03RevT0	Ironwork to be Adjusted
CDD9999/DA/R05/101RevT0	Proposed Drainage layout (Sheet 1 of 7)
CDD9999/DA/R05/102RevT0	Proposed Drainage layout (Sheet 2 of 7)
CDD9999/DA/R05/103RevT0	Proposed Drainage layout (Sheet 3 of 7)
CDD9999/DA/R05/104RevT0	Proposed Drainage layout (Sheet 4 of 7)
CDD9999/DA/R05/105RevT0	Proposed Drainage layout (Sheet 5 of 7)
CDD9999/DA/R05/106RevT0	Proposed Drainage layout (Sheet 6 of 7)
CDD9999/DA/R05/107RevT0	Proposed Drainage layout (Sheet 7 of 7)
CDD9999/DA/R05/108RevT0	Lichfield Road Catchment Cellular Tank Details
CDD9999/DA/R05/109RevT0	Hayes Way Catchment Cellular Tank Details
CDD9999/DA/R05/110RevT0	Flow Control Details
CDD9999/DA/R05/111RevT0	Oil Separator Details

CDD9999/DA/R06/01 RevT0	Earthworks Excavation (Sheet 1 of 2)
CDD9999/DA/R06/02 RevT0	Earthworks Excavation (Sheet 2 of 2)
CDD9999/DA/R06/03 RevT0	Earthworks Fill (Sheet 1 of 2)
CDD9999/DA/R06/04 RevT0	Earthworks Fill (Sheet 2 of 2)
CDD9999/DA/R06/05 RevT0	Cut/ Fill Depths (Sheet 1 of 2)
CDD9999/DA/R06/06 RevT0	Cut/ Fill Depths (Sheet 2 of 2)
CDD9999/DA/R06/07 RevT0	A460 Cross Sections (MREF) (Sheet 1 of 3)
CDD9999/DA/R06/08 RevT0	A460 Cross Sections (MREF) (Sheet 2 of 3)
CDD9999/DA/R06/09 RevT0	A460 Cross Sections (MREF) (Sheet 3 of 3)
CDD9999/DA/R06/10 RevT0	Lichfield Road West Cross sections (MR10)
CDD9999/DA/R06/10 RevT0	Lichfield Road West Cross sections (MR10)
CDD9999/DA/R06/11 RevT0	Lichfield Road Roundabout Cross sections (MRB2)
CDD9999/DA/R06/12 RevT0	Lichfield Road East Cross sections (MR19)
CDD9999/DA/R06/13 RevT0	Hayes Way Roundabout Cross Sections (MRB1)
CDD9999/DA/R06/14 RevT0	Off-Ramp Cross Sections (MRON)
CDD9999/DA/R06/15 RevT0	On-Ramp Cross Sections (MCR1)
CDD9999/DA/R06/16 RevT0	Pedestrian Ramp Cross Sections (MPR1)
CDD9999/DA/R06/17 RevT0	Access Road Cross Sections (MRF2) (Sheet 1 of 2)
CDD9999/DA/R06/18 RevT0	Access Road Cross Sections (MRF2) Sheet 2 of 2).
CDD9999/DA/R07/01 RevT0	Pavement Construction (Sheet 1 of 2)
CDD9999/DA/R07/02 RevT0	Pavement Construction (Sheet 2 of 2)
CDD9999/DA/R07/03 RevT0	Bridge Deck Pavement, Kerb & Footway Details.
CDD9999/DA/R11/01 RevT0	Kerbs, Footways and paved Areas (Sheet 1 of 2)
CDD9999/DA/R11/02 RevT0	Kerbs, Footways and paved Areas (Sheet 2 of 2)
CDD9999/DA/R12/01 RevT0	Road Markings (Sheet 1 of 2)
CDD9999/DA/R12/02 RevT0	Road Markings (Sheet 2 of 2)
CDD9999/DA/R12/03 RevT0	Traffic Signs (Overview)
CDD9999/DA/R12/04 RevT0	Traffic Signs Layout (Sheet 1 of 3)
CDD9999/DA/R12/05 RevT0	Traffic Signs Layout (Sheet 2 of 3)
CDD9999/DA/R12/06 RevT0	Traffic Signs Layout (Sheet 3 of 3)
CDD9999/DA/R12/07 RevT0	Traffic Signs Details (Sheet 1 of 5)
CDD9999/DA/R12/08 RevT0	Traffic Signs Details (Sheet 2 of 5)
CDD9999/DA/R12/09 RevT0	Traffic Signs Details (Sheet 3 of 5)
CDD9999/DA/R12/010 RevT0	Traffic Signs Details (Sheet 4 of 5)
CDD9999/DA/R12/100 RevT0	Traffic Signals General Arrangement
CDD9999/DA/R12/07 RevT0	Traffic Signals Ducting and Civils
CDD9999/DA/R12/102 RevT0	Traffic Signals Layout
CDD9999/DA/R12/11 RevT0	Traffic Signs Detail (Sheet 5 of 5)
CDD9999/DA/R12/12 RevT0	Traffic Signs Schedule
CDD9999/DA/R13/01 RevT0	Proposed Road Lighting Layout (sheet 1 of 2).
CDD9999/DA/R13/02 RevT0	Proposed Road Lighting Layout (Sheet 2 of 2).
CDD9999/DA/R14/01 RevT0	Proposed Private Cable Network
CDD9999/DA/R14/02 RevT0	Proposed Private Cable Network
CDD9999/DA/R27/01 RevT0	Existing Statutory Undertakers (Sheet 1 of 2)
CDD9999/DA/R27/02 RevT0	Existing Statutory Undertakers (Sheet 2 of 2)
CDD9999/DA/S/HDPS	Highway Drain Protection Slab
CDD9999/DA/S/RW/001 RevT0	East Retaining Walls
CDD9999/DA/S/RW/002 RevT0	Long Sections-East Retaining Walls

CDD9999/DA/S/RW/003 Development Access –Miscellaneous Details
 CDD9999/DA/S/RW/004 RevT0 West Side RW-Plan Layout & Borehole Information
 CDD9999/DA/S/RW/005 RevT0 West Side RW-Setting Out Information (Sheet 1 of 2)
 CDD9999/DA/S/RW/006 RevT0 West Side RW-Setting Out Information (Sheet 2 of 2)
 CDD9999/DA/S/RW/007 RevT0 West Side RW-Long Sections of Retaining Walls 4, 6, 7 and 8
 CDD9999/DA/S/RW/008 RevT0 West Side RW-Long Sections of Retaining Walls 5A, 5B, 6 and 9
 CDD9999/DA/S/RW/009 RevT0 West side RW-Typical Cross Sections and Details
 CDD9999/DA/S/RW/010 RevT0 Ground Capping Beams Details
 CDD9999/DA/S/RW/011 RevT0 Ground Capping Beams overview
 CDD9999/DA/S/RW/012 RevT0 Front of Wall Drainage Details
 CDD9999/DA/S/RW/CB/002RevT0 Capping Beam Type 3
 CDD9999/DA/S/RW/CB/003RevT0 Capping Beam Type 4 & 5 (Highway Loading)
 CDD9999/DA/S/RW/CB/004RevT0 Capping Beam Type 15 (Highway Loading) and Type 11 (Pedestrian Loading)
 CDD9999/DA/S/RW/CB/005RevT0 Capping Beam Type 6 & 7 (Car Park Loading)
 CDD9999/DA/S/RW/CB/006RevT0 Capping Beam Type 12 & 14 (Car Park Loading)
 CDD9999/DA/S/RW/CB/007RevT0 Capping Beam Type 8 and 16 (Car Park Loading)
 CDD9999/DA/S/RW/CB/008RevT0 Ground Beam Type 9 (Car Park Loading)
 CDD9999/DA/S/RW/CB/009RevT0 Ground Beam Type 10 &13 (Car Park Loading)
 CDD9999/DA/S/RW/CB/010RevT0 Ground Beam Type 17 (Highway Loading).
 CDD9999/DA/S/RW/GB/001RevT0 Ground Beam Type 1 & 2(Highway Loading)
 CDD9999/DA/S/RW/GB/002RevT0 Ground Beam Type 6 (Transition)
 CDD9999/DA/S/RW/GB/003RevT0 Ground Ground Beams Type 3 & 4
 CDD9999/DA/S/RW/GB/004RevT0 Ground Beam Type 5
 CDD9999/DA/S/RW/GB/005RevT0 Ground Beam Type 7 (Car Park Loading)
 CDD9999/DA/S/STPS RevT0 Protection Slab to Severn Trent Foul Sewer
 CDD9999/DA/S/U/001RevT0 Development Access General Arrangement A460 Under-pass (Sheet 1 of 2)
 CDD9999/DA/S/U/002RevT0 Development Access General Arrangement A460 Under-pass (Sheet 2 of 2) &Feature Detail
 CDD9999/DA/S/U/003RevT0 Development Access Underpass Details Showing Interface and Retaining Walls
 CDD9999/DA/S/U/004RevT0 Development Access Underpass Details
 CDD9999/DA/S/U/005RevT0 Development Access Underpass East Deck Reinforcement
 CDD9999/DA/S/U/006RevT0 Development Access Underpass East Abutment to Deck Plan Reinforcement Schematics
 CDD9999/DA/S/U/007RevT0 Development Access Underpass West Deck Sections with Reinforcement Schematics
 CDD9999/DA/S/U/008RevT0 Development Access Underpass West Deck Reinforcement
 CDD9999/DA/S/U/009RevT0 Development Access Underpass West Abutment to Deck Plan Reinforcement Schematics
 CDD9999/DA/S/U/010RevT0 Development Access Underpass West D Deck Sections & Reinforcement Schematics

S.278 Mill Green Outlet Village, Cannock, Development Access; Volume 2B- Scheme Specific Appendices CDD9999/2b/Rev0, November 2017.

Gully Schedule.

S.278 Mill Green Outlet Village, Cannock, Development Access, Pre Construction Information;

Reason

In accordance with the Local Plan Policy CP10.

15. Any signage displayed on the site shall be in accordance with the details within the Condition Discharge Report 18-Signage Strategy received on 27 June 2018 as supported by the Arboricultural Report dated 19 September 2018 (reference CE-MG-1406-RP01-Final), subject to the following caveats: -

- (i) The installation of Sign 1 shall be undertaken in accordance with the recommendations contained within paragraphs 4.16 and 4.17 of the above mentioned Arboricultural Report.
- (ii) Notwithstanding the details of the approved plan the siting of Sign 1 shall be as shown on drawing CAN/A/01 Rev A unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety in accordance with Local Plan Policy CP10.

[Advisory Note:

It should be noted that drawing CAN/A/01 Rev A indicates that the interpretative signage details will be agreed under the provisions of Schedule 7 of the Section 106.

It should also be noted that drawing CAN/A/01 Rev A also indicates that signage to and from the site and the railway station will be dealt with separately under Schedule 4 of the Section 106 agreement so that the signage strategy under condition 18 links in with the obligations under section 106.]

16. The development hereby permitted shall not be brought into use until the parking and servicing has been provided in accordance with the approved plans.

Reason

In accordance with Local Plan Policy CP10.

17. The development hereby approved shall not be brought into use until the on-site public transport facilities and infrastructure works as detailed in Condition Discharge Report 20-Public Transport Works for Mill Green Outlet Village, dated 2018, and prepared by Development Planning Limited have been provided in full.

Reason

In accordance with Local Plan Policy CP10.

18. The construction phase of the development shall be strictly carried out in accordance with the Outline CEMP, prepared by CBRE, dated December 2016 and received on 5 June 2018, unless otherwise approved in writing by the Local Planning Authority

Reason

To safeguard the amenity of nearby residents the interests of highway safety and the interests of protecting and preserving the local wildlife and to prevent an adverse impact on Mill Green and Hawks Green Valley Nature reserve in accordance with Local Plan Policies CP3 and CP15 and the NPP.

19. Prior to the first use of the buildings hereby approved and associated car parking areas by customers, a car park management regime for the proposed car parking shall be submitted to and approved in writing by the Local Planning Authority. This management regime shall include methods to control the operation of the car park including, security, opening times and permitted duration of stay. Thereafter the car park shall be operated in accordance with the approved regime, unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interests of providing adequate parking and safeguarding the amenity of nearby residents. In accordance with Local Plan Policy CP3.

20. Before the proposed development is brought into use all proposed bus stops shall be built to quality bus stop partnership standards and be constructed in accordance with Condition Discharge Report 20-Public Transport Works for Mill Green Outlet Village, dated 2018, and prepared by Development Planning.

Reason

To comply with the Local Plan Policy CP10 and the NPPF.

21. The development permitted by this planning permission shall be carried out in accordance with the Mill Green Designer Outlet Village, Cannock Chase Flood Risk Assessment, Ramboll Project number 61032176 dated 14 November 2014 and the following mitigation measures detailed within the FRA:

- (i) The proposed development shall include mitigation measures in the form of permeable pavements and attenuation cellular storage designed to manage peak run-off and allow discharge to the reservoir at a restricted rate providing reductions in flow rate.
- (ii) These flood storage measures are below ground storage within the car park pavement sub-base and geocellular storage tank. Attenuation will be sized to contain all surface water runoff from the 1 in 100 year event plus 30% climate change.
- (iii) The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied

within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason:

To ensure that surface water is appropriately managed on site in accordance with best practice and the development provides betterment by reducing surface water discharge rates and reducing flood risk to communities located downstream of the site; and

To ensure that surface water from the newly created hard standing is managed on site and reduces any surface water discharge rates so as to reduce flood risk elsewhere.

22. The development hereby approved shall take place in accordance with the Mill Green Outlet Village Hydraulic Modelling Report, dated January 2018, and prepared by JBA Consulting and the Preliminary Drainage Sketch, drawing reference C-07853-HYD-XX-XX-SK-S-210 Revision P2.

Reason

To ensure that the development has no detrimental impact on flood risk to third parties.

23. The development hereby approved shall take place in full accordance with the Contamination Hotspot Protocol, Rev A, dated 22nd March 2018 and prepared by Bowmer and Kirkland

Reason

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

24. No external means of illumination shall be brought into use unless it accords with the approved lighting scheme as set out in drawings: -

Tyler Grange – Play Area Lighting Environmental Report 10708_R09_SB_AS, dated 24th January 2020;

Hoare Lea – Playground Lighting Design: Initial Lighting Concept Rev 01, dated 26th July 2019; and

Hoare Lea – Heritage path / Bridge Lighting Illumination Impact Profile Doc -16 1620190815 – SMK Cannock LLP-04 Rev 04, dated 31st January 2020 and that

Further to the recommendations in paragraph 4.7 of the document Tyler Grange – Play Area Lighting Environmental Report 10708_R09_SB_AS, dated 24th January 2020, the blue and green lights have been replaced with lighting on the red spectrum.

Reason

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

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

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

The development shall be carried out in accordance with the approved strategy.

Reason

In the interests of proper planning.

26. Noise from fixed plant or machinery measured at the boundaries shall not exceed the limits shown in the table below:

Receptor Limit La,r dB	Time Period	Rating Noise
Lichfield Road properties and Nature Reserve (07:00-23:00)	Daytime/ evening period	37
	Night-time (23:00 – 07:00)	30
Properties on opposite side of A460 (07:00-23:00)	Daytime/ evening period	38
	Night-time (23:00 – 07:00)	30

Reason

To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policy CP3 - Chase Shaping - Design and the NPPF.

27. The development hereby approved shall be operated in strict accordance with the Noise Management Policy as set out in Condition Discharge Report 31(B)(C)-Servicing for Mill Green Outlet Village, dated May 2018 and prepared by Development Planning Limited.

Reason

In the interests of the amenity of nearby neighbours in accordance with Policy CP3 of the Cannock Chase Local Plan.

28. The development shall not be brought into use until the scheme for the provision of acoustic screens as detailed in the Mill Green Outlet Village, Cannock Stage 3 report dated 28/07/2017 Revision 01 Acoustics and your letter dated 22nd May 2018, and the details of the Reflective Sound Screens, produced by Hales Sawmills, received 23 July 2018 has been implemented in full. The screens shall thereafter be retained for the lifetime of the development.

Reason

In the interests of the amenity of nearby neighbours in accordance with Policy CP3 of the Cannock Chase Local Plan.

29. Prior to occupation a scheme for Litter Management, which shall include the provision of litter bins and litter picking within the application site has been submitted to and agreed in writing with the Local Planning Authority. Thereafter 'Litter Management' of the application site shall be undertaken in accordance with the approved scheme.

Reason

In the interests of the amenity of nearby residents and Mill Green Nature Reserve in accordance with Local Plan Policy CP3.

30. No mezzanine or other form of internal floor to create a first floor retail sales area shall be constructed in any unit, other than those shown on the approved plans A-00-110 rev J and A-00-115 rev F. No mezzanine indicated on the approved plans as non-retail floorspace shall be used as retail floor space accessible to the public.

Reason

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

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

Reason:

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

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

- (a) as a post office,
- (b) for the sale of tickets or as a travel agency,
- (c) for hairdressing,
- (d) as an opticians or for eye, ear or other medical testing/procedures,

- (e) for the direction of funerals,
- (f) for the hiring out of domestic or personal goods or articles,
- (g) for the washing or cleaning of clothes or fabrics on the premises or for the reception of goods to be washed, cleaned or repaired,
- (h) for the sale of any convenience goods including food, save for a retailer of exclusively confectionary (other than incidental goods), household goods, pets or pet food, pharmaceuticals and health foods, unless such sales are ancillary and incidental to the main product ranges and comprise not more than 5% of the floorspace of any individual unit.
- (i) for the sale of furniture, large white goods comprising refrigerators, freezers, dishwashers, washing machines/dryers, cookers, DIY items, carpets, gardening equipment,
- (j) for the sale of motor vehicles and bicycles,
- (k) for the sale of books, newspapers and greeting cards,
- (l) as a charity shop,
- (m) for the sale of computer games/consoles/CDs or DVDs,
- (n) for photographic processing,
- (o) for the sale of toys,
- (p) as a bank or other financial service other than provision of an ATM.
- (q) Click and collect services from the site for the purpose of distributing full price items (with the exception of Unit 36).

Reason

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

33. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and / or the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting or amending that Order with or without modification) the total A1 and A3 floorspace hereby permitted under this permission shall not exceed 26,504 sqm and the net sales area for each use shall be:

A1 – 24,527.86 sqm

A3 – 1,976.14 sqm

Reason

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

34. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and / or the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting or amending that Order with or without modification) no A3 units shall be permitted to change to A1.

Reason

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

35. Within 20 days of the anniversary of the opening of the development, an annual report shall be submitted to the Council providing a report on the occupancy of all units within the development, records of goods for sale for all Class A1 units within the site, and pricing for all Class A1 units within the development.

Reason

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

36. The opening hours of all A3 units shall be limited to one hour before the retail units open and 30 minutes after closing, unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

37. Any restaurant use hereby permitted shall not commence until:-

(a) details of the extraction and filtration of fumes have been submitted to and approved by the Local Planning Authority, and

(b) the approved system has been installed.

The system shall hereafter be maintained in an efficient condition for so long as the use is in existence.

Reason

To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and compliance with Local Plan Policy CP3 - Chase Shaping, Design and the NPPF.

38. The development shall take place in accordance with the Written Scheme of Investigation for Archaeological Evaluation by Trial Trenching, (reference BM11248/WSI 003), dated October 2017, and prepared by Wardell Armstrong; and the Archaeological Watching Brief, Deposit Modelling and Earthwork/ Heritage Asset Survey Report (reference BM11248/002), dated June 2017, and prepared by Wardell Armstrong

Reason:

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

39. The premises shall not be open for business outside the hours of 10.00am. to 8.00pm on Mondays to Friday except for 5 Promotion Days in any calendar year when opening hours can be extended from 9.00am to 10.00pm, 9.00am to 8.00pm on Saturdays except for 2 Promotion Days in any calendar year when opening hours can be extended from 9.00am to 10.00pm, 10.00am to 6.00pm on Sundays and 10.00am to 8.00pm on public holidays (with extended hours between 9.00am to 10.00pm (if required)), unless otherwise agreed in writing with the Local Planning Authority.

Reason

To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure compliance with the Local Plan Policy..

40. No goods, plant, materials or waste shall be stored or deposited on any part of the site outside the building except in an enclosed container, the siting and design of which has been agreed in writing with the Local Planning Authority.

Reason

To safeguard the amenities of the locality and to ensure that adequate space is retained for the parking, loading and unloading of vehicles and to ensure compliance with the NPPF.

41. Unless otherwise stated above the development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Design and Access Statement

Transport Assessment

Environmental Statement Volumes 1, 2 and 3.

- a) A-00-102 H Ground Floor Plan - Phase 1 (1 of 2) 1:200 A0
- b) A-00-103 H Ground Floor Plan - Phase 1 (2 of 2) 1:200 A0
- c) A-00-110 J First & Second Floor Plans - Phase 1 1:500 A1
- d) A-00-111 E First Floor Plan - Phase 2 1:500 A1
- e) A-00-115 F First Floor Plan - Phase 1 1:200 A0
- f) A-00-120 G Roof Plan - Phase 1 1:500 A1
- g) A-00-121 D Roof Plan - Phase 2 1:500 A1
- h) A-00-300 M External Elevations - Phase 1 1:200 A0
- i) A-00-301 F Phase 2 External Elevations, Height Parameters 1:200 A0
- j) A-00-302 M Internal Elevations - Phase 1 (1 of 2) 1:200 A0
- k) A-00-303 M Internal Elevations - Phase 1 (2 of 2) 1:200 A0
- l) A-90-001 F Reference Plan 1:1000 A3
- m) A-90-002 C Planning Boundary Plan 1:1250 A1
- n) A-90-100 M Site Plan - Phase 1 1:500 A0
- o) A-90-101 H Site Plan - Phase 2 1:500 A0
- p) A-90-102 C Phase 2 Parameters Plan 1:500 A0
- q) A-90-200 D Site Sections 1:200 A0 x2
- r) 4781/50/A Enabling Works

A084215_AR_029_A – Required Highway Alterations at Lodge Lane Roundabout

A084215_AR_030_A – Required Highway Alterations at Lodge Lane Roundabout (Phase 2)

A084215_AR_031 – Proposed Highway Alterations

A084215_AR_34 – Churchbridge Interchange Proposed Improvements.

CDD9999/HWA/33: Alternative Pedestrian Link from Hobby Way to Lichfield Road via Sparrowhawk Way.

- Drawing A084215_P_001 C App.B,

- Drawing A084215_P_SK004 A App B

- Drawing No. 4334-D Rev (Hayden's Arboricultural Consultants)

Notwithstanding the details of the approved plans the new 3m wide cycle and footpath between Hobby Way, along Eastern Way to the Lichfield Road Roundabout is not hereby approved.

Reason

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

42. In the case of any reserved matters in respect of Phase Two; application for approval must be made not later than the expiration of five years beginning from 11th October 2017; and

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

Reason

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

43. Phase Two (as shown on drawing A-90-101 rev D, A-90-102rev C, A-00-111Rev E, A-00-121Rev D, A-00-301Rev F) of the development hereby permitted shall not be commenced (other than Enabling Works) until approval of the details for appearance, landscaping, layout and scale ('the reserved matters') has been obtained from the Local Planning Authority.

Reason

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

44. Prior to the submission of reserved matters for Phase Two of the development hereby approved the following shall be submitted to and approved in writing by the Local Planning Authority.

The submission of a scheme of intrusive site investigations for the mine entry for approval;

The undertaking of a scheme of intrusive site investigations;

As part of the reserved matters application the submission of a layout plan which identifies appropriate zone of influence for the mine entry on site, and the definition of a suitable 'no build zone'.

As part of the reserved matters application the submission of a scheme of treatment for the mine entry on site for approval.

Any remedial works identified shall be undertaken prior to the implementation of the remedial works.

Reason

In the interests of safeguarding the proposed development from mining legacy issues in accordance with NPPF.

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

Reason

In accordance with Local Plan Policy CP10.

46. Phase Two (as shown on drawing A-90-101Rev D) of the development hereby approved shall provide an alternative scheme for coach drop off provision on site and coach parking in accordance with plans submitted to and agreed in writing with the Local Planning Authority.

Reason

In the interests of proper planning.

IMPORTANT NOTE FOR APPLICANT

1. The applicant's attention is drawn to the informatives and advice set out in the following responses from consultees (copies attached):

Environment Agency

Severn Trent Water

Staffordshire County Council (Highways)

Staffordshire Fire and Rescue Service

Staffordshire Police (Crime Prevention Design Officer)

2. Notwithstanding the provisions of S55 (2) (a) of the Town and Country Planning Act 1990) (as amended) no additional mezzanine floor space can be created without the submission of a planning application and the grant of planning permission by the Council.

Glossary of Terms

TERM: "Enabling Works"

MEANING: In this planning permission should mean any of the following:

- i. trial holes or other operations to establish ground conditions or the assessment of contamination
- ii. site survey work
- iii. archaeological investigations
- iv. ecological or nature conservation works associated with the Development
- v. construction of boundary fencing or hoardings
- vi. any other preparatory works agreed in writing with the Local Planning Authority

Notes to the Developer:

Consultations and Publicity

External Consultations

None.

Internal Consultations

Policy

Plans show that this relates to approximately 83.14 sqm of floorspace which would change the overall split between the A1 and A3 floorspace within the Designer outlet village.

The NPPF advises that restaurants (A3 uses) are main town centre uses and are thus appropriate within town centres and factory outlet centres.

The Local Plan identifies the centres within the district, 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.

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 qualitative needs assessment shows Cannock town centre is displaying reasonably poor levels of vitality and viability. The quantitative assessment shows there is a minimal amount of convenience floorspace capacity and no capacity for additional floorspace in the short, medium and long term in Cannock for comparison goods. The Leisure Needs Assessment indicated a deficiency in provision of restaurants. The health check for Cannock identifies that the centre is underrepresented in terms of its leisure service provision and this would benefit from improvement. Cannock town centre currently has a higher than average vacancy rate.

Based on the evidence in my opinion it appears modest changes are likely to have a disproportionate impact on the town centre at present. A retail assessment has been undertaken and submitted in support of the proposal. Whilst I do not concur with all elements of the retail assessment, the proposal does represent an extension to an existing A3 business and due to the small size and need for kitchen facilities etc I agree the proposed increase in floorspace is unlikely to justify a second restaurant in Cannock Town Centre which is the only centre likely to be impacted by this proposal. As such in my opinion there are no suitable alternative sites.

The food outlets are evenly spaced within the outlet village and the proposal does not increase the variety or number of food outlets available on the site. In my opinion it is

unlikely the proposed extension will have a significantly greater impact upon vitality or viability of Cannock Town Centre.

Economic Development

Supports the application given its modest increase in floorspace- not large enough to have any significant material effect on the rest of the development.

Stantec (the Council's Retail Consultant)

The submitted application proposal is to increase the size of Unit FB03 at Designer Outlet West Midlands (occupied by Slim Chickens) by extending into the adjoining retail unit (Unit 1) by 83 sq.m. This means that an additional 83 sq.m will be available for food & beverage floorspace and there will be 83 sq.m less retail floorspace, albeit no overall change in floorspace at Designer Outlet West Midlands.

Sequential Test

In its Retail Assessment, the applicant puts forward a number of arguments as to why there are no sequentially preferable sites, nor in fact any other sites, that are suitable for the proposed development. Arguments put forward include:

- The application seeks an extension to an existing food & beverage unit for a named operator (Slim Chickens) within a dedicated retail destination.
- The amount of food & beverage floorspace permitted at Designer Outlet West Midlands is very limited and is clearly intended as an ancillary use to the main retail offer.
- The food & beverage offer at Designer Outlet West Midlands is not a draw in its own right and, as such, the application proposal would have a different catchment area and function than similar provision in Cannock Town Centre.
- The proposed operator requires a unit of 335 sq.m to better provide for its customers. There are no other food & beverage units at Designer Outlet West Midlands which provides this space requirement.
- The application proposal can only be located at Designer Outlet West Midlands. No other location for the application proposal would meet the recognised food & beverage needs of the Designer Outlet West Midlands customers.
- The proposal is for an extension to an existing business and therefore the application proposal is location specific.

It is clear from the arguments summarised above that there is a location specific requirement for the application proposal to be located at Designer Outlet West Midlands and that, accordingly, there are no sequentially preferable sites that are suitable for the proposed development. We consider that the sequential test is passed.

Impact Test

The applicant also makes various arguments in relation to the impact test, including:

- The proposed change in food & beverage floorspace is just 83 sq.m.
- A retail unit of 83 sq.m would have a turnover of just £0.2m to £0.3m.
- A restaurant business of this nature would typically have a turnover of £1m.
- The extended part of the unit would generate less turnover than if was operated by a different operator.
- In theory, the application proposal could have a positive effect on Cannock Town Centre, as Designer Outlet West Midlands would offer less retail floorspace if the application proposal is approved.

The application proposal will lead to less retail floorspace at Designer Outlet West Midlands and, whilst it is difficult to quantify the impact of a food & beverage proposal on a town centre, the turnover of the extended part of the unit will be modest. For those reasons, we do not consider that the application proposal will have a significant adverse impact on Cannock Town Centre.

We do not consider that the application proposal could have a significant adverse impact on any existing, committed and planned public and private investment in Cannock Town Centre.

We accordingly consider that the impact test is passed.

Summary

We consider the applicant's submission to be proportionate insofar as the sequential test and retail impact tests are concerned.

Our conclusion is that there is no retail policy basis that could be used to resist the Section 73 application, which relates solely to Unit FB03.

Response to Publicity

The application was advertised by site notice, neighbour letters and newspaper advertisement. No letters of representation have been received.

Relevant Planning History

An application

“(under Section 73 of the Town and Country Planning Act 1990 (as amended)) to vary conditions 33 (control of mezzanine floorspace), 36 (control of A1 & A3 floorspace) & 44 (approved plans) to permit minor material amendments to Phase 1 in terms of elevation treatment, place-making, layout, form and services provision and Addendum to Environmental Statement of planning

permission CH/15/0048 - Hybrid planning application for a designer outlet village development comprising:

Full application for Phase 1- Comprising remodelling of existing landform of the site; erection of up to 23,758 sqm (GEA) of commercial units comprising a mix of uses at ground floor, including retail, restaurants/cafes and drinking establishments (Classes A1, A3 and A4) and outdoor play areas and centre management suite and retail storage areas at first floor level; diversion of water courses and sewers and associated drainage works. Associated works include hard and soft landscaping, new vehicular and pedestrian access from A460/Eastern Way including underpass and formation of two pedestrian accesses to the adjoining Mill Green Nature Reserve and associated works to include formation of part of the Heritage Trail, and upgraded pedestrian and cycle route along Eastern Way, provision of temporary and permanent car and coach parking.

Outline application for Phase 2 - Comprising erection of up to 10,389 sqm (GEA) of commercial units comprising retail uses at ground floor (Class A1), erection of multi storey car park with associated access and hard/soft landscaping (all matters reserved except access)”;

was subsequently approved by Planning Control Committee and issued on 11 October 2017 following the completion of an Agreement under Section 111 of the Local Government Act 1972 which required the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). That was completed on 12 February 2018.

The planning permission is subject to several conditions including condition 35 which states:

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

and then goes on to list various shops and services and at part (q) includes

“Click and collect services from the site for the purpose of distributing full price items.”

As such under the current consent retailers are prohibited from selling full price items via click and collect.

A subsequent application, reference CH/18/009, for a non material amendment to planning permission CH/17/279 for the realignment of the access road between the

Mill Green Designer Outlet Village and the Hayes Way roundabout and necessary changes to the layouts of the car parks was approved on 29 January 2018.

A subsequent application (ref CH/20/435) for a Minor Material Amendment to alter Condition 35 (Q) of Planning Permission CH/17/279 to allow for click & collect services for Unit 36 was approved in 2021.

1.0 Site and Surroundings

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

2.0 Proposal

2.1 The proposal seeks approval for a Minor Material Amendment to Planning Permission CH/20/435 (Conditions 33 & 41) in relation to Unit FB03 (to be occupied by the restaurant chain "Slim Chickens") and enabling works to increase Unit FB03 by 83.14sq m, reducing the amount of retail floorspace by 83.14sq m. It is effect the combining of restaurant unit and a retail unit to form a larger restaurant unit.

2.2 The applicant has submitted the following statement in support of the application: -

Planning permission is sought for:

"Minor-material amendment to vary Conditions 33 and 41 of planning permission CH/20/435 to increase Unit FB03 (Use Class A3) by 83.14 sqm reducing the amount of Use Class A1 floorspace by 83.14 sqm."

The amount of A1 / A3 floorspace is controlled by Condition 33 which states:

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and / or the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting or amending that Order with or without modification) the total A1 and A3 floorspace hereby permitted under this permission shall not exceed 26,504 sqm and the net sales area for each use shall be:

A1 – 24,611 sqm

A3 – 1,893 sqm

The proposal would change the use of approximately 83.14 sqm of floorspace from A1 to A3 so the amended split would be:

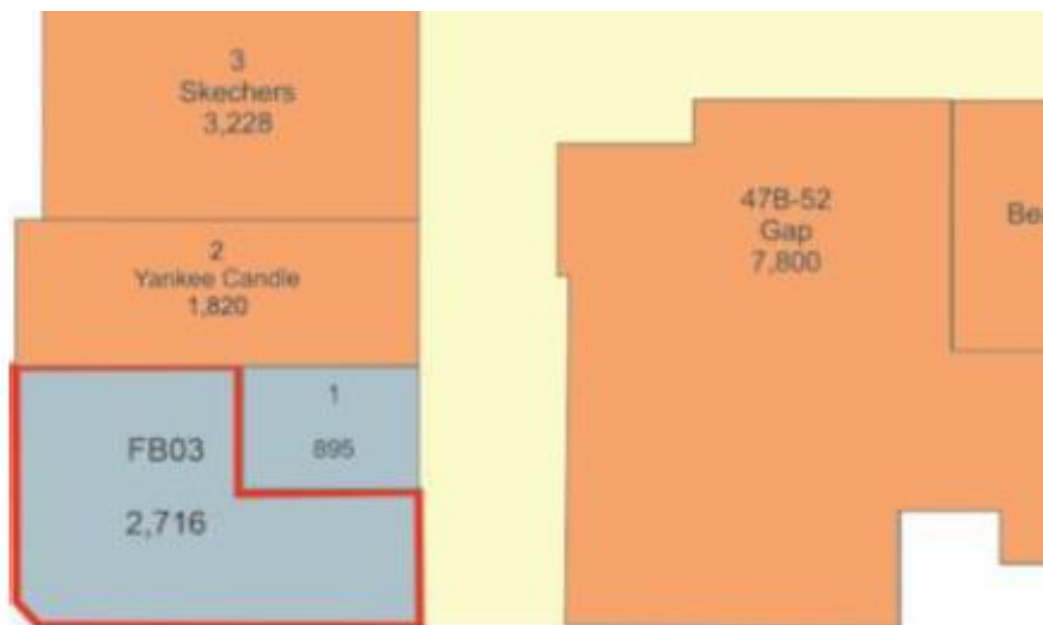
A1 – 24,527.86 sqm

A3 – 1,976.14 sqm

The proposal is to vary Condition 33 as set out above and Condition 41 (substitute plan (A-00-103 G - Ground Floor Plan – Phase 1 (2 of 2)) as listed under that condition with the enclosed Leasing Plan.

Justification for the Proposal

Since the grant of planning permission, discussions have been ongoing with leading brands and key tenants to lease units within the West Midlands Designer Outlet ('WMDO'). A key element of an Outlet being successful is its associated Food and Beverage ('F&B') offer and owing to the internal operational layout requirements of Slim Chickens (the proposed tenant of FB03) there is a need to increase the size of this unit. The location of unit FB03 is shown below:



As a result of the small size of Unit 1, there has been no interest from A1 operators and given the internal requirements of Slim Chickens, it is proposed to extend FB03 into Unit 1. The proposed layout of FB03 is shown below:



The proposed internal changes are shown on the submitted enabling plans (ref: 4781/50/A).

As the proposal results in no change in the total amount of floorspace and simply a change in the split (0.3% decrease in A1 and 4.4% increase in A3 floorspace), we consider this change to be minor material and as such, can be secured through a s73. However, whilst the National Planning Policy Framework ('NPPF') at paragraph 89 sets the threshold for development of over 2,500 sqm gross floorspace that would require an impact assessment as the Cannock Chase Local Plan does not include a locally set threshold, to support this s73 application, it has been agreed with the Council that a focused RIA proportionate to the scale of development (increase of just 83.14 sqm of A3 floorspace) will be submitted.

- 2.3 The applicant has also submitted a Retail Impact Assessment prepared by Reeves Retail Planning Consultancy. This is given in full at Appendix A attached to this report.

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

CP1: - Strategy – the Strategic Approach

CP11: - Centres Hierarchy

3.3 National Planning Policy Framework

3.3.1 The NPPF (2018) 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 a “presumption in favour of sustainable development” and sets out what this means for decision taking.

3.3.2 The NPPF (2018) 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.

3.3.3 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
80,	Building a Strong Competitive Economy
85, 89	Ensuring the Vitality of Town Centres
212, 213	Implementation

3.4 There are no other relevant documents.

4 Determining Issues

4.1 When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. However, new issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are not fundamental or substantial, but still material in nature, a developer may seek to obtain approval for the changes through the provision of Section 73 of the 1990 Town and Country Planning Act.

4.2 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a Section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied (Paragraph: reference ID: 17a—013-20140306 of the Planning Practice Guidance).

4.3 Section 73(2) of the 1990 Act states: —

On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

4.4 Although often referred as “variation of condition” applications, an approval of an application submitted under Section 73 results in the granting of a brand new permission which will sit side by side with the original consent. As such it is pertinent to ensure that an appropriate schedule of conditions and the appropriate obligations are attached to any permission granted. The starting point for the drafting of the new schedule of conditions is the original schedule but this would need amending to reflect that part of the conditions which have already been discharged (that is the required schemes have been submitted and approved and, or the works pursuant to those approved schemes have been implemented).

4.5 The sole determining issue for the proposal is whether the proposal would be acceptable in respect to its impact on the vitality of local town centres, especially Cannock town centre which is subject to Policy CP11 of the Local Plan.

4.6 Policy CP11 “Centres Hierarchy” of the Local Plan 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, the Council will consider appropriate out of town locations for office developments as per the criteria set out in Policy CP8 (following a sequential test on a case by case basis). Development within Cannock town centre will be guided by a Supplementary Planning Document or Area Action Plan (see Policy CP3). The Council will seek to deliver more attractive public spaces and streetscapes in Cannock town centre linked in part to a Management Plan for the Town Centre Conservation Area and will expect new development proposals to respect and add to this ambition. Accordingly the Council will encourage developments that create safe and attractive public spaces and a more balanced night time economy. The town centre boundary is extended to allow expansion towards Cannock railway station and the Beecroft Road area. A primary retail area is also defined within which existing class A1 retail uses will be retained and to which new retail development will be directed, together with secondary frontages. Development falling within other use classes will only be permitted where it will not create a concentration of non-shopping uses and result in unacceptable change in the retail character of the immediate area or have an adverse effect on the vitality and viability of the town centre. Both are identified on the Policies Map and Key Diagram. Other uses will only be permitted where they do not detract from the primary retail function of the town centre."

- 4.7 In order to support the application the applicant has submitted a supporting statement and a Retail Impact Assessment (which are set out above and therefore not repeated here). The application has been scrutinised by Stantec, who the Council has employed as a specialist retail consultant. Stantec's advice is given in full above but the salient points are that they: -
- (i) consider the applicant's submission to be proportionate insofar as the sequential test and retail impact tests are concerned; and

- (ii) conclude that is that there is no retail policy basis that could be used to resist the Section 73 application, which relates solely to Unit FB03.

- 4.8 The Policy Officer has also stated that “it is unlikely the proposed extension will have a significantly greater impact upon vitality or viability of Cannock Town Centre”.
- 4.9 The application is also supported by the Economic Development Officer.
- 4.10 Having considered all the above and the clear advice given by Stantec and the policy Officer it is concluded that the application would not conflict with Policy CP11 of the Local Plan or the NPPF and is therefore acceptable.
- 4.11 It is therefore recommended that the application be approved subject to the attached schedule of amended conditions. No revision of the Section 106 agreement will be required as previous agreements have been drafted to ensure that any obligation equally applies to permissions.
- 4.12 However, members are advised that the time limit for the expiration of the consultation period will not end until midnight on 26th May. As such Planning Control Committee cannot lawfully approve the application at the meeting. Instead it is recommended that Planning Control Committee resolve that they are minded to approve the application and delegate authority to the Development Control Manager to approve the application once the deadline for the consultation period has expired provided that no representations are made raising material planning issues. This would allow the application to be determined without delay. If representations raising material issues are received the application will be brought back before Planning Control Committee.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

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

Equalities Act 2010

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

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

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

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

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

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

5.2.4 Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would make a neutral contribution towards the aim of the Equalities Act.

6 Conclusion

6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to the vitality of surrounding town centres and is therefore considered to be in accordance with the Development Plan and the NPPF.

6.2 It is therefore recommended that Planning Control Committee resolve that they are minded to approve the application and delegate authority to the Development Control Manager to approve the application once the deadline for the consultation period has expired provided that no representations are made raising material planning issues.

APPENDIX A:
RETAIL IMPACT ASSESSMENT

By

REEVES RETAIL PLANNING CONSULTANCY LTD

Retail Assessment – Extension to Slim Chickens, McArthur Glen Designer Outlet West Midlands

Introduction

- 1.1. This note has been prepared by Reeves Retail Planning Consultancy (RRPC) on the instructions of Cannock Designer Outlet (GP) Limited acting as General Partner for and on behalf of Cannock Designer Outlet Limited Partnership (as the 'Joint Venture'). Its purpose is to provide a retail assessment to accompany the recent S73 planning application that is seeking permission to vary Conditions 33 & 41 of permission CH/20/435, in relation to Unit FB03 at the McArthur Glen Designer Outlet West Midlands (MGDOWM) (Application ref: CH/21/0197).
- 1.2. We understand that the occupier of Unit FB03 (Slim Chickens), wishes to increase the size of its trading unit by extending into the adjoining retail unit (Unit 1), which is currently vacant. This would increase Unit FB03 and the food & beverage (F&B) uses at the site by 83.14sqm, whilst the retail floorspace would decrease by the same amount 83.14sqm.
- 1.3. This is a very minor change in the context of the overall MGDOWM development and one which would not normally require planning permission given that the current 2020 Use Classes Order includes both retail and restaurant uses within the new Use Class E. As a result changes of use between the uses within the Class are not considered to be development.
- 1.4. However, in this case the development is subject to a condition (Condition 33) which specifies the amount of A1 and A3 floorspace permitted within the development. A planning application has therefore been submitted to vary this condition, with the details set out in the Carter Jonas letter of the 27 April that accompanies the application.
- 1.5. Notwithstanding that the variation of condition would only affect 0.3% of the floorspace permitted by the condition, the Council has requested that the retail impact implications of the change be considered, along with a sequential assessment of the proposal, to demonstrate that the proposed variation is in accordance with planning policy.
- 1.6. These matters are considered in this report, in a proportionate and appropriate way for the scale of change proposed. Specifically:
 - Section 2 of this report briefly summarises the retail planning policies relevant to the application;

- Section 3 considers whether the proposed development is in accordance with the sequential test;
- Section 4 considers the impact of the change; and
- Section 5 sets out our conclusions.

Retail Planning Policy

The MGDOWM is located in an out of centre location, approximately 1km east of Cannock town centre. New retail or town centre uses in this location are therefore required by local and national planning policy to demonstrate compliance with the sequential test (NPPF, paragraphs 86 – 87 and Policy CP11 of the Cannock Chase Local Plan (Part 1)).

In some instances, an application for retail development will also need to be accompanied by a Retail Impact Assessment (RIA) which considers the impact of the proposal on existing, committed and planned public and private investment in the adjoining centre(s) and the impact on town centre vitality and viability (NPPF, paragraph 89). Such impact assessments are required where the development is over 2,500 sqm gross or a locally set threshold.

There is no locally set threshold in the adopted Cannock Chase Local Plan, which specifically refers to the NPPF with respect to impact assessments (Appendix 1c). It is also of note that the recent Retail and Town Centre Uses Study undertaken by WYG for the Council and published in January 2021, recommends a threshold of 500 sqm for proposals that may affect Cannock Town Centre (paragraph 9.3.3).

On this basis there is no policy requirement for the current application to be accompanied by a RIA, as the proposal seeks to change the use of just 83.14 sqm of floorspace. This is considerably below the threshold that currently applies in Cannock Chase and is less than a fifth of what has very recently been recommended to the Council as appropriate. As such it follows that even a new development of the scale being proposed would not be expected to impact on existing town centres in a way that could be considered to be a concern. Thus, no RIA should be required.

In practice, it is also the case that, were it not for Condition 33, the proposed change of use could proceed without any requirement for planning permission, given the introduction of the new Use Classes Order in September 2020, which considers the existing retail and proposed F&B uses to be within the same Use Class. Thus, the proposed change does not constitute development requiring planning permission.

Notwithstanding this, the Council and their planning consultants Stantec have requested that a RIA is provided and thus a proportionate assessment is provided in Section 4. Compliance with the sequential test is considered in Section 3.

Sequential Test

The purpose of the sequential test is to support town centres and makes them the preferred location for retail and other developments for town centre uses. As set out in the NPPF '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' (NPPF, paragraph 86).

The supporting policy guidance set out in the Planning Practice Guidance (PPG) which was most recently updated in July 2019 however recognises that 'certain main town centre uses

have particular market and locational requirements which mean they may only be accommodated in specific locations' (PPG, Paragraph 012).

This is the case with respect to this application, in that it is seeking planning permission to provide an extension to an existing F&B unit for a named operator (Slim Chickens) within a dedicated retail destination.

The amount of F&B floorspace permitted at MGDOWM is very limited and is clearly intended as an ancillary use to the main retail offer. This was set out in the Planning and Retail Statement that accompanied the 2015 application (Application ref: CH/15/0048), where it was stated that:

"This is well below the 20% to 25% typically found in new shopping centres. The offer is modest in scale and is necessary to meet the needs of those shoppers visiting MGDOV. As noted, the average duration of visits to FOCs is typically longer than to traditional centres, since many people have travelled over long distances. Moreover, many visitors arrive in family groups (a day out), particularly at weekends. As such, these shoppers require places to rest, drink and have a snack or meal during the visit. These facilities are designed to be an integral element of MGDOV and if they were located elsewhere – such as Cannock town centre – the needs of shoppers in MGDOV would not be met" (paragraph 8.68).

As a result, the F&B offer at MGDOWM would not be a draw in its own right, but instead will meet the F&B requirements of visitors already on site. It will therefore have a different catchment area and function than similar provision in Cannock town centre.

This has been recognised in the previous approvals that have allowed a limited amount of F&B floorspace to be developed at the Outlet Centre, and the occupation of Unit FB03 by Slim Chickens is fully compliant with the existing planning permission.

However, Slim Chickens wish to increase the size of their unit to allow them to better provide for their customers, increasing the proposed floorspace by around a third to around 335 sqm. None of the other F&B units currently provided at the MGDOWM are of a sufficient size to provide this space and therefore the proposal to amalgamate Unit FB03 with the adjoining and vacant retail unit has been brought forward. As stated in Carter Jonas' letter, there has also been no interest in the unit from A1 tenants.

In terms of the sequential test, the required floorspace can only be provided at the MGDOWM. Provision in any other location would not meet the recognised F&B needs of the Designer Outlet visitors and in practice would serve a different catchment and visitor purpose.

Further, the proposal is for an extension to an existing business. As such it cannot be provided in any location other than alongside the existing unit. If developed separately it would be an additional and separate business, not an extension, and in practice would be likely to require significantly greater floorspace given the need to duplicate aspects of the existing offer (such as the kitchen facilities), rather than extending the offer provided.

It therefore follows that the extension to Slim Chickens (or any subsequent operator who would be occupying a single F&B unit) cannot be accommodated in Cannock town centre, or any of the other centres in the vicinity. There are also no other F&B units of sufficient size at MGDOWM to meet the requirements of Slim Chickens.

We therefore conclude that the proposal is in accordance with the sequential test, given the

market and locational requirements that inevitably apply in this case.

Impact Assessment

For the reasons set out above, we remain of the view that the very minor nature of the proposed change to the use of 83.14 sqm of permitted floorspace at the MGDOWM does not warrant an impact assessment, as the scale of the proposal is considerably below the national threshold of 2,500 sqm for requiring such an assessment. It is also the case that the floorspace affected is not 'new' in that the application is simply seeking to change the use of the floorspace from one town centre use (retail) to another (F&B), both of which are already permitted at the site (as A1 and A3 uses).

As a retail unit of around 83 sqm, it would be expected that the currently vacant unit could have a turnover of between £230,000 and £330,000 per annum based on sales densities of £3,500 - £5,000 per sqm and assuming 80% of the available floorspace is used for retail sales.

The equivalent sales densities information is not available for the F&B sector, but we understand that a restaurant business will normally have a turnover of around £1m per annum, with the likes of McDonalds achieving around £2m per outlet.

Extending a store or restaurant business does not normally generate the same level of sales from the new floorspace as the existing, reflecting the qualitative benefits that such expansions usually provide. The turnover of the vacant Unit 1 is therefore likely to be lower as an extension to Slim Chickens than if trading as a retail business.

This would imply a theoretically positive effect on Cannock town centre, with the amount of retail competition at the Outlet Centre reduced and improved potential for the town centre to attract a new retailer seeking a small retail unit.

At the same time, as the space will be used as an extension to an existing F&B business there will be no change in the number of F&B operators trading at the Outlet Centre, which in turn will reduce the potential impact on town centre businesses.

We therefore consider that the impact of the change will be negligible in terms of any impact on Cannock town centre and would not be discernible in practice. However, any impact would be more likely to be positive than negative, as the potential for improved retail provision in the town centre and lower impacts would outweigh any marginal increase in impacts on F&B operators as a result of Slim Chickens expanding their operation.

Conclusions

The proposals to extend an existing F&B unit at the MGDOWM into a vacant retail unit of 83.14 sqm has been assessed against the retail and town centre policy requirements set out in the Cannock Chase Local Plan (Part 1) and the NPPF.

We have shown that due to the market and locational specific requirements of the MGDOWM development and the F&B operator for an extension to their business, a location other than at the MGDOWM would not be suitable. There are also no other units of sufficient size at the Outlet Centre to accommodate the operator's requirements. The proposal is therefore in accordance with the sequential test.

We have also shown that the impact of the proposed change of use will be minor in terms of turnover and any impact on Cannock town centre is unlikely to be discernible. However, it is

also more likely to be a positive impact than a negative one, given the reduced retail trade draw and potential for a small retailer to be accommodated in the town centre rather than at the Outlet Centre, as the available space at the latter will be reduced.

We therefore conclude that the proposed change of use is in accordance with retail planning policy and there is no retail policy reason why the current application to vary Condition 33 and Condition 41 of planning permission CH/20/435 should not be approved.