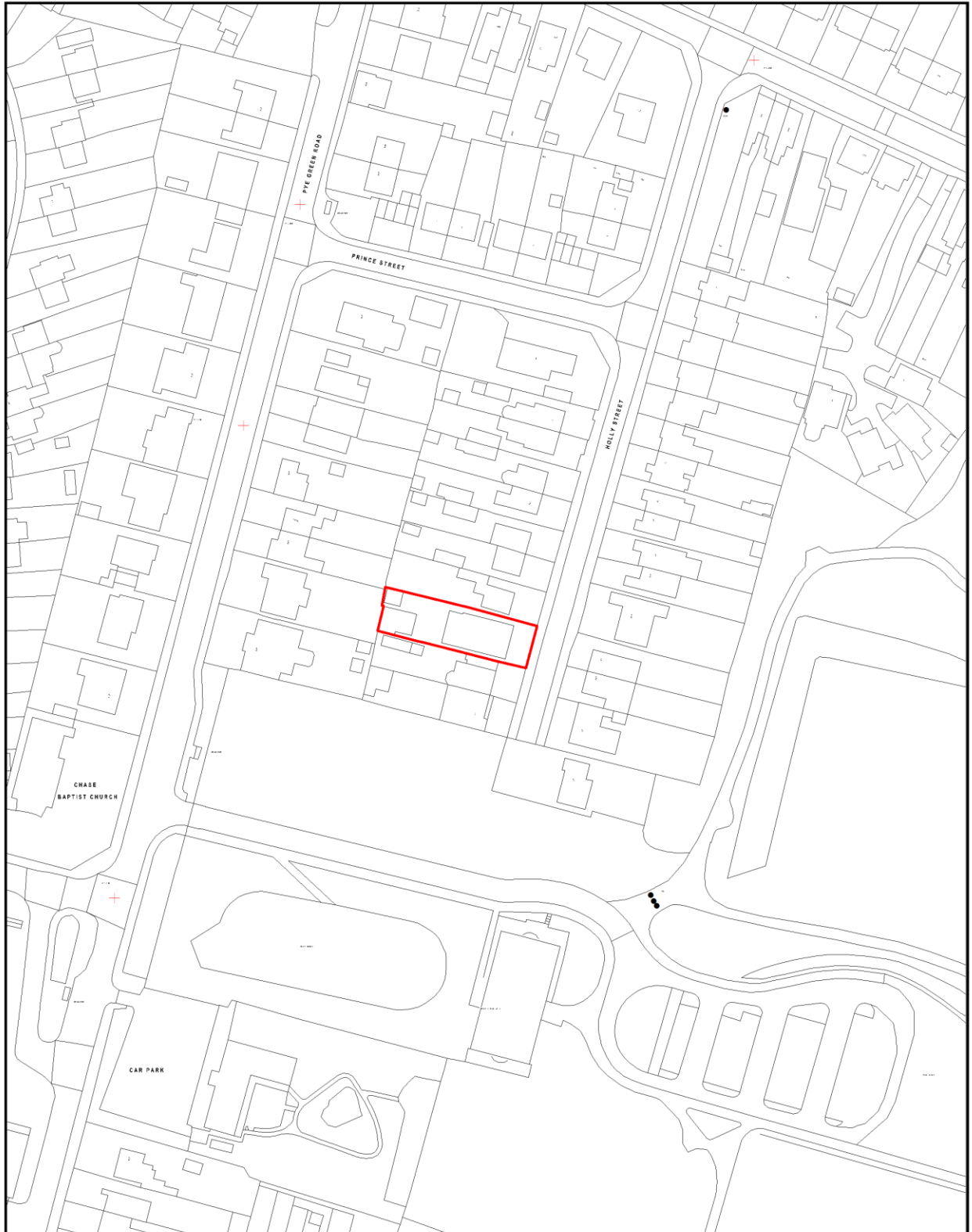




**Application No:** CH/19/336  
**Location:** 32 Holly Street, West Chadsmoor, Cannock, WS11 5RU  
**Proposal:** Change of Use from 8bed HMO to 10-bed HMO

Item no. 6.



# Location Plan

Item no. 6.2

05/09/2019

32, HOLLY STREET, WEST CHADSMOOR, CANNOCK, WS11 5RU



Scale: 1:1250 | Area 2Ha | Grid Reference: 398498.312587 | Paper Size: A4

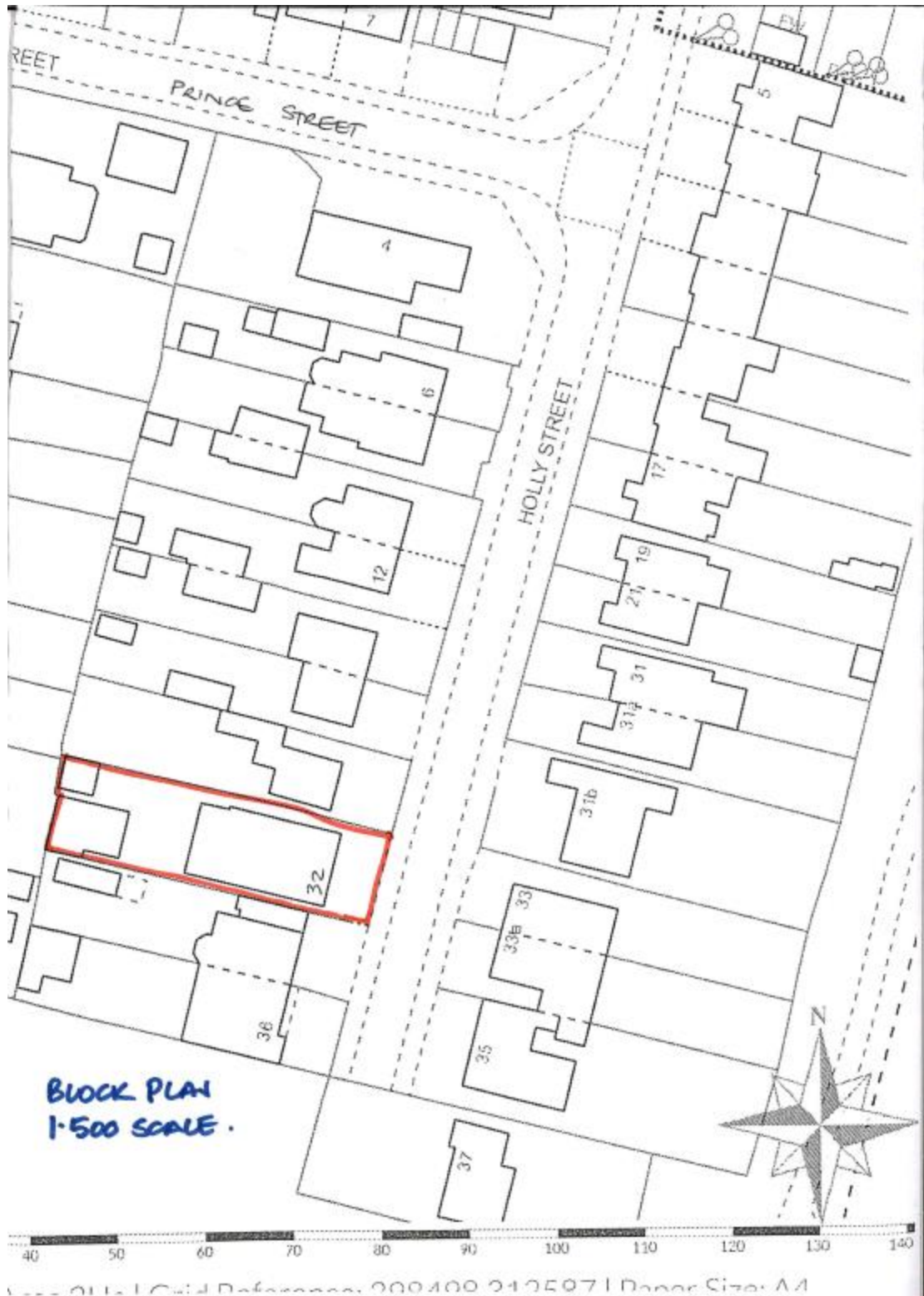


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# Block Plan

Item no. 6.3

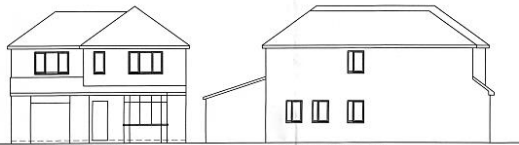


# Existing Plans

Item no. 6.4

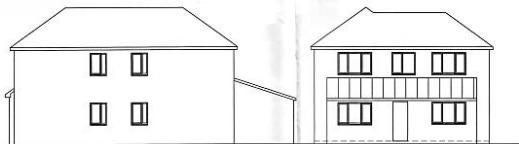
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NOTES



Existing Front Elevation

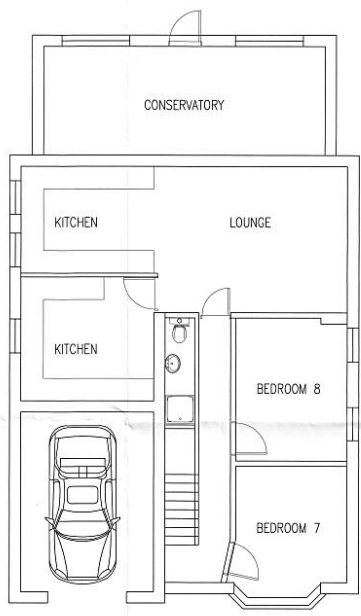
Existing Side Elevation facing 34 Holly Street



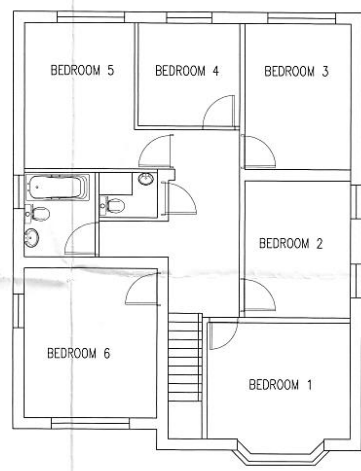
Existing Side Elevation facing 30 Holly Street

Existing Rear Elevation

EXISTING PLANS AND ELEVATIONS SCALE 1-100



Existing Ground Floor Plan



Existing First Floor Plan

COMMUNITY DEVELOPMENT  
PLANNING SERVICES  
8 SEP 2019

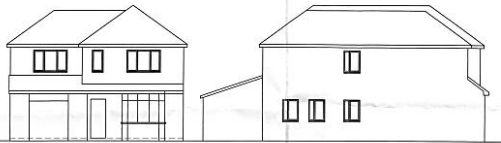
CLIENT: BEMO  
PROJECT: Proposed conversion of conservatory  
32 Holly Street, Carrnock,  
Edinburgh  
DRAWING: Existing layout  
SCALE: 1:100 (AS SHOWN) AND 1:2

# Proposed Plans

Item no. 6.5

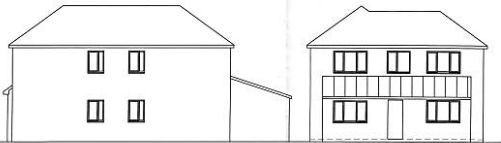
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NOTES



Proposed Front Elevation

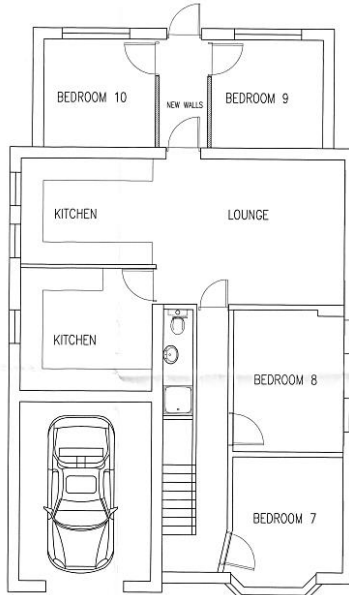
Proposed Side Elevation facing 34 Holly Street



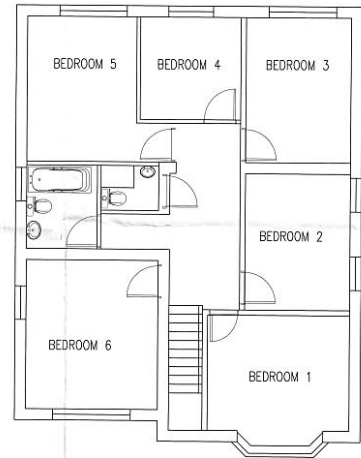
Proposed Side Elevation facing 30 Holly Street

Proposed Rear Elevation

PROPOSED PLANS AND ELEVATIONS SCALE 1-100



Proposed Ground Floor Plan



Proposed First Floor Plan

CLARENCE CHASE COUNCIL  
PLANNING  
6 SEP 2015  
REF: 10

CLIENT: BEMG  
PROJECT: Proposed conversion of conservatory  
32 Holly Street, Clarnock,  
PROPOSED LAYOUT

SCALE: 1:100 (SEE DRAWING NO. 6.01/3)

6/11

<b>Contact Officer:</b>	<b>Claire Faulkner</b>
<b>Telephone No:</b>	<b>01543 464 337</b>

**PLANNING CONTROL COMMITTEE**

**18 DECEMBER 2019**

<b>Application No:</b>	CH/19/336
<b>Received:</b>	12-Sep-2019
<b>Location:</b>	32 Holly Street, West Chadsmoor, Cannock, WS11 5RU
<b>Parish:</b>	Non Parish Area
<b>Description:</b>	Change of Use from 8-bed HMO to 10-bed HMO
<b>Application Type:</b>	Full Planning Application

**RECOMMENDATION:**

Approve Subject to Conditions

**Reason(s) for Recommendation:**

In accordance with paragraph 38 of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and the National Planning Policy Framework.

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

1. The development 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. Within three months of the issuing of permission for development, the existing access within the limits of the public highway shall be increased in width by 7.65m to the north and completed. The widened access shall thereafter be retained for the lifetime of the development.

**Reason**

In the interests of highway safety and to comply with the objectives of Paragraph 108 of the NPPF.

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

Proposed Layout - Dwg.No.JMD 53/3

**Reason**

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

**Notes to the Developer:**

Please note that prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Network Management Unit, Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford.ST162DH. <http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

Please note that Staffordshire Fire and Rescue Service has advised as follows

**VEHICLE ACCESS**

Appropriate supplies of water for fire fighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 1 requirement B5, section 11.

I would remind you that the roads and drives upon which appliances would have to travel in order to proceed to within 45m of any point within the property, should be capable of withstanding the weight of a staffordshire firefighting appliance (G.V.W of 17800 kg)

**AUTOMATIC WATER SUPPRESSION SYSTEMS (SPRINKLERS)**

I wish to draw to your attention Staffordshire Fire and Rescue service's stance regarding sprinklers.

**DOMESTIC SPRINKLERS**

In the interest of preventing deaths and injuries from fires within domestic dwellings Staffordshire Fire and Rescue Service strongly recommend the provision of a sprinkler system to a relevant standard.

Early consultation with the fire service when designing buildings which incorporate sprinklers may have a significant impact on reducing fire deaths and injuries in domestic premises and financial implications for all stakeholders.

Further information can be found at [www.bafsa.org.uk](http://www.bafsa.org.uk) – the website of the British Automatic Fire Sprinklers Association Ltd.



## Consultations and Publicity

### ***External Consultations***

#### Crime Prevention Staffordshire Police HQ

No objections

#### Staffordshire Fire and Rescue Service

##### Vehicle Access

Appropriate supplies of water for fire fighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 1 requirement B5, section 11.

I would remind you that the roads and drives upon which appliances would have to travel in order to proceed to within 45m of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance (G.V.W of 17800 kg)

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Further information can be found at [www.bafsa.org.uk](http://www.bafsa.org.uk) – the website of the British Automatic Fire Sprinklers Association Ltd.

##### Highways

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

### ***Internal Consultations***

#### Environmental Health

No adverse comments for this application.

It has been operating for 10 years or more as a HMO and has a license with ourselves to accommodate up to 10 people in this HMO.

#### Development Plans and Policy Unit

No objection.



The scheme proposes an increase in the number of bedrooms in an existing House in Multiple Occupation (HMO). The site is within a residential area and is not protected for a specific use on the Local Plan (Part 1) Policies Map.

The Cannock Chase Local Plan (Part 1) 2014 does not include any specific policy provisions for HMO developments. However, Local Plan (Part 1) Policy CP3 and the Design SPD provide guidance on overall expectations for standards of good quality and amenity for all developments which should be considered. There are no set standards for bedroom sizes within Local Plan policy/guidance. Guidance could be sought from the Council's Environmental Health/ Private Sector Housing Team with regards to the detailed proposals in this regard (as the licensing authority for HMOs).

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

The revised National Planning Policy Framework (2019) sets out the national planning policy context.

As the proposal is a sui generis use, there is no CIL liability arising.

The case officer will need to consider whether the scale of the project would require mitigation measures for residential development on the Cannock Chase SAC, and the process for dealing with this accordingly. The advice of Natural England should be sought, as set out in the Frequently Asked Questions sheet which has been jointly produced by Natural England and the Cannock Chase SAC Partnership [https://www.cannockchasedc.gov.uk/sites/default/files/cc\\_sac\\_-\\_faq\\_may\\_2018\\_0.pdf](https://www.cannockchasedc.gov.uk/sites/default/files/cc_sac_-_faq_may_2018_0.pdf)

### ***Response to Publicity***

The application was advertised by neighbour letter and site notice. 9 letters of representation have been received, all objecting to the proposal. The main, summarised points of objection are:

- Holly Street is a narrow cul de sac with no turning space and the number of vehicles belonging to this house greatly exceeds the 4 parking spaces at the front of the premises.
- Vehicles park on the road making the passage of other vehicles difficult and impossible for delivery vehicles or refuse vehicles or emergency vehicles.
- Issues regarding parking and extra vehicles will become a lot worse leading to frustration for residents on this street.

<b>Relevant Planning History</b>
----------------------------------

CH/03/0618 Domestic extension. Approved.

## **1 Site and Surroundings**

- 1.1 The application site relates to a detached dwelling located towards the end of Holly Street, Cannock.
- 1.2 The application building is a two storey brick and render detached dwelling with an integral garage. The building has previously been extended. The front of the dwelling is laid over to hardstanding entirely and is bound by a combination of dwarf wall and low level fencing to the side boundaries.
- 1.3 The dwelling is on the western side of Holly Street in a residential cul-de-sac with surrounding dwellings being a mixture of detached and semi-detached two storey dwellings. Overall the general character of this location is residential.
- 1.4 The application site lies within a Mineral Safeguarding Area and is considered to be in a low risk area by the Coal Authority.

## **2 Proposal**

- 2.1 The proposal is for the change of Use from 8- bed House in Multiple Occupancy (HMO) to 10-bed HMO.
- 2.2 To facilitate the additional bedrooms the existing conservatory would be converted to form two new bedrooms, separated by a central passage providing access for all residents to the rear garden.
- 2.3 The applicant has confirmed that there is a license in place with Environmental Health to accommodate up to 10 people at the property.
- 2.4 As the total number of rooms would allow up to 10 people living together in one dwelling, the use of the site would be Sui Generis under the Use Classes Order (2016).
- 2.5 No external alterations or enlargements of the existing building are proposed.

## **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  
CP3 - Chase Shaping – Design

CP5 – Social Inclusion and Healthy Living  
 CP6 - Housing Land  
 CP7 - Housing Choice  
 CP10 – Sustainable Transport  
 CP11- Centres Hierarchy  
 CP12 – Biodiversity and Geodiversity  
 CP13 - Cannock Chase Special Area of Conservation

#### 3.4 Relevant Policies in the Minerals Plan:-

Policy 3.2

#### 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) Impact on highway safety.
- v) Impact on nature conservation/SAC/CIL
- vi) Drainage and flood risk
- vii) Mineral safeguarding
- viii) Waste and recycling facilities

## 4.2 Principle of the Development

4.2.1 The proposal is for the conversion of an existing conservatory positioned to the rear of an existing building already used as an 8 bedroom HMO. The application site is located within an established residential area located within a built up location in Cannock. The site is not allocated or designated within the Local Plan. Both the NPPF and Cannock Chase Local Plan Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise. The Cannock Chase Local Plan (Part 1) 2014 does not include any specific policy provisions for HMO developments. It is considered that the principle of development of the proposed conversion to provide two additional bedrooms is acceptable subject to the considerations below.

4.2.2 However, although a proposal may be considered to be acceptable in principle it 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.

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

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

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials;

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 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, the proposal would not alter the external appearance of the building or extend the footprint of the existing building in order to facilitate the two additional rooms proposed. The applicant would convert the existing conservatory located to the rear of the building. The frontage comprises of hardstanding which is already given over to parking and is no different to other neighbouring properties that have off road parking areas to the front of their properties.
- 4.3.6 It is therefore considered that the proposal would not have a significant detrimental impact to the character and appearance of this residential location and therefore accords with Policy CP3 of the Local Plan.

#### 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 this instance it is noted that the proposed additional bedrooms would be located within the existing conservatory/ orangery style extension which has existing windows in the rear elevation giving views down the application site garden. Therefore the proposal would have no detrimental impact to the neighbouring occupiers in terms of outlook, privacy or daylight over and above that of the existing arrangement.
- 4.4.4 In respect to the standard of residential amenity for the future users of the property it is noted that the additional bed rooms would be served by windows in the rear elevation which have an open aspect that meets the 45/25 degree test for adequate light. In addition to the above it is also noted that the property already benefits from a license to allow it to operate as an HMO for up to 10 people.
- 4.4.5 Given the above it is considered that the proposal would adequately protect the amenity of existing residents and would result in a high standard of residential amenity for both future users and the occupiers of nearby neighbouring properties. As such the proposal would meet the requirements of policy CP3 and the provisions 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 The Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport (2005) has no specific parking requirements for houses in multiple occupation and as such there is no local guidance with which to assess the proposal. The assessment of the proposal in respect to highway safety should therefore be led by the provisions of paragraph 109 of the NPPF, that is whether the proposal would lead to an “unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 4.5.3 In this respect it is noted that residents within the cul-de-sac have objected to the proposal in relation to the parking provision and current parking issues within Holly Street.
- 4.5.4 Officers note that the application site has very limited parking to serve a 10 bedroom building. The applicant states that they have 8 residents already living in the property, all of whom are in full time employment. Of the existing residents the applicant confirms that 5 have vehicles. The applicant has interviewed two potential applicants for the additional bedrooms however these two residents do not have access to vehicles. The applicant has confirmed that they do not anticipate any further vehicles at this time as most of the residents within the property are long term residents. Furthermore, photographic evidence has been submitted by the applicant in an attempt to show that parking is not problematic within Holly Street. However, officers note that no photographic evidence has been submitted by neighbours to show otherwise.
- 4.5.5 The County Highways Authority has been consulted on the proposal and have no objections, subject to the imposition of a suitable condition to ensure the parking is laid out in accordance with the plan. It is further noted that the application site is located within a sustainable location, with good access to local amenities and local bus routes to Cannock Town Centre. Officers consider that both these factors swing heavily in favour of the proposal.
- 4.5.6 It is therefore considered, on balance, that the proposal would not result in unacceptable impacts on highway safety and that the residual cumulative impacts on the road network would not be severe. As such the proposal would be in accordance with paragraph 109 of the NPPF.

#### 4.6 Impact on Nature Conservation Interests

- 4.6.1 The application site is not subject to any formal or informal nature conservation designation and is not known to support any species or habitat that is protected or of particular conservation interest.
- 4.6.2 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.

- 4.6.3 In this respect the comments of the Policy Officer are accepted that as the proposal is not proposing a new residential dwelling (or HMO) and only relates to a limited increase in the number of bedrooms within the existing HMO it is considered that the proposal, alone or in combination with other projects is not likely to have a significant impact on Cannock Chase SAC and therefore no contribution towards the Cannock Chase SAC is required.

#### 4.7 Mineral Safeguarding

- 4.7.1 The site falls within a Mineral Safeguarding Area (MSAs) for Bedrock Sand and Superficial Sand and Gravel. 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.

- 4.7.2 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.

- 4.7.3 The proposal falls within the exemptions criteria of Table 7 for Minerals Safeguarding. As such, the proposal is compliant with Policy 3 of the Minerals Local Plan.

#### 4.7 Drainage and Flood Risk

- 4.8.1 The site is located within Flood Zone 1 in the Environment Agency’s Flood Risk maps and hence is at the lowest risk of flooding.

- 4.8.2 The applicant has stated that foul and surface water will be disposed to mains drains. There is no evidence to suggest that in principle these systems of discharge would be inappropriate, particularly given the size of the site and its location within an urban area with access to sewerage infrastructure. The area occupied by buildings and hard standing would not increase and so there would not be any increase in run-off as a direct result of the proposal.

- 4.8.3 As such it is concluded that the proposal would be acceptable in respect to drainage and flood risk.



#### 4.9 Waste and Recycling Facilities

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

4.9.2 It is noted that the property and its use as a HMO already exists within a residential street where the Council already collect bins. As such, the proposal to increase the existing number of bedrooms by two would not have a significant detrimental impact on the existing situation. As such, the proposal accords with Policy CP16 of the Local Plan.

#### 4.10 Crime and the Fear of Crime

4.10.1 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'.

4.10.2 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.

4.10.3 The comments of the neighbours are noted with regard to the lack of on site parking and the potential to cause conflict with existing neighbours. However no evidence has been submitted by the objectors to substantiate these allegations. It is not uncommon to find on many estates built from 2000 onwards that parking is limited due to parking standards at that time set as maximums rather than minimums. However, there is no evidence to suggest that this has resulted in significant increases in crime and disorder on those estates. As such the comments made by the objectors in this respect should be given very little weight.

4.10.4 Given the above there is no evidence to suggest that the proposal would be contrary to paragraph 127(f) 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 approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.

**Equalities Act 2010**

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

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

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

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

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

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

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

**6 Conclusion**

- 6.1 In respect to all matters of acknowledged interest, including the standard of amenity, impact on the character of the area, highway safety, nature conservation interests, and the provision of waste and recycling facilities the proposal is considered acceptable.
- 6.2 Given the nature of the proposal, it is not liable for CIL, or required to make contributions towards the SAC or affordable housing.

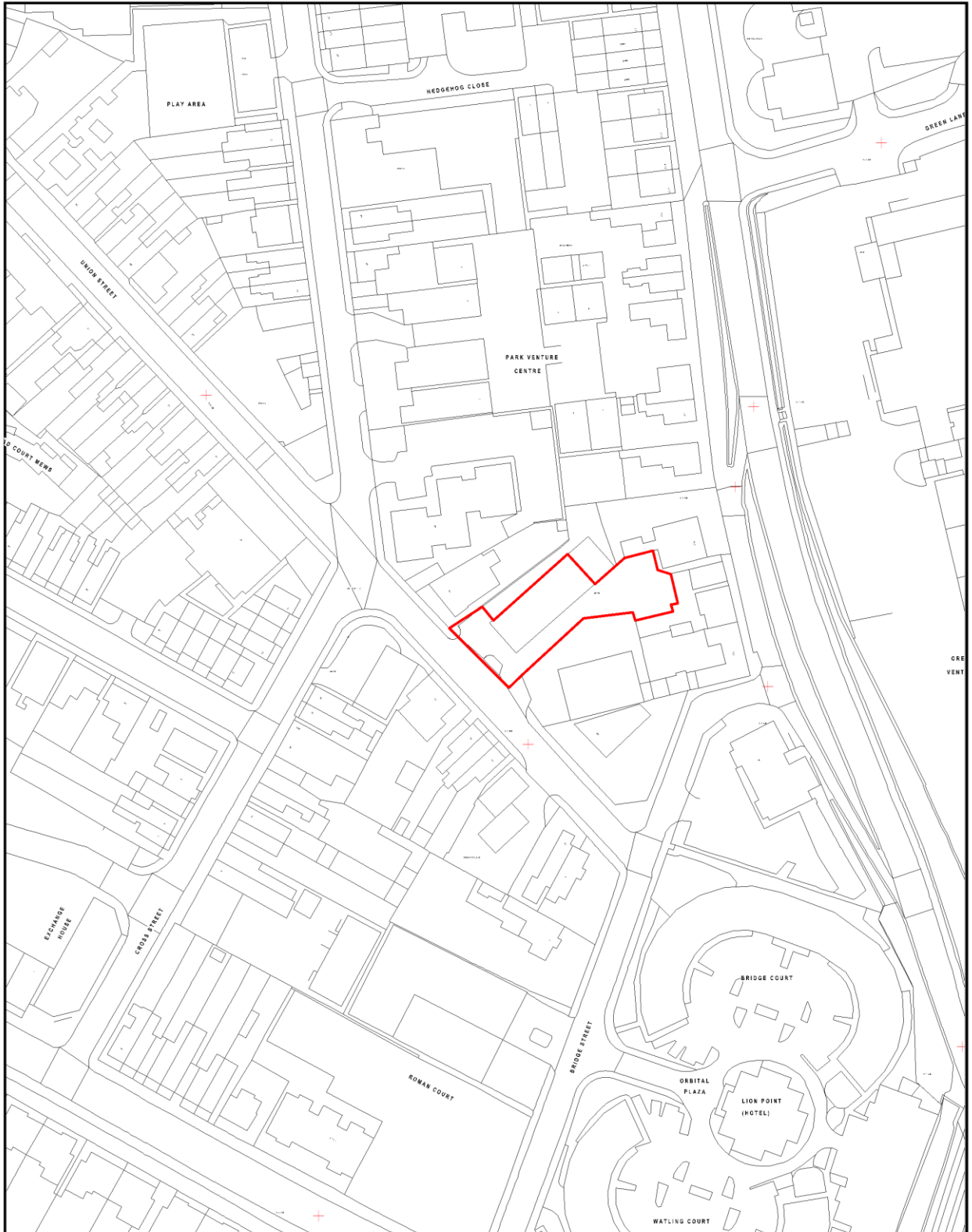


**Application No:** CH/19/305

**Location:** Mercury House, 63, Union Street, Bridgtown, Cannock, WS11 0BS

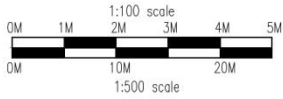
**Proposal:** Variation of Condition (2) parking provision and (6) approved plans - Pursuant to CH/19/129

Item no. 6.18

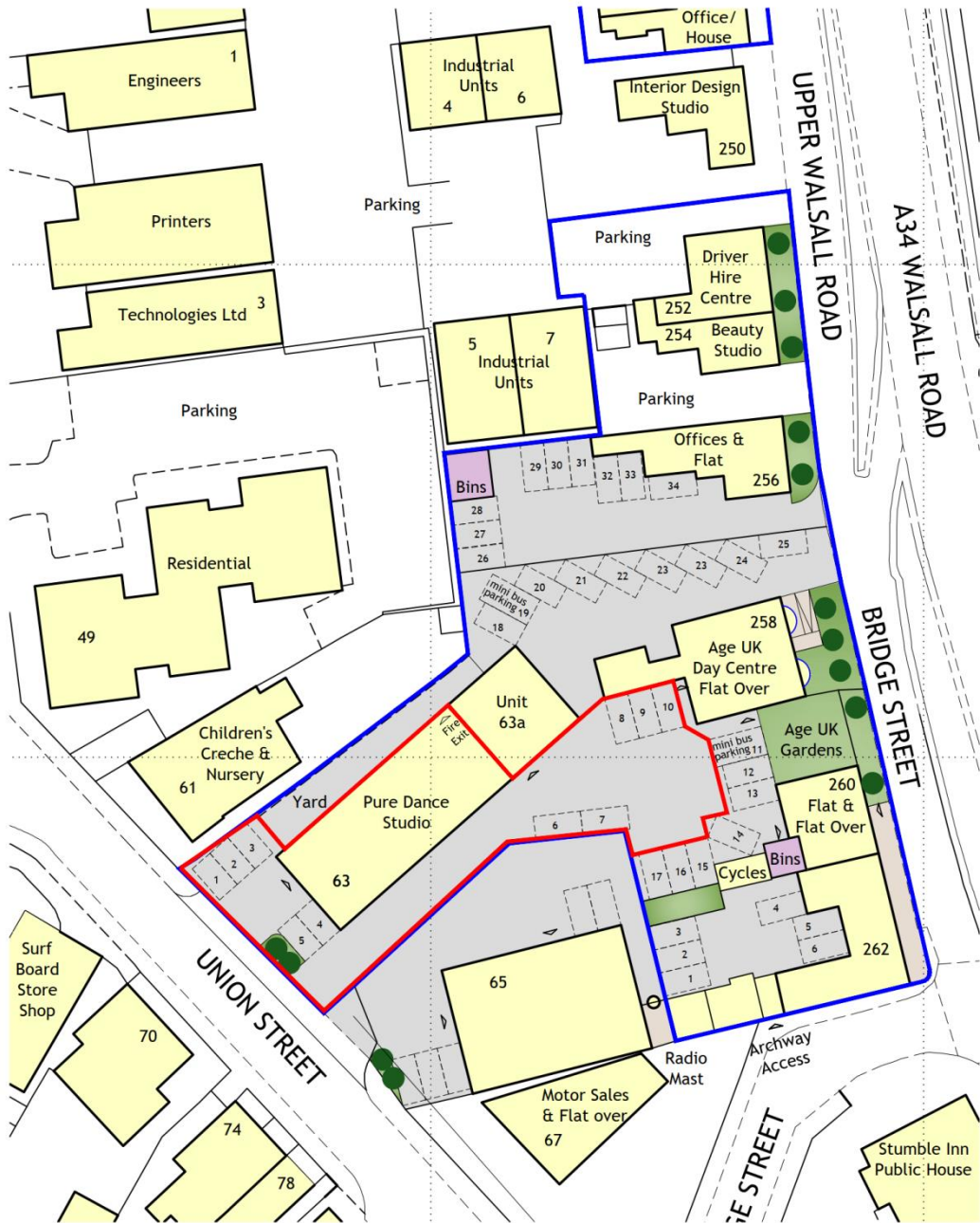
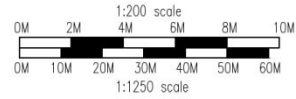


# Site Plan

Item no. 6.19



1:500@A4  
09.Aug.2019



MERCURY COURT. CANNOCK.

<b>Contact Officer:</b>	<b>Claire Faulkner</b>
<b>Telephone No:</b>	<b>01543 464 337</b>

**PLANNING CONTROL COMMITTEE**

**18 DECEMBER 2019**

<b>Application No:</b>	CH/19/305
<b>Received:</b>	13-Aug-2019
<b>Location:</b>	Mercury House, 63 Union Street, Bridgtown, Cannock, WS11 0BS
<b>Parish:</b>	Bridgtown
<b>Description:</b>	Variation of Condition (2) parking provision and (6) approved plans - Pursuant to CH/19/129
<b>Application Type:</b>	Full Planning Application

**RECOMMENDATION:**

Approve Subject to Conditions

**Reason(s) for Recommendation:**

In accordance with paragraph 38 of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and the National Planning Policy Framework.

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

1. Within 3 months of the date of this permission, the parking and turning areas indicated to the rear of the building as demonstrated on Dwg. Titled Mercury Court, 1:500 Site Plan, dated 11th November 2019 shall be provided and surfaced in a bound material with the individual parking bays clearly delineated which shall thereafter be retained for parking only for the life of the development.

Reason

To comply with the objectives and policies contained within the National Planning Policy Framework and in the interests of Highway Safety.

2. The building shall not be open to customers outside the hours of 08:00hrs to 22:00hrs Monday to Saturday and 10:00hrs to 16:00hrs on Sundays or Bank or Public Holidays.

Reason

To ensure the protection of neighbouring occupiers in accordance with Policy CP3 of the Cannock Chase Local Plan and paragraph 127f of the National Planning Policy Framework

3. Notwithstanding the approved plans, the premises shall be used as a dance school only within the D2 Use Class of the Use Class Order 2017 and for no other use falling within the D2 Use Class.

Reason

To ensure the continued protection of neighbouring occupiers.

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

Block Plan dated 11th November 2019

18-MC-11\*

18-MC-12\*

(\* as approved under planning permission CH/19/129)

Reason

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

## Consultations and Publicity

### ***External Consultations***

#### Travel Management and Safety

No objection subject to conditions

#### Bridgtown Parish Council

No response to date

### ***Internal Consultations***

None undertaken

### ***Response to Publicity***

Adjacent occupiers were notified and a site notice displayed with 2 letters of representation received. The comments of the letters are summarised below:-

- The parking is not acceptable;
- No notice had been displayed for these requirements to the parking situation and neighbours weren't aware of it until I asked. I thought this was a legal requirement?

- There is no signage or direction to the spaces;
- The public are still parking on Union Street and causing residents to be blocked in and preventing access to enclosed drives. The parking on both sides of the street is also preventing emergency fire engines from getting through;
- There is no lighting between the entrance to the building and allocated parking at the rear causing a potential hazard to pedestrians when entering or leaving the premises;
- The customers leaving the unit are not leaving considerately and are shouting, laughing, slamming doors and sounding horns. This carries on well after the agreed hours of work.
- The ground being uneven and several pot holes are apparent on the route to the additional parking;
- The Environmental Noise Report carried out sound testing and dated the report and signed it off before the date of the survey;
- No. 63A to the rear of the application site is currently being lived in;
- The waste disposal into a temporary skip at the side of the application building.

### Relevant Planning History

CH/19/129 Change of use from Industrial to professional dance studio & manufacture of professional dance clothing. Approved

CH/19/129A Discharge of Conditions. Approved

### 1 Site and Surroundings

- 1.1 The application site comprises a modern factory unit built from brick under a cement fibre roof with side yard served by a vehicular access to Union Street.
- 1.2 The frontage of the unit has been updated to facilitate the use as a dance studio with new glazed openings and signage. The frontage has been marked out with 5 parking spaces with the remaining space given over to some soft landscaping.
- 1.3 Opposite the site, across Union Street, are several semi-detached houses; to the east a Gunmakers unit, to the west is 'Tiny Toes' day nursery. To the rear is Julian House which is used by Age Concern.
- 1.4 The surrounding area is mixed use in character with residential properties situated adjacent to commercial properties and where there is considerable variety in the scale of buildings from domestic scale up to the Orbital Plaza Hotel and the commercial units at the Green Lane Venture Centre.
- 1.5 Union Street is somewhat narrow and congested with most properties having no alternative but on-street parking.
- 1.6 The site is unallocated and undesignated in the Cannock Chase Local Plan (Part 1).



## 2 Proposal

- 2.1 The application seeks permission for the variation of condition 2 of planning permission CH/19/129 for the re-design of the parking layout to provide an improved access for emergency vehicles.
- 2.2 The use permitted under planning permission CH/19/129 has been implemented and the relevant conditions discharged.

## 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
- CP3 - Chase Shaping – Design

The relevant policies within the Minerals Local Plan Policy :-

Policy 3.2 Mineral Safeguarding

### 3.3 National Planning Policy Framework

- 3.4 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 'presumption in favour of sustainable development' and sets out what this means for decision taking.
- 3.5 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.
- 3.6 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
- 108-109 Promoting Sustainable Transport
- 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.

## 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: 013 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 The determining issues for the proposal are whether the proposed variations to conditions would be acceptable in respect of their impact on: -

- (i) The principle of the development
- (ii) The Impact of the proposal on the character and appearance of the approved development
- (iii) The impact on highway safety
- (iv) The standard of amenity in the locality

### 4.5 The Principle of the Development

4.5.1 The principle of the development is already approved under the previous planning application ref no CH/19/129. This permission has been implemented.

Hence the principle for the change of use of the site has been firmly established and there have been no material changes in policy or circumstances that would alter this stance.

#### 4.6 The Impact of the proposal on the character and appearance of the approved development

4.6.1 The original permission accepted a parking layout that provided 6 spaces to the front and a further 4 spaces along the side of the building. The applicant now seeks to revise the parking layout to provide 5 spaces to the front of the unit and a further 5 spaces to the rear. The 5 spaces to the front have already been provided.

4.6.2 The surrounding buildings and parking areas are all in the ownership of the applicant. The applicant is seeking to formalise this wider parking area to be utilised by all of the existing occupiers. The buildings with access to the shared parking area include: The Dance Studio, No.63a Union Street, Age UK (258 Walsall Road) and No.260 Walsall Road.

4.6.3 The applicant has confirmed the current provision for the wider site is as follows:-

- The Dance Studio benefits from 10 parking spaces;
- Age UK benefits from 7 allocated spaces;
- No.260 Walsall Road benefits from 2 allocated spaces for 2 flats;
- No.258 Walsall Road benefits from 3 spaces for 3 first floor flats;
- No.63a Union Street benefits from 1 space; and
- There are three vacant spaces within the blue line which can accommodate visitors to the site.

4.6.4 Overall, the car park within the wider site already exists with some spaces being provided on an ad hoc basis. The formalisation of this existing parking area would have no significant impact on the character and appearance of the wider area. As such, the variation in the design of the previously approved parking layout would not significantly alter the overall design, character and layout of the approved development. Therefore it is considered that the proposal would meet the requirements of the NPPF and Policy CP3 of the Cannock Chase Adopted Local Plan.

#### 4.7 Highway Implications

4.7.1 The applicant states that AGE UK (No.258 Walsall Road) and the Dance Studio (63 Union Street) have some synergy as their requirement for parking provision is at different times of the day, for example; the dance studio is generally closed for lessons during daytime hours when Age Concern is open.

4.7.2 The Highway Authority was consulted on the application and, subject to conditions raised no objection to the variation of the parking layout.

4.7.3 As such, it is considered that given the above, the proposal would not result in circumstances where the cumulative impact of the development on local roads

would be severe. The test set out in paragraph 109 of the NPPF is therefore met.

#### 4.8 Impact on the Residential Amenity

4.8.1 The only issue in the determination of this application is whether the proposed alterations would lead to unacceptable impacts on the standard of amenity to any adjacent neighbouring properties.

4.8.2 The proposal would retain the appropriate number of parking spaces for the use of the dance studio within the wider curtilage of the site. Therefore there would be no significant impact on the amenity of residential properties over and above that of the already approved use.

4.8.3 Given the above, it is considered that subject to the above, the variation of condition 2 of planning permission CH/17/079 would meet the requirements of the NPPF and Policy CP3 of the Cannock Chase Adopted Local Plan in respect to maintaining a high standard of residential amenity.

#### 4.9 Objections raised not covered above.

4.9.1 An objector has commented that the parking is not acceptable however Officers note there is no reason given for this statement and that the Highway Authority have no objection to the proposal.

4.9.2 An objector states that no notice had been displayed. Your Officers confirm that the neighbour initially raised concern with the Council regarding conditions imposed on planning permission CH/19/129 not being adhered to. As a consequence of this, the applicant was notified and asked to provide the parking as per the approved plans. The applicant confirmed that they would not be providing the parking layout as per the approved plans but would be submitting a revised layout to formalise the parking area to the rear of the units. Once an application was received neighbours with boundaries directly abutting the site were notified and a site notice erected on the lamppost to the front of the site. Your Officers confirm that the neighbor consultation process does not commence until an application has been received and registered by the Planning Authority.

4.9.3 An objector stated that there is no signage or direction to the spaces. Your Officers confirm that there was no requirement for directional signage as a consequence of the planning permission.

4.9.4 Objectors have stated that the public are still parking on Union Street and causing residents to be blocked in and preventing access to enclosed drives. The objector continues that the parking on both sides of the street is also preventing emergency fire engines from getting through. Your Officers confirm that whilst the applicant has an obligation to provide the required parking spaces, there is no means to enforce the use of the spaces. Also, it is noted that the issue of parking on both sides of the highway is a historic one with the area comprising of light industrial, residential, leisure and retail uses.

- 4.9.5 Objectors have stated that there is no lighting between the entrance to the building and allocated parking at the rear causing a potential hazard to pedestrians when entering or leaving the premises. Your Officers confirm that there was no requirement for lighting as a consequence of the planning permission.
- 4.9.6 An objector has stated that the customers leaving the unit are not leaving considerately and are shouting, laughing, slamming doors and sounding horns. The objection continued that this carries on well after the agreed hours of work. Your Officers confirm that this is not a material consideration for the determination of this application however the issue is currently being investigated and the Planning Officer is working with the applicant to ensure the tenant is using the premises considerately and within the hours imposed by condition. The land owner has confirmed that a CCTV is currently being erected on site. Whilst this will not measure noise it will give the applicant a better indication of any breach of hours conditions and other anti-social behaviour occurring on the site.
- 4.9.7 An objector also raised concern with:
- The ground being uneven and several pot holes are apparent on the route to the additional parking;
  - The Environmental Noise Report carried out sound testing and dated the report and signed it off before the date of the survey;
  - No. 63A to the rear of the application site is currently being lived in;
  - The waste disposal into a temporary skip at the side of the application building;
- 4.9.8 Your Officers confirm that the above points raised are not material considerations for the determination of this particular application which only relates to differences in the car park arrangements and no other issue.

## **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.
- 5.3 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

- 5.4 It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.
- 5.5 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 acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 It is therefore recommended that the application be approved subject to the attached conditions.