

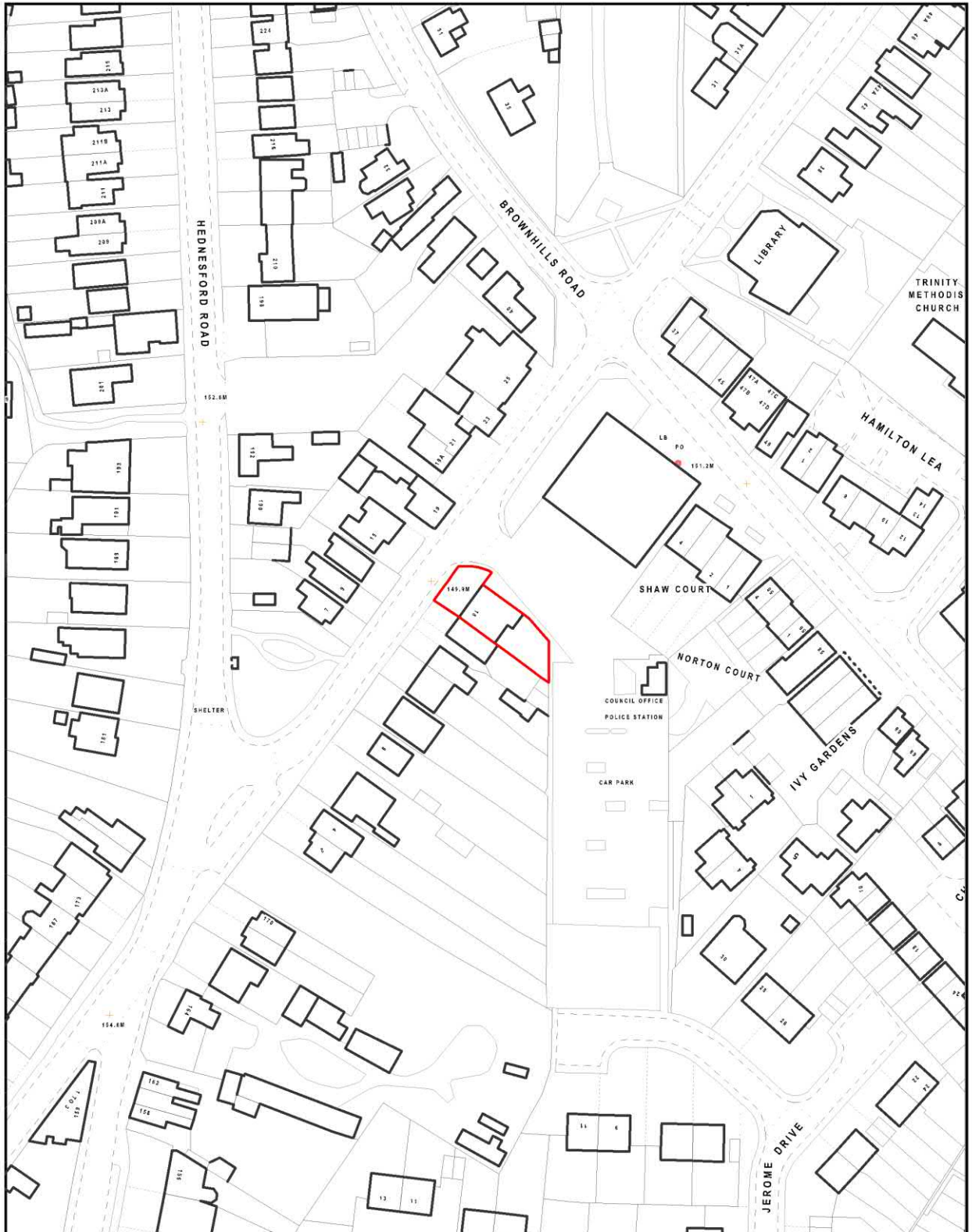


**Application No:** CH/19/076

**Location:** Dental Practice, 18, Burntwood Road, Norton Canes, Cannock, WS11 9RE

**Proposal:** Retention of roller shutter to secure shopfront

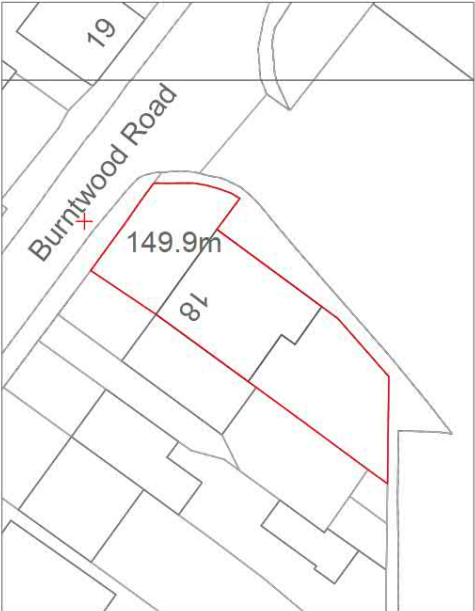
Item no. 6.74



# Location and Block Plan



Location Plan 1:1250



Block Plan 1:500

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ISSUE	DATE	DESCRIPTION
REVISIONS		
 <b>QA Architecture</b> Architects, Project Managers & Interior Designers Unit 12A, The Wing Yip Centre    Tel: 0121 328 9898 278 Thimble Mill Lane    Fax: 0121 328 9899 Birmingham B7 5HD    e-mail: qa-architecture.com		
<b>CLIENT</b> Rotahurst (MS) Ltd Pension and Assurance Scheme		
<b>PROJECT</b> Roller Shutter to Shopfront		
<b>DRAWING TITLE</b> Location Plan and Block Plan		
<b>ISSUED</b> JEB	<b>SCALE @ A4</b> 1:1250/500	<b>DATE</b> Feb 2019
<b>JOB No.</b> 10383	<b>DWG No.</b> 03	<b>REV.</b>

## Photo of the Roller Shutter

**Roller Shutter to Dental Practice 18 Burntwood Road Norton Canes WS11 9RE**



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

**PLANNING CONTROL COMMITTEE**

**15 MAY 2019**

<b>Application No:</b>	CH/19/076
<b>Received:</b>	21-Feb-2019
<b>Location:</b>	Dental Practice, 18 Burntwood Road, Norton Canes, Cannock, WS11 9RE
<b>Parish:</b>	Norton Canes
<b>Description:</b>	Retention of roller shutter to secure shopfront
<b>Application Type:</b>	Full Planning Application

This application has been referred to Planning Control Committee on the grounds that Norton Canes Parish Council have objected and the officer recommendation is for approval.

**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. Notwithstanding the approved plans, the security roller shutter shall be finished in a matt white powder coated colour within 3 months of the date of this permission. The roller shutter and associated boxing shall thereafter be retained and maintained for so long as the development remains in existence unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of the visual amenity and to ensure compliance with Local Plan Policy CP3.

## Consultations and Publicity

### *External Consultations*

#### Parish Clerk, Norton Canes Parish Council

The Parish Council are concerned that no previous planning application was applied for with regard to the installation of the roller shutter blind. We do note that the Enforcement Officer did attend the site following concern raised. The outcome of which is that the business submitted a retrospective application.

The concern is that the roller shutter at the front of the building is made of industrial material and affects the street scene which is mainly residential houses.

### *Internal Consultations*

None undertaken.

### *Response to Publicity*

A site notice was displayed and adjacent occupiers notified with one letter of objection received. The objection is summarised below:-

- The entrance door is next to the front window of No.16 and could encourage people to look into the living room of No.16.;
- The shutter is of an ugly industrial type;
- The applicant has erected a fence panel by the front door and this does improve the privacy but does little to improve the look of the set up.

## Relevant Planning History

CH/02/0204            Extension to dental surgery. Allowed on appeal.

86/136                Permission dated for a change of use to dental surgery from residential.

## 1 Site and Surroundings

- 1.1 The application site comprises a dentist surgery fronting Burntwood Road, Norton Canes.
- 1.2 The application site forms one half of a pair of semi-detached properties with the adjoining property being residential. The application site was granted a change of use in 1986.
- 1.3 The application site is located on the edge of the village centre of Norton Canes, with residential properties to the south and west, and predominantly commercial properties to the north and east. As such, it is located on the interface of a predominantly commercial area with a predominantly residential area.

- 1.4 The application site is the end building in a row of residential properties and is sited on the corner of Burntwood Road and the entrance to the main car park that serves Norton Canes Co-op. Some of the commercial properties in the wider area benefit from roller shutter doors; including the chip shop opposite (which has a bright blue finish). Similarly, there are several shops on Brownhills Road which have roller shutters to the front and have relationships to residential properties.
- 1.5 The application site is located within a Mineral Safeguarding Area and is also within the Coal Authority Low Risk Boundary and a historic landfill boundary.

## **2 Proposal**

- 2.1 The application seeks retrospective consent for the erection of the roller shutter to the front entrance on Burntwood Road.
- 2.2 In support of the application, the applicant has stated that they have invested in excess of £300,000 capital into developing the dental practice, with investment planned to develop the facilities further in the future. Due to this, roller shutters are required to protect the investment.
- 2.3 Part of this investment includes high-tech equipment that will be installed and used in the running of the premises, comprising of; x-ray machines (£20,000), autoclaves (£2,000), suction pumps and compressor units (£15,000), dental chairs (£20,000), plus the I.T. requirements associated with them.
- 2.4 The applicant has gone on to state that site security is of primary concern and the Care Quality Commission also have specific requirements as to how the applicant ensures payment information is kept secure. This can be addressed with roller shutters.
- 2.5 During the course of the refurbishment works, the applicant has stated that they have had a number of thefts which took place and which added additional costs to the project. Internal roller shutters would not be appropriate at this location. This is because other members of the community have advised of security issues that they have faced with the nearby Co-op, hairdressers, pharmacy, local convenience store and bakery all experiencing issues with broken or smashed windows which internal shutters would not protect. Also, external shutters act as a visible deterrent.

## **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

### CP3 – Chase Shaping-Design

3.4 The relevant policies within the Minerals Plan are:

#### 3.2 – 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

Neighbourhood Area Plan (Draft)

## **4 Determining Issues**

4.1 The determining issues for the application are:-

- Principle of development
- Design
- Impact upon neighbouring dwellings

4.2 Principle of Development

4.2.1 The proposal seeks retrospective planning permission for the addition of a perforated roller shutter door and associated box housing to the front of the building which is on the edge of the village centre of Norton Canes. This is designated as a Local Centre in the Cannock Chase Local Plan wherein it is the intention of Policy CP11 to safeguard local shops and services.

4.2.2 The application site relates to the alteration of the external appearance of an existing commercial premise within a Local Centre and therefore is acceptable in principle.

#### 4.3 Design and 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 roller shutter is typical of that often found on a wide variety of commercial buildings throughout the Cannock District. Indeed, there is an example of such a shutter on the hot food takeaway across the highway from the application site with further examples being found on Brownhills Road, where shops can be found adjacent to residential properties.
- 4.3.6 Whilst the installation of roller shutters on commercial buildings is not an unusual phenomenon, the installation of such features on premises within wholly or predominantly residential areas would not normally be acceptable. However, in this case the merits of the case are not so clear cut. In the first instance the roller shutters do appear somewhat incongruous in their immediate residential context, although in part, this is due to their galvanised finish which is more industrial in nature.
- 4.3.7 On the other hand, the slightly wider context of the location within the Local Centre, it can be clearly seen that there are larger roller shutters in the streetscene and on Brownhills Road there are roller shutters on commercial premises with similar relationships to residential properties.
- 4.3.8 In mitigation of the impacts, it is noted that the applicant has confirmed that the roller shutter would be finished in a white colour to reflect the render finish of the main building. This could be controlled through an appropriately worded condition. In addition, the roller shutter itself is of a perforated design and the roller mechanism is installed in an external box and in the context of the whole frontage is relatively small. These factors would serve to reduce its overall impact.
- 4.3.9 Therefore after taking the design of the shutter and the wider commercial context into account it is considered, on balance, that subject to a condition for powder coating/painting, the proposal the proposal would be in accordance with Local Plan Policy CP3 and the NPPF.

#### 4.4 Impact on the Amenity of the Occupiers of the Neighbouring Property

- 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".
- 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 Whilst the comments of the neighbour are noted in respect to the lack of privacy as a consequence of the entrance, your officers confirm that this entrance already exists. Therefore the erection of the roller shutter door would not, in itself, have impact on the level of privacy over and above that what currently exists. Furthermore, by virtue of its size, scale and location it is considered that it would not result in any loss of daylight or outlook.

4.4.4 As such, the proposal would not have a significant impact on the amenity of the occupiers of the neighbouring property and therefore is in accordance with Policy CP3 of the Local Plan and paragraph 127(f) of the NPPF.

#### 4.5 Objections Raised not Already Covered Above

4.5.1 The neighbour stated that the applicant has erected a fence panel by the front door and whilst this does improve the privacy they are of the opinion that it does little to improve the look of the set up. Your Officers confirm that the erection of a fence in this location would be permitted development, would not require the benefit of planning permission from the local planning authority and does not form part of this application. As such no weight should be afforded to this objection.

## 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 proposals could potentially interfere with an individual's rights to the peaceful enjoyment of his or her property as specified in Article 8 and Article 1 of the First Protocol, however, the issues arising have been considered in detail in the report and it is considered that, on balance, the proposals comply with Local Plan Policy and are proportionate.

### *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 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, on balance, and subject to the attached conditions, would not result in significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 It is therefore recommended that the application be approved subject to the attached conditions.

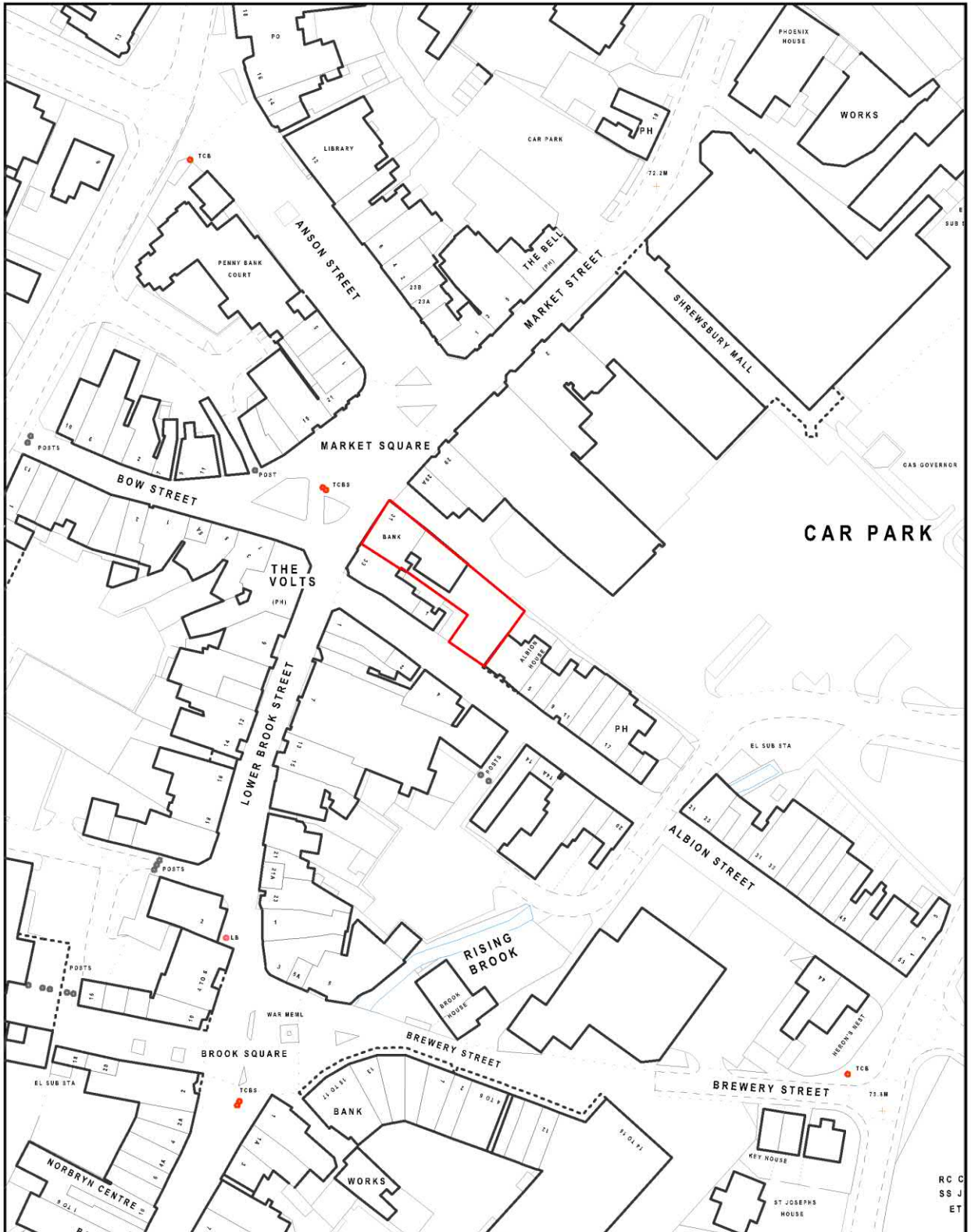


**Application No:** CH/18/403

**Location:** 31, Market Square, Rugeley, WS15 2FA

**Proposal:** Change of use of first and second floors from A2 (Bank) to Large-Scale HMO (Sui Generis) .

Item no. 6.85



# Location Plan



## 31, Market Square, Rugeley, Staffordshire, WS15 2FA



Site Plan shows area bounded by: 404402.29, 318028.25 404543.71, 318169.67 (at a scale of 1:1250), OSGridRef: SK 4471809. 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.

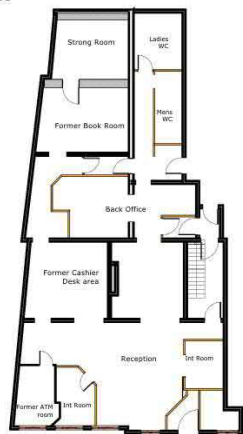
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# Block Plan & Floor Plans

## Existing Floor Plans 1:100

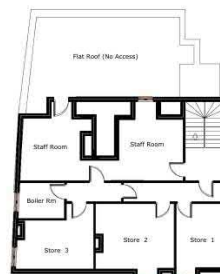
Prior to alteration



Ground Floor  
(No changes, Established A2 Use as Banking Premises)



First Floor



Second floor

## Proposed Floor Plans 1:100

As exists today

Orange walls denote new stud walling, all other arrangements as 'existing' drawing



First Floor



Second floor



Existing and Proposed Block Plan @ 1:200 (No changes proposed)

**NEPTUNE PLANNING**

9 West Drive, Bonehill, Tamworth  
Tel: 01823 545443  
email: info@neptuneplanning.co.uk

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All dimensional sizes are approximate.

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Retrospective conversion of first and second floors to large scale HMO

Former National Bank  
31 Market Square  
Rugby  
WS14 2FA

Drawing Title: Existing and proposed floor plan and site plans		01
Scale: 1:100 (RAT) unless stated		C
Date: 10 December 2018		

<b>Contact Officer:</b>	<b>Audrey Lewis</b>
<b>Telephone No:</b>	<b>01543 464 528</b>

**PLANNING CONTROL COMMITTEE**

**15 MAY 2019**

<b>Application No:</b>	CH/18/403
<b>Received:</b>	05-Nov-2018
<b>Location:</b>	31 Market Square, Rugeley, WS15 2FA
<b>Parish:</b>	Rugeley
<b>Description:</b>	Change of use of first and second floors from A2 (Bank) to Large-Scale HMO (Sui Generis)
<b>Application Type:</b>	Full Planning Application

**RECOMMENDATION:**

Approve Subject to Conditions

**Reason(s) for Recommendation:**

Reason for Grant of Permission:

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

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

1. Within 3 months of the date of this permission, a scheme for the provision of bin storage (a minimum of 5 No. 1100L Euro bins) shall be submitted to, and approved by, the Local Planning Authority. The scheme will be implemented in accordance with the approved details within 1 month of the approval of such details and retained as such for the lifetime of the development.

Reason

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

2. Those rooms identified as stores on the first floor shall not be used as habitable rooms at any time.

**Reason**

In the interests of ensuring a high standard of amenity is maintained in accordance with Policy CP3 of the Cannock Chase Local Plan and Paragraph 127(f) of the NPPF.

**Notes to the Developer:**

**NOTE:**

These comments are provided in response to the works currently described in the above applications and the applicant should be aware that any other alterations to the Listed Building, internal or external, which could affect its character as a building of special architectural or historic interest, are prohibited unless authorised by a specific Listed Building Consent. This includes any works of sound proofing which should be deemed necessary to ensure the conversion complies with the Building Regulations.

The applicant should be aware that implementation of works affecting the character of the Listed Building without the necessary Listed Building Consent is an Offence.

The conversion works must be undertaken in accordance with BS8233:2014. Guidance on sound insulation and noise reduction for buildings which is applicable to refurbished buildings undergoing a change of use. Sound insulation works must at least meet the minimum standards laid down in Building Regulations for conversion works.

**Consultations and Publicity**

***External Consultations***

Rugeley Town Council

Concerns expressed that the number of bedrooms appears excessive given the number of bathrooms and kitchen facilities. In addition, the walls dividing the rooms would be only stud partitioning and therefore not affording privacy to inhabitants.

Waste & Recycling

Bin collection and storage points should be constructed to a sufficient size and quality for the number of bins required and consideration given to their proper environmental screening.

The apartment development shown requires a communal waste storage point of a suitable size and quality to house a minimum of 5no. 1100ltr. Euro bins.

There must be a minimum clear space of 150mm between individual containers and between containers and surrounding walls (BS5906:2005).



Bins should not have to be moved to access other containers; should not be over filled; or cause a hazard to collection crews.

Bin stores should be located at ground/ vehicle access level with adequate access. The doorway must of a sufficient size to allow for the safe manoeuvring and ease of access and egress of refuse crews while moving bins, including level access from the collection / storage area to the kerbside.

Sufficient consideration must be given to lighting, ventilation, fire safety and vermin control.

The security of the bin store is the responsibility of the landlord; where locks are fitted, bin stores should be opened prior to the scheduled collection or keys / access codes made available to the Council.

Communal bin stores should be positioned so as to allow unobstructed access (free from parked cars etc.) and have a safe working area of 3.5m width and 4m length, with no change in level to the loading point, including the provision of dropped kerbs edgings as required

#### County Highways Officer

The proposal is for the change of use from a bank to a 10 bedroom house of multiple occupation. The property is located in Rugeley town centre on Market Square. There are 7 car parking spaces attached to the property which is in line with parking standards for HMO (1 space per 2 bedrooms). The Highway Authority has no objection to this proposal.

#### Fire Officer

The works have been undertaken in accordance with the fire risk assessment.

#### Crime Prevention Officer

No comment to make with regards to the application.

#### Landor Society

No comments received.

### ***Internal Consultations***

#### Conservation Planning Officer (comments dated 13.12.18)

The site comprises a grade II listed late 18thC building within Rugeley Town Centre Conservation Area. It stands facing Market Square and though apparently built as a dwelling it has most recently been used as bank premises but has an imposing facade and a modern rear extension.

The applications are retrospective as the work has already been implemented. Any Listed Building Consent cannot be retrospective but can only date from the date of any consent. Approval is sought for internal alterations to create 10 bed-sits together with 2 shared bathrooms a wc/shower and 2 kitchens on the first rooms with stud walling. Access is from the rear door and stairs. The ground floor remains in commercial use.

#### Legislation and Policy

The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the Local planning authority's duties:

S.66 In considering whether to grant planning permission for development which affects a Listed Building or its setting the local planning authority shall have special regard to the 'desirability 'of preserving the' building or its' setting or any features of special architectural or historic interest which it possesses.

S.72 the local planning authority has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. While the duty may only require that no harm should be caused, it nonetheless creates a special presumption and considerable weight and attention should be given to any harm found to arise regarding the character or appearance of the Conservation Area.'

The NPPF 2018 sets out the process for considering the conservation and enhancement of historic environment in paras 184-202, and the potential impacts of development proposals. Of particular relevance here:

Para 190: the Local Authority should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). They should take this into account when considering the impact of a proposal on a heritage asset to avoid or minimise any conflict between the heritage assets conservation and any aspect of the proposal.

Para 192: in determining applications. Local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability.
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paras 193 and 194: When considering the impact of a proposed development on the significance of a designated heritage asset – great weight should be given to the asset's conservation. Any harm to or loss of the significance of a designated asset (including from development within its setting) should require clear and convincing justification. The NPPF then sets out the process for consideration of different levels of harm to different heritage assets.

Local Plan Policy CP15 seeks the safeguarding of historic buildings, areas and their settings from developments harmful to their significance in order to sustain character, local distinctiveness and sense of place. Proposals including new developments that are sensitive to and inspired by their context and add value to the existing historic environment, landscape and townscape character will generally be supported, with planning standards applied in a flexible manner to maintain historic continuity.

The Rugeley Town Centre Conservation Area Appraisal 2012 sets out the special interest of the Conservation Area and makes recommendations for its enhancement. This is supplemented by the Conservation Area Management Plan 2012, which encourages maximum occupancy of properties including flats above shops to maximise the vitality and viability of the town centre. The majority of the Conservation Area itself,

comprising the ground floor units of many of the town's historic properties, is occupied by a variety of mixed small scale uses from shops and banks to pubs and takeaways. At first floor level are a further variety of uses supporting the town centre, including flats.

### Conclusion

In principle, these alterations comprising the limited insertion of additional walls to subdivide rooms may not adversely affect the Listed Building providing no features of special architectural or historic Interest have been damaged or removed. In principle it brings back into use vacant floorspace above commercial premises which helps maximise the vitality and viability of the town centre.

I have read the Fire Risk Assessment dated 10th September 2018 provided by the applicant which contains an Action Plan of further works necessary to protect occupants from fire and I have the following comments:

- 4.2 – the sealing of the minor breaks in fire separation identified where services pass through walls/floors with fire rated sealing products is unlikely to adversely affect the character of the Listed Building.
- 4.2 – the installation of fire resistant ceilings to bedrooms 7/8 and the first floor kitchen, providing that it either replaces the existing suspended ceilings or is in addition to them is unlikely to adversely affect the character of the Listed Building.
- 4.3 – works to fire doors, providing that they are all modern doors, is unlikely to affect the character of the Listed Building.

On this basis then, no objections to the applications from a conservation viewpoint.

### *NOTE:*

These comments are provided in response to the works currently described in the above applications and the applicant should be aware that any other alterations to the Listed Building, internal or external, which could affect its character as a building of special architectural or historic interest, are prohibited unless authorised by a specific Listed Building Consent. This includes any works of sound proofing which should be deemed necessary to ensure the conversion complies with the Building Regulations.

The applicant should be aware that implementation of works affecting the character of the Listed Building without the necessary Listed Building Consent is an offence.

### Environmental Health

No adverse comments in principle from Environmental Protection. The conversion works must be undertaken in accordance with BS8233:2014. Guidance on sound insulation and noise reduction for buildings which is applicable to refurbished buildings undergoing a change of use. Sound insulation works must at least meet the minimum standards laid down in Building Regulations for conversion works.

### Private Sector Housing/Licensing Officer (dated 15 March 2019)

We can confirm that we are satisfied that works have now been done to meet the standard required for licensing. A draft HMO licence has been issued and the final licence is due to be issued on 25 March after a 2 week consultation period.

Private Sector Housing/Licensing Officer (dated 11 April 2019)

Further to our conversation this morning and reflection on our earlier comments, please find below our revised comments.

On the condition that the two store rooms noted on the plan dated 10<sup>th</sup> December 2019 are free from hazards, we accept they can be used as sleeping accommodation. We will inspect the property again next week and let you know our findings.

We will be prohibiting the two rooms currently labelled as room 5 and 6 under the Housing Act 2004.

Housing Strategy/ Housing Options Officer

The building is already open as a HMO.

We are already aware that this property is poorly managed. There was a recent report of an alleged illegal eviction and management did not appear to understand their legal obligations.

Traditionally this type of dwelling usually attracts single people, who may be on low income or income related benefits, in practice 10 units in one building could potentially cause issues particularly given the property is situated within the town centre itself. The level of day to day management of the property should be clarified as a matter of urgency, will they be providing a site manager?

Policy Officer

The scheme proposes a House in Multiple Occupation (HMO) on the upper floors of a former bank. The site is located within Rugeley Town Centre boundary and Rugeley Primary Retail Area on the Local Plan 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 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).

Policy CP11 sets out the strategy for the town centres including that non-retail uses will only be permitted where they do not detract from the primary retail function of the town centre.

Policy CP15 outlines the protection of the historic environment including the requirement to be sensitive to the setting and using development around existing historic urban areas as an opportunity.

Policy RTC2 in the Rugeley Town Centre Area Action Plan contains a presumption of retaining A1 uses at ground floor level within the Primary Retail Area and states that other uses will be supported at first floor level or above.

The revised National Planning Policy Framework (24.07.2018) sets out the national planning policy context including Chapter 7 which aims to ensure the viability of town centres by permitting a mix of uses including housing.

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 has been advertised by site notice, neighbour letter and newspaper notice. The following representations were received: -

The provision of 2 bathrooms for a 10 bedroom dwelling isn't appropriate – there was better provision than that in squalid housing at university. Equally, the provision of a single kitchen is not fit for purpose. This is a case of a landlord trying to cram as many people into a building as possible and not providing appropriate conditions for future residents.

We regularly receive complaints about parking in the town and the lack of provision at this property has the ability to further exacerbate this problem. 7 spaces for 10 bedrooms is not a good equation. The proximity of this to the pedestrianised zone is surely going to cause problems.

I am absolutely in favour of an increase in housing in the area, it is required. However, the housing must be appropriate and fit for use. I would like to see the current application blocked and for it to be re-submitted improved provision.

The plans show intent to convert the former NatWest Bank into a 10 bedroom dwelling. The plans submitted only provide for one bathroom on each floor, both very small in size. I do not feel this adequately provides for the proposed number of prospective residents. In addition to this, the plans include provision for a small kitchen on the lower floor. Again, I believe that this will fail to meet the requirements of all occupants and greatly restricts privacy.

In addition to this, the accompanying car park includes only seven parking spaces. This would not provide adequate provision for all residents, this could result in a serious and potentially dangerous situation, given the town centre location and surrounding pedestrianised area.

### **Relevant Planning History**

Extensive planning history, however, the Listed Building Consent application CH/18/405 is the only relevant application to current proposed scheme and is due to be determined at the same time.

### **1 Site and Surroundings**

1.1 The application site is a grade II listed late 18<sup>th</sup>C building within Rugeley Town Centre Conservation Area. It stands facing Market Square and though

apparently built as a dwelling, it has most recently been used as bank premises but has an imposing facade and a modern rear extension.

- 1.2 The application is retrospective as the House in Multiple Occupation (HMO) use has already commenced. Approval is sought for change of use of first and second floors from A2 (former Nat West Bank) to a large scale HMO (Sui Generis). The HMO use provides 10 bed-sits, together with 2 shared bathrooms, a wc/shower, and 2 kitchens on the first floor with stud walling. Access is from the rear door and stairs. The ground floor remains in commercial use.

## **2 Proposal**

- 2.1 The Applicant is seeking retrospective planning permission for change of use of first and second floors from A2 (Bank) to Large-Scale HMO (Sui Generis).
- 2.2 The application is accompanied with a fire risk assessment dated 14 December 2018 and a Design and Access Statement. The plans have been amended to provide a window to all of the HMO bedsit rooms.

## **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
  - CP3: - Chase Shaping – Design
  - CP6: - Housing Land
  - CP7: - Housing Choice
  - CP11: - Town Centre Boundaries
  - CP13: - Cannock Chase Special Area of Conservation (SAC)
  - CP15: – Historic Environment
- 3.4 There are no appropriate policies within the Minerals Plan.
- 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
108-109	Sustainable Transport
124, 127, 128, 130:	Achieving Well-Designed Places
184-202	Conserving and enhancing the historic environment
212, 213	Implementation

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

The Rugeley Town Centre Conservation Area Appraisal 2012.

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 Conservation Area and Listed Building
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on nature conservation
- vi) Affordable housing
- vii) Drainage and flood risk
- viii) Waste and recycling facilities
- ix) Crime and fear of crime

4.2 Principle of the Development

4.2.1 The existing building is designated as Grade II Listed within the Rugeley Town Centre Conservation Area boundary.

4.2.2 Policy CP1 in the Cannock Chase Local Plan (Part 1) 2014 states that there will be a presumption in favour of sustainable development and that development should secure economic, social and environmental improvements where possible. Planning permission can be granted, unless material considerations such as any adverse impacts of granting permission or specific policies in the

National Planning Policy Framework (NPPF) 2018 indicate development should be restricted.

- 4.2.3 Although the Local Plan has a housing policy, it is silent in respect of its approach to windfall sites on both greenfield and previously developed land. As such in accordance with Policy CP1 of the Local Plan the proposal falls to be considered within the presumption in favour of sustainable development, outlined in paragraph 11 of the NPPF. However, paragraph 177 of the NPPF makes it clear "the presumption in favour of sustainable development does not apply where development requiring appropriate assessment (under habitat Regulations) because of its potential impact on a habitats site is being planned or determined."
- 4.2.4 Policy CP13 of the Local Plan recognises that any project involving net new dwelling will have an impact on the SAC and as such should be subject to an appropriate assessment under the Habitat Regulations. This appropriate assessment has been carried out at the plan making stage which underpinned the formulation of policy CP13. This being the case it can only be concluded that the presumption in favour of sustainable development does not apply to the current application and that the proposal should be considered having regard to the development plan and other material considerations.
- 4.2.5 CP15 seeks the safeguarding of historic buildings, areas and their settings from developments harmful to their significance in order to sustain character, local distinctiveness and sense of place. Proposals including new developments that are sensitive to and inspired by their context and add value to the existing historic environment, landscape and townscape character will generally be supported with planning standards applied in a flexible manner to maintain historic continuity.
- 4.2.6 Local Plan (Part 1) Policy CP1 identifies that the urban areas of the District, will be the focus for the majority of new residential development. It also identifies that a 'positive approach that reflects the presumption in favour of sustainable development' will be taken when considering development proposals. The site is not located within either Flood Zone 2 or 3. The site and is not designated as a statutory or non-statutory site for nature conservation. However, the site is a Grade II Listed Building and located within a Conservation Area.
- 4.2.7 The proposed use would not only be in the main urban area, it would be in the town centre which is an eminently sustainable location and would be compatible with surrounding land uses. It meets the policy objectives of the relevant paragraphs of the NPPF and Local Plan Policy CP15, which aim to preserve the building and its setting.
- 4.2.8 As such it would be acceptable in principle at this location. 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 Design and Impact on the Character and Form of the Conservation Area and Listed Building

#### 4.3.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a local planning authority's duties: -

S.66 In considering whether to grant planning permission for development which affects a Listed Building or its setting the local planning authority shall have special regard to the 'desirability' of preserving the building or its 'setting or any features of special architectural or historic interest which it possesses.

S.72 the local planning authority has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. While the duty may only require that no harm should be caused, it nonetheless creates a special presumption and considerable weight and attention should be given to any harm found to arise regarding the character or appearance of the Conservation Area.'

#### 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 In this respect it is noted that Appendix B of the Design SPD sets out clear expectations and guidance in respect to the design of residential development as well as specific guidance for Cannock Town Centre and historic suburbs. Relevant points are; preserve and enhance the character and appearance of historic areas and their settings, including views in and out, and support the local preference for non-intrusive traditional architecture with good quality contemporary schemes where appropriate.
- 4.3.7 The Conservation Officer was re-consulted on the application, since the receipt of a fire risk assessment (dated 10 September 2018) and has no objections to the alterations.
- 4.3.8 There are no external alterations to the Listed Building proposed. The internal alterations to subdivide the building would comprise stud partitioning and would not affect any features of special architectural interest. As such, it is considered that the proposal would not harm the character of the Conservation Area or the setting of the Listed Building.
- 4.3.9 Therefore, having had regard to Policies CP3 & CP15 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 preserve the character appearance and significance of the Conservation Area and the Grade II Listed Building.
- 4.3.10 As such, the proposal would conform with the relevant policies of the Local Plan and the appropriate sections of the NPPF.

#### 4.4 Standard of Residential Amenity

- 4.4.1 Policy CP3 of the Local Plan states that the following key requirements of 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 No neighbour objections have been received to the proposal. There are no nearby residential properties and no external changes proposed to the building. As such, the proposal has no impact on privacy, or amenity to existing surrounding residents.
- 4.4.4 Whilst issues have been raised by the Town Council and Ward Councillors in respect to the facilities within the HMO the Environmental Protection Officer and the Licensing Officer have no objection to the amended proposal, which ensures there are sufficient facilities, internal room sizes and windows serving the existing occupiers of each bedsit room.
- 4.4.5 It is therefore considered that the proposal provides a good standard of amenity for the occupiers and does not affect any surrounding neighbouring residents. As such the proposal would comply with policy requirements of CP3 and 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 proposal provides 7 parking spaces for the residents of the HMO.
- 4.5.3 The County Highways have no objections to the proposals as the application site is located within a sustainable location and the proposal is accordance with parking standards for a HMO (1 space per 2 bedrooms).
- 4.5.4 It is therefore considered that the proposal would not have an adverse impact upon highway safety, or parking capacity.

#### 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 that is given special protection or which is of particular conservation interest. As such the site has no significant ecological value and therefore the proposal would not result in any direct harm to nature conservation interests.
- 4.6.2 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. 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 be in the form of a contribution towards the cost of works on the SAC and this is provided by a S106 agreement,

which should collect SAC contributions based upon 6 HMO bedrooms equating to 1 No. dwelling. Therefore 12 rooms would contribute a SAC payment which would be equivalent to 2 No. dwellings. The proposal is for 10 bedrooms, which shall be rounded up to the nearest whole equivalent (2No. x SAC payment). An appropriate Habitats Regulation Assessment has been undertaken as part of the due process.

4.6.3 Given the above it is considered that the proposal, subject to SAC mitigation, would not have a significant adverse impact on nature conservation interests either on, or off, the site. In this respect the proposal would not be contrary to Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

#### 4.7 Affordable Housing and other Developer Contributions

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

#### 4.8 Drainage and Flood Risk.

4.8.1 The site is located in a Flood Zone 1 which is at least threat from flooding. The proposal would utilise the existing drainage facilities of the building, which is located within a built up area well served by drainage infrastructure. As such it is considered acceptable.

#### 4.9 Waste and Recycling Facilities

4.9.1 The proposal accommodates bin storage facilities to the rear of the building. The Waste and Recycling Department have been consulted on the proposal and have no objection to the proposed waste storage and recycling facilities. The exact nature of facilities provided could be controlled through condition and it is recommended the attached condition is attached to any permission granted.

#### 4.10 Crime and the Fear of Crime

4.10.1 The Crime Prevention Officer has been consulted about the proposal and has no comments to make.

4.10.2 Issues have been raised in respect to a management plan for the property and in respect to illegal evictions. However, it should be noted that these issues relate to the licensing of the property and do not relate to the land use planning issues in respect to this change of use. As such these considerations should be given no weight in the determination of this application.

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

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

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

### ***Equalities Act 2010***

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

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

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

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

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

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

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

## **6 Conclusion**

- 6.1 In respect to all matters of acknowledged interest and policy tests it is considered that the proposal, subject to the attached conditions, would not result in any significant harm to acknowledged interests and is therefore considered to be in accordance with the Development Plan.
- 6.2 It is therefore recommended that the application be approved subject to the attached conditions.

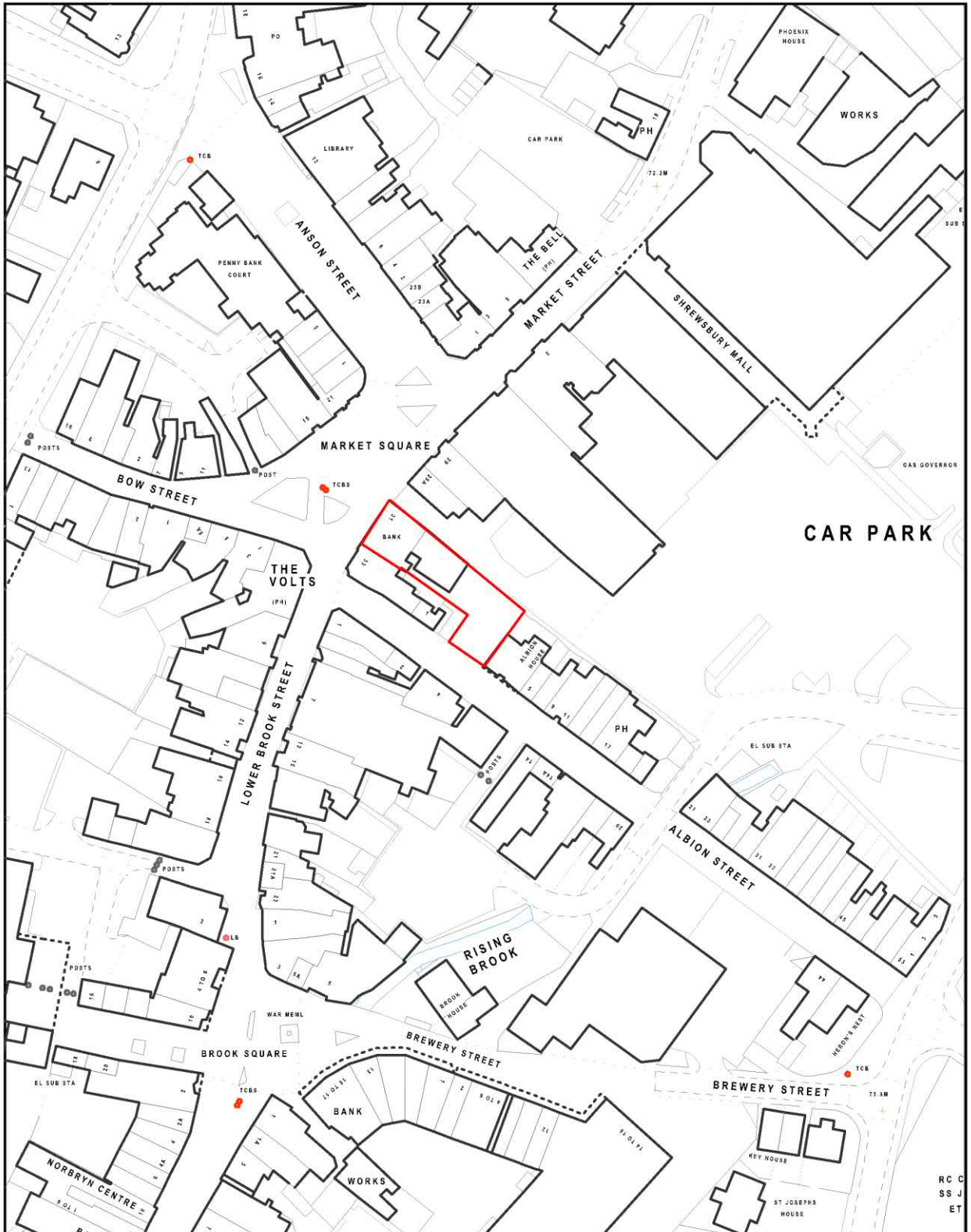


**Application No:** CH/18/405

**Location:** 31, Market Square, Rugeley, WS15 2FA

**Proposal:** Listed Building Consent - Works to facilitate the conversion of first and second floors to HMO comprising predominantly stud walling.

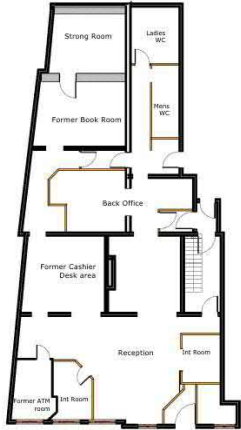
Item no. 6.103





# Block Plan & Floor Plans

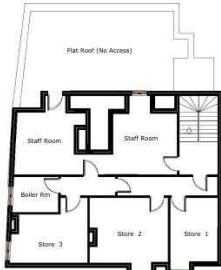
**Existing Floor Plans 1:100**  
Prior to alteration



Ground Floor  
(No changes, Established A2 Use as Banking Premises)



First Floor



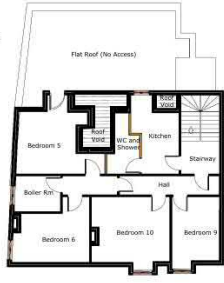
Second floor

**Proposed Floor Plans 1:100**  
As exists today

Orange walls denote new stud walling, all other arrangements as 'existing' drawing



First Floor



Second floor



Existing and Proposed Block Plan @ 1:200 (No changes proposed)

**NEPTUNE PLANNING**  
9 West Drive, Bonehill, Tamworth  
Tel: 01823 545442  
email: info@neptuneplanning.co.uk

This drawing is to be read in conjunction with any structural calculations/details prepared by the Structural Engineer.  
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All dimensional sizes are approximate.

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- Services, Gas, Electric, Water services are to be located in accordance with the relevant service providers requirements. Any person carrying out works shall do so only when the responsibility is assumed with the responsible service provider and shall follow requirements. The proposed works are to be installed, unless the responsible service provider advised that the installation is not required and can be left in place for any work being carried out.

Retrospective conversion of first and second floors to large scale HMO

Former Network Bank  
31 Market Square  
Rugby  
WS14 2FA

Drawing Title: Existing and proposed floor plan and site plans	01
Scale: 1:100 (Floor Plans) 1:200 (Block Plan)	C
Date: 10 December 2018	



<b>Contact Officer:</b>	<b>Audrey Lewis</b>
<b>Telephone No:</b>	<b>01543 464 528</b>

**PLANNING CONTROL COMMITTEE**

**15 MAY 2019**

<b>Application No:</b>	CH/18/405
<b>Received:</b>	05-Nov-2018
<b>Location:</b>	31 Market Square, Rugeley, WS15 2FA
<b>Parish:</b>	Rugeley
<b>Description:</b>	Listed Building Consent – Works to facilitate the conversion of first and second floors to HMO comprising predominantly stud-walling (Retrospective)
<b>Application Type:</b>	Listed Building Application

**RECOMMENDATION:**

Approve Subject to Conditions

**Reason(s) for Recommendation:**

Reason for Grant of Permission

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

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

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

Location Plan

Drg No. C-01

Fire Risk Assessment dated 13 December 2018

Reason

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

**Notes to the Developer:****NOTE:**

These comments are provided in response to the works currently described in the above applications, and the applicant should be aware that any other alterations to the Listed Building, internal or external, which could affect its character as a building of special architectural or historical interest, are prohibited unless authorised by a specific Listed Building Consent. This includes any works of sound-proofing which should be deemed necessary to ensure the conversion complies with the Building Regulations.

The applicant should be aware that implementation of works affecting the character of the Listed Building without the necessary Listed Building Consent is an Offence.

**Consultations and Publicity*****External Consultations***Landor Society

No comments received.

Rugeley Town Council

Concerns expressed that the number of bedrooms appears excessive given the number of bathrooms and kitchen facilities. In addition, the walls dividing the rooms would be only stud partitioning and therefore not affording privacy to inhabitants.

***Internal Consultations***Conservation Planning Officer

The site comprises a grade II listed late 18thC building within Rugeley Town Centre Conservation Area. It stands facing Market Square and though apparently built as a dwelling it has most recently been used as bank premises but has an imposing facade and a modern rear extension.

The applications are retrospective as the work has already been implemented. Any Listed Building Consent cannot be retrospective but can only date from the date of any consent. Approval is sought for internal alterations to create 10 bed-sits together with 2 shared bathrooms a wc/shower and 2 kitchens on the first rooms with stud walling. Access is from the rear door and stairs. The ground floor remains in commercial use.

Legislation and Policy

The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the Local planning authority's duties:

S.66 In considering whether to grant planning permission for development which affects a Listed Building or its setting the local planning authority shall have special regard to the 'desirability' of preserving the 'building or its setting or any features of special architectural or historic interest which it possesses.

S.72 the local planning authority has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. While the duty may only require that no harm should be caused, it nonetheless creates a special presumption and considerable weight and attention should be given to any harm found to arise regarding the character or appearance of the Conservation Area.'

The NPPF 2018 sets out the process for considering the conservation and enhancement of historic environment in paras 184-202, and the potential impacts of development proposals. Of particular relevance here:

Para 190: the Local Authority should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). They should take this into account when considering the impact of a proposal on a heritage asset to avoid or minimise any conflict between the heritage assets conservation and any aspect of the proposal.

Para 192: in determining applications. Local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability.
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paras 193 and 194: When considering the impact of a proposed development on the significance of a designated heritage asset – great weight should be given to the asset's conservation. Any harm to or loss of the significance of a designated asset (including from development within its setting) should require clear and convincing justification. The NPPF then sets out the process for consideration of different levels of harm to different heritage assets.

Local Plan Policy CP15 seeks the safeguarding of historic buildings, areas and their settings from developments harmful to their significance in order to sustain character, local distinctiveness and sense of place. Proposals including new developments that are sensitive to and inspired by their context and add value to the existing historic environment, landscape and townscape character will generally be supported, with planning standards applied in a flexible manner to maintain historic continuity.

The Rugeley Town Centre Conservation Area Appraisal 2012 sets out the special interest of the Conservation Area and makes recommendations for its enhancement. This is supplemented by the Conservation Area Management Plan 2012, which encourages maximum occupancy of properties including flats above shops to maximise the vitality and viability of the town centre. The majority of the Conservation Area itself, comprising the ground floor units of many of the town's historic properties, is occupied by a variety of mixed small scale uses from shops and banks to pubs and takeaways. At first floor level are a further variety of uses supporting the town centre, including flats.

I have read the Fire Risk Assessment dated 10th September 2018 provided by the applicant which contains an Action Plan of further works necessary to protect occupants from fire and I have the following comments:

- 4.2 – the sealing of the minor breaks in fire separation identified where services pass through walls/floors with fire rated sealing products is unlikely to adversely affect the character of the Listed Building.
- 4.2 – the installation of fire resistant ceilings to bedrooms 7/8 and the first floor kitchen, providing that it either replaces the existing suspended ceilings or is in addition to them is unlikely to adversely affect the character of the Listed Building.
- 4.3 – works to fire doors, providing that they are all modern doors, is unlikely to affect the character of the Listed Building.

On this basis then, no objections to the applications from a conservation viewpoint.

NOTE: These comments are provided in response to the works currently described in the above applications and the applicant should be aware that any other alterations to the Listed Building, internal or external, which could affect its character as a building of special architectural or historic interest, are prohibited unless authorised by a specific Listed Building Consent. This includes any works of sound proofing which should be deemed necessary to ensure the conversion complies with the Building Regulations.

The applicant should be aware that implementation of works affecting the character of the Listed Building without the necessary Listed Building Consent is an offence.

#### Environmental Health

No adverse comments in principle from Environmental Protection. The conversion works must be undertaken in accordance with BS8233:2014. Guidance on sound insulation and noise reduction for buildings which is applicable to refurbished buildings undergoing a change of use. Sound insulation works must at least meet the minimum standards laid down in Building Regulations for conversion works.

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

Press notice, site notice displayed and adjacent occupiers notified with two letters of objection received from the two Councillor objections on the following grounds:

- The provision of 2 bathrooms for a 10 bedroom dwelling isn't appropriate – there was better provision than that in squalid housing at university. Equally, the provision of a single kitchen is not fit for purpose. This is a case of a landlord trying to cram as many people into a building as possible and not providing appropriate conditions for future residents.
- We regularly receive complaints about parking in the town and the lack of provision at this property has the ability to further exacerbate this problem. 7 spaces for 10 bedrooms is not a good equation. The proximity of this to the pedestrianised zone is surely going to cause problems.

- I am absolutely in favour of an increase in housing in the area, it is required. However, the housing must be appropriate and fit for use. I would like to see the current application blocked and for it to be re-submitted improved provision.
- The plans show intent to convert the former Natwest Bank into a 10 bedroom dwelling. The plans submitted only provide for one bathroom on each floor, both very small in size. I do not feel this adequately provides for the proposed number of prospective residents. In addition to this, the plans include provision for a small kitchen on the lower floor. Again, I believe that this will fail to meet the requirements of all occupants and greatly restricts privacy.
- In addition to this, the accompanying car park includes only seven parking spaces. This would not provide adequate provision for all residents, this could result in a serious and potentially dangerous situation, given the town centre location and surrounding pedestrianised area.

### Relevant Planning History

Extensive planning history, however, only the current application CH/18/403 for change of use to HMO is relevant to the current proposed scheme and is due to be determined at the same time as this Listed Building Consent application.

### 1 Site and Surroundings

- 1.1 The application site is a grade II listed late-18<sup>th</sup>C building within Rugeley Town Centre Conservation Area. It stands facing Market Square and though apparently built as a dwelling, it has most recently been used as bank premises, but has an imposing façade and a modern rear extension.
- 1.2 The applications are retrospective as the work has already been implemented. Approval is sought for internal alterations to create 10 bed-sits, together with 2 shared bathrooms, a wc/shower, and 2 kitchens on the first floor with stud walling. Access is from the rear door and stairs. The ground floor remains in commercial use.

### 2 Proposal

- 2.1 The applicant is seeking consent for Listed Building Consent – Works to facilitate the conversion of first and second floors to HMO, comprising predominantly stud-walling.
- 2.2 The application is accompanied with a fire risk assessment dated 13 December 2018.

### 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:
- CP15 – Historic Environment
- 3.4 There are no appropriate policies within the Minerals Plan.
- 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:-
- 184-202 Conserving and enhancing the historic environment.
- 3.9 Other relevant documents include:-
- Design Supplementary Planning Document, April 2016.
- The Rugeley Town Centre Conservation Area Appraisal 2012.

#### **4 Determining Issues**

- 4.1 The only determining issue for the proposal is the design and impact on the special historic and architectural interests and significance of the List Building.
- 4.2 Design and Impact on the Special Historic and Architectural Interests of the Listed Building
- 4.3 The site comprises a grade II listed late 18<sup>th</sup>C building within Rugeley Town Centre Conservation Area, which has been converted at the upper-floor levels to a 10-bedroom HMO using the provision of internal stud wall partitioning to form the new bedsit rooms.
- 4.4 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states ‘In considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority shall have special regard to the desirability of preserving the ‘building or its setting or any features of special architectural or historic interest which it possesses’.
- 4.5 Policy and guidance in respect to the above includes Policy CP15 of the Local Plan, and paragraphs 184-202 of the NPPF. The texts to these policies are

provided in full in the Conservation Officer's comments and therefore are not repeated here.

- 4.6 The works that have been undertaken have not necessitated or resulted in any external alterations to the exterior of the listed building.
- 4.7 Furthermore, it is therefore considered that the subdivision of the rooms with stud partitioning has not affected any features of special architectural or historic interest, have brought back into use vacant floor-space, which helps maximise the vitality and viability of the listed building and the role it plays in supporting the town centre. Furthermore, being a reversible intervention into the building and being the minimum required for its intended purpose, it conforms to current conservation philosophy.
- 4.8 The Conservation Officer, having had regard to the significance of this designated heritage asset, has no objections to the alterations subject to a Listed Building Consent informative being included on the permission.
- 4.8 As such, the proposal conforms to the relevant policies of the Local Plan and the appropriate sections of the NPPF.
- 4.9 Other Issues
- 4.10 The issues raised by the Town Council and Ward Members are noted. However, they relate to the standard of accommodation, which although relevant to the determination of the planning application, are not material to the determination of the listed building consent application. As such, no weight should be attributed to these matters in the determination of this application.

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

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

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

### ***Equalities Act 2010***

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

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

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

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

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

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

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

## **6 Conclusion**

- 6.1 It is considered that the proposal, subject to the attached conditions and informative, has not resulted in any significant harm to this special architectural and historic interest of the Listed Building.
- 6.2 It is therefore recommended that the application be approved subject to the attached conditions.



**CANNOCK CHASE DISTRICT COUNCIL**

**PLANNING CONTROL COMMITTEE**

**WEDNESDAY 15 MAY 2019**

**PROPOSED AMENDMENT TO THE PROTOCOL FOR OFFICERS TO REQUEST  
SITE VISITS ON PLANNING APPLICATIONS, TREE PRESERVATION  
ORDERS AND ENFORCEMENT CASES**

**Joint report of the Development Control Manager and the Interim Head of Law  
and Administration**

**1. Purpose of Report**

- 1.1 To request Members to recommend to Council amending the circumstances in which site visits by members of the Planning Control Committee can be made by amending paragraph 7.8 of the Council's Local Protocol for Planning Decision Making.

**2. Background**

- 2.1 Paragraphs 7.7 to 7.10 of the Council's Local Protocol for Planning Decision Making (Part 5, Section 39 of the Council's Constitution) deal with site inspections by Members of the Planning Control Committee. An extract from the Local Protocol for Planning Decision Making showing these paragraphs is attached at Appendix 1.
- 2.2 Currently paragraph 7.8i provides for site inspections "When officers recommend an inspection in advance of producing a report so that if Committee agrees the inspection can take place on the day the Committee meets to consider the report on the application". Officers are under considerable pressure to determine applications within target timescales set by the government and if they fail to do so there can be penalties for the Council. It would assist officers greatly if, in relation to a planning application, TPO or enforcement case, where they considered that a site visit was necessary, rather than having to wait for the next meeting of the Planning Control Committee before being able to make that request they could instead seek the approval of the Chairman of the Planning Control Committee or in the Chairs absence the Vice Chairman. In order to enable this to happen paragraph 7.8i would need to be amended by inserting the following words at the beginning of line 2 - "the Chairman or in their absence the Vice Chairman of the".
- 2.3 No other changes to paragraphs 7.7 to 7.10 are proposed.

### **3. Process for changing the Local Protocol for Planning Decision Making**

- 3.1 If Members wish to consider making the change requested this would need to be in the form of a recommendation to Council to amend paragraph 7.8i of the Local Protocol for Planning Decision Making.

### **4. Recommendation**

- 4.1 Members resolve to endorse the change and recommend that Council amends paragraph 7.8i accordingly.

## **Appendix 1:**

### **Extract from the Local Protocol for Planning Decision Making**

#### **“7.7 Site Inspections by members of the Planning Control Committee.**

- 7.8 Inspections can be made to sites which are the subject of planning applications, TPOs or enforcement cases in the following circumstances:

- (i) When officers recommend an inspection in advance of producing a report so that if Committee agrees the inspection can take place on the day the Committee meets to consider the report on the application.
- (ii) When a member of the Committee requests an inspection as part of the procedure in 7.4 ii) 6 above.
- (iii) When the Committee decides it needs to defer a decision on an application in order for a site inspection to take place.

- 7.9 In all cases clear and relevant planning reasons must be given as to why an inspection is considered necessary and what it would be likely to achieve. As a general principle an inspection is only likely to be appropriate when it will clarify or supplement information contained in the officer's written report and that information cannot be obtained in another way. It will not be appropriate for an inspection to take place merely because a consultee or neighbour has requested it unless Councillors can identify clear and relevant planning reasons.

- 7.10 The purpose of the inspection is to obtain additional information about a proposal by looking at the site and the surroundings. It is not an opportunity to discuss the merits of the proposal with the applicant or objectors. Representations from applicants and third parties will therefore not be permitted. The following procedure will apply:

- (i) The inspection will be managed by the Chairman of the Committee or in his/her absence the Vice Chairman.

- (ii) Applicants will be informed of the time of the inspection but not invited to participate other than to allow access to land or property if appropriate.
- (iii) Officers will attend to give a brief explanation of the proposal and answer any questions from Councillors
- (iv) Officers will make a brief note of the inspection including a record of which members attended and any new factual information which may have been brought out. This will be placed on the case file.
- (v) Third parties (objectors) are not invited to inspections and would not be entitled to enter the site unless invited to do so by the applicant. If objectors are present with the consent of the applicant they may listen to the officers' explanation and Councillors' discussion but not participate."