

Please ask for: Mrs. W. Rowe

Extension No: 4584

E-Mail: wendyrowe@cannockchasedc.gov.uk

22 April 2025

Dear Councillor,

Planning Control Committee

3:00pm, Wednesday 30 April 2025

Council Chamber, Civic Centre, Cannock

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda. The meeting will commence at 3.00pm or at the conclusion of the site visit, whichever is the later. Members should note that the following site visit has been arranged:

Application Number	Application Location and Description	Start Time
CH/24/252	23-23A North Street, Cannock, WS11 0BB: Retrospective proposed change of use of first floor from C3 to use E(e) provision of massage therapy space, in relation to existing ground floor use E(e).	2:20pm

Members wishing to attend the site visit are requested to meet at **23-23A North Street, WS11 0BB at 2:20pm** as indicated on the enclosed plan.

Please note that, following a risk assessment, Members undertaking site visits must wear full PPE or they will not be permitted on to the site. PPE in this case constitutes a hard hat, hi-vis vest, and safety footwear.

Yours sincerely,



Tim Clegg
Chief Executive

To Councillors:

Fisher, P. (Chair)
Cartwright, S.M. (Vice-Chair)
Aston, J. Samuels, G.
Fitzgerald, A. Sutherland, M.
Jones, V. Thornley, S.
Lyons, N. Thornley, S.J.
Mawle, D. Wilson, L.
Prestwood, F.

Agenda

Part 1

1. Apologies

2. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

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

3. Disclosure of Details of Lobbying of Members

4. Minutes

To approve the Minutes of the meeting held on 2 April 2025 (enclosed).

5. Members' Requests for Site Visits

6. Report of the Development and Policy Manager

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

Details of planning applications can be accessed on the Council's website by visiting www.cannockchasedc.gov.uk/residents/planning-and-building-control/development-control/11-view-planning-applications-and-make

Planning Application

	Application Number	Application Location and Description	Item Number
1.	CH/25/0016	Land Adjacent 128 Old Penkrige Road, Cannock, WS11 1HY: Section 73 application for the variation of conditions 8 (tree survey) and 10 (drawing numbers) pursuant to application CH/23/0404 for the erection of a detached dwelling.	6.1 - 6.15

Site Visit Application

	Application Number	Application Location and Description	Item Number
2.	CH/24/252	23-23A North Street, Bridgtown, Cannock, WS11 0BB: Retrospective proposed change of use of first floor from C3 to use E(e) provision of massage therapy space, in relation to existing ground floor use E(e).	6.16 - 6.32

Cannock Chase Council
Minutes of the Meeting of the
Planning Control Committee
Held on Wednesday 2 April 2025 at 3:00pm
in the Council Chamber, Civic Centre, Cannock

Part 1

Present:
Councillors

Fisher, P. (Chair)
Cartwright, S. (Vice-Chair)

Aston, J.	Prestwood, F.
Fitzgerald, A.	Samuels, G.
Jones, V.	Sutherland, M.
Lyons, N.	Thornley, S.
Mawle, D.	Wilson, L.

98. Apologies

An apology for absence was received from Councillor S.J. Thornley.

99. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

None.

100. Disclosure of Details of Lobbying by Members

Councillor V. Jones declared she had been lobbied in respect of Application CH/25/0032, Change of use of a former British Legion Club to a 14-bedroom HMO - 21 Stafford Road, Cannock, WS11 4AF.

101. Minutes

Resolved:

That the Minutes of the meeting held 5 March 2025 be approved as a correct record.

102. Members Requests for Site Visits

Councillor A. Fitzgerald requested a site visit be undertaken in respect of Application CH/25/0061, proposed erection of a detached dwelling and double garage following demolition of existing dwelling: 243 Hill Street, Hednesford, Cannock, WS12 2DP.

Reason: to view the application site having regard to the previous planning permission granted for the erection of 9 dwellings at the site.

Resolved:

That a site visit be undertaken in respect of Application CH/25/0061, proposed erection of a detached dwelling and double garage following demolition of existing dwelling: 243

Hill Street, Hednesford, Cannock, WS12 2DP in order to view the application site taking into account the previous planning permission granted for the erection of 9 dwellings at the site.

103. Application CH/25/0003, Erection of a detached 1 bed dwelling - 1 Fairmount Drive, Cannock, WS11 0DZ

Consideration was given to the report of the Development and Policy Manager (Item 6.1 - 6.26) *(presented by the Planning Officer)*.

The Planning Officer provided a presentation to the Committee outlining the application showing photographs and plans of the proposals. She then provided the following update which had been circulated in advance of the meeting:

“Following compilation of the report for the Committee agenda, officers have the following amendment:

Paragraph 6.3 to read as the following: It is therefore recommended that the application be approved subject to the attached conditions for the above reasons”.

Prior to consideration of the application representations were made Mr Nadin (objector) speaking against the application. Further representations were made by Daniel Clarke, the applicant, speaking in support of the application.

Resolved:

That the application be approved subject to the conditions contained in the report for the reasons stated therein and to the amendment to paragraph 6.3 as outlined above.

104. Application CH/24/0032, Change of use of a former British Legion Club to a 14-bedroom HMO - 21 Stafford Road, Cannock, WS11 4AF

Consideration was given to the report of the Development and Policy Manager (Item 6.27 - 6.44) *(presented by the Planning Officer)*.

The Planning Officer provided a presentation to the Committee outlining the application showing photographs and plans of the proposals. She then provided the following update which had been circulated in advance of the meeting:

“Following compilation of the report for the Committee agenda, condition 4 has been amended as follows:

Original wording

Details of the refuse storage facilities, including the number of bins provided and the provision for removal of waste, shall be approved in writing by the Local Planning Authority before the use commences. The development shall not be brought into use until the works comprising the approved scheme have been implemented.

Reason - To provide a necessary facility, in accordance with Local Plan Policies CP3 & CP16 and the NPPF.”

Proposed wording

“Prior to the first occupation of the development hereby approved, a management plan shall be submitted to the Local Planning Authority for approval in writing.

The plan is to include details of the refuse storage facilities, including the number of bins provided and the provision for removal of waste, cleaning and maintenance details,

security details and the contact details of the landlord/letting agent which shall be made available to the adjacent residential properties.

The approved management plan shall thereafter be adhered to throughout the life of the development.

Reason - In the interest of the amenity of neighbouring occupiers and in accordance with Local Plan Policy CP3 and the NPPF”.

Prior to the consideration of the application representations were made by Mr. Borg, an objector, speaking against the application. The Planning Officer also read out a statement made by Paula Westwood, who was objecting to the application, but was not able to attend the meeting.

Following some debate Councillor S. Thornley moved that the application be refused and outlined the reasons. The Development Management Team Leader advised that any reasons for refusal would need to be material planning reasons and take into account the Planning Inspectors comments in relation to parking. The motion was not seconded. There was further debate in relation to potential reasons for refusal.

The Committee then adjourned for a short comfort break.

The Committee reconvened and Councillor L. Wilson moved that the application be refused and outlined the reasons. Councillor S. Thornley withdrew the reasons he proposed earlier and seconded the motion. Following a vote, the motion was carried.

Resolved:

That the application, which was recommended for approval, be refused for the following reasons:

- 1) The proposed intensity of the use of the building for 14 bedrooms would significantly harm residential amenity. As such, the proposal would be contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 135(f) of the National Planning Policy Framework.
- 2) The increase in noise from the rear amenity area would have a detrimental impact on residential amenity. As such, the proposal would be contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 135(f) of the National Planning Policy Framework.
- 3) The introduction of a 14-bedroom house in multiple occupation in this location would exacerbate incidents of anti-social behavior within the immediate area. As such, the proposal would be contrary to Policy CP3 of the Cannock Chase Local Plan and paragraphs 135(f) & 198(a) of the National Planning Policy Framework.

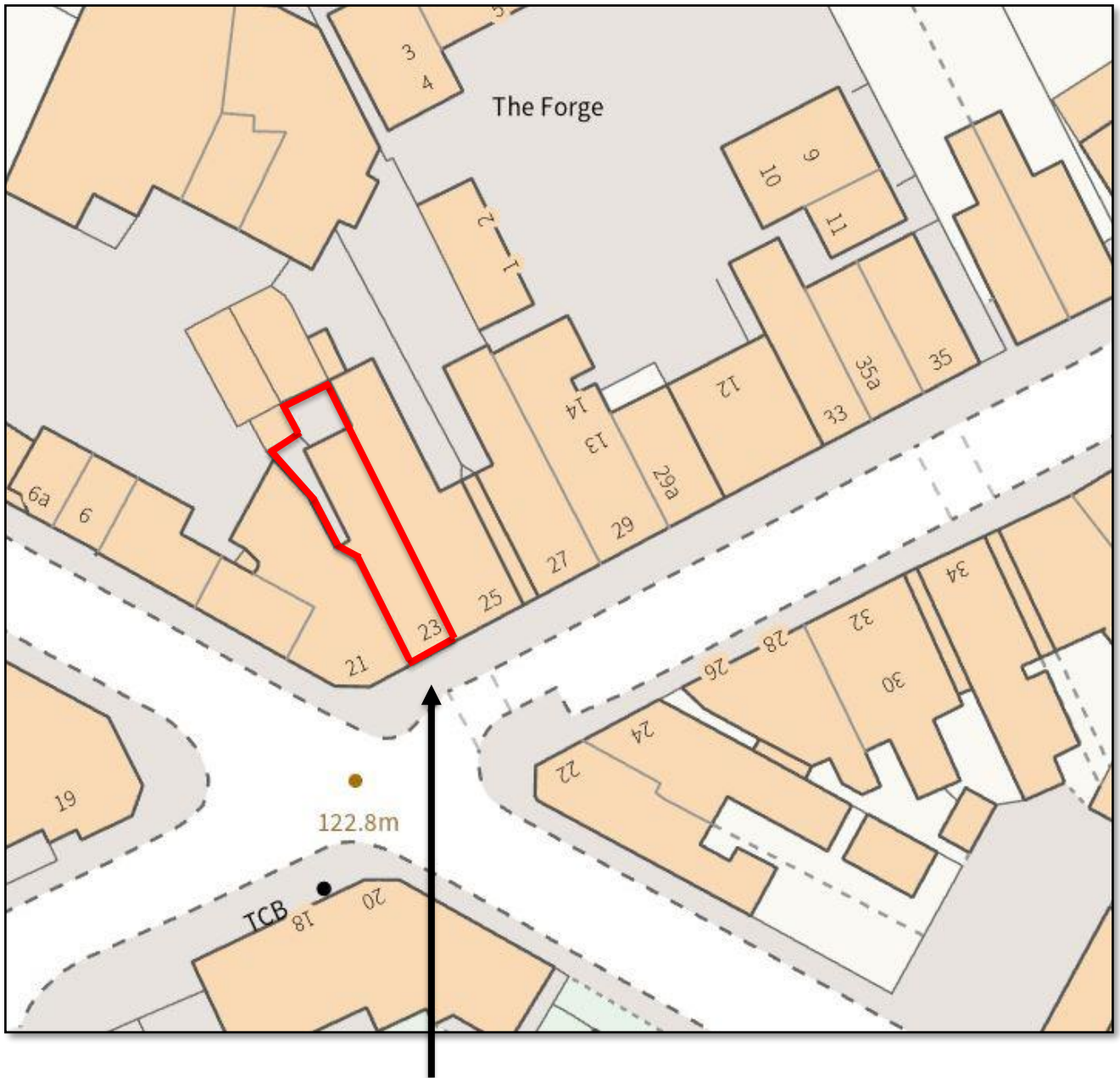
The meeting closed at 4:26pm

Chair

Application No: CH/24/252

Location: 23 - 23A, North Street, Cannock, WS11 0BB

Proposal: Retrospective proposed change of use of first floor from C3 to use E (e) provision of massage therapy space, in relation to existing ground floor use E(e)



**SITE VISIT
MEETING POINT**

Application No: CH/25/0016

Location: Land Adj 128, Old Penkridge Road, Cannock, WS11 1HY

Proposal: Section 73 application for the variation of conditions 8 (tree survey) and 10 (drawing numbers) pursuant to application CH/23/0404 for the erection of a detached dwelling

Site Location





Scale 1:250

ECOLOGICAL ENHANCEMENTS

- BAT** 1 Brick House Bat box to be located min 4 m above dpc
- BIRD** 1 Brick House Bird box to be located min 3 m above dpc



Hedgehog house

ELECTRIC VEHICLE CHARGING POINT

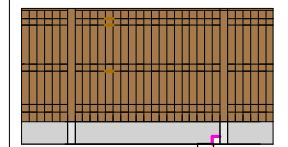
- EV charging point

- Garden waste bin
- General waste bin
- Recycling waste bin

EXTERNAL WORKS LEGEND

ENCLOSURES

200 MM CLOSE BOARDED FENCE WITH CONC POSTS & 300 MM GRAVEL BOARD WITH HEDGEHOG ACCESS



130 x 130 mm hole cut out of concrete gravel board for hedgehog access

DRIVE



EATON R60 BURNT SIENNA BLOCK PAVED DRIVE TO ENGINEER'S SPECIFICATION.

PAVING



50MM EATON X RANGE GRAPHITE PAVING SLABS

PLANTING SCHEDULE

SHRUBS



All container grown, 30-45 cm, min 3 litre pots, 4/sq m

CT CHOISYA TERNATA

VT VIBURNUM TINUS

TREES



NEW TREES 12-14 cm girth

AC ACER CAMPESTRE (180-250)

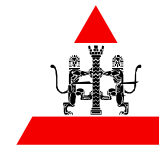
SA SORBUS ARIA (180-250)

Refer to tree survey for further information.
Figure 2 specifies the specification of tree protection barrier/fencing required

GROUND PREPARATION

SITE COMPOUND TO BE LOCATED IN NON CULTIVATED AREAS WHERE POSSIBLE. ALL AREAS TO BE CULTIVATED TO BE CLEARED OF BUILDERS RUBBLE AND BASE BROKEN UP TO A DEPTH OF 500 MM PRIOR TO LAYING 300 MM IMPORTED CLEAN TOPSOIL TO BS 3882. TOPSOILED AREAS TO BE LEFT IN A CLEAN, EVENLY GRADED AND UNCOMPRESSED STATE PRIOR TO ACCESS BY LANDSCAPING CONTRACTOR.

C FENCING SPEC AND ECO ENHANCEMENTS REVISED	27/3/25
B NOTES EDITED	21/1/25
A BUILDING RE-POSITIONED, NOTES ADDED	18/11/24
REVISIONS	DATE



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NATWASTE LIMITED

RESIDENTIAL DEVELOPMENT
LAND ADJ 128 OLD PENKRIDGE ROAD, CANNOCK

SITE PLAN

scale@A3	date	drawn	drawing
1:250	AUG 23	SPF	23012/2C

Copyright of this drawing remains with S. P. Faizey Chartered Architects.
The drawing may be scaled if viewed or printed off at the scale and paper size noted with no adjustments.



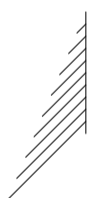
Item No. 6.3

Station	Eastings	Northings	Levels	Description
0501	97007.576	20865.578	160.111	
0502	970186.387	209064.095	160.489	
0503	970199.113	209029.468	160.766	
0504	970213.305	209052.252	160.247	

Key

[illegible]

North



SURVEY IS RELATED TO NATIONAL GRID
OSGB36(02), ESTABLISHED USING OBSERVATIONS FROM
AN ORDNANCE SURVEY COMMERCIAL GPS RTK NETWORK
CORRECTION SERVICE AND IS RELATED TO ORDNANCE
DATUM VIA THE GEOID MODEL OSGM02
NO SCALE FACTOR APPLIED.

Site Data (Sutton Coldfield) Ltd accepts no responsibility for this plan and/or associated reports to any party other than the original client and for its original purpose.

Notes:-

This plan has been surveyed to the scale shown. Caution should be exercised when enlargements are made.

All critical dimensions should be confirmed on site prior to the commencement of any works.

All dimensions have been measured or estimated from ground level.

Tree species shown should be treated with caution and expert identification is advised.

Pipe sizes are estimated from a surface inspection only, due to Health and Safety requirements

Every effort is made to identify all visible above ground features. It should be apparent that there may be items obscured at the time that the survey was undertaken

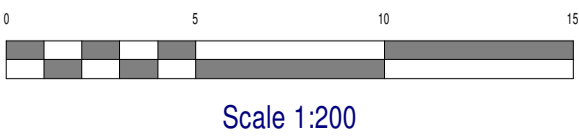
Project
Old Penkridge Road
Cannock

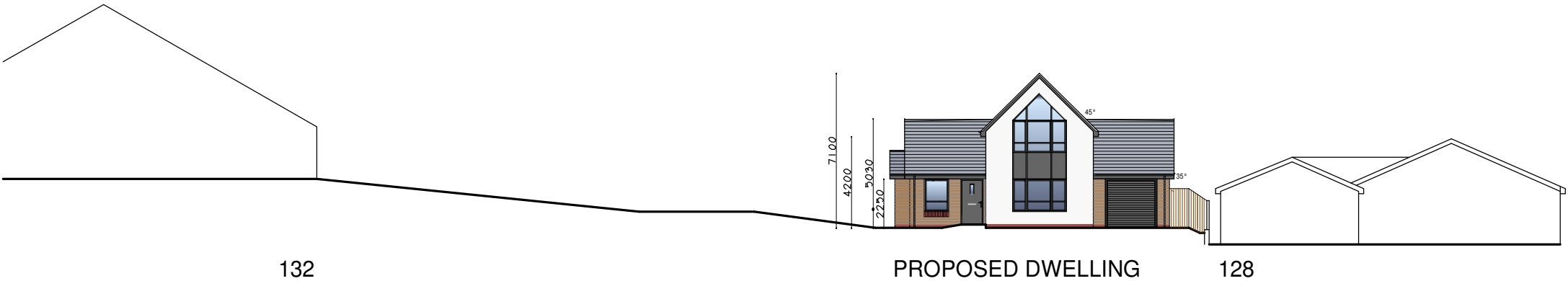
Land Survey

Drg. No. 230712MJ2	SPF Drg Ref 23012/3
Drawn by Mat Jackson	Scale 1-200 (A1)
Cad Scale 1/1	Date August 2023

Site Data Surveys

www.sitedatasurveys.com - admin@site-data.co.uk
23 Brailles Drive, Sutton Coldfield, B76 2UW
0777 565 4524 - copyright reserved

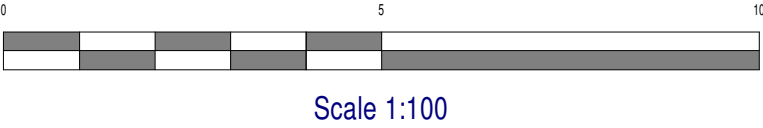






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NATWASTE LIMITED			
RESIDENTIAL DEVELOPMENT			
LAND ADJ 128 OLD PENKRIDGE ROAD,CANNOCK			
SITE SECTION			
scale@A3 1:250	date MAR 25	drawn SPF	drawing 23012/16

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noted with no adjustments.

Contact Officer:	Helen Sherratt
Telephone No:	01543 462 528

<p style="text-align: center;">Planning Control Committee 30 April 2025</p>

Application No:	CH/25/0016
Received:	21 January 2025
Location:	Land Adj 128, Old Penkridge Road, Cannock, WS11 1HY
Ward:	Cannock Park & Old Fallow
Description:	Section 73 application for the variation of conditions 8 (tree survey) and 10 (drawing numbers) pursuant to application CH/23/0404 for the erection of a detached dwelling
Application Type:	Full Planning Application <i>Section 73 - Variation of Condition(s)</i>

Reason for Committee decision

This application has been reported to Planning Control Committee due to a significant number of neighbour objections being received.

Recommendation:

It is recommended that the planning application is approved, subject to planning conditions as detailed below.

Conditions (and Reasons for Conditions):

1. The development to which this permission relates must be begun not later than 23rd April 2027.

Reason:

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 and the date of the original planning consent CH/23/0404.

2. Where the desk study has identified an unacceptable risk from land contamination, suitable and sufficient site investigations, carried out in accordance with Environment Agency Land Contamination: Risk Management guidance, shall be undertaken to determine the significance of that contamination. A report on the findings of such investigations shall be submitted to the Local Planning Authority for approval.
 - i) Where site investigations have confirmed unacceptable risks from land contamination, potential remediation options should be appraised and a remediation strategy, prepared in accordance with Environment Agency Land Contamination: Risk Management guidance, shall be submitted to the Local Planning Authority for approval.

- ii) The developer shall implement the approved remediation strategy in accordance with Environment Agency Land Contamination: Risk Management guidance, following which a verification report shall be submitted to the Local Planning Authority for approval.
- iii) Identification of contamination that was not previously identified by site investigations shall be reported to the Local Planning Authority as soon as is practicable. Details on how the identified contamination is to be addressed shall be submitted to the Local Planning Authority for approval. Remediation shall be undertaken in accordance with the approved submission. Following development, if no further contamination was identified then comment to this effect shall be submitted to the Local Planning Authority for approval prior to first occupation.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems in accordance with the National Planning Policy Framework.

- 3. No dwelling hereby permitted shall be occupied until bat roost enhancement measures have been installed to each dwelling, as detailed on plan reference 23012/2C. Thereafter, the provided bat boxes shall be retained for the lifetime for the development.

Reason:

In the interests of enhancing bat breeding habitat in accordance with Policy CP12 of the Local Plan and the National Planning Policy Framework.

- 4. The dwelling hereby approved shall not be occupied until the access and parking areas have been completed in accordance with the submitted 'Site Plan.' Thereafter the approved parking areas and access shall be retained for the lifetime of the development.

Reason:

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

- 5. Construction activities, including deliveries and ground works associated with the development of the site shall take place between the following times:
 - 08:00 – 18:00 Monday to Friday
 - 08:00 – 13:00 Saturday

Construction shall not be undertaken at any time on a Sunday or Public/ Bank Holidays.

Reason:

To mitigate potential adverse impacts from construction noise on residential amenity.

- 6. No above ground development shall commence until the mitigation measures outlined in the supporting Coal Mining Risk Assessment, Geotechnical Ground Investigation Letter and Geotechnical Ground Investigation Letter – Supplement reports, to protect the development from the effects of potential land instability associated with fissure or break line features, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The mitigation measures shall be carried out in accordance with authoritative UK guidance.

Reason:

In order to ensure the safety and stability of the development, in accordance with the National Planning Policy Framework.

7. Prior to the occupation of the development hereby approved, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing.

This document shall confirm that the mitigation measures necessary to address the risks posed by past coal mining activity have been implemented in full.

Reason:

In order to ensure the safety and stability of the development, in accordance with the National Planning Policy Framework.

8. Prior to the commencement of any construction or site preparation works including any actions likely to interfere with the biological function of the retained trees and hedges, approved protective fencing shall be erected in the positions shown on the approved Tree Protection Plan THL-1183-5 to form a Tree Protection Zone.

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

Reason:

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Part 1 of Schedule 2 to the Order shall be carried out without an express grant of planning permission, from the Local Planning Authority, namely:

- The enlargement, improvement, or other alteration of the dwellinghouse.
- The erection or construction of a porch outside any external door of the dwelling.
- The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement, or other alteration of such a building or enclosure.

Reason:

The Local Planning Authority considers that such development would be likely to affect considerations around coal mining legacy. It is considered to be in the public interest to require an application to enable the merits of any proposal to be assessed in order to ensure the safety and stability of the development, in accordance with the National Planning Policy Framework.

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

23012/2C – Proposed Site Plan

23012 – Rev 4A Amended Floor Plans

23012 – Rev 5A Amended

Elevation Plans

Reason:

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

Notes to the Developer

Coal Authority

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

Environmental Health

- a. The site is known or suspected to be contaminated. The responsibility for safe development and secure occupancy of the site rests solely with the developer.
- b. Please note that Environmental Health comments relate to risks posed from land contamination to human health only; the Environment Agency and other agencies may have additional requirements.
- c. The Local Planning Authority will determine the application based on the information submitted to it. Please be aware that should a risk of harm from contamination remain post development, the applicant is likely to be liable under Part 2(a) of the Environmental Protection Act 1990 for any additional remediation.
- d. The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency should be consulted, as these activities may need to be licensed or permitted.
- e. Cannock Chase Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken.

Environmental Protection is also prepared to review draft copies of reports prior to final submission to the Local Planning Authority in order to ensure that works undertaken are sufficient to gain approval of contaminated land conditions. Further information regarding the requirements of Cannock Chase Council can be obtained from Environmental Protection (environmentalhealth@cannockchasedc.gov.uk / 01543 462621).

Consultations and Publicity

Internal Consultations

Landscape Officer

There are no objections raised to the variation of conditions. The tree report proposes a site meeting re fixing the line of protective fencing. However, this appears unnecessary given the simple line of fencing required on the site. The proposal appears satisfactory as is.

Having visited the adjacent site recently, the position of T3 Sessile Oak is queried. Although not germane to the proposal, T3 appeared to be located on the rear boundary of the property. The plans show the tree to be some way inside the boundary. It is appreciated that actual ownership boundaries may differ to physical boundaries on the ground. However, some clarification would be useful on the actual tree position.

External Consultations

None.

Response to Publicity

The application has been advertised by site notice and neighbour letter.

15no. letters of objection have been received and are summarised as follows:

- The site plan is incorrect and includes land that does not belong to the applicant. The site plan encloses an area of public open space.
- The mobile home erected at the property is not a temporary building and has a detrimental impact upon the character and appearance of the surrounding area.
- The scheme will have a detrimental impact upon biodiversity, including bats and hedgehogs.
- Planning conditions attached to the original consent have not been discharged.
- Concerns for the safety and well-being of residents, property damage and the site is in a poor condition.
- The property will impact views from the gardens of neighbouring properties.
- The site lies within unstable ground, due to past mining activity.

Relevant Planning History

CH/23/0404 - Erection of a detached dwelling. Approved 23rd April 2024.

CH/03/0631 - Residential development - One bungalow and garage (Outline) - Committee Approval 22nd October 2003.

1 Site and Surroundings

- 1.1 The application site is comprised of an area of open land that serves as landscaping, adjacent to No. 128 Old Penkridge Road. The site is not prominent in wider landscape views given the enveloped nature of the site by surrounding development and existing tree cover. The site exists in the context of adjacent residential properties comprised of a detached bungalows and two-storey dwellings. The site also directly backs onto Cannock Chase Golf Course from where some views through to the site can be acquired.
- 1.2 The site is unallocated within the Local Plan; however, the site has been identified as being within a Mineral Consultation Area (Coal Fireclay), a Site Investigation History constraint, a Coal Mining High Risk Development Area, and Bordering Green Space Network. The site has also been identified as containing, or being within close proximity to, various Tree Protection Orders/Tree Preservation Orders (TPO's): 17/2001 W1, 56/2001 W1, 26/2007 T1.

2 Proposal

- 2.1 The proposed variation of conditions 8 (tree survey) and 10 (drawing numbers) on planning application CH/18/215.
- 2.2 The proposed amendments include the following:
- Moving the dwelling back within the plot by 4 metres, so that the front elevation is in line with the neighbouring property to the west (no. 128).
 - Removing reference to 11no unprotected Cypress and Fir trees within the Tree Protection Plan, as they have now been taken out. The majority of these trees fall within the blue line boundary, rather than the red line boundary, of which denotes that the applicant owns this parcel of land.

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

Cannock Chase Local Plan Part 1

Relevant policies within the Local Plan include:

- CP1: Strategy – the Strategic Approach
- CP3: Chase Shaping – Design
- CP5: Social Inclusion and Healthy Living
- CP6: Housing Land
- CP7: Housing Choice

- CP10: Sustainable Transport
- CP12: Biodiversity and Geodiversity
- CP13: Cannock Chase Special Area of Conservation (SAC)
- CP15: Historic Environment
- CP16: Climate Change and Sustainable Resource Use

Minerals Local Plan for Staffordshire

Relevant Policies within the Minerals Plan Include:

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

National Planning Policy Framework

- 3.3 The NPPF (2024) 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.
- 3.4 The NPPF (2024) 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.
- 3.5 Relevant paragraphs within the NPPF include paragraphs: -
 - 8: Three dimensions of Sustainable Development
 - 11-14: The Presumption in favour of Sustainable Development
 - 48-51: Determining Applications
 - 115-118: Considering Development Proposals
 - 131-141: Achieving Well-Designed Places
 - 187-191: Conserving and Enhancing the Historic Environment
 - 231-243: Implementation
- 3.6 Other relevant documents include: -
 - (i) Design Supplementary Planning Document, April 2016.
 - (ii) Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
 - (iii) Manual for Streets.

4	Determining Issues
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- 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) Residential Amenity
- iv) Highway Matters
- v) Other Matters

i) Principle of Development

- 4.5 The principle of the development is already approved under the previous planning application reference CH/23/0404. This application sought the construction of a single, detached dwelling.

- 4.6 Hence the principle for the development of the site has been established and there have been no material changes in policy or circumstances that would alter this stance. It is also a material fallback position that consent is established, and subject to compliance with conditions, could be implemented.

ii) Impact on Character and Appearance of Approved development

- 4.7 The proposed variation of conditions 8 (tree survey) and 10 (drawing numbers) on application CH/18/215 would not have an impact upon the character and appearance of the approved development. The alteration seeks a betterment of the scheme, as the new dwelling will be set further back within the plot by 4 metres, to be in line with the front elevation of the neighbouring property to the west (no. 128). No alterations are to be made to the new dwelling in terms of its design or floor plan.

Landscaping and Ecology

- 4.8 Whilst the loss of the 11no Cypress and Fir trees within the blue line boundary of the site is unfortunate, the trees in question were not covered by the Tree Protection Order. Furthermore, the trees in question were sited outside the red line boundary of the application site and therefore fell outside any controls the Planning Authority imposed on the planning permission. Notwithstanding this, the site plan subject to the current application shows the planting of 3no new trees on site, at the frontage (2no Sorbus Aria and 1no Acer Capestre).
- 4.9 Objectors note the loss of the Cypress and Fir trees within their representation letters and the incorrect position of T3 on the submitted plans. The Landscape Officer has been consulted and has no objection to the proposed variation of condition and is satisfied with the updated Tree Protection Plan and additional planting.
- 4.10 Within their comments, the Officer queries the position of T3 Sessile Oak and **although they confirm that this is not germane to the proposal**, T3 appears to be located on the rear boundary of the property; the plans show the tree to be some way inside the boundary. The applicant has sought to clarify this point with the provision of a further site survey and the Landscape Officer has been invited to comment on this. At the time of writing, the consultation period is still active, and should further comment be received, Members will be updated by way of written Officer Update prior to the Planning Control Committee meeting on 30th April.
- 4.11 Concerns from objections in respect of the ecological impact of the development proposal and the loss of trees are noted. Although the removed trees were unprotected and lie within the blue line, the applicant has provided further ecological enhancements on site, through the provision of bat and bird boxes as well as 2no hedgehog houses. The proposed boundary treatments comprise 2no metre high timber fences, with concrete posts and gravel boards with hedgehog access which is considered a typical design and style of residential boundary.
- 4.12 Given the above, it is considered that the proposed variations will not have an overall detrimental impact upon the character and appearance of the approved development, nor the wider area. Therefore, it is considered that the proposal would meet the requirements of the NPPF and Policy CP3 of the Cannock Chase Adopted Local Plan.

iii) Residential Amenity

- 4.13 Neighbour objections raise concerns in respect of overlooking and general disturbance caused during the construction period. Whilst noted, the proposed alterations, particularly the repositioning of the dwelling within the plot, will not give rise to any significant concerns in respect of overlooking or disturbance over and above the already approved dwelling. Whilst the proposed dwelling would be sited further back and protrude 4.2 metres beyond the rear boundary of no.128 at a height of 5 metres, there will be no infringement on the 45-degree line from the nearest habitable window of no. 128. There is a difference in site level between the application site and no. 128 of approximately 0.7 metres and the applicant has provided section drawings, of which demonstrate that the relationship between the properties is acceptable and there are no concerns in

respect of overlooking. At its closest point with no. 128, the property will be single storey, thereby further limiting its visual impact. As such, there would be no significant impact on the amenity of residential properties over and above that of the already approved development.

- 4.14 Neighbour concerns in respect of noise and disturbance during the construction period are noted. However, some level of disturbance is to be expected during construction of which is temporary. Notwithstanding this, a condition limiting construction hours has been carried forward from the original consent.
- 4.15 In light of the above, the scheme would continue to meet the requirements of the NPPF and Policy CP3 of the Cannock Chase Adopted Local Plan in respect to maintaining a good standard of residential amenity.

iv) Highway Matters

- 4.16 Paragraph 116 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.
- 4.17 The scheme would not alter the approved access arrangements, and the proposal does not give rise to highway safety concerns. Neighbour objections in respect of a new access point created by the applicant are noted, however this access is to land outside the redline boundary of the application site, taken from a private drive and not an adopted highway, therefore it is not relevant in the determination of this application.
- 4.18 Given the above, it is concluded that, conditions the proposal would not lead to unacceptable impacts on highway safety and that the residual cumulative impacts on the road network would not be severe. As such the proposal would accord with the broad thrust of Policy CP10 of the Local Plan and Paragraph 116 of NPPF.

v) Other Matters

Land Stability

- 4.19 A number of representations raise concerns in respect of the instability of the site and the surrounding area due to past coal mining activity. Whilst noted, the Coal Authority was consulted as part of the original planning application. Given that the site lies within a High-Risk Area for past coal mining activity, the Coal Authority are a statutory consultee. Within their comments, they state that they have no objection to the scheme subject to appropriate conditions, of which have been carried forward to the current application. As such, this matter has been addressed as part of the original planning application and is not a relevant matter in the determination of the current S.73 application which seeks only to vary conditions of the original planning permission.

Land Ownership

- 4.29 Representations raise concerns in respect of the inaccuracy of the site and location plans submitted. Whilst land ownership disputes are not a planning matter, the applicant has provided a Certificate A within their submission and Land Registry information demonstrating that the site is within their ownership.

The location plan and site boundary has not been altered from the original approved scheme.

5 Human Rights Act 1998 and Equalities Act 2010

Human Rights Act 1998

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

5.1 Equality Act 2010

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

5.2 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.

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

6 Conclusion

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

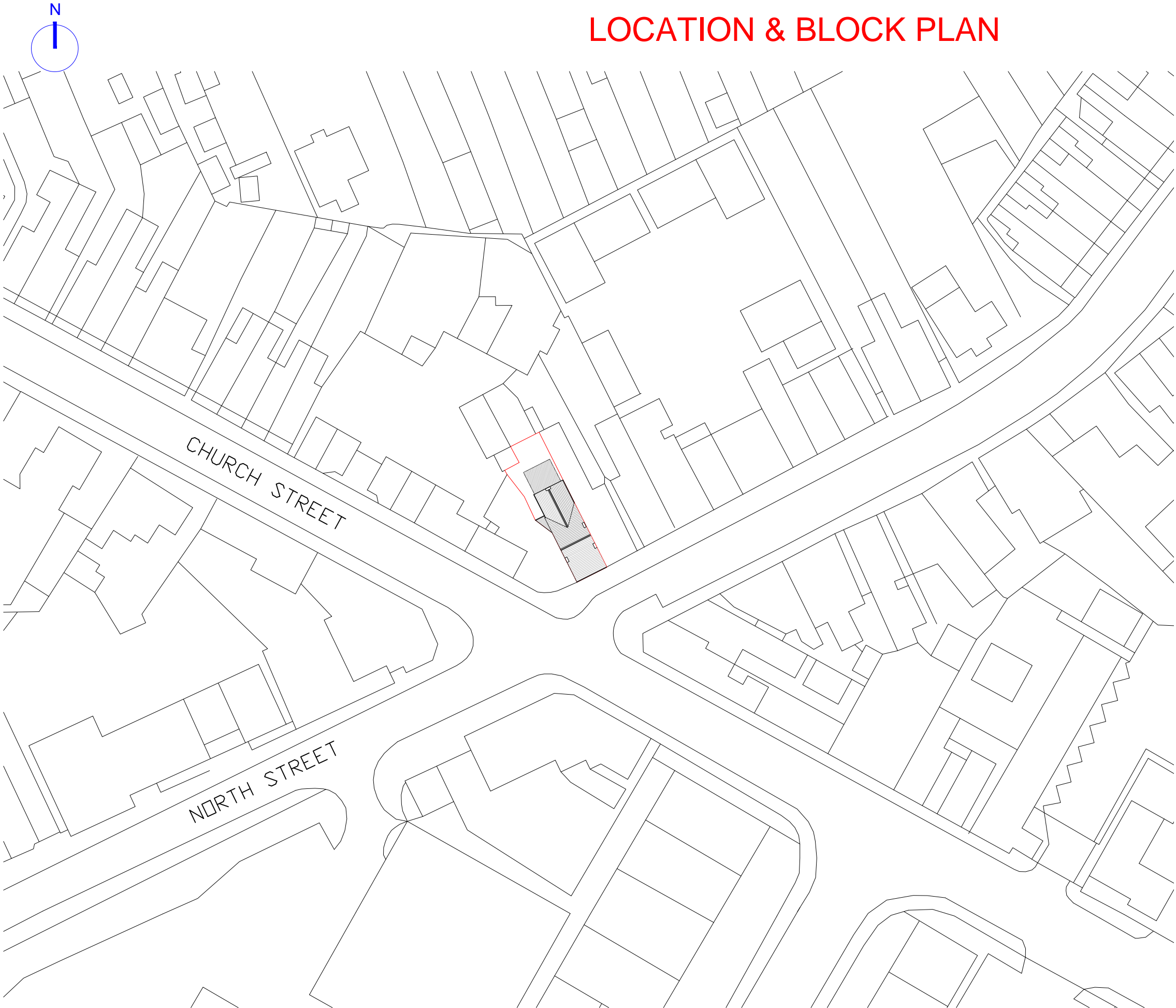
6.2 It is therefore recommended that the application be approved subject to the attached conditions for the above reasons. The scheme proposed an acceptable scheme within the planning remit.

Application No: CH/24/252**Location:** 23 - 23A, North Street, Cannock, WS11 0BB**Proposal:** Retrospective proposed change of use of first floor from C3 to use E (e) provision of massage therapy space, in relation to existing ground floor use E(e)

Application Site



LOCATION & BLOCK PLAN



Block Plan
Scale 1:500



Location Plan
Scale 1:1250

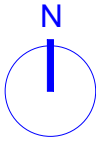
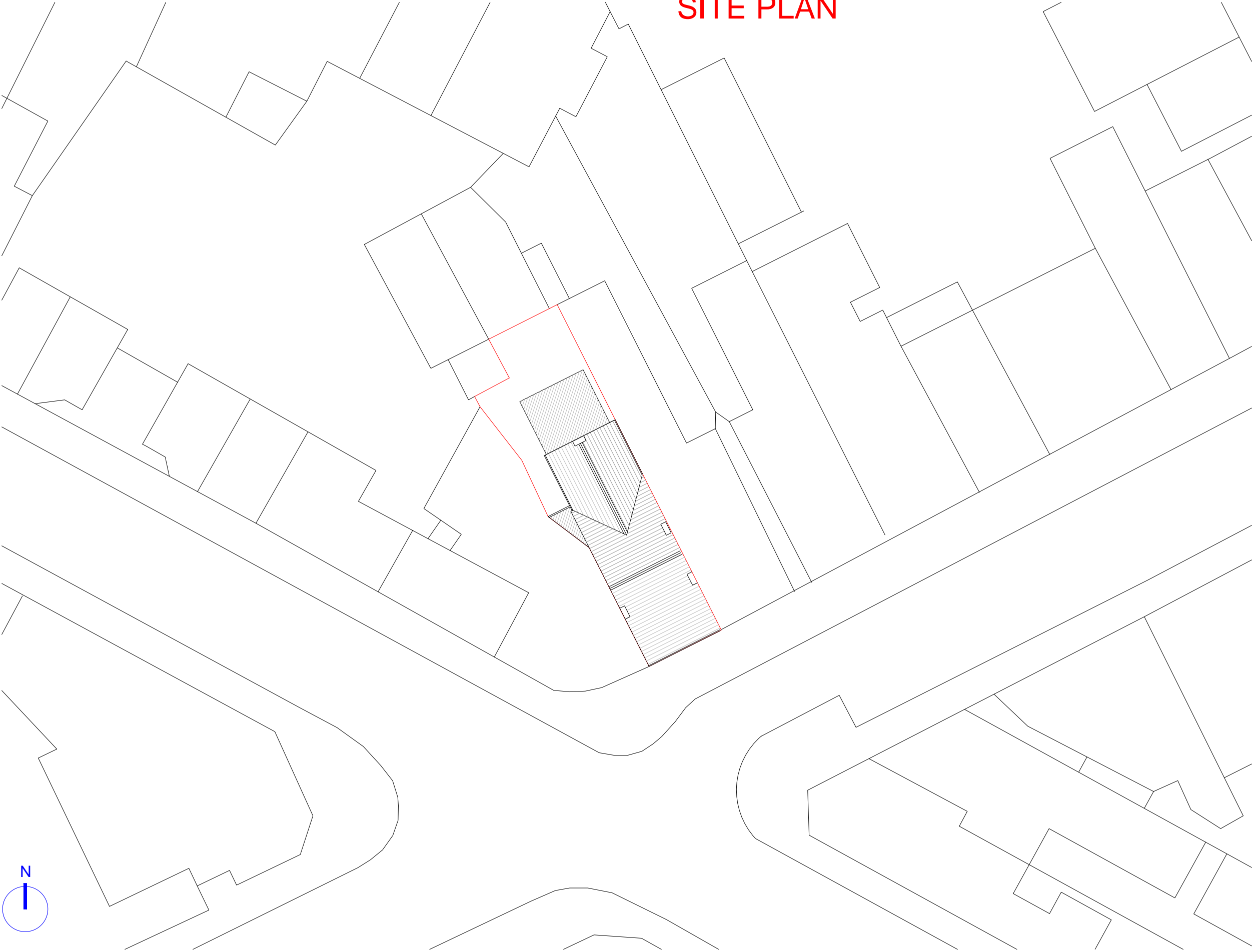
20 Watermint Close, Wimblebury,
Cannock, Staffs, WS12 2GL



NORTH STREET MASSAGE				Client
THERAPY				
23 / 23A NORTH STREET,				Project
CANNOCK, WS11 0BB				
LOCATION & BLOCK PLAN				Title
DRAWN	CHECKED	DATE	SCALE	1:500 / 1:1250
MGH	MGH	JULY 2024	A3 ISSUE	A1 ISSUE
REVISION	DRAWING STATUS		DRAWING NUMBER	
A	PLANNING		100	

SITE PLAN

Item No. 6.18



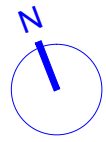
Proposed Site Plan
Scale 1:200

Key:
 Site Boundary



20 Watermint Close, Wimblebury,
Cannock, Staffs, WS12 2GL

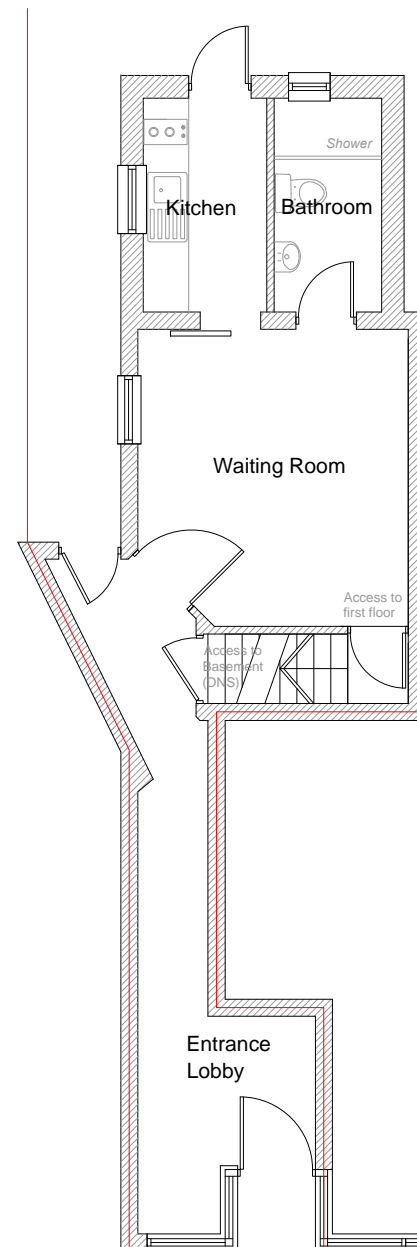


NORTH STREET MASSAGE				Client	
THERAPY				Project	
23 / 23A NORTH STREET,					
CANNOCK, WS11 0BB					
SITE PLAN				Title	
DRAWN	CHECKED	DATE	SCALE	1:200	
MGH	MGH	JUNE 2024	A3 ISSUE	A1 ISSUE	
			AS SHOWN	-	
REVISION	DRAWING STATUS		DRAWING NUMBER		
A	PLANNING		101		

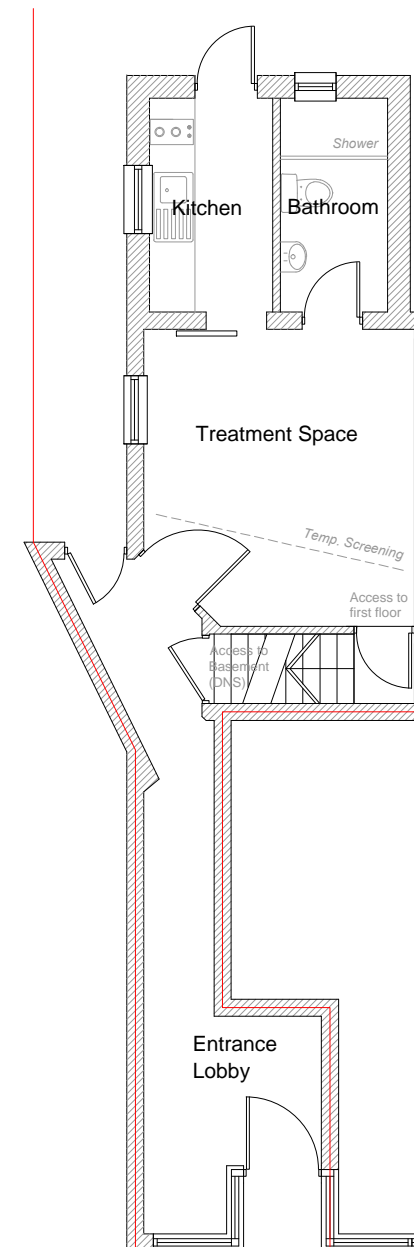


EXISTING & PROPOSED GROUND FLOOR PLAN

Key:	
DNS	Did Not Survey
	Site Boundary
	Existing Wall Construction

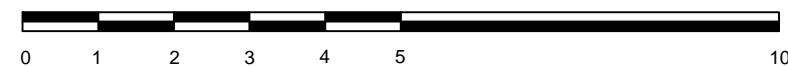


Proposed Ground Floor Plan
Scale 1:100



Existing Ground Floor Plan
Scale 1:100

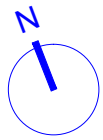
Scale at 1:100



20 Watermint Close, Wimblebury,
Cannock, Staffs, WS12 2GL



NORTH STREET MASSAGE				Client
THERAPY				
23 / 23A NORTH STREET,				Project
CANNOCK, WS11 0BB				
EXISTING & PROPOSED				Title
GROUND FLOOR PLAN				
DRAWN	CHECKED	DATE	SCALE	1:100
MGH	MGH	JULY 2024	A3 ISSUE AS SHOWN	A1 ISSUE -
REVISION	DRAWING STATUS		DRAWING NUMBER	
A	PLANNING		102	



EXISTING & PROPOSED FIRST FLOOR PLAN

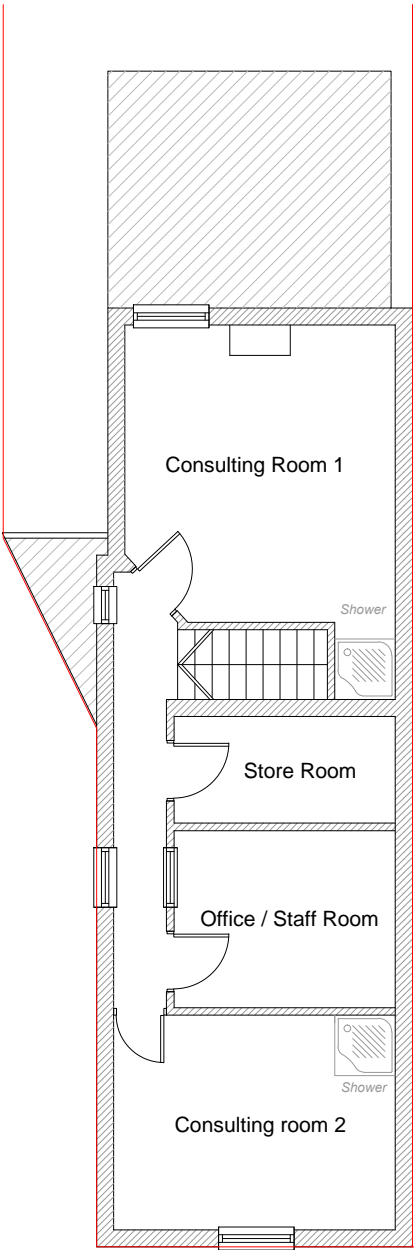
Key:

DNS

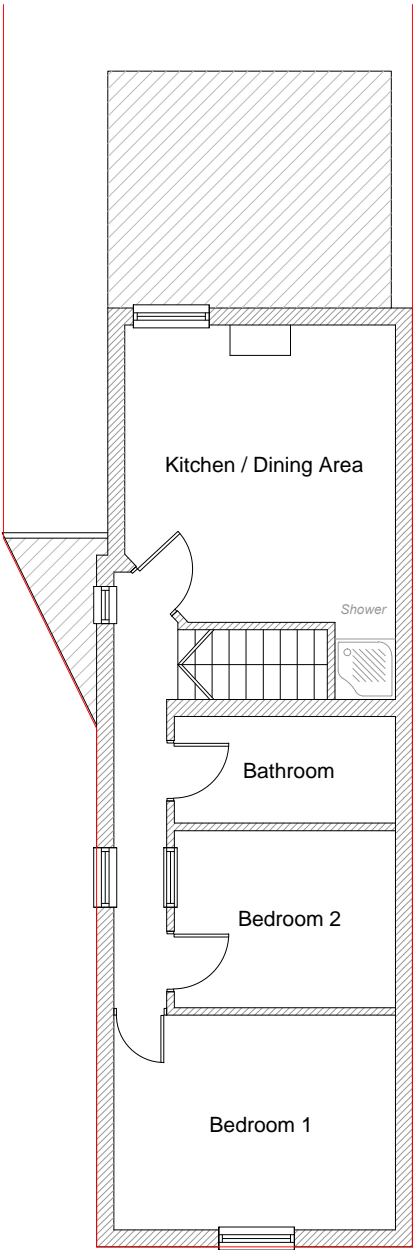
Did Not Survey

Site Boundary

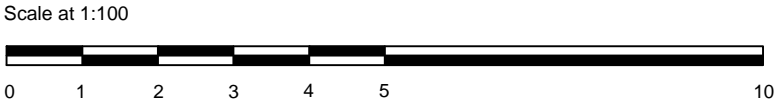
Existing Wall Construction



Proposed First Floor Plan
Scale 1:100



Existing First Floor Plan
Scale 1:100



20 Watermint Close, Wimblebury,
Cannock, Staffs, WS12 2GL

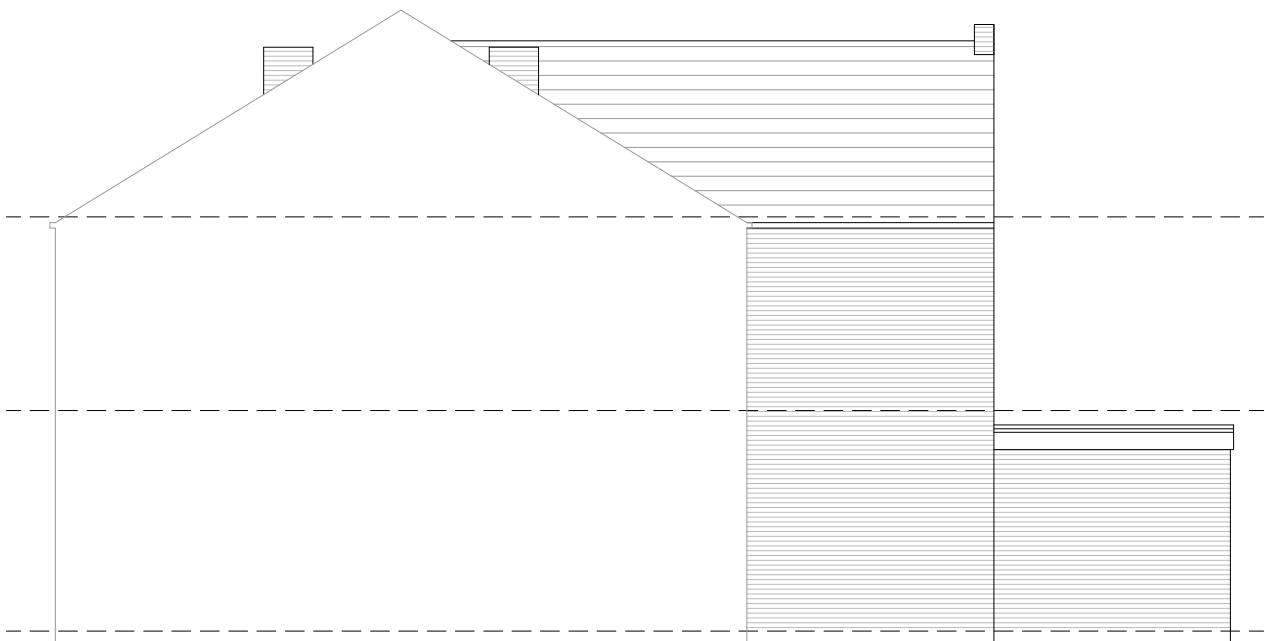


NORTH STREET MASSAGE				Client
THERAPY				
23 / 23A NORTH STREET,				Project
CANNOCK, WS11 0BB				
EXISTING & PROPOSED				Title
FIRST FLOOR PLAN				
DRAWN	CHECKED	DATE	SCALE	1:100
MGH	MGH	JULY 2024	A3 ISSUE AS SHOWN	A1 ISSUE
REVISION	DRAWING STATUS		DRAWING NUMBER	
A	PLANNING		103	

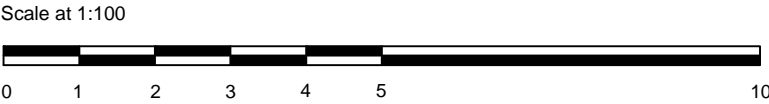
EXISTING ELEVATIONS 1 OF 2



Existing North Elevation
Scale 1:100



Existing East Elevation
Scale 1:100



20 Watermint Close, Wimblebury,
Cannock, Staffs, WS12 2GL



NORTH STREET MASSAGE				Client
THERAPY				
23 / 23A NORTH STREET,				Project
CANNOCK, WS11 0BB				
EXISTING ELEVATIONS				Title
1 OF 2				
DRAWN	CHECKED	DATE	SCALE	1:100
MGH	MGH	JULY 2024	A3 ISSUE AS SHOWN	A1 ISSUE
REVISION	DRAWING STATUS		DRAWING NUMBER	
A	PLANNING		105	

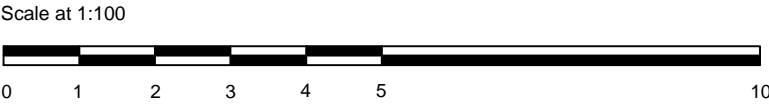
EXISTING ELEVATIONS 2 OF 2



Existing South Elevation
Scale 1:100



Existing West Elevation
Scale 1:100



20 Watermint Close, Wimblebury,
Cannock, Staffs, WS12 2GL



NORTH STREET MASSAGE				Client
THERAPY				
23 / 23A NORTH STREET,				Project
CANNOCK, WS11 0BB				
EXISTING ELEVATIONS				Title
2 OF 2				
DRAWN	CHECKED	DATE	SCALE	1:100
MGH	MGH	JULY 2024	A3 ISSUE AS SHOWN	A1 ISSUE
REVISION	DRAWING STATUS		DRAWING NUMBER	
A	PLANNING		105	

Contact Officer:	Amy Jackson
Telephone No:	01543 464 577

<p style="text-align: center;">Planning Control Committee 30 April 2025</p>

Application No:	CH/24/252
Received:	12 September 2024
Location:	23-23A, North Street, Cannock, WS11 0BB
Parish:	Bridgtown
Ward:	Cannock Longford & Bridgtown
Description:	Retrospective change of use of first floor from C3 to use E(e) provision of massage therapy space, in relation to existing ground floor use E(e)
Application Type:	Full Planning Application

Reason for Committee Decision:

This application is being presented to Planning Control Committee due to an objection from Bridgtown Parish Council.

Recommendation:

Approve subject to conditions.

Conditions (and Reasons for Conditions)

1. The development hereby permitted shall be retained in accordance with the following approved plans:
 - a. EXISTING & PROPOSED FIRST FLOOR PLAN - 103 - Rev A
 - b. EXISTING & PROPOSED GROUND FLOOR PLAN - 102 - REV A
 - c. SITE PLAN - 101 - REV A

Reason:

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

2. The premises shall not be open for business outside the hours of 10:00hrs to 22:00hrs on any day.

Reason:

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

3. Notwithstanding the provisions within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the first-floor of the premises shall be used for the purposes of use class E(e) only and shall not be occupied by any other use within use Class E in The Town and Country Planning (Use Classes) Order 1987 (as amended), without written approval from the Local Planning Authority.

Reason:

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

Consultations and Publicity

Statutory Consultees

Bridgtown Parish Council

- Queries in relation to previous enforcement notice served on the property.
- Query what services are being offered.
- Residents would be living next to a commercial enterprise.
- If this is the case to move the dwelling from C3 to E do Cannock Council intend to buck the plans put forward by the government to introduce more residential dwellings?
- Residents and neighbouring businesses are unhappy with the amount of men going in and out of the premises.
- Premises has been raided by police previously.
- Concerns regarding safety due to male customers lingering outside.
- Type of service should not be considered in residential area, especially where young children are walking to from school with their mothers.
- There is currently a massage parlour, and planning is retrospectively for another massage parlour I find this extremely unbelievable that the applicants who have now applied for planning retrospectively are totally different applicants to the people that are using it for the massage parlour at the moment and are being monitored by planning enforcement.
- Query parking arrangements and staffing

Highway Authority - No objections.

External Consultations

Crime Prevention Officer

Comments regarding previous enforcement notice served on property and alleged uses.

Internal Consultations

Planning Policy - No objection.

CIL Officer - No response.

Environmental Health - No comment.

Economic Development - No objection.

Response to Publicity

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

- Object to the loss of C3 dwelling.
- Objections due to concerns regarding previous enforcement notice relating to other services being provided at the premises.
- Impact on children who may pass the premises.
- We feel businesses such as this have a negative impact on all the other businesses in our area.

1	Relevant Planning History and Background
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- 1.1. The application was previously present to planning committee on 5th March 2025 at which point Members moved to defer the application to allow for an update from the Councils Enforcement Officer and for a site visit to assess the impact of the development on the surrounding areas in terms of amenity, highways, noise and any safeguarding issues/effect on the local school.
- 1.2. An Enforcement Notice was served on 13th June 2024 in regard to 23/23a North Street in relation to the use of land for the sale of sexual services.
- 1.3. Following this, the new operator of the business applied for retrospective permission to use the existing first-floor flat for the use of a massage therapy space, associated with the existing ground floor use.
- 1.4. The site remains the subject to ongoing investigations and monitoring by Planning Enforcement in liaison with Staffordshire Police.
- 1.5. This, however, is not a material planning consideration for the determination of this application and Members are asked to consider the use within the application and no other alleged use.
- 1.6. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible and cannot be held in abeyance due to enforcement proceedings, as these are two separate processes which need to be followed and can run concurrently.

2 Site and Surroundings

- 2.1 The application site comprises a terraced two storey property located in the urban area of Bridgtown. The existing uses are E on the ground-floor and C3 two-bedroom residential flat to the first floor. There is no off-street parking provision within the curtilage of the site. There are parking restrictions to the front of the site in the form of double yellow lines. North Street is a one-way road with access only allowed from the east.
- 2.2 The site is located within the Bridgtown local centre, which comprises predominantly of a mixture of E and B uses, with some C3 dwellings. The site is designated as Employment Area on the Local Plan, 2014.
- 2.3 The application site is located within North Street Conservation Area and considered to have a positive impact within the North Street Conservation Area Appraisal 2014, due to its historic shopfront.

3 Proposal

- 3.1 The applicant is seeking consent for the retrospective change of use of first floor from C3 to use E (e) provision of massage therapy space, in relation to the existing ground floor use E(e).
- 3.2 There will be 2 members of staff and 2 customers on site at any given time. The opening times would be 10:00hs - 22:00hrs, on any day.

4 Planning Policy

- 4.1 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.
- 4.2 The Development Plan currently comprises the Cannock Chase Local Plan Part 1 (2014), and the Minerals Local Plan for Staffordshire (2015 – 2030).

Cannock Chase Local Plan Part 1

- CP1: Strategy – the Strategic Approach
- CP3: Chase Shaping – Design
- CP5: Social Inclusion and Healthy Living
- CP8: Employment Land
- CP9: A Balanced Economy
- CP10: Sustainable Transport
- CP11: Centres Hierarchy
- CP15: Historic Environment

4.3 **Relevant paragraphs within the NPPF:**

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
48-51:	Determining Applications
116:	Highway Safety and Capacity
131, 135, 136:	Achieving Well-Designed Places
168:	Climate change
196, 198-201:	Ground conditions and pollution
202, 207-221:	Historic Environment
231, 232:	Implementation

4.4 Other relevant documents include:

- i. Design Supplementary Planning Document, April 2016.
- ii. Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.
- iii. Manual for Streets.
- iv. Cannock Chase District Five Year Supply Position Statement 2024.
- v. North Street, Bridgtown Conservation Area Management Plan, 2014.
- vi. North Street, Bridgtown Conservation Area Appraisal, 2014.
- vii. 2023 Housing Delivery Test.

5 **Determining Issues**

5.1 The determining issues for the proposed development include:

- i) Principle of development
- ii) Design and impact on the character and form of the area, including North Street Conservation Area
- iii) Impact on residential amenity.
- iv) Impact on highway safety.

5.2 **Principle of the Development**

5.2.1. Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development.

5.2.2. The presumption in favour of sustainable development as set out in the NPPF states:

‘For decision taking this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay.*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:*

- i. *policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusing the development proposed; or*
- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

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

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

5.2.4. The site is not located within either Flood Zone 2 or 3, and it is not designated as a statutory or non-statutory site for nature conservation, however it is located within North Street Conservation Area.

5.2.5. Policy CP11 of the Local Plan states:

‘Local, village or neighbourhood centres at Chadsmoor, Norton Canes, Heath Hayes, Bridgtown, Fernwood Drive and Brereton, will be protected and enhanced to provide small scale shops, services and community facilities for local residents.’

5.2.6. Paragraph 85 of the NPPF states:

‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity’

5.2.7. The North Street Conservation Area Management Plan 2014 states:

‘The existing mix of uses will be maintained with any compatible additional uses considered which would enhance the vitality and viability of the local centre.’

5.2.8. In this instance, the site is located within Bridgtown Local Centre, is a designated Employment Area and would expand a small, existing service within this area.

5.2.9. The proposal would however, result in a loss of a C3 two-bedroom flat. Whilst the Council can currently only demonstrate a 1.88-year housing land supply against the 5-year supply target this does not have any direct impact on proposals for the loss of dwellings. The Council has a score of 191% in the 2023

Housing Delivery Test, meaning there is no specific action required to increase housing delivery or prevent losses. There is also no policy in the existing or emerging Local Plan which restricts the loss of dwellings.

- 5.2.10. Given the above, the proposal would be acceptable in principle, however proposals that are acceptable in principle are still subject to all other policy tests. This report will now go on to consider the proposal in the light of these policy tests.

5.3 Design and the Impact on the Character and Form of the Area, including North Street Conservation Area

- 5.3.1. In this instance, the proposal would not include any external alterations to the property, therefore would not have an adverse impact on the character and form of the area.

- 5.3.2. Notwithstanding the above, the site lies within the North Street Conservation Area. In this respect, it is noted that The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the local planning authority's duties:

“section 72(i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on a local planning authority in the exercise, with respect to any buildings or other land in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area”.

- 5.3.3. It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework at para 208 sets out that the local planning authority should identify and assess the particular significance of any heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

- 5.3.4. Paras 210-221 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

- 5.3.5. In this instance, as there are no proposed external alterations, the development would not have any adverse impact on the conservation area.

- 5.3.6. Therefore, having had regard to Policies CP3 & CP14 of the Local Plan, the appropriate sections of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposal would be well-related to existing buildings and their surroundings and would successfully integrate with existing features of amenity value such that it would be acceptable in respect to its impact on the character and form of the area, including retaining the viable use of a building within the conservation area.

5.4 Impact on Neighbouring Uses

- 5.4.1 The site is located within Bridgtown Local Centre and as such is surrounded predominantly by E and B uses, with some C3 uses within the wider area. The comments of neighbours in regard to the impact of the use on the neighbouring uses / occupiers are noted.

- 5.4.2 In this instance, the business can already operate from the ground-floor, which could facilitate one customer at a time. The proposal would increase the capacity to two customers at a time with two members of staff spread across the two floors of the property.
- 5.4.3 The existing first-floor use is a two-bedroom flat which would result in some degree of comings and goings and therefore, it is deemed unlikely that the increase in one additional customer and staff member at any given time would lead to significant levels of disturbance for neighbouring uses, especially given the nature of these uses, which themselves will include similar, if not more activity. For example, the neighbouring restaurants are likely to see frequent visits from customers collecting orders or spending time dining in the restaurant. The closing time for the use would be 10pm, which reflects the immediate neighbouring units.
- 5.4.4 The fallback position would be that the use could continue to operate from the ground floor.
- 5.4.5 Environmental Health was consulted on the application and raised no objections to the use.
- 5.4.6 Given the above, the use is considered to accord with the requirements of Policy CP3 of the Cannock Chase Local Plan.

5.5 Impact on Highway Safety

- 5.5.1. The NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.5.2. Whilst capacity would be increased by one staff member and one customer, the parking requirement for the 2-bedroom dwelling would be 2 spaces, which is not provided on site. In this instance, the application site is located within a wholly sustainable location within the Local Centre of Bridgtown with public car parks, limited on street parking and bus routes. Traffic Protection Orders are in place directly outside the site to prevent on street parking.
- 5.5.3. There are public car parks available and existing on-street parking nearby which could be utilised. Carparks are located approx. 115m away on Broad Street and less than 100m away on the corner of Church Street and New Street.
- 5.5.4. The statutory body for Highway Safety, Staffordshire County Highway Authority has raised no objection to the extended use of the site.
- 5.5.5. Given the above, in this instance, the development would not result in an increase in parking provision over and above that required for the residential use. As such, there would be no unacceptable impact on highway safety and the development would accord with the relevant paragraphs of the NPPF.

5.6 Other Issues Raised by Objectors not covered above

5.6.1 ***Objectors raised queries and concerns in relation to the previous enforcement notice served on the property***

Officers confirm this would not be a material planning consideration for the determination of this application. The current application that has been submitted is for a specific massage therapy space to the first floor only and as such Members can only determine the application on that basis and not on an alleged previous use.

5.6.2 ***Objectors raised concerns that residents would be living next to a commercial enterprise.***

Whilst there are residential dwellings located nearby, the site is located within Bridgtown Local Centre and is designated as an Employment area. Therefore, the use of a small-scale E use is commonplace and appropriate within this area. There are much larger scale businesses located closer to residential properties within this area. The use of the first-floor massage therapy space would, by its very nature, be a quiet use and Environmental Health Officers have not raised any concern in this regard.

5.6.3 ***Objectors expressed that residents and neighbouring businesses are unhappy with the amount of men going in and out of the premises.***

Officers confirm the amount of male customers visiting the property would not be a material planning consideration for this application.

5.6.4 ***Objectors state that the premises has been raided by police previously***

Officers confirm this would not be a material planning consideration for the determination of this application and forms part of the enforcement matter.

5.6.5 ***Objectors have concerns regarding safety due to male customers lingering outside***

Officers confirm this would not be a material planning consideration for the determination of this application.

5.6.6 ***Objectors state that this type of service should not be considered in residential area, especially where young children are walking to from school with their mothers***

The area is considered as a Local Centre, and employment area, as such small-scale E uses are appropriate for this area. Notwithstanding, the application applies to the first floor only, which is not overtly visible to passersby.

5.6.7 ***Objectors state that 'There is currently a massage parlour, and planning is retrospectively for another massage parlour I find this extremely unbelievable that the applicants who have now applied for planning retrospectively are totally different applicants to the people that are using it for the massage parlour at the moment and are being monitored by planning enforcement'***

Your Officers confirm that this application is not for a separate massage therapy space, this application is to incorporate the first-floor into the existing use taking place on the ground floor.

5.6.8 *Objectors feel businesses such as this have a negative impact on all the other businesses in our area*

Your Officers confirm that in terms of planning policies, the use of the first floor of the application building for a massage therapy space is deemed appropriate for its location within a defined Local Centre area.

6	Human Rights Act 1998 and Equalities Act 2010
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Human Rights Act 1998

- 6.1 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

- 6.2 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.

7	Conclusion
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- 7.1 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.
- 7.2 It is therefore recommended that the application be approved subject to the attached conditions for the above reasons.