

**Please ask for:** Mrs. W. Rowe

**Extension No:** 4584

**E-Mail:** [wendyrowe@cannockchasedc.gov.uk](mailto:wendyrowe@cannockchasedc.gov.uk)

24 June 2025

Dear Councillor,

**Planning Control Committee**

**3:00pm, Wednesday 2 July 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/25/0061	<b>243 Hill Street, Hednesford, Cannock, WS12 2DP</b> Proposed erection of a detached dwelling and double garage following demolition of existing dwelling	2.30 pm

Members wishing to attend the site visit are requested to meet at **243 Hill Street, Hednesford, WS12 2DP at 2.30 pm** 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.            Mawle, D.  
Elson, J.            Samuels, G.  
Fitzgerald, A.      Sutherland, M.  
Hill, J.              Thornley, S.J.  
Jones, V.            Wilson, L.  
Lyons, N.

## **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 30 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](http://www.cannockchasedc.gov.uk/residents/planning-and-building-control/development-control/11-view-planning-applications-and-make)

### Site Visit Application

	Application Number	Application Location and Description	Item Number
1.	CH/25/0061	<b>243 Hill Street, Hednesford, Cannock, WS12 2DP</b> Proposed erection of a detached dwelling and double garage following demolition of existing dwelling	6.1 - 6.22

### Planning Application

	Application Number	Application Location and Description	Item Number
2.	CH/25/0037	<b>258 Office, Walsall Road, Cannock, Staffordshire, WS11 0JL</b> 73 Application to remove condition 2 on planning permission CH/13/0162 restricting change of use from daycare centre to nursery	6.23 - 6.35

**Cannock Chase Council**  
**Minutes of the Meeting of the**  
**Planning Control Committee**  
**Held on Wednesday 30 April 2025 at 3:00pm**  
**in the Council Chamber, Civic Centre, Cannock**  
**Part 1**

**Present:**  
Councillors

Fisher, P. (Chair)

Aston, J.	Sutherland, M.
Jones, V.	Thornley, S.J.
Prestwood, F.	Wilson, L.
Samuels, G.	

**105. Apologies**

Apologies for absence were received from Councillors S. Cartwright (Vice-Chair), A. Fitzgerald, N. Lyons, D. Mawle and S. Thornley.

Notification had been received that Councillor J. Prestwood would be acting as substitute for Councillor S. Thornley. However, Councillor Prestwood submitted her apologies for the meeting.

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

None.

**107. Disclosure of Details of Lobbying by Members**

All Members declared that they had been lobbied in respect of Application CH/25/0016, Land adjacent to 128 Old Penkridge 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.

**108. Minutes**

**Resolved:**

That the Minutes of the meeting held 2 April 2025 be approved as a correct record.

**109. Members Requests for Site Visits**

None.

**110. Application CH/25/0016, Land adjacent to 128 Old Penkridge 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**

Prior to the consideration of the application, Councillor Samuels advised that he would not be taking part in the determination of the application as, having been lobbied, he considered his impartiality was compromised. He left the meeting at this point.

The Tree and Landscape Protection Officer was also in attendance to clarify any issues raised with regards to trees on the site.

Consideration was then given to the report of the Development and Policy Manager (Item 6.1 - 6.15) *(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 was circulated to Members at the meeting:

“Officers wish to clarify that the application site abuts Cannock Park Golf Course, not Cannock Chase Golf Course as stated in the officer report.

Following completion of the report for the Committee agenda, a further objection has been received. The comments shall be read out to Members as part of the speakers allocated time.

Officers wish to amend condition 10 (Approved Plans) to include section drawings. Condition 10 shall now read as follows:

*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
- **Site Sections 23012/16**

*Reason: For the avoidance of doubt and in the interests of proper planning.*

Your Officers confirm that the above updates do not raise any material considerations over and above those already considered and therefore do not change the Officer's original recommendation which is to approve subject to conditions.”

Prior to consideration of the application it was noted that there was an objection due to be read out by Officers on behalf of an objector. However, the objector was sitting in the public gallery and confirmed that she did not wish this to be read out by Officers, and therefore, the 10 minutes could be allocated to the other objector, David Addis. Representations were then made by David Addis, an objector, who spoke against the application.

Further representations were made by Steve Faizey, the applicant's agent, 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 of condition 10 (Approved Plans), as follows:

"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 Plan
- 23012 - Rev 5A Amended Elevation Plans
- **Site Sections 23012/16**

Reason: For the avoidance of doubt and in the interests of proper planning".

(Councillor Samuels returned to the meeting at this point and was present for the remainder of the meeting).

**111. Application 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)**

The application had been considered at the Planning Control Committee held on 5 March 2025 and only those Members present at that meeting would be eligible to take part in the determination of the application. Therefore Councillors V. Jones, F. Prestwood and L. Wilson left the meeting at this point as they were not present at the meeting on 5 March.

Following a site visit, consideration was then given to the report of the Development and Policy Manager (Item 616 - 6.32) *(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 was circulated to Members at the meeting:

"Following compilation of the report for the Committee agenda, officers have the following update:

Building Control - Building Control Officers have confirmed that a building control application may be required for the change of use application. This will be carried out as a separate process.

Enforcement Matter - Further investigation has been carried out in relation to the enforcement notice issued to the site and officers confirm the alleged uses remain unproven.

The Officer then advised that they had been made aware that the business was under new ownership as of 4 weeks ago, and the lessee had changed on the Land Registry".

**Resolved:**

That the application be approved subject to the conditions contained in the report for the reasons stated therein.

The meeting closed at 4:06pm

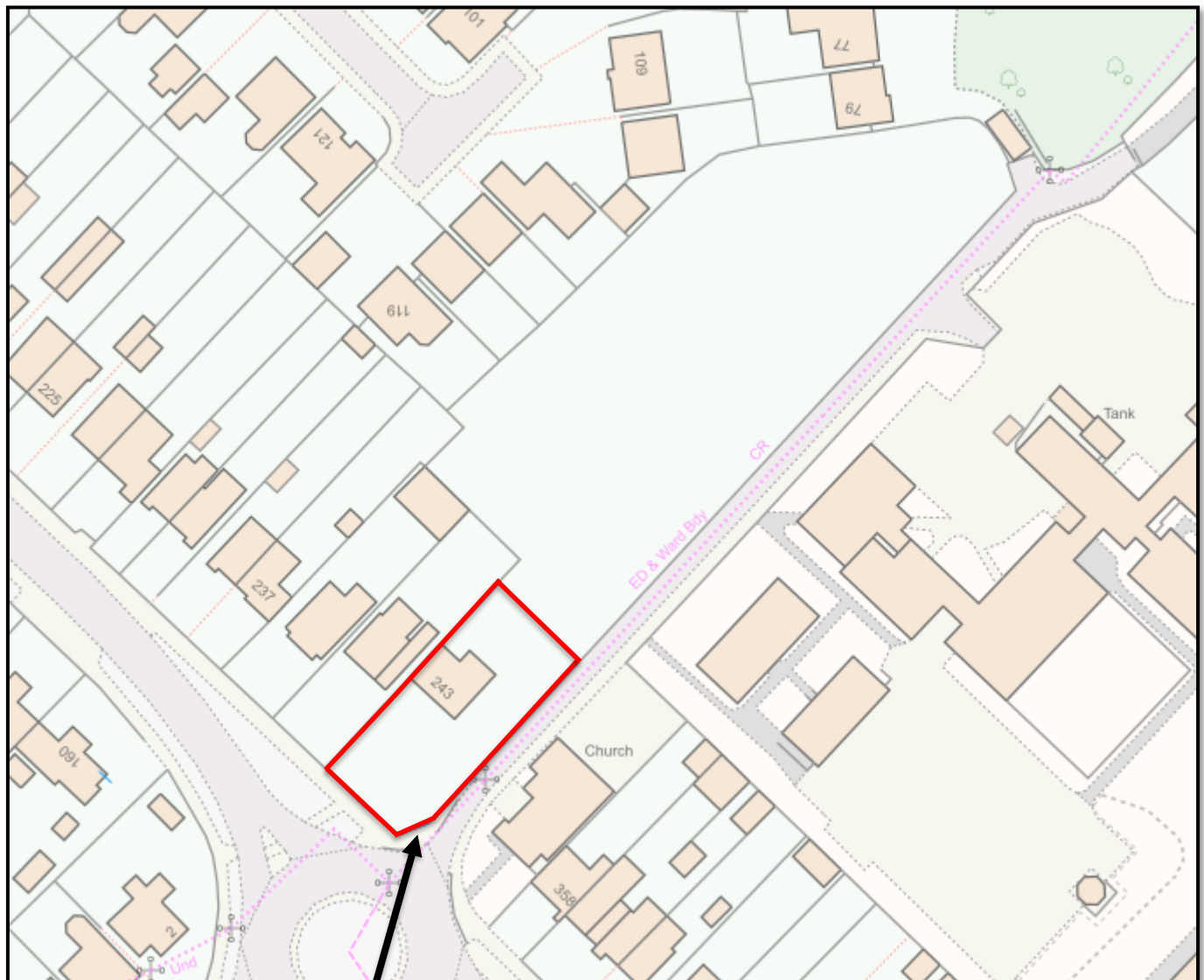
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**Chair**

**Application No:** CH/25/0061

**Location:** 243, Hill Street, Hednesford, Cannock, WS12 2DP

**Proposal:** Proposed erection of a detached dwelling and double garage following demolition of existing dwelling

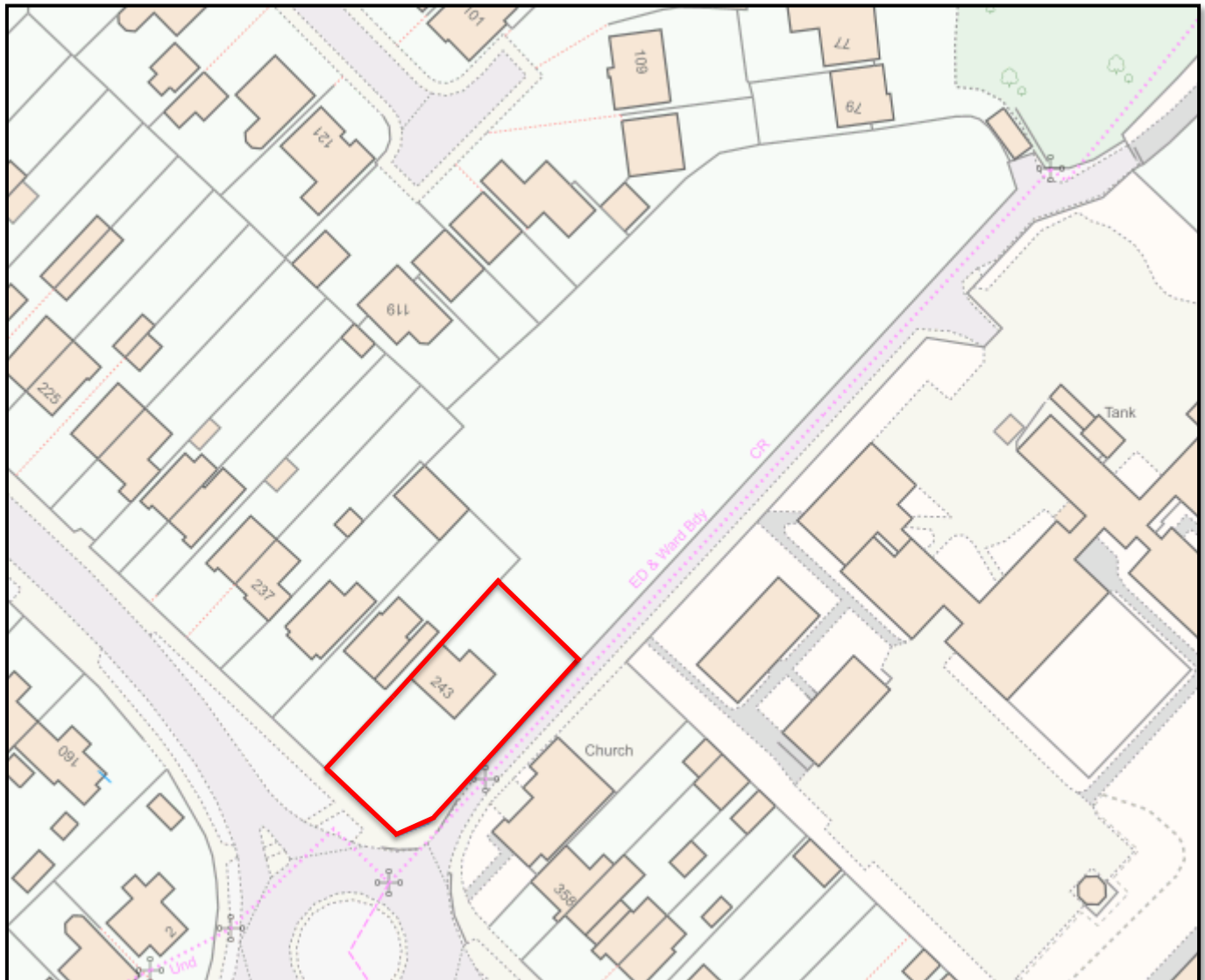


**Site Visit Meeting Point**

**Application No:** CH/25/0061

**Location:** 243, Hill Street, Hednesford, Cannock, WS12 2DP

**Proposal:** Proposed erection of a detached dwelling and double garage following demolition of existing dwelling



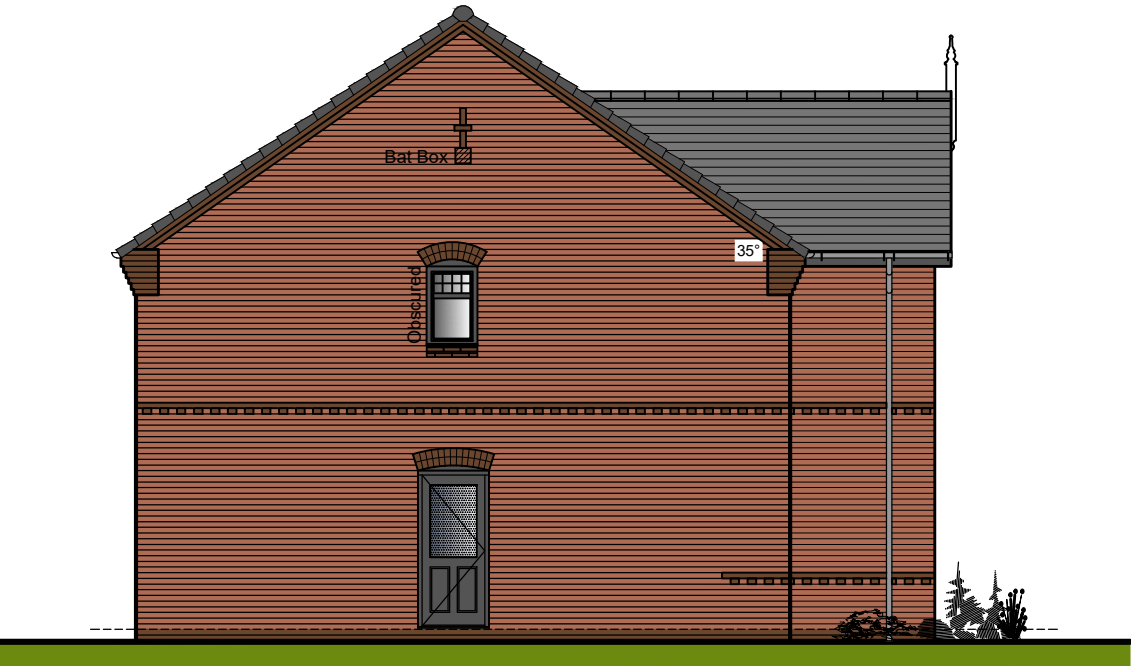
**Site Location Plan**



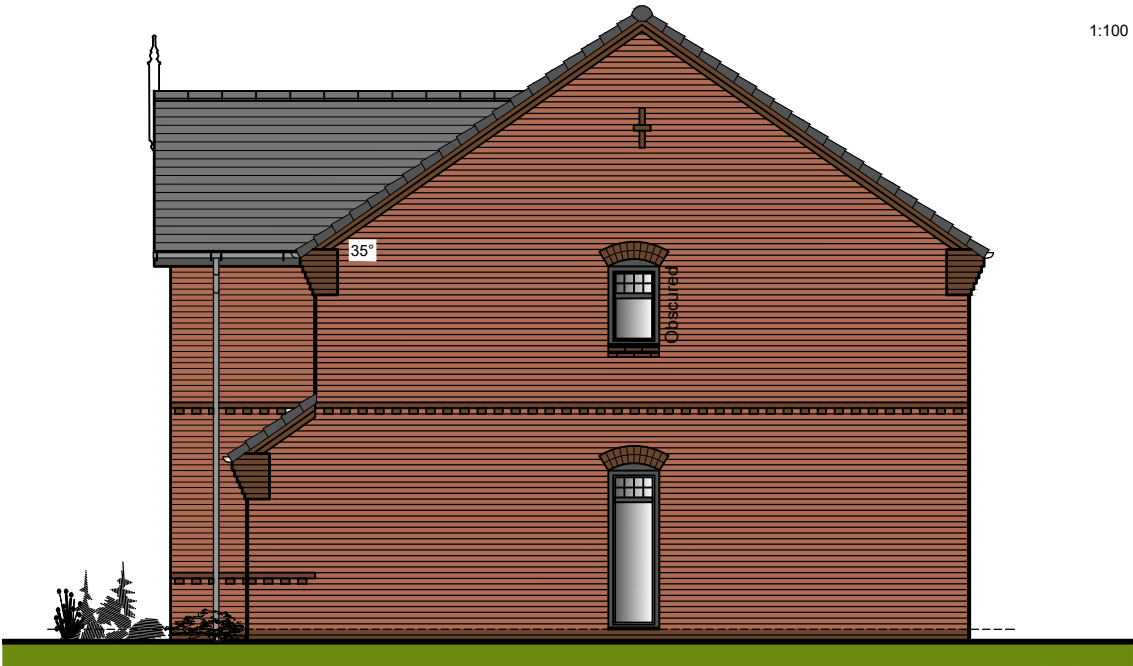
PROPOSED DETACHED DWELLING AT:- 243 HILL STREET, HEATH HAYES.



FRONT ELEVATION



L.H. SIDE ELEVATION



R.H. SIDE ELEVATION



REAR ELEVATION



BLACK UPVC WINDOWS & DOORS

BLACK FASCIAS & RAINWATER GOODS



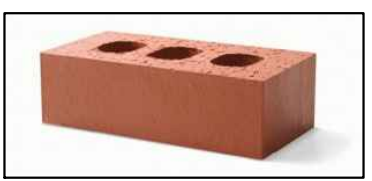
IBSTOCK BAT BRICK BUILT INTO L.H. SIDE GABLE



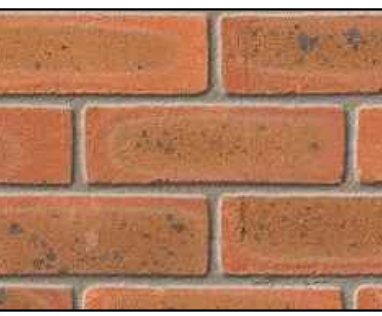
"IBSTOCK" SWIFT ECO HABITAT BRICK, BUILT INTO WALL



MARLEY - ASHMORE DARK GREY



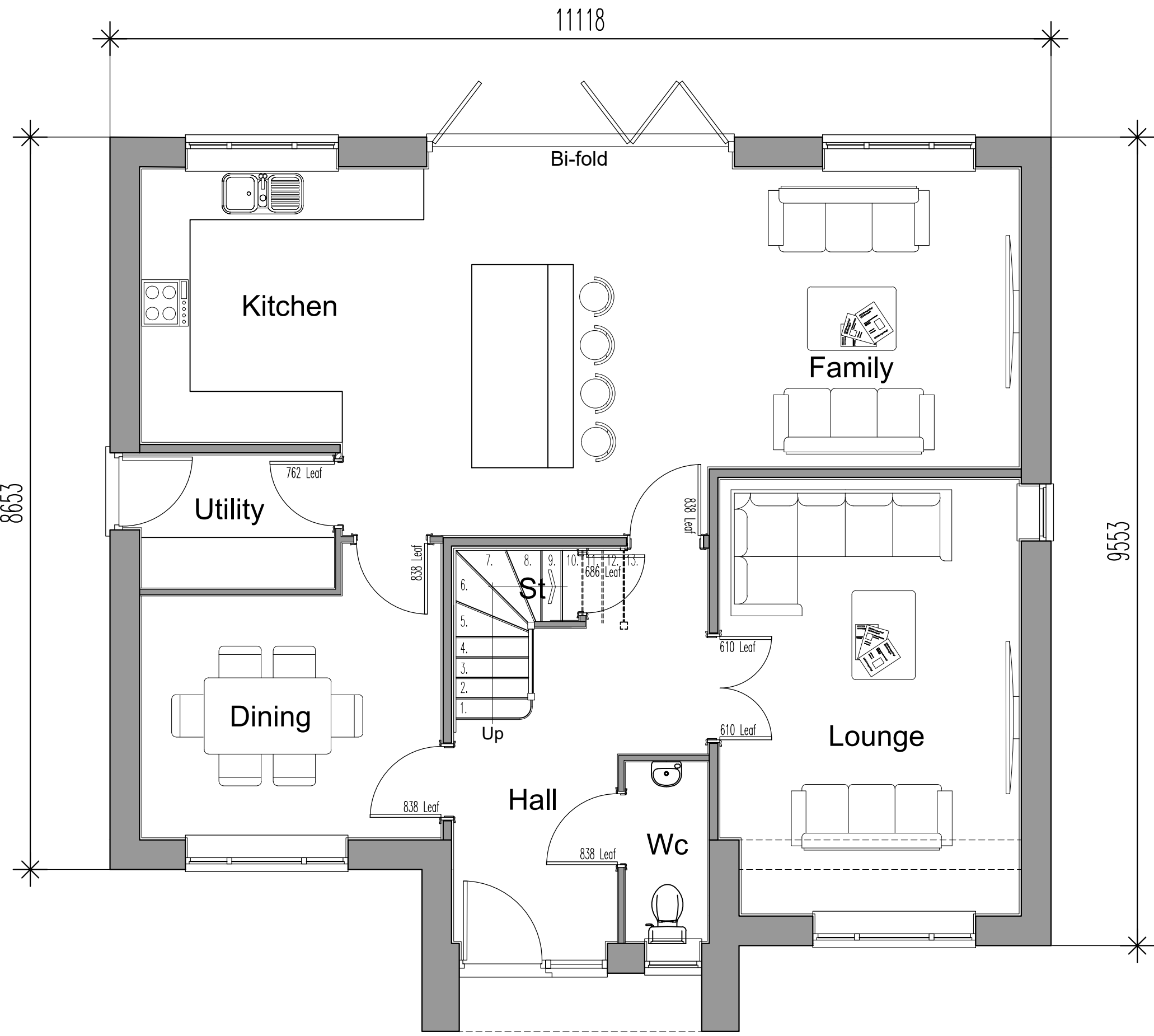
SMOOTH RED DETAIL BRICKS



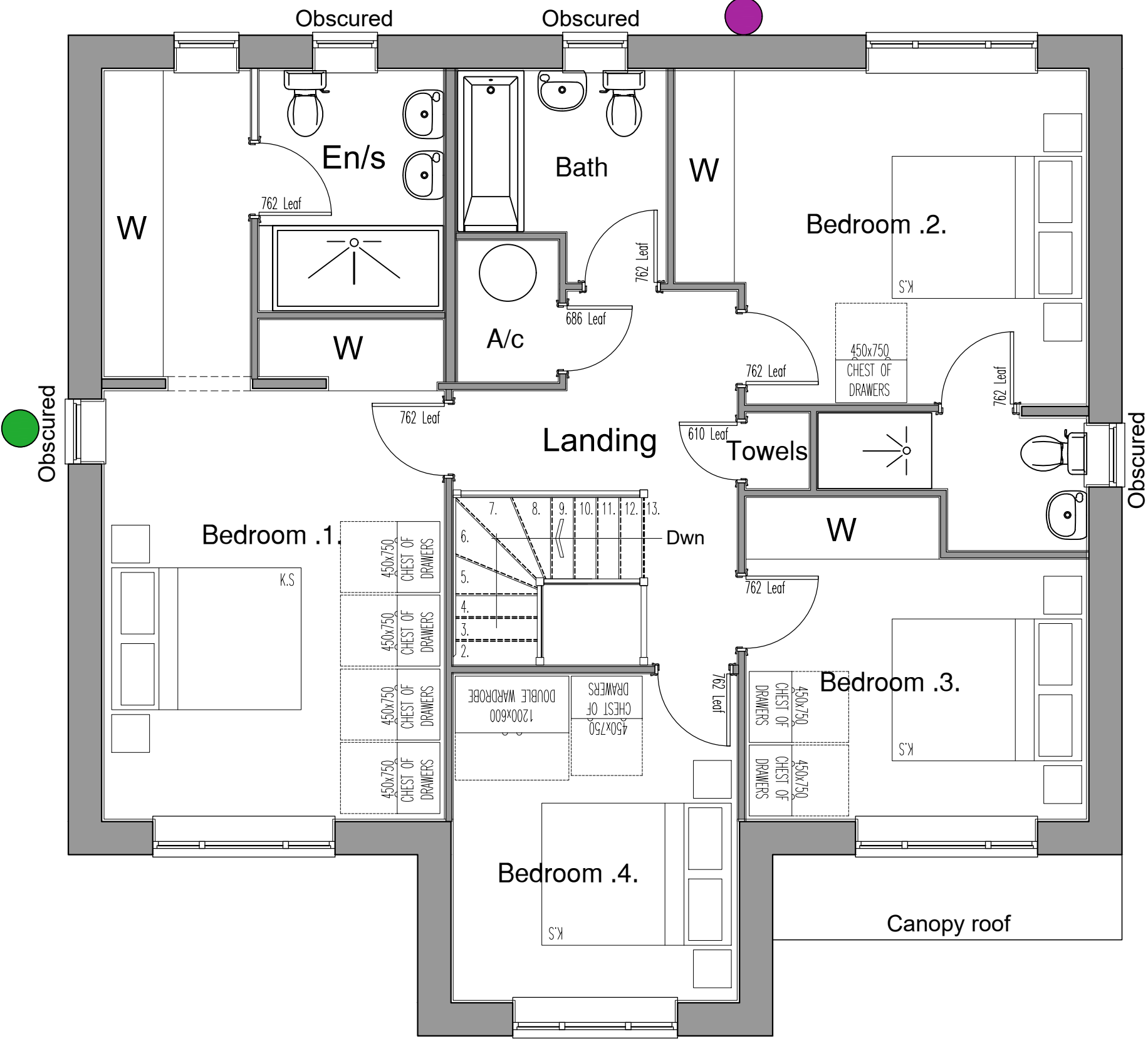
IBSTOCK - LAMBOURNE ORANGE MAIN FACING BRICK



BRILLIANT WHITE RENDER



GROUND FLOOR PLAN



FIRST FLOOR PLAN

Keepers Cottage  
Orslow  
Nr Newport,  
Staffordshire.  
TF10 9BL  
Email : dovearchdesign@gmail.com  
Mobile : 07967 216955

Client: Mr & Mrs Gallear

Site: Proposed Dwelling at:-  
243 Hill Street,  
Heath Hayes  
WS12 2DP

Title: PLANNING DETAILS

Scale: 1:50, 1:100 Date: Feb, 2025

Drw No.: 449A/PD/03 Rev:

Written dimensions to be taken only.  
Minor inaccuracies may occur due to printing processes.

PRINT TO FIT  
A1

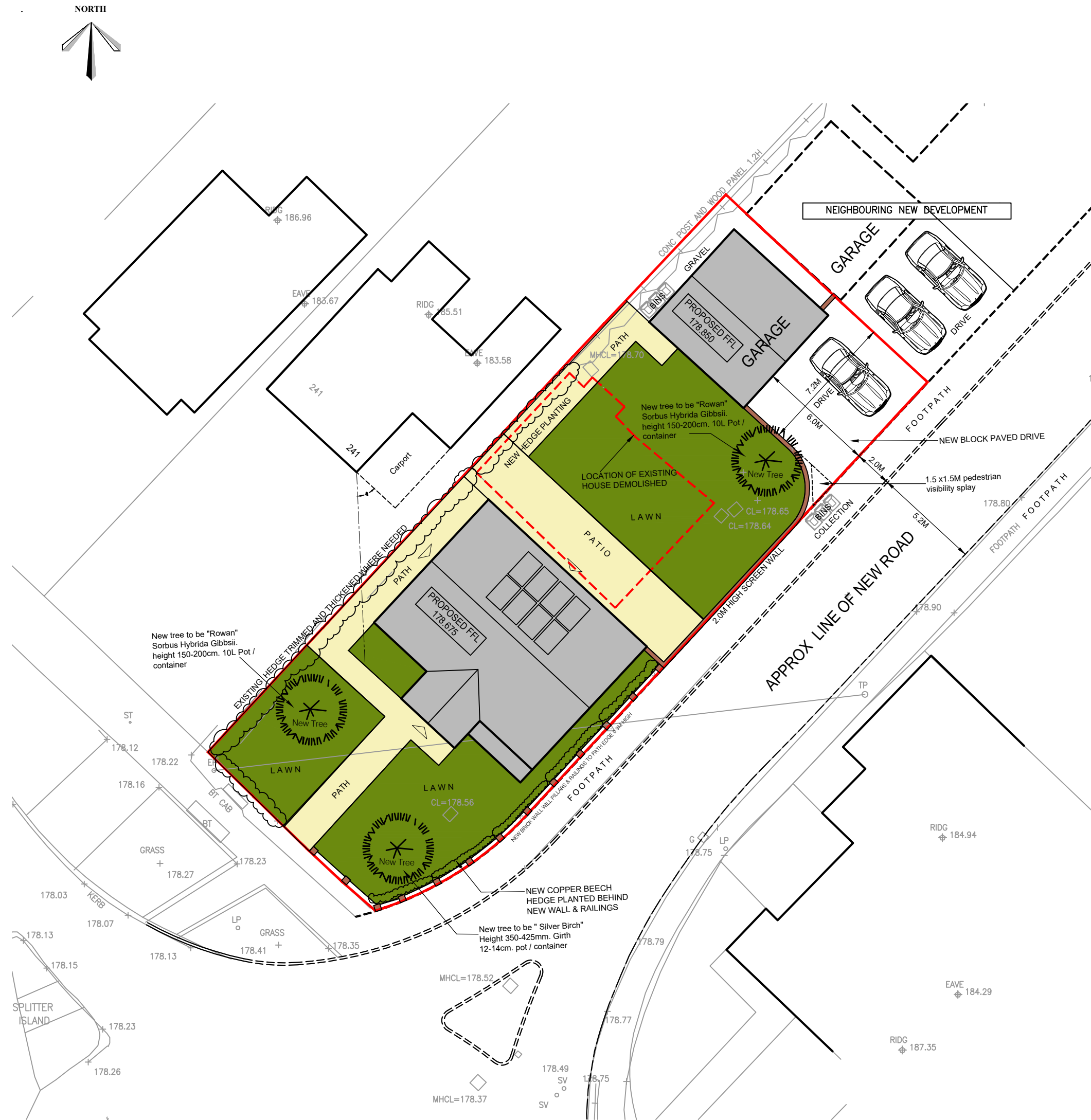
PLANNING DETAILS

Architectural Design Limited  
Architectural & Building Design Consultants

Dove



PROPOSED DETACHED DWELLING AT:- 243 HILL STREET, HEATH HAYES.



ACCESS DRIVES PAVING

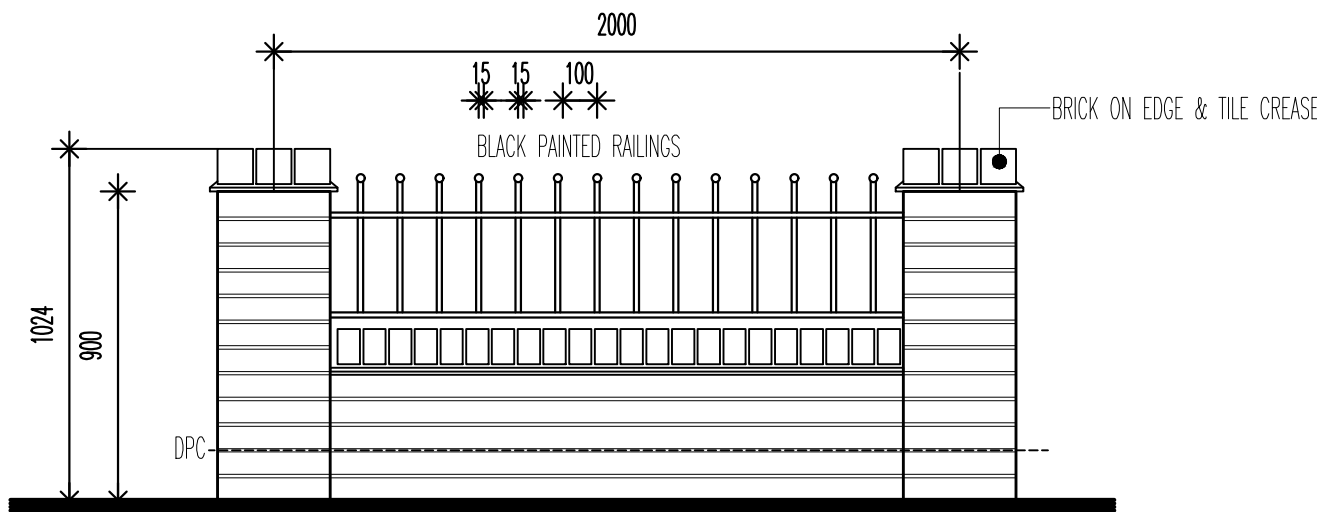


EXTERNAL PATHS & PAVING  
GREY RIVEN SLABS

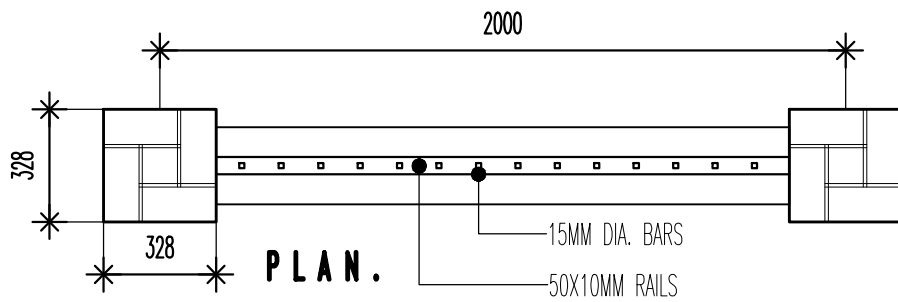
RED ENGINEERING CAPPING



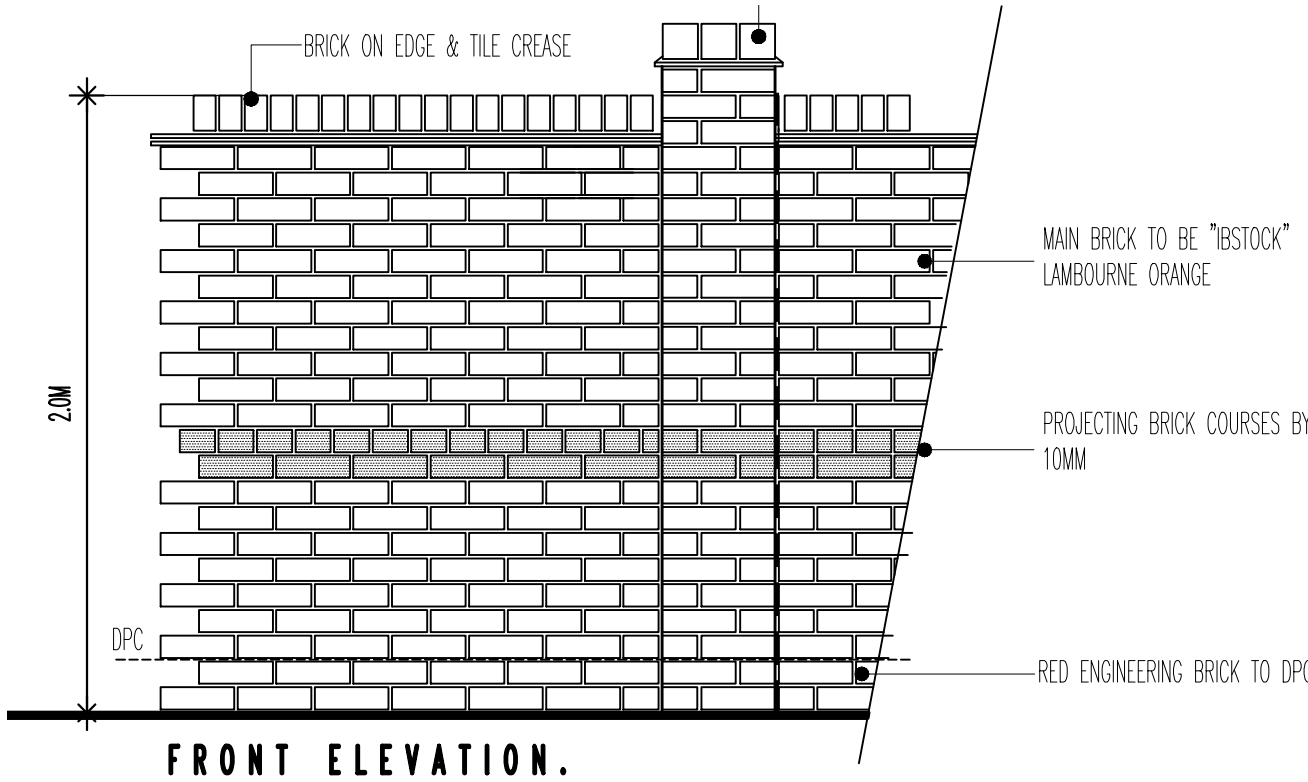
IBSTOCK - LAMBOURNE ORANGE



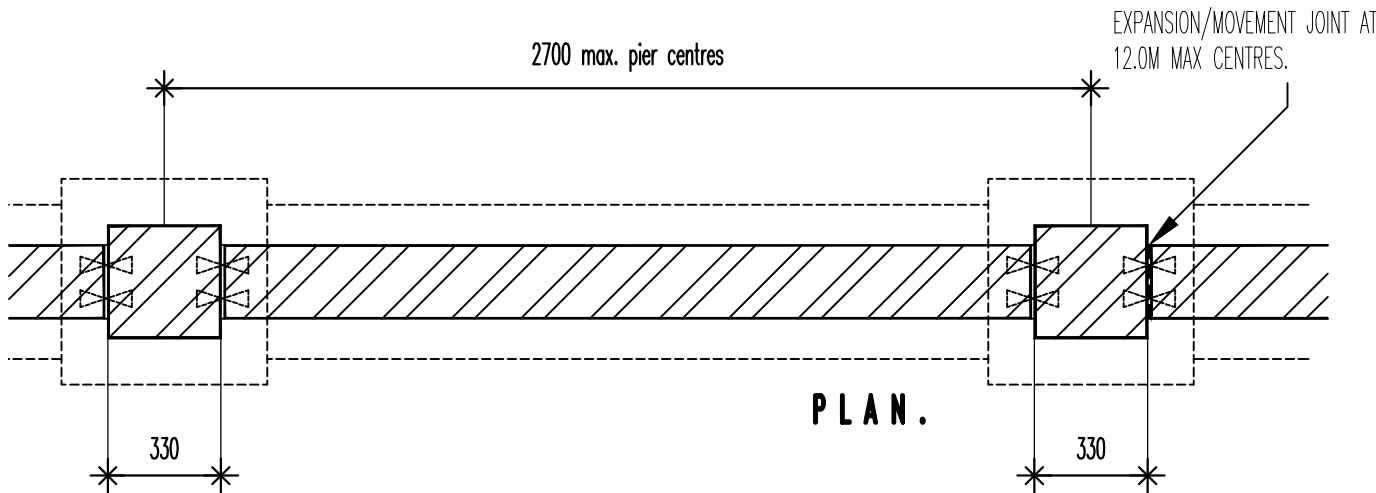
FRONT ELEVATION.



PLAN.



FRONT ELEVATION.



PLAN.

PROPOSED SITE PLAN

PRINT TO FIT  
A2

**Dove** Architectural Design Limited  
Architectural & Building Design Consultants

Keepers Cottage,  
Orslow  
Newport  
Staffordshire  
TF10 9BL  
DOVEARCHDESIGN@GMAIL.COM  
Mobile : 07967 216955

PROJECT

Proposed Dwelling at:-  
243 Hill Street,  
Heath Hayes  
WS12 2DP

Mr & Mrs Gallear

PROPOSED SITE PLAN

SCALE  
1:200,  
DATE  
FEB 2025

DRAWING No  
449A/PD/02  
B

**Planning Control Committee**

**2<sup>nd</sup> July 2025**

<b>Application No:</b>	CH/25/0061
<b>Received:</b>	27 <sup>th</sup> February 2025
<b>Location:</b>	243 Hill Street, Hednesford, Cannock, WS12 2DP
<b>Parish:</b>	Hednesford CP
<b>Ward:</b>	Heath Hayes and Wimblebury
<b>Description:</b>	Proposed erection of a detached dwelling and double garage following demolition of existing dwelling
<b>Application Type:</b>	Full Planning Application

**The application is being presented to Members due to it being called to Planning Control Committee by Cllr Fitzgerald for Members to undertake a site visit.**

**Recommendation:** Approve, subject to conditions.

**Reason 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.

***Pre - Commencement Condition (excluding demolition works)***

1. No development shall take place, excluding any works of demolition, until a Highways Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

The statement shall provide for:-

- a) A site compound with associated temporary buildings
- b) The parking of vehicles of site operatives and visitors
- c) Times of deliveries including details of loading and unloading of plant and materials

- d) Storage of plant and materials used in constructing the development
- e) Duration of works
- f) Wheel wash facilities (if required)

Reason

In the interest of highway safety.

***Prior to First Occupation /Use:***

2. Prior to the first occupation of the hereby approved development, the site access shall be completed within the limits of the public highway in accordance with submitted 'Proposed Site Plan' Drawing Number 449A/PD/02 B. Pedestrian visibility splays shall be kept free of all obstructions to visibility.

The access and visibility splays are then to be retained for the life of the development.

Reason

In the interest of highway safety.

3. The proposed parking as shown on the approved plan shall be sustainably drained, hard surfaced in a bound material prior to the first occupation of the dwelling hereby permitted.

Thereafter the parking area shall be retained in accordance with the approved plans for the lifetime of the development.

Reason

In the interest of highway safety.

4. The development hereby permitted shall not be brought into use until the existing historic access to property no. 243 made redundant as a consequence of the development hereby permitted, has been permanently closed with the access crossing reinstated as footway/ verge with full height kerbs in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of highway safety.

5. The development hereby approved shall take place in full accordance with the external surface materials as shown on plan reference 449A/PD/03 (Planning Details) and 449A/PD/02B (Proposed Site Plan) shall be fully implemented prior to first use.

Reason

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

***General Conditions and Time limitations:***

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

Reason

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

7. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

8. The garage indicated on the submitted plan shall be retained for the parking of motor vehicles and cycles only. It shall at no time be converted to living accommodation without prior permission of the Local Planning Authority.

Reason

In the interest of highway safety.

- 10 The installation of Swift and bat bricks shall be carried out in full accordance with approved plan reference 449A/PD/03 (Planning Details) and shall be retained for the lifetime of the development.

### Reason

To support biodiversity within the site, in accordance with Policy CP12 of the Local Plan Strategy and the NPPF.

11. The installation of solar panels shall be provided in full accordance with approved plan reference 449A/PD/03 (Planning Details) and shall thereafter be retained for the lifetime of the development.

### Reason

To combat climate change through the use of renewable sources of energy, in compliance with policy CP16 of the Local Plan and the NPPF.

### Notes to the Developer:

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:  
  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)
2. The demolition of the existing building should be undertaken under the usual controlled provisions afforded by The Building Act 1984 with the appropriate specialist attention being paid should the construction of same incorporate any asbestos containing materials.

### Consultations and Publicity

#### Statutory Consultees

Staffordshire County Council Highways - No objection, subject to conditions.

Heath Hayes & Wimblebury Parish Council - express concern about this second development of the site and would like Cllr Phil Hewitt to be able to appear before the Planning Committee when it is discussed

#### Internal Consultations

Landscape Team - No objection, subject to resolution of the following points:

- Recommend the brick pillar and railing boundary wall is removed and just planted with hedgerow, to reinstate the previous soft landscaped street-scene aesthetic.
- A temporary post and wire fence would be acceptable whilst the hedge establishes.
- Pathway width to be reduced by 1m along the boundary with No.241 so the existing hedge can be retained as stated and so there is room to plant the new hedge.
- Planting plan to be provided for review once layout is updated. Recommend a gate is included within the wall adjacent to the garage and new development so the bins can be brought out to the collection point.
- Gate to either provide 130mm high gap at the base or a hedgehog highway access point to be provided. o CCDC Ecologist to provide comment on bat box, swift brick and proposed hedgehog highway access point.

Environmental Health - No objection.

Ecologist - No comments received

CIL Officer - Self Build therefore not CIL liable

### **External Consultations**

None.

### **Response to Publicity**

The application has been advertised by neighbour letter. One letter of representation has been submitted and is summarised below:-

- We (occupiers of No. 241 Hill Street) have no objections at all.

### **Relevant Planning History**

CH/20/241 Residential Development - Outline application with some matters reserved for 8 x 3 bed semi-detached dwellings, 4 x 4 bed detached dwellings with garage and 1 x 3 bed detached dwelling - Withdrawn on 12<sup>th</sup> March 2021

CH/23/0231 Residential Development - Demolition of existing dwelling No. 243 Hill Street and the construction of 10 dwellings with associated access, parking and amenity. Withdrawn 26<sup>th</sup> March 2024.

## **1 Site and Surroundings**

1.1 The existing dwelling, No. 243 is a chalet bungalow positioned at the front of the site facing Hill Street. The property and garden are in a dilapidated state. The site lies in the Heath Hayes and Wimblebury Character Area which is dominated by a variety of post-war architectural styles.

1.2 No. 243 sits on a corner plot at the roundabout junction with Hayes Way and adjacent to a single width access road leading from the roundabout which provides access to Hednesford Pentecostal Church car park and rear access to Five Ways Primary School.

1.3 On the opposite corner of the access road is Hednesford Pentecostal Church. The site is otherwise in a residential area of the town and surrounded by other residential properties on all other sides.

1.4 The site is affected by the following constraints:

- Mineral Consultation area - Coal Fireclay;
- Coal Authority Development Low Risk Area;
- Within 15km of the Special Area of Conservation;
- Adjacent to Site Investigation History;
- With Hednesford Neighbourhood Plan;

## **2 Proposal**

2.1 The applicant is seeking consent for the demolition of the existing dwelling and construction of a replacement dwelling with associated parking and amenity space.



- 2.2 The proposal would provide a two-storey detached dwelling with 4no bedrooms. 5no parking spaces are located to the rear of the property; two within the detached garage and three on the hardstanding to the front of the garage,. A lawned area will be located at the frontage with a pedestrian access from Hill Street. A side access will be retained along the southern side of the property.
- 2.3 The dwelling will sit forward in the plot by a distance of 3 metres, compared to the position of the existing dwelling. A 2m wall would be constructed along the side and partial rear boundary and a new brick wall with pillars and railings would denote the front boundary with a copper beech hedgerow behind. Two additional trees would be planted within the frontage garden: 1 Silver Birch and 1 Rowan.
- 2.4 The proposed external materials comprise of red brick facing (Ibstock - Lambourne Orange), UPVC black windows and doors, with Ashmore dark grey roof tiles.

### **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), the Hednesford Neighbourhood Plan 2017-2028 and the Minerals Local Plan for Staffordshire (2015 – 2030).

#### ***The Development Plan***

#### **3.3 Cannock Chase Local Plan Part 1**

- CP1 - Strategy – the Strategic Approach
- CP2 - Developer Contributions for Infrastructure
- CP3 - Chase Shaping – Design
- CP4 - Neighbourhood-Led Planning
- CP6 - Housing Land
- CP7 - Housing Choice
- CP10 - Sustainable Transport
- CP12 - Biodiversity and Geodiversity
- CP13 - Cannock Chase Special Area of Conservation (SAC)

CP14 - Landscape Character and Cannock Chase Area of Outstanding Natural Beauty

CP16 - Climate Change and Sustainable Resource Use

### 3.4 Hednesford Neighbourhood Plan 2017-2028

H1: Housing Development

### 3.5 Minerals Local Plan for Staffordshire

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

### ***Other Material Considerations***

### 3.6 The National Planning Policy Framework (NPPF)

Relevant 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

231-243: Implementation

### 3.6 Other relevant documents

- Design Guide Supplementary Planning Document, April 2016.
- Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport, July 2005
- Developer Contributions and Housing Choices SPD (July 2015)
- Manual for Streets

## **4 Determining Issues**

4.1 The determining issues relating to the proposed development are as follows:

- i) Principle of the Development
- ii) Design and Impact on the Character and Form of the Area
- iii) Impact on Residential Amenity and Future Occupancy
- iv) Impact on Highway Safety
- v) Impact on Trees
- vi) Impact on Nature Conservation and the Cannock Chase Special Areas of Conservation (SAC)
- vii) Waste and Recycling Facilities
- viii) Flood Risk and Drainage
- ix) Contamination
- x) Mineral Safeguarding

## 4.2 Principle of Development

4.2.1 Both paragraph 11 of the NPPF (2024) and Cannock Chase Local Plan 2014 Policy CP1 state that there should be a presumption in favour of sustainable development. The presumption in favour of sustainable development as set out in paragraph 11 of the NPPF states: -.

'For decision taking this means:

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

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

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

4.2.4 In this respect the location of the site is within a sustainable location and already accommodates one dwelling (to be replaced), close to local / district centres close to schools and served by bus routes giving access to public transport, walking and cycling to a range of goods and services to serve day to day needs.

4.2.5 The site is not located within either Flood Zone 2 or 3 and it is not designated as a statutory or non-statutory site for nature conservation nor is it located within a Conservation Area or affect the setting of a designated or undesignated heritage asset. Given the above the proposal would be acceptable in principle.

4.2.6 However, proposals that are acceptable in principle are still subject to all other policy tests. This report will now go on to consider the proposal in the light of these policy tests.

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

4.3.1 The proposal seeks the demolition of an existing two storey dwelling and its replacement with a detached dwelling. The existing dwelling is in a state of disrepair. The layout plan demonstrates that the building would sit set back within the site behind a modest grassed frontage and would extend across the majority of the width of the plot retaining a small gap to either side.

4.3.2 The character of this location is residential and comprises of dwellings fronting Hill Street on both sides. Within the wider street scene there are primarily large two storey dwellings with most occupying similar sized plots with private gardens to the rear and driveways to the front / side. Notwithstanding the proposal is a replacement of an existing dwelling.

4.3.3 The proposed dwelling would be of traditional construction and finished with facing brickwork under a tiled roof, as is commonly seen within the surrounding area of

which comprises an eclectic mix of properties in terms of age and style. As such the proposed dwelling would easily assimilate into the street scene.

- 4.3.4 Therefore, having had regard to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF it is considered that the proposal would be well-related to existing buildings and their surroundings, successfully integrate with existing features of amenity value, maintain a strong sense of place and visually attractive such that it would be acceptable in respect to its impact on the character and form of the area.

4.4 Impact on Residential Amenity and Future Occupancy

- 4.4.1 The nearest property to the site is the adjoining dwelling to the north, no. 241 Hill Street. The application site backs onto a parcel of land that is subject to planning consent reference (CH/24/091) of which is currently being constructed. The rear elevation of the new dwelling is more than 30 metres from the nearest new dwelling to the rear of the site and therefore the proposal complies with the separation distances set out within Appendix B of the Council's Design SPD in this regard.
- 4.4.2 In terms of the new dwelling's relationship with no. 241, this will be set forward within the plot by 3 metres. Notwithstanding, the proposal will not contravene the 45-degree sightline from the principal windows at the front elevation of no. 241 (as demonstrated below).



4.4.3 The proposed dwelling would extend across the majority of the width of the plot, with a side access retained at the northern side. The replacement property would have windows at each side elevation, of which are glazed. As such, the proposed dwelling would not cause significant harm to the neighbour's amenity in terms of privacy, overlooking and overbearing.

4.4.4 Given the above, the scheme complies with the requirements as set out within the Councils Design SPD and Local Plan Policy CP3. Therefore, the proposed dwelling would not result in any significant adverse impact to the amenity, privacy or daylight of the existing occupiers.

#### 4.5 Impact on Highway Safety

4.5.1 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.

4.5.2 Staffordshire County Highways Department was consulted on the proposal and have no objections to the development proposal, subject to the imposition of the recommended planning conditions. The request for a pre-commencement condition requiring the submission of a construction management plan (CMP) is noted. Whilst the request for a CMP is agreed by Officers, the wording as set out

by the Highway Authority is not considered to meet the tests as set out within the NPPF which state that (amongst others) the condition must be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (para 56). Given the scale and nature of the development, in that it is a single replacement dwelling, it is not considered appropriate to request a CMP as part of a pre commencement condition. In respect of this, the condition has been amended accordingly, to require the submission of a CMP prior to any other works other than demolition, including works and deliveries associated with construction.

4.5.3 In this instance, it is proposed to close off the existing vehicle access and provide a new access from the unnamed road to the south which would provide access to a driveway and double garage. Planning permission for the construction of nine dwellings was granted in September 2024 (Planning Application CH/24/091). As part of the development, a 2m wide footway will be provided along the north-eastern side of the unnamed road. Combined with a 3.2m wide carriageway, this will ensure adequate space for vehicles to enter and exit the access safely. The proposed 900mm high boundary wall curves at the driveway entrance to provide a 1.5m x 1.5m pedestrian visibility splay. This feature will enable drivers exiting the driveway to clearly see pedestrians approaching from the north-east.

4.5.4 It is proposed to have parking to the rear for 5no vehicles, which exceeds the requirement as set out within the Parking SPD for 4 bedroom dwellings.

4.5.5 As such, it is considered that there would be no adverse impact upon highway safety and the proposal would be in accordance with the Parking SPD and paragraph 116 of the NPPF.

#### 4.6 Impact on Nature Conservation and the Cannock Chase Special Area of Conservation (SAC)

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 are given special protection, or which are of particular conservation interest. The site is not known to have significant ecological value and therefore no obvious direct harm to nature conservation interests is considered to result.

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. As the proposed dwelling would replace a former dwelling there is no net increase in dwellings in this instance.

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

#### *Biodiversity Net Gain*

- 4.6.4 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the biodiversity gain condition that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan.
- 4.6.5 There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.
- 4.6.6 Based on the information available this permission is considered to be one which will not require the approval of a Biodiversity Gain Plan before development is begun because one of the statutory exemptions or transitional arrangements are considered to apply.

#### *Landscaping*

- 4.6.7 The Landscape Officer has reviewed the proposals and advised that they have no objection to the proposals in principle but have requested some minor amendments to the scheme. Whilst these recommendations are noted, the Landscape Team are not statutory consultees in this instance and Officers are satisfied that the proposal puts forward a well-designed scheme with a high quality provision of landscaping measures, including new hedge planting at the site boundary (Copper Beech) and the planting of 3no trees (2no Rowan and 1no



Silver Birch). The proposed development would also include a bat box to the side gable, a Swift brick to the rear elevation and solar panels to the roof.

- 4.6.8 Given the above it is considered that the proposal, would not have a significant adverse impact on nature conservation interests either on, or off, the site. With the mitigation and enhancement measures set out in the reports and in the conditions to be attached if planning permission is granted, it is considered that the proposal will meet the redevelopment aspirations and accord with Policies CP3, CP12 and CP13 of the Local Plan and the NPPF.

#### 4.7 Waste and Recycling Facilities

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

- 4.7.2 In this instance, bin storage can be provided on site and bin collection will already be in place in this existing and established urban area. Any occupier of the new dwelling will be able to bring the bins to the back of the existing highway for collection and refuse vehicles will be able to access the whole road as it will be to adopted standards.

#### 4.8 Flood Risk and Drainage

- 4.8.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps and so is at low risk of flooding and surface water flooding.
- 4.8.2 The application site is located within a suburban area with established links to existing drainage infrastructure, given that the site currently comprises a dwelling. In respect of this, the proposal will comply with Policy CP16 of the Local Plan and the NPPF.

#### 4.9 Contamination

- 4.9.1 The application site lies in a historic landfill and site investigation history area and is also in a Coal Authority Low Risk Area. The Environmental Health Officer has no objection to the scheme and does not require any investigative works to be

undertaken in respect of contamination. As such, the proposal will be in accordance with Policy CP16 of the Local Plan and the NPPF.

#### 4.10 Mineral Safeguarding

4.10.1 The site falls within a Mineral Safeguarding Area (MSAs). Paragraph 219, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

4.10.2 In this instance, the site lies within a mineral safeguarding area for coal fireclay. However, its location in the middle of an urban area and adjacent to a school means that it would not be a suitable site for mineral workings as it would not be practical or environmentally viable as set out in Policy 3. The planning benefits of making efficient use of this site for new housing development also outweighs the loss of the site for mineral workings.

#### 4.11 Other Matters

4.11.1 The application has been called to Planning Control Committee due to Member concerns that a Section 106 contribution towards affordable housing has been evaded by the applicant. The trigger for contributions, as set out by the Council's Developer Contributions SPD in regard to Affordable Housing is a minimum of 10no dwellings. Members suspect that the development to the rear of the application site, of which has consent for 9no new dwellings, is linked to this application and as such cumulatively, 10no dwellings are being constructed in total and this scheme was submitted separately to circumvent the developer contribution requirement.

4.11.2 Officers confirm that the current scheme has been submitted by Mr & Mrs Gallear (applicants) who have also confirmed that the scheme would be a self-build which they would occupy themselves once complete. The applicant is not the developer for the site to the rear; the application for which was submitted by Ridgeway Homes. It is noted however that the applicant has signed Certificate B which indicates that they do not own the land in question. Notice for certificate B was served on Ridgeway Homes.

4.11.3 The applicant has stated that the sale of the land is subject to planning permission being granted for the demolition of the existing dwelling and the construction of a replacement dwelling. The applicant has, within the CIL forms, stated that the development would be for self build purposes and has also provided evidence that

a change of school has been requested for the applicants' child with 243 Hill Street as the main address.

4.11.4 The CIL self build legislation requires the applicant to provide evidence that the property has been occupied for a period of three years following completion.

4.11.5 In light of the above, your officers are satisfied that the proposed scheme for a replacement dwelling would be for self build purposes for the applicant and is separate to the development to the rear. As such, the development of the site as a replacement dwelling would not trigger any s106 contributions in this instance and should be determined on its own merits and not in conjunction with the development to the rear.

#### 4.12 **Planning Balance and the Weighing Exercise**

4.12.1 Your Officers confirm that the proposal is for the replacement of an existing dwelling with a new dwelling and detached garage in a wholly sustainable location. As such, Officers give this matter significant weight.

4.12.2 The proposal would not result in any adverse impact to the neighbouring occupiers in terms of overbearing, privacy or to space about dwellings and complies with the Councils Design SPD and as such, Officers afford this matter sizeable weight.

4.12.3 Your Officers confirm that there are no statutory objections from the Highway Authority who subject to conditions, raised no objections to the scheme. As such, great weight is afforded this matter in the planning balance.

4.12.4 Notwithstanding the above, it is acknowledged that the Parish Council have raised concerns regarding the requirement for s106 contributions as this site previously formed part of the development for the site to the rear which was subsequently withdrawn. The evidence submitted within the current application indicates that the applicant differs from the applicant that submitted the application for the rear development and that the current proposal would be for self-build purposes. Whilst certificate B has been issued in this instance, the sale of the site is subject to the grant of planning permission. In light of the above Officers are satisfied, on the balance of probability, that the applicant will be the owner and occupier of the site subject to the grant of planning permission and as such no s106 contributions are required in this instance.

4.12.5 Given the above, the benefit of the scheme being a replacement dwelling with associated amenity and parking, together with no objections from the Highway Authority or neighbours and compliance with the Councils Design SPD, would weigh significantly in favour of the proposed development and notwithstanding the concerns raised by the Parish Council, would not require any s.106 contributions in accordance with the Developer Contributions SPD.

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

### **Human Rights Act 1998**

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

### **Equality Act 2010**

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

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

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to

the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equality Act.

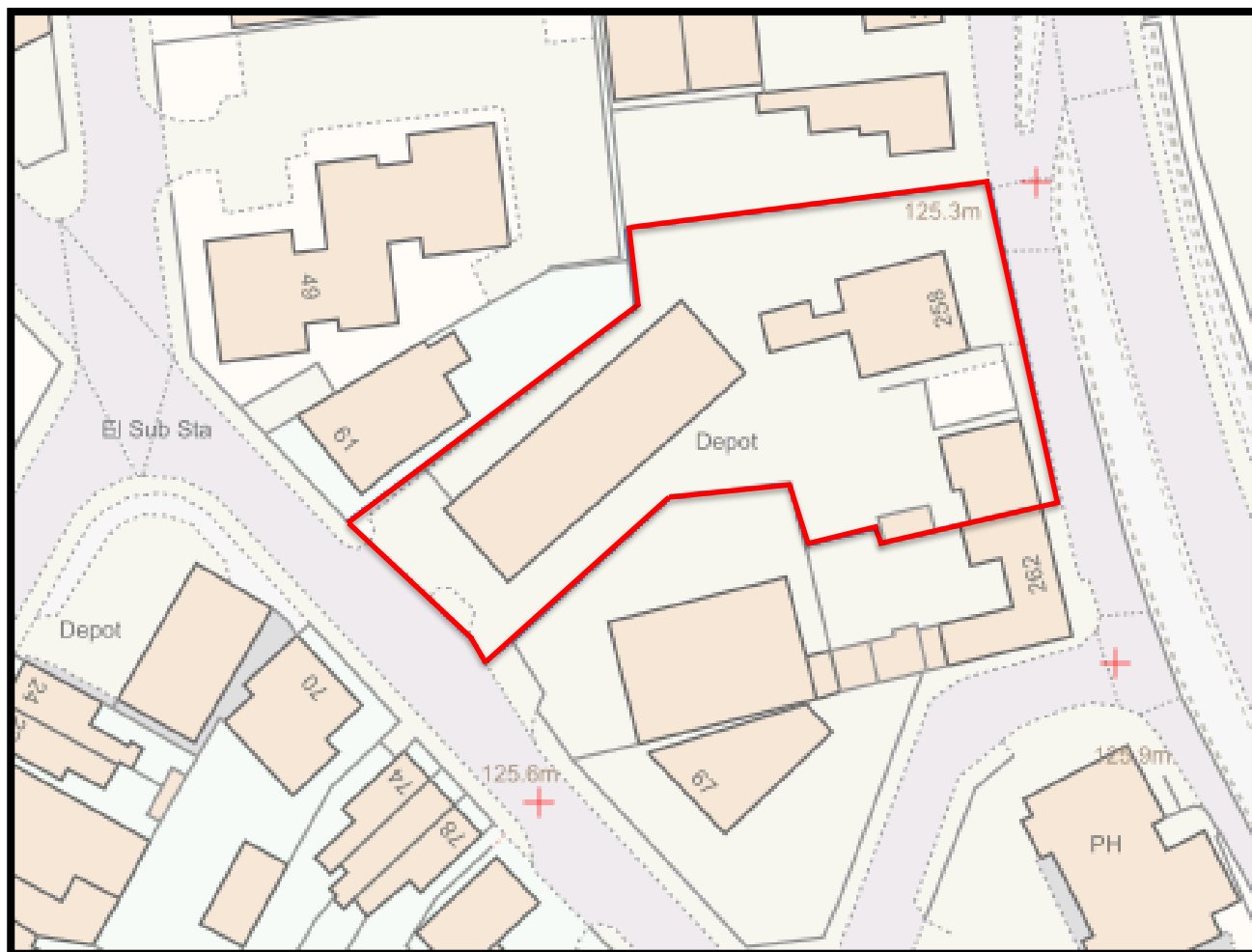
## **6 Conclusion**

- 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 The proposal is in a sustainable location, with the principle of residential development of the site established due to the scheme replacing an existing dwelling. The proposal would make efficient use of a currently vacant site within an existing residential area, on a visually important site at a busy roundabout. The design and scale of the development would fit in comfortably with the surroundings and provide sufficient garden land and access, parking and turning arrangements with no adverse impact to residential amenities. Landscaping and biodiversity enhancement measures would be provided, and the proposal is acceptable in terms of drainage, flood risk and contamination. The proposals would provide a high standard of development for future occupiers
- 6.3 It is therefore recommended that the application be approved subject to the attached conditions for the above reasons.

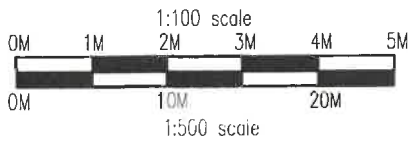
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**Location:** 258 Office, Walsall Road, Cannock, Staffordshire, WS11 0J

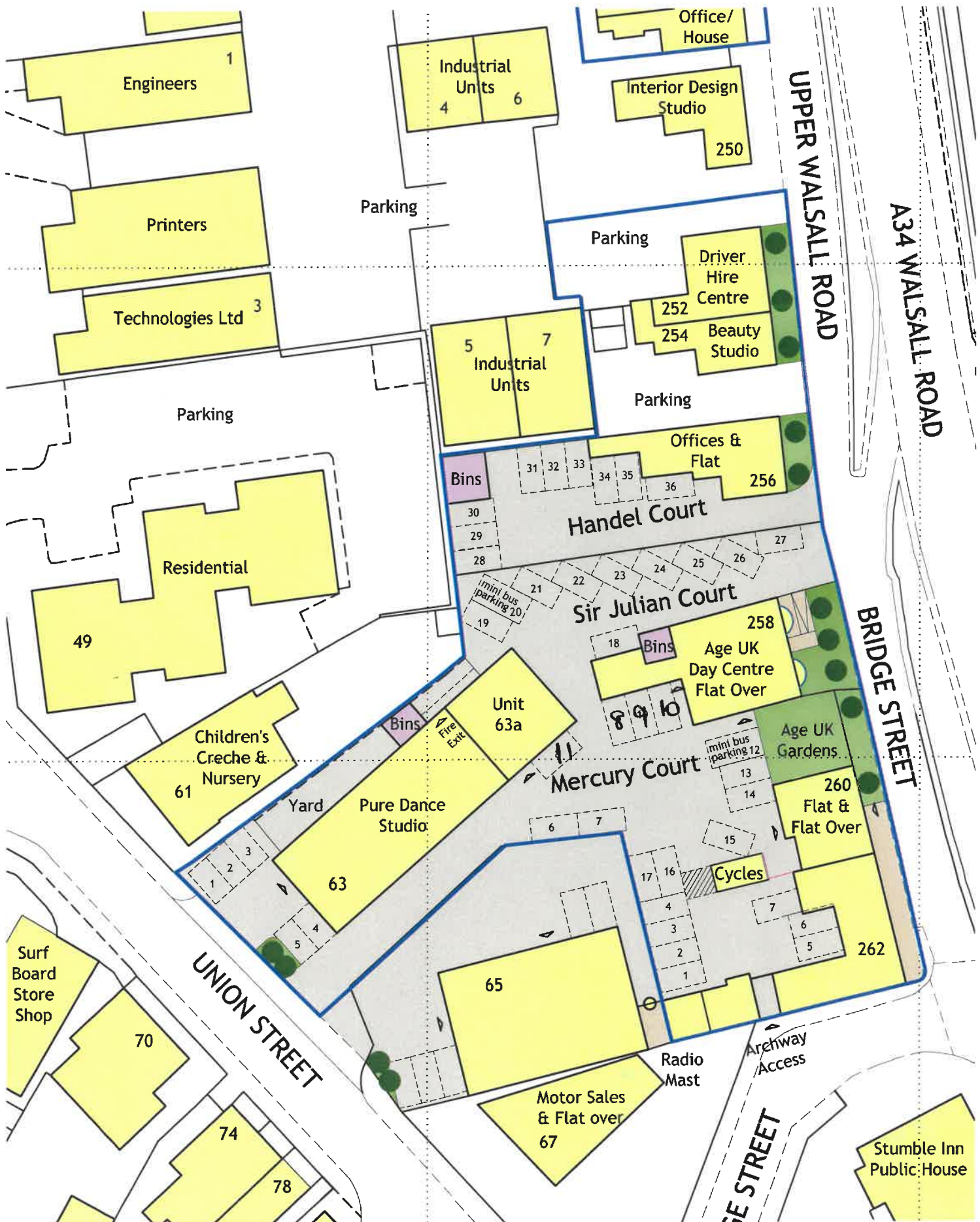
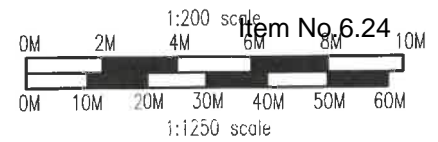
**Proposal:** Section 73 Application to remove condition 2 on planning permission CH/13/0162 restricting change of use from daycare centre to nursery



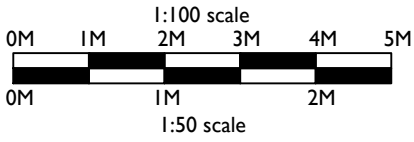
**Site Location Plan**



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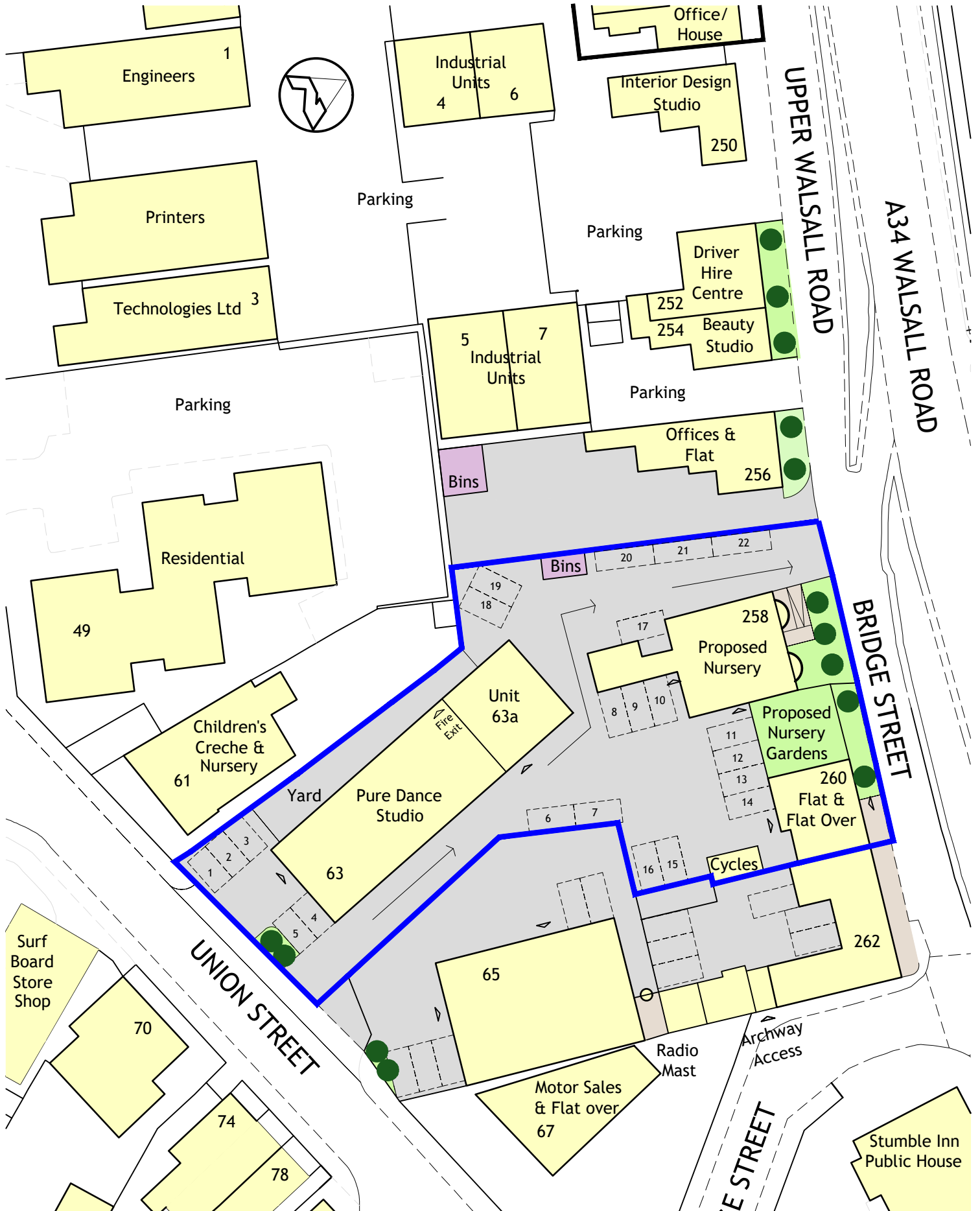
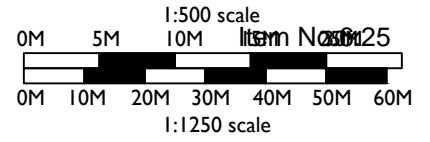


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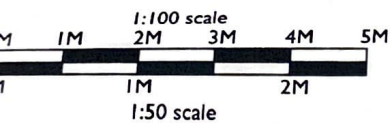
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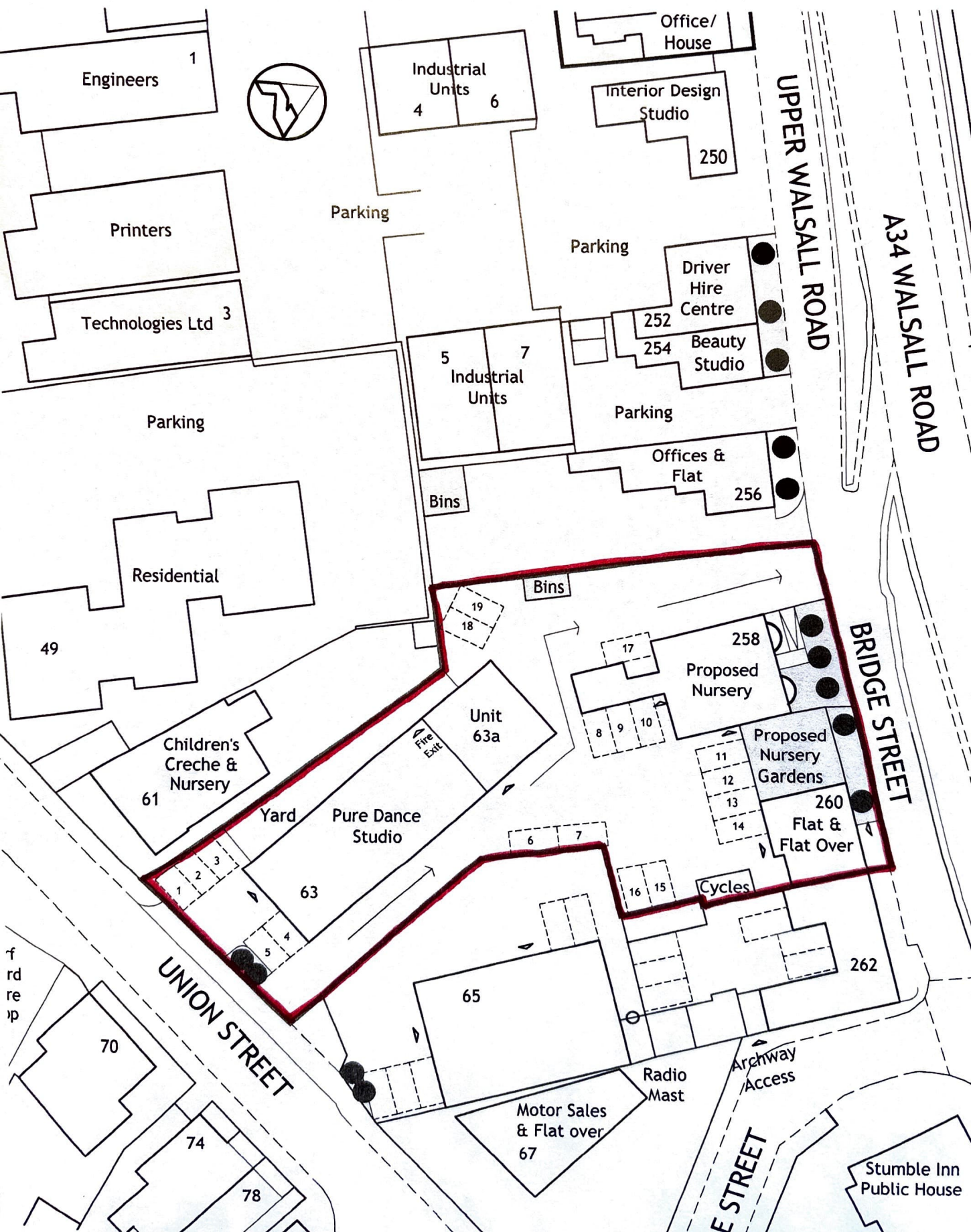
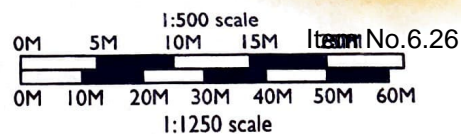
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<b>Contact Officer:</b>	Helen Sherratt
<b>Telephone No:</b>	01543 462 528

**Planning Control Committee**

**2<sup>nd</sup> July 2025**

<b>Application No:</b>	CH/25/0037
<b>Received:</b>	7 <sup>th</sup> February 2025
<b>Location:</b>	258 Office, Walsall Road, Cannock, Staffordshire, WS11 0JL
<b>Ward:</b>	Cannock Longford and Bridgtown
<b>Description:</b>	Section 73 Application to remove condition 2 on planning permission CH/13/0162 restricting change of use from daycare centre to nursery
<b>Application Type:</b>	Full Planning Application <i>Section 73 - Variation / removal of Condition(s)</i>

**Reason for Committee decision**

**This application has been reported to Planning Control Committee due Cllr Aston having an interest in the application.**

**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 hereby permitted shall not be brought into use until the access drive, parking and turning areas have been provided in accordance with the approved plans and thereafter retained for the life of the development.

**Reason**

In the interests of highway safety.

2. The premises shall not be open for business outside the hours of 08.00 a.m. to 8.00 p.m. on Mondays to Saturdays & 10.00 a.m. to 6.00 p.m. on Sundays and public holidays.

**Reason**

To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure compliance with Policy CP3 of the Cannock Chase Local Plan 2014 and the NPPF.

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

Location Plan

Car Parking Layout Plan dated 3<sup>rd</sup> June 2025.

Existing Floor Plans

Proposed Internal Alterations - Ground Floor Plan

Proposed Internal Alterations - First Floor Plan

Design & Access Statement 15th May 2013

### **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

## **Consultations and Publicity**

### **Statutory Consultees**

Staffordshire County Council - No objection

The Authority requested a revised parking plan with marked out bays to be re-oriented 90 degrees so there is a one-way system through the site. Officers also requested that designated staff parking bays be marked.

Bridgtown Parish Council - No comments received.

### **External Consultees**

Crime Prevention Officer - No objection.

### **Internal Consultations**

Environmental Health - No objection.

Planning Policy - No comments received.

### **Response to Publicity**

The application has been advertised by neighbour letter. No representations have been received.

## Relevant Planning History

CH/13/0162 - Part change of use of ground floor from office (B1) to non-residential institution (D1). Approved 8<sup>th</sup> July 2013.

## 1 Site and Surroundings

- 1.1 The application site comprises no. 258 Walsall Road, Cannock. The premises, at ground floor level, most recently operated as an Age UK adult day centre. The property has dedicated parking to the side and rear, with a rear access taken from Union Street. The site is elevated from Walsall Road and is served by a subsidiary road (Bridge Street).
- 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) and is within a Low-Risk Area for historic coal mining activity.

## 2 Proposal

- 2.1 The application seeks to remove condition 2 attached to CH/13/0162, of which states the following:

*The application site shall only be occupied by Age UK and only used for the purposes indicated in the Design & Access Statement dated 15th May 2013 which is as an activity centre for the elderly and for no other purposes within Class D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order with or without modification).*

### *Reason*

*In the interests of highway safety and SPD1: Parking Standards, Travel Plans & Developer Contributions for Sustainable Transport*

- 2.2 The proposed amendment is to facilitate the use of the premises as a children's day nursery, as the removal of the condition will allow the premises to change use within Class E for which planning permission is not required. For clarity, Class D1 was replaced by Class E on 1<sup>st</sup> August 2021 when the Use Class Order was amended. The existing and proposed use both fall under Class E.

### **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

CP10: – Sustainable Transport

CP12: - Biodiversity and Geodiversity

CP13: - Cannock Chase Special Area of Conservation (SAC)

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

### **3.3 National Planning Policy Framework**

- 3.4 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.

3.5 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.

3.6 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

231-243: Implementation

3.7 Other relevant documents include: -

(i) Design Supplementary Planning Document, April 2016.

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

(iii) Manual for Streets.

## **4 Determining Issues**

4.1 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) Highway Matters

### **Principle of Development**

4.5 Condition 2 was imposed on the previous permission due to the potential impact that other uses within the former D1 Use Class may have on highway safety. Since the previous permission was issued however, the Use Class Order has been amended and the previous Use Class D now encompassed into Use Class E which contains a wider range of uses including that of the proposed day nursery use.

4.6 The current development proposal does not in itself require planning consent, as both the existing use and proposed use fall under Class E of the Use Class Order however the condition imposed by the Highway Authority prevents any other use within the previous use class D from being undertaken.

- 4.7 Given the above, the principle of removing condition 2 is acceptable and will allow the site to be brought back into use. However, proposals that are acceptable in principle are still subject to all other policy tests and material considerations which are set out and addressed below.

#### **Impact on Character and Appearance of Approved development**

- 4.8 The proposed removal of condition 2 would not have an impact upon the character and appearance of the application site. The premises would operate under Class E and would replicate the same level of activity expected from a day care centre in terms of drop offs and pickups as well as number of people on the premises throughout the day. There are no alterations proposed to the application building. As such, there are no concerns in this regard and the scheme is compliant with Policy CP3 of the Local Plan and the NPPF.

#### **Highway Matters**

- 4.9 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.
- 4.10 Condition 2 was imposed on the original consent in the interest of highway safety, restricting the use of the site for an Age UK day centre and not allowing the premises to change to any other use within the former D1 use.
- 4.11 The Highway Authority has reviewed the proposal and has no objection to the removal of Condition 2. Highway Officers requested amendments to the layout of the car park to create a one-way system through the site from Union Street to Bridge Street. The applicant has provided an amended car parking layout plan, showing accessible car parking spaces that allow vehicles to access and exit in compliance with the proposed one-way system. 22no car parking spaces are proposed, which is a sufficient level of parking for visitors, staff and parents during drop off and pick up.



- 4.12 Given the above, it is concluded that, the removal of condition 2 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.

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

### **5.0 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

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

- 5.4 Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would 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.