

# Delegated Report for P/2021/00739

<b>Application Number</b>	P/2021/00739	
<b>Planning Officer</b>	Gary Shilton	
<b>Application Type</b>	Detailed Planning Application	
<b>Site Address</b>	rear of 243 Burton Road Branston DE14 3DR	
<b>Proposal</b>	Erection of a detached dwelling, detached garage, Hamman and garden room	
<b>Expiry Dates</b>	<b>Weekly List</b>	30/08/2021
	<b>Neighbours</b>	21/11/2022 (re-consultation)
	<b>Consultations</b>	22/11/2022 (re-consultation)
	<b>Site Notice</b>	18/09/2021
	<b>Newspaper Advert</b>	N/A
<b>Application not Determined within Statutory Time Period - Reason</b>	An extension of time has been agreed until the 23 <sup>rd</sup> December 2022	
<b>Reason For Being on the Agenda</b>	The application has been called in by the Local Member, Councillor Ackroyd for the following reasons:  "Building is not in keeping with the area, has an excessive size and access is inadequate"	
<b>Officer Recommendation</b>	Approve subject to conditions	
<b>Environmental Assessment</b>	<b>Screening opinion undertaken</b>	No
	<b>Schedule 1 or 2</b>	N/A
	<b>EIA Required</b>	N/A
<b>Relevant Planning Policies/Guidance</b>	<b>Government Documents</b>	The National Planning Policy Framework (NPPF) The National Planning Practice Guidance (NPPG)
	<b>Local Plan Policies</b>	SP1 – Sustainable Development SP2 – Settlement Hierarchy SP4 – Distribution of Housing Growth 2012-2031 SP16 – Meeting Housing Needs SP23 – Green Infrastructure SP24 – High Quality Design SP26 – National Forest SP27 – Climate Change, Water Body Management and Flooding SP29 – Biodiversity and Geodiversity SP34 – Health and Wellbeing SP35 – Accessibility and Sustainable transport DP1 – Design of New Development DP3 – Design of New Residential Development, Extensions and Curtilage Buildings DP7 – Pollution and Contamination DP8 – Tree Protection

	<b>Supplementary Planning Documents</b>	East Staffordshire Design Guide Parking Standards Supplementary Planning Document (SPD) Separation Distances and Amenity Supplementary Planning Document (SPD) Housing Choices Supplementary Planning Document (SPD) Waste Storage and Collection Guidance
	<b>Other Policies/Guidance</b>	Branston Neighbourhood Plan B2 – Design B6 – Landscaping and Protecting Biodiversity B8 – Sustainable Homes B11 – Car Parking Provision B12 – Protection of Local Green Space
<b>Relevant History</b>	P/2021/00093 – Continued use of former Dwellinghouse to a 8 bedroom House in Multiple Occupation (HMO) (Sui Generis). Withdrawn 24/11/2022 P/2019/01275 – Retention of the change of use of land for the storage of motor vehicles. Refused 07/07/2020 P/2017/00634 – Outline application for the erection of two dwellings with all matters reserved (amended proposal). Approved 23/11/2017	
<b>Consultation Responses</b>	<p><b><u>Ecology</u></b> – The Preliminary Ecological Appraisal (PEA) is satisfactory and there are no objections to the proposal subject to conditions for onsite mitigation for biodiversity loss, if this cannot be achieved then off-site mitigation should be secured and the recommendations within the PEA.</p> <p><b><u>Environment Agency</u></b> – Raised no objections to the proposal subject to a condition for the development to be carried out with the mitigation measures and for the finished floor levels to be set out as outlined in the Flood Risk Assessment.</p> <p><b><u>Highway Authority</u></b> – No objections in principle to the use of the access for the new dwelling subject to a dimensioned plan for the layout.</p> <p><b><u>Severn Trent Water</u></b> – No objections subject to an informative in relation to public the potential that a public sewer could be within the site which would be subject to statutory protection.</p> <p><b><u>Tree Officer</u></b> – They have not provided a tree constraint plan as requested showing the RPA and crown spread of the trees. This is needed to ensure that all impacts have been sufficiently identified and addressed. T12 appears to be in the location of a proposed tree, this needs to be clarified on whether or not T12 is proposed to stay or be removed although the arb survey states that it is to be retained so will need to be confirmed.</p> <p><b><u>Environmental Health</u></b> – There are no records of contamination on the site, it has been raised by residents that material that may give rise to contamination could have been historically deposited onto the site. Therefore a condition in relation to contamination is recommended.</p>	
<b>Branston Parish Council</b>	Comment as follows: “Burton Road/access Lansdowne Road – Object – over sized development, lack of parking on the site, access is a not sufficient”  <b><u>Re-consultation</u></b> No further comments have been received at the time of writing this report.	
<b>Neighbour Responses</b>	<b><u>Initial Consultation</u></b> 14 representations have been received objecting to the scheme which have been summarised below:  Principle of Development <ul style="list-style-type: none"> <li>- this dwelling is not part of the local or neighbourhood plan</li> <li>- not a dwelling for family housing not contributing to the housing mix</li> </ul> Design/Character & Appearance	

- Out of character in both scale and design with surrounding properties and the village
- Detract from the general amenity of the neighbourhood
- Not in character with *immediate* vicinity and context
- Height of building at 10.5m not in keeping with character of surrounding dwellings
- Design does not reinforce the character and identity of surrounding properties
- Overdevelopment of the site
- A dwelling of that size & structure is not eco-friendly

#### Residential Amenity

- Adversely affect neighbour dwellings amenity by overlooking/ loss of privacy due to a proposed 3 storey building
- negative impact on the standard of life and privacy
- high level windows are 8.1 m, which is significantly encroaching on the surrounding residents privacy and rights
- Noise and disturbance from the proposed development resulting from use.
- Loss of light or overshadowing.
- Expect an uplift in vehicular activity and disruption to neighbouring properties.
- The Separation and Amenity Guidance SPD states that proposals for new developments should avoid the intensification of vehicular and pedestrian activity close to the boundary with existing residential properties or their gardens

#### Highway Impacts

- The access has never been used as an access, only as storage for vehicles and is a change of use
- Access not wide enough for large vehicles such as dustbin lorries to enter
- Access not suitable for residential use
- Increased danger to children playing on road and island at the end of cul-de-sac
- The entrance onto Lansdowne road will cause traffic in a residential road already congested with vehicles
- Inadequate parking provision
- Worsens parking problems for residents and potential problems for large servicing and emergency service vehicles
- The driveway must be hard surfaced as per the previous approval
- The access is not wide enough for vehicles to leave the access, it would mean having to turn left out of the access and vehicles driving around the island in Lansdowne road to get out of the street, therefore increasing traffic in the street. You cannot turn out of the Lansdowne road access without mounting the pavement and there is certainly no room for emergency vehicles or bin lorries to turn down there.
- Increased comings and goings from site and disruption during construction.
- Increased parking on the road
- Inadequate drive access as it is only a small entrance off a congested road with parked vehicles on either side of Lansdowne Road.
- Heightened risk of fatality for the families living on Lansdowne road.
- The dwelling would be commercial not residential and would cause a significant intensification of vehicular activity
- Increased traffic

#### Flooding and Drainage Impacts

- Adversely impact the flood plain
- Risk of flooding to proposed dwelling and increased risk of flooding surrounding dwellings
- The entrance via Warren lane is liable to flooding

#### Biodiversity/ Ecology

- Loss of trees which impacts on biodiversity and climate change
- Adversely impact the environment/ ecology
- The ecology report does not accurately reflect the biodiversity on the site
- Adverse impact on surrounding trees, wildlife and nearby conservation area
- The tree species planted were carefully selected and nurtured to reflect the needs of the local biodiversity. The ecological assessment fails to accurately reflect this situation.
- Adversely impacts the Toad Hole Conservation Area

#### Other Comments

- The land is within 150 m of an old landfill site so risk of contamination
- Previous refusals for residential development on the site
- The proposal will not be used as a residential dwelling.
- A single story eco-friendly proper family house would be welcome
- Construction Noise
- Concern over the proposed use given the number of prayer rooms, meeting rooms, wellness centre, Haman Room, Function Room, linen store, comms room and size of kitchen
- The planning statement is inaccurate and refers to a previous approval
- Appears as a treatment centre not a dwelling
- Impact human rights under articles 8 and 1.
- Boundaries are incorrect
- Loss of footpath that leads to the river
- Not a necessary development for the area.

#### Comments which are not material planning considerations

- Loss of property value
- Ownership dispute

#### **Re-consultation**

8 representations have been received objecting to the scheme which have been summarised below:

#### Principle of Development

- Not a dwelling for family housing not contributing to the housing mix

#### Design/Character & Appearance

- Out of character in both scale and design with surrounding properties and the village
- Not in character with *immediate* vicinity and context
- Overdevelopment of the site
- The cumulative footprint of all buildings is now bigger than the previous proposal
- Only three storey building in the area.

#### Residential Amenity

- Invasion of privacy
- Overlooking
- The Separation and Amenity Guidance SPD states that proposals for new developments should avoid the intensification of vehicular and pedestrian activity close to the boundary with existing residential properties or their gardens

#### Highway Impacts

- Increased comings and goings from site
- Inadequate drive access as it is only a small entrance off a congested road with parked vehicles on either side of Lansdowne Road.
- The dwelling would be commercial not residential and would cause a significant intensification of vehicular activity
- Increased traffic
- No vehicles have access to the site but the revised proposal has garages for 4 large vehicles (an increase from the original plan) and this is without visitors which in their own drawings show at least 3 cars!

#### Biodiversity/ Ecology

- Loss of trees which impacts on biodiversity and climate change
- Adversely impact the environment/ ecology
- The ecology report does not accurately reflect the biodiversity on the site
- Adverse impact on surrounding trees, wildlife and nearby conservation area
- The tree species planted were carefully selected and nurtured to reflect the needs of the local biodiversity. The ecological assessment fails to accurately reflect this situation.
- Impacts protected species
- Adversely impacts the Toad Hole Conservation Area
- The revised Arboricultural Survey lists 7 of these mature trees to be felled, 2

- category A, 4 category B and most expected to survive for more than 40 years
- Trees are shown by the property entrance and in the background but there are no trees planned there. The illustrations do not reflect the proposals.

#### Other Comments

- The land was previously used as a landfill site so risk of contamination
- Asbestos buried on the site
- Previous refusals for residential development on the site
- The proposal will not be used as a residential dwelling.
- Disruption from building
- Concern over the proposed use given the number of prayer rooms, meeting rooms, wellness centre, Haman Room, Function Room, linen store, comms room and size of kitchen
- Loss of footpath that leads to the river
- Access via footpath created by the previous owner to facilitate a long held belief that there was a right of way in the field
- Protection of neighbours hedgerows adjacent to the site

#### Comments which are not material planning considerations

- Loss of property value
- Ownership dispute
- Royal mail delays in delivery of neighbour letters- inadequate time to respond
- Neighbour letters sent out during holidays
- Anti-social behaviour such as vandalism

#### **Re-consultation**

6 representations have been received objecting to the scheme which have been summarised below:

#### Design/Character & Appearance

- The proposed detached dwelling will be out of character with the existing properties on Lansdowne Road.
- Not in keeping

#### Residential Amenity

- Loss of privacy
- Overlooking and loss of light
- Noise and disturbance from the proposed development resulting from use.

#### Highway Impacts

- Increased comings and goings from site and disruption during construction
- Inadequate drive access as it is only a small entrance off a congested road with parked vehicles on either side of Lansdowne Road.
- Access from Lansdowne is inadequate
- Single track access on to an already small road
- emergency vehicles or service vehicles- safety issues
- Increased danger due to development
- Planning statement states that the access is from Lansdowne, but the revised plans indicate Warren Lane
- The revised site access proposal indicates that the driveway between nos 7 and 8 Lansdowne Road will be used solely for pedestrian access and for the removal of bins. Clearly the driveway is just wide enough to enable vehicular access (for the residents of 7 and 8 Lansdowne Road to access their garages), so how is it proposed that this restriction is ensured and maintained over time?

#### Biodiversity/ Ecology

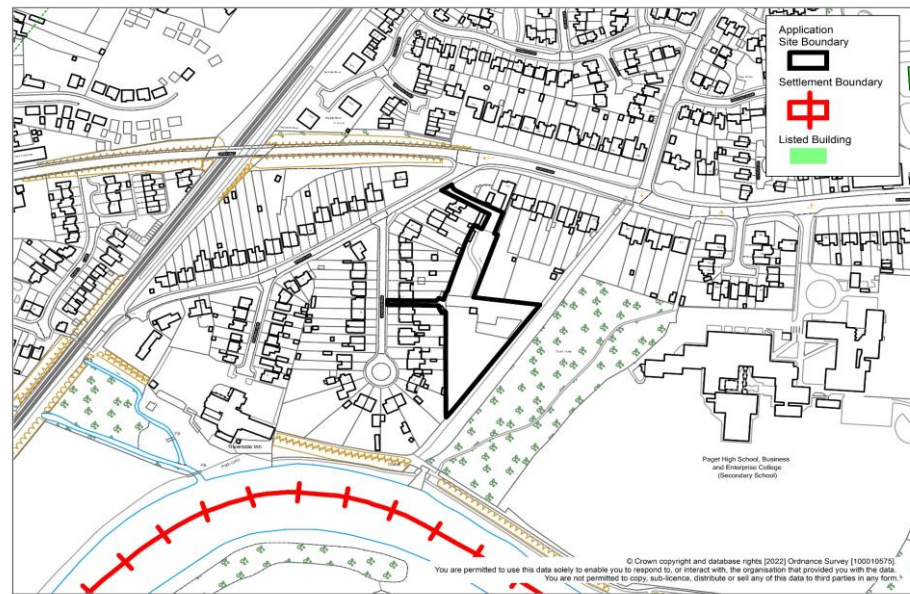
- Loss of trees and green space/ grassland which impacts on biodiversity
- Adversely impact wildlife

#### Other Comments

- Object as per previous comments
- Not clear as to what has been revised
- Previous refusals for residential development on the site
- Loss of footpath that leads to the river
- Residents still object as there is nothing to ease the local community

	<p>Comments which are not material planning considerations</p> <ul style="list-style-type: none"> <li>- Loss of property value</li> <li>- Ownership dispute</li> <li>- Anti-social behaviour such as vandalism</li> </ul>
<b>Human Rights Act Considerations</b>	There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these issues have been taken into account in the determination of this application.
<b>Crime and Disorder Implications</b>	It is considered that the proposal does not raise any crime and disorder implications.
<b>Equalities Act 2010</b>	Due regard, where relevant, has been given to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.
<b>Planning Officer's Assessment</b>	<p><b>Site and Surroundings</b></p> <p>The development site is currently a paddock situated to the rear of 243 Burton Road which is sited on the southern side of Burton Road, and runs along the rear of dwellings sited along Lansdowne Road to the west of the site and to the north to the rear of dwellings along Burton Road. To the east of the site is an area of woodland with the River Trent further to the south. There is a highway access and single track access road from Lansdowne Road sited between semi-detached dwellings. There is also an access from Warren Lane to the site which is to the rear of No.243 Burton Road and runs along the rear of the dwelling facing onto Lansdowne Road.</p> <p>The area is residential in character with a variety of styles, heights, sizes and ages of dwellings nearby, some of which have been previously extended.</p> <p>The paddock has several outbuildings within which are in a dilapidated condition and numerous trees within the site. The site is enclosed by a variety of boundary treatments including timber fencing, blockwork walls, coniferous hedgerows, post and wire fencing and trees along the eastern boundary. The site is generally flat.</p> <p>There is a footpath which is accessed from the rear gardens of the dwellings along Lansdowne Road which runs north to south along the eastern side of the site which accesses the River Trent.</p> <p>To the eastern boundary of the site lies Toadhole, which is a local conservation area and green corridor.</p> <p>The application site is within the Parish of Branston and is within the settlement boundary of Burton Upon Trent.</p> <p>The site lies with flood zone 3 which benefits from flood defences.</p>

## Map of Site



## Proposals

This application is for a large detached house within a greenfield site. During the process of the application the proposal has been revised in a number of areas. Firstly the building has been 'squared' by increasing of approximately 4m to the rear) and reducing the overall footprint by way of the removal of the single storey wings either side of the dwelling (reducing the width by approximately 11m). The Hamman room which was previously within the building but now forms a separate building. As a result of these changes the height of the dwelling has also been reduced and number of rooflights has been reduced to the front roof plane, the height of the skylights within the flat roof ridge line have been levelled with the roof. The detached garage has been retained as a three bay garage. The footpath along the rear of the dwellings along Lansdowne Road has been retained and indicated on the proposed site plans.

The internal layout and room use of the proposed dwelling has been clarified as part of the amendments as discussed below. The plans have been updated and the planning statement has been amended accordingly.

The proposal has been further amended to relocate the proposed access from Lansdowne Road between no's 7 and 8 to the access from Warren Lane.

The dwellinghouse would measure a maximum of 23.5m (overall width excluding 0.5m chimney width to side) x 16.2m (depth and 1m open porch to frontage) x 10.2m (overall ridge height, 6.9m to eaves, 11.6m to top of chimney).

The accommodation would include:

Ground floor: an open plan kitchen/dining/living room set to the rear, formal lounge, prayer room, WC, Cloakroom, cinema room, hallway and a bedroom, en-suite, walk in wardrobe, utility and kitchen.

First floor: four bedrooms with en-suite facilities and walk in wardrobes, utility, linen room, comms room, office and hallway.

Roof space: four bedrooms with en-suite facilities and walk in wardrobes, two storage areas and hallway.

The internal layout includes a central staircase and lift.

The proposed dwelling would have a mix of facing brickwork and render finish with a tiled roof with a pillared open porch to the frontage. The design includes two front facing gables, either side of the main entrance and two rear facing gables with first floor balconies. The main roof appears as dual pitched roof design, but includes a flat element

in the centre with rooflights to provide additional light to the second floor accommodation within the roof space.

The detached garage would measure a maximum of 10m (width) x 6.3m (depth) x 4.4m (overall height, 2.9m to the eaves) which would provide parking for three cars.

The Hamman/pool room would measure a maximum of 10m (width) x 6.7m (depth) x 3.9m (overall height, 2.7m to the eaves).

The garden room would measure a maximum of 13.6m (width) x 5.9m (depth) x 4.6m (overall height, 3.2m to the eaves).

The frontage includes a large parking and turning area.

The application is supported by a Flood Risk Assessment, Arboricultural report and Preliminary Ecological Appraisal.

### **Assessment**

The main considerations in the assessment of this application are the principle of the development, impacts on visual amenity, residential amenity, highway safety, ecological impacts, impact on trees and flood risk. The following policies are particularly relevant in the assessment of this application.

East Staffordshire Local Plan Policy SP1 lists principles in determining whether proposals constitute sustainable development. One principle is that proposals are located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity or causing highway safety issues. Another principle is that proposals are designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping.

The Local Plan sets out in Strategic Policies 2 and 4 a development strategy directing growth to the most sustainable places. Burton upon Trent and Uttoxeter are identified as the main settlements to take housing development mostly in the form of sustainable urban extensions with some limited growth in the rural area, principally within settlement boundaries. The following elements guide the development strategy:

- Focus the majority of development at Burton Upon Trent
- Allocate a significant level of development at Uttoxeter
- Identify and support those villages that have a range of essential services and good transport links, including public transport links, to larger towns and their employment areas; and
- Control new development in all other villages and hamlets

Strategic Policy 16 of the Local Plan relates to meeting housing needs within the Borough and states that residential development in the main towns and Strategic Villages shall provide an appropriate dwelling or mix of dwellings given the mix required in that part of the Borough according with the Council's evidence base or other evidence, including Housing for Older People. This policy is supported by the Housing Choice SPD.

Policy SP24 of the East Staffordshire Local Plan states that development proposals must contribute positively to the area in which they are proposed and reinforce character and identity through local distinctiveness. Policy DP1 expands upon this aim with specific reference to the design of new development. Policy DP3 requires new residential development to have no materially adverse effects on neighbouring properties through issues including overlooking, loss of light to principal windows or private amenity space or create an overbearing impact. The Local Plan policies are supplemented by the East Staffordshire Design Guide, Separation Distances and Amenity SPD and the NPPF which indicate that developments should have due regard to the future amenities of residents.

Strategic Policy 23 states that development should contribute towards the creation, enhancement or ongoing management of a series of local green infrastructure corridors. The policy lists 10 standards green infrastructure is expected to meet.

Strategic Policy 26 of the Local Plan supports the National Forest Strategy and expects



developments within the National Forest to contribute towards the creating of the Forest by providing on-site or nearby landscaping that meets the National Forest Planting guidelines.

Policy SP27 of the Local Plan provides criteria for dealing with development sites within flood risk areas.

Policy SP29 seeks to protect, maintain and enhance the biodiversity and geodiversity of the Borough.

Policy SP34 of the Local Plan relates to health and wellbeing and states that development proposals shall enhance health, safety and a sense of wellbeing.

Policy SP35 of the East Staffordshire Local Plan relates to accessibility and sustainable transport, this is supplemented by the Parking Standards Supplementary Planning Document.

Policy DP7 states that development proposals will only be granted permission where they will not give rise to, or be likely to suffer from, unacceptable levels of pollution in respect of noise.

Policy DP8 of the Local Plan relates to tree protection and states that within development sites proposals must ensure that new developments are designed to:

- Retain as many existing trees and other natural features as possible;
- Minimise harm to existing trees and other natural features either in the short or long term;
- Minimise conflict between trees and buildings in the future through the design, layout and construction of the development.

The Waste Storage guidance states that developers are required to provide adequate amounts of space for external storage of refuse. The guidance also states that where private roads are included within a development the council would not enter a private road for collection and the occupiers would need to bring their bins to a dedicated collection point adjacent to a public highway.

Policy B2 of the Branston Neighbourhood Plan states that all new development will be of a high quality design and should reflect local distinctiveness through the careful use of materials and references to traditional vernacular styles.

Policy B6 of the Branston Neighbourhood Plan states that development should support opportunities creating wildlife habitats for enhancing ecological networks and promote the preservation, restoration and re-creation of priority habitats. Proposals should take into consideration the objectives of the Central Rivers Initiative including the creation of reed bed, lowland wet grassland, wet woodland, rivers and streams and open water. Landscaping schemes should be designed to assist in protecting new developments from prevailing winds and increasingly frequent adverse weather events associated with climate change. New hedgerows should be planted and existing woodland and hedgerows should be retained where appropriate, not only to protect dwellings from the prevailing wind, but also to retain existing habitats and wildlife corridors. New hedgerows should be planted around the perimeter of the sites in order to mitigate the negative effects of the development on local biodiversity. New tree planting is particularly encouraged to support objectives of the National Forest within Branston Parish.

Policy B8 of the Branston Neighbourhood Plan states that developers will be encouraged to build new homes to the highest possible sustainability standards in terms of energy and resource efficiency. New development should be designed to reflect the opportunities offered by the site using layout and design to maximise on site features such as aspect, shelter, shade, and drainage. For example site layouts should include south facing buildings to maximise solar gain, and should take account of existing vegetation and mature trees to provide shelter and shade. Development approved in areas with a medium – high probability of flooding following a sequential flood risk test, should be designed to be flood resilient.

Policy B11 of the Branston Neighbourhood Plan provides car parking standards in relation to new developments.

Policy B12 of the Branston Neighbourhood Plan states that Local Green Spaces identified, one of which is Toadhole will be protected from development. Appropriate enhancements and improvements that retain their largely open character and use will be permitted. Enhancements to these areas which support local biodiversity and quality of these open spaces will be supported.

#### **Principle of the Development**

Policy SP2 of the Local Plan identifies Branston as being within the category of Burton upon Trent which is identified as a Main Town, and as such the principle of residential development would meet with the objectives of the sustainability policies of the adopted Local Plan. The Branston Neighbourhood Plan does not identify the site for any specific designation (e.g. as Local Green Space) that would prevent the development of the site in principle. The surrounding area of the site is predominantly residential in character.

In principle residential development of the site is therefore considered acceptable and in compliance with Policies SP1 and SP2 of the Local Plan and the NPPF.

#### **Visual Amenities**

The proposed dwelling and outbuildings would sit behind existing residential development which would provide screening from wider public vantage points. The dwelling would be higher than the surrounding development and would have three floors, one of which would be within the proposed roof space.

The dwelling has been sited above the ground level to satisfy the requirements of the flood risk assessment as discussed later in the report. As a result an additional 0.5m to the height of the dwelling to give a finished roof ridge height of 10.2m has been added. The surrounding ridge line heights of the dwellings on Lansdowne Road and to No.243 Burton road vary between 7.5m, 9m and 9.6 (to 243 Burton Road) and whilst the proposed dwelling height is higher it is considered acceptable. A condition in relation to the finished levels of the dwelling can be attached to any grant of consent to secure this.

The dwelling is larger than most family homes but has been designed as a large family home, given the plot size which is very large in itself, the scale of the dwelling is considered acceptable in this instance.

The streetscene of the area is carried with dwellings of different ages and designs some of which have been previously extended. Given the variation in streetscene in the surrounding locality and the siting of the proposed dwelling which would have limited public vantage points from the wider streetscene the proposal is not considered to cause demonstrable harm to the visual amenities of the locality.

The proposal also includes a separate garden room in the southern corner of the site, detached three bay garage adjacent to the dwelling and a Hamman room which are all single storey which are considered acceptable ancillary buildings and are proportionate to the dwelling itself and overall plot.

Given the scale of the dwelling and number of outbuildings, it is considered reasonable to remove permitted development rights for extensions and alterations to the dwelling and additional outbuildings.

The dwelling and outbuildings would be constructed of Weinberger Red multi-stock, Cassandra red multi-stock or similar, render and Staffordshire Hawks Blue roof tile and a condition is recommended to ensure that the specific details of the materials are submitted for approval.

The design and layout of the dwelling and the siting and orientation of the outbuildings within the plot is not considered to cause harm to the visual amenities of the locality subject to the aforementioned conditions and would be in accordance with policies SP1, SP24 and DP1 of the Local Plan, Policy B2 of the Branston Neighbourhood Plan and the East Staff Design Guide.

#### **Residential Amenities**

The proposed dwelling would be sited within the centre of the plot. The dwelling would be sited approximately 30m from the closest dwelling house No.12 Lansdowne road. The forward facing principle windows of the proposed dwelling would be approximately 17m from the rear boundary of No.9 Lansdowne Road.

The separation distance and amenity guidance states that a 23m distance, in this instance for a three storey dwelling would be expected at first floor level between opposing principle windows.

As such the proposal would comply with the separation distances set out within the Separation Distance and Amenity SPD, and therefore would have no adverse impact on the amenities of the adjoining occupier's compliance with Policy DP3 of the Local Plan.

The garden room in the southern corner of the site would be sited approximately 2m from the rear boundaries of No's 14 & 15 Lansdowne Road, given that this building is single storey it is not considered that this building would adversely affect the amenities of the occupiers of these dwellings.

The internal room sizes would meet the standards set out within the Separation Distances and Amenity SPD.

The scheme would ensure that the minimum amenity space provision is retained to serve the host dwelling in line with the guidance set out in the Separation Distances and Amenity Supplementary Planning Document.

This backland development would provide a single large dwelling within a residential area, given the proposed use it is not considered that there would be a significant impact on the amenities of the occupiers of the neighbouring dwellings through noise and disturbance from the additional activity generated from vehicle movements and activity associated with residential use.

The waste from the dwelling would be collected from a kerbside collection point as indicated on the plans from the access between No's 7 & 8 Lansdowne Road with a bin store within the site which is considered acceptable.

The proposed access and development would be within a residential area, whilst hours of work are normally controlled under separate Environmental Health legislation, in this instance given the proximity to the dwellings and potential for noise and disturbance to neighbouring residents, it is considered reasonable to restrict the hours of work to safeguard the amenities of the occupiers of the neighbouring dwellings.

It is therefore considered that the proposal would result in no significant overlooking, loss of privacy or overbearing impact on the occupiers of the neighbouring dwellings or the proposed dwellings, noise or contamination issues, subject to conditions and is therefore in compliance with Policies SP24, SP34, DP1, DP3 and DP7 of the Local Plan and the Separation Distances and Amenity SPD.

### **Highways**

The Highway Authority raised initial objections to the intensification of the proposed access between No's 7 & 8 due to inadequate visibility. The access has been revised to utilise the existing access from Warren Lane to the rear of No.243 Burton Road which the Highway Authority have raised no objections to. The Highway Authority commented that a dimensioned plan is required. A detailed plan for the parking, turning and access is required as the current site plan does not which can be secured by condition

The proposed garage would provide three of road parking spaces which can be secured by condition with additional parking available within the proposed gravel driveway to the front and side of the proposed dwelling. The Branston neighbourhood plan states that for each bed space created, one off-street parking space should be created which generates a requirement of 9 parking spaces. Given the size of the driveway and parking within the garage, it is considered that sufficient space would be available to meet this requirement and can be secured by condition.

The proposal does not include any electric car charging points, however these can be secured by condition.

Subject to the aforementioned conditions the proposal would be in compliance with Policy SP35 of the Local Plan, the Parking Standards SPD and the Branston Neighbourhood Plan policy B11

### **Trees and the National Forest**

The site is located within the National Forest, however, the site is beneath the threshold required for consultation or additional tree planting under policy SP26.

Following the initial consultation with the Tree Officer the tree survey has been updated to include a current site assessment. The report details which trees are to be felled to enable the development which the councils Tree Office raised no objections to. The felling of the trees as indicated on the plan would prevent any future conflict between the proposed buildings and the retained trees. The report also details the root protection area, crown size, longevity, and condition and retention category for each of the trees on the site. The Tree Officer also requested clarification as to whether T12 was to be retained and it is to be retained with the site plan showing the RPA for the tree. The proposed site plan indicate the RPA of the retained trees on the site which can be secured by condition. There is no tree removal proposed along the boundary with Toadhole, apart from a small incursion by the garden room within the southern corner of the site which is considered acceptable.

The Tree Officer also requested a tree constraints plan and details of the methodology for works within the RPA of the retained trees. However these details can be secured by condition as can a revised RPA site plan to address the RPA of T12 and the protection of the trees along the revised access arrangements.

The report does not recommend any tree planting to mitigate against the loss of trees within the site, however some planting is shown on the proposed site plan but no details have been submitted. However further planting would be required to mitigate against the loss of the trees within the site and impact on biodiversity as discussed below which can be secured by a landscaping condition.

The proposal does not indicate the removal of any boundary existing boundary treatments or hedgerows. A new fence is proposed along the rear boundary of No. 243 Burton Road, the details of which can be secured by condition.

Comments have been received in relation to the loss of trees within the site, however the trees within the site are not protected and no consent would be required for their removal.

### **Biodiversity and Green Infrastructure**

The development site is adjacent to Toad hole which is a local green space which provides ecological connectivity and part of a Green Wildlife Corridor. The County Ecologist states that the proposal would increase built development and hardstanding within a green area and would represent a small net loss to biodiversity contrary to the NPPF. However the Ecologist also states that onsite mitigation can be achieved through an appropriate landscaping plan otherwise off-site compensation should be secured. The agent has confirmed that on-site mitigation can be achieved. Given the size of the plot and potential for landscaping within the site, on mitigation through landscaping is considered reasonable and achievable to off-set the biodiversity loss to maximise opportunities for habitat improvements and incorporate additional measures as detailed below and can be secured by condition.

An ecological survey has been submitted in support of the proposals. The County Ecologist has stated that the Preliminary Ecological Appraisal (PEA) is satisfactory and states that the type of development and small scale of the development is not considered to have a detrimental effect on any of the non-statutory sites in this location or upon the habitats and species given the physical distance and geographical features which separate them.

The survey notes that protected species are within the locality and recommends a pre-commencement survey to ensure that no protected species are within the site. The appraisal also states that no evidence of bats has been found within the site or outbuildings or any evidence of breeding birds. However pre-site checks should be made prior to the commencement of the development which can be secured by condition.

The PEA also recommends the protection of a flight route along the south-eastern

	<p>boundary of the site from lighting, a condition to secure the details of external lighting is considered reasonable and necessary in this instance and to restrict any further exterior lighting to protect the flight path.</p> <p>The PEA also makes recommendations in relation to gaps within any boundary treatments to allow hedgehogs to forage and bird, bat and boxes/bricks which can be secured by condition. Bee bricks can also be conditioned as part of the site mitigation. In addition to this the report makes recommendations in relation to the site clearance and management to protect the wildlife during construction which his consider reasonable.</p> <p>The removal of permitted development rights in relation to boundary treatments, extensions and alterations to the dwelling and outbuildings and hard surfacing would secure the retention of the landscaping and ecological mitigation as part of the landscaping of the site and enable the ecological connectivity of this site with the Green Wildlife Corridor which runs along the rear of the site.</p> <p>Subject to the conditions as detailed above the proposal is not considered to cause harm to the ecology and the loss in biodiversity can be mitigated against and is therefore in compliance with the Local Plan Policy SP29, Branston Neighbourhood Plan Policy B6 and B12 and the NPPF.</p> <p><b>Flooding</b></p> <p>The site lies within a high risk Flood Zones 3 and benefits from flood defences and a Flood Risk Assessment (FRA) has been submitted in support of the proposals.</p> <p>The Environment Agency (EA) has raised no objections to the proposed development stating that the FRA confirms the site would not be subject to overtopping, but may flood if the defences were breached. The EA has also requested conditions in relation to the finished floor level of the dwelling to be set as per the FRA and the mitigation measures to be carried out as stated within the FRA which is considered reasonable given the location of the proposal and to mitigate against the flood risk of the site.</p> <p><b>Other Matters</b></p> <p>Environmental Health have been consulted and state that they do not hold any records in relation to land contamination for this site. Residents have raised concerns in relation to the contamination of the site with building materials prior to being planted with the current trees. As such Environmental Health recommend a condition in relation to land contamination which is considered reasonable and necessary.</p> <p>Severn Trent have raised no objections to the proposal stating that the dwelling would have minimal impact on the public sewerage system and advise that there may be a public sewer located within the application site. An informative in relation to this can be attached to any grant of consent.</p> <p>Comments have been received in relation to the ownership of site boundaries and access rights which is a civil matter rather than a planning matter. The owner has confirmed that they own all of the site within the red edge and the correct certificate has therefore been served. However an informative can be attached to any grant of consent in relation to this bringing this matter to the attention of the applicant.</p>
<p><b>Planning Officer's response to Parish Council and Neighbours Comments</b></p>	<p>Comments have been received in relation to the house being a single story eco-friendly proper family house. Whilst these comments are noted for the reasons set out above it is considered that the scheme as proposed would be acceptable.</p> <p>Comments have been received in relation to a refusal of planning permission for a bungalow, however no planning application has been submitted in relation to this. Each planning application is dealt with on its own merits and does not set a precedent for future development of the site.</p> <p>Comments have been received in relation to the use of the vehicular access between No's 7 &amp; 8 Lansdowne Road which is a shared access, however this is considered a Civil Matter rather than a planning matter. Should legal agreement not be reached then the application would not proceed.</p>

	<p>Comments have been received on relation to the use of the proposed dwelling as a building in commercial use. However the application is for a residential dwellinghouse and any material change of use would require planning permission and any change in vehicular activity would form part of this consideration.</p> <p>Comments have been received on relation to loss of property value, however this is not a material planning consideration and cannot be taken into consideration.</p> <p>Comments have been received in relation to anti-social behaviour on the existing site, however this is in relation to the current use rather than the existing use.</p> <p>Other neighbour comments and comments from the Parish Council have been addressed within the body of the report.</p>
<b>Conclusion and recommendation</b>	<p>The application is recommended for approval subject to conditions. The proposal is considered to be in a sustainable location, within a Main Town as identified in policy SP2 of the Local Plan. The creation of a residential dwelling is considered acceptable in principle.</p> <p>It is considered that the design and layout of the proposed replacement dwelling is appropriate and would have no adverse impact on the character and appearance of the area or the amenities of the surrounding occupiers. The proposal, subject to the aforementioned conditions would not result in any harm to highway safety, ecology or flooding and is in accordance with the Local Plan, Branston Neighbourhood Plan, SPDs and the NPPF</p>
<b>Engagement</b>	<p>During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.</p>
<b>Section 106 required?</b>	No
<b>Recommended conditions</b>	<p><b>1: Time Limit - 3Yr Standard</b> The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <p><b>2: Approved Plans</b> The development hereby permitted shall be carried out in accordance with the following approved plans subject to compliance with other conditions of this permission:</p> <p>Drawing No's: 0230_00_200 Revision E Existing Site Plan scaled at 1:1250 and 1:200 dated as received on 1 November 2022 0230_20_200 Revision E Proposed Site Plan scaled at 1:1250, 1:200 and 1:20 dated as received on 1 November 2022 0230_20_201 Revision E Proposed L0 Plan scaled at 1:100 dated as received on 7 December 2022 0230_20_202 Revision D Proposed L1 Plan scaled at 1:100 dated as received on 7 December 2022 0230_20_203 Revision D Proposed L2 Plan scaled at 1:100 dated as received on 7 December 2022 0230_20_204 Revision D Proposed Front and Rear Elevations scaled at 1:100 dated as received on 1 November 2022 0230_20_205 Revision C Proposed Left, Right &amp; Additional Elevations scaled at 1:100 dated as received on 1 November 2022 0230_20_206 Revision C Proposed Sections scaled at 1:100 dated as received on 7 December 2022 0230_20_209 Revision B Proposed Garden Room Plans and Elevations scaled at 1:100</p>

dated as received on 7 December 2022  
0230\_20\_800 Revision B Proposed Site Section scaled at 1:500 & 1:200 dated as received on 1 November 2022  
0230\_20\_801 Revision B Proposed Site Access scaled at 1:200 and 1:100 dated as received on 1 November 2022  
Preliminary Ecological Appraisal (PEA) Reference FE95/PEA01 dated 14 May 2021 dated as received on 25 May 2021  
Arboricultural Survey Report, Method Statement & Impact Assessment dated as February 2022 dated as received on 2 March 2022  
Planning Statement dated as received on 1 November 2022  
Flood Risk Assessment (FRA) dated 2 May 2017 reference RAB 1647L Version 1.0 undertaken by RAB Consulting dated as received on 25 May 2021

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway(s) in accordance with East Staffordshire Local Plan Policies SP1, SP2, SP4, SP16, SP23, SP24, SP26, SP27, SP29, SP34, SP35, DP1, DP3, DP7 and DP8, Branston Neighbourhood Plan Policies B2, B6, B8, B11 and B12, the Separation Distance and Amenity Supplementary Planning Document, the Parking Standards Supplementary Planning Document, the East Staffordshire Design Guide, Housing Choices Supplementary Planning Document, Waste Storage and Collection guidance and the National Planning Policy Framework.

### **3: Details of Materials**

No development shall take place until samples and details of all materials to be used externally ensuring the product name and manufacturer is provided (including details of coursing of brickwork and roof tiles) have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the building(s) and its surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP24, DP1 and DP3, Branston Neighbourhood Plan Policy B2, the East Staffordshire Design Guide and the National Planning Policy Framework.

### **4: Details of landscaping**

No development shall take place until a detailed scheme of landscaping, planting and hedging (to mitigate the loss of biodiversity on site in accordance with the recommendations of the Preliminary Ecology Appraisal), fencing and walling (to include gaps of minimum 130mm square at ground level at least every 10m running length or that do not seal to the ground at all between posts with a 120mm gap from fence base to ground) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with East Staffordshire Local Plan Policy SP24, SP29 and DP3, Branston Neighbourhood Plan Policies B6 and B12, the East Staffordshire Design Guide and the National Planning Policy Framework.

### **5: Implementation of Landscaping**

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities and biodiversity of the locality in accordance with East Staffordshire Local Plan Policies SP24 and SP29, Branston Neighbourhood Plan Policies B6 and B12, the East Staffordshire Design Guide and the National Planning Policy Framework.

### **6: Protection of Trees During Development**

No development shall take place on the site until a tree protection scheme (which shall

include the access road), constraints plan and a detailed method statement for the works within the Root Protection Areas to 'British Standard BS 5837' has been submitted to and approved in writing by the Local Planning Authority. The approved tree protection scheme as shown on the approved plans/documents shall be put in place prior to any works commencing on the site and shall be retained in situ at all times during the construction phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing on site in accordance with East Staffordshire Local Plan Policy SP29 and DP8 Branston Neighbourhood Plan Policies B6 and B12 and the National Planning Policy Framework.

#### **7: Implementation of Walling and Fencing**

Any scheme of walling and fencing approved as part of the landscaping scheme required by Condition 4 above shall be completed prior to the development first being brought into use and retained as such thereafter.

Reason: To safeguard the visual amenities of the area and the amenities of occupiers of adjoining properties and to safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policies SP24, SP29 and DP3, Branston Neighbourhood Plan Policies B6 and B12 and the National Planning Policy Framework.

#### **8: Surfacing of Access, Parking and Turning Areas**

No development shall take place until a detailed plan indicating the parking layout (to meet the requirements of the Branston Neighbourhood Plan Policy B11), turning area and access road from Warren Lane shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter shall be made available at all times for their designated purposes.

Reason: In the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP27, Branston Neighbourhood Plan Policy B11 and the National Planning Policy Framework.

#### **9: Retention of Garage/Parking Space**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the garage parking spaces provided in connection with the development hereby approved shall be made available at all times for the parking of vehicles in relation to the residential use of the premises unless planning permission for any alternative use has first been granted by the Local Planning Authority.

Reason: To ensure adequate off-street parking exists to serve the development to avoid vehicles parking on the adjoining road and obstructing the free flow of movement of traffic in the interests of highway safety in accordance with East Staffordshire Local Plan Policy SP35 and Branston Neighbourhood Plan Policy B11.

#### **10: External Lighting**

No development shall take place until full details of any external lighting including the location, height, type and direction of light sources, intensity of illumination and lighting contour plan that demonstrates there will be minimal impact on receptor habitats such as trees, has been to and approved in writing by the Local Planning Authority. The lighting scheme should be designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals *Guidance Note 08/18 Bats and artificial lighting in the UK*.

The development shall be carried out in accordance with the approved details and once installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29, Branston Neighbourhood Plan Policies B6 and B12 and the National Planning Policy Framework.

#### **11: Removal of PD Rights (External Alterations & Curtilage Buildings)**

Notwithstanding the provisions of Classes A, B, C, D, E and F of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order



2015, or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the new dwelling or hard surfacing unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the character and appearance of the buildings and their surroundings and the amenities of occupiers of the adjoining dwellings in accordance with East Staffordshire Local Plan Policies SP24 and DP3, the East Staffordshire Design Guidance.

#### **12: Removal of PD Rights (Gates, walls)**

Notwithstanding the provisions of Class A Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, no gates, walls, fences or other means of enclosure (except for those approved by this consent) shall be erected within the curtilage of the dwelling(s) unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the character and appearance of the building(s) and its/their surroundings in accordance with East Staffordshire Local Plan Policies SP24 and DP3, Branston Neighbourhood Plan Policies B6 and B12 and the National Planning Policy Framework.

#### **13: Existing and Finished Floor Levels**

Before the development hereby permitted is first commenced, details showing the existing and proposed land levels of the site including spot heights and the finished floor levels, ridge and eaves heights of all buildings hereby permitted with reference to the finished floor levels, ridge and eaves heights of neighbouring buildings and an offsite datum point, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved details.

Reason: To ensure that the development does not adversely affect the residential amenities of adjoining properties and the visual amenities of the area and to reduce the risk of flooding to the proposed development and future occupants in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP27 and DP1 the East Staffordshire Design Guide, the Separation Distances and Amenities Supplementary Planning Document and the National Planning Policy Framework.

#### **14: Ecological Enhancement Measures**

Prior to the commencement of the development, details of the type and location of biodiversity enhancement measures including 1 group of 3 number swift boxes and 1 number house sparrow terraces on or integrated into north- or east- facing brickwork of the new buildings and 2 number integrated bat tubes or bat boxes within the new building, located on southern aspects, and 2 bee bricks shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29, Branston Neighbourhood Plan Policies B6 and B12 and the National Planning Policy Framework.

#### **15: Ecology – Site Works**

The development hereby approved shall be carried out in accordance with the recommendations contained in sections 5.8, 5.12 and 5.14 of the approved Preliminary Ecological Appraisal, listed at Condition 2 above. Should any protected species be found during construction work must stop and the advice of a qualified Ecologist must be sought.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29, Branston Neighbourhood Plan Policies B6 and B12 and the National Planning Policy Framework.

**16: Ecology – Site Clearance Works**

Prior to the commencement of any site clearance works a survey as recommended in section 5.6 of the approved Preliminary Ecology Appraisal in Condition 2 above shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29, Branston Neighbourhood Plan Policies B6 and B12 and the National Planning Policy Framework.

**17: Land Contamination**

In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken by a competent person in accordance with 'Land Contamination Risk Assessment ('LCRM') which was published in 2020'. Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risk to human health, buildings and other property and the natural and historic environment, which is subject to the approval in writing of the Local Planning Authority. The scheme must ensure that the site will not qualify as Contaminated Land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to bringing the development into first use.

Reason: In order to safeguard human health and the water environment and identify potential contamination onsite and the potential for off-site migration in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

**18: Flood Risk**

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) under condition 2 and the following mitigation measures detailed within the FRA as follows:

- The finished floor levels of the development are to be set at least 300mm above the 100 year plus climate change breach flood level as outlined in paragraph 4.1.1 of the Flood Risk Assessment.
- The mitigation measures set out within the Flood risk Assessment shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with East Staffordshire Local Plan Policy SP27 and the National Planning Policy Framework.

**19: Hours of Construction**

There shall be no onsite works outside the hours of:

Monday to Friday 07:30 – 18:00 hours and Saturdays 07:30 – 14:00 and there shall be no work on Sundays or Bank Holidays.

Reason: To protect the amenities of the occupiers of adjoining properties and the locality in general in accordance with East Staffordshire Local Plan Policies SP24, DP1 and DP3.

**20: Electric Car Charging Points**

Prior to first occupation of the development hereby permitted details of electric vehicle charging points, shall be submitted in writing to and agreed in writing by the Local Planning Authority. The approved electric vehicle charging points shall be installed in accordance with the approved details and shall be retained and maintained for the lifetime of the development.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with Policies SP1 and SP35 of the Local Plan, the Branston Neighbourhood Plan and the Parking Standards Supplementary Planning Document.

**Recommended  
informatives**

**1: Details of Proposed Materials**

The applicant is advised that in complying with Condition 3 above regarding the submission of samples and details of all external materials, ensuring the product name and manufacturer is provided and must be submitted in writing to the Local Planning Authority as part of the relevant Discharge of Condition application along with correspondence confirming that date on which samples will be made available on-site and where they will be located.

**2: Pre-commencement Conditions**

The conditions identified below require details to be approved before commencement of the development.

Condition No's 3, 4, 6, 8, 10, 13, 14, 15 and 16 (condition 20 is prior occupation)

This means that a lawful commencement of the approved development/works cannot be made until the particular requirements of these conditions have been met.

As from 6th April 2008 requests for confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority. The fee chargeable by the authority is £116 per request. The fee must be paid when the request is made. Any number of conditions can be included for each request.

Payment can be made by cheque or card only. Please telephone 01283 508606. Although we will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

**3: Engagement**

During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

**4: Ecological Responsibilities**

The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats is found during demolition all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

**5: Landscaping**

The Applicant is also advised that the Landscaping scheme should maximise opportunities for wildlife needs to mitigate the loss of biodiversity on site as detailed within the Preliminary Ecological Appraisal.

**6: Public Sewer Crossing Site**

The applicant is advised that there may be a public sewer located within the application site. Although Severn Trent's sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent would seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is **vital** therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the

	<p>costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.</p> <p>Please note if you wish to respond to this email please send it to <a href="mailto:Planning.apwest@severntrent.co.uk">Planning.apwest@severntrent.co.uk</a> where we will look to respond within 10 working days.</p> <p><b>7: Boundary Informative</b></p> <p>The applicant's attention is drawn to the provisions of The Party Wall etc. Act 1996, which may have implications for this development.</p> <p>You are advised that any grant of planning permission does not override private legal matters such as rights of access onto lands outside the applicant's ownership for the purposes of construction or maintenance.</p>
<b>Officer Details</b>	Gary Shilton Tel: 01283 508607 <a href="mailto:Gary.Shilton@eaststaffsbc.gov.uk">Gary.Shilton@eaststaffsbc.gov.uk</a>