

Agenda Item:	5.1
---------------------	-----

Site:	Infinitii Restaurant Bagot Street Abbots Bromley WS15 3DB
Proposal:	<p>Application 1 (Detailed Planning Application) Demolition of the Single Storey Rear Kitchen to facilitate the conversion and alteration of existing Restaurant (Class E) and residential (C3) to form a residential unit, erection of two detached dwellings and detached garage.</p> <p>Application 2 (Listed Building Consent) Listed Building Consent Demolition of the Single Storey Rear Kitchen to facilitate the conversion and alteration of existing Restaurant (Class E) and residential (C3) to form a residential unit, erection of two detached dwellings and detached garage.</p>

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by

[Hyperlink to Application Details](#)

Application Number:	(1) P/2023/01348 and (2) P/2023/01353
Planning Officer:	Erica Buchanan
Type of Application:	(1) Detailed Planning Application (P/2023/01348) (2) Listed Building Consent (P/2023/01353)
Impact on Heritage Assets under S66(1) and S72	The proposal would preserve the special architectural and historic significance of the property as a listed building and the special character and appearance of the conservation area within which it sits, achieving the 'desirable' objectives described in sections 16, 66(1) and 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
Applicant:	Hessleby Homes
Ward:	Bagots and Needwood
Ward Members:	Councillor J Jones Councillor V Gould Councillor B Ashcroft
Date Registered:	16/01/2024
Date Expires:	An extension of time has been agreed until 28.06.2024
Reason for being on Agenda	<p>The application has received a significant amount of objections.</p> <p>Application has been called in by Councillor Jones for the following reasons:</p>

	The application has caused a great deal of concern for local residents.
Officer Recommendation	Approve , both the detailed planning application and listed building consent application subject to conditions

1. Executive Summary

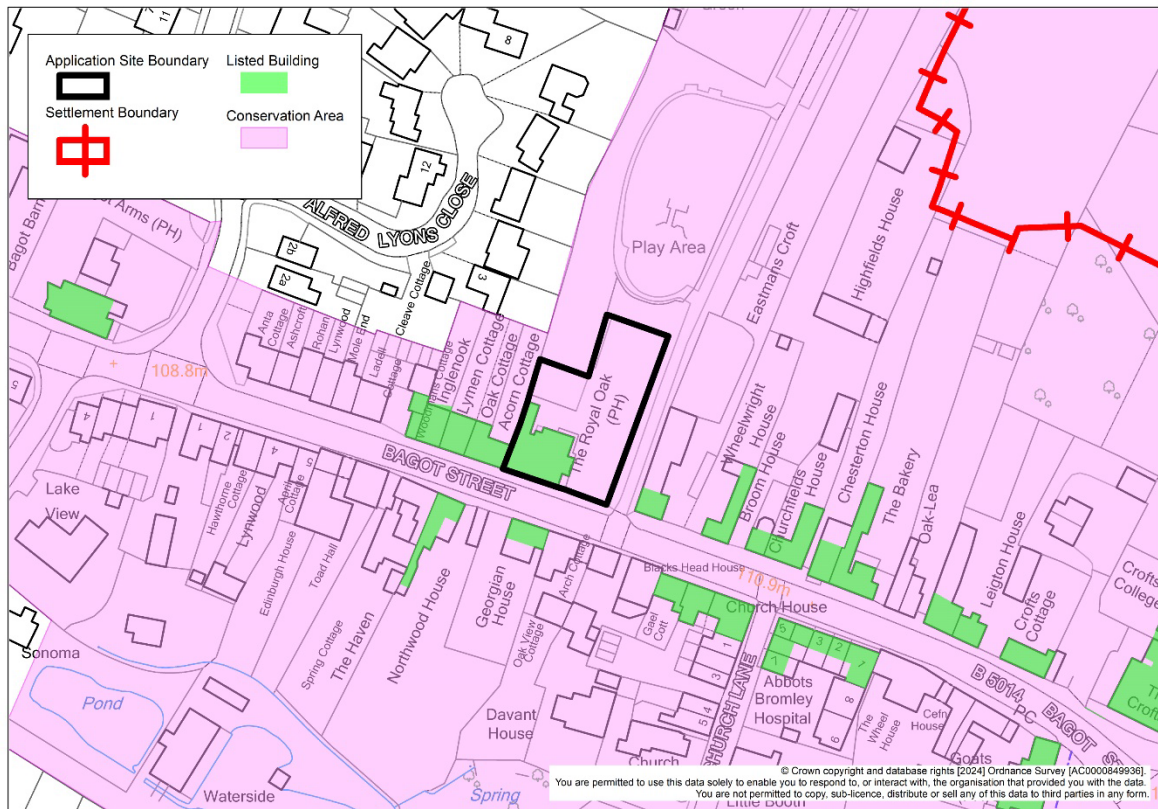
- 1.1 Members are advised that the schemes the subject of this report comprise two separate applications; one being a detailed planning application (ref: P/2023/001348) and other one being a listed building consent application (ref: P/2023/001353). The applications are therefore reported here together as they relate to both the change of use itself and the works required to change the use of the building.
- 1.2 The application site covers an area of circa 0.25 ha and is located within the village of Abbots Bromley. Part of the site comprises the former Royal Oak Inn operating as Infinitii Restaurant, a Grade II former coaching inn. The rest of the site comprises the outdoor space and car park. The restaurant is still currently operating.
- 1.3 The site is within the settlement boundary of Abbots Bromley and is also located in the Conservation Area, with a number of listed buildings nearby.
- 1.4 Directly to the east of the application site is a single track private drive that provides vehicular access to the Millennium Green Play area and the Village Hall.
- 1.5 The application submissions are respectively a detailed Planning Application and Listed Building application for Demolition of the Single Storey Rear Kitchen to facilitate the conversion and alteration of existing Restaurant (Class E) and residential (C3) to form a residential unit, erection of two detached dwellings and detached garage.
- 1.6 A total of 27 objections from local residents have been received which have been summarised and addressed within this report, along with the comments of the Town Council.
- 1.7 The principle of the use of the site for residential purposes is considered acceptable given the location within the Settlement Boundary of Abbots Bromley and is acceptable in sustainability terms.
- 1.8 In terms of impact upon heritage, the Council's Conservation Officer has stated that positive aspects of the scheme include the scale of the two newbuild plots (plots 2&3), which are considered acceptable when compared to the larger footprint of the existing listed building (plot 1). The ridge heights and massing are also appropriate and therefore do not appear visually dominant from the streetscene. The replacement of hardstanding (which covers the vast majority of the car park) for private dwellings will reduce the negative impact on both the

setting of the adjacent Listed Building and character of the Conservation Area, bringing this contribution to neutral.

- 1.9 Therefore the scheme is considered to preserve the special architectural and historical significance of the host Listed Building and conserve the setting of the surrounding Listed Buildings and the character and appearance of the Conservation Area.
- 1.10 The design and layout of the proposals are considered appropriate and the scheme is considered to have no adverse impacts with regards to flooding, biodiversity, or archaeology and there would be no significant adverse impact on occupiers of neighbouring dwellings in terms of overlooking or loss of privacy or in terms of noise and disturbance.
- 1.11 The County Highway Authority have raised no objections on the grounds of Highway Safety subject to planning conditions.
- 1.12 The application is supported by a Planning Statement, Heritage Report, Design and Access Statement, Tree survey, Biodiversity Net Gain Design Stage Report and a preliminary Ecological Statement and Roost Assessment.
- 1.13 In light of the above conclusions on the planning merits of the cases, therefore, the applications are recommended for **approval** subject to the necessary planning conditions.

Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

Map of site



2. The site description

- 2.1 The site is located within the settlement boundary of Abbots Bromley and within Abbots Bromley Conservation Area.
- 2.2 The site covers an area of approximately 0.25ha and is bound by the Millennium Green Play Area to the north, a public footpath and highway access to the Village Hall to the east, Bagot Street (B5014) to the south and residential properties to the west. The building abuts the pavement, with a car park to the east which extends to the rear of the site.
- 2.3 Infinitii Restaurant (Listed as 'The Royal Ruchi') and formerly known as 'The Royal Oak' is a Grade II Listed Building.
- 2.4 There is a single Tree covered by Tree Preservation Order (TPO) 348 to the rear of the building.
- 2.5 The site is located within Flood Zone 1.
- 2.6 The listing description for the application property is as follows:

GV II Former Inn. Early C18. Painted brick; plain tile roof; brick integral end stack and panelled brick ridge stack. Lobby entry plan. Two storeys and gable-lit attic, first floor band and moulded eaves course; four windows with segmental heads and shaped lintels, casements, that to first floor right of centre is blind, slightly bayed window to ground floor left of centre; six-panelled door to right of centre with moulded door case. Low single bay extension to right.

- 2.7 The application site covers an area of circa 0.25 ha and is located within the village of Abbots Bromley. Part of the site comprises the former Royal Oak Inn operating as Infinitii Restaurant, a Grade II former coaching inn. The rest of the site comprises the outdoor space and car park. The restaurant is still currently operating.
- 2.8 To the north of the site is the Millenium Green Play Area, a public footpath and highway access to the Village Hall to the east, Bagot Street to the south and residential properties to the west.
- 2.9 The site is situated within Flood Zone 1 which is at the lowest risk of flooding.

3. Planning History

- 3.1 Various applications including Listed Building Consent for alterations, extensions and advertisement consent in association with the public house and restaurant.

4. The proposal(s)

Detailed Planning Application

- 4.1 Full planning permission is sought for the following:
- 4.2 The demolition of an existing single storey brick built rear kitchen extension and the conversion and alteration of the existing restaurant (Class E) and residential (C3) to form a residential unit (Plot 1) of five bedroomed configuration, a rear garden area and erection of a double garage.
- 4.3 Two additional detached dwellings each of three bedroomed configuration are proposed within the car park and grounds, with Plot 2 to the sites frontage and Plot 3 to the rear, with associated parking and garden areas.

Listed Building Consent

- 4.4 The application for Listed Building Consent is for the demolition of the single storey rear kitchen with associated internal works to facilitate the conversion and alteration of existing restaurant (Class E) and residential (C3) to form a residential unit including installation of bi-fold doors on rear elevation
- 4.5 The works involve the demolition of a 20th century extension to the rear of the grade II listed building along with associated alterations to facilitate its change of use from a restaurant to residential unit. The proposed conversion would result in a single 5 bedroomed property.

Supporting Documentation

- 4.6 The documents listed below were provided as part of the final application submissions; with those originally submitted having been revised/updated and supplemented - and others superseded - during the application process reflecting the amendments to the scheme and the need to respond to the requirements of statutory consultees and officers of the Local Planning Authority.

List of supporting documentation***Detailed Application (Final Document List)***

- Detailed Planning Application Form
- Location and Block Plans
- Existing Floor Plans
- Existing Elevations
- Proposed Elevations
- Proposed Site Plan
- Proposed Ground Floor Plans
- Proposed First and Second Floor Plans
- Proposed Street Scene
- Highways Statement
- Preliminary Ecology Statement
- Biodiversity Net Gain
- Heritage Report
- Design and Access Statement
- Planning Statement
- Tree Survey and AIA

Listed Building Consent (Final Document List)

- Listed Building Consent Application Form
- Location and Block Plans
- Existing Floor Plans
- Existing Elevations
- Proposed Elevations
- Proposed Ground Floor Plans
- Proposed First and Second Floor Plans
- Proposed Demolition Plans
- Proposed Streetscene
- Highways Statement
- Preliminary Ecology Statement
- Biodiversity Net Gain
- Heritage Report
- Design and Access Statement
- Planning Statement
- Tree Survey and AIA

The relevant findings are dealt with in section 8 onwards below.

5. Consultation responses and representations

5.1 A summary of the consultation responses for both applications is set out below:

Statutory and non statutory consultee		Response
5.2	Abbots Bromley Town Council	The Town Council objects on the following grounds

		Doesn't meet the housing needs of Abbots Bromley, requirements are for smaller more affordable homes and not Market Houses. Concerns regarding parking Concerns regarding plot 2 close proximity to the main street adjacent to the drive for the village hall which is a single track road and heavily used.
5.3	Staffordshire County Council Highway Authority	No objection subject to conditions in relation to visibility splays, parking surfacing and parking. An informative has also been requested in relation to a highway works agreement.
5.4	Historic England	Not offering advice and suggest that the Council seek the views of their own specialist conservation and archaeological advisers.
5.5	Cadent Gas	No Objection Informative Note
5.6	Staffordshire Police - Police Architectural Liaison Officer	provides guidance and recommendations aimed at reducing opportunities for crime and ensuring that high level of physical security is incorporated into this development.

Internal Consultees		Response
5.7	Environmental Health	raises no objection subject to land contamination conditions.
5.8	Conservation Officer	No objections; a detailed design code has been submitted; this includes flush fitted timber windows, stone window lintels, Flemish bond brickwork, conservation rooflights, timber canopied porches and a triple corbeled eaves. Requests conditions relating to submitted plans and that windows are flush fitted.

6. Neighbour responses

Detailed Application

- 6.1 *Twenty seven letters of representations (from fifteen Addresses) have been received objecting to the proposal which have been summarised below:*

Neighbour Responses	
Design/ Character and Appearance	<ul style="list-style-type: none"> • .Materials should be appropriate to Conservation Area • Conversion of restaurant detrimental to Conservation Area • Proposal is poorly designed out of keeping with the streetscene • Impact on Neighbouring Listed Buildings
Impacts on Residential Amenity	<ul style="list-style-type: none"> • Increased Noise • parking, • Loss of Light • Loss of Privacy •

Highways Impacts	<ul style="list-style-type: none"> • Problems with access to Village Hall • Location of Plot 2 restricts visibility of the vehicles going to and from the village Hall • Access to Village Hall heavily used by both Vehicles and pedestrians visibility would be significantly reduced by Plot 2 • Only meets minimum standard for parking
Other comments	<ul style="list-style-type: none"> • Loss of Business • Restaurant should stay a restaurant • Doesn't meet housing needs of community • Contrary to Neighbourhood Plan • No need for additional dwellings • Restaurant Car Park has been used by local residents helping to alleviate Parking issues • No Community Involvement • Scheme doesn't benefit the community

- 6.2 Two letters of representations have been received in support of the proposal which have been summarised below

Neighbour Responses	
Design/ Character and Appearance	<ul style="list-style-type: none"> • Proposal is in keeping with the village heritage and architecture. • The restaurant turning into residential seems really nice from the plans. • Detached dwelling fits in with the image of the village.

Listed Building Consent

- 6.3 *Twelve letter of representation have been received objecting to the proposal which has been summarised below:*

Neighbour Responses	
Design/ Character and Appearance	<ul style="list-style-type: none"> • No reason for the restaurant not to be converted to residential • Materials used for the new dwellings should be set out for conservation areas. • The original pub/restaurant is a listed building that holds a prominent position in the heart of the village, and it being altered would have a severely detrimental impact on the conservation area of the village and could prove to be the "thin end of the wedge" for future planning applications seeking to alter this beautiful old part of the village • The design of the housing does not fit within the heritage asset of that part of the village • The bifold doors, on side and back elevations, seem to be totally incongruous with a listed building • Is galvanised steel acceptable in a Grade II building?

	<ul style="list-style-type: none"> • will have a detrimental impact on the conservation area, heritage assets, the street scene and a very detrimental visual impact
Highways Impacts	<ul style="list-style-type: none"> • Going to Cause Mayhem trying to access the Village Hall.
Other Comments	<ul style="list-style-type: none"> • As the site is in the Conservation Area does this not preclude the erection of two dwellings • Too many buildings in this small conservation village • It should be retained as a Pub/Restaurant • Need for Leisure facilities

7. Policy Framework

National Policy

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP2: Settlement Hierarchy
- NP1: Neighbourhood Policy
- SP4: Distribution of Housing Growth 2012-2031
- SP16: Meeting Housing Needs
- SP22: Supporting Communities Locally
- SP23: Green Infrastructure
- SP24: High Quality Design
- SP25: Historic Environment
- 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
- DP5: Protecting the Historic Environment: All heritage assets, Listed Buildings, Conservation Areas and Archaeology
- DP6: Protecting the Historic Environment: Other Heritage Assets
- DP7 Pollution and Contamination

Abbot Bromley Neighbourhood Plan

- DAH: Design and Heritage
- DAH1: Sustainable Design and Character
- DAH2: Extensions
- DAH3: Abbots Bromley Conservation Area
- DEC: Dwellings, Employment, and Community
- DEC1: Residential Development

- DEC2: Employment, Tourism and Community Facilities
- NGE: Natural and Green Environment
- NGE1: Natural Environment
- NGE2: Drainage and Flooding
- TIN: Transport and Infrastructure
- TIN1: Sustainable Transport Provision
- TIN2: Transport Impacts
- TIN3: Local Energy Schemes
- TIN4: Broadband

Supplementary Planning Documents

- East Staffordshire Design guide
- Car Parking Standards Supplementary Planning Document (SPD)
- Separation Distances and Amenity Supplementary Planning Document (SPD)
- Village Design Statements: Abbots Bromley
- Waste Storage and Collection Guidance
- Abbots Bromley Conservation Area Appraisal

8. Assessment

8.1 It is considered that the key issues relevant to the determination of these applications are as follows:-

- Principle of the Development
- Heritage Assets
- Visual Amenities
- Residential Amenities
- Highway Safety
- Flood Risk and Drainage
- Affordable Housing and Housing Mix
- Biodiversity
- Other Matters
- Conclusion (including The *Planning Balance*)

9. Principle of Development

Relevant Policies

9.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 11 of the NPPF states that for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

- specific policies in this Framework indicate development should be restricted.

Paragraph 225 of the NPPF states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the framework, the greater the weight that may be given'.

Local Plan

- 9.2 The Council has adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. The policies in the plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government's presumption in favour of sustainable development.
- 9.3 Strategic Policy 1 sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy include social, environmental and economic considerations to be taken into account in all decision making where relevant. The principles are:
- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;
 - it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
 - retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
 - re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting
 - integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and enhances buildings of heritage importance, setting and historic landscape character;
 - designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
 - high quality design which incorporates energy efficient considerations and renewable energy technologies;
 - developed without incurring unacceptable flood risk or drainage problems and uses Sustainable Drainage Systems (SUDS) where appropriate;
 - does not harm biodiversity, but rather enhances it wherever possible, including increasing tree-cover, especially as part of the National Forest;
 - creates well designed and located publicly accessible open space;
 - would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;
 - would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;

- uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is appropriate), sustainable waste management practices and minimises construction waste;
- safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future; and
- would result in the removal of contamination and other environmental problems associated with the site.

9.4 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

9.5 Strategic Policy 22 states that Proposals which result in the loss of a community facility will not be permitted unless:

- (i) adequate alternative provision is available within or adjacent to the settlement or will be provided as part of the development process;
- (ii) all reasonable efforts have been made to preserve the facility or service, including sharing of premises, but it has been satisfactorily demonstrated to the Council that the service is no longer viable and has been actively marketed for a period of at least 6 months; and
- (iii) the service or facility is in an inherently unsustainable location and the reuse of the site would be a more sustainable solution than the retention of the service or facility

Neighbourhood Plan

9.6 Policy DEC1 of the Abbots Bromley neighbourhood Plan amongst other things supports residential development within the existing settlement boundary.

Policy DEC2 of the Neighbourhood Plan amongst other things states that Development involving the loss of existing community facilities will be supported only where similar or better facilities are provided within reasonable walking distance, or it can be demonstrated that such facilities are no longer needed.

5 Year Land Supply

9.7 The most recent calculation uses figures as of 30th September and concludes there is 7.39 years of supply. Therefore the policies in the plan can be considered up to date.

Assessment

Listed Building Consent Application

- 9.8 The principle issues in the determination of the listed building consent application are the impacts on the historic environment, which are discussed below.

Detailed Planning Application

- 9.9 Policies SP2 of the Local Plan sets out the Settlement Hierarchy with the Main Towns of Burton and Uttoxeter being the most sustainable locations. Abbots Bromley falls within Tier 2 Local Service Village and states that new development should be within the settlement boundary and as such the principle of residential development would meet with the objectives of the sustainability policies of the adopted Local Plan.
- 9.10 The current use of the building is in Class E restaurant and as such is considered a community asset. Policy SP22 of the Local Plan states that the loss of a community asset would only be acceptable if there are adequate alternative provisions within or adjacent to the settlement and that all reasonable efforts have been made to preserve the facilities.

The owner has advertised the restaurant in February 2021 for a year with no interest in the business factors being insufficient interested parties based on a number of factors being : location, accessibility, operating business markets, opportunities and COVID-19 impacts.

In addition to the above there are several public houses and restaurants available within Abbots Bromley.

- 9.11 The site is within the Settlement Boundary of Abbots Bromley and has been marketed for a year with similar facilities in the locality and as such it is considered that the principle of the development is considered acceptable and is therefore in compliance with Policies SP1, SP2 and SP22 of the Local Plan, DEC1 and DEC2 of the Neighbourhood Plan and the NPPF.

Heritage Assets

Relevant Policies

- 9.12 Section 16 of the National Planning Policy Framework states that proposals should not pose significant harm to any heritage asset and should aim to preserve or enhance the asset by way of sensitive and appropriate design.
- 9.13 Paragraph 205 of the National Planning Policy Framework states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 9.14 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Again, as for the Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 this requires

that special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

- 9.15 Policy SP25 of the Local Plan indicates amongst other things that development proposals should protect, conserve and enhance heritage assets and their settings, taking account of their significance, as well as the distinctive character of the Borough's townscapes and landscapes. Such heritage assets may consist of undesignated and designated assets including conservation areas, listed buildings, scheduled monuments, archaeological sites, registered parks and gardens and historic landscapes which contribute to the Borough's historic environment and local distinctiveness.
- 9.16 Detailed Policy 5 of the Local Plan goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology and states that development which protects the character of listed buildings and conservation areas will be permitted.
- 9.17 Policy DEH of the Abbots Bromley Neighbourhood Plan seeks to ensure new development is sustainable and well designed and to preserve or enhance local heritage.

Assessment

- 9.18 Part of the site comprises the former Royal Oak public house now trading as Infinitii restaurant which is a Grade II Listed former coaching Inn. This property is set over three floors. The ground floor is the main commercial restaurant with the first floor and roof space in residential use. The alterations to convert the whole building into a single dwelling will be assessed as part of the Listed Building Consent application below.

Listed Building Consent Application

- 9.19 The proposal is to demolish the 20th century extensions to the rear of the restaurant and retain the street frontage largely as it is at present, and to remodel the interior to facilitate the change from a restaurant to a private dwelling. In addition, it is proposed to build two new houses on the existing car park, one to form part of the street frontage with the other directly behind. The style of the new houses has taken references from character of the existing building. Walls will be brick-faced walls and roofs tiled. All three properties will have gardens, thereby replacing much of the hardstanding covering the current car park
- 9.20 Initial plans for the reordering of the interior appear to be limited, and neither these nor the demolition of the 20th Century extensions are likely to affect the significance.
- 9.21 The Councils Conservation Officer has stated that positive aspects of the scheme include the scale of the two newbuild plots (2&3), which are considered acceptable when compared to the larger footprint of the existing listed building (plot 1). The ridge heights and massing are also appropriate and therefore do not appear visually dominant from the streetscene. It is acknowledged that the replacement of hardstanding (which covers the vast majority of the car park) for private dwellings will reduce the negative impact on both the setting of the adjacent listed building and character of the conservation area, bringing this contribution to neutral.

- 9.22 The elevation plans of plots 2 and 3 show that consideration has been given to the requirement for a bespoke design as the drawings include historical features such as sash windows with wedge lintels, and the overall proportions are balanced and symmetrical, typical of Georgian architecture and the character of the surrounding properties.
- 9.23 A detailed design code has been submitted; this includes flush fitted timber windows, stone window lintels, Flemish bond brickwork, conservation rooflights, timber canopied porches and a triple corbeled eaves.
- 9.24 Subject to imposition of conditions recommended by the Conservation Officer it is considered that the proposal would not harm the setting of the Listed Building nor the Conservation Area and is in accordance with policies SP25, DP5, DP6 of the Local Plan and Policy DEH of the Abbots Bromley Neighbourhood Plan.

Detailed Planning Application

- 9.25 The application property is grade II listed, first receiving this designation in 1966, and is listed as 'The Royal Ruchi', formerly 'The Royal Oak'. The property is described as an early 18th century, brick built former inn with plain tiled roof and casement windows with segmental heads and shaped lintels. There are several other listed buildings within the immediate vicinity to the East and West along Bagot Street and the application property and carpark are both within the boundary of Abbots Bromley Conservation Area which is characterised by its 51 listed buildings and vernacular brick and tile construction.
- 9.26 The applicant has submitted a heritage report and design and access statement which is considered appropriate in line with Paragraph 200 of the NPPF, for the scale of works proposed to a building of historical and architectural significance and for a newbuild development which will directly impact the streetscene of a conservation area.
- 9.27 In respect of impact upon the setting of Listed Buildings the Council's Conservation Officer believes that the proposal would not harm its significance as the existing 20th century buildings and the hard surfaced car park does not add value to its setting and therefore would result in a neutral impact.
- 9.28 Accordingly, the public heritage benefits together with the economic and social benefits of the proposal accords with paragraph 203 of the NPPF. Furthermore, the proposal would serve to preserve the Listed Building and its setting in accordance with Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and preserve the character and appearance of the Conservation Area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. Visual Impacts

Relevant Policies

- 10.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of

poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 10.2 Strategic Policies 1 and 24 of the Local Plan state that development proposals must contribute positively to the area in which they are proposed. The policy lists a number of criteria developments are expected to achieve including creating a sense of place, reinforcing character, reflecting densities and where possible minimise the production of carbon through sustainable construction.
- 10.3 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.
- 10.4 The East Staffordshire Design Guide requires the design of development to demonstrate a strong, considered and sensitive response to its context. Design which is relevant to the site and wider context will be important, as this can support local distinctiveness. The Guide allows for development which employs a more modern architectural style but in terms of its proportions and siting it should still complement its surroundings.
- 10.5 The East Staffordshire Design Guide is equally applicable to the policy aspirations of SP24. It states that:
- (a) Residential layouts should be designed with focus on the streets and spaces between dwellings rather than the individual buildings themselves;
 - (b) The location of buildings in relation to streets should create interesting streetscapes including consciously arranged views and vistas within and out of the development;
 - (c) Long straight and sweeping roads should be avoided with a preference for traffic calming inherent in the design of the development;
 - (d) Repetitive house types should be avoided;
 - (e) The cramming together of large numbers of detached properties should be avoided.
 - (f) High proportions of frontage car parking will not be acceptable.
- 10.6 Policy DAH of the Abbots Bromley Neighbourhood Plan seeks to ensure that new development is sustainable and well- designed and seeks to preserve or enhance local heritage and that the conversion of current buildings to residential use must retain the original facades and rooflines.
- 10.7 Policy DAH1 requires new development amongst other things to maintain the distinctive identity of Abbots Bromley and lists design principles for development.

Assessment

- 10.8 The characteristics of the immediate area to the application site is characterised by frontage development, being dwellings fronting the highway and having an active relationship with the streetscene.

- 10.9 This scheme proposes two detached dwellings within the car park area of the Listed Building with the design of the new dwellings taken references from the characteristics of the local area and the Listed Building. Further given the mixed types of properties within the streetscene it is considered that the proposal would be acceptable.
- 10.10 Objections have been raised regarding the design of the development and that the conversion of the restaurant would be detrimental to the conservation area. However, it is not considered that the proposal would be out of keeping in this case.
- 10.11 Surface level parking is proposed to the rear of the site with 2 parking spaces for the detached dwellings and 4 spaces for the converted Listed Building.
- 10.12 Given the above it is considered that the design of the proposed dwellings is considered to be acceptable and would not result in any significant adverse impact to the visual amenities of the area. The proposal is therefore considered to comply with Policies SP1, SP24 and DP1 of the Local Plan DAH and DAH1 of the Neighbourhood Plan and the objectives of the East Staffordshire Design Guide.

11. Residential Amenities

Relevant Policies

- 11.1 The National Planning Policy Framework and Policies SP24, DP1 and DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing impact.
- 11.2 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.
- 11.3 Policy DP3 of the Local Plan 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 and allow outdoor domestic activities to be undertaken in reasonable privacy.
- 11.4 Policy DP7 of the Local Plan relates to pollution and contamination and states that development proposals will only be granted permission where they will not give rise to, or be likely to suffer from, land instability and/or unacceptable levels of pollution in respect of noise or light, or contamination of ground, air or water.
- 11.5 The Local Plan policies are supplemented by the East Staffordshire Design Guide and the Separation Distances and Amenity SPD, which provide standards for separation distances between dwellings, internal room sizes and amenity space standards.

Assessment

Listed Building Consent Application

11.6 The Listed Building Consent application primarily deals with the impacts of the proposal on the listed building itself. Therefore it is not necessary to discuss the impact on residential amenity in respect of this application.

Detailed Planning Application

11.7 In terms of impact on the residential amenities the nearest property to the development is Wheelwright house which is a Grade II Listed Buildings. This property is separated from the site by the single track road that leads to the Village Hall. There is a distance of 7m from side wall to side wall with the proposed new dwellings.

11.8 There are proposed three dormer windows in the first floor elevation to this property and they face the rear extension to Wheelwright house where there are no windows and therefore there is no direct overlooking.

11.9 The rear amenity spaces for the new dwellings meet the standards set out in the Separation Distance and Amenity SPD

11.10 Overall given the layout of the site, orientation and separation distances between the existing dwellings and the proposed, the layout complies with the separation distances required by the Separation Distance and Amenity SPD and it is not considered that there would be any direct overlooking or loss of privacy to the occupiers of neighbouring dwellings.

11.11 The Separation Distances and Amenity SPD provides guidance in relation to minimum requirements for internal room sizes and private amenity space. The scheme meets the internal spaces standards set out within the SPD.

11.12 The scheme proposes boundary treatments and new planting which can be secured by way of planning conditions.

11.13 Environmental Health have confirmed that the proposed development partially lies on an area of medium risk contamination potential due to former timber works, hence various chemicals, asbestos etc. could be present in the soil underneath the current hardstanding of the car park two of the new dwellings are proposed to be erected. We would therefore ask for a full contaminated land risk assessment to be undertaken through a staged process

11.14 It is therefore considered that, subject to the imposition of conditions 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 and is therefore in compliance with Policies SP24, SP34, DP1, DP3 and DP7 of the Local Plan and the aims of the Separation Distances and Amenity SPD.

12 Highway Safety

Relevant Policies

- 12.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 12.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.
- 12.3 The Parking Standards SPD sets out standards of car parking for different uses including space size, accessibility and the quantity of car parking spaces required for different uses. The Standards in relation to three bedroomed dwellings requires two off road parking spaces per dwelling.
- 12.4 Policy TIN1 of the Neighbourhood Plan requires developments to include a balanced provision of transport and parking options to allow ease of movement for pedestrians and cyclists and power points for EV charging should be provided.

Assessment

Listed Building Consent Application

- 12.5 The listed building consent application primarily deals with the impacts of the proposal on the listed building itself. Therefore it is not necessary to discuss the impact on highway safety in respect of this application.

Detailed Planning Application

- 12.6 The Highway Authority have not objected to the proposal and have stated that the proposed development is likely to result in a reduction in the likely traffic generation from the site when compared to the potential from a Class E use. The access is existing and will be altered to suit the proposed development. The visibility from the access is appropriate for the vehicle speeds on the highway and an appropriate level of pedestrian visibility is being provided. Parking is proposed at a level that accords with ESBC parking standards and there is sufficient space to allow cars to turn within the site.
- 12.7 Objections and concerns have been raised in relation to the visibility of the users of the adjacent single track to the Village Hall due to the positioning of plot 2

however the property is separated from the track by the current grass verge which would not reduce the visibility to detriment of highway safety and the Highways Authority have not objected to the proposal.

- 12.8 Subject to the conditions advised by the County Highway Authority it is considered that the proposal is acceptable in relation to highway safety and is therefore in compliance with Policies SP1 and SP35 of the Local Plan, Policy TIN1 of the Neighbourhood Plan and the Parking Standards SPD.

13 Affordable Housing and Housing Mix

Relevant Policies

- 13.1 The NPPF states that Local planning authorities should have a clear understanding of housing needs in their area. Local Authorities should address the need for all types of housing, including affordable housing and the needs of different groups in the community. Strategic Policies 16 and 17 along with the guidance set out in the Housing Choice SPD responds to this requirement.
- 13.2 Strategic Policy 16 of the Local Plan 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 to the Council's evidence base or other evidence.
- 13.3 Policy DEC1 of the Neighbourhood plan states that development should address the identified local need in terms of mix and type of sizes of accommodation and that priority shall be given to a suitable mix in residential developments of 10 units or more.

Assessment

Listed Building Consent Application

- 13.4 The listed building consent application primarily deals with the impacts of the proposal on the listed building itself.

Detailed Planning Application

- 13.5 As the proposal is for three dwellings it does not fall within the category of size of development that requires the provision of affordable houses for an identified need.
- 13.6 The application proposes 2 x 3 bedroomed properties and the conversion of the Listed Building to a 5 bedroomed property. All the dwellings would be market houses and due to the size of the development there is no requirement to provide affordable properties.

14 Green Infrastructure

Relevant Policies

- 14.1 Strategic Policy 23 of the Local Plan 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.

14.2 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.

14.3 The National Planning Practice Guidance is clear that green infrastructure is important to the delivery of high quality sustainable development, alongside other forms of infrastructure such as transport, energy, waste and water. Green infrastructure provides multiple benefits, notably ecosystem services, at a range of scales, derived from natural systems and processes, for the individual, for society, the economy and the environment. To ensure that these benefits are delivered, green infrastructure must be well-planned, designed and maintained. Green infrastructure should, therefore, be a key consideration planning decisions where relevant.

Assessment

Listed Building Consent Application

14.4 The listed building consent application primarily deals with the impacts of the proposal on the listed building itself.

Detailed Planning Application

14.5 There is a TPO tree on the site and as such a tree survey and AIA have been submitted. The survey provides details in how the trees to be retained will be protected during construction work and have identified 2 groups of small trees mainly to the side and rear of the restaurant and a single tree to the front to be removed. It is proposed as part of the scheme to replace the trees and the scheme has provided indicative landscaping, however a condition is recommended to secure comprehensive details.

15 Biodiversity

Relevant Policies

15.1 Paragraph 186 within Section 15 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.

15.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.

15.3 Strategic Policy 29 of the Local Plan lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with

Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.

Assessment

Listed Building Consent Application

15.4 The listed building consent application primarily deals with the impacts of the proposal on the listed building itself.

Detailed Planning Application

15.5 A Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment has been submitted to support the application.

15.6 The Ecology Survey concludes that the existing building has low potential for roosting bats and as the building is to be retained the conclusion is that no further survey work is necessary.

15.7 A BNG assessment was submitted to support the application. The BNG assessment concluded that as the proposals for the site comprise the loss of hardstanding, unsealed surface and ephemeral/ ruderal habitat to accommodate the construction of two new residential units. The existing building on-site will be largely retained and will undergo a significant refurbishment. New gardens and access to the houses will also be created. Therefore there is a Biodiversity Net Gain as a result of the development

15.8 It is therefore considered that the proposal complies with the requirements of Policy SP29 subject to conditions relating to the ecological recommendations.

16 Conclusions (including ‘The Planning Balance’)

16.1 The proposal is considered to be in a sustainable location, as identified by Policy SP2 of the Local Plan. The creation of residential dwellings within this location is therefore considered to be acceptable in principle.

16.2 In terms of impact upon heritage, the Council’s Conservation Officer notes the replacement of hardstanding (which covers the vast majority of the car park) for private dwellings will reduce the negative impact on both the setting of the adjacent listed building and character of the conservation area, bringing this contribution to neutral.

16.3 Subject to appropriate conditions, the scheme is considered to preserve the special architectural and historical significance of the host listed building the setting of the surrounding listed buildings and the special significance of the conservation area.

16.4 The design and layout of the proposals are considered appropriate and the scheme is considered to have no adverse impacts with regards biodiversity and there would be no significant adverse impact on occupiers of neighbouring dwellings in terms of overlooking or loss of privacy.

16.5 The impact of the proposal has been assessed by the Highway Authority and no objections have been raised, subject to conditions and a note to applicant.

- 16.6 The impact on trees and biodiversity has been assessed and there is considered to be no significant adverse impact, subject to conditions in respect of landscaping.
- 16.7 Having regard to the Planning Balance, therefore, the proposed scheme is therefore considered to be in line with the overall aims of the policies in the East Staffordshire Local Plan, Neighbourhood Plan, the associated supplementary planning documents and the National Planning Policy Framework.

17 RECOMMEDATION(S)

Application 1 (Detailed Planning Application)

Grant planning permission subject to the following conditions

Condition 1 – Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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.

Condition 2 – Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans and documents subject to compliance with other conditions of this permission:

Site Plan (Ground Floor) 39731 rev d received 02.04.2024
Plot 1 Proposed floor plans ref 3973 10 dated as received 05.12.2023
Plot 1 Proposed Elevations ref 3973 11 dated as received 05.12.2023
Plot 1 Proposed Demolition Plans ref 3973 17 dated as received 11.01.2024
Plot 1 Bifold doors detail ref 3973 18 dated as received 16.01.2024
Plot 2 Proposed Plans and Elevations 3973 3Rev received on 02.04.2024;
Plot 3 Proposed Elevations 3973 6revB received 02.04.2024;
Proposed Details 3973 20 received on 02.04.2024;
Proposed Street Scene 3973 7A dated as received 05.12.2023
Site Plan (Site Levels) 3973 15 dated as received 08.01.2024
Block Plan 3973 dated as received on 08.01.2024;
Design and Access Statement ref 011223 dated as received 05.12.2023
Highways Statement ref 231130 dated as received 08.01.2024
Planning Statement ref 301123 dated as received 05.12.2023
Biodiversity Net Gain Report ref 231338 dated as received 05.12.2023
Heritage Report by Benchmark Archaeology dated as received 05.12.2023
Preliminary Ecological Appraisal and Preliminary Roost Assessment ref231338 by Indigo Surveys dated as received 08.01.2024
Tree Survey and AIA ref 231338/AIA/A2 dated as received 05.12.2023

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, heritage assets, the amenities of neighbouring properties, the safe and efficient use of the adjoining highway, ecology and flood risk in accordance with East Staffordshire Local Plan Policies

Principle 1, SP1, SP2, SP4, SP16, SP23, SP24, SP25, SP27, SP29, SP34, SP35, DP1, DP3, DP5, DP6, and DP7, the Abbots Bromley Neighbourhood Plan Policies DAH, DAH1, DAH3, NGE, NGE1 and TIN1 East Staffordshire Design Guide, Separation Distances and Amenity Supplementary Planning Document, Housing Choices Supplementary Planning Document, the Car Parking Standards Supplementary Planning Document and the National Planning Policy Framework.

Condition 3 – Materials

No development (except for any approved demolition works) shall take place until details and/or samples of all the materials to be used externally on the development hereby approved, ensuring the product name and manufacturer 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 buildings/heritage assets and their surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP25, DP1, DP3 and DP5, Policies DAH, DAH1 and DAH3 of the Abbots Bromley Neighbourhood Plan, the East Staffordshire Design Guide and the National Planning Policy Framework.

Condition 4 – Details of landscaping

Notwithstanding the submitted details no development (except for approved demolition works) shall take place until a scheme of landscaping and boundary treatments (i.e. hedgerows, fencing and walling), 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, the East Staffordshire Design Guide and the National Planning Policy Framework.

Condition 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 buildings 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 of the locality and occupiers of adjacent buildings, and in accordance with East Staffordshire Local Plan Policies SP24 and SP29, the East Staffordshire Design Guide and the National Planning Policy Framework.

Condition 6 – 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.

Reason: To safeguard the visual amenities of the area and the amenities of occupiers of adjoining properties in accordance with East Staffordshire Local Plan Policies SP24 and DP3 and the National Planning Policy Framework.

Condition 7 – Pedestrian Access

Prior to Occupation the pedestrian visibility splays shown on the approved Site Plans referenced 39731 rev d received 02.04.2024 shall be cleared of all obstructions to visibility greater than 0.6m above the level of the footway and once brought into use shall be maintained as such thereafter.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35 and the National Planning Policy Framework.

Condition 8 – Vehicle Access

Prior to Occupation the vehicular visibility splays shown on the approved Site Plans referenced 39731 rev d received 02.04.2024 shall be cleared of all obstructions to visibility greater than 0.9m above the level of the carriageway and once brought into use shall be maintained as such thereafter.

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35 and the National Planning Policy Framework.

Condition 9 - Parking

Prior to Occupation the access, parking and turning area shown on the approved plans shall be laid out, constructed, hard surfaced, marked out and positively drained to a suitable outfall to ensure no surface water runs onto the highway in accordance with the approved details and once brought into use shall be maintained as such thereafter

Reason: As recommended by the Highway Authority in the interests of highway safety in accordance with East Staffordshire Local Plan Policies SP1 and SP35, the Parking Standards Supplementary Planning Document and the National Planning Policy Framework.

Condition 11 – Land Contamination

No development (except for any approved demolition works) shall take place until

- a. A desktop study/Phase 1 Contamination Report is submitted for approval. This should document the previous history of the site and

- surroundings, identifying the potential sources of contamination and the impacts on land and/or controlled waters relevant to the site. A Conceptual Site Model should be produced for the site which should identify all plausible pollutant linkages.
- b. Where the phase 1 report has identified potential contamination, an intrusive site investigation shall be carried out to establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, water and chemical analysis, identified as being appropriate by the desktop study, should be carried out in accordance with current guidance using UKAS/MCERTS accredited methods. The details of this investigation (including all technical data) shall be submitted to the Council, as a phase 2 report, for approval prior to any site demolition, remediation or construction works.
 - c. In those cases where the phase 2 report has confirmed the presence of contamination, a Remediation Method Statement shall be submitted to the Council (for approval prior to works) detailing the exact manner in which mitigation works are to be carried out. The Statement should also include details of validation testing that will be carried out once works have been completed.
 - d. If during remediation works, any contamination is identified that has not been considered within the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Council for written approval. Any approved proposals should, thereafter, form part of the Remediation Method Statement.
 - e. The development shall not be occupied until a validation report has been submitted to and approved in writing by the Council. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

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

Condition 12– Removal of PD Rights (Gates, walls)

Notwithstanding the provisions of Part 2 (Class A) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order no gates, walls, fences or other means of enclosure (except for those approved by this permission) shall be erected within the curtilage of the dwellings 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 and the National Planning Policy Framework.

Condition 13– Removal of PD Rights (Extensions, alterations etc)

Notwithstanding the provisions of Part 1 (Classes A-H) of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) the dwellings

hereby permitted shall not be enlarged, improved or altered, nor shall any building, enclosure, swimming or other pool, hard surface, plant or structure required for a purpose incidental to the enjoyment of the dwellinghouse be erected or installed 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 and the National Planning Policy Framework.

Condition 14– Listed Building Works

No dwelling hereby approved shall be occupied until the works and Schemes have been implemented in full in conditions 3 and 4 attached to Listed Building Consent application ref: P/2023/01353.

Reason: To determine the scope of the application and to ensure the works to ensure the preservation of the heritage asset are undertaken in a timely manner in accordance with East Staffordshire Local Plan Policies SP25 and DP5 and the National Planning Policy Framework.

Condition 15 – No dwellings to be first occupied until listed building works undertaken.

Unless otherwise agreed in writing by the Local Planning Authority all approved works in relation to the Grade II Listed Building shall be completed in accordance with listed building consent ref: P/2023/01353 prior to the first occupation of any new dwelling as approved as part of this application ref: P/2023/01348.

Reason: To ensure that the repair works to the listed building are undertaken in a timely manner in accordance with East Staffordshire Local Plan Policies SP25 and DP5 and the National Planning Policy Framework.

Informatives

Informative 1: Engagement (Proactive)

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.

Informative 2: Pre-commencement Conditions

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

Condition No's. 3,4 and 11

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

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.

Informative 3: During development conditions

The condition identified below require details to be approved during the development/works.

Condition No. 7, 8 and 9

This means that a development may not be lawful unless the particular requirements of these conditions have been met.

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.

Informative 4: 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.

Informative 5: Gas Infrastructure

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The

applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Informative 6: Landscaping and Trees

The applicant is advised that in complying with Condition 4 above regarding the submission of a landscaping scheme, the scheme should include plant species of known wildlife value, and additional tree within the site to compensate for the loss of trees.

Informative 7: Ecology

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

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

Informative 8: Highway Works Agreement

Please note that prior to the access being constructed, a Section 184 Notice of Approval from Staffordshire County Council is required. It is likely that there will be the need for the highway drainage ditch to be cleared and not obstructed by the works required to construct the access which is likely to require some sort of structure the details of which will need to be approved as part of this agreement. Please email nmu@staffordshire.gov.uk for further details. The link below provides an overview of the permissions and licences required for undertaking work on or adjacent to the adopted highway:
<https://www.staffordshire.gov.uk/Highways/licences/Overview.aspx>

Informative 9: Party Wall Act and Ownership

The applicant's attention is drawn to the provisions of The Party Wall etc. Act 1996, which may have implications for this development.

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.

Informative 10: Associated Application

You are reminded to also comply with the conditions of Listed Building Consent application ref: P/2023/01353.

Informative 11: Hedgehog Highways

The applicant/developer is advised that it is recommended that all close boarded fencing and solid walling should have provision for hedgehog holes comprising gaps of no less than 130mm per 10m or maintain 120mm clearance from ground level.

Application 2 – Listed Building Consent**Grant listed building consent subject to the following conditions****Condition 1 - Time Limit - Std for Listed Building Consent/Conservation Area**

The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: To conform with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2 – Approved Plans/Documents Listed Buildings

The works hereby granted consent shall be carried out in accordance with the following approved plans/documents subject to compliance with other conditions of this consent:

Site Plan (Ground Floor) 39731 rev d received 02.04.2024
Plot 1 Proposed floor plans ref 3973 10 dated as received 05.12.2023
Plot 1 Proposed Elevations ref 3973 11 dated as received 05.12.2023
Plot 1 Proposed Demolition Plans ref 3973 17 dated as received 11.01.2024
Plot 1 Bifold doors detail ref 3973 18 dated as received 16.01.2024
Plot 2 Proposed Plans and Elevations 3973 3 Rev A received on 02.04.2024;
Plot 3 Proposed Elevations 3973 6 revB received 02.04.2024;
Proposed Details 3973 20 received on 02.04.2024;
Block Plan 3973 dated as received on 08.01.2024;
Design and Access Statement ref 011223 dated as received 05.12.2023
Planning Statement ref 301123 dated as received 05.12.2023
Heritage Report by Benchmark Archaeology dated as received 05.12.2023

Reason: For the avoidance of doubt to ensure the works will not adversely affect the appearance and character of this listed building in accordance with East Staffordshire Local Plan Policies SP25 and DP5, Abbots Bromley Neighbourhood Plan Policy DAH and the National Planning Policy Framework.

Condition 3 - Materials

No works shall commence until samples of the types and colours of materials to be used on the external elevations are provided on site for inspection and approval in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: For the avoidance of doubt to ensure the works will not adversely affect the appearance and character of this listed building in accordance with East Staffordshire Local Plan Policies SP25 and DP5, and the National Planning Policy Framework.

Condition 4 - Window and Door Opening Details

The works shall be implemented in accordance with the approved detailed 1:20 drawing 3973 – 20 received 02.04.2024

All windows must be flush fitted and not stormproofed with no visible trickle vents

Reason: For the avoidance of doubt to ensure the works will not adversely affect the appearance and character of this listed building in accordance with East Staffordshire Local Plan Policies SP25 and DP5, Abbots Bromley Neighbourhood Plan Policy DAH and the National Planning Policy Framework.

Informatives:**Informative 1: 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.

Informative 2: Pre-commencement Conditions

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

Condition No. 3.

This means that a development may not be lawful until the particular requirements of these conditions have been met.

The 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 the Local Planning Authority 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.

Informative 3: Associated Application

You are reminded to also comply with the conditions of Detailed Planning Permission ref: P/2023/01348.

18 Background papers

18.1 The following papers were used in the preparation of this report:

- Papers on Application file ref: P/2023/01348
- Papers on Application file ref: P/2023/01353
- The Local and National Planning Policies and Supplementary Planning Documents outlined in the report above

19 Human Rights Act 1998

19.1 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 potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

20 Crime and Disorder Implications

20.1 It is considered that the proposal does not raise any crime and disorder implications.

21 Equalities Act 2010

21.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

For further information contact: Erica Buchanan
Telephone Number: 01283 508615
Email: dcsupport@eaststaffsbc.gov.uk