



Appeal Decisions

Site visit made on 5 February 2025

by **B Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 February 2025

Appeal A Ref: APP/K3415/W/24/3350671

Land North of 176 Birmingham Road, Shenstone Woodend, LICHFIELD, Staffordshire WS14 0NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr A Kirby against the decision of Lichfield District Council.
 - The application Ref is 24/00256/FUL.
 - The development proposed is erection of a single dwelling.
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Appeal B Ref: APP/K3415/W/24/3350672

Land South of 176 Birmingham Road, Shenstone Woodend, LICHFIELD, Staffordshire WS14 0NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr A Kirby against the decision of Lichfield District Council.
 - The application Ref is 24/00140/FUL.
 - The development proposed is erection of a single dwelling.
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Decision

1. Appeal A is allowed, and planning permission is granted for the erection of a single dwelling at Land North of 176 Birmingham Road, Lichfield, WS14 0NX in accordance with the terms of the application, Ref 24/00256/FUL, and the plans submitted with it, subject to the conditions in the attached schedule A.
2. Appeal B is allowed, and planning permission is granted for the erection of a single dwelling at Land South of 176 Birmingham Road, Lichfield, WS14 0NX in accordance with the terms of the application, Ref 24/00140/FUL, and the plans submitted with it, subject to the conditions in the attached schedule B.

Applications for costs

3. Applications for costs have been made by Mr A Kirby against Lichfield District Council, in relation to both Appeals A and B. These are the subject of a separate decision.

Preliminary Matters

4. The proposed developments that relate to appeals A and B are similar. Both schemes relate to the erection of a dwelling. Appeal A relates to a site north of the existing dwelling of 176 Birmingham Road (No 176) whilst the appeal that relates to appeal B is to its south. Where relevant I will discuss the effects of each scheme separately and elsewhere, together, where they have shared/similar effects.

5. No 176 was subject to a linked appeal decision¹, which was allowed in 2021, for the erection of two dwellings ('the allowed appeal'). These appear to be located in similar positions to those proposed within the current appeals. The Decision Notice of that appeal considered main issues of whether the site was a suitable location for housing with respect to its relationship to the remaining settlement and its suitability in providing access to goods and services. As this decision has since lapsed, it does not present a material fall-back position as it could not be implemented. However, it is clearly relevant to the current appeal proposals and demonstrates that similar development has been found to be acceptable in the recent past. I will return to this matter later.
6. The appeal sites are within the West Midlands Green Belt. The appeal sites are found to be within the village, and each would infill a small gap in an otherwise continuous built-up frontage. As such, both proposals would be deemed to not be inappropriate development in accordance with paragraph 154(e) of the National Planning Policy Framework (the Framework). I note that this conclusion is consistent with the previous positions taken both in the allowed appeal decision and by the Council. As such, I do not need to consider Green Belt matters further.
7. A layout plan is in evidence that shows the visibility splays from both access points and includes a tracking plan² ('combined layout plan'). This plan was submitted in support of the allowed appeal in 2021. This plan was also submitted to the Council during the consideration of these applications following the appellant's receipt of highway comments. The Highway Authority has commented on this combined layout plan in its Statement of Case³ and therefore parties would not be prejudiced by me also taking it into account.
8. This plan only partly relates to the proposal as it also includes a new dwelling replacing the existing house. Nonetheless, both red-lined site plans show the access points in a similar location on each respective submission demonstrating a consistency between the plans. Separately, whilst the existing access (alongside 174 Birmingham Road) would be closed there are no details of this. Also, the associated application form declares there would be no changes to the site access. The combined layout plan partly contradicts other plans and statements. Nonetheless, it is clear that the proposed schemes would be sited adjacent to the existing retained dwelling and that a new access is proposed and the existing one to the south would be retained. I therefore do not regard these conflicts to be fundamental flaws of either submission.

Main Issues

9. The main issues for appeals A and B are:
 - The effect of the proposed scheme on protected trees, and
 - The effect of the proposal on highway safety, with particular respect to vehicle visibility and on-site manoeuvring.
10. The main issues, only relevant to appeal B are:
 - The effect of the proposed development on protected species and

¹ Planning Appeal Decision: APP/K3415/3261119

² Plan Reference: Access Visibility Splays and Vehicle Tracking, 19449-01 rev A, July 2018

³ Staffordshire County Council Statement, A Piechocki, October 2024

- Whether the proposal would make a suitable net gain to biodiversity.

Reasons

Effect on trees

11. The appeal site is part of the grounds of No 176. The grounds are subject to an Area Tree Preservation Order⁴ (TPO). Policy NR4 of the Lichfield District Local Plan Strategy [2015](LP) states that the Council will protect trees and woodland from damage. It states that these will be retained, unless it can be demonstrated that their removal is necessary, and that appropriate mitigation can be achieved. The policy also states that the Council's Tree, Landscaping and Development SPD [2016] should be paid regard to.
12. The SPD states, at paragraph 2.5, that for sites that contain trees, or where there are trees within 15 metres of the site, tree information would be required. This also states that such information is required for all sites in conservation areas and where there are trees protected by a TPO. However, this also states that dependent on the scale and form of development details may be required such as a tree and topographical survey and a tree constraints/protection plan.
13. The site associated with Appeal A consists of a side extension of No 176 and a flat roofed tandem garage and workshop. There is also a temporary office building located behind the side extension within the site. There is a tall hedge along the site's frontage and mature trees within the rear garden of 174 Birmingham Road (No 174). There are also several trees within the rear garden of No 176 and a tall tree in front of the house to the immediate south of No 176. However, there are no trees within the appeal site itself.
14. Plans submitted for a previous application⁵ demonstrate that the appeal site for appeal A was previously annotated as 'plot 3'. This demonstrates the location of trees within the site, which seem to be similar to the tree positions I have observed and further confirm that no trees would be within the appeal site. A boundary tree within the garden of No 174 is substantially recessed into its rear garden. As such, even if this off-site is subject to the Area TPO, there it would be unlikely that its roots or canopy would be affected by the proposal. The installation of new boundaries, such as fencing, could be subject to a condition to ensure roots would not be affected by such features.
15. The site associated with appeal B includes single storey side extensions to the dwelling of No 176 and part of the extensive rear and side garden. There are trees close to the rear boundary of the garden of No 176. However, the appeal site does not seem to include this group. Even if some of these are close to the rear boundary of the plot for appeal B, these would only be affected to a marginal extent by boundary fence works. Furthermore, a previous plan⁶ has plotted the trees on site in relation to a similar plot of the proposed dwelling of appeal B. Although this shows a different, red-lined site around the front of the plot, this plan clearly demonstrates that the trees in the rear part of the existing garden would be beyond the rear boundary of the proposal.

⁴ TPO Reference: 2007/19299/TPO

⁵ Plan Reference: Plans and Elevations: 21047-P-101 Rev C

⁶ Plan Reference: Proposed Layout of Southern Plot, 15-027-22-01, dated Jan 2022

16. Accordingly, although trees that would be protected by the TPO are within the wider grounds of No 176, neither proposal would affect trees subject to the Area TPO. The sites associated with appeals A and B are parcels within these grounds and do not include protected trees. Accordingly, any arboricultural survey prepared for the proposed developments would unlikely to demonstrate that protected trees would be affected by either proposal.
17. Therefore, whilst the Council has applied a precautionary principle in the interests of the protection of trees, this takes an overcautious approach to development without adequate regard to the limits of the proposed development or whether conditions could provide sufficient and proportionate protection. A condition could be applied to safeguard existing trees, by requiring details of the type and position of protective fencing and provide root protection areas, to ensure that nearby trees would not be adversely affected by either proposal.
18. Accordingly, the proposal the subject of both appeals A and B would not materially affect trees protected by the Area TPO. As such, both proposals would comply with LP policies BE1 and NR4, Trees Landscaping and Development SPD and the Framework. These require development, among other matters, to retain trees and woodland from damage and prevent conflicts between buildings and retained trees.

Highway safety

19. The appeal sites for both appeals A and B would use a shared frontage and access arrangement. Two access points would be utilised, consisting of the existing access (Access A) and the closure of a second access alongside No 174, and its replacement with a new access (Access B) in a more central location. The appeal sites would be accessed via Birmingham Road (A5127). Through Shenton Woodend this road is subject to a 40mph speed restriction. The road here is generally flat and straight.
20. The combined layout plan shows visibility splays of 2.4m by 120m, as sought by the Council, and tracking plans. Access A has a vehicle visibility splay plotted by a purple line and the splay for Access B is shown with a blue line. The Highway Authority states that when measured these are not the stated dimensions, are not drawn to scale and that the new access does not include an x-distance. However, whilst Access B is absent an x-distance, it is clear in comparison to the drawn dimension of Access A that the appellant's stated x-distance of 2.4m has been used to create the shown visibility splays for Access B. Also, whilst the Authority states the splays are inaccurate it does not explain what the shortfall would be or has offered an alternative visibility splay drawing. However, the appellant has not specifically addressed the Highway Authority's criticism of the drawing's accuracy. I therefore question its reliability and attribute this drawing reduced weight.
21. My observations during my visit noted that the footway width around Access A and B appeared to be consistent to many neighbouring properties along Birmingham Road. This establishes the extent of visibility evident from a wide number of local driveways along this part of Birmingham Road, many of which also do not include the provision of on-site turning capability, in contrast to the proposal. Therefore, the proposed access for both schemes would offer a similar or improved arrangement in comparison to the established local highway context. Furthermore, based on my site observations any deficiency in the visibility splay would be minor

and this could be addressed through the imposition of a condition requiring that accurately dimensioned splays be provided and maintained for the life of the proposal.

22. Also, whilst the visibility splays are not shown to their full limits, I observed there are unobstructed views within the footway and grass verge for a reasonable distance in both directions. As there is no evident obstruction that would prevent visibility from either access A or B, the access points would appear to present no greater risk to highway safety than motorists who use the other access points along this section of highway. Accordingly, I am satisfied that the access arrangements would function well without causing detriment to highway safety.
23. In terms of on-site parking and manoeuvring, the combined plan shows that parking spaces, including provision for No 176, could be accommodated within the frontage. The Highway Authority has raised concerns that the vehicle tracking plan shows that the existing access cannot adequately accommodate vehicles entering the site and that proposed parking spaces are of inadequate size. Manoeuvring into access A shows some kerb overrun at the entrance. Nonetheless, this overrun is slight and demonstrates that the access could be entered or egressed in one simple move.
24. Some of the parking spaces appear to be drawn smaller, on the combined plan, than are required by the Council. The Highway Authority remark that spaces should be 2.4m wide and 4.8m in length with an aisle width of 6m. The size of the spaces as drawn are not dimensioned and the Authority has not stated what the shortfall is considered to be. However, based on my site observations, any drawn shortfall seems to be minor. Furthermore, the strict application of dimensional requirements seems more applicable to commercial car parking, or dwellings on small plots, than that which should be sought on the proposed domestic frontages. In this case, there is sufficient space within the frontages, of both the appeal sites and the existing dwelling, to accommodate the required spaces and any required cycle parking provision.
25. Furthermore, the Inspector of the allowed appeal noted that the access to the sites, and their parking and turning areas, could be suitably provided within them. It was found by the Inspector that, in common with the Council and the Local Highway Authority, that the proposals did not raise any highway safety issues. The Council has not demonstrated any change to policy, or physical changes to either the proposed access arrangements or the local highway, that would enable me to come to a different conclusion on this matter.
26. Consequently, despite attracting reduced weight to the visibility splay and tracking plan, I find that the context of both sites leads me to conclude that both of the proposals would function well. Therefore, these would not cause harm to highway safety. Accordingly, both schemes of appeals A and B would comply with paragraphs 115 and 116 of the Framework that, among other matters, require development to ensure that safe and suitable access can be achieved for all users and to only refuse development on highway grounds if it would lead to an unacceptable impact on highway safety.

Effect on protected species

27. The site of Appeal A consists of a long garage building and workshop, a demountable building and single storey side extensions of No 176. The remaining

areas of this plot largely consist of hardstanding. The Council states that the submitted Bird and Bat Survey⁷ found no evidence of birds or bats and it was satisfied that enhancement measures for local wildlife could be secured by planning conditions.

28. The site associated with Appeal B consists of the side garden of No 176. This area includes boundary hedging, shrubs, mown grass areas and hardstanding areas in front of the existing dwelling. It also includes the single storey side extension of No 176. During my visit I did not observe any ponds or standing water that might increase the biodiversity interest of the site. The submitted Bird and Bat Survey⁸, in specifically considering the site to the south of No 176, found no evidence of birds or bats in the side extension or site. It also found that these did not include any roosting opportunities. Ecological enhancements were recommended in the form of bird and bat boxes within the north and south elevation of the proposed dwelling respectively, which could be secured by way of a condition.
29. The bird and bat survey, of February 2024 for the south site, was submitted at a late stage in the Council's assessment of the proposal. The Council indicates that it was unable to take this into account as part of the submission prior to making its decision in March 2024. The Council therefore concluded that the only submitted ecological survey, was out-of-date and could not be relied on. It was entitled to reject information submitted late in the interests of making decisions within expedient timeframes.
30. Nonetheless, the Council had ample opportunity to consider the Bird and Bat survey in consultation with its ecologist, as part of its consideration of the appeal submission. However, it has not provided a response to this other than suggesting that the assessment of protected species extends to beyond considerations of just birds and bats. A broad range of protected species are listed by Schedule 2 of the Conservation of Habitats and Species Regulations, but the Council has not provided evidence that the site exhibits signs of these. Moreover, it was satisfied with the extent of ecological work, in the form of a bird and bat survey, submitted in support of the site associated with appeal A. Accordingly, the evidence before me does not provide any reasoned justification for the need for any additional ecological assessment.
31. As such, there is no clear reason to conclude that the proposal would result in harm to ecological interests. Accordingly, the proposal associated with appeal B would not result in harm to the habitat of birds or bats or other identified ecological interests. Consequently, the proposal would accord with LP policies CP3, CP13 and NR3 and the Framework. These seek, inter alia, for development to make prudent use of natural resources and safeguard existing ecological resources.

Biodiversity

32. LP policy NR3 requires development to maximise opportunities for enhancement of natural habitat and to incorporate beneficial biodiversity features. Furthermore, paragraph 187 of the Framework requires policies and decisions to contribute to and enhance the local environment through a range of measures including by minimising impacts on and providing net gains for biodiversity.

⁷ Bird and Bat Survey (north site), by S Christopher Smith, February 2024

⁸ Bird and Bat Survey (south site), by S Christopher Smith, February 2024

33. The appeal site, of appeal B, includes a hard surfaced frontage and relatively generous rear garden, together with the dwelling itself. As such, the site includes sufficient space to incorporate new planting that could enhance the green infrastructure and habitat on site. The submitted bird and bat survey included recommendations to enhance habitat through the provision of bird and bat boxes. A condition could be attached to an approval to require the submission of a scheme for biodiversity enhancement and habitat management.
34. Therefore, whilst the Council notes that the proposed landscaping scheme does not demonstrate how it would contribute to a net gain of biodiversity, landscape planting could be proposed that would enhance habitat creation in accordance with an agreed Habitat Management Plan. I am satisfied that these measures would ensure that the proposal delivers a suitable net gain for biodiversity as sought by the Council.
35. Consequently, the proposal associated with appeal B would be capable of making a suitable contribution towards biodiversity in compliance with LP policies NR3 and NR4, the Council's Biodiversity and Development SPD and the Framework. These seek, among other matters, for development to incorporate beneficial biodiversity and for schemes to make provision for the creation of new habitats.

Other Matters

36. The proposals the subject to appeal A and B would include a level of parking provision on both sites that would meet the Council's requirements. Therefore, there is no clear reason, offered within the evidence before me, that parking demand could not, and would not, be accommodated within the limits of each appeal site.
37. Concerns have been raised with respect to construction disturbance with particular regard to potential on-street parking and hours of use. The appeal sites are of sufficient space to ensure most construction activity can be accommodated on site. Therefore, demand for any on-street parking would be limited and temporary in nature. The hours of construction could be suitably managed through the imposition of a condition to protect the living conditions of neighbouring occupiers.
38. With respect to appeal A, an interested party has raised concerns as to the potential affect of the proposal on their foundations and seeks a party wall agreement. This is a civil matter that would need to be resolved between adjacent landowners and has no bearing on the appeal.
39. Also, regarding appeal A, the proposed design of the dwelling would complement the existing dwelling of No 176. Therefore, as the area includes a variety of housing styles, forms and materials, the proposal would be of a suitable and complementary design.
40. With respect to concerns of suitable drainage, the proposals associated with appeals A and B would put limited additional loading onto the existing drainage system. Specific drainage details have not been included in either submission, but these can be adequately secured through the imposition of suitably worded conditions.

Conditions for Appeal A

41. I have considered the use of conditions in line with the guidance set out in the Planning Practice Guidance (PPG). The Council has not suggested conditions, for the proposal associated with appeal A, but has stated that it would accept the imposition of the conditions suggested by the appellant. I shall take the appellant's suggested conditions into consideration and impose most of these with some amendments and adjustments for clarity.
42. I have imposed the standard conditions with respect to timeframe and approved plans as advised by the PPG for clarity and certainty [conditions 1 and 2]. Conditions would be required to protect existing trees, to require new landscaping, require details of external lighting and submit a habitat management plan to enhance the ecological interests of the site, protect wildlife and create a net gain to biodiversity [3, 5, 6, 9, 12, 14 and 15]. A condition is also required for drainage in the interests of public health and to minimise flood risk [4]. Also, details regarding external materials would be required in the interests of the character and appearance of the area [10].
43. I have adjusted suggested condition 8 in line with the details sought by the Highway Authority with respect to visibility splays, surface treatment and other highway works to ensure these features are provided in accordance with Highway requirements and in the interests of highway safety [8]. Also, conditions are required for the provision of on-site parking, cycling and for the submission of a construction vehicle management plan in the interests of highway safety and to promote the use of sustainable modes of transport [7, 11 and 16]. Furthermore, a condition to manage the hours of construction would be necessary in the interests of the living conditions of neighbouring occupiers [13].
44. The Council supports the imposition of a condition to remove permitted development (PD) rights. However, paragraph 55 of the Framework is clear that conditions should not be used to restrict PD rights unless there is clear reason to do so. Reasons have not been provided to justify the removal of such rights. These sites are within a linear row of established residential development. Thus, there is no clear reason why, despite being within the Green Belt, that these rights should be removed. The Highway Authority has requested a condition to require the provision of a car charging point. However, this is a matter required by Building Regulation and it would be inappropriate to duplicate the requirements of other legislation.

Conditions for Appeal B

45. Again, the Council has not suggested conditions for the proposal associated with appeal B, but has stated that it would accept the imposition of the conditions suggested by the appellant. I shall take the appellant's suggested conditions into consideration and impose most of these with some amendments and adjustments for clarity. The conditions for appeal B are similar as those for appeal A and have been imposed for similar reasons. My comments with respect to the Council's request for the removal of PD Rights and the Highway Authority's request for an electric car charging point are equally applicable as not being required with regard to appeal B.

Conclusion

46. For the reasons given above, both proposals would comply with the development plan when taken as a whole and there are no material considerations, including the Framework, that would outweigh this finding. For the above reasons, Appeals A and B are allowed.

B Plenty

INSPECTOR

Appeal A Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings: 6506.98 Site Layout/Location North 1.1250; 6506.01 Street Scene Northern Plot; 21047 P 101C Proposed Plan and Elevations; BLS 15 027 22 03b 176 Proposed Plot 2 North Garden Landscaping; and BLS 15 027 22 02 Proposed Layout of North Plot.
- 3) Prior to the commencement of development, including any demolition and/or site clearance works, or any equipment, machinery or materials is brought onto site, full details of protective fencing and/or other protective measures to safeguard existing trees and/or hedgerows on the site, shall be submitted to and approved in writing by the Local Planning Authority. The agreed (tree/hedge) protection measures shall thereafter be provided in accordance with the approved details and retained for the duration of construction (including any demolition and/or site clearance works). No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas. The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment, machinery and surplus materials have been removed from the site.
- 4) Prior to the commencement of development, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and thereafter retained for the life of the development.
- 5) Prior to the commencement of development, a detailed landscape and planting scheme (incorporating any existing trees and hedges to be retained) shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape and planting scheme shall thereafter be implemented within eight months of the development first being brought into use.
- 6) Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site and which dies or is lost through any cause during a period of 5 years from the date of first planting shall be replaced in the next planting season with others of a similar size and species.
- 7) Prior to the commencement of development, including any site clearance works, a Construction Vehicle Management Plan that include details of the site compound, types of vehicles, provision for parking of vehicles for site operatives and visitors, loading and unloading of plant and materials, and storage of plant and materials used in constructing the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved details and maintained throughout the construction period.

- 8) Notwithstanding any details shown on the approved plans, the development hereby permitted shall not be commenced until details of the proposed site access arrangements have first been submitted to and approved in writing by the Local Planning Authority. These shall include: Visibility splays of 2.4m x 120m from both site accesses; Details of the site access form (i.e. dropped kerb crossing) and widths; Vehicle tracking demonstrating cars can safely access and egress the site accesses and car parking spaces; The existing northern site access closed off and made good with full height kerbs, footway and verge reinstated; and Surfacing treatments at the site accesses using a porous bound material for a minimum of 6m from the rear of the carriageway edge. The works shall thereafter be provided in accordance with the approved details prior to first use of the development hereby permitted.
- 9) Prior to the commencement of development, a scheme of biodiversity enhancement and Habitat Management Plan (HMP) shall be submitted to and agreed in writing by the Local Planning Authority. The biodiversity enhancement measures shall be provided prior to the first occupation of the dwellings hereby approved and retained/managed in accordance with the HMP for the lifetime of the development.
- 10) Notwithstanding any description/details of external materials in the application documents, no development shall take place, above slab level of the hereby approved development, until details of all external facing materials, including colour, size and texture, and boundary treatments, have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved details and thereafter retained as such for the life of the development.
- 11) The dwelling hereby approved shall not be occupied until the access, parking and turning areas to serve the respective dwelling has been provided in accordance with the approved plans, including the details required pursuant to condition 8, above.
- 12) Prior to the installation of any external lighting, full details of the lighting including its design, appearance and luminance levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved lighting details and thereafter retained as such for the life of the development.
- 13) During the period of construction of any part of the development, no works including deliveries, shall take place outside the following times: 07:30am – 19:00pm hours Monday to Friday and 08:00am – 13:00pm hours on Saturdays and at no time on Sundays, Bank and Public holidays (other than emergency works).
- 14) The development hereby approved shall be carried out in strict accordance with the recommendations and methods of working detailed within the submitted 'Bat and Bird Surveys' (north site), produced by S Christopher Smith, dated 1 February 2024. In addition, prior to any part of the garage being demolished, a check should be undertaken to ensure there are no birds nesting in/on any part of the garage. Should any nests be found, advice should be sought from an appropriately qualified person, to include recommendations of how to proceed with demolition. Demolition shall be completed in accordance with the recommendations provided.

- 15) Before the development hereby approved is first occupied, the mitigation measures detailed within the submitted 'Bat and Bird Surveys' (north site), produced by S Christopher Smith, dated 1 February 2024, shall be fully implemented. The mitigation measures shall thereafter be retained for the lifetime of the development.
- 16) Before the dwelling hereby approved is first occupied, details of a covered, secure cycle store shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle store shall be provided prior to the approved dwelling being first occupied and retained thereafter for the lifetime of the development.

End of conditions

Appeal B Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings: 6506A.99 Site Location South 1.1250; 6506A.02 Street Scene Southern Plot; 6506A.03 Floor and Elevation Plans Southern Plot; 19449 01 Rev A Access Visibility Splays and Vehicle Tracking; BLS 15 027 22 03a 176 Proposed Plot 1 South Garden Landscaping and 15 027 22 01 Proposed Layout of Southern Plot.
- 3) Prior to the commencement of development, including any demolition and/ or site clearance works, or any equipment, machinery or materials is brought onto site, full details of protective fencing and/or other protective measures to safeguard existing trees and/or hedgerows on the site, shall be submitted to and approved in writing by the Local Planning Authority. The agreed (tree/hedge) protection measures shall thereafter be provided in accordance with the approved details and retained for the duration of construction (including any demolition and/or site clearance works). No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas. The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment, machinery and surplus materials have been removed from the site.
- 4) Prior to the commencement of development, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and thereafter retained for the life of the development.
- 5) Prior to the commencement of development, a detailed landscape and planting scheme (incorporating any existing trees and hedges to be retained) shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape and planting scheme shall thereafter be implemented within eight months of the development first being brought into use.
- 6) Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site and which dies or is lost through any cause during a period of 5 years from the date of first planting shall be replaced in the next planting season with others of a similar size and species.
- 7) Prior to the commencement of development, including any site clearance works, a Construction Vehicle Management Plan that include details of the site compound, types of vehicles, provision for parking of vehicles for site operatives and visitors, loading and unloading of plant and materials, and storage of plant and materials used in constructing the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved details and maintained throughout the construction period.

- 8) Notwithstanding any details shown on the approved plans, the development hereby permitted shall not be commenced until details of the proposed site access arrangements have first been submitted to and approved in writing by the Local Planning Authority. These shall include: Visibility splays of 2.4m x 120m from both site accesses; Details of the site access form (i.e. dropped kerb crossing) and widths; Vehicle tracking demonstrating cars can safely access and egress the site accesses and car parking spaces; The existing northern site access closed off and made good with full height kerbs, footway and verge reinstated; and Surfacing treatments at the site accesses using a porous bound material for a minimum of 6m from the rear of the carriageway edge. The works shall thereafter be provided in accordance with the approved details prior to first use of the development hereby permitted.
- 9) Before the development hereby approved is commenced, a scheme of biodiversity enhancement and Habitat Management Plan (HMP) shall be submitted to and agreed in writing by the Local Planning Authority. The biodiversity enhancement measures shall be provided prior to the first occupation of the dwellings hereby approved and retained/managed in accordance with the HMP for the lifetime of the development.
- 10) Notwithstanding any description/details of external materials in the application documents, no development shall take place, above slab level of the hereby approved development, until details of all external facing materials, including colour, size and texture, and boundary treatments, have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved details and thereafter retained as such for the life of the development.
- 11) The dwelling hereby approved shall not be occupied until the access, parking and turning areas to serve the respective dwellings has been provided in accordance with the approved plans, including the details required pursuant to condition 8, above.
- 12) Prior to the installation of any external lighting, full details of the lighting including its design, appearance and luminance levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved lighting details and thereafter retained as such for the life of the development.
- 13) During the period of construction of any part of the development, no works including deliveries, shall take place outside the following times: 07:30am – 19:00pm hours Monday to Friday and 08:00am – 13:00pm hours on Saturdays and at no time on Sundays, Bank and Public holidays (other than emergency works).
- 14) The development hereby approved shall be carried out in strict accordance with the recommendations and methods of working detailed within the submitted 'Bat and Bird Surveys' (south site), produced by S Christopher Smith, dated 1 February 2024. Demolition shall be completed in accordance with the recommendations provided.
- 15) Before the development hereby approved is first occupied, the mitigation measures detailed within the submitted 'Bat and Bird Surveys' (south site), produced by S Christopher Smith, dated 1 February 2024, shall be fully

implemented. The mitigation measures shall thereafter be retained for the lifetime of the development.

- 16) Before the dwelling hereby approved is first occupied, details of a covered, secure cycle store shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle store shall be provided prior to the approved dwelling being first occupied and retained thereafter for the lifetime of the development.

End of conditions