

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

Site:	Ashleigh House, 11 High Street, Tutbury, DE13 9LP
Proposal:	Listed Building application for the replacement of windows to side and rear elevations, in substitution for those conditionally approved under reference P/2015/01332.

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by John Kirkham

[Hyperlink to Application Details](#)

Application Number:	P/2016/01737	
Planning Officer:	Charlotte El Hakiem	
Type of Application:	Listed Building Consent	
Applicant:	Miss Emma Guest	
Ward:	TUTBURY	
Ward Member (s):	Councillor D H Goodfellow Councillor S P Gaskin	
Date Registered:	14 December 2016	
Date Expires:	24 January 2017	

The application has been called to committee by Councillor Gaskin for the following reasons:

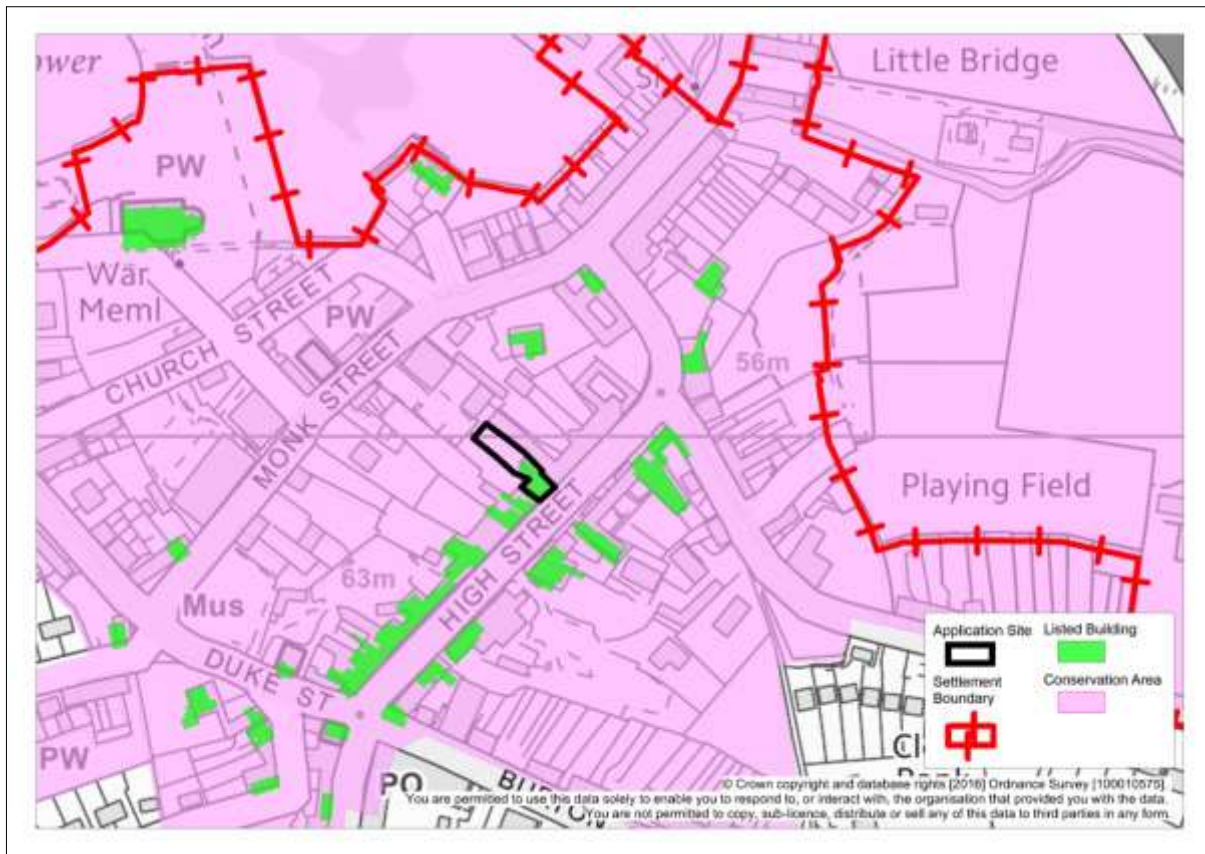
The replacement windows that are requested do not follow the planning policy of ESBC as they are not traditional wooden windows. Windows constructed of other materials however can be used with written permission from the planning department.

I would like to call this application in so that the committee can see for themselves if they think that windows of other materials are a viable substitution on this occasion.

1. Executive Summary

- 1.1 Listed Building consent is sought for the replacement of 21 wooden windows, comprising of 19 PVCu and 2 timber windows on the rear and side elevation.
- 1.2 The application site is a Grade II Listed Building at 11 High Street, known as Ashleigh House.
- 1.3 Historic England has concerns over the details of the proposed windows and the use of PVCu. They recommend that further details and a sample of the windows are submitted.
- 1.4 A representation has been received from Tutbury Civic Society which has no objections. Tutbury Parish Council has no objections and the application has been called in by Councillor Gaskin.
- 1.5 The proposal would have an adverse impact on the character and appearance of this Grade II listed building contrary to national and local planning policy and the Planning (Listed Buildings and Conservation Areas) Act 1990

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 Ashleigh House is a Grade II Listed Building situated on Tutbury High Street. The property is a late 18th century townhouse. The property is situated in a row and attached to 10 High Street via a link building known as 10a High Street, both of which are also listed buildings. All three buildings were listed in 1952 and are located within the Tutbury Conservation Area.
- 2.2 The property is 3 storeys and has a well proportioned front elevation with traditional sash windows. The site has been used for residential use and, prior to the current ownership, has been subject to unsympathetic alterations and construction. The interior has been subdivided and windows replaced with larger, untraditional openings, particularly on the side and rear elevations. Windows on the rear elevation are of mixed style and shape. The openings have been enlarged and replaced with timber windows with top hung lights, which are considered to be modern and out of character and not typical with the period of the property.
- 2.3 The listed building description is *Town house of circa 1810. Red brick with tiled roof and brick stacks. Of 3 bays with sash windows and doorway having engaged Doric columns, pediment and radial fanlight.*
- 2.4 The property is currently being converted to create 7 flats following the use of the property for bedsits for a number of years. The interior works have planning permission and listed building consent as set out in the Planning History section of this report.

3. Planning history

- 3.1 LB/06048/014 Change of use from bakery to betting shop approved 18th November 1991
- 3.2 LB/06048/024 Change of use of part of ground floor from residential to form extension to tea room. Approved 15th August 1997.
- 3.3 P/2015/01331 Change of use of existing cafe to form a residential flat and internal alterations to form 4 flats from existing bedsits and alterations to the layout of the existing 3 flats approved June 2016.
- 3.4 P/2015/01332 Listed Building consent for internal works to form 4 flats and alterations to 3 existing flats. Approved 24th June 2016.

4. The proposal

- 4.1 An Application for listed building consent for the replacement of 21 windows on the side and rear elevations. 19 windows are proposed to be constructed from PVCu and 2 timber windows on the side elevation.
- 4.2 Listed Building consent was granted in 2016 for the internal works to create 7 flats, as part of the approved works replacement timber windows were approved on the side and rear elevations. The applicant had applied for PVCu windows, including replacement of the front traditional sash windows. However, the LPA advised in the life of the application that these windows would not be acceptable and revised timber casement windows were approved. The applicant now wishes to supersede these previously approved windows with PVCu windows.
- 4.3 A listed building is a building which has been designated because of its special architectural or historic interest and (unless the list entry indicates otherwise) includes not only the building itself but also:
 - any object or structure fixed to the building
 - any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948
- 4.4 Any works to demolish any part of a listed building or to alter or extend it in a way that affects its character as a building of special architectural or historic interest require listed building consent, irrespective of whether planning permission is also required. For all grades of listed building, unless the list entry indicates otherwise, the listing status covers the entire building, internal and external, objects fixed to it and sometimes also attached and curtilage buildings or other structures.
- 4.5 Listed building consent and planning permission are 2 separate regimes. So for some proposed works both planning permission and listed building consent will be needed and sometimes only one, or neither, is required. In this case listed building consent is being considered for the replacement windows only, as planning permission and listed building consent have been approved for the remainder of the works to the building.

- 4.6 Members are only considering the replacement of 21 windows on the side and rear elevations and no other internal works to the building.

List of supporting documentation

- 4.7 The following documents have been provided as part of the application:

P-2016_01737_Location and block plan.pdf
 P_2016_01737_Application Form.pdf
 P_2016_01737_Brochure.pdf
 P_2016_01737_Design Access and Heritage Statement.pdf
 P_2016_01737_Sketch elevations to show locations of proposed windows.pdf
 P_2016_01737_window schedule.pdf
 P_2016_01737_Window sections for WS4 and WS13.pdf

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

5. Consultation responses and representations

- 5.1 A summary of the consultation responses is set out below:

Statutory and non statutory consultee		Response
5.2	Parish Council	No objections - Tutbury Parish Council recommends that this application is approved on the basis that new window frames would be an improvement to the existing frames. Due to the position of the new windows they will not have a significant impact on the street view.
5.3	Historic England	With regard to the use of PVCu, the smooth, plasticised nature of the material can often generate an uncomfortable juxtaposition when introduced into a historic building. Furthermore, on multi-paned windows, the juncture where the glazing bars intersect can be rather crude. We would therefore strongly recommend that a sample of an entire window from the proposed Residence 9 series be submitted for your consideration, to enable you to fully assess the appearance and quality of this product.

6. Neighbour responses

- 6.1 No responses received.

Other responses	
Ward Member Cllr Gaskin	<p><i>The replacement windows that are requested do not follow the planning policy of ESBC as they are not traditional wooden windows. Windows constructed of other materials however can be used with written permission from the planning department.</i></p> <p><i>I would like to call this application in so that the committee can see</i></p>

	<i>for themselves if they think that windows of other materials are a viable substitution on this occasion.</i>
Tutbury Civic Society	No objections – The window frames to be replaced by upvc ones are not at the front of the building but to the sides and rear. Also the upper floors are not visible from the High Street and a number of windows are difficult to access for maintenance. We also felt it would be impossible to tell from High Street, whether the windows were upvc or timber. The committee are delighted to see a building being restored to a very acceptable level after 50 + years of neglect. upvc units will help cut down on condensation and future rot.

7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- SP1 East Staffordshire Approach to Sustainable Development
- SP25 Historic Environment
- DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology
- DP6 Protecting the Historic Environment: Other Heritage Assets

Other Documents

- Tutbury Conservation Area Document
- Historic England's guide to traditional windows.

8. Principle of Development

National Policy

- 8.1 Protecting and enhancing the historic environment is an important component of the National Planning Policy Framework's drive to achieve sustainable development. The appropriate conservation of heritage assets forms one of the 'Core Planning Principles' (paragraph 17 bullet 10) that underpin the planning system. This is expanded upon principally in paragraphs 126-141 but policies giving effect to this objective appear elsewhere in the National Planning Policy Framework.
- 8.2 Section 12 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. Paragraph 126 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.

- 8.3 The conservation of heritage assets in a manner appropriate to their significance is a core planning principle. Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits. Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in everyday use.
- 8.4 In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time.
- 8.5 Where changes are proposed the National Planning Policy Framework sets out a clear framework for both plan-making and decision-taking to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development.
- 8.6 Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So where the complete or partial loss of a heritage asset is justified, the aim then is to capture and record the evidence of the asset's significance which is to be lost.
- 8.7 Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (see in particular sections 16, 66 and 72) as well as satisfying the relevant policies within the National Planning Policy Framework and the Local Plan.
- 8.8 The National Planning Policy Framework (specifically paragraphs 17 and 128 to 141) states that work to a Listed Building should respect and preserve architectural heritage, with specific reference to *“the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness”*

9. Local Plan

- 9.1 East Staffordshire Local Plan Policy SP1 lists principles in determining whether proposals constitute sustainable development. One principle is that proposals integrate 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.
- 9.2 SP25 is a high level holistic historic environment policy which informs how development proposals should take into account a variety of different heritage assets. It tests development proposals by assessing heritage assets for their significance and on whether they have been informed by such assets and how potential harm can be mitigated. The policy states that development proposals should protect, conserve and enhance heritage assets and their settings,

taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes. The policy meets paragraph 126 of the NPPF which states that Local Planning Authorities should set out a positive strategy for the conservation and enjoyment of the historic environment in their Local Plans.

- 9.3 Detailed Policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. DP5 and DP6 relate to the historic environment, clearly setting out what is required as part of planning applications and what will be considered in the decision making process. The policies meet the policies of the NPPF by ensuring heritage assets are conserved in a manner appropriate to their significance.
- 9.4 Following the above policy context it is considered that the proposal is contrary to the emphasis of these policies, the assessment of harm is addressed below.

10. Impact on the character and appearance of the Grade II listed building

- 10.1 The proposal is the replacement of windows in a grade II listed building. The existing joinery in the property (rear and side elevations) is recognised by the Local Planning Authority as inappropriate and unattractive and not befitting of the building. It must be stressed that not in any way is the LPA looking for this style to be repeated or retained. It is therefore the consideration of whether the use of Residence 9 windows (PVCu composite windows) is appropriate in this listed building.
- 10.2 What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting.
- 10.3 Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.
- 10.4 While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.
- 10.5 A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under

consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

- 10.6 Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The extent and importance of setting is often expressed by reference to visual considerations. The site is visible from Monk Street and whilst it is argued that the naked eye would not be able to distinguish the difference between timber and PVCu it is considered that the reflective properties of the proposed material and broader profile of the windows would be noticeable.
- 10.7 In this case it is considered that the existing windows due their poor condition, unsympathetic design and poor relationship with the building do have a significant negative impact on the overall character and appearance of the building. Therefore the LPA and Historic England have no objection to their replacement with sympathetic alternatives. However it is considered that the proposed replacement window works, whilst minor in scale, are likely to cause similar harm to those existing by introducing a material and profile of window not traditionally used in a historic building.
- 10.8 Advice provided by Historic England in their document titled ‘Traditional Windows’ provides useful commentary on the loss and replacement of traditional windows in a listed building. It says ‘The loss of traditional windows from our older buildings poses one of the major threats to our heritage. Traditional windows and their glazing make a hugely important contribution to the value and significance of historic areas. They are an integral part of the design of older buildings and can be important artefacts in their own right, often made with great skill and ingenuity with materials of a higher quality than are generally available today. Furthermore, the distinctive appearance of antique hand-made glass is not easily imitated in modern glazing. Windows are particularly vulnerable elements of a building as they are relatively easily replaced or altered. Such work often has a profound affect not only on the building itself but on the appearance of street and local area. With an increasing emphasis being placed on making existing buildings more energy efficient, replacement windows have become a greater threat than ever before to the character of historic buildings and areas.’
- 10.9 In terms of setting the context for this application, the windows on the rear and side elevations of the property have been replaced at some point in the building’s history following its listing in 1952. The windows openings have been enlarged from their traditionally sized openings and replaced with modern top hung lights in most cases. The existing windows are however all constructed from timber and do have a slim profile. It is not argued that this application would see the loss of original joinery or joinery that is of any merit or marked importance and it is recognised that it is difficult when windows are replaced within a listed building without consent and no records of what the original windows looked like survive. It provides further complications to ascertain what the design of the original windows would have been. In the absence of this, windows of a simple construction which will not provide any significant harm to a listed building have been sought and previously approved. The revised windows in the previous listed building application

were submitted in a timber construction, flush fitting, side hung and simplistic design. The approved windows were also double glazed.

- 10.10 In essence, whilst side and rear elevations have less significance and less sensitivity to change due to the quality of the existing joinery, further loss of traditional timber materials would detract from the prevailing traditional character of the building and should not be used as justification for further unsympathetic alterations. Pages 25-27 of the Tutbury Conservation Area Document refer to the repair of buildings. The document considers that the use of contemporary materials such as PVCu windows can have a significantly detrimental effect on the character of a traditional building. This principle is further discussed below.
- 10.11 Historic England outline that pressures that threaten traditional windows come from many different sources. Probably the most significant of these is the replacement window industry that relies on PVC-u windows for almost all of its business. The industry has invested heavily in marketing over a long period and as a result has persuaded many home-owners that their old timber windows are rotten, draughty, and beyond economic repair, whereas in most cases minor repairs and some upgrading would have allowed them to remain fit for purpose and serviceable for years to come.
- 10.12 Replacement plastic (PVC-u) windows pose a threat to the heritage value of historic areas. Despite attempts at improving the design of these windows they are recognisable because they cannot match the sections, proportions and other properties of traditional joinery.
- 10.13 The applicant has not submitted any justification for the installation of this particular type of window other than lack of access and maintenance to the windows.
- 10.14 The proposed windows are constructed by a company called Residence 9 and they are the manufacturers of the composite window. They market the windows as a solution for planning and conservation issues. The LPA has seen previous examples of this brand of window being used successfully in traditional buildings such as farmhouses, barn conversions and in some conservation areas, but not listed buildings. The window creates a flush fitting casement in a composite material which when appropriately used can be an attractive window. They are designed to be energy efficient and require little maintenance.
- 10.15 However, it is still maintained that the materials of the windows are not appropriate for a listed building. On close and medium range inspection, uPVC windows have a uniform, machined appearance, lacking the texture of timber and, over time, they would weather differently from timber. The windows have a broader profile to that which can be achieved with timber alone. As the building is listed, it is also the appearance internally from within the building that is important too. The windows can be constructed with authentic hardware such as handles but again the profile of the window would be thicker than a traditional timber casement and it is not clear that an appropriate set back within the recess could be achieved. It is considered that the use of this material and profile would adversely affect the integrity of this Grade II listed building.

10.16 Once again Historic England’s published guidance states that ‘Off-the-peg joinery is of little aesthetic value and is unsympathetic to the visual qualities of historic buildings. The surface character, reflectivity and transparency of the glass are further aesthetic values to be considered. The appearance and character of PVC-u windows is highly likely to make them unsuitable for older buildings, particularly those that are listed or in conservation areas. PVCu is short for Poly Vinyl Chloride un-plasticised and these windows are assembled from factory-made components designed for rigidity, thermal performance and ease of production. Their design, detailing and operation make them look completely different to traditional windows. Manufacturers have been unable to replicate the sections/glazing bars used in timber and steel windows due to the limited strength of the material.’

10.17 Historic England in their comments relating to this application specifically raised concerns *“Since the applicant has decided to pursue windows of a more ‘traditional’ flavour, we would recommend that detailed drawings of the historic windows be provided. This will enable you to make a more informed assessment of the appearance of the new windows, relative to the more traditionally proportioned and profiled windows elsewhere on the elevations. We would also recommend that the applicant confirms the details of the proposed window reveals, ironmongery and any trickle ventilation requirements. In terms of design it is usually more visually elegant if the opening and fixed windows line through, rather than having an additional sub-frame around the opening light. With regard to the use of PVCu, the smooth, plasticised nature of the material can often generate an uncomfortable juxtaposition when introduced into a historic building. Furthermore, on multi-paned windows, the juncture where the glazing bars intersect can be rather crude. We would therefore strongly recommend that a sample of an entire window from the proposed Residence 9 series be submitted for your consideration, to enable you to fully assess the appearance and quality of this product”*.

10.18 It is considered that to allow these windows would undermine the Local Planning Authority’s ongoing efforts to ensure that new development preserves or enhances the character and appearance of this listed building in line with local and national planning policies and guidance.

10.19 Whilst it is recognised that the applicant is attempting to improve the overall visual appearance of the property by replacing unattractive windows with a ‘conservation’ type window, there seems little evidence to justify the use of a manufactured material at the expense of using traditional materials in this particular building. It is not agreed that the benefits of such works outweigh the harm on the character and appearance on this Grade II listed building contrary to Local Plan Policies SP25 and DP5 and the provisions of the NPPF.

11. Historic Environment

11.1 Paragraph 126 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

11.2 In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty

under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The site falls within the Tutbury Conservation Area and as such the test is whether the installation of PVCu windows would preserve or enhance the character and appearance of the conservation area.

- 11.3 The aim of the Tutbury Conservation Area Document is to ensure that future development is based on a considered understanding of the village's historic qualities to preserve and enhance its special character. The Conservation Area Document describes the loss of original features such as windows as detracting from the prevailing traditional character of the conservation area. Pages 25-27 of the Conservation Area Document refers to the repair of buildings. The document considers that the use of contemporary materials such as PVCu windows can have a significantly detrimental effect on the character of a traditional building. In this case, it is considered that the cumulative impact of a series of manufactured plastic windows will undermine the Local Planning Authority's ability to carry out its statutory duty to preserve or enhance the character of Tutbury Conservation Area. Plastic windows are recognised as being unsympathetic to traditional buildings/architecture and therefore the Local Planning Authority maintains that the windows proposed neither preserve nor enhance this part of the Tutbury Conservation Area. Therefore Section 72 is both engaged and is not complied with.
- 11.4 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant listed building consent for any works the local planning authority 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. This also means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.
- 11.5 With regard to the Section 16 duty referred to above, it is considered that whilst the existing windows are in a poor state of repair and an inappropriate design for this Grade II listed building, the provision of 19 uPVC windows with a uniform, manufactured appearance would also have a significant negative impact on the building. Therefore the proposal fails to meet the tests of Section 16 and is therefore in breach of that statutory duty.

12. Conclusions

- 12.1 It is acknowledged that the existing windows are in a poor state of repair and an inappropriate design for this Grade II listed building. It is also recognised that the presence of the existing windows causes harm to the character and appearance of the building. However, notwithstanding this current level of harm, it is considered that the provision of 19 PVCu windows with a uniform, manufactured appearance would also have a significant negative impact on

the building. The works proposed are not minor as the cumulative impact of the installation of 19 PVCu windows would be significant, contrary to Local Plan Policies SP25 and DP5 and the provisions of the NPPF.

- 12.2 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant listed building consent for any works the local planning authority 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. The proposed works fail to meet this test and are therefore contrary to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 12.3 The site is also located within a Conservation Area and fails to preserve or enhance the character and appearance of the conservation area and therefore the statutory duty under Section 72 is engaged and is not complied with.
- 12.4 Therefore it can be concluded that the replacement of the windows with modern uPVC double glazed units would unacceptably harm the integrity of this listed building and cause harm to the character and appearance of the building. This would be contrary to East Staffordshire Local Plan Policies SP1, SP25 and DP5 and the provisions of Section 12 of the NPPF and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would also fail to preserve or enhance the Conservation Area, contrary to Section 72 of that Act.

13. RECOMMENDATION

- 13.1 **REFUSE** for the following reason:

East Staffordshire Local Plan Policy SP1 lists principles in determining whether proposals constitute sustainable development. One principle is that proposals integrate 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. East Staffordshire Local Plan Policy DP5 emphasises the Local Planning Authority's statutory duty to have special regard to the desirability of preserving listed buildings and their setting. Applications for alterations to listed buildings will only be granted when they respect the context of the character and appearance of heritage assets. The replacement of the windows with modern PVCu double glazed units would unacceptably harm the integrity of this listed building to the detriment of the character and appearance of the building and would fail to preserve or enhance the Tutbury Conservation Area, contrary to Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, East Staffordshire Local Plan Policies SP1, SP25 and DP5 and the provisions of the National Planning Policy Framework (Section 12).

14. Background papers

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

- The Local and National Planning policies outlined above in section 7
- Papers on the Planning Application file reference P/2016/01737

15. Human Rights Act 1998

- 15.1 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.

16. Crime and Disorder Implications

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

17. Equalities Act 2010

- 17.1 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: Charlotte El Hakiem
Telephone Number: 01283 508729
Email: charlotte.elhakiem@eaststaffsbc.gov.uk