

Your ref
Our ref WJ
Ask for Wendy Johnson
Email wendy.johnson@lichfielddc.gov.uk



District Council House, Frog Lane
Lichfield, Staffordshire WS136YU

Customer Services 01543 308000
Direct Line 01543 308075

27th April 2017

Dear Sir/Madam

PLANNING COMMITTEE

A meeting of the above mentioned Committee has been arranged to take place on **MONDAY 8th MAY 2017 at 6.00 pm** in the **Council Chamber, District Council House, Lichfield** to consider the following business.

Access to the Council Chamber is either via the Members' Entrance or main door to the vestibule.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Neil Turner', is written in a cursive style.

Director of Transformation & Resources

Neil Turner BSc (Hons) MSc

To: **Members of Planning Committee**

Councillors Smedley (Chairman), Marshall (Vice-Chairman), Mrs Allsopp, Awty, Mrs Bacon, Mrs Baker-Thomas, Bamborough, Mrs Barnett, Cox, Drinkwater, Mrs Evans, Humphreys, Matthews, Mosson, Powell, Pritchard, Miss Shepherd, Mrs Stanhope MBE, Strachan, A. Yeates.

AGENDA

1. Apologies for absence
2. Declarations of Interest
3. To approve as a correct record the Minutes of the Meeting held on 10th April 2017 (copy attached)
4. Planning Applications (copy attached)
5. Scheme of Delegations relating to Tree Preservation Orders, Trees in Conservation Areas and High Hedges (copy attached)

(A copy of the Council's "Strategic Plan at a Glance" is enclosed for information)



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PLANNING COMMITTEE

10 APRIL 2017

PRESENT:

Councillors Smedley (Chairman), Marshall (Vice-Chairman), Mrs Allsopp, Awty, Mrs Bacon, Mrs Baker-Thomas, Bamborough, Mrs Barnett, Cox, Drinkwater, Mrs Evans, Humphreys, Matthews, Mosson, Pritchard, Miss Shepherd, Mrs Stanhope MBE and Strachan.

(AN APOLOGY FOR ABSENCE was received from Councillor Powell)

DECLARATIONS OF INTEREST:

There were no declarations of interest.

MINUTES:

The Minutes of the Meeting held on 20 March 2017 and previously circulated were taken as read, approved as a correct record and signed by the Chairman.

DECISIONS ON PLANNING APPLICATIONS:

Applications for permission for development were considered with the recommendations of the Director of Place and Community and any letters of representation and petitions received in association with Planning Applications 16/01379/FULM and 17/00121/FUL.

16/01379/FULM – RETAIL DEVELOPMENT COMPRISING A TOTAL OF 7,259SQM OF RETAIL FLOORSPACE COMPRISING 3 POD UNITS (499SQM IN TOTAL) FOR USE WITHIN CLASSES A1, A2, A3 & A5 AND UP TO 9 UNITS (6,461SQM) FOR USE WITHIN CLASS A1 RETAIL TOGETHER WITH A DRIVE THRU RESTAURANT (USE CLASSES A3 & A5) (299SQM) TOGETHER WITH ASSOCIATED ACCESS, CAR PARKING, SERVICING, LANDSCAPING AND ASSOCIATED WORKS LAND ADJACENT MILESTONE WAY AND REAR OF 29-39 CANNOCK ROAD (OLAF JOHNSON SITE), BURNTWOOD FOR LONDON AND CAMBRIDGE ESTATES LIMITED

RESOLVED: That planning permission be approved subject to the owners/applicants first entering into a Section 106 Legal Agreement under the Town and Country Planning Act (as amended) to secure contributions/planning obligations towards:-

1. A framework travel plan; and
2. Contribution towards the monitoring of the plan of £11,325;

and subject to the conditions contained in the report of the Director of Place and Community.

17/00121/FUL – TWO STOREY SIDE AND REAR EXTENSIONS, SINGLE STOREY FRONT EXTENSION AND INTERNAL ALTERATIONS 29 YEW TREE AVENUE, LICHFIELD FOR MS H BIELBY

RESOLVED: That planning permission be approved subject to the conditions contained in the report of the Director of Place and Community.

ISSUES PAPER – PLANNING APPLICATION REF. 17/00139/OUTM FOR OUTLINE APPLICATION FOR UP TO 96 DWELLINGS WITH FORMATION OF NEW ACCESS ONTO NEW ROAD LAND AND BUILDINGS AT MOUNT ROAD, BURNTWOOD

Consideration was given to an Issues Paper relating to the proposed development.

RESOLVED: That in addition to the key issues listed in the report, the following issues should also be addressed in the assessment of the above application:

- Assess whether an additional point of vehicular entry is required for the development (potential additional access off Mount Road noted).

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012 – LICHFIELD DISTRICT COUNCIL TREE PRESERVATION ORDER NO. 18 – 1976 – APPLICATION TO FELL ONE SYCAMORE TREE

Consideration was given to the report of the Director of Place and Community.

RESOLVED: That the application for consent to fell one Sycamore tree designated T21 of Tree Preservation Order No. 18 – 1976 be refused.

(PRIOR TO CONSIDERATION OF THE APPLICATION REPRESENTATIONS WERE MADE BY MRS LESLEY SERVIAN, APPLICANT).

EXCLUSION OF PUBLIC AND PRESS

RESOLVED: That, as publicity would be prejudicial to public interest by reason of the confidential nature of the business to be transacted the public and press be excluded from the meeting for the following item of business which would involve the likely disclosure of exempt information as defined in **Paragraph 3 of Part 1 of Schedule 12A** of the Local Government Act 1972 as amended.

IN PRIVATE

DECISION OF SECRETARY OF STATE – WATERY LANE

A Briefing Paper for Members was circulated to the Committee for noting.

(The Meeting closed at 7.20 p.m.)

CHAIRMAN

Planning Committee

8 May 2017

Agenda Item 4

Contact Officer: Claire Billings

Telephone: 01543 308171

Report of the Director of Place and Community

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985

All documents and correspondence referred to within the report as History, Consultations and Letters of Representation, those items listed as 'OTHER BACKGROUND DOCUMENTS' together with the application itself comprise background papers for the purposes of the Local Government (Access to Information) Act, 1985.

Other consultations and representations related to items on the Agenda which are received after its compilation (and received up to 5 p.m. on the Friday preceding the meeting) will be included in a Supplementary Report to be available at the Committee meeting. Any items received on the day of the meeting will be brought to the Committee's attention. These will also be background papers for the purposes of the Act.

FORMAT OF REPORT

Please note that in the reports which follow

- 1 'Planning Policy' referred to are the most directly relevant Development Plan Policies in each case. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015).
- 2 The responses of Parish/Town/City Councils consultees, neighbours etc. are summarised to highlight the key issues raised. Full responses are available on the relevant file and can be inspected on request.
- 3 Planning histories of the sites in question quote only items of relevance to the application in hand.

ITEM 'A' Applications for determination by Committee - **FULL REPORT** (Gold Sheets)

ITEM 'B' Lichfield District Council applications, applications on Council owned land (if any) and any items submitted by Members or Officers of the Council. (Gold Sheets)

ITEM 'C' Applications for determination by the County Council on which observations are required (if any); consultations received from neighbouring Local Authorities on which observations are required (if any); and/or consultations submitted in relation to Crown applications in accordance with the Planning Practice Guidance on which observations are required (if any). (Gold Sheets)

AGENDA ITEM NO. 4

ITEM A

APPLICATIONS FOR DETERMINATION BY COMMITTEE: FULL REPORT

8 May 2017

CONTENTS

Page No.	Case No.	Site Address	Parish/Town Council
A1	16/00090/FULM	Land Adjacent To 29 School Lane Hill Ridware	Mavesyn Ridware
A24	17/00060/OUTFLM	Former Norgren Factory Eastern Avenue Lichfield	Lichfield

Lichfield
district council

www.lichfielddc.gov.uk

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WS13 6YY

Telephone: 01543 308000
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LOCATION PLAN

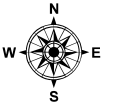
16/00090/FUL
Land adjacent to
29 School Lane
Hill Ridware

Scale:
1:2,000

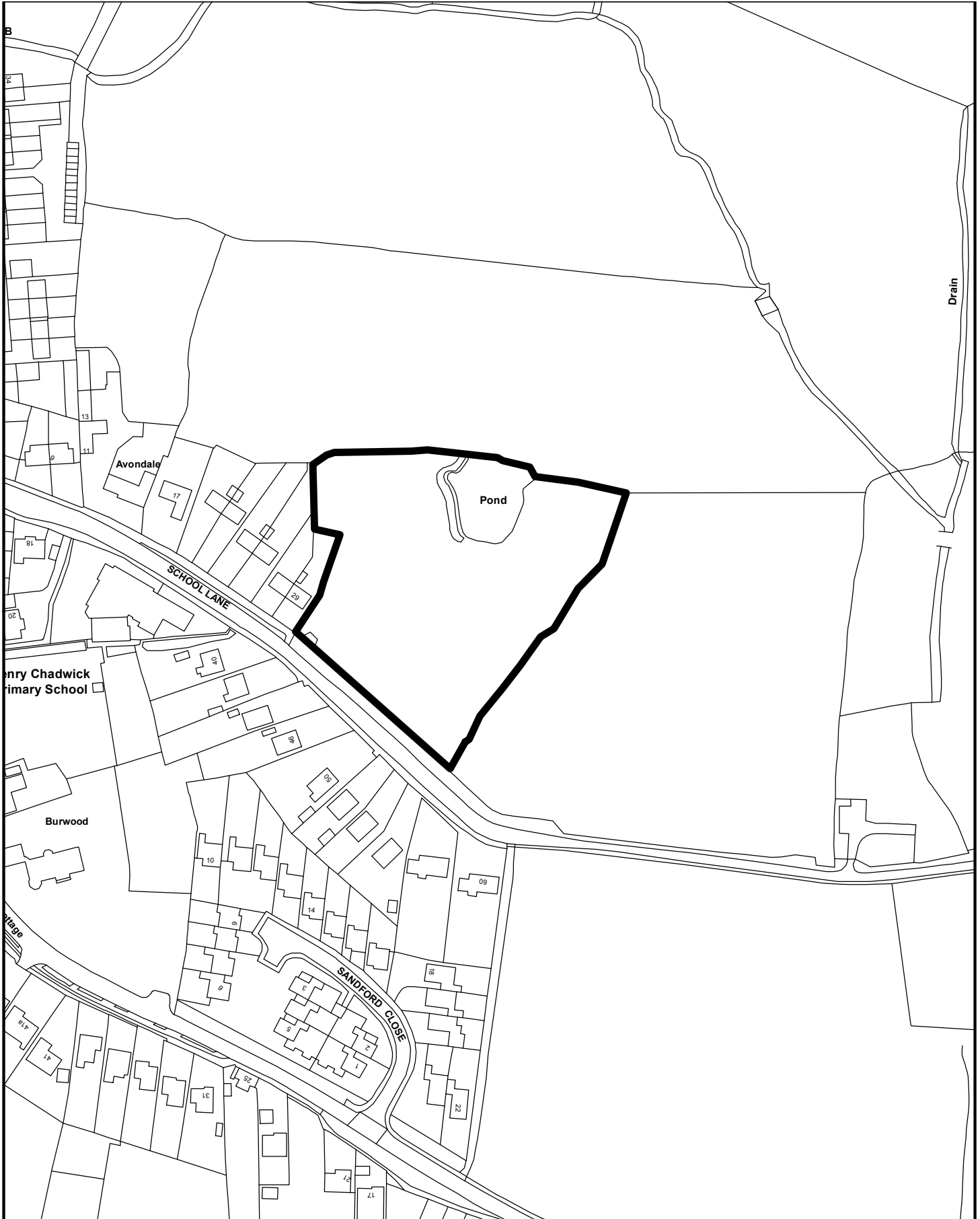
Dated:
April 2017

Drawn By:

Drawing No:



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BLOCK PLAN

16/00090/FUL
Land adjacent to
29 School Lane
Hill Ridware

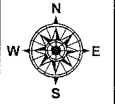
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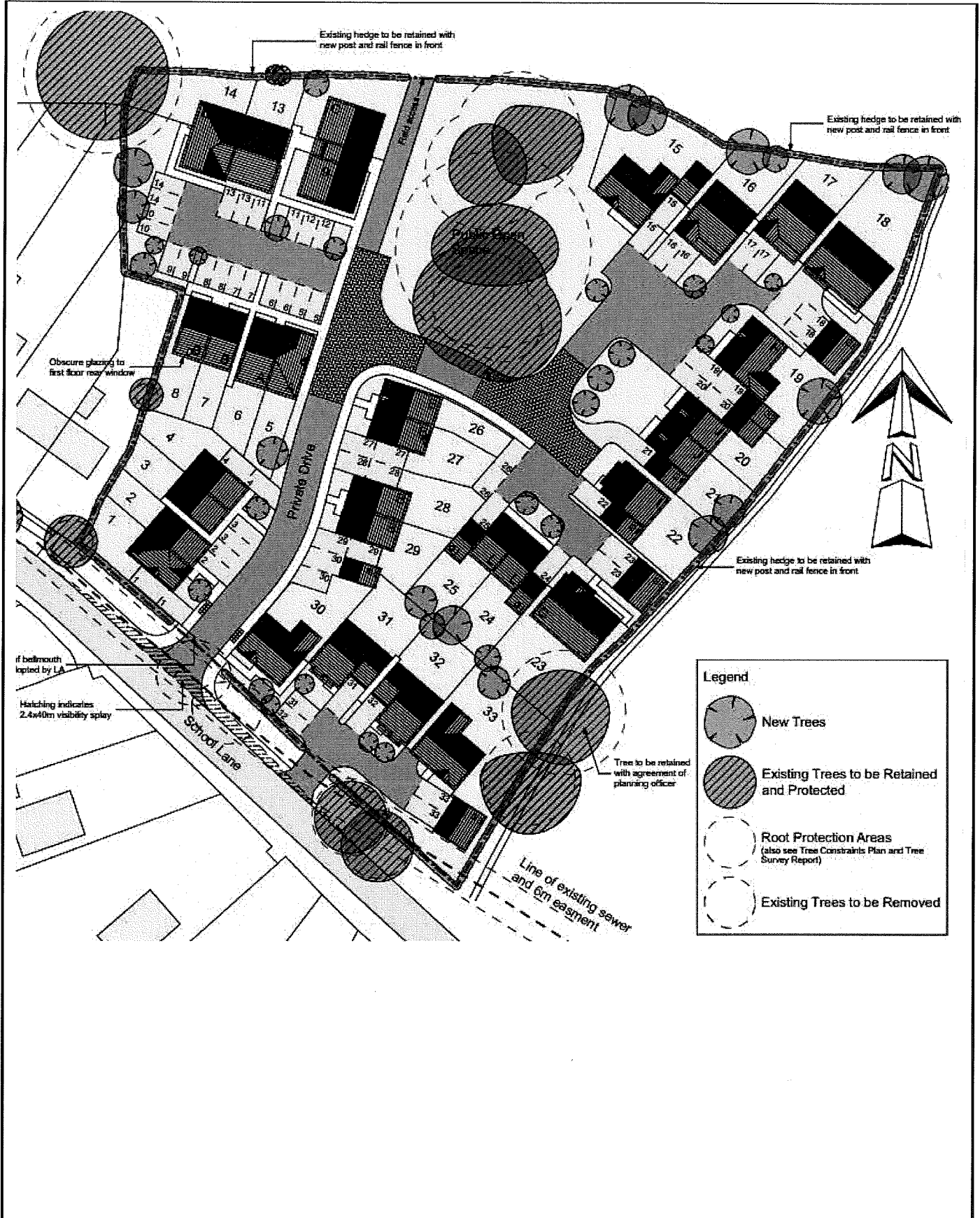
April 2017

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Drawing No:



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16/00090/FULM

ERECTION OF 18 AFFORDABLE HOMES AND 15 OPEN MARKET HOMES, ACCESS, LANDSCAPING AND ASSOCIATED WORKS LAND ADJACENT TO 29 SCHOOL LANE, HILL RIDWARE FOR MAPLEVALE DEVELOPMENTS LTD

Registered on 01/02/16

Parish: Mavesyn Ridware

Note: This application is being reported to Planning Committee as Mavesyn Ridware Parish Council has raised significant planning objections on the grounds of housing density; overloaded sewerage systems; traffic volume and speeding; village amenities; parking; the site is outside the village boundary; and the development represents a departure from the development plan.

Additionally the application has been called in by Councillor Mrs Barnett who raises concerns in respect to access and highways; the design is not appropriate for a rural setting; the site is overdeveloped; infrastructure cannot cope with existing dwellings; Hill Ridware will see the village population increase by a large number; the Royal Oak site already has permission for 42 dwellings; the site is not allocated in the Local Plan; the site lies outside the village boundary.

RECOMMENDATION:

i) Subject to the owners/applicants first entering into a Section 106 Legal Agreement under the Town and Country Planning Act (as amended) to secure contributions/planning obligations that include:

- **Management Company;**
- **Provision, maintenance and management of On-site public open space;**
- **Affordable Housing; and**
- **Cannock Chase Special Area of Conservation,**

Approve, subject to the following conditions:

CONDITIONS:

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

2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject

CONDITIONS to be complied with PRIOR to the commencement of development hereby approved:

3. Before the development hereby approved is commenced, full details of the finished floor levels of the approved dwellings, including their relationship to the levels of the highway, existing development and existing ground levels, shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be undertaken in accordance with these approved details, unless otherwise agreed by the Local Planning Authority.

4. Before the development hereby approved is commenced, a surface water and foul drainage scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The surface water scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to help improve water quality; the limitation of surface water run-off to equivalent greenfield rates or less; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

5. Notwithstanding any details in the application documents, before the development hereby approved is commenced, details of all external materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

6. Notwithstanding any details in the application documents, before the development hereby approved is commenced, a detailed landscape and planting scheme, including a full maintenance schedule, 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 being brought into use, unless otherwise agreed in writing by the Local Planning Authority.

7. Before the development hereby approved is commenced, an Arboricultural Method Statement detailing the works to be undertaken within the canopy of/adjacent to trees detailed within the Pre-Development Tree Survey by Midland tree Surgeons dated March 2015, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

8. Before the development hereby approved is commenced, the trees and shrubs that are to be retained as part of the approved landscape and planting scheme shall be protected, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

9. Notwithstanding any details in the application documents, before the development hereby approved is commenced, full details of all boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

10. Before the development hereby approved is commenced, a site investigation of the nature and extent of contamination shall be carried out in accordance with a methodology which shall be submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be submitted to and approved in writing by the Local Planning Authority before any development commences. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

11. Before the development hereby approved is commenced, a Traffic Management Plan/Construction Method Plan comprising construction traffic access and routing; delivery time restrictions; 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 Traffic Management Plan/Construction Method Statement shall be implemented prior to the commencement of any works on the site and shall be maintained throughout the entire construction period, unless otherwise agreed in writing by the Local Planning Authority.

12. Before the development hereby approved is commenced, the off-site highway works in relation to the provision of a 1.8m wide footpath as shown on drawing 1360/101 Rev Y, shall be provided in accordance with details which shall be first submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full in accordance with the approved details.

13. Before the development hereby approved is commenced, a written scheme of archaeological investigation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication. The scheme shall thereafter be implemented in full in accordance with the approved details.

14. Before the development hereby approved is commenced, a scheme of lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented in accordance with the approved details and thereafter shall be retained for the life of the development.

15. Before the development hereby approved is commenced, details of a scheme for the delivery of compensation for any biodiversity loss 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.

All other CONDITIONS to be complied with:

16. Before the dwellings hereby approved are first occupied, the new access to the site, shown on drawing no. 1360/101 Rev Y, shall be completed within the limits of the public highway and 1.5 by 1.5m pedestrian visibility splays shall be provided to either side of the vehicle accesses with nothing placed or retained forward of the splays exceeding 600mm in height above the adjacent carriageway level and thereafter retained free of any such obstruction for the life of the development.

17. Before the dwellings hereby approved are first occupied, the parking and turning areas shown on drawing no. 1360/101 Rev Y shall be provided and be surfaced in a bound material and thereafter retained for those purposes only for the life of the development.

18. 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, unless otherwise agreed in writing by the Local Planning Authority.

19. The recommendations, mitigation and methods of working detailed within Section 7 of the Preliminary Ecological Assessment reference 2015-01(16) dated February 2015 by Ecolocation and Section 8 of the Great Crested Newt Survey Report dated 16th May 2016 by Ecolocation shall be adhered to and implemented.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 2015 (as amended), (or any Order revoking and re-enacting the Order with or without modification) the dwellings hereby approved shall not be enlarged or extended nor shall any buildings or other means of enclosure be erected within the domestic

curtilage of each dwelling without the prior written permission, on application, to the Local Planning Authority.

21. The garages hereby approved shall be used only for garaging and domestic storage and shall not be used for additional living accommodation with the prior written permission, on application, to the Local Planning Authority.

REASONS FOR CONDITIONS

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.

2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Practice Guidance.

3. To ensure that the development is physically well related to existing buildings and its surroundings, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy, the NPPF and the Supplementary Planning Document: Sustainable Design.

4. To ensure the provision of satisfactory means of drainage to serve the development, to reduce the risk of creating or exacerbating flooding problems and to minimise the risk of pollution and to ensure that sustainability and environmental objectives are met, in accordance with provisions of Core Policy 3, and Policy BE1 of the Local Plan Strategy, the NPPF and the Supplementary Planning Document: Sustainable Design.

5. To ensure that the development is physically well related to existing buildings and its surroundings, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy, the NPPF and the Supplementary Planning Document: Sustainable Design.

6. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area, in accordance with the requirements of Core Policies 3 and 13 and Policies NR4 and BE1 of the Local Plan Strategy, the NPPF and the Supplementary Planning Document: Sustainable Design.

7. To ensure that adequate measures are taken to preserve trees and hedgerows and their root systems, whilst work is progressing on site in accordance with Policy BE1 of the Local Plan Strategy, the NPPF and the Supplementary Planning Documents: Sustainable Design, and Trees, Landscaping and Development.

8. To ensure that adequate measures are taken to preserve trees and hedgerows and their root systems, whilst work is progressing on site in accordance with Policy BE1 of the Local Plan Strategy, the NPPF and the Supplementary Planning Documents: Sustainable Design, and Trees, Landscaping and Development.

9. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area, in accordance with the requirements of Core Policies 3 and 13 and Policies NR4 and BE1 of the Local Plan Strategy, the NPPF and the Supplementary Planning Document: Sustainable Design.

10. To safeguard the amenity of future residents in accordance with the requirements of Policy DC1 of the Local Plan and Core Policy 3 and Policy BE1 of the Local Plan Strategy, the NPPF and the Supplementary Planning Document: Sustainable Design.

11. In the interests of the safety and convenience of users of the highway and to safeguard the amenity of neighbouring occupiers, in accordance with the requirements of Core Policy 3, and Policies IP1 and BE1 of the Local Plan Strategy, the NPPF and the Supplementary Planning Document: Sustainable Design.

12. In the interests of the safety and convenience of users of the highway in accordance with the requirements of Core Policy 3, and Policies IP1 and BE1 of the Local Plan Strategy, the NPPF and the Supplementary Planning Document: Sustainable Design.

13. To ensure full evaluation of and protection of any archaeological remains within the site, in accordance with Core Policies 3 and 14, and Policy NR5 of the Local Plan Strategy, the NPPF and the Supplementary Planning Document: Sustainable Design.

14. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area, in accordance with the requirements of Core Policies 3 and 13 and Policies NR4 and BE1 of the Local Plan Strategy, the NPPF and the Supplementary Planning Document: Sustainable Design.

15. In order to safeguard the ecological interests of the site, in accordance with the requirements of Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the NPPF and the Supplementary Planning Documents: Sustainable Design and Biodiversity and Development.

16. In the interests of the safety and convenience of users of the highway in accordance with the requirements of Core Policy 3, and Policies IP1 and BE1 of the Local Plan Strategy , the NPPF and the Supplementary Planning Document: Sustainable Design.

17. To ensure the provision of adequate turning and parking within the site and in the interests of the safety and convenience of users of the highway in accordance with the requirements of Core Policy 3, and Policies IP1 and BE1 of the Local Plan Strategy, the NPPF and the Supplementary Planning Document: Sustainable Design.

18. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area, in accordance with the requirements of Core Policies 3 and 13 and Policies NR4 and BE1 of the Local Plan Strategy, the NPPF and the Supplementary Planning Documents: Sustainable Design, and Trees, Landscaping and Development.

19. In order to safeguard the ecological interests of the site, in accordance with the requirements of Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the NPPF and the Supplementary Planning Documents: Sustainable Design, and Biodiversity and Development.

20. To safeguard the amenity of neighbouring residents from overlooking and loss of privacy and to ensure a satisfactory level of amenity for future residents, in accordance with Policy BE1 of the Local Plan Strategy, the NPPF and the Supplementary Planning Document: Sustainable Design.

21. To ensure a satisfactory level of parking within the site and in the interests of highway safety in accordance with the requirements of Core Policy 3, and Policies IP1 and BE1 of the Local Plan Strategy, the NPPF and the Supplementary Planning Document: Sustainable Design.

NOTES TO APPLICANT

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015).

2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012,

which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £28 for a householder application or £97 for any other application including reserved matters. Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

3. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at www.lichfielddc.gov.uk/cilprocess.

4. Severn Trent Water advise that there may be public sewer located within the application site and encourage the applicant to investigate this. Please note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the applicant is advised to contact Severn Trent Water to discuss the proposals who will seek to assist with obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

5. The off-site highway works require a Major Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact the County Council in respect of securing the Agreement. The link below provides a further link to the Major Works Information Pack and an application form for the Major Works. www.staffordshire.gov.uk/transport/staffshighways/licences. Please complete and send to the address indicated on the application form which is Staffordshire County Council Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, Stafford, ST16 2DL or email nmu@staffordshire.gov.uk.

6. The applicant's attention is drawn to the comments of the Police Architectural Liaison Officer in his letter dated 21st September 2016.

7. The Council entered into pre-application discussions and has continued negotiation with the applicant during consideration of the application to secure an appropriate scheme. It is therefore considered that the proposals meet the provisions of paragraphs 186-187 of the NPPF

PLANNING POLICY

Government Guidance

National Planning Policy Framework
Planning Practice Guidance

Local Plan Strategy

Core Policy 1 – The Spatial Strategy
Core Policy 2 - Presumption in Favour of Sustainable Development
Core Policy 3 – Delivering Sustainable Development
Core Policy 4 – Delivering our Infrastructure
Core Policy 5 – Sustainable Transport
Core Policy 6 – Housing Delivery

Core Policy 10 – Healthy & Safe Lifestyles
Core Policy 11 – Participation in Sport and Physical Activity
Core Policy 13 – Our Natural Resources
Core Policy 14 – Our Built & Historic Environment
Policy SC1 – Sustainability Standards for Development
Policy SC2 – Renewable Energy
Policy ST1 – Sustainable Travel
Policy ST2 – Parking Standards
Policy H1 – A Balanced Housing Market
Policy H2 – Provision of Affordable Homes
Policy HSC1 – Open Space Standards
Policy HSC2 – Playing Pitch & Sport Facility Standards
Policy NR1 – Countryside Management
Policy NR3 – Biodiversity, Protected Species & their Habitats
Policy NR4 – Trees, Woodland & hedgerows
Policy NR5 – Natural & Historic Landscapes
Policy NR6 – Linked Habitat Corridors & Multi-functional Green spaces
Policy NR7 – Cannock Chase Special Area of Conservation
Policy BE1 – High Quality Development
Policy Rural 2 – Other Rural Settlements

Supplementary Planning Documents

Sustainable Design
Trees, Landscaping and Development
Biodiversity and Development
Developer Contributions
Rural Development

RELEVANT PLANNING HISTORY

None

CONSULTATIONS

Mavesyn Ridware Parish Council – In respect of further amended plans, retains objection as there is no local need, no amenities or bus service; limited access via School Lane which is already busy at school times; impact on drainage which is already problematic; not enough public open space in the village; the biodiversity strip should be within the site (17.3.17).

Mavesyn Ridware Parish Council – In respect of amended plans and additional information, retains a strong objection. The council felt that the village does not need this amount of houses and the increased amount of residents it will create. Our infrastructure is poor, we do not have a bus service and our local shop is closing shortly, this will not change for our village should this development or the larger development proposed for The Royal Oak Pub site, go ahead. The development is outside the village boundary and very close to the primary school, the lane is already congested with traffic at school start and finish times. This development would increase traffic making it difficult for the school lane residents and existing village traffic. The plan does not take into account enough parking spaces for the amount of cars generated by the quantity of homes and it has not considered a play area for the children expected to move onto the development. It is wrong to expect people put in social housing and not to provide any facilities except the existing school. The developers housing needs survey and the public meeting held in this village, concluded, that we do not need any more housing (26.10.16).

Mavesyn Ridware Parish Council – Objects to the proposal. Too many homes are proposed which will cause traffic problems; parking issues already at the northern end of

School Lane with the primary school; type of housing, especially flats, is not appropriate; Severn Trent are already looking at the sewage problems in the village – this will exacerbate the problems (26.2.16).

Spatial Policy and Delivery – In respect of further amended plans and additional information, whilst Hill Ridware is not considered to be one of the key rural villages, the proposed development does meet the criteria within Policy H2 for rural exceptions as the majority of the proposed housing is for affordable/social rented housing, the site is adjacent existing village settlement boundaries, and there is an identified housing need in the parish, or in one or more of the adjacent parishes. Further, Core Policy 6 requires new housing to be directed to key urban and rural settlements and whilst not a key settlement, Core Policy 6 does allow for affordable housing to be delivered through Rural Exceptions as set out Policy H2 (10.3.17).

Spatial Policy and Delivery – In respect of amended plans and additional information, whilst Hill Ridware is not considered to be one of the key rural villages, the proposed development does meet the criteria within Policy H2 for rural exceptions as the majority of the proposed housing is for affordable/social rented housing, the site is adjacent existing village settlement boundaries, and there is an identified housing need in the parish, or in one or more of the adjacent parishes. Further, Core Policy 6 requires new housing to be directed to key urban and rural settlements and whilst not a key settlement, Core Policy 6 does allow for affordable housing to be delivered through Rural Exceptions as set out Policy H2 (13.9.16).

Spatial Policy and Delivery – Hill Ridware is not considered to be one of the key rural villages and policy states that development will be supported in smaller villages where it accommodates housing to meet local housing needs mainly within identified village boundaries unless supported as a rural exception site or small scale development supported by local communities. At this time the development does not meet the criteria set out in Core Policy 6 or Policy H2 (24.2.16).

Housing Strategy and Enabling Manager – In respect of amended plans, the majority of the units remains affordable. Although not in line with Policy H2 in respect to the mix of properties, the development would be acceptable given that the majority are 1, 2 or 3 bedroom dwellings. Policy H2 requires the affordable housing to be 65% social rented and 35% share ownership and this requirement can be secured through the S106 (13.3.17).

Arboricultural Officer – In respect to further amended plans received on 30th March, additional information has been provided and the plans also show houses moved away from trees which is acceptable. Conditions should be imposed with respect to tree protection, replacement planting and a detailed landscape and planting scheme (5.4.17).

Arboricultural Officer – The site plan is at odds with the landscape plan and there are no details of tree species, planting, aftercare, etc. Some of the trees appear to fall outside the applicant's ownership and clarification is sought in this respect. Much of the development is now outside the root protection areas and detail is required for those trees shown to be retained (15.3.17).

Arboricultural Officer – In respect to comments received from the applicant it is not appropriate to deal with the tree matters by condition due to the close proximity of the trees to some of the proposed dwellings. The proximity of the trees means that harm could be caused to them and there would be conflict with the occupiers in terms of shading, loss of light and leaf fall, etc. (2.12.16 and 22.12.16).

Arboricultural Officer – In respect to further amended plans, the applicant has not addressed the fundamental issues previously identified (15.11.16).

Arboricultural Officer – In respect of amended plans, there are still fundamental issues with the application and further information is required with respect to the tree constraints and the site layout (23.9.16).

Arboricultural Officer – There are fundamental Arboricultural issues with the application due to the position of the buildings and hard surfaces within root protection area. The trees are a principal feature of the site which contribute to the appearance of the area in addition to their ecological and biodiversity benefits. Although the constraints are identified within the pre-development survey this is not reflected on the site layout plan. Amendments required (2.3.16).

Ecology Team – The quantitative information submitted is acceptable. A condition is recommended that before the development is commenced a scheme for off-setting of biodiversity impacts needs to be submitted for approval. This can take place on the adjacent land which is under the applicant's control (21.2.17).

Ecology Team – In respect of comments received from the applicant it is not appropriate to require compensation for biodiversity loss by condition. The applicant should therefore submit a quantitative assessment to demonstrate no net loss and an achievable and measurable net gain to biodiversity value prior to determination of the application (10.1.17).

Ecology Team – In respect of the additional information, the Ecology Team is satisfied with the information within the Great Crested Newt Survey and it is considered unlikely that the works would negatively impact upon protected species. A quantitative assessment of biodiversity units is still required (19.9.16).

Ecology Team – Further information is required. There is a need for a Great Crested Newt Survey as there is wetland vegetation. The applicant should also submit a quantitative assessment of Biodiversity Units to demonstrate no net loss of biodiversity value. The site lies within the Cannock Chase SAC and a contribution is required in respect of mitigation. The development is unlikely to negatively impact on protected or priority species or habitats. All methods of working, recommendations and mitigation set out in the Ecological Appraisal should be adhered to and this can be secured by condition (16.2.16).

Environmental Health – In respect of the additional information, the Phase 1 Site Appraisal is acceptable and subject to condition regarding site investigation and any required remediation, no objection is raised (22.9.16).

Environmental Health – Due to the site's historical use a condition is requested in relation to contaminated land matters (17.2.16).

Staffordshire County Council (Highways) – In respect of further amended plans (11.4.17), no objection subject to conditions with respect to the provision of the new accesses, the provision of the parking and turning areas, provision of the footpath and removal of permitted development rights on the garages before any development is commenced (12.4.17).

Staffordshire County Council (Highways) – In respect of further amended plans and additional information, no objection subject to conditions with respect to the provision of the new accesses, the provision of the parking and turning areas, provision of the footpath and removal of permitted development rights on the garages before any development is commenced (2.3.17).

Staffordshire County Council (Highways) – In respect of further amended plans and additional information, no objection subject to conditions with respect to the provision of the new accesses, the provision of the parking and turning areas, provision of the footpath before any development is commenced (27.10.16).

Staffordshire County Council (Highways) – In respect of amended plans, recommends refusal as there is still insufficient information (9.9.16).

Staffordshire County Council (Highways) – Recommends refusal. There is insufficient information in relation to auto tracking for service vehicles, the limits of adoption to the road are not specified, the footpath width is inadequate, some of the garages are below standard sizes, no details of parking allocation (24.2.16).

Staffordshire County Council (Education) – In respect of further amended plans – Previous comments still apply in that all schools are project to have sufficient space to accommodate the likely demand from pupils generated by the development (1.3.17).

Staffordshire County Council (Education) – In respect of amended plans – Previous comments still apply in that all schools are projected to have sufficient space to accommodate the likely demand from pupils generated by the development (24.2.16).

Staffordshire County Council (Education) – All schools are projected to have sufficient space to accommodate the likely demand from pupils generated by the development (24.2.16).

Lead Local Flood Authority – In respect of additional information, no objection subject to condition with respect to the submission of a full surface water drainage scheme (8.3.17).

Lead Local Flood Authority – In respect of additional information, no objection subject to condition with respect to the submission of a full surface water drainage scheme (22.9.16).

Lead Local Flood Authority – Recommends refusal as there is insufficient information and an acceptable drainage layout should be submitted as part of the application (24.2.16).

Joint Waste Services – In respect of further amended plans, previous comments still apply (17.2.17).

Joint Waste Services – In respect to the amended layout, the comments dated 5th February 2016 are still relevant (8.9.16).

Joint Waste Services – Refuse vehicles are not taken onto unadopted roads and in these circumstances bins need to be brought to the edge of the adopted highway (5.2.16).

Leisure Services – The current application does not take into account the need for the provision of outdoor and indoor sports and leisure and the applicant makes no reference to how the open space will be managed in the long term. The current layout for the open space has very little detail about how it will function. The applicant needs to provide a suitable method for the management of the public open space by way of a management company which can be secured through the S106 (22.2.16).

Severn Trent Water – In respect to further amended plans, no objection subject to the submission of surface and foul water drainage details (7.4.17).

Severn Trent Water – In respect to amended plans, no objection subject to the submission of surface and foul water drainage details (3.3.17).

Severn Trent Water – No objection subject to condition for the submission of surface and foul drainage details (10.2.16).

Environment Agency – In respect of amended plans no objections are raised (22.2.17).

Environment Agency – In respect of amended plans no objections are raised as the site lies within Flood Zone 1 (12.9.16).

Environment Agency – There is low environmental risk (11.2.16).

Staffordshire County Council (Archaeology) – In respect of further amended plans and additional information, there is demonstrable archaeological potential in the area and a stage archaeological evaluation should be undertaken. This can be secured by condition (7.3.17).

Staffordshire County Council (Archaeology) – In respect of amended plans and additional information, there is demonstrable archaeological potential in the area and a stage archaeological evaluation should be undertaken. This can be secured by condition (22.7.16).

Staffordshire County Council (Archaeology) – There is demonstrable archaeological potential in the area and a stage archaeological evaluation should be undertaken. This can be secured by condition (24.2.16).

Staffordshire County Council (Minerals) – In respect of further amended plans and additional information, no objection (13.3.17).

Staffordshire County Council (Minerals) – Holding objection. The site lies within a Minerals Consultation Area and further information is therefore required (28.4.16).

Open Spaces Society – There is a bridleway adjacent the application site and this should remain open and usable during the works and after the development is completed (3.10.16).

Police Architectural Liaison Officer – No objection but the applicant should ensure compliance with the Secured By Design principles aimed at reducing opportunities for crime (8.3.17).

Police Architectural Liaison Officer – No objection but the applicant should ensure compliance with the Secured By Design principles aimed at reducing opportunities for crime (21.9.16).

LETTERS OF REPRESENTATION

Further amended plans/additional information (30.3.16)

7 letters of representation from a nearby occupier whose comments are summarised as follows:

- Reiterates previous objections.
- The application is providing false and contrived information.
- How can full planning permission be considered with such minimal information – there are no notes or information on the plans, the landscaping is very near non-existent and there is no indication of what the associated works are.
- The site is outside the village boundary.
- The Housing Needs Survey for The Ridwares only shows a need for 2 affordable houses and 1 house for sale. This is being ignored. These houses could be provided on the site adjacent The Royal Oak.
- The Housing Needs Survey includes Armitage and Handsacre who should be providing their own houses.
- The Royal Oak development is not mentioned in the Housing Needs Survey and this would provide more than sufficient housing.
- There is an attitude of land being built on if there is local need.
- There is no bus service in the village which is served by only a school bus and a pre-bookable service.
- There is no village shop.

- The Transport Statement is a complete fabrication. It was undertaken in the quietest part of the lane during school holidays.
- There is a history of drainage problems in Hill Ridware.
- There are no jobs so people will have to travel.
- Adverse impact on the character of the area.
- Streetscene elevations should have been provided as it is obvious that the frontages will not be in keeping with the remainder of the street.
- Total lack of public open space within the site.
- There are no other services such as doctors, post office, chemist, etc.
- Another tree is now shown to be removed and trees on the north-east side of School Lane are on land owned by Staffordshire County Council.

Further amended plans/additional information (17.2.17)

2 letters received from nearby residents who comment as follows:

- There appears to be land in the red line that is not in the ownership of the applicant.
- Trees T14 and T15 on the Tree Survey are shown to be retained on the site layout plan but they are not shown in the landscape proposals or the streetscene drawing.

Further amended plans/additional information (26.9.16)

3 letters received from nearby residents who comment as follows:

- Re-iterates all comments previously made.
- The application description states 45 houses, the revised plans show 40 houses and the supporting document says 67 houses. Clarification is required.
- The refuse vehicle tracking is provided in theory but it does not change the fact that School Lane cannot cope with the additional traffic and the traffic assessment is misleading.
- The site is outside the village boundary.
- The housing needs information is totally wrong as Hill Ridware only needs 3 affordable homes.
- Armitage and Handsacre should not be included in the needs for the village.
- There are still drainage problems that have not been addressed.
- No identification of job opportunities for new residents.
- No bus service.

Amended plans/additional information (12.8.16)

6 letters from nearby residents who comment as follows:

- Site is outside the village boundary.
- Cannot see the relevance of Housing Needs Survey for Armitage and Handsacre for development in Hill Ridware. Need should be based on the need for Mavesyn Ridware parish only which indicates only 3 properties are required.
- The survey seems to pick and choose what information they take into account.
- No mention is made of the 40 dwellings on the Royal Oak site. The affordable housing there surpasses those shown on the survey. Also no mention of the housing approved in Handsacre.
- There is no bus service and everyone will be reliant of private cars. Lichfield policies say people should live within 350m of a bus stop.
- The traffic survey distorts the view of the amount of traffic on School Lane.
- The Council risks invalidating their own local plan if the scheme proceeds as it does not comply with policy in relation to small scale development.
- The loss of the Rugeley Power Station will means loss of jobs and more people moving out of the area not into it.

- There is still no plan for improved drainage in the village.
- There are still ambiguities and misleading information within the application documents.
- A new road should be built which leads direct to the main road from the site and reduce the amount of traffic at the northern end of School Lane.
- Developers are trying to build on land with no thought for the character and appearance of the area or the impact on residents.
- Lack of school places.
- A 3 storey 8 apartment building is out of character.

Original plans

14 letters from nearby residents who comment as follows:

- Shame to develop this green area which will result in loss of views to the detriment of people's wellbeing.
- Loss of trees and landscaping.
- The land is in agricultural use and is viable as such.
- How will the scheme integrate with the rest of the village?
- The design of the properties will not fit in with properties on School Lane which are mostly bungalows. A three storey block would be out of keeping.
- There does not appear to be a need for the number of houses proposed.
- Significant noise disturbance in a quiet lane.
- The site lies outside the village boundary and is not allocated for housing.
- There are no usable amenity areas or children's play areas shown on the site.
- School Lane is already heavily trafficked because of people coming and going to the school.
- Inappropriate parking along School Lane.
- School Lane narrows down to a single track road which regularly floods with few passing places.
- The lack of public transport means an increase in vehicle movements which will exacerbate the speeding traffic on Uttoxeter Road which has no traffic calming.
- The transport survey is not acceptable as it is not reflective of the busy times. It was done at the end of School Lane where it narrows and out of term time.
- More cars means more carbon footprint contrary to policy.
- Children would not be able to walk to the nearby football field safely.
- The new access would cause conflict with existing access points to houses opposite.
- Insufficient parking within the site for all the houses leading to additional parking on School Lane.
- There is no public transport. There is one bus out of the village in the mornings and one into the village in the afternoon which runs only Monday to Friday during term time so it is really for the schoolchildren. This will not contribute to smart travel choices advocated in the Armitage and Handsacre policies in the Local Plan Strategy.
- Will this lead to a reinstatement of the bus service to Armitage/Rugeley?
- The existing sewer system is already overloaded and there are regular floods.
- The school is already at capacity.
- Secondary age children have to be bussed to Lichfield or Rugeley and this will increase costs.
- HS2 are proposing to site a maintenance loop near Pipe Ridware so there will be considerable disruption and the new properties will be blighted.
- There is only one small village shop, a hairdresser, interior design shop and a public house.
- Doctors, chemist and post office are 2 miles away in Armitage.
- The Royal Oak already has permission for housing which is yet to be built. That is a much more appropriate site.

- If permission is granted there should be procedures in place so there is minimum inconvenience to residents.
- Devaluation of property should give rise to reduction in Council Tax.
- There are already 373 houses under construction within 1 mile of Hill Ridware. Why do we need so many?
- The developer has not demonstrated how this would bring more jobs and increased prosperity to the area.
- The answers in the application form and the information in the submitted statements are misleading and need correction.
- Discrepancies between the site layout and the landscape proposals.

OTHER BACKGROUND DOCUMENTS

The application is accompanied by the following supporting documents:

Design and Access Statement
 Planning Statement
 Addendum to Planning Statement
 Statement of Community Engagement
 Transport Statement
 Foul and surface Water Drainage Assessment
 Pre-Development Tree Survey
 Ecological Appraisal
 Housing Needs Survey
 Summary Report into Housing Needs
 Phase 1 Site Appraisal
 Great Crested Newt Survey
 Minerals Assessment

OBSERVATIONS

Site and Location

The application site lies on the northern side of School Lane, Hill Ridware in an edge of village location. The site lies in the rural area outside the village boundary with open fields to the north and east and residential dwellings to the south and west. There is mature hedgerow on the north, south and eastern boundaries. Surrounding dwellings comprise a mix of 2 storey houses, bungalows and dormer bungalows. The site amounts to 0.99 hectares and is used for agricultural purposes.

Background

The application, submitted on 1st February 2016, originally proposed the erection of 20 affordable homes and 25 open market homes together with a new access from School Lane, landscaping and associated works. A number of concerns were raised in respect to the proposal and during the course of the application, a number of amendments and additional information have been submitted. The first amendments in August 2016 reduced the number of dwellings to 40, removed the apartment block and included 8 no. bungalows. Concerns were still raised in respect to the layout and further amendments subsequently reduced the number of dwellings down to 35 which allowed for increased garden space and improved parking layouts.

Proposal

Following further amendments, the proposals now relate to the erection of 33 dwellings of which 18 will be affordable and 15 will be open market. There will be a mix of styles with houses and bungalows which will range from 1 bedroom up to 4 bedrooms. There will be one main access point leading from School Lane which will serve 30 of the dwellings and the remaining 3 dwellings will be accessed from a shared driveway leading off School Lane.

Existing hedgerows and trees on the boundaries and within the site will, in the main, be retained and supplemented with additional planting although to facilitate the new main access there will be a loss of some hedgerow and 2 no. trees.

Determining Issues

1. Policy and Principle of Development
2. Housing Mix, including Affordable Housing
3. Layout, Design and Connectivity
4. Access, Highways and Transportation Issues
5. Landscape and Planting
6. Impact on Ecological Interests, including Cannock Chase Special Area of Conservation
7. Impact on Residential Amenity
8. Flood Risk and Drainage
9. Other Matters
10. Human Rights

1. Policy and Principle of Development

1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Lichfield District Local Plan (1998) (saved policies) and the Local Plan Strategy 2008-2029.

1.2 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and within the Ministerial Foreword, it states "*development that is sustainable should go ahead, without delay*". Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies should not be considered up to date if the Council is not able to demonstrate a 5 year supply of housing sites.

1.3 The Framework details that there are three dimensions to sustainable development and that these dimensions give rise to the need for the planning system to perform a number of roles:

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right place and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

This report will provide a balanced view in terms of these three strands of sustainable development.

- 1.4 The supply of housing land is regarded as having a social and economic role and in order to significantly boost the supply of housing, the NPPF requires that Councils should identify and update annually a supply of specific deliverable sites sufficient to provide five years delivery of housing provision. The latest position in September 2016 demonstrates that there is a 6.37 year supply of housing land within Lichfield District. However it is also noted that the Secretary of State, in his decisions in February 2017 for Watery Lane, Curborough; Dark Lane, Alrewas; and Lyalvale, Fisherwick; considered that the Council could only demonstrate a 5.11 year supply of housing land.
- 1.5 Notwithstanding the above, the Council can demonstrate a 5 year housing supply and it therefore falls for this scheme to be considered, in the first instance, against the Policies contained within the Development Plan.
- 1.6 Core Policy 1 of the Local Plan Strategy seeks to locate new growth in sustainable settlements and identifies 5 key rural settlements to accommodate growth. Hill Ridware is not identified as one of the key rural settlements. The location of these dwellings are proposed to be determined through the Local Plan: Land Allocations Document and through further engagement with local communities. This plan is not sufficiently advanced to take into consideration at this time.
- 1.7 Core Policy 6 (Housing Delivery) states that development in rural areas, outside the key rural settlements, will be permitted in certain circumstances. One of those circumstances is the provision of affordable housing delivered through Rural Exceptions. Policy Rural 1 (Rural Areas) further states that residential development in these areas will be to accommodate local housing needs. Paragraph 54 of the NPPF is also clear that in rural areas Local Planning Authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly affordable housing, including through the use of Rural Exception sites where appropriate. Paragraph 55 of the NPPF also states that it may be appropriate to consider the delivery of some market homes where this facilitates the provision of significant additional affordable housing to meet local needs.
- 1.8 Policy H2 (Provision of Affordable Homes) supports the development of small rural exception sites where affordable homes can be delivered to meet the needs of local people from within the area where there is no conflict with other Local Plan policies subject to certain criteria:
 - Majority of homes are affordable;
 - The site is adjacent to existing village settlement boundaries;
 - There is an identified housing need in the parish or one or more of the adjacent parishes
 - The development is suitable by virtue of its size and scale in relation to an existing settlement and its services including public transport;
 - The initial and subsequent occupancy of affordable homes is controlled to ensure accommodation remains available in perpetuity to local people in affordable housing need.
- 1.9 In response to the criteria set out in Policy H2, the site will provide 18 affordable homes and 15 market homes which equates to 54.5% being affordable; the site is adjacent the village boundary; the housing needs survey reveals that there is a need; the development, whilst not being on a bus route, which is discussed further below, is of a suitable scale and size and the village has a school, public house, village hall

and recreation space; and the occupancy can be controlled through the S106 Agreement.

- 1.10 Neighbouring residents have commented that the housing need of Hill Ridware does not require the amount of affordable homes proposed. They state that the village requires only 2 affordable homes and 1 house for sale. However, the Housing Strategy and Enabling Manager states that “To establish whether a housing need exists to satisfy these requirements Parish housing need surveys were carried out by Midlands Rural Housing in Colton and the Ridwares and the neighbouring parishes (Mavesyn Ridware, Hamstall Ridware, Colton and Armitage with Handsacre). It was reasonable to survey all the adjoining parishes, as Lichfield policies allow us to consider the housing needs that exist in the neighbouring parishes in the Rural North Sub Housing Market Area of the district. The results of the survey have been examined and they do indicate that there is a clear housing need for the affordable homes proposed. The development will provide local residents a range of good quality affordable homes to meet their needs and help create a sustainable, mixed and balanced community. It is proposed that the scheme will be managed by Trent and Dove Housing Association who have a good track record of developing and managing affordable homes in Staffordshire. The development will also support the delivery of Lichfield District Council’s 2016-2020 Strategic Plan which recognises that a key issue for the district is the lack of affordable homes, especially for young people and the delivery of affordable housing is a strategic priority in the theme of clean, green and welcoming places”.
- 1.11 Given the above, I am satisfied that the site will comply with Development Plan Policies and the NPPF in respect to the provision of homes within the district and that the criteria for the Rural Exceptions has been met in this instance.

2. Housing Mix, including Affordable Housing

- 2.1 The Design and Access Statement sets out that it is proposed to provide a range of different housing across the site. A range of dwellings are proposed with varying sizes and tenures, in order to accommodate a variety of household types. Following a number of amendments to the scheme, the development shall be erected utilising a mix of 4 no. 1 bedroom flats (12%); 14 no. 2 bedroom dwellings, comprising terraced, semi-detached and bungalows (42%); 11 no. 3 bedroom dwelling, 4 of which will have a home office (33%); and 4 no. 4 bedroom dwellings (12%).
- 2.2 The dwelling mix identified as necessary to address the imbalance in the District’s housing stock is 5% one bedroom, 42% two bedroom, 41% three bedroom and 12% four bedroom and above. It is evident that the mix proposed is fully compliant based on these figures.
- 2.3 Overall, in terms of housing mix, I am satisfied that a development which balances the strategic need, with the need to secure an appropriate design and density for this edge of village site can be achieved and that the level of affordable housing proposed meets the Rural Exceptions requirements as set out in the Development Plan.

3. Layout, Design and Connectivity

- 3.1 The NPPF sets out that the Government attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area’s defining characteristics, it states that developments should:
- Function well and add to the overall quality of the area;
 - Establish a strong sense of place;

- Create and sustain an appropriate mix;
 - Respond to local character and history, and reflect local surroundings and materials;
 - Create safe and accessible environments; and
 - Be visually attractive as a result of good architecture and appropriate landscaping.
- 3.2 Policy BE1 of the Local Plan Strategy advises that new development should provide an explanation of how the built form will respond to the topography of the site and maintain long distance countryside views and the need for a landscape framework that integrates the development within the landscape. Furthermore there is a requirement to show how the scheme proposes to provide new homes and buildings of a high quality, inspired by the character and existing architectural design (vernacular) of the District.
- 3.3 Following amendments to the original scheme, the development would provide a mix of detached, semi- detached, and terraced houses together with 4 no. flats and 2 no. bungalows. The dwellings would be laid out such that they have a street frontage and there would be an area of public open space in the northern section of the site. Dwellings in the south/east of the site would also be afforded views over open countryside. The mix of dwellings would, in my view, complement the character of School Lane which comprises 2 storey houses, dormer bungalows and single storey bungalows. The site exhibits 33 dwellings per hectare which is greater than the 13 dwellings per hectare for properties directly to the south, which have the benefit of extensive gardens, and 21 dwellings per hectare for development to the west. However it is considered that this more intensive form of development will not detract from the character and appearance of this part of Hill Ridware.
- 3.4 Further, it is considered that the design of the dwellings would integrate into the existing streetscene with 4 detached dwellings having a height of between 7.8 and 8.2m fronting School Lane. Designs of the dwellings are considered to be acceptable, subject to conditions with respect to materials, and in the main are reflective of typical rural dwellings and barn conversions.
- 3.5 Although there is some uniformity of dwellings within the site, following the amendments to the site layout, there is now a more spacious layout which presents a more informal edge to the east of the site adjacent to open countryside. This will enable views of open countryside through the site and allow views through the site towards the village from the open countryside.
- 3.6 Pedestrian and vehicular connections from the site to the surrounding area is limited solely, due to the constraints of the site. A new pedestrian footpath to the front of the site will allow access to existing footpaths on School Lane which would then give good access to local amenities such as the school, public house and recreation facilities.
- 3.7 Based on the above, it is considered that the application is acceptable in design terms, and is consistent with the Development Plan and the NPPF.
4. Access, Highways and Transportation
- 4.1 The NPPF requires that consideration should be given to the opportunities for sustainable transport modes, that safe and suitable access to a development site can be achieved for all people and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It goes on to state that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

- 4.2 School Lane is accessed from Uttoxeter Road to the north. At its north-western end there is a school and a public house. The south-eastern part of School Lane narrows down to a single track lane with few passing points and is clearly rural.
- 4.3 There is an existing field access on School Lane adjacent to and south of 29 School Lane. It is proposed to close this access and form a new access 12m to the south-east of the existing access and this would be opposite no. 44 School Lane. This access would serve 30 of the proposed plots. The remaining 3 plots would be accessed from a private drive leading from School Lane, approximately 22m south-east of the main access point. Within the site the access road and small cul-de-sacs would be retained as private drives.
- 4.4 Each of the houses would be provided with a garage and/or parking space, the numbers of which would be in compliance with the Council's adopted Supplementary Planning Document: Sustainable Design which sets out that one and two bedroom dwellings require 1 parking space each plus one space per 3 dwellings for visitors; three and four bedroom dwellings require 2 parking spaces per dwelling.
- 4.5 Staffordshire County Council (Highways) has considered the impact of the development upon the surrounding highway network and its ability to accommodate additional vehicular movements and determined it to be acceptable. Further they have raised no objection to the development subject to conditions which require the provision of the new accesses, the provision of the parking and turning areas and the provision of the footpath to be provided along the site frontage.
- 4.6 With reference to the comments raised by neighbours to the site, specific to highway impact, it is evident that there will be some impact caused by construction traffic. Whilst Staffordshire County Council has not requested such a condition, I consider it reasonable to require details of a Construction Management Plan which will assist in mitigating any disturbance and would include matters such as hours of construction, delivery hours, visitor and worker parking
- 4.7 A number of objections, including those of the Parish Council, relate to there not being a bus service serving Hill Ridware. Whilst this would not offer a choice of transport modes for future residents, which would be contrary to one of the criteria set out in Policy H2, detailed in Section 1, above, I am of the view that, on balance, the need for housing, particularly affordable, within the district would outweigh the harm caused by residents being reliant on the private motor car.
- 4.8 Overall therefore, in terms of highways and transportation issues, I am satisfied that subject to appropriate conditions, the development is acceptable in highways terms, being compliant with the requirements of both the Development Plan and NPPF.

5. Landscape and Planting

- 5.1 There are a number of trees and hedges within and on the boundaries of the site which are proposed to be retained. Two trees are proposed to be removed at the front of the site to facilitate the construction of the new access road and pedestrian footpath. These trees and hedges contribute to the rural character of this part of School Lane and their retention is welcomed. The applicant proposes additional planting within the site to supplement the existing and this would comply with the Development Plan.
- 5.2 Following the amendments to the layout of the site, the Council's Arboricultural Officer is now satisfied that the layout has responded to the constraints imposed by the trees when compared to the original layout. Additionally the trees within the northern part of the site, which is to form part of the on-site open space, are no

longer within close proximity to any dwellings and, as such, the area would become usable and the trees would not be harmed by the development.

- 5.3 The applicant did submit landscaping proposals but following the site layout changes, it is recommended that a condition be imposed which requires an amended landscape and planting plan to be submitted together with an Arboricultural Method Statement, species of plants, maintenance schedule and tree protection details for trees to be retained. As such the development accords with the Development Plan and the NPPF in this regard.

6. Impact on Ecological Interests, including Cannock Chase

- 6.1 An ecological survey has been undertaken to inform the submitted ecological appraisal. Following the submission of a further survey in respect to Great Crested Newts, the Countryside Officer is now satisfied with the scope and methodology of the survey work. It is considered that the development is unlikely to negatively impact on protected or priority species or habitats. However, all methods of working, recommendations and mitigation set out in the Ecological Appraisal should be adhered to and this can be secured by condition.

- 6.2 To comply with the guidance contained within the NPPF and the Council's biodiversity duty as defined under the Natural Environment and Rural Communities Act 2006, new development must demonstrate that it will not result in the loss of biodiversity value of the site.

- 6.3 Due to the Local Planning Authorities obligation to "*reflect and where appropriate promote relevant EU obligations and statutory requirements*" (see para 2 of NPPF) the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, producing a measurable net-gain to biodiversity value is also made a requirement of all developments within the Lichfield District under Policy NR3 of the adopted Lichfield District Local Plan Strategy.

- 6.4 The applicant has submitted a quantitative assessment of the sites biodiversity value, which when coupled with the outcome of the Habitat Management Plan will demonstrate the potential for ecological improvement within and adjoining the site. Following implementation, the application would be compliant with the requirements of the Development Plan and the NPPF.

- 6.5 The agreed strategy for the Cannock Chase SAC is set out in Policy NR7 of the Council's Local Plan Strategy which sets out that before development is permitted, it must be demonstrated that in itself or in combination with other development it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC having regard to avoidance or mitigation measures. In particular, dwellings within a 15km radius of any boundary of Cannock Chase SAC will be deemed to have an adverse impact on the SAC unless or until satisfactory avoidance and/or mitigation measures have been secured.

- 6.6 Subsequent to the adoption of the Local Plan Strategy, the Council adopted further guidance on 10 March 2015, acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. This site is located within the 0-8km zone. No financial contribution is required for the market housing as this will be secured through the Community Infrastructure Levy. Affordable housing and apartments however are not CIL liable and therefore contributions of £178.60 will be required for those units and this will be secured via a S106 Agreement.

7. Impact on Residential Amenity

- 7.1 It is necessary to consider any potential impacts of the development on the amenities of existing nearby residents, and in addition whether future occupants of the new dwellings would enjoy a satisfactory level of amenity. The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings and Local Plan Strategy Policy BE1 seeks to protect amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 7.2 The site has historically been in agricultural use. The Phase 1 Geo-Environmental Report submitted with the planning application, identified a low potential for land contamination. However, given existing uncertainties regarding the site's contamination a condition to secure the submission of a contaminated land report and the implementation of any necessary mitigation measures is considered reasonable and necessary.
- 7.3 The siting of the proposed dwellings are, in the main, acceptable in terms of layout and overlooking. Plots 13 and 14, in the north-west of the site, are bungalows which are sited in close proximity to the gardens of nos. 25, 27 and 29 School Lane. However subject to a condition in respect appropriate boundary treatments, I am satisfied that there will not be a loss of privacy through overlooking. Plot 8 is in close proximity to the boundary of no. 29 School Lane. There is a rear facing bedroom window in the dwelling on plot 8 but the applicant has stated that this will be obscure glazed and a rooflight provided in order to provide light to the bedroom they serve in order to avoid direct overlooking of the private rear amenity space of no. 29 School Lane. It is considered that this would be acceptable and any loss of privacy would not be so detrimental as to warrant a refusal of the application on this ground.
- 7.4 Whilst some of the garden spaces would not meet the requirements of the Council's Space About Dwellings in regard to garden size and length I am satisfied that the occupiers of those properties will not be disadvantaged. Those units are, in the main, affordable housing units but evidence shows that residents of those properties prefer smaller gardens. Notwithstanding this, the site proposes an area of wholly accessible public open space and equipped play is available in the village.
- 7.5 In relation to other properties along School Lane, I am satisfied that existing occupiers will not suffer any loss of privacy through overlooking given the distances between the fronts of the properties on School Lane are in excess of 21m from the proposed dwellings.
- 7.6 I am of the view, subject to conditions removing permitted development rights for extensions, outbuildings and dormer windows in roofs, that the amenity of existing and future occupiers will be secured. As such the development accords with the Development Plan and the NPPF in this regard.

8. Flood Risk and Drainage

- 8.1 The application site is located within Flood Zone 1 which is defined as having little or no risk of flooding from rivers or streams. Such zones generally comprise land assessed as having a less than 1 in 100 annual probability of river or sea flooding in any year. The NPPG states that for proposals of 1ha or greater in Flood Zone 1, a Flood Risk assessment (FRA) is required and such a FRA has been submitted with the application.
- 8.2 In terms of foul drainage, Severn Trent Water has advised that they have no objection to the scheme, subject to the submission and approval of a surface water

and foul sewerage scheme, prior to the commencement of development, which will be secured via condition.

8.3 The Environment Agency and the County Council Flood Authority have considered the information provided and are satisfied that, subject to the measures set out and planning conditions relating to the submission of a detailed surface and foul drainage scheme, the development will not give rise to any flood risk or drainage issues.

8.4 Having regard to the above, I consider that the applicants have demonstrated that the proposed scheme makes adequate provision for foul and surface water drainage, such that there is no conflict with relevant development plan policies and the advice in the NPPF.

9. Other Matters

9.1 In respect to S106 matters the applicant will be required to enter into an agreement to provide and retain the on-site open space shown on the site layout and a management company to manage the open spaces and any private roads within the site which are not to be adopted. In addition, the S106 will require agreement to the provision of the affordable housing which is to be provided in perpetuity.

9.2 There is no requirement for education contributions as Staffordshire County Council is satisfied that the existing local primary and secondary schools have sufficient spaces for the projected number of children within the site.

9.3 The proposed development will be subject to the payment of the Community Infrastructure Levy at a rate of £55 per square metre. This sum will be calculated in accordance with the Council's guidance as there may be exemptions for the affordable housing. Contributions towards equipped play, and indoor sport and recreation, now fall under CIL and do not therefore form part of the S106 requirements.

9.4 In order to satisfy Habitat Regulations and prevent harm to the SAC, the CIL Regulation 123 list was recently amended so that contributions via S106/ Unilateral Undertakings are now required towards works in relation to interpretation panels and waymarking by all new net dwellings which are not CIL liable. This will include affordable housing and apartments. The 18 no. affordable housing units will therefore be liable to a financial contribution of £178.60 per dwelling.

9.5 Economically, the development would offer a building project with employment opportunities for the duration of construction and additional revenue by way of council tax contributions.

9.6 In respect to the comments received from neighbouring residents and Hill Ridware Parish Council, it is considered that all the material planning matters have been addressed in the relevant sections above.

10. Human Rights

10.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individuals rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report and, on balance is justified and proportionate in relation to the provisions of the policies of the Development Plan.

Conclusion

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals. With reference to this scheme, economically the proposal will provide employment opportunities, through creating a development opportunity, whose future residents would support existing village facilities. Socially, suitable conditions can secure the amenity of existing and future residents.

Environmentally the site occupies a location where any landscape harm will be localised. It is considered that adequate, public open space will be provided on site to meet the needs of the residents, whilst the number of dwellings and mix proposed, will provide a suitable density of development to integrate into the area, whilst also helping to meet the affordable accommodation needs of the District.

With regard to transport and highways, adequate information and detail has been included within the supporting information to demonstrate that the development can be safely and appropriately accessed without undue harm to the character and appearance of the area, existing or future residents and highway and pedestrian safety.

It is considered, subject to suitable mitigation/precautionary measures, that there will be no adverse impact on protected or priority species and ecological habitats. Furthermore, subject to a suitable drainage scheme and the satisfactory provision of green space on the site as offered by the applicants, the development will not have a significant impact on the Cannock Chase SAC. With regard to drainage, it is considered, subject to appropriate conditions, that no material harm will be caused and the development will not exacerbate existing drainage problems within Hill Ridware.

It is therefore considered that the principle of residential development is acceptable in this instance as the site meets the criteria for a Rural Exception Site as set out Core Policy 6 and Policy H2 of the Local Plan Strategy and that no other material planning considerations exist to warrant the refusal of the planning application. Thus, subject to conditions and the applicant entering into a Section 106 Agreement, the principle of development is acceptable, and accordingly, the recommendation is one of approval.

Lichfield
district council

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WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

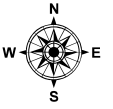
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Lichfield

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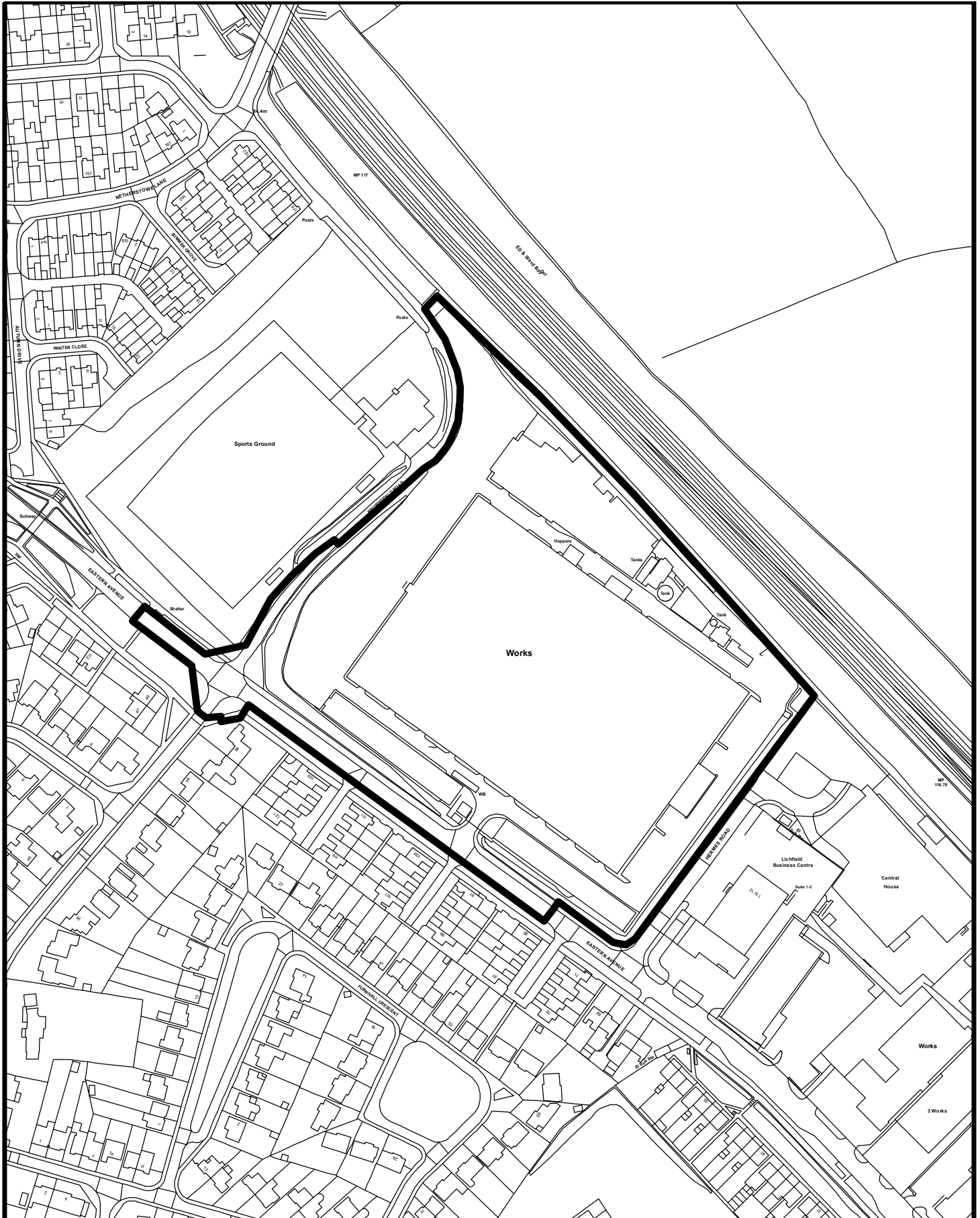
Dated: April 2017

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BLOCK PLAN

17/00060/FUL
Former Norgren Factory
Eastern Avenue
Lichfield

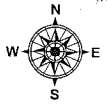
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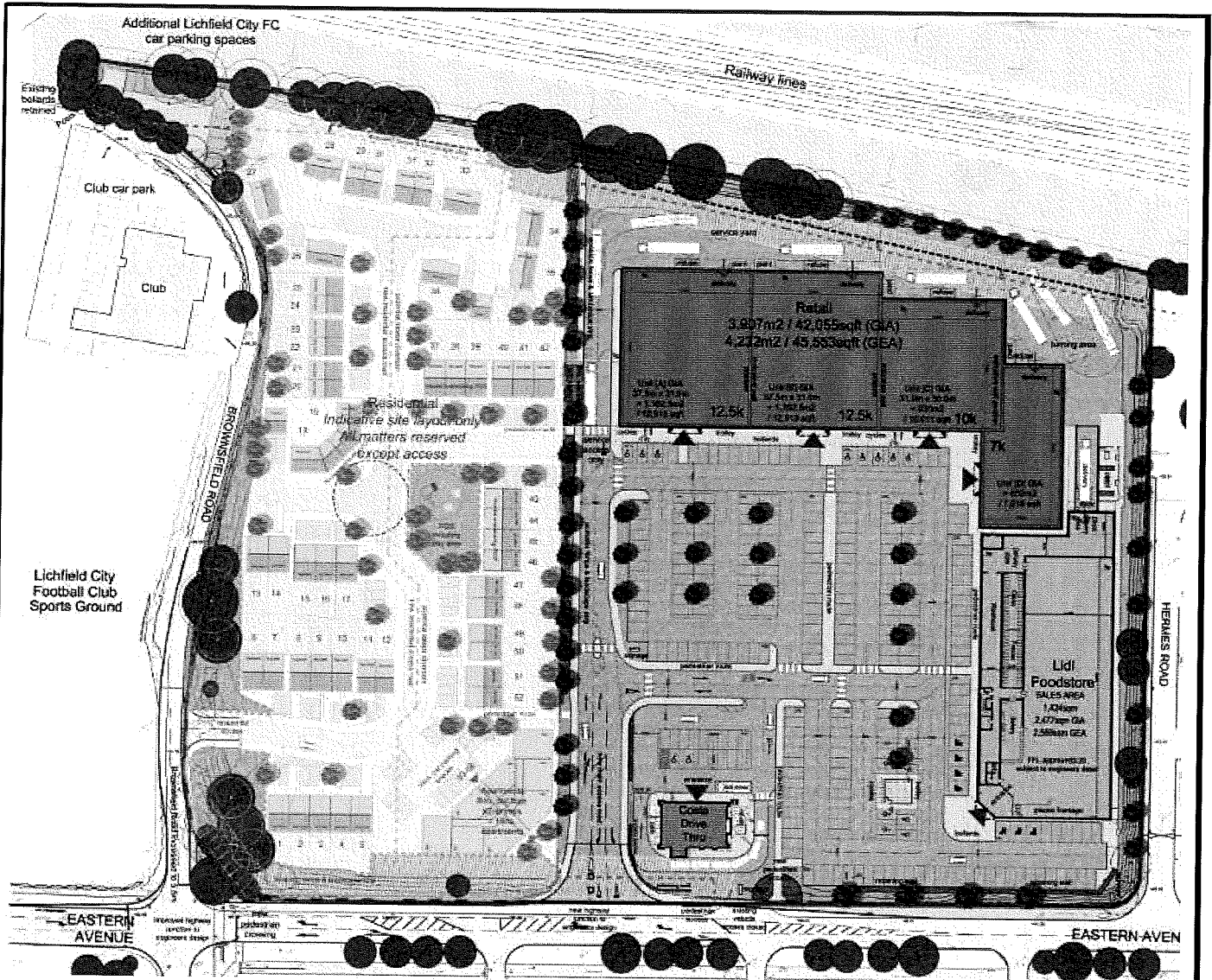
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17/00060/OUTFLM

DEMOLITION OF EXISTING FACTORY BUILDINGS AND PHASED REDEVELOPMENT OF LAND FOR A MIXED USE SCHEME COMPRISING A FOOD STORE (USE CLASS A1), NON-FOOD BULKY GOODS / RETAIL UNITS (USE CLASS A1), A DRIVE-THRU RESTAURANT (USE CLASS A3/A5), OUTLINE APPLICATION FOR UP TO 70 RESIDENTIAL DWELLINGS (USE CLASS C3), TOGETHER WITH ASSOCIATED LANDSCAPING, CAR PARKING AND ACCESS AND THE PROVISION OF A CAR PARK FOR USE BY ADJACENT FOOTBALL CLUB. FULL DETAILS ARE PROVIDED FOR THE COMMERCIAL USES AND FOOTBALL CLUB CAR PARK. ALL MATTERS ARE RESERVED FOR THE RESIDENTIAL DEVELOPMENT OTHER THAN ACCESS. (PHASED DEVELOPMENT)

**FORMER NORGREN FACTORY, EASTERN AVENUE, LICHFIELD, STAFFORDSHIRE
FOR NEW STREET LLP**

Registered on 26/01/17

Parish: Lichfield

RECOMMENDATION: Subject to the owners/applicants first entering into a Section 106 agreement under the Town and Country Planning Act (as amended) to secure contributions/planning obligations towards:-

- 1. Affordable housing provision;**
- 2. Primary education contribution;**
- 3. Framework Travel Plan and Monitoring Sum;**
- 4. Traffic Management Restrictions and the formation of controlled parking zones in the residential phase of development; and**
- 5. Maintenance management company.**

Approve, subject to the following conditions:

1 The commercial part of the development hereby approved shall be begun before the expiration of three years from the date of this permission.

2. The residential development authorised by this permission shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved, whichever is the later. Application(s) for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission.

3. The residential development shall not be commenced until details of the layout of the site including the disposition of roads and buildings; existing and proposed ground levels and finished floor levels; the design of all buildings and structures; housing mix; the external appearance of all buildings and structures including materials to be used on all external surfaces; the means of pedestrian and vehicular access and parking layout; and the landscape and planting of the site shall be submitted to and approved by the Local Planning Authority by way of reserved matters application(s).

4. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.

CONDITIONS to be complied with PRIOR to the commencement of development hereby approved:

5. Before any phase of the development hereby approved is commenced, a Construction Vehicle Management Plan for that phase shall be submitted to, and approved in writing by the Local Planning Authority. The management plan shall:

- i) Specify details of the site compound;
- ii) Specify the delivery and working times;
- iii) Specify the types of vehicles;
- iv) Specify noise and dust control;
- v) The management and routing of construction traffic;
- vi) Provide for the parking of vehicles of site operatives and visitors and wheel washing facilities;
- vii) Provide for the loading and unloading of plant and materials; and
- viii) Provide for the storage of plant and materials used in constructing the development.

The development shall thereafter be carried out in accordance with the approved details and thereafter adhered to throughout the construction period, unless otherwise agreed in writing by the Local Planning Authority.

6. No development, with the exception of demolition and remediation works, shall commence on the food store, non-food bulky retail units or drive thru until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- i) All external facing materials to be used in the construction of the external walls; and
- ii) All exterior roof materials.

The commercial phase of development shall thereafter be undertaken in accordance with the approved details and thereafter be retained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

7. No development with exception of demolition and remediation works, shall commence until full details of the access works as broadly indicated on Drawing Number IPD-16-345-115 rev D along with a phasing programme for implementation, have been submitted to and approved in writing by the Local Planning Authority. The highway works shall thereafter be constructed in accordance with the approved phasing programme.

8. No development with the exception of demolition and remediation works shall commence until drainage plans for the disposal of surface and foul sewage are submitted to and approved in writing 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 be maintained for the life of the development.

9. Notwithstanding the submitted details no development shall commence within each phase of development, with the exception of demolition and remediation work, until details of all proposed boundary treatments, for that phase of development, have been submitted to and approved in writing by the Local Planning Authority. Both the residential and commercial phases of development shall include full details of a trespass proof fence to be erected adjacent to the railway boundary, The approved fences shall be implemented prior to the first use of first occupation of the phase of development to which they relate and thereafter be retained for the life of the development.

10. No development with the exception of demolition and remediation works shall commence until details of the siting and appearance of 5 bat roost and 20 bird nesting opportunities, to be installed within this site, in accordance with details included in Table 5.3

and Section 5.2.4 of the Preliminary Ecological Assessment Reference TDL – 1502 and Section 5.2.2 of the Nocturnal Bat Survey Reference TDL-1503 have been submitted to and approved in writing by the Local Planning Authority. The approved bat or bird boxes shall thereafter be installed in accordance with an agreed schedule of installation and thereafter shall be maintained in-situ for the life of the development, unless otherwise first agreed in writing by the Local Planning Authority.

11. No development with the exception of demolition shall commence, within each phase of development, until a remediation strategy for that phase of development that includes the following components to deal with the risks associated with contamination of the site, has been submitted to and approved, in writing, by the Local Planning Authority:

- i) Site investigation schemes, based on the preliminary risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- ii) The results of the site investigations and the detailed risk assessments referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
- iii) Verification plans providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategies in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

12. Prior to undertaking any vibro-impact works on site, a risk assessment and method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved measures.

13. No development with the exception of demolition and remediation works shall commence within the residential phase of development until a noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority demonstrating that the acoustic climates within the dwellings can achieve the following values:

- i) 35dB LAeq,16hrs between 07:00 and 23:00
- ii) 30dB LAeq,8hrs between 23:00 and 07:00
- iii) 45dB LAFmax between 23:00 and 07:00

The noise insulation measures shall be installed prior to the first occupation of the dwellings to which they relate and thereafter be retained for the life of the development.

14. Before the development hereby approved, including any site clearance works is commenced, 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 British Standard 5837:2012 and retained for the duration of construction (including any demolition and / or site clearance works), unless otherwise agreed in writing by the Local Planning Authority. 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.

15. No development with the exception of demolition and remediation works shall commence within each phase of development, until details of ground levels, earthworks and

excavations to be undertaken as part of the development process, for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details

All other CONDITIONS to be complied with:

16. The approved landscape and planting scheme for the commercial phase of development shown on plans 1709-16-03a, 1709-16-04 and 1709-16-01a, shall be implemented within the first available planting season, following the commencement of commercial development within the site, unless otherwise first agreed in writing by the Local Planning Authority.

17. 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, unless otherwise agreed in writing by the Local Planning Authority.

18. No trees, shrubs or hedgerows planted or retained as part of the approved landscaping and planting scheme, shall be topped, lopped or cut down without the prior consent in writing of the Local Planning Authority.

19. No part of the commercial or residential phases of development shall be occupied until a Waste Management Strategy for that particular phase is submitted to and approved in writing by the Local Planning Authority. The Waste Management Strategy shall include details for the treatment of all waste generated by the users of the completed phase of development and all on site provision for waste storage and recycling facilities.

20. The external lighting scheme shown on the approved plan reference 0244059795 Revision C, shall be implemented and installed prior to the first occupation of the phase of development to which they relate and shall not thereafter be amended or altered without the prior written approval of the Local Planning Authority.

21. Prior to the first use of the lighting scheme approved by condition 20, a strategy of lighting control, which will accord with the conclusions of Halligan Associates Lighting Report reference AC/al-w14025/B3136 dated January 2017, shall be submitted to and approved in writing by the Local Planning Authority. The strategy so approved shall be adhered to for the life of the development.

22. Notwithstanding the submitted details prior to the first use of any buildings within the commercial phase of development, full details of secure weatherproof cycle parking facilities (a minimum of 33 spaces) and shower/locker facilities for staff where possible, shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking facilities shall thereafter be provided for the unit to which they relate prior to the development being first brought into use and thereafter be retained for the life of the development.

23. Prior to erecting any scaffold within 10 metres of a boundary of the railway line, a method statement, including details of measures to be taken to prevent construction materials from the development reaching the railway (including protective fencing) shall be submitted and approved in writing by the Local Planning Authority. The approved measures shall be retained in place throughout the construction phase on the specified buildings.

24. Within 6 weeks post completion of the shell and core works of the food and non-food retail units and drive thru, a certificate of compliance from an accredited assessor confirming that these buildings have achieved the required BREEAM minimum rating of Good for the non-food bulky goods units and very good for the foodstore unit, shall be submitted to and approved in writing by the Local Planning Authority.

25. Prior to the first use of any external plant or water storage tanks, details of these machines and structures and any associated enclosures shall be submitted to and approved in writing by the Local Planning Authority along with full details of any noise mitigation measures. Any approved mitigation or enclosure shall be installed prior to the first use of the plant or water tank and shall thereafter be maintained for the life of the development.

26. Prior to the first occupation of any of the dwellings hereby permitted, the additional parking for Lichfield City FC shall be provided in accordance with the approved plans (Drawing Number 1522/PA03 Revision A) and shall thereafter be retained as such for the lifetime of the development.

27. Before any of the commercial units hereby approved are first brought into use, the parking areas, to which they relate, as shown on the approved plan (Drawing No. 1522/PA03 Revision A) shall be provided and surfaced in a porous material, with the individual parking bays clearly delineated and thereafter be retained for the life of the development.

28. Before the drive thru hereby permitted is first brought into use, a Service Management Plan shall be submitted to, and approved in writing by the Local Planning Authority. The submitted Service Management Plan shall include the following details:

- i) the type and size of delivery vehicles;
- ii) the type and size of waste/recycling vehicles; and
- iii) the hours of servicing.

The Service Management Plan shall thereafter be adhered to for the lifetime of the proposed development.

29. Prior to the first use of any of the service yards for the retail units, a scheme of noise mitigation detailing methods of screening of these areas from neighbouring dwellings shall be submitted to and approved in writing by the Local planning Authority. The mitigation measures so approved shall be installed prior to the first occupation of the dwellings to which they relate and shall thereafter be retained for the life of the development.

30. The development hereby permitted shall be carried out in complete accordance with the approved Flood Risk Assessment, compiled by PCS Consulting Engineers Ltd (issue 2) dated 17th January 2017 and the mitigation measures identified therein:

- i) The provision and implementation of surface water run-off limitation less 40% upon the 1 year, 30 year and 100 year rates;
- ii) Attenuation storage, based on sustainable principles, to accommodate the 1:100 year and 40% storm event on site; and
- iii) Confirmation to be provided to the Local Planning Authority of an acceptable and achievable maintenance schedule, along with details of which responsible body will maintain the surface water system over the lifetime of the development.

31. The finished floor levels of the approved buildings within the site shall be set no lower than 150mm above the adjacent ground level.

32. The opening hours for the commercial units shall be:

Food Retail	07:00 – 22:00 Monday to Saturday 09:00 – 18:00 Sunday
Non-food Retail	07:00 – 22:00 Monday to Saturday 09:00 – 18:00 Sunday
Drive thru	06:00 – 22:00 Monday to Sunday

Unless otherwise agreed in writing by the Local Planning Authority.

33. The non-food bulky goods retail units hereby approved shall have:

- i) An aggregate Gross Internal Area not exceeding 3,907 square metres, including, for the avoidance of doubt, any mezzanine floor space;
- ii) An aggregate sales area not exceeding 3,126 square metres; and
- iii) A minimum size of 464 square metres Gross Internal Area.

34. The goods to be sold in the non-food retail units shall only be for the sale of furniture and household furnishing, bedding and homeware, carpets and floor coverings, curtains and blinds, electrical appliances, lighting and kitchenware, seasonal goods, DIY products and equipment, gardening products and equipment, motor vehicle equipment and components, bicycles and accessories, computers, office equipment and stationary, pets and pet related products and for no other purpose whatsoever. For the avoidance of doubt, the non –food retail units shall be used for no other purpose than for the sale of any of the specific categories of non-food goods listed above (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification. Similarly, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order, with or without modification), no other change of use under Part 3 of the Schedule 2 of the Order shall be allowed without express planning consent from the Local Planning Authority first being obtained.

35. The foodstore hereby approved shall have:

- i) A Gross Internal Area not exceeding 2,477 square metres;
- ii) A total sales area not exceeding 1,424 square metres, including, for the avoidance of doubt, any mezzanine floorspace; and
- iii) The comparison goods sales area shall not exceed 300 square metres, and the convenience goods sales area shall not exceed 1,200 square metres, subject, at all times, to the total sales areas not exceeding 1,424 square metres.

36. There shall be no more than 70 dwellings provided on the site.

REASONS FOR CONDITIONS:

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.

2. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.

3. For the avoidance of doubt in that the application has been made for outline permission only; to ensure a satisfactory form of development; safeguard the character of the area and safeguard the amenity of future residents in accordance with the requirements of Core Policy 3 and Policies BE1 of the Local Plan Strategy and guidance contained in the National Planning Policy Framework.

4. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and guidance contained in the National Planning Practice Guidance.

5. In the interests of highway safety and to protect the amenity of nearby residents during the construction period, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and guidance contained in the National Planning Policy Framework.

6. To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of the visual amenity of the area within which the site is located, in accordance with the provisions of Core Policy 3 and Policy BE1 of the Local Plan Strategy 2015 and guidance contained in the National Planning Policy Framework.
7. In the interests of highway safety, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and guidance contained in the National Planning Policy Framework.
8. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or create or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy and guidance contained in the National Planning Policy Framework.
9. To safeguard the appearance of the development and to protect the adjacent railway from unauthorised access, in the interests of the safe operation of the railway network and in accordance with the requirements of Policy BE1 of the Local Plan Strategy and guidance contained within the National Planning Policy Framework.
10. In order to safeguard the ecological interests of the site and encourage enhancements in biodiversity and habitat in accordance with Core Policies 3 and 13 and Policy NR3 of the Lichfield Local Plan Strategy 2015 and guidance contained in the National Planning Policy Framework.
11. To protect the water environment and to safeguard future residential amenity, in accordance with the requirements of Core Policy 3, and Policy BE1 of the Local Plan Strategy and guidance contained in the National Planning Policy Framework.
12. In the interests of the safe operation of the railway network, in accordance with guidance contained within the National Planning Policy Framework.
13. To safeguard the amenity of future residents in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and guidance contained within the National Planning Policy Framework.
14. To ensure that no existing trees on the site which contribute towards the character of the area are damaged during the construction process, in accordance with the provisions of Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.
15. To safeguard the amenities of the occupiers of nearby residential properties and to protect the character and appearance of the area, in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and guidance contained within the National Planning Policy Framework.
16. To ensure that a landscaping scheme to enhance the development is provided, in the interests of the visual amenity of the area within which the site is located. In accordance with the provisions of Core Policy 3 and BE1 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and guidance contained within the National Planning Policy Framework.
17. To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that any initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with the provisions of Core Policy 3 and BE1 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and guidance contained within the National Planning Policy Framework.

18. To ensure that the landscaping scheme is appropriately retained in accordance with the provisions of Core Policy 3 and BE1 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and guidance contained within the National Planning Policy Framework.
19. To ensure waste is disposed of in a sustainable way taking into consideration the waste hierarchy and in accordance with Policy SC1 of the Local Plan Strategy and guidance contained in the National Planning Policy Framework.
20. To safeguard the amenity of existing and future residents in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and guidance contained within the National Planning Policy Framework
21. To safeguard the amenity of existing and future residents in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and guidance contained within the National Planning Policy Framework
22. To promote the use of sustainable modes of transportation in accordance with Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and guidance contained in the National Planning Policy Framework
23. In the interests of the safe operation of the railway network, in accordance with guidance contained within the National Planning Policy Framework.
24. To ensure that the development is constructed in a sustainable manner in accordance with Core Policy 3 and Policy SC1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and guidance contained within the National Planning Policy Framework.
25. To safeguard the amenity of existing and future residents in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and guidance contained within the National Planning Policy Framework
26. In the interests of highway safety, and to seek to limit parking congestion on surrounding roads, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and guidance contained in the National Planning Policy Framework.
27. In the interests of highway safety and to reduce the risk of flooding in accordance with the requirements of Core Policy 3 and Policies BE1 and ST2 of the Local Plan Strategy and guidance contained in the National Planning Policy Framework.
28. In the interests of highway safety and to protect the amenity of neighbouring residents in accordance with the requirements of Core Policy 3 and Policies BE1 and ST2 of the Local Plan Strategy and guidance contained in the National Planning Policy Framework.
29. To safeguard the amenity of future residents in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and guidance contained within the National Planning Policy Framework
30. To ensure that the development is provided with a satisfactory means of drainage, to reduce the risk of creating or exacerbating a flooding problem, impacting upon the neighbouring railway network and to minimise the risk of pollution, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy and guidance contained in the National Planning Policy Framework.
31. To protect the development against overland flows and reduce the risk of flooding to future occupants in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy and guidance contained in the National Planning Policy Framework.

32. To ensure the amenities of nearby existing and future residents are adequately protected, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and guidance contained within the National Planning Policy Framework.

33. In order for the development to reflect the basis on which this application has been assessed, to minimize the impact on existing, committed and planning commercial investment in Lichfield City Centre, and to protect the vitality and viability of Lichfield City Centre, in accordance with Core Policy 6, Strategic Policy 9 and Policy Lichfield 3 of the Local Plan Strategy and guidance contained within the National Planning Policy Framework.

34. In order for the development to reflect the basis on which this application has been assessed, to minimize the impact on existing, committed and planning commercial investment in Lichfield City Centre, and to protect the vitality and viability of Lichfield City Centre, in accordance with Core Policy 6, Strategic Policy 9 and Policy Lichfield 3 of the Local Plan Strategy and guidance contained within the National Planning Policy Framework.

35. In order for the development to reflect the basis on which this application has been assessed, to minimize the impact on existing, committed and planning commercial investment in Lichfield City Centre, and to protect the vitality and viability of Lichfield City Centre, in accordance with Core Policy 6, Strategic Policy 9 and Policy Lichfield 3 of the Local Plan Strategy and guidance contained within the National Planning Policy Framework.

36. For the avoidance of doubt, in accordance with the applicants' stated intentions, to ensure that the development allows adequate provision for green open space, and that it will be adequately served by infrastructure and to meet the future housing needs of the District, in accordance with the requirements of Core Policy 1 and Policies BE1, IP1 and Lich 4 of the Local Plan Strategy and guidance contained within the National Planning Policy Framework.

NOTES TO APPLICANT

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015).

2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £28 for a householder application or £97 for any other application including reserved matters. Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in kind when programming development.

3. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016. A CIL charge will apply to all relevant applications determined on or after the 13th June 2016. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at www.lichfielddc.gov.uk/cilprocess.

4. The residential area of the development will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before the commencement of works.

5. The applicant is advised that the access and off-site highway works will require a Major Works Agreement with Staffordshire County Council and therefore it is requested that you contact the Network Management Unit of Staffordshire County Council in respect of securing the appropriate legal agreement.
6. The applicant is advised that any soakaway proposed to be installed within the site shall be located a minimum of 4.5m to the rear of the highway boundary.
7. This permission does not grant or imply consent for any signs or advertisements, illuminated or non-illuminated. A separate application may be required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, or subsequent legislation.
8. The applicant is advised that even if the approved development's impact upon protected species was not raised as an issue by the Lichfield District Council when determining the application, there remains the possibility that those species may be encountered once work has commenced. The gaining of planning approval does not permit a developer to act in a manner which would otherwise result in a criminal offence to be caused. Where such species are encountered it is recommended the developer cease work and seek further advice (either from Natural England or the Lichfield District Council Ecology Team) as to how to proceed.
9. The applicant is advised to ensure that site levels fall away from property in order to minimize the potential for flood risk.
10. The applicant is advised to consider raising the finished floor levels of the dwellings to 300mm above the adjacent land levels in order to protect these units from overland flow and residual run-off from the embankment to the rear of the site.
11. The applicant is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer dated 15th February 2017. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
12. The applicant is advised to note and act upon as necessary the comments and requirements of Network Rail dated 31st January 2017. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
13. The applicant is advised to note and act upon as necessary the comments and requirements of Staffordshire Fire and Rescue Service dated 1st February 2017.
14. The applicant is advised to note and act upon as necessary the comments and requirements of National Grid dated 2nd February 2017.
15. The applicant is advised to note and act upon as necessary the comments and requirements of the Council's Waste Services Manager dated 30th January 2017.
16. The applicant is advised that it is unlikely that two large scale totem signs will be permitted adjacent to Eastern Avenue as this would result in unnecessary street scene clutter being introduced into the area.
17. The applicant is advised that when seeking to discharge condition 11, the use of palisade fencing within the commercial phase of development will be considered unacceptable and rather paladin fencing should be used.
18. During the course of the application, the Council has sought amendments to the proposals to ensure a sustainable form of development, which complies with the provisions of paragraphs 186-187 of the NPPF.

PLANNING POLICY

Departure – Yes

National Government Guidance

National Planning Policy Framework
National Planning Practice Guidance

Lichfield District Local Plan (Saved Policies)

Policy EMP2 – Existing Industrial Areas
Policy L23 – Road and Junction Improvements
Policy L24 – Traffic Management
Policy L26 – Rear Servicing
Policy L46 – Shopfronts

Lichfield District Local Plan Strategy 2008-2029

Core Policy 1 – The Spatial Strategy.
Core Policy 2 – Presumption in Favour of Sustainable Development.
Core Policy 3 – Delivering Sustainable Development.
Core Policy 4 – Delivering Our Infrastructure
Core Policy 5 – Sustainable Transport.
Core Policy 6 – Housing Delivery.
Core Policy 7 – Employment and Economic Development.
Core Policy 8 – Our Centres
Core Policy 10 – Healthy & Safe Lifestyles
Core Policy 11 – Participation in Sport & Physical Activity
Core Policy 14 – Our Built & Historic Environment
Strategic Policy 7 – Economic Prosperity
Strategic Policy 8 – Employment Opportunities
Policy SC1 – Sustainability Standards for Development
Policy SC2 – Renewable Energy
Policy IP1 – Supporting & Providing our Infrastructure
Policy ST1 – Sustainable Travel
Policy ST2 – Parking Provision
Policy H1 – A Balanced Housing Market
Policy H2 – Provision of Affordable Homes
Policy E1 – Retail Assessments
Policy HSC1 – Open Space Standards
Policy HSC2 – Playing Pitch & Sport Facility Standards
Policy NR3 – Biodiversity, Protected Species & their Habitats
Policy NR4 – Trees, Woodland & Hedgerows
Policy NR5 – Natural & Historic Landscapes
Policy NR6 – Linked Habitat Corridors & Multi-functional Greenspaces
Policy NR7 – Cannock Chase Special Area of Conservation
Policy BE1 – High Quality Development
Policy Burntwood 3 – Burntwood Economy
Policy Lichfield 1 – Lichfield Environment
Policy Lichfield 2 – Lichfield Services and Facilities
Policy Lichfield 3 – Lichfield Economy
Policy Lichfield 4 – Lichfield Housing

Supplementary Planning Document

Sustainable Design
Trees, Landscaping and Development
Developer Contributions
Open Space, Sports and Recreation
Biodiversity and Development
Allocations Document (Draft)

Other

Staffordshire and Stoke on Trent Joint Waste Local Plan
Emerging Lichfield City Neighbourhood Plan
Natural Environment and Rural Communities Act 2006
The Conservation (Natural Habitats, &c.) Regulations 1994
Lichfield Employment Land Review (2012)

RELEVANT PLANNING HISTORY

16/00542/DEMCON – Demolition of existing industrial unit and associated offices – Prior Approval Not Required – 15.06.16

05/00973/FUL - Creation of new emergency gated access – 31.10.05

00/00292/FUL – Addition of new windows to external elevation – Approved – 27.04.00

98/00681/FUL – New site access with ramp – Refused – 22.10.98

L278 - Retention of existing buildings for use as offices canteen weighbridge office and gatehouse – Approved – 02.07.74

CONSULTATIONS

Lichfield City Council – No objections (02/02/17).

Network Rail – Provide a number of conditions to ensure the on-going safe operation of the railway line. The conditions require the submission and approval of surface water drainage details, excavation works, fencing details and vehicle safety protection measures.

Provide guidance on suitable demolition practices, appropriate landscaping planting for areas adjacent to the railway tracks, the location of any soakaways (31/01/17).

Waste Services Manager – Advises that commercial waste should be stored in secure containers. Guidance also provided on appropriate residential refuse requirements. Road surfaces should be capable of accommodating 32 tonne vehicles and there should be sufficient space to allow for safe access and egress for a Refuse Collecting Vehicle (30/01/17).

Ecological Officer – Concurs with the conclusions expressed within the submitted Bat Activity Survey and Extended Phase 1 Habitat Survey. It is therefore considered unlikely that the works would negatively impact upon a European Protected Species or any other Protected Species or Habitat. As such no further ecological report or survey is required.

Requires that the development be undertaken in accordance with the recommendations and methods of working detailed within Section 5.2 of the Preliminary Ecological Assessment.

Policy NR3 of the Local Plan Strategy requires new development to demonstrate a net gain in biodiversity. To achieve this requirement it is recommended that the installation of 20 new

bird boxes and 5 bat roosting opportunities be made a condition of any permission (27/01/17).

Staffordshire County Council (Minerals & Waste) – No objection (15/02/17).

Staffordshire County Council (School Organisation Team) – The development falls within the catchments of St .Chad's CE (VC) Primary School and The Friary High School. The development proposes 70 dwellings and is therefore likely to generate a demand for 17 primary school and 12 Secondary School places. The abovementioned schools are projected to be full for the foreseeable future. Secondary school contributions are now secured through CIL. Primary School contributions however remain to be secured via S106 agreements and therefore £242,857.13 is sought towards the provision of new school places (16/02/17).

Arboricultural Officer – No objection subject to conditions (29/03/17).

Arboricultural Officer - Previous Comments – Objects to the development. Requires amendments to the landscaping scheme, specifically the tree species and their siting to the boundaries adjacent to Eastern Avenue and Hermes Road. Acknowledges that the landscaping scheme for the residential phase of development is reserved, requires improvements to the submitted plan. Advises of the need to increase the number of trees within the car park and alter the soil volumes (01/02/17).

Highways England – No objections (09/02/17).

Police Architectural Liaison Officer – No objection but stress the importance of not promoting crime through unnecessary permeability. It is important that a high level of physical security is incorporated in these proposals. Draw the applicants' attention to the Secured by Design Website (15/02/17).

Staffordshire County Council (Flood Team) – No objection, subject to a condition requiring that the development be undertaken in accordance with the submitted Flood Risk Assessment, whilst the finished floor level of the proposed dwellings should be set no lower than 150mm above the adjacent ground levels (16/02/17).

Spatial Policy and Delivery Manager – No objections (20/02/17).

HollissVincent (Retail Consultant) – Whilst need is not a development management test in the NPPF notes that the applicant's telephone survey results reveals substantial levels of leakage of expenditure in the bulky non-food good categories away from Lichfield, namely to Cannock, Tamworth, Birmingham, Burton upon Trent and Rugeley. With this background in mind it is considered that the range of non-food goods suggested by the applicant in their proposed condition wording is appropriate. However supplies additional comment and recommendations on the suggested conditions, in order to ensure that the site can operate without impacting upon the vitality or viability of Lichfield City Centre (11/04/17).

Housing Strategy and Enabling Manager – Advise that 31% of the dwellings should be affordable. Of these units 65% should be social rented and 35% shared ownership. Details an appropriate housing mix (02/03/17).

Staffordshire County Council (Highways) – No objection, subject to conditions requiring that prior to the commencement of development further details of access be submitted to and approved by the Local Planning Authority. In addition requests the provision of the additional parking for Lichfield Football Club and the access, parking and servicing areas, prior to the first use of the site. Lastly requests that prior to the first use of the drive thru a Service Management Plan be submitted to and approved by the Local Planning Authority.

A Section 106 agreement will be required to secure a Framework Travel Plan and Traffic Management Restrictions specific to the formation of a controlled parking zone for the residential phase of the development (16/02/17).

Severn Trent Water – No objection, subject to a condition requiring the submission and approval, prior to the commencement of development, of a sustainable surface water drainage scheme (16/02/17).

National Grid – Advise that there is National Grid apparatus within the vicinity of the site (06.02.17).

Fire Service – Recommend that consideration be given to include the installation of Automatic Water Suppression Systems within the buildings (01.02.17)

Environmental Health Manager – No objection, subject to conditions requiring the submission and approval, prior to the commencement of development of noise and light attenuation features for the dwellings to mitigate the impact of the railway and retail units. In addition requests the submission of a contaminated land report (24.04.17).

Leisure Services – No response received.

Staffordshire County Council (Principal Archaeologist) – No response received.

Central Networks – No response received.

Ambulance Services – No response received.

South Staffs Water – No response received.

LETTERS OF REPRESENTATION

5 letters of representation have been received. The comments made are summarised below:

Demolition Impact

- The Phase 1 demolition works generated a significant level of dust. Therefore requests that this be rectified for phase 2, through the use of strict conditions, to prevent unacceptable impact upon neighbours.
- The building contains asbestos and should therefore be appropriately mitigated when being demolished.
- Requests that in order to limit noise impact upon neighbours the hours within which demolition can be undertaken be limited to 8am to 6pm Monday to Friday, 8am to 1pm Saturdays and no working allowed on Sundays and Bank Holidays.
- Requests that measures be imposed to ensure that neighbouring properties are not affected by vibration during demolition works.

Drive-thru Restaurant

- The opening hours, traffic generation, odours and litter associated with the KFC drive-thru will have an adverse impact upon the amenity of neighbouring residents.
- The restaurant will be a hub for undesirables to congregate creating social problems.

- The hours of operation of the drive thru should be reduced from those proposed by the applicant.
- The litter dropped around this site will attract rodents into the area.
- Given the number of Costa Coffee units in and around Lichfield there appears little demand to provide a further unit within this site.

Noise Impact

- Noise levels will increase in the areas due to an increase in traffic and people within the site. The developer should therefore pay for improved glazing to neighbouring property.

Anti-Social Behaviour

- The car park should be closed off once the shops are closed to prevent its anti-social use.

Visual Impact

- Appropriate screening should be introduced between the development and neighbouring properties to limit the visual impact of the development.
- Better lighting should be installed along Eastern Avenue.

Highways Impact

- The development will lead to additional traffic passing along Eastern Avenue, which will lead to localised conversion.

Other

- The development will cause the value of surrounding property to fall and blight the area making it difficult to sell property.
- What compensation will the Council be offering to existing residents?

OTHER BACKGROUND DOCUMENTS

The developer has submitted the following documents in support of their application:

Air Quality Assessment
 Arboricultural Survey Report & Method Statement
 Design and Access Statement
 Environmental Site Assessment
 Flood Risk Assessment
 Framework Travel Plan
 Lighting Assessment
 Marketing Report
 Nocturnal Bat Survey Report
 Noise and Vibration Assessment
 Planning Statement
 Preliminary Ecological Appraisal and Preliminary Bat Scoping Survey Report
 Retail Statement
 Transport Assessment

OBSERVATIONS

Site and Location

The site is located to the north of Eastern Avenue and measures approximately 4.19 hectares. The site is bounded by the A5192 to the south, commercial development to the east, the railway line to the north and Lichfield City Football Club to the west. To the opposite side of Eastern Avenue is residential use.

The application site currently contains a large scale industrial building, surrounded by areas of hardstanding, which historically formed the IMI Norgren premises. The site was vacated in 2015 and other than the demolition of the smaller storage building to the rear of the site in 2016, has subsequently been left unaltered.

Proposals

This is a hybrid planning application with part of the proposed development subject of a full submission and part made in outline.

The full planning application comprises:

- Demolition: Removal of all existing buildings.
- Shops: 3,907 sq. m (GIA) bulky foods retail space, indicatively shown to be broken up indicatively into 4 units to be occupied by non-food operators.
- Supermarket: A 2,477 sq m unit to be operated by Lidl.
- Drive thru Restaurant: A 197.5 sq m unit shown to be operated by Costa Coffee.
- Car Parking: Provision of a 15 bay car park adjacent to Lichfield City Football Club for their use. A further 292 off street car parking bays provided for the commercial scheme.

The outline element of the application comprises:

- Residential: The erection of up to 70 dwellings, with all matters expect vehicular access reserved, which is proposed from a single point off a widened Brownsfield Road.

Background

Members will recall that an Issues Paper for this application was brought to the planning committee meeting for their consideration on the 27th February 2017.

Determining Issues

- 1) Policy and Principle of Development
- 2) Design, Scale and Visual Impact
- 3) Highway Issues - Access, Servicing and Parking
- 4) Trees and Landscaping
- 5) Ecology and Biodiversity
- 6) Amenity of Neighbouring Properties and Future Occupants
- 7) Archaeology
- 8) Sustainability
- 9) Contaminated Land, Flood Risk and Drainage
- 10) Planning Obligations and Viability
- 11) Other Issues
- 12) Human Rights

1. Policy and Principle of Development

National Guidance

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Lichfield District Local Plan (1998) (saved policies) and the Local Plan Strategy 2008-2019.

- 1.2 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and within the Ministerial Foreword, it states “*development that is sustainable should go ahead, without delay*”. Therefore consideration has to be given to whether this scheme constitutes a sustainable form of development and whether any adverse impacts would significantly and demonstrably outweigh the benefits it would deliver.
- 1.3 Paragraph 7 of the NPPF provides a definition of sustainable development, identifying that there are three separate dimensions to development, namely its economic, social and environmental roles.
- 1.4 The economic role is expanded upon through Paragraph 19 of the NPPF, which advises that “*Planning should operate to encourage and not act as a impediment to sustainable economic growth. Therefore significant weight should be placed on the need to support economic growth through the planning system*”, whilst Paragraph 21 states that planning policies should recognise and seek to address potential barriers to investment.

Commercial

- 1.5 Paragraph 23 provides advice specific to the vitality and viability of town centres and advises Local Planning Authorities to promote competitive town centres that provide a diverse retail offer. It is advised that each authority should allocate suitable sites of a scale and type suitable for town centre uses such as retail, leisure and residential development.
- 1.6 Paragraph 24 states that retail development must be both outside of an existing centre and not in accordance with an up-to-date development plan to trigger the requirement for a sequential test. This site lies some way beyond the city centre boundary, as identified within the Local Plan Strategy, with the food store, retail units and drive thru elements of the scheme, being noted as main town centre uses. The Council has an up to date development plan and therefore, the development is subject to a Sequential Assessment.
- 1.7 The supermarket comprises 2,477 square metres (GIA) of retail floorspace and the indicatively shown 4 bulky good retail units have a combined floorspace of 3,907 square metres. The total retail floorspace within the development is therefore above the locally set threshold (1,000 square metres) in order to require, in accordance with the requirements of Paragraph 26 of the National Planning Policy Framework, the submission of a Retail Impact Assessment (RIA).
- 1.8 Paragraph 27 of the National Planning Policy Framework advises that where an application fails to satisfy the sequential test or RIA and would therefore likely have a significant adverse impact upon the vitality or viability of the city centre, it should be refused.
- 1.9 A Sequential Assessment (SA) has been submitted with the application. As per the requirements of Paragraph 24 of the NPPF and Paragraph 010 of the National Planning Practice Guidance (NPPG) the SA considers city centre and edge of centre sites, including Friarsgate, Bird Street Car Park, Backchester Car Park, Quonians Lane and Burntwood Town Centre, to identify whether there is a more sequentially preferable location for the retail and drive thru elements of the development. The SA concludes that all of the sites considered are unsuitable for the business model proposed by the applicant.
- 1.10 The SA has been assessed by the Council’s Spatial Policy and Delivery Team who agree that the development sites considered were either unavailable, unsuitable or unachievable in terms of accommodating either the supermarket or the bulky goods

retail elements of the scheme. Overall therefore, it is accepted that there are no suitable sequentially preferable locations and that the sequential test is therefore passed.

- 1.11 The NPPG provides a checklist for applying a RIA, which has been followed in preparing the document submitted with this application. This has entailed the undertaking of a health check of Lichfield City Centre to establish its vitality and viability, an assessment of the impact of the proposal on the City Centre's vitality and viability, along with consumer choice and trade, including cumulative impacts and finally, an assessment of impact upon existing, committed and planned public and private investment in the City Centre.
- 1.12 Once more the RIA has been considered by the Council's Spatial Policy and Delivery Team who advise that the analysis of retail floor space and vacancy rates in the city centre are in line with the Council's own data, which shows a shop vacancy rate below the national average and a generally healthy centre, albeit one with room to improve its retail offer. The document continues to highlight that like sized food store units as the proposed Lidl, namely Morrisons, Aldi and Tesco, all occupy sites outside of the City Centre boundary. Analysis of shopping patterns and trade draw continues to demonstrate that the supermarket would not undermine the health of the city centre or the delivery or future operational success of Friarsgate. Thus, subject a condition to determine the ratios of convenience and comparison retailing within the unit, the supermarket can be considered acceptable within this location.
- 1.13 Policy Lichfield 3 of the Local Plan Strategy provides for "*5,000 sq m gross for comparison bulky gross retail outside of the city centre provided it does not conflict with other policies in the plan*". This figure was based on the update of Retail Evidence Base produced for the Council by England and Lyle in 2012. Given that the scale of development falls below the threshold set within the Local Plan and no other developments have come forward in the meantime to fulfil this quota, it therefore follows that this aspect of the proposal, as per the requirements of Paragraph 26 of the NPPF does not fall to be considered by a RIA, given effectively that the bulky goods retail element of the development is compliant with an up to date development plan. In order to protect the city centre however, it is appropriate to limit the types of goods to be sold from these units and the floor area of the units via the use of appropriately worded and robust conditions.

Residential

- 1.14 Paragraphs 49 and 50 of the NPPF advise that housing applications should be considered in the context of the presumption in favour of sustainable development and that housing policies within the Local Plan should only be considered up to date if the Local Planning Authority is able to demonstrate a five year supply of housing.
- 1.15 The supply of housing land is regarded as having a social and economic role and in order to significantly boost the supply of housing. The NPPF requires that Councils should identify and update annually a supply of specific deliverable sites sufficient to provide five years delivery of housing provision. In addition, a buffer of 5% (moved forward from later in the plan period) should also be supplied, to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 1.16 Lichfield District Council's latest published housing land supply position is set out within the SHLAA 2014 Addendum at table 3.2. It was evidenced that at that point there was a 6.48 year housing land supply. The appeal decision issued by the

Secretary of State for the Land North East of Watery Lane, Curborough (reference APP/K3415/A/14/2224354) issued on the 13th February 2017, advised that there is now a 5.11 year supply of housing land within Lichfield District.

- 1.17 Given that the Council can demonstrate a 5 year housing supply it falls for this scheme to be considered, in the first instance, against the Policies contained within the Council's Development Plan.

Local Plan Policies

- 1.18 The Lichfield District Local Plan Strategy was adopted on 17th February 2015 and now comprises the Development Plan. The spatial strategy for the District, set out in Core Policy 1 includes development focused on Lichfield City including sites within the existing urban area. Core Policy 6 further supports the focus of development on key urban and key rural centres, with Lichfield City considered as the most sustainable settlement within the District. Strategic Policy 9 seeks to create a prestigious strategic city centre to serve Lichfield and beyond.
- 1.19 Core Policy 3: Delivering Sustainable Development states that the District Council will require development to contribute to the creation and maintenance of sustainable communities, and sets out key issues which development should address.

Commercial

- 1.20 Saved Policy EMP2 of the Local Plan identifies this site as being within an established existing industrial area, where "*the Council will restrict development... to business, general industry and storage and distribution*". The explanatory text for this Policy advises that it seeks to "*increase employment opportunities and will particularly benefit the local labour force*". The site was also included within the Employment Land Review (2012), wherein it was rated good in terms of market ranking, average for physical and good for sustainability.
- 1.21 Core Policy 7 and Strategic Priorities 7 and 8 of the Local Plan Strategy identify that employment growth will be supported within the District.
- 1.22 This application, given that it will seek to introduce uses outside of the B1, B2 or B8 Class Uses is therefore contrary to the requirements of Local Plan Saved Policy EMP2. It is noted that the Local Plan Allocations Document is seeking to reallocate this site (noted as L27 within this document) for the development of 70 dwellings and bulky goods retail development. This document has yet to be formally adopted by the Council and is currently available for public consultation and as such can be afforded very little material planning weight at this point in time. Thus, given the formally adopted Policy, currently this development must be considered contrary to the Local Plan Strategy.
- 1.23 To seek to address this issue the applicant has submitted with the application a marketing report to demonstrate that this site is no longer suitable for an employment use. The document has been assessed by Council officers, along with HollissVincent a retail consultant employed by the Council and it is considered comprehensive. The document details how the site has been marketed between 2013, up to its land sale in 2016, where it failed to attract any viable B2 or B8 users (B1 use not being considered appropriate given the scale of the buildings). Given the evidence supplied within this document and guidance contained within Paragraph 22 of the NPPF, which states that the long term protection of sites allocated for employment uses should be avoided, where there is no reasonable prospect of the site being used for that purpose, it is reasonable to conclude that the use of the site for uses other than B1, B2 and B8 uses, is therefore acceptable, subject to other considerations identified by local and national planning policies.

Residential

- 1.24 Policy Lichfield 4 'Lichfield Housing' states that approximately 38% of the District's housing growth will be provided within Lichfield with around 46% of this located within the existing urban area.
- 1.25 Strategic Policy 6 of the Local Plan Strategy seeks to provide an appropriate mix of market, specialist and affordable homes that are well designed and meet the needs of the residents of Lichfield District.
- 1.26 Table 2 of Local Plan Strategy Policy H1 identifies a suitable housing mix to meet the needs of the District. This Policy advises that there is currently an imbalance of larger dwellings in the District and the provision of smaller properties, including two bed apartments and 2 and 3 bed dwellings, will increase local housing choice. Due to the location of this site within a sustainable settlement, this development could therefore contribute towards rectifying this District wide imbalance. No details of housing mix proposed for the site has yet been provided, given the outline nature of this element of the scheme. A condition will however be used to secure an appropriate mix, ensuring that the proposed site helps to meet the needs of the District identified within the Southern Staffordshire Districts Housing Needs Study and is therefore supported by the Local Plan Strategy.
- 1.27 Given the above local and national planning policy considerations, it is concluded that the applicant has provided sufficient evidence to demonstrate that the loss of this allocated employment site and its use for food and bulky goods retail and residential use is acceptable in principle, subject to the application of reasonable and necessary conditions limiting the sale of goods and size of units.

2. Design, Scale and Visual Impact

- 2.1 Local Plan Strategy Core Policy 14 states that "*the District Council will seek to maintain local distinctiveness through the built environment in terms of buildings... and enhance the relationships and linkages between the built and natural environment*".
- 2.2 The NPPF (Section 7) advises that "*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 document continues to state 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*".
- 2.3 The NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area's defining characteristics, it states that developments should:
- :
- function well and add to the overall quality of the area;
 - establish a strong sense of place;
 - respond to local character and history, and reflect local surroundings and materials;
 - create safe and accessible environments; and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 2.4 Local Plan Strategy Policy BE1 advises that "*new development... should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views*". The Policy continues to expand

on this point advising that good design should be informed by “*appreciation of context, as well as plan, scale, proportion and detail*”.

Layout

- 2.5 The built form within this site and the immediate area of Eastern Avenue, is set close to the rear of the highway, with mature landscaping to their fore. The industrial buildings, which are located to the northern side of Eastern Avenue and dwellings, which are located to the south are near contemporary in age, being of early 1970s construction. The dwelling are sited, side on to the road, with parking courts to their front and rear.
- 2.6 The Design and Access Statement submitted with this application advises that the retail element of the scheme has been located to the east of the site, closest to Hermes Road and the existing commercial development further along Eastern Avenue. The built form associated with these uses has been designed to deliver an ‘L’ shaped perimeter, with the shared car park located to the centre of the site. It is argued that this layout will maximise legibility and ensure that all of the buildings are highly visible for vehicles entering the site from Eastern Avenue, which will aid with legibility and way finding.
- 2.7 The main vehicular access point to serve the commercial elements of the scheme will be located to the centre of the site and will form a tree lined boulevard, with two separate internal accesses points offered off the road into the commercial elements of the scheme.
- 2.8 The siting of the commercial phase of development within the site is appropriate given it will continue the run of office, industrial and retail premises along Eastern Avenue. The layout of the individual built form elements of the scheme however, fails to replicate the sense of street scene enclosure currently evidenced along Eastern Avenue. The location of the bulk of buildings to the rear of the site provides prominence to the large expanse of car park and parked vehicles therein, which, whilst commercially understandable, given retailers wish for shoppers to be able to see parking availability upon their approach to the site, in design terms is regrettable, with prominence afforded to parked vehicles, rather than quality design.
- 2.9 The Design and Access Statement contains a number of previous feasibility options considered for developing this site, with all including a greater degree of built form, located adjacent to Eastern Avenue. The justification provided for discounting these layouts is that this would either limit the amount of parking able to be sited adjacent to a particular unit or they would screen other buildings sited to the rear of the site. Essentially these are matters of commercial viability rather than urban design, but it is acknowledged that such considerations are important in ensuring a deliverable scheme.
- 2.10 An acknowledged benefit derived from this layout is that, given the location of built form adjacent to the rear and side boundaries, service yards will be well screened from public areas and remote from existing residential properties.
- 2.11 The layout plan of the residential area submitted with this application is wholly indicative. The Design and Access Statement however sets out how the plan has evolved, having regard to the character and context of the site. The document identifies that the dwellings and apartment block to be erected are likely to be a maximum three storeys in height. It is stated that it is entirely feasible at the Reserved Matters stage to secure a design for the proposed dwellings that will ensure that the development is respectful to and consistent with the character and appearance of the surrounding area.

- 2.12 Clearly this is an outline application and as such, detailed design is not being considered at this stage. Nevertheless, it is important to ensure that the detailed proposals that come forward at the reserved matters stage are of the highest design quality, appropriate for this context. Whilst the proposed site layout is only indicative, it does demonstrate that the number of dwellings proposed can be accommodated within the site, whilst still offering the Amenity Green Space and Equipped Play Area required by Local Plan Strategy Policy HSC1.
- 2.13 Overall the layout of the commercial element of the scheme raises some urban design concerns; the impact of which will have to be weighed within the planning balance, when determining the acceptability of the development. The residential development is submitted in outline, however, the indicative plan demonstrates how an acceptable layout could be developed for up to 70 dwellings.

Scale

- 2.14 The commercial buildings will have a maximum height of approximately 11.0 metres. Other buildings to the northern side of Eastern Avenue, to the east of the site, are of comparable size to these structures, ensuring that they will integrate successfully into the character of the area. It is noted that the finished floor levels provided on the plans submitted currently are indicative only and as such to ensure that land levels are not raised (other than as required for flood protection measures) a condition requiring the submission and approval of details of finished floor levels is recommended.

Appearance

- 2.15 The primary active frontage of the Lidl food store has been positioned so as to overlook Eastern Avenue, although the entrance will face onto the adjacent car park. This is a predominantly single storey structure, with a mezzanine containing staff facilities housed within part of the mono-pitched roof. The design is standard for Lidl and is broadly contemporary in appearance, due to the minimalist architectural approach. The building is proposed to be constructed utilising white and grey render, a profile roof and horizontal cladding at upper floor level.
- 2.16 The supermarket building is in fact a near replica of the existing Lidl unit located to the south of the site on Eastern Avenue, although somewhat larger. Thus, given this existing building forms part of the immediate character of the area, the structure must be considered suitable. It is noted however that the western elevation, which although largely screened from the public street scene, will be prominent within the site's car park, lacks detail and visual interest. An attempt to break up the horizontal mass of the structure has been made through introducing vertical recessed painted plinths, but the lack of windows offering views into the building, is of some minor concern.
- 2.17 The Design and Access Statement advises that the intention when designing the retail units was to provide a simple contemporary building formed from simple shapes, with visual interest created through the use of key features and a contrast of materials and colour.
- 2.18 The buildings are essentially large rectangular structures, relying upon the future signage areas and entrance features to extend above the flat roof to break up the mass of the building and offer, through their projection forward of the front elevation, some depth and shadow to these facades. The use of silver and dark grey composite cladding will provide visual contrast and also through the laying of this material, will introduce much needed vertical emphasis to these elevations. The overall design, is as advised by the applicant, a simple building, appropriate to its setting.

- 2.19 Given the simple design of both the supermarket and retail units, the quality of materials to be used will be of importance to the final appearance of the development. It is noted that generic material types have been advised for the retail units and more specific details for the supermarket. Full details of the materials to be used for these buildings have however yet to be provided, and as such, are recommended to be secured by condition.
- 2.20 It is noted that the service yard area to the rear of the retail units is proposed to be enclosed via the use of black Pallisade fencing. Such fencing is an overt security measure and not ideal in visual terms. It would be preferable to utilise Paladin fencing, which is visually softer and its use therefore is recommended to be secured via condition.
- 2.21 The Costa Drive Thru is once more of a standardized design specific to the occupant. It comprises a simple rectangular design, with shallow mono-pitch. Large areas of glazing are evidenced, which adds visual street scene interest, whilst a full list of materials are provided, containing timber cladding and white render for the walls and aluminum cladding for the roof. This contemporary material pallet is appropriate to the design of the building and will ensure that the building sits comfortably within its new setting.
- 2.22 It is noted that the indicative visuals provided within the Design and Access Statement, indicate a number of adverts throughout the site, including 3 large scale totem signs. Adverts will be considered through separate applications at a later date. However, it is important to ensure that these features are appropriately scaled and sited to prevent visual clutter within the street scene. Presently two separate totems are proposed to Eastern Avenue, which is likely to be considered unreasonable, given their near proximity. An informative to advise the applicant of this concern is recommended.
- 2.23 Overall, there is a simple contemporary design character utilised across the commercial buildings within the site. Whilst it is evident that generic buildings applicable to each business are being used they are, given the surrounding context, appropriate to the character of the area and will ensure a development, which will visually be acceptable and therefore compliant with the requirements of both local and national planning policy.

3. Highway Issues - Access, Servicing and Parking

- 3.1 Paragraph 34 of the NPPF and Strategic Policy 5 of the Local Plan Strategy both seek to ensure that development which generates significant movement, is located where the need to travel can be minimised and the use of sustainable travel maximised. Paragraph 40 of the NPPF states "*Local Authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles*".
- 3.2 The proposed development will undoubtedly create an increase in the level of traffic on surrounding roads by virtue of the increased intensity of use of the site. The volume and movement of traffic along Eastern Avenue will be particularly affected, with an increased vehicles accessing and exiting both the new car park serving the commercial units and the dwellings.
- 3.3 Vehicular access into the commercial element of the scheme will be via a relocated and improved highway junction off Eastern Avenue. A new link road will run in a northerly direction and offer two entrance points onto the commercial car park. Vehicular access into the residential development will be via Brownfield Road. An improved, traffic light controlled (including pedestrian crossing facility) will be

completed at the junction of Eastern Avenue and Brownsfield Road. Brownsfield Road itself will be widened at its southern end up to the point of access into the housing estate. Vehicular access down to the proposed 17 bay car park to serve the neighbouring Lichfield Football Club Car Park will also be provided via Brownsfield Road.

- 3.4 The suitability of these access alterations have been considered by Staffordshire County Council (Highway Authority), who consider that they are appropriate to ensure safe access and egress to the site. Further precise details of the junctions are however necessary and as such, a condition requiring exact details of both accesses and their delivery timeframes is recommended.

Traffic Management

- 3.5 A Transport Assessment has been submitted with the application, which demonstrates a robust approach has been applied in calculating committed and future development flows and their impact upon the surrounding highway network. It is demonstrated that the junctions in the study area will largely operate within capacity with the sole junction likely to be operating over capacity being the Trent Valley Roundabout, for which improvements have been secured via contributions from the Streethay housing development and Liberty Park.
- 3.6 With the above conclusions in mind it is noted that neither the Highways Agency or Highways Authority have offered any concerns regarding the proposal.

Servicing

- 3.7 The Highways Authority have recommended the use of a condition to secure details of a Service Management Plan for the Drive Thru. Given the proximity of this unit to existing property on Eastern Avenue, such a condition is considered reasonable, necessary and compliant with the requirements of both local and national planning policies.

Car Parking

- 3.8 A total of 292 off street car parking spaces are proposed within the main car park of the commercial element of the development, in addition to the provision of 15 spaces for use of Lichfield City Football Club. Of this provision, 105 are proposed for use by the Supermarket, 17 for use of the drive thru and the remaining 170 for shared use by the retail units.
- 3.9 The Council's adopted car parking standards, are set out in Appendix D of the Supplementary Planning Document: Sustainable Design. These standards set the minimum amounts of parking spaces required, although in accordance with Local Plan Strategy Policies ST1 and ST2, they will be applied in a flexible manner. This is particularly relevant where it can be demonstrated that satisfactory alternative sustainable transport means can be provided.
- 3.10 The abovementioned SPD requires that the supermarket provide 165 spaces and the bulky retail units provide 156. No detail of the parking requirements for drive thru restaurant is provided. There is evidently an undersupply in the supermarket provision and slight oversupply for the retail units. It is apparent from viewing the plans that there will inevitably be some overlap in parking between the various units and the overall shortfall of 46 spaces. However, given the sustainable location of the site, adjacent to established residential areas and a well connected and frequent bus service, is such that the level of provision is considered acceptable. In addition, it should be noted that the Highways Authority have requested that the applicant and

future occupants enter into a Framework Travel Plan to encourage the use of sustainable modes of transport, along with an appropriate monitoring sum.

- 3.11 The applicant has proposed as part of this development to provide a 15 bay car park for use of the neighbouring Football Club. The car park is considered necessary to tackle an existing on street parking congestion issue within the area on match days. To this end the Highways Authority also require that the traffic management restrictions and controlled parking zones be secured for Brownfield Road and the housing estate within the Section 106 agreement to prevent any overspill car parking utilising these areas and causing future highway safety issues. Given that there is an acknowledge parking congestion problem created by the football club, which this development will only partially resolve, such a requirement, in order to protect primarily the safety of future occupiers of the proposed dwellings, is considered reasonable and compliant with local and national planning policies.

Cycle Parking

- 3.12 The Sustainable Design SPD identifies that the minimum number of cycle parking spaces to be provided across the development to serve the various land uses is 33. The block plan provided with the application indicates some cycle hoops to be provided to the fore of the retail units. The level of provision currently proposed is well below that required. In addition, the abovementioned document requires that these spaces be weatherproof. As such a condition is proposed to secure additional covered cycle parking.

Pedestrian Connectivity

- 3.13 A new pedestrian crossing is proposed to be created to Eastern Avenue adjacent to the junction with Brownsfield Road. This crossing will assist in both connecting the residential estate to the existing surrounding infrastructure and also offer access to the football club and commercial units.
- 3.14 Within the site itself pedestrian routes are available from the estate into the commercial development offering interactions between uses. The design of the car park has been formulated to facilitate safe movement from Eastern Avenue into the buildings.
- 3.15 The applicant has provided robust evidence to demonstrate that this development will not have an adverse impact upon the surrounding highway network, and given the sustainable location of the site it is advised that, the level of off street car parking provided is considered sufficient to meet the site's needs. The new access points are considered appropriate, and the site offers good pedestrian connectivity.

4. Trees and Landscaping

- 4.1 Paragraph 118 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm. Core Policy 13 of the Local Plan Strategy also seeks to protect veteran trees, whilst Core Policy 14 seeks to ensure that there is no net loss to trees in conservation areas. Policy NR4 seeks to ensure that trees are retained unless their removal is necessary and appropriate mitigation is proposed.
- 4.2 The proposed scheme would result in the loss of a 10 individual trees and the hedgerow which runs along the site frontage. None of these trees or hedgerows are protected by virtue of a preservation order, although it is noted that some of the retained trees to the western boundary of the site form part of TPO 1959, although the tree survey undertaken by the applicants' arboricultural consultants' notes that several are category B trees and as such worthy of retention. The trees to be

removed are those necessary to permit the formation of new access points and given the lack of objection from the Council's Arboriculturalist this is considered acceptable.

- 4.3 The landscaping scheme put forward by the landscape architects identifies in the order of 60 trees will be planted within the proposed planting scheme for the site, all of which will be extra heavy standard or semi-mature. As such, the scheme offers the potential to significantly increase the number of trees within the site.
- 4.4 The Council's Arboriculturalist initially offered some objections to the development due to the lack of planting and area of planting afforded to trees within the car park area. Following revisions to the landscaping scheme, additional tree planting has been secured, to offer solar shade to parked vehicles and to ensure that the planting beds are of sufficient size to permit the trees to grow to a mature full height. Following these alterations, the Council's Arboriculturalist now offers no objection to the development and as such, subject to conditions to secure the planting of the approved landscaping scheme, retention of the existing trees during the course of construction and the securing of a suitable maintenance schedule, the development can be considered to be compliant with the provision of the Trees, Landscaping and Development Supplementary Planning Document.
- 4.5 It should be noted that planting within the housing estate is yet to be secured, given that landscaping will be a reserved matter.

5. Ecology and Biodiversity

- 5.1 To comply with the guidance contained within Paragraphs 9, 108, 109 and 118 of the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 5.2 Due to the Local Planning Authorities obligation to "*reflect and where appropriate promote relevant EU obligations and statutory requirements*" (Paragraph 2 of NPPF) the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, producing a measurable net-gain to biodiversity value is also made a requirement of all developments within Lichfield District.
- 5.3 The applicant has submitted a Bat Activity Survey and Extended Phase 1 Habitat Survey with the application, which demonstrates that the site, is not utilised by protected animal species as a habitat. Thus, subject to a condition to secure the implementation of the recommendations identified within the Bat Activity Survey, the Council is able to demonstrate compliance with regulation 9(5) of the Habitat Regulations 1994 (amended 2010).
- 5.4 The development has been determined to have a positive quantitative biodiversity impact, through the delivery of 20 new bird nesting and 5 new bat roosting opportunities. The siting, installation and retention of these facilities, shall be secured by condition, to ensure that the development complies with the requirements of Local Plan Strategy Policy NR3 and the Supplementary Planning Document Biodiversity and Development. Such a net gain to biodiversity should be looked upon favourably and afforded appropriate weighting within the planning balance exercise.
- 5.5 The agreed strategy for the Cannock Chase SAC is set out in Policy NR7 of the Council's Local Plan Strategy, which requires that before development is permitted, it must be demonstrated that in itself or in combination with other development it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC having regard to avoidance or mitigation measures. In particular, dwellings within a 15km radius of any boundary of Cannock Chase SAC

will be deemed to have an adverse impact on the SAC unless or until satisfactory avoidance and/or mitigation measures have been secured.

- 5.6 Subsequent to the adoption of the Local Plan Strategy, the Council adopted further guidance on 10 March 2015, acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. This site lies within the 8 - 15 km zone.

6. Archaeology

- 6.1 Paragraph 128 of the NPPF places a duty on Local Planning Authorities to “*require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance*”.

- 6.2 The County Council’s Archaeological has not responded to this application, but given its location, it is unlikely that there will be any demonstrable archaeological sensitivity within the area, and as such, an archaeological watching brief is not considered necessary in this case.

7. Amenity of Neighbouring Properties and Future Residents

- 7.1 The NPPF core planning principles includes the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings, Local Plan Strategy Policy BE1 seeks to protect amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.

- 7.2 Paragraph 109 of the NPPF advises that “*the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability*”.

Noise

- 7.3 Noise emissions resulting from the development have the potential to impact upon both existing and future neighbouring residential properties. The noise and vibration assessment report submitted with the application has been assessed by the Council’s Environmental Health Team, who advise that it is a sound document. The assessment advises that the noise climate for the majority of the site is considered to meet the policy aims of the National Planning Policy Framework and the Local Plan Strategy. The document does advise however that the proposed dwellings closest to service yard to serve the retail units could be adversely impacted upon by noise. Mitigation in the form of an acoustic barrier and noise control measures for servicing and operational activities, is therefore recommended, along with insulation within the dwellings.

- 7.4 In order to limit the impact of the development on both existing and proposed residential properties it is also appropriate to ensure that reasonable opening hours are allocated for these units. The opening hours proposed by the applicant, for the commercial units shall be:

Food Retail	07:00 – 22:00 Monday to Saturday 09:00 – 18:00 Sunday
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Non-food Retail	07:00 – 22:00 Monday to Saturday 09:00 – 18:00 Sunday
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Drive thru

06:00 – 22:00 Monday to Sunday

- 7.5 It is noted that local residents have raised a concern regarding potential anti-social behaviour associated with the drive thru restaurant. It is considered that the business will largely self-police such issues, but that the opening hours identified would prevent this occurring at anti-social hours. Subject to the application of the abovementioned conditions, the development can be considered to comply with the requirements of the both local and national planning policies.

Air Quality

- 7.6 The applicant's Air Quality Report identifies that construction phase of development will likely lead to some dust soiling effect to neighbouring properties, but this can be addressed via the adoption of suitable mitigation measures, which are recommended to be secured via the use of a condition. The likely increase in traffic movement will not however be significant enough to impact upon air quality, nor will the future uses impact upon pollution concentrations within the area. The proposed development is therefore expected to comply with all relevant air quality policies, including the National Planning Policy Framework, as it will not expose any new or existing receptors to an unacceptable level of pollution.

Artificial Lighting

- 7.7 Details of the lighting scheme to serve the development has been detailed within a report submitted with the application. The report identifies that the lighting scheme, required principally to illuminate the car parking area, subject to being switched off between 23:00 until 06:00, will not impact upon the reasonable amenity of existing or future residents.
- 7.8 The report continues to assess the impact of the football clubs existing floodlights upon the future amenity of residents who occupy dwellings within this site. The report highlights that the flood lights are subject to a number of controls under planning permission 14/01183/FUL, which identifies a curfew time of 22:00 on match days. On other days the floodlights are only permitted to be used between 15:00 and 21:30 with no operation permitted on Sundays. It is considered that these existing restrictions will ensure compliance for the residential development with the requirements of the Institute of Lighting Guidance for Obtrusive Light, and therefore, ensure that the amenity of future residents is not adversely impacted upon.

Construction

- 7.9 The need for dust mitigation measures have been identified within the applicant's air quality report. However, this document fails to identify what mitigation measures will be utilised and how issues such as noise, vibration, working hours and deliveries will be mitigated for during the construction process. Therefore a construction management plan should be secured via condition.

Overlooking, Loss of Light and Overbearing Impact

- 7.10 The Council's Supplementary Planning Document 'Sustainable Design' advises that *"new development... should not be of a size that results in an overbearing impact on neighbouring residential property. The Council applies the 45 degree and 25 degree Daylight 'Rules', guidance for new buildings and the effect on existing buildings, as set out in the British Research Establishment (BRE) Digest 2009"*.

- 7.11 There are a number of dwellings neighbouring the site along Eastern Avenue. These dwellings will be located a minimum of 30 metres from the closest commercial unit. This distance, the fact that these dwellings are orientated with principle elevations facing away from Eastern Avenue and the height of the differing structures, whereby the smaller scale development is located to the site frontage, ensures that there would be no adverse loss of light or overbearing impact upon existing property, resulting from the development.
- 7.12 Within the site itself, whilst once more it should be acknowledged that the residential layout is solely indicative, there is broadly sufficient separation of built form to ensure no significant loss of light upon future residents. The sole potential area of concern would be the relationship between unit A and the dwellings immediately to the north west. A distance of 15 metres is shown on the submitted plans. There will inevitably, given this relationship, cause overshadowing of these properties by this unit. Given the orientation of the building in relation to the sun's path this would occur principally during the afternoon. Whilst this is not ideal future occupants of these units will be aware of the presence of the retail unit upon purchasing the property so no existing amenity would be adversely impacted upon.
- 7.13 The 'Sustainable Design' SPD also advises that there should be a minimum distance of 21 metres between facing principle rooms. The indicative residential layout demonstrates that this site can be developed whilst complying with this requirement.
- 7.14 In conclusion, the impact of the development on neighbouring occupiers has been fully assessed. It is considered that subject to conditions, as recommended, the development will not result in unacceptable impact upon the amenities of occupiers of nearby residential properties or the future occupiers of the development by reason of overlooking, over-dominance or general noise and disturbance and as such the development is compliant with the requirements of both local and national planning policy guidance.

8. Sustainability

- 8.1 Paragraph 96 of the NPPF requires that new development should comply with local energy targets. NPPG advises that planning can help to increase the resilience to climate change through the location, mix and design of development. Local Plan Strategy Policy SC1 sets out the council's requirements in respect of carbon reduction targets and requires that major commercial and residential schemes should achieve BREEAM Excellent and Code for Sustainable Homes (CfSH) Level 6 from 2016.
- 8.2 The government's response to the environmental Audit Commission report: Code for Sustainable Homes and the Housing standard Review (2014) set out proposals for winding down the use of CfSH, due to it being absorbed into Building Regulation standards. The Deregulations Act (2015) required Local Planning Authorities to not set local targets for sustainable house building standards. As such, the Council is now not currently able to apply standards relating to the CfSH.
- 8.3 Policy SC1 of the Local Plan Strategy requires that "*any assessment of achieving the... targets should take into account matters of economic viability*". This statement is made in acknowledgement that such requirements can impact upon the deliverability of a scheme. The matter of economic viability is discussed in the section below, wherein it is for the developer to demonstrate that they are unable to achieve BREEAM Excellent within this scheme. The submitted viability argument seeks to demonstrate that BREEAM Excellent cannot be delivered within this site and rather a minimum of Good is proposed for the non-food bulky retail units and Very Good for the Supermarket (the drive thru is of a floor area below the level required to meet BREEAM targets). Notwithstanding this distinction, it is noted that

BREEAM Good and Very Good would remain an improvement over current Building Regulation Standards and as such, would offer some energy efficiency benefits, in accordance with the requirements of Paragraph 173 of the NPPF and Policy SC1 of the Local Plan Strategy.

- 8.4 In respect of more general sustainability concepts, as discussed above in the policy and retail sections of this report, the site itself and its redevelopment promotes good sustainable principles. Firstly, this is a brownfield site and is set within an existing built up urban area. Hence, the scheme does not involve the loss of Greenfield land nor promote urban sprawl. The site is also in a sustainable location within the Lichfield development boundary, being in relatively close proximity to the Trent Valley railway station. In respect of promoting the use of sustainable means of public transport the development is sustainable and accompanied by a Travel Plan, the monitoring sum for which shall be secured via the S106 agreement, and furthermore, in providing increased and improved shopping facilities, the development will subsequently reduce the need for local residents to travel by car to a further destination in adjoining Districts.
- 8.5 In terms of car parking, the number of spaces has been kept relatively low, in line with Government Guidance, to encourage people to travel to the development via more sustainable means of transport. In addition, good pedestrian links have been provided into and around the development.
- 8.6 Policy 1.2 of the Staffordshire and Stoke-on-Trent Joint Waste Local Plan requires that development make better use of waste associated with non-waste development. The Policy continues to state that major development should demonstrate how waste will be managed within the site and during construction. Given that this detail is yet to be provided to the Council, a condition requiring the submission of a Site Waste Management Plan is considered reasonable and necessary.
- 8.7 In view of the above, I consider that the development does promote a sustainable form of development. However, conditions are recommended to ensure that the developer achieves suitable BREEAM levels within its construction and appropriately manages waste from the development.

9. Contaminated Land, Flood Risk and Drainage

- 9.1 Paragraph 120 of the National Planning Policy Framework states that “*where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or land owner*”. Paragraph 109 advises that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being out at an unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.
- 9.2 The Phase One Desk based Study submitted with the application identifies that the site has previously had uses operating within it which could have potentially contaminated the land. Any contamination has the potential to impact on controlled waters receptors of groundwater in the underlying Principal Aquifers. In order to address this issue a contaminated land condition is reasonable and necessary.
- 9.3 Paragraph 103 of the NPPF requires that development be “*appropriately flood resilient and resistant... and it gives priority to the use of sustainable drainage systems*”. The site is located within Flood Zone 1 and as such has a low potential for flooding. The applicant has submitted a Flood Risk Assessment with the application which details the use of Sustainable Urban Drainage System within the development. This document has been assessed by the County Council’s Flood Team who consider it acceptable, subject to a condition to secure implementation.

10. Planning Obligations and Viability

- 10.1 Under the provisions of Policy IP1 of the Local Plan Strategy major new developments are required to make provisions for social/community facilities as the need for which arises from the development and that are commensurate to the scale and nature of the proposals. Such provision can be by way of direct on-site provision and/or by a contribution made for the provision of facilities elsewhere. .
- 10.2 A development of this scale would generate a requirement for a number of contributions relating to open space, sport and recreation and participation in sport and physical activity. Affordable housing is also required in this instance, as the development is above the threshold of 15 houses as set out in the Lichfield District Local Plan Strategy.
- 10.3 In terms of open space, this will be secured on-site within any reserved matters application for the residential development. It is noted, however, that a suitable sized area is indicatively indicated to the centre of the site. The Council would not adopt this area and as such, it is necessary to ensure that a maintenance management company be set up to maintain this area following its provision. This will be secured via the S106 agreement.
- 10.4 The development proposes the creation of more than 15 dwellings within an urban environment. The site is therefore over the threshold for the provision of affordable housing and in line with the Local Plan Strategy Policy H2. The on-site affordable housing provision required by the Council's Housing Manager is for 31% which, should the site be developed for 70 dwellings, would equate to 22 units. It is requested that 65% of these units be social rented and 35% shared ownership. It is noted that whilst the current Policy requirement for affordable housing provision is set at 40%, when pre-application discussions occurred (and the viability of the scheme was being addressed), the Council's Policy was set at 31%. Within this context, it is not considered reasonable to request 40% at this stage, which would adversely impact upon the scheme's viability and deliverability.
- 10.5 In terms of education facilities, Staffordshire County Council (Education) have confirmed that they will not be seeking a financial contribution towards the provision of any apartments within the scheme, but would require a contribution towards Primary Education (£242,857), for any new dwellings proposed as part of this development, which is requested to be secured via a legal agreement.
- 10.6 The applicant has submitted with the application a financial viability assessment, which has been independently checked by the District Valuers office. The information contained within this document is confidential given its commercial nature and as such cannot be disclosed to this committee. However, overall it demonstrates that after allowing for the developer to achieve a reasonable profit, the scheme is borderline viable as currently proposed.
- 10.7 Paragraph 20 of the NPPG Viability advises that Local Planning Authorities should understand the impact of planning obligations on a proposal stating that "*where an applicant is able to demonstrate to the satisfaction of the Local Planning Authority that planning obligations would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations*".
- 10.8 The NPPG continues to state that "*this is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. The financial viability of the individual scheme should be carefully considered in line with the principles in this guidance*".

10.9 Paragraph 19 of the NPPG provides particular guidance to the redevelopment of brownfield sites stating that Local Planning Authorities should take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.

10.10 The applicant has agreed to pay all of the reasonable and necessary costs requested by consultees, which shall be secured via a Section 106 agreement, but has requested the abovementioned change to policy compliant BREEAM levels across the commercial units. Given that providing policy compliant BREEAM levels would make the scheme unviable and the proposal would deliver appropriate education and affordable housing provisions, it is reasonable to allow the development to proceed with this reduced requirement.

11. Other Issues

11.1 Of the issues raised by neighbours, not discussed within the above report, the following points are produced in response:

- The loss in value to an existing dwelling as a result of permitting a new development is not to a material planning consideration.
- The planning process does not permit the allocation of financial compensation direct to neighbours to mitigate the impact of development.
- It is not for the Council to seek to limit competition through restricting the number of any specific business types available within a given area. As such, the fact that there may be other coffee businesses within the city is not material to the determination of this application.

12. Human Rights

12.1 The proposals set out in the above report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's/objector's rights under Article 8 of Schedule 1 of the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference has been fully considered within the report and on balance is considered to be justified and proportionate in relation to the provisions of National Planning Policy and the policies of the Development Plan.

Conclusion

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals.

Economically, it is acknowledged that site is allocated within the adopted Local Plan to be retained for business or industrial use. The applicant has however provided sufficient information to demonstrate that the site is no longer viable for such development and its redevelopment for food retail, bulky retail sales, a drive thru and residential development, will not impact upon the vitality or viability of Lichfield City Centre and rather would aid in retaining retail sales within the City, rather than residents travelling elsewhere to such facilities.

Socially the development has been designed in a manner to ensure that subject to the application of reasonable and necessary conditions, there will be no significant impact upon the amenity of existing neighbouring or future residents, through issues such as overlooking, overbearing impact, loss of light, light pollution, noise, contaminated land, dust or air quality.

Environmentally, the current buildings within the site are of no architectural note. There are also no sensitive buildings within the surrounding area and therefore this provides the ideal opportunity for a redevelopment of this scale.

The proposed development is of an appropriate scale and the individual design of the buildings are considered acceptable. The layout of the site in urban design terms is on balance, acceptable.

The supporting information and consultation responses have demonstrated that the proposals would include suitable traffic management measures and incorporate the provision of off-site highway works, which would ensure that the development assimilates into the area without causing undue burden on the surrounding road network, and there would not be detriment caused to highway safety. Adequate car parking provision will be accommodated within the development, whilst the site is well served by sustainable means of transport.

Subject to conditions, suitable replacement tree planting and landscaping would be provided within the development. In addition adequate mitigation measures will be implemented to protect and promote ecology and biodiversity, and there would be no harm to protected species or the Cannock Chase SAC. Furthermore, the archaeological, drainage and contaminated land issues associated with the site and its development would be adequately addressed and measures to promote the incorporation of renewable energy technologies within the scheme will be achieved.

The S106 legal agreement will secure policy compliant contributions towards education, on-site affordable housing provision and a Travel Plan Monitoring Sum. Off-site highway enhancements will be secured via the use of a condition and a Section 278 agreement between the County Council and the applicant to ensure that the development will integrate into the highway network without causing undue congestion.

Whilst the application is a departure from the development plan, when weighed in the balance, it is considered that the benefits of the development, namely its positive economic, social and environmental impact, will outweigh the harm to the development plan and any other harm. Therefore, the recommendation is one of approval.

PLANNING COMMITTEE

Date: 08 May 2017

Agenda Item: 5

Contact Officer: Gareth Hare

Telephone: 01543 308207

REPORT OF DIRECTOR: PLACE AND COMMUNITY

SCHEME OF DELEGATIONS RELATING TO TREE PRESERVATION ORDERS, TREES IN CONSERVATION AREAS AND HIGH HEDGES

1. Executive Summary

1.1 The purpose of the report is to seek member's decision regarding amendments to the scheme of delegations relating to Tree Preservation Orders, trees in Conservation Areas and High Hedges.

1.2 As part of continuous service improvement some inaccuracies were identified within the delegations relating to Tree Preservation Orders, trees in Conservation Areas and High Hedges. In addition, a number of amendments are proposed in order to streamline processes and enable greater efficiency in the delivery of the arboricultural service.

2. Recommendation

2.1 That the Committee approve the amendments to the scheme of delegations relating to Tree Preservation Order and Trees in Conservation Areas and High Hedges as set out in **Appendix A**.

3. Community Benefits

3.1 Local Planning Authorities may make a Tree Preservation Order if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area. Tree Preservation Orders are therefore used to protect selected trees, areas of trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. The amendment of the delegations in the manner set out in the report should ensure more efficient delivery of this function.

4. Detail of Report

4.1 Set out at **Appendix A** are the delegations with the proposed additions (in italics and underlined) and proposed removal of text struck through. The rationale for the proposed amendments is detailed below.

Delegation 25: Tree Work Applications/Notices

The reason for the proposed addition: '*or refuse*', is that -to date- all refusals of permission under a Tree Preservation Order (section 210) have been referred to the Planning Committee. The addition is proposed in order to update the delegation, to bring it into a similar form to that of determining a planning application and to streamline the application process.

The delegation of refusals will allow most cases to be dealt with in the same time frame as approvals, without the requirement to fit in with committee schedules. This could mean that an application is dealt with several weeks earlier which would allow an earlier engagement with the appeal process if desired. An applicant has 28 days from the receipt of a refusal notice in which to appeal to the Planning Inspectorate. These appeals are usually dealt with via the written representations procedure. The great majority of decisions taken on applications placed before committee are to uphold the recommendation of the officers. A similar majority of the applications taken to appeal are dismissed. This should give reassurance that the application process and decision making is robust and proportionate. Consultation with Ward Councillors is already carried out on all S210 applications by email. This process would be extended to include proposed refusals. The additional section within the delegation *‘a written request has been made by a Member of the Council for the application to be determined by Planning Committee, in accordance with the requirements of the Arboricultural Planning Committee proforma, which would allow applications to be called in to committee if such was desired by Councillors and puts the delegation on a very similar footing to that of the Planning Officers.*

There is a financial liability arising from a refusal of consent: if damage is caused which directly relates to a refusal of consent within 12 months of the decision date then the LPA is financially liable. However, the likelihood of damage from such a scenario is small (none known within last 15 years) and is unlikely to be influenced by the mechanism of the decision i.e. by delegated powers or by committee and is therefore largely moot.

Finally, delegating the ability to refuse will reduce the amount of time taken on the committee process and allow that time to be dedicated to other work. There is also a financial aspect to consider: a delegated report for refusal would take around an hour of officer time plus managerial oversight of half an hour. If a report is referred to Committee then a number of officers and administrative staff are involved in the process. In addition, the presentation at Committee extends the amount of time taken by Committee and thus officer time. A reduction in officer/admin time and therefore cost would seem to be desirable in the current financial climate. These points relate directly to the ‘Fit for the Future’ agenda and the need for continuous service improvement. A basic comparison of the costs involved (based on officer time) resulted in the following figures:

Delegated refusal: £71.31

Report to Planning Committee: £231.20

For detail of the above figures, see **Appendix B**

The addition of 25.2: *‘To evaluate notifications of tree works under Section 211 of the Town and Country Planning Act 1990’* is made in the interests of accuracy in terms of the legislation. Section 211 notifications cannot be approved or refused by the relevant LPA. They are a notice served on the LPA six weeks in advance of works taking place. The six week period gives the LPA the opportunity, where appropriate, to make a Tree Preservation Order in respect of the trees. If the LPA does not do so within the six week period then the works may be carried out without further reference to the LPA.

Delegation 26: High Hedges

The addition *‘Planning Enforcement Officers’* more accurately reflects the application process. The Planning Enforcement team register and process the applications. The Arboricultural Officers provide technical support during the assessment of the application and the Solicitor signs off the decisions.

Delegation 27: Tree Preservation Orders

The striking out of *‘Development Plans and Implementation Manager’* and addition of *‘Head of Development Services’* reflects the change in management of the Arboricultural Service.

The amendment to the delegation to refer to consultation with the Chairman or Vice-Chairman and the striking out of *‘and Local Ward Members’* is made for the following reasons:

In many cases, Tree Preservation Orders are made on an urgent basis. It should be possible for an LPA to make an order within a few hours (at most) of being made aware of a threat. With the current wording of the delegation it is unlikely that all parties named could be consulted and respond within a short timescale. An order made without following the delegation scheme could be found to be invalid despite the best intentions of the LPA. The proposed amendment enables the number of Councillors required to be involved in the process to be reduced from potentially as many as five, down to one. This should enable a more agile response where required.

Many orders are made and confirmed without objections. However, where there are substantial unresolved objections to either the making, varying, modifying or revoking of orders then these would be (as the existing delegation) referred to the Planning Committee for their decision. The critical overview and scrutiny role of the Planning Committee in relation to TPO's is preserved in this manner whilst moving towards and more streamlined and efficient delivery of the TPO function.

Delegation 28: Miscellaneous Provisions Act 1976, TCPA 1990 (as amended), Exempted works to trees.

Delegation 28 would remain unchanged.

5. Alternative options

5.1 The Committee could decide to limit the amendments to the delegation scheme to those required to reflect changes in job titles only. However, if this course of action were to be taken then the potential benefits and efficiencies detailed within the report could not be realised.

6. Consultation

6.1 None

7. Financial Implications

7.1 As set out at 4.1 in relation to delegation number 25. The proposed amendments are estimated to save £159.89 per refusal.

8. Strategic Plan Implications

8.1 Ensuring a more efficient and cost effective procedure accords with being fit for the future in delivering good value services within budget.

9. Sustainability Issues

9.1 None relevant

10. Equality, Diversity and Human Rights Issues

10.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 of the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report and on balance is justified and proportionate in relation to the administration of tree preservation orders.

11. Crime and Community Safety Issues

11.1 There are no implications for crime or community safety from the proposals set out in this report.

12. Risk Management Issues

12.1 The potential consequences of refusing consent under the Town and Country Planning Act 1990 are that a possible claim for compensation for loss or damage directly caused by the refusal of consent may be made against the Council within 12 months of the date of the decision. The implications of this are as set out at 4.1 in relation to delegation number 25.

Appendix A Delegations as proposed to be amended.

25. DELEGATED TO THE HEAD OF DEVELOPMENT SERVICES IN CONSULTATION WITH THE ARBORICULTURAL OFFICERS

25.1 To approve or refuse applications for consent under Section 210 ~~and 244~~ of the Town and Country Planning Act, 1990 for the cutting down, lopping, topping and destruction of trees unless ~~there are substantial, unresolved objections~~ a written request has been made by a Member of the Council for the application to be determined by Planning Committee, in accordance with the requirements of the Arboricultural Planning Committee proforma, which explains the reasons for the call-in.

25.2 .To evaluate notifications of tree works under Section 211 of the Town and Country Planning Act 1990

25.3 To serve Notices relating to dangerous trees under Section 23 of the Local Government (Miscellaneous Provisions) Act 1973.

25.4 Authority to determine applications under the Hedgerow Regulations 1997 for the removal of hedges, and the service of a Hedgerow Retention Notice.

26. DELEGATED TO HEAD OF DEVELOPMENT SERVICES IN CONSULTATION WITH THE SOLICITOR, PLANNING ENFORCEMENT OFFICERS AND ARBORICULTURAL OFFICERS

To determine applications under the Anti-Social Behaviour, Crime and Policing Act 2014 in relation to high hedges and the service of remedial notices and appeals.

27. DELEGATED TO THE ~~DEVELOPMENT PLANS AND IMPLEMENTATION MANAGER~~ HEAD OF DEVELOPMENT SERVICES OR IN CONSULTATION WITH THE ARBORICULTURAL OFFICERS IN CONSULTATION WITH THE CHAIRMAN ~~AND~~ OR VICE-CHAIRMAN OF PLANNING COMMITTEE ~~AND LOCAL WARD MEMBERS~~

27.1 To make Tree Preservation Orders under Section 198 of the Town and Country Planning Act 1990 (as amended).

27.2 To vary, modify or revoke Tree Preservation Orders, unless there are substantial unresolved representations.

27.3 To confirm Tree Preservation Orders under Section 198 of the Town and Country Planning Act 1990 (as amended) unless there are substantial unresolved representations.

28. DELEGATED TO ARBORICULTURAL OFFICERS

28.1 Authority for the purposes of sections 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976, and section 214B of the Town and Country Planning Act 1990 to enter on to land to inspect, fell and deal with any dangerous trees.

81

28.2 Authority under section 324 of the Town and Country Planning Act 1990 (as amended) to enter onto land to undertake their duties in accordance with Parts II, III, IV, VI, VII, VIII and IX of the Town and Country Planning Act 1990 (as amended).

28.3 To issue confirmation that any proposed works to a tree protected either through a Tree Preservation Order or as it is in a Conservation Area is, if appropriate, exempt from the requirements for an application to carry out those works

Appendix B

Comparison of Officer time for Delegated and Committee routes to decision on TPO refusals. Figures based on 2017/18 charge out rates.

Delegated route:

Tree Officer
1hr: £41.34

Head of Development Services
½ hr: £29.97

Total: £71.31

Committee route:

Tree Officer
3 hrs: £124.02

Council Solicitor
½ hr: £30.92

Democratic and Legal Services Officer
1 hr: £28.43

Senior Planning Officer
½ hr: £22.92

Principal Planning Officer
½ hr: £24.91

Total: £231.20

our strategic plan at a glance

Read in full at www.lichfielddc.gov.uk/strategicplan

To be a strong, flexible council that delivers good value, quality services and helps to support a **vibrant and prosperous economy, healthy and safe communities** and **clean, green and welcoming places to live**.

How we create a vibrant and prosperous economy

How we create healthy and safe communities

How we create clean, green & welcoming places to live

What we will do

Between 2016 and 2020 we will place particular importance on:

- Promoting Lichfield District as a good place to invest through the roll out of the Local Plan.
- Ensuring our district is 'open for business' by welcoming and nurturing new enterprises to start up and succeed in our key business centres and rural areas.
- Delivering support, signposting and networking opportunities to existing businesses to help them thrive.
- Making it easy for businesses to interact with us.
- Understanding, monitoring and adapting to business needs and issues across the district.
- Encouraging increased visitors to our district, increased spend in the local economy and more overnight visitors.
- Delivering good quality and safe car parking in our key retail areas.
- Creating policies and events that promote healthy and active lifestyles for all, including young people – from cycle and safe walking routes, through to events, community activities and more.
- Providing support to help those with disabilities and older people stay healthy and active.
- Creating opportunities to increase the number of residents who are physically active, especially in hard to reach groups.
- Supporting and encouraging the development of clubs and other organisations to increase the quantity and quality of leisure and cultural opportunities across the district.
- Delivering a programme of disabled facilities grants to help people remain living safely at home
- Providing help and advice to prevent homelessness.
- Implementing our Local Plan which will ensure a controlled and balanced growth of the district.
- Developing supplementary planning guidance which will help to preserve our historic environment, support rural communities, and ensure the district continues to be an attractive place.
- Maintaining our parks and open spaces which encourage residents to enjoy the outdoors.
- Restoring the historic features of Stowe Pool and Fields.
- Our joint waste service continues to help our residents recycle a large percentage of their waste.
- Pursuing opportunities to transfer some open spaces to local organisations who can look after them for the enjoyment of all (e.g. playing fields).

By 2020 there will be:

- More local jobs and more people in employment.
- More new businesses locate in our district.
- More businesses succeed.
- More visitors and greater visitor spend in our district.
- A regenerated Lichfield City centre and an improved retail offer in Burntwood.
- More people will be active and healthy.
- More people will be involved in volunteering and community activity.
- Fewer people and families will be homeless.
- More people will feel safer and less worried about crime and anti-social behaviour.
- More people will be living independently at home.
- More affordable homes in the district.
- Our heritage and open spaces will be well maintained or enhanced.
- Our streets will be clean and well maintained.
- More people will use parks and open spaces.
- New homes, office, retail and manufacturing spaces will be built or developed in line with our Local Plan and planning guidance.

Our council By 2020:

- Our customers will be more satisfied.
- We will continue to be financially responsible.
- Our organisation will have clear corporate values and be committed to openness and transparency.
- More people will interact with us through our website and digital channels.
- We'll be more innovative in how we deliver services and make a difference locally.

This plan sets out the high level outcomes we want to achieve over the next four years. Every year we produce a one-year action plan that sets out the key activities we will deliver to drive forward the priorities set out in this plan in detail, and the measures and targets we use to check how we are doing. Read our actions plans at www.lichfielddc.gov.uk/actionplans



Lichfield
district council
www.lichfielddc.gov.uk