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Our ref WJ
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Lichfield, Staffordshire WS136YU

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16th June 2017

Dear Sir/Madam

PLANNING COMMITTEE

A meeting of the above mentioned Committee has been arranged to take place on **MONDAY 26th JUNE 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'.

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, Bamborough, Mrs Barnett, Cox, Drinkwater, Mrs Evans, Mrs Fisher, Miss Hassall, Humphreys, Matthews, 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 8th May 2017 (copy attached)
4. Planning Applications (copy attached)

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



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PLANNING COMMITTEE

8 MAY 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, Powell, Pritchard, Miss Shepherd, Mrs Stanhope MBE and Strachan.

(There were no apologies for absence).

287 DECLARATIONS OF INTEREST:

There were no declarations of interest.

288 MINUTES:

The Minutes of the Meeting held on 10 April 2017 and previously circulated were taken as read, approved as a correct record and signed by the Chairman.

289 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 together with a supplementary report of observations/representations received since the publication of the agenda in association with Planning Applications 16/00090/FULM and 17/00060/OUTFLM.

290 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

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. Management Company;
2. Provision, maintenance and management of on-site public open space;
3. Cannock Chase Special Area of Conservation

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

291 **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**

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. Affordable housing provision;
2. Primary education contribution;
3. Framework Travel Plan and Monitoring Sum;
4. Maintenance management company.

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

292 **REPORT OF DIRECTOR: PLACE AND COMMUNITY SCHEME OF DELEGATIONS RELATING TO TREE PRESERVATION ORDERS, TREES IN CONSERVATION AREAS AND HIGH HEDGES**

Consideration was given to the report of the Director of Place and Community and supplementary report seeking members' approval to the amendments to the scheme of delegations relating to Tree Preservation Orders and Trees in Conservation Areas and High Hedges.

RESOLVED:-

That the Committee approve the amendments to the scheme of delegations relating to Tree Preservation Orders and Trees in Conservation Areas and High Hedges as set out in Appendix A of the report of the Director of Place and Community and the supplementary report.

(The Meeting closed at 8 p.m.)

CHAIRMAN

Planning Committee

26 June 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

26 June 2017

CONTENTS

| Page No. | Case No. | Site Address | Parish/Town Council |
|----------|---------------|--|--------------------------|
| A1 | 17/00513/COU | Land South Of Gravelly Lane Stonnall Walsall | Shenstone |
| A18 | 16/01092/COU | Land South East Of Ironstone Lane Whittington | Fradley And Streethay |
| A44 | 15/00739/FUL | Land South Of Bagnall Lock Kings Bromley Road Alrewas | Alrewas |
| A74 | 17/00097/OUT | Meehan And Welbourn Ltd The Old Brewery Maltings Davidson Road Lichfield | Lichfield |
| A86 | 16/01011/FULM | Land Adjacent To Chase Terrace Primary School Rugeley Road Chase Terrace Burntwood | Burntwood |
| A97 | 17/00332/FUL | Freedom Bootcamps The Plant Plot Stafford Road Lichfield | Farewell And Chorley |
| A108 | 17/00376/FUL | Freedom Bootcamps The Plant Plot Stafford Road Lichfield | Farewell And Chorley |

ITEM B

LICHFIELD DISTRICT COUNCIL APPLICATIONS, APPLICATIONS ON COUNCIL OWNED LAND AND ANY ITEMS SUBMITTED BY MEMBERS OR OFFICERS OF THE COUNCIL

CONTENTS

| | | | |
|----|--------------|--|-----------|
| B1 | 17/00295/FUL | Lichfield City Football Club Brownsfield Road Lichfield | Lichfield |
|----|--------------|--|-----------|

Lichfield
district council

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LOCATION PLAN

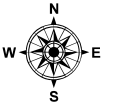
17/00513/COU
Land South Of Gravelly Lane
Stonnall
Walsall

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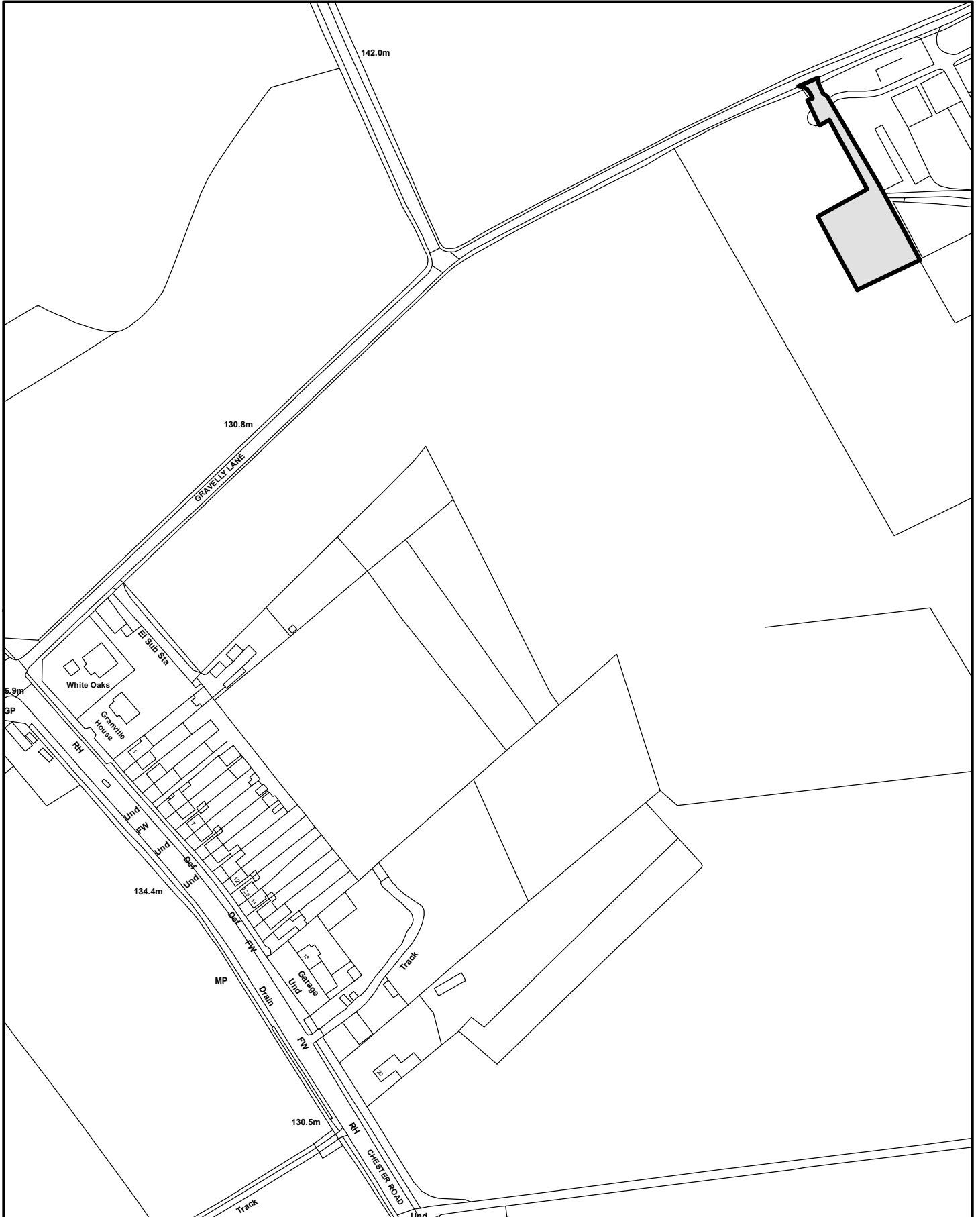
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June 2017

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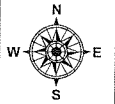
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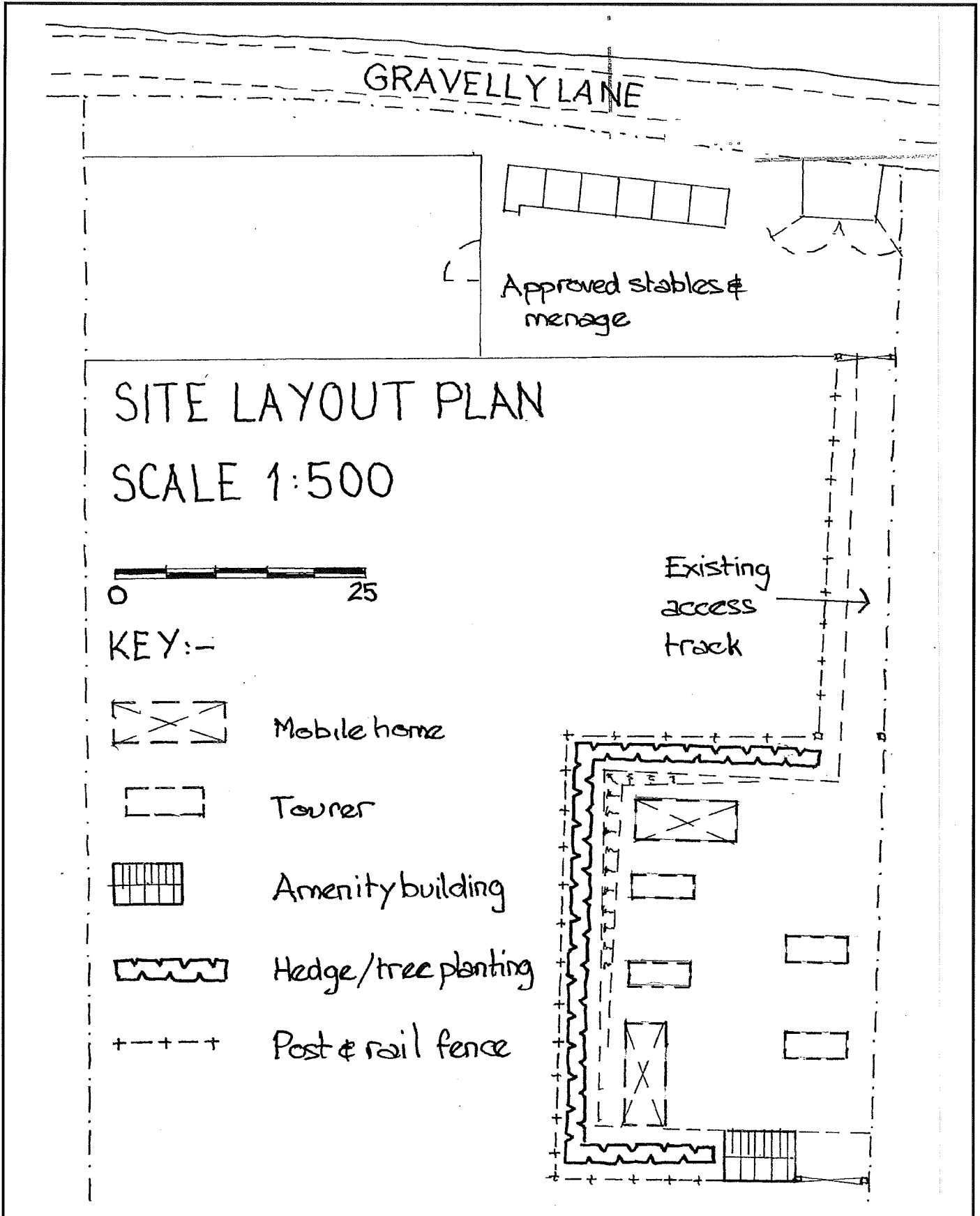
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17/00513/COU

CHANGE OF USE OF LAND TO RESIDENTIAL GYPSY CARAVAN SITE INCLUDING THE STATIONING OF 6 CARAVANS AND ERECTION OF DAY ROOM.

LAND SOUTH OF GRAVELLY LANE, STONNALL, WALSALL FOR MRS S ROGERS

Registered on 19/04/17

Parish: Shenstone

Note: This application is being reported to the Planning Committee due to the significant issues that the proposal raises and the level of representations made.

RECOMMENDATION: Refuse for the following reasons:

1. The application site is located in the West Midlands Green Belt as identified in the Lichfield District Local Plan Strategy. Within the Green Belt, planning permission will only be granted for appropriate development, in accordance with national advice contained in the National Planning Policy Framework and Planning Policy for Travellers Sites. The proposal would constitute inappropriate development in the Green Belt and it is considered that insufficient very special circumstances have been submitted to outweigh the harm by reasons of inappropriateness and any other harm caused. The proposal is therefore contrary to Policy NR2 of the Lichfield District Local Plan Strategy (2015) and Government guidance contained in the National Planning Policy Framework and Planning Policy for Traveller Sites.
2. The development by reason of its location in a predominantly green field site and due to its nature; introducing forms of domestic development and paraphernalia, would have a detrimental impact on the character and appearance of the Green Belt, reducing its openness. This could be further compounded if the hedgerow to the site frontage would need to be removed to overcome highway visibility concerns. The development would furthermore represent an unacceptable encroachment, and would fail to safeguard the countryside, check unrestricted sprawl, nor would the development encourage recycling of derelict or other urban land. The development does not therefore accord with the purposes of including land in the Green Belt contrary to the requirements of Policy NR2 of the Lichfield District Local Plan Strategy (2015) and Government guidance contained in the National Planning Policy Framework and Planning Policy for Travellers Sites.
3. The site is not within or adjacent to Lichfield, Burntwood or a key rural settlement or close to the A5 or A38 corridors; the site is not large enough to provide for adequate on-site facilities for parking, storage, play and residential amenity relative to the number of caravans proposed; the vehicle and pedestrian access to the site is not considered safe; and the site as a whole is visually prominent. The development is therefore contrary to the requirements and site allocation criteria of Policy H3 of the Lichfield District Local Plan Strategy (2015) and Government guidance contained in the National Planning Policy Framework and Planning Policy for Travellers Sites.
4. The development would result in the intensification of an access with substandard visibility to Gravelly Lane, where there is a lack of forward visibility and insufficient width on Gravelly Lane fronting the site entrance. Furthermore, there is insufficient information to demonstrate to the Local Planning Authority the extent that the anticipated vehicle movements associated with the proposed development would have on the local highway network or whether adequate visibility could be achieved without causing undue harm on the character and openness of the Green Belt. The

development is therefore contrary to the requirements of Policy ST2, NR2 and NR4 of the Lichfield District Local Plan Strategy (2015); Appendix D of the Lichfield District Council Sustainable Design Supplementary Planning Document (December 2015) and the objectives and policies contained in part 4 of the National Planning Policy Framework.

PLANNING POLICY

National Guidance

National Planning Policy Framework
National Planning Practice Guidance
Planning Policy for Traveller Sites (August 2015)

Lichfield District Local Plan Strategy (2015)

Core Policy 2 – Presumption in Favour of Sustainable Development
Core Policy 3 – Delivering Sustainable Development
Core Policy 6 – Housing Delivery
Core Policy 10 – Healthy and Safe Lifestyles
Core Policy 14 – Our Built and Historic Environment
Policy ST2 – Parking Provision
Policy H1 – A Balanced Housing Market
Policy H2 – Provision of Affordable Homes
Policy H3 – Gypsies, Travellers & Travelling Show people
Policy NR1 – Countryside Management
Policy NR2 – Development in the Green Belt
Policy NR3 – Biodiversity, Protected Species and their Habitats
Policy NR4 – Trees, Woodlands and Hedgerows
Policy NR5 – Natural and Historic Landscapes
Policy NR7 – Cannock Chase Special Area of Conservation
Policy BE1 – High Quality Development

Supplementary Planning Documents

Sustainable Design
Trees and Development
Biodiversity and Development
Rural Development

Other Relevant Policy

Stonnall Neighbourhood Plan (2014-2029)

RELEVANT PLANNING HISTORY

15/00488/FUL - Change of use of land to the keeping of horses; construction of stable block comprising 4 stables, store / tack room, WC; creation of menage and associated works. Approved 18.08.2015.

15/00062/FUL - Construction of stable block comprising 6 stables, store and tack room and construction of menage (60m x 20m) and associated works. Withdrawn 18.03.2015.

CONSULTATIONS

Shenstone Parish Council – Object on the grounds that:

- i. Proposed development does not conform to the Stonnall Neighbourhood Plan.
- ii. No affordable housing.
- iii. Cannot be considered as an infill development.
- iv. Is not sustainable development within the Green Belt.
- v. It is not an exceptional development that will enhance the Green Belt.

- vi. It does not bring any benefits to the local community.
- vii. The lanes are not suitable for large caravans.
- viii. The cars and caravans combined are almost as big as the vehicles prohibited from using the road – vehicles over 7.5 tonnes.
- ix. They are not aware that the proposed site is currently equipped with water, waste or electricity facilities (27/04/17).

Arboricultural Officer – No objections to the proposal in its current form based on arboricultural matters (26/04/17).

Ecology Officer – No objection. (15/05/17).

Spatial Policy and Delivery Manager – Note the specific guidance is set out in ‘Planning policy for traveller sites (DCLG August 2015). Policy B (Plan Making), states that Local planning authorities should, in producing their Local Plan: *a) identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years’ worth of sites against their locally set targets, b) identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15*

The current Gypsy and Traveller five year requirement stands at 4.5 pitches, as per District Council’s Five Year Housing Land Supply Paper 2016. The District Council’s Gypsy and Traveller Accommodation Assessment (GTAA) 2007, which informed the Local Plan Strategy, identifies a need for 14 residential pitches and 5 transit pitches within the plan period. Total delivery within the plan period to date is 7 residential and 0 transit pitches which leaves a requirement for 7 residential and 5 transit pitches for the remainder of the plan period up to 2029. The Call for Sites has been open to submissions for Gypsy and Traveller (GT) Sites all year round since 2012. To date, no GT sites have been submitted since that time. A proactive approach was adopted in order to identify potential sites for the Local Plan Allocations (as set out in the Gypsy and Traveller Sites Methodology paper 2016). This process resulted in one further pitch being identified, which is set out under Policy GT1 of the emerging Local Plan Allocations. The District Council is currently consulting neighbouring authorities to determine whether they can help to meet the remainder of this requirement.

Government guidance requires applications to be assessed against the provisions of the National Planning Policy Framework (NPPF) in addition to a number of other considerations, some of which are of direct relevance to this application. The application site lies within the West Midlands Green Belt and as such there is a presumption against inappropriate development. As set out in the NPPF, the Government attaches great importance to Green Belts, with the fundamental aim to prevent urban sprawl by keeping land permanently open. As identified in the government guidance, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Summary- With regard to the NPPF and policy NR2, the proposal constitutes inappropriate development in the Green Belt and careful consideration should be given by the case officer as to whether very special circumstances have been demonstrated. Whilst it is recognised that the Local Plan pitch requirement is still to be met, there would be policy objections to this proposal due to the site’s location. Policy H3 specifies that Gypsy and Traveller sites should be *within or adjacent to Lichfield, Burntwood or a Key Rural Settlement or close to the A5 or A38 corridors*, none of which apply in this instance. It should be noted that the Local Plan Allocations methodology paper excludes potential sites in similarly isolated locations for this very reason (10/05/17).

Environmental Health Manager – No comments received.

Staffordshire County Council (Highways) – The application should be refused as there is insufficient information for the Highway Authority to determine an outcome to the application for the following reasons:

- The submitted application fails to demonstrate a suitable visibility splay from the existing access on to Gravelly Lane in accordance with current National Guidance (Manual for Streets).
- The current width of Gravelly Lane fronting the site is insufficient for two vehicles to pass and lacks forward visibility.
- No details of the anticipated vehicle movements associated with the proposed development have been submitted (23/05/17).

Police Architectural Liaison Officer - With reference to the DCLG Document Designing Gypsy and Traveller sites Good Practice Guide 2008 and Hertfordshire Constabulary, Gypsy and Traveller Community guidance comments that:

1. Number of Caravan Pitches. Consultation in other areas with the Gypsy and Traveller community along with other consultation documents supports the view that the size of sites should be small (five to ten pitches) and, where possible occupied by one extended family group (Menter Briefing Paper, John Day, April 2007).

DCLG Good Practice Guide 'Designing Gypsy and Traveller Sites' (May 2008) states that there is no one ideal size of site or number of pitches, although experience of site managers and residents alike suggest that a maximum of 15 pitches is conducive to providing a comfortable environment which is easy to manage. Smaller sites of 3-4 pitches can also be successful, particularly where designed for one extended family.

There should be one family per plot, because more than this causes disruption and disputes between the families. The families can be very large but it is not always the amount of families on a site but how they get on. Another comment highlighted that the total number of people is a more important issue.

2. Site Location. The right location for a site is the key issue, with easy access to major roads or public transport services to enable the residents on the site to gain employment, attend school or other type of training, and access health services and shopping facilities. Sites should also provide a safe environment for the residents.

Additional plots on an existing site would mean extra families which could cause problems between existing families and the new tenants. There would also be problems such as children not being able to get places at local schools and access to healthcare. Sites should not be near hazards such as dangerous roads, pylons etc.

Transit sites do not affect the large majority of Gypsies and Travellers. There should be a transit site for those who have been moved from unauthorised encampments. However, it was stressed that any transit site should not be situated near existing Gypsy and Traveller sites. Transit sites are a very good idea, however they do not often have all the necessary facilities such as electricity, and if they do they are expensive (08/05/17).

Housing Strategy & Enabling Manager – No comments received.

LETTERS OF REPRESENTATION

298 letters of objection (including a small number of duplicate letters from the same person) have been received from nearby residents and residents of Stonnall village during the course of considering this application. The comments made are summarised as follows:

Planning Policy

- The proposal is contrary to policy, including the Stonnall Neighbourhood Plan.
- It would be contrary to Policy LE1 as it would harm biodiversity.
- It would be contrary to Policy LE4 as it would not be sympathetic to the landscape.
- It would be inappropriate development in the Green Belt.

- Contrary to DCLG (2008) Designing Gypsy and Traveller Sites and Good Practice Guide; DCLG (2012) Planning and policy for traveller sites.
- The proposal breaches the DCLG 2008 guidelines:
 - Community cohesion. The community have made it clear through the objections received by the Council that they do not want community cohesion forced on them. The Council has not been active in promoting any broader strategies to improve community cohesion. No evidence has been put forward of any attempt at such cohesion.
 - Sustainability. The proposal does not take noise into consideration.
 - The proposal is not in accordance with planning policies. The guidance states that Green Belt should be protected from inappropriate development.
 - Visual and acoustic privacy.
 - Site layout and design does not ensure privacy for the individual pitches.
 - Local family connections. There is no evidence to suggest that any gypsy family historically resided at or near the site. There is no evidence that local family exist in the area.
 - Need. There is no evidence that there is a need for a site at this particular location.
- The proposal contravenes the Stonnall Neighbourhood Plan:
 - H1 – Infill development. The proposal is neither infill, nor in keeping with the character and setting of the Village.
 - H4 – The character and setting of the village will be protected through the village design statement.
 - LE1 – Biodiversity.
 - LE4 – Development should be sympathetic to the landscape and quality of the Neighbourhood Area.
- Unlawful intrusion into the countryside.

Environmental Impact

- Why is the proposal on Green Belt land rather than brown field?
- Very visible fencing put in place, has this got planning permission?
- If this was to proceed what assurances can we have with regards to screening, site maintenance, cleanliness and tidiness to ensure the site does not become an eyesore.
- Removal of hedgerows has been undertaken without permission.
- The site should remain as an agricultural field.
- The site is a blot on the landscape, in a very prominent position.
- Gravelly Lane is susceptible to flooding, the extra hard surfacing on site will cause more flooding.
- There is no detail of any sustainable energy infrastructure.
- What will happen to the large amounts of hard core that have been imported onto the site?

Public Amenity

- Overlooking and loss of privacy. The development is in an elevated position approximately 375m away from the neighbouring property.
- Threat to public health. No sanitation or provision for removal of waste on site.
- Noise and disturbance from the use.

Highways Impact

- The access is onto a narrow country lane that is not designed for residential traffic.
- The parking provision is inadequate.
- Lack of turning space on site.
- The lane is already used as a 'rat run' particularly at peak times.

- There are no bus routes that run near Gravelly Lane, the proposed site is not suitable for elderly people.
- Known accident spot at the junction with Church Lane.
- Unsuitable access.

Procedural Considerations

- The application is retrospective and seems an underhand way of gaining permission which is not in the interests of the village and goes against all planning laws.
- Enforcement action has failed.
- The present occupation of the site is unauthorised and should be refused and immediate action should be taken to regularise the situation.
- What is being done about the original permission for the stable block? Are the stables still required and will they be built?
- Only a few people have been consulted on such a project. Residents have taken it upon themselves to make this public knowledge.
- Previous conditions for the stable use have not been submitted or complied with.

Alternative Sites

- What alternative sites have been considered to the current one?
- Whilst we appreciate that the Council has a legal obligation to provide permanent sites for travellers, they have to be within the set guidelines. The site has five constraints listed against it, more than other sites which were refused as traveller sites. The site is not within a short distance to the A5 or the A38.
- There are better sites, outside of the Green Belt in the Aldridge and Brownhills area on semi residential/industrial land.

Other

- Loss of house value.
- The local school does not have capacity for the places required by this proposal.
- Will the owners/residents be paying tax?
- There is no infrastructure or utility supplies on site.
- The proposal will impact on the adjacent children's farm. The neighbour has submitted a comprehensive letter of representation asking questions about the proposal. The co-owner has also stated that the application, by association, has already had a negative impact on their business in terms of visitors.
- Once they have the 6 caravans there will be no way of stopping more coming on the site.
- The development of dayroom means that other permanent buildings will follow.
- There is a general perception of anxiety and vulnerability expressed by a large number of representations received.
- The proposal would have a negative impact on the nearby church.

OTHER BACKGROUND DOCUMENTS

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

- Planning and Design and Access Statement

OBSERVATIONS

Site and Location

The application site lies within the West Midlands Green Belt to the south and outside of the village of Stonnall. It comprises an arable field, formerly used for pig rearing, which is located off Gravelly Lane. An existing vehicular access serves the field. The site slopes downwards from north to south, whilst there is a hedge evident to the highway boundary. The other boundaries of the field are identified by 1.4 metre high post and rail fencing.

The application site relates to the point of access, an area to the south of it, an existing track which runs south parallel to the boundary fence and an existing bunded stone area. The track runs for approximately 60m before meeting the bunded area. The track has an approximate width of 4m. The bunded area measures approximately 30.5m x 41m but has a usable internal space within the bunding of 28.5m x 38m.

The entrance to the site is on the south side of Gravelly Lane approximately 200m east of the junction with Church Road.

Background

The site has an extant permission (Ref: 15/00488/FUL) for a ménage and stable block on the northern edge of the site, adjacent to the site entrance and running parallel to Gravelly Lane. None of the conditions precedent relating to this permission have been discharged. The extant permission seeks removal of the stoned access track and bunded area within 6 months of the date of permission, i.e. by the 18 February 2016. This has not been done.

The Council were first made aware that the applicant and family had undertaken works and occupied the site with caravans in early April 2017. Enforcement investigations were undertaken and a Temporary Stop Notice served. In view of the fact that the owners submitted an undertaking not to carry out further works without planning permission and pending the consideration of this application, enforcement proceedings have not been progressed further.

For clarity, the northern area of the site has been cleared and laid with hardcore, with the caravans occupying this northern area. This application relates to the change of use of the access track and bunded area to the south. If approved, the caravans would then in turn be moved to the alternative area of the site.

For the reasons given above, it is not considered that the permission for the stables and ménage has been lawfully implemented, moreover it is not now possible to implement this permission. Should the applicant wish to build the ménage and stable block previously approved, a fresh application would be required as they would be unable to comply with the conditions on the current approval.

Proposals

Permission is sought for the change of use of land as a residential caravan site for an extended gypsy family with 6 caravans, including no more than two static mobile homes. Permission is also sought for a timber amenity building.

Within the bunded area it is proposed to locate 4 no caravans, 2 no static caravans and an amenity building. The static caravans would occupy plots of 10m x 4m and the caravan plots of 6m x 2.5m. The amenity block would have a footprint of 4.7m x 7.1m, a height to eaves of 2.2m and ridge of 3.2m. The block would have two rooms and be clad in timber, replicating a wooden stable.

A 1.2m high post and rail fence would be positioned 2m away from and parallel to the track which would then continue around the outside edge of the bunded area.

Determining Issues

- 1) Policy and Principle of Development including Very Special Circumstances
- 2) Sustainable Location
- 3) Impact on the Character and Appearance of this Rural Area, including openness
- 4) Highways and Parking
- 5) Impact on the Amenity of Existing and Future Residents
- 6) Biodiversity
- 7) Cannock Chase SAC
- 8) Other Issues
- 9) Human Rights

1. Planning Policy and Principle of Development including Very Special Circumstances

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. The most relevant are The National Planning Policy Framework (NPPF, 2012), Planning Policy for Traveller Sites (PPTS, 2015) and the Lichfield District Local Plan Strategy 2015.

1.2 At the heart of the NPPF is the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

1.3 Paragraph 10 of the PPTS identifies the criteria against which to consider whether a development plan is up to date, specifically when determining applications for Gypsy and Traveller developments. A Local Plan should have an identifiable 5 year supply of sites, with further sites identified for additional future development. The number of units required should have been gathered through cross boundary partnerships.

1.4 The PPTS lists the Government's key aims in relation to the siting of Traveller sites, including;

- that decision taking should protect Green Belt from inappropriate development;
- to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites;
- to increase the number of traveller sites in appropriate locations with planning permission,
- to address under provision and maintain an appropriate level of supply;
- to reduce tensions between settled and traveller communities in planning decisions;
- to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure; and,
- to have due regard to the protection of local amenity and local environment (p1-2).

- 1.5 Local Plan Strategy Policy H3 states that sites for Gypsies and Travellers will be identified within the Local Plan: Allocations Document. The location of these sites will be informed by the criteria identified below:
- the site will be within or adjacent to Lichfield, Burntwood or a Key Rural Settlement or close to the A5 or A38 corridors;
 - in the key rural settlements the proposal would be of a size so as to not put undue strain on infrastructure;
 - the site is large enough to allow for adequate parking, storage, play and residential amenity facilities;
 - safe vehicular and pedestrian access is available;
 - the site can be well landscaped to maintain visual amenity; and
 - the development of the site would not give rise to future impact upon existing residents by virtue of noise caused by movement of vehicles to and from the site.
- 1.6 The application site is located within the West Midlands Green Belt and outside of the settlement boundary where it is subject to a stricter degree of control in order to ensure that any development preserves the special characteristics and openness of the area.
- 1.7 The decision making process when considering proposals for development in the Green Belt is in three stages and is as follows:
- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
 - b) If the development is appropriate, the application should be determined on its own merits.
 - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which outweigh the presumption against it, and any other harm caused.
- 1.8 Paragraph 89 of the NPPF states: “A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:
- Buildings for agriculture and forestry;
 - provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
 - the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
 - limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”
- 1.9 Paragraph 90 of the NPPF then states: “Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:
- mineral extraction;
 - engineering operations;

- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.”

1.10 The site lies outside the development boundary and does not comply with any of the exceptions from paragraphs 89 or 90 of the NPPF listed above. For these reasons and in accordance with paragraph 89 of the NPPF the development would be inappropriate development. As stated there is a presumption against inappropriate development in the Green Belt and development should not be permitted unless there are very special circumstances which outweigh the presumption against it and any other harm. These issues are discussed below.

1.11 Policy NR2 of the Local Plan Strategy seeks to retain the character and openness of the Green Belt. Policy BE1 of the Local Plan Strategy requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, scale design and public views. The development by definition would impact on the openness of the Green Belt. Further issues in this regard are discussed below.

Whether the applicants comply with gypsy/traveller status

1.12 The PPTS narrowed the definition of a ‘gypsy/traveller’. It now excludes those who used to travel but have ceased to travel; other than where travel has temporarily ceased because of their own or their family’s or dependants’ educational or health needs or old age.

1.13 The planning statement submitted in support of the application states that the site would house 4 families consisting of 8 adults and 3 children (aged 8, 13 and 15). The applicants have family living in the Cannock area with Uncles who own traveller sites located in Green Belt in Cheslyn Hay, Staffordshire. It is stated that the applicant’s family regularly travel in the Walsall/Lichfield area and have close family connections to the area but have no lawful place to stay when living in the area.

1.14 The planning statement further states that there are three children that would be living on the land who currently have no lawful home. It states that the best interests of the children are a primary consideration to be taken into account in planning cases such as this and that the provision of culturally appropriate accommodation where the extended family can live together and the children receive an appropriate education should carry substantial weight in favour of this proposal.

1.15 Whilst no specific evidence has been submitted to demonstrate that the households all undertake a travelling lifestyle, if permission were granted, it would be reasonable to restrict by condition, the occupation of these pitches only to those who comply with the new gypsy/traveller definition and not to any specific person or family. Therefore, while it is not necessarily accepted that the applicants or their family have gypsy/traveller status under the new definition, it is not considered that any permission would establish such, as long as the site, if approved, were available to gypsy/travellers generally.

The existing level of local provision and need for sites

1.16 The explanatory text associated with Local Plan Policy H3 identifies that the Council, in partnership with other Council’s within the Southern Staffordshire and Northern Warwickshire area, commissioned a joint Gypsy and Traveller Accommodation Assessment (GTAA) in May 2007. The current Gypsy and Traveller five year requirement stands at 4.5 pitches, as per District Council’s Five Year Housing Land

Supply Paper 2016. The District Council's Gypsy and Traveller Accommodation Assessment (GTAA) 2007, which informed the Local Plan Strategy, identifies a need for 14 residential pitches and 5 transit pitches within the plan period. Total delivery within the plan period to date is 7 residential and 0 transit pitches which leaves a requirement for 7 residential and 5 transit pitches for the remainder of the plan period up to 2029. The Call for Sites has been open to submissions for Gypsy and Traveller (GT) Sites all year round since 2012. To date, no GT sites have been submitted since that time. A proactive approach was adopted in order to identify potential sites for the Local Plan Allocations (as set out in the Gypsy and Traveller Sites Methodology paper 2016). This process resulted in one further pitch being identified, which is set out under Policy GT1 of the emerging Local Plan Allocations. The District Council is currently consulting neighbouring authorities to determine whether they can help to meet the remainder of this requirement.

- 1.17 Whilst there is evidence, given the above figures that the Council is seeking sites to allocate for Gypsy and Travellers, in order to address the identified need, there remains a shortfall. As stated by Local Plan Strategy Policy H3 an Allocations Document is to identify where these pitches can be sustainably sited. This document is yet to be progressed, although the criteria for selecting suitable sites is specified within the Policy. Thus, it follows that given the Allocations Document has not been adopted, the Council is not able to fully demonstrate the planned delivery of a five year supply of gypsy and traveller sites within the District and therefore, in accordance with the requirements of the NPPF, greater material weight in the planning balance exercise must be attributed to national, rather than local guidance.
- 1.18 However, taking the above into consideration it is considered that the site would fail the selection criteria for allocation of a site under Policy H3 and if put forward for the allocation document it would not be considered suitable. It is therefore considered unacceptable on such grounds.

Green Belt Consideration

- 1.19 Policy E of the PPTS states that "*inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances*".
- 1.20 Given the guidance contained within the PPTS document, it is quite clear that the use of the site as a Gypsy camp would not comply with any of the exemption categories, and hence the development would represent 'inappropriate development' in the Green Belt. This conclusion was also reached by the applicant's agent in the Design and Access Statement. As such, in order to meet the requirements of the NPPF, the applicant must demonstrate very special circumstances, in order to justify the proposals.

Very Special Circumstances

- 1.21 Paragraph 8.8 of the 'Protecting the Green Belt' National Planning Practice Guidance advises that "*Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*".
- 1.22 The Design and Access Statement submitted in support of the application contains a section on policy considerations in which it confirms that, in accordance with the NPPF, the proposal is inappropriate development and as such there is a need to prove very special circumstances in order to allow approval. The case for very

special circumstances in limited in scope but essentially has three streams. The first seeks to clarify the meaning of very special circumstances. The second puts forward a case for limited visual impact and the third a case for need.

- 1.23 The NPPF allows for the approval of inappropriate development (by definition) in the Green Belt provided that very special circumstances can be proved. The supporting statement makes reference to case law – Regina v Secretary of State and Temple – in which Justice Sullivan made the following ruling: “In planning, as in ordinary life, a number of ordinary factors may when combined together result in something special. Whether any particular combination amounts to very special circumstances for the purposes of PPG2 (now section 9 of the NPPF) is a matter for the planning judgement of the decision-taker.” For the reasons discussed it is not considered that a sufficient case for very special circumstances has been put forward, but in essence the Council do not disagree with the context of the case law quoted.
- 1.24 The statement then quotes another case – Turner v SSCLG & East Dorset Council [2016] – in which the court of appeal confirmed that the openness of the Green Belt has a visual dimension. The agent then states that as the proposal is that of a less visible, development then the application should be approved. The agent then further comments that the Court decided that the impact on openness of movable development, such as caravans and mobile homes, is less of an impact of an equivalent permanent structure. In response, it is considered that the proposed site for the caravans is constrained in such a way that there would be no scope to move the structure around the site and as such would appear as permanent structures. It is noted that a permanent day room is also proposed. Furthermore, the site is in an exposed position on the side of a hill on a site devoid of any development such that the visual impact is significant and therefore impacts negatively on the openness of the Green Belt. It is considered that on this aspect, very special circumstances have not been demonstrated.
- 1.25 The planning statement submitted states that the site would house 4 families consisting of 8 adults and 3 children. It states that the three children that would be living on the land currently have no lawful home and that the best interests of the children are a primary consideration to be taken into account in planning cases such as this and that, the provision of culturally appropriate accommodation where the extended family can live together and the children receive an appropriate education should carry substantial weight in favour of this proposal. Whilst the applicants consider they have a need, it is for the Council to determine whether the site is acceptable in planning terms. It is acknowledged that the Council do not have sufficient allocation for traveller sites, but if this site had been put forward for inclusion in the site allocation document, to be published, then it would have failed the selection criteria for several reasons, the key aspects being due to its location in the Green Belt and non-compliance with Policy H3 of the Local Plan Strategy.
- 1.26 Paragraph 24 of the PPTS does identify that the personal circumstance of the applicant is of importance when determining planning applications for gypsy and traveler development. However, the guidance in this paragraph continues to state that within the Green Belt, personal circumstance and unmet need will carry little weight and rather applications should be considered primarily, subject to the best interests of the child. Thus, whilst the difficulties being faced by the applicant are noted, this does not, in light of the guidance, carry significant material planning weight. In addition, as stated above, whilst it is acknowledged that there remains unmet need for Gypsy site’s within the District, during the plan period, it is considered that this also carries little material weight in the face of national guidance.
- 1.27 The scale of the development as stated by Policy H3 and Paragraph 13 of the PPTS, given its rural setting, should be such that it does not dominate the nearest settled community. Despite the size of the proposal, it is considered that due to the siting

and landscape features of the area, it would be readily visible to the small village of Stonnall. For the reasons given, it is not considered that sufficient very special circumstances have been submitted to outweigh the harm of this inappropriate development in the Green Belt, with regard to need, visual impact or lack of allocated site provision for Gypsy and Travellers.

- 1.28 Overall, for the reasons given above, it is considered that the proposed development would represent inappropriate development in the Green Belt and the principle would be unacceptable and no very special circumstances have been submitted to justify such harm by reason of inappropriateness or other harm caused. The proposal is therefore contrary to national and local Green Belt policy and so, it is recommended the application should be refused on such grounds.

2 Sustainable Location

- 2.1 Gypsy and Traveller sites are assessed within Lichfield District via the criteria identified within Policy H3 of the Local Plan Strategy (see Paragraph 1.5 above). Given the acknowledged lack of a 5 year supply of Gypsy sites however, full weight cannot be attributed to this Policy. It is reasonable though to assess this site against this criteria, given that they are in broad conformity with the requirements of the PPTS.

- 2.2 The site is not located adjacent to Lichfield, Burntwood or any other key settlement, nor is it particularly close to the A5 or A38 corridors. Whilst it is acknowledged that 'adjacent' does not necessarily mean adjoining to these areas it is evident that the want is for Gypsy and Traveller sites to be sustainably sited, near existing services and facilities. Specifically paragraphs 4 and 13 of the PPTS requires that a settled base should enable easy access to education, health, welfare and employment infrastructure, in an attempt to reduce the reliance upon the private motor vehicle. In this case, the application site is located south of the village of Stonnall and approximately 3.5km directly south of the nearest point on the A5 but the actual distance by road to the nearest junction on the A5 would be more.

- 2.3 It is also noted that there are no footpaths serving the site, whilst surrounding roads are universally designated to the national speed limit and as such, this would prevent access to the surrounding area via foot. There are no bus services accessible given the footpath issue. Thus, it could be reasonably argued that this site is unsustainably located relative to services. This issue however is only given limited weight in this instance, due to the abovementioned lack of an identified 5 year supply.

3. Impact on the Character and Appearance of this Rural Area, including Openness

- 3.1 Paragraph 26 of the PPTS advises that for Gypsy and Traveller development's visual impact should be considered through the effective reuse of brownfield, untidy or derelict land, the site being well plan or soft landscaped in a manner to positively enhance the environment and increase its openness and not enclosing the site with too much landscaping, high walls or fences, which can isolate the development from the rest of the community.

- 3.2 Taking aside the unauthorised development and stationing of caravans on the northern edge of the site, the site is an open field that slopes from the north (top) to the south. The proposed site has an elevated position and as such the open field is readily visible in the wider landscape. There is a mature hedge along the northern (road) boundary but the remaining boundary treatment is not dominant and there are no trees within the lower half of the field. There is no authorised development on the site.

- 3.3 Assessing the site against the criteria identified within Paragraph 26, the proposal does not relate to the redevelopment of brownfield land, it is not an untidy site and it is not possible to screen the site to enhance the area whilst reducing its impact on the openness of the area. The NPPF states that the openness of the Green Belt should be protected, which is reflected in Policy NR2, which states all development in the Green Belt must retain its character and openness.
- 3.5 It is considered that substantial weight must be attached to such harm. By virtue of the open aspect and visual prominence of the site, it is considered that the proposal would not retain the character and openness of this part of the Green Belt. It is considered the proposal would therefore be contrary to Policy NR2 and the NPPF in this regard and should be refused on such grounds.
- 3.6 As noted below in the highways section of this report, the existing access does not provide adequate visibility. In order to resolve this matter, it would likely require the remove of some hedgerow to the site frontage. Consequently, this would further negatively impact on the openness and character of the Green Belt and, it is considered the hedgerow is an attractive landscape feature worthy of retention.
- 3.7 Overall, it is considered that substantial weight must be attached to the harm to the Green Belt, by way of inappropriateness and considerable weight must be attached by way of harm to the openness of the Green Belt. Further weight should be given to the harm to the visual amenity of the Green Belt and the development conflicting with the purposes for including land within the Green Belt, contrary to the requirements of the National Planning Policy Framework.
4. Highways and Parking
- 4.1 The application proposes the provision of 6 caravans but whilst the application site includes the access onto Gravelly Lane it does not specify the parking arrangements for vehicles.
- 4.2 Staffordshire County Council (Highways) have considered the suitability of the vehicular access and the impact of site users upon the safe on-going operation of the surrounding highway network. They raise objections due to substandard visibility from the site access, as well as visibility and width issues on the road outside the site. Furthermore, no details of the anticipated vehicle movements associated with the proposed development have been submitted.
- 4.3 In view of the above, the development is therefore contrary to the requirements of Policy ST2 of the Lichfield District Local Plan Strategy (2015); Appendix D of the Lichfield District Council Sustainable Design Supplementary Planning Document (December 2015) and the objectives and policies contained in part 4 of the National Planning Policy Framework. Refusal is accordingly recommended on such grounds.
5. Impact on Amenity of Existing and Future Occupiers
- 5.1 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 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.
- 5.2 The distance separation between the proposed caravans and neighbouring property is sufficient to ensure no overlooking, loss of light or overbearing impact, as the standards set out in the Councils Sustainable Design SPD would be met.

- 5.3 The area surrounding the application site is used for agricultural purposes and it is noted that the immediate neighbour to the east has a farming business that includes visits from school groups. The comments from the neighbours in relation to the impact on their business are noted but if approved it is considered that the two neighbouring uses could co-exist without detriment.
- 5.4 With regard to noise and disturbance from the proposal, it is considered that this would not be significant so as to justify a sustainable reason to withhold planning permission. Also, concerns over public health have been raised by objectors, and, although, no comments have been received from the Councils Environmental Health team on this, it is considered such matters could be controlled by other legislation should such issues arise if planning permission were to be granted.
- 5.5 It is therefore considered there are no sustainable reasons to refuse on residential amenity grounds.

6 Biodiversity

- 6.1 The ecology team is satisfied that the proposed works are unlikely to negatively impact upon protected or priority species or habitats.
- 6.2 However, under policy NR3 of the adopted Lichfield District Council Local Plan a net gain to biodiversity must be incorporated into all developments. Should the application be approved then this is a provision that could be achieved by way of a condition. Accordingly there are no ecological or biodiversity issues that would in themselves warrant refusal so in this aspect the proposal and its impacts are considered acceptable.

7. Cannock Chase SAC

- 7.1 Policy NR7 of the Local Plan Strategy details developer requirements to the Cannock Chase SAC and states 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 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.
- 7.2 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. However, as this site lies within the 8 - 15 km zone, there is no requirement for a financial contribution.

8. Other Issues

- 8.1 The objections raised have largely been considered within the above report. Of those that remain it is evident that a number of the issues raised have no or little material planning weight, given that they relate to the potential future behaviour of the site's residents. For instance, it is not appropriate to consider the potential for occupants to create issues specific to burglary, fly tipping or stray dog etc.
- 8.2 In terms of loss in value to existing property, this concern has not been held to be a material planning consideration, as it cannot be evidenced.

- 8.3 It is considered that the application, if approved, would not set a precedent for further development within the area, given that each application must be considered on its own merits.
- 8.4 The application has been correctly advertised with neighbours given sufficient time to comment. Therefore, it is considered the correct procedures have been followed.
- 8.5 The Stonnall Neighbourhood Plan was adopted on the 19 April 2016. The policies within this plan are robust and well-crafted but do not specifically fit the proposal hereby submitted. The proposal does not relate to an infill plot, is not affordable housing and does not relate to the village design statement. There is no provision to improve cycle and walking access and there would be no direct harm to ecology or trees. The proposal is not therefore directly related to the housing, transport, landscape and environment policies within the Neighbourhood Plan and as such reference to them is not included in the recommended reasons for refusal.
- 8.6 The site is not within Flood Zones 2 or 3 and although not detailed in the submission, it is considered that it could achieve sustainable drainage and deal with any surface water runoff on site, subject to conditions if the application were to be approved. For these reasons, it not considered that the proposal would cause any flooding or surface water runoff issues to justify a sustainable reason for refusal.

9 Human Rights

- 9.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. Article 1 of the first protocol may be of relevance as it provides for every natural and legal person to be entitled to the peaceful enjoyment of their possessions. However, it is specifically stated that this right shall not impair the right of the state to enforce such laws as it deems necessary to control the use of property in accordance with the general interest. The interference likely to occur here has been fully assessed in this report. It is considered that any interference can be justified in the general interest, as defined by national planning policy and policies of the Development Plan, and is proportionate. The applicant has a right of appeal in accordance with Article 6.
- 9.2 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. Such matters have been considered having regard to the circumstances of the applicant and their family in considering the proposals.

Conclusion

The NPPF and Policy B of the PTTS 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. There is very little economic benefit to the development subject to bringing additional residents into this area. Socially it has been demonstrated that the development will not, subject to the use of conditions, impact upon the reasonable residential amenity of any existing or proposed future residents within this and neighbouring sites.

Environmentally there would be no harm to protected species, trees or the Cannock Chase SAC, but the scheme is located within the West Midlands Green Belt, where Gypsy and Traveller development is considered to be inappropriate development. The application has failed to demonstrate any over-riding very special circumstances to justify the harm caused by inappropriateness and any other harm caused to the Green Belt. Furthermore, the

proposal does not meet the requirements and site allocation criteria of Policy H3 of the Lichfield District Local Plan Strategy (2015) and so is unacceptable on such grounds.

It is considered the proposal would be harmful to the character and openness of the Green Belt by virtue of its nature and location and due to the potential need to remove hedgerow to the site frontage to accommodate adequate visibility.

Additionally, the proposal is unacceptable on highway grounds, due to the intensification of a substandard access with limited visibility and insufficient width at the site entrance and that insufficient information has been submitted to demonstrate the impact to the development on the local highway network.

Accordingly, the recommendation is that this application be refused for the reasons set out above.

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district council

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LOCATION PLAN

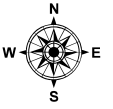
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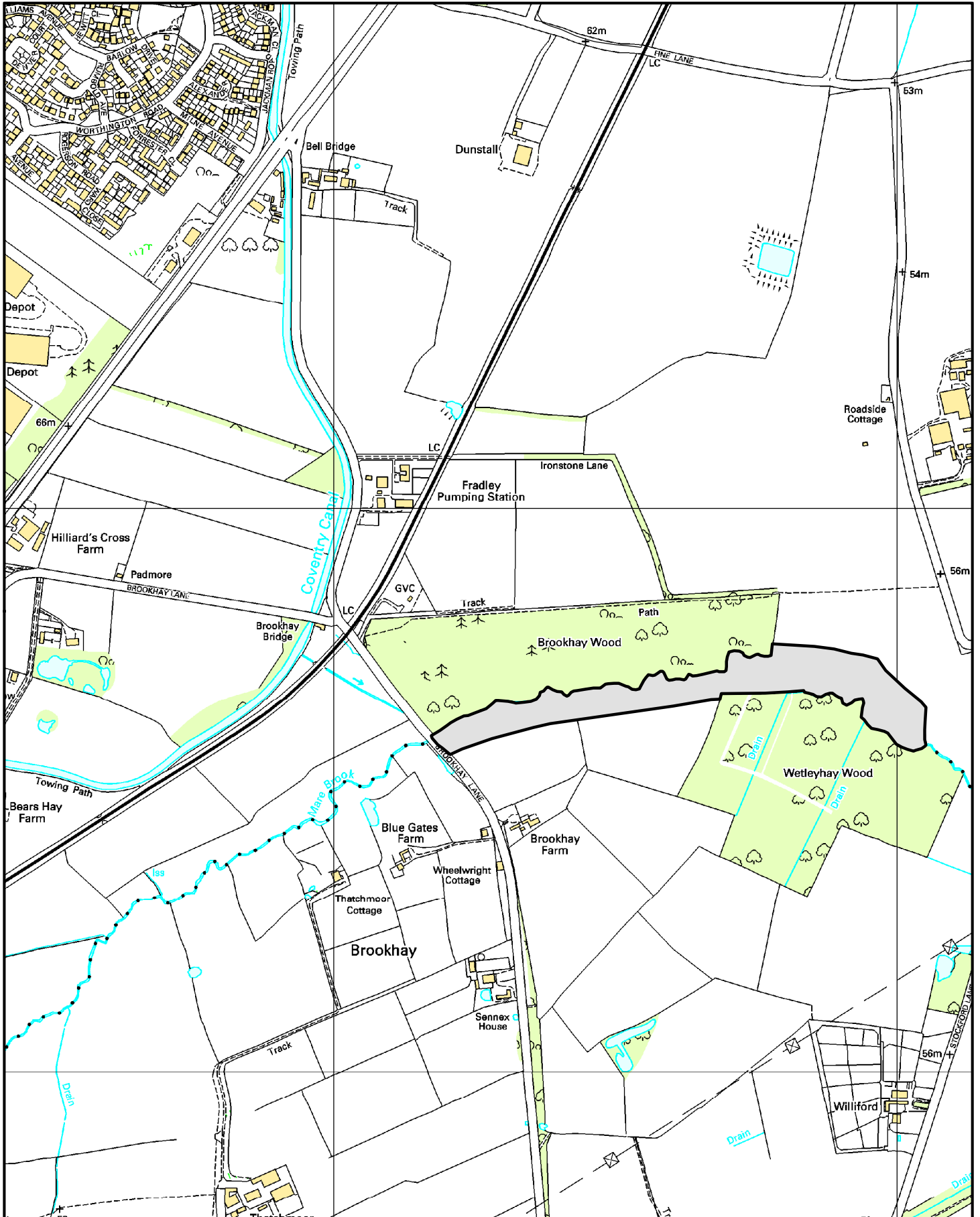
Dated:
June 2017

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16/01092/COU

CHANGE OF USE OF LAND TO FORM A QUAD BIKE PRACTICE TRACK, TOGETHER WITH NEW ACCESS DRIVE AND PARKING AREA, LAND SOUTH EAST OF IRONSTONE LANE, WHITTINGTON, LICHFIELD. FOR CROMWELL TRUCK SALES

Registered on 28/09/16

Parish: FRADLEY AND STREETHAY

Note: This application is being reported to Planning Committee due to significant planning objections raised by Whittington and Fisherwick Parish Council on the material grounds of:

- Insufficient information has been submitted to provide an informed opinion;
- The potential noise nuisance from the development has been understated and the applicant's noise report fails to consider the impact on local residents;
- The proposal does not constitute a genuinely rurally orientated business or pursuit; and
- The measures proposed to protect the otter population are insufficient.

Fradley and Streethay Parish Council have also raised significant planning objections:

- The development will impact on local residents due to an increase in noise levels, light pollution and the additional traffic it would generate; and
- The development will have an adverse impact on local wildlife, including badgers, otters and other protected species. Noise pollution will also impact upon animals, as well as the risk of disturbance or injury and damage to their habitat.

RECOMMENDATION: 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, details of ground levels, earthworks and excavations to be undertaken as part of the development process 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.
4. Before the development hereby approved is commenced, a Site Noise Management Scheme, which shall include (but not be limited to) all of the measures identified within the submitted application, namely that.
 - i. The use of the site shall be limited to use as a quad bike training (for 2 and 4 stroke machines only) and practice facility only, with use for racing or competition being expressly forbidden; and

- ii. All quad bikes shall be fitted with exhaust silencers which shall be maintained in good serviceable order at all times and shall not be changed or altered for any purpose which increases the noise made by the escape of exhaust gases,

shall be submitted to and approved in writing by the Local Planning Authority. The approved Site Noise Management Plan shall thereafter be implemented site wide, prior to the first use of the development, and thereafter be retained and complied with for the life of the development.

5. 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.

6. 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 or its boundary, 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.

7. Before the development hereby approved is commenced, a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) detailing, in full, measures to protect existing habitat during construction works and the formation of new habitat, shall be submitted to and approved in writing by the Local Planning Authority. Within the CEMP/HMP document the following information shall be provided:

- i. Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulfur);
- ii. Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation;
- iii. Details of both species composition and tree planting densities for the 0.8 hectare woodland;
- iv. Proposed management prescriptions for all habitats for a period of no less than 25years;
- v. An agreed timetable for the undertaking and subsequent delivery of an in-depth otter survey, which shall be used to inform the siting of an artificial otter holt
- vi. Assurances of achievability;
- vii. Timetable of delivery for all habitats (woodland planting and otter holt); and
- viii. A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary.

The development shall thereafter be undertaken and maintained in accordance with the approved CEMP and HMP.

8. Notwithstanding the submitted details before the development hereby approved is commenced, details of the height, type and position of all site fences and other means of enclosure to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be implemented before the development is first brought into use and thereafter retained for the life of the development, unless otherwise first agreed in writing with the Local Planning Authority.

9. Before the development hereby approved is commenced, a scheme to manage run-off of silt from the site into the Mare Brook shall be submitted to and approved in writing by the Local Planning Authority. Any agreed mitigation measures shall be implemented prior to the first use of the site for its permitted use and thereafter be maintained for the life of the development.

Other CONDITIONS to be complied with:

10. Before the development hereby approved is brought into use, the parking area and access road, as shown on the approved plans shall be provided in accordance with a surface material which shall have first have been submitted to and approved in writing by the Local Planning Authority. The parking area shall thereafter be made available at all times for its designated purpose.

11. The development shall be carried out wholly in accordance with the mitigation measures detailed within the document titled Preliminary Ecological Assessment Report No. P34.T58.16 dated 30th November 2016, which includes;

- i. The use of the site to be restricted to two hours post sunrise and two pre-sunset during March to October and one hour post sunrise and one pre sunset during September to February; and
- ii. The creation of a fenced buffer zone no less than 15m in width between Mare Brook and the quad bike track;

and thereafter be operated as such for the life of the development.

12. The development hereby approved shall be used for practice or tuition purposes for a maximum of 3 people per day.

13. The use hereby approved shall, subject to the requirements of condition 11, which take precedence, only be undertaken within the hours of 11:00 – 15:00 Monday to Saturday. No practice or training sessions are permitted on Sundays or Bank Holidays. Once every calendar week the applicant may use the site for practice only until 20:00. A written record of the date and time of cessation of this activity shall be kept by the applicant or successor in title, for view by the Local Planning Authority, as requested.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the development hereby approved shall relate solely to the uses and activities identified within the application and for no other uses, unless otherwise first agreed in writing by 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 safeguard the character and appearance of this rural site and in accordance with the requirements of Policies BE1 and NR1 of the Local Plan Strategy, the Rural Development Supplementary Planning Document and the National Planning Policy Framework.
4. To ensure the amenities of nearby residents are adequately protected, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
5. To safeguard the archaeological potential of the area and the site and in order to allow a proper record of the site to be made in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
6. To ensure that existing trees on the site which contribute towards the character of the area are retained, 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.
7. In order to safeguard the ecological interests of the site and deliver biological enhancements, in accordance with the requirements of Core Policies 3 and 13 and Policies NR3 and NR6 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
8. In order to safeguard the ecological interests of the site and to safeguard the character and appearance of this rural area, in accordance with the requirements of Core Policies 3 and 13 and Policies NR1, NR3 and BE1 of the Local Plan Strategy, the Biodiversity and Development and Rural Development Supplementary Planning Documents and the National Planning Policy Framework.
9. In order to safeguard the ecological interests of the site and to safeguard the character and appearance of this rural area, in accordance with the requirements of Core Policies 3 and 13 and Policies NR1, NR3 and BE1 of the Local Plan Strategy, the Biodiversity and Development and Rural Development Supplementary Planning Documents and the National Planning Policy Framework.
10. In the interests of highway safety, ecological impact, to ensure the use of porous materials wherever possible to reduce the risk of surface water flooding and in the interests of the character and appearance of this rural area, in accordance with the requirements of Policies NR1, NR3, BE1 and ST2 of the Local Plan Strategy, the Biodiversity and Development and Rural Development Supplementary Planning Documents and the National Planning Policy Framework.
11. In order to safeguard the ecological interests of the site and deliver biological enhancements, in accordance with the requirements of Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
12. In the interests of highway safety and to ensure the amenities of nearby residents are adequately protected, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Rural Development Supplementary Planning Document and the National Planning Policy Framework.

13. In order to safeguard the ecological interests of the site and to safeguard the amenity of neighbouring residents and users of the area, in accordance with the requirements of Core Policies 3 and 13 and Policies NR1, NR3 and BE1 of the Local Plan Strategy, the Biodiversity and Development and Rural Development Supplementary Planning Documents and the National Planning Policy Framework.

14. In order to safeguard the ecological interests of the site and to safeguard the amenity of neighbouring residents and users of the area, in accordance with the requirements of Core Policies 3 and 13 and Policies NR1, NR3 and BE1 of the Local Plan Strategy, the Biodiversity and Development and Rural Development Supplementary Planning Documents and 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 £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. The applicant is requested to liaise with the Staffordshire Wildlife Trust to allow for the Staffordshire Mammal Group to undertake further otter surveys of the site within the summer and winter. The survey results would be used to identify a prime location to install an initial artificial otter holt with volunteers from the group.

4. The applicant is advised that the granting of this planning application does not constitute authority for interference with the Rights of Way or their closure or diversion. It is noted that Public Bridleway No. 15 Fradley and Streethay and Public Footpath 45 Fradley and Streethay both run to the north of the site.

5. The applicant is advised that the granting of this planning application does not include provision for the erection of any ancillary structures or buildings. Separate applications under the Town and Country Planning Act 1990 may be required as necessary.

6. This development is considered to be a sustainable form of development and it is considered that the Council has acted in accordance with the provisions of paragraphs 186-187 of the NPPF.

PLANNING POLICY

Government Guidance

National Planning Policy Framework
National Planning Practice Guidance
Noise Policy Statement for England

Saved Local Plan Policies

Policy EA14 – The Tame and Trent Valley

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 9 – Tourism
Core Policy 11 – Participation in Sport and Physical Activity
Core Policy 13 – Our Natural Resources
Policy BE1 – High Quality Development
Policy ST2 – Parking Provision
Policy NR1 – Countryside Management
Policy NR3 – Biodiversity, Protected Species & their Habitats
Policy NR4 – Trees, Woodland & Hedgerows
Policy NR6 – Linked Habitat Corridors & Multi-functional Greenspaces
Policy NR7 – Cannock Chase Special Area of Conservation
Policy NR9 – Water Quality
Policy HSC2 – Playing Pitch & Sport Facility Standards
Policy Whit1 – Whittington Environment

Supplementary Planning Document

Sustainable Design
Trees, Landscaping and Development
Developer Contributions
Open Space, Sports and Recreation
Biodiversity and Development
Rural Development

Other

Staffordshire and Stoke on Trent Joint Waste Local Plan
Staffordshire County Council Minerals Local Plan
Natural Environment and Rural Communities Act 2006
The Conservation (Natural Habitats, &c.) Regulations 1994
Staffordshire County Council Rights of Way Improvement Plan
Whittington and Fisherwick Neighbourhood Plan (Draft)
Wildlife and Countryside Act 1981 (as amended 2010)
The Protection of Badgers Act 1992

RELEVANT PLANNING HISTORY

None.

CONSULTATIONS

Whittington and Fisherwick Parish Council Parish Council – Object. The amended noise report fails to consider the major concerns of local residents relating to disruption caused by additional traffic movements associated with the development. The other mitigation measures will be ineffective. None of the additional information submitted has addressed the original concerns raised by the Parish Council (24/04/17).

Previous Comments: Object. Insufficient information has been submitted to provide an informed opinion. The potential noise nuisance has been understated and the proposal does not constitute a genuinely rurally orientated business or pursuit. Notes that the acoustic report indicates that residual sound levels from the scheme would not exceed ambient noise levels, which given the proximity of the South Staffordshire Railway, the A38 and the local flying club activity is not surprising. However, it is not immediately clear

whether the term residual refers to average or peak sounds levels, which could be significantly higher. Notes that the application is in part retrospective, given that some land recontouring has already take place (24/10/16).

Fradley and Streethay Parish Council – Object. The development will have adverse impact on local wildlife, including badgers, otters and other protected species. Noise pollution will also impact upon animals, as well as the risk of disturbance or injury and damage to their habitat. Finally, also concerned that the development will increase noise levels, light pollution and additional traffic within the area (26/04/17).

Previous Comments: Object. The development will have an adverse impact on local residents, due to an increase in noise levels, light pollution and the additional traffic it would generate (24/10/16).

Environmental Health Officer – No objection subject to a condition requiring that prior to the commencement of development, a Noise Management Plan be submitted to and approved by the Local Planning Authority. The Management Plan shall include details that the track shall be used for training and practice only, which shall take place between 11:00 and 15:00 Monday to Saturday, save for one day in any seven, then it is permitted to 20:00. No practice or training to occur on Sundays or Bank Holidays. No more than 3 quad bikes using the site at any one time and exhaust silencers shall be fitted to all machines using the site and maintained in good order (16/05/17).

Previous Comments: (Following receipt of the Vangaurdia report produced for Brookhay & Whittington Residents Association). Requests clarification from the applicant regarding the noise data points. Notes that whilst the report was not commissioned to assess the impact of any noise generated from the site on local wildlife, states that such would be unlikely to have any more impact than a moderately busy road. In addition, given that night time use will not be permitted, there will be less impact on nocturnal animals (03/01/17).

No objection subject to a condition requiring that prior to the commencement of development, a Noise Management Plan be submitted to and approved by the Local Planning Authority. The Management Plan shall detail that the track shall be used for training and practice only, which shall take place between 11:00 and 15:00 Monday to Saturday, save for one day in any seven, then it is permitted to 20:00. No practice or training to occur on Sundays or Bank Holidays. No more than 3 quad bikes using the site at any one time and exhaust silencers shall be fitted to all machines using the site and maintained in good order (18/10/16).

Staffordshire County Council (Highways) – No comments to be made further to the consultation response issued on 19/12/16 (13/04/17).

Previous Comments: No objection subject to a condition requiring that the site is used solely for the applicant to train and for the tuition of no more than two people per day (19/12/16).

No objection subject to a condition requiring that the site is used solely for the applicant to train and for the tuition of no more than two people per day (08/11/16).

Object. Insufficient information has been submitted with no detail provided of the design of the access (02/11/16).

Staffordshire County Council (Flood Authority) – No objection but advises that the aspect of Flood Risk will have to be considered by the Environment Agency. Agrees with the applicant that there would be no increase in surface water run off as a result of the works (18/04/17).

Previous Comments: No objection. Advises of the need to ensure that measures are implemented to prevent mud, silt and any polluted run-off from entering into the Mare Brook. Also recommends that an appropriate easement of 3-5m adjacent to the top of the bank of the Mare Brook be established to facilitate access, essential maintenance and possible future improvements. Finally suggests that the car park is relocated away from the hedgerow and wet ditch brook as recommended by the applicant's Ecologist and be constructed using permeable materials (03/01/17).

Previous Comment: Requests the submission of a Drainage Strategy (24/11/16).

Staffordshire County Council (Archaeology) – Notes that there are significant archaeological remains recorded within the area surrounding the application site. Given however the small scale of the development, it is advised that an archaeological watching brief would adequately address this matter, which is recommended to be secured via the use of a condition (22/11/16).

Staffordshire County Council (Planning) – No objection. The development does not involve the intensification in use or the construction of any structures, which would lead to the permanent sterilisation of any underlying mineral resources and as such, is exempt from the requirements of Policy 3.2 of the Minerals Local Plan.

Arboricultural Officer – Supports the development and the provision of additional tree planting, linking the two neighbouring woodlands. In order for the proposed planting scheme to be acceptable however requests details of planting densities, tree species, protection details, aftercare and maintenance be secured via the use of a condition (25/04/17).

Previous Comments: Supports the development and the provision of additional tree planting, linking the two neighbouring woodlands. In order for the proposed planting scheme to be acceptable however requests details of planting densities, tree species, protection details, aftercare and maintenance be secured via the use of a condition (21/12/16).

No objection. Requests that a suitable landscape condition be used to secure tree planting within the site (02/11/16).

Ecology Team – Satisfied with the additional information provided regarding the likely level of impact of the development upon otter usage. Staffordshire Wildlife Trust, who assessed the site are experts in this species, aquatic habitats and matters herein being considered. As such, subject to the applicant complying with the recommended mitigation measures, the development will not impact upon otters and the Local Planning Authority has sufficient understanding to discharge its Biodiversity Duty.

The requested mitigation measures include:

- The re-locating of the access track to run adjacent to the site's southern boundary;
- Restricted hours of usage of the Quad bike track during its operational phase;
- The creation of a fenced buffer zone no less than 15m in width between Mare Brook and the Quad-Bike track;
- For further monitoring otters surveys to be undertaken and their results submitted to the LPA; and
- The submission and approval, prior to the commencement of development, of a Constriction Environment Management Plan and Habitat Management Plan.

Notes the applicant's intent to allow Staffordshire Wildlife Trust to install an artificial otter holt within the site, the delivery of which would deliver a net-benefit to otters (in addition to the net-benefits to biodiversity value and habitat connectivity which the woodland planting would provide) (24/04/17).

Previous Comments: Advises that insufficient information has been submitted to demonstrate the full usage of Mare Brook by otters. Therefore requires the submission, prior to the determination of the planning application, of a full otter survey, which should detail as necessary, suitable mitigation measures, compensation and whether the attainment of an EPS license is required.

The Preliminary Ecological Assessment is, other than its consideration of otters, considered to be appropriate and therefore it can be demonstrated that the development will not negatively impact upon European Protected Species or their habitat. However adherence by the applicant to all recommendation and methods of working detailed within the Preliminary Ecological Assessment must a condition of any planning permission.

Welcomes the planting of approximately 0.8 hectares of woodland planting, which would greatly strengthen connectivity between Brookhay SBI and Wetleyhay Wood SBI. Such habitat creation would not only deliver (and exceed) the applicant's requirement to deliver a measurable net gain to biodiversity, required under Policy NR3, but also consistent with the aims of Policy NR6, facilitate the linking of habitat corridors. Recommends that details of this new woodland area be secured via a condition, requiring the submission of a Construction Environment Management Plan and a Habitat Management Plan (16/01/17).

Notes that the site borders 2 Sites of Biological Importance (SBI), Brookhay Wood to the north and Wetleyhay Wood to the south. Therefore requires the submission of bespoke ecological assessments to ascertain the proposals direct and indirect impacts upon these sites during both construction and operational phases.

Recommends that opportunities be taken to strengthen the connectivity between the two SBIs, via the incorporation of significant new woodland planting in the Western and central areas of the site, which would display the applications accordance with Policy NR6 of the Local Plan and help the proposal deliver a net gain in biodiversity as required by Policy NR3. This will need to be evidenced however through the submission of a quantitative assessment of the site's habitat value.

Due to the location of the site a Full Ecological Assessment also needs to be submitted. Should the assessment recommend further survey works, it is essential that these be conducted and any necessary mitigation measures identified, prior to the determination of the planning application (03/11/16).

Staffordshire Wildlife Trust – No objection. Requests that as per the recommendations of the applicant's PEA, the access track be relocated as far from the brook corridor as possible. Thoroughly endorses the proposal to link and buffer the two ancient woodland sites through broadleaved planting.

Following a site visit notes that there is recent and old evidence of the use of Mare Brook by otters and therefore advises that the woodland is an important habitat for this species and a potential breeding site. Recommend that in order to protect the woodland, a 15 metre buffer zone be established between the quad bike training area and the woodland edge, which should be defined by the introduction of a chestnut paling fence. It is noted that this would require repositioning of at least one earth ramp.

Requests permission to undertake a more in-depth otter survey with the Staffordshire Mammal Group, the results of which would be used to identify a prime site to install an artificial otter holt (30/03/17)

Planning Policy & Delivery – Notes that the site is located within a rural area adjacent to 2 areas of ancient woodland. Policy NR1 states that the countryside should be protected. The

Plan also recognises however the important economic role of the countryside and the wealth of resources it provides and seeks to support leisure and recreational activities, such as sporting pursuits.

Notes that there are a number of natural environment considerations within the area, with the site falling approximately 14km from The Cannock Chase Special Area of Conservation, whilst there are two Sites of Biological Interest adjacent to the application site (21/11/16).

Police Architectural Liaison Officer – No objection (02/11/16).

Ramblers – No objection. Recommend that the developer be made aware of the definitive line of Bridleway No. 15 and Footpath No. 45 Fradley and Streethay and makes suitable arrangements for its safe use by the public at all times (29/04/17).

Previous Comments: No objection. Recommend that the developer be made aware of the definitive line of Bridleway No. 15 and Footpath No. 45 Fradley and Streethay and makes suitable arrangements for its safe use by the public at all times (30/10/16).

Open Spaces Society – Objects to the application. Advises that this is an unacceptable development in the countryside, with several rights of way nearby, which will be adversely affected (06/11/16).

Environment Agency – No objection. Notes that the site is located within Flood Zone 3, but given the limited use of the site and no requirement to import material to form the track, there are no flood risk issues.

Notes that Mare Brook is of importance to fish, offering a refuge when the Tame has poor water quality or is running high. Should the quad bikes expose the ground during wet weather silt laden run-off could enter the brook potentially smothering grass spawning beds and any water plants. To address this issue recommend a condition to prevent silt entering the watercourse (24/05/17).

Previous Comments: Object to the development given its location within Flood Zone 3 and the lack of a Flood Risk Assessment (15/05/17).

LETTERS OF REPRESENTATION

Two petitions from Brookhay & Whittington Hurst Residents Association signed by a total of 105 people have been submitted. The petitions object to the development on the grounds of noise pollution, loss of residential amenity, impact upon wildlife and habitat, incompatibility with horses and highway safety.

63 letters of objection have been received from a total of 51 local residents, interested parties, including the British Horse Society and the Brookhay & Whittington Hurst Residents Association. The objections are summarised as follows:

Noise Considerations

- This use will generate significant levels of noise, detracting from the rural environment, thereby adversely impacting upon the reasonable amenity of local residents, walkers along nearby public footpaths and horse riders.
- Noise generated from this site, when previously operational, was significant, causing local residents to have to stay indoors and be unable to enjoy their gardens.
- Given the levels of noise detected within the surrounding area when the site was previously used the findings of the applicant's noise report are disputed.

- The proposed hours of operation are too extensive, preventing the peaceful enjoyment of the area throughout the week and evenings in the summer months.
- The noise generated by the quad bikes would 'spook' horses and dogs being ridden and walked along bridleways and public footpaths adjacent to the site, thereby preventing the use of this part of the countryside by established users.
- The noise report submitted with the planning application fails to detail a number of important considerations. Specifically it does not mention which quad bike was used, the style of driving employed and relates solely to the running of one machine, whereas, when operational, the site would have up to 3 machines operating at the same time.
- The noise report fails to assess noise impact at the nearby crematorium, which is used for services at the time of proposed operation and relies upon its tranquil setting.
- It will be difficult to police the recommendations made by the Council's Environmental Health Officer regarding the use of the site by no more than 3 quad bikes at any time and the fitting of exhaust silencers.
- The amended noise report fails to address any of the issues identified by Vangaurdia.
- Should the development be considered acceptable then in order for the noise impact of the proposal to be assessed, any permission should be for a temporary period.

Residential Amenity

- The development will render substantial loss of amenity to neighbouring property through overlooking, pollution and general disturbance.
- The application will constitute a public nuisance under English Law.
- The Council cannot override a neighbour's common law rights when seeking to grant planning permission. It is the common law right of each complainant to be free from public nuisance that the application will present to the surrounding area.
- The use of the site is likely to generate significant levels of dust within the summer months.

Ecology

- The noise generated by the development will have a significant effect on Muntjac deer, Fallow Deer, badgers, foxes, polecats, pheasants, partridges and great crested newts or many other animals and flora and fauna, which all live within the neighbouring ancient Wetleyhay and Brookhay Woods and Mare Brook and also directly destroy the habitat of birds who used this field.
- Quad bike users have previously driven through the brook causing pollution of this environment through oil and petrol leaking from these machines.
- The land should be returned to its former state to encourage its use by wildlife.
- The planning application is not supported by any documentation to demonstrate its impact upon the two neighbouring Sites of Biological Importance.
- The site is within 1 mile of lakes and flat fields at Whitemoor Haye, which is a listed bird watching area.
- There is significant evidence of otters, minks and water voles using the Mare Brook. No consideration of the development's impact on this species has been submitted with the application.
- The proposed mitigation measures will not protect otters from noise impact.
- Given that Staffordshire Wildlife Trust have identified the presence of otters within Mare Brook, it is necessary for the applicant to provide an impact assessment of the proposed scheme. The assessment should be based on acoustic data that has been fully verified.

Economic Impact

- The noise from the use of the site will impact upon the viability of neighbouring business, which rely upon the tranquillity of the area. For instance, adjacent to the site there is a livery yard, 3 dog kennel businesses and Kings Orchard Marina. In addition, the National Memorial Arboretum is close to the site, as is Fradley Crematorium.

Visual Impact

- The land recontouring is not as shown on the submitted plans, with several humps approximately 4 metres in height.
- The applicant has erected a large barrier, which it is assumed was done to screen the site whilst the works to the land were undertaken.
- If the site is in operational use for several hours a day, it is assumed that a portable toilet will be required, which will result in the introduction of a further eyesore.

Highway Considerations

- The business would generate increased traffic levels to surrounding rural lanes, which are not capable of accommodating such movements.
- The access into the site is from Brookhay Lane. Near to the access this road narrows making access and egress dangerous.
- The increased use of the surrounding highway network will worsen existing road maintenance issues.
- The applicant has failed to provide details of the route his guests will take to access this facility.
- There are concerns raised regarding the enforceability of the condition recommended by the Highways Authority.

Other Considerations

- Neighbours have not been sufficiently consulted on this matter.
- The site description is insufficiently accurate to allow residents to perceive the location to which the application relates.
- There is an existing quad bike track operational near Burton upon Trent. The applicant should utilise this facility rather than forming a new track.
- The applicant is already able to train at another centre in Walsall and as such there is no need for this development.
- The development would devalue neighbouring property and make the area less desirable to live.
- Whilst supportive of the applicant's wish to represent his country at his chosen sport, this should be done through working with people within the community and country, which you are seeking to represent.
- The applicant has failed to provide details of any fuel storage to be provided within the site, which could potentially have a significant impact on the otter population. Therefore requests the use of a condition to secure details prior to the commencement of development.
- No details have been provided of on-site bike storage.
- How much further would the development be allowed to expand? Will there be future application for welfare facilities, fuel storage?
- Who will be responsible to ensure that no race meetings occur within the site?
- The site will also be used by trail bikes.
- The applicant will not accord with the requested operational hours.
- The development raises safety concerns.

- The surrounding developments of HS2, the M6 Toll Road, the West Coast Main Line, in addition to the gradual industrialisation of Lichfield, means it is imperative that this area is protected.
- The applicant has shown little respect for Lichfield Council by carrying out major changes to the land without the benefit of planning permission.
- The development represents an invasion into the Green Belt.

The Brookhay & Whittington Residents Association have submitted an Ecology Report prepared by Etive Ecology and a Noise Report from Vanguardia to demonstrate the impacts of the development. The conclusions of these reports can be summarised as:

- Etive Ecology – Notes that no ecological appraisal has been submitted with the application, and therefore queries why the application was validated given the evidenced ecological sensitivities of the site. However, notes the response from the Council's Ecology Team, which provides a full and thorough response to the application and therefore supports the comments contained within this consultation. Identifies that there are a number of records of European and National protected animal species identified in and around the site and therefore notes the need for appropriate surveys, whilst consideration should be had of the direct and indirect impacts of the development on the neighbouring SBIs and the trees contained therein. Concludes that the proposal would likely result in a level of disturbance, which could not be adequately mitigated against.

Following the receipt of the Preliminary Ecological Appraisal, submitted by the applicant, a further report was submitted on behalf of the Brookhay & Whittington Residents Association, which concluded:

- The noise impacts of the development upon protected species has not been able to be considered due to the limitations of the noise report. Although the report notes the likely presence of otters within the Mare Brook, no recommendations for further survey works is made. No badger survey has been provided, whilst further survey work of nesting birds is necessary.
- Vanguardia – Requests clarification regarding the nature of the conditions proposed by the Council's Environmental Health Team, specific to the allowance for the applicant to use the site until 20:00 for one day in seven during the summer months, given this is imprecise.
- The noise assessment submitted with application is an inadequate survey as it does not provide any information about the baseline conditions at the four sites where measurements were taken and fails to consider many hours when the track will be operational. In particular measurements should have been made up to 20:00 hours for Monday to Saturday to act as a basis for determining the impact on the when the operation of the track extends into the evening.
- The survey works falls short of the British Standard as it does not provide an adequate or robust basis for evaluating the likely noise impact from the proposal.
- The measurements of noise levels generated by the quad bikes were taken from 65m to 400m, whereas measurements should have been taken from 5 to 10m, to allow for a more accurate construction of overall source noise levels.
- The report measured the noise generated by a single quad bike whereas the applicant proposes up to 3 bikes to use the site concurrently.
- No details of whether the assessed quad bike was fitted with a silencer has been provided.
- Given the shortcomings in the background and source noise level data (outlined above), a robust assessment of the noise impact from the proposed development cannot be made. Therefore, there is insufficient robust data to enable a decision to be made on this application.

The British Horse Society objects to the development on the grounds that:

- The proposal will have a detrimental impact on Bridleway Fradley and Streethay 15, due to noise from the site's use unsettling horses and therefore, the proposal is contrary to the provisions of the Council's Rights of Way Improvement Plan. Riders will therefore be forced to use surrounding roads, which will create congestion and safety issues.

Correspondence has been received from Cllr David Leytham – Vehicles entering this site from Brookhay Lane, which will likely be drawing trailers, with quad bikes on board, will create a collision hazard for other road users travelling along this national speed limit road. The access point is located on the apex of a series of bends and therefore drivers will have no more than 4 seconds to react to a slow moving trailer coming into view if travelling at speed along the lane.

OTHER BACKGROUND DOCUMENTS

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

Planning Statement
Preliminary Ecological Appraisal
Biodiversity Impact Calculator
Environmental Noise Report

OBSERVATIONS

Site and Location

The site comprises an area of approximately 5.38 hectares, previously used for cattle grazing and silage, which is located to the north of the village of Whittington and to the east of Hilliard's Cross. The site lies within open countryside and was last used, without the benefit of planning permission, for quad bike practice, but this use has now ceased and as such, the permitted use of the site is agricultural. The field is accessed from Brookhay Lane.

Brookhay Wood is located immediately to the north of the site, beyond the Mare Brook, whilst Wetleyhay Wood defines the southern boundary. Both of these sites have locally been designated as Sites of Biological Importance (SBIs). The nearest residential property to the site, Sittles Farm, is located approximately 430 metres to the north east, whilst within the wider surrounding area, 1.5 km to the west runs the A38 Trunk Road, 430m to the north, Sittles Farm Aerodrome and 500m to the north east, Alrewas Quarry.

Public Footpath Fradley and Streethay 45 runs to the north of the site, along Ironstone Lane and through into Brookhay Wood, before turning north and joining up to Bridleway Fradley and Streethay 15, which runs along the length of Ironstone Lane, linking Brookhay Lane to Stockford Lane.

The site is located within the Saved Local Plan defined Tame and Trent Valley area and is within Whittington Parish. The northern boundary of the site defines the boundary between the parishes of Whittington and Fradley and Streethay, with the site itself largely falling within Whittington ward.

Background

Recontouring of part of the site, to form the practice track, occurred without the benefit of planning permission in 2016. This involved the formation of a number of manmade earth mounds, which vary in height, but rise to approximately 2 metres at their highest. Following

advice from the Local Planning Authority this use subsequently ceased and the site is now unused.

Proposals

Permission is sought for the use of part of the site as a quad bike practice and training track. The track is located adjacent to the eastern boundary of the site. As part of the proposal, the track will be re-profiled, with existing mounds altered to allow for the formation of a 15m buffer from the brook edge, which flows, in this location, to the south of the track.

To access the quad bike track, it is proposed to form a new replacement 3 metre wide stone track, running east from the vehicular access off Brookhay Lane, adjacent to the site's southern boundary and the existing hedge line. The access track will then run north over the Mare Brook and an existing ford before turning east to serve a new 19m by 10m, stone surfaced parking area

The track, which is proposed to be used for practice and training purposes only, will have a maximum of three bikes (either four or two stroke machines) using the site at any one time and is proposed to be used between 10:00 and 16:00 Monday to Saturday, with a degree of flexibility requested to use the track one day a week until 20:00, during the summer months.

Typically the applicant advises that a practice session would last for 30 minutes, followed by a break of 30 minutes, then a further 30 minute session. Training sessions within the site will be undertaken on a one-to-one basis and would last throughout the day for the period requested.

Determining Issues:

- 1) Policy and Principle of Development
- 2) Loss of Agricultural Land
- 3) Mineral Extraction and Waste Management
- 4) Visual Impact
- 5) Impact on the Amenities of Adjacent Residents
- 6) Ecology
- 7) Highway Issues
- 8) Flood Risk and Drainage
- 9) Archaeology
- 10) Other Issues
- 11) 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 2008-2019.

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 “*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.
- 1.5 Paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.
- 1.6 Policy NR1: Countryside Management states that the countryside of Lichfield District is valued as an asset in its own right and will be protected. The Policy acknowledges the important economic role of the countryside and wealth of resources it provides and advises that development proposals will be supported, which deliver and assist in delivering other countryside-based enterprises and activities, including those which promote the recreation and enjoyment of the countryside, such as forestry, horticulture, fishing and equestrian activities, and crops for energy generation. The explanation to the policy describes further opportunities for leisure and recreational activities as sporting activities, such as canoeing or cycling where this is carefully managed and does not cause harm to sensitive local environments.
- 1.7 Core Policy 11 states that where appropriate, the Local Planning Authority will seek to support the creation of sports facilities and their associated infrastructure where this will not conflict with other policies within the Local Plan Strategy.
- 1.8 The Rural Development Supplementary Planning Document provides further detail to the policies relating to development within the rural areas. Information relating to recreation and leisure development is contained within chapter 5. Paragraph 5.9 states that noisy sports, such as motocross, are examples of recreational uses, which are often found in rural areas and paragraph 5.13 offers further advice on what may need to be taken into consideration to assist in the decision making process and lists in bullet form environmental, economic and social factors. For environmental considerations, matters identified pertain to flood risk, landscape impact, biodiversity, habitat and impact upon an areas tranquillity and mineral deposits. Economic considerations are identified as job creation and impact upon the vitality and viability of any nearby communities. Lastly, social considerations are detailed as affect upon the highway, accessibility and any impact upon the amenity of residential properties through noise generation. In addition paragraph 5.18 provides further advice, which is advanced for applications involving noisy sports and identifies the need for any application to be supported by a noise assessment.
- 1.9 Saved Policy EA13 of the Local Plan advises that within the Tame and Trent Valley water based recreation will be supported alongside the creation of new habitats to improve the range available for wildlife. Specifically it is noted that within recreational proposals natural habitats should be retained and where possible improved with arrangements secured to ensure the long term protection and management of such habitats.
- 1.10 Core Policy 9: Tourism of the Local Plan Strategy seeks to realise the unique economic and tourism benefits of the Tame and Trent Valley corridors.

1.11 Core Policy 3: Delivering Sustainable Development requires development to contribute to the creation and maintenance of sustainable communities and help minimise environmental impacts. To achieve this the policy requires that development should address issues such as the:

- Protection and enhancement of the character and distinctiveness of Lichfield and its settlements;
- Protection of the amenity of residents and seek to improve their overall quality of life through the provision of appropriate infrastructure, services and facilities;
- Be of a scale and nature appropriate to its locality;
- Use our natural resources prudently and conserve and enhance and expand natural, built and heritage assets and improve our understanding of them wherever possible;
- Minimize levels of pollution or contamination to air, land, soil or water, including noise and light pollution.

1.12 The policies contained within the Council's Development Plan and national guidance within the NPPF broadly support the creation of recreation or sporting activities within the rural environment, subject to consideration of economic, environmental and social impacts. The categories provided within the Rural Development SPD, as identified above, which specifically relate to recreation and leisure proposals within the countryside, are, given they summarise the matters for consideration identified within the Council's Development and the NPPF, appropriate focuses for balancing the acceptability of this development

Economic Impact

1.13 The documentation submitted with the application identifies that the development would provide 1 part time job, which would be derived through the identified training sessions. The works proposed to facilitate the development, namely the re-profiling of the land and formation of the access track and parking area, would constitute a small development project, potentially requiring the use of specialist contractors. The nature of use of the proposal and its limitation to 2 additional riders other than the applicant, is such that any direct benefit to the surrounding economy, from users utilising local facilities, would be minimal. The scheme would not directly impact upon adjacent businesses through its construction or operation, but it is noted from the correspondence received that there is concern regarding the wider impact from noise generated by the quad bikes. This matter will be considered in detail within the noise section of this report.

Environmental Impact

1.14 Matters of flood risk, landscape impact, biodiversity, habitat impact and impact upon an areas tranquillity and mineral deposits are considered individually below.

Social Impact

1.15 Matters of highway impact, accessibility of the site from sustainable transport and any impact upon the amenity of neighbouring residential properties, through noise generation are once more, considered separately below. It is noted however that there is some overlap between matters such as noise impact and affect upon an area's tranquillity and conversely any impact upon the vitality or viability of surrounding businesses.

- 1.16 The economic, social and environmental considerations will be balanced within the conclusion to determine the suitability of this development.
2. Loss of Agricultural Land
- 2.1 The permitted use of the application site is as pastoral agricultural use.
- 2.2 The Agricultural Land Classification (ALC) system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance (Annex 2 of NPPF). Grade 3b is moderate, Grade 4 is poor and Grade 5 is very poor.
- 2.3 Paragraph 112 of the NPPF states that *“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality“*.
- 2.4 According to Natural England’s Series Agricultural Land Classification information, this site comprises Grade 3 land. As such, whilst of reasonable quality, the site does not contain the best or most versatile soil and its loss from food production would not be of significant concern. It should also be noted that whilst a small proportion of the land would be developed through the laying of a stone surface, the majority would not and as such, the land could revert back to agricultural use at a later date. Thus, the development complies with the requirements of the NPPF.
3. Mineral Extraction and Waste Management
- 3.1 The site falls within a Minerals Safeguarding Area for superficial sand and gravel and lies close to the existing Alrewas South Quarry. The site in fact shares a boundary with the allocated extension to the quarry as included within the recently adopted Minerals Local Plan for Staffordshire (Inset Map 6).
- 3.2 Paragraph 144 of the National Planning Policy Framework and Policy 3 of the Minerals Local Plan both aim to protect mineral resources from sterilisation by other forms of development.
- 3.3 The application does not include the construction of any structures, which would lead to the permanent sterilisation of the underlying mineral resources and therefore the scheme is exempt from the requirements of the Minerals Local Plan.
- 3.4 It is noted that the mounds have been formed utilising material within the site and did not require the importation of any material or waste and therefore the scheme does not involve any waste management considerations and as such, in this regard, complies with the requirements of the Development Plan and NPPF.
4. Visual Impact
- 4.1 Paragraph 109 of the NPPF advises that *“the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes”*.
- 4.2 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*".

- 4.3 The access track and parking area are both proposed to be located adjacent to existing boundary features, evidenced within the site, which will largely screen them from public view. In addition, such a track is a fairly typical addition to a rural field. Specific details of the stone to be utilised within construction can be secured by condition to ensure that the colour used is from a muted palette, further reducing any visual impact from this aspect of the scheme.
- 4.4 The mounds formed within the site have a maximum height of 2 metres. Given the extensive planting surrounding the site, the area is largely screened from public view, although fleeting glimpses are available from Public Footpath 45 Fradley and Streethay, which runs to the north of the site. Whilst such mounds represent something of a visual anomaly within the landscape, this is not an entirely flat area and therefore natural undulations are evidenced. In addition, as noted above, an extension to the Alrewas South Quarry has now been allocated within the Minerals Local Plan, although it is noted that no formal planning permission has been subsequently granted following this designation. The extraction of 2.2 million tonnes of Sand and Gravel from this site, over an estimated 5 year period, will however also greatly impact upon the immediate landform character. Notwithstanding this designation however, the mounds formed and proposed here, would not be viewed as incongruous within the landscape. Thus, the degree of visual harm cannot be considered significant, although it is noted that this would be more noticeable within the winter when frequent riding will likely lead to the formation of a mudded area.
- 4.5 The applicant proposes to make an amendment to the route of the course as currently constructed. Although details of the realignment of the track have been provided, no details of the profile of the proposed mounds have been supplied. Details of these features shall therefore be secured via condition, which will ensure the proposals compliance, in this regard, with the requirements of the Development Plan and the NPPF.

5. Impact on the Amenities of Adjacent Residents

- 5.1 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*".
- 5.2 Paragraph 123 of the NPPF advises that planning decisions should "*avoid noise from giving rise to significant adverse impacts on health and quality of life*" and "*identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason*".
- 5.3 Section 1.7 of the Noise Policy Statement for England identifies its principle aims to be "*through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government Policy on sustainable development*:"
- *Avoid significant adverse impacts on health and quality of life;*
 - *Mitigate and minimise adverse impacts on health and quality of life;*
 - *And where possible, contribute to the improvement of health and quality of life*".
- 5.4 Policy BE1 of the Local Plan Strategy advises that all development proposals should deliver high quality sustainable built form, which avoids adversely impacting upon

amenity through issues of unreasonable traffic generation, noise, light, dust, fumes or other disturbance.

- 5.5 The activities within this site are to be undertaken a minimum of 430 metres from the nearest dwelling, Sittles Farm, which is located to the north east. These proposed activities will give rise to new noise instances, principally due to the revving of the quad bike engines.
- 5.6 There are two primary consequences resulting from any impact, firstly, any significant harm to the reasonable amenity of the nearby residents or leisure users when enjoying their property and the surrounding area and secondly the impact of the scheme upon the on-going business concerns within the area.
- 5.7 The applicant has submitted a Noise Assessment and addendum with this application. The measurement methodology employed was agreed with the Council's Environmental Health Team prior to submission and measurements were recorded when the applicant was undertaking a typical practice session (when the site was operating without the benefit of planning permission). The noise generated from one quad bike was measured at 4 points within the area surrounding the site, varying from 65 to 400 metres from the site, whilst sample background measurements were also undertaken at the nearest dwellings to determine the existing noise environment to allow for comparison. The existing noise environment was detailed as being between 34dB to 47dB, with background noise sources deriving principally from vehicles using the A38 and the quarry works. The report identifies that at 3 of the 4 neighbouring properties, the noise generated by the quad bike was largely inaudible, sounding similar to a domestic lawn mower, but to the north of the site (Sittles Farm), the bike would be clearly perceptible, with the noise generated being 5dB above existing background noise levels.
- 5.8 The report demonstrates that the level of noise produced by the quad bike should be below 50dB in residential living areas of the nearest sensitive dwellings, which will comply with the criteria of the World Health Organisations Community Guidelines. In addition, it was noted that this property is sited adjacent to both the Sittles Flying Club and Alrewas Quarry, both of which will give rise to occasional noisy activities, which will aid to mask the sound of the quad bikes. It is the conclusion of the document that the increased sound impact of the proposed quad bike use should not adversely impact on residential amenity, subject to the application of conditions.
- 5.9 The Brookhay & Whittington Hurst Residents Association commissioned a noise report, undertaken by Vangaurdia which critiques the applicant's noise report. The document raises concerns regarding the timeframe in which the background noise levels were assessed, specifically it is argued that noise should have been assessed until 20:00, given the occasional use proposed by the applicant, whilst the length of survey, carried out over one day, is considered inadequate. With reference to Source Noise measurements it is stated that noise measurements from the quad bikes should have been taken between 5-10 metres from the site to allow for improved accuracy of readings. In addition, the noise levels were measured using 1 bike only, when the applicant proposes that the site be used for up to 3 vehicles. Given the perceived shortcomings in the background and source noise level data, a robust assessment of the noise impact of the proposed development cannot be made. Therefore there is insufficient data to enable a decision to be made. Notwithstanding this conclusion, the report does provide data regarding likely noise impacts, detailing that it is the author's assertion that the excess of noise level over background will be far more significant than the applicant has identified, with the perceived impact at Sittles Farm, giving an increase of 16dB.

- 5.10 The matter of direct noise impact upon neighbouring properties has been considered in detail by the Council's Environmental Health Team. The original officer who requested the noise report advises that he was able to witness the noise in person when the site was operational, which should be considered a suitable measure by which to assess impact, rather than being reliant upon numeric assessments. For instance, whilst it is noted that Vanguardia's report identifies a potential increase in noise at Sittles Farm of 16dB, when visiting the site the Council's officers were unable to hear any noise. The additional criticisms are thereafter advised to be matters of professional judgement rather than acoustic considerations.
- 5.11 It has been asserted by a neighbour to the site that planning permission for this proposal cannot be granted as it would be contrary to Common Law and English Law, given the perceived public nuisance. Public nuisance in this sense is traditionally a criminal offence, defined as an unlawful act or omission which endangers or interferes with the lives, comfort, property or common rights of the general public. Evidently the impact of this development upon residents has been carefully considered by the Council's Environmental Health Team, with the impact determined not to be significant.
- 5.12 Residents have also raised many concerns regarding the proposed use of the site and potential impact upon the reasonable amenity of domestic and non-domestic neighbours and walkers and riders who utilise the footpaths and bridleways that cross near the site.
- 5.13 In this case, it is noted that public footpath Fradley and Streethay 45 and Bridleway Fradley and Streethay 15 both run to the north of the site, along Ironstone Lane and into Brookhay Wood. The track is sited approximately 150m at its nearest point from the Bridleway and 200m from the footpath. It is noted that none of the Council's Consultee's specific to footpaths have objected to this proposal, given this separation distance and lack of direct impact. However the concerns raised by neighbours are specific to users and the welfare of horse riders and impact upon tranquillity.
- 5.14 A number of local businesses have raised concerns regarding the impact of the scheme upon their on-going operation. The quad track is sited approximately 1,250 metres from the Fradley Crematorium, which lies between the A38 and The South Staffordshire freight line, whilst the King's Orchard Marina, which is sited immediately adjacent to the A38, is located over 2kms away. Oncemore, given the conclusions of the applicant's noise report and the existing noise environment in which the Crematorium and Marina operate, any impact upon the on-going operation of these sites would not be significant.
- 5.15 If the conclusions of the applicant's noise report are accepted, then it follows that the noise increase along the footpath and bridleway, could not be considered to be significant. In addition, it should be noted that the background levels provided by the applicant, which do not appear to be in dispute, evidence an area, which could not be considered to be wholly quiet, given the presence of the nearby A38, quarry and aerodrome. Furthermore, these uses also issue intermittent noise and therefore revving quad bike engines would not be unusual within this environment and therefore leisure users could not be considered to unduly impacted upon. Finally, it is noted that the representations advise that horse riders will have to utilise the surrounding highway network rather than the bridleway due to the development's noise impact. Evidently the noise caused by passing vehicles would be louder than that caused by the quad bikes, given the degree of separation between the site and bridleway.
- 5.16 Consequently, based on the submitted technical information, the Council's Environmental Health Team have raised no objections to the proposal, subject to the conditions, which seek to limit the use of the scheme, to the hours and days requested

by the applicant. These conditions are considered broadly to be reasonable and acceptable and to pass the 6 tests of appropriateness for conditions identified within Paragraph 206 of the NPPF. Thus, the site shall be used solely between 10:00 and 16:00 Monday to Saturday, with no use on Sundays and Bank Holidays. It is noted that the applicant wishes to utilise the track up to once a week until 20:00. These hours of use are acceptable and will largely occur at a time when many residents will be at work. To limit the late use of the site to one day per week, rather than utilise the slightly imprecise wording identified by the Environmental Health Team, the applicant will be required to keep a log of these dates, which will be available for viewing by the Local Planning Authority. Furthermore, the use of the site will be limited to a maximum of 3 bikes per day, one of which will be applicants or successor in title.

- 5.17 Whilst there is an acknowledged dispute between the conclusions of the applicant's and Community Group's Noise Reports, the Council's Environmental Health Team advise that the impact of the development, subject to the limitations of use proposed by the applicant, to be secured by condition, is acceptable. Given this advice, on balance, the impact of the development on the reasonable amenity of residents and users of the areas, is not considered to be significant. As such the development would accord with the Development Plan and NPPF in this regard.

6. Ecology

- 6.1 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.
- 6.2 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, through the requirements of Policy NR3 of the Local Plan Strategy.
- 6.3 Paragraph 118 within Section 11 of the NPPF states that if significant harm to biodiversity resulting from a development cannot be avoided (through relocating to an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.
- 6.4 Regulation 9 (5) of the Habitat Regulations 1994 (as amended 2010) places a duty on the Local Planning Authority, when considering a planning application, to have regard to its effects on European Protected Species.
- 6.5 The applicant has submitted a Preliminary Ecological Assessment (PEA) with the application along with a Biodiversity Impact Calculator. The former considers the developments impact upon UK and European Protected Species and the latter, the impact of the proposal upon the biodiversity value of the site.
- 6.6 The site is bordered to the north by Wetleyhay Wood and to the south by Brookhay Wood, both of which are Sites of Biological Interest and listed on the Ancient Woodland Inventory. Mare Brook defines much of the site's northern boundary, before crossing into the site for approximately 100m of its length before turning eastward along the site's southern edge. From the site the Brook continues for 365m before emptying into the River Tame to the east. The Coventry Canal lies 280m to the north-west of the site.

- 6.7 The PEA submitted by the applicant during the consideration of this application has been considered by the Council's Ecologist who advised that with the exception of Otters the methodology and the information provided therein is acceptable. The Ecology Team concurs with the conclusions of the PEA in that (given the data provided) it can now be considered unlikely that the proposed works would negatively impact upon a European Protected Species (EPS) (excluding Otters) in a manner as defined as an offence under the Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2010); or upon a protected or priority species or habitat, as defined by the Wildlife and Countryside Act 1981 (as amended 2010); The Protection of Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006).
- 6.8 However, adherence by the applicant to all recommendations and methods of working detailed within the PEA is recommended as a condition. These recommendations and working practices are extensive and required the relocation of the proposed car park and existing access track. Amended plans have been submitted to comply with this requirement. In addition, the report identifies the need for the introduction of silt traps as necessary, to prevent impact upon the Mare Brook and the use of the site to be restricted to 2 hours before sunset and 2 hours post sunrise, although this can be reduced to 1 hour between November and February. Finally it is also required that an area of 0.8 hectares of tree planting be created within the site, which would provide a link between the two SBI sites.
- 6.9 The issue of otters has now been addressed by the applicant via consultation with the Staffordshire Wildlife Trust. There is an acknowledged presence of otters utilising the Mare Brook as a commuting route from the Coventry Canal to the River Tame. The Trust have visited the site and considered the findings and identified mitigation measures of both the noise and ecology report. They advise that they support the proposal subject to a requirement for a 15m wide buffer to be created between the Mare Brook and track, with a fence and bales installed to demarcate this area and the use not being operational before sunset and pre sunrise, as night time is when otters are active. In addition, further otter survey work should be undertaken, whilst the applicant has agreed to work with the Staffordshire Wildlife Trust to allow for the findings of the surveys to be utilised to identify a position suitable to install an artificial otter holt within the Brook. It is noted that the actual installation of the holt will be undertaken by the Trust, but its provision along with the submission of the survey results, will be secured via condition and would deliver a significant net biodiversity gain for the site and specifically for otters.
- 6.10 The 0.8 hectares of woodland planting proposed across the site, would greatly strengthen the connectivity between Brookhay Wood SBI and Wetleyhay Wood SBI. Such new habitat creation would not only deliver (and exceed) the applicant's requirement for measurable net gain as required by Policy NR3 of the Local Plan Strategy (as demonstrated by the BIC), but also be consistent with Policy NR6 (linked habitat corridors), and the wider national strategy for the establishment of habitats which are bigger, better and more joined up (i.e. the Lawton principle, Biodiversity 2020).
- 6.11 Further information regarding the proposed habitat creation and its good management thereafter must be submitted to the LPA within a combined Construction Environment Management Plan (CEMP) and a Habitat Management Plan (HMP) which will detail soil conditions, construction exclusion zones, tree planting compositions, management prescriptions, delivery timetable and future ecological monitoring. This information is recommended to be secured via a pre-commencement condition of any future planning approval.

- 6.12 The tree planting and artificial otter holt will deliver a notable net-gain to biodiversity value, which should be looked upon favorably and afforded significant favorable weighting upon determination of the application as per the guidance of paragraph 118 of the NPPF.
- 6.13 It is noted that concerns have been raised by residents regarding the potential for dust to be created by the use during the summer months and the bikes polluting the brook through driving within this area. These matters are addressed within the applicant's PEA and the mitigation measures identified therein, which as discussed above, will be a condition of any permission. The report requires that amongst several requirements specific to the brook that no riding, parking of vehicles or maintenance occur within 5 metres of this feature. In terms of dust it will be a requirement that no vehicle enter the grassland outside of the track area, the speed of the bikes be reduced accordingly during dry periods and activities be cancelled / modified during weather conditions where they would cause unnecessary damage to the natural environment.
- 6.14 It is noted that the Environment Agency have also raised an issue regarding the potential for silt run off entering the Brook and potential impact upon fish and their habitat. Whilst fish are not afforded statutory protection, the Council's Local Plan Strategy Policy NR9 seeks to prevent development, which will impact upon water quality, whilst it also notes that the River Tame has a poor ecological status. As such, the condition recommended by the Environment Agency to manage any silt run-off is considered to be reasonable and necessary. However rather than require the submission of details within 6 months of the granting of any permission, in order for this condition to be enforceable these details will be secured, prior to the commencement of development.
- 6.15 The Cannock Chase SAC agreed strategy 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. 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 and the nature of the development is such that it would not have a direct or indirect impact upon the SAC.
- 6.16 Consequently, given the above, the applicant has, during the consideration of this application, submitted sufficient information to demonstrate that the development will not impact upon UK or European Protected species or their habitat. In fact the future liaison between the applicant and the Staffordshire Wildlife Trust will offer habitat improvements for otters using the Mare Brook. The mitigation measures identified within the applicant's PEA and as recommended to be secured by condition, will deliver a significant net gain to biodiversity within the site and allow for the linking of green infrastructure. As such, it is concluded that the development will have a positive ecological impact, thereby complying with the requirements of the Development Plan and NPPF, and this should be weighed within the planning balance.

7. Highways Issues

- 7.1 Local Plan Core Strategy Policy IP1 requires that new development provides the necessary transport infrastructure facilities required to support sustainable communities. Policy ST1 seeks to promote the use of sustainable modes of transportation, whilst Policy ST2, which is further informed by the Sustainable Design Supplementary Planning Document, provides details of appropriate levels of parking provision.
- 7.2 The vehicular access to serve this site will be via an existing gated access off Brookhay Lane. The suitability of this access has been assessed by the Highways Authority who offer no objection, subject to a condition restricting use to a maximum of 3 vehicles per day. This limitation is in accordance with the requirements of the Council's Environmental Health Team and meets the needs of the applicant as requested and therefore is considered reasonable and necessary.
- 7.3 The off street car parking standards identified within the Sustainable Design SPD does not provide advice on the number of spaces required for this leisure use and rather states that suitable levels of parking should be sought on a case by case basis. No defined parking bays are proposed as part of this proposal, rather an informal area is shown to be created, which is large enough to accommodate up to 3 vehicles. Given that the condition requested by the Highways Authority will limit the number of users within the site to a maximum of three people, the area set aside for parking appears adequate.
- 7.4 It is noted that a number of concerns have been raised by residents regarding the impact of the proposal on the surrounding highway network. Given that there is likely to be a maximum of 6 vehicular movements per day associated with this use, along what is acknowledged by residents to be a well trafficked route, it is not considered that this would be significant and as such securing the submission of a routing strategy for visitors is considered neither reasonable nor necessary.
- 7.5 Given the above assessment the impact of the development upon highway safety is considered acceptable and compliant with both local and national planning policies.

8. Flood Risk and Drainage

- 8.1 Section 10 of the NPPF advises that *"inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere"*.
- 8.2 The site lies within Flood Zone 3 as identified by the Environment Agency. As identified above, no built form is proposed as part of these works, although alterations to the land form have and will occur. In addition, stone will be laid to form the access road and parking area. All of these features are permeable additions to the landscape and as such, will not impact upon the site's ability of absorb rainwater and therefore, there are no surface water drainage concerns, as demonstrated by the consultation response received from the County Council's Flood Team and the lack of objection from the Environment Agency.

9. Archaeology

- 9.1 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"*.

9.2 The County Council's Archaeologist has advised that given the scale of the site and the demonstrable archaeological sensitivity of the area that a condition requiring the submission and approval of a scheme of archaeological watching brief is reasonable and necessary and this view is concurred with. A condition is accordingly recommended to ensure the scheme's compliance, for this matter, with the requirements of the Development Plan and the NPPF.

10. Other Issues

10.1 The issues raised by objectors have largely been considered within the above report, of those that remain, it is evident that the applicant has not applied for and neither has this application considered the erection of any ancillary buildings as part of this proposal. Thus, the erection of a fuel or bike store or toilet within this site will require the submission of further application, which would have to be considered on their individual planning merits. A note to applicant to reinforce this point will be attached to any permission.

10.2 Whilst the Planning Authority encourages applicants to enter into public pre-application engagement it is not a national or local requirement for planning permission. It is also noted that the Council has fulfilled its requirement in terms of public consultation, through the display of a site notice adjacent to the site and the posting of letters to neighbours.

10.3 Finally, the site is not located within the Green Belt, whilst devaluation of existing property as a result of the granting of a planning permission and the location of other similar uses are not material planning considerations and as such, are not considered as part of this proposal.

11. Human Rights

11.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with neighbour's 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 National Planning Policy and the policies of the Development Plan.

12. Conclusion

12.1 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 and environmental considerations, it has been demonstrated that the development will visually integrate successfully into the existing landscape character impact and given the existing use of the area, would not adversely affect the area's tranquillity. In addition the nature of the development is such that it would not sterilise any mineral deposits, whilst the mitigation measures proposed will deliver a positive ecological and biodiversity impact for the site. In terms of flood risk, the development will not impact upon surface water drainage, whilst matters of flood risk have been assessed to be acceptable by the Environment Agency. In terms of economic considerations the development will deliver a single part time job, along with the construction works and would not impact upon the vitality and viability of any nearby communities. Lastly, in

terms of social considerations the development will not, given its proposed level of use, adversely affect the highway network or have a significant adverse impact upon the amenity of neighbouring residential properties through noise generation. Thus, subject to the application of conditions as recommended within the above report, it is recommended, on balance, that this application be approved.

Lichfield
district council

www.lichfielddc.gov.uk

District Council House
Frog Lane
Lichfield
Staffs
WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

15/00739/FUL
Land South Of Bagnall Lock
Kings Bromley Road
Alrewas

Scale: 1:1,500

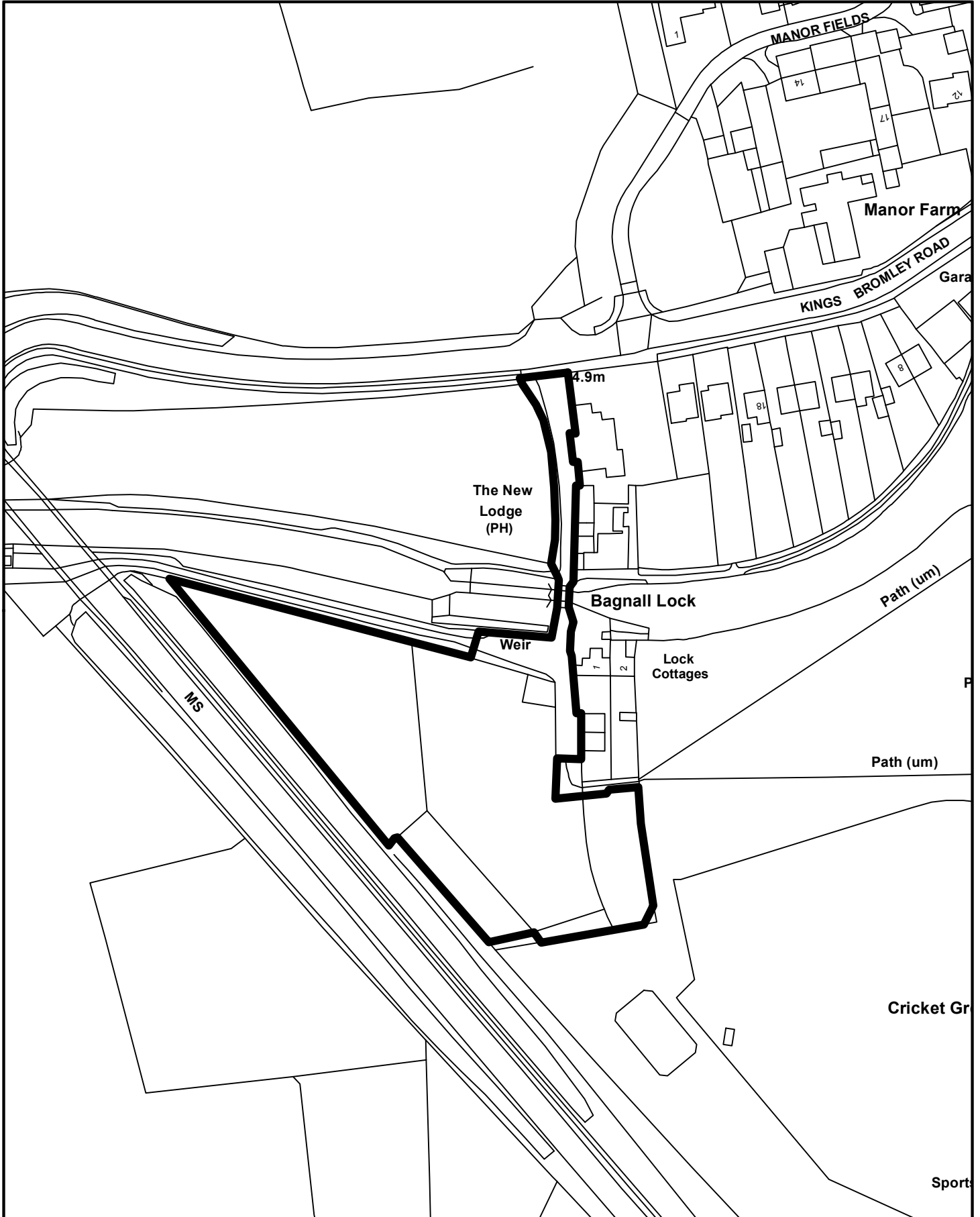
Dated: June 2017

Drawn By:

Drawing No:



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BLOCK PLAN

15/00739/FUL
Land South Of Bagnall Lock
Kings Bromley Road
Alrewas

Scale:

Dated:

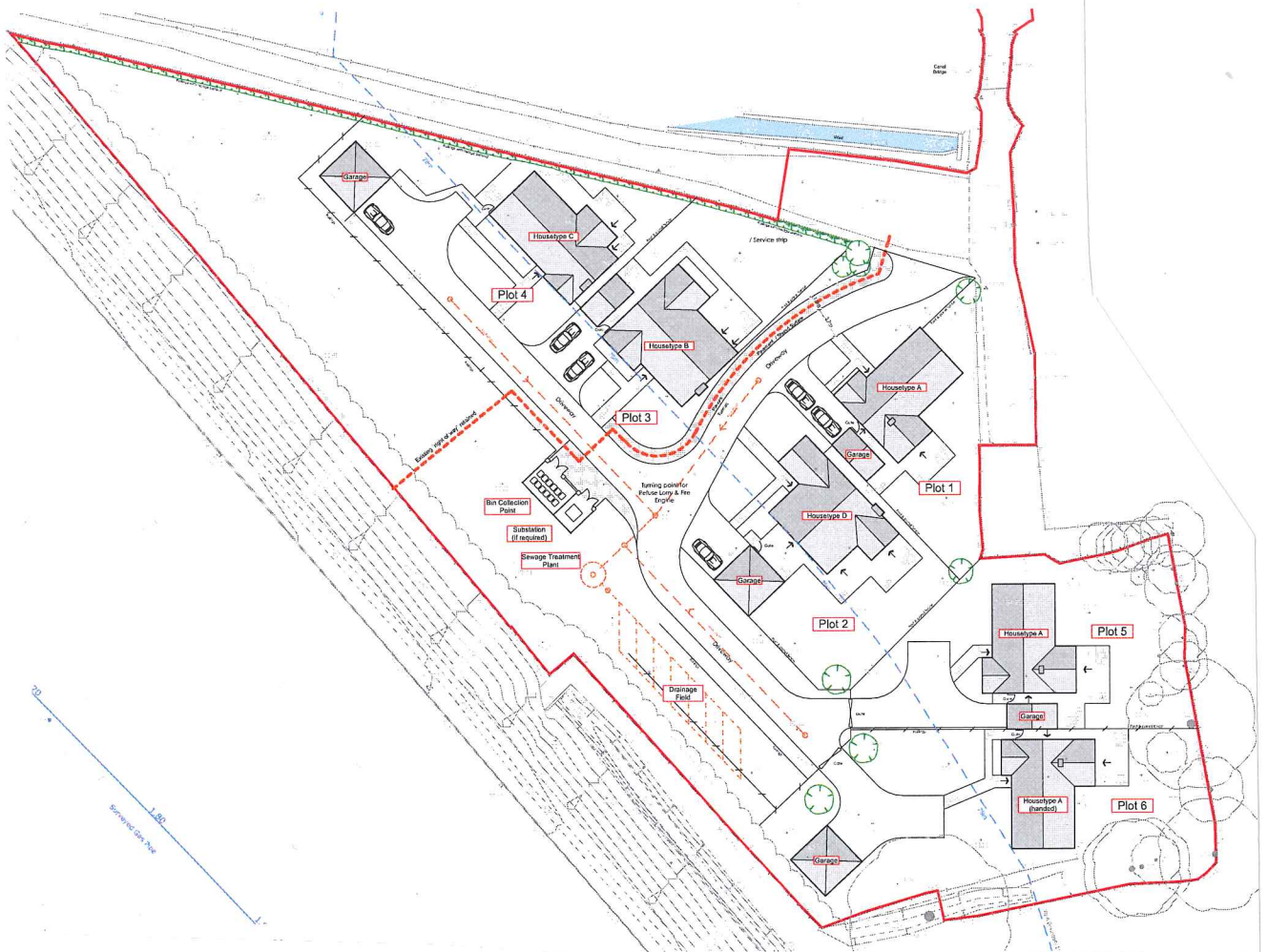
June 2017

Drawn By:

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15/00739/FUL

ERECTION OF 6NO. 3 BEDROOM DWELLINGS WITH ANCILLARY GARAGES, DETACHED BIN STORE AND ASSOCIATED WORKS, LAND SOUTH OF BAGNAL LOCKS, KINGS BROMLEY ROAD, ALREWAS, STAFFORDSHIRE FOR SHERLOCK HOMES (BG) LTD

Registered on: 22/06/15

Parish: Alrewas

Note: This application is being reported to the Planning Committee due to a significant objection from the Canal & River Trust, who are a statutory consultee. Their grounds of objection are:

- Canal Bridge 49, which provides access to the site, is owned by the Canal & River Trust.
- The bridge has a narrow deck with insufficient width for two vehicles to pass, whilst forward visibility is limited, raising concerns regarding the potential for vehicular and pedestrian conflict for walkers using the towpath.
- The widening of the track to the north and south of the bridge may encroach onto Trust land and does not offer sufficient space to allow for vehicles to pass.
- The increased vehicular use of the bridge and potential for bridge strikes will raise the Trust's maintenance liabilities. In addition, the bridge would have to be closed to undertake any repair work.
- The bridge and adjacent lock are considered to be non-designated heritage assets, within the Trent & Mersey Conservation Area. The potential for damage to these structures from increased traffic, risks the loss of historic fabric and as such, it is considered that the development is contrary to Core Policy 14 and Policy Alr1 of the Local Plan Strategy.
- Notes that the Fire Service and Refuse providers have both confirmed that the bridge is suitable for access, but the Trust only has to maintain the bridge to a capacity of 3 tonnes. Vehicles exceeding this limit will require the express consent of the Trust.

RECOMMENDATION: 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 following shall be 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;
 - ii) All exterior roof materials;

- iii) Full details of all external fenestration and doors consisting of sections at a minimum scale of 1:10 and elevations at 1:20 including all materials and exterior finishes. Sections should show depth of recess into reveal;
- iv) Full details including a sample panel of the mortar mix, colour, gauge of jointing and pointing;
- v) Full details of the brick bond to be used;
- vi) Full details of all eaves and verge detailing;
- vii) Details of all visible external fixtures and fittings including, but not restricted to flues, vents, lights, alarms, satellite dishes and antennae; and
- viii) Full details of rainwater goods including rainwater ducts, their materials and siting and design.

The development shall thereafter be carried out in accordance with the approved details and thereafter retained as such for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

4. 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.

5. Before the development hereby approved is commenced, full details of the proposed sustainable surface water drainage system for the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate the utilisation of holding sustainable drainage techniques, the limitation of surface water run-off to equivalent greenfield rates, the ability to accommodate surface water run-off up to the critical 1 in 100 year event plus and appropriate allowance for climate change, based upon the submission of drainage calculations and the provide details for the future maintenance of drainage features. The approved drainage system shall thereafter be provided before the development is first occupied and subsequently maintained for the life of the development unless otherwise first agreed in writing by the Local Planning Authority.

6. Before the development hereby approved is commenced, full details of a scheme of foul drainage, shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall thereafter be provided before the first occupation of the dwellings, the respective drainage is to serve.

7. Before the development hereby approved is commenced, a scheme of signage to be displayed on the vehicular access, advising drivers of the presence of pedestrians using the public footpaths and canal towpath, shall be submitted to and approved in writing by the Local Planning Authority. The signs so approved shall be displayed prior to the first occupation of the dwellings hereby approved and thereafter be retained for the life of the development.

8. Before the development hereby approved is commenced, a Construction Vehicle Management Plan, including details of a site compound with associated temporary buildings, site hours, types of vehicles, wheel wash facilities, provision for parking of vehicles for site operatives and visitors, loading and unloading of plant and materials, and storage of plant and materials used in constructing the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented prior to any works commencing on site and be maintained throughout construction work.

9. Before the development hereby approved is commenced, a detailed landscape and planting scheme, 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 first agreed in writing by the Local Planning Authority.

10. Before the development hereby approved is commenced, details of the erection and operation of any proposed external lighting, including full details of the means of illumination and design of the lighting systems, shall be submitted to and approved in writing by the Local Planning Authority. The means of external lighting shall be implemented and installed in accordance with the approved details.

11. Before the development hereby approved is commenced, an Arboricultural Method Statement detailing works to trees to be undertaken during construction (specifically the 3 Crack Willow trees) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in full in accordance with the approved details.

12. 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.

13. Notwithstanding the submitted details before the development hereby approved is commenced, details of the height, type and position of all fences and gates to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the dwellings, the approved fencing scheme shall be implemented and thereafter retained for the life of the development, unless otherwise agreed in writing with the Local Planning Authority.

14. Before the development hereby approved is commenced, details for the siting of at least 3 sparrow nesting boxes and 3 starling nesting boxes shall be submitted to and approved in writing by the Local Planning Authority. The bird boxes so approved shall implemented within 3 months of the development being first occupied and thereafter be maintained for the life of the development.

15. Before the development hereby approved is commenced, a scheme for protecting the proposed dwellings from noise from the A513 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of noise protection shall thereafter be implemented before the dwellings are first occupied and shall be the subject of a validation report, which shall have been submitted to and approved in writing by the Local Planning Authority, prior to the dwellings being first occupied. The validation report shall ensure that all noise issues on the site have been adequately addressed prior to the development being first occupied. The approved measures shall thereafter be maintained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

16. Notwithstanding the submitted details, before the dwellings hereby approved is commenced, full details of the bin store and electricity substation shall be submitted to and approved in writing by the Local Planning Authority. The approved bin store shall be erected

and made available for use prior to the first occupation of the development and shall thereafter be maintained for the life of the development.

CONDITIONS to be complied with once the permission has been implemented:

17. The biodiversity improvements detailed within the Biodiversity Offsetting Assessment (dated 23.09.15), namely the installation of 5 invertebrate boxes within the site and the use of wildflower turf, shall be implemented within 3 months of the development being first brought into use and thereafter be maintained for the life of the development.

18. Finished floor levels within the dwellings shall be set no lower than 150mm above existing ground levels.

19. The development hereby approved shall be carried out in strict accordance with the methods of working, which are detailed in section 7 of the Ecological Appraisal (reference 2015-05(17)) dated 16 June 2015.

20. Prior to the first occupation of any of the dwellings hereby approved, the 5.4 x 10m passing area at the junction with the A513 Kings Bromley Road, as shown on approved plan 210081-02 Revision B, shall be provided in a bound material and thereafter be maintained for the life of the development.

21. Prior to the first occupation of any of the dwellings hereby approved, the parking, estate road and turning areas, shown on approved plan shall be provided in a bound porous material and shall thereafter be maintained for the life of the development.

22. Any tree, hedge or plant planted as part of the approved landscape and planting scheme on the site 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 first agreed in writing by the Local Planning Authority.

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

24. Notwithstanding the provisions of Classes A, B, D and E of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting that Order, the dwellings hereby permitted, shall not be altered or extended and no buildings or structures shall be erected within the curtilage of the new dwellings, unless planning permission has first been granted by the Local Planning Authority.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, unless specifically agreed pursuant to other conditions of this permission, no external lighting shall be provided within the application site, without the prior permission of 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 the National Planning Practice Guidance.

3. To safeguard the appearance of the development and the character of Alrewas and Trent & Mersey Canal Conservation Areas, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, Saved Policy C2 of the Local Plan, the Sustainable Design and Historic Environment Supplementary Planning Documents and the National Planning Policy Framework.
4. 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 and the National Planning Policy Framework.
5. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem, in accordance with Core Policy 3 and Policy NR9 of the Local Plan Strategy and the National Planning Policy Framework.
6. 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 and Government Guidance contained in the National Planning Policy Framework.
7. In the interests of highway safety and in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
8. 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 the National Planning Policy Framework.
9. To ensure that a landscaping scheme to enhance the development is agreed and to safeguard the character and appearance 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.
10. To safeguard the appearance of the development; the character of the Alrewas and Trent & Mersey Conservation Areas; to protect the amenities of existing and future residents; and, to limit impact upon protected species and their habitats, in accordance with the requirements of Policies BE1 and NR3 of the Local Plan Strategy, Saved Policy C2 of the Local Plan, the Biodiversity and Development and Historic Environment Supplementary Planning Documents and the National Planning Policy Framework.
11. To ensure that necessary tree works are undertaken to safeguard the amenity of future residents in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.
12. To ensure that no existing trees or hedgerows within 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.
13. To safeguard the appearance of the development and the character of Alrewas and Trent & Mersey Canal Conservation Areas and to protect the amenity of future residents, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, Saved Policy C2 of the Local Plan, the Sustainable Design and Historic Environment Supplementary Planning Documents and the National Planning Policy Framework.

14. In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
15. 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 the National Planning Policy Framework.
16. To safeguard the appearance of the development and the character of Alrewas and Trent & Mersey Canal Conservation Areas and to protect the amenity of future residents, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, Saved Policy C2 of the Local Plan, the Sustainable Design and Historic Environment Supplementary Planning Documents and the National Planning Policy Framework.
17. In order to safeguard the ecological interests of the site and encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
18. To protect the development against overland flows and reduce the risk of flooding to future occupants in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
19. In order to safeguard the ecological interests of the site, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
20. In the interests of highway safety and in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
21. In the interests of highway safety and in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
22. To ensure that any initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with Policy BE1 of the Local Plan Strategy, Saved Policy C2 of the Local Plan the Trees, Landscaping and Development and Historic Environment Supplementary Planning Documents, and the National Planning Policy Framework.
23. To safeguard the appearance of the development and the character of Alrewas and Trent & Mersey Canal Conservation Areas, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, Saved Policy C2 of the Local Plan, the Sustainable Design and Historic Environment Supplementary Planning Documents and the National Planning Policy Framework.
24. To safeguard the appearance of the development and the character of Alrewas and Trent & Mersey Canal Conservation Areas, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, Saved Policy C2 of the Local Plan, the Sustainable Design and Historic Environment Supplementary Planning Documents and the National Planning Policy Framework.
25. To safeguard the appearance of the development and the character of Alrewas and Trent & Mersey Canal Conservation Areas, to protect the amenity of future residents and the ecological value of the site, in accordance with the requirements of Policies BE1 and NR3 of the Local Plan Strategy, Saved Policy C2 of the Local Plan, the Sustainable Design, Biodiversity and Development and Historic Environment Supplementary Planning Documents and 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. The applicant is advised that there may be a public sewer located within the application site, which has statutory protection and may not be built close to, directly over or be diverted without consent. The applicant is advised to contact Severn Trent to discuss the proposals in order to assist with obtaining a solution which protects both the public sewer and the development.

4. The applicant is advised that prior to discharging conditions 5 and 6, it will have to be demonstrated that arrangements to provide adequate long term maintenance, including an appropriate legal agreement, to ensure maintenance in perpetuity of the access road and site access roads, has been secured.

5. The applicant is advised that whilst the access road and development will remain private, this development will still require approval from Staffordshire County Council under Section 7 of the Staffordshire Act 1983 and will also require a Section 38 of the Highways Act 1980. The applicant is therefore advised to contact Staffordshire County Council to ensure that approvals and agreements are secured prior to the commencement of works.

6. The works to create the passing area, required by condition 20 will require the relevant Permit to Dig from the Network Management Section. The applicant is advised to contact Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, Stafford, Staffordshire ST16 2DH (or email to nmu@staffordshire.gov.uk).

7. The applicant is advised that any soakaways must be located a minimum of 4.5 metres to the rear of the highway boundary.

8. The applicant is advised that it is their responsibility to ensure that rights exist to utilise the vehicular access to the development site and to carry out the improvements to the access as required by condition 20.

9. The applicant is advised that the granting of this planning application does not constitute authority for interference with the Rights of Way or their closure or diversion. It is noted that Public Footpath No. 26(a) Alrewas will need to be diverted to facilitate this development and an Order under Section 257 of the Town and Country Planning Act 1980 will need to be processed by Lichfield District Council, prior to undertaking these works.

10. The applicant is advised that during the course of development and operation of the permitted use no obstruction, prevention of use or diversion of the public footpaths No. 43 or No. 249 Alrewas must occur.

11. The applicant is advised to note and act upon as necessary the comments of the Council's Customer Relations and Performance Manager specific to Waste Services as detailed within the memo dated 1 March 2017 and the need for applicant to sign an indemnity in order for the Council's refuse lorries to enter the site.

12. The applicant is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer dated 21 March 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 of the Environment Agency dated 7 October 2015.

14. The applicant is advised to note and act upon as necessary, the comments of the Staffordshire Fire & Rescue Service dated 16 November 2015.

15. Vehicular access to the site is via Bridge 49 over the Trent & Mersey Canal. This bridge is owned by the Canal & River Trust, and the applicant is advised to contact Steve Robinson, Estates Surveyor (steve.robinson@canalrivertrust.org.uk 07710175114) to discuss this matter. It should not be assumed that this permission grants consent to use the bridge and that any consents required from the Trust to use the bridge will be granted.

16. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19 April 2016. A CIL charge will apply to all relevant applications determined on or after the 13 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.

17. 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 or the NPPF.

PLANNING POLICY

Government Guidance

National Planning Policy Framework
National 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 13 - Our Natural Resources
Core Policy 14 - Our Built & Historic Environment
Policy SC1 - Sustainability Standards for Development
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 HSC1 - Open Space Standards
Policy HSC2 - Playing Pitch & Sport Facility Standards
Policy NR3 - Biodiversity, Protected Species & their Habitats
Policy NR4 - Trees, Woodlands & Hedgerows
Policy NR5 - Natural and Historic Landscapes
Policy NR6 - Linked Habitat Corridors & Multi-functional Greenspaces
Policy Rural 1 - Rural Areas
Policy NR7 - Cannock Chase Special Area of Conservation
Policy BE1 - High Quality Development
Policy Alr1 – Alrewas Environment
Policy Alr2 – Alrewas Services and Facilities
Policy Alr3 – Alrewas Housing
Allocations Document (Draft)

Local Plans (Saved Policies)

Policy C2 – Character of Conservation Areas
Policy C9 – Protected Open Spaces
Policy EA16 – The National Forest

Supplementary Planning Documents

Sustainable Design
Biodiversity and Development
Trees, Landscaping and Development
Developer Contributions
Historic Environment

Other

Staffordshire and Stoke on Trent Joint Waste Local Plan
Staffordshire Residential Design Guide (2000)
Rights of Way Circular 1/09
Emerging Alrewas Neighbourhood Plan
Natural Environment and Rural Communities Act 2006
The Conservation (Natural Habitats, &c.) Regulations 1994
Alrewas Conservation Area Appraisal

RELEVANT PLANNING HISTORY

02/00089/FUL – Erection of 1 dwelling – Refused – 08.03.02

For The Old Boat Land, located immediately to the north of the site:

14/01103/FULM - Erection of 8 no. dwelling houses, formation of new vehicular access and associated works – Approved – 31.05.26.

CONSULTATIONS

Alrewas Parish Council – Permit provided the measures to be taken to protect the listed bridge are approved by the Conservation Officer (15.03.17).

Previous Comments for 15 dwellings: No objection, but raises two concerns. Firstly the bin store has the potential to be misused by boaters and secondly ask whether the access over the listed bridge has been properly signed off (12.08.15).

Conservation and Urban Design Officer – It would be preferable for the site to be undeveloped, or for any development to be of a modest scale in keeping with the existing, historic small, scale canal side setting. Remain concerned about the physical impact of the development on Bridge 49. Believe that the design of the scheme fails to take design cues

from the approved housing scheme located to the opposite side of the canal and therefore suggests that scheme be amended so that the built form extends no further west than the approved scheme and that the siting of the units addresses the canal. Requests the detailing of the dwellings be much simpler. Overall, considered that the scheme will cause less than substantial harm to the setting of both the Alrewas and Trent & Mersey Canal Conservation Areas and that this should be given considerable weight in the planning decision (30.03.17).

Previous Comments for 15 dwellings: Objects to the development and considers that it will result in less than substantial harm to the Conservation Area. The panoramic open views across these fields, when viewed from Kings Bromley Road and the A513 is an important characteristic of the Conservation Area as you approach Alrewas. The dwellings are proposed to be located in regimented lines, with only a 1 metre gap between them, ensuring that they will not relate to the canalside and are not characteristic of a lockside group of buildings.

The scheme also requires the formation of a new access road within the site, which will be highly visible from Bagnall Locks, which despite the presence of the A513, will erode views whilst the bin store is overly prominent within the site.

Raises concerns that increased use of the undesignated bridge could lead to future pressure for its replacement (10.09.15).

Canal & River Trust – Object. The access road, which will serve the development will cross the Trent & Mersey Canal via Bridge 49, which is owned by the Canal & River Trust. The bridge has a narrow deck with insufficient width for two vehicles to pass, whilst forward visibility is limited, raising concerns regarding the potential for vehicular and pedestrian conflict for walkers using the towpath. The widening of the track to the north and south of the bridge may encroach onto Trist land and does not offer sufficient space to allow for vehicles to pass.

Notwithstanding the reduction in dwellings, remain concerned regarding the increased vehicular use of the bridge and potential for bridge strikes, which will increase the Trust's maintenance liabilities significantly. In addition, the bridge would have to be closed regularly in order for the repair work to be undertaken.

Although not listed, the bridge and adjacent lock are considered to be non-designated heritage assets, within the Trent & Mersey Conservation Area. The potential for damage to these structures from increased traffic risks the loss of historic fabric and as such, it is considered that the development is contrary to Core Policy 14 and Policy Alr1 of the Local Plan Strategy.

Notes that the Fire Service and Refuse providers have both confirmed that the bridge is suitable for access, but the Trust only has to maintain the bridge to a capacity of 3 tonnes. Vehicles exceeding this limit will require the express consent of the Trust (21.03.17).

Previous Comments for 15 dwellings: Object. The development will inevitably lead to an increase in traffic crossing the bridge, which will increase the risk of conflict between vehicles and pedestrians. Equally increase traffic movements raises the chances of damage occurring to the bridge parapets through bridge strike (18.12.15).

Object. The submitted additional transport information fails to demonstrate that visibility across the bridge is clear in either direction nor does it adequately address concerns regarding the potential for vehicular and pedestrian conflict. Notes that no detailed traffic management proposals have been submitted for consideration and therefore remain unconvinced that these matters can be addressed in a manner appropriate to a conservation area. Finally notes that the applicant has failed to contact the Trust to secure consent to

utilise the bridge to access the site but informally advises that such consent will be unlikely to be forthcoming unless further evidence to address their concerns is evidenced (04.11.15)

Object. The access proposed to the serve the site crosses the Trent & Mersey Canal via Bridge 49, which is owned by the Trust. The bridge has a narrow deck with insufficient width for two vehicles to pass and limited forward visibility due to the bridge's crest. A development of this scale would result in a significant increase in use, with an attendant increase in the risk of collision which could damage the bridge through vehicular strikes. This will likely lead to an increase in maintenance and repair costs.

The canal towpath crosses in front of the bridge. The abovementioned limited forward visibility means those drivers leaving the site and heading towards the main road will be unable to see users of the towpath, causing the potential for pedestrian and vehicular conflict.

No indication of the type of plant and machinery required to erect the dwellings have been provided and whether they will comply with the 18 tonne weight limit for the bridge.

The development will adversely impact upon the character of the Alrewas Conservation Area. Currently boaters have a rural entrance into the village, which will be degraded by this proposal, whilst the bin store, given its siting, is unduly prominent within the site.

Advises that the formal consent of the Trust may be required to use the bridge to provide access to the dwellings and as such, the applicant is advised to contact the Trust's Estates Team (14.08.15).

Inland Waterways Association – The proposed development would be damaging to the historic setting and rural environment of the area. It is noted however that the erection of bungalows within the site instead of 2 and 2 ½ storey dwellings as previously proposed is more sympathetic to the area and will reduce these adverse impacts.

Notes that the appeal at Dark Lane has now been permitted and will fulfil the housing allocation for Alrewas and therefore, there is no need to develop this site.

Raises concerns regarding the vehicular access to serve the site and therefore recommends that should permission be granted for the development that the access track be widened to allow for the passing of two vehicles and a pedestrian priority crossing be installed for the towpath.

Notes that the layout is broadly acceptable, due to the setting of the dwellings away from the canal (08.03.17).

Previous Comments for 15 dwellings: Object to the development on the grounds that it would be damaging to the historic setting, rural environment and economy of the canal, and to the heritage objectives of the Trent & Mersey Canal and Alrewas Conservation Area.

Raises concerns regarding the vehicular access to serve the site and therefore recommends that should permission be granted for the development that the access track be widened to allow for the passing of two vehicles and the canal bridge has lights added to ensure users safety.

Notes that the layout is broadly acceptable, due to the setting of the dwellings away from the canal (28.07.15).

Spatial Policy and Delivery Manager – References previous comments on the scheme dated 10.08.15. However notes that since this time the Council has issued its Allocation Document for Housing, which identifies this site as an allocated site (reference A5). Notes

that whilst the site is allocated as Protected Open Space by Saved Policy C9, Appendix A of the Allocations Document identifies that this Policy is to be deleted and finally advises that the development will be CIL liable (29.03.17).

Previous Comments for 15 dwellings: Notes that the development is contrary to Local Plan Saved Policy C.9 which states that development will not be permitted which leads to the loss of protected open space. However, Alrewas is identified within the adopted Local Plan Strategy as a key rural settlement, which will accommodate between 90-180 dwellings. The site is located within the development boundary and was considered as part of evidence supporting the Local Plan Strategy as a possible housing site which could aid in delivering these housing numbers (10.08.15).

Ecology Team – Recommends referral to the response dated 10.03.17 (01.06.17).

Previous Comments: Recommends referral to the response dated 10.03.17 (11.04.17).

The proposed amendment will not have a material impact upon the ecological issues surrounding the proposed development and as such refers to the previous response dated 28.09.15 (01.03.17).

Previous Comments for 15 dwellings: Advises that all of the recommended biodiversity improvements detailed within the Biodiversity Offsetting Assessment should be secured via condition (28.09.15).

Requests that the submitted Biodiversity Offsetting Assessment be recalculated given a noted error in the site area (18.09.15).

Concurs with the conclusions expressed within the submitted Ecological Appraisal. 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 7 of the Preliminary Ecological Assessment.

Policy NR3 of the Local Plan Strategy requires new development to demonstrate a net gain in biodiversity. To ensure this occurs within this site requires the submission of a quantitative assessment of the sites ecological value to determine what mitigation measures will be required to ensure no net loss to the site's value (17.07.15)

Arboricultural Officer – Advise that the comments made on 07.10.15 remain pertinent (08.03.17).

Previous Comments for 15 dwellings: No objection subject to the submission of details of tree works to repollard or re-coppice three Crack Willow trees within the site prior to the commencement of development. In addition recommends the submission and approval of tree protection fencing (10.08.15).

Environment Agency – No comments received.

Previous Comments for 15 dwellings: No objection. Advises that the discharge of foul water to the round may require an Environment Permit, which will need to be secured from the Environment Agency (07.10.15).

Staffordshire County Council (Education) – The development now falls below the threshold for education contributions secured by way of a S106 agreement of 11 dwellings

and therefore notes that no education contribution will be sought from this proposal (07.03.17).

Previous Comments for 15 dwellings: The application site falls within the catchment areas of All Saints CE (VC) Primary School and John Taylor High School. Given the nature of the development it is considered that it would generate a need for 3 new Primary School places and 2 secondary school places. The local Primary School has limited capacity and as such a contribution towards Primary School provision of £11,031 is requested. The Secondary School is full and as such a contribution of £60,000 is requested (29.07.15).

Staffordshire County Council (Flood Team) – Recommends the conditions requested within the response dated 01.12.15 be used (03.03.17).

Previous Comments for 15 dwellings: Advises that there are no further comments, since the previous response dated 01.12.15 (08.03.16).

Advises that there are no further comments, since the previous response dated 01.12.15 (29.01.16).

No objection subject to a condition to secure, prior to the commencement of development a sustainable drainage scheme for the site. Finished floor levels should also be set no lower than 150mm above ground levels (01.12.15)

Recommend refusal due to the sustainable urban drainage system being proposed within the Flood Risk Assessment being inappropriate for this development (12.10.15).

No objection, subject to a condition requiring the submission and approval, prior to the commencement of development, of a sustainable surface water drainage scheme. Requests an informative detailing adequate long term maintenance of the soakaways proposed for use within the site (30.11.16)

Requests the submission of an outline drainage strategy (17.07.15).

Staffordshire County Council (Rights of Way) – The attention of the developer should be drawn to the existence of Public Footpaths No 43 and No 26(a) Alrewas, which provide access to and cross this site. Public Footpath No. 0249 Alrewas runs along the northern boundary of the site but it is not clear whether this will be affected by the proposal

Advises that pedestrian movement needs to take precedence over any vehicular movement and should damage to the footpath occur through the passing of heavy vehicles it is for the developer to provide an improved surface. In addition, notes that it is illegal to park on the line of the public footpath.

Public Footpath No.26(a) is shown to be diverted to follow estate roads within the development. The Rights of Way Circular 1/09 (section 7.8) recommends that estate roads be avoided to divert footpaths wherever possible and preference should be given to the use of made up estate paths through landscaped or open space away from vehicular traffic (31.07.15).

Previous Comments for 15 dwellings: The attention of the developer should be drawn to the existence of Public Footpath No 43 and No 26(a) Alrewas, which provide access to and cross this site. Advises that pedestrian movement needs to take precedence over any vehicular movement (31.07.15).

Staffordshire County Council (Archaeology) – Notes that there are a number of archaeological sites within the fields surrounding the application site and therefore recommends the use of a condition to secure the submission and approval, prior to the

commencement of development and a scheme of archaeological investigation. Recommends that hedge line boundaries be reinforced to the edge of the site to define former historic field boundaries (20.03.17).

Staffordshire County Council (Highways) – No objection, subject to a condition requiring the submission and approval, prior to the commencement of development of a Construction Vehicle Management Plan. Recommends that prior to first occupation of any of the dwellings the passing area adjacent to the junction with the A513 and parking areas be completed in a bound material (28.03.17).

Previous Comments: Requests the submission of further information, specifically a swept path analysis of then refuse vehicle currently operational within the area. Advises that the shared private access road should be a minimum of 4.2m wide with no solid features within 0.6m of either side (16.03.17).

Previous Comments for 15 dwellings: No objection subject to conditions requiring the submission and approval, prior to the commencement of development of a Construction Vehicle Management Plan. In addition, prior to the first occupation of the dwelling a 5.4m x 10m passing area, adjacent to the junction with Kings Bromley Road and parking areas within the site, shall be provided and completed in a porous bound material (06.05.16).

Notes that the land ownership plan demonstrates that the required passing area at the junction can be provided, and advises that if any alteration to the highway access is necessary this would require prior approval from Staffordshire County Council. Supports the propose build out indicated to the south of the weir as it would help to slow traffic (10.02.16).

Notes that the requested minimum access width can be secured along with the necessary swept path analysis for refuse vehicles. Notes that following a site visit it has been evidenced through practical examination that vehicles approaching the bridge will solely be able to see the roof of the approaching car. A vehicle cresting the bridge would not be able to see a pedestrian at 0.6 metres (child height). Overall; notes that a number of issues have been addressed but advises that standard visibility requirements from Manual for Streets 1 cannot be met along the access due to the profile of the canal bridge (08.01.16).

Requests the submission of further information to demonstrate that a passing place of 5.4 x 10m can be achieved from back of footpath and a plan should also include the swept path of refuse vehicles entering and exiting the site. Continues to have concerns regarding intervisibility between vehicles crossing the canal bridge, whilst this could be addressed via the installation of a private traffic light system the visual impact of such on the conservation area could raise issues. Identifies further concerns regarding potential pedestrian and vehicular conflict. Notes the applicant's intention to form a maintenance management company to ensure the maintenance of the private access road and finally requests that the Fire Service be consulted to ensure that the width of the access road is considered to be adequate for their vehicles (12.11.15).

Recommends refusal due to a lack of information, particularly details of ownership of the private access drive, ability of vehicles to pass over the canal bridge, a lack of consideration of vehicle and pedestrian conflict, details of future maintenance and finally details of how service, delivery and emergency vehicles will access the site (31.07.15).

Staffordshire Fire and Rescue Service – No response received.

Previous Comment for 15 dwellings: Advises that roads upon which appliances would have to travel in excess of 45 metres should be capable of withstanding the weight of a firefighting appliance (17800kg). Recommends the installation of sprinkler systems within new dwellings (16.11.15).

Environmental Health – No response received.

Previous Comments for 15 dwellings: No objections, recommends that a noise assessment and mitigation measures be secured by condition (31.07.15).

Green & Open Spaces Strategic Manager – No response received.

Previous Comments for 15 dwellings: No objection (15.11.16).

Waste Services – No objection subject to the access road either be adopted or the Council being indemnified for taking refuse vehicles into the site to gather bins from individual dwellings (01.03.16).

Previous Comments for 15 dwellings: No objection subject to the access road either be adopted or the Council being indemnified for taking refuse vehicles into the site to gather bins from individual dwellings (30.07.15).

Advises that communal bin stores are inappropriate for individual dwellings and rather the road surface should be maintained to ensure that a 32 tonne refuse vehicle can access the site and therefore residents can have their own bins allocated (27.07.15).

Police Architectural Liaison Officer – No objection but makes recommendations regarding the potential to design out crime (21.03.17).

Previous Comments for 15 dwelling: No objection but makes recommendations regarding the potential to design out crime (05.08.15).

Severn Trent Water – No response received.

Previous Comments for 15 dwellings: No objection subject to a condition requiring the submission and approval, prior to the commencement of development of a suitable foul and surface water drainage scheme. Notes that there is a public sewer adjacent to the site and therefore advises that applicant to contact them to discuss the development's impact (04.08.15).

Ramblers – Refers to previous comments regarding this application (17.03.17).

Previous Comments for 15 dwellings: No objection in principal but would prefer to see public footpath No. 26(a) Alrewas included within the Public Open Space, rather than diverted along estate footpaths (27.07.15).

National Grid – No response received.

Previous Comments for 15 dwellings: No objection. Advises that a high pressure gas pipeline runs through the site (27.04.16)

Advises that National Grid apparatus runs under the site (21.07.15).

Health & Safety Executive – No response received in respect of amended plans.

Previous Comments for 15 dwellings: Advise that there is sufficient evidence to advise against the granting of planning permission on safety grounds, due to the presence, within the application site of a high pressure gas pipeline (26.04.16).

Advise that there is sufficient evidence to advise against the granting of planning permission on safety grounds, due to the presence, within the application site of a high pressure gas pipeline (18.12.15).

Western Power – No response received in respect of amended plans.

Previous Comments for 15 dwellings: There is no apparatus mapped within the application site, but there may be mains or service cables supplying Lock Cottages. The developer will have to contact Western Power Distribution for any new connections works or diversionary works under separate applications (24.07.16).

Housing Strategy and Enabling Manager – No response received in respect of amended plans.

Previous Comments for 15 dwellings: Advises that there is a requirement for 31% of the dwellings (5 units) to be affordable. Local housing need evidences a need for 2 and 3 bedroom properties within Alrewas, which this development will deliver. Notes that from a public health perspective, the is sustainably located with access to existing amenities including a primary school, village shops, village hall, doctors surgery, dentist and public houses (15.03.16).

LETTERS OF REPRESENTATION

In total 9 letters of representation have been received from neighbouring residents. Of these letters 2 have been received following the amendments to the scheme (reducing the number of proposed dwellings from 15 to 6). The comments raised are summarised below:

Principle of Development

- The development fails to comply with the requirements of Local Plan Saved Policies C5 and C9 in that the development will require the removal of an area of protected open space and have an adverse impact upon the setting of a conservation area.
- The development is contrary to the Emergency Services Requirements Section 213, wherein it is advised that any single access cul de sac should not be in excess of 180 metres. The access track serving this development is in excess of this distance.
- The development fails to comply with the requirements of the Buildings Act 1984 Requirement 5, which states that the minimum width of an access, in order to allow for fire service access to a site, should be 3.7 metres. The bridge narrows to 3.4 metres.
- The site is not allocated for residential development within the Local Plan Strategy and could not be considered as being infill development.
- The recent granting of planning permission for housing to be built at Dark Lane fulfils the housing allocation quota identified within the Local Plan Strategy for Alrewas.

Impact upon the Historic Environment and Streetscene

- The existing listed canal bridge will be damaged by the additional traffic, which would cross it, should permission be granted.
- Planning permission for the erection of a single dwelling within this site was refused permission in 2002, on the grounds that the proposal would result in the loss of an area of open space and have a detrimental impact upon the Alrewas Conservation Area. This impact would now be greater given the increased number of dwellings proposed.
- Vehicular movements associated with the development will pass immediately adjacent to 1 Lock Cottage, which is over 200 years old and is unlikely to have been constructed with foundations capable of coping with the additional loads and vibrations it will experience.
- The development does not reflect the wharf style of construction identified within the applicant's Design and Access Statement.

- There have been several other planning applications made throughout the village for land within the Conservation Area, which have been dismissed at appeal, due to the Inspector noting the need to preserve existing important views into and out of the village.

Residential Amenity

- The bin store has been located adjacent to existing properties. Given prevailing winds this structure is likely to cause odour pollution problems to the occupants of these dwellings.
- The access road, which would serve this development runs immediately to the fore of neighbouring property, whose front gate opens out onto the track. An increase in vehicular movements will therefore adversely impact on resident's safety.
- No details of a lighting scheme have been provided.

Facilities

- The supply of gas and water to both 1 and 2 Lock Cottages comes over the bridge and any damage to these supplies would cause problems for the residents.

Landscaping and Ecology

- No landscaping details have been provided.
- Has an updated ecology report been submitted, which details the trees to be removed within the development?

Highway Safety

- The unadopted access road, which serves this site, has no street lights or footpaths and is only wide enough for one vehicle to travel along at any one time.
- The submitted documents identify the potential for installing traffic lights on the bridge during construction works. This will impact upon existing resident's right of access.
- 1 and 2 Lock Cottages are currently responsible for maintaining the driveway to the south of the bridge. Would future occupants of this site also be responsible?
- Pedestrians and cyclist regularly pass across the towpath, over which the access road also crosses. Given the restricted visibility caused by the humped bridge there is the potential for an accident.
- When two vehicles meet on the bridge it will necessitate either vehicles reversing back into the application site or back down the access drove onto Kings Bromley Road.
- There is a weight restriction of 7.5 tonnes on Bridge 49, which would likely prevent building material being delivered directly to the site and likely, whilst these vehicles are being unloaded, lead to the blocking of the road.
- The canal bridge, which is owned and maintained by the Canal & River Trust is an accommodation bridge and therefore any additional access rights over this bridge will require their consent. It is noted that the Canal & River Trust object to the development.
- The number of dwellings proposed will generate significant levels of additional traffic resulting in a great increase in the potential for highway safety issues to arise.
- Emergency Services would be unable to access the proposed site in view of the restricted width of the access road and weight restriction of Bridge 49 of the Trent and Mersey Canal.
- Any form of traffic control required for the bridge would be visually unacceptable to the Conservation Area.
- The applicant will be unable to provide the necessary 5.4m x 10.0m tarmac entrance feature without encroaching onto land under the ownership of neighbouring property.

- The development will be contrary to the requirements of Staffordshire County Council's Residential Design Guide, which requires that any access road have a minimum width of 4.5 metres (this track varies between 2.9 and 3.4m), in addition to a 1.8 metre wide pedestrian footway.
- The Transport Statement submitted with this application fails to correctly annotate the visibility splays, underestimates trip generation and fails to consider the planning permission granted for the neighbouring site.

Other

- How will services for the site, including drainage and sewerage be provided?
- The red line includes land not within the ownership of the applicant.
- Given that the ownership of the access road is unclear a Certificate C rather than Certificate B should have been issued with the application.

1 letter of support has been submitted from a local resident and 1 letter from the Alrewas Civic Society, details of which are summarised below:

- The development will improve the appearance of the access into the village from Kings Bromley.
- The scheme could not be a precedent for further development due to the enclosure created by the A513 and canal.
- The 2 and 3 bedroom properties proposed within the site will offer both starter home and downsizing opportunities to the benefit of the wider community.
- The development is well planned and the design of the dwellings reflect the wider character of the village.

OTHER BACKGROUND DOCUMENTS

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

Addendum Planning & Sustainability Statement
 Arboricultural Report
 Biodiversity Offsetting Assessment
 Construction Management Plan
 Design and Access Statement
 Design and Access Statement Revision
 Ecological Appraisal
 Transport Statement
 Transport Statement Supporting Document
 Transport Statement Supporting Document 2

OBSERVATIONS

Site and Location

The application site is located to the south of Kings Bromley Road and comprises 0.67 hectares of agricultural land sited to the western edge of the village of Alrewas. The site is accessed from Kings Bromley Road, via a private drive that runs alongside the western elevation of the Delhi Devan restaurant and onward over the Trent & Mersey Canal via an existing brick built canal bridge. The site is bordered to the south and west by the A513, to the east by a small group of cottages, with the village Cricket ground beyond and immediately to the north by Bagnall Lock, with an agricultural field beyond. The northern boundary of the site is located immediately adjacent to both the Alrewas Conservation Area

and the Trent & Mersey Canal Conservation Area. The bridge which offers access to the site and the adjacent Bagnall Lock are considered to be non-designated heritage assets.

The private access road also forms Public Footpath Alrewas 43, whilst running immediately along the northern boundary, east to west, along an agricultural track, is Alrewas 0.249 and through the centre of the site, up to the bank adjacent to the A513, is Public Footpath Alrewas 26(a).

PROPOSAL

Permission is sought, via a full application, for the erection of 6 bungalows with 6 detached garages. The dwellings are proposed to be open market 3 bedroom properties. Vehicular access would remain along the private access from Kings Bromley Road, over the canal bridge. Ancillary car parking, landscaping, the erection of a detached bin store and enabling works are also proposed to facilitate the development.

There are 4 types of property proposed across the 6 plots. All dwellings are proposed to be erected as detached buildings and be single storey in height, with certain characteristics, (discussed below in the design section of this report), uniformly replicated across the properties.

The internal road network to serve the scheme, would be accessed from Kings Bromley Road, via Public Footpath Alrewas 43 and comprises a simple T shaped junction forming two cul-de-sacs.

Public Footpath 26(a) is shown to be re-routed along a pavement within the site and through an area of open space.

Background

When originally submitted in 2015, this application was for the erection of 15 dwellings (2 four bedroom, 7 three bedroom and 6 two bedroom) and associated works. The Health & Safety Executive recommended refusal of the application on safety grounds, due to the presence of a high pressure gas main, which runs adjacent to the southern boundary of this site. The applicant undertook discussions with both the National Grid and Health & Safety Executive to define a no build area for dwellings, which has established the area in which accommodation can be sited within this amended application.

Determining Issues

- 1) Policy and Principle of Development
- 2) Housing Mix and Affordable Housing
- 3) Loss of Agricultural Land
- 4) Design and Impact upon the Character and Appearance of the Neighbouring Conservation Areas
- 5) Residential Amenity
- 6) Landscaping, Trees and Open Space
- 7) Ecology
- 8) Flood Risk and Drainage Issues
- 9) Highways Issues
- 10) Public Footpaths
- 11) Education
- 12) Archaeology
- 13) Other Matters
- 14) Community Infrastructure Levy
- 15) Financial Contributions
- 16) 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 2008-2019.
- 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 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.
- 1.5 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.
- 1.6 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 13 February 2017, advised that there is now a 5.11 year supply of housing land within Lichfield District.
- 1.7 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 Strategy

- 1.8 The Lichfield District Local Plan Strategy was adopted on 17 February 2015 and now comprises the Development Plan. The spatial strategy for the District, set out in Core Policy 1 includes development focused within the District’s sustainable settlements. Core Policy 6 further supports the focus of development on key urban and key rural centres, with Alrewas considered as a sustainable rural settlement.

- 1.9 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
- 1.10 The site is located within the development boundary for Alrewas. Policy Alr4: Alrewas Housing notes that a range of between 90-180 dwellings will be provided within the village during the plan period, with the final numbers and locations to be determined by the Allocations Document. Housing is proposed to be located within the existing settlement where possible, with some limited greenfield expansion. Finally, it is noted that the dwellings to be erected should offer a range of affordable homes, starter homes, homes to address downsizing needs and the needs of an aging population.
- 1.11 Given the site is located within the development boundary for the village, it must be considered to occupy a sustainable location. This is evidenced through the near proximity of a restaurant, the cricket club and access to pedestrian footpaths that lead immediately to the village centre.
- 1.12 The recent approval by the Secretary of State for 121 dwellings at Land North of Dark Lane (reference 15/00120/FULM), along with the abovementioned approval of 8 dwellings to the site located to the north of this proposal, ensures that part of the housing allocation figure for Alrewas has been met. However, there evidently remains scope within the housing range allowance, for further dwellings to be approved. This scheme will aid the delivery of this housing requirement.
- 1.13 Notwithstanding the above assessment however, it must also be noted that the site is designated within Local Plan Saved Policy C9 as being Protected Open Space. This Policy advises that development within such areas will not be permitted where it *“would result in the loss of all of part of the open spaces and landscape features which contribute positively to the character of a village or Conservation Area, or which would adversely affect the setting of any open space, which would diminish its value to the character of a village”*. The explanatory text associated with the Policy advises that *“these spaces merit preservation even where they lie within village boundaries”*.
- 1.14 It is noted that historically, planning permission was refused to develop this site in 2002, through the erection of 1 dwelling, on the grounds that *“the proposal is contrary to Policy C9 of the Lichfield District Local Plan in that it would result in the loss of part or all of an open space which contributes positively to the character of Alrewas village and Conservation Area”*. Following the determination of this application, the Alrewas Conservation Area Appraisal was completed, which advises that *“the open fields outside the Conservation Area boundary contribute to the setting of the Conservation Area as they are part of its character and reflect the village’s agricultural background. They also provide a definitive boundary, views in and out of the Conservation Area and contain sites of archaeological interest”*.
- 1.15 Following receipt of the independent examiners report, which recommended a number of modifications, Alrewas Neighborhood Plan has been withdrawn. The Neighbourhood Plan is being reviewed and work towards resubmission progressing. As such, this document currently carries no material planning weight, although it is noted that the previously submitted document, whilst not allocating specific sites for residential development, did recommend that any expansion of the village should occur in a westerly direction.
- 1.16 The Local Plan Allocations document is at draft stage presently and as such, carries limited material planning weight. It is noted however that the application site has

been identified for residential development: Reference Site A5 (Alrewas 5): Land east of A513/South of Bagnall Lock, Alrewas.

The following key development considerations have been identified

- Development design must take account of HSE exclusion zone.
- Potential ecological impact should be considered due to the greenfield nature of the site and its proximity to the canal and location within the National Forest and the proximity to the Central Rivers Initiative areas.
- Design and scale of development to be considered in the context of the site's location within and adjacent to the conservation areas and proximity to heritage assets.
- Design of any scheme should consider the frontage onto the Trent and Mersey Canal and the sites location at the entrance to the village.
- Scheme should be designed to take account of the edge of village location and manage the transition from urban to rural.
- Suitable access to the site will need to be achieved via the existing bridge over the canal to the north.
- Potential measures to mitigate the impacts of road noise from the A513 to the west of the site.

1.17 In addition to the above, Appendix A of the Allocations Document, identifies that Saved Policy C9 will be deleted from the Development Plan.

1.18 As such, the site has been identified as being suitable for development within the emerging Allocations Document and is also within an area considered appropriate by the Neighbourhood Plan. Evidently, neither document carries significant material planning weight, but they do evidence that development within this site may be considered acceptable.

1.19 Presently, of the various policies applicable to this site, Saved Policy C9, although soon to be deleted, carries most material planning weight. The justification for this Policy however, is the need for the site to protect the openness of the area and preserve the setting of the canal. Since the Council previously considered an application to develop this site, planning permission has been granted for the land immediately to the north, for the erection of 8 dwellings. As such, there is now a revised context to the proposal. In addition, the Local Plan Strategy has allocated a range of up to 180 dwellings for the village. To secure this level of provision, as evidenced by the permission granted by the Secretary of State for the development at Dark Lane, it may be necessary to develop greenfield sites, outside of the development boundary. Evidently however, it is preferable, subject to consideration of other factors, specifically in this case, the impact upon the setting of the Conservation Area, to develop sustainable sites within the development boundary. Thus, in conclusion, in terms of principle of development, the acceptability of this scheme will be determined through weighing the impact of the scheme upon the Conservation Area against the economic and social benefits derived from delivering residential development in a sustainable location.

2. Housing Mix and Affordable Housing

2.1 Policy H1 of the Local Plan Strategy seeks the delivery of a balanced housing market through an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. This reflects the approach in the NPPF, which sets out that local planning authorities should deliver a wide choice of high quality homes with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Evidence in the Southern Staffordshire Housing Needs Study and Strategic Housing Market Assessment (SHMA) Update (2012) identified an imbalance of housing types across

the District with high concentrations of larger detached homes. Consequently, it has identified the need for smaller affordable homes, particularly those of an appropriate type and size for first-time buyers or renters.

- 2.2 This application, through delivering 3 bedroom bungalows, will help to meet both the identified need for smaller scale dwellings within the District, whilst also, in accordance with the requirements of Alr4, deliver dwellings appropriate for later living. As such, the proposal, in this regard, complies with the requirements of the Development Plan.

3. Loss of Agricultural Land

- 3.1 Part of the application site was historically in pastoral agricultural use.
- 3.2 The Agricultural Land Classification (ALC) system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance (Annex 2 of NPPF). Grade 3b is moderate, Grade 4 is poor and Grade 5 is very poor.
- 3.3 Paragraph 112 of the NPPF states that *“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”*.
- 3.4 According to Natural England’s Series Agricultural Land Classification information, this site comprises Grade 3 land. As such, whilst of reasonable quality, the site does not contain the best or most versatile soil and its loss from food production would not be of significant concern. In addition, given that the field is remote from other farmland, due to the surrounding transport infrastructure it can no longer be farmed efficiently through the utilisation of modern agricultural techniques and therefore, it is considered that the development complies with the requirements of the NPPF.

4. Design and Impact upon the Character and Appearance of the Neighbouring Conservation Areas

- 4.1 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”*.
- 4.2 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”*.
- 4.3 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.

- 4.4 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*”.
- 4.5 Saved Policy C2 of the Local Plan (1998) also seeks to preserve or enhance the special character and appearance of Conservation Areas and states that development will not be permitted where the detailed design of buildings would not respect the character of an area.
- 4.6 The proposed dwellings, as described above, are all single storey structures. The existing dwellings within the surrounding area are typically Victorian cottages. The dwellings approved to the north of the site are dormer bungalows of comparable height to those proposed within this application. The mass of the buildings, in terms of footprint, are also broadly comparable and as such, the scheme in terms of scale is considered acceptable.
- 4.7 The dwellings located within the permitted site to the north, are sited immediately adjacent to the canal, allowing for visual interaction with this feature. This scheme, due to the presence of the agricultural access road and a proposed hedgerow; which provide a visual and distance buffer to the canal; has less of a direct visual relationship to this watercourse and its associated Conservation Area. Due to this separation, the layout, offers a loose pattern of development, set around a cul-de-sac. Whilst defined somewhat by the developable area remaining, after allowance is made for the no build zone for the high pressure gas main, it is not immediately reflective of canal side development and rather replicates the pattern of development evidenced elsewhere within the village, such as to the north, at Manor Fields.
- 4.8 It is noted that the site was allocated as Protected Open Space in order to preserve the wider setting of the Conservation Area. Thus from views, for instance from the adjacent A513 bridge, prior to seeing the built form elements of the village beyond the initial vista comprises this small agricultural field. As discussed above, following the approval of the neighbouring housing site, it is evidenced that the site will be enclosed by development to all sides. This, visually diminishes the importance of the asset and as such, whilst it is noted that the Conservation Officer considers that the development will cause less than substantial harm to the character of the Conservation Areas, it is not considered that this alone, given the evolving character of the site, would be sufficient to warrant the refusal of the application.
- 4.9 The buildings within the site have been sited to frame views from the wider area. For instance, the agricultural style garage proposed to serve plot 4 will frame views from the nearby A513 bridge, where it crosses the canal, whilst Plot 5 has been sited to frame views south along the private access, which serves the development.
- 4.10 The dwellings are proposed to replicate architectural detail evidenced within the surrounding area. Thus, the dwellings after amendment following concerns raised by the Council’s Conservation Officer, are of traditional form and appearance, utilising chimney stacks to reproduce the features evident elsewhere within the canal setting and also aiding to break up the visual mass of the roof profiles. The elevations utilise brick banding, curved headers and closed verges and eaves to add visual interest and break up the mass of each façade. Exact details of the material palette proposed for use within the construction of the development is recommended to be secured via the use of an appropriately worded condition.

- 4.11 To ensure that the appearance of the dwelling remains of a high quality thereby having an acceptable impact upon the character of the Conservation Area, it is recommended that permitted development rights for extensions and outbuildings be removed via condition.
- 4.12 No elevation details of the bin store or electricity substation have been provided and as such, a condition is recommended to secure these details to ensure that they complement the appearance and character of the wider development.
- 4.13 A variety of boundary treatments are proposed throughout the site. To the northern boundary, a hedgerow is proposed to be planted, (to be secured by condition) with railings behind. Elsewhere within the site, rear garden areas are proposed to be defined by post and panel fencing. No details of the height or appearance of these features have been identified and as such are recommended to be secured by condition to ensure that they are appropriate to their setting.
- 4.14 The architectural style of the dwellings and boundary treatments within the site are appropriate to their rural environment and as such, will successfully assimilate within the surrounding street scene and the context of the neighbouring Conservation Areas. The layout of the site is considered to be acceptable and therefore subject to conditions in respect of the above, the proposal complies with the requirements of the Development Plan and the NPPF in regard to design and impact on the Conservation Areas.

5. Residential Amenity

- 5.1 The Sustainable Design Supplementary Planning Document sets out a minimum distance to which facing habitable windows should be separated. These indicate that dwellings should not have habitable windows facing each other at a distance of less than 21m. If there is an intervening screen (i.e. fence or wall) the distance between ground floor facing windows can be reduced to 15 metres and 13 metres in the case of bungalows.
- 5.2 The dwelling within the site, which is closest to the existing neighbouring property, 1 Lock Cottages, is located over 16 metres away. No windows are located within this elevation and as such, there are no overlooking issues arising to existing property. An analysis of internal separation distances has been undertaken. None of the dwellings would directly overlook a neighbouring property, but each property is set in excess of the minimum 13 metre separation identified within the Supplementary Planning Document. Thus, the scheme raises no direct overlooking concerns.
- 5.3 The abovementioned SPD also advises that there should be at least 6 metres between a principal window and private neighbouring residential amenity space. This separation distance is evidenced throughout the site and evidently, given the single storey nature of the dwelling proposed, no overlooking over proposed fencing will occur.
- 5.4 The SPD also requires that in order to prevent any overbearing impact upon existing property, that there should be a minimum of 13 metres between the rear elevation and the blank wall of any proposed dwelling. It is noted that the scheme is compliant with the Council's guidance on this matter.
- 5.5 The SPD provides guidance on suitable garden sizes commensurate with the needs of future occupants, advising that for 3 bedroom dwellings this should be 65 square metres. All of the gardens within the scheme are far in excess of this requirement.
- 5.6 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”.

- 5.7 The application site has been considered by the Council’s Environmental Health Team who offer no objections to the scheme. It is noted however that nearby presence of the A513, although elevated above this site, will offer a relatively noisy background. The extent of noise nuisance and degree of mitigation required to secure the reasonable amenity of future occupants of these dwellings, is recommended to be secured via a condition to secure the submission to and approval by the Local Planning Authority of a noise report. Subject to the mitigation measures being installed, as required, the development will comply with the requirements of the development plan, with reference to this consideration.
- 5.8 No details of a lighting scheme to serve the development have currently been provided. Given that the degree of illumination and siting of such will have the potential to impact upon both the character of this rural location, the setting of the adjacent Conservation Areas and the reasonable amenity of existing nearby residents, a condition is considered to be necessary to secure these details.
- 5.9 The development complies with the Council’s adopted Supplementary Planning Documents, the Development Plan and NPPF as the scheme will not lead to a loss of amenity to existing or future residents.

6. Landscaping, Trees and Open Space

- 6.1 The Council’s Supplementary Planning Document Trees, Landscaping and Development provides guidance on how to successfully integrate existing trees into development and integrate new planting into a scheme to ensure its long term retention.
- 6.2 An Arboricultural Assessment has been submitted with the application, which due to the fact that all of the trees within the site are located adjacent to the site’s boundaries, identifies that the development will necessitate the removal of no trees. Tree protection details are recommended to ensure the retention of these trees during building works, along with details for coppice works to be undertaken to 3 Crack Willow trees that will need to be reduced to prevent future impact upon occupants of these dwellings. These recommendations have been endorsed by the Council’s Arboriculturalist and are considered reasonable and necessary and as such, are recommended to be secured via condition.
- 6.3 A detailed landscaping scheme for the site is yet to be submitted. Given that the proposed hedgerow to the northern boundary, is considered appropriate to help screen the proposal and further planting will aid to ensure that the development successfully assimilates into the character of the area, a full landscaping scheme is recommended to be secured via condition. It should be noted that given the location of this site within the National Forest, it will be necessary for the scheme to include a number of trees.

7. Ecology

- 7.1 The Council’s Ecologist has visited the application site and advises that the proposed works are unlikely to negatively impact upon protected or priority species or habitats, subject to the building works being undertaken in accordance with the recommendations of the Ecological Appraisal submitted with the planning application.
- 7.2 Local Plan Strategy Policy NR3 requires that a net gain to biodiversity should be delivered through all development. This will be achieved in this case through the installation of 5 invertebrate boxes, the use of a wildflower meadow mix within the landscaping areas, 3 sparrow nesting boxes and 3 starling nesting boxes. A

condition to secure the installation and retention of these features is proposed. The net gain in biodiversity value derived by this provision will be given due weight as required by Paragraph 118 of the NPPF. Accordingly the proposal complies with the requirements of Development Plan and NPPF in this regard.

7.3 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.

7.4 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 and as such is not directly liable to SAC payment.

8 Flood Risk and Drainage Issues

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.

8.2 Staffordshire County Council Flood Team have recommended that a sustainable drainage system be installed within the site. The submitted block plan indicates that the field to the south of the dwellings, undeveloped due to the presence of the gas main, will be utilised to install a drainage feature. Exact details of this feature are recommended to be secured via condition, which will ensure that the development complies with the requirements of Section 10 of the NPPF.

8.3 No specific details of the foul drainage scheme proposed for this development have been provided. This matter can however be resolved through a condition. Overall therefore, it is considered that the flood risk and foul drainage issues within this site can be adequately addressed and as such, the proposals would comply with development plan policies and the NPPF in relation to flood risk and drainage.

9. Highways Issues

9.1 The dwellings would be served via the existing private vehicular access point from Kings Bromley Road. The suitability of the proposed access has been considered by the Highways Authority, who consider it acceptable and to accord with relevant planning guidance, subject to it being widened to 5.4 metres for the first 10 metres of the track, adjacent to the junction with Kings Bromley Road. Such a condition is reasonable in order to ensure the safety of road users and allows for a passing place to be formed along this single track road, which would ensure that vehicles would not need to reverse out onto Kings Bromley Road. Further widening of the track is also proposed adjacent to the canal bridge, whilst further conditions are proposed to ensure the provision of the access road and parking bays, which are reasonable and necessary.

9.2 It is noted that many of the objections raised by neighbours to the site regarding this proposal are specific to highway matters. A number of concerns have been raised regarding the suitability of the canal bridge to permit access to this site. These

concerns are also expressed by the owner of the bridge, the Canal & Rivers Trust. The Highways Authority have visited the site and undertaken an analysis of the bridge and are satisfied that two approaching vehicles, given the nature of the road, will be travelling sufficiently slow and have sufficient forward visibility, in order to ensure that collisions, in all reasonable likelihood, will not occur. In addition, the Council's Refuse Team and the Fire Service have both been consulted and given the bridge can permit weight up to 18 tonnes to pass, neither offer concerns regarding gaining access to the site, despite the restrictive width.

- 9.3 The Canal & Rivers Trust have raised a number of concerns regarding the suitability of the bridge to offer access to this site. Ultimately, given that the Trust own the bridge, it will be for the developer to seek permission to access the site. This is evidently a legal rather than planning matter and does not prevent the issuing of any planning permission. Conversely the granting of planning permission does not imply that the consent of the Canal & River Trust will be provided. In terms of the specific concerns raised, given that Staffordshire Highways have undertaken an assessment of the access and consider it safe for use by the occupants of 6 additional dwellings (subject to conditions), it would not be reasonable to refuse the proposal on these grounds. The assessment of safety of use, also implies that bridge strike has been considered and therefore damage to the non designated heritage asset is also considered at a low level. Matters of land ownership are legal matters, although the applicant will evidently have to deliver the access widening to implement the scheme in accordance with the approved plans. Should legally, the Canal & River Trust evidence that they own land the applicant is proposing to use then a new planning application or legal agreement between the two parties will be required. Finally, whilst it is noted that the Trust only have to maintain the bridge to a weight limit of 3 tonnes, it is permitted for use up to 18 tonnes. Thus, the site can currently be accessed by both bin lorries and fire appliances. As such, it would not be reasonable to refuse this application on this matter.
- 9.4 The Council's Supplementary Planning Document Sustainable Design, advises that for a three bedroom dwelling there should a maximum off street car parking provision of 2 spaces per dwelling. Across the site it is proposed to provide 2 spaces per dwelling, in addition to a separate detached double or single garage. As such, there is an overprovision of parking proposed, a result of the low density of development arising due to the presence of the gas line. Whilst, given the sustainability of the site, this is not wholly necessary it is not considered inappropriate due to the aforementioned circumstances. It should be noted that the garages do not comply with the Manual for Streets minimum internal dimensions, to ensure vehicles can park of 3.0 metres by 6.0 metres. Given the abovementioned oversupply of parking, in this case the size of the garages are considered appropriate.

10. Public Rights of Way

- 10.1 Public Footpath Alrewas 43 comprises the vehicular access which serves the site. As such, pedestrian users of the route will have priority over vehicles and this fact shall be identified to the applicant via the use of an informative. In addition, as recommended by the Highways Authority, given that a towpath also crosses the access road, signs are recommended to be secured via condition, which whilst suitable in siting and design, to their setting, will warn motorists of the presence of pedestrians and reinforce movement priorities.
- 10.2 Public Footpath Alrewas 26(a) currently runs through the centre of the site, up to the bank adjacent to the A513. The footpath continues to the southern side of the A513, although there is no access between the two parts due to the presence of the steep bank and road. Diversion of the footpath, along the pedestrian footpaths within the development will have to be considered by the Local Planning Authority via an Order

under Section 257 of the Town and Country Planning Act 1980. This will need to be processed via application to Lichfield District Council, prior to undertaking these works.

11. Education

- 11.1 The Local Education Authority have identified that this site is located within the catchment area of All Saints CE (VC) Primary School and John Taylor High School. Whilst the original scheme to develop the site through 15 dwellings would have required the payment of S106 contributions towards the expansion as necessary of these schools, the scale of development now proposed is below the threshold to secure such payment and therefore no education provision is required.

12. Archaeology

- 12.1 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*”.
- 12.2 The County Council’s Archaeologist has advised that given the scale of the site and the demonstrable archaeological sensitivity of the area that a condition requiring the submission and approval of a scheme of archaeological investigation is reasonable and necessary and this view is concurred with. A condition is accordingly recommended to ensure the scheme’s compliance, for this matter, with the requirements of the Development Plan and the NPPF.

13. Other Matters

- 13.1 The issues raised by neighbours to the site have been largely addressed within the above report. Of those that remain, it is evident that any damage to neighbouring property or existing gas and water pipes, as a result of this development, are a legal rather than planning matter, although it is noted in terms of the latter that no consultees have raised any concerns on this consideration. The future maintenance and ownership of the access track, given this will remain a private road, is oncemore a legal rather than planning matter.

14. Community Infrastructure Levy

- 14.1 This development is a CIL (Community Infrastructure Levy) liable scheme set within the higher charging zone rate of £55 per square metre. This will be payable in accordance with the Council’s adopted CIL Instalments Policy, unless otherwise agreed.

15. Financial Considerations

- 15.1 The development would give rise to a number of economic benefits. For example, it would generate employment opportunities including for local companies, in the construction industry during construction. The development would also generate New Homes Bonus, CIL funding for local infrastructure and Council Tax.

16 Human Rights

- 16.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with neighbour’s 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 and National Policy in the NPPF.

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 the development will facilitate a moderate size development project, secure New Homes Bonus and introduce additional residents to the area to aid in supporting local facilities and business. Socially, the development, subject to conditions, will offer a suitable site for future occupants and supply much needed smaller scale housing appropriate for later living, for the District, whilst not significantly impacting upon the reasonable amenity of existing residents. Environmentally, the development of this site, through the loss of Local Plan designated Protected Open Space will have less than substantial harm upon the character and setting of the adjacent Conservation Areas. The granting of permission for residential development within the neighbouring field has however diminished the visual importance of this field, whilst the siting and appearance of the dwellings are such that they will integrate successfully into the locality. Whilst the concerns raised by the Canal & River Trust are duly noted, it is considered that such concerns could not justify refusal on sustainable planning grounds. Therefore, on balance, it is concluded that the harm to the Conservation Areas, is outweighed by the economic and social benefits of the scheme and as such, it is recommended that this application be approved subject to the reasonable and necessary conditions detailed within this report.

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district council

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enquiries@lichfielddc.gov.uk

LOCATION PLAN

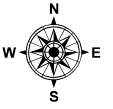
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The Old Brewery Maltings
Davidson Road

Scale: 1:1,000

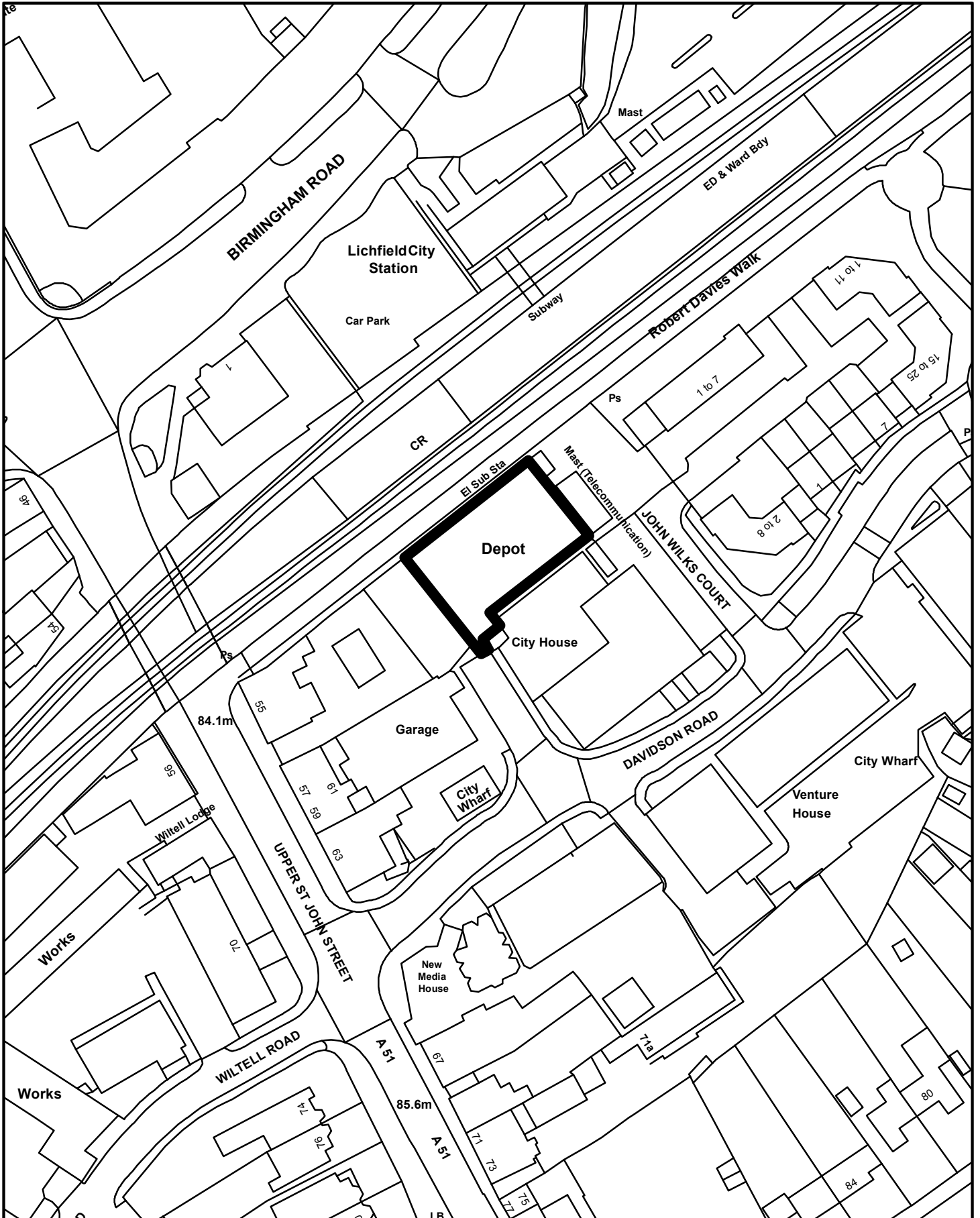
Dated: June 2017

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BLOCK PLAN

17/00097/OUT
Meehan And Welbourn Ltd
The Old Brewery Maltings
Davidson Road

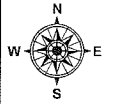
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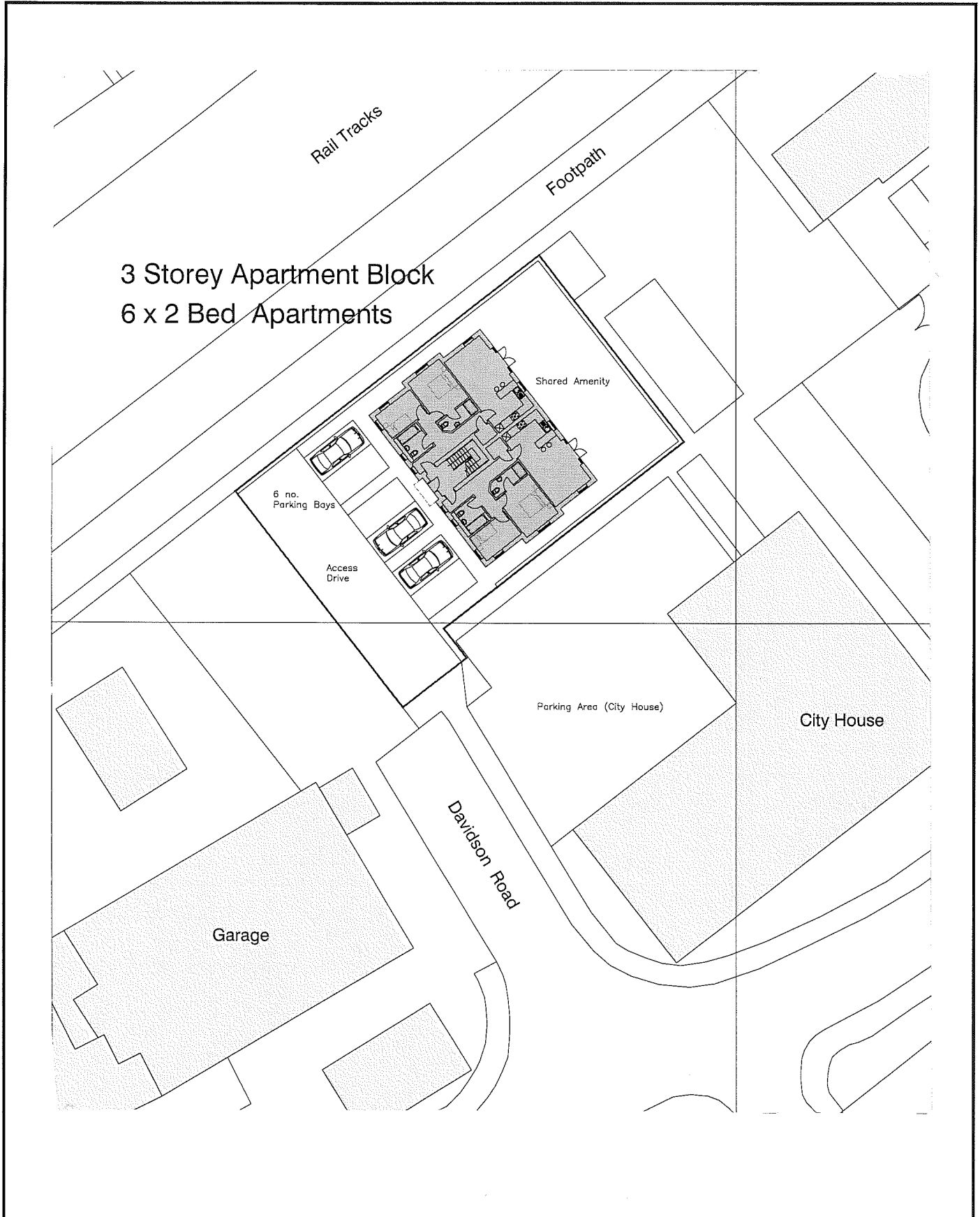
June 2017

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17/00097/OUT

**DEMOLITION OF THE EXISTING BUILDING AND ERECTION OF UP TO 6NO. APARTMENTS AND ASSOCIATED WORKS. (OUTLINE: ACCESS)
MEEHAN AND WELBOURN LTD, THE OLD BREWERY MALTINGS, DAVIDSON ROAD, LICHFIELD
FOR MRS A GREENHORN
Registered on 17/02/17**

Parish: Lichfield

Note: This application is being reported to Planning Committee due to significant objections from Lichfield City Council as the proposal relates to the demolition of an historic building; residential development in an established commercial area; and concerns regarding additional traffic.

RECOMMENDATION: approve, subject to the following conditions:

CONDITIONS:

1. The 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.

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. This is an outline planning permission and no development shall be commenced until details of the layout of the site including the siting of the building; existing and proposed ground levels and finished floor levels; the design of the building/s, including its scale and height, which shall be physically well related to and not exceed the height of the surrounding buildings; 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; site and plot boundary treatments including retaining walls and other means of enclosure; and the landscape and planting of the site shall be submitted to and approved in writing by the Local Planning Authority by way of reserved matters application.

4. Before the development hereby approved is commenced, full details of the height, type and position of all site and plot boundary walls, retaining walls, including the method of construction, fences and other means of enclosure to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details before the development is first occupied, unless otherwise agreed in writing with the Local Planning Authority.

5. Before the development hereby approved is commenced, a comprehensive environmental noise assessment, including an assessment of noise from the adjacent garage and embodying the principles contained in the Hoare Lea 'Report on Existing Noise and Vibration Climate' ref: REP 10/06605-AM-R2-Davidson Road dated 25/1/17 (or any later report approved in writing by the Local Planning Authority), shall be

submitted to and approved in writing by the Local Planning Authority. The assessment shall include details of all noise mitigation required, together with any specific ventilation requirements over and above those required by the Building Regulations. The approved mitigation and any associated ventilation shall be the subject of a validation report to be submitted to the Local Planning Authority prior to the first occupation of the residential development hereby approved and any deficiencies identified shall be rectified in full before residential occupation commences. The approved mitigation shall thereafter be maintained for the life of the development.

6. Before the development hereby approved is commenced, full details of the surface water and foul drainage system for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall thereafter be provided before the first occupation of any of the dwellings, unless otherwise agreed in writing with the Local Planning Authority.

7. Before the development hereby approved is commenced, the site shall be subjected to a detailed scheme for the investigation and recording of any contamination and a report shall be submitted to and approved in writing by the Local Planning Authority. The report shall identify any contamination on the site, the subsequent remediation works considered necessary to render the contamination harmless and the methodology used. The approved remediation scheme shall thereafter be completed in accordance with the approved details and a validation report submitted to and approved in writing by the Local Planning Authority within 1 month of the approved remediation being completed, to ensure that all contaminated land issues on the site have been adequately addressed prior to the first occupation of any part of the development.

8. Before the development, including demolition, hereby approved is commenced, a Traffic Management Plan/Construction Method Statement comprising details of site compound, 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 and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved details and timescales.

9. Before the development hereby approved is commenced, including demolition, a demolition methodology statement (including mitigation measures) shall be submitted to and approved in writing by the Local Planning Authority. The demolition methodology statement strategy shall be implemented in full throughout the demolition period.

10. Before the development hereby approved is commenced, full details of ground levels, earthworks and excavations to be carried out near to the railway boundary 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.

All other CONDITIONS to be complied with:

11. The development shall be carried out fully in accordance with the recommended compensation, methods of working and mitigation measures set out in the submitted Bat and Bird Survey, dated 26th October 2016 by S. Christopher Smith.

12. The landscape and planting scheme approved in pursuance of Condition 3 of this permission shall be implemented within eight months of the development being brought into use, unless otherwise agreed in writing by the Local Planning Authority.

13. Any tree or hedge 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.

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. 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 and of the Local Plan Strategy, Government Guidance contained in the National Planning Policy Framework and the Supplementary Planning Document: Sustainable Design.
4. To ensure the satisfactory appearance of the development, to ensure that the external appearance of the development is physically well related to its surroundings, in order to meet the requirements of Policies BE1 and Lichfield 4 of the Local Plan Strategy, Government Guidance contained in the National Planning Policy Framework and the Supplementary Planning Document: Sustainable Design.
5. To safeguard the amenity of future occupiers from undue noise and disturbance, in accordance with Policy BE1 of the emerging Local Plan, Government Guidance contained in the National Planning Policy Framework and the Supplementary Planning Document: Sustainable Design.
6. 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 in accordance with the provisions of Core Policy 3, and Policy BE1 of the Local Plan Strategy, Government Guidance contained in the National Planning Policy Framework and the Supplementary Planning Document: Sustainable Design.
7. To safeguard the amenity of future occupiers, in accordance with Policy BE1 of the emerging Local Plan, Government Guidance contained in the National Planning Policy Framework and the Supplementary Planning Document: Sustainable Design.
8. In the interests of highway safety and the users of the highway, in accordance with Policy BE1 of the Local Plan Strategy, Government Guidance contained in the National Planning Policy Framework and the Supplementary Planning Document: Sustainable Design.
9. To safeguard the adjacent railway from undue vibration and to safeguard the amenities of nearby residents, in accordance with Policy BE1 of the Local Plan Strategy, Government Guidance contained in the National Planning Policy Framework and the Supplementary Planning Document: Sustainable Design.
10. To protect the adjacent railway from accidental damage during demolition and construction, in accordance with Policy BE1 of the Local Plan Strategy, Government Guidance contained in the National Planning Policy Framework and the Supplementary Planning Document: Sustainable Design.
11. To safeguard ecological interests in accordance with the requirements of Policy NR3 of the Local Plan Strategy, Government Guidance contained in the National Planning Policy Framework and the Supplementary Planning Document: Biodiversity and Development.

12. To ensure the satisfactory appearance of the development, to ensure that the external appearance of the development is physically well related to its surroundings, in order to meet the requirements of Policies BE1 and Lichfield 4 of the Local Plan Strategy, Government Guidance contained in the National Planning Policy Framework and the Supplementary Planning Documents: Sustainable Design, and Trees, Landscaping and Development.

13. To ensure the satisfactory appearance of the development in order to meet the requirements of Policies BE1 and Lichfield 4 of the Local Plan Strategy, Government Guidance contained in the National Planning Policy Framework and the Supplementary Planning Documents: Sustainable Design, and Trees, Landscaping and Development.

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 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. The applicant's attention is drawn to the comments of the Architectural Liaison Officer in his comments dated 22nd March 2017.

5. The applicant's attention is drawn to the comments of Network Rail in their comments dated 7th June 2017.

6. The Council has sought a sustainable form of development which complies with 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 2 - Presumption in Favour of Sustainable Development
Core Policy 3 - Delivering Sustainable Development
Core Policy 5 - Sustainable Transport
Core Policy 6 - Housing Delivery
Core Policy 14 - Our Built & Historic Environment

Policy ST2 – Parking Provision
Policy H1 - A Balanced Housing Market
Policy NR3 - Biodiversity, Protected Species & their Habitats
Policy NR7 - Cannock Chase Special Area of Conservation
Policy BE1 - High Quality Development
Policy Lichfield 4 – Lichfield Housing

Saved Local Plan Policies

Emp2 – Existing Industrial Areas

Supplementary Planning Documents

Sustainable Design
Biodiversity and Development
Trees, Landscaping and Development

RELEVANT PLANNING HISTORY

None

CONSULTATIONS

Lichfield City Council – Recommends refusal. Demolition of an historic building; residential development in an established commercial area; and additional traffic (20.3.17).

Conservation and Urban Design – The principle of demolition could be acceptable as clearly this building is essentially landlocked and would be unlikely to find a new acceptable use. Any new replacement building should be of an appropriate scale and massing and design to ensure a strong boundary/building line along the side of Davidson Walk and the height not being higher than surrounding development. This application is outline only and a condition should be imposed for details within the reserved matters application (7.6.17).

Conservation and Urban Design – Concerns about the application as the proposed building is considered to be a non-designated heritage asset. Its demolition would result in the loss of a building of local architectural and historic interest and its replacement with a bland modern design dissimilar to those in the neighbouring residential area would not mitigate its loss. The applicant needs to justify the loss of the historic building and then a design of suitable quality would need to be submitted (7.4.17).

Spatial Policy and Delivery – This development of six apartments on this brownfield site within the development boundary of Lichfield is in accordance with the NPPF and the Local Plan Strategy. The proposals however are contrary to saved Local Plan Policy Emp2. The NPPF is clear that the long term protection of such sites should be avoided when there is no reasonable prospect of a site being used for employment use and this would need to be demonstrated by the applicant (29.3.17).

Ecology Team – The methodology and information within the Bat and Bird Survey is acceptable and it is unlikely that the works would have a negative impact on protected species. A condition is recommended in respect of adherence with the recommendations and methods of working detailed in the report. It is also likely that there will be a net gain in biodiversity with the provision of bat boxes (8.3.17).

Environmental Health – No objection subject to conditions in respect of the submission of details relating to contaminated land and further information in respect of noise mitigation measures to be incorporated in the proposed building due to external noise sources (12.6.17).

Staffordshire County Council (Highways) – No objections. This is an outline application only. The development would require one parking space per dwelling with one space for

every 3 dwellings for visitors. The access is narrow and there is a high level of on-street parking. However this section of road is not adopted highway (21.3.17).

Severn Trent Water – No objection subject to condition with respect to the submission of a surface water and foul drainage scheme (15.3.17).

Staffordshire Police Architectural Liaison Officer – There is a history of anti-social behaviour in this location and the applicant must have regard to the reduction of circulation of the apartment block through use of appropriate boundaries and landscaping (22.3.17).

Network Rail – No objection but recommend a number of conditions in respect of demolition, access to the railway by Network Rail; noise and vibration; piling works; risk assessment; extraction and earthworks; scaffolding; demolition methodology and an asset protection agreement (7.6.17).

LETTERS OF REPRESENTATION

1 letter of representation received from a nearby occupier whose comments are summarised as follows:

- Although unused, the building is of significance and formed part of the complex of Victorian industrial buildings clustered around the railway bridge, including The Bridge Inn and Lichfield Brewery offices.
- The Lichfield Brewery was one of the 3 principal breweries in Staffordshire and it would be regrettable if part of the City's industrial heritage was lost.
- The conversion and re-use of the building should be considered as this would allow the retention of the building and would provide apartments with some character and history.

OTHER BACKGROUND DOCUMENTS

The application is accompanied by the following supporting documents:

Planning, Design and Access Statement
Bat and Bird Survey
Report on Existing Noise and Vibration Climate
Additional Supporting Information (May 2017)

OBSERVATIONS

Site and Location

The application site comprises a disused building of 2 and a half storeys in height on an area of land amounting to 0.6 hectares. The last use of the building was a builder's yard. To the north/north-west is the Lichfield Cross City railway line; to the north-east is residential development; to the south-east are modern offices; and to the south-west are mixed commercial uses. Between the railway and the site is a footpath leading from the residential dwellings in the north-east to Upper St John Street.

Proposal

The application relates to the demolition of the existing building and the erection of up to 6 no. apartments and associated works. The application is in outline with access only to be considered in conjunction with the principle of development. All other matters are reserved although the applicant has submitted indicative plans in respect to the elevations and floor plans.

Determining Issues

1. Policy and Principle of Development
2. Heritage
3. Design and Layout
4. Impact on Residential Amenity
5. Highways Issues
6. Other Matters
7. 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. However the site lies within the Cannock Chase SAC and paragraph 119 states that the presumption in favour of sustainable development does not apply where the development requiring appropriate assessment under the Birds and Habitats Directive is being considered, planned or determined, it is necessary therefore for the development to demonstrate that the integrity of the Cannock Chase SAC will not be adversely affected.

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.

1.4 The application site lies within an existing employment site. Saved Policy Emp2 restricts development within these areas to B1, B2 and B8 uses unless it is demonstrated that any proposed use falling outside these use classes will not detrimentally affect the employment area. Paragraph 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for

employment use when there is no reasonable prospect of a site being used for that purpose.

- 1.5 Core Policies 1 and 6 of the Local Plan Strategy seeks to locate new growth in sustainable settlements and identifies 5 key rural settlements to accommodate growth. Lichfield is identified as one of these settlements and the principle of housing is therefore acceptable.
- 1.6 As set out above, the development would be contrary to Saved Policy Emp2. The site has benefitted from long term protection for employment use under this policy. The application is supported by a letter from Burley Browne, Chartered Surveyors who state that the general condition of the fabric of the building is poor and is arranged over two floors. With no parking or loading and access provision the layout of the site and the building is not considered to be attractive to commercial purchasers or renters. They further state that the immediate area appears to be turning to residential rather than industrial/commercial given the significant residential development to the north-east of the site. Having regard to paragraph 22, it appears that there is no reasonable prospect of the site being used for employment uses.
- 1.7 The applicant also sets out that employment designation has not precluded residential development directly to the north-east of the application site. Whilst each application is assessed on its own merits it is considered that residential development in this location would be acceptable in principle.
- 1.8 Given the above, it is considered that the development complies with the Local Plan Spatial Strategy and the NPPF, subject to meeting other policy requirements.

2. Heritage

- 2.1 Although the building is not a Listed Building, it does have some historic merit and the Council's Conservation Officer originally raised concerns as the planning statement makes little reference to the existing building and the nearby historic buildings. The building can be considered to be a non-designated heritage asset and its demolition would result in the loss of a building of local architectural and historic interest and its replacement with a modern design similar to those on neighbouring residential areas. The applicant therefore needs to adequately justify the loss of the historic building. If this is justified a design of suitable quality would be submitted as part of the mitigation for the loss of historic building.
- 2.2 The applicant has stated that as the building is not listed, it could be demolished at any time, subject to the requirements of the prior notification procedure. The applicant further states that the building is vacant and has little prospect of being put to a beneficial use. Any alternative use would require some, if not all, of the building to be demolished to provide a building which would provide modern standards of amenity and facilities.
- 2.3 The applicant further notes that, with the exception of buildings fronting Upper St John Street, the remainder of the former City Wharf site at Davidson Road has been developed for a mix of commercial and residential uses and are of modern designs. Any replacement building would not harm the character and appearance of the area and would be in keeping with the more modern adjacent developments.
- 2.4 The applicant has submitted further evidence from their Chartered Surveyor who have made it clear that the property with limited access and no parking would not produce a purchaser or a tenant as figures that would be economically viable.
- 2.5 In response the Council's Conservation Officer has stated that the principle of demolition could be acceptable as the building is essentially landlocked and would be

unlikely to find a new acceptable use. However it is recommended that any replacement should be of appropriate scale, massing and design and not be higher than surrounding development in order to maintain a strong boundary/building line along the side of Davidson Walk to the north/north-west.

2.6 As the application is in outline only at this stage, a condition is recommended regarding the submission of full details at reserved matters stage in respect to scale, design and height.

2.7 In conclusion therefore, whilst the loss of the historic building is regrettable evidence has been submitted which states that the existing building would be unlikely to find a new acceptable use. It is therefore considered, subject to condition, that the proposed development is acceptable and accords with Local and National Planning Policy.

3. Design and Layout

3.1 The submitted layout and elevation plans are indicative only and not for consideration as part of this outline application. The applicant anticipates that the apartments would be accommodated within a three storey building that is likely to have an eaves height of 8 metres and a ridge height of 11 metres. Further the applicant anticipates that materials will be similar to the nearby residential dwellings in a mixture of brick and render with pitched tiled roof. Whilst these matters will be the subject of a reserved matters application, concerns are raised in respect to the height as nearby buildings are typically 7.5m to 8m in height rising to 10.3m at the far north-western end of the adjacent development. Further, 55 Upper St John Street which lies to the west of the application site is only a 2 storey building. With the land rising slightly from west to east it is considered that a 3 storey building of the height proposed by the applicant would appear out of keeping with the buildings to the north-east and west. In addition the indicative design presents a bland and monolithic appearance of significant scale and massing which would not be well related to its surroundings.

3.2 It is therefore considered appropriate to include a condition which requires the building's scale, height and design to be physically well related to adjacent buildings in order to meet the requirements of the NPPF and Development Plan policies.

4. Impact on Residential Amenity

4.1 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.

4.2 The site is located in an area adjacent to residential and commercial premises and also to the Lichfield Cross City railway line and train station. There is therefore potential for adjacent uses to have an impact on the amenity of future residents. The applicant has submitted a noise assessment which has been considered by the Council's Environmental Health Team, who raise no objection subject to a condition in respect to the submission of a comprehensive environmental noise assessment embodying the principles set out in the submitted noise assessment.

4.3 Given the previous uses of the land it is considered necessary to recommend a condition relating to the submission of a detailed scheme for the investigation and recording of any contamination on the site and, if any is found, the details for any

remediation works that may be required. This is to ensure the long term health and safety of future residents.

- 4.4 With respect to the adjacent uses, which are primarily B1, it is considered that there would not be a detrimental impact on the amenity of future occupiers. In respect of the nearest residential occupiers, the nearest apartment block will be 26m from the rear elevation of the proposed block as shown on the indicative plan and it is considered that there would not be any harm to existing nearby occupiers. In addition there will be shared amenity space to the rear of the proposed building for the use of the future occupiers.
- 4.5 Given the above, it is considered that the residential amenity of existing occupiers will not be harmed and, subject to conditions, that the amenity of future occupiers can be secured. As such the development would accord with the NPPF and Development Plan Policies in this regard.

5. Highways Issues

- 5.1 Staffordshire Council has no objection to the development as the access is not secured from adopted highway. They have noted that there are only 6 no. parking spaces provided when the Council's requirements as set out in the SPD: Sustainable Design require 1 space per flat and 1 space for every 3 flats for visitor parking. The normal requirement would be 8 no. spaces.
- 5.2 However, the site is located in a highly sustainable location close to facilities such as shops, restaurants, etc. and within walking distance of the railway station and bus station. For this reason it is considered that the proposed parking will be adequate in this instance.
- 5.3 Lichfield City Council has raised concern about the extra traffic. However the development proposes only 6 units of accommodation with parking within the site boundary. I am mindful that if the building were to be refurbished and used for commercial uses, such a use would be likely to be more intensive with potentially significant numbers of staff coming and going and, with no parking facilities, with the likelihood of on-street parking causing disruption to nearby business and residents.
- 5.4 It is considered that the addition of 6 no. vehicles would be unlikely to have a significant detrimental impact on highway safety as it is noted that there is a traffic light control at the junction of Davidson Road and Upper St John Street.
- 5.5 Further, as set out above, the site is constrained and Staffordshire County Council has advised that it may be appropriate for the Local Planning Authority to require the submission and approval of a Construction Method Statement, which should include demolition works. The statement should include details of a site compound, parking for site operatives and visitors, loading and unloading of plant and materials, storage of plant and materials, wheel wash facilities and the duration of the works. This is to ensure that adequate facilities are provided as surrounding roads are either residential or have double yellow lines.
- 5.6 Given the above it is therefore considered that the proposal accords with the NPPF and Development Plan policies.

6. Other Matters

- 6.1 In respect to protected species, the Council's Ecology Officer is satisfied that it is unlikely there will be any harm to protected species. In addition, the incorporation of bat boxes/tiles in the proposed building is likely to lead to an improvement in biodiversity in this location. Whilst the site lies within the 15km zone of Cannock

Chase SAC, there is no requirement for contributions in this instance as the site lies outside the 8km limit.

- 6.2 The site lies directly adjacent the Cross City railway line and Lichfield City Station. Works during demolition and construction have the potential to have an impact on the safe functioning of the railway. Network Rail has recommended conditions to ensure that no works are likely to cause a problem for the operation of the railway service. For this reason it is appropriate to recommend conditions relating to submission of a demolition methodology and full details of ground levels, earthworks and excavations to be carried out near to the railway boundary. In addition, other comments raised by Network Rail in relation to their right of access, piling works Risk Assessment and Method Statement for works within 10m of the railway, scaffolding positions and an Asset Protection Agreement between Network Rail and the Developer will be brought to the attention of the applicant under Notes to Applicant as they are outside the scope of planning conditions.
- 6.3 In respect to drainage, Severn Trent has no objection to the proposal subject to a condition regarding the submission of full drainage details.
- 6.4 The Architectural Liaison Officer notes that there are problems of anti-social behaviour in the locality and the applicant should ensure high standards of security. A note to applicant is therefore recommended to draw their attention to the comments of the Architectural Liaison Officer.
- 6.5 As the development relates to the provision of a new building for up to 6 no. apartments there is no requirement for any S106 Agreement and, apartments do not fall within the requirement for financial contributions under CIL.

7. Human Rights

- 7.1 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 facilities. Socially, the proposal is sited ensuring no impact upon existing residents, whilst suitable conditions can secure the amenity of future residents within the site. In addition the scale of development is broadly compliant with the requirements of the Council's Local Plan Strategy.

Whilst the loss of an historic building is regrettable, environmentally the site would benefit from an improved layout and the character and appearance of the area, subject to conditions, would be enhanced with a building that provides increased openness and links the more modern development to the north-east with the historic development to the north-west. It is considered that adequate open space will be provided on site to meet the needs of the future residents.

It is considered that there will be no harm to highway safety and the development can be provided with adequate parking. There will be no detrimental impact on protected species and there will be a net gain in biodiversity. Subject to condition there will be no detrimental impact on residential amenity or drainage.

It is therefore considered that the principle of residential development is acceptable and that no other material planning considerations exist to warrant the refusal of the planning application. Thus, subject to conditions the principle of development is acceptable, and accordingly, the recommendation is one of approval.

Lichfield
district council

www.lichfielddc.gov.uk

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WS13 6YY

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LOCATION PLAN

16/01011/FULM

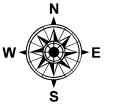
Land Adjacent To Chase Terrace
Primary School Rugeley Road
Chase Terrace Burntwood

Scale:
1:1,250

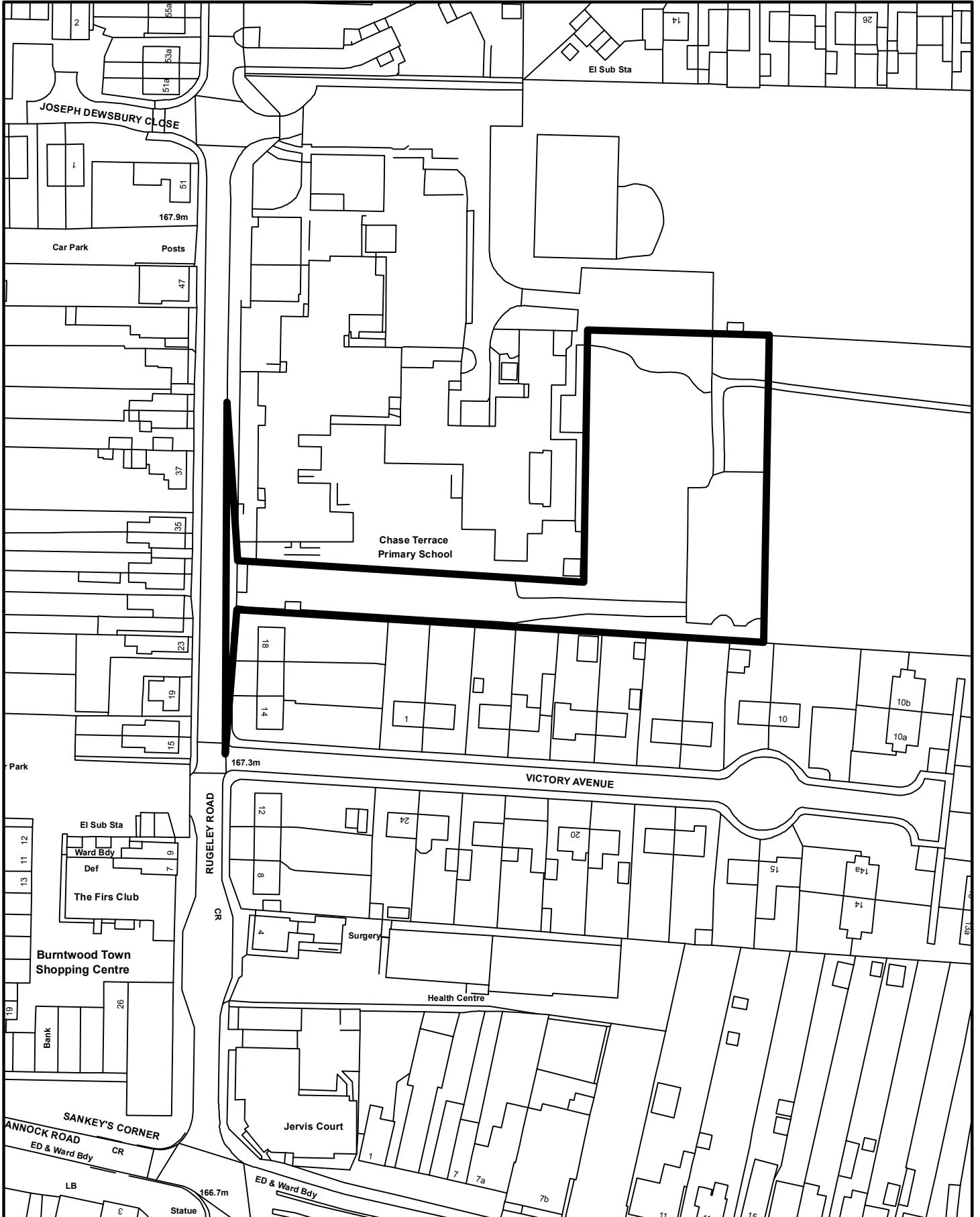
Dated:
April 2017

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Drawing No:



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16/01011/FULM

RESIDENTIAL DEVELOPMENT OF TWELVE DWELLINGS FEATURING 3 & 4 BEDROOM UNITS AND ASSOCIATED WORKS LAND ADJACENT TO CHASE TERRACE PRIMARY SCHOOL, RUGELEY ROAD, CHASE TERRACE, BURNTWOOD FOR CARLEN DESIGN AND BUILD LTD

Registered 08/09/16

Parish: Burntwood

Note 1: This application was previously on the Planning Committee agenda on the 10 April 2017, but withdrawn from the agenda. The report remains unchanged.

Note 2: This application is being reported to the Planning Committee due to significant planning objections raised by Burntwood Town Council, as they consider that the proposal by virtue of its design and massing would be highly over intensive. They also consider that the development would have access/egress problems near a very busy junction.

RECOMMENDATION: 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, 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.

4 Before the development hereby approved is commenced, a detailed landscape and planting scheme 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.

5 Before the development hereby approved is commenced, details of the height, type and position of all site and plot boundary walls, retaining walls, fences and other means of enclosure to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details before the development is first occupied, unless otherwise agreed in writing with the Local Planning Authority.

6 Before the development hereby approved is commenced a detailed scheme for the investigation and recording of any contamination of the site and a report shall be submitted to and approved in writing by the Local Planning Authority. The report shall identify any contamination on the site, the subsequent remediation works considered necessary to render the contamination harmless and the methodology used. The approved remediation scheme shall thereafter be completed and a validation report submitted to and approved in

writing by the Local Planning Authority within 1 month of the approved remediation being completed, to ensure that all contaminated land issues on the site have been adequately addressed prior to the first occupation of any part of the development, unless otherwise agreed in writing by the Local Planning Authority.

7 Before the development hereby approved is commenced, a scheme of noise attenuation measures to reduce the effects of noise between the dwellings hereby approved and the adjacent school, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of noise attenuation measures shall thereafter be installed prior to first occupation of the dwellings and shall thereafter be retained as such for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

8 Notwithstanding any details shown on the approved plans and before the development hereby approved is commenced revised details indicating the following shall be submitted to and approved in writing by the Local Planning Authority:

- i. Site access formed through a dropped crossing;
- ii. Provision of a revised pedestrian access along Rugeley Road adjacent to the school and the removal of redundant pedestrian crossing;
- iii. Replacement of the existing guard rail along the frontage of the school to Visi Rail;

The development shall thereafter be carried out in accordance with the approved details and be completed prior to first occupation and shall thereafter be retained as such for the lifetime of the development.

9 Before the development hereby approved is commenced, a Construction Environment Management Plan and a Habitat Management Plan detailing on-site future habitat creation works shall be submitted to and approved in writing by the Local Planning Authority and shall include the following information:

- i. Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulfur)
- ii. Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilized for habitat creation.
- iii. Details of both species composition and abundance (% within seed mix etc...) where planting is to occur.
- iv. Proposed management prescriptions for all habitats for a period of no less than 25years.
- v. Assurances of achievability.
- vi. Timetable of delivery for all habitats.
- vii. A timetable of future ecological monitoring to insure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary.

The approved scheme of on-site habitat creation works shall thereafter be implemented prior to first occupation of the dwellings and shall thereafter be retained as such for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

10. Before the development hereby approved is commenced, an aboricultural method statement, to include a timeframe for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved aboricultural method statement shall thereafter be implemented in accordance with the approved timeframe, unless otherwise agreed in writing by the Local Planning Authority

11. Before the development hereby approved is commenced, full details for the disposal of surface water and foul drainage 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 before first occupation.

All other CONDITIONS to be complied with:

12. The development hereby approved shall not be brought into use until the parking and turning areas have been provided in accordance with Drawing No. 02 Revision B and shall thereafter be retained as such for the lifetime of the development.

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 Policy Framework.

3 To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy

4 In the interests of the appearance of the area and in accordance with the requirements of Policies NR4 and BE1 of the Local Plan Strategy and the Trees, Landscape & Development SPD.

5 To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy.

6 To prevent the risk of exposure of future residents to contamination resulting from the nature of the previous land use, in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the requirements of the NPPF.

7 To protect the amenity of future residents in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the requirements of the NPPF.

8 In the interests of highway safety, in accordance with the requirements of Government Guidance contained in the National Planning Policy Framework and Policies BE1 and ST2 of the Local Plan Strategy.

9 In order to safeguard the ecological interests of the site, in accordance with the Government guidance contained in the National Planning Policy Guidance and Core Policies 3 and 13, and Policy NR3 of the Local Plan Strategy and the Biodiversity and Development SPD.

10 To ensure the satisfactory appearance of the development in accordance with the requirements of Policies BE1 & NR4 of the Local Plan Strategy and Trees, Landscaping & Development SPD.

11 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 and Government Guidance contained in the National Planning Policy Framework.

12 In the interests of highway safety, in accordance with the requirements of Government Guidance contained in the National Planning Policy Framework and Policies BE1 and ST2 of the Local Plan Strategy.

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 The Council has sought a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

5 Condition 8 above relates to off-site highway works which requires a Major Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a further link to a Major Works Information Pack and an application form for the Major Works Agreement. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Tipping Street, STAFFORD, Staffordshire ST16 2DH. (or email to nmu@staffordshire.gov.uk)
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

6. The applicant's attention is drawn to the letter from the Police Architectural Liaison Officer dated 14 September 2016.

7. The applicant's attention is drawn to the comments of the Joint Waste Services Manager dated 13 September 2016.

PLANNING POLICY

National Planning Policy

National Planning Policy Framework
National Planning Policy Guidance

Local Plan Strategy

Core Policy 2 – Presumption in Favour of Sustainable Development
Core Policy 3 – Delivering Sustainable Development
Core Policy 5 – Sustainable Transport
Core Policy 6 – Housing Delivery
Core Policy 13 – Our Natural Resources
Policy ST1 – Sustainable Travel
Policy ST2 – Parking Provision
Policy BE1 – High Quality Development
Policy NR3 – Biodiversity, Protected Species & Their Habitats

Policy NR4 – Trees, Woodland & Hedgerows
Policy NR7 – Cannock Chase Special Area of Conservation
Burntwood 1 – Burntwood Environment
Burntwood 4 – Burntwood Housing

Supplementary Planning Document

Sustainable Design
Trees, Landscaping & Development
Rural Development
Biodiversity and Development

RELEVANT PLANNING HISTORY

There have been several applications for the adjacent school but none on this particular site.

CONSULTATIONS

Burntwood Town Council – Object on the following grounds: The proposed development by virtue of its design and massing would be highly over intensive; and the development would have access/egress problems near a very busy junction. (10/3/17).

Burntwood Town Council – Object on the following grounds: The proposed development by virtue of its design and massing would be highly over intensive; and the development would have access/egress problems near a very busy junction. (22/09/16).

Staffordshire County Highways – No objections, subject to conditions relating to the provision of revised access arrangements, parking and turning areas in accordance with Drawing No. RHH/14; that both access drives be surfaced and thereafter maintained in a bound material; and that both access driveways shall remain un gated. (06/03/17)

Staffordshire County Highways – No objections, subject to conditions relating to the provision of revised access arrangements, parking and turning areas in accordance with Drawing No. RHH/14; that both access drives be surfaced and thereafter maintained in a bound material; replacement of railings and that both access driveways shall remain un gated. (23/01/17)

Environmental Health Officer – Concern has been raised with an adjacent noise source caused by the primary school who have the potential to cause noise disturbance. The design and planning statement mentions an acoustic barrier so noise has been identified as being a potential issue in this development. However please apply the standard noise condition. The proposed development is also 154 metres from a historical landfill site, therefore please attach the contaminated land condition. (16/09/16).

Ecology Officer - The Ecology Team recommends that a new species rich, neutral grassland (i.e. wildflower grassland) be created upon the landscaped area which runs in parallel and South of the sites proposed access road. The creation and subsequent good managed of this habitat in this location will work to reduce the proposed developments negative impact on Biodiversity whilst being aesthetically pleasing and simple and inexpensive to maintain.

Once the above recommended is incorporated into the development scheme it is considered likely that a net-gain to biodiversity value shall be achieved. Such a net gain to biodiversity should be looked upon favourably and afforded appropriate weighting upon determination of the application as per the guidance of paragraph 118 of the NPPF 2012.

Submission of CEMP and HMP - The applicant will need to submit to the LPA a Construction Environment Management Plan (CEMP) and a Habitat Management Plan (HMP) detailing, in full, the future habitat creation works (and sustained good management thereof). (02/03/17)

Ecology Officer– The submitted Protected Species Survey Report (ref 045/16) is considered sub-standard by the Ecology Team in that: it fails to recognise a number of local statutory designated sites; it does not appear to follow nationally recognised survey guidelines/methods; does not contain a Phase 1 Habitat Survey Map (recognisable under the guidelines within the JNCC Handbook for Phase 1 habitat survey 2010); and does not contain a quantitative assessment of the sites biodiversity value which was detailed as being required by the LPA within the Ecology Teams previous comments dated 30/9/2016.

Local designated sites - The Survey Report states that a desk study was undertaken to “locate any national and local nature conservation designations” (see section 3.1, pg 3). However the report fails to notice the proposed developments proximity to Cannock Chase SAC (approx. 4.6km North West), Chasewater Heaths and South Staffordshire Coalfields SSSI (approx. 1.5km West of site) and Gentleshaw Common SSSI (approx. 1.3km North).

The Ecology Team considers it unlikely (due to the applications scale and location) that the proposed development would be able to negatively impact upon both Chasewater Heaths and South Staffordshire Coalfields SSSI and Gentleshaw Common SSSI (directly, indirectly or in combination). However, as the proposed development lies within the 0-8km zone of influence for impacting upon Cannock Chase SAC a financial contribution towards the Strategic Access Management Measures (SAMMs) is required from this development at a rate specified within the adopted Cannock Chase SAC Guidance to Mitigate the Impact of new Residential Development (i.e. £178.60 per dwelling).

Protected and priority species - Despite the survey report lacking in any detailed description of survey methods (as regards assessment for presence/likely absence of protected and priority species) the Ecology Team dose agree (base upon information obtained during a previous site assessment) that it can now be considered unlikely that the proposed works would negatively impacting upon a European Protected Species (EPS) in a manner as defined as an offence under the Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2010); or upon a protected or priority species or habitat, as defined by the Wildlife and Countryside Act 1981 (as amended 2010); The Protection of Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006).

The LPA is therefore in a position to demonstrate compliance with regulation 9(5) of the Habitat Regs. 1994 (as amended 2010), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species. (25/11/16)

Sport England – The proposed development affects only land incapable of forming or forming part of, a playing pitch, and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site. This being the case, Sport England **does not wish to raise an objection** to this application. (26/09/16)

Joint Waste Services Manager – General requirements in relation to waste management are detailed but in particular please note that unless indemnified to do so we do not take our vehicles onto private roads/drives, if this is not in place bins would need to be brought up to the edge of the adopted highway for collection which in this instance would be Rugeley Road and returned as soon as possible after emptying. Given the number of properties in this development, bringing the bins up would cause a significant nuisance and therefore an indemnity or adopted access road would be the better option. (14/09/16)

SCC School Organisation Team – The development falls within the catchments of Chase Terrace Primary School and Chase Terrace Technology College. The development is scheduled to provide 12 houses. A development of this size could add 3 Primary School aged pupils and 2 High School pupils. All schools are projected to have sufficient space to accommodate the likely demand from pupils generated by the development. (05/10/17)

Architectural Liaison Officer – Previous comments apply. (22/3/17).

Architectural Liaison Officer – No objections but guidance and recommendations aimed at reducing opportunities for crime and ensuring that high level of physical security are detailed. (16/09/16).

Arboricultural Officer - No objection. The applicant to provide the details of the existing trees on site and how and why they are to be removed/retained as a condition. (16/03/17)

Severn Trent Water – No objections subject to the submission of drainage plans for foul and surface water. (14/3/17)

LETTERS OF REPRESENTATION

Three letters of representation have been received from nearby residents that raise the following points:

- Highways. The traffic is already congested on this part of the road at morning and evening peak times. The site will create extra traffic on this busy road next to a school.
- The development will lead to further problems of parking in the area.
- We back on to the site and the development will lead to a loss of privacy and amenity.

OTHER BACKGROUND DOCUMENTS

Planning Statement
Design and Access Statement

OBSERVATIONS

Site and Location

The application site is located on the east side of Rugeley Road adjacent to the southern boundary of Chase Terrace School. There is an existing point of access between the school and 18 Rugeley Avenue. The application site is an elongated strip of land that runs back from Rugeley Road along the rear of the properties to Victory Avenue which then wraps around the rear of the school.

The site is within an established residential area close to the centre of Burntwood – the junction with Cannock Road (Sankey's Corner) is approximately 140m to the south. The site is overgrown with mature trees on the boundaries and self-set trees and shrubs within. The site is bordered to the north and west by the school buildings, to the north and east by open fields and to the south by the gardens to residential properties on Victory Avenue.

Proposals

Permission is sought for 12 residential properties on the land to the rear of the school. The elongated access road off Rugeley Road will be the dedicated point of access for the development with enhanced landscaping along the perimeter space. There would be no development within the access 'corridor'.

Plot 1 proposes a two-storey detached four bed dwelling sited on the southwest corner of the rear part of the site directly adjacent to the access point to that part of the site. The plot would have a footprint of 8.00m x 9.00m with a projecting bay of 0.60m x 4.80m, a height to eaves of 4.90m and ridge of 8.00m. It would have an integral garage and parking for two cars parked side by side on the front drive. The plot would have a rear garden measuring 12.00m x 12.50m.

The remainder of the development is in two groups. Plots 2 to 7 inclusively would run along the northern boundary. Each plot would have a footprint of 5.00m x 9.20m with a height to eaves of 5.00m and ridge of 7.50m. The plots would be three bed dwellings grouped in pairs linked with garage blocks serving each attached dwelling. Single detached garages would be sited at the east and west ends of the turning head to provide garaging for plots 2 and 7.

Plots 8 to 12 would run along the eastern boundary. The 3 bed dwellings would have a footprint of 5.40m x 9.20m with a height to eaves of 5.20m and ridge of 7.50m. Plots 8 and 9 would form a pair of semi-detached dwellings with linked garages to the remaining detached plots.

The external details take their reference from the nearby mix of existing dwellings. The local vernacular has been adopted and integrated into the scheme with the use of some effect window sills and lintels, small doorway canopies to the front doors and feature detailing around the eaves of the building. The external materials are to be agreed but the applicant suggests Forticrete Gemini Slate Grey, Ibstock Ivanhoe Katrina Multi bricks and white UPVC doors and windows.

Determining Issues

1. Policy & Principle of Development
2. Residential Amenity
3. Access and Highway Safety.
4. Design
5. Other Issues
6. Human Rights

1. Policy & Principle of Development

- 1.1 The site lies within the sustainable settlement of Burntwood. The principle of development within existing settlements is supported by the NPPF, although the NPPF sets out that Local Authorities should consider setting out policies which resist inappropriate development of residential gardens where development could cause harm to the local area. The application
- 1.2 This opinion is supported by Core Policy 2 of the Local Plan Strategy. The NPPF advises local authorities to approve development proposals that accord with the development plan without delay. Where development plan policies are out of date, the NPPF advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 1.3 Policy BE1 of the Local Plan Strategy requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views.
- 1.4 Core Policy 6: Housing Delivery, also states that residential development will be permitted within the smaller rural settlements where it is within defined settlement boundaries; affordable housing delivered through rural exceptions; or small scale development supported by local communities.
- 1.5 The principle of the residential re-development of this site is largely accepted subject to other policies being satisfied. The principle issues are therefore, having regard to the constraints of the site, whether the proposal would impact upon residential amenity both for existing neighbours and future occupiers, highway safety and design.

2. Residential Amenity

- 2.1 The application site is accessed via an existing access off Rugeley Road. The proposed site access would then run between the strip of land between the school and the rear of residential properties on Victory Avenue. The proposed housing development sits to the rear of the school and the playing fields. The rear gardens to 7, 8, 9 and 10 Victory Avenue back on to the proposed residential development. Number 9 and 10 are set back from 7 and 8 such that they are the closest to the site at 14.40m from the rear of these properties to the rear boundary. Plot 12 would be sited on the opposite side of the boundary with a single storey garage to the side. The shortest distance from the nearest property (number 9) to the two-storey element of plot 12 is 19.80m. The layout of plot 12 is such that it is the side elevation faces the southern boundary with small window to a downstairs WC and a small window to the stairwell on the first floor, both of which are to be obscure glazed. The remaining plots 2 to 6 are sited along the rear (northern boundary) to the school field with plot 1 sited at the north side of the access point when it reaches the development site to the rear.
- 2.2 As such, it is not considered that the proposed development and the use of the site access road would impact on the amenity of neighbouring residents due to the distances from the rear of the properties, the width of the access way itself and the use associated with the proposed housing development to the rear of the application site.
- 2.3 The Sustainable Design SPD supports the policies set in the Lichfield District Local Plan Strategy and list the relevant policies on page four, the most relevant for these purposes being CP14 and BE1. In relation to the development to the rear of the site it is considered that the proposal would satisfy the space about dwellings and the BRE sunlight and daylight guidance cross referenced in the same SPD.
- 2.4 The concerns from the neighbours of the adjacent property to the front of the site are noted but it is considered that the development would not lead to a loss of amenity or privacy due to the distances between the existing and proposed development and the layout of the proposed dwellings.
- 2.5 Accordingly, it is considered that acceptable standards of living would be maintained for residents in the adjacent dwellings and future residents of the dwellings hereby proposed. The development would comply with the Development Plan and NPPF in this regard.

3. Access and Highway Safety

- 3.1 Access for both vehicles and pedestrians to the site would be via the existing side access that separates the school and the rear of the properties on Victory Road, from Rugeley Road to south of the development site. Following initial concerns by the Highways Authority the applicant undertook a road safety audit to clarify the suitability of the access for the entry and egress for the 12 houses proposed. Following the successful conclusion of this audit the associated visibility splays for the access were plotted and included within the planning application red line boundary. The site area now includes the existing railings on Rugeley Road that are in position outside the adjacent school.
- 3.2 Consequently Staffordshire County Council Highways has no objections from a highway safety aspect, subject to the recommendation of conditions that require those railings that are within the visibility splay to be changed to new safety railings, details of which are to be agreed and that these should be installed prior to first occupation of the dwellings. As the stated visibility splay and provision of new safety railings now falls within the planning application red line it is considered that there is an effective tool to ensure that this essential element of the proposal is implemented.

It is up to the applicant to ensure that the necessary arrangements are made with the owners of the highway land to ensure compliance with the stated conditions. If these important conditions cannot be met, then the development itself cannot be legally implemented.

3.3 Whilst the comments from objectors and Burntwood Town Council in relation to highway matters are noted, it is not considered that a refusal reason based on highway safety grounds could be substantiated.

3.4 Notwithstanding this, subject to conditions, it is considered that the proposed access and parking arrangements are acceptable and that there would be no undue harm caused to highway safety. As such, I consider that the development would accord with Policies ST1, ST2 and BE1 of the Local Plan Strategy and the NPPF in this regard.

4. Design

4.1 Policy BE1 of the Local Plan Strategy requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, scale design and public views.

4.2 Part 7 of the NPPF attaches great importance on good design and seeks to promote development which is appropriate in terms of overall scale, massing, height, landscaping, layout, materials and access in relation to neighbouring buildings and the local area more generally. It further states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Policy BE1 of the Local Plan Strategy requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, scale design and public views. The decision not to site dwellings along the internal site access and the layout of development to the rear of the site is considered appropriate. The design of the dwellings takes its influence from the surrounding residential development. The design is modern and modest in form with some detail that takes its influence from the older properties on Rugeley Road e.g. cill and eaves details. The proposed design and materials are considered acceptable and respect the character of the area and adjacent buildings. Accordingly, I am satisfied that there would be no harm to the surrounding area.

4.3 To this end, it is considered that subject to conditions, the design and overall appearance of the property would be more than acceptable and accords with the requirements of the Development Plan and NPPF in this regard.

5. Other Issues

5.1 Community Infrastructure Levy (CIL). The Council has introduced a CIL charging schedule which came into effect on 13th June 2016, and adopted a new Developer Contributions Supplementary Planning Document (adopted 17th May 2016). This site is within the higher charging area as defined in the SPD and as such a CIL payment levy of £55 per sqm for market housing is required. The CIL payment is likely to be around £4,250 but this calculation is based on the external footprint so when the final internal floor space is calculated the final fee could be different.

5.2 Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within a 15km radius of the Cannock Chase Special Area of Conservation will be deemed to have an adverse impact on the SAC unless or until satisfactory avoidance and/or mitigation measures have been secured. The Council has adopted 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. As the proposal lies within the 8 kilometre buffer of the

Cannock Chase Special Area of Conservation, a financial contribution is payable and this would form part of the CIL. The applicant has submitted a Unilateral Undertaking but for the reasons given there is no need for this to be completed as part of this application and as such it does not form part of the decision.

- 5.3 Ecology. Developments resulting in a net-loss to biodiversity value are in conflict with the guidance of paragraphs 9, 109 and the requirements of paragraph 118 of the NPPF 2012, requiring the LPA to refuse permission where these instances occur. Furthermore under policy NR3 of the Lichfield District Local Plan all development is required to deliver a measurable net gain to biodiversity value; the minimum level of that net-gain being set at 20% the value of any biodiversity units lost (please see para 6.33 of the Biodiversity and Development SPD). As such the developer should deliver (either onsite or via a biodiversity offsetting scheme) new habitat within the district with a minimum total value no less than 1.08BU (Biodiversity Unit), a value 0.49BU greater than the development can currently achieve (even post the inclusion of additional habitat creation). Negotiations have been undertaken with the agent and agreement has been reached to provide biodiversity offset on site, along the site access route in accordance with the requirements stated above. As such with the incorporation of the recommended conditions the proposal satisfies the requirements of the Development Plan and the NPPF in this respect.
- 5.4 Trees and Landscaping. There are no objections from the Arboricultural Officer subject to the addition of a condition requiring further assessment of the mature trees in the southwest corner of the site and the provision of an appropriate landscaping scheme. Accordingly, subject to conditions, tree and landscaping arrangements are acceptable. As such, it is considered that the development would accord with Policies NR3 and NR4 of the Local Plan Strategy and the NPPF in this regard.

6. Human Rights

- 6.1 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 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 and national planning policy.

Conclusion

The principle of residential development on this site lying within the sustainable settlement of Burntwood is considered to be acceptable. Furthermore, it is considered that the applicants have submitted a suitable scheme which meets with the requirements of the relevant development plan policies and that the development would not have an adverse impact upon the character or appearance of the surrounding area, nor materially affect the amenity of neighbouring residents or prejudice highway safety, existing trees or ecology. Accordingly, approval of the application is recommended, subject to conditions as set out above.

Lichfield
district council

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LOCATION PLAN

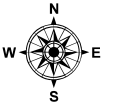
17/00332/FUL
Freedom Bootcamps
The Plant Plot
Stafford Road

Scale:
1:2,500

Dated:
June 2017

Drawn By:

Drawing No:



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17/00332/FUL

VARIATION OF CONDITION NOS 2 & 4 OF APPLICATION 14/00918/FUL RELATING TO OPENING TIMES, PARTICIPANTS AND USE OF MICROPHONES. FREEDOM BOOTCAMPS, THE PLANT PLOT, STAFFORD ROAD, LICHFIELD. FOR FREEDOM BOOTCAMPS.

Registered: 07/03/17

Parish: Farewell and Chorley

Note: This application is being reported to the Planning Committee due to significant planning objections raised by Farewell and Chorley Parish Council, as they consider that the business has a detrimental effect on local residents. They consider the increase in the number of participants from 15 to 20 to be unacceptable due to noise and disturbance for local residents.

RECOMMENDATION: 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 and the approved lighting scheme approved as part of Planning permission 14/00918/FUL on the 18 March 2017, except insofar as may be otherwise required by other conditions to which this permission is subject
- 3 The use hereby approved shall only take place at the following times:
 - Mondays to Friday between 06:15hrs – 06:45hrs and between 08:00hrs – 21:00hrs,
 - Saturdays between 08:00hrs – 18:30hrs
 - No opening on Sundays.
 - Only one activity session shall take place at any one time, and each activity session shall be limited to a maximum time of 30 minutes and to no more than 20 participants.
 - Notwithstanding the above, between the hours of 10:30hrs – 17:00hrs Mondays to Saturdays the use shall be restricted to one-on-one sessions only, with no group sessions held between these hours
- 4 There shall be no music (amplified or otherwise) played at any time whatsoever.
- 5 There shall be no use of microphones at any time whatsoever, except that associated with the operation of wireless headsets.
- 6 The development hereby approved shall be used only for purposes as described within the application documents and for no other purposes whatsoever.
- 7 The container hereby approved shall only exist on the site for as long as the use hereby approved operates. Should the use cease, the building shall be removed from the site within 2 months of cessation. The land shall thereafter be restored to its former condition, within 6 months of cessation, the details of which shall first be submitted to and approved in writing by 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 to safeguard the appearance of the surrounding area and the amenity of neighbouring occupiers in accordance with the requirements of Government Guidance contained in the National Planning Policy Framework and Policies NR2 and BE1 of the Local Plan Strategy.
3. To safeguard the appearance of the surrounding area and the amenity of neighbouring occupiers in accordance with the requirements of Government Guidance contained in the National Planning Policy Framework and Policies NR2 and BE1 of the Local Plan Strategy.
4. To safeguard the appearance of the surrounding area and the amenity of neighbouring occupiers in accordance with the requirements of Government Guidance contained in the National Planning Policy Framework and Policies NR2 and BE1 of the Local Plan Strategy.
5. To safeguard the appearance of the surrounding area and the amenity of neighbouring occupiers in accordance with the requirements of Government Guidance contained in the National Planning Policy Framework and Policies NR2 and BE1 of the Local Plan Strategy.
6. To safeguard the appearance of the surrounding area and the amenity of neighbouring occupiers in accordance with the requirements of Government Guidance contained in the National Planning Policy Framework and Policies NR2 and BE1 of the Local Plan Strategy.
7. To safeguard the appearance of the surrounding area and the amenity of neighbouring occupiers in accordance with the requirements of Government Guidance contained in the National Planning Policy Framework and Policies NR2 and BE1 of the Local Plan Strategy.

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 The Council has sought a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

PLANNING POLICY

National Planning Policy

National Planning Policy Framework

National Planning Policy Guidance

Local Plan Strategy

Core Policy 2 – Presumption in Favour of Sustainable Development

Core Policy 3 – Delivering Sustainable Development

Core Policy 5 – Sustainable Transport

Core Policy 6 – Housing Delivery

Core Policy 13 – Our Natural Resources

Core Policy 14 – The Historic Environment

Policy ST1 – Sustainable Travel

Policy ST2 – Parking Provision

Policy BE1 – High Quality Development

Policy NR2 – Development in the Green Belt

Policy NR3 – Biodiversity, Protected Species & Their Habitats

Policy NR4 – Trees, Woodland & Hedgerows

Policy NR7 – Cannock Chase Special Area of Conservation

Supplementary Planning Document

Sustainable Design

Trees, Landscaping & Development

Rural Development

Biodiversity and Development

RELEVANT PLANNING HISTORY

17/00376/FUL - Retention of extended covered training area. Pending consideration.

14/00918/FUL - Variation of Condition no 2 of application 14/00493/COU relating to number of activity sessions and participants. Approved 13.01.15. As the extant permission it is considered pertinent to list the conditions as follows:

1. 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.
2. The use here approved shall only take place at the following times: Mondays to Fridays between 9am - 10.30am and 6pm - 8pm) and Saturdays between 9am - 10.30am, with no opening on Sundays. Only one activity session shall take place at any one time, each activity session shall be limited to a maximum time of 30 minutes and to no more than 20 participants.
3. There shall be no music (amplified or otherwise) played at any time whatsoever.
4. There shall be no use of microphones at any time whatsoever.
5. The development hereby approved shall be used only for purposes as described within the application documents and for no other purposes whatsoever.
6. The container hereby approved shall only exist on the site for as long as the use hereby approved operates. Should the use cease, the building shall be removed from the site within 2 months of cessation and the land restored to a condition, the details of which shall first be submitted to and approved in writing by the Local Planning Authority, within 3 months of the Local Authority's written approval.

7. Within 1 month of the date of this permission, a detailed lighting scheme, to include details of any lights to be used as part of the approved use 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.

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 DC1 of the Local Plan and guidance contained within the Government document, 'Greater Flexibility for Planning Permissions.'
3. To safeguard the amenities of nearby residents in accordance with the requirements of Policy DC1 of the Local Plan and Policy BE1 of the emerging Local Plan Strategy.
4. To safeguard the amenities of nearby residents in accordance with the requirements of Policy DC1 of the Local Plan and Policy BE1 of the emerging Local Plan Strategy.
5. To safeguard the amenities of nearby residents in accordance with the requirements of Policy DC1 of the Local Plan and Policy BE1 of the emerging Local Plan Strategy.
6. In the interests of safeguarding the openness of the Green Belt in accordance with the requirements of Policies DC1 and E4 of the Local Plan and Policies BE1 and NR2 of the emerging Local Plan Strategy.
7. In the interests of safeguarding the openness of the Green Belt and to safeguard the amenities of nearby residents in accordance with the requirements of Policies DC1 and E4 of the Local Plan and Policies BE1 and NR2 of the emerging Local Plan Strategy.

14/00493/COU - Change of use to outdoor recreation and retention of associated container. Approved 07.07.14.

13/00692/FUL - Demolition of existing coffee shop and erection of a single storey detached comprising coffee shop, kitchen, toilets and associated facilities. Approved 23.08.2013.

12/00262/FUL - Vacant horticultural area to be utilised for bird husbandry and respite care with erection of aviaries, weatherings and equipment storage sheds. Refused 22.05.2012

11/01099/FUL – Demolition of existing coffee shop and erection of a single storey detached building comprising coffee shop, kitchen, toilets and associated facilities. Refused 06.12.2011

09/00666/COU - Proposed use of portion of existing garden centre car park for hand car washing activities. Approved 07.08.2009.

09/00353/COU - Proposed use of part of existing garden centre car park for car washing activities. Withdrawn 26.05.2009.

02/00121/ADV - Flags on flag poles, and signs. Withdrawn 03.03.2002.

01/01175/FUL - Relocation of horticultural glasshouse. Approved 18.12.2001

01/00883/OUT - Proposed new school building. Refused 15.10.2001

00/00722/COU - Conversion and extension of existing outbuildings to form 4 en-suite bedrooms for hotel purposes. Extension of ground floor cafe into adjacent dwelling. Approved 25.09.2000

99/00491/FUL - Horticultural glasshouse. Approved 05.07.1999.

98/00327/FUL - Reconstruction of existing car park to create tarmac aisles and gravel parking bays. Approved 18.05.1998.

98/00563/FUL - Erection of glasshouse and integral canopy to accommodate existing relocated retail sales area and consolidation of open sales area - to include change of use of existing retail sales area to horticultural production. Approved 28.09.1998.

L960934 - Alteration and extension and change of use to a public house restaurant. Refused 08.09.1997.

L950484 - Alter extend and change of use to public house restaurant. Withdrawn 28.03.1996.

L930153 - Formation of new access to nursery alter existing access. Approved 16.04.1993.

L900985 - alter existing coach house store to form function room. Withdrawn 21.01.1991.

L890913 - Use of land as a nursery with retail sales of plants fertilisers canes pots and compost. Approved 22.01.1990.

L880095 - Alterations to form tea room office and toilet accommodation. Approved 11.04.1988.

L3858 - Replacement of rotted 6 wooden fence with 6 high green chain link fence and concrete posts. Approved 28.11.1977.

CONSULTATIONS

Farewell & Chorley Parish Council – Object on the following grounds:

- The original business was set up without planning permission.
- The Parish Council were not consulted on the retrospective planning application.
- More buildings erected without planning permission and again retrospective planning permission sought.
- The extension of hours is unacceptable due to noise and new disturbance form local residents.
- The increase from 15 to 20 is again unacceptable.
- We feel that there is a perfectly adequate facility at Friary Grange which could be used for the purpose without detrimental effect caused by the present position. (30/03/17).

Note: no comments received following further consultation on the amendments.

Environmental Health Officer – As long as Neil's original suggested conditions then the proposed changes would generally be acceptable.

What is of slight concern is the suggested change to enable use throughout the day and theoretically around 30 sessions per day with all the associated coming and going of cars and people etc. Whilst I accept that it's highly unlikely that they would use the site to that degree of intensity, leaving it completely open does present that possibility. I also accept that it would be easier for the applicant to not be limited to certain hours as this adds a degree of flexibility. One option would be to limit the number of sessions per day within the proposed hours of use to 8, thus limiting the time during which activities take place but not limiting the hours they can take place to the current level. It should be noted that the current permission theoretically would allow 7 half hour sessions a day on Mon-Fri.

Unaware of any noise complaints. If the applicant is happy with the number of sessions being limited to 8 per day, then I'd be happy with the proposals. If not then I would suggest

a 12 month temporary permission in order to assess the impact of the proposed changes.
(15/05/17)

Lichfield City Council (Adjoining Parish Council) – No objections (07/04/17 and 25/05/17).

Staffordshire County Council Highways – No objections.

It is deemed that the proposal to vary the times of day and people per class will not have a detrimental impact on the local highway network given the adequate level of off-road parking currently available on the site and the current opening hours of the garden centre.
(19/05/17).

Previous comments - No objections. Following additional information with regards to opening hours, it is deemed that the proposal to vary times of day and people per class will not have a detrimental impact on the local highway network given the adequate level of off-road parking currently available on the site and the current opening hours of the garden centre.
(25/05/17).

LETTERS OF REPRESENTATION

71 letters have been received that reference this application and the parallel application to retain the building extension (17/00376/FUL) for the same use. Their comments are summarised as follows:

- Express concern about this latest proposal. Objections previously sent regarding the original application to retain the use in 2014.
- The location and compatibility with other uses around it is questionable. Continual objections have been raised by the neighbour in relation to the operation of the boot camp and in particular on the impact and safety of the adjacent horse use and ménage.
- Extending the hours of operation, to increase the number of participants and use of microphones will increase the already unacceptable intrusion of this activity.
- We do not object to the boot camp but just to its location.
- The proposal is inappropriate and should be refused.
- The proposal is not in keeping with the rural area and is not for the original purpose.
- The proposal is unsatisfactory and will have serious and adverse impact on our amenity as the closest neighbour by reason of the aggravated increased hours and noise.
- The garden centre and boot camp already exceed the stated opening hours.
- There are more suitable locations for this use.
- We were surprised that the original application gained approval. The use is not a complementary use to a garden centre adjacent to open countryside/Green Belt.
- The principle of the business has been established with planning conditions. If altering these times are necessary to keep the business going then surely the business should be moved.
- This use should have no place on this site but given that the consent was granted it is cynical that the business now submits these applications to hugely increase the nuisance.
- The further expansion of this already questionable and inappropriate use offers further detriment to protected green belt and other constraints acknowledged on site.
- The District Council failed to notify me despite living close to the site.
- The majority of responses are from customers of the fitness facility who have been encouraged by the patron to write in giving their support. They do not have to live near to the facility and will be unconcerned with the additional traffic, noise and potential disturbance that will come from such a massive increase in the working hours.
- Approximately 65 letters of support have been received from customers of the boot camp who raise the following:

- The gym caters for all walks of life, young/old, exceptionally fit/not so fit – there are no discriminations.
- The boot camp is like no other gym. The set up works so well, there is no impact on the environment, no worries about loud music due to the use of headphones and makes great use of the space provided.
- If more time slots were allowed this would allow the opportunity for more people to join.
- Since we have had the headphones I feel there is no cause for complaint of noise pollution. The boot camp operates like a 'silent disco'.
- In view of the Government initiative to get people moving and active in order to cut pressure and costs to the NHS of an ageing and unfit population, the boot camp contribution to the local community must be viewed as valuable.
- Positive health and well-being benefits of regularly attending the boot camp.
- The extension to the facilities blends in with the surroundings.
- The extended hours would make it more accessible.

OBSERVATIONS

Site and Location

The application relates to the Plant Plot nursery which is located on the western side of the A51 Stafford Road to the north of Lichfield City. The site lies wholly within the West Midlands Green Belt and has been used as a nursery for in excess of 20 years. The site comprises a dwelling to the north of main entrance which is located adjacent to Stafford Road, various glass houses and poly tunnels beyond it to the North West and west and a large surface car park to the south east. The most westerly glass house now functions in a retailing capacity. In addition, part of the site to the immediate south of the dwelling, is used as a hand car wash facility. Access into the site is directly off the A51 Stafford Road.

The application itself is concerned with a small parcel of land to the south east of the main glasshouse which contains an open sided metal storage container with an attached wooden extension.

Proposals

The application seeks permission to vary conditions 2 and 4 of planning application 14/00918/FUL. Please note that the hours of operation have been amended since the original submission and the following now represents the changes applied for:

Existing condition 2:

The use here approved shall only take place at the following times: Mondays to Fridays between 9am - 10.30am and 6pm - 8pm) and Saturdays between 9am - 10.30am, with no opening on Sundays. Only one activity session shall take place at any one time, each activity session shall be limited to a maximum time of 30 minutes and to no more than 20 participants.

Proposed condition:

The use hereby approved shall only take place at the following times:

- Mondays to Friday between 06:15hrs – 06:45hrs and between 08:00hrs – 21:00hrs,
- Saturdays between 08:00hrs – 18:30hrs
- No opening on Sundays.
- Only one activity session shall take place at any one time, and each activity session shall be limited to a maximum time of 30 minutes and to no more than 20 participants.
- Notwithstanding the above, between the hours of 10:30hrs – 17:00hrs Mondays to Saturdays the use shall be restricted to one-on-one sessions only, with no group sessions held between these hours

Existing condition 4:

There shall be no use of microphones at any time whatsoever.

Proposed condition :

There shall be no use of microphones at any time whatsoever, except that associated with the operation of wireless headsets.

Determining Issues

1. Policy & Principle of Development
2. Impact on Local Residential Amenity
3. Access and Highway Safety.
4. Other Issues
5. Human Rights

1. Policy & Principle of Development

- 1.1 The application site is located within the West Midlands Green Belt and outside of the settlement boundary, where it is subject to a stricter degree of control in order to ensure that any development preserves the special characteristics and openness of the area. The use originally gained planning permission in July 2014 and for the associated development (14/00493/COU). The hours of use and group numbers were amended by a further application in January 2015 (14/00918/FUL). There has been no change in policy that would lead to a different conclusion. The principle of this use in this location has already been established and is still considered acceptable.
- 1.2 Before considering the proposal to vary operational conditions it is necessary to consider exactly what is being judged as part of this proposal. The site already has permission for the development and use. Whilst a parallel planning application has been submitted for the extension to the development this proposal does not relate to the development nor does it relate to the principle which has previously been considered acceptable. There are two questions for consideration with this application:
 - a) Is the proposed increase in operating hours acceptable?
 - b) Is the use of head phones associated with the operation of the fitness facility acceptable?
- 1.3 Acceptability of proposed opening hours. The original nursery gained planning permission via an established use certificate in January 1990 (L890913). In August 2013 permission was granted for the new café associated with the nursery use. Neither of these applications have any restrictions on the hours of operation.
- 1.4 The existing planning conditions are replicated in full in the planning history section above. The current use operates from 9am for specific time periods until 8pm. The proposal seeks to vary the hours of use to enable earlier and later opening times but due to the wording of the proposed condition this would equate to a maximum of 12 x 30 minute group sessions a day (and a maximum of 8 x 30 minute group sessions on a Saturday).
- 1.5 There are no objections from SCC Highways or the Environmental Health Officer. The specific application site is well screened within a much larger garden centre. There are no records of any noise complaints to Environmental Health and whilst the comments from the objectors are noted it is considered that the site can accommodate the extra hours without detriment and as such the principle of the increase in the stated hours is considered acceptable.

- 1.6 Acceptability of the use of head phones associated with the operation of the fitness facility. The existing planning conditions are replicated in full in the planning history section above. Condition 4 on the extant permission restricts the use of microphones in order to protect the amenities of nearby residents. The permitted use relates to fitness instruction where there is by necessity a need to give commands and instructions to the assembled group. The reasons for the extant condition are repeated above but it is worth considering the underlying reasons for the condition which it is considered are to prevent the use of a P.A. system. The proposal seeks to allow the use of head set microphones and ear pieces which are linked to the instructor by Bluetooth. The effect is that of a 'silent disco' – the instructions are broadcasted via the headsets worn by customers so that there is no outward amplification of noise. It is not considered that this would undermine the reasons for applying the extant condition nor the underlying purpose and as such the principle of the use of headphones is considered acceptable.
- 1.7 Paragraph 89 of the NPPF states that LPAs should regard construction of new buildings as inappropriate in the Green Belt. It then lists exceptions to this, which for these purposes includes: "provision of appropriate facilities for outdoor sport, outdoor recreation and for centuries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes on including land within it". Policy NR2 of the Local Plan Strategy seeks to retain the character and openness of the Green Belt. The construction of new buildings is regarded as inappropriate, unless it is for one of the exceptions listed in the NPPF. Policy NR2 therefore accords fully with paragraph 89 of the NPPF. The NPPF advises that the most important attribute of the Green Belt is its openness. The development and use is already operational with this application seeking to alter the hours of operation, it is considered that the proposal conforms with paragraph 89 of the NPPF and is therefore appropriate in the Green Belt. Further it is not considered that the proposal would impact on the openness of the Green Belt.
- 1.8 Overall, for the reasons given above, it is considered that the proposed development would not represent inappropriate development in the Green Belt and the principle of the changes to the conditions would be acceptable.
2. Impact on Local Residential Amenity
- 2.1 The key aspect raised by objectors is the impact of the existing use upon the amenity of neighbouring uses. Concerns have also been raised about the expansion of the business and impact on the highway network but these are dealt with separately below.
- 2.2 The concerns of nearby neighbours are noted who consider that their amenities are adversely affected by the activities that are taking place. However the two nearest properties are some 65 metres and 135 metres away from the application site respectively. Even accounting for their private amenity spaces which extend closer to the application site, it is considered that these properties are a significant distance away from the application site which negates the potential impact of the proposed changes of hours.
- 2.3 It is understood that the residents of 'The Swallows' also own the land which extends up to the boundary of the land which contains the application site. It is important to recognise however that this land is not part of the residential curtilage associated with this property and so does not enjoy the same protection. It is acknowledged that horses are ridden on this adjacent land and indeed that there is an all-weather riding area close to the boundary and accordingly that the recreational activities that take place may not find favour with the horses. However, it is considered that the proposal would alleviate the initial concerns expressed on the original applications for this use, in particular to shouting from the instructors. Notwithstanding this, there are

any number of noisy activities that could take place within the rural area that would not require planning permission.

2.4 Notwithstanding the above, the Council's Environmental Health Officer has been consulted and raise no objections. It is considered that it would be reasonable to extend the hours of use and to amend condition 4 to allow use of headsets. The previous conditions including that which restricts amplified music are replicated. Thus subject to these conditions, it is considered that the development would not have an adverse impact on the amenities of nearby residents.

2.5 Overall it is considered that the proposal meets the requirements of Policy BE1 of the Local Plan Strategy and Government Guidance contained within the NPPF in this regard.

3. Access and Highway Safety

3.1 It is noted that objections have been received relating to the detrimental impact of the proposal on the road network. The County Council (Highways) has raised no objection to the proposal. Consequently given that there are no objections from the statutory consultee; the level of the car parking provision; and the width/visibility of the existing access which also serves an existing commercial business it is not considered that a reason for refusal on this basis would be justified.

3.2 Accordingly, it is considered that the proposed access and parking arrangements are acceptable and that there would be no undue harm caused to highway safety. As such, it is considered that the development would accord with Policies ST1, ST2 and BE1 of the Local Plan Strategy and the NPPF in this regard.

4. Other Issues

4.1 The Parish Council state that there have been a series of retrospective applications on this site related to this use. Any use or development undertaken without planning permission is of course at the risk of the applicant/land owner but an application should be determined on the basis of the development plan and policy context in place at the time of determination. It is understood that headsets are currently used and therefore this aspect is retrospective but that the hours of operation have not been altered from that previous permitted.

4.2 Comments have been received that the use is not appropriate in this location and that the expanded business should now be moved to a more suitable location. However it is considered that the use has already been established on previous applications and for the reasons given earlier in the report it is not considered that the proposed changes would alter the acceptability of the use in this location. The business utilises a small and secluded area with the garden centre and can be considered very much an ancillary use to the primary garden centre use. The use is considered acceptable taking into account all material consideration and policies. It is not considered that the site is unsuitable for this use, nor that it needs to relocate.

5. Human Rights

5.1 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 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 and national planning policy.

Conclusion

For the reasons outlined above, it is considered that the proposal represents an appropriate form of development in the Green Belt and would preserve the openness of the Green Belt. It is considered that the proposals would not unduly detract from the character of the area. Furthermore, subject to conditions, it would not cause significant harm to the amenity of nearby residents or have a detrimental impact upon highway safety and accords with the Development Plan and the NPPF. Accordingly approval is recommended.

Lichfield
district council

www.lichfielddc.gov.uk

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Lichfield
Staffs
WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

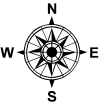
17/00376/FUL
Freedom Bootcamps
The Plant Plot
Stafford Road

Scale:
1:2,500

Dated:
June 2017

Drawn By:

Drawing No:



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BLOCK PLAN

17/00376/FUL
Freedom Bootcamps
The Plant Plot
Stafford Road

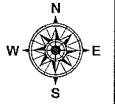
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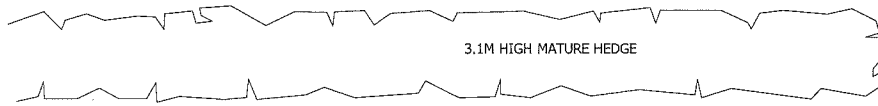
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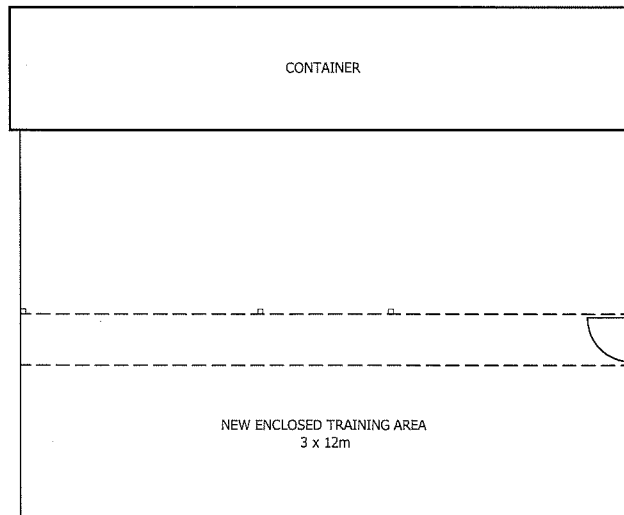
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3.1M HIGH MATURE HEDGE



CONTAINER

NEW ENCLOSED TRAINING AREA
3 x 12m

PROPOSED PLAN

PROPOSED FLOOR PLAN & ELEVATIONS

17/00376/FUL

RETENTION OF EXTENDED COVERED TRAINING AREA. FREEDOM BOOTCAMPS, THE PLANT PLOT, STAFFORD ROAD, LICHFIELD. FOR FREEDOM BOOTCAMPS.

Registered: 08/03/17

Parish: Farewell and Chorley

Note: This application is being reported to the Planning Committee due to significant planning objections raised by Farewell and Chorley Parish Council, as they consider that the business has a detrimental effect on local residents. The objections raised were submitted with the parallel planning application 17/00332/FUL but as the comments relate to both applications and both applications are directly linked it was deemed appropriate to present this application at the same committee.

RECOMMENDATION: 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 and the approved lighting scheme approved as part of Planning permission 14/00918/FUL on the 18 March 2017, except insofar as may be otherwise required by other conditions to which this permission is subject.
- 3 The use hereby approved shall only take place at the following times:
 - Mondays to Friday between 06:15hrs – 06:45hrs and between 08:00hrs – 21:00hrs,
 - Saturdays between 08:00hrs – 18:30hrs
 - No opening on Sundays.
 - Only one activity session shall take place at any one time, and each activity session shall be limited to a maximum time of 30 minutes and to no more than 20 participants.
 - Notwithstanding the above, between the hours of 10:30hrs – 17:00hrs Mondays to Saturdays the use shall be restricted to one-on-one sessions only, with no group sessions held between these hours
- 4 There shall be no music (amplified or otherwise) played at any time whatsoever.
- 5 There shall be no use of microphones at any time whatsoever, except that associated with the operation of wireless headsets.
- 6 The development hereby approved shall be used only for purposes as described within the application documents and for no other purposes whatsoever.
- 7 The container hereby approved shall only exist on the site for as long as the use hereby approved operates. Should the use cease, the building shall be removed from the site within 2 months of cessation. The land shall thereafter be restored to its former condition, within 6 months of cessation, the details of which shall first be submitted to and approved in writing by 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 to safeguard the appearance of the surrounding area and the amenity of neighbouring occupiers in accordance with the requirements of Government Guidance contained in the National Planning Policy Framework and Policies NR2 and BE1 of the Local Plan Strategy.
3. To safeguard the appearance of the surrounding area and the amenity of neighbouring occupiers in accordance with the requirements of Government Guidance contained in the National Planning Policy Framework and Policies NR2 and BE1 of the Local Plan Strategy.
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6. To safeguard the appearance of the surrounding area and the amenity of neighbouring occupiers in accordance with the requirements of Government Guidance contained in the National Planning Policy Framework and Policies NR2 and BE1 of the Local Plan Strategy.
7. To safeguard the appearance of the surrounding area and the amenity of neighbouring occupiers in accordance with the requirements of Government Guidance contained in the National Planning Policy Framework and Policies NR2 and BE1 of the Local Plan Strategy.

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 The Council has sought a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

PLANNING POLICY

National Planning Policy

National Planning Policy Framework

National Planning Policy Guidance

Local Plan Strategy

Core Policy 2 – Presumption in Favour of Sustainable Development

Core Policy 3 – Delivering Sustainable Development

Core Policy 5 – Sustainable Transport

Core Policy 6 – Housing Delivery

Core Policy 13 – Our Natural Resources

Core Policy 14 – The Historic Environment

Policy ST1 – Sustainable Travel

Policy ST2 – Parking Provision

Policy BE1 – High Quality Development

Policy NR2 – Development in the Green Belt

Policy NR3 – Biodiversity, Protected Species & Their Habitats

Policy NR4 – Trees, Woodland & Hedgerows

Policy NR7 – Cannock Chase Special Area of Conservation

Supplementary Planning Document

Sustainable Design

Trees, Landscaping & Development

Rural Development

Biodiversity and Development

RELEVANT PLANNING HISTORY

17/00332/FUL - Variation of condition nos 2 & 4 of application 14/00918/FUL relating to opening times, participants and use of microphones. Pending consideration.

14/00918/FUL - Variation of Condition no 2 of application 14/00493/COU relating to number of activity sessions and participants. Approved 13.01.15. As the extant permission it is considered pertinent to list the conditions as follows:

14/00493/COU - Change of use to outdoor recreation and retention of associated container. Approved 07.07.14.

13/00692/FUL - Demolition of existing coffee shop and erection of a single storey detached comprising coffee shop, kitchen, toilets and associated facilities. Approved 23.08.2013.

12/00262/FUL - Vacant horticultural area to be utilised for bird husbandry and respite care with erection of aviaries, weatherings and equipment storage sheds. Refused 22.05.2012

11/01099/FUL – Demolition of existing coffee shop and erection of a single storey detached building comprising coffee shop, kitchen, toilets and associated facilities. Refused 06.12.2011

09/00666/COU - Proposed use of portion of existing garden centre car park for hand car washing activities. Approved 07.08.2009.

09/00353/COU - Proposed use of part of existing garden centre car park for car washing activities. Withdrawn 26.05.2009.

02/00121/ADV - Flags on flag poles, and signs. Withdrawn 03.03.2002.

01/01175/FUL - Relocation of horticultural glasshouse. Approved 18.12.2001

01/00883/OUT - Proposed new school building. Refused 15.10.2001

00/00722/COU - Conversion and extension of existing outbuildings to form 4 en-suite bedrooms for hotel purposes. Extension of ground floor cafe into adjacent dwelling. Approved 25.09.2000

99/00491/FUL - Horticultural glasshouse. Approved 05.07.1999.

98/00327/FUL - Reconstruction of existing car park to create tarmac aisles and gravel parking bays. Approved 18.05.1998.

98/00563/FUL - Erection of glasshouse and integral canopy to accommodate existing relocated retail sales area and consolidation of open sales area - to include change of use of existing retail sales area to horticultural production. Approved 28.09.1998.

L960934 - Alteration and extension and change of use to a public house restaurant. Refused 08.09.1997.

L950484 - Alter extend and change of use to public house restaurant. Withdrawn 28.03.1996.

L930153 - Formation of new access to nursery alter existing access. Approved 16.04.1993.

L900985 - alter existing coach house store to form function room. Withdrawn 21.01.1991.

L890913 - Use of land as a nursery with retail sales of plants fertilisers canes pots and compost. Approved 22.01.1990.

L880095 - Alterations to form tea room office and toilet accommodation. Approved 11.04.1988.

L3858 - Replacement of rotted 6 wooden fence with 6 high green chain link fence and concrete posts. Approved 28.11.1977.

CONSULTATIONS

Farewell & Chorley Parish Council – No specific comments received. However relevant comments received on the parallel application 17/00332/FUL are:

Object on the following grounds:

- The original business was set up without planning permission.
- The parish council were not consulted on the retrospective planning application.
- More buildings erected without planning permission and again retrospective planning permission sought.
- The extension of hours is unacceptable due to noise and new disturbance form local residents.
- The increase from 15 to 20 is again unacceptable.
- We feel that there is a perfectly adequate facility at Friary Grange which could be used for the purpose without detrimental effect caused by the present position. (30/03/17).

Note: no comments received following further consultation on the amendments.

Environmental Health Officer – No comments received.

Lichfield City Council (Adjoining Parish Council) – No objections (07/04/17).

LETTERS OF REPRESENTATION

71 letters have been received that reference this application and the parallel application to retain the building extension (17/00332/FUL) for the same use. Their comments are summarised as follows:

- Express concern about this latest proposal. Objections previously sent regarding the original application to retain the use in 2014.
- The location and compatibility with other uses around it is questionable. Continual objections have been raised by the neighbour in relation to the operation of the boot camp and in particular on the impact and safety of the adjacent horse use and ménage.
- Extending the hours of operation, to increase the number of participants and use of microphones will increase the already unacceptable intrusion of this activity.
- We do not object to the boot camp but just to its location.
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 - Positive health and well-being benefits of regularly attending the boot camp.
 - The extension to the facilities blends in with the surroundings.
 - The extended hours would make it more accessible.

OBSERVATIONS

Site and Location

The application relates to the Plant Plot nursery which is located on the western side of the A51 Stafford Road to the north of Lichfield City. The site lies wholly within the West Midlands Green Belt and has been used as a nursery for in excess of 20 years. The site comprises a dwelling to the north of main entrance which is located adjacent to Stafford Road, various glass houses and poly tunnels beyond it to the North West and west and a large surface car park to the south east. The most westerly glass house now functions in a retailing capacity. In addition, part of the site to the immediate south of the dwelling, is used as a hand car wash facility. Access into the site is directly off the A51 Stafford Road.

The application itself is concerned with a small parcel of land to the south east of the main glasshouse which contains an open sided metal storage container with an attached wooden extension. Permission was previously granted for the container and wooden extension – 14/00493/COU. The previously approved wooden structure was an open sided wooden canopy measuring 4.6m x 12m with a 1m overhang to the rear.

Proposals

Permission is sought to retain a 3m x 12m wooden extension to the approved wooden canopy. The development has not been fully finished as the applicant is awaiting the outcome of this application before completing the development – to finish the roof. The structure is enclosed and infills the previous rear overhang with a sloping roof down to the edge of the proposal. The development would be finished in timber and painted black. The proposal has a footprint of 3m x 12m, matches the apex of the original structure at 2.7m and a height of 2.1m at the rear end of the structure. The development is used for the Bootcamp fitness classes previously permitted.

Determining Issues

1. Policy & Principle of Development
2. Impact on Local Residential Amenity
3. Design
4. Other Issues
5. Human Rights

1. Policy & Principle of Development

1.1 The application site is located within the West Midlands Green Belt and outside of the settlement boundary, where it is subject to a stricter degree of development control in order to ensure that any development preserves the special characteristics and openness of the area.

1.2 The decision making process when considering proposals for development in the Green Belt is in three stages and is as follows:

- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
- b) If the development is appropriate, the application should be determined on its own merits.
- c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be

permitted unless there are very special circumstances which outweigh the presumption against it.

- 1.3 Paragraph 89 of the NPPF states that LPAs should regard construction of new buildings as inappropriate in the Green Belt. It then lists exceptions to this, which for these purposes includes: “The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original buildings.”
 - 1.4 Policy NR2 of the Local Plan Strategy seeks to retain the character and openness of the Green Belt. The construction of new buildings is regarded as inappropriate, unless it is for one of the exceptions listed in the NPPF. Policy NR2 therefore accords fully with paragraph 89 of the NPPF. The NPPF advises that the most important attribute of the Green Belt is its openness.
 - 1.5 The authority previously had a policy that sought to restrict floor space increase for existing buildings in the Green Belt to 50 %. Whilst this policy was not saved and does therefore not carry any weight in itself, the principle and assessment do, which is reflected in successful appeal decisions on this issue. The existing structure has planning permission therefore the proposal remains to be assessed as an extension to an existing development, which equates to a 42% increase in footprint. In these terms the proposal is considered acceptable. This floor space maximum is therefore a very useful tool in gauging the acceptability of extensions in the Green Belt. It is considered that the proposal would be a proportionate extension to the existing building and as such conforms with the caveat to paragraph 89 and is appropriate development in the Green Belt.
 - 1.6 Overall, for the reasons given above, I conclude the proposed development would not represent inappropriate development in the Green Belt and the principle would be acceptable. In accordance with paragraph 89 of the NPPF the development is appropriate and the application should be determined on its own merits which are considered below.
2. Impact on Local Residential Amenity
 - 2.1 The key aspect raised by objectors is the impact of the existing use upon the amenity of neighbouring uses. Concerns have also been raised about the expansion of the business and impact on the highway network but these are dealt with separately below.
 - 2.2 The concerns of nearby neighbours are noted who consider that their amenities are adversely affected by the activities that are taking place. However the two nearest properties are some 65 metres and 135 metres away from the application site respectively. Even accounting for their private amenity spaces which extend closer to the application site, it is considered that these properties are a significant distance away from the application site which negates the potential impact of the proposed changes of hours.
 - 2.3 The particular amenity issues associated with the wider use of the site are countered on the parallel application (17/00332/FUL) and relate to concerns about noise and appropriateness of the use, but for the purposes of this application it is the physical presence of the development that is considered.
 - 2.4 It is not considered that there would be any adverse impact on the residential amenity of the existing dwelling. Therefore the proposal meets the requirements of Policy BE1 of the Local Plan Strategy and Government Guidance contained within the NPPF, in this regard.

3. Design

- 3.1 Policy BE1 of the Local Plan Strategy requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, scale design and public views.
- 3.2 Part 7 of the NPPF attaches great importance on good design and seeks to promote development which is appropriate in terms of overall scale, massing, height, landscaping, layout, materials and access in relation to neighbouring buildings and the local area more generally. It further states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Policy BE1 of the Local Plan Strategy requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, scale design and public views. The proposals represent a modest extension to an existing building set in a secluded area of the garden centre and adjacent to an area set aside for display of garden sheds for sale. The proposed design and materials are considered acceptable and respect the character of the original building and adjacent buildings. Accordingly, I am satisfied that there would be no additional harm to the openness of the Green Belt as a result of the proposals.
- 3.3 The proposed extension follows the footprint of the existing outbuildings. The extension is a modest modern clean-lined proposal that would complement the existing building whilst still remaining subservient. The design is considered to reflect the character of the existing building and to be appropriate to its setting. The development is enclosed by mature hedges and by fences and is not visible from outside the site. It is considered that the modest extension is acceptable.
- 3.4 To this end, it is considered that subject to conditions, the design and overall appearance of the property would be more than acceptable.

4. Other Issues

- 4.1 The Parish Council state that there have been a series of retrospective applications on this site related to this use. Any use or development undertaken without planning permission is of course at the risk of the applicant/land owner but the application should be determined on the basis of the development plan and policy context in place at the time of determination. The applicant submitted an application to regularise this development when questioned by officers but they took the decision to halt the work until the relevant planning permission was gained.

5. Human Rights

- 5.1 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 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 and national planning policy.

Conclusion

For the reasons outlined above, it is considered that the proposal represents an appropriate form of development in the Green Belt and would preserve the openness of the Green Belt. It is considered that the proposal would not unduly detract from the character of the area. Furthermore, subject to conditions, it would not cause

significant harm to the amenity of nearby residents and consequently accords with the Development Plan and NPPF. Accordingly approval is recommended.

ITEM B

LICHFIELD DISTRICT COUNCIL APPLICATIONS, APPLICATIONS ON COUNCIL OWNED LAND AND ANY ITEMS SUBMITTED BY MEMBERS OR OFFICERS OF THE COUNCIL

26 June 2017

CONTENTS

| Page No. | Case No. | Site Address | Parish/Town Council |
|----------|--------------|--|---------------------|
| B1 | 17/00295/FUL | Lichfield City Football Club Brownsfield Road Lichfield | Lichfield |

Lichfield
district council

www.lichfielddc.gov.uk

District Council House
Frog Lane
Lichfield
Staffs
WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

17/00295/FUL
Lichfield City Football Club
Brownsfield Road
Lichfield

Scale:
1:1,800

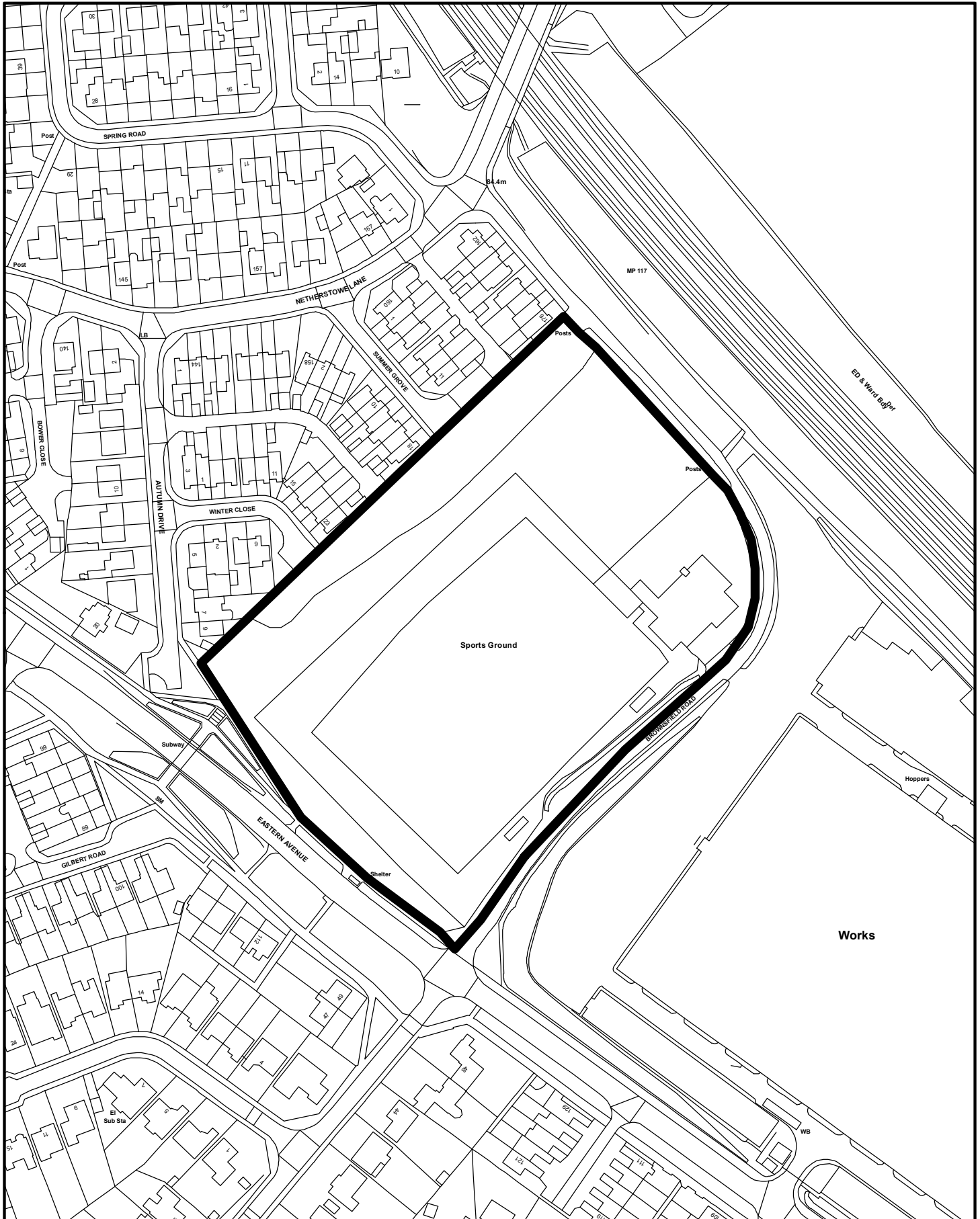
Dated:
June 2017

Drawn By:

Drawing No:



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district council

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enquiries@lichfelddc.gov.uk

BLOCK PLAN

17/00295/FUL
Lichfield City Football Club
Brownsfield Road
Lichfield

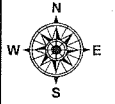
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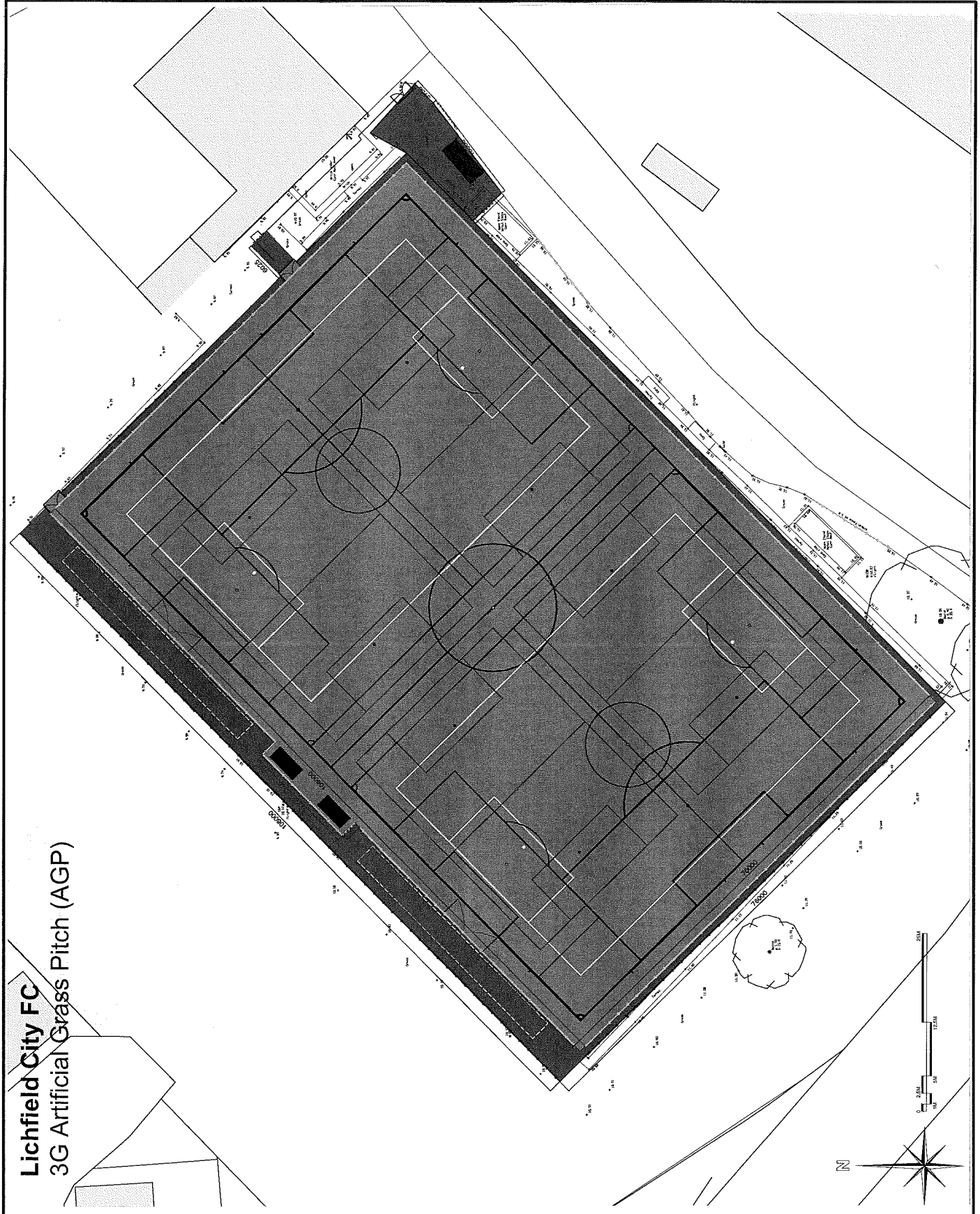
April 2017

Drawn By:

Drawing No:



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Lichfield City FC
3G Artificial Grass Pitch (AGP)

17/00295/FUL

**INSTALLATION OF A 3G ARTIFICIAL GRASS PITCH (AGP), AND ERECTION OF 5.0M AND 4.0M HIGH FENCING / BALL STOP NETTING, 1.2M HIGH PITCH PERIMETER BARRIER, CREATION OF HARDSTANDING AND INSTALLATION OF MAINTENANCE/SPORTS EQUIPMENT STORAGE CONTAINER WITH ASSOCIATED WORKS AND FACILITIES
LICHFIELD CITY FOOTBALL CLUB, BROWNSFIELD ROAD, LICHFIELD
FOR LICHFIELD CITY FOOTBALL CLUB**

Registered on 04/05/17

Parish: Lichfield

Note: This application is being reported to Planning Committee because the land is owned by the District Council.

RECOMMENDATION: 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, including any site clearance works, a Highways Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall provide details of the following:

- A site compound with associated temporary buildings.
- The parking of vehicles of site operatives and visitors.
- Times of deliveries including details of loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.
- Duration of works.
- Wheel wash facilities (if required).

The development shall thereafter be carried out in accordance with the approved statement unless otherwise agreed in writing by the Local Planning Authority.

4. Notwithstanding the submitted details, before the development hereby approved is commenced details of the ball stop and perimeter fencing shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved details.

5. Before the development hereby approved is commenced, a match day parking management strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall thereafter be implemented in accordance with the approved details and operated as such for the lifetime of the development.

6. Before the development hereby approved is commenced, details of the replacement trees for those that are to be removed; as detailed in the Tree Report prepared by A L Smith

and dated 8 June 2017, shall be submitted to and approved in writing by the Local Planning Authority. The replacement trees shall thereafter be implemented in full accordance with the approved details and the recommendations in the Arboricultural Survey Report and Method Statement prior to first occupation of the dwelling. Any replacement tree 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.

7. The development shall be implemented wholly in accordance with the recommendations detailed on the Tree Report prepared by A L Smith and numbered: THC/2017/06/08 and dated 8 June 2017.

8. Within 6 months of the date of this decision a revised Management Plan for the floodlighting approved under planning permission 12/00080/FUL and varied under planning permission 14/01183/FUL, shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include the following provisions:

- i. No mini/five-a-side leagues;
- ii. Floodlights not to be used outside the hours of 15:00-21:30 on Mondays –Saturdays (except on match nights when the curfew will be 22:00);
- iii. Floodlights not to be used at any time on a Sunday;
- iv. Floodlights to be switched off within 15 minutes of the end of any session or match;
- v. There will be no more than 2 mid-week matches in any week; and
- vi. The floodlights shall not be used between 20 May and 10 July.

The development shall be carried out in accordance with the approved Management Plan, unless otherwise agreed in writing by 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 within the NPPG.
3. In the interests of highway safety and in accordance with Local Plan Strategy Core Policy 5 and the National Planning Policy Framework.
4. To ensure the satisfactory appearance of the development in accordance with the requirements of Policies BE1 of the Local Plan Strategy.
5. In the interests of highway safety and in accordance with Local Plan Strategy Core Policy 5 and the National Planning Policy Framework.
6. To ensure the satisfactory appearance of the development in accordance with the requirements of Policies BE1 & NR4 of the Local Plan Strategy and Trees, Landscaping & Development SPD.
7. To ensure the satisfactory appearance of the development in accordance with the requirements of Policies BE1 & NR4 of the Local Plan Strategy and Trees, Landscaping & Development SPD.
8. In the interests of public safety and to ensure the amenities of nearby residents are adequately protected, in accordance with the requirements of policy BE1 of the Local Plan Strategy.

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. The Council has sought a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

PLANNING POLICY

Government Guidance

National Planning Policy Framework
National Planning Policy 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 5 – Sustainable Transport
Core Policy 11 – Participation in Sport and Physical Activity
Policy ST1 – Sustainable Travel
Policy ST2 – Parking Provision
Policy BE1 – High Quality Development
Policy NR4 – Trees, Woodland & Hedgerows
Policy HSC2 – Playing Pitch & Sport Facility Standards

Supplementary Planning Documents

Sustainable Design
Trees and Development
Biodiversity and Development

RELEVANT PLANNING HISTORY

14/01183/FUL - Variation of condition no. 6 of application 12/00080/FUL relating to floodlighting. Approved 15.12.15.

12/00080/FUL - Erection of extension to existing changing rooms, erection of 2no. Stands, erection of pergola, erection of floodlights (6no. Columns 15m in height) and the erection of a 1m wide footpath around the perimeter of the pitch – Approved -24.04.12

12/00079/CLP - Certificate of Lawfulness (Proposed): Erection of 2m high paramesh steel fencing. Certificate Granted 19.03.12.

99/01153/FUL - Erection of 2 no. dugouts, match board and perimeter barrier to football pitch. Approved 07.02.00

L890618 – Extension to changing rooms. Approved 06.07.89

L8920 - Beer Cellar and Bottle Store. Approved 19.04.82

CONSULTATIONS

Lichfield City Council – No objections (11/04/17).

Staffordshire County Council (Highways) – No objections, subject to a condition requiring the submission and prior approval of a Highways Construction Method Statement relating to site compound; vehicle parking; delivery times; duration of works; and wheel wash facilities (11/04/17).

Sport England – Note the Football Association confirm that the design accords with their technical guidelines given it will be delivered through their framework. The application relates to the provision of a new outdoor sports facility on the existing playing field at the above site. It therefore needs to be considered against exceptions E5 of the above policy, which states: *“The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.”*

They consider the proposals meet the exception E5 and so raise no objections (11/04/17).

Network Rail – If there are no excavation/earthworks within 20m of the railway boundary, or any alterations to ground levels or additional loading and no vibro-impact (piling) works then Network Rail has no comments. If the proposal includes lighting then request an email of the details be sent to them (28/03/17).

Environmental Health – No comments received.

Arboriculture Officer – The report dated 8 June 2017 does what we asked, and provides specific detail of the trees, their required protection and the need for any works.

As such, it is acceptable and the scheme can be supported. There is the issue of tree removal highlighted in the report, and if you are minded to approve this scheme it is asked that a condition requiring compensatory tree planting is placed on any permission. The planting should be robust in its nature and not just a one for one basis (13/06/17).

Refer to the comments of the 29th March 2017, as they are by and large still pertinent. It is noted that the TPO'd trees referenced previously on the south boundary of the site are no longer there. The nearest TPO'd trees are noted as being on the other side of the adjacent Brownsfield Road. It is however evident that at least one notable tree on the south boundary is shown as having the excavation under the canopy and clearly the dig impacts the expected RPA of this tree, and maybe several more. As such, request a tree impact assessment as per the previous consultation. Cannot support until the overall sustainability of tree cover on this site has been assured (17/05/17).

The details of the netting do not seem to be clear and it is unsure where this is going. The dig for an artificial surface is quite big and again the extent outside the pitch itself needs clarification. There are a number of large trees close by, especially towards the main road, some of which are TPO'd. A tree report to BS5837 is therefore required and this should indicate the RPA's and how any incursion into them will be dealt with, before the application can be supported (29/03/17).

LETTERS OF REPRESENTATION

None received.

OBSERVATIONS

Site and Location

The application site is located northwest of the junction of Brownsfield Road and Eastern Avenue, some 1.3km to the northeast of Lichfield City Centre. The site currently comprises a full size football pitch aligned in parallel with Brownsfield Road and a club house and associated car park at the north east corner. Access is off Brownsfield Road with entry and exit to the car park being controlled by a one way loop.

Background

The site is owned by the District Council and as land owner, has chosen to lease the site to Lichfield City Football Club on a long term lease.

Planning permission was approved in 2012 for the erection of 6No. flood light columns, three on each side of the pitch along with an extension to the existing club house by approximately 113 square metres to provide larger changing rooms, a referees changing room, a medical room, turnstiles, male and female toilets and a pergola. Two stands were also proposed on the eastern side of the pitch, set equidistance from the half way line. The floodlights have been installed and are currently in use.

In December 2015 permission was granted (14/01183/FUL) to vary condition 6 of application 12/00080/FUL relating to floodlighting. Condition 6 of 12/00080/FUL required submission of a detailed lighting scheme and details of when the lights could be used. The 2015 permission allowed the club to use the floodlights for training purposes, but restricts the use of the floodlights for mini/five-a-side games, extended hours of use, but the lights will still be switched off 15minutes at the end of any session or match and will not be used on Sundays.

Proposals

Permission is sought to replace the existing full size grass football pitch with an artificial all weather pitch – a 3G Artificial Grass Pitch (AGP). Permission is also sought for the erection of 5.0m and 4.0m high fencing / ball stop netting, 1.2m high pitch perimeter barrier, creation of hardstanding and installation of maintenance / sports equipment storage container with associated works and facilities.

The storage container would have a footprint of 2.44m x 6.06m and height of 2.59m and would be positioned parallel to the road and in close proximity to the club house.

A 1.2m high perimeter fence would surround the field of play and abut the new 3G pitch. A 5m high ball stop fence with netting would be provided in two areas around the southern pitch perimeter to provide adequate ball stop behind the principal goal areas. At three strategic points around the perimeter a 4m high fence with ball stop netting would be provided. To clarify the ball stops nets would be on the far edge of the development beyond the 1.2m perimeter fence to the pitch. The distance between the ball stop fences and pitch perimeter fences would be 1m on the northeast, southeast and southwest elevations and 5m on the northwest elevation. Between the ball stop and perimeter fences would be new porous hardstanding/tarmac.

Determining Issues:

- 1) Policy and Principle of Development
- 2) Impact on the Amenities of Adjacent Residents & Railway
- 3) Impact on the Character and Appearance of the Area
- 4) Impact on Trees
- 5) Human Rights

1. Policy and Principle of Development

- 1.1 The NPPF sets out that to deliver the social, recreational and cultural facilities and services a community needs, planning policies and decisions should plan positively; for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; and ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.
- 1.2 Core Policy 11 where appropriate, will seek to encourage, protect and enhance existing sport facilities, and other assets which encourage participation in physical activity, safeguarding sites for the benefit of local communities.
- 1.3 Further to Government Guidance, Sport England has its own set of Policies to protect playing fields, 'A Sporting Future for the Playing Fields of England'. This guidance is in line with part 8 of the NPPF, in particular paragraph 74 which seeks to protect existing open space, sports and recreational buildings and land. Sport England will oppose the grant of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field unless the development is ancillary to the principle use of the playing field and does not affect the quantity/quality of pitches (Objective E2).
- 1.4 The site is not designated within the saved Local Plan as being within any particular recreation zone or indeed as being an existing open space or framework open space. Notwithstanding this lack of any particular designation and having regard to the above along with the site's location, it is considered that the principle of development is acceptable, subject to normal development management criteria which will be considered in the subsequent sections of this report.
- 1.5 The existing full size grass football pitch will be replaced with the proposed artificial pitch which would be of the same dimensions. As such there would be no loss of a recreational facility and indeed there would be more opportunity for recreational use with this more robust playing surface.
- 1.6 It is therefore considered that the principle of the development to replace the existing grass pitch with a 3G AGP is acceptable and meets national and local policies. Furthermore, as the other structures would support such a use, in principle these are also considered acceptable.

2 Impact on the Amenities of Adjacent Residents & Railway

- 2.1 There are no restrictions on the use of the existing pitch other than the restrictions placed on the use of the floodlights. Whilst the proposed 3G pitch has a more resistant playing surface and can in theory be used more intensively it is not considered necessary to place any specific restrictions on the use of the proposed development. The site has an established recreational use, with the proposal replacing the pitch surface of the existing pitch there is no increase in the size of the sports provision itself on the site. No objections have been raised from neighbours. The main potential for any loss of amenity is considered to be the floodlights. The floodlights are already in situ to which their specification was approved under planning application ref. 12/00080/FUL and usage revised under planning permission ref. 14/01183/FUL. Sport England and the Environmental Health Officer had previously confirmed that the floodlighting was modern and fit for purpose in terms of design, in that it met the latest Football Association technical design guidance to ensure that both the game can be played safely (sufficient light) and that light does not become a

nuisance by restricting light spill. As such and for the avoidance of doubt it is considered necessary to replicate the conditions relating to the use of the flood lights.

2.2 The comments from Network Rail are noted in relation to the mainline that runs parallel to the northern site boundary of the overall site. The proposal is 80m from the boundary to the railway and approximately 90m from the nearest rail line. The proposal would not involve any construction works that would cause concern as specified in their letter. Furthermore, the floodlighting is already in place and as such no further action is required by the applicant in this regard.

2.2 A condition recommended by SCC Highways has been included in the list of conditions for reasons of highway safety, but it is also considered that the highways construction method statement would also protect the amenity of nearby residents during the construction of the replacement 3G pitch. Overall, subject to conditions, the development is considered to accord with the NPPF and Development Plan in this regard.

3. Impact on the Character and Appearance of the Area

3.1 The football pitch, access, club room and floodlights are already in existence. Whilst there are existing boundary fences to the football pitch itself they are single railings and will be removed as part of this proposal and replaced with 1.2m perimeter fencing. The replacement pitch will be on the same footprint as the existing but there will the maintenance associated with it will be significantly reduced. The appearance of the 3G pitch itself would be appropriate and acceptable in this location bearing in mind the established sports use on this site.

3.2 The extra areas of hardstanding to be installed between the perimeter fence and ball stop fences is minimal. It would replace areas that are in need of repair and would be porous. It would therefore have an acceptable appearance and would not create any surface water runoff concerns.

3.3 The 4m and 5m ball stop fences could impact on the appearance of the area. This is balanced against the overall improvement and investment to the site as a whole and taking the wider context of the area as a whole. There is a busy road to the west and an existing industrial area to the south and a railway to the east. Whilst there is a residential estate to the north the distances are such that it would not impact. The appearance of the ball stop fences directly relates to the recreational use which has been established on site for a number of years. Subject to conditions detailing the materials it is considered that the fencing is appropriate in this location and would not have a negative impact on the surrounding area. As such, taken as a whole, it is considered that the proposal meets the requirements of Policy BE1 of the Local Plan Strategy and Government Guidance contained within the NPPF, in this regard.

4. Impact on Existing Trees and Hedges

4.1 The Council's Arboricultural Officer is satisfied with the proposal and its impact on the trees on site subject to conditions that seek replacement trees and compliance with the recommendations and mitigation contained in the latest tree report. These conditions specifically relate to the southwest corner of the proposal and not to any other part of the development or any other trees including TPOs.

4.2 Accordingly, subject to conditions, tree and landscaping arrangements are acceptable. As such the development would accord with Policies NR3 and NR4 of the Local Plan Strategy and the NPPF in this regard.

5 Human Rights

- 5.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998.

Conclusion

For the reasons outlined above, it is considered that the proposal represents an appropriate form of development that would not unduly detract from the character of the area and the amenity of the residents of the neighbouring property. There would be no undue impact on the highway or trees, subject to conditions. Accordingly, approval is recommended, subject to conditions.

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