

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



District Council House, Frog Lane
Lichfield, Staffordshire WS136YU

Customer Services 01543 308000
Direct Line 01543 308075

12th August 2017

Dear Sir/Madam

PLANNING COMMITTEE

A meeting of the above mentioned Committee has been arranged to take place on **MONDAY 21st AUGUST 2017 at 6.00 pm** in the **Council Chamber, District Council House, Lichfield** to consider the following business.

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'Neil Turner'.

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 Monday 24th July 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

24 JULY 2017

PRESENT:

Councillors Smedley (Chairman), Marshall (Vice-Chairman), Mrs Allsopp, Awty, Mrs Bacon, Mrs Baker, Mrs Barnett, Cox, Drinkwater, Mrs Evans, Miss Hassall, Powell, Pritchard, Mrs Stanhope MBE, Strachan and A. Yeates.

1. **(APOLOGIES FOR ABSENCE** were received from Councillors Bamborough, Mrs Fisher Cllr Matthews and Miss Shepherd)

2. **DECLARATIONS OF INTEREST:**

There were no declarations of interest.

3. **MINUTES:**

The Minutes of the Meeting held on 26 June 2017 and previously circulated were taken as read, approved as a correct record and signed by the Chairman subject to an amendment at Item 6 – Mr Peter Sharpe (speaker's name) and Items 10 & 11 to read The Plant Plot.

4. **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 in association with Planning Applications 16/01409/FULM and 17/00139/OUTM.

5. **16/01409/FULM – DEMOLITION OF EXISTING FARM BUILDINGS AND ERECTION OF 24 NEW DWELLINGS AND ASSOCIATED WORKS
FISH PITTS FARM, MANOR LANE, HARLASTON
FOR BARWOOD HOMES LTD**

RESOLVED: That planning permission be approved subject to the conditions contained in the report of the Director of Place and Community and the applicant first entering into a Section 106 Legal Agreement and entering into a Unilateral Agreement in respect of the River Mease SAC.

6. **17/00139/OUTM – OUTLINE APPLICATION FOR UP TO 96 DWELLINGS WITH FORMATION OF NEW ACCESS ONTO NEW ROAD
LAND AND BUILDINGS AT MOUNT ROAD, BURNTWOOD
FOR CLEARWATER PROPERTIES**

RESOLVED: That planning permission be approved subject to the conditions contained in the report of the Director of Place and Community with and the inclusion of additional wording added in bold to condition 3:-

3. “This is an outline planning permission and no development shall be commenced until details of the layout of the site including the disposition of roads, disposition of buildings (which shall be informed by a tree shading plan); existing and proposed ground levels and finished floor levels; the design of all buildings and structures; housing mix **in accordance with the provisions of policy H1 of the Local Plan Strategy**; 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(s). The development shall thereafter be carried out in accordance with the approved details”.

And, the applicant first entering into a Section 106 Legal Agreement and entering in to a Unilateral Agreement in respect of Cannock Chase SAC.

(The Meeting closed at 7.02 pm)

CHAIRMAN

Planning Committee

21 August 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

21 August 2017

CONTENTS

Page No.	Case No.	Site Address	Parish/Town Council
A1	17/00280/FULM	Land Opposite To 138 - 188 Chorley Road Burntwood	Longdon
A16	17/00540/FULM	The National Memorial Arboretum Croxall Road Alrewas	Alrewas

ITEM B

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

CONTENTS

B1	17/00906/FUL	Land At Birmingham Road (Friarsgate) Lichfield	Lichfield
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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

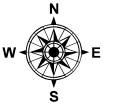
17/00280/FULM
Land Opposite To
138 - 188 Chorley Road
Burntwood

Scale:
1:3,000

Dated:
July 2017

Drawn By:

Drawing No:



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Lichfield
district council

www.lichfielddc.gov.uk
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Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

BLOCK PLAN

17/00280/FULM
Land Opposite To
138 - 188 Chorley Road
Burntwood

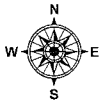
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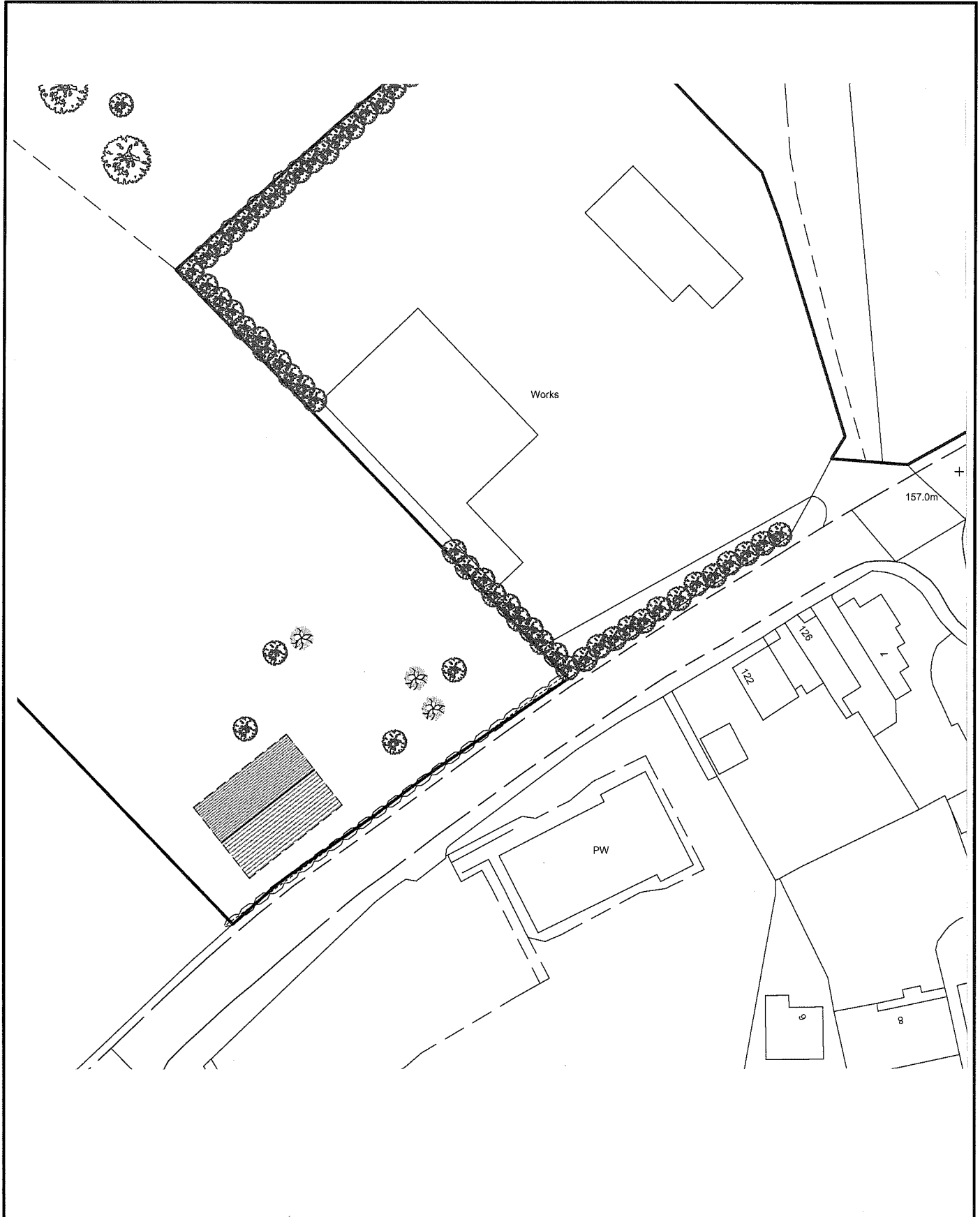
July 2017

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17/00280/FULM

ERECTION OF AGRICULTURAL BUILDING AND CONTINUED USE OF PART OF LAND FOR DOG AGILITY TRAINING LAND OPPOSITE 138-188 CHORLEY ROAD, BURNTWOOD, STAFFORDSHIRE FOR MR A BENNETT

Registered on: 03/04/17

Parish: Burntwood / Longdon

Note: This application is being reported to the Planning Committee due to a significant objection from Burntwood Town Council. Their grounds of objection are:

- The development fails to meet the permitted development requirements for an agricultural building in that it is within 25 metres of a classified road;
- The application also fails to demonstrate an agricultural justification for the building, whilst due to its siting, materials and visibility it would cause harm to the openness of the Green Belt and the visual amenity of the Cannock Chase AONB; and
- The application fails to recognise the existence of Public Footpath No. 18 Burntwood and Public Bridleway No.10 Longdon, which cross the site and would be affected by this development.

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 development on the agricultural building 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; and
 - ii) All exterior roof materials.

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 development on the agricultural building hereby approved is commenced, full details of hedgerow protection measures, shall be submitted to and approved in writing by the Local Planning Authority. The agreed hedge protection measures shall thereafter be provided in accordance with the British Standard 5837: 2012 and retained for the duration of construction (including any 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 agricultural building have been completed, and all equipment; machinery and surplus materials have been removed.

5. Before development on the agricultural building hereby approved is commenced, full details of a bat or bird box, shall be submitted to and approved in writing by the Local Planning Authority. The bat or bird box so approved shall thereafter be installed prior to the first use of the building and shall thereafter be retained for the life of the development.

6. Before development on the agricultural building 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.

7. Within 2 months of the date of this decision a Customer Management Plan for the dog agility training area, including customer booking system, number of appointments per day, opening hours, frequency, provision for parking of vehicles for site operatives and visitors/customers shall be submitted to and thereafter approved in writing by the Local Planning Authority. The approved Customer Management Plan shall thereafter be complied with for the life of the development.

8. Before development on the agricultural building hereby approved is commenced, the site shall be subjected to 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.

9. Before the development on the agricultural building hereby approved is commenced, full details of a surface water 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 development is first used and subsequently maintained for the life of the development unless otherwise first agreed in writing with the Local Planning Authority.

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

10. There shall be no permanent structures installed within the dog agility training area and any temporary or mobile structures should be removed from site after each training session.

11. All works shall be completed outside of the bird nesting season (March to September), 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 the National Planning Practice Guidance.
3. To ensure the satisfactory appearance of the development and character of the surrounding Green Belt and Cannock Chase Area of Outstanding Natural Beauty in accordance with the requirements of Policies NR2 and NR7 of the Local Plan Strategy and the National Planning Policy Framework.
4. To ensure the retention of an important landscaping feature in accordance with the requirements of Policies BE1 and NR4 of the Lichfield Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.
5. 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.
6. To ensure the satisfactory appearance of the development and character of the surrounding Green Belt and Cannock Chase Area of Outstanding Natural Beauty in accordance with the requirements of Policies NR2 and NR7 of the Local Plan Strategy and the National Planning Policy Framework.
7. In the interests of highway safety and to maintain the satisfactory appearance of the development and to safeguard the openness of the Green Belt in accordance with the requirements of Policies BE1, NR2 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
8. To prevent pollution of controlled waters and safeguard the amenity of future users of the site in accordance with Core Policy 3 of the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
9. 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.
10. To maintain the satisfactory appearance of the development and to safeguard the openness of the Green Belt in accordance with the requirements of Policy NR2 of the Local Plan Strategy and the National Planning Policy Framework.
11. In order to protect protected species and their habitat in accordance with Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document 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 during the course of development and operation of the permitted use no obstruction, prevention of use or diversion of the public footpath No. 18 Burntwood or Public Bridleway No. 10 Longdon must occur.

4. The applicant is advised that there is an overgrown existing hedgerow within the visibility splay of the site's vehicular access, which needs to be cutback to clear to the rear of the highway boundary.

5. The applicant is advised to note and act upon as necessary the comments of National Grid dated 4th May 2017.

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

7. 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 10 - Healthy & Safe Lifestyles
Core Policy 13 - Our Natural Resources
Core Policy 14 - Our Built & Historic Environment
Policy IP1 - Supporting & Providing our Infrastructure
Policy ST1 - Sustainable Travel
Policy ST2 – Parking Provision.
Policy NR2 – Development in the Green Belt
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 NR7 – Cannock Chase Special Area of Conservation
Policy Rural 1 - Rural Areas
Policy BE1 - High Quality Development
Policy Burntwood 1 – Burntwood Environment

Supplementary Planning Documents

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

Other

Staffordshire and Stoke on Trent Joint Waste Local Plan
Staffordshire Residential Design Guide (2000)
Rights of Way Circular 1/09
Natural Environment and Rural Communities Act 2006
The Conservation (Natural Habitats, &c.) Regulations 1994
DEFRA's Code of Recommendations for the Welfare of Livestock
DEFRA's Code of Recommendations for the Welfare of Livestock: Pigs
Countryside and Rights of Way Act 2000

RELEVANT PLANNING HISTORY

15/01493/ABN – Agricultural Determination: Erection of machinery and feed store – Refused – 15.02.16

L3498 – Sports and Recreation Centre – Approved – 25.07.77

L822 - Residential Development – Refused – 21.03.75

For the neighbouring site:

13/00669/FUL – Demolition of 2 no. existing industrial buildings and erection of 7 no. dwelling houses with associated works – Approved – 08.07.14

CONSULTATIONS

Burntwood Town Council – The development fails to meet the permitted development requirements for an agricultural building in that it is within 25 metres of a classified road. The application also fails to demonstrate an agricultural justification for the building, whilst due to its siting, materials and visibility it would cause harm to the openness of the Green Belt and the visual amenity of the Cannock Chase AONB. The application fails to recognise the existence of Public Footpath No. 18 Burntwood and Public Bridleway No.10 Longdon, which cross the site and would be affected by this development. (19.07.17).

Previous Comments: Object. The development fails to meet the permitted development requirements for an agricultural building in that it is within 25 metres of a classified road. The application also fails to demonstrate an agricultural justification for the building, whilst by reason of its siting, materials and visibility it would cause harm to the openness of the Green Belt and the visual amenity of the Cannock Chase AONB. The application fails to recognise the existence of Public Footpath No. 18 Burntwood and Public Bridleway No.10 Longdon, which cross the site and would be affected by this development. Finally, the site has been wrongly addressed (12.05.17).

Longdon Parish Council – No response received.

Ecology Team – Recommends referral to the response dated 08.05.17 (19.07.17).

Previous Comments: No objection. Notes that the site contains numerous medium which could be utilised by nesting birds. As such notes that if building works cannot occur outside of bird nesting season the site will need to be checked by an ecologist prior to the

commencement of any site works. Advises that in order to secure a biodiversity gain from the scheme a landscaping scheme or bat or bird box be installed into the site (19.07.17).

Arboricultural Officer – Advise that the comments made on 02.05.17 remain pertinent (25.07.17).

Previous Comments: No objection. Notes that there are a few small trees adjacent to the proposed building site, but these are not protected and are of no note. The hedgerow to the front of the building offers an important visual screen and therefore any approval should require the submission and approval of protection measures for this feature for during construction works (02.05.167).

National Grid – No objection (09.05.17).

Advises that no habitable buildings should be erected within 35 metres of the gas pipeline position. Recommends that the Health and Safety Executive be consulted (04.05.17).

Previous Comments: Notes that the application site is within the vicinity of a gas pipeline and associated equipment (24.04.17).

Cannock Chase Area of Outstanding Natural Beauty Joint Committee – No objection. The smaller size of the proposed building will further reduce any impact on the Cannock Chase AONB. However, it is noted that there is still no detail provided on design and therefore the request made for a condition to ensure the submission and approval of materials remains pertinent (27.07.17).

Previous Comments: No objection. Satisfied that there is sufficient agricultural justification for the proposed building and that, provided there are no permanent structures associated with the dog training facility, this will not result in a material change to the landscape.

The location proposed for the building minimises its impact upon the wider setting thereby protecting the landscape and scenic beauty of the AONB. The scale and design of the building strikes a reasonable balance between the operational needs, functionality and appearance, subject to the submission and approval of appropriate materials (26.04.17).

Staffordshire County Council (Rights of Way) – The attention of the developer should be drawn to the existence of public footpath No. 18 Burntwood and Public Bridleway No 10 Longdon, which cross the site. Any planning permission does not construe the right to divert, extinguish or obstruct these paths (09.05.17).

Staffordshire County Council (Archaeology) – Notes that there is low archaeological potential across this site and therefore archaeological mitigations would not be appropriate in this instance (09.05.17).

Staffordshire County Council (Highways) – No objection subject to a condition requiring the submission and approval, prior to the commencement of development of a Customers Management Plan specific to the operation of the dog training facility (19.04.17).

Environmental Health – No objection, subject to a condition requiring the submission and approval, prior to the commencement of development, of a contaminated land report (02.08.17).

Severn Trent Water – No response received.

Ramblers – No objection (03.05.17).

Health & Safety Executive – No response received.

LETTERS OF REPRESENTATION

In total 3 letters of representation have been received from 2 neighbouring residents. The comments raised are summarised below:

Principle of Development

- The building is insufficiently high in order to store some of the existing machinery located within the site.
- The building does not meet the requirements in order to be permitted development, given that it would be within 25 metres of a classified road.

Visual Impact

- The land levels within this area drop where the building is proposed to be erected moving from west to east by approximately 1.5 metres. If the land is built up to form a flat pad, upon which the building can be erected, it would result in the structure being highly visible from the adjacent road and surrounding dwellings.
- The site is currently blighted by the ad hoc placement of unauthorised buildings and containers.
- If the hedgerow to the front of the site were trimmed to an appropriate height it would not offer any visual screening from Chorley Road.
- The building would not benefit from the backdrop of rising land, as suggested within the submitted application and rather from various locations of Gentleshaw Common would be highly visible
- Any screening offered by the existing copse of trees within the site will be lost, given that these will be felled to facilitate the development.
- The building would not be screened by the neighbouring concrete works, and the application fails to take into account the housing development approved within this site.
- The proposed building will appear as an isolated structure and will therefore have a significant impact upon the character of the area.

Residential Amenity

- Building materials likely for use within this project are currently being stored within the site adjacent to the public footpath. The siting of this material, which poses a public health risk, demonstrates the applicant's failure to have a duty of care towards the public.
- Surface water run-off from the building could accumulate along the shared boundary with the neighbouring concrete works, causing an odour nuisance and encouraging flies and vermin.
- The building will blight views from 8 and 9 Squirrels Hollow.
- The siting of the proposed building is inappropriate, with the building being overly prominent within the street scene.

Highway Safety

- No vehicular access details to the building are provided.
- Surface water run-off from the building will likely drain into the highway causing potential flood issues.
- It would not seem possible for heavy construction vehicles to access the area where the building is proposed to be erected across open fields.
- Concerned that the gated access adjacent to the site, although not in the applicant's ownership, may be utilised for the construction of the building.

Other

- The location of development identified within the application is incorrect, with area proposed in which to erect the building actually being land opposite 82 to 122 Chorley Road.
- Residents within Bells Lane should have been consulted on this application.
- The application does not include details of where fuel will be stored.
- The applicant will fail to comply with any planning permission and disregarding any restrictions.
- The applicant will want to provide amenities to the building such as a toilet. No details of this have been provided.
- A high pressure gas main runs under the site and as such this area should not be developed upon.
- The application fails to identify that there are approximately 12 horses using these fields.
- The sheep within this site were born in the field and as such, do not require any housing.
- Requests that the Cannock Chase Joint AONB Committee review their decision on this application.
- The applicant should seek to provide facilities prior to the purchase of any animals and as such the justification that the building is required for animal welfare purposes is moot.
- The field in which the building is proposed to be erected used to be used as a rubbish tip.
- It is unclear whether the area proposed to erect the agricultural building upon is within the ownership of the applicant.

OTHER BACKGROUND DOCUMENTS

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

Planning Statement

OBSERVATIONS

Site and Location

The application site is located to the north of Chorley Road and comprises 5.8 hectares of agricultural land sited to the northern edge of the town of Burntwood. The site is located within the West Midlands Green Belt and is accessed from Chorley Road, via a private drive that also forms public footpath no 10 Burntwood. Crossing the site there are two sets of overhead power lines, which broadly run east to west and a high pressure gas line also runs diagonally across the site from south east to north west. The site is bordered to the north and east by Gentleshaw Common, which forms part of a Site of Special Scientific Interest (SSSI), and the Cannock Chase Area of Outstanding Natural Beauty (AONB). The site also surrounds the former concrete works, located on Chorley Road, whilst to the south there is a predominance of dwellings, erected in a variety of eras, from Victorian through to the 1970s.

PROPOSAL

Permission is sought, via a full application, for the erection of an agricultural building, proposed to the south western corner of the site, immediately adjacent to the former concrete works, and the continued use of part of the site, located towards the site's northern edge, for dog agility training. The agricultural building is proposed to be 15.6 metres wide,

with a depth of 12 metres, a height to ridge of 2.87 metres and a height to pitch of 4.8 metres. No works have been necessary for the creation of the dog agility training area, other than placing temporary hurdles or obstacles on site when the site is in use, which presently is once every 2 or 3 weeks, usually at the weekends.

The agricultural building and dog training area are both proposed to be accessed along the existing drive, which also forms public footpath no 10 Burntwood, before changing to Public Bridleway no 18 Longdon to the north of the site. The applicant proposes to access the barn via crossing existing fields rather than forming any new access or internal site track.

Background

A prior notification application (reference 15/01493/ABN) to erect an agricultural building on this site was submitted to the Local Planning Authority for consideration in 2015. The building was proposed to be erected in the north eastern corner of the site, immediately adjacent to Gentleshaw Common and the Cannock Chase AONB. This application was refused due to the building failing to comply with the permitted development legislation, due to its proposed use to accommodate livestock. In addition, concerns were raised regarding the siting of the building, due to its remoteness from existing built form and the impact this would have upon the openness of the Green Belt and also the scale of the building, compared to the evidenced agricultural operation within the site.

Determining Issues

- 1) Policy and Principle of Development
- 2) Visual Impact
- 3) Residential Amenity
- 4) Landscaping
- 5) Ecology
- 6) Flood Risk and Drainage Issues
- 7) Highways and Public Rights of Way Considerations
- 8) Archaeology
- 9) Other Matters
- 10) Human Rights

1. Policy and Principle of Development

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

1.2 The site is within the West Midlands Green Belt. Development Plan policies as well as the National Planning Policy Framework set out that within Green Belts, Local Planning Authorities should regard the construction of new buildings, unless they meet one of the stated exceptions, as inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, it states 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.

1.3 Paragraph 89 of the NPPF seeks to enhance the beneficial use of the Green Belt and states that except in very special circumstances, permission for development in the Green Belt will not be given for the construction of new buildings or the change of

use of existing buildings or land for any purposes other than those stated. The exceptions to this restriction are identified as:

- i) development pertaining to agriculture and forestry;
- ii) essential facilities for outdoor recreation;
- iii) limited infilling or redevelopment of existing developed sites;
- iv) replacement buildings if of a comparable scale;
- v) limited affordable housing;
- vi) limited expansion or alteration to existing dwellings; and
- vii) the reuse of buildings, which are permanent and of substantial construction capable of conversion.

- 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. The Policy also seeks to enhance the beneficial use of the Green Belt, which includes opportunities to provide access for outdoor sport and recreation. However, any development must retain its character and openness.
- 1.5 Paragraph 20 of the NPPF advises support to economic development stating “*to help achieve economic growth, local planning authorities should plan proactively to meet development needs of business and support an economy fit for the 21st Century*”. 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*”. In addition, it is advised that Local Planning Authorities “*support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings*”. Local Plan Strategy, Strategic Priority 7 and Core Policy 7 both encourage economic rural development, subject to there being no conflict with other Local Plan Policies.
- 1.6 The site is located immediately adjacent to the Cannock Chase AONB. The Countryside and Rights of Way Act 2000 (CRoW) places a duty on public bodies to “*have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty*”. Paragraph 115 of the NPPF provides further guidance, advising that “*great weight should be given to conserving landscape and scenic beauty in... Areas of Outstanding National Beauty, with the highest status of protection in relation to landscape and scenic beauty*”.
- 1.7 Given the above policy framework, it is evident that both agricultural development and leisure activities, are supported in principle, within the Green Belt, whilst given the location of the site immediately adjacent to the Cannock Chase AONB, it must be demonstrated that the scheme will not have an adverse impact upon that area’s scenic beauty. These conclusions are evidently also subject to the applicant demonstrating an agricultural need for the building and the development itself not having an adverse impact upon the openness of the area.
- 1.8 In terms of demonstrating agricultural need, a concern previously raised for this site, as part of the prior notification application considered in 2016, the interpretation of Class A in the GPDO defines agricultural land as land, which is in use for agriculture and which is so used for the purposes of a trade or business. An agricultural unit is defined as agricultural land which is occupied as a unit for the purposes of agriculture. The land upon which the building is to be erected is a grass field with a number of unauthorised structures, including stables and shipping containers. The supporting statement submitted with the application provides details of the use of these structures and wider site, advising that the field is now farmed with 12 sheep, 3 in lamb, 3 pigs, 20 chickens, 3 ducks and 20 Geese. In addition, there are

agricultural implements stored, within the unauthorised buildings sited across the site, including a tractor, digger, rotivator, topper, post knocker, fencing equipment, tractor attachments etc.

- 1.9 The application contains details of the applicant's aspiration to expand the agricultural operation of the site. A stud has been hired to serve the 10 ewes and it is hoped that the flock will therefore expand to 20/30 by next year and proportionally thereafter. It is also hoped to increase the number of pigs within the site from 3 up to approximately 30 in one years time. It is evident that from the information supplied the applicant has expanded the agricultural operation within the site from that evidenced in 2016 and is seeking to further expand this business, utilising the benefits afforded by a permanent secure building. Given this evidence, it is considered that there is a viable agricultural operation operating from the site and therefore, the building benefits from the agricultural building exemption identified within both national and local planning guidance for development within the Green Belt and as such the principle of development is acceptable.

Openness of the Green Belt

- 1.10 Whilst the change of use of the land itself for use for dog agility training is not inappropriate development, as it complies with the requirements of national and local plan policies, as explained above, the erection of buildings or other structures to facilitate this development, must, in the first instance, be considered inappropriate as they would diminish the openness of the Green Belt. This matter is expanded upon in Paragraph 87 of the NPPF which advises that the "*provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries*", will only be acceptable "*as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*".
- 1.11 The first matter to consider therefore is whether any built form required to enable this change in land use is appropriate to the nature of the proposed use and secondly, whether the scale and appearance of such, preserves the openness of the Green Belt.
- 1.12 No new built form has been or will need to be introduced within the site to enable this operation, although temporary structures, such a jumps are located within the field. Given the existing level of use of the site, once every fortnight or so, which can be controlled into the future utilising a condition, any visual impact could not be considered significant, subject to the use of a condition to require the removal of the jumps and associated equipment following completion of activities, thereby reverting the field back to its open state.
- 1.13 The agricultural building has now been located adjacent to the existing concrete works site. As noted above, permission has been granted to develop this site through the erection of 7 dwellings, although this permission has now lapsed. In addition there is a continuous linear built form to the southern side of Chorley Road. As such, the building, in longer views from the north of the site, would now be seen against the backdrop of built form, rather than open fields. It should also be noted that the acceptability of the location now identified has also been confirmed by the Cannock Chase AONB Joint Committee. Therefore the principle of this development accords with the requirements of the Development Plan and the NPPF.

2. Visual Impact

- 2.1 Local Plan Strategy Core Policy 14 states that "*the District Council will seek to maintain local distinctiveness through the built environment in terms of buildings... and enhance the relationships and linkages between the built and natural environment*".

- 2.2 The NPPF (Section 7) advises that “*good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*”. The document continues to state that “*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*”.
- 2.3 The NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area’s defining characteristics, it states that developments should:
- function well and add to the overall quality of the area;
 - establish a strong sense of place;
 - respond to local character and history, and reflect local surroundings and materials;
 - create safe and accessible environments; and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 2.4 Local Plan Strategy Policy BE1 advises that “*new development... should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views*”. The Policy continues to expand on this point advising that good design should be informed by “*appreciation of context, as well as plan, scale, proportion and detail*”.
- 2.5 The first matter to consider to determine the visual acceptability of the agricultural building is scale. The applicant has provided a full breakdown of the size of the equipment stored within the site, necessary for agricultural endeavours. The floor area covered by this equipment, including space around these features to allow for access, totals some 60m². With reference to livestock, utilising the floor area requirements for sheep, identified within DEFRA’s Code of Recommendations for the Welfare of Livestock and for pigs contained within DEFRA’s Code of Recommendations for the Welfare of Livestock: Pigs and allowing for two years of growth within the business the floor area requirement is for approximately 100m². The total floor area of the building, following the submission of revised plans, reducing the scale of the building, is shown to be 187m², although the internal floor area totals 166m². The overhang proposed to the front of the building is necessary for ventilation purposes. Given this assessment it is considered that the footprint of the building is appropriate.
- 2.6 The height of the building has increased since the submission of the initial scheme, in order to enable the applicant’s tractor to gain access into the building. The structure will however have a height less than that of the surrounding built form and as such would not appear as unduly prominent within the street scene. The building will however be located on a slope within the site and no land level details have yet been provided. To further ensure that the building has an acceptable street scene impact, the building will be cut into the land rather than raised, which shall be secured via the use of a condition.
- 2.7 In terms of visual impact the agricultural building is proposed to be erected utilising timber cladding, with no further details relating to roof materials provided. The elevation treatments evidenced on the submitted drawings are typical of an agricultural building, being plain fronted, with the sole opening being a large door sited centrally to the front elevation. The building is appropriate to its rural surroundings therefore and subject to the condition recommended by the Cannock Chase AONB Joint Committee relating to the submission and approval of materials to be agreed by the Local Planning Authority, prior to the commencement of

development, the building can be considered appropriate to its context and compliant with the requirements of the Development Plan in this regard.

- 2.8 As identified above, no new built form elements have been erected, or are proposed, to facilitate the dog training facility and therefore no design considerations regarding this aspect of the scheme are required.

3. Residential Amenity

- 3.1 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”*.

- 3.2 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”*.

- 3.3 The agricultural building is located opposite, the Kingdom Hall of Jehovah’s Witnesses. The nearest residential property, 122 Chorley Road, would be located to the east of the building, some 57 metres away. The building would also be within 35 metres of the concrete works. The dog agility training field is located approximately 180 metres from the dwellings on Chorley Road.

- 3.4 Given the intensity in use of the dog training facility and agricultural building, it is considered that any impact upon the amenity of existing or proposed neighbouring residents could not be considered significant at this stage, although it is recognised that the Environmental Health Team would retain powers outside of the planning arena to remedy matters should the use become a noise nuisance. Given the evidence before the Council at this point, it is considered reasonable to approve the application, subject to the identified restrictions, which ensures the development’s compliance with requirements of Local Plan Strategy Policy BE1 and the NPPF.

- 3.5 The site has a history of use as a rubbish store and as such the Council’s Environmental Health Team have recommended that a contaminated land report be submitted prior to the commencement of development on the agricultural building. Given this former use, the recommendation of an appropriate condition is considered to be reasonable and necessary.

- 3.6 As such, 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.

4. Landscaping

- 4.1 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.

- 4.2 Whilst there are a number of trees within the site, the applicant advises that none are to be felled to enable this development. The trees in question are not protected and have been considered by the Council’s Arboriculturalist to be of little visual merit. The hedgerow to the front of the site however is a prominent feature within the street scene and will also provide a screen to the agricultural building. To ensure its retention therefore during any building works, a condition to secure the submission and subsequent implementation of protection measures is recommended. Subject to

the application and adherence to the requirements of this condition, the development will comply with the requirements of the abovementioned Document and Policy NR4 of the Local Plan Strategy.

5. Ecology

5.1 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.

5.2 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 a bat or bird box. A condition to secure the installation and retention of this feature is proposed. The net gain in biodiversity value derived by this provision will be given due weight in the planning balance, demonstrated within the conclusion, as required by Paragraph 118 of the NPPF. Accordingly the proposal complies with the requirements of Development Plan and NPPF in this regard.

6 Flood Risk and Drainage Issues

6.1 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.

6.2 No specific details of how surface water drainage from the building will be routed has been provided currently and as such this matter is proposed to be clarified via the use of an appropriately worded condition, which will thereafter ensure that the development, in this regard, accords with the requirements of the Development Plan and the NPPF.

7. Highways and Public Rights of Way Considerations

7.1 The building and training field would both be served via the existing vehicular access point from Chorley 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. The sole suggested condition relates to the submission and approval of a customer booking system, which will detail the hours of operation and parking arrangements for the dog training use. Such a condition is reasonable in order to ensure the safety of road users and also secure the amenity of existing residents. As such with this condition in place the development complies with the requirements of the Development Plan and the NPPF.

7.2 Public Footpath No 10 Burntwood comprises the vehicular access which serves the site. As such, pedestrian users of the route will continue to have priority over vehicles and this fact shall be identified to the applicant via the use of an informative, along with the need to ensure that the route remains open and available for use throughout the construction phase of development.

8. Archaeology

8.1 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*”.

8.2 The County Council's Archaeologist has advised that given the scale of the site and the lack of archaeological sensitivity of the area that a condition requiring the submission and approval of a scheme of archaeological investigation will not be required in this case.

9. Other Matters

9.1 The issues raised by neighbours to the site and the Town Council have been largely addressed within the above report. Of those that remain, it is evident that there is an acknowledgement by the applicant that the scheme does not comply with permitted development policies, hence the submission of this full planning application. It is noted that there are a number of unauthorised structures within the site. These are not however the subject of this application and their removal will be secured via appropriate enforcement action. The applicant's 'duty of care' to footpath users is a health and safety rather than a planning issue. The applicant has not applied for toilet facilities, nor the formation of a new access or track within the site so these matters cannot be considered as part of this proposal. Loss of view from a dwelling is not a material planning consideration, whilst the grazing of horses on the site does not require planning permission. Finally, the applicant has completed a ownership certificate to identify that they do indeed own the land upon which the building is proposed to be erected.

10.2 The location of the agricultural building relative to both the gas pipeline and overhead power lines which cross the site has been considered by the National Grid, who offer no objection to its siting.

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 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. With reference to this scheme, given the location of the site within the Green Belt, significant weight must be attached to environmental considerations. The structures and alterations required to facilitate the development have been planned to their minimum size and sited and designed in a manner to preserve the openness of the Green Belt. Economically, the proposal will facilitate the expansion and diversification of an established rural enterprise, which may, through bringing additional people into the area, have wider benefits. Socially the proposal will not cause significant impact upon the reasonable amenity of neighbouring residents. Thus, subject to the application of conditions, it is recommended, on balance, that this application be approved.

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district council

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LOCATION PLAN

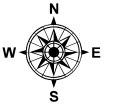
17/00540/FULM
The National Memorial Arboretum
Croxall Road
Alrewas

Scale: 1:1,900

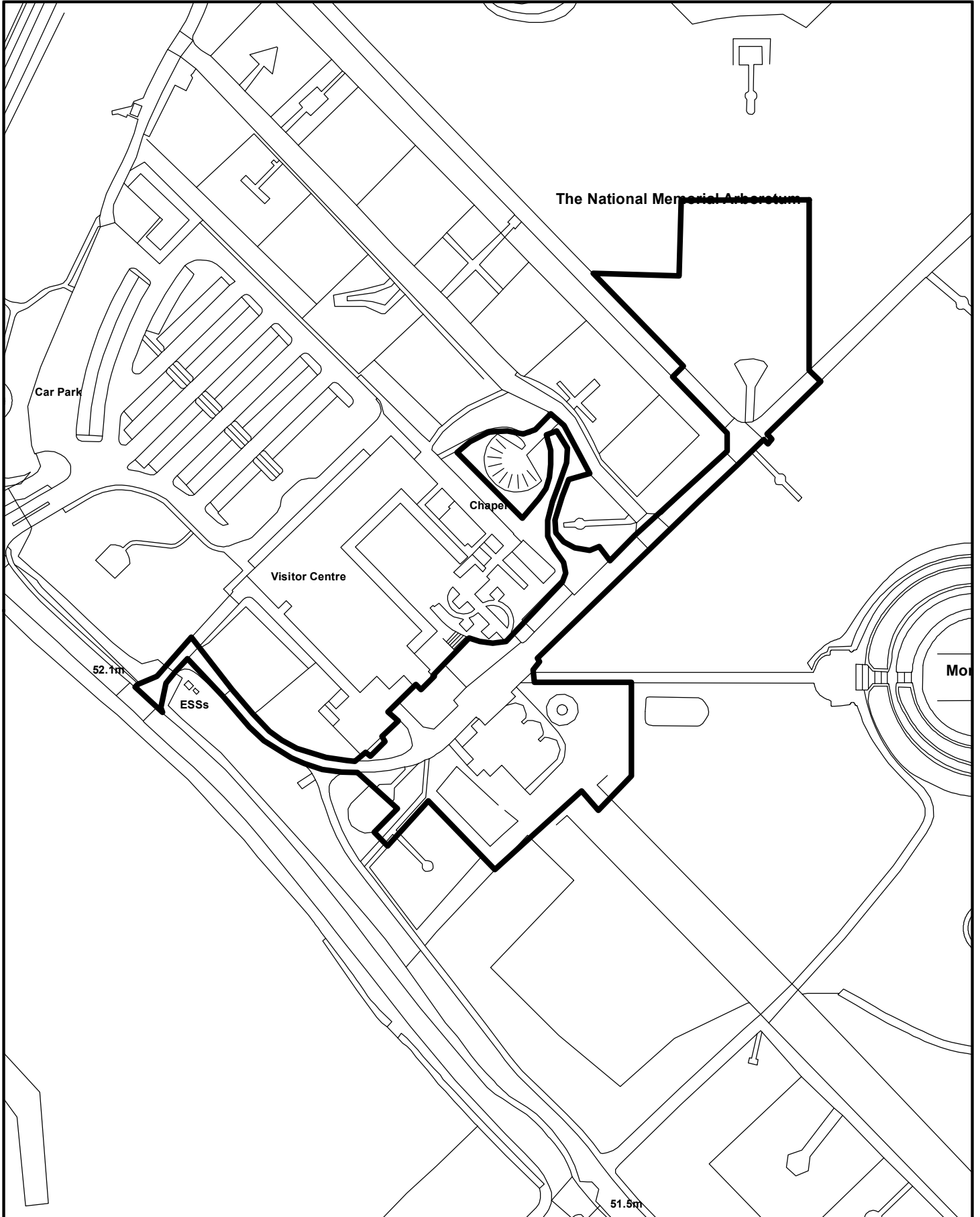
Dated: July 2017

Drawn By:

Drawing No:



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17/00540/FULM

CONSTRUCTION OF NEW EVENTS PAVILION COMPRISING EVENT FUNCTION ROOMS, KITCHEN, WC FACILITIES, BAR, SYNDICATE AND MEETING ROOMS, EVENTS OFFICE AND ANCILLARY FACILITIES; SERVICE YARD; AND ASSOCIATED HARD AND SOFT LANDSCAPING.

THE NATIONAL MEMORIAL ARBORETUM, CROXALL ROAD, ALREWAS FOR THE NATIONAL MEMORIAL ARBORETUM

Registered on 29/04/17

Parish: Alrewas

Note: This application is being reported following a call in from the ward member for Stowe for reasons of Probity, design and ecology. Namely, that it would be wrong to move the Phantom Memorial, to be replaced by an events pavilion. The reason seems to undermine the founding principle of the NMA as a whole. Secondly, the new events pavilion impedes the view and lastly the new events pavilion is being built on a flood plain. The proposed location is not suitable.

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, details of alternative locations within the wider NMA site for the relocation of memorials affected by this development, and timescales for relocation shall be submitted to and approved in writing by the Local Planning Authority. These memorials shall be relocated within an agreed timeframe and thereafter be retained for the life of the development.
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 used and subsequently maintained for the life of the development unless otherwise first agreed in writing by the Local Planning Authority.

All other CONDITIONS to be complied with:

6. The development hereby approved shall be carried out in full accordance with the approved Flood Risk Assessment (FRA) compiled by Techniker Ref: 15106/04/004 dated June 2017 and the following mitigation measures detailed within the FRA:

- i. Provision of compensatory flood storage as set out within the FRA compiled by Techniker Ref: 15106/04/004 dated June 2017.
- ii. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
- iii. Finished floor levels are set no lower than 52.86mAOD above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

The mitigation measures shall be fully implemented prior to the first use of the development and thereafter be retained for the life of the development.

7. The development hereby approved shall not be brought into use until the temporary marquees have been fully removed from the site and the land made good to the satisfaction of the Local Planning Authority, unless agreed otherwise in writing by the Local Planning Authority.

8. Within one month of completion, a bat or bird box shall be installed within the site. The bat or bird box shall thereafter be retained as such for the life 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 the guidance contained within the National Planning Practice Guidance.

3. To safeguard the character and appearance of the buildings and the surrounding area in accordance with Policies BE1 and NR2 of the Local Plan Strategy and the National Planning Policy Framework.

4. To safeguard the character and appearance of the site and the surrounding area in accordance with Policies BE1 and NR2 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. In order to reduce the risk of flooding to the proposed development and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided; and to ensure safe access and egress from and to the site, in order to meet the requirements of Core Policy 3 and Policy NR9 of the Local Plan Strategy and the National Planning Practice Guidance.

7. To safeguard the character and appearance of the site and the surrounding area in accordance with Policies BE1 and NR2 of the Local Plan Strategy and the National Planning Policy Framework.

8. In order to safeguard the ecological interests of the site, in accordance with 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.

NOTE 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 applicants' 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 applicants attention is drawn to the comments of the Staffordshire County Council Rights Of Way Officer dated as received on 19.07.17.

4. 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 footpath No. 3(c) Alrewas must occur.

5. The applicants attention is drawn to the comments of the Staffordshire Police Architectural Liaison Officer dated as received on 25.05.17. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.

6. The applicant's attention is drawn to the comments of the Operational Services Manager dated as received on 06.06.2017

7. 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
Planning Practice Guidance

Local Plan Strategy

Core Policy 3 – Delivering Sustainable Development
Core Policy 9 – Tourism
Core Policy 12 - Provision for Arts and Culture
Core Policy 14 - Our Built & Historic Environment
Policy NR1 – Countryside Management
Policy NR3 – Biodiversity, Protected Species & their Habitats
Policy NR4 – Trees, Woodlands and Hedgerows
Policy NR5 - Natural & Historic Landscapes
Policy BE1 – High Quality Development
Policy Alr 1 – Alrewas Environment

Saved Local Plan Policies

National Forest Designation

Supplementary Planning Documents

Sustainable Design

Trees and Development

Biodiversity and Development

Rural Development

Other

Staffordshire and Stoke on Trent Joint Waste Local Plan

Rights of Way Circular 1/09

Emerging Alrewas Neighbourhood Plan

Natural Environment and Rural Communities Act 2006

The Conservation (Natural Habitats, &c.) Regulations 1994

RELEVANT PLANNING HISTORY

17/00052/ADV - Erection of a free standing non-illuminated orientation panel (National Forest). Approved 17.01.2017.

16/01018/FUL - Installation of new and replacement lighting and power points at the Armed Forces Memorial. Approved 08.11.2016.

16/00057/FUL - Installation of a children's play area. Approved 19.02.2016.

14/01165/FULM - Partial demolition of existing Visitor Centre and replacement with a new Remembrance Centre comprising education, exhibition and interpretation facilities, support retail and office accommodation, restaurant and café facilities plus other ancillary functions (including toilets), a service yard and replacing existing service yard, new hard and soft landscaping across the application site – Approved 04.03.2015.

14/00442/FUL - Erection of an oak framed shelter. Approved 16.06.2014.

14/00390/FUL - Erection of an entrance feature to Freemasons memorial (amendment to application 13/00488/FUL). Approved 21.05.2014.

13/00488/FUL - Erection of an entrance feature to Freemasons memorial. Approved 21.06.2013.

13/00224/FUL - Extension to access track for land train. Approved 24.04.2013.

12/01016/FULM - Revised access arrangements to the main car park for the new Remembrance Centre (as approved under planning application reference 12/00593/FULM). Approved 1.11.2012

12/00990/FUL - Alterations to the existing maintenance building - 2 new windows and internal alterations. Approved 28.11.2012.

12/00593/FULM - Demolition of existing visitor centre and development of a Remembrance Centre, including education, exhibition and interpretation floorspace, ancillary retail, restaurant and café and associated facilities; linked Functions Pavilion building; permanent canopy; alterations to existing chapel; service yard; alterations to existing car park and vehicular access points; provision of temporary car park and associated landscaping and ancillary works. Approved 29.8.2012

11/01126/FUL - Erection of a monument ('Pegasus' parachute regiment memorial), Approved 1.2.2012

11/00955/FUL - Installation of portacabin to be used as educational centre comprising 2 classrooms, toilets, office and storage, Temporary Approval 21.10.2011

11/00519/FUL - Construction of access track for land train. Approved 21.06.2011.

11/00502/FUL -Retention of existing temporary marquee for duration of new extensions and alterations to main buildings. Temporary Approval 2.8.2011

11/00500/FUL – Renewal of application 09/00457/FUL relating to retention of portacabins. Temporary Approval 21.6.2011

10/01511/COU – Change of use of farm land to temporary car park for cars and coaches, Temporary Approval 4.2.2011

10/01076/FUL – Internal alterations to existing maintenance building to incorporate storage, staff rest room with toilet facilities, small office and archive storage, with new windows to office and rest room (amendments to application 09/00411/FUL). Approved 19.5.2011.

10/00935/FUL – Proposed erection of 3 bay oak framed shelter. Approved 25.8.2010.

10/00910/FUL –Proposed erection of oak framed shelter at Allied Forces Special Grove. Approved 25.8.2010.

09/00698/FUL - Erection of a monument (Polish forces war memorial). Approved 5.8.2009.

09/00457/FUL - Retention of portacabin used as office. Approved 29.6.2009.

09/00411/FUL - Proposed erection of a single storey grounds maintenance building. Approved 3.7.2009.

09/00365/FUL – Installation of two portacabins. Approved 12.6.2009.

09/00271/FUL - Single storey extension to form kitchen, store and plant room and additional windows to Conference Room. Approved 6.5.2009.

09/00198/FUL - Extension to long gallery and extended entrance foyer. Approved 9.4.2009.

09/00047/ADV - Erection of a non-illuminated freestanding panel sign. Approved 11.02.2009.

08/00282/FUL Installation of two temporary portacabins for temporary period of two year Approved 9.5.2008.

07/00770/FUL – Resurfacing/surfacing existing avenues, paths, roads and amphitheatre. Approved 12.9.2007.

05/00188/FUL – Construction of stone walls inscribed with names, obelisk and trees and associated landscape works. Approved 6.4.2005.

05/00018/FUL - Proposed entrance canopy. Approved 9.2.2005.

04/00435/FUL - Proposed erection of two single storey site shelters and a single storey memorial building. Approved 8.6.2004.

98/00001/FUL - Visitors centre, cloisters, chapel, surrounding landscaped areas, parking, service roads. Approved 16.3.98.

L.960705 –National Memorial Arboretum-engineering works. Approved 15.10.96

L.96290 - Proposed National Memorial Arboretum. Approved 22.7.96.

CONSULTATIONS

Alrewas Parish Council – No objection (15/06/17 & 11/07/17).

Following submission and consultation on amended plans which show the relocation of the Phantom memorial.

Previous Comments – Alrewas Parish Council raise the following comments:

- It is not clear from the submission what the intentions are regarding 2 of the original dedicated gardens which look to be displaced by this proposal.
- Are these gardens consecrated?
- Are they going to be re-located and has due consideration been given to consulting with the guardians and/or trustees of these gardens?
- Is there a better location for this proposal which does not impact on the existing memorials?
- We request that the planning committee investigates if this is the best place for a facility of this size and if so, clarifies the intentions regarding the affected gardens (18/05/17).

Staffordshire County Council (Highways) – There are no objections on Highway grounds to this proposal. The following comments are attached to the response:

- It is noted that in 2012, an application was submitted (12/00593/FULM) and approved with regards to the construction of a Remembrance Centre and a Functions Pavilion. Also noted that in 2014 a revised application was submitted for just the Remembrance Centre but with car parking provision as per the 2012 application.
- Given that the car parking provision has been provided in-line with the original 2012 application and that this revised Events Pavilion is slightly smaller than the original planned in 2012, we concluded that this proposal will not have a negative impact on the local highway network (16/05/17, 26/06/17 & 11/07/17).

Highways England –No objection (23/06/17 & 11/07/17).

Staffordshire County Council Lead Local Flood Authority – No objection subject to the addition of the following conditions:

- The development permitted by this planning permission shall only be carried out in accordance with the Drainage Strategy and the following mitigation detailed within the FRA:
 - Limiting the surface water run-off generated by the development to 80% of current run-off values for the existing site and not increase the risk of flooding off-site.
 - Provision of an adequate volume of attenuation flood storage on the site to a 100yr standard (15/06/17).

Environment Agency – The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the revised Flood Risk Assessment compiled by Techniker Ref: 15106/04/004 June 2017 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by Techniker Ref: 15106/04/004 dated June 2017 and the following mitigation measures detailed within the FRA:

1. Provision of compensatory flood storage as set out within the FRA compiled by Techniker Ref: 15106/04/004 dated June 2017.

2. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
3. Finished floor levels are set no lower than 52.86mAOD above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority (27/06/17).

Previous Comments: In the absence of an acceptable FRA they object to the grant of planning permission and recommend refusal on this basis. They ask to be re-consulted on the revised FRA (22/05/17).

Spatial Policy and Delivery - Overall there would be no objections to the principle of the development as local policy broadly supports the enhancement of the NMA as a key tourism asset. Nevertheless, having regard to the NPPF and the policies cited above, careful consideration should also be given to the scale and nature of the proposal in order to protect the tourist asset and its surrounding natural environment (13/06/17).

Ecology Officer – Having recently conducted a site inspection and having consulted the Staffordshire Ecological Record the ecology team is satisfied that the proposed works are unlikely to negatively impact upon protected or priority species or habitats (i.e. those defined under the Wildlife and Countryside Act 1981 (as amended 2010), The Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2010), The Protection of Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006).

However, under policy NR3 of the adopted Lichfield District Council Local Plan a net gain to biodiversity must be incorporated into all developments.

Due to the nature and location of the proposed development it is recommended that this net gain could be best achieved via the inclusion of new bat boxes or bird boxes (or bat brick, swallow cup etc.) either within the applications red line or the blue line, where applicable. However a net-gain to biodiversity value could also be achieved through onsite habitat improvement works or the creation/planting of new habitats or features (i.e. additional tree or hedgerow planting, hibernacula creation, wildlife pond creation ...etc.).

Once incorporated into the development scheme 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 (19/02/17, 30/06/17 & 09/07/17).

Operational Services Manager – It is a legal requirement that commercial waste is securely contained in suitable and sufficient containers, cannot be vandalised, kicked over or interfered with and transferred to a suitable licenced person for transport and disposal. Provision must be made to remove a stream of recycling from their waste. Therefore each commercial unit is likely to require at least two containers for their waste.

The road surface should be sufficient to take 32 tonne vehicle and there should be sufficient room to allow safe access and egress for an RCV. The refuse/recycling collectors should have a pull distance of no greater than 10m (05/05/17) (07/07/17).

Arboricultural Officer – No objections to the proposal in its current form based on arboricultural matters (26/04/17 & 07/07/17).

Conservation Officer - No further comments (23/06/17).

Previous Comments: There are two designated heritage assets in relative proximity to this site. They are the Grade II* listed Chetwynd Bridge and a GII listed milestone on Croxall

Road. I do not consider that the proposals will harm the setting of either of these heritage assets due to the distance and level of screening between them.

The site is near to a Scheduled Ancient Monument and within and near to a number of non-designated sites that are on the HER so the County Archaeologist should be consulted on this application to ensure any impact on these archaeological heritage assets are taken into account (25/05/17).

Staffordshire County Council Principal Archaeologist – Discussions with our minerals team indicate that the area covered by the current application have been previously impacted by quarrying operations. It is therefore advised that archaeological evaluation or mitigation would not be appropriate in this instance (19/07/17).

The National Forest Company – The NFC was involved with the original creation of the NMA which now forms one of the most visited sites within the Forest. The NFC welcomes the provision of additional facilities at the Arboretum to serve its existing numbers of visitors. Concerns have been brought to our attention regarding the relocation of two memorials, the NFC requests that these concerns are also taken into consideration as part of the decision making process (05/06/17).

Network Rail – No observations (26/05/17).

Staffordshire County Council Rights of Way - Neither the Plans nor the Design and Access Statement recognise the existence of Public Footpath No 3(c) Alrewas which runs immediately adjacent to the proposed development site. This also forms part of the proposed long distance promoted route the Tame Valley Way.

The attention of the developer should be drawn to the existence of the path and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. If the path does need diverting as part of these proposals the developer would need to apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence. The County Council will need to be formally consulted on the proposal to divert this footpath. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpath must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required.

The developer also needs to confirm that they have a private right to use the footpath with vehicles. If there is a private right to use with vehicles then the fact that the route is a public highway takes precedence and needs to be stressed in any planning permission. The use by private vehicles is subject to, and subordinate to, the public's right. In other words pedestrians have a public right and vehicles need to give way to them not the other way around.

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route

affecting the land, or the apparent exercise of a right of way by members of the public (19/07/17)

Ramblers – There should be no interference with safe public access to footpaths Nos. 3 (c) and 5 Alrewas Parish (24/05/17, 24/06/17 & 11/07/17).

Police Architectural Liaison Officer - A response was received with detailed input from the Counter Terrorism Security Advisor. Details have been sent to the applicant but due to the sensitive nature of the content it is not copied here (25/05/17).

LETTERS OF REPRESENTATION

14 letters of representation (including a small number of duplicate letters from the same person) have been received during the course of considering this application. The comments made are summarised as follows:

- Detrimental impact on the character of the area.
- Disruption during construction.
- Impact on the landscaping.
- Inappropriate development.
- The development would be built on the site of the Phantom Memorial Garden now stands.
- The Phantom Garden was conceived by Ex.Sgt.Len Owens MM in collaboration with Commander David Childs CBE, the founder of the NMA.
- The choice of location for the new development is wrong:
 - It involves the destruction and relocation of two key memorials including the Phantom Garden.
 - It destroys the historic unimpeded sightline from the Visitor Centre down The Beat towards the Golden Grove.
- Panoramic views from the Visitor Centre are much more important than the restricted views from the proposed Events Pavilion due to much greater numbers using the Visitor Centre. This wonderful view has not been seen since the 'temporary' erection of marquees about eight years ago.
- A different location for the Events Pavilion would restore this iconic sightline as conceived by David Childs enabling wide panoramic views from the Visitor Centre down The Beat, across to the Armed Forces Memorial and beyond.
- The Events Pavilion as planned would present visitors on the terrace with a roadway, a rooftop and the side of a building as they looked ahead.
- We respectfully suggest that the other potential sites for the Events Pavilion could be revisited, and other sites considered, such as the staff car park and the site of the proposed temporary Events Marquee adjacent to Millennium Avenue. This would, in addition, remove the necessity for the destruction of original memorials, both the Phantom Garden as well as the Police Memorial Garden which was recently honoured by a visit from Prince William. The National Memorial Arboretum's hard won funding should not, in our opinion, be diverted to the unnecessary expense of destroying and rebuilding memorials already funded.
- If it is impossible to relocate the Events Pavilion, our second suggestion would be that the footprint of the building is altered, - increased lengthwise and reduced width wise, to leave Phantom intact.
- Finally, should the current planning application be approved, we may have no alternative but to reluctantly accept the National Memorial Arboretum's plan.
- As far as we are aware at this late stage no agreements have been reached with any of the affected parties, nor the mechanics of actually moving the memorials.
- Dates in the application reveal that Feasibility Studies Stages 1 and 2 were completed in March 2016 and January 2017 respectively. Our first intimation of the proposed relocation was in mid-March 2017, with our first 'discussion' on 30th March. Three weeks later the plans were submitted. We have therefore had no time to be involved in any meaningful way. We have been presented with a 'fait accompli' which

we think the National Memorial Arboretum expected us to just accept. We are not statutory consultees but we are very significantly affected and we feel strongly that we have been side-lined.

- Scant regard has been paid by the National Memorial Arboretum to the feelings of at least one set of Trustees. People who have invested funds, time, toil, sweat, tears and devotion to a memorial do not deserve to be treated shabbily.
- Representations have been received from residents of the Moussey-Rabodeua valley, which the Phantom memorial is directly linked to. They ask for the memorial to be retained.
- In the light of heightened security awareness following the Manchester Arena tragedy of 22/05/17, I feel that the location chosen for the new Events Pavilion is potentially extremely vulnerable: as planned it will be a building isolated and disconnected from the main Visitor Centre and surrounded by open space and trees. The new Events Pavilion will have facilities for VVIPs and is therefore a potential target. Building the Events Pavilion on an alternative site so that it adjoins the Visitor Centre improves site security, improves (and shortens) road access for essential traffic, and improves access for the elderly and disabled.
- We still dispute the NMA's statement that their chosen location represents the only viable option. They have not given reasons for rejecting their other four identified alternatives as shown on the feasibility plan received by us from Peter Orgill on 19th April 2017.
- A site for the relocation of the Phantom Memorial Garden has been submitted by Lichfields. Our bottom line is, as it has been from the outset, that we will accept this if it is inevitable. But we do not think that it has to be inevitable. Lichfields state that the relocation "has been given careful consideration at the highest level in the NMA". This however has not included the Phantom Trustees in any meaningful way. Do we not matter?
- The amended plans as submitted by the NMA on 27th June 2017 are, in the opinion of the Phantom Garden Trustees full of inaccuracies, omissions and misleading statements.
- The War Widows Association of Great Britain have written a letter of support. They state their involvement in the NMA from the early stages and that there will need to be the occasional need to relocate or alter existing memorials. This was the case for the WWAGB when their memorial was moved. The NMA were sympathetic and a rededication service was held. The new building is greatly needed.

The following comments have been received from Cllr Rayner, the ward member for Alrewas and Fradley: No objection but raise the following comments:

- Note that a larger facility was previously approved.
- We are conscious that the Police Garden and Phantom Memorial will be relocated, is there any clarity on this and are there any other areas this could go which would overcome the need for relocation?
- If this is the only location possible, please can we request a suitable condition that will work for those affected and agree the location prior to the commencement of the facility? (19/05/17).

OBSERVATIONS

Site and Location

The National Memorial Arboretum comprises an area of former gravel workings, east of Alrewas and north-west of Croxall. It is adjoined to the west by the site of the existing gravel workings beyond which are the A38 trunk road and village of Alrewas, and to the east by the rivers Tame, Trent and Mease and the South Staffordshire freight line. The site, some 60 hectares in size, which was opened in 2001, contains a large number of trees, planted as part of the National Forest, together with a visitor centre, chapel, memorial building and structures and large number of plaques. It also contains a recently constructed armed forces

monument of national importance. The existing visitor centre and car park is on the south western side of the site close to Croxall Road. This part of the site is at a higher level than the majority of the remainder of the site, much of which is within an active flood plain. The existing visitor centre, which was recently extended (following permissions in 2009), was constructed in the late 1990s, and is of contemporary design, consisting of a barrel-roofed main building, with flat roofed elements at different heights, linked to cloisters and chapel, all constructed in natural materials including timber facings and grass roof.

The focal point of the NMA is the Armed Forces Memorial (AFM), a circle of white stones on a raised mound. There is a wide path leading to the AFM known as 'Centenary Avenue' which in turn leads to the steps to the top of the mound. Within the circle of stones – on which names are carved – are two further lines of stones and a number of bronze statues.

The adjoining car park has 'in' and 'out' vehicular accesses onto Croxall Road, with a further car park for visitors on the opposite side of Croxall Road. Close to the south end of visitor centre, but at a lower level, are three large temporary marquees. Adjacent to the marquees on the southwest side are the Police Credit Union Memorial and Police Memorial gardens. Adjacent to the east side of the marquees are the Polar Bear Memorial and the Phantom Memorial gardens.

Proposals

Permission is sought for a new Events Pavilion comprising event function rooms, kitchen, WC facilities, bar, syndicate and meeting rooms, events office and ancillary facilities; service yard; and associated hard and soft landscaping. The proposal would be sited on the area currently occupied by the temporary marquees but would be of a greater footprint and would, as proposed, necessitate the removal of the Police Credit Union Memorial, Police Memorial gardens and the Phantom Memorial gardens.

The development would have a footprint of 32m x 40m, with a height to the top of the flat roof of 5.2m, within this measurement the development sits atop a 600mm plinth. A reduced sized upper floor of 8m x 24m is proposed set to the centre of the roof area running with a northeast-southwest orientation and with an overall height from ground level of 7.09m.

The proposal has been designed to complement the recently constructed Remembrance Centre and nearby AFM. The materials would be white steel frame, light coloured stone and timber cladding, with aluminium cladding and a grey natural stone plinth.

Compensatory flood storage is provided as a mitigation measure to allow for the loss of flood storage taken up by the development.

The development will comprise a multi-use flexible space which will be used to provide a variety of function spaces that will host events and meetings. Part of its multi-use function will include a series of movable walls that provide a different sized function spaces. At full capacity the function space will be able to host approximately 300 people.

The temporary marquees would be moved to an alternative site – within the application site – for the duration of the build and would be removed on completion of the development. As part of the development the memorials to be removed will be re-sited to alternative locations within the NMA site. Amended plans were received which provided an indicative location for the relocation of the Phantom Memorial garden to the north of its present location adjacent to the new Events Pavilion.

Determining Issues

- 1) Principle of Development and Policy
- 2) Design and Visual Impact
- 3) Flood Risk/Drainage

- 4) Highways
- 5) Replacement Memorials
- 6) Other Issues
- 7) Human Rights

1. Principle Of Development And Policy

- 1.1 The site is within the rural area, in an area designated as National Forest in the saved Local Plan. Core Policy 1: The Spatial Strategy, recognises that the NMA is one of the district's key tourism assets which will be protected and enhanced in its own right.
- 1.2 Core Policy 9: Tourism states: *"The District Council will support the growth of sustainable tourism in the District in line with the principles of Core Policy 3 and where this does not conflict with other Core Policies."* *"The existing local and national tourism attractions in the District... will be supported and promoted where they do not conflict with other Core Policies."* Explanatory Paragraph 9.30 states that *"further investment in the facilities at the NMA is envisaged and, providing that it is in scale and context with its surroundings, this will be supported by the District Council"*.
- 1.3 Core Policy 3: Delivering Sustainable Development states that the Council will require development tohelp minimise any environmental impacts. To achieve this, development should address the following key issues:
 - be of a scale and nature appropriate to its locality;
 - where development is proposed in flood risk areas a site-specific flood risk assessment must be undertaken in line with the National Planning Policy Framework;
- 1.4 Core Policy 12: Provision for Arts and Culture, indicates that existing assets, facilities and venues for cultural events, activities and the arts will be protected and support given to their appropriate improvement. Paragraph 10.17, states that art and cultural assets contribute in bringing communities together, with *"some assets, for example... the National Memorial Arboretum, play a key role in shaping the distinctiveness, identity and environment of the District"*.
- 1.5 Paragraph 10.20, then states the consideration of cultural assets, facilities and opportunities is a wide ranging issue, and for this reason this policy needs to be cross referenced to other policies relating to infrastructure provision, centres, tourism, natural resources and the built environment which directly reflect local distinctiveness.
- 1.6 Finally, Chapter 4 Rural Economy and Tourism of the Rural Development SPD (Dec 2015) in paragraph 4.20 states that: *"Within the rural areas income from tourism and recreational activities is recognised as an important part of our rural economy. A number of key tourist attractions serving the West Midlands are located within Lichfield District and it is important these are maintained and enhanced where appropriate. Sustainable tourist development is about making a low impact on the environment and local culture, whilst helping to generate income and employment for local people. In the rural area this needs to be balanced with the need to protect the countryside as an asset in its own right."* Paragraph 4.21 mentions the NMA specifically as a *"large scale initiative"* in the context of the District's tourism offer and the rural economy.
- 1.7 It is therefore considered that the principle of the development to remove the temporary marquees and replace them with a new purpose built function suite 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, in order to support this nationally significant facility.

2. Design and Visual Impact

- 2.1 Both the NPPF and policies in the Local Plan Strategy encourage a high quality of design, and good design is regarded as being a key aspect of sustainable development.
- 2.2 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'.
- 2.3 Paragraph 17 of the NPPF advises Local Planning Authorities to seek high quality development. Paragraph 28 requires that new development built to support the expansion of rural enterprise should be of a high quality design.
- 2.4 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.
- 2.5 The design of the proposal is simple in format and follows the design principles of the adjacent Remembrance Centre. The materials palette again follows the design principles of the Remembrance Centre such that the proposal will read very well against the setting of the existing building. It is considered that the design is of a high quality, and subject to conditions requiring the use of quality materials, the development would accord with these policies.
- 2.6 It is noted that the existing marquees are of no architectural merit and their removal is welcomed. It is also noted that planning permission for these marquees has expired and that a temporary location within the application confines is specified for the temporary retention of these structures during the construction period. Relevant conditions are recommended which would control such use.
- 2.7 The development sits at the end of 'The Beat', one of the original features and landscape vistas of the NMA site. At present the wide vista of 'The Beat' is only appreciated when the marquees have been passed. Comment has been made that the original vista should be retained and the development moved elsewhere. The Council is satisfied that there are no better alternative locations for this development and that the size is fit for purpose. The development has been carefully designed so that the function elements are on the west side of the proposal and that the function rooms are to the east have an open aspect. The east side is fully glazed allowing views through the building and down 'The Beat'. It is considered that the development has been designed to enhance the views of 'The Beat' and that this vista would be enhanced by the back drop of the proposed development rather than the Remembrance Centre which is situated on a higher level.
- 2.8 The design and landscape ethos of the NMA has evolved since its creation and whilst 'The Beat' is important, it is not now one of the key view points within the site or from the point at which visitors emerge from the Remembrance Centre to the wider NMA. 'The Beat' is a more secluded and quieter, contemplative area which the new development would frame. It is considered that the Remembrance Centre and new Functions Suite, would form the central core visitor buildings should the NMA expand to the west of Croxall in the future.

2.9 Therefore, it is considered that subject to conditions, the development is of a high quality of design, which is appropriate for its purpose and setting. Further, that it is of a scale which relates appropriately to the site, the Remembrance Centre and the chapel.

3. Flood Risk/Drainage

3.1 Parts of the wider NMA site are within the flood plain (Zone 3) and are liable to flooding. The application has been supported by a Flood Risk Assessment (FRA) that acknowledges that the proposal will be located within Flood Zone 3. In accordance with Core Policy 3, the proposals should be developed in accordance with the agreed FRA and flood mitigation strategy – as proposed by the Environment Agency. In addition to further ensure that the development does not give rise to new flood instances a condition is recommended by the County Council's Flood Team to secure the submission and approval of a sustainable surface water drainage scheme.

3.2 The development will change finished levels on site and create permanent new floor space, but storage on site has been agreed on the basis of the FRA and flood mitigation strategy. For these reasons it is considered that the proposal will not have any adverse impact on a watercourse, flood plain or its defences, impede access to flood defence and management facilities or affect local flood storage or capacity flows. As such the development would accord with the Development Plan and NPPF in this regard.

4. Access and Highway Safety

4.1 It is noted that objections have been received relating to the detrimental impact of the proposal on the road network. Staffordshire County Council (Highways) has raised no objection to the proposal. Consequently given that there are no objections from the statutory consultee, regarding 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.

4.2 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.

5. Replacement Memorials

5.1 Officers have entered into lengthy discussions with the applicant and agent regarding the siting and specifically the need to relocate two memorials. The visitor numbers are currently around the 300K per year and the NMA hosts over 200 events a year for various groups and regiments that have memorials. The need for a dedicated function suite that is flexible in terms of the internal space for these visiting groups is understood. It is also understood that a separate function suite is required to ensure the ongoing use by daily visitors is not interrupted or affected. Taking this acceptance forward, the new function suite needs to relate to and be in close proximity to the existing Remembrance Centre and the site entrance. As discussed previously, the design and location are considered acceptable. It is also not considered that there are any other suitable locations for such a structure. There are over 320 memorials on the NMA site and numerous plaques of commemoration. Unfortunately it is not possible to develop new facilities at this central location without the need to relocate memorials but this has been kept to a minimum.

- 5.2 Mindful of the fact that any movement of memorials is emotionally difficult for stakeholders, the NMA has carefully considered the options available as part of construction works for the Events Pavilion. They have confirmed that the Phantom memorial will be relocated as a priority, prior to the construction of the development. Furthermore a large fund raising programme is underway for a new national police memorial at the NMA and the Police Credit Union and Police Memorial Garden are involved and incorporated within this. Consequently an appropriate condition is recommended to require the expedient relocation of the affected memorials.
- 5.3 The NMA are further committed to engaging fully and positively with the Phantom Garden Memorial Trustees. For the reasons given, it is considered that the development with conditions relating to the relocation of the memorials is acceptable. The objections put forward in relation to the relocation are completely understood but the Council puts great store in the fact that the NMA have done this successfully before in relation to memorials moved as part of the visitor centre and remembrance centre developments.
6. Other Issues
- 6.1 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.
- 6.2 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 bat or bird 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. 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 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 principle of expanding the existing facilities at the NMA is supported by development plan policies, the NPPF and by the previous permissions, including the original application to establish the NMA. The development is of a scale and design which respects the character of the site and the wider area and which is appropriate for its purpose. It is considered that the development will not have an adverse impact on the local and strategic highway network and that there will be no adverse impact on ecological interests or give rise to an unacceptable flood risk. Overall, it is considered that the development is in accordance with the key planning principles set out in the National Planning Policy Framework and that the development will make a valuable contribution to the local area and would help promote local and national tourism.

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

AGENDA ITEM NO. 4

ITEM B

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

21 August 2017

CONTENTS

B1	17/00906/FUL	Land At Birmingham Road (Friarsgate) Lichfield	Lichfield
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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

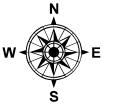
17/00906/FUL
Land At Birmingham Road
(Friarsgate)
Lichfield

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1:1,000

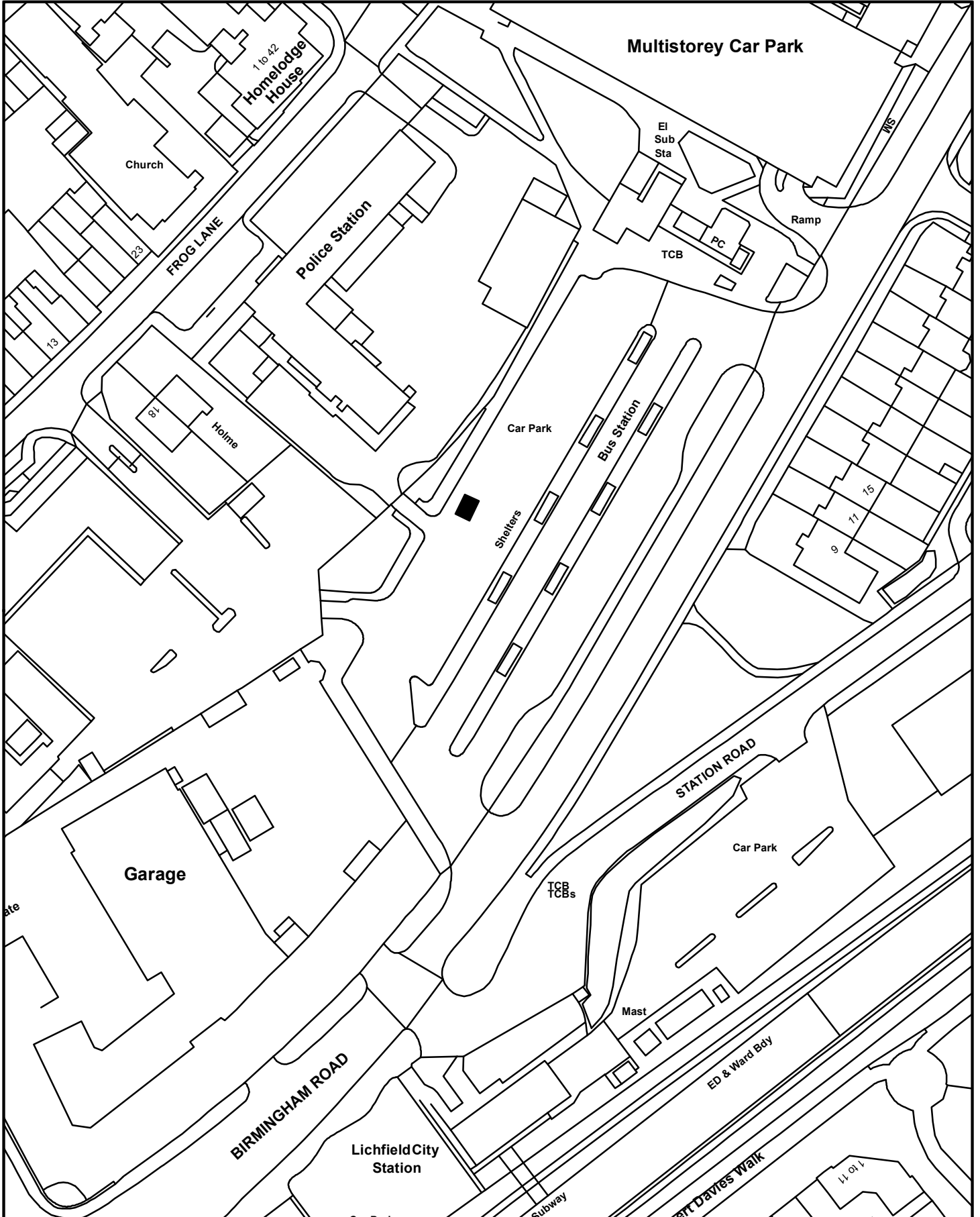
Dated:
July 2017

Drawn By:

Drawing No:



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17/00906/FUL

**ERECTION OF 1NO. TROLLEY BAY IN CONNECTION WITH RETAIL STORE
APPROVED UNDER 16/01294/FULM
LAND AT, BIRMINGHAM ROAD, LICHFIELD, STAFFORDSHIRE
FOR DEVELOPMENT SECURITIES (LICHFIELD) LTD**
Registered on 30/06/17

Parish: Lichfield

Note: This application is being reported to the Planning Committee due to Lichfield District Council being the Landowner.

RECOMMENDATION: Subject to the receipt of no substantial material objections from consultees, by the 23rd August 2017, approve, subject to the following 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.
3. This planning permission is only to be implemented alongside planning permission 16/01294/FULM for the wider development of the scheme known as Friarsgate, or any subsequent approved variation of this permission.

REASONS FOR CONDITIONS:

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Practice Guidance.
3. To ensure that the appearance of the development is acceptable and in the interests of the visual amenity of the surrounding Lichfield City Conservation Area, in accordance with the provisions of Core Policy 14 and Policy BE1 of the Lichfield Local Plan Strategy 2015, saved Policy C2 of the Lichfield District Local Plan 1998, the Historic Environment Supplementary Planning Document 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. This permission does not grant or imply consent for any signs or advertisements, illuminated or non-illuminated. A separate application may be required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, or subsequent legislation.

4. 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

Lichfield District Local Plan (Saved Policies)

Policy C2 – Character of Conservation Areas

Policy C3 – Buildings Out of Scale or Character

Policy L13 – City Centre Redevelopment

Policy L15 – Primary Retail Area

Policy L23 – Road and Junction Improvements

Policy L24 – Traffic Management

Policy L26 – Rear Servicing

Policy L27 – Pedestrian Access to the City Centre

Policy L31 – Lichfield Rail Stations

Policy L46 – Shopfronts

Policy L49 – Framework Open Space

Policy L50 – Landscape Improvements in Framework Open Space

Lichfield District Local Plan Strategy 2008-2029

Core Policy 1 – The Spatial Strategy.

Core Policy 2 – Presumption in Favour of Sustainable Development.

Core Policy 3 – Delivering Sustainable Development.

Core Policy 4 – Delivering Our Infrastructure

Core Policy 5 – Sustainable Transport.

Core Policy 6 – Housing Delivery.

Core Policy 7 – Employment and Economic Development.

Core Policy 8 – Our Centres.

Core Policy 9 – Tourism.

Core Policy 10 – Healthy & Safe Lifestyles

Core Policy 11 – Participation in Sport & Physical Activity

Core Policy 12 – Provision for Arts and Culture

Core Policy 14 – Our Built & Historic Environment

Policy SC1 – Sustainability Standards for Development

Policy SC2 – Renewable Energy

Policy IP1 – Supporting & Providing our Infrastructure

Policy ST1 – Sustainable Travel

Policy ST2 – Parking Provision

Policy H1 – A Balanced Housing Market

Policy H2 – Provision of Affordable Homes

Policy E1 – Retail Assessments

Policy HSC1 – Open Space Standards

Policy HSC2 – Playing Pitch & Sport Facility Standards

Policy NR3 – Biodiversity, Protected Species & their Habitats
Policy NR4 – Trees, Woodland & Hedgerows
Policy NR5 – Natural & Historic Landscapes
Policy NR6 – Linked Habitat Corridors & Multi-functional Greenspaces
Policy NR7 – Cannock Chase Special Area of Conservation
Policy BE1 – High Quality Development
Policy Lichfield 1 – Lichfield Environment
Policy Lichfield 2 – Lichfield Services and Facilities
Policy Lichfield 3 – Lichfield Economy
Policy Lichfield 4 – Lichfield Housing

Supplementary Planning Document

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

Other

Staffordshire and Stoke on Trent Joint Waste Local Plan
Tamworth and Lichfield Business and Economic Partnership (BEP) Strategic Plan 2014 - 2018
Lichfield City Conservation Area Appraisal
Emerging Lichfield City Neighbourhood Plan
Natural Environment and Rural Communities Act 2006
The Conservation (Natural Habitats, &c.) Regulations 1994

RELEVANT PLANNING HISTORY

16/01294/FULM - Variation of condition no3 (approved plans) of application 15/01365/FULM to allow for the submission and approval of the siting and appearance of any external plant and outdoor seating – Approve – 04.05.2017

15/01365/FULM - Proposed demolition of existing multi-storey car park, car showroom, garage, semi-detached houses, police station, retail kiosks and partial demolition of a wall and erection of new mixed use retail-led development, known as Friarsgate, comprising 14,376 sq.m (gia) flexible units to be occupied for A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food takeaway) purposes, 2,070 sq.m (gia) cinema (use class D2), 1,648 sq.m (gia) gym (use class D2), 81 apartments and 11 townhouses (use class C3) and relocated bus station and replacement multi-storey car park, together with associated landscaping, public realm, servicing, access and highways improvement works – Approved – 27.05.16.

11/00188/LBC – Demolition of part (13.5m) of the Grade II listed wall adjacent Council Offices (Extension of time for application 06/00607/LBC) – Approved – 08.04.11

11/00187/CON – Demolition of buildings and structures including newsagent kiosk, Lichfield Mobility shop, Fusion Credit Union, Public toilets and electricity substation, unlisted portion of boundary wall to east of Friarsgate garage site and boundary wall around police station (Extension of time for application 07/00090/CON) – Approved – 08.04.11.

11/00184/CON – Demolition of 5no shops (36-44) Bakers Lane, Multi Storey car park, Police Station and associated buildings and 2no residential buildings (Holme & Little Croft), Frog Lane, bus shelters, garage and associated buildings, Birmingham Road, and garage and

associated buildings, St John Street (Extension of time for application 06/00554/CON) – Approved – 08.04.11.

11/00098/FULM – Variation of conditions 2 and 40 of permission 11/00084/FULM to allow for a minor material amendment to the approved drawings and to allow up to 1,000 sq m of gross internal food retail (Class A1) floor space in unit R1, the use of units R29 and R41 for Class A3 purposes only and the use of the kiosks for Class A1 (food and non-food) and Class A3 purposes – Approved – 09/05/11.

11/000/84/FULM – Extension of time for the implementation of permission 06/00555/FULM – Approved – 08.04.11.

09/01270/CON – Demolition of timber valeting shed [at Tempest Ford St John Street] – Approved – 24.12.09.

08/00326/FUL – Variation of Conditions 11, 12, 13, 17, 30 and 49 of permission 06/00555/FULM to allow phased submission of details – Approved – 12.06.08.

08/00107/FUL – Alterations to permission 06/000555/FULM, comprising the reconfiguration of some of the retail units (R29, R30, R31, R32, R33 and R35A) to form a large single retail unit, together with associated amendments to car parking and servicing – Approved – 28.03.08.

08/00106/FUL – Variation of Condition 39 of permission 06/00555/FULM to allow food goods retail and additional Class A3 uses within three retail units – Approved – 28.03.08.

08/00105/FUL – Alteration to planning permission 06/00555/FULM to provide access ramp to Lichfield Railway Station from station car park – Approved – 28.03.08.

07/01061/FUL – Alterations to roof of 46-48 Bakers Lane (TJ Hughes) to accommodate revised lift core – Approved – 13.11.07.

07/01060/FUL – Amendment to planning permission 06/00555/FULM to include revised service area and lift core, pedestrian bridge link and redesign shop units and non-compliance with condition 47 of 06/00555/FULM – Approved – 19.11.07.

07/00090/CON – Demolition of buildings and structures including newsagent kiosk, Lichfield Mobility Shop, Fusion Credit Union, Public Toilets and electricity sub-station, unlisted portion of boundary wall to east of Friarsgate garage and boundary wall around police station – Approved – 06.03.07.

06/00607/LBC – Application for Listed Building Consent to “demolish part of (13.5 metres length) of the Grade II listed wall adjacent to the Council Offices” and to rebuild this on a different alignment – Approved – 21.12.07.

06/00555/FULM – A mixed use development comprising retail; restaurant/bars; hotel and other leisure floor space; offices and police facility; 56 residential apartments; public squares; public transport interchange, car parking and associated landscaping, servicing and access – Approved – 21.12.06.

06/00554/CON – Application for Conservation Area Consent to demolish all existing buildings within the application site which lie within the Lichfield City Centre Conservation Area specifically to, “Demolish 5 No. Shops (36 to 44 Bakers Lane), multi-storey car park, Police Station and associated buildings, 2 No. residential buildings (Holms and Little Croft) in Frog Lane, bus shelters, garage and associated buildings on Birmingham Road and garage and associated buildings, St John Street – Approved – 21.12.06.

CONSULTATIONS

Lichfield City Council – No response received.

Lichfield Civic Society – No response received.

Conservation Officer – No response received.

LETTERS OF REPRESENTATION

No letters of representation has been received from neighbours.

OBSERVATIONS

Site and Location

The application site comprises approximately 10 metres square of land located currently within the public car park area of Lichfield City's Bus Station. The parcel of land forms part of a wider site of some 3.1 hectares (approximately 7.66 acres) located on land between Frog Lane and Birmingham Road. This site stretches from Bakers Lane at the north-eastern end, incorporating 3 existing retail units within the Three Spires Shopping Centre and extends down to St John Street, incorporating the existing Ford car garage, dealership and car rental. Also, within the site, as existing, is a public multi-storey car park, the former shop mobility unit, public toilets, two retail kiosks, the Lichfield Police Station and associated land and buildings, two residential units on Frog Lane owned by the District Council at 18 and 20 Frog Lane, part of the District Council's car park and the bus station and surface public car parking to the rear of the bus station.

The whole of the site lies within Lichfield City Centre as identified by Map 13.1 within the Local Plan Strategy and is also within the Lichfield City Centre Conservation Area.

There are a number of trees within the wider site, primarily located in the green space located between the multi-storey car park and Police Station, the grounds of the Police Station, the 2 dwellings on Frog Lane and also within a landscaping belt to the front of the existing Bus Station, adjacent to Birmingham Road.

In terms of neighbouring properties, along Birmingham Road, the development extends up to Debenhams at its northern end and on the opposite side of Birmingham Road at this point, are a row of 10 two-storey residential properties (Numbers 9 to 29 Birmingham Rd) with the Staffordshire Fire Station at the corner of Birmingham Road and Levetts Fields. Moving south along Birmingham Road is the Lichfield City Railway Station and a public car park, with a funeral directors toward the corner of Birmingham Road and Upper St John Street. Along St John Street on the opposite side of the road to the proposed development is the St Johns' Hospital, which is a Grade I listed building, currently occupied as separate residential units. District Council House abuts the site to the south west corner, situated on the corner of St John Street and Frog Lane. Part of District Council House is Grade II listed and part of the boundary wall (approximately 47 metres length), to the rear of the Council buildings is also Grade II listed. Along Frog Lane, opposite the site, are a series of two-storey dwelling houses, Wade Street Chapels' Church Hall and at the corner of Frog Lane and Castle Dyke is Home Lodge House, which contains residential units for the elderly.

Proposals

Planning permission is sought for the erection of a single trolley bay. The structure would serve the proposed supermarket which will occupy part of Block E within the approved wider

permitted redevelopment scheme for this site. The trolley bay is proposed to have a length of 4.0 metres, a width of 2.34 metres and a height of 2.4 metres. The bay is proposed to be constructed utilising an anodized aluminium frame, with polycarbonate panels.

Background

The original planning permission, which approved the redevelopment of this site, reference 06/00555/FULM, comprised a mixed use scheme containing retail (Class A1), restaurant and bars (Class A3/A4), a hotel (Class C1), cinema and other leisure floor space (Class D2), office (Class A2/B1), 56 residential units (Class C3), police facility, public squares, public transport interchange, car parking and associated landscaping, servicing and access. This permission was renewed in 2011 and subsequently expired in 2014.

This permission was revised in 2011 by application reference 11/00098/FULM, which sought the variation of conditions 2 and 40 to allow up to 1,000 square metres of gross internal food retail (Class A1) floor space in unit R1, the use of units R29 and R41 for Class A3 purposes only and the use of the kiosks for Class A1 (food and non-food) and Class A3 purposes.

The size of the site has reduced since the above identified application was approved to exclude an area of land outside of the railway station, which was historically proposed to form part of the redesigned bus station, along with alterations to the quantum of retail floorspace (a reduction of approximately 33%).

Application 15/01365/FULM approved in May 2016, allowed for the demolition of all of the buildings within this site, namely the existing multi-storey car park, car showroom, garage, two semi-detached dwellings, the police station, retail kiosks and the partial demolition of the wall to the rear of the Council's offices. To replace these buildings and structures it is proposed to erect a new mixed use retail led development, comprising 15,031 square metres of flexible units to be occupied for retail (Class Use A1), financial and professional services (Class Use A2), restaurant and cafes (Class Use A3), drinking establishments (Class Use A4) and hot food takeaway purposes (Class Use A5). In addition, it is proposed that the development will contain a 2,070 square metre cinema (Use Class D2), a commercial gym (Use Class D2), 81 apartments and 11 townhouses, a relocated and re-modelled bus station and a replacement multi storey car park. Associated with these works will be alterations to the site's landscaping, public realm, servicing and access arrangements and highway improvement works.

A minor material amendment application to vary condition 3 (approved plans) of approved application 16/01294/FULM was approved in May 2017, which enabled the addition of two further conditions to the 15/01365/FULM decision notice. The first condition permitted the siting, scale and screening parameters for plant associated with the commercial units, on the roof of Blocks A, B, C, E, F and T. The second condition enabled the future submission of details relating to the location and operational hours of any future outdoor seating, associated with an on-going commercial unit.

Determining Issues

- 1) Policy and Principle of Development
- 2) Design, Scale and Impact upon the Character and Appearance of the Conservation Area and Surrounding Listed Buildings
- 3) Highway Impact
- 4) Trees, Landscaping and Biodiversity
- 5) Amenity of Neighbouring Properties and Future Occupants
- 6) Planning Obligations and Viability
- 7) Human Rights

1. Policy and Principle of Development
- 1.1 The principle for the wider redevelopment of this site for commercial and residential development, as identified within the background section of this report, has been established by the grant of planning permission under references 15/01365/FULM and subsequently 16/01294/FULM. Following the approval of these applications there have been no new planning policies adopted at either a local or national level, which affects the suitability of this development. Thus, this wider development remains acceptable and therefore the addition of a supporting retail structure is also acceptable. The arguments pertaining to this conclusion are available via the committee report associated with the original application.
2. Design, Scale and Impact upon the Character and Appearance of the Conservation Area and Surrounding Listed Buildings
- 2.1 Paragraph 56 of the NPPF 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”*. Paragraph 63 states *“in determining applications, great weight should be given to outstanding or innovative design which helps to raise the standard of design more generally in the area”*. Finally, the document continues to state that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.
- 2.2 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”*.
- 2.3 Paragraph 137 of the NPPF advises that Local Planning Authorities should ensure that new development within a conservation area should enhance or better reveal their significance. Saved Policy C2 of the Local Plan (1998) 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 a building does not respect the character of an area.
- 2.4 The trolley bay as discussed above, would currently be located within a car parking bay within the existing bus station. In addition, it would, given its future proposed location within the main pedestrian route through the site, also be located a number of metres above existing ground levels. As such, it would not be feasible or reasonable to consider that this structure would be delivered without the wider scheme and specifically Block E, first being erected. However a condition can be used to fully ensure that the building would not be delivered in isolation of the wider development, given it would appear as something of a visual anomaly and is therefore recommended for any approval notice.
- 2.5 The structure itself is typical of its type and therefore appropriate to its context, in that it would serve the adjacent supermarket. In addition the materials proposed from which to erect the structure are appropriate. There are however concerns regarding its siting, due to the degree of prominence it will be afforded within the future street scene. Whilst the adjacent parapet would prevent views of the structure from the ramp, which allows for vehicular access into the undercroft car parking area, from Birmingham Road, the building would partially frame the end view of Block E, as viewed looking west from the new entrance into the site, adjacent to Debenhams. This issue has been addressed by the applicant within their supporting Planning Statement, wherein it is advised that whilst it was attempted to located the bay

internal to the building, its proportions are such that there is insufficient space to provide a suitably accessible location. As such, it is argued that the location identified is the most discrete available, in terms of wider street scene impact, whilst also offering the most convenient site to ensure shoppers return the trolleys, rather than placing them elsewhere within the wider site, wherein their presence would detract from the setting and appearance of the area.

- 2.6 Whilst the presence of the trolley bay within the main pedestrian route of the site is regrettable, given that it will add visual clutter into what is currently a controlled carefully designed environment, it is a commercial necessity for the future occupant of the building. The applicant has sufficiently evidenced the need for the structure and an inability to relocate internally to the building. The location itself, is the most visually discrete available within the pedestrian thoroughfare and as such, given the wider economic benefits of the scheme and securing a tenant for part of Block E, the harm caused by this development, when weighed in the wider economic balance is not considered to be significant.
- 2.7 The works will be internal to the site and as such, will not impact directly upon the setting of neighbouring listed buildings. In addition, due to the structure being surrounded by future built form, it could also not impact upon wider views available through the conservation area over towards the city's listed buildings.
- 2.8 Given the above assessment, it is considered that the location, height and appearance of the trolley bay is such that it will not adversely impact upon the setting or appearance of any neighbouring listed building or the street scene of the Lichfield City Conservation Area. As such the development complies with the requirements of the Development Plan in this regard.

3. Highway Impact

- 3.1 Paragraph 34 of the NPPF and Strategic Policy 5 of the Local Plan Strategy seek to ensure that development which generates significant movement, is located where the need to travel can be minimised and the use of sustainable travel maximised. Paragraph 40 of the NPPF states "*Local Authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles*".
- 3.2 The highways impact of this development on the surrounding network and the suitability of the new bus station has been considered under application 15/01365/FULM and found to be acceptable. The trolley bay proposed by this application will have no highway impact external to the site. The sole potential impact of this submission is upon pedestrian movement through the site, where the trolley bay is proposed within the 'Avenue'. It is not considered however, given that the structure has been sited away from the centre of the pedestrian route, that it would limit movement and therefore the scheme will not impact upon the site's future compliance with local and national planning policy guidance regarding pedestrian permeability.

4. Trees, Landscaping and Biodiversity

- 4.1 Paragraph 118 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm. Core Policy 13 of the Local Plan Strategy also seeks to protect veteran trees, whilst Core Policy 14 seeks to ensure that there is no net loss to trees in conservation areas. Policy NR4 seeks to ensure that trees are retained unless their removal is necessary and appropriate mitigation is proposed.

4.2 The trolley bay will not impact upon the future landscaping or biodiversity value of the site and as such, no further issues than those covered by the previous permission have arisen.

5. Amenity of Neighbouring Properties and Future Residents

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 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*”.

5.3 The trolley bay would not give rise to any new noise issues as part of this development.

6. Planning Obligations and Viability

6.1 It is noted that the recent planning permission to develop this site (15/01365/FULM) included a Viability Assessment, which was considered by the District Valuer, who determined that should the scheme provide for all of the requested S106 contributions, which related to education, open space and indoor sports and affordable housing, it would be unviable.

6.2 The viability assessment was based upon market conditions at the time of determination (May 2016). Therefore, a condition was attached to this permission and the subsequent minor material amendment application (16/01296/FULM), requiring that a new financial viability assessment be submitted to the Council should works not materially commence on the development, within a reasonable time period, namely within the year of the date of the issue of permission, by the 27th May 2017. Evidently, this date has now passed and therefore a new viability assessment is required prior to the commencement of development, within the wider site.

6.3 The condition recommended above, which effectively ties this development to the delivery of the wider Friarsgate scheme means that the commencement of this development is also dependent upon the submission of a further viability assessment.

7. Human Rights

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

Conclusion

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals. With reference to this scheme and environmental considerations, it has been demonstrated that the development will visually integrate successfully into the proposed street scene character of the wider site. In terms of economic considerations the development will facilitate the occupation of a large retail unit and help therefore to secure the delivery of this development. Lastly, in terms of social considerations the development will not, adversely affect the highway network or have a significant adverse impact upon the amenity of neighbouring residential properties. Thus, subject to the application of conditions as recommended within the above report, it is recommended, on balance, that this application be approved.

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