www.lichfielddc.gov.uk District Council House, Frog Lane Lichfield, Staffordshire WS136YU

Customer Services 01543 308000 Direct Line 01543 308075

6th September 2017

Dear Sir/Madam

PLANNING COMMITTEE

A meeting of the above mentioned Committee has been arranged to take place on **MONDAY 16th OCTOBER 2017 at <u>6.00 pm</u> 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

Nettrue

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 (copy attached) on Monday 18th September 2017









5. Issues Paper – Planning Application Ref. 17/01191/OUFMEI – (copy attached) Hybrid Planning Application comprising full planning application for the construction of a sustainable mixed use urban extension comprising of 475 dwellings, new vehicular access points onto Claypit Lane and Birmingham Road, the remodelling and formation of a roundabout at the junction of Fosseway Lane and Claypit Lane, comprehensive green infrastructure, including up to 16.55 HA of Country Park, Footpaths, Cycleways, Multifunctional Open Space, including Children's Play Areas, Community Orchard, Open Space for informal sport and sustainable urban drainage systems, foul and surface water drainage infrastructure, including balancing ponds and other ancillary infrastructure and ground remodelling. With Outline Application for the serviced provision of 1.09 HA of land for a Primary School and 1.9 HA for Strategic Sports provision, with all matters except access reserved

DEANSLADE FARM, LAND SOUTH OF FALKLAND ROAD, LICHFIELD, STAFFORDSHIRE

6. Issues Paper – Planning Application Ref. 17/00977/OUTMEI – (copy attached)
Outline Application with all matters reserved except access on to
Birmingham Road for a flexible commercial development of up to
2,000 sq m area (Classes A1, A2, A3, B1, D1 and D2), with
indicative details of associated parking areas, provision of
strategic landscaping, cycle and pedestrian access routes,
infrastructure and other operations, including the safeguarding of
land for the Lichfield Southern Bypass and Lichfield Canal

LAND EAST SIDE OF BIRMINGHAM ROAD, LICHFIELD, STAFFORDSHIRE

7. EXCLUSION OF PUBLIC AND PRESS

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

8. Enforcement Matters – Progress Report

(copy attached)

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









PLANNING COMMITTEE 18 SEPTEMBER 2017

PRESENT:

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

1. (APOLOGIES FOR ABSENCE were received from Councillors Mrs Bacon, Bamborough Matthews and A Yeates).

2. DECLARATIONS OF INTEREST:

Councillor Cox declared a Pecuniary Interest in Application 17/00573/FULM and took advice that he could remain in the room but not take part in the debate for that item.

3. MINUTES:

The Minutes of the Meeting held on 21 August 2017 and previously circulated were taken as read, approved as a correct record and signed by the Chairman.

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 together with a supplementary report of observations/representations received since the publication of the agenda in association with Planning Applications 17/00864/FUL and 17/00573/FULM.

5. 17/00864/FUL – ERECTION OF 2NO THREE BEDROOM DWELLINGS WITH DETACHED GARAGE AND ASSOCIATED WORKS 22 GAIAFIELDS ROAD, LICHFIELD FOR MR E WOODALL

RESOLVED: That planning permission be refused for the following reasons:-

(1) The proposed development, by virtue of siting, scale and massing, would result in an over intensive, unacceptable form of development that is not in keeping with the form and character nor would integrate successfully with the surrounding area. The development would therefore be contrary to Core Policy 3 (Delivering Sustainable Development), and Policy BE1 (High Quality Development) of the Lichfield District Local Plan Strategy (2015); guidance in the adopted Supplementary Planning Document: 'Sustainable Design' (2015); and the National Planning Policy Framework.

- (2) The proposed development would result in an unacceptable impact upon protected mature trees, which are important landscape features of significant visual amenity. The development would therefore be contrary to the guidance contained within Policy NR4 (Trees, Woodlands & Hedgerows) of the Local Plan Strategy (2015), the adopted Supplementary Planning Document: 'Trees, Landscaping & Development' (2016) and the National Planning Policy Framework.
- (3) The proposed development, by virtue of its scale, massing and siting relative to the neighbouring properties, would have an undue impact upon the light and amenity of existing surrounding residents, contrary to the requirements of Core Policy 3 (Delivering Sustainable Development), and Policy BE1 (High Quality Development) of the Lichfield District Local Plan Strategy (2015); guidance in the adopted Supplementary Planning Document: 'Sustainable Design' (2015); and the National Planning Policy Framework.

(PRIOR TO CONSIDERATION OF THE APPLICATION REPRESENTATIONS WERE MADE BY MRS STELLA HORSFALL (OBJECTOR), CLLR PAUL RAY (WARD COUNCILLOR) AND CHRISTOPHER TIMOTHY (APPLICANT'S AGENT)

6. 17/00573/FULM – ERECTION OF 21NO. ONE BEDROOM AND 23NO. TWO BEDROOM RETIREMENT LIVING APARTMENTS, INCLUDING COMMUNAL FACILITIES, CAR PARKING, LANDSCAPING, A SUBSTATION AND ASSOCIATED WORKS FORMER WHAT STORE, CROSS KEYS, LICHFIELD, STAFFORDSHIRE

MCCARTHY & STONE RETIREMENT LIFESTYLES LTD

RESOLVED: That subject to Staffordshire County Council Flood Team offering no substantial material objections by the 29 September 2017 and the owners/applicants first entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as Amended) to secure the following planning obligations towards:-

1. Off-site affordable housing provision;

planning permission be approved subject to the conditions contained in the report and supplementary report of the Director of Place and Community along with the summary of granting consent.

(The Meeting closed at 7.20 pm)

CHAIRMAN

Planning Committee

16 October 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

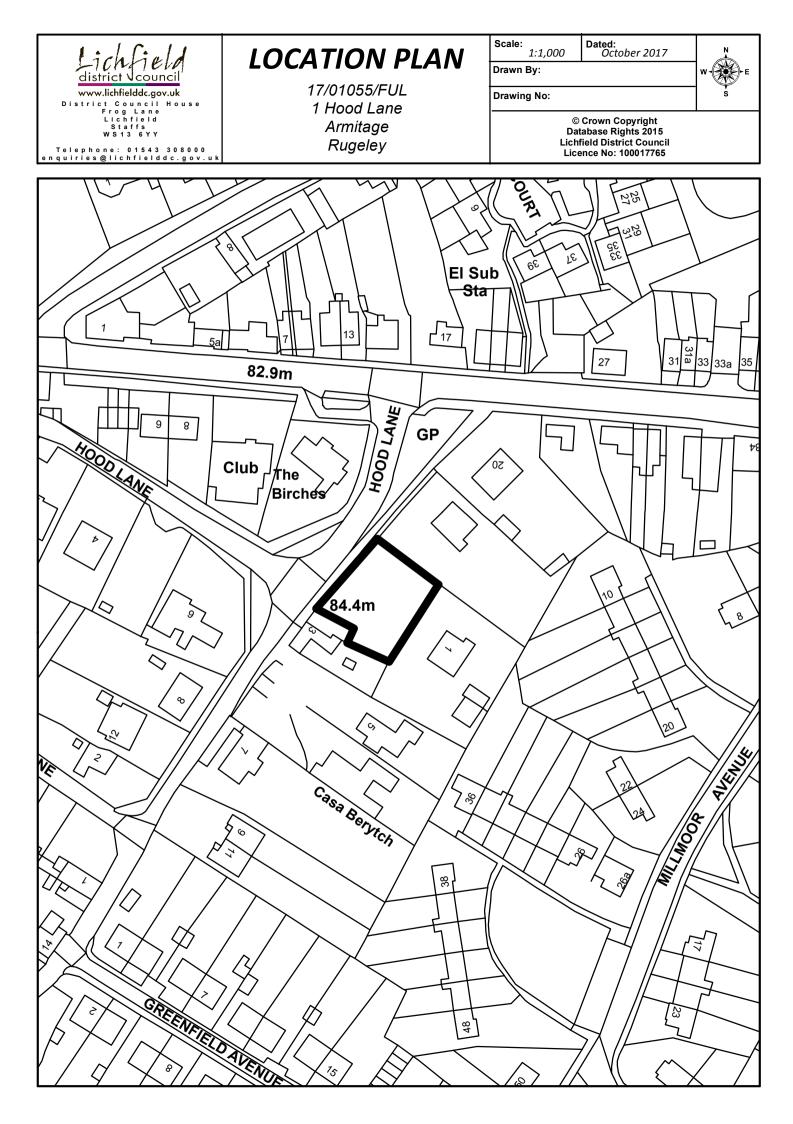
ITEM A

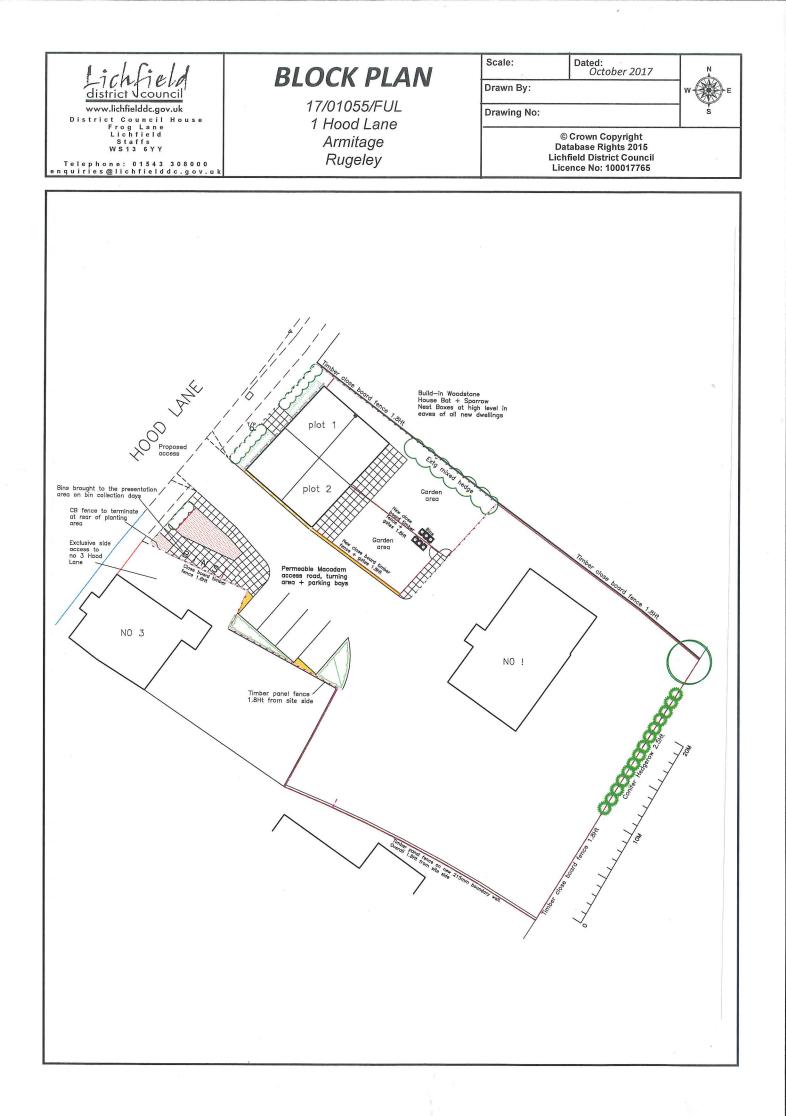
APPLICATIONS FOR DETERMINATION BY COMMITTEE: FULL REPORT

18 October 2017

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Page No.	Case No.	Site Address	Parish/Town Council
A1	17/01055/FUL	1 Hood Lane Armitage Rugeley	Armitage With Handsacre
A14	17/01082/ADV	Carthys Tackle 1 New Road Armitage Rugeley	Armitage With Handsacre
A19	17/01116/FUL	51 Walsall Road Lichfield	Lichfield
A24	17/01176/FUL	3 Mill Lane Aldridge Walsall	Shenstone





ERECTION OF 2NO THREE BEDROOM DWELLINGS AND ASSOCIATED WORKS 1 HOOD LANE, ARMITAGE, RUGELEY, STAFFORDSHIRE FOR PIA HOUSING LTD

Registered on 31st July 2017

Parish: Armitage with Handsacre

Note: This application is being reported to the Planning Committee following significant planning objections raised by Armitage with Handsacre Parish Council. Their grounds of objection are:

- The highway access and egress, is not suitable at this difficult location with two other junctions close by, and;
- The proposed two dwellings are too much to consider on this small site and very close to the neighbouring properties, no consideration to their privacy and view.

RECOMMENDATION: Approve, subject to the following conditions:

CONDITIONS:

- 1 The development hereby approved shall be begun before the expiration of three years from the date of this permission.
- 2 The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.

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

- 3 Before the development hereby approved is commenced, full details of biodiversity enhancement comprising bat and bird boxes, including their proposed location and design, shall be submitted to an approved in writing by the Local Planning Authority. The approved bird/bat boxes shall be installed in accordance with the approved details before any of the dwellings are first occupied and shall be retained thereafter.
- 4 Before the development hereby approved is commenced, full details of suitable vehicular visibility splays for the new access onto Hood Lane shall be submitted to and approved in writing by the Local Planning Authority. The visibility splays shall thereafter be provided in accordance with the approved details prior to occupation of the new dwellings.

All other CONDITIONS to be complied with:

- 5 Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall be carried out and thereafter retained in accordance with the following details:
 - Ibstock Birtley Olde English bricks shall be used in the construction of external walls; and
 - Forticrete Gemini Slate Grey roof tiles shall be used in the construction of the roofs.
- 6 Before any works above slab level are constructed, details of the finished floor

levels of the dwellings hereby approved in comparison to ground levels surrounding the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

- 7 Notwithstanding the details shown on the approved plans, the development hereby approved shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, boundary treatments, bin storage areas, external lighting, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works. The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within 18 months of first occupation of the development hereby permitted, whichever is the later.
- 8 Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its consent in writing to any variation.
- 9 Before any of the dwellings hereby approved are first occupied, the new access, parking and manoeuvring area broadly indicated on the submitted Site Plan (drawing 2017:100:21) shall be completed and surfaced in a porous bound material with the individual parking bays clearly delineated which shall thereafter be retained for resident parking only for the life of the development.
- 10 Prior to first occupation of the proposed residential units the new site access shall be completed within the limits of the public highway as a vehicular dropped crossing.
- 11 The access shall remain un-gated.
- 12 Notwithstanding the provisions of Schedule 2, Part 1 Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order) no extensions, porches, garages, outbuildings, sheds, greenhouses, side windows, dormers or any other alteration to the roof shall be constructed within without the prior grant of planning permission by the Local Planning Authority.

REASONS FOR CONDITIONS

- 1 In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
- 2 For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Practice Guidance.
- 3 To secure a net gain to biodiversity and enhance the nature conservation value of the site in accordance with Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.
- 4 In the interests of highway safety, in accordance with Core Policies 3 and 5, Policy

ST2 of the Local Plan Strategy and the National Planning Policy Framework.

- 5 To ensure that the external appearance of the development is physically well related to existing buildings and its surroundings, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
- 6 To safeguard the amenity of the area in and to safeguard the amenity of existing, neighbouring and/or future occupants of the development hereby approved in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
- 7 To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area, in accordance with the requirements of Core Policies 3 and 13 and Policies NR4 and BE1 of the Local Plan Strategy.
- 8 To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area, in accordance with the requirements of Core Policies 3 and 13 and Policies NR4 and BE1 of the Local Plan Strategy.
- 9 In the interests of highway safety, in accordance with Core Policies 3 and 5, Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework.
- 10 In the interests of highway safety, in accordance with Core Policies 3 and 5, Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework.
- 11 In the interests of highway safety, in accordance with Core Policies 3 and 5, Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework.
- 12 To ensure the satisfactory appearance of the development and to safeguard the amenity of existing, neighbouring and/or future occupants of the development hereby approved in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy, the Sustainable Design SPD 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 mind when programming development.
- 3 Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging on the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at <u>www.lichfielddc.gov.uk/cilprocess</u>.

- 4. Please note that prior to the new access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to "vehicle dropped crossings" which includes a "vehicle dropped crossings information pack" and an application form for a dropped crossing. Please complete and send to the address on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, c/o, 2 Staffordshire Place, Tipping Street, Stafford, ST16 2DH or email (nmu@staffordshire.gov.uk) www.staffordshire.gov.uk/transport/staffshighways/licences
- 5. Any soakaway should be located a minimum of 4.5m rear of the highway boundary.
- 6. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the NPPF.

PLANNING POLICY

National 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 5 - Sustainable Transport Core Policy 6 - Housing Delivery Core Policy 13 - Our Natural Resources Core Policy 14 - Our Built & Historic Environment Policy SC1 - Sustainability Standards for Development Policy ST1 - Sustainable Travel Policy ST2 - Parking Provision Policy H1 - A Balanced Housing Market Policy NR3- Biodiversity, Protected Species and their Habitats Policy NR4- Trees, Woodlands & Hedgerows Policy NR7- Cannock Chase Special Area of Conservation Policy BE1- High Quality Development Policy Arm 1 - Armitage with Handsacre Environment Policy Arm 4 - Armitage with Handsacre Housing **Supplementary Planning Documents** Sustainable Design Trees, Landscaping and Development

Biodiversity and Development

Developer Contributions

RELEVANT PLANNING HISTORY

16/00427/FUL - Erection of 3no two bedroom dwellings and associated works. Approved 5/7/16

15/01144/FUL- Erection of 3no. dwellings and associated works- Withdrawn 19/11/15.

L929219- Proposed detached bungalow (Outline) - Refused 18/05/92.

CONSULTATIONS

Armitage with Handsacre Parish Council – Strongly object to the proposal. The councillors feel that the highway access and egress, is not suitable at this difficult location with two other junctions close by. They also felt that the proposed two dwellings are too much to consider on this small site and very close to the neighbouring properties, no consideration to their privacy and view. (22/8/17)

Environmental Health – No comments received.

Tree Officer - The site is not within any designated conservation area nor are there any TPO'd trees on site. As such, there are no grounds for any objections related to arboriculture. (8/8/17)

Staffordshire County Council Highways – No objections subject to conditions in relation to the submission of full details of suitable vehicular access visibility splays; provision of a dropped crossing; parking and turning areas to be provided prior to first occupation and the access remaining un-gated. The recommended conditions are attached. (21/9/17)

Severn Trent Water– As the proposal has no impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied. (10/8/17)

LETTERS OF REPRESENTATION

Seven letters of objection have been received. The following issues are raised:

- The previous permission should not have been passed in the first place and this current application should be refused;
- The moving of the access will not improve visibility onto Hood Lane;
- The siting and minor amendments have further damaged the relationship with its neighbours;
- NPPF sets out to resist inappropriate development of residential gardens where development could cause harm to the local area;
- Inappropriate development;
- Obstruction to visibility;
- Loss of on road parking for residents and visitors;
- Increased traffic;
- Highway safety for vehicles, pedestrians, cyclists, equestrians and wheelchair users;
- Removal of hedge and greenhouse previously marked to be retained;
- The replacement fencing should not damage the integrity of the wall and hedges that remain;
- The remains of the removed wall should be left exposed;
- The proposed dwellings are not of good design and quality and would be detrimental to the character of the area;
- The design and scale of the development is not appropriate to the location;
- Overdevelopment of the site
- The proposed level changes will look out of place and it is not agreed that the levels require the step and a simple cut or fill would resolve this adequately;
- The layout is very tight and does not follow the principles of good design;
- Loss of Green Space to the detriment of village life and birds/wildlife;
- This development is not necessary;
- It will spoil another part of the village;
- Impact on landscaping;
- The outlook for the retained dwelling is compromised;
- The separation distances are not acceptable;
- Amenity space of the proposed new dwellings falls short of the requirements of the SPD;

- Impact on neighbours' principle windows due to failure to meet recommended separation standards;
- Loss of privacy;
- Overshadowing/Loss of light/outlook;
- Disruption during construction;
- Waste and recycling bins for the new houses would constitute a hazard to pedestrians and to highway visibility on collection days;
- Bins would also attract vermin and cause malodour;
- Incompatible with the Human Rights Act 1998;
- Reduction in house values;
- Threat to public health;
- If approved this will set a precedent for other garden developments;
- Relocation of a lamppost and telegraph pole;
- Concern that not all of the site is owned by the applicant;
- Development would encroach onto neighbours' property and would affect land over which the neighbour has a right of access;
- What is the purpose of the Cannock Chase SAC contribution? The amount seems minimal considering the adverse impact the development would have;
- Concerns over land stability due to changes in ground level.

OBSERVATIONS

Site and Location

The application site is located within the settlement boundary of Armitage with Handsacre and comprises part of the domestic curtilage of no. 1 Hood Lane extending to an area of approximately 0.06 hectares. The area is predominantly residential in nature with the existing dwelling at 1 Hood Lane bounding the site to the east. To the north the site shares its common boundary with 1A Hood Lane, to the south is 3 Hood Lane and to the west is Hood Lane itself and residential dwellings on the opposite side.

Background

It should be noted that the site has an extant permission, 16/00427/FUL which gave permission for the erection of three, two bedroom dwellings and associated works. The extant permission proposed two dwellings in a similar position to those which are the subject of this application and also included an additional dwelling adjacent to the existing bungalow (1 Hood Lane) which is positioned to the rear of the current application site. The existing bungalow and the area of the third dwelling approved by the extant permission do not fall within the red line boundary for this current application. This current application has been submitted following enforcement investigations alleging that the footings for the two dwellings are not in line with the plans approved under the extant permission. This has come to light due to discrepancies between the original/previous site plan and the actual site dimensions, which only became apparent once development work commenced on the site.

Proposals

Planning permission is sought for the erection of two, three bedroom dwellings. The proposed dwellings would be sited in the northern corner of the site adjacent to the common boundary with 1A Hood Lane. The submitted plans indicate that the proposed dwellings would be set back approximately 2m from the front boundary of the site and the front corner would be approximately 1.4m from the common boundary with 1A Hood Lane with this distance increasing slightly towards the rear of the proposed new dwellings. The dwellings would occupy a footprint of approximately 8.5m in depth, excluding the proposed front canopy over entrance door, and approximately 11.2m in width. They would incorporate a pitched roof that would slope upwards from the front and rear elevations. Each of the dwellings would be approximately 8.2m in height but plot 2 would be set at a slightly higher

level therefore resulting in a difference in the ridge heights of approximately 0.2m. Private garden areas would be provided to the rear of the dwellings as well as a small area of grass/shrubs to the front.

Vehicular access would be taken from Hood Lane and would be positioned adjacent to the side gable of plot 2 and would lead to a parking/turning area with two spaces per dwelling being provided. The access would also allow for continued access to the existing property towards the rear of the site. On the opposite side of the proposed access would be an area of hard standing and planting. This would provide space for storage of bins which could then be brought to the road side on collection day.

Internally the proposed dwellings would accommodate an open plan lounge/kitchen area, a toilet and hall at ground floor level and three bedrooms and a bathroom at first floor level. It is proposed that the dwellings would be constructed using lbstock Birtley Olde English bricks with a forticrete Gemini grey slate although no samples have been submitted at this stage.

The design and appearance of the proposed dwellings remains similar to that of the extant permission (16/00427/FUL) however, some minor amendments have been made which now propose a revised floor level resulting in a stepped ridge line across the two dwellings and across the proposed front canopies, slight alteration to the size/appearance of the fenestration details in the front and rear elevations. The internal configuration has changed with the main difference being the change of one of the first floor rooms from an office/study/en-suite to a third bedroom. Timber close board fencing, 1.8m in height is proposed around the site boundaries with the exception of a small section of the northern boundary where an existing hedge is to be retained and the front boundary where a new hedge is proposed.

The vehicular access remains in a similar position adjacent to the side gable of plot two. Alterations have been made to the parking/turning area given that the application site is now smaller than that of the extant permission and as a result the number of parking spaces proposed, which are sited on the southern part of the site, has also decreased with two parking spaces per dwelling being provided. The area proposed for bin storage is in the same location but has been amended slightly in terms of its size and shape.

Determining Issues

- 1. Principle of Development
- 2. Design and Layout
- 3. Residential Amenity
- 4. Parking and Highways Issues
- 5. Cannock Chase Special Area of Conservation
- 6. Other Matters
- 7. Human Rights

1 <u>Principle of Development</u>

- 1.1 Policy Armitage 4 of the Local Plan Strategy notes that small scale redevelopment within the village will be supported to provide new housing. Infill development will be prioritised provided that it does not result in a loss of services and facilities which contribute to the function of Armitage with Handsacre as a key rural settlement.
- 1.2 Policy Armitage 4 seeks to ensure housing in Armitage with Handsacre provides for the needs of the local community, particularly for those wishing to downsize, or start up home.
- 1.3 Furthermore the principle of development within existing settlements is supported by the NPPF, although the NPPF sets out that Local Authorities should consider setting

out polices which resist inappropriate development of residential gardens where development could cause harm to the local area. There is no specific policy within the adopted Local Plan Strategy to restrict development of gardens, although Policy BE 1 seeks to minimise harm to local areas.

1.4 The site lies within the sustainable settlement of Armitage with Handsacre and is not allocated on the Local Plan Policy Maps. The application site is located within an established urban area and is considered to be in a sustainable location. Previous application 16/00427/FUL granted permission for residential development forward of 1 Hood Lane and as such established the principle of residential development in this location. As such there is no objection to the general principle of developing the site for residential purposes, subject to compliance with all other relevant planning policies. Such matters are discussed below.

2 Design and Layout

- 2.1 Paragraph 50 of the NPPF sets out that local planning authorities should deliver a wide choice of high quality homes and create sustainable, inclusive and mixed communities. Core Policy 3 of the Local Plan lists a number of key issues that development should address in order to ensure sustainable development. The following key issues are relevant to this application:
 - Protect and enhance the character and distinctiveness of Lichfield District and its settlements.
 - Be of a scale and nature appropriate to its locality.
 - Encourage the re-use of previously developed land in the most sustainable locations.
- 2.2 Policy BE1 of the Local Plan Strategy requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views.
- 2.3 Policy H1 of the Local Plan Strategy sets out that the Council will actively promote the delivery of smaller properties including two bed apartments and two and three bed houses to increase local housing choice and contribute to the development of mixed and sustainable communities.
- 2.4 No specific densities are set out in the policy, however it does state that where appropriate, higher density provision will be sought, focused around the most sustainable centres to assist in the provision of smaller units to meet a diverse range of housing needs. The site extends to approximately 0.06 hectares and therefore the density would equate to 33 dwellings per hectare, which is considered acceptable and in keeping with the established character of the surrounding area. The proposed development would provide two, three bedroom dwellings and therefore accords with the requirements of Policy H1 in respect of required housing size.
- 2.5 The existing properties on this side of Hood Lane do not follow a particularly strict building line with some properties set directly at the back of the pavement and others set back varying distances. Existing properties also vary in terms of their style, appearance and materials including bungalows and two storey dwellings finished in brick and render. The proposed dwellings would be set back approximately 2m from the front boundary of the site behind a small landscaped area. The dwellings would be of a simple, traditional design and would be constructed of brick with a tile roof. Fenestration sizes are appropriate to the house type and features such as canopies over front doors and header/cill details are also incorporated. It is considered such design and layout is acceptable and would not be harmful to the character and appearance of the streetscene.

- 2.6 The plot size to building ratio is acceptable and future users would be provided with an adequate level of private amenity space. This is discussed further in section 3 below. It is considered that the height, scale and massing of the proposed development would be appropriate and would not appear incongruous within the street scene. A condition is recommended to ensure samples of materials re submitted for the written approval of the LPA prior to the commencement of the development as well as details of finished floor levels. Subject to such conditions, the layout and appearance of the dwellings would be acceptable.
- 2.7 The area proposed for bin storage would be adjacent to the common boundary with 3 Hood Lane. No structure is proposed and bins would be stored on an area of hard and soft landscaping. Whilst it is accepted that bin storage adjacent to the back of pavement is not ideal this is the same as approved under the extant permission and the area proposed under this application is larger in size and would include areas of planting with bins stored adjacent to the boundary fence of the site behind the planting areas, therefore softening the overall appearance of this part of the site.
- 2.8 Parking areas would be provided within the site behind the landscaped bin storage area and as such would not be highly visible within the street scene.
- 2.9 In view of the above, it is considered that the proposed new dwellings would relate well to the existing form of development in the area and would not detract from the character and appearance of the street scene and the surrounding area. It is therefore considered the proposals are acceptable in terms of design and layout.

3 <u>Residential Amenity</u>

- 3.1 The Council's Sustainable Design SPD includes guidelines for space about dwellings and amenity standards in order to ensure privacy is preserved. These include a minimum distance separation of 21m between facing principal windows; 10m from first floor windows to boundaries shared with neighbours' private amenity space; 6m from ground floor windows to site boundaries except where no overlooking is demonstrated; and a minimum of 13m between principal windows and blank two storey elevations of neighbouring dwellings. In addition, the SPD recommends that private amenity space amounting to 65m² should be provided for dwellings with three bedrooms.
- 3.2 The proposed dwellings would include habitable room windows in their front and rear elevations. To the front of the site is the road and its junction with another part of Hood Lane. The residential dwelling at The Birches, to the north west of the site on the opposite side of Hood Lane, is the nearest dwelling which the proposals faces, offset from the front elevation of the proposed dwellings, meaning that they would not directly face, and would maintain a distance of 21m at its closest point.
- 3.3 To the rear is the existing dwelling at 1 Hood Lane which is currently vacant with no roof, therefore there are no existing residents who have an established level of amenity at this property. The rear elevations of the proposed dwellings would include a distance of separation approximately 19m from the front elevation of 1 Hood Lane and would be separated by the rear garden areas of the proposed new dwellings and their associated boundary treatments as well as the front garden area of 1 Hood Lane.
- 3.4 Whilst the separation distance that would be provided is slightly less than that normally required by the SPD, it is noted that a reduced separation was accepted previously as part of the extant permission and it is not considered that this small reduction would result in an unacceptable loss of privacy to the future occupiers of 1 Hood Lane or the future occupiers of the proposed new dwellings, particularly as 1

Hood Lane is a bungalow and there would be boundary fencing between ground floor windows, and no directly facing upper floor windows. It is also acknowledged that future occupiers would be buying into the situation and would be aware of it prior to occupation.

- 3.5 The side elevations of the proposed dwellings would introduce no windows. The side gable of plot 2 would retain a distance of approximately 15m at its closest point from the northern side elevation of the existing dwelling at 3 Hood Lane, in accordance with the requirements of the SPD.
- 3.6 The dwelling at plot one would retain a distance of between approximately 1.4m and 1.9m from the common boundary with 1A Hood Lane and would retain a distance of approximately 14m from its side gable to the southern elevation of 1A, at its closest point. The occupier of the neighbouring property, 1A, states that the window to the room in the southern side elevation of the property close to the front elevation is now the only window to this room. However, at the time of the consideration of the original 2016 extant permission and at the time of the case officers' site visit, it was clear that this room was also served by a further window in the front elevation facing Hood Lane which was considered to be the principle window to the room.
- 3.7 Since the approval of the extant permission and since being notified of this current planning application the occupier of 1A Hood Lane has boarded up the window in the front elevation meaning that the window in the side elevation is now the principle window to this habitable room. The previous permission is still extant and could be implemented at any time regardless of the change to the windows at 1A Hood Lane. In addition the board covering the window at 1A Hood Lane could be removed at any time. It is clear that the occupier has chosen to carry out the works to these windows despite being fully aware of the extant permission and this current application and despite knowing that the removal of the front window would mean that light and outlook would be restricted to this habitable room particularly if the extant permission were to be implemented or if this current proposed scheme were to be approved and implemented. Notwithstanding this, the Sustainable Design SPD identifies that to avoid any undue overbearing effect, in terms of outlook where one dwelling faces the side of a neighbouring property and where there are no facing windows, the minimum distance separation should be 13m. Furthermore should there be significant variations in ground level between new and existing development, the separation distance should be increased by 2m for every 1m difference in ground level. The new dwellings would be sited 14m from the southern elevation windows of 1A Hood Lane, and would have no side windows. Although the neighbour has raised concerns with the differences in land level, the difference is slight within the vicinity of the new dwellings and as such this would not be sufficient to require an increase in separation. The neighbour has indicated that the development would not accord with the Council's 45 Degree daylight rule. However under the guidance provided by BRE identified in the SPD, the 45 degree rule is only applied for developments to the side of windows and not to the front. Therefore it is considered the development would accord with the SPD and development plan in this regard.
- 3.8 It is noted that whilst there is a small area of garden adjacent to the common boundary with the application site adjacent to the driveway of 1A Hood Lane the property also benefits from a private garden area to the rear of the property. A further habitable room window is located further towards the rear of the side gable however this would not directly face the side gable of the proposed dwellings which would be in a similar position to that of the extant permission meaning that its impact would not be significant, if at all worse. In addition and as set out in the previous committee report for the extant permission there are also a number of large outbuildings along the boundary between no. 1A and the application site. These buildings sit partly along the common boundary with the proposed rear garden areas of the new

properties and partly along the proposed front garden area for number 1 Hood Lane and would provide an element of screening against noise and other disturbance from the development.

- 3.9 It is acknowledged that the property at 1A Hood Lane is a bungalow and is set at a slightly lower level than the application site however, having regard to the extant permission, the positioning of windows and the relationship between existing buildings and garden areas as set out above it is considered that the separation distances are acceptable in this instance.
- 3.10 In terms of amenity for future occupiers, all habitable rooms would be provided with adequate light and outlook and private amenity space would be provided to the rear of the dwellings, approximately 61m² and 80m² in size. The private garden area for plot two is slightly smaller than that normally required by the SPD (4m²), however it is not considered that this is so significant to warrant the refusal of the application. The garden areas are similar in size to those of the extant permission. Whilst the dwellings of the extant permission were to provide two bedrooms plus study / office rather than the three currently proposed, the first floor internal layout was such that the study/office could easily be used as a bedroom without the need for a further grant of planning permission. The resulting situation would be much the same as that now proposed under this current application. In addition, and as set out previously, given that they are new dwellings and future occupiers would be fully aware of the situation prior to purchase of the property, this is not considered to be unacceptable.
- 3.11 It is considered therefore that the proposed development would not result in an unacceptable detrimental impact on the amenity of occupiers of surrounding properties and would provide future occupiers with an adequate level of amenity. As such the development would not conflict with the NPPF and development plan in this regard.

4 Parking and Highways Issues

- 4.1 Policy ST2 of the Local Plan Strategy sets out that parking should be in accordance with the Sustainable Design SPD which states that dwellings with 3 bedrooms should be provided with 2 parking spaces per dwelling.
- 4.2 The original access to the site was from Hood Lane via a shared driveway adjacent to the side gable of 3 Hood Lane. This access is retained for 3 Hood Lane and a boundary fence erected along the common boundary with the application site.
- 4.3 Vehicular access for the proposed new development would be taken from Hood Lane, in the same position as the extant permission. It would be positioned adjacent to the side gable of plot 2 and would lead to a parking/turning area with two spaces per dwelling being provided in accordance with the requirements of the SPD. The access would also allow for continued access to the existing property towards the rear of the site. A pedestrian access would also be provided to the front of the dwellings.
- 4.4 Staffordshire County Council Highways have been consulted and have raised no objections subject to conditions in relation to the submission of full details of suitable vehicular access visibility splays; provision of a dropped crossing; parking and turning areas to be provided prior to first occupation and the access remaining ungated. The recommended conditions are attached. It is not considered that pedestrian or highway safety would be affected by the amended proposals. As such the development, which would provide the main vehicular access in the previously approved position, would accord with the NPPF and development plan in relation to parking and highways issues, subject to conditions.

5 <u>Cannock Chase Special Area of Conservation</u>

5.1 Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within a 15km radius of the Cannock Chase Special Area of Conservation will be deemed to have an adverse impact on the SAC unless or until satisfactory avoidance and/or mitigation measures have been secured. The Council adopted guidance on 10 March 2015 acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. As the proposal lies within the 8 kilometre buffer of the Cannock Chase Special Area of Conservation, a financial contribution is payable through the Council's Community Infrastructure Levy.

This development is within the lower charging zone rate of £25 per square metre. This will be payable in accordance with the Council's adopted CIL Instalments Policy, unless otherwise agreed.

6 <u>Other Matters</u>

- 6.1 In line with guidance contained within the NPPF and Policy NR3 of the Local Plan Strategy, a condition is recommended to ensure a net gain to biodiversity as part of the proposals.
- 6.2 The concerns of the local residents are noted, however there is an amount of disruption with any development, however this is usually short lived and is not a reason in itself to refuse planning permission. The objectors concerns in relation to malodour and vermin attracted to bins are acknowledged however the application is for two residential dwellings which will have the same number of bins as other dwellings in the area and will be managed and emptied in the same way. This is not a reason to refuse planning permission and should issues arise in the future then this could be investigated and managed by Environmental Health.
- 6.3 A further concern with regard to the remains of the removed wall to be retained are acknowledged, but fall outside of the control of the Local Planning Authority. It is noted that a telegraph pole/lamppost may need to be relocated to facilitate the development. However, it is not uncommon for statutory undertakers' infrastructure to require relocation and this is something which falls outside of the planning jurisdiction and is a matter for the applicant/developer to resolve.
- 6.4 One objection alleges that the development would affect an easement allowing access across part of the development site. This was raised as part of the previous application and the applicant's agent confirmed that the neighbours' rights would not be affected. Notwithstanding this, this is a civil matter to be resolved between the affected parties, and would not prevent planning permission from being granted.
- 6.5 It is not considered that the approval of this application would set a precedent as each application is assessed on its own merits at the time of submission. Finally, the loss of property value is not held to be a material planning consideration and accordingly could not justify refusal of planning permission.

7 <u>Human Rights</u>

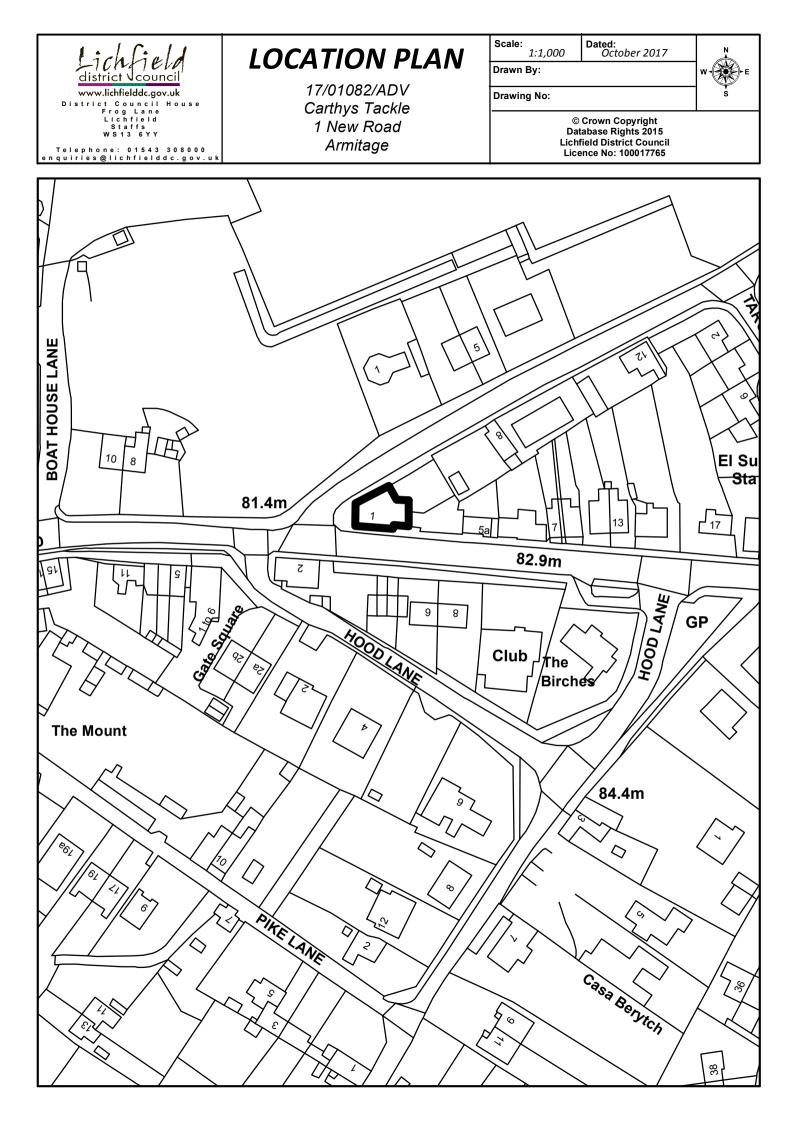
7.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an objector's or individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and

is necessary in a democratic society. The potential interference here has been fully considered within the report and on balance is justified and proportionate in relation to the provisions of national planning policy and the policies of the Development Plan.

Conclusion

The principle of residential development on this site was previously found to be acceptable and this remains the case. It is considered that the applicants have submitted a suitable revised scheme which meets with the requirements of the relevant development plan and NPPF policies. Furthermore the development would not lead to a greater adverse impact upon the character or appearance of the surrounding area, nor materially affect the amenity of neighbouring residents or prejudice highway safety, than the extant permission.

Accordingly, approval of the application is recommended, subject to conditions as set out above.



17/01082/ADV

RETENTION OF 2 NO. VINYL NON ILLUMINATED WINDOW SIGNS CARTHY'S TACKLE, 1 NEW ROAD, ARMITAGE

Registered 01/08/17

Parish: Armitage with Handsacre

Note: This application is being reported to the Planning Committee due to a significant planning objection by Armitage with Handsacre Parish Council. They consider the signs are not in keeping with the overall look of the road and village location.

RECOMMENDATION: Approve, subject to the following conditions

CONDITIONS:

- 1. The development authorised by this permission shall be retained in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
- 2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 3. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to Navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- 5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

REASONS FOR CONDITIONS:

- 1. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
- 2. Standard conditions, as required by Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 3. Standard conditions, as required by Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
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- 6. Standard conditions, as required by Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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 28 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.
- 3. It is considered that the proposals meet the provisions of paragraphs 186-187 of the NPPF.

PLANNING POLICY

Government Guidance

National Planning Policy Framework National Planning Policy Guidance

Local Plan Strategy

Core Policy 3 – Delivering Sustainable Development Policy BE1 – High Quality Development Policy Arm2 – Armitage with Handsacre Services and Facilities Policy Arm3 – Armitage with Handsacre Economy

Supplementary Planning Documents

Sustainable Design

RELEVANT PLANNING HISTORY

L9626 – Internal and external alterations to enlarge existing Fishing Tackle Shop and erection of new store room – Approve with Conditions 14.02.83

L3697 – Garage – Approve with Conditions 17.10.77

CONSULTATIONS

Armitage with Handsacre Parish Council - The Parish Council has inspected the plans for the above mentioned application and strongly object to the proposal.

The Councillors feel that the 3 large bright blue signs (1 existing) are not in keeping with the overall look of the road and village location. This maybe suitable for shopping centres or market halls but not for the community store, all windows are blocked off. The shop is located in a residential area of the road and the hideous advertising is too intensive (22/8/17).

LETTERS OF REPRESENTATION

One letter of representation has been received which raises the following issues:

- Surprised this is not a retrospective application as signs are already up,
- Decision already been made by owners before the Council have made a decision,
- Very off putting,
- Parking a problem,
- Do they need a change of use?

BACKGROUND DOCUMENTS

None

OBSERVATIONS

Site and Location

This application relates to a shop located on the northern side of New Road which is the main route through the small town of Armitage. The shop is located within a residential area and within close proximity to the Armitage and District Royal British Legion Club. The shop has a courtyard area which is accessed from Old Road.

Proposal

This is a retrospective application seeking to retain the vinyl window stickers which were installed on the shop windows in April 2017. The vinyl stickers are located on the western and southern elevations of the shop. The western elevation sticker measures $3.57m^2$. The southern elevation stickers measure $3.04m^2$ and $2.66m^2$

The stickers illustrate the shop name 'Carthy's Tackle', shop opening times and a small shop logo. The stickers have a blue background with white text. There is an existing wooden framed sign on the western elevation which has been in existence for a number of decades.

Determining Issues

- 1. Policy and Principle of Development
- 2. Design and Appearance
- 3. Highway Safety
- 4. Neighbouring Amenity
- 5. Human Rights
- 1. Policy and Principle of Development
- 1.1 Policy BE1 of the Local Plan Strategy requires that extensions and alterations to existing buildings, to carefully respect the character of the surrounding area and development in terms of layout, size, scale, design and public views.
- 1.2 Policy Arm2 states that the parish will function as a Key Rural Centre with a range of services and facilities which serve the local community. The loss of existing services and facilities will be resisted unless an equivalent facility can be provided which offers a similar or improved level of service to the community. It also states that initiatives to improve and enhance local facilities and amenities will be supported.

- 1.3 Policy Arm3 highlights the importance of local employment in the settlement and ways to ensure it links positively will be recognised and supported. New and existing businesses, services and facilities will be supported where proposals do not conflict with other policies within the Local Plan.
- 1.4 Paragraph 67 of the NPPF states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment and should be subject to control only in the interests of amenity and public safety. Taking into consideration national and local policy it is considered that the adverts do not have a negative impact on the appearance of the building or streetscene. The building has operated as a retail shop for many years and in this instance advertising has always been on this building and are required in order to promote the shop. Therefore the principle of this form of advertising is considered acceptable. Consequently the adverts accord with national and local planning policy, development plan and NPPF in this regard.

2. <u>Design and Appearance</u>

- 2.1 Whilst the development is a visible addition to the streetscene, it is not considered to be an incongruous addition that will detract from the character and appearance of the streetscene. This premise has been in existence as a shop for over four decades and it is considered that the installation of new window stickers improves the overall appearance of the business which contributes to improving the street scene.
- 2.2 Existing signage exists in the locality with a free standing sign and banner adjacent to the shop on Old Road. There is also a Londis store to the west of the site and a Post Office and other independent stores to the east, both of which have visible signage and window stickers. Therefore it is considered the retention of these adverts accords with the development plan and NPPF in this regard.

3. <u>Highway Safety</u>

3.1 With regards to these signs being a possible distraction to drivers, given the character of the area, traffic speed and general signage in the vicinity and given that the signage is not illuminated, it is considered the proposal does not harm highway safety. As the adverts are not illuminated and will not impact highway safety, the signs would accord with the NPPF in this regard.

4. <u>Neighbouring Amenity</u>

4.1 The shop along with advertising has been in existence for a number of decades. No objections have been raised by immediate neighbours. Given the simple design and non-illuminated nature of the signage it is considered the adverts do not cause undue harm to public amenity. Therefore the signage is acceptable with regards to highway safety and accords with the development plan and NPPF in this regard.

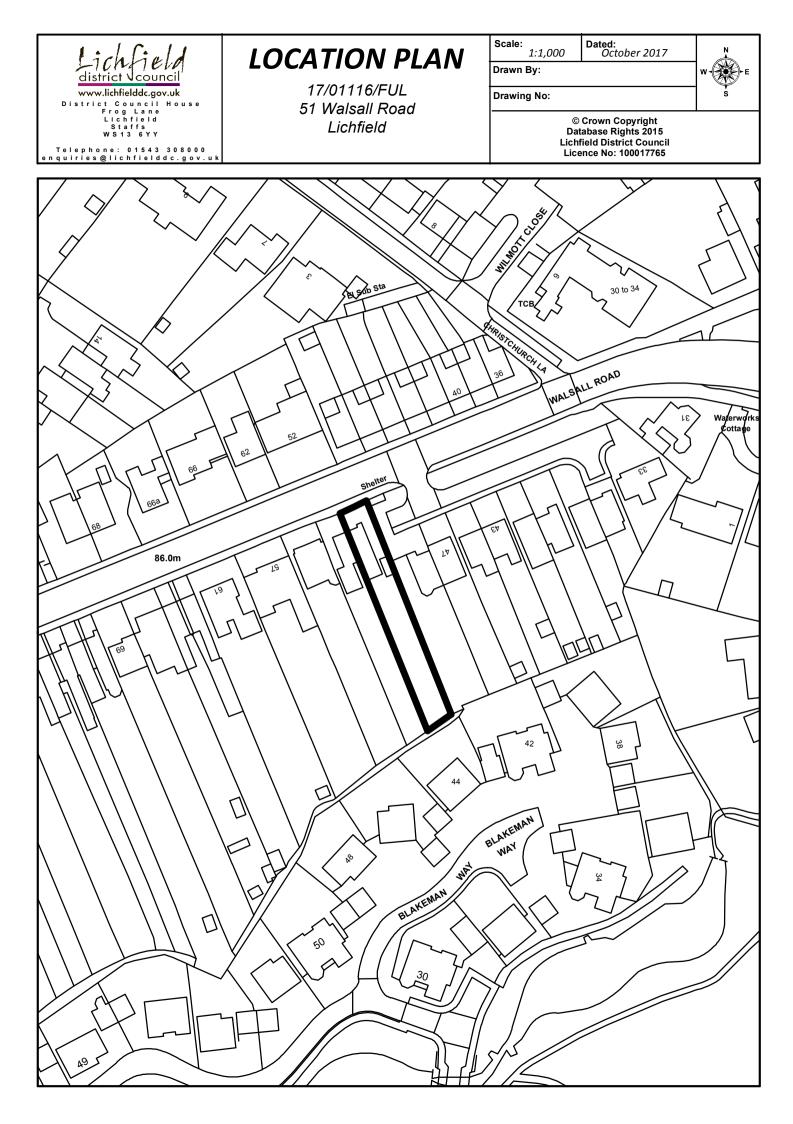
5. <u>Human Rights</u>

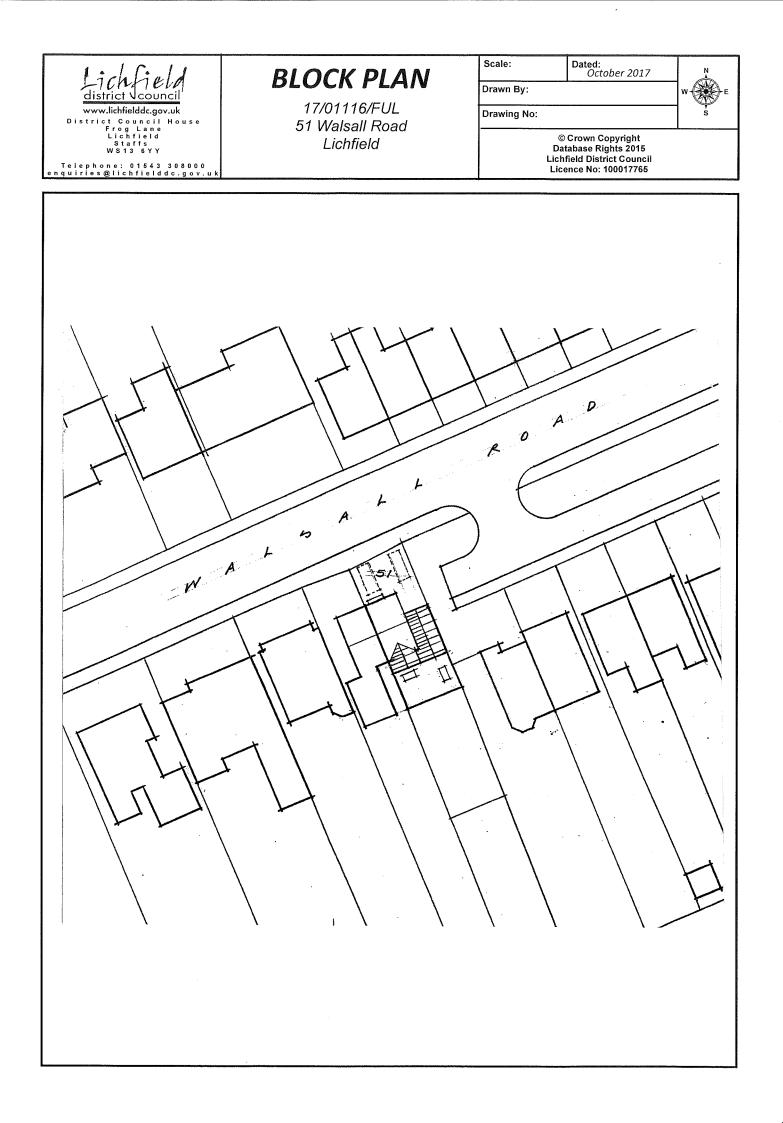
5.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with neighbours rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home 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

For the reasons outlined above, it is considered that the proposed retention of the adverts will not detract from the character or appearance of the building or the surrounding streetscene. Furthermore, it is considered the signage would not be harmful to local residential amenity or matters of highway safety as the adverts are not illuminated. As such, the development would accord with the requirements of the Local Plan Strategy and the NPPF.

Accordingly, the application is recommended for approval subject to conditions.





17/01116/FUL

TWO STOREY EXTENSION TO SIDE AND REAR TO FORM HALL AND UTILITY ROOM AND EXTENSION OF KITCHEN AT GROUND FLOOR AND 1NO BEDROOM AND BATHROOM AT FIRST FLOOR AND NEW BAY WINDOW TO FRONT 51 WALSALL ROAD, LICHFIELD

Registered 08/08/17

Parish: Lichfield

Note: This application is being reported to the Planning Committee as Lichfield City Council have raised a significant planning objection on the grounds of infringement of the 45 degree rule and overdevelopment of the site.

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.
- 3. Notwithstanding any description/details of external materials in the application documents, the proposed materials shall match in colour, size, shape texture and appearance to those of the existing dwelling unless otherwise agreed in writing by the Local Planning Authority.
- 4. 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 Government Guidance contained in the National Planning Practice Guidance.
- 3. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
- 4. In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.#

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 28 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.
- 3. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at www.lichfielddc.gov.uk/cilprocess
- 4. During the course of the application, the Council has sought amendments to the proposals to ensure a sustainable form of development, which complies with the provisions of paragraphs 186-187 of the NPPF.

PLANNING POLICY

Government Guidance

National Planning Policy Framework National Planning Policy Guidance

Local Plan Strategy

Core Policy 3 – Delivering Sustainable Development Policy BE1 – High Quality Development Policy NR3 – Biodiversity, Protected Species and their Habitats

Supplementary Planning Documents

Sustainable Design Lichfield City Neighbourhood Plan (Draft)

RELEVANT PLANNING HISTORY

07/01066/FUL - Two-storey extension to side and rear and loft conversion to form lounge, dining room, bathroom, bedrooms and ensuite – Approve 11.12.07

L11530 - Erection of domestic garage - Refuse - 22.04.85

CONSULTATIONS

Lichfield City Council – Awaiting further comments on amended plans.

Lichfield City Council – Object. Recommend refusal on the basis of overdevelopment of the site and infringement of the 45 degree rule. (17.08.17)

LETTERS OF REPRESENTATION

Three letters of representation have been received. The letters raise the following concerns:

- Significant loss of light to 3 windows and overshadowing to our property,
- Overdevelopment of the site,
- Involvement of a party wall,
- Residential amenities severely harmed,

- Extension will limit natural night,
- Loss of light will impact heating and electricity consumption,
- Party wall left unstable,
- Noise issues,
- Access track removed between 49 and 51 which was visible on the 2007 application. Track must be reinstated and conditions added to application as this has been taken over to enlarge their garden.
- Despite the amendments to the plans, it will still cause significant loss of light and overshadowing to our neighbouring property, overdevelopment of the site, and involvement of a party wall,
- Our hallway will be plunged into darkness, of which the window in question is the only natural light source in the room which hasn't been considered with the amended plans,
- The amended plans show the extension has been moved over by a nominal amount to narrowly meet the 45 degree rule, but the plans will still reduce the natural light in this room by far more than 50%,
- Proposals would breach the Councils 45 degree rule.

BACKGROUND DOCUMENTS

None

OBSERVATIONS

Site and Location

This application relates to a semi-detached two storey dwelling located on the southern side of Walsall Road. A driveway to the side of the dwelling extends towards the rear where there is a private garden. The neighbouring dwellings are of similar 2 and 3 storey designs, many of which have been extended. On this section of Walsall Road the dwellings are staggered with Number 49 sitting in towards the rear of Number 51 and 53.

Proposal

The application seeks to erect a two storey side and rear extension. It also seeks to install a bay window to the front of the original dwelling and a porch with the front of the two storey side extension. The extensions will use materials to match the existing dwelling.

Following initial concerns regarding the level of projection of the rear extension, amended plans were submitted and the extension is now proposed as:

The two storey side/rear extension will wrap around the dwelling on the eastern and southern elevations. The side extension will measure 3.5m in width, 7m in depth, 7.2m in height and will have an eaves height of 5.5m. This extension will continue at ground floor level for a further 5.1m in depth, 8m in width, 3.4m in height and an eaves height of 3.2m.

The rear extension will measure 1.9m in depth and 7.4m in overall width which joins onto the width of the side extension. It will measure 6.9m in height with eaves of 5m. The single storey element will measure 7.1m in depth, 3.4m in height and will have an eaves height of 3.2m. This will match the side extension.

The ground level varies at the rear of the property therefore this results in the eaves and height of the proposal being different at between 5m and 5.5m, however the eaves for both gables will match overall.

The extensions will be finished with a double gable design at first floor and there will be one bedroom window and a Juliet balcony on the southern elevation. At ground floor the extension will continue to project with a flat roof. The flat roof will have 2no roof lights and bifold patio doors that will open into the garden area.

The application also includes a porch at the front of the two storey side extension, various internal alterations and the installation of a bay window. The two storey extension has been designed to reflect a coach house and this similar design can be seen at Number 57 Walsall Road.

Determining Issues

- 1. Policy and Principle of Development
- 2. Design and Appearance
- 3. Residential Amenity
- 4. Other Issues
- 5. Human Rights
- 1. <u>Policy and Principle of Development</u>
- 1.1. The NPPF attaches great importance to design of the built environment and sets out that high quality and inclusive design should be applied to all development, including individual buildings, private spaces and wider area development schemes. It also states that development should respond to local character and history, and reflect the identity of local surroundings. This sentiment is echoed in Policy BE1 of the Local Plan Strategy which requires that extensions and alterations to existing buildings, to carefully respect the character of the surrounding area and development in terms of layout, size, scale, design and public views.

2. <u>Design and Appearance</u>

- 2.1 Walsall Road is characterised by detached, terraced and semi-detached properties that reflect different designs and styles. Many properties along this road have been extensively altered and extended over time through single, two and triple storey extensions, porches and canopies. Whilst the proposed development will be a visible addition to the streetscene when approaching Walsall Road from the north-east, it is not considered to be an incongruous addition that will detract from the character and appearance of the streetscene.
- 2.2 The proposal is considered to be in keeping with the design and character of the host dwelling and streetscene. The extension with its reduced ridge height, eaves and set back front is considered to be subservient to the host dwelling and it is not considered that the extension presents over development of the site. Furthermore, a previous application ref: 07/01066/FUL was approved on this site for a very similar proposal although this was never implemented. A similar coach house design is seen at Number 57 Walsall Road 3 doors down so it is felt that this proposal will integrate within the street scene successfully.
- 2.3 Overall it is considered that the proposals will accord with the Development Plan and NPPF in this regard.
- 3. <u>Residential Amenity</u>
- 3.1 When assessing the potential for loss of light to neighbouring properties, the BRE 45 degree standards are used, as set out in the Sustainable Design SPD. Initially the proposals did not comply with these standards with regard to the impact on the ground floor dining room patio doors to Number 53. Following the receipt of amended plans which reduced the rear ward project of the first floor extension to 0.8m, it is

considered that the proposal will not cause a significant loss of light to the neighbouring property's ground floor patio doors. The BRE 45 degree standards are identified for use with principal habitable room windows only e.g. living rooms, kitchens, dining rooms and bedrooms. As the hallway is not a principal room, it is not considered as part of the assessment. As such, this proposal now accords with the standards outlined in the Sustainable Design SPD.

- 3.2 In addition, the proposal meets the minimum distance requirements for principle windows as set out in the Sustainable Design SPD. It is therefore considered the proposal will not result in a significant detrimental impact on the amenity of the neighbours.
- 3.3 Given the siting and location of the proposals within the plot, it is considered the proposal would not lead to overdevelopment of the site, as the rear garden will retain approximately 307m² of rear garden, therefore the proposal will not result in the loss of private amenity space.
- 3.4 Overall it is considered the proposals accord with the Development Plan and NPPF in this regard.

4. <u>Other Issues</u>

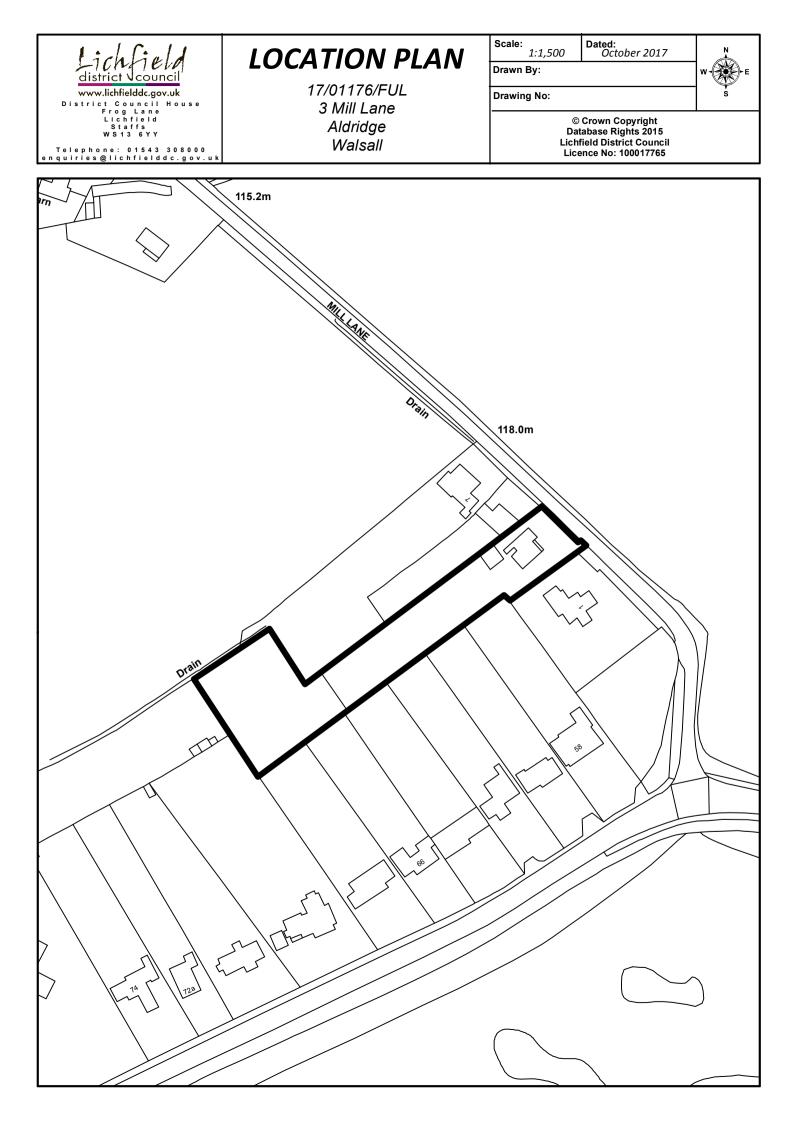
- 4.1 The Sustainable Design SPD requires three bedroom dwellings to provide two offstreet parking spaces. The drive to the front of the property has existing adequate space for this provision.
- 4.2 The concerns of the objector are noted, however the identified access track is located to the north of the application site, outside of the applicants ownership, and is unaffected by the present proposals. This concern is not a material planning consideration as part of this determination of this application.
- 4.3 Overall it is considered the proposals accord with the Development Plan and NPPF in this regard.

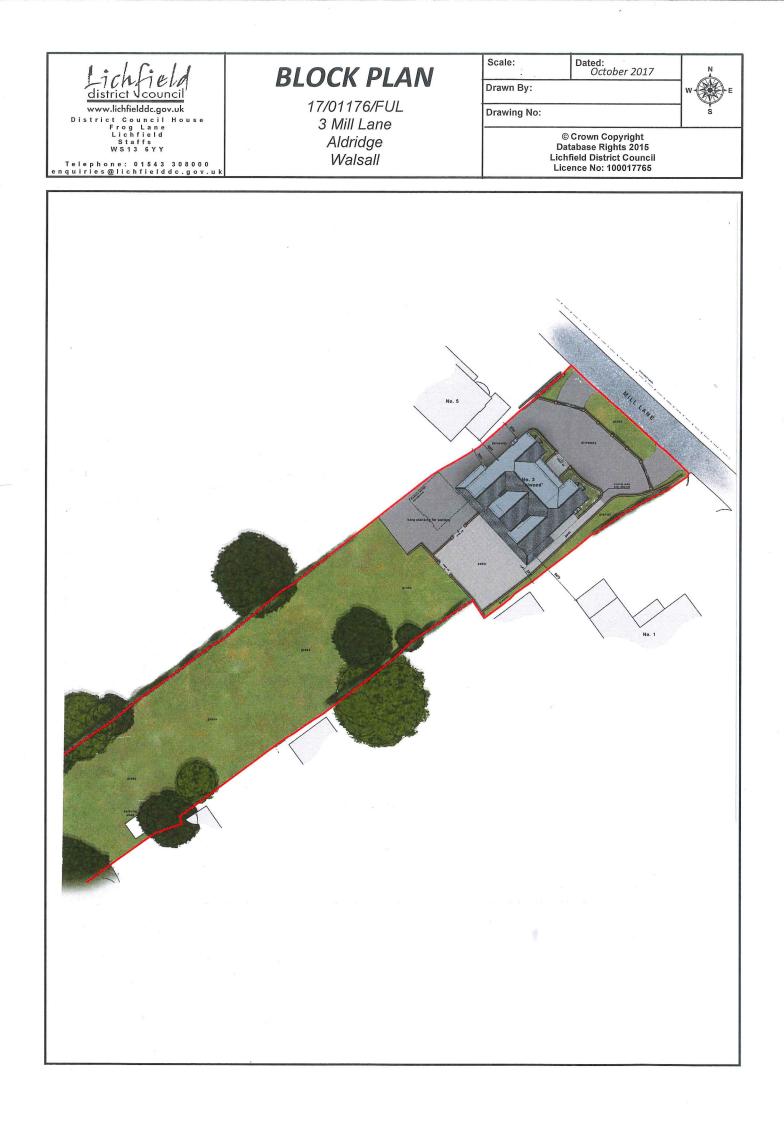
5. <u>Human Rights</u>

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

Overall, it is considered that following the submission of amended plans, the proposed extension will integrate successfully with the dwelling whilst not detracting from the surrounding streetscene. Also, it is considered the proposal will not have a detrimental impact on neighbouring amenity or highway safety. As such, the development would accord with the requirements of the Local Plan Strategy and the NPPF. Accordingly, the application is recommended approval subject to conditions.





17/01176/FUL

SINGLE AND TWO STOREY EXTENSIONS AND ALTERATIONS TO FORM KITCHEN, BREAKFAST ROOM, FAMILY ROOM, STUDY, LIVING ROOM AND 3NO BEDROOMS WITH EN SUITE (RESUBMISSION OF APPLICATION 17/00054/FUL) 3 MILL LANE, ALDRIDGE FOR MS J WATERHOUSE

Registered 24/8/17

Parish: Shenstone

Note: This application is being reported to the Planning Committee at the request of Councillor Powell for the following reasons:

- The neighbouring properties have been granted permission for extensions;
- The proposed massing, height, size and street scene are not at odds with the neighbouring properties and surrounding area and not out of character for this part of Little Aston; and
- It would be unreasonable and prejudicial not to allow.

RECOMMENDATION: Refuse

Reasons for Refusal:

1. The development by reason of the scale and massing would constitute inappropriate development in the Green Belt and cause significant harm to the openness of the Green Belt. No very special circumstances have been put forward sufficient to outweigh the harm by reason of inappropriateness, and any other harm, to the Green Belt. The proposal is thus contrary to Core Policy 2 (Delivering Sustainable Development), Policy NR2 (Development in the Green Belt), Policy BE1 (High Quality Development) of the Lichfield District Local Plan Strategy (2015), the Rural Development Supplementary Planning Document and the National Planning Policy Framework.

NOTE TO APPLICANT

It is considered that the proposals are unsustainable and do not conform to the core planning principles of the NPPF. It is considered that the applicant is unable to overcome such principle concerns.

PLANNING POLICY

Government Guidance

National Planning Policy Framework National Planning Policy Guidance

Local Plan Strategy

Core Policy 2 – Presumption in Favour of Sustainable Development Core Policy 3 – Delivering Sustainable Development Core Policy 13 – Our Natural Resources Policy ST2 - Parking Provision Policy BE1 – High Quality Development Policy NR2 – Development in the Green Belt Policy NR3 – Biodiversity, Protected Species & their Habitats Policy NR4 – Trees, Woodland & Hedgerows

Little Aston Neighbourhood Plan

Supplementary Planning Documents

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

RELEVANT PLANNING HISTORY

17/00054/FUL - Single and two storey extensions and alterations to form kitchen, breakfast room, family room, study, living room, bedrooms with en-suite and detached double garage – Withdrawn 26.04.2017

L870277 - Demolish existing garage and erect new garage – Approved 04.06.1987

L2672 - Proposed first floor bedroom extension residential – Approved 13.10.1976

ELR11138 – Extension to dwelling – Approved 26.06.1970

CONSULTATIONS

Shenstone Parish Council – No response received.

Spatial Policy & Delivery – The site is located outside the Little Aston village settlement boundary and is located within the West Midlands Green Belt. The site is within the Little Aston Neighbourhood Plan Area.

The NPPF has a presumption in favour of development, this is echoed in Core Policy 2 of the Local Plan Strategy. Paragraph 87 of the NPPF states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 lists a number of exceptions which are not considered as inappropriate development, one exception is the extension of alteration of a building providing that it does not result in disproportionate additions over and above the size of the original dwelling.

Paragraph 5.5 of the submitted Planning Statement makes reference to the fact that land to the east of the site on the opposite side of Mill Lane is understood to have been approved in principle for allocation for housing through the Combined Local Enterprise Partnership. For clarity, the Local Enterprise Partnership is not able to allocate sites for development. Further, the Council has recently consulted upon the Local Allocations Document and the land in question has not been identified for development. (11.09.2017)

Ecology Team – The proposal is unlikely to negatively impact upon protected or priority species or habitats. Under Policy NR3 a net gain to biodiversity should be delivered through all developments. Due to the nature and location of the proposal it is recommended that this net gain could be achieved via the incorporation of a bat or bird box within the site. A net gain could also be achieved through onsite habitat improvement works or the creation/planting of new habitats or features. The previous application included a bat slate, this again would be welcomed. (15.09.2017)

Arboriculture Officer – No objection, there are no TPOs, and the site is not in a conservation area. There are some trees on the property frontage, one is very dominant and they all have a positive effect upon the streetscene. The proposals will have little or no impact on these trees. (05.09.2017)

LETTERS OF REPRESENTATION

No comments received

BACKGROUND DOCUMENT

Planning Statement

OBSERVATIONS

Site and Location

This application relates to a detached dwelling sited west of Mill Lane, Little Aston. The site is located within the West Midlands Green Belt. The dwelling is sited within a linear development of four properties, there is also residential properties to the south in a linear ribbon development along Aldridge Road. The dwelling has a drive to the front and a long garden to the rear, approximately 125m in length. The surrounding area is open agricultural fields. The surrounding properties are large as a result of extensions which mainly occurred prior to 2000. The property is not within a defined settlement boundary.

Background

Application 17/00054/FUL was submitted in January 2017 which proposed similar extensions and a detached garage to the rear. The proposed extensions were considered to be disproportionate to the original building under paragraph 89 of the NPPF and Policy NR2 of the Local Plan Strategy, as such the proposal was considered to be inappropriate development in the Green Belt and would be refused. However, the applicant withdrew the application in April 2017after being advised as such.

Proposal

This application seeks to erect a two storey side and rear extension. The existing garage and rear single storey extensions will be demolished. The tiles, facing brickwork and render will match the existing.

The extension will project from the southern and western elevations. The two storey element will measure 13.7m in max width, projecting 3.9m from the side elevation and 12.6m in max depth, projecting 3.9m from the rear elevation.

To the rear of the property the extension will have a single storey projection to the sides and rear. This will project a further 0.9m to each side and 1.3m to the rear. This will have a mono-pitched roof with eaves height of 3.3m and a max height of 3.9m.

The roof of the dwelling will be replaced to incorporate the extensions, the dwelling will have a pitched roof with gable ends, 2 no. gables will project to the front and 3no to the rear. The max ridge height will be 8.8m and eaves height of 5.6m, these match those of the existing dwelling. The front gables will have a max height of 7.8m, to the rear the middle gable will have a max height of 8.5m and the other two gables will have a max height of 8.0m.

The side extension will have a bay window to the front elevation, measuring 3m in width, with a max height of 3.5m, and eaves of 3.1m. The existing bay window will also be replaced to match. It is also proposed to erect 2no chimney stacks will be erected to each side elevation, these will measure 8.5m in max height, and project 0.5m from the side elevations. The existing front porch will also be replaced.

The application also includes various internal alterations. The submitted plans also indicate the laying of hard surfacing to the front and rear of the property, erection of fencing with 2no

gates to the front of the dwelling. However, no elevations have been provided and these are not included within the description of development. As such they do not form part of the application.

Determining Issues

- 1. Policy and Principle of Development
- 2. Design and Appearance
- 3. Residential Amenity
- 4. Ecology and Arboriculture
- 5. Other Issues
- 6. Human Rights

1. <u>Policy and Principle of Development</u>

- 1.1 The application site is located within the West Midlands Green Belt and outside of the settlement boundary therefore is subject to a stricter degree of control in order to ensure that any development preserves the special characteristics and openness of the area. Local Plan Policy NR2 replicates national planning policy in relation to Green Belt.
- 1.2 The decision making process when considering proposals for development in the Green Belt is in three stages and is as follows:
 - a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
 - b) If the development is appropriate, the application should be determined on its own merits.
 - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which outweigh the presumption against it.
- 1.3 The NPPF states in paragraph 87 that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Paragraph 88 states that LPA's should ensure that substantial weight is given to any harm to the Green Belt. Paragraph 89 states that LPAs should regard construction of new buildings as inappropriate in the Green Belt. It then lists exceptions to this and in paragraph 90 lists other forms of development in the Green Belt that are not inappropriate.
- 1.4 The proposed development has been considered with regard to the third exception to inappropriate development in the Green Belt as listed in paragraph 89 of the NPPF, 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'. The original building is considered to be the building as existed on 1 July 1948 as stated within the glossary of the NPPF.
- 1.5 In planning there is no definitive meaning of disproportionate. The dictionary definition of disproportionate is "too large or too small in comparison to something else". Whether something is disproportionate therefore is a matter of judgement. There is no definitive policy within the NPPF or the Local Plan Strategy which sets out any prescriptive volumes or area increase. The Council did previously have a policy (DC5) which related to extensions to dwellings in the Green Belt which prescribed a 30% increase in volume or 50% floor area. This remains a good rule of thumb, in determining whether any proposal is proportionate.

- 1.6 The dwelling first appears on the Council's historical mapping in 1938. The sites planning history demonstrates that the dwelling has been previously extended in three stages. Using the Council's historical mapping and the plans from the 1987 and 1976 permissions, the original dwelling had a footprint of approx. 86m² and volume of approximately 531m².
- 1.7 The resultant dwelling with the addition of the proposal subject to this application would have a footprint of approx. 207m² and volume of approx 1270m³. This represents a footprint increase of approx 141% and volume increase of approx 139% of the original dwelling. This addition is not considered to be proportionate and under paragraph 89 of the NPPF, and as such the proposal is considered to be inappropriate development in the Green Belt.
- 1.8 As stated above, if development within the Green Belt is considered as inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted, unless there are very special circumstances which outweigh the presumption against it. The submitted planning statement has submitted a number of circumstances, which they consider are very special enough to outweigh the harm the proposal would have on the Green Belt. Each very special circumstance and the weight to be attributed have been considered; as set out below.
- 1.9 <u>Siting</u>. It is acknowledged that the dwelling is located within a linear development of dwellings within the Green Belt which are larger than the application site and were developed prior to publication of the NPPF. These neighbouring dwellings do have an impact upon the openness of the Green Belt, however national policy within the NPPF states that extensions should be proportionate, and does not make any reference the siting of the dwelling. Consequently, as each planning application is considered on its own merits, it is considered that this is not a very special circumstance and as such no weight should be attached.
- 1.10 <u>Neighbouring Development</u>. Paragraph 5.5 of the applicants planning statement states that the land to the east of the site on the opposite side of Mill Lane is understood to have had a significant allocation for housing approved in principle for through the Combined Local Enterprise Partnership. The Spatial Policy & Delivery Team have confirmed that the Combined Local Enterprise Partnership do not have authority to allocate land for development. Consequently, the land in question has not been allocated for housing, and it is also not allocated within the emerging Local Plan Allocations Document. It is considered that this is not a very special circumstance and as such no weight should be attached.
- 1.11 <u>Permitted Development</u>. The agent has stated that the dwelling could use its permitted development rights to extend the dwelling to the sides and rear with single storey extensions, and that these extensions would result in a larger footprint and volume then the proposal. Whilst it is acknowledged that the dwelling does have its permitted development rights intact, case law indicates that for these to be considered as a fall back, the extensions need to have previously been formalised via Certificates of Lawfulness or Larger Home Extensions Prior Notifications. Therefore, as the potential extensions have not yet been formalised, until this has occurred, potential fall back is not considered to be a very special circumstance and as such little weight should be attached.
- 1.12 <u>Fire Risk</u>. Paragraph 5.12 of the applicants planning statement states that the dwelling is currently unsafe to live in, a fire risk assessment has been submitted to demonstrate this. This is not considered to be a very special circumstance which demonstrates the need for disproportionate extensions, as such no weight should be attached.

1.13 Overall, it is considered that the circumstances submitted by the applicant; which have been explored above, do not amount to very special circumstances sufficient enough to outweigh the harm caused by reason of inappropriateness or any other harm to the Green Belt. As such, the development is considered inappropriate and harmful therefore to the Green Belt and should be refused for such reasons.

2 <u>Design and Appearance</u>

- 2.1 The NPPF attaches great importance to design of the built environment and sets out that high quality and inclusive design should be applied to all development, including individual buildings, private spaces and wider area development schemes. It also states that development should respond to local character and history, and reflect the identity of local surroundings. This sentiment is echoed in Policy BE1 of the Local Plan Strategy which requires that extensions and alterations to existing buildings, to carefully respect the character of the surrounding area and development in terms of layout, size, scale, design and public views.
- 2.2 The proposal has taken design cues from the existing dwelling with regard to the gables and materials. However, the mass and form of the proposal are considered to detract from the character of the existing property.
- 2.3 Further to this, it is noted that the neighbouring properties have been extended and their appearance altered, many of which have retained their front facing gable ends. The scale of the resultant property would be comparable to neighbouring dwellings. The proposal is therefore considered to be in keeping with the character and appearance of the streetscene.
- 2.4 However, the NPPF states at paragraph 79 that the essential characteristics of the Green Belt is its openness and permanence. Although the dwelling is located within a linear development it is considered that the scale and mass of the resultant dwelling would result in greater harm to the openness of the Green Belt than the present dwelling. It is considered that the existence of adjacent large dwellings which have a detrimental impact upon the openness of the Green Belt should not act as a precedent as to whether national and local Green Belt policy should be relaxed in this case.
- 2.5 It is therefore considered that although the proposal is in keeping with the surrounding streetscene it is not in keeping with the existing dwelling. Notwithstanding it remains that the design of the proposal does not outweigh the fact that the extensions would result in disproportionate additions to the original building which would be contrary to national policy and the Development Plan.

3 Residential Amenity

- 3.1 When assessing the potential for loss of light to neighbouring properties, the BRE 25 and 45 degree standards are used, as set out in the Sustainable Design SPD. Given the relative distances to adjacent properties, the proposed extension would not cause a significant loss of light to these neighbouring properties. In addition, with regard to amenity, the proposal meets the minimum distance requirements for principle windows as set out in the Sustainable Design SPD. It is therefore considered the proposal will not result in a significant detrimental impact on the amenity of the neighbours. As such it is considered the proposals accord with the Development Plan in this regard.
- 4 <u>Ecology and Arboriculture</u>
- 4.1 To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006,

new development must demonstrate that it will not result in the loss of any biodiversity value of the site.

- 4.2 The Ecology Team are satisfied that the proposal would not result in a negative impact upon protected species or their habitats. The Ecology Team also suggested a positive ecological impact could be achieved within this site through the installation of bat or bird boxes within the development or onsite habitat improvements. This should be secured as a condition of any approval to the scheme.
- 4.3 Due to the Local Planning Authorities obligation to "*reflect and where appropriate promote relevant EU obligations and statutory requirements*" (Paragraph 2 of NPPF) the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, producing a measurable net-gain to biodiversity value is also made a requirement of all developments within Lichfield District under Policy NR3 of the Lichfield District Local Plan Strategy.
- 4.4 Although there are a number of trees to the rear of the property the Arboriculture Officer is satisfied that the proposal would not have a negative impact upon the existing trees within the site. It is noted that the Arboriculture Officer has referred to trees to the front of the dwelling, it should be noted that these trees were removed in early 2017, prior to the previous application being submitted.
- 4.5 As such the development would accord with the Development Plan and the NPPF in these regards.

5 Other Issues

- 5.1 The Sustainable Design Supplementary Planning Document requires four bedroom dwellings to provide 2no off-street parking spaces. The existing drive to the front of the dwelling is of such a size that it can provide surplus parking to the requirement. Consequently the parking provision of the dwelling would be in accordance with Local Plan Policy ST2.
- 5.2 It is noted that the submitted proposed site plan shows new gates and walls to the front of the dwelling. These have not been included within the description of development on the application forms and no details or elevations of these have been provided. As such the erection of gates and walls to the front of the dwelling do not form part of this proposal and have not been considered as part of this application.
- 5.3 With regards to the Community Infrastructure Levy (CIL) the development lies within the higher charging zone, with residential development being charged at £55 per square metre on development over 100 square metres. The development proposed is approximately 121 square metres. As such this proposal would be liable for CIL.

6 Human Rights

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

Conclusion

It is considered that the proposal would result in a disproportionate addition to the original dwelling house, as such is considered to be inappropriate development within the Green Belt. No very special circumstances have been put forward by the applicant sufficient to outweigh the harm caused by reason of inappropriateness and any other harm caused to the Green Belt. Also, by reason of its scale and massing the development would furthermore cause significant harm to the openness of the Green Belt. However, it is considered that the development would not have any adverse impact upon the amenity of existing neighbouring residents.

As such, the development would not accord with the requirements of the NPPF and the Local Plan Strategy. Accordingly, refusal is recommended, as set out above.

REPORT TO PLANNING COMMITTEE

16 October 2017

Agenda Item No.5

Contact Officer: Mike Brown

Telephone: 01543 308180

REPORT OF THE STRATEGIC DIRECTOR DEMOCRATIC, DEVELOPMENT AND LEGAL SERVICES

ISSUES PAPER – PLANNING APPLICATION REF. 17/01191/OUFMEI HYBRID PLANNING APPLICATION COMPRISING FULL PLANNING APPLICATION FOR THE CONSTRUCTION OF A SUSTAINABLE MIXED USE URBAN EXTENSION COMPRISING OF 475 DWELLINGS, NEW VEHICULAR ACCESS POINTS ONTO CLAYPIT LANE AND BIRMINGHAM ROAD, THE REMODELLING AND FORMATION OF A ROUNDABOUT AT THE JUNCTION OF FOSSEWAY LANE AND CLAYPIT LANE. COMPREHENSIVE GREEN INFRASTRUCTURE, INCLUDING UP TO 16.55 HA OF COUNTRY PARK, FOOTPATHS, CYCLEWAYS, MULTIFUNCTIONAL OPEN SPACE, INCLUDING CHILDREN'S PLAY AREAS, COMMUNITY ORCHARD, OPEN SPACE FOR INFORMAL SPORT AND SUSTAINABLE URBAN DRAINAGE SYSTEMS, FOUL AND SURFACE WATER DRAINAGE INFRASTRUCTURE, INCLUDING BALANCING PONDS AND OTHER ANCILLARY INFRASTRUCTURE AND GROUND REMODELLING. WITH OUTLINE APPLICATION FOR THE SERVICED PROVISION OF 1.09 HA OF LAND FOR A PRIMARY SCHOOL AND 1.9 HA FOR STRATEGIC SPORTS PROVISION, WITH ALL MATTERS EXCEPT ACCESS RESERVED DEANSLADE FARM, LAND SOUTH OF FALKLAND ROAD, LICHFIELD, **STAFFORDSHIRE**

1. Purpose of Report

1.1 To inform Members that a hybrid planning application (ref: 17/01191/OUFMEI) has been received for the erection of 475 dwellings with associated infrastructure including a Primary School and on-site Sports Provision. Details of the dwellings are submitted in full, along with those of the highway works required to enable the development, which include the formation of new vehicular accesses from both Birmingham Road and Claypit Lane and the formation of a new roundabout at the junction of Fosseway Lane and Claypit Lane. Full details are also provided of the site's proposed Green infrastructure and drainage, which includes the formation of two SUD ponds and the 16.55 hectare country park proposed to the southern edge of the site. The 1.09 hectare Primary School and 1.9 hectare Strategic Sports Pitch Provision are submitted in outline with solely means of access currently provided.

1.2 The purposes of this 'Issues Paper' is to highlight to members the fact that a major application has been recently submitted to the Council and explain the process that is to be followed in terms of consultation and publicity. In addition, the paper will highlight the key planning issues, which will need to be considered when the full report comes before the Committee for their determination. This will inform members of the process and will also allow an opportunity for them to raise key planning issues that either they wish to be expanded upon or added to in the full report at the decision making stage. This report is therefore a precursor to the main report, which will be presented at the end of the planning application process - it is not a report for debate or decision making, but rather an opportunity to raise issues.

2. Site and Location

2.1 The site is located to the south of Falkland Road and totals approximately 40 hectares. The site is bounded by the A5127 to the west, Claypits Lane to the east, Falklands Road to the north and open countryside to the south. The site encloses, but does not include, the existing Deans Slade Farm complex of former agricultural buildings and farmhouse, which are now in residential use.

2.2 The application site currently contains arable farmland, which is enclosed by mature hedgerow.

2.3 Members will note that the site lies within a designated Strategic Development Allocation for the South of Lichfield. The proposal therefore falls to be considered under Core Policy 6 and Appendix H of the Local Plan Strategy.

3. Summary of Proposals

3.1 The current application was registered on 23rd August 2017. Appendix 1 describes the site and proposals in more detail. In summary, the application comprises a hybrid application, with full details provided for the erection of 475 dwellings, formation of two new vehicular access points into the site from Birmingham Road and Claypits Lane, the formation of a roundabout at the junction of Fosseway Lane and Claypits Lane, the formation of green infrastructure and SUDs systems and an outline application with all matters except access reserved, for the erection of a 1.09 ha Primary School and 1.9ha Strategic Sports Provision.

3.2 As is required under the Town and Country Planning The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015), a Scoping Opinion was undertaken prior to the submission of this application, which determined what was to be contained within the submitted Environmental Statement. The ES contains a Land and Visual Impact Assessment (LVIA) along with further reports specific to Ecology and Biodiversity, Cultural Heritage, Transport, Air Quality, Noise, Lighting, Hydrology, Infrastructure, Utilities and Service, Ground Conditions, Soils and Agricultural Land and Socio Economic Impact.

3.3 The application, in addition to the Environmental Statement, is supported by a Planning Statement, Design and Access Statement, Statement of Community Involvement, Noise Assessment. Flood Risk Assessment including Drainage Strategy, Utilities Assessment, Geotechnical and Geo-environmental Site Assessment, External Lighting Impact Assessment, Waste Audit and Management Strategy, Agricultural Land Quality Assessment and Education Statement.

3.4 A copy of the proposals will be available for viewing in the lobby area to the Council Chamber from 5.30pm onwards on the evening of your Committee on the 16th October 2017. In addition, the plans and all associated documents are available on the Council's website by visiting the planning application search page at <u>www.lichfielddc.gov.uk</u> (viewed by entering the application number).

3.5 Members are invited to raise issues in relation to the current application, which they may feel require further clarification or detail when the application is reported to you in full for determination.

3.6 Members are also invited to discuss the application further with either Mike Brown (Planning Case Officer), Claire Billings (Planning Development Manager) or Jon Allinson (Principal Planning Officer) outside of the Committee meeting, if there are specific issues of detail on which you require further clarification.

4. Consultation

4.1 The applicant has undertaken a pre-application public consultation exercise. A summary of this is provided below:

- A public exhibition was held on 3rd June 2015 at the George Hotel in Lichfield.
- A newsletter was distributed to local residents in June 2017 to provide an update on the development.
- Strategic Project Pre-application meetings with the Council.

4.2 Following receipt of the planning application, the Council, as Local Planning Authority has undertaken extensive consultation, including with statutory and non-statutory consultees. This consultation has included the appropriate Parish Council. A notice was published in the local press on the 31st August 2017 and 2 site notices have also been displayed adjacent to the site. In addition, individual notification letters have been sent to 100 properties in the vicinity of the site.

5. Recommendation

5.1 The Planning Committee are recommended to note the item for information and raise any relevant planning issues on which they require further clarification and which are requested to be addressed in the subsequent report to Planning Committee when this application is formally considered.

APPENDIX 1

SUMMARY OF SITE AND PROPOSALS

Site and Location

The site is located to the south of Falkland Road and totals approximately 40 hectares. The site is bounded by the A5127 to the west, Claypits Lane to the east, Falklands Road to the north and open countryside to the south. The site encloses, but does not include, the existing Deans Slade Farm complex of former agricultural buildings and farmhouse, which are now in residential use. The site rises from its lowest point adjacent to the roundabout formed by Birmingham Road and Falklands Road, to its highest point within the proposed country park to the site's southern extreme.

The application site currently contains arable farmland, which is enclosed by mature hedgerow.

Proposals

The full planning application comprises:

- The erection of 475 dwellings;
- The formation of two new vehicular access points to serve the development. One is proposed from Birmingham Road and the other from Claypit Lane;
- The creation of a new roundabout on the junction of Fosseway Lane and Claypit Lane;
- The formation of Sustainable Urban Drainage features including balancing ponds;
- The formation of areas of Green Infrastructure, containing Public Open Space, Children's Play Equipment, footpaths and cycleways; and
- The creation of a 16.55 hectare country park to contain a community orchard and car park.

The outline element of the application comprises:

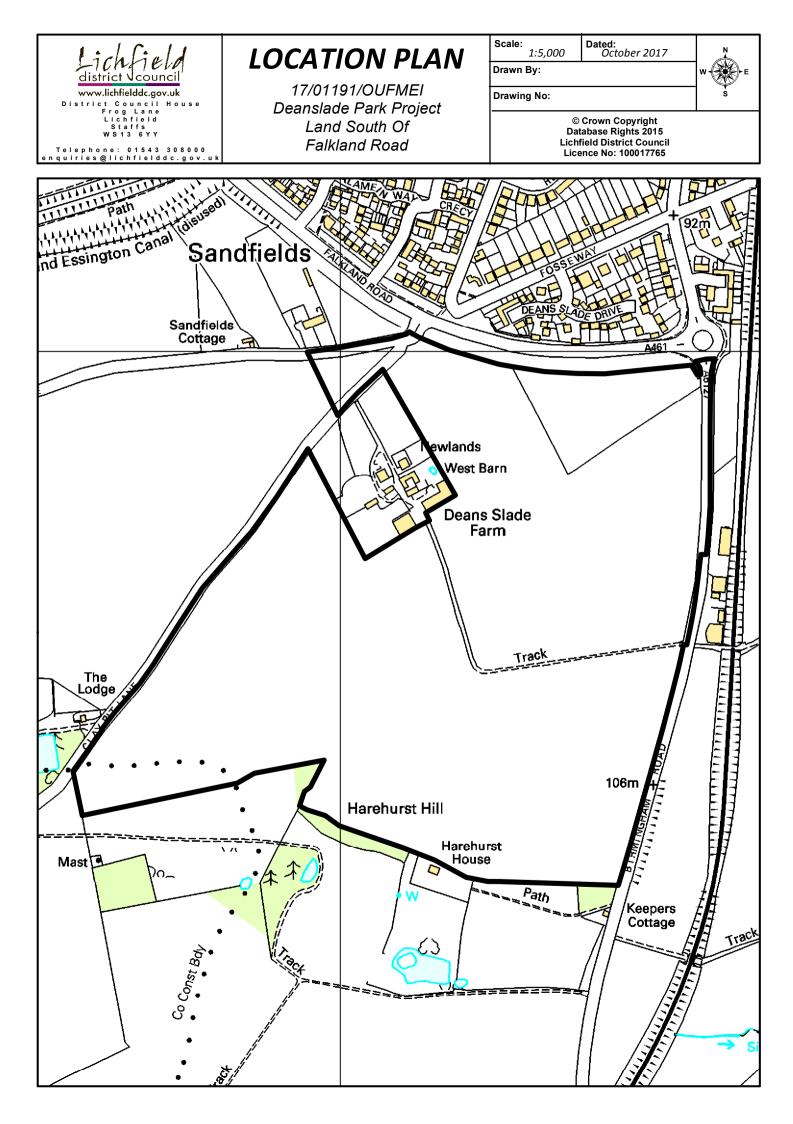
- The erection of a 1 Form Entry Primary School across a 1.09 hectare site; and
- The formation of a 1.9 hectare Strategic Sports site.

Summary of Key Issues to be considered in the Determination of the Application:

- Policy and Principle of Development (Allocated SDA);
- Loss of Agricultural Land;
- Housing numbers and Mix;
- Affordable Housing;
- Highways Issues, including accesses, road widening, roundabout provision, off and on street street car parking provision and impact on the surrounding highway network including Strategic Network;
- Noise and Air Pollution Issues and Impact on Amenity of Existing and Future Occupiers;
- Impact on existing landscape features and new landscape and planting;
- Impact on the wider landscape setting;
- Impact upon Heritage Assets;
- Education Provision;
- Sports Facilities;
- Refuse Collection;
- Urban Design;
- Wayfinding;
- Pedestrian and Cycle Connectivity;
- Flood Risk and Drainage;

- Consideration of the Lichfield and Hatherton Canal Route;
- Contaminated Land;
- Archaeological Impact;
- Waste Management;
- Ecological and Biodiversity Impacts; and
- Planning Obligations.

Members are invited to comment on the detail of any of the above issues and to identify any matters, which they consider have not been highlighted at this stage.





REPORT TO PLANNING COMMITTEE

16 October 2017

Agenda Item No.6

Contact Officer: Mike Brown

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REPORT OF THE STRATEGIC DIRECTOR DEMOCRATIC, DEVELOPMENT AND LEGAL SERVICES

ISSUES PAPER – PLANNING APPLICATION REF. 17/00977/OUTMEI OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT ACCESS ON TO **BIRMINGHAM ROAD FOR A FLEXIBLE COMMERCIAL DEVELOPMENT OF UP TO 2,000** SQ M AREA (CLASSES A1, A2, A3, B1, D1 AND D2), WITH INDICATIVE DETAILS OF ASSOCIATED PARKING AREAS, PROVISION OF STRATEGIC LANDSCAPING, CYCLE AND PEDESTRIAN ACCESS ROUTES, INFRASTRUCTURE AND OTHER OPERATIONS, INCLUDING THE SAFEGUARDING OF LAND FOR THE LICHFIELD SOUTHERN **BYPASS AND LICHFIELD CANAL**

LAND EAST SIDE OF BIRMINGHAM ROAD, LICHFIELD, STAFFORDSHIRE

1. Purpose of Report

To inform Members that an outline planning application (ref: 17/00977/OUTMEI) has 1.1 been received for the erection of up to 2,000 sq m of commercial floorspace (Class Uses A1, A2, A3, B1, D1 and D2). All matters are reserved except vehicular access, which is proposed to be formed off Birmingham Road.

The purposes of this 'Issues Paper' is to highlight to members the fact that a major 1.2 application has been recently submitted to the Council and explain the process that is to be followed in terms of consultation and publicity. In addition, the paper will highlight the key planning issues, which will need to be considered when the full report comes before the Committee for their determination. This will inform members of the process and will also allow an opportunity for them to raise key planning issues that either they wish to be expanded upon or added to in the full report at the decision making stage. This report is therefore a precursor to the main report, which will be presented at the end of the planning application process - it is not a report for debate or decision making, but rather an opportunity to raise issues.

2. Site and Location

2.1 The site is located to the east of Birmingham Road and totals approximately 0.57 hectares. The site is bounded by the A5127 to the east, the Lichfield to Birmingham train line to the west and Travis Perkins builder's yard to the south. To the north of the site there is the roundabout formed by the Birmingham Road and Falkland Road, with dwellings on Foxglove Close beyond.

2.2 The application site currently contains arable farmland, which is enclosed by a low level timber post and rail fence and the embankment to the railway line.

2.3 Members will note that the site lies within a designated Strategic Development Allocation for the South of Lichfield. The proposal therefore falls to be considered under Core Policy 6 and Appendix H of the Local Plan Strategy.

3. Summary of Proposals

3.1 The current application was registered on 23rd August 2017. Appendix 1 describes the site and proposals in more detail. In summary, the application comprises an outline application for 2,000 sq m of commercial floorspace (Use Classes A1, A2, A3, B1, D1 and D2), with all matters reserved except vehicular access, which is proposed to be formed off Birmingham Road.

3.2 As is required under the Town and Country Planning The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015), a Scoping Opinion was undertaken prior to the submission of this application, which determined what was to be contained within the submitted Environmental Statement. The ES contains a Land and Visual Impact Assessment (LVIA) along with further reports specific to Ecology and Biodiversity, Cultural Heritage, Transport, Air Quality, Noise, Lighting, Hydrology, Infrastructure, Utilities and Service, Ground Conditions, Soils and Agricultural Land and Socio Economic Impact.

3.3 The application, in addition to the Environmental Statement, is supported by a Planning Statement, Design and Access Statement, Statement of Community Involvement, Noise Assessment. Flood Risk Assessment including Drainage Strategy, Utilities Assessment, Geotechnical and Geo-environmental Site Assessment, External Lighting Impact Assessment, Waste Audit and Management Strategy, Agricultural Land Quality Assessment and Education Statement.

3.4 A copy of the proposals will be available for viewing in the lobby area to the Council Chamber from 5.30pm onwards on the evening of your Committee on the 16th October 2017. In addition, the plans and all associated documents are available on the Council's website by visiting the planning application search page at <u>www.lichfielddc.gov.uk</u> (viewed by entering the application number).

3.5 Members are invited to raise issues in relation to the current application, which they may feel require further clarification or detail when the application is reported to you in full for determination.

3.6 Members are also invited to discuss the application further with either Mike Brown (Planning Case Officer), Claire Billings (Planning Development Manager) or Jon Allinson (Principal Planning Officer) outside of the Committee meeting, if there are specific issues of detail on which you require further clarification.

4. Consultation

4.1 The applicant has undertaken a pre-application public consultation exercise. A summary of this is provided below:

- A public exhibition was held on 3rd June 2015 at the George Hotel in Lichfield.
- A newsletter was distributed to local residents in June 2017 to provide an update on the development.
- Strategic Project Pre-application meetings with the Council.

4.2 Following receipt of the planning application, the Council, as Local Planning Authority has undertaken extensive consultation, including with statutory and non-statutory consultees. This consultation has included the appropriate Parish Council. A notice was published in the local press on the 31st August 2017 and 2 site notices have also been displayed adjacent to the site. In addition, individual notification letters have been sent to 29 properties in the vicinity of the site.

5. Recommendation

5.1 The Planning Committee are recommended to note the item for information and raise any relevant planning issues on which they require further clarification and which are requested to be addressed in the subsequent report to Planning Committee when this application is formally considered.

APPENDIX 1

SUMMARY OF SITE AND PROPOSALS

Site and Location

The site is located to the east of Birmingham Road and totals approximately 0.57 hectares. The site is bounded by the A5127 to the east, the Lichfield to Birmingham train line to the west and Travis Perkins builder's yard to the south. To the north of the site there is the roundabout formed by the Birmingham Road and Falkland Road, with dwellings on Foxglove Close beyond.

The application site currently contains arable farmland, which is enclosed by a low level timber post and rail fence and the embankment to the railway line.

Proposals

The application comprises:

- The provision of up 2,000 sq m of commercial floorspace either in A1 (retail), A2 (Financial and Professional Services), A3 (Restaurants and Cafes), B1 (Business), D1 (Non-Residential Institutions) or D2 (Assembly and Leisure) use;
- The formation of a vehicular access from Birmingham Road central to the site;
- Indicative details show the floor area to be delivered in two buildings, one two storeys in height and the other 3 storeys in height. The indicative details also show the provision of 102 off street car parking spaces;
- The safeguarding of the line of the Lichfield and Hatherton Canal Route; and
- The phased release of the land to allow for SCC Highways to utilise the northern half of the site for their base of operation whilst works to form the tunnel under the railtrack embankment in undertaken (currently planned to for Winter 2019).

Summary of Key Issues to be considered in the Determination of the Application:

- Policy and Principle of Development (Allocated SDA);
- Loss of Agricultural Land;
- Impact Upon the Vitality and Viability of Lichfield City Centre;
- Highways Issues, including access, indicative off street car parking provision and impact on the surrounding highway network including Strategic Network;
- Noise, Odour and Air Pollution Issues and Impact on Amenity of Existing and Future Occupiers;
- Impact on existing landscape features and new landscape and planting;
- Impact on the wider landscape setting;
- Impact upon Heritage Assets;
- Refuse Collection;
- Urban Design;
- Pedestrian and Cycle Connectivity;
- Flood Risk and Drainage;
- Protection of the Lichfield and Hatherton Canal Route;
- Construction works necessary to deliver the Lichfield Southern Bypass;
- Contaminated Land;
- Archaeological Impact;
- Waste Management;
- Ecological and Biodiversity Impacts; and
- Planning Obligations.

Members are invited to comment on the detail of any of the above issues and to identify any matters, which they consider have not been highlighted at this stage.

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 o	/e 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

