

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



District Council House, Frog Lane
Lichfield, Staffordshire WS136YU

Customer Services 01543 308000
Direct Line 01543 308075

**PLEASE NOTE THIS IS THE RESCHEDULED MEETING THAT WAS
DUE TO BE HELD ON 11TH DECEMBER BUT POSPONED**

11 December 2017

Dear Sir/Madam

PLANNING COMMITTEE

A meeting of the above mentioned Committee has been rearranged to take place on **MONDAY 18th DECEMBER 2017 at 6.00 pm** in the **Council Chamber, District Council House, Lichfield** to consider the following business.

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

Yours faithfully

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, Miss Hassall, Humphreys, Matthews, Powell, Pritchard, Miss Shepherd, Mrs Stanhope MBE, Strachan, A. Yeates

AGENDA

1. Apologies for absence
2. Declarations of Interest
3. To approve as a correct record the Minutes of the Meeting held on Monday 13 November 2017 (copy attached)
4. Planning Applications (copy attached)

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



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PLANNING COMMITTEE

13 NOVEMBER 2017

PRESENT:

Councillors Smedley (Chairman), Marshall (Vice-Chairman), Awty, Mrs Baker, Bamborough, Mrs Barnett, Cox, Drinkwater, Mrs Evans, Miss Hassall, Humphreys, Matthews, Powell, Pritchard, Strachan and A Yeates.

141. (**APOLOGIES FOR ABSENCE** were received from Councillors Mrs Allsopp, Mrs Bacon, Drinkwater, Miss Shepherd and Mrs Stanhope MBE).

142. DECLARATIONS OF INTEREST:

Councillor Awty declared a Personal Interest in Application 17/01185/FUL as a close family member lives in the area.

143. MINUTES:

The Minutes of the Meeting held on 16 October 2017 together with the Confidential Minutes of the Meeting held on 16 October 2017 and previously circulated were taken as read, approved as a correct record and signed by the Chairman.

144. 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 17/01036/COU, 17/01185/FUL and 17/01298/FUL.

145. **17/01036/COU – CHANGE OF USE FROM AGRICULTURAL BUILDING TO FORM MAUSOLEUM
SPRINGHILL FARM, WALSALL ROAD, MUCKLEY CORNER
FOR MR AMEER WAHEED**

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

146. **17/01185/FUL – EXTENSION TO EXISTING WORKSHOP AND ERECTION OF FREESTANDING WORKSHOP
777 MOTORS LTD, ORICA BUILDING, FISHERWICK ROAD, FISHERWICK
FOR J F & B M GRAY**

RESOLVED: That planning permission be approved subject to the conditions contained in the report and the supplementary report of the Director of Place and Community and an amendment to condition 5 to also read, "There shall be no works undertaken to any vehicle at any time whilst within the area hatched yellow on the approved plan".

**147. 17/01298/FUL – ERECTION OF A TWO BEDROOM DETACHED BUNGALOW AND ASSOCIATED WORKS (RESUBMISSION OF APPLICATION 17/00018/FUL)
31 ST PAULS ROAD, BURNTWOOD
FOR MR C REEVES**

RESOLVED: That planning permission be **refused** for the following reason:-

The proposal would be detrimental to the character of the surrounding area by virtue of its intensive and cramped form, not in keeping with its surroundings. The proposal would therefore be inappropriate to the locality and would conflict with the requirements of Core Policy 3 (Delivering Sustainable Development) and Policy BE1 (High Quality Development) of the Lichfield District Local Plan Strategy (2015); guidance contained within Lichfield District Council's Sustainable Design Supplementary Planning Document (December 2015); and Government Guidance contained within the National Planning Policy Framework.

(PRIOR TO CONSIDERATION OF THE APPLICATION REPRESENTATIONS WERE MADE BY MRS SALLY REEVES (APPLICANT) AND MR CEDRICK BALL (OBJECTOR))

148. REPORT OF THE DIRECTOR OF PLACE & COMMUNITY – PRE-APPLICATION CHARGING REGIME – REVIEW AND UPDATE

Consideration was given to a Report of the Director of Place & Community on pre-application charging regime – review and update.

RESOLVED: The Committee noted the report and approved the following:-

- (a) An amendment to the current schedule of fees for pre-application charging, to include a further separate category relating to a bespoke (to be agreed in negotiation with the applicant) fee for pre-application advice where a Planning Performance Agreement (PPA) or bespoke arrangement is needed for large scale, complex or strategic proposals, as set out in Appendix 1;
- (b) That a review of the basic schedule of fees be undertaken over the next 12 months.

(The Meeting closed at 7.50 pm)

CHAIRMAN

Planning Committee

18 December 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 December 2017

CONTENTS

Page No.	Case No.	Site Address	Parish/Town Council
A1	16/00865/FULM	Beaconsfield House 10 Sandford Street Lichfield	Lichfield
A22	17/01487/FUL	6 Spencer Drive Burntwood	Burntwood
A29	17/01439/FUL	64 Micklehome Drive Alrewas	Alrewas
A37	17/01465/FUL	50 Holly Grove Lane Burntwood	Burntwood

ITEM B

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

CONTENTS

B1	17/01346/FUL	177 Walsall Road Lichfield	Lichfield
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Lichfield
district council

www.lichfielddc.gov.uk

District Council House
Frog Lane
Lichfield
Staffs
WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

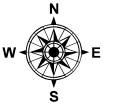
16/00865/FULM
Beaconsfield House
10 Sandford Street
Lichfield

Scale: 1:1,000

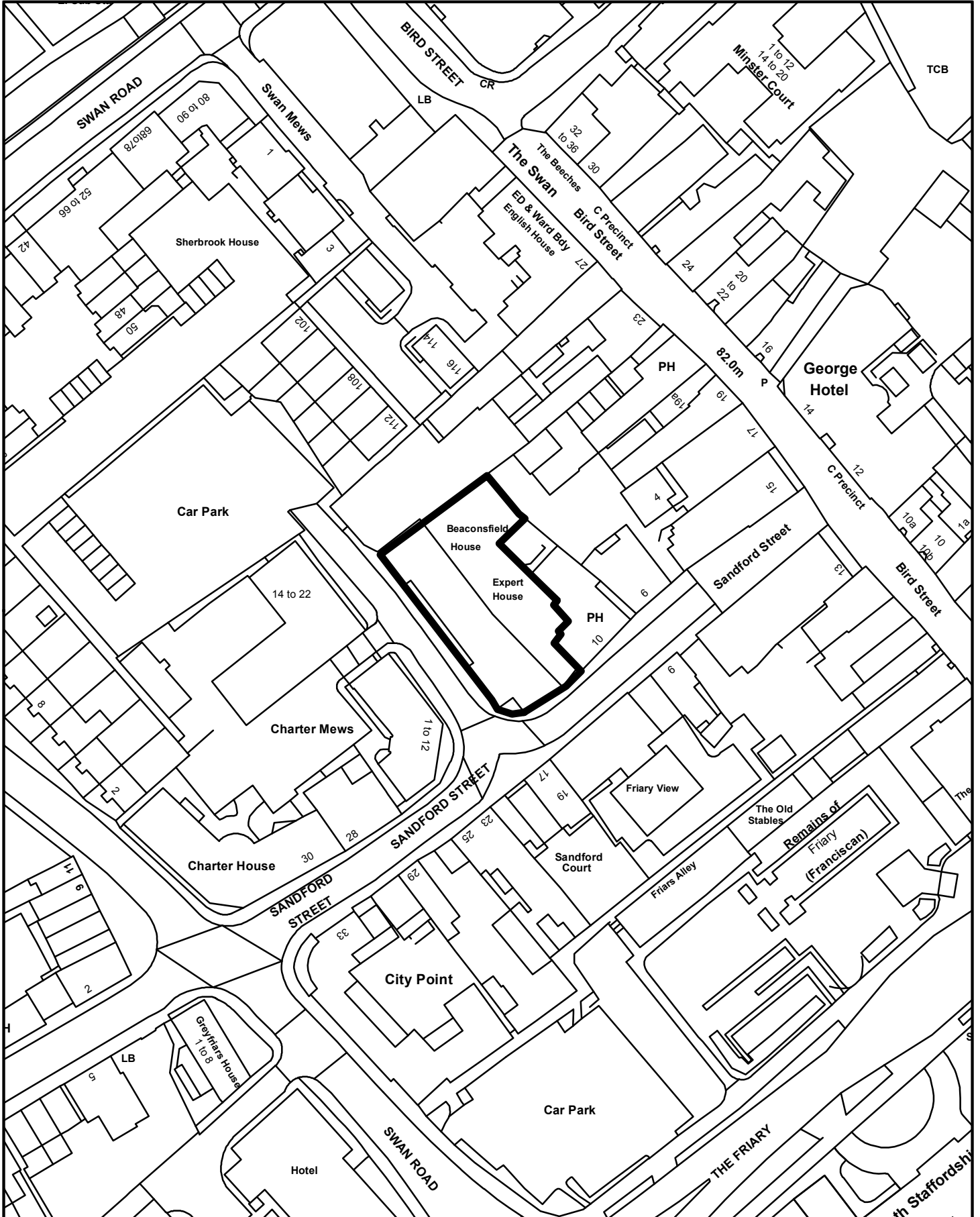
Dated: December 2017

Drawn By:

Drawing No:



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Lichfield
district council

www.lichfielddc.gov.uk

District Council House
Frog Lane
Lichfield
Staffs
WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

BLOCK PLAN

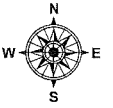
16/00865/FULM
Beaconsfield House
10 Sanford Street
Lichfield

Scale:

Dated:
December 2017

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16/00865/FULM

DEMOLITION OF EXISTING BUILDING AND ERECTION OF BUILDING CONTAINING 31 APARTMENTS, 10 CAR PARKING SPACES AND 1 COMMERCIAL UNIT WITHIN USE CLASSES A1 (SHOPS), A2 (FINANCIAL AND PROFESSIONAL SERVICES), A3 (FOOD AND DRINK), A4 (DRINKING ESTABLISHMENT), A5 (HOT FOOD TAKEAWAYS) AND B1(A) (OFFICES) BEACONSFIELD HOUSE, 10 SANDFORD STREET, LICHFIELD FOR DAVIES & DAVIES

Registered 29/07/16

Parish: Lichfield

Note: This application is being reported to Planning Committee as significant planning objections have been raised by Lichfield City Council on the following grounds:

- Design and over massing is incongruous in the street scene;
- Inadequate parking in a Conservation Area; and
- Substantially higher than the surrounding buildings.

RECOMMENDATION: Subject to no additional significant issues of concern arising following the re-consultation exercise, which expires on 12.12.2017 and subject to the owners/applicants first entering into a Section 106 Legal Agreement under the Town and Country Planning Act (as amended) to secure contributions/planning obligation for:-

1. Off-site affordable housing contribution in lieu of on-site provision.

Approve, subject to the following conditions and summary of reasons for granting consent:

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. Notwithstanding any description/details in the application documents, before the development hereby approved is commenced full details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- i. Full details of all external facing materials;
- ii. Full detail of the exterior roof materials;
- iii. Full details consisting of sections at a minimum scale of 1:5 and elevations at 1:20, of all window and doors and proposed exterior finish including that to the retail unit;
- iv. Full details including a sample panel of the mortar mix, colour, gauge of jointing and pointing;

- v. Full details of the eaves detailing;
- vi. Full details of the brick bond to be used;
- vii. Full details of rainwater goods, their materials and designs;
- viii. Full details of all boundary treatments including railings;
- ix. Full details of balustrades to balconies and roof gardens; and
- x. Full details of the brick feature panels.

The development shall thereafter be undertaken in accordance with the approved details and the means of enclosure to the site frontage shall be retained for the life of the development.

4. Before the development hereby approved is commenced, full details of the surface and foul water drainage, and a revised Drainage System Plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage systems shall thereafter be provided before any part of the development is first brought into use/occupied.

5. Before the development and any demolition works, hereby approved are commenced, the applicant/owner or their agents or successors in title, shall secure the implementation of a programme of archaeological work, in accordance with a written scheme of investigation, which has been first submitted to and approved in writing by the Local Planning Authority. The programme of works shall thereafter be implemented in accordance with the approved scheme and timescales.

6. Before the development and any demolition works, hereby approved are commenced, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include the following details:

- The routing of construction vehicles to and from the site including measures to mitigate the impact on the local highway network. The measures shall indicate that no HGV's associated with the development shall arrive or depart from the site outside the hours of 09.30am and 03.30pm Monday to Friday during school terms;
- Parking facilities for vehicles of site personnel, operatives and visitors;
- Arrangements for the loading and unloading of plant and materials;
- The location of any crushing plant;
- The location of stockpiled crushed material;
- Areas of storage for plant and materials used during the construction of the proposed development; and
- Measures, including designated wheel cleaning areas, to prevent the deposition of deleterious material on the public highway during the demolition period and construction of the proposed development.

The development and works associated thereto shall thereafter be undertaken in accordance with the details contained within the approved Construction Management Plan, unless otherwise agreed in writing by the Local Planning Authority.

7. Before the development hereby approved is commenced, details of measures to delineate the highway boundary across the side elevation facing Sandford Street (D3352) shall be submitted to, and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details prior to the development being first brought into use or occupied.

8. Before the development hereby approved is commenced, a parking management scheme comprising of allocation and use of spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved parking management scheme shall thereafter be implemented before the development is first brought into use/occupied and maintained for the life of the development.

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

10. Before the development hereby approved is commenced, details of a scheme for the control of odour and other emissions from the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed before the development is first occupied and shall thereafter be retained for the life of the development.

11. Before the development hereby approved is commenced, a scheme of noise attenuation measures to reduce the effects of noise between the apartments and adjacent existing land uses, and nuisance from the A1, A2, A3, A4, A5 or B1(a) use within the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of noise protection shall thereafter be implemented and be the subject of a validation report, which shall be submitted to and approved in writing by the Local Planning Authority prior to any of the residential units within the development being first occupied. The validation report shall ensure that all noise issues on the site have been adequately addressed. The approved measures shall thereafter be maintained for the life of the development.

12. Before the development hereby approved is commenced, details of any external illumination within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of illumination shall thereafter be provided in accordance with the approved details, unless agreed in writing with the Local Planning Authority.

13. Notwithstanding the submitted details, before the development hereby approved is commenced, full details of the bin store shall be submitted to and approved in writing by the Local Planning Authority. The approved bin store shall be erected and made available for use prior to the first occupation of the development and shall thereafter be maintained for the life of the development.

14. Before the development hereby approved is commenced, a detailed landscape and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape and planting scheme shall thereafter be implemented within eight months of the development being first brought into use/occupied, unless otherwise agreed in writing by the Local Planning Authority.

15. Before the development hereby approved is commenced, details of bat/bird boxes to be provided within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved bat/bird boxes shall be installed prior to the first occupation of the dwellings and thereafter maintained, in accordance with the approved scheme for the life of the development.

16. No demolition works shall take place until a contract for the redevelopment of the site in accordance with this planning permission has been signed and a copy lodged with, and acknowledged by the Local Planning Authority.

All other CONDITIONS to be complied with:

17. Before the development hereby approved is first brought into use/ or any unit occupied, the existing Sandford Street access, within the limits of the public highway, shall be revised and completed in accordance with the details shown on drawing 01 Rev E and shall thereafter be retained for the life of the development.

18. Before the development hereby approved is first brought into use/or occupied full details of secure, weatherproof cycle parking facilities for 27 no cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking facilities shall thereafter be provided prior to the development being first brought into use/or occupied and shall be retained for the life of the development.

19. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site and which dies or is lost through any cause during a period of 5 years from the date of first planting shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

20. Before the installation of any external vents, extracts or plant and machinery, full details of their positions and sizes 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.

21. All windows shall be set back a minimum of 100mm from the outer face of the walls, unless otherwise agreed in writing by the Local Planning Authority.

22. Notwithstanding the provisions of the town and Country Planning (Use Classes) Order 1987, as amended (or any provisions equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification), the B1 use hereby approved shall be limited to B1(a) office use only.

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 and to safeguard the character and appearance of the Lichfield City Conservation Area and the setting of nearby Listed Buildings, in accordance with Core Policy 14 and Policy BE1 of the Lichfield District Local Plan Strategy, saved Policy C2 of the Local Plan, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.

4. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with the requirements of Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

5. To safeguard any archaeological interests in accordance with the requirements of Core Policy 14 and Policy BE1 of the Lichfield District Local Plan Strategy, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.

6. In order to safeguard the amenities of the occupiers of premises/dwellings in the vicinity from undue noise, fumes, smells and disturbance and in the interests of highway safety in accordance with the requirements of Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.
7. In the interests of highway and pedestrian safety in accordance with the requirements Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
8. In the interests of highway safety and to ensure the efficient use of spaces on site and prevent vehicles accessing the site when the car park is full, in accordance with Policies ST2 and BE1 of the Local Plan Strategy.
9. To protect the water environment and to safeguard the amenity of future site users, in accordance with the requirements of Core Policy 3, and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
10. To safeguard the amenity of future occupiers from undue odour and other emissions, and to ensure the development will not impact upon the on-going operation of existing commercial uses, in accordance with the requirements of Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.
11. To safeguard the amenity of future occupiers from undue noise and disturbance, and to ensure the development will not impact upon the on-going operation of existing commercial uses, in accordance with the requirements of Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.
12. In order to safeguard the amenities of the occupiers of premises/dwellings in the vicinity from undue artificial light disturbance and in the interests of highway safety, in accordance with the requirements of Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.
13. To ensure the provision of an adequately proportioned bin store to suit the needs of the site and to safeguard the character and appearance of the Lichfield City Conservation Area, in accordance with Core Policy 14 and Policies BE1 and NR4 of the Lichfield District Local Plan Strategy, saved Policy C2 of the Local Plan, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework..
14. To ensure that a landscaping scheme to enhance the development is provided and to safeguard the character and appearance of the Lichfield City Conservation Area in accordance with Core Policy 14 and Policies BE1 and NR4 of the Lichfield District Local Plan Strategy, saved Policy C2 of the Local Plan, the Historic Environment and Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.
15. In order to ensure a net gain in biodiversity and to safeguard the ecological interests of the site, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
16. To ensure the site is developed and used in accordance with the approved scheme safeguard any archaeological interests and to safeguard the character and appearance of the Lichfield City Conservation Area and the setting of nearby Listed Buildings, in accordance with Core Policy 14 and Policy BE1 of the Lichfield District Local Plan Strategy, saved Policy C2 of the Local Plan, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.

17. In the interests of highway and pedestrian safety and in accordance with Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

18. In the interests of site sustainability in accordance in accordance with the requirements Core Policy 3 and Policy BE1 of the Local Plan Strategy and the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.

19. To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that any initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

20. For the avoidance of doubt and to ensure an appropriate form of development that does not cause harm to residential amenity or harm the character of the Lichfield City Conservation Area, in accordance with the requirements of Core Policy 14 and Policy BE1 of the Lichfield District Local Plan Strategy saved Policy C2 of the Local Plan, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.

21. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the Lichfield City Conservation Area and the setting of nearby Listed Buildings, in accordance with Core Policy 14 and Policy BE1 of the Lichfield District Local Plan Strategy, saved Policy C2 of the Local Plan, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.

22. To safeguard the occupiers of nearby residential properties and future occupiers of this development, in accordance with Policy BE1 of the Local Plan Strategy.

NOTES TO APPLICANT

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

2. The applicant's attention is drawn to The Town and County 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.

3. Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in kind when programming development.

4. The applicant is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer dated 5th September 2016. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.

5. The applicant is advised that when seeking to discharge condition 3, uPVC windows and rainwater goods will not be acceptable and rather in accordance with the requirements of the Council's Supplementary Planning Document Historic Environment these should either be of aluminium or other metals.

6. The applicant is advised that there are LV electricity cables belonging to Western Power Distribution (WPD) in the vicinity and into the proposed site. The applicant will need

to approach WPD to raise the relevant disconnection enquires for buildings to be demolished and enquires for new connection works

7. Please note that prior to the access being revised 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 crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Network Management Unit, Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford. ST16 2DH. (or email to nmu@staffordshire.gov.uk)
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>.

8. Please note the requirements of Section 169, Highways Act 1980 (Control of scaffolding on highways) and Section 172, Highways Act 1980 (Hoardings to be set up during building etc.)

9. This permission does not grant or imply consent for any signs or advertisements, illuminated or non-illuminated. A separate application may be required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, or subsequent legislation.

10. The applicant's attention is drawn to the Government's guidance document 'Guidance on the control of odour and noise from commercial kitchen exhaust'.

11. The applicant's attention is drawn to the comments of the Customer Relations & Performance Joint Waste Service dated 24.10.17.

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

13. During the course of the application, the Council has sought amendments to the proposals to ensure a sustainable form of development which complies with the provisions of paragraphs 186-187 or the NPPF.

PLANNING POLICY

National Guidance

National Planning Policy Framework
National Planning Practice Guidance

Lichfield District Local Plan Strategy (2015)

Core Policy 1 – The Spatial Strategy
Core Policy 2 – Presumption in Favour of Sustainable Development
Core Policy 3 – Delivering Sustainable Development
Core Policy 6 – Housing Delivery
Core Policy 7 – Employment and Economic Development
Core Policy 8 – Our Centres
Core Policy 10 – Healthy and Safe Lifestyles
Core Policy 14 – Our Built and Historic Environment

Policy IP1 – Supporting & Providing our Infrastructure
Policy ST2 –Parking Provision
Policy H1 – A Balanced Housing Market
Policy H2 – Provision of Affordable Homes
Policy E1 – Retail Assessments
Policy NR3 – Biodiversity, Protected Species and their Habitats
Policy NR4 – Trees, Woodlands and Hedgerows
Policy NR5 –Natural and Historic Landscapes
Policy NR7 – Cannock Chase Special Area of Conservation
Policy BE1 – High Quality Development
Policy Lichfield 1 – Lichfield Environment
Policy Lichfield 3 – Lichfield Economy
Policy Lichfield 4 – Lichfield Housing

Saved Local Plan Policies (1998)

Policy C2 – Character of Conservation Areas
Policy L19 – Business Areas
Policy C7 – Buildings out of Scale or Character

Supplementary Planning Documents

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

Other

Local Plan Allocations (draft)
Staffordshire and Stoke on Trent Joint Waste Local Plan
Lichfield City Conservation Area Appraisal
Lichfield City Neighbourhood Plan (draft)
Lichfield Centres Report 2017 (WYG / White Land Strategies)

RELEVANT PLANNING HISTORY

11/01320/FULM & 11/01321/CON - Demolition of existing building and erection of a 4 storey building comprising ground floor restaurant and 13 no apartments above (Extension of time for application 08/00164/FUL) – Disposed of 23.11.12

08/00164/FULM - Demolition of existing building and erection of a 4 storey building comprising ground floor restaurant and 13 no apartments above – Approved – 19.11.08

08/00166/CON -Demolition of existing building – Approved – 19.11.08

CONSULTATIONS

Lichfield City Council – Object. Welcome redevelopment of the site, but after consideration of the amendments the design and over massing is considered incongruous in the streetscene. Has very inadequate parking in a Conservation Area, and is substantially higher than the surrounding buildings (10.11.17).

Previous comments: Object. Welcome redevelopment of site but the design and over massing is incongruous in the streetscene, has inadequate parking in a Conservation Area,

is substantially higher than the surrounding buildings and is out of keeping with the character of the area (01.09.16 & 03.11.16).

Flood Risk Management Team (SCC) – The surface water system is liable to flooding in the 100yr plus 40% climate change storm event, but as the system can now accommodate surcharge in the critical event (100 year 60 minute storm) and is limited to 5.2l/s maximum flow. There are no objections to the proposal if the Drainage System is designed and constructed in accordance with drawing no JMD/475/01 (13.12.16).

Previous comments: As this development is classed as major development, the applicant needs to include a drainage strategy with the application. At this stage it is not appropriate to request drainage by condition (26.08.16).

Staffs County Council School Organisation – No education contribution will be requested as it is not our policy to request a contribution from developments purely consisting of 1 or 2 bed apartments (19.08.16).

Western Power Distribution – There are LV Electricity cables belonging to WPD in the vicinity and into the proposed site. The applicant will need to approach WPD to raise the relevant disconnection enquires for buildings to be demolished and enquires for new connection works (19.08.16).

Staffordshire County Council (Archaeology) – The site lies within the historic medieval core of Lichfield an area considered to have high evidential, historical, aesthetic and communal value. Due to the demonstrable archaeological potential across the site and area, it is advised that an archaeological evaluation is undertaken across the site. Therefore recommends that a condition be attached to any permission requiring the submission and approval, prior to the commencement of development, of a written scheme of archaeological investigation (07.09.16).

Conservation and Urban Design Officer – The design of the building has been radically changed and the proposed design has overcome previous concerns relating to the scale and massing, height and design and the subsequent impact of these on the various designated heritage assets. In its current form it is considered that the development would preserve the character and appearance of the Lichfield City Conservation Area and preserve the setting of the nearby listed buildings. Recommends a condition be attached to any permission requiring the submission of material details (13.11.17).

Previous Comments: There are significant concerns relating to the scale and massing, height and design of the proposed replacement. In its current form I consider that the proposed development would result in less than significant harm to the Lichfield City Conservation Area and to the setting of a number of listed buildings. The Council is required to give great weight to the conservation of a designated heritage asset and its setting. Considered that the application fails to clearly and convincingly justify this harm in terms of any heritage related public benefits. Therefore the application does not comply with the NPPF or Policies CP14 and BE1 and is contrary to the guidance contained in our adopted Historic Environment SPD (17.08.17).

The site is within Lichfield City Conservation Area and it is within the setting of a number of listed buildings. The building does not contribute to the special character roof the Conservation Area and therefore there is no objection in principle to its demolition and replacement. There are some concerns relating to the scale and massing, height and design of the proposed replacement (09.09.16).

Severn Trent Water – No objection, subject to a condition securing details of a suitable surface water and foul sewage to be submitted to and approved by the Local Planning Authority (06.11.17, 31.08.16 & 19.01.17).

Operational Services (LDC) – No objection, subject to the provision of a suitable bin store (22.08.16 & 17.10.16 & 24.10.17).

Lichfield Civic Society – Object. The scheme is unsuitable in both its scale and in its architectural character. The proposals over-scaling is only exacerbated by the monolithic nature of the design of the frontage. The overall effect of this feature is overpowering. The proposal is at odds with the general tenor of the Historic Centre with its scale, function, form and variety. It represents a building that could be seen just anywhere. Overall, the proposals design is ambiguous in conveying any specific function (22.09.16).

Ecology Officer – No objection, subject to previous comments (03.11.17 & 28.10.16).

Previous comments: No objection. Satisfied that the proposed works are unlikely to negatively impact upon protected or priority species or habitats. However a net gain to biodiversity should be delivered through all developments. A net gain could be best achieved via the incorporation of a bat/bird box within the development, or by onsite habitat improvement works (30.08.16).

Staffordshire County Council (Highways) – No objections, subject to conditions requiring the submission of a Construction Vehicle Management Plan, details of secure cycle parking facilities, measures to delineate the highway boundary and that revisions to the access off Sandford Street are completed (14.11.17 & 26.10.16).

Previous comments: No objection subject to the submission of a Construction Management Plan, details of secure cycle parking facilities and measures to delineate the highway boundary (07.09.16).

Police Architectural Liaison Officer – No objection. It is important that a high level of physical security is incorporated in these proposals. Draw the applicants' attention to the Secured by Design Website (05.09.16).

Spatial Policy and Delivery Manager – No objection. The Local Plan Strategy outlines the need in the District to create a balanced housing market this recognises the need for 2 and 3 bedroom properties within the District. The delivery of 2 bed dwellings in this proposal would therefore be supported by the Local Plan. The tenure of the affordable element should be agreed with the Housing Strategy Manager. Under the CIL charging Schedule, residential apartments are charged at a £0 rate and neighbourhood convenience (if applicable to this development) at £20 per square meter. In summary, the development accords with national and local planning policy (21.09.16).

Environmental Health Officer – No objection. Further information is requested in relation to noise as the noise report submitted makes recommendation based upon relatively brief monitoring periods. A condition relating to noise control covering the provision of air handling units is required. There is potential for odour from the proposed food business which could impact upon residential amenity, therefore a condition requiring a scheme of odour control is required. In addition the standard land contamination condition is required (16.11.17).

Previous Comments: The acoustic report makes no mention of any non-residential use within the development. They would need to consider sound insulation. On a similar vein plant noise and odour control may be an issue and the developers need to consider the facility to install a kitchen extract fan if any catering use occurs on the ground floor (12.09.16).

Housing Strategy and Enabling Manager – The amended scheme will include 31 apartments and a commercial unit which will include; shop, takeaways and offices. The site is over the threshold and would require affordable housing, a minimum of 37% is expected which equates to 11 units from 31.

In line with policy H2, the required tenure split should be 65% social rent and 35% Intermediate housing including shared ownership. Following discussions with several Registered Providers (RP) it appears the development is unsuitable for affordable housing. The affordable units would need to be an isolated block allowing the RP to own the freehold. A further issue is the affordability of managing these units, communal estate and service charges would be costly due to the location and design of the units. In this case, where the units would be amongst private owner stock and a commercial unit, it is unlikely that RP's would want to acquire the units.

The Local Plan policy H2 states that 'Affordable housing should be provided on site and only in very exceptional circumstances will contributions in lieu that are broadly equivalent in value to on-site provision, be acceptable'. In this instance a commuted sum would be acceptable.

The Developer Contributions SPD (Section 9.24) shows the methodology used to calculate the commuted sum. Any commuted sum agreed would be used to support the delivery of affordable housing, elsewhere in the district (17.11.17).

Previous comments: Requires a minimum of 31% of the units be affordable (8 units). The affordable units would need to be in an isolated block allowing registered provider to own the freehold. In the case of this development where units would be amongst the private owner stock, we would consider it unlikely the RPSs would want to acquire the units. The site is within a very sustainable location situated within the city centre and it offers close proximity to local amenities, employment and transport links (05.09.16).

LETTERS OF REPRESENTATION

Two letters received from Lichfield residents in relation to the application. The comments are summarised as follows:

- Object to the proposal of a late night eatery or drinking establishment;
- Area is already disturbed by the Paradise Lounge;
- A late night establishment will create more noise, traffic and litter;
- Late night manoeuvring with taxis and people under the influence of alcohol is highly concerning;
- Disruption;
- Height and appearance of the building will not blend in with the other buildings on Sandford Street;
- Proposed building is much taller; and
- Current buildings, although different ages blend together well.

OTHER BACKGROUND DOCUMENTS

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

Planning Statement
Report on Existing Noise Climate
Heritage Statement
Visual Impact Assessment
Design and Access Statement Rev B

OBSERVATIONS

Site and Location

The application relates to Beaconsfield House, which is located on the northern side of Sandford Street. The site lies within the Secondary Retail Area of Lichfield City Centre and is within the Lichfield City Conservation Area. The existing building is two storey high and is a former office building. With adjacent car park, that is currently predominantly unused, apart from some occasional use as an outdoor gym and fitness facility. The building is also recognised under saved Policy C7 as one which is out of scale or character. To the north west of the site is a public car park.

Surrounding buildings comprise a mix of styles, but are generally 2 or 3 storeys in height and comprise a mix of retail, offices, leisure and residential uses. There are also several Listed Buildings in the vicinity including No9 and Friary View on the opposite side of Sandford Street.

Background

Planning permission was granted in 2008, for the demolition of the existing building and erection of a replacement 4 storey building comprising a ground floor restaurant and 13 apartments above (reference 08/00164/FULM), including 10 1-bed and 3 2-bed.

This previously approved scheme made provision for 4 no. parking spaces. The proposal was for a 4-storey building measuring approximately 11.2 metres to the top of the third floor at which point a penthouse was to be recessed allowing for a large balcony space to be split between the penthouse as private space and an area set aside for communal use. The building measured 12.8 metres at its highest point. The proposal was contemporary in its form and this was reflected in the styling and use of materials proposed.

Proposals

Approval is sought for the demolition of the existing two storey building and replacement with a new fairly contemporary building containing 31 apartments (8 one bedroom and 23 two bedroom), with car parking, landscaping, cycle storage and associated works.

The proposed building will be 5 stories high with a maximum height of 14 metres, a maximum width of 15.5 metres and a depth of 31.3 metres.

The development will create a new vehicular access from Sandford Street. The access would serve 10 off street car parking spaces, which are to be created to the rear of the site.

Determining Issues

- 1) Policy and Principle of Development
- 2) Housing Mix
- 3) Design and Impact on the Character and Appearance of the Conservation Area and the Setting of Surrounding Listed Buildings
- 4) Highways and Parking
- 5) Residential Amenity
- 6) Biodiversity
- 7) Archaeology
- 8) Landscape and Planting
- 9) Flood Risk and Drainage Issues
- 10) Planning Obligations and Affordable Housing
- 11) Human Rights

1. Planning Policy and Principle of Development

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Lichfield District Local Plan (1998) (saved policies) and the Local Plan Strategy 2008-2019.
- 1.2 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and within the Ministerial Foreword, it states "*development that is sustainable should go ahead, without delay*". Therefore consideration has to be given to whether this scheme constitutes a sustainable form of development and whether any adverse impacts would significantly and demonstrably outweigh the benefits it would deliver.
- 1.3 Paragraph 7 of the NPPF provides a definition of sustainable development, identifying that there are three separate dimensions to development, namely its economic, social and environmental roles.
- 1.4 Paragraphs 49 and 50 of the NPPF state that housing applications should be considered in the context of the presumption in favour of sustainable development and that housing policies within the Local Plan should only be considered up to date if the Local Planning Authority is able to demonstrate a five year supply of housing.
- 1.5 The supply of housing land is regarded as having a social and economic role and in order to significantly boost the supply of housing. The NPPF requires that Councils should identify and update annually a supply of specific deliverable sites sufficient to provide five years delivery of housing provision. In addition, a buffer of 5% (moved forward from later in the plan period) should also be supplied, to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, Local Planning Authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 1.6 Lichfield District Council's latest published housing land supply position is set out within the Five Year Housing Paper 2017, figure 4. It has been evidenced that there is a 5.77 year housing land supply within Lichfield District.
- 1.7 Given that the Council can demonstrate a 5-year housing supply, it falls for this scheme to be considered, in the first instance, against the policies contained within the Council's Development Plan.

Local Plan Strategy & Saved Local Plan Policy

- 1.8 Core Policy 1 of the Local Plan Strategy focuses development in Lichfield City including sites within the existing urban area. Core Policy 6 further supports the focus of development on key urban and key rural centres, with Lichfield City considered as the most sustainable settlement within the District. Policy Lichfield 4 'Lichfield Housing' states that approximately 38% of the District's housing growth will be provided within Lichfield with around 46% of this located within the existing urban area.
- 1.9 Core Policy 3: Delivering Sustainable Development states that the District Council will require development to contribute to the creation and maintenance of sustainable communities, and sets out key issues which development should address.

- 1.10 This site lies within the City Centre close to all amenities and is therefore considered to be highly sustainable. The site is also located within the Business Area of Lichfield's City Centre where saved policy L19 of the Local Plan (1998) applies. This policy allows for the conversion or redevelopment of properties for office use. Although this policy encourages office use in this location it does not preclude other appropriate uses. It should be noted that this policy is relatively out of date and due to be replaced by the forthcoming Local Plan Allocations. Meanwhile, saved policy C7 encourages the redevelopment or refurbishment of individual buildings which are out of character or scale within the Conservation Area; which this building is identified as.
- 1.11 The Lichfield City Neighbourhood Plan has been examined by an Inspector to proceed to referendum subject to a number of modifications. However, at this time the report has some, but limited material planning weight. This document identifies that the site lies outside the primary and secondary retail areas, but within the confines of Lichfield City Centre.
- 1.12 Given the above policy considerations, it is concluded that the principle of development for the provision of apartments with commercial use at ground floor in this City Centre location is acceptable, subject to meeting the requirements of other relevant development policies, as identified within the Development Plan and NPPF. These matters are discussed in detail below.

2. Housing Mix

- 2.1 Policy H1 of the Local Plan Strategy seeks the delivery of a balanced housing market through an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. This reflects the approach in the NPPF, which sets out that local planning authorities should deliver a wide choice of high quality homes with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Evidence in the Southern Staffordshire Housing Needs Study and Strategic Housing Market Assessment (SHMA) Update (2012) identified an imbalance of housing types across the District with high concentrations of larger detached homes. Consequently, it has identified the need for smaller affordable homes, particularly those of an appropriate type and size for first-time buyers or renters.
- 2.2 This application, through the delivery of 8 one bedroom and 23 two bedroom apartments, will help to meet the identified need for smaller scale dwellings within the District. As such, the proposal, in this regard, supports the requirements of the Development Plan to deliver smaller units.

3. Design and Impact on the Character and Appearance of the Conservation Area and the Setting of Surrounding Listed Buildings

- 3.1 Local Plan Strategy Core Policy 14 states that "*the District Council will seek to maintain local distinctiveness through the built environment in terms of buildings... and enhance the relationships and linkages between the built and natural environment*". This Policy continues to state that the Council will protect and enhance the built environment and protect the skyline of Lichfield, which is characterised by the five spires and tree canopies. This requirement should thereafter inform the height, scale and layout of new development.
- 3.2 The NPPF (Section 7) advises that "*good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*". The document continues to state that "*permission*

should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

- 3.3 The NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area’s defining characteristics, it states that developments should:
- function well and add to the overall quality of the area;
 - establish a strong sense of place;
 - create and sustain an appropriate mix;
 - respond to local character and history, and reflect local surroundings and materials;
 - create safe and accessible environments; and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 3.4 Local Plan Strategy Policy BE1 advises that *“new development... should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views”*. The Policy continues to expand on this point advising that good design should be informed by *“appreciation of context, as well as plan, scale, proportion and detail”*.
- 3.5 Saved Policy C2 of the Local Plan (1998) also seeks to preserve or enhance the special character and appearance of Conservation Areas and states that development will not be permitted where the detailed design of buildings would not respect the character of an area.
- 3.6 Policy 10 of the draft Lichfield Neighbourhood Plan, requires that *“views of Lichfield Cathedral from Lichfield City Centre should be incorporated into any development which could otherwise impact on these views”*.
- 3.7 Given the above, in assessing the suitability of this proposal, regard must be had as to whether the replacement building would harm any of the facets, which individually and collectively combine to create the unique character of the Conservation Area. Whilst regard must also be had to ensure that the structure will not impact upon views or the setting of surrounding Listed Buildings, or the Lichfield Cathedral.
- 3.8 In terms of the building to be demolished, it is recognised as a building out of scale or character, it is of modern construction, and not of any significant architectural or historic merit. Therefore, there is no objection to the principle of demolition of the building, as it does not make a positive contribution to the character or appearance of the Conservation Area.
- 3.9 The design of the proposed building has evolved and has been substantially amended during the application process and now takes its cues from the buildings in the immediate vicinity of the site, as well as from new developments that have been recently approved for other sensitive sites in the City. The building footprint has been reduced during the design process allowing its’ repositioning on the site and allowing a greater offset distance from the Horse and Jockey public house, thus improving the relationship between the new and the existing. The design of the corner to Sandford Street has also been addressed, and the previous scheme which sought to utilise pre-fabricated units with vertically flat façades has been amended.
- 3.10 Various techniques are proposed to break down the mass of the building. These include the utilisation of large regularly spaced windows and recessed entrance points. The scheme proposes to use a contemporary brick stepped façade with deep

reveals for the curtain wall glazing. Subject to a condition to ensure that the windows are appropriately recessed into the elevation, these measures will provide shadow and depth to the elevations, successfully breaking up the visual mass. The dormered windows on the third floor help to break up the mass of the roof, and is a technique that has been used on several developments throughout Lichfield City centre. In order to prevent the visual cluttering of these facades, permitted development rights specific to the installation of satellite dishes, antenna and vents are proposed to be removed.

- 3.11 The height of the proposed building is 1.2 metres higher than that previously approved for site in 2008. Although the building is set over 5 storeys, the fifth/upper floor is set well back from the front edge of the building to Sandford Street, behind glazed panel balustrades. It is envisaged that this floor will be out of view from the pedestrians at street level immediately outside the building. Thus, the development is considered to have an acceptable impact upon the setting of surrounding listed buildings and will not harm views of the Lichfield Cathedral.
- 3.12 It is noted that the Conservation and Urban Design Officer has requested the submission of materials prior to the commencement of development, to ensure that they are appropriate to the character of the Conservation Area. In addition, it is noted that uPVC windows and rainwater goods will not be acceptable, and in accordance with the Council's Historic Environment Supplementary Planning Document, metal is required. A condition therefore to secure the submission and approval of appropriate materials is recommended, whilst a note to applicant is recommended to the note the unacceptability of uPVC as a material within this development.
- 3.13 It is also proposed to install railings, for secure access to the front of the site. As such a condition to require the submission and approval of full details of this is required. No elevation details of the cycle store have been provided and therefore suitable details are also recommended to be secured via condition.
- 3.14 The comments of Lichfield Civic Society are noted, who do not consider the development to be of an appropriate design in this location. However, the views of the Council's Conservation and Urban Design Officer are also to be noted. Much work has been undertaken between officers and the applicants to seek a more appropriate design and as a result significant amendments to the design have been achieved. Given that the scheme provides residential units which are appropriately articulated and pay a contemporary and attractive complement to the established development in the city centre, it is considered that the amended scheme will successfully assimilate into the streetscene and will not be harmful to heritage assets.
- 3.15 Given the above, it is considered that the proposal, subject to conditions, will not cause harm to the historic setting around the site, will not adversely impact on views towards Lichfield Cathedral, and will be physically well related to its surroundings. The proposal will furthermore redevelop a building that is currently out of scale and character in the Conservation Area. It is considered that the scheme will therefore preserve and enhance the character and appearance of the Conservation Area and would not cause harm to the setting of any nearby Listed Buildings and, is therefore in accordance with the requirements of the Development Plan and the NPPF in this regard.

4. Highways and Parking

- 4.1 The National Planning Practice Guidance on Transport advises that "*local planning authorities should seek to ensure parking provision is appropriate to the needs of the development and not reduced below a level that could be considered reasonable*".

- 4.2 The application proposes the provision of 10 off street parking spaces to the rear of the site and cycle parking.
- 4.3 The Supplementary Planning Document 'Sustainable Design' contains within Appendix D, the Council's Parking Standards. It advises that for a development of 31 apartments, comprising, 8-one bedroom and 23-two bedroom apartments that there should be a maximum provision of 41 car parking spaces and 31 cycle parking spaces. For the retail use it advises for food retail there should be 3 spaces, or 2 spaces for non-food. However, it states that these standards will be applied in a flexible manner when having regard to the location and needs of the development/end user. For example, the SPD states that in central areas that are well served by good public transport links, developments may require less parking provision.
- 4.4 Staffordshire County Council (Highways) raise no objections to the proposal subject to conditions. It is evident that there is an under provision of parking within this site of both car parking and cycle bay provision. However, the apartments will be sustainably located, given their proximity to the City Centre and the nearby bus and rail stations. Members are also advised that when permission was approved in 2008 for the redevelopment of the site (ref: 08/00164/FULM) the scheme only provided 30% parking. This revised scheme now provides 32% parking provision.
- 4.5 It should also be noted that there is a public car park located immediately to the north-west of the site, which could easily accommodate any visitors to the site. It is considered that such is the sustainable location of this site, the Council should encourage developments which deter the use of cars as a means of transport and to do otherwise would be contrary to the general thrust of national government policy.
- 4.6 Staffordshire County Council Highways have also taken into account the TRO's on the local highway network. However, clarification is needed on how the 10 car spaces will be divided between the 31 apartments and retail use and how this would be managed. A condition to this effect is recommended, along with other conditions recommended by the Highways Authority, such as a Construction Management Plan, to ensure no harm is caused to highway safety or the local highway network.
- 4.7 Therefore, subject to conditions it is considered there would be no severe impact caused with regard to highway matters or parking.
5. Residential Amenity
- 5.1 The NPPF core planning principles includes the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings and Local Plan Strategy Policy BE1 seeks to protect amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 5.2 The development site lies within the city centre and is subject to potential noise nuisance from surrounding town centre uses e.g. pubs, clubs, bars and restaurants. This impact is a material consideration, however, the Council's Environmental Health Officer has raised no objections to the principle of the development, subject to the submission of noise mitigation/ attenuation schemes. This condition will allow for the Council to agree suitable acoustic measures to be installed in the property prior to occupation of the new residential units.
- 5.3 As there is potential for the commercial unit within the development to be used as a food business, there is therefore a potential for odour to impact upon residential

amenity. In view of this, the Council's Environmental Health Officer has recommended a planning condition requiring a scheme of odour control to be submitted and agreed in writing with the Local Planning Authority; as recommended.

- 5.4 It should also be noted that future occupants will be fully aware of the local environment, existing businesses and uses and as such have a choice as to whether the level of disturbance would be acceptable to them.
- 5.5 There are a mixture of building uses within the vicinity, including residential, office and commercial. To the west of the site lies Charter Mews and Charter House, a mixed use development, adjacent to the south lies Friary View an apartment complex, along with Paradise Lounge (late night bar) further along Sandford Street. The Council's Supplementary Planning Document 'Sustainable Design' advises that there should be a minimum distance of 21 metres between facing principle rooms. It is noted that the distance between the proposed development and surrounding properties falls short of this requirement. The distance between the west elevation and Charter Mews House and Charter Mews is approximately 10m, to Friary View to the south it's approximately 16m and to the boundary shared with the Horse and Jockey public house between 1.4m and 5m. However, the existing building has the same relationship with neighbouring properties and as such the Council does not consider the development would have any greater impact in terms of overlooking than what currently exists.
- 5.6 Most of the residential units will have no dedicated outdoor amenity space. A small shared courtyard/landscaped area is proposed to the north east of the building, which would be available to all residents, whilst the 3 units on the fourth floor will benefit from balcony areas and roof gardens. This arrangement is not unusual for apartments and given that the site is also located within the city centre, in close proximity to the open space at Beacon Park and Minster Pool, it is considered that the amenity of the future occupiers of these apartments within this location is adequately provided and the development is acceptable with regard to the residential amenity requirements, subject to conditions..

6 Biodiversity

- 6.1 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.
- 6.2 Due to the Local Planning Authorities obligation to "*reflect and where appropriate promote relevant EU obligations and statutory requirements*" (Paragraph 2 of NPPF) the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, producing a measurable net-gain to biodiversity value is also made a requirement of all developments within Lichfield District under Policy NR3 of the Lichfield District Local Plan Strategy.
- 6.3 A positive ecological impact, as required by Local Plan Strategy Policy NR3 and the Biodiversity and Development Supplementary Planning Document can be achieved within this site through the installation of bat/bird boxes within the development, along with the planting of the landscaping which can be secured via condition. The net gain in biodiversity should be attributed appropriate material weight as per the guidance of Paragraph 188 of the NPPF. Subject to compliance with this condition the development accords with the requirements of the NPPF and Development Plan with regard to ecological considerations.

- 6.4 The agreed strategy for the Cannock Chase SAC is set out in Policy NR7 of the Council's Local Plan Strategy, which requires that before development is permitted, it must be demonstrated that in itself or in combination with other development it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC having regard to avoidance or mitigation measures. In particular, dwellings within a 15km radius of any boundary of Cannock Chase SAC will be deemed to have an adverse impact on the SAC unless or until satisfactory avoidance and/or mitigation measures have been secured.
- 6.5 Subsequent to the adoption of the Local Plan Strategy, the Council adopted further guidance on 10 March 2015, acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. This site lies within the 8 - 15 km zone and as such is not directly liable to a SAC payment.
- 6.6 Subject to conditions, the proposal is acceptable in terms of biodiversity and ecology interests.
7. Archaeology
- 7.1 Given the site's location within the historic medieval core of Lichfield, Staffordshire County Council (Archaeology) have assessed the site for archaeological interest and advise that there is demonstrable archaeological potential within the area and therefore recommend a condition to secure a written scheme of archaeological investigation. There is no objection to this approach and subject to compliance with this condition, the development complies with the requirements of the NPPF and Development Plan in this regard.
8. Landscape and Planting
- 8.1 The Council's Supplementary Planning Document Trees, Landscaping and Development provides guidance on how to successfully integrate existing trees into development and integrate new planting into a scheme to ensure its long term retention.
- 8.2 The scheme proposes a landscaped area to the rear (east) of the development site, although no details have been provided at this point. Therefore, a condition is recommended to ensure the submission of a suitable landscaping scheme and its retention for the development to accord with the requirements of the NPPF and Development Plan.
- 9 Flood Risk and Drainage Issues
- 9.1 The application site is located within Flood Zone 1, which is defined as having little or no risk of flooding from rivers or streams. Such zones generally comprise land assessed as having a less than 1 in 100 annual probability of river or sea flooding in any year.
- 9.2 Staffordshire County Council Flood Team requested further details during the application process to ensure that the proposed drainage has provision to accommodate the 100yr storm event plus climate change allowance. The applicant submitted additional information to seek to address this concern and no objections, subject to condition are raised. Similarly, Severn Trent Water have no objections subject to a condition relation to the submission of details of surface and foul water drainage.

9.3 The development, subject to conditions would comply with development plan policies and the NPPF in relation to flood risk and drainage.

10. Planning Obligations and Affordable Housing

10.1 Under the provisions of Policy IP1 of the Local Plan Strategy major new developments are required to make provisions for social/community facilities as the need for which arises from the development and that are commensurate to the scale and nature of the proposals. Such provision can be by way of direct on-site provision and/or by a contribution made for the provision of facilities elsewhere. .

10.2 The development proposes the creation of more than 15 dwellings within an urban environment. The site is therefore over the threshold for the provision of affordable housing as required by Local Plan Strategy Policy H2. The on-site affordable housing provision required by the Council's Housing Manager is for 37%, which equates to 11 units.

10.3 The Local Plan policy H2 states that 'Affordable housing should be provided on site and only in very exceptional circumstances will contributions in lieu that are broadly equivalent in value to on-site provision, be acceptable'. In this instance a commuted sum would be acceptable due to the difficulties that would arise from the management practices required by registered social landlords. This is accepted by the Councils Housing Manager. The Developer Contributions SPD (Section 9.24) shows the methodology used to calculate the commuted sum. Any commuted sum agreed would be used to support the delivery of affordable housing, elsewhere in the district.

10.4 In terms of education facilities Staffordshire County Council (Education) do not seek financial contributions from apartments. Similarly, whilst this site is located within the CIL (Community Infrastructure Levy) higher charging zone rate of £55 per square metre, apartments are not liable for this payment.

10.5 Therefore, subject to the applicant first securing a S106 agreement to pay a sum in lieu of on-site affordable housing, the scheme is acceptable in this regard.

11. Human Rights

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

Conclusion

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals. Economically the development would facilitate the re-use of an underused Brownfield site, offer a development opportunity and bring additional residents and potential consumers into this City Centre location. Socially it has been demonstrated that the development will not impact upon the reasonable residential amenity of any existing or proposed future residents within this and neighbouring sites, whilst conditions can be secured to protect the future amenity of proposed residents within this site. Environmentally, it is considered that the

development is acceptable in this sustainable city centre site, and subject to conditions, the development would preserve and enhance the character and appearance of the Lichfield City Conservation Area and the setting of surrounding listed buildings. Furthermore, it is considered that the design is acceptable and physically well related to its surroundings. No significant harm would be caused to highway safety or the amenity of any neighbouring residents, subject to conditions.

Accordingly, given the above, the recommendation is one of approval, subject to the applicant's compliance with the attached conditions and the applicant first entering into a S106 Agreement, to secure a commuted sum for off-site affordable housing provision.

Lichfield
district council

www.lichfielddc.gov.uk

District Council House
Frog Lane
Lichfield
Staffs
WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

17/01487/FUL
6 Spencer Drive
Burntwood

Scale: 1:1,000

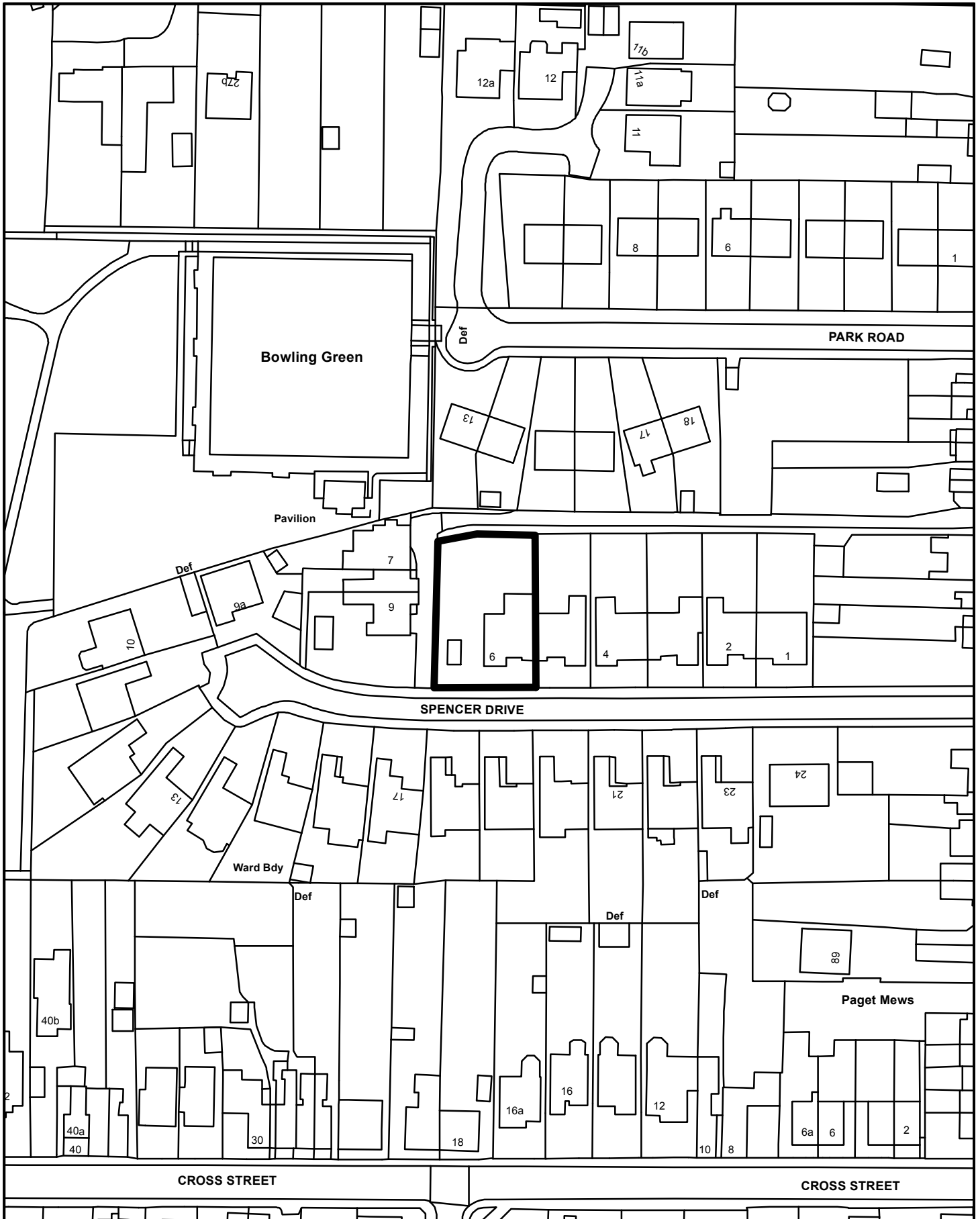
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BLOCK PLAN

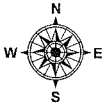
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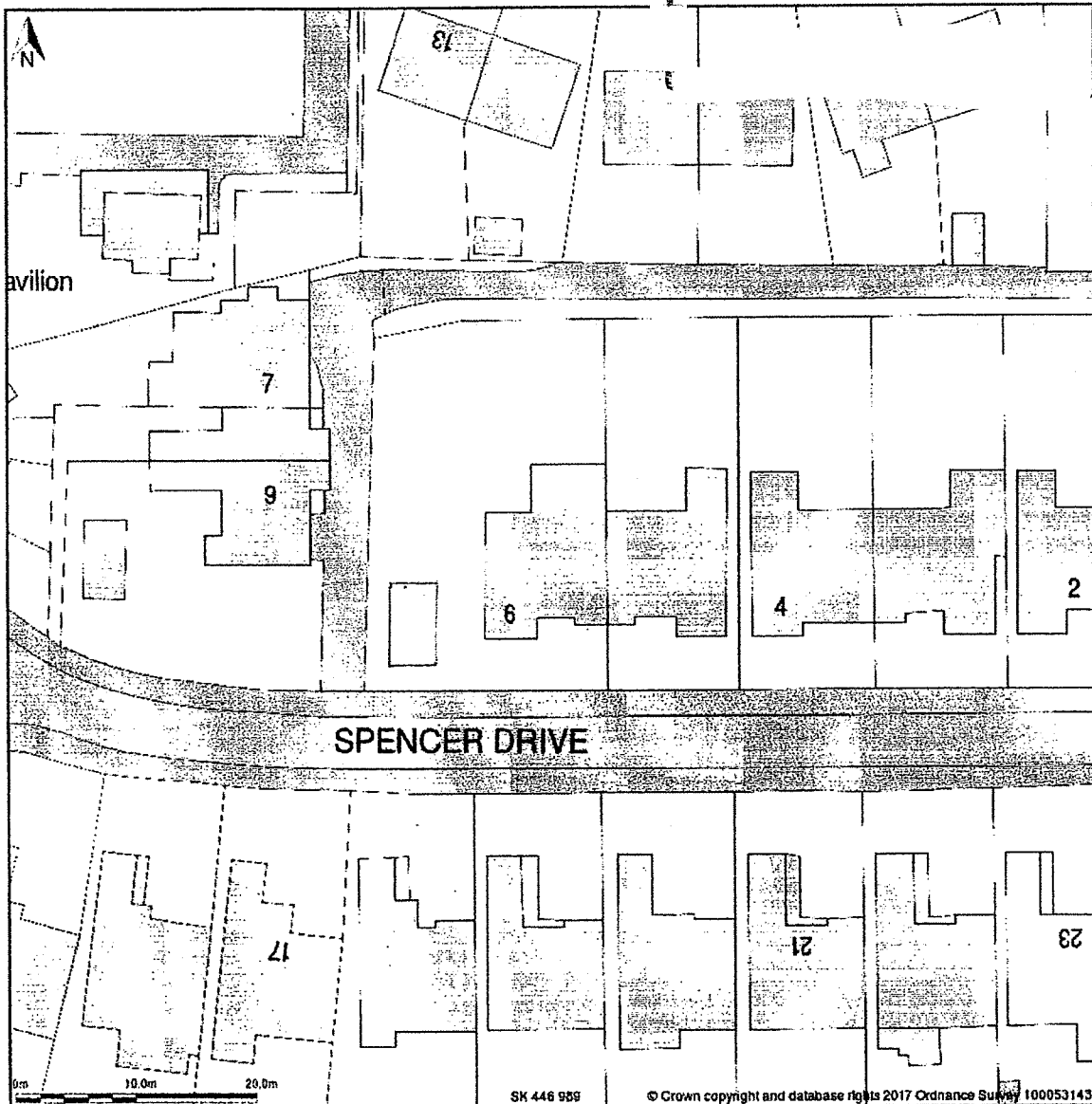
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December 2017

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17/01487/FUL

**REPLACEMENT BUILDING FOR DOG GROOMING SALON AND
CHANGES TO WORKING HOURS (AMENDMENT TO APPLICATION
14/00553/COU)**

**6 SPENCER DRIVE, BURNTWOOD
FOR MRS J SIMMONDS**

Registered on 17/10/17

Parish: Burntwood

Note: This application is being reported to the Planning Committee due to significant planning objections raised by Burntwood Town Council in relation to:

- Traffic/parking issues; and,
- Impact on amenity of neighbouring residents.

RECOMMENDATION: Approve, subject to the following conditions and summary of reasons for granting consent:

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 commencement of development:

3. Prior to the erection of the outbuilding hereby approved, drainage plans for the disposal of surface water and foul sewage, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details before the outbuilding is first used, and thereafter retained as such for the life of the development.

Other CONDITIONS to be complied with:

4. The premises shall only be open to customers between the hours of 08:30 and 17:30 on Mondays to Fridays inclusive; 08.30 and 13.00 on Saturdays and there shall be no opening on Public or Bank Holidays. No animals of customers shall be left unattended at the premises whilst the premises are closed for custom.
5. Only one customer shall be present at the site at any one time. There shall be no overlap of appointments to ensure this occurs.
6. The use hereby approved, shall be carried out only by the applicant, Mrs Jackie Simmonds. When the premises cease to be occupied by the applicant, the use hereby approved shall cease.

7. A log book detailing appointment dates and times shall be kept for monitoring purposes and shall be made available at the request of the Local Planning Authority for inspection during normal office hours.

REASONS FOR CONDITIONS

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

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

3. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise any risk of pollution, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy and National Planning Policy Framework.

4. To protect the amenity of the neighbouring properties, in accordance with Policy BE1 of the Local Plan Strategy.

5. To protect the amenity of the neighbouring properties, and to ensure that sufficient parking can be provided in accordance with Policies BE1 and ST2 of the Local Plan Strategy.

6. An unrestricted permission could result in the business being run by a third party, which would cause highway safety issues and impact on the amenity of the surrounding area contrary to the requirements of Policy BE1 of the Local Plan Strategy.

7. To ensure the development is utilised in accordance with the applicant's stated intentions, and to protect the amenity of the neighbouring properties, in accordance with Policy BE1 of the Local Plan Strategy.

NOTES TO APPLICANT:

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

2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £28 for a householder application or £97 for any other application including reserved matters. Although the Local Planning Authority will endeavour to discharge all conditions within 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. The Council has sought a sustainable form of development, which complies with the provisions of paragraphs 186-187 of the NPPF.

PLANNING POLICY

Government Guidance

National Planning Policy Framework
National Planning Policy Guidance

Local Plan Strategy

Core Policy 3 – Delivering Sustainable Development
Core Policy 7 – Employment & Economic Development
Policy BE1 – High Quality Development
Policy ST2 – Parking Provision

Supplementary Planning Documents

Sustainable Design

RELEVANT PLANNING HISTORY

14/00553/COU - Retention of building used as dog grooming salon – Approved 04.11.2014

CONSULTATIONS

Burntwood Town Council – Object. The biggest objection is about traffic and parking in a quiet and already overloaded residential street. There is currently no turning space in the cul-de-sac. The business affects the amenity of surrounding residents in what is a residential area and not a business area. (03.11.17)

Environmental Health – No objections. (15.11.17)

Severn Trent Water – No objections, subject to a condition to secure a drainage plan for the disposal of foul and surface water flows. (15.11.17)

Staffordshire County Council (Highways) – No objections, subject to a condition to secure an appointment management plan to ensure that only one client is present at the site at any given time. In making this recommendation it is understood that the dog grooming business shall remain strictly ancillary and that adequate parking will be provided and retained for use by occupants of the existing dwelling. (9.11.17)

LETTERS OF REPRESENTATION

One letter of objection received from a nearby resident. Their comments are summarised as follows:

- The applicant is not abiding to previous planning conditions, related to hours of use, and dropped kerb provision;
- Parking problems, including inadequate parking for current residents and visitors, and customers rarely use the drive of the dwelling;

- Noise from dogs barking;
 - Conflict between neighbours;
 - Impact on amenity of neighbours within a small cul-de-sac.
-

OBSERVATIONS

Site and Location

The main part of the application site relates to a semi detached, bungalow located on the northern side of Spencer Drive Burntwood, which is accessed via Rugeley Road to the east.

The property has a large garden to the side and rear and a drive to the front, which can accommodate up to 3 cars. The existing timber shed housing the existing dog grooming business is located to the side of the dwelling, and is accessed by clients via a side gate. The shed is largely screened from the street scene, due to fencing and hedging, with only glimpses of the roof visible. The properties along Spencer Drive are mainly detached bungalows, however to the west of the site lies a terrace of two storey dwellings (Nos. 7, 8, and 9 Spencer Drive) which are accessed via a private driveway off the cul-de-sac.

Background

Following enforcement investigations and submission of an application, permission was granted subject to conditions in 2014 (ref: 14/00553/COU) for the retention of the dog grooming salon. Conditions attached to that permission included, in summary:

- Parking provision to be made for a minimum of two vehicles within the site within 3 months of the permission;
- The premises shall only be open to customers between the hours of 09:00 and 17:00 on Mondays to Wednesdays inclusive, and there shall be no opening on Public or Bank Holidays. No animals of customers shall be left unattended on the premises whilst the premises are closed for custom;
- The use shall be for the applicant, Mrs. Jackie Simmonds only;
- A log book detailing appointment dates and times shall be kept for monitoring purposes;
- The existing site access to be widened within 3 months of the permission.

During the last few years enforcement complaints have been received noting that the hours of use condition does not appear to have been adhered to on occasion.

Proposals

The application seeks to replace the existing outbuilding and extend the opening hours of the existing dog grooming business.

The proposed replacement outbuilding will measure 6.0m in width and 3.1m in depth. The outbuilding will have a mono-pitched roof with eaves height of 1.9m and a max height of 2.8m. The outbuilding will be constructed of wood, with a felt roof and UPVC windows and doors.

The application also seeks to extend the opening hours of the business to Monday to Saturday 08.30 to 18.00 inclusive, but not on Bank Holidays. The applicant has advised there will be no more than 25 hours worked per week and that the change to the hours are required to provide more flexible working for them.

Determining Issues

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

1. Policy & Principle of Development

- 1.1 The site lies within the settlement boundary of Burntwood within a predominately residential area. Government guidance contained in the National Planning Policy Framework sets out that there should be a presumption in favor of sustainable development and also recognises the need to support sustainable economic growth. The NPPF states that Local Planning Authorities should facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.
- 1.2 Core Policy 7 of the Local Plan Strategy aims to support employment growth. Opportunities for new business formations will be actively pursued and the long-term survival of these businesses encouraged, with sustainable forms of business, including home-working, particularly supported where this accords with other development plan policies.
- 1.3 In view of the above, subject to normal development management criterion, it is considered the principle of a small dog grooming salon in this location is acceptable and supported by national and local planning policy.

2. Design and Appearance

- 2.1 The proposed outbuilding in terms of design has a typical domestic garden structure appearance and so would be in keeping with the character and appearance of the existing property and surrounding area. Furthermore, the structure will not be highly visible from the surrounding streetscene, as it is set behind the existing boundary treatments of 6 Spencer Drive. The replacement outbuilding will only be 1.2m wider, 0.7m deeper and the ridge will be 0.7m higher than the existing building.
- 2.2 It is considered that the majority of the structure will be obscured from neighbouring properties at ground floor level, with only the roof of the structure visible above the boundary treatments. Therefore, it is considered that the design, scale and appearance of the structure are acceptable.

3. Residential Amenity

- 3.1 Policy BE1 of the Local Plan Strategy requires proposals to respect the character and appearance of their surroundings, the policy also requires development does not cause loss of amenity to adjacent properties through overlooking or loss of privacy, noise, dust, fumes or other disturbance.
- 3.2 In respect of the dog grooming business, this has been established for approximately 2 to 3 years. It is considered the nature of the business, including the limited use only by the applicant and the restrictions on the number of clients attending the premises, that the proposal would not cause significant adverse harm to the amenity of occupiers of neighbouring properties by reason of loss of privacy, noise and other disturbances.

Whilst there will be increased movements associated with the use operating over extended hours, it is considered these would be minimal given the small-scale nature of the business.

- 3.3 The applicant is seeking to extend the hours of operation to allow them more flexibility to work. The Council's Environmental Health Team have raised no objections in respect of the proposed extended hours of operation. However, in order to ensure and safeguard the amenity of local residents in terms of the comings and goings from the property in the evenings, a condition restricting the hours of use of the premises is recommended. It is recommended that the opening hours are restricted to 08.30 to 17.30 Monday to Friday and 08.30 to 13.00 Saturday only, with no opening on Sundays, Public or Bank Holidays. This is reduced times to those originally requested by the applicant, however these hours are considered to be more appropriate in this residential cul-de-sac location. The applicant has confirmed their agreement to these proposed revised hours. It is also recommended that a condition is imposed to restrict the permission to the use of the applicant only and that only one customer can attend the premises at any one time, to ensure the business is operated as set out and in order to minimise the intensity of the use and subsequent impact on neighbouring residential amenity from customer movement.
- 3.4 The neighbour's comments with regards to the noise of dogs barking are noted. Whilst it is recognised that the nature of the business is such that some noise may be created, on the basis that only one customer's dogs can be groomed at any one time, it is considered that noise generated by barking dogs would be no more than could reasonably be expected from any domestic dwelling where a dog or dogs reside.
- 3.5 Subject to conditions restricting the use and hours of operation, it is therefore considered there would be no undue impact on residential amenity caused.

4. Highways & Parking Issues

- 4.1 The concerns of Burntwood Town Council and the neighbouring resident are noted with regard to parking and traffic matters. Staffordshire County Council Highways however have no objections to the scheme, subject to a condition being imposed which would secure an appointment management plan prior to first use. This is to ensure that only one client is present at the site at any given time. The existing drive to the front of the dwelling would be able to accommodate up to 3no vehicles, which is considered sufficient.
- 4.2 It is therefore considered that without the support from County Highways to withhold permission, there would be no sustainable reason to refuse planning permission on highway or parking grounds, subject to conditions, as recommended.

5. Other Matters

- 5.1 Severn Trent Water have requested that a drainage plan for the disposal of foul and surface water flows be secured via condition. As such a condition is recommended to secure a drainage plan prior to commencement.
- 5.2 The neighbour disputes, whilst noted, could not be a justifiable planning reason to withhold planning permission.

6. Human Rights

- 6.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with 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 subject to conditions, the proposal represents an appropriate form of development that would not cause significant harm to the amenity of nearby residents or highway safety. Therefore, the application is recommended for approval, subject to conditions.

Lichfield
district council

www.lichfielddc.gov.uk

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

LOCATION PLAN

17/01439/FUL
64 Micklehome Drive
Alrewas

Scale: 1:1,000

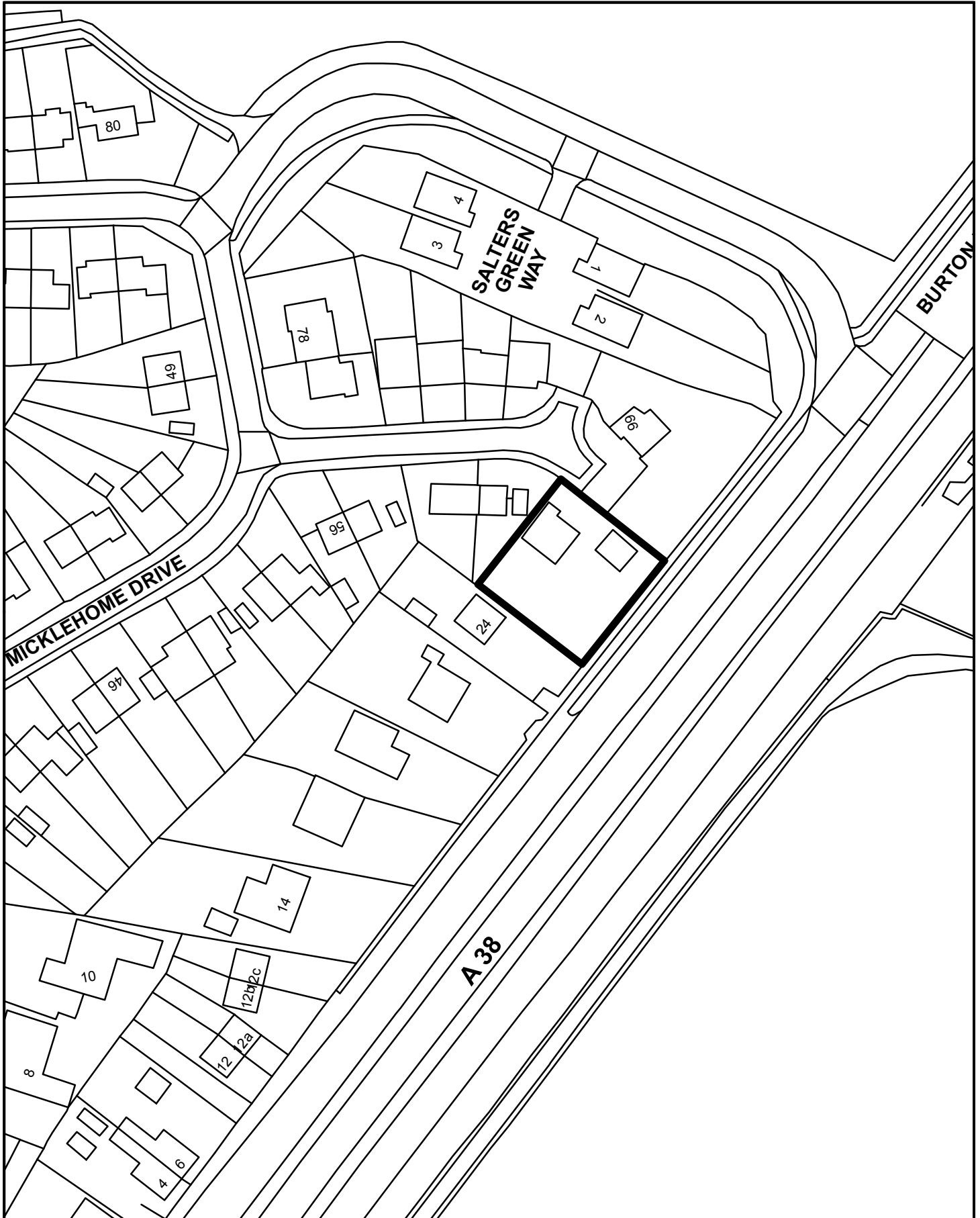
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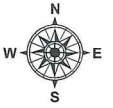
17/01439/FUL
64 Micklehome Drive
Alrewas

Scale:

Dated:
December 2017

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PLANS 1:100@A3

Buildings

Shared access drive

Plot 1 Parking

Plot 2 Parking

EXISTING DWELLING



Garage

900mm WIDTH PASSAGE WAY
FOR MAINTENANCE TO GUTTERS
(SHARED ACCESS)

PLOT 1
3b dwelling
GIA (gross internal area)
TOTAL 84.3msq
x3 Bed detached
private amenity space
65m²

PLOT 2
2b Dwelling
GIA (gross internal area)
TOTAL 70.5msq
x2 Bed detached
Private amenity space
45m²



17/01439/FUL

DEMOLITION OF DETACHED GARAGE AND ERECTION OF 2NO DETACHED DWELLINGS (1NO 3 BEDROOM AND 1NO 2 BEDROOM) AND SINGLE DETACHED GARAGE

64 MICKLEHOME DRIVE, ALREWAS

FOR MR & MRS M LAHERT

Registered 13/10/17

Parish: Alrewas

Note: This application is being reported to the Planning Committee due to significant planning objections raised by Alrewas Parish Council on the following grounds:

- Development is too dense for the areas available
- Concerns about loss of trees

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 including samples of the external materials to be used in the construction of the walls and roofs of the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
4. Before the development hereby approved is commenced, drainage plans for the disposal of surface and foul water, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details before the dwellings are first occupied.
5. Before the development hereby approved is commenced, full details of the height, type and position of all site and plot boundary walls, retaining walls, including the method of construction, fences and other means of enclosure to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details before the dwellings are first occupied, unless otherwise agreed in writing with the Local Planning Authority.
6. Notwithstanding the details shown on the approved plans, before the development hereby approved is commenced, full details of both hard and soft landscaping works shall be 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 (including elevations of the proposed vehicle access gates), 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 thereafter be carried out in accordance

with the approved scheme for timing / phasing of implementation or within 8 months of first occupation of the development hereby approved, whichever is the later.

All other CONDITIONS to be complied with:

7. Within one month of completion of the development hereby approved, 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.

8. Any trees or shrubs planted or retained in accordance with the approved landscape and planting 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. The dwellings hereby approved shall not be occupied until the parking areas shown on approved plan 0223-AL (0) 004B have been provided and made available for use in accordance with the submitted plan. Such parking areas shall be retained for the lifetime of the development.

10. The access shall remain un gated for the lifetime of the development.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 2015 (as amended), (or any Order revoking and re-enacting the Order with or without modification) the dwellings hereby approved shall not be enlarged or extended, nor shall any outbuildings be erected without the prior written permission, on application, to the Local Planning Authority.

REASONS FOR CONDITIONS:

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

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

3. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the surrounding area, in accordance with Core Policy 14 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

4. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with Core Policy 3, Policy NR9 and BE1 of the Local Plan Strategy and the National Planning Policy Framework.

5. To ensure the satisfactory appearance of the development, to ensure that the external appearance of the development is physically well related to its surroundings, in order to meet requirements of Policies BE1 of the Local Plan Strategy, the Supplementary Planning Document: Sustainable Design and the National Planning Policy Framework.

6. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area, in accordance with the requirements of Core Policies 3 and 13 and Policies NR4 and BE1 of the Local Plan Strategy, Trees, Landscape and Development Supplementary Planning Document and the National Planning Policy Framework.

7. 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.
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, Trees, Landscape and Development Supplementary Planning Document and the National Planning Policy Framework.
9. In the interests of highway safety and in accordance with Core Policy 5 and Policy BE1 of the Local Plan Strategy, the Supplementary Planning Document: Sustainable Design and the National Planning Policy Framework.
10. In the interests of highway safety and in accordance with Local Plan Strategy Core Policy 5 and Policy BE1 of the Local Plan Strategy, Supplementary Planning Document: Sustainable Design and the National Planning Policy Framework.
11. To ensure the satisfactory appearance of the development and to safeguard the amenity of future residents, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, Supplementary Planning Document: Sustainable Design 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.
5. The applicant is advised that any soakaway should be located a minimum of 4.5m rear of the highway boundary.

PLANNING POLICY

National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

Local Plan Strategy

Core Policy 2 – Presumption in Favour of Sustainable Development
Core Policy 3 – Delivering Sustainable Development
Core Policy 5 – Sustainable Transport
Core Policy 6 – Housing Delivery
Core Policy 13 – Our Natural Resource
Policy Alr4 – Alrewas Housing
Policy ST1 – Sustainable Travel
Policy ST2 – Parking Provision
Policy H1 – A Balanced Housing Market
Policy BE1 – High Quality Development
Policy NR3 – Biodiversity
Policy NR4 – Trees, Woodland & Hedgerows

Supplementary Planning Document

Sustainable Development
Trees, Landscape and Development
Biodiversity and Development
Developer Contributions

RELEVANT PLANNING HISTORY

16/00257/FUL – Erection of detached garage and 4 bedroom detached dwellings – Approved 2.6.2016

99/00473/FUL – First floor extension – Approved 17.05.1999

CONSULTATIONS

Alrewas Parish Council: Object. The development is too dense and raises concerns regarding the loss of trees (14.11.17)

Staffordshire County Council Highways: Following amendments there are no objections, subject to conditions relating to the materials used for the proposed parking area and that the access to the dwellings will remain ungated for the lifetime of the development (17.11.17).

Severn Trent Water: No objections, subject to a condition with regards to the submission of surface and foul water drainage system for approval (30.10.17).

Tree Officer: The site is not within any designated Conservation Area and there are no protected trees directly on site. However, in order to make a robust assessment of the application a tree report to BS5837 is required, and until such time as this is received, support for the proposal in its current form cannot be considered. (24.10.17)

Staffordshire County Council Flood Team: Although the surface water flood maps indicate a risk to the site. It is not considered to be in the floodplain, as they believe this is a result of the type of modelling used and a lack of local information. Note that Severn Trent have recommended a condition, but consider the developer may struggle to find a nearby public surface water sewer. There is a nearby culverted watercourse, but they believe the other houses on the estate drain to soakaways. This may be something that Building Control would want to look at with the developer. (10.11.17)

Environmental Health Officer: No objections. (8.11.17)

LETTERS OF REPRESENTATION

None

BACKGROUND DOCUMENTS

None

OBSERVATIONS

Site and Location

The application relates to land to the east of No.64 Micklehome Drive, Alrewas. The land presently comprises the side garden associated with this dwelling and is occupied by a detached double garage. To the south east beyond the side boundary is the A38 slip road and A38. The surrounding area is predominately residential. Neighbouring properties comprise a mixture of detached and semi-detached dwellings, occupying a variety of plot sizes.

The application site lies wholly within the settlement boundary, and is outside of the Alrewas Conservation Area.

Proposals

The application seeks permission for the erection of two detached 2-storey dwellings to the south east side of No. 64 Micklehome Drive, between the existing dwelling and the A38.

The proposed dwellings would share vehicular access with No. 64 directly onto Micklehome Drive with a garden to the rear (south) of approximately 65sqm for plot 1 and 45sqm for plot 2.

Plot 1 comprises a three bedroom dwelling with an overall gross internal area of 84.3sqm with a lounge, kitchen/dining room and WC at ground floor and three bedrooms (one with ensuite) and bathroom at first floor. Plot 2 comprises of a two bedroom dwelling with an overall gross internal area of 70.5sqm with a lounge, kitchen/dining room and WC at ground floor and two bedrooms and a bathroom at first floor.

Two parking spaces are to be provided for each of the proposed dwellings and a new single garage, plus two further parking spaces are to be provided for the existing dwelling at no. 64.

Determining Issues

1. Policy and Principle of Development inc. Housing Mix
2. Design and Appearance
3. Residential Amenity
4. Access and Highway Safety
5. Ecology and Arboriculture
6. Human Rights

1. Policy and Principle of Development inc Housing Mix

- 1.1. The site lies within the sustainable settlement of Alrewas. Policy Alrewas 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 the settlement as a key rural centre. Policy Alrewas 4 seeks to ensure housing in Alrewas provides for the needs of the local community, particularly for those wishing to downsize, or start up home. 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 policies which resist inappropriate development of residential gardens where development could cause harm to the local area.

- 1.2. This sentiment is supported by Core Policy 2 of the Local Plan Strategy. The NPPF advises local authorities to approve development proposals that accord with the development plan without delay. Where development plan policies are out of date, the NPPF advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 1.3. Policy BE1 of the Local Plan Strategy requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views.
- 1.4. Core Policy 6: Housing Delivery, also states that residential development will be permitted within the smaller rural settlements where it is within defined settlement boundaries; affordable housing delivered through rural exceptions; or small scale development supported by local communities. Additionally, Policy H1 of the Local Plan Strategy encourages smaller homes (inc. 2 and 3 beds) where the need for which is identified within the Strategic Housing Market Assessment (SHMA).
- 1.5. Given the above, it is considered that the development, would comply with the requirements of Development Plan policy in terms of the principle of development. Matters related to general development management criteria are discussed below.

2. Design and Appearance

- 2.1. Part 7 of the NPPF attaches great importance on good design and seeks to promote development which is appropriate in terms of overall scale, massing, height, landscaping, layout, materials and access in relation to neighbouring buildings and the local area more generally. It further states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.
- 2.2. With regard to the appearance of the proposed dwellings subject to a condition to ensure suitable external materials, their design and overall appearance will be acceptable and will not detract from the character and appearance of the surrounding area. It is considered that the proposed design would be in keeping with the character and appearance of the area and that the dwellings would not appear overly dominant in the street scene. The proposed dwellings furthermore respects the existing building line between dwellings along Micklehome Drive.
- 2.3. Given that the site has an extant permission for one large 4-bedroom detached dwelling in a similar location to the proposed development which is of a similar density in terms of footprint, it is considered that the proposal would not represent over development of the site. The density of the site would equate to 4.58 dph (dwellings per hectare) which compares favourably with that of its surroundings at 4.11 dph. However, it is to be appreciated that the NPPF does not prescribe either minimum or maximum densities, stating that Local Planning Authorities should set out their own approach to housing density to reflect local circumstances, but states that housing applications should be considered in the context of the presumption in favour of

sustainable development. Notwithstanding this, the density of development would be reflective of existing development evidenced further along Micklehome Drive. Thus, the scheme would appear appropriate within the wider density of development in this part of Alrewas and would not result in a cramped form of development.

- 2.4. Therefore, it is considered that, the dwellings will fit satisfactorily into the street scene and not have a detrimental impact on the character of the surrounding area, subject to appropriate materials and boundary treatment as recommended by condition. As such the proposal accords with the policies in the Development Plan and the advice given in the NPPF in this regard.

3. Residential Amenity

- 3.1. Policy BE1 of the Local Plan Strategy states that proposals should not have a negative impact on amenity and development should avoid unreasonable levels of disturbance through traffic generation, noise, light, dust, fumes, or other disturbance. This policy is supplemented by the Council's Adopted Supplementary Planning Document: Sustainable Design, which sets out the Council's requirements for space about dwellings.

- 3.2. The details that have been provided demonstrate that the site could accommodate the proposed layout, which would avoid breaching the Council's amenity standards, both in respect of existing dwellings around the site and those which would be constructed. The layout demonstrates that such a scenario could be achieved.

- 3.3. It is also recommended in the Sustainable Design SPD that for three bed dwellings a private garden space should be a minimum of 65 square metres and for 2-bed units 45 sqm. The proposed dwellings would meet these requirements and therefore there would be a satisfactory level of amenity space provided for future occupants of the dwellings. In order to retain the level of amenity space, a condition removing permitted development rights is considered to be reasonable and necessary; as recommended.

- 3.4. Given the proximity of the dwellings to the A38 an acoustic barrier comprising of hedgerows is proposed to the eastern boundary to protect the amenity of future occupiers from the A38. Whilst such a natural barrier will have minimal impact on noise, Environmental Health have raised no objections with regards to noise and the previous permission to develop the site was granted with no noise attenuation and so no objections to noise cancelling benefits can reasonably be added.

- 3.5. Therefore, subject to conditions it is considered that there would be no undue impact on amenity and acceptable levels of amenity would be provided to future occupiers.

4. Access and Highway Safety

- 4.1. Access to the site is proposed via the existing vehicular access off Micklehome Drive and will be utilised by both the existing and proposed dwellings.

- 4.2. Sufficient off road parking provision would be provided within the confines of the site for at least two vehicles for each of the proposed dwellings and 3 spaces (inc. garage) for the existing dwelling, meeting the parking requirements of the Local Authority as set out in the Sustainable Design SPD. It is noted in the comments received by Staffordshire County Council Highways that parts of the access drive and grasscrete hardstanding will be required by all three dwellings for manoeuvring and access due to

the proposed parking arrangements. It is not considered necessary to require the establishment of a maintenance company, rather a condition shall be used to ensure the parking turning areas are retained for the life of the development, as recommended.

- 4.3. Therefore, it is considered that, subject to conditions, the proposal accords with the development plan with regard to access/egress and parking provision and is acceptable in this regard.

5. Ecology and Trees

- 5.1. The proposal is considered to be unlikely to have a negative impact upon the protected species or their habitats. Policy NR3 of the Local Plan Strategy states that a net gain to biodiversity should be delivered through all developments. It is therefore recommended that a bat/bird box could be incorporated within the development, this will be secured via condition.

- 5.2. Whilst the comments made by the Tree Officer and the Parish Council are noted there are no protected trees within the curtilage of the development. A condition is attached to ensure that sufficient planting and landscaping is implemented as part of the wider development to ensure any trees that are removed or felled are replaced. Subject to this condition, the development is considered to comply with the requirements of policy NR4 of the Lichfield District Plan and Trees, Landscape and Development Supplementary Planning Document.

6. Human Rights

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

Conclusion

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals. With reference to this scheme, environmentally, the development due to its scale, design, siting and materials will sit well within the plot and the surrounding street. The proposal will also deliver a net gain to biodiversity within the site. Socially, the development would create two additional smaller dwellings within a sustainable location. Economically, the development will provide a small scale development project. Weighing the material weight attributable to each consideration, for the reasons set out above, it is recommended that this application be approved, subject to conditions.

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district council

www.lichfielddc.gov.uk

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WS13 6YY

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LOCATION PLAN

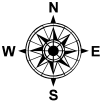
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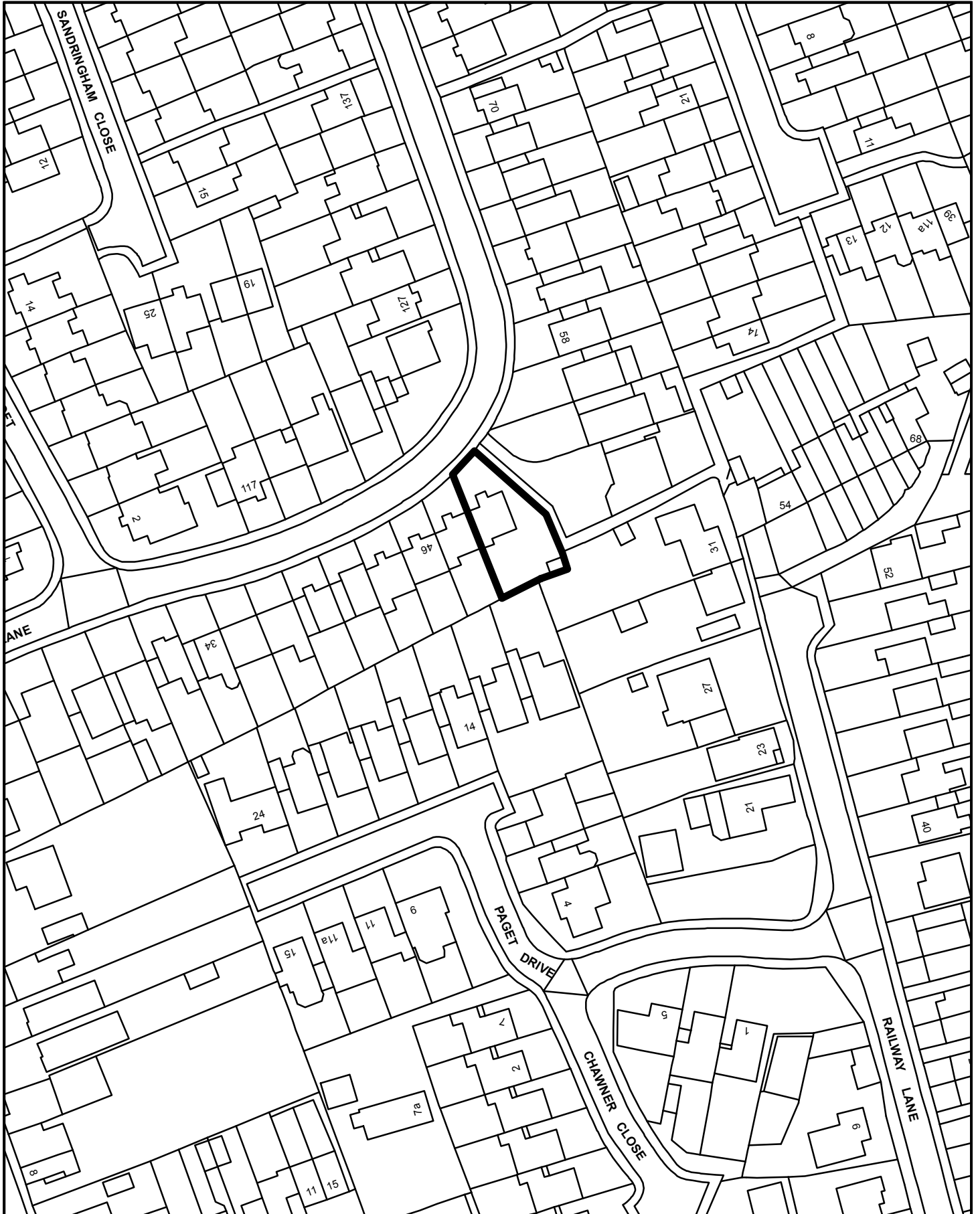
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BLOCK PLAN

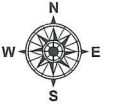
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BLOCK PLAN at 1:500

17/01465/FUL

**SINGLE AND TWO STOREY SIDE EXTENSION TO FORM GARAGE,
STORE, BEDROOM WITH EN-SUITE
50 HOLLY GROVE LANE, BURNTWOOD
FOR MR & MRS M BROTHERHOOD**

Registered 17/09/2017

Parish: Burntwood

Note: This application is being reported to the Planning Committee due to significant planning objections raised by Burntwood Town Council with regard to the design, scale and massing, which would result in a cramped poorly designed and incongruous form of development that fails to respect the character of the surrounding area.

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. The first floor window serving the en-suite bathroom in the rear elevation of the extension hereby approved shall be fitted with obscure glazing and be a top hung window and shall thereafter retained as such throughout the life of the development.
5. Within one month of completion of the development hereby approved, 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 Policy Framework.
3. To ensure the satisfactory appearance of the development, in accordance with the requirements of Policy BE1 of the Local Plan Strategy.

4. To protect the privacy and residential amenity of the occupants of both the applicant dwelling and neighbouring properties, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and guidance contained in the adopted Supplementary Planning Document, Sustainable Design.
5. 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. 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 & their Habitats

Supplementary Planning Documents

Sustainable Design

Biodiversity and Development

RELEVANT PLANNING HISTORY

None

CONSULTATIONS

Burntwood Town Council – Objection. The proposal by virtue of its design, scale and massing would result in a cramped poorly designed and incongruous form of development that fails to respect the character of the surrounding area. (03.11.17)

LETTERS OF REPRESENTATION

1 letter received from neighbouring property. Their comments are summarised as follows:

- Concerned at loss of privacy, but raise no objection to development, provided bathroom window is obscured and no security lights are fitted on the extension which would shine light onto property.

BACKGROUND DOCUMENTS

None

OBSERVATIONS

Site and Location

This application relates to a link-detached dwelling located on the south side of Holly Grove Lane in Burntwood. The application dwelling is located at the end of a row of similar link-detached houses and is situated next to a pedestrian walkway to the east. The dwelling is surrounded by residential properties.

Proposal

The proposal is for the erection of a single and two storey side extension which will have a maximum width of 6.45, a maximum depth of 9.4m, a maximum overall height of 6.5m and a maximum eaves height of 5.15m. The two storey element will have an intersecting pitched roof design and the single storey elements is to have a flat roof. The roof materials and brickwork are to match the existing building.

The proposed single and two storey extension will appear subservient to the host dwelling as it is to be set back from the front elevation of the existing building by approximately 1.35m at ground floor and 2.7m at first floor.

The extension will accommodate an integral single garage and store at ground floor with a master bedroom with dressing room and en-suite bathroom above.

Determining issues

1. Principle of Development
2. Design and Appearance
3. Residential Amenity
4. Other Matters
5. Human Rights

1. Principle of Development

- 1.1 The proposal relates to an extension to an existing residential property within a residential area of Burntwood. Therefore, the principle of such development is acceptable in this sustainable urban area.

2. Design and Appearance

- 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 new development, including 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 Whilst the proposed development will be 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. The proposed extension will appear subservient to the host dwelling as it set back from the front of the existing building by approximately 1.35m at ground floor and 2.7m at first floor. The development will not therefore appear overbearing or dominant and will reflect the character and design of the existing dwelling. Furthermore, the extension whilst large, would not cause a terracing effect due to the pathway and separation distance to property to the east and the design and materials to be used would be in keeping with the design and character of the host dwelling.
- 2.3 The proposal does not alter the overall number of bedrooms within the dwelling (3-bedrooms) and as such there is no requirement for additional parking spaces in accordance with the Sustainable Design SPD. The level of parking provided is therefore acceptable.
- 2.4 Sufficient private amenity space (approximately 120 square metres) would remain within the curtilage of the property, which is significantly above the required standard of 65 sqm for 3 and 4-bed dwellings. The proposal would not therefore represent over-development of the site.
- 2.5 Overall, it is considered the proposals accord with the Development Plan with regard to design and appearance.

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. The neighbouring property, 48 Holly Grove Lane, has ground floor and first floor windows in to the rear elevation. However, the proposal will not cause a loss of light to the neighbouring property.
- 3.2 In terms of the minimum distance separation requirements for principal windows, the Sustainable Design SPD requires a minimum separation of 13 metres where one dwelling faces the side of a neighbouring property which there are no facing windows, which may be reduced to 10 metres for single storey development. There would be a distance of approximately 12.2m between the side of the single storey extension proposed to the nearest principal window at 52 Holly Grove Lane and over 15 metres from the two-storey element to No. 52's front elevation/ principal windows. It is therefore considered the proposal meets the requirements of the SPD and therefore will not result in any detrimental impact on the amenity of the neighbours at 52 Holly Grove Lane by reason of loss of light, privacy or over-bearing impact.
- 3.3 With regard to property to the rear of the site, the two storey extension would be approximately 8.75m from the rear boundary with the garden of 31 Railway Lane and approximately 9/10 metres from the corner of the rear garden of 10 Padget Drive. To prevent potential overlooking to neighbouring rear gardens a condition is recommended to ensure the rear first floor en-suite bathroom window is obscure glazed and top opening only. The Sustainable Design SPD recommends from a principal window to private amenity space, 6m metres separation and minimum rear garden length of 10m.

3.4 Subject to conditions, as recommended, it is considered there would be no undue harm caused to neighbouring residential amenity.

4 Other Matters

4.1 In accordance with policy NR3 all developments must deliver a net gain to biodiversity. Given the scale and location of the development a condition is recommended to secure the installation of a bat or bird box to deliver the net gain to biodiversity. Subject to this it is considered the proposals accord with the Development Plan in this regard.

5 Human Rights

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

It is considered that the proposed extension will assimilate successfully with the host dwelling whilst not detracting from the surrounding streetscene or character of the area. Also, the proposal will not have a detrimental impact on neighbouring amenity. As such, the development would accord with the requirements of the Local Plan Strategy and the NPPF. Accordingly, recommend approval, subject to conditions.

ITEM B

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

18 December 2017

CONTENTS

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B1	17/01346/FUL	177 Walsall Road Lichfield	Lichfield

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district council

www.lichfielddc.gov.uk

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LOCATION PLAN

17/01346/FUL
177 Walsall Road
Lichfield

Scale: 1:1,000

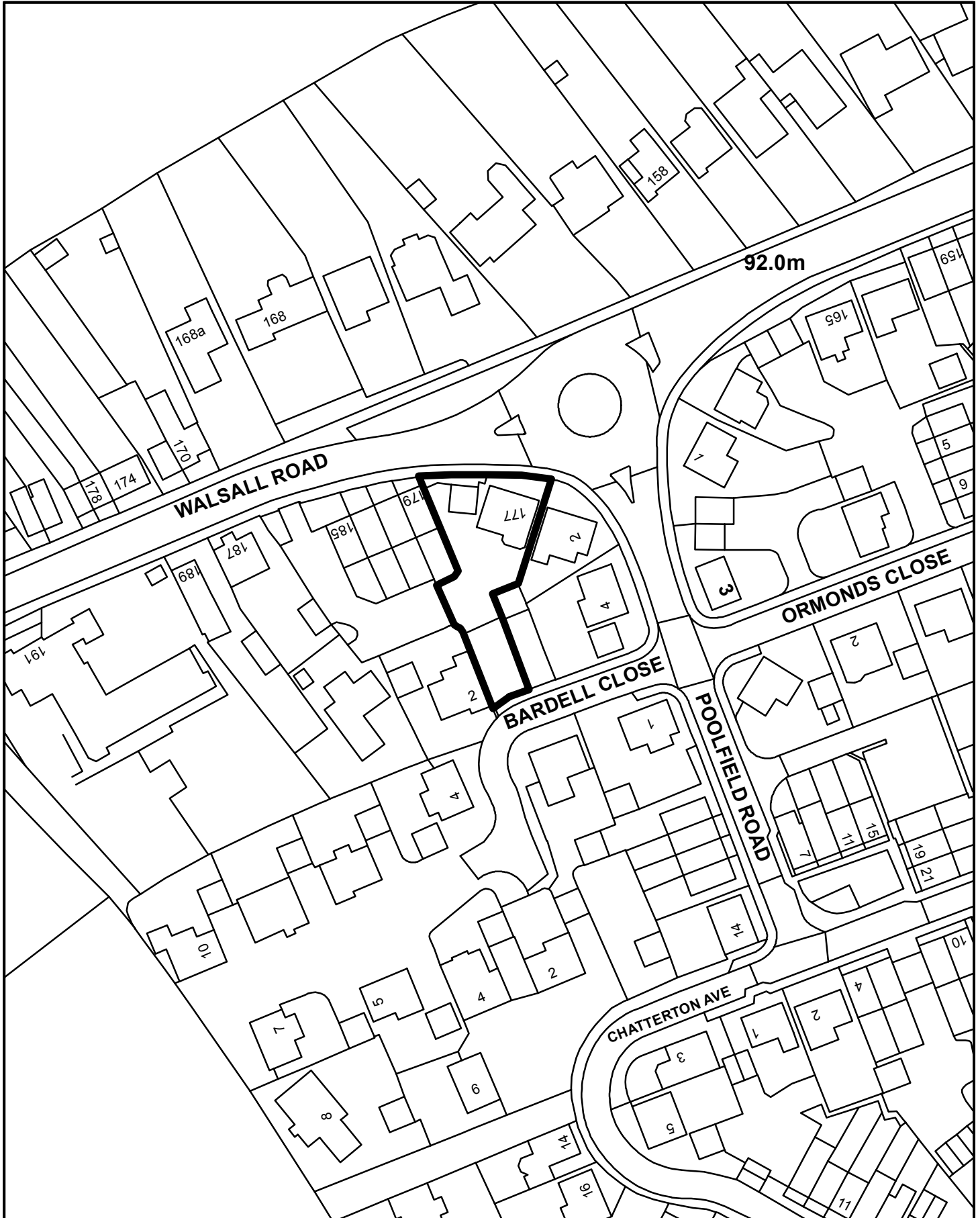
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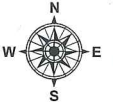
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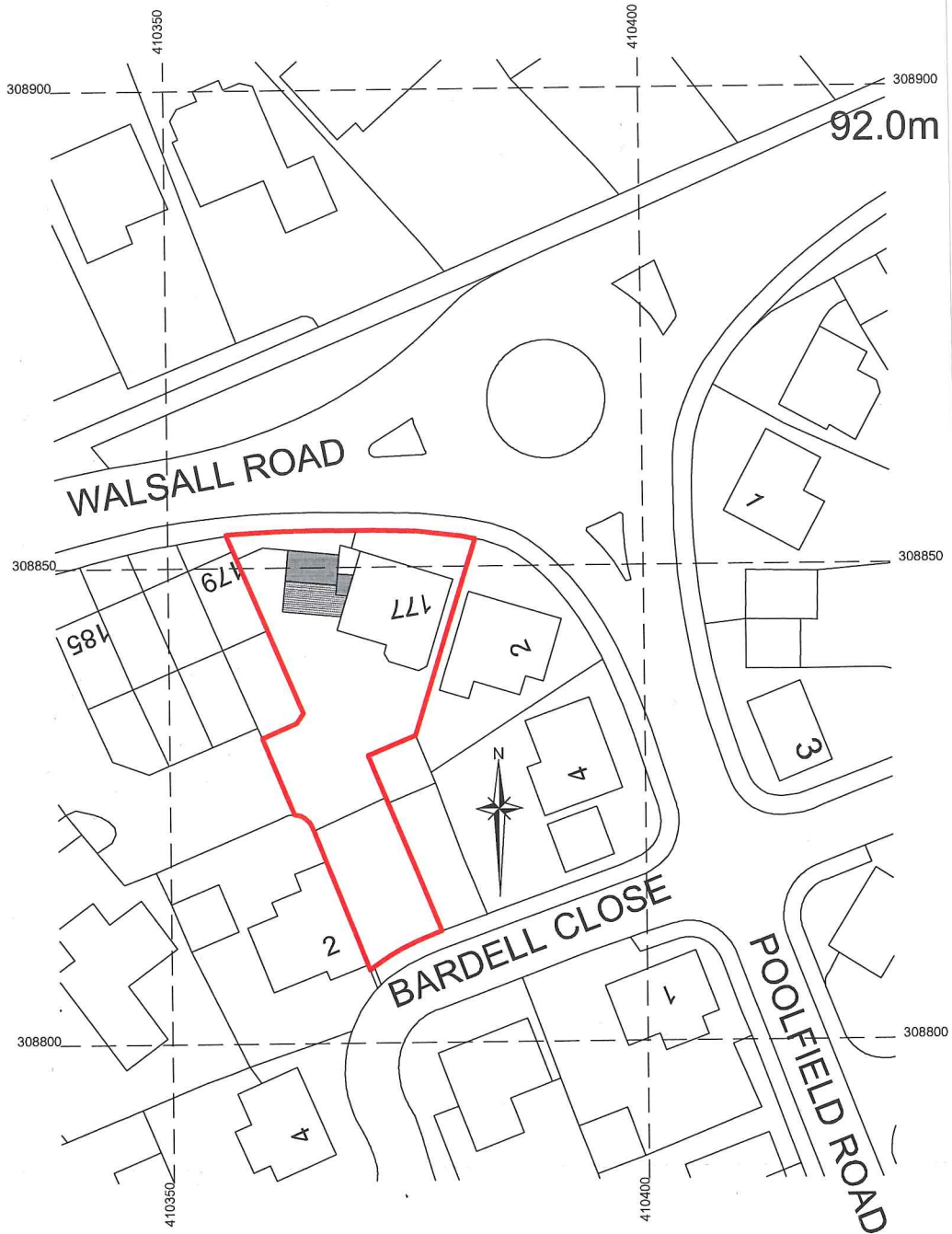
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17/01346/FUL

**SINGLE STOREY SIDE EXTENSION WITH LOFT ROOM TO REPLACE
EXISTING DETACHED GARAGE
177 WALSALL ROAD, LICHFIELD
FOR CLLR I EADIE**

Registered 26.09.2017

Parish: Lichfield

Note: This application is being reported to the Planning Committee as the applicant is a Councillor of Lichfield District Council.

RECOMMENDATION: Approve, subject to the following conditions,

CONDITIONS:

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
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 of the development hereby approved, 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 Policy Framework.
3. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
4. In 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 & their Habitats
Policy ST2 – Parking Provision

Supplementary Planning Documents

Sustainable Design

RELEVANT PLANNING HISTORY

01/01060/FUL – Fence/wall removed and new gates and wall – Approved 11.12.2001

CONSULTATIONS

Lichfield City Council - No objections (12.10.17)

LETTERS OF REPRESENTATION

No comments received.

BACKGROUND DOCUMENTS

None

OBSERVATIONS

Site and Location

This application relates to a detached two storey dwelling located south of Walsall Road, Darwin Park, Lichfield. The dwelling fronts onto Walsall Road, however has vehicle access off Bardell Close to the rear. The access drive is gated and leads to a large area of hardstanding and a small grassed area. The dwelling has a detached single storey garage to the side. The dwelling has an existing rear extension and conservatory. The dwelling is surrounded by residential properties.

Proposal

The application seeks to remove the existing detached garage and erect a single storey side extension with loft room. The extension will be constructed of brick and tiles to match the existing dwelling.

The extension will appear as a linked outbuilding to the west side of the main dwelling. The extension will measure 7.0m in max width and 6.3m in depth. The link section will be 4.4m in depth. The extension will have a pitched roof with eaves height of 3.0m and a max height of 5.7m. The link section will have a max height of 5.0m. The extension will have a loft room with 4no. rooflights, 2 to the rear and 2 to the front.

A bin store area will be created to the front of the extension using the existing wall and gate to the front elevation of the property.

The application also includes alterations to the hardstanding and landscaping areas, installation of bifold doors and 2no rooflights to the existing rear extension and internal alterations to the property.

Determining Issues

1. Principle of Development
2. Design and Appearance
3. Residential Amenity
4. Other Matters
5. Human Rights

1. Principle of Development

- 1.1 The proposal relates to an extension to an existing residential property within a residential area of Lichfield. Therefore the principle of such development is acceptable in this sustainable area.

2. Design and Appearance

- 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 Whilst the proposed development will be a visible within the streetscene, it is not considered to be an incongruous addition that will detract from the character and appearance of the streetscene. The extension will be subservient to the main dwelling and constructed of materials to match the existing dwelling. As such, the proposal is considered to be in keeping with the design and character of the host dwelling and streetscene.
- 2.3 The proposal does not alter the number of bedrooms within the dwelling, as such there is no requirement for additional parking spaces in accordance with the Sustainable Design SPD. The level of parking provided is therefore acceptable.
- 2.4 Overall, it is considered the proposals accord with the Development Plan with regard to design and appearance.

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. The neighbouring property, number 179 Walsall Road, has ground floor and first floor windows in the side elevation. However, given the orientation of the windows and retained separation distance, the proposal will not cause a loss of light to the neighbouring properties.
- 3.2 In addition, the proposal meets the minimum distance separation requirements for principal windows as set out in the Sustainable Design SPD. It is therefore considered the proposal will not result in any detrimental impact on the amenity of neighbours.

4 Other Matters

- 4.1 In accordance with Policy NR3 all developments must deliver a net gain to biodiversity. Given the scale and location of the development, a condition is imposed to secure the installation of a bat or bird box to deliver the net gain to biodiversity. Subject to this, it is considered the proposals accord with the Development Plan in this regard.

5 Human Rights

- 5.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998, as no interests giving rise to rights protected under the Act have been identified in this application.

Conclusion

It is considered that the proposed extension will assimilate successfully with the dwelling, whilst not detracting from the surrounding streetscene. Also, the proposal will not have a detrimental impact on neighbouring amenity. As such, the development would accord with the requirements of the Local Plan Strategy and the NPPF. Accordingly, approval is recommend, subject to conditions.