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Wednesday, 28 March 2018

Dear Sir/Madam

## PLANNING COMMITTEE

A meeting of the Planning Committee has been arranged to take place **MONDAY, 9TH APRIL, 2018 at 6.00 PM IN THE COUNCIL CHAMBER** District Council House, Lichfield to consider the following business.

Access to the Council Chamber is via the Members' Entrance.

Yours faithfully

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

Neil Turner BSc (Hons) MSc  
**Director of Transformation & Resources**

## To: Members of Planning Committee

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



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## AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of Previous Meeting 1 - 2
4. Planning Applications 3 - 70



**PLANNING COMMITTEE**

**12 MARCH 2018**

**PRESENT:**

Councillors Marshall (Chairman), Powell (Vice-Chair), Awty, Mrs Baker, Bamborough, Mrs Barnett, Cox, Drinkwater, Mrs Evans, Miss Hassall, Matthews, Pritchard, Miss Shepherd, Mrs Stanhope MBE, Strachan and A Yeates

**8 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Mrs Allsopp, Mrs Bacon and Humphreys.

**9 DECLARATIONS OF INTEREST**

Councillor Marshall (Chairman) declared a personal interest in application no. 17/01604/FUL- Applicant is known to him.

Councillor Awty declared a personal interest in application no. 17/01604/FUL – He is a Lichfield District Council representative on the Cannock Chase AONB joint committee who have made representations.

Councillor Drinkwater declared a personal interest in application no. 17/01707/FUL – Applicant's neighbour is known to him.

**10 MINUTES OF PREVIOUS MEETING**

Subject to the amendment to Councillor Mrs Evans declared interest, the Minutes of the Meeting held on 12 February 2018 previously circulated were taken as read, approved as a correct record and signed by the Chairman.

**11 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 17/01379/OUTM, 17/01604/FUL, 17/01707/FUL and 17/01789/FUL.

**17/01379/OUTM - ERECTION OF UP TO 25. NO DWELLINGS (OUTLINE: ACCESS)  
LAND AT THE SHRUBBERY, ELFORD  
FOR MR G HODGETTS**

**RESOLVED:** That planning permission be approved subject to the conditions contained in the report of the Director of Place and Community and the applicant first entering into a S106 Agreement to secure contributions/planning obligations towards:

1. 37% affordable housing;
2. The formation of a maintenance management company to maintain the open space, community areas and un-adopted roads; and
3. Woodland Management Plan.

(PRIOR TO CONSIDERATION OF THE APPLICATION, REPRESENTATIONS WERE MADE BY MR ANDREW PAYNE (OBJECTOR), COUNCILLOR A WHITE (WARD COUNCILLOR) AND MRS JANET HODSON (APPLICANT'S AGENT))

**17/01604/FUL - ERECTION OF A 2 BEDROOM DETACHED DWELLING AND SINGLE DETACHED GARAGE WITH ASSOCIATED WORKS  
LAND TO THE NORTH OF SUNNY CORNER, UPPER WAY, UPPER LONGDON,  
RUGELEY, STAFFORDSHIRE  
FOR MR AND MRS BLAKE**

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

**17/01707/FUL – ERECTION OF NO1 THREE BEDROOM DWELLNGHOUSE  
77A RUGELEY ROAD, BURNTWOOD  
FOR MR L MCMULKIN**

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

**17/01789/FUL - ERECTION OF A 4 BEDROOM DETACHED DWELLING AND ASSOCIATED WORKS  
LAND ADJACENT TO 1 ANGLESEY ROAD, LICHFIELD  
FOR MR G POUNTNEY**

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

(The Meeting closed at 7.38 pm)

CHAIRMAN

9 April 2018

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), saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015) and an adopted Neighbourhood Plan for the relevant area.
- 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**

**9 April 2018**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
17/01352/FULM	Land Off Cannock Road Chase Terrace Burntwood	Burntwood
17/01445/FUL	Land Adjacent Samuel Johnson Community Hospital Trent Valley Road Lichfield	Lichfield

### **ITEM B**

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

#### **CONTENTS**

17/01132/FULM	Land At Birmingham Road (Friarsgate) Lichfield	Lichfield
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# LOCATION PLAN

17/01352/FULM  
Land Off Cannock Road  
Chase Terrace  
Burntwood

Scale: 1:1,250

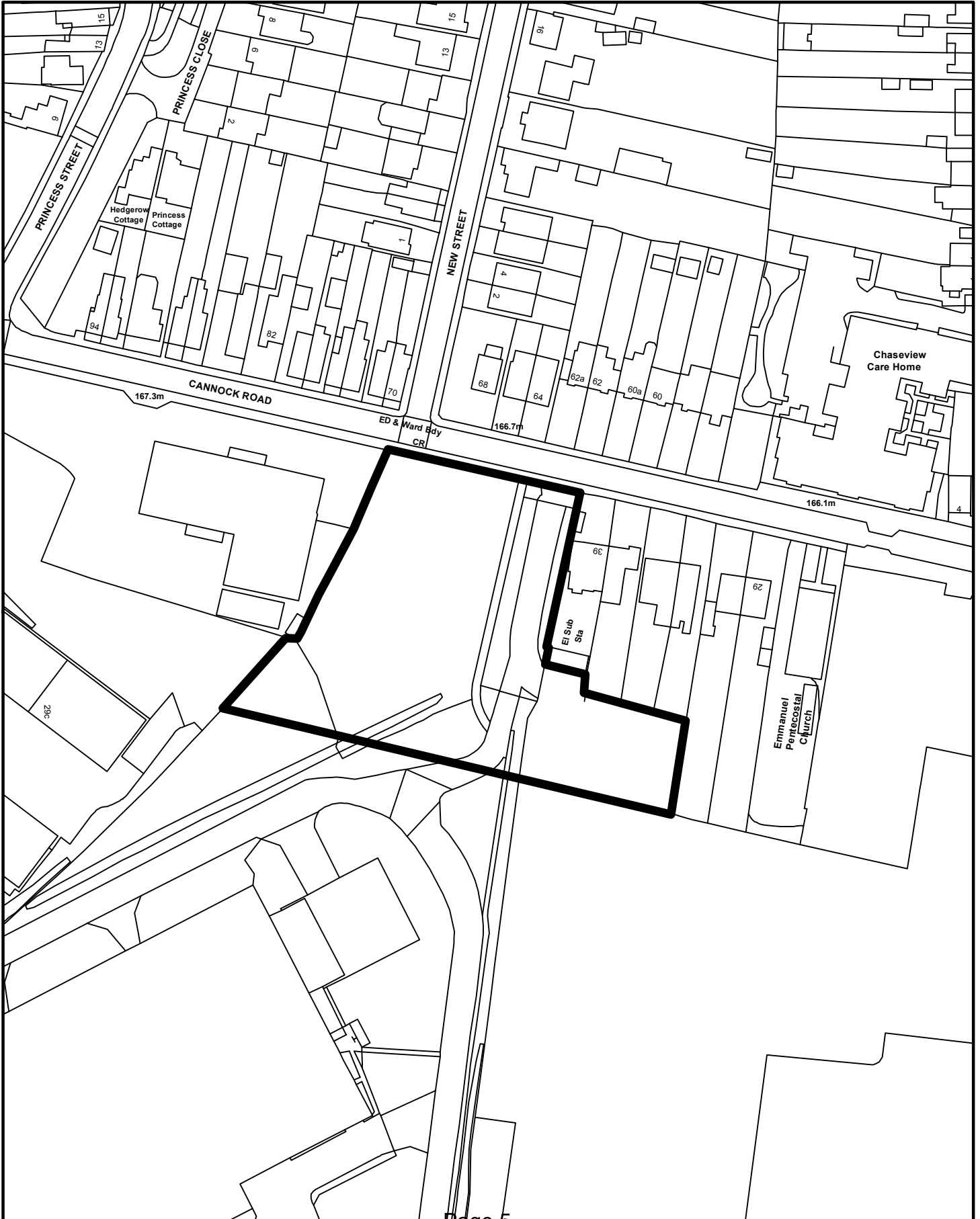
Dated: April 2018

Drawn By:

Drawing No:



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# BLOCK PLAN

17/01352/FULM  
Land Off Cannock Road  
Chase Terrace  
Burntwood

Scale:

Dated:  
April 2018

Drawn By:

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## 17/01352/FULM

**ERECTION OF 14NO ONE BEDROOM APARTMENTS, 8NO TWO BEDROOM DWELLINGHOUSES, 5NO THREE BEDROOM DWELLINGHOUSES AND ASSOCIATED WORKS  
LAND OFF CANNOCK ROAD, CHASE TERRACE, BURNTWOOD, STAFFORDSHIRE  
FOR: BROMFORD DEVELOPMENTS LIMITED  
Registered on 23/10/2017**

**Parish: Burntwood**

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

- The site is allocated within the emerging Local Plan Allocations as a site that can accommodate approximately 17 dwellings within the plan period (the proposal is for 27).
- Insufficient parking.
- Highway issues.
- Loss of a public right of way leading to Morrisons.

**RECOMMENDATION: Subject to the owners/applicants first entering into a S106 legal agreement, under the Town and Country Planning Act (as amended) to secure contributions/planning obligations towards:-**

- 1. Primary education; and**
- 2. Cannock Chase Special Area of Conservation.**

**Approve, subject to the following conditions:**

**CONDITIONS:**

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

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

3. Before the development hereby approved is commenced, a drainage plan detailing the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority. The drainage details shall include the surface water drainage and outfall for the parking and turning areas. The approved drainage scheme shall be carried out in accordance with the approved details before the dwellings are first occupied, and thereafter retained as such for the life of the development.
4. Before the development hereby approved is commenced, a scheme for protecting the proposed dwellings from noise from the adjacent commercial units shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of noise protection shall thereafter be implemented before the development is first brought into use and shall be the subject of a validation report which shall be submitted to and approved in writing by the Local Planning Authority prior to the development being first brought into use. The validation report shall ensure that all noise issues on the site have been adequately addressed prior to the development being first brought into use. The approved measures shall thereafter be maintained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

5. Before the development hereby approved, including any demolition works is commenced, a Construction Vehicle Management Plan (CVMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall include:
  - A site compound with associated temporary buildings
  - Arrangement for the parking of site operatives and visitors,
  - Times of deliveries including loading and unloading of plant and materials,
  - Storage of plant and materials used in constructing the development,
  - Construction hours,
  - Wheel wash facilities
6. Notwithstanding the details shown on the approved Site Plan ref 201635-11G, before the development hereby approved is commenced, full details of the height, type and position of all site and plot boundary walls, retaining walls, fences and other means of enclosure to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details before the dwellings hereby approved are first occupied.
7. 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.

**All other CONDITIONS to be complied with:**

8. Notwithstanding the details shown on the approved plan, before the development hereby approved is first occupied, details of adequate, secure (and weatherproof) cycle parking, 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 first use of any of the units, and thereafter retained as such for the life of the development.
9. Before the development hereby approved is first occupied, the new access from Cannock Road indicated on the approved Site Plan ref 201635-11G shall be completed within the limits of the public highway. The access shall thereafter be retained as such the life of the development.
10. Before the development hereby approved is first occupied, the access road, parking areas and turning areas indicated on the approved Site Plan ref 201635-11G shall be completed and surfaced in a porous bound material with the individual parking bays clearly delineated, which shall thereafter be retained for resident parking only for the life of the development.
11. The development hereby approved shall be undertaken in accordance with all methods of working detailed within the Preliminary Ecological Appraisal prepared by Middlemarch Environmental (dated January 2017) and letter prepared by Middlemarch Environmental (dated 26<sup>th</sup> January 2018).
12. The approved Landscaping Plan ref ADL203-C shall be implemented within eight months of the development being first occupied. Any trees or shrubs planted or retained in accordance with the approved Landscaping Plan ref ADL203-C 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.

13. Any tree, hedge or shrub planted as part of the approved Landscaping Plan ref ADL203-C shall be supplied either root balled or container grown.

**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 that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem, in accordance with Policy BE1 of the Local Plan Strategy and National Planning Policy Framework.
4. To safeguard the amenities of future residents, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy.
5. In the interests of highway safety in accordance with the requirements of Core Policy 14 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
6. To ensure that the satisfactory appearance of the development and to safeguard the character and appearance of the area, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy.
7. To ensure the satisfactory appearance of development in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
8. In the interests of highway safety, in accordance with Core Policies 3 and 5, Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework.
9. 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.
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. In order to safeguard the ecological intent of the site in accordance with Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
12. 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.
13. 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.

## 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 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions 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.
4. Severn Trent Water advises that there is a public sewer located within the site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. The applicant is advised to contact Severn Trent Water in regards to the development.
5. Condition 9 requiring off-site highway works will require a Highway Works Agreement with Staffordshire County Council. The applicant is required to contact Staffordshire County Council in order to secure the Agreement. The link below to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin the process well in advance of any works taking place in order to meet any potential timescales.  
<https://www.staffordshire.gov.uk/transport/staffshigh3ways/highwayscontrol/HighwaysWorkAgreements.aspx>.
6. This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highway Act 1980. Please contact Staffordshire County Council to ensure that all approvals and agreements are secured before commencement of works.
7. Please note that prior to access being constructed for plots 17-20 the applicant shall 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 Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, Stafford, Staffordshire, ST16 2DH. (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk))  
<http://www.staffordshire.gov.uk/transport/staffshighways/licenses>

## **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 ST1 – Sustainable Travel  
Policy ST2 – Parking Provision  
Policy H1 – A Balanced Housing Market  
Policy H2 – Provision of Affordable Homes  
Policy NR3 – Biodiversity  
Policy NR4 – Trees, Woodland & Hedgerows  
Policy NR7 – Cannock Chase Special Area of Conservation  
Policy BE1 – High Quality Development  
Policy Burntwood 4 – Burntwood Housing

### **Supplementary Planning Document**

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

### **RELEVANT PLANNING HISTORY**

No relevant planning history.

### **CONSULTATIONS**

**Burntwood Town Council** – Object on the following grounds:

- The site is allocated within the emerging Local Plan Allocations as a site that can accommodate approximately 17 dwellings within the plan period (the proposal is for 27).
- Insufficient parking.
- Highway issues.
- Loss of a public right of way leading to Morrisons. (24.11.2017)

**Spatial Planning and Delivery** – No policy objections to the principle of development on this site. The site is located within the emerging Local Plan Allocations as a site that can accommodate approximately 17 dwellings within the plan period. The applicant has submitted evidence to demonstrate why the site has not come forward for employment use and therefore meets the requirement of paragraph 22 of the NPPF. (13.12.2018)

**Housing Manager** - Full support is given to this application which will deliver both supported and affordable homes in a very sustainable area. The development offers 14 self-contained apartments which will be available through Bromford's 'My Place' scheme to individuals with learning disabilities or mental health needs. A community hub will be part of the 'My Place' scheme which will be available to the wider community. The homes will be delivered by Bromford Housing. Bromford is one of the Councils long standing preferred development partners; they own the largest amount of rented properties in the district and have a good track record of local housing management. The affordable homes will comprise of 8 ' 2 bed houses and 5 ' 3 bed houses for social rent.

Overall, this scheme will greatly improve housing, care and support services available to people with a learning disability or mental health need in the district as well as provide much needed general needs rented homes creating a sustainable community. (14.11.2017)

**Environmental Health** – No objection subject to a condition for a noise attenuation scheme to be submitted. (19.03.2018)

**Tree Officer** – No objection stated but the following concerns are outstanding:

1. Tree Provision - Compared to the earlier landscaping layout this represents a worsening of the proposal, as the earlier proposal showed 27 specimen trees planted and this provides 24. The tree provision in car parking area to the front of plot 22-29 has particularly altered and it is noted that trees are now removed from the side of plot 22 and are lost from the rear of plot 21.
2. Species Selection – Sycamore tree should be placed away from a seating area because of the likelihood of aphids using this as a host and the associated problems with sticky honeydew on the surfaces beneath as a result. Rowan should be substituted as experience has shown that it does not establish well and has a shortened life expectancy in the district. It is noted that the inclusion of native hedgerow, and this is welcomed. However, viburnum opulus should be substituted in the mix because of the presence of viburnum beetle in the district which can reduce the amenity value of this species.
3. Stock – It is recommended that trees are supplied either root balled or container grown. This is because there is a greater chance of successful establishment on the light, free draining sandy soils that occur across most of the district.
4. Maintenance - If consent is granted it is recommended that landscaping conditions are applied for 5 years. (02.03.2018)

Previous Comment: Overall tree canopy cover of 20% for this development should be targeted as given in the Council's SPDs. This means that a range of tree sizes, species and the provision of large canopy trees should be included within the landscape proposal, in accordance with policy NR4 'sufficient space within developments must be reserved for the planting and sustainable growth of large trees'.

The proposed drainage strategy conflicts with some of the proposed landscaping. The boundaries with the commercial areas should be strengthened with the provision of native hedgerows in addition to tree planting.

A plan showing the location of site accommodation, temporary parking, storage and mixing areas will be required. Protective fencing should be shown on this plan, and it is recommended for completeness and clarity that this plan also includes the temporary tree protection for retained trees and hedges. If any landscape areas are specified for site accommodation etc detailed remediation measures must be included within the landscaping proposals.

Two hedgerows are to be retained along the boundary of the development. If screening/softening is important between new and established residences then it may be preferable to remove the hedgerows and replace them with scattered tree planting. This is because a tree preservation order could be applied to individual or groups of new trees, controlling their retention, whereas they cannot be applied to hedgerows.

A group of retained trees is shown close to the proposed apartments. Unfortunately the tree survey did not give details of the crown size, location etc of individual trees within this group and therefore it is difficult to interpret how much of this group will need to be removed. (10.01.2018)

Previous Comment: An objection on tree protection grounds. Despite there being few trees and hedges on the site the applicant has supplied a tree report to the required standard and its findings are agreed. The report was undertaken as a pre-development survey with a view to informing on the constraints the trees posed. The drawing for consideration (Dwg 11c) as a layout does not seem to reference any of the trees noted in the report. As such there is no information to inform us as to whether these trees and hedges are to be removed or retained, and if the latter how the protection will work. As some of these trees are on 3rd party land this is reasonably important. Additionally, if the proposal moves forward a much more detailed and comprehensive landscaping plan will be required and the applicant is advised to consider LDC's SPD. There should be at least 30% canopy cover at year 30 and particular attention will be paid to soil volumes when this is assessed. (31.10.2017)

**Ecology** – The quantitative data submitted is sufficient to provide assurance to the LPA that the current development scheme as described by the “Biodiversity Impact Calculator and letter from

Middlemarch is unlikely to result in a net-loss to biodiversity value and as such is deemed to conform to the guidance of paragraphs 9, 109 and the requirements of paragraph 118 of the NPPF 2012. All recommendations contained within the Preliminary Ecological Appraisal and letter from Middlemarch Environmental should be conditioned as part of any planning permission granted. In addition to the Ecology Team's comments detailed above the applicant is advised to consult the Biodiversity and Development Supplementary Planning Document (SPD) and take account of all advice detailed within where it may relate to their application. (20.03.2018)

The Ecology Team currently does not have enough information in respect of the impacts to biodiversity to be able to provide an adequate response to enable the LPA to make a planning decision. Whilst we welcome the submission of ecological surveys, during pre-application discussions the applicants were advised that a quantitative biodiversity metric must be submitted as part of the planning application to demonstrate both no-net-loss and an achievable and measurable net-gain to biodiversity value. It is a requirement that a quantitative assessment of the sites value (both at present and post development) be undertaken and submitted as part of the current planning application prior to any planning decision being made. (16.11.2017)

**Staffordshire County Council (Highways)** – No objections subject to conditions to require the submission of a Construction Vehicle Management Plan, submission details of cycle storage to be provided and to require the access, parking and manoeuvring areas to be completed prior to first occupation. (21.03.2018)

Object to the scheme due to insufficient information in regards to visibility splays, swept paths for large refuse vehicles, adopted highway, evidence to provide reduced parking provision, cycle storage, lighting column blocking path at plot 18 and appendix C of the Transport Statement being incorrect. (16.11.2017)

**Severn Trent Water** – No objection subject to a condition to require the submission of drainage plans and implementation of the approved drainage scheme. (07.11.2017)

**Waste Management** – General requirements in relation to waste management are outlined. It is the preference of the waste team that they would be indemnified to use the private drive to enable them to make collections. (30.10.2017)

**School Organisation Team** – The development falls within the catchments of Ridgeway Primary School and Erasmus Darwin Academy. The development is scheduled to provide 13 dwellings. Excluding the 13 RSL dwellings from secondary only, a development of 13 houses including RSLs could add 3 primary school aged children. All schools are projected to be full for the foreseeable future. An education contribution for 3 Primary School places (3 x £11,031 = £3,093 is sought). Secondary contributions are not sought from RSL housing. (13.11.2017)

**Urban Design Manager** – Brick walls are now shown along the side of unit 21 and the side and rear of unit 22 but once in the site all the boundaries are close boarded fence including some on gravel boards which is not desirable in publically visible areas. There is also a closeboarded fence on gravel boards at the rear of the site with a total height of 3.3m. There should be some planting or landscaping to soften the otherwise visually dominating boundary.

No amended elevations have been submitted despite previous requests that plots 17-21 should each have a chimney to provide a greater level of articulation and interest. Windows and materials details can be required by condition and this should include the windows being recessed as far as possible into the reveals, again to provide some relief and articulation into the elevation. (15.03.2018)

Previous Comments: There are a few modifications that could be made to improve the appearance of the scheme. In terms of boundary treatments, close boarded fence should not be used in publically visible areas so an alternative boundary should be used at the front of the site, to the sides and rear

of plots 20 & 21, to the side of the apartments to the side of plot 22 and to the rear of 22-25 and to the edge of the site.

Plots 17-21 should each have a chimney to provide a greater level of articulation and interest. Windows should be recessed as far as possible into the reveals, again to provide some relief and articulation into the elevation. In terms of facing materials stone cills and lintels are acceptable but there should not be a stone band around the top of the plinth.

A central downpipe between 17/18 and 19/20 would help to highlight the vertical emphasis. This would also benefit the units at the rear numbers 22-29. (30.11.2017)

**Architectural Liaison Officer** – No objection to the proposal. (15.11.2017)

**Staffordshire Historic Environment Officer** – No comment received.

**Cadent Gas Limited** – No comment received.

**Central Networks** – No comment received.

**National Grid** – No comment received.

### **LETTERS OF REPRESENTATION**

5 letters of representation have been received from neighbouring residents. The comments raised are summarised as follows:

- Footpath to Morrisons should be retained
- Existing open view over site
- Concern over type of residents who will occupy the new development
- Highway and local facilities are already very crowded
- Impact on sewer system including existing odour
- Risk of flooding
- Disruption during construction
- Inappropriate development
- Reduction in house value
- Where does the education contribution come from

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### **OBSERVATIONS**

#### **Site and Location**

The application site comprises a part greenfield, part brownfield site of 0.526 hectares located on Cannock Road, Burntwood. The site is irregular in shape with no structures of note. The majority of the site comprises a grassed area.

The site sits within a mixed use area with existing residential development to the north and east. The eastern section of the site includes an area of hardstanding that connects the site to a large brownfield site to the south east. This adjacent brownfield site has recently received consent for a retail development under application reference 16/01379/FULM. This south east section of the site is also within the Burntwood Town Centre boundary. To the west is the Acorn Kia garage and a number of other commercial premises.

Vehicular and pedestrian access will be from the north of the site via Cannock Road. At present a footpath runs through the site connecting Cannock Road to the land to the south. The footpath is not



an adopted Public Right of Way and there are signs along the route to emphasise that the footpath is used at the landowner's discretion. A large easement runs through the site from north to south.

## **Proposals**

Planning permission is sought for the development of 14 no. My Place apartments falling within Use Class C2 (residential institution), and 13 affordable dwellings. The 13no. affordable dwellings consist of 8no. 2 bedroom properties and 5no. 3 bedroom properties. The 5no. three bedroom properties are located towards the front of the site. 4no. of these properties are located towards the western edge of the site as semi-detached properties and 1no. property is located towards the eastern edge of the site as a detached property. Each of these dwellings has 2no. car parking spaces.

The 14 no. My Place apartments are provided in a single block with a supporting communal resource unit, located in the south west corner of the site. The My Place accommodation is designed to meet the needs of individuals with learning disabilities or mental health needs and is a type of accommodation identified by Bromford working in partnership with Lichfield District Council. Further details on this were provided under Appendix 1 of the Planning Statement submitted as part of the application. The My Place community hub provides a lounge, meeting room and kitchen to provide a social area for residents living within the scheme. It will also provide a facility to deliver training, employment advice and activities to both customers and the wider community. 8no. car parking spaces are provided to serve the My Place apartments.

Towards to south of the site are located 8 no. affordable properties and the My Place apartments. These are accessed from a new vehicular and pedestrian access point taken from Cannock Road to the north. The 8no. 2 bedroom dwellings are located in the south east corner of the site and are arranged in two development blocks comprising four sets of semi-detached properties. The properties front onto a private access drive that provides access to each property's car parking spaces. These properties are served by 12 car parking spaces.

Each affordable property benefits from a garden. The My Place area has large areas of communal space surrounding it. New landscaping is proposed adjacent to the Cannock Road and towards the southern edge of the site. New tree planting will also be provided throughout the site.

## **Determining Issues**

1. Policy and Principle of Development
2. Design and Appearance
3. Residential Amenity
4. Access and Highway Safety
5. Trees and Landscaping
6. Biodiversity
7. Flood Risk and Drainage
8. Other Issues
9. Human Rights

### **1. Policy and Principle of Development**

- 1.1. The site lies within the settlement boundary of Burntwood. The principle of development within existing settlements is supported by the NPPF and by Core Policy 2 of the Local Plan Strategy.
- 1.2. Paragraph 22 of the NPPF states that "where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities". The applicant has submitted

evidence, produced by LCP Properties within appendix 2 of the Planning Statement, to demonstrate why the site has not come forward for employment use and therefore meets the requirement of paragraph 22 of the NPPF.

- 1.3. Policy Burntwood 4 identifies Burntwood as playing an important role in accommodating new housing with approximately 13% of the District's housing growth to 2029 taking place here. Policy Burntwood 4 as well as Core Policy 1 seek to prioritise the development of existing brownfields sites, and the application site, is in part, previously developed land.
- 1.4. The majority of the site is also identified within the emerging Local Plan Allocations as a site that can accommodate approximately 17 dwellings within the plan period. The concerns of Burntwood Town Council are noted regarding the increase of dwellings on the site from 17 to 27, however, the site is slightly larger than the allocation and the density of the scheme (discussed later) would not be out of keeping with the locality.
- 1.5. Policy H1 states that there should be a mix of dwelling types and that the Council will actively promote the delivery of smaller properties including two and three bed houses, as well as the delivery of supported housing, to increase local housing choice and contribute to the development of mixed and sustainable communities. Policy H2 of the Local Plan Strategy states that the District Council "will normally require at least 65% of the affordable housing on the site to be social rented managed by a registered provider. The affordable homes will comprise of 8 no. 2 bed houses and 5 no. 3 bed houses for social rent therefore providing 100% social rent managed affordable homes on the site. Furthermore 14 no. supported living apartments will be provided on site. It has been identified that there is a need for such a type of property. Therefore it is considered that the development would accord with Policies H1 and H2 of the Local Plan Strategy.
- 1.6. Given the above, it is considered that the principle of this development in this sustainable location, would be acceptable and comply with the requirements of the Development Plan, subject to compliance with other relevant planning policies 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'. Policy BE1 of the Local Plan Strategy requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views.
- 2.2. The layout is influenced by the sewer easement which runs through the site from north to south. The access road and parking/manoeuvring area follow the easement through the site, with the My Place apartments and units 17-21 located to the west of the easement and units 22-29 located to the east of the easement. The development will have a density of 51 dwellings per hectare, which is typical of the local area.
- 2.3. The site has its principal frontage to Cannock Road and the layout has been designed to have new dwellings fronting directly onto the street frontage with an offset access road, located over the 10m wide drainage easement, which enters the site between units 20 and 21. The site access road to the My Place apartments and the other 8 dwellings is a 5.5m wide carriageway with 2m footpaths either side. This access road is terminated with a full hammerhead for refuse, emergency and service vehicle turning including access to the existing electricity substation, on the eastern side of the site, to the rear of no.39 Cannock

Road. As part of the application process there were discussions regarding the width of the access road and the need for two footpaths to be provided. It was explored as to whether this could instead provide additional visitor parking. However, due to parking space size standards, it was not possible to accommodate further visitor parking in the scheme within the pathway space available. With regards to the additional hardstanding to the front of unit 21, it is acknowledged by the Highways department that this relationship is not ideal; however, it would be difficult to stop up this area of adopted highway due to the presence of underground services.

- 2.4. The My Place apartments sit within an area of open space with an associated sitting area, cycle parking, shed, drying area, bin storage and parking to the front. The apartment block would contain 15 units and extend 38.7m in width, 16.7m in depth and 8m in height. The front and rear elevations both include set back areas of the façade which break up the massing of the building. The front (south) elevation includes three gables with the central gable of a smaller size. Entrance doors would be on the south west, south east and north west elevations. The use of a dark red multi facing brick, with a contrasting light red brick on the main gables and entrance gable, a blue brick plinth, stone string course and cills, with a dark grey flats concrete interlocking tile roof, creates an attractive building, which complements the local neighbourhood. Internally the apartments consist of a central staircase when entering through the main door on the front elevation and then a hallway running laterally to provide access to each unit. Unit 1 located on the ground floor consists of an admin office, admin bedroom, wet room, community hub, admin kitchen and admin living area. The remaining 14 units (6 on the ground floor and 8 on the first floor) consist of a kitchen/living area, wet room and bedroom and are intended for 1 person to live in.
- 2.5. With the exception of plot 21 to the eastern side of the access road, all the houses are predominantly delivered in semi-detached format which matches with the development of the existing dwellings opposite and adjacent to the site. All the houses are two storey in height, with simple 35 degree pitched roofs, which responds to the surrounding context. Each dwelling also includes a canopy above the front door.
- 2.6. In terms of dwelling design 3 house types are proposed. Plots 17 to 21 are house type 1. These plots are also located to the front of the site and each pair extends 10.2m in width, 8.4m in depth and 8.25m in height. Internally there is a lounge, kitchen/dining space and WC on the ground floor and 3 bedrooms, a bathroom and a storage room on the first floor. Externally each semi-detached dwelling has three windows and a door on the front elevation and three windows and a set of French doors on the rear elevation. Both side elevations are blank.
- 2.7. Plots 22 and 23 to the rear of the site are house type 2 and accommodate the side elevation facing onto the road running through the site. These plots are located to the rear of the site and each pair extends 8.8m in depth, 8.5m in width and 8.3m in height. Each dwelling consists of a kitchen/dining area, lounge, WC and storage cupboards on the ground floor and two bedrooms and a bathroom on the first floor. Externally there will be three windows and a door on the front elevation and three windows and a set of French doors on the rear elevation of each semi-detached dwelling. The side elevation facing the road would consist of six windows and the other side elevation would consist of two windows.
- 2.8. Plots 24 to 29 also to the rear of the site are house type 3. These plots are located to the rear of the site and each pair extends 8.8m in depth, 8.5m in width and 8.3m in height. Each dwelling consists of a kitchen/dining area, lounge and storage cupboards on the ground floor and two bedrooms and a bathroom on the first floor. Each dwelling consists of a kitchen/dining area, lounge, WC and storage cupboards on the ground floor and two bedrooms and a bathroom on the first floor. Externally there will be three windows and a door on the front elevation and three windows and a set of French doors on the rear elevation of

each semi-detached dwelling. Each side elevation would consist of two small non-principal windows.

- 2.9. With regards to proposed facing materials the external walls will be a mixture of Weinderbeger Tabasco Red Multi, Weinerberger Tuscan Red Multi and Weinerberger Staffordshire Smooth Blue. The elevations will also include re-constituted stone string, heads and cills in Amber Reconstituted Stone in Bath (colour). The roof material will be concrete interlocking roof tiles in Russell Grampian Slate Grey. uPVC windows, fascias and soffits will be in white, uPVC rainwater goods will be in black and composite/aluminium doors will be light grey for MyPlace and black for the dwellings. There were be a condition to require samples to be submitted for approval.
- 2.10. With regards to boundary treatments there will be low level planting around the frontage dwellings onto Cannock Road, which will return along the access road and clearly delineate the site boundary and the public/private domains. Exposed side and rear fencing and the enclosure on the building line to the houses and the 'My Place' apartments will be 1.8m close boarded fencing except for the boundary of units 20 and 21 which will be brick wall. It was requested that the boundary of units 22-25 should also be a brick wall; however, the sewer easement prevents this from being possible. The fencing along the full length of the western and southern boundary will be 3m close board timber fence in accordance with the recommendations of the noise impact assessment. The gables fences to plots 20 and 21 along the access road and in front of the 'My Place' boundary will have a landscaping zone as indicated which will create a green edge. Rear garden fences between dwellings will be 1.8m close board fence.
- 2.11. The Urban Design Manager was consulted on the scheme and stated that few amendments could be made to the scheme to improve the appearance but did make suggestions regarding chimneys and downpipes. The applicant responded to state that they saw the use of non-functional chimneys as inappropriate and that there was also a preference to use two downpipes rather than the recommendation for a single downpipe to be used per pair of semi-detached dwellings. The Urban Design Manager recommended that the stone band around the My Place apartments be removed; however, the applicant insisted that this feature added to the architectural quality of the proposal. When taking the strengths of the scheme as a whole the proposal is considered to comply with part 7 of the NPPF requiring a good level of design to be achieved.
- 2.12. Consequently, it is considered that the dwelling will fit satisfactorily into the street scene and not have a detrimental impact on the character of the surrounding area. 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 within its Appendix A.
- 3.2 The document advises that there should be a minimum of 10m distance between principle habitable room windows at first floor and the private amenity space of neighbouring residential property. In addition it also advises in order to avoid any undue overbearing effect in terms of outlook where one dwelling faces the side of a neighbouring property and where there are no facing windows, there should be a minimum 13m separation distance.

- 3.3 The separation distances between new dwellings facing Cannock Road and the existing residential dwellings sitting opposite exceeds the guideline of 21m. There is a distance of 8.4m between plot 21 and no.39 Cannock Road adjacent, however, there are no principal windows on the side elevations of either property and this separation distance is therefore acceptable. Although neighbour comments regarding the existing open view from the existing residential dwellings opposite are noted, this is a part brownfield site within the settlement boundary and it is not considered that development in this proximity is out of keeping or would have a detrimental impact on these existing occupiers.
- 3.4 In terms of levels of amenity within the development the My Place apartments are located to the rear of all surrounding dwellings. The minimum separation distance between the first floor of the My Place apartments and private amenity space of plots 17 and 18 is 8m, however, the relationship is at an oblique angle, and as such is considered acceptable. In all other circumstances the guideline of 10m is met or exceeded. Future occupiers of plots 17 and 18 will be aware of the relationship with the My Place apartments prior to occupation and it is not considered that this would have a detrimental impact.
- 3.5 There is a minimum distance of 20.8m between plots 22-25 and plots 26-29. Although this sits slightly below the 21m guideline within the Sustainable Design SPD this also overlooks front gardens, footpath, parking spaces and the private drive and considering this relationship the slight under provision is not considered to have a detrimental impact on the amenity of these dwellings.
- 3.6 The Sustainable Design SPD states that there should be a minimum provision of amenity space of 45m<sup>2</sup> for a two bedroom dwelling and 65m<sup>2</sup> for a three bedroom dwelling. This requirement is met for the three bedroom dwellings and all but one of the 2 bedroom dwellings. Plot 22 sits slightly under the guideline at between 44.1m<sup>2</sup>, however, this undersupply is not considered to have an impact on the amenity of these future occupiers.
- 3.1 Consequently, the proposal is considered to provide an acceptable standard of living for future and existing residents of the locality. As such the development would accord with the Sustainable Design SPD, Local Plan Strategy and the NPPF in this regard.

#### 4 Access and Highway Safety

- 4.1 Staffordshire County Council Highways department consider the proposal to be acceptable and have no objection to the scheme. Although Burntwood Town Council and neighbour concerns regarding increased traffic are noted, it is the view of Staffordshire County Council Highways department that the scheme is acceptable and safe access can be achieved subject to a number of conditions to secure the submission of a Construction Vehicle Management Plan, submission details of cycle storage to be provided and to require the access, parking and manoeuvring areas to be completed prior to first occupation.
- 4.2 With regards to the proposed level of parking, the Council's off street car parking standards are defined within Appendix C of the Sustainable Design SPD. 1 and 2 bedroom dwellings should provide 1no off-street vehicle parking space with an additional 1no visitor space per every 3 dwellings. For residential institutions there is a requirement for 1no off-street vehicle parking space for visitors, 1no space per 4 beds for visitors and two spaces for emergency vehicles/services. The concerns of Burntwood Town Council and neighbours regarding parking provision are noted, however, the applicant submitted evidence to demonstrate that a reduced number of parking spaces were appropriate for the 'My Place apartments'. This evidence was found to be acceptable by Staffordshire County Council Highways and no objections were raised.

- 4.3 Neighbour comments regarding concerns over disruption during construction are noted and there will be a condition to require the submission of a Construction Method Statement in order to limit the impact in the local area during this period.
- 4.4 Burntwood Town Council and neighbour comments regarding the loss of a public right of way through the site are noted. However, a pedestrian route through the site is not an adopted Public Right of Way and the land is private property to which the landowner provides permission to the public to cross. There are currently signs along the route to emphasise that the footpath is used at the landowner's discretion. This will have no impact on existing or future resident's pedestrian routes to the Town Centre and other facilities to the east, however, it will increase the pedestrian distance to Morrisons from the north from approximately 345m to 635m. This additional 290m would equate to an additional 3 minutes walk, which is considered to be a minimal increase and not to be detrimental to existing or future residents.
- 4.5 Therefore, it is considered that, subject to conditions, the proposal accords with the development plan and the NPPF with regard to safe access/egress, parking provision and pedestrian access.

## 5 Trees and Landscaping

- 5.1 The site is not located within a Conservation Area and there are no trees of note existing on the site. A Pre-Development Arboricultural Survey was submitted as part of the application and was found to be acceptable by the Council's Arboriculture Officer.
- 5.2 In regards to landscaping, a Landscaping Plan has been provided as part of the application. The Council's Tree Officer was consulted and had no objection to the Landscaping Plan. However, recommendations were made by the tree officer. The applicant has responded to many of these recommendations. There are now 24 trees provided on the site rather than 27, however, the applicant advises that planting where additional trees were previously provided is unachievable due to the presence of electricity cabling at the rear of plot 21 and a required sewer easements that prevents tree planting to the side of plot 22. The recommendations regarding species selection have been noted and a revised schedule of species has been submitted accordingly. The applicant noted the recommendations of the tree officer regarding the stock of the trees specified, and confirmed that a condition to secure this would be acceptable.
- 5.3 With regards to the maintenance of landscaping there will be a landscaping condition applied to ensure the landscaping scheme is implemented within 8 months of first occupation and then maintained for a further 5 years. Therefore, it is considered that, subject to conditions, the proposal accords with the Local Plan Strategy and the Trees, Landscape and Development Supplementary Planning Document in this regard.

## 6 Biodiversity

- 6.1 Policy NR3 of the Local Plan Strategy states that a net gain to biodiversity should be delivered through all developments. The Ecology Team considers that the quantitative data submitted is sufficient to provide assurance to the LPA that the current development scheme as described by the "Biodiversity Impact Calculator and letter from Middlemarch is unlikely to result in a net-loss to biodiversity value and as such is deemed to conform to the guidance of paragraphs 9, 109 and the requirements of paragraph 118 of the NPPF 2012.
- 6.2 A condition has been recommended to ensure that all recommendations contained within the Preliminary Ecological Appraisal and further information from Middlemarch Environmental are included as part of any planning permission granted. Therefore, subject to condition, it is

considered to comply with the requirements of the Local Plan Strategy and the Biodiversity and Development Supplementary Planning Document.

## 7 Flood Risk and Drainage

- 7.1 Local resident comments regarding flooding are noted, however, the site is located within Flood Zone 1 and therefore has a low probability of flooding. Further comments were received and noted regarding drainage and sewerage, however, Severn Trent Water are satisfied that the proposal is acceptable subject to a condition to require the submission of drainage plans and implementation of the approved drainage scheme. Therefore the development would comply with the requirements of the Local Plan Strategy in this regard.

## 8 Other Issues

- 8.1 The development falls within the catchments of Ridgeway Primary School and Erasmus Darwin Academy. The development is scheduled to provide 13 dwellings. Excluding the 13 RSL dwellings from secondary only, a development of 13 houses including RSLs could add 3 primary school aged children. All schools are projected to be full for the foreseeable future. An education contribution for 3 Primary School places ( $3 \times \text{£}11,031 = \text{£}3,093$ ) is sought. Secondary contributions are not sought from RSL housing. This contribution will be secured via section 106 agreement. Therefore the development would comply with the requirements of the Local Plan Strategy and the Developer Contributions Supplementary Planning Document in this regard.
- 8.2 Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within a 15km radius of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC unless or until satisfactory avoidance and/or mitigation measures have been secured. The Council has adopted guidance on 10 March 2015 acknowledging a 15km zone of influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. As the proposal lies within the 8km buffer of the Cannock Chase SAC, a financial contribution is payable.
- 8.3 This contribution will be secured via section 106 agreement. Therefore the development would comply with the requirements of the Local Plan Strategy and the Developer Contributions Supplementary Planning Document in this regard.
- 8.4 The Council's Supplementary Planning Document Developer Contributions details the council's CIL requirements for development. The applicant has submitted with the application a completed CIL form and it is confirmed that this is not a type of development identified as liable for CIL within the CIL Charging Schedule.
- 8.5 A Noise Impact Assessment was submitted as part of the application and the scheme includes provision for an acoustic fence to the western and southern boundaries. Environmental Health were consulted and had no objections to the scheme or the findings of the Noise Impact Assessment subject to the recommending of a condition to secure a Noise Attenuation Scheme. Therefore the proposal is considered to comply with the requirements of the Local Plan Strategy in this regard.
- 8.6 Neighbour concerns regarding disruption during construction, and the reduction in house value are noted, however, these are not considered to be material in the determination of this application.

## 9 Human Rights

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

### Conclusion

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals. With reference to this scheme, economically the development will provide a small scale development project. Environmentally, the development would be of high quality design and not have a detrimental impact upon the street scene. The scheme has also been found to be acceptable in biodiversity terms. Socially, the development would create much needed affordable dwellings where there is a national shortage. These dwellings are located within a defined sustainable settlement boundary and would not have a detrimental impact upon the residential amenity of neighbouring properties. In terms of design and layout it is considered that proposals are appropriate within the constraints of the site. Weighing the material weight attributable to each consideration, for the reasons set out above, it is considered that the proposals which provide much needed affordable housing in a sustainable location, accord with the Development Plan and NPPF.

Therefore it is recommended that subject to conditions and the applicants entering into a section 106 agreement, as discussed above, this application be approved.



# LOCATION PLAN

17/01445/FUL  
Land Adjacent Samuel Johnson  
Community Hospital  
Trent Valley Road

Scale: 1:1,250

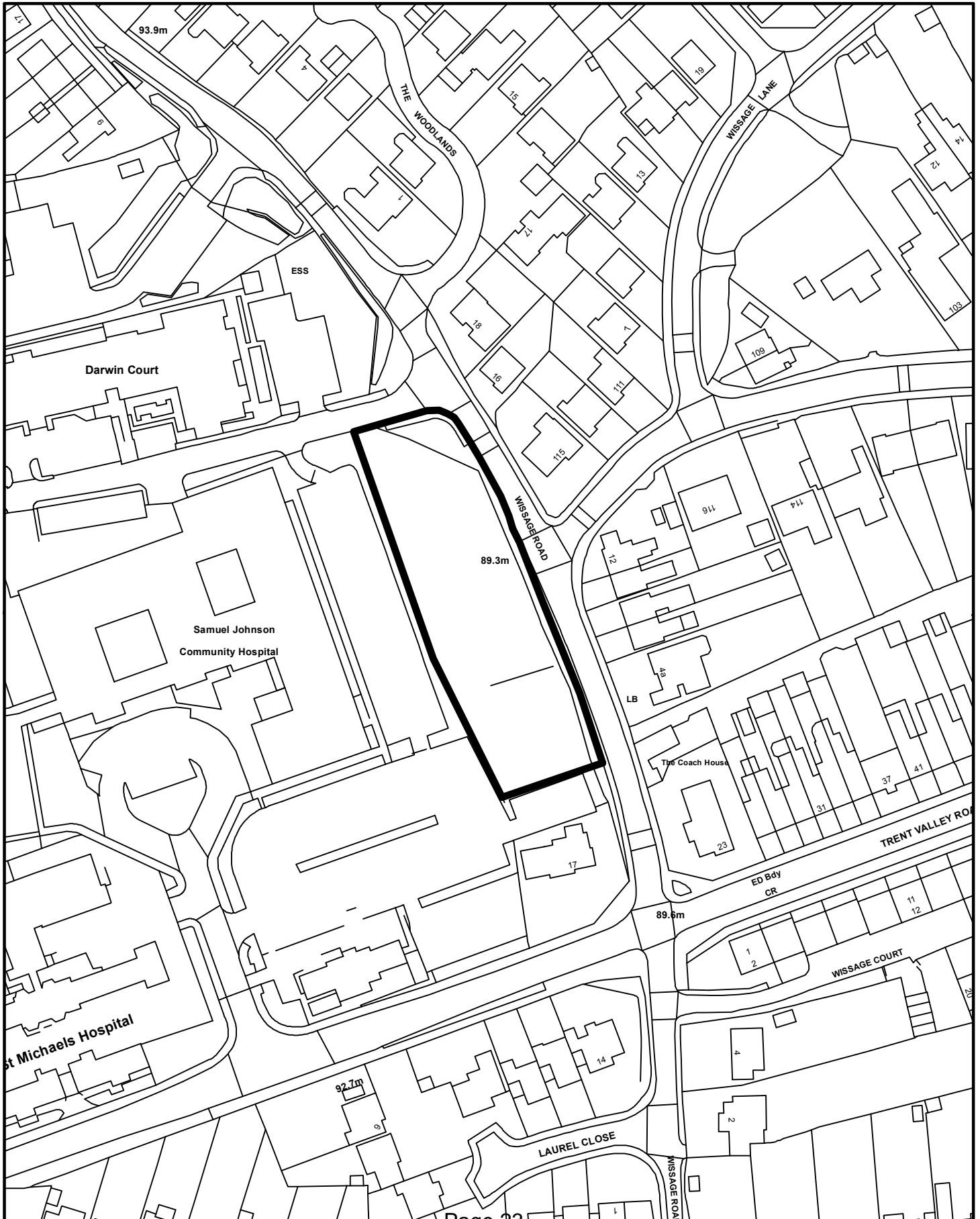
Dated: April 2018

Drawn By:

Drawing No:



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# BLOCK PLAN

17/01445/FUL  
Land Adjacent Samuel Johnson  
Community Hospital  
Trent Valley Road

Scale:

Dated:

April 2018

Drawn By:

Drawing No:



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REVISIONS		
C	09/02/18	Minor revisions in accordance with LPA/consultants comments.
B	15/10/17	Layout revised in accordance with LPA comments.
A	4/10/17	Existing trees updated.

neil boddisson associates ltd

architecture planning land

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## 17/01445/FUL

### ERECTION OF 4NO FOUR BEDROOM AND 4NO THREE BEDROOM DWELLING HOUSES AND ASSOCIATED WORKS

LAND ADJACENT SAMUEL JOHNSON COMMUNITY HOSPITAL

TRENT VALLEY ROAD, LICHFIELD, WS13 6EF

FOR MR I JONES

Registered on: 18/09/17

**Parish:** Lichfield

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

- Increase in traffic congestion at the junction with Wissage Road/Trent Valley Road; and
- Dangerous access/egress onto a narrow busy road.

**RECOMMENDATION:** Approve, subject to the following conditions, and there being no material planning objections received by the 16<sup>th</sup> April 2018 following the serving of a Certificate B ownership certificate:

#### 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 of all external fenestration and doors consisting of sections at a minimum scale of 1:10 and elevations at 1:20 including all materials and exterior finishes. Sections should show depth of recess into reveal;
  - iv) Full details of all eaves and verge detailing;
  - v) Full details of the height, type and position of all boundary treatments including walls, fences and gates to be erected on the site;
  - vi) Full details of all visible external fixtures and fittings including, but not restricted to flues, vents, lights, alarms, satellite dishes and antennae; and
  - vii) Full details of rainwater goods including rainwater ducts, their materials and siting and design.

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

4. Before the development hereby approved is commenced, full details of the surface and foul water drainage, and outfall from the driveway areas to prevent surface water discharging onto public highway, 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 hereby approved is commenced, details of the new footway on the west side of Wissage Road, shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be a minimum width of 2m and shall be provided prior to the first occupation of the dwellings hereby approved and thereafter be retained for the life of the development.
6. Before the development hereby approved is commenced, a watering regime for the standard trees to be planted as detailed in "Landscape Proposals" Dwg 2 rev A, shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the agreed scheme of works.
7. 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.
8. Before the development hereby approved is commenced, a scheme of noise attenuation measures designed to protect the approved dwellings from noise nuisance shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of noise attenuation measures shall thereafter be installed prior to first use of the development and shall be retained as such for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

**All other CONDITIONS:**

9. Prior to commencement, facilitation tree removal and pruning works shall be undertaken in accordance with Dwg 1 rev B (Existing trees - design constraints)". No additional pruning, root pruning or tree removal of on or off-site trees shall be undertaken without the prior written consent of the Local Planning Authority.
10. Before the development hereby approved is commenced temporary protective fencing and ground protection shall be installed prior to the commencement of any works on site as given in "existing trees (design constraints)" Dwg 1 rev B and maintained throughout the period of construction. No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas. The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed.
11. The construction of retaining features to the front of plot 8 and the new footpath shall be undertaken in accordance with Dwg 2 Rev A (Landscape proposals) and shall be retained as such for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.
12. The access to the parking area/ driveways shall be constructed with a gradient not exceeding 1 in 10 for the first 4.5m rear of the highway boundary.
13. Before the first occupation of any of the dwellings hereby approved, the new site accesses shall be completed within the limits of the public highway as vehicular dropped crossings, material and thereafter be maintained for the life of the development.
14. Before the first occupation of any of the dwellings hereby approved, the parking areas/driveways, shown on approved plan 30766 Rev B shall be provided and completed in a

bound porous material and shall thereafter be retained for resident parking/access only for the life of the development.

15. Any tree, hedge or plant planted as part of the approved landscape and planting scheme on the site which dies or is lost through any cause during a period of 5 years from the date of first planting shall be replaced in the next planting season with others of a similar size and species, unless otherwise first agreed in writing by the Local Planning Authority.
16. Notwithstanding the provisions of Class A, Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015; or any Order revoking or re-enacting that Order, no gates, walls, fences or other means of enclosure (except for those approved by this permission) shall be erected within the curtilage of the dwellings unless planning permission has first been granted by the Local Planning Authority.
17. Notwithstanding the provisions of Classes A, B, D and E of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting that Order, the dwellings hereby permitted, shall not be altered or extended and no buildings or structures shall be erected within the curtilage of the new dwellings, unless planning permission has first been granted by the Local Planning Authority.
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, unless specifically agreed pursuant to other conditions of this permission, no external lighting shall be provided within the application site, without the prior permission of the Local Planning Authority.
19. The garage accommodation hereby approved shall be used for the garaging of private vehicles and/or for ancillary domestic storage purposes only and shall not be used to provide additional living accommodation 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 National Planning Practice Guidance.
3. To ensure the satisfactory appearance of the development and to safeguard the character of the surrounding area, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, and the National Planning Policy Framework.
4. To minimise the risk of pollution and to ensure that sustainability and environmental objectives are met, in accordance with provisions of Core Policy 3, and Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework.
5. In the interests of highway safety and in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
6. To ensure the longevity of the landscaping scheme and to safeguard the character and appearance of the area, in accordance with the provisions of Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework

7. In order to 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 safeguard the amenities of the occupiers of the residential properties, in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework.
9. To ensure the satisfactory appearance of the development, in accordance with the provisions of Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.
10. To ensure that no existing trees or hedgerows within the site which contribute towards the character of the area are damaged during the construction process, in accordance with the provisions of Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.
11. To safeguard any existing trees, in accordance with the provisions of Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.
12. In the interests of highway safety and in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
13. In the interests of highway safety and in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
14. In the interests of highway safety and in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
15. To ensure that any initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with Policy BE1 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document, and the National Planning Policy Framework.
16. To safeguard the appearance of the development, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
17. To safeguard the appearance of the development, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
18. To safeguard the appearance of the development, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
19. In the interests of highway safety and to ensure a satisfactory level of parking is maintained in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy 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 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 £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. 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](mailto:nmu@staffordshire.gov.uk))<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>
4. The applicant is advised to note and act upon as necessary the comments of the Council's Customer Relations and Performance Manager specific to Waste Services as detailed within the memo dated 21<sup>st</sup> December 2017.
5. The applicant is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer dated 10<sup>th</sup> January 2018. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
6. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016. A CIL charge will apply to all relevant applications determined on or after the 13th June 2016. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).
7. During the course of the application, the Council has sought amendments to the proposals to ensure a sustainable form of development which complies with the provisions of paragraphs 186-187 or the NPPF.

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## **PLANNING POLICY**

### **Government Guidance**

National Planning Policy Framework

National Planning Practice Guidance

### **Local Plan Strategy**

Core Policy 1 - The Spatial Strategy

Core Policy 2 - Presumption in Favour of Sustainable Development

Core Policy 3 - Delivering Sustainable Development

Core Policy 4 - Delivering our Infrastructure

Core Policy 5 - Sustainable Transport

Core Policy 6 - Housing Delivery  
Core Policy 10 - Healthy & Safe Lifestyles  
Core Policy 13 - Our Natural Resources  
Policy SC1 - Sustainability Standards for Development  
Policy IP1 - Supporting & Providing our Infrastructure  
Policy ST1 - Sustainable Travel  
Policy ST2 – Parking Provision.  
Policy H1 - A Balanced Housing Market  
Policy H2 - Provision of Affordable Homes  
Policy HSC1 - Open Space Standards  
Policy HSC2 - Playing Pitch & Sport Facility Standards  
Policy NR3 - Biodiversity, Protected Species & their Habitats  
Policy NR4 - Trees, Woodlands & Hedgerows  
Policy NR5 - Natural and Historic Landscapes  
Policy NR6 - Linked Habitat Corridors & Multi-functional Greenspaces  
Policy NR7 - Cannock Chase Special Area of Conservation  
Policy BE1 - High Quality Development  
Policy Lich1 – Lichfield Environment  
Policy Lich4 – Lichfield Housing

### **Supplementary Planning Documents**

Sustainable Design  
Biodiversity and Development  
Trees, Landscaping and Development  
Local Plan Allocations (Draft)

### **Other**

Staffordshire and Stoke on Trent Joint Waste Local Plan  
Staffordshire Residential Design Guide (2000)  
Lichfield City Neighbourhood Plan (Emerging)

### **RELEVANT PLANNING HISTORY**

15/00152/FULM - Erection of 13 no. three storey town houses, formation of new vehicular access from Wissage Road and associated works – Refused – 30/04/15 – Dismissed on Appeal 03/12/15

08/01234/OUTM - Construction of 27 extra care apartments and associated works – Refused – 30/01/09

#### Other:

15/01246/ADV - Retention of 37 various signs relating to car park management – Approved - 26.01.2016

08/00809/OUTM - Demolition of existing buildings and construction of care home and associated works – Refused – 23/01/09

07/00932/OUTM - Demolition of existing buildings and construction of care home and associated works – Withdrawn – 05/11/07

05/00226/REMM - Construction of community hospital and associated works – Approved – 17/05/05

02/00625/OUT & 02/00626/LBC - Demolition of some buildings and new build community hospital (including siting and means of access) and housing (including means of access) – Approved – 11/02/05



## **CONSULTATIONS**

**Lichfield City Council** – Object. The development would increase traffic congestion at the junction with Wissage Road/Trent Valley Road. Dangerous access/egress onto a narrow busy road (12/10/17 & 15/01/18).

**Conservation & Urban Design** – No objection. The proposed layout has been amended to show 4 driveways which allow a greater amount of the hedgerow to be replaced. The houses have been grouped into 3 pairs and two singles which breaks up the regimented appearance. The streetscene shows the replanted hedge at very low level. The hedge that was removed was much higher and this would help to soften the impact of the new development. The landscaping, including the hedgerow should be conditioned (03/01/18).

Previous Comments: The main concern is the 8 separate drives and regimented row of houses and garages. The houses should be paired up and the number of drives reduced to 4. This will allow more of the lost hedge to be re-planted and will give it a better chance of survival. 4 pairs of houses will have a less rigid appearance. It may be preferable to simplify the designs of the houses slightly so that the level and number of architectural features doesn't overwhelm the modest scale of the houses (02/11/18).

**Arboricultural Officer** – No objection following the submission of amended plans subject to conditions (15/02/18).

Object. Some of the requirements have been partially addressed in the amended details, however the amended submission falls substantially short of the requirements set out in the previous comments and therefore the recommendation to refuse the application remains applicable (15/01/18).

Previous comments: Object. The scheme does not sufficiently address the long-term retention of the 2 protected Silver Birch Trees. It is recommended that a greater separation is given between plot 8 and the protected trees such that the root protection area and current crown spread of the trees are respected or that plot 8 is omitted from the final design. Information is also required before determination showing the location of the site access, accommodation and storage. Insufficient consideration has been given to the impact of the off-site landscaping to the wet of the plots. Additional space and an alternative access layout is required in order to provide a meaningful hedgerow feature to be retained along the frontage of Wissage Road as part of the on-site landscaping scheme (24/10/17).

**Spatial Policy and Delivery** – The amended plans which have now been submitted shows an amended dwelling mix as proposed when the original application was submitted. The proposed mix is now 50% three-bed and 50% four bed properties. The proposals now provide a mix of dwelling sizes which is different to that sought by Policy H1 but does provide four three bed properties (27/03/18).

Previous comments: The amended plans show the same dwelling mix as proposed when the original application was submitted. As with previous comments provided it is considered that the dwelling mix does not reflect the priorities set out in the Local Plan Policy H1. The dwelling mix is different to the strategic dwelling mix sought by Policy H1 of the adopted Local Plan Strategy (15/01/18).

Previous comments: No objection. There are no objections to the principle of residential development on this site. The proposed development is consistent with the Spatial Strategy and the strategic policies with the Local Plan (with the exception of Policy H1 – dwelling mix). The site is within the sustainable settlement of Lichfield which is the focus of a significant proportion of development and is supported by National Planning Policy (23/10/17).

**Environmental Health** – No objection, however there is potential for noise impacts upon amenity from external plant and site traffic/deliveries. Therefore conditions are recommended requesting

the submission of a noise survey, and any mitigation measures identified to be agreed with the LPA and installed prior to first occupation. A 2m close boarded fence (or equivalent structure) along the western boundary with the hospital to prevent light nuisance from vehicles using the hospital grounds at night should be provided (29/01/18).

**Staffordshire County Council Highways** – No objection, subject to conditions in relation to parking/driveways, surface water drainage, construction of a new footway and site access provision (03/01/18).

**Ecology Officer** – No objection. The ecology team is satisfied that the proposed works are unlikely to negatively impact upon protected or priority species or habitats. However under Policy NR3 of the LPS a net gain to biodiversity must be incorporated into all developments. It is recommended that this net gain could be best achieved via the inclusion of a bat box or a bird box (or a bat brick, swallow cup etc.). A net-gain to biodiversity value could also be achieved through onsite habitat improvement works or the creation/planting of new habitats or features (01/11/18 & 21/12/17).

**Customer Relations & Performance Manager Joint Waste** – Each house needs to be provided with facilities for the storage of 1 wheeled refuse bin, 1 wheeled recycling bin and at least 1 wheeled garden waste (12/10/17).

Previous Comments: No Further comments to make, see previous response for our general requirements in relation to waste management (21/12/17).

**Staffordshire County Council Historic Environment** – No objection. No archaeological concerns regarding this application (24/10/17).

**Severn Trent Water** – No objection, subject to condition relating to the disposal of foul and surface water flows (24/10/17).

**Architectural Liaison Officer** – No objection (10/01/18).

### **LETTERS OF REPRESENTATION**

In total 10 letters of representation have been received from neighbouring residents. The comments raised are summarised below:

- The junction of Wissage Road and Trent Valley Road is very difficult to negotiate. The Council should ask the contractor to improve this junction as part of the agreement;
- The ingress and egress from the site is very close to the existing junctions;
- This is a bus route and traffic can be high;
- Drainage concerns - Surface water will run into Wissage Road which is already flooded when it rains. Attention should be given to improve surface water removal;
- Wissage Road should become a no parking zone at all times;
- The road surfaces on Wissage Road and Valley Lane are already very poor with pot holes and excessive wear;
- Little space in the gardens for children to play;
- Lack of privacy between the rear of houses and the hospital car park and bedrooms;
- Poor effort to landscape the front of the site;
- Inadequate access for waste bin collection;
- The double yellow lines are incomplete to the front of the development site, could these lines be completed if permission is approved?
- Concern regarding the height of the site. The documents do not show whether this feature would be reduced in keeping with the level of the road and the adjacent housing. This should be done to prevent overshadowing and reduced light.. Reducing the land levels would also reduce the overlooking of the hospitals ward windows.
- Re-scheduling of the bus services if no rerouting is possible to avoid traffic chaos;

- The plan for 8 houses is much more appropriate than the previous application and more in keeping with this residential street. The off road parking provision is also necessary on this bus route;
- The Beach hedge which is to be restored is an important feature; and
- The new houses will greatly enhance the visual amenity of the upper end of Wissage Road.

Two residents have provided no objection comments to the amended proposal, provided the consultant responses are followed and incorporated. In addition, the amended plans for 4 x 4 bedroom houses and 4 x 3 bedroom houses seem a good balance in keeping with the area.

## **OTHER BACKGROUND DOCUMENTS**

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

- Planning Statement

## **OBSERVATIONS**

### **Site and Location**

The application site is located on the western side of Wissage Road close to its junction with Trent Valley Road and opposite the junction with Valley Lane. The site is bounded by residential dwellings to the east, south and north-east; Samuel Johnson Community Hospital to the west and a residential home and school to the north with houses beyond.

The site currently comprises an area of grassland/scrubland and a group of TPO'd trees in the northern part of the site. The western part of the site has a steep slope with trees at the top of the bank within the hospital grounds. Within the site there are some hedgerows and trees.

### **Background**

In 2007 planning permission was sought for the construction of 27 extra care apartments, ref: 08/01234/OUTM, however this application was withdrawn by the applicant following a number of concerns raised by the Council in respect to design, scale, bulk and massing; substandard access to Wissage Road; insufficient information in respect to bats and breeding birds and engineering works around TPO'd trees; lack of space to provide waste collection facilities; need for greenspace on site; need for S106 Agreement; no specific information in respect to the proposed sustainable technologies. The applicant was advised that whilst some matters could be overcome, it was considered the fundamental concerns in respect to design, etc could not.

A subsequent planning application was submitted for the provision of 13 no. three storey town houses, garages and the formation of a new vehicular access from Wissage Road with associated works, ref: 15/00152/FULM . This application was refused and later dismissed on appeal on grounds of the layout, design, scale, size and siting of the development which would result in a cramped and over intensive form of development which would have been detrimental to the surrounding streetscene and character and appearance of the area. The scheme would have also resulted in the loss of a distinctive hedgerow which formed an important part of the streetscene and the development would have provided insufficient usable amenity space for future occupiers.

## **PROPOSAL**

Permission is sought, via a full application, for the erection of 8 detached dwellings with associated detached garages. The dwellings are proposed to be open market 4 no. 3 bedroom properties and 4 no. 4 bedroom properties. Four new vehicular access points are proposed to access the site from

Wissage Road each serving two dwellings each. Two car parking spaces will be provided for each dwelling, along with a garage parking space and associated turning head.

There are 2 types of property proposed across the 8 plots. All dwellings are proposed to be erected as detached buildings and be two storey in height, with certain characteristics, such as gable features to the front elevations and porches (discussed below in the design section of this report), uniformly replicated across the properties. Each dwelling will have its own private rear amenity space.

## Determining Issues

- 1) Policy and Principle of Development
- 2) Housing Mix
- 3) Design and Impact upon the Character and Appearance of the Surrounding Area
- 4) Residential Amenity
- 5) Landscaping, Trees and Open Space
- 6) Highways Issues
- 7) Ecology
- 8) Other Issues
- 9) Human Rights

### 1. Policy and Principle of Development

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

housing land supply within Lichfield District. 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.

- 1.7 The Lichfield District Local Plan Strategy was adopted on 17 February 2015 and now forms part of the Development Plan. The spatial strategy for the District, set out in Core Policy 1 includes development focused within the District's sustainable settlements. Core Policy 6 further supports the focus of development on key urban and key rural centres, with Lichfield City considered as the most sustainable settlement in the District.
- 1.8 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.
- 1.9 Policy Lichfield 4: Lichfield Housing notes that approximately 32% of the Districts housing growth (approx 2775 dwellings) will be provided within Lichfield City during the plan period. The site is located within the development boundary for Lichfield City, with links to the existing urban area and is located in close proximity to a number of facilities.
- 1.10 The Lichfield City Neighbourhood Plan was examined by an Inspector and proceeded to referendum subject to a number of modifications. The referendum took place on 22 February 2018. At the time of preparing the report the plan has not been made by the Council (scheduled for 17<sup>th</sup> April 2018), however significant weight can be attributed to it in making planning decisions. Notwithstanding this it does not contain any policies relevant to this residential development.
- 1.11 Given the above policy considerations, it is concluded that the principle of development for the provision of dwelling houses in this location is acceptable, subject to meeting the requirements of other relevant development policies, as 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, originally sought consent to deliver 8 no 4 bed homes, which did not reflect the priorities as set out in Policy H1 with regard to the need for smaller dwellings. As such, the proposal, in this regard, did not comply with the requirements of the Development Plan. Through negotiations, the applicant now seeks to deliver 4 no. 4 bed homes and 4 no. 3 bed homes. The Council is of the view that in this instance, given the smaller scale of development that a suitable mix to accord with Policy H1 would be difficult to achieve given the site area could result in an over intensive development. In addition it is noted that Policy H1 does not have a minimum threshold. Consequently a 50/50 mix of 3 and 4 bedroom homes is considered a betterment and would be acceptable and assist in providing a choice of quality housing.

## 3. Design and Impact upon the Character and Appearance of the Surrounding Area

- 3.1 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”*.
- 3.2 The NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area’s defining characteristics, it states that developments should:
- function well and add to the overall quality of the area;
  - establish a strong sense of place;
  - respond to local character and history, and reflect local surroundings and materials;
  - create safe and accessible environments; and
  - be visually attractive as a result of good architecture and appropriate landscaping.
- 3.3 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”*.
- 3.4 The proposed dwellings, as described above, are all two storey structures. Wissage Road, which would provide the site frontage and access, comprises mainly 2 storey dwellings with traditional houses with a low density pattern of development between Valley Lane and Trent Valley Road; more modern dwellings in the middle section to the north of Valley Lane; and older dwellings to the northern end of Wissage Road.
- 3.5 Wissage Road is one of the historic roads within Lichfield and was formerly a more rural road which provided substantial hedgerows and trees along both sides. Immediately to the north of the site, is the Care Home, a recent modern construction. The mass of the dwellings proposed, in terms of footprint, are also broadly comparable to neighbouring properties, and as such, the scheme in terms of scale is considered acceptable.
- 3.6 Surrounding dwellings opposite are 1990s built and the dwellings are proposed to replicate architectural detail evidenced within the surrounding area which are of traditional form and appearance. The overall design is considered acceptable. Exact details of the material palette proposed for use within the construction of the development is recommended to be secured via the use of an appropriately worded condition.
- 3.7 To ensure that the appearance of the dwelling remains of a high quality, it is recommended that permitted development rights for extensions and outbuildings be removed via condition.
- 3.8 With regards to boundary treatment, to the eastern boundary, hedgerows are proposed to be reinstated in-between the driveways. To the northern boundary of plot 8 a new wall will be constructed to allow for footpath construction without damage to the root zone of the trees to the most northern corner of the site. Details of other boundary treatments within the site, are to be secured by condition to ensure that they are appropriate to their setting.
- 3.9 The proposed dwellings have an approximate ground floor area of 60sqm with associated garages having a floor area of approximately 37sqm each. This results in 28% of the site being used for built form. The proposed density would equate to approximately 29 dwellings per hectare which would be marginally greater than the density of the immediate neighbouring plots which equates to approximately 25 dwellings per hectare. The proposed density is not significantly greater than the existing so as to harm the area. Consequently it is considered that such a development relates well to the immediate area.

3.10 Overall, the architectural style of the dwellings and boundary treatments within the site are appropriate to their environment and as such, will successfully assimilate within the surrounding street scene. The layout of the site is considered to be acceptable and therefore subject to conditions in respect of the above, the proposal complies with the requirements of the Development Plan and the NPPF in regard to design.

#### 4. Residential Amenity

4.1 The Sustainable Design Supplementary Planning Document sets out a minimum distance to which facing habitable windows should be separated. These indicate that dwellings should not have habitable windows facing each other at a distance of less than 21m. If there is an intervening screen (i.e. fence or wall) the distance between ground floor facing windows can be reduced to 15 metres and 13 metres in the case of bungalows. The 8 dwellings proposed all have principle windows within their front and rear elevations, with only a single en-suite window within the first floor side (north) elevations.

4.2 With regards to the windows within the rear elevations of the proposed dwellings, these look towards the hospital car parks, therefore demonstrate no impact on privacy. The windows within the front elevations which face towards the properties on Wissens Road, also demonstrate a separation distance in excess of the stipulated 21m. As such the scheme raises no direct overlooking concerns.

4.3 The SPD provides guidance on suitable garden sizes commensurate with the needs of future occupants, advising that for 4 bedroom dwellings this should be 65 square metres. The comments of residents received in respect of the dwellings having small garden spaces are noted, however all of the gardens within the scheme are far in excess of this requirement ranging from 65sqm to 74sqm.

4.4 The development complies with the Council's adopted Supplementary Planning Documents, the Development Plan and NPPF as the scheme will not lead to a loss of amenity to existing or future residents.

#### 5. Landscaping, Trees and Open Space

5.1 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. Prior to the submission of this application a Beech Hedgerow which ran the full length of the site frontage with Wissens Road had been removed. This was a prominent feature of this section of Wissens Road. As part of this scheme it is proposed to reinstate the lost hedgerow in between the driveways. From reducing the amount of driveways from 8 to 4 means that there is a better chance of the hedgerow establishing and having a more positive visual impact in the streetscene.

5.2 It is noted that land levels in the site vary, with them becoming lower towards Wissens Road. The site will be excavated to reduce the land by approximately 1m, so that it is level with Wissens Road.

5.3 The rear of the site (west) marks the site boundary shared with the hospital car park. As part of the approved landscaping scheme for the hospital the narrow strip of land to the rear of the car parking spaces with the boundary has been planted with a hedgerow and line of trees. Any proposals on the current site for fencing will need to provide a sufficient separation distance between the landscape hedgerow and new fencing to ensure the continuance of this feature.

- 5.4 In order to alleviate any conflict between the new dwellings and this rear boundary hedgerow, PD rights have been removed via condition. This landscaping strip serves to soften the appearance of the car park and the hospital building itself and, as the trees mature they will become increasingly visible in the locality. This off site landscaping will also aid in providing privacy to properties from the car park and the hospital buildings, increasing further the need to retain these features for the future.
- 5.5 To the northern corner of the site lies an area of trees, many of which are TPO'd. These are shown to be retained through this proposal. During the course of the application the agent has provided details to enable the Arboricultural Officer to make an assessment of the scheme, including details of the retaining wall. Tree protection details are recommended to ensure the retention of these trees during building works. These recommendations have been endorsed by the Council's Arboriculturalist and are considered reasonable and necessary and as such, are recommended to be secured via condition.
- 5.6 A landscaping scheme for the site has been submitted. The proposed hedgerow and trees to the eastern boundary, are considered appropriate to help screen the proposal and also reinstate a previously lost landscape feature. Further planting will aid to ensure that the development successfully assimilates into the character of the area, a full landscaping scheme is recommended to be secured via condition. Subject to this the scheme accords with the Development Plan in this regard.

## 6. Highways Issues

- 6.1 The dwellings would be served via four new vehicular access points from Wissage Road. The scheme as originally submitted, sought the construction of 8 vehicular access points, each serving one dwelling. It is noted that many of the objections raised by neighbours and the City Council to the site regarding this proposal are specific to highway matters. However, the suitability of the proposed access arrangements has been considered by the Highways Authority, who consider it acceptable and to accord with relevant planning guidance, subject to various conditions.
- 6.2 Comments from residents in relation to junction improvements at Wissage Road and Trent Valley Road, along with poor existing road conditions, and the suggestion of introducing double yellow lines cannot be conditioned through this permission as they would fall under the jurisdiction of Staffordshire County Council Highways. Likewise the Local Planning Authority are unable to reschedule or re-route bus services.
- 6.3 The Council's Supplementary Planning Document Sustainable Design, advises that for a four bedroom dwelling there should a maximum off street car parking provision of 2 spaces per dwelling. Across the site it is proposed to provide 2 spaces per dwelling, in addition to a separate detached single garage. As such, there is an overprovision of parking proposed. Therefore the scheme accords with the Development Plan and National Planning Policy Framework in this regard.

## 7. Ecology

- 7.1 The Council's Ecologist has considered the scheme and concludes that they are satisfied that the proposed works are unlikely to negatively impact upon protected or priority species or habitats.
- 7.2 Local Plan Strategy Policy NR3 requires that a net gain to biodiversity should be delivered through all development. This will be achieved in this case through the installation of a bat or bird box within the application site. A condition to secure the installation of a suitable bat/bird box is proposed. The net gain in biodiversity value derived by this provision will be given due weight as required by Paragraph 118 of the NPPF. Accordingly the proposal complies with the requirements of Development Plan and NPPF in this regard.



- 7.3 The agreed strategy for the Cannock Chase SAC is set out in Policy NR7 of the Council's Local Plan Strategy, which requires that before development is permitted, it must be demonstrated that in itself or in combination with other development it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC having regard to avoidance or mitigation measures. In particular, dwellings within a 15km radius of any boundary of Cannock Chase SAC will be deemed to have an adverse impact on the SAC unless or until satisfactory avoidance and/or mitigation measures have been secured.
- 7.4 Subsequent to the adoption of the Local Plan Strategy, the Council adopted further guidance on 10 March 2015, acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. This site lies within the 8 - 15 km zone and as such is not directly liable to SAC payment.

## 8. Other Issues

- 8.1 The comments of residents in relation to surface water are noted. No specific details of the foul drainage scheme for this development have been provided. This matter can however be resolved through a condition, as recommended. Overall therefore, it is considered that the flood risk and foul drainage issues within this site can be adequately addressed and as such, the proposals would comply with development plan policies and the NPPF in relation to flood risk and drainage.
- 8.2 Paragraph 128 of the NPPF places a duty on Local Planning Authorities to *"require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance"*.
- 8.3 The County Council's Archaeologist has advised that the Historic Environmental Record (HER) identifies the proposal site as being located within the site of the 19<sup>th</sup> century Lichfield Workhouse and Infirmary. The proposal is located away from the core areas of the workhouse and infirmary. Furthermore the site is located within the Historic Urban Character Area (HUCA) 28, but this HUCA has been identified as having an overall low potential for encountering archaeological remains. Therefore the scheme accords with the Development Plan and National Planning Policy Framework in this regard.
- 8.4 The Council's Supplementary Planning Document Developer Contributions details the Council's CIL requirements for development. The document identifies that this site is located within the higher levy charging area for residential development and as such will have a fee calculated at £55 per square metre. The fee is calculated using internal measurements and is applicable to all floors of any new dwelling. The applicant has submitted with the application a completed CIL form. An informative noting the need to resolve CIL payment for this development would be attached to any permission.
- 8.5 As the land to which this application relates is not in the current ownership of the applicant, the applicant has submitted Certificate B in relation to the land ownership. A period of 21 days needs to be served upon the land owner by the applicant prior to a decision being issued. A decision therefore cannot be issued until the 16<sup>th</sup> April 2018.

## 9 Human Rights

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

potential interference here has been fully considered within the report and on balance is justified and proportionate in relation to the provisions of the policies of the Development Plan and National Policy in the NPPF.

## **Conclusion**

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

With regard to the specifics of design and layout, the application provides a scheme, which will integrate successfully into the existing local character and context and provides sufficient information to demonstrate that a high quality development will be achieved. Economically the development will facilitate a moderate size development project and introduce additional residents to the area to aid in supporting local facilities and businesses. Socially, the development, subject to conditions, will offer a suitable site for future occupants, whilst not significantly impacting upon the reasonable amenity of existing residents. Environmentally, the development of this site, will see the reinstatement of an important hedgerow. Whilst the concerns raised by the City Council and neighbouring residents are duly noted, it is considered that such concerns regarding highway safety could not justify refusal on sustainable planning grounds. Furthermore, the scheme provides a housing mix of 3 and 4 bedroom properties, which given the overall size of the site is considered acceptable in terms of Policy H1.

Consequently, the scheme is considered acceptable, and as such, it is recommended that this application be approved, subject to the reasonable and necessary conditions detailed within this report.

## **ITEM B**

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

**9 April 2018**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
17/01132/FULM	Land At Birmingham Road (Friarsgate) Lichfield	Lichfield

# LOCATION PLAN

17/01352/FULM  
Land Off Cannock Road  
Chase Terrace  
Burntwood

Scale: 1:1,750

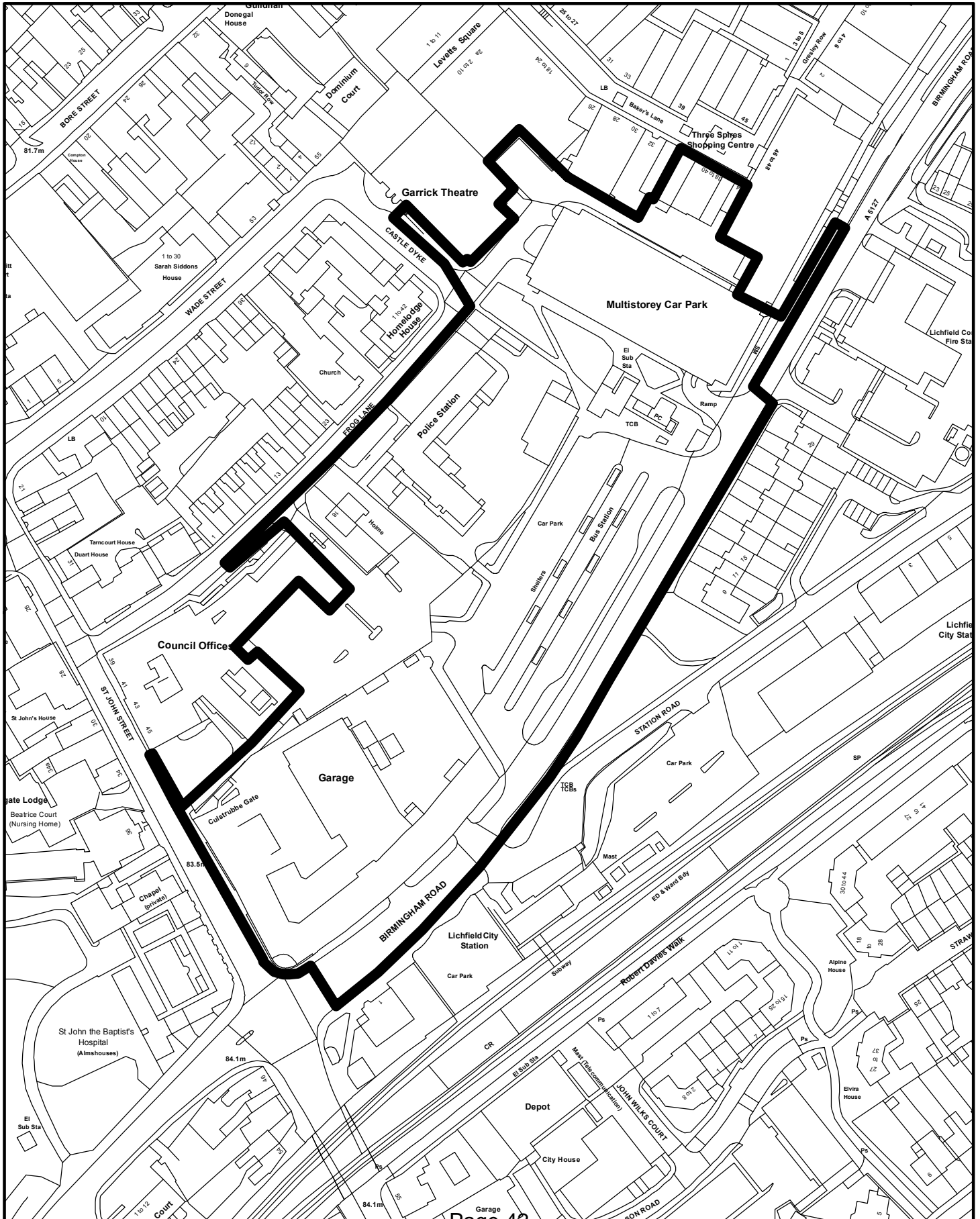
Dated: April 2018

Drawn By:

Drawing No:



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## 17/01132/FULM

**VARIATION OF CONDITION NO3 (APPROVED PLANS) OF APPLICATION 16/01294/FULM TO AMEND THE LAYOUT FOR THE PREVIOUSLY APPROVED MULTI STOREY CAR PARK, VEHICLE LANES ASSOCIATED TO THE CAR PARKING AREAS AND CAR PARKING ACCESS POINTS LAND AT, BIRMINGHAM ROAD, LICHFIELD, STAFFORDSHIRE FOR DEVELOPMENT SECURITIES (LICHFIELD) LTD**

Registered on 18/09/17

**Parish: Lichfield**

**RECOMMENDATION: Subject to the owners/applicants first entering into a Deed of Variation to transfer the approved Unilateral Undertaking attached to planning permission 16/01294/FULM, under the Town and Country Planning Act (as amended) to secure contributions/planning obligations towards:-**

- 1. Affordable housing contribution;**
- 2. Primary and secondary education contribution;**
- 3. Provision of replacement coach parking; and**
- 4. Maintenance management company.**

**Approve, subject to the following conditions:**

1. The development hereby approved shall be begun before 27<sup>th</sup> May 2019.
2. With the exception of demolition and enabling works, if within a period of 12 months from the date of issue of this permission, a start on site has not materially commenced, the applicant shall submit an updated viability assessment for the development hereby approved, which as submitted, does not include affordable housing compliant with Local Plan Strategy Policy H2. If the updated viability assessment demonstrates that the scheme is viable, a scheme for the provision of affordable housing as part of the development will be submitted to and approved in writing by the Local Planning Authority. If the updated viability assessment demonstrates that the scheme is viable then the affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex A of the National Planning Policy Framework.
3. 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:**

4. Notwithstanding the details shown in the Design and Access Statement and on the approved plans set out in condition 3, prior to the installation of the details listed below, the following details shall be submitted to and approved in writing by the Local Planning Authority for the residential and commercial phases respectively:
  - i) All external facing materials to be used in the construction of the external walls including, but not restricted to brick, stone render, concrete, metal panels, tiles and louvres;
  - ii) All exterior roof materials;
  - iii) Full details of all external fenestration and doors consisting of sections at a minimum scale of 1:10 and elevations at 1:20 including all materials and exterior finishes. Sections should show depth of recess into reveal;

- iv) Full details including a sample panel of the mortar mix, colour, gauge of jointing and pointing;
- v) Full details of the brick bond to be used;
- vi) Full details of railings;
- vii) Details of all visible external fixtures and fittings including, but not restricted to flues, vents, lights, alarms, satellite dishes and antennae;
- viii) Full details of all balconies and terraces consisting of sections at a minimum scale of 1:10 and elevations at 1:20 including all materials, colours and finishes;
- ix) Full details of rainwater goods including rainwater ducts, their materials and siting and design;
- x) Full details of all shopfronts consisting of sections at a minimum scale of 1:10 and elevations at 1:20, showing where applicable any canopies, including materials, colours and finishes; and
- xi) Full details of all external illumination.

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

5. No development hereby approved, with the exception of demolition and enabling works, shall commence until a scheme for the proposed phasing of the construction of the replacement bus station, multi-storey car park and commercial and residential phases of the development has been submitted to and approved in writing by the Local Planning Authority. The main scheme shall thereafter be commenced in phases in accordance with the approved details (or other further details as approved in writing by the Local Planning Authority) within twelve months of completion of demolition (or such other date agreed in writing by the Local Planning Authority).
6. No development hereby approved shall be undertaken within 5 metres of the Grade II Listed wall or on the land within 5 metres (including any demolition, excavation or enabling/building works) at the rear of the District Council Offices, until a detailed method of works for demolition and rebuilding has been submitted to and approved in writing by the Local Planning Authority. This shall include details of depth of excavation, means of construction for adjoining buildings or structures and the materials, including mortar mix and grade of jointing to be used. The development shall thereafter be implemented in accordance with the approved details.
7. No part of the development hereby approved that is located within 30 metres of the adjoining listed buildings shall commence until an assessment of the potential impact of excavation and construction on the structural integrity of these listed buildings has been undertaken and details of the method of excavation and construction have been submitted to and approved in writing by the Local Planning Authority. This shall include/ensure methods of construction that would seek to minimise the impact on the structural integrity of these nearby listed buildings. The development within this location shall thereafter be implemented in accordance with the approved details.
8. No development hereby approved with the exception of demolition and enabling works, shall commence until the written scheme of archaeological investigation for the residential and commercial construction phases in accordance with the approved WYG archaeological assessment report dated November 2015, within areas A to F, shall be submitted for the written approval of the Local Planning Authority. The Schemes shall provide details of the programs of archaeological monitoring and recording works to be carried out within the site, including actions as identified in the WYG report for each area and to include post-excavation reporting and appropriate publication. The Schemes shall thereafter be implemented in full in accordance with the approved details.

9. No demolition shall commence until a photographic record of the buildings within the application site has been undertaken by a suitably qualified person and a copy of the record submitted to the Local Planning Authority.
10. No development hereby approved, with the exception of demolition and enabling works, shall commence in respect of the St John Street residential phase until full details of the height, type, and position of any proposed site and plot boundary walls, retaining walls, and other means of enclosure to be erected on this phase of the site have been submitted to and approved by the Local Planning Authority.
11. No development hereby approved, with the exception of demolition and enabling works, shall commence until details of the siting and appearance of 4 bat roost and 6 bird nesting opportunities, to be installed within this site in accordance with details included in Appendix C of the Extended Phase 1 Habitat Report, have been submitted to and approved in writing by the Local Planning Authority. The approved bat or bird boxes shall thereafter be installed prior to first use of the buildings and thereafter shall be maintained in-situ for the life of the development, unless otherwise first agreed in writing by the Local Planning Authority.
12. No development hereby approved, with the exception of demolition and enabling works, shall commence until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site submitted separately for each of the phases held in condition 4 each shall be submitted to and approved, in writing, by the Local Planning Authority:
  - i) Site investigation schemes, based on the preliminary risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
  - ii) The results of the site investigations and the detailed risk assessments referred to in (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
  - iii) Verification plans providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategies in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

13. Before the construction of Residential Block 1 and Unit 8 (ground floor closest to the junction of St John Street/Birmingham Road) for commercial purposes, details of the noise insulation between Unit 8 and adjoining residential properties shall be submitted to and agreed in writing by the Local Planning Authority, which demonstrate that the noise levels between proposed unit 8 and adjoining residential properties shall not exceed 60dB DnTw. The development shall be carried out in accordance with the approved details which shall be maintained and retained until such time as the unit ceases to be used for commercial purposes.
14. i) Before the commencement of the demolition of any respective buildings on the site, a Demolition Strategy of relevance to the building/s to be demolished shall be submitted to and approved in writing by the Local Planning Authority. The Demolition Strategy shall include details to mitigate pollution during the demolition period, including details of the management and routing of demolition traffic, site fencing, details of

pedestrian routes during the demolition periods and working hours. The demolition works shall thereafter be carried out in complete accordance with the approved details.

ii) Before the commencement of any above ground construction works or construction preparatory works, a Construction Management Plan (CMP) to include details to mitigation pollution during the construction period including details of management and routing of construction traffic, site fencing, details of pedestrian routes during the construction periods, wheel washing, working hours and delivery hours etc., shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

15. No development hereby approved, with the exception of demolition and enabling works, shall commence until details of levels to demonstrate that the development is elevated above adjacent highways levels and rise from the channel of Birmingham Road to the rear of the highway boundary prior to falling into the undercroft car park shall be submitted and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
16. No development with the exception of demolition and enabling works, shall commence until details of Sustainable Urban Drainage Measures (SUDS) in respect of surface water run-off with storage provided up to the 100 year plus climate change allowance; including surface water limitation, less 20% upon existing rates, with outflows in accordance with the Sewer Capacity Assessment shall be submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing. The development shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
17. No development with the exception of demolition and enabling works shall commence until drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
18. Prior to the commencement (with the exception of demolition and enabling works) of the bus station hereby approved by drawing number RF 12-052L04E, further details of the bus station facility including bus stands and other structures in the bus station shall be submitted to and approved in writing by the Local Planning Authority and in accordance with the phasing of the whole development as agreed pursuant to condition 5. The development shall be carried out in accordance with the approved details.
19. No development with the exception of demolition and enabling works shall commence until a time schedule for deliveries and collections for the service yard adjacent to block F between midnight - 06.00 has been submitted to and approved in writing with Local Planning Authority. For the avoidance of doubt, delivery and collections to Service Yards adjacent to Castle Dyke and Birmingham Road can have unrestricted 24 hour deliveries and collections

**All other CONDITIONS to be complied with:**

- 20 No part of the development shall be occupied until details of a Management Scheme identifying the management and maintenance of the public areas of the development and the mechanisms for ensuring that the public areas are adequately managed and maintained including, where appropriate, the identity of any proposed Management Company and mechanisms for ensuring it is adequately funded, have been submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be occupied and



operated in accordance with the approved Management Scheme, unless otherwise agreed in writing by the Local Planning Authority.

21 Before the first occupation of the residential and commercial aspects of the development hereby approved, full details including materials and finishes of the following shall be submitted to and approved in writing by the Local Planning Authority for each phase to include:

- All street furniture including, but not restricted to, lighting, seating, bins, bollards, bike racks;
- All hard landscaping materials;
- All directional signage; and
- Public art.

The street furniture for each phase shall be installed prior to the first occupation of the respective phase of the development. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

22 Before the first occupation of the residential development hereby approved, a management plan which would control the external appearance of the St. John Street residential e.g. the use of the roof terraces, external stairs and satellite dishes, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be thereafter maintained in accordance with the management plan, unless first agreed in writing by the Local Planning Authority.

23 Before the first occupation of each of the commercial and residential phases hereby approved, a full detailed landscape, planting and management strategy for each commercial and residential phases shall be submitted to and approved in writing by the Local Planning Authority. The landscape and management strategy shall include:

- i) Details of tree and shrub planting, including a number of trees commensurate to the number shown on drawing nos. RF12-052SKA17 & RF12-052L07 rev E, with the position and species of such trees as shown on this plan to be agreed; and
- ii) A landscape maintenance programme, including planting methods, site preparation and planting medium, watering program, stock replacement and maintenance schedules for a period of up to 5 years.

The development, including the planting and hard landscaping works shall thereafter be implemented in accordance with the details as contained within the approved landscape planting and management strategy prior to the development being brought into use, unless otherwise agreed in writing by the Local Planning Authority.

24 No part of the commercial or residential phases of development hereby approved, shall be occupied until a Waste Management Strategy for that particular phase pursuant to condition 5 is submitted to and approved in writing by the Local Planning Authority. The Waste Management Strategy shall include details for the treatment of all waste generated by the users of the completed phase of development and all on site provision for waste storage and recycling facilities.

25 Before the first occupation of the development hereby approved, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation

criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

- 26 Before the first occupation of the commercial buildings hereby approved, details of the location, design and means of connection and operation of a system of monitored and recorded CCTV coverage for that particular phase of development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the commercial components of the development shall not be brought into use until the approved system has been constructed and is fully operational.
- 27 Before the first occupation of the development hereby approved two car parking spaces shall have the infrastructure (cabling etc) provided for future provision of Vehicle Recharging Points, in accordance with details which have been first submitted to and approved in writing by the Local Planning Authority
- 28 No part of the development hereby approved shall be brought into use until the required off-site highway improvement works, have been completed in accordance with the phasing plan of the whole development as agreed pursuant to condition 5. The off-site highway works shall include the provision of the following:
  - i) Proposed works along Birmingham Road as indicated on drawing 15052/015 Rev. B;
  - ii) Mitigation for Junction 3 and Junction 4 Gresley Row/Tamworth Street/George Lane and Birmingham Road/ Rotten Row/Greenhill: Signalised junctions and pedestrian connectivity;
  - iii) Mitigation for Junction 5 Church Street/ Tesco Site Access;
  - iv) Mitigation for Junction 6 Birmingham Road/Station Road; and,
  - v) Mitigation for Junction 7 Upper St John Street/ Birmingham Road Signalised Junction.
- 29 Before the first occupation of the commercial buildings hereby approved, a Delivery Management Plan for the maintenance and use of the proposed service areas shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
- 30 Before the first operation of the proposed bus station hereby approved, a Bus Station Management Plan for the maintenance and management of the bus station shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
- 31 Before the first occupation of the development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority which details the provision of cycle parking spaces within the site. The development shall be carried out in accordance with the approved details. The cycle parking spaces shall be available for use prior to the first occupation of the development hereby approved.
- 32 Before the first occupation of any of the residential units in Blocks 1-5, hereby approved, details of the position, demarcation and signing of allocated car parking spaces within the development shall be submitted to and approved in writing with the Local Planning Authority. The allocated car parking spaces shall thereafter be implemented in accordance with the approved details and shall be retained exclusively to provide car parking for the respective residential units for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

- 33 Within 6 weeks post completion of the shell and core works of the commercial phase, a certificate of compliance from an accredited assessor confirming that the commercial element of the scheme has achieved the required BREEAM rating of Good shall be submitted to and approved in writing by the Local Planning Authority.
- 34 Details of the provisions to be made to enable people with mobility and sensory disabilities to use the development shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. This shall include details of satisfactory means of access into and through the development. The development shall be implemented in accordance with the approved details and thereafter be so retained.
- 35 Before the installation of any of the shop frontages, a shop front design guide defining the design principles for all shop fronts, fascia signs and projecting signs including method of illumination shall be submitted to and approved in writing by the Local Planning Authority. The implementation of all shop frontages shall thereafter comply with the guidance contained within the approved design guide. Before the installation of each shop front full details of the individual proposed frontage 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 and to be retained for the lifetime of the development, unless otherwise first agreed in writing by the Local Planning Authority.
- 36 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no extensions, alterations, roof alterations permitted under Part 1 Classes A to H of the above Order shall be erected on the residential units on Frog Lane as shown on plan ref. PL(02)101, unless otherwise agreed in writing by the Local Planning Authority.
- 37 Prior to the erection of any external lighting, details of the erection and operation of any proposed external lighting submitted separately for each of the phases held in condition 5, including full details of the means of illumination and design of the lighting systems, shall be submitted to and approved in writing by the Local Planning Authority. The means of external lighting shall thereafter be implemented and installed in accordance with the approved details for each area and shall not thereafter be amended or altered without the prior written approval of the Local Planning Authority.
- 38 The construction phase shall be carried out in accordance with the 'Highly Recommended Construction Phase Mitigation Measures' detailed in Table 15 within the Air Quality Assessment (prepared by WYG and dated November 2015), unless otherwise agreed in writing by the Local Planning Authority.
- 39 The proposed unit no 8 (ground floor closest to the junction of St John Street/Birmingham Road) as shown on plan ref. PL(02)121B shall be used for uses falling within Use Class A2 or such other use as agreed in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no residential occupation of unit no. 8 is permitted unless a planning application for change in land use, is first submitted to and approved in writing by the Local Planning Authority.
- 40 The proposed unit no 8 (ground floor closest to the junction of St John Street/Birmingham Road) as shown on plan ref. PL(02)121B, shall operate between the hours of 7am to 10pm Mondays to Saturdays and 9am to 4pm on Sundays and Bank Holidays.
- 41 Prior to the installation of any external plant to serve unit no 8 (ground floor closest to the junction of St John Street/Birmingham Road) details of the siting and appearance of such plant shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

- 42 The combined noise emissions from building services plant and breakout from internal spaces within the development hereby approved should not exceed 45 dB LAeq between the evening and night-time hours of 19:00 - 07:00 or 55 dB LAeq during daytime hours of 07:00 - 19:00 at freefield locations representing facades of nearby residential properties.
- 43 The development hereby approved shall be carried out in accordance with the acoustic principles embodied in WYG Planning and Environment Report 'Job Number: A085081' Issue 1, dated 19th November 2015. No deviations shall be permitted without the prior written approval of the Local Planning Authority. In addition, the following specific conditions shall apply:
- i) Walls and floors separating commercial and residential parts of the development hereby approved shall achieve a Weighted, Standardised Sound Reduction Index (D<sub>nt</sub>W) of not less than 60dB; and
  - ii) The glazing and associated ventilation to habitable rooms forming part of the development hereby approved shall be in accordance with that described in WYG Planning and Environment report 'Job Number: A085081' Issue 1, dated 19th November 2015, or any later report approved in writing by the Local Planning Authority.
- 44 Site surface water flows shall be attenuated to slow the flows in accordance with the maximum rates noted in the STW Sewer Capacity Assessment prior to the outfall to the adopted sewer network
- 45 Concurrent with the construction of the new site access points any footway crossings on Birmingham Road, St John Street and Frog Lane, made redundant as a consequence of the proposed development, shall be permanently closed with the access crossings reinstated as footway
46. Any plant, machinery and ancillary installation to be installed on the demarcated and screened areas (as shown on approved plan PL(02)130 Revision B, or any subsequently approved amended plans) of the Commercial Units in Blocks A, B, C, E, F and T, is hereby permitted in accordance with the approved drawings, subject to the prior erection of the, to be approved, screening. Any external installation of plant or machinery outside any demarcated areas or that exceed the height of the screened areas of the Commercial Units as defined, will need to be submitted to and approved in writing by the Local Planning Authority prior to installation, unless a subsequent plant strategy is submitted to and agreed by the Local Planning Authority. The details of any plant or machinery outside demarcated areas or that exceed the approved screen height shall include the location, design, materials, and external finishes for any externally fitted plant. Thereafter, the works shall be implemented in accordance with the approved details and maintained accordingly and accord with conditions 42 and 43 of this permission.
47. Prior to the first use of any outdoor seating or table space associated with any of the commercial units within the development hereby approved, details of the siting, appearance and operational hours of such outdoor seating or table space shall be first submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

**REASONS FOR CONDITIONS:**

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

2. To ensure the provision of affordable housing in accordance with Strategic Priority 4: Infrastructure and Core Policy 6: Housing Delivery of the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
3. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Practice Guidance.
4. To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of the visual amenity of the area within which the site is located and to protect the amenity of existing and future residents, in accordance with the provisions of Core Policy 3 of the Lichfield Local Plan Strategy 2015, the Sustainable Design and Historic Environment Supplementary Planning Documents and the National Planning Policy Framework.
5. To ensure the appropriate phasing and implementation of the development hereby approved, and so that the details required to be submitted, prior to the commencement of each individual element / part of the scheme may be considered separately, so as to not unduly prevent the on-going development of the site, in accordance with the provisions of Core Policy 3 of the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
6. To protect the structural integrity of the listed structure to be retained and to ensure that the works to the section of the listed wall to be demolished and rebuilt are carried out in a manner that would be sympathetic to the historic character and appearance of the listed wall and the adjoining listed building, in accordance with the provisions of Core Policy 14 and Policy BE1 of the Lichfield Local Plan Strategy 2015, saved Policy C2 of the Lichfield District Local Plan 1998 and to protect existing heritage assets from substantial harm in accordance with the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
7. To protect the structural integrity of the adjoining listed building, in accordance with the provisions of Core Policy 14 and Policy BE1 of the Lichfield Local Plan Strategy 2015, saved Policy C2 of the Lichfield District Local Plan 1998, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
8. To safeguard any archaeological interests in accordance with the requirements of Core Policy 14 and Policy BE1 of the Lichfield Local Plan Strategy 2015, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
9. To ensure that a suitable record of the site is retained in accordance with the provisions of Core Policy 14 and Policy BE1 of the Lichfield Local Plan Strategy 2015, saved Policy C2 of the Lichfield District Local Plan 1998 and the National Planning Policy Framework.
10. To ensure the proposed walls preserve or enhance the character of the Conservation Area and respect the setting of nearby listed buildings, in accordance with Core Policy 14 and Policy BE1 of the Lichfield Local Plan Strategy 2015, saved Policy C2 of the Lichfield District Local Plan 1998, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
11. In order to safeguard the ecological interests of the site and encourage enhancements in biodiversity and habitat in accordance with Core Policies 3 and 13 and Policy NR3 of the Lichfield Local Plan Strategy 2015, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

12. To protect the water environment and to safeguard future residential amenity, in accordance with the requirements of Core Policy 3, and Policy BE1 of the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
13. To ensure the commercial use would not result in disturbance to future residents in accordance with Core Policy 3, Core Policy 5 and Core Policy 10 and Policy BE1 of the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
14. To ensure that the construction period does not give rise to pollution, which would have a significant adverse impact upon the amenities of adjacent uses and future occupants and to ensure that the construction period does not give rise to any traffic management issues related to the implementation of the proposed development in the interests of the safety and convenience of users of the highway, in accordance with Core Policies 3, 5, 10, ST1 and ST2 of the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
15. To mitigate for surface water flooding in accordance with Core Policy 3 within the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
16. To mitigate for surface water flooding in accordance with Core Policy 3 within the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
17. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Core Policy 3 and Policy BE1 of the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
18. To ensure continuity of a bus station in the town centre and to ensure highway safety and to comply with Policy ST1 of the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
19. To minimise disturbance to neighbours and future occupants of the residential blocks in accordance with Core Policy 3, Core Policy 5 and Core Policy 10 of the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
20. To ensure that the appearance of the development is maintained, in the interests of the visual amenity of the area within which the site is located. In accordance with the provisions of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
21. To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of the visual amenity of the area within which the site is located. In accordance with the provisions of Core Policy 3 and BE1 within the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
22. To ensure the development maintains a high standard of design at this key location within the Conservation Area, in accordance with the requirements of Core Policy 14 and Policy BE1 of the Lichfield Local Plan Strategy 2015, saved Policy C2 of the Lichfield District Local Plan 1998, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
23. 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 Local Plan Strategy 2015, saved Policy C2 of the Lichfield District Local Plan 1998, the Historic Environment and Trees, Landscaping and Development Supplementary Planning Documents and the National Planning Policy Framework.

24. To ensure waste is disposed of in a sustainable way taking into consideration the waste hierarchy, in accordance with Policy SC1 of the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
25. To prevent pollution of controlled waters in accordance with Core Policy 3 of the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
26. In order to limit and discourage crime and anti-social behaviour in accordance with Core Policy 3 of the Lichfield Plan Strategy 2015 and the National Planning Policy Framework.
27. To ensure that adequate provision is made for ultra-low emission vehicles should demand increase in accordance with Policies ST1 and ST2 of the Lichfield Local Plan Strategy 2015, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
28. To ensure highway safety and to comply with Policy ST1 within the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
29. To ensure the proper maintenance and management of the service yards in the interests of highway safety, in accordance with Policy ST1 of the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
30. To ensure the proper maintenance and management of the bus station in the interests of highway safety, in accordance with Policy ST1 of the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
31. To encourage sustainable travel patterns in accordance with Policies ST1 and ST2 within the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
32. To ensure the proper management and setting out of the proposed parking areas for future residents in accordance with Policy ST2 within the Lichfield Local Plan Strategy 2015, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
33. To ensure that the development is constructed in a sustainable manner in accordance with Core Policy 3 and Policy SC1 of the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
34. To maintain and safeguard satisfactory pedestrian routes through the development and in the vicinity of the site during the demolition and construction works, in accordance with the provisions of policy ST1 within the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
35. To ensure the development maintains a high standard of design at this key location within the Conservation Area, in accordance with the requirements of Core Policy 14 and Policy BE1 of the Lichfield Local Plan Strategy 2015, saved Policy C2 of the Lichfield District Local Plan 1998, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
36. The site lies within the Lichfield City Conservation Area where there is a presumption against development which would fail to preserve the special interest of the Conservation Area. It is considered that permitted development rights have the potential to result in harm. As such this condition is necessary to comply with Core Policy 3 and Policy BE1 of the Lichfield Local Plan Strategy 2015, saved Policy C2 of the Lichfield District Local Plan 1998, the Historic

Environment Supplementary Planning Document and the National Planning Policy Framework.

37. In order to safeguard the amenities of current and future 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 Local Plan Strategy 2015 and the National Planning Policy Framework.
38. To ensure that the impacts associated with the construction phase in respect of dust soiling and associated health effects are mitigated to ensure impacts on existing residents and future occupants are not significant, in accordance with Core Policies 3, 5 and 10 of the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
39. To ensure a suitable use for this unit in accordance with Core Policies 3 5 and 10 of the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
40. To ensure the commercial use would not result in disturbance to future residents in accordance with Core Policies 3, 5 and 10 of the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
41. To ensure there is no external plant, which would result in disturbance to future residents, in accordance with Core Policies 3, 5 and 10 of the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
42. To ensure that the proposed uses do not give rise to unacceptable levels of noise, which would have a significant adverse impact upon the amenities of adjacent residential properties, in accordance with Core Policies 3, 5 and 10 of the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
43. To ensure that the proposed uses do not give rise to unacceptable levels of noise, which would have a significant adverse impact upon the amenities of neighbouring residential properties, in accordance with Core Policies 3, 5 and 10 of the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
44. To mitigate for surface water flooding in accordance with Core Policy 3 of the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
45. In the interests of highway safety in accordance with Policy ST1 of the Lichfield Plan Strategy 2015 and the National Planning Policy Framework.
46. To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of the visual amenity of the area within which the site is located and to protect the amenity of existing and future residents, in accordance with the provisions of Core Policy 3 of the Lichfield Local Plan Strategy 2015, the Sustainable Design and Historic Environment Supplementary Planning Documents and the National Planning Policy Framework.
47. To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of the visual amenity of the area within which the site is located and to protect the amenity of existing and future residents, in accordance with the provisions of Core Policy 3 of the Lichfield Local Plan Strategy 2015, the Sustainable Design and Historic Environment Supplementary Planning Documents and the National Planning Policy Framework.



## NOTES TO APPLICANT

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015) and the emerging Lichfield City Neighbourhood Plan (2018).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. For the avoidance of doubt the demolition works relate to the removal of the Tempest Ford Car sales and associated workshops / offices with other freestanding elements within the site related to the previous car sales and hire uses, multi-storey car park, the Police Station and associated buildings, the adjacent properties of 18 and 20 Frog Lane and the block of uses that included Freedom cycles and the public toilets.

Enabling works shall include: the offsite highways works in condition 28, site welfare facilities, the provision, erection and maintenance of suitable fencing to secure the boundary of the site, removal and proper disposal of any materials requiring pre demolition activity such as asbestos where necessary and soft stripping of buildings to be demolished.

Commercial phases relate to the proposed A1-A4 and D2 Use Classes, which are set out in Blocks A and E on Page 4 of the Design and Access Statement

4. For the avoidance of doubt the listed buildings referred to in conditions 6 and 7 include the Grade I Listed St John Hospital and the original part of the Grade II Listed District Council House; and does not include the parts of the District Council House which are Listed by association.
5. The means of vehicular access and works to existing footpaths and carriageway hereby approved will require a legal agreement with Staffordshire County Council (including S278 Agreement). The applicant is therefore recommended to contact the County Council in respect of securing such agreement.
6. The applicant is advised that the works detailed in condition 28 will require a Major Works Agreement with Staffordshire County Council and are therefore requested to contact the Network Management Unit of Staffordshire County Council in respect of securing the appropriate legal agreement.
7. The applicant is advised that any soakaway proposed to be installed within the site shall be located a minimum of 4.5m to the rear of the highway boundary.
8. There is a public sewer crossing the site. The applicant/developer is therefore advised to first apply to Severn Trent Water to divert the sewer in accordance with Section 185 of the Water Industry Act 1991.
9. The applicant is advised that even if the approved development's impact upon protected species was not raised as an issue by the Lichfield District Council when determining the application, there remains the possibility that those species may be encountered once work has commenced. The gaining of planning approval does not permit a developer to act in a

manner which would otherwise result in a criminal offence to be caused. Where such species are encountered it is recommended the developer cease work and seek further advice (either from Natural England or the Lichfield District Council Ecology Team) as to how to proceed.

10. If a shop front does not comply with the approved shop front design guide approved pursuant to Condition 35, planning permission will be required on application to the Local Planning Authority.
11. The applicant is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer dated 5<sup>th</sup> September 2017. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
12. The applicant's attention is drawn to the comments of the Council's Operational Services Customer Relations and Performance Manager in her e-mail dated 3<sup>rd</sup> December 2015.
13. The applicant's attention is drawn to the comments of National Grid as detailed within their e-mail dated 7<sup>th</sup> September 2017.
14. The applicant's attention is drawn to the comments of the Council's Fire and Rescue Service as detailed within their e-mail dated 22<sup>nd</sup> December 2016.
15. The applicant is advised that the Highway Improvements required by condition to signalised junctions and crossing shall also include Traffic Control Links.
16. The applicant is advised to contact the Council's Housing Strategy and Enabling Manager to discuss the possibility of providing affordable rented homes within the development.
17. During the course of the application, the Council has sought amendments to the proposals to ensure a sustainable form of development, which complies with the provisions of paragraphs 186-187 of the NPPF.

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## **PLANNING POLICY**

### **National Government Guidance**

National Planning Policy Framework

National Planning Practice Guidance

### **Lichfield District Local Plan (Saved Policies)**

Policy C2 – Character of Conservation Areas

Policy C3 – Buildings Out of Scale or Character

Policy L13 – City Centre Redevelopment

Policy L15 – Primary Retail Area

Policy L23 – Road and Junction Improvements

Policy L24 – Traffic Management

Policy L26 – Rear Servicing

Policy L27 – Pedestrian Access to the City Centre

Policy L31 – Lichfield Rail Stations

Policy L46 – Shopfronts

Policy L49 – Framework Open Space

Policy L50 – Landscape Improvements in Framework Open Space

## **Lichfield District Local Plan Strategy 2008-2029**

Core Policy 1 – The Spatial Strategy.  
Core Policy 2 – Presumption in Favour of Sustainable Development.  
Core Policy 3 – Delivering Sustainable Development.  
Core Policy 4 – Delivering Our Infrastructure  
Core Policy 5 – Sustainable Transport.  
Core Policy 6 – Housing Delivery.  
Core Policy 7 – Employment and Economic Development.  
Core Policy 8 – Our Centres.  
Core Policy 9 – Tourism.  
Core Policy 10 – Healthy & Safe Lifestyles  
Core Policy 11 – Participation in Sport & Physical Activity  
Core Policy 12 – Provision for Arts and Culture  
Core Policy 14 – Our Built & Historic Environment  
Policy SC1 – Sustainability Standards for Development  
Policy SC2 – Renewable Energy  
Policy IP1 – Supporting & Providing our Infrastructure  
Policy ST1 – Sustainable Travel  
Policy ST2 – Parking Provision  
Policy H1 – A Balanced Housing Market  
Policy H2 – Provision of Affordable Homes  
Policy E1 – Retail Assessments  
Policy HSC1 – Open Space Standards  
Policy HSC2 – Playing Pitch & Sport Facility Standards  
Policy NR3 – Biodiversity, Protected Species & their Habitats  
Policy NR4 – Trees, Woodland & Hedgerows  
Policy NR5 – Natural & Historic Landscapes  
Policy NR6 – Linked Habitat Corridors & Multi-functional Greenspaces  
Policy NR7 – Cannock Chase Special Area of Conservation  
Policy BE1 – High Quality Development  
Policy Lichfield 1 – Lichfield Environment  
Policy Lichfield 2 – Lichfield Services and Facilities  
Policy Lichfield 3 – Lichfield Economy  
Policy Lichfield 4 – Lichfield Housing

### **Supplementary Planning Document**

Historic Environment  
Sustainable Design  
Trees, Landscaping and Development  
Developer Contributions  
Biodiversity and Development  
Allocations Document (Draft)

### **Other**

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

## **RELEVANT PLANNING HISTORY**

17/00906/FUL – Erection of 1no. trolley bay in connection with retail store approved under 16/01294/FULM – Approved – 24.08.17.

16/01294/FULM – Variation of condition no3 (approved plans) of application 15/01365/FULM to allow for the submission and approval of the siting and appearance of any external plant and outdoor seating – Approved – 04.05.17.

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

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

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

11/00184/CON – Demolition of 5no shops (36-44) Bakers Lane, Multi Storey car park, Police Station and associated buildings and 2no residential buildings (Holme & Little Croft), Frog Lane, bus shelters, garage and associated buildings, Birmingham Road, and garage and associated buildings, St John Street (Extension of time for application 06/00554/CON) – Approved – 08.04.11.

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

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

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

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

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

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

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

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

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

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

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

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

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

## **CONSULTATIONS**

**Lichfield City Council** – No objections (19/09/17).

**Armitage with Handsacre Parish Council** – No objections (04/09/17).

**North Warwickshire Borough Council** – No comments (30/08/17).

**Warwickshire County Council** – No comments (27.10.17).

**Cannock Chase District Council** – No objection (21.09.17).

**Ecology Officer** – No comments (01/09/17).

**Network Rail** – No comments (23/08/17).

**Staffordshire County Council (Minerals & Waste)** – No objection (14/11/17).

**Staffordshire County Council (School Organisation Team)** – No comment (10/11/17).

**Staffordshire County Council (Flood Team)** – No objections (28/11/17).

**Highways England** – No comment (11/09/17).

**Historic England** – Advise that the application be determined in accordance with national and local planning guidance and on the basis of the Council’s own specialist conservation advice (29/08/17).

**Environment Agency** – No comment (31/08/17).

**Staffordshire County Council (Highways)** – No objection (08/12/17).

**National Grid** – Note that there is National Grid apparatus located within the application site (07/09/17).

**Staffordshire Fire and Rescue Service** – No objection. The access for fire appliances in respect of the above appears adequate (04/09/17).

**Ramblers** – No objection (25.02.18).

**Police Architectural Liaison Officer** – No objection. Provides guidance on physical security measures (05.09.17).

**Green and Open Spaces Manager** – No response received.

**Arboricultural Officer** – No response received.

**Conservation Officer** – No response received.

**Environmental Health Manager** – No response received.

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

**Spatial Policy and Delivery Manager** – No response received.

**Housing Strategy and Enabling Manager** – No response received.

**Arriva Bus Services** – No response received.

**Severn Trent Water** – No response received.

**Staffordshire County Council (Connectivity Operations Manager)** – No response received.

**Midland Classic Bus Services** – No response received.

**Central Buses** – No response received.

**Leisure Services** – No response received.

**Birmingham City Council** – No response received.

**South Staffordshire District Council** – No response received.

**Tamworth Borough Council** – No response received.

**Walsall Council** – No response received.

**Burntwood Parish Council** – No response received.

**East Staffordshire Borough Council** – No response received.

**North West Leicestershire District Council** – No response received.

**Waste Services Manager** – No response received.

**Ambulance Services** – No response received.

**South Staffs Water** – No response received.

### **LETTERS OF REPRESENTATION**

2 letters of representation have been received from 1 local resident. Their comments are summarised below:

- The application fails to include any Electric Vehicle charging points. Given the Government announcement that all cars will be electric by 2040 this would seem short sighted and will contribute to air pollution.

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### **OBSERVATIONS**

#### **Site and Location**

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

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

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

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

#### **Proposals**

Planning permission is sought; via a minor material amendment application (Section 73), to vary condition 3 (approved plans) of latest approved application for this development, reference 16/01294/FULM; for alterations to the car parking layout and vehicle access arrangements for the multi-storey car park. The currently approved scheme evidences an entrance and exit into the multi-

storey from both Frog Lane and Birmingham Road. This application seeks to alter this arrangement so that there is solely an entrance point from Frog Lane and no exit. In addition, the Birmingham Road vehicular access is proposed to be altered so that there are two exit lanes at the give way line onto Birmingham Road (a left and right turn) and the pavement on the ramped entry is widened. These amendments are proposed in combination with changes to the layout of the multi-storey car park, with the internal circulation routing altering to facilitate separate up and down ramps rather than shared ramps as permitted. As a result of this reconfiguration the number of car parking spaces provided within the structure would reduce from 505 to 497.

As a minor material amendment application consideration of the planning merits of the scheme should be once more undertaken.

## **Background**

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

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

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

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

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

A further application our reference 17/00906/FUL was permitted in August 2017 for the erection of a trolley bay to the front of Block E.



## Determining Issues

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

### 1. Policy and Principle of Development

1.1 The principle for this development, as identified within the background section above, has been established by the grant of planning permission under reference 15/01365/FULM. Subsequent to this application there have been no new planning policies adopted at a national level, which affects the suitability of this development. However, at a local level, the Lichfield City Neighbourhood Plan has progressed through Referendum and now awaits the Council's ratification in order to be 'made'. As such, this document now carries significant material planning weight and should be afforded such, within the consideration of this application.

1.2 Policy 11 of the Lichfield Neighbourhood Plan states that *"redevelopment schemes will be supported within Lichfield City Centre... which deliver high quality design that demonstrates full regard for the historic environment of the City Centre, and demonstrate that any main town centre and residential uses proposed will positively contribute to the viability and vitality of the City Centre"*. Matters of the development's appropriate impact upon the historic environment and the vitality and viability of the City Centre have been fully assessed within the committee report pertaining to the original permission (reference 15/01365/FULM) for this development. The specific economic and visual impact of the amendments proposed by this application will however be discussed below. Thus, subject to these impacts not being significant, the principle of this development remains acceptable.

### 2. Design, Scale and Impact upon the Character and Appearance of the Conservation Area and Surrounding Listed Buildings

2.1 Paragraph 56 of the NPPF advises that *"good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people"*. Paragraph 63 states *"in determining applications, great weight should be given to outstanding or innovative design which helps to raise the standard of design more generally in the area"*. Finally, the document continues to state that *"permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"*.

2.2 Local Plan Strategy Policy BE1 advises that *"new development... should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views"*. The Policy continues to expand on this point advising that good design should be informed by *"appreciation of context, as well as plan, scale, proportion and detail"*.

2.3 Paragraph 137 of the NPPF advises that Local Planning Authorities should ensure that new development within a conservation area should enhance or better reveal their significance. Saved Policy C2 of the Local Plan (1998) seeks to preserve or enhance the special character

and appearance of Conservation Areas and states that development will not be permitted where the detailed design of a building does not respect the character of an area.

- 2.4 The alterations proposed to the multi-storey car park layout will be internal to this structure and as such, will have no impact upon the character of the streetscene or conservation area. The amendments to the exterior of the multi-storey, will solely see the kerb radii of the access point from Birmingham Road widen. The visual impact of this alteration, in terms of the wider scheme is considered to be minimal. As such the development complies with the requirements of the Development Plan in this regard.
3. Highway Issues - Access, Servicing and Parking, including New Transport Interchange
- 3.1 Paragraph 34 of the NPPF and Strategic Policy 5 of the Local Plan Strategy seek to ensure that development which generates significant movement, is located where the need to travel can be minimised and the use of sustainable travel maximised. Paragraph 40 of the NPPF states *“Local Authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles”*.
- 3.2 The impact of this development on the surrounding strategic highway network and the suitability of the new bus station have previously been considered under application 15/01365/FULM and found to be acceptable. The alterations proposed to the access points, internal routing and car parking levels within the multi-storey will however have implications for the development’s impact upon the local highway network.
- 3.3 The applicant advises that the amendments to the scheme have been proposed following a detailed design review. The internal routing changes, whereby separate up and down ramps are created is proposed in order to significantly reduce the number of vehicle conflict points and provide quicker access to available spaces on upper levels. The change of the Frog Lane access to an ‘in’ only point, is proposed in order to reduce the potential for vehicular conflict and provide structural design consistency across all of the floors. These alterations will result in the removal of 8 off street car parking bays from the originally approved provision of 505 spaces.
- 3.4 The changes proposed to the Birmingham Road access point, namely the creation of two exit lanes, will increase capacity for those seeking to exit the site, with the junction modelled to operate with spare capacity in 2018, 2023 and 2029 scenarios.
- 3.5 A modeling exercise has been undertaken to determine the impact of the proposed alterations to the multi-storey exit points. The document identifies that traffic flow impact at St John Street and Frog Lane will be beneficial, neutral to the east of the site or insignificant at The Friary. The impact of the development on the Birmingham Road / St Johns Street junction, for a Saturday in 2018, 2023 and 2029, is an improvement in terms of Practical Reserve Capacity. The key reason for this is that the scheme will result in a reduction in traffic flow on the St John Street arm of the junction, which is proposed to be busiest in the Saturday peak hours.
- 3.6 The submitted Transport Statement has been assessed by the Highways Authority who advised that the alterations proposed to the access points are acceptable and in accordance with the requirements of Policy ST2 of the Council’s Local Plan Strategy and the NPPF.
- 3.7 Application 15/01365/FULM permitted 505 off street car parking spaces within the multi storey car park, in addition to providing approximately 20 spaces to the rear of the District Council House (which may be used on Saturdays by the general public), 22 spaces to specifically serve the townhouses and a further 58 spaces for the apartment buildings. As existing, there are a total of 381 spaces within the multi-storey car park; 63 spaces within the surface parking within the bus station; and 80 spaces within the District Council car park.

Therefore, accounting for all existing available public parking spaces and proposed spaces within the application site, approximately an additional 99 car parking spaces would have been provided.

- 3.8 The internal reconfiguration of the multi-storey will result in the loss of 8 spaces bringing the total number of bays available to 497.
- 3.9 The Council's adopted car parking standards, are set out in Appendix D of the Supplementary Planning Document Sustainable Design. These standards set the minimum amounts of parking spaces required, although in accordance with Local Plan Strategy Policies ST1 and ST2, they will be applied in a flexible manner. This is particularly relevant where it can be demonstrated that satisfactory alternative sustainable transport means can be provided.
- 3.10 The abovementioned SPD requires for the residential element of the scheme that 109 off street car parking spaces be provided for the apartments and a further 22 spaces for the townhouses. The retail element requires 459 spaces, the restaurants 142 and for the cinema 83 spaces. As such there is a shortfall of 41 spaces for the apartments and 159 spaces for the commercial and cinema elements of the scheme, giving an overall under provision of 200 spaces across the site. As such, with the loss of 8 spaces resulting from this proposal this shortfall will increase to 208 spaces.
- 3.11 The development and its parking provision should not however be considered in isolation, but in the context with and as part of the Council's wider car parking strategy for the City Centre. The latest study on parking was undertaken in April 2015, which identified that within the city centre over the 6 days of the study 60.55% of the spaces were occupied ensuring a 39.45% capacity within the 10,993 space total.
- 3.12 In context of the numbers proposed under this development and those provided and available for use as part of the wider parking strategy within the city, this scheme makes provision for sufficient off street car parking spaces to serve the development. Additionally, the development, by virtue of its proximity to and inclusion of an enhanced public transport interchange facility, will promote sustainable means of travel, and accordingly the development is in accordance with the provisions of both Local and National Planning Policy. This is a view shared by the Highways Authority who raise no objections to the reduction in car parking levels and note that the improvement in vehicle circulation resulting from this proposal will off-set any impact of the minor reduction in parking provision.
- 3.13 The concerns of the local resident regarding the provision of vehicle charging points within the development are noted. Local Plan Strategy Policies ST1 and ST2 state that the Council, when considering the appropriate level of off street car parking to serve a development will have regard to the "*provision for alternative fuels including electric charging points*". To address this point, condition 27 of this decision is recommended, which will require, prior to first occupation, that two car parking spaces have had the infrastructure (cabling etc) provided for future provision of Vehicle Recharging Points. As such, through the application and compliance with this condition, the development will comply with the requirements of the Development Plan and NPPF in this regard.

#### 4. Trees, Landscaping and Biodiversity

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

4.2 The proposed alterations will not impact upon the future landscaping or biodiversity value of the site and as such, no issues further issues than those covered by the previous permission have arisen and therefore the proposal continues to comply with the requirements of the Development Plan and NPPF in this regard.

#### 5. Amenity of Neighbouring Properties and Future Residents

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

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

5.3 The proposed amendments will not give rise to any new significant noise, soil, air or land instability issues and as such, these matters remain sufficiently well considered within the committee report produced for the original permission, which this application seeks to amend. Thus, the development continues to comply with the requirements of the Development Plan and NPPF in this regard.

#### 6. Planning Obligations and Viability

6.1 Given that minor material amendment applications require the reissuing of a planning decision it is necessary to transfer the legal agreement from 15/01365/FULM to this application via a deed of variation. Whilst it is noted that since the issuing of the original permission the Council has adopted CIL, these regulations allow for applications such as this, which do not impact upon the fundamental nature of the development, to continue to be considered under s106 legislation.

6.2 The applicant submitted with the original application a financial viability assessment, which was independently checked by the District Valuers office. The information contained within this document remains confidential given its commercial nature and as such, cannot be disclosed to this committee. However, overall it demonstrated that after allowing for the developer to achieve a reasonable profit, the scheme was unviable as proposed, when providing for full S106 contributions.

6.3 The Viability report was considered by the Council to be valid for 12 months and under the allowances of condition 2 of permission 15/01365/FULM, the applicant had this timeframe (until the 27<sup>th</sup> May 2017), in which to materially commence development on site. Given that market conditions change over time, if development had not commenced within this timeframe, a new report was to be submitted to the Council.

6.4 It is noted that this development is yet to materially commence and the permitted timeframe has passed. As such this application is accompanied by a revised Viability Report, which has once more been assessed by the District Valuers Office.

6.5 Paragraph 20 of the National Planning Practice Guidance (NPPG) Viability advises that Local Planning Authorities should understand the impact of planning obligations on a proposal stating that *“where an applicant is able to demonstrate to the satisfaction of the Local Planning Authority that planning obligations would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations”*.

- 6.6 The NPPG continues to state that *“this is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. The financial viability of the individual scheme should be carefully considered in line with the principles in this guidance”*.
- 6.7 Paragraph 19 of the NPPG provides particular guidance to the redevelopment of brownfield sites stating that Local Planning Authorities should take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.
- 6.8 It is the conclusion of the District Valuer that this development remains unviable should there be a requirement to provide policy compliant levels of affordable housing within this scheme. This assessment is reached based upon the retail units within the development being erected to BREEAM Good levels. As such, in light of this conclusion, it is reasonable in this case, in order to secure the redevelopment of this brownfield site, to allow the scheme to proceed without the need for financial obligations and for the scheme to be developed with below maximum level BREEAM requirements. The applicant continues however to agree to pay a total sum of £240,046.60 notwithstanding the viability report, which would deliver the full education, open space and indoor sport requirements. Notwithstanding the payment to Staffordshire County Council Education (£87,144), it is for the Council to decide where it spends its money and prioritise where this money is spent, having regard to its corporate priorities within the Strategic Plan. Therefore, given the significant local need for affordable housing in the District, it is recommended that this be given primacy and the money identified for open space and indoor sport, totalling £152,902.60, instead be secured for on or off site provision within the Unilateral Undertaking.
- 6.9 It should be noted that the latest viability assessment is based upon current market conditions and as such, should there be a further delay in the delivery of the scheme, there is the potential for market conditions to once more alter. Therefore, it continues to be recommended that a condition be attached to any permission requiring that a new financial viability assessment be submitted to the Council should works not materially commence on the development, within a reasonable time period. It is acknowledged that the District Valuer advises that the report’s timeframe should cover 9 months, but in order to be flexible, as required by the above national guidance, it was felt that a period of 12 months to commence development is more reasonable and appropriate.
- 6.10 The potential for the Council’s Housing Strategy and Enabling Manager to liaise with the applicant to secure a block of social rented accommodation within the site, for which the sum secured by this consent could potentially be utilised, should be explored by the applicant. Should the sum not be utilised on site, the contribution will be used for an off-site provision in the local area. An informative to this end is recommended for the decision notice.

## 7. Human Rights

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

## Conclusion

The 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.

It should be stressed that the scheme has a lengthy history of evolution, from Local Plan proposals through to an Urban Design Brief and into the recently adopted Local Plan Strategy. Over that time, the basic principle of the scheme has not altered, but the composition of uses and various levels of detail have clearly been informed by various studies and consultation. However, at the heart of the issue is the clear need for Lichfield to compete as a Strategic Centre within the West Midlands. In coming years, adjacent centres are proposed to expand further and unless Lichfield competes equally, the current trade retention could reduce further, thus damaging the existing retailers and businesses of the city. The current scheme is of a scale that will allow Lichfield to retain a more commensurate level of its trade, as well as providing much needed facilities such as leisure, cinema, gym etc. required to serve the local population. A population that is expanding and which expects to meet its basic needs within the city, rather than having to visit neighbouring centres.

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

Environmentally, the current mix of uses on the site provide a very weak edge to the city and contain no buildings of architectural note. The site, whilst bordered by some sensitive buildings, is not in the historic core and therefore provides the ideal opportunity for a redevelopment of this scale, which is sensitive to its historic context.

The proposed development is of an appropriate scale, design and layout, subject to conditions in relation to the treatment of the elevation of the St John Street residential, and in respect of appropriate external materials. The development would not have a detrimental impact on the character, setting or structural integrity of neighbouring listed structures and buildings, including the Grade I Listed St Johns Hospital, the Grade II Listed District Council House and its listed boundary wall. The scheme would, however, have a less than significant impact upon the setting of Lichfield Cathedral.

The character and appearance of the Lichfield City Centre Conservation Area will be maintained and shop frontages within the mall will be designed to the highest standard.

The supporting information and consultation responses have demonstrated that the proposals would include suitable traffic management measures and incorporate the provision for off-site highway improvement works, which would ensure that the development assimilates into the area without causing undue burden on the surrounding road network, and there would not be detriment caused to highway safety. Adequate off street car parking provision will continue to be accommodated within the development and the relocation of the bus station and new provision proposed thereto is considered to be both appropriate and adequate in order to meet existing and future public transport needs of the city, and the new facility would provide a much welcomed enhanced public transport interchange to serve Lichfield. The development will accordingly actively promote sustainable means of transport. Subject to conditions, suitable replacement tree planting and landscaping would be provided within the development; adequate mitigation measures will be implemented to protect and promote ecology and biodiversity whilst there would be no harm to protected species or the Cannock Chase SAC; the archaeological, drainage and contaminated land issues associated with the site and its development would be adequately addressed and measures to promote the incorporation of renewable energy technologies within the scheme would be achieved.

In addition, the Unilateral Undertaking legal agreement transferred via a deed of variation to this application will secure contributions towards education, an on or off-site affordable housing provision and off-site coach parking. Off-site highway enhancements will be secured via the use of a section 278 agreement between the County Council and the applicant to ensure that the development will integrate into the highway network without causing undue congestion.

It is my considered opinion that this complex scheme, following the implementation of the vehicular access and multi storey car park alterations herein proposed, continues to be delivered in an appropriate manner, in terms of layout, scale and overall design.

Ultimately, it has to be accepted that a scheme of this nature will clearly have an impact on the city centre. It will not only impact upon its immediate environs, it will also impact upon the functioning of the city as a whole. However, this impact is both acceptable and manageable. The statutory consultees are satisfied that the scheme has delivered the required specifications, and overall the design ethos and approach is considered to be appropriate to an historic city, given its particular location. The approach to detail has been appropriate and the presence of suitable conditions will allow the detail to be further refined as appropriate. Accordingly, the significant public benefits of the scheme when taken as a whole, are considered to outweigh the less than substantial harm to the setting of the Cathedral, and therefore having regard to the planning balance, it is recommended that this minor material amendment application be approved, subject to the replication of conditions previously approved and the applicant first entering into a deed of variation to transfer the Unilateral Undertaking from the most recent planning permission our reference 16/01294/FULM.

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