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Friday, 20 July 2018

Dear Sir/Madam

PLANNING COMMITTEE SUPPLEMENT

Please find attached supplement papers for Planning Committee on **MONDAY, 30TH JULY, 2018 at 6.00 PM IN THE COUNCIL CHAMBER** District Council House, Lichfield.

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

Yours Faithfully

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

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

SUPPLEMENT

4. Planning Applications

3 - 12



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SUPPLEMENTARY REPORT

PLANNING COMMITTEE (30th July 2018)

OBSERVATIONS/REPRESENTATIONS RECEIVED SINCE COMPLETION OF REPORT

Page 7

**17/01629/FUL - DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF 1NO REPLACEMENT DWELLING WITH SINGLE STOREY GARDEN ROOM
15 GAIAFIELDS ROAD, LICHFIELD**

Amended Condition 7 to read:

The development shall be carried out in accordance with the finished floor level details as shown on drawing AG/101/2.

Planning Policy

Amended National Guidance

National Planning Policy Framework 2018 (published 24 July 2018)

NPPF update- Since the completion of the report the July 2018 National Planning Policy Framework has been published. The references to the NPPF within the Committee Report are therefore amended as follows to reflect changes made within the NPPF:

Note to applicant 8 – Replace Paragraphs 186-187 with Paragraph 38.

Paragraph 1.2 replace reference to paragraph 14 with Paragraph 10 of the NPPF

Paragraph 1.3 replace reference to Paragraph 7 with Paragraph 8 of the NPPF

Para 2.1 replace Section 7 with Section 12 and replace “*good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*” with “*good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*”.

Para 6.2 replace paragraph 118 with paragraph 170 of the NPPF

Amended Site and Location

Amend the third paragraph, to clarify that the existing bungalow is approximately 5.5m in height to its ridge and not approximately 6m.

Additional Letters of Representation

4 additional letters of objection have been received. Their comments are summarised as follows:

- Remain concerned with the size of the building, impact on the street view, water run-off, inadequate parking, and purpose of the garden room.
- Streetscene plan does not accurately reflect heights or arrangements of buildings. The front boundary walls are missing from this.
- The hedgerow shown on the section and level survey is inaccurate.

- Topographical survey omits a north-south fall to the site
- Report to planning committee is inaccurate as at para 2.4 first floor rooms are not in the roof due to first floor having 1.8m perimeter walls. Reference to the ridge heights is nonsensical.
- At para 2.5 ridge height reduction is referred to, however the vast size increase of the rear of the property is not acknowledged and needs to be addressed.
- Para 2.10 refers to there not being a right to a view, however outlook is a material consideration and is not referred to in this section which leads councillors to the officers conclusions.
- Para 2.12 fails to acknowledge the first floor area, which would give a far more accurate representation of the buildings scale. This will be the largest dwelling on the smallest plot.
- Para 3.14 refers to the slit window design as part of mitigation to overcome breach of spacing distances. How can this be when it doesn't comply with building regulations, and totally fails to meet guidance in the SPD.
- Report does not acknowledge that the east facing primary windows are under a hedge and TPO tree, while west facing windows are under the hedge. No consideration given to the lighting of these rooms.
- Paragraph 3.15 fails to acknowledge that the 'blank' wall is over 18m long and 2 storeys high.
- Is the existing building 5.5m or 6m in height?
- Report refers to drawing AG/101/2 which is not on the Councils Website.
- 11 Gaialands Crescent hasn't submitted any comments whilst 6 Gaiafields Crescent has submitted 8 comments
- Arboreal method statements and Tree protection details should be provided immediately and any impact on adjacent property should be communicated these residents.
- The report states that the gates are 3m and 4m rear of the highway. The correct distance needs to be provided.
- The report refers to access not given by neighbour to access adjacent property for survey purposes. This is incorrect. Surveyors were asked to make appointment, which they did not.

Additional Observations

The additional comments from local residents are noted. In terms of further specific issues raised, the streetscene submitted is a street section which omits boundary treatments from the 3 properties included, in order that relative height, ground to ridge, can be seen and considered. The comment regarding a lack of north to south land fall (left to right) on the submitted site layout plan is noted, however any gradient which may exist is not significant such to create a detrimental impact on local amenity or sustain a reason of refusal.

Comments regarding the size and scale of the rear wing are noted and an assessment of this is included at paragraph 2.10 in the main report. With regard to discussion about outlook this is set out at paragraph 3.4 and 3.5 of the report. In terms of an assessment of plot ratios for surrounding properties, these are relative based on the individual ground floor footprints of these dwellings. Upper floors are not normally considered as part of such an assessment, as such the assessment in the report at paragraph 2.12 is suitable for such matters. The comments of the neighbour regarding first floor rooms not being within the roof are noted, however the first floor rooms will have restricted internal roof heights due to the roof structure.

It is considered that light which would be received by the habitable rooms on the east and west elevations, due to the existence of the protected tree and hedgerow, would not be affected any more in terms of light being received than the present bungalow, given its relative position. Further with the south wing being set a further metre back into the site, any relative impact would be reduced. With regards to the impact of light to principal rooms on Building Regulations this is referred to in Paragraph 2.15 of the main report.

With regards to tree protection and the request for a method statement for works within the root protection area of the TPO'd tree as set out at paragraph 5.4, these are recommended at Condition 5 and 6. The hedgerow level shown on the submitted site section has been measured from within the site and as such due to site level differences, hedgerow heights could be different from external locations. The comments of the neighbour regarding site access for surveying purposes are noted. However, the lack of access should not affect the determination of this application.

As set out in paragraph 4.2 of the report, the location of the access gates would 'be 3m from the threshold of the site or 4m from the rear of the tarmacked highway, due to their being no formal footway in this location.'

Finally, the comment referring to the number of letters received from 11 Gaialands Crescent is noted and should refer to no. 6 Gaialands Crescent.

Due regard has been given to the additional representations made, however, it is considered that the additional comments and changes to the NPPF do not alter the issues addressed in the main committee report and therefore the recommendation remains unaltered.

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**17/00016/FULM - CONSTRUCTION OF 118 TWO, THREE AND FOUR BEDROOM TIMBER CLAD HOLIDAY AND LEISURE LODGES, LAYOUT AND CONSTRUCTION OF INTERNAL SITE ROADS AND PARKING AREAS, CREATION OF PLAY AREAS AND INTERNAL FOOTPATHS, LAYOUT AND CREATION OF TWO BALANCING PONDS, CONSTRUCTION OF A RECEPTION BUILDING WITH MEETING SPACE, OFFICE, FITNESS SUITE, TOILETS AND BIKE HIRE AND LAYING OUT OF 2.5HA GREENSPACE FOR NATURE CONSERVATION AND LEISURE, INCLUDING NATURE TRAIL AND DOG WALK, EXTENSIVE TREE PLANTING AND CREATION OF SPECIES RICH FLOWER MEADOW.
LAND NORTH WEST BROAD LANE, HUDDLESFORD, LICHFIELD**

Planning Policy

NPPF update- Since the completion of the report the 2018 National Planning Policy Framework has been published. Therefore, the references to the NPPF within the Committee Report are amended as follows to reflect the July 2018 version of the NPPF:

Note to applicant 9 – Replace Paragraphs 186-187 to Paragraph 38.

Paragraph 1.2 should now read- Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development and indicates "*development proposals that accord with an up to date development plan should be approved*". 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.

Paragraph 1.3 – Replace Paragraph 7 with Paragraph 8 of the NPPF.

Para 1.6 amended to read - Paragraph 80 of the NPPF states "*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*" In addition at paragraph 83 it states that, "*Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the*

development and diversification of agricultural and other land-based rural businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside.” It goes on to state at Paragraph 84 that “Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).”

Para 3.1 – Replace Section 7 with Section 12. Replace “good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people” with “good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

Para 3.2 amended to read: 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 or maintain a strong sense of place;
- optimise the potential to accommodate and sustain an appropriate amount and mix of development;
- be sympathetic to local character and history while not preventing or discouraging appropriate innovation or change;
- create safe inclusive and accessible places; and
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Para 7.1 – Replace Paragraphs 9, 108 and 118 with Paragraphs 8, 170, 175 of the NPPF.

Para 7.2 amended to read - Due to the Local Planning Authorities obligation to *reflect relevant international obligations and statutory requirements planning policies and decisions* the applicant must display a net gain to biodiversity value, (Paragraph 174 of NPPF) through development, as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, producing a measurable net-gain to biodiversity value is also made a requirement of all developments within Lichfield District under Policy NR3 of the Lichfield District Local Plan Strategy.

Amended Observations

At paragraph 4.3 the total number of units across the site is 118, resulting in 350 bedrooms and not as stated in the main report.

It is considered that the clarification of the number of rooms within the development and changes to the NPPF which increases the importance to the rural economy of tourism development, do not alter the issues addressed in the main committee report and therefore the recommendation remains unaltered.

Amended Recommendation

(1) Subject to the owners/applicants first entering into a Section 106 Legal Agreement under the Town and Country Planning Act (as amended) to secure contributions/planning obligations towards:-

- 1. Highway Improvement Works**
- 2. Pedestrian Infrastructure Improvements; and**
- 3. Travel Plan Monitoring Sum.**

(2) If the S106 legal agreement is not signed/completed by the 30 October 2018 or the expiration of any further agreed extension of time, then powers be delegated to officers to refuse planning permission based on the unacceptability of the development without the required contributions and undertakings as outlined in the report.

Approve, subject to conditions as set out in the report and proposed to be amended as set out below:

Amended and Additional Conditions

Revise as detailed below:

Remove Condition 15 and replace with Condition 13 to read:

Before the development hereby approved is commenced full details of a scheme for the provision and implementation of a Sustainable Drainage System (SuDS), including measures to control post development surface water drainage rates and quality to Greenfield equivalents, has been submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The scheme shall include details of management and maintenance of the agreed SUDs system in perpetuity of the development and also details of oil and petrol separators. The approved drainage works shall thereafter be constructed, maintained and operated in accordance with the approved details prior to the first occupation of any buildings on the site.

Reason: To ensure the satisfactory drainage of the site, to minimise flood risk and pollution of underlying aquifers and to prevent any impact on the operation of the Strategic Road Network, in accordance with the requirements of Core Policy 3 and Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.

Remove Condition 21 and replace with Condition 14 to read:

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

Reason: To safeguard the amenity of nearby residents and to prevent any adverse impact on the operation of the Strategic Road Network, in accordance with the requirements of Core Policy 3 and Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.

Amend the following conditions to read as follows:

20. Within 6 weeks of the completion of the shell and core works of each unit, a design stage certificate confirming that the buildings will achieve the required BREEAM rating of Very Good shall be submitted to the Local Planning Authority. Within 6 months of completion of the shell and core works of each unit, a post construction final certificate of compliance from an accredited assessor confirming that the unit has achieved the required BREEAM rating of Very Good shall be submitted to and approved in writing by the Local Planning Authority.

21. Before the development hereby approved is first brought into use, the site access road, footway, servicing and turning areas and parking areas as shown on the approved plan 7747 P18/03 Revision 3 shall be provided, with the individual parking bays clearly delineated and thereafter retained for the life of the development.

Additional Consultations

Highways England- No objection, subject to the use of conditions to secure the submission and approval, prior to the commencement of development of a Sustainable Drainage System, a detailed external lighting plan and boundary treatment details. (30.07.18)

Planning Policy & Observations

NPPF update- Since the completion of the report the 2018 National Planning Policy Framework has been published. The references to the NPPF within the Committee Report are therefore amended as follows:

Note to applicant 21 – Replace reference to Paragraphs 186-187 to Paragraph 38.

Paragraph 1.3 – Replace reference to Paragraph 18 with Paragraph 80. Also replace “The economic role is expanded upon through Paragraph 19 of the NPPF, which advises that *“significant weight should be placed on the need to support economic growth through the planning system”*, whilst Paragraph 21 states that planning policies should recognise and seek to address potential barriers to investment”. The economic role is expanded upon through Paragraph 60 of the NPPF, which advises that *“significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”*, whilst Paragraph 82 states that *“planning policies and decisions should recognise the specific locational requirements of different sectors... making provision for... storage and distribution operations at a variety of scales and in suitably accessible locations”*.

Paragraph 2.3 – Replace with, “Paragraph 112 of the NPPF states that *“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”*, with Paragraph 170 of the NPPF states that *“recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land”*.

Paragraph 3.3 – Replace Section 7 with Section 12. Replace *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”* with *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*. Replace *“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”*, with *“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”.

Paragraph 4.1 – Replace *“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””* with Paragraph 180 of the NPPF advises that *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development”.*

Paragraph 4.2 – Replace *“Paragraph 123 of the NPPF advises that planning decisions should “avoid noise from giving rise to significant adverse impacts on health and quality of life” and “identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason””* with, Paragraph 180 advises that planning decisions should *“mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life” and “identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason”*

Paragraph 4.10 – Replace reference to Paragraph 120 with Paragraph 179. Replace *“Paragraph 109 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 out at an unacceptable risk from, or being adversely affected by unacceptable levels of water pollution, with Paragraph 170 advises that planning decision should prevent “new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability”.*

Paragraph 6.1 – Replace *“Paragraph 103 of the NPPF requires that development be “appropriately flood resilient and resistant... and it gives priority to the use of sustainable drainage systems”* with, Paragraph 165 of the NPPF requires that major development incorporate sustainable drainage systems unless there is clear evidence that such would be inappropriate.

Paragraph 6.3 – Replace reference to Section 10 of the NPPF to Section 14.

Paragraph 7.1 – Replace reference to Paragraph 118 with Paragraph 175 of the NPPF.

Paragraph 8.1 – Replace reference to Paragraphs 9, 108, 118 with Paragraphs 8, 170, 175 of the NPPF.

Paragraph 8.2 – Replace *“reflect and where appropriate promote relevant EU obligations and statutory requirements”* with *“reflect relevant international obligations and statutory requirements”.*

Paragraph 9.1 – Replace reference to Paragraph 128 with Paragraph 189 of the NPPF.

Paragraph 10.1 – Replace reference to Paragraph 96 with Paragraph 150 of the NPPF.

Additional Observations

The applicant has submitted to the Council additional information in order to seek to address the concerns raised by Network Rail. Network Rail have not responded to the additional information at the time of writing this supplementary report. Notwithstanding this point however it should be noted that whilst the The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires the consultation of the railway network operator on applications where development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway. The Town and Country Planning (Consultation) (England) Direction 2009: Circular 02/2009 details where applications objected to by a statutory consultee should be referred to the Secretary of State for consideration, if a Local Planning Authority seeks to approve an application, contrary to the advice given. The Direction does not detail that Network Rail objections should be referred to the Secretary of State and therefore in accordance with the guidance contained within the NPPG *“the decision to grant or refuse a planning application ultimately rests with the local planning authority taking in to account all relevant planning considerations, and not just the advice from one consultee. Local Authorities should be aware of the need to be able to justify a decision taken, including where it is contrary to a statutory consultee’s view”*. Therefore, the Planning Committee may approve this application notwithstanding the comments of Network Rail should this be considered to be appropriate.

The concerns raised by Network Rail are specific to a want to agree the form and appearance of the bund and acoustic fence, the proximity of the surface water attenuation pond to the railway and a request for further details of any likely uplift in pedestrian movement resulting from the development over the level crossings at Hollands (Streethay) and Lichfield Trent Valley High Level.

As detailed within Paragraph 11.1 of the officer’s report, Network Rail have failed to offer any objections or requests for further information, when providing comments on the extant permission for this site or the application approved in 2017. Given that no changes are proposed from the 2017 scheme, to the location or gradient of the bund or fence on the railway side or the location of the drainage pond, the issues raised are considered unreasonable. Notwithstanding this point, it is evident that the bund will be located wholly within the applicant’s land ownership, with no impact upon Network Rail land, whilst the Flood Risk Assessment and Drainage Strategy detail that there will be no increase in flood risk occurring due to this development. Furthermore, the number of employees proposed to be based within the site as a result of the current application is 200, whilst the 2017 permission, also identified the potential for that development to provide employment for 200 people. Thus, the third concern identified regarding the potential for pedestrian uplift across the level crossing is also unreasonable given the fall-back position. Given these arguments, it is recommended that the Local Planning Authority can justify a decision to note the objections of Network Rail, but consider them to be unreasonable in this case and therefore recommend approval prior to their formal response on these matters. The recommendation within the planning officer’s report is therefore amended as detailed below.

The consultation response received from Highways England is noted. Condition 13 as detailed within the officer’s report requires the submission and approval of boundary treatment details and as such no amendment is required on this matter. Sustainable drainage and lighting schemes have been agreed by SCC Flood Team and the Council’s Environmental Health team respectively and as such were to be implemented in accordance with the submitted details. In order to allow for Highways England to comment on the suitability of these schemes however, conditions 15 and 21 detailed within the

officer's report are now proposed to be altered, as detailed above, to conditions 14 and 15.

The applicant has requested minor alterations to the wording of two conditions as detailed above. The amendments as detailed within the officer's report are specific to conditions 19 and 20, although following the above amendments, these are now conditions 20 and 21. The need to amend condition 20 is due to allowing for an appropriate timescale for BRE to undertake their review and certification of these building, which presently is taking up to 20 weeks to complete. The amendments requested to condition 21 is to ensure that the development complies with the requirements of the submitted drainage strategy. The amendments as requested are considered to be reasonable and appropriate.

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**18/00931/FUL REMOVAL OF CONDITION 8 AND VARIATION OF CONDITION 2 OF PLANNING PERMISSION 17/01366/COU WITH REGARDS TO THE REMOVAL OF 1NO PARKING SPACE
THE OLD FORGE, 1 MANOR ROAD, KINGS BROMLEY, BURTON UPON TRENT, STAFFORDSHIRE.**

Additional Consultations

Ecology Manager – No comments. (26.07.18)

Environmental Health – No objections. (26.07.18)

Planning Policy

NPPF update - Since the completion of the report the July 2018 version of the National Planning Policy Framework has been published. The references to the NPPF within the Committee Report are amended, as follows, to reflect the changes made to the updated NPPF:

Note to applicant 5 – Replace Paragraphs 186-187 with Paragraph 38.

Para 2.2 – Replace (Section 7) with (Section 12).

Replace *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”* with *“good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*.

Para 3.5 – Replace Paragraph 131 with Paragraph 192.

Para 3.6 – Replace Paragraph 132 with Paragraph 193-194.

Para 3.7 – Replace Paragraph 135 with Paragraph 197.

Para 5.1 – Replace Paragraphs 9, 108, 118 with Paragraphs 8, 170, 175.

Para 5.2 – Replace Paragraph 188 with Paragraph 175.

Observations

It is considered that the additional comments and changes to the NPPF do not alter the issues considered and addressed in the main committee report and therefore no change to the recommendation is proposed.

LIST OF SPEAKERS

PLANNING COMMITTEE MEETING

30 July 2018

17/01629/FUL

Ian Goodwin

Objector

Cllr Paul Ray

Ward Councillor

Mr Ron Oliver

Applicant's Agent

17/00016/FULM

Juliette Barlow

(on behalf of Whittington Hurst &
Brookhay Residents Association)

Objector

Cllr David Leytham

Ward Councillor

Mr Leigh Ibbotson

Applicant

18/00931/FUL

Janet Hodson (JVH Town Planning)

Applicant's Agent

Confirmation of TPO 412-2018: Trees at Homestead 8 The Beck Elford Tamworth

Ben Crutchley

Site Owner