

# Public Document Pack

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District Council House, Frog Lane  
Lichfield, Staffordshire WS136YU

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2 March 2018

Dear Sir/Madam

## PLANNING COMMITTEE

A meeting of the Planning Committee has been arranged to take place **MONDAY, 12TH MARCH, 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', 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 - 4
4. Planning Applications 5 - 66



## PLANNING COMMITTEE

12 FEBRUARY 2018

### PRESENT:

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

1. **(APOLOGIES FOR ABSENCE** were received from Councillor Mrs Allsopp, Awty and Humphreys.

2. **DECLARATIONS OF INTEREST:**

Councillor Marshall (Vice-Chairman in the Chair) declared a personal interest in Agenda Item no. 5 – Tree Preservation Order no. 400-2017 as the Objector is known to him and also a pecuniary interest in Agenda Item no. 6 – Issues Paper – Planning Application ref. 18/00078/OUTMEI.

Councillor Mrs Baker declared a personal interest in Agenda Item no. 6 – Application no. 18/00078/OUTMEI as the Applicant is known to her as they are Trustees at Lichfield Garrick Theatre.

Councillor Cox declared a personal interest in Agenda Item no. 5 - Tree Preservation Order no. 400-2017 as the Objector is known to him.

Councillor Mrs Evans declared a personal interest in Agenda Item no. 5 – Tree Preservation Order no. 400-2017 as the Objector is known to him.

Councillor Mrs Stanhope declared a personal interest in Agenda Item no. 4 – Application no. 17/01488/COU as the Applicant is known to her and a fellow Parish Councillor.

3. **MINUTES:**

The Minutes of the Meeting held on 18 December 2017 previously circulated were taken as read, approved as a correct record and signed by the Chairman.

4. **DECISIONS ON PLANNING APPLICATIONS:**

Applications for permission for development were considered with the recommendations of the Director of Place and Community and any letters of representation and petitions together with a supplementary report of observations/representations received since the publication of the agenda in association with Planning Applications 17/01257/FUL, 17/01488/COU & 17/01708/FUL.

5. **17/01257/FUL – DEMOLITION OF BUNGALOW AND ERECTION OF A 3 BEDROOM DETACHED DWELLING AND ASSOCIATED WORKS  
9 COPPICE LANE, CLIFTON CAMPVILLE  
FOR MS S KERBY**

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

Community.

(PRIOR TO CONSIDERATION OF THE APPLICATION, REPRESENTATIONS WERE MADE BY MR LOUIS CLEVELEY (OBJECTOR) AND MR ANTHONY KERBY (APPLICANT'S AGENT))

6. **17/01488/COU – CHANGE OF USE OF GROUND FLOOR TO CAFÉ (A3), DIVISION OF FIRST FLOOR INTO 3NO UNITS, WITH 2NO REMAINING AS OFFICE (B1) AND 1NO UNIT CHANGE OF USE FROM OFFICES TO RETAIL (A1)  
57 MAIN STREET, ALREWAS  
FOR MRS J REILLY**

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

(PRIOR TO CONSIDERATION OF THE APPLICATION, REPRESENTATIONS WERE MADE BY MS SOPHIE BURNS-MACE (OBJECTOR) AND JOINTLY BY MS JANE REILLY (APPLICANT) AND MS DEBBIE GLANCY (AGENT))

7. **17/01708/FUL – RETENTION OF DETACHED GARDEN BUILDING IN REAR GARDEN  
37 SLADE AVENUE, BURNTWOOD  
FOR MR I ESPREY**

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

8. **TREE PRESERVATION ORDER NO. 400-2017 – APPLICATION FOR THE REMOVAL OF TWO BEECH TREES AT 1 AUCHINLECK DRIVE, LICHFIELD, WS13 6TL**

**RESOLVED:** That the Planning Committee confirm the Tree Preservation order without modifications.

(PRIOR TO CONSIDERATION OF THE APPLICATION, REPRESENTATION WAS MADE BY MR ROBERT WHITE (OBJECTOR))

9. **ISSUES PAPER – PLANNING APPLICATION REF. 18/00078/OUTMEI  
OUTLINE APPLICATION FOR A MIXED USE DEVELOPMENT COMPRISING OF 184 RESIDENTIAL DWELLINGS (CLASS C3) INCLUDING SELF-BUILD PROPERTIES AND INDEPENDENT LIVING, 122 CARE AND ASSISTED LIVING DWELLINGS (CLASS C2), AND THE CREATION OF A 3,260 SQ M NEIGHBOURHOOD CENTRE, INCLUDING RETAIL UNITS AND A GARDEN CENTRE (CLASS A1), RESTAURANT (CLASS A3), GYM (CLASS D2) AND MEDICAL FACILITIES (CLASS D1), WITH ASSOCIATED WORKS (OUTLINE: ALL MATTERS RESERVED EXCEPT ACCESS).  
MIDLAND PIG PRODUCERS LTD, HAY END LANE, FRADLEY, LICHFIELD, STAFFORDSHIRE.  
FOR J T LEAVESLEY LIMITED**

Consideration was given to an Issues Paper relating to the proposed development.

**RESOLVED:** That the following issues also be addressed in the assessment of the above application:

- Consideration be given to need for protecting trees (TPO's).
- Look at conditions re: self-build units.
- Connectivity / build phasing / economic impact on viability of site/ sustainability.
- Consider opportunity for delivering bungalows on site.
- Infrastructure matters – given the former pig farm use, has the drainage been reviewed to ensure no significant contamination.
- Assurance that the care home will be delivered rather than reverting to open market housing.
- Loss of agricultural land and its sustainability in the light of an increasing population.
- Whether a suitable number of affordable homes will be delivered within the development.
- Accessibility and traffic impacts including capacity of local and strategic roads (particularly the A38 and Hilliards Cross) and suitability of any improvement works.
- Ensure that medical centre would be of adequate size, particularly in view of care home and new residents.
- Determine whether the health centre would be delivered, given other previously allocated sites within Fradley have not been erected.
- Surface water flooding consideration.
- Education/Schools capacity to be considered.

## **10. REVIEW OF PLANNING COMMITTEE**

Consideration was given to a Report of the Director of Place and Community relating to a review of the Planning Committee. The Committee approved the following:

### **RESOLVED:**

- (1) The reduction in the size of the Planning Committee to 15 Members;
- (2) The training of additional Members to act as permanent replacements as circumstances arise;
- (3) The hosting of Planning Committee meetings in the Committee Room on the provision that the Council Chamber will still host when larger public galleries are anticipated;
- (4) That the performance and operation of the new Planning Committee be subject to review by the Economic Growth, Environment and Development (Overview and Scrutiny) Committee after one year of its operation;
- (5) Note the above would be subject to subsequent approval by Full Council, as such changes would require amendments to the Council's Constitution.

(The meeting closed at 8.20 pm)

CHAIRMAN

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12 March 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**

**12 March 2018**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
17/01379/OUTM	Land At The Shrubbery Elford	Elford
17/01604/FUL	Land To The North Of Sunny Corner Upper Way Upper Longdon	Longdon
17/01707/FUL	77A Rugeley Road Chase Terrace Burntwood	Burntwood
17/01789/FUL	Land Adjacent 1 Anglesey Road Lichfield	Lichfield





# BLOCK PLAN

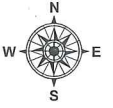
17/01379/OUTM  
Land At The Shrubbery  
Elford

Scale:

Dated:  
February 2018

Drawn By:

Drawing No:



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## **17/01379/OUTM**

### **ERECTION OF UP TO 25. NO DWELLINGS (OUTLINE: ACCESS)**

**LAND AT THE SHRUBBERY, ELFORD**

**FOR MR G HODGETTS**

Registered on 10/10/17

**Parish: Elford**

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

- Highways safety and road access – With only one access to the site and no provision for junction improvements, the increase in traffic would result in the area being unsafe;
- The proposal does not comply with the Development Plan, it is a small scale development not supported by the local community;
- The proposed development leads to the loss of an important area of open space which will affect the setting of the Conservation Area and views within it; and
- The application site is currently allocated under Policy C9 in the Development Plan (saved from the 1998 Local Plan).

**RECOMMENDATION:** 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. 37% Affordable housing;**
- 2. The formation of a maintenance management company to maintain the Open Space, Community Areas and unadopted roads; and**
- 3. Woodland Management Plan.**

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

#### **CONDITIONS:**

1. The development hereby approved shall be begun either before the expiration of two years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later. Application(s) for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. This is an outline planning permission and no phase of development shall be commenced until details of the layout of the site including the disposition of roads and buildings; existing and proposed ground levels and finished floor levels; the design of all buildings and structures; housing mix and tenure; the external appearance of all buildings and structures including materials to be used on all external surfaces; the means of pedestrian and vehicular access and parking layout; and the landscape and planting of the site shall be submitted to and approved by the Local Planning Authority by way of reserved matters application(s).

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

4. Before the development hereby approved is commenced, a Traffic Management/Construction Management Plan comprising the routing of construction vehicles to and from the site; Parking Facilities for vehicles of personnel, operatives and visitors; Arrangements for the loading and unloading of plant and materials; Areas of storage for plant and materials used during the construction of the proposed development; and Measures to prevent the deposition of deleterious materials on the public highway during the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The approved Method of Construction Statement shall be implemented prior to the commencement of any works on the site and shall be maintained throughout the entire construction period.
5. Before the development hereby approved is commenced, the application site shall be subjected to a detailed scheme for the investigation and recording of any contamination of the site and a report shall be submitted to and approved in writing by the Local Planning Authority. The report shall identify any contamination on the site, the subsequent remediation works considered necessary to render the contamination harmless and the methodology used. The approved remediation scheme shall thereafter be completed and a validation report submitted to and approved in writing by the Local Planning Authority within 1 month of the approved remediation being completed, to ensure that all contaminated land issues on the site have been adequately addressed prior to the first occupation of any part of the development.
6. 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. The boundary treatments shall be provided in accordance with the approved details prior to the first occupation / use of the part of the development to which it relates and shall thereafter be retained for the life of the development.
7. Before the development hereby approved is commenced, full details for the disposal of surface water and foul drainage 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.
8. Before the development hereby approved is commenced, the trees and hedgerows shown to be retained on the approved plans shall be protected in accordance with British Standard 5837:2012. No works shall continue on site until the approved tree protection measures are in place. The tree protection measures shall be retained for the duration of construction including any clearance works until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed from the site, unless otherwise agreed in writing with the Local Planning Authority. No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians shall occur within the protected areas.
9. Before the development hereby approved is first commenced, a Construction Environment Management Plan (CEMP) and a Habitat Management Plan (HMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP/HMP should detail the location and size of all compensatory habitats as well as their methods of establishment and annual management prescriptions to ensure the habitats' good condition for at least 25 years post establishment. The approved recommendations shall thereafter be implemented prior to the first occupation of the approved dwellings.

10. Before the development hereby approved is commenced a scheme of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme so approved shall be implemented and thereafter retained for the life of the development.
11. Before the development hereby approved is commenced full details of the following shall be submitted and approved in writing by the Local Planning Authority:
  - Vehicular visibility splays on to The Shrubby;
  - Provision of parking, turning and servicing within the site curtilage including cycle parking for each dwelling;
  - Means of surface water drainage and outfall;
  - Surfacing materials; and
  - Bin collection points.

The development shall thereafter be implemented in accordance with the approved details and be completed prior to first occupation of dwellings.

12. Before the development hereby approved is commenced, a written scheme of archaeological investigation ('the Scheme') shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication. The Scheme shall thereafter be implemented in full in accordance with the approved details.

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

13. The development hereby approved shall be carried out fully in accordance with the approved Flood Risk Assessment (FRA)/Drainage Strategy and the following mitigation measures detailed within the FRA
  - Limiting the surface water run-off generated by the site to 8.5l/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
  - Provision of an appropriate volume of attenuation flood storage on the site to a 100yr +30% standard
  - Finished floor levels are set no lower than 150mm above local ground level.
  - Confirm which responsible body will maintain the surface water system over the lifetime of the development according to an acceptable maintenance schedule and that is achievable.
  - Where new development will be directly adjacent to existing and it is deemed necessary, a land drainage perimeter drain should be installed to prevent future disputes about garden waterlogging.

The mitigation measures shall be fully implemented prior to first occupation of development in any phase approved.

14. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site and which dies or is lost through any cause during a period of 5 years from the date of first planting shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
15. There shall be no more than 25 dwellings provided on the site.

## **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. For the avoidance of doubt in that the application has been made for outline permission only; to ensure a satisfactory form of development; safeguard the character of the area and safeguard the amenity of future residents in accordance with the requirements of Core Policy 3 and Policies BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework.
4. In the interests of highway safety, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
5. In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with the requirements of the National Planning Policy Framework.
6. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy National Planning Policy Framework.
7. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
8. To safeguard existing visually significant trees on the site in accordance with the requirements of Policies BE1 and NR4 of the Local Plan Strategy and the National Planning Policy Framework.
9. To safeguard ecological interests in accordance with the requirements of Policy NR3 of the Local Plan Strategy and the National Planning Policy Framework.
10. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
11. In the interests of highway safety, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
12. To safeguard archaeological interests in accordance with the requirements of Policy NR5 of the Local Plan Strategy and the National Planning Policy Framework
13. To ensure the provision of satisfactory means of drainage to serve the development, to reduce the risk of creating or exacerbating flooding problems and 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 the National Planning Policy Framework.



14. To ensure the satisfactory appearance of the development in accordance with the requirements of Policies BE1 and NR4 of the Local Plan Strategy and the National Planning Policy Framework.
15. For the avoidance of doubt, in accordance with the applicants' stated intentions, to ensure that the development allows adequate provision for green open space and that it will be adequately served by infrastructure, in accordance with the requirements of Policies BE1, IP1 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 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. 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).
4. The Council has sought a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.
5. The applicant is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer dated 31.10.17. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
6. The applicant is advised to note and act upon as necessary the comments of the Rights Of Way Officer dated 17.10.17.
7. The applicant is advised to note and act upon as necessary the comments of the Joint Waste Services dated 11.10.17.
8. The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats is found during demolition, all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.
9. The access and off-site highway works will require a Major Works Agreement with Staffordshire County Council and the applicants are therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a further link to a Major Works Information Pack and an application form for the Major Works Agreement. 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/licences/10>

10. This consent will require approval under Section 7 of the Staffordshire Act 1983 and also require a Section 38 of the Highways Act 1980. The applicant is advised therefore to contact Staffordshire County Council to ensure that approval and agreements are secured before the commencement of development.
11. The applicant is advised that the minimum internal dimension of any garages should be 6.0m x 3.0m to ensure sufficient space to enable the secure storage of both vehicles and bicycles.
12. The applicant is advised that all site clearance works should be completed outside of the bird nesting season (March to September), unless otherwise agreed in writing by the Local Planning Authority.

## **PLANNING POLICY**

### **Government Guidance**

National Planning Policy Framework

National Planning Policy Guidance

### **Lichfield District Local Plan Strategy**

Core Policy 1 – The Spatial Strategy

Core Policy 2 – Presumption in Favour of Sustainable Development

Core Policy 3 – Delivering Sustainable Development

Core Policy 5 – Sustainable Transport

Core Policy 6 – Housing Delivery

Core Policy 10 – Healthy & Safe Lifestyles

Core Policy 13 – Our Natural Resources

Core Policy 14 – Our Built and Historic Environment

Policy SC1 – Sustainability Standards for Development

Policy SC2 – Renewable Energy

Policy ST1 – Sustainable Travel

Policy ST2 – Parking Standards

Policy H1 – A Balanced Housing Market

Policy H2 – Provision of Affordable Homes

Policy HSC1 – Open Space Standards

Policy NR1 – Countryside Management

Policy NR3 – Biodiversity, Protected Species & their Habitats

Policy NR4 – Trees, Woodland & Hedgerows

Policy NR5 – Natural & Historic Landscapes

Policy NR6 – Linked Habitat Corridors & Multi-functional Green spaces

Policy NR7 – Cannock Chase Special Area of Conservation

Policy BE1 – High Quality Development

Policy Rural 2 – Other Rural Settlements

### **Supplementary Planning Documents**

Sustainable Design

Trees, Landscaping & Development

Biodiversity and Development

Rural Development

Developer Contributions



## Other

Staffordshire and Stoke on Trent Joint Waste Local Plan

### RELEVANT PLANNING HISTORY

13/00428/FUL - Erection of a 4 bedroom dwelling and associated works – Refused 04.07.13 – Appeal Dismissed 2.4.14

### CONSULTATIONS

**Elford Parish Council** - Object:

- The widened access onto to the Shrubbery will have a detrimental visual impact on the Conservation Area
- The altered access will enable more fast traffic onto this narrow road and will change the whole character and approach of the area giving the village a suburban feel.
- The proposed development leads to the loss of an important area of open space which will affect the setting of the Conservation Area and views within it. (14.02.18).

**Elford Parish Council** – Object on the following grounds:

- Highway safety and road access – With only one access to the site and no provision for junction improvements, the increase in traffic would result in the area being unsafe;
- The proposal does not comply with the Development Plan, it is a small scale development not supported by the local community
- The application site is currently allocated under Policy C9 in the Development Plan (saved from the 1998 Local Plan) as well part of the site being within the Conservation Area (16.11.2017).

**Conservation Officer** – Object. The additional and amended information does not address the requirements of paragraph 128 of the NPPF, therefore the application still fails to address the significance of the heritage assets affected and the impact on that significance of the proposed development.

The illustrative site layout shows amendments to the layout with the same number of units proposed. It is considered that changes in the layout in terms of the buildings and roads/paths will alter the impact on the heritage assets that has previously been described in previous comments.

The site layout also shows additional planting which is intended to screen the development from the road and lessen the visual impact on the conservation area of the entrance to the site and the development itself. This additional planting includes structure planting which will replace of some of the hedgerow and vegetation that will be lost through the construction of the access road and also additional tree planting on either side of the access road at its junction with The Shrubbery.

The entrance to the site and the access road will be within the Elford Conservation Area and is considered to harm its significance for the reasons outlined in previous comments. While the proposed additional planting and the replacement of small areas of lost hedgerow on either side of the access road is an improvement, the open space will still be lost. The visibility splay for the access road by its very nature cannot be screened and the engineering works required to create the access road, given the topography of the site, will remain the same. So while the areas of hedgerow, vegetation and trees that will be lost has been lessened slightly thus slightly reducing the visual impact of the access road and reducing the areas in which the development will be visible from the conservation area, this development will still harm the character and appearance of the conservation area.

The opening up of the boundary between this site and the conservation area will still create a level of inter-visibility between the two which does not exist at present. While the amended plans show

some replacement hedge on either side of the access road which will reduce the areas in which the two sites are inter-visible, there is still a lack of information in the application to demonstrate the impact of the proposals on the setting of the conservation area. The submitted illustration shows that the houses within the development will still be visible from the conservation area.

It is considered that the creation of the access road and the opening up of views between the two areas of open space will create a level of inter-visibility that does not currently exist, and the subsequent development of 25 dwellings and associated works in an area of open space directly adjacent to the conservation area would result in the loss of this important open space on the edge of the conservation area and would harm its setting. (24.1.18)

There are proposals in place to extend Elford Conservation Area. The extensions would bring the remainder of the historic village within the conservation area and would include, the rest of this site. The application and the supporting documents fail to consider the adopted Elford Conservation Area Appraisal and Management Plan which include the proposals to amend the boundary of the conservation area. This was approved by Full Council on the 14th July 2015 and while the boundary changes have not yet come into force the area is considered to be an important part of the historic environment of Elford and within the setting of the current conservation area.

Access to the site would be gained from The Shrubbery and this part of the site is within the Conservation Area. The land immediately adjacent to the road is significantly higher than the road itself, therefore there would have to be substantial levels changes in order to create a suitable access. The proposals include a 43m visibility splay shown, will create a wide access point which will have a detrimental visual impact on the green and rural character of this part of the road which is just before the character changes into that of a village street. The associated loss of trees and loss of an area of open space which are important to the character and appearance of the conservation area would have a direct impact on a designated heritage asset. This impact would harm the significance of the conservation area and that this harm would be less than substantial.

There is a lack of evidence in the application to demonstrate the impact of the proposals on the setting of the conservation area. The opening up of the boundary, which currently forms the boundary of the conservation area will remove this physical and visual screen between the two areas and create an inter-visibility that does not exist at present. Due to the lack of information on the relative levels of the different components of the development it is not clear to what extent the development would be visible from the conservation area and so a full assessment of the impact of the proposals on the setting of the conservation area cannot be carried out.

Based on the information provided and knowledge of the site, and in the absence of clear and convincing evidence to the contrary, it is considered that the creation of the access road and the opening up of views between the two areas of open space will create a level of inter-visibility that does not currently exist, and the subsequent development of 25 dwellings and associated works in an area of open space directly adjacent to the conservation area would result in the loss of this important open space on the edge of the conservation area and would harm the setting of the conservation area.

There are a number of locally listed buildings which are considered to be non-designated heritage assets, near to the site. I would consider that the proposals, by removing the association of the farmhouse from its former agricultural field would harm, the setting of the non-designated heritage asset in a manner that would harm the significance of the heritage asset therefore paragraph 135 of the NPPF would apply. I would consider that this harm would be less than substantial. (30.11.17)

**Housing Strategy & Enabling Manager** – (Further comments) - With regards to the proposed affordable units a mix of the following units would be considered acceptable: 1 bed – 2 , 2 bed – 4 , 3 bed – 3. (20.12.2017)

The submitted application offers a mix of 17 (68%) 4-5 bed houses for open market sale and 6 (24%) 3 bed houses and 2 (8%) 2 bed bungalows for affordable housing. This is not in line with policy H2 of the LPS, we therefore suggest that the mix is reassessed to reflect housing need. As there is a need for smaller properties across the district, we would recommend that 2 and 3 bed houses are included in the homes for sale. The inclusion of bungalows in the housing mix will help cater to meet the current and future housing needs of the districts ageing population. In line with policy H2, of the affordable housing, the tenure split should be 65% social rented and 35% intermediate including shared ownership. (27.10.17)

**Staffordshire County Council (Highways)** – No objections subject to conditions requiring the submission and approval of the site’s internal road layout and composition, visibility splays, parking provision and turning areas, bin collection, surface water drainage. (11.12.17)

**Spatial Policy & Delivery** –The proposed development falls within the defined village boundary of Elford and in accordance with Core Policy 1 'other rural' settlements such as Elford should accommodate housing to meet local needs within village boundaries. Notably, the site is designated as protected open space in accordance with saved Policy CP9. Core Policy 10 seeks to resist the development of existing open spaces unless it can be demonstrated that alternative provision can be made. (24.10.17).

**Staffordshire County Council (Education)** – No objections or financial contributions required. (27.10.17)

**Arboricultural Officer** – No objections. Following discussions with the agent regarding the loss of trees and impact on the protected woodland no objections area raised subject to the implementation of a Woodland Management Plan agreed with the LPA (11.12.17)

The site is partially within the Elford conservation area and also a large number of trees are protected by 1965/01710/TPO forming protected woodland. As such the requirements of LPP NR4 and the associated SPD are relevant. It appears that a large number of the protected trees are shown for removal. W2 of the tree survey is noted for felling on condition grounds based on one of the trees having an unspecified amount of decay at the base. It is not understood how this can be classified as felling for condition and not purely for development purposes. The same is true of W3 in part. (17.10.17)

**Staffordshire County Council (Flood Team)** – No objections. Following the provision of additional information and clarification there are no objections subject to a condition relating to works in accordance with the Flood Risk Assessment and technical details as specified. (20.02.18)

The submitted documents do not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted documents are not acceptable because:

1. Although the site itself is within Flood Zone 1, the only vehicular access to the site is within Flood Zone 2 and 3. What did the EA say about this please?
2. You have not established you have an agreed point of discharge for the surface water from your site. Have any talks taken place with Severn Trent regarding discharging into the existing 150mm SW sewer to the South? If this was not possible, there may be real problems in finding a discharge route for a site completely surrounded by other housing.
3. Who would look after the various elements of the SuDs system over its lifetime?
4. Where new development will be directly adjacent to existing, I would suggest levels are not

raised, or else a land drainage perimeter drain be installed to prevent future disputes about garden waterlogging. (08.12.17)

**Architectural Liaison Officer** – Concerns regarding the provision of an additional access route from The Shrubbery will provide more opportunities for crime (1.11.17).

**Ecology Officer** – No objections. The ecology team is satisfied that the development will allow for a likely measurable net gain in site biodiversity value. Prior to the commencement of works a Construction Environment Management Plan and Habitat Management Plan will be required to be submitted for scrutiny (01.11.17).

**Environment Agency** – No objections (19.12.17).

**Environmental Health** – No objections (26.02.18)

**Staffordshire County Council (Rights of Way)** – No objections. There is a public footpath running through the site. If the path does need diverting consent would be required for the diversion under section 257 of the Town and Country Planning Act. (17.10.17)

**Severn Trent Water** – No objections subject to conditions in respect of details for the disposal of foul and surface water flows (17.10.17).

**Staffordshire County Council (Archaeology)** – No objection subject to a condition requiring a written scheme of archaeological investigation. (24.10.17)

**Network Rail** – No objections (11.10.17)

**Waste Management** – No objections subject to bin storage provision for each dwelling. (11.10.17)

**Central Networks** – No comments received.

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

### **LETTERS OF REPRESENTATION**

Twenty Two letters of objection have been received from local residents, whose comments are summarised as follows:

- Devaluation of existing neighbouring properties;
- Loss of views;
- Existing houses will look directly into the proposed homes and gardens;
- Impact on infrastructure including roads, schools, doctors, broadband and mobile signals;
- Loss of 'village' feel;
- Development will overlook neighbouring properties on surrounding roads;
- Reduction in quality of light;
- Increase in noise levels from neighbours;
- Increase in noise from the extra traffic which the development will produce;
- Safety concerns regarding increase in extra cars near a children's play park;
- Safety of properties affected in relation to burglaries and open to crime;
- Impacts on house insurance;
- Increase in pollution from vehicles;
- Increase in traffic levels and congestion;
- Surrounding schools are at capacity extra numbers will put children's needs and education at jeopardy;
- Development would lead to loss of open space;
- Loss of land for residents to play, go for walks, walk dogs etc;

- Impact on parking;
- Impact of the volume of construction traffic. The roads are not fit to this volume;
- Danger to children during building works;
- Loss of views;
- Impact on quality of life;
- No plan to understand how traffic and service would be disrupted;
- Access in and out of the village via The Shrubbery is already dangerous, an increase in houses will only make this matter worse;
- Overdevelopment outside of the allocations for the Neighbourhood Plan.

## **OTHER BACKGROUND DOCUMENTS**

The application is accompanied by the following supporting documents:

Transport Statement (September 2017)  
 Flood Risk Assessment (September 2017)  
 Planning Design, Access and Heritage Statement  
 Biodiversity Impact Calculator  
 Ecological Appraisal (August 2017)  
 Tree Survey and Arboricultural Report (September 2017)  
 Archaeological Desktop Assessment  
 Odour Constraints Report  
 Noise Constraints Report  
 Woodland Management Plan  
 Draft Heads of Terms

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## **OBSERVATIONS**

### **Site and Location**

The site, which is 2.9 hectares in size, is bounded to the north east and west by existing residential development. The housing which surrounds the site is of a variety of architectural designs and age, predominantly comprising of large detached dwellings. There are changes in levels from the southern point of the site from The Shrubbery at a gradient which level out within the main field. The site is currently in agricultural use. An existing public footpath runs through the site along with a farm access off Eddies Lane used for agricultural machinery. To the south of the site lies the Elford Sewage Treatment Works compound screened by hedgerows. Access to this compound can be access directly from The Shrubbery.

The site is located wholly inside the village settlement boundary for Elford as defined on inset 10 of the Lichfield Local Plan Strategy 2008-2029 with part of the site situated within the Elford Conservation area. The site is currently designated as protected open space within Elford village, under saved Policy C9 of the Lichfield District Local Plan June 1998.

### **Proposals**

The application seeks outline permission for the erection of up to 25 dwellings. All matters are reserved for future consideration, with the exception of access which would be directly into the site from The Shrubbery to the south which is the portion of the site within the Conservation Area. An illustrative layout has been submitted which shows how the site could be laid out to accommodate the proposed dwellings and an attenuation pond as a sustainable drainage system.

The illustrative layout shows a mix of 1, 2, 3 and 4 bedroom detached, semi-detached and bungalow properties and green buffers around the margins of the site, with areas of open space internal to the site. The existing public footpath which runs through the site will be retained.

## Determining Issues

1. Policy and Principle of Development
2. Access and Highways
3. Housing Mix, including Affordable Housing
4. Design and Connectivity
5. Impact on the Conservation Area
6. Arboricultural Matters
7. Residential Amenity – Future and Existing Residents
8. Planning Obligations / Community Infrastructure Levy
9. Other Matters Arising
10. Human Rights

### 1. Policy and Principle of Development

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

1.2 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*”. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies should not be considered up to date if the Council is not able to demonstrate a 5 year supply of housing sites.

1.3 The Framework details that there are three dimensions to sustainable development and that these dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right place and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

This report will provide a balanced view in terms of these three strands of sustainable development.

1.4 This site lies within the Elford village development boundary, as identified within the formally adopted Local Plan Strategy and therefore the principle of residential development within this site is considered acceptable. The site is situated adjacent to the Conservation Area with a portion of the site, where the vehicular access is proposed within the Conservation Area and forming protected woodland. However, it is necessary to consider, in

detail, a range of other issues such as its potential impact on the character of the village and impact on local highway network, and this is examined in the following sections of the report

- 1.5 Core Policy 1: The Spatial Strategy states that growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. Elford is included within the hierarchy under 'other rural' which will accommodate housing to meet local needs, mainly within identified village boundaries, unless supported as a rural exception site. Core Policy 6: Housing Delivery states that smaller villages will accommodate housing to meet local needs, mainly within the identified village boundaries. Furthermore, Policy Rural 1: Rural Areas states that approximately 5% of the District's housing will be met within the village settlement boundaries of smaller villages and that smaller villages will only deliver housing to accommodate local needs. The site is located within the village settlement boundary as identified on the adopted policies maps.
- 1.6 The site is currently designated as protected open space within Elford village, as such saved Policy C9 of the Lichfield District Local Plan June 1998 will apply. Policy C9 seeks to protect open spaces that make a significant contribution to the character of villages and Conservation Area. Lichfield District Council recently consulted on the second part of its Local Plan 'Local Plan Allocations' and whilst little weight can be attributed to the document at this stage, Appendix A seeks to delete Policy C9. Therefore at present the proposal would be in conflict with Saved Policy C9. Whilst the site is allocated as open space within the village, it is an agricultural field used for crops and is not useable open space all year round, with a public footpath running through it. The proposed indicative layout shows part of the site being used to create an area of public open space within the sites centre / northern corner. As such I consider the proposal will delivery usable public open space which the present situation does not.
- 1.7 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. This site was included within the 2017 Strategic Housing Land Availability Assessment (SHLAA) as a deliverable site for 30 dwellings. The latest position demonstrates that there is a 5.77 year supply of housing land within Lichfield District. In any event the Council can demonstrate a 5 year housing supply and it therefore falls for this scheme to be considered, in the first instance, against the Policies contained within the Development Plan.
- 1.8 Core Policy 1 of the Local Plan Strategy seeks to locate new growth in sustainable settlements and identifies 5 key rural settlements to accommodate growth. Elford is not identified as one of the key rural settlements although, given the availability of limited facilities it is not considered, on balance, to be one of the least sustainable either. The location of these dwellings are proposed to be determined through the Local Plan: Land Allocations Document and through further engagement with local communities. The applicant has provided an evidence base assessment to demonstrate that there is a need for smaller, affordable dwellings within the village. Whilst the site is not within the Site Allocations within the Elford Neighbourhood Plan, this has not yet gone to referendum and as such has not been made and therefore does not hold any material weight to the assessment of this proposed scheme.
- 1.9 Core Policy 6 (Housing Delivery) states that development in rural areas, outside the key rural settlements, will be permitted in certain circumstances. One of those circumstances is the provision of affordable housing delivered through Rural Exceptions. Policy Rural 1 (Rural Areas) further states that residential development in these areas will be to accommodate local housing needs. Paragraph 54 of the NPPF is also clear that in rural areas Local Planning Authorities should be responsive to local circumstances and plan housing development to

reflect local needs, particularly affordable housing, including through the use of Rural Exception sites where appropriate. Paragraph 54 of the NPPF also states that it may be appropriate to consider the delivery of some market homes where this facilitates the provision of significant additional affordable housing to meet local needs.

1.10 Policy H2 (Provision of Affordable Homes) supports the development of small rural exception sites where affordable homes can be delivered to meet the needs of local people from within the area where there is no conflict with other Local Plan policies subject to certain criteria:

- Majority of homes are affordable;
- The site is adjacent to existing village settlement boundaries;
- There is an identified housing need in the parish or one or more of the adjacent parishes;
- The development is suitable by virtue of its size and scale in relation to an existing settlement and its services including public transport;
- The initial and subsequent occupancy of affordable homes is controlled to ensure accommodation remains available in perpetuity to local people in affordable housing need.

1.11 A mix of general market and affordable housing is proposed, with a total of 9 units (approx. 37%) of affordable, and as this does not represent a majority, the rural exceptions policies do not apply. It must therefore be concluded that the proposed development, by virtue of its location in a rural area, outside of the settlement boundary, is inappropriate in principle and conflicts with various policies of the Development Plan, including Core Policies 1 and 6 and Policy H2 of the Local Plan Strategy.

1.12 Notwithstanding this, the NPPF states at paragraph 12 that development that conflicts with an up-to-date Local Plan should be refused unless other material considerations indicate otherwise. Guidance in the NPPF however, is slightly less stringent and the proposals could be seen to accord with paragraph 54 in that allowing market housing would facilitate the delivery of affordable units.

1.13 The applicant is aware that the proposals conflict with policy and seeks to justify the development on the basis of delivery of affordable housing and the need for smaller homes within the locality. Whilst the loss of open space is acknowledged, the public footpath is to be retained within the site and the proposal would deliver useable public open space, of which there is none at present. In this respect, there is a degree of support within the NPPF and Core Policy 14 of the Local Plan Strategy and saved policy C2 of the former Local Plan.

1.14 In view of the above, it is considered that, although there is an 'in principle' objection to residential development on this site currently allocated as Open Space, there are extenuating circumstances, notably the provision of usable public open space, and the delivery of smaller and affordable homes within the village settlement boundary. It is considered that these should be given weight in support of the development, sufficient to overcome the 'in principle' objection. Matters related to the general development management criteria are also discussed below.

## 2. Access and Highway Safety Issues

2.1 The NPPF requires that consideration should be given to the opportunities for sustainable transport modes, that safe and suitable access to a development site can be achieved for all people and that improvements can be undertaken within the transport network that effectively limit the impacts of the development. It goes on to state that development



should only be refused on transport grounds where the residual cumulative impacts of development are severe.

- 2.2 Although the application is in outline, means of access is included for consideration at this stage. To this end, the proposal is supported by a detailed Transport Assessment (TA), which has been assessed by Staffordshire County Council (Highways).
- 2.3 The vehicular access to serve the site will be via The Shrubbery to the south of the site. The Highways Authority have requested a condition is attached requiring further details to be submitted including vehicular visibility splays onto The Shrubbery; the provision of parking, turning and servicing within the site curtilage; means of surface water drainage and outfall; surfacing materials; and bin collection points.
- 2.4 I note the comments received from local residents it is considered by the County Council Highways Authority that the proposed access is acceptable and would not have a detrimental impact to highway safety.
- 2.5 Overall therefore, in terms of highways and transportation issues, the Local Planning Authority is satisfied that subject to appropriate conditions, the development is acceptable in highways terms, being compliant with the requirements of both the Development Plan and NPPF.

### 3. Housing Mix, including Affordable Housing

- 3.1 Policy H1 of the Local Plan Strategy requires 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 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, particularly in the rural areas. Consequently, it has identified the need for smaller affordable homes, particularly those of an appropriate type and size for first-time buyers or renters.
- 3.2 The submitted indicative layout sets out that it is proposed to provide a range of different housing across the site. The range of proposed will be of varying sizes and tenures, in order to accommodate a variety of household types. The layout advises that the development shall utilise a mix of 3 no. four bedroom dwellings (12%), 10 no. three bedroom dwellings (40%), 10 no. two bedroom dwellings (40%) and 2 no. one bedroom dwellings (8%).
- 3.3 The dwelling mix identified as necessary to address the imbalance in the District's housing stock is 5% one bedroom, 42% two bedroom, 41% three bedroom and 12% four bedroom and above. It is evident that the mix proposed on the indicative block plan is fully compliant based on these figures. However, a condition to secure the implementation of a compliant housing mix is recommended, when further details of the house types and layout are known.
- 3.4 Policy H2 of the Local Plan Strategy uses a dynamic model to calculate the viable level of affordable housing with a target of up to 40%. The on-site affordable housing provision should be in line with the dynamic model of viability which is currently 37% affordable based on the most recent Annual Monitoring Report. It is proposed that 37% of the dwellings will be provided as affordable housing which equates to 9 dwellings which is considered satisfactory. It is recommended that these will comprise 65% social rented and 35% intermediate affordable homes, which will be secured through the Section 106 agreement.

Therefore, I am satisfied that 37% of the dwellings on the site will be affordable is appropriate in this instance. The siting of the affordable units within the site to ensure suitable integration throughout the scheme will be addressed within the reserved matters application for layout.

- 3.5 Overall, in terms of housing mix, I am satisfied that a development which balances the strategic need, with the need to secure an appropriate design and density for this infill development within the village site can be achieved and that the level of affordable housing proposed is viable. Accordingly, I consider that the relevant national and local housing policy requirements are satisfied and therefore the development will accord with the NPPF and Local Plan Strategy in this regard.

#### 4. Design and Connectivity

- 4.1 The NPPF sets out that the Government attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area's defining characteristics, it states that developments should:

- function well and add to the overall quality of the area;
- establish a strong sense of place;
- create and sustain an appropriate mix;
- respond to local character and history, and reflect local surroundings and materials;
- create safe and accessible environments; and
- be visually attractive as a result of good architecture and appropriate landscaping.

- 4.2 Policy BE1 of the Local Plan Strategy advises that new development should provide an explanation of how the built form will respond to the topography of the site and maintain long distance countryside views and the need for a landscape framework that integrates the development within the landscape. Furthermore there is a requirement to show how the scheme proposes to provide new homes and buildings of a high quality, inspired by the character and existing architectural design (vernacular) of the District.

- 4.3 No specific densities are set out in within policy H1 however it does state that where appropriate, higher density provision will be sought, focused around the most sustainable centres to assist in the provision of smaller units to meet a diverse range of housing needs. The site measures approximately 2.9 hectares and therefore the density would equate to 8.6 dwellings per hectare. The average density of dwellings within the surrounding areas equated to approximately 14 dwellings per hectare. The proposed scheme would provide a lower density of development which is considered acceptable within this location and in keeping with the established character of the surrounding area.

- 4.4 The layout plan submitted with this application is wholly indicative. The Design and Access Statement (DAS) however sets out how the plan has evolved, having regard to the character and context of the site. The document identifies that the dwellings to be erected are likely to be two storeys and bungalows. It is stated that it is entirely feasible at the Reserved Matters stage to secure a design for the proposed dwellings that will ensure that the development is respectful to and consistent with the character and appearance of the surrounding area. If approved and a Reserved Matters application submitted negotiations would take place between the Conversation Officers and applicant to provide a scheme that was of an appropriate design within the Conservation Area.

- 4.5 It is acknowledged that concerns have been raised by the Conservation Officer that the creation of the access road would lead to the site being exposed and provide open views from The Shrubbery. However, given the setting of the site and the level of screening from

the existing protected woodland that is to be retained running adjacent to the main highway, I do not consider that the proposed development would form a prominent feature within the immediate street scene. Whilst it is apparent that the open form of the land would be lost, a significant amount of the site would be retained as open space which would be useable to residents and would not have a detrimental impact upon the Conservation Area.

4.6 Clearly this is an outline application and as such, detailed design is not being considered at this stage. Given the proposals location adjacent to the Conservation Area, it is considered that any new-build development should be of a very high standard of design, construction and materials, which provide substantial benefits in terms of visual amenity. These matters would be addressed through the reserved matters application.

4.6 Based on the above, I am satisfied that although the application is only in outline form it is acceptable in design terms. As such it is considered consistent with the Development Plan and the NPPF.

## 5 Impact on the Conservation Area

5.1 The NPPF requires LPA's to take account of the desirability of sustaining and enhancing the significance of heritage assets. Great weight should be given to the conservation of designated heritage assets and the more important the asset, the greater the weight should be. LPA's should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. Core Policy 14 of the Local Plan Strategy seeks to protect and improve the built environment and identifies that new development must make a positive contribution to the historic environment's local distinctiveness and saved policy C2 of the Local Plan seeks to enhance and preserve the character of the Conservation Area, stating that there will be a presumption in favour of retaining and enhancing buildings, groups of buildings, or other features including open spaces and views through, into or out of conservation areas which contribute to their special character, appearance or interest, these matters are discussed below.

5.2 The site falls partially within the Elford Conservation Area, which forms the southern portion of the site along The Shrubbery, where the vehicular access is proposed. This portion of the site is also an area of Protected Woodland. There are proposals in place to extend Elford Conservation Area. The extension would bring the remainder of the historic village within the conservation area and would include, the rest of this development site. The application and the supporting documents fail to consider the adopted Elford Conservation Area Appraisal and Management Plan which include the proposals to amend the boundary of the conservation area. This was approved by Full Council on the 14th July 2015. However, at present the boundary changes have not yet come into force, and therefore currently only part of the site falls within the Conservation Area.

5.3 The site is visible from the existing agricultural access from Eddies Lane adjacent to Webbs Farm, and from the rear of properties situated on The Beck, Eddies Lane and Burton Road. The site is heavily screened from public views from The Shrubbery by the protected woodland which is to be retained with additional landscaping and planting proposed along the proposed access point into the site. Whilst it is acknowledged that the implementation of the new access road would create a new level of inter-visibility between the site and The Shrubbery, the existing woodland running along the southern boundary and proposed landscaping would minimise the impact of the development on the Conservation Area. Additionally, this break in the built form is not a key visible focal point within the village, given its siting when viewed from the rear of neighbouring properties situated within the

Conservation Area and Eddies Lane. Although, the proposed dwellings would be visible from properties sited within the Conservation Area it is not considered that the principle of dwellings within this location would cause harm to the Conservation Area, given the wider benefit of the delivery of usable open space and affordable and market housing. Furthermore a high quality development could deliver enhancements to the Conservation Area through increased woodland planting and management.

- 5.4 Currently the site is an open agricultural field, used for agricultural purposes with the public right of way running through it, however it is not considered that the land at present is useable open space by the local residents by virtue of its use. Agricultural usage does not make any positive contribution to the Conservation Area apart from retaining the space as an open field. Therefore, it is considered that by extinguishing the agricultural use of the site in favour of new residential development and public open space, it is considered the development would not have a detrimental impact on the character and appearance of the Elford Conservation Area. As such the development would accord with the NPPF in this regard.

## 6 Arboricultural matters

- 6.1 The site is predominantly open agricultural land with trees and hedges on the periphery. The woodland through which the site access would run, is subject to protection under TPO 1965/01710. Discussions have taken place with the applicant and the Councils Arboriculturalist regarding the location of the proposed access and replacement planting. It is considered the quality of the existing trees that the removal of the proposed trees would not have a detrimental impact upon the protected woodland and that the principle of proposed replacement planting is acceptable. The Arboricultural Officer is satisfied with the location and provision of this access. Any reserved matters application will need to be informed by the position of existing trees/hedges and that existing trees are appropriately safeguarded during construction works. However this can be secured by a condition at the reserved matters stage if appropriate.
- 6.2 Given that this is an outline application, further Arboriculture / Landscaping detail would be provided regarding proposed landscaping and planting as well as tree protection measures at Reserved Matters stage. A Woodland Management Plan forms part of the obligations forming the S106 in order to implement the access off The Shrubbery and manage the surrounding woodland to this access point. The Arboricultural Officer is satisfied with this approach.
- 6.3 In conclusion, it is anticipated that all arboricultural/landscape issue can be satisfactorily resolved via conditions as recommended. The proposals therefore accord with the NPPF and Development Plan in this regard.

## 7 Residential Amenity – Future and Existing Residents

- 7.1 It is necessary to consider any potential impacts of the development on the amenities of existing nearby residents, and in addition whether future occupants of the new dwellings would enjoy a satisfactory level of amenity. The NPPF core planning principles include 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.
- 7.2 As stated above, layout, appearance and scale are matters which are reserved for future consideration. Accordingly, the precise impact of the development on the amenities of existing and indeed future residents will be considered at this later stage. However, I have

considered whether there are any fundamental aspects of the site which would make significant impacts on residential amenity unavoidable.

7.3 In this regard, it is considered that the site could accommodate a layout which would avoid breaching the Council's amenity standards both in respect of the occupiers of existing and future dwellings. The indicative layout demonstrates that such a scenario could be achieved.

7.4 Accordingly, subject to the conditions the development would not cause significant harm to the amenities of existing or future residents and as such would accord with the NPPF and Local Plan Strategy.

## 8. Planning Obligations/Community Infrastructure Levy

8.1 Although the development is liable to contributions under CIL it is identified that there will still be a need for a Section 106 undertakings in respect of the following:

1. 37% Affordable Housing;
2. Woodland Management Plan; and
3. The formation of a maintenance management company to maintain the Open Space, Sustainable Drainage System and unadopted roads.

8.2 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.

8.3 The development would give rise to a number of economic benefits. For example, it would generate employment opportunities, including for local companies, in the construction industry during construction. The development would also generate New Homes Bonus, CIL funding for local infrastructure and Council Tax.

## 9. Other Matters Arising

9.1 The application indicates areas of accessible open space and provides indicative levels of open space to be provided across the development. Policy HSC1 sets out the open space provision required, with all parts of the development to be within 480m/10 minute walk time of amenity green space. The inclusion of an accessible open space, as identified on the illustrative site layout is welcomed. Lichfield District Council does not intend to adopt the open space from this development and therefore details of its future management will need to be secured via a S106.

9.2 A Flood Risk Assessment has been submitted which concludes that the site, which is within Flood Zone 1, is shown to be at low risk of flooding. The Environment Agency and Staffordshire County Council Flood Team raise no objection to the scheme, subject to a condition, which secures the measures as detailed in the Flood Risk Assessment. As such, I consider that developing this site does not pose any particular flood risk.

9.3 The application site is currently in pastoral agricultural use. The Agricultural Land Classification (ALC) system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance (Annex 2 of NPPF). Grade 3b is moderate, Grade 4 is poor and Grade 5 is very poor.

- 9.4 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”*.
- 9.5 Natural England guidance produced in 2010 identifies this site as falling within an area of Grade 3B Agricultural Land. As such, whilst of reasonable quality it is not the best or most versatile and its loss from food production will have to be considered within the overall planning balance exercise, as advised within the above national guidance.
- 9.6 The Councils Ecologist is satisfied that there would be a net gain to biodiversity as part of the proposed development which would therefore be compliant with policy NR3. A condition has been requested and is attached to the decision notice relating to the submission of Construction Environment Management Plan and Habitat Management Plan.
- 9.7 Other matters raised regarding disruption, loss of house value and loss of views, are not material planning matters that can be taken into account in the determination of the application.
10. Human Rights
- 10.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with neighbours’ rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report and on balance is justified and proportionate in relation to the provisions of national planning policy and policies of the development plan.

### **Conclusion**

In view of the above, it is considered that, although there is an ‘in principle’ objection to residential development in this site allocated currently as Open Space, there are extenuating circumstances relating to this scheme which provide support for the development, sufficient to outweigh this policy conflict. These include Conservation Area enhancement, the delivery of accessible open space, delivery of smaller residential units in accordance with the identified need across the district, delivery of much needed affordable housing, and reduced traffic/improved highway conditions. The development will also support the delivery of Lichfield District Council’s 2016-2020 Strategic Plan which recognises that a key issue for the district is the lack of affordable homes, especially for young people and the delivery of affordable housing is a strategic priority in the theme of clean, green and welcoming places.

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 proposal will provide employment opportunities, through creating a development opportunity, whose future residents would support existing village facilities. Socially, the proposal is sited ensuring no impact upon existing residents, whilst suitable conditions can secure the amenity of future residents within the site. In addition the scale of development is broadly compliant with the requirements of the Council’s Local Plan Strategy.

Environmentally the site would not elongate the form of Elford, rather in-fill an area between existing built forms and occupies a location where any landscape harm will be localised. It is considered that adequate, high quality public open space will be provided on site to meet the needs of the future and existing residents, whilst the number of dwellings and mix proposed, will provide a suitable density of development to integrate into the area, whilst also helping to meet the accommodation needs of the District. The proposed density of development would be of a similar level to that of properties within the Elford Conservation Area. It is considered that, on balance subject to conditions, the benefits of the proposed development would not have a detrimental impact on the adjacent Conservation Area together and would provide much needed affordable housing and smaller residential units, are sufficient to outweigh the conflict with the development plan in regard to this development. Whilst it is acknowledged that protected trees are to be removed as part of the proposal it is considered that the replacement planting and landscaping would be acceptable mitigating any harmful impact within the site would not be detrimental to the protected woodland. The value of agricultural land lost to enable the development is not of sufficient importance to impact upon the acceptability of the scheme.

With regard to transport and highways, adequate information and detail has been included within the supporting information to demonstrate that sustainable travel choices are available in close proximity of the site. Acceptable details have been provided with regard to the vehicular accesses to ensure that the development can be safely and appropriately accessed without undue harm to the character and appearance of the area, existing or future residents and highway and pedestrian safety.

I am satisfied, that subject to suitable measures that there will be no adverse impact on protected or priority species and ecological habitats. With regard to drainage, residential amenity and the development's impact on the surrounding landscape, it is considered that adequate mitigation is provided and that, subject to appropriate conditions, no material harm will be caused.

It is therefore considered, on balance, that the principle of residential development is acceptable and that no other material planning considerations exist to warrant the refusal of the planning application. Thus, subject to conditions and the applicant entering into a Section 106 Agreement, the principle of development is acceptable, and accordingly, the recommendation is one of approval.

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# LOCATION PLAN

17/01604/FUL  
Land North Of Sunny Corner  
Upper Way  
Upper London

Scale: 1:1,000

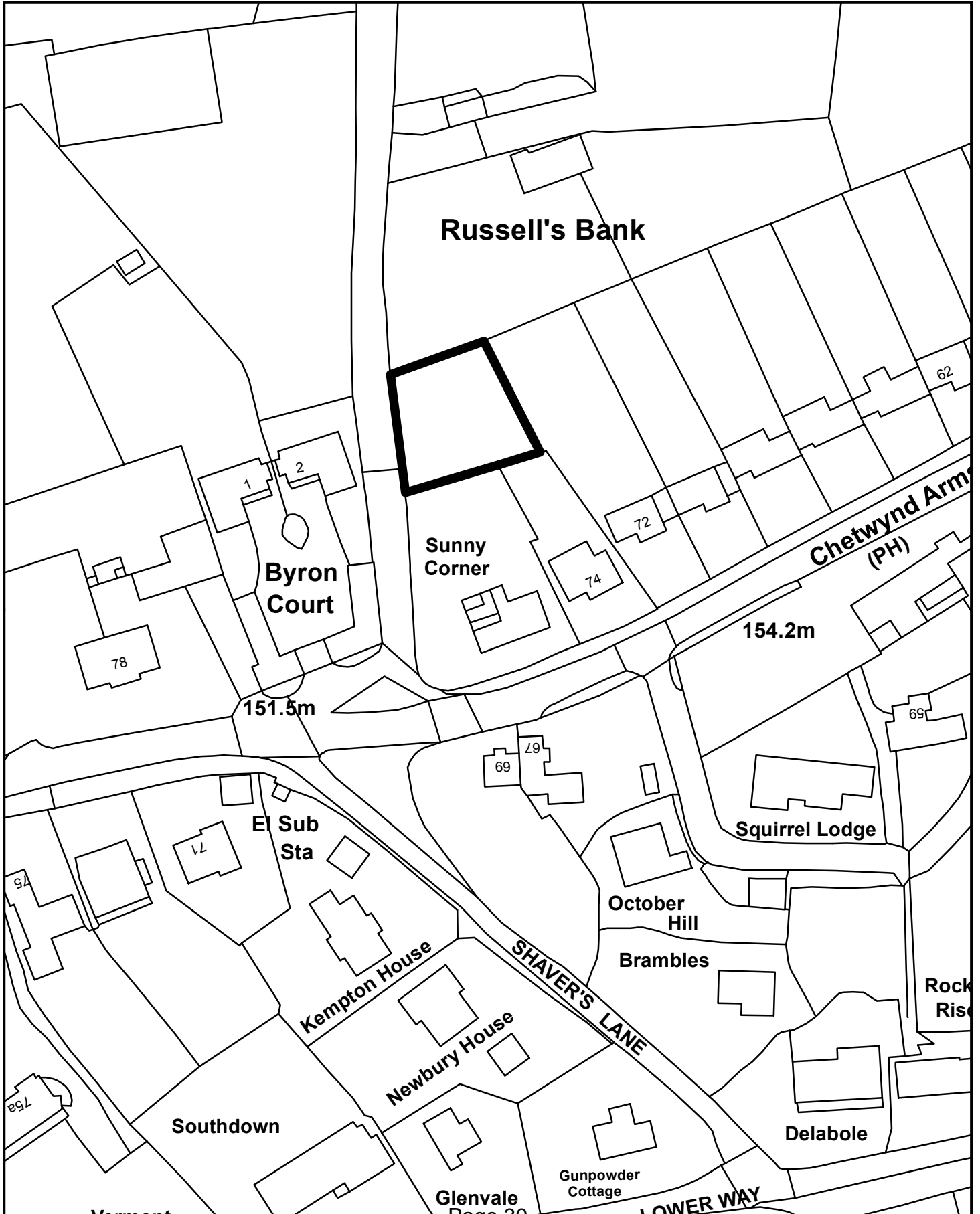
Dated: March 2018

Drawn By:

Drawing No:



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# BLOCK PLAN

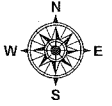
17/01604/FUL  
Land North Of Sunny Corner  
Upper Way  
Upper Longdon

Scale:

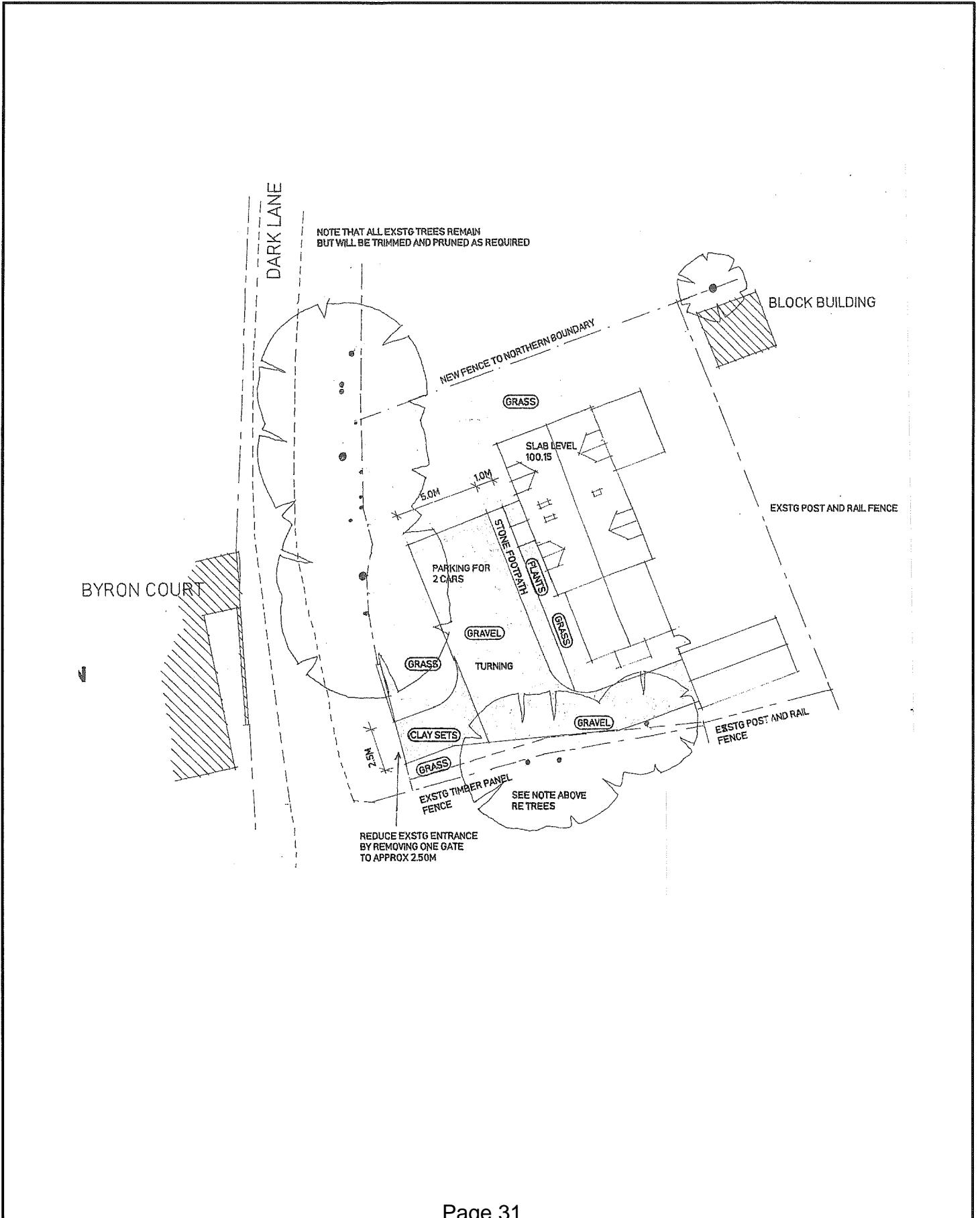
Dated:  
March 2018

Drawn By:

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## 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

Registered on 21/12/2017

**Parish: Longdon**

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

- Detrimental impact on character of the area through visual impact on the AONB and the scheme not being in keeping with the street scene;
- Detrimental to highway safety – increase in traffic on Bridleway;
- Loss of privacy; and
- On a corner so could be an accident risk due to visibility.

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

#### **CONDITIONS:**

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

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

3. Before the development hereby approved is commenced, full details of all external materials and eaves detailing shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details, and retained as such for the life of the development.
4. Before the development hereby approved is commenced, a method statement, including materials to be used and construction details for a 'no-dig' driveway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved method statement.
5. Before the development hereby approved including any demolition and / or site clearance works is commenced or any equipment, machinery or materials is brought onto site, the protective fencing, as identified in the Tree Protection Plan dated 11 Feb 2018, to safeguard existing trees and/or hedgerows on the site shall be provided in accordance with the British Standard 5837: 2012 and retained for the duration of construction (including any demolition and / or site clearance works). 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.
6. Before the development hereby approved is commenced, 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, 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

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

8. Before the development hereby approved is first occupied, the access, parking areas and turning areas indicated on the approved Site Plan ref no.BW1-00667568 shall be completed and surfaced in a porous bound material, which shall thereafter be retained for resident parking only for the life of the development.
9. Within one month of completion of the development hereby approved, a bat or bird box shall be installed within the site. The bat or bird box shall thereafter be retained as such for the life of the development.
10. Notwithstanding the provisions of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015, as amended, (or any order revoking or re-enacting that Order with or without modification) no development contained within Classes A, B and E of Part 1, or Class A to Part 2 of the Order, shall be carried out without the prior permission, on application, to the Local Planning Authority.

**REASONS FOR CONDITIONS:**

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and the guidance contained within the National Planning Practice Guidance.
3. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the surrounding area, in accordance with Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
4. To safeguard protected trees on the site and to ensure that adequate provision is made for their protection whilst the development is carried out in accordance with the Trees, Landscaping and Development Supplementary Planning Document, Core Policy 13 and Policies BE1 and NR4 of the Local Plan Strategy and the National Planning Policy Framework.
5. To safeguard protected trees on the site and to ensure that adequate provision is made for their protection whilst the development is carried out in accordance with the Trees, Landscaping and Development Supplementary Planning Document, Core Policy 13 and Policies BE1 and NR4 of the Local Plan Strategy and the National Planning Policy Framework.

6. To ensure that the external appearance of the development is physically well related to existing buildings and its surroundings, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy.
7. 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.
8. 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.
9. 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.
10. To safeguard the character of the Cannock Case Area of Outstanding Natural Beauty and to safeguard the amenities of existing nearby residents, in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy.

#### **NOTES TO APPLICANT**

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 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. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess)
4. Although the applicant confirms there is a private right to use Dark Lane for vehicular access to the site it should be noted the route is a public highway and this takes precedence.
5. The developer is advised to make contact with Staffordshire County Council's Community Infrastructure Liaison Manager who covers Lichfield to discuss the drainage culvert which runs under and parallel to the site entrance. The drainage ditch which starts close to Upper Way is within land under the control of Staffordshire County Council and as highway authority have a right to discharge highway water along the ditch and through the culvert which runs below the surface where vehicular access is proposed.

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

## **PLANNING POLICY**

### **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 NR3 – Biodiversity  
Policy NR4 – Trees, Woodland & Hedgerows  
Policy BE1 – High Quality Development

### **Supplementary Planning Document**

Sustainable Development  
Trees, Landscape and Development  
Biodiversity and Development  
Rural Development

## **RELEVANT PLANNING HISTORY**

No relevant planning history.

## **CONSULTATIONS**

**Parish Council** – The following concerns were outlined:

- Detrimental impact on character of the area through visual impact on the AONB and the scheme not being in keeping with the street scene;
- Detrimental to highway safety – increase in traffic on Bridleway;
- Loss of privacy; and
- On a corner so could be an accident risk due to visibility. (23.01.2018)

**Cannock Chase AONB Officer** – The application site is within the settlement boundary and outside the Green Belt but this is separate to the acknowledged need outline in paragraph 115 of the NPPF. This is necessary to protect the landscape and scenic beauty of the AONB, across the whole of the designated area and its setting. It is pertinent that the application site is alongside a track which forms part of the public footpath from Brereton Hill to Russell’s Bank. This path, in effect, is a gateway to the AONB where there is a transition to and from the village and open countryside. The quality of the built environment of Upper Longdon is an important component of the landscape and scenic beauty of the AONB in this area. It is a significant factor that to the east of the footpath there is no development in rear gardens.

There are concerns noting recent new dwellings in regards to the cumulative scale of new built development. The proposed development would result in further urbanisation and may lead to

pressure for more development in rear gardens. Based on this, although the design of the proposed dwelling is reasonable, the proposal represents increased urbanisation and over-intensification in an already pressured location. If approved, the final choice of materials should reflect the rural setting and local vernacular. It is also recommended that permitted development rights should be removed. (15.01.2018)

**Environmental Health** – No objection. (08.02.2018)

**Tree Officer** – No objection subject to conditions. Since the production of the tree report pruning has been undertaken to some of the trees on the southern boundary with "Sunny Corner ". This means that there is little vegetation to give any screening for the development along this boundary and, given the layout, replacement tree planting will not be possible. Conditions to be included are the installation of temporary protective fencing prior to the commencement of development and the installation of a no-dig driveway. (20.02.2018)

The application includes proposals which bring hard surfacing and built form close to existing trees. The plan notes that all trees are to be retained but trimmed or pruned as necessary which falls significantly short of the detail required in order to assess the impact on retained trees. In order to assess the impact properly a tree survey and arboricultural impact assessment to BS5837-2012 will be required. At present, the impact of the scheme cannot be quantified and therefore refusal would be recommended. (17.01.2018)

**Principal Rights of Way Officer** – The application recognises the existence of Public Bridleway no.58, Longdon which runs along the track along which gives access to the proposed development. The development does not appear to directly affect the public right of way, however, the attention of the applicant should still be made aware that the planning permission does not construe the right to divert, extinguish or obstruct any part of the public path. (08.02.2018)

**Ramblers** – The Ramblers have no objection to the development, subject to the freedom from interferences with the definitive line of Public Bridleway No.58 Longdon Parish, which should be available for safe public access at all times. (28.01.2018)

**Staffordshire County Council (Highways)** – No objections subject to conditions to require the submission of a Construction Method Statement prior to commencement and the provision of the access, parking areas and turning areas prior to first occupation. (05.02.2018)

**Severn Trent Water** – The proposal will have a minimal impact on the public sewerage system. There are no objections and do not require a drainage condition to be applied. (16.01.2018)

**Spatial Planning and Delivery** – The site is within the settlement boundary of Upper Longdon within the adopted Local Plan Strategy. However, as the site is within the Cannock Chase AONB there is no presumption in favour of sustainable development, the proposal whilst in accordance with the housing policy of the adopted Local Plan, the planning policy team are unable to assess the impact upon the landscape and scenic beauty of the AONB and will leave this to the case officer. (12.01.2018)

#### **LETTERS OF REPRESENTATION**

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

- Detrimental impact on character of area.
- Detrimental to highway safety.
- Impact on landscape.
- Increase in traffic using the bridleway including concerns regarding construction vehicles and where these will be parked.

- Query over whether Staffordshire County Council will be doing works to the bridleway which is in terrible condition.
- Loss of light.
- Loss of privacy.
- Reduction in house value.
- Increase of number of dwellings along the bridleway.
- Significant negative impact on no. 74 Upper Way.
- Overlooking of rear first floor windows on to back garden to be overbearing and intrusive and impact on privacy because of windows and garden room at ground floor level.
- The small size of the dwelling which may encourage further development in the future.

## **OBSERVATIONS**

### **Site and Location**

The site of this application is currently an agricultural field. The application site comprises a parcel of land located to the north of Sunny Corner, Upper Way, Longdon. To the east is the rear curtilage of no.72 Upper Way and to the north are agricultural fields. There is existing residential development located to the south and west, with the site being separated from development to the west by a bridleway (Dark Lane). The application site lies wholly within the settlement boundary and within the Cannock Chase Area of Outstanding Natural Beauty (AONB). Vehicular and pedestrian access will be via Dark Lane.

### **Proposals**

The application is for a two bedroom two storey dwelling and detached garage. The dwelling will be of a modest, cottage style of design, and will incorporate gabled roofs and modestly proportioned dormer windows. The ground floor of the proposal will measure 15m max in width and 10.1m max in depth. The garage will measure 3.5m max in width and 6m max in depth. The first floor will measure 9.7m max in width and 6.1m max in depth. The maximum height of the dwelling will be 7m. The dwelling will be red facing brickwork and traditional blue/grey tiled roof.

The dwelling will comprise at ground floor a kitchen/diner, living room, study, WC, garden room and porch as well as an external garage; at first floor 2no bedrooms with en suites. The dwelling will provide 2no parking spaces in total which a total of 68m<sup>2</sup> of hardstanding to form the parking spaces and driveway. The proposed dwelling will have a garden in excess of 145m<sup>2</sup>.

### **Determining Issues**

1. Policy and Principle of Development
  2. Design and Appearance
  3. Residential Amenity
  4. Access and Highway Safety
  5. Biodiversity and Landscaping
  6. Cannock Chase Special Area of Conservation
  7. Other Issues and Community Infrastructure Levy / Economic Benefits
  8. Human Rights
1. Policy and Principle of Development
    - 1.1. The site lies within the settlement boundary of Upper Longdon. The principle of development within existing settlements is supported by the NPPF and by Core Policy 2 of the Local Plan Strategy. In this instance, it should be noted that this application site is within the Cannock

Chase AONB and there is no presumption in favour of sustainable development. Therefore an assessment of the impact on the landscape and scenic beauty of the AONB is required.

- 1.2. Upper Longdon is within the Longdon Neighbourhood Plan area. The submission version of the Neighbourhood Plan has been submitted to Lichfield District Council and is currently undergoing consultation. The Neighbourhood Plan is yet to reach referendum and has not yet been made and as such has limited weight in the determination of this application.
- 1.3. The proposed dwelling would be within the settlement boundary of Upper Longdon and in line with the established building line established at Bryon Court to the west. Therefore, the proposal is not considered to encroach in to the countryside.
- 1.4. Policy BE1 of the Local Plan Strategy requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views. Policy H1 of the Local Plan Strategy seeks to promote the delivery of smaller properties including two and three bed houses to increase local housing choice and contribute to the development of mixed and sustainable communities.
- 1.5. Given the above, it is considered that the principle of an additional two bedroom dwelling would be acceptable and comply with the requirements of the Development Plan. It is therefore considered that the key issue relevant to the determination of this application is whether the proposal represents a harmful form of development. This assessment of harm will include consideration of impact on the Cannock Chase AONB, the character and appearance of the area, in addition to the amenities of nearby residents, along with other normal development management criteria. These issues are considered below.

## 2. Design and Appearance

- 2.1. Part 7 of the NPPF attaches great importance on good design and seeks to promote development which is appropriate in terms of overall scale, massing, height, landscaping, layout, materials and access in relation to neighbouring buildings and the local area more generally. It further states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.
- 2.2. The application is for a two bedroom two storey dwelling and detached garage. The dwelling will be of a modest cottage style design, and will incorporate gabled roofs with 2no modestly proportioned dormer windows to both the front and the rear. The dwelling will be constructed with red facing brickwork and a traditional blue/grey tiled roof, similar to nearby buildings. The ground floor of the proposal will measure 15m max in width and 10.1m max in depth. A detached garage will measure 3.5m max in width and 6m max in depth. The first floor will measure 9.7m max in width and 6.1m max in depth. The maximum height of the dwelling will be 7m. The dwelling will comprise at ground floor a kitchen/diner, living room, study, WC, garden room and porch as well as an external garage; at first floor 2no bedrooms with ensembles.
- 2.3. The comments of the Parish Council regarding design and the proposal not being in keeping with the street scene are noted. In relation to the location and orientation of the proposal, the proposal is within the settlement boundary and follows the pattern of the existing build line to the west. Consequently, the proposal is not considered to encroach into the countryside or to have a significant urbanising effect on the Cannock Chase AONB. Furthermore, the dwelling would be of a simple cottage style design, incorporating gabled roofs and modest dormer windows which is considered to be in keeping with the street scene and this edge of settlement location. Overall, it is considered that the proposed design, height,



massing and materials are sympathetic to the location. Therefore the proposal would not have a detrimental impact upon the character of the area or the Cannock Chase AONB.

- 2.4. It is noted that the proposal will be visible when approaching the village from the north when using the bridleway (Dark Lane). Due to the sympathetic design of the proposal and the established building line west, it is considered that the development would not have a detrimental impact upon views into and out of the village or the Cannock Chase AONB.
- 2.5. The AONB Officers comments regarding there being no previous development in back gardens is noted. However, this land is not considered to be back garden as it appears to currently be used as part of a paddock.
- 2.6. 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 or the Cannock Chase AONB, subject to a condition to request external material details. 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 concerns of adjacent residents in respect of the developments' impact on neighbouring residential amenity are noted. The proposed dwellings principle windows would be to the front (west) and rear (east), therefore the proposed dwelling will be sited a minimum 21m from the dwelling to the west and as such would accord with the separation standards of the SPD. The rear windows would face the amenity space of no.72 Upper Way. There is a 7m separation distance from the first floor windows to the amenity space of no.72 Upper Way, which falls below the guidance of 10m within the Sustainable Design SPD. However, due to the rural location and the large size of the garden of no.72 this is considered to have limited impact on the amenity of this neighbour. There were also concerns regarding the distance between the amenity space of no.72 Upper Way and the proposed garden room, however, the applicant has expressed willing to provide boundary fencing that will provide adequate screening. This will be secured by condition. There were also concerns regarding the loss of light at no.72, however, due to the siting, height and location of the proposed dwelling this is not considered to have a negative impact.
- 3.4 There were neighbour comments regarding the impact on no.74 Upper Way. The proposal will be located 22.5m from no.74 at its nearest point (to the garage) and there will be no principal facing windows. Therefore the proposal is considered to comply fully with the Sustainable Design SPD in this regard.
- 3.5 The AONB Officer recommended that, if approved, there should be a condition to remove the permitted development rights of the property. It is considered that it is reasonable to restrict classes A, B and E of Part 1 or Class A to Part 2 of the Town and Country Planning (General

Permitted Development) Order 2015 in regards to protecting the character of Cannock Chase AONB and also the amenity of the surrounding neighbours. Neighbour concerns regarding future extensions of the dwelling are also noted and such a condition would provide the Local Planning Authority with control over this form of future development.

3.6 The Sustainable Design SPD states that a two bedroom dwelling is required to provide private amenity space of a minimum 45m<sup>2</sup>. The proposed dwelling will have a garden in excess of 145m<sup>2</sup>. As such, the development accords with the SPD in this regard.

3.7 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 subject to a number of conditions to secure the submission of a Construction Method Statement and the delivery of the access, parking and turning area.

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. This requires two bedroom dwellings to provide 2no off-street vehicle parking space. The submitted information demonstrates that the proposal can deliver sufficient off road parking provision within the confines of the site for 2no vehicles, meeting the parking requirements of the Local Authority as set out in the Sustainable Design SPD.

4.3 The concerns of the Parish Council regarding the proposal being a corner plot and the resultant impact of this on visibility splays is noted. However, the proposal is not on a corner plot and the Highways department were satisfied that a safe access could be achieved. With regard to concerns of local residents and the Parish Council in relation to any impact caused by the development on the level of traffic using the bridleway are noted. The Highways department have requested an informative to be included on the decision notice stating that the Public Bridleway No.58 is a public highway and this takes precedence over any private right of access that the applicant may have. In order to limit the impact in the local area and to users of the bridleway during the construction period, there will be a condition to require the submission of a Construction Method Statement.

4.4 Therefore, it is considered that, subject to conditions, the proposal accords with the development plan and the NPPF with regard to safe access/egress and parking provision.

#### 5 Biodiversity and Landscaping

5.1 Policy NR3 of the Local Plan Strategy states that a net gain to biodiversity should be delivered through all developments. It is recommended that a bat/bird box could be incorporated within the development, this will be secured via condition. Subject to this condition the development is considered to be unlikely to have a negative impact upon the protected species or their habitats. Therefore it is considered to comply with the requirements of the Local Plan Strategy and the Biodiversity and Development Supplementary Planning Document.

5.2 There are a number of trees on site, and a Tree Survey and Tree Protection Plan have been provided as part of the application. The Council's Tree Officer was consulted and had no objection to the findings of the Tree Survey or Tree Protection Plan subject to two conditions regarding the installation of temporary protective fencing prior to the commencement of development and the installation of a no-dig driveway. Subject to these conditions the

development is considered not to lead to a detrimental impact on existing trees. Therefore the development would comply with the requirements of the Local Plan Strategy and the Trees, Landscape and Development Supplementary Planning Document in this regard.

## 6 Cannock Chase Special Area of Conservation

6.1 Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within a 15km radius of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC unless or until satisfactorily 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, if approved. The applicant is happy to provide the relevant contribution.

## 7 Other Issues and Community Infrastructure Levy / Economic Benefits

7.1 Neighbour concerns regarding the reduction in house value are noted, however, this is not a material planning consideration.

7.2 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 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.

7.3 The development would give rise to a number of economic benefits. For example, it would generate employment opportunities, including for local companies, in the construction industry during construction. The development would also generate New Homes Bonus, CIL funding for local infrastructure and Council Tax.

## 8 Human Rights

8.1 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. Socially, the development would create an additional dwelling within a defined settlement boundary which would not have a detrimental impact upon the residential amenity of neighbouring properties. Environmentally, the development would not have a detrimental impact upon the street scene or the setting of the Cannock Chase AONB and will also deliver a net gain to biodiversity within the site.

Weighing the material weight attributable to each consideration, for the reasons set out above, it is considered that the proposals accord with the Development Plan and NPPF. Therefore it is recommended that this application be approved, subject to conditions.

# LOCATION PLAN

17/01707/FUL  
77A Rugeley Road  
Chase Terrace  
Burntwood

Scale: 1:1,000

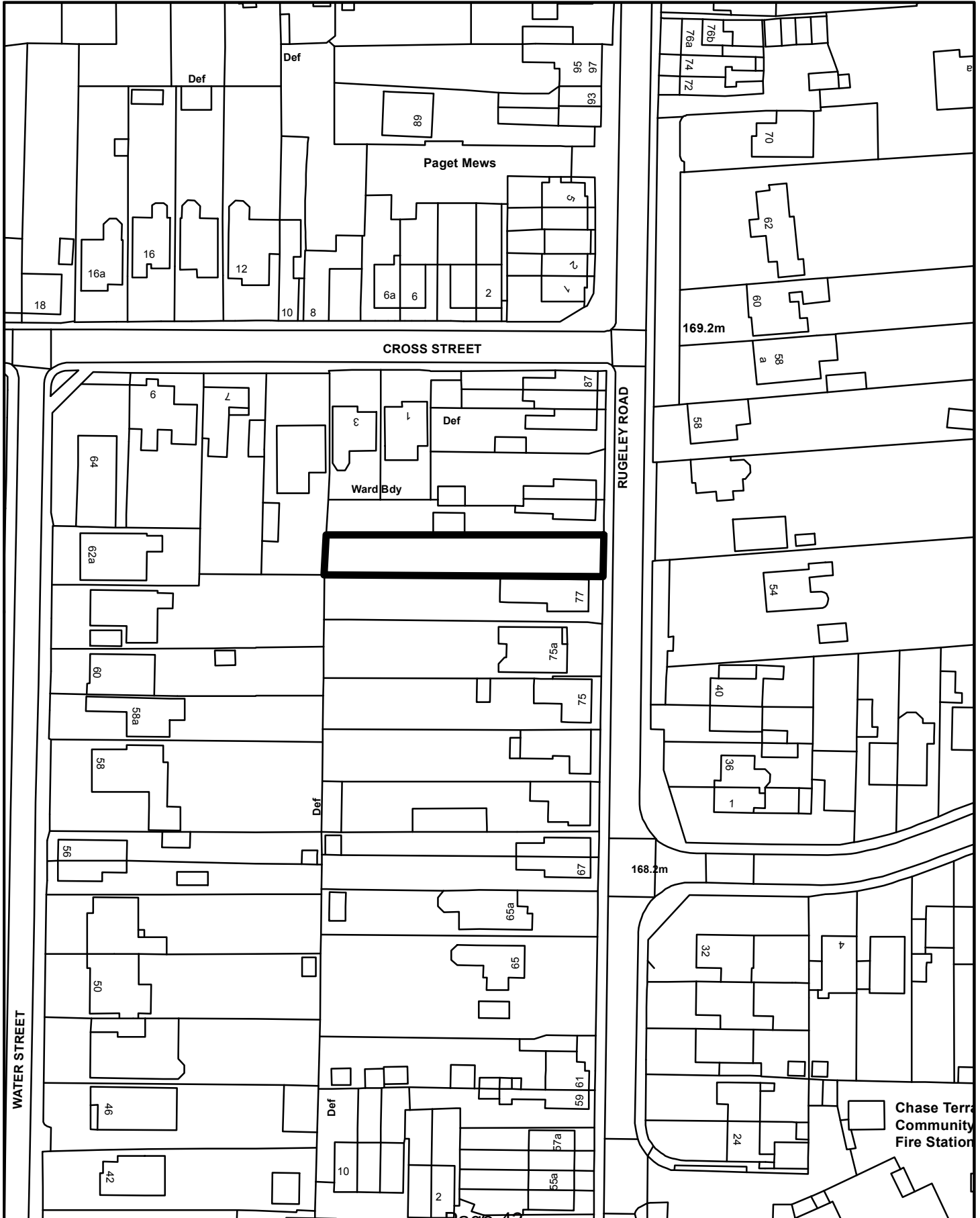
Dated: March 2018

Drawn By:

Drawing No:



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# BLOCK PLAN

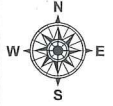
17/01707/FUL  
77A Rugeley Road  
Chase Terrace  
Burntwood

Scale:

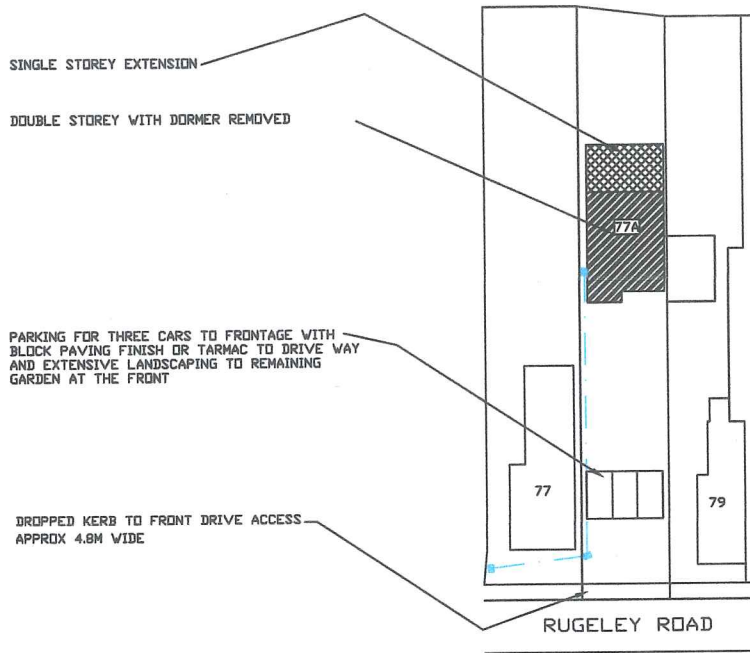
Dated:  
March 2018

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**17/01707/FUL**

**ERECTION OF NO1 THREE BEDROOM DWELLINGHOUSE  
77A RUGELEY ROAD BURNTWOOD  
FOR MR L MCMULKIN  
Registered on 30/11/17**

**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:

- Detrimental impact on the amenity of neighbouring occupiers due to its size and scale; and
- The proposed dwelling lies within the Zone of Influence of the Cannock Chase Special Area of Conservation. It has not been satisfactorily demonstrated that the development would not unacceptably impact on the ecological importance of this Special Area of Conservation.

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

**CONDITIONS:**

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

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

3. Before the development hereby approved is commenced, full details including samples of the external materials to be used in the construction of the walls and roofs of the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
4. Before the development hereby approved is commenced, drainage plans for the disposal of surface and foul water, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details before the dwelling is first occupied.
5. Before the development hereby approved is commenced, full details of the height, type and position of all site and plot boundary walls, retaining walls, including the method of construction, fences and other means of enclosure to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details before the dwelling is first occupied, unless otherwise agreed in writing with the Local Planning Authority.
6. Before the development hereby approved is commenced, a new site access shall be completed within the limits of the public highway as a vehicular dropped crossing.

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

7. Within one month of completion of the development hereby approved, a bat or bird box shall be installed within the site. The bat or bird box shall thereafter be retained as such for the life of the development.

8. Notwithstanding the details shown on the approved plans, before the development hereby approved is first occupied, full details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, boundary treatments (including elevations of the proposed vehicle access gates), external lighting, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works. The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within 8 months of first occupation of the development hereby approved, whichever is the later.
9. Any trees or shrubs planted or retained in accordance with the approved landscape and planting which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its consent in writing to any variation.
10. Before the development hereby approved is first occupied, the parking areas shown on approved plan Sheet 1 Elevation and Plan Views shall be provided and shall be retained for the lifetime of the development.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 2015 (as amended), (or any Order revoking and re-enacting the Order with or without modification) the dwellings hereby approved shall not be enlarged or extended, nor shall any outbuildings be erected without the prior written permission, on application, to the Local Planning Authority.

**REASONS FOR CONDITIONS:**

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and the guidance contained within the National Planning Practice Guidance.
3. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the surrounding area, in accordance with Core Policy 14 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
4. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with Core Policy 3, Policy NR9 and BE1 of the Local Plan Strategy and the National Planning Policy Framework.
5. To ensure the satisfactory appearance of the development, to ensure that the external appearance of the development is physically well related to its surroundings, in order to meet requirements of Policies BE1 of the Local Plan Strategy, the Supplementary Planning Document: Sustainable Design and the National Planning Policy Framework.
6. 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.
7. In order to encourage enhancements in biodiversity and habitat, in accordance with the



requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

8. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area, in accordance with the requirements of Core Policies 3 and 13 and Policies NR4 and BE1 of the Local Plan Strategy, Trees, Landscape and Development Supplementary Planning Document and the National Planning Policy Framework.
9. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area, in accordance with the requirements of Core Policies 3 and 13 and Policies NR4 and BE1 of the Local Plan Strategy, Trees, Landscape and Development Supplementary Planning Document and the National Planning Policy Framework.
10. In the interests of highway safety and in accordance with Core Policy 5 and Policy BE1 of the Local Plan Strategy, the Supplementary Planning Document: Sustainable Design and the National Planning Policy Framework.
11. To ensure the satisfactory appearance of the development and to safeguard the amenity of future residents, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, Supplementary Planning Document: Sustainable Design and the National Planning Policy Framework.

#### **NOTES TO APPLICANT**

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 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 endeavor 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 be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess)
4. The applicant is advised that any soakaway should be located a minimum of 4.5m rear of the highway boundary.
5. During the course of the application, the Council has sought amendments to the proposals to ensure a sustainable form of development, which complies with the provisions of paragraphs 186-187 of the NPPF.

## **PLANNING POLICY**

### **National Government Guidance**

National Planning Policy Framework

National Planning Practice Guidance

### **Local Plan Strategy**

Core Policy 1 - The Spatial Strategy

Core Policy 2 - Presumption in Favour of Sustainable Development

Core Policy 3 - Delivering Sustainable Development

Core Policy 5 - Sustainable Transport

Core Policy 6 - Housing Delivery

Core Policy 13 - Our Natural Resources

Core Policy 14 - Our Built & Historic Environment

Policy SC1 - Sustainability Standards for Development

Policy ST1 - Sustainable Travel

Policy ST2 - Parking Provision

Policy H1 - A Balanced Housing Market

Policy BE1 - High Quality Development

Policy NR7 – Cannock Chase Special Area of Conservation

Policy Burntwood 1 – Burntwood Environment

Policy Burntwood 4 – Burntwood Housing

### **Saved Local Plan**

E2 – Forest of Mercia

### **Supplementary Planning Documents**

Sustainable Design

Trees Landscaping and Development

## **RELEVANT PLANNING HISTORY**

17/00896/FUL – Erection of 4 bedroom detached dwelling – Refused 16.8.2017

L9309 – Erection of dwelling and garage – Approved 27.09.1982

L7871 – Erection of detached dwelling and garage - 06.04.1981

## **CONSULTATIONS**

**Burntwood Town Council:** The proposed development by reason of its size and in particular siting would result in an unacceptable loss of light and privacy and would be overbearing to neighbouring properties. The proposed dwelling lies within the Zone of Influence of the Cannock Chase Special Area of Conservation. It has not been satisfactorily demonstrated that the development would not unacceptably impact on the ecological importance of this Special Area of Conservation. (18.12.17) and (24.01.18)

**Staffordshire County Council Highways:** No objection subject to conditions. (22.12.17).

**Severn Trent Water:** No objections (14.12.17).

## **LETTERS OF REPRESENTATION**

Four letters have been received from local residents, which raise the following concerns:

- Loss of privacy and outlook

- Loss of light
- Overlooking
- Scale and siting of development within the plot
- Placement of proposed detached garage
- Impact of construction development and footings dug to neighbouring dwellings

## **BACKGROUND DOCUMENTS**

None

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## **OBSERVATIONS**

### **Site and Location**

This application relates to a vacant plot on Rugeley Road. The site sits between the existing dwellings at 77 and 79 Rugeley Road and extends back to share its rear boundary with the side boundary of number 5 Cross Street. The immediate surrounding area is residential in nature with a mix of house types and designs. A number of dwellings within the locality have parking areas to the front with others having front accesses leading to parking to the rear of the dwellings. The site is currently vacant and has been for some time.

The site was subject to a previous application for a 4 bedroom dwelling which was refused due to its proposed siting and size would cause a detrimental impact through loss of light to the neighbouring dwelling at no. 79.

### **Background**

Planning permission was refused in September 2017 for a 4 bedroom detached dwelling set in line with the neighbouring properties. The proposed dwelling was refused on the grounds that the proposed development by reason of its size and siting would result in an unacceptable loss of light and would be overbearing to the occupiers of 79 Rugeley Road contrary to Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework. Additionally it was considered that the previous scheme had not satisfactorily demonstrated that the development would not unacceptably impact on the ecological importance of this Special Area of Conservation.

The current proposal when initially submitted to the Council, was for a 4 bedroom detached dwelling with a dormer window in the rear roof space, and detached garage. Both elements have been subsequently omitted.

### **Proposals**

Permission is now sought for the erection of a three bedroom detached dwelling. The design and siting of this new proposal has reduced the roof height of the proposed dwelling and positioned the property further backward into the plot when compared to previous. The proposed dwelling subject of this application would be set back approximately 26m from the front boundary of the site to allow for on-site parking to the front with space for three cars and address the previous reasons for refusal in terms of loss of light to no. 79 Rugeley Road. It would span almost the full width of the site being flush with the common boundary with 79 Rugeley Road and being set in approximately 0.9m from the common boundary with number 77 Rugeley Road.

It would incorporate a pitched roof with a two storey gabled element to the left hand side of the front elevation. The proposed dwelling would also include a single storey rear element which would be approximately 4.5m in depth and would be the full width of the dwelling with a pitched roof that would slope upwards away from the side boundaries of the site.

Internally the proposed dwelling would accommodate a sitting room, lounge, utility and kitchen diner at ground floor level, three bedrooms, one with en suite and a bathroom at first floor level. Three parking spaces are proposed to the front of site.

A detached garage was initially proposed set forward of the front elevation of the dwelling. However this has been removed from the final proposal.

## Determining Issues

1. Principle of Development
2. Housing size and mix
3. Design and Layout
4. Residential Amenity
5. Parking and Highways Issues
6. Forest of Mercia
7. Cannock Chase Special Area of Conservation
8. Community Infrastructure Levy
9. Human Rights

### 1. Principle of Development

- 1.1. The NPPF defines Previously Developed Land as, land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This definition excludes private residential gardens.
- 1.2. The application site is currently vacant and it is not known how long it has been vacant for. That said it is clear that the site is an infill plot and is likely at some point in the past to have been used for residential purposes when considering the size and nature of the site. As such it is considered that the site can be classified as previously developed land.
- 1.3. The site is located within the settlement boundary of Burntwood as defined on inset 3 of the Lichfield District Local Plan Strategy. Policy Burntwood 4 of the Local Plan strategy sets out that much of the new housing required in Burntwood is to be located within the Urban Area.
- 1.4. The application site is located within an established urban area and is considered to be in a sustainable location. As such there is no objection to the general principle of developing the site for residential purposes subject to compliance with other relevant planning policies are discussed below.

### 2. Housing size and mix

- 2.1. Whilst policy H1 of the Local Plan Strategy sets out that the Council will actively promote the delivery of smaller properties including two bed apartments and two and three bed houses to increase local housing choice and contribute to the development of mixed and sustainable communities, paragraph 50 of the NPPF sets out that local planning authorities should deliver a wide choice of high quality homes and create sustainable, inclusive and mixed communities.
- 2.2. No specific densities are set out in the policy however it does state that where appropriate, higher density provision will be sought, focused around the most sustainable centres to assist in the provision of smaller units to meet a diverse range of housing needs.
- 2.3. The scheme proposes a three bedroom detached dwelling and its dwelling to plot size ratio is considered to be in keeping with those of the surrounding area. Given the guidance contained within the NPPF, together with the fact that only one dwelling is proposed it is considered that

the proposed development is acceptable and would add to the mix of dwellings within the area and would not impact significantly on the character of the area. The dwelling would provide future users with an adequate level of light and outlook and private outdoor amenity space.

- 2.4. As such it is considered that the development would accord with the Development Plan and NPPF in this regard.

### 3. Design and Layout

- 3.1. 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'.
- 3.2. In terms of its appearance the dwelling would be of a simple functional design and draws on elements of other dwellings in the surrounding area which are of varying design and appearance. The proposed dwelling would be set back from the front elevations of the adjacent dwellings reducing its overall prominence in the street scene and the inclusion of an appropriately sized two storey gabled element to part of the front elevation would also break up the scale and massing of the dwelling. It is considered that the proposed dwelling would not result in an unacceptable impact on the street scene or the character of the area. A condition is recommended requiring samples of materials to be submitted prior to commencement of the development for the written approval of the Local Planning Authority; to assist the proposals assimilation into the locality.
- 3.3. The property has been set further back into the plot than adjacent dwellings to address issues relating to loss of light to side windows at no. 79 Rugeley Road which the previous proposal impacted. The front elevation of the dwelling sits in line with the garage of no. 79.
- 3.4. Amended plans were requested and received to reduce the overall roof height of the dwelling and omitting the rear dormer window. This has removed the fourth bedroom within the roofspace from the proposals and has reduced the scale and massing of the roof. The dwelling would be similar in size and scale to dwellings within the locality. These amendments have reduced the scale and massing of the proposed dwelling along with the re-siting of dwelling which has addressed the previous issues relating to loss of light and amenity.
- 3.5. Full details of the boundary treatment and hard and soft landscaping have not been provided at this stage and as such a condition is recommended requiring the submission of a detailed landscape scheme, including boundary treatments, for the written approval of the LPA.
- 3.6. It is considered, therefore, that the proposed development would not result in an unacceptable detrimental impact on the character and appearance of the area in accordance with policy BE1 of the Local Plan and the Sustainable Design SPD.

### 4. Residential Amenity

- 4.1. 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.

- 4.2. The application site represents an infill plot along an established residential street. The proposed dwelling would be set back from the front elevations of the adjacent dwellings at 77 and 79 Rugeley Road and as such would not be visible from within their front elevations. No habitable room windows are proposed in the side elevations of the proposed dwelling. The proposed dwelling has been set 26m into the plot to address the previous reason for refusal which saw a breach to the 45 degree code to principal side windows at the neighbouring dwelling at no. 79 Rugeley Road.
- 4.3. The objection in relation to loss of privacy from residents at Cross Street and 75a Rugeley Road are acknowledged, however it is not considered that the proposed dwelling would result in a significant increase in the level of overlooking than those of existing surrounding dwellings. In terms of the separation distance guidelines set out in the Sustainable Design SPD, whilst the property is set further back into the plot to address issues relating to amenity, there would be some overlooking to the rear gardens of adjacent dwellings, the relationship between the proposed dwelling and neighbouring dwellings would be similar to the existing relationship of adjacent properties in terms of overlooking into gardens. I do not consider that the location of the proposed dwelling would cause any further impact on the amenity of adjacent occupiers within a residential area.
- 4.4. It is recommended in the same Sustainable Design SPD that for three bed dwellings a private garden space should be a minimum of 65 square metres. The proposed 3 bedroom dwelling would have 96 square metres and would meet this requirement. Therefore there will be a satisfactory level of amenity for future occupants of the dwellings in accordance with the Development Plan.
- 4.5. The details that have been provided demonstrate that the site could accommodate the proposed layout, which would avoid breaching the Council's amenity standards set out in the Sustainable Design SPD, both in respect of existing dwellings around the site and the proposed dwelling. The layout demonstrates that such a scenario could be achieved. As such it is considered that the development would accord with the Development Plan and NPPF in this regard.
- 4.6. The comments from local residents are noted however matters of land ownership and damage to existing property are legal considerations rather than planning considerations.
5. Parking and Highways Issues
  - 5.1. Policy ST2 of the Local Plan Strategy states that parking should be in accordance with the 'Sustainable Design' SPD which sets out that 3 bedroom dwellings should be provided with 2 spaces.
  - 5.2. The submitted plans indicate that off road parking would be provided at the front of the dwelling with sufficient space for 3 cars. Staffordshire County Council Highways have raised no objection to the proposed access arrangements subject to conditions and informatives in relation to the completion of a new dropped crossing, car parking and cycle provision and parking area drainage. The recommended conditions have been attached. As such it is considered that the development would accord with the Development Plan and NPPF in this regard.
6. Forest of Mercia
  - 6.1. The site lies within the area covered by the Forest Of Mercia and Local Plan Policy E2 states that where new development takes place the Council will seek through negotiation with developers, the provision of appropriate new planting schemes which will contribute to the establishment of the Forest. Such planting may be on or off site and shall be directly related in

scale and nature to the development.

- 6.2. Given the small scale nature of the proposed development, i.e. for just one dwelling on an infill plot it is considered that a financial contribution is not necessary. However it should be noted that a condition has been attached requiring the submission of a landscape scheme which is to be implemented in full following the written approval of the LPA and this will safeguard the amenity of the area. As such it is considered that the development would accord with the NPPF in this regard.

## 7. Cannock Chase Special Area of Conservation

- 7.1. Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within a 15km radius of the Cannock Chase Special Area of Conservation (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 which if approved will be secured by CIL.

## 8. Community Infrastructure Levy

- 8.1. 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 lower levy charging area for residential development and as such will have a fee calculated at £25 per square metre. 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.
- 8.2. The development would give rise to a number of economic benefits. For example, it would generate employment opportunities including, for local companies, in the construction industry during construction. The development would also generate New Homes Bonus, CIL funding for local infrastructure and Council Tax.

## 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, environmentally, the development due to its scale, design, siting and materials will sit well within the plot and the surrounding street. The proposal will also deliver a net gain to biodiversity within the site. Socially, the development would create a new dwelling within a sustainable location. Economically, the development will provide a small scale development project.

Weighing the material weight attributable to each consideration, on balance for the reasons set out above, it is considered that the proposal accords with the Development Plan and NPPF. Therefore it is recommended that this application be approved, subject to conditions.





# BLOCK PLAN

17/01789/FUL  
Land Adjacent 1 Anglesey Road  
Lichfield

Scale:

Dated:  
March 2018

Drawn By:

Drawing No:



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## **17/01789/FUL**

### **ERECTION OF A 4 BEDROOM DETACHED DWELLING AND ASSOCIATED WORKS LAND ADJACENT 1 ANGLESEY ROAD, LICHFIELD FOR MR G POUNTNEY**

Registered on 27/12/17

**Parish: Lichfield**

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

- The over intensive development of the site;
- Out of keeping with the street scene; and
- Highway safety concerns relating to an additional access on a narrow road in close proximity to Willows Primary School.

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

#### **CONDITIONS:**

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

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

3. Before the development hereby approved is commenced, full details of 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 carried out in accordance with the approved details, and retained as such for the life of the development.
4. Notwithstanding the details submitted as part of the application, before the development hereby approved is commenced, a revised access plan shall be submitted to and approved in writing by the Local Planning Authority. The access plan should show a 6.3m wide vehicular access crossing (4.5m of dropped kerbing) to the new dwelling. The access shall thereafter be carried out in accordance with the approved details and be completed prior to first occupation of the dwelling and shall thereafter be retained as such for the lifetime of the development.
5. Before the development hereby approved is commenced (including any works of demolition), a Highways Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:
  - A site compound with associated temporary buildings,
  - The parking of vehicles of site operatives and visitors,
  - Times of deliveries including details of loading and unloading of plant and materials,
  - Storage of plant and materials used in constructing the development,
  - Duration of works, and
  - Wheel wash facilities (if required).

The approved Statement shall be adhered to throughout the construction period.

6. Before the development hereby approved is commenced, including any demolition and or site clearance works or any equipment, machinery or materials is brought onto site, full details of protective fencing and/or other protective measures to safeguard existing trees on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed tree protection measures shall thereafter be provided in accordance with the British Standard 5837: 2012 and retained for the duration of construction (including any demolition and / or site clearance works) unless otherwise agreed in writing by the Local Planning Authority. No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas. The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed.

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

7. Before the construction of the dwelling hereby approved is commenced, the new site access for the existing dwelling (No.1 Anglesey Road) shall be completed within the limits of the public highway as a vehicular dropped crossing.
8. Before the development hereby approved is first occupied, a detailed landscape and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include details of trees to be retained, new tree and shrub planting, surface treatments and specification and maintenance details. The approved landscape and planting scheme shall thereafter be implemented within eight months of the development being brought into use.
9. Within one month of completion of the development hereby approved, a bat or bird box shall be installed within the site. The bat or bird box shall thereafter be retained as such for the life of the development.
10. Any trees or shrubs planted or retained in accordance with the approved landscape and planting which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its consent in writing to any variation.

**REASONS FOR CONDITIONS:**

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and the guidance contained within the National Planning Practice Guidance.
3. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the surrounding area, in accordance with Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
4. In the interests of highway safety in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

5. In the interests of HIGHWAY safety in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
6. To ensure the protection of the trees within the site in accordance with the requirements of Local Plan Strategy Policy NR4, the Trees, Landscaping & Development Supplementary Planning Document and the National Planning Policy Framework.
7. To ensure the satisfactory appearance of the development and that the external appearance of the development is physically well related to its surroundings, in order to meet requirements of Policies BE1 of the Local Plan Strategy, the Supplementary Planning Document: Sustainable Design and the National Planning Policy Framework.
8. In the interests of highway safety in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
9. 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.
10. 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 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) and the 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. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess)
4. During the course of the application, the Council has sought amendments to the proposals to ensure a sustainable form of development, which complies with the provisions of paragraphs 186-187 of the NPPF.

#### **PLANNING POLICY**

##### **National Planning Policy**

National Planning Policy Framework

### **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 NR3 – Biodiversity

Policy NR4 – Trees, Woodland & Hedgerows

Policy BE1 – High Quality Development

Policy Lichfield 4 – Lichfield Housing

### **Supplementary Planning Document**

Sustainable Development

Trees, Landscape and Development

Biodiversity and Development

### **Neighbourhood Plan**

Lichfield City – agreed at referendum (22.2.18) but as yet unmade.

### **RELEVANT PLANNING HISTORY**

N/A

### **CONSULTATIONS**

**Lichfield City Council** – Objection, over intensive development of the site, out of keeping with the street scene, dangerous additional vehicular access on the narrow road leading to the Willows Primary School. (12.01.18)

**Arboricultural Officer** – No objection. The site includes a number of trees and the design and access statement alludes to some specimens being retained during development. A tree protection plan to BS5837-2012 will be required. In addition a landscaping plan will be required, showing trees to be retained, those to be planted, shrub planting, surface treatments and allied specifications and maintenance details. (16.01.18)

**Environmental Health** – No objection, this includes in relation to contaminated land. (08.02.18)

**Staffordshire County Council (Highways)** – No objection subject to conditions requiring revised access details, a Highways Construction Method Statement, and for the access for the existing dwelling to be completed prior to the construction of the new dwelling.

These conditions are required due to the close proximity to Willows Primary school and as Anglesey Road is subject to a Traffic Regulation Order which prevents motorists from waiting or parking on the yellow lines Monday-Friday between 8.30am-5.30pm. It is considered that a larger access would make it easier for vehicles to access and egress the site without the need for one vehicle to wait on the highway whilst a second vehicle came out. (06.02.18)

**Severn Trent Water** – No objection. The proposal has a minimal impact on the public sewerage system, a drainage condition is not required. (17.01.18)

## **LETTERS OF REPRESENTATION**

Two letters of representation have been received, one from the adjacent local school and one from a local resident. Their comments are summarised below;

Comments from local school;

- The school has existing major parking issues, an additional dwelling on Anglesey Road will add to this congestion and further exacerbate the parking problems.
- Safety concerns of pupils due to additional vehicles.
- The school receives deliveries throughout the day, between 7.45am and 6pm. These often have to reverse in order to gain access to the school grounds. An additional dwelling on Anglesey Road would cause access problems for these deliveries.
- Concern regarding the site works during construction of this dwelling. Construction vehicles would jeopardise the safety of the school entrance, particularly regarding pedestrians.

Comments from local resident;

- This sort of development will benefit the community.
  - This development will enhance the area.
  - Uncertain that extra traffic was considered when the school was allowed to expand.
- 

## **OBSERVATIONS**

### **Site and Location**

This application relates to the land adjacent to 1 Anglesey Road, in Lichfield. This land is currently the side garden to 1 Anglesey Road, there are a number of trees and hedges to the boundaries. The area is predominantly residential in nature with a mix of house types but largely semi-detached and terraced dwellings. To the north the site is bounded by The Willows Primary School and the access drive to numbers 10 and 12 Reynolds Close. There is currently no vehicle access to the site or 1 Anglesey Road. Anglesey Road is subject to a Traffic Regulation Order which prevents motorists from waiting or parking on the yellow lines Monday-Friday between 8.30am-5.30pm.

### **Proposals**

The application seeks to erect a four bedroom dwelling and associated works. The dwelling will be two storey in height with a front gable and bay window. The dwelling will measure 7.5m in width and 9.9m in max depth. The dwelling will have an eaves height of 5.1m and a max height of 7.5m. The dwelling will be constructed of red brick and brown tile to match the surrounding properties.

The dwelling will comprise at ground floor a kitchen/diner, 2no lounges WC and utility; and at first floor 4no bedrooms and 2no bathrooms. The dwelling will have a vehicular access and parking provision for 3no vehicles. A vehicular access and parking provision for 2no vehicles will be provided for 1 Anglesey Road as part of the proposal.

### **Determining Issues**

1. Policy and Principle of Development
2. Design and Appearance
3. Residential Amenity
4. Access and Highway Safety
5. Biodiversity and Landscaping
6. Community Infrastructure Levy / Economic Benefits
7. Human Rights

## 1. Policy and Principle of Development

- 1.1. The site lies within the sustainable settlement of Lichfield. Policy Lichfield 4 of the Local Plan Strategy notes that much of the new housing required in Lichfield is to be located within the existing urban area. The principle of development within existing settlements is supported by the NPPF and by Core Policy 2 of the Local Plan Strategy. 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. Given the above, it is considered that the principle of residential development in this location is acceptable.
- 1.2. Whilst Policy H1 of the Local Plan Strategy seeks to promote the delivery of smaller properties including two and three bed houses to increase local housing choice and contribute to the development of mixed and sustainable communities, paragraph 50 of the NPPF sets out that Local Planning Authorities should deliver a wide choice of quality homes and create sustainable, inclusive and mixed communities. The policy does not set out a threshold for the housing mix requirement. Given the guidance contained within the NPPF and the fact that only one dwelling is proposed it is considered that the proposed house type would be acceptable and would add to the mix of dwellings in within the area.
- 1.3. Lichfield City Neighbourhood Plan successfully passed referendum on the 22 February 2018. However it does not contain any policies relevant to residential development.
- 1.4. Given the above it is considered that the development, would comply with the requirements of Development Plan Policy in terms of the principle of development. Matters related to the general development management criteria are discussed below.

## 2. Design and Appearance

- 2.1. Policy BE1 of the Local Plan Strategy requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, scale design and public views. The NPPF (Section 7) advises that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*. The document continues to state that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.
- 2.2. The proposal will be sited within the large side garden of no 1 Anglesey Road. It is considered that the proposed dwelling by reason of its siting respects the existing building line on Anglesey Road. Amendments were sought to reduce the height of the dwelling so that it matched the neighbouring property. The dwelling design of the area reflects its 1960's construction. The proposal is of a traditional Lichfield redbrick design and whilst not reflecting the design of the neighbouring properties is considered to be acceptable as the dwelling will be sited at the end of the road and will have minimal impact upon the character of wider streetscene. As such it is considered that the dwelling would not appear overly dominant in the street scene.
- 2.3. The proposal will use materials to reflect the surrounding dwellings, as such a condition is recommended to secure details of suitable facing materials. Furthermore it is considered that the density of development and resultant plot sizes will reflect that of the surrounding area. Therefore, it is considered that the design, siting and overall appearance will be acceptable and will not detract from the character and appearance of the surrounding area.



- 2.4. The City Council's comments regarding the proposal being out of keeping with the streetscene and the development being over intensive are noted however these are addressed above. Consequently it is considered that the proposal accords with the policies in the development plan and 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. The SPD states that there should be a minimum of 21m where principle habitable room windows directly face each other. The proposed dwellings principal rear windows will be a minimum of 17m from the rear garden of number 14 Reynolds Close. However, the dwellings are obliquely sited, and as such given the orientation of the dwellings it is considered that there will not be any direct overlooking of principal habitable room windows.
- 3.3 As set out in the Sustainable Design SPD, BRE Right to Light standards are used to assess the amount of overshadowing and loss of light a development will have on neighbouring properties. The proposal is considered to comply with the aforementioned light standards (45 and 25 degree standards). Therefore it is considered that the development will not cause a loss of light to the surrounding neighbouring properties.
- 3.4 The City Council's comments regarding the over intensive development of the site are noted, however the details that have been provided demonstrate that the site could accommodate the proposed layout, which would avoid breaching the Council's amenity standards, both in respect of existing dwellings around the site and that which would be constructed. The SPD also states that four bedroom dwellings are required to provide a minimum 65m<sup>2</sup> of private amenity space. The layout demonstrates that such a scenario could be achieved. The proposed dwelling would have a private garden in excess of 80m<sup>2</sup>, and the existing dwelling would also retain a garden in excess of 80m<sup>2</sup>, as such is it considered that the proposal would not result in over intensive development.
- 3.5 Consequently, it is considered that the proposal will sit well within the plot without detriment to the neighbouring properties and school, and will provide acceptable standards 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 The comments of the City Council and Willows Primary School regarding parking and access are noted. The Council's off street car parking standards are defined within Appendix C of the Sustainable Design SPD. Four bedroom dwellings are required to provide 2no off-street vehicle parking space. The submitted information demonstrates that the proposal can deliver sufficient off road parking provision within the confines of the site for three vehicles for the proposed dwelling and two spaces for the existing dwelling, meeting the parking requirements of the Local Authority as set out in the Sustainable Design SPD.

4.2 As Anglesey Road is subject to a Traffic Regulation Order (TRO), Staffordshire County Council Highways have requested that the access for the proposed dwelling be widened to a double width vehicle access crossing as this will avoid vehicles having to wait on Anglesey Road whilst accessing and egressing the site. A Highways Construction Method Statement so as to prevent the impact of the construction works having an adverse impact upon the local highway; a new vehicle access for the existing dwelling be provided prior to the commencement of the proposed dwelling, due to the close proximity to Willows Primary School and the Traffic Regulation Order on Anglesey Road, have also been requested by Staffordshire County Council Highways. Subject to conditions to secure these details the Highways Department consider the development acceptable.

4.3 Therefore, it is considered that, subject to conditions, the proposal accords with the development plan with regard to access/egress and parking provision. As such the development would accord with the Development Plan and the NPPF in this regard.

## 5 Biodiversity and Landscaping

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

5.2 To soften the appearance of the development and to allow it to integrate with the wider streetscene a condition is recommended to secure a landscaping scheme, as requested by the Arboricultural Officer. The Arboricultural Officer has also requested that a tree protection plan is provided to ensure existing trees within the site are protected during construction. Subject to the recommendation of these conditions the development is considered to comply with the requirements of Policy NR4 of the Local Plan Strategy and the Trees, Landscape and Development Supplementary Planning Document.

## 6 Community Infrastructure Levy / Economic Benefits

6.1 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 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.

6.2 The development would give rise to a number of economic benefits. For example, it would generate employment opportunities including for local companies, in the construction industry during construction. The development would also generate New Homes Bonus, CIL funding for local infrastructure and Council Tax.

## 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 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. Socially, the development would create an additional dwelling within a sustainable location which would not have detrimental impact upon the residential amenity of neighbouring properties. Environmentally, the development due to its scale, design, siting and materials will sit well within the plot and the surrounding street, and will also deliver a net gain to biodiversity within the site.

Weighing the material weight attributable to each consideration, for the reasons set out above, it is considered that the proposals accord with the Development Plan and NPPF. Therefore it is recommended that this application be approved, subject to conditions.

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