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Lichfield, Staffordshire WS136YU

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24 May 2018

Dear Sir/Madam

PLANNING COMMITTEE

A meeting of the Planning Committee has been arranged to take place **MONDAY, 4TH JUNE, 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 Bacon, Mrs Baker, Bamborough, Mrs Barnett, Cox, Drinkwater, Mrs Evans, Mrs Little, Matthews, Pritchard, 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 3 - 4
4. Planning Applications 5 - 172
5. Tree Preservation Order No. 406-2017 - Paget House, Old Hall Drive, Elford 173 - 200



PLANNING COMMITTEE

8 MAY 2018

PRESENT:

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

16 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Humphreys.

17 DECLARATIONS OF INTEREST

Councillor Mrs Evans declared a personal interest in application no. 18/00167/FUL as applicant is known to her.

Councillor Mrs Stanhope MBE declared a personal interest in application no. 18/00214/FUL as she is a Member of Alrewas Parish Council who have made representations.

Councillor A Yeates declared a personal interest in application no. 18/00359/FUL as the applicant is known to him and left the room when that application was discussed and decided upon.

18 MINUTES OF PREVIOUS MEETING

The Minutes of the Meeting held on 9 April 2018 previously circulated were taken as read, approved as a correct record and signed by the Chairman.

19 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 18/00167/FUL, 18/00214/FUL and 18/00359/FUL.

18/00167/FUL – Erection of 4no bedroom detached dwelling and associated works (amendment to application 16/00901/FUL)
46 Norton Lane, Burntwood
For: Mr Adrian Steele

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

18/00214/FUL – Installation of dormer window to rear elevation
Wisteria House, Park Road, Alrewas
For: Mrs J Quick

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

18/00359/FUL – Two storey side and rear extensions, single storey front and rear extensions and internal alterations
29 Yew Tree Avenue, Lichfield
For: Mrs H Bielby

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

(Prior to consideration of the application, representations were made by Mr A Clinch (Objector), Councillor Mark Warfield (Non-Committee Ward Councillor) and Mr Rob Duncan (Applicant's Agent))

20 EXCLUSION OF PUBLIC AND PRESS

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

IN PRIVATE

21 ENFORCEMENT MATTERS - UPDATE REPORT

Consideration was given to the Enforcement Matters – Update Report.

RESOLVED: That the report be noted.

(The Meeting closed at 7.25 pm)

CHAIRMAN

4 June 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

4 June 2018

CONTENTS

Case No.	Site Address	Parish/Town Council
17/00686/OUTM	Land East Of Gorse Lane Former Fradley Airfield Fradley	Fradley And Streethay
17/00977/OUTMEI	Land On The East Side Off Birmingham Road Lichfield	Lichfield
17/01328/FULM	Land At 61-83 Main Street And 1-11 Lullington Road Clifton Campville	Clifton Campville
18/00415/FUL	Land At 61-83 Main Street And 1-11 Lullington Road Clifton Campville	Clifton Campville
18/00155/FUL	1 Hood Lane Armitage	Armitage With Handsacre
18/00250/FUL	74 Park Road Alrewas	Alrewas
18/00276/COU	Boora Newsagents And Post Office 5 Cannock Road Chase Terrace Burntwood	Burntwood
18/00384/FUL	Manor Croft Manor Park Kings Bromley	Kings Bromley
18/00467/FUL	Fish Face Willow Court Tamworth Road Lichfield	Lichfield

ITEM B

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

CONTENTS

18/00604/FUL	11 Field Road Lichfield	Lichfield
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LOCATION PLAN

17/00686/OUTM
Land East Of Gorse Lane
Former Fradley Airfield
Fradley

Scale: 1:3,000

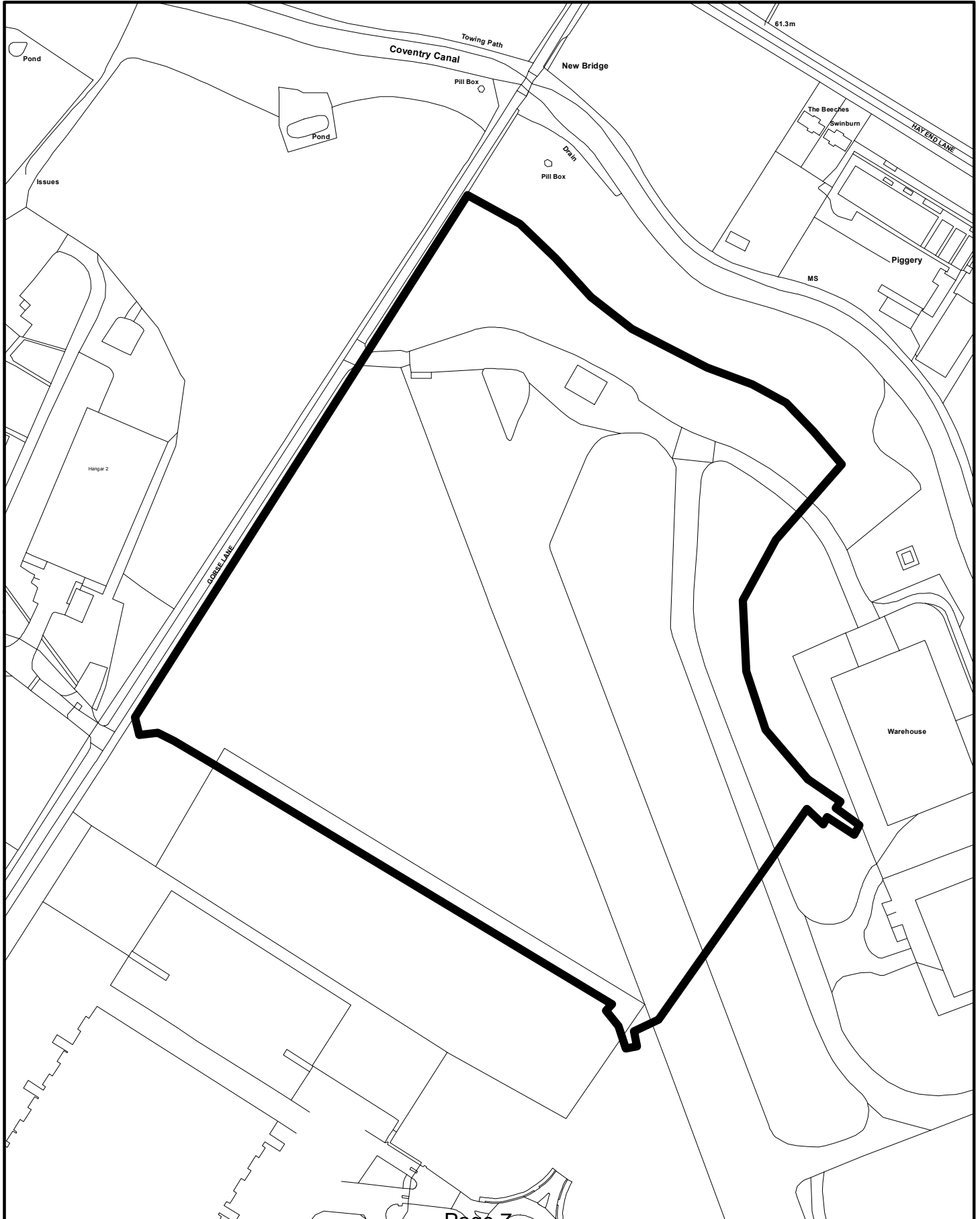
Dated: June 2018

Drawn By:

Drawing No:



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LOCATION PLAN

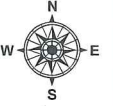
17/00686/OUTM
Land East Of Gorse Lane
Former Fradley Airfield
Fradley

Scale: 1:800

Dated: June 2018

Drawn By:

Drawing No:



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17/00686/OUTM

OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING STRUCTURES AND REDEVELOPMENT OF THE SITE FOR RESIDENTIAL PURPOSES (USE CLASS C3), PUBLIC AND PRIVATE OPEN SPACE, CAR AND CYCLE PARKING, TOGETHER WITH LANDSCAPING AND ASSOCIATED WORKS (ALL MATTERS RESERVED EXCEPT POINTS OF ACCESS)

**LAND EAST OF GORSE LANE, FORMER FRADLEY AIRFIELD, FRADLEY
FOR FRADLEY PARKS DEVELOPMENT LTD**

Registered on 25/05/17

Parish: Fradley

RECOMMENDATION:

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

- 1. 13% Affordable housing (or as subsequently agreed via a revised viability appraisal);**
- 2. On-site Public Open Space;**
- 3. The formation of a maintenance management company to maintain the Open Space, Community Areas and unadopted roads;**
- 4. Contribution towards Primary Education School Infrastructure;**
- 5. Contribution towards off-site sports pitch provision;**
- 6. Contribution towards enhancement of public transport services; and**
- 7. Residential Travel Plan.**

Approve, subject to conditions as set out below:

(2) If the S106 legal agreement is not signed/completed by the 7 September 2018 or the expiration of any further agreed extension of time, then powers be delegated to officers to refuse planning permission based on the unacceptability of the development without the require contributions and undertakings as outlined in the report.

CONDITIONS:

1. The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years 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 seven years from the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. 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; full road construction details including longitudinal sections, street lighting and means to drain the roads, existing and proposed ground levels and finished floor levels; the design of all buildings and structures; 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 including cycle parking facilities for each dwelling; 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).
4. If within 12 months of the date of this decision notice, a start on site has not materially commenced, the applicant shall submit an updated viability assessment for the development

hereby permitted, which as submitted, does not include affordable housing compliant with Local Plan Strategy Policy H2. If the updated viability assessment demonstrates that the scheme is viable, a scheme for the provision of affordable housing as part of the development will be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall thereafter be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex A of the National Planning Policy Framework.

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

5. Prior to the submission of any Reserved Matters, pursuant to Condition 1, a Masterplan for the development of the site shall be submitted to and approved in writing by the Local Planning Authority. The Masterplan shall be in accordance with the parameter plans listed in this decision and shall include (subject to the provisions of condition 21) a 200 metre buffer from the nearby piggery, as detailed in drawing no. P16-1059 001-2 Rev C. The Masterplan shall also identify the locations of equipped areas of play. Proposals contained within applications for the approval of Reserved Matters pursuant to Condition 1 shall thereafter conform to the approved Masterplan.

6. Prior to the submission of any Reserved Matters, pursuant to Condition 1, a Design Code for the entire site shall be submitted to, and approved in writing by, the Local Planning Authority. The Design Code shall include and codify the following matters:

Built form

- (i) Character areas;
- (ii) Building forms and types;
- (iii) Corner treatment;
- (iv) Elevational composition;
- (v) Placement of entrances; and
- (vi) Building materials palette.

Public realm

- (i) Street types and Road Hierarchy;
- (ii) Landscape design principles;
- (iii) Boundary treatments;
- (iv) Surface materials palette;
- (v) Planting palette;
- (vi) Integration of car parking and cycle parking;
- (vii) Types of refuse and recycling storage; and
- (viii) Footpaths and cycle networks.

Proposals contained within applications for the approval of Reserved Matters pursuant to Condition 1 shall conform to the approved Design Code. There shall be no amendment to the approved Design Code, unless such an amendment is first agreed in writing with the Local Planning Authority.

7. Each application for the approval of Reserved Matters, pursuant to Condition 1, shall be accompanied by a statement that demonstrates that such details of reserved matters accord with the design principles of the approved Masterplan, pursuant to Condition 5 and the Design Code pursuant to Condition 6.

The statement shall include matters of the following:

- (i) Building mass;
- (ii) Public realm and amenity space;
- (iii) Accessibility for all;
- (iv) Footpaths and cycle ways

- (v) Car and cycle parking, including visitor car parking and secure cycle parking;
- (vi) Vehicular accesses and circulation;
- (vii) Service arrangements;
- (viii) Principles of hard and soft landscaping;
- (ix) Ecological design principles;
- (x) Existing and proposed levels;
- (xi) Security and safety;
- (xii) Principles of energy efficiency;
- (xiii) Materials;
- (xiv) Housing Mix; and
- (xiv) Layout.

The development of that Reserved Matters parcel shall not be commenced until the statement has been approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the details approved.

8. Prior to the submission of any Reserved Matters, pursuant to Condition 1, a scheme for the phasing of the development of the entire site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved phasing plan.
9. Before the development hereby approved is commenced, excluding demolition, full details of the primary and secondary vehicle access points, as indicatively shown on approved plans 6033 SK001 01 and 6033 SK001 02, shall be submitted to and approved in writing by the Local Planning Authority. The access points so approved shall be provided prior to the first occupation of any of the dwellings.
10. Before the development hereby approved is commenced, for a phase of development as approved by condition 8, a Traffic Management/Construction Vehicle Management Plan comprising the routing of construction vehicles to and from the site, and including the following details, shall be submitted to and approved in writing by the Local Planning Authority:
 - i) Access points to be used for the construction of each phase of the development;
 - ii) Arrangements for the parking of site operatives and visitors;
 - iii) Loading and unloading of plant and materials;
 - iv) Storage of plant and materials used in constructing the development;
 - v) Construction hours;
 - vi) Delivery routing and hours;
 - vii) Recorded daily inspections of the highway adjacent to the site access; and,
 - viii) Wheel washing and measures to remove mud or debris carried onto the highway.

The approved Traffic Management / Construction Vehicle Management Plan shall be adhered to throughout the entire construction period.

11. Before the development hereby approved is commenced, excluding demolition, for a phase of development as approved by condition 8, a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - i.) A site investigation scheme, based on the Phase 1 desk top study carried out by JPG Ltd in May 2017 (report ref. APN/DS/5113), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - ii.) The results of the site investigation and the detailed risk assessment referred to in (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- iii.) A verification plan providing details of the date that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any change to these components require the express written consent of the local planning authority. The scheme shall be implemented in accordance with the approved details and timescales.

12. Before the development hereby approved is commenced, within each phase of development, with the exception of demolition and remediation work, details of all proposed boundary treatments, for that phase of development, shall be submitted to and approved in writing by the Local Planning Authority. The approved fences shall be implemented for each dwelling prior to their first occupation and thereafter be retained for the life of the development.
13. Before the development hereby approved is commenced, for a phase of development as approved by condition 8, 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, with the surface water drainage pond formed and operational, prior to the occupation of the first dwelling, unless otherwise agreed in writing by the Local Planning Authority.
14. 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 expand upon information contained within the submitted Biodiversity Impact Calculator submitted 5 June 2018 and detail the following:
 - i) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulphur);
 - ii) Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilized for habitat creation;
 - iii) Details of both species composition and abundance (% within seed mix etc) where planting is to occur;
 - iv) Proposed management prescriptions for all habitats for a period of no less than 25years;
 - v) Assurances of achievability;
 - vi) Timetable of delivery for all habitats; and
 - vii) A timetable of future ecological monitoring to insure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary.

The approved CEMP and HMP shall thereafter be implemented in accordance with the details approved therein.

15. Before the development hereby approved is commenced, for a phase of development as approved by condition 8, the applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work, in accordance with a written scheme of investigation, which has been first submitted to and approved in writing by the Local Planning Authority. The programme of works shall thereafter be implemented in accordance with the approved scheme.

16. Before the development hereby approved, including any site clearance works is commenced, or any equipment, machinery or materials is brought onto site, full details of protective fencing and/or other protective measures to safeguard existing hedgerows on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed hedge 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 from the site.

All other CONDITIONS to be complied with:

17. Prior to the first occupation of any of the dwellings hereby approved, for a phase of development as approved by condition 8, a scheme of external lighting for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall thereafter be implemented in full prior to the occupation of the final dwelling within that phase and thereafter be retained for the life of the development.
18. As part of any reserved matters application, a Master Plan, shall be submitted to and approved in writing by the Local Planning Authority. The Master Plan shall include details of the following:
- i) A movement framework;
 - ii) Connections through the site and to surrounding areas for all modes of transport;
 - iii) Street Layout and character, including measures to restrain the speed of vehicles to 20mph;
 - iv) Parking Strategy including the provision of secure cycle parking facilities for each dwelling; and
 - v) Clear delineation of roads and footways to be offered for adoption.

The development shall thereafter be implemented in accordance with the agreed details and timescales contained in the approved Master Plan.

19. Before the first occupation of any of the dwellings, the extension of Halifax Avenue and associated pedestrian / cycle links shall be completed and open to traffic / the public.
20. The development hereby approved shall be carried out in strict accordance with the methods of working, which are detailed in section 4 of the Ecological Impact Assessment produced by SLR dated May 2017, reference 424.03036.0000.
21. 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.
22. There shall be no more than 250 dwellings provided on the site until such a time as either:
- i) The pig farm located to the north of the site on Hay End Lane has ceased to be operational and no longer has a lawful use as a pig farm; or,
 - ii) Details are submitted to and approved in writing by the Local Planning Authority to demonstrate that residential development will be acceptable inside the cordon sanitaire; as established by the document Odour Assessment, produced by Arcadis

dated May 2017 and as shown on approved drawing no. P16-1059 001-2 Rev C; from an odour perspective.

Should either of the two above criteria be met then there shall be no more than 350 dwelling erected in 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 guidance contained in 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 and Frad 1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework.
4. To ensure the provision of affordable housing in accordance with Strategic Priority 4, Core Policy 6 and Policy H2 of the Lichfield Local Plan Strategy 2015 and the National Planning Policy Framework.
5. To ensure a high quality and cohesive form and appearance of development, in the interests of highway safety, to comply with Staffordshire County Council requirements for access and to safeguard the amenity of future occupiers, in accordance with the requirements of Policies BE1, IP1, HSC2, Frad1 and Frad4 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document- and the National Planning Policy Framework.
6. To ensure a high quality form and appearance of development, in the interests of highway safety, in accordance with the requirements of Policies BE1, IP1, HSC2, Frad1 and Frad4 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document- and the National Planning Policy Framework.
7. To ensure a high quality form and appearance of development, in the interests of highway safety, in accordance with the requirements of Policies BE1, IP1, HSC2, Frad1 and Frad4 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document- and the National Planning Policy Framework.
8. To ensure the appropriate timing of delivery of housing, green infrastructure, highway and transport improvements and social infrastructure, to promote a sustainable development, to safeguard residential amenity and the appearance of the development, in accordance with the requirements of Core Policies 3 and 4, and Policies BE1, IP1, HSC1, Frad 1 and Frad4 of the Local Plan Strategy and the National Planning Policy Framework.
9. In the interests of highway safety and to protect the amenity of existing and future residents, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
10. In the interests of highway safety and to protect the amenity of existing and future residents, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.

11. 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.
12. 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.
13. 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.
14. To safeguard ecological interests 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.
15. To safeguard any archaeological interests in accordance with the requirements of Core Policy 14 and Policy BE1 of the Lichfield District Local Plan Strategy, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
16. To ensure that no hedgerows on the site which contribute towards the character of the area are damaged during the construction process, in accordance with the provisions of Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.
17. To ensure the satisfactory appearance of the development, to minimise impact upon the non-designated heritage asset, the Coventry Canal and to safeguard the amenity of future residents in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
18. To ensure a high quality and cohesive form and appearance of development, in the interests of highway safety, to comply with Staffordshire County Council requirements for access, and to safeguard the amenity of future occupiers, in accordance with the requirements of Core Policies 3, 4 and 10, and Policies BE1, IP1, HSC2, Frad1 and Frad 4 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
19. In the interests of highway safety and to protect the amenity of existing and future residents, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
20. In order to protect protected species and their habitat in accordance with Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
21. To ensure the satisfactory appearance of the development in accordance with the requirements of Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.
22. For the avoidance of doubt, in accordance with the applicants' stated intentions and to protect the reasonable amenity of future residents, in accordance with the requirements of Policies BE1, IP1 and Frad 1 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 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. 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.
- 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 attached comments of the Police Architectural Liaison Officer dated 20.06.17. 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 Council's Joint Waste Services Manager dated 05.06.17.
- 7 The applicant is advised to note and act upon as necessary the comments of the Staffordshire Fire and Rescue Service dated 31.05.17.
8. The applicant is advised that the surface water drainage attenuation pond referenced in condition 13 is that currently under considered under our reference 17/01788/FULM.
- 9 The applicant is advised that even if the approved development's impact upon protected species was not raised as an issue by the Lichfield District Council when determining the application, there remains the possibility that those species may be encountered once work has commenced. The gaining of planning approval does not permit a developer to act in a manner which would otherwise result in a criminal offence to be caused. Where such species are encountered it is recommended the developer cease work and seek further advice (either from Natural England or the Lichfield District Council Ecology Team) as to how to proceed.
10. The applicant is advised to note and act upon as necessary, the Sport England and Public Health England document 'Active Design' (October 2015), when undertaking the master planning process for site. The document can be downloaded via the following link: <http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/active-design/>.
11. The applicant is advised that during the course of development and operation of the permitted use no obstruction, prevention of use or diversion of the public footpath Nos 32 and 43 Fradley and Streethay must occur.

12. 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)
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>.
13. 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.
14. 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.
15. The applicant is advised that Staffordshire County Council Highways will require as part of the submission of an appropriate reserved matters application the submission of details relating to the provision of parking, turning and servicing within the site curtilage, the disposition of buildings throughout the site, means of surface water drainage and outfall and surfacing materials.
16. The applicant/developer is advised to contact the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust.

PLANNING POLICY

Government Guidance

National Planning Policy Framework
National Planning Policy Guidance
Conservation and Natural Habitats Regulations 2010
Manual for Streets

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
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 HSC2 – Playing Pitch & Sport Facility 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 Frad 1- Fradley Environment
Policy Frad 2 – Fradley Services & Facilities
Policy Frad 3 – Fradley Economy
Policy Frad 4 – Fradley Housing

Supplementary Planning Documents

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

Other

Staffordshire and Stoke on Trent Joint Waste Local Plan

RELEVANT PLANNING HISTORY

17/01788/FUL – Creation of balancing pond with associated landscaping – Not yet determined.

16/00001/REMM – Reserved matters application (appearance, landscaping, layout and scale) for the erection of 216no. dwellings comprising 14no. 1 bedroom dwellings, 94no. 2 bedroom dwellings, 72no. 3 bedroom dwellings and 36no. four bedroom dwellings together with associated SUDs, landscaping and car parking – Approved – 30.06.16.

14/00005/FUL – Road extension to Halifax Avenue and associated works to Gorse Lane – Approved – 27.02.14.

13/01268/FULM – Earthworks cut and fill exercise to form level plots – Approved – 24.02.14.

10/01498/OUTMEI – Demolition of existing buildings and redevelopment of the site to provide up to 750 new homes, primary school, health centre, nursery, public house, public and private open space, car and cycle parking together with landscaping and associated servicing (all matters reserved except points of access) – Approved – 24.10.13.

10/01403/REMM – Mixed use development (Phase 4) comprising warehousing/manufacturing units with ancillary offices, medical centre, nursery and office park and all associated works – Approved – 30.06.11

02/00021/FUL – Renew permission 00/00968/FUL - Storage of vehicles using runways and adjacent land – Approved – 14.02.02.

00/00968/FUL – Storage of vehicles using runways and adjacent land – Approved – 09.01.01.

99/00712/FUL – Renewal of temporary permission for the storage of vehicles using runways and adjacent land – Approved – 29.09.99.

98/00498/FUL – Renew temporary permission for the storage of vehicles using runways and adjacent land – Approved – 22.07.98.

97/01054/COU – Use of runways for temporary vehicle parking – Approved – 12.12.97.

L950584 – Development for B1, B2 and B8 and ancillary uses with associated landscaping – Approved – 15.02.96.

L8077 – Change of use from vehicle testing to storage of containers – Refused – 08.06.81.

CONSULTATIONS

Fradley & Streethay Parish Council – No objection. Requests that the layout of the site recognises the route of the runway to reflect the site's history. Note that there are existing on street parking issues within the surrounding area, along Halifax Avenue, caused by lorry drivers awaiting access into surrounding distribution sites and therefore requests that the developer makes a contribution towards the installation of traffic regulation orders to prevent this occurring in the future, thereby improving access, safety and the appearance of the area (23.06.17).

Spatial Policy & Delivery – Whilst initially concerned regarding the delivery of off-site sports provision, following further discussions with Sports Development colleagues, raise no objections subject to the provision of payment linked to facilities to be delivered under planning permission 13/00633/OUTM. This conclusion is reached given that any on-site pitch would occupy a remote location from future changing facilities to be delivered within the village, on the aforementioned site (07.07.17).

Off-site sports pitch provision is not something that could currently be supported. Notes that Play Pitch provision for SDA sites falls outside of CIL and would therefore be covered via a S106 agreement, as stated in the Regulation 123 List (30.06.17).

Previous Comments – The site is located outside of the settlement boundary for Fradley but within the Fradley Strategic Development Allocation. Therefore residential development in this location is supported in principle (30.06.16).

Sport England – Suggests any off-site pitch provision should now be in accordance with the up to date Local Plan Policy (11.07.17).

Previous Comments – Given that the Local Planning Authority will not accept contributions to provide off-site provision, requires on-site provision incorporated into the masterplan, to be informed by the priorities set out in the Local Plan Strategy (03.07.17).

Object. The development fails to adequately provide for community infrastructure for outdoor sport (15.06.17).

Staffordshire County Council (Highways) – No objection, subject to conditions requiring that prior to the submission of any reserved matters, a Master Plan shall be submitted to and approved by the Local Planning Authority to demonstrate street layout and character, parking strategy, development phasing, pedestrian connectivity and adopted roads and highways. Further conditions required of the primary and secondary access points, along with a phasing plan, a Construction Vehicle Management Plan. Finally, no phase of development shall take place until the extension of Halifax Avenue and associated pedestrian / cycle links are completed (27/04/18).

Previous Comments: Notes that whilst planning permission and a S278 agreement are in place to provide the link road, which will offer an access point into the application site, no Section 38 application has been received for the central section of the road equating top approximately 260 m. Therefore no adoption agreements are in place to link the proposed site access points to the adopted highway network (13.04.18).

The Transport Assessment is based on comparing the proposed 350 dwellings against extant employment permissions for the site. However the document fails to provide junction modelling, whilst the trip generation and distribution methodology makes reference to data now 6 years out of date and therefore a new check count is required.

The submitted Travel Plan, whilst appropriate and proportionate to the scale of the development, contains some shortcomings that will need to be addressed (20.06.17).

Highways England – No objections (14.06.17).

Staffordshire County Council (Education) – Notes that a reserved matters application has now been submitted for the second phase of Fradley Park, for the erection of 368 dwellings. As such, in combination with the approved first phase (216), the site will deliver 584 dwellings, which is below the 750 dwellings permitted by the outline consent for the site. As such, the initially identified housing needs for Fradley are now reduced and therefore the existing and proposed Primary Schools within the village will be able to accommodate the 250 or 350 dwellings proposed within this site. However it is noted that in order for this site to deliver 350 dwellings the cordon sanitaire for the neighbouring Pig Farm will need to be removed. This could occur through the redevelopment of the site through the current planning application. However there is no capacity with the Primary Schools to accommodate the dwellings within that site. Therefore should the applicant wish to deliver 350 dwellings, through seeking to support the development of the Pig Farm then it remains necessary to agree a 2FE Primary School within Phase 2 of this site. The primary education contribution for 350 dwellings will be £1,571,428.00 (18.04.18).

Previous Comments – Notes that the applicant is willing to offer an additional 0.3ha of land, offering 1.66ha for the school, the minimum required to deliver a 2FE Primary School. In order therefore to be able to demonstrate that such a scaled site could accommodate the provision required, prior to the determination of this application, details of the site's topography, soil samples, ecology surveys, insurance that the site is clear of contaminants, TPOs and mineshafts etc. will be required. Availability to the whole site at once rather than via a phased release will be necessary in order to design the most cost efficient school (21.02.18).

Reiterates comments made on 16.06.17. Advises that the applicant's suggested approach to tackling the potential issue of an under supply in Primary School places, via a monitor and manage approach is inappropriate unless a period of several years flowing completion of the 250th dwelling and the completion of all other allocated development within the surrounding area occurs (16.08.17).

A development of 350 dwellings could generate 110 additional primary aged pupils. In combination with the wider Fradley Park Site, where permission has been granted for the erection of up to 750 dwellings, the site could deliver a total of 1,100 dwellings. This number of dwellings would generate 346 Primary School pupils. The 1 Form Entry School (210 spaces) currently approved for development on 1.09 hectares, in the first phase of Fradley Park, has a 'School Extension' site provision agreed for a further 0.42 hectares, increasing capacity to 1.5FE. capable of teaching 315 pupils. As such, the primary school as currently proposed, is incapable to accommodating the number of pupils generated by this development and therefore an additional ½ hectare of land in order to expand the proposed school to a 2 FE is required along with a contribution of £1,571,428.10. The development would generated a requirement for 74 Secondary school pupils. Education contributions for providing secondary school places will be sought through the CIL mechanism (16.06.17).

Arboriculture Officer – No objections. Recommend conditions to secure the submission of a tree survey, with tree protection measures along with a landscaping scheme (06.06.17).

Staffordshire County Council (Flood Team) – No objection, subject to a condition requiring that the attenuation pond considered under application 17/01788/FULM be formed prior to first occupation of any of the dwellings (25.04.18).

Previous Comments – Recommends refusal on lack of information (08.03.18).

Object. The information submitted with this application fails to demonstrate appropriate management of surface water from this development and therefore further clarification is required (04.07.17).

Recommend Refusal. The submitted Flood Risk Assessment is inadequate (15.06.17).

Ecology Manager – Welcomes the applicant’s intention to deliver net gain on-site of 11.02 Biodiversity Units, which equates to a 21.3% net gain to the site’s Biodiversity Value, ensuring compliance with Local Plan Strategy Policy NR3 and the Biodiversity and Development Supplementary Planning Document.

Recommends conditions to demonstrate the suitable delivery of the identified Biodiversity schemes of a Construction Environment Management Plan and a Habitat Management Plan (14.03.18)

Previous Comments – Welcomes the applicant’s intention to deliver net gains of 0.71 Biodiversity Units and approves of the proposed new habitats. Recommends conditions to require a scheme of offsetting of biodiversity impacts, a Construction Environment Management Plan and a Habitat Management Plan (27.09.17)

Concurs with the conclusions expressed within the submitted Ecological Impact Assessment. It is therefore considered unlikely that the works would negatively impact upon a European Protected Species or any other Protected Species or Habitat. As such no further ecological report or survey is required.

Requests a condition to ensure that the development be undertaken in accordance with the mitigation measures identified within the (EclA).

Policy NR3 of the Local Plan Strategy requires new development to demonstrate a net gain in biodiversity. The applicant proposes a net gain of 16.93 Biodiversity Units as part of the proposed development, providing a net gain of 24.44%, thereby complying with the Biodiversity and Development SPD. To secure the implementation of this scheme a Construction Environment Management Plan and Habitat Management Plan should be a condition of any approval for this development (16.06.17).

Environment Agency – No objection (21.02.18).

No objection, subject to the use of a condition requiring the submission and approval of a contaminated land remediation strategy (07.06.17).

Staffordshire County Council (Rights of Way) – Public Footpath No 43 Fradley and Streethay runs through the site and Footpath No 32 Fradley and Streethay runs to the west of the site. The attention of the developer should be drawn to the existence of the paths (15.06.17).

Ramblers – No objection. Notes that Footpath No 43 Fradley and Streethay runs to the south west of the site and public access should be maintained at all times (18.06.17).

Severn Trent Water – No objections subject to conditions in respect of details for the disposal of foul and surface water flows (13.06.17).

Joint Waste Services Manager – Provide guidance on general requirements in terms of waste collection (05.06.17).

Staffordshire County Council (Archaeology) – Recommends a condition to secure the submission of a written scheme of archaeological investigation, prior to the commencement of development (15.06.17).

Staffordshire County Council (Planning) – No objection. Advises that the application be undertaken in accordance with the requirements of the Staffordshire and Stoke-on-Trent Joint Waste Local Plan in order to limit waste generated from the development (16.06.17).

Canals & River Trust – Additional information is required to be submitted prior to determination. Specifically request that the developer make an appropriate contribution towards towpath improvements and access points from New Bridge (Gorse Lane) to Fradley Bridge and cycle parking

provision at Fradley Junction. Advises that prior to determination a review of the load carrying capacity of New Bridge should be undertaken to demonstrate that it is capable of accommodating the additional traffic that will utilise it following the completion of this development. In addition information should be submitted to demonstrate what level of traffic is likely to utilise the bridge.

The Local Planning Authority should be satisfied that the Sustainable Drainage System for the site can be accommodated without adverse impact upon the canal. In addition appropriate assessment should be undertaken to ensure that the canal is not adversely impacted upon by noise or dust during construction works and upon completion by light pollution

Notes the set back of dwellings away from the canal on the indicative plan and the limiting of height on this area to 2 storeys. Advises that details relating to the canal side landscaping are yet to be submitted. Requests to be consulted on any reserved matters application (30.06.17).

Inland Waterways Association – No objection. Notes the set back of dwellings away from the canal on the indicative plan and the limiting of height on this area to 2 storeys. Advises that details relating to the important canal side landscaping are yet to be submitted. Requests to be consulted on any reserved matters application (31.05.17).

Staffordshire Fire and Rescue Service – Provides guidance on appliance access requirements and sprinkler usage (31.05.17).

Police Architectural Liaison Officer – No objection. Provides advice to design out crime (20.06.17).

Housing Strategy & Enabling Manager – No response received.

Environmental Health – No response received.

LETTERS OF REPRESENTATION

None received.

OTHER BACKGROUND DOCUMENTS

The application is accompanied by the following supporting documents:

Biodiversity Offsetting Report
Design and Access Statement
Draft Heads of Terms
Drainage and Flood Risk Statement
Ecological Impact Assessment
Environmental Report
Lighting Assessment
Noise Assessment
Odour Assessment
Planning Statement
Residential Travel Plan
Statement of Community Involvement
Transport Assessment
Transport Technical Note

OBSERVATIONS

Site and Location

The site, which is approximately 11.6 hectares in size, comprises the western part of the former Fradley Airfield and lies 700 metres to the west of Fradley village. Gorse Lane runs to the immediate west of the site, beyond which lie two large decommissioned aircraft hangers, which are currently in use as light industrial units. The Tesco distribution centre, which forms part of the Fradley Business Park, provides frontage to the southern boundary, whilst Public Footpath Fradley and Streethay 43, is located adjacent to the southern boundary, within existing scrub land. Land to the east is presently characterised by the former Fradley Airfield, which is presently being developed through residential led construction. The Coventry Canal, a non-designated heritage asset, is located to the northern boundary of the site, beyond which there are a number of arable fields associated with the former pig farm located on Hay End Lane.

The site is currently vacant and comprises previously developed Brownfield Land, which includes a former runway and two shed structures associated with the pallet network operations on the eastern airfield.

Proposals

The application seeks the demolition of all existing buildings within the site and outline permission for the erection of either 250 or 350 dwellings. The difference in delivery of housing numbers is due to the presence, to the north of the application site, on Hay End Lane of the Midland Pig Farm, which is currently non-operational. A cordon sanitaire exists around the site, due to odours associated with this permitted use (further details provided within the below report), which prevents, due to impact upon the reasonable amenity of future residents, the use of part of the site for residential development. Thus, should the pig farm be developed or the use abandoned, then 350 dwellings could be erected, otherwise the maximum will be 250 dwellings.

All matters are reserved for future consideration, with the exception of access. A total of 5 points of access are proposed for the site, two points from the southern boundary, via the new access road, under construction, between Halifax Avenue and Gorse Lane, and two further points of access from the eastern boundary that will connect into the wider housing development. A single point of access is also proposed to the western boundary with Gorse Lane, for use only by pedestrians, cyclists and emergency vehicles. An illustrative layout shows how the site could be laid out to accommodate the proposed dwellings. The illustrative layout shows a grid pattern of development, with green buffers around the margins of the site and more formalised green space running through the centre of the site.

Background

The site historically forms part of Fradley Business Park, which was granted outline planning consent in February 1996 under planning application reference no. L950584. Subsequently a reserved matters permission was approved for this site under reference 10/01043/REMM in June 2011, which was noted to be phase 4 of the Business Park and was to include warehousing and manufacturing units. The reserved matters permission was lawfully commenced and as such now remains extant.

To the immediate south of the site planning permission exists and is currently being implemented for the formation of a new road to link Gorse Land and Halifax Avenue (under reference 14/00005/FUL).

Determining Issues

1. Policy and Principle of Development
2. Housing Mix
3. Design and Impact on the Character of a Non-Designated Heritage Asset

4. Public Open Space, Green Infrastructure and Landscaping
5. Biodiversity and Ecology, including the Cannock Chase Special Area of Conservation (SAC)
6. Archaeology
7. Residential Amenity – Future and Existing Residents
8. Flood Risk and Drainage
9. Vehicular Access, Highway Safety and Pedestrian Connectivity
10. Planning Obligations, including Affordable Housing, Education and Viability
11. Other Matters
12. Financial Considerations (including Community Infrastructure Levy)
13. 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*”. Therefore consideration has to be given to whether this scheme constitutes a sustainable form of development and whether any adverse impacts would significantly and demonstrably outweigh the benefits it would deliver.

1.3 Paragraphs 49 and 50 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that housing policies within the Local Plan should only be considered up to date if the Local Planning Authority is able to demonstrate a five year supply of housing.

1.4 Paragraph 7 of the NPPF provides a definition of sustainable development, identifying that there are three separate dimensions to development, namely its economic, social and environmental roles. 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 consider how the proposed development fares in terms of these three strands of sustainable development.

1.5 The supply of housing land is regarded as having a social and economic role. The NPPF requires that Councils identify and update annually a supply of specific deliverable sites

sufficient to provide five years delivery of housing provision. In addition, a buffer of 5% (moved forward from later in the plan period) should also be supplied, to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

- 1.6 The latest five year housing land supply position for Lichfield District is contained within the Strategic Housing Land Availability Assessment (SHLAA) 2015. The SHLAA shows that the District Council can currently demonstrate a 6.43 year supply of housing land against the housing requirement within the adopted Local Plan Strategy. It should be noted that in three appeal decisions determined on 13 February 2017 the Secretary of State concluded that there was a 5.11 year supply of housing land within Lichfield District.
- 1.7 Given that the Council can demonstrate a 5 year housing supply, it falls for this scheme to be considered, in the first instance, against the Policies contained within the Council's Development Plan.

Local Plan Policies

- 1.8 The Local Plan Strategy sets a strategic requirement to deliver a minimum of 10,030 dwellings during the plan period. 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. Core Policy 6 and Policy Frad 4 identifies that Fradley will play a significant role in meeting housing need by providing growth of around 1,250 new dwellings within the community, with appropriate associated facilities, including transport and social / green / physical infrastructure, over the plan period. Specific details of the sites allocated to deliver this level of housing are identified within Appendix E of the Strategy. The application site forms part of the allocated sites.
- 1.9 Current permitted residential developments in Fradley are detailed within the below table:

Planning App	Site	Number of dwellings
10/01498/OUT 16/00001/REMM	Fradley Park- Airfield	750 (First Phase – 216)
16/00646/REM 18/00351/FUL	Brookfield, Hay End Lane	70
13/00633/OUT	Hay End Lane	250
16/00272/OUT	Bridge Farm	80*

*Application 18/00486/FULM for the erection of 63 dwellings and a 90 bed care home recently submitted for this site but is yet to be determined.

- 1.10 The development proposed within this site would therefore, should all the outline consents be developed to their maximum, result in a total of either 1,400 or 1,500 dwellings being erected within Fradley. It should be noted however that an application has been submitted to the Local Planning Authority, which is currently invalid, reference 18/00481/REMM for the second phase of Fradley Park, for the erection of 386 dwellings. Whilst evidently planning permission does not exist for this second phase of development, it evidences the developer's perceived quantum of housing for the site, which now equates to 602 dwellings, rather than the 750 consented under the outline permission. Utilising these figures the overall housing numbers proposed for Fradley diminishes to 1,252 or 1,352.
- 1.11 The proposal could potentially therefore result in an over delivery of housing for Fradley. However the figure of 1,250 identified within the Development Plan is a minimum figure establishing an appropriate parameter of housing delivery. A potential over delivery of approximately 10% is not therefore considered to be contrary to the provisions of the Plan.

1.12 Given the above assessment, it is evident that this proposal accords with the requirements of the Development Plan and NPPF and therefore the principle of residential development within this site is considered acceptable. However, it is necessary to consider, in detail, a range of other issues detailed within the concept rationale of Appendix E, along with compliance with the Key Design Principles established therein.

2. Housing Mix

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

2.2 The Design and Access Statement sets out that it is proposed to provide a range of different housing densities across the site. A range of dwellings are proposed with varying sizes and tenures, in order to accommodate a variety of household types. The Planning Statement advises that the development shall be erected utilising a mix of 5% 1 bed, 42% 2 bed, 41% 3 bed and 12% 4 bed.

2.3 The dwelling mix identified under the requirements of Local Plan Strategy Policy H1, 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 therefore that currently the proposed mix is policy compliant. A condition to secure the implementation of this compliant housing mix within any subsequent reserved matters application is recommended.

2.4 Overall, in terms of housing mix, the proposal is capable of balancing strategic need, with the need to secure an appropriate design and density for this edge of village site. Accordingly, the development will comply with the requirements of the Development Plan and NPPF in this regard.

3. Design and Impact on the Character of a Non-Designated Heritage Asset

3.1 Local Plan Strategy Core Policy 14 states that *"the District Council will seek to maintain local distinctiveness through the built environment in terms of buildings... and enhance the relationships and linkages between the built and natural environment"*.

3.2 The NPPF (Section 7) advises that *"good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people"*. The document continues to state that *"permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"*.

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

- function well and add to the overall quality of the area;
- establish a strong sense of place;
- respond to local character and history, and reflect local surroundings and materials;

- create safe and accessible environments; and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 3.4 Local Plan Strategy Policy BE1 advises that *“new development... should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views”*. The Policy continues to expand on this point advising that good design should be informed by *“appreciation of context, as well as plan, scale, proportion and detail”*.
- 3.5 The Coventry Canal located to the north of the site is considered to a non-designated heritage asset. Under the provisions of Paragraph 135 of the NPPF *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”*.
- 3.6 The layout plan submitted with this application is wholly indicative, but is broadly based on the principle of perimeter blocks that provide a strong frontage to the public realm whilst protecting the amenity of existing residents. These blocks are arranged in a grid pattern with a formalised central landscaped area of open space, offering views from the south western corner of the site towards St Stephen’s Church. The dwellings are proposed to be set back from the Coventry Canal, with a landscaped buffer of a minimum of 40 metres.
- 3.7 The degree of separation offered to the canal by the landscaping area, is sufficient, to ensure the setting of this no-designated heritage asset is not adversely impacted upon and rather, following the approval of a suitable landscaping scheme, offers the potential to enhance this asset, especially when the character impact of the consented industrial development is considered.
- 3.8 The design solution for the built form elements of the site broadly reflects the variety in townscape form that can be seen in the area within Fradley South and the adjoining Fradley Airfield development. However, as this is an edge of the settlement location some streets, are indicated to incorporate a more open aspect with elevations set back behind more traditional front gardens.
- 3.9 The Design and Access Statement (DAS) details 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 predominantly two storeys (up to 9.5 metres to ridge), with taller properties (up to 11.5metres) at key landmark locations. The dwellings are proposed to be developed at a density of 34 dwellings per hectare, which replicates that evidenced on the adjoining site. 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.
- 3.8 Clearly this is an outline application and as such, detailed design is not being considered at this stage. Nevertheless, it is important to ensure that the detailed proposals that come forward at the reserved matters stage are of the highest design quality, appropriate for this context. Based on the above assessment, it is evident any such application could be acceptable in design terms, having an acceptable impact upon the setting of the non-designated heritage asset. Finally, it is noted that the buildings to be demolished within the site are of no particular architectural value and therefore their removal will not detract from the appearance of the area and will therefore comply with the requirements of the Development Plan and the NPPF in this regard.

4. Public Open Space, Green Infrastructure and Landscaping

- 4.1 The indicative plan shows green infrastructure running through the centre of the site; along with small pocket parks dispersed through the development; which includes elements of both formal and informal public open space.
- 4.2 The open space areas proposed within the application site total 1.41ha. The requirement as set out in Policy HSC1 of the Local Plan Strategy for amenity green space is 1.42ha/1000 population. The proposal for up to 350 plots would deliver a population of approximately 875 residents. This equates to a requirement of 1.25ha and therefore the application site includes an over-provision of 0.17ha.
- 4.3 Paragraph 118 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm. Core Policy 13 of the Local Plan Strategy also seeks to protect veteran trees, whilst Core Policy 14 seeks to ensure that there is no net loss to trees in conservation areas. Policy NR4 and the Trees, Landscaping and Development Supplementary Planning Document seek to ensure that trees are retained, unless their removal is necessary and appropriate mitigation is proposed. The SPD also seeks to ensure that a minim 20% canopy cover is achieved on development sites.
- 4.4 It is noted that the Council's Arboriculture Officer recommended a tree survey be secured via the use of a condition. A site analysis however evidences that there are no trees of note within the application site and as such, such a condition is unnecessary. There is however a mature hedgerow sited adjacent to Gorse Lane. A condition to secure the retention of this feature given its visually softening impact is considered appropriate. The securing of an appropriate landscaping scheme for this development will be secured via a subsequent reserved matters application.
- 4.5 The requirement for playing field facilities to be delivered within this site, required by Appendix E of the Local Plan Strategy, is proposed by the applicant to be met, by contributing to the provision identified on the nearby, Hay End Lane consented development (reference 13/00633/OUTM). Sport England originally offered objections to such a contribution and rather sought to ensure the delivery of on-site sports provision. However, following conversations between the Council's Spatial Policy and Delivery and Sports Development Team, it has been concluded that a contribution, which will replicate that sought for the wider consented Fradley Park development, is the preferred solution. This is due to the fact that any sports pitch offered within this site would be remote from the changing facilities to be built on the Hay End Lane scheme and rather a central sports hub for the village is the preferred option.
- 4.6 Subject to securing an appropriate off-site sum from the applicant for the delivery of sports pitches and the application of the above noted conditions, the proposal, with reference to green infrastructure, is considered to comply with the requirements of the Development Plan and NPPF, in this regard.

5. Biodiversity and Ecology, including the Cannock Chase Special Area of Conservation (SAC)

- 5.1 To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 5.2 Due to the Local Planning Authorities obligation to "*reflect and where appropriate promote relevant EU obligations and statutory requirements*" (Paragraph 2 of NPPF) the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, producing a measurable net-gain to

biodiversity value is also made a requirement of all developments within Lichfield District under Policy NR3 of the Lichfield District Local Plan Strategy and the Biodiversity and Development Supplementary Planning Document.

- 5.3 The Council's Ecologist has visited the application site and advises that the proposed works are unlikely to negatively impact upon protected or priority species or habitats, subject to the demolition and building works being undertaken in accordance with the recommendations of the Ecological Impact Assessment submitted with the planning application.
- 5.4 A positive biodiversity impact (20% uplift), as required by Local Plan Strategy Policy NR3 and the Biodiversity and Development Supplementary Planning Document will be achieved within this site through the measures identified within the Ecological Impact Assessment. The measures will deliver a site enhancement of 112.02 Biodiversity Units, which equates to a betterment of 21.3%. To ensure the provision, delivery and suitable maintenance of these measures a Construction Environment Management Plan and Habitat Management Plan condition is considered to be reasonable and necessary.
- 5.5 The net gain in biodiversity should be attributed appropriate material weight as per the guidance of Paragraph 188 of the NPPF. Subject to compliance with this condition the development accords with the requirements of the NPPF and Development Plan with regard to ecological considerations.
- 5.6 The agreed strategy for the Cannock Chase SAC is set out in Policy NR7 of the Council's Local Plan Strategy, which requires that before development is permitted, it must be demonstrated that in itself or in combination with other development it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC having regard to avoidance or mitigation measures. In particular, dwellings within a 15km radius of any boundary of Cannock Chase SAC will be deemed to have an adverse impact on the SAC unless or until satisfactory avoidance and/or mitigation measures have been secured.
- 5.7 Subsequent to the adoption of the Local Plan Strategy, the Council adopted further guidance on 10 March 2015, acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. This site lies within the 8 - 15 km zone and as such is not directly liable to SAC payment.
- 5.8 Given the above assessment, subject to the conditions and contributions identified, the development will comply with the requirements of the Development Plan and NPPF in this regard.

6. Archaeology

- 6.1 Paragraph 128 of the NPPF places a duty on Local Planning Authorities to *"require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance"*.
- 6.2 The County Council's Archaeologist has assessed the site for archaeological interest and advised that there is a Scheduled Neolithic causewayed enclosure located approximately 900m to the north of the application site. Given the separation distances evidenced the scheme is not likely to impact upon the setting of this protected monument. However, the presence of the monument suggests demonstrable potential for the presence of archaeological remains within this area. Therefore, it is recommend that a condition be used to secure a written scheme of archaeological investigation. There is no objection to this approach and subject to compliance with this condition, the development complies with the requirements of the Development Plan and NPPF in this regard.

7 Residential Amenity – Future and Existing Residents

- 7.1 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. The Council's Sustainable Design Supplementary Planning Document sets out a minimum distance to which facing habitable windows should be separated, distances to prevent overbearing impact and minimum garden sizes.
- 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, it is considered given the proposed density of development identified for this site that there are no fundamental aspects of the site which would prevent compliance with the Council's standards.
- 7.3 Paragraph 109 of the NPPF advises that *"the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability"*.

Contaminated Land

- 7.4 The Environment Agency have considered the Geoenvironmental Desk Study and noted that given the site was used by the RAF as Lichfield Aerodrome there are several potential sources of contamination, including spillages of oil and fuels. Therefore, it is recommended that a condition be utilised to secure further investigation to assess the risk posed by the development to controlled waters.

Lighting

- 7.5 A Lighting Assessment document has been submitted with this application in order to quantify baseline lighting within the vicinity of the proposed development and identify existing sensitive receptors and allow constraints of any proposals to be assessed at an early stage.
- 7.6 The assessment utilising a scheme similar that agreed for the first phase of development, given exact details for this site are not yet available, predicts that an appropriate scheme would not have any significant adverse impact on local sensitive residential locations.
- 7.7 With regard to impact of existing lighting upon the future amenity of residents, it is noted that the adjacent Tesco distribution centre operates for 24 hours a day. Therefore, light spill from this site has been assessed and it is concluded that, with appropriate mitigation, in the form of enhanced vegetation and carefully designed internal layouts, future residents will not be adversely impacted upon.
- 7.8 The assessment has also concluded that, provided the specified lighting design is implemented, the sky glow levels associated with the development will not have a significant effect on the surrounding dark sky landscape.
- 7.9 Thus, subject to a condition to ensure the development is progressed in accordance with the requirements of the aforementioned report, the development will comply with the requirements of the Development Plan and NPPF in this regard.

Odour

- 7.10 To the north of the application site on Hay End Lane is Midland Pig Farm Producers. The site is currently dormant but the use could be recommenced without the need for any planning permission. To determine the potential impact of this use upon the amenity of future residents an Odour Assessment has been submitted with this application. The assessment has defined an area inside of which odour would impact adversely upon residents (cordon sanitaire). Thus, whilst the Pig Farm remains capable of being operational, it will not be acceptable to develop this area for residential use. Should the pig farm be abandoned, an alternate site use be permitted or odour circumstances alter then it may be that residential development could occur within the cordon sanitaire.
- 7.11 Given the above circumstances the applicant's proposal of limiting the number of dwellings to 250 with the Cordon Sanitaire in place and increasing to 350 following its removal, is considered to be reasonable and is recommended to be secured via condition.
- 7.12 It is noted that a planning application has been submitted to develop the pig farm site, under our reference 18/00078/OUTMEI, through an outline application for a mixed use development comprising of 184 residential dwellings, 122 care and assisted living dwellings, and the creation of a 3,665 sq. m neighbourhood centre, with associated works. The suitability of this development will be considered by the Planning Committee in due course.

Noise

- 7.13 The applicant has submitted a Noise Assessment with the application, which considers the impact of the site's for residential use, upon both the amenity of future residents and existing business uses. The report concludes that the dwellings proposed within the site would not prevent the on-going or expanded operation of adjacent industrial uses, whilst future residents will experience appropriate levels of external noise, subject to those dwellings within approximately 30 metres of the Gorse Lane to the West and approximately 90 metres of the potential extension of Tesco's depot to the South of the site being built with enhanced glazing, in order to meet internal target noise levels. A condition to ensure the development proceed in accordance with the mitigation measures identified within this report is therefore considered to be appropriate.
- 7.14 Given the above assessment, it is considered that subject to the recommended conditions the amenity of existing and future residents will be adequately protected and therefore the proposal will be compliant with the requirements of the Development Plan and NPPF in this regard.

8 Flood Risk and Drainage

- 8.1 The application site is located within Flood Zone 1, which is defined as having little or no risk of flooding from rivers or streams. Such zones generally comprise land assessed as having a less than 1 in 100 annual probability of river or sea flooding in any year.
- 8.2 Staffordshire County Council Flood Team have, following the submission of revised information during the application process, offered no objection to the scheme, subject to a condition requiring the submission and approval of a sustainable surface water drainage scheme, prior to the commencement of development. It should be noted that this scheme is likely to include an attenuation pond, proposed to the south of the Coventry Canal, currently pending consideration by the Local Planning Authority under reference 17/01788/FULM.
- 8.3 Severn Trent Water have recommended a condition to secure details of foul drainage. Such a condition is considered to be reasonable and necessary and accordingly is recommended. Thus, subject to the abovementioned conditions, the development is considered to comply with the requirements of the Development Plan and NPPF in this regard.

9. Vehicular Access, Highway Safety and Pedestrian Connectivity

- 9.1 The NPPF requires that consideration 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.
- 9.2 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 both the Local Highways Authority (Staffordshire County Council) and Highways England.
- 9.3 A total of 6 vehicular access points are proposed to serve the site. Two points of access are proposed from Gorse Lane (one of which will be for emergency vehicles only), a further two from the new access road, currently under construction from Halifax Avenue to Gorse Lane and the final two will be from the adjacent housing site, facilitating linkages into the wider development.
- 9.4 The Highways Authority have requested the submission of a Masterplan prior to the submission of any reserved matter application to determine the Movement Framework for this site. Such a condition is considered reasonable and necessary and therefore it is recommended. A condition is also recommended requiring further details of the primary and secondary access points along with details of the emergency access. These aspects of this condition are appropriate, the remainder, which seeks details of the disposition of buildings, surfacing materials and surface water drainage, will be determined through the reserved matters application. A note to applicant is recommended to advise the applicant of the need to provide these details as part of subsequent submissions.
- 9.5 Given the scale of the development and likely potential impact upon the amenity of existing and future residents and the highway network, the request made by the Highways Authority for the implementation of a Constriction Vehicle Management Plan is considered reasonable and so a condition is subsequently recommended.
- 9.6 The final condition recommended by the Highways Authority requires, prior to the first occupation of any of these dwellings, the completion of the road extension between Gorse Lane and Halifax Avenue. The creation of this road has been secured under the S106 agreement attached to the wider consent to erect 750 dwellings within this site. Given the site cannot be appropriately accessed until the delivery of this road is secured, such a condition is largely redundant, but is recommended here for the sake of clarity.
- 9.7 In order to promote the use of the sustainable transport modes, as required by the NPPF and the Council's Sustainable Design Supplementary Planning Document, a Residential Travel Plan has been submitted by the applicant. The implementation and monitoring of this Plan can be secured via the S106 agreement for this development.
- 9.8 It is noted that the Canal & Rivers Trust have raised some concerns regarding the potential impact of this development upon New Bridge, which crosses the Coventry Canal adjacent to the north western boundary of this site. The Transport Assessment submitted with this application demonstrates that the development will result in only minimal increases in traffic across the bridge. Considered in isolation, it is predicted to generate only 12 and 10 additional movements during the Weekday AM and PM peak hours respectively. Accounting for movements associated with the permitted employment use, there will be a net increase of only 6 and 3 two-way movements respectively i.e. only one new vehicle crossing the bridge approximately every 10 and 20 minutes in the busiest morning and evening hours.

The proportion of HGV's associated with the proposed development will be much lower for the residential use than the permitted employment use. There will therefore be a betterment achieved in this regard.

- 9.9 Almost all movements associated with the residential site will be cars, whereas HGV movements associated with the permitted use have been agreed with SCC and Highways England to be 40%. Therefore, the residential development will significantly reduce any risk of increased HGV movements across the bridge. Given this assessment it is apparent that the proposed scheme offers a betterment to the likely usage of the bridge compared to the extant employment use.
- 9.10 A number of pedestrian access points and routes through the site are indicated on the indicative plan, including Public Footpaths 32 and 43 Fradley and Streethay. Exact details of a pedestrian framework will be agreed via the reserved matters application, with a note to applicant advising of the need to ensure that the Public Footpaths remain open for use throughout development included on the decision notice. It is noted that the Canals & River Trust were seeking to gain a contribution towards enhancement of the towpath along the Coventry Canal. Following discussions with the Council's Spatial Policy and Delivery Team it is noted that such enhancement works are included within the Council's Regulation 123 list and therefore it is for the Trust to apply to the Council under CIL regulations to seek such a contribution.
- 9.11 Overall therefore, given the above considerations, in terms of highway, pedestrian and transportation issues, subject to appropriate conditions and CIL contributions, the development is acceptable, being compliant with the requirements of both the Development Plan and NPPF and subject to a S106 payment towards improving bus services through the area, will provide appropriate measures to enable satisfactory alternatives to travelling by car.

10. Planning Obligations, including Affordable Housing, Education and Viability

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

Affordable Housing

- 10.2 The development proposes the creation of more than 15 dwellings within an urban environment. The site is therefore over the threshold for the provision of affordable housing as required by Local Plan Strategy Policy H2. The on-site affordable housing provision required by Policy H2, following the issuing of the latest Annual Monitoring Report is for 37% of the units proposed.
- 10.3 The applicant has submitted with the application a financial viability assessment, which has been independently assessed by the District Valuers Office. The information contained within this document is confidential given its commercial nature and as such cannot be disclosed to this committee. However, overall it demonstrates that after allowing for the developer to achieve a reasonable profit, the scheme is unviable as currently proposed, should the level of affordable housing required by the Development Plan be provided on-site.
- 10.4 Paragraph 20 of the NPPG which relates to Viability advises that Local Planning Authorities should understand the impact of planning obligations on a proposal, stating that "*where an applicant is able to demonstrate to the satisfaction of the Local Planning Authority that*

planning obligations would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations”.

- 10.5 The NPPG continues to state that *“this is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. The financial viability of the individual scheme should be carefully considered in line with the principles in this guidance”.*
- 10.6 Paragraph 19 of the NPPG provides particular guidance to the redevelopment of brownfield sites stating that Local Planning Authorities should take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.
- 10.7 It is the conclusion of the District Valuer that this development is not viable should there be a requirement to provide a policy compliant level of affordable housing within this scheme. As such, in light of this conclusion, it is reasonable in this case, in order to secure the redevelopment of this brownfield site, to allow the scheme to proceed with a viable level of affordable housing, which, in this case has been determined to be 13%, which equates to 19 dwellings for the 250 dwelling scheme and 27 dwellings for the 350 dwelling scheme.
- 10.8 It should be noted that the viability assessment is based upon current market conditions and as such should there be a delay in the delivery of the scheme there is the potential for market conditions to alter. Therefore, it is recommended that a condition be attached to any permission requiring that a new financial viability assessment be submitted to the Council should works not materially commence on the development, within a reasonable time period. It is acknowledged that the District Valuer advises that the report’s timeframe should cover 3 months, but in order to be flexible, as required by the above national guidance, it is felt that a period of 12 months to commence development is more reasonable and appropriate, especially given the need within this timeframe to also submit and gain approval for a reserved matters application.

Education

- 10.9 The Local Education Authority have identified that this site is located within the catchment area of St Stephen’s Primary School and The Friary Secondary School. Given the potential scale of the development (350 dwellings) it is considered that it would generate a need for 110 new Primary School places.
- 10.10 The outline permission issued for the adjacent site (reference 10/01498/OUTM) provides for a 1FE school on a 1.09ha site, with an extension area of a further 0.42ha, which would enable the school to extend to a 1.5FE facility offering 315 spaces. The total number of dwellings proposed across Fradley Park (both outline consents combined) totals a maximum of 1,100 dwellings, which would generate 346 pupils. Therefore, a potential shortfall in primary school places is identified. To address this issue it was initially recommended that the size of the Primary School site be increased by a further 0.5ha to enable the delivery of a 2FE (420 place) school. In addition, it is noted that a Primary School education contribution of £1,571,428.10 is also required.
- 10.11 Following the recent submission of the reserved matters application for the second phase of the Fradley Park development, as discussed above, this site is now to deliver 606 dwellings, rather than the 750 permitted by the outline consent. Given this change in circumstance, the total site will deliver (if the cordon sanitaire can be removed) a maximum of 956 dwellings. Therefore, the 1.5FE school will be able to accommodate the pupils generated by this proposal. The monetary sum requirement remains and will be secured via a S106 agreement. Secondary school provision is addressed via the CIL payment.

- 10.12 It should be noted that one potential route to secure the delivery of the 100 extra dwellings within this site is via the granting of planning permission currently under consideration by the Local Planning Authority for the aforementioned Pig Farm site. Evidently, the acceptability of this development will be considered in the officer's report and by the Planning Committee when this application is reported, however it is noted that no capacity would be available within the school should it progress at its current consented size to accommodate the additional pupils associated with both the pig farm and this site.
- 10.13 Overall, the proposal, subject to the abovementioned condition and necessary S106 contributions, makes adequate provision for affordable housing and education requirements arising from the development and therefore complies with the requirements of Development Plan and the NPPF in this regard.

11. Other Matters

- 11.1 With reference to the comments made by the Parish Council, it is evident that the indicative layout is reflective of the wider grid pattern of development generated by the adjacent site rather than the site's historic use. This will ensure an integration of built form across the site and as such is considered appropriate. However, the exact siting of buildings will be agreed via subsequent reserved matters applications.
- 11.2 The Highways Authority are the appropriate body to introduce traffic regulation orders onto the highway network. There is no established planning policy in place to secure a financial contribution towards the implementation of such, unless specifically requested by the Highways Authority. No such requirement has been made.

12. Financial Considerations (including Community Infrastructure Levy)

- 12.1 This development is a CIL (Community Infrastructure Levy) liable scheme set within an SDA zone, where the applicable rate of £14 per square metre. This will be payable in accordance with the Council's adopted CIL Instalments Policy, unless otherwise agreed.
- 12.2 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 and Council Tax.

13. Human Rights

- 13.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. Notwithstanding that no representations have been received for neighbouring/nearby occupiers, the potential interference with neighbours' rights under Article 8 of Schedule 1 to the Human Rights Act has been fully considered within the report and on balance is considered to be justified and proportionate in relation to the provisions of national policy and policies contained within the development plan.

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 proposal will provide employment opportunities, through creating a development opportunity, whose future residents would support existing village facilities. Socially, the proposal would have 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 compliant with the requirements of the Council's Local Plan Strategy.

Environmentally the site is a key Strategic Development Allocation, would not elongate the form of Fradley, rather in-fill an area between existing built form 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 sports provision will be met on an adjacent site, with an appropriate sum derived from this scheme to aid its delivery. 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 development has the potential to have a positive impact upon the non-designated heritage asset, the Coventry Canal.

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.

Subject to suitable conditions there will be no adverse impact on protected or priority species, whilst a positive biodiversity impact will be created within the site. With regard to drainage, residential amenity and the development's impact on the surrounding landscape, it is considered that adequate mitigation would be provided and that, subject to appropriate conditions, no material harm will be caused.

It is therefore considered 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, it is considered that, the principle of development is acceptable, and accordingly, the recommendation is one of approval.

LOCATION PLAN

17/00977/OUTME1
Land On The East Side Off
Birmingham Road
Lichfield

Scale: 1:2,000

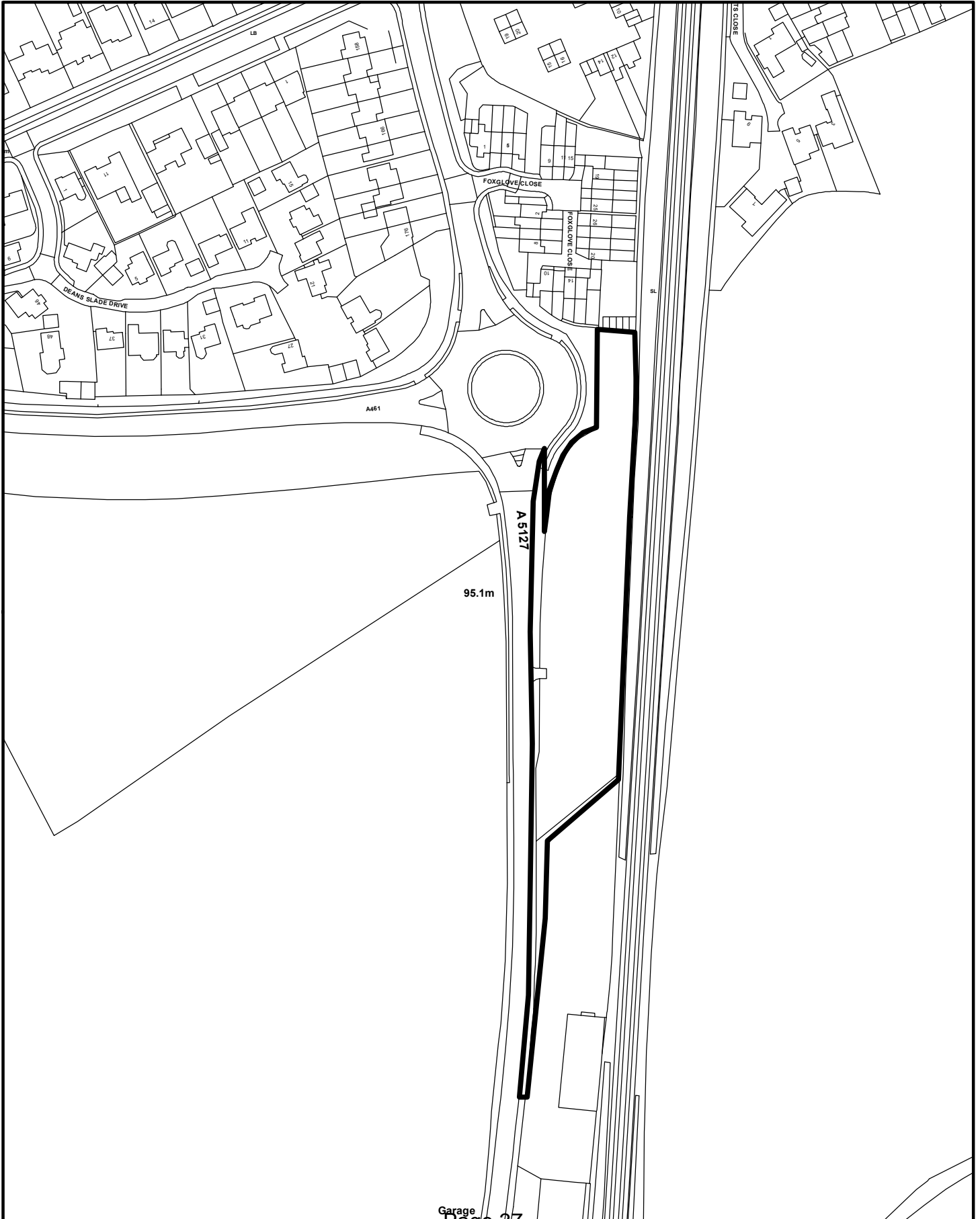
Dated: June 2018

Drawn By:

Drawing No:



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BLOCK PLAN

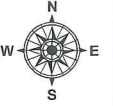
17/00977/OUTMEI
Land On The East Side Off
Birmingham Road
Lichfield

Scale: 1:2,000

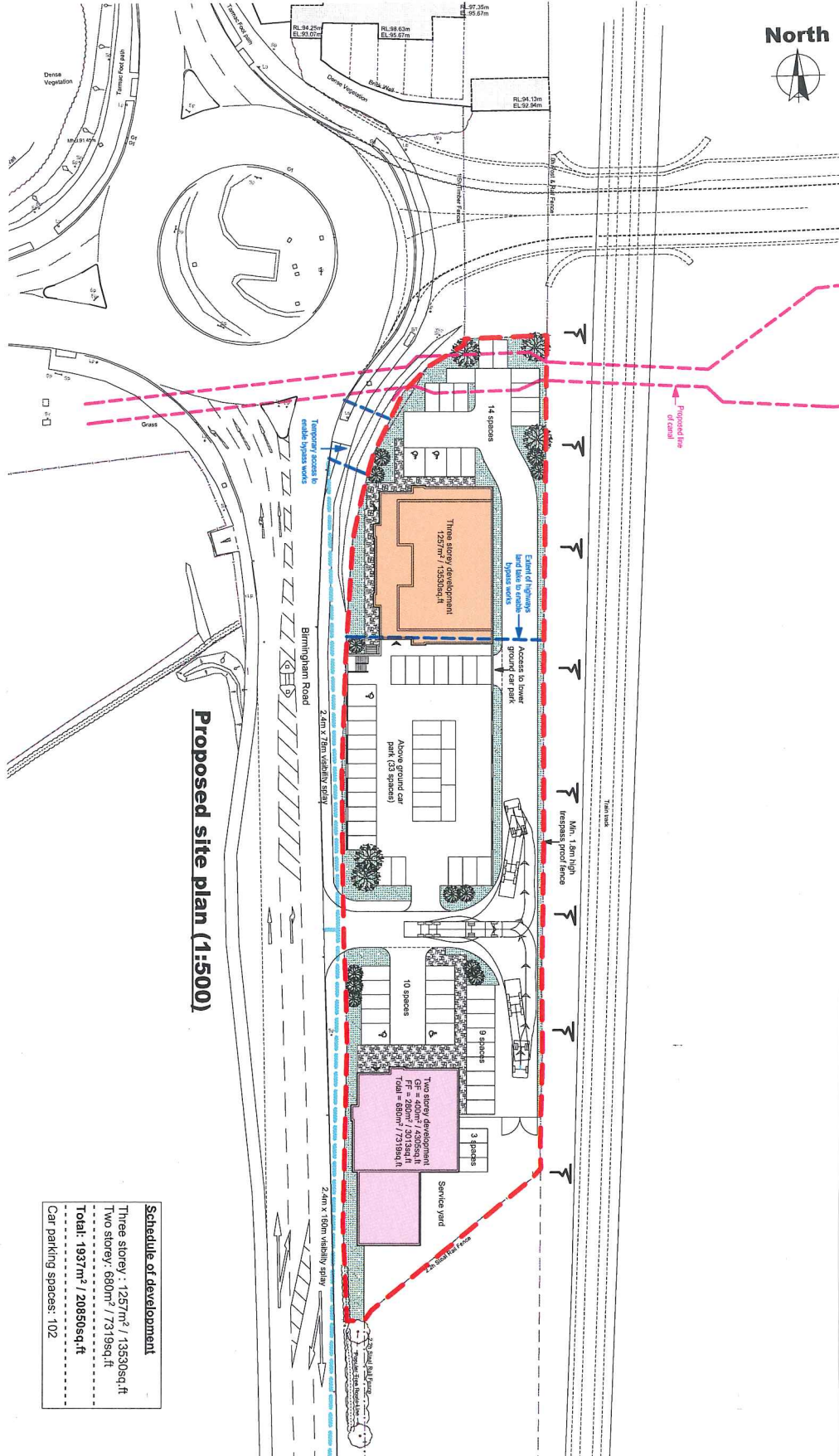
Dated: June 2018

Drawn By:

Drawing No:



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Proposed site plan (1:500)

Schedule of development	
Three storey:	1257m ² / 13530sq.ft
Two storey:	680m ² / 7319sq.ft
Total:	1937m² / 20850sq.ft
Car parking spaces:	102

17/00977/OUTMEI

OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT ACCESS FOR A FLEXIBLE COMMERCIAL DEVELOPMENT OF UP TO 2000 SQM AREA (CLASSES A1, A2, A3, B1, D1 AND D2), ASSOCIATED PARKING AREAS, NEW ACCESS ON TO THE BIRMINGHAM ROAD, PROVISION OF STRATEGIC LANDSCAPING, CYCLE AND PEDESTRIAN ACCESS ROUTES, INFRASTRUCTURE AND OTHER OPERATIONS INCLUDING THE SAFEGUARDING OF LAND FOR THE LICHFIELD SOUTHERN BYPASS AND SAFEGUARDED ROUTE FOR THE LICHFIELD CANAL.

**LAND ON THE EAST SIDE OF BIRMINGHAM ROAD, LICHFIELD
FOR FOSSEWAY INVESTMENTS LTD**

Registered on 23/08/17

Parish: Lichfield

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

- 1. Framework Travel Plan and Monitoring Sum; and**
- 2. Maintenance management company.**

If the S106 legal agreement is not signed/completed within 3 months of the Planning Committee resolution to approve, then officer delegated authority be given to refuse planning permission.

RECOMMENDATION: Approve, subject to the following conditions:

- 1 The development authorised by this permission shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the 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 five years from the date of this permission.
2. The development shall not 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; the external appearance of all buildings and structures including materials to be used on all external surfaces; the means of pedestrian access and car and cycle 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).
3. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.

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

4. Prior to the submission of any Reserved Matters, pursuant to Condition 2, a scheme for the phasing of the development of the site shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include details of the phasing of the construction of the car park. The development shall thereafter be undertaken in accordance with the approved phasing plan, unless otherwise agreed in writing by the Local Planning Authority

5. Before the development hereby approved is commenced, a Construction Vehicle Management Plan shall be submitted to, and approved in writing by the Local Planning Authority. The Construction Vehicle Management Plan shall:
- i) Specify details of the site compound;
 - ii) Specify the delivery and working times;
 - iii) Specify the types of vehicles;
 - iv) Specify noise and dust control;
 - v) The management and routing of construction traffic;
 - vi) Provide for the parking of vehicles of site operatives and visitors and wheel washing facilities;
 - vii) Provide for the loading and unloading of plant and materials; and
 - viii) Provide for the storage of plant and materials used in constructing the development.

The development shall thereafter be carried out in accordance with the approved Construction Vehicle Management Plan details and thereafter adhered to throughout the construction period, unless otherwise agreed in writing by the Local Planning Authority.

6. Before the development hereby approved is commenced full details of the access works as broadly indicated on Drawing Number 70001147-SK-009 Revision D shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be constructed in accordance with the approved details, prior to the commencement of the development.
7. Before the development hereby approved is commenced, within each phase of the development (as approved by condition 4), drainage plans for the disposal of surface and foul sewage specific to that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and thereafter be maintained for the life of the development.
8. Before the development hereby approved is commenced within each phase of development (as approved by condition 4), details of all proposed boundary treatments, for that phase of development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of a trespass proof fence to be erected adjacent to the railway boundary. The approved fences shall be implemented prior to the first use of the building within the phase of development to which they relate and thereafter be retained for the life of the development.
9. Before the development hereby approved is commenced a construction phase management plan to protect existing dwellings from noise and dust generated from the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The measures identified within the construction phase management plan hereby approved shall thereafter be followed throughout the construction phase of development.
10. Before the development hereby approved is commenced within each phase of the development (as approved by condition 4), a scheme for protecting existing and proposed dwellings from noise shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of noise protection shall thereafter be implemented before each phase of development is first brought into use and shall be the subject of a validation report, which shall be submitted to and approved in writing by the Local Planning Authority prior to each phase of the development being first brought into use. The approved measures shall thereafter be maintained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

11. Before the development hereby approved, including any site clearance works is commenced, or any equipment, machinery or materials is brought onto site, full details of protective fencing and/or other protective measures to safeguard existing trees and/or hedgerows on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed tree/hedge 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 from the site.
12. Before the development hereby approved is commenced within each phase of development (as approved by condition 4), details of ground levels, earthworks and excavations to be undertaken as part of the development process, for that phase of development, 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.
13. Before the development hereby approved is commenced within each phase of the development (as approved by condition 4), details of any external illumination shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of illumination shall thereafter be provided in accordance with the approved details, prior to the first use of the building to which they relate and thereafter retained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

All other CONDITIONS to be complied with:

14. Before the first use of any buildings approved by a reserved matters application, as a Restaurant or Café (Class A3), details of a scheme for the control of odour and other emissions shall be submitted to and approved in writing by the Local Planning Authority. The approved odour mitigation shall be installed before the development is first brought into use and shall thereafter be retained for the life of the buildings use as a Restaurant or Café.
15. Before the first use of any buildings approved by a reserved matters application, details of bat roost or bird nesting opportunities, to be installed, shall be submitted to and approved in writing by the Local Planning Authority. The approved bat or bird boxes shall thereafter be installed in accordance with an agreed schedule of installation and thereafter shall be maintained in-situ for the life of the development, unless otherwise first agreed in writing by the Local Planning Authority.
16. Before undertaking any vibro-impact works on site, a risk assessment and method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved measures.
17. Before the development hereby approved is first occupied, two car parking spaces shall have the infrastructure (cabling etc) provided for future provision of Vehicle Recharging Points, in accordance with details which have been first submitted to and approved in writing by the Local Planning Authority. The Vehicle Charging Point infrastructure shall thereafter be retained for the life of the development.
18. Any tree, hedge or shrub planted as part of an 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.

19. No trees, shrubs or hedgerows planted or retained as part of the approved landscaping and planting scheme, shall be topped, lopped or cut down without the prior consent in writing of the Local Planning Authority.
20. Before the development hereby approved is first occupied,, full details of secure weatherproof cycle parking facilities and shower/locker facilities for staff where possible, shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking facilities shall thereafter be provided for the unit to which they relate prior to the development being first brought into use and shall thereafter be retained for the life of the development.
21. Before erecting any scaffold within 10 metres of a boundary of the railway line, a method statement, including details of measures to be taken to prevent construction materials from the development reaching the railway (including protective fencing) shall be submitted and approved in writing by the Local Planning Authority. The approved measures shall be retained in place throughout the construction phase on the specified buildings.
22. Within 6 weeks post completion of the shell and core works of the buildings to be erected within the site, a certificate of compliance from an accredited assessor confirming that these buildings have achieved the required BREEAM minimum rating of Very Good, shall be submitted to and approved in writing by the Local Planning Authority.
23. Before the first use of any external plant or water storage tanks, details of these machines and structures and any associated enclosures shall be submitted to and approved in writing by the Local Planning Authority along with full details of any noise mitigation measures. Any approved mitigation or enclosure shall be installed prior to the first use of the plant or water tank and shall thereafter be maintained for the life of the development.
24. Before the development hereby approved is first occupied, the visibility splays shown on Drawing Number 70001147-SK-009 Revision D shall be provided and thereafter kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway edge.
25. The development hereby approved shall be carried out in complete accordance with the approved Technical Note for Flood Risk and Drainage, compiled by M-EC, reference 20965/11-17/5510 Rev A dated November 2017 and the mitigation measures identified therein:
 - i.) Discharging surface water from the site to two underground infiltration facilities.
 - ii.) Provision of an appropriate volume of attenuation flood storage on the site, to 100year+ Climate Change standard.
 - iii.) Ensure exceedance events will flow offsite and not cause deep flooding of the basement level of the car park;
26. The opening hours for the identified commercial units shall be;

Food / Non-food Retail	07:00 – 22:00 Monday to Saturday
	09:00 – 18:00 Sunday
Restaurant / Café	06:00 – 22:00 Monday to Sunday
	09:00 – 18:00 Sunday

27 Before the first use of any buildings approved by a reserved matters application as a Retail (Class A1) or Restaurant or Café (Class A3) premises, a Service Management Plan shall be submitted to, and approved in writing by the Local Planning Authority. The submitted Service Management Plan shall include the following details:

- i.) the type and size of delivery vehicles;
- ii.) the type and size of waste/recycling vehicles; and
- iii.) the hours of servicing.

The Service Management Plan shall thereafter be adhered to for the lifetime of the proposed development.

28. The retail unit hereby approved shall have a maximum tradeable area of 500 square metres.

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 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 guidance contained in the National Planning Policy Framework.
3. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and guidance contained in the National Planning Practice Guidance.
4. To ensure the appropriate timing of delivery of these commercial units and the associated highway and transport improvements and to ensure the delivery of the Lichfield Southern Bypass, in accordance with the requirements of Policy Lichfield 6 of the Local Plan Strategy and guidance contained in the National Planning Policy Framework.
5. In the interests of highway safety and to protect the amenity of nearby residents during the construction period, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and guidance contained in the National Planning Policy Framework.
6. In the interests of highway safety, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and guidance contained in the National Planning Policy Framework.
7. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or create or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy and guidance contained in the National Planning Policy Framework.
8. To safeguard the appearance of the development and to protect the adjacent railway from unauthorised access, in the interests of the safe operation of the railway network and in accordance with the requirements of Policy BE1 of the Local Plan Strategy and guidance contained within the National Planning Policy Framework.
9. To safeguard the amenity of existing and future residents during the construction phase of development, in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and guidance contained within the National Planning Policy Framework.

10. To safeguard the amenity of existing and future residents in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and guidance contained within the National Planning Policy Framework
11. To ensure that no existing trees on the site which contribute towards the character of the area are damaged during the construction process, in accordance with the provisions of Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.
12. To safeguard the appearance of the development and to protect the amenity of neighbouring residents in accordance with the requirements of Policy BE1 of the Local Plan Strategy and guidance contained within the National Planning Policy Framework.
13. To safeguard the appearance of the development and to protect the amenity of neighbouring residents in accordance with the requirements of Policy BE1 of the Local Plan Strategy and guidance contained within the National Planning Policy Framework.
14. To safeguard the amenity of existing and future residents in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and guidance contained within the National Planning Policy Framework.
15. In order to safeguard the ecological interests of the site and encourage enhancements in biodiversity and habitat in accordance with Core Policies 3 and 13 and Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
16. In the interests of the safe operation of the railway network, in accordance with the National Planning Policy Framework.
17. To ensure that adequate provision is made for ultra-low emission vehicles in accordance with Policies ST1 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
18. To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that any initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with the provisions of Core Policy 3 and BE1 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and guidance contained within the National Planning Policy Framework.
19. To ensure that the landscaping scheme is appropriately retained in accordance with the provisions of Core Policy 3 and BE1 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.
20. To ensure waste is disposed of in a sustainable way taking into consideration the waste hierarchy and in accordance with Policy SC1 of the Local Plan Strategy and guidance contained in the National Planning Policy Framework.
21. To safeguard the amenity of existing and future residents in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and guidance contained within the National Planning Policy Framework

22. To ensure that the development is constructed in a sustainable manner in accordance with Core Policy 3 and Policy SC1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
23. To safeguard the appearance of the development and to protect the amenity of neighbouring residents in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
24. 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.
25. To ensure that the development is provided with a satisfactory means of drainage, to reduce the risk of creating or exacerbating a flooding problem, impacting upon the neighbouring railway network and to minimise the risk of pollution, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
26. To ensure the amenities of nearby existing and future residents are adequately protected, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and guidance contained within the National Planning Policy Framework.
27. To ensure the amenities of nearby existing and future residents are adequately protected, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and guidance contained within the National Planning Policy Framework.
28. In order for the development to reflect the basis on which this application has been assessed, to minimize the impact on existing, committed and planning commercial investment in Lichfield City Centre, and to protect the vitality and viability of Lichfield City Centre, in accordance with Core Policy 6, Strategic Policy 9 and Policies Lichfield 3 and Lichfield 6 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), 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.
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.
4. The applicant is advised that a Framework Travel Plan will be required to accompany any reserved matters application should the scheme seek to deliver over 800sq m of Class A1

(food retail), or 1,500 sq m of Class A1 (non-food retail), or over 1,000 sq m of D1 (non-residential institutions) and or over 1,500 sq m of D2 (assembly and leisure).

5. The applicant is advised that Staffordshire County Council as the Highway Authority will not formally adopt the proposed development, however, the development will require approval under Section 7 of the Staffordshire Act 1983. The applicant is advised to complete the necessary Section 7 application forms and submit all drawings to Staffordshire County Council for formal checking prior to the commencement of development.
6. The applicant is advised that it will be necessary for maintenance and management arrangements for the access road and internal layout to be submitted to the Highways Authority with a view to securing an exemption under Section 216 of the Highways Act 1980. Although the future road layout will not be to an adoptable standard, the roadways within the site will need to be constructed to be 'fit for purpose'.
7. The applicant is advised that as detailed within paragraph 6.1.2 of the submitted Transport Assessment, the northern part of the site will be required by Staffordshire County Council, in order to deliver the final section of the third phase of the Lichfield Southern Bypass under the Cross-City railway line. Any future reserved matters application should therefore state that the southern part of the site will be built initially, with the northern part developed once the bypass is complete.
8. The applicant is advised that even if the approved development's impact upon protected species was not raised as an issue by the Lichfield District Council when determining the application, there remains the possibility that those species may be encountered once work has commenced. The gaining of planning approval does not permit a developer to act in a manner which would otherwise result in a criminal offence to be caused. Where such species are encountered it is recommended the developer cease work and seek further advice (either from Natural England or the Lichfield District Council Ecology Team) as to how to proceed.
9. All site clearance works shall be completed outside of the bird nesting season (March to September).
10. The applicant is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer dated 12th February 2018. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
11. The applicant is advised to note and act upon as necessary the comments and requirements of Network Rail dated 25th January 2018. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
12. The applicant is advised to note and act upon as necessary the comments and requirements of the Council's Waste Services Manager dated 4th September 2017.
13. The applicant is advised to note and act upon as necessary the comments and requirements of the Environment Agency dated 12th September 2017.
14. The applicant is advised that when seeking to discharge condition 7, the use of palisade fencing will be considered unacceptable and rather paladin fencing should be used.
15. The applicant is encouraged to liaise with the Lichfield & Hatherton Canals Restoration Trust Limited, in order to seek an agreeable solution between the parties for the delivery of the restored canal route through this site.

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

National Government Guidance

National Planning Policy Framework
National Planning Practice Guidance
Manual for Streets

Lichfield District Local Plan (Saved Policies)

Policy L23 – Road and Junction Improvements
Policy L24 – Traffic Management
Policy L26 – Rear Servicing
Policy L46 – Shopfronts

Lichfield District Local Plan Strategy 2008-2029

Core Policy 1 – The Spatial Strategy
Core Policy 2 – Presumption in Favour of Sustainable Development
Core Policy 3 – Delivering Sustainable Development
Core Policy 4 – Delivering our Infrastructure
Core Policy 5 – Sustainable Transport
Core Policy 6 – Housing Delivery
Core Policy 7 – Employment and Economic Development
Core Policy 8 – Our Centres
Core Policy 10 – Healthy and Safe Lifestyles
Core Policy 11 – Participation in Sport and Physical Activity
Core Policy 12 – Provision for Arts and Culture
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 IP1 – Supporting & Providing our Infrastructure
Policy ST1 – Sustainable Travel
Policy ST2 – Parking Provision
Policy E1 – Retail Assessments
Policy NR3 – Biodiversity, Protected Species and their Habitats
Policy NR4 – Trees, Woodlands and Hedgerows
Policy NR5 – Natural and Historic Landscapes
Policy NR6 – Linked Habitat Corridors & Multi-functional Greenspaces
Policy NR7 – Cannock Chase Special Area of Conservation
Policy BE1 – High Quality Development
Policy Lichfield 1 – Lichfield Environment
Policy Lichfield 3 – Lichfield Economy
Policy Lichfield 4 – Lichfield Housing
Policy Lichfield 6 – South of Lichfield

Supplementary Planning Document

Sustainable Design
Trees, Landscaping and Development
Developer Contributions
Open Space, Sports and Recreation
Biodiversity and Development

Historic Environment
Rural Development
Allocations Document (Draft)

Other

Staffordshire and Stoke on Trent Joint Waste Local Plan
Lichfield City Neighbourhood Plan
Natural Environment and Rural Communities Act 2006
The Conservation (Natural Habitats, &c.) Regulations 1994
Lichfield Employment Land Review (2012)

RELEVANT PLANNING HISTORY

17/01191/OUFMEI - Hybrid Planning Application comprising Full Planning Application for the construction of a sustainable mixed use urban extension comprising of 475 dwellings, new vehicular access points onto Claypit Lane and Birmingham Road, the remodelling and formation of a roundabout at the junction of Fossey Lane and Claypit Lane, comprehensive green infrastructure including up to 16.55 ha of country park, footpaths, cycleways, multifunctional open space including children's play areas, community orchard, open space for informal sport and sustainable urban drainage systems, foul and surface water drainage infrastructure including balancing ponds, and other ancillary infrastructure and ground remodelling. With Outline Applications for the serviced provision of 1.09 ha of land for a primary school and 1.9 ha for strategic sports provision with all matters reserved except access – Yet to be determined.

CONSULTATIONS

Lichfield City Council – No objections subject to a review of the 50mph speed limit on Birmingham Road to consider a lower limit extending beyond the Travis Perkins site. Welcomes the inclusion of B1 office space included within the site (12.03.18).

Previous Comments – No objections subject to a review of the 50mph speed limit on Birmingham Road to consider a lower limit extending beyond the Travis Perkins site. Welcomes the inclusion of B1 office space included within the site (12.01.18).

Previous comments - No objections subject to a review of the 50mph speed limit on Birmingham Road to consider a lower limit extending beyond the Travis Perkins site. In line with the Lichfield City Neighbourhood Plan would like B1 office space included within the site (19.09.17).

North West Leicestershire District Council – No objections (11.09.17).

Lichfield Civic Society – Sensitive well designed commercial development is vital to ensure the success of this scheme, with a recommendation for emphasis on smaller scale development and B1 offices. The development will require substantial and effective landscaping along the frontages to Birmingham Road and Falkland Road (06.10.18).

Spatial Policy and Delivery Manager – The application is within an area identified within the Local Plan Strategy for growth and as such in general there is strong support for the development. It should be noted however that some of the uses proposed are identified within the Strategy as being Town Centre uses and therefore further consideration of their location within this scheme should be given (04.10.17).

Urban Design Manager – No further comments (02.01.18).

Previous Comments: No objection, Raise some concerns regarding the potential massing of the building adjacent to the roundabout, which indicatively is shown to be up to 11 metres in height.

Care will have to be taken in the design of this building to ensure that it is not visually dominant from the surrounding area.

The reserved matters application will therefore require careful consideration of massing and design (25.09.17).

Network Rail – Provide a number of conditions to ensure the on-going safe operation of the railway line. The conditions require the submission and approval of surface water drainage details, excavation works, fencing details and vehicle safety protection measures.

Provide guidance on suitable demolition practices, appropriate landscaping planting for areas adjacent to the railway tracks, the location of any soakaways (25.01.18).

Waste Services Manager – No further comments (13.12.17).

Previous Comments: Advises that commercial waste should be stored in secure containers. Guidance also provided on appropriate residential refuse requirements. Road surfaces should be capable of accommodating 32 tonne vehicles and there should be sufficient space to allow for safe access and egress for a Refuse Collecting Vehicle (05/09/17).

Ecological Officer – Advises that previous comments be considered (03.01.18).

Previous Comments: Concurs with the conclusions expressed within the submitted Environmental Statement. It is therefore considered unlikely that the works would negatively impact upon a European Protected Species or any other Protected Species or Habitat. As such no further ecological report or survey is required.

Notes that the site is currently used by numerous nesting birds. As such any site clearance works should occur outside of bird nesting season (March – September inclusive).

Policy NR3 of the Local Plan Strategy requires new development to demonstrate a net gain in biodiversity. To achieve this requirement it is recommended that the installation of new bird boxes be made a condition of any permission

The quantitative assessment submitted for application 17/01191/OUTMEI accounts for the biodiversity uplift necessary for this application (20.09.17).

Staffordshire County Council (Planning) – No objection, subject to the route of the Lichfield Southern bypass and the line of the Lichfield & Hatherton Canal being safeguarded as part of the development. Continues to provide guidance regarding reducing site construction waste (18.09.17).

Staffordshire County Council (Historic Environment) – No objections (14.09.17).

Staffordshire County Council (Rights of Way) – No public rights of way cross the site (14.09.17).

Arboricultural Officer – No comments (23.01.18).

Previous Comments: No objection. Notes the presence of trees to the periphery of the site that will require protection during construction works. The indicative plan shows limited tree planting that would have to be improved upon when reserved matter applications are submitted (30.08.17).

Staffordshire County Council (Flood Team) – No objection. Recommends a condition to ensure that development be carried out in accordance with the approved 'Technical Note for Flood Risk and Drainage' and the mitigation measures identified therein (02.01.18).

Previous Comments – Object. No Flood Risk Assessment / Drainage Strategy has been submitted with the application (20.09.17).

Severn Trent Water – No objection, subject to a condition requiring the submission and approval, prior to the commencement of development, of a foul and sustainable surface water drainage scheme (04/09/17).

Environment Agency – No objection (18.12.17).

Previous Comments: No objection. Provides guidance on precautions to be taken during construction to protect groundwater (12.09.17).

Staffordshire County Council (Highways) – No objection, subject to conditions requiring that prior to the commencement of development, further details of access be submitted to and approved by the Local Planning Authority. In addition, requests the submitted visibility splays be provided prior to first use and that details of site layout Constriction Method Statement and means of surface water drainage be agreed in writing by the Local Planning Authority.

Notes that the development will require off-site highway works which will need a Highway Works Agreement with Staffordshire County Council, whilst the proposal will also require Section 7 approval.

A Section 106 agreement will be required to secure a Framework Travel Plan and Traffic Management Restrictions (20.04.18).

Previous Comments – Notes discrepancies between the plans submitted with the application, requests amendments to the proposed visibility splays to the proposed vehicular access and welcomes the developer's note regarding the use of the northern part of the site to aid in the delivery of the Lichfield Southern Bypass (27.11.17).

Highways England – No objection (16.02.18)

Previous Comments – No objection (19.12.17)

Recommend that the application not be determined for 3 months to allow for time for additional information to be submitted via a Transport Assessment Addendum and thereafter reviewed. The addendum should provide further details of traffic generation and distribution from the development along with its impact upon the Wall Island junction (20.09.17).

Environmental Health Manager – No objection subject to conditions requiring the submission and approval prior to the commencement of development of a noise mitigation report, a construction phase management plan, an odour management plan and a lighting scheme. The applicant is recommended to consider the installation of electric charging points to support the development (09.05.18).

Previous Comments: No objection, subject to conditions requiring the submission and approval, prior to the commencement of development of a contaminated land report (26.01.18).

Canal & River Trust – No comment. Notes that the development may impact on the restoration line of the Lichfield and Hatherton Canal and therefore recommends that the Trust be consulted (01.09.17).

The Inland Waterways Association – Have a preference that the application not be approved until amended plans are submitted showing the canal channel and towpath within a cutting as it crosses the site. If the Council is minded to approve the application a condition is recommended requiring

the removal of the car park across the safeguarded line of the canal and that no other built form that prejudices the delivery of the route be erected (21.04.18).

Previous Comments: Supports the suggestion of the Lichfield & Hatherton Canals Restoration Trust that a meeting be set up between the developer and this group. Raises a number of concerns regarding the applicant's comments regarding the deliverability of the scheme currently proposed by the Trust for the canal route (19.03.18).

Objects to the application as the development continues to fail to deliver, in accordance with the requirements of the Local Plan Strategy, provision for safeguarding the restoration route of the Lichfield Canal and its appropriate integration into the open space and green infrastructure network. The applicant should work with the Lichfield & Hatherton Canal Trust and the County Council to secure an open cutting through the site, offering appropriate public access. The car park should be removed and the site plan adjusted accordingly (27.02.17).

Objects to the application as the development fails, in accordance with the requirements of the Local Plan Strategy, to make appropriate provision for safeguarding the restoration route of the Lichfield Canal and its appropriate integration into the open space and green infrastructure network (09.10.17).

Lichfield & Hatherton Canals Restoration Trust Limited – Following the meeting between all parties on the 11th April 2018 and the commitment to ongoing dialogue established at that meeting, offer no objection to the development subject to a condition requiring that safeguarding of the canal route from any prejudicial development, with details to be agreed at reserved matters (25.04.18).

Previous Comments: Requests that a meeting take place between the Trust and the applicant to progress matters. Supports the applicant's assertion that the canal section that passes under the railway be undertaken within the works to deliver the southern bypass (16.03.18).

Object. The applicant continues to fail to liaise with the Trust to seek to secure an appropriate solution for the canal to cross this site. In order to ensure that the works necessary for the canal to pass under the railway are undertaken at the same time as the southern bypass engagement is required without delay.

The delivery of the canal via a tunnel under the site is incompatible with the Council's Planning Policy. The tunnel would, in combination with the existing culvert under Birmingham Road lead to a tunnel of some 100 metres, creating public realm safety concerns. It should be noted that the tunnel would also raise technical issues to secure its delivery will also likely being cost prohibitive. The introduction of an open section of canal would remove these issues and also potentially facilitate the disposal of surface water from the site into the canal. Requests that a meeting be organised between the interested parties in order to seek a way forward to address the issues with the current submission (05.03.18).

Object. The application proposes that the canal and towpath cross the site via a proposed tunnel, which would link to an existing tunnel, which runs under Birmingham Road. For the canal to be an attractive and useable facility within the site, a suitable access ramp should be provided and the feature open to the air. Future users of the canal would not feel safe or confident utilizing such a long enclosed area. The applicant has also made no meaningful attempt to work with the Trust to deliver the Lichfield Canal through the site (13.10.17).

Police Architectural Liaison Officer – With reference to the applicant's proposal that the canal route cross this site via a tunnel, refers to the Secured by Design guidance, which states that *"if a pedestrian subway is necessary and there are no other alternative routes it should be as wide and as short as possible, well-lit with a clear line of sight to the exit"*. Given this advice recommend that the canal be provided via an open cutting design, in order to promote natural surveillance (12.02.18).

Previous Comments: No objections but notes that it is important that a high level of physical security be incorporated into these proposals. Recommendations regarding the nature and type of security measures provided (20.09.17).

National Grid – No response received.

Fire Service – No response received.

Leisure Services – No response received.

Central Networks – No response received.

Ambulance Services – No response received.

South Staffs Water – No response received.

LETTERS OF REPRESENTATION

5 letters of representation have been received. The comments made are summarised below:

Visual Impact

- The erection of a 3 storey building within the site would be out of keeping with the surrounding built form. Rather the buildings should be a maximum of 2 storeys.
- The proposal is a visual intrusion into the Green Belt.

Impact on Residential Amenity

- The use of the site for industrial or commercial use will have an adverse impact upon the amenity of neighbouring residents, due to an increase in traffic, odours, air pollution and vermin. In addition light pollution from the site and noise will further impact upon neighbours.
- The formation of over 100-off street car parking spaces within the site will generate significant noise pollution issues. To address the adverse impact this will have upon residents a condition limiting the use of the buildings to between 8am and 10pm is reasonable.
- Any site deliveries should be limited to between 9am and 5pm Monday to Saturday with no deliveries on Sunday.
- Should the site be occupied by a convenience retail use or a hot food takeaway, with long opening hours, a significant noise nuisance impact could ensue, along with concerns regarding cooking smells and late night anti-social behaviour.
- The erection of a three storey office building within the site will lead to overlooking, overshadowing and an overbearing impact on neighbouring dwellings, resulting in an intrusion of privacy and detrimental impact to both principle living rooms and rear garden areas.
- Existing traffic passing along Birmingham Road, would exacerbate existing headlight glare issues, adversely impacting upon neighbouring residents.
- The development will also impact upon privacy due to the installation of CCTV systems.

Highway Safety

- Birmingham Road is already heavily trafficked and the development, which includes the provision of 102 off street car parking bays would further exacerbate existing congestion problems.
- Given the existing congestion issues along Birmingham Road, the introduction of a new vehicular access point will lead to highway safety issues.
- Traffic moving along Birmingham Road, adjacent to this site travels in excess of the designated speed limits. To help to address this issue the 50mph zone should be relocated further to the south, ensuring vehicles entering into Lichfield do so at a lower speed.
- The area surrounding the site has recently had its public transport (bus) provision reduced.

Impact upon Canal Infrastructure

- The siting of a car park over the route of the Lichfield & Hatherton Canal is not conducive to the leisure facilities associated with the canal. Rather this area should be open with benches and a small green area provided. The latter would offer positive ecological and visual impacts.

Arboriculture

- Prior to the submission of this application, the popular trees located adjacent to the shared boundary with Travis Perkins, have been drastically reduced in height, resulting this site now being far more visible from the surrounding area. These trees should be retained through this application and their retention going forward secured.
- An area of hedgerow has recently been removed from the site.
- The existing landscaping area to the rear of the neighbouring dwellings on Foxglove Close should be retained during construction works and consideration given to further planting or being introduced.

Ecology

- The site is currently used by kestrels, voles, bats and nesting birds. The loss of habitat will have an adverse impact upon local wildlife.

Other

- The site should be turned into a recreational area, wildflower meadow or trim trail.
- Should additional office space be required within Lichfield this should be located adjacent to existing estates.
- Is there sufficient capacity within the water resource for the area to accommodate additional development?
- If development within the site is concluded to be acceptable, it would be more beneficial to local residents, for a medical centre to be erected, along with allotments or a community hall.

OTHER BACKGROUND DOCUMENTS

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

Agricultural Land Classification and Soil Resources
Arboricultural Survey
Archaeological and Heritage Assessment
Canal Clarification Letter

Canal Clarification Note

Design & Access Statement

Environmental Statement, including:

- Air Quality
- Cultural Heritage
- Cumulative Impacts
- Ecology and Biodiversity
- Ground Conditions
- Hydrology
- Infrastructure, Utility and Services
- Lighting Assessment
- Noise Assessment
- Socio-Economic
- Non-technical Summary
- Transportation

External Lighting Impact Assessment

Flood Risk Assessment

Geotechnical and Geoenvironmental Site Assessment

Noise Assessment

Planning Statement

Sequential Test Assessment (including Addendum specific solely to office use)

Statement of Community Involvement

Transport Assessment

Transport Technical Memo

Utilities Assessment

Waste Audit and Management Strategy

OBSERVATIONS

Site and Location

The site currently comprises some 0.5 hectares of agricultural land, located to the east of Birmingham Road (A5127), to the south of its roundabout junction with Falkland Road. To the south of the site is a commercial property, occupied by Travis Perkins, with City Plumbing Supplies beyond, whilst the eastern boundary of the site is formed by the Cross City rail line, which sits atop an embankment and links Lichfield to Birmingham. Further to the east of the site, on the other side of the rail line, is the St John's Strategic Development Allocation. Resolution to grant planning permission for the erection of 450 dwellings, including community facilities, public open space and the formation of part of the Lichfield Southern Bypass has been agreed by the Local Planning Authority subject to the signing of a Section 106 agreement. To the west of the site lies the wider Deanslade Farm site, which is currently the subject of a separate, as yet undetermined application (our reference 17/01191/OUFMEI) to be developed through the erection of 475 dwellings, a primary school and various green spaces. To the north of the site lies the main built up area of Lichfield, including the City Centre.

Proposals

This is an outline application with all matters except access reserved for the erection of two buildings of up to 2,000sq m total floor space. The end users of the buildings are unknown. A flexible land use permission has therefore been submitted to include Class A1 (Retail of no more than 500 sq m floor tradeable area), Class A2 (Financial and Professional Services), Class A3 (Restaurants and Café), Class B1 (Business), Class D1 (Non-Residential Institutions) and Class D2 (Assembly and Leisure). The proposed vehicular access, will be formed via a T junction, located centrally to the site, off Birmingham Road.

Illustrative plans have been submitted with the application to indicate how the site could be developed through the erection of 2 buildings of similar floor area, with the northern building being of 3 storeys in height and the southern building 2 storeys. Car parking is shown at surface level and also within an underground area.

Background

Members will recall that an Issues Paper for this application was brought to the planning committee meeting on the 16th October 2017 seeking issues for further investigation, prior to the full consideration by the Planning Committee.

Determining Issues

- 1) Policy and Principle of Development
- 2) Loss of Agricultural Land
- 3) Design, Scale and Visual Impact
- 4) Highway Issues - Access, Servicing and Parking
- 5) Trees and Landscaping
- 6) Ecology and Biodiversity
- 7) Amenity of Neighbouring Properties and Future Occupants
- 8) Archaeology
- 9) Sustainability
- 10) Contaminated Land, Flood Risk and Drainage
- 11) Canal Restoration Route
- 11) Financial Considerations
- 12) Other Issues
- 13) Human Rights

1. Policy and Principle of Development

National Guidance

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Lichfield District Local Plan (1998) (saved policies) and the Local Plan Strategy 2008-2019. Within Lichfield City, the Development Plan now also includes the Made Lichfield City Neighbourhood Plan (2018).
- 1.2 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and within the Ministerial Foreword, it states "*development that is sustainable should go ahead, without delay*". Therefore consideration has to be given to whether this scheme constitutes a sustainable form of development and whether any adverse impacts would significantly and demonstrably outweigh the benefits it would deliver.
- 1.3 Paragraph 7 of the NPPF provides a definition of sustainable development, identifying that there are three separate dimensions to development, namely its economic, social and environmental roles.
- 1.4 The economic role is expanded upon through Paragraph 19 of the NPPF, which advises that "*Planning should operate to encourage and not act as an impediment to sustainable economic growth. Therefore significant weight should be placed on the need to support economic growth through the planning system*", whilst Paragraph 21 states that planning policies should recognise and seek to address potential barriers to investment.

- 1.5 Paragraph 23 provides advice specific to the vitality and viability of town centres and advises Local Planning Authorities to promote competitive town centres that provide a diverse retail offer. It is advised that each authority should allocate suitable sites of a scale and type suitable for town centre uses such as retail, leisure and residential development.
- 1.6 Paragraph 24 states that commercial development must be both outside of an existing centre and not in accordance with an up-to-date development plan to trigger the requirement for a sequential test. This site lies some way beyond the city centre boundary, as identified within the Local Plan Strategy, with the retail, office and leisure elements of the scheme, being noted, by the NPPF as main town centre uses. The Council has an up to date development plan and therefore, this application has been the subject to a Sequential Assessment (SA).
- 1.7 The retail element of this development is proposed to be limited to 500 sq metres (to be secured via the use of a condition) and therefore the proposal is below the locally set threshold (1,000 square metres) established by Local Plan Strategy Policy E1, in order to require, the submission of a Retail Impact Assessment (RIA). Thus, no such document has been submitted with this scheme.
- 1.8 Paragraph 26 of the NPPF requires that an application be accompanied by an Impact Assessment where retail, leisure and office development outside of the defined town centre is proposed, with a floor area in excess of 2,500 sq m. Given the scale of development proposed here, such a document is not required.
- 1.9 Paragraph 27 of the National Planning Policy Framework advises that where an application fails to satisfy the sequential test or RIA and would therefore likely have a significant adverse impact upon the vitality or viability of the city centre, it should be refused.
- 1.10 The Sequential Assessment (SA) submitted with this application, as per the requirements of Paragraph 24 of the NPPF and Paragraph 010 of the National Planning Practice Guidance (NPPG), considers city centre and edge of centre sites, including Shires Industrial Estate, Essington Close, City Wharf, Davidson Road, Eastern Avenue and Prologis Park, to identify whether there is a more sequentially preferable location for the retail, office and leisure elements of the development. The SA concludes that all of the sites considered are unsuitable for the business model proposed by the applicant.
- 1.11 The SA has been assessed by the Council's Spatial Policy and Delivery Team who agree that the development sites considered were either unavailable, unsuitable or unachievable in terms of accommodating the scale of development proposed. Overall therefore, it is accepted that there are no suitable sequentially preferable locations and that the sequential test is therefore passed.

Lichfield City Neighbourhood Plan

- 1.12 Paragraph 4.7 of the Lichfield City Neighbourhood Plan advises that for new office development *"the focus is expected to be City Centre but this area has limited sites that are likely to be attractive to the needs of modern office market in attracting SME-type enterprises. This is both in terms of physical space and in terms of sites that can be developed into commercially attractive office buildings, particularly given the restrictions required to ensure the protection of the City's historic core. This is supported by the findings of the Lichfield Centres Report 2017. Therefore it is imperative that strategic sites such as Cricket Lane are taken advantage of to help achieve this target. All developments must be subject to the sequential test"*.

Local Plan Policies

- 1.13 The Lichfield District Local Plan Strategy was adopted on 17th February 2015 and now comprises the Development Plan. The spatial strategy for the District, set out in Core Policy 1 includes development focused on Lichfield City including sites within the existing urban area. Core Policy 6 further supports the focus of development on key urban and key rural centres, with Lichfield City considered as the most sustainable settlement within the District. Strategic Policy 9 seeks to create a prestigious strategic city centre to serve Lichfield and beyond.
- 1.14 Core Policy 3: Delivering Sustainable Development states that the District Council will require development to contribute to the creation and maintenance of sustainable communities, and sets out key issues which development should address.
- 1.15 Core Policy 7 and Strategic Priorities 7 and 8 of the Local Plan Strategy identify that employment growth will be supported within the District. Core Policy 8 seeks to focus retail, leisure, office and cultural facilities within the existing commercial centres of Lichfield and Burntwood. The abovementioned SA has demonstrated however that this site, which sites outside of any existing centre, is appropriate for commercial development of the scale proposed.
- 1.16 Policy Lichfield 3 advises that *“up to 30,000m² gross of office provision will be supported in Lichfield City, focussed in the City Centre... A sequential approach to the location of offices will be applied and where there is clear evidence that there are no suitable office sites within the city centre, locations of the edge of the city centre will be considered, before locations elsewhere within and accessible to Lichfield City”*. The applicant has submitted with this application a Sequential Assessment specific to the use being of approximately 2,000m² of office use, which demonstrates that sequentially this site is appropriate for development, thereby ensuring compliance with both of the abovementioned Local Plan Strategy Policy and the Lichfield City Neighbourhood Plan.
- 1.17 Policy Lichfield 6: South of Lichfield allocates this site, removing it from the West Midlands Green Belt, along with Deanslade Farm, Shortbutts Lane and Cricket Lane for residential led development. Appendix H of the Local Plan Strategy provides a concept statement for the delivery of the Deans Slade site. The concept rationale advises that *“new commercial facilities will provided alongside the Birmingham Road and junction to the proposed southern bypass”*. No guidance on proposed use or scale of development is provided. Thus, given the abovementioned sequential acceptance of the uses proposed by the applicant and the areas allocation for commercial development, the principle of uses now proposed for this site are acceptable and compliant with the requirements of the development plan in this regard.
2. Loss of Agricultural Land
- 2.1 The application site was historically in pastoral agricultural use.
- 2.2 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.
- 2.3 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”*.

2.4 According to Natural England's Series Agricultural Land Classification information, this site comprises Grade 3a land, which is supported by the information detailed within the 'Agricultural Land Classification and Soil Resources' report submitted with this application. As such, whilst of reasonable quality, the site does not contain the best or most versatile soil and its loss from food production would not be of significant concern. In addition, given that the field is remote from other farmland, due to the surrounding transport infrastructure it can no longer be farmed efficiently through the utilisation of modern agricultural techniques and therefore, it is considered that the development complies with the requirements of the NPPF in this regard.

3. Design, Scale and Visual Impact

3.1 Local Plan Strategy Core Policy 14 states that *"the District Council will seek to maintain local distinctiveness through the built environment in terms of buildings... and enhance the relationships and linkages between the built and natural environment"*.

3.2 The NPPF (Section 7) advises that *"good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people"*. The document continues to state that *"permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"*.

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

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

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

Layout

3.5 The layout plan of the development submitted with this application is wholly indicative. The Design and Access Statement however sets out how the plan has evolved, having regard to the character and context of the site. The document identifies the proposed commercial floor space to be delivered through the erection of 2 buildings, set towards the southern and northern edges of the site. The site's vehicular access and off street car parking provision would be located centrally.

3.6 Clearly this is an outline application and as such, detailed design is not being considered at this stage. Nevertheless, it is important to ensure that the detailed proposals that come forward at the reserved matters stage are of the highest design quality, appropriate for this context. Whilst the proposed site layout is only indicative, it does demonstrate that the number of buildings proposed can be successfully accommodated, taking into account both the site's physical constraints and the need to maximise commercial opportunities.

Scale

- 3.7 The indicative drawings indicate that the northern building could be 3 storeys in height, equalling approximately 11.0 metres. The southern building is shown to be of 2 storeys, with an approximate height of 9 metres.
- 3.8 Both buildings will therefore be larger than the two storey dwellings located within the nearby Foxglove Close. The dwellings within this estate are approximately 8 metres in height. The existing industrial buildings located within the sites to the north, have a height of approximately 8 metres. The adjacent railway embankment is approximately 6 metres in height. Finally, the dwellings proposed in the adjacent development vary in height, but the tallest, the three storey apartment building, which is proposed near to the junction of Falkland Road and Birmingham Road, is shown to be 11.3 metres.
- 3.9 The Land & Visual Impact Assessment submitted with this application has assessed the impact of a development within this site of up to 10.5 metres in height, via a visual and character assessment. The report advises that this development would form a notable feature in views from the eastern end of Falkland Road. From the western end and at Limburg Avenue the development would not be visible. In views from the eastern end of Falkland Road, the proposal would be seen in the context of the railway line and existing industrial units at Birmingham Road, set behind a landscaped frontage which would soften built form. Views along Birmingham Road to the wider countryside, including the Countryside Park, proposed as part of the adjacent Deans Slade development, would remain.
- 3.10 A small scale of change is anticipated affecting a limited section of the road, resulting in negligible magnitude of change. From the cross city railway line, which runs adjacent to the eastern site boundary, new built form would be visible from a short section of this route, before it enters Lichfield, wherein it would be seen in the context of existing industrial units that line Birmingham Road. Glimpses westward through the buildings to the suburbs of Lichfield would remain as would views to the City Centre. A negligible scale of change is therefore concluded and impacts would be no greater than those concluded for the development which would also be glimpsed from this short section of the route. Whilst the applicant indicates that one of the buildings may be marginally larger than that considered within the LVIA the conclusions of the report are such so as to ensure that any visual impact remains of only local significance and negligible in terms of landscape affect.
- 3.11 Evidently, the true scale of the buildings will be fully considered at reserved matters stage and the comments raised by the Council's Urban Designer, regarding the potential need to set down the height of the building, adjacent to the existing roundabout to ensure that it will not appear overly visually dominant within the street scene, can therein be fully considered.
- 3.12 Given the findings of the LVIA, the scale of built form, whilst indicative, notwithstanding the concerns raised by neighbours to the site, is considered to be acceptable and compliant with the requirements of the development plan in this regard, subject to addressing the concerns of the Council's Urban Designer at the appropriate time.

Appearance

- 3.13 Clearly this is an outline application and as such, detailed design is not being considered at this stage. Nevertheless, it is important to ensure that the detailed proposals that come forward at the reserved matters stage are of the highest design quality, appropriate for this context, given that this will form something of a gateway to Lichfield for those entering the City from the south along Birmingham Road and on the rail network. It is noted that the indicative elevation shows modern structures, utilising stone panels and render for the construction of walls and for the roofs composite insulated panels. Subject to securing an

appropriate design, which will be agreed via a reserved matters application the design of the development can comply with the requirements of the Development plan in this regard.

4. Highway Issues - Access, Servicing and Parking

- 4.1 Paragraph 34 of the NPPF and Strategic Policy 5 of the Local Plan Strategy both seek to ensure that development which generates significant movement, is located where the need to travel can be minimised and the use of sustainable travel maximised. Paragraph 40 of the NPPF states *“Local Authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles”*.
- 4.2 The proposed development will undoubtedly create an increase in the level of traffic on surrounding roads by virtue of the increased intensity of use of the site. The volume and movement of traffic along Birmingham Road will be particularly affected, with an increase in vehicles accessing and exiting the new car park serving the commercial units.
- 4.3 Vehicular access into the site will be via a new T Junction, served by a new central right turn feeder lane formed on Birmingham Road.
- 4.4 The suitability of this access has been considered by Staffordshire County Council (Highway Authority), who consider that the access is appropriate to ensure safe access and egress to the site. Further precise details of the junction is however necessary and as such, conditions requiring exact details of the access and the provision of requisite visibility splays are recommended.

Traffic Management

- 4.5 A Transport Assessment has been submitted with the application, which demonstrates a robust approach has been applied in calculating committed and future development flows and their impact upon the surrounding highway network. It is demonstrated that the junctions in the study area will largely operate within capacity following the completion of this development.
- 4.6 The comments of the City Council regarding the resiting of the 40mph limit further to the south along Birmingham Road are noted. Given the scale and impact of this development, such a measure is not proportionate to this application. However such work is proposed as part of the as yet undetermined housing led development on Dean Slade Farm and can be secured via agreement as part of that application process.
- 4.7 With the above conclusions in mind, it is noted that neither the Highways Agency or Highways Authority, have offered any concerns regarding the impact of the proposal on the surrounding highway network.

Car Parking

- 4.8 The indicative site plan submitted with this application shows that 70 off street car parking spaces can be provided at ground level, with a further 29 spaces formed within a below ground car park, providing a total of 99 spaces.
- 4.9 The Council’s adopted car parking standards, are set out in Appendix D of the Supplementary Planning Document: Sustainable Design. These standards set the maximum amounts of parking spaces required, although in accordance with Local Plan Strategy Policies ST1 and ST2, they will be applied in a flexible manner. This is particularly relevant where it can be demonstrated that satisfactory alternative sustainable transport means can be provided.

- 4.10 The abovementioned SPD provides parking level requirements for A1 and B1 land uses, with variable requirements for D1 land uses. No details are offered for A2, A3 or D2 land uses. Evidently details of the exact amount of floor space and parking to be provided are not currently available. However, utilising the most intensive car parking requirement attributable to food retail, the maximum parking requirement for 2,000sq m of floor space is 133 spaces. For non-food retail this falls to 80 spaces and B1 use 67 spaces. Given this breakdown and the limitation to be placed on the amount of retail floorspace, the indicative proposed off-street car parking provision of 99 spaces is therefore considered to be acceptable.
- 4.11 Local Plan Strategy Policies ST1 and ST2 state that the Council, when considering the appropriate level of off street car parking to serve a development will have regard to the *“provision for alternative fuels including electric charging points”*. To address this point, one which was also raised by the Council’s Environmental Health Officer in order to improve air quality in the area, a condition is recommended, which will require, prior to first occupation, that two car parking spaces have had the infrastructure (cabling etc) provided for future provision of Vehicle Recharging Points. As such, through the application and compliance with this condition, the development will comply with the requirements of the Development Plan and NPPF in this regard.
- 4.12 Given the sustainable location of the site, adjacent to established residential areas, the level of provision shown on the indicative site plan demonstrates that sufficient car parking can be provided to meet the likely future demands of the site. In addition, it should be noted that the Highways Authority have requested that the future occupants enter into a Framework Travel Plan to encourage the use of sustainable modes of transport, along with an appropriate monitoring sum, which shall be secured via a Unilateral Undertaking.

Cycle Parking

- 4.13 The Sustainable Design SPD identifies that the minimum number of cycle parking spaces to be provided across the development to serve the various land uses is 10. The indicative site plan provided with the application includes no cycle parking provision. Evidently the creation of such will therefore have to be secured via condition.

Pedestrian Connectivity

- 4.14 The adjacent Dean Slade Farm housing development, currently under consideration by the Council, will provide a section of shared footway / cycleway on Birmingham Road, between the vehicular access and the roundabout junction of Falkland Road and Birmingham Road. Additionally, a new pedestrian refuge will be provided on Birmingham Road, to the south of the access, for the benefit of pedestrians crossing to the existing southbound bus stop on the eastern side of the carriageway. The refuge will be secured via a Section 7 agreement between the applicant and the County Council specific to this application, whilst the footpath enhancement would be secured under works agreed for the housing led development, assuming that this development is subsequently approved.
- 4.15 The applicant has provided robust evidence to demonstrate that this development will not have an adverse impact upon the surrounding local or strategic highway network, and given the sustainable location of the site it is advised that, the level of off street car parking that could be provided will be sufficient to meet the site’s needs. The new access point is considered appropriate, and the site offers good pedestrian connectivity.

Lichfield Southern Bypass

- 4.16 Policy Lichfield 6 paragraph 10 identifies that development within the Lichfield South area will deliver improved *“access to the sites through the completion of the Lichfield Southern Bypass”*. Paragraph 13.27 of the explanatory text, which accompanies this Policy, advises that development within this area *“can contribute to the need for improved east-west connections through the southern part of Lichfield City. The completion of the Lichfield Southern Bypass will be required to achieve this and support the overall scale of development planned within south Lichfield”*
- 4.17 The Planning Department at Staffordshire County Council advise within their consultation response to this application that in association with the development within the neighbouring St Johns development (our reference 12/00182/OUTMEI) that the bypass will be constructed to enable the linking of Birmingham Road with London Road. Within the application site, a bid for funding has been made to the Department of Transport under the National Productivity Investment Fund, to create the 53m section of the bypass, which will run under the Cross City rail line to link to the Birmingham Road roundabout. The County Council have now received agreement from Network Rail to take possession of the line over the Christmas period in 2019, whilst planning permission was granted for the works by the County Council in March 2018.
- 4.18 Paragraph 6.1.2 of the submitted Transport Assessment, advises that the northern part of the site will be required by Staffordshire County Council, to establish a construction base of operation to deliver the Southern Bypass (a legal agreement between the applicant and the County Council to utilise the land has been agreed separate to this planning application). Any future reserved matters application should therefore, through the use of a phasing condition, shall demonstrate that the southern part of the site will be built initially, with the northern part developed once the bypass is complete.
- 4.19 It should be noted that the safeguarded canal restoration route, will also need to pass under the railway line. The Lichfield and Hatherton Canals Restoration Trust have been working in partnership with the County Council to utilise their compound and operatives to deliver the culvert, immediately following the formation of the road tunnel. Whilst not for consideration as part of this application, it is noted that further discussions between the Trust and Network Rail are required to agree the creation of the culvert. Whilst a planning application will also have to be submitted to the Local Planning Authority to determine the acceptability of creating such a structure.

5. Trees and Landscaping

- 5.1 Paragraph 118 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm. Core Policy 13 of the Local Plan Strategy also seeks to protect veteran trees, whilst Core Policy 14 seeks to ensure that there is no net loss to trees in conservation areas. Policy NR4 seeks to ensure that trees are retained unless their removal is necessary and appropriate mitigation is proposed.
- 5.2 The site presently contains a small number of trees located to the site’s periphery, primarily along the shared southern boundary with Travis Perkins. Measures to ensure the protection of these trees during any construction phase shall be secured via the use of a condition.
- 5.3 The Council’s Arboriculturalist has considered the submitted indicative details and noted that the landscaping scheme shows limited tree planting that would have to be improved upon when reserved matter applications are submitted. Subject to the subsequent agreement of

a suitable landscaping scheme, the development can be designed to be compliant with the provision of the Trees, Landscaping and Development Supplementary Planning Document.

6. Ecology and Biodiversity

- 6.1 To comply with the guidance contained within Paragraphs 9, 108, 109 and 118 of the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 6.2 Due to the Local Planning Authorities obligation to "*reflect and where appropriate promote relevant EU obligations and statutory requirements*" (Paragraph 2 of NPPF) the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, due to the requirements of Local Plan Strategy Policy NR3 and the Biodiversity and Development Supplementary Planning Document, producing a measurable net-gain to biodiversity value is also made a requirement of all developments within Lichfield District.
- 6.3 The applicant has submitted an Ecology and Biodiversity chapter within the Environmental Statement accompanying this application, which demonstrates that the site, is not utilised by protected animal species as a habitat. Thus, the Council is able to demonstrate compliance with regulation 9(5) of the Habitat Regulations 1994 (amended 2010).
- 6.4 It is noted that the site is currently used by numerous nesting birds. As such any site clearance works should occur outside of bird nesting season (March – September inclusive). A note to applicant to this effect will be attached to the decision notice.
- 6.5 To achieve a net biodiversity gain through this development, the Council's Ecologist recommends that the installation of new bird boxes be made a condition of any permission. Such a net gain to biodiversity should be looked upon favourably and afforded appropriate weighting within the planning balance exercise. Given this assessment it is evident that the development therefore complies with the requirements of the Development Plan and National Planning Policy Framework in this regard.

7. Archaeology

- 7.1 Paragraph 128 of the NPPF places a duty on Local Planning Authorities to "*require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance*".
- 7.2 The County Council's Archaeologist has raised no objections to the scheme and given the site's location and the conclusions of the archaeology chapter of the ES, it is unlikely that there will be any demonstrable archaeological sensitivity within the area, and as such, an archaeological watching brief is not considered necessary in this case and as such the development as submitted complies with the requirements of the Development Plan and National Planning Policy Framework in this regard.

8. Amenity of Neighbouring Properties and Future Residents

- 8.1 The NPPF core planning principles includes the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings. 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.

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

Noise

- 8.3 Noise emissions resulting from the development have the potential to impact upon both existing and future neighbouring residential properties. The noise and vibration assessment report submitted with the application within chapter 9 of the ES has been assessed by the Council’s Environmental Health Team, who advise that it is a sound document.
- 8.4 Given the proximity of the development to future dwellings, within the Dean Slade Farm development, on Birmingham Road (should such be approved), it is recommended that conditions be attached to any forthcoming decision requiring that prior to the commencement of development, a noise assessment and construction phase management plan be submitted to and approved by the Local Planning Authority.
- 8.5 In order to limit the impact of the development on both existing and proposed residential properties, it is also considered appropriate to ensure that reasonable opening hours along with servicing details are allocated for these units. No opening hours have been proposed by the applicant and as such it falls to the Local Planning Authority to recommend such. Given the proximity of the units to existing and future residential properties, the below hours of operations, specific to the land uses that have a potential to impact upon reasonable residential amenity, are considered to be reasonable and necessary:

Food / Non-food Retail 07:00 – 22:00 Monday to Saturday
09:00 – 18:00 Sunday

Café / Restaurant 06:00 – 22:00 Monday to Sunday
09:00 – 18:00 Sunday

- 8.6 A condition is also recommended to secure details of the servicing regime for the above noted land uses, in order to preserve the amenity of existing and proposed neighbouring residents.

Air Quality

- 8.7 The applicant’s Air Quality Report identifies that construction phase of development will likely lead to some dust soiling effect to neighbouring properties, but this can be addressed via the adoption of suitable mitigation measures, which are recommended to be secured via the use of a condition. The likely increase in traffic movement will not however be significant enough to impact upon air quality, nor will the future uses impact upon pollution concentrations within the area. It should be noted that the condition requiring the installation of electric vehicle charging points, within the site, will also aid to limit air quality impact from the development. The proposed development is therefore expected to comply with all relevant air quality policies, including the National Planning Policy Framework, as it will not expose any new or existing receptors to an unacceptable level of pollution.

Artificial Lighting

- 8.8 Details of the lighting scheme to serve the development has not yet been submitted, given the outline nature of this application and therefore a condition is recommended to require the submission of such, prior to the first use of the building to which the scheme will relate. Subject to the submission and approval of an acceptable scheme, the development will not adversely impact upon the reasonable amenity of existing and future residents and therefore will comply with the requirements of the Development Plan and National Planning Policy Framework in this regard.

Construction

- 8.9 The need for dust mitigation measures have been identified within the applicant's air quality report. However, this document fails to identify what mitigation measures will be utilised and how issues such as noise, vibration, working hours and deliveries will be mitigated for during the construction process. Therefore a construction management plan should be secured via condition.

Overlooking, Loss of Light and Overbearing Impact

- 8.10 The Council's Supplementary Planning Document 'Sustainable Design' advises that *"new development... should not be of a size that results in an overbearing impact on neighbouring residential property. The Council applies the 45 degree and 25 degree Daylight 'Rules', guidance for new buildings and the effect on existing buildings, as set out in the British Research Establishment (BRE) Digest 2009"*.
- 8.11 There is the likely potential that a number of dwellings will neighbour the site along Birmingham Road, whilst to the north of the site there are existing dwellings on Foxglove Close. These existing dwellings are shown to be located approximately 75 metres from the closest building, as shown on the indicative block plan. The distance from the indicatively located southern building within the site to the nearest proposed dwelling within the proposed Dean Slade Farm development is 25 metres. These distances, the fact that these dwellings are orientated with principle elevations facing away from site and the indicative height of the differing structures, ensures that there would be no adverse loss of light or overbearing impact upon existing dwellings, resulting from the development.
- 8.12 In conclusion, the impact of the development on neighbouring occupiers, given the information thus far available, has been fully assessed. It is considered that subject to conditions, as recommended, the development will not result in unacceptable impact upon the amenities of occupiers of nearby residential properties or the future occupiers of the development by reason of overlooking, over-dominance or general noise and disturbance and as such, the development in this regard, is compliant with the requirements of both local and national planning policy guidance.

9. Sustainability

- 9.1 Paragraph 96 of the NPPF requires that new development should comply with local energy targets. The NPPG advises that planning can help to increase the resilience to climate change through the location, mix and design of development. Local Plan Strategy Policy SC1 sets out the Council's requirements in respect of carbon reduction targets and requires that major non-residential development should achieve the BREEAM Excellent standard from 2016. The applicant has advised within their submission that sustainable building techniques will be achieved within this site, along with other sustainable operational practices.

- 9.2 It is considered reasonable to require that both buildings achieve BREEAM Very Good rather than Excellent given that the evidence base for the abovementioned Policy (Camco Staffordshire County-wide Renewable/Low Carbon Energy Study 2010) is based on 2006 Building Regulations and BREEAM 2008 specifications and therefore do not take into account the latest changes to national policy and Building Regulations.
- 9.3 There have been two further iterations of BREEAM since the evidence base was collated and as a general rule a 2014 BREEAM Excellent requirement is now equivalent to a current BREEAM Very Good requirement. In this context, it is argued that Policy SC1 does not reflect up to date guidance, whilst the achievement of BREEAM Very Good would effectively deliver the level of sustainable built form that the policy seeks to capture.
- 9.4 The above argument has been discussed with the Council's Spatial Policy and Delivery Team, who advise that this should be a matter of planning judgement. Given that this is the case, it is felt that the abovementioned arguments are persuasive and successfully evidence that a change in guidance has occurred since the evidence base for the Policy was gathered, In addition, the wider sustainable development package offered by the application, will provide benefits beyond those simply captured by BREEAM and therefore, subject to a condition to secure the provision of these matters, the development is considered to be compliant with national policy in terms of sustainable building techniques..
- 9.5 In respect of more general sustainability concepts, as discussed above in the policy and retail sections of this report, the site itself and its development promotes good sustainable principles. Firstly, this is an allocated Greenfield site, located on the edge of the community, located in relatively close proximity to public transport provision and existing and future communities. In respect of promoting the use of sustainable means of public transport the development is sustainable and accompanied by a Travel Plan, the monitoring sum for which shall be secured via the S106 agreement, and furthermore, in providing increased and improved shopping facilities (a local convenience store could be erected for instance), the development will subsequently reduce the need for local residents to travel by car to the City Centre.
- 9.6 In terms of car parking, the number of spaces has indicatively been kept to an appropriate level, in line with Government Guidance, to encourage people to travel to the development via more sustainable means of transport. In addition, good pedestrian links have been provided into and around the development, for instance providing linkages to the adjacent St Johns Strategic Development Allocation housing development, located to the east of this site.
- 9.7 Policy 1.2 of the Staffordshire and Stoke-on-Trent Joint Waste Local Plan requires that development make better use of waste associated with non-waste development. The Policy continues to state that major development should demonstrate how waste will be managed within the site and during construction. A Site Waste Audit and Management Plan has been submitted with this application ensuring compliance with the requirements of the abovementioned policy guidance.
- 9.8 In view of the above, the development is considered to promote sustainable forms of development. However, conditions are recommended to ensure that the developer achieves suitable BREEAM levels within its construction and appropriately manages waste from the development. Subject to the application and compliance with these conditions the proposal will comply the Development Plan and National Planning Policy Framework in this regard.

10. Contaminated Land, Flood Risk and Drainage

- 10.1 Paragraph 120 of the National Planning Policy Framework states that *“where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or land owner”*. Paragraph 109 advises that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being out at an unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.
- 10.2 A survey of potential contamination has been undertaken and submitted with the application, which identifies that the site has no previous land uses that could likely result in its contamination. Therefore no additional contaminated land reports are required for this development.
- 10.3 Paragraph 103 of the NPPF requires that development be *“appropriately flood resilient and resistant... and it gives priority to the use of sustainable drainage systems”*. The site is located within Flood Zone 1 and as such has a low potential for flooding. The applicant has submitted a Flood Risk Assessment with the application which details the use of a Sustainable Urban Drainage System within the development. This document has been assessed by the County Council’s Flood Team who consider it acceptable, subject to a condition to secure implementation, which will ensure the development’s compliance with the Development Plan and NPPF in this regard.

11. Canal Restoration Route

- 11.1 Policy Lichfield 6 of the Local Plan Strategy Advises that when developing the sites that comprise the Lichfield South area the developments should ensure the *“integration of the route for a restored Lichfield Canal into an integrated open space and green infrastructure network”*. No details of how this route should be delivered are provided within this document, rather, simply there is a requirement to safeguard the route.
- 11.2 The applicant has shown on the indicative block plan that the canal route can be formed under the site via a tunnel, which given the need to pass under the railway line, link to the existing culvert installed under Birmingham Road and emerge to the front of the Deanslade Farm site, would extend to some 82 metres. The Canal Clarification Note submitted during the course of determining this application, advised that this design solution, would be the sole route offered by the applicant to the Lichfield & Hatherton Canals Restoration Trust to progress the canal through the site and no alternative schemes would be considered. The justification offered for this stance was to ensure that there is no delay in the delivery of the employment site, following its use by the County Council to deliver the Southern Bypass and to limit any land take from the site, which could limit the level of development that may be delivered.
- 11.3 Subsequent to the submission of this document, following a meeting between the Trust and the applicant, a further Canal Clarification letter has been submitted, which now states that whilst the enclosed tunnel option remains the applicant’s preferred solution, they will be willing to undertake further discussions on this matter to understand whether the open channel solution promoted by the Trust, which would offer pedestrian access from the canal into the application site, is deliverable and reasonable.
- 11.4 The Trust and the Inland Waterways initially raised numerous concerns regarding the creation of such a length of tunnel, given that its orientation would offer no clear visibility through such a feature, creating public realm safety concerns, whilst also offering practical problems for the passing of boats, where the tunnel would be of insufficient width to allow

for passing of boats and the length is such that that it will not be possible for boaters to see the other end of the tunnel. Subsequent to the submission of the clarification letter offering further dialogue between the parties, the Trust have withdrawn their objections, whilst the Inland Waterways Association maintain an objection until such a time as the open channel solution is designed into the scheme.

11.5 The Police Architectural Liaison Officer has been consulted on the tunnel proposal promoted by the applicant and provided advice in line with Secured by Design Guidance specific to the formation of subways. The Officer continues to advise that it is recommended that the canal be formed utilising an open cutting design, wherever possible, in order to promote opportunities for natural surveillance and limit the use of tunnel areas as youth gathering points.

11.6 The comments made regarding the safeguarding and delivery of the canal route are noted and from a designing out crime and visual viewpoint it is considered likely that an open cutting will be the preferred design solution for delivering the safeguarded canal route. However, the design of the canal will be agreed through subsequent reserved matters applications and the latest note received by the applicant allows for further discussion of this matter between interested parties, prior to the submission of such an application. Thus a note to applicant to encourage these discussion to occur is recommended.

12. Financial Considerations

12.1 Elements of the development may be CIL (Community Infrastructure Levy) liable. However the specifics will be unknown until determination of the subsequent reserved matters application/s. This will be payable in accordance with the Council's adopted CIL Instalments Policy, unless otherwise agreed.

12.2 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 upon completion generate business rates.

13. Other Issues

13.1 Of the issues raised by neighbours, not discussed within the above report, the following points are produced in response:

- The loss in value to an existing dwelling as a result of permitting a new development is not considered to be a material planning consideration in the determination of this planning application.
- The operation of CCTV cameras and protection of personal privacy is a matter dealt with under separate legislation to planning considerations.
- The development will not impact upon the existing landscaping located to the rear of Foxglove Close and given this area does not form part of the application site, it is not reasonable to require additional landscaping to be planted within this area.

14. Human Rights

14.1 The proposals set out in the above report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's/objector's rights under Article 8 of Schedule 1 of 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 has been fully considered within the report and on

balance is considered to be justified and proportionate in relation to the provisions of National Planning Policy and the policies of the Development Plan.

Conclusion

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

Economically, it is acknowledged that the site is allocated within the adopted Local Plan Strategy for commercial use and therefore the principle of the proposed land uses is considered to be acceptable. The applicant has through the submission of a Sequential Test document demonstrated that the proposed indicative scale of development, will also not impact upon the vitality or viability of Lichfield City Centre and rather would aid in offering convenience retail or high quality office accommodation within the City, rather than residents travelling elsewhere to such facilities.

Socially the development has thus far been designed in a manner to ensure that subject to the application of reasonable and necessary conditions, there will be no significant impact upon the amenity of existing neighbouring or future residents, through issues such as overlooking, overbearing impact, loss of light, light pollution, noise, contaminated land, dust or air quality. Evidently further consideration of this matter can also be undertaken through subsequent reserved matters applications.

Environmentally, it is considered that the proposed development is of an appropriate scale and the indicative design of the buildings are considered acceptable, although once more further consideration of this point will be undertaken via any reserved matters application. The layout of the site in urban design terms, as currently shown, is, on balance, acceptable.

The supporting information and consultation responses have demonstrated that the proposals would include suitable traffic management measures and incorporate the provision of off-site highway works, which would ensure that the development assimilates into the area without causing undue burden on the surrounding road network, and there would not be detriment caused to highway safety. Adequate car parking provision can be accommodated within the development, whilst the site is well served by sustainable modes of transport.

Subject to the submission of the appropriate reserved matters application, suitable tree planting and landscaping can be provided within the development. In addition, adequate mitigation measures will be implemented, secured via condition, to protect and promote ecology and biodiversity, and there would be no harm to protected species. Furthermore, the archaeological, drainage and contaminated land issues associated with the site and its development would be adequately addressed and measures to promote the incorporation of renewable energy technologies within the scheme will be achieved.

The S106 legal agreement will secure the submission of a Travel Plan and associated Monitoring Sum, to ensure that sustainable transportation methods are promoted by future operators. Off-site highway enhancements will be secured via the use of a condition and a Section 278 agreement between the County Council and the applicant to ensure that the development will integrate into the highway network without causing undue congestion.

The application is wholly in accordance with the development plan, and when weighed in the balance, it is considered that the benefits of the development, namely its positive economic, social and environmental impact outweigh any identified harm. Therefore, the recommendation is one of approval.

LOCATION PLAN

17/01328/FULM
Land At 61-83 Main Street
And 1-11 Lullington Road
Clifton Campville

Scale: 1:1,000

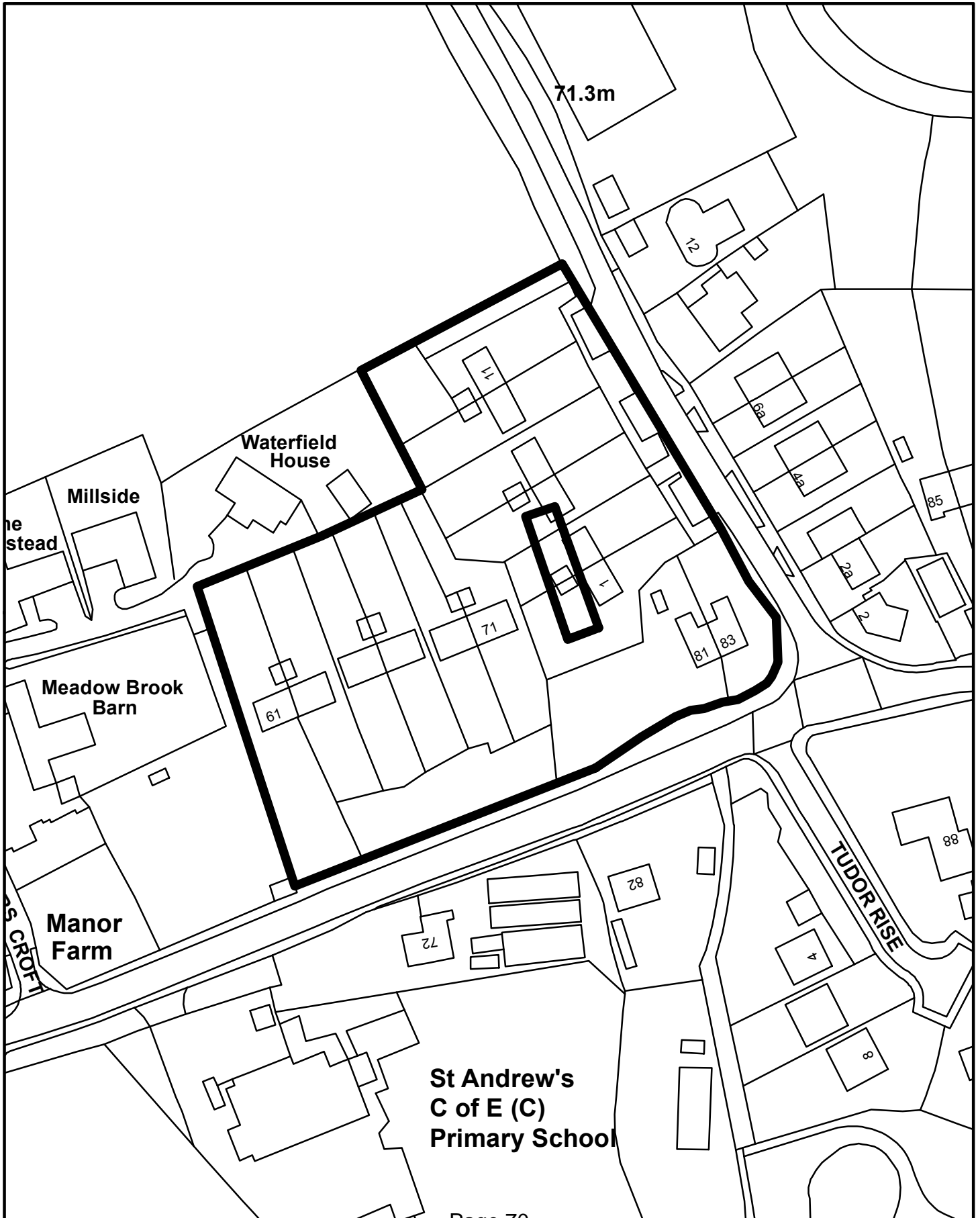
Dated: June 2018

Drawn By:

Drawing No:



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BLOCK PLAN

17/01328/FULM
Land At 61-83 Main Street
And 1-11 Lullington Road
Clifton Campville

Scale: 1:2,000

Dated: June 2018

Drawn By:

Drawing No:



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17/01328/FULM

DEMOLITION OF 12NO. DWELLINGS AND CONSTRUCTION OF 27NO. DWELLINGS WITH ASSOCIATED WORKS AND WIDENING OF EXISTING ENTRANCE LAND AT 61-83 MAIN STREET AND 1-11 LULLINGTON ROAD, CLIFTON CAMPVILLE, TAMWORTH, STAFFORDSHIRE FOR BROMFORD HOUSING

Registered on: 11/10/17

Parish: Clifton Campville

Note: This application is being reported to the Planning Committee due to significant planning objections from Clifton Campville and Thorpe Constantine Parish Council, who object to the development on the grounds that the scale of development is inappropriate for the village, the proposed access and its associated visibility splays are of an inadequate standard leading to highway danger, loss of hedgerow and poor pedestrian connectivity and the need for supporting documentation for the site to be updated to reference the now total 28 dwellings proposed to be built.

RECOMMENDATION: Subject to the owners/applicants first entering into an agreement under Section 106 of the Town and Country Planning Act (as amended) to secure contributions towards:-

1. River Mease Special Area Conservation Contribution

If the S106 legal agreement is not signed/completed by the 3rd August 2018 or the expiration of any further agreed extension of time, then powers be delegated to officers to refuse planning permission based on the unacceptability of the development without the require contributions and undertakings as outlined in the report.

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. Notwithstanding any description/details in the application documents, before the development hereby approved is commenced full details of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - (i) External brickwork;
 - (ii) Roof and wall materials; and
 - (iii) Soffit fascia boards and rainwater goods colour.

The development shall thereafter be undertaken in accordance with the approved details and thereafter be retained for the life of the development.

4. Notwithstanding the submitted details before the development hereby approved is commenced, excluding demolition, a detailed landscape and planting scheme (to include a watering schedule), shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape and planting scheme shall thereafter be implemented within eight months of the development being brought into use, unless otherwise first agreed in writing by the Local Planning Authority.
5. Notwithstanding the submitted details, before the development hereby approved is commenced, excluding demolition, full details of the surface and foul water drainage, shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage systems shall thereafter be provided before the development is brought into use.
6. Before the development hereby approved is commenced, a Construction Vehicle Management Plan, including details of a site compound with associated temporary buildings, site hours, types of vehicles, wheel wash facilities, provision for parking of vehicles for site operatives and visitors, loading and unloading of plant and materials, and storage of plant and materials used in constructing the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented prior to any works commencing on site and be maintained throughout construction work.

CONDITIONS to be complied with once the permission has been implemented:

7. Before the development hereby approved is first occupied, the vehicular access, including footway works, shall be provided in accordance with the details identified on approved drawing B16256-210 Revision P3 and completed within the limits of the public highway.
8. Before the use of the new site access, required to be formed by condition 7, 2.4m x 47m and 2.4m x 49m vehicle visibility splays shall be provided. The visibility splays shall thereafter be retained and kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level for the life of the development.
9. Before the development hereby approved is first occupied, the estate access road, turning areas and parking spaces, shown on approved plan (reference B16256-210 Revision P3) shall be provided in a bound material and shall thereafter be maintained for the life of the development.
10. Before the development hereby approved is first occupied, the tactile paving and pedestrian crossing points shown on approved plan B16256-210 Revision P3, shall be provided and thereafter be maintained for the life of the development.
11. Before the development hereby approved is first occupied, the existing site access made redundant as a consequence of the development hereby approved, shall be permanently closed and the access crossing reinstated as footway, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
12. The 4 bat boxes to be fitted to the gables of plots 16, 18, 19 and 24 and 6 bat access roof tiles terraces to be inserted into 81 and 83 Main Street, shown on approved plan 40723 009U shall be implemented within 3 months of the first occupation of the dwelling to which they relate and thereafter be maintained for the life of the development.
13. The development hereby approved shall be carried out in strict accordance with the methods of working, which are detailed in section 7 of the Ecological Impact Assessment produced by Bagshaws Ecology (reference BE-363.3).

14. Any tree, hedge or plant planted as part of the approved landscape and planting scheme on the site which dies or is lost through any cause during a period of 5 years from the date of first planting shall be replaced in the next planting season with others of a similar size and species, unless otherwise first agreed in writing by the Local Planning Authority.
15. Before the development hereby approved is first occupied, the fencing scheme shown on approved plan 40723 032B, shall be implemented and thereafter be retained for the life of the development, unless otherwise first agreed in writing with the Local Planning Authority.
16. Before the development hereby approved is first occupied, the fencing scheme shown on approved plan 40723 011 Revision E, shall be implemented and thereafter be retained for the life of the development, unless otherwise first agreed in writing with the Local Planning Authority.
17. Before the first occupation of the dwelling to which it relates, a shed shall be erected in the locations indicated on approved plan 40723 009U, and thereafter shall be retained for the life of the development.
18. The approved tree protection scheme identified on approved plans reference ADL209 Revision E and ADL 209_01 shall be implemented prior to the commencement of development and thereafter be retained throughout the construction works.
19. The affordable housing that comprises this permitted development shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it, in accordance with the details identified on the approved 'Affordable Housing Plan'.
20. Notwithstanding the provisions of Classes A, B, D and E of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting that Order, the dwellings identified on approved plans as units 11 and 15, hereby approved, shall not be altered or extended and no buildings or structures shall be erected within the curtilage of the new dwellings, unless planning permission has first been granted by the Local Planning Authority.
21. Notwithstanding the provisions of Class A, Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015; or any Order revoking or re-enacting that Order, no gates, walls, fences or other means of enclosure (except for those approved by this permission) shall be erected within the curtilage of the dwellings unless planning permission has first been granted by the Local Planning Authority.
22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, unless specifically agreed pursuant to other conditions of this permission, no external lighting shall be provided within the application site, without the prior permission of the Local Planning Authority.

REASONS FOR CONDITIONS

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Practice Guidance.
3. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the adjacent Clifton Campville Conservation Area and the setting of

nearby Listed Building, in accordance with Core Policy 14 and Policy BE1 of the Lichfield District Local Plan Strategy, saved Policy C2 of the Local Plan, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.

4. To ensure that a landscaping scheme to enhance the development is agreed and to safeguard the character and appearance of site and adjacent Clifton Campville Conservation Area, in accordance with the provisions of Policies BE1 and NR4 of the Local Plan Strategy, Saved Policy C2 of the Local Plan, the Trees, Landscaping and Development and Historic Environment Supplementary Planning Documents and the National Planning Policy Framework
5. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem, in accordance with Core Policy 3 and Policy NR9 of the Local Plan Strategy and the National Planning Policy Framework.
6. To safeguard the amenity of existing and future residents during the construction phase of development, in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
7. In the interests of highway safety and in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
8. In the interests of highway safety and in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
9. In the interests of highway safety and in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
10. In the interests of highway safety and in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
11. In the interests of highway safety and in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
12. In order to safeguard the ecological interests of the site and 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.
13. In order to protect protected species and their habitat in accordance with Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
14. To ensure that any initial plant losses are overcome in the interests of the visual amenities of the site and adjacent Clifton Campville Conservation Area and in accordance with Policy BE1 of the Local Plan Strategy, Saved Policy C2 of the Local Plan, the Trees, Landscaping and Development and Historic Environment Supplementary Planning Documents and the National Planning Policy Framework.

15. In the interests of the amenity of future residents of the dwelling and in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
16. In the interests of the amenity of future residents of the dwellings and to safeguard the visual amenities of the site and adjacent Clifton Campville Conservation Area in accordance with the requirements of Policy BE1 of the Local Plan Strategy, Saved Policy C2 of the Local Plan Strategy, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
17. In order to encourage the use of sustainable modes of transport, in accordance with the requirements of Local Plan Strategy Policy ST1, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
18. To ensure the retention of established trees during the course of building works to safeguard the visual amenities of the site and adjacent Clifton Campville Conservation Area in accordance with the requirements of Policy BE1 of the Local Plan Strategy, Saved Policy C2 of the Local Plan Strategy, the Historic Environment and Trees, Landscaping and Development Supplementary Planning Documents and the National Planning Policy Framework.
19. In order to improve housing affordability within the community, in accordance with the requirements of Policies Rural 1 and H2 of the Local Plan Strategy and the National Planning Policy Framework.
20. To ensure the retention of sufficient private garden area to be commensurate with the needs of future occupants, in accordance with Policy BE1 the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
21. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the adjacent Clifton Campville Conservation Area and the setting of nearby Listed Building, in accordance with Core Policy 14 and Policy BE1 of the Lichfield District Local Plan Strategy, saved Policy C2 of the Local Plan, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
22. To safeguard the character and appearance of this edge of settlement site, the adjacent Clifton Campville Conservation Area and to minimise impact upon the protected species and their habitat, in accordance with the requirements of Policies BE1 and NR2 of the Local Plan Strategy, Saved Policy C2 of the Local Plan, the Biodiversity and Development and Historic Environment Supplementary Planning Documents and the National Planning Policy Framework.

NOTES TO APPLICANT

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) 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. The applicant is advised that there may be a public sewer located within the application site, which has statutory protection and may not be built close to, directly over or be diverted without consent. The applicant is advised to contact Severn Trent to discuss the proposals in order to assist with obtaining a solution which protects both the public sewer and the development.
4. The applicant is advised to note and act upon as appropriate the comments of the Police Architectural Liaison Officer dated 1st November 2017. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
5. The applicant is advised that off-site highway works, will require a Highway Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact the Council in respect of securing the agreement. Follow the link: www.staffordshire.gov.uk/developers for Highway Agreements, a flowchart to identify the relevant agreement, information packs and application forms for the Highway Works. Please complete and send to the address indicated on the application forms for the Highway Works. Please complete and send to the address indicated on the application form, which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1 c/o 2 Staffordshire Place, Tipping Street, Stafford, ST16 2DH or email: nmu@staffordshire.gov.uk.
6. The access road within the site will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highway Act 1980. The applicant is required to contact the SCC Sections Agreement Manager in order to secure the necessary agreements. With regard to the Section 7 approval, the applicant will need to submit full road construction details, long sections, surface water drainage and outfall, street lighting for any subsequently approved site layout.
7. The applicant is advised that any soakaways or septic tanks shall be located a minimum 4.5m and 9.0m respectively rear of the public highway and areas adoptable as public highway.
8. The applicant is advised that in the event that street furniture needs to be repositioned, this will be at the applicant's own expense and need to be undertaken as part of the highway works under an appropriate legal agreement.
9. The applicant is advised to note and act upon as necessary the comments of the Council's Waste Services Manager dated 11th October 2017.
10. 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.
11. During the course of the application, the Council has sought amendments to the proposals to ensure a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

PLANNING POLICY

Government Guidance

National Planning Policy Framework

Local Plan (Saved Policies)

C2 – Character of Conservation Areas – Development Proposals

Local Plan Strategy

Core Policy 1 - The Spatial Strategy

Core Policy 2 - Presumption in Favour of Sustainable Development

Core Policy 3 - Delivering Sustainable Development

Core Policy 4 - Delivering our Infrastructure

Core Policy 5 - Sustainable Transport

Core Policy 6 - Housing Delivery

Core Policy 10 - Healthy & Safe Lifestyles

Core Policy 13 - Our Natural Resources

Core Policy 14 - Our Built & Historic Environment

Policy SC1 - Sustainability Standards for Development

Policy IP1 - Supporting & Providing our Infrastructure

Policy ST1 - Sustainable Travel

Policy ST2 – Parking Provision

Policy H1 - A Balanced Housing Market

Policy H2 - Provision of Affordable Homes

Policy HSC1 - Open Space Standards

Policy HSC2 - Playing Pitch & Sport Facility Standards

Policy NR3 - Biodiversity, Protected Species & their Habitats

Policy NR4 - Trees, Woodlands & Hedgerows

Policy NR5 - Natural and Historic Landscapes

Policy NR6 - Linked habitat Corridors & Multi-functional Greenspaces

Policy NR8 – River Mease Special Area of Conservation

Policy NR9 – Water Quality

Policy BE1 - High Quality Development

Policy Rural 1 – Rural Areas

Supplementary Planning Documents

Rural Development

Sustainable Design

Historic Environment

Biodiversity and Development

Trees, Landscaping and Development

Developer Contributions

Other

Staffordshire and Stoke on Trent Joint Waste Local Plan

RELEVANT PLANNING HISTORY

18/00415/FUL – Erection of 1 semi-detached 2 bedroom dwelling (to increase the number of dwellings to 28 relating to application 17/01328/FULM) – Pending Consideration.

00/00022/FUL - New car parking area to land to the rear of nos. 61 - 71 Main Street – Approved – 21.03.00.

L960665 – Access road and parking area – 25.11.96.

CONSULTATIONS

Clifton Campville and Thorpe Constantine Parish Council – Object. No information has been submitted to remove the objections raised within the response from January 2018.

Drawing 40723009S identifies that the visibility splay for the proposed vehicular access will be 43m, which is well below the Design Manual for Roads and Bridges (DMRB) 70m standards for a 30mph road. No additional information has been provided to justify the reduced visibility splay. In addition, the drawing shows a 1.5m offset between the listed tower building and wall and the edge of the highway. This is not accurate, the roadway at this point is no more than 0.5m from the wall.

The hedgerow has been described on the plan as being ‘trimmed where necessary’. The hedgerow in this location is on the roadside and wholly within the visibility splay. This requires removing in part to achieve any visibility to the east. Information should be supplied correctly on the plan as to its removal and the ecology and arboricultural assessments updated. The plans do not accurately convey the height difference in road levels. For adequate visibility there should be no impediment above 0.6m from ground level. The embankment is significantly greater than this and there are no details within the application accurately plotting and displaying ground levels in relation to the visibility and proposed level of access.

Concerns have been raised regarding safe pavement areas to allow crossing of the road for residents, especially for access to the school. The pavement area shown is the bare minimum and would allow very limited standing areas within the visibility splay for residents to wait to cross the highway.

It is of note that an additional property is included within the scheme under a separate application. The Parish Council have previously raised objection to the number of properties proposed in this location, and object to an additional dwelling. The development increases the village by 10%, which is an unacceptable increase given the lack of services and isolated location. Application 18/00415/FUL makes reference to supporting information/reports contained within 17/01328/FULM, however this information is supplied on the basis of 27 homes. Should the reports be considered in relation to application 18/00415/FULM then this supporting information requires amendment to include an additional property or new reports considering the cumulative effect of all dwellings submitted under application 18/00415/FUL. The application therefore remains contrary to Core Policy 3 and Rural Policy 2 of the Lichfield Local Plan and should be refused (09.04.18).

Previous Comments – Object. Notes the submission of the Housing Needs Survey, but consider that this document is inadequate as it only provides a sample of need from very few households, over three separate areas within the District. The report itself highlights that no one within the survey is registered on the housing needs list, whilst the Parish Council itself has not been approached by anyone requesting details of affordable housing in the area. The conclusion of the report demonstrates that there is little interest in rental and shared ownership properties (7 people), with a limited number being eligible (1 person).

It is noted that already within the village, not including the application site, there are 21 affordable units, which is high considering a total dwelling number within the whole community of circa 280 properties. The need figures coupled with the fact that there is no one in the Parish registered for Social Rented Housing demonstrates that there is no need for affordable housing, within the village, beyond replacing the units to be demolished. Thus, it is likely that the units will be let to non-local elderly and vulnerable people who will live in an isolated location without access to services and facilities.

By definition the dwellings will be available for those with low incomes or identified housing needs. The village has now lost its bus service, whilst there are no services such as a shop or healthcare. Therefore, there is a total reliance upon private vehicles or taxis to reach any facilities and as such

the development could not be considered to be sustainable and therefore fails to comply with the requirement of Core Policy 3

The proposed development will not contribute to creation of a local shop, infrastructure services or facilities, whilst further information to demonstrate that the vehicular access will be safe has yet to be provided (15.01.18).

The main issues around Main Street and Lullington Road are speeding vehicles, road traffic accidents (one fatal), parking availability, volume of traffic and flooding of drains. Concerned that the proposal will only add to these issues.

The main contributing factor to these concerns are due to the fact that the number of houses on the site will more than double with no added amenities for the local community in an already limited rural village.

The increase from 6 to 20 properties accessing the site from Main Street (opposite St. Andrews School) would be extremely dangerous to school children and other parishioners particularly at peak times. Also manoeuvring vehicles on Lullington Road may pose a threat to other road users.

The proposed development is not a true reflection of the housing needs within the village due to the proportion of small 2 bed houses being proposed for families of 4 people.

Requests clarification on the proposed design and materials to be used for the bin collection points, along with the inclusion on the site plan of the proposed parking for 81 Main Street (19.10.17).

Spatial Policy and Delivery – In granting planning permissions the Local Planning Authorities must comply with their duty under the Habitats Regulations as Competent Authorities to ensure appropriate mitigation is delivered prior to developments being built and prior to the potential harm arising from the development. It is necessary for this development to show how it can mitigate for any impacts arising upon the River Mease SAC, and the application should not be determined until this matter is resolved and any mitigation secured.

Subject to compliance with the Habitat Regulations, no objections to the scheme in principle are raised, given that the site lies within a designated development boundary, offers much needed affordable housing for the area and will facilitate the demolition of existing poor quality housing (21.03.18).

Previous Comments – In granting planning permissions the Local Planning Authorities must comply with their duty under the Habitats Regulations as Competent Authorities to ensure appropriate mitigation is delivered prior to developments being built and prior to the potential harm arising from the development. It is necessary for this development to show how it can mitigate for any impacts arising upon the River Mease SAC, and the application should not be determined until this matter is resolved and any mitigation secured.

Subject to compliance with the Habitat Regulations no objections to the scheme in principle are raised, given that the site lies within a designated development boundary, offers much needed affordable housing for the area and will facilitate the demolition of existing poor quality housing (16.10.17).

Housing and Wellbeing Manager – Supports the amended access road position (28.02.18).

Previous Comments – The existing Airey dwellings located within this site are inefficient, expensive to heat and have a limited lifespan. The Housing Act 2004 introduced a Category system for identifying hazards within rented accommodation. Category 1 homes are considered the most serious. These properties are Category 1, due to poor insulation and as such, are not fit for purpose.

The redevelopment will be delivered by Bromford Housing, one of the Council's preferred development partners. The scheme would deliver 27 affordable dwellings, 22 are 2 bed and 5 are 3 bed of which 12 are to be shared ownership, which helps to address the shortage of small rented properties within the District. Gives full support to the application (26.10.17)

Ecology Manager – No objections. References comments made on 01.11.17 (27.03.18).

Satisfied with the methodology and information provided within the submitted Ecological Appraisal and therefore no further ecological surveys are required at this time. Requests that adherence by the applicant to all recommendations and methods of working within the Ecological Impact Assessment be a condition.

Local Plan Strategy Policy NR3 requires that development make a positive ecological impact. To secure such within this development the mitigation measures identified within the report should be secured via the use of a condition (01.11.17).

Arboricultural Officer – Requests amendments to the planting scheme to the front of the site on Main Street. Advises that a watering schedule is required for the trees, a suggested schedule can be found in the Council's Trees, Landscaping and Development SPD. Should consent be granted I recommend that the landscape conditions apply for 5 years (08.05.18).

Previous Comments – Notes that one of the proposed trees is shown to be located adjacent to a lighting column. This will likely lead to future conflict and therefore recommends that this be redesigned (06.04.18).

Requests amendments to the tree species specific within the landscaping scheme and the incorporation of additional trees along the internal access road (06.04.18).

Requests alterations to the submitted tree species, location of root barriers, the submission of an appropriate watering schedule and further tree protection details (06.02.18).

Previous concerns are yet to be addressed (17.01.18).

Object. A tree protection plan showing the location of protective measures should be submitted (18.12.17).

Object. Raises a number of issues regarding the tree and hedgerow mix proposed throughout the site and recommendation for the introduction of additional planting (28.11.17).

Object. The additional plan indicates the location of trees to be felled but does not address the remainder of the concerns raised previously (24.10.17).

Object. The findings of the Arboricultural Assessment submitted with the application have not been carried forward into the development proposals. Therefore requires the submission of further information demonstrating how existing trees are to be retained during development (17.10.17).

Environmental Health Manager – No contamination conditions are considered necessary based on the findings of the Ground Investigation and Test Report dated 17th August 2017 (09.05.18).

Previous Comment – No objection. Notes that the site is within influencing distance of a former landfill and therefore the risk from migrating land gas should be assessed and mitigated as necessary (24.04.18).

Conservation and Urban Design Manager – No objection. The amount of publicly visible close boarded fencing has been reduced. The bricks specified appear inappropriate for area. The use of

Forticrete Gemini roof tiles is acceptable, although red tiles are preferred to the currently indicated grey. Soffits and fascia boards should be black to match the rainwater goods (04.04.18).

Previous Comments – The latest submitted plans fail to as requested amend the boundary treatments (05.02.18).

No objection. Advises that whilst some of the issues previously raised have been addressed some remain outstanding. For instance, the bin storage areas remain to the front of the site and a less visible location is required. The boundary plan shows close boarded fences in publically visible locations and as such these should be altered to brick walls. Lastly the concrete tiles proposed are unacceptable. It is preferable to use clay tiles in this location or concrete tiles that replicate the appearance of such (18.01.18).

No objections to the demolition of the 12 existing dwellings. Raises minor issues regarding the proposed scheme (handing of terraced rows, amendments to boundary treatments, location of bin stores and materials) which once addressed will ensure that it preserves the setting of the listed building and wider conservation area (02.11.17).

Staffordshire County Council (School Organisation) – The application site falls within the catchment areas of St Andrew’s Primary School and Clifton Campville and The Rawlett School. Given the nature of the development it is considered that it would generate a need for 5 new Primary School places. Both schools are projected to have limited vacancies based on current and projected pupil numbers and therefore are capable of accommodating the likely demand from pupils generated by this development (24.10.17).

Staffordshire County Council (Highways) – No objections, subject to conditions requiring, prior to the first occupation of any of the dwellings, the formation of the new access, with associated visibility splays and footpaths, the provision of the new turning and parking areas and the creation of tactile paving and pedestrian crossing points. Prior to the commencement of development surface water drainage details and a Construction Management Plan shall be submitted and approved. Concurrent with the formation of the new access and existing shall be closed

Recommends informatives to advise the applicant of the need to secure a Highway Works Agreement and Section 7 from Staffordshire County Council to undertake the off-site highway works. Any soakaways or septic tanks to be 4.5m and 9.0m to the rear of the highway and that the relocation of any street furniture will be undertaken at the applicant’s expense (10.04.18).

Previous Comments – The visibility splays proposed for the access point are unsuitable and will likely result in future vehicular conflict (02.02.18).

Recommend Refusal. Whilst many of the issues have been addressed, concerns remain regarding the intensification in use of the existing vehicular access and the acceptability of the visibility splays it offers. A 7 day speed survey is therefore required to understand the required splay levels. In addition a refuse tracking plan must be submitted along with a plan to show the limits of the adopted highway in this location, to ensure that no encroachment will occur (22.01.18).

Recommend refusal. The application fails to provide adequate information to demonstrate that the vehicular access will be served by appropriate visibility splays, whilst on-site manoeuvring facilities are inadequate, the scheme offers poor pedestrian connectivity, further cycle parking details are required and further information regarding the location of drainage facilities and maintenance are needed (09.11.17).

Staffordshire County Council (Flood Team) – No objection subject to a condition requiring that the development be carried out in accordance with the submitted drainage details (06.04.18).

No objection subject to a condition requiring the submission and approval prior to the commencement of development of a surface water drainage scheme (14.11.17).

Previous Comments – Object. Further details of a flood risk assessment (FRA)/Drainage Strategy, are required (12.10.17).

Severn Trent Water – No objection, subject to a condition requiring the submission and approval, prior to the commencement of development of a suitable foul and surface water drainage scheme (24.10.17).

Joint Waste Services Manager – Provide guidance on general requirements in terms of waste collection. Advises that should the internal access road not be adopted then residents will need to bring their bins to the highway frontage on collection day (11.10.17).

Police Architectural Liaison Officer – No objection but makes recommendations regarding the potential to design out crime (01.11.17).

LETTERS OF REPRESENTATION

11 letters of representation have been received from a total of 7 neighbouring residents. The comments raised are summarised below:

Principle of Development

- The village is remote from surrounding communities, being located 5 miles from Tamworth, 8 miles from Burton upon Trent and 10 miles from Lichfield and therefore future occupants will be reliant on private transport to access facilities. Future occupants of these dwellings may not have sufficient money to buy and run private vehicles and as such, given the lack of facilities within this village, this could lead to occupants being cut off from the surrounding area, creating social exclusion. A mixed tenure scheme would therefore appear to be a more appropriate solution to developing the site
- No Affordable Housing Needs Statement has been submitted with this application and as such it is unclear whether there is a local need for the level of accommodation proposed.

Design

- The existing building line along Lullington Road results in a spacious edge of village feel, given that the dwellings to both sides of the road are set back from the road, behind large gardens. The proposed building line, initially appropriately follows that of 81 Main Street, but then progresses forward closer to the highway at the northern edge of the site. The proximity of the dwellings to the highway would be more appropriate to an urban setting and as such is not in keeping with its setting.
- The proposed development is typical of new estates, cramming properties into limited space with consideration of only profit and not the quality of life they provide.
- The village will lose its character and charm through the erection of such a large scale development.

Arboricultural Impact

- The removal of the hedgerow along Lullington Road and trees within the site will have an adverse impact upon the character of the area.

Residential Amenity

- The proposed dwellings will overlook surrounding property and private garden areas.

- The proposed dwellings will impact on outlook from surrounding property, preventing views out onto the countryside, which surrounds the village.
- The layout of the scheme will result in the formation of car parking spaces adjacent to private gardens, thereby detracting from the experience within such, due to an increase in noise and air pollution, from cars manoeuvring and being maintained.
- Should refuse vehicles utilise the access road, this will generate further noise within the area.
- The insertion of artificial lighting to the parking areas and access road will introduce light into what is presently a dark environment.
- Local residents will be significantly impacted upon during construction works.

Facilities

- The application fails to include any additional facilities for the village, which lacks a shop or doctors surgery and only has a limited bus service.
- The number of children identified to occupy the new dwellings appears low and therefore the impact on local schools has not been fully considered.
- The school will not be capable of accommodating any additional children, whilst there is no room within the site to undertake any extensions to provide further capacity.
- The village is no longer served by public transport provision so access to higher education, commuting and leisure facilities, will be dependent upon private car ownership.
- The existing foul drainage and water systems are incapable of accommodating these new dwellings.
- The sole public facility remaining in Clifton Campville is the Village Hall. This facility is however in need of refurbishment and whilst planning permission for the necessary upgrades has been granted, a sum of £250,000 needs to be raised to undertake the works. Therefore requests that consideration be given for the applicant to include a contribution towards this facility within their S106 agreement.
- Given that affordable housing is CIL exempt no community payment will be available to improve local services.
- Since the application has been submitted, the infrequent bus service, which used to run through the village has now been cancelled by Staffordshire County Council and as such the village now has no public transport links.

Highway Safety

- The 18 car parking spaces proposed to be served from Lullington Road will often see two vehicles at a time reversing into the highway, with, given the location of the dwellings, reduced visibility along this road. This arrangement will replace 12 current non-tandem spaces. The proposed arrangement is considered to be dangerous.
- The parking provision proposed for the dwellings is inadequate, with an under provision for visitors to the site.
- Provision needs to be made for the formation of a footpath to the front of the new dwellings along the western side of Lullington Road to ensure safe pedestrian access into the site.
- The vehicular access is located on Main Street, opposite a primary school, which experiences significant highway congestion issues at peak times. This development through introducing further vehicles into the area, will exacerbate this issue.
- Residents will have to commute to work. The surrounding highway network, other than access to the M42, offers poor linkages.
- The proposed vehicular access has not been designed with the appropriate visibility splays. Requests an access survey be undertaken to demonstrate that the access will be safe.
- A safe area of paving should be provided to Main Street to allow residents to safely cross the highway.

Other Matters

- The application site area extends beyond that of the existing dwellings into the adjacent countryside. An existing hedgerow may therefore be removed and further consideration of the visual impact of this, along with the appearance of any replacement feature, should be given.

OTHER BACKGROUND DOCUMENTS

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

Affordable Housing Plan
Arboricultural Constraints Assessment
Design and Access Statement
Drainage Strategy
Ecological Impact Assessment
Ground Investigation and Test Report
Heritage Statement
Housing Needs Survey (Clifton Campville)
Planning Policy Statement
Road Lighting and Illuminance
Site Environmental Management Plan
Statement of Community Involvement

OBSERVATIONS

Site and Location

The application site is located adjacent to the junction of Main Street and Lullington Road, towards the northern boundary of the village of Clifton Campville. The site itself stretches across 61, 63, 65, 67, 69 and 71 Main Street and also includes, 1, 3, 5, 7, 9 and 11 Lullington Road.

The twelve dwellings within the site are of Airey construction and are well set back from the adjacent roads, behind communal car parking areas and large gardens. The two dwellings located immediately adjacent to the highway junction, 81-82 Main Street, are Victorian cottages, evidencing architectural detailing typical of this era of construction.

There are, within the area surrounding the application site, a variety of house types erected in many eras. Along Main Street itself there is a predominance of Victorian cottages, although to the east of the site there are detached 1970s dwellings. Along Lullington Road there is a mixture of architectural styles, with one dwelling erected in a modern form and a row of Victorian pastiche modern semi-detached dwellings.

The eastern boundary of the site immediately abuts the Clifton Campville Conservation Area, whilst a Grade II Listed Gazebo, associated with Manor Farm, is located adjacent to the south eastern boundary.

BACKGROUND

The existing dwellings to be demolished are of post war Airey Construction, being erected utilising breeze blocks and concrete. This type of property has poor energy efficiency, achieving ratings of F and G, whilst they are also coming to the end of the useful life. The need to demolish these properties arises therefore through a want to improve energy efficiency ratings and replace poor quality housing stock, which will make the dwellings cheaper for future occupants to run.

This application has been subject to a number of amendments, including one required by the Highways Authority, to relocate the existing vehicular access, from Main Street, to be more central within the site. The revised street layout enabled the introduction of one further dwelling, which is considered under a separate planning application reference 18/00416/FUL.

PROPOSAL

Permission is sought, via a full application, for the demolition of 12 dwellings (with 81-83 Main Street to remain), the subsequent construction of 27, two storey affordable dwellings, with associated works and the formation of a new vehicular access. The dwellings are proposed to total 15 affordable rent and 12 shared ownership units to be managed by Bromford Housing.

The existing vehicular access which serves the off street car parking area for dwellings on Main Street is proposed to be closed and relocated to the east to become more central to the site. This access would thereafter serve 21 of the dwellings within the site (including the single dwelling subject of the separate application reference 18/00416/FUL), with the remaining 7 dwellings accessed directly from Lullington Road.

Determining Issues

- 1) Policy and Principle of Development
- 2) Housing Mix and Affordable Housing
- 3) Visual Impact and impact upon the Character of the Conservation Area and adjacent Listed Building
- 4) Residential Amenity
- 5) Landscaping, Trees, Open Space and Recreational Provision
- 6) Ecology
- 7) Flood Risk and Drainage Issues
- 8) Highways Issues
- 9) Education
- 10) Other Matters
- 11) Financial Contributions (including Community Infrastructure Levy)
- 12) 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*". Therefore consideration has to be given to whether this scheme constitutes a sustainable form of development and whether any adverse impacts would significantly and demonstrably outweigh the benefits it would deliver.
- 1.3 Paragraph 7 of the NPPF provides a definition of sustainable development, identifying that there are three separate dimensions to development, namely its economic, social and environmental roles.
- 1.4 Paragraphs 49 and 50 of the NPPF advise that housing applications should be considered in the context of the presumption in favour of sustainable development and that housing policies within the Local Plan should only be considered up to date if the Local Planning Authority is able to demonstrate a five year supply of housing.

1.5 The 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 consider how the proposed development fares in terms of these three strands of sustainable development.

1.6 The supply of housing land is regarded as having a social and economic role. The NPPF requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years delivery of housing provision. In addition, a buffer of 5% (moved forward from later in the plan period) should also be supplied, to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

1.7 The latest five year housing land supply position for Lichfield District is contained within the Strategic Housing Land Availability Assessment (SHLAA) 2015. The SHLAA shows that the District Council can currently demonstrate a 6.43 year supply of housing land against the housing requirement within the adopted Local Plan Strategy. It should be noted that in three appeal decisions determined on 13 February 2017 the Secretary of State concluded that there was a 5.11 year supply of housing land within Lichfield District.

1.8 Given that the Council can demonstrate a 5 year housing supply, it falls for this scheme to be considered, in the first instance, against the Policies contained within the Council’s Development Plan.

Local Plan Policies

1.9 The site lies within the settlement boundary of Clifton Campville, as shown on Inset 6 of the Local Plan Strategy Policies Map. Policy Rural 1: Rural Areas, advises that smaller villages, such as Clifton Campville, will deliver housing to accommodate local needs, with around 500 dwellings to be erected within the village boundaries.

1.10 In terms of local need, it is noted that within Lichfield District that there are approximately 1,800 households on the Homes Direct housing register and an average of 200 new applicant’s registering each month. The Strategic Housing Market Assessment and the Southern Staffordshire Districts Housing Needs Study identifies an annual affordable housing need for Lichfield District of between 377 and 702 dwellings. The Local Plan Strategy

identifies the overall local annual housing target for the entire District is 478 dwellings, so the affordable target is not practical. Therefore, the Strategy seeks to deliver affordable homes, through securing up to 40% of dwellings for such use, on new application sites. The target affordable housing figure, along with the Housing Register figure, identify a significant affordable housing need within the District.

- 1.11 The Council's Annual Monitoring Reports identifies that within recent years there were, 40 affordable homes completed in 2013, 16 in 2014, 26 in 2015, 44 in 2016 and 33 in 2017. As such, there is a significant shortfall in the delivery of affordable housing, within the District, when compared against Local Plan Strategy targets.
- 1.12 The applicant has also submitted with the application a Housing Needs Survey, specific to the needs of Clifton Campville and Thorpe Constantine Parish. This document, produced in 2016 in partnership with Lichfield District Council, evidences that there is a need for those that replied to the assessment (57 respondents) for 13 dwellings. This number does not include the needs of existing residents within the site, of which 6 households will require retained rented accommodation. Thus, there is a specific evidenced immediate local Parish need for 19 dwellings (evidently it is likely that this number is actually higher given the low response rate to the abovementioned document). The remainder of the scheme will aid to address the significant District wide affordable housing need evidenced above.
- 1.13 Given that the provision of affordable housing within the site will specifically meet local and District need, a condition to secure the units are occupied as such is recommended. The Planning Inspectorate have formulated a standard worded condition, which is recommended for use here.
- 1.14 Having regard to the above policies and given the fact that the development is located within the village's development boundary, where by definition further development, subject to the below considerations will be supported, it is evident that the principle of developing this site for additional dwellings is acceptable and will help to meet an identified affordable housing need for the Parish and District and as such, complies with the requirements of the Development Plan in this regard.

2. Housing Mix and Affordable Housing

- 2.1 Policy H1 of the Local Plan Strategy seeks the delivery of a balanced housing market through an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. This reflects the approach in the NPPF, which sets out that Local Planning Authorities should deliver a wide choice of high quality homes with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Evidence in the Southern Staffordshire Housing Needs Study and Strategic Housing Market Assessment (SHMA) Update (2012) identified an imbalance of housing types across the District with high concentrations of larger detached homes. Consequently, it has identified the need for smaller affordable homes, particularly those of an appropriate type and size for first-time buyers or renters.
- 2.2 The housing mix required for new residential development within the Local Plan Strategy is for 42% two bed, 41% three bed and 12% four bed. This application seeks the erection of 22 two bedroom dwellings and 5 three bedroom dwellings. As noted above, these dwellings form part of a wider redevelopment scheme, which in its entirety would deliver a proposed mix of 23 (82%) two bed and 5 (18%) three bedroom dwellings. The mix is therefore not wholly compliant with this Policy, but given the greater proportion of small scale property, is considered to be acceptable as it will help to deliver the housing targets of the Strategy.
- 2.3 Local Plan Strategy Policy H2 requires that 40% of dwellings within new major residential development be affordable. These applications propose that 100% of the units be

affordable. Paragraph 8.19 of the Local Plan Strategy advises that *“The District Council will continue to support the delivery of 100% affordable scheme on small sites within the District”*.

- 2.4 The NPPF requires that new developments should create mixed and sustainable communities and so all affordable housing should be indistinguishable from and integrated amongst homes for sale on the open market. Policy H2 of the Local Plan Strategy reflects this and seeks to create a mixed and sustainable community. It is evident that the Shared Ownership dwellings within the site will be offered to the open market (to residents of Lichfield District only for the first 3 months) and that the appearance and location of these units is indistinguishable to the affordable rent units. Further specific consideration of the layout of the site and design integration will be considered within the below visual impact section of this report.
- 2.5 Given the above detailed housing mix the development complies with the requirements of the Development Plan and NPPF in this regard.
3. Visual Impact and Impact upon the Character of the adjacent Conservation Area and Listed Building
- 3.1 Whilst considering proposals which affect the setting of a listed building or conservation area, regard is to be made of S16 (2) and S66 (1) of the Planning (Listed Building and Conservation Area Act) 1990, which requires the Local Planning Authority to *“have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses”*.
- 3.2 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 3.3 Paragraph 132 of the NPPF continues to state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields and Grade I and II* listed buildings.
- 3.4 There is, as noted above, one Listed Building within the area surrounding the application site, adjacent to the south eastern boundary, namely the Grade II Listed Gazebo associated with Manor Farm, whilst the Clifton Campville Conservation Area, also runs adjacent to the site’s eastern boundary.
- 3.5 The Council’s Conservation Officer has considered the impact of the development on the adjacent conservation area and listed building and noted no objections to the scheme, largely due to the remoteness of this particular unit to the aforementioned designated assets.

- 3.6 Local Plan Strategy Core Policy 14 states that *“the District Council will seek to maintain local distinctiveness through the built environment in terms of buildings... and enhance the relationships and linkages between the built and natural environment”*.
- 3.7 The NPPF (Section 7) advises that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*. The document continues to state that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.
- 3.8 The NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area’s defining characteristics, it states that developments should:
- *function well and add to the overall quality of the area;*
 - *establish a strong sense of place;*
 - *respond to local character and history, and reflect local surroundings and materials;*
 - *create safe and accessible environments; and*
 - *be visually attractive as a result of good architecture and appropriate landscaping.*
- 3.9 Local Plan Strategy Policy BE1 advises that *“new development... should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views”*. The Policy continues to expand on this point advising that good design should be informed by *“appreciation of context, as well as plan, scale, proportion and detail”*.
- 3.10 The proposed dwellings, as described above, are two storey structures, of comparable height to those to be demolished within the site and existing dwellings located on Main Street and Lullington Road.
- 3.11 The dwellings have been sited such that those facing immediately onto Main Street and Lullington Road continue the building line established by 81-83 Main Street. In addition to these frontage dwellings, a further 12 dwellings (including the one dwelling proposed under reference 18/00416/FUL), are located internal to the site, served from a T shaped estate road.
- 3.12 In terms of integration into the surrounding urban grain, it is evident that along both Lullington Road and Main Street, the majority of dwellings are located near to the respective footpaths. As such, in built form terms the existing dwellings, which are set far back from the road are something of a visual anomaly. The dwellings towards the rear of the site could in theory be considered to be backland development. However, immediately to the west of the site, on Potters Croft, there are a number of dwellings, which although much larger than those proposed here, exhibit a form of development located to the rear of a traditional roadside linear pattern. Thus, in broad terms, the siting of the dwellings within the wider site, are acceptable.
- 3.13 The housing density within the wider application site amounts to 55 dwellings per hectare. Within the surrounding immediate urban form there are no examples of development exhibiting this level of density, although in terms of plot width, the new dwellings on Lullington Road, are broadly reflective of the recently erected dwellings located opposite. Within the wider village however, there is a near comparable development at St Davids Road and St Andrews Close. Whilst there will therefore be a visible difference in density between this site and the surrounding immediate built form, the visual impact is not considered significant, as the proposed layout continues to utilise semi-detached and terraced blocks prevalent throughout the village, with gaps to the side to allow for views across the site and the plot widths remain, by and large, comparable.

- 3.14 The dwellings comprise two house types and are proposed to replicate architectural detail evidenced within the surrounding area. Thus, they are of traditional form and appearance, utilising chimney stacks to reproduce features evident elsewhere on Main Street and also aiding to break up the visual mass of the roof profile. The front elevations utilise stone cills and curved brick header detailing, projecting porches and corbel detailing to add visual interest and break up the mass of each façade.
- 3.15 The dwellings are proposed to be erected utilising Sunset Red Multi bricks and Forticrete Gemini grey roof tiles. The acceptability of these materials has been considered by the Council's Conservation and Urban Design Manager, who raises concerns regarding their acceptability for the character of the area and wider street scene. It is noted that whilst it would be preferable for the tiles to be made of clay, given the prevalent use of concrete tiles within the immediate surrounding area and the location of this site outside of the conservation area, it would not be reasonable to insist upon such as part of this application and therefore the Forticrete tile proposed is acceptable but should be of a red colour rather than grey. Thus, a condition is proposed to require the submission and approval of further materials.
- 3.16 The rear boundaries for the dwellings internal to the site are proposed to be formed utilising 1.8 metre high close boarded fence panels. Those boundaries internal to the site, with any public viewpoint are to be formed utilising bricks, creating a robust and more visually attractive edge, whilst to the northern and western boundary of the site respectively, a new hedgerow will be planted (details to be agreed via a landscaping condition) and the existing hedgerow trimmed, but retained. The boundaries are considered to be appropriate to the future residential character of the site, whilst protecting the future resident's amenity, through shielding their private garden space.
- 3.17 The siting and density of development of the proposal, the architectural style and massing of the dwellings and the boundary treatments within the site are appropriate to the prevailing character of the surrounding area and will successfully assimilate within the surrounding street scene and adjacent conservation area. Compared to the dwellings which this proposal will replace, visually the scheme offers betterment to the area and as noted by the Council's Conservation Officer will ultimately enhance the setting of both the Clifton Campville Conservation Area and that of the neighbouring listed building and as such, the proposal complies with the requirements of the Development Plan and the NPPF in this regard.

4. Residential Amenity

- 4.1 The Sustainable Design Supplement Planning Document sets out a minimum distance to which facing habitable windows should be separated. These indicate that dwellings should not have habitable windows facing each other at a distance of less than 21 metres, whilst there should be at least 6 metres between a principal window and private neighbouring residential amenity space and the minimum garden length should be 10 metres.
- 4.2 An analysis of internal separation distances for dwellings within the site has been undertaken. The distance from the rear elevation of plots 15, 16, 17 and 18 to the rear of plots 11, 12 and 13 is 20.5 metres, with the gardens extending to 10 metres. The side elevation of units 26, which solely contains a bathroom window, will be located 13 metres from the rear elevation of unit 23. Whilst there is therefore a very minor under provision in separation distances between principal living rooms, this is not considered sufficient to as to warrant the refusal of this application.
- 4.3 In terms of impact upon the wider existing built form, it is evident that the distance from the front elevations of the proposed and existing dwellings on Lullington Road, will be at its closest 22 metres. Meadow Brook Farm to the west of the site, will be located 30 metres

from the side elevation of unit 10 and 55 metres from the rear elevation of units 6-8. The front elevation of the oblique angled Waterfield House, will be sited 19 metres from front elevation of unit 9. These distances are all considered to be acceptable to ensure that the reasonable amenity of existing residents is not adversely affected by this development from overlooking or any overbearing impact.

- 4.4 The SPD provides guidance on suitable garden sizes commensurate with the needs of future occupants, advising that for two bedroom dwellings there should be a minimum of 45 square metres and for three bedroom dwellings this should be increased to 65 square metres. The private rear garden to serve the proposed dwellings throughout the site and those to be retained of 81-83 Main Street all accord with these requirements, other than that to serve the 2 bedroomed plots 11 and 15, which are shown to have a garden area of 38 square metres. Whilst it is not ideal to undersupply garden area to these properties, there is a larger area of grass associated with these properties to their side, whilst any future resident would be aware of this matter, prior to occupying the units and as such, this shortfall, in terms of the overall scheme, does not carry significant material planning weight. A condition is however recommended to remove the permitted development rights relating to these units, to ensure the retention of sufficient private garden space to be commensurate with the needs of future occupiers.
- 4.5 Paragraph 109 of the NPPF advises that *“the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability”*.
- 4.6 Given the existing use of the site for residential purposes there are unlikely to be land contamination, noise or odour issues. In terms of lighting it is noted that this site is located to the edge of the rural settlement and as such this is a largely dark environment at night. The applicant has submitted a lighting survey with the application which demonstrates that light spill will be kept to a minimum to preserve this characteristic. The survey will form part of the approved documentation and a condition is recommended to remove rights to erect further lighting.
- 4.7 In order to ensure that the impact of building works upon the reasonable amenity of existing residents is kept to a minimum a condition has been recommended by the Highways Authority, specific to the agreement of a Construction Vehicle Management Plan, whilst issues relating to dust creation and noise are covered by Environmental Health legislation. The conditions recommended by the Highways Authority is proposed to be attached to any positive decision.
- 4.8 Given the above assessment, it is considered that the proposals are in accordance with the Council’s adopted Supplementary Planning Document, the Local Plan Strategy and NPPF as they will not lead to a loss of amenity to existing or future residents.

5. Landscaping, Trees, Open Space and Recreational Provision

- 5.1 Paragraph 118 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm. Core Policy 13 of the Local Plan Strategy also seeks to protect veteran trees, whilst Core Policy 14 seeks to ensure that there is no net loss to trees in conservation areas. Policy NR4 seeks to ensure that trees are retained unless their removal is necessary and appropriate mitigation is proposed.
- 5.2 The application has been accompanied by a tree survey along with details of how existing trees and hedgerows will be retained throughout the construction period. These details have been considered to be acceptable by the Council’s Arboriculturalist and will be secured via the use of a condition. The retention of the trees and hedgerows (exact details of the works required to the hedgerows, given the note on the submitted plans that they are to be trimmed to be included within the landscaping condition), will aid the successful visual

assimilation of the development into the character of the adjacent conservation area and wider street scene.

- 5.3 The applicant has also submitted a full proposed landscaping scheme with the application. The scheme has been broadly considered to be acceptable by the Council's Arboiculturalist but a further request for minor alterations to the species list has been made. Such a revision has yet to be agreed and therefore a condition to require the submission of such is recommended. Subject to the application of the above-mentioned conditions the development will have a positive landscape impact, in accordance with the requirements of the Trees, Landscaping and Development SPD, the Local Plan Strategy and the NPPF.

6. Ecology and River Mease Special Area of Conservation

- 6.1 The Council's Ecologist has visited the application site and advises that the proposed works are unlikely to negatively impact upon protected or priority species or habitats, subject to the demolition and building works being undertaken in accordance with the recommendations of the Ecological Appraisal submitted with the planning application.
- 6.2 It is noted that the Ecological Appraisal identifies that there is a Common Pipestrelle maternity roost located within the roof voids of 1-11 Lullington Road, whilst given the poor thermal efficiency value of the properties their use for hibernation purposes is not probable.
- 6.3 Local Plan Strategy Policy NR3 requires that a net gain to biodiversity should be delivered through all development. This will be achieved in scheme through the creation of bat access points into the roof voids of 81 and 83 Main Street and the fitting of bat boxes to the side elevations of plots 17, 19, 20 and 25. Thus subject to securing the installation of these measures, via condition, the net gain in biodiversity value, will be given due weight as required by Paragraph 118 of the NPPF. Accordingly the proposal complies with the requirements of Development Plan and NPPF in this regard.
- 6.4 In order to satisfy the requirements of Local Plan Strategy Policy NR8 and the Habitat Regulations and prevent harm to the River Mease SAC, the CIL Regulation 123 list was recently amended so that contributions via S106/ Unilateral Undertakings are now required towards mitigating the adverse effects of a development on the River Mease SAC from all new net dwellings including those which are not CIL liable. SAC contributions are based on the size of the dwellings as set out within the Developer Contribution Scheme Document, which forms part of the Developer Contributions Supplementary Planning Document. The applicant has submitted a draft Unilateral Undertaking in this regard to secure the contribution, which will have to be signed prior to the issuing of any planning permission, in order to ensure the development's compliance with the requirements of the Development Plan and NPPF in this regard..

7. Flood Risk and Drainage Issues

- 7.1 The application site is located within Flood Zone 1, which is defined as having little or no risk of flooding from rivers or streams. Such zones generally comprise land assessed as having a less than 1 in 100 annual probability of river or sea flooding in any year.
- 7.2 The applicant has submitted details of a sustainable surface water drainage scheme, along with a Soakaway Testing Report, the details of which have been agreed by the Staffordshire County Council Local Flood Team. However, these details have not as yet, been agreed by Severn Trent or the Highways Authority and as such a condition is required to enable this to be undertaken.
- 7.3 No specific details of the foul drainage scheme proposed for this development have yet been provided. This matter can however be resolved through the use of a condition. The concerns of local residents regarding the ability of the existing sewerage system to

accommodate additional residents is noted. However it is a requirement of Severn Trent that they facilitate development and as such, should there be a need to upgrade facilities to accommodate this development then it will be a matter for them to resolve. A condition to secure the submission and approval of an appropriate foul drainage scheme is reasonable however.

7.4 Overall, it is considered that the flood risk and foul drainage issues within this site have been adequately addressed and as such, the proposals would comply with development plan policies and the NPPF in relation to flood risk and drainage.

8. Highways Issues

8.1 The dwellings are proposed to be served via a new vehicular access point from Main Street, with the existing access closed. The Highways Authority have considered the acceptability of this feature and determined it to be appropriate, subject to requiring the provision of appropriate visibility splays and the formation of the internal access road, and turning areas, prior to first occupation of any of the dwellings. Such a condition is reasonable in order to ensure the safety of road users and ensures the development's compliance with the requirements of the NPPF.

8.2 The new access points proposed off Lullington Road and their siting relative to existing neighbouring property have been considered by the Highways Authority, who offer no objection to this inter-relationship.

8.3 The Council's Supplementary Planning Document Sustainable Design, advises that for a two bedroom dwelling there should be a maximum off street car parking provision of 1 space per dwelling with an additional 1 space per 3 dwellings for visitors. For three bedroom dwellings there should be 2 places provided per unit. Each dwelling throughout the site is shown to have two spaces and therefore a slight overprovision is evidenced. However given the location of this site within a sustainable village, this level of provision is considered appropriate in this instance. A condition to form the spaces prior to first occupation and secure their retention thereafter is recommended.

8.4 The abovementioned SPD also requires that there be a minimum of 1 cycle storage space for each 2 bedroom dwelling and 2 spaces for 3 bedroom dwellings. Given that none of these dwellings are to have garages, to address this issue, the applicant has indicated that a shed shall be erected within the rear garden of each unit. To satisfy the requirements of the SPD therefore, a condition is recommended to require the erection of the shed for each plot, prior to its first occupation.

8.5 Given the above assessment it is considered that this application is compliant with the requirements of the Development Plan and NPPF in this regard.

9. Education

9.1 The Local Education Authority have identified that this site is located within the catchment area of St Andrew's Primary School and Clifton Campville and The Rawlett School. Given the scale of the development it is considered that it would generate a need for 5 new Primary School places. Both schools are projected to have vacancies based on current and projected pupil numbers and therefore are capable of accommodating the likely demand from pupils generated by this development. Secondary school contributions are now dealt with under CIL.

9.2 Overall, the proposal makes adequate provision for educational requirements arising from the development, in accordance with the requirements of Local Plan Strategy and advice contained in the NPPF.

10. Other Matters

- 10.1 The issues raised by the Parish Council and neighbours to the site have been largely addressed within the above report. Specific to those raised latterly by the Parish Council it is noted that numerous amendments have been carried out to the scheme to address concerns of highway safety relative to the siting and dimensions of the vehicular access point and so the layout in its present form represents an accepted working solution by the transport planners associated with the scheme. The length of hedgerow to Main Street situated within the visibility splay will have to be removed where necessary to ensure appropriate visibility. Replanting of a new hedgerow outside of the splay will be secured via a condition, whilst it should be noted that given that these hedges form part of a domestic curtilage, they could have been felled under permitted allowances, prior to the submission of this application. It is also now possible, as part of this application, to secure via condition, the retention of other hedgerows throughout the site. The issue of site ground levels and impact upon access safety is highlighted in the consultation response from the Highways Authority and as such, fully addressed therein. The proposed verge ground levels will be reduced to establish the new access road and in accordance with drawing B16256_201 P11 External Levels. Finally, the exact extent of tactile pavement will be in accordance with the Highways Authority's recommendations; this will be agreed when the full design of the highway is agreed under the S38 and S278 applications.
- 10.2 With reference to the outstanding neighbour comments, it is evident that whilst it is acknowledged that Clifton Campville is relatively remote from surrounding service communities, the provision of a development boundary to the village demonstrates that the Development Plan considers the community to be sustainable. In addition, it does not follow that future residents will necessarily not have access to private vehicles. Loss of view is not considered a material planning consideration, whilst noise generated by future occupants will be to a level associated with a domestic setting and could not in terms of this planning application, be considered sufficiently likely as to cause an unacceptable nuisance. There is no mechanism available currently to secure funding towards improvements to the village hall, whilst finally the site area does not extend beyond the existing domestic area, with the northern most hedgerow boundary retained as part of this development.

11. Financial Considerations (including Community Infrastructure Levy)

- 11.1 This development is a CIL (Community Infrastructure Levy) liable scheme set within the higher charging zone rate of £55 per square metre. This will be payable in accordance with the Council's adopted CIL Instalments Policy, unless otherwise agreed. It should be noted that affordable housing is exempt from CIL.
- 11.2 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 and Council Tax.

12. Human Rights

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

justified and proportionate in relation to the provisions of the policies of the Development Plan and National Policy in the NPPF.

Conclusion

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals. Economically the development will facilitate a small scale development project, which forms part of a wider moderate size development project, secure New Homes Bonus and introduce additional residents to the area to aid in supporting local facilities and business. Socially, the development, subject to conditions, will offer a suitable site for future occupants and supply much needed affordable housing for the District, whilst not significantly impacting upon the reasonable amenity of existing residents. Environmentally, the redevelopment of this site, will, as part of the wider scheme, integrate acceptability into the surrounding urban grain, whilst the design of the dwelling offers a marked improvement to those which it will replace. Furthermore, the development will aid to facilitate the demolition of substandard housing stock and its replacement with modern dwellings, whilst there are no arboricultural or ecological concerns regarding the scheme. On balance therefore, it is recommended that this application be approved subject to the signing of a Section 106 agreement to secure contributions towards mitigation measures for the River Mease SAC and the reasonable and necessary conditions detailed within this report.

LOCATION PLAN

18/00415/FUL
Land At 61-83 Main Street
And 1-11 Lullington Road
Clifton Campville

Scale: 1:1,000

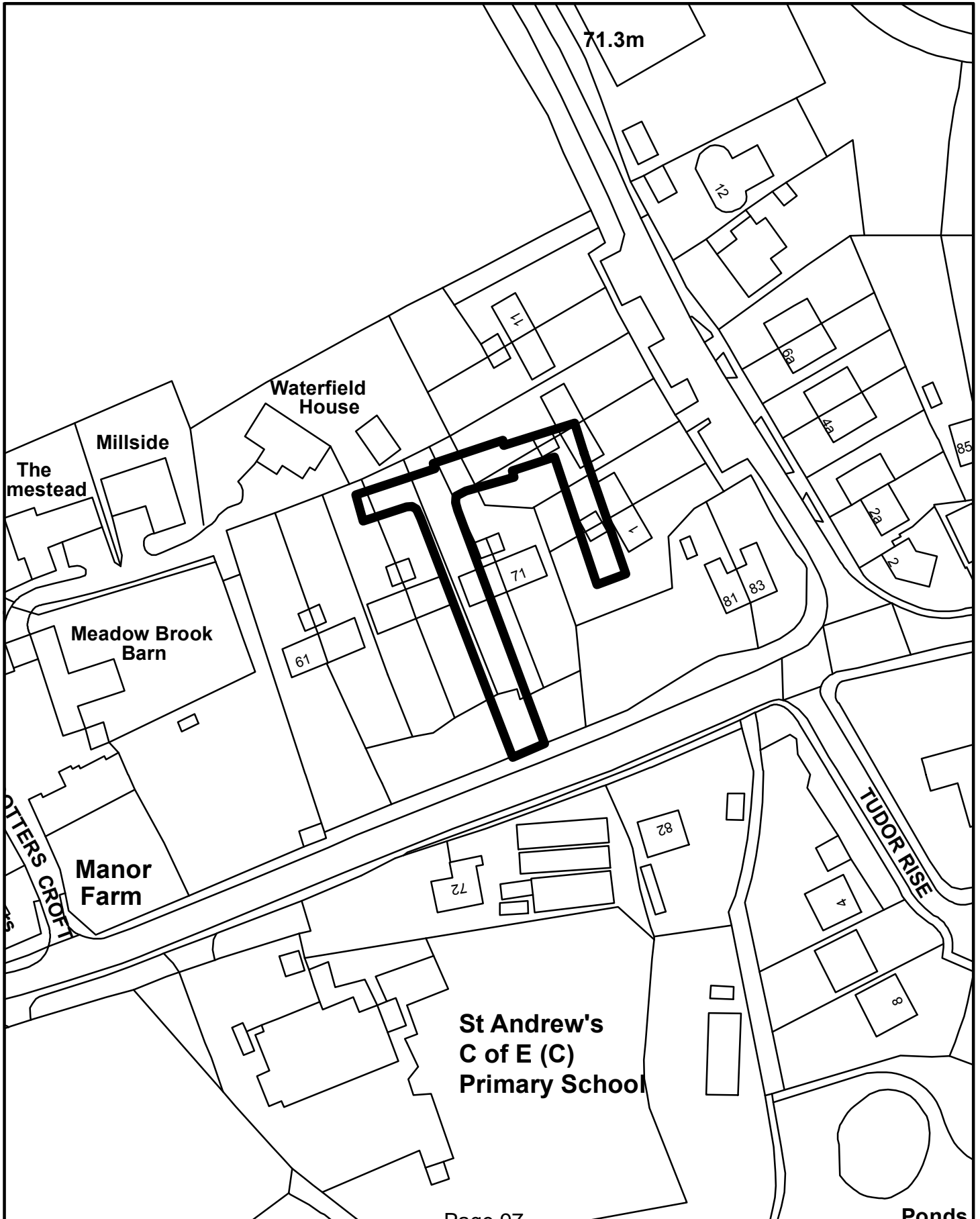
Dated: June 2018

Drawn By:

Drawing No:



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BLOCK PLAN

18/00415/FUL
Land At 61-83 Main Street
And 1-11 Lullington Road
Clifton Campville

Scale: 1:1,000

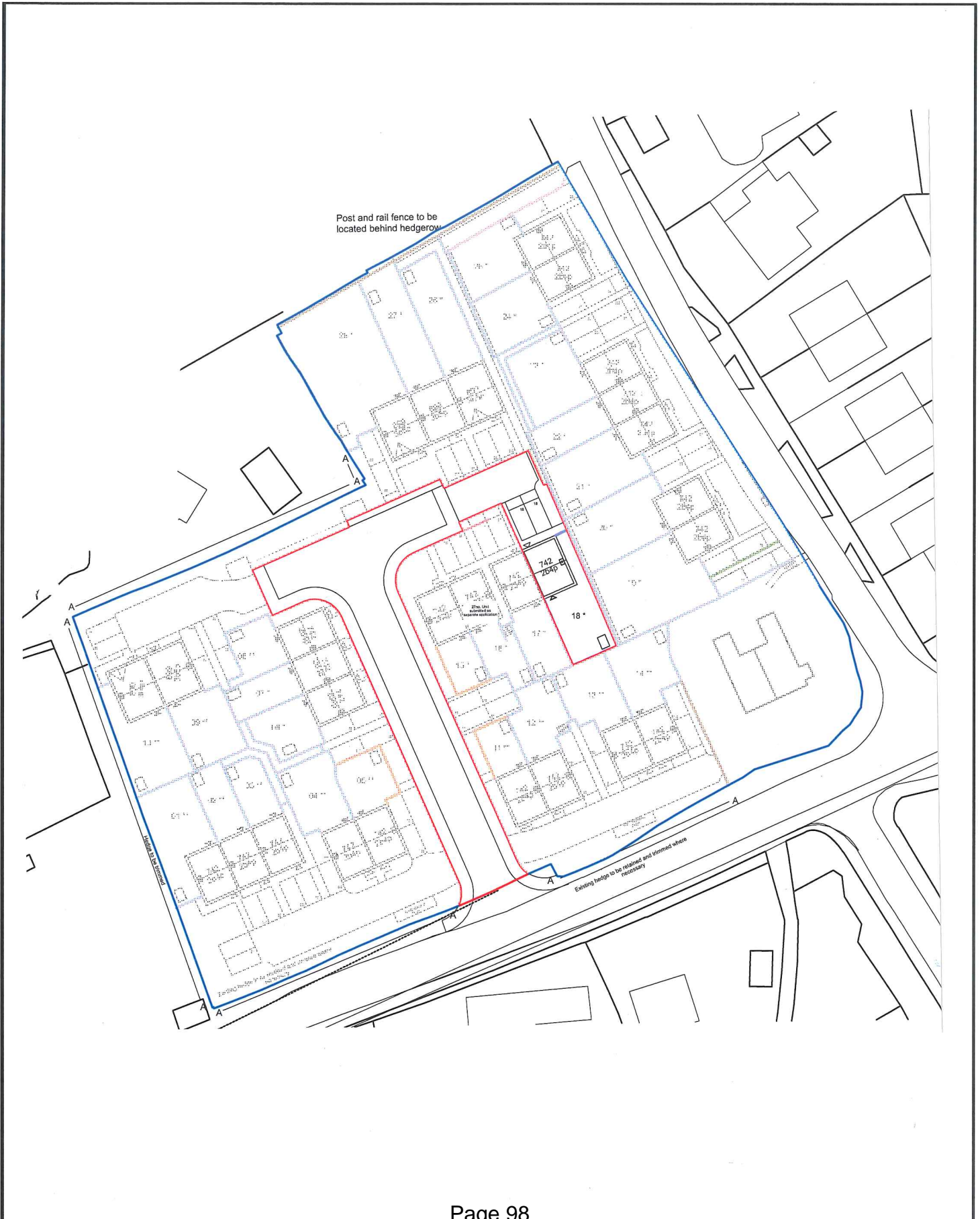
Dated: June 2018

Drawn By:

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18/00415/FUL

**ERECTION OF 1 SEMI-DETACHED 2 BEDROOM DWELLING (TO INCREASE THE NUMBER OF DWELLINGS TO 28 RELATING TO APPLICATION 17/01328/FULM)
LAND AT 61-83 MAIN STREET AND 1-11 LULLINGTON ROAD, CLIFTON CAMPVILLE, TAMWORTH,
STAFFORDSHIRE
FOR BROMFORD HOUSING**

Registered on: 21/03/18

Parish: Clifton Campville

Note: This application is being reported to the Planning Committee due to significant planning objections from Clifton Campville and Thorpe Constantine Parish Council, who object to the development on the grounds that the scale of development is inappropriate for the village; the proposed access and its associated visibility splays are of an inadequate standard leading to highway danger; loss of hedgerow; poor pedestrian connectivity; and the need for supporting documentation for the site to be updated to reference the now total 28 dwellings proposed to be built.

RECOMMENDATION: Subject to the owners/applicants first entering into an agreement under Section 106 of the Town and Country Planning Act (as amended) to secure contributions towards:-

1. River Mease Special Area Conservation Contribution

If the S106 legal agreement is not signed/completed by the 3rd August 2018 or the expiration of any further agreed extension of time, then powers be delegated to officers to refuse planning permission based on the unacceptability of the development without the require contributions and undertakings as outlined in the report.

Approve subject to the following conditions:

CONDITIONS:

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. The development hereby approved shall be carried out concurrently with planning application 17/01328/FULM and shall not be occupied until the practical completion of plot 17 as shown on the submitted plans.

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

4. Notwithstanding any description/details, in the application documents, before the development hereby approved is commenced full details of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - (i) External brickwork;
 - (ii) Roof and wall materials; and
 - (iii) Soffit fascia boards and rainwater goods colour.

The development shall thereafter be undertaken in accordance with the approved details and thereafter be retained for the life of the development.

5. Notwithstanding the submitted details, before the development hereby approved is commenced, excluding demolition, full details of the surface and foul water drainage, shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage systems shall thereafter be provided before the development is brought into use.
6. Before the development hereby approved is commenced, excluding demolition, full details of a scheme of foul drainage, shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall thereafter be provided before the first use of the development.

CONDITIONS to be complied with once the permission has been implemented:

7. Before the development hereby approved is first occupied, the vehicular access, including footway works, shall be provided in accordance with then details identified on approved drawing B16256-210 Revision P3 and completed within the limits of the public highway.
8. Before the use of the new site access, required to be formed by condition 7, 2.4m x 47m and 2.4m x 49m vehicle visibility splays shall be provided. The visibility splays shall thereafter be retained and kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level for the life of the development.
9. Before the development hereby approved is first occupied, the estate access road, turning areas and parking spaces, shown on approved plan (reference B16256-210 Revision P3) shall be provided in a bound material and shall thereafter be maintained for the life of the development.
10. Before the development hereby approved is first occupied, the existing site access made redundant as a consequence of the development hereby approved, shall be permanently closed and the access crossing reinstated as footway, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
11. The development hereby approved shall be carried out in strict accordance with the methods of working, which are detailed in section 7 of the Ecological Impact Assessment produced by Bagshaws Ecology (reference BE-363.3).
12. Before the development hereby approved is first occupied, the fencing scheme shown on approved plan 40723 032B, shall be implemented and thereafter be retained for the life of the development, unless otherwise first agreed in writing with the Local Planning Authority.
13. The affordable house that comprises the development hereby approved shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it, in accordance with the details identified on the approved 'Affordable Housing Plan'.
14. Before the development hereby approved is first occupied, the first floor bathroom window located in the western elevation shall be permanently obscure glazed (to a minimum of level 3) and top hung and thereafter shall be retained as such for the life of the development.
15. Before the development hereby approved is first occupied, a shed shall be erected in the location indicated on approved plan 40723 009R, and thereafter shall be retained for the life of the development.
16. Notwithstanding the provisions of Class A, Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015; or any Order revoking or re-enacting that Order, no gates, walls, fences or other means of enclosure (except for those

approved by this permission) shall be erected within the curtilage of the dwellings unless planning permission has first been granted by the Local Planning Authority.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, unless specifically agreed pursuant to other conditions of this permission, no external lighting shall be provided within the application site, without the prior permission of the Local Planning Authority.

REASONS FOR CONDITIONS

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Practice Guidance.
3. To ensure that the development forms part of a wider redevelopment project, which will integrate successfully into the appearance of the streetscene and character of the adjacent conservation area, in accordance with the requirements Core Policy 3 and Policy BE1 of the Local Plan Strategy, Saved Policy C2 of the Local Plan, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
4. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the adjacent Clifton Campville Conservation Area and the setting of nearby Listed Building, in accordance with Core Policy 14 and Policy BE1 of the Lichfield District Local Plan Strategy, saved Policy C2 of the Local Plan, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
5. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem, in accordance with Core Policy 3 and Policy NR9 of the Local Plan Strategy and the National Planning Policy Framework.
6. 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.
7. In the interests of highway safety and in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
8. In the interests of highway safety and in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
9. In the interests of highway safety and in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
10. In the interests of highway safety and in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.

11. In order to protect protected species and their habitat in accordance with Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
12. In the interests of the amenity of future residents of the dwellings and to safeguard the visual amenities of the site and adjacent Clifton Campville Conservation Area, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, Saved Policy C2 of the Local Plan Strategy, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
13. In order to improve housing affordability within the community, in accordance with the requirements of Policies Rural 1 and H2 of the Local Plan Strategy and the National Planning Policy Framework.
14. In the interests of the amenity of future residents of the dwellings in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
15. In order to encourage the use of sustainable modes of transport, in accordance with the requirements of Local Plan Strategy Policy ST1, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
16. To safeguard the visual amenities of the site and adjacent Clifton Campville Conservation Area, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, Saved Policy C2 of the Local Plan Strategy, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
17. To safeguard the character and appearance of this edge of settlement site, the adjacent Clifton Campville Conservation Area and to minimise impact upon the protected species and their habitat, in accordance with the requirements of Policies BE1 and NR2 of the Local Plan Strategy, Saved Policy C2 of the Local Plan, the Biodiversity and Development and Historic Environment Supplementary Planning Documents and the National Planning Policy Framework.

NOTES TO APPLICANT

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) 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. The applicant is advised that there may be a public sewer located within the application site, which has statutory protection and may not be built close to, directly over or be diverted without consent. The applicant is advised to contact Severn Trent to discuss the proposals in order to assist with obtaining a solution which protects both the public sewer and the development.

4. The applicant is advised that off-site highway works, will require a Highway Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact the Council in respect of securing the agreement. Follow the link: www.staffordshire.gov.uk/developers for Highway Agreements, a flowchart to identify the relevant agreement, information packs and application forms for the Highway Works. Please complete and send to the address indicated on the application forms for the Highway Works. Please complete and send to the address indicated on the application form, which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1 c/o 2 Staffordshire Place, Tipping Street, Stafford, ST16 2DH or email: nmu@staffordshire.gov.uk.
5. The access road within the site will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highway Act 1980. The applicant is required to contact the SCC Sections Agreement Manager in order to secure the necessary agreements. With regard to the Section 7 approval, the applicant will need to submit full road construction details, long sections, surface water drainage and outfall, street lighting for any subsequently approved site layout.
6. The applicant is advised that any soakaways or septic tanks shall be located a minimum 4.5m and 9.0m respectively rear of the public highway and areas adoptable as public highway.
7. 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.
8. During the course of the application, the Council has sought amendments to the proposals to ensure a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

PLANNING POLICY

Government Guidance

National Planning Policy Framework
National Planning Practice Guidance
Manual for Streets

Local Plan (Saved Policies)

C2 – Character of Conservation Areas – Development Proposals

Local Plan Strategy

Core Policy 1 - The Spatial Strategy
Core Policy 2 - Presumption in Favour of Sustainable Development
Core Policy 3 - Delivering Sustainable Development
Core Policy 4 - Delivering our Infrastructure
Core Policy 5 - Sustainable Transport
Core Policy 6 - Housing Delivery
Core Policy 10 - Healthy & Safe Lifestyles
Core Policy 13 - Our Natural Resources
Core Policy 14 - Our Built & Historic Environment
Policy SC1 - Sustainability Standards for Development
Policy IP1 - Supporting & Providing our Infrastructure
Policy ST1 - Sustainable Travel

Policy ST2 – Parking Provision
Policy H1 - A Balanced Housing Market
Policy H2 - Provision of Affordable Homes
Policy HSC1 - Open Space Standards
Policy HSC2 - Playing Pitch & Sport Facility Standards
Policy NR3 - Biodiversity, Protected Species & their Habitats
Policy NR4 - Trees, Woodlands & Hedgerows
Policy NR5 - Natural and Historic Landscapes
Policy NR6 - Linked habitat Corridors & Multi-functional Greenspaces
Policy NR8 – River Mease Special Area of Conservation
Policy NR9 – Water Quality
Policy BE1 - High Quality Development
Policy Rural 1 – Rural Areas

Supplementary Planning Documents

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

Other

Staffordshire and Stoke on Trent Joint Waste Local Plan

RELEVANT PLANNING HISTORY

17/01328/FULM – Demolition of 12no. dwellings and construction of 27no. dwellings with associated works and widening of existing entrance – Pending Consideration.

00/00022/FUL - New car parking area to land to the rear of nos. 61 - 71 Main Street – Approved – 21.03.00.

L960665 – Access road and parking area – 25.11.96.

CONSULTATIONS

Clifton Campville and Thorpe Constantine Parish Council – Object. The number of dwellings proposed within this site, will significantly increase the scale of the village, which given its remote location and limited services, is considered an inappropriate location for such.

The provision of 43m visibility splays are below the Design Manual for Roads and Bridges standard for 30mph roads of 70m. No information has been supplied to justify this reduction. Furthermore the plans are considered inaccurate as they show a 1.5m offset between the listed tower building and wall and the highway when this is in fact approximately 0.5m.

The plans do not accurately convey the height difference in road levels. For adequate visibility there should be no impediment above 0.6m from ground level. The embankment is significantly greater than this and there are no details within the application accurately plotting and displaying ground levels in relation to the visibility and proposed level of access.

The hedgerow located adjacent to the roadside, will, in order to offer appropriate visibility splays, have to be extensively trimmed or removed. Presently the applicant advises that only trimming is necessary. In order to fully assess the visual and biodiversity impact this matter should be explored further.

Concerns have been raised regarding safe pavement areas to allow crossing of the road for residents, especially for access to the school. The pavement area shown is the bare minimum and would allow very limited standing areas within the visibility splay for residents to wait to cross the highway.

The application makes reference to supporting information/reports contained within 17/01328/FUL however this information is supplied on the basis of 27 homes. Should the reports be considered in relation to application 18/00415/FUL then this supporting information requires amendment to include an additional property or new reports considering the cumulative effect of all dwellings submitted under application 18/00415/FUL. Therefore the application is contrary to Core Policy 3 and Rural Policy 2 of the Lichfield Local Plan and should be refused (09.04.18).

Environmental Health Manager – No comments (09.05.18).

Building Conservation and Urban Design Manager – No objection. The proposed design and materials will match that of the wider scheme and there will be no adverse effect from the addition of this extra dwelling (04.04.18).

Severn Trent Water – No objection, subject to a condition requiring the submission and approval, prior to the commencement of development of a suitable foul and surface water drainage scheme. Notes that there is a public sewer which crosses the site (29.03.18).

LETTERS OF REPRESENTATION

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

Principle of Development

- The village is remote from surrounding communities, being located 5 miles from Tamworth, 8 miles from Burton upon Trent and 10 miles from Lichfield and therefore future occupants will be reliant on private transport to access facilities. Future occupants of these dwellings may not have sufficient money to buy and run private vehicles and as such, this could lead to occupants being cut off from the surrounding area.

Design

- In line with the requirements of section 6 of the Parish Plan the design of the dwellings would be more in keeping with the wider village if traditional brick eaves and gable tiling were proposed, as opposed to fascia / barge boarding and soffit details.
- In accordance with the Parish Plan, the roof tiles should be clay rather than concrete, whilst it is recommended that an Ibstock Olde English style brick would be more in-keeping than the currently proposed Sunset Red brick.
- The layout of the development fails to replicate the existing character of the village.
- The village as a whole contains approximately 400 dwellings. The introduction 28 dwellings at an average density of 36 dwellings per hectare is incredibly dense and commercially aggressive, compromising the place-making qualities of the application and the village.
- The design of the development, utilising 1.8m high close boarded fencing and no security lighting will create a security risk for future occupants.

Facilities

- The number of children identified to occupy the new dwellings appears low and therefore the impact on local schools has not been fully considered.
- The village is no longer served by public transport provision so access to higher education, commuting and leisure facilities, will be dependent upon private car ownership.

- Will the existing foul drainage and water systems be capable of accommodating 16 new dwellings?

Highway Safety

- The dwellings proposed to be erected on Lullington Road, are located near to the highway, offering limited visibility for vehicles pulling into or leaving the plots off street car parking spaces.
- The width of Lullington Road is insufficient to allow for cars to safely reverse off both sides of the road at the same time resulting in likely highway danger.
- The siting of the car parking spaces throughout the site is such that some are in close proximity to one another, which could render them inaccessible.

OTHER BACKGROUND DOCUMENTS

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

Design and Access Statement
Planning Policy Statement

OBSERVATIONS

Site and Location

The application site is located adjacent to the junction of Main Street and Lullington Road, towards the northern boundary of the village of Clifton Campville. The site itself stretches across 61, 63, 65, 67, 69 and 71 Main Street and also includes, 1, 3, 5, 7, 9 and 11 Lullington Road.

It should be noted that as identified within the description of development, this site forms part of a wider redevelopment scheme, currently under consideration by the Council (reference 17/01328/FULM) which includes all of the dwellings 61-71, 81-83 Main Street and 1-11 Lullington Road. Twelve of these dwellings are of Airey construction and are well set back from the adjacent roads, behind communal car parking areas and large gardens. The two dwellings located immediately adjacent to the highway junction, 81-82 Main Street are Victorian cottages, evidencing architectural detailing typical of this era of construction.

There are, within the area surrounding the application site, a variety of house types erected in many eras. Along Main Street itself there is a predominance of Victorian cottages, although to the east of the site there are detached 1970s dwellings. Along Lullington Road there is a mixture of architectural styles, with one dwelling erected in a modern form and a row of Victorian pastiche modern semi-detached dwellings.

The eastern boundary of the larger site immediately abuts the Clifton Campville Conservation Area, whilst a Grade II Listed Gazebo associated with Manor Farm, is located adjacent to the south eastern boundary.

BACKGROUND

The existing dwellings to be demolished are of post war Airey Construction, being erected utilising breeze blocks and concrete. This type of property has poor energy efficiency, achieving ratings of F and G, whilst they are also coming to the end of the useful life. The need to demolish these properties arises therefore through a want to improve energy efficiency ratings and replace poor quality housing stock, which will make the dwellings cheaper for future occupants to run.

This application has been submitted following an amendment required by the Highways Authority to the wider redevelopment submission (reference 17/01328/FULM), where the need to relocate the existing vehicular access, from Main Street, to be more central within the site, was raised. This enabled, within a revised layout, the introduction of one further dwelling.

PROPOSAL

Permission is sought, via a full application, for the erection of 1 semi-detached 2 bedroom affordable dwelling. The dwelling is proposed to form part of a wider redevelopment of this site, currently under consideration by the Local Planning Authority (reference 17/01328/FULM) for the demolition of 12 dwellings (with 81-83 Main Street to remain), the construction of 27 affordable dwellings with associated works and formation of a new vehicular access. The dwellings are proposed to be managed by Bromford Housing.

The existing vehicular access which serves the off street car parking area for dwellings on Main Street is proposed to be closed and relocated to the east to become more central to the site. The dwelling proposed by this application would thereafter be served via this access along an internal T Shaped estate road.

Determining Issues

- 1) Policy and Principle of Development
- 2) Housing Mix and Affordable Housing
- 3) Visual Impact and impact upon the Character of the Conservation Area and adjacent Listed Building
- 4) Residential Amenity
- 5) Landscaping, Trees, Open Space and Recreational Provision
- 6) Ecology
- 7) Flood Risk and Drainage Issues
- 8) Highways Impact
- 9) Education
- 10) Other Matters
- 11) Financial Contributions (including Community Infrastructure Levy)
- 12) 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*". Therefore consideration has to be given to whether this scheme constitutes a sustainable form of development and whether any adverse impacts would significantly and demonstrably outweigh the benefits it would deliver.
- 1.3 Paragraph 7 of the NPPF provides a definition of sustainable development, identifying that there are three separate dimensions to development, namely its economic, social and environmental roles.
- 1.4 Paragraphs 49 and 50 of the NPPF advise that housing applications should be considered in the context of the presumption in favour of sustainable development and that housing

policies within the Local Plan should only be considered up to date if the Local Planning Authority is able to demonstrate a five year supply of housing.

1.5 The 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 consider how the proposed development fares in terms of these three strands of sustainable development.

1.6 The supply of housing land is regarded as having a social and economic role. The NPPF requires that Councils should identify and update annually a supply of specific deliverable sites sufficient to provide five years delivery of housing provision. In addition, a buffer of 5% (moved forward from later in the plan period) should also be supplied, to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

1.7 The latest five year housing land supply position for Lichfield District is contained within the Strategic Housing Land Availability Assessment (SHLAA) 2015. The SHLAA shows that the District Council can currently demonstrate a 6.43 year supply of housing land against the housing requirement within the adopted Local Plan Strategy. It should be noted that in three appeal decisions determined on 13 February 2017 the Secretary of State concluded that there was a 5.11 year supply of housing land within Lichfield District.

1.8 Given that the Council can demonstrate a 5 year housing supply, it falls for this scheme to be considered, in the first instance, against the Policies contained within the Council's Development Plan.

Local Plan Policies

1.9 The site lies within the settlement boundary of Clifton Campville, as shown on Inset 6 of the Local Plan Strategy Policies Map. Policy Rural 1: Rural Areas, advises that smaller villages, such as Clifton Campville, will deliver housing to accommodate local needs, with around 500 dwellings to be erected within the village boundaries.

1.10 In terms of local need, it is noted that within Lichfield District that there are approximately 1,800 households on the Homes Direct housing register and an average of 200 new applicant's registering each month. The Strategic Housing Market Assessment and the

Southern Staffordshire Districts Housing Needs Study identifies an annual affordable housing need for Lichfield District of between 377 and 702 dwellings. The Local Plan Strategy identifies the overall local annual housing target for the entire District is 478 dwellings, so the affordable target is not practical. Therefore, the Strategy seeks to deliver affordable homes, through securing up to 40% of dwellings for such use, on new application sites. The target affordable housing figure, along with the Housing Register figure, identify a significant affordable housing need within the District.

- 1.11 The Council's Annual Monitoring Reports identifies that within recent years there were, 40 affordable homes completed in 2013, 16 in 2014, 26 in 2015, 44 in 2016 and 33 in 2017. As such, there is a significant shortfall in the delivery of affordable housing, within the District, when compared against Local Plan Strategy targets.
- 1.12 The applicant has also submitted with the application a Housing Needs Survey, specific to the needs of Clifton Campville and Thorpe Constantine Parish. This document, produced in 2016 in partnership with Lichfield District Council, evidences that there is a need for those that replied to the assessment (57 respondents) for 13 dwellings. This number does not include the needs of existing residents within the site, of which 6 households will require retained rented accommodation. Thus, there is a specific evidenced immediate local Parish need for 19 dwellings (evidently it is likely that this number is actually higher given the low response rate to the abovementioned document). The remainder of the scheme will aid to address the significant District wide affordable housing need evidenced above.
- 1.13 Given that the provision of affordable housing within the site will specifically meet local and District need, a condition to secure the units are occupied as such is recommended. The Planning Inspectorate have formulated a standard worded condition, which is recommended for use here.
- 1.14 Having regard to the above policies and given the fact that the development is located within the village's development boundary, where by definition further development, subject to the below considerations will be supported, it is evident that the principle of developing this site for additional dwellings is acceptable and will help to meet an identified affordable housing need for the Parish and District and as such, complies with the requirements of the Development Plan in this regard.

2. Housing Mix and Affordable Housing

- 2.1 Policy H1 of the Local Plan Strategy seeks the delivery of a balanced housing market through an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. This reflects the approach in the NPPF, which sets out that Local Planning Authorities should deliver a wide choice of high quality homes with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Evidence in the Southern Staffordshire Housing Needs Study and Strategic Housing Market Assessment (SHMA) Update (2012) identified an imbalance of housing types across the District with high concentrations of larger detached homes. Consequently, it has identified the need for smaller affordable homes, particularly those of an appropriate type and size for first-time buyers or renters.
- 2.2 The housing mix required for new residential development within the Local Plan Strategy is for 42% two bed, 41% three bed and 12% four bed. This application seeks the erection of one 2 bedroom dwelling and as such, in its own right, this application will deliver a smaller scale dwelling, as promoted by the Local Plan Strategy. Evidently, as noted above, this dwelling will form part of a wider redevelopment scheme, which in its entirety would deliver a proposed mix of 23 (82%) two bed and 5 (18%) three bedroom dwellings. The mix is therefore not wholly compliant with this Policy, but given the greater proportion of small scale property, is considered to be acceptable.

- 2.3 Whilst this application seeks permission for a single dwelling, again given its link to the wider redevelopment proposal, falls to be considered under Local Plan Strategy Policy H2, which requires that 40% of dwellings within new major residential development to be affordable. These applications propose that 100% of the units be affordable. Paragraph 8.19 of the Local Plan Strategy advises that *“The District Council will continue to support the delivery of 100% affordable scheme on small sites within the District”*.
- 2.4 The NPPF requires that new developments should create mixed and sustainable communities and so all affordable housing should be indistinguishable from and integrated amongst homes for sale on the open market. Policy H2 of the Local Plan Strategy reflects this and seeks to create a mixed and sustainable community. Further consideration of the layout of the site and design integration will be considered within the below visual impact section of this report.
- 2.5 Given the above detailed housing mix the development complies with the requirements of the Development Plan in this regard.
3. Visual Impact and Impact upon the Character of the adjacent Conservation Area and Listed Building
- 3.1 Whilst considering proposals which affect the setting of a listed building or conservation area, regard is to be made of S16 (2) and S66 (1) of the Planning (Listed Building and Conservation Area Act) 1990, which requires the Local Planning Authority to *“have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses”*.
- 3.2 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 3.3 Paragraph 132 of the NPPF continues to state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields and Grade I and II* listed buildings.
- 3.4 There is, as noted above, one Listed Building within the area surrounding the application site, adjacent to the south eastern boundary, namely the Grade II Listed Gazebo associated with Manor Farm, whilst the Clifton Campville Conservation Area, also runs adjacent to the wider site’s eastern boundary.
- 3.5 The Council’s Conservation Officer has considered the impact of the development on the adjacent conservation area and listed building and noted no objections to the scheme, largely due to the remoteness of this particular unit to the aforementioned designated assets.

- 3.6 Local Plan Strategy Core Policy 14 states that *“the District Council will seek to maintain local distinctiveness through the built environment in terms of buildings... and enhance the relationships and linkages between the built and natural environment”*.
- 3.7 The NPPF (Section 7) advises that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*. The document continues to state that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.
- 3.8 The NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area’s defining characteristics, it states that developments should:
- function well and add to the overall quality of the area;
 - establish a strong sense of place;
 - respond to local character and history, and reflect local surroundings and materials;
 - create safe and accessible environments; and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 3.9 Local Plan Strategy Policy BE1 advises that *“new development... should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views”*. The Policy continues to expand on this point advising that good design should be informed by *“appreciation of context, as well as plan, scale, proportion and detail”*.
- 3.10 The proposed dwelling, as described above, is a two storey structure, of comparable size to those to be demolished in the site and existing dwellings located on Main Street and Lullington Road. In terms of the wider redevelopment scheme, the dwelling is identical in mass and appearance to other dwellings to be erected within the site, including that which it will be attached.
- 3.11 This dwelling as a single feature would normally, in order to provide the identified vehicular access and amenity garden area, require the demolition of 5 dwellings and be sited in a location immediately to the rear of the existing dwellings at 1 and 3 Lullington Road. However the scheme does form part of a larger scheme.
- 3.12 In terms of the wider scheme, the dwellings have been sited such that those facing immediately onto Main Street and Lullington Road continue the building line established by 81-83 Main Street. In addition to these frontage dwellings, a further 12 dwellings, of which this application comprises 1 such dwelling, are located internal to the site, served from a T shaped estate road.
- 3.13 In terms of integration into the surrounding urban grain, it is evident that along both Lullington Road and Main Street, the majority of dwellings are located near to the respective footpaths. As such, in built form terms the existing dwellings, which are set far back from the road are something of a visual anomaly. The dwellings towards the rear of the site could in theory be considered to be backland development. However, immediately to the west of the site, on Potters Croft, there are a number of dwellings, which although much larger than those proposed here, exhibit a form of development located to the rear of a traditional roadside linear pattern. Thus, in broad terms, the siting of the dwellings within the wider site, are likely to be acceptable, although further consideration will be given within the report produced for that application. In terms of this specific submission however, should the dwelling be erected singularly, without forming part of the wider scheme, it would, given the need to demolish 3 Lullington Road to secure its siting and a further 4 dwellings to gain

vehicular access, have an adverse impact upon the character of the area. Thus, a Grampian style condition to ensure that this application only be erected should it form part of the wider scheme, is considered reasonable and necessary.

- 3.14 The housing density within the wider application site amounts to 55 dwellings per hectare. Within the surrounding immediate urban form there are no examples of development exhibiting this level of density, although in terms of plot width, the new dwellings on Lullington Road, are broadly reflective of the recently erected dwellings located opposite. Within the wider village however, there is a near comparable development at St Davids Road and St Andrews Close. Whilst there will therefore be a visible difference in density between this site and the surrounding immediate built form, the visual impact is not considered significant, as the proposed layout continues to utilise semi-detached and terraced blocks prevalent within the village, with gaps to the side to allow for views across the site and the plot widths remain, by and large, comparable.
- 3.15 The dwelling, the subject of this application (and those also within the wider scheme), are proposed to replicate architectural detail evidenced within the surrounding area. Thus, it is of traditional form and appearance, utilising a chimney stack to reproduce the features evident elsewhere on Main Street and also aiding to break up the visual mass of the roof profile. The front elevation utilises stone cills and curved brick header detailing, a projecting porch and corbel detailing to add visual interest and break up the mass of the façade.
- 3.16 The dwelling is proposed to be erected utilising Sunset Red Multi bricks and Forticrete Gemini grey roof tiles. The acceptability of these materials has been considered by the Council's Conservation and Urban Design Manager, who raises concerns regarding their acceptability for the character of the area and wider street scene. It is noted that whilst it would be preferable for the tiles to be made of clay, given the prevalent use of concrete tiles within the immediate surrounding area and the location of this site outside of the conservation area, it would not be reasonable to insist upon such as part of this application and therefore the Forticrete tile proposed is acceptable but should be of a red colour rather than grey. Thus, a condition is proposed to require the submission and approval of further materials.
- 3.17 The rear boundaries of the dwelling are proposed to be formed utilising 1.8 metre high close boarded fence panels, which, is considered to be appropriate to the future residential character of the site, whilst protecting the future resident's amenity, through shielding their private garden space.
- 3.18 The siting of the dwelling will be acceptable, subject to it forming part of the wider redevelopment scheme, whilst the architectural style of the dwelling, materials and boundary treatments within the site are appropriate to the prevailing character of the area and will successfully assimilate within the surrounding street scene and adjacent conservation area. Compared to the dwellings which this proposal will replace, visually the scheme offers betterment to the area and as such, the proposal complies with the requirements of the Development Plan and the NPPF in this regard.

4. Residential Amenity

- 4.1 The Sustainable Design Supplement Planning Document sets out a minimum distance to which facing habitable windows should be separated. These indicate that dwellings should not have habitable windows facing each other at a distance of less than 21 metres, whilst there should be at least 6 metres between a principal window and private neighbouring residential amenity space and the minimum garden length should be 10 metres.
- 4.2 As a single feature, assuming the demolition of all existing dwellings within the site, the proposed dwelling will be remote from any existing built form. As part of the wider

redevelopment application, an analysis of internal separation distances for this dwelling has been undertaken. The distance from the rear elevation to the rear of plot 13 is 20.5 metres, the garden extends to 10 metres, whilst the side elevation, which solely contains a bathroom window (which will be conditioned to be obscurely glazed and top hung to prevent overlooking of the private rear garden), will be located 15 metres from the rear elevation of unit 20. Whilst there is a minor under provision in separation distances between principal living rooms therefore, this is not considered sufficient to as to warrant the refusal of this application.

- 4.3 The SPD provides guidance on suitable garden sizes commensurate with the needs of future occupants, advising that for two bedroom dwellings there should be a minimum of 45 square metres. The private rear garden to serve this dwelling is approximately 75 square metres.
- 4.4 Paragraph 109 of the NPPF advises that *“the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability”*.
- 4.5 Given the existing use of the site for residential purposes there are unlikely to be land contamination, noise or odour issues.
- 4.6 Given the above assessment, consequently it is considered that the proposals are in accordance with the Council’s adopted Supplementary Planning Document, the Development Plan and NPPF as they will not lead to a loss of amenity to existing or future residents.

5. Landscaping, Trees, Open Space and Recreational Provision

- 5.1 The Council’s Supplementary Planning Document Landscaping, Trees and Development provides guidance on how to successfully integrate existing trees into development and integrate new planting into a scheme to ensure its long term retention.
- 5.2 There are no existing trees within the application site, whilst landscaping matters for the wider scheme will be addressed within the report for that application. The rear garden area for is dwelling will be laid to lawn and then left for the future occupant to landscape and as such the development will comply with the requirements of the Development Plan and NPPF in this regard.

6. Ecology and River Mease Special Area of Conservation

- 6.1 The Council’s Ecologist has visited the application site and advises that the proposed works are unlikely to negatively impact upon protected or priority species or habitats, subject to the building works being undertaken in accordance with the recommendations of the Ecological Appraisal submitted with the planning application.
- 6.2 It is noted that the Ecological Appraisal identifies that there is a Common Pipestrelle maternity roost located within the roof voids of 1-11 Lullington Road, whilst given the poor thermal efficiency value of the properties their use for hibernation purposes is not probable.
- 6.3 Local Plan Strategy Policy NR3 requires that a net gain to biodiversity should be delivered through all development. This will be achieved in scheme as a whole through the creation of bat access points into the roof voids of 81 and 83 Main Street. Evidently this application will be intrinsically tied via condition to the delivery of the wider scheme and the provision of any mitigation measures required therein. Thus subject to securing the installation of these access measures, the net gain in biodiversity value derived by this provision, will be given

due weight as required by Paragraph 118 of the NPPF. Accordingly the proposal complies with the requirements of Development Plan and NPPF in this regard.

- 6.4 In order to satisfy Habitat Regulations and prevent harm to the River Mease SAC, the CIL Regulation 123 list was recently amended so that contributions via S106/ Unilateral Undertakings are now required towards mitigating the adverse effects of a development on the River Mease SAC from all new net dwellings including those which are not CIL liable. SAC contributions are based on the size of the dwellings as set out within the Developer Contribution Scheme Document, which forms part of the Developer Contributions Supplementary Planning Document. The applicant has submitted a draft Unilateral Undertaking in this regard to secure the contribution, which will have to be signed prior to the issuing of any planning permission, which will ensure the proposals compliance with the Development Plan and NPPF in this regard.

7 Flood Risk and Drainage Issues

- 7.1 The application site is located within Flood Zone 1, which is defined as having little or no risk of flooding from rivers or streams. Such zones generally comprise land assessed as having a less than 1 in 100 annual probability of river or sea flooding in any year.
- 7.2 The applicant has submitted details of a sustainable surface water drainage scheme, along with a Soakaway Testing Report, which has been considered as part of the wider redevelopment scheme. Staffordshire Flood Team have moved to agreeing this scheme but currently Severn Trent and Staffordshire Highways are yet to provide comment on its suitability and therefore a surface water condition is recommended.
- 7.2 The concerns of local residents regarding the ability of the existing sewerage system to accommodate additional residents is noted. However it is a requirement of Severn Trent that they facilitate development and as such, should there be a need to upgrade facilities to accommodate this development then it will be a matter for them to resolve. A condition to secure the submission and approval of an appropriate foul drainage scheme is reasonable however.
- 7.3 Overall, it is considered that the flood risk and foul drainage issues within this site have been adequately addressed and as such, the proposals would comply with development plan policies and the NPPF in relation to flood risk and drainage.

8. Highways Impact

- 8.1 The dwelling is proposed to be served via a new vehicular access point from Main Street. The suitability of the proposed access has and will be considered by the Highways Authority, under the application for the wider development, who consider it to be acceptable, subject to requiring the formation of the road, and turning areas along with the requisite visibility splays, prior to first occupation. Such conditions are reasonable in order to ensure the safety of road users and ensures the development's compliance with the requirements of the NPPF.
- 8.2 The Council's Supplementary Planning Document Sustainable Design, advises that for a two bedroom dwelling there should a maximum off street car parking provision of 1 space per dwelling with an additional 1 space per 3 dwellings for visitors. Two spaces are proposed for this dwelling, which is considered appropriate in this instance. A condition to form the spaces prior to first occupation and secure their retention thereafter is recommended.
- 8.3 The abovementioned SPD also requires that there be a minimum of 1 cycle storage space for each 2 bedroom dwelling. Given that this dwelling is not served by a garage, to address this issue, the applicant has indicated that a shed shall be erected within the rear garden. To

satisfy the requirements of the SPD therefore, a condition is recommended to require the erection of the shed, prior to its first occupation.

8.3 Given the above assessment it is considered that this application is compliant with the requirements of the Development Plan and NPPF in this regard.

9. Education

9.1 Education impact would not normally be considered for the erection of 1 dwelling, however, the impact of this single dwelling in terms of additional pupil numbers, should be considered as part of the wider scheme. The Local Education Authority have identified that this site is located within the catchment area of St Andrew's Primary School and Clifton Campville and The Rawlett School. Given the scale of the development it is considered that the wider development would generate a need for 5 new Primary School places. Both schools are projected to have vacancies based on current and projected pupil numbers and therefore are capable of accommodating the likely demand from pupils generated by this development. Secondary school contributions are now dealt with under CIL.

9.2 Overall, the proposal makes adequate provision for educational requirements arising from the development, in accordance with the requirements of Local Plan Strategy and advice contained in the NPPF.

10. Other Matters

10.1 The issues raised by the Parish Council and neighbours to the site have been largely addressed within the above report. Of those that remain, it is evident that whilst the design concerns specific to the Parish Plan - Design Statement are noted, this document has little material weight as it is not an adopted planning policy document, and as such does not form part of the Development Plan. However as evidenced above, full consideration of the appearance of the proposed dwelling has been undertaken.

10.2 The issues relating to the interrelationship of parking areas within and adjacent to the site are not applicable to this application and rather shall be picked up in consideration of the wider scheme.

10.3 This application will evidently not singularly significantly increase the scale of the village. The wider scheme, it is noted, in combination with this scheme, will deliver a net increase of 16 dwellings. Given there are more than 400 dwellings within the village it is not considered that such an increase would be disproportionate. It should also be noted that the introduction of further occupants into the village will help to retain its services.

10.4 Matters relating to visibility splays, safe pavement areas and the suitability of supporting documentation for the wider site are addressed within the planning committee report for the larger application. It should be noted that the documentation submitted to support this specific application is considered to be compliant with local and national validation guidance.

11. Financial Considerations (including Community Infrastructure Levy)

11.1 This development is a CIL (Community Infrastructure Levy) liable scheme set within the higher charging zone rate of £55 per square metre. This will be payable in accordance with the Council's adopted CIL Instalments Policy, unless otherwise agreed. It should be noted that affordable housing is exempt from CIL.

11.2 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 and Council Tax.

12 Human Rights

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

Conclusion

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals. Economically the development will facilitate a small scale development project, which forms part of a wider moderate size development project, secure New Homes Bonus and introduce additional residents to the area to aid in supporting local facilities and business. Socially, the development, subject to conditions, will offer a suitable site for future occupants and supply much needed affordable housing for the District, whilst not significantly impacting upon the reasonable amenity of existing residents. Environmentally, the redevelopment of this site, will, as part of the wider scheme, integrate acceptability into the surrounding urban grain, whilst the design of the dwelling offers a marked improvement to those which it will replace. Furthermore, the development will aid to facilitate the demolition of substandard housing stock and its replacement with modern dwellings, whilst there are no arboricultural or ecological concerns regarding the scheme. On balance therefore, it is recommended that this application be approved subject to the signing of a Section 106 agreement to secure a contribution towards mitigation measures for the River Mease SAC and the reasonable and necessary conditions detailed within this report.

LOCATION PLAN

18/00155/FUL
1 Hood Lane
Armitage
Rugeley

Scale: 1:1,000

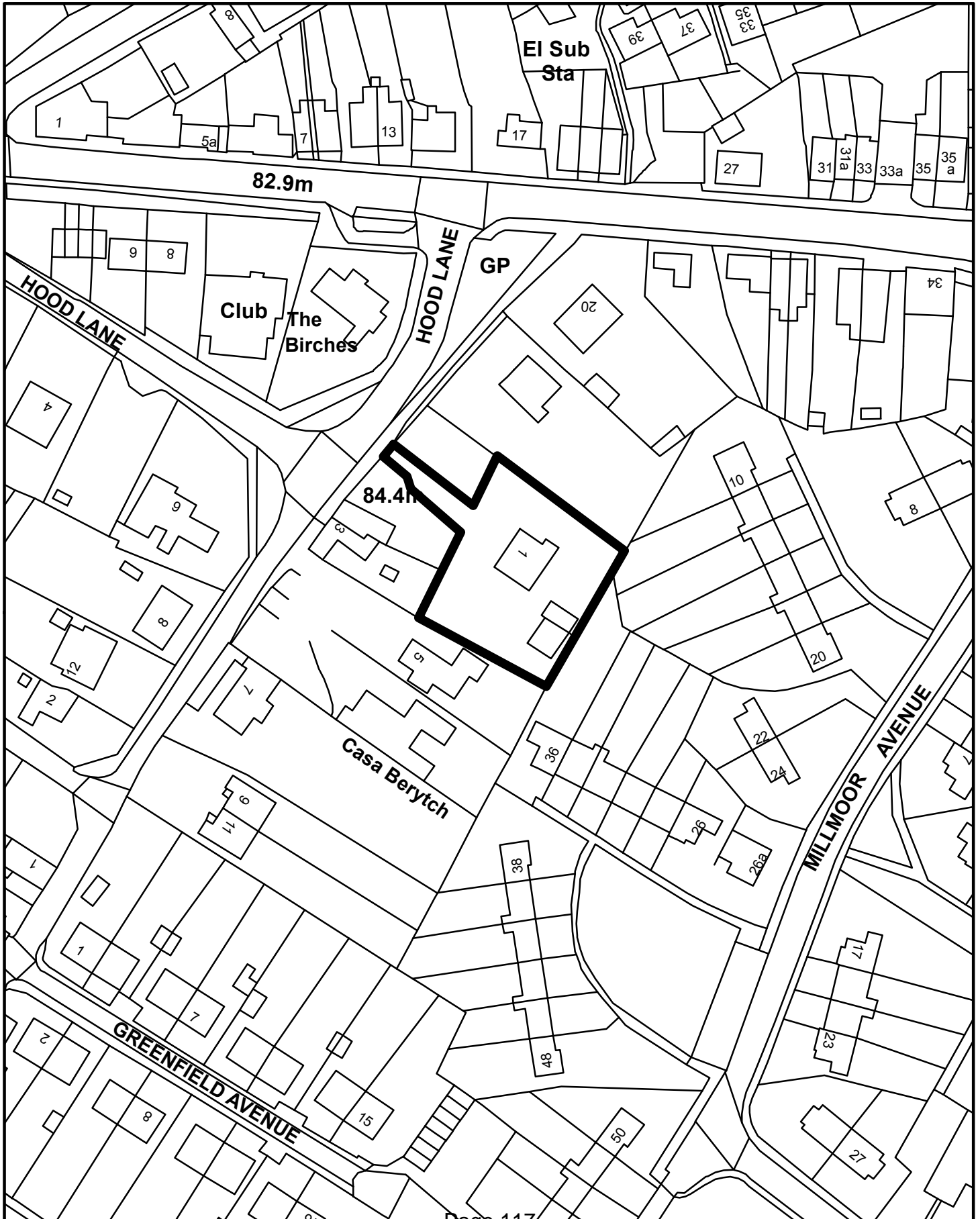
Dated: June 2018

Drawn By:

Drawing No:



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18/00155/FUL

DEMOLITION OF EXISTING DWELLING AND ERECTION OF 1 NO. TWO BEDROOM BUNGALOW, 2 NO. THREE BEDROOM DETACHED DWELLINGS AND ASSOCIATED WORKS

1 HOOD LANE, ARMITAGE

FOR PIA HOUSING LIMITED

Registered 23/01/18

Parish: Armitage and Handsacre

Note: This application is being reported to Committee due to a 'call-in' request from Cllr Cox for the following reasons:

- Highways safety and access
- Probity
- Loss of amenity to neighbouring properties
- Over intensification of development on site

Also, this application is being reported to the Planning Committee due to significant planning objections raised by Armitage with Handsacre Parish Council. Their grounds of objection are:

- Overdevelopment of the site and proximity to existing dwellings
- Increased traffic movements and parking issues

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

- 3 Before the development hereby approved is commenced, a 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 Construction Management Plan shall be implemented prior to the commencement of any works on the site and shall be maintained throughout the entire construction period.
- 4 Within 3 months of the date of this permission, full details of suitable vehicular visibility splays for the new access onto Hood Lane shall be submitted to and approved in writing by the Local Planning Authority. The visibility splays shall thereafter be provided in accordance with the approved details prior to occupation of any of the new dwellings.
- 5 Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall be carried out and thereafter retained in accordance with the following details:
 - Ibstock Birtley Olde English bricks shall be used in the construction of external walls; and,
 - Forticrete Gemini Slate Grey roof tiles shall be used in the construction of the roofs.
- 6 Before any works above slab level are constructed, details of the finished floor levels of the dwellings hereby approved, in comparison to existing ground levels within and surrounding

the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION:

- 7 Before any of the dwellings hereby approved are first occupied, the new access, parking and manoeuvring area broadly indicated on the submitted Site Plan (drawing 2017:100:50B) shall be completed and surfaced in a porous bound material with the individual parking bays clearly delineated which shall thereafter be retained for resident parking only for the life of the development.
- 8 Before any of the dwellings hereby approved are first occupied, the new site access shall be completed within the limits of the public highway as a vehicular dropped crossing.
- 9 Before the dwellings hereby approved are first occupied, the biodiversity enhancements comprising the installation of build-in Woodstone House Bat and Sparrow nest boxes to each gable end as indicated on drawing 2017:100:50B, shall be provided.
- 10 The access shall remain un-gated.
- 11 The bathroom window in the side elevation of plot 3 shall be fitted with obscure glazing (to a minimum of level 3) and top hung opening only and shall thereafter be retained as such for the life of the development.

ALL OTHER CONDITIONS TO BE COMPLIED WITH:

- 12 The landscape and planting scheme shown on the approved plan (Drawing Ref. 1629-30-1B and 2017:100:50 REV B) shall be implemented within eight months of the development being brought into use, unless otherwise agreed in writing by the Local Planning Authority.
- 13 Any trees or shrubs planted or retained in accordance with condition 9 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 otherwise agreed in writing by the Local Planning Authority.
- 14 Notwithstanding the provisions of Schedule 2, Part 1 Classes A-E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order) no extensions, porches, garages, outbuildings, sheds, greenhouses, side windows, dormers or any other alteration to the roof shall be constructed within without the prior grant of planning permission by the Local Planning Authority.

REASONS FOR CONDITIONS

- 1 In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
- 2 For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Practice Guidance.
- 3 In the interests of highway safety, in accordance with Core Policies 3 and 5, Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework.
- 4 In the interests of highway safety, in accordance with Core Policies 3 and 5, Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework.
- 5 To ensure that the external appearance of the development is physically well related to existing buildings and its surroundings, in accordance with Core Policy 3 and Policy BE1 of the Local

Plan Strategy and the National Planning Policy Framework.

- 6 To safeguard the amenity of the area in and to safeguard the amenity of existing, neighbouring and/or future occupants of the development hereby approved, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
- 7 In the interests of highway safety, in accordance with Core Policies 3 and 5, Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework.
- 8 In the interests of highway safety, in accordance with Core Policies 3 and 5, Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework.
- 9 To secure a net gain to biodiversity and enhance the nature conservation value of the site in accordance with Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.
- 10 In the interests of highway safety, in accordance with Core Policies 3 and 5, Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework.
- 11 To protect neighbour amenity and to limit potential overlooking, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, Sustainable Design Supplementary Planning Document and National Planning Policy Framework.
- 12 To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area, in accordance with the requirements of Core Policies 3 and 13 and Policies NR4 and BE1 of the Local Plan Strategy and the National Planning Policy Framework.
- 13 To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area, in accordance with the requirements of Core Policies 3 and 13 and Policies NR4 and BE1 of the Local Plan Strategy and the National Planning Policy Framework.
- 14 To ensure the satisfactory appearance of the development and to safeguard the amenity of existing, neighbouring and/or future occupants of the development hereby approved, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

NOTES TO APPLICANT

- 1 The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015).
- 2 The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.
- 3 Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging on the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement

Form, which is available for download from the Planning Portal or from the Council's website at www.lichfielddc.gov.uk/cilprocess.

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

PLANNING POLICY

National Government Guidance

National Planning Policy Framework
National Planning Practice Guidance

Local Plan Strategy

Core Policy 1 - The Spatial Strategy
Core Policy 2 - Presumption in Favour of Sustainable Development
Core Policy 3 - Delivering Sustainable Development
Core Policy 5 - Sustainable Transport
Core Policy 6 - Housing Delivery
Core Policy 13 - Our Natural Resources
Core Policy 14 - Our Built & Historic Environment
Policy SC1 - Sustainability Standards for Development
Policy ST1 - Sustainable Travel
Policy ST2 - Parking Provision
Policy H1 - A Balanced Housing Market
Policy NR3- Biodiversity, Protected Species and their Habitats
Policy NR4- Trees, Woodlands & Hedgerows
Policy NR7- Cannock Chase Special Area of Conservation
Policy BE1- High Quality Development
Policy Arm 1 -Armitage with Handsacre Environment
Policy Arm 4 -Armitage with Handsacre Housing

Supplementary Planning Documents

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

RELEVANT PLANNING HISTORY

17/01055/FUL- Erection of 2no three bedroom dwellings and associated works. – Approved 16.10.2017 (Site in front)

16/00427/FUL - Erection of 3no two bedroom dwellings and associated works. Approved 5.7.16

15/01144/FUL- Erection of 3no. dwellings and associated works- Withdrawn 19.11.15.

L929219- Proposed detached bungalow (Outline) - Refused 18.05.92.

CONSULTATIONS

Armitage with Handsacre Parish Council—Strongly object to the proposal. The proposal is in close proximity to existing dwellings and an overdevelopment of the site. The proposal will also see an increase in car parking and increased car movements on a small road (02.05.18)

Armitage with Handsacre Parish Council—No objections (20.02.18)

Tree Officer – Refers to the amended layout plan 2017:100:50 rev B. The additional tree planting locations are welcomed. The additional planting needs to be bought through onto the landscape plan 1629-30-01B so that the full specification of the trees and shrubs to be used is shown and listed. Further information on landscaping proposals including planting specification and maintenance through to establishment can be found in the Council's "trees, landscaping and development" SPD and draws attention to watering regimes. (13.04.18)

Arboriculture Officer – The layout provides little opportunity for meaningful landscaping within the part of the site subject to the current proposal. Recommends consolidation of the front gardens/areas around the car parking be considered in order to provide sufficient, sustainable space for at least one new tree. This is to improve visual amenity for the 3 dwellings and views into the site. Currently, the proposal provides little relief to a large area of hard surfacing and car parking. This is in accord with policy BE1. (15.02.18)

Environmental Health Officer— No objections to the proposals in principle. The proposed development is however within influencing distance of an area of unknown filled ground (a former clay pit), and would therefore recommend an informative is attached to the decision notice if approved owing to the potential risk from ground gas. (30.04.18)

Environmental Health Officer— No objections (07.03.18)

Staffordshire County Council Highways – No objections, subject to conditions in relation to the submission of full details of suitable vehicular access visibility splays; provision of a dropped crossing; parking and turning areas to be provided prior to first occupation, surface materials, provision of a Construction Management Plan and the access remaining un-gated. (24.04.18)

Ecology Officer – No objections comments as per previous consult (13.04.18)

Ecology Officer – Satisfied that the proposed works are unlikely to negatively impact upon protected or priority species or habitats. However, under policy NR3 of the adopted Lichfield District Council Local Plan a net gain to biodiversity must be incorporated into all developments. Due to the nature and location of the proposed development it is recommended that this net gain could be best achieved via the inclusion of a bat box or a bird box (or bat brick, swallow cup etc.). However a net-gain to biodiversity value could also be achieved through onsite habitat improvement works or the creation/planting of new habitats or features (i.e. additional tree or hedgerow planting, hibernacula creation, wildlife pond creation 'etc.). Once incorporated into the development scheme such a net gain to biodiversity should be looked upon favourably and afforded appropriate weighting upon determination of the application as per the guidance of paragraph 118 of the NPPF 2012. In addition the applicant is advised to consult the Biodiversity and Development Supplementary Planning Document. (02.02.18)

Severn Trent Water– As the proposal has no impact on the public sewerage system, have no objections to the proposals and do not require a drainage condition to be applied. (06.02.18)

LETTERS OF REPRESENTATION

3 letters of representation have been received (including 2 from one neighbour). The following concerns/issues are raised:

- Intensification of development on the site;
- Overlooking and loss of privacy;
- Inappropriate development;
- Obstruction to visibility;
- Proximity of development to former clay pair
- Loss of on road parking for residents and visitors;
- Increased traffic;
- Detrimental impact upon highway safety for vehicles, pedestrians, cyclists, equestrians and wheelchair users;
- Loss and removal of hedge and boundary wall;
- Detrimental impact to the character of the area;
- The design and scale of the development is not appropriate to the location;
- Poor quality design of the development;
- Land levels and impact of development at these site levels;
- Shortfall on separation distances.

OBSERVATIONS

Site and Location

The application site is located within the settlement boundary of Armitage with Handsacre and comprises part of the domestic curtilage of no. 1 Hood Lane and footprint of the existing property which is to be demolished. The area is predominantly residential in nature with the existing dwelling at 1 Hood Lane bounding the site to the east. To the north the site shares its common boundary with 1A Hood Lane, to the south is 3 and 5 Hood Lane and to the west is Hood Lane itself with the rear gardens of properties sited on Millmoor Avenue. The ground levels at the site slope upwards further to the rear of the plot where the proposed dwellings are to be sited. The neighbouring property at no.1A Hood Lane is sited at a lower ground level to the site area between 1.5-2m approximately.

Background

The site has been subject to several applications for residential development. Consent was granted in July 2016 for the Erection of 3no. two bedroom dwellings and associated works under application reference 16/00427/FUL with the original bungalow at no. 1 Hood Lane retained; this included the whole original curtilage of 1 Hood Lane. Subsequently, an application was approved on the site for the erection of 2no. three bedroom dwellings situated at the front of the site under application reference 17/00155/FUL. Works have commenced on site to implement this 2017 scheme. This current application relates principally to land at the rear of the site and so would result in a total of five residential units overall within the original curtilage of 1 Hood Lane, if approved; including the 2 dwellings consented, which front onto Hood Lane, yet lie outside this current application site.

Proposals

Planning permission is sought for the erection of two, three bedroom dwellings and one, two bedroom bungalow to the rear of the site. The submitted plans indicate that the proposed dwellings would be set back approximately 35m from Hood Lane. The proposed dwellings would be sited approximately 10m from the rear boundary of the two recently built properties at the front of the site. The three bedroom dwellings (plots 4 & 5) would occupy a footprint of approximately 9m in depth and approximately 9.3m in width. They would incorporate a pitched roof approximately 7.3m to ridge line with two pitch-roofed dormer windows at the front and three dormers in the rear elevations, to

accommodate rooms at first floor. The proposed two bedroom bungalow (plot 3) has a pitched roof design with a small canopy to the front elevation. The proposed bungalow measures approx. 7.4m in width, 9m in depth with an eaves height of 2.3m and an overall height of 4.7m to ridge line.

Vehicular access would be taken from Hood Lane with two parking spaces per dwelling being provided. To the side of the proposed access way would be an area of hard standing and planting. This would provide space for the storage of bins, which could then be brought to the road side on collection day. Internally the proposed bungalow would comprise of an open plan living and dining room, kitchen, bathroom and two bedrooms. The other two proposed dwellings comprise of an integral garage, kitchen, WC, dining room and lounge at ground floor and three bedrooms, one with en suite and bathroom at first floor level .

Determining Issues

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

1 Principle of Development

1.1 Policy Armitage 4 of the Local Plan Strategy notes that small scale redevelopment within the village will be supported to provide new housing. Infill development will be prioritised provided that it does not result in a loss of services and facilities which contribute to the function of Armitage with Handsacre as a key rural settlement.

1.2 Policy Armitage 4 seeks to ensure housing in Armitage with Handsacre provides for the needs of the local community, particularly for those wishing to downsize, or start up home.

1.3 Furthermore, the principle of development within existing settlements is supported by the NPPF, although the NPPF sets out that Local Authorities should consider setting out policies which resist inappropriate development of residential gardens where development could cause harm to the local area. There is no specific policy within the adopted Local Plan Strategy to restrict development of gardens, although Policy BE1 seeks to minimise harm to local areas.

1.4 The site lies within the sustainable settlement of Armitage with Handsacre and is not allocated on the Local Plan Policy maps. The application site is located within an established urban area and is considered to be in a sustainable location. As such there is no objection to the general principle of developing the site for residential purposes, subject to compliance with all other relevant planning policies. Such matters are discussed below.

2. Design and Layout

2.1 Paragraph 50 of the NPPF sets out that local planning authorities should deliver a wide choice of high quality homes and create sustainable, inclusive and mixed communities. Core Policy 3 of the Local Plan lists a number of key issues that development should address in order to ensure sustainable development. The following key issues are relevant to this application:

- Protect and enhance the character and distinctiveness of Lichfield District and its settlements.
- Be of a scale and nature appropriate to its locality.
- Encourage the re-use of previously developed land in the most sustainable locations.

2.2 Policy BE1 of the Local Plan Strategy requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views.

- 2.3 Policy H1 of the Local Plan Strategy sets out that the Council will actively promote the delivery of smaller properties including two bed apartments and two and three bed houses to increase local housing choice and contribute to the development of mixed and sustainable communities.
- 2.4 The proposed development would provide two, three-bedroom and one, two-bedroom dwellings and therefore accords with the requirements of Policy H1 in respect of required housing size.
- 2.5 The existing properties on this side of Hood Lane do not follow a particularly strict building line with some properties set directly at the back of the pavement and others set back varying distances. Existing properties also vary in terms of their style, appearance and materials including bungalows and two storey dwellings finished in brick and render. The proposed dwellings would be set back from the front of Hood Lane. The dwellings would be of a simple, traditional design and would be constructed of brick with tiled roofs. Fenestration sizes are appropriate to the house type and features such as canopies over front doors are also incorporated. It is considered such design and layout is acceptable and would not be harmful to the character and appearance of the streetscene.
- 2.6 The plot size to building ratio is considered to be acceptable and future users would be provided with an adequate level of private amenity space. Whilst there would be a resultant increase in density within the site, it is not considered this would result in the overdevelopment of the site, so as to justify refusal of the application, as adequate amenity and separation distances would be provided; as discussed further in section 3. Furthermore, it is considered that the height, scale and massing of the proposed development would be appropriate and would not appear incongruous within the streetscene. The height of the proposed bungalow situated in plot 3 (approx. 4.7m high) would be lower than the existing bungalow to be demolished (approx. 6m high). The proposed dwellings situated in plots 4 and 5 are of a lower height than the dwelling previously approved in this location also. A condition is recommended to ensure the use of appropriate materials as well as details of finished floor levels to be agreed. Subject to such conditions, the layout and appearance of the dwellings would be acceptable.
- 2.7 Parking areas would be provided within the site within a garage space (for the 3-bed units) and on allocated driveways and given the dwellings positioning set back from the road, this would not be highly visible within the street scene.
- 2.8 In view of the above, it is considered that the proposed new dwellings would relate well to the existing form of development in the area and would not detract from the character and appearance of the streetscene or the surrounding area. It is therefore considered the proposals are acceptable in terms of design and layout.

3 Residential Amenity

- 3.1 The Council's Sustainable Design SPD includes guidelines for space about dwellings and amenity standards in order to ensure privacy is preserved. These include a minimum distance separation of 21m between facing principal windows; 10m from first floor windows to boundaries shared with neighbours' private amenity space; 6m from ground floor windows to site boundaries except where no overlooking is demonstrated; and a minimum of 13m between principal windows and blank two storey elevations of neighbouring dwellings. This also states that increased separation distances will be required where there are significant variations in ground levels between new and existing development, with a general guide that the distance should be increased by 2 meters for every 1 metre rise in ground level. In addition, the SPD recommends that private amenity space amounting to 65m² should be provided for dwellings with three bedrooms and 45m² for two bedroom dwellings.
- 3.2 The proposed dwellings would include habitable room windows in their front and rear elevations. To the front, windows of plot 3 (the bungalow) would face the rear of the recently built semi-detached dwellings at the front of the site (1b and 1c Hood Lane) as well as Hood Lane and plot 5 faces the rear of no. 3 Hood Lane. The front elevations of the proposed

dwelling would include a separation distance of approximately 20m from the rear elevations of 1b and 1c Hood Lane with the rear garden areas of these dwellings and driveway for plot 3 and their associated boundary treatments in between.

- 3.3 Although, the separation distance that would be provided is slightly less than that normally required by the SPD (21m), it is noted that such a reduced separation was accepted previously as part of the extant permission and, it is not considered that this small reduction would result in an unacceptable loss of privacy to the future occupiers of 1b and 1c Hood Lane or the future occupiers of the proposed new dwellings. Particularly, as the proposed dwelling sited in plot 3 is a bungalow and there would be boundary fencing between ground floor windows, and no directly facing upper floor windows. It is also acknowledged that future occupiers would be buying with knowledge of the situation prior to occupation.
- 3.4 Whilst there is an acknowledged change in levels between this plot and the land level at 1A Hood Lane, it is to be appreciated that amended plans were sought to ensure the dwelling proposed at plot 3 would retain the same distance separation from the common boundary with 1a Hood Lane as the existing bungalow at 1 Hood Lane. Also, the amended scheme shows this plot would be a bungalow, set approx. 1.3m lower than the existing bungalow. Therefore, the impact with regard to light or overbearing impact would be less than that which already exists. Furthermore, a condition is recommended requiring details of the proposed floor levels to be agreed prior to works continuing beyond slab level, in order to protect neighbouring amenity.
- 3.5 One window is proposed in the side elevation of the proposed bungalow facing the boundary of 1a Hood Lane, which is to serve a bathroom and, so a condition is recommended requiring that this window is obscurely glazed and top hung opening only for the lifetime of the development, in order to protect residential amenity. Subject to this and the provision of appropriate boundary treatment; 1.8m high close boarded fence, as proposed, then it is considered no undue harm would be caused to the amenity of occupiers of no. 1A Hood Lane.
- 3.6 In terms of amenity for future occupiers, all habitable rooms would be provided with adequate light and outlook and private amenity space would be provided to the rear of the dwellings of between 82m² and 78m² in size; which exceeds the minimum guideline sizes within the Sustainable Design SPD. The depth of the private garden areas for the dwellings is slightly smaller than the guidelines specified in the SPD, measuring between 8.5m-9.5m rather than 10m, however it is not considered that this would warrant the refusal of the application in this instance, in view of the fact that no direct overlooking would result at the rear, due to the juxtaposition of the existing properties. It is however recommended that permitted development rights are removed from the dwellings by a condition, to ensure an adequate level of amenity space is appropriately maintained and to ensure no harm is caused to the residential amenity of neighbours.
- 3.6 It is considered therefore that the proposed development would not result in unacceptable detrimental impact on the amenity of occupiers of surrounding properties and would provide future occupiers with an adequate level of amenity, subject to conditions, as recommended. As such, it is considered that the development would not conflict with the NPPF and development plan in this regard, so as to justify refusal.

4 Parking and Highways Issues

- 4.1 Policy ST2 of the Local Plan Strategy sets out that parking should be in accordance with the Sustainable Design SPD which states that dwellings with 3 bedrooms should be provided with 2 parking spaces per dwelling and 1 space for two bedroom dwellings, which has been proposed within the development site.
- 4.2 Vehicular access for the proposed new dwellings would be taken from Hood Lane, in the same position as the extant permission currently being built to the front of site.
- 4.3 Staffordshire County Council Highways has raised no objections subject to conditions, in relation to the submission of full details of suitable vehicular access visibility splays; provision

of a dropped crossing; that parking and turning areas are provided prior to first occupation and the access remaining un-gated. Such conditions are recommended. It is not therefore considered that pedestrian or highway safety would be affected by the proposals. As such, the development which would provide the main vehicular access in the previously approved position, would accord with the NPPF and development plan in relation to parking and highways issues, subject to conditions.

5. Cannock Chase Special Area of Conservation and CIL

- 5.1 Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within a 15km radius of the Cannock Chase Special Area of Conservation will be deemed to have an adverse impact on the SAC, unless or until satisfactory avoidance and/or mitigation measures have been secured. The Council adopted guidance on 10 March 2015 acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. As the proposal lies within the 8 kilometre buffer of the Cannock Chase Special Area of Conservation, a financial contribution is payable through the Council's Community Infrastructure Levy (CIL).
- 5.2 This is a CIL liable development and the site is within the lower charging zone rate of £25 per square metre. This will be payable in accordance with the Council's adopted CIL Instalments Policy, for the net increase in dwellings proposed, unless otherwise agreed.

6 Other Matters

- 6.1 In line with guidance contained within the NPPF and Policy NR3 of the Local Plan Strategy, a condition is recommended to ensure a net gain to biodiversity as part of the proposals.
- 6.2 The concerns of the local residents with regard to construction are noted, however there is an amount of disruption with any development, although this is usually short lived and is not a reason in itself to refuse planning permission. A construction management plan is however recommend by condition to reduce impact on the local highway during construction.
- 6.3 A further concern with regard to the loss of neighbouring hedgerow is acknowledged. Matters related to ownership of this would be a private civil matter. The proposed plans demonstrate that 1.8m high close boarded fencing is proposed to enclose the site and this is considered to be an acceptable form of boundary treatment in this location, as the loss of the portions of hedgerow that remain would not have a significant impact on that character of the area.
- 6.4 It is not considered that the approval of this application would set a precedent, as each application is assessed on its own individual merits at the time of submission. Finally, the loss of property value is not held to be a material planning consideration by the courts and accordingly could not justify refusal of planning permission.

7 Human Rights

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

Conclusion

The principle of residential development on this site was previously found to be acceptable and remains acceptable. Furthermore, this is a sustainable location within the village where new residential development is supported in principle by local and national planning policy. It is considered that the applicants have submitted a suitable scheme which meets with the requirements of the relevant development plan policies and subject to conditions, the development would not have an

adverse impact upon the character or appearance of the surrounding area, nor have a detrimental impact on the amenity of neighbouring residents or prejudice highway safety, so as to justify refusal.

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 area. The proposal will also deliver a net gain to biodiversity within the site. Socially, the development would create new dwellings within a sustainable location. Economically, the development will provide a small scale development project and contribute towards CIL.

Having regards the material weight attributable to each consideration, 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 as set out above.

LOCATION PLAN

18/00250/FUL
74 Park Road
Alrewas
Burton Upon Trent

Scale: 1:1,000

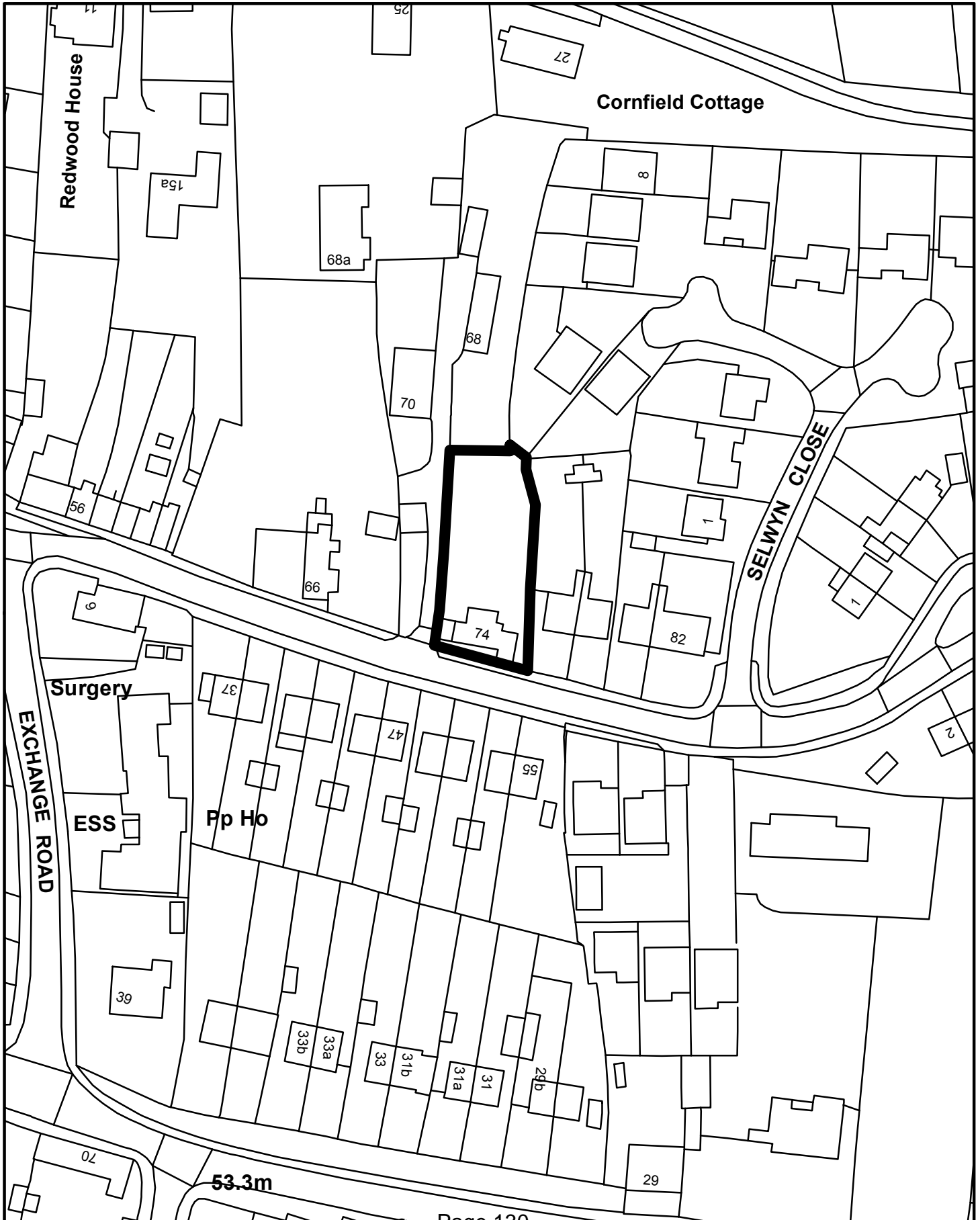
Dated: June 2018

Drawn By:

Drawing No:



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BLOCK PLAN

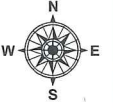
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74 Park Road
Alrewas
Burton Upon Trent

Scale: 1:2,667

Dated: June 2018

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18/00250/FUL

**ERECTION OF A SINGLE STOREY 2 BEDROOM DETACHED ANNEXE IN REAR GARDEN
74 PARK ROAD, ALREWAS
FOR MR & MR SPOONER**
Registered 10/02/18

Parish: Alrewas

Note: This application is being reported to the Planning Committee due to a call-in by Councillor Mrs Stanhope MBE on the grounds of design, ecology, highways, planning policy and that the site is a Grade 2 Listed Building and within the Alrewas Conservation Area.

RECOMMENDATION: Approve, subject to the following conditions,

CONDITIONS:

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

CONDITIONS to be complied with prior to commencement:

3. 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, full details of protective fencing and/or other protective measures to safeguard existing trees and hedgerows on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed tree / hedge protection measures shall thereafter be provided in accordance with the approved details and retained for the duration of construction (including any demolition and / or site clearance works). 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.

Other CONDITIONS to be complied with:

4. Before the construction of the external surfaces are commenced, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a. External bricks,
 - b. External roof materials,
 - c. Full details consisting of sections at a minimum scale of 1:5 and elevations at 1:20, of all external joinery including fenestration and doors and proposed exterior finish,
 - d. Full details including a sample panel of the mortar mix, colour, gauge of jointing and pointing,
 - e. Full details of the eaves detailing,
 - f. Full details of the finished floor-scape surrounding the building,
 - g. Full details of the brick bond to be used, and
 - h. Full details of rainwater goods, their materials and designs.

The development shall thereafter be carried out in accordance with the approved details, and retained as such for the life of the development.

5. Within one month of completion of the development hereby approved, a bat or bird box shall be installed within the site. The bat or bird box shall thereafter be retained as such for the life of the development.
6. Before the development hereby approved is first brought into use, the driveway shall be constructed in full accordance with the details as shown on drawing 1029/02 C.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any Order revoking or re-enacting the Order with or without modification), no gates, fences, walls or other means of enclosure shall 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 Government Guidance contained in the National Planning Policy Framework.
3. To ensure the protection of the trees within the site and to protect the setting of the neighbouring Grade II Listed Building and Alrewas Conservation Area, in accordance with the requirements of Core Policy 14 and Policy NR4 of the Local Plan Strategy, Saved Local Plan Policy C2, the Trees, Landscaping & Development Supplementary Planning Document, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
4. To ensure the satisfactory appearance of the development and to safeguard the setting of the adjacent Grade II Listed Building, in accordance with the requirements of Core Policy 14 and Policy BE1 of the Local Plan Strategy, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
5. In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
6. To ensure the protection of the trees within the site and to protect the setting of the neighbouring Grade II Listed Building, in accordance with the requirements of Core Policy 14 and Policy NR4 of the Local Plan Strategy, the Trees, Landscaping & Development Supplementary Planning Document, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
7. To ensure the satisfactory appearance of the development and to safeguard the setting of the adjacent Grade II Listed Building, in accordance with the requirements of Core Policy 14 and Policy BE1 of the Local Plan Strategy, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.

NOTES TO APPLICANT

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015) and the emerging Alrewas Neighbourhood Plan.
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.
4. Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.
5. Please note that the annex hereby approved can only be occupied in a manner which is wholly ancillary to the residential use of the dwelling known as 74 Park Road. Additional planning permission would be required should it be used, sold or let as a separate dwelling unit.
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

Government Guidance

National Planning Policy Framework
National Planning Policy Guidance

Local Plan Strategy

Core Policy 2: Presumption in Favour of Sustainable Development
Core Policy 3: Delivering Sustainable Development
Core Policy 14: Our Built & Historic Environment
Policy ST2: Parking Provision
Policy NR3: Biodiversity, Protected Species & their Habitats
Policy NR4: Trees, Woodland & Hedgerows
Policy BE1: High Quality Development
Policy Alr1: Alrewas Environment

Saved Local Plan

C2: Character of Conservation Area - Development Proposals

Supplementary Planning Documents

Historic Environment
Rural Development
Biodiversity & Development
Trees, Landscaping & Development

RELEVANT PLANNING HISTORY

05/01269/FUL, 05/01270/LBC - Rear two storey extension for private residential use forming lounge extension and bedroom over – Approved 26.01.2006

L12347, LLB465 - Extensions and alterations – Approved 17.03.1986

CONSULTATIONS

Alrewas Parish Council – Refuse, overdevelopment of the site of a listed cottage in the conservation area adjacent to another listed building. Unsafe access onto Park Road- currently cars reverse from this site onto Park Road and this will become more hazardous when the additional 121 houses north of Dark lane are built. (14.03.2018)

Conservation Officer –The drive has been reduced in length and a path provided to serve the new annexe, the fencing has also been removed. This now means that the building is an ancillary outbuilding associated with the main dwelling. As such there are no conservation objections to the proposals in this location.

The rear of the listed building has undergone numerous additions and is less sensitive than the front elevation. The proposed annexe is single storey and will not be visible from the street scene. The site is located on the edge of the Alrewas Conservation Area. The site is surrounded by other development, and it is not felt that in this location an additional building would be detrimental to the character and appearance of the conservation area.

Materials will be important in ensuring that the new building sits well within its site, and these will need to be conditioned at the time of determination. Whilst it is felt that the annexe will not be detrimental to the setting of the listed building, conditions will be required ensuring that use of the building remains tied to the original house, and no additional fences are constructed between the two buildings. (09.04.18)

Previous comments - The site is located within the Alrewas Conservation Area, immediately adjacent to the boundary. There are no open views out of the conservation area from the site due to the surrounding modern housing. It is not felt that a building in this location would impact upon the character of the conservation area.

The site is located within the curtilage of a Grade 2 listed building, and the proposal will have an impact upon the setting of the building. Whilst the building has been designed to appear as a range of outbuildings to the rear of the property, the associated fencing and driveway will have a detrimental effect upon the setting of the listed building.

The annexe is proposed for use by the applicants' relatives. However the layout of the site and provision of a new drive, two car parking spaces and private garden area gives the feel of an independent new dwelling. The principle of an annexe may be acceptable in this location, however the additional elements will need to be removed.

Parking could be retained at the front of the plot, with a path to serve the annexe. As the building is an annexe to the main house, the close boarded fencing will need to be removed. These amendments will be needed prior to the determination of the application. (14.03.2018)

Arboricultural Officer – It is appreciated the applicants willingness to relocate the building, and note that this has been done by handing the building and moving it to the opposite side of the garden. Regrettably, this has now brought the building close to the other, significant, Holly hedge. From the Council's 'Trees, Landscaping and Development SPD' a recommended minimum distance for a property from a maintained hedgerow (without hedgerow trees) is 2 m. This is in order to provide sufficient root protection area for the hedgerow shrubs, space for the branches etc of the hedgerow

itself and space for the maintenance of the hedgerow. Therefore, if the building is less than 2 m from the hedgerow I recommend that detailed placing is undertaken given the constraints of the hedgerow and trees to 3 sides of the site, to achieve the least impact on these comments.

If the current layout has achieved the 2m distance from the hedgerow, then the design is acceptable. (09.05.18)

Previous comments: The removal of the car parking in the area of the ash tree is welcomed and has allowed some repositioning of the building away from the important screening hedgerow and vegetation. However, at the present time the building is still within the root protection areas and crown spread of G.1 and the ash tree, as taken from the applicant's tree survey. Whilst this is only a small incursion I am mindful that the boundary vegetation is important for the screening of the proposal and enhances the setting of the listed building and conservation area. Therefore, as per my earlier comments, I recommend that the root protection areas and crown spread from the tree survey are used to inform the position of the new building, whilst remaining aware of the need to provide sufficient separation to the other side of the building in respect of H.1.

I support the use of the cell tree root protection system for the construction of the driveway and parking space. Should consent be granted I recommend that conditions require the installation of the driveway as specified in the driveway construction detail drawing. Tree and hedgerow protection details will be required as part of conditions. (06.04.2018)

Previous comments: The information contained within the submitted tree survey has not been brought through into the layout plan. This means that the proposed building currently sits within the root protection area of several of the trees along the boundaries that are shown for retention on the plan. The plan proposes the removal of T 3 -which is accepted so that the Holly hedge can be retained, T5, 6, 12 and 13, all of which are accepted as minor vegetation.

However the layout is also likely to result in the removal of a prominent Holly within G. 10 and the remaining boundary trees of G.1, T7 and T8 through construction within the root protection areas. Additionally, a section of the Holly hedging, to the rear of the proposed building, is shown to be removed.

Given the effects on the trees and hedges forming the boundary screening and therefore the implications for the setting of the listed building and conservation area, I recommend that the root protection areas, calculated from the information within the tree survey and crown spreads to the 4 cardinal points also given in the tree survey, are plotted on a site layout plan. This will give a clear indication of the screening mature trees and hedging that will be lost as a result of the current proposal.

I recommend that, in consultation with the building conservation team, the proposed building and car parking should be sited with reference to the root protection areas in order to retain the screen vegetation. This may have implications for the ash tree T 15 and the parking layout. (06.03.2018)

Environmental Health Officer – No objections. (15.03.2018)

Staffordshire County Council Highways – No objections. Repeats previous comments (18.05.2018)

Previous comments: No objections. The applicant is advised to provide a turning space within the site curtilage to enable vehicles to enter and leave the site in a forward gear. It is assumed that the parking facilities satisfy the LPA standards, that the annex will be used in ancillary manner and that the vehicular visibility splays from the private access onto Park Road will be regularly maintained by the residents. (29.03.2018)

Severn Trent Water – The proposal will have a minimal impact upon public sewerage, there are no objections and do not require a drainage condition. Recommend a note to applicant to be included. (23.02.2018)

LETTERS OF REPRESENTATION

No comments received.

OBSERVATIONS

Site and Location

This application relates to a detached dwelling sited north of Park Road in Alrewas. The dwelling is Grade II Listed and sited within the Alrewas Conservation Area. The dwelling has existing parking and vehicular access to both sides of the dwelling. The dwelling has been previously extended to the rear. The dwelling has a long rear garden which is bound by hedgerow and fencing. There are a number of trees within the rear garden.

Proposal

This application seeks to erect a single storey annex within the rear garden adjacent to the western boundary. The annex will be L shaped and will measure 12.4m in max width and 8.7m in max depth. It will have a dual pitched roof with eaves height of 2.4m and a max height of 4.8m. The annex will comprise of a kitchen/living room, 2no bedrooms and 2no bathrooms. The annex will have 4no conservation style rooflights to the north roofslope. The annex will be constructed of red brick and tiles with flush timber casement windows and conservation style rooflights. The annex will be used to provide additional accommodation for the applicant's relatives.

The application also seeks to extend the hard surfaced area within the rear garden to create an additional parking space. A footpath will be created to access the annex.

Determining issues

1. Principle of Development
2. Impact on Heritage Assets & Design
3. Arboriculture
4. Residential Amenity
5. Parking & Highway Safety
6. Other Matters
7. Human Rights

1. Principle of Development

- 1.1 The site is located within the sustainable settlement of Alrewas, where the principle of residential development including annexes is considered acceptable.

2. Impact on Heritage Assets & Design

- 2.1 The NPPF attaches great importance to design of the built environment and sets out that high quality and inclusive design should be applied to all development, including individual buildings, private spaces and wider area development schemes. It also states that development should respond to local character and history, and reflect the identity of local surroundings. This sentiment is echoed in Policy BE1 of the Local Plan Strategy which requires new development in terms of layout, size, scale, design and public views. The Policy continues to expand on this point advising that good design should be informed by "appreciation of context, as well as plan, scale, proportion and detail".
- 2.2 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.

- 2.3 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 (1998) 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.
- 2.4 Whilst considering proposals which affect the character of Conservation Area regard is to be made of S16 (2) and S66 (1) of the Planning (Listed Building and Conservation Area Act) 1990, which requires the Local Planning Authority to "*have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses*".
- 2.5 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 2.6 Paragraph 132 of the NPPF then goes on to say that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, Grade I and II* listed buildings, Grade I and II* registered.
- 2.7 The site is located within the Alrewas Conservation Area and is within the curtilage of a Grade II Listed Building. The rear of the existing building has undergone numerous additions and is less sensitive than the front elevation. It is considered that as the annex has been designed to appear as a converted outbuilding, and will be constructed of materials to reflect those of the existing building, it will not have a detrimental impact upon the setting of the Listed Building. A condition is recommended to secure the details of materials to ensure that the development is high quality and sits well within the site. As such it is considered that the proposal will have a minimal impact upon the setting of the listed building. Consequently it is considered that the proposals would have no harm on this designated heritage asset.
- 2.8 The site is surrounded by dwellings of various ages and design, there are limited public views into the Conservation Area. As the proposed annex is single storey and the existing trees on the northern and eastern boundary will be retained, it is considered that the proposal will have a limited impact upon the character of the Alrewas Conservation Area and will not have a detrimental impact upon views into the Conservation Area. With regard to the scale and massing of the annex it is noted that the footprint will be similar to that of the existing dwelling, however as the annex will be single storey it is considered that it will appear subservient to the existing dwelling, as such this is considered acceptable. As this building will

be an annex to the host dwelling it will utilise the access, parking area and garden of no74. As such it is considered that the proposal would have no harm on these designated heritage asset.

- 2.9 Taking the siting, design, scale and massing of the proposed annex into consideration it is considered that although the proposal will alter the appearance of the Alrewas Conservation Area and setting of the listed building it will not harm them, as discussed above. As such, the proposal, subject to conditions, therefore accords with the Development Plan, the Historic Environment SPD and NPPF in this regard.

3 Arboriculture

- 3.1 The trees within the site are protected by virtue of their siting within the Alrewas Conservation Area. Amendments were sought during the course of the application to ensure that the proposed annex was sited outside the root protection areas of the trees to the northern and eastern boundary. It is noted that although the proposal is now sited adjacent to the western boundary holly hedge, the Arboricultural Officer has requested that a 2m separation distance is provided between the proposal and the hedgerow in accordance with the guidance set out in the Trees, Landscaping & Development SPD. As the hedgerow is within residential curtilage it does not benefit from any formal protection. The submitted tree survey states that hedgerow requires a 1m stand off from the centre, the proposed siting provides the 1m as such it is considered that the proposed separation would be sufficient to maintain the hedgerow. Based on the lack of protection and the separation distance it is not considered reasonable to impose the 2m separation or a condition relating to the retention of the hedgerow, however a condition requiring hedgerow protection has been recommended
- 3.2 An originally proposed driveway would have detrimentally impacted on a number of trees. Subsequently, amendments were received to reduce the size of the driveway this has meant that tree H3 can be retained. The Arboricultural Officer accepts the proposed formation of the drive and construction method.
- 3.3 It is therefore considered that the proposal would not have an unacceptable impact upon the trees and hedgerow within the site, subject to conditions to secure tree and hedgerow protection details and to ensure that the driveway is constructed with no dig construction. The proposal therefore accords with the Development Plan, the Trees, Landscaping & Development SPD and NPPF in this regard.

4 Residential Amenity

- 4.1 The proposed annex will be sited 18m from the nearest dwelling and 21m from the host dwelling. Given its position, the proposal would not cause any loss of light to neighbouring properties. In addition, the proposal meets the minimum distance guidance for principle windows as set out in the Sustainable Design SPD. As the proposal would be used domestically, the level of noise and disturbance of such a building would be similar to that of any dwelling found in the locality. Therefore it is considered that the proposal will not result in any detrimental impact on the amenity of the neighbours.
- 4.2 Furthermore as the proposed annex will be utilising an existing access it is considered that the minor intensification of this access will cause limited disturbance to the neighbouring properties. The proposal therefore accords with the Development Plan and NPPF in this regard.

5 Parking & Highway Safety

- 5.1 The comments of the Parish Council and Councillor Stanhope are noted regarding the use of an unsafe access, that cars currently reverse from the access and that the use of the road will be intensified due to the Dark Lane housing development. However, Staffordshire County

Council Highways have no objections to the scheme. The site has two existing access and 2no parking spaces. The guidance within the Sustainable Design SPD states that 5 bedroom dwellings should provide 3no parking space, the scheme will provide 4no parking spaces this will accommodate the proposed 2no bedroom annex and the existing 3no bedroom dwelling. Therefore sufficient parking will be provided for the number of bedrooms within the site.

- 5.2 It is noted that Highways have provided a number of notes regarding visibility splays and turning areas. As the proposal will use an existing access and will only have a limited intensification of its use as the planning unit would remain as being a single dwelling, it is not considered reasonable to require improvements to the access or require a turning area to be provided. It is also noted that if the internal parking area was increased in size, in order to deliver a turning area, it is likely that this would result in the removal of a protected tree, which would be unacceptable. As such it would not be desirable to increase the internal parking area due to the potential impact upon protected trees. Notwithstanding this, as previously discussed, the proposal would result in minimal changes to the existing level of use of the vehicular access points. As such the proposal is considered acceptable in terms of parking and highway safety.

6 Other Matters

- 6.1 In accordance with Policy NR3 all developments must deliver a net gain to biodiversity. Given the scale and location of the development a condition is recommended to secure the installation of a bat or bird box to deliver the net gain to biodiversity. Subject to this it is considered the proposals accord with the Development Plan in this regard.
- 6.2 Severn Trent Water have offered no objection to the scheme and as the proposal will have a minimal impact upon the public sewerage they do not require a drainage condition to be imposed. A note to applicant is recommended as requested by Severn Trent Water.

7 Human Rights

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

Conclusion

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals. With reference to this scheme, economically the proposal will provide a small scale development project. Socially, the proposal will not impact upon the amenity of neighbouring properties and will provide additional residential accommodation for a private dwelling within a sustainable settlement. Environmentally, the proposal will not have a detrimental impact upon the setting of the Grade II Listed Building or the character of the Alrewas Conservation Area. The proposal will also deliver a net gain to biodiversity within the site. In having regard to the material weight attributable to each consideration, on balance for the reasons set out above, it is recommend that this application be approved subject to conditions.

LOCATION PLAN

18/00276/COU
Boora Newsagents And Post Office
5 Cannock Road
Chase Terrace

Scale: 1:800

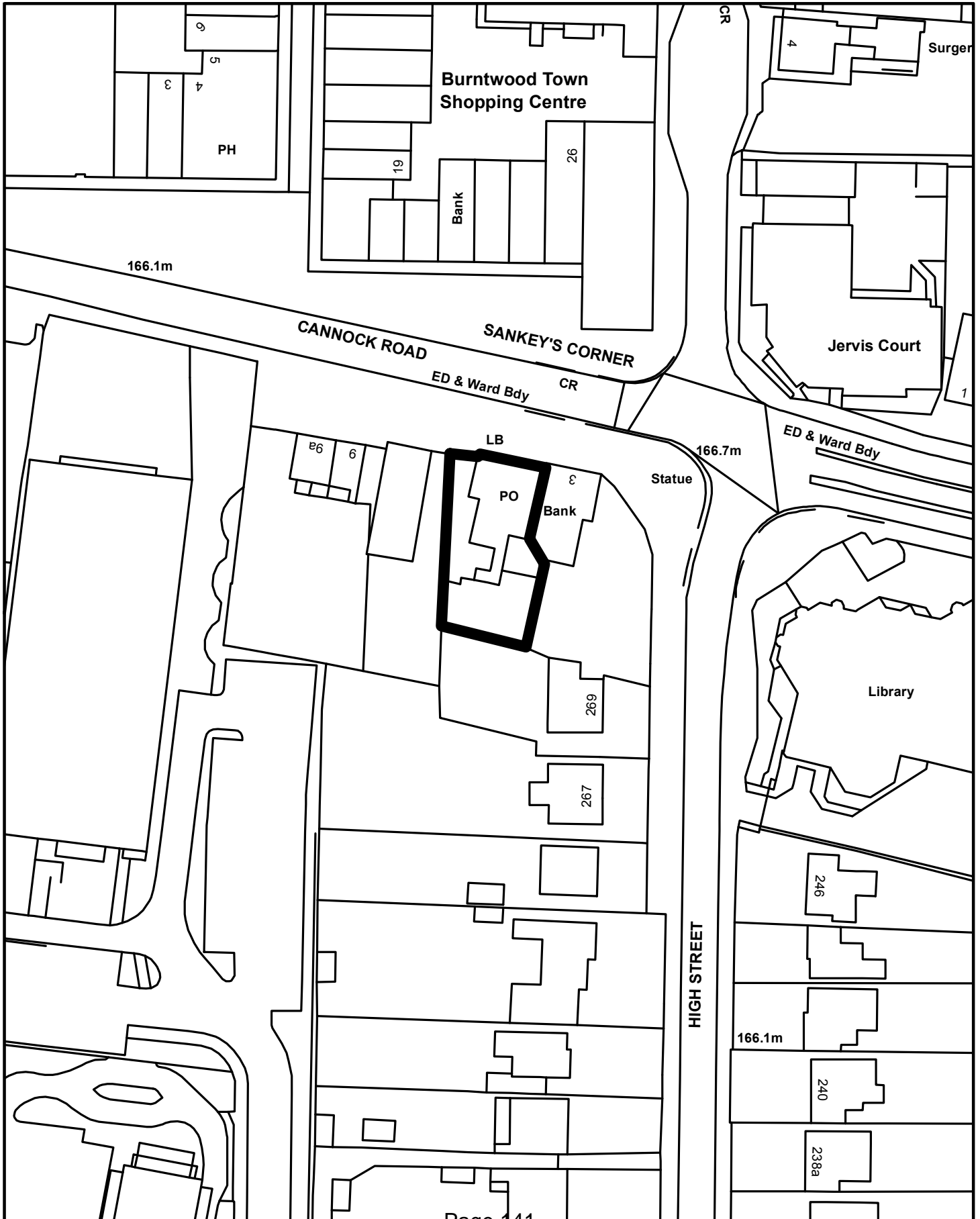
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BLOCK PLAN

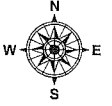
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Boora Newsagents And Post Office
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Chase Terrace

Scale: 1:1,000

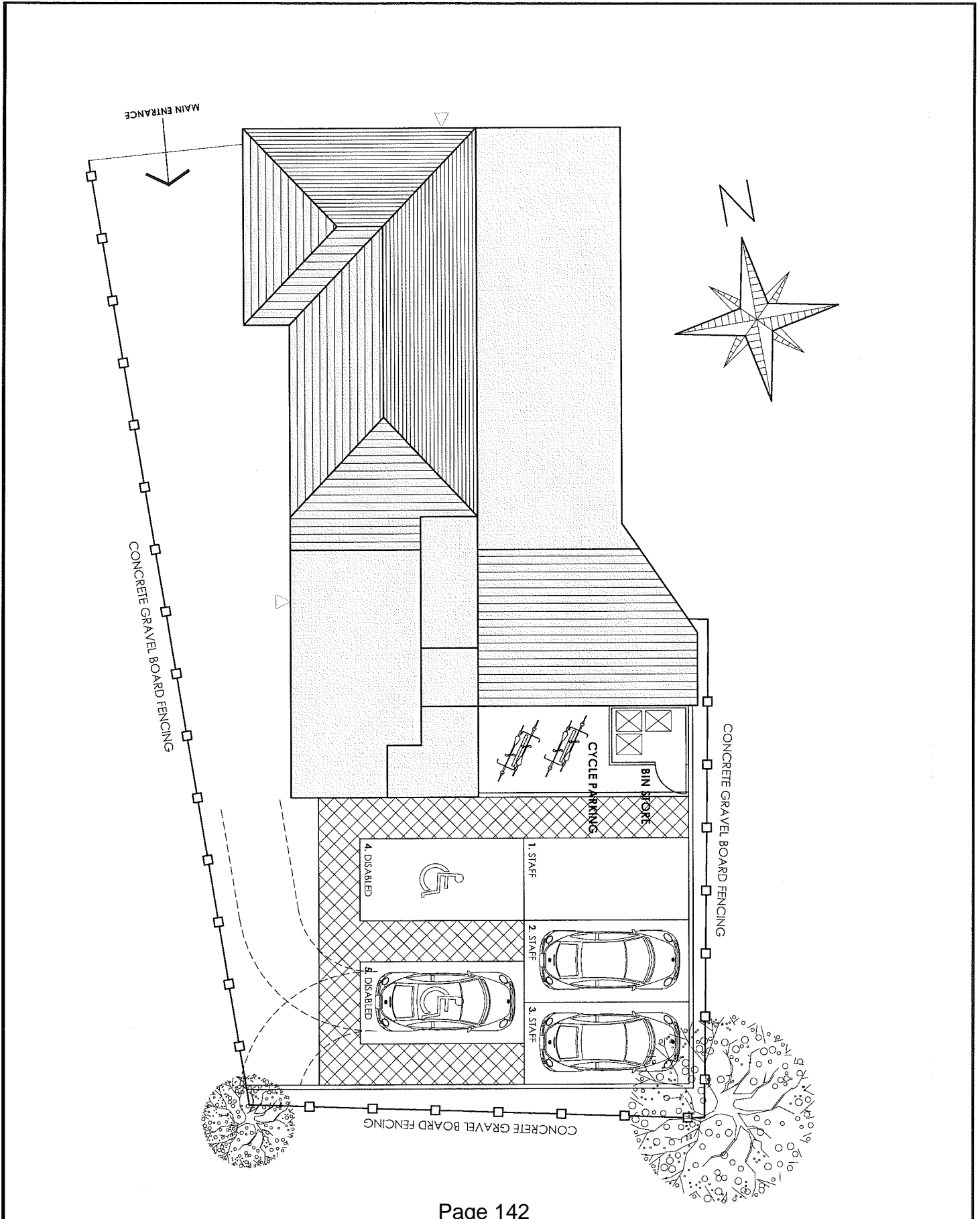
Dated: June 2018

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CHANGE OF USE FROM POST OFFICE AND NEWSAGENTS (A1) TO DENTAL SURGERY (D1), INCLUDING SINGLE STOREY EXTENSION TO REAR TO FROM OFFICE AND STORE AND INSTALLATION OF REAR PARKING AREA

BOORA NEWSAGENTS AND POST OFFICE, 5 CANNOCK ROAD, CHASE TERRACE, BURNTWOOD FOR MR S MULLA

Registered 09/03/18

Parish: Burntwood

Note: This application is being reported to the Planning Committee as significant planning objections have been raised by Burntwood Town Council, as they consider that the Post Office is an asset of community value.

Also, Councillor Banevicius had requested the application be called-in for consideration by Planning Committee on the grounds of loss of community asset.

RECOMMENDATION: Approve, subject to the following conditions:

CONDITIONS:

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. The premises shall be used as a dental surgery under class D1 for the purposes of described in the application documents and for no other purpose within the schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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 and 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 a satisfactory form of development that would not cause detriment to residential amenity or undue parking and highway problems, in accordance with Policy BE1 and ST2 of the Local Plan Strategy and guidance contained in 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 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.lichfelddc.gov.uk/cilprocess.
4. This permission does not grant or imply consent for any signs or advertisements, illuminated or non-illuminated. A separate application may be required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, as amended.
5. The applicant is advised that additional planning permission would be required for installation of any external mechanical extraction system in this property.
6. The Council has sought a sustainable form of development, which complies with the provisions of paragraphs 186-187 of the NPPF.

PLANNING POLICY

Government Guidance

National Planning Policy Framework
National Planning Policy Guidance

Local Plan Strategy

Core Policy 1 – The Spatial Strategy
Core Policy 2 – Presumption in Favour of Sustainable Development
Core Policy 3 – Delivering Sustainable Development
Core Policy 7 – Employment and Economic Development
Core Policy 8 – Our Centres
Core Policy 10 – Healthy and Safe Lifestyles
Core Policy 14 Our Built & Historic Environment
Policy SC1 – Sustainability Standards for Development
Policy ST1 – Sustainable Travel
Policy ST2 – Parking Provision
Policy BE1 – High Quality Development
Burntwood 2 – Burntwood Services and Facilities
Burntwood 3 – Burntwood Economy

Supplementary Planning Documents

Sustainable Design

RELEVANT PLANNING HISTORY

08/00448/FUL - Proposed installation of ATM. Approved 09.07.2008

03/01276/FUL – Installation of roller shutters to shop front. Approved 21.11.2003

00/00423/ADV – Fascia Sign. Approved 05.07.2000

CONSULTATIONS

Burntwood Town Council - Recommend Refusal as the Post Office is considered an Asset of Community Value (04.04.18)

Staffordshire County Council Highways – No objections (14.05.18)

Environmental Health – No objections (20.05.18)

Severn Trent – No objections (20.03.18)

Spatial Policy and Delivery - The applicant's dental practice is currently located within the town centre boundary. Policy seeks to support existing inward investment and services and facilities and promote the vitality and viability of the town centre. A balance will need to be considered between safeguarding the existing local business and service offered and loss of retail floor space to facilitate the creation of a vibrant and diverse town centre. (28.03.18)

LETTERS OF REPRESENTATION

11 local residents have raised objections to the application. Their comments are summarised as follows:

- Post Office is an integral part of Sankeys Corner.
- Already enough empty units in the area – question why these can't be used instead for the dentist surgery.
- Loss of a key facility and service which would be detrimental to local residents.
- There are enough dentists in the local area.
- The local area will become rundown and derelict.

OBSERVATIONS

Site and Location

This application relates to an A1 unit situated on Sankeys Corner. The site at present comprises of a Newsagents with Post Office within it. The primary use functions as a Newsagent/Convenience Store. The site is within the town centre boundary and is predominantly surrounded by other businesses including retail units, with retail and residential properties to the rear along High Street.

Proposal

The proposal is for the change of use of the existing A1 retail unit to a D1 dental practice. A single storey extension to the rear is proposed to form an office and store room. This extension would infill an existing gap formed by the staircase to the first floor. The proposed extension will be of a flat roof design measuring 5.3m in depth, 3.7m in width and have an overall height of 2.8m.

There are a number of internal alterations proposed, although no alterations to the front elevations are proposed.

Access is to be taken from the existing access to the car park at the rear via Cannock Road. The car park will provide 6 spaces including 3 staff parking and 2 disabled parking, plus cycle parking is proposed as the rear of the premises.

Determining Issues

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

1. Policy / Principle of Development

- 1.1 At the heart of the NPPF is the presumption in favour of sustainable development. For decision-taking, this means that proposals that accord with the development plan should be approved without delay.
- 1.2 Core Policy 1 of the Local Plan states that throughout the District, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. Development proposals will be expected to make efficient use of land and prioritise the use of previously developed land. The Policy goes on to identify the areas within the District that the majority of growth will be directed.
- 1.3 Core Policy 8 identifies that development proposals for retail and leisure facilities will be focused within Burntwood and Policy Burntwood 3 supports the regeneration of Burntwood town centre to provide a range of retail, employment, leisure and residential uses.
- 1.4 Core Policy 2: Presumption in Favour of Sustainable Development, reflects the presumption in favour of sustainable development contained in the NPPF in order to secure development that improves the economic, social and environmental conditions in the area. Core Policy 7: Employment & Economic Development seeks to maintain and enhance a diverse local economy and encourage opportunities for inward investment. The dental practice is seeking to expand and is looking for larger premises within the local area which this unit could provide. Expansion of the practice would create additional jobs and employment opportunities as well as providing additional dental care facilities.
- 1.5 The vision for Burntwood at chapter 14 of the Local Plan Strategy states that Burntwood will be a more sustainable, healthier and self-contained town with an enlarged and viable town centre that has a suitable range of retail outlets, commercial, leisure, health and cultural facilities of an appropriate scale to meet local needs. The provision of additional dental care facilities proposed by this development would be in accordance with this vision.
- 1.6 Policy Burntwood 2: Burntwood services and facilities states that where possible the range of services and facilities will be improved to remedy existing deficiencies, including the delivery of a new town centre so that these best meet the needs of residents, businesses and visitors. Access to services and facilities will be enhanced, including improvements to and more effective use of community facilities. This is to ensure that Burntwood has a range of services and facilities many of which are insufficient to meet the needs not only of local residents but also businesses and visitors to the town and recognises that existing services and facilities should continue to be supported, so they are used to best effect and helped to thrive to ensure people can access them easily and they are able to meet the varied range of needs for their users, examples are given which includes both shops and health care facilities, the latter of which could be provided if this scheme were to be approved. Policy Burntwood 3: Burntwood Economy considers the town centre and defines the town centre boundary. It states the focus will be on the creation of a vibrant and diverse town centre, through regeneration.
- 1.7 Whilst it is acknowledged that comments and objections raised relate to the loss of the Post Office, this application seeks change of use from general A1 use to a D1 use. The Local Planning Authority has no control over the closure of the Post Office and Newsagents and furthermore,

the change of occupation/use to another retail use falling within an A1 use class would not require planning permission. Therefore, the application is to be assessed in relation to the change in the wider use class of the unit and not on the basis of how it is occupied i.e. partly as a post office facility, at the present time.

1.8 In view of the above, subject to normal development management criterion, it is considered the principle of the proposed development is acceptable and supported by National and Local Planning Policy.

2. Design and Appearance

2.1 Core Policy 3 of the Local Plan lists a number of key issues that development should address in order to ensure sustainable development. The following key issues are relevant to this application:

- Protect and enhance the character and distinctiveness of Lichfield District and its settlements
- Be of a scale and nature appropriate to its locality.
- Encourage the re-use of previously developed land in the most sustainable locations.

2.2 Policy BE1 of the Local Plan Strategy requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views. The NPPF attaches great importance to design of the build environment and sets out that high quality and inclusive design should be applied to all development, including individual buildings, private spaces and wider area development schemes. It also states that development should respond to local character and history, and reflect the identity of local surroundings.

2.3 The proposed development would incorporate a new extension to the rear to accommodate the proposal and provide additional office space. The scale and design of the extension would be in keeping with the property and, as it is situated to the rear, it would not be visible in the wider street scene. Whilst internal alterations are proposed to be undertaken to accommodate the dental surgery use, no alterations are proposed to the front elevation of the property as part of this application. The application has not included details of any proposed signage and so a note to the applicant has been included, to ensure the applicant is fully aware that any potential adverts may require consent.

2.4 Consequently, it is considered the proposals accord with the Development Plan in regard to design, appearance and impact on the streetscene.

3. Residential Amenity

3.1 By virtue of the nature of the use it is not considered that it would give rise to any particular issues that would harm the amenity of nearby residents. No objections have been received from the Council's Environmental Health Officers regarding the change of use. It is however recommended to restrict the use to that proposed within the application (dental surgery), as an alternative D1 use i.e. Children's Day Nursery, may have a greater impact which may not be considered appropriate, depending upon the merits of the scheme.

4.0 Parking

4.1 In terms of parking, there is currently adequate parking in and around the site; within the local centre to serve the needs of both the existing premises and the additional use. Furthermore, the property is within a sustainable town centre location and the Highways Authority have raised no objections to the proposal. It is considered that the proposed parking to the rear of site (3 staff spaces and 2 disabled spaces) has adequate space for this change of use. Also it is

proposed to have cycle parking at the rear. Guidance for parking standards are set out within the Sustainable Design SPD, however it does not explicitly state requirements for dental surgeries. Consequently, it is considered adequate parking would be provided and that the proposals accord with the Development Plan in this regard.

5.0 Other Issues

5.1 Whilst comments regarding the loss of the Post Office facility are acknowledged, the unit could cease the element of the Post Office function at any time and remain a Newsagents or in any retail use that would fall under an A1 use i.e. a hairdressers or a shop. A statement provided by the current owner of the property and publicly available marketing information for the unit, demonstrate that the site has been up for sale since September 2017 for use as A1 premises with no offers received.

5.2 Reference has also been made to the Post Office being an Asset of Community Value. The Localism Act (LA) describes an asset of community value as *a building or other land in a local authority's area is land of community value if in the opinion of the authority –*

- An actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and
- It is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

5.3 The planning officer has liaised with Democratic & Legal Services within the Council who manage the Asset of Community Value procedure. They have advised that an application has been received to nominate the site for this designation, however this application is yet to be determined. From a planning perspective, the existing A1 unit is primarily used as a newsagent/convenience store with the Post Office situated within it, therefore it would be considered that the Post Office use would be ancillary. In view of the above, it is considered that the loss of the Post Office in the current circumstances would not justify a sustainable reason to withhold planning permission in this instance.

6.0 Human Rights

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

Conclusion

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals. With reference to this scheme, economically the proposal will provide a small scale development project, and provide additional jobs and dental care provision to the town. Socially, the proposal subject to conditions will not impact adversely upon the amenity of neighbouring properties, and will provide expanding facilities for the town. Environmentally, the proposal will not have an adverse impact upon the street scene. In having regard to the material weight attributable to each consideration, it is considered that the development accords with the requirements of the Development Plan and the NPPF and is recommended approval, subject to conditions.

LOCATION PLAN

18/00384/FUL
Manor Croft
Manor Park
Kings Bromley

Scale: 1:1,250

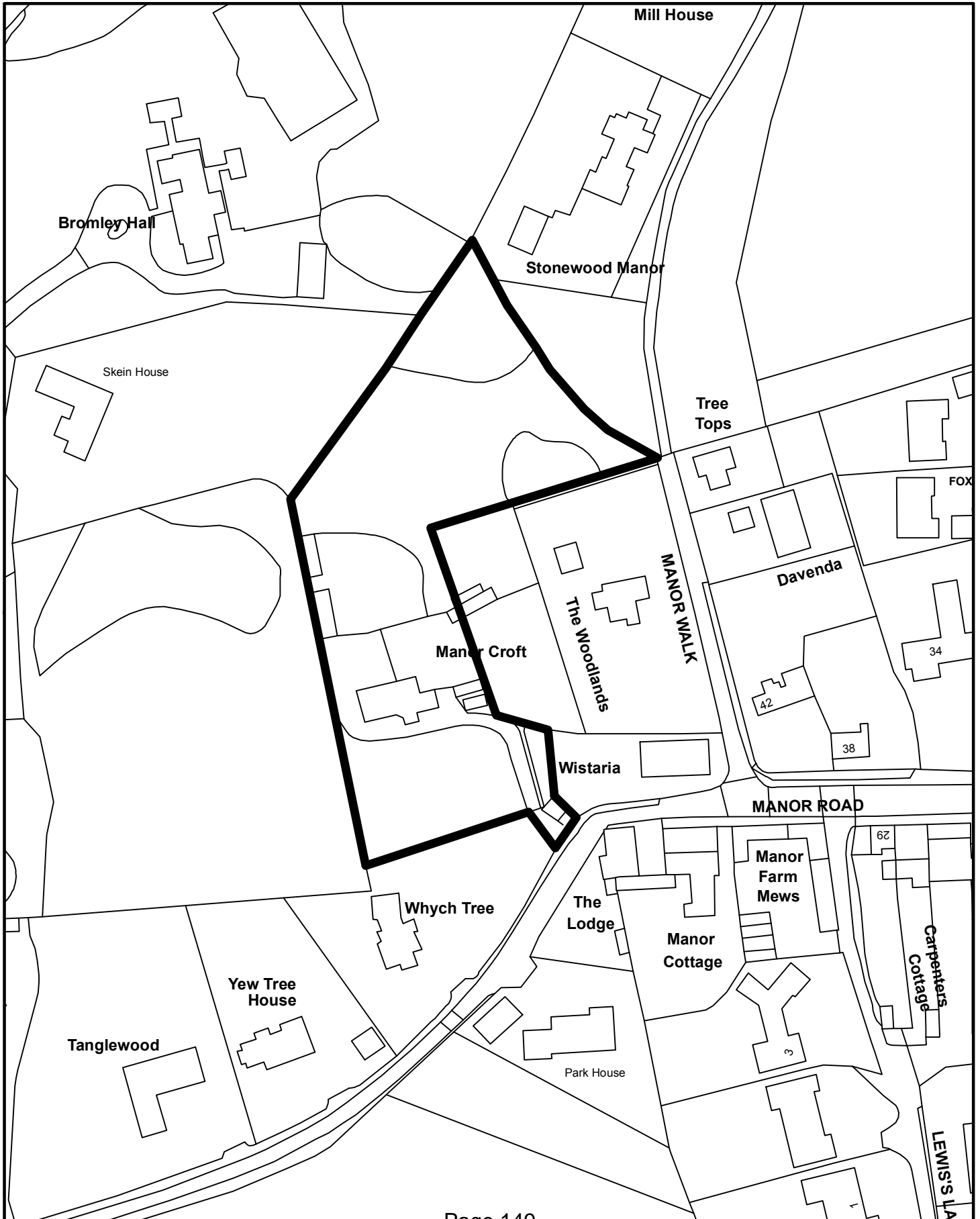
Dated: June 2018

Drawn By:

Drawing No:



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BLOCK PLAN

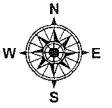
18/00384/FUL
Manor Croft
Manor Park
Kings Bromley

Scale: 1:568

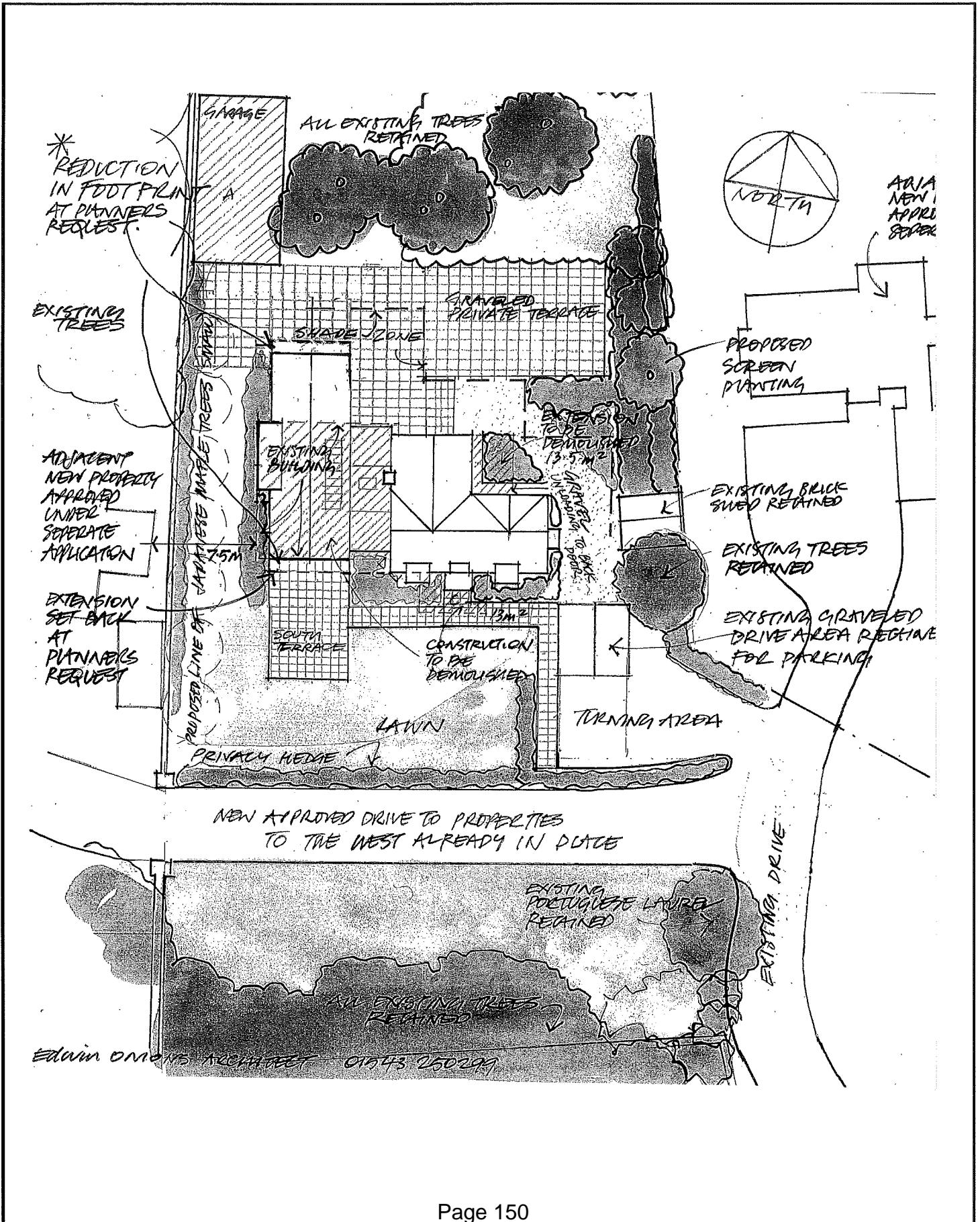
Dated: June 2018

Drawn By:

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18/00384/FUL

TWO STOREY EXTENSION TO SIDE TO FORM KITCHEN, DINING AREA AND SITTING ROOM AT GROUND FLOOR LEVEL AND FORM 1NO BEDROOM, 2NO ENSUITES AND EXTEND EXISTING BEDROOM AT FIRST FLOOR LEVEL, INCLUDING DEMOLITION TO EXISTING SIDE EXTENSION AND FRONT PORCH

MANOR CROFT, MANOR PARK, KINGS BROMLEY

FOR Mrs S Crittenden

Registered 08.03.18

Parish: Kings Bromley

Note: This application is being reported to the Planning Committee by reason of a call-in by Councillor Cox on the grounds of design and probity.

RECOMMENDATION: Refuse

1. The proposed development, by virtue of its scale, massing and siting would create a disproportionate and poorly designed addition to the dwelling which would result in an over-dominant, incongruous form of development that would detract from the character and appearance of the existing dwelling. Consequently the proposal would be detrimental to the character and appearance of the Kings Bromley Conservation Area and the appearance of the locally listed building. The proposal would result in less than substantial harm to Kings Bromley Conservation Area and locally listed building with no public benefits provided to outweigh the harm. The development would therefore be contrary to Core Policy 14 (Our Built and Historic Environment) and Policy BE1 (High Quality Development) of the Lichfield District Local Plan Strategy (2015), Historic Environment Supplementary Planning Document, Saved Local Plan Policy C2 (Character of Conservation Areas) and the National Planning Policy Framework.

It is considered that the proposals are unsustainable and do not conform with the core planning principles of the NPPF. The Council sought amendments to the scheme however it is considered that the applicant is unable to overcome such principle concerns.

PLANNING POLICY

Government Guidance

National Planning Policy Framework

National Planning Policy Guidance

Local Plan Strategy

Core Policy 2: Presumption in Favour of Sustainable Development

Core Policy 3: Delivering Sustainable Development

Core Policy 14: Our Built & Historic Environment

Policy ST2: Parking Provision

Policy NR3: Biodiversity, Protected Species & their Habitats

Policy NR4: Trees, Woodland & Hedgerows

Policy BE1: High Quality Development

Saved Local Plan

C2: Character of Conservation Areas

Supplementary Planning Documents

Sustainable Design

Biodiversity & Development

Trees, Landscaping & Development

Rural Development

RELEVANT PLANNING HISTORY

18/00623/FUL - Revised application for previously approved application 17/00711/FUL with the addition of a new front porch and rear detached workshop – Pending consideration

17/00902/FUL - Demolition of porch, two storey flat roof and single storey side extensions and erection of a two storey side extension to form kitchen, dining room, sitting room, porch, bedrooms with en suite and a detached garage – Refused 22.12.2017

17/00711/FUL – Substitution of house type (plot 3 of application 13/01249/FUL) including amendments to driveway, highway access and demolition of detached garage – Approved 01.11.2017

13/01249/FUL - Demolition of outbuildings and erection of 3 no. detached dwellings and associated buildings and works – Approved 07.03.2014

08/00977/CON - Demolition of various outbuildings – Approved 17.12.2008

08/00976/FUL - Demolition of outbuildings and erection of 5 no. detached dwellings and associated buildings and works – Refused 17.12.2008, Appeal Dismissed 06.01.2011.

07/00715/FUL - Demolition of existing dwellinghouse and erection of 6 no. detached houses – Refused 14.09.2007

07/00868/CON - Demolition of the existing dwelling house – Refused 09.10.2007

L5231- Proposed extension & alterations to existing cottage – Approved 19.02.1979

CONSULTATIONS

Kings Bromley Parish Council – No response received.

Conservation Officer – A previous application for an extension to this property was refused on the grounds of its scale and massing and siting. The proposed new extension still needs to be reduced in height so that the ridge and eaves are lower than those of the main house rather than the same height. In terms of massing, the impact of the increased massing needs to be minimised. It has previously been suggested that this could in part be achieved by setting the extension further back than the existing extension, and given that the proposed extension will have much more of a visual impact than the existing extension, it should potentially be set further back than this. The amended plans show the extension set back slightly but not enough to minimise the impact of the increased massing. The proposed extension is therefore still not considered to be subservient to the existing dwelling and would still be visually dominant and detract from the existing dwelling and as such is not considered to preserve or enhance the character or appearance of the conservation area and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) the Council is required, when determining planning applications for sites within a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

The harm to the significance of the conservation area would be less than substantial therefore paragraph 134 of the NPPF would apply. There are no demonstrable public benefits outlined in the application that could be used to balance this harm. (16.05.2018)

Previous Comments - The proposals are to remove some unsympathetic modern extensions and replace them with a new extension and make alterations to the front of the house. The removal of the extensions, in particular the flat roofed rear extension will better reveal the timber framing of the historic house, however, the size of the extension is very substantial and needs to be reduced in scale and massing to ensure it is subservient to the historic building.

A previous application for an extension to this property was refused on the grounds of its scale and massing and siting. The proposed new extension still needs to be reduced in height so that the ridge and eaves are lower than those of the main house rather than the same height. In terms of massing, the impact of the increased massing needs to be minimised, this could in part be achieved by setting the extension further back than the existing extension, and given that the proposed extension will have much more of a visual impact than the existing extension, it should potentially be set further back than this. The proposed west elevation is entirely blank so its design should have more relief and better articulation.

There are no objections to the removal of the modern extensions. The modifications to the front of the house are acceptable subject to conditions. (29.03.2018)

Arboricultural Officer – The arboricultural details include a tree protection plan and some minor tree works. Both these items are acceptable. Some extension to the gravel area at the rear of the property is proposed. The tree report contends that the extension of the gravel area will have no impact on the retained trees. However, this very much depends on what works are necessary to implement the proposal: excavation, sub-base, compaction, edge restraint etc. Therefore if the application is determined to be acceptable then a condition requiring the submission of construction details for the implementation of the works to the gravelled patio at the rear of the property should be attached to any consent. (16.05.18)

Previous Comments - There have been numerous application within the wider site. As a result there is a small but cumulative change occurring with the evolution of the planning history of this site which is making it increasingly harder to judge the impact of the current proposal on trees and landscaping. No tree survey has been submitted with the current application. For the sake of clarity it is recommended that a plan is provided which shows the current retention/removal status of existing trees, any additional tree works required, the root protection areas of trees to be retained on site and the approved landscaping, all in relation to this current proposal. (26.03.2018)

Ecology Officer – The Ecology Team are satisfied with the methodology and the information provided within the submitted Bat and Bird Building Survey. The Ecology Team concurs with the conclusions of the survey, it can now be considered unlikely that the proposed works would negatively impact upon protected or priority species or habitat. No further ecological survey is required from the applicant at this time. Adherence to the recommendations and methods of working detailed within the submitted survey must be made a condition of any future planning approval. Under Policy NR3 a net gain to biodiversity must be incorporated into all developments, given the nature and location of the proposal it is recommended that this net gain could be best achieved via the inclusion of a bat box within the site. Once incorporated such a net gain to biodiversity should be looked upon favourably and afforded appropriate weighting. (04.04.2018)

Staffordshire County Council Flood Risk Officer – No comments to make, recommend that the Environment Agency are consulted for comments as the site is within Flood Zone 2. (13.03.2018)

Environment Agency – No objection, subject to a condition to ensure that finished floor levels are no lower than existing levels and raised up to 61.75m above Ordnance Datum where possible. (22.03.2018)

LETTERS OF REPRESENTATION

No comments received.

OBSERVATIONS

Site and Location

This application relates to Manor Croft which is located north of Manor Park in Kings Bromley. The dwelling is detached and sited within a large residential plot. The dwelling is locally listed and lies within the Kings Bromley Conservation Area, the site is not located within the settlement boundary of Kings Bromley. There are numerous mature trees within the site. The dwelling is a timber framed black

and white property which has previous single storey side, and two storey flat roofed rear extensions. There are also outbuildings to the side and rear of the dwelling.

The wider site was granted planning permission subject to conditions for the development of 3no dwellings and associated works under 13/01249/FUL in March 2014. Two 4no bedroom dwellings to the west (Plots 1 and 2) and one 5no bedroom dwelling to the east of Manor Croft (Plot 3). Plots 2 and 3 are two storey and Plot 1 is three storey. All the plots are currently under construction. The three new dwellings and Manor Croft will have a shared access drive off Manor Park.

Background

A previous application (17/00902/FUL) was refused in December 2017. This application was for the demolition of the existing front porch, single storey side extension, two storey rear extension, and outbuilding to the rear, and the erection of a two storey side extension and detached garage to the front, and alterations to the front elevation of the dwelling. The application was refused for the following reason;

“The proposed development, by virtue of its scale, massing and siting would create a disproportionate and poorly designed addition to the dwelling which would result in an over-dominant, incongruous form of development that would detract from the character and appearance of the existing dwelling. The proposal would be detrimental to the character and appearance of the Kings Bromley Conservation Area and the appearance of the Locally Listed Building. The development would therefore be contrary to Core Policy 14 (Our Built and Historic Environment) and Policy BE1 (High Quality Development) of the Local Plan Strategy, Historic Environment Supplementary Planning Document, Saved Local Plan Policy C2 and the National Planning Policy Framework.”

Proposal

The application seeks to demolish the existing front porch, single storey side extension, two storey rear extension, and outbuilding to the rear. The application seeks to erect a two storey side extension and alter the front elevation of the dwelling.

The side extension will measure 9.6m in max width and 15.3m in max depth. The extension will have a dual pitched roof, with eaves height of 4.6m and a max height of 7.4m. The ridge of the extension is 0.4m higher than the ridge of the existing dwelling. The extension will be set 0.8m back from the existing front elevation. The link between the existing house and extension will have a dual pitched roof with a max height of 4.9m. The link is set back from the existing front elevation by 1.6m. The extension will have a black metal chimney with a max height of 7.4m. The extension will be constructed of brick and tile.

The alterations to the front elevation include the erection of a flat roofed open porch, removal of corner bay window, and the erection of a two storey bay window to mirror the existing, and the enlargement of the existing first floor window.

This proposal differs from that previously refused in a number of ways. The extension would have a dual pitched roof rather than a flat roof, and would be reduced in max depth by 1.1m, whilst set back by 0.8m. The previously sought detached garage has now been omitted.

Determining issues

1. Principle of Development
2. Impact on Heritage Assets and Design
3. Residential Amenity
4. Other Matters
5. Human Rights

1. Principle of Development
 - 1.1 The proposal relates to an extension to an existing residential property within a residential area of Kings Bromley. Whilst it is noted that the site is not located within the settlement boundary of Kings Bromley, the principle of residential extensions is considered acceptable.
2. Impact on Heritage Assets and Design
 - 2.1 The NPPF attaches great importance to design of the built environment and sets out that high quality and inclusive design should be applied to all development, including individual buildings, private spaces and wider area development schemes. It also states that development should respond to local character and history, and reflect the identity of local surroundings. This sentiment is echoed in Policy BE1 of the Local Plan Strategy which requires new development in terms of layout, size, scale, design and public views. The Policy continues to expand on this point advising that good design should be informed by “appreciation of context, as well as plan, scale, proportion and detail”.
 - 2.2 Saved Policy C2 of the Local Plan (1998) seeks to preserve or enhance the special character and appearance of Conservation Areas and states that development will not be permitted where the detailed design of a building does not respect the character of an area.
 - 2.3 Whilst considering proposals which affect the character of Conservation Area regard is to be made of S16 (2) and S66 (1) of the Planning (Listed Building and Conservation Area Act) 1990, which requires the Local Planning Authority to “*have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses*”.
 - 2.4 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of:
 - the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
 - 2.5 Paragraph 132 of the NPPF then goes on to say that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, Grade I and II* listed buildings, Grade I and II* registered.
 - 2.6 Paragraph 135 of the NPPF requires that the effect of an application on the significance of a Non Designated Heritage Asset should be taken into account when determining an application.
 - 2.7 The site is located within the Kings Bromley Conservation Area and the dwelling as a Locally Listed Building is a Non Designated Heritage Asset (NDHA).
 - 2.8 The Historic Environment SPD in paragraphs 3.41-3.43 states that “it is important to ensure that the overall massing (general shape and bulk) of the extension is appropriate to its context and that the combination of the existing building and extension create a pleasing composition.

It would rarely be acceptable for the extension and alteration of a building to be so numerous or large in scale that the historic fabric is dominated by later work or new work. In most cases the original/historic volume, footprint and form of the historic building should be clearly legible and should be the most dominant part of the building by virtue of its scale, bulk, height and massing in relation to later additions.” The SPD also states in paragraph 3.48 that “extensions that are connected to the historic building via a small link may nonetheless be dominant due to the scale, height, bulk or siting.” Paragraph 3.52 states that there may be instances that an alternative roof form, such as a flat roof to an appropriately designed contemporary extension can be of merit.

- 2.9 Given the above, it is considered that the proposed extension by means of its scale, massing and siting would be an overly prominent and incongruous addition to the dwelling. It is noted that the extension has been sited 0.8m back from the existing front elevation, however it is not considered that this set back is sufficient to reduce the impact of the massing of the extension. It is considered that the link section to the host dwelling is not small or lightweight, and as such does not comply with the guidance set out in the Historic Environment SPD.
- 2.10 Paragraph 134 of the NPPF states that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”*.
- 2.11 It is considered that the proposal would cause less than substantial harm to the Conservation Area, with no demonstrable public benefits to outweigh this harm. Whilst it is noted that the proposal would result in the removal of an incongruous flat roofed extension and outbuilding, it is not considered that the removal of these elements would outweigh the harm caused by the proposed extension.
- 2.12 Paragraph 135 of the NPPF states that *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”*.
- 2.13 Overall, It is considered that the proposed extension by virtue of its scale, massing and siting would be an overly prominent and incongruous addition to the dwelling. The proposed extension does not reflect the design and character of the existing dwelling. It is considered that the proposal would detract from the appearance of this locally listed building, harming the significance of this non-designated heritage asset.
- 2.14 Taking the above into consideration, the great weight attributable to the less than substantial harm to the heritage asset, along with the impact upon the non-designated heritage asset, will have to be weighed within the planning balance exercise. In terms of the heritage impact, no public benefits have been identified which outweigh the harm. As such the proposal would not accord with the development plan or NPPF in this regard.

3. Residential Amenity

- 3.1 Given the proximity of the works to existing neighbours, approximately 7.5m away, it is considered that the proposed extension will not have a detrimental impact upon the neighbouring residential amenity. The proposed extension will not cause loss of light to the neighbouring property.
- 3.2 In addition, the proposal meets the minimum distance requirements for principle windows as set out in the Sustainable Design SPD. It is therefore considered the proposal will not result in any detrimental impact on the amenity of the neighbours and would as such accord with the requirements of the Development Plan and NPPF in this regard.

4 Ecology and Arboriculture

- 4.1 To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 4.2 A Bat and Bird Building Survey has been submitted with the application. The Ecology Team is satisfied with the methodology and information provided within the Bat and Bird Survey accompanying the application and concurs with the conclusions that it is unlikely that the proposed works would negatively impact on a European Protected Species or a protected or priority species or habitat. However all recommendations and methods of working set out in the Survey should be adhered to and this could be secured by condition if approved.
- 4.3 Policy NR3 of the Local Plan Strategy states that a net gain to biodiversity should be delivered through all developments. Due to the nature and location of the proposal it is recommended that this net gain could be best achieved via the inclusion of a bat or bird box within the site, this could be secured via condition. As such the development would accord with the Local Plan Strategy and the NPPF in this regard.
- 4.4 With regard to arboricultural matters, the site falls within the Kings Bromley Conservation Area and the trees therefore form a material consideration in the determination of this application. The Council's Arboricultural Officer has assessed the scheme and considers the proposed minor tree works and submitted tree protection plan are acceptable. However the submitted information does not provide enough detail relating to the extended gravel area to assess its impact upon the trees, as such it is requested that further detail relating to the construction of the gravelled patio area be required by condition should permission be granted.
- 4.5 In conclusion, it is considered that subject to appropriate conditions there would be no harm to biodiversity interests and it is anticipated that the arboricultural issue could be satisfactorily resolved via conditions also. The proposal therefore accords with the Development Plan and NPPF in this regard.

5 Other Matters:

- 5.1 In terms of parking provision, Policy ST2 requires appropriate provision to be made for off street parking in accordance with the Sustainable Design Supplementary Planning Document. The Sustainable Design Supplementary Planning Document requires four bedroom dwellings to provide 2no parking spaces. The required parking spaces will be provided within the drive to the front of the property. As such the proposal is acceptable in this regard.
- 5.2 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. An informative noting the need to resolve CIL payment for this development should be attached to any permission.

6 Human Rights

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

policies of the Development Plan, and is proportionate. The applicant has a right of appeal in accordance with Article 6.

Conclusion

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, the development would not have any negative impacts upon the amenity of neighbouring properties. Environmentally, the development would not result in negative impacts upon protected trees and would not have a negative impact upon protected and priority species or habitats. However, the development will cause less than substantial harm to the Kings Bromley Conservation Area designated heritage asset due to the scale, massing and siting of the proposed extension. The adverse impact upon the locally listed building, must also be appropriately weighed. The titled balance afforded to the heritage harm has not been off-set as no public benefits of the scheme have been identified.

Weighing the material weight attributable to each consideration, for the reasons set out above, the proposal does not comply with the development plan and the NPPF and it is therefore recommended that this application be refused.

LOCATION PLAN

18/00467/FUL
Fish Face
Willow Court
Tamworth Road

Scale: 1:800

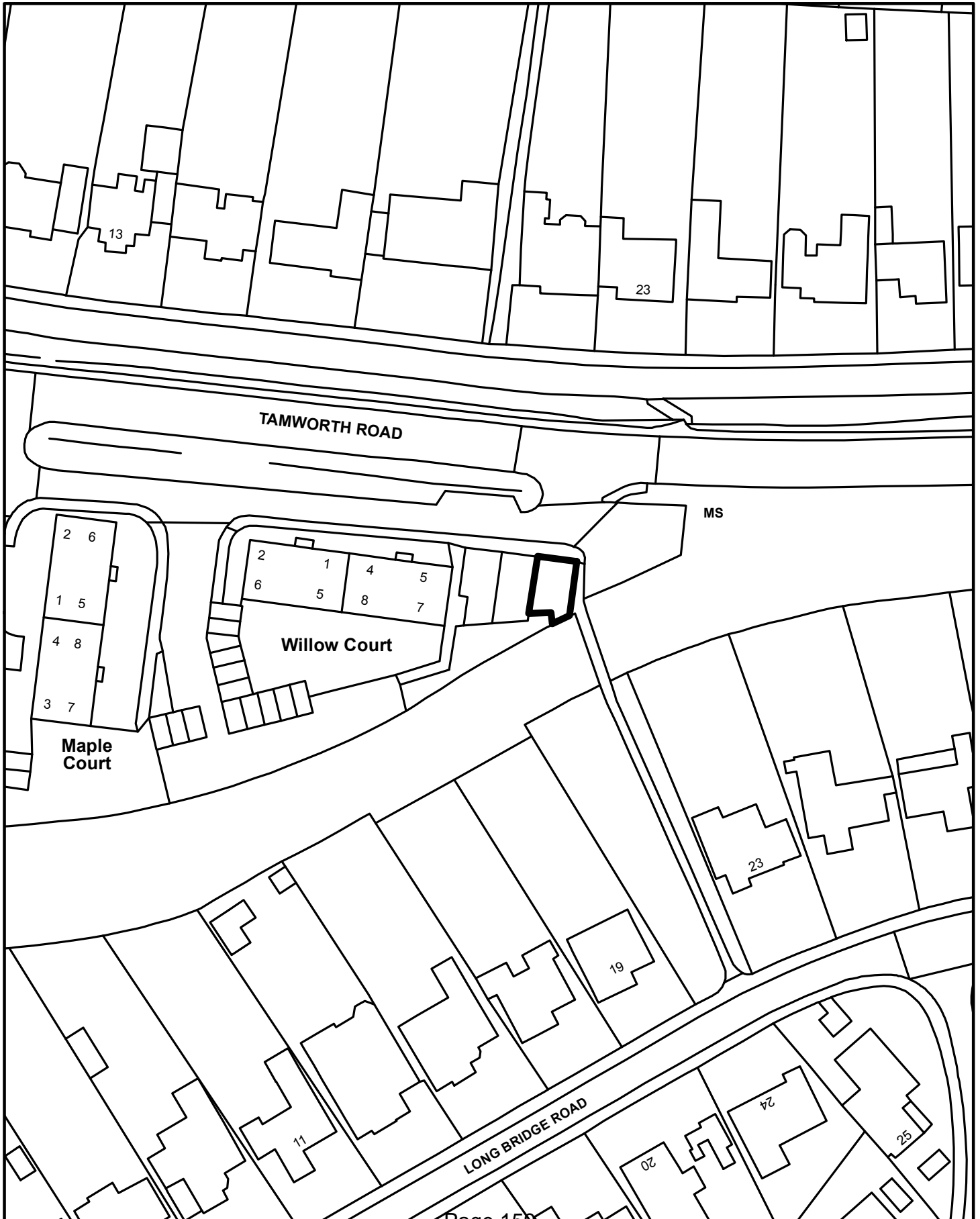
Dated: June 2018

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18/00467/FUL

VARIATION OF CONDITION 9 OF APPLICATION 13/01328/COU TO ALLOW INCREASED OPENING HOURS.

FISH FACE, WILLOW COURT, TAMWORTH ROAD, LICHFIELD

FOR MR W COOPER

Registered on 24/4/18

Parish: Lichfield City

Note: This application is being reported to the planning committee due to significant planning objections raised by Lichfield City Council on the grounds of impact on amenity of neighbouring properties with particular regard to noise, odour and nuisance.

RECOMMENDATION: Approve, subject to the following conditions:

CONDITIONS:

1. 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; as agreed under planning permission ref. 13/01328/COU, except insofar as may be otherwise required by other conditions to which this permission is subject.
2. The bins and access ramp shown on approved drawing No. 728/03 Rev C shall be provided in accordance with the approved details for the life of the development.
3. The additional parking as shown on approved drawing No. 728/03 B shall be retained in accordance with the details shown on this plan for the life of the development.
4. The odour extraction system as approved under application ref. 13/01328/COU shall remain in place for the life of the development.
5. The works specified in the Plan IT Contracts 'Design Specification for Extract and Supply Ventilation System, Ref. PALA EQ1408-075' submitted in support of application 13/01328/COU (as amended by an email from Plan-IT dated 23 January 2014), shall be implemented in full and thereafter maintained for the life of the development. The completed works shall in all respects comply with the acoustic specifications contained in DRUK Limited report DRUK/ACC/RS/PLWCL/2269 dated 10 October 2013.
6. The premises shall be open for custom only between the following hours of: 12.00pm and 9:30pm on Mondays to Thursday's inclusive; and 12.00pm and 10:30pm on Fridays and Saturdays inclusive. There shall be no opening whatsoever on Sundays, Public or Bank Holidays.
7. The premises shall be used for the purposes of a Fish and Chip shop only and for no other purpose, including any other purpose in Class A5 of the schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASONS FOR CONDITIONS:

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

2. For the avoidance of doubt and in accordance with the applicant's stated intentions and in order to meet the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
3. To ensure the development does not have an adverse impact upon highway safety, in accordance with the requirements of Local Plan and Policy BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
4. To safeguard nearby residential amenity, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
5. To safeguard nearby residential amenity, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
6. To safeguard the amenities of nearby residents, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
7. To safeguard the amenities of nearby residents, in accordance with the requirements of 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.
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.
3. The proposed development complies with the provisions of the adopted Local Plan as well as the National Planning Policy Framework. The Local Planning Authority has worked positively and proactively in compliance with the requirements of paragraphs 186-187 of the NPPF.

PLANNING POLICY

Government Guidance

National Planning Policy Framework

National Planning Practice Guidance

Local Plan Strategy

Core Policy 1 – The Spatial Strategy

Core Policy 2 – Presumption in Favour of Sustainable Development

Core Policy 3 – Delivering Sustainable Development

Core Policy 10 – Healthy Safe Lifestyles

Policy BE1 – High Quality Development

Policy ST2 – Parking Provision

Neighbourhood Plans

Lichfield City Neighbourhood Plan (made)

Supplementary Planning Documents
Sustainable Design

RELEVANT PLANNING HISTORY

13/01328/COU – Change of use of A1 to A5 Fish and Chip Shop – Approved – 29/4/14 (Committee Decision)

18/00488/ADV - Retention of two non-illuminated freestanding signs and flag pole – Pending consideration.

CONSULTATIONS

Environmental Health Department – No objections, subject to the clarification that the time period is 12pm and not 12am as per stated on the application forms. This is on the assumption that the reduced opening hours at the end of the day will be of benefit in reducing noise levels at a more sensitive time (25.4.18)

Lichfield City Council – Recommend refusal due to the impact on the amenity of neighbouring properties with particular regard to noise, odour and nuisance. (4.5.18)

Police Architectural liaison Officer – No response received.

Staffordshire County Council Highways Department – No objections (9.5.18)

Lichfield District Council Tree Officer – No objections (3.5.18)

Ramblers Association – No comments to offer (15.5.18)

LETTERS OF REPRESENTATION

9 letters of representation received. Their concerns are summarised as follows:

- Detrimental impacts from noise, odour and light pollution
- Questions the need for an A5 business in this location
- Adverse effect upon residents
- Inaccuracy of description of development
- No desire or demand for the increase in opening hours
- Council officials already approved this application
- Impact upon public health due to nature of food sold
- The application site (red line) differing from the previous approval and the location of the hedge planted as part of the landscaping

OBSERVATIONS

Site and Location

Fish Face fish and chip shop occupies the end building of a row of three commercial properties in Willow Court which runs parallel to Tamworth Road. The block of three commercial units is accessed off a service road and benefits from its own parking provision. The building is of a post war design being flat roofed with fully glazed shop frontages. Immediately to the west of the building are eight residential maisonettes within Willow Court which share the service road with the commercial units. Residential properties located to the south/rear along Long Bridge Road are some 38 metres away of

the application site, while residential properties opposite in Tamworth Road are approximately 40 metres to the north of the site.

Background

Planning permission was granted in 2014 for the change of use of this unit from a hair salon to an A5 Fish and Chip Shop. Permission was granted subject to 10 conditions with one of these conditions restricted the hours of which the unit could be open to the public. The hours authorised by condition No.9 of the original planning permission are;

- 11:45am to 2:00pm and 4:45pm to 10:00pm Mondays to Thursdays, and
- 11:45am to 2:00pm and 4:45pm and 11:00pm Fridays and Saturdays

This allows for the unit to be open for the lunchtime trade and again for the evening/takeaway trade and at the weekends.

Proposals

This current application is made under Section 73 of the Town and Country Planning Act 1990 and seeks to amend condition 9 to allow for opening from lunchtime through to the evening trade without pause. The requested hours of opening are;

- 12:00pm to 9:30pm Mondays to Thursdays and,
- 12:00pm to 10:30pm Fridays to Saturdays

The application form states that opening during the day will cause less build-up of customers when opening as the applicant is finding that there is a large amount of traffic waiting for the unit to open which is causing some congestion.

No other amendments to the permission are proposed through this application however, it is noted that a separate application for signage is currently being considered by the Local Planning Authority and will be judged on its own merits.

Note: This application was originally registered and consulted upon with a description which referred to a "reduction in the opening hours" of the unit. However, following a review of the application details, the description was amended to the current version which it is considered better reflects the proposals.

Determining Issues

1. Policy & Principle of Development
2. Residential Amenity
3. Highway Safety
4. Other Issues
5. Human Rights

1. Policy and Principle of Development

- 1.1 The principle of the use of the premises as an A5 fish and chip shop is established through the extant planning permission 13/01328/COU and therefore, subject to the consideration of general development management criteria below, the principle of the proposal is acceptable.

2. Residential Amenity

- 2.1 Policy BE1 of the adopted Local Plan Strategy requires development proposals to ensure that a high quality sustainable built environment can be achieved. Development will be permitted where it can be demonstrated that it will have a positive impact on the significance of the historic environment and reducing carbon emissions. New development, including extensions and alterations to existing buildings, must have a positive impact upon amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 2.2 As part of the consideration of this application it is important to note that the site already benefits from permission to operate as an A5 Fish and Chip shop and has the ability to open during lunchtime and evening hours. The consideration of this application therefore is limited to the impact of the increased hours of opening between the hours of 2pm and 4:45pm which would result in an additional 2 hours and 45 minutes opening during each day (Monday to Saturdays). It is also proposed to reduce the opening hours of the evening by 30 minutes daily.
- 2.3 Some of the objections received raise concerns about the noise and odour emanating from the unit. The original permission for the fish and chip shop was granted subject to a conditions (7&8), which required a specific extraction system be installed before the development was first brought into use and that it be retained for the life of the development. This system has been installed and checked by Environmental Health Officers who advise that the equipment has been appropriately installed and remains in operation. These two conditions were imposed in order to ensure that the noise and odour emanating from the site would not cause significant detrimental impact upon neighbouring amenity. When read in conjunction with condition 9 of the permission (opening hours), it is apparent that the Local Planning Authority were satisfied that the impact of the use, providing the extraction equipment is in situ, would not be significantly harmful in this regard for the hours permitted. It is considered that the permitted hours, are more sensitive, being able to extend into the evenings until 10pm Wednesdays and 11pm on Fridays and Saturdays, than those being requested as part of this application. If permitted, it is considered that the increased use of the takeaway during mid-afternoon would not be significantly more harmful than the impact which is currently apparent. The Council's Environmental Health Officer has raised no objection to the proposal and considers there will be minimal impact as a result of the increased opening hours between lunchtime and the evening trade.
- 2.4 Having regards to the advice of the Environmental Health Officer, it is considered that there would be no undue harm caused by the additional afternoon opening of some 2 hours 45 minutes per day. Furthermore, there would be a reduction in the evening opening of 30 minutes per day (Monday to Saturday), therefore if is considered there would be no substantial reason to justify refusal of the application on such ground, subject to conditions, as recommended.

3. Highways Safety

- 3.1 The application site together with the adjacent two units benefits from off road parking for 8 parking spaces. The increase in opening hours during the afternoon period will cause no further detrimental impact than when the site is open during the lunchtime or evening period for which is currently permitted. No objection has been received from Staffordshire County Council's Highways and, given that the impact of the increased hours will not result in an intensification of the area at any particular point of the day, it is considered that the alteration to the hours of operation will not cause severe harm to highways safety. A condition is recommended to ensure retention of the additional parking that was approved as part of the original permission for the change of use.

4. Other Issues

- 4.1 A separate application for the retention of two free standing advertisements is currently being considered. The impact of the advertisements will therefore be determined as part of that application and so is not a matter for consideration as part of this application.
- 4.2 Core Policy 10: Healthy & Safe Lifestyles states that initiatives which enable or improve access to healthy food, for example food co-operative or allotments, will be supported. However, no policies within the plan seek to restrict the provision of A5 takeaways and therefore such a proposal is not contrary to the development plan in this regard.
- 4.3 One of the objections received for this application makes reference to the site location plan which shows a different red line site boundary compared to that which related to the original application. Applications for variation of conditions, such as this, are not required to be accompanied by a site location plan as it is an amendment to the original application and approved details only. The site boundary cannot be altered or amended through a variation of condition application. The site plan submitted as part of this application therefore has not been assessed and will not be listed as an approved plan on any decision document.
- 4.4 An objection received for this application which raises concerns that the hedge which was planted as part of this development has been planted on land owned by Lichfield City Council. The matter of encroachment is not a planning matter and if the hedge has been planted in a location which differed to that which was approved through the original application, then this would be a separate matter and has no bearing on consideration of this application which solely relates to the change of hours of opening of the fish and chip shop.

5. Human Rights

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

Regard has been had to the concerns raised by local residents, however it is considered that the proposed change to the hours of opening to allow a further 2 hours and 45 minutes during the afternoon and a reduction in the evening by 30 minutes (Monday to Saturday) would not cause significant additional harm to the amenity of local residents, by reason of noise, odour and general disturbance, subject to conditions. It is noted that the installed extraction and ventilation system, has been deemed appropriate by the Environmental Health Team. Furthermore, no undue harm would be caused to highway safety by the proposal. Therefore, subject to conditions, it is considered that the proposals are acceptable and meet national and local planning policy. Accordingly, approval is recommended.

ITEM B

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

4 June 2018

CONTENTS

Case No.	Site Address	Parish/Town Council
18/00604/FUL	11 Field Road Lichfield	Lichfield

LOCATION PLAN

18/00604/FUL
11 Field Road
Lichfield
Staffordshire

Scale: 1:1,000

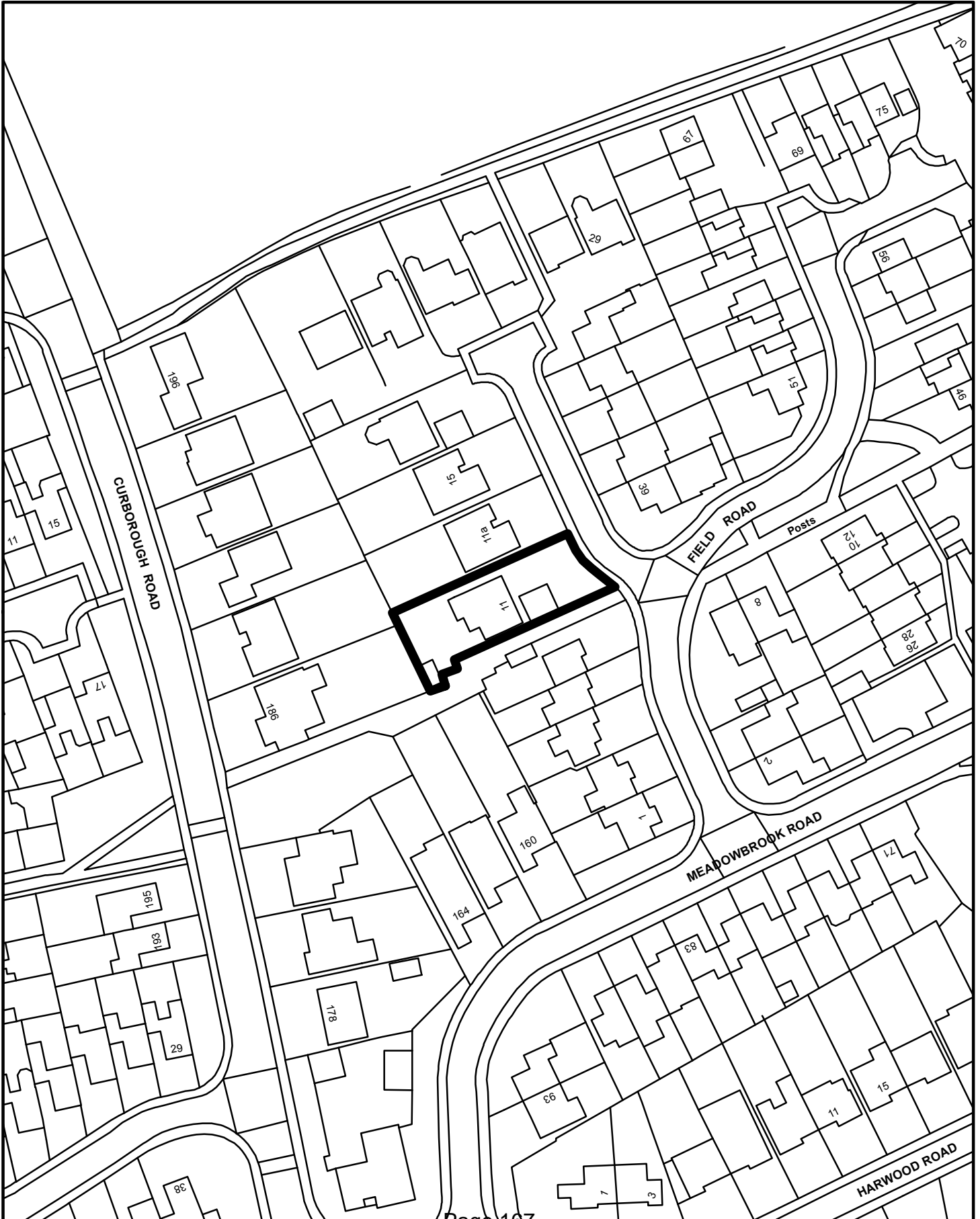
Dated: June 2018

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Lichfield
district council

www.lichfielddc.gov.uk

District Council House
Frog Lane
Lichfield
Staffs
WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

BLOCK PLAN

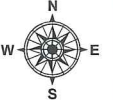
18/00604/FUL
11 Field Road
Lichfield
Staffordshire

Scale: 1:1,000

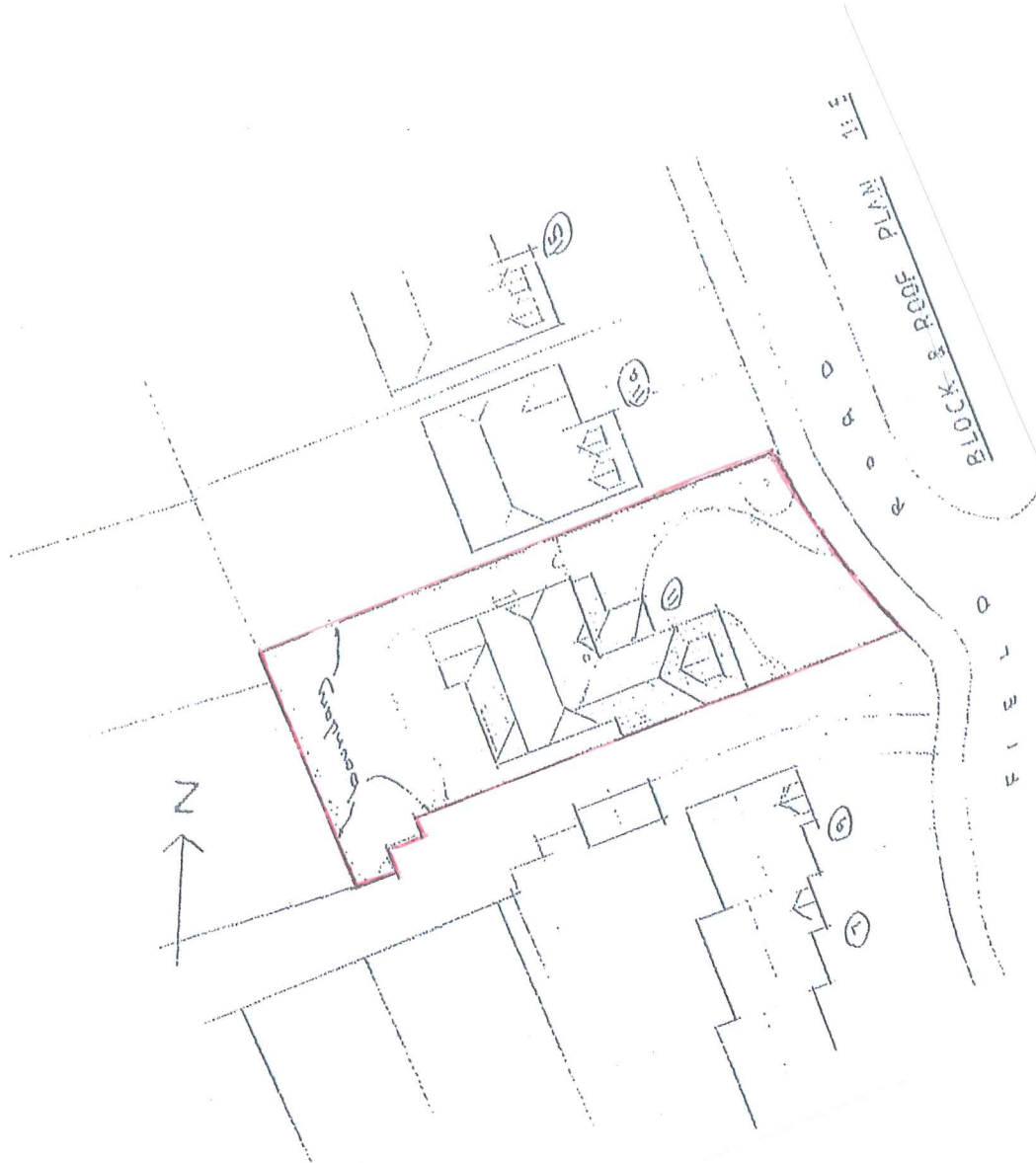
Dated: June 2018

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18/00604/FUL

RETROSPECTIVE APPLICATION TO INCREASE HEIGHT OF SOUTHERN BOUNDARY WALL TO 2.40M, DWARF WALL AT FRONT TO 1.2M WITH PILLARS AT 1.36M AND 1.45M (AMENDMENT TO APPLICATION 14/00310/FUL).

11 FIELD ROAD, LICHFIELD.

FOR MRS J MCKENNA

Registered 20/4/18

Parish: Lichfield

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

RECOMMENDATION: Approve, subject to the following conditions,

CONDITIONS:

1. The development authorised by this permission shall be retained in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any Order revoking or re-enacting the Order with or without modification), no gates shall be erected at the front of the property without the prior written permission, on application, to the Local Planning Authority.

REASONS FOR CONDITIONS:

1. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework.
2. To ensure highway safety and to retain the visual amenity of the site, in order to meet the requirements of 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) and the Lichfield City Neighbourhood Plan.
 2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Local Planning Authority will endeavour to discharge all conditions in a timely manner, legislation allows a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.
 3. It is considered that the development meets with the provisions of paragraphs 186-187 of the NPPF.
-

PLANNING POLICY

Government Guidance

National Planning Policy Framework
National Planning Policy Guidance

Local Plan Strategy

Core Policy 3 – Delivering Sustainable Development
Policy BE1 – High Quality Development

Supplementary Planning Documents

Sustainable Design

Neighbourhood Plan

Lichfield City

RELEVANT PLANNING HISTORY

14/00310/FUL - Conversion of garage, single storey rear and two storey front extensions to form games room, hall, utility, dining room, bathroom, bedrooms and en suite – Approve 16.07.14

CONSULTATIONS

Lichfield City Council – Awaiting comments

Staffordshire Highways – Awaiting comments

LETTERS OF REPRESENTATION

1 letter of representation has been received providing the following comments:

- The wall has been constructed with a single 225mm brick. The recommended height for a single brick wall is 2 metres. This current height could be considered substandard and a risk as it fronts a public highway.

BACKGROUND DOCUMENTS

None

OBSERVATIONS

Site and Location

This application relates to boundary walls found within the curtilage of a detached two storey dwelling located on the eastern side of Field Road, Lichfield. To the front of the dwelling there is a large area of paved hardstanding which forms a driveway. The dwelling has an internal single storey garage to the side. The dwelling is surrounded by residential properties of a similar character and design. There is a public walkway to the south of the site, which falls in between Number 9 and Number 11. This footpath connects from Field Road to Curborough Road.

Background

The property gained consent for conversion of the double garage, a single storey rear and two storey front extensions to form games room, hall, utility, dining room, bathroom, bedrooms and en-suite in 2014 under application ref: 14/00310/FUL. Although not included within the description of development, the approved drawing included the raising of the southern side retaining boundary wall, up to a maximum of 2m due to the incline nature of the site. The plans also showed a new 0.3m dwarf

wall along the frontage and a new north boundary wall front of the dwelling with a maximum height of 1.8m

Proposal

This application seeks consent to retain the southern side boundary wall and the front boundary wall and two pillars at their existing heights, which are not permitted development.

The current southern side boundary wall is a taller version of the previous retaining / boundary wall. It has been increased from a maximum 2m to 2.4m. Standing 2.4m in height at its highest near to the dwelling stepping down to 1m at the road side.

A roadside boundary wall has been constructed to a height of 1.2m, with pillars either side of the vehicular entrance 1.45m and 1.36m in height respectively. The materials of construction reflect those of the extended dwelling, red and blue brick.

Determining issues

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

1. Principle of Development

1.1 This application relates to the retention of boundary walls to a residential property within a residential area of Lichfield. Boundary walls were originally granted planning permission by way of application 14/00310/FUL, however different walls have been constructed. Notwithstanding this, the principle of such development is acceptable in this sustainable area.

2. Design and Appearance

2.1 The NPPF attaches great importance to design of the built environment and sets out that high quality and inclusive design should be applied to all development, including individual buildings, private spaces and wider area development schemes. It also states that development should respond to local character and history, and reflect the identity of local surroundings. This sentiment is echoed in Policy BE1 of the Local Plan Strategy which requires that extensions and alterations to existing buildings to carefully respect the character of the surrounding area and development in terms of layout, size, scale, design and public views.

2.2 The boundary walls are visible additions to the streetscene, however it is not considered that these walls are incongruous additions to the locality. There was previously a smaller wall to the southern boundary adjacent to the public footpath. Consent was previously given for a wall up to 2m in height, however due to the differences in ground level between the site and the adjacent footway of up to 0.7m it was considered by the applicant that this did not adequately protect the amenities of other properties to the south of the site caused by overlooking. As a result of the land level differences, and the sloping nature of the applicant's driveway, the wall on the applicant's driveway was up to 1.3m in height. The currently sited wall due to the land level differences is up to 2m in height on the applicants side, although only 1.7m adjacent to the dwelling.

2.3 A similar, 2m high wall exists to the southern side of the pedestrian walkway which forms the northern boundary of no 9 Field Road. The walkway through to Curborough Road features brick walls on either side at approximately 1.8m-2m in height in the main (with the exception of the application walls) and there are other domestic structures along the route such as a detached garage which is owned by Number 11. The 2.4m southern boundary wall, subject of

this application, is staggered in height, therefore it still allows a large amount of light and natural surveillance onto the footway, which is unlikely to impact crime levels in the area. As such, the principle of a high boundary wall in the locality is considered acceptable. The brickwork matches the existing property and the increase in height gives privacy to the property from the public footpath, as this was previously open. In terms of the 0.4m increase, it is not considered that this would be detrimental to character of the streetscene given that it would only be viewed from one direction and against a backdrop of the side wall and high level boundary wall of no9. Therefore overall, it is considered that this element of the application is acceptable.

- 2.4 With regards to the front boundary wall, no other properties in the immediate locality have a front boundary wall or pillars, however the wall that has been built is low level and uses matching brickwork. It is considered that due to the size of the front boundary wall and pillars, there is no harm to the character and appearance of the streetscene. A brick wall at 1m in height at the front of the property could be constructed under Permitted Development, as such the marginal increase in height of the wall (0.2m) and pillars (up to 0.45m) is not considered to cause any greater harm.
- 2.5 Overall it is considered that the development is not harmful to the character and appearance of the streetscene or create opportunities for criminality and as such accords with the Development Plan with regard to design and appearance.

3. Residential Amenity

- 3.1 Number 9 Field Road to the south of the application site is the nearest dwelling to the development, however as the neighbouring property is approximately 6.7m from the wall as there is an intervening public footpath in between Number 9 and Number 11, it is considered that the development causes a loss of light or amenity to this property.
- 3.2 Therefore, it is considered the development accords with the Development Plan with regard to impact on residential amenity

4. Other Matters

- 4.1 It has been highlighted by a local resident that the southern high boundary wall is of single brick construction. This comment has been noted, however it is not a material planning consideration. Notwithstanding this, on review, the wall is of double brick construction. This has been clarified by the Council's Building Control team.

5. Human Rights

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

Conclusion

As the development is in situ, it is possible to assess first-hand the impact of the development on the locality. Consequently, it is considered that the development does not have a detrimental impact on neighbouring amenity, or cause any detrimental impact on the streetscene, or give rise to criminality. As such, the development would accord with the requirements of the Local Plan Strategy and the NPPF. Accordingly, the application is recommended for approval.

Tree Preservation Order No 406-2017

Enter title of relevant Cabinet Member

Date: 04 June 2018
 Agenda Item: 5
 Contact Officer: Gareth Hare
 Tel Number: 01543 308207
 Email: Gareth.hare@lichfielddc.gov.uk
 Key Decision? NO
 Local Ward Members: Cllrs, David Leytham, Rob Strachan, Alan White.



**PLANNING
COMMITTEE**

1. Executive Summary

- 1.1 To seek members decision regarding the confirmation of Tree Preservation Order 406-2017 at Paget House, Old Hall Drive, Elford, Staffs, B79 9BZ.

2. Recommendations

- 2.1 That the Committee confirm the Tree Preservation order without modifications.

3. Background

- 3.1 A tree work application for a range of works was submitted on the 17/11/17 along with an Arboricultural report (see appendix A, works identified pg8-10).
- 3.2 The works proposed were found to affect two parcels of land: The grounds of Paget House and an adjacent plot of land in the ownership of Birmingham City Council. The City Council had been in negotiation over the sale of the land. However that sale was not complete at the time of submission of the application and Birmingham City Council (hereafter BCC) had not been notified of the proposed works. The two parcels of land are defined at appendix B with Paget House land shown blue and the adjacent Birmingham City Council land shown red.
- 3.3 The two areas of land are subject to either/both the Elford Conservation Area and Lichfield District Council Tree Preservation Order no 52-1980. (plan at appendix B for TPO 52)
- 3.4 Paget House is situated within the garden of what was Elford Hall. The land adjacent to Paget House in the ownership of BCC includes the former garden wall and the main entrance gates to the Hall. The development of which Paget House forms part was carried out in the 1980s.
- 3.5 Some of the works proposed related to trees which are only protected by the Elford Conservation Area. When a Local Authority is in receipt of notice to carry out works to a tree in a conservation area, there are only two choices: either allow the works or make a preservation order.
- 3.6 Following the service of the order on the 21st of December 2017, a report produced by an arboriculturalist working for the owner of Paget House was received. This document is reproduced at Appendix C for reference. The map and schedule of TPO 406 is at appendix E.

The objections to the order were summarised at 5.1 within the report and are numbered 1-8. Responses in italics are beneath each point for ease of reference. Responses are made with reference to the report containing the objections, the original tree works application and TPO guidance and statute as required.

1. The land is already adequately protected by a Conservation Area which protects the trees on this site.

The land is sited within the Elford Conservation Area. However, (and in common with 3.5) a Conservation Area affords a lesser level of protection when compared to a Tree Preservation Order. A local authority cannot refuse works proposed within a Conservation Area. The only response available to an Authority which is in receipt of a notification of tree works within a Conservation Area –that they contend should not proceed- is to make a Tree Preservation Order.

2 Most of the trees listed within the order have no visual amenity value from a public place (a necessary condition of protecting trees).

The amenity of trees, or their suitability for inclusion within a tree preservation order is not based solely upon their visibility from a public place. There is no absolute requirement that a tree which is to be made the subject of a tree preservation order is visible or has visual amenity (sic) from a public place, only that: 'The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.' (my underline for emphasis). The guidance goes on to list a number of other factors that may be taken into account when making tree preservation orders:

Individual, collective and wider impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

In contrast to the objection -and having undertaken a site visit to confirm this- a number of the trees (or parts of them) can be seen from a public place. The place/s in question being the adjacent Churchyard and the approach road along the avenue. In addition, they can be seen from neighbouring gardens.

Some of the specimens within the land covered by the TPO will be associated with or would have been planted whilst the land was a garden to Elford Hall (the Hall was demolished in 1964). These specimens have a historic and or/cultural value as part of that past use regardless of their current visibility. The situation would be analogous to the fabric of a listed building which is not visible from the roadside but is nevertheless protected.

At the time of writing it is not clear that the part of the land in the ownership of BCC will pass to the owners of Paget House. Given the uncertainty over the land holding there remains the potential for the trees to offer amenity to the public in future if the use of the land changes. This is especially pertinent given that the adjacent listed wall contains the main gates and carriage entrance to Elford Hall.

There is both a contribution to the landscape with some of the trees having been components of a formal landscape for many years and more generally in the sense of place that the trees create.

Although much of the built form has been lost, many of the trees are components of the 'lost landscape' of Elford Hall.

Similarly the trees contribute to the character and appearance of the Conservation Area. The character of this part of the conservation area is of development within well treed, mature grounds.

3. An assessment of the trees has been carried out and confirmed the trees do not merit protection.

An assessment has been carried out and is reproduced within the arboriculturalists report attached at Appendix C. The conclusion of the assessment is that the trees do not merit protection. However, when using any assessment system (whether for trees or any other asset) the outcomes are dependent on a subjective view being input. The subjective views of the surveyor working on behalf of the applicant in this instance are opposed to the view of the Council. In order to assess this issue fully the arboricultural officer used the same system to assess the trees and the results are markedly different. The table is reproduced at appendix D

4. A site visit with the Arboricultural Officer confirmed the need to carry out some tree works to several trees, including the removal of some trees (which would not be noticed by the public).

During a site visit with the surveyor acting for the applicant, some tree works were identified. These included an option for coppicing a Willow (T1), the removal of a number of trees within W1 which are affecting the listed wall and some remedial pruning to other trees within the site. However the fact that works have been identified does not preclude the placing of a TPO. It is however indicative of a pragmatic approach to reasonable works and the intention of preventing further damage to listed assets in the case of the wall. In the case of the Willow the surveyor asserts –in terms of coppicing the tree- that: 'Confirming such works would be an indication that its' overall merit on the site is minimal.' Contrary to that view, it is confirmed that the merit of the Willow is substantial both in terms of its' contribution to the site and it's relation to the riverbank setting. In common with many Crack Willows, it has become large and with a multi-stemmed form (usual for the species) it is likely that one or other of the large limbs will fail. In some cases such limb failure leads to the demise of the tree. Coppicing/pollarding or works in between (often termed 'coppard') are traditional management practices for Willows and when carried out cyclically, result in the long term retention of the trees within the landscape.

5. The woodland order is within a garden area (as confirmed in the formal notice). This is against TPO guidance and must be changed.

The current TPO guidance has this to say about the woodland category: 'It is unlikely to be appropriate to use the woodland category in gardens' (my underline for emphasis). The site as previously detailed is currently within two ownerships: one which encompasses the house and garden of Paget House and the other an area of land within the ownership of Birmingham City Council and being a remnant of the garden of Elford Hall. The land in question has been left (primarily) to its own devices for many years and possibly even prior to the demolition of the Hall in 1964. In those years the conditions within the area designated W1 have gradually changed from that of a managed garden to that of a woodland. The surveyor working for the applicant was content to describe the area as 'woodland' within the original tree works application, Birmingham City Council described it as woodland in an application to carry out works under the previous TPO and in the view of the Council's Arboricultural Officer, the area has the characteristics and appearance of woodland. There is a range of species, tree size and regeneration/seedlings/saplings, a litter layer, and some understorey shrubs. Therefore it is appropriate to use the Woodland Category in this instance.

6. The officer felt it 'prudent' to serve a tree preservation order. The Order must only be made due to a foreseeable threat and that the trees have amenity value from a public area (i.e. they are clearly visible). This is not the case in this situation.

The view of the Arboricultural officer is that the decision to make the tree preservation order was prudent in light of the following factors:

The ownership of Paget House had recently changed. A tree works application/notification (including works to trees within the Conservation Area and trees within a pre-existing tree preservation order) had been received prior to making the order. The application/notification included works to trees which were not within the ownership of the applicant and the land owner (Birmingham City Council) had not been notified. Discussion with the surveyor in terms of deleting works to trees within the conservation area for example the felling of the Robinia within G2, had not resulted in a change in the notification. Subsequent to the order being served, a planning application for the re-development of the site has been submitted

Therefore the threat to the trees was foreseeable. In addition it was clear that since order no 52-1980 was made, the conditions on site had changed. Authorities are required to keep orders up to date and the opportunity to do so in this instance was taken.

The point about visibility has been dealt with in detail at point 2.

7. Several tree works will still be required both for arboricultural reasons and to protected listed walls and structures.

This issue has been dealt with at point 4.

8. The main area of land has been neglected by the previous owner and these works will bring it back to its former use and look. The placing of a woodland order on this area will be counterproductive and inappropriate.

The technical use of the woodland category and its appropriateness is dealt with at point 5. The woodland represents a part of the site's narrative. The evolution of W1 from garden to woodland has taken in excess of fifty years. The management of W1 as a woodland may not be what the prospective owners envisaged. However this may only be counterproductive in their view. The wider context of the site as detailed in preceding points must also be taken into account.

3.7 Applications can be made and determined under the new TPO (if confirmed) and if those applications are refused by Lichfield District Council then the applicant has recourse to appeal to the Planning Inspectorate (PINS). If the TPO is not confirmed then the works to trees only protected by the Conservation Area may be immediately carried out. These are: the felling of a large Robinia (False Acacia) tree (T18 within the Apex Environmental report attached and within G2 of TPO 406), the coppicing of areas of Portuguese Laurel and Sycamore (the former appears to be part of the planting associated with Elford Hall and the latter part of woodland regeneration and crown lifting works to 4m above ground level to a Deodar Cedar, a Purple Beech and any trees within the woodlands which are not currently protected by TPO 52 of 1980. In the view of the Arboricultural officer, the works are arboriculturally unjustified and are one of the reasons for serving the TPO.

Alternative Options	1. The Committee may choose not to confirm the Tree Preservation Order.
Consultation	1. The Chair and Vice-Chair of the Planning Committee are consulted in advance of making a Tree Preservation Order.
Financial Implications	1. Tree Preservation Orders make provision for the payment by the Local Planning Authority, of compensation for loss or damage caused or incurred, within a twelve month period from the date of their decision, as a result of their refusal of any consent under the Tree Preservation Order or their grant of consent subject to conditions. There are no financial implications in the confirmation of a Preservation Order.
Contribution to the Delivery of the Strategic Plan	1. Assists in ensuring that Lichfield remains a clean, green and welcoming place to live.
Equality, Diversity and Human Rights Implications	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 of 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 administration of the tree preservation order.
Crime & Safety Issues	1. N/A

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	High Court Challenge (after confirmation)	Ensuring that the TPO is within the powers of the Act and that the requirements of the Act and Regulations have been complied with in relation to the TPO.	Green

Appendix A

Arboricultural Report

Paget House, Elford

Ref: AEL-17-069

Reuben Hayes - Apex Environmental

Appendix I – Tree Survey

Tree reference number	Species	Height (m)	Age class	Physiological condition	Structural condition	Comments	Works required	TPO
T.1	Cedrus deodara	18	Mature	Good	Good	Lean to tree, localised cracking to tarmac on parking area	Crown lift 4m	No
T.2	Fagus sylvatica 'Purpurea'	10	Middle-Aged	Good	Good	copper beech, semi mature,	Crown lift 4m	No
T.3	Taxus buccata	11	Over-Mature	Fair	Good	previous pruning cuts, oil storage to rear, possible underground pipes, developing sparse canopy	Crown lift 4m	T65
T.4	Quercus robur	11	Mature	Good	Good		Deadwood	No
T.5	Quercus robur	11	Mature	Good	Good		Deadwood	No
T.6	Populus x canadensis	11	Middle-Aged	Good	Good	slender tree	None	No
T.7	Quercus robur	11	Middle-Aged	Good	Good	ivy on stem and canopy	Deadwood	T6
T.8	Quercus robur	15	Mature	Good	Good	ivy on stem	Deadwood	T7
T.9	Acer pseudoplatanus	15	Mature	Good	Good	ivy on stem	Deadwood	T16
T.10	Quercus robur	15	Mature	Good	Good	twin stem	Deadwood	G1

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Arboricultural Report

Paget House, Elford

Ref: AEL-17-069

Reuben Hayes - Apex Environmental

T.11	Quercus robur	15	Mature	Good	Good	twin stem	Deadwood	G1
T.12	Quercus robur	15	Mature	Good	Good	twin stem	Deadwood	G1
T.13	Quercus robur	15	Mature	Good	Good	in woodland area	Deadwood	G1
T.14	Quercus robur	15	Mature	Good	Good	in woodland area	Deadwood	T20
T.15	Catalpa bignonioides	5	Middle-Aged	Good	Good		None	No
T.16	Ilex aquifolium	9	Middle-Aged	Good	Good		Crown lift 4m	T46
T.17	Taxus buccata	9	Mature	Good	Good		Crown lift 4m	T47
T.18	Robinia pseudoacacia	10	Mature	Good	Poor	leaning, partly collapsed tree, remove	Fell	No
T.19	Quercus robur	14	Mature	Good	Good		Deadwood	T60
T.20	Cedrus atlantica	9	Mature	Good	Fair	top failed, soil around base has eroded	Tidy up old stumps, crown reduce 10%	T52
T.21	Tilia europaea	12	Mature	Good	Good	epicormic growth, deadwood	Crown lift 4m	T51
T.22	Carpinus betulus	9	Middle-Aged	Good	Good		None	No
T.23	Salix fragilis	11	Mature	Good	Fair	old coppice stump, produced new trees, ivy on stem, reduce to 6m	Crown reduce to leave a height of 6m	T58
T.24	Quercus robur		Mature	Fair	Fair		Deadwood, crown lift to 4m	T2

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Arboricultural Report

Paget House, Elford

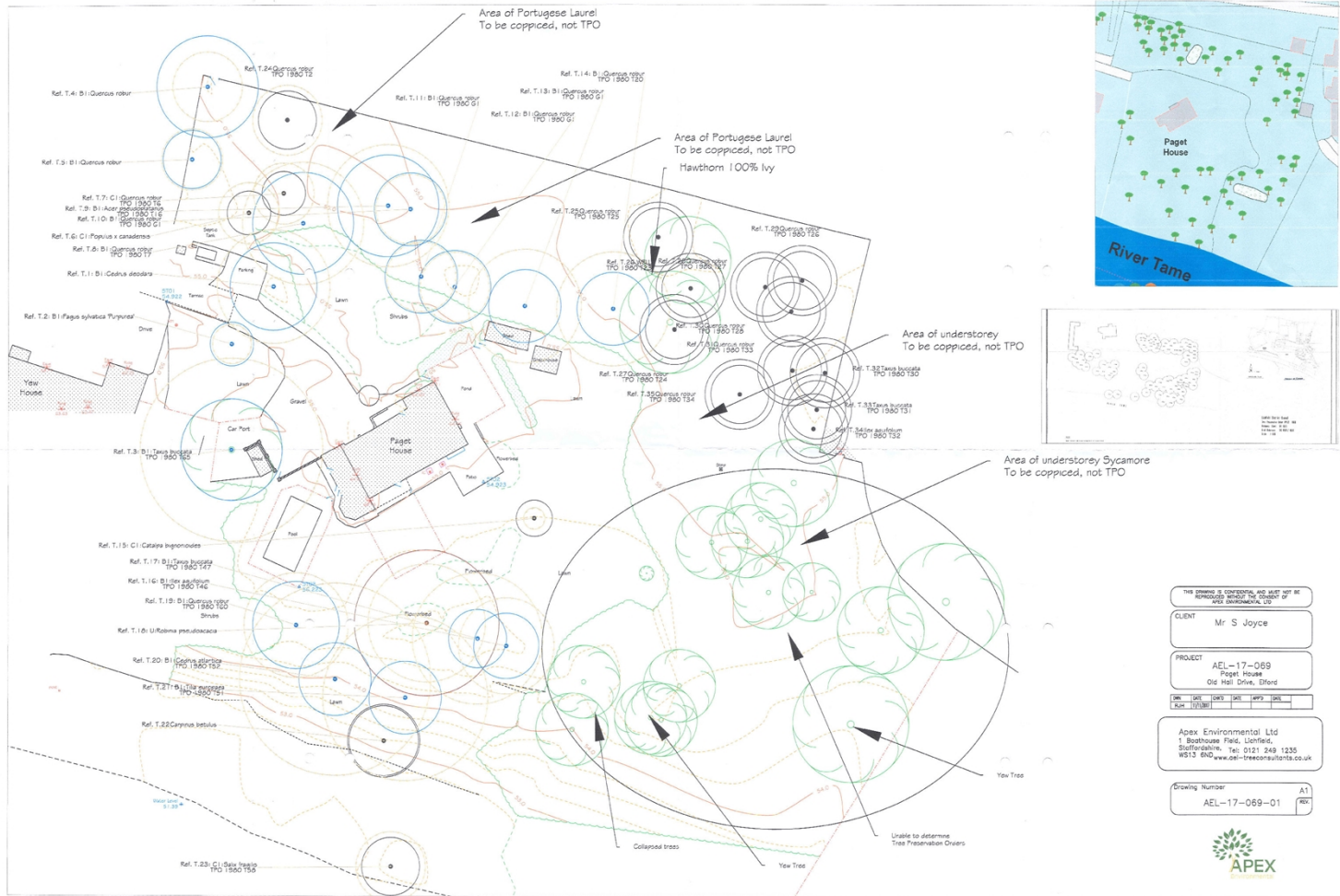
Ref: AEL-17-069

Reuben Hayes - Apex Environmental

T.34	Deadwood, crown lift to 4m	T32	Within 6 months	2
T.35	Deadwood, crown lift to 4m	T34	Within 6 months	2
G.1	Deadwood, crown lift to 4m, remove collapsed trees, coppice Sycamore understorey	Possible up to 13 trees and 1 group, unable to determine TPO trees	Within 6 months	2
	Understorey within woodland	coppice to ground	As soon as possible	1
	Portuguese Laurel	coppice to ground	As soon as possible	1

- 6.2 Implementation of works:** All tree works should be carried out to BS 3998 *Recommendations for Tree Work* as modified by more recent research. It is advisable to select a contractor from the local authority list and preferably one approved by the Arboricultural Association. Their Register of Contractors is available free from The Malthouse, Stroud Green, Stonehouse, GL10 3DL - Telephone 01242 522152; website www.trees.org.uk/contractors.htm.
- 6.3 Statutory wildlife obligations:** The Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000 provides statutory protection to birds, bats and other species that inhabit trees. All tree work operations are covered by these provisions and advice from an ecologist must be obtained before undertaking any works that might constitute an offence.
- 6.4 Future considerations:** The remaining trees should be inspected on a yearly basis by a qualified arboriculturist.

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THIS DRAWING IS CONFIDENTIAL AND MUST NOT BE REPRODUCED WITHOUT THE CONSENT OF APEX ENVIRONMENTAL LTD	
CLIENT	Mr S Joyce
PROJECT	AEL-17-069 Paget House Old Hall Drive, Oxford
DATE	DATE 17/1/20
Apex Environmental Ltd 1 Boshouse Place, Linton, Stilton, Cambs. Tel: 0121 249 1235 WS13 6ND www.apex-environmental.co.uk	
Drawing Number	A1
AEL-17-069-01	REV



Appendix B



Lichfield
district council
www.lichfielddc.gov.uk

04761 Council House
Frog Lane
Lichfield
Staffs
WS13 8YV

Telephone: 01823 308000
enquiries@lichfielddc.gov.uk

Tree Preservation Orders Map

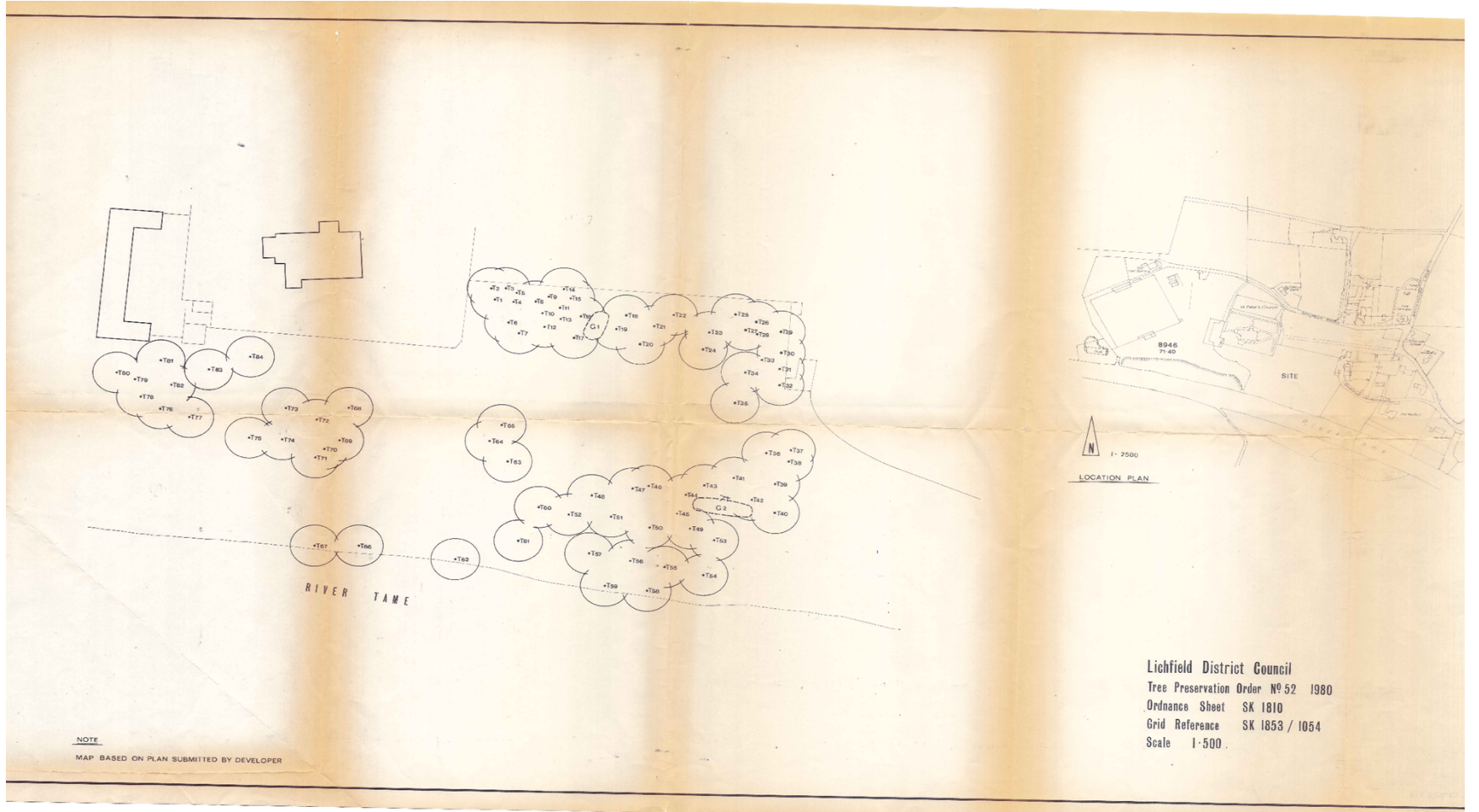
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Date : 16 May 2018

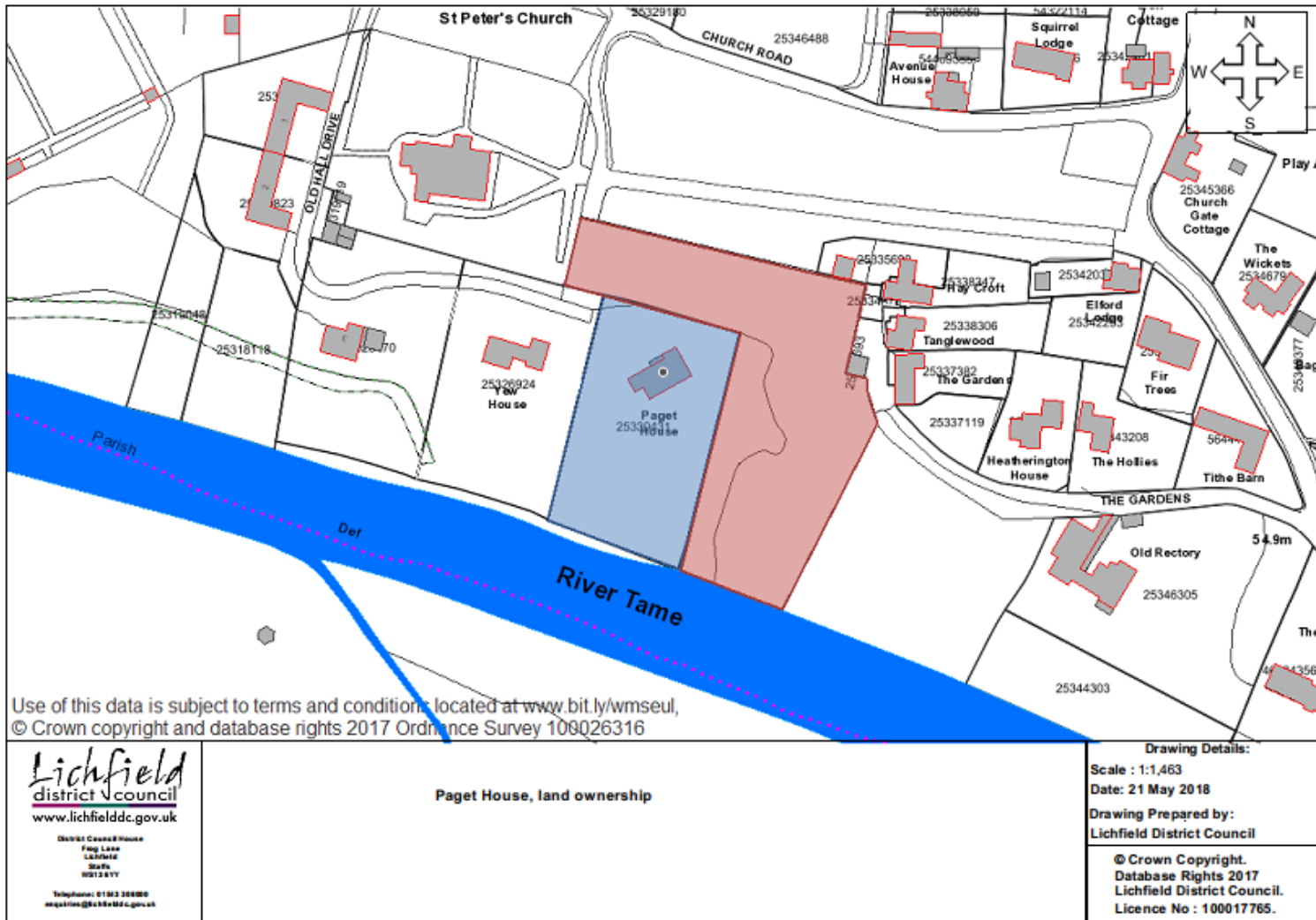
Drawing Prepared by:
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NOTE
MAP BASED ON PLAN SUBMITTED BY DEVELOPER

Lichfield District Council
Tree Preservation Order No 52 1980
Ordnance Sheet SK 1810
Grid Reference SK 1853 / 1054
Scale 1:500



APPENDIX C

INTRODUCTION

- 1.1 **Instruction:** I am instructed by Mr S Joyce to inspect the trees listed within the Tree Preservation Order No. 406-2017 at Paget House, Old Hall Drive, Elford, B79 9BZ and to provide an arboricultural report on the trees merit and value of being included with the Tree Preservation Order, to review the said order and make any necessary objections against the placing of the Order.
- 1.2 **Qualifications and experience:** I have based this report on my site observations and the provided information, and I have come to conclusions in the light of my experience. I have experience and qualifications in arboriculture, and include a summary in Appendix 1.
- 1.3 **Documents and information provided:** I have been provided with copies of the following documents:
 - Letter titled Lichfield District (Wittington and Streethay) Tree Preservation Order No. 406-2017, Trees at and adjacent to Paget House, Old Hall Drive, Elford, Staffs, B79 9BZ
 - Formal notice of the above order title
 - Tree Preservation Order No. 406-2017
- 1.4 **Relevant background information:** The above order has come in to place since a site meeting took place with the Lichfield District Council Tree Officer Mr G Hare.
- 1.5 **Scope of this report:** This report is only concerned with the trees listed within the Tree Preservation Order.

SITE VISIT AND OBSERVATIONS / COLLECTION OF DATA

- 3.1 **Site visit:** I carried out an unaccompanied site visit on the 2nd January 2018. All my observations were from ground level without detailed investigations and I estimated all dimensions unless otherwise indicated. I did not have access to trees outside the boundaries and have confined observations of them to what was visible from within the property. The weather at the time of inspection was clear, still and damp, with average visibility.
- 3.2 **Brief site description:** Paget House is located in the residential suburbs of Elford. Paget House is to the eastern end of the Private road and surrounded by similar residential development. The property consists of a large house that

is centrally in a large garden. The surrounding topography is relatively flat and the site is not particularly. The garden slopes gently downwards towards the river to the rear of the property. There is a large garden wall surrounding the property and the grounds from the public.

3.3 Identification and location of the trees: The trees in question are located in the front, side and rear garden areas. I have illustrated the approximate locations of the significant trees on the sketch plan included as Figure 1. This plan is for illustrative purposes only and it should not be used for directly scaling measurements. All the relevant information on it is contained within this report and the provided documents.

4.1 Relevant references: Tree Preservation Orders and trees in conservation areas, Explains the legislation governing Tree Preservation Orders and trees protected in conservation areas (Government Guidance information); Statutory Instruments 2012 No. 605, Town and Country Planning, England, The Town and Country Planning (Tree Preservation)(England) Regulations 2012; Tree Preservation Orders: A Guide to the Law and Good Practice – Department for Communities and Local Government. TEMPO Assessment proforma and guidance to assess the suitability of the trees.

4.2 Tree Quality Assessment

All trees assessed were categorised using the Tree Evaluation Method for Preservation Orders (TEMPO) as set out in Appendix 1 of this report; the attached plan (Figure 1) shows approximate tree positions, numbers and species.

The tree assessment looks at the trees on the site in terms of TEMPO assessment only.

4.3 TEMPO Assessment guidance

TEMPO is designed as a field guide to decision-making, and is presented on an easy completed pro forma. As such, it stands as a record that a systematic assessment has been undertaken.

TEMPO considers all of the relevant factors in the TPO decision-making chain. The TEMPO form comes in 3 main parts:

- Part 1 – Amenity Assessment
- Part 2 – Expediency Assessment
- Part 3 – Decision Guide

4.3.3 Amenity Assessment

The amenity assessment comes in 4 parts:

4.3.4 Condition

This is expressed in 5 terms and is ranked in order from Good (5), Fair (3), Poor (1), Dead/ Dying or Dangerous (0).

5- Good trees will be generally free of defects, showing good health and likely to reach normal longevity.

3- Fair trees will have defects that are likely to adversely affect their prospects

1- Poor trees are in obvious decline

0- Dead/Dying or dangerous are trees which show no indication to life or which have severe irremediable structural defects.

All the trees on this site scored a mixture from 1 and 3

4.3.5 Retention span

This is expressed in 6 terms and ranked in order from 100+ years Highly Suitable (5), 40-100 years Very Suitable (4), 20-40 years Suitable (2), 10-20 years Just Suitable (1), <10 years (0).

This information is taken from the Arboricultural Association guide to the life expectancy of common trees. The main listings are as follows:

Willow Life span of 50-70 years, this tree is already an early mature tree of approximately 40 years.

Yew Life span of 300+ years, this tree is already an early mature tree of approximately 150-200 years.

Beech Life span of 150-200 years, this tree is a semi mature tree of approximately 20-40 years.

Cedar Life span of 150-200 years, this tree is an early mature tree of approximately 60-70 years.

4.3.6 Relative Public Visibility

This is expressed in 5 terms and ranked in order from Very large trees with some visibility, or prominent trees (5), Large trees or medium trees clearly visible to the public (4), Young, small, or medium/large trees visible only with difficulty (2), Trees not visible to the public regardless of size (1)

Public visibility is assessed on the current and potential future visibility of a tree. From a public place, including public footways, public open spaces and public roads.

Most of the trees are not visible from a public location. Several trees, groups and woodland are not visible from the private road or when at the front of the property.

4.3.7 Other factors

To continue, the assessment must have scored a minimum of 7 points. This is expressed in 5 terms and ranked in order from Principle components of arboricultural features, or veteran trees (5), Tree groups, or members of groups important for their cohesion (4), Trees with identifiable historic, commemorative or habitat importance (3), Trees of particularly good form, especially if rare or unusual (2), Trees with none of the above redeeming features (1).

A number of trees failed to reach a score of 7 or above at this stage. From the ones that did, it was seen that none of the trees were of particular importance or rarity and did not have any redeeming features.

4.3.8 Expediency Assessment

To continue, the assessment must have scored a minimum of 9 points. This is expressed in 4 terms and ranked in order from Immediate threat to tree (5), Foreseeable threat to tree (3), Perceived threat to tree (2), Precautionary only (1).

Out of the trees which reached the score of 9 or above, it was seen that the making of the TPO was precautionary only.

4.3.9 Decision Guide

This is expressed in 5 terms and ranked in order from 0 – Do not apply TPO, 1-6 – TPO indefensible, 7-11 – Does not merit TPO, 12-15 – Possibly merits TPO, 16+ Definitely merits TPO

Tree Ref	Condition and Suitability of TPO	Retention Span (in years) and Suitability for TPO.	Relative Public Visibility and Suitability for TPO	Other Factors. Must have accrued 7 points or more (with no zeros) to qualify	Part 2:- Expediency Assessment (Must have accrued 9 points or more to qualify)	TOTAL	Decision Guide
T.1	1	1	1	Below 7		3	Does not merit TPO
T.2	3	4	1	1	1	10	Does not merit TPO
T.3	3	5	1	1	1	11	Does not merit TPO
T.4	3	4	1	1	1	10	Does not merit TPO
G.1	3	2	1	Below 7		6	Does not merit TPO
G.2	3	2	1	Below 7		6	Does not merit TPO
W.1	3	4	2	1	1	11	Does not merit TPO

4.4 T.1 – Willow – This is currently protected by a Tree Preservation Order which is already on the site. When meeting the Arboricultural Officer, he expressed the possibility of coppicing this tree and allowing it to re-grow. Confirming such works would be an indication that its overall merit on the site is minimal. Certainly, it can not be seen from any public area (which is a requirement for the making of a Tree Preservation Order).

4.5 T.2 – Yew – This is currently protected by a Tree Preservation Order which is already on the site. The application only requested minor works as this tree

in decline and has a sparse canopy. The tree can not be seen from any public area.

- 4.6 T.3 – Beech – This is a recently established tree which requires formative pruning to allow it to grow to maturity. When on site the Arboricultural Officer raised the need to carry out these works. The placing of the tree under a Tree Preservation Order may now limit these works and not allow the tree to grow to its full potential. This tree can not be seen from any public area.
- 4.7 T.4 – Cedar – This is a maturing tree and the only works required was to crown lift the canopy over the driveway. This tree is not under threat of being removed and can not be seen from any public area.
- 4.8 G.1 – Holly and Yew – These are two trees in rear garden. They can not be seen and the original application requested a crown lifting to aid the use of the area below the trees. The trees can not be seen from any public area and are not under threat of being removed.
- 4.9 G.2 – Robinia, Oak, Cedar, Lime, Hornbeam – The Robinia has a significant lean to the tree (the tree has failed in the past). The tree has adapted, but this has required previous tree works. The tree cannot be seen, and its removal would not be noticed. The other trees in the group were all previously protected by the Tree Preservation Order and can not be seen from any public area and are not under threat of being removed. The Cedar tree has also dropped several branches in the past and will require some remedial tree works.
- 4.10 W.1 – This is an old formal area of the original hall. There are individual specimen trees and trees which would benefit from the removal of the self set Holly trees, or the shrubs around them. The inclusion of a Woodland area in this location will be damaging to the trees and will not allow them to flourish. Doubt is also raised over the intention of this area to be a woodland.
- 4.11 Tree Preservation Order guidance states that the inclusion of woodlands should not be used. The inclusion of this area as a woodland would be against the enjoyment of this area and an incorrect designation.

4.12 During the site visit the possible removal of some trees which are growing close to or will cause future damage to the listed wall. The Arboricultural Officer agreed that these trees will need to be removed.

4.13 The area has been neglected for many years (as confirmed by the Arboricultural Officer on site), and this has led to the self set and growth of unwanted trees and vegetation. The intention is to bring this area back to its original look and to allow space around the mature trees to flourish. The inclusion of a woodland order will be counter productive to this.

4.14 Tree Preservation Guidance: Government have given clear guidance when making a Tree Preservation Order. The main reason to produce a Tree Preservation Order is to show that the trees have amenity value and that their loss would be noticed to the wider public.

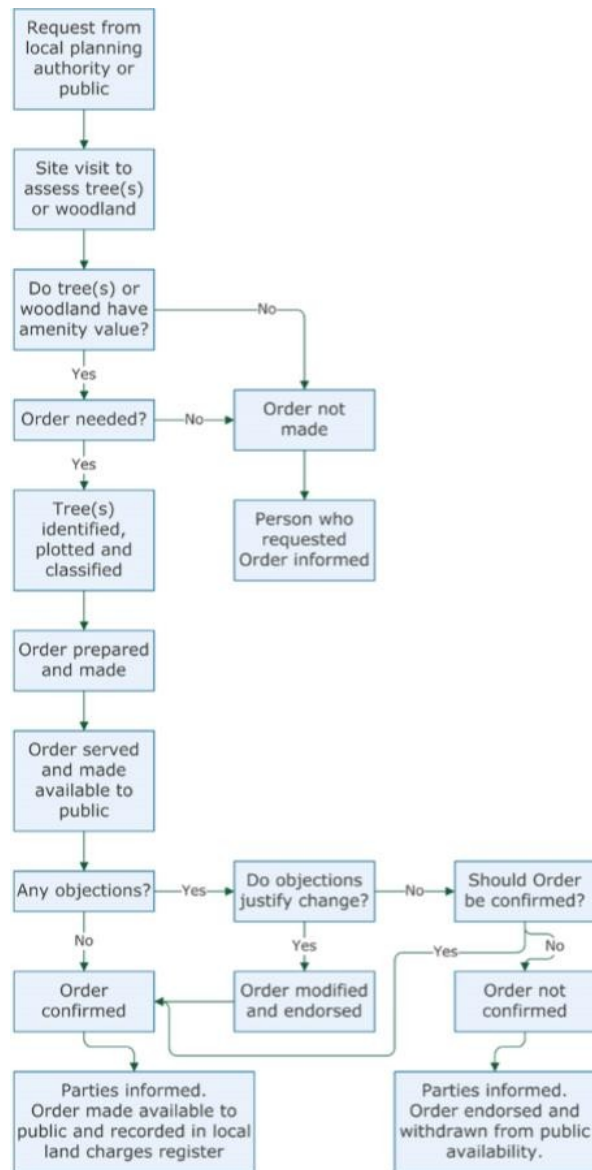
‘Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.’ – *Tree Preservation Orders and trees in conservation areas – Guidance*

4.15 Visibility:

‘The extent to which the trees or woodlands can be seen by the public will inform the authority’s assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.’ – *Tree Preservation Orders and trees in conservation areas – Guidance*

4.16 Woodland classification: ‘It is unlikely to be appropriate to use the woodland classification in gardens.’ – *Tree Preservation Orders and trees in conservation areas – Guidance*

4.17 Flow chart from Tree Preservation Orders and trees in conservation areas – Guidance



4.18 Historic views of garden:



Historic photo of Elford House and grounds



Elford House and garden wall (wall still remains around the boundary), photo showing the area as a landscaped garden area with no woodland around

OBJECTIONS

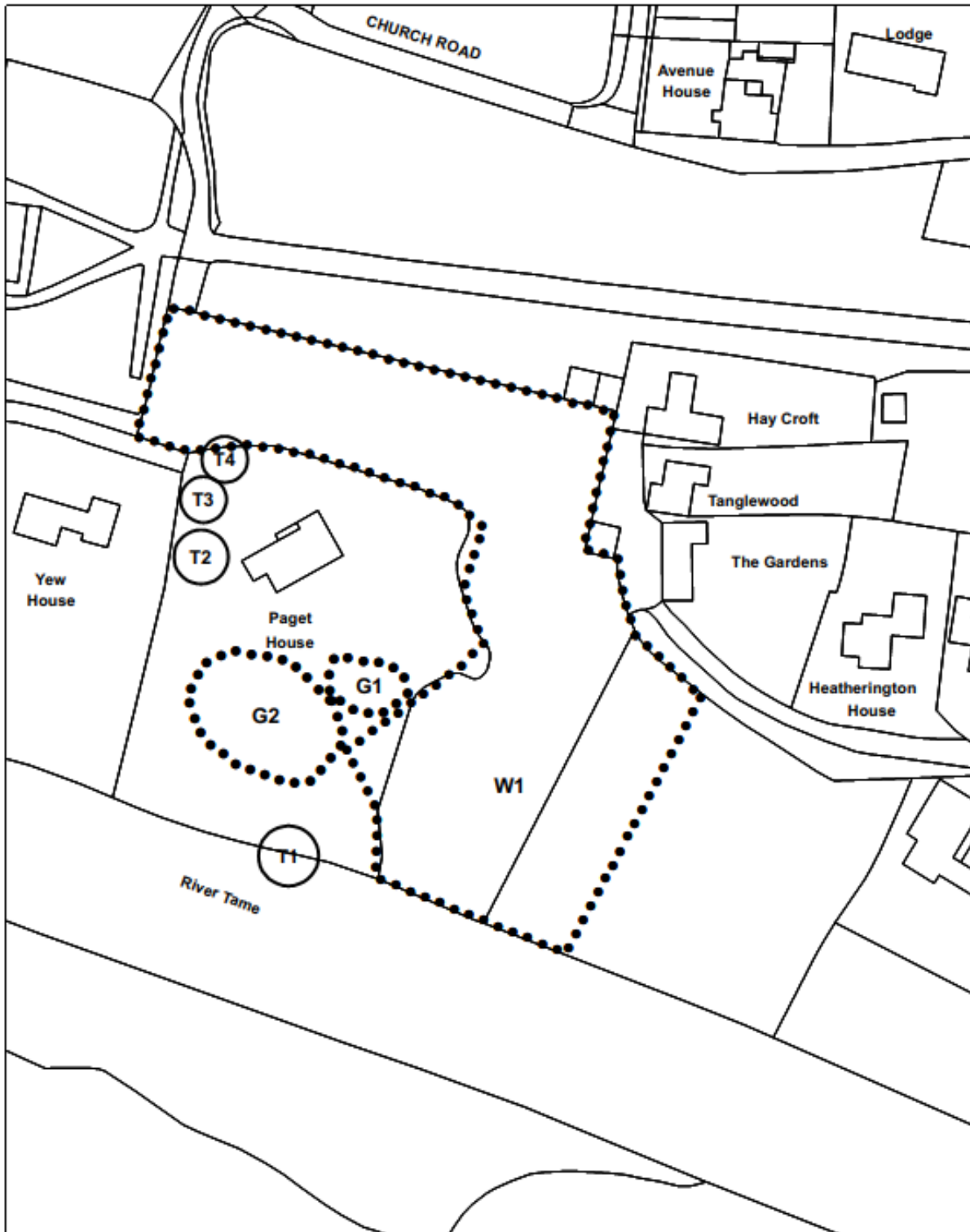
5.1 On the basis of the above information and discussions, I summarise my objections as follows:-

- The land is already adequately protected by a Conservation Area which protects the trees on this site.
- Most of the trees listed within the order have no visual amenity value from a public place (a necessary condition of protecting trees).
- An assessment of the trees has been carried out and confirmed the trees do not merit protection.
- A site visit with the Arboricultural Officer confirmed the need to carry out some tree works to several trees, including the removal of some trees (which would not be noticed by the public).
- The woodland order is within a garden area (as confirmed in the formal notice). This is against TPO guidance and must be changed.
- The officer felt it 'prudent' to serve a tree preservation order. The Order must only be made due to a foreseeable threat and that the trees have amenity value from a public area (i.e. they are clearly visible). This is not the case in this situation.
- Several tree works will still be required both for arboricultural reasons and to protected listed walls and structures.
- The main area of land has been neglected by the previous owner and these works will bring it back to its former use and look. The placing of a woodland order on this area will be counterproductive and inappropriate

APPENDIX D**Lichfield District Council TEMPO assessment.**

Tree Ref	Condition and suitability of TPO	Retention span (in years) and suitability for TPO	Relative public visibility and suitability for TPO	Other factors must have accrued 7 points or more (with no zeros) to qualify	Part 2: expediency assessment (must have accrued 9 points or more to qualify)	Total	Decision guide
T1	3	2	3	3	1	12	TPO defensible
T2	5	5	4	3	3	20	TPO defensible
T3	3	4	4	1	1	13	TPO defensible
T4	5	4	3	2	1	15	TPO defensible
G1	5	5	1	3	1	15	TPO defensible
G2	3	4	1	3	5	16	TPO defensible
W1	3	5	3	4	3	18	TPO defensible

Appendix E TPO 406-2017 Map and Schedule



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 District Council House
 Frog Lane
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Title:
 Lichfield District Council
 Tree Preservation Order No 406 - 2017
 Paget House, Old Hall Drive, Elford,
 Staffs B79 9BZ
 Eastings 418618 Northings 310528

Scale: 1:1,000 Dated: 20-12-2017
 Drawn By: Gareth Hare
 Drawing No: 1



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Lichfield District Council
 Tree Preservation Order Number 406-2017
 Trees at and adjacent to Paget House, Old Hall Drive, Elford, Staffs, B79
 9BZ
 Eastings 418618 Northings 310528

All the trees described in this schedule are situated in the Whittington and Streethay Ward in the District of Lichfield. All plot numbers referred to are Ordnance Survey numbers on 1:10000 sheets.

TREES SPECIFIED INDIVIDUALLY

Encircled in black on the map

Reference on Plan	Description	Situation
T1	Willow	Land at and adjacent To Paget House, Elford
T2	Yew	<i>'ditto'</i>
T3	Beech	<i>'ditto'</i>
T4	Cedar	<i>'ditto'</i>

TREES SPECIFIED BY REFERENCE TO AN AREA

Within a dotted line on the map

Reference on Plan	Description	Situation
	None	

GROUPS OF TREES

Within a broken line on the map

Reference on Plan	Description	Situation
G1	1 Holly, 1 Yew	Land at and adjacent to, Paget House, Elford
G2	1 Robinia	<i>'ditto'</i>
	1 Oak	<i>'ditto'</i>
	1 Cedar	<i>'ditto'</i>
	1 Lime	<i>'ditto'</i>
	1 Hornbeam	<i>'ditto'</i>

WOODLANDS

Within a continuous black line on the map

Reference on Plan	Description	Situation
W1	Mixed broadleaf and coniferous woodland	Land at and adjacent to Paget House, Elford

