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22 August 2019

Dear Sir/Madam

PLANNING COMMITTEE

A meeting of the Planning Committee has been arranged to take place **MONDAY, 2ND SEPTEMBER, 2019 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), Baker (Vice-Chair), Anketell, Barnett, Birch, Brown, Checkland, Cox, Eagland, Evans, Ho, Humphreys, Leytham, Matthews and Tapper



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AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of Previous Meeting 3 - 4
4. Planning Applications 5 - 110



PLANNING COMMITTEE

29 JULY 2019

PRESENT:

Councillors Marshall (Chairman), Baker (Vice-Chair), Anketell, Barnett, Birch, Brown, Checkland, Eagland, Evans, Humphreys, Leytham and Tapper

6 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Cox and Matthews.

7 DECLARATIONS OF INTEREST

Councillor Baker declared a personal interest in application no. 18/01484/OUTM as the Lichfield and Hatherton Canals Restoration Trust was the Mayor's Charity of the Year and she is the Mayor at Lichfield City Council.

Councillor Leytham declared a personal interest in application no. 18/01484/OUTM as he knew a resident who lived on the boundary of Tamworth Road.

Councillor Eagland declared a personal interest in application no. 18/01484/OUTM as the Lichfield and Hatherton Canal runs on to her district division and ward at Boley Park, Lichfield.

8 MINUTES OF PREVIOUS MEETING

The Minutes of the Meeting held on 1 July 2019 previously circulated were taken as read, approved as a correct record and signed by the Chairman,

9 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 of observations/representations together with a supplementary report of observations/representations received since the publication of the agenda in association with Planning Applications 18/01484/OUTM, 19/00294/FUL & 19/00260/FULM.

18/01484/OUTM - Erection of 28no dwellings with ancillary parking and private amenity space; provision of public open space area; site infrastructure and landscaping (outline application relating to access)

Land South of Tamworth Road, Lichfield

For: J & J Properties

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

(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. 35% Affordable Housing;

2. Education Contribution for Primary School Places;
3. Travel Plan Contribution, and;
4. The formation of a maintenance management company to maintain the Open Space; and

(2) If the Section 106 Legal Agreement is not signed/completed by the 31 October 2019 or the expiration of any further agreed extension of time, then powers be delegated to officers to refuse planning permission based on the unacceptability of the development without the required contributions and undertakings as outlined in the report.

(Prior to consideration of the application, representations were made by Chontell Buchanan of First City Limited (Applicant's Agent))

19/00294/FUL - Erection of 1no two bedroom single storey dwelling
355 Lichfield Street, Fazeley, Tamworth, Staffordshire
For: Mr D Dawson

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

(Prior to consideration of the application, representations were made by Mr Barry Hines (Objector) and Mr David O'Connor of Neptune Planning (Applicant's Agent))

19/00260/FULM - Demolition of existing Police Station buildings and Bus Station kiosk/toilet buildings, remodelling of bus station including provision of coach parking, creation of car park, replacement bus shelters, temporary toilet facilities and associated landscaping works
Central Bus Station, Birmingham Road, Lichfield, Staffordshire
For: Mr C Jordan

RESOLVED:- That planning permission be approved subject to the conditions in the report of the Director of Place and Community and an amendment to condition 19 that there shall be interim toilet facilities installed upon demolition of the existing public toilet facilities.

(Prior to consideration of the application, representations were made by Mrs Joy Chittock (Objector))

(The Meeting closed at 7.50 pm)

CHAIRMAN

2 September 2019

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

2 September 2019

CONTENTS

Case No.	Site Address	Parish/Town Council
18/00078/OUTMEI	Land at Hay End Lane, Fradley	Fradley and Streethay
19/00053/FULM	Land South of Shortbutts Lane, Lichfield	Lichfield
19/00339/FUL	18 Curlew Close, Lichfield	Lichfield
19/00550/FUL	Little Aston Park, Little Aston, Sutton Coldfield	Shenstone
19/00936/COU	60 Ironstone Road, Burntwood	Burntwood

ITEM B

CONTENTS

Case No.	Site Address	Parish/Town Council
19/00931/COU	Gardener's Cottage, Beacon Park	Lichfield

Lichfield
district council

www.lichfielddc.gov.uk

District Council House
Frog Lane
Lichfield
Staffs
WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

18/00078/OUTME1
Midland Pig Producers Ltd
Hay End Lane
Fradley

Scale: 1:5,000

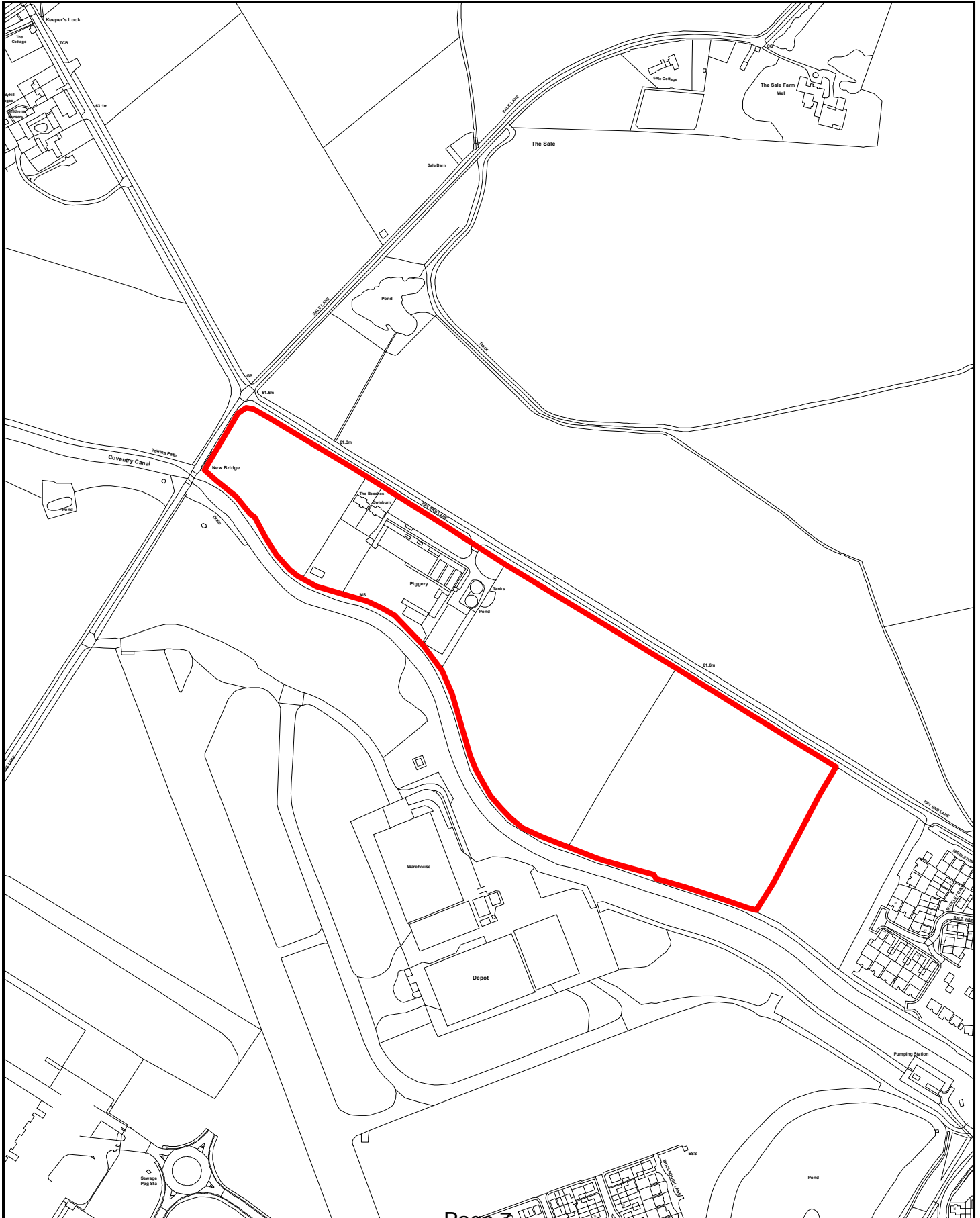
Dated: August 2019

Drawn By:

Drawing No:



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BLOCK PLAN

18/00078/OUTME1
Midland Pig Producers Ltd
Hay End Lane
Fradley

Scale:

Dated:

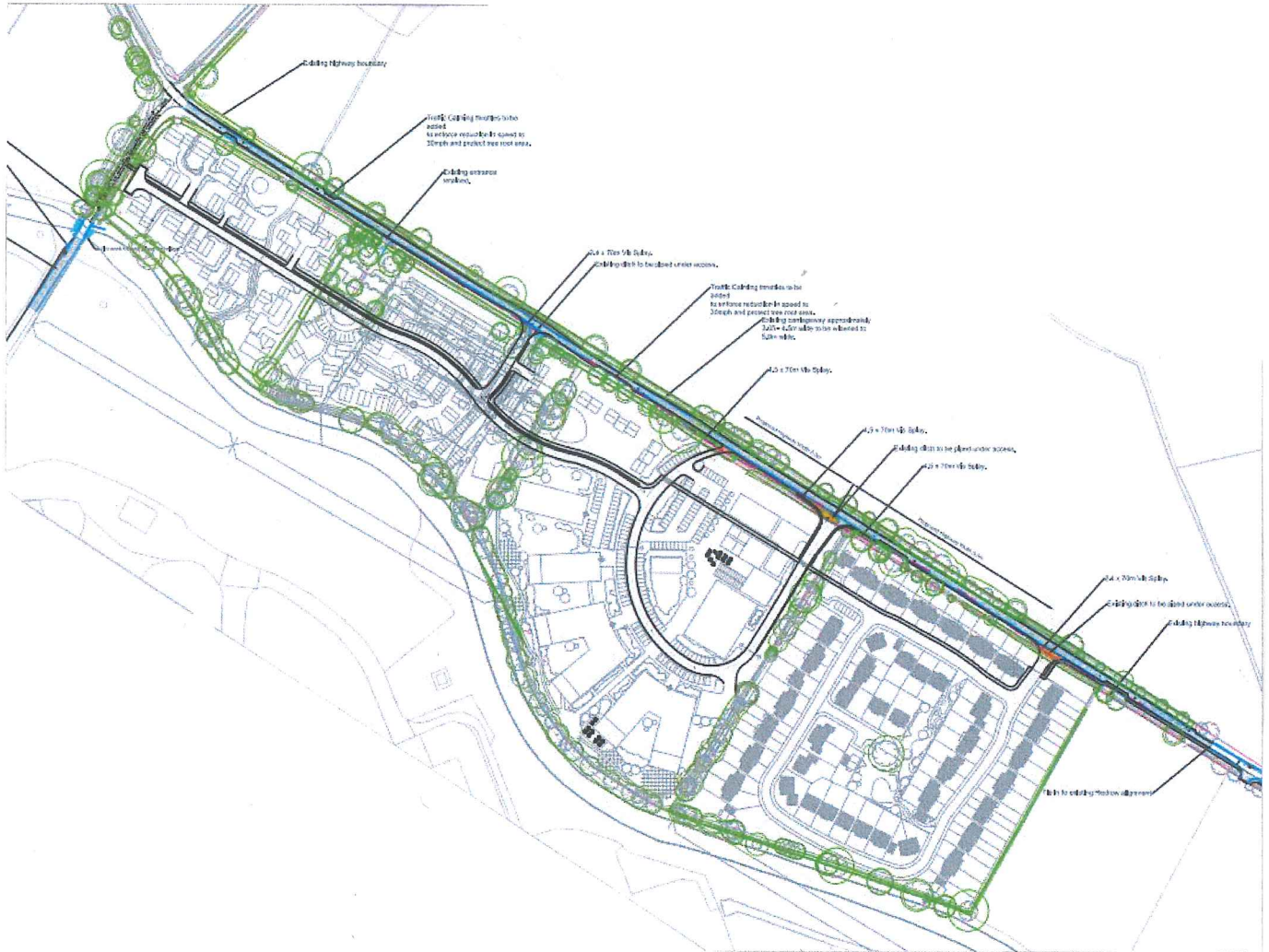
August 2019

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18/00078/OUTMEI

OUTLINE APPLICATION FOR A MIXED USE DEVELOPMENT COMPRISING OF 184 RESIDENTIAL DWELLINGS (CLASS C3) INCLUDING SELF-BUILD PROPERTIES AND INDEPENDENT LIVING, 122 CARE AND ASSISTED LIVING DWELLINGS (CLASS C2), AND THE CREATION OF A 2,699 SQ M NEIGHBOURHOOD CENTRE, INCLUDING A RETAIL UNIT (CLASS A1), PUBLIC HOUSE/CAFE (CLASS A4/A3), GYM (CLASS D2), MEDICAL FACILITIES (CLASS D1) AND DAY NURSERY (CLASS D1) WITH ASSOCIATED WORKS (OUTLINE: ALL MATTERS RESERVED EXCEPT ACCESS).

MIDLAND PIG PRODUCERS LTD, HAY END LANE, FRADLEY, LICHFIELD

FOR MR J T LEAVESLEY

Registered 15/01/2018

Parish: Fradley and Streethay

Note: This application is being reported to the Planning Committee due to the scale of the development and an Issues Paper on the application previously being presented to members of the Planning Committee on 12th February 2018.

RECOMMENDATION: Refuse, for the following reasons:

1. The site lies in the countryside, outside of the settlement boundary for the village of Fradley and is not allocated for residential development. The proposal is therefore contrary to the spatial delivery requirements of the Lichfield District Local Plan Strategy. Furthermore, by reason of its scale and location, the proposal would constitute an unsustainable form of development. As such, the proposal is contrary to Core Policies 1 (The Spatial Strategy), 3 (Delivering Sustainable Development), and 6 (Housing Delivery), and Policy Frad4 (Fradley Housing) of the Lichfield District Local Plan Strategy; Policy F1 (Fradley Housing Land Allocations) of the Local Plan Allocations Document; Policy FRANP1 of the Fradley Neighbourhood Plan; and, the National Planning Policy Framework.
2. The proposed development by reason of its potential siting and scale would cause less than substantial harm to the setting of the adjacent Coventry Canal, a non-designated heritage asset, contrary to the requirements of Core Policies 1 (The Spatial Strategy), 13 (Our Natural Resources) and 14 (Our Built and Historic Environment) and Policy BE1 (High Quality Development) of the Lichfield District Local Plan Strategy (2015), Policy BE2 (Heritage Assets) of the Local Plan Allocations Document, the adopted Supplementary Planning Document: Historic Environment and the National Planning Policy Framework.
3. The applicant has failed to submit a Sequential Test to demonstrate that the main town centre uses proposed within the development are acceptable within this location, and that there are no other sequentially preferable sites for those uses. Furthermore, as submitted, there is concern that the proposal may have an adverse impact upon the vitality and viability of the existing neighbourhood shopping and community facilities within Fradley and therefore, the development is contrary to the requirements of Core Policies 1 (The Spatial Strategy) and 8 (Our Centres) of the Local Plan Strategy and the National Planning Policy Framework.

SUMMARY OF REASONS FOR REFUSING Outline Planning Permission including DEVELOPMENT PLAN POLICIES that were relevant in the determination of this application:

The decision to refuse outline consent has been taken because the Council is unsatisfied that on balance, the development would, due to its location outside of the settlement boundary for the village of Fradley, be contrary to the spatial aims of the Council's Development Plan. In addition, the proposal would cause less than significant harm to the setting of a non-designated heritage asset, namely the adjacent Coventry Canal, whilst the applicant has failed to demonstrate that sequentially this site is the appropriate location to accommodate the town centre uses that are being proposed.

The decision to refuse outline consent has also been taken having regard to all the relevant material planning considerations and to the following relevant policies and proposals of the Development Plan: 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 H1 (A Balanced Housing Market), Policy H2 (Provision of Affordable Homes), Policy HSC1 (Open Space Standards), 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 Frad1 (Fradley Environment), Policy Frad2 (Fradley Services & Facilities), Policy Frad3 (Fradley Economy) and Policy Frad4 (Fradley Housing) of the Local Plan Strategy, Policy BE2 (Heritage Assets) and Policy F1 (Fradley Housing Land Allocations) of the Local Plan Allocations Document, the Sustainable Design, Trees, Landscaping and Development, Developer Contributions, Biodiversity and Development, Historic Environment and Rural Development Supplementary Planning Documents and Policies FRANP1 (Fradley Village Settlement Boundaries), FRANP5 (Provision of Play and Youth Facilities), FRANP6 (Character and Design), FRANP8 (Minimising the Land Impact of Development), FRANP11 (Cycling, Walking and Disability Access Routes), FRANP12 (Highway Capacity at Key Road Junctions), FRANP13 (Residential Parking), FRANP14 (Meeting the Housing and Care Needs of Older People) of the Fradley Neighbourhood Plan.

PLANNING POLICY

National Planning Policy

National Planning Policy Framework

National Planning Practice Guidance

National Policy for Waste

Manual for Streets

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 8 – Our Centres

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 E1 – Retail Assessments

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

Local Plan Allocations (Focussed Changes)

Policy ST5: Road and Junction Improvements – Fradley
Policy NR10: Cannock Chase Area of Outstanding Natural Beauty
Policy F1: Fradley Housing Land Allocations

Supplementary Planning Documents

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

Fradley Neighbourhood Plan

Policy FRANP1: Fradley Village Settlement Boundaries
Policy FRANP5: Provision of Play and Youth Facilities
Policy FRANP6: Character and Design
Policy FRANP8: Minimising the Land Impact of Development
Policy FRANP11: Cycling, Walking and Disability Access Routes
Policy FRANP12: Highway Capacity at Key Road Junctions
Policy FRANP13: Residential Parking
Policy FRANP14: Meeting the Housing and Care Needs of Older People

Other

Natural Environment and Rural Communities Act 2006
The Conservation (Natural Habitats, &c.) Regulations 1994
The Conservation of Habitats and Species Regulations 2017
Lichfield Employment Land Review (2012)
Staffordshire and Stoke on Trent Joint Waste Local Plan
Staffordshire Residential Design Guide (2000)
Rights of Way Circular 1/09
Housing and Planning Act 2016
Self-build and Custom Housebuilding Act 2015
Annual Monitoring Review 2018
Lichfield District Council Strategic Housing Land Availability Assessment 2016
Strategic Housing Marketing Assessment (2012)
Providing for Journeys on Foot (2000)
Urban Capacity Assessment
Five Year Housing Land Supply Paper (June 2019)

RELEVANT PLANNING HISTORY

L5252_DET1 – Erection of a 250 sow unit with 3 weaner house units – Approved – 21.09.81.

L5252_DET2 – Erection of 2 agricultural dwellings associated with adjoining pig farm – Approved – 08.03.82

L8840 – Erection of 4 feed towers – Approved – 08.03.82

L9277 – Erection of a slurry silo and revised position for feed hoppers – Appeal Allowed – 27.09.82

L11685 – Erection of a feed hopper – Approved – 20.05.85

L880244 – Erection of single storey gilt yard for use in connection with existing pig unit – Approved – 02.05.88

97/00259/FUL – Demolition of part and erection of a new building for housing of pigs to comply with Welfare of Live Stock Regulation 1994 – Application disposed.

CONSULTATIONS

Fradley & Streethay Parish Council – Consider that the revised highway scheme is an unacceptable compromise from the best solution offered under the originally submitted application. Consider the comments of the Council’s Arboriculture Officer to be overbearing and negative in nature. It seems to have no bearing that the development was developed in liaison with the Parish Council. The Council is angered that their preferred scheme has been interfere with by the Arboriculture Officer, in order to protect trees of no significance. The approach taken by the Council’s officer has been at great variance with the Parish’s interpretation based on our support for the scheme (10.12.18).

Previous Comments: Recommend that the application be approved. Welcomes engagement over the location of facilities within the site, including the public house / café at the reserved matters stage (21.06.18).

Support the application. Pleased to note that the proposal includes the widening and improvement of Hay End Lane, along with much needed improvements to Gorse Lane and the Hump Back Bridge. Believe that traffic calming measures will be required to Hay End Lane however following this widening.

The Parish Council would wish to be involved in the consideration of the Construction Environment Management Plan, in regard to constriction vehicle routing. In addition, would wish to liaise with Lichfield District Council, prior to or when planning to divide / allocate the Section 106 or CIL contributions from this development (12.02.18).

Spatial Policy & Delivery Team – LDC – Notes that the affordable housing levels now proposed are policy compliant. Will leave comments regarding dwelling type split to the Housing Manager (24.04.19 / 15.02.19).

Previous Comments: Object. The level of housing growth arising from this development is contrary to the Council’s Spatial Strategy as set out in the Development Plan, given this site is located outside of the village’s development boundary. Additionally, the development fails to provide requisite levels of affordable homes and through a lack of information, fails to demonstrate that it will not have an adverse impact upon the Cannock Chase SAC, contrary to Local Plan Strategy Policy NR7 (03.07.18 / 05.02.19).

Environment Agency – Supportive of the applicant’s proposed method to mitigate against any land contamination within the site (07.06.18 / 18.04.18).

Previous Comments: No objection, subject to conditions requiring the submission and approval, prior to the commencement of development, of a contaminated land remediation strategy. Two informatives requested relating to dealing with on-site and off-site waste (24.01.18).

Natural England – No objection. Following consideration of the Appropriate Assessment it is not considered that the development will have significant adverse impacts on designated sites. Recommends that a Green Infrastructure Plan is secured by condition to ensure that an uplift on the site’s biodiversity value is secured as part of the development (19.10.18).

Previous Comments: No objection subject to the Council undertaking a suitable Appropriate Assessment (13.04.18 / 14.03.18).

Sport England – The proposed development does not fall within their statutory remit (03.04.18 / 18.01.18).

Cadent Gas Limited – Request that the developer organise a site visit to agree safe working methods (10.04.19 / 12.03.19 / 02.03.18).

Notes that a High Pressure Gas Pipeline passes through the site. No dwellings should be built within 35 metres of this pipeline (29.01.18).

Highways Agency – No objection (01.06.18 / 29.03.18).

Waste Management – LDC – No objection. Provides advice regarding general requirements for domestic and commercial waste collection (04.06.18 / 03.04.18 / 01.02.18 / 23.01.18).

Ecology Manager – LDC – The submitted Preliminary Ecological Assessment now adequately considers the impact of the development on surrounding hedgerows, which are Biodiversity Alert Sites.

The protected species survey is considered to be acceptable. Adherence by the applicant to the recommendations and mitigation measures identified should be secured by condition.

The net gain from the development of 26.55 Biodiversity Unit, generated through on-site and off-site planting is acceptable and ensures compliance with the Council's Development Plan (08.02.19 / 07.08.18).

Previous Comments: The submitted Preliminary Ecological Assessment fails to adequately consider the impact of the development on surrounding hedgerows, which are Biodiversity Alert Sites. Notwithstanding this point the development as submitted would have a significant impact upon the hedgerow on Hay End Lane and therefore the off-site highway works should be redesigned.

The protected species survey is considered to be acceptable. Adherence by the applicant to the recommendations and mitigation measures identified should be secured by condition.

The net gain from the development of 26.55 Biodiversity Unit, generated through on-site and off-site planting is acceptable and ensures compliance with the Council's Development Plan. A Construction Environment Management Plan and Habitat Management Plan will need to be secured via condition to ensure the delivery of these units (28.06.18 / 29.03.18 / 15.02.18).

Staffordshire County Council (School Organisation) – No objection subject to an education contribution of £548,571.36 for primary education. In addition the s106 agreement should limit the number of open market dwellings on the site to 77, with the remaining 184 dwellings to be limited to those over 55 years old. This is due to cumulative number of dwellings permitted in Fradley now being in near maximum to that identified within the Local Plan (15.07.19).

Previous Comments: Object. Mitigation measures for Primary School places within Fradley (the expansion of St Stephens and the erection of a new Primary School within Fradley Park), provide provision for up to 1,400 dwellings, all of which have been previously consented. No possibility current exists to expand this provision further, in order to school the children who would occupy this development. A revised strategic approach will be required to ensure sufficient Secondary School places can be provided at existing schools (04.06.18 / 14.03.18 / 13.02.18).

Staffordshire County Council (Flood Risk Officer) – No objection subject to a condition requiring that the development be carried out in accordance with the submitted Flood Risk Assessment. Recommends caution regarding the Cadent gas main, which crosses through the site (13.07.18).

Previous Comments: Object. The Flood Risk Assessment submitted within the application fails to adequately consider a culverted watercourse located under the western end of the site (18.06.18 / 14.04.18 / 13.02.18).

Staffordshire County Council (Highways) – Request that the details of the off-site traffic signals to the Gorse Lane canal bridge, be secured by condition and agreed, prior to the commencement of development. Notes that the s106 figures previously identified were incorrect, where they relate to the bus contribution, which should amount to £139,403 (23.05.19).

Previous Comments: Advise that the previously advised s106 requirements in order to deliver the traffic light scheme and TRO sum will be addressed as part of the offsite Highways Work Agreement package rather than directly through the planning application and as such, should not be included within this legal document (16.05.19).

No objection, subject to conditions requiring that prior to the commencement of development, details of a Construction Environment Management Plan be submitted to and approved in writing by the Local Planning Authority. In addition, require the submission of a Masterplan, prior to the submission of any reserved matters application. Require further details of vehicular access points and off site highway works to Hay End Lane and Gorse Lane, along with a revised Travel Plan. Lastly requires that 4 Electric Vehicle Charging Points be provided within the commercial area.

The s106 agreement will need to include provision for the delivery and timing of the traffic light scheme to the Gorse Lane Canal Bridge, a Travel Plan monitoring sum of £12,138, a bus contribution of either £300,000, if a turning facility is provided within the site, or £600,000 if not and a reasonable TRO sum.

Provide informatives relative to a suitable size for garages within the scheme to ensure appropriate cycle storage is provided (04.04.19).

Object. Require the submission of further information relating to dimensioned scaled drawings of the existing junction, evidence of calibrated existing junction and the need to remodel the Church Lane / Fradley Lane junction with opposing flows. Furthermore notes that there are incomplete collision statistics, details required of how the Area of Influence was identified and further work is required to the submitted Travel Plan (19.12.18).

Notes that subject to the applicant addressing outstanding concerns, the s106 agreement for this development will need to secure the delivery in timing of off-site works for the delivery of the traffic lights on the Gorse Lane canal bridge, bus transport contributions, funding for the Travel Plan and funding for the design and provision of new and alteration to existing Traffic Regulation Orders (08.12.18).

Object. The submitted Travel Plan and Transport Assessment are unacceptable. In addition, requests further information with regard to the funding for the proposed mitigation measure for implementing single lane running across the nearby Gorse Lane canal bridge (27.06.18).

Staffordshire County Council (Planning Regulation) – No objection. The proposal would not lead to the sterilisation of recoverable mineral resources (31.01.18).

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 (13.02.18).

Tree Officer – LDC – No objection, subject to the development being undertaken in accordance with the approved Arboricultural Impact Assessment. Require the submission of an Arboricultural Method Statement, which should have regard to the AIA and also provide details of the location of street lighting and associated infrastructure along Hay End Lane. Should the laying of cable to serve the street lights impact upon root protection areas an alternative design to that currently proposed may be required (12.04.19).

Previous Comments: Additional comments in relation to highway and access only. Further information required to demonstrate that there will be no conflict between the position of streetlights and underground services along Hay End Lane and the crowns of existing trees and root protection areas of trees and hedgerows. Where the footpath link to the adjacent towpath is proposed, further information is required regarding the method of construction, to ensure no adverse impact upon the RPA of Category A trees. Requires, prior to the determination of the application, the submission of a revised Arboricultural Impact Assessment, secondly details of the locations of underground service and lastly, a landscape plan showing the location of new hedging (10.01.19).

Object. Further information is required to demonstrate that the widening of the carriageway along Wood End Lane would not lead to works being undertaken within the root plate of the important hedgerows. Requests drainage details in order to determine arboricultural impact and requests further information regarding the location of the vehicular access points and provision of suitable visibility splays. Recommends amendments to the masterplan to facilitate the retention and insertion of important landscape features (16.07.18).

No additional arboriculture comments (01.06.18).

Recommends that greater consideration be given to the role of Green Infrastructure as strategic climate change adaptation and mitigation provision and this be demonstrated within the application through a commitment to deliver 20% tree canopy cover within the development (04.04.19).

Object. The application is currently supported by incomplete information, assessments and design considerations in respect of highway works and access and the impact of such on trees, hedgerows and heritage assets on Hay End Lane (05.02.18).

Conservation and Urban Design Team – LDC – The development would harm the setting of a non-designated heritage asset (Coventry Canal). This harm should be balanced against any public benefits derived from the site. There remain concerns regarding the layout and design of the masterplan, but these could be addressed under the reserved matters application (06.08.18 / 17.07.18 / 19.06.18).

Previous Comments: Object. The development would harm the setting of a non-designated heritage asset (Coventry Canal) due to a need to construct a new vehicular access, pavements and road widening along Hay End Lane; the loss of historic hedgerows. In addition, the Masterplan, although acknowledged to be indicative, indicates the erection of 3 storey buildings directly adjacent to the canal, which given their height, will have a further adverse impact upon the setting of the NDHA.

Further general design concerns identified relative to the isolated nature of the Public Open Space, poor pedestrian / cycle permeability and the visual prominence afforded to off street car parking areas. The visual harm should be balanced against any public benefits arising from the development (18.04.18 / 07.02.18).

Police Architectural Liaison Officer – No objection. Identifies alterations to the proposed masterplan in order to seek to design out the potential for crime (21.06.18 / 18.04.18 / 06.02.18).

Staffordshire Historic Environment Officer (Archaeology) – No objection, subject to a condition requiring the submission and approval, prior to the commencement of development, of a written scheme of archaeological investigation (11.06.18 / 21.03.18).

Inland Waterways Association – Object. The development, through delivering 2 and 3 storey care and apartment blocks adjacent to the site’s southern boundary, will erode the countryside setting of the Coventry Canal as it passes by this site. Notes that the Design and Access Statement makes reference to providing several pedestrian links from the site onto the canal towpath. Whilst this is supported in principle, a substantial investment in improving the towpath surfacing will be required (19.11.18 / 29.03.18 / 06.02.18).

Canal & River Trust – Previous concerns are yet to be fully addressed. Continue to require the submission of a survey of the existing canal bridge to ensure it is capable of accommodating the uplift in traffic, which this development would deliver. Continues to have concerns regarding the impact upon the setting of the canal and requires further information specific to noise and air quality assessments on the canal as a receptor.

Notwithstanding the above identified concerns, any permission would need a condition attached requiring the submission and approval of lighting details, a phase 2 site appraisal, a CEMP to ensure construction traffic is diverted away from the Gorse Lane bridge and drainage details. Three informatives also suggested specific to towpath connection, the need to gain appropriate consents and surface water discharge (12.12.18).

Planning permission should not be granted. There is insufficient information to determine the full impact of the development on the structural integrity of New Bridge (No. 91) Gorse Lane, given the development, both during and post construction will route additional traffic over this structure. In addition, the proposal has the potential to have an adverse visual impact on the canal corridor.

The ES Addendum also fails to adequately consider the canal as a sensitive receptor to impact from the scheme from noise and air quality impact. In addition, due to the high water table in this location, there is potential for lateral water flows between the canal and site. As the canal liner has not been identified, pollution pathways should be listed and details of mitigation measures provided within the CEMP (15.06.18 / 18.04.18).

Planning Permission should not be granted. There is insufficient information to determine the full impact of the development on the structural integrity of New Bridge (No. 91) Gorse Lane, given the development, both during and post construction will route additional traffic over this structure. In addition, the proposal has the potential to have an adverse visual impact on the canal corridor. Require further information to demonstrate that biodiversity impact of the development on water quality and use of the canal as a commuting route is not affected (13.02.18).

Housing Manager – LDC – No objection. Requests a slight amendment to the Affordable Housing Statement (20.06.19).

Previous Comments: Following consultation with registered providers, the size and type of proposed affordable units remain inappropriate. There is a high proportion of bungalows and whilst this is welcomed these need to be 1 or 2 bed to be suitable for the elderly or those with mobility issues. The family houses for rent need to be 2 or 3 bed (29.05.19).

The Council’s affordable housing requirement is for 37%. The affordable housing provision of 36 units equates to 20%. As such the development does not comply with Policy requirements. The proposed tenure split is Policy compliant. The mix of affordable housing currently proposed is, following consultation with registered providers, considered to be inappropriate and requires amendment.

The care home, assisted living apartments and independent living dwellings would contribute to current and future housing needs of the District’s ageing community. Equally the provision of 17 self-build dwellings is also welcomed.

Notes that site is located outside of the village's development boundary, but would provide for shops, a café, nursery and garden centre for residents on site and as such is considered reasonably sustainable. The equipped play area should be located more centrally within the site. Lastly the medical centre is considered to a positive feature. (22.02.19).

Concerns remain regarding the housing mix and types being offered by the applicant (12.02.19).

The number of affordable dwellings is policy compliant. However raise concerns regarding the proposed affordable housing mix, which does not reflect local need (16.01.19).

Environmental Health Manager – No objection subject to a condition requiring the submission and approval of a contaminated land report (12.11.18 / 25.04.18 / 09.02.18).

Further information required specific to noise considerations, due to failings within the submitted report (21.06.18 / 08.02.18).

Health and Safety Executive – Do not advise against, on safety grounds, the granting of planning permission (19.01.18).

National Grid (Gas) – No response received.

Campaign to Protect Rural England – No response received.

South Staffs Water – No response received.

Staffordshire Wildlife Trust – No response received.

Health and Wellbeing Development Manager – LDC – No response received.

Central Networks – No response received.

Greens & Open Spaces Strategic Manager – LDC – No response received.

LETTERS OF REPRESENTATION

7 letters of representation have been received in respect of this application. The comments made are summarised as follows:

Principle of Development

- There are Brownfield sites nearby which offer a more sustainable solution for delivering dwellings within this area.
- The site is not allocated for housing within the Council's Local Plan or the Fradley Neighbourhood Plan. Should permission be issued then time, cost and effort will have been wasted in producing this document.
- The village does not have the services necessary (doctors / bus infrastructure etc) for residents of this and surrounding development.
- Is there an identified need for the self-build and elderly dwellings?
- The employment uses proposed within the development will have an adverse impact on existing established businesses within Fradley.
- The numbers of dwellings being erected within the village is unreasonable and will alter it to a town.
- The development would remove 14 acres of farmland from production.

Visual Impact

- The development will reduce openness to users of the canal, detracting from its current countryside setting.
- The development will result in the loss of valuable green space.
- The 3 storey care home and assisted living buildings will detrimentally impact on the rural character of the area, detracting from long distance countryside views.

Ecological Impact

- Given the site's proximity to canals and ponds, has the development's impact on wild fowl been fully considered?
- Hay End Lane is bordered by historically important hedgerows, which the applicant has failed to consider within their hedgerow report.

Highway Impact

- Hilliard's Cross is unable to cope with the existing traffic burden. The addition of further vehicles would create increased highway danger.
- The development is close to the Animal Crackers Day Nursery where small people get in and out of cars at peak times.
- The development will result in further traffic movements along Hay End Lane. Existing children often cross this road to access the nearby playing fields and skate park. The development therefore, given the lack of suitable crossing opportunities, increases the potential for an accident to occur.
- Residents within the development will exacerbate existing congestion issues outside of the Primary School.
- Traffic arising from the development will use Fradley Junction and Gorse Lane, where single lane hump back bridges are located. The increased use of these pinch point locations will cause greater potential for vehicular accidents.
- Hay End Lane and surrounding network were built as country roads unable to accommodate the level of traffic generated by this development.
- Walkers and joggers use Hay End Lane regularly. No footpaths exist along this route. Increased traffic along the road arising from this development will generate conflict between these two user groups.

Other Matters

- Other pedestrian users of the canal are unaware of the proposal. Greater public notification should have occurred to ensure all interested parties could comment.
- The Council's website is confusing.

A letter has also been received from Savills on behalf of the Fradley District Centre Limited (owners of the Stirling Centre), who object to the non-residential uses within the development on the grounds that:

- The application is not allocated for any use within the Council's Local Plan or Allocations Document and is located outside of the Fradley Village Development Boundary.
- Core Policy 8 of the Local Plan and its supporting text advise of the need to protect existing neighbourhood facilities. Policy FRANP4 identifies the Stirling Centre and the primary community hub, which could be expanded through the introduction of a public house, community hall or community library. Map E.2 identifies the Stirling Centre as an existing and enhanced community facility. The proposed development, through introducing additional retail floorspace into Fradley, would compromise the viability of this facility, especially when it is noted that there are currently 3 empty units within the Centre.

- Notes that there is a discrepancy within the submission between the local centre's proposed floor area identified within the supporting documentation and that identified within the application form.
- Notes that there is a requirement for the applicant to submit a Retail Impact Assessment, given the proposed floor area exceeds the locally set threshold (under Policy E1) of 100 square metres.

OTHER BACKGROUND DOCUMENTS

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

Affordable Housing Mix Note
 Affordable Housing Statement
 Air Quality Impact Assessment
 Arboricultural Impact Assessment
 Arboricultural Survey
 Biodiversity Impact Assessment Report
 Cannock Chase SAC Impact Assessment Report,
 Design and Access Statement
 Desk Based Archaeological Assessment Report
 Ecological Appraisal
 Environmental Statement
 Flood Risk Assessment
 Foul Sewerage Assessment
 Hedgerow Survey
 Mineral Resources Assessment
 Noise Assessment
 Phase 1 Site Appraisal
 Planning Statement
 Preliminary Ecological Appraisal
 Protected Species Survey
 Rebuttal of Cadent Gas Response
 Statement of Community Involvement
 Site Waste Management Report
 Soils & Agricultural Land Planning Report
 Transport Assessment
 Travel Plan
 Utilities Assessment
 Viability Assessment
 Vehicular Trip Analysis

OBSERVATIONS

Site and Location

The site is located to the south west of Hay End Lane, which runs to the west of the village of Fradley. The application site totals approximately 10 hectares and was last in use as a pig breeding operation. Within the landholding there are two agricultural worker dwellings, The Beeches and Swinburn, along with a number of modern agricultural buildings and various ancillary structures. The site is bounded by the Coventry Canal to the south west, with the Fradley Park housing development site beyond and open countryside to the north and west. To the east of the site there is a single agricultural field and beyond this a further part of the Fradley Sustainable Development Allocation (SDA), upon which Redrow Homes are currently in the process of erecting 70 dwellings.

Beyond the farm complex and two dwellings, the site comprises three arable agricultural fields, bounded by mature hedgerows and trees. The overall character of the site therefore is that of a rural area.

Background

Immediately to the south of the site, as stated above, is the Fradley Park SDA residential site. Part of this site known as, Land at Gorse Lane; which totals approximately 11.6 hectares, comprises the western part of the former Fradley Airfield; gained planning permission for 250 or 350 dwellings (reference 17/00686/FULM) at the planning committee meeting on the 4th June 2018. The permission is subject to a s106 agreement, which is yet to be signed.

In order to determine the potential impact of the pig farming use, upon the amenity of future residents, an Odour Assessment was submitted with this application. The assessment defined an area inside of which odour would impact adversely upon future residents (cordon sanitaire). This was due to the fact that given the Pig Farm remains capable of being operational, it would not currently 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.

Given the above circumstances, the number of dwellings to be erected within the site, was limited to 250 with the Cordon Sanitaire in place, which would increase to 350 should the pig farm use cease. This is secured by Condition 22 of the permission, which states:

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.

Reason: 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.

Thus, should permission be granted for this application, along with subsequent reserved matters consent and development thereafter be commenced, then a further 100 dwellings would, as a consequence, be permitted on the Gorse Lane site.

Proposals

This application seeks outline consent, with all matters reserved except access, for a mixed use development, comprised of 184 residential dwellings (Class C3), which includes:

- 77 open market dwellings;
- 17 self-build properties; and
- 90 independent living apartments (to be restricted to over 55s).

In addition, it is proposed to erect a 72 bed care home (64 suites for residents and 8 for essential staff and visitors), along with 50 assisted living 1 or 2 bedroom apartments (Class Use C2), which would also be restricted to those over the age of 55.

A 2,699 square metre neighbourhood centre, which is proposed to comprise:

- A convenience store of up to 99 square metres trading floorspace;
- A public house/café (A4 and A3 use) of up to 640 square metres;
- A Health & Fitness Suite (D1) of up to 700 square metres;
- A Medical Centre and Spa (D1) of up to 700 square metres;
- A Children's Day Nursery of up to 560 square metres;
- A Community Hub/Centre of up to 405 square metres; and
- A Car Park for 85 cars.

The 5 proposed vehicular access points to serve the development are all located off Hay End Lane.

Determining Issues

1. Policy & Principle of Development
2. Housing Mix and Affordable Housing
3. Loss of Agricultural Land
4. Design, Appearance and Impact upon the Character of a Non-Designated Heritage Asset
5. Amenity Impact
6. Access, Off Street Car Parking and Highway Safety
7. Flood Risk and Drainage
8. Trees, Landscaping and Open Space
9. Ecology, Biodiversity and Impact on the Cannock Chase SAC
10. Archaeology
11. Education
12. Sustainability
13. Other Issues
14. Financial Considerations
15. Human Rights

1. Policy & 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 Local Plan Strategy and the Local Plan Allocations Document (2008-2029). In this location the Fradley Neighbourhood Plan was also made in 2019 and as such also carries full material weight.

Residential:

- 1.2 Paragraph 11 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.
- 1.3 Paragraph 8 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 –to help build 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.

- 1.4 Paragraph 73 of 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, or 10% where the LPA wishes to demonstrate a 5 year supply of sites through an annual position statement, to account for fluctuations in the market during the year. 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.
- 1.5 The latest five year housing land supply position for Lichfield District is contained within the Five Year Housing Land Supply Paper dated June 2019, which states that a supply of 7.2 years can be demonstrated within the District.
- 1.6 Given that the Council can demonstrate a 5 year housing land supply, it falls for this scheme to be considered, in accordance with paragraphs 12 and 47 of the NPPF, against the Policies contained within the Council’s Development Plan, which for this area, comprises the Local Plan Strategy, Local Plan Allocations Document and the Fradley Neighbourhood Plan.

Local Plan Policies – Housing:

- 1.7 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 direct growth to the identified sustainable settlements. 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 identified Strategic Development Allocation (SDA), with appropriate associated facilities, including transport and social / green / physical infrastructure, over the plan period. Specific details of the strategic development allocation are identified within Appendix E of the Strategy. For the avoidance of doubt, the application site does not form part of the strategic development allocation and rather sits outside, albeit immediately adjacent to, the village’s development boundary.
- 1.8 Current permitted residential developments in Fradley on SDA or Windfall sites are detailed within the abovementioned Five Year Housing Land Supply Paper. This document details that there is a committed supply of 1479 dwellings within Fradley. However, it is noted that this sum includes the provision of 750 dwelling on phases 1, 2 and 3 of the Fradley Park development (site 252) as permitted by the outline consent, our reference 10/01498/OUTM. Subsequently however, the two reserved matters applications that comprise the development have been approved, references 16/00001/REMM for 216 and 18/00481/REMM for 374 dwellings respectively, which provide a total provision of 590 dwellings across the site. As such a reduction 160 is required to the initial figure. In addition, it is noted that Land at Gorse Lane (site 140) is identified as delivering 300 dwellings, when in fact, as discussed above, it will be either 250 or 350 dwellings. Under

current circumstances it would be appropriate for this figure to be adjusted down resulting in a further 50 dwellings being removed from this total. As such, the revised total for Fradley is for 1,269 dwellings, whilst the 5 year supply figure would remain in excess of 7 years.

1.9 It is acknowledged that the figure of 1,250 dwellings, identified within the Development Plan is a minimum, establishing an appropriate parameter of housing delivery. Should permission be granted for this development however, the number of dwellings (discounting the C2 elements of the scheme) to be erected within Fradley, would rise by 184, plus the additional 100 dwellings at Gorse Lane. Thus, the total number of dwellings that would be approved within the village at that point would rise to 1,553, representing 303 dwellings more than the minimum figure, or 24.24%.

1.10 Thus, it is apparent that the site, through being located outside of the village settlement boundary for Fradley, must be considered, given the lack of need to meet the SDA figures for Fradley, against the requirements of Core Policy 6. This Policy, beyond allocating 1,250 dwellings for delivery in Fradley, states that in rural areas, which, given this site's location outside of the development boundary, it is considered to occupy, only the following types of residential development will be permitted:

- Infill development within defined village settlement boundaries (set out in the Local Plan Allocations document);
- Affordable housing delivered through Rural Exceptions (see Policy H2);
- Changes of use and conversion schemes;
- Small scale development supported by local communities, identified through the Local Plan Allocations document or community led plans; and
- Agricultural, forestry and other occupational workers dwellings.

1.11 The application is not infill development located within the village's development boundary, neither is it a change of use or conversion project. The scale of the development is such that it could not be considered to be of a small scale. Whilst it is noted that the scheme has the support of the Parish Council and the Statement of Community Involvement identifies that engagement occurred with the Parish Council at pre-application stage, this support did not follow through to allocation with the Fradley Neighbourhood Plan (discussed further below). Lastly, the scheme has no agricultural, forestry or other occupational workers link (albeit that the two agricultural workers dwellings are shown to be retained).

1.12 The sole remaining exception therefore is whether the scheme would meet the requirements of being a Rural Exception site, as defined by Local Plan Policy H2. This Policy states that *"housing development, in addition of those allocated within the Local Plan, will be supported on small rural exception sites, where affordable homes can be delivered to meet the needs of local people from within the SHMA sub-area where there is no conflict with other Local Plan policies and the following criteria are met:*

- *The majority of the homes provided are affordable;*
- *The site is adjacent to existing village settlement boundaries;*
- *A housing need has been identified in the parish, or in one or more of the adjacent parishes, for the type and scale of development proposed;*
- *The proposed development is considered suitable by virtue of its size and scale in relation to an existing settlement and its services, and its proximity to public transport links and key infrastructure; and*
- *The initial and subsequent occupancy of affordable homes is controlled through planning conditions and legal agreements, as appropriate, to ensure that the accommodation remains available in perpetuity to local people in affordable housing need".*

- 1.13 The scale of the development is such that it could not be considered small and therefore given that the policy requires, in order for a development to be acceptable, compliance with all aspects of it, the proposal is in conflict with the Policy. For sake of completeness however, further consideration of adherence to the Policy is provided. Compliance with other local plan policies will be considered throughout the rest of this report, the affordable housing provision proposed within the scheme would not comprise a majority (further discussion below). The site is adjacent to an existing village settlement boundary, ability to access services and sustainable transportation links is considered below and finally the affordable housing elements of the scheme could be secured via s106 agreement.

Allocations Document:

- 1.14 The Local Plan Allocations is the second part of the District's strategic plan and was recently adopted and therefore carries full material planning weight. The document details land allocations associated with meeting the growth requirements as set out in the Local Plan Strategy.
- 1.15 Policy F1 (Fradley Housing Land Allocations) identifies an additional housing land allocation, which is allocated in addition to the strategic development allocation, within the Local Plan Strategy. Policy F1 also states "*Changes to the village settlement boundary, as shown on the Policies Map, to accommodate the Fradley Strategic Development Allocation*". For the avoidance of doubt the application site is outside of the identified village settlement boundary for Fradley.
- 1.16 Paragraph 13.2 of the document advises that "*Since 2008 there have been 34 (gross) residential completions within Fradley (to 31st March 2017). There is a further committed supply of eighty five dwellings within the village, in addition to the Strategic Development Allocation for 1,250 dwellings. The Urban Capacity Assessment (UCA) notes that these committed developments Fradley has effectively met the requirements as set out within the Local Plan Strategy. Through the completions, committed supply of sites and allocations the UCA concludes that there are sufficient sites to meet the requirements of the Local Plan Strategy for Fradley and provide a level of flexibility for the settlement*".
- 1.17 Table 5.1 within the Local Plan Allocations document updates and replaces table 8.1 within the Local Plan Strategy (as set out at Appendix B of the Local Plan Allocations document). Table 5.1 details that the total number of dwellings allocated or granted planning permission for delivering dwellings within Fradley totals approximately 1,421, securing an uplift against minimum figures of 12.5%. The difference between the figures detailed above and those detailed within the Local Plan Allocations Document, is due to the fact that the evidence base data for the latter was collated in March 2017 and as such, the above identified figure should be considered as being accurate.
- 1.18 It is apparent therefore, given the above assessment, utilising data collated from planning permissions, the Five Year Housing Land Supply Document (2019) and those identified within the Local Plan Allocations Document that Fradley has met its housing requirement figure, including a suitable increase above that of the minimum number detailed within the Development Plan. To further increase the housing levels above this number to the number proposed by this development and as a consequence the uplift that would occur to the Gorse Lane site, would run contrary to the spatial aims of the these documents, whilst the development does not meet any of the exemptions for development within the countryside.

Fradley Neighbourhood Plan:

- 1.19 Of relevance to this planning application, Policy FRANP1 advises that "*development within the settlement boundaries... will be supported*". This site sits outside of, albeit immediately adjacent to the village settlement boundary as shown on Figure 4.1. Thus, no support for the proposal arises from this Policy.

1.20 Policy FRANP12 advises that *“A. In order to ensure that existing residents of Fradley can continue to live in their community as they age and their housing needs change, the provision of dwellings that demonstrably meet the needs of older people or are capable of adaptation to meet such needs will be supported. This is particularly the case for 2- and 3-bed units, which are the most appropriate dwelling sizes to address these needs”*.

1.21 The development is proposed to deliver, as part of the wider development, 90 independent living apartments, a 72 bed care home (64 suites for residents and 8 for essential staff and visitors) and 50 assisted living 1 or 2 bedroom apartments (Class C2), all of which are to be restricted for occupation to those over the age of 55, which is proposed to be secured by means of the s106 agreement. Thus, given the majority of the development will cater for an aging demographic, the development will comply with the above noted Policy and subsequently, material weight will be afforded to such.

Care Facility:

1.22 Paragraph 92 of the NPPF advises the decision maker that in order to provide the social, recreational and cultural facilities and services the community needs, planning decisions should *“take into account and support the delivery of local strategies to improve health, social and cultural wellbeing for all sections of the community”*.

1.23 Section 8 of the NPPF focuses on promoting healthy communities, paragraph 91 states that planning decisions can play an important role in facilitating social interaction and creating healthy, inclusive communities. Paragraph 92 places a responsibility on the planning authority to ensure an integrated approach to considering the location of housing, economic uses and community facilities and services. Local Authorities through plan making are expected to *“enable and support healthy lifestyles, especially where this would address identified local health and well-being needs”*.

1.24 The Local Plan Strategy is clear in its role to help people to lead healthier lifestyles in many different ways. Policy H1: A Balanced Housing Market advises that *“The District Council will also promote the delivery of supported housing and care homes to reflect the needs of the changing demographic profile of the District’s population to 2029”*. Core Policy 10: Healthy & Safe Lifestyles states *“Where appropriate the District Council will support the development of new or improved facilities and initiatives which contribute to improved and accessible local health care, the physical and mental wellbeing and safety of the community”*.

1.25 Policy FRANP12 advises that *“Provision of facilities in Fradley to support the care needs of elderly people (Class C2) will be supported”*.

1.26 Therefore, the principle of developing a care facility within the Fradley Neighbourhood Area, is in itself acceptable, but consideration must be given to the appropriateness of this specific location. Evidently, as noted above, the appropriateness of this site’s location has been considered against the Council’s Spatial Strategy and determined in a wider spatial sense, to be unacceptable.

Self-Build Dwellings:

1.27 The Housing and Planning Act 2015 places a duty upon Local Planning Authorities to grant suitable development planning permission in order to match the demand of their self-build and custom house building register. The Housing and Planning Act sets out that demand is evidenced by the number of entries added during the base period. The base period is defined as beginning with the day on which the register under section 1 kept by the authority is established, and ending with the day before the day on which section 10 of the Housing and Planning Act 2016 comes into force. Each subsequent base period is the period of 12 months beginning immediately after the end of the previous base period.

- 1.28 The National Planning Practice Guidance (NPPG) 'Self-build and Custom Housebuilding' advises that *"Local planning authorities should use the demand data from the registers in their area, supported as necessary by additional data from secondary sources... when preparing their [Strategic Housing Market Assessment \(SHMA\)](#) to understand and consider future need for this type of housing in their area"*. This requirement is derived from Paragraph 67 of the NPPF, which states that the SHMA should identify the scale and mix of dwellings that a population is likely to need over the plan period.
- 1.29 Within the current base period (which runs from April 2018 to April 2019) the Council's Self-build and custom housebuilding register now has 3 confirmed entries. The respondents have specified that they would like family homes, one of which requests a bungalow.
- 1.30 The Southern Staffordshire Housing Needs Study and Strategic Housing Market Assessment (SHMA) Update (2012) makes no specific mention regarding the need and deliverability of self-build plots for the District, given its adoption prior to the issuing of the abovementioned Act.
- 1.31 During the base period, no permissions have been granted specifically for large scale self-build development applications. However, through CIL Regulations, self-build exemptions have been applied for, with 30 exemptions granted, as detailed within the Annual Monitoring Report, dated July 2019.
- 1.32 Given the above evidence base, it is therefore considered that the Council is meeting its duty, as required by the Housing and Planning Act 2015 and that there is no specific over riding need, for the self-build element of this development. Thus minimal weight is afforded to this element of the scheme.

Neighbourhood Centre:

- 1.33 The Neighbourhood Centre is proposed to comprise:
- A convenience store of up to 99 square metres trading floorspace;
 - A public house/café (A4 and A3 use) of up to 640 square metres;
 - A Health & Fitness Suite (D1) of up to 700 square metres;
 - A Medical Centre and Spa (D1) of up to 700 square metres;
 - A Children's Day Nursery of up to 560 square metres;
 - A Community Hub/Centre of up to 405 square metres; and
 - A Car Park for 85 cars.
- 1.34 Paragraph 80 of the NPPF focuses on building a strong and competitive economy stating that the Government is committed to securing sustainable economic growth in order to create jobs and prosperity. The economic role is expanded upon through Paragraph 80 of the NPPF, which advises that *"significant weight should be placed on the need to support economic growth and productivity, taking onto account both local business needs and wider opportunities for development"*.
- 1.35 Paragraph 85 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.
- 1.36 Paragraph 86 states that main town centre uses 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. Paragraph 88 advises that a sequential approach should not be applied for small scale rural development. No definition of small scale development is provided.

- 1.37 Main Town Centre Uses according to the Appendix within the NPPF are *“Retail development... leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)”*. As such, in terms of the neighbourhood centre proposed within this development, the shop, public house / café and health and fitness centre are all considered to be town centre uses.
- 1.38 This site lies outside of both the nearest city centre boundary (located in Lichfield) and the village settlement boundary of Fradley, as identified within the up-to-date Development Plan. The scale of the centre is such that it goes beyond what could reasonably be considered as a small scale rural development. Therefore, in accordance with the above guidance, the development requires a Sequential Test (ST).
- 1.39 The application is not accompanied by a ST. Given that Paragraph 9.18 of the Local Plan Strategy advises that *“the protection and enhancement of rural and neighbourhood centres should be carefully managed”*, such a document is considered to be necessary, in order primarily to protect the vitality and viability of the existing commercial area at the Sterling Centre. It is apparent that there are existing unoccupied retail units within this site, along with a public house site, immediately adjacent and therefore, it is difficult to perceive how the appraisal would address this existing availability. Paragraph 90 of the NPPF states that *“where an application fails to satisfy the sequential test...it should be refused”*.
- 1.40 The retail unit is proposed to have a floor area of 99 square metres. The floorspace is therefore below the locally set threshold, defined by Policy E1 of the Local Plan Strategy for other centres (100 square metres) in order to require, in accordance with the requirements of Paragraph 89 of the National Planning Policy Framework, the submission of a Retail Impact Assessment (RIA). Thus, a RIA is not required for this application.
- 1.41 It is noted that Core Policy 8 allows for the erection of new neighbourhood centres to provide local services and facilities. The location of these centres is detailed as being in the areas of South Lichfield, Streethay and East of Rugeley. Thus, a new neighbourhood centre is not supported by this element of the Policy. However, the Policy continues to define Fradley as a ‘Key Rural Centre’. The Policy states that *“Key Rural Centres will be protected and enhanced to provide shops, services, employment and community facilities to meet the needs of local communities within the settlement and as a focus for those living and working in nearby smaller outlying villages”*.
- 1.42 The explanatory text for Policy E1, paragraph 9.21 states that *“Key rural centres provide much-needed shops and services for local residents, including those in smaller outlying villages. They often act as a focus for the local communities. Enhancement of these shops and services should be sought to ensure that the important role that they have within rural communities is not lost or diminished in any way”*. The scheme evidently poses the potential to have an adverse impact upon the vitality of the existing retail centre in Fradley.
- 1.43 In terms of defining the need for the elements proposed within the centre, the requirements of the Fradley Neighbourhood Plan are pertinent. This document advises via Policy FRANP4 that *“Proposals for a new community hub within, or adjacent to village settlement boundaries, will be supported”*. Policy FRANP9 also advises that *“Within the settlement boundaries and the Fradley Park employment area, the development of small-scale office and/or light industrial (B1 class) employment opportunities, including a new facility as part of a multifunctional community facility will be supported”*. Thus, both policies seek to deliver a Community building, albeit one proposes such within the development boundary and the other would allow for such immediately adjacent to this area. The supporting text of Policy FRANP4 (paragraph 5.17) provides further clarification regarding the foreseen location for this facility however, advising that:

“The community has expressed strong interest in having a pub serve the area and the planning permission granted for development of land at Fradley Park included the provision of a new public house. As of March 2018, there is interest from a brewery in providing such a facility as a multi-purpose venue, including possibly a café and community hub. This is considered to represent a good location for such a facility in terms of its ability to be easily accessed by the community”.

- 1.44 Thus, the area immediately adjacent to the Stirling Centre is envisaged to deliver this facility, but the wording of the Policy is such that this development would also be compliant. Thus some weight can be given, through the scheme providing a potential community building, to securing the delivery of this policy requirement.
- 1.45 In terms of the wider scheme, it is noted that the Neighbourhood Plan, through the above noted explanatory text, seeks the delivery of a centrally located public house. Such is indicatively proposed within this application. However, the site could not be considered central to the village. In addition, there exists two other sites, previously approved within the permitted SDA sites at Fradley Park and Land North of Hay End Lane, where plots have been identified to deliver public houses. There is no overriding need for this provision therefore. In addition, it is noted that there already exists a more centrally located site, opposite to the Sterling Centre, currently undeveloped, which has previously been granted permission to be developed through a medical centre, the location of which is supported by the requirements of Local Plan Policy Frad2. The Clinical Commissioning Group for this area advise that they currently have no plans to deliver a doctor’s surgery within Fradley. Thus little weight can be given to the potential for delivering this facility.

Appeal decisions:

- 1.46 There are two recent appeal decisions that raise similar issues to those noted above by this application. The first is that at Watery Lane, Curborough, our reference 14/00057/OUTMEI and the second at Uttoxeter Road, Handsacre, our reference 15/01336/OUTM. In terms of the Watery Lane application, this sought permission, in outline, with all matters except access reserved, for the erection of up to 750 dwellings, in a location on the edge of Lichfield, immediately adjacent to the city’s development boundary. The appeal was approved by the Secretary of State, overturning the decision of his Inspector, on the 17th February 2017, on the grounds that he attached *“very substantial weight to the benefits of the provision of affordable and market housing. In doing so he considers that the appeal proposal advances the social and economic roles identified in paragraphs 7 and 8 of the Framework (IR302) which are not diminished owing to the Council now being able to demonstrate a five year supply”.*
- 1.47 The second appeal identified above, relates to a site located adjacent to The Crown Inn / East of Uttoxeter Road, in Handsacre, which as with Fradley, is considered to be a Key Rural Settlement, within the Local Plan Strategy. As above, this site is located immediately adjacent to the village’s settlement boundary. The decision was issued after that of the Secretary of States, on the 9th February 2018 and within the Inspector’s report had regard to this decision. The appeal was dismissed on the grounds that residential permissions within the community already stood at 280 dwellings, which exceeded the Local Plan Strategy designated upper range for Handsacre of 220 dwellings. To permit a further 88 dwellings would represent *“significant growth above the top end of the range [which] would be disproportionate to the settlement and contrary to the aim of achieving proportionate growth”.* The Inspector concluded that *“The proposal would be contrary to the spatial strategy of the LPS and although there would be some weight towards the provision of affordable housing in particular, there is no justification for departing from the strategy”.*
- 1.48 The planning statement submitted with this application notes the decision at Watery Lane and attaches great weight to decision and advises the Local Planning Authority to do so also.

Whilst the weight attributable to the delivery of residential development is noted, including the provision of affordable homes, and in this case a local want, detailed within the Neighbourhood Plan, for dwellings for an aging population, this does override: given the Council can now evidence a 7.2 year supply of housing, which is greater than that evident at the time of the Watery Lane decision of 5.11 years and Handsacre of 5.77 years: the fundamentals of planning, namely that it is a plan led system and decisions should be reached in accordance with the Development Plan.

Policy Conclusion:

1.49 Given the above considerations, it is evident that residential development already approved, or currently being considered by the Local Planning Authority, will meet the Development Plan targets for housing delivery within Fradley. As such, there is no identified need to approve the residential elements of this scheme. Spatially, the site falls outside of the development boundary for Fradley and fails to comply with the exemption criteria outlined in order for development to be acceptable in a rural area, due to its scale and form. The benefit derived from delivering homes, which meet the needs of an aging population is noted and weight afforded accordingly, as it also is for the other residential elements of the scheme, but this is not, in the wider Policy context, considered to carry sufficient weight to overcome the spatial conflict arising from the scheme, with regard to the Development Plan. In addition, sequentially the applicant has failed to demonstrate that the town centre use elements of the scheme are suitable for this location and therefore, it is considered that, the development would constitute a disproportionate growth for the village, contrary to the spatial strategy of the Development Plan and as a consequence significant weight is attached to this harm.

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 5% one bed, 42% two bed, 41% three bed and 12% four bed. The exact make-up of the housing mix for the entire development is yet to be defined, given the application is submitted in outline, albeit that the affordable housing mix is considered and will be discussed further below.

2.3 A condition is therefore recommended to secure an appropriate mix, ensuring that the proposed site helps to meet the needs of the District identified and is therefore be supported by the Local Plan Strategy on this matter.

2.4 Policy H2 of the Local Plan Strategy states that outside of Lichfield City and Burntwood affordable housing will be required on developments in line with locally set thresholds. This development is for 184 dwellings (C3 Use) and it therefore should provide affordable housing in line with Policy H2 of the Local Plan Strategy, which seeks a target of up to 40% of new dwellings (including conversions). The policy uses a dynamic model to calculate the viable level of affordable housing and is reviewed annually, in the prevailing economic conditions, this currently stands at 37% (Annual Monitoring Report 2019). However, this application was primarily considered, when the 2018 AMR was in use, which required 35%

affordable houses and it would be unreasonable to now require the higher figure. The requirement for this development therefore is for 64 affordable dwellings. Policy H2 also specifies that the tenure of the affordable housing provided should deliver at least 65% social rented properties.

2.5 The applicant has submitted an Affordable Housing Statement with the application, which details that 64 affordable homes will be delivered within the development. The mix proposed has been agreed with the Council's Housing Strategy Manager and comprises 18 one bed, 30 two bed, 14 three bed and 2 four bedroom dwellings. Of this mix 18 units are to be bungalows and 12 apartments.

2.6 The applicant has therefore demonstrated that the development will deliver sufficient on-site affordable dwellings, subject to the capturing of such within the S106 agreement, to meet the requirements of the Development Plan, in this regard.

3. Loss of Agricultural Land

3.1 The application site was last in use for both arable and pastoral agricultural land.

3.2 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.

3.3 Paragraph 170 of the NPPF states that planning decisions 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.

3.4 The Soils and Agricultural Land Planning Note submitted with this application, identifies that 3.2 hectares of the site falls within an area of Grade 3a Agricultural Land, with 5.2 hectares in Grade 3b. The majority of the site therefore (that is designated as Grade 3b) is not considered to be the best or most versatile land. The remaining 3.2 hectares does however fall within this definition. The degree of harm to attribute to this loss is not defined by the NPPF nor the amount of BMV land that has to be lost in order to have a significant or non-significant impact. The applicant has however indicated a willingness to accept a condition, which secures the submission of a Soils Handling Survey that will provide a description of the soils within the site, along with measures to ensure its protection and suitability for reuse. The potential for reusing the higher quality soil diminishes harm somewhat but the sites loss from food production will still have to be considered within the overall planning balance exercise, as advised within the above national guidance.

4. Design, Appearance and Impact upon the Character of a Non-Designated Heritage Asset

4.1 The site has an agricultural character given it is surrounded by open fields to the east, north and west. In addition, the road to the front of the site is enclosed by hedgerows which further reinforces this character. To the south of the site, beyond the Coventry Canal, is the Fradley Park former RAF Lichfield, airfield site. Presently this site contains a number of industrial buildings and large areas of hardstanding, although subject to the signing of a s106 agreement, the site will, in due course, be developed through the erection of either 250 or 350 dwellings.

4.2 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"*.

- 4.3 The NPPF (Section 12) advises that *“good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*. 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”*.
- 4.4 Paragraph 127 of 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.
- 4.5 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”*.
- 4.6 Policy FRANP6 of the Fradley Neighbourhood Plan advises that new development should contribute towards local distinctiveness, demonstrate high quality, sustainable and inclusive design and architecture as well as good urban design. Development should respect the residential amenity of neighbouring occupiers and have regard to the Fradley Character Area Assessment.

Landscape Character:

- 4.7 The topography of the site is such that its highest point is along its southern edge with the field sloping in a south-north direction with the land to the north being approximately 2 metres lower. The site is split into 3 fields, in addition to the farmyard area, with all three being used for intensive arable farming. Field boundaries generally comprise hedgerows with the southern boundary being formed by the Coventry Canal.
- 4.8 Hay End Lane to the north of the Coventry Canal historically was largely undeveloped, apart from a small horticultural business and the application site. The Local Plan Strategy allocated the former horticultural site for development, subsequently leading to 70 dwellings being erected to the north of the Coventry Canal, by Redrow Homes. The site’s allocation however, allows for a cohesive built form link between Fradley Park to the south and the allocated and outline approved, land north of Hay End Lane site, located to the north. As a consequence of the Redrow development, built form has been introduced in the area to the immediate north of the Coventry Canal. In addition, Fradley Park to the south has introduced built form up to Gorse Lane, albeit that a large area of open space is to form a buffer to this site’s northern boundary, adjacent to the Canal. As such, this development would effectively (apart from one field which lies between the application site and the Redrow site) ‘square off’ development along Gorse Lane and Hay End Lane. The erosion of the area’s rural character is therefore evident in local views and will be discussed further below, in terms of impact upon the Coventry Canal, but in wider views, specifically from the north and the surrounding proposed built form, the proposal would be seen against the backdrop of other development, ensuring it would not appear overly disconnected from the remainder of Fradley.

Layout:

- 4.9 The layout plan of the development, as submitted with this application, is wholly indicative. The Design and Access Statement however sets out how the masterplan responds to the site through the retention of field boundaries and the splitting of the site based upon proposed uses. Thus, for instance, the area to the western edge of the site is proposed to contain the self-build dwellings, the neighbouring portion the independent retirement living, then the neighbourhood centre and finally to the eastern edge of the site, the market housing.
- 4.10 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 to the site's context.
- 4.11 Whilst the proposed site layout is only indicative, it does demonstrate that the number of dwellings, residential institutions and the local centre, proposed can be accommodated within the site, whilst still offering the Amenity Green Space and Equipped Play Area required by Local Plan Strategy Policy HSC1 and Policy FRANP5 of the Fradley Neighbourhood Plan. The latter advises support for new and/or improved play and youth facilities within, or adjacent to village settlement boundaries. The Council's Urban Designer has noted a number of concerns regarding the layout, primarily arising through a lack of interconnectivity between the various land use areas, but this matter can be addressed through condition and a requirement for there to be a Masterplan document, to be submitted to and agreed by the Local Planning Authority, prior to the submission of any reserved matters applications.

Massing:

- 4.12 As stated above, all design details are indicative only at this stage, however it is noted that applicant has provided parameter details for the height of the buildings within the development, which advise a mixture of 1, 2 and 3 storey buildings. The Council's Conservation Officer has advised concern regarding the location of 3 storey buildings directly adjacent to the canal, due to such impacting upon its setting. The applicant has sought, through the submission of a letter, to outline why such a scale of development, in this location would be acceptable. This however has not overcome the concerns of the Conservation Officer. Further discussion of this matter is detailed below.

Impact on Non-Designated Heritage Asset:

- 4.13 The Coventry Canal, located to the south of the site is considered to be a non-designated heritage asset. Under the provisions of Paragraph 197 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"*.
- 4.14 Policy BE2 of the Local Plan Allocations Document advises that *"development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset or its setting"*.
- 4.15 The Coventry Canal, forms the southern boundary of the site. Whilst it is appreciated that there is residential development proposed on the southern side of the canal (details yet to be agreed), the provision of dwellings to the northern side of the canal would, have a detrimental impact on the character and appearance of this route, enclosing open views that currently exist, especially when viewed from the bridge on Gorse Lane. Furthermore, the proposed 3 storey buildings proposed adjacent to the canal would, due to their height and massing present an incongruous feature adjacent the towpath, given that existing built

development within Fradley lies primarily to the south of the canal, such that the canal towpath offers open views over surrounding countryside.

- 4.16 Given the above, it is considered that, as stated by the Council's Conservation Manager, the proposed development, would lead to less than substantial harm, to the character and appearance or the non-designated heritage asset, contrary to the requirements of the Development Plan and this will have to be weighed accordingly when determining the acceptability of this application.

5. Amenity Impact

- 5.1 Paragraph 180 of the NPPF advises that *"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development"*.
- 5.2 Paragraph 180 continues to advise that planning decisions should *"mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life"* and *"identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason"*.
- 5.3 Local Plan Strategy BE1 states that new development should avoid causing disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.

Noise:

- 5.4 The application site will, in due course, have existing residential properties adjacent to its southern boundary and near to its eastern boundary. To preserve the amenity of these residents, during the construction phase of development and moving forward around the local centre, the applicant's noise assessment recommends that a scheme of noise mitigation be secured by condition. It is advised that this condition is reasonable and necessary and as such would be recommended for any approval decision.

Artificial Lighting:

- 5.5 The applicant is yet to provide details of external lighting. Given the surrounding characteristics of the area, namely that the site sits surrounded by a rural environment, which includes hedgerows utilised as commuting routes for bats and the canal, a condition to ensure the submission and approval of an appropriate scheme of lighting is recommended, ensuring that the development complies with the requirements of the Development Plan and NPPF in this regard.

Construction:

- 5.6 In order to identify dust mitigation measures for during the construction phase of this development and how issues such as noise, vibration, working hours and deliveries will be mitigated for during the construction process, a Construction Vehicle Management Plan is recommended to be secured via condition. In addition, it is recommended that the applicant be advised by means of a note on the decision notice that no clearance of vegetation or disposal of other material via burning will be considered acceptable within this site, whilst a condition is proposed to limit the hours when deliveries and construction occur.

Contaminated Land:

- 5.7 Paragraph 179 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 170 advises that planning decision should prevent *“new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability”*
- 5.8 The Council’s Environmental Health Manager has requested, given the previous use of the site as a pig farm, a contaminated land report to demonstrate what mitigation, if any, will be required to ensure the future amenity of residents is not unduly affected. Subject to the application of such a condition, the proposal will comply with the requirements of the Development Plan, in this regard.

Odour:

- 5.9 The scheme is identified as potentially including land uses that could raise odour considerations, in due course, for instance, extraction mechanism for a café. To address the potential for such to impact upon the amenity of the site’s future residents, a condition could be utilised, to require the submission and approval of such features, prior to first use of the unit.

Residential Amenity:

- 5.10 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 (SPD) contains guidance detailing appropriate space around dwelling standards. These standards establish a minimum distance of 21 metres to separate principle habitable windows and that there should be at least 6 metres between a principle window and private neighbouring residential amenity space.
- 5.11 The SPD also requires that in order to prevent any overbearing impact upon residents, that there should be a minimum of 13 metres between the rear elevation and the blank wall of any proposed dwelling.
- 5.12 Finally, the SPD identifies that for 1 or 2 bed dwellings, a minimum garden size of 45m² should be provided, for 3 or 4 bed 65m² and for 5 bed dwellings 100m². All gardens should have a minimum length of 10m
- 5.13 The indicative layout demonstrates that the number of dwellings to be erected within the site can be erected in compliance with the above stated standards. Compliance with these measurements will evidently be secured as part of any relevant reserved matters application.

6. Access, Off Street Car Parking and Highway Safety

- 6.1 Paragraph 109 of the NPPF requires that consideration should be given to the opportunities for sustainable transport modes, that safe and suitable access to a development site can be achieved for all people, and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It goes on to state that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe.

- 6.2 Paragraph 78 of the NPPF advises *“to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”*. Paragraph 103 of the Framework seeks to ensure that developments which would generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 6.3 Core Policy 3 of the Local Plan Strategy advises that the Council will seek to reduce the overall need to travel, whilst optimising choice of sustainable modes of travel, particularly walking, cycling and public transport. Core Policy 6 advises that residential development will be expected to contribute towards the achievement of sustainable communities

Access:

- 6.4 Details of the means of access have been submitted as part of this proposal, with five points of access proposed from Hay End Lane. The suitability of these accesses and the visibility splays they are to be afforded have been considered to be acceptable by the Highways Authority, although a reasonable and necessary condition is recommended to ensure further .precise details of the access points are submitted to and approved by the Local Planning Authority.

Connectivity:

- 6.5 Paragraph 110 of the NPPF advises that applications should, *“give priority first to pedestrian and cycle movements”*. Policy FRANP11 of the Fradley Neighbourhood Plan advises that the *“provision of cycle and pedestrian routes that are physically separated from vehicular traffic will be strongly supported”*, whilst all development should provide safe pedestrian access to link existing footways and proposals to enhance the identified Movement Routes will be strongly supported.
- 6.6 Policy FRANP11 states that *“A. Development proposals to improve cycling, walking and disability access, including those that separate cycle and pedestrian routes from vehicular traffic will be supported. B. Proposals to enhance the identified Movement Routes will be supported”*.
- 6.7 The site, as discussed above, is located outside, albeit immediately adjacent to, the village settlement boundary for Fradley. The community of Fradley itself contains a number of existing or proposed facilities, including those proposed by this application (albeit that there are concerns regarding the provision of such, as discussed above). The availability of these facilities is part of the reason for the SDA allocations within the community. The maximum walking distance of 2km recommended in the IHT publication ‘Providing for Journeys on Foot’ (2000) for accessing facilities, would encompass access to the shops at the Stirling Centre, the village hall and church, along with the Public House at Fradley Junction.
- 6.8 The Staffordshire County Council Walking Route Assessment Criteria (2014) suggests that a walking distance of up to 2 miles is appropriate for access to school provision. However, this document was produced in the County Council’s capacity as Local Education Authority and differs from the preferred distance of 600m outlined in the Staffordshire Residential Design Guide (2000). This site is located approximately 480 metres from St Stephens Primary School and approximately 800 metres from the new Primary School to be erected on Fradley Park.
- 6.9 Presently however, Hay End Lane, to the front of the application site, is a narrow country road, with little provision to cater for pedestrian, bus or cycle travel for future residents seeking to access these facilities. To address this issue the Highways Authority have requested details of a footpath provision along the southern side of Hay End Lane to link the site to the east onto the existing footpath network, which offers links into both the village and Fradley South. In addition, the applicant has proposed a number of footpath links from

the site onto the neighbouring towpath, which would facilitate pedestrian and cycle connectivity to Fradley Junction to the west. These interconnectivity improvements, which would occur along one of the movement routes supported by Policy FRANP11 (as shown on Figure 8.1) of the Fradley Neighbourhood Plan, could reasonably be secured via the use of a condition, which would ensure suitable integration and connectivity for the development, through these two sustainable transport modes.

- 6.10 It should be noted that the Inland Waterways Association have requested that the applicant provide a contribution towards improvements to the canal towpath network as a consequence of installing the new links. The Council's CIL 123 List identifies that such improvements will be secured through CIL payments (and therefore could not be delivered under s106 contributions) and as such, it would be for the Canals and River Trust to bid for such money.
- 6.11 The Highways Authority have requested a financial sum towards the routing of a bus service into the site. Such could be secured via a s106 agreement and would ensure the promotion of this sustainable transport mode for future residents.
- 6.12 All of the above will need to be collated into a Travel Plan, further details of which are recommended to be secured via a condition, whilst the monitoring of such in terms of cost, will once more need to be addressed through the s106 agreement.
- 6.13 The proposal whilst located outside of the village settlement boundary of Fradley, occupies a sufficiently sustainable location, subject to compliance with appropriate conditions and s106 contributions, to ensure that future residents will not be overly reliant upon private vehicles to access facilities. In this regard therefore, the development complies with Policies CP1, CP3, CP5 and CP10 of the Local Plan Strategy, in that it can promote sustainable means of travel.

Off Street Car Parking:

- 6.14 Policy FRANP13 of the Fradley Neighbourhood Plan advises that adequate off street car parking should be provided for new residential development, which should be delivered in accordance with Local Plan Strategy Policy ST2. Policy ST2 provides further clarification through guidelines detailing maximum off street car parking levels, set out in the Council's Sustainable Design Supplementary Planning Document.
- 6.15 The applicant will need to demonstrate compliance with the above noted Development Plan documents as part of any relevant subsequent reserved matters application. In addition, as requested by the Highways Authority, it is noted that there is a requirement to secure the provision of a minimum of 4 electric vehicle charging points within the neighbourhood centre. 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"*. The level of provision being proposed appears suitable and reasonable and as can be secured via the use of a condition.

Cycle Parking Provision:

- 6.16 The Sustainable Design Supplementary Planning Document provides guidelines for securing weatherproof cycle storage facilities. The document requires for dwellings that there be 1 cycle space provided per 2 bedroom dwelling and 2 for 3 or more bedrooms. These spaces will be secured within the garages of the plots where such a structure is available. For the remaining plots, a shed will have to be erected, which is recommended to be secured via the use of a condition. Suitable cycle parking for the neighbourhood centre could be secured as part of any relevant reserved matters application.

Highway Impact:

- 6.17 A Construction Vehicle Management Plan for the development is recommended to be secured by condition, which will also ensure adherence with suitable mitigation measures specific to hours of working and dust mitigation, limiting the impact upon the surrounding highway network during construction works. In addition, the document will secure a suitable routing framework for construction vehicles and seek to prevent movement past St Stephen's School during peak drop off and pick up times, thereby removing the potential for conflict.
- 6.18 The Highway Authority offer no objections to the development in terms of impact on the local highway network, whilst Highways England have also raised no objections with reference to the development's impact upon the Strategic Highways Network, specifically the nearby A38 Trunk Road and the two junctions which serve Fradley. In terms of the former, a number of conditions have been recommended, the acceptability of many have been discussed above. The remaining matters to be considered therefore, is the impact of the proposal on Gorse Lane, specifically the canal bridge and the proposed speed limit reduction to Hay End Lane. In terms of the former the Canal and River Trust offered a number of holding objections to the development, during early consultation, due in part to concerns regarding the increased usage of the bridge and the impact of such on the integrity of the structure. Their latest response whilst maintaining concerns on this point does not include such an objection.
- 6.19 The bridge itself is only of sufficient width to allow for one car to pass and is of a height and gradient that vehicles moving towards the structure are unable to see traffic heading in the opposite direction. To address the highway safety issues this raises, given the development will inevitably lead to a greater number of vehicular movements in this direction, it is proposed to install traffic lights adjacent to the bridge. The Highways Authority advise that this mitigation measure can be secured under a highways works agreement, to be secured outside of the planning process, with the applicant covering the costs of such. Subject to the installation of this measure, it is not considered that the development would have an adverse impact upon highway safety to Gorse Lane.
- 6.20 The matter of the potential impact to the structural integrity of the canal bridge, arising from the additional traffic movements, generated by this development has been raised as a concern by the Canal & River Trust. To ensure that the bridge is capable of accommodating the uplift in traffic a structural survey is considered to be a reasonable requirement of the applicant and can be secured by condition.
- 6.21 The reduction in speed limit for Hay End Lane, to the front of this site, will require the submission of a Traffic Regulation Order (TRO). The applicant has indicated a willingness to seek, in liaison with the Highways Authority, to undertake these revisions. It should be noted that TROs are determined by the Highways Authority rather than the Local Planning Authority. Funding for this change to the TRO shall be secured via a Highway Works Agreement to be agreed between the applicant and Highways Authority.
- 6.22 Given the above considerations, it is considered that the proposal could accord with the Development Plan and NPPF with regard to access/egress, highway impact and parking and cycle provision, and as such is acceptable in this regard.

7. Flood Risk and Drainage

- 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. The NPPF states that for proposals of 1ha or greater in Flood Zone 1, a Flood Risk assessment (FRA) is required.

7.2 Paragraph 165 of the NPPF requires that major development incorporate sustainable drainage systems unless there is clear evidence that such would be inappropriate. The FRA submitted with this application identifies that the scheme would result in additional impermeable areas being created within the site. As such, Sustainable Urban Drainage Systems, including the use of permeable paving shall be utilised within the scheme to mitigate this impact. The measures have been considered to be acceptable by the County Council's Flood Team and therefore, subject to the use of a condition to secure the scheme's delivery in accordance with the submitted FRA, in addition to a further condition to require details of foul and surface water treatment, as requested by Severn Trent Water, the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

8. Trees, Landscaping and Open Space

8.1 Paragraph 175 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. Policy NR4 of the Local Plan Strategy and the Trees, Landscaping and Development Supplementary Planning Document seek to ensure that trees are retained unless their removal is necessary.

8.2 Policy FRANP8 states that *"A. Development must respect important natural and heritage features and provide net gains in biodiversity where possible. The retention and enhancement of river banks will be supported. B. Development should not result in the net loss of biodiversity or green infrastructure, including hedgerows"*.

8.3 An Arboricultural Survey has been submitted with the planning application, which includes a survey and categorisation of the trees within the site, along with the number, type and location of new trees to be planted as part of the proposals. The application has also been submitted with an Arboricultural Impact Assessment, which notes that 81% of the individual trees and 71% of the tree group population, within the site, are Category A or B quality trees, with the remainder Category C.

8.4 The Council's Trees, Landscaping and Development Supplementary Planning Document advises that *"the Council expects that all trees that are protected by a tree preservation order or classified as retention category A or B in a BS 5837: 2012 survey will be retained on the site"*. The document continues to state that *"it should not be assumed that C category trees that constrain development may be removed"*.

8.5 Following the applicant undertaking a number of revisions to the scheme, it is considered that the carriageway design to the front of the site, which now incorporates build-outs and revised access point locations, is such that important hedgerow trees will not be adversely impacted upon by the development, subject to the submission and approval of an Arboricultural Method Statement (AMS), which is recommended to be secured by condition. The AMS will also provide suitable details of areas to be protected throughout the development process for future landscaping.

8.6 In addition to the above, further details are also requested of the power lines that will be required under the widened carriageway to serve the street lights that will have to be installed to illuminate this area of highway. No details are available currently of whether such power lines are already in place to the southern side of Hay End Lane (the northern side being unsuitable for such given the presence of a hedgerow defined as a Biodiversity Alert Site). If the power lines are already in situ, then no arboricultural concerns will arise, however if new lines need to be laid, then there is the potential to impact upon the root protection areas of these trees. As such further details on this matter are requested to be secured via condition, which is considered to be reasonable and necessary.

- 8.7 In terms of the landscaping details indicatively proposed within the site itself, it is noted that a number of concerns have been raised regarding the impact upon existing landscaping features and the lack of planting shown, which will be required to deliver 20% tree canopy cover within the development, in order to accord with the requirements of the Trees, Landscaping and Development Supplementary Planning Document. These matters whilst noted can be adequately addressed within any subsequent reserved matters applications.
- 8.8 The delivery of suitable levels of public open space, in accordance with the Council's Developer Contributions Supplementary Planning Document can be secured via s106 agreement, as could its future maintenance by a maintenance management company. Thus, the development will comply with the requirements of the Development Plan and NPPF, in regard to arboricultural and open space matters.
9. Ecology, Biodiversity and Impact on the Cannock Chase SAC
- 9.1 To comply with the guidance contained within Paragraphs 8, 170 and 175 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.
- 9.2 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 20% net-gain to biodiversity value is also made a requirement of all developments within Lichfield District under the requirements of Local Plan Strategy Policy NR3 and the Biodiversity and Development SPD.
- 9.3 Policy FRANP8 states that "*A. Development must respect important natural and heritage features and provide net gains in biodiversity where possible. The retention and enhancement of river banks will be supported. B. Development should not result in the net loss of biodiversity or green infrastructure, including hedgerows*".
- 9.4 The Council's Ecologist has considered the proposal and concluded, following consideration of the submitted Protected Species Survey that the development would not impact upon protected species or their habitats, subject to the development being undertaken in accordance with the recommendations of the document, which could be secured via condition.
- 9.5 The Preliminary Ecological Assessment initially submitted with the application failed to adequately consider the impact of the development on hedgerows on Hay End Lane, which are Biodiversity Alert Sites. Notwithstanding this point, the development as then submitted would have had a significant impact upon these hedgerows and therefore it was stated that the off-site highway works should be redesigned.
- 9.6 The off-site highway works have, during the consideration of this application, been amended to address the above stated concern and the development will not now impact significantly upon the protected hedgerows.
- 9.7 The site has an existing biodiversity value of 19.7 units. A net gain from the development is proposed of 26.55 Biodiversity Units, generated through both on and off-site habitat creation. The former is proposed to be formed through habitat creation / restoration and the later through the planting of a 3.7ha of mixed woodland on current arable farmland. The level of uplift and the habitats that are being proposed are acceptable and ensure compliance with the Council's Development Plan in this regard. A Construction Environment

Management Plan and Habitat Management Plan can be secured via condition to ensure the delivery of these units.

- 9.8 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.
- 9.9 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.
- 9.10 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC. Therefore, in accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has undertaken an Appropriate Assessment. Natural England are a statutory consultee on the Appropriate Assessment (AA) stage of the Habitats Regulations process and have therefore been duly consulted. Natural England have concurred with the LPA's AA, which concludes that the mitigation measures identified within the Council's Development Plan for windfall housing sites, will address any harm arising from this development to the SAC and therefore they have offered no objections to proposal. On this basis, it is concluded that the LPA have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

10. Archaeology

- 10.1 Paragraph 189 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"*.
- 10.2 The County Council's Archaeologist has advised that there is archaeological potential within the site and therefore has recommended that a written scheme of archaeological investigation be secured by condition, to ensure the scheme complies in this regard with the requirements of the Development Plan and the NPPF.

11. Education

- 11.1 The development falls within the catchment areas of St Stephen's Primary School and The Friary School, both of which are projected to be full for the foreseeable future. In terms of Primary School Provision, the housing figures for Fradley are such that there is now very little capacity remaining to meet the needs of future residents. The Education Authority advise that a maximum of an additional 77 families can be accommodated within St Stephens and the new Primary School on Fradley Park. Following discussions between the applicant and Education Authority, an agreement has been reached that only 77 of the dwellings within the development will be open market homes, in terms of no restrictions upon future occupants, with the remaining units limited to those over the age of 55. This measure is proposed to be secured via the s106 agreement.

- 11.2 As a consequence of the above, it is considered that the development will deliver a likely requirement for a further 24 primary school pupils. Such would necessitate a contribution of £548,857.36, which can be secured via a S106 agreement. Secondary school contributions will be sought through the CIL mechanism.
- 11.3 Overall, the proposal makes adequate provision for educational requirements arising from the development, in accordance with the requirements of the Development Plan and advice contained in the NPPF.
12. Sustainability
- 12.1 Paragraph 150 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 residential development should be built to code for sustainable homes level 6. Subsequent to the adoption of the Local Plan Strategy the Government has advised that Code for Sustainable Home targets are no longer to be utilised within the planning process and rather Building Regulation requirements will ensure the development of sustainable built form. Therefore no conditions are required to secure sustainable built technologies within the residential phases of this development.
- 12.2 Local Plan Strategy Policy SC1 continues to set out requirements that major non-residential development, with a floor area in excess of 1,000 square metres, should achieve the BREEAM Excellent standard from 2016. The neighbourhood centre is proposed to have a floor area of 2,699 square metres and as such is in excess of this level. However, these units, individually are proposed to all fall below this threshold and could be erected as individual buildings. However, should combined units be erected to form a building in excess of 1,000 square metres then the policy requirement would be applicable. Thus, a suitably worded condition is required to ensure compliance with this policy, should a building in excess of 1,000 square metres be proposed.
- 12.3 It is considered reasonable to require that any building 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 does not take into account the latest changes to national policy and Building Regulations.
- 12.4 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.
- 12.5 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.
- 12.6 In view of the above, the scheme is considered capable of delivering built form equipped with suitable sustainable technologies and therefore, will comply the Development Plan and National Planning Policy Framework, in this regard.

13 Other Issues

- 13.1 Cadent gas initially advised that no dwellings should be built within 35 metres of the high pressure gas pipeline which crosses the site. The applicant, following receipt of this response, undertook direct discussions with Cadent, subsequently submitting a Technical Note, which confirms that a 3 metre easement is actually required, except for the Care Home, which is subject to a 115 metre easement. The easement now required therefore allows for the scale of development proposed for the site to be provided.
- 13.2 In terms of the comments raised by neighbouring residents, they have largely been considered within the above report. The sole remaining matter raised relates to the suitability of the public notification exercise undertaken for this application. The application has however been advertised in accordance with the Council's guidelines.

14. Financial Considerations

- 14.1 This development is a CIL (Community Infrastructure Levy) liable scheme set within the higher charging zone, where the applicable rate is £55 per square metre. This will be payable in accordance with the Council's adopted CIL Instalments Policy, unless otherwise agreed.
- 14.2 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, Council Tax and Business Rates.

15. Human Rights

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

Conclusion

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental. The NPPF continues to advise that at the heart of the Framework is a presumption in favour of sustainable development. With reference to this scheme, economically the proposal would provide employment opportunities, through creating a development opportunity, whose future residents would support existing village facilities. However, the scheme would also deliver town centre uses within a rural site, wherein a sequential test has not been provided to demonstrate the suitability of such. Socially, the proposal would ensure no impact upon existing residents, whilst suitable conditions could secure the amenity of future residents within the site.

However, the scale of development is not considered to be compliant with the requirements of the Council's Development Plan in that the level of growth in this location would be contrary to the spatial strategy through delivering housing numbers far in excess of that envisaged. Environmentally the site would elongate the form of Fradley, in a north/west direction creating an urban intrusion on the northern side of the Coventry Canal. It is recognised that adequate, public open space could be provided on site to meet the needs of the future and existing residents, whilst the number of dwellings and mix that could be secured, together with suitable

design and orientation of dwellings could, subject to conditions, be physically well related to development on the southern side of the canal.

With regard to heritage impact, it is considered that there would be less than substantial harm, to the setting of the adjacent Coventry Canal non-designated heritage asset. Whilst normally such harm could be balanced out by the positives of the wider scheme, in this case the harm would be, in addition to the greater planning policy objections. In terms of the landscape, it is considered that the development would cause harm to the views across the landscape from and to the Canal route.

With regard to transport and highways, adequate information and detail has been included within the supporting information to demonstrate that sustainable travel choices will be provided within the development. 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 mitigation/precautionary measures there will be no adverse impact on protected or priority species, landscaping and ecological habitats. Furthermore, the development will not have a significant impact on the Cannock Chase SACs. With regard to drainage and residential amenity, it is considered that adequate mitigation is provided and that, subject to appropriate conditions, no material harm will be caused in these respects

In conclusion, it is therefore considered that the development fails to comply with development plan policies in respect to the principle of development in this location and the impact on the non-designated heritage asset. In addition, the applicant has failed to submit a sequential test to address the acceptability of the location proposed for the town centre uses that comprise part of this development. Given the above, it is not considered that the harm arising from the development outweighs the benefits as detailed within this report and accordingly, the application is recommended for refusal, as set out above.

LOCATION PLAN

19/00053/FULM
Land south of
Shortbutts Lane
Lichfield

Scale: 1:5,000

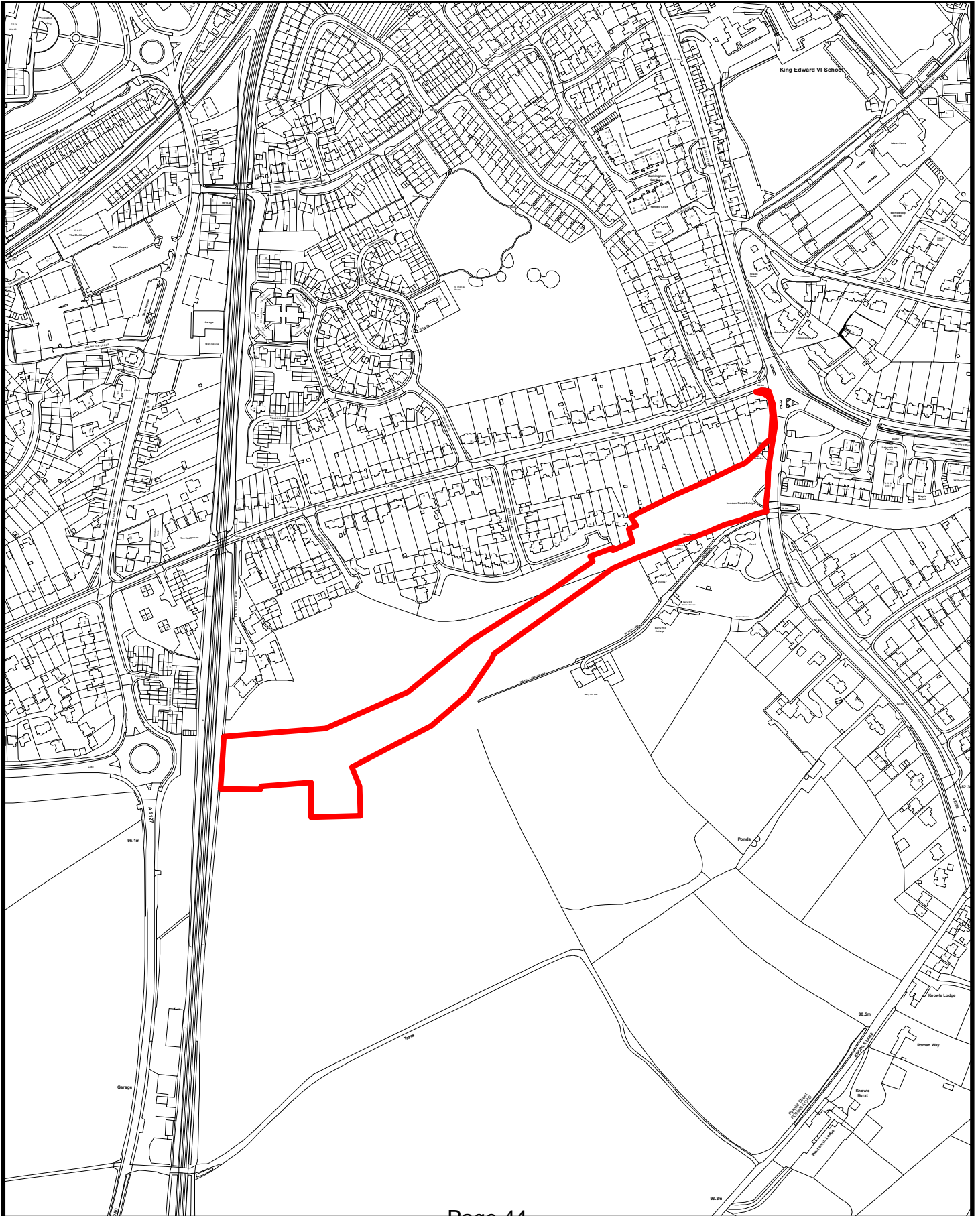
Dated: August 2019

Drawn By:

Drawing No:



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BLOCK PLAN

19/00053/FULM
Land south of
Shortbutts Lane
Lichfield

Scale:

Dated:

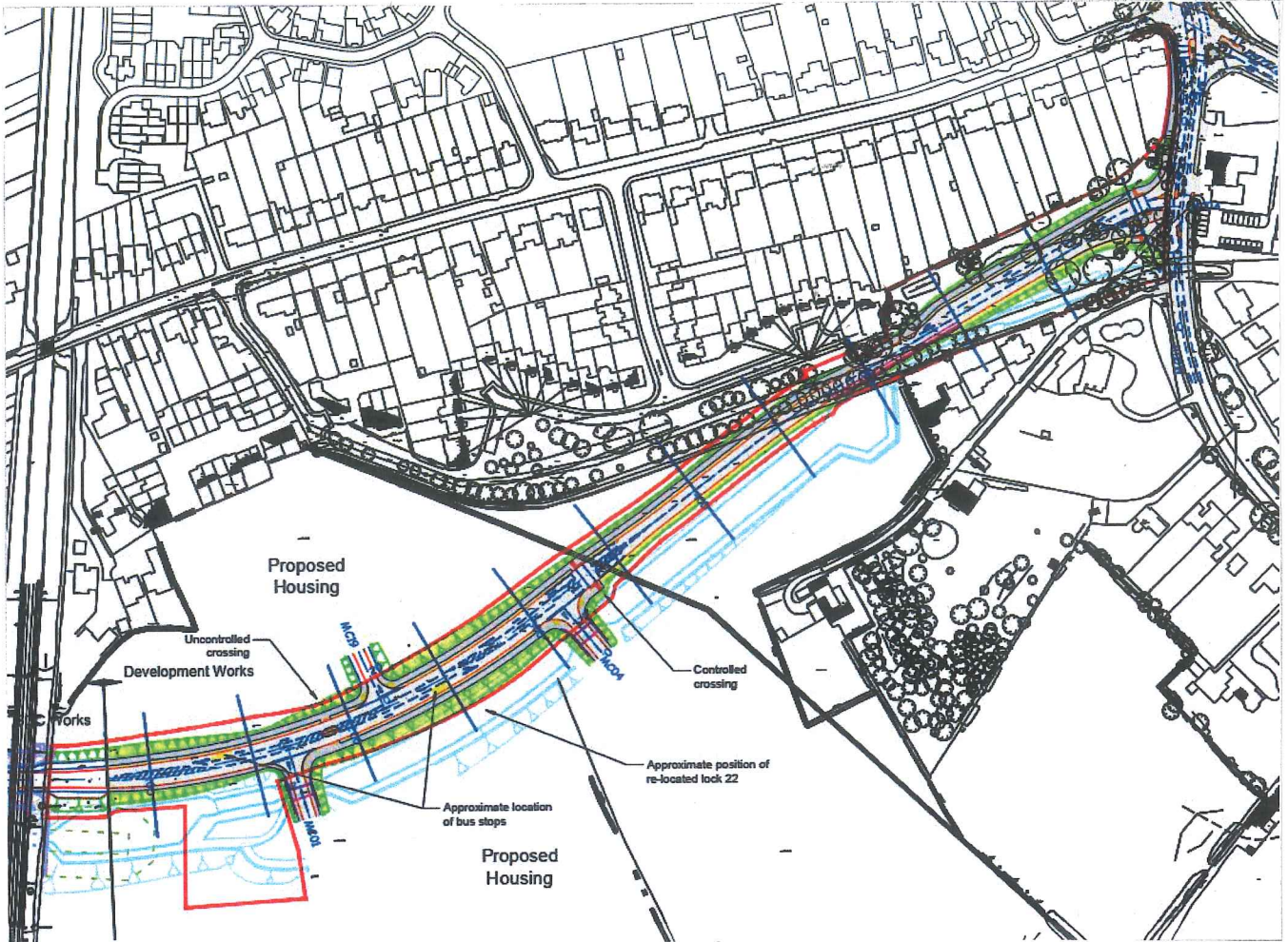
August 2019

Drawn By:

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19/00053/FULM

**CONSTRUCTION OF LINK ROAD TO FORM PART OF LICHFIELD SOUTHERN BYPASS ON LAND BETWEEN BIRMINGHAM ROAD AND LONDON ROAD, LICHFIELD.
LAND SOUTH OF SHORTBUTTS LANE, LICHFIELD, STAFFORDSHIRE
FOR PERSIMMON HOMES
Registered 11/04/2019**

Parish: Lichfield

Note: This application is being reported to the Planning Committee due to the strategic nature of the development and its relationship with application references 12/00182/OUTMEI & 19/00478/REMM.

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 otherwise be required by other conditions to which this permission is subject.

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

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

b) The archaeological site works shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (3.a).

c) The development shall not be brought into use until the site investigation and post-fieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (3.a) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.
4. Before the development hereby approved is commenced, a scheme of noise mitigation measures designed to protect nearby residents from noise nuisance shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include all measures identified in the noise report submitted in support of the application, project reference 60598001_1, including all construction and operational phase measures identified in chapter 5. The approved scheme of noise attenuation measures, subject of this condition, shall be installed prior to the development being first brought into use, and shall be retained as such for the life of the development.
5. Before the development hereby approved is commenced, a Construction Environmental Management Plan shall be submitted to, and approved in writing by the Local Planning Authority. The management plan shall:
 - i) Specify details of the site compound, cabins, material storage areas and vehicular access point;
 - ii) Specify the delivery and working times;

- iii) Specify the types of vehicles;
- iv) Specify noise, air quality 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 details and thereafter adhered to throughout the construction period.

All other CONDITIONS to be complied with:

6. Before the installation of any external lighting, details of its erection and operation, including full details of the means of illumination and design of the lighting systems including columns, shall be submitted to and approved in writing by the Local Planning Authority. The means of external lighting shall be implemented prior to the development subject of this application being first brought into use, and shall be installed in accordance with the approved details.
7. Notwithstanding the submitted details, before the development hereby approved is first brought into public use, a detailed landscape and planting scheme including of the Darwin Walk, a watering schedule and details of how the landscaping will be established, shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape and planting scheme shall thereafter be implemented in full within the first planting season following the first use or occupation of the development.
8. The road hereby approved shall be built in accordance with Drawing No. D0139D-P-01, Revision P3 and shall be constructed to the satisfaction of the local planning authority in consultation with the local highway authority, in accordance with details first submitted to and agreed in writing by the local planning authority with regard to its phasing for implementation and final completion timescales, prior to any part of the road being used by the public.
9. Before the development hereby approved is first brought into use by members of the public, the London Road signalised access shall be completed along with junction upgrades to Shortbutts Lane/Tamworth Road/Upper St. John Street as broadly indicated on Drawing No. D0139D-P-01, Revision P3.
10. Before the development hereby approved is first brought into use by members of the public the visibility splays shown on Drawing No. D0139D-P-06, Revision P1 shall have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
11. The development hereby approved shall be carried out in full accordance with the approved Flood Risk Assessment (AAC5375/Issue 3/RPS/28-05-2019) and Updated Drainage Strategy (DR001/Issue 3/AMEY/28-05-2019) and the following mitigation measures detailed within the FRA:
 - a) Limiting the surface water run-off generated by the 100 Year + 30% climate change critical storm so that it will not exceed 10 l/s and not increase the risk of flooding off-site.
 - b) Provision of adequate attenuation flood storage on the site to a 100 Year + 30% climate change standard.
 - c) Provision of adequate treatment of surface water run-off in accordance with CIRIA 753 Simple index Approach.

The drainage system shall thereafter be retained as such for the life of the development.

12. The retaining wall hereby approved, shall be built in full accordance with the material details as shown on plan reference D0139D-P-05 REV P1.
13. Any tree, hedge or shrub planted as part of the landscaping scheme (or replacement tree/hedge) approved pursuant to condition 7 on the site, which dies or is lost through any cause during a period of 5 years from the date of first planting, or a time period to match the requirements of condition 3, 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.
14. The development hereby approved shall be carried out in strict accordance with the methods of working, which are detailed in the Ecological Assessment produced by Tyler Grange dated 30th January 2018.

REASONS FOR CONDITIONS

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Practice Guidance.
3. To safeguard archaeological interests in accordance with the requirements of Policy NR5 of the Local Plan Strategy and the National Planning Policy Framework.
4. To safeguard the amenity of future residents in accordance with the requirements of Core Policy 3 and Policies BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework.
5. To safeguard the amenity of existing residents during the construction phase of development, in accordance with the requirements of Core Policy 3 and Policies BE1 and ST1 of the Local Plan Strategy and the National Planning Policy Framework.
6. To safeguard the character and appearance of the area and 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 the National Planning Policy Framework.
7. To ensure the satisfactory appearance of the development in accordance with the requirements of Policies BE1 and NR4 of the Local Plan Strategy, the existing infrastructure of Darwin Walk and the National Planning Policy Framework.
8. 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.
9. 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.
10. 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.
11. 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.

12. To safeguard the character and appearance of the area in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
13. To ensure the satisfactory appearance of the development in accordance with the requirements of Policies BE1 and NR4 of the Local Plan Strategy and the National Planning Policy Framework.
14. In order to deliver biological enhancements as part of the development, in accordance with the requirements of Core Policies 3 and 13 and Policies NR3 and NR6 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), Lichfield District Local Plan Allocations (2019) and the Lichfield Neighbourhood Plan (2018).
2. The applicant's attention is drawn to The Town and County 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 off-site highway works will require a Highway 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 Highway Works Information Pack and an application form for the Highway 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/highwayscontrol/HighwaysWorkAgreements.aspx>.
4. The Council has sought a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.

PLANNING POLICY

National Government Guidance

National Planning Policy Framework

National Planning Practice Guidance

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 10 – Healthy & Safe Lifestyles

Core Policy 11 – Participation in Sport & Physical Activity

Core Policy 14 – Our Built & Historic Environment
Policy IP1 – Supporting & Providing our Infrastructure
Policy ST1 – Sustainable Travel
Policy NR3 – Biodiversity, Protected Species & their Habitats
Policy NR4 – Trees, Woodland & Hedgerows
Policy NR5 – Natural & Historic Landscapes
Policy NR6 – Linked Habitat Corridors & Multi-functional Greenspaces
Policy NR7 – Cannock Chase Special Area of Conservation
Policy BE1 – High Quality Development
Policy Lichfield 1 – Lichfield Environment
Policy Lichfield 2 – Lichfield Services and Facilities
Policy Lichfield 3 – Lichfield Economy
Policy Lichfield 6 – South of Lichfield

Lichfield District Local Plan Allocations (Focused Changes)

Policy ST4: Road and Junction Improvements – Lichfield City
Policy Lichfield 3: Lichfield Economy

Lichfield City Neighbourhood Plan

Policy 3: Primary Movement Routes

Supplementary Planning Documents

Sustainable Design
Trees, Landscaping and Development
Biodiversity and Development

RELEVANT PLANNING HISTORY

12/00182/OUTMEI Construction of a sustainable mixed use urban extension, comprising of up to 450 dwellings; a primary school, mixed use community hub to include retail development (A1/A2/A3/A4/A5) and community buildings (D1); comprehensive green infrastructure including footpaths, cycleways, multi-functional open space including children’s play areas, open space for sport and sustainable urban drainage systems; foul and surface water drainage infrastructure including balancing ponds; safeguarded route of Lichfield Canal; link road to form part of Lichfield Southern Bypass; site vehicular access point opposite Shell Garage, London Road; demolition of no 22 London Road to allow provision of second vehicular access from London Road and other associated ancillary infrastructure and ground remodelling. Approved 10/08/2018

19/00478/REMM Application of approval of reserved matters (layout, landscaping, scale and appearance) for the erection of 169 dwellings and associated works (Phase 2A) in accordance with application 12/00182/OUTMEI. Pending Consideration.

Staffordshire County Council Planning Applications:

L.17/09 Proposed construction of a railway bridge and 53m of new carriageway to link with an approved distributor road to create the final phase of the Lichfield Southern Bypass. This includes temporary working space either side of the railway line and a temporary haul road along the line of the planned distributor road. Approved 27/03/2018

CONSULTATIONS

Lichfield City Council – No objection. (26.07.19). Previous Comments: No objection. (26.04.19).

Ecology Team – LDC – No objection. The Ecology Team is satisfied with the methodology and the information provided within the submitted Updated Ecological Assessment. The Ecology Team concurs with the conclusions of the ecological appraisal in that (given the data provided) it can now be considered unlikely that the proposed works would negatively impact upon a European Protected Species (EPS) in a manner as defined as an offence under the Conservation of Natural Habitats

Regulations (Habitat Regs.) 1994 (as amended 2010); or upon a protected or priority species or habitat, as defined by the Wildlife and Countryside Act 1981 (as amended 2010); The Protection of Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006).

The LPA is therefore in a position to demonstrate compliance with regulation 9(5) of the Habitat Regs. 1994 (as amended 2010), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species. It is also deemed that the LPA has sufficient understanding to discharge its 'Biodiversity Duty' (as defined under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006).

However, adherence by the applicant to all recommendations and methods of working detailed within the Updated Ecological Assessment must be made a condition of any future planning approval.

In addition to the Ecology Team's comments detailed above the applicant is advised to consult the Biodiversity and Development Supplementary Planning Document (SPD) and take account of all advice detailed within where it may relate to their application. (24.05.2019 & 25.07.2019)

Conservation & Urban Design Team – LDC –The site is within the South of Lichfield Strategic Development Allocation which is identified within the adopted Local Plan Strategy for up to 450 dwellings and appropriate supporting facilities and infrastructure. A strategic objective of the SDA is to deliver the Lichfield Southern Bypass. Outline planning permission was granted in 2018 for the wider SDA which included; " link road to form part of Lichfield Southern Bypass; site vehicular access point opposite Shell Garage, London Road ".

The current application provides the full detail of the remaining section of the Lichfield Southern Bypass connecting London Road in the east to Birmingham Road and the existing phases of the Lichfield Southern Bypass to the west.

The line of the bypass passes near to the grade II listed Berryhill House. It is considered that the construction of this section of the bypass, in particular the junction with Birmingham Road would impact on the setting of this Grade II listed building. The harm to the setting and thus the significance of the heritage asset will be limited and so would be less than substantial. While there are no heritage related public benefits derived from this scheme, there are clear planning related benefits that can be balanced against this less than substantial harm in accordance with paragraph 196 of the NPPF. (25.04.2019 & 11.07.2019)

Historic England – No comment (16.04.2019 & 04.07.2019)

Natural England – No objection (02.05.2019 & 18.07.2019)

Environmental Health Team – No objection, subject to the recommendation of a condition requiring the submission of a scheme of noise mitigation which should include all measures identified in the noise report submitted in support of the application, project reference 60598001_1, including all construction and operational phase measures identified in chapter 5.

It should be noted that further assessment will be required with regards to the Noise Insulation Regulations, and this will be undertaken by the Highways Authority once the layout has been finalised. (27.05.2019 & 24.07.2019)

Previous comments: No objection to the proposals in principle. It is noted that the final design of the road is not yet confirmed, and therefore the noise report is only indicative. Once the design is finalised, the noise report will need to be updated accordingly, and at that stage further comments can be provided. (07.05.2019)

Spatial Policy & Delivery Team – No objections - It is considered that the submitted plan AAC5375-600-03, AAC5375-600-05, illustrates that the canal element is able to be delivered alongside the

Lichfield Southern Bypass within the application site. As such the previous concern has been addressed.

A suite of technical drawings have been provided to demonstrate that the bypass and canal element can be delivered. The submitted plan D0139D/P/01 Highway Alignment identifies the location of the bypass and also plots the footprint of the future canal. However, the information provided does not demonstrate how the integration of the route of the canal will be achieved. The information submitted offers no security that this is achievable. It would therefore be prudent to seek further technical clarification in this regard. (16.07.2019).

Previous Comments: The site is within the South of Lichfield Strategic Development Allocation (SDA) within the adopted Local Plan Strategy as illustrated on the Local Plan Strategy Policies Maps.

With regards to national guidance, paragraph 11 the National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development and this is echoed in Core Policy 2 of the Local Plan Strategy. The NPPF para 81 c seeks to address potential barriers to investment such as inadequate infrastructure is identified as a consideration when planning for a strong and competitive economy within the NPPF. Promoting sustainable transport is identified as requiring early consideration within the NPPF, Para 104 bullet c confirms that policies should 'identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development'.

With regards to local policy, the Local Plan Strategy makes clear that the completion of the Lichfield Southern Bypass is a key objective of the plan. The Local Plan Strategy (para 6.5) identifies the completion of the Lichfield Southern Bypass, to be delivered alongside South Lichfield Strategic Development Allocation, as a strategic infrastructure priority. The infrastructure requirement is set out in the following policies. Core Policy 4: Delivering our Infrastructure states 'Both strategic and local infrastructure provision will be linked to the phasing of new development. Phasing and specific infrastructure requirements are set out in the Infrastructure Delivery Plan (IDP) and the Concept Statements relating to the Strategic Development Allocations (SDAs) identified in the Local Plan'.

The route for a restored Lichfield canal as identified on inset 1 of the Local Plan Policies Maps runs through the application site. It is noted therefore that a section of the Lichfield Canal Route is located within the application site.

Core Policy 5 Sustainable Transport: identifies the follow road network requirement 'Completion of necessary highway schemes to tackle areas of congestion and to increase highway safety including the completion of the Lichfield Southern Bypass.' Core Policy 1: The Spatial Strategy identifies the green infrastructure corridor which forms the line of the route for a restored Lichfield Canal is identified as a significant asset. Core Policy 9: Tourism identifies the Canal network as a tourism attraction which will be supported and promoted where it does not conflict with other Core Policies. Core Policy 13: Our Natural Resources states 'the District Council will support the safeguarding of our ecological networks, including restoration and creation of new habitats, "the project associated with the restoration of the Lichfield Canal'. Policy Lichfield 1: Lichfield Environment seeks to promote walking and cycling links 'This includes the safeguarding and future delivery of the route for a restored Lichfield Canal from Huddlesford Junction through Lichfield City'.

A section of the canal also is located within the SDA boundary as identified in Map C:1 South linked to the South Lichfield SDA. As such the following requirements articulated with Policy Lichfield 6: South of Lichfield Bullet 6 are relevant to this application 'integration of the route for a restored Lichfield Canal into an integrated open space and green infrastructure network'. Further, South of Lichfield SDA Concept Statement (Appendix C) identifies the following element of canal infrastructure 'Integration of the route for a restored Lichfield Canal into an integrated open space and green infrastructure network

The IDP outlines the requirements of the Lichfield Southern Bypass in Section 4: Strategic Infrastructure, Strategic Physical Infrastructure, and Transport. In terms of SDA's the section of bypass

this application seeks permission for is located wholly within South Lichfield SDA as identified in Map C: 1. As such the following policy requirements are relevant in regards to the bypass. Policy Lichfield 6: South of Lichfield Bullet 10. 'To improve access to the sites through the completion of the Lichfield Southern Bypass'. Further, South of Lichfield SDA Concept Statement (Appendix C) identifies the following element of infrastructure 'The completion of the Lichfield Southern Bypass as the primary source of access.'

There is a clear policy support for the delivery of both elements (bypass and canal) of infrastructure within the District and therefore the application site.

The submitted plan D0139D/P/01 Highway Alignment identifies the location of the bypass and also plots the footprint of the future canal. However, the information provided does not demonstrate how the integration of the route of the canal will be achieved. Before a complete assessment of policy compliance can be completed there is a requirement to establish whether the infrastructure works (bypass) proposed as part of this application undermine the future delivery of the canal. This concern relates to both the construction phases of the bypass and further the ability to restore the canal once the bypass is operational. The information submitted offers no security that this is achievable. It would therefore be prudent to seek further technical clarification in this regard.

The Lichfield City Neighbourhood Plan was made on 17 April 2018 and as such now forms part of the development plan for this area. Of consideration for this application due to its close proximity to the site is Policy 3: Primary Movement Routes which seeks to identify Primary Movement Routes from development and supports proposals to enhance these routes.

There is a clear policy support for the delivery of infrastructure identified as part of this application. Clarity regarding its relationship with Lichfield Canal will need to be established before policy compliance can be achieved. (17.05.2019)

Waste Management – The Council's refuse and recycling service does not normally take vehicles into private roads and courtyards unless indemnified to do so. The road surface should be sufficient to take a 32 tonne vehicle and there should be sufficient room to allow safe access and egress for an RCV. The refuse/recycling collectors should have a pull distance of no greater than 10m. (11.04.2019 & 02.07.2019)

Canal & River Trust – No comment (24.04.2019 & 08.07.2019)

Inland Waterways – No objections (16.07.2019)

Previous comments - The Highway Alignment plan (D0139D/P/01) shows how the red line boundary cuts across the canal channel and its cutting side slopes. The Highway Alignment - Cross Sections (D0139D/P/05) shows details of the culverts and road levels but does not show the necessary wing walls or how the sides of the canal will be integrated with the road verge to the north or the public open space to the south. As the canal will be partly in cutting, if this is not done from the outset then insufficient space may be allowed, necessitating expensive and unsightly retaining walls rather than gentler landscaped slopes.

The Bypass plans should be amended as above. Whatever is decided about the canal and road levels, it is essential that all the details of the canal construction are fully considered and integrated with the bypass road construction, the bridges and the open space provision to ensure compatibility before either of these planning applications are approved.

IWA understands that LHCRT is actively discussing these engineering issues with Persimmon with a view to reaching a satisfactory agreement to allow them to withdraw their holding objection to both these applications. There are other outstanding issues involving use of the completed canal channel as part of the sustainable surface water drainage strategy for the site, and intermediate works to the present main drainage pipe. These technical matters are also under active discussion and we understand close to agreement.

Meanwhile, it is necessary for IWA to record its objection to both these applications pending such an outcome, and the deposit of amended plans and additional information. (07.05.2019)

Lichfield and Hatherton Canal Restoration Trust – No objections - Following confirmation from Persimmon Homes that they will implement various canal infrastructure including 2 canal bridges across the canal to the housing site to the south, diversion of surface water outfall pipe which runs along former canal; re-profiling of land into which canal will be excavated. (5/08/2019)

Previous comments: The trust has had dialogue with the applicant to ensure appropriate provision for the proposed canal alongside the proposed road, and public open space between the proposed housing and the canal with a fully integrated layout that is compliant with Lichfield District Council planning policy. The obligation rests with the developer to work with the Lichfield & Hatherton Canals Restoration Trust to achieve this planning objective.

The original intention was that there would be one road crossing of the canal and a second road serving the development would be constructed from London Road. That has now changed with two bridge crossings into the development from the new Lichfield Southern Bypass. This has implications for the interface between Lichfield Southern Bypass, the two canal crossings and the canal which we are actively seeking to resolve with the applicant.

The implications and resultant changes have not been understood and agreed within the timescale imposed by your consideration of the planning application although we expect there will be ultimate agreement. As a result regrettably, in order to protect the canal restoration, in line with planning policy, the trust must object to the present application as, unfortunately, the drawings submitted with this application, while showing the location for the canal in plain view, do not show the necessary cross section views to demonstrate that the vertical relationships between the road, the canal, and the battered areas of public open space are all fully achievable.

The trust gives thanks to the applicant for their efforts to work with us to achieve an attractive setting for this section of the restored Lichfield Canal. The trust are confident that the canal and the areas of open space beside it will provide an attractive setting for the housing development, but feel that prior to granting of Planning Consent, some more work on certain of the drawings is needed.

In summary this is a holding objection. With continued dialogue between the Trust and the applicant it is hoped that the above can be addressed in order for the Trust's objection can be removed. (30.04.2019)

Sport England – No comment (11.04.2019)

Highways England – No objection (05.07.2019)

Previous comments: Further assessment required relating to traffic and trips generated by development. More information required through modelling scenarios to demonstrate the impact of the development on the local and wider strategic highway network. (30.04.2019)

Staffordshire County Council Highways – No objections, subject to conditions including that the road be provided in accordance with the approved drawing within appropriate timescales and that it is constructed to the satisfaction of the local highway authority prior to any part being used by the public. Also, recommends conditions with regard to provision of visibility splays and that the London Road signalised access be completed along with junction upgrades to Shortbutts Lane / Tamworth Road / Upper St. John Street as broadly indicated on the submitted drawing. (16.08.2019 & 24.08.19)

Previous comments: No objections, subject to conditions relating to the road being delivered prior to any new housing on the adjacent housing site approved under reserved matters related to planning permission 12/00182/OUTMEI being occupied; completion of off-site highways works at the junction

of Shortbutts Lane / Tamworth Road / Upper St John Street; and the completion of visibility splays in accordance with approved plans. (26.07.2019)

Previous comments: There is insufficient information for the Highway Authority to determine an outcome to the application as the submitted application does not provide sufficient technical information with regards to the proposed scheme. (05.06.2019)

Severn Trent Water – No objection as the proposal has minimal impact on the public sewerage system. (16.04.2019)

Tree Officer - Object – No further comments to add to previous comments. (26.07.2019)

Previous Comments: The strategic green infrastructure and landscaping for this application is affected by matters relating to the separate, adjacent, reserved matters application. This necessarily means some cross-application comments are included. Further work is required to ensure that all phases of the development and all infrastructure requirements are considered holistically, and that the delivery of one element does not prejudice the delivery of others.

In terms of specific concerns - the drainage requires amendment on southern side of bypass as it sterilises Avenue tree planting; the temporary canal profiles at railway end need amendments for long-term tree provision; the canal corridor dimensions on the landscaping plan do not match those on the canal cross sections and needs clarification. Dependent upon this the root barriers for the Avenue trees should be amended; a 'zero tree' area caused by sightlines along the Avenue and the lack of tree planting in front of plots 40 to apartment B needs addressing and recommend the reduction of the southern side towpath allowance to allow/improve landscaping opportunities to south side of canal; the drainage may sterilise planting at one location on the London Road open space. This needs to be clarified and if necessary alternative planting placed elsewhere; include and enrich landscape provided in response to Darwin Walk and improve screening for closest section of Wordsworth Road; canal land profiling should reflect the use of the area as recreational open space prior to the development of the canal. (26.07.2019)

Previous comments: Object - The proposal does not sufficiently integrate with the other elements of the SDA as outlined in the Lichfield Local Plan or as given in the framework masterplan. It does not meet policy NR4 in respect of large canopy tree planting. It does not address the landscaping of the route as part of integrated green infrastructure provision, including tree planting, or amenity as given in Policy BE1: High Quality Development.

In terms of specific concerns - Landscape proposals route-wide - the new landscaping is limited to the area adjacent to London Road. Earlier pre-application plans and the framework masterplan showed a tree-lined corridor for the bypass, helping to deliver green infrastructure provision. From discussion with SCC highways, this can be accommodated within the application boundary, within the highway verge to the back of the footpath and footpath/cycleway. Planting along this corridor delivers shade and shelter for pedestrians and cyclists, helping to provide a pleasant and cool environment and encourage non-car sustainable travel. Tree planting can reduce airbourne pollutants, necessary for health benefits along a main transport route in a residential area in addition to reducing the visual impact of the route. It is appreciated that the canal corridor needs to be accommodated, however, use of short runs of root barrier along the canal corridor boundary would prevent tree roots growing into the land and as a result protect the roots of developing trees when excavation of this feature occurs in the future. Therefore there is no reasonable restriction on planting between the footpath and proposed canal.

Species selection - A wider selection of families and genera is required to improve the robustness of the scheme against the changing climate and pests and diseases. For example, I note that the large tree planting is dependent upon three cultivars of Norway Maple. Further information can be found in the 'trees, landscaping and development' SPD.

Drainage and landscaping integration - Drainage proposal uses the off-site suds provided by the REMM application. Please see this application in respect of the landscaping of this suds space and the issues relating to the position of the underground drainage runs. This may impact upon the position of drainage runs for the 19/00053/FULM link road.

An area of landscaping along the north side of the link road, within the boundary of this 19/00053/FULM application has been included within the REMM landscape plans. This is outside the application boundary of the housing parcel. The applicant should demonstrate that landscaping and other cross-application elements are fully considered and integrated. (9.05.2019)

Staffordshire Historic Environment Officer (Archaeology) – No additional comments to those provided previously. (12.07.2019)

Previous comment: The application has been supported by a comprehensive Heritage Statement which has been informed by a number of studies/documents relating to the related proposed housing development (12/00182/OUTMEI) and a proposed railway bridge and carriageway link to Lichfield Southern Bypass (L.17/09).

The conclusions of the Heritage Statement are generally supported, and it is agreed that it is unlikely that the above proposed development will cause additional impacts on the archaeological resource than the permitted haul road (which forms part of L.17/09), the permission for which includes a condition (8) requiring a Written Scheme of Investigation to be submitted for approval to Staffordshire County Council and for an appropriate level of archaeological investigation to be implemented prior to construction of the haul road.

Taking the above into account, it is recommended, should permission be granted, that an archaeological watching brief be maintained during groundworks associated with the proposals in any area of the proposed development not adequately covered by the condition applied to L.17/09. This is required as groundworks in this area have the potential to disturb buried archaeological remains as outlined in the Heritage Statement and associated documents. (15.05.2019)

Environment Agency – No comments. (11.04.2019)

Staffordshire County Council (School Organisation) - No comment – As the planning application is not related to the number or composition of dwellings at the Land South of Shortbutts Lane. (11.04.2019 & 02.07.2019)

Central Networks – No objections. However the developer should contact Western Power Distribution before any works commence in order to avoid any inadvertent contact with any live apparatus including underground cable and overhead lines during any stage before or after development. Also, to prevent incursion into areas where WPD have cable/access rights and property ownership – particularly with regard to substations and their access. (11.04.2019 & 04.07.2019)

Network Rail – No comments (13.06.2019)

Staffordshire County Council Rights of Way Officer - No objections. (05.07.2019 & 25.04.2019)

Staffordshire County Council Flood Risk Officer -No objection, subject to a condition requiring the development be carried out in accordance with the approved Flood Risk Assessment. (21.06.2019 & 17.07.2019)

LETTERS OF REPRESENTATION

19 letters of representation have been received in respect of this application. The comments made are summarised as follows:

- Noise impact upon local residents.

- Light Pollution.
- Impact on air quality and pollution.
- Impact upon local resident's amenity and overlooking.
- Landscaping proposed insufficient.
- Road should be relocated south of the residential scheme.
- Road will cause further congestion within the city.
- Impact on highway safety.
- Insufficient detail to ascertain how canal will be facilitated.
- Detrimental impact on local wildlife.

OTHER BACKGROUND DOCUMENTS

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

Arboricultural Impact Assessment

Transport Statement

Flood Risk Assessment

Ecological Assessment

Heritage Statement

Utilities Statement

Air Quality Statement

Road Lighting Design Statement

Planning Statement

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

S219 962 – Topographical Survey Sheet 1 of 5

S219 962 – Topographical Survey Sheet 2 of 5

S219 962 – Topographical Survey Sheet 3 of 5

S219 962 – Topographical Survey Sheet 4 of 5

S219 962 – Topographical Survey Sheet 5 of 5

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P18-0382-08C

P18-0382-09C

P18-0381-10

600-04 P02

AAC5375-600-03-PO4

AAC5375-600-03 PO6

AAC5375-600-02 REV N

600-01 REV L

AAC5375-RPS-XX-XX-DR-C-SERVICES PO4

D0139D-P-01 REV P3

D0139D-P-05 REV P1

D0139D-P-03 REV P2

D0139D-P-02 REV P2

OBSERVATIONS

Site and Location

The site is located to the south of Lichfield City centre, within the South of Lichfield Strategic Development Allocation (SDA). The South of Lichfield SDA is a housing allocation identified within the adopted Local Plan Strategy and Allocations documents for up to 450 dwellings and appropriate supporting facilities and infrastructure, to be delivered by 2029. A strategic objective of the SDA is to deliver the Lichfield Southern Bypass.

The application site relates to the area required for the delivery of a link road that will form the majority of the final section of the Lichfield Southern Bypass. The site extends from London Road adjacent to the Shell garage to the east to Cross-City railway line to the west. To the north of the site lies existing properties to Shortbutts Lane, Wordsworth Close and Sanders Way. The site is currently the haul road for bridge works through the Cross City rail line which are being facilitated by Staffordshire County Council and until recently the majority of the land was agricultural in nature with a small area of green space to the east. The site also runs parallel in part with the historic Lichfield Canal route, which is proposed to be restored and diverted parallel to the road. New housing development and associated green infrastructure is proposed to the north and south of the site in conjunction with the implementation of the South of Lichfield SDA proposals.

Background

Persimmon Homes West Midlands was granted outline planning permission by Lichfield District Council (12/00182/OUTMEI) in 2018 following the signing of a S106 for:

“Construction of a sustainable mixed use extension, comprising of up to 450 dwellings; a primary school, mixed use community hub to include retail development (A1/A2/A3/A4/A5) and community buildings (D1); comprehensive green infrastructure including footpaths, cycleways, multi-functional open space including children’s play areas, open space for sport and sustainable urban drainage systems; foul and surface water drainage infrastructure including balancing ponds; safeguarded route of Lichfield Canal; link road to form part of Lichfield Southern Bypass; site vehicular access point opposite Shell Garage, London Road; demolition of no 22 London Road to allow provision of second vehicular access from London Road and other associated ancillary infrastructure and ground modelling.”

As part of this consent Condition 22 of the outline permission stated:

“Before the development hereby approved is commenced, full details of the Northern London Road access and link road as broadly indicated on Drawing Number 778/13 Rev B shall be submitted to and approved in writing by the Local Planning Authority. No more than 201 dwellings shall be completed on the site until the link road and associated access with London Road, and the internal site loop road, as hatched black on the approved Drawing No. BIR.1587_09-1N has been completed to the satisfaction of the Local Planning Authority and is in operation.”

Persimmon Homes is currently in the process of discharging a number of conditions prior to the submission of reserved matters applications. In addition, Staffordshire County Council granted on 27th March 2018 full planning permission under their Regulation 3 process (L.17/09) for the :

“Proposed construction of a railway bridge and 53m of new carriageway to link with an approved distributor road to create the final phase of the Lichfield Southern Bypass. This includes temporary working space either side of the railway line and a temporary haul road along the line of the planned distributor road.”

The rail bridge works are scheduled to occur at the end of 2019 coinciding with the temporary closure of the Shenstone to Lichfield rail line over the Christmas period. The application has been submitted separately to the residential proposals in order to deliver the appropriate infrastructure in time with these works.

Proposals

This application seeks permission for the construction of a link road to form part of the Lichfield Southern Bypass. The road subject of this application will run from London Road to the Cross City Rail line. When combined with the previous permission granted by Staffordshire County Council for the construction of a rail bridge and 53m of road westwards from the bridge to the Falkland Road / Birmingham Road, this will complete the Lichfield Southern Bypass, linking Falkland Road and Birmingham Road in the west, with London Road in the east.

The overall carriageway width of the Bypass is 9m. Three vehicular access points are proposed to serve future residential developments forming the SDA, one to the north of the road and two to the south to provide access to the residential development subject to application 19/000478/REMM. Also provided are the junction access points to the south of the road and an additional junction access to the north. Two pedestrian crossings, one controlled and one uncontrolled as well as the provision of bus stops along either side of the road. The majority of the road level will remain largely the same as existing, apart from areas closest to the railway embankment where the land drop exceeds no more than 2m.

Details of pedestrian access, towpaths and wider canal infrastructure will be subject to separate applications in the future in order to facilitate the canal restoration.

Determining Issues

1. Policy & Principle of Development
2. Highway Impact and Sustainable Travel
3. Landscaping
4. Flood Risk and Drainage
5. Canal Infrastructure
6. Other Issues
7. Human Rights

1. Policy & 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, relevant to this application, comprises the Local Plan Strategy 2008-2029, the Local Plan Allocations Document 2008-2029 and the adopted (made) Lichfield Neighbourhood Plan. Thus, full regard will be had to these documents and the relevant policies therein, in the determination of this application.
- 1.2. Paragraph 10 of the NPPF sets out a presumption in favour of sustainable development stating *“so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development”*. 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. The spatial strategy for Lichfield District, as set out in Core Policy 1 of the Local Plan Strategy, includes development focused in Lichfield City, including sites within the existing urban area. Core Policy 6 further supports the focus of development on key urban and key rural centres, with Lichfield City considered as the most sustainable settlement within the District.
- 1.4. The Local Plan Strategy makes clear that the completion of the Lichfield Southern Bypass is a key objective of the plan. The Local Plan Strategy (para 6.5) identifies the completion of the Lichfield Southern Bypass, to be delivered alongside South Lichfield Strategic Development Allocation, as a strategic infrastructure priority. The infrastructure requirement for the City is set out within a number of policies. Core Policy 4: Delivering our Infrastructure states *‘both strategic and local infrastructure provision will be linked to the phasing of new development. Phasing and specific infrastructure requirements are set out in the Infrastructure Delivery Plan (IDP) and the Concept Statements relating to the Strategic Development Allocations (SDAs) identified in the Local Plan’*. It goes on to say that new development should *‘seek to protect and where appropriate improve services and facilities that provide a key function in the operation of existing communities.’* Core Policy 5 Sustainable Transport: identifies the following road network requirement *‘Completion of necessary highway schemes to tackle areas of congestion and to increase highway safety including the completion of the Lichfield Southern Bypass.’* In addition 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.

- 1.5. The Infrastructure Delivery Plan outlines the requirements of the Lichfield Southern Bypass in Section 4: Strategic Infrastructure, Strategic Physical Infrastructure, and Transport. The section of bypass subject to this application is located wholly within the South Lichfield SDA as identified in Map C: 2. As such the following policy requirements are relevant in regards to the bypass. Furthermore, the South of Lichfield SDA Concept Statement (Appendix C) identifies that the development will help to deliver a completed Lichfield Southern Bypass to assist in relieving pressure on the city centre road network and to provide integration with the city through connections to the existing highway network to support the feasible use of more sustainable modes of travel, including buses, cycle and pedestrian movements. The delivery of the Lichfield Southern Bypass is identified as a strategic objective of the site and a primary source of access for the South of Lichfield SDA development.
- 1.6. In addition to the road the application provides sections of canal infrastructure which, should the road be implemented, it would not be physically possible for works to necessitate the canal to occur at a later date. The route for the restored Lichfield Canal, as identified on inset 1 of the Local Plan Policies Maps, runs through or adjacent to the application site. Core Policy 13: Our Natural Resources states *'the District Council will support the safeguarding of our ecological networks, including restoration and creation of new habitats ...the project associated with the restoration of the Lichfield Canal'*. Consequently, as there is a section of the Lichfield Canal Route located within the application site, the applicant has engaged with the Lichfield and Hatherton Canal Restoration Trust to ensure that delivery of the canal can be implemented by the Trust at a later date. Core Policy 1: The Spatial Strategy highlights the green infrastructure corridor which forms the line of the route for a restored Lichfield Canal is identified as a significant asset. Additionally, Core Policy 9: Tourism identifies the Canal network as a tourism attraction which will be supported and promoted where it does not conflict with other Core Policies.
- 1.7. Policy Lichfield 1: Lichfield Environment seeks to promote walking and cycling links and includes the safeguarding and future delivery of the route for a restored Lichfield Canal from Huddlesford Junction through Lichfield City. Policy Lichfield 6: South of Lichfield Bullet 6 *'integration of the route for a restored Lichfield Canal into an integrated open space and green infrastructure network'* relevant to this application. Further, South of Lichfield SDA Concept Statement (Appendix C) identifies the *'Integration of the route for a restored Lichfield Canal into an integrated open space and green infrastructure network'* as being an integral part of the wider SDA site.
- 1.8. Within the Lichfield District Local Plan Allocations (2019) document Policy ST3 supports the provision of the Southern Bypass. The construction of this length of the Lichfield Southern Bypass will, with the Walsall Road Birmingham Road link, provide a new route between the A51 and the A461 allowing some cross city traffic to avoid the city centre and Shortbutts Lane.
- 1.9. Therefore, given the above, the principle of the proposed development is wholly supported by local planning policy and as such is considered to accord with the requirements of both the Development Plan and the NPPF.

2. Highway Impact and Sustainable Travel

- 2.1. Paragraph 103 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 106 of the NPPF states that *"In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists"*.

- 2.2. As part of the 2012 outline planning application (12/00182/OUTMEI) in respect of the South of Lichfield SDA, an Environmental Statement accompanied the proposals. Further Environmental Statement addendums were submitted in 2013 and 2014. The Environmental Statement was informed by a Transport Assessment that considered the proposal in terms of the impact on the local and strategic highway network. The data from the Transport Assessment demonstrated a substantial decrease in traffic flow on the A5148 between Swinfen and Wall Islands, whilst there would be an increase in traffic flow on A5206 London Road as traffic diverts to the bypass to avoid existing congestion on the strategic road network, particularly at Wall Island. It was therefore concluded that the bypass would be of benefit to the strategic road network by removing traffic from existing congested routes.
- 2.3. As part of the current application a Transport Statement (TS) was submitted to assist in evaluating the impact which the proposed development may have on the local highway network. This included an assessment of existing transport conditions in the area and projections of the impact on the proposed scheme on both the local and strategic highway network. This demonstrates through model forecasting that with the Lichfield Southern Bypass completed, the development will draw traffic into the completed east-west southern corridor, relieving congestion from both the City Centre and parallel routes which are unsuited to carrying future traffic levels, for example Shortbutts Lane and Upper St. John Street. The TS considered that the development would lead to significant improvements in journey times, in terms of those who are able to use the scheme directly but also on other routes where traffic levels are reduced. It also highlighted that the scheme will also assist to reduce congestion at the A38/A5148/A5 Wall Island and Swinfen trunk road junctions to the south by providing a suitable link for traffic to these locations. The report also identifies significant economic efficiency benefits and benefits associated with a reduction in accidents, once the final phase of the Bypass is complete through the scenarios modelled as part of the TS.
- 2.4. Following initial comments from Highways England requiring further details in relation to the impact of the proposal on the strategic road network, the applicant provided and updated the Transport Statement providing details for the whole of the bypass route, rather than the initial section off Birmingham Road. As a result the additional information, including modelled scenarios, satisfied the initial Highways England concerns.
- 2.5. Pedestrian safety is an issue which has been raised by a number of residents through the application consultation. Paragraph 110 of the NPPF confirms that applications should give priority to pedestrian and cycle movements, both within the scheme and through linkages with neighbouring areas; and to facilitate access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services. This is also emphasised in LPS Policy Lichfield 1. Pedestrian access is present the full length of the bypass along the northern side of the road with one controlled crossing point and one uncontrolled crossing point linking the northern side to the southern footpath adjacent to the proposed residential development subject to application 19/00478/REMM. Bus stops are also proposed on either side of the road providing accessibility to public transport and appropriate, safe pedestrian links. Future canal tow path provision will be provided within the future canal restoration development.
- 2.6. Overall therefore, in terms of highways and transportation issues, the Local Planning Authority is satisfied that subject to appropriate conditions relating to junction improvements within the local highway network and implementation of appropriate visibility splays, and that the road is delivered prior to the first occupation of the SDA housing development, the development is acceptable in highways terms, and the development would therefore be compliant with the requirements of both the Development Plan and NPPF.

3. Landscaping

- 3.1. Policy NR4 states that, *“sufficient space within developments must be reserved for the planting and sustainable growth of large trees in order to retain the important tree canopy cover in*

conservation areas and the built environment, and to improve tree canopy cover in the district as a whole.” Core Policy 13 states that the Local Planning Authority will, “maximise opportunities to protect and enhance biodiversity, geodiversity and green infrastructure and utilise opportunities to facilitate urban cooling.”

- 3.2. Landscaping details have been provided as part of the application submission and an Arboricultural Impact Assessment (AIA) has also been submitted. Twenty-nine individual trees, six tree groups and parts of a further group will require removal in order to implement the road infrastructure and future canal developments currently proposed. Sections of shrubs and hedges have also been identified for removal, comprising of 3 category A trees, 11 category B, 9 category c and 3 category U trees within the eastern area of the site. Whilst the loss of these trees is unfortunate it will be compensated for by landscape planting throughout the site providing greater species diversity and improving the age range structure. Their removals are all due to the construction requirements and land forming required to achieve the link road.
- 3.3. The Trees, Landscaping and Development Supplementary Planning Document states, in respect of landscaping within new development this *“should be of quality, robust plants that are fit for purpose and, particularly with trees, will be of good health and mechanical soundness to provide long-lasting benefits”*.
- 3.4. Tree planting is proposed either side of the carriageway of the road along with soft landscape verges adjacent to the footpath with spacing between planting of approximately 6-11m. Following the original plans only showing planting on the north side of the carriageway, amended plans were received and sought to ensure structural tree planting was secured on both sides of the road.
- 3.5. Further amended plans have been received from the applicant addressing the planting affected by the proposal along the Darwin Walk. The Darwin Walk is a memorial to Erasmus Darwin comprising of a number of trees encircling the City. In order to enable further dialogue between the developers, the Tree Officer and Darwin Walk trust regarding the planting along the Darwin Walk, a condition requiring the submission of a further landscaping scheme is recommended which would incorporate the Darwin Walk.
- 3.6. Although objections have been raised by the Arboriculture Officer to the submitted landscaping details relating to the Darwin Walk the impact of other essential infrastructure requirements e.g. drainage, on the potential to provide landscaping, it is considered that through the submission of a suitably worded condition these concerns can be overcome.
- 3.7. Therefore, subject to compliance with the above recommended condition, it is considered that the development is acceptable in landscaping terms and will comply with the requirements of the Development Plan and NPPF in this regard.

4. Flood Risk and Drainage

- 4.1. 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.
- 4.2. A Flood Risk Assessment (FRA) has been prepared by the applicant to accompany the application. The FRA has been prepared in full accordance with the NPPF and the associated Planning Practice Guidance. The FRA confirms the proposed development site is located fully within Flood Zone 1 which are areas assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%); the lowest classification of fluvial flood risk. In addition, the FRA confirms the development site (and wider area) is not at significant risk of pluvial flooding.

- 4.3. In respect of groundwater, the FRA makes reference to previous intrusive investigations which concluded the underlying water table was noted to be approximately 2.5m below (below existing ground level) such that there is no apparent flood threat posed from groundwater. Consequently, the proposed link road will not be affected by groundwater flooding. Other origins of flooding have also been assessed and it has been found that there will be no increase in risk of flooding from land, groundwater or sewers as a result of this development.
- 4.4. The proposed bypass would include the installation of online storage pipes which will be laid beneath the link road in order to provide sufficient attenuation capacity to restrict runoff with a flow restriction. This flow restriction ensures that flood risk elsewhere is not increased as a result of development, and ensures drainage proposals associated with the link road tie in with the wider development subject to application 19/00478/REMM and subsequent reserved matters applications. The proposed drainage solution has been designed with the drainage principles approved under the wider development. The link road and associated drainage system will be adopted by Staffordshire County Council, subject to detailed design and approval. There are no anticipated negative impacts associated with the proposed development in this regard.
- 4.5. Staffordshire County Council Flood Team have offered no objection to the development, subject to a condition requiring that surface water drainage be undertaken in accordance with the measures identified within the submitted Flood Risk Assessment and Drainage Strategy. The FRA concludes in respect of NPPF objectives that the proposed development will not be affected by current or future flooding from any source and it will not increase flood risk elsewhere. Thus, subject to the abovementioned recommended condition, the development is considered to comply with the requirements of the Development Plan and NPPF in this regard.
5. Canal Infrastructure.
- 5.1. The applicant has sought to engage with the Lichfield and Hatherton Canal Restoration Trust (LHCRT) as part of this application and the pending reserved matters given the proximity and siting of the protected canal alignment to the sites.
- 5.2. Detailed cross section engineering drawings have been submitted as part of the application to demonstrate how the canal can be implemented in the future once the road has been developed alongside levels changes and proposed landscaping.
- 5.3. The proposed development will also provide two new access points to the south of the road serving the development subject to pending application ref. 19/00478/REMM. This would be in the form of two canal bridges which would link the housing site to the road subject of this application. The link road proposals will also see the diversion of a pipeline, currently under the eastern part of the link road site within the footprint of the former canal, which provides a surface water outfall for southern Lichfield.
- 5.4. The applicant has identified the use of multi-smooth red facing brick with a Staffordshire blue coping for the facing materials of the retaining wall between the canal and the road within the 'pinchpoint', and is subject to a suitably worded recommended condition.
- 5.5. It is considered that the information provided as part of the submission of the application adequately demonstrates that the proposal will not have an undue impact upon the future delivery of the restored canal adjacent to the application site. Furthermore, it is noted that the LHCRT now raise no objections to this application.

6. Other Issues

- 6.1. Concerns raised by residents are noted and have been largely addressed above. It is appreciated that the proposal is a strategic piece of infrastructure which is in accordance with national and local planning policy.
- 6.2. With regard to concerns raised about local amenity, the applicant has demonstrated that there will be minimal impact upon amenity through the submission of various documents. A noise assessment has been provided which assesses the impact of the proposed road upon existing local residents and future residents within the wider SDA site. The Environmental Health team raise no objections, subject to a condition requiring the submission of a scheme of noise mitigation, which should include all measures identified in the noise report submitted in support of the application. A condition requiring the submission of noise mitigation details prior to the commencement of any works on site, is accordingly recommended.
- 6.3. With regards to concerns raised relating to new external lighting, details have been provided including an external lighting design statement. The report indicates that the design of the road lighting will fully comply with the lighting standards stated in the Staffordshire County Council (SCC) design brief and is in accordance with recommendations of the current Road Lighting British Standard BS5489-1: 2013. A condition requiring a detailed plan showing the proposed lighting within the highway boundary has been recommended. As such, it is considered that with such conditions the proposal would not be detrimental to residential amenity.
- 6.4. An air quality statement has been submitted demonstrating that appropriate assessment of existing and proposed levels of air quality has been undertaken. It is appreciated that there will be some short term impact with increased air pollutants during the construction phase and that also once in operation the increase in traffic will impact the levels of air pollutants in the general area. However, the construction will be short lived and the operations can be controlled via condition through a construction management plan; as recommended. Also, as the current air quality is good in the area, the increase caused will not result in an undue impact and accordingly is highly unlikely to lead to significant health effects to the general public. The Environmental Health team have furthermore raised no objection regarding this.
- 6.5. Concerns regarding overlooking have been raised, although as no new dwellings or other buildings are proposed there would be no direct overlooking caused. Furthermore, the route of the Bypass in this general location is set out within adopted local policy and links through to the wider (already delivered) part of the South Lichfield Bypass to the west. It is to be appreciated that extensive works has taken place to determine the routing of the road to ensure it effectively integrates appropriately with the existing strategic and local highway network, which has demonstrated through detailed modelling the impact of the proposal on the wider highway network within the district. The general location of the Bypass cannot therefore be changed as part of this proposal.
- 6.6. Further concerns have been raised related to the impact of the proposal on local wildlife. The Councils Ecologist is however satisfied with the methodology and concurs with the conclusions of the submitted ecological appraisal and as such, it is considered unlikely that the proposed works would negatively impact upon local protected wildlife species. However, a condition has been recommended requiring adherence to all recommendations and methods of working detailed within the submitted ecological appraisal. Subject to such condition, the proposals are acceptable on ecology grounds.

7. Human Rights

- 7.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their

private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

Conclusion

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively when assessing the suitability of development proposals. Environmentally the proposal would provide a piece of infrastructure that would not have a detrimental impact on the wider environment and will reduce the amount of congestion and accidents on other roads in the city. Economically the development will provide easier accessibility into the city and wider district allowing the local area to become more accessible to a wider range of enterprises and businesses. Socially the development has been designed in a manner to ensure that subject to the application of reasonable and necessary conditions, there will be no significant impact upon the amenity of existing residents whilst providing a key piece of infrastructure for the wider district.

Therefore, it is recommended that this application be approved, subject to the conditions outlined above.

LOCATION PLAN

19/00339/FUL
18 Curlew Close
Lichfield

Scale: 1:500

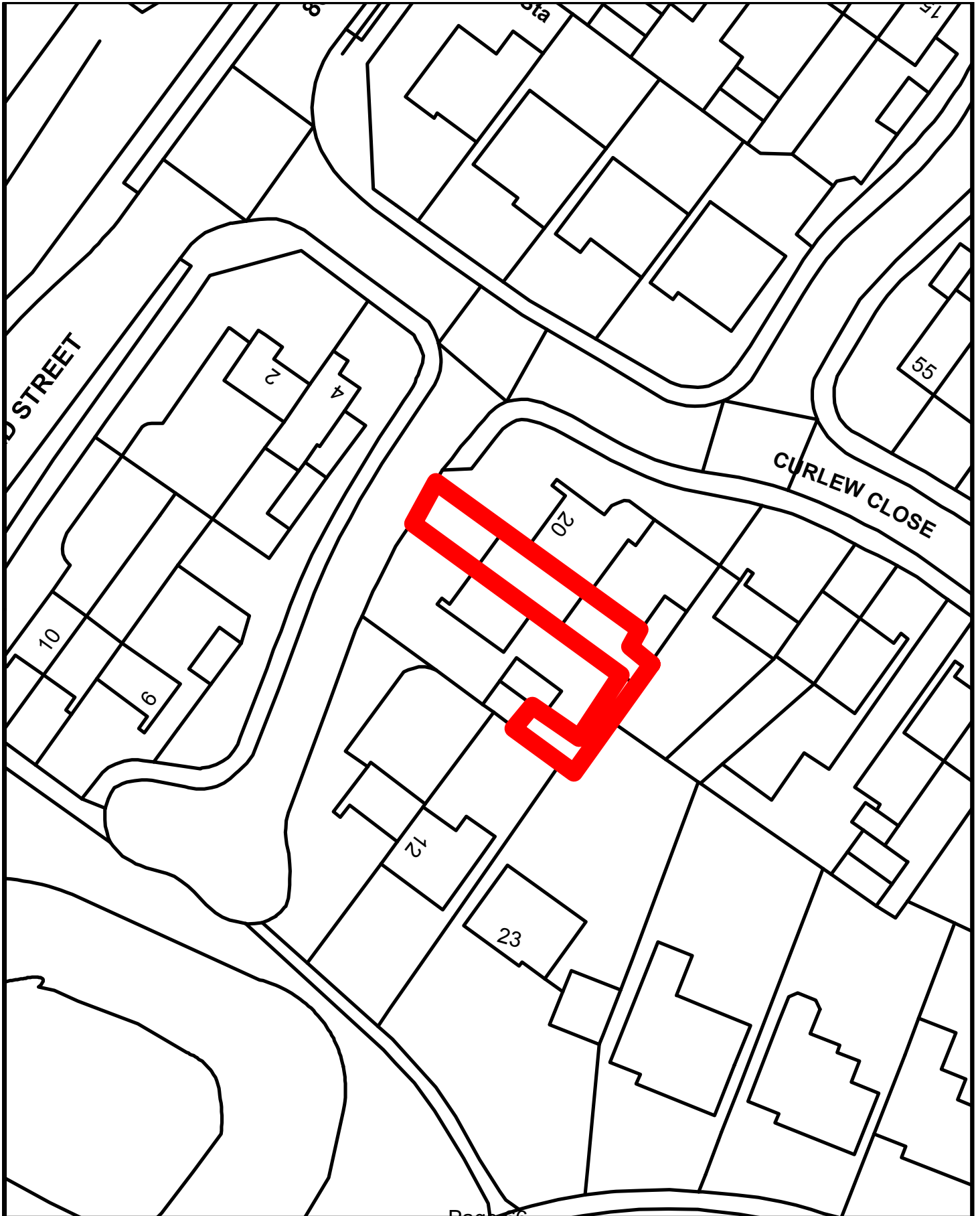
Dated: August 2019

Drawn By:

Drawing No:



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BLOCK PLAN

19/00339/FUL
18 Curlew Close
Lichfield

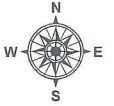
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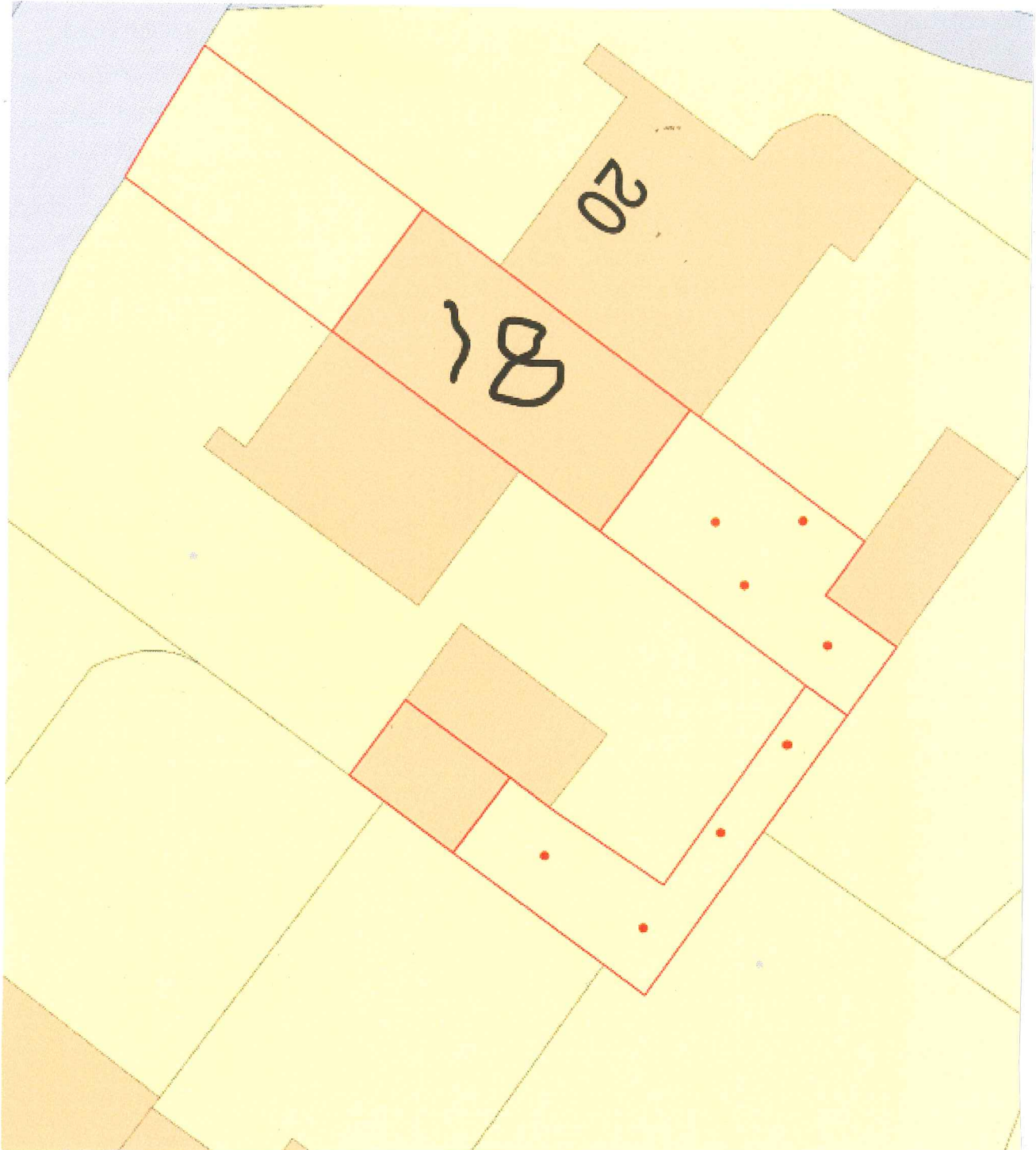
August 2019

Drawn By:

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19/00339/FUL

**RETENTION OF A 13.7m (45ft) TELESCOPIC POLE AND ANTENNA
18 CURLEW CLOSE, LICHFIELD, STAFFORDSHIRE, WS14 9UL
FOR MR DAVID CLIFT
Registered 16/05/2019**

Parish: Lichfield

Note: This application is being reported to the Planning Committee due to a Councillor Call-In by Councillor Eagland relating to noise and surrounding neighbours quality of life.

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. The development hereby approved shall be strictly used as radio antenna and at no time shall the pole be used as a structure to support the installation of a wind turbine.
3. Within one month of the telescopic pole and antenna ceasing to be required for its purposes, the installation shall be completely removed.

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 the National Planning Practice Guidance.
2. In the interest of the character and appearance of the area and the amenity of neighbouring residents, in compliance with Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
3. To ensure that unused installations are removed in the interest of the character and appearance of the area, in accordance with Policy BE1 of the Local Plan Strategy (2015) and the National Planning Policy Framework.

NOTE TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
2. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.

PLANNING POLICY

National Planning Policy

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

Policy BE1 - High Quality Development

Local Plan Allocations

N/A

Supplementary Planning Document

Sustainable Design

Lichfield City Neighbourhood Plan

N/A

RELEVANT PLANNING HISTORY

N/A

CONSULTATIONS

Lichfield City Council - Recommend Refusal - Incongruous in the street scene and concerns about noise. (19/06/19)

Environmental Health Team - LDC - No supporting information is provided with regards the suitability of the pole for such uses, or the manner in which it can be safely erected and secured. There is also no data provided with regards to the noise levels from the proposed wind turbine. Without this information I am unable to comment upon the suitability of proposals or assess their impact upon local amenity. I therefore recommend refusal of the application in its current form (17/06/19).

LETTERS OF REPRESENTATION

4 letters of objection have been received in respect of this application. The comments made are summarised as follows:

- Other masts have been refused in this area;
- The view is unsightly;
- The pole isn't in their garden;
- The pole is in close proximity to trees;
- The pole isn't in sight of the property;
- The pole can be seen from many areas;
- Various wires are attached to the pole;
- Loss of enjoyment of garden;
- View from gardens lost;
- Devaluation of properties;
- A wind turbine could create persistent noise;
- The photographs online are misleading and unclear; and
- Potential health implications.

OTHER BACKGROUND DOCUMENTS

N/A

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

LOCATION PLAN
BLOCK PLAN
SITE PLAN
PROPOSED ELEVATIONS
PROPOSED FLOOR PLANS

OBSERVATIONS

Site and Location

The application site relates to a mid-terrace property located on the southern side of Curlew Close which lies within the settlement boundary for Lichfield as defined by the Local Plan Policies Map. The property is situated in a residential area within the Boley Park area. Properties around the area are of a similar age, character and design. The application site has an unusual residential curtilage with a portion of the garden immediately to the rear of the property. The garden then extends around the back and along the side of Number 16 Curlew Close.

Proposals

This application seeks permission for the retention of a 13.7m telescopic pole which supports a shortwave antenna wire. The pole retracts to 2.4m, and is retracted when not in use. There is support pole fixed to the ground which is situated to the rear of the garage. There are two other locations in the garden where the antenna pole can be affixed. The fixed pole to the rear of the garage is approximately 1.8m in height and has elastic wires which are connected to the wooden fencing for stability in the wind. The application submission identifies that the pole has the capability to support the installation of a small wind turbine. However, it is understood that it is not the intention of the applicant to provide such an installation.

Determining Issues

1. Policy & Principle of Development
2. Impact on Surrounding Area
3. Residential Amenity
4. Other Issues
5. Human Rights

1. Policy & 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 Local Plan Strategy 2008-2019, the Allocations Document (2019) and the made Lichfield City Neighbourhood Plan (2018).
- 1.2 The application proposes the retention of a retractable 13.7m antenna in the rear garden of Number 18 Curlew Close, within the settlement boundary of Lichfield, as defined by Inset 1 of the Local Plan Strategies Policies Map. The antenna is inserted into a fixed pole positions within the rear garden of the property. There are three points within the rear garden where the antenna, and support pole can be inserted.
- 1.3 By way of background, it is considered necessary to determine whether the proposal represents “development” in the first instance. Section 55 of the Town and Country Planning Act (1990) defines “development” as:

“The carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”.

For the purposes of this Act “building operations” includes:

“Demolition of buildings; Rebuilding; Structural alterations of or additions to buildings; and other operations normally undertaken by a person carrying on business as a builder”.

- 1.4 There is some case law on free standing aerials used for leisure/hobby purposes, and whether they constitute development. It is clear from case law that not all aerials constitute development. Small antenna systems, including most television and citizens’ band aerials, are covered by the principle of *de minimis* or are excluded from the definition of development contained in sec.55 of the 1990 Act because they are not sufficiently substantial in relation to the size of the building on which they are installed to have any material effect on its appearance. Free standing aerials within curtilages of dwellings may be covered by the “uses incidental to the enjoyment” if operational development is not involved such as cases where aerials are mounted on trailers and brought into a garden when needed.
 - 1.5 In *Cheshire C C v Woodford* 1962, the judge identified that the mobility and lack of attachment to the ground of the aerial meant that operations were not involved, and therefore not development. In a case in *Clydesdale* (30/05/1990) it was judged that a mobile aerial mounted on pneumatic tyred wheels was not an engineering operation, using the court case *Fayre wood Fish Farms v SoS* 1984 as justification. Neither was it “other operations” as the aerial was not fixed to the ground. He used *Parkes v SoS* 1978 to substantiate this view. The aerial was used for hobby purpose and was a use incidental to the enjoyment of the dwellinghouse, again in that instance the aerial was not considered to be development.
 - 1.6 It would appear therefore that there are two primary tests to establish whether such an installation would constitute development, namely the degree of permanence and the means of attachment to the ground. In this instance, the telescopic pole is affixed to base poles which are attached to the ground within the rear garden. The ground base poles, which are below 2m in height, provide support for the aerial pole itself. This is the only means of attachment to the ground, while further support wires are attached to the fence. It is understood that the pole(s) are moved around regularly within the garden area, which arguably reduce the degree of permanence of the development. The aerial pole itself is not affixed to the ground and is retractable to a low height (2.4m), furthermore the aerial is not retained in situ for long periods of time in the same position. It could therefore be argued that the installation does not fall within the definition of “development” and therefore planning permission would not be required for the installation. Notwithstanding this, it is understood that the aerial is currently in its optimum position, and *may* be retained in situ in its current position for over a month. As such the applicants themselves have indicated that planning permission is required.
 - 1.7 The aerial is used for hobby purposes to transmit and receive shortwave antenna signals. The applicant holds a Class A City and Guilds Amateur Radio Licence. The installation is therefore incidental to the enjoyment of the dwellinghouse. Householder development in this location is acceptable as a matter of principle, subject to other development management considerations relating to design and amenity.
2. Impact on Surrounding Area
 - 2.1 Core Policy 3 of the Lichfield District Local Plan states that development should protect and enhance the character and distinctiveness of Lichfield District Council, while development should be of a scale and nature appropriate to its locality. Policy BE1 states 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.

- 2.2 The NPPF (Section 12) advises that “good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”. 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, taking into account any local design standards or style guides in plans or supplementary planning documents”.
- 2.3 The proposal seeks to retain the telescopic pole within the rear garden of No. 18 Curlew Close. It is noted that objections have been received relating to the visual harm caused by the pole within the rear garden of the property.
- 2.4 The antenna and pole is sited at the rear of the site within the garden and, when the antenna is extended, is visible from the street scene on Curlew Close, and the wider area due to its overall height. Notwithstanding this, the visibility of the antenna, when extended, is limited due to its slim design. Furthermore, when retracted, the antenna is not visible from the surrounding area. While the antenna is noticeable from surrounding public and private vantage points, it is not considered that the proposals are prominent and as such do not significantly affect the character and appearance of the host property or wider street scene. Furthermore, the antenna is used for hobby purposes and is considered incidental to the enjoyment of the dwellinghouse, therefore of a scale suited to the residential nature of the site. It is recommended that a condition be attached to any permission to ensure that the aerial/pole is removed once it ceases to be required.
- 2.5 The application indicates that the installation could be used to support a small wind turbine (12” diameter). Such an installation would draw greater prominence to the pole and is likely that this would have a greater impact on the character and appearance of the surrounding area than just the pole itself in its primary use as an aerial. It is recommended that a condition be attached to any permission to ensure that the installation is not used to support a wind turbine.
- 2.6 On balance, it is considered that the proposal would not adversely impact upon the visual amenities of the area and the development is considered to be acceptable and compliant with Core Policy 3 and Policy BE1 and the guidance contained within the NPPF.

3. Residential Amenity

- 3.1 The NPPF emphasises that planning should seek a good standard of amenity for all existing and future occupants of land. Core Policy 3 of the Local Plan Strategy seeks to protect the amenity of residents and improve overall quality of life, while Policy BE1 states that development which causes disturbance through unreasonable traffic generation, noise, light dust, fumes or other disturbance should be avoided. The Sustainable Design Supplementary Planning Document sets out spacing standards, which seek to ensure a satisfactory standard of amenity for existing and future residents.
- 3.2 The antenna and pole can be relocated in three different locations within the garden area of Number 18. A number of representations question noise in relation to the wind turbine, while Environmental Health have suggested that they have no information to determine the impact that a turbine would have on the amenity of neighbouring properties. The applicant has confirmed there is no wind turbine to be installed, however the installation would still have the capability of supporting such a structure. Therefore a condition should be attached to any approval to ensure that no wind turbine is to be installed on the pole. It is not considered that the use of the pole as an antenna, gives rise to noise issues.
- 3.3 The Council’s Environmental Health Team have advised that no supporting information is provided with regards to the suitability of the pole for such uses, or the manner in which it can be safely erected and secured. The main fixture is the pole which is made of metal and supported in the ground. This takes the weight of the antenna and supports it whilst in use.

The thin elastic ropes are used during windy weather to stabilise the top part of the antenna. Nonetheless, it is not considered that this would be a matter that can be controlled under planning legislation.

- 3.4 The antenna is visible from residential gardens surrounding the site. When viewed from neighbouring gardens the presence of the antenna is noticeable, however its harm is considered limited as it can be moved around the garden area, retracted and completely taken down when required. The installation does not give rise to issues such as loss of daylight/sunlight; have an overbearing presence; or adversely impact upon outlook.
- 3.5 The representations raise concerns that other masts have been refused in the area, however these are telecommunications masts for mobile phone providers. These structures are far bigger and have more of an impact on an area. The antenna is close to small trees and hedging, however none of this vegetation is protected. Nevertheless, due to the size of the antenna, it not considered large enough to cause damage to the trees and hedging.

4. Human Rights

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

Conclusion

The telescopic pole/antenna is moveable and is not permanently affixed in one location. Provided the installation is moved between positions the installation could be considered as not development and therefore planning permission is not required. However as the installation *may* remain in situ in one of its locations, for a period in excess of 28 days, then it would have a greater degree of permanence and could be considered to be development. The application has been assessed on the latter basis at the request of the applicant. It is considered that due to its lightweight and thin nature, the proposal does not have a detrimental impact upon the character or appearance of the wider area or cause significant harm to residential amenity. It is therefore considered that the proposed aerial is acceptable and as such is recommended for approval, subject to conditions.

LOCATION PLAN

19/00550/FUL
Little Aston Park
Little Aston
Sutton Coldfield

Scale: 1:3,000

Dated: July 2019

Drawn By:

Drawing No:



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BLOCK PLAN

19/00550/FUL

Little Aston Park Little Aston
(Junction of Keepers Road
with Walsall Road)

Scale:

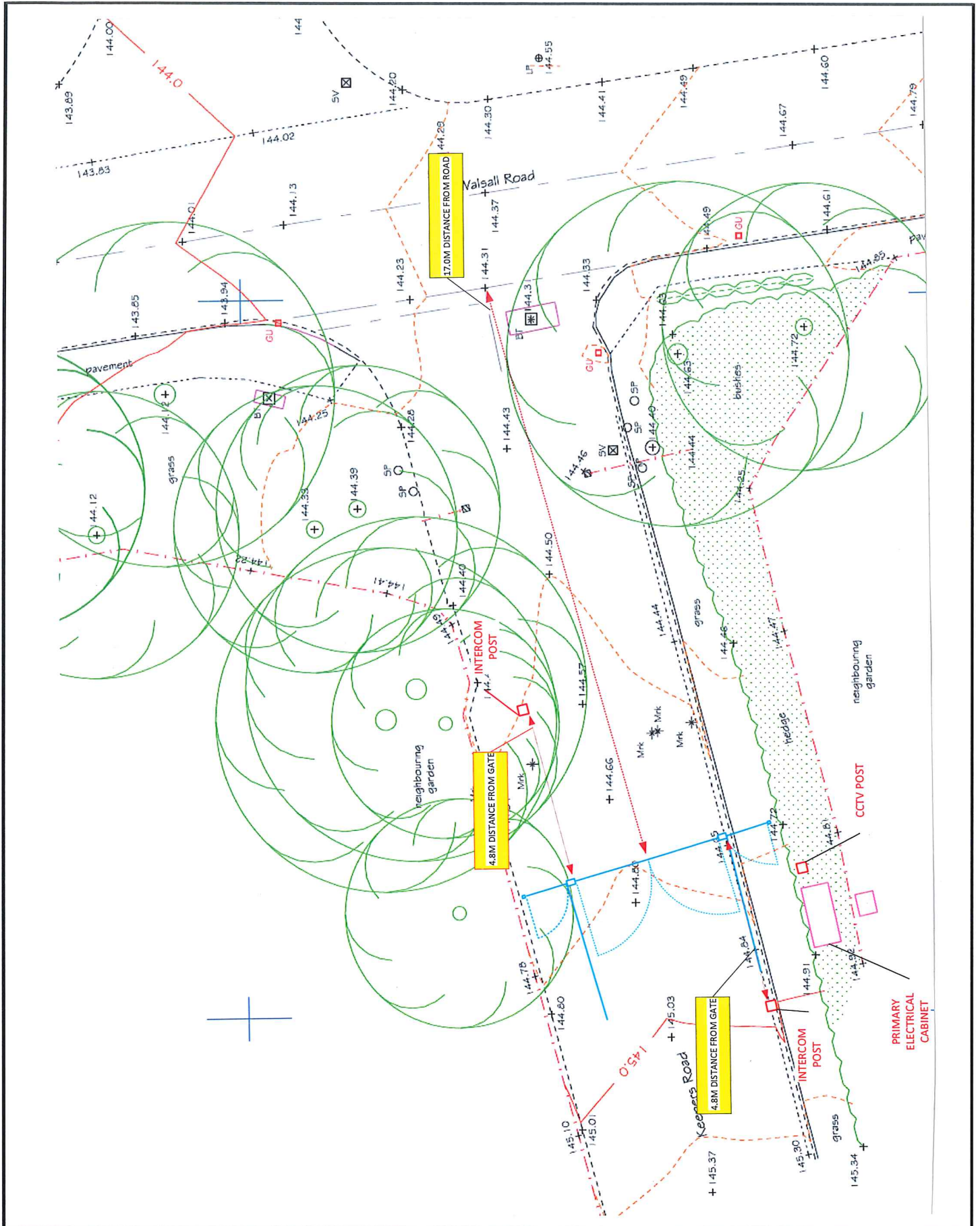
Dated:
July 2019

Drawn By:

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BLOCK PLAN

19/00550/FUL

Little Aston Park Little Aston
(Junction of Park Drive with
Rosemary Hill Road)

Scale:

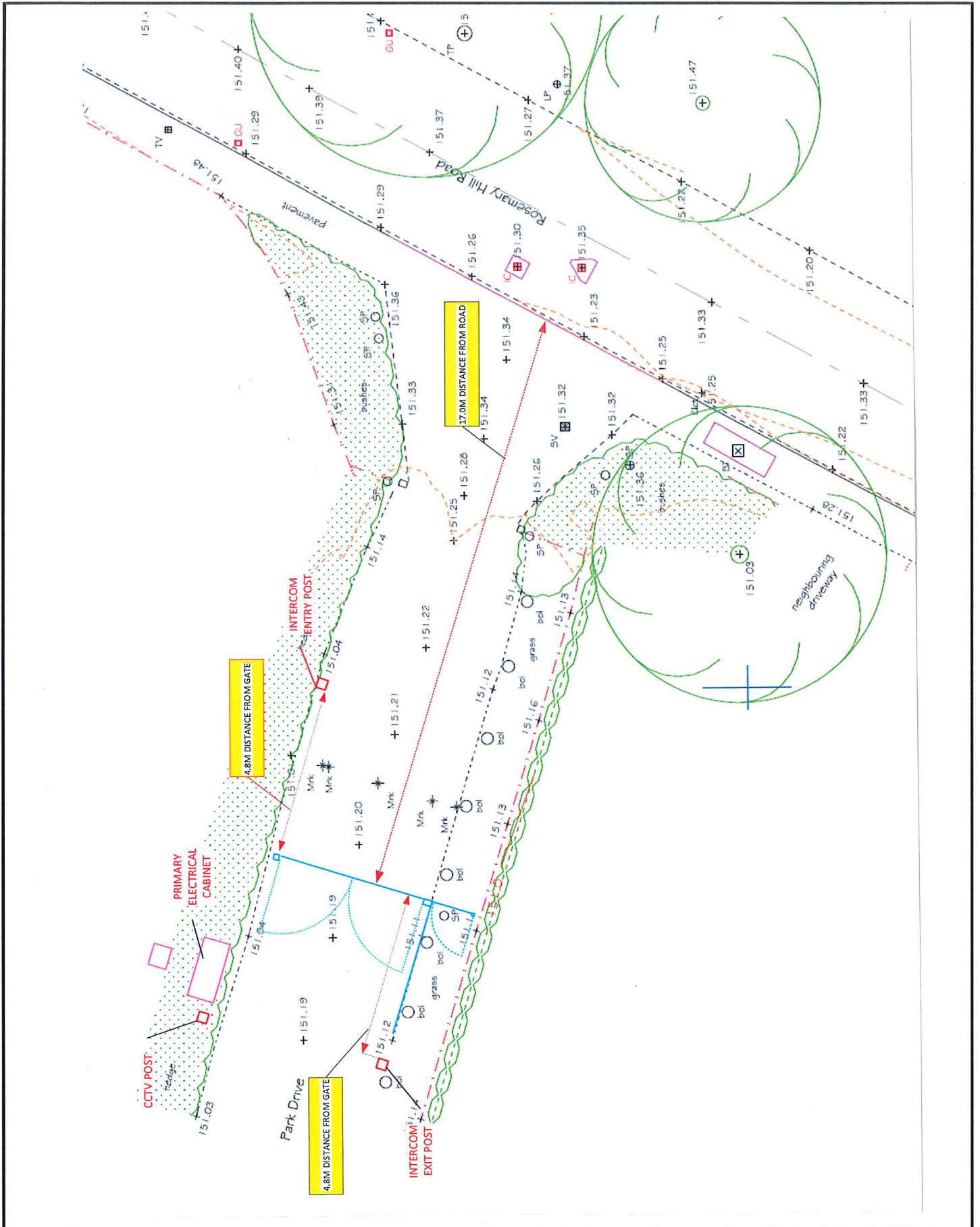
Dated:
July 2019

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BLOCK PLAN

19/00550/FUL

Little Aston Park Little Aston
(Junction of Endwood Drive
with Rosemary Hill Road)

Scale:

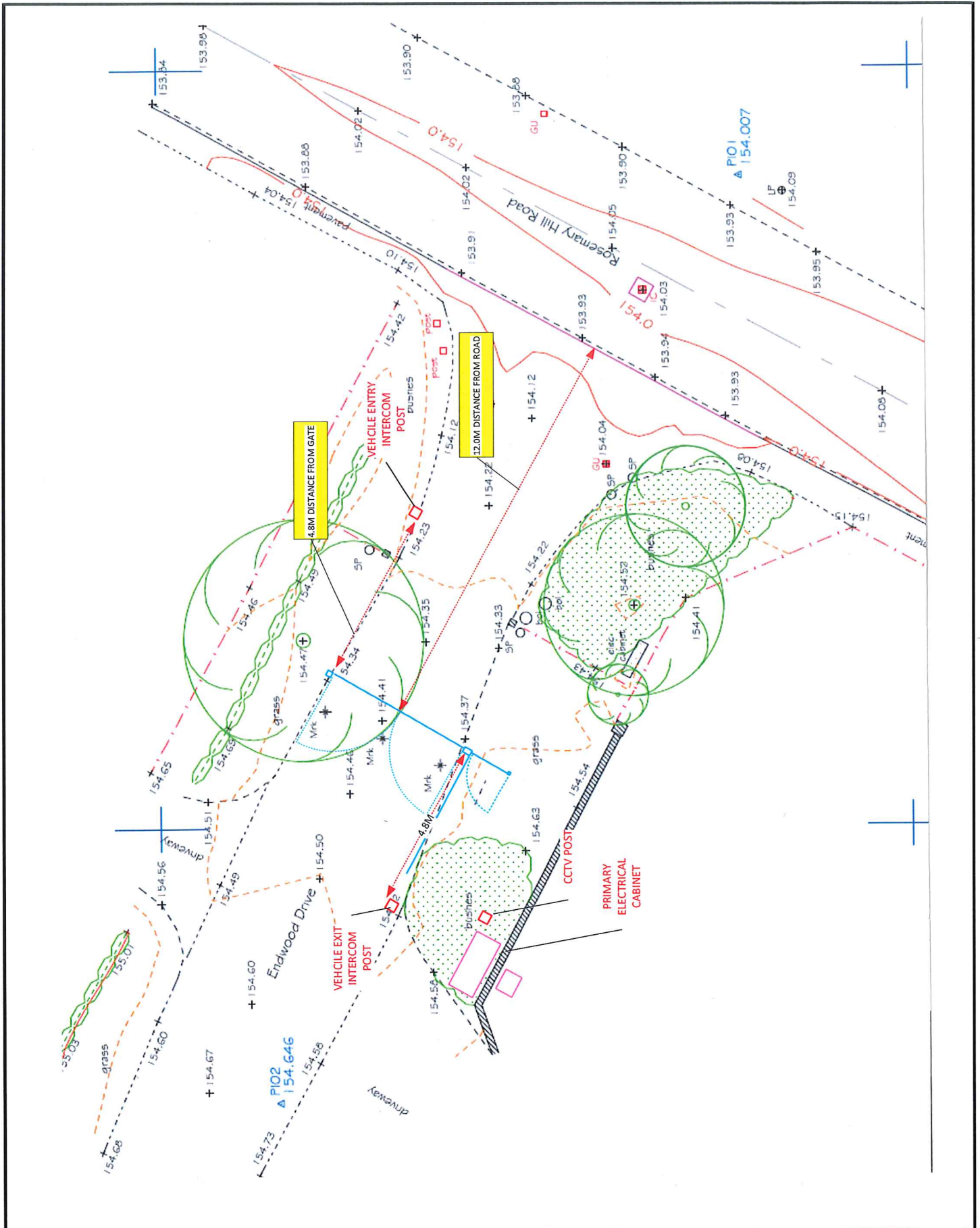
Dated:
July 2019

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19/00550/FUL

ERECTION OF 3 SETS OF SECURITY GATES, CCTV AND ASSOCIATED FACILITIES (JUNCTIONS OF KEEPERS ROAD WITH WALSALL ROAD, ENDWOOD DRIVE WITH ROSEMARY HILL ROAD AND PARK DRIVE WITH ROSEMARY HILL ROAD)

LITTLE ASTON PARK, LITTLE ASTON, SUTTON COLDFIELD, STAFFORDSHIRE

FOR LAPRA LTD

Registered **25/04/2019**

Parish: Shenstone

Note 1: This application is being referred back to Planning Committee following deferral of the application, without discussion, by members to allow sufficient time for the re-consultation and consideration of additional information received (relating to highways matters). As no discussion was had at Planning Committee, the application is reported in full.

Note 2: This application is being reported to the Planning Committee as it has deemed appropriate to do so by the Planning Development Manager and a Principal Planning Officer, due to the significant number of representations received from local residents.

RECOMMENDATION: Approve, subject to the following conditions:

CONDITIONS:

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

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

3. Before the development hereby approved is commenced, tree protection measures shall be provided in full accordance with. The development shall thereafter be carried out in accordance with the approved details.
4. 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, protective fencing to safeguard existing trees on the site shall be installed in the locations as shown on drawing Numbers AEL-18103-1-TPP-Rev A; AEL-18103-2-TPP-Rev A and AEL-18103-3-TPP-Rev A dated 3rd April 2019. The agreed tree protection measures shall thereafter be 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 any of 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.
5. Before the development hereby approved is commenced, details of the precise location of any associated equipment along with their design and proposed colour finish shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and thereafter retained.

ALL OTHER CONDITIONS:

6. Notwithstanding any description/details of materials in the application documents, the gates shall be coloured black and retained as such for the life of the development.
7. The development hereby approved shall not be brought into use until the access gates have been provided in accordance with the approved plans submitted on 25 April 2019:
 - 003WSM/CEG 'Estate Gates - Wentworth + Farnborough Keepers Road
 - Century_Little_Aston_002_5193A_Keepers_Road_Scale_Layout_rev.d
 - 002WSM/CEG 'Estate Gates - Wentworth + Farnborough Park Drive
 - Century_little_aston_001_5193a_park_drive_scale_layout_rev.d
 - 001WSM/CEG 'Estate Gates - Wentworth + Farnborough Endwood Drive
 - Century_little_aston_003_5193a_endwood_drive_scale_layout_rev.d
8. Following installation of the access gates, the gates hereby approved shall operate in strict accordance with the details contained within the Addendum to Planning Statement submitted on 26th June 2019 and all vehicles and pedestrians shall be permitted to enter automatically and without security checks when entering the private roads from the public highway.

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 safeguard existing trees in accordance with the requirements of Core Policies 3 and 14 and Policies NR4 and BE1 of the Local Plan Strategy and the Supplementary Planning Documents: Sustainable Design and Trees, Landscaping and Development and the National Planning Policy Framework.
4. To ensure the satisfactory appearance of the development and to preserve and enhance the character and appearance of the Little Aston Conservation Area in accordance with the requirements of Core Policy 14 and Policy BE1 of the Local Plan Strategy, Policy BE2 of the Local Plans Allocation Document (2019), the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
5. To ensure the satisfactory appearance of the development and to preserve and enhance the character and appearance of the Little Aston Conservation Area in accordance with the requirements of Core Policy 14 and Policy BE1 of the Local Plan Strategy, Policy BE2 of the Local Plans Allocation Document (2019), the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
6. To ensure the satisfactory appearance of the development and to preserve and enhance the character and appearance of the Little Aston Conservation Area in accordance with the requirements of Core Policy 14 and Policy BE1 of the Local Plan Strategy, Policy BE2 of the Local Plans Allocation Document (2019), the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
7. In the interests of highway safety, in accordance with the requirements of Policy ST1 of the Local Plan Strategy and Paragraphs 108-109 of the National Planning Policy Framework (2019).

8. In the interests of highway safety, in accordance with the requirements of Policy ST1 of the Local Plan Strategy and Paragraphs 108-109 of the National Planning Policy Framework (2019).

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015); the Lichfield District Local Plan Allocations (2019); and the Little Aston Neighbourhood Plan (2016).
 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 development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
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PLANNING POLICY

National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

Lichfield District Council 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 14 – Our Built & Historic Environment
Policy ST1 – Sustainable Travel
Policy BE1 - High Quality Development
Policy NR3 - Biodiversity, Protected Species & their Habitats
Policy NR4 - Trees, Woodlands & Hedgerows
Policy NR5 - Natural & Historic Landscapes
Rural 1 – Rural Areas

Local Plan Allocations Document 2008-2029

Policy BE2 – Heritage Assets

Little Aston Neighbourhood Plan (2016)

Policy LAP1 – Density of Development in Little Aston Park
Policy MOV3 – Provision of Pedestrian Safety Improvements

Supplementary Planning Documents

Sustainable Design
Trees, Landscaping and Development
Historic Environment

Other Documents

Little Aston Conservation Area Appraisal (2011)
Little Aston Conservation Area Management Plan (2011)

RELEVANT PLANNING HISTORY

N/A

CONSULTATIONS

Shenstone Parish Council - No comments received.

Conservation Team LDC - There are no conservation objections to the principle of the installation of the gates or their design, there will need to be additional information provided regarding the additional facilities required. Details of the reader pedestals have been submitted, however numerous options have been shown. Details of the exact location and design, along with their proposed finish will be needed. The colour of the gates and associated equipment will need to be unified in order to add to the sense of the parkland estate. The design and finish will have an impact upon the surroundings and therefore details will be needed prior to determination. (16.05.19)

Tree Officer LDC - The supplied tree report is acceptable, if minded to approve this application then a condition relating to the tree protection plan needs to be applied. (09.05.19)

Staffordshire County Council (Highways) – Further Comments - There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval:-

1 - The development hereby permitted shall not be brought into use until the access gates have been provided in accordance with the approved plans submitted on 25 April 2019.

2 - Following installation of the access gates, all vehicles and pedestrians shall be permitted to enter automatically and without security checks when travelling in a westbound direction i.e. entering the private roads of the Little Aston Park Estate. (24.07.19)

Further Comments – Recommend refusal. The proposed scheme would create a hazard to users of the public highway (12.06.19)

Initial Comments – The location of the proposed gates and carriageway width at Park Drive and Endwood Drive would necessitate vehicles refused entry or having entered by mistake needing to reverse on to the B4138 Rosemary Hill Road. There is insufficient information for the highway authority to determine an outcome to the application for the following reasons:

- a) The submitted application doesn't include data on the number of vehicles which would enter the gates from Rosemary Hill Road or the A454 Walsall Road.
- b) The submitted application fails to demonstrate that vehicles refused entry at the Walsall Road/Keepers Drive gate would be able to manoeuvre and enter the Walsall Road facing forwards (15.05.19).

Fire Safety Team - No objections - Appropriate supplies of water for firefighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 1 requirement B5, section 11.

I would remind you that the roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance (G.V.W. of 17800 Kg). (05.08.19)

West Midlands Ambulance Service - No comments received.

Architectural Liaison Officer - No objections to these proposals. If this application progresses, provision of CCTV requirements and automated gate guidance and recommendations can be provided. (07.06.19)

Birmingham City Council – Further Comments - Object to the proposal on the following points:

- The provision of access gates would impede access on the roads in questions and likely adversely impact upon highway safety in terms of free flow of vehicular traffic, waiting of vehicles and unauthorised manoeuvres should entry not be provided; and,
- The provision of access gates will result in the creation of a gated community which undermines community integration/cohesion and goes against open access and positive planning and place making for all. (22.07.19)

Initial Comments - Object to the proposal on the following points;

- The provision of access gates would impede access on the roads in questions and likely adversely impact upon highway safety in terms of free flow of vehicular traffic, waiting of vehicles and unauthorised manoeuvres should entry not be provided;
- The provision of access gates will result in the creation of a gated community which undermines community integration/cohesion and goes against open access and positive planning and place making for all; and,
- How will emergency vehicles gain access? Whatever mechanism that is used for access for emergency vehicles it is likely that some delay will occur. (21.05.19)

OTHER BACKGROUND DOCUMENTS

Planning Statement

Camera Equipment Supporting Information

Ancillary Equipment Supporting Information

Transport Survey (submitted 16/05/19)

Addendum to Planning Statement (dated 26/06/19)

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

LOCATION PLAN

003WSM/CEG 'Estate Gates - Wentworth + Farnborough Keepers Road

Century_Little_Aston_002_5193A_Keepers_Road_Scale_Layout_revD

002WSM/CEG 'Estate Gates - Wentworth + Farnborough Park Drive

Century_little_aston_001_5193a_park_drive_scale_layout_revD

001WSM/CEG 'Estate Gates - Wentworth + Farnborough Endwood Drive

Century_little_aston_003_5193a_endwood_drive_scale_layout_revD

PF2010STRSNGL Sheet 1

Morgan Marine Rev A

AEL-18103-2-TPP Rev A

AEL-18103-2-TCNLP Rev A

AEL-18103-1-TCNLP Rev A

AEL-18103-3-TCNLP Rev A

AEL-18103-3-TPP Rev A

AEL-18103-1-TPP Rev A

LETTERS OF REPRESENTATION

136 letters of representation have been received in respect of this application. The comments made are summarised below:

Object (79 comments):

- The proposal will cause chaos at each entrance;
- There will be tailbacks onto the roads;

- Gates won't stop people entering;
- Right to access will be removed;
- The roads are private and maintained at private expense;
- Lack of consultation from management company;
- Cars will be forced to reverse on main roads;
- Emergency vehicles will be impeded;
- Gated communities are socially divisive;
- The level of crime is not as described;
- No evidence of pedestrian safety is at risk;
- We have legal access at all times which will stop;
- Gates will make it more difficult to access properties;
- Physical look on the street scene will be bad;
- Not enough space at each entrance to turn around;
- Tree protection is to be close to our own entrance;
- Gates appear to be crossing our boundary;
- Precedent for gated entrances will be set;
- Our management company have not informed us;
- Are these gates compliant with legislation;
- Detrimental traffic congestion;
- Access to church & golf club will be impinged;
- Creating fear is unfair;
- How will delivery drivers access;
- Undermines community ethos;
- How will the project be funded;
- Security gates are a waste of time;
- How will the proposal impact on our service charges;
- This is private land;
- The plans are incorrect;
- We do not want a gated community;
- The church will be inaccessible;
- The applicant does not own any of this land;
- There will be impacts on community cohesion;
- There will be queuing cars on the roads;
- The traffic survey is not sufficient;
- Emergency services will be restricted;
- Gates are not suitable for the levels of traffic;
- Security checks outgoing negates the purpose of gates;
- The cost of this will impact residents.

Support (57 comments):

- The gates will enhance safety;
- This will reduce traffic and speed along this private estate;
- The gates will reduce crime in the area;
- They will block undesirable access to area;
- There are other gated communities in close proximity (Four Oaks Estate);
- Safer for pedestrians and cyclists;
- Many properties are already gated within the park;
- There is no right of way across this private land;
- Crime will continue to increase without gates;
- Too many open accesses to the estate;
- Too many residents being targeted daily;
- Technology is advanced so this is a viable solution;
- Traffic will be forced to slow down;
- Volume of traffic will be reduced;

- Peace of mind for all residents;
- Traffic control will be better;
- Too many comments made from people outside the park.

In addition, a petition containing 84 signatures has been submitted in support of the proposal.

OBSERVATIONS

Site and Location

The application site is located within the settlement of Little Aston as defined by the Local Plan Policies Map. The application relates to three sites located on three private access roads into Little Aston Park, Little Aston, which is a private estate managed by LAPRA Ltd (Little Aston Park Residents Association). The entire park, including the application sites, lie within the Little Aston Conservation Area. The surrounding area is predominantly residential, and is characterised by primarily large detached dwellings sited within large residential curtilages.

The first site relates to land at Keepers Road which is located to the north of the park and joins onto the public highway at Walsall Road, Little Aston. The road is adjoined by a narrow grass verge and mature hedgerows and trees. The trees on the northern side of Keepers Road, which lie adjacent to Walsall Road, are covered by a TPO. The second site relates to land at Park Drive located to the east of the park and joins onto Rosemary Hill Road. The road is adjoined by a narrow grass verge and mature hedgerows and trees. The third site relates to land at Endwood Drive which also joins Rosemary Hill Road to the east. The road is adjoined by a grass verges, driveway access points and mature hedgerows and trees. The trees on the southern side of Endwood Road, which are adjacent to Rosemary Hill Road are covered by TPO. Rosemary Hill Road is under shared ownership with the northbound carriageway owned by Staffordshire County Council and the southbound carriageway owned by Birmingham City Council.

All of the sites serve as main access points to the estate and, there is signage on each access point stating that they are private roads. The estate's roads are tarmacked and have traffic calming measures in place and the estate roads do not have designated pedestrian footpaths.

Proposals

This application seeks permission for the erection of 3 sets of security gates, CCTV and associated facilities at the junctions of Keepers Road with Walsall Road, Endwood Drive with Rosemary Hill Road and Park Drive with Rosemary Hill Road.

Keepers Road

The gates would be set back 17 metres from the public highway at Walsall Road. The gates would measure 2.1m in height; the gate posts 1.65m and the two pedestrian gates either side would measure 1.83m in height. The entire gate structure would have a total width of 7.3m. The gates would be fabricated from metal railings. 1m high railings are also proposed, for a distance of 4.7m, to separate pedestrians from vehicles, are also proposed. The scheme also includes the installation of ancillary infrastructure including an intercom post either side of the gate, and a CCTV post.

Park Drive

The gates would be set back 17 metres from the edge of the public highway at Rosemary Hill Road. The gates would measure 2.1m in height; the gate posts 1.65m and the pedestrian gate would measure 1.83m. The entire gate structure would have a total width of 5.9m. The gates would be fabricated from metal railings. 1m high railings are also proposed, for a distance of 4.7m, to separate pedestrians from vehicles, are also proposed. The scheme also includes the installation of ancillary infrastructure including an intercom post either side of the gate, and a CCTV post.

Endwood Drive

The gates would be set back 12 metres from the public highway at Rosemary Hill Road. The gates would measure 2.1m in height; the gate posts 1.65m and the pedestrian gate would measure 1.83m. The entire gate structure would have a total width of 5.9m. The gates would be fabricated from metal railings. 1m high railings are also proposed, for a distance of 4.7m, to separate pedestrians from vehicles, are also proposed. The scheme also includes the installation of ancillary infrastructure including an intercom post either side of the gate, and a CCTV post.

Operation of Gates

Revised information has been received, confirming the manner in which the gates would operate to address original concerns regarding vehicles which cannot gain entry reversing onto the public highway. It has been confirmed that the three sets of gates will now automatically open to all vehicles which enter onto the private drives. Security checks and control of vehicles will occur when vehicles leave the private drives.

Background

This application was reported to Planning Committee on 1st July 2019. The initial recommendation was one of refusal based on highway safety grounds. Additional information was received prior to consideration of the application at Planning Committee which sought to change the manner in which the proposed gates would operate, and therefore address the concerns raised by Staffordshire County Council Highways.

The application was deferred, without discussion, to allow for full consultation and consideration of the additional information. This application is therefore reported in full based on the additional information and all consultation responses and representations received.

Determining Issues

1. Policy & Principle of Development
2. Design including Impact upon the Character and Appearance of Heritage Assets
3. Residential Amenity
4. Access and Highway Safety
5. Impact on Trees
6. Human Rights

1. 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.
- 1.2 The application proposes the installation of security gates and associated infrastructure to be provided across three access roads into the Little Aston Park estate. The application site lies within the settlement of Little Aston, as defined by the Local Plan Policies Map within a predominantly residential area. There are no specific policies which relate to the application proposals, however Policy Rural 1: Rural Areas of the Local Plan Strategy, states that improvements to social, community and environmental infrastructure will be supported where these address the needs of the village and are sustainably located, and do not conflict with other Core Policies. The principle of the development is considered to be acceptable provided there is no adverse harm arising from the development. Therefore, the main considerations in this instance are the impact of the development on the Little Aston Conservation Area; the impact upon protected trees and hedgerows; the impact on highway safety; and the impact upon residential amenity. These issues are discussed below.

2. Design including Impact upon the Character and Appearance of Heritage Assets

Impact on the Streetscene and Conservation Area:

- 2.1 The application proposals relate to the construction of three sets of access gates and associated infrastructure. All three sites are located within the Little Aston Conservation Area, which is a designated heritage asset. A key consideration is therefore the impact of the development on the character and appearance of the area, including heritage assets.
- 2.2 Core Policy 3 of the Local Plan Strategy states that development proposals should protect and enhance the character and distinctiveness of Lichfield District and its settlements, while development should be of a scale and nature appropriate to its locality, and seek to conserve, enhance and expand natural built and heritage assets and improve our understanding of them wherever possible.
- 2.3 Core Policy 14 states that the District Council will protect and improve the built environment and have special regard to the conservation and enhancement of the historic environment through positive action. Core Policy 14 confirms that the significance of conservation areas and their setting will be conserved and enhanced and given the highest level of protection.
- 2.4 Policy BE1 states that development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact on the significance of the historic environment, including conservation areas, and that new development should carefully respect the character of the surrounding area. New development should have a positive impact on the public realm and ensure high quality, inclusive design.
- 2.5 Lichfield District Local Plan 1998, saved Policy SA.6, relates specifically to Little Aston Park, and states that the special character of Little Aston Park is determined by the extensive mature tree cover and low density and individual design of dwellings. Policy SA.6 confirms that new development will only be allowed where the special character of the area is protected by the retention of existing vegetation and provision of an Arcadian setting for new and existing dwellings. Little Aston Neighbourhood Plan Policy LAP1 also reaffirms the special character of Little Aston Park and that development will only be allowed where the special character of the area is protected. The Little Aston Conservation Area Appraisal identifies that various closes and cul-de-sacs are gated off which further increases the privacy of plots and gated communities within Little Aston. The Appraisal also identifies that permanently opened metal gates are positioned at the entry into the areas lanes from the surrounding main roads, which conveys a sense of private parklands, going on to state that these entries also help to restrict traffic movement through the area and it is a characteristic of the area that there is very little traffic.
- 2.6 The application proposes the erection of three sets of gates to be sited on three of the entry roads into the area from the main public highways. The gates would be over 2m tall in each instance and permanently closed. As set out above, a characteristic of the estate is the presence of gates, at entry points into the park; on individual cul-de-sacs; or on private driveways. The existing gates at either end of Roman Road are permanently open and have a design and colour finish which is different to the design of those proposed. Notwithstanding this, those existing gates are sited much closer to the adjacent public highways and as such are more prominently positioned than those which are the subject of this application.
- 2.7 The construction of gates in the locations proposed, are considered to be acceptable in this Conservation Area, as they a consistent feature of the area. The proposed metal fabrication, along with their design and black finish would be appropriate. Furthermore, their siting away from the public highway, set back by between 14m and 17m would mean that they would not appear unduly prominent or incongruous from users of the highway.

- 2.8 Notwithstanding the above, the scheme also includes ancillary elements of infrastructure including intercom posts, CCTV posts and electrical cabinets. These elements of ancillary infrastructure have the potential to affect the character and appearance of the Conservation Area. The submission does not include exact details of these elements. Numerous designs for the pedestal reader have been provided, while the colour detailed in the plans and manufacturers brochures is red (which would be unacceptable). No details of the height of the CCTV posts have been provided while no details of the electrical cabinet are detailed. The precise details of the location, design and colour finish of these ancillary elements could however be secured via condition.
- 2.9 The extensive mature tree cover gives Little Aston Park its special character and represents a high quality environment. Therefore, it is considered important that extensive tree cover remains throughout the park to ensure that the existing character and appearance of the area is retained, in particular the trees from local and more distant viewpoints. A tree survey and tree protection plan have been provided which identify that the trees adjacent to each entrance will not be adversely affected through construction of the proposed gates. Therefore, it is considered that the installation of the gates would not harm the extensive tree cover around each entrance and the views in and out of the roads would be maintained.
- 2.10 In light of the above, it is considered that the proposed development would not harm elements which contribute towards the significance of the Conservation Area. It is therefore considered that the proposed development would not have an adverse impact on the character and appearance of the streetscene or wider area. In terms of impact on heritage assets, it is considered the proposals are compliant with saved Policies C2 and SA.6 of the Lichfield District Local Plan 1998; Core Policy 3, Core Policy 14 and BE1 of the Local Plan Strategy; LAP1 of the Little Aston Neighbourhood Plan; and BE2 of the emerging Allocations Document.

Community Cohesion:

- 2.11 Core Policy 1 states that appropriate proposals which contribute to their improved sustainability, cohesion and community wellbeing will be supported. Core Policy 3 states that development proposals should promote social cohesion and inclusion, and reduce inequalities. The NPPF at paragraph 91 states that decisions should aim to achieve healthy, inclusive and safe places which are, inter alia, safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. While paragraph 127 (f) reiterates this goal.
- 2.12 Notwithstanding the existing signage, which highlight that the estate roads are private, the existing environment is an attractive, inclusive and welcoming place to visit. The scheme proposes the introduction of three gates across the access roads which could result in the perception of the estate turning its back on the wider community within which it is located. This would segregate the community and social interaction and therefore be against the thrust of community cohesion, which is an aspect of achieving high quality design, as set out in the Development Plan and NPPF.
- 2.13 It is noted that other entrances into the estate at Roman Road would remain open (at present) which consequently ensures that an element of social cohesion within the wider community is retained, while the presence of gates, including gated cul-de-sacs are characteristic of the wider estate. Furthermore, it is acknowledged that community safety, crime and the fear of crime are to be weighed in the balance, and the proposed development would provide some benefits in this respect. On balance, it is considered that the proposed development would be acceptable in terms of social and community cohesion.

3. Residential Amenity

- 3.1 It is necessary to consider any potential impacts of the development on the amenities of existing nearby residents. The NPPF emphasises that planning should seek a good standard of amenity for all existing and future occupants of land and buildings and Local Plan Strategy Policy BE1 seeks to protect amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 3.2 The proposed gates, in all instances, would be sited adjacent to the residential curtilages of dwellings which are located either side of the access roads. The access roads are currently used by vehicles accessing the properties within the park. However, the presence of the gates would mean that vehicles would come to a standstill while gaining entry/exit. Consequently, there would be a change in activity occurring adjacent to these properties including vehicular engines in idle while waiting, the noise/mechanics of the gates, and interaction with the pedestals. While a change in activity would arise, and possibly be noticeable to the residents adjacent to the gates, it is not considered that the scale and frequency of the activity would be so significant to cause undue harm to the amenity of neighbouring properties through noise and disturbance.
- 3.3 With regard to the impact from the operational development, it is not considered that the presence of the gates and ancillary infrastructure would cause harm to the amenity of neighbouring properties through overbearing, overshadowing or any other way. The impact upon residential amenity is not considered to be significant and therefore a good standard of amenity would be retained in accordance with the Development Plan and NPPF.

4. Access and Highway Safety

- 4.1 The NPPF at paragraph 108 requires that in considering specific applications, safe and suitable access to the site can be achieved for all users. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Core Policy 5 of the Local Plan Strategy states that development proposals should make appropriate provision for improving road safety.
- 4.2 The scheme proposes the gating-off of three private access roads into the Little Aston Park Estate therefore, the impact of the development on highway safety is of importance. Given the nature of the proposals it is necessary to consider whether the development would result in a backing up onto the public highway, which would be detrimental to highway safety. The application has been supported by a traffic survey to demonstrate the amount of vehicular movements which occur at the site. The survey was conducted for a single hour between 08:00am and 09:00am on Tuesday 14 May 2019. The survey identifies a total of 18 vehicular movements at the Endwood Drive access (9 in and 9 out); 29 vehicular movements at Park Drive access (11 in and 18 out); and 31 vehicular movements at Keepers Road (14 in and 17 out). The survey concludes that the movements at these access points are light and that no more than a single vehicle left or entered Little Aston Park at the same time. While the findings of the traffic survey are noted, it is not considered that a traffic survey of a single hour on one given day can be relied upon as being truly reflective of the movements which occurs from these points of access. A more detailed survey across a week would be more representative of how the highway network operates. Notwithstanding this, SCC Highways have not raised an objection based on the nature and extent of the survey work carried out to date.
- 4.3 The position of the gates from the public highway is sufficient to ensure that at least two vehicles can pull off and be clear from the highway. Based on the vehicular movement figures which have been presented, it is understood that movements are relatively light (between 8 and 9am on a Tuesday), and therefore it is unlikely that vehicles entering the site would back up onto the public highway. It is understood that the time it would take for the gates to open is not significant, taking between 8-10 seconds to fully open. The set back from the public highway is sufficient to enable larger vehicles to also pull clear from the highway including

service vehicles and emergency vehicles. Consultation has been carried out with the emergency services, however no response has been received to establish their view on the proposals. Notwithstanding this, it is understood that such vehicles would have access to the estate where responding to an emergency.

- 4.4 It is likely that there would not be a knock-on effect on the public highway(s) as a result of queueing vehicles entering the estate. However, there was initial concern, in the manner in which the gates would operate. The initially proposed scheme allowed entry to the estate via fobs for existing residents, and also allowed access for visitor etc through the proposed security measures. In this scenario, there was a genuine concern that vehicles which were denied entry, or entered the private road by genuine mistake, could not manoeuvre and leave the road(s) in a forward gear, resulting in reversing into the public highway.
- 4.5 Further information has now been received which alters the manner in which the gates would operate. The planning addendum submitted on the 26th June 2019 advises that the vehicular gates will now open to all vehicles (cars, commercial vehicles of all sizes, taxis and bicycles) upon entry. That is, when any vehicle approaches the gates having turned into the private roads from the public highway, the gates will automatically open irrespective of who is driving that vehicle and irrespective of any right to access or otherwise. The gates will automatically open when a vehicle is within approximately 9 metres of the gate(s). The gates will not close until any vehicle has passed beyond a range set by a sensor to ensure that the gates cannot close whilst a vehicle is passing through them.
- 4.6 The applicants advise that the control element for vehicles will be on exit. In order to leave the private roads via a gated route and re-join the public highway, drivers of vehicles will need to be in possession of a suitable fob or the correct access code or they will need to call the off-site control room which is manned 24 hours a day, seven days a week from where the gates can be remotely controlled, via an intercom. The additional information advises that in the event of a power cut, the gates will function such that the transformers for each gate will retain enough power to then automatically return the gates to an open position. As a failsafe in the event of a power cut or other operational malfunction, a special key can fully release the control mechanism such that the gates can swing freely (in the same way a manual gate does) and be opened with ease.
- 4.7 Staffordshire County Council Highways have reviewed the additional information with regard to how the gates would operate. The gates, as now proposed, would allow for all vehicles to pull from the public highway into the private drives and the gates would automatically open. This would mean that the likelihood of vehicles reversing onto the public highway as a result of the presence of the gates, or being denied entry, would be significantly reduced. Consequently, SCC Highways have amended their recommendation and confirmed that the development is acceptable from a highway safety perspective subject to the use of appropriate conditions. The conditions include controlling the operation of the gates in the manner identified, i.e. all vehicles being allowed entry into the park. It is considered that such a condition would satisfy the tests for conditions, and could be enforced against should the gates operate in an alternative manner.
- 4.8 The emergency services have been consulted on the revised information. Staffordshire Fire and Rescue Service have raised on substantive concerns with regard to the installation of gates across these three points of entry into Little Aston Park. West Midlands Ambulance Service have not responded to the consultation request. In the absence of any evidence to the contrary, it is not considered that the installation of gates would give rise to issues associated with access and egress for the emergency services.
- 4.9 Therefore, based on the revised recommendation from Staffordshire County Council Highways, it is considered that, on balance, the development would not result in adverse highway safety issues and the development is in compliance with Core Policy 5 of the Local Plan Strategy and the guidance contained within paragraphs 108 and 109 of the NPPF.

5. Impact on Trees

- 5.1 Policy NR4 of the Local Plan Strategy acknowledges that trees, woodland and hedgerows are important visual and ecological assets in our towns and that such features should be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. In this instance, as set out above, the existing vegetation contributes to the significance of the character of the Conservation Area, and is an important feature.
- 5.2 There are TPO trees located adjacent to of the accesses, while other significant trees are protected by virtue of the application site being located within the Conservation Area. There are also existing hedgerows adjacent to the access which also contribute towards the verdant character of the area.
- 5.3 The proposed installations would be sited adjacent to these important landscape features. The application has been supported by appropriate tree surveys and arboriculture impact assessments. The submitted information demonstrates that the development can be carried out without having a detrimental impact on these assets. The submission has been reviewed by the LPA's Tree Officer who has concurred with the findings of the reports and have raised no objection, subject to the imposition of a condition relating to tree protection measures. As such it is concluded that the proposal complies with Policy NR4 of the Local Plan Strategy in this regard.

6. Human Rights

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

Conclusion

The proposed development would not have a detrimental impact on the character and appearance of the Little Aston Conservation Area, including trees which are an identified asset of note that contribute towards the significance of the heritage asset. While there is some concern with regard to the development undermining social cohesion, for the reasons set out above, it is considered that the development is acceptable in this respect, on balance.

Additionally, based on the additional information which has been provided it is now considered, on balance, and subject to condition, that the gates will operate in a manner which is unlikely to give rise to any adverse highway safety issues. Therefore, for the reasons set out above, the application is recommended for approval.

LOCATION PLAN

19/00936/COU
60 Ironstone Road
Burntwood

Scale: 1:500

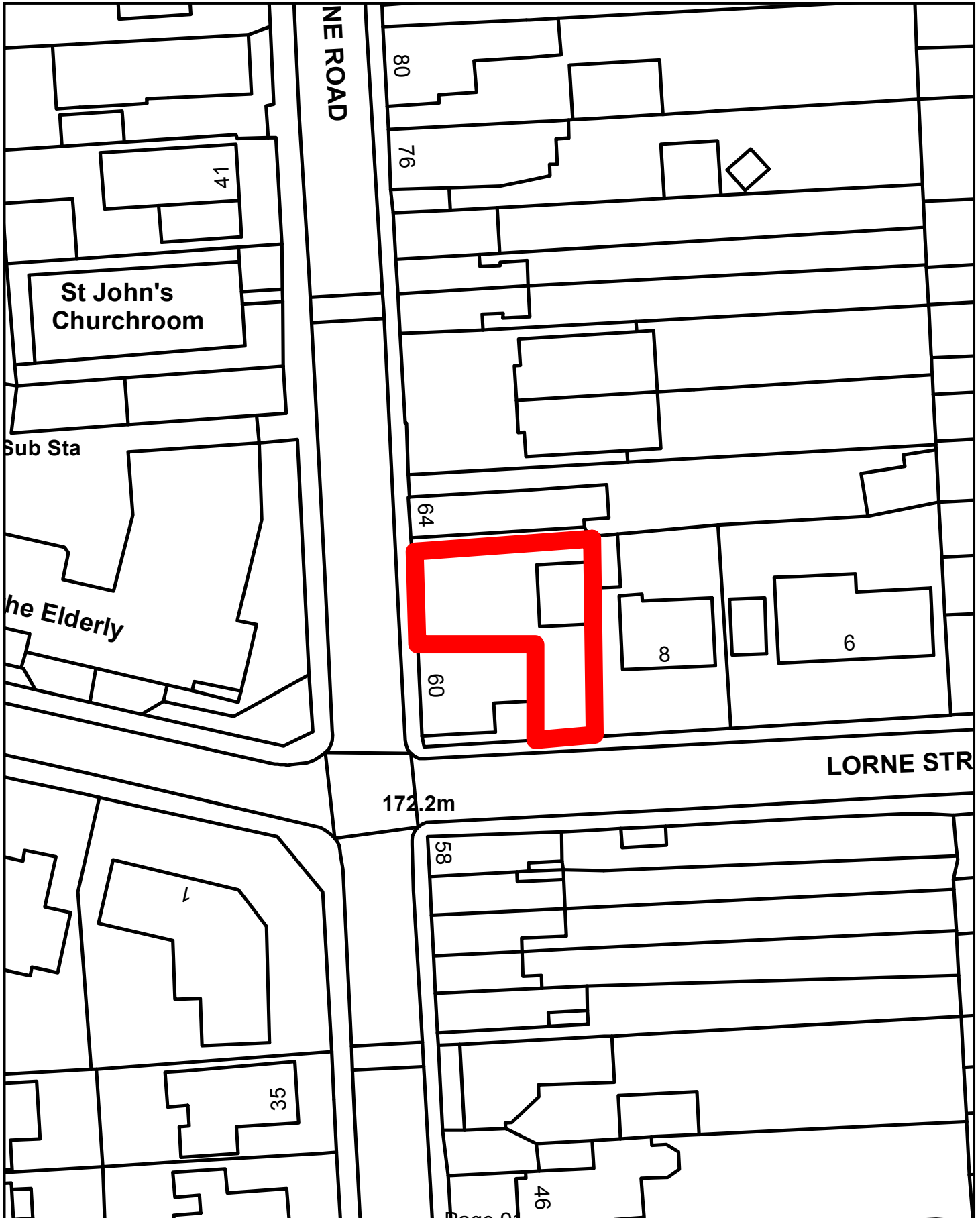
Dated: August 2019

Drawn By:

Drawing No:



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BLOCK PLAN

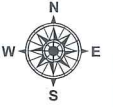
19/00936/COU
60 Ironstone Road
Burntwood

Scale:

Dated:
August 2019

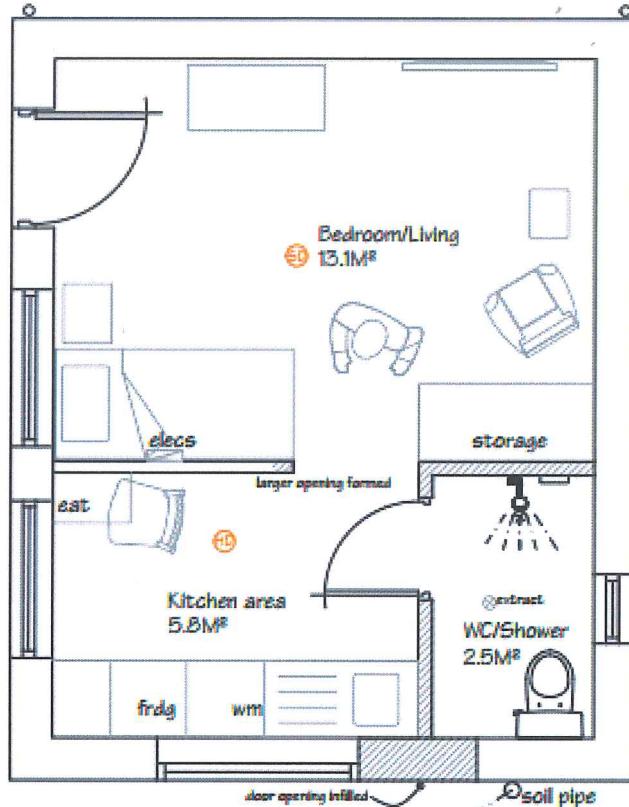
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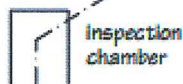
garden area



floor opening infilled

existing drain run

Proposed Layout Plan



drainage run to
main sewer

19/00936/COU

**CHANGE OF USE OF OUTBUILDING FROM OFFICE TO RESIDENTIAL BEDSIT
60 IRONSTONE ROAD, BURNTWOOD, STAFFORDSHIRE, WS7 1LY
FOR ADVANCE HOUSING
Registered 02/07/2019**

Parish: Burntwood

Note: This application is being reported to the Planning Committee due to a Councillor Call-in by Councillor Norman on the following grounds:

- Design;
- Highways;
- Planning Policy; and
- Residential amenity.

RECOMMENDATION: (1) Subject to the owners/applicants first entering into a Unilateral Undertaking Legal Agreement to secure contributions/planning obligations towards:

1. Mitigation towards the impact Cannock Chase SAC;

(2) If the Unilateral Undertaking is not signed/completed by the 2 December 2019 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. Notwithstanding any description/details of external materials in the application documents, the external brickwork shall match in colour and texture to those of the existing building.
4. Before the development hereby approved is first occupied, 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.
5. The bedsit hereby approved shall strictly be occupied in conjunction with the use of the property known as 60 Ironstone Road.

REASONS FOR CONDITIONS

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

2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Practice Guidance.
3. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
4. In order to ensure a net gain in biodiversity and to safeguard the ecological interests of the site, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
5. In the interest of residential amenity and in compliance with Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
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 development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
4. 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.

PLANNING POLICY

National Planning Policy

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
Policy ST1 - Sustainable Travel
Policy ST2 - Parking Provision

Policy H1 - A Balanced Housing Market
Policy BE1 - High Quality Development
Policy NR3 - Biodiversity, Protected Species & their Habitats
Policy NR7 – Cannock Chase Special Area of Conservation
Burntwood 1 – Burntwood Environment
Burntwood 4 – Burntwood Housing

Local Plan Allocations

None relevant

Supplementary Planning Document

Sustainable Design
Biodiversity & Development

RELEVANT PLANNING HISTORY

11/01145/COU – Change of use of existing detached garage to office – Approved 09.12.2011

99/00834/FUL – Extension to provide new staircase – Approved 02.11.1999

CONSULTATIONS

Burntwood Town Council – Object - Even though the use as 'residential' is acceptable in principle, Members felt that the building would not provide adequate living accommodation due to its very small size and this is made worst by the configuration of the rooms [no lobby between the bathroom and kitchen. (19.07.2019).

Environmental Health Team - No comments (30.07.19).

Staffordshire County Council (Highways) - No comments (29.07.19).

Housing Manager – No comments received.

LETTERS OF REPRESENTATION

3 letters of representation have been received in respect of this application. The comments made are summarised as follows:

- Problems with the tenants (drug users and those with mental health issues);
- Antisocial behaviour coming from the site;
- A resident who was causing issues has been evicted but continues to return to the site;
- Neighbouring residents feel vulnerable; and
- Increase in on street parking.

OTHER BACKGROUND DOCUMENTS

Planning Statement

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

A2723/P1 Rev A
A2723/EL1 Rev A

OBSERVATIONS

Site and Location

The application site relates to a detached outbuilding, currently with a lawful use as an office, which lies within the curtilage of no. 60 Ironstone Road, Burntwood. Number 60 is currently used as four individual flats and is managed by 'Advance Housing', a company which provides housing and support for people with disabilities, learning disabilities and mental health conditions.

The site lies on a corner plot, on the eastern side of Ironstone Road, at the junction with Lorne Street. The surrounding area is predominantly residential which is characterised by a mixture of dwelling types.

The site is accessed via an existing driveway off Lorne Street, where there is onsite parking for at least two vehicles. The existing outbuilding (office) stands at 4.5m in height, 4.7m in width and 5.7m in depth.

Background

Planning permission was originally granted in 2011 for the change of use of the detached building, which was originally a garage to an office (ref: 11/01145/COU).

Proposals

This application seeks permission for the change of use of the outbuilding from office to a residential bedsit. Internally the scheme proposes a kitchen area, a wc/shower room and a bedroom/living room. There are no proposed changes to the building, aside from the removal and bricking up of a door from the front (south) elevation.

Determining Issues

1. Policy & Principle of Development
 2. Design and Impact upon the Character and Appearance of the Surrounding Area
 3. Residential Amenity
 4. Access and Highway Safety
 5. Other Issues
 6. Human Rights
-
1. Policy & Principle of Development
 - 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Lichfield District Local Plan (1998) (saved policies) and the Local Plan Strategy 2008-2019.
 - 1.2 The application proposes the change of use of an existing office building to a detached one bedroom bed-sit within the settlement boundary for Burntwood, as defined by inset 3 of the Local Plan Strategy Policies Maps. Core Policy 6 states that new housing will be focused upon key urban settlements, including Burntwood. Policy Burntwood 4, relates to housing in Burntwood and states that approximately 15% of the Districts housing growth will be provided in the settlement.
 - 1.3 The principle of residential development within the settlement boundary for Burntwood and is therefore a sustainable location for the provision of housing. Furthermore, in this instance, the application proposals seek to provide an additional bedsit at an existing site which offers sheltered accommodation. The use of the land is established. The development is therefore

considered to be acceptable as a matter of principle. Notwithstanding this, the acceptability of any scheme is subject to compliance with other Policies within the Development Plan, and satisfying generic Development Management considerations.

2. Design and Impact upon the Character and Appearance of the Surrounding Area

- 2.1 Core Policy 3 of the Lichfield District Local Plan states that development should protect and enhance the character and distinctiveness of Lichfield District Council, while development should be of a scale and nature appropriate to its locality. Policy BE1 states 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.
- 2.2 The NPPF (Section 12) advises that “good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”. 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, taking into account any local design standards or style guides in plans or supplementary planning documents”.
- 2.3 The proposal seeks to utilise an existing building, changing only the front (south) elevation by way of bricking up an existing doorway. The remainder of the building would remain unaltered in terms of its scale and appearance. Furthermore, there is no proposal to subdivide the existing site and segregate it from the existing accommodation within the main building, and therefore all external areas would remain as existing. Therefore, it is considered that the proposed re-use of the building for further residential accommodation at the site would not adversely impact upon the visual amenities of the area, and the development is considered to be acceptable in design terms and compliant with Core Policy 13 and Policy BE1 of the Local Plan Strategy and the guidance contained within the NPPF.

3. Residential Amenity

- 3.1 The NPPF emphasises that planning should seek a good standard of amenity for all existing and future occupants of land. Core Policy 3 of the Local Plan Strategy seeks to protect the amenity of residents and improve overall quality of life, while Policy BE1 states that development which causes disturbance through unreasonable traffic generation, noise, light dust, fumes or other disturbance should be avoided. The Sustainable Design Supplementary Planning Document sets out spacing standards, which seek to ensure a satisfactory standard of amenity for existing and future residents.
- 3.2 The Sustainable Design Supplementary Planning Document sets out a minimum distance to which facing habitable windows should be separated. These indicate that dwellings should not have habitable windows facing each other at a distance of less than 21m. If there is an intervening screen (i.e. fence or wall) the distance between ground floor facing windows can be reduced to 15 metres and 13 metres in the case of bungalows. The proposed bedsit will have principle windows to the front (south) and side (west) elevation, with only a shower room window retained in the eastern side elevation. This window is to be obscure glazed and will look onto the boundary fence shared with no. 8 Lorne Street.
- 3.3 The south facing window (front) looks over the existing driveway towards Lorne Street and would not face directly towards windows of nearby properties. The west facing windows (side) look towards the shared communal garden area at the site. Windows within the development on the opposite side of Ironstone Road would be sited approximately 29m away. Therefore, it is not considered that the principal windows proposed would lead to loss of neighbouring amenity through loss of privacy or overlooking.
- 3.4 The comments of neighbouring residents in respect of the antisocial behaviour of residents to the main building are duly noted. Whilst the Council is sympathetic to the concerns raised,

and the disruption which may have been caused by tenants in the past, the Planning Authority unfortunately have no rights in which to control who occupies a property, furthermore the LPA cannot pre-empt the manner in which the occupants of any site would behave. The use of the site for sheltered accommodation is established and it is considered that there would be no significant intensification of the activities arising at the site from the addition of a single further bedsit. Any cases of antisocial behaviour would be a civil matter, or for the housing support company to investigate and address. It is considered that there is no planning policy basis to resist the development by means of anti-social behaviour arising from the occupants of a development.

- 3.5 The garden space is to be shared space between the proposed bedsit and the existing accommodation at no. 60. As the whole site will comprise 5 units in total (1 in the bedsit and 4 flats in the main property) the Council's SPD sets out that 100sqm of garden space/private amenity would be required. The site offers approximately 120sqm of shared amenity space thereby achieving this requirement.
- 3.6 The Council acknowledge that the proposed property is small, with internal living space equating to 21.4sqm. However, as this is a bedsit in association with the existing use the size of the property is considered to be acceptable in this instance. Due to the small scale of the proposed development and the use of shared amenity areas between the development and main property the use of the bedsit as a separate, self-contained, planning unit would be unacceptable, therefore it is considered necessary to implement a condition restricting its use.
- 3.7 Therefore, it is respectfully considered that the development complies with the Council's adopted Supplementary Planning Documents, the Development Plan and NPPF as the scheme will not lead to a loss of amenity to existing or future residents.

4. Access and Highway safety

- 4.1 The NPPF at paragraph 108 requires that in considering specific applications, safe and suitable access to the site can be achieved for all users. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Core Policy 5 of the Local Plan Strategy states that new development should be well served by a choice of transport modes.
- 4.2 Policy ST1 of the Local Plan states that the LPA will seek to secure more sustainable travel patterns by only permitting traffic generating development where it is or can be made compatible with the transport infrastructure taking into account number and nature of additional movements; the capacity of the local transport network; cumulative impacts with other developments; access and egress to the public highway; and highway safety. Policy ST2 of the Local Plan requires appropriate provision to be made for off street parking in accordance with the maximum parking standards set out in the Sustainable Design SPD, which will include having regard to the anticipated demand for parking arising from the use proposed.
- 4.3 The Council's adopted car parking standards, are set out in Appendix D of the Sustainable Design SPD. 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.
- 4.4 The abovementioned SPD, sets out that 1 car parking space is required per 1 bed dwelling, plus 1 space per 3 dwellings for visitors. The main property no.60 is currently comprised of 4 flats. Based on the parking requirements as set out in the Council's Sustainable Design SPD, 4 spaces are required for the main property plus 1 space for visitors and 1 space is required for the proposed bedsit. Therefore a total of 6 car parking spaces would be required for the site as a whole.

- 4.5 The site has off street parking provision for 2 spaces. It is acknowledged that there is an under provision of parking on the site both currently and through this proposal. However, the scale of the proposed development is considered to be modest and the increase in vehicular movements from the development is small scale. It is considered that the site is in a sustainable location with bus links to Lichfield, and is in easy walking distance to nearby facilities. It is also noted that there is sufficient on street parking within the immediate vicinity to accommodate any additional vehicles to the site. No objections have been raised by Staffordshire County Council Highways with regard to the level of parking provision proposed and therefore it is considered that the development would not give rise to unacceptable impacts on the highway network due to an under provision of parking in this instance. Furthermore, any potential increase in vehicular movements to/from the site would be acceptable and would not have a detrimental impact on the highway network or highway safety.
- 4.6 Whilst the concerns raised regarding parking are duly noted, overall, in terms of highways and transportation issues, the Local Planning Authority is satisfied that the development is acceptable in highways terms and would therefore be compliant with the requirements of both the Development Plan and NPPF.

5 Other Issues

Impact on Cannock Chase SAC

- 5.1 The application site lies within the zone of influence of the Cannock Chase Special Area of Conservation. Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within a 15km radius of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC unless or until Page 32 satisfactorily avoidance and/or mitigation measures have been secured. The Council has adopted guidance on 10 March 2015 acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. The proposal lies within the 0-8km buffer of the Cannock Chase SAC, as such a financial contribution is required. The LPA has carried out an appropriate assessment under the Habitat Regulations, and have concluded that the development can be avoided or appropriately mitigated by financial contributions provided by developments in the 0-8km zone of payment. Natural England have concurred with the assessment conclusions. The LPA have satisfied their duties as a competent authority. A Unilateral Undertaking will need to be entered into to ensure that the payment is secured, in the instance that the sum cannot be secured through CIL.

6. Human Rights

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

Conclusion

The principle of residential development on this site is found to be acceptable. Furthermore, this is a sustainable location within Burntwood Town 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 Authority is also satisfied, that subject to suitable measures that there will be no adverse impact on ecological habitats of the Cannock Chase SAC.

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.

Consequently, it is recommended that this application be approved, subject to conditions, as set out above.

LOCATION PLAN

19/00931/COU
Gardener's Cottage
Beacon Park
Swan Road

Scale: 1:1,000

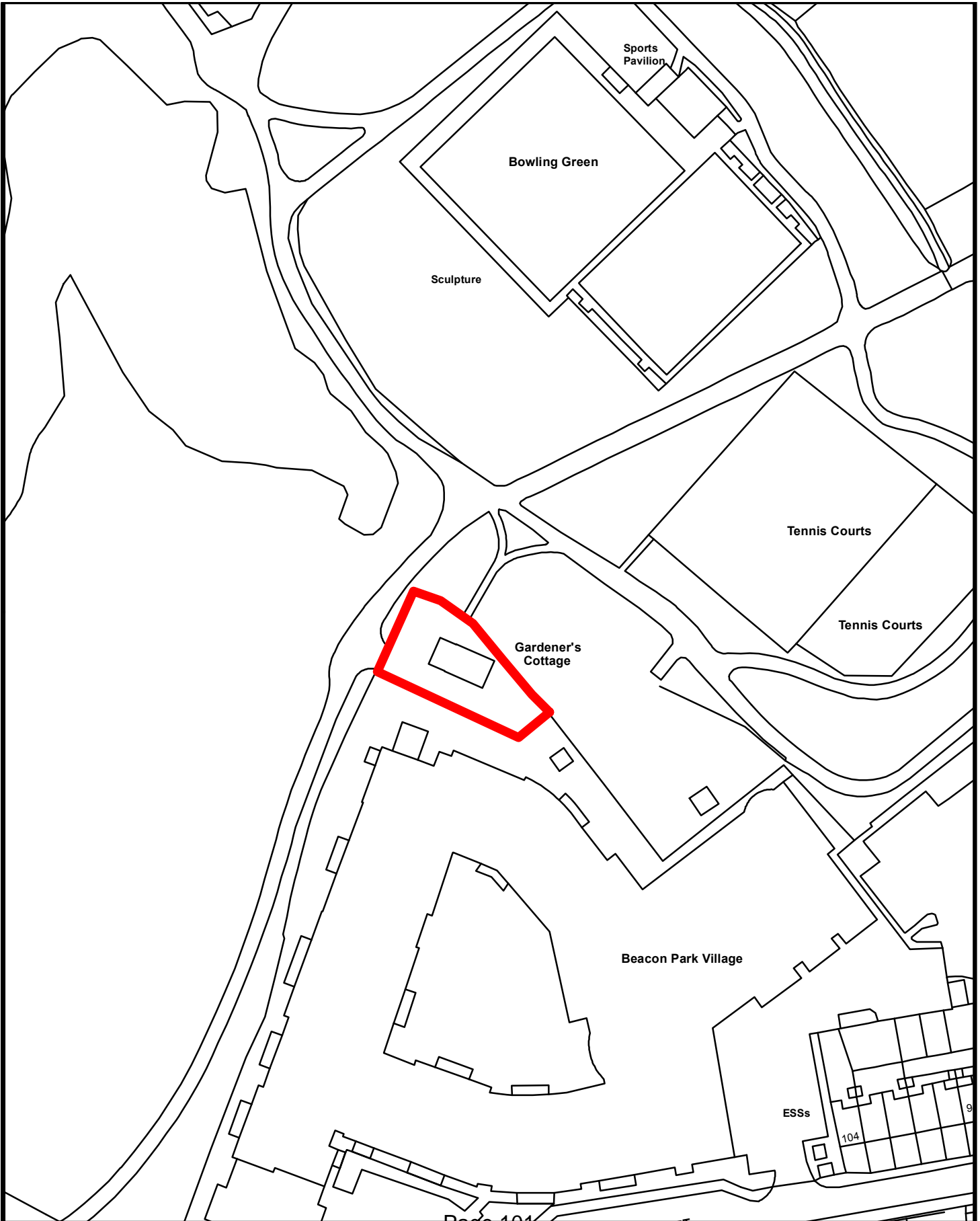
Dated: August 2019

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Lichfield
district council

www.lichfielddc.gov.uk

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WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

BLOCK PLAN

19/00931/COU
Gardener's Cottage
Beacon Park
Swan Road

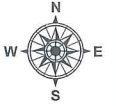
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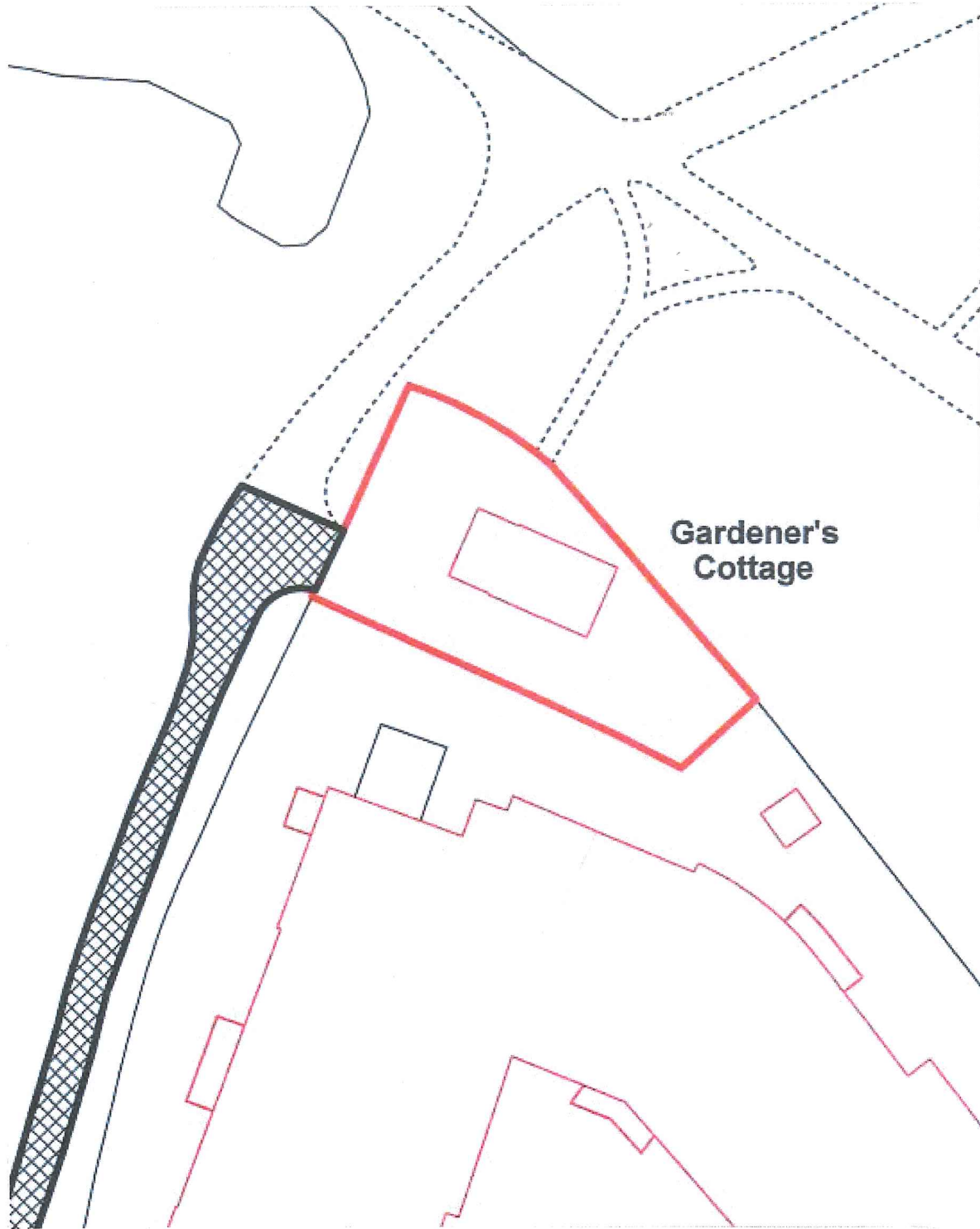
August 2019

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19/00931/COU

CONVERSION FROM RESIDENTIAL / OFFICE TO A 3 BEDROOM DWELLING AND ASSOCIATED WORKS GARDENERS COTTAGE, BEACON PARK, SWAN ROAD, LICHFIELD FOR LICHFIELD DISTRICT COUNCIL

Registered 27/06/2019

Parish: Lichfield

Note: This application is being reported to the Planning Committee as the property is owned by Lichfield District Council.

RECOMMENDATION: Approve, subject to the following conditions:

CONDITIONS

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. Prior to the first occupation of the dwelling 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.
4. The parking provision for two vehicles shall be retained within the site for the life of the development.

REASONS FOR CONDITIONS

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Practice Guidance.
3. 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.
4. To ensure sufficient parking provision within the site and in the interests of Highway safety in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy, Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), Lichfield District Local Plan Allocations (2019) and Lichfield City Neighbourhood Plan (2018).

2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
 3. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
 4. 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.
 5. Staffordshire County Council (Highways) have advised that it is the applicant/owner's responsibility to ensure that they have the right of access from the public highway to the site.
-

PLANNING POLICY

National Planning Policy

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 6 - Housing Delivery
Core Policy 13 – Our Natural Resources
Core Policy 14 – Our Built and Historic Environment
Policy ST2 - Parking Provision
Policy H1 - A Balanced Housing Market
Policy NR2 – Development in the Green Belt
Policy NR3 - Biodiversity, Protected Species & their Habitats
Policy NR7 – Cannock Chase Special Area of Conservation
Policy BE1 - High Quality Development
Policy Lichfield 4 – Lichfield Housing

Local Plan Allocations

Policy BE2 – Heritage Assets

Supplementary Planning Document

Sustainable Design
Biodiversity & Development
Historic Environment
Rural Development

Lichfield City Neighbourhood Plan

N/A

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

Location plan (1:1250)
Block plan (1:500)
001

RELEVANT PLANNING HISTORY

04/00550/COU	Change of use of land to access drive and re location of storage unit	Approved	06/07/2004
01/00334/FUL	Siting of portacabin	Approved	02/05/2001
L950454	Park keepers house, office accommodation and park lighting	Approved	24/07/1995
L940728	Pavilion for park keepers accommodation, changing toilet cafeteria	Withdrawn	17/11/1994
L910495	Siting of mobile home for residence of park keeper	Approved	15/07/1991
L6967	Store	Approved	03/11/1980

CONSULTATIONS

Lichfield City Council - No objections. (28th June 2019)

Conservation Team (LDC) – No objections. The application is for change of use of an unlisted building to residential use. The site is located outside the Lichfield City Conservation Area, and is outside of, but immediately adjacent to the Linear Park (Grade 2 Registered Park & Garden). The application is for the change of use of the building from mixed residential and office use to purely residential use. There will be no external alterations to the building. (19th July 2019)

Spatial Policy & Delivery Team (LDC) – The site is located within the West Midlands Green Belt and within 15km of the Cannock Chase SAC. Provide advice on the relevant policies and that CIL may be chargeable. Consider that the development complies with the exemption listed in paragraph 146 of the NPPF with regards to the re-use of buildings that are of permanent and substantial construction. The development is considered to comply with national and local policy. (29th July 2019)

Environmental Health Team (LDC) - No comments. (30th July 2019)

Directorate of Leisure and Parks - No response received.

Staffordshire County Council (Highways) – No objections, recommend a condition to ensure that prior to the first occupation of the dwelling adequate parking and turning facilities are provided within the site. Advice that it is the applicant’s responsibility to ensure that they have the right of access from the public highway to the site. (15th July 2019)

Lichfield Civic Society - No response received.

Severn Trent Water – No objections and do not require a drainage condition to be applied as the proposal has minimal impact on the public sewerage system. (10th July 2019)

Leomansley Area Residents Association - No response received.

LETTERS OF REPRESENTATION

No letters of representation have been received.

OBSERVATIONS

Site and Location

The application site relates to a detached property located within Beacon Park. The property is located opposite the tennis courts and the Beacon Park Village on Lower Sandford Street. The property is a two storey traditional cottage with a single storey side element. The property has garden/yard and driveway to the side and rear and is bound by fencing and hedges. The property has vehicle access to the rear which utilises an access road through the park and Bunkers Hill Car Park off Lower Sandford Street. The property is sited within the West Midlands Green Belt and is located immediately adjacent to the boundary of the Grade II Registered Park and Garden (Linear Park).

Background

The property was originally approved with a mixed use, the two storey element was the park keeper's cottage and the single storey element was an office. It is understood that the property has recently been used solely as an office with no residential.

Proposals

The application seeks to change the use of the property from residential and office to residential only. There are no external alterations proposed. The dwelling would be a three bedroom property. The existing access arrangements will be retained, with the dwelling utilising the access road through the park and Bunkers Hill Car Park off Lower Sandford Street. The application does not seek to change the existing driveway or garden/yard.

Determining Issues

1. Policy & Principle of Development
2. Cannock Chase Special Area of Conservation
3. Residential amenity
4. Parking and Highways
5. Other Matters
6. Human Rights

1. Policy & Principle of Development

- 1.1 The NPPF sets out a presumption in favour of sustainable development, this is echoed in Local Plan Strategy Core Policy 2. Paragraph 12 of the NPPF states that "*the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.*" Furthermore, paragraph 177 states that "*the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.*" In this case the site falls within the catchment of the Cannock Chase Special Area of Conservation (SAC), therefore it is necessary for the development to demonstrate it has satisfied the Habitats and Species Regulations in that the integrity of the Cannock Chase SAC will not be adversely affected, having regard to avoidance or mitigation measures. This issue is addressed later under section 2 of this report.

Housing:

- 1.2 The site is located adjacent to but outside of the existing urban area of Lichfield and is located within the West Midlands Green Belt. Whilst Core Policy 6 and Policy Lichfield 4 of the Local Plan Strategy note that much of the new housing required in Lichfield is to be located within the existing urban area. Core Policy 6 also supports outside of urban areas the conversion of existing buildings to residential use. The Rural Development Supplementary Planning

Document states that buildings suitable for conversion should be structurally sound and capable of conversion without substantial alteration or extension. The building is considered to be of structurally sound and capable of conversion which is indicative of the existing use of the property, and there are no extensions or alterations proposed. The proposal is therefore considered to comply with Core Policy 6 with regards to the location of housing.

- 1.3 Policy H1 of the Local Plan Strategy encourages smaller (2-3 bedroom) homes, the need for which is identified in the Strategic Housing Market Assessment. The resultant dwelling will have 3no bedrooms and as such will comply with Policy H1.

Green Belt:

- 1.4 The application site is located within the West Midlands Green Belt and outside of the settlement boundary therefore is subject to a stricter degree of control in order to ensure that any development preserves the special characteristics and openness of the area. Local Plan Policy NR2 replicates national planning policy in relation to Green Belt.

- 1.5 The decision making process when considering proposals for development in the Green Belt is in three stages and is as follows:

- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
- b) If the development is appropriate, the application should be determined on its own merits.
- c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which outweigh the presumption against it, and any other harm arising

- 1.6 The NPPF states in paragraph 143 that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Paragraph 144 states that LPA's should ensure that substantial weight is given to any harm to the Green Belt. Paragraph 145 states that LPAs should regard the construction of new buildings as inappropriate in the Green Belt, it then lists exceptions to this and in paragraph 146 lists other forms of development in the Green Belt that are not inappropriate.

- 1.7 Paragraph 146(d) of the NPPF confirms that one exception for development in the Green Belt is "the re-use of buildings provided that the buildings are of permanent and substantial construction". Development is acceptable in such circumstances provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt.

- 1.8 This application seeks the reuse of an existing building. The existing building has a lawful mixed use of residential and office accommodation. The building is proposed to be re-used as a single dwelling in its entirety. The building is considered to be of permanent and substantial construction which is indicative of the existing use of the property. No extensions or external alterations are proposed, while there are no alterations to the sites boundary treatments. Given that the scale and form of the building would remain as existing it is considered that the proposed change of use would preserve the openness of the Green Belt.

- 1.9 The NPPF at paragraph 134, confirms that the Green Belt serves five purposes. These are; to check the unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and, to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The application building, and its associated curtilage, would remain as existing, therefore there would be no encroachment

into the countryside and the use would preserve the historic setting of the area. Therefore, it is not considered that the proposed development would conflict with the purposes of including the land in the Green Belt.

1.10 The proposal is considered to comply with the exceptions for development in the Green Belt within the NPPF and would therefore be compliant with Policy NR2 of the Local Plan Strategy. The proposal is therefore considered to be appropriate development within the Green Belt and is acceptable as a matter of principle.

1.11 Given the above it is considered that the development, would comply with the requirements of the development plan in terms of the principle of development. Matters related to the general development management criteria are discussed below.

2. Cannock Chase Special Area of Conservation

2.1 Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within a 15km radius of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC unless or until satisfactorily avoidance and/or mitigation measures have been secured. The Council has adopted guidance on 10 March 2015 acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. The proposal lies within the 8-15km buffer of the Cannock Chase SAC however, given the lawful use of the premises which includes an element of residential, it does not result in a net increase of dwellings, as such no financial contribution is required.

3. Residential amenity

3.1 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. This Policy is supplemented by the Council's Adopted Supplementary Planning Document: Sustainable Design which sets out the Council's guidelines for 'Space about Dwellings'.

3.2 The document advises that there should be a minimum of 21m where principle habitable room windows directly face each other. The SPD states that there should be a minimum of 6m distance between principle habitable room windows at first floor and the private amenity space of neighbouring residential property. The SPD also states that balconies should be sited at least 10m from the neighbour's garden or principal habitable rooms.

3.3 Although the relationship between the property and the Beacon Park Village to the south is an existing relationship, with the property pre-dating the Beacon Park Village, the residential amenity has still been assessed. The submitted floor plans do not label the rooms and as such the LPA has to assume that each room is a principle habitable room. The property is sited 16m from the Beacon Park Village. The elevation of Beacon Park Village facing onto the property has ground floor windows serving living rooms and bedrooms, the windows at first and second floor serve communal corridors. The Sustainable Design SPD states that there should be a 15m and an intervening screen between ground floor principle habitable room windows. There is an existing boundary fence and vegetation between the two properties and a sufficient separation distance, as such the proposal is not considered to result in any loss of privacy or overlooking between the principal habitable room windows.

3.4 The Beacon Park Village has balconies on the western elevation, the closest is approx. 13m from the amenity space of the property, and as such complies with the requirements of the SPD in this regard. Therefore there would be no undue overlooking arising from existing balconies onto the private amenity space of the proposed dwelling. The SPD states that there should be at least 6m from first floor primary principal habitable room windows and the

amenity space of neighbouring dwellings. The spacing from first floor openings and the site boundary with Beacon Park Village would be 6m, therefore satisfying the spacing standing in this regard.

- 3.5 The Sustainable Design SPD requires 3no bedroom dwellings to provide 65m² of private amenity space. The dwelling would have a private amenity space in excess of the required size, approximately 350m².
- 3.6 The proposal is considered to provide acceptable standards of living for future and existing residents of the locality. As such the development would accord with the Sustainable Design SPD, Local Plan Strategy and the NPPF in this regard.

4. Parking and Highways

- 4.1 Local Plan Strategy Policy ST2 states that appropriate off-street parking should be provided by all developments, the Council's off street car parking standards are defined within Appendix D of the Sustainable Design SPD. The SPD requires three bedroom dwellings to provide 2no parking spaces. The site can accommodate parking for more than two vehicles. SCC Highways have recommended a condition to ensure that adequate parking and turning areas are provided prior to first occupation. This is not considered necessary as the site has existing hardstanding which provides sufficient space for vehicle parking and turning. However, a condition is recommended to ensure that parking provision for 2no vehicles is retained within the site for the life of the development.
- 4.2 The site is accessed via an access road through Beacon Park and Bunkers Hill Car Park off Lower Sandford Street. SCC Highways have no objection to this access. However, have advised that it is the applicant's responsibility to ensure they have the right of access across the park, a note to applicant has been included to ensure the applicant/owner is aware of this. It is considered that the proposed use of the building would have no greater impact upon highway safety than the existing lawful use of the site.

5. Other Matters

- 5.1 The building has an existing appearance of a dwelling and the proposal does not seek any external alterations to the property. As such there will be no changes to the appearance or design of the property therefore with regards to design the proposal is considered to be acceptable and comply with Policy BE1 of the Local Plan Strategy.
- 5.2 The site is located immediately adjacent to the Grade II Registered Park and Garden, Linear Park. The scheme does not seek to make any changes to the appearance of the property and as such has no further impact upon the registered park and garden. The dwelling will be accessed via an access road through the park, this is an existing access/arrangement and there are no alterations proposed to this access. The Conservation Officer has raised no objections to the scheme. The scheme is considered to preserve the character and appearance of the adjacent registered park and garden.
- 5.3 The proposal is not considered to negatively impact upon protected or priority species or habitats. 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 can be secured via condition.
- 5.4 Severn Trent Water have offered no objection to the scheme and consider that the proposal will have a minimal impact upon the public sewerage and do not require a drainage condition to be imposed. Notwithstanding this, in the context of the existing use of the building it is not considered that there would be any drainage issues arising from the development.

5.5 The Council's Supplementary Planning Document Developer Contributions details the Council's CIL requirements for development. The document identifies that this site is located within the higher levy charging area for residential development and as such will have a fee calculated at £55 per square metre. The applicant has submitted a completed CIL form with the application and is not seeking an exemption to the contribution. An informative noting the need to finalise the CIL requirements for this development will be attached to the decision.

6. Human Rights

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

Conclusion

The proposal will bring the existing property back into solely residential use and is considered to comply with both the housing and Green Belt policies contained within the Local Plan. As discussed above the proposal does not seek to make any alterations to the appearance of the property and will use the existing access arrangements and parking areas. The proposal is not considered to have a detrimental impact upon the adjacent Grade II Registered Park and Garden, the Cannock Chase SAC, residential amenity or highway safety. The proposal is considered to comply with the requirements of the Development Plan and NPPF and is recommended for approval subject to conditions, as set out above.