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19 September 2019

Dear Sir/Madam

PLANNING COMMITTEE

A meeting of the Planning Committee has been arranged to take place **MONDAY, 30TH 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 - 6
4. **Planning Applications** 7 - 66
5. **Tree Preservation Order No. 434-2019 at 19 Rectory Lane, Armitage** 67 - 74



PLANNING COMMITTEE

2 SEPTEMBER 2019

PRESENT:

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

10 APOLOGIES FOR ABSENCE

There were no apologies for absence.

11 DECLARATIONS OF INTEREST

The Chairman, Councillor Marshall, declared a personal interest in application no. 18/00078/OUTMEI as the Applicant, Mr J T Leavesley, is known to him as did Councillors Anketell, Baker, Birch, Brown, Eagland, Evans and Leytham.

Councillor Baker declared a personal interest in application no. 19/00053/FULM as the Lichfield & Hatherton Canals Restoration Trust was the Mayor's Charity of the Year and she is the Mayor at Lichfield City Council.

Councillor Eagland declared a personal interest in application no. 19/00339/FUL as the Ward Member and on the advice of the Committee Solicitor had no further involvement in the consideration of this application.

Councillor Cox declared a personal interest in application no. 19/00339/FUL as the objector is known to him.

Councillor Ho declared a personal interest in application no 19/00936/COU as close friends live off Ironstone Road.

All Members present declared a personal interest in application no. 19/00936/COU as Councillor Sue Woodward (Objector) is known to all as she was a District Councillor and is a Staffordshire County Councillor for Burntwood North and is a Member of Burntwood Town Council.

12 MINUTES OF PREVIOUS MEETING

The Minutes of the Meeting held on 29 July 2019 previously circulated were taken as read, approved as a correct record and signed by the Chairman.

13 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 18/00078/OUTMEI, 19/00053/FULM, 19/00339/FUL, 19/00550/FUL, 19/00936/COU and 19/00931/COU.

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/Café (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

RESOLVED:- That planning permission be REFUSED for the following reasons:

1. The site lies in the countryside, outside 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 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.

(Prior to consideration of the application, representations were made by Councillor Derick Cross (Ward Councillor) and Mr Stephen Stoney of Wardell Armstrong LLP (Applicant's Agent))

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

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 Robin Hawley (Objector) and Mr Alistair Stewart of Persimmon Homes West Midlands (Applicant))

19/00339/FUL – Retention of a 13.7m (45ft) Telescopic Pole and Antenna
18 Curlew Close, Lichfield, Staffordshire. W14 9UL
For: Mr David Cliff

RESOLVED:- That planning permission be REFUSED for the following reasons:

1. The proposed development would have a detrimental impact on the visual amenity of surrounding area. The development would therefore be contrary to Core Policy 3 (Delivering Sustainable Development) and Policy BE1 (High Quality Development) of the Lichfield District Local Plan Strategy (2015) and the National Planning Policy Framework (2019).
2. The proposed development, by virtue of its overbearing impact, would have a detrimental impact on neighbouring residential amenity. The development would therefore be contrary to Core Policy 3 (Delivering Sustainable Development) and Policy BE1 (High Quality Development) of the Lichfield District Local Plan Strategy 2015 and the National Planning Policy Framework (2019).

(Prior to consideration of the application, representations were made by Mr Paul Baldwin (Objector))

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.

RESOLVED:- That planning permission be REFUSED for the following reason:

The proposed development would create a gated community which would have a detrimental impact on social cohesion by creating social segregation in conflict with Paragraph 91 of the National Planning Policy Framework. The development would therefore be contrary to Core Policy 2 (Presumption in Favour of Sustainable Development), Core Policy 3 (Delivering Sustainable Development) and Policy BE1 (High Quality Development) of the Lichfield District Local Plan Strategy (2015) and the National Planning Policy Framework (2019).

(Prior to consideration of the application, representations were made by Mrs Valerie Thomas (Objector) and Mr Paul Harris of Cerda Planning (Applicant's Agent))

19/00936/COU – Change of use of outbuilding from office to residential bedsit
60 Ironstone Road, Burntwood, Staffordshire. WS7 1LY
For: Advance Housing

RESOLVED:- That planning permission be REFUSED for the following reasons:

1. The proposed development fails to provide sufficient off-street parking and it is therefore considered this would have a detrimental impact on highway safety, contrary to Core Policy 5 (Sustainable Transport), Policy ST2 (Parking Provision) of the Local Plan Strategy; the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework (2019).
2. The proposed development would have a detrimental impact on neighbouring amenity by way of noise and disturbance. Therefore, it is considered that the proposal would

be contrary to Core Policy 3 (Delivering Sustainable Development) and Policy BE1 (High Quality Development) of the Lichfield District Local Plan Strategy (2015) and the National Planning Policy Framework (2019).

(Prior to consideration of the application, representations were made by Councillor Sue Woodward (Staffordshire County Councillor for Burntwood North and Burntwood Town Councillor))

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

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

(The Meeting closed at 9.38 pm)

CHAIRMAN

30 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

30 September 2019

CONTENTS

Case No.	Site Address	Parish/Town Council
19/00033/FULM	Joint Medical Command Defence Tamworth Road Whittington Heath	Whittington And Fisherwick
19/00301/FUL	15 Gaiafields Road Lichfield	Lichfield
19/01061/FUH	215 Rugeley Road Chase Terrace Burntwood	Burntwood

ITEM B

CONTENTS

Case No.	Site Address	Parish/Town Council
19/01055/FUH	91 London Road Canwell	Hints And Canwell
19/01093/FUL	Burntwood Leisure Centre High Street Chasetown Burntwood	Burntwood

LOCATION PLAN

19/00033/FULM

Joint Medical Command Defence
Tamworth Road
Whittington Heath

Scale: 1:3,700

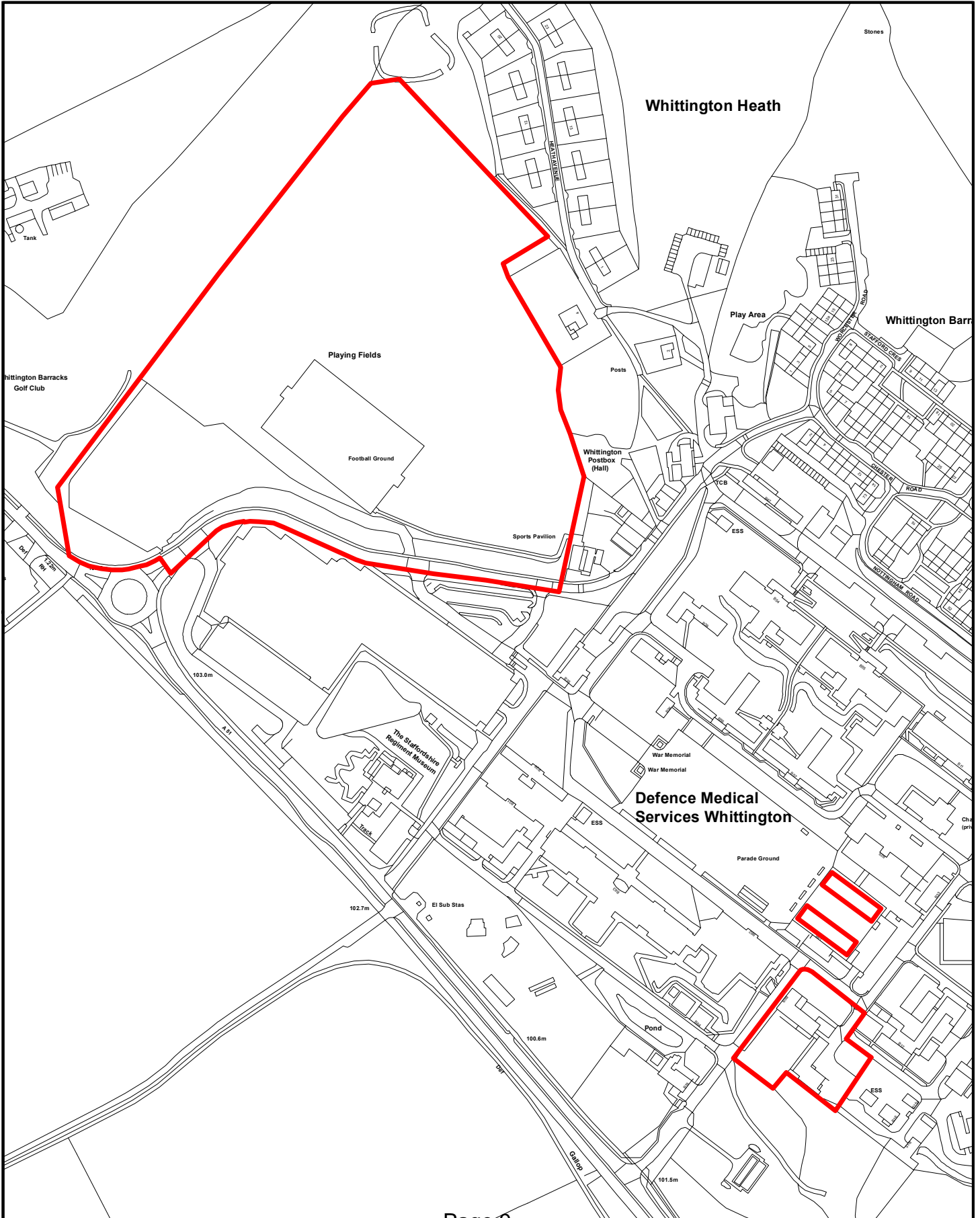
Dated: September 2019

Drawn By:

Drawing No:



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19/00033/FULM

ERECTION OF A TWO / THREE STOREY OFFICE BUILDING AND CREATION OF A 230 SPACE CAR PARKING AREA AND ALL ASSOCIATED LANDSCAPE WORKS INCLUDING THE RELOCATION OF SPORTS PITCHES AND APPROPRIATE SAFETY LIGHTING.

JOINT MEDICAL COMMAND DEFENCE, TAMWORTH ROAD, WHITTINGTON HEATH, LICHFIELD FOR DEFENSE INFRASTRUCTURE ORGANISATION

Registered **09/01/2019**

Parish: Whittington and Fisherwick

Note: This application is being reported to the Planning Committee due to the objection from Sports England, a statutory consultee, on the grounds that the proposed development would result in the loss of playing field.

RECOMMENDATION:

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

1. Travel Plan Monitoring Fee

Approve subject to the following conditions:

(2) If the Unilateral Undertaking is not signed/completed by the 30th 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 required contributions and undertakings as outlined in the report.

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 (including demolition):

3.
 - a) Before the development hereby approved is commenced (including demolition), 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 work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition 3A.
 - c) The development shall not be occupied until the site investigation and post excavation assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition 3A 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 (including demolition), a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) expanding upon the information provided within the 'Preliminary Ecological Appraisal and Bat Survey Report' produced by Johns Associates, detailing, in full, measures to protect existing habitat during construction works and the formation of new habitat to secure a habitat compensation value of no less than 22 Biodiversity Units, shall be submitted to and approved in writing by the Local Planning Authority. Within the CEMP/HMP document the following information shall be provided:
 - a) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulfur).
 - b) Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilized for habitat creation.
 - c) Details of both species composition and abundance (% within seed mix etc) where planting is to occur.
 - d) Proposed management prescriptions for all habitats for a period of no less than 25 years.
 - e) Assurances of achievability.
 - f) Timetable of delivery for all habitats.
 - g) A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary.

The development shall thereafter be undertaken in accordance with the approved CEMP/HMP.

Conditions to be complied with PRIOR to the commencement of development (excluding demolition):

5. Before the development hereby approved is commenced (excluding demolition), drainage plans for the disposal of foul and surface water flows, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details before the development is first brought into use.
6. Before the development hereby approved is commenced (excluding demolition), details of secure and covered cycle parking for 14 bicycles shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with the approved details before the development is first brought into use and shall thereafter be retained as such for the life of the development.
7. Before the external surfaces of the office hereby approved are constructed, full details of external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details and retained as such for the life of the development.

Other CONDITIONS:

8. Notwithstanding the details as submitted with the application, before the office hereby approved is first occupied, a detailed landscape and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape and planting scheme shall thereafter be implemented within eight months of the development being brought into use.
9. Before the office hereby approved is first occupied, the new car park as shown on the approved plans shall be provided and shall thereafter be retained as such for the life of the development.

10. The development hereby approved shall be carried out in strict accordance with all recommendations and methods of working, which are detailed within the submitted 'Preliminary Ecological Appraisal and Bat Survey Report' produced by Johns Associates. The measures shall be implemented prior to first use of the buildings hereby approved and shall thereafter be retained for the life of the development.
11. Any tree, hedge or shrub planted as part of the landscaping scheme (or replacement tree/hedge) on the site and which dies or is lost through any cause during a period of 5 years from the date of first planting, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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 any archaeological interests in accordance with the requirements of Core Policy 14 and Policy BE1 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations, the Historic Environment Supplementary Planning Document, Policy HE4 of the Whittington & Fisherwick Neighbourhood Plan and the National Planning Policy Framework.
4. In order to safeguard the ecological interests of the site, in accordance with the requirements of Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
5. To ensure that the development is provided with a satisfactory means of drainage, to prevent exacerbating any flooding issues and to minimise the risk of pollution, in accordance Core Policy 3 of Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
6. To promote sustainable transport and to ensure sufficient parking provision within the site in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
7. To ensure the satisfactory appearance of the development in accordance with Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
8. To ensure that an approved landscaping scheme is implemented in a speedy and diligent way in accordance with the requirements of Policy BE1 of the Local Plan, the Supplementary Planning Document Trees, Landscaping and Development and the National Planning Policy Framework.
9. 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 and the National Planning Policy Framework.
10. 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.

11. To ensure that any initial plant losses to the approved landscaping scheme are overcome, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Trees, Landscaping 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 Whittington and Fisherwick 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. The applicant is advised that the application site lies partly within land that may be required to construct and/or operate Phase One of a high speed rail line between London and the West Midlands, known as High Speed Two. Powers to construct and operate High Speed Two were secured on 23 February 2017 when Royal Assent was granted for Phase One of HS2. More information can be found at: <https://www.gov.uk/government/collections/high-speed-rail-london-westmidlands-bill>. HS2 advise that the applicant follow ongoing progress of the HS2 Phase One programme as the construction phase proceeds in 2019 at: <https://www.gov.uk/government/collections/high-speed-rail-london-west-midlands-bill>.
6. The applicant is advised to note and act upon as necessary the comments of the Architectural Liaison Officer dated 1/2/19 and the Central Networks dated 9/1/19. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
7. Please note that Public Right of Way No. 1 Whittington Parish runs through the site. This permission given does not construe the right to divert, extinguish or obstruct any part of the public paths. It is important that users of the path are still able to exercise their public rights safely and that the paths are reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpaths must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required.

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 7 – Employment & Economic Development

Core Policy 11 - Participation in Sport & Physical Activity

Core Policy 13 – Our Natural Resources

Core Policy 14 – Our Built & Historic Environment

Policy ST1 - Sustainable Travel

Policy ST2 - Parking Provision

Policy HSC2 – Playing Pitch & Sport Facility Standards

Policy NR2 – Development in the Green Belt

Policy NR3 - Biodiversity, Protected Species & their Habitats

Policy NR4 - Trees, Woodlands & Hedgerows

Policy BE1 - High Quality Development

Policy Whit1 – Whittington Environment

Policy Whit2 – Whittington Services & Facilities

Policy Whit3 – Whittington Economy

Local Plan Allocations

Policy BE2 - Heritage Assets

Whittington and Fisherwick Neighbourhood Plan (2018)

Policy D1: The Design of New Development

Policy HE 4: Archaeology

Policy NE&L 2: Biodiversity and Habitats

Policy T&M 1: The impact of new development

Policy AB1: Defence Medical Services (DMS)

Supplementary Planning Document

Sustainable Design

Trees, Landscaping & Development

Biodiversity & Development

RELEVANT PLANNING HISTORY

Various planning history for the wider site, the following are relevant to this application:

13/00574/FULM	Refurbishment of the existing grassed sports pitches and Installation of a synthetic football / hockey pitch (91.4m x 60.8 playing area) and erection of 3 and 5m high fencing and 8 floodlighting columns	Approved	09/08/2013
18/01674/DEMCON	Demolition of buildings 6 and 9 and associated works	Approved	11/12/2018

CONSULTATIONS

Whittington & Fisherwick Parish Council - Although the site is in green belt land the proposals should be viewed in the context of the designated Main Development Site in which they are located. It should also be borne in mind that, although there are 4 listed structures within the barracks, this scheme would have no impact on their setting. The Parish Council, in welcoming this additional investment in DMS Whittington, would therefore suggest that as the proposals appear coherent and well resolved they should be considered 'subject to any detailed aspects the Planning Authority may wish to treat as reserved matters - entirely suitable for acceptance. (20th January 2019)

Arboriculture (LDC) – Final Comments - The details with the 'Q31' document are not sufficient, further details will be required (species details, husbandry etc). (1st August 2019)

Further Comments - Most issues raised previously have been dealt with, there are a few outstanding issues. The contour lines will need adding to the plan to reflect the new shape of the land. Document 'Q31' is referred to but not submitted. Provides some guidance on species choice for landscaping. (20th June 2019)

Initial Comments - The submitted arboriculture report and impact assessment appears to comprehensively address the issues arising from the proposed development, however the proposed landscaping raises some issues. The proposed bank appears to be close to or within the RPA of the adjacent trees and may require access within the RPA's to facilitate construction. The proposed groups of trees are too close together to enable reasonable form at maturity. The proposed species are limited and tree pit details are not provided. (10th January 2019)

Conservation (LDC) – The proposed car park is not within the historic built up area of the barracks, the closest listed building to this is the Keep. Given that the car park development mainly consists of grounds works and landscaping it will have little impact on the setting of the listed building. A lighting strategy, if sensitively designed, would also have a minimal impact on the setting of the listed building. Overall it is not considered that the car park development would result in harm to the significance of the listed Keep.

The proposed office building is nearest to the Grade II Listed Chapel. There is existing built form between the site and the Chapel. The proposed building would be greater in height, scale and massing than the existing building, as such there may be glimpse views of the new office from the Chapel, however any view will be significantly restricted due to other buildings and trees. It is not considered that the proposed building would adversely affect the setting of the listed building and would not harm its significance. (29th January 2019)

Ecology (LDC) – Final Comments - The Ecology Team are satisfied with the methodology and information provided within the submitted Preliminary Ecological Appraisal and Bat Survey. It can now be considered that the presence of protected species and the extent that they may be affected by the proposed development has been established and satisfactory measures have been recommended to protect the protected species identified. Adherence by the applicant to all recommendations and methods of working detailed within the submitted report must be made a condition of any future planning approval.

Further Comments - The Ecology Team is satisfied with the quantitative data submitted by the applicant at this time via the Biodiversity Impact Calculator. The Ecology Team welcomes the applicant intention to deliver net gains of 22 BU as part of the proposed development scheme. The Ecology Team approves of the new habitats proposed for creation. As such the development scheme is viewed as likely to provide a net-gain to Biodiversity Value and so complies with both policy NR3. A Construction Environment Management Plan (CEMP) and a Habitat Management Plan (HMP) detailing, in full, the future habitat creation works (and sustained good management thereof) will be required via condition. (20th August 2019)

Further Comments - An updated ecology appraisal which covers the entire proposal and a biodiversity metric demonstrating no net loss to biodiversity and a measurable net gain is required. The Ecology Team note receipt of the updated bat survey. (24th July 2019)

Initial Comments - The ecology team are unable to provide comments on this application until an updated ecological appraisal is submitted that are in context with the proposals. The survey that has been submitted appears to only factor in part of the development i.e. the construction of the car park on the sports field. The Ecological Appraisal needs to be in context with the entire planning application that has been submitted. It is noted that demolition of existing buildings are proposed, hence bat surveys will also need to be conducted due to the large numbers of records within the area. (8th February 2019)

Spatial Policy & Delivery Team (LDC) - The site lies within the adopted Green Belt as identified on the Proposals Map within the adopted Local Plan. The site falls within the Whittington and Fisherwick Neighbourhood Plan area. Joint Medical Command is a valued employer and part of the heritage of Whittington and Lichfield District. The proposals support its continuing presence in the District and policies within the Local Plan support this however the proposals also constitute new development which is by definition harmful to the Green Belt. The proposal impacts upon the existing sports provision and there appears some conflict between the information in the supporting statement to the application and the response from Sport England. The proposal will need to ensure there is no loss in the quantity and quality of playing pitch provision and that any replacement facility meets the policy tests (outlined above) and is constructed and available for use prior to the loss of the original facility. (11th February 2019)

Environmental Health (LDC) - No objections. (9th April 2019)

Highways (SCC) – No objections subject to conditions to secure drainage details for the car park and to ensure that the development is carried out in accordance with drawing WHIT10140500-MAC-B304-XX-DR-C-0001C. (23rd August 2019)

Rights of Way Officer (SCC) – Public right of way No1 Whittington Parish runs through the site. It appears that the development will not directly impact on the public rights of way. Recommend note to applicant. (22nd January 2019)

Historic Environment Officer (Archaeology) (SCC) – The conclusions of the submitted report are generally supported. There is potential for development to impact upon archaeological remains of a prehistoric or later date. As such, a programme of archaeological works will be required to establish whether any remains are present, and if so, these should be characterised, and further works undertaken to ensure their preservation by record. Recommend the wording of a condition to secure this. (23rd August 2019)

Recommends that the applicants contact them directly to discuss archaeology matters or LDC use the pre-agreed service. (28th January 2019)

Minerals & Waste (SCC) – No objections, the proposal will not lead to the significant sterilisation of an important mineral resource. The submitted Site Waste Management document is detailed and comprehensive. (23rd January 2019)

Sport England – Object. The Applicant has provided further details and justification for the scheme. A plan showing the relocated cricket nets has been submitted, which is welcomed. Sport England considers that the comments relating to the relocated football pitch fails to meet exception 4 as the scheme will result in the loss of playing field. It is noted that the playing field and pitches were to be refurbished under previous permission 13/00574/FULM. With regard to the pedestrian access route to the pitches it is considered that this is not ideal and consideration should be had to a separate access route which will not run through the car park. (1st July 2019)

Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF. The proposed car park and relocated football pitch does not meet the requirements of exception 4 as it would be located on existing playing field and does not provide new playing field. A slight alteration to the access route from the pavilion to the 3G pitch is also proposed be made which will mean that the access route will dissect the proposed car park, this could cause safety concerns for users utilising the route. (15th January 2019)

Severn Trent Water – No objections, recommend a condition to secure drainage plans for foul and surface water flows prior to the commencement of development. (14th January 2019)

Cadent Gas Limited – No objections, recommend a note to applicant to be included. (18th January 2019)

Central Networks – There may be Western Power Distribution assets in the vicinity of the development works. Provides advice. (9th January 2019)

HS2 Safeguarding – The proposed relocated sports pitch is within the HS2 safeguarding limits, the scheme is not considered to impact upon the works at the Whittington Heath Golf Club. HS2 have no objections however recommend an informative to be included. (9th April 2019)

Architectural Liaison Officer – No objections, provide recommendations for physical security. (1st February 2019)

Ramblers Association – There should be no interference with the definitive routes of rights of way in the area, which should be available for safe public use at all times. (25th January 2019)

Lichfield Civic Society – No response received.

National Grid (Gas) – No response received.

South Staffs Water – No response received.

Open Space Society – No response received.

LETTERS OF REPRESENTATION

No letters of representation received.

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

WHIT10140500-MAC-B304-XX-DR-C-0003	C
WHIT10410500-MAC-B304-XX-DR-C-0004	A
WHIT1014500-HCC-B304-XX-DR-L-7001	02
WHIT1014500-HCC-B304-XX-DR-L-7300	02
WHIT1014500-MAC-B304-XX-DR-L-7003	02
MAC-B304-ZZ-DR-A-0026	-
MAC-B304-01-DR-A-0001	P02
MAC-B304-02-DR-A-0001	P02
MAC-B304-GF-DR-A-0001	P02
MAC-B304-RF-DR-A-0001	P02
MAC-B304-ZZ-DR-A-0021	P02
MAC-B304-ZZ-DR-A-0022	P02
MAC-B304-ZZ-DR-A-0023	P02
MAC-B304-ZZ-DR-A-0024	P02
MAC-B304-ZZ-DR-A-0025	P02

MAC-B304-XX-DR-A-0003	P02
MAC-B304-XX-DR-A-0006	P02
MAC-B304-XX-DR-A-0002	P02
MAC-B304-XX-DR-A-0005	-
MAC-B304-XX-DR-A-0007	-
HCC-B304-XX-DR-L-7000	-
HCC-B304-XX-DR-L-7002	-
HCC-B304-XX-DR-L-7301	-

OBSERVATIONS

Site and Location

The application site relates to the MOD site at Whittington Barracks, north of Tamworth Road in Whittington. The Barracks are a built up site bound by fencing, surrounded by predominantly open fields with sporadic housing and farms. Adjacent to the site to the northwest is the Whittington Heath Golf Club, the proposed HS2 route runs north to south through the golf club. The village of Whittington is approx. 1km to the northeast. There are 4no Grade II Listed Buildings/structures within the Barracks; the Keep, the Chapel and 2no War Memorials. The site is located within the West Midlands Green Belt. This application specifically relates to buildings 6 and 9, an L-shaped building located within the built form of the Barracks, sited to the south of the complex. The application also relates to the pitches and playing field sited north of Chester Road to the northwest of the complex.

Background

Demolition consent was granted in December 2018 for the demolition of buildings 6 and 9 (18/01674/DEMCON). This has not been implemented.

Proposals

This application seeks permission to demolish buildings 6 and 9 and erect a replacement two/three storey office building. The building will be L-shaped and will measure 45m in max width and 49m in max depth. The building will have a flat roof with a max height of 12m. The building will be prefabricated and clad in brick slips to match the surrounding buildings. The new office will accommodate the relocation of the Defence Infrastructure Organisation (DIO) from the site in Sutton Coldfield to the Whittington site.

The application also seeks to create a car park to the north of Chester Road, this will replace the existing cricket nets. The car park will measure 110m by 55m, and will provide an additional 230 spaces. The car park will have two entrances to provide separate in and out routes. The car park will be bound by mesh fencing and additional planting. A pedestrian access will be provided through the car park to gain access to the pitches. The sports pitch and cricket nets will be relocated within the remaining playing field; there will be no loss of pitches.

DETERMINING ISSUES

1. Policy & Principle of Development
2. Design & Appearance
3. Impact upon Heritage Assets
4. Parking & Highways
5. Arboriculture & Landscaping
6. Ecology & Biodiversity
7. Other Matters
8. Human Rights

1. Policy & Principle of Development

- 1.1 Core Policy 7 of the Local Plan Strategy states that support will be given to existing sectors in the District to ensure that they continue to flourish and grow; and the redevelopment and modernisation of employment sites will be encouraged. Policy Whit1 states that the village of Whittington will continue to have strong links to Whittington Barracks. Policy AB1 of the Whittington & Fisherwick Neighbourhood Plan states that proposals for development within the existing barracks complex will be supported subject to a list of criteria, these will be assessed in the appropriate sections.
- 1.2 The proposed office building, whilst within a developed complex, will be sited within the rural area outside of a designated centre. The NPPF states in paragraph 86 that a sequential test should be applied for all applications for main town centre uses which are outside of designated centres. Offices are considered to be main town centre uses. The applicant has provided a Sequential Test Statement which justifies the location of the office outside of a centre for the reasons of security and efficiency. Given the use of the building and the context of the site it is considered acceptable to have an office in this location.

Green Belt

- 1.3 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.
- 1.4 The submitted planning statement refers to Policy EMP5 (Major Developed Sites in the Green Belt) of the Saved Local Plan. However the Saved Local Plan has been replaced by the Local Plan Allocations, as such this policy is no longer relevant.
- 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.
- 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 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 The office development has been considered against exception G of paragraph 145; "limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development".
- 1.8 The proposed building would replace existing office buildings and would be sited on similar footprint to existing built form. The existing buildings are single and two storey and sited amongst a complex of buildings of varying heights, up to 3 storeys. The proposed building is part two and part three storey and, as such, would be a taller development than the existing buildings to be replaced. Notwithstanding this, the proposed building would be set within a

context of existing built form within a large developed complex, nearby buildings are 3 storey in height. Spatially, it is considered that the development would have minimal impact on the openness of the Green Belt given its context. Furthermore, the building would be set back from the public highway and there would be intervening screening from existing and proposed vegetation. Notwithstanding the change in height proposed, it is therefore considered that visually the impact on the openness of the Green Belt would be limited. It is considered that development would not have a greater impact upon the openness of the Green Belt than the existing building.

- 1.9 The car park has been considered against exception B of paragraph 146, which states that engineering operations are not inappropriate in the Green Belt provided that they preserve the openness and do not conflict with the purposes of the including land within it. The proposed car park will be sited within the existing fence line of the site and will be sited between the cricket pavilion and sports pitches. The car park will consist of resurfacing and planting, the existing fencing will be altered to accommodate the new entrances to the car park. No additional fencing will be created. The proposal is therefore considered to preserve the openness of the Green Belt. There are five purposes to the including land within the Green Belt;
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposed car park will not extend beyond the existing fenced boundary of the barracks and is not considered to conflict with the purposes of including land within the Green Belt, including safeguarding the countryside from encroachment.

- 1.10 The proposals are therefore considered to be appropriate development within the Green Belt and is acceptable in this regard.

Sports pitches and playing fields

- 1.11 Policy HSC2 of the Local Plan Strategy resists the loss of playing fields, and that loss will only be acceptable where it can be demonstrated that alternative compensatory facilities of equal or higher standard are provided. The proposal results in the loss of playing field due to the relocation of the sports pitches. The resultant provision of sports pitches will be equal to the existing provision. The area of playing field to be lost is currently underused due to drainage issues. Sport England have objected to the loss of the playing field as this is contrary to their Playing Fields Policy, which states that *“Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:*
- *all or any part of a playing field, or*
 - *land which has been used as a playing field and remains undeveloped, or*
 - *land allocated for use as a playing field*
- unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.”* The reasoning for this policy is to prevent development which would permanently reduce the opportunities for participation in sporting activities.
- 1.12 The Sport England document also states that a number of exceptions to the policy, this application has been assessed against exception 4 which states; *“The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:*
- *of equivalent or better quality, and*
 - *of equivalent or greater quantity, and*
 - *in a suitable location, and*

• *subject to equivalent or better accessibility and management arrangements.*” Sport England have advised that the proposal does not comply with this exception as no new area of playing field will be gained to replace that lost as part of the proposal.

1.13 The loss of playing field is regrettable, however it is proposed to reorganise the existing layout of pitches to accommodate the proposed car parking. The overall provision of pitches would be retained in terms of quantum and quality. The site is privately owned and whilst the community are able to book the pitches this is at the discretion of the MOD. It is considered that the overall sports provision of the site would remain acceptable. It is also noted that locations for an additional large car parking within the site are limited as the barracks site is largely developed or covered by mature trees. Additionally, the applicant has also advised that for security reasons the car parking is required to be outside of the built form. On balance, given the above and the use of the wider site the loss of playing field is considered to be acceptable., in these circumstances.

1.14 Overall the development is considered to be acceptable in principle.

2. Design & Appearance

2.1 Policy BE1 of the Local Plan Strategy requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, scale design and public views. Core Policy 3 states that development will protected and enhance the character and distinctiveness of Lichfield District, and that development should be of a scale and nature appropriate to its locality. Policy D1 of the Whittington & Fisherwick Neighbourhood Plan states that new development will be supported where they show good design, the policy also provides criteria for good design.

2.2 The proposed office building is of a contemporary functional design which will relate well to the existing buildings adjacent to the site. The layout of the proposed building has been informed by the existing building and the site constraints. The building will be a prefabricated design and construction and will be clad in materials to reflect that of the surrounding buildings. The office will largely be screened from the public realm by existing and proposed landscaping.

2.3 The proposed car park will be sited between the existing pitches and cricket pavilion and pre-school. Opposite the site is the existing large car park. The car park will have planting along the boundaries, with a grassed bank to the north, this will soften the appearance to the car park and allow it to visually blend into the adjacent sports pitches. The car park will extend the development of the barracks further however it is considered that this would relate well to the existing built form and furthermore would not extend beyond the limits of the fenced land into the wider countryside.

2.4 The application has been submitted with a Landscape Visual Assessment which states that *“close range viewpoints will experience minor to moderate/minor adverse effects as they are located within the site, and these effects are on the views from the site as experienced by site users and those residents in properties immediately adjacent. Due to topography, the proposed development and its landscape plans, and the existing use of the site remaining as it is, all of the remaining viewpoints towards the site will experience no effects”.*

2.5 Overall it is considered that the design and appearance of the development is acceptable and upon maturity of the landscaping will integrate well into the existing site. The development is therefore considered to comply with the requirements of the Development Plan and NPPF in this regard.

3. Impact upon Heritage Assets

- 3.1 Local Plan Allocations Policy BE2: Heritage Assets states 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.”* And that *“The loss of, or harm to, a heritage asset will only be permitted where it can be demonstrated that the ensuing harm and loss of significance of the heritage asset is necessary to achieve public benefits that outweigh that harm or loss in accordance with the NPPF.”*
- 3.2 Whilst considering proposals which affect the setting of Listed Buildings regard is to be made of S16 (2) and S66 (1) of the Planning (Listed Building and Conservation Area Act) 1990, which requires the Local Planning Authority to *“have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses”*.
- 3.3 The development will not directly impact upon a listed building however there are a number of listed buildings within the barracks. The Council’s Conservation Officer has advised that the development of the car park will have little impact on the setting nor harm the significance of the Keep which is a Grade II listed building. They have also advised that the proposed office building is unlikely to adversely affect the setting of the nearest Grade II Listed Chapel as there are intervening buildings and landscaping which restricts any views. The scheme is therefore not considered to cause any harm to the setting of the listed buildings within the wider site, as such complies with the Development Plan and NPPF in this regard.
- 3.4 Local Plan Strategy Core Policy 14 and Whittington & Fisherwick Neighbourhood Plan Policy HE4 state that the significance of heritage assets including archaeological sites will be conserved. The SCC Archaeologist has advised that due to the scale, nature, location of the proposed works and the demonstrable potential for the scheme to uncover significant archaeological features a condition to secure an archaeological scheme of investigation is required. Subject to adhering to this it is considered that the proposal will not have a detrimental impact upon archaeology, and as such complies with the Development Plan and NPPF in this regard.

4. Parking & 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 states that office buildings should provide 1no space per 25m² up to 250m² then 1no space per 30m² of gross floor space. The proposed office building has a gross floor space of 2,700m² as such this equates to a required provision of 92 parking spaces. The proposed car park will provide a total of 230 spaces which will provide parking for both the new building and the wider site. SCC Highways have no objections to the proposed parking arrangements, subject to securing details of the drainage of the car park.
- 4.2 The SPD also states that 1no cycle parking space should be provided per 200m² of gross floor space. The proposed office building has a gross floor space of 2,700m² as such this equates to a required provision of 14 cycle parking spaces. No details of cycle parking have been provided with the application as such cycle parking provision will be secured via condition.
- 4.3 Policy T&M1 of the Whittington & Fisherwick Neighbourhood Plan states that *“proposed developments that would generate a significant amount of movement or would potentially affect a known and evidenced traffic hazard should be supported by realistic measures to maintain highway safety and avoid vehicular/pedestrian conflict”*.
- 4.4 The development will utilise the existing main access road (Chester Road) off Tamworth Road. SCC Highways have no objections to this and it not considered that the development would

result in any highway safety issues. SCC Highways have requested that a Section 106 agreement is entered into to secure a travel plan monitoring fee.

4.5 It is considered that the proposal, subject to conditions and a legal agreement, complies with the Development Plan and NPPF with regards to parking and highway matters.

5. Arboriculture & Landscaping

5.1 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 and can be mitigated with new planting.

5.2 The development will not impact upon any protected trees and a number of the mature trees adjacent to office building will be retained. Additional planting and landscaping is proposed for both the car park and office sites. The Council's Arboriculture Officer is generally satisfied with the proposals however has requested that a detailed landscaping scheme and husbandry information is secured via condition. Subject to securing this the development is considered to be acceptable and comply with the Development Plan and NPPF in this regard.

6. Ecology & Biodiversity

6.1 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.

6.2 Due to the Local Planning Authorities obligation to "*reflect relevant international 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. Policy NE&L2 of the Whittington & Fisherwick Neighbourhood Plan also seeks to protect and enhance biodiversity and habitats.

6.3 The Council's Ecologist is satisfied with the methodology and information provided within the submitted Preliminary Ecological Appraisal and Bat Survey. The survey information has identified that one of the buildings to be demolished to in use by the common pipistrelle for day roosting. The development therefore would impact upon protected species and their habitat through the loss of a roost. A Natural England licence would therefore be necessary, while it is also necessary to ensure that appropriate replacement roosting provision and compensation is provided. Replacement provision options have been provided within the Ecological Appraisal.

6.4 The Council's Ecologist is satisfied that appropriate replacement provision can be provided, nonetheless it is necessary, as competent authority, to ensure that three tests are satisfied a) that there is no satisfactory alternative; b) the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range; and, c) the action authorised preserved public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.

6.5 It is considered that if redevelopment of the site did not occur then, over time, the building would further degrade and result in the potential loss of the day roosts. With appropriate compensation as proposed, it is not considered that the development would undermine the favourable conservation status of the common pipistrelle bat population. Finally, it is

considered that there are significant overriding economic and social benefits associated with the proposed development through the delivery of office accommodation to support the MOD and relocation of its Defence Infrastructure Organisation from Sutton Coldfield. It is considered therefore that the tests have been satisfied. However it is necessary to ensure that the methods of working and recommendations of the Ecological Appraisal are adhered to in full.

6.6 With regard to net gain, a quantitative biodiversity assessment has been submitted which states that the current biodiversity value of the sites is 32 units and that the post development biodiversity value will be 54 units. The Ecologist accepts and agrees with the submitted assessment. The development will deliver a net gain of 22 biodiversity units in accordance with Policy NR3 and the SPD. The Ecologist has requested that a Construction Environment Management Plan (CEMP) and a Habitat Management Plan (HMP) is secured via condition. The proposal, subject to conditions, is considered to comply with the Development Plan and NPPF in this regard.

7. Other Matters

7.1 Severn Trent Water have no objections to the scheme subject to securing drainage plans for foul and surface water flows. A condition is imposed to secure this detail.

7.2 The proposed relocated sports pitch lies within the HS2 safeguarding limits. HS2 have no objections to the scheme as it is not considered to impact upon the works at the Whittington Heath Golf Club. HS2 have recommend an informative, this will be included with any approval.

7.3 The SCC Rights of Way Officer has advised that a public right of way runs through the site. They have raised no objections, however have recommended a note to application to included.

8. Human Rights

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

In conclusion, the proposal will replace assist in the modernisation of the barracks site and will allow for the Defence Infrastructure Organisation to relocate to this base. Additional car parking will be provided and an existing sport pitch relocated. The scheme subject to conditions will not have a detrimental impact upon highway safety, arboriculture or ecology. The scheme will also deliver a net gain to biodiversity. The proposal is considered to be appropriate development in the Green Belt and is considered to be well designed in its context. The scheme will result in the loss of playing field however as discussed above this loss is considered to be outweighed by other factors. The development, on balance, is considered to comply with the Development Plan and NPPF and is recommended for approval.

LOCATION PLAN

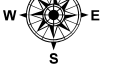
19/00301/FUL
15 Gaiafields Road
Lichfield

Scale: 1:1,000

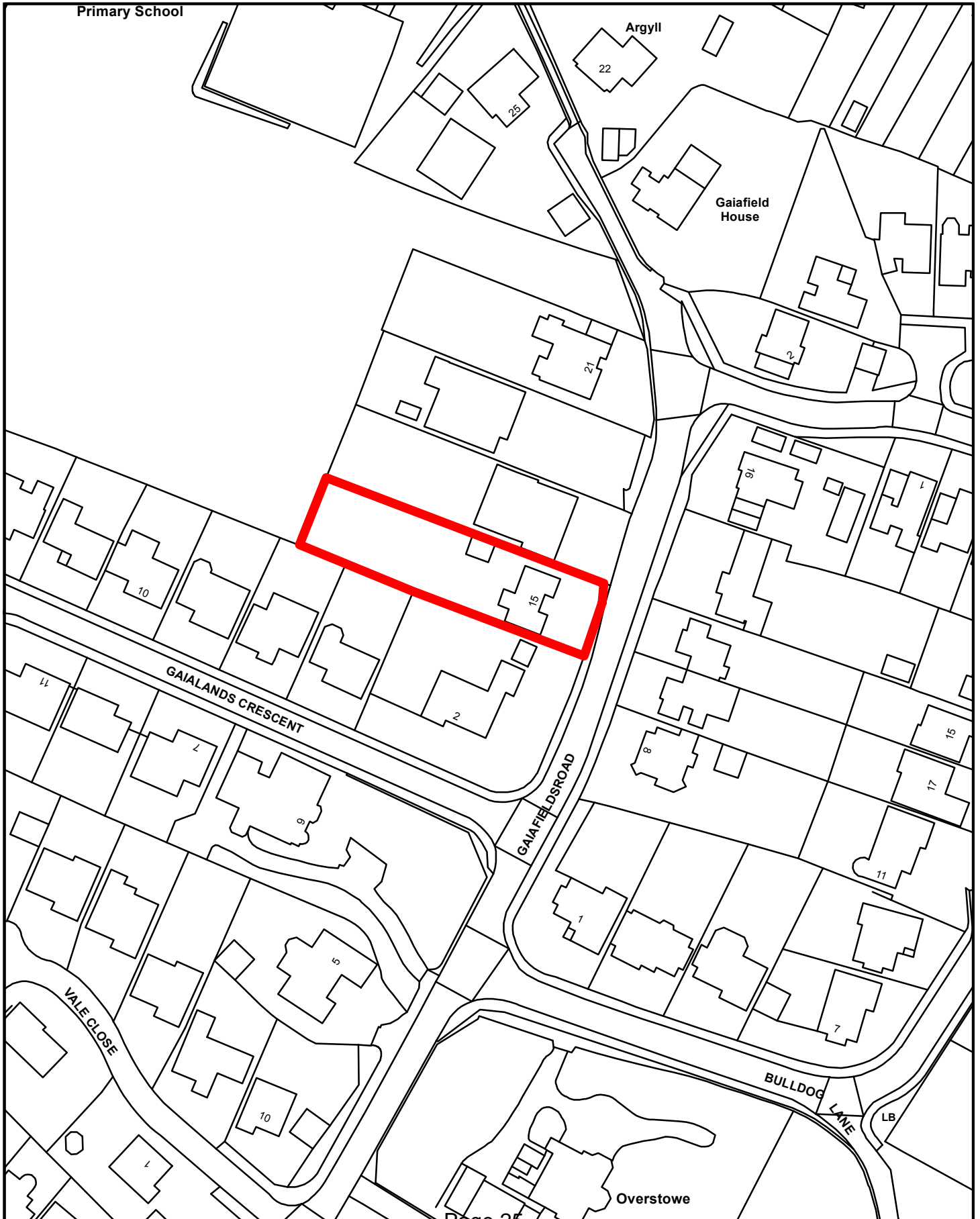
Dated: September 2019

Drawn By:

Drawing No:



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19/00301/FUL

VARIATION OF CONDITION 2 OF APPLICATION 17/01629/FUL (DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF 1NO REPLACEMENT DWELLING WITH SINGLE STOREY GARDEN ROOM)

15 GAIAFIELDS ROAD, LICHFIELD

FOR MR A GARRATT

Registered 25/03/19

Parish: Lichfield

Note: This application is being reported to the Planning Committee as the application has been called-in by Cllr Grange on the following grounds:

- Original application was granted “on balance” with conditions in place to protect amenity of neighbours. With changes to slit windows; changes to design; size and siting of garden room; changes to front elevation and window design; and including of hot tub room it is unacceptable;
- The garden room is no longer permitted development due to spacing from the boundary and height restrictions.

RECOMMENDATION: Approve, subject to the following conditions:

CONDITIONS:

- 1 The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
- 2 The development shall be carried out in accordance with the approved external materials, fenestration and door details approved on 5th October 2018 (under condition 3 of application Ref: 17/01629/FUL) unless otherwise agreed in writing by the Local Planning Authority.
- 3 The development shall be carried out in complete accordance with the Construction Vehicle Management Plan approved on 5th October 2018 (under the terms of condition 4 of application Ref: 17/01629/FUL) and thereafter adhered to throughout the demolition and construction period.
- 4 The agreed tree / hedge protection measures, as detailed on approved plan 311.2 Rev 8, shall be provided in accordance with the British Standard 5837: 2012 and retained for the duration of construction (including any demolition and / or site clearance works), unless otherwise agreed in writing by the Local Planning Authority. No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas. The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed from the site.
- 5 The development hereby approved shall be carried out in strict accordance with the construction method statements approved on 12th October 2018 (under condition 6 of application Ref: 17/01629/FUL), unless otherwise agreed in writing by the Local Planning Authority.
- 6 The development shall be carried out in accordance with the finished floor level details as shown on drawing 311.3 Rev 16.

- 7 Before the development hereby approved is first occupied, details of a bat/bird box to be provided within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved bat/bird boxes shall be installed prior to the first occupation of the dwelling and thereafter maintained, in accordance with the approved scheme for the life of the development.
- 8 Before the dwelling hereby approved is first occupied, the parking and manoeuvring areas indicated on approved plan 311.3 Rev 16 shall be completed and surfaced in a porous bound material, which shall thereafter be retained as such for the life of the development.
- 9 The rooflights in the south west facing roof slope shall be fitted with obscure glazing. The rooflights shall be thereafter retained as such for the life of the development.
- 10 The side facing windows serving the dining room and study in the south west elevation and lounge in the north east elevation, hereby approved, shall be fitted with obscure glazing and fixed shut and shall thereafter be retained as such for the life of the development.
- 11 The boundary hedgerow to the south west side boundary of the site shall be retained for the life of the development.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 2015 (as amended), (or any Order revoking and re-enacting the Order with or without modification) the dwelling hereby approved shall not be enlarged or extended without the prior written permission, on application, to the Local Planning Authority.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any Order revoking and re-enacting the Order with or without modification) no windows, or other openings shall be created in the side elevations at first floor level or within the roof slopes without the prior written permission, on application, to the Local Planning Authority.
- 14 The outbuilding (garden room/site welfare unit) hereby approved shall be used for purposes ancillary to the residential use of 15 Gaiafields Road only, and shall not be used, sold or let as a separate dwelling unit or business unit.
- 15 The garage accommodation hereby approved shall be used for the garaging of private vehicles and/or for ancillary domestic storage purposes only and shall not be used to provide additional living accommodation without the prior written permission, on application, to the Local Planning Authority.
- 16 Before the parking and turning area hereby approved is first brought into use, an interceptor drain shall be installed across the site entrance, and retained for the life of the development.
- 17 Within 1 month of the new site access being completed, the existing site access from Gaiafields Road made redundant as a consequence of the development, shall be permanently closed in accordance with the approved drawing.
- 18 The approved landscape and planting scheme, as shown on drawing 311.4 Rev 15 shall be implemented within eight months of the development hereby approved being first occupied, unless otherwise first agreed in writing by the Local Planning Authority. Any tree, hedge or plants planted as part of the approved landscape and planting scheme on the site which dies or is lost through any cause during a period of 5 years from the date of first planting shall be replaced in the next planting season with others of a similar size and species, unless otherwise first agreed in writing by the Local Planning Authority.

- 19 Within 2 months of the date of this permission the caravan located to the front of the property shall be removed from the site unless otherwise agreed by the Local Planning Authority.

REASONS FOR CONDITIONS

- 1 For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Practice Guidance.
- 2 To ensure the satisfactory appearance of the development and to safeguard the character of the surrounding area, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, and the National Planning Policy Framework.
- 3 In the interests of highway safety, in accordance with Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
- 4 To safeguard any existing trees and hedgerow, in accordance with the provisions of Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.
- 5 To safeguard any existing trees and hedgerow, in accordance with the provisions of Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.
- 6 To safeguard the amenity of neighbouring occupiers in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
- 7 In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
- 8 In the interests of highway safety, in accordance with Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
- 9 To safeguard the amenity of neighbouring occupiers in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
- 10 To safeguard the amenity of neighbouring occupiers in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
- 11 To safeguard the amenity of neighbouring occupiers and safeguard any existing landscaping features, in accordance with the provisions of Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.
- 12 To safeguard the amenity of neighbouring occupiers in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
- 13 To safeguard the amenity of neighbouring occupiers in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
- 14 To safeguard the amenity of neighbouring occupiers and to ensure the building is used for ancillary purposes, in accordance with the requirements of Policy BE1 of the Local Plan Strategy.

- 15 In the interests of highway safety and to ensure a satisfactory level of parking is maintained in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
- 16 In the interests of highway safety, in accordance with Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
- 17 In the interests of highway safety, in accordance with Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
- 18 To ensure the satisfactory appearance of the development in accordance with the provisions of Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.
- 19 In the interest of the character and appearance of the area, and as the building is no longer required following completion of the welfare building (garden room) in accordance with Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), the Lichfield District Local Plan Allocations (2019) and the Lichfield City Neighbourhood Plan (2018).
2. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016. A CIL charge will apply to all relevant applications determined on or after the 13th June 2016. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at www.lichfielddc.gov.uk/cilprocess.
3. Please note that prior to the access being revised you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Network Management Unit, Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford. ST16 2DH. (Or email to nmu@staffordshire.gov.uk)<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>
4. The applicant is advised that no part of the proposed boundary wall to Gaiafields Road or associated foundations shall project forward of the highway boundary.
5. The applicant is advised that any soakaway should be located a minimum of 4.5m rear of the highway boundary.
6. Severn Trent Water advise that there may be a public sewer located within the application site. Although their statutory sewer records do not show any public sewers within the site, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.
7. The Council has sought a sustainable form of development which complies with the provisions of paragraphs 38 of the NPPF.

PLANNING POLICY

National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

Lichfield District Local Plan Strategy

Core Policy 1 – The Spatial Strategy
Core Policy 2 – Presumption in Favour of Sustainable Development
Core Policy 3 – Delivering Sustainable Development
Core Policy 5 – Sustainable Transport
Core Policy 6 – Housing Delivery
Core Policy 13 – Our Natural Resources
Policy Lichfield 1 – Lichfield Environment
Policy Lichfield 4 – Lichfield Housing
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 NR4 – Trees, Woodlands & Hedgerows

Lichfield District Local Plan Allocations (2019)

Lichfield City Neighbourhood Plan

Supplementary Planning Document

Sustainable Design
Trees, Landscaping and Development
Biodiversity and Development

RELEVANT PLANNING HISTORY

17/01629/FUL - Demolition of existing bungalow and erection of 1no replacement dwelling with single storey garden room – Approved – 03/08/2018

17/01114/FUL – Demolition of bungalow and erection of a 5 bedroom detached dwelling and a detached garden room / store and associated works – Refused – 29/09/2017

CONSULTATIONS

Lichfield City Council – Recommend Refusal; a number of very significant variations fail to comply with the original conditions imposed. (30/08/19)

Previous comments - Recommend refusal; the work to date is not compliant with the approved application. The addition of a large hot tub building in the garden and a high chimney to the garden room have already been built without planning permission. (05/04/19)

Environmental Health Officer – No comments. (12/04/19 and 02/09/19)

Staffordshire County Council Highways – There are no objections on highway grounds to this proposal. The amended drawings do not appear to indicate any significant changes to the vehicular access from the highway or to the parking area. (16/04/19 and 22/08/19)

Severn Trent Water – No objections. No drainage conditions need be applied (04/12/17 & 3/7/18).

Arboriculture Officer – The tree specification appears to have reverted to an earlier version and the Betula specified are now replaced by Rowan again and this is accepted once more. The frontage tree has been restored and this is also acceptable. Similarly the trees on the rear boundary are restored as shown on revision 15.

Comment that retaining wall and siting of the temporary store building are located within the tree protection fencing. Some inconsistencies between plans submitted. (22/08/19)

Previous Comments - There is no objection to the provision of the additional 4 no. Betula utilis (Himalayan Birch) in the rear garden. Application should demonstrate why changes to the landscaping layout are proposed. (12/06/19)

Ecology Team– Refer to previous comments. (20/08/19)

Previous comments – No objections. The applicant is advised to consult the Biodiversity and Development SPD and take account of all advice detailed within where it may relate to their application. (25/06/19)

LETTERS OF REPRESENTATION

A total of 23 representations have been received during the course of the application.

14 letters of objection received in respect of the second round of consultation following receipt of updated plans and further information providing clarity on the development/alterations sought. The objections are summarised as follows:

Design:

- Hedge to rear replaced with stone patio.
- The roof above has been extended by 1m and external lights installed. This breaks the 2m rule;
- Lighting and overhang to garden room should be removed as not necessary for site;
- The addition of another substantial building in such close proximity to the main property would be major factor in the balance and would have affected outcome of the original decision;
- The outbuilding height at 3m and its massing is clearly in excess of the maximum height for a flat roofed structure under any permitted development rights;
- Hipped dormers proposed style are not the local vernacular, the rest of the roof possess no other relief details. No reason why a poor style detail should be permitted in a row of contemporary properties;
- Overhang increases the visible mass for neighbouring properties. Why build closer to boundary than would otherwise permit?
- Overhang reduces possibility for compensatory planting;
- Inclusion of a masonry pillar, over 2m high, between the two properties (15 and 17) visually links the two properties resulting in terracing effect. Congested streetscene and property now fills entire plot;
- Streetscene drawing does not show any hard landscaped elements;
- Rooflight in garden room not shown;
- Hot tub room adds to massing and height exceed permitted height;
- PD removed under condition 14 and additional building will result in excessive massing and overdevelopment of the site;
- Confusion over what is proposed in planting;
- A solid wall to 2m in height is far in excess of LDC's limit for a wall of 1.2m and hence is an incongruous feature in the streetscene;
- Chimney on garden room can clearly be seen from neighbouring properties.

Landscaping:

- Plans should be conditioned so that trees are at least 2.5m from fence boundary with No.17;
- Dense hedge of cypress trees have been planted where trees T2 are shown, contrary to planting scheme. These come under measures of High Hedges Act;
- Canopies of 4 trees are not shown to full canopy size (4-5m spread);
- Due to proximity to gym and Wendy house the trees would have to be cut back flush to the boundary which would be an awkward maintenance task and result in imbalanced and dangerous canopies;
- The trees would overshadow a native hawthorn, holly and yew hedge and overshadowing from trees would result in a net loss in biodiversity contrary to policy;
- Applicant already removed many hedges and trees on site, reduced the amount of garden and now wants to reduce the amount of planting;
- Loss of hedge has resulted in clear views across Gaiafields Road and school. As hedge not to be replaced, clear unobstructed views would remain.

Amenity:

- Smoke from stove could affect amenity. DEFRA listed appliances and fuel must be used to avoid pollution;
- Lighting could affect amenity of 6, 8, 10 and 12 Gaialands Crescent;
- Chimney is below the level of first floor bedrooms of surrounding houses. Unacceptable to health of neighbours – increase in deaths from asthma due to air pollution;
- Openings on southern elevation are over three times size of the approved openings;
- Spacing between No.2 Gaialands Crescent and development is significantly less (13.6m) than SPD guide for facing primary windows;
- Size of openings granted in approval were the absolute maximum that LDC considered could be included whilst still applying the term “blank wall”. Condition 12 states that openings shall be maintained in the approved form for life of development;
- Absurd to consider a blank wall, any increase in size of window is an even further encroachment into the privacy of neighbouring property, and the increase would be an unjustifiable decision;
- Greater concern is the impact that this would have on the right to light survey provided to demonstrate no impact on No.17. Clearly the proximity to boundary would have an impact on the RTL survey;
- Were assured the outbuilding nothing more than a garden room. Large chimney suggests year round use and emission of fumes into amenity spaces where young children play;
- Building has clearly been built higher, over half a metre taller than No.17. Drawings are incorrect;
- Streetscene drawing does not show large pillar between 15 and 17, therefore not accurate;
- Streetscene does not show copper beech tree in correct scale or position. Needs correcting due to concerns over failure to respect protected status of the tree and its impact on the property;
- Hedge heights shown are still not correct. Protection and retention of hedge is a mitigating factor for approval of a dwelling at reduced spacing distance, then this should be correctly represented;
- Larger windows shows disregard to privacy of neighbours;
- To vary conditions relating to windows would be fundamentally wrong;
- Position of windows in garden room would face rear and therefore allows for future privacy as a dwelling;
- First floor windows in southern elevation have been increased in size resulting in overlooking;
- LDC should stand by the conditions previously proposed (12, 13, 14, 16 and 20) as they are essential to the protection of their amenity and privacy;
- Hot tub room renders previous right to light survey void;

- Due to topography between 15 Gaiafields Rd and 2 Gaialands Crescent and perpendicular orientation, enforcing condition 12 and the design of the windows is essential to maintain amenity of residents.

Highways Issues:

- Amended plans show boundary wall and fence between number 15 and 17, between front gardens and a front wall between the property and road;
- Existing metal hoarding is a road safety issue due to visibility;
- Wall and hedge at No.17 are around 1m in height and the new front wall, plus any side wall should be limited in height not to block view;
- Deeds show front boundary of No.15 set back from No.17 and from kerb – design as proposed places the front wall 1m into the highway. Plans as submitted cannot result in a lawfully constructible planning approval;
- Plans should accurately show boundary with the road;
- Moving the boundary back to position of previous hedge would improve visibility from No.17.

Other Matters:

- Further variations should be refused not just on point of principle, but the plans as approved should be the end and not starting point of development creep;
- Comparison remains difficult and plans should be absolutely clear;
- Some of the proposed changes are either complete or on their way to being so;
- Applicant never had intention of adhering to those plans originally proposed;
- Granting permission for 17 amendments would make a mockery of planning procedures, and will encourage further changes in the future;
- Chimney nor fireplace were shown on previous approval;
- No evidence of welfare unit being used by employees. Instead its use is tipped towards being a dwelling place. The use as a dwelling contravenes conditions;
- North wall of main house has been built close to southern wall of number 17, it would be impossible for the emergency services to gain access to the SWU;
- Chimney and stove should be removed, electricity provides alternative heating;
- Hot tub room, 1m high chimney and flat roof overhang are not minor alterations;
- Had these amendments been provided previously then the balance would have tilted towards a refusal;
- Approval would call the planning process into question;
- Biodiversity negatively impacted;
- Garden room complete yet large caravan remains parked to front, and is used by development. The building restricts visibility;
- Will give green light for other developers to do the same;
- Planning history important as 8 different sets of plans were rejected by LDC;
- At no point has it been indicated that the garden room would be used all year round/permanently;
- Main building above permitted height;
- Previous decision to approve was “on balance”;
- Why not put hot tub in building to rear;
- Garden room does not need a kitchen and bathroom;
- Garden room is a self-contained bungalow, overhang and chimney make it outside limits of PD;
- Additional hardstanding, buildings and development mean that small mammal species including hedgehogs do not have a route through the garden;
- Proposals would result in a net loss in biodiversity rather than a net gain required by policy NR3.

9 Letters of objection received during original consultation. The comments are summarised as follows:

Accuracy of Plans/Insufficient detail:

- Garden room incorrect, including chimney and significant overhang;
- Distance of garden room from rear boundary, taking into account overhang;
- Hot tub room orientation not clear;
- Actual planting is different. West Himalayan Birch is Leylandii;
- No information on impact of side wall on hedge along southern boundary;
- Form is not explicit in changes proposed;
- Decision cannot be made until accurate plans/clarity is provided;
- Hot tub room – no details of orientation and materials. It is a permanent construction;
- Lifting of the ridge height may occur;
- Height of chimney to main house has increased;
- Application riddled with inaccuracies, ambiguities and unreferenced changes rendering consultation almost impossible;
- Drawings do not reflect what works have been carried out on site to date;
- Roof light in the garden room not shown on the approved plans;
- Foundations for garden room built;
- Boundary walls adjoining neighbours now fully built;
- Wall adjacent No.2 are now over 1800mm high with timber fence atop retaining wall;
- Further windows to garden room;
- Configuration of window position and style completely different to approved;
- Internal features of garden room have altered many times. Number of rooms have increased from 3 to 4 and now an east facing door with 3 windows, a new window in west side and a sky light above food area, not shown on plans;
- Concern that the developer will build taller than approved;
- Application should be rejected for lack of information;
- Unclear what variations are sought and plans do not annotate variations included;
- Plans do not state what is approved and those showing variations sought;
- Application form does not correlate with covering letter;
- Unsure whether hot tub room would result in overlooking;

Amenity:

- Bigger windows, doubled in depth, in south elevation cannot be allowed. Small slit windows were required to be obscure glazed and fixed shut which is a specific requirement as the development breaches LDC spacing requirements and protection of privacy of residents of Gaialands Crescent, the windows were conditioned any change would breach spacing standards;
- 1m higher chimney adjacent to boundary exacerbates the impact on outlook from No.2 Gaialands Crescent;
- Patio and lighting to rear of garden room would suggest extensive use significantly impacting adjoining properties and overlooking the rear gardens of 4, 6, 8, 10 and 12 Gaialands Crescent;
- Additional pollution from garden room chimney;
- Hot tub room is over 3m tall and only 2m from boundary with No.17 Gaiafields Road; Located in front of primary windows. Its height is overbearing given its proximity to neighbour and proposed dwelling;
- Lights could affect amenity;
- Garden Room chimney is against back garden. Smoke control city and DEFRA listed appliances and fuel must be used to avoid pollution;
- The southern windows as approved allowed it to be classified to be blank. Blatant attempt to revert to larger windows in breach of spacing standards;

- The new building at 3m tall, sited significantly beyond the rear of 17 Gaiafields Road, results in the issue of 45 degree rule and right to light which must again be brought to consideration. Development must be expected to provide another RTL report before LDC can make a decision.

Landscaping:

- Substantial patio has been laid to rear of garden room, not on approved landscaping plan preventing possible planting to rear boundary;
- Leylandii trees have been planted not approved West Himalayan Birch;
- Hawthorn hedge to rear has been replaced by a stone patio and five external lights installed.

Design:

- Garden room constructed to a design which is very different to that which has planning permission for;
- The side wall with 2 Gaialands Crescent was a small retaining wall but now a 2m brick and timber wall which would impact hedge;
- Further proposed buildings increasing the already over intensive development of the site;
- Atrocious piece of design;
- Substantial structure in already intensively developed site;
- Approval was 400% larger than original and developer was not prepared to add this additional building in original plans;
- Concern over removal of brick banding detail on south elevation. Band important in assessing whether building is built to agreed height. The removal of the detail gives no relief to 18m long 4m high solid brick wall;
- Developer should stick to the obviously flawed design he has permission for.

Other Matters:

- Previous decision “on balance” which was achieved via a number of conditions which are now being sought to vary. The balance has now been destroyed;
- The conditions are still necessary now and there is no reason to lift the conditions that were imposed and they should be strictly enforced;
- The breaches should be enforced against;
- There has been disregard to the CVMP;
- Developer desires to build what he wants, which cannot be permitted given the planning permission was “on balance”;
- Previous plans showed garden room to be 3m in height. A chimney at 1m in height would be against permitted development rights. It would not have been granted had this been the case;
- Chimney should not be ratified as it undermines the planning process;
- The overhang means the building is not 2m from the boundary – breaching permitted development rights. The structure is therefore 1.5m too tall;
- The garden room is a second dwelling;
- Original application was very contentious. The developer must comply with the terms of the original permission;
- Committee must not grant retrospective permissions and should require enforcement action to be taken with the building removed/demolished;
- Developer should be written to state that LDC require total and strict compliance with the permission;
- View of LCC planning committee is to take firm and strict approach;
- Planning system and LDC must have integrity;
- Any deviation from the approved plans, particularly in terms of increased development, encroachment on boundaries or impact on outlook must tip the balance towards refusal;

- Assurances were given that these conditions would not be changed as they were mitigating factors in allowing the development;
- The chimney is above the permissible height for the building;
- Building is long way off being a site welfare unit;
- Gradual changes add up to very significant alterations overall;
- Variations violate and upset the agreed balance and should be refused;
- Acknowledges to install a wood burning stove;
- Dimensions of garden room are that of small bungalow, few garden rooms are large enough to alter internal layout;
- Emphasise the condition that garden room be used for purposes ancillary to residential use of Gaiafields Road only;
- Need for wood burning stove is questioned, why would anyone use it?

PLANS CONSIDERED AS PART OF THIS APPLICATION

311.2 Rev 8 – Tree Protection Plan
 311.3 Rev 16 – Hard Landscape Plan
 311.4 Rev 15 – Planting Plan
 Elevations, Sections & Site Plan Rev 1C
 Ground & First Floor GA Plans Rev 1C
 AG/101/3 Rev B - Streetscene

OBSERVATIONS

Site and Location

The application site relates to 15 Gaiafields Road which is located within the settlement of Lichfield as defined by the Local Plan Policies Map. The site lies on the north western side of Gaiafields Road, in a predominantly residential area which is characterised by larger detached dwellings where dwellings vary in size and design. There are varying land levels along Gaiafields Road, with houses on the opposite side sitting at a lower level, and land levels rising as you progress to the south. The rear garden to the application site backs on to the playing fields of St Peters and St Pauls Primary School. Adjacent to the south east corner of the site, within the side garden of no. 2 Gaialands Crescent is a mature Beech tree subject of a Tree Preservation Order. Along the southern side boundary of the site shared with no. 2 Gaialands Crescent is a substantial mature hedgerow which runs from front to back.

A replacement dwelling is currently under construction on the site which is at an advanced stage of construction. A temporary store and caravan are located on the site frontage, which is currently enclosed by hoardings. A garden room has been constructed, and appears to be completed, to the rear of the site.

Background

Planning permission (Ref: 17/01629/FUL) has been granted for the demolition of the previous dwelling and the erection of a replacement dwelling, along with the construction of a single storey garden room. This permission was considered and approved at Planning Committee on 30 July 2018, with the decision being issued on 3 August 2018. The decision to approve was subject to a number of planning conditions including, amongst others, a condition requiring the development to be carried out in strict accordance with the approved plans.

Development has now commenced and is at an advanced stage of construction. During the course of development it was brought to the Councils attention that the development was not being carried out in accordance with the approved plans. Consequently, a planning application has been submitted to vary the plans previously approved. Since submission of this planning application, development

has continued. A number of enforcement investigations have been carried out regarding various aspects of the development in terms of its adherence with the initial approval and its conditions. As the development has not been erected in accordance with the approved scheme, the development is unauthorised.

Proposals

This planning application seeks to regularise the development which deviates from the originally approved plans. The development is at an advanced stage and as such the proposals are largely retrospective.

The application seeks to vary condition 2 of planning permission 17/01629/FUL. Condition 2 requires the development to be carried out in strict accordance with the approved plans. The application seeks approval for a number of variations which are summarised below:

Alterations to dwelling

East Elevation (Roadside)

- Increase in width of ground floor bay window and change in design to square bay. This alteration results in the loss of two smaller side windows in the eastern elevation;
- Introduction of a new canopy roof over the bay window;
- Change from two first floor windows serving bedroom 4 to a single opening;
- Change in design of two dormer windows from gable design to hipped design;
- Revised internal layout at ground floor level.

South Elevation (facing towards No. 2 Gaialands Crescent)

- Removal of brick course detail between ground and first floor;
- Increase in width of study and dining room windows (to remain 1.7m above floor level, obscure glazed and fixed shut).

West Elevation (Garden)

- Change from two first floor windows serving the master bedroom to a single opening;
- Change in design of two dormer windows from gable design to hipped design;
- Increase in width of kitchen bi-fold door opening;
- Reduction in width of kitchen window.

North Elevation (facing towards 17 Gaiafields Road)

- Change in design from gable to hip design;
- Removal of first floor windows serving en-suites;
- Removal of side garage door.

Internal

- Alterations to the internal layout including removal and repositioning of internal walls. An open plan kitchen dining room is now proposed, along with larger openings serving study.

Alterations to garden room

- Internal alterations to increase rooms from 3 to 4 and include food area, rest room, w/c, and drying area. The food area is an addition to the previous approved accommodation;
- Repositioning of door and windows and increase in windows from two to three in eastern elevation;

- Provision of new opening to serve w/c in west elevation;
- Addition of a chimney and external chimney stack. Chimney to project 1m above height of roof;
- Addition of roof overhang to rear elevation projecting 600mm from rear elevation.

Other Proposed Alterations

- Creation of hot tub building measuring 4.15m (w), 4.15m (l) and 3m (h). The building would be sited to the rear of the dwelling 2m from the boundary with No.17 Gaiafields Road. Building to have bi-fold doors to front and high level window to rear;
- Boundary wall between No.15 and No.17, measuring 2000mm high, reducing to 900mm in height forward of building line;
- Changes to hardsurfacing layout including extent of hardsurfacing around garden room;
- Changes to landscaping layout to remove 2 trees to rear of garden room and introduction of 4 rowan trees adjacent to boundary with 17 Gaiafields Road.

With the exception of the change to the front bay window, there are no proposed alterations to the footprint of the dwelling, while there are no other changes proposed to the eaves and ridge height compared to the approved dwelling.

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. Impact on Trees
6. Ecology
7. Other Issues
8. 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 2008-2029; the Local Plan Allocations (2019) and the adopted (made) Lichfield City Neighbourhood Plan.

1.2 This application seeks approval to vary the design of a previously approved replacement dwelling. Therefore the principle of the development (replacement dwelling) has been established under planning permission 17/01629/FUL.

1.3 The development is at an advanced stage of construction, the amendment to the design of the dwelling, outbuildings and external elements of the scheme which are sought for approval are therefore largely retrospective. Notwithstanding the retrospective nature of the planning application, as confirmed by the National Planning Practice Guidance, the application should be considered in the normal way. Therefore, the proposals should be determined on their merits and in accordance with the policies contained within the Development Plan. The fact that the works are retrospective would not therefore be a reason to withhold permission.

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

2.1 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*”. Core Policy 3 states that development will protected and enhance the character and distinctiveness of Lichfield District, and that development should be of a scale and nature appropriate to its locality.

- 2.2 These proposals relate to various alterations to a previously approved replacement dwelling, the approved garden room and the external hard and soft landscaping of the development. The scheme also includes the addition of a hot tub building and new boundary wall between No.15 and 17 Gaiafields Road.

Alterations to Dwelling

- 2.3 The scale and mass of the dwelling would remain largely as previously approved with no change in the eaves and ridge heights. Furthermore, the siting of the dwelling would be as previously approved. The only additional footprint and mass arising from the development would be from the increased width of the bay window and the proposed new canopy over this feature to the front of the dwelling. The proposed hipping of the dormer windows would contrast from the design of the previously approved gable dormer windows. Nonetheless, the dwelling is sited within a varied streetscene with varying styles of dormers and roof types, and therefore no strict uniformity in style exists. In this context it is not considered that these alterations would have a detrimental effect on the overall design of the dwelling or wider streetscene.
- 2.4 The removal of the brick detailing on the southern elevation does not cause any undue harm to the character and appearance of the property or wider streetscene, due to the limited visibility of this elevation from the streetscene. Furthermore, it is not considered that the other alterations to elevations in terms of number and size of openings significantly affects the overall design of the proposed development.
- 2.5 Concern has been raised that the height of the dwelling is greater than the dwelling approved and detailed on the approved and submitted streetscene drawings. During the course of the application, members of the Councils Planning Enforcement team visited the site on a couple of occasions to ascertain the eaves height of the dwelling as constructed at that time. The Councils’ Enforcement Officer was satisfied that the eaves height of the development was as approved and therefore were satisfied that no breach of planning control had arisen in this respect. Furthermore, based from on and off site observations of the development, the ridge height of the dwelling does not appear to be dissimilar to that of No.17.
- 2.6 Further comment has been raised that the streetscene drawing fails to show all boundary treatments and does not accurately reflect the development proposed. Details of front and side boundary treatment is detailed on other plans and its absence from the streetscene drawing is not significant. Nonetheless, it is not considered that the erection of a 2m high boundary wall between No.15 and No.17 Gaiafields Road results in any significant erosion of the openness of the streetscene above and beyond what has previously been approved. Furthermore, it must also be acknowledged that a 2m high boundary between the two properties can be carried out without requiring planning permission in any event.
- 2.7 In view of the above, it is considered that the scale, massing and design of the proposed dwelling are appropriate to the context and would not cause an adverse impact on the character and appearance of the surrounding area and as such, would accord with the Development Plan and NPPF in this regard.

Outbuilding (Garden Room)

- 2.8 The footprint and general dimensions of the garden room would not alter compared to that previously approved. It is acknowledged that the development now includes a 600mm

overhang to the rear elevation along with the introduction of a chimney. The introduction of these features does not significantly alter the overall scale of the building to any demonstrable degree. The repositioning of openings also does not significantly alter the design of the building. Views of the outbuilding from public vantage points would be limited, however it is noted that views of the structure are available from nearby neighbouring properties and gardens. Notwithstanding this, it is not considered that the design alterations to the building causes any significant harm to the character and appearance of the area.

- 2.9 It is noted that several comments have been made which state that the design alterations to this building now takes the development proposals outside the parameters of “permitted development” being within 2m of the boundary and over 3m in height. As permission is required for the development, the building needs to be assessed on its merits and in the context of the policies in the Development Plan. The fact that a development does not fall within the parameters of permitted development is not a reason to resist a development. In light of this, and as set out above, it is considered that the alterations in design terms are appropriate and would not cause harm to the character and appearance of the area and as such, it is considered that the development complies with the Development Plan in this respect.

Proposed Hot Tub Building

- 2.10 The scheme includes the introduction of a hot tub building which would be sited to the rear of the dwelling 2m from the boundary with No.17 Gaiafields Road. Given the size of the application site, and the relatively modest footprint of the new building, it is considered that the development can be accommodated within the site without representing an overdevelopment of the plot. As a general guide, permitted development rights allow for outbuildings be erected within a site so long as they do not cover more than 50% of the plot and the cumulative proposals would not exceed this site coverage.
- 2.11 While no materials detail for the hot tub building have been provided, it is understood that this would be a timber structure. It is noted that there is no restriction on the materials of outbuildings which can be erected under permitted development rights. Details of the materials to be used for the construction of this outbuilding are therefore not considered to be essential.
- 2.12 With regard to this building, it would appear that its parameters may fall within the restrictions of permitted development for Class E outbuildings in that the overall height does not exceed 3m and the building would not be sited within 2m of the site boundary. It may be possible therefore that the building could potentially be erected under permitted development rights (after the point in which the replacement dwelling is first occupied).

Other Alterations

- 2.13 As detailed above the scheme now includes the erection of a boundary wall between No.15 and No.17 Gaiafields Road. The wall between the two properties would be 2m in height, reducing to 0.9m in height forward of the building line. The wall would connect with the previously approved wall along the roadside boundary. It is considered that the wall, in terms of its design and scale is appropriate for its context given the previous approval and would not result in a terracing effect between No.15 and 17.
- 2.14 The amended proposals include alterations to the hard and soft landscaping. This includes the removal of two proposed trees to be sited to the rear of the garden room, and their replacement with 4 rowan trees which would be sited in the rear garden along the boundary with No.17. The substitution of these trees is considered to be acceptable and would lead to an increase in vegetation at the site above what has previously been approved. The submitted landscaping scheme continues to show the provision of a hedgerow along the rear boundary (behind the garden room). It is noted that there are some coniferous trees

currently in the position where the 4 rowan trees would be sited. Notwithstanding this, these do not form part of the landscaping scheme and the delivery of the landscaping scheme, as detailed on the plans, is required to be carried out within 8 months following completion of the development.

- 2.15 The proposed hardsurfaced areas is also proposed to be amended including alterations to the path from house to rear building, and hardsurfacing surrounding that building. It is not considered that the changes to the extent of hardsurfacing has a detrimental impact on the character and appearance of the area, and the ratio between hardsurfacing and landscaped areas remains appropriate in its context.

3. Residential Amenity

- 3.1 Policy BE1 of the Local Plan Strategy states that development should have a positive impact upon amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. Core Policy 3 also states that development should protect the amenity of residents and seek to improve overall quality of life. The adopted Sustainable Design Supplementary Planning Document (SPD) at Appendix A sets out guidelines to ensure a satisfactory standard of amenity for existing and proposed occupiers. It is important to note that since this development was last considered at Planning Committee, the content and guidance contained within Appendix A has been reviewed and updated.

- 3.2 The dwelling would remain as previously approved in terms of its overall scale, height and its proximity to, and relationship with, neighbouring properties. This is with the exception of the slight increase in footprint arising from the increased width of the bay window. It is considered that this increase in footprint is small scale and does not affect the overall relationship with neighbouring properties. Therefore, the relationship with neighbouring properties from the built form of the dwelling would be as previously approved, and does not give rise to any issues above and beyond the approved development.

- 3.3 The positioning of windows would remain largely as previously approved. Within the front elevation the approved first floor windows (serving bedroom 4) would be consolidated to one opening, while within the rear elevation the first floor master bedroom openings would be reduced from two to one. The scheme includes alterations to the proportions of ground floor openings within the front and rear elevations, and it is also proposed to remove openings from the side elevation facing towards No.17 Gaiafields Road. No additional issues would arise from these alterations.

- 3.4 Within the southern elevation, facing towards No.2 Gaialands Crescent, it is proposed to increase the width of the side facing windows which serve the study and dining room. These openings were approved as high level, obscure glazed and fixed openings. The proposed increase in width of these openings has given rise to significant objection from the neighbouring occupants, in that this alteration would (in their opinion) result in a breach of spacing standards set out in the SPD, therefore resulting in amenity issues. These openings would remain high level (1.7m above internal floor level), obscure glazed and fixed shut. The SPD states that there should be no windows serving principal habitable rooms on side elevations at ground floor level, unless there is an intervening screen (wall or fence) blocking interaction, or the window is obscure glazed top hung/fixed shut. It should also be noted that the internal layout has been altered so that the dining room and kitchen are open plan. This side window would no longer be the principal opening serving that room, and as such can be considered to be a secondary opening. The question is therefore whether the increase in width of the openings would give rise to any further amenity issues, above and beyond, that previously approved. Between the openings and the adjacent property there is a 1.9m high boundary wall/fence, with a substantial hedge beyond, which is sited at a higher level. This substantial boundary screening prevents direct interaction between the openings and the neighbours property. Notwithstanding this, the fact that the windows are obscure

glazed, high level and fixed shut, it ensures additional mitigation to prevent any loss of privacy or overlooking. It is considered therefore that additional harm to amenity arising from the increased width of the high level, fixed shut, obscure glazed windows is not demonstrated and therefore no further amenity issues would arise, so as to justify refusal of the proposals.

- 3.5 While the heights and relationship of the dwelling with neighbours would remain the same, additional built form is proposed through the addition of a hot tub room. This building would be sited to the rear of the dwelling and would have a height of 3m, and a width and depth of 4m. The building would be set in 2m from the boundary with No.17 Gaiafields Road. It is therefore necessary to assess whether the addition of this building would affect daylight and outlook from openings in No.17 Gaiafields Road. Within the side elevation of No.17 are two openings at ground floor level which would have the potential to be affected. The nearest opening is a dining room window, however this is a secondary opening as there are other windows serving that room. The building would be within the 45degree horizontal line from that opening, however given the modest height of the building, the 45degree vertical fall would fall short of the opening. The building would also sit below the 25 degree line from this opening, therefore no demonstrable loss of outlook would arise. There is also a playroom window which is located further away from the hot tub building, this is a principal opening to a habitable room. The hot tub building would fall within the 45degree horizontal from this opening, however given the distance between the hot tub room and this opening, along with its modest height the 45 degree fall would not be close to this opening, and therefore no breach of the standards set out in the SPD.
- 3.6 It must also be noted that there is a 2m high boundary constructed between the two properties which, due to its close proximity to openings in No.17, affects daylight and outlook, while the orientation of the building to these openings is also a factor. Neighbours have suggested that an up to date right to light survey should be carried out. The SPD confirms that Right to Light legislation falls outside of the planning process, as this is a matter of property law, and it would be for the parties affected to seek a legal remedy separate from the planning process. The SPD confirms that the "Impact on right to light will not therefore justify a reason to refuse planning permission". As set out above the provision of the hot tub building falls within the guidelines of the SPD.
- 3.7 With regard to the garden room, it is considered that the addition of the overhang and external chimney are not significant additions and minor having regard to the overall scale and mass of the development. Also they are primarily sited adjacent to the playing fields to the rear, rather than a residential curtilage. It is considered that no additional issues would arise from this building in terms of overbearing, overshadowing or loss of daylight to neighbouring occupiers. The additional openings to the front do not result in any further amenity issues compared to the previously approved scheme.
- 3.8 Concern has been raised with regard to the impact of the proposed log burner stove and chimney which has been installed on the garden room, and the impact that this would have on neighbours from smoke/fumes. No objection has been raised by Environmental Health with regard to the proposed scheme. It is also noted that any wood burning stove should be installed in accordance with Building Regulations requirements, while there may also be controls under Environmental legislation should smoke/fume issues which give rise to a statutory nuisance during use. Therefore, there is no sustainable planning reason to resist the chimney and stove elements.
- 3.9 Concern has also arisen with regard to the external lighting which has been installed on the underside of rear projecting canopy of the garden room. The installation of such lighting is not development and does not require planning permission in its own right.
- 3.10 Therefore overall, whilst it is appreciated that there are a number of changes proposed, it is considered that the amended proposals are not at significant variance to the previously

approved scheme to result in any further undue harm to the amenity of neighbouring properties, as it is considered that the proposals, subject to conditions, adhere to the guidelines contained within the Council's adopted Supplementary Planning Document. Accordingly, it is considered the proposals do not conflict with the development plan and NPPF, with regards to the proposals impact on neighbouring residential amenity.

4. Access and Highway Safety

4.1 Concern has been raised with regard to the development being carried out within the public highway and the potential for the development obscuring visibility from neighbouring properties. The positioning of the front boundary wall, and access arrangements, would remain as approved on the previous planning permission.

4.2 With regard to encroachment onto the public highway, this issue was considered under the previous scheme, where it was observed that *"although there is no substantial footway to the frontage, only a narrowing strip indicated on OS plans, Staffordshire County Council records show that the proposed wall on its proposed alignment will not encroach onto the adopted highway"*. SCC Highways have raised no concern with regard to this application, which is in line with the previously approved scheme.

4.3 The only alteration to the front of the site is the provision of a 900mm high wall between No.15 and No.17 Gaiafields Road. This wall would not project above the height of the previously approved front boundary wall. No additional reduction to visibility would arise from this wall compared to the previously approved scheme, which includes a boundary wall along the roadside boundary. SCC Highways have raised no concern in this respect.

4.4 Sufficient off street parking would remain for the proposed development. Therefore, it is considered that the proposed development would not give rise to any highway safety issues.

5. Impact on Trees

5.1 Policy NR4 of the Local Plan Strategy identifies the ecological and visual importance of trees and hedgerows across the District. Trees which are of particular significance will be protected and retained where possible, and the removal of large mature species and their replacement with smaller short lived species will be resisted. The policy also acknowledges the need to retain sufficient space to allow for sustainable growth and looks to retain the important tree cover in the District as a whole.

5.2 The Council's Supplementary Planning Document; Trees, Landscaping and Development provides guidance on how to successfully integrate existing trees into development and integrate new planting into a scheme to ensure its long term retention. The site is not within any designated Conservation Area and there are no TPO's directly on site. However, there is a large TPO'd Beech tree directly adjacent to the site adjacent to Gaiafields Road within the confines of no. 2 Gaialands Crescent.

5.3 The impact on the protected tree has previously been considered, and deemed to be acceptable. The construction of development within close proximity to the protected tree is as previously approved and no further development is proposed that would give rise to any significant implications on protected trees. Tree protection measures have previously been approved, which have been secured by condition. The retention of tree protection measures, in accordance with the previously approved scheme would remain pertinent.

6. Ecology

6.1 Local Plan Strategy Policy NR3 requires that a net gain to biodiversity should be delivered through all development. This will be achieved in this case through the installation of a bat or bird box within the application site. A condition to secure the installation of a suitable

bat/bird box is proposed. The net gain in biodiversity value derived by this provision will be given due weight as required by Paragraph 118 of the NPPF. Accordingly, the Council's ecologist has raised no objection to the scheme and the proposal complies with the requirements of Development Plan and NPPF in this regard.

- 6.2 Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within a 15km radius of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC unless or until satisfactory avoidance and/or mitigation measures have been secured. The Council has adopted guidance on 10 March 2015 acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. Whilst the site lies within the 15km zone of Cannock Chase SAC, there is no requirement for contributions in this instance as the site lies outside the 8km limit and there would be no net increase in dwellings.

7. Other Matters

- 7.1 Concern has been raised that there is no emergency access to the garden room. As an outbuilding, which is ancillary to the main dwellinghouse, it is not considered necessary for this building to have access for emergency vehicles.

- 7.2 Numerous comments have been made with regard to the previous application being approved on balance. These concerns are noted, however it is not considered that the proposed alterations detailed within this application, individually or cumulatively, tip the planning balance in favour of a refusal, as discussed above.

- 7.3 The previous conditions applied to the earlier permission would need to be transferred over to any approval for the amended scheme. The majority of these conditions would remain pertinent including those conditions which seek to preserve the amenity of adjoining properties. The conditions have been varied where appropriate to reflect previously approved detail or reflect new plans. The approved construction vehicle management plan required the removal of the temporary caravan to the front of the site once the welfare unit (garden room) was completed. As this building has now been completed it is considered appropriate to attach a further condition requiring the removal of this building within a certain timescale.

- 7.4 With regard to concerns relating to the accuracy of plans and level of information provided. During the course of the application, amended plans and additional information was sought. Following receipt of these amended plans and additional information providing clarity on the extent of the amended proposed, it is considered that an appropriate level of information has been provided to enable an informed decision to be made on the development proposed.

- 7.5 The fact that a significant number of the alterations proposed are "retrospective", does not make them unacceptable. It is appreciated that there is already consent for a substantially similar built form and this proposal relates to the changes/alterations and the harm, or otherwise, such changes cause.

8. Human Rights

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

- 8.2 Representations received consider that Article 1 of the first protocol, which states that every person is entitled to peaceful enjoyment of their possessions has not been fully considered. It is however considered that the impacts on neighbouring residents have been given due and full consideration as part of the consideration of the application, as set out above. Regard has been given to Lord Justice Pill in the case of *Lough v the First Secretary of State and Bankside Developments Limited (2004) EWCA Civ 905*, and in particular the conclusions therein. This highlights the need to also acknowledge of the rights of the landowner/developer and amongst other things, to appropriate planning control. As set out above, proportionate consideration has been given in making this recommendation to the Planning Committee in such regard.

Conclusion

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

With regard to the specifics of design and layout, it is considered that the application provides a scheme, which will integrate successfully into the existing local character and context and provides a high quality development, it is not considered that the proposed alterations detailed in this application would water down the quality of the scheme. The proposal would deliver a 4-bed dwelling in a sustainable location, which is supported by both National and Local Policies. It is considered that the plot size and relationship of the built form to amenity space is consistent with that to be found in the surrounding area, and adequate garden area would also be retained for the new dwelling.

The significant concerns raised by local residents have been duly noted and fully considered, however it is considered that there would be sufficient separation and adequate relationship between neighbouring dwellings, so as not to cause significant undue harm to the amenity of adjacent neighbouring occupiers.

Consequently, it is considered that the scheme is acceptable, and as such, it is recommended that this application be approved, subject to conditions, as set out above.

LOCATION PLAN

19/01061/FUH
215 Rugeley Road
Chase Terrace Burntwood

Scale: 1:1,000

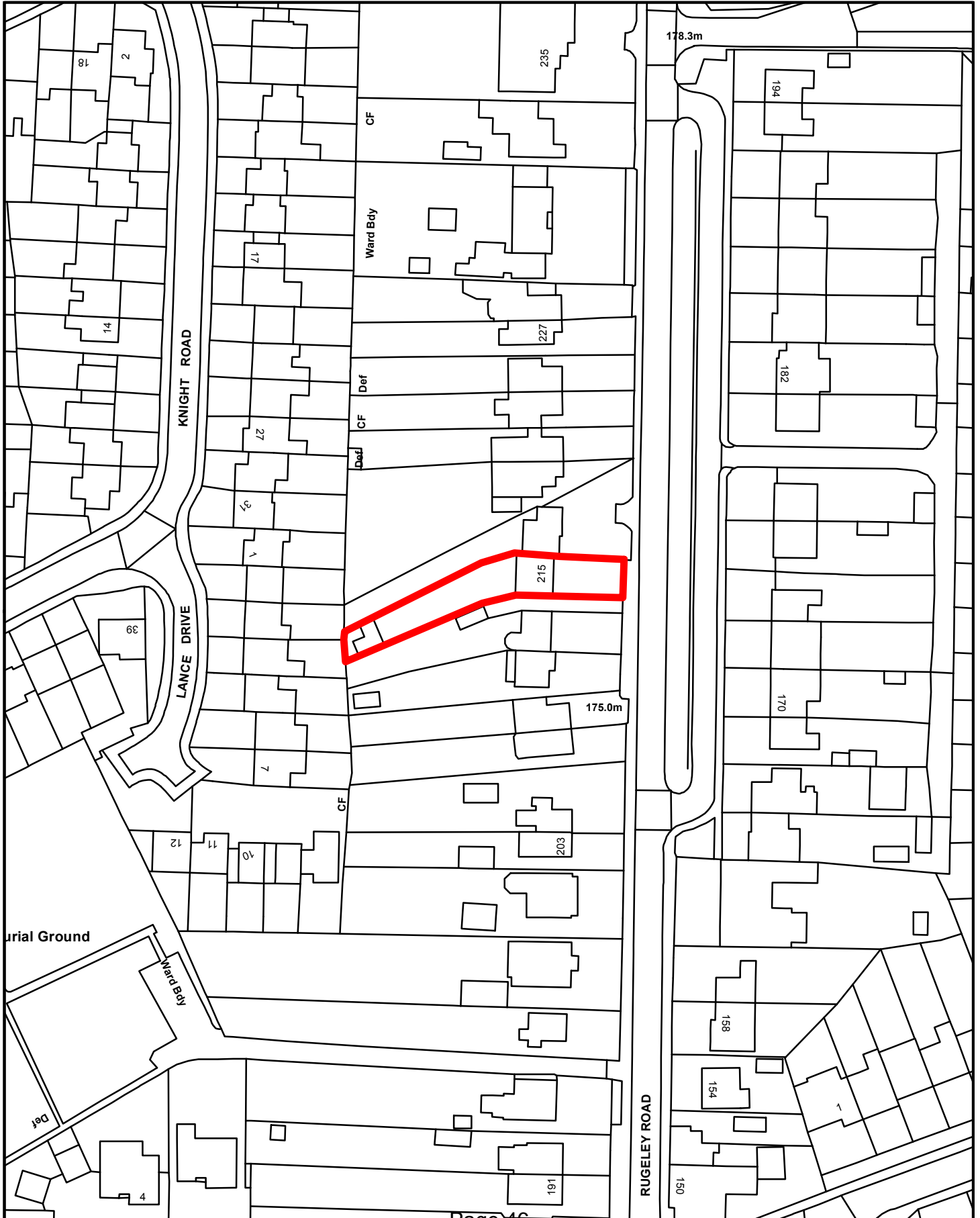
Dated: September 2019

Drawn By:

Drawing No:



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19/01061/FUH

**ERECTION OF OUTBUILDING TO FORM SINGLE STOREY RESIDENTIAL ANNEXE FOR DEPENDENT CHILD
215 RUGELEY ROAD, CHASE TERRACE, BURNTWOOD, STAFFORDSHIRE
FOR MR & MRS THOMPSON**

Registered **23/07/2019**

Parish: Burntwood

Note: This application is being reported to the Planning Committee due to a Call-In by Councillor Birch relating to planning policy, residential amenity, limited access and parking, concerns about future use, and setting precedent.

RECOMMENDATION: Approve, subject to the following conditions:

CONDITIONS:

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. The annex hereby approved shall be occupied in a manner which is wholly ancillary to the residential use of the dwelling known as 215 Rugeley Road, Chase Terrace, Burntwood; and shall not be used, sold or let as a separate dwelling unit without prior permission, on application to the Local Planning Authority.

REASONS FOR CONDITIONS:

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Practice Guidance.
3. In the interests of the character and appearance of the area, in accordance with Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and 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. Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

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
Policy ST2 – Parking Provision
Policy Burntwood 1 – Burntwood Environment

Local Plan Allocations

N/A

Supplementary Planning Document

Sustainable Design

RELEVANT PLANNING HISTORY

N/A

CONSULTATIONS

Burntwood Town Council - Objection as this proposal is for backland development and adequate parking [to facilitate a three bedroomed semi-detached property and a single storey property] is not provided. (16th August 2019)

Severn Trent Water – No objection. (26th July 2019)

LETTERS OF REPRESENTATION

0 letters of representation have been received in respect of this application.

OTHER BACKGROUND DOCUMENTS

N/A

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

1975.1

OBSERVATIONS

Site and Location

The application site relates to a semi-detached property located on the western side of Rugeley Road, Chase Terrace. The property sits within a residential area within the settlement boundary for Burntwood as defined by the Local Plan Policies Map. Properties along the road vary in design and character. The site has a linear rear garden which is off set from the rear elevation of the property, the rear garden of the application dwelling and neighbouring property is accessed via a shared driveway. To the front of the site there is off road parking for at least two cars and there is an existing dropped kerb. The rear of the site has a mix of fencing and small trees/shrubbery. Adjacent to the proposed annex is a single storey detached garage which is within the curtilage of the neighbouring property Number 213 Rugeley Road.

Proposals

This application seeks permission for the erection of a single storey detached annexe to be located in the rear garden of the property. The building would be sited adjacent to the neighbouring garage. The annexe would measure 8.5m x 3.6m and will be 3.25m in ridge height and 2.5m in eaves height. The annexe would be constructed from Redland stonewold mini concrete roof tiles and facing brickwork, both to match the existing dwelling. There would be a windows in the west and east elevations to serve a single bedroom and living area and two obscured windows to serve a wet room on the side elevation facing into the application site garden. There will also be a patio door facing into the garden. Accommodation would comprise a living area, bedroom and wet room.

Determining Issues

1. Policy & Principle of Development
2. Design & Amenity
3. Parking
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 Lichfield District Local Plan Strategy 2008-2019 and the Allocations Document (2019).
- 2.2 The site is located within the sustainable settlement of Burntwood, where the principle of householder development including the construction of ancillary outbuildings, including an annexe, is considered to be acceptable.
- 2.3 Concern has been raised with regard to the future use of the building. The building is ancillary to the use of the main dwelling and any future use as an independent dwelling would require its own planning permission. Consideration of this would be a matter for a future application.

2. Design

- 2.1 The NPPF attaches great importance to design of the built environment and sets out that high quality and inclusive design should be applied to all development, including individual buildings, private spaces and wider area development schemes. It also states that development should respond to local character and history, and reflect the identity of local surroundings. This sentiment is echoed in Policy BE1 of the Local Plan Strategy which requires new development in terms of layout, size, scale, design and public views. The Policy continues to expand on this point advising that good design should be informed by “appreciation of context, as well as plan, scale, proportion and detail”.
- 2.2 The proposed annexe is to serve a dependent disabled child and is located at the rear of the site within the residential curtilage. The annexe has been sited close to the main dwelling so that the child can easily access the main dwelling whilst also maintaining some independence. It is considered that there is a clear functional relationship between the siting of the outbuilding and the existing dwelling.
- 2.3 The annexe is sited adjacent to a neighbouring rear single storey detached garage, and is considered to be an appropriate form of development which is consistent with the neighbouring property. It is considered that the building can be provided within the residential curtilage without resulting in an overdevelopment of the plot. Furthermore, the annexe has been designed with a pitched roof with matching materials to ensure it is in keeping with the style of the main dwelling.
- 2.4 From a design perspective it is considered that the development is acceptable and in accordance with the Development Plan.

3. Amenity

- 3.1 Policy BE1 of the Local Plan Strategy states that development should have a positive impact upon amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. Core Policy 3 also states that development should protect the amenity of residents and seek to improve overall quality of life. When assessing the impact of development on the neighbouring properties reference should be made to Appendix A of the Sustainable Design SPD. Contained within this are guidelines which assess the impact of development on the ability of neighbouring properties to receive sunlight and daylight.
- 3.2 The annexe will have principal habitable room windows on three elevations. There are no windows proposed on the shared boundary and it is considered there would be no amenity issues here given the siting of the annexe adjacent to a non-habitable garage. The proposed living room window is approximately 7.5m away from the rear of the application dwelling. Whilst this would fall short of the required 21 metres for new development in the Sustainable Design SPD, the annexe is ancillary to the main dwelling and its use is therefore considered appropriate as there would be no amenity issues towards the main dwelling. The side facing living room window faces the shared boundary between number 215 and 217. This distance is approximately 3.2m. There is existing boundary treatment between the window and private amenity space, and this intervening feature is sufficient to ensure that the presence of this window would not result in any adverse issues through overlooking or loss of privacy. The proposed bedroom window faces down the garden of the application site and therefore does not result in any overlooking to private amenity space.
- 3.3 Due to the modest scale of the annexe and its positioning adjacent to an existing outbuilding, it is not considered that the development would give rise to any amenity issues relating to loss of daylight; overbearing or overshadowing on the neighbouring property and adjoining private

amenity spaces. No adverse amenity issues would arise as a result of the proposed development.

4. Parking

4.1 Local Plan Policy ST2 states that appropriate provision should be made for off street parking in development proposals in accordance with the maximum parking standards set out in the Council's Sustainable Design Supplementary Planning Document.

4.2 The SPD advises that 3 and 4 bedroom dwellings have an off street parking requirements of 2 spaces per dwelling. In this instance the existing dwelling has 3 bedrooms while the proposal would result in one additional bedroom, resulting in a 4 bedroomed property.

4.3 As both 3 and 4 bedroom properties have the same demand for off street parking, there is no uplift in off street parking requirement arising from this development. Notwithstanding this, there is on-site parking for at least 2 vehicles at the site which is accessed from the public highway. Therefore, on this basis, no further off-road provision is required while there is existing off street parking to meet the demand of the property. Consequently, the proposal meets the requirements of Policy ST2 of the Local Plan Strategy and guidance within the Sustainable Design Supplementary Planning Document.

5. Other Issues

5.1 Burntwood Town Council have also raised concerns with regards to the future use of the annexe. They have concerns that the building could easily be retained and potentially sold if additional permissions are granted. Whilst this is understood, the use of the annexe as an independent dwelling would require its own planning permission which would be determined on its own merits having regard to matters relating to design, residential amenity and off road parking. In this instance, given the close relationship with the host property and its siting within the narrow garden, it is likely that there would be amenity issues should an independent planning unit be sought. Nonetheless, it is recommended that a condition be attached to any approval tying the use of the building to the main dwellinghouse. Any concerns relating to similar back garden/land development which may have the potential to impact significantly on the sustainability and amenity of the area would be a consideration for that future planning application.

5.2 The proposed residential annexe is required to provide additional living accommodation for a dependant disabled child who lives at the main dwelling. The proposed building does not contain all of the facilities required for an independent dwelling and shared facilities such as the kitchen would remain within the main dwelling. Furthermore, as set out above, due to the close relationship with the main dwellinghouse, it is considered that there is a clear functional relationship between the two.

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 is an acceptable form of development as a matter of principle. In this instance, it is considered that the development would not cause harm to the character and appearance of the area; the amenity of neighbouring properties; or highway safety.

Consequently, it is recommended that this application be approved, subject to conditions.

ITEM B

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

30 September 2019

CONTENTS

Case No.	Site Address	Parish/Town Council
19/01055/FUH	91 London Road Canwell	Hints And Canwell
19/01093/FUL	Burntwood Leisure Centre High Street Chasetown Burntwood	Burntwood

LOCATION PLAN

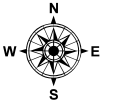
19/01055/FUH
91 London Road
Canwell Sutton Coldfield

Scale: 1:1,000

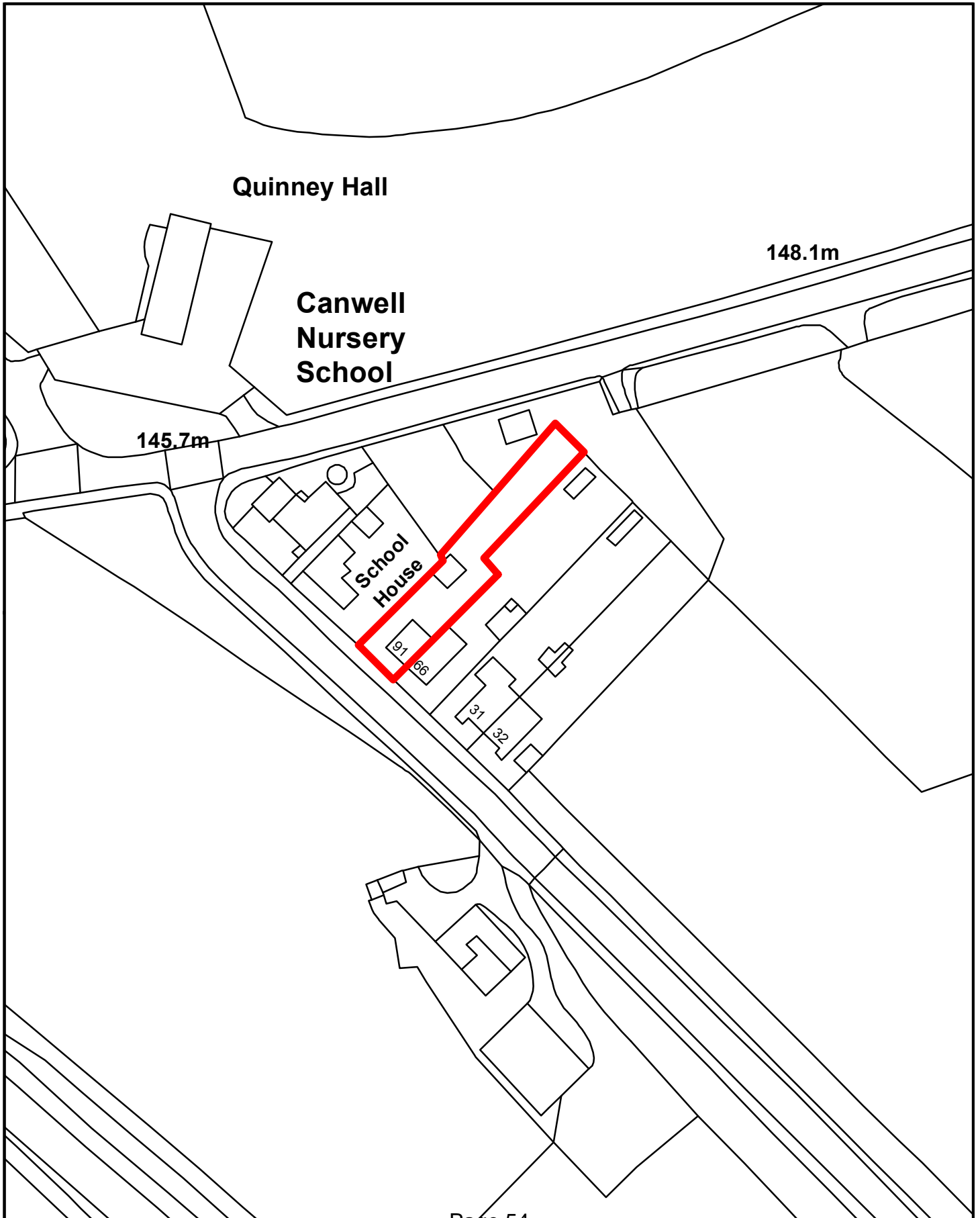
Dated: September 2019

Drawn By:

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19/01055/FUH

SINGLE STOREY EXTENSION TO REAR INCLUDING DEMOLITION OF EXISTING CONSERVATORY 91 LONDON ROAD, CANWELL, SUTTON COLDFIELD, STAFFORDSHIRE FOR MR A YEATES

Registered 23/07/2019

Parish: Hints And Canwell

Note: This application is being reported to the Planning Committee due to as the applicant is a Councillor of 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.

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.

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.

PLANNING POLICY

National Planning Policy
National Planning Policy Framework

Local Plan Strategy

- Policy BE1 - High Quality Development
- Policy CP2 - Presumption in Favour of Sustainable
- Policy CP3 - Delivering Sustainable Development
- Policy NR2 - Development in the Green Belt
- Policy NR3 - Biodiversity, Protected Species & their Habitats

Local Plan Allocations

N/A

Supplementary Planning Document

Sustainable Design SPD

Neighbourhood Plan

N/A

RELEVANT PLANNING HISTORY

99/01082/FUL	Side porch and kitchen, rear conservatory extensions	Approve	21/03/2000
18/01206/FUL	Single storey rear extension to form living room	Approve	30/10/2018

CONSULTATIONS

Hints with Canwell Parish Council – No objection (30th July 2019)

Severn Trent Water – No objection (26th July 2019)

LETTERS OF REPRESENTATION

No letters of representation have been received in respect of this application.

OTHER BACKGROUND DOCUMENTS

None

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

Existing & Proposed Plans and Elevations - 0741903

OBSERVATIONS

Site and Location

This application relates to a semi-detached two storey dwelling located on the north-eastern side of London Road, which is situated within a small linear development of 8 houses and a Nursery school within the area of Canwell. The dwelling has neighbours to the north-west and south-east and the A38 is located to the west. There is a tall hedgerow to the front boundary of the site which separates Number 66 from Number 91. The driveway is ungated and leads to a small area of paved hardstanding. To the rear of the dwelling there is a private enclosed garden area and outbuilding.

Background

The proposed development has been previously approved by the Planning Committee, however the applicant now seeks to alter the design of the proposed roof. This would be changed from a combination of a flat/monopitched roof to a flat roof.

Proposals

The application seeks to remove the existing single storey rear conservatory which will be replaced with a larger single storey rear extension. This would consequently create a wrap-around extension when connecting the proposal with the built previous extensions to form a larger kitchen area.

The rear extension will measure of 3.35m in depth by 8.35m in width and a maximum height of 2.9m with a flat roof. The extension will have a rendered finish and would include a large glazed opening to the rear 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. Other Issues
5. Human Rights

1. Policy & Principle of Development

- 1.1 The application site is located within the West Midlands Green Belt and 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.
- 1.2 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.
- 1.3 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 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, subject preserving openness.
- 1.4 The proposed development has been considered with regard to the third exception to inappropriate development in the Green Belt as listed in paragraph 145 of the NPPF, 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'. The original building is considered to be the building as existed on 1st July 1948 as stated within the glossary of the NPPF.
- 1.5 In planning there is no definitive meaning of disproportionate. The dictionary definition of disproportionate is "too large or too small in comparison to something else". Whether

something is disproportionate therefore is a matter of judgement. There is no definitive policy within the NPPF or the Local Plan Strategy which sets out any prescriptive volumes or area increase. The Council did previously have a policy (DC5) which related to extensions to dwellings in the Green Belt which prescribed a 30% increase in volume or 50% floor area. This remains a good rule of thumb, in determining whether any proposal is proportionate.

- 1.6 The dwelling first appears on the Council's historical mapping in 1882. The sites planning history demonstrates that the dwelling has been previously extended once. Using the Council's historical mapping and the plans from the 1999 permission, the original dwelling had a footprint of approximately 49.6m² and volume of approximately 121.8m³.
- 1.7 The resultant dwelling with the existing extensions and the addition of the proposal subject to this application would result in a cumulative footprint increase of approximately 107% and a volume increase of approximately 33% when compared with the original dwelling. Due to the change in roof design of the extension, there is a decrease in volume compared to that previously approved. Consequently, given the limited cumulative increase in volume, and the small scale nature and context of the works, the proposal is considered to be a proportionate addition under Paragraph 145 of the NPPF.
- 1.8 Therefore it is considered that the principle of development in this instance is acceptable and would accord with the Development Plan and NPPF in this regard.

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

- 2.1 The NPPF attaches great importance to design of the built environment and sets out that high quality and inclusive design should be applied to all development, including individual buildings, private spaces and wider area development schemes. It also states that development should respond to local character and history, and reflect the identity of local surroundings. This sentiment is echoed in Policy BE1 of the Local Plan Strategy which requires that extensions and alterations to existing buildings, to carefully respect the character of the surrounding area and development in terms of layout, size, scale, design and public views.
- 2.2 The proposed rear extension due to its location would not have a detrimental impact on the streetscene. Furthermore, due to its scale, massing and materials, the proposal is not considered to form an incongruous addition which would detract from the character and appearance of the dwelling. The development proposes the use of render, which would be a contrasting material to the host property. Notwithstanding this, due to the rear siting and modest scale of the extension, it is not considered that this would have a detrimental impact on the host property or wider streetscene. It is also noted that the neighbouring property has also been extended to a similar scale. As such, the proposal is considered to be in keeping with the design and character of the host dwelling, street scene and wider area. Overall, it is considered the proposals accord with the Development Plan in this regard.

3. Residential Amenity

- 3.1 Policy BE1 of the Local Plan Strategy states that development should have a positive impact upon amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. Core Policy 3 also states that development should protect the amenity of residents and seek to improve overall quality of life. When assessing the impact of development on the neighbouring properties reference should be made to Appendix A of the Sustainable Design SPD. Contained within this are guidelines which assess the impact of development on the ability of neighbouring properties to receive sunlight and daylight.
- 3.2 Given the relative distances to adjacent properties and intervening structures, (only the semi-detached neighbour is sufficiently close to be affected) it is considered that the proposed extension would not cause a significant loss of light to the principle habitable windows of the

neighbouring properties. With regards to separation distances, the proposal meets the minimum distance requirements for principle windows as set out in the Sustainable Design SPD. It is therefore considered the proposal will not result in a significant detrimental impact on the amenity of the neighbours. The change in roof design of the extension does not result in a development which has any greater impact on neighbours than previously approved. As such it is considered that the proposals accord with the Development Plan in this regard.

4. Other Issues

4.1 The proposal does not alter the number of bedrooms within the dwelling, as such there is no requirement for additional parking spaces in accordance with the Sustainable Design SPD. The level of parking provided is therefore acceptable, in accordance with the Development Plan.

5. Human Rights

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

It is considered that the scheme would not result in a disproportionate addition to the original building, as such is considered to be appropriate development within the Green Belt. Also, the development by reason of its scale and massing would not cause significant harm to the openness and character of the Green Belt. It is also considered that the proposed extension will assimilate successfully with the dwelling, whilst not detracting from the surrounding street scene. The proposal will not have a detrimental impact on neighbouring amenity.

As such, the development would accord with the requirements of the Development Plan and the NPPF. Accordingly, approval is recommended, subject to conditions.

LOCATION PLAN

19/01093/FUL

Burntwood Leisure Centre
High Street
Chasetown

Scale: 1:1,500

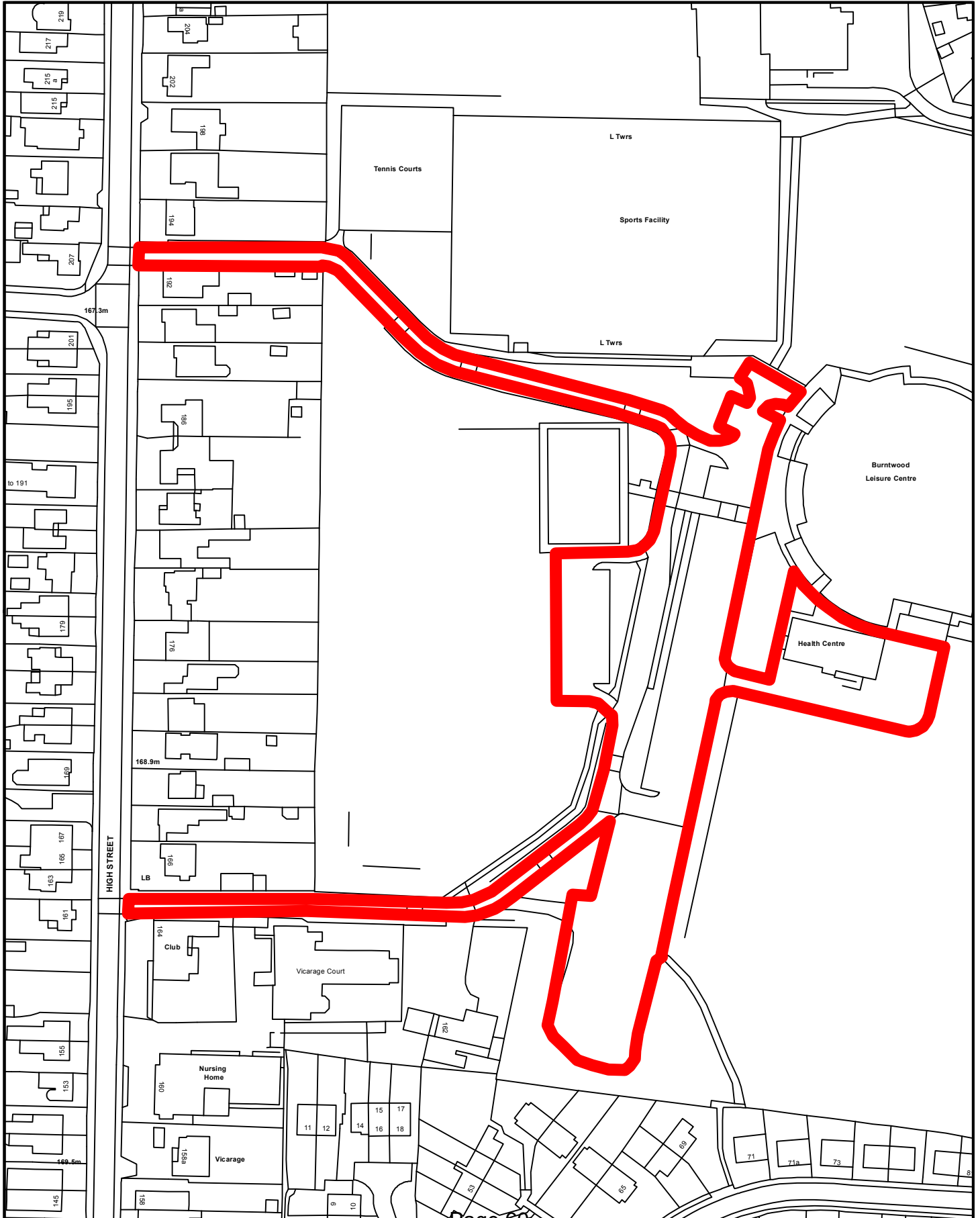
Dated: September 2019

Drawn By:

Drawing No:



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19/01093/FUL

VARIATION OF CONDITION NO 1 OF APPLICATION 14/00892/FUL IN RELATION TO THE RETENTION OF A TWO STOREY MODULAR BUILDING FOR NHS WALK IN HEALTH CLINIC. BURNTWOOD LEISURE CENTRE, HIGH STREET, CHASETOWN, BURNTWOOD FOR MR A HUTCHINSON

Registered **30/07/2019**

Parish: Burntwood

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. This permission shall be for a limited period expiring on 30th September 2024 and at the end of this period, the building shall be removed from the site and the land cleared and reinstated to its condition immediately prior to the implementation of permission 08/00884/FUL or to any other use/condition which may be otherwise approved in respect of this site.

REASONS FOR CONDITIONS

1. In accordance with the applicant's stated intentions and safeguard the character of the site, in accordance with Policy BE1 of the Local Plan Strategy and the National Planning Practice Guidance.

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.

PLANNING POLICY

National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

Local Plan Strategy

Core Policy 1: The Spatia Strategy

Core Policy 2: Presumption in Favour of Sustainable Development
 Core Policy 3: Delivering Sustainable Development
 Core Policy 4: Delivering Our Infrastructure
 Core Policy 10: Healthy & Safe Lifestyles
 Policy ST1: Sustainable Transport
 Policy ST2: Parking Provision
 Policy NR3: Biodiversity, Protected Species & their Habitats
 Policy NR7: Cannock Chase Special Area of Conservation
 Policy BE1: High Quality Design
 Policy Burntwood 1: Burntwood Environment
 Policy Burntwood 2: Burntwood Services and Facilities

Local Plan Allocations

N/A

Supplementary Planning Document

Sustainable Design

RELEVANT PLANNING HISTORY

08/00884/FUL	Erection of a two storey modular building for NHS walk in health clinic	Approved	24/09/2008
11/00921/FUL	Variation of condition no 1 of application 08/00884/FUL in relation to the retention of a two storey modular building for NHS walk in health clinic	Approved	20/09/2011
14/00892/FUL	Variation of condition no 1 of application 11/00921/FUL in relation to the retention of a two storey modular building for NHS walk in health clinic	Approved	04/11/2014

CONSULTATIONS

Burntwood Town Council - No objection in principle as long as the building is still fit for purpose. (16th August 2019)

Environmental Health Team (LDC) - No comments. (2nd September 2019)

Spatial Policy & Delivery Team (LDC) - The site is located within the built up area of Burntwood as shown on Inset 3 of the Policies Map of the adopted Local Plan Allocations document and also falls within the 15km of the Cannock Chase Special Area of Conservation (SAC). The site is also within the designated Burntwood Neighbourhood Plan area. The impact on Cannock Chase SAC will need to be understood and resolved in regard to the application. The Local Plan Strategy supports the provision of improved health infrastructure provision within the District. It is disappointing that the application seeks to continue the use of a temporary structure as a means of health provision for the community of Burntwood and that during the period of the last temporary extension a permanent resolution to health care within the second largest settlement within Lichfield District has not been resolved. However, without an appropriate improved replacement secured the loss of the facility would be contrary to Core Policy 4 and therefore there are no policy objections to the granting of a further temporary use of the site. (14th August 2019)

Directorate of Leisure and Parks (LDC) - This area is not managed by Parks and Open Spaces. Any alterations to the grounds maintenance regime will be as per Freedom Leisure's service level agreement. (30th July 2019)

Staffordshire County Council (Highways) - No objections. (15th August 2019)

Sport England - The proposal is for the temporary retention of a clinic building, precedent set by previous temporary permissions, which has no direct impact on the playing field. Therefore Sport England do not wish to raise an objection to this application. (31st July 2019)

Architectural Liaison Officer - No response received.

LETTERS OF REPRESENTATION

No letters of representation have been received in respect of this application.

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

Location plan, 1:2500

Block plan, 1:500

OBSERVATIONS

Site and Location

The application site relates to a modular building sited within the grounds of Burntwood Leisure Centre, to the east of High Street in Burntwood. The building is two storey and is sited to the south of the Leisure Centre building. The building is immediately surrounded by parking and playing fields. The wider site is surrounded by residential properties. The building is used as a health clinic. The site is located within 8km of Cannock Chase Special Area of Conservation (SAC).

Background

Planning permission was originally granted for the health clinic in September 2008 (08/00884/FUL), and was subject to a condition which required the building to be removed after three years. This permission was subsequently extended twice under permissions 11/00921/FUL and 14/00892/FUL. The current permission expires on 30th September 2019.

Proposals

This application seeks to vary condition 1 of permission 14/00892/FUL in order to retain the building and its use as a health clinic for a further five years, until 30th September 2024. The application does not seek to make any alterations to the building or site.

Condition 1 of permission 14/00892/FUL states: *“This permission shall be for a limited period expiring on 30th September 2019 and at the end of this period, the building shall be removed from the site and the land cleared and reinstated to its condition immediately prior to the implementation of permission 08/00884/FUL or to any other use/condition which may be otherwise approved in respect of this site.”*

DETERMINING ISSUES

1. Policy & Principle of Development
2. Cannock Chase Special Area of Conservation
3. Design & Appearance
4. Parking & 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 the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site”*. 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.

1.2 Core Policy 1 of the Local Plan Strategy states that *“support will be given to maintaining and improving the health and wellbeing of residents”* and Core Policy 3 states that development provide appropriate services and facilities for residents. Core Policy 4 seeks to protect services and facilities that provide a key function to the community. Core Policy 10 supports the development of new facilities which contribute to improved and local health care, it also supports the co-location of facilities. Policy Burntwood 1 states that a range of services and facilities will be provided within Burntwood to serve its residents. Policy Burntwood 2 states that where possible the range of services and facilities sin Burntwood will be improved to remedy existing deficiencies and that access to services and facilities will be enhanced including improvements to community facilities.

1.3 The building, subject to this application, was intended to be a temporary provision whilst a permanent health clinic was provided however it is noted that this has yet to come to fruition, as such the continued use of this building is required. The application will ensure that this health clinic is retained for a further five years, which will provide a vital service for the residents of Burntwood. The proposal is therefore considered to comply with the requirements of the Development Plan and NPPF in this regard.

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 site is located within the 0-8km zone of the SAC however the proposal does not include the provision of dwellings. As such, given the nature of the proposal, is it not considered that this scheme would have an adverse impact upon the Cannock Chase SAC, and is acceptable in this regard.

3. Design & Appearance

3.1 The application does not seek to make any alterations to the existing building or site. The building is of limited architectural quality and has a functional design and appearance. The building is sited in close proximity to the leisure centre and is not visible from the streetscene. The building is in a relatively good state of repair and overall its design and appearance is considered acceptable and fit for purpose. As such, the retention of the building is not considered to be detrimental to the appearance of the site or wider area and is considered acceptable in this regard.

4. Parking & 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 states that health clinics should provide 1no space per GP, 1no space for 2.5no other staff and 3no spaces per consulting room. The application form states that 163 parking spaces are provided within the site, including 14 accessible

spaces. This is considered to be a sufficient provision given that there are 6no consulting rooms and 15no full time equivalent members of staff.

- 4.2 The SPD also requires cycle parking to be provided in order to promote sustainable transport methods. The SPD advises that 1no cycle parking space should be provided per 5no staff and 1no per 3no consulting rooms. There are 6no cycle racks sited to the front of the health clinic, which provide sufficient cycle parking provision for the clinic.
- 4.3 There are no alterations proposed to the existing access arrangements or parking provision. SCC Highways have offered no objections to the scheme. As such the proposal is considered to be acceptable in this regard.

5. Other Matters

- 5.1 The continued use of the health clinic is not considered to result in any further impact upon the amenity of neighbouring properties.
- 5.2 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. However given that this application seeks to retain an existing development it is not considered necessary to require a net gain to biodiversity on this occasion.
- 5.3 Sport England have offered no objections to the scheme as the proposal does not affect the existing sport pitches or playing fields. Also no objections have been received from Environmental Health or LDC's Directorate of Leisure and Parks.

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

In conclusion, the proposal will ensure that this existing health clinic is retained for a further five years in order to provide a vital service to the residents of Burntwood. The building is generally in good condition and is considered fit for purpose. The continued use of the building will have no further impact upon highway safety nor residential amenity. As such the application is recommended for approval.

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Tree Preservation Order No 434-2019

Cabinet Member:

Date: 30/09/2019

Agenda Item: 5

Contact Officer: Gareth Hare

Tel Number: 01543 308207

Email: Gareth.hare@lichfielddc.gov.uk

Key Decision? **NO**Local Ward **Cllrs Nick Binney, Richard Cox, Thomas Marshall.**

Members



1. Executive Summary

- 1.1 To seek members decision regarding the confirmation of Tree Preservation Order 434-2019 at 19 Rectory Lane, Armitage.

2. Recommendations

- 2.1 That the Committee confirm the Tree Preservation order with modifications.

3. Background

- 3.1 A tree preservation order was made on the 9th of April 2019 in respect of an area of trees within the grounds of 19 Rectory Lane. The grounds for the order are as follows:

19 Rectory Lane, Armitage is a Victorian house within a large landscaped garden. The trees are highly prominent in the street-scene of Rectory Lane and can be seen from Running Hills, Westfield Road, and many surrounding properties. As the site is elevated from Rectory Road, the trees are particularly prominent from this viewpoint and similarly they are visible from the main Rugeley Road, forming a green back drop to the housing. As the planting appears contemporary with the house, there are large mature trees of both broadleaves and conifers. The site with its trees is very important in terms of amenity of the immediate and wider locality. It is therefore considered expedient in the interests of amenity to ensure that the trees are protected by a tree preservation order to secure the amenity that they provide to the area.

A precautionary measure of making a tree preservation order using an area designation has therefore been taken with the intention of modification to groups and individuals prior to confirmation.

The TPO documents are at **Appendix A.**

- 3.2 One objection to the order was received and raised a number of points. Three letters of support for the order were also received.
- 3.3 The objections are summarised below and dealt with in context for ease of reference:

1. The use of the Area designation for the order.

As detailed in the grounds for the order, the intention at the time of service was to modify the order to groups and individuals prior to confirmation. This has been done and the order is proposed for confirmation with modification.

2. The condition and origin of the trees.

Queries are raised by an objector regarding the condition of some of the trees on the site. It is beyond the scope of an inspection for the purposes of making tree preservation orders to carry out detailed tree condition assessments. No trees considered to fall within the wording of the current exception from requiring consent to remove were noted (i.e. dead or posing an immediate risk of serious harm). It would clearly be inappropriate to make trees falling within an exception the subject of a tree preservation order. Much of the tree population within the site appears to be contemporary with the Victorian era. Therefore there are many large trees and these may have a range of defects or features relating to previous pruning, growth patterns, storm damage or other factors but these features not preclude the trees inclusion within a TPO. The current guidance on tree preservation orders makes no mention of the question of tree condition. A further point is raised regarding self-set trees as opposed to those which were planted. Species such as Yew, Sycamore and Ash regenerate readily from seed and can achieve substantial size. Therefore it is the present or future amenity that a tree provides or will provide that is principal in determining its' inclusion within a TPO.

3. Potential impact of shading/overbearing/nuisance on adjacent properties.

The above issues are raised within the objections and have been considered. The location of adjacent properties (believed to be built in the 60's) to the North West of the garden will experience shade from the adjacent trees through part of the day. However, the lower level of the properties relative to the garden of no 19 will also have some bearing on light levels to the rear of these houses. There may be a range of tree works which will mitigate the effects of shade or overhanging to some extent and these may be applied for in the usual manner. Autonomy of residents in carrying out tree works were highlighted (i.e. the tree preservation order removes the autonomy) however this is balanced by the amenity provided by the trees to the locality/wider community and the Councils duty to protect this amenity as set out in the Town and Country Planning Act 1990 as amended.

4. The safe useful life expectancy of some of the tree population.

As highlighted at point 2 it is beyond the scope of assessments made for the purposes of the tree preservation order to carry out detailed inspections of the trees. If the owners of the site identify works in the future then these can be applied for in the usual manner.

5. Ongoing requirement for remedial works.

Regardless of the presence or absence of a tree preservation order there is inevitably the requirement for tree owners to carry out remedial works from time to time. The only alternative to this is to remove trees entirely from a site which is an option most owners would not wish to contemplate.

6. The requirement to make applications for tree works.

It is accepted that with a tree preservation order in force there is a requirement to make applications for tree works. The application process is relatively simple, is currently free of charge and has a right of appeal to the planning inspectorate should an applicant not agree with the decision of the Council.

Three letters of support were received for the preservation order. Reasons for supporting the order included:

- The trees are highly prominent within the street scene and locality
- Offer a green back drop to surrounding housing and Rugeley Road
- Long standing feature of the village
- Large number of birds, bats and other wildlife associated with and observed within the trees including an established rookery
- The trees are wildlife corridor and wind break

- The trees exclude/soften views of housing/power station
- House and grounds have local historical significance

3.4 Applications can be made and determined under the new TPO (if confirmed) and if those applications are refused by Lichfield District Council then the applicant has recourse to appeal to the Planning Inspectorate (PINS).

3.5 As per 2.1 and taking the above into account it is recommended that Committee confirm the order with the modifications detailed.

Alternative Options	1. The Committee may choose not to confirm the Tree Preservation Order.		
Financial Implications	1. Tree Preservation Orders make provision for the payment by the Local Planning Authority, of compensation for loss or damage caused or incurred, within a twelve month period from the date of their decision, as a result of their refusal of any consent under the Tree Preservation Order or their grant of consent subject to conditions. There are no financial implications in the confirmation of a Preservation Order.		
Contribution to the Delivery of the Strategic Plan	1. Assists in ensuring that Lichfield remains a clean, green and welcoming place to live.		
Equality, Diversity and Human Rights Implications	1. The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 of the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report and on balance is justified and proportionate in relation to the administration of the tree preservation order.		
Crime & Safety Issues	1. N/A		
	Risk Description	How We Manage It	Severity of Risk (RYG)
A	High Court Challenge (after confirmation)	Ensuring that the TPO is within the powers of the Act and that the requirements of the Act and Regulations have been complied with in relation to the TPO.	Green

Lichfield District Council
Tree Preservation Order Number 434-2019
(as modified)
19 Rectory Lane, Armitage, Rugeley
Staffordshire, WS15 4AN
Easting 407952 Northings 315831

All the trees described in this schedule are situated in the Armitage with Handsacre ward in the District of Lichfield. All plot numbers referred to are Ordnance Survey numbers on 1:10000 sheets.

TREES SPECIFIED INDIVIDUALLY

Encircled in black on the map

Reference on Plan	Description	Situation
T1	Blue Spruce	19 Rectory Lane, Armitage.
T2	Sycamore	'ditto'
T3	Holly	'ditto'
T4	Sycamore	'ditto'
T5	Sycamore	'ditto'
T6	Sycamore	'ditto'
T7	Hornbeam	'ditto'
T8	Black Pine	'ditto'
T9	Black Pine	'ditto'
T10	Sycamore	'ditto'
T11	Walnut	'ditto'
T12	Walnut	'ditto'
T13	Giant Sequoia	'ditto'
T14	Leyland Cypress	'ditto'
T15	Cedar	'ditto'
T16	Sycamore	'ditto'
T17	Holly	'ditto'

T18	Sweet Chestnut	<i>'ditto'</i>
T19	Cedar	<i>'ditto'</i>
T20	Purple Plum	<i>'ditto'</i>
T21	Prunus sp.	<i>'ditto'</i>

GROUPS OF TREES

Within a broken black line on the map

Reference on Plan	Description	Situation
G1	10 Yew, 4 Holly 3 Sycamore 4 Cherry	19 Rectory Lane Armitage
G2	4 Ash	<i>'ditto'</i>
G3	4 Holly, 19 Yew 2 Sycamore 2 Norway Maple 1 Horse Chestnut	<i>'ditto'</i>

TREES SPECIFIED BY REFERENCE TO AN AREA

Within a dotted line on the map

Reference on Plan	Description	Situation
	None	

WOODLANDS

Within a continuous black line on the map

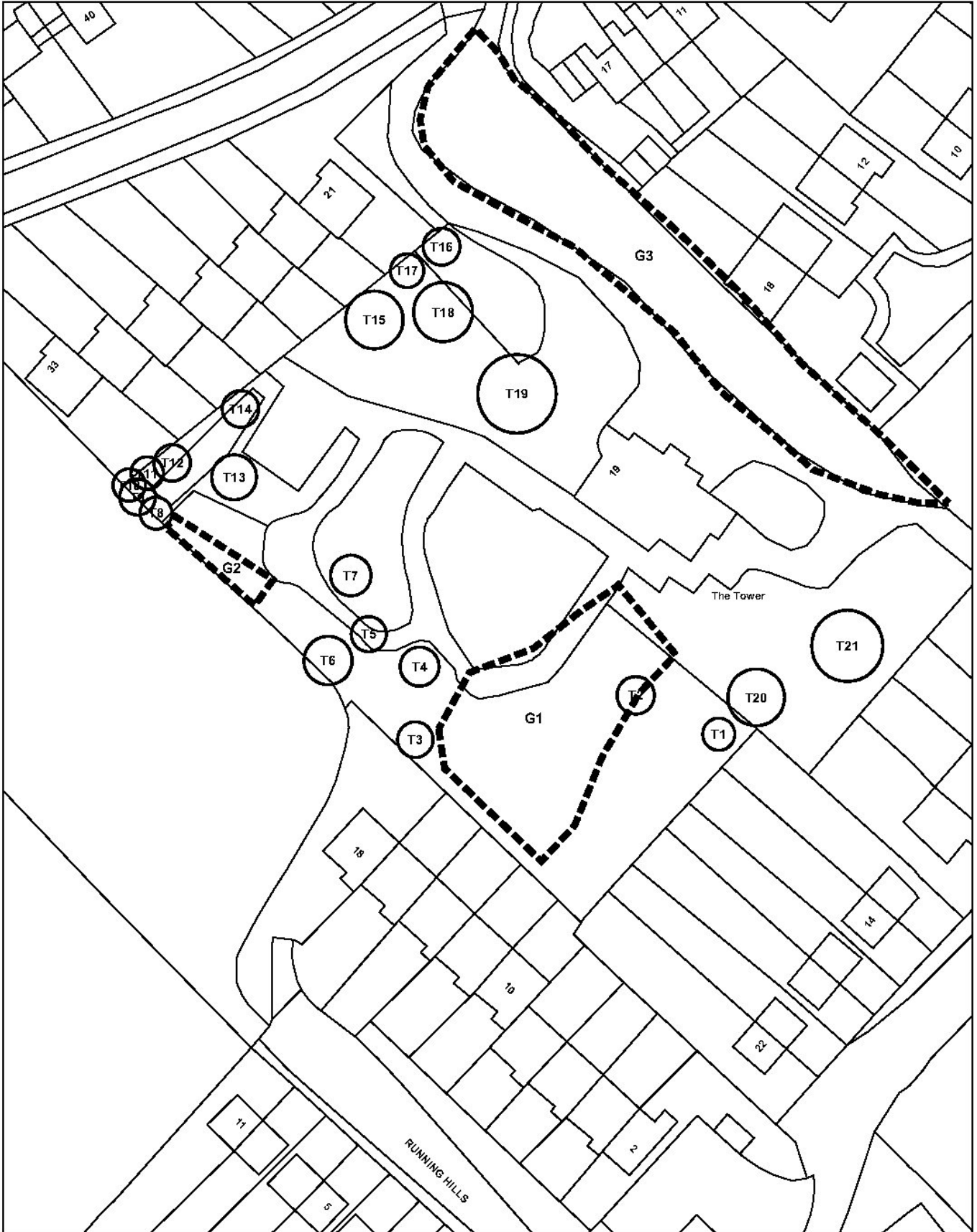
Reference on Plan	Description	Situation
	None	

LICHFIELD DISTRICT COUNCIL
GROUNDS FOR MAKING TREE PRESERVATION ORDER 434-2019

19 Rectory Lane, Armitage is a Victorian house within a large landscaped garden. The trees are highly prominent in the street-scene of Rectory Lane and can be seen from Running Hills, Westfield Road, and many surrounding properties. As the site is elevated from Rectory Road, the trees are particularly prominent from this viewpoint and similarly they are visible from the main Rugeley Road, forming a green back drop to the housing. As the planting appears contemporary with the house, there are large mature trees of both broadleaves and conifers. The site with its trees is very important in terms of amenity of the immediate and wider locality. It is therefore considered expedient in the interests of amenity to ensure that the trees are protected by a tree preservation order to secure the amenity that they provide to the area.

A precautionary measure of making a tree preservation order using an area designation has therefore been taken with the intention of modification to groups and individuals prior to confirmation.

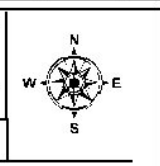
Gareth D Hare
Arboricultural Officer



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Title:
 Lichfield District Council
 Tree Preservation Order No 434-2019
 (as modified)
 19 Rectory Lane Armitage, Rugeley
 Staffordshire, WS15 4AN
 Eastings 407952 Northings 315831

Scale: 1:500
 Dated: 18/09/2019
 Drawn by: Gareth Hare
 Drawing No: 1



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