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District Council House, Frog Lane
Lichfield, Staffordshire WS136YU

Customer Services 01543 308000
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24 April 2020

Dear Sir/Madam

PLANNING COMMITTEE

In light of the current Covid-19 pandemic and government advice on social distancing, the Planning Committee meeting to take place on **TUESDAY, 5th MAY, 2020 at 6pm** will be held as a virtual meeting and streamed online (further information is available on our website).

Yours faithfully

A handwritten signature in black ink, appearing to read 'Christie Tims'.

Christie Tims
Head of Corporate Services

To: Members of Planning Committee

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



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AGENDA

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Minutes of Previous Meeting** 3 - 4
4. **Planning Applications** 5 - 30



PLANNING COMMITTEE

9 MARCH 2020

PRESENT:

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

38 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Eagland, Councillor Ho and Councillor Leytham

39 DECLARATIONS OF INTEREST

Councillor Baker declared a personal interest in application number 19/01637/FUH as she is a close friend to the applicant.

40 MINUTES OF PREVIOUS MEETING

The Minutes of the Meeting held on 16 December 2019 previously circulated were taken as read, approved as a correct record and signed by the Chairman.

41 PLANNING APPLICATIONS

Applications for permission for development were considered with the recommendations of the Head of Economic Growth and Development and any letters of representation and petitions of observations/ in association with Planning Applications 19/01334/FULM & 19/01637/FUH.

19/01334/FULM – Erection of 20 affordable homes, including alterations to existing access and associated works
Land South East of, Ryknild Street, Lichfield, Staffordshire.

Resolved:- That this application is approved subject to the conditions outlined in the report and subject to negotiation and completion of a Section 106 Agreement to secure 37% affordable housing in perpetuity, off-site highway works, and on-going maintenance of the private access road. Delegation to the Head of Economic Growth and Development to agree the final terms of the Section 106 Agreement.

And, amend condition 7 to include reference to retention of hedgerows also.
Revised condition to read:

Notwithstanding the submitted details, prior to commencement of the hereby approved development, a detailed landscape and planting scheme (incorporating the retention of existing trees and hedgerows) 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 first being brought into use.

19/01637/FUH – Single storey rear extension to form kitchen
30 Fecknam Way, Lichfield, Staffordshire, WS13 6BY
For Cllr Mark Warfield

Resolved:- That this application is approved subject to the conditions outlined in the report

(The Meeting closed at 6.42 pm)

CHAIRMAN

Agenda Item 4

Planning Committee

5 May 2020

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 2008-2029 (2015), Lichfield District Local Plan Allocations 2008-2029 (2019), any adopted Neighbourhood Plan for the relevant area, the Minerals Local Plan for Staffordshire 2015-2030 (2017) and the Staffordshire and Stoke on Trent Joint Waste Local Plan 2010-2026 (2013).
- 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**

ITEM 'B' Lichfield District Council applications, applications on Council owned land (if any) and any items submitted by Members or Officers of the Council.

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).

AGENDA ITEM NO. 4

ITEM A

APPLICATIONS FOR DETERMINATION BY COMMITTEE: FULL REPORT

5 May 2020

CONTENTS

Case No.	Site Address	Parish/Town Council
18/01693/FUL	Land Fronting Turnbull Road Fradley Lichfield	Fradley And Streethay

LOCATION PLAN

18/01693/FUL

Land Fronting Turnbull Road
Fradley Lichfield

Scale: 1:1,000

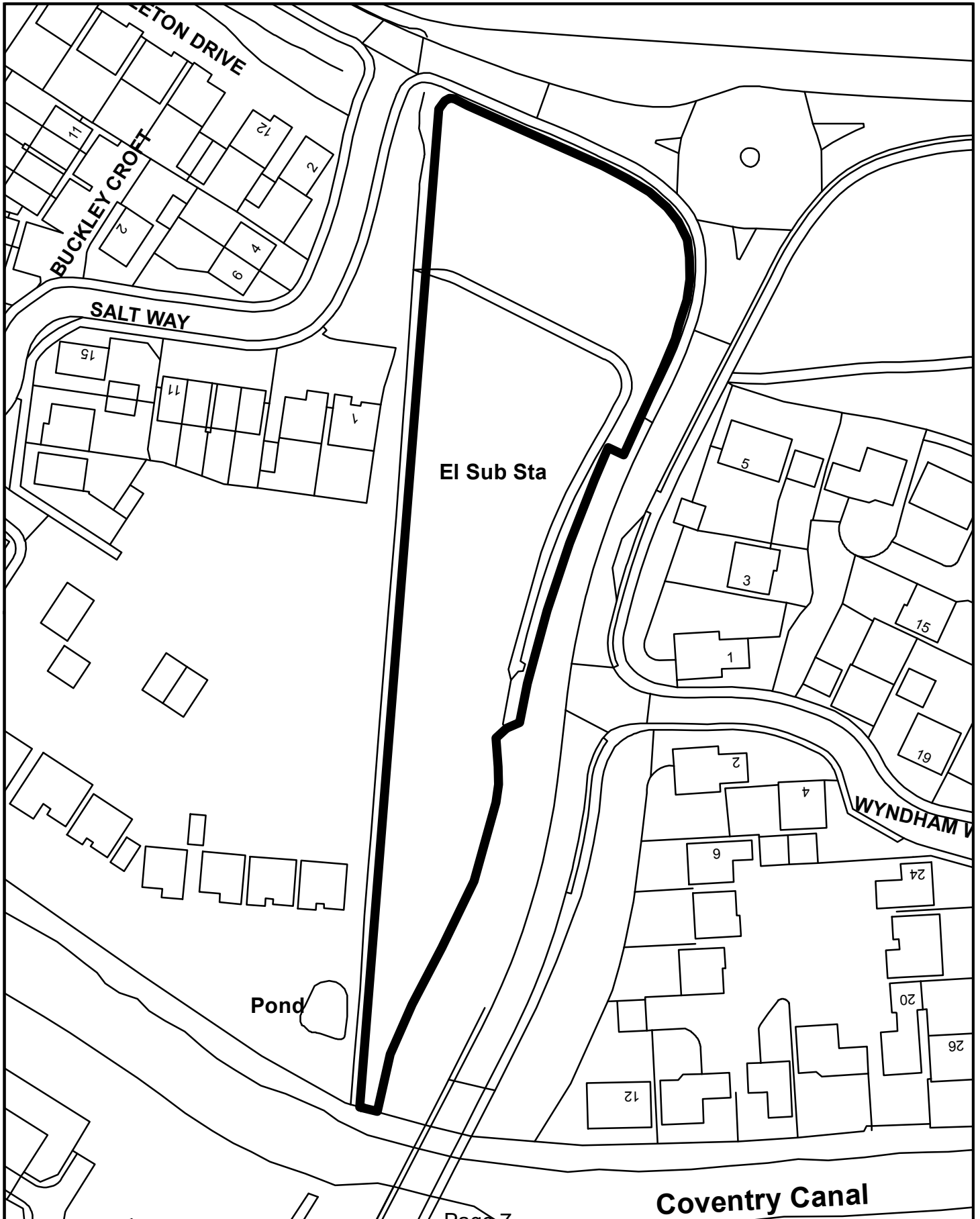
Dated: April 2020

Drawn By:

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18/01693/FUL

ERECTION OF 8 NO. DWELLINGS AND ASSOCIATED WORKS

LAND FRONTING TURNBULL ROAD, FRADLEY

MASSEY LIMITED

Registered 12/12/18

Parish: Fradley & Streethay

Note: This application is being reported to the Planning Committee due to substantial planning objections raised by Fradley Parish Council. Their grounds of objection are:

- Overdevelopment of the site and proximity to existing dwellings;
- Increased traffic movements and parking issues;
- Detrimental impact on ecology;
- Detrimental impact on Highway safety;
- Loss of trees and wildlife habitats; and
- Proposals are contrary to the Fradley Neighbourhood Plan.

RECOMMENDATION: Approve, subject to a S106 legal agreement.

CONDITIONS

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

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

3. Before the development hereby approved is commenced, a desk top phase 1 dust mitigation scheme should be submitted and agreed in writing with the Local Planning Authority. Construction shall thereafter be implemented in full accordance with the approved mitigation scheme.
4. Before any part of the development commences the application site shall be subject to a detailed scheme for the investigation and recording of any contamination of the site and a report shall be submitted to and approved in writing by the LPA. The report shall identify any contamination on the site, the subsequent remediation works considered necessary to render the contamination harmless and the methodology used. The approved remediation scheme shall thereafter be completed and a validation report submitted to and approved in writing by the LPA within 1 month of the approved remediation being completed, unless otherwise agreed in writing by the LPA.
5. A) Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of 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 accordance with the written scheme of archaeological investigation approved under condition (A).

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 (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

6. Before the development hereby approved is commenced, a noise assessment specifically considering the impacts of the surrounding road network shall be undertaken and a scheme of noise mitigation shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the methods and recommendations contained within the report and thereafter retained.
7. Before the development hereby approved is commenced, full details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - a) The bricks to be used in the construction of the external walls;
 - b) The exterior roof materials

The development shall thereafter be constructed using the agreed materials and retained as such for the life of the development.

8. Before the development hereby approved is commenced, full details of the proposed boundary treatments shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented prior to the development being brought into use, unless otherwise first agreed in writing by the Local Planning Authority, and shall thereafter be retained for the life of the development.
9. Before the development hereby approved is commenced, details of all hardsurfacing areas shall be submitted to and approved in writing by the Local Planning Authority. The approved hardsurfacing shall thereafter be implemented prior to the development being brought into use, unless otherwise first agreed in writing by the Local Planning Authority, and shall thereafter be retained for the life of the development.
10. Before the development hereby approved is commenced, full details of proposed site levels and finished floor levels, including full details of the site access and road levels and gradient, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
11. Notwithstanding the details contained on the approved plans, before the development hereby approved is commenced, 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 first brought into use, unless otherwise first agreed in writing by the Local Planning Authority.
12. Before the development hereby approved is commenced, a badger check shall be undertaken across the development site, the results of which shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with any methods and recommendations contained within the report.

All other CONDITIONS to be complied with:

13. During the period of construction of any phase of the development, no construction works including deliveries shall take place outside the following times: 0730 – 1900 hours Monday to Friday and 0800 – 1300 hours on Saturdays and not at any time on Sundays, Bank and Public holidays (other than emergency works).
14. The development hereby permitted shall not be brought into use until the accesses, parking and turning areas have been provided in accordance with Drawing No. 18052_P-105, Revision C and shall thereafter be retained for the lifetime of the development.
15. The development hereby permitted shall not be brought into use until the visibility splays shown on Drawing No. B18370-105, Revision P3 have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
16. Within one month of completion of the development hereby approved, a bat box shall be installed on two of the new dwellings at the southern or western elevation in the gable apex. The bat box shall thereafter be retained as such for the life of the development.
17. The garages indicated on the approved plan shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority
18. The development permitted by this planning permission shall only be carried out in accordance with the approved Drainage Layout (B18370-100 Rev P5/13.03.2019/GHW Patrick Parsons), and the following mitigation measures:
 - Limiting the surface water run-off generated by the 100year + 20% Climate Change critical storm so that it will not exceed 5.0 l/s and not increase the risk of flooding off-site.
 - Provision of adequate attenuation flood storage on the site to a 100 year +20% Climate Change standard.
 - Finished floor levels are set no lower than 150mm above surrounding ground level.
19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 2015 (as amended), (or any Order revoking and re-enacting the order with or without modification) the dwellings hereby approved shall not be enlarged or extended without prior written permission, on application, to the Local Planning Authority.
20. The development hereby permitted shall not be brought into use until all recommendations and methods of working detailed within the Preliminary Ecological Appraisal produced in September 2018 (revised in May 2019) by Dr Stefan Bodnar, the Ecological Monitoring Report produced in September by Dr Stefan Bodnar and Turnbull Road Biodiversity Offsetting produced in January by Dr Stefan Bodnar are adhered to.
21. Any new tree, hedge or shrub planted as part of the approved landscape 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.

22. Prior to the occupation of the development hereby permitted, details of any proposed lighting to include, luminance in candelas, hours of operation and any other relevant details shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details.
23. Prior to first occupation, details of cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details.

REASONS FOR CONDITIONS

- 1 In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
- 2 For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Practice Guidance.
- 3 To safeguard the amenity of neighbouring occupants during construction phase, in accordance with Policy BE1 of the Local Plan Strategy.
- 4 To safeguard the amenity of the area and to safeguard the amenity of existing, neighbouring and/or future occupants of the development hereby approved, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
- 5 In order to safeguard the archaeological interests of the site, in accordance with the requirements of Core Policy 14 and Policy BE1 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
- 6 To safeguard the amenity of the area and to safeguard the amenity of existing, neighbouring and/or future occupants of the development hereby approved, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
- 7 To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
- 8 To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
- 9 To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
- 10 In the interests of highway safety, in accordance with Core Policies 3 and 5, Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework and to ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
- 11 To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy and to ensure the satisfactory appearance of the development from within the canal conservation area and to minimise the

impacts on the natural environment of the canal in accordance with paragraphs 170 and 174 of the National Planning Policy Framework and Policy NR3 of the Lichfield District Local Plan Strategy 2015.

- 12 To enhance the nature conservation value of the site in accordance with Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.
- 13 To safeguard the amenity of neighbouring occupants during construction phase, in accordance with Policy BE1 of the Local Plan Strategy.
- 14 In the interests of highway safety, in accordance with Core Policies 3 and 5, Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework and to safeguard the amenity of the area and to safeguard the amenity of existing, neighbouring and/or future occupants of the development hereby approved, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
- 15 In the interests of highway safety, in accordance with Core Policies 3 and 5, Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework and to safeguard the amenity of the area and to safeguard the amenity of existing, neighbouring and/or future occupants of the development hereby approved, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
- 16 To secure a net gain to biodiversity and enhance the nature conservation value of the site in accordance with Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.
- 17 In the interests of highway safety, in accordance with Core Policies 3 and 5, Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework and to safeguard the amenity of the area and to safeguard the amenity of existing, neighbouring and/or future occupants of the development hereby approved, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
- 18 To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to reduce the impact of flooding on the proposed development and future occupants.
- 19 To ensure the satisfactory appearance of the development and the amenity of neighbouring dwellings in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
- 20 To secure a net gain to biodiversity and enhance the nature conservation value of the site in accordance with Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.
- 21 To safeguard the appearance of the development and the character of the area, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
- 22 To minimise the problems of glare and show consideration for bats and other wildlife within the canal habitat corridor, and unnecessary light pollution should be avoided in accordance with paragraph 180 of the National Planning Policy Framework and policies NR3 and NR4 Lichfield District Local Plan Strategy 2015.

- 23 In the interests of highway safety, in accordance with Core Policies 3 and 5, Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework and to safeguard the amenity of the area and to safeguard the amenity of existing, neighbouring and/or future occupants of the development hereby approved, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

NOTES TO APPLICANT

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.
3. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging on the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at www.lichfielddc.gov.uk/cilprocess.
4. Please note that prior to the new access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to "vehicle dropped crossings" which includes a "vehicle dropped crossings information pack" and an application form for a dropped crossing. Please complete and send to the address on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, c/o, 2 Staffordshire Place, Tipping Street, Stafford, ST16 2DH or email (nmu@staffordshire.gov.uk) www.staffordshire.gov.uk/transport/staffshighways/licences
5. Any soakaway should be located a minimum of 4.5m rear of the highway boundary.
6. It is the responsibility of the applicant to ensure the ground is suitable for use. If during excavations for foundations sandy soil is found the Lichfield District Council Environmental Health team should be contacted.
7. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement of Paragraph 38 of the NPPF.
8. The applicant is advised to consider the document 'Guidance on the Assessment of Dust from Demolition and Construction' from the Institute of Air Quality Management (IAQM) for advice on how dust assessments should be performed. The assessment of the impacts of construction on local air quality should be undertaken following a risk based approach, as outlined in the

IAQM document 'Guidance on the Assessment of the Impacts of Construction on Air Quality and the Determination of their Significance'.

9. The applicant is advised to consider the substation sited within its boundary, as this could give rise to land contamination and the redevelopment presents a plausible pollutant pathway.
10. Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to Severn Trent Water under Section 106 of the Water Industry Act 1991.
11. The applicant is advised of the requirements of Cadent, as follows:
 - Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
 - Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
 - Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
 - Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
 - In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.
12. The onsite Cadent Gas Pipeline is part of the high pressure transportation system and operates at a Pressure of 37 bar is laid subject to easements and is cathodically protected by an impressed current or sacrificial anode system. The Institute of Gas Engineers Standards (IGE/TD/1), states that no habitable buildings be constructed within 3 metres of the proven pipeline position. Guidance can be sought through the HSE's; Planning Advice Web App (Formally PAHDI).
13. The conditions requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.
<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>
14. Staffordshire County Council as Highway Authority will not formally adopt the proposed development, however, the development will require approval under Section 7 of the Staffordshire Act 1983 due to the quantum of development. Staffordshire County Council Highways comments do not constitute a detailed design check of the proposed access road construction, drainage and any street lighting. The applicant is request to complete the

necessary Section 7 application forms and submit all drawings to Staffordshire County Council for formal checking prior to the commencement of development.

15. It will, therefore, be necessary for maintenance/management arrangements for the access road and internal layout to be submitted to the Highway Authority with a view to securing an exemption under Section 219 of the Highways Act 1980. Although the road layout will not be to adoptable standard, the roadway within the site will still need to be constructed to be 'fit for purpose'.
16. The applicant is advised that all nesting birds are afforded protected under Part 1 section 1 of the Wildlife and Countryside Act 1981 (as amended 2016), making it an offence to: disturb, injure or kill a nesting bird; disturb, take or destroy their nest; or damage, take or destroy their eggs. As such any site clearance works should occur outside of bird nesting season (March-September inclusive).
17. The applicant is advised that bird netting must not be used during both demolition and construction phases.

PLANNING POLICY

National Government Guidance

National Planning Policy Framework

National Planning Practice Guidance

Local Plan Strategy

Core Policy 1 - The Spatial Strategy

Core Policy 2 - Presumption in Favour of Sustainable Development

Core Policy 3 - Delivering Sustainable Development

Core Policy 5 - Sustainable Transport

Core Policy 6 - Housing Delivery

Core Policy 13 - Our Natural Resources

Core Policy 14 - Our Built & Historic Environment

Policy SC1 - Sustainability Standards for Development

Policy ST1 - Sustainable Travel

Policy ST2 - Parking Provision

Policy H1 - A Balanced Housing Market

Policy NR3- Biodiversity, Protected Species and their Habitats

Policy NR4- Trees, Woodlands & Hedgerows

Policy NR7 – Cannock Chase Special Area of Conservation

Policy BE1- High Quality Development

Policy Frad1 - Fradley Environment

Policy Frad4 - Fradley Housing

Fradley Neighbourhood Plan

Policy FRANP1

Policy FRANP6

Policy FRANP8

Policy FRANP12

Local Plan Allocations Document

N/A

Supplementary Planning Documents

Sustainable Design

Trees, Landscaping and Development

Biodiversity and Development

Developer Contributions

Infrastructure Delivery Plan

RELEVANT PLANNING HISTORY

None

CONSULTATIONS

Fradley Parish Council –

Final Comments – The Parish Council submitted a letter to the Council reiterating their view on the current state of the site and its ownership. The Parish Council object to the way in which the land was cleared with no prior consultation with the local community and state that the Parish Council had plans to develop the site for village allotments, but given its previous covering of mature trees and vegetation there was the view to develop the area into a Woodland Community Space, and an indicative plan was submitted demonstrating its potential layout. The Parish Council are now aware that the site is owned by William Dare Turbull Ltd, a subsidiary of Massey Limited whom completed the purchase of the land in June 2019. The agent has clarified that in the instance that planning permission is not granted for this application, the Parish Council will not have the option to ‘adopt’ the site.

Further Comments - Strong Objection. Concerns have been raised regarding the validity of the submitted ecological appraisal and comments made by Cadent Gas. (17.06.19)

Initial Comments - The Parish Council consider that the proposal is contrary to the Fradley Neighbourhood Plan and the Local Plan Strategy. Concerns also relate to the loss of trees on the site which have already been felled, ecological impacts of the development given the location of a watercourse within the site. The applicant should be required to provide further ecological appraisals in relation to the development on the site and concerns also relate to highway safety and access to the site, visibility splays proposed are inadequate (17.1.19) (21.2.19) (16.04.19)

Environmental Health Officer– No objections, subject to conditions relating to the limiting of construction hours; delivery times; pre-commencement conditions requiring a contamination investigation and remediation scheme and a construction phase dust mitigation scheme; and a noise assessment. The applicant is requested to consider the possible impacts of the on-site substation and how this may give way to contamination issues (27.04.2019) (07.01.2019).

Spatial Policy and Delivery

The Team consider that the proposal is acceptable in principle, as the site is located within the Fradley Strategic Development Allocation and development of the site for residential use is supported. However, there is a concern that the proposed development does not appear to make an effective use of land and also does not support the provision of smaller homes as set out in Policy H1 and Frad4 as the development proposes only 4 and 5 bedroom houses. The location is accessible to the services and facilities at Fradley and a higher density of development would support this key rural centre and contribute to delivering sustainable development and the long term sustainability of Fradley. (2.01.2019)

Staffordshire County Council Highways (SCCH) – Final comments – No objections (10.02.2020)

Further Comments - No objection, subject to conditions relating to the submission of full details of suitable vehicular access visibility splays and parking and turning areas to be provided prior to first occupation, surface materials. (22.06.19)

Further Comments - Objection - Insufficient information provided to demonstrate a swept path analysis showing that a 10.5m refuse vehicle can sufficiently access and manoeuvre in the site. (16.05.19)

Initial Comments - Objection – The application fails to demonstrate appropriate visibility splays and sufficient pedestrian connectivity onto Turnbull Road. The application fails to provide a sufficient swept path analysis for a fire engine accessing and egressing the development. (21.01.19)

Ecology Officer –Final Comments - The Ecology Team is satisfied with the methodology and the information provided within the submitted Preliminary Ecological Appraisal and further protected species surveys. Adherence by the applicant to all recommendations and methods of working detailed within the Preliminary Ecological Appraisal, Ecological Monitoring Report and Turnbull Road Biodiversity Offsetting must be made a requirement of any future planning approval. These relate to a bat sensitive lighting scheme, an updated pre commencement badger check; creation of bee lawns and wildflower areas; follow precautionary approach measures in regards to reptiles, amphibians and badgers; and all measures within section 4.4 opportunities for biodiversity gain (04.12.2019).

Further Comments - The Ecology team will provide further comments upon submission of the previously requested ecological information (17.04.2019, 03.07.2019 and 06.11.2019).

Initial Comments - The Ecology Team is satisfied with the methodology and the information provided within the submitted Preliminary Ecological Appraisal and further protected species surveys. However information remains to be submitted to the LPA based on recommendations contained within the two reports, relating to the presence of otters within 25 metres of the proposed development site

In particular, otters are detailed as being present within 25 metres of the proposed development site and the ecological appraisal notes that appropriate avoidance measures will be employed during the development works. These methods of working have not been provided for assessment and must be submitted to the Authority to ensure that there is no harm to local otter populations.

Adherence by the applicant to all recommendations and methods of working detailed within the Preliminary Ecological Appraisal, Ecological Monitoring Report and Turbull Road Biodiversity Offsetting must be made a condition of any future planning approval (18.12.18).

Arboricultural Team – Latest Comments - Minor point address. However points from the previous consultation are still outstanding, in addition to the following issue. There is an issue of a small strip of land designated as wet woodland and so do not believe there is anywhere near enough space here to develop any kind of woodland and the adjacent trees to maturity. No planting densities are stated and once these are shown, both at establishment and at maturity it will be clear this is not achievable. The team's objection to the proposal in its current form still stands (12.12.2019 and 28.11.2019).

Further Comments - After reviewing the plan, it is noted that it is supplied without reference to available soil volumes and it appears to be that a number of trees may be growing in the deep shade referred to in our comments of the 20th August. There are a number of circles on the landscape plan that have no specification, and whilst the number of circles makes it appear there are many trees once we have removed the undesignated ones we are back at the problem of not having sufficient canopy cover to meet the SPD requirements of 20%. It is requested that the applicant resubmit the landscape plan for us to consider the canopy density showing the projection to 30 years. Whilst it is accepted that oak and such will have large canopies is there soil volume to achieve this, and of course the

smaller trees will not achieve maturity if they are under the canopy of bigger trees. The shading remains an issue yet unresolved and the objection to this proposal still stands (24.10.2019).

Further comments - The Tree Officer confirmed that they fully understood that the trees had been removed prior to the submission of the application and iterated that their comments are all still pertinent as they relate to offsite trees and landscape requirements (03.10.2019).

Initial Comments - The team's comments are based entirely on those trees shown for retention. This is based on aerial imagery, so this may be skewed but would ask for some confirmation of this as the protection of the above ground portions of the trees is important. It is accepted that the stream acts as a natural root barrier. Similarly the individual trees are remote from development and also accept there is no reason for fencing. It is evident from the AIS that deep shading occurs to plots 3, 4, and 5. These amenity garden spaces are already small but are rendered useless by the shading and this is contrary to our policies in such matters as found in BE1, NR3&4 and the associated TL&P SPD. Similarly, there is no garden space for plot 1, 2&3.

Of some concern is that there is no space available for tree planting or a sustainable landscape design including SUDS. There are a number of drawings unavailable on the portal at the time of this response and it may be that these details are supplied, please inform us if they are. The applicant is advised that there is a requirement for at least 20% canopy cover by year 30. The team requested that this is not conditioned at this stage as the density of the current application precludes much in the way of robust landscape so it is asked that this is dealt with up front. As a consequence of the above the team object to the proposal in its current form (20.08.2019).

Severn Trent Water – As the proposal has no impact on the public sewerage system, have no objections to the proposals and do not require a drainage condition to be applied. (17.12.18 and 17.04.19)

Staffordshire County Council Flood Risk Officer - Final Comments - No objections subject to a condition attached to any decision stating the development must be in adherence with the submitted drainage layout. (24.04.19)

Initial Comments - Object – The FRA and drainage strategy are not sufficient to demonstrate that the proposed development would not have an impact on flooding in the local vicinity. (09.01.19)

Staffordshire County Council Archaeology - Bearing in mind the demonstrable archaeological potential of the area, it is recommended, should permission be granted, that a staged archaeological evaluation (geophysical survey followed by evaluation trenching) be undertaken. This work could be most satisfactorily secured via a condition attached to any planning permission for the scheme (08.01.19).

Natural England – No Objections (24.12.2019 and 04.02.2019)

Cadent Gas – Searches have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified. The apparatus that has been identified as being in the vicinity of your proposed works is:

- High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment
- Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)

As the proposal is in proximity to apparatus, the consultee referred the case for further assessment. (17.04.19)

While the presence of the pipeline must be recognised, it is noted that the development proposals have been designed to ensure that an appropriate buffer is provided from the gas pipeline which is in accordance with guidance set out by the Institute of Gas Engineers Standards (IGE/TD/1), the pipeline will be subject to a 3 metre Building Proximity Distance. The gas pipeline crosses the adjacent site and that development was designed in the same manner with the appropriate buffer provided.

Health and Safety Executive – The HSE does not advise, on safety grounds, against granting of planning permission in this case. (19.12.18)

Canal and River Trust – No objection subject to the imposition of conditions relating to hard and soft landscaping, external lighting, boundary treatment. Comment that overspill drainage from the Canal should not be compromised by the development. (17.12.2019)

Canal and River Trust – Final comments - No objection (03.02.2020)

Lead Local Flood Authority (Flood Risk Officer) – Final comments - Based on a further review of the submitted Flood Risk Assessment, we maintain our opinion that the applicant's drainage strategy offers a reduced run-off compared to the pre-developed greenfield scenario and has been designed to accommodate a 100 year+ climate change storm. The design is in accordance with the DEFRA's Technical Standards for Sustainable Drainage Systems. On that basis and taking into account the weir of the canal, we do not believe there to be an increased risk of flooding as a result of the development. (25.02.2020).

LETTERS OF REPRESENTATION

55 letters of objection have been received raising the following issues, as summarised:

- Fradley has had enough housing development in recent years;
 - The development will cause a loss of village feel;
 - The destruction of on-site trees, with no advance notification of these being removed;
 - The proposal will cause a negative impact on ecology;
 - The proposal will have a detrimental impact on highway safety;
 - The possible de-valuation of neighboring properties;
 - The site is in a dangerous location;
 - No infrastructure, such as schools etc. to facilitate such growth;
 - The development will cause a loss of green space;
 - Sewerage systems are inadequate to facilitate the proposed growth;
 - A Gas supply pipe runs within proximity of the site;
 - The proposed dwellings will be out of keeping with the village;
 - Land is intended to be a 'green buffer' between development;
 - Visibility splays proposed are inadequate;
 - Potential negative impact on drainage;
 - The development has no regard for the wider environment;
 - A lack of consultation with residents;
 - Development would set a precedent if approved;
 - Disruption and negative amenity impacts during the build;
 - Loss of ecological habitats;
 - Potential light pollution; and
 - Concerns as to how the construction vehicles access the site.
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OBSERVATIONS

Site and Location

The application site is an irregular shaped parcel of land located on the western side of Turnbull Road and is located between the Coventry Canal to the south and the junction of Turnbull Road with Hay End Lane to the north. The site has frontages to both Turnbull Road and Hay End Lane. The site lies within the Fradley Strategic Development Allocation as confirmed by the Local Plan Strategy Policies Map.

To the west, the site adjoins a residential development recently built by Redrow Homes on the site of a farmstead previously known as Brookfield, this housing development also forms part of the SDA. The site was granted outline planning permission (14/01038/OUTM) in June 2016. The reserved matters approval (16/00646/REMM) was granted in December 2016 for the erection of 69 dwellings, which have now been built out with subsequent amendments to the scheme.

The application site has a gradual gradient rising from Turnbull Road towards the watercourse to the west up to the embankment which then falls down to the level of the watercourse itself. The site has been cleared of trees, with some vegetation remaining along the western boundary which adjoins the Redrow housing site. A Gas main crosses the site parallel with Hay End Lane.

In terms of the surrounding context, the site is less than 1km south-west of Fradley village centre and lies 1km north of Fradley Park. Two bus stops are located directly outside the site along Turnbull Road, offering regular services to Lichfield City Centre.

A watercourse runs along the western boundary of the site into the canal to the south, and a tributary from the watercourse runs through the site itself. The site is within the Fradley Strategic Development Allocation and within 15km of the Cannock Chase Special Area of Conservation.

Proposals

Planning permission is sought for the erection of no.8 detached dwellings of varying. The dwellings would be sited in a largely linear layout with 6 dwellings facing towards Turnbull Road, and two dwellings fronting Hay End Lane.

Each dwelling is proposed to be detached and of contemporary design comprising gable features, dormers and floor to ceiling windows and pitched roofs. The properties would be two storey and all comprise internal garages, apart from unit 8 that has an external garage set forward of the property.

Vehicular access is proposed off Turnbull Road with two points of access proposed from that highway. A further access is proposed off Hay End Lane to serve the additional two properties to the north of the site. Each dwelling will have off street parking for at least 2 vehicles (excluding garages). The scheme also includes areas of rear private amenity space and amenity space to the front of the properties.

Determining Issues

1. Principle of Development
2. Housing Mix
3. Design and Layout
4. Residential Amenity
5. Parking and Highways Issues
6. Ecology
7. Trees
8. Drainage

9. Cannock Chase Special Area of Conservation and Community Infrastructure Levy

10. Other Matters

1. Principle of Development

- 1.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Lichfield District Local Plan (1998) (saved policies) and the Local Plan Strategy 2008-2029.
- 1.2 Core Policy 1 of the Lichfield District Local Plan Strategy (LDLPS) states that growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. Development proposals will be expected to make efficient use of land and prioritise the use of previously developed land. Proposals will promote sustainability by minimising and/or mitigating pressure on the natural, built and historic environment, natural resources, utilities and infrastructure and areas at risk of flooding, whilst also mitigating and adapting to climate change and reducing the need to travel.
- 1.3 Core Policy 4 states that new development will be required to provide the necessary infrastructure at a timely stage to meet the community needs arising as a result. Development will also be expected to contribute, as appropriate, to strategic projects that support sustainable development and the wider community.
- 1.4 Core Policy 6 sets out that the District Council will plan, monitor and manage the delivery of at least 10,030 homes in Lichfield District between 2008 and 2029. The District will seek to provide 50% of housing on previously developed land. Housing development will be focused upon the key urban and rural settlements:
- Lichfield City
 - Burntwood
 - Alrewas, Armitage with Handsacre, Fazeley, Fradley, Shenstone and Whittington
 - Adjacent to the neighbouring towns of Rugeley and Tamworth
- 1.5 The Settlement Hierarchy, set out at table 4.1, categorises Fradley as a Key Rural Settlement and within the pre-ambles for Policy Frad4 at paragraph 17.16, it is reiterated that Fradley's status as a Key Rural Settlement means that it functions as a service centre for the wider rural area. Further housing development would support and improve existing services and facilities, and assist in bringing forward new infrastructure, such as health care facility, expansion of the existing school and improvements to public transport and the highway network.
- 1.6 Policy Frad4 states that Fradley will play a significant role in meeting housing need by providing growth of around 1,250 new dwellings, including on brownfield land located between the Coventry Canal and Halifax Avenue within the Strategic Development Allocation (SDA) for Fradley. Commitments for housing developments within Fradley have exceeded the figure set out in the Local Plan Strategy.
- 1.7 The Local Plan Allocations is the second part of the District's strategic plan and was recently adopted and therefore carries full material planning weight. The document details land allocations associated with meeting the growth requirements as set out in the Local Plan Strategy.
- 1.8 Policy F1 (Fradley Housing Land Allocations) identifies an additional housing land allocation, which is allocated in addition to the strategic development allocation, within the Local Plan

Strategy. Policy F1 also states “Changes to the village settlement boundary, as shown on the Policies Map, to accommodate the Fradley Strategic Development Allocation”. The application site is located within the settlement boundary for Fradley within the Local Plan.

1.9 With regard to Neighbourhood Plan Policy, Policy FRANP1 supports development within the settlement boundary of the village. The application site is located within the identified settlement boundary for Fradley.

1.10 The site lies within the settlement boundary of Fradley and is allocated within the Strategic Development Allocations for housing development, as shown on the Fradley Policies Map. The site is within a sustainable location, in close proximity to points of public transport and services and amenities in Fradley. It is considered that the development is acceptable as a matter of principle.

2. Housing Mix

2.1 Policy H1 requires new residential development to include an integrated mix of dwelling types, sizes and tenures based in the latest assessment of local housing need. In order to redress the imbalance of dwelling types within the District, the Council will promote the delivery of smaller properties including two bed apartments and two and three bed houses to increase local housing choice and contribute to the development of mixed and sustainable communities. The Local Plan requires a housing mix of 5% one-bed dwellings; 42% two bed dwellings; 41% three bed dwellings; and 12% four+ bedroom dwellings.

2.2 This application proposes the provision of 4 and 5 bedroom properties only and as such the proposed development is not considered to be in conformity with the suggested mix within Policy H1.

2.3 Notwithstanding this, it must be acknowledged that the application proposals are for 8 dwellings only and as such is not a major development in its own right. On smaller sites such as this, it is not always appropriate to secure a mix of dwelling sizes and therefore the policy requirement can be relaxed. Furthermore, when considering the development contextually with other developments within the wider SDA, which has resulted in the delivery of dwellings which exceed the target within Fradley, it is not considered that the proposed mix would unduly undermine the aspirations or thrust of the policy.

2.4 Notwithstanding the above, it is considered that there would be other benefits of the scheme, as explored below, which outweigh the tension with Policy in this regard. The proposed housing mix is deemed to be acceptable.

3 Design and Layout

3.1 Appendix E of the Local Plan Strategy sets that out the Fradley Strategic Development Allocation will be designed and built according the principles of sustainable development and good urban design. In order to achieve this, due regard should be had to the close proximity of the existing Industrial Park, its associated traffic movement and disturbances; the careful treatment of ‘edges’ to ensure an appropriate and successful transition between the built form and adjacent countryside, which should include the retention of existing quality hedgerows and significant trees within the development and to its edges; particular care will be required for the treatment of the edge alongside the Canal and the impact on the nearby canal conservation area; and innovative, sustainable design that maximises the opportunities to assist in the creation of a low carbon development.

- 3.2 Core Policy 3 of the Local Plan Strategy states that the Council will require development to contribute to the creation and maintenance of sustainable communities. In terms of design, this should be achieved by protecting and enhancing the character and distinctiveness of Lichfield District and its settlements and be of a scale and nature appropriate to its locality.
- 3.3 Policy BE1 of the Local Plan Strategy requires new development to promote a high quality sustainable built environment. Development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact on the significance of the historic environment, the built vernacular by respecting the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views.
- 3.4 Policy FRANP6 of the Fradley Neighbourhood Plan states that proposals for new development or the redevelopment of existing buildings should contribute towards the local distinctiveness of Fradley. They should demonstrate high quality, sustainable and inclusive design and architecture as well as good urban design. Development should respect the residential amenity of neighbouring occupiers and have regard to the Fradley Character Area Assessment.
- 3.5 As set out previously, the application site lies within the allocated Strategic Development Allocation. Consequently the site is adjoined by housing development to the east and west by recent housing development, while the land immediately to the north is committed for further housing development. Therefore, given this context, it is considered that housing development could be provided within this site in a manner which assimilates appropriately with its surroundings.
- 3.6 In this instance, the proposal comprises the construction of 8 detached dwellings, given the linear nature of the plot, the proposed dwellings are designed in a linear manner with 6 dwellings fronting Turnbull Road, and two dwellings facing towards Hay End Lane, where the application site is wider. The dwellings would not be in a rigid linear form and there is slight variance proposed in orientation to provide some interest. The layout of the dwellings is therefore designed in a manner which reflects the nature of the plot. Dwellings within the surrounding area are of varying design and scale, therefore there is no uniformed pattern of development to adhere to. Therefore, it is considered that the construction of 8 detached dwellings within this parcel of land would not be against the grain of development within the immediate area.
- 3.7 The proposal is in keeping with the existing street scene and continues the pattern of development along Hay End Lane, extending this along Turnbull Road to the south and the proposed pattern of development is considered to be acceptable, given the linear form of the site. The dwellings are set back from Turnbull Road so not to appear overbearing on the existing street scene and to maintain a soft edge and spacious character. The set back from the public highways would create 'green buffer' along the site's western and northern boundaries, appropriately separating the site from the highway as well as providing for landscaping opportunities. Furthermore, the green space proposed at the junction of Turnbull Road and Hay End Lane allows for a 'soft corner' improving the appearance of the development.
- 3.8 The visual impact of the proposal from Turnbull Road to the west is further reduced by the change in land levels across the site and when approaching the site from the south-west, the site falls below an embankment thereby reducing the prominence of the site from Turnbull Road and reducing its visual impact upon the surrounding area.

- 3.9 Each proposed dwelling comprises contemporary design features including wooden cladding, high pitched salt box roofs, floor to ceiling windows, front gables and integral garages all of which add visual interest to the development and raise the overall quality of development for the surrounding area. Recent housing development in the surrounding area are more generic of modern housing estates in terms of design and appearance and it is considered that the introduction of the proposed dwellings, of more contemporary design, would add interest and variance to the design quality of dwellings in the locality.
- 3.10 Fronting on to Hay End Lane, the proposed dwellings would follow the building line of the properties to the west. Notwithstanding this, Plot 8 includes a detached garage set forward of the property, closer to the public highway. The siting of garages forward of the building line can appear prominent and incongruous on the street scene. Notwithstanding this, in this instance the proposed garage, would still be set back from the edge of the public highway and as such there would be opportunities to provide some landscaping to soften and screen the garage.
- 3.11 As mentioned above, there are land level changes between Turnbull Road and the siting of the proposed dwellings. The southern access point would therefore need to be graded accordingly, to ensure that appropriate access could be provided. Notwithstanding this, it is considered that this could be carried out without causing undue harm to the character and appearance of the area.
- 3.12 To the south of the site is the Coventry Canal which is a non-designated heritage asset. Due to the shape of the site, the site only shares a small boundary with the canal. Furthermore, the proposed dwellings are sited approximately 25m from the Canal. The Canal and Rivers Trust have been consulted on the application and have confirmed that they have no objection to the proposals subject to the use of appropriate boundary treatments and hard and soft landscaping. Subject to the use of appropriate conditions it is considered that the development can be carried out without causing undue harm to the character and appearance of the canal.
- 3.13 The application site is of irregular shape and comprises land level changes and there are also a number of constraints within and adjacent to the site. Notwithstanding this, it is considered that the proposed development can be carried out in a manner which is sympathetic to the surrounding area and appropriate in terms of character and appearance. There would remain opportunities for landscaping to be provided across the site, plus the addition of SUDs. It is considered that the site can be appropriately landscaped which would also help to ensure that the development is appropriately designed. In this instance it would be necessary to ensure that appropriate materials are used for the facing of the development, along with appropriate hard and soft landscaping and boundary treatments. These can be secured by condition.
- 3.14 In view of the above, it is considered that the proposed new dwellings would relate well to the existing form of development in the area and would not detract from the character and appearance of the street scene or the surrounding area. It is therefore considered the proposals are acceptable in terms of design and layout, and as such accord with the Development Plan and the principles of the NPPF in this regard.

4 Residential Amenity

- 4.1 Policy BE1 of the Local Plan Strategy states that development should not detrimentally impact upon occupier and neighbouring amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 4.2 The Council's Sustainable Design SPD includes guidelines for space about dwellings and amenity standards in order to ensure privacy is preserved. These include a minimum distance separation of 21m between facing principal windows; 10m from first floor windows to boundaries shared with neighbours' private amenity space; 6m from ground floor windows to site boundaries except where no overlooking is demonstrated; and a minimum of 13m between principal windows and blank two storey elevations of neighbouring dwellings. This also indicates that increased separation distances will be required where there are significant variations in ground levels between new and existing development, with a general guide that the distance should be increased by 2 metres for every 1 metre rise in ground level. In addition, the SPD recommends that private amenity space amounting to 65m² should be provided for dwellings with four bedrooms and 100m² for 5 bedroom properties.
- 4.3 In terms of the proposed relationship with the properties to the west, the proposed dwellings include first floor openings which would face towards the flank elevations and private amenity space of those nearby properties. Notwithstanding this, all openings are a minimum of 6m from the private amenity space which ensure that no adverse overlooking would arise. For instance, plot 1 is 6m from residential rear gardens to the west. There would be no direct facing principal openings and therefore there would be no adverse loss of privacy to existing occupants to the east. Given the proximity of the development from private amenity spaces and openings to habitable rooms it is considered that the proposed development would not result in any significant loss of daylight to habitable rooms or overbearing/overshadowing on private amenity spaces.
- 4.4 With regard to the properties to the east of the site, these proposed dwellings are well in excess of spacing standards, while the change in land level between the site and the embankment to the south would reduce the visual prominence of the dwellings when viewed from these properties. No adverse amenity issues would arise in terms of overlooking, privacy, outlook, overshadowing or overbearing.
- 4.5 In terms of the amenity of the future occupants, there would be principal openings to the rear of units 1, 2 and 5, which would face directly towards the flank elevation of dwellings to the west. These would be at a distance of 7.6m, 12m and 18m respectively. The spacing standards for windows facing blank elevations of adjoining properties would therefore be met. Additionally the windows in the rear of Unit 7 would face the side elevation of Unit 6 at a distance of 8m.
- 4.6 In terms of internal overlooking, there would be a spacing of 7.6m between first floor openings of Unit 3, serving a bedroom and ensuite, and the garden of Unit 2 and a spacing of 7.6m between the first floor openings of Unit 8 and the garden of Unit 6. The proposed development would meet spacing standards of 6m and as such it is considered that no significant adverse overlooking would arise.
- 4.7 In terms of amenity for future occupiers, all habitable rooms would be provided with adequate light and outlook. An area of private amenity space would be provided to the rear of the dwellings will be a minimum of 141m²; which exceeds the minimum guideline garden sizes within the Sustainable Design SPD. The depth of the private garden area for the property is slightly smaller than the guidelines specified in the SPD for plots 3, 7 and 8, varying in depth from 8m to 9m, however it is not considered that this would warrant the refusal of the

application in this instance, given the size of amenity spaces proposed, and in view of the fact that no direct overlooking would result at the rear, due to the juxtaposition of the existing surrounding properties, and that consent has recently been granted for this proposal. All other plots would comply with the guidelines for garden sizes. It is however recommended that permitted development rights are removed from the dwellings by a condition, to ensure an adequate level of amenity space is appropriately maintained and to ensure no harm is caused to the residential amenity of neighbours.

- 4.8 It is considered therefore that the proposed development would not result in any significant unacceptable detrimental impact on the amenity of occupiers of surrounding properties and, on balance, would provide future occupiers with an adequate level of amenity, subject to conditions, as recommended. As such, it is considered that the development would not conflict with the NPPF and development plan in this regard, so as to justify refusal.

5 Parking and Highways Issues

- 5.1 Policy BE1 of the Local Plan Strategy states that new development should be located in areas which have good safe access to public transport to reduce the need to travel by private car. Policy ST2 of the Local Plan Strategy sets out that parking should be in accordance with the Sustainable Design SPD which states that dwellings with 4 bedrooms should be provided with 2 parking spaces per dwelling and 5 bedroom dwellings should provide 3 car parking spaces per dwelling
- 5.2 Vehicular access for the proposed new dwellings would be taken from Turnbull Road and Hay End Lane. Two points of access would be provided from Turnbull Road, which would serve 6 of the dwellings, while two dwellings would be served from Hay End Lane. The two points of access from Turnbull Road ensure that there is no requirement for service and refuse vehicles to turn within the site. There is sufficient space within the site and plots to ensure that the domestic vehicles can enter and exit the site in a forward gear.
- 5.3 The scheme requires the creation of new accesses from Turnbull Road, the existing arrangement where the southern access is proposed includes significant land level changes between the highway and the dwellings. The application has been supported by some site sections, although full details of the access have not been provided. SCC Highway are satisfied that an appropriate access, at the appropriate gradient, can be created which would not result in adverse harm to highway safety. Notwithstanding this, it is considered that detailed levels should be provided, given the level change between the site and the embankment to the south of the site. A Road Safety Audit has been provided making the recommendations to the highways layout are now proposed. Appropriate visibility splays can also be provided in both directions from all points of access.
- 5.4 In terms of car parking provision, the application proposals provide an adequate level of off street parking to serve each of the dwellings which would be in accordance with adopted spacing standards. It would be necessary to secure a scheme for cycle parking to serve each dwelling, this could be secured by condition.
- 5.5 Consequently, Staffordshire County Council Highways have raised no objections subject to conditions, in relation to the submission of full details of suitable vehicular access visibility splays; that parking and turning areas are provided prior to first occupation and that garaging remains for parking only. Such conditions have been recommended, where appropriate. Overall, it is not considered that pedestrian or highway safety would be affected by the proposals.

- 5.6 The Parish Council's comments regarding increased traffic movements are noted, however these are considered by the Highways Authority to be negligible. Additional road safety data and plans have been provided as part of the submission of the application which have been reviewed by the Staffordshire County Council Highways team and have been found to be satisfactory.
- 5.7 As such, the proposed access arrangements would provide the main vehicular access in the previously approved position, would accord with the NPPF and development plan in relation to the parking and highways, subject to conditions.
6. Ecology
- 6.1 To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the Council's biodiversity duty as defined under Section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 6.2 Policy NR3 maintains that development will only be permitted where it protects, enhance, restores and implements appropriate conservation management of the biodiversity and/or geodiversity value of land or buildings; minimises fragmentation and maximise opportunities for restoration, enhancements and connections of natural habitats; incorporates beneficial biodiversity and/or geodiversity conservation features, including feature that will help wildlife to adapt to climate change where appropriate; and delivers a net gain for biodiversity and/or geodiversity in the district.
- 6.3 Policy NR4 of the LDLPS iterates that the District's trees, woodland and hedgerows are important visual and ecological assets. Trees and woodland will be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. The policy goes on to state that potential long term conflict between retained trees, hedgerows and built form will be designed out at planning stage.
- 6.4 Policy FRANP8 of the Fradley Neighbourhood Plan required development to respect the important nature and heritage features and net gains in biodiversity where possible. Furthermore, development should not result in the net loss of biodiversity or green infrastructure, including hedgerows.
- 6.5 The Ecology Team are now satisfied with the methodology and the information provided within the submitted Preliminary Ecological Appraisal and further protected species surveys and have raised no objections to the scheme, subject to conditions relating to adherence to all recommendations and methods of working details within the submitted ecological reports and surveys.
- 6.6 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.
- 6.7 In terms of a net gain to biodiversity, the Ecology Team agrees that the Biodiversity Impact Calculator is accurate in describing the likely achievable biodiversity value of the site post development, as 0.62 Biodiversity Units with a requirement for a further 1.11 biodiversity

units to be delivered off site. Paragraphs 6.50 and 6.51 of the Biodiversity & Development SPD state that *“If an applicant is unable to locate and secure an appropriate site on which an approved biodiversity offsetting scheme can be created then this will often necessitate a financial payment to the council via a planning obligation, secured through a S.106 Agreement. The purpose of such a payment would be to pay for the council to secure adequate compensatory measures and to ensure the sustainable development objectives of local planning policy are achieved.”*

6.8 The Ecology Team are satisfied with a legal agreement to secure the financial contribution prior to the commencement of development, in the instance that planning permission is granted. Subject to the payment of this contribution the proposal is considered to comply with Policy NR3, the Biodiversity and Development SPD and the NPPF in this matter.

7. Trees

7.1 Policy NR4 of the Lichfield Local Plan Strategy sets out that Lichfield District’s trees, woodland and hedgerows are important visual and ecological assets in our towns, villages and countryside. In order to retain and provide local distinctiveness in the landscape, trees, veteran trees, woodland, ancient woodland, and hedgerows, are of particular significance. Trees and woodland will be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. Potential long term conflict between retained trees, hedgerows and built form will be designed out at the planning stage.

7.2 The application site has been largely cleared of all trees and vegetation, however there are a number of trees on the periphery of the site and on adjacent land. The Arboricultural Team have raised concern with regard to the scheme. One concern relates to the impact of trees off site which would result in shading on the private amenity space of the proposed dwellings. Notwithstanding these concerns, the trees which purport to result in shading have been significantly reduced through maintenance and as such, in the opinion of the Local Planning Authority, the shading concern does not exist to the degree of concern raised by the Arboricultural Officer. In addition as previously stated the proposed properties all have amenity space provided which exceeds the requirements set out in the Council’s Sustainable Design SPD and as such it is not considered that future amenity will be significantly impacted upon by shading.

7.3 Further concern has been raised with regard to the adequacy of the landscaping proposed within the scheme and whether the proposed species can develop to maturity to provide the degree of coverage envisaged and whether soil volumes are appropriate. Although these concerns are noted, given the site being of a small irregular shape and thereby constrained nature, a significant level of landscaping, such as 20% coverage, is not always achievable. It is however considered that a semi mature landscaping scheme can be provided of sufficient form to soften the urban form of development and improve the visual appearance of the development to a suitable degree. As such, it is considered that an alternative landscaping scheme, that is more accustomed to a more constrained site, can be secured by way of condition.

7.4 Therefore, while it is noted that the Arboricultural team have raised concern with regard to the development proposed, these concerns relate largely to the adequacy of the submitted landscaping scheme. As set out above, it is not considered that there are any robust grounds to resist the development with regard to landscaping or arboricultural matters.

8. Drainage

- 8.1 Core Policy 3 of the Local Plan Strategy sets out that the Council will require development to contribute to the creation and maintenance of sustainable communities, mitigate and adapt to the adverse effects of climate change, make prudent use of natural resources, reduce carbon emissions, enable opportunities for renewable energy and help minimise any environmental impacts. This should be achieved by minimising and managing water, waste and pollution in a sustainable way, particularly through reduction, re-use and recycling measures in both the construction and use of buildings; and give priority to utilising ground infiltration drainage techniques and including sustainable drainage techniques and incorporate other sustainable techniques for managing surface water run-off.
- 8.2 A tributary traverses the site and this will be managed by diverting it along the western boundary via a Sustainable Urban Drainage System, which would involve diverting the tributary underground. An amended Drainage Layout Plan and Drainage Maintenance Strategy have been submitted, which states that all drainage shall be the responsibility of a 3rd Party Management Company on behalf of the developer.
- 8.3 Following the submission of additional information relating to the drainage strategy, outfall rate and maintenance strategy the LLFA confirmed that they have no objection to the development scheme and requested that a condition be attached requiring the development to be implemented in accordance with the submitted drainage details. As such, the development scheme is considered to comply with Core Policy 3.

9. Cannock Chase Special Area of Conservation and Community Infrastructure Levy

- 9.1 Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within a 15km radius of the Cannock Chase Special Area of Conservation will be deemed to have an adverse impact on the SAC, unless or until satisfactory avoidance and/or mitigation measures have been secured. The Council adopted guidance on 10 March 2015 acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. As the proposal lies within the 8-15km buffer of the Cannock Chase Special Area of Conservation, no financial contributions are required.
- 9.2 The Council's Supplementary Planning Document Developer Contributions details the Council's CIL requirements for development. The document identifies that this site is located within the higher levy charging area for residential development and as such will have a fee calculated at £55 per square metre. The fee is calculated using internal measurements and is applicable to all floors of any new dwelling. The applicant has submitted with the application a completed CIL form. An informative noting the need to resolve CIL payment for this development would be attached to any permission.

10. Other Matters

- 10.1 Fradley and Streethay Parish Council have submitted to the Council additional information in relation to their view on the current land ownership position, as well as resident's proposed layout plan of the site if they were to 'adopt' in the instance that planning permission is not granted for the current application. Whilst the submitted plans and evident concerns of the Parish Council have been noted, land ownership and potential alternative uses of land are not matters that could justify withholding planning permission. As set out above, the application site is allocated for housing within the Development Plan and it is not considered that there is any other mechanism to deliver alternative uses, unless such uses are advanced through a planning application. The Parish Council are now aware that the site is owned by William Dare

Turbull Ltd, a subsidiary of Massey Limited whom completed the purchase of the land in June 2019.

- 10.2 Various neighbour comments have been raised with regard to the view that the existing foul water drainage network is at capacity and will not be able to accommodate additional development. Whilst noted, this is not considered to be a planning matter as Severn Trent Water have a statutory duty to ensure that new development will be able to be properly served by the existing drainage network. The Committee Report has thoroughly assessed the drainage proposals, this including consulting with Severn Trent Water who on 12th April 2019 confirmed that there were no objections to the scheme and the intention to discharge foul sewerage to the public foul sewer. As such, it has been considered that the proposals, in respect of foul water drainage, is acceptable.
- 10.3 The site was cleared of the majority of its trees, resulting in a number of objections from the local community. Whilst the removal of such a large area of vegetation is not supported within Development Plan policy, as stipulated at Policy NR4, the cleared trees were not in a protected state and were removed prior to the submission of the current planning application. As such, this should not weigh against the applicant at determination stage.

Conclusion

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals. With reference to this scheme, economically the proposal will facilitate the construction of development on a Local Plan allocated residential site, which will support employment through the construction phase and homes for families to live in the area. Socially, the proposal has been designed to meet relevant separation and amenity standards and is not considered to result in any significant amenity impact on neighbouring residents. Environmentally, the visual impact of the development, is appropriate to its siting and context. The scheme is considered to have an acceptable ecological, drainage and highway impact.

It is noted that the development does not provide the appropriate housing mix and will not provide a landscaping scheme which will be allowed to fully mature, however, on balance, given the scale of the proposals and the constraints of the site which include its irregular shape and a required stand-off distance to a gas pipeline the scheme delivers 8 new properties on an allocated site.

Thus, given the material weight attributable to the need to support sustainable development, contribution to housing supply and the lack of any significant evidenced harm resulting from the development, subject to a section 106 agreement for ecological mitigation and the abovementioned conditions, it is recommended that on balance this application be approved.

Human Rights

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