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Ask for Wendy Johnson
Email wendy.johnson@lichfielddc.gov.uk



District Council House, Frog Lane
Lichfield, Staffordshire WS136YU

Customer Services 01543 308000
Direct Line 01543308075

3 December 2020

Dear Sir/Madam

PLANNING COMMITTEE

A meeting of the Planning Committee has been arranged to take place **MONDAY, 14TH DECEMBER, 2020 at 6.00 PM** to consider the following business.

In light of the current Covid-19 pandemic and government advice on social distancing, the meeting will be held online and streamed live on the Council's [YouTube channel](#)

.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Christie Tims', is written over a light grey circular stamp.

Christie Tims
Head of Governance and Performance

To: Members of Planning Committee

Councillors Marshall (Chairman), Baker (Vice-Chair), Anketell, Barnett, Birch, Checkland, Cox, Eagland, L Ennis, 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 - 36



PLANNING COMMITTEE

16 NOVEMBER 2020

PRESENT:

Councillors Baker (Vice-Chair, in the Chair), Anketell, Barnett, Birch, Checkland, Cox, Eagland, L Ennis, Evans, Ho, Humphreys, Leytham, Matthews and Tapper

9 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Marshall.

10 DECLARATIONS OF INTEREST

Councillor Birch declared a personal interest in Agenda Item 4 (Application no – 20/00760/FUL) as he is the Chair of Burntwood Town Council's Planning Committee who have raised significant objections.

Councillor Leytham declared a personal interest in Agenda Item 4 (Application no – 20/00508/FUL) as the applicant is known to him.

11 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on Monday 24 August 2020 previously circulated were taken as read, approved as a correct record and signed by the Chairman.

A request was received that any further consultation made by Staffordshire County Council to Lichfield District Council in respect of an application at Land South of the A513, Orgreave, Alrewas for Concrete Works (County ref. L.20/03/867 M) be considered at this Planning Committee in the future.

12 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/representations together with the supplementary report of observations /representations received since the publication of the agenda in association with Planning Applications 20/00508/FUL, 20/00757/FUL & 20/00760/FUL

20/00508/FUL – Demolition of the existing dwelling and erection 2no. detached dwellings and associated works – 62 Pinfold Hill, Shenstone, Lichfield, Staffordshire
For: Mr and Mrs Crump

RESOLVED: That the planning application be approved subject to conditions contained in the report of the Head of Economic Growth and Development.

(Prior to consideration of the application, representations were made by Mr and Mrs Hill (Objectors) and Mr Richard West from Cerda Planning (Planning Consultant)).

20/00757/FUL – Erection of 1no. dwelling and associated works (re-submission of 19/01581/FUL) – Land adjacent Shenstone Moss, St. Johns Drive, Shenstone, Lichfield, Staffordshire
For: Firstpost Homes

RESOLVED: That the planning application be approved subject to conditions contained in the report of the Head of Economic Growth and Development.

20/00760/FUL – Demolition of workshops and construction of 2 bedroom bungalow – 204 High Street, Chasetown, Burntwood, Staffordshire
For: Ms Leanne Lennaon

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

In the opinion of the Local Planning Authority, the proposed development, by reason of the siting, and scale of the dwelling, along with the resultant plot sizes, would constitute an inappropriate form of backland development that would be at odds with the pattern and density of development in the area. The proposal would therefore be out of keeping with and cause harm to the character and appearance of the locality. The proposal would therefore be contrary to Core Policy 3 (Delivering Sustainable Development) and BE1 (High Quality Development) of the Lichfield Local Plan Strategy 2015, the Sustainable Design Supplementary Planning Document, and Government policy contained within the National Planning Policy Framework (2019).

(The Meeting closed at 7.40 pm)

CHAIRMAN

Agenda Item 4

Planning Committee

14 December 2020

Agenda Item 4

Contact Officer: Claire Billings

Telephone: 01543 308171

Report of the Head of Economic Growth and Development

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

14 December 2020

CONTENTS

Case No.	Site Address	Parish/Town Council
20/01207/COU	32 Swallow Croft Lichfield	Lichfield

ITEM B

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

CONTENTS

Case No.	Site Address	Parish/Town Council
20/01459/FUH	5 Paskin Close Fradley	Fradley And Streethay

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).

CONTENTS

Case No.	Site Address	Authority
20/00722/SCC (L.20/03/867 M)	Land South Of the A513, Orgreave, Alrewas	Staffordshire County Council

LOCATION PLAN

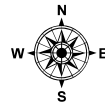
20/01207/COU
32 Swallow Croft
Lichfield

Scale: 1:1,000

Dated: December 2020

Drawn By:

Drawing No:



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20/01207/COU

**Conversion of former retail unit into hot food takeaway and associated works.
R And J Angling Supplies, 32 Swallow Croft, Lichfield, Staffordshire
FOR Mr Jahed Ahmed**

Registered: 14/09/2020

Parish: Lichfield City Council

Note: This planning application is being reported to the Planning Committee at the request of Councillor Joanne Grange due to concerns with regards to

- design,
- highways implications,
- impact upon the residential amenity.

Further to this a significant planning objection from the Lichfield City Council has been received on the grounds of

- inadequate parking and access,
- inevitable cooking smells and noise.

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 premises shall be open for custom only between the hours of 17:00 to 23:00 daily.
3. The proposed external extraction systems will be visible from the nearby streetscene and the surrounding wider locality. In order to minimise any impacts, in terms of design and appearance implications, the proposed external systems shall be finished in a dark matte colour.
4. Prior to the new kitchen facility being brought into first use, a scheme for the control of odour and noise from the kitchen extractor shall be submitted to and agreed in writing with the Local Planning Authority. The measures should be implemented and retained thereafter. Further advice and guidance is provided in the document: Control of Odour and Noise from Commercial Kitchen Exhaust Systems, prepared by NETCEN on behalf of DEFRA.
5. 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. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance.
3. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy.

4. To safeguard the occupiers of nearby residential properties from undue noise and general disturbance.
5. 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.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
 2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
 3. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
 4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at www.lichfielddc.gov.uk/cilprocess.
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PLANNING POLICY:

Government Guidance

National Planning Policy Framework
National Planning Practice Guidance

Supplementary Planning Documents

Biodiversity & Development SPD
Sustainable Design SPD

Neighbourhood Plans

Neighbourhood Area Plan - Lichfield City

Local Plan Strategy

Policy BE1 - High Quality Development
Policy CP1 - The Spatial Strategy
Policy CP2 - Presumption in Favour of Sustainable Development
Policy CP3 - Delivering Sustainable Development
Policy CP4 - Delivering our Infrastructure
Policy CP7 - Employment & Economic Development
Policy CP8 - Our Centres
Policy NR7 - Cannock Chase Special Area of Conservation
Policy Lichfield 1: Lichfield Environment

Policy Lichfield 2: Lichfield Services and Facilities
Policy Lichfield 3: Lichfield Economy
Policy ST1 - Sustainable Travel
Policy ST2 - Parking Provision

Local Plan Review: Preferred Options (2018-2040)

RELEVANT PLANNING HISTORY:

19/01154/PNC	Prior Notification to allow change of use from A1 (retail) to A3 (Food and Drink)	Prior Approval Required and Refused	04/10/2019
12/01248/COU	Change the use from retail (A1) to hot food takeaway (A5). 36 Swallow Croft, Lichfield	Application Permitted	08/01/2013
06/00620/COU	Change of use from retail (A1) to chinese takeaway (A5). 36A Swallow Croft, Lichfield	Application Refused	15/08/2006

CONSULTATIONS:

Lichfield City Council - Objection.

1. In adequate parking and vehicular access to the site which is not suitable to facilitate and allow safe car parking and leaving to collect takeaways.
2. Site not suitable for a takeaway due to the inevitable cooking smells, regardless of any extraction unit, which itself will cause a constant noise and proximity to residential premises. (02 October 2020)

Environmental Health Team (LDC) - do not object to the proposals in principle.

I do however have concerns with regards potential noise and odour impacts from the kitchen extraction system, and there is insufficient detail submitted in regards the specification of the ozone odour control system referred to in the submitted kitchen ventilation plan.

I therefore advise the following condition:

1. Prior to the new kitchen facility being brought into first use, a scheme for the control of odour and noise from the kitchen extractor shall be submitted to and agreed in writing with the Local Planning Authority. The measures should be implemented and retained thereafter.

Informative:

Further advice and guidance is provided in the document: Control of Odour and Noise from Commercial Kitchen Exhaust Systems, prepared by NETCEN on behalf of DEFRA. (15 October 2020)

Staffordshire County Council (Highways) -

There are no objections on Highway grounds to the proposed development. (13 October 2020)

Staffordshire County Council (Highways) -

The Highway Authority (HA) advised objections to 19/01154/PNC for a proposed change of use from A1 (retail) to A3 (Food and Drink) but is advising acceptance of the current application for conversion of former retail unit into hot food takeaway (Sui Generis) and associated works.

A Hot food take-away use will lead to a significantly different trip generation compared to a Restaurant or café use (a trip being one motorised vehicle movement either from somewhere else to the vicinity of the site, or away from the vicinity of the site to somewhere else). Both uses would be expected to have similar peak hours for trip generation being from early to late evening and, to a lesser extent at lunchtimes. However, the pattern of those journeys is significantly different in that restaurant trips would be over a longer time period as customers arrive at the restaurant, enjoy their meal and then leave later on. Take-away trips would be much closer together with drivers parking, often as close to the door as possible while they call in to possibly order, but certainly pick up their food, before leaving after a short period of time. The consequent impact of the differing patterns of trip generation is that a restaurant use would be expected to lead to a larger demand for longer stay parking, whereas a take-away would lead to shorter stay parking. The restaurant use would lead to a larger accumulated demand for car spaces, whereas the take-away use could lead to multiple cars using the same spaces over the peak times.

In the case of this site, no off-street car parking is provided for the benefit of the proposal with the consequence that all vehicle parking must generally take place within the highway. In the absence of any evidence to the contrary submitted as part of the Planning application, the HA considered that the accumulated demand for car parking of a restaurant use at this location (which could be considerable) would lead to an unacceptable impact on the highway.

In light of the above, a take-away use would not be expected to lead to anything like the same demand for car parking. The disadvantage caused by a take-away use is more related to the potential for drivers pulling up and parking for convenience at undesirable locations, such as would be the case with a busy junction, zebra crossing, or where there are waiting restrictions to prevent undesirable parking. There are no such undesirable locations in the vicinity of this site where short stay parking would lead to particular issues that are not already potentially present by virtue of the trips in connection with the existing lawful use of the site as a shop.

On the basis of the above, and for the reasons described in the HA advice dated 13 October 2020, the HA advice is of acceptance. (28 October 2020)

LETTERS OF REPRESENTATION:

16 letters of objection have been received in respect of this application. The main concerns have been briefly summarised as follows:

- Concerns with regards to highways implications.
- Traffic flow implications.
- Intensification of use resulting in car parking issues.
- Danger and risk to pedestrians and road users.
- Hours of opening should be further restricted.
- May lead to congestion in the locality.
- Concerns with regards to smells.
- Is there a need for the hot food takeaways.

OTHER BACKGROUND DOCUMENTS:

N/A

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION:

General Arrangement	Existing & Proposed Floor Plans	Version: A1097-101 C
Location Plan	Site Location Plan	Version: A1097-200 A
Existing Elevations / Plans	Existing Elevations	Version: A1097-300 A
Proposed Elevations / Plans	Proposed Elevations	Version: A1097-301 B
Other	Mechanical Ventilation Layout	Version: Q2288-M-001
Application Forms	Application Form	Version: N.A

OBSERVATIONS:

Site and Location

The application relates to a ground floor unit situated on the north side of the Swallow Croft highway in Lichfield. The site is situated to the north-west of Lichfield city centre, and sits within a small group of units serving the surrounding local residential development. The applicant has stated that the site under consideration is a currently vacant former fishing tackle retail premises with residential flats above. The Local Planning Authority have identified the premises as accommodating a cake shop called Cakes of Wonderland. The first floor facilities a residential apartment with an independent entrance at the rear.

From undertaking a planning search the following site constraints have been identified for the site under the address of No.32 Swallow Croft, Lichfield. Insert 1 of the Lichfield District Local Plan 2008-2029 Policies Map depicts some of the relevant constraints and allocations. The site is situated outside of the West Midlands Green Belt, and does not contain, or affect, any designated or non-designated heritage assets. The application site falls within the 8km - 15km Special Areas of Conservation buffer zones, and is identified as being situated within an allocated Neighbourhood Shopping Centre.

Background

The Council considered a Prior Notification Application under the referenced of 19/01154/PNC on 04 October 2019 for the proposed change of use from A1 (retail) to A3 (food and drink). The decision on this Prior Approval application was that Prior Approval was required and Refused.

The reasoning for this decision was stated as:

The Local Authority must consider whether prior approval is required for this development against the conditions listed under Paragraph C2 of the Schedule 2, Part 3, Class C of the Town and Country Planning (General Permitted Development) Order 2015. It is considered that prior approval is required and refused on the grounds of noise, odour, highway impact and siting and design of the external flue.

The application fails to demonstrate that the proposed extraction system is acceptable with regards to noise and odour emissions. The change of use is considered to have a detrimental impact upon highway safety due to the lack of customer parking provision, which will result in customers parking on the highway. Finally the proposed siting and design of the flue is considered to be unacceptable.

It is noted by the Local Planning Authority that as part of the prior approval application the Local Highway Authority presented an objection. The Local Highway Authority stated that:

The Applicant has failed to demonstrate that the development will not lead to an unacceptable increase in car parking within the highway which could lead to additional dangers to highway users and would not be in the interests of highway safety. Additional parking in the highway could lead to undesirable parking for convenience on junctions and obstructing accesses, where such parking could mask road users from one another and lead to dangers to vulnerable road users, particularly pedestrians.

Evidence could be provided by the Applicant in the form of a Statement including the existing demand for car parking for the existing Retail use, in accordance with the LDC parking standards (the status quo). A car parking accumulation exercise carried out using surveys of similar uses from the TRICS Database, on the basis of the square metres floor area of the proposed A3 Use, could be included. Surveys of the existing car parking in the highway in the vicinity of the site at the busiest times could also be included, as could information on cycle parking and provision for servicing and deliveries.

There were not any Personal Injury Collisions on the local road network in the immediate vicinity of the site between 1 January 2014 and 31 December 2018 and so this does not suggest that there are any existing accident problems or identifiable accident trends locally that would be exacerbated by the construction of the proposed development.

Proposals

This application seeks permission for the proposed conversion of the former retail unit into a Hot Food Takeaway (A5), together with associated works, at the site under the address of No.32 Swallow Croft, Lichfield.

The proposed ground floor layout as submitted presents a waiting area with a counter and a seating area at the front of the premises, with the proposed customer entrance being from the front. A prep/ store and cooking area has been presented centrally, with a further prep/ store area and a w/c presented at the rear. The submitted scheme of development also incorporates powder coated aluminium ventilation louvres and galvanised or stainless steel self-finished ventilation ducting. This extraction facility is proposed to exit the south-east facing side elevation towards the rear of the building and flow upwards to a kitchen extraction duct situated just above the roof. The scheme also presents a proposed air intake louvre replacing an existing window above the doorway at the rear. The submitted documentation under consideration also details a black-lit acrylic in powder coated aluminium housing illuminated shop front sign labelled by the application as wording and graphics tbc.

The applicant has stated that the proposed opening hours will be 17:00 to 23:00 Mondays to Fridays, Saturdays, and Bank Holidays. There are no changes in total internal floor space or any alterations to vehicular access to or from the public highway.

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. Human Rights

1. Policy & Principle of Development

1.1 The NPPF sets out a presumption in favour of sustainable development, this is echoed in Core Policy 2 of the Lichfield District Local Plan Strategy 2008-2029. 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*. Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that *the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise*. The Development Plan for Lichfield District comprises the Lichfield District Local Plan (1998) (saved policies) and the Local Plan Strategy 2008-2019, and the adopted Neighbourhood Plan.

1.2 As outlined above the application site sits within a small group of retail units serving the surrounding local residential development falls with an allocated neighbourhood shopping

centre. A review of relevant planning history and the relevant planning policy context suggests that within these areas the use of ground floor units for commercial use such as hot food takeaways is considered an appropriate use subject to other considerations. As such it is considered that there is no objection to the principle of the development subject to satisfying matters related to the general development criteria, which are discussed below.

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

- 2.1 Lichfield District Local Plan Strategy 2008-2029 Policy BE1 states that all development should ensure that a high quality sustainable built environment can be achieved. Policy BE1 also states that new development should carefully respect the character of the surrounding area and development in terms of layout, size, scale, design and public views. Core Policy 3 seeks to protect and enhance the character and distinctiveness of the Lichfield District. The Local Planning Authority require development to carefully respect the character of the surrounding locality in order to ensure that proposals are in-keeping within the context in which they are proposed.
- 2.2 In terms of elements of the proposal which may present an impact on the character and appearance of the surrounding area the application incorporates an external flue extraction system which exists the south-east facing side elevation towards the rear of the building and flows upwards to a kitchen extraction duct situated just above the roof. The scheme also proposes an air intake louvre replacing an existing window above the doorway at the rear of the site. There are no significant alterations presented to the front elevation of the unit other than the introduction of a fascia sign.
- 2.3 It is acknowledged that part of the reasoning for the refusal of a restaurant under the reference 19/01154/PNC included the proposed siting and design of the flue positioned to the side of the building was considered unacceptable. It is accepted that under the current application the proposal is for a flue to be positioned on the side elevation towards the rear of the building which is the same as under the prior notification application. Due to the position of windows on the first floor and the residential use on the floor above it is not considered appropriate to position the flue on the rear elevation which would ensure no adverse impact on the occupiers of the flat above.
- 2.4 Although it is accepted that the position of the flue is the same as under the previous application it is considered that due to the location towards the rear of the side elevation, the low position of the flue together with the position of the neighbouring property the impact of the flue on the street scene would be limited to straight on views and from the access drive leading to the parking area at the rear. Furthermore it is considered that if the flue were to coloured in a dark matt colour the impact of the flue would be further reduced and a condition to require this is suggested to be attached to the decision notice. For these reasons it is considered that on balance the proposed extraction system / flue will not significantly detract from the design, character and appearance of the existing building, the streetscene, or the surrounding wider locality.
- 2.5 Turning to the issue of the proposed air intake louvre above the doorway at the rear of the site, this alteration is considered to be acceptable and not present any major implications on design grounds due to the design and siting of this addition at the rear of the premises. There are no significant alterations presented to the front elevation of the unit, other than the introduction of a fascia sign. There are therefore no design concerns with regards to these elements of the proposal.
- 2.6 Overall, subject to the incorporation of the above referenced planning condition, the proposed scheme of development is acceptable and in accordance with the relevant above mentioned planning policy with regards to design, character and appearance implications.

3. Residential Amenity

- 3.1 Core Policy 3 of the Lichfield District Local Plan Strategy 2008-2029 states that development should protect the amenity of residents. Local Plan Strategy Policy BE1 seeks to protect amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. This Policy basis is supplemented by the Council's Adopted Sustainable Design Supplementary Planning Document (SPD).
- 3.2 The applicant is seeking planning permission for a proposed Hot Food Takeaway, together with associated works, at the site under the address of No.32 Swallow Croft, Lichfield. The submitted scheme of development incorporates external flue extraction systems, proposed opening hours of 17:00 to 23:00 (Mondays to Fridays, Saturdays, and Bank Holidays), and a customer entrance from the front of the premises. The application as submitted does not incorporate any off-street parking provision within the development proposal.
- 3.3 Members will note from above that a number of representations on this application have been received from local residents as well as the Lichfield City Council and Ward Councillor. The concerns and comments of objection have been identified which specifically relate to residential amenity grounds including noise and disturbance generated from the proposed scheme of development. In taking these concerns into account the Environmental Health team have been consulted on this application and as members will see in the comments above no concerns to the proposed opening hours were raised. With regards to odour and noise however the Environmental Health team have outlined some concerns. Notwithstanding this it is the view of the Environmental health Officer that should planning approval be recommend that a condition be incorporated to control any odour and noise issues prior to the new kitchen facility being brought into first use. This would involve a scheme for the control of odour and noise from the kitchen extractor being submitted to and agreed in writing with the Local Planning Authority. The measures agreed should be implemented and retained thereafter.
- 3.4 The Local Planning Authority acknowledges the nearby residential use and the potential impact in terms disturbances and noise which the proposed scheme of development may present. The proposed opening hours are considered to be reasonable and appropriate for a proposed Hot Food Takeaway use. Subject to the incorporation of the planning condition as recommended by the Environmental Health team the proposed scheme of development is considered to on balance be policy compliant and acceptable on amenity grounds.

4. Access and Highway Safety

- 4.1 Policy BE1 of the Lichfield District Local Plan Strategy 2008-2029 seeks to protect the amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. Further to this Policy ST1 - Sustainable Travel and Policy ST2 - Parking Provision of the Local Plan Strategy are also relevant. It is important to also consider the Council's Adopted Sustainable Design Supplementary Planning Document (SPD) as well as the NPPF, particularly paragraph 109 which states that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
- 4.2 The proposed scheme of development under considered does not incorporate any provision of off-street car parking contained within the Red Line plan and forming part of this application.
- 4.3 Following receipt of the initial consultation response from the County Highways team, which stated no objections, officers requested further clarification with regards to the previous stance under the application referenced 19/01154/PNC where a strong objection was presented to a proposed restaurant. In responding to this request for clarification the County Highways team confirmed that a Hot Food Takeaway use will lead to a significantly different trip generation compared to a Restaurant or café use. Although it is accepted that both uses

would be expected to have similar peak hours for trip generation being from early to late evening and, to a lesser extent at lunchtimes, however, the pattern of those journeys is significantly different in that restaurant trips would be over a longer time period as customers arrive at the restaurant, enjoy their meal and then leave later on. Take-away trips would be much closer together with drivers parking, often as close to the door as possible while they call in to possibly order, but certainly pick up their food, before leaving after a short period of time. The consequent impact of the differing patterns of trip generation is that a restaurant use would be expected to lead to a larger demand for longer stay parking, whereas a take-away would lead to shorter stay parking. The restaurant use would lead to a larger accumulated demand for car spaces, whereas the take-away use could lead to multiple cars using the same spaces over the peak times.

- 4.4 In the case of this site, no off-street car parking is provided for the benefit of the proposal with the consequence that all vehicle parking must generally take place within the highway. In the absence of any evidence to the contrary submitted as part of the Planning application, the Highway Engineers considered that the accumulated demand for car parking of a restaurant use at this location (which could be considerable) would lead to an unacceptable impact on the highway.
- 4.5 In light of the above, a take-away use would not be expected to lead to anything like the same demand for car parking. The disadvantage caused by a take-away use is more related to the potential for drivers pulling up and parking for convenience at undesirable locations, such as would be the case with a busy junction, zebra crossing, or where there are waiting restrictions to prevent undesirable parking. There are no such undesirable locations in the vicinity of the application site where short stay parking would lead to particular issues that are not already potentially present by virtue of the trips in connection with the existing lawful use of the site as a shop. In conclusion the County Highway team conformed that there is no highway objection to the proposed Hot Food Takeaway.
- 4.6 Notwithstanding the comments of the County Highways team as members will see the application has attracted numerous representations from residents which raise concerns on highways related grounds. In taking these objections into account officers have due regard to the no objection raised by the County Highways team. Furthermore as members are advised above of paragraph 109 of the NPPF which highlights that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be server*. As the County Highways team have clearly stated that there are no highways grounds for objection to the proposed Hot Food Takeaway the proposal is therefore considered acceptable on Highway grounds and that traffic issues is not a reason to warrant a refusal in this instance.

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

Subject to the above mentioned planning conditions the proposed conversion of the unit into a Hot Food Takeaway, together with associated works, at the site under the address of No.32 Swallow Croft, Lichfield is considered to be acceptable.

The differences between the application under consideration and the application under the reference of 19/01154/PNC have been identified and clearly outlined considered in the report above. Although the position of the external flue is the same as the previous application it is considered that the impact of the flue could be reduced with the use of a dark matt colour. The issue in terms of noise and disturbance has been considered by the Council's Environmental Health Officer and subject to conditions is not a reason to refuse the application. Finally the change in the stance taken by the Highways team at Staffordshire County Council is also considered and expanded in the report above.

The proposed scheme of development under consideration, subject to relevant planning conditions as outlined, is therefore considered acceptable with regards to design, character and appearance implications, impact upon neighbouring residential amenity, and highways grounds. The proposal is considered to comply with the aforementioned planning policies contained within the National Planning Policy Framework, the Lichfield District Local Plan Strategy, and relevant neighbourhood plan and supplementary planning documentation, 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

14 December 2020

CONTENTS

Case No.	Site Address	Parish/Town Council
20/01459/FUH	5 Paskin Close Fradley	Fradley And Streethay

LOCATION PLAN

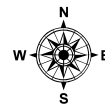
20/01459/FUH
5 Paskin Close
Fradley Lichfield

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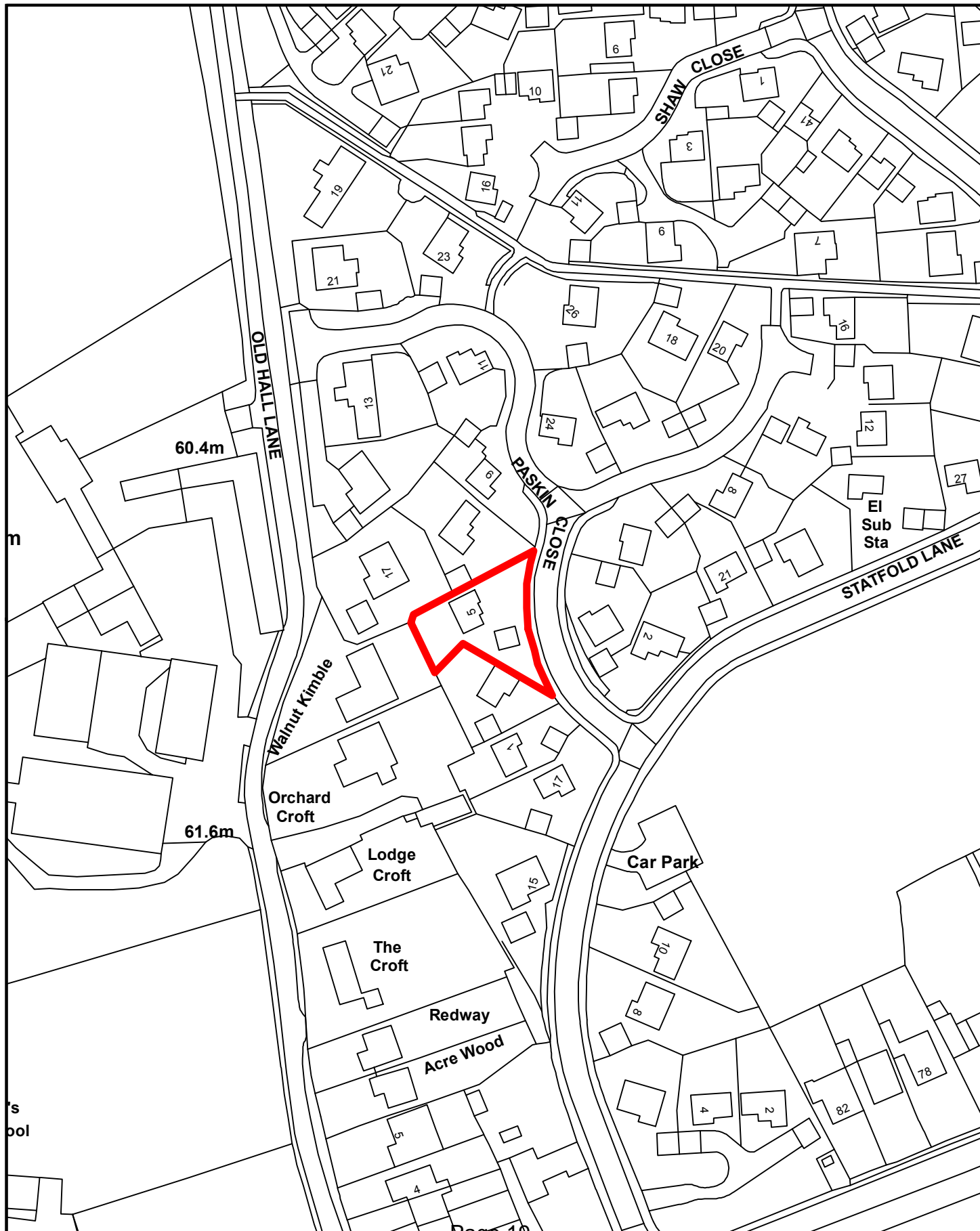
Dated: December 2020

Drawn By:

Drawing No:



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20/01459/FUH

Single storey link extension to side, part garage conversion with 2no roof lights to front and removal of chimney stack on dwellinghouse
5 Paskin Close, Fradley, Lichfield, Staffordshire
FOR Mr & Mrs McNeill

Registered : 29/10/2020

Parish: Fradley And Streethay

Note: This application is being reported to the Planning Committee due to the fact that the applicant is an employee 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) and the Fradley Neighbourhood Plan (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.
 2. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
-

PLANNING POLICY

National Planning Policy

National Planning Policy Framework

National Planning Practice Guidance

Local Plan Strategy

Policy BE1 - High Quality Development

Policy CP2 - Presumption in Favour of Sustainable

Policy CP3 - Delivering Sustainable Development

Policy NR7 - CC SAC

Policy NR3 - Biodiversity, Protected Species & their

Local Plan Allocations

N/A

Supplementary Planning Document

Sustainable Design SPD

Biodiversity and Development SPD

Other

Fradley Neighbourhood Plan (2019)

Local Plan Review: Preferred Options (2018-2040)

RELEVANT PLANNING HISTORY

N/A

CONSULTATIONS

Severn Trent Water - South Staffs - No Objections and advised a public sewer may be present within the site (17th November 2020)

Fradley & Streethay Parish Council - No comments. - (18th November 2020)

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

1146 - 05A, 1146 - 06A, 1146 - 07, 1146 - 08, 1146 - 04A,

OBSERVATIONS

Site and Location

The application relates to a detached property located on the eastern side of Paskin Close, Fradley. The property is situated in a residential area made up of similar two storey residential properties. To the front of the property is a garden together with associated off road parking for 3 to 4 cars as well as a detached double garage. There is an open boundary between the application site and the

neighbouring properties at numbers 5 and 7 with a shared driveway. The western boundary of the site is marked with the highway with a low hedgerow of around 1m in height.

Proposals

This application seeks planning permission for a single storey link extension to the northern side of the property to adjoin with the side elevation of the existing garage. In addition to this application also includes the part conversion of the existing garage with 2 no roof lights to front and the removal of the chimney stack on dwellinghouse.

The proposed link forms an L shape with a maximum width of 9.3m, minimum width of 2.71m and maximum depth of 3.52m. The design of the proposed extension will incorporate a flat roof design with a maximum height of 2.85m. There would be 3 no glazed panels to the western front elevation and 1 no window serving the WC and bi-fold doors to the eastern rear elevation. The proposed part garage conversion would see the removal of a garage door to be replaced with 2 no glazed panels and the installation of 2 no roof lights to the front elevation of the roof.

The proposals would be clad with cedar cladding.

Determining Issues

1. Policy & Principle of Development
2. Design
3. Residential Amenity
4. Access and Highway Safety
5. Ecology
6. Human Rights
7. Conclusion

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*. 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).

1.2 The site is located within the sustainable settlement of Fradley, where the principle of householder development is considered to be acceptable.

2 Design

2.1 Core Policy 3 of the Local Plan Strategy states that *development should protect and enhance the character and distinctiveness of Lichfield District Council, while development should be of a scale and nature appropriate to its locality*. Policy BE1 underlines the fact 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*.

2.2 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.

- 2.3 The extension is sited between the main property and the detached garage forming a link. It has been designed with a flat roof with cedar cladding to ensure it is of modest appearance within the street scene.
- 2.4 From a design perspective it is considered that the development is acceptable, subject to the condition set out above, and is 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 Due to the modest scale of the proposal 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 proposal would affect the on-site parking provision by virtue of removing one space from the double garage, however there is off road parking for 3 to 4 cars plus the single garage. Consequently, the proposal meets the requirements of Policy ST2 of the Local Plan Strategy and guidance within the Sustainable Design Supplementary Planning Document.
5. Biodiversity
- 5.1 Given the scale of the development, it's not considered necessary to impose a net gain for biodiversity (Local Plan Strategy NR3).
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.

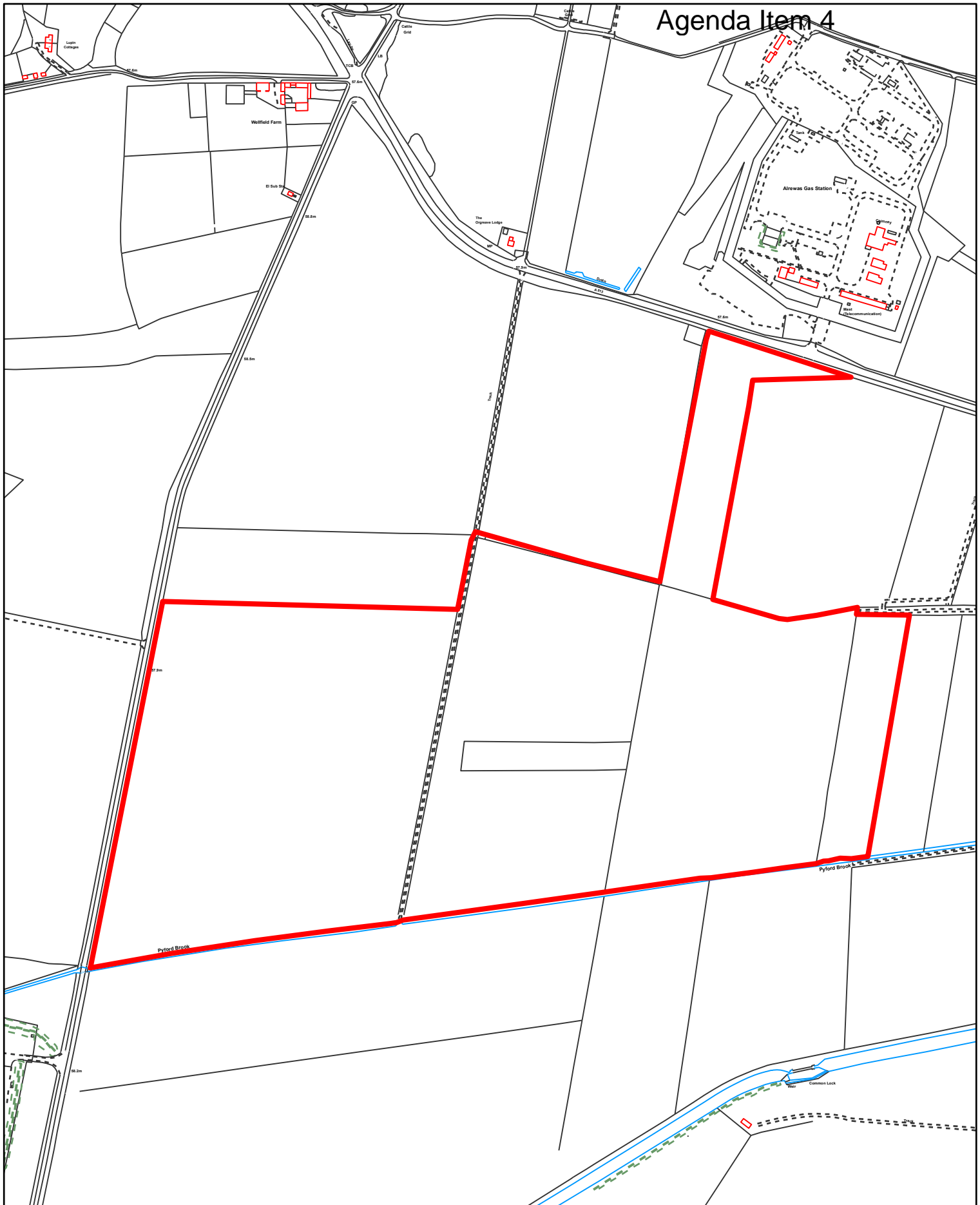
ITEM C

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).

14 December 2020

CONTENTS

Case No.	Site Address	Authority
20/00722/SCC (L.20/03/867 M)	Land South Of the A513, Orgreave, Alrewas	Staffordshire County Council



Submission To Planning Committee

14 December 2020

Agenda Item C

Contact Officer: Vanessa Morgan

Telephone: 01543 308151

Report of the Head of Economic Growth and Development

Staffordshire County Council Consultation (L.20/03/867 M)

Our ref: 20/00722/SCC

Proposed sand and gravel extraction, the erection of associated plant and infrastructure and creation of new access, in order to supply the HS2 project with ready mix concrete with exportation of surplus sand and gravel

Land South Of the A513, Orgreave, Alrewas, Burton Upon Trent, Staffordshire

1. Purpose of Report

- 1.1 To seek members comments regarding the amended/additional information for application L.20/03/867 M submitted to Staffordshire County Council as the determining body and noting an extension of the consultation period until the 18th December 2020 to receive comments.
- 1.2 The application documents can be viewed on the County Council's website here;
<https://apps2.staffordshire.gov.uk/scc/cpland/Details.aspx?applicationID=137688>

2. Site

- 2.1 The application relates to land to the south of the A513 (Kings Bromley Road), west of Alrewas Hayes and north of the Trent and Mersey Canal, within Alrewas Parish. The southern boundary of the site is Pyford Brook, this is also the boundary with Fradley and Streethay Parish. The site is currently agricultural fields with boundary hedgerows and trees. The hamlets of Orgreave and Overley are less than 1km to the north, Alrewas 1km to the east, Fradley 1.2km to the south and Kings Bromley 1.8km to the west.

3. Determination, consultation & notification process

- 3.1 Staffordshire County Council is the determining authority for this application in accordance with Paragraph 1 of Schedule 1 of the 1990 Act which states that "*county matter*" means in relation to any application, order or notice –
 - (a) the winning and working of minerals in, on or under land (whether by surface or underground working) or the erection of any building, plant or machinery
 - (i) which it is proposed to use in connection with the winning and working of minerals or with their treatment or disposal in or on land adjoining the site of the working;

And

(f) the erection of any building, plant or machinery which it is proposed to use for the coating of roadstone or the production of concrete or of concrete products or artificial

aggregates, where the building, plant or machinery is to be erected in or on land which forms part of or adjoins a site used or proposed to be used

(i) for the winning and working of minerals.

- 3.2 Lichfield District Council are consulted on this application under the County Council's statutory requirements. The District Council received the original consultation notification for the above application on the 1st June 2020, the consultation period was for 30 days. Notification was sent to the Councillors of Alrewas and Fradley Ward on the 5th June 2020. Officers did not however receive a request for this application to be discussed at the District Council's Planning Committee. Subsequently, Council's officers reviewed the application and sent a response to the consultation on the 30th June within the stated deadline. Staffordshire County Council subsequently requested detailed comments from Lichfield District Council's Conservation Officer, which were submitted on the 7th July. Following requests from members and the agreement from Staffordshire County Council to extend the consultation period, the consultation was discussed at Planning Committee on the 24th August 2020, and revised comments were sent to the County Council on the 14th August 2020, these are attached at **Appendix A**.
- 3.3 Staffordshire County Council sent a further consultation notification on the 12th November 2020 with regards to the submission of further information which includes; *"updates to the Environmental Statement in response to consultation comments; and includes proposals to amend the plant site layout as well as the method of haulage of mineral within the site"*. Staffordshire County Council has extended the consultation period on this application until the 18th December 2020 to receive further comments. The comments of Lichfield District Council's specialists is currently being sought.
- 3.4 The additional information is available to view on the County Council website. Any questions about the submission should be directed to the Case Officer at Staffordshire County Council prior to Lichfield District Council's Planning Committee; Matthew Griffin, planning@staffordshire.gov.uk, 01785 277275.

The SCC Case Officer has provided the following summary of changes;

1. *Revised 'Site Plan' (Dwg No TD 22021 Rev E Sheet 1 of 4) shows re-positioned processing plant together with area of advance planting. This is shown in more detail on 'Plant Layout and Traffic Management' (Dwg No TD 22021 Rev E Sheet 2 of 4) together with arrangements for site parking.*
2. *The same two plans also indicate modifications to the layout of the concrete (RMX) plant e.g. positions of silos.*
3. *'Plant Layout and Traffic Management' (Dwg No TD 22021 Rev E Sheet 2 of 4) shows the location of other ancillary buildings/ structures – diesel tank; workshop; store; RMX lab; aggregate bays; transformer; Cemex switch; RMX office and site office. Elevations are shown on revised 'Infrastructure details - Plans and Elevations' (Dwg No 20-01/P2-ALWAS 5 Rev C).*
4. *Refer to paragraph 7.3 of the revised Planning Statement (MDS) that explains that dump trucks are to be used for internal haulage (rather than conveyors as explained in the original submission). Rather than using field hoppers, mineral would be stockpiled within*

an “as dug” stockpile within the plant site. Heights of stockpiles within the plant site would vary but would not be as high as other elements.

5. Refer to Aggregate Plant Elevations (Dwg No .TD 22021 Rev E Sheet 4 of 4) – plant design is updated. Cladding has been removed for Health & Safety reasons but the noisier elements of the plant are now lower, and the noise chapter has been updated accordingly.

6. Referring to the Concept Restoration Masterplan biodiversity enhancements are indicated including along Pyford Brook (to be protected by an 8m stand-off zone – refer to Tree Protection Plan). Also refer to new Appendix 3.12 (Biodiversity Net Gain Calculation).

7. Refer to new plan 'Restoration Plan' (Dwg No 20-09 ALREW P1 1222 REST DETL) showing changes to lake margins. Note intention is not to use the lakes as agricultural reservoirs.

8. Refer to section 12 of outline restoration and 5 years aftercare scheme that includes proposals for translocating a hedgerow.

9. Note that the Planning Statement has been updated to clarify the applicant’s involvement with BBV and HS2; to respond to the latest Local Aggregate Assessment [produced by the County Council], and to update parts that were affected by the changes, e.g. where conveyors were referred to, and where the restoration plan has slightly changed.

10. Note the applicant has advised that the reasons for the amendments to the plant site layout is mostly about health and safety; but also following highways comments about vehicle parking, to show more detail regarding internal vehicle routes, taking into account changes to dumpers from conveyors; and about more clarity on the exact specification of plant to be used.

11. Additional information submitted in support of the ES addresses comments already made on the initial consultation and relate to issues including noise; air quality (dust); landscape and visual amenity; ecology; archaeology; and hydrogeology.

- 3.5 Members should also take note of the submitted document titled ‘New document: Response to Parish Councils and others - L.20/03/867 M’ which responds to previous consultation comments.

4. Planning Policy

Minerals Local Plan

- 4.1 The site is located within the ‘mineral consultation area’ for sand and gravel drift on Lichfield District Councils mapping system. The Staffordshire County Council’s ‘Minerals Local Plan for Staffordshire 2015 to 2030’ is the key planning policy document for this application. The site is within an allocated area of search within the Minerals Local Plan, ‘Sand & Gravel Area of Search West of A38’.

- 4.2 Policy 1 of the Minerals Local Plan states that;
“1.4 Proposals for new sites within the area of search to the west of the A38 shown on the Policies and Proposals Map will only be supported where it has been demonstrated that permitted reserves or allocated extensions to existing sites listed above cannot meet the required level of provision stated in paragraph 1.1.

- 1.5 Any proposals to develop new sites within the area of search to the west of the A38

will only be supported where it has been demonstrated that they accord with the Plan policies, including Policy 4 and address the development considerations listed in appendix 1.”

- 4.3 Policy 4 of the Minerals Local Plan states the environmental considerations that must be taken into account when determining proposals for mineral development. Appendix 1 of the Minerals Local Plan sets out the development considerations for the area of search west of the A38. Staffordshire County Council as the determining authority will determine the application against the Minerals Local Plan.

Local development plan

- 4.4 The local development plan comprises the Lichfield District Local Plan Strategy, Local Plan Allocations and the Alrewas Neighbourhood Plan.
- 4.5 The Lichfield District Local Plan Strategy states in Core Policy 3 (Delivering Sustainable Development) and Core Policy 13 (Natural Resources) that development should avoid sterilisation of mineral resources. The local development plan contain policies with regards to design, residential amenity, highway safety, ecology, arboriculture, and heritage. Staffordshire County Council will have regard to the local development plan when determining the application.

5. Recommendation

- 5.1 That the Committee review the amended/additional documents submitted to the County Council comments and provide comments to this consultation. Any comments should be based on material planning considerations.

Appendix A:

In response to your consultation with regards to application L20/03/867 M upon further consideration of the matter Lichfield District Council (LDC) request the withdrawal of the comments previously made on the 30th June and 7th July 2020 and the submission of the following comments instead:

Justification for the application

Although it is accepted that the site is located within an allocated area of search within the Minerals Local Plan (MLP), 'Sand & Gravel Area of Search West of A38', in accordance with Policy 1 of the MLP this site should only be considered where it has been demonstrated that the permitted reserves or allocated extensions to existing sites listed within the MLP cannot meet the required level of provision as stated within the MLP. Based upon the details provided in the current submission, the applicant has failed to demonstrate that the existing sites cannot deliver the required level of provision and as such it is the view of LDC that this application fails to comply with the requirements of Policy 1 of the MLP. It is also noted that the MLP Appendices states within the Development Considerations for the Area of Search – West of A38 that *"The phasing of any workings between Kings Bromley and Alrewas will need to minimise the erosion of landscape character ensuring that previous mineral workings to the east of Alrewas and west of Kings Bromley are subject to restoration works prior to commencement of development within the area of search."* These mineral workings have not yet been restored.

In considering this application it is essential that Staffordshire County Council (SCC) must consider whether there is a demonstrated need for this proposal and be satisfied that permitted reserves or allocated extensions to existing sites cannot meet the required level of provision. LDC raises strong concerns in respect of the justification for the proposals and request that these concerns are fully assessed as part of your determination of the application. In the event that the applicant cannot demonstrate full compliance with the Policies in the adopted Minerals Local Plan, LDC raises an objection to the principle of development.

The stated need for the development and link to the construction of HS2 is questioned. LDC recommends that SCC review this important matter prior to determination. There is also concern about the proposed timeframe of the development, it is recommended that SCC ascertain whether the proposed four/five years of use is appropriate and realistic. In reality the extraction works on this site is likely to be on-going for a significantly longer period of time with all the on-going adverse impacts on the local rural area.

Impact

The nature and scale of the proposal will have a detrimental impact upon the rural character of the surrounding area and will be visually intrusive. This is contrary to relevant Local Plan Strategy Core Policy 3 (Delivering Sustainable Development) and Policy BE1 (High Quality Development). The District Council's Conservation Officer has also provided detailed comments below which should be taken into consideration by SCC in this respect.

The site is currently agricultural fields as such LDC have strong concerns about the siting of a major industrial use in this rural location and the potential visual and environmental impacts. The proposal will result in the loss of agricultural land. The impact upon biodiversity, existing trees and hedgerows and local watercourses must also be taken into the consideration by SCC when determining this application. The District Council's Ecology and Arboricultural Officers have provided detailed comments below, these should be taken into consideration by SCC.

The site is in close proximity to Fradley Junction which is a popular tourist attraction within the District. There are concerns that the proposal will have a negative impact upon the character of this popular tourist attraction. Core Policy 9 of the Local Plan Strategy states that existing local and national tourism attractions will be supported. The Conservation Officer has also provided comments below regarding the potential impact upon Fradley Junction Conservation Area.

Restoration works

The submission states that the applicant is not the land owner as such there is concerns as to whether the restoration works will be completed. If SCC are minded to approve the application it is recommended that the County Council consider whether the restoration works could be secured via a legal agreement.

If SCC are minded to approve the application it is recommended that permitted development rights are removed to prevent the site being used for other industrial/commercial uses once the proposed four/five year period of use has lapsed.

Traffic movements and highway safety

Due to its nature LDC is concerned about the increase in HGVs and traffic movements as a result of the suggested development, and the impact this would have on residential amenity and local highway safety. There is also concern regarding the routing of traffic to the west through the village of Kings Bromley. SCC must be satisfied that the proposal does not alone, or in combination with other development, have a negative impact upon residential amenity or highway safety. If the County Council is having taken all other factors into account minded to approve the application LDC would request a condition be attached to any permission necessitating all traffic be routed to the east towards and via the A38.

Noise

LDC has concerns regarding the potential disturbance to residents from the development with regards to noise. The site is in close proximity to a number of settlements, with Orgreave and Overley less than 1km to the north, Alrewas 1km to the east, Fradley 1.2km to the south and Kings Bromley 1.8km to the west. The submission states that the site will operate 24 hours a day which will result in continuous noise. It is recommended that SCC review the hours of operation and ensure that the development will not have an adverse impacts upon the amenity of local residents and that this be controlled by a suitably worded condition.

Dust

The development is likely to result in dust which will have detrimental impact upon the amenity of local residents. SCC should ensure that the suitable controls on dust are provided within the development and controlled by a suitably worded condition if minded to grant permission.

Utilities

To the north of the A513 (Kings Bromley Road) is an existing National Grid gas compressor station with associated high pressure gas pipelines, a number of which are in close proximity to, or cross, the proposed site. SCC must consider the safety issues related with the siting of the proposed development and existing National Grid apparatus.

SCC must be satisfied that the proposal complies with Policy 4 of the Minerals Local Plan in all regards.

Lichfield District Development Plan

The Lichfield District Development Plan for this area comprises of the Local Plan Strategy, Local Plan Allocations and the Alrewas Neighbourhood Plan; these should be taken into consideration where appropriate. The relevant policies are listed below;

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 7 (Employment & Economic Development)
Core Policy 9 (Tourism)
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 NR1 (Countryside Management)
Policy NR3 (Biodiversity, Protected Species & their Habitats)
Policy NR4 (Trees, Woodland & Hedgerows)
Policy NR5 (Natural & Historic Landscapes)
Policy NR7 (Cannock Chase Special Area of Conservation)
Policy NR9 (Water Quality)
Policy BE1 (High Quality Development)
Policy Rural 1 (Rural Areas)
Policy Rural 2 (Other Rural Settlements)
Policy Frad1 (Fradley Environment)
Policy Alr1 (Alrewas Environment)
Policy Alr3 (Alrewas Economy)

Lichfield District Local Plan Allocations

Policy BE2 (Heritage Assets)

Alrewas Neighbourhood Plan

Policy TT1 (Traffic)
Policy PR3 (Public Realm Design)
Policy PR4 (Trees and Hedges)
Policy ED1 (Sustainable Business Growth)

Further to the above the following detailed comments are provided by specialists within LDC:

Conservation

Lichfield District Council's Conservation Officer states that;

"Having reviewed the submission I consider that the application has failed to adequately assess and address the impact of the proposals on the nearby designated heritage assets. The supporting information has not followed the guidance contained in the Historic England Good Practise in Planning Note 3: The Setting of Heritage Assets.

I have looked at Chapter 11 of the ES and I am unsure where they have measured the application site from as I measure the designated heritage assets as being much closer to the red line of the site than they state. The extent of the study area is also unclear as in para 11.2.1 of the ES states it that the study area is a 500m radius centred on the application site, but then it states in para 11.4.2 that there is a Scheduled Monument (not as they call it a Scheduled Ancient Monument)

within the study area which is 780m to the south-east of the application site. There is no mention of Alrewas Hayes Farm which is approx. 770m from the application site and so should fall within their study area. I have measured the Trent and Mersey Canal Conservation Area as being around 205m away from the application site and their closest points and Fradley Junction Conservation Area as being around 450m away. This is considerably closer than the 450m and 780m respectively as stated in paragraph 11.4.3 of the ES. While this may not affect the eventual conclusions, it leads to concerns that the impacts have not been adequately assessed and that the impacts may have been under-represented in the documents.

The ES states dismisses the impact on two listed buildings with the statement that ‘it is not visible from the extraction area or plant site’ which entirely misses the point of setting which is not purely derived from inter-visibility. Setting is how a heritage asset is experienced and an assessment of setting should include an assessment of the impact of noise and odour among other factors outlined in the guidance.

It is appreciated that there are medium-term impacts during the working life of the quarry and that these will be temporary but they still need to be assessed, as do the permanent impact of the restoration proposals as these will alter the landscape that currently surrounds and provides the setting to these designated heritage assets.”

Ecology

Lichfield District Council’s Ecology Officer states that;

“Based on the sites location, the habitats apparently there present or adjacent and due to the high amount of protect/priority species records with 2km (as shown by SER) it is recommended that a Full Ecological Assessment (extended phase 1 habitat survey) for the site is secured. It is recommended that the assessment identifies and describes potential development impacts likely to harm designated sites, priority species or other listed biodiversity features (including direct and indirect effects during construction and operation). Where protected or priority species are to be impacted the mitigation hierarchy must be adhered to.

It is recommended that a net gain to biodiversity is secured. This could be demonstrated via a quantitative assessment such as a Biodiversity Unit Metric or Biodiversity Impact Calculator.”

Arboriculture

Lichfield District Council’s Arboricultural Officer states that;

“In large part there are no arboricultural objections to the proposals. There are however a small number of details on which clarification is sought or suggestions for amendments are made.

The first query is with regard to the line of trees along an existing track identified within the tree survey as G2/G13 etc. Concern has been raised that if the existing track was used as a temporary access by construction vehicles during the creation of the site that these trees may be damaged. Therefore it is suggested that this track is closed to construction traffic and a condition of the consent is that all access/egress to the site is via the designated new access and haul road.

Secondly, it is appreciated that protective fencing is proposed for the trees retained within and adjacent to the proposed workings. The specification for a post and wire fence is unlikely to be substantial enough to provide reasonable protection to the protected zones unless site management is particularly focused. A revised and more robust specification is likely to be required unless assurances can be given regarding the management of the site or supported by examples from other CEMEX sites.

The restoration scheme appears adequate and should result in a net gain of tree planting to the area and the recruitment of additional hedgerow standards if carried out correctly. Although the Dewatering Assessment and Drainage Assessments have been examined they do not appear to take into account the potential effect of dewatering the site on the vegetation within or adjacent to the site. At present it is not possible to make an assessment of the likely impacts of the local lowering of the water table might be on the retained trees other than to say that such lowering is likely to be harmful. It is recommended that some further work in assessing this potential impact will be required and, if impacts are proven, relevant proposals for mitigation measures will be necessary."

I trust that the above comments and concerns of the District Council will be taken into account in the determination of the planning application.

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