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Email wendy.johnson@lichfielddc.gov.uk



District Council House, Frog Lane  
Lichfield, Staffordshire WS13 6YU

Customer Services 01543 308000  
Direct Line 01543308075

28 April 2022

Dear Sir/Madam

## PLANNING COMMITTEE

A meeting of the Planning Committee has been arranged to take place **MONDAY, 9TH MAY, 2022 at 6.00 PM IN THE COUNCIL CHAMBER, FROG LANE, LICHFIELD**, District Council House, Lichfield to consider the following business.

Access to the Council Chamber, Frog Lane, Lichfield is via the Members' Entrance.

The meeting will be live streamed on the Council's [YouTube channel](#)

Yours faithfully

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

Christie Tims  
Chief Operating Officer

## To: Members of Planning Committee

Councillors Marshall (Chair), Baker (Vice-Chair), Anketell, Barnett, Birch, Checkland, Cross, Evans, Ho, Humphreys, Matthews, Ray, Salter, Tapper and S Wilcox



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## AGENDA

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Minutes of Previous Meeting** 3 - 6
4. **Planning Applications** 7 - 166



**PLANNING COMMITTEE**

**4 APRIL 2022**

**PRESENT:**

Councillors Marshall (Chair), Baker (Vice-Chair), Anketell, Barnett, Birch, Checkland, Cross, Evans, Ho, Humphreys, Matthews, Ray, Salter, Tapper and S Wilcox

**38 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Evans.

**39 DECLARATIONS OF INTEREST**

Councillors Anketell, Baker, Checkland, Matthews and Ray declared personal interests in application no. 21/00288/FULM as they were also Members of Lichfield City Council who had registered objections on this application.

Councillor Ray declared a non-pecuniary interest in application no. 20/01245/FULM as he knew one of the landowners connected to the applicant company, however, he advised that he was not predetermined.

Councillor Marshall declared a personal and prejudicial interest in application no. 20/01245/FULM as some of the landowners are known to him. He therefore vacated the Chair and left the room whilst this application was discussed and debated, Councillor Baker, Vice-Chair took the Chair for this one item.

**40 MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting held on 7 March 2022 previously circulated were taken as read, approved as a correct record and signed by the Chair.

**41 PLANNING APPLICATIONS**

Applications for permission for development were considered with the recommendations of the Chief Executive and any letters of representation and petitions of observations/representations received together with the supplementary report of observations/representations received since the publication of the agenda in association with Planning Applications 21/00288/FULM and 20/01245/FULM

21/00288/FULM – Demolition of existing buildings and erection of 13 residential dwellings with associated road works, parking and landscaping  
Land at Rosaries, Trent Valley Road, Lichfield, Staffordshire  
FOR: Mr B Johnson

**RESOLVED:** That this planning application be REFUSED for the following reasons:-

- (1) It has not been demonstrated that trees protected by Tree Preservation Order 2021/00461/TPO would not be detrimentally compromised as a result of the proposals, which, given their positive visual contribution, would have

a significant detrimental impact on the character of the area and the surrounding street scene contrary to the requirements of Core Policy 3 (Delivering Sustainable Development), Core Policy 13 (Our Natural Resources), Policies BE1 (High Quality Design) and NR4 (Trees, Woodland and Hedgerows) of the Lichfield Local Plan Strategy and the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.

- (2) It has not been demonstrated that the development would not cause significant harm to existing habitats of protected species and, the scheme fails to demonstrate that a net gain to biodiversity can be achieved. As proposed the scheme of development therefore would cause harm to protected species and present a net loss to biodiversity and as such, fails to comply with the requirements of Core Policy 13 (Our Natural Resources), Policy NR3 (Biodiversity, Protected Species and their Habitats) of the Lichfield Local Plan, the Biodiversity and Development Supplementary Planning Document, the Natural Environment and Rural Communities Act and the National Planning Policy Framework. The development is not considered to be of a sustainable form which complies with the provisions of paragraph 38 of the NPPF.

(Prior to consideration of the application, representations were made by Mrs Helen Robertson (Objector), Councillor Angela Lax (Ward Councillor) and Ms Louise Hinsley of CT Planning (Applicant's Agent)).

20/01245/FULM - Installation of a solar farm comprising ground mounted solar PV panels (143,000) with a net generating capacity (AC) of up to 49.9MW, including mounting system, battery storage units, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping and environmental enhancements for a temporary period of 40 years and a permanent grid connection hub  
Land South Of Main Road, Haunton, Tamworth, Staffordshire  
FOR: Haunton Farmers Solar Ltd

**RESOLVED:** That this planning application be approved subject to the conditions contained in the report of the Chief Executive.

(Prior to consideration of the application, representations were made by Mr Roger Nicholls (Objector) and Mr Peter Grubb of Lighthouse Development Consulting (Applicant's Agent)).

#### **42 TREE PRESERVATION ORDER NO. 2021/00455/TPO - LAND TO THE NORTH WEST WESTFIELDS ROAD, ARMITAGE**

Confirmation of Tree Preservation Order no. 2021/00455/TPO – Land to the North West Westfields Road, Armitage.

**RESOLVED:** Tree Preservation Order confirmed with modifications, as set out in the report of the Chief Executive.

(Prior to consideration of the application, representations were made by Mr Watkin (Objector's Representative) and Mr Chris Bailey (Supporter)).

#### **43 ENFORCEMENT PLAN UPDATE**

The Planning Committee considered the updated version of the Planning Enforcement Plan at Appendix A and noted an in-depth review had been undertaken to ensure it is in line with current National legislation and guidance, reflects the resources within the Planning

Enforcement Team and is a more customer-friendly document.

**RESOLVED:-** The Committee considered and approved the updated Enforcement Plan April 2022 as no issues were raised and it was agreed that the Plan be adopted with immediate effect.

#### **44 PRE-APPLICATION CHARGING REGIME - REVIEW AND UPDATE**

The Planning Committee considered the report which sought approval for amendments to the current pre-application charging regime to increase the charges payable. It was noted that the charging regime had not been reviewed since 2017 and the current pre-application fee levels were inadequate to appropriately fund the service provided.

**RESOLVED:-** The Committee considered and noted the contents of the report and approved the increased pre-application fee charges, as set out in Appendix 1 and agreed that this be introduced with immediate effect (from 5 April 2022) for all relevant pre-application queries received from such date.

(The Meeting closed at 8.25 pm)

CHAIR

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# Agenda Item 4

## Planning Committee

9 May 2022

### Agenda Item 4

Contact Officer: Claire Billings

Telephone: 01543 308171

## Report of Chief Executive

### 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**

**9 May 2022**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
20/00800/COUM	Hawkesyard Estate Armitage Lane Armitage Rugeley	Armitage With Handsacre
20/01374/FULM & 20/01375/LBC	Land And Buildings At Angel Croft & Westgate, Beacon Street Lichfield	Lichfield City
21/01620/FULM	Land To The West Of Stoneyford Lane Blithbury	Mavesyn Ridware
21/01945/FUH	16 The Woodlands Lichfield	Lichfield City
22/00086/FUL	18 Eastridge Croft Shenstone	Shenstone
22/00283/FUH	8 The Grove Little Aston Sutton Coldfield	Shenstone



# LOCATION PLAN

20/00800/COUM  
Hawkesyard Estate  
Armitage Lane  
Armitage Rugeley

Scale: 1:4,000

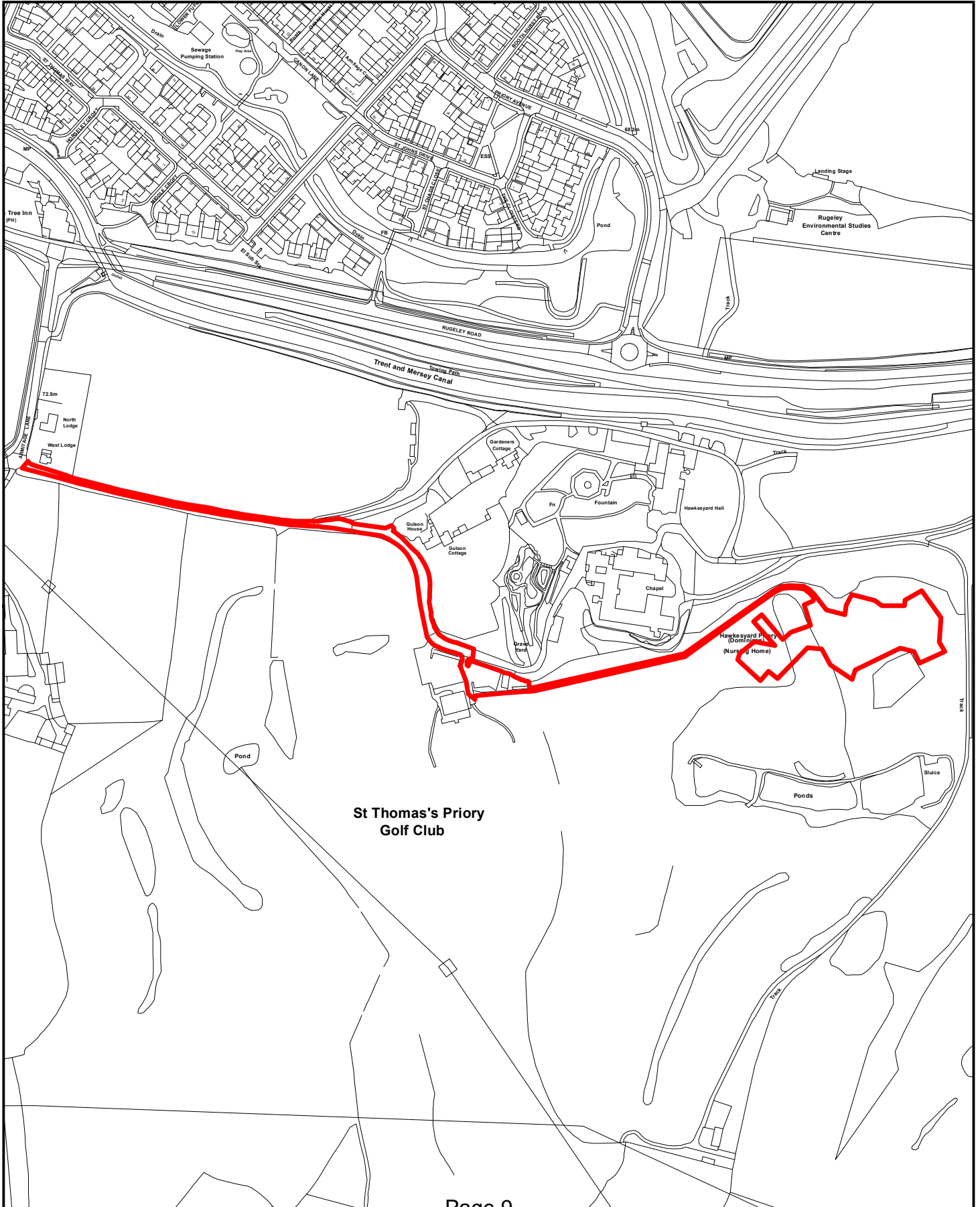
Dated: May 2022

Drawn By:

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## 20/00800/COUM

**ERECTION OF 10 HOLIDAY LODGES AND ASSOCIATED USE OF THE LAND FOR TOURIST PURPOSES, TOGETHER WITH THE INSTALLATION OF FOUL SEWERAGE TREATMENT PLANT, CHANGE OF USE OF FORMER BUGGY STORE TO FORM A HOLIDAY RECEPTION AREA AND USE OF AN EXISTING PARKING AREA.**

**HAWKESYARD ESTATE, ARMITAGE LANE, ARMITAGE, RUGELEY  
FOR R Whorton**

Registered: **09/09/2020**

**Parish: Armitage with Handsacre**

Note: This planning application is being reported to the Planning Committee due to significant planning objections raised by Armitage with Handsacre Parish Council and the significant level of neighbourhood objection.

Armitage with Handsacre Parish Council objections include:

- Loss of Green Belt land;
- Not an acceptable use of land;
- Development is out of keeping;
- Detrimental impact upon surroundings;
- Lodges could become permanent in the future

### **RECOMMENDATION:**

- (1) Subject to the owners/applicants first entering into a S106 to secure the following:-**
  - i A financial contribution towards the Cannock Chase Special Area of Conservation;**
  - ii The restoration of the Victorian Quarry Garden.**
- (2) If the S106 legal agreement is not signed/completed by 1<sup>st</sup> September 2022 or the expiration of any further agreed extension of time, then powers to be delegated to officers to refuse planning permission, based on the unacceptability of the development, without the required contributions and undertakings, as outlined in the report.**

**RECOMMENDATION: Approve, subject to the following conditions:**

### **CONDITIONS:**

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

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

4. Prior to the commencement of the development, notwithstanding the submitted details, a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in

writing by the Local Planning Authority. The development shall only be undertaken in strict accordance with the approved details for the duration of the construction programme.

5. Prior to the commencement of the development, a Habitat Management Plan (HMP) shall be submitted to and agreed in writing by the Local Planning Authority. The HMP shall detail in full the future habitat creation works and sustained good management thereof. The development shall be carried out and managed in accordance with the approved details contained within the HMP for the lifetime of the development.
6. Prior to the commencement of the development, a detailed scheme of landscaping and measures for the protection of trees and hedges to be retained during the course of development shall be submitted to and approved in writing by the Local Planning Authority. The works and protection measures shall thereafter be carried out in accordance with the agreed details and timescales or pursuant to the requirements of other conditions set out within this consent.

**CONDITIONS to be complied with BEFORE the first use of the development hereby approved:**

7. Prior to the first use of any part of the development hereby approved, a scheme of external lighting shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme of external lighting shall be implemented in accordance with the approved details prior to the first use of the development. There shall be no other external lighting installed within the application site whatsoever other than with the approved external lighting scheme.

**All other CONDITIONS to be complied with:**

8. All planting, seeding or turfing shown on the approved plans/ approved details of landscaping (as approved pursuant to condition 6) shall be carried out in the first planting and seeding season following the first occupation of any of the lodges or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
9. All existing trees and hedges shown as being retained on the plans hereby approved shall be protected in line with the Tree Protection Barrier recommendations contained within figure 7.2 of the British Standard 5837 (2012) 'Trees in relation to construction'. Such fencing shall be erected before the development commences and shall be retained at all times whilst construction works are taking place.
10. The car parking shown on the approved plans shall be retained for its designated purposes to serve the holiday lodges hereby approved for the lifetime of the development.
11. The development shall be carried out wholly in accordance with the recommendations and methods of working detailed within the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment and the Preliminary Bat Roost Assessment and Bird Survey both dated as received 09 September 2020.
12. The holiday lodges hereby approved shall be used for short-stay holiday accommodation only and not used for permanent residential occupation at any time. There shall be a maximum single continuous occupation/let of a holiday lodge of one month. There shall be a period of at least a 1 month gap between the occupation/let of a holiday lodge by the same occupants. A register including dates of occupation, names and permanent home addresses, of the occupants of the holiday lodges shall be maintained for inspection during reasonable hours by the Local Planning Authority.

13. Upon the permanent cessation of the use of the holiday lodges, supporting structures and any related paraphernalia shall be removed and the land restored to its former condition.

**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 Policies CP3, CP5, CP13, CP14, NR1, NR2, NR3, NR4, NR7, ST1, ST1 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Biodiversity and Development SPD, the Historic Environment SPD, the Rural Development SPD, the Sustainable Design SPD, the Trees, Landscaping and Development SPD, the Armitage & Handsacre Neighbourhood Plan, and the National Planning Policy Framework.
3. To ensure the satisfactory appearance of the development in accordance with the requirements of Policies CP3, CP14 and BE1 of the Lichfield Local Plan Strategy, BE2 of the Local Plan Allocations Document, the Sustainable Design SPD the Armitage & Handsacre Neighbourhood Plan and the National Planning Policy Framework.
4. In order to safeguard the ecological interests of the site, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.
5. In order to safeguard the ecological interests of the site and to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.
6. In order to provide a biodiversity net gain, in the interests of the visual amenities of the locality and to mitigate impact on the setting of nearby listed buildings, in accordance with Policies CP3, CP13, NR3, NR4 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Trees, Landscaping and Development SPD, the Biodiversity and Development SPD and the Historic Environment SPD, the Armitage & Handsacre Neighbourhood Plan, and the National Planning Policy Framework.
7. In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.
8. In order to provide a biodiversity net gain and to ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and heritage assets in accordance with Policies CP3, CP13, CP14, NR3, NR4 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Sustainable Design SPD, the Trees, Landscaping and Development SPD, the Biodiversity and Development SPD, the Armitage & Handsacre Neighbourhood Plan, and the National Planning Policy Framework.
9. To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing in accordance with Lichfield Local Plan Strategy Policy NR4, the Trees, Landscaping & Development SPD and the National Planning Policy Framework.
10. In the interests of highway safety and to ensure adequate off-street parking exists to serve the development in accordance with the requirements of policies CP5, ST1 and ST2 of the

Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

11. In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.
12. For the avoidance of doubt to ensure the development is used as holiday accommodation as applied for only and not as permanent living accommodation with associated permitted development rights for alterations and extensions in accordance with Policies CP3, CP14 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Armitage & Handsacre Neighbourhood Plan and the National Planning Policy Framework.
13. In the interests of the amenity of the locality in general and the conservation of heritage assets, in accordance with Policies CP3, CP14, CP5, ST1 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Sustainable Design SPD, the Armitage & Handsacre Neighbourhood Plan and the National Planning Policy Framework.

#### **NOTES TO APPLICANT:**

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), Lichfield District Local Plan Allocations (2019) and Armitage with Handsacre Neighbourhood Plan (2017).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).
4. The applicant is advised to note and act upon as necessary the comments of the Ecology team.
5. The applicant is advised to note and act upon as necessary the comments of the Environmental Health team.
6. The applicant is advised to note and act upon as necessary the comments of the Council's Waste Management Department.
7. The applicant is advised that there may be Western Power Distribution assets in the vicinity of the development works. The applicant/ developer is advised to contact Western Power Distribution prior to any works commencing. This is in order to avoid any inadvertent contact with any live apparatus including underground cable and overhead lines during any stage before or after development.

8. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
  9. The applicant is advised that the tree protection plan required under condition 6 should include service details such as drainage provision and electricity connection.
  10. The applicant is advised that the landscaping details required under condition 6 should include details of meadow grass planting, as recommended in the submitted Bat and Bird Survey enhancement measures.
  11. The applicant is advised that the Habitat Management Plan required under condition 5 should include details of a scheme of bird and bat boxes to achieve biodiversity enhancement within the site in line with the recommendations of the submitted Ecology Reports.
  12. The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of protected species is found all works should cease and the services of a licensed ecologist procured to ensure an offence is not committed.
- 

### **PLANNING POLICY:**

#### **National Planning Policy**

National Planning Policy Framework

National Planning Practice Guidance

#### **Local Plan Strategy**

Policy CP1 – The Spatial Strategy

Policy CP2 – Presumption in Favour of Sustainable Development

Policy CP3 – Delivering Sustainable Development

Policy CP5 – Sustainable Transport

Policy CP7 – Employment & Economic Development

Policy CP9 – Tourism

Policy CP13 – Our Natural Resources

Policy CP14 – Out Built & Historic Environment

Policy NR1 – Countryside Management

Policy NR2 – Development in Green Belt

Policy NR3 – Biodiversity, Protected Species & their Habitats

Policy NR4 – Trees Woodland & Hedgerows

Policy NR5 – Natural & Historic Landscapes

Policy NR6 – Linked Habitat Corridors & Multi-functional Greenspaces

Policy NR7 – Cannock Chase Special Area of Conservation

Policy ST1 – Sustainable Travel

Policy ST2 – Parking Provision

Policy BE1 – High Quality Development

#### **Local Plan Allocations**

Policy BE2- Heritage Assets

#### **Supplementary Planning Document**

Sustainable Design SPD

Biodiversity and Development SPD

Historic Environment SPD

Rural Development SPD

**Armitage & Handsacre Neighbourhood Plan (2018)**

Policy AH2- Conserving and Enhancing the Local Natural Environment

Policy AH5- Better Design

Policy AH6 – Maintaining the Rural Nature of the Villages

**Other Guidance**

Historic Environment Good Practice Advice in Planning: 4

**RELEVANT PLANNING HISTORY:**

19/00935/FUL- Retention of 2no. shelters for outdoor leisure activities use- Refused 23.8.2019

19/00864/ADV- Retention of 4no. free standing non-illuminated signs- Part Approved 20.8.2019

19/00854/FUL- Removal of condition 2 of permission 10/00472/FUL relating to removal of fence- Approved subject to conditions 5.7.2019

10/01222/FUL- Retention of 2 golf practice shelters – Refused 17.12.2010 & Allowed on appeal 26.10.2011

10/00472/FUL- Retention of boundary fence- Approved, subject to conditions 8.6.2010

09/00943/FUL- Retention of boundary fencing- Refused 21.10.2009

07/01216/FUL- Single storey infill extension and formation of new canopy- Approved, subject to conditions 16.1.2008

08/00048/FUL- Retention of golf buggy shed and compound- Approved, subject to conditions 11.3.2008

02/00744/COU- Use of land to the left of the golf club approach drive for a golf practise area- Approved, subject to conditions 12.8.2002

**CONSULTATIONS:**

**Armitage with Handsacre Parish Council:** Final Comments- Strongly objects to the proposed application. The proposed development is on designated green belt, and the use of this piece of land for commercial purposes does not fit within current national or local planning policy. There are particular concerns that the number and size of lodges and the potential occupancy will have considerable impact on the need for hard surface parking, and will likely cause excess vehicle movements in an area where there is a large care home facility. It is difficult to accept that this development is simply for tourist purposes, given the location is not a recognised tourist location. Rather it may be an attempt to create dormitory accommodation for workers on the future development at the Power Station development in Rugeley.

The buildings do not appear to be in keeping with the wider context of the Hawkesyard estate and its environs. The position of the proposed buildings would lead to an overall detrimental impact on the general area. The economic benefits of the proposal do not show a clear or warranted economic advantage. The only entity that gains advantage from this proposal is the applicant. The view of the Parish Council is that the proposal is for a purely commercial enterprise and is not in keeping with the general location. This development could have a detrimental impact generally and will have a negative effect on residential amenity. Believe this proposed development is setting a negative and unwelcome precedent for the green belt area around the Parish. The volume of objections from local residents and the ongoing efforts of a local (and legitimate) action group, shows that there is no appetite for the approval of this application. Our understanding is that applicants proposed

redevelopment and refurbishment of the gardens and graveyard is contingent on acceptance of the proposed development. It is our understanding that the gardens and graveyard are already maintained adequately. (05.4.2022)

**Initial Comments-** Parish Council strongly object to the proposed application. The proposed development is on green belt and is not an acceptable use of valuable land assets for the community. The proposal is for a commercial enterprise and is not in keeping with the area or the intended use and will impact the surrounding area of mainly open farming fields. We do not want this proposed development setting a precedent for the green belt area around the Parish. Have concerns that if this development was to go ahead and the enterprise was not successful in the future, the temporary homes could be converted into permanent dwellings. The Parish has already met the requirements for new homes recommended by the District Council's Local Plan Strategy 2008 - 2029. (11.10.2020)

**Severn Trent Water:** No objections to the proposals and drainage conditions are not required. (29.09.2020 & 14.05.2021)

**Natural England:** No objections. Based on the proposals, the development would not damage or destroy the interest features for which the Cannock Chase SAC has been designated for. (09.09.2020 & 09.12.2020)

**Campaign to Protect Rural England:** Object to the proposals. The scheme constitutes inappropriate development in the Green Belt. (25.09.2020)

**Architectural Liaison Officer:** No objections. Anti- crime recommendations and advice provided. (29.09.2020)

**Western Power Distribution-** No objections, however there may be WPD assets in the vicinity of the development works. Recommend the developer contacts WPD prior to any of their works commencing. This is in order to avoid any inadvertent contact with any live apparatus including underground cable and overhead lines. (11.09.2020)

**SCC Archaeology:** Whilst there is certainly archaeological interest in the wider area, given the developmental history of the application site (i.e. the engineering and landscaping works that would have been carried out in creating the golf course when the parkland was converted for this purpose in the 1980s), the scale, and the lightweight nature and likely impact of the proposals, there are no archaeological concerns. (16.10.2020)

**SCC County Highways:** No objections on Highway grounds to this proposal. (24.09.2020 & 08.10.2020)

**SCC Minerals & Waste:** No comments on this application. (16.09.2020)

**LDC Spatial Policy & Delivery:** The impact upon the Cannock Chase SAC will need to be understood and resolved. The site falls within the Green Belt and with its element of new build conflicts with both national and local policy in regard to inappropriate development in the Green Belt. (28.09.2020)

**LDC Economic Development Officer:** Supports the proposals on economic development grounds. The proposed development shall enhance the visitor accommodation opportunities within Lichfield District, steering away from the concentration of accommodation within and surrounding Lichfield City to provide further overnight stays and variety of accommodation within the north of the district.

The Staffordshire Accommodation Study 2019 highlights there being no take up of golf resorts and no development of eco lodges within Staffordshire County and this being an area to focus on going forward in developing visitor accommodation. The holiday lodges shall support delivering this sort of accommodation by providing environmentally friendly tourist accommodation, made from natural



materials and electric buggies used within a rural setting. Whilst also supporting the generation of new revenue for the Hawkesyard Estate which has previously diversified through creating business space on the estate. The proposal also supports 'strategic priority 10: tourism' in the Lichfield District Local Plan Strategy by growing the existing tourism facilities within the district and providing a greater variety of accommodation. (23.09.2020)

**LDC Conservation & Design:** Final Comments- Having reviewed the Heads of Terms provided by the applicant in relation to the proposed restoration of the Quarry Garden it is accepted that this is a reasonable approach with regards to the garden features that were identified in the submissions. There will be an impact upon the heritage asset in terms of the proposed development, however this development will be now tied to the works to the Victorian gardens. Therefore, there will be a tangible heritage related public benefit to outweigh this. (04.03.2022)

Updated Comments- Further to a site visit carried out on 25 November 2021. It is considered that the lodges in this location will cause some harm to the character of the area and the setting of the listed buildings, however this impact will be relatively small and can be mitigated against by the addition of more planting and the tying of the decision to the restoration of the historic Victorian Quarry Garden, which is within the ownership of the applicant. (24.12.2021)

Updated Comments- A financial report has been provided to support the statement that the proposed development will be used to create additional income to support the repair and maintenance of the heritage assets. It is suggested that if a case is to be made for enabling development then considerably more information would be required before this could be considered by the LPA. (22.12.2020).

Initial Comments- It is considered that the proposals will cause less than substantial harm to the significance of two designated heritage assets Spode House and St Thomas Chapel. The siting of the cabins and other aspects of the proposals have been carefully considered and have sought to minimise the impact of the proposals on the designated heritage assets. There is insufficient evidence to demonstrate how the proposal will ensure the upkeep of heritage assets. (30.09.2020)

**LDC Environmental Health:** Final Comments- No objections. The drainage plans are acceptable. (15.11.2020)

Initial Comments- There is potential for the proposals to give rise to noise that could impact unreasonably on neighbouring noise sensitive receptors. A scheme of noise management should be submitted and agreed. It is also advised that a survey is undertaken to demonstrate that the proposed foul drainage arrangements for the site are viable, including porosity tests in the vicinity of the area selected for the soakaway system. (30.09.2020)

**LDC Ecology:** Final Comments- Satisfied with the methodology and the information provided within the submitted Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment, Biodiversity Metric 2.0 and Preliminary Bat Roost Assessment and Bird Survey. They concurs with the conclusions of the surveys. The LPA is therefore in a position to demonstrate compliance. However, all recommendations and methods of working detailed must be made a condition along with a Construction Environment Management Plan and a Habitat Management Plan. (19.10.2020)

Initial Comments- A biodiversity metric is requested. (02.10.2020)

**LDC Parks and Leisure Services:** The application is outside the remit of the Councils Grounds Maintenance, Parks and Open Spaces Teams due to being a development within Hawkesyard Estate private golf course. No comment to make. (17.09.2020).

**LDC Arboriculture:** Final Comments: The service details should also be conditioned and included into the Tree Protection pre-commencement condition. (28.09.2020)

Initial Comments- No objections, however if officers are minded to approve the scheme we would ask that a pre-commencement condition is applied that requires a Tree Protection Plan and a Landscape Plan. (18.09.2020)

### **LETTERS OF REPRESENTATION:**

Neighbour consultation was carried out and site and press notices were posted in relation to the planning application. A total of 118 responses were received of which 115 raise objections.

The objections are summarised as follows:

- Loss of Green Belt land.
- Unacceptable use of land.
- Lodges could become permanent in the future.
- Use for commercial purposes is unacceptable and out of keeping.
- Proposed tourist use questioned and not supported.
- Does not show a clear or warranted economic advantage.
- Negative precedent for future similar development.
- "Very special circumstances" unclear and not adequately demonstrated.
- Detrimental impact on nearby historic setting and buildings.
- Detrimental impact upon wider surroundings/ development not in keeping.
- Existing natural landscape would be destroyed/ become unsafe.
- Surrounding graves and historic land must be respected.
- Negative affect on the residential amenity of local residents, and vulnerable care home residents.
- Would cause noise, light, pollution and anti-social behaviour.
- Highways, access and rights of way concerns.
- Excessive vehicle movements in an area where there is a large care home facility.
- Considerable impact on the need for hard surface parking.
- The gardens and graveyard are already maintained adequately.
- Ownership of land access and surrounding discrepancies highlighted.
- Potential for detrimental impacts on existing on site and surrounding ecology.
- Possible arboriculture implications posed by the development proposal.
- Potential to create precedent for future development.

A petition signed by 71 people was received raising concern about the treat to the Hawkesyard Priority Nursing Home with regard to saving the Greenbelt behind the home from development, which would cause loss of green environment, wildlife, habitats and noise disruption to the home.

A letter of support was received from an Archbishop formerly of the Priory Church of St Thomas stating the proposals would bring revenue into the local community, especially as a tourist attraction.

Neighbour re-consultation was undertaken on 22 March 2022 with regard to additional information submitted to support the application, including the potential of public benefits (prepared by Phillip Heath) and heads of terms for a proposed S106 documentation.

Following this re-consultation a total of 7 further representations have been received from local residents all raising objections to the proposal. A further representation of objection from the Armitage with Handsacre Parish Council was also received which is summarised above.

The further objection representations raised to the scheme predominantly relate to concerns/objections previously cited and raise concerns and objections with regard to the contents and conclusions of the potential of public benefits (prepared by Phillip Heath), and heads of terms for a proposed S106 documentation.

Further points of objection received include:

- Discrepancies with regards to the land ownership
- Unclear right to access the land
- Land is gated and locked
- Works unjustified and do not present essential enabling works
- S106 schedule lacks details
- Contrary to national green belt policy
- Disruption to scenery and peaceful environment of the care home

**PLANS CONSIDERED AS PART OF THIS RECOMMENDATION:**

HYE260520\_E001B\_Existing OS Plan - TCC  
HYE260520\_E002B\_Existing Block Plan - TCC  
HYE260520\_P001C\_Proposed OS Plan - TCC  
HYE260520\_P002B\_Proposed OS Plan with Grid Lines - TCC  
HYE260520\_P003B\_Proposed Block Plan - TCC  
HYE260520\_P004B\_Landscape Plan - TCC  
HYE260520\_P005C\_Reception Building Plans and Elevations - TCC  
HYE260520\_P006C\_Car Park and Reception Site Plan – TCC  
Mobile Home Boston  
WPL-Diamond-Operation-and-Maintenance-Manual  
WPL-Diamond-UK-Brochure-Digital  
Bat and Bird survey woodland at Hawkesyard Estate Rugeley July 2020 ver 1.1 (1)  
Hawkesyard Estate Armitage Lane Rugeley Pre-Development Tree Survey 02.06.2020  
11361 - Hawkesyard Hall, Rugeley Preliminary Ecological Appraisal (PEA) & Biodiversity Net Gain (BNG) Assessment EMEC - Sept 2020  
Biodiversity Metric 2.0 Calculation Tool Beta Test - Hawkesyard Estate EMEC - Sept 2020  
EAL.97.20 - Hawkesyard Estate - Percolation Letter 22.10.2020  
RBS-20-1974-001 – Red Box Topo.  
Planning & Heritage Statement Hawkesyard by JVH Planning  
Assessment for potential of “public benefit” by Phillip Heath  
Heads of terms for a proposed S106 documentation

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**OBSERVATIONS:**

**Site and Location**

This planning application relates to part of the ‘Hawkesyard Estate’ (as described on the submitted application), Armitage Lane, Armitage, Rugeley.

The application site comprises of 0.9 of a hectare of land formerly used as the Hawkesyard Priory Golf Club, which is accessed from the south side of the A513 via Armitage Lane. The site is located to the south of the Trent and Mersey Canal, Spode House, St Thomas Priory and Hawkesyard Nursing Home, within what is now referred to as the grounds of the Hawkesyard Estate. The Hawkesyard Estate Golf Course; mainly to the south of the site, closed in early 2017.

The area where the holiday lodges are proposed is set to the east of the former golf course club house and previously formed part of the golf course. The site area where the lodges are proposed to be located is surrounded by trees to the north and south, with the former golf fairway leading up from the carpark to the site. The land is undulating and the levels fall from the east towards the car park.

Part of the existing car park is included within the application site, which includes 17 No. parking spaces. There is an existing single storey building within the car park which also forms part of the application proposals.

The application site is situated within the Green Belt, and is within the 0-8km zone of influence for the Cannock Chase Special Area of Conservation (SAC). The site is within flood zone 1 and the Trent and Mersey Canal, along with its associated Conservation Area is located to the North of the application site. It is noted that part of the access route leads through the Conservation Area. To the North West of the main site lies the Grade II listed Roman Church of St Thomas, with Spode House and associated coach and summer houses (all Grade II listed) beyond. The area surrounding these buildings is considered as a non-designated historic park and garden, which provides a setting for the aforementioned listed buildings. This park/garden area includes the former Victorian Quarry Garden, which is located to the South-West of the main dwelling associated with the Hawkesyard Estate.

## **Background**

This application has been pending determination for some time. As noted above the application was initially registered in September 2020. During this time the application has had 3 different planning case officers, due to staff changes within the team. In addition there has been various coordination between the acting agents and officers, to seek clarification and or additional information related to various matters, which culminated in the last submission of further information in February 2022 (draft Heads of Terms for S106 and Public Benefit report by Phillip Heath) on which further public consultation was carried out. The agents have agreed to several extensions of time during the course of the application.

## **Proposals**

Planning permission is sought for the proposed erection of 10 No. holiday lodges and associated use of the land for tourist purposes, together with the installation of a foul sewerage treatment plant, change of use of former golf buggy store to form a holiday reception area, and use of an existing parking area in association with the holiday lodges.

The existing site comprises of a part of a former golf course and a buggy store. The golf course closed in 2017. It is proposed to locate the 10 No. holiday lodges adjacent to the former fairway in a grassed area between trees. The holiday lodges themselves would be constructed from timber, each with a footprint of 6m by 19m, with an eaves height of 2.3m and ridge height of 3.2m. Internally, the lodges can be configured to provide a range of bedrooms and living spaces. The proposal aims to deliver low impact tourist accommodation enabling guests to enjoy the landscaped surroundings and other nearby attractions within the area.

A total of 17 No. existing car parking spaces are accommodated to the west within the application site. This provision of off-street car parking is proposed to be retained to serve the proposed holiday lodges. Transportation between the car parking area and the proposed mobile lodges will be facilitated by electric buggy. The existing golf buggy store is proposed to be converted to an office reception area to be used in association with the holiday lodges, with no external alterations required.

Drainage details have been provided which includes the provision of permeable paths and a foul drainage package treatment plant to serve the lodges.

An ecology survey and a Planning & heritage statement in addition to a public benefit statement have been submitted in support of the application.

Following concerns raised by officers in relation to the sensitive location of the development being within the Green Belt and adjacent to heritage assets, during the course of the application the applicant has proposed a scheme of restoration works to an existing Victorian quarry garden located

within the wider Hawkesyard estate area. The quarry garden is located immediately to the west of Hawkesyard Hall within its gardens, which on the whole remain well kept and form the immediate outlook from the west elevation of the house. Off to the south of these landscaped gardens, the landscape suddenly becomes more wild and tree-covered, and this is the location of the quarry garden. The garden appears to date from the 1840s. It originated as a quarry of red sandstone, with soil brought in afterwards for the plants. An octagonal glasshouse was a central feature until the 1920's, with sunken paths and planting that were designed to provide a 'curious and thrilling experience' to visitors. Such gardens are rare in form and have not survived since the early 1900's. Currently, the garden has not been maintained for many years and is overgrown and impenetrable.

The proposed remedial works to the quarry gardens are to be directly funded by the profits of the holiday lodge development and would include, a botanical survey of the quarry garden; a schedule of arboriculture works; the clearing of the grounds including debris of the old glasshouse, making the tunnel entrance accessible again and associated remedial works; archaeological recording of the quarry garden; topographical surveying; and, the re-planting of the area with plants that would have formed part of the original garden in order to reveal the significant of this heritage asset. It is proposed to secure these restoration works via a S106 legal agreement.

### **Determining Issues**

1. Policy and Principle of Development
2. Principle of Development- Green Belt and Very Special Circumstances
3. Design and Impact upon Heritage Assets and the Character and Appearance of the Surrounding Area/Green Belt
4. Residential Amenity
5. Access and Highway Safety
6. Arboriculture Impacts
7. Ecology
8. Planning Obligations
9. Drainage
10. Other Issues
11. Human Rights

#### **1. Policy and Principle of Development**

1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Armitage with Handsacre Neighbourhood Plan was also made in 2018 and as such, also carries full material weight.

1.2 The emerging Local Plan 2040, has completed its Regulation 19 consultation in the summer of 2021. The adopted Local Plan Allocations document sets the timeframe for the submission of the Local Plan 2040 to the Secretary of State by the end of 2021. This document is still emerging and at this stage has not been submitted to the Secretary of State. In accordance with paragraph 48 of the National Planning Policy Framework limited weight may be attached to the emerging plan, given that the plan has yet to be submitted for its examination and therefore whilst noted, policies in the emerging plan are not specifically referenced elsewhere.

1.3 Paragraph 8 of the NPPF provides a definition of sustainable development, identifying that there are three separate dimensions to development, namely its economic, social and

environmental roles. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right place and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

1.4 Paragraph 81 of the NPPF provides support to economic growth development stating, *“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”*.

1.5 Paragraph 84 of the NPPF states that *“Planning policies and decisions should enable:*

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”*

1.6 Paragraph 85 continues: *‘Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.’*

1.7 In terms of the Local Plan Strategy, Core Policy 1 of the Local Plan Strategy establishes the Council’s Spatial Strategy, which seeks to direct growth to the identified sustainable settlements within the District. The policy also recognises the importance of the rural economy, the Green Belt and key tourism assets. The policy sets out that key tourism assets will be protected and enhanced as this is vital to the particular distinctiveness and character of the District, providing opportunities for increased biodiversity, recreation, tourism, inward investment, improved health and wellbeing and sense of local identity. Core Policy 3 sets out specific issues which need to be addressed in order to achieve sustainable development and minimise the impacts of new development.

1.8 Core Policy 7 (Employment and Economic Development) and Rural 1 (Rural Areas) of the Local Plan Strategy supports proposals for diversification of the rural economy where they do not conflict with other Local Plan Policies. Policy NR1 (Countryside Management)

recognises the important economic role of the countryside. Rural diversification and job creation are also encouraged in the Council's Rural Development Supplementary Planning Document.

1.9 The proposal seeks to provide holiday accommodation which would support the tourism offerings within the District. The Council's Economic Development Officer has offered support for the proposals, advising that the proposals would enhance visitor accommodation opportunities in the more rural parts of the District. The Staffordshire Accommodation Study 2019 highlights there being no development of eco lodges within Staffordshire County and this being an area to focus on going forward in developing visitor accommodation. The holiday lodges shall support delivering this sort of accommodation by providing environmentally friendly tourist accommodation, made from natural materials and utilising electric buggies within a rural setting. The proposals would also support the generation of new revenue for the 'Hawkesyard Estate' which has previously diversified through creating business space on the estate. The proposals would be in compliance with strategic priority 10: tourism in the Local Plan Strategy by growing the existing tourism facilities within the district and providing a greater variety of accommodation. In regard to the economy and tourism, it is considered that the scheme would be acceptable. It is noted that the Parish Council and others have raised concerns that the holiday lodges could be converted into dwelling houses, however it is considered that the future use of the lodges could be controlled by suitably worded conditions to ensure that the lodges are used for short stay tourist accommodation only as set out at the beginning of this report.

## 2. Principle of Development- Green Belt & Very Special Circumstances

2.1 The application site is however located within the West Midlands Green Belt and lies outside of the settlement boundary. Therefore, it is subject to a stricter degree of control in order to ensure that any development preserves the special characteristics and openness of the Green Belt area. Paragraph 137 of the NPPF states that the government attaches great importance to Green Belts and notes that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. Local Plan Policy NR2 replicates national planning policy in relation to Green Belt. Core Policies CP1 and CP3 also set out the role and importance of the West Midlands Green Belt.

2.2 The decision making process when considering proposals for development in the Green Belt is essentially in three stages, as follows:

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

2.3 The NPPF states in paragraph 147 that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Paragraph 148 states that LPAs should ensure that substantial weight is given to any harm to the Green Belt. Paragraph 149 states that LPAs should regard construction of new buildings as inappropriate in the Green Belt, it then lists exceptions to this and in paragraph 146 lists other forms of development in the Green Belt that are not inappropriate.

2.4 The conversion of the existing golf buggy store to an office/ welcome desk would entail the re-use of an existing building. No alterations are proposed to the existing building. Similarly the car park provision already exists and as such is considered to have a neutral impact in terms of the Green Belt. Notwithstanding this, the proposed development of 10. No holiday

lodges would constitute inappropriate development which should only be approved if there are very special circumstances which outweigh the presumption against them. Very special circumstances are only considered to exist where the harm to the Green Belt is clearly outweighed by other considerations.

- 2.5 The applicant has put forward what they consider to be very special circumstances in their supporting planning statement to justify the development. This includes the provision of tourism accommodation and that the extra income generated from the lodges would support the existing listed buildings. They note that since the golf club closure in 2017 the estate has seen a significant drop in revenue, with a further drop in revenue due to the Coronavirus pandemic forcing closure of the estate for wedding/event purposes. They therefore consider that the overriding economic benefit of the proposals outweighs any perceived harm within the Green Belt and comprises very special circumstances to justify the development.
- 2.6 In addition to the above, during the consideration of the application, further information and clarification had been sought by officers in regard to the harm to the green belt and other harm (including heritage impact; as discussed further below). This culminated in the submission of further supporting information about the proposed restoration of the Victorian Quarry garden, which forms part of the very special circumstances submitted to justify the proposals.
- 2.7 Matters related to economic growth and tourism, whilst noted and acknowledged as important and supported by planning policy above, it is not considered that such matters justify very special circumstances to overcome the harm caused to the Green Belt in this instance, as such could be provided elsewhere within the District and still achieve the same aims. Furthermore, no clear evidence has been provided to show how the estate would fail without the provision of the revenue from the proposed holiday lodges.
- 2.8 However, it is acknowledged that the Victorian Quarry Garden is a rare historic asset in its own right. The restoration of such is furthermore supported by the Councils Conservation & Design Officer, as it would provide a positive heritage improvement and avoid the potential loss of this rare garden feature. The restoration works would be secured directly from the development of the holiday lodges through a S106 legal agreement. It is considered that these garden restoration works would consequently, on balance, provide a very special circumstance for the proposals, by providing a positive heritage enhancement and ensuring that this historic garden feature is not lost.
- 2.9 Further to the above, it is also noted that paragraph 183 of the NPPF sets out that the Green Belt serves five purposes, which includes the requirement to check the unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and; to assist in urban regeneration by encouraging the recycling of derelict land. It is not considered that the proposed development conflicts in any way with the five key purposes of the Green Belt.
- 2.10 It is therefore considered that, on balance, very special circumstance exists to justify the proposals, subject to the completion of a S106 agreement to secure the quarry garden restoration works. In this case, it is considered that the potential harm to the Green Belt, by reason of inappropriateness, is outweighed by the restoration of a key heritage asset and also there is noted absence of conflict between the development proposed and the five key purposes of the Green Belt.
- 2.11 Overall, the proposals are considered to demonstrate economic and tourism benefits and will result in improvements to a non-designated heritage asset; which would be secured via a S106 legal agreement and represent 'very special circumstances' in Green Belt terms, in order to justify this inappropriate development proposal. The proposed scheme of development is therefore considered, on balance, to be acceptable in this regard. However,



further consideration is also needed in terms of impact on the character of the area/green belt and any other harm caused, which is discussed below.

3. Design and Impact upon Heritage Assets and the Character and Appearance of the Surrounding Area.

3.1 The NPPF attaches great importance to design of the built environment and sets out that high quality and inclusive design should be applied to all development, including individual buildings, private spaces and wider area development schemes. It also states that development should respond to local character and history, and reflect the identity of local surroundings. Paragraph 189 of the National Planning Policy Framework states that Local Planning Authorities should recognize that heritage assets are an irreplaceable resource and they should be conserved in a manner appropriate to their significance.

3.2 Under Paragraph 199 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 201 provides that, where the harm caused by a development proposal to the significance of a heritage asset will be less than substantial, that harm should be weighed against the public benefits of the proposal.

3.3 In determining planning applications with respect to any building or other land in a Conservation Area, local planning authorities have a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to, or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

3.4 Local Plan Strategy Policy CP1 sets out that, *'The District's significant high quality natural and built environment and key tourism assets will be protected and enhanced in their own right.....Significant assets include the District's important historic environment and natural, landscape and tourism assets which include conservation areas, Lichfield Cathedral (including views to and from)...*'

3.5 Policy CP3 of the Local Plan Strategy confirms development proposals should, amongst a number of criteria: protect and enhance character and distinctiveness, be of a scale and nature appropriate to its locality, conserve, enhance and expand natural built and heritage assets whilst encouraging the use of previously developed land in the most sustainable locations.

3.6 Local Plan Strategy Policy CP14 states: *'The District Council will protect and improve the built environment and have special regard to the conservation and enhancement of the historic environment through positive action and partnership working. The historic environment contributes to sustainable communities, including economic vitality, and new development must make a positive contribution to this historic environment's local distinctiveness.'*

*'The significance of designated heritage assets including nationally protected listed buildings and their settings..... And conservation areas and their settings, will be conserved and enhanced and given the highest level of protection.'*

*The sustainable re-use, maintenance and repair of listed buildings and other heritage assets will be supported..... In conservation area, the built form will be protected and enhanced and there should be no net loss of trees.....'*

*'High quality design, tree planting, landscaping and green spaces will be required as part of new development and elsewhere, to improve quality of place....'*

- 3.7 Policy BE1 of the Local Plan Strategy requires all development to ensure that a high quality sustainable built environment can be achieved which will have a positive impact on *'the significance of the historic environment.... Such as listed buildings, conservation areas and skylines containing important historic, built and natural features. 'Furthermore development including extensions and alterations to existing buildings should 'carefully respect the character of the surrounding area and development in terms of layout, size, architectural design and public views.'* The Policy concludes that new development should have a positive impact on the public realm and *'ensure high quality, inclusive design.'*
- 3.8 Local Plan Allocations Policy BE2 confirms that development proposals which conserve and enhance the District's historic environment will be supported where the development will not result in harm to the significance of the heritage asset or its setting. *'The loss of, or harm to, a heritage asset will only be permitted where it can be demonstrated that the ensuring harm and loss of significance of the heritage asset is necessary to achieve public benefits that outweigh that harm or loss in accordance with the NPPF.'*
- 3.9 The Armitage with Handsacre Neighbourhood Plan Policy AH5 requires new development to be of good quality design and respond positively to the site setting and context amongst other factors. Policy AH6 'Maintaining the Rural Nature of the Villages Development' proposals should maintain the rural nature of the villages. Proposals will be supported which maintain Armitage and Handsacre as separate free-standing communities within a rural setting and which: a) respect the landscape setting of the settlement concerned ; b) maintain the distinction between Armitage and Handsacre from other settlements.
- 3.10 It is acknowledged that design and heritage related concerns and objections have been presented by local residents and due regard to this is given below.
- 3.11 The application proposes 10 timber lodges. The lodges are to be constructed from slow grown spruce and are proposed to provide environmentally friendly tourist accommodation. Each lodge would be set on an individual concrete pad, and the lodges would be linked by pathways. Vehicular access to the lodges would be prohibited, with visitors' cars being kept on the existing car park and direct access to the lodges being by golf buggy. The lodges have been discreetly placed to limit any impact on the historic setting of adjacent heritage assets and existing mature trees/ vegetation would provide screening. The Councils Tree Officer has confirmed that the development could be assimilated into the site alongside the existing trees and that further landscaping can be secured by condition.
- 3.12 Taking into consideration the nature and scale of the proposals, it is considered that the design and appearance of the proposed development would not have a detrimental impact upon the character and appearance of the surrounding area. As such, subject to conditions to ensure that appropriate additional landscaping is provided and existing trees remain protected, the scheme is considered to be acceptable in regards to general design and impact on the surrounding area.
- 3.13 In terms of the impact on heritage assets, the Conservation & Design Officer has confirmed that the location of the cabins allows for them to be well screened, so there is limited inter-

visibility with the cabins and the nearby listed buildings; Spode House and St Thomas Chapel. However, the site sits within landscaped parkland which contributes to the setting and significance of these Grade II listed buildings. The introduction of built form into the otherwise open part of the parkland is considered to erode the quality and appearance of the parkland to a degree and this in turn will have a harmful impact on the setting of the Listed Buildings. It is also considered that the proposals will harm the significance of Hawkesyard Priory Park, which is a non designated heritage asset. The Conservation & Design Officer has confirmed that this harm to heritage assets, both designated and non-designated is considered to be less than substantial.

- 3.14 Therefore, in accordance with both the NPPF and the Core Strategy policies, this harm needs to be weighed against the public benefits and securing the optimum viable use of the site. In this instance, significant weight can be afforded to the heritage benefits of the scheme, which as outlined above would ensure that the Victorian Quarry Garden is restored. A timescale of 12 months to begin the restoration process is considered appropriate and would be secured by a legal agreement attached to the planning permission. Non heritage benefits can also be considered by the decision maker, and it is noted that the proposed lodges would also bring the public benefit of tourism to this locality, which would further reveal the significance of the heritage assets to visitors. A condition to ensure appropriate landscaping is recommended and, on balance, whilst a small amount of harm has been identified, it is considered that this would be outweighed by the public benefits of the proposal. The proposal is therefore considered to meet with the objectives of heritage policies as set out in Local and National Planning Policy.
- 3.15 In relation to archaeological matters, the County Archaeologist comments that no significant impact to the archaeological resource is anticipated. As such no archaeological mitigation condition is required in this instance.
- 3.16 Overall, the proposed scheme of development is considered to be acceptable and in accordance with relevant local and national planning policy with regards to design, character, appearance and heritage implications.

#### 4. Residential Amenity

- 4.1 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 nearest neighbouring properties reference is made to Appendix A of the Sustainable Design Supplementary Planning Document (SPD); which includes guidelines to assess the impact of development on neighbouring properties with regard to overlooking, and separation distances recommended to ensure suitable daylight and sunlight.
- 4.2 The proposed siting of the development proposals and relationship with the nearest neighbouring properties, ensures the proposed scheme of development would not present any issues with regards to loss of daylight, over bearing impact or overlooking.
- 4.3 It is noted that objections raised to the proposal include the increased likelihood of noise, disturbance and anti-social behaviour. The concerns of local residents are noted, however, it is considered that the given the separation distances from neighbouring dwellings, the control on the number of lodges (being a maximum of 10), and relevant Environmental Health legislation, which makes provision for noise nuisance there would be no significant detrimental impacts on the existing amenities enjoyed by neighbouring occupiers, so as to justify a sustainable reason to withhold planning permission.

- 4.4 Overall, the development proposals are considered to be acceptable in regards to potential impacts on neighbouring amenity.
5. Access and Highway Safety
- 5.1 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 111 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.
- 5.2 The proposed lodges would utilise the existing access and parking areas, with a total of 17 spaces being allocated to serve the 10 lodges. As set out above, transportation between the car parking area and the proposed mobile lodges will be facilitated by electric buggy.
- 5.3 The County Highways Officer has reviewed the proposals and raises no objections to the scheme on highway safety grounds. The proposed development is considered to be a low traffic generator in highway terms and is remote from the public highway. Sufficient off road parking to serve the scheme is proposed. The provision of the parking does not conflict with other permitted uses at the site, as there is additional parking available outside of the application site on the existing car park to serve such uses.
- 5.4 It is acknowledged that highways related concerns and objections have been presented by local residents. Following receipt of the professional County Highways advice, it is however considered to be unreasonable to suggest that the scheme of development would be unacceptable on highways related grounds. The proposed scheme of development is therefore acceptable on access and highway safety grounds, subject to a condition to ensure that the parking is retained for the use of the lodges, as recommended.
6. Arboriculture Impacts
- 6.1 Policy NR4 of the Local Plan Strategy states 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.
- 6.2 The majority of the application site is not within a designated Conservation Area (only part of the access) and there are no trees protected by means of a Tree Preservation Order within the site. Notwithstanding this, it is acknowledged that there are a number of mature trees within the site. Such trees form part of the overall layout design for the lodges and aid their integration into the site and its surroundings. A tree report has been submitted which demonstrates that the lodges will be located outside of the Root Protection Areas for the retained trees. Given the potential for some damage during the installation of the drainage, services and hardstanding to occur, a condition requiring a Tree Protection Plan and Method Statement is recommended to ensure that the existing retained trees are afforded adequate protection during construction works. A further condition is also recommended to ensure that a landscaping plan is submitted, approved and implemented in a timely manner in order to ensure that appropriate planting is provided to enhance the character of the area and provide screening to historic assets.

6.3 On this basis, subject to the above referenced planning condition, the proposed scheme of development is acceptable on arboriculture related grounds.

## 7 Ecology

7.1 Policy NR3 of the Local Plan Strategy states that development will only be permitted where it protects, enhances, restores and implements appropriate conservation management of the biodiversity and/or geodiversity value of the land and buildings minimises fragmentation and maximise opportunities for restoration, enhancements and connection of natural habitats (including links to habitats outside Lichfield District) and incorporates beneficial biodiversity and/or geodiversity conservation features, including features that will help wildlife to adapt to climate change where appropriate.

7.2 The application is supported by a Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment, Biodiversity Metric 2.0 and Preliminary Bat Roost Assessment and Bird Survey. The Ecology Team concurs with the conclusions of the surveys which set out that there was no evidence of bats or birds using the existing building to be retained as an office and whilst bats are foraging and commuting across the site there was no evidence of bat roosts in trees.

7.3 It can therefore be concluded that it is unlikely that the proposed works would negatively impact on protected species or upon a protected or priority species or habitat. The Local Planning Authority is therefore in a position to demonstrate compliance with regulation 9(3) of the Habitat Regulations 1994 (as amended 2017), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species.

7.4 The submitted preliminary ecological appraisal and bat and bird survey sets out methods of working and mitigation/ enhancement measures. Such methods of working can be secured by condition. Proposed mitigation measures include the restriction of external lighting within the site, the provision of 10.No. bat boxes and bird boxes across the site and the planting of meadow grass seed mixes to promote a diverse grassland mix to support insect diversity and therefore forage opportunities for bats and birds. A condition is recommended to ensure that an appropriate scheme for future habitat creation works and sustained good management thereof, in the form of a Habitat Management Plan (HMP), shall be agreed and implemented, and an informative is also recommended to ensure that the necessary meadow grass planting is included within the necessary landscaping plans which are also to be secured by condition. Furthermore, all recommendations and methods of working detailed within the Preliminary Ecological Appraisal and the Preliminary Bat Roost Assessment and Bird Survey are recommended to be subject to a condition, to ensure that works to construct the lodges are carried out appropriately.

7.5 Subject to this above referenced planning conditions, it is considered that the development proposal is acceptable with regards to potential ecological implications.

## 8 Planning Obligations

### *Cannock Chase SAC*

8.1 The application site lies within the 15km zone of influence of the Cannock Chase Special Area of Conservation. The proposed scheme of development is considered to present an adverse impact on the Cannock Chase Special Area of Conservation unless or until satisfactorily avoidance and/or mitigation measures have been secured.

8.2 The agreed strategy for the Cannock Chase SAC is set out in Policy NR7 of the Local Plan Strategy, which requires that before development is permitted, it must be demonstrated that in itself or in combination with other development it will not have an adverse effect

whether direct or indirect upon the integrity of the Cannock Chase SAC having regard to avoidance or mitigation measures. In particular, additional recreation pressures from development within a 15km zone of influence are considered to present adverse effects to the integrity of the SAC.

- 8.3 Subsequent to the adoption of the Local Plan Strategy, the Council adopted further guidance on 10 March 2015 (which was updated on 1<sup>st</sup> April 2022), acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the zone. This site lies within the 15 km zone of influence and as such is directly liable to SAC payment with respect to the provision of visitor accommodation which is likely to result in tourists visiting the area.
- 8.4 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC. Therefore, in accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has undertaken an Appropriate Assessment. The Appropriate Assessment concludes that the mitigation measures which include a financial contribution towards the maintenance and control of visitors to the SAC (paid to the Cannock Chase SAC Partnership) will address any harm arising from the development to the Cannock Chase SAC. The contribution is calculated on a formula based on tourism bed spaces. This approach is supported by Natural England through the Cannock Chase Partnership.
- 8.5 A Section 106 agreement is required to secure the financial contribution set out above towards the Cannock Chase SAC Partnership, which the applicant is agreeable to. On this basis, it is concluded that the Local Planning Authority have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

#### *Quarry Garden Restoration*

- 8.6 The restoration works for the Quarry Garden as set out in the above report, including the timescales for implementation will also need to be secured by means of a Section 106 legal agreement. The draft heads of terms, which makes provisions for restoration works including a botanical survey of the garden, a schedule of arboriculture works, clearance of debris, restoration of the tunnels, potential replacement of the octagonal greenhouse have been considered and is supported by the Councils Conservation & Design Officer. Trigger points in the agreement will reflect the fact that the approved development will have to be up and running to generate the income to facilitate the restoration works. The applicants have proposed a trigger point of within 1 year of the permission being implemented a detailed scheme and appropriate timescale for the restoration of the garden will be submitted and approved by the Local Planning Authority. As set out in the above, the restoration of the Quarry Garden is necessary to make the proposals acceptable in planning terms.

## 9 Drainage

- 9.1 The National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding. Core Policy 3 of the Local Plan Strategy expects all new development to incorporate Sustainable Drainage Systems (SUDS).

- 9.2 The scheme of development hereby under consideration proposes to drain surface water from the lodges via soakaway/ runoff while also using permeable paths. It is proposed that foul drainage will utilise a new WPL Diamond package treatment plant and drainage field for its runoff.
- 9.3 The site lies within Flood Zone 1 and as such there are no flooding concerns in principle. In terms of drainage, Severn Trent Water have raised no objection to the principle of the proposal and do not require details of foul and surface water disposal. It is therefore considered that the requirements of the Local Plan and the National Planning Policy Framework are therefore met.

## 10 Other Issues

- 10.1 Concerns have been raised about the discrepancies with land ownership matters. Having reviewed matters officers are satisfied that the necessary procedural requirements with regard to service of notice has been carried out with regard to the application site/area outlines in red. It is noted that the area of the quarry garden lies outside the application site but has been identified in the planning submission as land also in the ownership of the applicant. Notwithstanding this, the quarry garden works are proposed to be secured by way a S106 legal agreement and it would be necessary for all parties with an interest in the said land to be party to this agreement. This does not impact on the ability of the local planning authority to determine the application however, rather the obligations and necessity to comply will lie with the relevant parties of the legal agreement. If all parties do not sign the legal agreement, then delegated authority is sought to refuse the application, as set out above.
- 10.2 Matters related to right of access lie with the applicant/future developer to secure and is not a reason to withhold planning permission.

## 11 Human Rights

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

## **Conclusion**

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

The proposed development is located within a sensitive location being within the West Midlands Green Belt and with designated and non-designated heritage assets being in close proximity. The site also sits within landscaped parkland which contributes to the setting and significance of adjacent heritage assets. During the course of the consideration of the application officers have worked with the applicants to establish the precise extent of heritage benefits which can be supported by the scheme, such benefits now include provisions for the restoration of a Victorian Quarry Garden, which is a rare historic asset in its own right. The restoration works have been outlined by the applicant and are fully supported by the Councils Conservation & Design Officer. The restoration works are to be secured directly from the development of the holiday lodges through a S106 legal agreement. The proposal would secure the future conservation of this rare heritage asset, and as

such is considered, on balance, to be a 'very special circumstance' to justify inappropriate development in the Green Belt.

The identified harm to the setting and significance of the heritage assets has been balanced against the public and heritage benefits of the scheme in line with the requirements set out in National Policy. The provision of tourist accommodation in this part of the District would present tourism benefits to the local economy. Subject to conditions and a legal agreement to secure the appropriate details and timescales for the remediation works to the Victorian Quarry Garden, the proposals are considered to be acceptable in heritage terms.

The future use of the holiday lodges can be secured by condition to ensure that they are retained for tourist use only, as the presence of dwelling houses in this location would not be acceptable. The condition requires the applicant to keep a log of all guests to ensure compliance.

In terms of the impact on residential amenity and highway safety, as set out in the above report no objections have been raised by the County Highway Authority, and it is noted that parking provision can be secured by condition. It is also considered that the scheme would respect existing and future residential amenity and would by way of mitigation measures secured by condition addresses biodiversity and ecological aims. Tree protection and additional planting would also be secured by condition.

Planning obligations in relation to the Cannock Chase Special Area of Conservation have been accepted by the applicant in the form of off-site payments and there are no technical matters which have arisen through the consultation process which cannot be overcome by condition.

Consequently, it is recommended that this application be approved, subject a legal agreement and conditions, as set out above.



# LOCATION PLAN

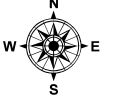
20/01374/FULM & 20/01375/LBC  
Land And Buildings At Angel Croft &  
Westgate Beacon Street Lichfield

Scale: 1:1,250

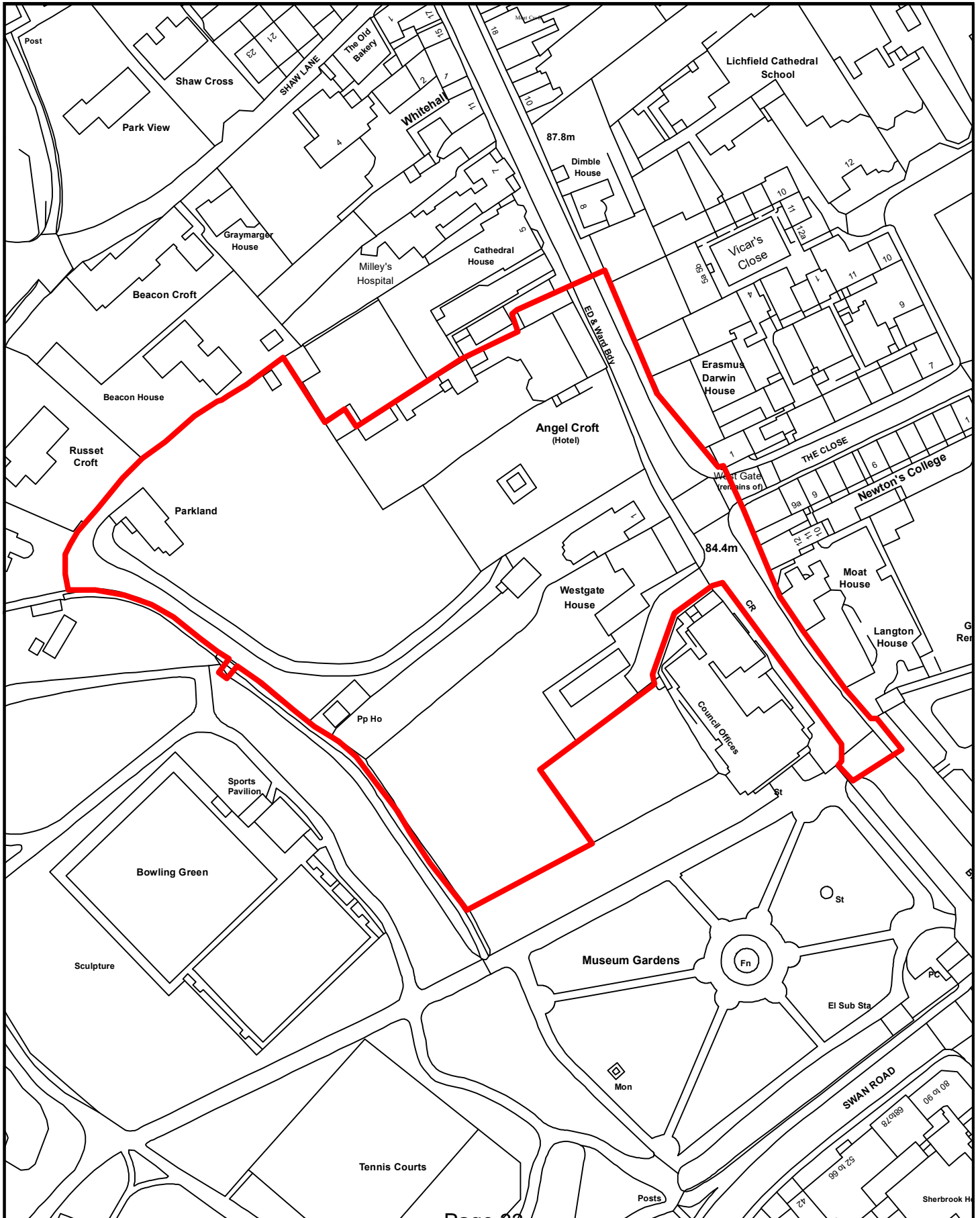
Dated: January 2022

Drawn By:

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## **20/01374/FULM & 20/01375/LBC**

**REFURBISHMENT, EXTENSION AND CONVERSION OF WESTGATE HOUSE (GRADE II LISTED) TO CREATE 4 NO. APARTMENTS AND 1 NO. TOWNHOUSE, CONVERSION AND EXTENSION OF EXISTING OUTBUILDING TO CREATE 1 NO. DETACHED DWELLING, CONVERSION AND EXTENSION OF WESTGATE COTTAGE (GRADE II LISTED) TO PROVIDE BOUTIQUE HOTEL (12 NO. GUEST SUITES) AND SPA AND 6 NO. APARTMENTS, ERECTION OF DETACHED APARTMENT BUILDING TO PROVIDE 13 NO. APARTMENTS, ERECTION OF 3 NO. DWELLINGS AND DETACHED GARAGES, ERECTION OF GARAGING AND 4 NO. APARTMENTS OVER, BASEMENT CAR PARKING, BRIDGE OVER LEAMONSLEY BROOK, HARD AND SOFT LANDSCAPING, ACCESS AND ASSOCIATED WORKS  
LAND AND BUILDINGS AT ANGEL CROFT & WESTGATE, BEACON STREET, LICHFIELD, STAFFORDSHIRE WS13 7AA  
FOR Angel Croft Developments Ltd**

Registered **17/11/2020**

**Parish: Lichfield City**

**20/01374/FULM:** Refurbishment, extension and conversion of Westgate House (Grade II listed) to create 4 no. apartments and 1 no. townhouse, conversion and extension of existing outbuilding to create 1 no. detached dwelling, conversion and extension of Westgate Cottage (Grade II listed) to provide boutique hotel (12 no. guest suites) and spa and 6 no. apartments, erection of detached apartment building to provide 13 no. apartments, erection of 3 no. dwellings and detached garages, erection of garaging and 2 no. apartments over, basement car parking, bridge over Leomansley Brook, hard and soft landscaping, access and associated works.

**20/01375/LBC:** Refurbishment, extension and conversion of Westgate House (Grade II listed) to create 4 no apartments and 1 no townhouse; conversion and extension of existing outbuilding (curtilage listed) to create 1 no detached dwelling; conversion and extension of Westgate Cottage (Grade II listed) to provide boutique hotel and spa and 6 no apartments and ancillary alterations to associated curtilage listed building works to boundary wall between Westgate House and Westgate Cottage (amended description).

**Note: This application is being reported back to the Planning Committee following Planning Committee resolution to approve the applications on the 26 January 2022, subject to deferral to ask officers to prepare the wording of the planning conditions and Heads of Terms for the S106 agreement /planning obligations that would be necessary to make the proposals acceptable in planning terms and to bring back such to committee for their subsequent approval.**

**This report sets out the list of recommended conditions and S106 Heads of Terms for Planning Committee approval.**

**A copy of the original Planning Committee Report and Supplementary Report and the Committee Minute is attached as Appendix 1 to this report.**

**There have been ongoing discussions with the applicants about the development since the Planning Committee resolution to grant planning and Listed Building Consent in January and this report provides an update to the Planning Committee on the outstanding matters. Some matters remain unresolved, as set out below, due to land ownership matters and other considerations, but officers have prepare a fairly comprehensive list of conditions and S106 obligations for Planning Committee consideration. It is to be noted that with continuing discussions and matters still to be resolved, some of the details of the development proposals and wording of conditions will need to be further amended. Therefore delegated authority is sought to agree the final wording and layout arrangements in conjunction with the Chair of Planning Committee.**

## **RECOMMENDATION:**

**20/01374/FULM: Approve, subject to the following conditions and the completion of a S106 Legal Agreement under the Town and Country Planning Act (as amended) to secure contributions/planning obligations towards:-**

- 1. Off-site affordable housing contribution totalling £476,000;**
- 2. Education Contribution of £161,434;**
- 3. Management agreement details to be submitted and agreed in respect of a management company for the management and maintenance of the private internal roads and shared parking areas, public amenity areas and communal areas and drainage system;**
- 4. Management agreement details for the management and maintenance of the cycle route and footbridge into Beacon Park, including agreement to public access to and from the Park;**
- 5. Waste collection and management of a private bin collection scheme (residential and commercial);**
- 6. Management and maintenance agreement details relating to the basement car park, to include maintenance of the car lifts and pedestrian emergency access from the basement;**
- 7. Cannock Chase SAC. Financial contributions towards mitigation of additional visitors to Cannock Chase SAC of £1607.40 (final amount yet to be confirmed/agreed) and £290.58 for each new home created, totalling £8,136.24. A total contribution of £9,743.64 (to be confirmed).**

**(2) if the S106 legal agreement is not signed/completed within 6 months of this Planning Committee or the expiration of any further agreed extension of time (as agreed in conjunction with the Chair of Planning Committee), then powers to be delegated to officers to refuse planning permission, based on the unacceptability of the development, without the required contributions and undertakings, as outlined in the report.**

## **CONDITIONS:**

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

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

3. Before the development or any works hereby approved are commenced, full details of the following shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details and retained as such for the life of the development.
  - (i) Materials, including type and colour to be used in the construction of the external walls of each building and building extension;
  - (ii) exterior roof materials to all buildings and extensions;
  - (iii) sections at a minimum scale of 1:5 and elevations at 1:20 of all external joinery including fenestration and doors and proposed exterior finish;
  - (iv) full details, including a sample panel of the mortar mix, colour, gauge of jointing and pointing of all new buildings;
  - (v) eaves detailing;
  - (vi) brick bond to be used;
  - (vii) the finished floor-scape surrounding the building;
  - (viii) rainwater goods, their materials and designs.
  - (ix) Full details of railings and ironwork including balconies and juliet balconies
  - (x) Full details of rainwater goods, their materials and designs

- (xi) Details of any alterations or making good to the exterior of the existing buildings.
4. Before the development or any works hereby approved are commenced (excluding demolition works) and notwithstanding the details shown on the approved plans relating to the glazed link between Westgate Cottage and the Spa Hotel extension, full details of the glazed link at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
5. 5A. Before the development or any works hereby approved are commenced, a written scheme of archaeological investigation ('the Scheme') shall be submitted to and approved by the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post excavation reporting and appropriate publication.
- 5B. Any archaeological site works identified shall thereafter be implemented in full accordance with the approved written scheme of archaeological investigation agreed under 5A.
- 5C. 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 (5A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.
6. Before the development or any construction works related to the development hereby approved are commenced (excluding demolition works) , a scheme to ensure the proposed basements are resilient to flood risk shall be submitted to and approved in writing by the Local Planning Authority. This should comprise plans showing how the construction shall be tanked to prevent the ingress of groundwater. All openings, access and ducts that might allow the ingress of water should be set at or above 82.50 metre AOD. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements as approved, or within any other period as may be subsequently agreed in writing by the Local Planning Authority.
7. Before the development or any construction works related to the development hereby approved are commenced on site, a Construction Management Plan, shall be submitted to and approved in writing by the Local Planning Authority. The submitted Construction Management Plan shall include the following details:
- (i) The routing of construction vehicles to and from the site, including measures to mitigate the impact on local residents. The measures shall include the timing of movements.
  - (ii) Heavy Goods Vehicle routing between the site and the strategic road network;
  - (iii) Parking facilities for vehicles of site personnel, operatives and visitors;
  - (iv) Arrangements for the loading and unloading of plant and materials;
  - (v) Areas of storage for plant and materials used during the construction of the proposed development;
  - (vi) A wheel cleaning regime to prevent the deposition of deleterious material on the public highway during the construction of the proposed development;
  - (vii) Timetable for the provision of the above i -vi

The development shall thereafter be carried out in accordance with the details contained within the approved Construction Management Plan and timetable throughout the construction period.

8. Before the development hereby approved is commenced (excluding demolition works), details of all boundary treatments, to include connectivity for hedgehog migration, shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be undertaken in accordance with the approved details prior to

the occupation of the respective dwellings and hotel/spa to which they relate, as hereby approved.

9. Before the development hereby approved is commenced (excluding demolition works), a detailed landscaping scheme to include a plan detailing all proposed hard and soft landscaping and timescales for implementation, as well as compensatory planting, shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details and timescales.
10. Before the development hereby approved is commenced (excluding demolition works), full details of any external lighting within the development and related thereto, shall be submitted to an approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details prior to the first occupation of the development.
11. Before the development hereby approved is commenced (excluding any demolition works), a drainage plan detailing the disposal of surface water and foul sewage, shall be submitted to and approved in writing by the Local Planning Authority. The drainage details shall include the surface water drainage method and outfall for the private roads, shared drives, parking and turning areas, to prevent water discharging onto the public highway. The approved drainage scheme shall be implemented in accordance with the approved details prior to the first occupation of any part of the development and shall thereafter be retained and maintained as such for the life of the development.
12. Before the development hereby approved is commenced (excluding demolition works), details of the surfacing of the internal access road, shared drives and footpaths and cycle way and dropping-off lay by for the hotel and spa shall be submitted to and approved in writing by the Local Planning Authority. Such areas shall therefore be provided in accordance with the approved details prior to first occupation of the part of the development they are to serve and shall be maintained as such for the life of the development.
13. Prior to commencement of development hereby approved, full details of the proposed alterations to the Hanch Tunnel access shall be submitted to and approved by the Local Planning Authority. These details shall include design and engineering specification, together with details of the proposed surfacing. The works shall thereafter be carried out in accordance with the approved details and timescales.
14. Before the development hereby approved is commenced (excluding demolition works), details of all proposed changes to levels across the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include plans shows the existing and proposed levels within the site and show comparison to the existing levels adjacent to the site. Once agreed, there shall be no alterations to the proposed levels and the development shall be carried out in accordance with the approved levels.
15. Before the development hereby approved is commenced, full details of tree protection measures for all trees and hedges to be retained within the development area as part of the approved landscape and planting scheme for the development, shall be protected in accordance with BS 5837:2012, with details to be first submitted to and approved in writing by the Local Planning Authority to demonstrate this. The approved measures shall be implemented prior to commencement of any works, including any demolition works and shall be retained for the duration of the construction (including any demolition and/or site clearance works). No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians shall occur within the protected areas. The approved scheme shall be kept in place until all part of the development have been completed, and all equipment, machinery and surplus materials have been removed from the site.

16. Before any part of the development hereby approved is commenced (excluding demolition works), a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and timescales.

17. Before any part of the development hereby approved is commenced (excluding demolition works) the location, design and specification for the footbridge leading to Beacon Park shall be submitted to and approved in writing by the Local Planning Authority. The design of the footbridge shall include the relocated gates from Westgate Cottage (renovated), together with locking details for securing the gates at night. The design details to include a specification and method statement for the installation of the footbridge within Beacon Park in relation to adjoining established park trees in the vicinity. The development shall be undertaken in accordance with the approved details and provided on site to a timetable to be first agreed with the Local Planning Authority following approval of the design of the footbridge.

Before any part of the development hereby approved is commenced (excluding demolition works), further details of the proposed shop front to a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of the design and size of the shopfront fascia sign board. The development shall be carried out in accordance with the approved details.

18. Notwithstanding the submitted details relating to the pumping station and its curtilage, prior to commencement of development (excluding demolition works) revised details of the turning and parking/unloading area and enclosure details to the facility shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details to accord with an agreed timetable with the Local Planning Authority.

19. Before any part of the development hereby approved is commenced a Construction Environment Management Plan and Habitat Management Plan (HMP) detailing in full habitat restoration/creation/enhancement to a value of no less than 2.23 BU together with an updated Biodiversity Metric shall be submitted and approved in writing by the Local Planning Authority.

Within the CEMP/HMP document the following information shall be provided.

- (i) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example lowering of soil pH via application of elemental sulfur)
- (ii) Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation.
- (iii) Details of both species composition and abundance (% within seed mix etc) where planting is to occur, including post development habitat maps and plans.
- (iv) Proposed management prescriptions for all habitats for a period of no less than 30 years
- (v) Assurances of achievability
- (vi) Timetable of delivery for all habitats
- (vii) A timetable for future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feedback mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. Ecological monitoring reports should be submitted to the LPA every 5 years.

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

**All other CONDITIONS to be complied with:**

20. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site and which dies or is lost through any cause during the period of 5 years from the date of first planting shall be replaced in the next planting season with other or a similar size and species.
21. The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref. 109033 Revision B undertaken by Travis Baker Associates) and the following mitigation measures it details:

With the exception of the basements, finished floor levels shall be set no lower than 82.50 metres above ordnance Datum (AOD) for Talbot House, and 82.35 metres above AOD for all other buildings (as detailed within Appendix V11 Drainage Strategy drawing reference 19033-01 Revision B)

These mitigation measures shall be fully implemented prior to first occupation of the development and subsequently in accordance with the schemes timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter for the lifetime of the development.
22. During the period of construction of any part of the development, no works including deliveries take place outside the following times: 0730 and 1900 hours Monday to Friday and 0800 and 1300 hours on Saturdays and not at all on Sundays, Bank and Public Holidays (other than for emergency works).
23. Notwithstanding the provisions of Town and Country Planning (General Permitted Development) Order (2015) (as amended), or any order revoking or re-enacting the Order with or without modification) no development contained within Classes A, AA, B, C, D and E of Schedule 2, part 1 (including that no extension or alterations, no extra storey, no additions or alterations to any roof, no windows, dormers or other openings being created, no enclosures or other structures required for the purposes incidental to the enjoyment of the dwelling houses being erected or installed within the domestic curtilage) shall be carried out at the new dwelling houses hereby approved.
24. The garage accommodation to serve the 3 residential dwellings and the separate garage block (with two flats over) shall be used for the garaging of private vehicles and ancillary storage by residential occupiers within the development only and shall not be let, sold or occupied by any other parties.
25. All site clearance works associated with the development hereby approved, shall take place and be completed outside of the bird nesting season (March to August inclusive) or if works are required within the nesting season, an ecologist will be present to check for evidence of breeding birds immediately prior to the commencement of works. Works could then only commence if no evidence is recorded by the ecologist. If evidence of breeding is recorded, a suitable buffer zone will be provided to avoid disturbance until the young have fledged.
26. Prior to the occupation of any residential dwelling or flat and any commercial units, hotel and café and spa, details shall be submitted to the Local Planning Authority confirming the design and location of bin stores (to include general and recycling bin storage capability) for each property/premise and the associated bin collection points for such. The bin stores and bin collection points shall be installed prior to first occupation of any property in accordance with the approved details and maintained for the life of the development.
27. The demolition of any brick walls required by the scheme hereby approved shall be carried out by hand or hand held tools other than power tools and the materials stored for re-use.

28. Prior to the removal of the existing gates to the front of Westgate Cottage details shall be submitted to the Local Planning Authority of a scheme for their restoration and re-use as part of the footbridge to Beacon Park, in accordance with a scheme to be submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
29. Any disturbed work resulting from the approved alterations and/or extensions to existing buildings on the site are to be made good to match the original building, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The works to be carried out in accordance with the approved details.
30. Secure covered and safe cycle parking facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. No building shall be first occupied/used until such time as the approved cycle storage has been provided in association with occupation. The approved facilities shall be retained for the life of the development.
31. No part of the development hereby approved shall be occupied until such time as the proposed new internal access road has been surfaced with tarmacadam, or similar hard bond material for a distance of at least 10 metres behind the highway boundary, and once provided, shall be so maintained for the lifetime of the development.
32. No dwelling or spa and hotel shall be first occupied until such time as the associated parking and turning to serve that dwelling, hotel or spa has been implemented in accordance with the Proposed Parking Plan (drawing no 333-19 Rev B) and the Combined Basement and Parking Plan (drawing no 333-18 Rev A). Thereafter the on-site parking provision shall be so maintained for the lifetime of the development.
33. No new dwelling, hotel or spa shall be occupied until such time as a scheme for the provision of works on Beacon Street, Bird Street and Swan Road (to comply generally with the scheme shown indicatively on the Urban Realm Improvement Concept Drawing) (No 21011-08 Rev I) has been provided in full accordance with precise details first submitted to and agreed in writing by the Local Planning Authority and made available for use. The works to the public realm to be carried out in accordance with the approved details.
34. Notwithstanding the details shown on the Site Access Visibility Splays drawing 9 no. 21011-13 Rev F), the development hereby permitted shall not be occupied until such time as a surface water drainage interceptor, connected to a surface water outfall, has been provided across the access immediately to the rear of the highway boundary.
35. The development hereby permitted shall not be brought into first use until the visibility splays shown on the Site Access Visibility Splays Drawing (no 21011-13 Rev F) have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.
36. Before first occupation of any building hereby permitted a 1.5 metre by 1.5 metre pedestrian visibility splay shall be provided on the highway boundary on the north side of the proposed new access, in accordance with the standards contained in the Staffordshire County Council current document 'Residential Design Guide' and shall be so maintained for the lifetime of the development.
37. The development shall be carried out in accordance with the recommendations in the Updated Preliminary Ecological Appraisal dated February 2021, Preliminary Ecological Appraisal Section 4 including enhancement recommendations. The works shall be carried out in accordance with the recommendations, to a timetable to be agreed in writing with the Local Planning Authority.



38. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 2A, and appropriate remediation proposals, and shall be submitted to the LPA without delay. The approved remediation scheme shall be implemented to the satisfaction of the Local Planning Authority.
39. Notwithstanding submitted details identifying the location of a sub-station, revised details of the design and location of the sub-station shall be submitted to and approved in writing by the Local Planning Authority. The provision of the facility to be shall be carried out in accordance with the approved details.
40. Details of any external plant or air conditioning units to be externally installed on the hotel and café and spa to include their design, including noise emissions and locations shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The works shall thereafter be carried out in strict accordance with the approved details prior to the first use/occupation of the development.

#### **REASONS FOR CONDITIONS**

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP3, NR3 and BE1 of the Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.
3. To ensure the satisfactory appearance of the development and ensure high quality appearance of the development, to protect the setting of surrounding designated heritage assets on and adjacent to the site including Listed Buildings and the Lichfield Conservation Area in accordance with the requirements of Policies CP3, CP14 and BE1 of the Lichfield Local Plan Strategy, BE2 Lichfield Local Plan Allocations, the Sustainable Design SPD, Historic Environment SPD, the Lichfield City Neighbourhood Plan and the National Planning Policy Framework.
4. To ensure the satisfactory appearance of the development and ensure high quality appearance of the development, to protect the setting of surrounding designated heritage assets on and adjacent to the site including Listed Buildings and the Lichfield Conservation Area in accordance with the requirements of Policies CP3, CP14 and BE1 of the Lichfield Local Plan Strategy, BE2 Lichfield Local Plan Allocations, the Sustainable Design SPD, Historic Environment SPD, the Lichfield City Neighbourhood Plan and the National Planning Policy Framework.
5. To ensure full evaluation and protection of any archaeological remains within the site, in accordance with Lichfield Local Plan Strategy Policies CP3 and CP14 and Policy BE1, Policy BE2 of the Local Plan Allocations Document, the Historic Environment SPD and Section 15 of the National Planning Policy Framework.
6. To reduce the risk of flooding to the proposed basements of Talbot House and its future users in accordance with Lichfield Local Plan Strategy Policy CP3 and BE1 and National Planning Policy Framework.

7. In the interests of highway safety, to ensure the free flow of traffic on the local and strategic highway network, to reduce the risk of surface water flooding and to protect the amenities of existing and future residents in accordance with Lichfield Local Plan Strategy CP3, CP5 and Policies BE1 and ST1, the Sustainable Design SPD and Lichfield City Neighbourhood Plan and the National Planning Policy Framework.
8. To ensure the satisfactory appearance of the development and ensure high quality appearance of the development, to protect the setting of surrounding designated heritage assets on and adjacent to the site including Listed Buildings and the Lichfield Conservation Area in accordance with the requirements of Policies CP3, CP14 and BE1 of the Lichfield Local Plan Strategy, BE2 Lichfield Local Plan Allocations, the Sustainable Design SPD, Historic Environment SPD, the Lichfield City Neighbourhood Plan and the National Planning Policy Framework.
9. To ensure the satisfactory appearance of the development and ensure high quality appearance of the development, to protect the setting of surrounding designated heritage assets on and adjacent to the site including Listed Buildings and the Lichfield Conservation Area in accordance with the requirements of Policies CP3, CP14, NR4 and BE1 of the Lichfield Local Plan Strategy, BE2 Lichfield Local Plan Allocations, the Sustainable Design SPD, Historic Environment SPD, Trees, Landscaping and Development SPD the Lichfield City Neighbourhood Plan and the National Planning Policy Framework.
10. To ensure the satisfactory appearance of the development and ensure high quality appearance of the development, to protect the setting of surrounding designated heritage assets on and adjacent to the site including Listed Buildings and the Lichfield Conservation Area in accordance with the requirements of Policies CP3, CP14 and BE1 of the Lichfield Local Plan Strategy, BE2 Lichfield Local Plan Allocations, the Sustainable Design SPD, Historic Environment SPD, the Lichfield City Neighbourhood Plan and the National Planning Policy Framework.
11. To ensure that the development is provided with a satisfactory means of drainage to protect the environment from pollution and to reduce the risk of creating or exacerbating a flooding problem, and to prevent water discharging onto the public highway in the interest of highway safety, in accordance with Policies CP3, ST2 and BE1 of the Local Plan Strategy and the National Planning Policy Framework.
12. To ensure the satisfactory appearance of the development and ensure high quality appearance of the development, to protect the setting of surrounding designated heritage assets on and adjacent to the site including Listed Buildings and the Lichfield Conservation Area in accordance with the requirements of Policies CP3, CP14 and BE1 of the Lichfield Local Plan Strategy, BE2 Lichfield Local Plan Allocations, the Sustainable Design SPD, Historic Environment SPD, the Lichfield City Neighbourhood Plan and the National Planning Policy Framework.
13. To ensure the access to the Hanch Tunnel is protected from highway traffic in accordance with Lichfield Local Plan Strategy CP3 and National Planning Policy Framework.
14. To ensure the satisfactory appearance of the development and ensure high quality appearance of the development, to protect the setting of surrounding designated heritage assets on and adjacent to the site including Listed Buildings and the Lichfield Conservation Area in accordance with the requirements of Policies CP3, CP14 and BE1 of the Lichfield Local Plan Strategy, BE2 Lichfield Local Plan Allocations, the Sustainable Design SPD, Historic Environment SPD, the Lichfield City Neighbourhood Plan and the National Planning Policy Framework.
15. To safeguard existing protected trees in accordance with the requirements of Core Policies 3 and Policies NR4 and BE1 of the Local Plan Strategy and the Supplementary Planning

Documents: Sustainable Design, and Trees, Landscaping and Development; and the National Planning Policy Framework.

16. To protect the water environment, reduce the transportation of waste off site and to safeguard residential amenity, in accordance with the requirements of Policy 1.2 of the Staffordshire and Stoke on Trent Joint Waste Local Plan, Lichfield Local Plan Strategy Policies CP3 and CP14 and Policy BE1 and the National Planning Policy Framework.
17. To ensure the satisfactory appearance of the development and ensure high quality appearance of the development, to protect the setting of surrounding designated heritage assets on and adjacent to the site including Listed Buildings and the Lichfield Conservation Area in accordance with the requirements of Policies CP3, CP14 and BE1 of the Lichfield Local Plan Strategy, BE2 Lichfield Local Plan Allocations, the Sustainable Design SPD, Historic Environment SPD, the Lichfield City Neighbourhood Plan and the National Planning Policy Framework.
18. To ensure the pumping station is secured and accessible for service vehicles and to enable the facility to be visually assimilated into the wider development in the interests of the proper planning of the development and in accordance with the requirements of Policies CP3, CP14 and BE1 of the Lichfield Local Plan Strategy, BE2 Lichfield Local Plan Allocations, the Sustainable Design SPD, Historic Environment SPD, the Lichfield City Neighbourhood Plan and the National Planning Policy Framework.
19. In order to protect and encourage enhancements in biodiversity and habitat and to ensure that appropriate mitigation planting is provided, in accordance with Policies CP3, CP13, CP14, BE1 and NR3 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations, the Biodiversity and Development SPD, Trees, Landscaping & Development SPD and the National Planning Policy Framework.
20. To ensure the satisfactory appearance of the development and in order to protect and encourage enhancements in biodiversity and habitat in accordance with policies CP3, CP13, CP14, BE1 and Policy NR3 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations, the Sustainable Design Supplementary Planning Document, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework
21. To reduce the risk of flooding to the proposed basements of Talbot House and its future users in accordance with Lichfield Local Plan Strategy Policy CP3 and BE1 and National Planning Policy Framework.
22. To safeguard the amenity of future occupants, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
23. To safeguard the character and appearance of heritage assets, the completed development and its setting, to protect the amenity of neighbouring occupiers and to safeguard adequate private amenity space for future residents of the dwellings, in accordance with the requirements of Policies CP3, CP14 and BE1 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations, the Sustainable Design Supplementary Planning Document, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
24. To ensure that adequate off street parking is permanently available to residents of the development and hotel and spa guests at all times in accordance with Litchfield Local Plan Strategy CP3, CP5 and ST2, the Sustainable Design SPD and the National Planning Policy Framework.
25. In order to protect and encourage enhancements in biodiversity and habitat, in accordance with Policies CP3, CP13 and Policy NR3 of the Local Plan Strategy, Biodiversity and

Development Supplementary Planning Document and the National Planning Policy Framework.

26. To ensure the satisfactory appearance of the development and ensure high quality appearance of the development, to protect the setting of surrounding designated heritage assets on and adjacent to the site including Listed Buildings and the Lichfield Conservation Area in accordance with the requirements of Policies CP3, CP14 and BE1 of the Lichfield Local Plan Strategy, BE2 Lichfield Local Plan Allocations, the Sustainable Design SPD, Historic Environment SPD, the Lichfield City Neighbourhood Plan and the National Planning Policy Framework.
27. To safeguard the architectural and historic character of the historic assets on the site in accordance with the requirements of Policies BE1, CP3 and CP14 of the Local Plan Strategy, Policy BE2 of the Allocations Document, the Sustainable Design SPD, the Historic Environment SPD, and the National Planning Policy Framework.
28. The gates to Westgate Cottage constitute a heritage asset and it is considered appropriate to retain these heritage assets within the site to ensure their preservation in accordance with Policies CP3, CP14 and BE1 of the Lichfield Local Plan Strategy, BE2 Lichfield Local Plan Allocations, the Sustainable Design SPD, Historic Environment SPD, the Lichfield City Neighbourhood Plan and the National Planning Policy Framework.
29. To safeguard the architectural and historic character of the Listed Building, in accordance with the requirements of Policies BE1, CP3 and CP14 of the Local Plan Strategy, Policy BE2 of the Allocations Document, the Sustainable Design SPD, the Historic Environment SPD, and the National Planning Policy Framework.
30. To ensure adequate parking provision , in accordance with the requirements of Policies CP3, CP5 and ST2 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
31. To ensure highway safety, in accordance with the requirements of Policies CP3, CP5 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
32. To ensure adequate parking provision , in accordance with the requirements of Policies CP3, CP5 and ST2 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
33. To ensure highway safety, in accordance with the requirements of Policies CP3, CP5 and ST2 of the Local Plan Strategy and compliance with Lichfield City Neighbourhood Plan policies 3 and 10 and the National Planning Policy Framework.
34. To ensure highway safety, in accordance with the requirements of Policies CP3, CP5 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
35. To ensure highway safety, in accordance with the requirements of Policies CP3, CP5 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
36. To ensure highway safety, in accordance with the requirements of Policies CP3, CP5 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
37. In order to protect and encourage enhancements in biodiversity and habitat and to ensure that appropriate mitigation planting is provided, in accordance with Policies CP3, CP13, CP14, BE1 and NR3 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations, the Biodiversity and Development SPD, Trees, Landscaping & Development SPD and the National Planning Policy Framework.

38. To safeguard the amenity of future occupants, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
39. To ensure the satisfactory appearance of the development and to protect heritage assets and the residential amenities of future neighbouring occupiers, in accordance with the requirements of Policies CP3, CP14 and BE1 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations, the Sustainable Design Supplementary Planning Document, the Historic Environment Supplementary Planning Document and National Planning Policy Framework.
40. To ensure the satisfactory appearance of the development and to protect heritage assets and the residential amenities of future neighbouring occupiers, in accordance with the requirements of Policies CP3, CP14 and BE1 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations, the Sustainable Design Supplementary Planning Document, the Historic Environment Supplementary Planning Document and National Planning Policy Framework.

**20/01375/LBC: Conditions for Listed Building Consent:**

1. The works hereby approved shall be begun before the expiration of three years from the date of this permission.
2. The works hereby approved 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 conditions to which this permission is subject.
3. No works hereby approved shall be commenced, until full details of the following have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details, and retained for the life of the development.
  - i) the bricks to be used in the construction of the external walls
  - ii) the render to be used on the external walls
  - iii) the exterior roof materials
  - iv) full details consisting of sections at a minimum scale of 1:5 and elevations at 1:20, of all external joinery including fenestration and doors and proposed exterior finish
  - v) a full repairs schedule
  - vi) full details including a sample panel of the mortar mix, colour, gauge of jointing and pointing
  - vii) full details of the replacement timbers
  - viii) a full timber survey shall be carried out and details of any replacement timbers
  - ix) full details of railings and ironworks
  - x) full details of the eaves detailing
  - xi) full details of the internal doors
  - xii) full details of new staircases
  - xiii) full details of the fireplaces and surrounds
  - xiv) all new/replacement fireplaces and surrounds
  - xv) details of any alterations or additions to the exterior of the building
  - xvi) full details of the existing timber work and the extent of its repair
  - xvii) full details of the extent of rebuilding
  - xviii) full details of the phasing of the scheme
  - xix) full details of the finished floor-scape surrounding the building
  - xx) full details of plastering proposals
  - xxi) full details of the extent of the re-use of materials
  - xxii) full details of rainwater goods, their materials and designs

4. No development or works hereby approved shall be commenced, until full details of the glazed link between Westgate Cottage and the new Spa Hotel extension; have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.
5. Any disturbed work resulting from the approved alterations and/or extensions is to be made good to match the existing building, in accordance with details submitted to and approved in writing by the Local Planning Authority.
6. If unknown evidence of historic character that would be affected by the works hereby permitted is discovered during the course of the works being carried out or subsequent to the commencement of any development, an appropriate record together with recommendations for dealing with it in the context of the scheme shall be submitted for written approval by the Local Planning Authority. Any works/development shall be carried out in accordance with such approved details.
7. 7A. Before the development or any works hereby approved are commenced, a written scheme of archaeological investigation ('the Scheme') shall be submitted to and approved by the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post excavation reporting and appropriate publication.  
  
7B. Any archaeological site works identified shall thereafter be implemented in full accordance with the approved written scheme of archaeological investigation agreed under 7A.  
  
7C. 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 (7A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.
8. The demolition of any brick walls required by the approved scheme shall be carried out by hand or hand held tools other than power tools and the materials stored for re-use.
9. Before any demolition work commences, the applicant or the applicant's agent shall advise the Local Planning Authority in writing as to the arrangements made for the re-use of features and materials resulting from the demolition.
10. Before the gates to the front of Westgate Cottage are removed, the Local Planning Authority shall be advised in writing as to the arrangements made for the re-use of them as part of the new footbridge.
11. Before the works hereby approved are commenced, full details of the protection for the staircases during the works shall be submitted to and approved in writing by the Local Planning Authority. The approved protection scheme shall thereafter be implemented before works commence and shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority.
12. Notwithstanding the details shown on the approved drawings, no fitted furniture attached to the fabric of the buildings shall be removed, unless otherwise agreed in writing with the Local Planning Authority.
13. Before the works hereby approved are commenced, the Local Planning Authority shall be advised in writing as to the arrangements made for the re-use of historic features present within the Malthouse.

14. No works or development hereby approved shall be commenced, until full details of the extent of removal of historic plaster within the Malthouse and its replacement have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

#### **REASONS FOR CONDITIONS**

1. To conform with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP3, CP14 and BE1 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations, the Sustainable Design SPD, the Historic Environment SPD, the Biodiversity and Development SPD, Lichfield City Neighbourhood Plan and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.
3. To safeguard the architectural and historic character of the Listed Building, in accordance with the requirements of Policies BE1, CP3 and CP14 of the Local Plan Strategy, Policy BE2 of the Allocations Document, the Sustainable Design SPD, the Historic Environment SPD, and the National Planning Policy Framework.
4. To safeguard the architectural and historic character of the Listed Building, in accordance with the requirements of Policies BE1, CP3 and CP14 of the Local Plan Strategy, Policy BE2 of the Allocations Document, the Sustainable Design SPD, the Historic Environment SPD, and the National Planning Policy Framework.
5. To safeguard the architectural and historic character of the Listed Building, in accordance with the requirements of Policies BE1, CP3 and CP14 of the Local Plan Strategy, Policy BE2 of the Allocations Document, the Sustainable Design SPD, the Historic Environment SPD, and the National Planning Policy Framework.
6. To safeguard the architectural and historic character of the Listed Building, in accordance with the requirements of Policies BE1, CP3 and CP14 of the Local Plan Strategy, Policy BE2 of the Allocations Document, the Sustainable Design SPD, the Historic Environment SPD, and the National Planning Policy Framework.
7. To safeguard the architectural and historic character of the Listed Building, in accordance with the requirements of Policies BE1, CP3 and CP14 of the Local Plan Strategy, Policy BE2 of the Allocations Document, the Sustainable Design SPD, the Historic Environment SPD, and the National Planning Policy Framework.
8. To safeguard the architectural and historic character of the Listed Building, in accordance with the requirements of Policies BE1, CP3 and CP14 of the Local Plan Strategy, Policy BE2 of the Allocations Document, the Sustainable Design SPD, the Historic Environment SPD, and the National Planning Policy Framework.
9. To safeguard the architectural and historic character of the Listed Building, in accordance with the requirements of Policies BE1, CP3 and CP14 of the Local Plan Strategy, Policy BE2 of the Allocations Document, the Sustainable Design SPD, the Historic Environment SPD, and the National Planning Policy Framework.
10. To safeguard the architectural and historic character of the Listed Building, in accordance with the requirements of Policies BE1, CP3 and CP14 of the Local Plan Strategy, Policy BE2 of the Allocations Document, the Sustainable Design SPD, the Historic Environment SPD, and the National Planning Policy Framework.

11. To safeguard the architectural and historic character of the Listed Building, in accordance with the requirements of Policies BE1, CP3 and CP14 of the Local Plan Strategy, Policy BE2 of the Allocations Document, the Sustainable Design SPD, the Historic Environment SPD, and the National Planning Policy Framework.
12. To safeguard the architectural and historic character of the Listed Building, in accordance with the requirements of Policies BE1, CP3 and CP14 of the Local Plan Strategy, Policy BE2 of the Allocations Document, the Sustainable Design SPD, the Historic Environment SPD, and the National Planning Policy Framework.
13. To safeguard the architectural and historic character of the Listed Building, in accordance with the requirements of Policies BE1, CP3 and CP14 of the Local Plan Strategy, Policy BE2 of the Allocations Document, the Sustainable Design SPD, the Historic Environment SPD, and the National Planning Policy Framework.
14. To safeguard the architectural and historic character of the Listed Building, in accordance with the requirements of Policies BE1, CP3 and CP14 of the Local Plan Strategy, Policy BE2 of the Allocations Document, the Sustainable Design SPD, the Historic Environment SPD, and the National Planning Policy Framework.

#### **NOTES TO APPLICANT:**

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019) and the Lichfield City Neighbourhood Plan (2018)
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).
5. The Environment Agency recommend that an emergency evacuation plan for the sub-basement area is undertaken and lodged with the Council's Emergency Planners. The emergency plan should consider how the basements would be safely evacuated and pumped dry if water was to enter them and this plan may be linked to a water level monitoring and alarm system.
6. The Environment Agency advises that potential flood risk from Leamonsley Brook could be reduced by replacing the existing flat vertical screen with a purpose built sloped screen. The brook falls within the Local Flood Authority jurisdiction and the screen would require Land Drainage Consent by Staffordshire Flood Authority.



7. The Environment Agency advises the Hanch Tunnel is a historic water tunnel which may have historical or archaeological significance and appears close to some of the new buildings and sub-basements.
  8. Staffordshire Fire and Rescue advise that the roads and drives within the site and which are within 45 metres of any point within the property must be capable of withstanding the weight of a Staffordshire firefighting appliance of 17800 Kg.
  9. South Staffordshire Water have advised that the pumping station will need to be secured and accessible by a 44 tonne articulated vehicle. Hanch Tunnel is required to be accessible by persons from the existing tunnel access point. The removal of the slab to the tunnel access will need to be designed and engineered to a specification to be separately approved by South Staffordshire Water.
  10. Severn Trent Water advises that a public 375 mm and 300 mm combined sewers are located within the site and are statutorily protected and cannot be built over or close to or diverted without consent. Contact should be made with Severn Trent Water to discuss the implications for the development.
  11. This consent will require approval under Section of the Staffordshire Act 1983. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.
  12. The delivery of the access junction and off-site highway works shall require a highway Works Agreement with Staffordshire County Council (SCC). The applicant is requested to contact SCC in order to secure the Agreement. The link below is the Highway Works Information pack including an application form. Please complete and send to the address indicated on the application form, or email to [road.adoptions@staffordshire.gov.uk](mailto:road.adoptions@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/Highways/highwayscontrol/HighwaysWorksAgreements.aspx>
- You will have responsibility and costs in respect of re-locating or protecting as necessary, Statutory Undertakers apparatus which is located within the proposed access junction. Please contact the appropriate company for advice.
13. There is a S106 legal agreement that relates to the development hereby approved.

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**PLANNING POLICY & RELEVANT PLANNING HISTORY** – see original Committee Report at Appendix 1

**ADDITIONAL CONSULTATIONS**

Consultation responses were set out in the original Planning Committee Report and Supplementary Papers of the 26 January 2022 (see Appendix 1).

The comments below relate to any updated and/or additional consultation responses submitted following the Planning Committee resolution in January 2022.

**Lichfield City Council:** LDC currently consulting on the repositioned bridge location. A consultation response update will be provided via the supplementary or at the meeting if received.

**Staffordshire County Council Education:** The rebuttal of the education contribution is not accepted and the Education Authority considers that a shortfall of secondary school provision is required to be funded via developer contributions and the case has been justified. (17.02.2022)

**LDC Historic Parks Manager:** At the time of writing this report the applicants have pegged out an amended position for the bridge and details are awaited of the bridge design to ascertain its angle and how far it protrudes into the park and its gradient. The adjusted location seems more acceptable in avoiding works to the Yew tree. (14.04.2022)

Previous comments: Investigations are required to confirm the footbridge into Beacon Park will not impact on the park trees and the length of the bridge onto park land will require reducing. Agreed that trial pit investigation of tree roots would be undertaken by the applicants.

**LDC Tree Officer:** The bridges location would necessitate crown reduction of a Yew Tree in Beacon Park. The bridge should be repositioned to avoid this. It will potentially impact on a Lime with the potential for Honey Dew but this will be likely to occur eventually as branches will overhang the bridge in time. (24.3.2022)

**LDC Conservation & Design Officer:** The preliminary design for the bridge is relatively simple and in keeping with the railings and gates in the vicinity and re-using the gates from Westgate Cottage would be acceptable. No objection to this form of bridge in terms of impact on the heritage assets. The gates to the front of Westgate House (now removed) will need to be placed back into position. (17.02.2022)

**South Staffordshire Water:** No objection is raised to lowering the concrete slab and Hanch Tunnel access, subject to slab remaining identifiable with person way access via the chamber lid which should ideally be flush mounted. Full structural report and loading calculations submitted to South Staffordshire Water for the design of the surface and protection of the access point.

In relation to the pumping station no objection to altering the pumping station site boundary in a north-west direction subject to demonstrating that a 44 tonne articulated vehicle can gain access to South Staffordshire Water grounds using the new proposed route. The pumping station and grounds curtilage to be fenced to match the existing boundary and the door entry is to be retained in its current position. (04.04.2022)

**Lichfield Civic Society:** Having reviewed the most recent documents the Society has no objection. (25.04.2022)

### **LETTERS OF REPRESENTATION**

No further neighbour representations have been received since the applications were considered by Planning Committee on the 26<sup>th</sup> January 2022. No further neighbour consultation has been carried out.

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### **PLANS CONSIDERED AS PART OF THIS RECOMMENDATION**

#### **20/01374/FULM**

3333-08 Rev B Site Location Plan dated as received 23 March 2021

Barn Ground Floor and Elevations dated as received 02 October 2020

Westgate House Existing Floor Plans dated as received 02 October 2020

Westgate House Existing Elevation Plans dated as received 02 October 2020

Topographical and Utility Survey dated as received 02 October 2020

3333- 16 Rev M Proposed Site Plan dated as received 11 January 2022

9506-L-01 Rev a Landscape Proposals dated as received 02 October 2020

3333-10 Rev D Proposed Site Sections dated as received 23 March 2021

3333-17 Proposed Bridge Details dated as received 02 October 2020

3333-28 Rev B Axonometric Views dated as received 02 October 2020

3333-33 Rev B Spa Hotel First and Second Floors dated as received 02 October 2020

3333-34 Rev C Spa Hotel Sections dated as received 02 October 2020

3333-35 Rev B Spa Hotel Proposed Axonometric Views dated as received 02 October 2020

3333-54 Rev D Proposed Plans Plot 1 dated as received 23 March 2021  
3333-55 Rev F Proposed Elevations Plot 1 dated as received 23 March 2021  
3333-56 Rev C Proposed Plans Plot 2 dated as received 23 March 2021  
3333-57 Rev E Proposed Elevations Plot 2 dated as received 23 March 2021  
3333-58 Rev C Proposed Plans Plot 3 dated as received 23 March 2021  
3333-59 Rev E Proposed Elevations Plot 3 dated as received 23 March 2021  
3333-60 Rev B Plot 1 Garage dated as received 02 October 2020  
3333-61 Rev B Plot 2 Garage dated as received 02 October 2020  
3333-62 Rev B Plot 3 Garage dated as received 02 October 2020  
3333-22 Rev F Talbot House Floor Plans dated as received 02 October 2020  
3333-23 Rev F Talbot House Floor Plans dated as received 02 October 2020  
3333-24 Rev E Talbot House Elevations dated as received 02 October 2020  
3333-25 Rev C Talbot House Roof Plan dated as received 02 October 2020  
3333-26 Rev C Talbot House Basement Plans dated as received 02 October 2020  
3333-27 Rev C Talbot House Sections dated as received 02 October 2020  
3333-32 Rev D Spa Hotel Ground and Basement Plan dated as received 02 October 2020  
3333-30 Rev E Spa Hotel Elevations dated as received 02 October 2020  
3333-31 Spa Hotel Rear Elevation dated as received 02 October 2020  
WH.PL.02 Rev B Westgate House Proposed Elevations Rev A dated as received 02 December 2020  
WH.PL.01 Westgate House Proposed Floor Plans Rev B dated as received 23 March 2021  
The Malt House Proposed Elevations and Layout Rev dated as received 23 March 2021  
21011-08 Rev I Urban Real Concept Drawing dated as received 25 September 2021  
Site Access Visibility Splays 21011-13 Rev F dated as received 25 September 2021  
3333-20 Rev A Refuse and Delivery Strategy Plan dated as received 11 January 2022  
3333-18 Rev C Combined Basement Plans dated as received 11 January 2022  
3333-19 Rev D Surface Parking Plan dated as received 11 January 2022  
3333-01N Proposed Floor Plans Coach House dated as received 11 January 2022  
3333-02N Proposed Floor Plans Coach House dated as received 11 January 2022

### **20/01375/LBC**

3333- 16 Rev M Proposed Site Plan dated as received 11 January 2022  
Barn Ground Floor and Elevations dated as received 05 October 2020  
Westgate House Existing Floor Plans dated as received 05 October 2020  
Westgate House Existing Elevation Plans dated as received 05 October 2020  
Topographical and Utility Survey dated as received 02 October 2020  
9506-L-01 Rev A Landscape Proposals dated as received 02 October 2020  
3333-10 Rev D Proposed Site Sections dated as received 23 March 2021  
3333-17 Proposed Bridge Details dated as received 02 October 2020  
3333-28 Rev B Axonometric Views dated as received 02 October 2020  
3333-33 Rev B Spa Hotel First and Second Floors dated as received 02 October 2020  
3333-34 Rev C Spa Hotel Sections dated as received 02 October 2020  
3333-35 Rev B Spa Hotel Proposed Axonometric Views dated as received 02 October 2020  
3333-54 Rev D Proposed Plans Plot 1 dated as received 23 March 2021  
3333-55 Rev F Proposed Elevations Plot 1 dated as received 23 March 2021  
3333-56 Rev C Proposed Plans Plot 2 dated as received 23 March 2021  
3333-57 Rev E Proposed Elevations Plot 2 dated as received 23 March 2021  
3333-58 Rev C Proposed Plans Plot 3 dated as received 23 March 2021  
3333-59 Rev E Proposed Elevations Plot 3 dated as received 23 March 2021  
3333-60 Rev B Plot 1 Garage dated as received 02 October 2020  
3333-61 Rev B Plot 2 Garage dated as received 02 October 2020  
3333-62 Rev B Plot 3 Garage dated as received 02 October 2020  
3333-22 Rev F Talbot House Floor Plans dated as received 20 October 2020  
3333-23 Rev F Talbot House Floor Plans dated as received 20 October 2020  
3333-24 Rev E Talbot House Elevations dated as received 20 October 2020  
3333-25 Rev C Talbot House Roof Plan dated as received 20 October 2020  
3333-26 Rev C Talbot House Basement Plans dated as received 20 October 2020  
3333-27 Rev C Talbot House Sections dated as received 20 October 2020

3333-32 Rev D Spa Hotel Ground and Basement Plan dated as received 20 October 2020  
3333-30 Rev E Spa Hotel Elevations dated as received 02 October 2020  
3333-31 Spa Hotel Rear Elevation dated as received 05 November 2020  
WH.PL.02 Rev B Westgate House Proposed Elevations Rev A dated as received 02 December 2020  
WH.PL.01 Westgate House Proposed Floor Plans Rev B dated as received 23 March 2021  
The Malt House Proposed Elevations and Layout Rev dated as received 23 March 2021  
21011-08 Rev I Urban Real Concept Drawing dated as received 25 September 2021  
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3333-20 Rev A Refuse and Delivery Strategy Plan dated as received 11 January 2022  
3333-18 Rev C Combined Basement Plans dated as received 11 January 2022  
3333-19 Rev D Surface Parking Plan dated as received 11 January 2022  
3333-01N Proposed Floor Plans Coach House dated as received 11 January 2022  
3333-02N Proposed Floor Plans Coach House dated as received 11 January 2022

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## **UPDATED OBSERVATIONS**

Following the Committee Meeting on 26<sup>th</sup> January 2022 discussions have been undertaken with the applicants in relation to a number of outstanding issues. A number remain outstanding, but it is considered appropriate to provide an update to Planning Committee and seek agreement to the main conditions and S106 Heads of Terms and seek delegated approval to the final wording of such, in conjunction with agreement with the Chair of Planning Committee, as recommended above.

### 1. Proposal

- 1.1 The proposals are largely unaltered since the consideration of the applications in January 2022 other than in relation to the following matters:
- 1.2 **Listed Building Application ref. 20/01375/LBC** The description of development is now widened to include works already undertaken to Westgate House, which are assessed as requiring Listed Building Consent. It was therefore agreed the applicant could encompass these within the current listed building application. These works are currently subject of assessment by the Conservation & Design Officer.
- 1.3 **Planning Application ref. 20/01374/FULM** The proposal has been amended in relation to the positioning of the footbridge into Beacon Park. This is a marginal repositioning to enable a Yew Tree within Beacon Park, which would otherwise be affected and requiring crown reduction to be retained intact. This will however position the bridge sufficiently close to a Lime Tree which may be susceptible to honeydew drop onto the bridge. However, it is assessed that the protection of the Yew Tree takes priority in this instance. A young tree planted close to the site boundary and within the Park is likely to be required to be removed to facilitate the bridge. This is acceptable to both the Historic Parks Manager and the Tree Officer, in principle.
- 1.4 The potential impact on the Park's trees in the vicinity of the bridge have been assessed with locations of tree roots of the closest mature trees having been dug and identified. These trees have been subject of an arboriculture impact assessment and their root spread mapped by the applicant. Having regard to the importance of the mature trees in Beacon Park a robust assessment requirement was placed on the applicant to provide sufficient assurance that the Park's trees would not be adversely affected by the proposed bridge. A specification and method statement would be required/recommended by planning condition as an integral part of the bridge design condition.
- 1.5 The bridge will exit into Beacon Park close to one of two access gates to the Community Garden and opposite The Hub and bowling green. A path extension will be required to be provided to link the end of the bridge to the existing park path and this has been discussed and agreed in principle, subject to satisfactory design details and sizing being agreed with

- Planning and Beacon Parks Management. A revised plan/details are awaited from the applicant and a condition is proposed relating to this element of the proposal.
- 1.6 Discussions have also taken place between the Historic Parks Manager and the applicant in relation to the proximity of the bridge to the Community Garden which has an access point close to the proposed bridge. Concerns have been raised in relation to vehicles and maintenance vehicles accessing the site and pedestrians and cyclists exiting the bridge into the Park. Preliminary discussions have taken place in relation to imposing limitations on the use of the closest Community Park gates to the bridge to enhance pedestrian safety. The repositioning of the bridge will also provide a wider distance between them. No cycling on the bridge is also suggested to be imposed as a restriction and is anticipated to be dealt with as an integral part of the bridge design.
  - 1.7 In relation to the bowling green and the Hub which are directly opposite the bridge. This raises some concerns over their security. However, it is anticipated that the bridge will be closed at night with gates erected on the development side of the bridge. This will provide security not only for residents as it will preclude access through the development to the Park at night and visa versa. In doing so it will also provide an element of security for the bowling green and The Hub building as direct access between this area of the Park and Beacon Street through the development site will not be possible.
  - 1.8 Initial discussions with the Parks Manager consider this is sufficient to overcome initial concerns on these matters.
  - 1.9 The design of the bridge was included in the application details and was not considered an appropriate design response by officers. Further discussions have taken place on this matter with the Conservation & Design Officer, case officer and applicant following the Planning Committee meeting in January and a revised bridge design is proposed. Guidance offered to the applicant suggested that the bridge design should carry forward the traditional design proposed for the development and take account of the historic importance of Beacon Park. The reuse of the gates from Westgate Cottage to provide the gating for the bridge has been accepted and will ensure the historic gates therefore remain within the site. Final bridge designs are awaited but will form part of the approval, once agreed.
  - 1.10 Further information has also been received in relation to the pumping station. This is owned by South Staffordshire Water and whilst currently unused, is maintained. The site and its curtilage is included within the red line site and a land swop has been agreed with South Staffordshire Water which will alter its' curtilage. This has necessitated some alterations to the proposed landscaping to the path to the front of the pumping station and footbridge and an amendment to the landscaping in the vicinity. However, this is not considered to raise any issues in relation to the site layout.
  - 1.11 The pumping station is required to be provided with gated vehicle access and a turning area, sufficient to accommodate a 44 tonne articulated vehicle. The most recent layout plan identifies how this would be achieved, and whilst the pumping station will need to be secured with secure boundary treatment it is considered that with sensitive boundary treatment the pumping station can be readily assimilated into the overall layout.
  - 1.12 The applicant has also confirmed that an electricity sub-station will also be required on the site. The position proposed, which has been rejected by officers is to the front of the pumping station area in close proximity to the footbridge. It would be required to be enclosed with secure boundaries and as such the suggested location is considered inappropriate and overly prominent in relation to the footbridge. Discussions are therefore ongoing on identifying a suitable repositioned location in a less publically visible and discreet location. Discussions are yet to be concluded on this matter.
  - 1.13 The third element of on-going discussion relates to the access point to the Hanch Tunnel, owned by South Staffordshire Water, alongside the tunnel itself and which extends through

the site. Currently the tunnel access is located in the existing public car park and comprises an enclosed raised concrete slab approximately 1 metre by 1 metre in size with low railings round its perimeter. It is raised above adjacent ground level with an access manhole in the centre.

- 1.14 South Staffordshire Water have confirmed to the applicant that it will need to be retained although have informally agreed that the slab level can be reduced but the access cover must be retained in situ. Having regard to the access points location, in the site access road it is necessary to have formal confirmation from South Staffordshire Water that they are agreeable to the use of their land for the section of the access road and the conditions they require to be attached to ensure the Hanch Tunnel access is secure and protected. Contact has been made with South Staffordshire Water and an informal comment provided to the applicant which is included in the consultation responses above.
- 1.15 However, no formal response has been received to date confirming agreement to the use of this area for the proposal nor to the required conditions. They have indicated that a full design specification would be required for the lowering of the slab and protection for the access hole. In the absence of this confirmation it has not been possible to date to clarify that an acceptable road into the site in the vicinity of the access point can be achieved. This matter will need to be resolved before consent can be issued.
- 1.16 The outstanding matters relating to the separate land ownership by South Staffordshire Water and implications for the Hanch Tunnel were unclear at the time of the consideration by Planning Committee in January and have resulted in delays. Whilst these have subsequently been discussed with the applicants and South Staffordshire Water to clarify the implications, to date no response has been received from South Staffordshire Water confirming their position as landowner of part of the site.
- 1.17 Whilst land ownership matters do not preclude the issuing of a planning permission and Listed Building Consent, in this case as South Staffordshire Water own the tunnel, the access to it including the ground above the access, and also the pumping station they are an important landowner in the context of the proposal. This is by virtue of the tunnel access in particular being within the internal road serving the development. A copy email confirming that there is no objection to lowering the existing slab (raised platform) on which the tunnel access is positioned  
Has been agreed in principle this is subject to South Staffordshire Water agreeing the specification for the access alterations and structural and loading calculations for the 'hole' which is within the highway.
- 1.18 Having regard to this and to ensure the road can be constructed to carry e.g bin lorries, fire engines etc safely and without damaging the access tunnel it is considered necessary that South Staffordshire Water confirm the planning conditions required to be in place to protect the access tunnel. A 'catch all' condition is proposed above but may require rewording to align with any requirements confirmed by South Staffordshire Water.
- 1.19 In the event that this cannot be achieved it is considered that it would be possible to adjust the development layout to reroute the internal road to avoid the access tunnel but this would be likely to lead to the loss of some of the development, potentially the two flats and garage block. However, a mixed development is considered to be able to be achieved on the site which could potentially exclude the South Staffordshire Water land from the development area albeit with alterations to the proposal.

## 2.0 Planning Obligations including Affordable Housing and Education

- 2.1 Paragraph 57 of the National Planning Policy Framework confirms that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

2.2 Local Plan Strategy Policy IP1 of the Local Plan Strategy and SPD Developer Contributions sets a requirement for all eligible development to provide the appropriate infrastructure on and off site in line with adopted planning policies and the Infrastructure Delivery Plan. Such provision can be by way of direct on-site provision and/or by a contribution made for the provision of facilities elsewhere.

#### *Affordable Housing*

2.3 Affordable housing contribution equating to 4 x 2 bed apartments and 2 x 4 bed apartments comprising 4 social rental and 2 shared ownership. The applicants have calculated that the financial contribution to be £476,000 with a proposed payment on the sale of the 10<sup>th</sup> dwelling (50%) and balance on sale of the 25<sup>th</sup> sale. This will be provided as an off-site contribution which has been agreed with officer's as appropriate having regard to the nature of the application proposal. The contribution will contribute to affordable housing provision elsewhere in Lichfield.

#### *Education*

2.4 There is a need for education facility provision in Lichfield district, particularly within the City of Lichfield. The need is for both primary and secondary education. Local Plan Strategy Policies CP4 and IP1 and Developer Contributions SPD sets out planning obligations within the District. This includes education.

2.5 Whilst CIL contributes to infrastructure projects such as new schools there are still direct impacts to be mitigated to a development proposal which are to be secured through S106 obligations. Obligations in this respect relate to additional school places required and generated by a development proposal.

2.6 In the first response from Staffordshire County Education, the affordable housing obligation was rated at below the threshold to trigger S106 obligations as the apartments were previously discounted from the calculation. However, following further discussions with the Education Officer it has been confirmed that the calculation relates to the whole development and following an updated Staffordshire Education Infrastructure Contributions Policy (SEICP) the whole development of apartments and dwellings with 2 + bedrooms is included.

2.7 The proposal calculates the following requirements:

- 9 primary school places
- 6 secondary school places
- 1 post 16 place

2.8 There are projected sufficient primary school places but insufficient secondary school places within the catchment area of the development. Applying a cost multiplier a financial contribution of £161,434 would therefore be required to meet the additional demand for secondary school places.

2.9 The applicant's agent has advised that following further discussions with officers the previous objection to this contribution is now withdrawn and there is agreement to the financial contribution and obligation.

#### *Management of the Amenity and Communal Areas and Drainage System*

- 2.10 The proposed amenity areas and road and driveway within the site is to be retained as private roads with communal and amenity areas alongside the development drainage system. A management company is proposed to manage and maintain these elements, likely through an owner's shareholder arrangement.
- 2.11 The proposal also will provide a new pedestrian and cycle route from Beacon Park to the Beacon Street and the cathedral area as an integral part of the development proposal. In order to ensure these are secured and the communal areas are maintained and the road and private drive remain accessible for vehicles into and out of the site the applicants are agreeable to the management agreement being subject of a S106 obligation to ensure its deliverability and on-going management. This obligation would secure the access into the Park over a foot bridge from the site and a requirement for agreement on accessibility to be agreed.

#### *Private Bin Collections*

- 2.12 The proposal retains all roads and driveways within the site to be retained as privately owned by the sites management company. Lichfield Joint Waste Collection Service do not access bin lorries to private roads which are not constructed to adoptable standards. There will therefore not be a Council operated bin service serving the development.
- 2.13 Having regard to this and the intention to serve the residential and commercial development in the site the applicants propose a private bin collection service to serve both the commercial and residential developments. In order to ensure that a robust waste collection service is made available it is proposed that the waste collection and management of waste disposal would need to be secured by a S106 planning obligation.

#### *Basement Car Park*

- 2.14 A two level basement car park is proposed to serve the majority of the development operated using two car lifts. Very limited parking spaces are provided as surface level parking. Having regard to the implications for overspill parking occurring in the event of a failure of the lift(s) or a basement failure it is assessed that a management strategy for the basement and maintenance of the lifts could be secured appropriately via a S106 obligation.

#### *Cannock Chase SAC*

- 2.15 Local Plan Strategy Policy NR7 and SPD Developer Contributions confirms that impacts from additional pressure on Cannock Chase SAC will require mitigation in the form of a financial contribution towards the impact of visitors on the Cannock Chase SAC of £1607.40 based on 75% occupancy annually of 12 rooms at £178.60 per room. The applicant has confirmed agreement to this obligation; which could be secured via a S106 legal agreement.
- 2.16 Since the consideration of the application in January, Lichfield has reviewed and revised its mitigation impacts on Cannock Chase Special Area of Conservation (March 2022). Prior to March 2022 the development required mitigation by way of a financial contribution from the additional hotel rooms. Residential development fell outside the proximity range for a contribution being beyond the 8 km Zone of Influence which would trigger a financial contribution. This has now been expanded to include all development within a 15 km zone of influence and therefore the residential element of the proposal now triggers a financial contribution requirement comprising £290.58 for each new home created.
- 2.17 Although Angel Croft, The Bothy and Park House are included within the red line site area, these have been consented and converted under earlier planning permissions and therefore are excluded from the obligation. It is agreed that 1 existing dwelling exists within the proposed residential development and therefore the financial contribution for the proposed residential element is £8,136.24.



- 2.18 The exact wording of the legal agreement in relation to each obligation will be subject of detailed negotiations once Planning Committee have confirmed agreement to the planning obligations Heads of Terms list.
- 2.19 A S106 Legal Agreement requires all landowners to be a party to and signatory to the agreement, although in this case it is considered that the Lichfield District Council as landowner of Beacon Park may not need to be a signatory, yet the development extends into the park by virtue of the footbridge accessing the park- this matter is to be resolved.
- 2.20 However, South Staffordshire Water will be required to be a party and signatory to the Legal Agreement alongside the applicant, as the South Staffordshire Water land is an integral part of the development area and necessary to enable the development to take place.
- 2.21 In the event of South Staffordshire Water not agreeing to sign the S106 Legal Agreement it would preclude the planning permission being issued and therefore the recommendation above contains provision that if the Legal Agreement is not completed within 6 months of the Planning Committee meeting, that the application for planning permission should be refused under officer delegated powers. To date no response has been received from South Staffordshire Water as to their position as landowner.
- 2.22 In respect of the Listed Building application this relates to works to the listed buildings and curtilage listed buildings and does not establish an 'in principle' position, it solely assesses the acceptability to the physical works to historic fabric and character. However, as the Listed Building application includes the details of the extensions to facilitate the hotel and an element of flatted development, it would be appropriate to delay determining this application until such time as the S106 position has been established also.
- 3.0 Financial Considerations (including Community Infrastructure Levy)
- 3.1 The Community Infrastructure Levy (CIL) is a planning obligation that helps local Councils to deliver infrastructure to support the development of their area. This development is a CIL (Community Infrastructure Levy) liable scheme set within the high value charging zone. This will be payable in accordance with the Council's adopted CIL Installments Policy, unless otherwise agreed. It is noted that there is no charge for residential apartments, however the creation of dwellings is CIL liable development.
- 3.2 The development would give rise to a number of economic benefits. For example, the development would lead to the creation of new direct and indirect jobs, through supply chain benefits and new expenditure introduced to the local economy through tourism. In addition the development will deliver direct construction jobs, including supply chain related benefits and relevant deductions. It should also be noted that the development will generate Council Tax and Business Rates.
- 4.0 Human Rights
- 4.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

## **Summary and Conclusion**

The National Planning Policy Framework 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.

The application site is located within a sustainable location within Lichfield on the edge of the town centre boundaries. In principle, the proposals would meet with the sustainable housing supply aims of the Local Plan and the National Planning Policy Framework and the provision of a small hotel in this location is considered acceptable providing tourism benefits to the local economy.

There are no objections from the County Highway Authority, and it is noted that off-site highway works would provide improvements to the surrounding public realm. It is also considered that the scheme would respect existing and future residential amenities and would by way of mitigation measures be necessarily able to address biodiversity and ecological aims. Planning obligations in relation to affordable housing and Cannock Chase Special Area of Conservation have been accepted.

Planning Committee on the 26<sup>th</sup> January 2022 resolved to grant planning permission for the development and this report provides an update to amendments required and clarification on a number of matters and the list of conditions and Heads of Terms for the S106 agreement that are required to ensure the development is acceptable in planning terms. As noted above further works and clarifications are needed before these can be finalised.

As in the recommendation and report above, there remains an element of uncertainty relating to land ownership matters and the potential implications for the required S106 legal agreement. In the event that South Staffordshire Water have provided a response before the Planning Committee Meeting this will be updated on the Supplementary Report paper.

Therefore, delegated authority is sought to agree the final wording or conditions and layout arrangements in conjunction with the agreement of the Chair of Planning Committee.

**APPENDIX 1-** Planning Committee Report & Minutes 26 January 2022.

## **20/01374/FULM & 20/01375/LBC**

**20/01374/FULM:** Refurbishment, extension and conversion of Westgate House (Grade II listed) to create 4 no. apartments and 1 no. townhouse, conversion and extension of existing outbuilding to create 1 no. detached dwelling, conversion and extension of Westgate Cottage (Grade II listed) to provide boutique hotel (12 no. guest suites) and spa and 6 no. apartments, erection of detached apartment building to provide 13 no. apartments, erection of 3 no. dwellings and detached garages, erection of garaging and 2 no. apartments over, basement car parking, bridge over Leomansley Brook, hard and soft landscaping, access and associated works.

**20/01375/LBC:** Refurbishment, extension and conversion of Westgate House (Grade II listed) to create 4 no apartments and 1 no townhouse; conversion and extension of existing outbuilding (curtilage listed) to create 1 no detached dwelling; conversion and extension of Westgate Cottage (Grade II listed) to provide boutique hotel and spa and 6 no apartments and ancillary alterations to associated curtilage listed building works to boundary wall between Westgate House and Westgate Cottage (amended description).

### **Land and Buildings at Angel Croft & Westgate, Beacon Street, Lichfield, Staffordshire WS13 7AA FOR Angel Croft Developments Ltd**

Registered 17/11/2020

**Parish: Lichfield City**

**Note 1:** This application is being reported to the Planning Committee due to a call-in request by Councillor Andrew Smith on behalf of Leomansley Ward as follows: *'I understand that the application has some conservation issues attached to it. However, this development would be an excellent asset to the City of Lichfield, so I am extremely keen that Planning Committee and local Members also get to review the application and make the final decision. It is extremely important that on a development of this nature that views other than conservation are taken into account, the local members of the planning committee are well placed to do this.'*

#### **RECOMMENDATION:**

##### **20/01374/FULM: Refuse for the following reasons:**

1. The proposed redevelopment of the site to provide an additional 29 residential dwellings a 12 bed boutique hotel and spa and associated parking and pedestrian access to Beacon Park in addition to the existing 5 apartment development (Angel Croft) and existing dwellings (Parklands and The Bothy) would cumulatively result in an overdevelopment of the site resulting in a poorly articulated and visually cramped form of development which does not respect or reflect the character of the Lichfield City Centre Conservation Area. In doing so the proposal would cause harm to the significance of heritage assets, Lichfield City Centre Conservation Area, Beacon Park Grade II Registered Park and Garden and Listed Buildings Angel Croft, Westgate House, Westgate Cottage, Darwin Erasmus House and Lichfield Cathedral by virtue of impact on their settings, in conflict with Lichfield District Local Plan Policies CP1 (Spatial Strategy), CP2 (Presumption in Favour of Sustainable Development), CP3 (Delivering Sustainable Development), CP14 (Our Built & Historic Environment), BE1 (High Quality Development), Policy Lichfield 1: Lichfield Environment; Lichfield District Local Plan Allocations 2008 -2029 Policy BE2 (Heritage Assets); Policy LC1: Lichfield City Housing Land Allocations; SPD Historic Environment and SPD Sustainable Design; Lichfield City Neighbourhood Plan Policy 9 (Views of Lichfield Cathedral) and Lichfield City Centre Masterplan and Planning Policy Framework Section 16 and the National Design Guide.

2. The proposed apartment block Talbot House, extension to Westgate Cottage (Linnet House), and three detached dwellings by virtue of their overall bulk, massing, height and design and positioning within the site would cumulatively impact on the setting of adjoining and nearby listed buildings including Lichfield Cathedral, which is a grade I listed building and also the setting of Beacon Park; which is a Registered Park and Garden, to the detriment of their significance and the development proposals would fail to preserve or enhance the character or appearance of the Lichfield City Centre Conservation Area. The proposals are therefore contrary to Lichfield District Local Plan Policies CP1 (Spatial Strategy), CP3 (Delivering Sustainable Development), CP14 (Our Built and Historic Environment), BE1 (High Quality Development), Lichfield Policy 1: Lichfield Environment and Lichfield District Local Plan Allocations 2008-2029 Policy BE2 (Heritage Assets), Policy LC1: Lichfield City Housing Land Allocations – L19 Angel Croft Hotel; SPD Historic Environment and SPD Sustainable Design, Lichfield City Centre Masterplan and NPPF Section 16 and the National Design Guide. The scheme has failed to demonstrate that there are sufficient public benefits to outweigh the harm and therefore the proposals would also be contrary to Paragraph 201 of the National Planning Policy Framework.
  
3. The proposal seeks to remove established and protected trees within the site with limited replacement tree planting proposed, resulting in an overall loss of established trees to the site to the detriment of its character and the character of the wider area, including the Lichfield City Centre Conservation Area. The proposals are therefore in conflict with Local Plan Policies CP1 (Spatial Strategy), CP3 (Delivering Sustainable Development), NR4 (Trees, Woodland and Hedges), CP14 (Our Built and Historic Environment) and BE1 (High Quality Development); Lichfield District Local Plan Allocations Policy LC1: Lichfield City Housing Land Allocations – L19 Angel Croft Hotel and SPD Trees, Landscaping and Development and the NPPF and the National Design Guide.
  
4. In the absence of an agreed planning obligation in relation to school places contributions, the proposal fails to accord with the Local Plan Policy CP4 (Delivering our Infrastructure) and IP1 (Supporting our Infrastructure) and Developer Contributions SPD and NPPF paragraphs 55 - 57; whereby planning obligations may be sought where they are necessary to make an application acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. In this case the proposal seeks contributions from 2 and 3 bed family sized residential apartments and dwellings to enable additional school places to be provided in the catchment area for the secondary school to address additional demand for school places generated by the development.

**20/01375/LBC: Refuse for the following reasons:**

1. The proposed works to the Listed Buildings and curtilage listed buildings by virtue of the scale and extent of works proposed and resultant impact on heritage fabric and form, would result in harm to the significance of the heritage assets, in conflict with Local Plan Policy CP3 (Delivering Sustainable Development), CP14 (Our Built and Historic Environment), BE1 (High Quality Development) and Lichfield District Local Plan Allocations 2008 -2029 Policy BE2 (Heritage Assets) and SPD Historic Environment and National Planning Policy Framework paragraphs 199, 200 and 202.
  
2. The proposed extension to Westgate Cottage to facilitate the proposed development (hotel and apartments -Linnet House) would adversely affect the character and special architectural and historic interest of the Grade II listed building by virtue of a detrimental impact on the historic plan form; loss of historic fabric; harm to the retained fabric; and, unsympathetic design of the proposed extension. The works would therefore result in harm to the significance of the heritage asset, contrary to Local Plan Policy CP3 (Delivering Sustainable Development), CP14 (Our Built and Historic Environment) and BE1 (High Quality Development) and Lichfield District Local Plan Allocations 2008 -2029 Policy, BE2 (Heritage Assets) and SPD Historic Environment and National Planning Policy Framework paragraphs 199, 200 and 202.

## **NOTES TO APPLICANT:**

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), Lichfield District Local Plan Allocations Document (2019) and the Lichfield City Neighbourhood Plan (2018).
  2. Although during the course of the application, the Council has sought amendments to the proposals to overcome the planning issues arising these have not been sufficient to overcome the fundamental planning objections to the proposal in accordance with the provisions of paragraph 38 of the NPPF.
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## **PLANNING POLICY**

### **National Planning Policy**

National Planning Policy Framework  
National Planning Practice Guidance  
National Design Guide  
National Model Design Code  
National Policy for Waste  
Manual for Streets

### **Lichfield District Local Plan Strategy**

Core Policy 1 – The Spatial Strategy  
Core Policy 2 – Presumption in Favour of Sustainable Development  
Core Policy 3 – Delivering Sustainable Development  
Core Policy 4 – Delivering our Infrastructure  
Core Policy 5 – Sustainable Transport  
Core Policy 6 – Housing Delivery  
Core Policy 7 – Employment and Economic Development  
Core Policy 9 – Tourism  
Core Policy 13 – Our Natural Resources  
Core Policy 14 – Our Built and Historic Environment  
Policy IP1 – Supporting & Providing our Infrastructure  
Policy ST1 – Sustainable Travel  
Policy ST2 – Parking Standards  
Policy H1 – A Balanced Housing Market  
Policy H2 – Provision of Affordable Homes  
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 BE1 – High Quality Development  
Policy Lichfield 1 – Lichfield Environment  
Policy Lichfield 2 – Lichfield Services and Facilities  
Policy Lichfield 3 – Lichfield Economy  
Policy Lichfield 4 – Lichfield Housing

### **Lichfield Local Plan Allocations 2008 -2029**

Policy BE2: Heritage Assets  
Policy Lichfield 3: Lichfield Economy  
Policy LC1: Lichfield City Housing Allocations (site L19)

### **Local Plan Review: Preferred Options (2018-2040)**

The emerging local plan, the Local Plan 2040, has completed its Regulation 19 consultation in the summer of 2021. The adopted Local Plan Allocations document sets the timeframe for the submission

of the Local Plan 2040 to the Secretary of State by the end of 2021. Given that the plan has yet to be submitted for its examination it is suggested that very limited material weight can be given to the policies within the emerging Local Plan 2040 and therefore, whilst noted below, they are not specifically referenced elsewhere in the report.

Strategic Policy 1 (SP1): Presumption in favour of sustainable development  
Strategic Policy 2 (SP2): Sustainable Transport  
Strategic Policy 3 (SP3): Sustainable Travel  
Local Policy LT1: Parking Provision  
Strategic Policy 5 (SP5): Infrastructure Delivery  
Local Plan Policy INF1: Supporting and Providing Infrastructure  
Strategic Policy 6 (SP6): Infrastructure Delivery  
Strategic Policy 8 (SP8): Blue Infrastructure, Watercourses and Flood Risk  
Strategic Policy 10 (SP10): Sustainable Development  
Local Plan Policy SD1: Sustainable Design and Master Planning  
Strategic Policy 12 (SP12): Housing Provision  
Local Policy H1: Achieving a Balanced Housing Market and Optimising Housing Density  
Local Policy H2: Affordable Housing  
Strategic Policy 14 (SP14) Centres  
Local Policy E2: Tourism, Arts and Culture  
Strategic Policy 15 (SP15): Natural Resources  
Local Policy NR2: Habitats and Biodiversity  
Local Policy NR3: Trees, Woodlands and Hedgerows  
Local Policy NR5: Cannock Chase Special Area of Conservation  
Strategic Policy 17 (SP17): Built and Historic Environment  
Local Policy LC2: Lichfield City Environment  
Local Policy LC3: Lichfield Services and Facilities

#### **Supplementary Planning Documents**

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

#### **Lichfield City Neighbourhood Plan**

Policy 3: Primary Movement Route  
Policy 4: Tourism and Culture, Industry and Employment  
Policy 9: Views of Lichfield Cathedral  
Policy 10: Hotel Provision

#### **Other**

Lichfield City Centre Masterplan 2020  
Lichfield City Conservation Area Appraisal  
The Town and Country Planning (Pre-commencement Conditions) Regulations 2018  
The Conservation (Natural Habitats, &c.) Regulations (1994)  
The Protection of Badgers Act 1992  
Defra Net Gain Consultation Proposals (2018)  
Five Year Housing Land Supply Paper (August 2020)  
Staffordshire Historic Environment Record  
Recreation to Cannock Chase SAC Report (2012)  
Historic England Good Practice in Planning Advice Note 3

#### **RELEVANT PLANNING HISTORY**

05/00312/FUL      Formation of car park. Approved : 01/06/2005

- 13/01223/COU Conversion and alterations to former hotel to form 8 no residential units and extension and conversion of Bothy to form 1 no residential dwelling and associated works Including parking, servicing and landscaping. Approved : 28/04/2014
- 13/01224/LBC Works to listed building to enable the conversion ad alterations To former hotel to form 8 no residential units and extension and Conversion of bothy to form 1 no residential dwelling and Associated works including parking, servicing and landscaping. Approved : /04/2014
- 17/00999/FUL Variation of condition 2 of planning application 13/01223/COU To reduce the number of residential units to 5 and all associated Works (retrospective). Approved : 10/03/2020
- 17/01074/LBC Works to Listed Building to enable the conversion and alterations Of former hotel to residential. Approved.: 10/03/2020
- 19/00025/FUL Erection of two storey building to form 4 apartments at first floor With 12 no covered parking spaces at ground floor level and works. Refused. : 10/12/2019

## **CONSULTATIONS**

**Lichfield City Council:** Final Response. No objections. (8/10/2021)

Third Response. No objections. (10/05/2021)

Second response. No objections. (19/04/2021)

First Response. No objections (27/11/2020).

**Historic England:** Final Response. Objects. The fundamental issues remain that the proposal is an over intensive development of this extremely sensitive site causing considerable harm to the significance of a number of statutory designated assets and any potential benefit would be limited. Objection stands to the creation of a new street to Beacon Park. 'As noted in our previous letter, at the heart of the applicant's design is the creation of a new 'street' and additional access to Beacon Park. No clarification has been provided as to why this is of great, benefit to this part of Lichfield, or why an additional access is indeed necessary. The proposed revisions do not address this fundamental concern, and we therefore maintain our view that the current proposals would be an over intensive and harmful development of this extremely sensitive site.' The design of the detached dwellings is noted but the principle of the sub-division of the historic plot, Angel Croft is not. However, as previously highlighted , they are opposed to the principle of the sub-division of the historic plot of the Angel Croft, and the resulting irrevocably harm to the historic character of this former grand house, overlooking spacious gardens.' 'We also remain of the view that the proposed four storey Talbot House would be a more intrusive presence on the Registered Park than the 'glimpsed views' suggested by the applicant.'

'Clearly it is the role of the local authority to determine whether a satisfactory case has been made for public benefit, but we would emphasise that this should be a very high bar. This is especially the case when, as in this instance, the proposals would have a harmful impact on a large number of heritage assets. Having considered the Public benefits Statement, whilst the benefits to the applicant are clear, the wider public benefits are less so.'

With regard to heritage related public benefits these appear to be very limited. As highlighted in our previous letter we are not aware that any of the listed buildings within the site are considered to be 'at risk' or in need of urgent or substantial repair. Furthermore, whilst they may be underutilised at present, this is a highly desirable part of Lichfield and opportunities do exist for individual sensitive conversion if necessary. With regard to the existing car park, whilst it may not be particularly

attractive, in our view it is not unduly harmful to the settings of surrounding heritage assets. Considerable visual improvement could easily be achieved through simple resurfacing and judicious landscaping, which would have a far less harmful impact than the current proposals.'

'We note the suggested potential to better reveal Lichfield Cathedral, The Close and Darwin House to make them more prominent as visitor attractions. However, the Grade I Cathedral, with its soaring iconic spires and intimately picturesque Close, has been at the very heart of Lichfield since medieval times. It is therefore difficult to envision why this is needed, or in what way these proposals would significantly better the existing situation. In our view the current scheme would provide little if any additional benefits to warrant the harm that we, and your own conservation adviser have identified.'

**Historic England Recommendation:** Historic England objects to the application on heritage grounds. Having considered the amended proposals and supplementary information we do not consider that they have addressed our fundamental concerns regarding the excessive quantum of development proposed, and the associated harm to a large number of statutorily designated heritage assets. Historic England is therefore unable to support the current scheme and continues to object to the application. The authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity. (6/05/2021).

First Response. Objected at pre-application stage to the application on the grounds of an over intensive development of the site causing significant harm to the significance of a number of designated heritage assets and their settings. Furthermore, no clear and convincing case has been made to justify such harm. Historic England is therefore unable to support the current scheme and objects to the application. (22/12/2020)

**LDC Ecology Team:** Final Response. No objection, subject to conditions. (17/06/2021)

Fourth Response. Objects. Outstanding matters remain as per the second and third responses. (05/05/2021)

Third Response. Objects. The update to the Preliminary Ecological Appraisal continues to not address the outstanding issues raised in the previous responses and no additional information has been provided to confirm the position with the beech tree. (12/03/2021)

Second Response. Objects. Insufficient information has been submitted to enable an assessment to be made that the development will not cause a net loss to biodiversity. The preliminary Ecological Appraisal does not cover all land within the red line. Issues remain outstanding as set out in the 1<sup>st</sup> December 2020 response. The bat and bird surveys and mitigation are assessed as acceptable other than an outstanding query relating to a horse chestnut tree which has potential for bats and has not been referenced in the report. (02/02/2021)

First Response. Objects. Insufficient information in respect of impacts to biodiversity to be able to provide adequate response to enable a planning decision to be made. Preliminary Ecological report does not extend across the whole site. Resultant net loss is calculated as 8 biodiversity units. Bat survey is out of date and impact on badgers is required and other surveys. No assessment has been made in relation to Habitat Regulations Assessment on Cannock Chase SAC in relation to the hotel and residential. Must show no net loss to biodiversity value. If necessary a Biodiversity Offsetting Scheme should be incorporated. (01/12/2020)

**Western Power Distribution:** There may be assets in the vicinity and developer is advised to contact WPD prior to any works commencing. All works in the vicinity of electricity conductors should be undertaken in accordance with HSE documents and by hand. (16/11/2020)

**LDC Conservation and Urban Design Manager:** Final Response. Objection. Objections have been withdrawn in respect of a number of elements of the proposal which are now considered resolved, but there remain strong objections to the conversion and extension of Westgate Cottage, detached



apartment building and three dwellings in terms of impact on the setting of the listed buildings and Conservation Area. (04/05/2021).

First Response. Objects. Proposal was subject of extensive pre-application discussions and amendments made are relatively minor and have failed to adequately address the concerns raised at pre-application stage. Proposal is one of the most sensitive and constrained sites in Lichfield in terms of heritage affecting Grade 1 and 2\* Listed Buildings and Grade II Registered Park and Garden. There is assessed less than substantial harm to the setting of a large number of Listed Buildings in the vicinity and the cumulative impact would transform the character of the site. There would be a detraction to the relationship of the 3 nearby listed houses; Darwin House, Angel Croft and Westgate House eroding their visual coherence. Although there may be heritage related public benefit given the level of harm and number of designated heritage assets affected, there would need to be a very substantial amount of public benefit. No objections in relation to the proposed link to the bridge to Beacon Park. May require safety measures such as CCTV. Landscaping in the form of a line of trees directly in front of Darwin House is not acceptable and will detrimentally impact on important historic views of the Grade I listed building. Demolition of the existing front boundary wall to the site and its realignment to enable the pavement to be widened needs further assessment. (10/12/2020)

**Staffordshire Flood Authority:** The proposed flood risk assessment as set out in 19033 –Rev B is acceptable provided it is retained and maintained in accordance with the SuDS Maintenance and Ownership Plan by the applicants. (29.04.2021)

**Environment Agency:** Final Response. Withdraws the objection as the risks can be managed via conditions having regard to the Revision B Flood Risk Assessment. Talbot House is in Flood Zone 3 but flooding from Leomansley Brook would be more likely to flow into Beacon Park and Museum Gardens as the proposed site is on higher land than the Park and Gardens. The proposed Flood Risk Assessment proposes finished floor levels for Talbot House and all other new buildings and these are agreed as acceptable. The finished floor levels for Talbot House would place it 1 metre above existing ground levels. In respect of the two sub-level basements (car parks) although the principle of development is accepted the basements must be flood resilient to the planning authority's satisfaction and an evacuation plan should be approved.

Hanch Tunnel, a historic water tunnel, crosses the site and appears to be close to proposed buildings and the basements. South Staffs Water is believed to own the tunnel. The proposed footbridge crossing the Leomansley Brook needs Staffordshire Land Drainage Consent and recommends replacing the flat vertical screen to the existing culvert with a sloped screen, but please refer to Staffordshire Flood Authority for discussion on this. (14/01/2022).

Second response. Maintains objection. The flood risk assessment does not comply with the requirements of the NPPF and fails to address the matters in relation to Talbot House location in flood zones 2 & 3 and hydraulic modelling is required for the Leomansley Brook. Although the FRA states the development is in flood zone 1 it has not demonstrated through modelling that this is the case. Once the FRA has provided and demonstrated that the development is safe and the development is outside the flood plain we would welcome the recommendations of the FRA. (28/04/2021)

First response. Objects. Talbot House is located with flood zones 2 and 3 and therefore hydraulic modelling needs to be submitted to determine flood risk. An updated flood risk assessment is required to be submitted which includes hydraulic modelling to address flood resilience and confirm that the risk of flooding will not be increased elsewhere and where possible reduces flood risk overall. (25/01/2021)

**Staffordshire Historic Environment Team (Archaeology):** Final Response. No comments to add to the previous response. (07/05/2021)

First Response. No objection subject to conditions. Application is supported by an Archaeological Desk Based Assessment and Built Heritage Statement for this highly sensitive location within the Lichfield City Centre Conservation Area. The Conservation Officer and Historic England will comment

on this separately. Recording work is required for the conversion works and requires discussion with the Conservation Officer. Site lies within the Historic Urban Character Area which is identified as of high archaeological potential and significance and is likely to occur. Ground works are therefore likely to impact on medieval and later deposits. A WSI, phased archaeological evaluation (geophysics and trial trenching and recording (listed buildings) is therefore recommended prior to construction being commenced. (09/12/2020)

**LDC Economic Development Officer:** Development enhances and transforms a pay and display car park alongside an underutilised building generating increased internal floorspace on the site within a key site on the outskirts of the primary city centre and across from a dominant visitor attraction Lichfield Cathedral. Staffordshire Accommodation Study (2019) highlights the lack of boutique hotels and Lichfield as a suitable location and which isn't available currently in the city centre. 12 suites isn't a large amount but previous studies and visitor economy figures show a low overnight stay rate and the spa will complement the current visitor economy package of the centre. Accommodation and food service will provide increased job opportunities for unskilled up to skilled workers in the hospitality sector. Lichfield District Economic Development Strategy (2016 -2020) supports enhancing the package of hospitality and leisure offer in the city centre and visitor economy. (08/12/2020)

**Staffordshire County Highways:** Final Response. No objection. With reduced traffic speeds the visibility splays shown on the site access are acceptable, secure weatherproof cycle parking is required with highway drainage at the junction with the public highway. A construction management plan is required. The internal roads are not suitable for adoption in their current form and will need to be managed by a management company. An acceptable method for refuse and recycling must be secured. Off-site works shown indicatively would need to be secured via a Highway Works Agreement and through a condition or via amended plans. A Traffic Regulation Order will be required to implement a 20 mph zone.

Second Response. Objection. Site currently has two access points and comprises an ex-hotel with annexe accommodation (total 25 bedrooms) and a private pay and display car park for approximately 45 cars. Inadequate visibility splays, insufficient details to confirm that deliverable off site highway works will achieve a traffic speed reduction to 20mph, fails to provide details of a dropped crossing vehicle access to main junction. Unacceptable car and cycle parking and drainage details and construction management plan. No justification provided for the road design not being to adoptable road layout standards. If road is to remain unadopted will need to secure a management agreement through a S106 legal agreement. (18/05/2021)

First Response. The information is unclear as to X distances for visibility splays to the site entrance. Off-site works are required to reduce the speed limit to 20mph. Clarification is required as the Transport Assessment and drawings do not conform. Parking layout close to the highway junction is not ideal. Cycle parking is required within the scheme. Proposed site access does not show appropriate drainage details onto the public highway. Amendments are required. A construction management plan is required. Off-site works; a revised Stage One Road Safety Audit and Designer response is required to support revised off site highway works. The internal roads are not suitable for adoption and clarification is required on this matter. (04/05/2021)

**LDC Tree Officer:** Final comments: Objects. The reports have been reviewed but the previous objections remain outstanding. (16/06/2021)

Second response. Objects. An Arboriculture response and Daylight, Sunlight Report has been received relating to the repositioning of the bridge and assessing the impacts of trees on the apartment block no amendments have been made to the layout, extend and design of the proposal. The comments from the previous response therefore continue to stand. (06/05/2021)

First Response. Objects. The site has been subject of pre-application discussions. Talbot House is likely to be subject of shading and proximity issues from trees within the site and within LDC ownership in Beacon Park. The submitted tree reports do not assess these impacts and not all trees affecting or being affected by the site have been surveyed and included in the reports. There is an unacceptable

loss of trees and limited opportunities for replanting due to the layout constraints and the location of the bridge is compromised by a mature tree in Beacon Park. (19/01/2021)

**LDC Environmental Health:** Final responses: Confirm that the phase 1 does not require updating but a contamination condition should be attached to any planning permission issued. (07/05/2021 & 22/02/2021)

First response. Findings and recommendations of the noise report are generally accepted. Acoustically treated mechanical ventilation to all noise sensitive rooms is advised to address overheating. A noise mitigation strategy should be undertaken. An updated contamination phase 1 site investigation should be undertaken as the site has been used for extensive storage and the submitted report is 4 years old in December 2020. A Construction Environment Management Plan should be submitted to and approved by the Local Planning Authority. (10/12/2020)

**LDC Spatial Policy and Delivery:** Site lies within 15 km of the Cannock Chase SAC and requires Appropriate Assessment and therefore the presumption in favour of sustainable development does not apply unless it has satisfied the Habitats and Species Regulations. In relation to housing the site lies within Lichfield where development is directed and partly within an allocation L19 under Policy LC1 for approximately 9 dwellings, subject to sensitive design which takes account of archaeology, design and impact on heritage assets (Conservation Area and setting of Listed Buildings) and protection of views of the cathedral. Site adjoins high risk flood zones. Site lies outside the town centre and therefore a sequential test is required for hotel provision and the test concludes it has been met. Lichfield Neighbourhood Plan relevant policies are 4 and 11. CIL will be applied although £0 for apartments. Planning obligations will apply. Overall there are no policy objections to the proposal. (25/11/2020).

**LDC Housing and Wellbeing Development Manager:** Final Response: It is accepted that the principle of offsite affordable housing is accepted. A Vacant Building Credit assessment has been submitted and seeks to offset existing vacant floor space on site against proposed floor space. This reduces the affordable housing offer to 6 units – assessed as 4 social rental and 2 shared ownership. It is for the case officer to determine if this is an acceptable level of provision. (22/10/2021).

Initial response. Policy compliance requires 38% (12) affordable housing units to be provided on site under Local Plan Policy H2 and Developer Contributions SPD. Off- site contributions are acceptable only in exceptional circumstances. In this an email from a housing provider advises they would not wish to acquire units on site and it is therefore to be assessed if this is acceptable. (21/12/2020).

**Staffordshire County Council (School Organisation):** Final Response. Education contributions formula has been updated and now applies to 2+ bedroom apartments. The proposal therefore requires education contributions in relation to the residential dwellings above the size threshold. (09/12/2021).

Second Response. Response as per first response.

First Response. Site falls within catchment of Chads Mead Primary School and The Friary School. As there is a net gain of 4 houses the proposal is under the threshold for contributions. (02/12/2020)

**Canal & River Trust:** No comments received.

**Georgian Group:** No comments received.

**Lichfield Civic Society:** Final Comments. No objections. 'While realising there remain details yet to be resolved we would hope to see it granted approval pretty much in line with what is now presented. This is a development which we believe will prove of benefit to the community. Visually, and in terms of how it will aid the economy of the City, this scheme is likely to prove an asset for Lichfield.' (13/05/2021)

First Comments. Welcome in principle the redevelopment and refurbishment of the site and buildings. Area of Beacon Street requires improvement and development will provide a much needed uplift. Quality of work at Angel Croft has been too a high standard and no reason to believe it won't be the same at the site. However there are some matters requiring clarification. Will the new pedestrian link to Beacon Park be publically available and permanently open? Talbot House is now to a more acceptable design. Concern about adequacy of the landscaping abutting Beacon Park and concerned development relies on existing trees within the Park. Queries the acceptability of a shared unloading area for the hotel for deliveries and visitors. Strongly welcomes the redesign of Beacon Street and long overdue and a real gain for pedestrians. This is one of the largest redevelopment schemes in central Lichfield and a sensitive location and there are design elements which are not specifically to our liking but in the wider context the Society supports the application. (20/11/2020).

**LDC Major Development Projects Manager:** Comments. Site is located within the boundary for the Lichfield City Centre Masterplan (2020). Masterplan and Public Realm Strategy is currently under development and in the vicinity of the site proposes widening of footpaths and reduction of vehicle speeds offered to be secured via S106 agreement. In addition a new cycle and pedestrian route from Beacon Park to Beacon Street is welcomed and signage and wayfinding should be provided. (25/05/2021)

**Midlands Electricity Board Central Networks:** No comments received.

**South Staffordshire Water:** No comments received. *An updated consultation has been undertaken due to the fact Hanch Tunnel underlies the site.*

**LDC Housing Strategy Manager:** Final comments. Applicant seeks to apply Vacant Building Credit to offset the affordable housing contribution reducing the level of contributions from 12 to 4 social rental and 2 shared ownership. If VBC is supported then we would support the proposed contribution set out in the Vacant Building and Affordable Housing Statement. (22.10.2021).

First Response. Objection. Proposal exceeds the threshold for affordable housing with a contribution of 38% equating to 8 social rental and 4 intermediate including shared ownership. A commuted sum is proposed. Developer Contributions SPD states off site contributions will only be considered in exceptional circumstances and where robust evidence is available to justify this with the sum due being calculated on a site by site basis. (21/12/2020)

**LDC Leisure and Parks:** No comments received.

**Natural England:** No objection. HRA Appropriate Assessment undertaken and is accepted. (18/05/2021).

**Gardens Trust:** Objection. Proposal shows no reflection or understanding of the special character either of Lichfield or the special architectural qualities of the listed buildings on the site. The intermediate land between the frontage listed building never appears to have been built on and contributes to the vista between Beacon Park and the cathedral. The proposal would reduce this to a narrow corridor between tall new buildings. (6 June 2021).

**Staffordshire Gardens and Parks Trust:** Incorporated response under Gardens Trust response above.

**Waste Management:** Comments. Unadopted roads cannot be accessed by waste vehicles if not constructed to adoptable standards therefore a suitable bin collection point may be required within 30 metres of the main highway. The space must be sufficient to accommodate 3 x240l bins and a recycling bag for each property served by a private drive and be adjacent to the public highway. For each 6 apartments a bin store is required to hold 1 x1100l bins for refuse and recycling each and space for bulky collections. A bin store should be within reasonable walking distance of the furthest apartments and within 10 m of the nearest kerbside or stopping point of the collection vehicle. Minimum bin store are for 6 apartments is 6 sq. metres. Commercial waste is legally required to be

located in suitable and sufficient containers and commercial units are likely to require at least 2 containers for their waste. (14/12/2021)

**Staffordshire Fire & Rescue Service:** Road should be of sufficient capacity to enable a fire tender to access buildings within the site. Strongly recommend Automatic Water Suppression Systems as part of the total fire protection measures. (15/12/2021)

**Police Architectural Liaison Officer:** No Comments received.

**Severn Trent Water:** No objection. A public sewer and a combined sewer are located within the site and have statutory protection and therefore may not be built close to or over without consent (within 3 metres of a sewer). There is no guarantee that building within or over a public sewer will be agreed and the implications should be assessed as early as possible to clarify if a diversion is needed. (15/12/2021).

**Staffordshire Clinical Commissioning Groups:** No Comments Received.

**LDC Tourism Manager:** Refer to Visitor Accommodation report confirming visitor accommodation availability in Lichfield currently. (25/10/2021)

### **LETTERS OF REPRESENTATION**

180 neighbours were consulted on the application and 47 letters of support were received from 40 local residents in respect of this application. The comments are summarised as follows:

- Significant and much needed development in keeping with the area.
- Recent development in the City have been retirement this is a much needed alternative.
- Site is underdeveloped and offers no benefit to anyone is an eyesore.
- Land is dormant and unused.
- Proposal entirely in keeping and an asset to the City.
- Viewed the promotion video for the site and looks fantastic and major boost to this site.
- Significantly enhance the immediate area in and around the Cathedral and a focal point for new walkway from Beacon Park to The Close (key assets to the city) and Darwin House.
- High quality scheme and considerate to the history and architecture of this fantastic location.
- Would have an interest in living in the development. High quality development.
- Hope it goes ahead.
- Will attract more Lichfield residents and tourists visiting The Close and Cathedral on foot and to the West Midlands.
- Architecture outstanding and perfectly complements the existing buildings.
- Angel Croft has been empty for years and scheme by quality local developer will invigorate a key site in the city.
- Hotel and spa will bring jobs and visitors to the city.
- Council should not hesitate in approving the development.
- Existing development of Angel Croft by applicants is stunning and in keeping with historical city.
- Would complete the development and looks very exciting.
- Sympathetic plan to restore the land and buildings using local contractors and locally sourced materials.
- Thoughtful and sympathetic design and appears will be to high standards
- Like that it connects the heritage assets of Lichfield and likely to facilitate positive support for attracting visitors to Lichfield.
- Area needs more than the existing car park
- Darwin House Board supports proposal and shows the importance of a tourist trail connecting the tourist attractions of the historic attractions.
- Will create employment and end result will blend the park into the approach to the cathedral.
- Sympathetic to the Conservation Area

- Hotel will increase number of visitors to Lichfield and increase their stay length and boutique spa hotel is lacking in the City.
- Will boost economy and visitor offering and may assist Darwin House as a wedding venue with the hotel available for receptions.
- Will safeguard other listed buildings on the site.
- Enhance the appearance of Beacon Street, sympathetic development and enhance the Cathedral Quarter.
- Road improvements would be huge benefit to the residents and visitors by reducing traffic speeds, widening footways and creating more pedestrian/visitor friendly environment.
- Creates a more pedestrian/visitor friendly environment.
- Delivers within the Lichfield City Centre Masterplan with no cost to the Council.
- Accords with national and local policies
- Balanced mix of residential accommodation near the city centre.
- Imaginative design and layout complimenting the existing buildings and preserve those within the development.
- Opportunity to embrace transformation of the area/unkempt car park and return it to a gateway to our primary park and landmark cathedral.
- Loss of car park will exacerbate parking in the vicinity of the Cathedral and Erasmus Darwin House and a small part of Beacon Park should be taken to provide a replacement car park perhaps with underground parking included.
- Key site within the city which has been ignored by the Local Bid over the years. Lichfield has too many failed developments over the years and would be a crying shame if this is rejected.
- City centre scheme allows Lichfield to deserve its City status.
- Should be grateful applicant has committed to saving the Listed Buildings and sorry he has been held up for so long by planning consent.
- Applicants already demonstrated skill and craftsmanship in renovating Angel Croft and traditional designs will provide architectural merit not seen on other modern developments in the city.
- Hotels seem scarce in the city and this would be an asset to the future development of Lichfield and development overall would benefit the City as a whole.
- Most exciting development in Lichfield in years. Big opportunity to improve and transform the entire area and refurbish Georgian buildings.
- These great beautiful Georgian properties have been municipalised for far too long, allowing careful considered private development will secure their future for the next generation.
- Will improve the visitor experience and open views of the cathedral and Erasmus Darwin House and provide a circular walk facilitated by the bridge proposed into Beacon Park.
- Site is close to the train station and bus station and there are better locations for a car park.
- Pleased to see aspects of city's site past will be incorporated in the form of names and signage.
- Support underground car parking for the development.
- Developer dresses Angel Croft currently for holidays.
- Add to the heritage and tourist attraction of Lichfield.
- Length of time to determine application can only cause further decay to the site which is disappointing and not pleasing to look at.
- Dismayed that application may be rejected and refers to local support for it.
- Supports proposal as in an area of important historical interest and as a community success and economics must be centres on hospitality and tourism.
- Objections to scheme understood to be from Conservation.
- Fully supports the proposal and understood to be prospective purchasers in hand.
- Availability of refreshments in the hotel and spa may be important attraction for visitors to this part of the city.
- Proposed additional signage will enhance visitor experience.

Beacon Street Residents Association -Support the proposal, considering it "well thought out and sympathetic to the character of the Beacon Street area and city of Lichfield as a whole. The proposed walk through from Beacon Street to Beacon Park is an exciting enhancement to our area which we are keen to see, as it will be a huge improvement on the current site. We hope this could form part of a longer walk through to the Cathedral Close.

Also keen to see the proposed 20mph zone and widening of the pavement, as this will slow traffic and enhance pedestrian use in the area. The Residents Association has been involved in the Speed watch initiative for several years and we expect the 20mph zone to make a significant reduction in the speed of traffic in our area.”

#### **OTHER BACKGROUND DOCUMENTS**

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

Arboriculture survey, impact assessment & method statement REV C. dated as received 02 October 2020  
Archaeological Desk-based Assessment 2020 dated as received 02 October 2020  
Preliminary Bat Roost Assessment and Bird Survey dated as received 02 October 2020  
Preliminary Bat Roost Assessment and Bird Survey Update dated as received 15 Dec 2020  
Preliminary Ecological Appraisal version 1.0 dated as received 02 October 2020  
Preliminary Ecological Appraisal updated version 2.0 dated as received 19 February 2021  
Flood Risk Assessment Project No 19033 Rev B dated as received 14 April 2021  
Geo-environmental Assessment Report 16269/1 dated as received 02 October 2020  
Built Heritage Statement HHR/MF/0101/01 dated as received 02 October 2020  
Noise Impact Assessment Project No. 20-0589.02 dated as received 02 October 2020  
Transport Statement Ref SJT/TM 21011-01 dated as received 02 October 2020  
Planning Statement dated as received 02 October 2020  
Design and Access Statement dated as received 02 October 2020  
Public Benefit Statement dated as received 23 March 2021  
Arboriculture Response dated as received 23 March 2021  
Built Heritage Response dated as received 23 March 2021  
Daylight Assessment dated as received 23 March 2021  
Visualisations dated as received 23 March 2021  
Vacant Building Credit Statement dated as received 16 June 2021  
Hotel Viability Report dated as received 25 September 2021

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#### **PLANS CONSIDERED AS PART OF THIS RECOMMENDATION**

##### **20/01374/FULM**

3333-08 Rev B Site Location Plan dated as received 23 March 2021  
Barn Ground Floor and Elevations dated as received 02 October 2020  
Westgate House Existing Floor Plans dated as received 02 October 2020  
Westgate House Existing Elevation Plans dated as received 02 October 2020  
Topographical and Utility Survey dated as received 02 October 2020  
3333- 16 Rev M Proposed Site Plan dated as received 11 January 2022  
9506-L-01 Rev a Landscape Proposals dated as received 02 October 2020  
3333-10 Rev D Proposed Site Sections dated as received 23 March 2021  
3333-17 Proposed Bridge Details dated as received 02 October 2020  
3333-28 Rev B Axonometric Views dated as received 02 October 2020  
3333-33 Rev B Spa Hotel First and Second Floors dated as received 02 October 2020  
3333-34 Rev C Spa Hotel Sections dated as received 02 October 2020  
3333-35 Rev B Spa Hotel Proposed Axonometric Views dated as received 02 October 2020  
3333-54 Rev D Proposed Plans Plot 1 dated as received 23 March 2021  
3333-55 Rev F Proposed Elevations Plot 1 dated as received 23 March 2021  
3333-56 Rev C Proposed Plans Plot 2 dated as received 23 March 2021  
3333-57 Rev E Proposed Elevations Plot 2 dated as received 23 March 2021  
3333-58 Rev C Proposed Plans Plot 3 dated as received 23 March 2021  
3333-59 Rev E Proposed Elevations Plot 3 dated as received 23 March 2021  
3333-60 Rev B Plot 1 Garage dated as received 02 October 2020  
3333-61 Rev B Plot 2 Garage dated as received 02 October 2020

3333-62 Rev B Plot 3 Garage dated as received 02 October 2020  
3333-22 Rev F Talbot House Floor Plans dated as received 02 October 2020  
3333-23 Rev F Talbot House Floor Plans dated as received 02 October 2020  
3333-24 Rev E Talbot House Elevations dated as received 02 October 2020  
3333-25 Rev C Talbot House Roof Plan dated as received 02 October 2020  
3333-26 Rev C Talbot House Basement Plans dated as received 02 October 2020  
3333-27 Rev C Talbot House Sections dated as received 02 October 2020  
3333-32 Rev D Spa Hotel Ground and Basement Plan dated as received 02 October 2020  
3333-30 Rev E Spa Hotel Elevations dated as received 02 October 2020  
3333-31 Spa Hotel Rear Elevation dated as received 02 October 2020  
WH.PL.02 Rev B Westgate House Proposed Elevations Rev A dated as received 02 December 2020  
WH.PL.01 Westgate House Proposed Floor Plans Rev B dated as received 23 March 2021  
The Malt House Proposed Elevations and Layout Rev dated as received 23 March 2021  
21011-08 Rev I Urban Real Concept Drawing dated as received 25 September 2021  
Site Access Visibility Splays 21011-13 Rev F dated as received 25 September 2021  
3333-20 Rev A Refuse and Delivery Strategy Plan dated as received 11 January 2022  
3333-18 Rev C Combined Basement Plans dated as received 11 January 2022  
3333-19 Rev D Surface Parking Plan dated as received 11 January 2022  
3333-01N Proposed Floor Plans Coach House dated as received 11 January 2022  
3333-02N Proposed Floor Plans Coach House dated as received 11 January 2022

### **20/01375/LBC**

3333- 16 Rev M Proposed Site Plan dated as received 11 January 2022  
Barn Ground Floor and Elevations dated as received 05 October 2020  
Westgate House Existing Floor Plans dated as received 05 October 2020  
Westgate House Existing Elevation Plans dated as received 05 October 2020  
Topographical and Utility Survey dated as received 02 October 2020  
9506-L-01 Rev A Landscape Proposals dated as received 02 October 2020  
3333-10 Rev D Proposed Site Sections dated as received 23 March 2021  
3333-17 Proposed Bridge Details dated as received 02 October 2020  
3333-28 Rev B Axonometric Views dated as received 02 October 2020  
3333-33 Rev B Spa Hotel First and Second Floors dated as received 02 October 2020  
3333-34 Rev C Spa Hotel Sections dated as received 02 October 2020  
3333-35 Rev B Spa Hotel Proposed Axonometric Views dated as received 02 October 2020  
3333-54 Rev D Proposed Plans Plot 1 dated as received 23 March 2021  
3333-55 Rev F Proposed Elevations Plot 1 dated as received 23 March 2021  
3333-56 Rev C Proposed Plans Plot 2 dated as received 23 March 2021  
3333-57 Rev E Proposed Elevations Plot 2 dated as received 23 March 2021  
3333-58 Rev C Proposed Plans Plot 3 dated as received 23 March 2021  
3333-59 Rev E Proposed Elevations Plot 3 dated as received 23 March 2021  
3333-60 Rev B Plot 1 Garage dated as received 02 October 2020  
3333-61 Rev B Plot 2 Garage dated as received 02 October 2020  
3333-62 Rev B Plot 3 Garage dated as received 02 October 2020  
3333-22 Rev F Talbot House Floor Plans dated as received 20 October 2020  
3333-23 Rev F Talbot House Floor Plans dated as received 20 October 2020  
3333-24 Rev E Talbot House Elevations dated as received 20 October 2020  
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3333-26 Rev C Talbot House Basement Plans dated as received 20 October 2020  
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3333-20 Rev A Refuse and Delivery Strategy Plan dated as received 11 January 2022  
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## **OBSERVATIONS**

### **Site and Location**

The application site is within Lichfield City, but falls outside the defined town centre boundary in the Local Plan Strategy. It includes the building known as Angel Croft and its grounds, the pay and display surface car park and Westgate Cottage and Westgate House. Angel Croft is Grade II\* listed, whilst Westgate Cottage and Westgate House are Grade II listed. No.5 Beacon Street, to the North of the site is also Grade II listed and Darwin Erasmus House opposite the site is listed Grade II \*. The site is located within the Lichfield City Conservation Area. The site also contains significant groups of trees which are protected by virtue of their location within the Conservation Area. The site extends to the rear boundary with Beacon Park.

Angel Croft has already been converted to 5 residential apartments and a separate dwelling known as the Bothy. An existing detached dwelling, Parklands, adjoining Beacon Park to the rear of Angel Croft is also included within the red line site area. To the front the site boundary extends along Beacon Street.

The site is located within the Lichfield City Conservation Area and forms part of a group of high status listed building and curtilage listed buildings in close proximity to Lichfield Cathedral, Erasmus Darwin House, Cathedral House and Beacon Park to the rear. Westgate House and Westgate Cottage which front Beacon Street formed annexes to the Angel Croft Hotel prior to its conversion to apartments and are now vacant. The existing pay and display car park, although poorly surfaced is in on-going use currently. The locality is one of mixed uses with residential and business and the Lichfield Cathedral School and Darwin House grouped in close proximity. A number of these buildings are Listed Buildings with Darwin House and the Cathedral being Grade I. Beacon Park to the rear of the site is a Registered Park and Garden Grade II.

Beacon Street is a main road on the edge of the City centre and in the vicinity of the site comprises formal large historic properties in spacious plots fronting Beacon Street. To the east of the site the road alters in character to smaller traditional properties at a high density whilst to the north the road is characterised by traditional terraced houses built tightly to the back edge of the pavement.

The site lies within the 8-15km part of the zone of influence for Cannock Chase Special Area of Conservation (SAC).

### **Background**

The site has a longstanding use as hotel and car park and has been the subject of applications and pre-application discussions as to the future use of the land and the buildings previously. The buildings themselves have been vacant for a while, although Angel Croft has planning permission and Listed Building Consent to convert to 5 apartments, which has been undertaken alongside a conversion of an outbuilding to a dwelling; the Bothy. Westgate House and Westgate Cottage are currently vacant and the car park remains in day to day use as a fee paying car park for public use. The area behind the car park is now fenced off other than to allow access to a further detached dwelling, Parklands, to the rear of the site.

Discussions concerning the further development of the Listed Buildings and the undeveloped part of the site have taken place over a number of years. Angel Croft and its grounds was allocated in the

Local Plan Allocations document for up to 9 dwellings, including the hotel and the land immediately to the rear, and a part of the car parking area. The remainder of the site is unallocated.

## **Proposal**

The proposal is a full planning application and associated Listed Building Consent application to redevelop the site to provide 29 new dwellings in a mix of houses and apartments (excluding the existing dwelling Westgate Cottage). Angel Croft would be retained as converted and incorporated into the proposed development alongside retained dwellings the Bothy and Parklands. The site would therefore deliver 37 dwellings (including the 8 existing dwellings) together with a new 12 bedroom boutique hotel and separate spa.

A new build 1.5 storey building designed as a formal coach house is proposed close to the proposed new shared access road into the site providing two x 2 No. bed units over a row of 12 garage spaces (a FOG – flats over garages). This parking would serve Angel Croft (10 spaces) with additional spaces to serve the Bothy. The building encloses on one side a reduced size shared rear garden for Angel Croft.

To the rear of Angel Croft the existing dwelling 'Parklands' is to be retained and access provided via the entrance to the site and a shared drive. Adjacent to Parklands are proposed 3 detached 4 bedroom dwellings with detached double garages, and 6 parking spaces. In addition, 5 separate visitor parking spaces would be provided alongside 5 spaces to serve the Coach House and 1 space for the Bothy, served from the access to the detached dwellings. This part of the development infills the existing open area between the Bothy and the western site boundary with Beacon Park. The proposed dwellings front onto a pedestrian path which extends via a proposed footbridge/cycle way into Beacon Park. The dwellings are two storey double fronted 4 bedroom dwellings under a pitched roof, with two storey front and rear gable projections. The garages are shown as double garages with a room in the roof to provide a home office/gym.

The remainder area adjacent to the boundary with Beacon Park is proposed to accommodate a separate apartment block, Talbot House, comprising 13 apartments shown annotated as 2 bedroom with studies. As the studies are of a size to accommodate a bedroom this report considers these are 3 bedroom apartments with balconies. On the top floor under a mansard roofed floor is a larger 3 bedroom apartment. The block is designed as a pastiche of a Georgian row of houses and to be read as having a principle elevation on each of its elevations. Proposed external materials include brick and render.

To the east of Talbot House is a proposed conversion of a curtilage listed outbuilding to Westgate House, the Malthouse, which is shown extended and converted to a 2 bedroom dwelling served by a separate vehicular access to Beacon Street and also serving the County Council owned Registry Office.

Westgate House is proposed to be extended with a small single storey extension and converted to create a three bedroom dwelling, 2 x 1 bedroom apartments and 2 bedroom x 2 bedroom apartments. A communal amenity area is shown to the rear of the conversion. This property fronts Beacon Street.

Westgate Cottage (Grade II listed) which adjoins Westgate House and has a gable end facing Beacon Street currently is proposed to be extended to the side and rear and converted to a boutique hotel (12 bed) and spa. The extension to the existing Cottage is shown as three storeys and fronts the proposed shared private road serving the development. The overall design of the Westgate Cottage extension proposes to create the first section of a new streetscape with 'shop fronts' on the ground floor together, whilst also providing a new active front elevation to Beacon Street. The hotel and spa is shown as three storeys and set back marginally from the front elevation of Westgate Cottage. The building has a basement area to accommodate the spa. The boutique hotel proposes communal facilities on the ground floor with a reception area and separate café, orangery and snug and kitchen to serve the hotel, with two meeting rooms/therapy rooms on the ground floor and swimming pool and gym in the basement.

To the rear of and attached to Westgate Cottage is Linnet House which includes proposals for 4 x 2 bed apartments and 2 x 3 bed apartments. This continues the new streetscape proposal appearing as a series of individual but attached (terraced) buildings extending along the access road in a mix of three storey and two and a half storey attached buildings.

A 54 space basement car park is proposed which extends under Linnet House and Talbot House. Two car lifts are proposed to serve the basement car park and accessed from the main site access under the front façade of Linnet House. Access to the hotel and spa is from the front to Beacon Street and a timber shop front and door to the sites access. The hotel would have a service lift down to the basement car parking.

All buildings are shown with small traditional windows with small glazing panes and a variety of traditional materials for elevations and traditional dormers proposed, ranging from brick to white render. The appearance of the development is based on formal Georgian architecture other than the detached dwellings which are twentieth century traditional design.

Parking is provided primarily in a car lift operated basement car park together with parking spaces in the FOG and open parking behind the detached dwellings. This provides the overall communal parking for the residential dwellings/apartments and the hotel and spa. On plot parking is provided for the detached dwellings and the Malthouse. Two additional parking spaces are provided at the main entrance to the site to serve as a drop off/ waiting bays for the hotel.

The development is to be served from a new internal cul-de-sac road arrangement which converts to a pedestrian/cycle path and extends into Beacon Park via a new proposed footbridge. The proposed new site access will be repositioned from its existing position and is located approximately opposite the Beacon Street/The Cathedral Close junction.

The applicant has confirmed that the site will be privately managed by a management company. This will include the maintenance of Public Open Space and refuse operations.

The site contains trees which are located within the Conservation Area and therefore are afforded protected status. The proposal seeks the removal of a number of these with replacement tree planting indicatively proposed and landscaping of the site.

In association with the development off street works are proposed in association with public realm improvement and connectivity works to Beacon Street; as predicated on the City Centre Masterplan and Lichfield City Neighbourhood Plan for improved connectivity within this area and includes, widening the pavement in the vicinity of the site and introducing measures to reduce traffic speeds to 20 mph as part of a wider connectivity plan. These are proposed to be funded by the developer as part of off-site proposal works.

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## Determining Issues

- 1) Policy and Principle of Development
- 2) Quantum of Development
- 3) Design and Impact on Heritage Assets including Conservation Area
- 4) Highway Impact, Sustainable Transport and Parking including off site works.
- 5) Residential Amenity
- 6) Public Benefits v Heritage Impacts
- 7) Water Environment, Flood Risk and Drainage
- 8) Ecology including Biodiversity and Trees
- 9) Planning Obligations, including Affordable Housing and Education
- 10) Impact on the Special Area of Conservation
- 11) Financial Considerations (including Community Infrastructure Levy)
- 12) Human Rights

## 1. Policy & Principle of Development

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) confirms that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this application the Development Plan comprises the Local Plan Strategy, the Local Plan Allocations Document (2008-2029) and the Lichfield City Neighbourhood Plan (Made 2018). The Local Plan Review: Preferred Options (2018-2040) has gone through Regulation 19 consultation and subject to Member agreement is due for submission to the Secretary of State for Housing, Communities and Local Government for appointment of a Planning Inspector to undertake the independent examination of the Plan. It therefore not yet adopted by the Council and having regard to its early stage of adoption carries limited planning weight.
- 1.2 Paragraph 8 of the NPPF provides a definition of sustainable development, identifying that there are three separate dimensions to development, namely its economic, social and environmental roles. These dimensions give rise to the need for the planning system to perform a number of roles:
- an economic role – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - a social role – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - an environmental role – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

This report will consider the proposals in relation to these roles.

- 1.3 Paragraph 74 of the NPPF requires that LPA's identify and update annually, a supply of specific deliverable sites sufficient to provide five years delivery of housing provision. In addition, a buffer (moved forward from later in the plan period) should also be supplied; 5% to ensure choice and competition in the market for land; or 10% where the LPA wishes to demonstrate a 5 year supply of sites through an annual position statement or recently adopted plan, to account for fluctuations in the market during the year; 20% where there has been significant under delivery of housing over the previous 3 years, to improve the prospect of achieving the planned housing supply.
- 1.4 The latest five year housing land supply position for Lichfield District is contained within the Five Year Housing Land Supply Paper dated August 2021, which states that a supply of 13.4 years can be demonstrated within the District.
- 1.5 Given that the Council can demonstrate a 5 year housing supply, it falls for this scheme to be considered, in accordance with paragraphs 12 and 47 of the NPPF, against the Policies contained within the Council's Development Plan, which for this area, comprises the Local Plan Strategy, Local Plan Allocations Document and the Lichfield City Neighbourhood Plan.
- 1.6 Local Plan Strategy Policy CP6 sets out the settlement hierarchy for the District and states that growth will be accommodated within the Council's Strategic Development Allocation sites and

in the key urban settlement; Lichfield City. Policy Lichfield 4 confirms that a large proportion of the City's housing growth, including windfalls, is to take place within the existing urban area.

- 1.7 Local Plan Strategy Policy CP3 sets out a wide range of measures to demonstrate the sustainability of development proposals, including the use of brownfield land in sustainable locations, and the optimisation of alternative modes of transport. The site historically is understood to have been gardens to Angel Croft but in recent years has been used as a car park and is sustainably located with good access to nearby shops, services and facilities and public transport connections. It is therefore considered to accord with Local Plan Policies CP6 and Lichfield 4 in relation to its sustainable location.
- 1.8 The site, comprising Angel Croft, Westgate House and Westgate Cottage and their grounds was occupied and operated as a hotel and annexe together with a pay and display car park. Local Plan Strategy Policy LC1 (allocations reference L19) allocated Angel Croft and a small part of the pay and display car park as a 9 dwelling housing site, including Angel Croft, its rear garden and an associated outbuilding, The Bothy as conversion schemes. Subsequently the hotel and its garden and the Bothy have been converted to 5 apartments and a single dwelling in the Bothy. The adjoining land comprising the car park and Westgate House and Westgate Cottage are not allocated nor identified in the Local Plan, Site Allocations Document nor the Lichfield City Neighbourhood Plan as having a specific policy designation.
- 1.9 The car park is not identified on the Local Plan Map as car parking nor the buildings as commercial hotel buildings, therefore the longstanding uses are not protected by development plan policies or allocation. This is understood to reflect that the buildings have been unused for these purposes for some considerable time. The car park however contributes to the supply of off street parking spaces within the city and is in easy walking distance of the Registry Office, Beacon Park, Darwin House, Cathedral Close and Lichfield Cathedral. It is a privately owned pay and display car park and therefore it is understood could close at any time. Whilst its loss would result in a loss of parking spaces in the locality, it is acknowledged that this does not result in an objection per se to the principle of an alternative use of the car park area, which can in any case be withdrawn as a public car park at any time due to its private ownership.
- 1.10 In respect of the buildings, Westgate House and Westgate Cottage and its outbuilding are vacant and historically are understood to have formed annexes to the previous use of Angel Croft as a hotel. The hotel is no longer in use having been converted to apartments. The buildings, which are listed Grade II individually are understood to be in relatively poor condition although are not on Lichfield's Heritage at Risk Register. The buildings are considered to have longevity and therefore on both sustainability and conservation principles appropriate alternative use of the buildings for residential re-use is considered acceptable 'in principle.'
- 1.11 Having regard to these matters, the sustainable location of the site in Lichfield and the mixed use nature of the locality, including residential development it is considered that no objection arises in relation to the 'principle' of development of the site under Local Plan Strategy Policies CP3, CP6 and Lichfield 4 for residential development. However, objections come forward in this case to the proposed development for reasons set out in the substantive part of this report relating to the scheme details themselves and the density of the development; which is considered to be unacceptable in this historically sensitive part of Lichfield.
- 1.12 The site proposes a boutique hotel and spa within part of the development. The site lies outside the City Centre and the proposed hotel use falls within a use which is to be directed to a town centre location. Under paragraph 87 of the National Planning Policy Framework (NPPF) and Local Plan Strategy Policies CP8 (Our Centres), CP7 (employment and economic development) and CP9 (tourism) and Policy Lichfield 3 (Lichfield Economy) the proposal is therefore required to be subject of sequential testing, which specifies that locations such as

this edge of centre sites should only be considered suitable if no suitable sites are available within the centre.

- 1.13 The Planning Statement sets out the sequential test for hotel provision and concludes that it has been met. Taking into consideration the submissions it is considered that the principle of a hotel on this site with associated spa can be supported. Local Plan Strategy Policy 10 of the Lichfield City Neighbourhood Plan confirms that the provision of a new hotel and other accommodation in Lichfield City Centre will be strongly supported and no objection has been raised by Lichfield City Council in relation to a conflict with Policy 10 of the Neighbourhood Plan. Policy 4 of the Neighbourhood Plan also supports development which contributes to the tourism offer of Lichfield.
- 1.14 The site also lies within the Lichfield City Centre Masterplan (2020) area which sets out an overarching strategy and aspirations for the management of growth of Lichfield City Centre. Although within the Masterplan boundary, the site is located outside the City Centre within the City Centre West Transition Area, which is assessed as providing opportunities for selective infill and redevelopment of brownfield sites which might have views of Beacon Park and establish an attractive edge which does not harm the significance of the heritage asset. The site is considered to fall within this broad category and therefore suitable for development 'in principle' and offers an opportunity to contribute to the wider objectives of the Masterplan in respect of contributing to the day to evening vitality of the City Centre through new housing and also further hotel accommodation on the edge of the City Centre/Masterplan Area.
- 1.15 However, the Masterplan is clear that Lichfield City Centre as a historic asset not only contributes to a historically important environment but defines it and this is fundamental to the City's tourism offer. The first Objective set out in the Masterplan is to ensure that the historic environment is conserved and enhanced both in relation to existing heritage assets and their wider setting. The site's location within the City Centre West Transition Area is subject to the Masterplan Objectives and design principles which confirms the importance of the historic environment and historic assets in the City Centre. Importance is placed on not harming their significance and taking the opportunity to enhance heritage assets within new development through high quality and the sensitive application of design principles.
- 1.16 In conclusion, in principle policy terms, it is considered that the proposals would accord with housing policies contained within the Local Plan and hotel development on this edge of city centre location could be supported, but there is some discord with other policies of the Development Plan and City Centre Masterplan, which is explored further below.

## 2.0 Quantum of Development

- 2.1 The proposal intensifies the use of the site with an increase of 29 new dwellings in addition to the existing residential development on the site. The proposal would also introduce a 12 bed boutique hotel and spa and via a series of extensions, new buildings and conversions. The 29 additional dwellings would include a mix of predominantly apartments and a small number of new dwellings. The total number of dwellings over the whole site would therefore increase to a total of 37 dwellings on the site.
- 2.2 Local Plan Policies CP6 and Lichfield 4 seeks to prioritise Lichfield as the principle location for new residential development in the district with approximately 38% of the housing growth occurring with Lichfield City and of that 46% located within the urban area. The site is a windfall site, other than the Angel Croft allocation area under Local Plan Strategy Policy LC1. However, the allocation has been built out, albeit on a smaller area than shown in the allocation and therefore the majority of the site falls to be assessed as a windfall site, with Local Plan Strategy Policies CP6 and Lichfield 4 establishing the parameters for the assessment of the proposal.

- 2.3 NPPF paragraph 124 advises that planning decisions should support development that makes efficient use of land taking into account the identified need for different types of housing and other forms of development and the availability of land for accommodating it, local market conditions and viability, the availability and capacity of infrastructure and services as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use, the desirability of maintaining an areas prevailing character and setting (including residential gardens) or of promoting regeneration and change and the importance of securing well designed, attractive and healthy places. The National Design Guide builds on this further in relation to creating well designed places to live.
- 2.4 The Local Plan does not set residential density standards across the district but Local Plan Strategy Policies CP1, CP3, CP6, BE1 and Lichfield 1 and Local Plan Allocations Policy LC1 Site L19 and SPD Sustainable Design, confirm the importance the development plan places on ensuring development is of a high quality and enhances the character of its surroundings.
- 2.5 The site location is one which is considered to be sustainable, close to the city centre and within an existing urban area where higher density development can be usually be supported. However, in this case the site is located in a highly sensitive part of the city within the heart of the Lichfield City Conservation Area and forms part of a group of high status and important listed buildings and adjacent to a Registered Park and Garden which inform the physical character of this part of Lichfield and its historic cultural heritage. The development at this density level, predominantly comprising three storey substantial buildings interspersed with detached villas, is considered to be in fundamental conflict with the character of the locality. Therefore, whilst making efficient use of land, it is considered that the proposals fail in respect of the requirement to propose development which is responsive and sensitive to the character of the area. The proposed density level, which results in the substantive coverage of the currently predominantly open site character associated with the individual listed buildings is considered to be in conflict with Local Plan Strategy Policies CP1, CP3, CP6, BE1 and Lichfield 1 and Local Plan Allocations Policy LC1 Site L19.
- 2.6 Policy H1 sets out the requirements of the District in relation to housing sizes and confirms that currently residential supply is geared towards 4+ bedroom dwellings, with more limited number of smaller properties coming forward for planning permission. Policy H1 seeks to address this in accordance with paragraph 62 of the NPPF, which advises that the size, type and tenure of housing needed should be reflected in housing policies. Local Plan Strategy Policy H1 and the accompanying text confirms that smaller properties providing 2 and 3 bed houses and apartments are required to increase local housing choice and contribute to the development of mixed and sustainable communities.
- 2.7 The proposal includes 3 No. 4 bed houses with the remaining development comprising 2 and 3 bed apartments and 2 No. 1 bed apartments. The application details refer to 2 bed apartments being the predominant unit size. However, a number of the apartments are shown as 2 bedroom with studies and, for the purposes of housing mix these are treated as 3 bedroom apartments and therefore continue to meet the requirements of Local Plan Strategy Policy H1.
- 2.8 It is a relevant consideration that whilst the site allocations for Angel Croft does not extend across the whole of the current application site, it allocates the site, including the listed building for around 9 dwellings and confirms the sensitivity of the site in relation to the historic assets and built environment in the vicinity. The allocations assessment clearly identified that this is a highly sensitive site where higher density development would be harmful to the character of the area and is therefore inappropriate. Whilst it is acknowledged that a limited amount of low density residential development may be able to be accommodated within the site, largely through conversions of existing buildings and very limited small scale new dwellings, it is considered that the proposed high density would detrimentally affect the historic character of the area. The proposal is therefore assessed as an overdevelopment of the site, in relation to the number of residential dwellings proposed

under Local Plan Strategy Policies CP1, CP3, CP6, BE1 and Lichfield 1 and Local Plan Allocations Policy LC1 Site L19.

- 2.9 The NPPF states that Local Planning Authorities should have a clear understanding of housing needs in their area. Local Authorities should address the need for all types of housing, including affordable housing and the needs of different groups in the community. The proposed development would trigger 38% affordable housing provision on site.
- 2.10 The applicants have submitted a proposal to provide the affordable housing contribution as a financial payment towards off-site provision. The Council's affordable housing policy Local Plan Policy H2 and Developer Contributions SPD requires on site provision other than in exceptional circumstances. In this case the development is intended to be high specification housing and an email has been forwarded from a Housing Provider stating that having regard to the likely sales prices of the apartments and houses, they would not be interested in purchasing on- site affordable housing units.
- 2.11 The Housing and Wellbeing Strategy Officer has advised that off-site contributions would therefore be acceptable in principle, subject to case officer assessment. In this case, it is accepted that the combination of the unit prices and expected service/management costs of the development (including basement car park and serviced amenity areas) would be high. Having regard to these matters it is considered that off-site affordable housing provision would be acceptable in this instance. Under Local Plan Strategy Policy H2, 12 affordable homes would need to be provided off site, and so a financial contribution equating to this quantum of development would be required.
- 2.12 However, alongside the proposed off site affordable housing obligation, the applicants have also submitted a Vacant Building Credit statement seeking to offset existing vacant floor space within the site. National Planning Guidance allows for financial credit equivalent to the existing gross floorspace of relevant vacant buildings when calculating any affordable housing contribution, unless the vacant building has been abandoned.
- 2.13 The assessment of whether to accept a Vacant Building Credit is for an individual Local Planning Authority to determine on a case by case basis. In this case it is not disputed that the existing buildings have been in a longstanding use as annexes to the main hotel, Angel Croft, but they have not been in use for some years. It is assessed that the credit can be applied in this case. This would reduce the affordable housing contribution to 6 dwellings, assessed as equating to 4 No. 2 bed apartments and 2 No. 4 bed houses.
- 2.14 The proposal also seeks to provide a boutique hotel and spa on the site. As set out above the proposed hotel is considered to have passed the sequential test and it is acknowledged that historically the site accommodated a long standing hotel and hotel annexe.
- 2.15 The proposal provides a 12 bed hotel with café and small orangery area and associated But no other facilities such as a bar or restaurant area. The hotel is accommodated predominantly new extension to Westgate Cottage over three floors with parking provided in the basement. With the limited facilities as proposed, including no licenced bar area or restaurant, it will only provide café facilities for residents but will also be open to visiting members of the public. However, the layout of the café shows only 5 tables and two sofas and is separated from the hotel's kitchen by the main entrance passage into the hotel. Having regard to this it is anticipated that the food offer from the hotel will be limited to café type foods and drinks rather than restaurant level food. An additional area is however also shown adjacent to the spa entrance.
- 2.16 The café therefore may provide a stopping off location for tourists and visitors to the Cathedral, Darwin House and Darwin Park. The hotel itself is therefore unlikely to generate high levels of footfall on a daily basis by non-residents but will provide a bespoke hotel facility in an area of the City which has a tourism draw.



- 2.17 A spa is proposed in association with the hotel offer but is to be operated separate from the hotel. The spa comprises a basement swimming pool and small gym with changing facilities which can be accessed through the hotel and also separately through the entrance to the apartment block Talbot House. No permanent treatment rooms are proposed, but two rooms on the ground floor hotel reception area are shown as having joint use as meeting room and spa treatment rooms. The spa offer therefore comprises a basement swimming pool and gym which will assist in supporting the boutique hotel overnight offer.
- 2.18 The treatment rooms are shown as dual purpose and therefore are limited in terms of the range of treatments able to be offered. Having regard to this the spa is considered unlikely to generate high levels of footfall from customers external to the hotel and is of a scale that would be unlikely to act as a draw away from other treatment facilities offered closer to the City centre. It is therefore considered that the provision of a gym and swimming pool and limited treatment rooms would not undermine the vitality of the town centre in relation to this offer and having regard to the dual use of the 2 treatment rooms it is anticipated the spa would be operating on an 'as required' basis rather than as a full time operation (excluding the swimming pool and gym) and therefore is unlikely to be staffed full time.
- 2.19 The proposed hotel and spa facilities are considered of an acceptable scale in terms of the number of bedrooms proposed and the associated gym and swimming pool facility and option for treatment rooms. This aspect of the proposal is therefore considered to offer additional hotel facilities to the hotel offer across the City and, although small scale the hotel will offer opportunities for employment locally.
- 2.20 It is understood that at the present time there is no end operator secured for the hotel and associated treatment rooms, gym and swimming pool (spa) and therefore the internal layout details in relation to the communal facilities may change, subject to the requirements of an operator, including the configuration and number of bedrooms. However, the planning assessment has been undertaken on the basis of the details currently submitted.
- 2.21 The proposed provision of a boutique hotel and swimming pool/gym and dual use 2 treatment rooms at the scale proposed is considered an acceptable quantum of development and accords with Local Plan Policies CP7 and CP9 and Lichfield Neighbourhood Plan Policy 11. However, the means of delivering the facilities via a large extension to the listed Westgate Cottage is considered unacceptable and in conflict with the requirements of Local Plan Strategy Policies CP3, CP14 and BE1 and Local Plan Allocations Policy BE2 and NPPF and National design Guide.
- 2.22 Overall and taking into account the mixed use nature of the proposal, the quantum of development proposed is considered to constitute an overdevelopment of the site resulting in harm to the character and appearance of the Conservation Area and the setting of the existing listed buildings and adjacent listed buildings and the setting of Beacon Park; a registered Park and Garden.
- 3.0 Design and Impact on Heritage Assets including Conservation Area
- 3.1 The site lies within the Lichfield City Conservation Area and within a part of the Conservation Area which accommodates three listed buildings within the site together with a curtilage listed building. Angel Croft being grade II\* listed and a separate outbuilding The Bothy both of which have already been converted to residential uses. Westgate House and Westgate Cottage being grade II listed and an outbuilding/barn to the rear of Westgate House which is assessed as curtilage listed.
- 3.2 To the rear of the site is a Beacon Park, a Grade II Registered Park and Garden and opposite the site is the Grade I Listed Darwin House Grade and Cathedral Close (north-eastern section

is a Scheduled Monument). Cathedral Church of the Blessed Virgin Mary and St Chad Grade I is located in the foreground.

- 3.3 Paragraph 189 of the National Planning Policy Framework states that Local Planning Authorities should recognize that heritage assets are an irreplaceable resource and they should be conserved in a manner appropriate to their significance.
- 3.4 Under Paragraph 199 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 201 provides that, where the harm caused by a development proposal to the significance of a heritage asset will be less than substantial, that harm should be weighed against the public benefits of the proposal. Paragraph 203 of the framework provides a requirement for the effect of an application on a non-designated heritage asset to be taken into consideration, with a balanced judgement required having regard to the scale of any harm or loss and the significance of the heritage asset. Paragraph 204 states that the Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
- 3.5 In determining planning applications with respect to any building or other land in a Conservation Area, local planning authorities have a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to, or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 3.6 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 3.7 Local Plan Strategy Policy CP1 sets out that, *'The District's significant high quality natural and built environment and key tourism assets will be protected and enhanced in their own right.....Significant assets include the District's important historic environment and natural, landscape and tourism assets which include conservation areas, Lichfield Cathedral (including views to and from)....'*
- 3.8 Policy CP3 of the Local Plan Strategy confirms development proposals should, amongst a number of criteria: protect and enhance character and distinctiveness, be of a scale and nature appropriate to its locality, conserve, enhance and expand natural built and heritage assets whilst encouraging the use of previously developed land in the most sustainable locations.
- 3.9 Local Plan Strategy Policy CP14 states: *'The District Council will protect and improve the built environment and have special regard to the conservation and enhancement of the historic environment through positive action and partnership working. The historic environment contributes to sustainable communities, including economic vitality, and new development must make a positive contribution to this historic environment's local distinctiveness.'*

*'The significance of designated heritage assets including nationally protected listed buildings and their settings..... And conservation areas and their settings, will be conserved and enhanced and given the highest level of protection.'*

*The sustainable re-use, maintenance and repair of listed buildings and other heritage assets will be supported..... In conservation area, the built form will be protected and enhanced and there should be no net loss of trees.....'*

*'High quality design, tree planting, landscaping and green spaces will be required as part of new development and elsewhere, to improve quality of place....'*

- 3.10 Policy BE1 of the Local Plan Strategy requires all development to ensure that a high quality sustainable built environment can be achieved which will have a positive impact on *'the significance of the historic environment.... Such as listed buildings, conservation areas and skylines containing important historic, built and natural features. 'Furthermore development including extensions and alterations to existing buildings should 'carefully respect the character of the surrounding area and development in terms of layout, size, architectural design and public views.'* The Policy concludes that new development should have a positive impact on the public realm and *'ensure high quality, inclusive design.'*
- 3.11 Lichfield Policy 1: Lichfield Environment forms part of the Local Plan Strategy and sets out that *'The outstanding and nationally significant qualities of built environment including The Cathedral, Dr Johnson's Birthplace and Erasmus Darwin House in addition to a wealth of listed buildings, designated Conservation Areas, medieval street patterns and other key heritage assets including Beacon Park and the Heritage Centre....'.* *'Development will be of the highest quality and whether modern or traditional, will be designed to compliment and enhance the character of its surroundings.'*
- 3.12 Lichfield Policy 3: Lichfield Economy. Although not within the City Centre boundaries, the site lies close to the edge of the defined boundary and within a City Centre Masterplan Transition Area. Regard therefore should be given to this policy and its expectations having regard to the supporting role of the transition areas outlined in the Masterplan. The Policy confirms that the City Centre will be promoted as the strategic centre of Lichfield in respect of shopping, leisure, business, and cultural education and tourist facilities whilst sustaining and enhancing the significance of its historic environment and heritage assets and their setting.
- 3.13 Local Plan Allocations Policy BE2 confirms that development proposals which conserve and enhance the District's historic environment will be supported where the development will not result in harm to the significance of the heritage asset or its setting. *'The loss of, or harm to, a heritage asset will only be permitted where it can be demonstrated that the ensuring harm and loss of significance of the heritage asset is necessary to achieve public benefits that outweigh that harm or loss in accordance with the NPPF.'*
- 3.14 Local Plan Allocations Policy Lichfield 3 confirms the City Centre will be promoted as a strategic centre by improving its range of shopping, leisure, business, cultural, education and tourist facilities whilst sustaining the significance of its historic environment and heritage assets and their setting. This Policy reflects Local Plan Lichfield Policy 3: Lichfield Economy.
- 3.15 Local Plan Allocations Policy LC1: Lichfield City Housing Land Allocations L19 Angel Croft Hotel allocated Angel Croft, its garden and an outbuilding 'The Bothy' and a substantive part of the existing pay and display car park for approximately 9 dwellings. No number was specified for a conversion of the existing grade II\* listed hotel and the allocation did not limit development within the grounds. However, it did require that any development should be of a sensitive design and scale and take account of the location within the Conservation Area, consider the setting of Lichfield Cathedral including views and skylines, protect trees and ecology within the site, and accommodate part of the site that lies within Flood Zones 2 and 3.

- 3.16 Lichfield City Neighbourhood Plan Policy 9 – Views of Lichfield Cathedral confirms that development proposals in the City Centre must demonstrate that their design takes every opportunity to incorporate and enhance views of the Cathedral. Although not within the defined City Centre boundary the site lies within the Masterplan transition boundary and whilst this is not an adopted development plan document (the Masterplan) it is considered to confirm that the areas adjoining the City Centre should be considered to have a relationship particularly in terms of protecting the character of heritage assets within the City Centre.
- 3.17 The Lichfield City Conservation Area Appraisal sets out a detailed historic character assessment of the whole of the Conservation Area and more detailed assessments within defined character areas. The site is located in the Beacon Street South - Character Area 14 which includes the southern end of Beacon Street and a small section of Bird Street. The boundaries at the northern end are Beaconsfield and Anson Avenue extending to the northern end of Bird Street in the south.
- 3.18 The principle heritage characteristics of this character area are higher status, larger and more varied Georgian houses set in their own grounds towards the City Centre becoming more uniform and consistent in their plot width, scale and appearance as townhouses at the northern end of the Character Area. The houses are principally mid Georgian – early Victorian. The building pattern is looser and the houses are larger and taller on the north-eastern side of Beacon Street giving an increased sense of enclosure. The predominant building materials in the southern part of the Character Area is red brick and tiled or slated roofs. Both Westgate House and Westgate Cottage are rendered. The houses in the immediate vicinity of the site are characteristically formally designed and set back from their front boundaries behind clearly defined front boundary walls or railings. They are clearly defined in relation to the individual plots and appear as individually designed larger dwellings. Angel Croft and Westgate House reflect this pattern being formal three storey buildings. Westgate Cottage is unusual in that it has a vernacular character and is only two storey with its gable end wall on the street. This pattern of larger houses continues beyond Angel Croft after which there is a significant change to the appearance and character of Beacon Street with much higher density development fronting directly onto the pavement and varying height ranging from 2 – 3 storeys and vernacular in character, more reflective of the lower value ‘working’ part of Beacon Street.
- 3.19 The locality of the site contains a significant number of listed buildings including Angel Croft (Grade II\* Listed), Westgate House and Westgate Cottage (Grade II Listed individually) Erasmus Darwin House opposite the site (Grade I Listed), 5 Beacon Street (Grade II Listed), 1 The Close (Grade II Listed), 1 -12 & 12A Vicars Close and Vicars Hall (Grade II\* Listed), Dimble House (Grade II Listed), 10 Newtons College (Grade II Listed), current Registry Office (Grade II Listed), Milleys Hospital (Grade II\* Listed), Moat House (Grade II Listed) and Langton House (Grade II Listed). Opposite the site is The Close with Grade II and II\* listed terraced properties. This also provides access to Lichfield Cathedral (Grade I Listed). Views of the Cathedral can be seen as a long view framed by The Close from Beacon Street and opposite the site. Other defining characteristics of this part of the Conservation Area are established trees within rear gardens which provide a green backcloth to the individual historic buildings and the width of the road, which narrows at the northern section of Beacon Street where dwellings are positioned at the back edge of the pavement.
- 3.20 The site itself comprises Angel Croft and Westgate House and Westgate Cottage all located at the boundary with Beacon Street. Angel Croft is separated from the other two listed buildings by the pay and display car park and has parking to the side and rear garden which approximates to its historic curtilage. It has a low front boundary wall with railings over and a substantial wall extending through the site towards the rear boundary with Beacon Park. The wall is curtailed by the intervention of Parklands; a modern one and a half storey dwelling positioned close to the rear boundary of the site with the Park. It has its own defined residential curtilage and drive accessed through the pay and display car park. Due to the

sloping nature of the site, the low height of the dwelling and tree coverage this dwelling is not readily visible from Beacon Street nor from within the car park itself.

- 3.21 The existing car park is a surface car park currently in fairly poor condition but understood to be extensively used and has a pay and display machine. It is identified in the Conservation Area Appraisal as an area that could benefit from improvement. Views across the car park and to the rear of it towards Darwin House and the Cathedral are identified in the Conservation Area Appraisal as important viewpoints.
- 3.22 Westgate House is similarly located behind a front boundary wall and has clearly defined side boundary walls extending to the boundary with Beacon Park but separated from it by a longstanding pumping station which is currently accessed through the car park. Attached to Westgate House by a single storey link is Westgate Cottage, gable end to Beacon Street and set back behind the front wall of Westgate House. This building has vernacular characteristics, is two storey under a shallow hipped roof. It is separately listed with its own rear curtilage extending in parallel to Westgate House. The building is visually subservient to Westgate House both in terms of height and scale, with the appearance of a cottage and appears ancillary to Westgate House. Behind Westgate House is a separate building which is freestanding and has access from a shared driveway with the adjoining County Council Registry Office. To the rear of Westgate House close to the boundary with Beacon Park is a Severn Trent pumping station which is located within the site and is proposed retained.
- 3.23 To the rear of the site is Beacon Park a Grade II Registered Park and Garden separated from the site by a watercourse. Beacon Park is positioned at a lower level than the site and the boundary between the site and the Park comprises a number of trees and hedging which extends primarily along part of the boundary with the Park and within the gardens of Westgate House and Westgate Cottage. There is an existing line of trees adjacent to the rear boundary located within the Park. The southern site boundary with Beacon Park extends behind the County Council Registry Office.
- 3.24 The Lichfield City Centre Masterplan identifies the importance of the historic environment in defining the City Centre and its overall importance in Lichfield's status in terms of its tourism offer. The Masterplan identifies that high quality design following the Sustainable Design SPD and the National Design Guide should be achieved with active frontages at ground floor level, dynamic roofscapes, a restrained palette of materials and bins and recycling designed into buildings. Tree planting is assessed as an important contributor to achieving an acceptable and responsive design approach to the historic environment.
- 3.25 The proposal seeks to provide a private road to serve the development extending through the site and converting to a pedestrian and cycle access with new footbridge into Beacon Park. It is proposed that the footbridge would be gated, and locked at night. The existing vehicular access into the site is repositioned northwards and more centrally opposite Darwin House. It is proposed as a private road and extends through the site where it converts to a pedestrian and cycling access with a private drive to each side serving three detached dwellings and their garages, the existing property Parklands and visitor parking. Nine parking spaces are provided along the side boundary. Adjacent to this parking area is a residential property lying outside the site but located close to the site boundary. The application as submitted does not address how this property would be protected from noise from comings and goings to these spaces, particularly at night, nor how the residents would be protected against e.g. car lights. In the absence of such details the location of these spaces in this location is considered to potentially be in conflict Local Plan Policy BE1, although it is acknowledged that appropriate boundary treatments may be able to address this issue.
- 3.26 The proposed three detached dwellings and their garages, with gyms/home office over has been subject of amendments following objections from the Conservation & Urban Design Officer. The houses have been amended to double fronted suburban style brick built dwellings with pedestrian access to the front only and laid out to achieve a cul-de-sac type arrangement

with Parklands. Vehicular access is to the rear via a shared driveway which serves a detached double garage for each property. Behind the garages are positioned nine further surface parking spaces which provide visitor and allocated parking for an adjacent dwelling The Bothy or an apartment in Angel Court. The driveway also provides access to Parklands. Whilst the dwellings and their garages are now considered acceptable in design terms their positioning alongside the vehicular access to the garages, parking spaces to the rear and Parklands and The Bothy raise material issues regarding impact on the character and appearance of the Conservation Area by virtue of the sub-division of the plots.

- 3.27 The proposed dwellings require the sub-division of the curtilage of Angel Croft in respect of the gardens associated with the listed building. It is acknowledged that Parklands and The Bothy are both within the historic curtilage of Angel Croft. However, both are positioned such as to enable the substantive curtilage to Angel Croft to remain intact and for the historic side boundary wall to be substantially retained. The proposed dwellings and their garages and the arrangement of the shared drive and parking spaces are a sub-division of the curtilage requiring the removal of part of the historic boundary wall and the removal of part of the garden to the listed building thereby compromising the historic character and integrity of the listed building and its curtilage. In the absence of a public benefit to justify this element of the proposal it is assessed that the proposed location of the dwellings would have a negative impact on this Grade II\* Listed Building.
- 3.28 The proposed dwellings are also assessed as impacting on the character and appearance of the Grade II Registered Park and Garden, Beacon Park within the Conservation Area, by virtue of proximity to the boundaries and scale, height and size of the houses and their garages.
- 3.29 In relation to this part of the development the proposed houses, garages and parking spaces and associated shared driveway are assessed as detrimental to the character and appearance of the Lichfield City Conservation Area.
- 3.30 The proposed apartment block/Talbot House is in close proximity to the boundary with Beacon Park. Its design is a tall building intended to present as a pastiche of a large 'Georgian' townhouse and as such will be visible from within the Park. It is assessed that this will impact on the setting of the Registered Park and Garden to the detriment of it and the character and appearance of the Conservation Area.
- 3.31 Furthermore the design, scale and size of the apartment block would not be subservient to the adjacent listed buildings, including Westgate House and Westgate Cottage and accordingly would cause harm to their significance. The building is intended to appear as a principal building in the scheme at a larger scale and dominant in relation to views of it at distance and from multiple viewpoints including the key views from Beacon Street to the Park. Although trees within the Park's boundary and within the site provides some screening, the Park is on lower lying ground than the site (approximately 1 metre variance). The site is therefore visible from the Park and the combination of this and the requirement from the Environment Agency that the finished floor level of Talbot House (ground floor) needs to be set at a minimum of 82.50 m AOD, would mean the building is a further 1 metre higher than existing ground level, thereby increasing its visibility and prominence when viewed from Beacon Park and when seen in relation to Westgate House and Westgate Cottage, a matter which has resulted in an objection from both Historic England and the Conservation Officer in relation to the negative impact that is assessed as resulting in harm to the significance of the Conservation Area, the Listed Buildings and the Historic Park. This is exacerbated further as the proposed public footbridge between the site and the Park would enable views of the apartment block at long and short views, exacerbating its negative visual impact further.
- 3.32 It is proposed to convert Westgate House to apartments with an associated outbuilding separately converted. The conversion scheme has been revised following objections to the conversion details and an extension to the outbuilding 'The Malthouse'. The scheme details are now assessed as acceptable in planning and listed building terms.

- 3.33 Westgate House and Westgate Cottage are linked with an existing small extension. Whilst the conversion works to Westgate House are assessed as acceptable, the proposed extensions to Westgate Cottage, which wraps around the building to enable the hotel and spa and an apartment block 'Linnet House' are assessed as harmful to the significance of the listed buildings and the character and appearance of the Conservation Area, by virtue of scale, size, massing and design.
- 3.34 The proposed extension is designed in part to appear as a new 'Georgian' building on the corner of the proposed access when viewed from Beacon Street, would result in a new terrace comprising Westgate House, Westgate Cottage and the new building. Its height and scale are reflective of Westgate House but would dominate Westgate Cottage to the detriment of the significance of the heritage asset resulting in harm.
- 3.35 The proposal seeks to create an access road into the site by extending to the side and rear of Westgate Cottage. The extension is designed to appear as a series of attached buildings creating a new street into the site. The principle and design have been challenged by Historic England and the Conservation Officer, as to the justification for this design approach in relation to the impact on the character and appearance of the Conservation Area, which in this locality is characterised by larger formally designed individual buildings fronting onto Beacon Road.
- 3.36 Historic England in their formal response have queried the validity of the design approach in relation to this part of the proposal and why this would be of benefit to Lichfield and why a new access to Beacon Park would be of benefit. The conclusion from Historic England and the Conservation Officer is that this would be an overdevelopment of the site, in this respect. The proposed positioning of the extension and repositioning of the access into the site is such that the direct view line through The Close to the Cathedral currently from the existing pay and display car park would be truncated removing a key view identified in the Conservation Area Appraisal to the detriment of its character and setting.
- 3.37 Furthermore, a separate key view identified in the Conservation Area Appraisal is a view from Erasmus Darwin House (Grade I Listed) towards Beacon Park and in particular its tree cover and also trees within the site. This is facilitated at present by the openness of the site. The development would truncate this view to the detriment of the character and appearance of the Conservation Area and impact on the significance of this Grade I Listed Building.
- 3.38 The proposal seeks to provide a further building, a Coach House to the side boundary to Angel Croft. This building fronts the access road and is designed to appear as a formal functional building, one and a half storeys high and providing car parking for 12 cars. Two flats are provided within the building (flats over garages) and the proposal would enclose the proposed communal garden to Angel Croft. The overall design reflects the appearance of a formal coach house and following discussions with the applicants, some amendments have been agreed to the front elevation to ensure the car parking spaces are not open fronted. Whilst in itself the design of the coach house is acceptable in the context of the Conservation Area the size and scale is considered disproportionate to the host building, Angel Croft and as such would be detrimental to the character and appearance of the Conservation Area.
- 3.39 The proposal also includes a pedestrian bridge to Beacon Park a grade II Registered Park and Garden owned and managed by the District Council. Confirmation of the acceptability of a new link into the site is still awaited from colleagues in this matter. The bridge will cross a watercourse and consent will also be required from Staffordshire County Council Land Drainage. The bridge is only shown as a concept drawing rather than detailed design drawings provided. Having regard to the overall design approach of the scheme and the highly sensitive historic value of the locality, it is considered that whilst the principle of a public pedestrian/cycle bridge is acceptable, a higher quality design of the bridge (and gate) is

required to reflect the overall intentions of the development. At present therefore a more historically receptive design for the bridge is considered to be required.

- 3.40 The County Council's Archaeologist has been consulted on this planning application and advises that given there is identifiable matters of archaeological interest within the area, a scheme of Archaeological Investigation should be secured by condition.
- 3.41 The site is also overlying a non designated heritage asset 'the Hanch Tunnel' which is a man-made tunnel constructed to connect Minster and Stowe Pools and which served as storage reservoirs. The connections to the pools are understood to have been blocked some time ago. Local Plan Policy CP14 and Local Plan Allocations BE2 and NPPF paragraph 203 are relevant considerations to this historic asset. Although not a designated heritage asset, the tunnel is of historic importance as it formed part of the Minster and Stowe Pools and is assessed as a non –designated heritage assets. Paragraph 203 NPPF advises that 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.' No assessment has been made of this non-designated heritage asset and it is considered the applicant's Heritage Report is therefore not complete in assessing the impact on all heritage assets (designated or otherwise) on the site. It would appear that the proposal would result in the loss of the tunnel by virtue of the building works. This matter has only recently come to the Council's attention and consideration and so a more detailed understanding of the historic significance of the tunnel and its alignment will need to be undertaken to clarify the weight to be given to its historic importance. At the time of the writing of this report it is considered that it should be treated as a non designated heritage asset, which will be likely to be irrevocably damaged by the development.
- 3.42 In conclusion, the application site is one of the most sensitive and constrained sites in Lichfield City in terms of heritage. Whilst there are heritage related benefits resulting from some aspects of the proposals and it is acknowledged that there are wider public benefits that could be derived from the scheme; such as the creation of a new pedestrian access into Beacon Park and the economic benefits associated with the hotel, it is not considered that such benefits outweigh the harm identified to the character and appearance of the Lichfield City Conservation Area and the significance and setting of several Listed Buildings and the Registered Park & Gardens/Beacon Park and so refusal is recommended on such grounds.

#### 4. Highway Impacts and Parking including Off-Site Works to Beacon Street and access to Beacon Park

- 4.1 Paragraph 110 of the NPPF requires that consideration should be given to the opportunities for sustainable transport modes, that safe and suitable access to a development site can be achieved for all people, and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Paragraph 111 goes on to state that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe.
- 4.2 Paragraph 105 of the NPPF seeks to ensure that developments which would generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 4.3 Local Plan Strategy Policy 3 of the Local Plan Strategy advises that the Council will seek to reduce the overall need to travel, whilst optimising choice of sustainable modes of travel, particularly walking, cycling and public transport. Core Policy 6 advises that residential development will be expected to contribute towards the achievement of sustainable communities.



- 4.4 The Council's car parking requirements are identified within Local Plan Strategy Policy ST2 of the Local Plan Strategy, which provides further clarification through guidelines detailing maximum off street car parking levels, set out in the Council's Sustainable Design SPD.
- 4.5 Local Plan Strategy Policies ST1 and ST2 state that the Council, when considering the appropriate level of off street car parking to serve a development, will have regard to the "provision for alternative fuels including electric charging points". Paragraph 112 of the NPPF advises that "applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations".
- 4.6 Lichfield City Neighbourhood Plan and the Lichfield City Masterplan set out policies for enhancement of movement routes for pedestrians and cyclists, and proposals to enhance such identified routes are generally supported.
- 4.7 The application is supported by a Transport Statement and a sustainability statement and additional information in relation to the proposed layout, parking and management of the site has been provided during the course of the application.
- 4.8 Turning first to the access to the site. The application site includes an existing access into the adjacent Registry Office Site to the South of the application site. This access would remain unaffected by the proposals. A new access off Beacon Street would be provided to serve the proposals, which would replace the existing car park access, albeit to the North of its current location. The new access would lead into the site with a new road and a segregated pedestrian footway/ cycle route linking through to Beacon Park via a new bridge (discussed in further detail below).
- 4.9 The County Highways Officer has assessed the proposals and considers that whilst visibility is restricted at the new main access point, taking into consideration the available visibility and the proposed off site highway works; discussed in further detail below, the proposed new access to the scheme is acceptable in highway safety terms.
- 4.10 The Transport Statement identifies improvements to the public realm surrounding the site which would provide environmental and connective enhancements to the area. The scheme is included on a separate plan submitted with the application and includes:
- The introduction of a 20mph speed limit along the frontage with Beacon Street
  - Raised Pedestrian Crossings with ramps to prioritize pedestrian routes
  - Widening works to existing footways
  - Enhancements to the Bird Street/ Swan Road junction.
- 4.11 The County Highway Authority have raised no objections to these improvements, which could be secured as off-site highway works. They would be subject to Road Safety Audits and a separate Highway Works Agreement, which would provide the necessary technical approvals. It is noted that the improvements to the Bird Street/ Swan Road junction are identified in the Lichfield City Centre Masterplan as a key improvement area, where public realm interventions should be made to enhance existing pedestrian connections. Specifically, it should be made easier for pedestrians to cross this junction to link Beacon Park and the City Centre.
- 4.12 As a part of the proposal the development includes a new pedestrian/cycle bridge to Beacon Park. The bridge is required to cross the watercourse which separates the Park from the site. The bridge is proposed to provide access to the Park and discussions have been undertaken with park managers as to the day to day management of the access, as this would provide a new access point outside the control of the District Council to a relatively secluded area of the Park.
- 4.13 The applicant considers the new access to be an important element of the scheme, opening up a new link between the historic Beacon Park, a registered Park and Garden, and Beacon

Street in particular Darwin Erasmus House and the Cathedral, as this would provide a direct route. The bridge and access through the development is and would be privately owned though and whilst there is considered to be a public benefit from this element of the proposal, in terms of enhancing visitor experience and a new pedestrian/cycle link between the Park and the historic area around the Cathedral, there is a concern that as the route will be privately owned future residents may have concerns over such a high level of public access and movement through their development and may in the future wish to impose controls over the use of the path by non-residents for amenity reasons and protection against crime and disorder. Discussions with the applicants have indicated that the bridge may be gated and locked other than at specific times, thereby reducing the usability of the link by the public. This, however, could be addressed by agreeing opening hours and permanent public access and maintenance of the bridge and path through the site via an obligation in a S106 legal agreement.

4.14 Turning to car parking. Parking provision within the site is an important consideration and the requirements of the Sustainable Development SPD which sets out parking requirements for different forms of development are relevant. In terms of parking the scheme provides for:

- The Coach House building, adjacent to the entrance provides 12 spaces. This would serve the Angel Crofts 5 No. apartments and four new apartments provided within the first floor of the Coach House building and The Bothy.
- Adjacent to the Coach House would be 2 short stay parking spaces to serve the hotel guests.
- Basement car parking is proposed which is served by two car lifts. The Basement Car Park will provide 54 spaces and will serve Talbot House and Linnet House (providing 1-2 spaces per apartment- 40 spaces in total) with the remaining spaces to serve the hotel. The management of the car lifts would be secured through a S106 agreement to ensure that they are appropriately maintained in good working order.
- The three new dwellings would be served by garaging and parking along with 6 visitor spaces. Westgate House, the 2 No bed dwelling would be served by 2 spaces accessed off the existing access to the Registry Office.

4.15 The County Highway Authority are satisfied that the proposals meet with the requirements of the SPD in relation to car parking. Details of electric vehicle charging points and cycle storage could be secured by appropriately worded conditions.

4.16 The internal roads within the site are not suitable for adoption by the County Highway Authority. It is proposed that the roads will remain in private use and a management company will be responsible for maintaining the infrastructure. As the road would remain in private use, suitable refuse and recycling collection would need to be secured. The applicant has confirmed that refuse and recycling collection would form part of the overall management of the site, which could be secured through a S106 legal agreement. This approach is considered to be an acceptable solution. A tracking plan has been provided to demonstrate that there is sufficient space within the overall scheme for a refuse lorry to enter and turn within the site.

## 5. Residential Amenity

5.1 Sustainable development (paragraph 8 of the NPPF) encompasses three overarching objectives, including a social objective, within which falls the consideration of amenity. Consequently, it is accepted that privacy and the protection of residential amenity constitutes a material consideration in the decision-making process and is an important design objective. Paragraph 98 of the NPPF sets out that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.

- 5.2 Local Plan Strategy Policy 3 of the Lichfield Local Plan Strategy states that development should “*protect the amenity of our residents*”. Local Plan Strategy Policy BE1: High Quality Development states that new development should have a positive impact on amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 5.3 The Sustainable Design Supplementary Planning Document (SPD) sets out the Council’s standards in regard to residential amenity, including separation distances to ensure that new dwellings do not result in overlooking or overbearing. The SPD requires 21m between principal habitable windows which face each other and 6m between principal windows and residential amenity space. The SPD requires dwellings with 3 and 4 bedrooms to have 65 square metres of private amenity space and 100 square metres for 5 bedroom dwellings.
- 5.4 The scheme has been assessed in relation to the separation distances and spatial requirements set out in the Sustainable Design SPD. The proposed layout shows each new dwelling is sufficiently distant from both existing residential properties, including Parklands located to the North of the site, to avoid any unacceptable loss of light, privacy or any overbearing impacts.
- 5.5 The Malt House is a new 2 bed dwelling created through the conversion of an existing building located along the Southern boundary of the site. This dwelling benefits from a courtyard garden which meets with the amenity space requirements. It is noted that this dwelling is adjacent to the Registry Office Car Park. The Councils Environmental Health Team have raised no objections in terms of potential noise and disturbance, but it is noted that a noise mitigation strategy has been requested for the whole site. Such matters could be secured via condition.
- 5.6 Similarly, it is noted that there are a number of windows serving habitable rooms in the side elevation of Westgate House which would be adjacent to the vehicular entrance to the Registry Office. Again, given the comings and goings between the car park and Beacon Street along this access way specific mitigation should be provided for future residents of Westgate House.
- 5.7 The proposed apartment block, Talbot House, contains 13 apartments some of which benefit from external first, second, and third floor balconies. The location of the balconies in relation to surrounding private amenity space is considered to be acceptable in order to avoid unacceptable overlooking issues.
- 5.8 On the whole, the proposed residential floor layout plans across the development indicate a good level of residential accommodation for future occupiers and therefore it is considered that the proposals would result in an acceptable standard of living accommodation for future residents.
- 5.9 The applicant has outlined how the hotel would operate within the site, with specific reference to how deliveries would be made and refuse would be collected. It is anticipated that deliveries to the hotel would be via a car parking area to the rear and formal gardens serving Westgate House residents and the frontage of the Malt House. Taking into consideration the scale of the hotel and the overall proposed management of the site which would utilise a management company, this is not considered to be unacceptable in relation to the residential amenities of future occupiers of Westgate House.
- 5.10 In conclusion, therefore, the proposed layout shows that the development can be accommodated on the site without compromising the reasonable amenities of existing occupiers or the future occupiers of the development, subject to appropriate safeguarding conditions. The scheme allows for sufficient outdoor private amenity space and satisfactory integration with the existing and proposed adjoining built form, in compliance with the

provisions of the Local Plan, the objectives of the Sustainable Design SPD and the National Planning Policy Framework.

## 6. Public Benefits v Heritage Impacts

6.1 Paragraph 202 of the National Planning Policy Framework states:

*'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

6.2 The proposed development is assessed as resulting in harm to a range of heritage assets. In its widest context there is assessed harm, supported by Historic England's assessment, to the Conservation Area and therefore the character and historic character of this area of Lichfield and its wider relationship and contribution and enjoyment of this area and its historic buildings including the cathedral area which this site adjoins.

6.3 The locality is also one with a significant number of listed buildings within, adjoining and very close to the site. These buildings are of historic importance and sensitivity in their own right and individually and cumulatively contribute to the historic sensitivity and importance of this area.

6.4 The site itself contains listed buildings, including a grade II\* Listed Building, Angel Croft. The site and locality is therefore highly sensitive in terms of its historic character and contribution to the Conservation Area and all developments proposed must respond to this accordingly.

6.5 It is acknowledged that changes should not be precluded from Conservation Areas and to Listed Buildings and, if a development accrues wider public benefit this can be weighed against harm to the heritage asset.

6.6 In this case the applicants have argued there is public benefit, which is supported by a number of local residents and the Lichfield City Council, which in their view outweigh the result harm considered to arise from the development as assessed by your officers and Historic England.

6.7 The proposal is acknowledged to provide:

- Additional housing to the area and deliver affordable housing; albeit off site.
- A boutique hotel and spa
- Public highway improvements to Beacon Street
- New pedestrian/cycle access to Beacon Park
- Works to enable Westgate House and Westgate Cottage to be improved
- Removal of the car park

6.8 These are the social, environmental and economic benefits put forward by the applicant to support the proposal.

6.9 However, whilst officers do not dispute these benefits, it is considered that they could also be achieved through a lower density scheme in a different form. The conversion of Westgate House and the Malthouse are acceptable in the submitted form and provide a viable and appropriate response to the conversion of these listed buildings.

6.10 The provision of a boutique hotel and spa utilising Westgate Cottage is acceptable in principle. However, the design approach and scale of the development is considered harmful to the character and appearance of the listed building. Opportunities have been offered to the applicant to discuss alternative ways of achieving this element of the scheme in order to deliver the hotel but have been rejected by them.

- 6.11 In relation to the improvements to Beacon Street, the proposed improvements come forward through the Lichfield Neighbourhood Plan and Lichfield City Masterplan, the benefit here being the private funding proposed. In the event of a more acceptable development proposal coming forward these works would still be secured in accordance with the Neighbourhood Plan Policy requirements.
- 6.12 The new access to Beacon Park is well supported by local residents and third parties including the City Council, but is considered unjustified by Historic England. The proposal would create a new pedestrian and cycle route between the Park and Beacon Street and would provide public benefits. However, it will remain under private ownership and therefore the control of the residents of the development. Notwithstanding an assurance that its useability can be secured through a planning obligation, it cannot be assured that this will remain available to the wider public. The applicant's agent has indicated that it will be gated and will be closed at some times and dates.
- 6.13 Final matter, the removal of an unsightly car park is noted, and it is acknowledged that the Conservation Appraisal refers to this benefiting from improvements. This however could be the repair of the surface and introducing some landscaping rather than its wholesale loss.
- 6.14 Officers therefore consider that whilst there is some public benefit accruing from the proposal, it is not sufficient to outweigh the harm overall. This takes into account that the existing buildings are not 'at risk' and are convertible but through an alternative approach.
- 6.15 The applicants have argued that the new development proposed is required at the scale and density put forward is necessary to undertake the works to the Listed Buildings. However, this is disputed and in the absence of a viability case setting out the conversion costs, it is considered that a scheme to undertake the conversion and introduce a much reduced scale of new build development could achieve an acceptable development, whilst delivering the same level of public benefits and providing a viable development proposal to the applicant.
- 6.16 Having regard to this it is concluded that the public benefits accruing do not outweigh the harm to the historic assets including the character of the Conservation Area and is therefore in conflict with Local Plan Strategy CP14 Lichfield District Local Plan Allocations 2008 -2029 Policy BE2 (Heritage Assets); SPD Historic Environment and Planning Policy Framework Section 16.

## 7. Water Environment, Flood Risk and Drainage

- 7.1 Paragraph 169 of the NPPF requires that major development incorporate sustainable drainage systems, unless there is clear evidence that such would be inappropriate.
- 7.2 Section 14 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 7.3 Local Plan Strategy Policy 3 of the Local Plan Strategy expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques and limit surface water discharge to the greenfield run-off rate.
- 7.4 The site lies predominantly in Flood Zone 1 but the southern part of the site falls within Flood Zones 2 and 3. A public sewer crosses the site and requires a 5 metre wide non development

buffer zone, unless diverted and Hanch Tunnel is also identified as under the site. There are therefore a number of flood and drainage constraints to the site. A Flood Risk Assessment and updated Flood Risk Assessment has been submitted with the application, including a proposed drainage strategy.

- 7.5 The proposals include built development within Flood Zones 2 and 3, including part of the basement car park. There is therefore a conflict with Local Plan Policy CP3 which seeks to direct development to areas with the lowest risk level of flooding. The site is sloping and historically it is understood that when flooding events have occurred the water floods into the adjacent land in the Park. Setting the finished floor levels on proposed buildings, as set in the Flood Risk Assessment Revision B proposes finished floor levels of 82.35m AOD and 82.50m AOD for Talbot House; which is located in Flood Zone 3, is accepted by the Environment Agency as an acceptable solution to potential flooding prevention and would result in buildings being approximately 1 metre (finished floor levels) above existing ground levels.
- 7.6 In respect of the basement car parks, which lie partly within Flood Zone 3, the Environment Agency have advised that they will require an approved tanking scheme and an evacuation scheme should be provided and both approved by the planning authority. This takes account of the fact that a part of the basement is to be used to provide a gym and swimming pool and in the event of a failure of the pool there would be the potential for flooding from the swimming pool into the basement car park. This is considered a proportionate approach as the basement car park is served by a car lift arrangement, although there are also pedestrian accesses built into the scheme which would provide access out of the basement.
- 7.7 Surface water drainage is also to be considered under Local Plan Strategy Policy CP3. The proposal includes a drainage strategy and, as set out above, the site is constrained by a public sewer crossing the site which restricts built development within 5 metres of the pipe which significantly impacts on the developable area of land available currently although the public sewer most directly affected is located towards the rear of the site extending approximately parallel with the rear site boundary.
- 7.8 The proposed drainage strategy includes sub-ground storage tanks. A drainage strategy has been submitted. Staffordshire Flood Authority have advised that the proposal is acceptable in relation to surface water run-off in accordance with the updated Flood Risk Assessment and Severn Trent Water require a condition to be attached to any consent, requiring drainage details to be submitted and approved by the Local Planning Authority.
- 7.9 The Environment Agency has advised that in relation to the proposed footbridge into Beacon Park this falls outside the jurisdiction of the Environment Agency as it is not a main river and have confirmed that Staffordshire County Land Drainage will be required to consent the crossing of the watercourse. It is however suggested that the existing screen to the culverted section could be improved by changing it to sloping screen, but this is matter for the Staffordshire Flood Authority to comment on.
- 7.10 A final matter relates to the Hanch Tunnel which underlies the site extending between Beacon Park and Beacon Street and was a feeder for Stowe Pool and Minster Pool. It is now closed off at one end so longer provides a water conduit but remains in place. It is believed to be owned by South Staffordshire Water (SSW) and a consultation response is awaited from SSW on its depth and whether is it continues to accommodate water or is now dry.
- 7.11 In conclusion the updated Environment Agency response and responses received from Staffordshire Flood Authority and Severn Trent Water Ltd with recommended conditions are considered to enable a policy compliant scheme to be achieved in this regard.

8 Ecology including Biodiversity and Trees

- 8.1 To comply with the guidance contained within Paragraphs 9, 174 and 179 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.
- 8.2 In line with these requirements, Local Plan Strategy Policy 13 'Our Natural Environment' supports the safeguarding of ecological networks. Local Plan Strategy Policy NR3 sets out that development will only be permitted where it protects, enhances and restores the biodiversity and geodiversity value of the land and buildings and requires all development within the district to provide a net gain to biodiversity. Should an application be submitted full regard must be had to any protected/priority species which may be affected. Details of any avoidance of harm/mitigation/compensation/habitat improvements must be incorporated within the proposed development. Local Plan Policies are supplemented by the Biodiversity and Development SPD which provides further advice in relation to ecological matters.
- 8.3 Paragraph 180 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm.
- 8.4 Paragraph 131 of the Framework sets out that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 8.5 Local Plan Strategy Policy 13 of the Local Plan Strategy also seeks to protect veteran trees, whilst Core Policy 14 seeks to ensure that there is no net loss to trees in conservation areas. Local Plan Strategy NR4 and the Trees, Landscaping and Development Supplementary Planning Document seek to ensure that trees are retained, unless their removal is necessary and appropriate mitigation is proposed. The SPD also seeks to ensure that a minimum 20% canopy cover is achieved on development sites.
- 8.6 In terms of Ecology, additional information has been submitted during the course of the application including an updated Preliminary Ecological Appraisal and a Biodiversity Net Gain Assessment. The Councils Ecology Team are now satisfied with the submissions and sufficient information has been provided to conclude that the effects on protected species would be acceptable (subject to conditions) and that there is sufficient information for the Local Planning Authority to discharge its duties in relation to biodiversity.
- 8.7 The submissions indicate that there would be opportunity within the site to deliver biodiversity net gain as required under Local Plan Strategy NR3. The Councils Ecology team concur with the conclusions reached in the Biodiversity Net Gain Assessment, subject to long term management measures which could be conditioned.
- 8.8 In terms of trees, the application is supported by an Arboricultural Survey, an impact assessment and a tree method statement which set out what trees are on the site, how they would be affected by the development proposals and how the works would be carried out in terms of construction and protection of retained trees. All of the trees on site are protected by virtue of being located within the Conservation Area. Additional statements have been provided during the course of the application by the Applicants Tree Surgeon/ Arboricultural Consultant along with a Daylight/ Sunlight Report.
- 8.9 The Councils Tree Officer has reviewed the submissions and raised objections in principle to the proposals due to the potential and actual impacts on trees both within the site and

adjacent to the site. It is considered that substantial and significant trees within Beacon Park have not been given full and thorough consideration within the submissions.

- 8.10 The proposed apartment block identified as Talbot House is likely to be subject to shading and proximity issues with trees to the South West and South East both within the site and within Beacon Park (LDC ownership). These trees are some of the most prominent in the area and provide very high amenity value. Whilst additional information has been provided by the applicants to confirm that the trees will not affect daylight/ sunlight within the apartments, there remains concerns that the proposals will lead to future tree loss as residents will have expectations of views into the Park. In addition, it is considered that issues relating to leaf fall, shading and honeydew are likely to be prevalent as the proposed built form fails to design out conflict with existing mature trees. These issues are likely to promote applications for work to protected trees, due to the living conditions created by design which has not fully considered the potential conflicts.
- 8.11 The submitted Arboricultural Impact Statement sets out that the proposals will lead to the loss of trees as they would not be compatible with the development proposed. A total of 29 trees will be removed and 10 pruned according to the tables within the report. However, the site in terms of the potential for replacement trees- appears constrained and it would be difficult to replace the losses and achieve the additional planting required as part of Policy NR4 and within the NPPF. The replacement trees should be of a similar stature and maturity to those being felled.
- 8.12 Original concerns relating to the location of the bridge between the development and Beacon Park and proximity to trees have been addressed during the course of the application through alterations to the proposed location of the bridge.
- 8.13 In conclusion, the Tree Officer has advised that the development fails to address the conflict between the new buildings and existing trees and the opportunity to achieve a landscaping scheme which is in line with the requirements of adopted planning policy is limited. Therefore the proposed development would be contrary to adopted Local Plan Strategy Policy NR4 and the Trees and Landscaping Supplementary Planning Document and accordingly refusal is recommended on such grounds.

## 9 Planning Obligations including Affordable Housing and Education

- 9.1 Paragraph 57 of the National Planning Policy Framework confirms that planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 9.2 Local Plan Strategy Policy IP1 of the Local Plan Strategy and SPD Developer Contributions sets a requirement for all eligible development to provide the appropriate infrastructure on and off site in line with adopted planning policies and the Infrastructure Delivery Plan. Such provision can be by way of direct on-site provision and/or by a contribution made for the provision of facilities elsewhere.

### *Affordable Housing*

- 9.3 Affordable housing contribution equating to 4 x 2 bed apartments and 2 x 4 bed apartments comprising 4 social rental and 2 shared ownership. The applicants have calculated that the financial contribution to be £476,000 with a proposed payment on the sale of the 10<sup>th</sup> dwelling (50%) and balance on sale of the 25<sup>th</sup> sale.



### *Education*

- 9.4 There is a need for education facility provision in Lichfield district, particularly within the City of Lichfield. The need is for both primary and secondary education. Local Plan Strategy Policies CP4 and IP1 and Developer Contributions SPD sets out planning obligations within the District. This includes education.
- 9.5 Whilst CIL contributes to infrastructure projects such as new schools there are still direct impacts to be mitigated to a development proposal which are to be secured through S106 obligations. Obligations in this respect relate to additional school places required and generated by a development proposal.
- 9.6 In the first response from Staffordshire County Education, the affordable housing obligation was rated at below the threshold to trigger S106 obligations as the apartments were previously discounted from the calculation. However, following further discussions with the Education Officer it has been confirmed that the calculation relates to the whole development and following an updated Staffordshire Education Infrastructure Contributions Policy (SEICP) the whole development of apartments and dwellings with 2 + bedrooms is included.
- 9.7 The proposal calculates the following requirements:
- 9 primary school places
  - 6 secondary school places
  - 1 post 16 place
- 9.8 There are projected sufficient primary school places but insufficient secondary school places within the catchment area of the development. Applying a cost multiplier a financial contribution of £161,434 would therefore be required to meet the additional demand for secondary school places.
- 9.9 The applicant's agent has advised that whilst other planning obligations are accepted they do not agree to this S106 obligation on the basis that there is, in their opinion, no shortfall of secondary school places available within the catchment secondary school for the site. As there is no agreement from the applicant to this, refusal on such grounds is recommended, as without such the development does not be mitigate for its direct impact on education provision.

### *Management of the Amenity and Communal Areas.*

- 9.10 The proposed amenity areas and road and driveway within the site is to be retained as private roads with communal and amenity areas. A management company is proposed to manage and maintain these areas, likely through an owner's shareholder arrangement.
- 9.11 The proposal also will provide a new pedestrian and cycle route from Beacon Park to the Beacon Street and the cathedral area as an integral part of the development proposal. In order to ensure these are secured and the communal areas are maintained and the road and private drive remain accessible for vehicles into and out of the site the applicants are agreeable to the management agreement being subject of a S106 obligation to ensure its deliverability and on-going management. This obligation would secure the access into the Park over a foot bridge from the site and a requirement for agreement on accessibility to be agreed.

### *Private Bin Collections*

- 9.12 The proposal retains all roads and driveways within the site to be retained as privately owned by the sites management company. Lichfield Joint Waste Collection Service do not access bin lorries to private roads which are not constructed to adoptable standards. There will therefore not be a Council operated bin service serving the development.

- 9.13 Having regard to this and the intention to serve the residential and commercial development in the site the applicants propose a private bin collection service to serve both the commercial and residential developments. In order to ensure that a robust waste collection service is made available it is proposed that the waste collection and management of waste disposal would need to be secured by a S106 planning obligation.

#### *Basement Car Park*

- 9.14 A two level basement car park is proposed to serve the majority of the development operated using two car lifts. Very limited parking spaces are provided as surface level parking. Having regard to the implications for overspill parking occurring in the event of a failure of the lift(s) or a basement failure it is assessed that a management strategy for the basement and maintenance of the lifts could be secured appropriately via a S106 obligation.

#### *Cannock Chase SAC*

- 9.15 Local Plan Strategy Policy NR7 and SPD Developer Contributions confirms that impacts from additional pressure on Cannock Chase SAC will require mitigation in the form of a financial contribution towards the impact of visitors on the Cannock Chase SAC of £1607.40 based on 75% occupancy annually of 12 rooms at £178.60 per room. The applicant has confirmed agreement to this obligation; which could be secured via a S106 legal agreement.

### 10 Impact on the Special Area of Conservation

- 10.1 Paragraph 182 of the NPPF advises that *“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site”*.
- 10.2 The agreed strategy for the Cannock Chase SAC is set out in Policy NR7 of the Local Plan Strategy, which requires that before development is permitted, it must be demonstrated that in itself or in combination with other development it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC having regard to avoidance or mitigation measures. In particular, dwellings within a 15km radius of any boundary of Cannock Chase SAC will be deemed to have an adverse impact on the SAC unless or until satisfactory avoidance and/or mitigation measures have been secured.
- 10.3 Subsequent to the adoption of the Local Plan Strategy, the Council adopted further guidance on 10 March 2015, acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. This site lies within the 8 - 15 km zone and as such is not directly liable to SAC payment with respect to the creation of new dwelling houses.
- 10.4 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC. Therefore, in accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has undertaken an Appropriate Assessment. Natural England are a statutory consultee on the Appropriate Assessment (AA) stage of the Habitats Regulations process and have therefore been duly consulted. Natural England have concurred with the LPA’s AA, which concludes that the mitigation measures identified within the Council’s Development Plan for housing sites, will address any harm arising from this development to the SAC and therefore they have offered no objections to the proposal.

10.5 Notwithstanding the above position regarding the creation of new dwelling houses within the Zone of Influence, the proposed visitor accommodation also requires assessment and triggers an obligation in relation to new bed spaces created having regard to the additional recreational pressure on the Cannock Chase SAC from tourists visiting Lichfield and the surrounding area. This is calculated on a formula based on tourism bed spaces. The site lies within the 8-15km Zone of Influence and assuming a 75% occupancy rate for the 12 bedroom hotel it is calculated that a financial contribution of £1607.40 would be required to be made through a S106 obligation.

10.6 On this basis, it is concluded that the LPA have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard, subject to contributions secured by legal agreement, as set out above.

## 11 Financial Considerations (including Community Infrastructure Levy)

11.1 The Community Infrastructure Levy (CIL) is a planning obligation that helps local Councils to deliver infrastructure to support the development of their area. This development is a CIL (Community Infrastructure Levy) liable scheme set within the high value charging zone. This will be payable in accordance with the Council's adopted CIL Installments Policy, unless otherwise agreed. It is noted that there is no charge for residential apartments, however the creation of dwellings is CIL liable development.

11.2 The development would give rise to a number of economic benefits. For example, the development would lead to the creation of new direct and indirect jobs, through supply chain benefits and new expenditure introduced to the local economy through tourism. In addition the development will deliver direct construction jobs, including supply chain related benefits and relevant deductions. It should also be noted that the development will generate Council Tax and Business Rates.

## 12 Human Rights

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

## Summary and Conclusion

The National Planning Policy Framework 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.

The application site is located within a sustainable location within Lichfield on the edge of the town centre boundaries. In principle, the proposals would meet with the sustainable housing supply aims of the Local Plan and the National Planning Policy Framework and the provision of a small hotel in this location is considered acceptable providing tourism benefits to the local economy.

There are no objections from the County Highway Authority, and it is noted that off-site highway works would provide improvements to the surrounding public realm. It is also considered that the scheme would respect existing and future residential amenities and would by way of mitigation measures be necessarily able to address biodiversity and ecological aims. Whilst planning obligations in relation to affordable housing and Cannock Chase Special Area of Conservation have been accepted

by the applicant in the form of off-site payments, the applicant does not agree with the financial contribution requested for Education by the County Council.

However, notwithstanding the above matters the application site is one of the most sensitive and constrained sites in Lichfield in terms of heritage. Whilst there are heritage related benefits resulting from some aspects of the proposals and it is acknowledged that there are wider public benefits that could be derived from the scheme such as the creation of a new pedestrian access into Beacon Park and the economic benefits associated with the hotel, it is not considered that such benefits would outweigh the harm identified to the character and appearance of the Lichfield City Conservation Area and the significance and setting of Listed Buildings and the registered Park and Garden discussed above in this report. Additionally the Council's Tree Officer however maintains an objections in relation to loss of trees and future impacts on existing trees and the landscaping proposals and accordingly the proposals are considered unacceptable in this regard.

Furthermore, the requirements of the Environment Agency and Staffordshire Flood Authority to overcome issues relating to part of the site's location in flood zones 2 and 3 resulting in a requirement to raise finished floor levels to a metre above existing ground levels of Talbot House in particular will increase the visibility and undue prominence of the development, in particular Talbot House when viewed from Beacon Park, to the detriment of the character and appearance of the Conservation Area and the setting of the park.

Officers consider that whilst the site offers an opportunity for redevelopment and an appropriate location for a sensitively designed small boutique hotel and spa and developer funded improvements to Beacon Street the scale of the development proposed and the harm to the heritage assets, in particular the Conservation Area, setting of the Listed Buildings including Grade II \* Darwin House and the Listed Buildings on the site is not sufficient to outweigh the harm to this highly sensitive historic area of Lichfield.

The application has been subject of detailed discussions with the applicant and their agent with a view to seeking to achieve a more acceptable development proposal at a lower density and to a design which would overcome objections, but this has not been achieved.

The public benefits that are accruing from the proposed development therefore are not considered sufficient to outweigh the harm overall resulting.

In terms of the Listed Building application, the works to Westgate Cottage in particular in respect of the design, scale and size of the proposed extensions is assessed as adversely affecting the character and special architectural and historic interest of the Grade II listed building by virtue of its detrimental impact on the historic plan form; loss of historic fabric; harm to the retained fabric; and, unsympathetic design of the proposed extension. Again, notwithstanding discussions as to how an acceptable conversion and extension might be achieved it has not been possible to achieve an agreed solution to this issue.

In terms of the NPPF (at paragraphs 199-202), it is considered that the proposals would cause considerable substantial harm to the setting and significance of a large number of designated heritage assets, and no clear and convincing justification to address this harm has been put forward. Whilst the proposals would result in the redevelopment of a large site within Lichfield City centre and include provision of a small hotel, there are no substantial public benefits which outweigh this identified harm to heritage assets. Historic England and the Councils Conservation Officer maintain their objections on heritage grounds to the proposals and it is considered the proposals should be refused on such grounds.

Consultation responses and third party comments are a material consideration to the determination of an application and the objections raised by Historic England and the Councils Conservation Officer concerning the significant impacts on irreplaceable heritage assets has been the subject of detailed consideration by officers and the appropriate consultees.

In light of the above assessment, the proposal is considered to be contrary to Local and National Planning Policies and is accordingly recommended for refusal for the reasons set out above.

**PLANNING COMMITTEE (26<sup>th</sup> January 2022)**

**OBSERVATIONS/REPRESENTATIONS RECEIVED SINCE COMPLETION OF REPORT**

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**20/01374/FULM -Refurbishment, extension and conversion of Westgate House (Grade II listed) to create 4 no apartments and 1 no townhouse, conversion and extension of existing outbuilding to create 1 no detached dwelling, conversion and extension of Westgate Cottage (Grade II listed) to provide boutique hotel (12 no guest suites) and spa and 6 no apartments erection of detached apartment building to provide 13 no apartments, erection of 3 no dwellings and detached garages, erection of garaging and 2 no apartments over, basement car parking, bridge over Leomansley Brook, hard and soft landscaping, access and associated works.**

**20/01375/LBC – Refurbishment, extension and conversion off Westgate House (Grade II listed) to create 4 no apartments and 1 no townhouse; conversion and extension of existing outbuilding (curtilage listed) to create 1 no detached dwelling; conversion and extension of Westgate Cottage (Grade II listed) to provide boutique hotel and spa and 6 no apartments and ancillary alterations to associated curtilage listed building works to boundary wall between Westgate House and Westgate Cottage (amended description).**

**Land and buildings at Angel Croft & Westgate, Beacon Street, Lichfield, Staffordshire, WS13 7AA**

**Additional Consultation Responses**

**Lichfield Civic Society** – Continues to support the proposals. The Society observes that the proposal has raised strong feelings for and against the scheme. Those against principally on heritage grounds and those in favour on the grounds of various benefits arising. Whilst respecting the heritage objections are significant note its most unusual to have ‘so many neighbours of a major development supporting it.’ The principal objectors are heritage bodies including the Conservation Officer, who oppose development between Angel Croft and Westgate referring to historic open space between the buildings being important, which is disputed as development has occurred elsewhere on open space in Lichfield.

Positive comments have been received from officers in the District Council including the Economic Development Officer and Major Developments Project Manager. They refer to The Staffordshire Accommodation Study (2019) highlighting the lack of boutique hotels and the suitability of Lichfield for them and the welcome improvements to a dangerous road junction on Beacon Street and the new cycle and pedestrian link between Beacon Park and Beacon Street.

Whilst the Conservation lobby oppose the new link, those in charge of the Grade I Listed Buildings (Darwin House and the Cathedral) consider it will be beneficial and draw visitors and will remove an unattractive car park which is visually unappealing and will help increase footfall as Beacon Street becomes more visually attractive.

Society considers the objections exaggerate the degree of harm and underestimate the potential benefit. The Society notes many supporters feel the development will enhance the area.

Perceived benefits include – employment of local workers during the development and longer term unskilled and skilled jobs once up and running.; Local materials will be used; Boutique hotel will encourage more overnight stays thereby increasing tourist trade which is important for the local economy; Highway improvements will be beneficial to vehicular traffic and pedestrians. Lastly notes that Erasmus House and the Cathedral support the applications. (25/01/2022)

### **Additional Letters of Representation**

**Leomansley Residents Association** – Fully supports the proposal as being in keeping with the area and due consideration given to the design of the development to ensure it is sympathetic to the existing area. Considers it of great benefit to the community in general, will enhance the area and become a considerable asset for Lichfield. (23/01/2022)

**Dean & Executive Director of Lichfield Cathedral**– Supports the application. Fully supports improved access to The Close without deferring from the views, vistas or character of the Cathedral, Close or Darwin House. There is considered not be an understanding of the importance of tourists to the Cathedral. There is no issue with the proposed density of the development nor the loss of the car park as studies show an overprovision of car parking in Lichfield and there is a desire to encourage pedestrians.

Destination Staffordshire report has confirmed that suitable sites should be identified in the city centre for conversion to boutique hotels. The Cathedral had commented on the City Centre Masterplan (January 2020) that the Friel proposal wasn't referenced and consider this would have provided an opportunity to better co-ordinate and partner with the developer. There was a concern that development would be steered to the other side of the City and exacerbate the Cathedral's falling number of visitors which was already occurring pre-covid.

Whilst the sensitive context of the site is rightly and properly highlighted it fails to consider the wider context around Lichfield. Proposal offers a mix of uses, much needed economic benefit in keeping with its surroundings. Urges Planning Committee to consider whether refusal is the right course of action. (21.1.22)

**Neighbour Letters** – 3 further letters of support have been received from neighbours commenting as follows:

- Attended initial developer meeting and they took notice of attendees views of the type of development that was preferred, traditional design.
- Recommendation is contradictory and refusal reasons vague.
- Proposal will provide sympathetically built family housing.
- Small boutique hotel will provide local employment.
- Supports the nature of buildings and residences it surrounds.
- Westgate Cottage extension will compliment the building and secure its future.
- Personally look forward to seeing the development become part of the community.
- Development will enhance a tired but important part of the City.
- Will be the best development produced in the City.
- Not everyone wants rabbit hutches/retirement homes to live in and the flats will be spacious and in keeping.
- Will benefit the area and tourism and will integrate over time.
- Is the only scheme to improve Lichfield's assets in recent years.

### **Amended Scheme Details**

Following the publication of the main report, amended plans have been received which revise details in relation to the basement car park to increase its capacity to 60 car spaces. EV car charging points included within parking areas. The car parking spaces to the rear of the dwellings are reallocated. Drop off space are provided to the front of the hotel (on the proposed new street) and the coach house (garage block with flats over) is amended to include sliding doors to each garage space and an internal reconfiguration of the garage spaces internally.

### **Observations**

The amendments submitted and additional representations received have been reviewed, but are not considered to alter the officers' recommendation to both the planning and listed building applications.

The public support of the proposals are duly noted, but is it considered that the currently proposed scheme is not acceptable for the reasons set out in the main report.



LIST OF SPEAKERS

**PLANNING COMMITTEE MEETING**

26 January 2022

**20/01374/FULM & 20/01375/LBC**

Jamie Christie ( <i>Beacon Street Area Residents Association</i> )	Supporter
Cllr Councillor Andy Smith	Ward Member
Will Brearley ( <i>CT Planning</i> )	Applicant's Agent
Bill Friel ( <i>Friel Homes</i> )	Applicant

# PLANNING COMMITTEE

26 JANUARY 2022

## PRESENT:

Councillors Marshall (Chair), Baker (Vice-Chair), Anketell, Barnett, Birch, Checkland, Cross, Evans, Humphreys, Matthews, Ray, Salter and S Wilcox

## 25 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ho and Tapper.

## 26 DECLARATIONS OF INTEREST

Councillors Anketell, Baker and Matthews declared personal interests in application nos. 20/1374/FULM & 20/01375/LBC as they had attended a presentation relating to these applications at Lichfield City Council but advised they were not predetermined nor predisposed.

Councillors Baker and Marshall declared personal interests in application nos. 20/1374/FULM & 20/01375/LBC as they had previously attended a pre-application meeting relating to these applications and site visit some time ago but advised that they were not predetermined nor predisposed.

Councillor Checkland declared a personal interest in application nos. 20/1374/FULM & 20/01375/LBC as CT Planning are assisting with a planning application on his behalf elsewhere.

## 27 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on Monday 29 November 2021 previously circulated were taken as read, approved as a correct record and signed by the Chair.

## 28 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 received together with the supplementary report of observations/representations received since the publication of the agenda in association with Planning Applications 20/01374/FULM & 20/01375/LBC, 21/01261/FUL & 21/01262/LBC and 21/01901/FUH

20/01374/FULM & 20/01375/LBC - Land and Buildings at Angel Croft & Westgate, Beacon Street, Lichfield, Staffordshire. WS13 7AA

20/01374/FULM: Refurbishment, extension and conversion of Westgate House (Grade II listed) to create 4 no. apartments and 1 no. townhouse, conversion and extension of existing outbuilding to create 1 no. detached dwelling, conversion and extension of Westgate Cottage (Grade II listed) to provide boutique hotel (12 no. guest suites) and spa and 6 no. apartments, erection of detached apartment building to provide 13 no. apartments, erection of 3 no. dwellings and detached garages, erection of garaging and 2 no. apartments over, basement

car parking, bridge over Leomansley Brook, hard and soft landscaping, access and associated works

**RESOLVED:** That this planning application be approved, subject to, deferring for the detail of the planning conditions and planning obligations to be agreed at a future Planning Committee meeting.

20/01375/LBC: Refurbishment, extension and conversion of Westgate House (Grade II listed) to create 4 no apartments and 1 no townhouse; conversion and extension of existing outbuilding (curtilage listed) to create 1 no detached dwelling; conversion and extension of Westgate Cottage (Grade II listed) to provide boutique hotel and spa and 6 no apartments and ancillary alterations to associated curtilage listed building works to boundary wall between Westgate House and Westgate Cottage (amended description)  
FOR: Angel Croft Developments Ltd

**RESOLVED:** That this listed building application be approved, subject to, deferring for the detail of the planning conditions to be agreed at a future Planning Committee meeting.

(Prior to consideration of the application, representations were made by Mr Jamie Christie, Supporter, Councillor Andrew Smith, Ward Councillor and Mr Will Brearley of CT Planning (Applicant's Agent)).

21/01261/FUL & 21/01262/LBC - 36a Bore Street, Lichfield, Staffordshire, WS13 6LU  
Conversion of existing residential accommodation on the first and second floor to form 5 self-contained studio apartments  
FOR: Mr Gareth Davies of Lichfield District Council

21/01261/FUL – 36a Bore Street, Lichfield, Staffordshire, WS13 6LU

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

21/01262/LBC – 36a Bore Street, Lichfield, Staffordshire, WS13 6LU

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

21/01901/FUH - 1 Bulldog Lane, Lichfield, Staffordshire, WS13 7LN  
Erection of first floor front extension, balcony to front and inverted balcony to rear, loft conversion and internal alterations  
FOR: Cllr Joanne Grange

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

(The Meeting closed at 8.17 pm)

CHAIR

# LOCATION PLAN

21/01620/FULM  
Land To The West Of  
Stoneyford Lane  
Blithbury

Scale: 1:15,000

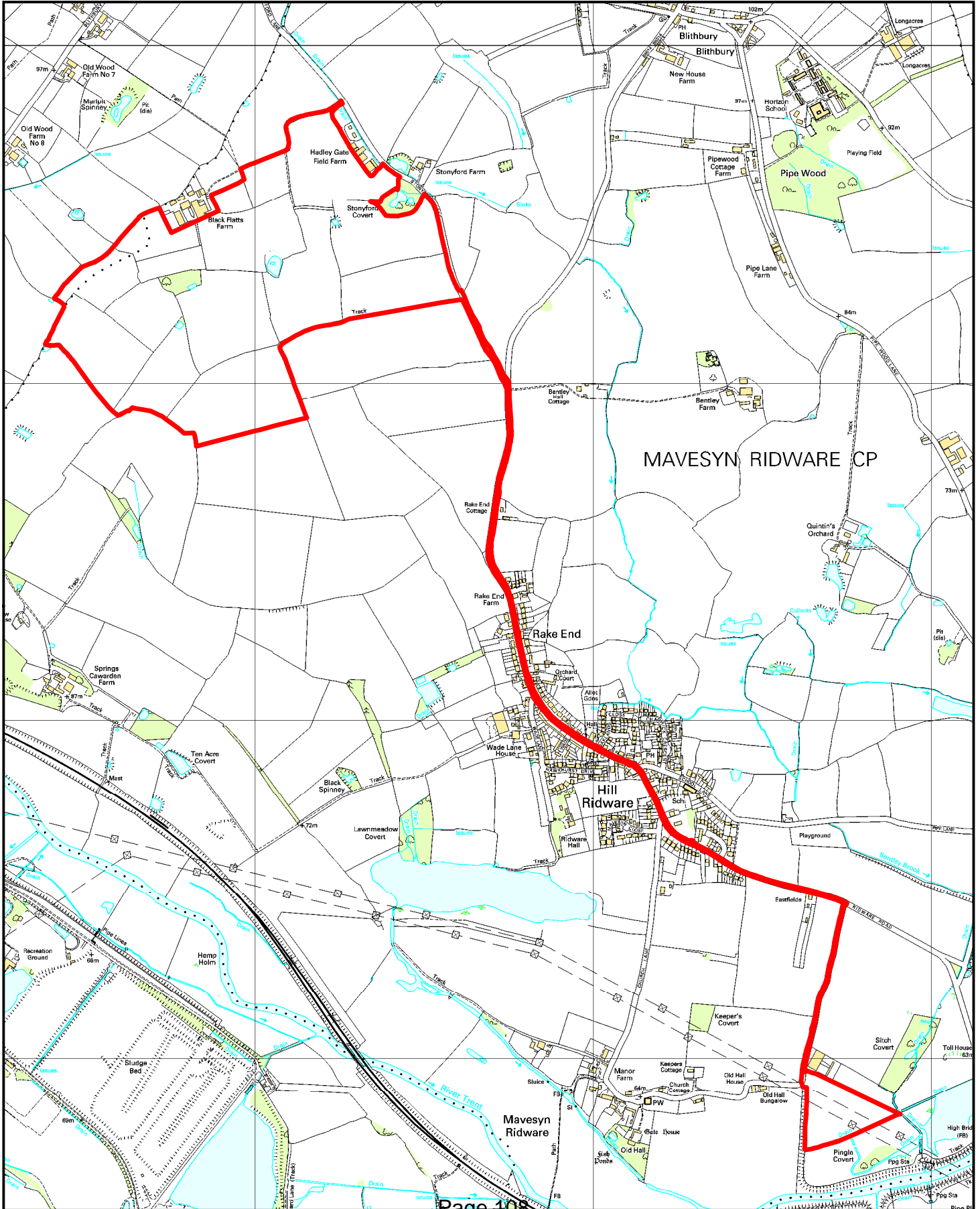
Dated: May 2022

Drawn By:

Drawing No:



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## **21/01620/FULM**

**INSTALLATION OF A SOLAR FARM COMPRISING GROUND-MOUNTED SOLAR PHOTOVOLTAIC PANELS (PV) (92,595 MODULES) WITH A GENERATING CAPACITY OF UP TO 49.9MW TOGETHER WITH ALL ASSOCIATED WORKS, EQUIPMENT AND NECESSARY INFRASTRUCTURE.**

**LAND TO THE WEST OF STONEYFORD LANE, BLITHBURY**

**For Opdenenergy UK 4 Limited**

Registered **05/10/2021**

**Parish: Mavesyn Ridware**

**Note:** This application is being reported to the Planning Committee, due to significant planning objections raised from Mavesyn Ridware Parish Council on the grounds of the landscape impacts and the loss of Best and Versatile Agricultural land.

**RECOMMENDATION: Approve, subject to the following conditions:**

### **CONDITIONS:**

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. Within 35 years and six months following completion of construction of development hereby approved, or within six months of the cessation of electricity generation by the solar PV facility, or within six months following a permanent cessation of construction works prior to the solar PV facility coming into operational use, whichever is the sooner, the solar PV panels, frames, foundations, inverter modules and all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production. The site shall subsequently be restored in accordance with a scheme and timescale, the details of which shall be first submitted to and approved in writing by the Local Planning Authority no later than three months following the cessation of power production. (Note: for the purposes of this condition, a permanent cessation shall be taken as a period of at least 24 months where no development has been carried out to any substantial extent anywhere on the site).

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

4. The development hereby approved shall not be commenced until written confirmation has been secured from Staffordshire County Council (as the local highway authority) and submitted in writing to the Local Planning Authority that an inspection of the roads within the routing agreement, including a video survey has been provided to the satisfaction of the County Highway Authority under the Highway Acts.
5. Before the commencement of development hereby approved, notwithstanding the submitted details, an updated Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CEMP shall include details relating to construction access and route arrangements, hours of construction, delivery times and the location of the contractor's compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust and mud from

construction activities including the provision of a vehicle wheel wash. It shall also include a method of demolition and restoration of the site. The development shall only be undertaken in strict accordance with the approved details for the duration of the construction programme.

6. Before the commencement of development hereby approved, a detailed landscaping plan shall be provided and agreed in writing by the Local Planning Authority. The plan shall include details of all planting, including species and establishment and management details.
7. Before the commencement of development hereby approved, a Habitat Management Plan (HMP) shall be submitted to and agreed in writing by the Local Planning Authority. The HMP shall detail in full the future habitat creation works and biodiversity enhancement measures (and sustained good management thereof). The development shall be carried out and managed in accordance with the approved details contained within the HMP.
8. Before the first use of the access for construction purposes, the visibility splays and access improvements shown on Drawing No. ST5042-1PD-001 contained within the approved Transport Statement shall be provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
9. Before the first use of the access for construction purposes, the access drive rear of the public highway shall be surfaced in a bound and porous material for a minimum distance of 15m back from the site boundary and then shall be retained as such for the lifetime of the development.
10. Before the commencement of development hereby approved, full details of parking, turning and servicing within the site curtilage for construction and operative vehicles shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and be completed prior to first occupation of the development.
11. Before the commencement of development hereby approved, an Arboricultural Method Statement shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details with any protective fencing installed prior to works commencing on site.

**CONDITIONS to be complied with PRIOR to the first use of the development hereby approved:**

12. The development hereby approved shall not be brought into use until written confirmation has been secured from Staffordshire County Council (as the local highway authority) and submitted in writing to the Local Planning Authority, that a repeat inspection of the roads within the routing agreement, including a video survey with any necessary remedial works undertaken has been carried out to the satisfaction of the County Highway Authority under the Highway Acts.
13. The finished colour of the exterior of the control room, Inverter cabinets, substation cabin and deer fencing shall be finished dark green, in accordance with details which will be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, before the first use of the development hereby approved.

**All other CONDITIONS to be complied with:**

14. The development shall be undertaken in strict accordance with all recommendations and methods of working detailed within the Preliminary Ecological Assessment dated as received 28 September 2021.

15. All planting, seeding or turfing shown on the approved details of landscaping required under condition 6 above shall be carried out in the first planting and seeding season following the first use of the solar farm or the completion of the development; whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent, on application, to any variation. The maintenance of the planting will be carried out in accordance with the approved details.
16. There shall be no external lighting installed within the application site whatsoever other than with the prior written consent on application to the Local Planning Authority.
17. During the period of construction of any phase of the development, no works including deliveries shall take place outside the following times: 0730 and 1900 hours Monday to Friday and 0800 and 1300 hours on Saturdays and, not at any time on Sundays, Bank and Public holidays (other than for emergency works).

### **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 Policies CP1, CP3, CP5, CP7, CP13, CP14, SC1, SC2, BE1, NR1, NR3, NR4, NR5, NR7, NR9, ST1, ST2, Rural1 and Rural2 of the Lichfield Local Plan Strategy, Policy BE2 of the Lichfield Local Plan Allocations Document, the Sustainable Design SPD, the Rural Development SPD, the Trees Landscaping and Development SPD, the Biodiversity and Development SPD, the Historic Environment SPD and the National Planning Practice Guidance and the National Planning Policy Framework.
3. To ensure the achievement of satisfactory site restoration, in accordance with the requirements of Policies CP3, NR1, NR3, NR4, NR7, NR9 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.
4. In the interests of highway safety and to comply with the requirements of policy ST1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.
5. In the interests of biodiversity and habitat protection and highway safety to comply with the requirements of policies CP13, NR3 and ST1 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.
6. In order to provide a biodiversity net gain and to ensure that an approved landscaping scheme is provided in the interests of the visual amenities of the locality, in accordance with Policies CP3, CP13, NR3, NR4 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, Trees, Landscaping and Development SPD, the Biodiversity and Development SPD and the National Planning Policy Framework.
7. In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.
8. In the interests of highway safety and to comply with the requirements of policy ST1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

9. In the interests of highway safety and to comply with the requirements of policy ST1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.
10. In the interests of highway safety and to comply with the requirements of policy ST1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.
11. To ensure adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing, in accordance with Lichfield Local Plan Strategy Policy NR4, the Trees, Landscaping & Development SPD and the National Planning Policy Framework.
12. In the interests of highway safety and to comply with the requirements of policy ST1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.
13. To ensure the satisfactory appearance of the development in accordance with the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy, BE2 of the Local Plan Allocations and the National Planning Policy Framework.
14. In order to safeguard the ecological interests of the site, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.
15. In order to provide a biodiversity net gain and to ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality, in accordance with Policies CP3, CP13, NR3, NR4 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, Trees, Landscaping and Development SPD, the Biodiversity and Development SPD and the National Planning Policy Framework.
16. The site lies in open countryside where uncontrolled artificial lighting would be prejudicial to the rural character of the landscape and biodiversity to ensure compliance with policies CP3, CP14, NR3 and BE1 of the Lichfield Local Plan Strategy and with the National Planning Policy Framework paragraph 185(C) 2021.
17. To protect the amenities of local residents and the locality in general in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

**NOTES TO APPLICANT:**

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



payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).

5. The applicant is advised to read and action the advice of the Police Architectural Liaison Officer in their response dated as received 28 October 2021 which outlines relevant crime prevention advice.
6. The applicant is advised that 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 [road.adoptions@staffordshire.gov.uk](mailto:road.adoptions@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/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>
7. The applicant is advised that if temporary directional signing to the proposed development is required, you must ensure that prior approval is obtained from Staffordshire County Council's Strategic Community Infrastructure Manager for the size, design, and location of any sign in the highway. It is likely that any sign erected in the Highway without prior approval will be removed.
8. The applicant is advised that Public Footpath No. 6 Mavesyn Ridware Parish which dissects the site, and Public Footpaths Nos: 16 & 17 Mavesyn Ridware Parish run through/adjacent to the southern part of the site should not be obstructed or extinguished as a result of this development either during or after construction.

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## **PLANNING POLICY**

### **National Planning Policy**

National Planning Policy Framework

National Planning Practice Guidance

### **Local Plan Strategy:**

CP1 – The Spatial Strategy

CP2 – Presumption in Favour of Sustainable Development

CP3 – Delivering Sustainable Development

CP5 – Sustainable Transport

CP7 – Employment & Economic Development

CP13 – Our Natural Recourses

CP14 – Our Built & Historic Environment

SC1 – Sustainability Standards for Development

SC2 – Renewable Energy

BE1 – High Quality Development

NR1 – Countryside Management

NR3 – Biodiversity, Protected Species & their Habitats

NR4 – Trees, Woodland & Hedgerows

NR5 – Natural & Historic Landscapes

NR8 – River Mease Special Area of Conservation

NR9 – Water Quality

ST1 – Sustainable Travel

ST2 – Parking Provision

RURAL 1 – Rural Areas  
RURAL 2 – Other Rural Settlements

### **Local Plan Allocations**

Policy BE2 – Heritage Assets

### **Neighbourhood Plan**

N/a

### **Supplementary Planning Document**

Rural Development SPD  
Trees Landscaping and Development SPD  
Biodiversity and Development SPD  
Historic Environment SPD  
Sustainable Design SPD

### **Other**

Baseline Report Climate Change Adaptation & Mitigation Staffordshire County Council (dated 20<sup>th</sup> November 2020)  
Planning Practice Guidance for Renewable and Low Carbon Energy (March 2014)  
AONB Management Plan 2014-2019  
UK Solar PV Strategy Part 1: Roadmap to a Brighter Future (2013)  
UK Solar PV Strategy Part 2 (2014)  
Climate Change Act (2008)  
The Environment Act (2021)

### **Emerging Lichfield District Local Plan 2040**

The emerging Lichfield District Local Plan 2040 has completed its Regulation 19 public consultation stage (August 2021) and is awaiting final updating and submission to the Secretary of State for the Department for Communities and Local Government for appointment of an independent Planning Inspector to undertake a public examination of the draft Local Plan. At this stage limited weight is given to the draft Emerging Local Plan Policies.

### **RELEVANT PLANNING HISTORY**

**20/01862/SCREE** - Screening Opinion: Installation of a Solar Photovoltaic (PV) Farm for the purposes of commercial electricity generation - EIA not required 26.04.2021.

### **CONSULTATIONS**

**Mavesyn Ridware Parish Council**- Object to the proposal for the following reasons:

- Landscape Impact
- Loss of Best & Most Versatile agricultural land

The Parish Council notes this is the second application for a solar farm that extends within the Parish of Mavesyn Ridware. Application 21/00359/FULM at Colton Mill Farm and Cawarden Springs Farm is still pending consideration. Both applications propose the installation of approx. 50MW ground-mounted PV solar panels and are located in close proximity to one another, separated only by a single arable field. The Parish Council raised no objection to application 21/0359/FULM (Colton Mill Farm) subject to assurance that the PRoWs will be maintained. However, the siting of this additional solar farm in such close proximity raises concerns regarding potentially significant cumulative impacts, particularly in respect of landscape.

Cumulatively the two solar farms propose the use of some 122ha of land on sloping land rising from the north-eastern side of the Trent Valley. The extent of panels will create a significant urbanising influence, which needs to be assessed carefully against Core Policy 3, Policy SC2 and Policy NR5 of the adopted Local Plan Strategy. Whilst it is noted an LVIA has been prepared in support of this application it is incorrect as the baseline assessment includes the now demolished Rugeley Power Station

buildings and associated cooling towers. Unlike 21/00359/FULM this application site comprises best and most versatile land, does not comprise of restored land, does not provide a connection to the grid on site, is less accessible to construction vehicles and is located in the open countryside with no urbanising features in the immediate vicinity.

If the Council is minded to approve this application, the applicant's preferred route for construction vehicles (Route A) should be secured through a Construction Management Plan. In addition, the PRow's should be left open and assurance provided that they will be maintained. (28.10.2021)

**Colton Parish Council-** No objections were raised. (01.11.2021)

**Severn Trent Water-** As the proposal has minimal impact on the public sewerage system, I can advise we have no objections to the proposals and do not require a drainage condition to be applied. (26.10.2021)

**Cannock Chase AONB Partnership-** Concerns were raised on the grounds of the potential adverse impact on the setting of the AONB and landscape and natural beauty of the AONB. (28.10.2021).

**Ramblers Association-** The Ramblers object to the proposal as the proposals have not taken into consideration the public footpaths on the site or the safety of users. The proposal also does not take into account the visual impacts on walkers of having a 2m high fence and solar panels on the locality. (13.10.2021)

**National Highways-** Confirmed they have no comments to make on the application. (05.10.2021).

**Natural England-**No objections were raised. It is for the local planning authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process. Generic advice was provided. (03.11.21)

**Architectural Liaison Officer-** No objections, designing out crime advice, including the provision of CCTV provided (28.10.2021)

**HS2-** An area of safeguarding is defined within the site. As you are aware safeguarding is an established part of the planning system, designed to protect land which has been earmarked for major infrastructure projects from conflicting developments which might otherwise occur. Safeguarding does not automatically prevent development in the safeguarded area, but it does provide a process for potential conflicts to be resolved. In this way, it helps to ensure that new developments along the route of the Proposed Scheme do not impact on the ability to build or operate the railway or lead to excessive additional costs. An alternative site to provide safeguarding has been presented by the applicant and is under consideration. (26.10.2021).

**SCC Highways-** No objections subject to conditions relating to the construction traffic route, visibility splays at the access, the provision of a construction management plan, the hard surfacing of the access point and details of parking, turning and servicing areas. (02.02.22)

**SCC Archaeology-** No objections were raised in principle, a pre commencement condition requiring an archaeological watching brief is required as there is clear potential for there to be archaeological remains at the site. (27.10.2021)

**SCC Public Rights of Way Officer-** The application documents do not appear to recognise the existence of a number of public rights of way that cross the application site. These include: Public Footpath No. 6 Mavesyn Ridware Parish that runs through the centre of the main site. Public Footpaths Nos: 16 & 17 Mavesyn Ridware Parish run through/adjacent to the southernmost site. Plans will need to be submitted showing these rights of way along with the proposed site. (05.10.2021)

**LDC Spatial Policy & Delivery Team** - No objections to the proposal in principle which should be assessed in detail for its impacts in accordance with the approved policies, most notably the impact upon the Cannock Chase SAC. The scheme would make a valuable contribution to the amount of renewable energy generated within the District. (21.10.2021)

**LDC Conservation Officer**- There are no heritage assets within the site, and the closest is over 800m away from the edge of the site (Bentley Hall Cottage, Grade II). Despite the distance between the two due to the elevated nature of parts of the site, it is unclear as to how much will be visible from the listed building. Without more detailed analysis of the impact of the proposed site upon heritage assets within the area around the site, I cannot make more detailed comments at this time. This will need to be assessed prior to the determination of the application. (29.10.2021)

**LDC Arboricultural Officer**- There is no objection to the development in principle. The minimal loss of hedgerow and the consideration given to the tree cover on site mean that the development is essentially neutral in arboricultural terms. It is recommended that an arboricultural method statement is secured by pre-commencement planning condition. (19.10.2021).

**LDC Ecology** - The Ecology team are satisfied with the methodology and the information provided within the ecological assessments and the biodiversity metric. All recommendations and methods of working including mitigation, avoidance and enhancement measures should be conditioned along with an updated construction environmental management plan and habitat management plan. (12.04.2022)

Previous comments - The ecology team request that the totality of the biodiversity metric be submitted as part of the planning decision. It is important that the actual calculations are submitted to allow for open and transparent decision making, scrutiny of evidence and for us to determine what the pre/post habitats are classified as in the metric, their condition, difficulty and temporal factors etc. and whether we agree with how they have been determined. All that has currently been submitted is a summary table and we are unable to determine if the scheme is adequate. (19.10.2021).

**LDC Environmental Health**- No objections were raised (22.10.2021)

**LDC Joint Waste Officer**- Confirmed they have no comments to make on the application (05.10.2021).

### **LETTERS OF REPRESENTATION**

26 letters of representation have been received in respect of this application. Of these, 20 responses have been submitted in support of the application, based on the viewpoint that the proposal will play a critical role in helping replace the need for fossil fuels, and the green credentials of the scheme.

The remaining 6 representations received from local residents raise objections to the application. The comments are summarised as follows:

- Impact on traffic flows within the villages of, Hill Ridware and Colton
- Construction traffic disruption
- Objections to the proposed routes, notably Route C through Hill Ridware which was deemed unacceptable for HS2.
- Impact on Public Rights of Way/ Public Rights of Way not identified in the submissions
- Hemming in of the Public Rights of Way
- Existing hedgerow almost non existing next to the Public Rights of Way.
- Area has already been severely impacted upon by HS2.
- Consultation with local residents was inadequate prior to submission of the application.
- The development has scant regard for local residents or the countryside.
- Unclear proposals for the grid connection.
- Increased noise levels/ disturbance.
- Glint and glare affecting neighbouring houses.

- Loss of excellent agricultural land.
- HS2 has already taken good quality agricultural land in the area.
- Cumulative impacts with another farm being constructed at Cawarden Springs.
- New houses should be constructed with solar panels to avoid countryside impacts.

### **PLANS CONSIDERED AS PART OF THIS RECOMMENDATION**

Location Plan dated as received 28 September 2021  
 Planning Boundary Plan dated as received 28 September 2021  
 Preliminary Layout 1.0 dated as received 24 February 2022  
 7361/ASP3/LSP Landscape Strategy Plan dated as received 28 September 2021  
 D-OPD-BF-02 Communications Tower Detail dated as received 07 October 2021  
 D-OPD-BF-03 Typical Solar Panel Detail dated as received 07 October 2021  
 D-OPD-BF-04 Typical Frame and Anchor Detail dated as received 07 October 2021  
 D-OPD-BF-05 Typical Site Track Detail dated as received 07 October 2021  
 D-OPD-BF-06 Typical Transformer Housing Detail dated as received 07 October 2021  
 D-OPD-BF-07 Typical Control Room Detail dated as received 07 October 2021  
 D-OPD-BF-08 Typical Substation Housing Detail dated as received 07 October 2021  
 D-OPD-BF-09 Typical Security Fence Detail dated as received 07 October 2021  
 D-OPD-BF-03 Typical Security System Detail dated as received 07 October 2021  
 Typical Connection Housings Detail dated as received 07 October 2021  
 SJG3561 1:500 Topography plan dated as received 28 September 2021  
 CCTV Day/ Night Camera CCTV 5-50 Details dated as received 28 September 2021  
 FC Series Fixed IP Thermal Camera Details dated as received 28 September 2021  
 Transport Statement Rev A dated as received 21 October 2021  
 Preliminary Ecological Assessment dated as received 28 September 2021

### **OTHER BACKGROUND DOCUMENTS**

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

Noise Assessment dated as received 28 September 2021  
 Arboricultural Impact Assessment dated as received 28 September 2021  
 Design and Access Statement dated as received 28 September 2021  
 Planning and Sustainability Statement dated as received 28 September 2021  
 Statement of Community Involvement dated as received 28 September 2021  
 Agricultural Land Classification Report dated as received 28 September 2021  
 Flood Risk Assessment/ Drainage Strategy dated as received 28 September 2021  
 Heritage Statement dated as received 28 September 2021  
 Landscape and Visual Impact Assessment dated as received 28 September 2021  
 Cannock Chase SAC Impact and Mitigation Statement dated as received 28 September 2021  
 Construction Traffic Management plan dated as received 28 September 2021  
 Glint and Glare Study dated as received 28 September 2021  
 Site Selection Report dated as received 28 September 2021

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### **OBSERVATIONS**

#### **Site and Location**

The application site relates to a cluster of irregularly shaped agricultural fields, each separated and contained by a range of hedgerows with occasional trees, amounting to approximately 60 hectares. The land is currently in agricultural use and is located 1.5km north east of Rugeley, between the villages of Colton (to the north west), Blithbury (to the north east) and Hill Ridware (to the south east). The site is accessed off Stoneyford Lane, with the closest buildings being Black Flatts Farm and its associated agricultural buildings to the northern boundary and Hadley Gate Farm, Stoneyford Farm and additional rural dwelling houses along the North Eastern boundary of the site. Also, along the

North Eastern boundary of the site there is a pond area which is immediately adjacent to the boundary with the application site. It is also noted that there are two further large ponds located centrally within the site.

Public Footpath No. 6 Mavesyn Ridware Parish runs through the centre of the main site from north to south. Beyond the site boundaries to the north of the site lie public footpaths Colton 14 and 15, and to the south beyond the site boundary lies public footpath Mavesyn Ridware No.10. The site falls partially within the Parish of Colton but, is largely located within the Parish of Mavesyn Ridware.

The redline boundary extends to the south of the site down through Stoneyford Lane, along the B5014 through Hill Ridware to the grid connection point located to the East of Mavesyn Ridware. Whilst the red line boundary extends out of the main part of the site, all infrastructure between the on-site substation in the south eastern corner of the main part of the site adjacent to Stoneyford Lane to the grid connection point would be below ground.

The site's ground levels are highest towards the centre of the site, and fall from here to the east, south and west. There is a more gradual fall to the north. There is a gradual rise in ground levels within a part of the southern site area, but with levels in general falling towards the southwest.

There are no structures across the site at the present. The site is within Flood Zone 1, which has the lowest probability of flood risk. A small area of the site, adjacent to the north western boundary which is adjacent to a pond forms a small pocket of HS2 safeguarding land. The nearest heritage asset is Bentley Hall Cottage which is Grade II listed and located 800m to the south east of the site. The site lies approximately 3.5km from the boundary of the Cannock Chase Area of Outstanding Natural Beauty (AONB).

It should be noted that an application (ref.21/00359/FULM) for solar farm development was approved in November 2021. The application site for this proposal is located to the south west of the application site.

## **Background**

As required under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017), a Screening Opinion was undertaken, prior to the submission of this application. It was determined under planning ref. 20/01862/SCREE that an Environmental Impact Assessment was not required.

## **Proposals**

This application seeks permission for the installation of a solar farm, comprising ground mounted solar PV panels arranged in rows with a net generating capacity (AC) of up to 49.9MW. The scheme also proposes the associated infrastructure including the mounting system, 10 No. Inverter cabinets, a monitoring cabin and substation. Underground cabling to a grid connection point, CCTV and landscaping/ environmental enhancements for a temporary period of 35 years.

The proposal is for installation of ground mounted photovoltaic cells, maximum height 3.5m above ground level. The proposal also includes inverters, transformers, a control centre room and substation. Inverters and substation will have heights of approximately 4m. The site will be fenced with mesh fencing. Field boundary trees and hedgerows are indicated to be mainly retained, and the LVIA indicates that hedges would be managed to attain their full potential height.

The solar panels will have a maximum height of up to 3m, with a gap of 0.7-0.9m at their lowest edge to the ground. The solar panels will be static (non-rotating) and they will be spaced to avoid shadow and elevated on an angled steel frame. They will also be sited to achieve optimum exposure for solar energy absorption in east to west rows and distanced such in a way that surface water runoff does not over accumulate. 10 No Inverter cabinets are interspersed within the site, mainly around the site boundaries.

The inverter cabinets would have an overall height of 2.9m, with a length of 12m and a width of 2.4m. Solar panels generate direct current (DC) electricity, which must be converted to usable alternating current (AC) power for the electricity distribution network. This is done by inverters stored within the cabinets.

The monitoring cabin and substation are located in the south eastern corner of the main site adjacent to Stoneyford Lane. The substation will comprise of 2 no. pre-fabricated cabins and the control room will be located directly adjacent to the substation buildings. The control room will measure up to 12.2m in length, 4.1m in width and 2.9m in height. The buildings and cabins will all be finished in a dark green colour.

An initial landscaping plan has been provided which indicates additional hedge and tree planting to all boundaries, along with the retention and enhancement of existing field boundaries. The field boundaries within the site would therefore be retained. Wildflower planting is proposed between the edge of the panels and the site/ field boundaries. The wider site would be enclosed by 2m high deer fencing, which will include gates and gaps for wildlife. To either side of the public right of way which dissects the site, hedging will be either planted or reinstated. The applicant has confirmed that the land underneath and around the panels can be used for sheep grazing once the panels have been installed.

An Agricultural Quality Report submitted as part of the application confirms the following gradings in terms of agricultural land classification:

ALC Grade	Hectares	%
2	6.6	10.6
3a	26.7	43.1
3b	27.6	44.5
Non-ag	1.1	1.8
Total	62.0	100

The proposed access to the solar farm site would be off Stoneyford Lane. The application is supported by a Transport Statement which identifies 3 possible routes for construction traffic. These routes have been considered in detail by the Staffordshire County Council Highways team and are discussed in more detail below.

The application is supported by a number of documents, including transport, ecological, trees, noise, flood risk, agricultural land classification, glint and glare assessment and landscape visual impact reports. Information regarding site selection and community involvement prior to the submission of the application has also been provided.

During the course of the application the plans have been revised to remove some of the panels located to the south of the site and to increase proposed areas of landscaping. Additional information, including extra viewpoints have been provided to support the Landscape Visual Impact Assessment (LVIA).

### Determining Issues

1. Policy & Principle of Development
2. Design, landscape and heritage impacts
3. Residential Amenity
4. Access and Highway Safety
5. Ecology and Impact on Trees
6. Cannock Chase Special Area of Conservation
7. Drainage and Flooding
8. Other Issues
9. Human Rights

## 1. Policy & Principle of Development

1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document.

### *National Planning Policy and Guidance*

1.2 The UK Government is committed to increasing domestic renewable energy provision to address the projected growth in global energy demand and address the concern over long term fossil fuel supplies. At the heart of the National Planning Policy Framework (NPPF) lies the presumption in favour of sustainable development in decision-making. The NPPF sets out an approach that is proactive towards renewable energy developments. A key paragraph within the NPPF for consideration alongside this application is Paragraph 152 where it states that: *'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure'*.

1.3 Paragraph 158 of the NPPF goes on to state that, when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small scale projects provide a valuable contribution to cutting greenhouse emissions and approve applications of its impacts are (or can be made) acceptable.

1.4 The presumption in favour of sustainable development and support of the transition to a low carbon future reflects the wider national and European policy and legislative framework, including the Renewable Energy Directive 2009/28/EC and the European Council 2030 Climate and Energy Framework. Domestic policy such as the Climate Change Act 2008, National Policy Statement for Energy (EN-1) and the Clean Growth Strategy represent the UK's commitment to achieving the targets set by the European Council 2030 Climate and Energy Framework to achieve at least a 40% reduction in greenhouse gas emissions by 2030. In addition, on May 1st 2019, the UK Government declared an Environment and Climate Change Emergency with further commitments to reducing the anthropogenic impacts on the climate and biodiversity.

1.5 The Environment Act is also a material consideration as part of this application. The Act has arisen from the governance gaps produced by Brexit and as an opportunity to provide measures for the significant environmental challenges faced. Royal Assent was received in November 2021, meaning that it is now an Act of Parliament and significant new governance structures for managing and improving the environment together with more specific measures on water and resources, air quality, water and nature and biodiversity are in place.

1.6 In addition to specific planning guidance, the Government has also issued the 'UK Solar PV Strategy Part 1: Roadmap to a Brighter Future' in October 2013 and the 'UK Solar PV Strategy Part 2' in April 2014. These documents set out the four guiding principles, which form the basis of Government's strategy for solar PV. These principles are:

- Support for solar PV should allow cost-effective projects to proceed and to make a cost effective contribution to UK carbon emission objectives in the context of overall energy goals – ensuring that solar PV has a role alongside other energy generation



technologies in delivering carbon reductions, energy security and affordability for consumers;

- Support for solar PV should deliver genuine carbon reductions that help meet the UK's target of 15 per cent renewable energy from final consumption by 2020 and in supporting the decarbonisation of our economy in the longer term – ensuring that all the carbon impacts of solar PV deployment are fully understood;
- Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them; and
- Support for solar PV should assess and respond to the impacts of deployment on grid systems balancing; grid connectivity; and financial incentives – ensuring that we address the challenges of deploying high volumes of solar PV.

### *Local Planning Policy*

1.7 Lichfield District Local Plan Strategy Core Policy 3: Delivering Sustainable Development lists a number of key issues that future development proposals should address in order to achieve sustainable development. Below are the key issues relevant to this application:

- protect and enhance the character and distinctiveness of Lichfield District and its settlements;
- use our natural resources prudently and conserve, enhance and expand natural, built and heritage assets and improve our understanding of them wherever possible;
- minimise levels of pollution or contamination to air, land, soil or water, including noise and light pollution;
- maximise opportunities to protect and enhance biodiversity, geodiversity and green infrastructure;
- facilitate energy conservation through energy efficiency measures as a priority and the utilisation of renewable energy resources wherever possible.

1.8 Development Management Policy SC2: Renewable Energy has targets within it which have been largely superseded by changes to Government targets and, there have been changes to Government Policy set out above through the NPPG. However, the policy has within it a target that the District should strive to meet a minimum of 10% of its energy demand through renewable energy sources by 2020 through a variety of technologies including solar. It also sets out various criteria for assessing renewable energy developments. Whilst the targets for renewables and the date has changed the criteria for assessing renewable energy developments are still relevant. The criteria include:

- The degree to which the scale and nature of the proposal reflects the capacity and sensitivity of the landscape or townscape to accommodate the development;
- The impact on local amenity, including residential amenity;
- The impact of the proposal on sites of biodiversity value, ancient woodland and veteran trees;
- The impact on the historic environment, including the effect on the significance of heritage assets and their setting and important views associated with valued landscapes and townscapes; and
- The proximity to, and impact on, transport infrastructure and the local highway network.

1.9 Lichfield District Council is of one of many Local Authorities that have declared a Climate Emergency and have set target dates for achieving Net Zero emissions. Whilst the target dates for Net Zero vary from Authority to Authority, Lichfield District Council are targeting 2050.

1.10 As shown in Table 4.7. which has been taken from "Baseline Report Climate Change Adaptation & Mitigation Staffordshire County Council (dated 20 November 2020), Lichfield

had an estimated total of 11.9 MW LZC electricity capacity installed as of the end of 2018 with a total generation of 16,061 MWh. Of these installations there are a total of 1,424 photovoltaics, which are estimated to account for around 57.5% of LZC electricity generation in Lichfield.

Table 4.7. Renewable electricity generation (as at end of 2018) - Lichfield

	Total Installations	Installed Capacity (MW)	Total Generation (MWh)
Photovoltaics	1,424	9.5	9,237
Onshore Wind	8	1.9	4,061
Hydro	1	<0.1	9
Anaerobic Digestion	1	0.5	2,754
<b>Total</b>	<b>1,434</b>	<b>11.9</b>	<b>16,061</b>

- 1.11 Solar Photovoltaic (PV) energy generation is a renewable power technology that uses solar panels to convert light from the sun directly into electricity. The electrical output of the panels is dependent on the intensity of light they are exposed to, this part of the Country experiences good light levels that make solar panels an efficient form of renewable energy production. Photovoltaic cells do not need to be in direct sunlight to work, as such on overcast days the panels will still generate a limited level of energy output.
- 1.12 Battery storage units will allow power to be stored and released to the grid during periods of peak demand and lower power output. For instance, during the winter, the peak demand is between 4pm and 7pm and therefore the batteries will enable the release of stored power during that period when the panels may have stopped generating power due to darkness. The batteries enable the 'peak and trough' of power output to be flattened off and enable the scheme to provide a more reliable and consistent power to the grid to match periods of high demand, thereby maximising the efficiency of and output from the land.
- 1.13 The proposal seeks to generate 49.9MW of energy, this will contribute, it is estimated, enough electricity equivalent to the annual consumption of approximately 13,700 homes and would make a contribution to meeting the Council's target for energy production from renewable sources. There are relevant policies within the adopted Local Plan to support each of the criteria namely NR1: Countryside Management: which recognises the important economic role of the countryside and seeks to support development proposals which (at bullet point 3) provide for the sensitive use of renewable energy resources (in conjunction with Core Policy 3 and Development Management Policies SC1 and SC2), NR3: Biodiversity, Protected Species and their Habitats, Policy NR4: Trees, Woodland and Hedgerows, NR5: Natural and Historic Landscapes, Core Policy 14: Our Built and Historic Environment and BE1: High Quality Development.
- 1.14 The proposed development is within the zone of influence of the Cannock Chase Special Area of Conservation. Policy NR7: Cannock Chase Special Area of Conservation requires that, before development can be permitted it must be demonstrated that alone or in combination with other development it will not have an adverse effect upon the integrity of the SAC having regard to avoidance or mitigation measures. This is considered in more detail later in the report.
- 1.15 As such, it is clear from the above that both national and local planning policies support renewable energy generation, including solar farm developments, and therefore, subject to general development management criteria, including the impact on the character of the area, landscape impacts, biodiversity, amenity and heritage assets, the principle of including solar power generation within this scheme, is supported. The following sections of this report consider the specific impacts of the development.

## 2. Design, landscape and heritage impacts

- 2.1 The NPPF in Section 12 sets out that Government attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area defining characteristics, it states that developments should:
- Function well and add to the overall quality of the area
  - Establish a strong sense of place
  - Achieve appropriate densities
  - Respond to local character and history, and reflect local surroundings and materials
  - Create safe and accessible environments
  - Be visually attractive as a result of good architecture and appropriate landscaping.
  - Opportunities should be taken to incorporate trees
- 2.2 With regard to conserving and enhancing the natural environment, paragraph 174 states that: 'The planning system should contribute to and enhance the natural and local environment, protecting and enhancing the valued landscapes.
- 2.3 Core Policy 3 and Policy BE1 of the Local Plan Strategy advises that new development should provide an explanation of how the built form will respond to the topography of the site and maintain long distance countryside views and, the need for a landscape framework that integrates the development within the landscape. Policy BE1 sets out requirements in order to achieve high quality developments.
- 2.4 Core Policy 13 sets out the importance of natural resources within the District and confirms that decisions will contribute to the management and protection of the Cannock Chase Area of Outstanding Natural Beauty.
- 2.5 As part of the consideration of the application, Officers have commissioned Crestwood Environmental Ltd, a registered practice of the Landscape Institute, to review the submissions, including the Landscape and Visual Impact Assessment, in relation to landscape and visual impacts. Following their initial response, further detailed information; which included an updated assessment, plans and additional representative views was submitted, which was subject to a subsequent review by Crestwood Environmental on behalf of the Council.
- 2.6 The methodology for undertaking the Landscape Visual Impact Assessment (LVIA) surrounds the assessment of visual sensitivity and magnitude of effect on views. A range of panoramic photographs and a Zone of Theoretical Visibility was included in the LVIA assessment initially submitted which was undertaken in January 2021. Additional viewpoints and updated information were provided by the applicants following queries raised by the Councils consultants.
- 2.7 In terms of the landscape impacts, the initial assessment set out that the proposed solar farm and associated infrastructure, whilst present, would be a defining element within the landscape (each field parcel) at a site level, primarily as the result of the addition of the solar panels. However, it is fair to recognise that owing to preservation of the underlying character, restorability upon decommissioning, various landscape mitigation proposals, the landscape will not be permanently, fundamentally altered and some aspects of the proposals are positive. Effects would also likely further reduce over time. As such, the submitted LVIA 'Moderate' assessment rating is fair insofar as interpreting the degree of harm that should be weighed in the balance, rather than it be considered a Major, permanent and unacceptable harm in planning terms.
- 2.8 The effects on the wider landscape character of adjacent areas, decreases with distance and is described within the LVIA. The Councils consultants agreed with the LVIA that the character and characteristics of the wider landscape would not be materially, substantially or

fundamentally harmed; and as a matter of professional opinion the degree of harm would be at Moderate or lower level. This is also in the context that the landscape beyond was historically associated with the Rugeley Power Station, noting the solar panels are a relatively low-lying structure that follow the prevailing landform as opposed to other structures.

- 2.9 It is considered that the most sensitive receptors are nearby dwellings, the local public footpaths within the site and within the wider landscape context with views towards the AONB, and any visibility from open land within the Cannock Chase AONB towards the site. The concerns raised by the Cannock Chase AONB Partnership are noted and the impact on the setting, landscape and natural beauty of the AONB has been considered by the Councils appointed consultants.
- 2.10 In landscape impact terms, Cannock Chase AONB is highly sensitive. The impacts to and from this area have been assessed as part of the proposals, both within the submissions and through the evaluation of the proposals carried out by Crestwood Environmental Ltd. In isolation it is not considered that the proposed development will have a significant detrimental impact on Cannock Chase AONB or its setting, in the context of Rugeley. Any visibility from the AONB towards the site would be likely to be fragmented and the development of limited visual influence.
- 2.11 Assessment of the views of the development have been undertaken from 20 locations (including multiple viewpoints from some of the locations) within the submitted LVIA and the LVIA addendum. These views have been categorised and reviewed by Crestwood Environmental on behalf of the Council. The assessment criteria provides for the impact levels ranging from Neutral through to very large. The views are also considered 'over time' where allowances for growth in vegetation are given weight. It is generally considered that an effect which is of 'Large' to 'Very Large' significance or above, is likely to be a pertinent 'material consideration' in the decision-making process.
- 2.12 In terms of the impacts on the Public Right of Way network (PRoW), the Councils consultants have confirmed there will be localised harm to the visual amenity afforded to footpath users through the site and in close proximity to the site. The updated LVIA has identified a series of views from the PRoW network that surround the site to the north / east / south that have Major or Major/Moderate Adverse effects, and therefore are considered to be significant adverse visual effects. It is noted that the adverse effects diminish with distance from the site. This localised harm needs to be weighted accordingly in the planning balance.
- 2.13 Cumulative effects have been considered between the proposed development and the recently consented Colton Mill solar development (application ref: 21/00359/FULM). In terms of 'combined effects' where the observer is able to see two or more developments from one viewpoint this would be highly unlikely given the topography of the area and existing vegetation cover. It may be possible to view both developments from locations within and in close proximity to the AONB, but given the distances between receptor groups and solar schemes, it is likely that the proposals would be difficult to discern, resulting in a minor level of adverse cumulative (combined) visual effect.
- 2.14 Sequential visual effects occur 'when the observer has to move to another viewpoint to see the same or different developments. Sequential effects may be assessed for travel along regularly used routes such as major roads or popular path'. The frequency of sequential effects is also given consideration in the LVIA assessments submitted. The LVIA Addendum refers to a 'local ridge' that runs between the application site and the Colton Mill Solar Farm and is graphically shown on the Visual Analysis Plan included within the Addendum. Running along this local ridgeline is a footpath (Colton 20) where views were identified of the proposed development. Taking into consideration the varying degree of existing vegetation cover to either flank of this footpath, it is likely that any sequential effects are limited to 'Occasional Sequential' effects noting visibility is limited to the occasional field gate or access track along the public footpath. In conclusion, it is considered that there would be very limited

opportunity from the public footpath network to view both solar farms cumulatively. It may be possible to view both developments from longer range viewpoints, including from the AONB, however these impacts would diminish due to the distances involved.

- 2.15 Local to the main site, it is acknowledged that the proposed substation will be visible. The submitted LVIA provides little information on the impacts of this element. Notwithstanding this, it is noted that the visibility of the substation will be within the context of the solar arrays and landscaping is proposed to screen the infrastructure to soften urban impacts of the development. The Councils consultants have recommended that detailed landscape and ecological mitigation plans are provided in order to ensure implementation of the Landscape Strategy Plan and should include details of the planting, establishment, and management details. A suitably worded condition to this effect is recommended.
- 2.16 As such having due regard to the LVIA and the comments of the Councils Environmental Consultants, it is considered that the proposals are acceptable and no undue harm would result on the landscape, including the AONB. There would be localised harm to views from the Public Right of Way which dissects the site, however this would be localised to the small distance of pathway that runs through the site. Additional landscaping is proposed to either side of the Public Right of way in mitigation. External lighting of the site, which may result in detrimental impacts to the rural locality, the surroundings of the site and biodiversity can be controlled by condition. Therefore, on balance subject to other development management criteria the development would be in accordance with the Development Plan and NPPF in this regard.
- 2.17 Turning to heritage impacts. Paragraph 189 of the National Planning Policy Framework states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and they should be conserved in a manner appropriate to their significance.
- 2.18 Under Paragraph 199 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 201 provides that, where the harm caused by a development proposal to the significance of a heritage asset will be less than substantial, that harm should be weighed against the public benefits of the proposal. Paragraph 203 of the Framework provides a requirement for the effect of an application on a non-designated heritage asset to be taken into consideration, with a balanced judgement required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 2.19 In determining planning applications with respect to any building or other land in a Conservation Area, Local Planning Authorities have a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to, or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 2.20 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or, as the case may be, the Secretary of

State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 2.21 In terms of the Local Plan Strategy, Core Policy 14: Built and Historic Environment sets out that the significance of designated heritage assets and their settings will be conserved and enhanced and given the highest level of protection. Policy BE2: Heritage Assets of the Local Plan Allocations document sets out that development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset (including non-designated heritage assets) or its setting. Policies within the Local Plan are supplemented by the Historic Environment Supplementary Planning Document.
- 2.22 The application is supported by a Heritage Statement. The heritage statement confirms that within 5km of the site, there are 5 Listed Buildings and 2 Conservation Areas in Colton and Mavesyn Ridware. Archaeological features were also assessed within a 1km distance of the site, 25 were identified, with 3 being within the site itself. Medieval and early/ post medieval ridge and furrow was also identified within the site. The submitted Heritage Statement assesses the impact on all heritage assets within the 5km study area and identifies no harm.
- 2.23 The Conservation Officer raises no objections to the scheme but requested further consideration was given to the impacts on the nearest Listed Building Bentley Hall Cottage which is Grade II listed and located 800m away from the site to the South West. The cottage sits adjacent to Bentley Hall Farm and its associated agricultural buildings. Whilst the site lies within the wider hinterland of the building, the heritage impact assessment sets out that the application site itself does not contribute to the significance of these assets as rural farm buildings, instead forming the wider aesthetic. There will be no direct visibility between the farmhouse and the majority of the proposed solar farm due to the topography of the land, where there is a ridge separating the two. However, there may be some glimpsed visibility from the cottage of panels located on higher elevated ground in the east of the site. This visibility, however, will be seen in conjunction with the surrounding land which will remain in agricultural use, and thus will represent a negligible change within a wider viewshed. It should be noted that the proposed solar farm is a temporary construction which will have a limited lifespan, at which point the site can be returned to agricultural land as the development is reversible. The impacts on the heritage asset are therefore considered to be acceptable and would result in no harm.
- 2.24 The submitted heritage statement identifies that the site contains known archaeological remains and to have a potential to contain further buried remains which are as yet unrecorded dating from the prehistoric to post-medieval periods.
- 2.25 The County Council's Archaeologist has been consulted on this planning application and advises that as the scheme may impact on archaeological interest within the area a condition is necessary to ensure an archaeological watching brief is carried out prior to any development taking place. As such an appropriately worded condition is recommended.
- 2.26 It is noted that no direct heritage benefits would arise from the scheme. However, it is considered that significant weight can be afforded to the development in terms of the public benefits of the scheme, which include the generation of large-scale renewable and low carbon energy generation which reaches beyond the immediate locality of the site. In heritage terms, the scheme is accordingly considered to accord with the Development Plan and NPPF in this regard.

### 3. Residential Amenity

- 3.1 The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all. Policies CP3 and BE1: High Quality Development of the Local Plan Strategy states that new development should have a positive impact on amenity, by avoiding

development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.

- 3.2 Given the separation distances and the relationship with the nearest residential properties, it is considered that the proposals would not lead to a loss of light or overbearing impact. The application is supported by a 'Glint and Glare' assessment which concludes that there would be no significant impacts on nearby residential properties. Additional landscaping is proposed along the boundaries with the nearest residential properties, which would mitigate localised visual impacts of the scheme.
- 3.3 The solar panels themselves are inert and as such emit no noise, dust or vibrations. The inverter cabins would be the main source of noise, with the noise principally attributed to cooling fans. The fans would be operational during daylight periods when the solar farm is generating electricity. The operation of the fans is temperature controlled and would only operate at full speed (i.e. generating the highest levels of noise) when the temperatures within the cabins were high, which would occur during the middle of the day when solar generation was at a peak and when ambient temperatures were generally around 30°C. At other times the fans would operate at lower speeds and during the early morning / late evening periods, when solar energy was lower, the fans would generally either not be operational or running at low speed, thus generating lower levels of noise. The locations of the inverter stations have been located at least 300 metres from the surrounding properties, to ensure that noise levels associated with the operation are minimised. The submitted noise assessment concludes that the proposal would not result in any significant adverse impacts and thus is compliant with the requirements of the NPPF. The Councils Environmental Health Team have reviewed the proposals and raise no objections to the scheme, confirming that no safeguarding conditions are required.
- 3.4 In terms of impacts on residential amenity, the proposal is therefore considered to be acceptable. As such, it is considered that the proposals would accord with the Development Plan and NPPF in this regard.

#### 4. Access and Highway Safety

- 4.1 The NPPF sets out under paragraph 111 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 In terms of the Local Plan, Core Policy 5 sets out that new development should be supported by the appropriate infrastructure and new facilities should be designed so that they are integrated and accessible. Policy ST1 confirms that the Council will seek to ensure that sustainable travel patterns are achieved and policy ST2, supplemented by Parking Standards in the Sustainable Design SPD sets out parking requirements for new development.
- 4.3 The application is supported by a Transport Statement which provides an assessment of the impacts of the development. It is acknowledged that the main highway impacts will be associated with the construction phase of the proposal. Representations received from local residents also refer to the cumulative impact of the construction alongside the implementation of HS2 which has led to overall disruption within the locality. Once up and running, solar farms require little maintenance, with activity limited to occasional visits to check and test the installation, with personnel using small vehicles (4x4 or transit van type). Furthermore, the transport statement confirms that, once operational, the frequency of visits to the site will only be 'one visit per month'. Therefore, long term vehicle movements associated with the site will be very low and would not generate any significant intensification in the use of the local highway network. Consideration has also been given to the scheme in view of the fact that the existing agricultural use will remain on site, with sheep grazing within the solar array area.

- 4.4 In terms of the construction phase, it is anticipated that the total construction period would not exceed 48 weeks, including preparation of the site, fencing, assembly of the panels and installation of the inverters/ transformers and the grid connection. The applicant has agreed to partaking in before and after video surveys of the surrounding highway network to ensure that any damage to the adopted highway and verges etc. can be identified and rectified upon completion of the construction phase. This can be secured by condition.
- 4.5 Consideration has also been given to the routing of construction traffic, with the submitted transport statement providing three options for the routing of HGV's during the construction phases. The Staffordshire County Highways Officer concurs with the transport statement in that the most suitable route would be Route A, which would direct traffic from the A51 at Rugeley, along the Blithbury Road and south down Stoneyford Lane to the site. This route would avoid the villages of Hill Ridware and Colton. The route would be secured within an updated construction management plan, which would be a requirement of an appropriately worded condition.
- 4.6 The Staffordshire County Highways Officer has also requested improvements to the access to the site to include an area of hard standing be actioned prior to any works being carried out, visibility splays at the access and details of parking, turning and servicing areas. It is noted that these details can be secured by condition. Subject to these conditions, no objections have been raised to the scheme by the Staffordshire County Highways Officer. In terms of National and Local Planning Policies relating to the accesses and highway safety to the local and wider road networks, subject to conditions, the scheme is considered acceptable.
5. Ecology and Impact on Trees
- 5.1 To comply with the guidance contained within Paragraphs 9, 174 and 179 of the NPPF and the Council's biodiversity duty, as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 5.2 In line with these requirements, Local Plan Strategy Policy 13 'Our Natural Environment' supports the safeguarding of ecological networks. Local Plan Strategy Policy NR3 sets out that development will only be permitted where it protects, enhances and restores the biodiversity and geodiversity value of the land and buildings and requires all development within the district to provide a net gain to biodiversity. Should an application be submitted full regard must be had to any protected/priority species which may be affected. Details of any avoidance of harm/mitigation/compensation/habitat improvements must be incorporated within the proposed development. Local Plan Policies are supplemented by the Biodiversity and Development SPD which provides further advice in relation to ecological matters.
- 5.3 The Councils Ecology team are satisfied with the methodology and the information provided in the various surveys and consider that it is unlikely that the proposed works will impact on protected species. The submitted biodiversity metric has assessed the site's biodiversity value. The Ecology Team considers that the quantitative data within this document is an accurate depiction of value/s of the habitat currently on the site (as regards total area, type, distinctiveness and condition). The Local Planning Authority is therefore in a position to demonstrate compliance with regulation 9(3) of the Habitat Regs. 1994 (as amended 2017), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species. It is also deemed that the Local Planning Authority has sufficient understanding to discharge its Biodiversity Duty (as defined under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006). Conditions are attached to ensure that the works are carried out in accordance with the recommendations and methods of working detailed in the surveys submitted.
- 5.4 Furthermore, subject to conditions requiring a Habitat Management Plan and detailed landscaping plan to be submitted, which will include future habitat creation works, it will



ensure a net gain to biodiversity is achieved in line with the requirements of Policy NR3 of the Local Plan Strategy. In ecological terms, it can be concluded that sufficient information has been provided and the objectives of the policies as set out are met.

- 5.5 Paragraph 180 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm.
- 5.6 Paragraph 131 of the Framework sets out that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 5.7 The site does not contain any protected trees. The Councils Tree Officer has raised no objections to the proposal and as set out above an updated detailed landscape plan will be secured by condition along with an arboricultural method statement.
- 5.8 Given the above assessments, it is concluded that the development will not, subject to conditions, have an adverse impact upon trees and hedgerows and is therefore compliant with the requirements of the Development Plan and NPPF in this regard.

## 6. Cannock Chase Special Area of Conservation

- 6.1 The agreed strategy for the Cannock Chase SAC is set out in Policy NR7 of the Council's Local Plan Strategy, which requires that before development is permitted, it must be demonstrated that in itself or in combination with other development it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC having regard to avoidance or mitigation measures. In particular, dwellings within a 15km radius of any boundary of Cannock Chase SAC will be deemed to have an adverse impact on the SAC unless or until satisfactory avoidance and/or mitigation measures have been secured.
- 6.2 Subsequent to the adoption of the Local Plan Strategy, the Council adopted further guidance on 10 March 2015 (updated in April 2022), acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the zone of influence. Although this site lies within the 0-8 km area of the zone, the scheme does not relate to residential development so will not impact on visitors to the SAC, as such is not directly liable to SAC payment. The LPA have conducted an HRA screening assessment to check if the proposal is likely to have a significant effect on the site's conservation objectives. It was determined that it would not, and that the proposal will not result in any adverse effects on the integrity of the SAC. On this basis, it is concluded that the LPA have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

## 7. Drainage and Flooding

- 7.1 Section 14 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.

7.2 The site is located within Flood Zone 1, where there is a low probability of flooding. The Lead Local Flood Authority and Severn Trent have been consulted and raise no objections to the scheme. Confirmation has also been provided that no drainage conditions would be required in this instance. In drainage and flooding terms, the proposals are therefore considered to be acceptable. As such, it is considered that the proposals would accord with the Development Plan and NPPF in this regard.

8. Other Issues

*Public Rights of Way*

8.1 During the course of the application, the plans have been updated to include references to the Public Rights of Way and planting mitigation is proposed along the directly affected public footpath which cuts through the site. From the information provided, Officers are satisfied that the development will not directly affect the Public Rights of Way, however the attention of the applicant will be drawn to the requirement that any planning permission does not construe the right to divert, extinguish or obstruct any part of the public footpaths.

*Best and most versatile agricultural land and soils*

8.2 Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where land is graded from 1-5.

8.3 The land has been surveyed and an agricultural quality report has been submitted. The report is based on a soil survey by sampling soil at 67 locations across the site at a depth of 1.2m. Further information has been obtained from the Soil Survey of England and Wales. The report confirms the following with respect to the grading of the agricultural land:

ALC Grade	Hectares	%
2	6.6	10.6
3a	26.7	43.1
3b	27.6	44.5
Non-ag	1.1	1.8
Total	62.0	100

8.4 The NPPF sets out in footnote 58 that 'where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality'. The National Planning Practice Guidance (NPPG) advises that local planning authorities should consider the following factors:

- The proposed use of any agricultural land is necessary.
- That poorer quality land has been used in preference to higher quality land.
- That the proposal allows for continued agricultural use and/or encourages biodiversity improvements around arrays.

8.5 In summary, planning policy does not restrict development of solar farms on agricultural land where it is shown to be necessary, nor does it prevent the use of higher-grade land. Rather, it expresses a preference for using poorer quality land unless it can be justified on economic grounds and where other benefits can be demonstrated, including for biodiversity.

8.6 The application is supported by a Site Selection Report, which sets out that no suitable sites containing non-agricultural land with viable grid connection were found. The requirement to use agricultural land has therefore deemed to be necessary. The site selection report outlines the process undertaken and sets out why other site have been discounted. In conclusion, it

has been demonstrated that agricultural land is required to deliver the solar farm, mainly because of the scale of the area required and viable connections to the National Grid.

- 8.7 In terms of the guidance set out in the NPPG, it has been established and evidenced that the proposed use of agricultural land is necessary in this case to deliver the proposal. The submissions also set out why poorer quality land has been used in preference to higher quality land. Whilst the development includes the use of grade 2 and grade 3a (i.e. best and versatile agricultural land) this is not precluded in policy terms and the proposal allows for continued agricultural use of the land and encourages biodiversity improvements around arrays with wildflower, hedgerow and tree planting.
- 8.8 The application site has a willing landowner and is available for development and therefore is considered deliverable and developable, as defined by policy. It is of a suitable size to accommodate a viable solar farm project and avoids designated areas such as Green Belt, Areas of Outstanding Natural Beauty or heritage assets. Natural England, a statutory consultee has raised no objections to the scheme and it is noted that the agricultural use would not be lost, in particular as sheep grazing would be carried out once the farm is operational and eventually, after a period of 35 years the scheme would be decommissioned. The proposal would not lead to the loss of any grade 1 agricultural land and soil.
- 8.9 Therefore, in accordance with policy, the development will secure wider benefits from natural capital and ecosystem perspectives. Compliance with policy combined with significant benefits such as the generation of significant amounts of renewable low carbon power, improved resilience of the electricity grid by combining solar power with battery energy storage to reduce the risk of blackouts at peak times of energy demand, new planting and habitat creation alongside the retention of agricultural use set out a convincing case for the use of this agricultural land. The proposal is therefore considered to be acceptable in this regard. As such, it is considered that the proposals would accord with the Development Plan and NPPF in this regard.

#### *High Speed 2 Safeguarding Area*

- 8.10 There is a small area of land which has been designated as a safeguarding area for the delivery of HS2 within the application site. HS2 have responded to the original consultation and confirmed that an alternative safeguarding area is being established. Whilst no further information has been provided from HS2 during the course of the application, the applicant has confirmed that advanced discussions have taken place and assurance has been provided from HS2 that the woodland planting originally designated within the application site as mitigation for HS2 will now be delivered off site. HS2 are unable to remove the original allocated land from the High Speed Rail (West Midlands- Crewe) Bill which now has Royal Assent, however have provided the applicant with written confirmation that there is an allowance for the change and as such in reality, the minor safeguarding area at this location is no longer required.

#### 9. Human Rights

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

## Conclusion

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

It is considered that the LVIA and Appraisal in support of the application offers an overall fair appraisal of the degree of landscape and visual harm. Overall, the findings of the LVIA are agreed in that it is considered the proposed development is unlikely to result in major or unacceptable harm to the landscape and visual amenity in its surroundings.

The proposal is a large-scale solar farm, located in a rural location. Whilst solar panels are alien to the rural character, a considerable area of natural landscaping is proposed to be retained and enhanced around the boundaries of the site. Solar panels are predominantly low-lying features that follow the contours of the land. The underlying character is preserved in respect of the prevailing field pattern, with hedgerow boundaries preserved and enhanced through the proposals. Thus, the landscape character is fully restorable upon decommissioning (albeit likely in this case to be 35 years into the future), and the wider landscape enhancements will also afford benefit in the long term. No particularly highly sensitive or rare/unusual landscape features have been identified that may be unduly lost to development.

Whilst the proposals will form a noticeable addition in the landscape at the site, on balance, it is not considered that the adjacent rural landscape character will be deteriorated to a significant or unacceptable degree. The impacts on heritage assets in the vicinity of the site have been given full and thorough consideration, and taking into consideration the topography of the land it is not considered that the proposals would cause harm to the setting or significance of any heritage assets including Conservation Areas and Listed Buildings. The County Archaeologist has confirmed that heritage impacts below ground can be controlled by a suitably worded condition to ensure appropriate recordings are undertaken. In line with the requirements of the NPPF, the public benefits of the scheme have been given appropriate weight.

It is not considered that the proposed development, with appropriate mitigation measures in place during the construction period, will have a detrimental impact on residential amenity and there are no technical issues in terms of Highway Safety which cannot be overcome by condition.

The loss of best and versatile land has been raised as a significant objection by Mavesyn Ridware Parish Council. Through the site selection process, the applicant has demonstrated the need to use this site, and it has been set out why other sites were discounted. The site would remain in agricultural use and taking into consideration important policy considerations it is not considered that a refusal could be sustained on such grounds.

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

# LOCATION PLAN

21/01945/FUH  
16 The Woodlands  
Lichfield

Scale: 1:1,000

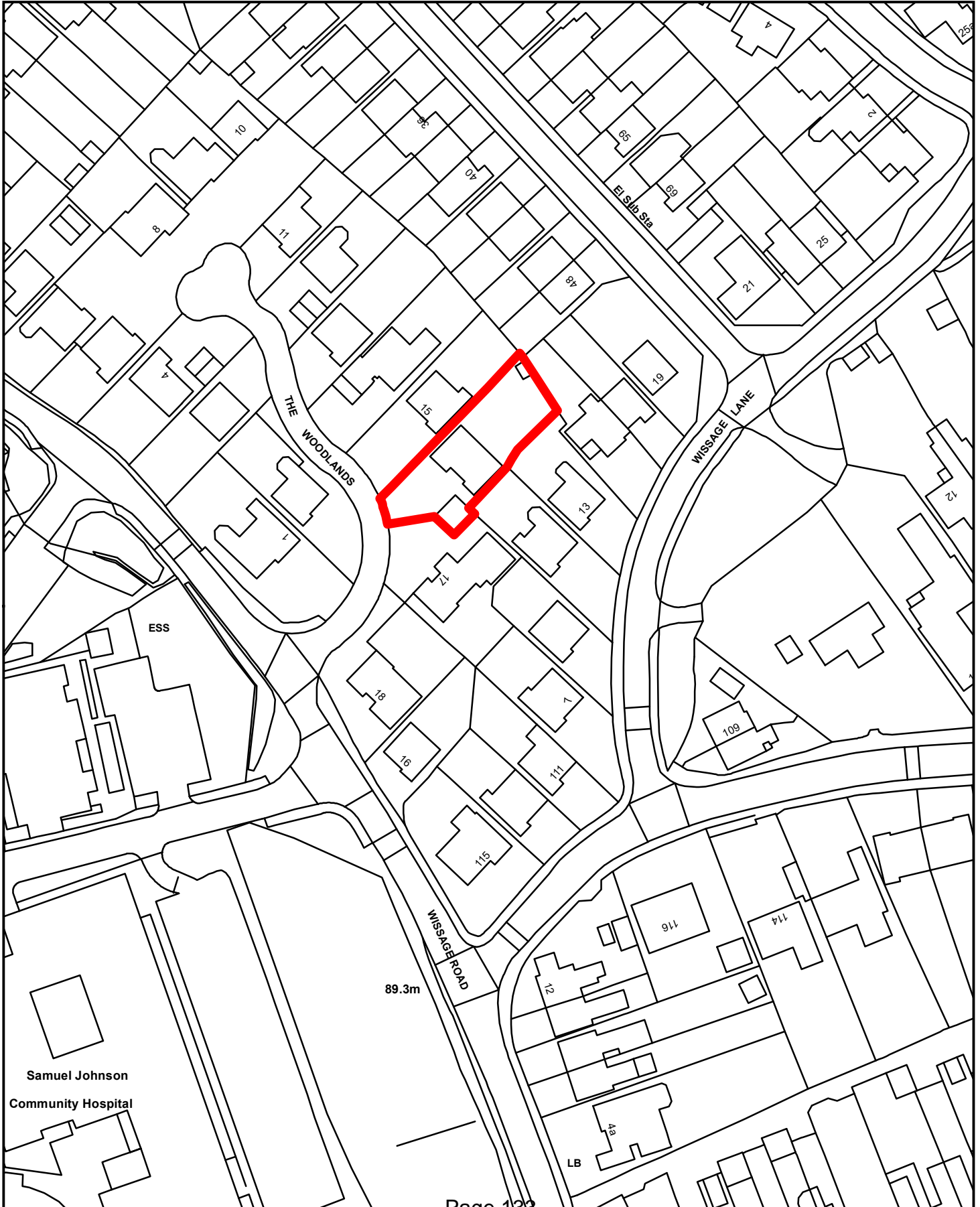
Dated: May 2022

Drawn By:

Drawing No:



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## **21/01945/FUH**

**ERECTION OF A TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION AND ALTERATIONS TO GARAGE TO FORM A GYM/ WORKSHOP  
16 THE WOODLANDS, LICHFIELD, WS13 6XE  
FOR Mr S Nock**

Registered **18/11/2021**

**Parish: Lichfield City**

**Note:** This application is being reported to the Planning Committee due to a call in request by Cllr Anketell. The concerns raised are summarised as follows:

- The scale of this extension seems to be out of keeping with nearby properties and has an overbearing and oppressive/intimidating effect on the next door neighbours at 17 The Woodlands and the back garden neighbours at 11 Wissage Lane, whose properties are at a significantly lower level.

**RECOMMENDATION: Approve, subject to the following conditions:**

### **CONDITIONS**

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. Notwithstanding any description/details of external materials in the application documents, the external brickwork and roof tiles shall match in colour and texture those of the existing dwelling.
4. The first floor window in the side elevation facing the boundary with No.11 Wissage Lane as indicated on the plans approved shall be permanently glazed in a minimum of level 3 Pilkington obscure glass (or its equivalent) and shall be fixed shut. The window shall be maintained as such thereafter.
5. Within one month of completion, 1 No. Bat and 1 No. Bird box shall be installed within the site. The bat/ bird boxes shall thereafter be retained as such for the life of the development.

### **REASONS FOR CONDITIONS**

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP3, NR3 and BE1 of the Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.
3. To ensure the satisfactory appearance of the development in accordance with the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable

Design SPD, the Lichfield City Neighbourhood Plan and the National Planning Policy Framework.

4. To safeguard the privacy of occupiers of the adjacent properties in accordance with Policies CP3 and BE1 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
5. In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.

#### **NOTES TO APPLICANT:**

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), Lichfield District Local Plan Allocations (2019) and the Lichfield City Neighbourhood Plan (2018).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.

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#### **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 NR3 - Biodiversity, Protected Species & their habitats  
Policy NR7 - Cannock Chase SAC  
Policy ST2 - Parking Provision

##### **Supplementary Planning Document**

Sustainable Design SPD  
Biodiversity and Development SPD

##### **Lichfield City Neighbourhood Plan**

No policies are relevant to this application

##### **Emerging Lichfield District Local Plan 2040**

The emerging Lichfield District Local Plan 2040 has recently completed its Regulation 19 public consultation stage (August 2021) and is awaiting final updating and submission to the Secretary of State for the Department for Communities and Local Government for appointment of an independent Planning Inspector to undertake a public examination of the draft Local Plan. At this stage limited weight is given to the draft Emerging Local Plan Policies.

## **RELEVANT PLANNING HISTORY**

There is no relevant planning history.

## **CONSULTATIONS**

**Lichfield City Council**- Previous objections still apply. Objection on grounds of scale; this large extension will be out of keeping with the nearby properties. Also concerns regarding the loss of amenities to some neighbours both on The Woodlands and also on Wissage Lane. (10.3.2022)

Previous comments: Object to the proposal on the grounds of the scale, it is considered that the extension will be out of keeping and loss of amenities to neighbours on The Woodlands and Wissage Lane. (30.11.2021)

**Severn Trent Water**- No objections. Domestic extensions are dealt with by Building Regulations. (04.1.2022)

## **LETTERS OF REPRESENTATION**

Four letters of objection have been received from neighbouring occupiers relating to the original scheme. These objections are available to view on the Council website. They are summarised below –

- The overall scale, mass and design of the extensions
- The overall scale, mass and design of the alterations proposed to the existing garage
- The development is not in keeping with its surroundings
- The addition of an office above the existing garage could lead to traffic issues
- The extensions/ alterations to the garage could set an unfortunate precedent in the area
- Overbearing impact
- Loss of privacy/overlooking

Following receipt of revised plans and further re-consultation with neighbouring occupiers, one further comment was received reiterating previous objections which can be summarised as being on the grounds of overbearing impact, loss of light and outlook and the scale/ height of the proposal.

## **PLANS CONSIDERED AS PART OF THIS RECOMMENDATION**

E001 Existing Location and Block Plan dated as received 18 November 2021

E002 Existing Plans and Elevations dated as received 18 November 2021

P001 Rev F Proposed Plans and Block Plan dated as received 20 April 2022

P002 Rev F Proposed Elevations dated as received 20 April 2022

P003 Rev D Proposed Garage Alterations dated as received 28 February 2022

25 Degree Rule Plan dated as received 20 April 2022

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## **OBSERVATIONS**

### **Site and Location**

This application relates to a detached dwelling, located in a residential area comprising of similar style and scaled properties. The application property has brick elevations with a gable roof over and benefits from a detached double garage and large driveway within the frontage of the site. There are various examples of extensions visible to neighbouring dwellings. The application property is set perpendicular to No.17 The Woodlands and forms a corner grouping within the surrounding street scene. Ground levels rise towards the North of the site, which results in the application property being set down from No.15 The Woodlands by 0.8m. No.15 is set back and has a single storey garage and flat roof extension adjacent to the boundary with the application site. The rear boundary comprises of a 0.8m high wall with 1.8m high close board fencing over.



The rear boundaries of No's 11 and 13 Wissage Lane adjoin the side boundary of the application site. Due to the overall differences in ground level, these properties are set down from the application property by 1.37m. There is a 1.8m high fence along the boundary with the properties in Wissage Lane, with additional screening provided by hedging within the adjacent gardens.

The application site benefits from a large rear garden which also contains a separate outbuilding. The application site is located within the settlement boundary for Lichfield as set out in the Local Plan.

## Proposals

This application seeks permission for the erection of a first floor extension to the side of the property above the existing single storey side extension, a single storey rear extension and alterations to the existing detached garage to form a workshop and garage.

The proposed first floor side extension would have a pitched half hip roof over, and would be finished in brick and tiles. A two storey gable with a glazed window feature is proposed to the front elevation, and to the side 2 No. additional windows are proposed, one to the ground and one to the first floor. The gable would project forward of the main front elevation by 0.75m. Both side facing windows would be obscurely glazed, with the first floor window being non opening. Internally, a W.C would be provided at ground floor with an additional bedroom and gallery area at first floor.

The proposed single storey rear extension extends the full width of the property to an overall depth of 4m. The extension would be constructed from matching materials and would have a pitched roof over. Bi fold doors are included to the rear elevation and a corner window feature is proposed. Internally, the extension would provide an enlarged kitchen and dining area and a music room.

During the course of the application the proposals relating to the existing detached double garage have been revised, with an originally proposed first floor extension omitted from the scheme. As revised, the proposals seek to convert the existing garage into a workshop/ gym. The existing garage doors would be replaced by bi-fold doors, and an existing door on the side elevation of the garage would be blocked up with an additional window added to facilitate the change of use.

## Determining Issues

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

### 1. Policy & Principle of Development

1.1. Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Lichfield City Neighbourhood Plan was also made in 2018 and as such, also carries full material weight.

1.2. The NPPF sets out a presumption in favour of sustainable development that is supported in Core Policy 2 of the Local Plan Strategy. Paragraph 11 of the NPPF states that "*Plans and decisions should apply a presumption in favour of sustainable development*" and that, for decision making, this means "*approving development proposals that accord with an up-to-date development plan without delay*".

1.3. The site is within the City of Lichfield and the proposals would relate to residential development to an existing dwelling house. In principle, the proposal is considered to be acceptable in terms of the policies set out in the Local and Neighbourhood Plan.

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

2.1. Core Policy 3 states that development should: “*protect and enhance the character and distinctiveness of Lichfield District*”; “*be of a scale and nature appropriate to its locality*” and “*encourage the re-use of previously developed land*”. Policy BE1 of The Lichfield Local Plan Strategy requires that all development including residential extensions carefully respects the existing built vernacular with regard to scale, layout and architectural design.

2.2. The proposed development seeks to modernise an existing residential dwelling and will include design features of the existing dwelling alongside additional modern elements. The property along with its garage is set back from the general street scene of the Woodlands, and it is considered that the development would not have an adverse impact on the character of the surrounding street scene.

2.3. The proposed roof design of the first floor extension is in keeping with the existing dwelling house and the gable feature will remain subservient to the existing original larger gable feature on the front elevation. The use of matching materials will ensure that the proposed extensions would not have an adverse impact on the character of the property or the wider area. The proposed alterations to the garage would be visible from the street scene, however it is not considered that they would be detrimental to visual amenity within the locality.

2.4. The proposals have a good quality visual presentation that is considered to meet the design requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy and the Sustainable Design SPD. In terms of overall design and impact on the character of the surrounding area the scheme is considered to be acceptable.

## 3. Residential Amenity

3.1. Core Policy 3 of the Lichfield Local Plan Strategy states that development should “*protect the amenity of our residents*”.

3.2. The Sustainable Design SPD sets out guidance for residential development that seeks to prevent the loss of amenity to occupiers of neighbouring dwellings. This includes the 45 and 25 Degree guidelines to assess the impact on light and outlook amenity along with separation distances and minimum garden depths to ensure there is adequate separation between existing dwellings and new proposed built form. Objections have been raised from neighbouring properties with regards to loss of light, and also the creation of an overbearing impact.

3.3. In terms of the impact upon No.17 The Woodlands, it is noted that the originally proposed first floor extension to the garage has now been omitted from the scheme, as such the impacts on the neighbouring property in this regard would be no worse than the current situation in terms of residential amenity. Whilst the use of the garage would be different from existing, it would remain residential.

3.4. The rear elevations of No’s 11 and 13 Wissage Lane face the side elevation of the proposal. Both properties have been extended with a conservatory to the rear, and No.11 has a single storey side extension which projects out from the original rear elevation of the main dwelling by 1.25m. These properties are set 1.37m lower than the application dwelling. Of particular relevance in the assessment of the application in this case is the 25 Degree guideline which seeks to assess the impact of a new building opposite an affected window and the identification of a separation distance of 13m between the 2 storey parts of each dwelling to avoid any undue overbearing impact on neighbouring properties in terms of outlook. A

separation of 10m is required between an existing two storey elevation and a new single storey extension. The SPD goes onto state that increased separation distances will be required where there are significant variations in ground level between new development and existing development. As a general guide, the distance separation between proposed development and existing development should be increased by 2 metres for every 1 metre rise in ground level, where the proposed development would be on a higher ground level.

- 3.5. Turning first to the impact on No. 11 Wissage Lane. In this case, a separation of 13.2m is achieved between the two-storey rear elevation of No.11 and the proposed two storey flank wall of the extension. In line with the requirements of the SPD and taking into consideration the ground level differences a guideline distance of 15m is required between the two storey rear elevation of the adjacent properties and the proposed new extensions. Whilst it is noted there is a shortfall of 1.8m, the extension has been revised by hiping the main roof of the proposal, in order to comply with the 25 Degree Code. Taking into consideration the existing situation, the boundary treatments and compliance with the 25 Degree Code policy it is not considered that a refusal of the scheme could be sustained on the grounds of unacceptable overbearing impact.
- 3.6. The existing rear elevation of No.13 Wissage Lane would face the single storey rear element of the proposal with a separation distance of 13.2m. The separation achieved would exceed the requirement of 13m (10m plus an additional 2m to account for ground level differences) set out in the Sustainable Design SPD. As such, it is considered that the impact on this property is acceptable.
- 3.7. Given the relationship between the application property and No.15 The Woodlands, it is considered that there would be no unacceptable impact on residential amenity and the requirements set out in the Sustainable Design SPD would be met. It is further noted that sufficient garden space would remain to serve the application property as the minimum size and depth requirements would be achieved.
- 3.8. Further to the above, on balance the proposals are considered acceptable within regard to residential amenity and accord with the objectives of the aforementioned policies.

#### 4. Impact on Ecology

- 4.1. Policy NR3 of the Local Plan Strategy states that development will only be permitted where it *“Protects, enhances, restores and implements appropriate conservation managements of the biodiversity and/or geodiversity value of the land and buildings”*. It further requires that all development deliver a net gain for biodiversity.
- 4.2. In line with Policy NR2 of the adopted Local Plan, a condition has been recommended to ensure that a bat/bird box is installed on site to secure biodiversity net gains for both bats and birds have been included in this recommendation.

#### 5. Access and Highway Safety

- 5.1. No alterations are proposed to the existing vehicular access. The guidance within Policy ST2 and the Sustainable Design SPD focus upon parking provision in relation to the number of bedrooms at a dwelling. This application results in a net increase in one bedroom within the property and the loss of the existing parking spaces within the garage. The site is considered to retain sufficient space for the private parking of 2 No. vehicles which is in accordance with the maximum requirements of the SPD for 4no bedroom dwellings. The development is therefore considered to have sufficient private parking provision.

#### 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 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.

The proposed development has been amended during the course of the application and as a result complies with the objectives of adopted planning policies which seek to protect the character of the surrounding locality and ensures that the existing residential amenities of the neighbouring occupiers are not compromised.

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

# LOCATION PLAN

22/00086/FUL  
18 Eastridge Croft  
Shenstone  
Lichfield

Scale: 1:1,250

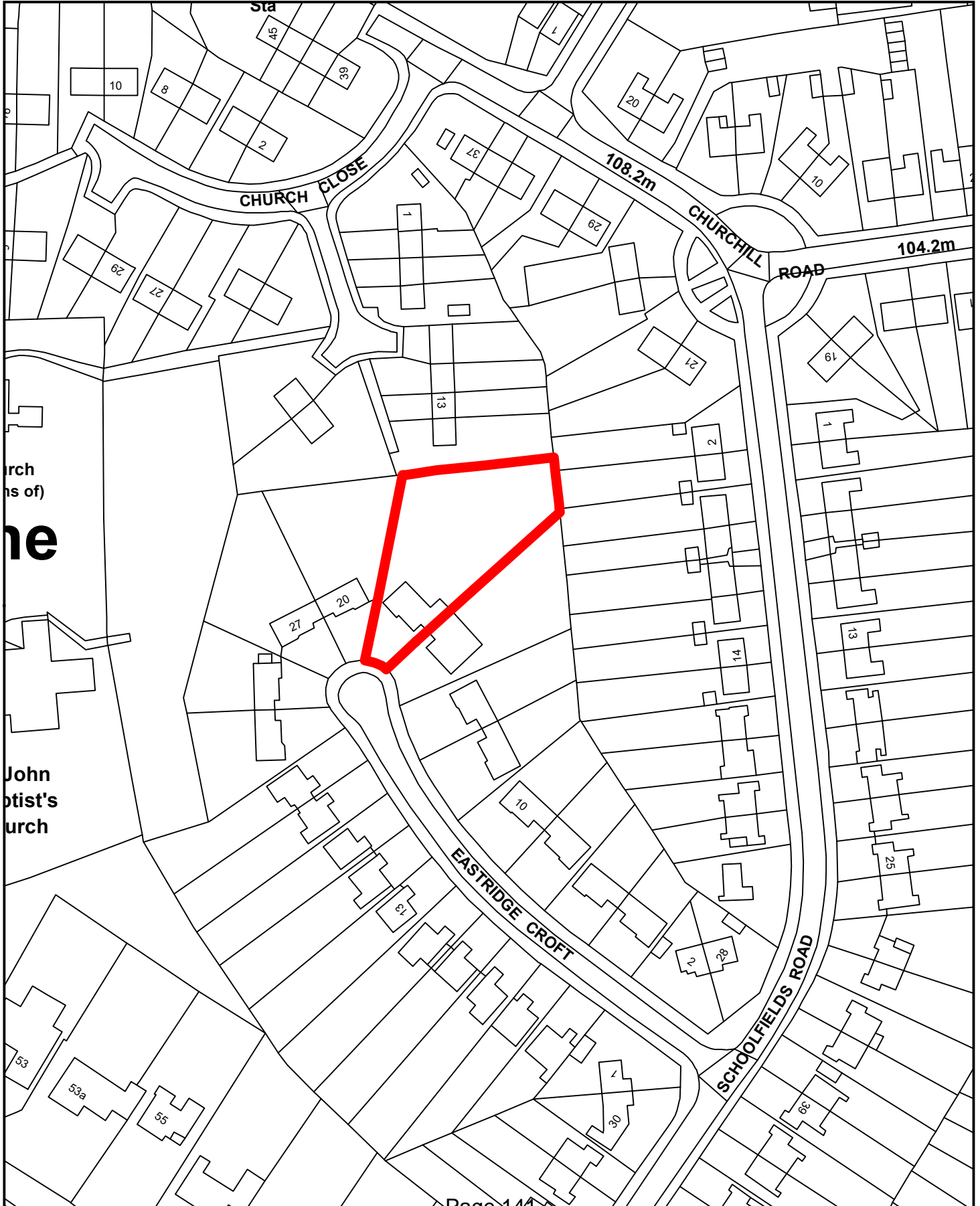
Dated: May 2022

Drawn By:

Drawing No:



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**22/00086/FUL**

**DEMOLITION OF 1NO BUNGALOW AND ERECTION OF 2NO DORMER BUNGALOWS  
18 EASTRIDGE CROFT, SHENSTONE, LICHFIELD, STAFFORDSHIRE  
FOR Mr R Outram**

Registered **13/01/2022**

**Parish: Shenstone**

Note: This application is being reported to the Planning Committee, due to significant planning objections raised by Shenstone Parish Council. Their objections are summarised as follows:

- Non-conformity with key housing policies and the Shenstone Neighbourhood Plan.
- Object to the amended full planning application.
- Residential infill and back land development contrary to the Shenstone Neighbourhood Plan.
- Does not reflect character or protect amenity.
- Does not demonstrate adequate amenity for neighbouring properties.
- Not in keeping with the architectural styles of the surrounding residential properties.
- Internal domestic living space and daylight concerns.

A call-in request has also been received from Cllr Salter on the following grounds:

- Design concerns
- Ecology concerns
- Planning Policy concerns
- Residential amenity concerns
- Conflict with policies H2, H3 and H4 of the Shenstone Neighbourhood Plan.
- Affects an established wildlife corridor.

**RECOMMENDATION: Approve, subject to the owners/applicants submitting a Unilateral Undertaking relating to the payment for recreational mitigation for the Cannock Chase SAC and the following conditions:**

**CONDITIONS:**

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

**CONDITIONS to be complied with prior to commencement of development:**

3. Before the development hereby approved is commenced, protective measures as detailed within the Arboricultural Implications Assessment and the Tree Protection Plan shall be erected in full and retained for the duration of construction activity in the interest of providing adequate protection for the retained trees on the site.
4. Before the development hereby approved is commenced, a detailed landscape and planting scheme (incorporating the retention of any existing trees) 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.

**All other CONDITIONS to be complied with:**

5. The materials and finishes for the scheme of development hereby approved shall accord with the descriptions/ details outlined within the approved documentation of this planning permission.
6. The development hereby approved shall not be brought into use until a 2m wide bound and porous retaining strip is implemented directly behind the highway boundary covering the full width of the vehicular access and shall thereafter be retained for the lifetime of the development.
7. The dwellings hereby approved shall not be occupied until the access, parking and turning areas have been completed in accordance with the submitted 'Proposed Layout Plan' and shall be thereafter retained for the lifetime of the development.
8. Before the first occupation of the dwellings hereby approved, the boundary treatments shall be provided in accordance with the approved plans. The boundary treatments shall be maintained for the lifetime of the development.
9. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site and which dies or is lost through any cause during the period of 5 years from the date of first planting shall be replaced in the next planting season with other of a similar size and species.
10. Before the first occupation of the dwellings hereby approved 2 No. Bird Boxes, one for each plot, shall be installed within the application site and retained for the lifetime of the development.
11. All existing trees shown as being retained on the approved plans shall be retained and protected in line with the Tree Protection Barrier recommendations contained within figure 7.2 of the British Standard 5837 (2012) 'Trees in relation to construction'. Such fencing shall be erected before the development commences and shall be retained at all times whilst construction works are taking place.
12. The development authorised by this permission shall also be carried out in complete accordance with the approved Preliminary Bat Roost Assessment - Ref: CE2007.
13. All site clearance works shall occur outside of the bird nesting season (March to September). This shall include sensitive clearance of vegetation to avoid harm to any hedgehogs and other small mammals - also ensuring connectivity to allow travel onto and out of the site (i.e. hedgehog holes/small gaps along the bottom perimeter of walls and fences) and the inclusion of hedgehog homes.

**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 Policies CP1, CP2, CP3, CP4, CP5, CP6, CP13, CP14, H1, H2, NR3, NR4, NR5, NR6, NR7, SC1, SC2, ST1, ST2, BE1, Shen1, and Shen4 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Sustainable Design SPD, the Biodiversity and Development SPD, the Historic Environment SPD, the Trees Landscaping and

Development SPD, the Shenstone Neighbourhood Plan (2016), and the National Planning Policy Framework.

3. To ensure the adequate retention and protection of trees within the site, in accordance with Policies BE1, CP3, NR3, and NR4 of the Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Historic Environment SPD, the Trees Landscaping and Development SPD, the Shenstone Neighbourhood Plan (2016), and the National Planning Policy Framework.
4. In order to encourage enhancements in biodiversity and habitat and to ensure that appropriate mitigation planting is provided, in accordance with Policies CP3, CP13, CP14, BE1 and NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD the Trees, Landscaping & Development SPD and the National Planning Policy Framework.
5. To ensure the satisfactory appearance of the development in accordance with the requirements of Policies CP3, and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Sustainable Design SPD, the Shenstone Neighbourhood Plan (2016), and the National Planning Policy Framework.
6. In the interests of providing adequate parking provision and highway safety in accordance with Policies CP3, CP5, ST1, and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, and the National Planning Policy Framework.
7. In the interests of providing adequate parking provision and highway safety in accordance with Policies CP3, CP5, ST1, and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, and the National Planning Policy Framework.
8. To ensure the satisfactory appearance of the development in accordance with the requirements of Policies CP3, and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Sustainable Design SPD, the Shenstone Neighbourhood Plan (2016), and the National Planning Policy Framework.
9. In order to encourage enhancements in biodiversity and habitat and to ensure that appropriate mitigation planting is provided, in accordance with Policies CP3, CP13, CP14, BE1, and NR3 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Historic Environment SPD, the Trees Landscaping and Development SPD, the Shenstone Neighbourhood Plan (2016), and the National Planning Policy Framework.
10. In the interests of enhancing biodiversity in line with Policies CP13 and NR3 of the Lichfield Local Plan Strategy, the Biodiversity & Development SPD, and the National Planning Policy Framework.
11. To ensure the adequate retention and protection of trees within the site, in accordance with Policies BE1, CP3, NR3, and NR4 of the Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Historic Environment SPD, the Trees Landscaping and Development SPD, the Shenstone Neighbourhood Plan (2016), and the National Planning Policy Framework.
12. In the interests of enhancing biodiversity in line with Policies CP13 and NR3 of the Lichfield Local Plan Strategy, the Biodiversity & Development SPD, and the National Planning Policy Framework.
13. In the interests of enhancing biodiversity in line with Policies CP13 and NR3 of the Lichfield Local Plan Strategy, the Biodiversity & Development SPD, and the National Planning Policy Framework.



## **NOTES TO APPLICANT:**

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019) and the Shenstone Neighbourhood Plan (2016).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
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](http://www.lichfielddc.gov.uk/cilprocess).
5. The applicant's attention is drawn to the comments of Severn Trent Water dated 19 January 2022 and 08 April 2022.
6. The applicant's attention is drawn to the comments of the Lichfield District Waste Management Officer dated 14 January 2022 and 07 April 2022.
7. The applicant's attention is drawn to the comments of the Lichfield District Arboriculture Officer dated 04 February 2022.
8. The applicant's attention is drawn to the comments of the Lichfield District Ecology Officer dated 28 January 2022.

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## **PLANNING POLICY:**

### **National Planning Policy**

National Planning Policy Framework  
National Planning Practice Guidance

### **Local Plan Strategy**

Policy CP1 - The Spatial Strategy  
Policy CP2 - Presumption in Favour of Sustainable Development  
Policy CP3 - Delivering Sustainable Development  
Policy CP4 - Delivering Our Infrastructure  
Policy CP5 - Sustainable Transport  
Policy CP6 - Housing Delivery  
Policy CP13 - Our Natural Resources  
Policy CP14 - Our Built & Historic Environment  
Policy H1 - A Balanced Housing Market  
Policy H2 - Provision of Affordable Homes  
Policy NR3 - Biodiversity, Protected Species & their Habitats

Policy NR4 - Trees Woodland & Hedgerows  
Policy NR5 - Natural & Historic Landscapes  
Policy NR6 - Linked Habitat Corridors & Multi-functional Greenspaces  
Policy NR7 - Cannock Chase Special Area of Conservation  
Policy SC1 - Sustainability Standards for Development  
Policy SC2 - Renewable Energy  
Policy ST1 - Sustainable Travel  
Policy ST2 - Parking Provision  
Policy BE1 - High Quality Development  
Policy Shen1 - Shenstone Environment  
Policy Shen4 - Shenstone Housing

#### **Lichfield Local Plan Allocations Document**

Policy BE2 - Heritage Assets

#### **Shenstone Neighbourhood Plan (2016)**

Policy H1 - Dwelling mix  
Policy H2 - Residential infill and backland development  
Policy H3 - Design of residential development  
Policy H4 - Provision of private amenity space to serve residential development

#### **Supplementary Planning Document**

Sustainable Design SPD  
Biodiversity and Development SPD  
Historic Environment SPD  
Trees, Landscaping and Development SPD

#### **Lichfield District Local Plan 2040**

The emerging Lichfield District Local Plan 2040 has completed its Regulation 19 public consultation stage (August 2021) and is awaiting final updating and submission to the Secretary of State for the Department for Communities and Local Government for appointment of an independent Planning Inspector to undertake a public examination of the draft Local Plan. At this stage limited weight is given to the draft Emerging Local Plan Policies.

#### **RELEVANT PLANNING HISTORY:**

There is no relevant planning history.

#### **CONSULTATIONS:**

**Shenstone Parish Council:** Objects to the proposals for the following reasons -

- Nonconformity with key housing policies and the Shenstone Neighbourhood Plan.
- Object to the amended full planning application.
- Residential infill and back land development contrary to the Shenstone Neighbourhood Plan.
- Does not reflect character or protect amenity.
- Does not demonstrate adequate amenity for neighbouring properties.
- Not in keeping with the architectural styles of the surrounding residential properties.
- Internal domestic living space and daylight concerns. (25.1.22 & 14.4.22)

**Severn Trent Water:** No objections and does not require a drainage condition to be applied. (19.1.22 & 08.4.22)

**Staffordshire County Council (Highways):** No objection subject to relevant planning conditions. (8.2.22)

**Waste Management:** No objections - Developments of individual houses must include unobtrusive areas suitable to accommodating at least 3 x 240l wheeled bins and 1 x recycling bag. The Joint

Waste Service provides a kerbside collection service; therefore, residents will be expected to present their bins at the nearest appropriate highway on collection days. (14.1.22 & 7.4.22)

**Spatial Policy and Delivery Team:** No Objection -The proposed development is in accordance with the NPPF and the adopted Local Plan Strategy and therefore there are no policy objections. (26.1.22)

**Tree Officer:** Further assessment of the site has been carried out since that time. The measures proposed within the Arboricultural Implications Assessment and the Tree Protection Plan are sufficient to provide protection for the retained trees on the site if implemented correctly. A suitably worded pre-commencement condition should be applied to any consent granted for the proposed scheme to ensure the protective measures are erected prior to development and retained for the duration of construction activity. (19.4.22)

Previous comments: The Arboricultural Implications assessment details the impact of the development on retained trees/vegetation within the site and contains control measures for the site during development. There are a number of trees proposed to be removed to facilitate the development and further appraisal of the site will be required prior to final comments being issued. (04.2.22)

**Ecology Team:** Satisfied that the bat and bird survey confirmed there is no evidence of bats using the structure or site to roost, and no further survey work is required. There are no ponds or waterbodies nearby to have issues with GCN or otters. Previous concerns were surrounding the garden area of the site which has become overgrown and seems to include areas of scrub which can be valuable habitat to multiple species. Measures to ensure sensitive clearance occurs so that no harm is caused to any other species and loss to biodiversity is compensated for can be conditioned. (26.4.22)

Previous Comments: Further survey works required. (21.4.22)

Previous Comments: Satisfied with the methodology and the information provided within the submitted Preliminary Bat Roost Assessment. The conclusions of the assessment are concurred with in that (given the data provided) it can now be considered unlikely that the proposed works would negatively impact. No further ecological survey effort is required from the applicant at this time. (28.1.22)

#### **LETTERS OF REPRESENTATION:**

A total of 13 letters of representation were initially received in respect of the planning submission. The comments received are summarised as follows:

- Contrary to Shenstone Neighbourhood Plan.
- Inappropriate backland development.
- Excessive scale of development.
- Overdevelopment in the locality.
- Impact on character and appearance of the nearby conservation area.
- Bungalows proposed are out of character with the existing close.
- Excessive scale, bulk and massing.
- Detrimental impact on neighbouring properties.
- Overlooking and consequential loss of privacy.
- Increased problems with parking.
- Limited off-street parking provision.
- Parking and access concerns.
- Loss of wildlife habitat.
- Loss of trees and hedgerows.
- Bin storage provision concerns.
- Extra pressure on utilities.
- Noise and pollution caused by demolition.

- Demolition and building construction related disruption.
- General nuisance from builders.

Following receipt of amended plans a further re-consultation occurred. A further 14 responses were received from neighbouring occupiers. 7 objections were received reiterating the above referenced points and 7 comments were received in support. The support comments received can be summarised as follows:

- Design and positioning have been carefully thought through,
- The development will enhance the locality,
- Housing of this nature is required and is desirable,
- Properties will enhance the cul-de-sac,
- The development would be suitable for elderly residents,
- Would not cause any problems to anyone.

#### **PLANS CONSIDERED AS PART OF THIS RECOMMENDATION:**

Application Form

Location Plan

Preliminary Bat Roost Assessment - Ref: CE2007

Ea-2022-006(aia) rev.a - Rec 04/04/2022

Ea-2022-006(tcp) rev.a - Rec 04/04/2022

Ea-2022-006(tpp) rev.a - Rec 04/04/2022

Ea-2022-006(tshp) rev.a - Rec 04/04/2022

Amended Development Proposal - Pages 1 to 9 - Rec 07/04/2022

#### **OBSERVATIONS:**

##### **Site and Location**

The application site comprises of a semi-detached bungalow and associated garden area situated at the northern end of the Eastridge Croft cul-de-sac. The surrounding locality is predominantly residential. The application site is of an irregular shape being narrow at the point where it joins the highway and becoming wider to the rear. The site has an area of approximately 1330 square metres. The topography of the site is such that the existing dwelling is situated on higher ground with the rear garden of the existing dwelling sloping away towards the rear of the site, with neighbouring residential properties situated beyond the rear of the application site.

The site is located within the Shenstone village settlement boundary as identified on Inset 22 of the Local Plan Strategy Policies Map. The site does not fall within Shenstone Conservation Area, or impact upon any Listed Buildings. However, the site does fall within the 8-15km Cannock Chase Special Area of Conservation (SAC), and within Flood Zone 1.

##### **Proposals**

The applicant is seeking planning permission for the proposed demolition of 1 bungalow and the erection of 2 dormer bungalows on this site.

The existing rear garden land is proposed to be sub-divided to accommodate an additional bungalow to the rear of the existing property. The existing property, situated towards the front of the site, is proposed to be demolished and a new bungalow re-built in its place. Associated driveways, parking areas, and amenity space is proposed to serve each dwelling.

Plot A, situated towards the rear of the site, includes a living room, garage, open plan kitchen-dining-living room, and a gym at ground floor level. A dormer styled design is proposed to accommodate three bedrooms, a study, an en-suite, a bathroom, and a dressing room within the first-floor roof space. Front and rear facing dormers are proposed as part of a modern/ contemporary design. The property will have a rear private amenity space of approximately 405sqm, and a rear garden depth in excess of 10m is proposed. Two off-street car parking spaces are proposed to serve this plot. Access to this property is proposed down the western side of Plot B.

Plot B, situated towards the front of the site, includes a living room, garage, open plan kitchen-dining-living room, a utility room, and a gym at ground floor level. A dormer styled design is proposed to accommodate three bedrooms, a study, an en-suite, a bathroom, and a dressing room within the first-floor roof space. Like Plot A, front and rear facing dormers are proposed as part of a modern/ contemporary design. The property will have a rear private amenity space of approximately 223sqm, and a rear garden depth in excess of 10m is proposed. Three off-street car parking spaces are proposed to serve this plot direct off Eastridge Croft.

Proposed materials and finishes include brickwork, render, metal and wooden cladding. Further to this tiled and flat roofing is proposed as well as green aluminium windows and doors.

Following the initial submission amended plans have been received following concerns raised by consultees.

### **Determining Issues**

1. Policy & Principle of Development
2. Design & Impact upon Heritage Assets
3. Residential Amenity
4. Access and Highway Safety
5. Arboricultural Impacts
6. Ecology
7. Drainage
8. Planning Obligations & Cannock Chase SAC
9. Human Rights

#### **1. Policy & Principle of Development**

1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Shenstone Neighbourhood Plan was also made in 2016 and as such, also carries full material weight.

1.2 Paragraph 11 of the NPPF advises that plans and decisions should be considered in the context of the presumption in favour of sustainable development and that housing policies within the Local Plan should only be considered up to date if the Local Planning Authority is able to demonstrate a five year supply of housing.

1.3 The Five-Year Housing Land Supply 2021 for Lichfield shows that the District Council can currently demonstrate a 13.4-year supply of housing land against the Local Housing Need (LHN), as calculated within the adopted Local Plan Strategy.

1.4 The Lichfield District Local Plan Strategy was adopted 17th February 2015 and the Local Plan Allocations was adopted in July 2019 and provides up to date policies for the area. The

presumption in favour of sustainable development is echoed in the Lichfield District Local Plan Strategy Core Policy 2.

- 1.5 Core Policy 1 of the Local Plan Strategy states that the Council will contribute to the achievement of sustainable development to deliver a minimum of 10,030 dwellings between 2008 and 2029 within the most sustainable settlements and growth will be located at the most accessible and sustainable locations. Shenstone will be one of the areas that the District Council will direct the majority of growth to, with Lichfield being categorised as a Strategic Centre within the Settlement Hierarchy set out at table 4.1 of the policy.
- 1.6 Core Policy 3: Delivering Sustainable Development provides a number of key issues that development should address in order to ensure sustainable development. The policy includes the following key issues which are of relevance to this application: - Protect and enhance the character and distinctiveness of Lichfield District and its settlements; - Protect the amenity of our residents and seek to improve their overall quality of life through the provision of appropriate infrastructure, services and facilities; - Be of a scale and nature appropriate to its locality; - Encourage the reuse of previously developed land in the most sustainable locations, and encourage the reuse of buildings as a sustainable option; and - Ensure that all new development and conversion schemes are located and designed to maximize energy efficiency and utilise sustainable design and construction techniques appropriate to the size and type of development using local and sustainable sources of building materials wherever possible.
- 1.7 Core Policy 6 sets out that housing development will be focused within Shenstone, amongst other key urban and rural settlements. In the remaining rural areas, only particular residential development will be permitted of which includes infill development within defined village settlement boundaries.
- 1.8 Policy H1 states that in order to deliver a balanced housing market, new residential developments will include an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. There is currently an imbalance of dwelling types within the District. To redress this, the District Council will actively promote the delivery of smaller properties including two and three bed houses to increase local housing choice and contribute to the development of mixed and sustainable communities. The proposal is for two no. 3 bedroom dormer bungalows and as such the application complies with this adopted policy.
- 1.9 Policy NR7: Cannock Chase Special Area of Conservation, states that ‘any development that results in a net increase of dwellings within a 15km radius of any boundary of the Cannock Chase SAC will be deemed to have an adverse impact upon the Cannock Chase SAC unless or until satisfactory avoidance and/or mitigation measures have been secured’. The site lies within 15km of the Cannock Chase SAC, a separate assessment is required in order to meet the requirements of the Habitat Regulations. This will be discussed in further detail later in this report.
- 1.10 In terms of the Shenstone Neighbourhood Plan (2016), Policy H2 “Residential infill and backland development” requires all residential infill and backland development within the built-up area of Shenstone to reflect the character of the surrounding area and protect the amenity of neighbours. Development should reinforce the uniformity of the street by reflecting the scale, mass, height and form of its neighbours. Policy H3 “Design of residential development” requires housing development which creates at least one new dwelling or extends an existing dwelling, to demonstrate how the design of the dwelling(s) is in keeping with the predominant architectural style of the residential properties in the immediate surrounding area. Policy H4 “Provision of private amenity space to serve residential development” expects residential development proposals to provide adequate private amenity space to serve each property. These policies will be discussed in further detail later in this report.

- 1.11 In respect of the above, it is considered that the principle of residential development is established given its relatively sustainable location and being within a defined settlement boundary. Notwithstanding this the material considerations of the scheme are discussed in further detail below.
2. Design & Impact upon Heritage Assets
- 2.1 The NPPF (Section 12) advises that “good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people” and that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.
- 2.2 The NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area’s defining characteristics, it states that developments should:
- function well and add to the overall quality of the area;
  - establish a strong sense of place;
  - create and sustain an appropriate mix;
  - respond to local character and history, and reflect local surroundings and materials;
  - create safe and accessible environments; and
  - be visually attractive as a result of good architecture and appropriate landscaping.
- 2.3 The National Planning Practice Guidance has recently been amended to state that, “the design process continues after the granting of permission, and it is important that design quality is not diminished as a permission is implemented”. In addition, the recently published National Model Design Code sets out clear design parameters to help local authorities and communities decide what good quality design looks like in their area.
- 2.4 The National Model Design Code advises that, *“In the absence of local design guidance, local planning authorities will be expected to defer to the National Design Guide, National Model Design Code and Manual for Streets which can be used as material considerations in planning decisions. This supports an aspiration to establish a default for local design principles and settings as part of forthcoming planning reforms that lead to well designed and beautiful places and buildings”*. The Council does not as yet have a local design guide and therefore the above noted documents are important resources for securing good quality design.
- 2.5 Local Plan Strategy Policy BE1: High Quality Development lists a number of issues that new development must have a demonstrable positive impact on. Particular aspects of the policy are relevant to this development proposal: - The built vernacular. New development, including extensions and alterations to existing buildings, should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views; - New development will have a positive impact on the public realm and ensure high quality, inclusive design. This will be achieved by an appreciation of context, as well as plan, scale, proportion and detail.
- 2.6 Core Policy 14: Our Built and Historic Environment states that the District Council will protect and improve the built environment and have special regard to the conservation and enhancement of the historic environment through positive action and partnership working. Furthermore, the significance of designated heritage assets and their settings will be conserved and enhanced and given the highest level of protection. Policy BE2: Heritage Assets of the Local Plan Allocations document sets out that development proposals which conserve and enhance our historic environment will be supported where the development

will not result in harm to the significance of the heritage asset (including non-designated heritage assets) or its setting.

- 2.7 The Shenstone Neighbourhood Plan (2016) (SNP) states at Policy H2 that all residential infill and backland development within the built-up area of Shenstone shall reflect the character of the surrounding area and protect the amenity of neighbours, and development should reinforce the uniformity of the street by reflecting the scale, mass, height and form of its neighbours. Furthermore, Policy H3 of the SNP requires architectural styles to be in-keeping with locality.
- 2.8 The proposals seek the demolition of 1 bungalow and the erection of 2 dormer bungalows within the site which is 1330 square metres in area. Plot B is situated towards the front of the site within close proximity to the highway, and Plot A is situated towards the rear within the existing garden area of the existing bungalow which is proposed to be demolished. The proposed properties would sit within generous plots. Plot A would have a footprint of approximately 200 sqm within a plot of approximately 725 square metres (excluding site access), while Plot B would have a footprint of approximately 150 sqm within a plot of approximately 509 sqm. The layout as proposed includes parking to the front of the properties, with the vehicular access to Plot A being along the side of Plot B. Large areas of private amenity space would be provided to the rear of each property. (These matters are discussed further later).
- 2.9 Situated towards the rear of the site, Plot A, would be set-back from the street-scene of Eastridge Croft, and as such would be screened by Plot B from this streetscene. Given the prevalent bungalow design of the existing properties in this part of Eastridge Croft, it is considered that the proposals would not be out of keeping or scale with the existing dwellings in the locality. Furthermore, given the overall plot size the proposals are not considered to be over development within the context of the surrounding residential locality. The density of the development would not be out of keeping with that of the local area.
- 2.10 In terms of the positioning of Plot A within the rear of the plot, although it would not be visible for Eastridge Croft it is noted that the properties of Church Close to the immediate north of the site and this proposed dwelling, are aligned north to south. Therefore, it is considered that this property will not be out of keeping with the grain of development in the locality.
- 2.11 Therefore in terms of site layout and positioning, it is considered that the proposed dwellings would be proportionate to the size of the plot and would not appear out of character with the local area.
- 2.12 The dwellings are of a modern/ contemporary design, including front feature dormers which have been amended by way of reduction in size and improved positioning to reduce the visual impacts of the proposals. The proposed material palette includes brickwork, render, metal and wooden cladding as well as green aluminium windows and doors. The roofs would be a combination of tiled and flat roofing. These materials are considered to be acceptable for a modern/ contemporary development. It is considered that an innovative form of architecture is proposed, however of a relatively modest scale which would be relatively in-keeping with the Eastridge Croft street-scene which currently includes traditionally presented bungalow. Furthermore, although the proposal represents a departure from the predominant house design in the immediate vicinity, it is considered that the proposals are of a scale and massing which complements the adjacent properties.



- 2.13 Particular consideration has been given to the appearance of Plot B, situated at the front of the site, and its relationship with Eastridge Croft. Following the submission of amended details, the frontage appearance has been significantly improved. The dormers have been reduced in size and positioning to lessen the dominance on the street-scene of the cul-de-sac. The overall size and scale of the property has been reduced to ensure ridge heights and eaves height are relatively in keeping with that of the properties at either side of this proposal.
- 2.14 Overall it is considered that the scale and appearance of the proposal is of a high quality of design and cohesiveness using appropriate materials and design features. As such, the proposal is considered to accord with the Development Plan in this regard.

#### Impact on local heritage

- 2.15 It is noted that this proposal is situated just outside to the east of the Shenstone Conservation Area and within 70m of St John the Baptist Church, a Grade II\* listed building. The proposal site is also within close proximity to the St John the Baptist Church Yard. Comments of concerns and objection, including the potential for a detrimental impact on such designated assets, from the neighbourhood consultation have been noted and carefully considered by the Local Planning Authority. Given its relatively close proximity to these heritage assets, it is considered that the amended proposals will not cause harm to their significance, due to the relatively minor nature of the development proposal. The design of the proposed scheme has been revised to lessen the overall scale, bulk and massing, as well as also achieving an appearance in keeping and acceptable within the Eastridge Croft cul-de-sac street-scene. The development proposal as revised is considered to be acceptable in this regard.
- 2.16 It is acknowledged that Shenstone Parish Council and local residents have raised concerns with the proposals design, character and appearance related implications. These included the development being at odds and out of keeping within the locality in which such would be situated. Other factors including overdevelopment, impact on the nearby conservation area, and detrimental design impacts on the residential setting in which the development would be situated. The scheme has been revised by the applicants in order to address the issues raised. The proposed dwellings have been reduced in size and footprints, and dormers have also been reduced in size together with improved positioning. It is considered that these concerns have been addressed above.
- 2.17 Overall, it is considered that the proposals are an appropriate form of development within the context of the application site, the surrounding locality, and the wider setting. As such, the scheme is considered to be acceptable on design grounds, in accordance with the requirements of the Development Plan and NPPF.

### 3. Residential Amenity

- 3.1 Policy BE1 of the Local Plan Strategy states that proposals should not have a negative impact on amenity, and development should avoid unreasonable levels of disturbance through traffic generation, noise, light, dust, fumes, or other disturbance. Core Policy 3 also states that development should protect the amenity of residents and seek to improve overall quality of life. The Sustainable Design SPD includes recommendations for space about dwellings and amenity standards in order to ensure an acceptable level of privacy and light to neighbouring properties and future occupiers 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. The SPD also sets requirements in terms of the size of private amenity space necessary to serve new dwellings, whereby 65 square metres should be provided for 3 or 4

bedroomed dwellings and rear garden depths in excess of 10 metres should ideally be achieved. Policy H4 of Shenstone Neighbourhood Plan expects residential development proposals to provide adequate private amenity space to serve each property.

- 3.2 The proposed dwellings rear habitable windows and amenity would predominantly be situated to the north and north-east of the dwellings with neighbouring residential amenity set a fair distance away with no direct facing windows. No habitable room windows will be provided on side facing elevations on either of the proposed plots facing towards property boundaries and neighbouring plots. The potential for any loss of privacy, by way of overlooking, to adjacent properties is therefore minimised and is considered to be acceptable. Therefore, based on the above SPD guidance, it is considered that due to the positioning and orientation of the proposed dwellings within generous plots that there would not be a detrimental impact on the amenity of adjacent residential properties. As such the development would be in accordance with the guidelines set out within the Sustainable Design SPD in this regard.
- 3.3 Both proposed dwellings include a garden depth in excess of 10m and rear private amenity spaces greater than the 65 square metres as outlined within the guidelines set out in the Sustainable Design SPD. As such the future amenity of residents of these properties is considered to be acceptable. When considered further the provision of private garden areas of 405 square metres (Plot A) and 223 square metres (Plot B), is considered to present a rather generous provision of private amenity space for each property. The proposals meet the separation and space about dwellings standards and as such the proposals are acceptable on grounds of amenity and its provision.
- 3.4 It is considered that the internal layouts are acceptable providing sufficient habitable space due to the relatively generously sized overall dwelling plots. Further to this the accommodation of a first floor within the roof space, maximises the useable space. Overall, the internal layouts for the proposed dwellings are considered to ensure an appropriate standard of living accommodation for future residents with well proportioned rooms.
- 3.5 As previously discussed it is considered that the proposed layout is acceptable and as such it is considered would not cause undue harm to residential amenity of either the future occupants of either of the proposed plots, or occupants of the neighbouring residential properties by way of loss of privacy. This is due to the design and orientation of the proposed plots and layout of the dwellings, the context of that proposed within the neighbouring residential setting, and the relationship with the nearest neighbouring residential properties.
- 3.6 Overall, the proposals incorporate relatively generous separation distances to neighbouring properties, relatively modest sizes and scales, and relatively generous surrounding private amenity areas. Such factors ensure the proposal is considered to not result in unacceptable harm through loss of daylight, loss of sunlight, an overbearing impact, or overlooking of neighbouring residential properties. Therefore, based on the above, it is considered that the concerns raised by Shenstone Parish Council and local residents regarding the proposals impact on neighbouring amenity, including compliance with policy H4 of the Shenstone Neighbourhood Plan have been addressed.
- 3.7 As such, it is considered that the development would be in accordance with the requirements of the Development Plan and NPPF, in this regard.

#### 4. Access and Highway Safety

- 4.1 Policy ST1 'Sustainable Travel' sets out that the Council will seek to secure sustainable travel patterns through a number of measures including only permitting traffic generating development where it is or can be made compatible with the existing transport

infrastructure. The access and egress onto the public highway and maintaining highway safety are factors which should be given consideration.

- 4.2 Local Plan Strategy Policy ST2 'Parking Provision' states that appropriate off-street parking should be provided by all developments. The Council's off street car parking standards are defined within Appendix D of the Sustainable Design SPD. The proposed dwellings will have 3 bedrooms each. The SPD recommends that a 3/4 bedroom dwellings provides 2no parking spaces. The development would provide parking in accordance with the recommended standards.
- 4.3 Policy BE1 of the Lichfield District Local Plan Strategy 2008-2029 seeks to protect existing amenity of residents by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. The National Planning Policy Framework sets out in paragraph 111 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.
- 4.4 The Staffordshire County Council Highways team were consulted and have not raised any objections on highway grounds, to the proposals, subject to relevant planning conditions to secure details of a 2m wide bound and porous retaining strip directly behind the highway boundary covering the full width of the vehicular access; and that the dwellings should not be occupied until the access, parking and turning areas have been completed. They also consider that although the proposal would generate more trips than the current residential garden use, it is not considered that the proposal would generate a significant intensification of the surrounding highway network, so as to impact on highway safety or capacity.
- 4.5 The highways related concerns of local residents are noted; however, it is considered subject to appropriately worded planning conditions the development is acceptable on highway grounds. As such, the development would be in accordance with the requirements of the development plan and NPPF, in this regard.

## 5. Arboricultural Impacts

- 5.1 Policy NR4 of the Local Plan Strategy states 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. Policy NR4 is supported by the Councils Tree's, Landscaping and Development SPD.
- 5.2 The application site is not situated within a conservation area and does not facilitate any tree preservation orders. The application site contains a number of mature trees of which some around the perimeter of the site are proposed to be removed as part of this development proposal. Given this, the Arboriculture Team are satisfied with the trees to be removed and the measures proposed within the Arboricultural Implications Assessment and the Tree Protection Plan to provide protection for the retained trees on the site. These measures include weld mesh panels secured on rubber or concrete feet to form tree protection barriers, and the designation of two on-site storage areas. An appropriately worded planning condition has been recommended to ensure protective measures are erected prior to development and retained for the duration of construction activity.
- 5.3 As such, the development would be in accordance with the requirements of the development plan and NPPF, in this regard.

## 6. Ecology

- 6.1 Policy NR3 of the Local Plan Strategy states that development will only be permitted where it protects, enhances, restores and implements appropriate conservation management of the biodiversity and/or geodiversity value of the land and buildings minimises fragmentation and maximise opportunities for restoration, enhancements and connection of natural habitats (including links to habitats outside Lichfield District) and incorporates beneficial biodiversity and/or geodiversity conservation features, including features that will help wildlife to adapt to climate change where appropriate.
- 6.2 The Ecology Team have been consulted and are satisfied that the bat and bird survey confirmed there is no evidence of bats using the structure or site to roost, and no further survey work is required. There are no ponds or waterbodies nearby to have issues with Great Crested Newts or otters.
- 6.3 Previous concerns were surrounding the garden area of the site which has become overgrown and seems to include areas of scrub which can be valuable habitat to multiple species. An appropriately worded condition has been recommended to ensure that measures to ensure sensitive clearance occurs, so that no harm is caused to any other species and that any loss to biodiversity is compensated.
- 6.4 Furthermore, due to the nature and location of the proposed development it is however recommended that a net gain in biodiversity could be best achieved via the inclusion of onsite habitat improvement works or the creation/ planting of new habitats or features. An appropriately worded condition has been recommended.
- 6.5 Subject to aforementioned planning conditions the Local Planning Authority are satisfied the proposals will accord with the development plan in this regard.

## 7. Drainage

- 7.1 The National Planning Policy Framework seeks to ensure that new development is not at risk from flooding or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding. Core Policy 3 of the Local Plan Strategy expects all new development to incorporate Sustainable Drainage Systems (SUDS).
- 7.2 It is acknowledged that extra pressure on utilities and drainage related concerns have been raised by local residents. The application site is situated within Flood Zone 1 and as such there are no flooding concerns in principle. In terms of pressure on local utilities Severn Trent Water have stated that they have no objection to the development proposal and do not require a drainage condition to be applied in this instance.
- 7.3 Therefore it is considered that the proposals would accord with the development plan and NPPF in this regard.

## 8. Planning Obligations & Cannock Chase SAC

- 8.1 This development is likely to have an impact upon Cannock Chase SAC (CC SAC). Protection measures for the CC SAC are set out under Policy NR7 of the Local Plan Strategy. It has been determined that all developments resulting in a net increase of 1 or more dwellings within a 15km radius of Cannock Chase SAC would have an adverse effect on its integrity. From 1<sup>st</sup> April 2022, the Zone of Influence incorporates all dwellings within a 15km range of the

Cannock Chase SAC. In this case, the development falls within the Zone of Influence and as such a financial contribution towards the Strategic Access Management Measures (SAMMs) would be required from this development at a rate of £290.58 per dwelling in mitigation. Subject to the agreement of the applicant, this contribution could be secured by means of a S106 agreement.

8.2 The District Council adopted its Community Infrastructure Levy (CIL) on 19th April 2016 and commenced charging on 13th June 2016. A CIL charge will apply to all relevant applications determined after this date. This application falls within the higher charging area as identified on the CIL Charging Schedule and would be charged at a rate of £55 per square metre for residential development (not including indexation).

## 9. Human Rights

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

## **Conclusion**

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

The principle of the development on the site is considered to be acceptable. Furthermore, this is a sustainable location within the village where new residential development is supported in principle by local and national planning policy. Following the submission of revised plans, it is considered that the applicants have submitted a suitable scheme which meets with the requirements of the relevant development plan policies and subject to conditions, the development would not have an adverse impact upon the character or appearance of the surrounding area, nor have a detrimental impact on the amenity of neighbouring residents or prejudice highway safety, so as to justify refusal.

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

# LOCATION PLAN

22/00283/FUH

8 The Grove

Little Aston

Sutton Coldfield

Scale: 1:1,000

Dated: May 2022

Drawn By:

Drawing No:



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## 22/00283/FUH

**ERECTION OF TWO AND SINGLE STOREY FRONT, SIDE AND REAR EXTENSIONS.  
8 THE GROVE, LITTLE ASTON, SHENSTONE, B74 3UB  
For Mr And Mrs S White**

Registered **17/02/2022**

**Parish: Shenstone**

**Note:** This planning application is being reported to the Planning Committee due to significant planning objections received from Shenstone Parish Council. Their objections are summarised as follows:

- The scale and mass of the proposal;
- The extension would be forward of the front elevation and building line of adjacent properties in The Grove
- Loss of light to No.9 The Grove.

**RECOMMENDATION: Approve, subject to the following conditions:**

### CONDITIONS

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. Notwithstanding any description/details of external materials in the application documents, the external brickwork and roof tiles shall match in colour and texture those of the existing dwelling, and the finish of all rendering will be white or cream.
4. The first floor window in the western elevation facing the boundary with number 7 The Grove as indicated on the plans approved shall be permanently glazed in a minimum of level 3 Pilkington obscure glass (or its equivalent) and shall have fixed (i.e. non-openable) lights/units at all times, unless the opening parts are 1.7 metres above the floor level of the room in which they are installed. The window shall be maintained as such thereafter.
5. Within one month of completion, 1 No. Bat and 1 No. Bird box shall be installed within the site. The bat/ bird boxes shall thereafter be retained as such for the life of the development.
6. Before the first occupation of the development hereby approved, the parking provision indicated on the proposed site plan (drawing reference HGD21-184-1.1 version E, received 31 March 2022) shall be provided and maintained as such thereafter.

### 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 Policies CP3, CP5, ST1, ST2, NR3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD and

Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

3. To ensure the satisfactory appearance of the development in accordance with the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
4. To safeguard the privacy of occupiers of the adjacent properties in accordance with Policies CP3 and BE1 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
5. In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.
6. In the interests of highway safety and to ensure adequate off-street parking exists to serve the development in accordance with the requirements of policies CP5, ST1 and ST2 of the Lichfield 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), Lichfield District Local Plan Allocations (2019) and the Little Aston Neighbourhood Plan (2016).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
4. The applicant's attention is drawn to the provisions of The Party Wall etc. Act 1996, which may have implications for this development. You are advised that any grant of planning permission does not override private legal matters such as rights of access onto lands outside the applicant's ownership for the purposes of construction or maintenance. The consent does not permit any overhanging guttering.
5. The applicant is advised that the Council has received representations requesting that the fence along the Western boundary of the site is retained. Whilst this is a civil matter between the applicant and the neighbours, you are advised to discuss this further with the owners of the adjacent property prior to works starting on site.

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**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 NR3 - Biodiversity, Protected Species & their habitats  
Policy ST2 - Parking Provision

### **Supplementary Planning Document**

Sustainable Design SPD

Biodiversity and Development SPD

### **Little Aston Neighbourhood Plan**

There are no policies relevant to the assessment of this application. It is noted that the application site falls outside of the Little Aston Park density policy area

### **Emerging Lichfield District Local Plan 2040**

The emerging Local Plan 2040, has completed its Regulation 19 consultation in the summer of 2021. The adopted Local Plan Allocations document sets the timeframe for the submission of the Local Plan 2040 to the Secretary of State by the end of 2021. This document is still emerging and at this stage has not been submitted to the Secretary of State. In accordance with paragraph 48 of the National Planning Policy Framework limited weight may be attached to the emerging plan. Given that the plan has yet to be submitted for its examination it is suggested that very limited material weight can be given to the policies within the emerging Local Plan 2040 and therefore, whilst noted within the above report, are not specifically referenced elsewhere.

### **RELEVANT PLANNING HISTORY**

There is no relevant planning history.

### **CONSULTATIONS**

**Shenstone Parish Council-** Object to the proposals for the following reasons:

1. The proposed development presents a massing and scale that is disproportionate to the individual size, scale, and massing of the existing residential properties in the immediate neighbourhood.
2. The proposed development moves forward of the front elevation building line of adjacent properties in The Grove.
3. The proposed development will reduce the amount of sunlight and daylight entering living room windows to the rear elevation of adjacent property number 9 The Grove which is situated to the east of the proposed development. (28.02.2022)

The Parish Council was reconsulted on amended plans and no further comments were received.

### **LETTERS OF REPRESENTATION**

8 letters of representation have been received objecting to the scheme. Five were initially received with a further 3 following an amended consultation. The comments are summarised as follows:

- Potential loss of light on neighbouring properties;
- Overbearing impact and impact on outlook;
- Development overhanging the property boundaries;
- Disproportionate scale and mass;
- Incongruous design and character;
- Missing outline of number 6 The Grove;
- Overlooking from side facing windows;
- Overhanging guttering;
- Potential removal of the fence along the western boundary; and
- Disruption caused by construction works.

## **PLANS CONSIDERED AS PART OF THIS RECOMMENDATION**

Existing and Proposed Floor Plans and Elevations, Location and Site Plan, Reference: HGD21-184-1.1 version E, received 31 March 2022

Proposed Floor Plans Overlay Existing, Reference: HGD21-184-1.3 version A, received 10 March 2022

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## **OBSERVATIONS**

### **Site and Location**

This application relates to a detached dwelling located on the northern side of The Grove, Little Aston. The property is situated within a residential area where there are 2-3 property types within the street scene with the dominant roof design being hipped. The application property is accessed from the highway via a tarmac driveway that slopes down from The Grove and is bordered by a combination of wall and close board fence. The dwelling has a predominantly hipped roof design with central points on the front and rear elevations, which adjoin to a ridgeline of c. 1.6m length that is visible on the side elevations. The front elevation also incorporates a part catslide roof that projects over an integral single garage and has a dormer window and side facing gable. The property sits within an irregular shaped plot and benefits from a private amenity space that is set lower than the house by c. 1m and is between c. 11 and 21m long. Materials comprise light brown brickwork and brown roof tiles with white framed windows.

The site is located within the Parish of Shenstone where the Little Aston Neighbourhood Plan is relevant.

### **Proposals**

This application seeks permission for the erection of two and single storey front, side and rear extensions. The changes would facilitate internal alterations and provision of two additional bedrooms, one of which would be in the loft space.

The front elevation would be extended by 1.8m from the two storey element of the existing house. A new gable would be introduced as part of this extension that would be set down from the central point of the original roof by 1m. The extension would include a bay window at ground floor. The existing catslide roof with dormer would be removed and replaced with first floor extension with a hipped roof over. The existing integral garage would be converted to a study.

A single storey side extension is proposed adjacent to the western property boundary. The single storey element would be 1.17m in width, with a depth of 12.5m, projecting 2m beyond the current rear of the property. The side extension would have a flat roof with an overall height of 3m.

At first floor level to the side elevation of the original property there would be a minor extension projecting 1.1m from the current external walls. This extension would 'square off' the existing side elevation. As part of the proposals, the first floor side facing window serving the stairway would be repositioned 1.1m closer to the western boundary. The proposal would include a pitched roof over with a hipped valley design incorporating 2no. rooflights.

To the rear, a single and two storey rear extension is proposed. The ground floor element of the proposal would have a depth of 3m, whilst the first floor would project 2m from the original rear elevation of the dwelling. The first floor extension would have a hipped roof over and a flat roof is proposed over the ground floor extension.

Internally, an additional study, utility, play room and ground floor W.C and 2 No. bedrooms (one with an ensuite) are proposed, whilst the existing kitchen/ dining and living rooms would be extended as part of the proposals.

Materials would comprise a combination of brickwork and roof tiles to match the existing and white/cream coloured render.

During the course of the application amendments to the scheme have been provided. The original plans included 2no. gables on the front elevation and a section of flat roof to the main roof. Design changes were sought as part of the planning process and as a result one of the gables on the front elevation was omitted and main roof redesigned. The footprint of number 6 The Grove was also added to the block plan.

## Determining Issues

1. Policy & Principle of Development
2. Design and Layout
3. Residential Amenity
4. Impact on Ecology
5. Access and Highway Safety
6. Other Matters
7. Human Rights

### 1. Policy & Principle of Development

- 1.1. Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Little Aston Neighbourhood Plan was also made in April 2016 and as such, also carries full material weight.
- 1.2. The NPPF sets out a presumption in favour of sustainable development that is supported in Core Policy 2 of the Local Plan Strategy. Paragraph 11 of the NPPF states that "*Plans and decisions should apply a presumption in favour of sustainable development*" and that, for decision making, this means "*approving development proposals that accord with an up-to-date development plan without delay*".
- 1.3. The site is within the defined settlement boundary for Little Aston and the proposals would relate to residential development to an existing dwelling house. In principle, the proposal is considered to be acceptable in terms of the policies set out in the Local and Neighbourhood Plan. Other relevant material considerations are addressed below.

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

- 2.1. Core Policy 3 states that development should: "*protect and enhance the character and distinctiveness of Lichfield District*" and "*be of a scale and nature appropriate to its locality*". Policy BE1 of The Lichfield Local Plan Strategy requires that all development including residential extensions carefully respects the existing built vernacular with regard to scale, layout and architectural design.
- 2.2. Shenstone Parish Council objected to the original plans on the basis that the massing and scale would be disproportionate to the properties in the immediate neighbourhood; and that the proposed development moves forward of the front elevation building line of adjacent properties in The Grove. Similar concerns were raised through the comments received by neighbouring occupiers and local residents.
- 2.3. The extension would be visible from the streetscene within The Grove. Whilst a front facing gable would be introduced, the overall design retains the predominantly hipped roof form of

the property and would therefore be in keeping with the design and character of the existing dwelling house. The changes to the roof would retain the existing central points on the front and rear elevations, and the front facing gable would be set down by 1.0m such that it would be subservient. The flat roof section to the main roof that was originally proposed has been omitted from the plans and replaced with a hip valley structure, with a reduced bulk and scale when viewed from the western elevation.

- 2.4. The footprint overlay plan shows that the proposed extensions would make the existing stepped elevations to the front and side of the dwelling flush with the existing outer limits of the building, essentially squaring off the footprint and adding an additional extension to the rear. The two-storey front extension would not project significantly beyond the existing front building line of the adjacent dwellings. The extensions are not considered to be disproportionate in context of the scale of other properties in The Grove, including numbers 10-12 which have similar depths of built form.
- 2.5. The proposed development seeks to modernise an existing residential dwelling and the design would not create incongruous features within the street scene. Other properties in the cul-de-sac have gable features to the front of the dwellings, incorporate the use of render, and are of a similar design to the proposed. The proposals have a good quality visual presentation that is considered to meet the design requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy. In design and impact on character and appearance of the area terms, the scheme is considered to be in compliance with adopted planning policies.

### 3. Residential Amenity

- 3.1. Core Policy 3 of the Lichfield Local Plan Strategy states that development should “*protect the amenity of our residents*”.
- 3.2. The Sustainable Design SPD sets out guidance for residential development that seeks to prevent the loss of amenity to occupiers of neighbouring dwellings. The SPD sets out recommended distances between properties to protect privacy, outlook, together with an approach to assess the potential impact on neighbouring properties light and other matters.
- 3.3. This includes the recommended distance between windows serving principal habitable rooms and recommended distance between existing and proposed development. The SPD further recommends minimum standards for amenity space based upon the number of bedrooms in a dwelling.
- 3.4. Shenstone Parish Council objected to the original plans on the basis that the proposed development will reduce the amount of sunlight and daylight entering living room windows to the rear elevation of adjacent property number 9 The Grove. Objections have been raised from neighbouring properties with regards to loss of light, the creation of an overbearing impact, and other amenity impacts.
- 3.5. In terms of the impact on the outlook of neighbouring occupiers, the Sustainable Design SPD states that to avoid “*undue overbearing impact on neighbouring properties in terms of outlook as a result of new development... the minimum distance separation between 2 storey parts of each dwelling should be 13metres or 10 metres in the case of single storey development*”. There is 14.3m separation between the rear elevation of number 7 The Grove and the single storey element of the proposed development; and 15.6m separation to the two storey element of the scheme. The separation distances set out in the SPD would therefore be met with respect to outlook. Additionally, the amendment of the main roof design to a hip valley structure on this elevation results in a reduced bulk and scale of the proposal compared to the original scheme upon which the majority of comments raising objections were received.
- 3.6. Turning to the impacts on principal windows of neighbouring properties. The Sustainable Design SPD requires at least 21m between dwellings where primary principal habitable windows face each other. Although the front façade of the dwelling would be extended, this

would be within the current building line of the dwelling and there is 27.6m distance between the proposed development and the directly facing property to the south, No 22 The Grove. There are no directly facing properties within 21m to the rear. The separation distances would therefore be met with respect to principal windows.

- 3.7. In terms of overlooking the Sustainable Design SPD states that *“windows in side elevations at first floor level to serve principal habitable rooms will not generally be supported”*. The proposal would reposition the existing first floor side facing window on the western side elevation 1.1m closer to the property boundary with No. 7 The Grove. However, it is noted that this window would serve the stairway and would not serve a principal habitable room. Taking into consideration the location of the window within the proposed hallway and subject to a condition to ensure that the window is obscurely glazed it is not considered that the proposal would result in any unacceptable overlooking issues.
- 3.8. The Sustainable Design SPD also states that there should be *“at least 6 metres between a primary principal habitable room window and private neighbouring residential amenity space”*. The dwelling is raised compared to the garden by 1m and therefore 2m should be added onto the 6m requirement to account for the differences in ground levels. With the extensions in place there would be a *minimum* of 8.0m from ground floor level to the private garden of number 5 The Grove at the rear of the application site, and minimum of 11.0m from the extended first floor level windows. It is therefore considered that the separation distance requirements would be met with respect to overlooking.
- 3.9. The potential for the proposal to impact on the daylight amenity enjoyed by the occupiers of No. 9 The Grove has been given full consideration. The Sustainable Design SPD sets out that the 45 degree guidelines will be utilised for front and rear extensions to a dwelling or for new built development to assess the impact on the dwelling next door. The proposal would comply with the 45 Degree Guideline requirements in relation to adjacent property No.9 The Grove.
- 3.10. Overall, the proposals are considered acceptable within regard to residential amenity and accord with the aforementioned policies.

#### 4. Impact on Ecology

- 4.1. Policy NR3 of the Local Plan Strategy states that development will only be permitted where it *“Protects, enhances, restores and implements appropriate conservation managements of the biodiversity and/or geodiversity value of the land and buildings”*. It further requires that all development deliver a net gain for biodiversity.
- 4.2. In line with Policy NR2 of the adopted Local Plan, a condition has been recommended to ensure that a bat/bird box is installed on site to secure biodiversity net gains for both bats and birds. As such it is considered that the proposals will accord with the development plan in this regard.

#### 5. Access and Highway Safety

- 5.1. No alterations are proposed to the existing vehicular access. The guidance within Policy ST2 and the Sustainable Design SPD focus upon parking provision in relation to the number of bedrooms at a dwelling. This application results in a net increase in two bedrooms and includes the conversion of the existing garage. The site is considered to retain sufficient space for the private parking of 3no vehicles which is in accordance with the maximum requirements of the SPD for 5no bedroom dwellings. The development is therefore considered to have sufficient private parking provision. As such it is considered that the proposals will accord with the development plan in this regard.

## 6. Other Matters

- 6.1. It is noted that representations have been received regarding the retention of the boundary fence along the western boundary of the site. Whilst this is not a material planning consideration in the assessment of this application, an informative to the applicant is recommended to ensure further discussions are held regarding this civil matter.
- 6.2. Objections have been raised regarding overhanging guttering, however the plans show all of the development to be contained within the boundaries of the application site. An informative to the applicant is recommended to remind the applicant of their responsibilities in terms of civil legislation and the Party Wall Act. Concerns were raised related to the potential overshadowing of neighbouring patio areas, however there is no policy which seeks to protect light to such facility. Disruption during construction works was also raised as an objection, however this is not material planning considerations which can be taken into account.

## 7. Human Rights

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

## **Conclusion**

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

The proposed development has been amended during the course of the application and as a result complies with the objectives of adopted planning policies which seek to protect the character of the surrounding locality and ensures that the existing residential amenities of the neighbouring occupiers are not compromised.

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