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Lichfield, Staffordshire WS13 6YU

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24 May 2022

Dear Sir/Madam

## PLANNING COMMITTEE

A meeting of the Planning Committee has been arranged to take place **MONDAY, 6TH JUNE, 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, Humphreys, Matthews, Powell, 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 - 48



**PLANNING COMMITTEE**

**9 MAY 2022**

**PRESENT:**

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

**45 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Checkland

**46 DECLARATIONS OF INTEREST**

Councillor Marshall declared a personal and disclosable pecuniary interest in application no. 21/01620/FULM as the landowner of the site is 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.

Councillor Anketell declared a personal and non-pecuniary interest in application no. 21/01945/FUH as the objector is known to him and he lives nearby to the proposal. He therefore vacated the room and did not participate in the debate or the vote.

Councillor Salter declared non-pecuniary interests in application nos. 22/00086/FUL and 22/00283/FUH as he is Chairman of Shenstone Parish Council who have raised objections and also a personal declaration in application no. 22/00283/FUH as the objectors are known to him. He did not participate in the debate or the vote on either application.

**47 MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting held on Monday 4 April 2022 previously circulated were taken as read, approved as a correct record and signed by the Chair.

**48 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 20/00800/COUM, 20/01374/FULM & 20/01375/LBC, 21/01620/FULM, 21/01945/FUH, 22/00086/FUL and 22/00283/FUH

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

**RESOLVED:** That this planning application be **deferred** as concerns had been raised by legal services in regard to non-compliance with the CIL Regulations which need to be addressed before the determination of the application.

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 2no. apartments over, basement car parking, bridge over Leomansley Brook, hard and soft landscaping, access and associated works

**RESOLVED:** Planning Committee had previously resolved to approve this planning application on 26 January 2022 subject to agreement of the planning conditions and Heads of Terms for the S106 agreement/planning obligations being agreed at a later date. The list of recommended conditions and S106 Heads of Terms were approved by the committee as contained in the report of the Chief Executive, subject to the inclusion of an amended/updated condition 15 as contained in the supplementary report and an additional condition to require submissions and approval of details of electric charging points for the apartments. Delegated authority was given to agree the final condition wording and layout arrangements in conjunction with the Chair of Planning Committee.

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:** Planning Committee had previously resolved to grant listed building consent, approved on 26 January 2022 subject to the conditions being agreed. The list of recommended conditions were approved by the committee as contained in the report of the Chief Executive with the additional condition 15 as contained in the supplementary report.

(Prior to consideration of the application, representations were made by Mr Christopher Timothy of CT Planning (Applicant's Agent)).

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

**RESOLVED:** That this planning application be approved subject to the conditions contained in the report of the Chief Executive and an additional condition to read:-

Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ("the Scheme") shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide

details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.

- A) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (A).
- B) The development shall not be occupied until the site investigation and post-excavation assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To ensure that no development takes place which may adversely affect any items of archaeological interest without adequate prior investigation in accordance with Policies CP14 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations and the National Planning Policy Framework.

(Prior to consideration of the application, representations were made by Mr Simon Betts, Director of DLP Planning Limited (Applicant's Agent)).

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

**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, a verbal submission was read out on behalf of Mr Robert Henry Rea (Objector) and representations were made by Mrs Lisa Nock (Applicant)).

22/00086/FUL – Demolition of 1no bungalow and erection of 2no dormer bungalows  
18 Eastridge Croft, Shenstone, Lichfield, Staffordshire  
FOR: Mr R Outram

**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 Councillor David Thompson (Objector/Parish Councillor) and Mr Richard Outram (Applicant)).

22/00283/FUH – Erection of two and single storey front, side and rear extensions  
8 The Grove, Little Aston, Sutton Coldfield  
FOR: Mr H Baxhija

**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 Councillor David Thompson (Objector/Parish Councillor)).

(The Meeting closed at 8.16 pm)

CHAIR

# Agenda Item 4

## Planning Committee

6 June 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**

**6 June 2022**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
20/00262/FUL	Land North Of Deanslade Farm, Claypit Lane, Lichfield	Lichfield
21/00195/FULM	Kings Orchard Marina, Broad Lane, Huddlesford, Lichfield	Fradley and Streethay



# LOCATION PLAN

20/00262/FUL

Land North Of Deanslade Farm  
Claypit Lane  
Lichfield

Scale: 1:1,250

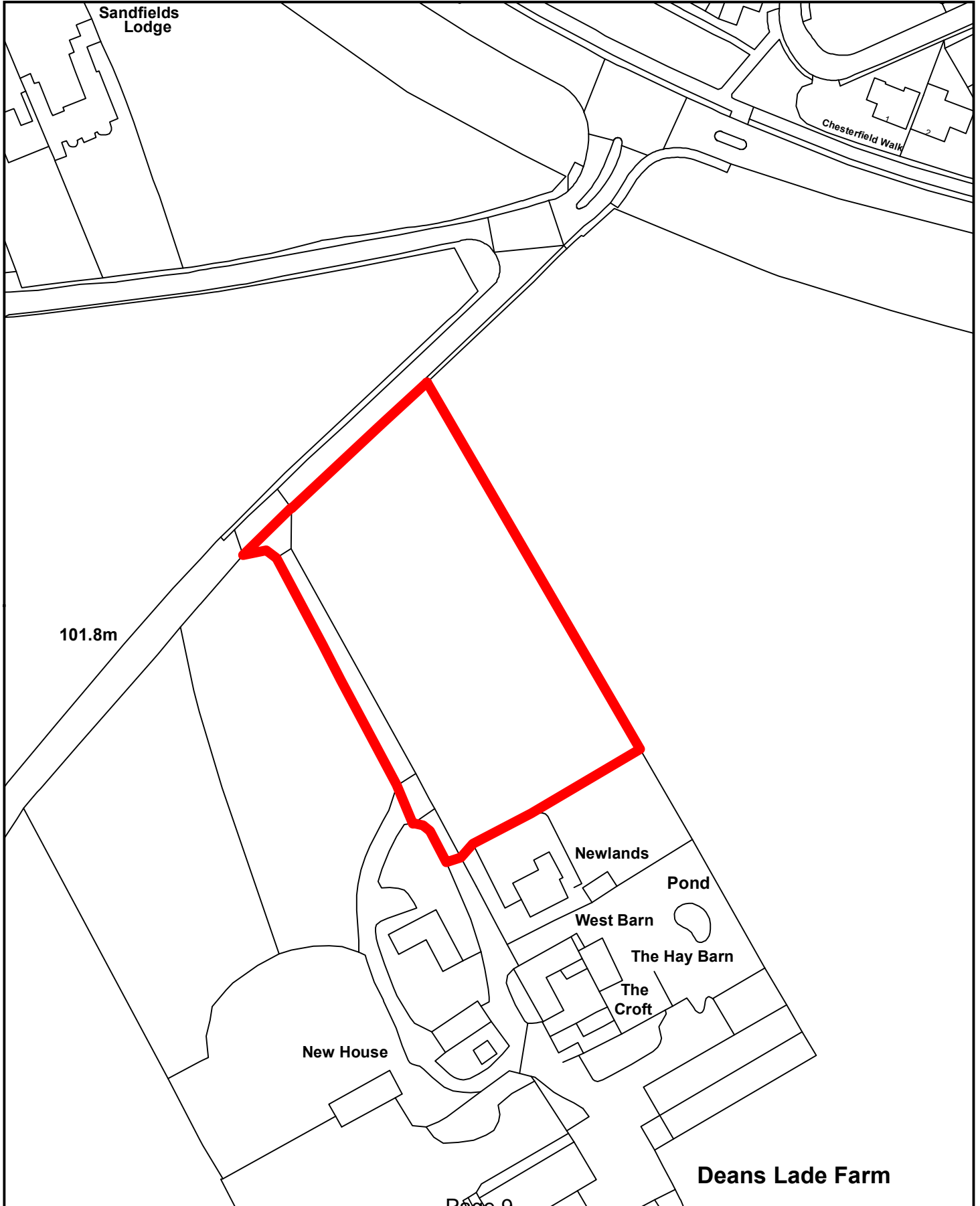
Dated: May 2022

Drawn By:

Drawing No:



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## 20/00262/FUL

**ERECTION OF 6 NO. DETACHED DWELLINGS AND ASSOCIATED WORKS  
LAND NORTH OF DEANSLADE FARM, CLAYPIT LANE, LICHFIELD  
FOR Mr G Jones**

Registered 19/02/2020

**Parish: Lichfield**

**Note:** This planning application is being reported to the Planning Committee due to conflict with the objectives of Policy H1 of the Local Plan Strategy. Policy H1 sets out that 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 bed apartments and two and three bed houses to increase local housing choice and contribute to the development of mixed and sustainable communities.

### **RECOMMENDATION:**

- (1) Subject to the owners/applicants first entering into a S106 to secure the following:-**
  - i A financial contribution towards Primary School Education;**
- (2) If the S106 legal agreement is not signed/completed by 6<sup>th</sup> August 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.

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

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.

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP1, CP3, CP4, CP5, CP6, CP13, CP14, ST1, ST2, H1, H2, NR3, NR4, NR7, BE1 and Lichfield 4:Housing of the Lichfield Local Plan Strategy, BE2 of the Local Plan Allocations, the Sustainable Design SPD, the Biodiversity and Development SPD, the Trees, Landscaping and Development SPD, the Lichfield City Neighbourhood Plan and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

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

3. Before the development hereby approved is commenced, including any demolition and / or site clearance works, or any equipment, machinery or materials is brought onto site, full

details of protective fencing and/or other protective measures to safeguard existing trees and/or hedgerows on the site, shall be submitted to and approved in writing by the Local Planning Authority. The agreed (tree / hedge) protection measures shall thereafter be provided in accordance with the approved details and retained for the duration of 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 parts of the development have been completed, and all equipment, machinery and surplus materials have been removed from the site.

Reason: 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.

4. Before the development hereby approved is commenced, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and thereafter retained for the life of the development.

Reason: To ensure adequate drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with Policy CP3 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

5. Before the development hereby approved is commenced, a detailed landscape and planting scheme (incorporating any existing trees and hedges to be retained) 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.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Trees, Landscaping and Development SPD and the National Planning Policy Framework.

6. Before the development hereby approved is commenced, including any site clearance works, a Construction Vehicle Management Plan (CVMP) that includes details of the site compound, types of vehicles, provision for parking of vehicles for site operatives and visitors, loading and unloading of plant and materials, and storage of plant and materials used in constructing the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved details and maintained throughout the construction period.

Reason: In the interests of highway safety and to minimise the impact of construction activity on the ecological interests of the site and the surrounding environment, in accordance with the requirements of Policies CP3, CP5, NR1, NR3, BE1 and ST2 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

7. Before the development hereby approved is commenced, revised access details shall be submitted to and agreed in writing by the Local Planning Authority, showing visibility splays of 2.4m x 120m in both directions from the centre of the private drive access onto Claypit Lane. The development shall thereafter be carried out in accordance with the approved plans.

Reason: 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.

8. Before the development hereby approved is commenced, a scheme of biodiversity enhancement and Habitat Management Plan (HMP) shall be submitted to and agreed in writing by the Local Planning Authority. The biodiversity enhancement measures shall be provided prior to the first occupation of the dwellings hereby approved and retained/managed in accordance with the HMP for the lifetime of the development.

Reason: 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.

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

9. Notwithstanding any description/details of external materials in the application documents, no development shall take place, above slab level of the hereby approved development, until details of all external facing materials, including colour, size and texture, and boundary treatments, have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved details and thereafter retained as such for the life of the development.

Reason: 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.

10. The dwellings hereby approved shall not be occupied until the access, parking and turning areas to serve the respective dwellings/s have been provided in accordance with the approved plans, including the details required pursuant to condition 7, above.

Reason: In the interests of highway safety and to ensure adequate off-street parking and turning area 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. All of the dwellings hereby approved shall be provided with Electric Vehicle Charging Points, which shall be retained for the lifetime of the development.

Reason: In the interests of providing sustainable travel options and to conform to policy ST1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

12. Prior to the installation of any external lighting, full details of the lighting including its design, appearance and luminance levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved lighting details and thereafter retained as such for the life of the development.

Reason: The site lies on the edge of the rural area, where uncontrolled artificial lighting would be prejudicial to the character of the landscape and the residential amenities of neighbouring occupiers in accordance with Policies CP3, CP13 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

13. The development hereby approved shall be carried out in strict accordance with the recommendations and methods of working detailed in the hereby approved ecological survey (Eco-location Ecological Impact Assessment dated 24 January 2020). The measures, including the provision of bird and bat boxes, shall be implemented prior to first occupation

of any of the dwellings hereby approved and shall be thereafter retained for the life of the development.

Reason: 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.

14. During the period of construction of any part of the development, no works, including deliveries, shall take place outside the following times: 07:30am – 19:00pm hours Monday to Friday and 08:00am – 13:00pm hours on Saturdays and at no time on Sundays, Bank and Public holidays (other than emergency works).

Reason: 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.

15. Prior to any above ground construction works commencing at the proposed development, details of the new footway on the south west side of Claypit Lane shall be submitted to, and approved in writing by the Local Planning Authority. The footway shall be constructed in accordance with the approved details and provided, in full, prior to first occupation of the fourth dwelling, and shall thereafter be and retained as such for the life of the development. This footway shall be a minimum width of two metres.

Reason: 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.

16. The garages (integrated and detached) indicated on the approved plans shall be retained for the parking of motor vehicles and cycles and associated domestic storage for the respective dwelling it serves only. At no time shall these be converted to living accommodation without the prior express permission on application to the Local Planning Authority.

Reason: 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.

17. 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 a period of 5 years from the date of first planting shall be replaced in the next planting season with others of a similar size and species.

Reason: 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 in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, Trees, Landscaping and Development SPD and the National Planning Policy Framework.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 2015 (as amended), (or any Order revoking and re-enacting the Order with or without modification) the dwellings hereby approved shall not be enlarged or extended and neither shall any windows, dormers or other openings be created in the dwellings in addition to or as enlargements of any which may be hereby approved, nor any gates, fences, walls or other means of enclosure or buildings, enclosures or other structures required for a purpose incidental to the enjoyment of the dwelling houses be erected within the curtilage of the approved dwellings without the prior written permission, on application, to the Local Planning Authority.

Reason: 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), Lichfield District Local Plan Allocations (2019) and Lichfield City Neighbourhood Plan (2018).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. 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/ developer is advised that the landscaping details required under condition 5 should include provisions for the native flower rich planting as required in the mitigation set out in the submitted ecology report.
5. The applicant/ developer is advised to note the advice provided by the Council's Ecology Team in their consultation response dated 27 April 2020 in the preparation of the scheme of biodiversity enhancement and Habitat Management Plan (HMP) details required under condition 8.
6. 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 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 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 Lichfield 1 – Lichfield Environment  
Policy Lichfield 2 – Lichfield Services and Facilities  
Policy Lichfield 4 – Lichfield Housing

#### **Local Plan Allocations**

Policy BE2- Heritage Assets  
Policy LC1- Lichfield City Housing Land Allocations

#### **Supplementary Planning Document**

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

#### **Lichfield City Neighbourhood Plan (2018)**

No relevant policies

#### **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**

On immediately adjacent sites:

**17/01191/OUFMEI** - Hybrid Planning Application comprising Full Planning Application for the construction of a sustainable mixed use urban extension comprising of 475 dwellings, new vehicular access points onto Claypit Lane and Birmingham Road, the remodelling and formation of a roundabout at the junction of Fossey Lane and Claypit Lane, comprehensive green infrastructure including up to 16.55 ha of country park, footpaths, cycleways, multifunctional open space including children's play areas, community orchard, open space for informal sport and sustainable urban drainage systems, foul and surface water drainage infrastructure including balancing ponds, and other ancillary infrastructure and ground remodelling. With Outline Applications for the serviced provision of 1.09 ha of land for a primary school and 1.9 ha for strategic sports provision with all matters reserved except access. (Removal of vehicular access from Claypit Lane and amendment to internal site layout and house types)- 26.03.2019- Approved, subject to conditions.

**18/01498/FUL** - Erection of 7 no. detached dwellings and associated works- 25.11.2019- Approved subject to conditions.

#### **CONSULTATIONS**

**Lichfield City Council**- No objections. (06.03.2020)

**Natural England**- No objections, provided that they concur with the appropriate assessment undertaken in relation to Cannock Chase SAC. (26.03.2020)

**Inland Waterways Association-** No comment to make on the application (09.05.2020).

**Severn Trent Water-** No objections, subject to a drainage condition. (21.02.2020)

**SCC Highways-** Final Comments: No objections, subject to conditions. (17.06.2020)

Updated comments: No objections, on the basis of additional information received 31 March 2020. (09.05.2020)

Initial comments: Object to the proposals. The scheme fails to provide suitable and safe access for plots 1, 2 and 3. Additional information required regarding plots 1, 2 and 3 including visibility splays (17.03.2020)

**SCC Education-** Request a contribution of £49,705.72 which equates to two primary school places (18.05.2020)

**LDC Spatial Policy Team-** The application falls within an identified area for housing growth within the District and as such in general there is strong policy support for the application, subject to a contribution to a balanced housing market, especially in the wider context of its South of Lichfield SDA location. (06.03.2020)

**LDC Conservation and Design Officer- Final Comments-** Object to the proposal. Further to additional comments received from the agent regarding the changes around the site since the initial comments on this application were made, it is agreed that the proposal should be looked at in relation to the amended setting of the listed building. The changes that have occurred around the listed building (including new housing and a roundabout) have eroded the rural character of the setting of the heritage asset and created a more sub-urban setting. Whilst the change in setting has to be considered, this previous erosion needs to be considered and as much of the original character should be preserved. Previous erosion of the setting should not set a precedent for further erosion of setting. Based upon this, the previous comments made remain germane and the overall position remains unchanged. The proposed development would cause harm to the setting of 2 designated heritage assets (Sandfields House and Sandfields Lodge) and this harm would be less than substantial. (19.05.2022)

Updated Comments: Original position as set out in initial comments reiterated. Additional information has been provided, however the position remains the same in terms of impact on the Listed Buildings. (16.06.2020)

Initial Comments: The proposed development would cause harm to the setting of 2 designated heritage assets (Sandfields House and Sandfields Lodge) and this harm would be less than substantial. There are no public benefits associated with the proposal (11.03.2020).

**LDC Environmental Health Officer-** No objections in principle, but require a condition relating to construction times. (11.03.2020)

**LDC Ecology-** Updated Comments: Satisfied with the methodology and the information provided within the submitted Ecological Impact Assessment. They concur with the conclusions of the Assessment in that (given the data provided) it can now be considered unlikely that the proposed works would negatively impacting upon a European Protected Species. However, all recommendations and methods of working detailed within the Ecological Impact Assessment must be made a condition of any future planning approval (i.e. all detail contained within section 5, avoidance, mitigation and compensation) (27.04.2020)

Initial comments- The biodiversity metric calculator and accounting tool has not been submitted with this application despite being referenced within the Ecological Impact Assessment. This



document is required to be submitted prior to any planning decision being made. Further full ecological advice will be provided on submission of the biodiversity metric. (24.03.2020)

**LDC Arboriculture Officer-** No objections. There are no protected trees on the site. A tree report has been submitted which is acceptable, however a tree protection plan is still required. There is insufficient planting to achieve the 20% canopy cover required. (20.02.2020).

### **LETTERS OF REPRESENTATION**

Neighbour consultation was carried out and site and press notices were posted in relation to the planning application. One response raising objections was received. Objections are summarised as follows:

- Impact on the setting of the adjacent heritage asset.
- The site area was previously designated as open space.
- The housing allocation has been met for this strategic allocation.
- The weight which can be attributed to the 'public benefits' of the proposal is limited.
- The scale, mass and design of the proposed houses will dominate the setting of the listed buildings.
- Hedges would be insufficient to overcome the heritage impacts of the proposal.
- The application documents are misleading and contain inaccuracies.

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

5406.99 1:1250 Location Plan dated as received 19 February 2020  
17-078-19-01a Topographical Survey dated as received 19 February 2020  
CPL.PL.10a Detached Garage Plans dated as received 19 February 2020  
CPL.PL.11 Rev D Proposed Site Layout dated as received 26 May 2020  
CPL.PL.12 Rev A Plot 6 Floorplans dated as received 26 May 2020  
CPL.PL.13 Rev A Plot 6 Elevations dated as received 26 May 2020  
CPL.PL.14 Plots 2, 3, 4 & 5 Layout dated as received 26 May 2020  
CPL.PL.15 Rev A Plots 2, 3, 4 & 5 Elevations dated as received 26 May 2020  
CPL.PL.16 Plot 1 Elevations dated as received 26 May 2020  
CPL.PL.17 Plot 1 Floor Plans dated as received 26 May 2020  
CPL.PL.19 Rev A Proposed Dwellings dated as received 26 May 2020  
Eco-location Ecological Impact Assessment dated as received 19 February 2020  
CPL.PL.20 Composite Street Scene dated as received 31 March 2022

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### **OBSERVATIONS**

#### **Site and Location**

The application site relates to a broadly rectangular shaped site comprising 1.1 acre of grassland. The site is to the South of Claypit Lane and forms part of the wider strategic development allocation to the South of Lichfield City at Deanslade Farm. The original Deanslade farmhouse and associated buildings are located to the South of the site (accessed via a private drive), and works are underway on the adjacent site to deliver the majority of housing being delivered under the strategic allocation.

The boundary of the West Midlands Green Belt runs down Clay Pit Lane and therefore the site is located adjacent to, although not within the Green Belt designation. The site boundaries are defined by post and rail fencing with areas of hedging. Ground levels across the site slope down towards Claypit lane.

To the North of the site is Sandfields House and Sandfields Lodge, a pair of semi-detached dwellings which are Grade II listed. The listed buildings are located 105m away from the application site. The list description reads:

*'Two houses. C18 with early C19 alterations and additions, partly incorporated in house of c1860. Brick with ashlar dressings; tile roofs with brick stacks. L-plan with later range to left. Georgian Gothick style. Sandfields Lodge: 2 storeys; symmetrical 3-window range. 2 full-height canted bays with simple coping flank pedimented bay. Porch has embattled parapet and pointed entrance with ogival hood mould; flanking pointed windows with Y-tracery glazing; continuous hood moulds with head stops, the outer ones damaged. Windows have label moulds over 2-light small-paned casements with pointed lights, bays have blind windows to cants. Roof hipped to end, end lateral stacks and large axial stack. Wing recessed to right has pedimental gable and blind window over re-entrant block, simpler details to return. Sandfields House incorporates gabled wing to left, which has lean-to conservatory below window with label mould over 2-light casement, lacking glazing bars. The rest is c1860, double-depth plan. Double-gable roof with end and cross-axial stacks. Tudor details. 2-window range with ashlar cross-mullioned windows with label moulds. Return has wide verges, canted bay window and entrance with 4-centred head and cornice to ashlar surround. Sandfields Lodge was a private lunatic asylum from c1818-1856. (Victoria History of the County of Stafford: Greenslade M W: Lichfield: Oxford: 1990-: P.106-7).'*

The site is within the Parish of Lichfield City where the Lichfield City Neighbourhood Plan is relevant. The site is also within the 15km zone of influence for the Cannock Chase Special Area of Conservation.

## **Background**

The site forms part of the Deanslade South of Lichfield Strategic Development Allocation (SDA). A hybrid planning application (ref. 17/01191/OUFMEI) was approved in March 2019 for a mixed use development comprising of 475 dwellings, a country park and various infrastructure. The consent included outline approval for a primary school with strategic sports provision.

In November 2019 planning permission (Ref. 18/01498/FUL) was granted for the erection of 7 detached dwellings and associated works on the land immediately to the south west of the application site.

## **Proposals**

This application seeks permission for erection of 6 no. detached dwellings and associated works.

Three of the proposed dwellings would front onto Claypit Lane with the remaining three fronting onto the existing private drive which services Deanslade Farm. Vehicular access would be provided off the Private Drive to each dwelling. Landscaping plans have been provided which show hedging to Claypit Lane and trees/ shrubs being interspersed within the site. Rear gardens would be enclosed by 1.8m high fencing.

The dwellings would be detached and have a similar footprint, scale and design. Each dwelling would have 5 No. bedrooms and integral garages. Gable and chimney features are proposed to achieve a cohesive design within the development. The dwellings have been designed in line with the ethos of the approved houses in the adjacent site to the South West.

The application is supported by the following documents:

- Planning Statement
- Tree Report
- Ecological Impact Assessment
- Transport Statement
- Biodiversity metric calculator
- Heritage Statement

## Determining Issues

1. Policy & Principle of Development
2. Housing Mix and Affordable Housing
3. Design and Impact on Heritage Assets
4. Residential Amenity
5. Access and Highway Safety
6. Ecology and Trees
7. Drainage
8. Cannock Chase Special Area of Conservation
9. CIL/ Planning Obligations
10. 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 Lichfield City Neighbourhood Plan was also made in 2018 and as such, also carries full material weight.
- 1.2 The emerging local plan, the Local Plan 2040, has completed its Regulation 19 consultation in the summer of 2021 and following recent Cabinet agreement is due to be submitted to the Secretary of State soon. However, given that the plan has yet to be submitted for its examination, 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.
- 1.3 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.
- 1.4 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.

#### *The Local Plan*

- 1.6 Core Policy 1: The Spatial Strategy states that growth will be located at the most accessible and sustainable locations in accordance with several stated locations, which includes the South Lichfield Strategic Development Allocations.
- 1.7 Core Policy 6: Housing Delivery sets out the Councils approach to housing delivery in particular. This policy outlines that the Council will plan, monitor and manage the delivery of at least 10,030 houses between 2008- 2029, with 450 dwellings coming forward on the South Lichfield Deans Slade allocated site.
- 1.8 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; 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.

- 1.9 Policy H1: A Balanced Housing Market, of the Local Plan Strategy seeks the delivery of a balanced housing market through an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. This reflects the approach in the NPPF, which sets out that Local Planning Authorities should deliver a wide choice of high quality homes with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Policy H1 states that there is currently an imbalance of dwelling types within the District. To address this Policy H1 mentions that the District Council will actively promote the delivery of smaller properties, particularly 2-3 bedroom houses and 2 bedroom apartments to increase local housing choice and contribute to the development of mixed and sustainable communities. Therefore a scheme which includes a range of properties, particularly 2 and 3 bed dwellings would be sought and supported by the Local Plan.
- 1.10 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.

#### *Lichfield City Neighbourhood Plan*

- 1.11 There are no policies within the Lichfield Neighbourhood plan which are relevant to the assessment of this proposal.

#### Assessment

- 1.12 In location terms, the application site is located within strategic development allocation (SDA) of South Lichfield 'Dean Slade Farm'. This allocation provided for 450 dwelling houses. As set out above in the background section two planning consents have approved amounting to a total of 482 dwellings. The proposal therefore would result in a further minor over delivery of housing within the SDA, by taking the number of dwellings within the allocation to a total of 488. However, the figure set out in the local plan is a minimum figure establishing an appropriate parameter of housing delivery. An over delivery within the SDA, is not therefore considered to be contrary to the provisions of the Development Plan.
- 1.13 The site is located within an established allocation for residential development through the Local Plan and the site can be considered as an infill site, given the proximity and siting of surrounding residential development. In principle, the proposal is therefore considered to be acceptable in terms of the policies set out in the Local Plan, by providing development in a sustainable location which has previously been allocated for residential development.

## 2. Housing Mix and Affordable Housing

- 2.1 Policy H1: A Balanced Housing Market, of the Local Plan Strategy seeks the delivery of a balanced housing market through an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. This reflects the approach in the NPPF,

which sets out that Local Planning Authorities should deliver a wide choice of high quality homes with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Policy H1 states that there is currently an imbalance of dwelling types within the District. To address this, Policy H1 states that the District Council will actively promote the delivery of smaller properties, particularly 2-3 bedroom houses and 2 bedroom apartments to increase local housing choice and contribute to the development of mixed and sustainable communities. Therefore, a scheme which includes a range of properties, particularly 2 and 3 bed dwellings would be sought and supported by the Local Plan.

- 2.2 Local Plan Strategy Policy H2: ‘Provision of Affordable Homes’ sets out a commitment to improving housing affordability in Lichfield District. On qualifying sites, the District Council will be seeking a target of up to 40% of new dwellings (including conversions) to be provided as affordable housing. The policy goes on to say that the thresholds upon which affordable housing provision will be sought are: In Lichfield City and Burntwood, affordable housing will be required on housing developments for 15 or more dwellings or sites of 0.5ha or more in size and in accordance with nationally set thresholds.

#### Assessment

- 2.3 The proposal seeks consent for 6 No. 5 bedroom dwelling houses. As such, the scheme does not meet the aspirations of Policy H1, which sets a housing mix requirement to provide higher numbers of 2 and 3 bed properties.
- 2.4 In the context of the wider SDA and the previously approved schemes referred to in the background section above, the following housing mix would be achieved:

No of Bedrooms	Number of dwellings	Actual Percentage	Policy H1 Requirement
1	15	3%	5%
2	192	40%	42%
3	191	39%	41%
4/5	90	18%	12%
Total	488	100%	100%

- 2.5 It is noted that whilst the scheme would not strictly meet with the housing mix identified in Local Plan Strategy H1 taken in isolation or having regard to the wider SDA, on balance, given the small scale of this site, which is on the rural fringe of Lichfield and the Dean Slade development, the precise mix would not only be difficult to achieve given the small scale of the site, but would also result in an more over intensive form of development. Therefore, on balance, it is considered that the scheme would be acceptable and not significantly alter the approved housing mix across the SDA where the majority of dwellings being provided are 2 and 3 bedroom properties in line with the aspirations of policy H1. Consequently, the proposed mix of 6 larger 5 bedroom homes in this instance is acceptable having regard to its site context and location and the wider SDA housing mix that is not a significant variance to that promoted by policy H1.
- 2.6 With regard to affordable housing, as the site proposes 6 houses, this falls below the threshold of 15 houses upon which affordable housing provisions is sought by Policy H2 of the Local Plan Strategy. Furthermore, Paragraph 64 of the NPPF sets out that the provision of affordable housing should not be sought for residential developments that are non-major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). The scheme is not a major development, and is not located within a designated rural area. Therefore, there is no policy basis to seek the delivery of affordable housing for this application.

### 3. Design and Impact on Heritage Assets

3.1 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 areas 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

3.2 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. Furthermore, there is a requirement to show how the scheme proposes to provide new homes and buildings of a high quality, inspired by the character and existing architectural design (vernacular) of the District.

3.3 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 BE1: High Quality Environment states that all development should ensure that a high quality sustainable built environment can be achieved.

3.4 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.

#### Assessment

3.5 The proposed houses would be set back behind a private driveway, with three properties fronting onto Claypit Lane, set behind hedging and a service road. The remaining three dwellings would front onto a private drive leading to Deanslade House to the South of the site. The proposed layout of the scheme would architecturally, provide a mix of elevations along the prominent frontage of Claypit Lane, which would integrate well with the extant residential development to the South West. Street scene drawings have been provided to demonstrate how the development will integrate with surrounding residential development and whilst this development would change the character of this urban fringe of Lichfield, in the context of the surrounding built form it is considered to be acceptable.

3.6 The proposal would provide for an infill of development along Claypit Lane, providing for a continuous strong street frontage. The proposed design of the dwellings incorporates traditional features such as bay windows, working chimneys and feature lintels and cills, which is considered to reflect the mixed character of the nearby area, and is consistent with the wider design of houses found elsewhere throughout Lichfield City. Overall, the proposal would not result in unacceptable harm to the street scene and conditions are recommended to secure the use of appropriate external facing materials to ensure satisfactory appearance of development.

3.7 Turning to the impact on heritage assets. The site is located 105m from Sandfields House and Sandfields Lodge, a pair of semi-detached dwellings which are to the North of the site and Grade II listed. The Councils Conservation & Design Officer has confirmed that the

proposal would result in less than substantial harm to the setting of these listed buildings, through the impacts of adding built form within close proximity thereto. In line with the requirements of the NPPF, this harm must therefore be weighed against the public benefits of the proposal, including securing the optimum viable use of the land.

- 3.8 A Heritage Statement has been submitted in support of the proposals. The application site is of relatively small scale, when viewed against the backdrop of the previously consented dwellings (475 units) allowed under the strategic development allocation. Landscaping is proposed on site, with the dwellings being set back from the main frontage of Claypit Lane behind hedging. It is further noted that landscaping in the form of additional hedging is to be implemented in the area between the site and the Listed Buildings as part of approved consent 17/01191/OUFMEI, which permitted the majority of the dwellings on the SDA. The proposed and previously consented landscaping would therefore provide intervening features between the new dwellings and the listed buildings.
- 3.9 In terms of public benefits of the scheme, the applicant has set out that the development of 6 houses on this site would bring economic, social and public benefits. Completion of the development would provide economic benefits relating to the construction of the dwellings through employment of skilled workers and in turn the local economy of the District. The scheme would contribute towards the delivery of housing within the District and within an area already allocated for housing development, thus maximising the benefits from the SDA. The site is not open to public access, and as such the preservation of the site as existing fails to bring public benefits. Environmentally, biodiversity of the existing site would be enhanced through the proposals and the public footpath along Claypit Lane would be extended. It is noted that no direct heritage benefits would arise from the scheme. Notwithstanding this, it is considered that appropriate weight can be afforded to the development in terms of the public benefits of the scheme, which are set out above. Therefore, on balance, the less than substantial harm to heritage assets associated with the scheme is considered to be outweighed by the public benefits. In heritage terms, on balance, the scheme is considered to be acceptable in this regard.

#### 4. Residential Amenity

- 4.1 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.
- 4.2 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 guidelines require a minimum 21m between principal habitable windows which face each other and 6m between principal windows and residential amenity space. The SPD requires dwellings with 3 bedrooms to have 65 square metres of private amenity space.

#### Assessment

- 4.3 The scheme has been fully considered in the context of the surrounding development which is under construction and the approved residential development to the South West. Separation distances as set out in the Sustainable Design SPD would be met by the proposals and the proposed garden areas would meet with the minimum garden sizes and depths prescribed in the SPD. As such, it is considered that the proposal would comply with the relevant separation and space guidelines and would therefore not have an unacceptable impact upon the residential amenity of neighbouring occupiers in terms of overlooking, loss of light or overbearing impact and would provide suitable amenity for future occupiers of the development.
- 4.4 On the whole, the proposal would provide an acceptable level of residential amenity whilst causing no unacceptable harm to the existing amenities, such as light and privacy enjoyed by

neighbouring occupiers. As such the development would be in accordance with the requirements of the Development Plan and NPPF, in this regard.

## 5. Access and Highway Safety

- 5.1 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.
- 5.2 Policy ST2 'Parking Provision' sets out a requirement for parking provision to serve new developments which is expanded upon with specific requirements in the Sustainable Design SPD. Policy ST2 also sets out a requirement for weatherproof cycle storage. The Sustainable Design SPD sets out the following the maximum parking standards for new dwellings which for 3 and 4 bed should have two spaces per dwelling.

### Assessment

- 5.3 Claypit Lane is a 'C' Classified Road, with a current speed limit of 60mph, although it is acknowledged that the consented development to deliver 475 dwellings on the Dean Slade site includes highway improvements which will result in the speed limit along Clay Lane being reduced to 40 mph. The site layout has been revised during the course of the application to include the extension of a footpath along the frontage with Claypit Lane. The footpath would also extend along the frontage with the private drive. Each dwelling would benefit from an integral garage and off road parking for at least 3 cars. The parking requirements of the Sustainable Design SPD would therefore be met by this proposal. In addition, electric vehicle charging points would also be installed to each dwelling house; to be secured by condition, as recommended.
- 5.4 The County Highway Authority have been consulted and are satisfied that the proposal would not cause detriment to highway safety. Conditions to ensure that appropriate visibility splays are achieved and that parking / turning areas are provided prior to the first occupation of the dwellings are recommended, as requested by the Highway Officer.
- 5.5 In respect of the above, subject to conditions, the development proposals are considered to be acceptable on highway grounds. As such, the development would be in accordance with the requirements of the Development Plan and NPPF, in this regard.

## 6. Ecology and Trees

- 6.1 Local Plan Policy NR3 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.
- 6.2 Policy NR4 of the Local Plan Strategy sets out that 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 hedgerows will be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. The Trees, Landscaping and Development SPD sets out how the Council will expect trees to be protected during development and appropriate new planting to be incorporated into new development sites.



## Assessment

- 6.3 In terms of ecology, the application is supported by an Ecological Impact Assessment and a Biodiversity metric calculator. The Ecology Team is satisfied with the methodology and the information provided within the submitted Ecological Impact Assessment. The Ecology Team concurs with the conclusions of the Assessment in that (given the data provided) it can now be considered unlikely that the proposed works would negatively impact upon a European Protected Species. The recommendations and methods of working detailed within the Ecological Impact Assessment are to be secured by a suitably worded condition, as recommended. In terms of biodiversity enhancement, a scheme outlining the proposed methods of enhancement, along with a habitat management plan can be adequately secured by condition.
- 6.4 In respect of the above, subject to conditions, the development proposals are considered to be acceptable on ecological grounds and compliant with Policy NR3 of the Local Plan Strategy as well as relevant guidance contained within the NPPF.
- 6.5 Turning to the impact on Trees. A Tree Survey report was submitted to support the application. The site does not contain any protected trees and is not within a designated Conservation Area. Existing trees are located to the perimeter of the site. The Councils Arboriculture Officer has confirmed that subject to the provision of a tree protection plan, which could be secured by condition, existing trees could be retained. A landscaping scheme is also recommended by condition, to ensure that additional trees of appropriate species are planted as part of the scheme to ensure the objectives of the Trees, Landscaping and Development SPD which requires 20% canopy cover on development sites is achieved.
- 6.6 In light of the above, it is considered that the impact upon retained trees can be controlled and a landscaping scheme will ensure that additional trees will be planted, in accordance with the aforementioned Local Plan Policies, the Trees, Landscaping and Development SPD and the NPPF.

## 7. Drainage

- 7.1 Section 14 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding nor 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 Core 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.

## Assessment

- 7.3 The site is not located within an identified flood risk area being in Flood Zone 1, nor is it an identified local flooding hotspot. In terms of national policy and standing advice from the Environment Agency a Flood Risk Assessment is not required in this case. Severn Trent Water Ltd have been consulted with regard to the proposal and have raised no objections, subject to the submission and approval of a scheme for the disposal of foul and surface water.
- 7.4 In light of the above, it is considered that a suitable drainage strategy can be employed to adequately address the drainage requirements for the proposed development. The proposal

is therefore, subject to condition, considered to be compliant with the Local Plan Strategy and the NPPF, in this regard.

8. Cannock Chase SAC

8.1 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.

8.2 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. Given that the dwellings are standard market housing, the development is liable for CIL payments. As such, the mitigation payment will be captured through CIL receipts on commencement of the development.

9. CIL/ Planning Obligations

9.1 Lichfield District Council began charging the Community Infrastructure Levy (CIL) on 13th June 2016. The proposed development falls within a high market value area and therefore residential development is charged at £55 per square metre. An informative to remind the applicant of this responsibility would be attached to the decision notice, if permission is granted.

9.2 The County Education Authority have identified that the development could result in the requirement for 2 primary school places and 1 secondary school place. Education Contributions for providing secondary school infrastructure are currently sought through the CIL mechanism, however, S106 contributions are still being requested to deliver the necessary primary infrastructure. It is noted that Staffordshire County Council can now require education financial contributions for residential developments of less than 10 dwellings where their co-location with other sites requires examination of the cumulative impact. This is required where small residential schemes are tied to or located adjacent to major housing developments. The applicant has agreed to fund the cost of 2 primary school places, with a total financial contribution of approximately £49,705.72 (position as of May 2020). The agreed contribution would be secured by means of a S106 legal agreement, as recommended.

10. Human Rights

10.1 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 development proposals have been altered during the course of the application and as revised, are considered to be an appropriate form of development in this location. The principle of the location of the development is acceptable, and whilst the aims of providing an integrated mix of dwelling types, sizes and tenures set out through Policy H1 is not achieved when considering the scheme in isolation, although in the context of the wider SDA the overall objectives of providing a range of house sizes would broadly still be achieved and therefore is considered to be acceptable, on balance in this regard.

Heritage and highway concerns have been appropriately addressed and mitigated through the submission of an amended, improved scheme. Appropriate mitigation measures have been put in place to accommodate the increase in the number of vehicles accessing the site, ensuring the safety of the surrounding highway network. A Heritage Statement has been submitted to address the concerns raised, confirming the level of harm to heritage assets can be reduced, although not overcome, through appropriate planting. The public benefits have also been set out by the applicant, which are considered to address the balancing exercise, as required in the NPPF. Quality landscaping and ecological enhancements can be secured by condition. Therefore, on balance the proposed scheme is considered to be acceptable.

Consequently, it is recommended that this application be approved, subject to conditions and a S106 legal agreement, as set out above.

# LOCATION PLAN

21/00195/FULM  
Kings Orchard Marina  
Broad Lane Huddlesford  
Lichfield

Scale: 1:5,500

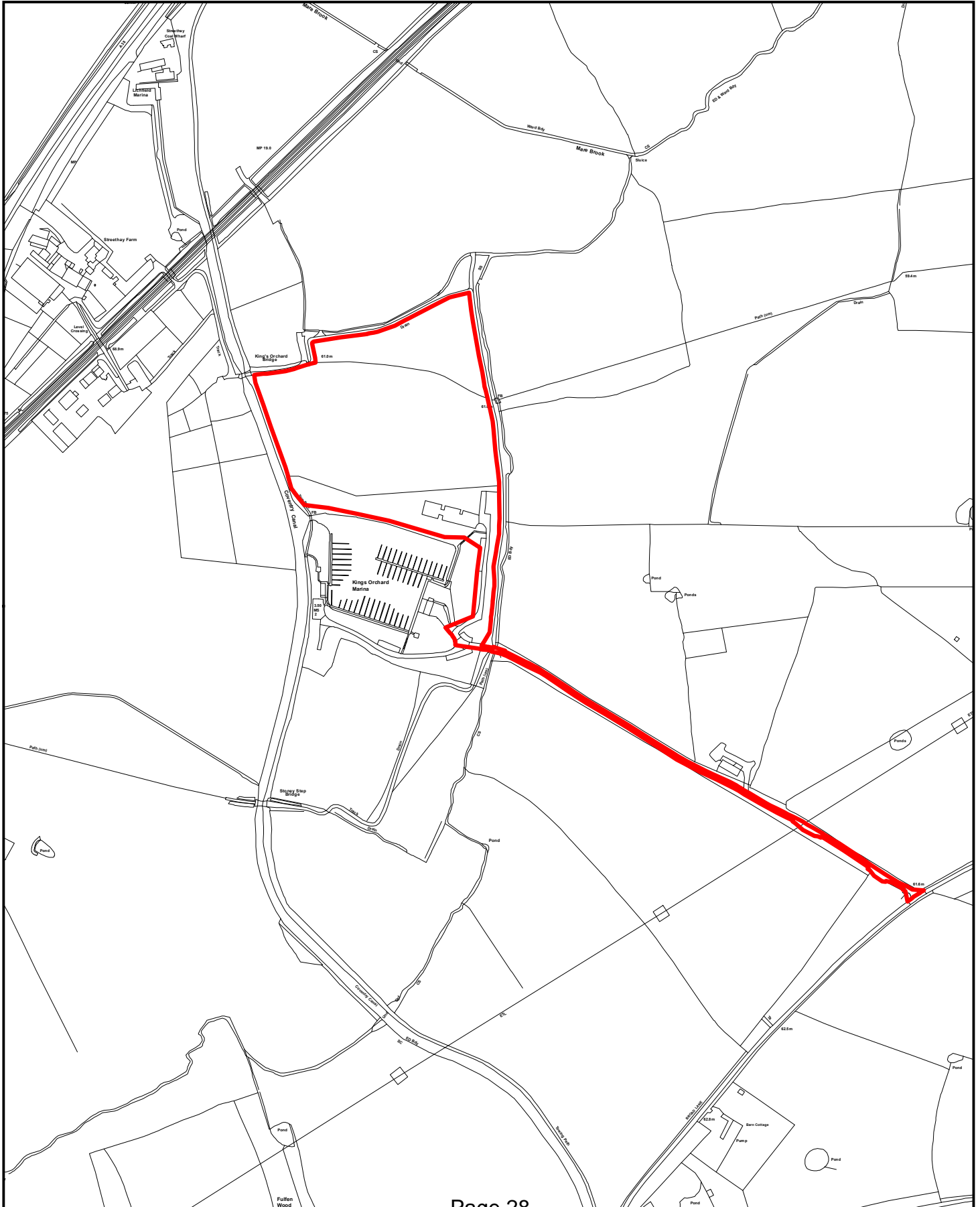
Dated: May 2022

Drawn By:

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## 21/00195/FULM

**PROPOSED DEVELOPMENT TO PROVIDE HOLIDAY ACCOMMODATION, ADDITIONAL CARAVAN PITCHES, ADDITIONAL CAR PARKING, AMENITY BUILDING AND FISHING LAKE AND ASSOCIATED WORKS.**

**KINGS ORCHARD MARINA, BROAD LANE, HUDDLESFORD, LICHFIELD  
FOR ABC Leisure Group Ltd**

Registered: **10/05/2021**

**Parish: Streethay**

**Note:** This planning application is being reported to the Planning Committee due to significant planning objections raised by Fradley and Streethay Parish Council and Whittington and Fisherwick Parish Council. The objections raised are summarised as follows:

- Highway Impacts and impact on the local road network
- Cumulative impacts with HS2 construction traffic
- Highway safety impacts for pedestrians and horse riders who use the existing single track roads
- Lack of traffic plan or transport assessment to support the application
- Flooding impacts as the site is located within a flood risk area

**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.

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

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.

Reason: 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, CP9, CP13, CP14, ST1, ST2, NR1, NR3, NR4, NR7 and BE1, BE2 of the Local Plan Allocations, the Sustainable Design SPD, the Biodiversity and Development SPD, the Trees, Landscaping and Development SPD, the Rural Development SPD, and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

3. This permission is for the provision of 10 holiday lodges, 18 glamping pods, and 15 caravan pitches and for no other additional holiday accommodation. .

Reason: 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, CP9, CP13, CP14, ST1, ST2, NR1, NR3, NR4, NR7 and BE1, the Sustainable Design SPD, the Rural Development SPD, and the National Planning Policy Framework.

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

4. Before the development hereby approved is commenced and notwithstanding the information submitted, a detailed landscape and planting scheme (incorporating any existing trees and hedges to be retained and a maintenance schedule) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development is provided, in accordance with Policies CP3 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 and the National Planning Policy Framework.

5. Before the development hereby approved is commenced, including any site clearance works, a Construction Environmental Management Plan (CEMP) including details of the site compound, types of vehicles, provision for parking of vehicles for site operatives and visitors, loading and unloading of plant and materials, and storage of plant and materials used in constructing the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented prior to any works commencing on site and shall be maintained and or complied with throughout the construction period.

Reason: In the interests of highway safety and to minimise the impact of construction activity on the ecological interests of the site and the surrounding environment, in accordance with the requirements of Policies CP3, CP5, NR1, NR3, BE1 and ST2 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

6. Before the development hereby approved is commenced a scheme of biodiversity enhancement and Habitat Management Plan (HMP) detailing, in full, the future habitat creation works (and sustained good management thereof) to a value of no less than 11.57 Biodiversity Units shall be submitted to and agreed in writing by the Local Planning Authority. The enhancement measures shall be provided prior to the first occupation of the holiday accommodation hereby approved and retained/ managed in accordance with the HMP for the lifetime of the development.

Reason: 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.

7. Before the development hereby approved is commenced or any equipment, machinery or materials is brought onto site, full details of protective fencing and/or other protective measures to safeguard existing trees on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed tree / hedge protection measures shall thereafter be provided prior to commencement of any development or works in accordance with the approved details British Standard 5837: 2012 and retained for the duration of 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 parts of the development have been completed, and all equipment; machinery and surplus materials have been removed from the site.

Reason: 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.

8. A) Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works (i.e. geophysical survey and trial trenching) to be carried out within the site, including post-excavation reporting and appropriate publication.

B) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post-excavation assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To ensure that no development takes place which may adversely affect any items of archaeological interest without adequate prior investigation in accordance with Policies CP14 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations and the National Planning Policy Framework.

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

9. Notwithstanding any description/details in the application documents, before the development hereby approved is commenced above slab level, details of all external materials of all buildings and structures and areas of hardstanding to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: 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.

10. Before the development hereby approved being brought into use, the access, internal access road, parking and manoeuvring areas broadly indicated on submitted P20.157.20 'Parking & Access', shall be completed and surfaced in a porous bound material which shall thereafter be retained for the life of the development.

Reason: 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. Before the development hereby approved being brought into use, details of weatherproof and secure cycle storage to serve the development shall be submitted to, and approved in writing by the Local Planning Authority. The cycle storage facilities shall thereafter be provided and retained for those purposes only prior to first use of the development.

Reason: In the interests of providing sustainable travel options and to conform to policy ST1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

12. Before any part of the development hereby approved is brought into use, full details of the refuse and recycling compounds shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling compounds shall thereafter be provided and made available for use prior to the first use / occupation of the development and shall be maintained for the life of the development.

Reason: To ensure that appropriate refuse receptacle's/ storage are provided and 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.

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

13. The development hereby approved shall be carried out in full accordance with the approved Flood Risk Assessment produced by Ramm Sanderson and dated January 2019 (report reference RSE 1900 01 v1).

Reason: To ensure adequate drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy CP3 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

14. The measures set out in the Emergency Flood Plan, dated as received 27 September 2021 shall be adhered to at all times.

Reason: In the interests of the safety of future visitors to the site, in accordance with Policy CP3 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

15. The development hereby approved shall be carried out in strict accordance with all recommendations and methods of working detailed within the Preliminary Ecological Appraisal produced by Midland Ecology, dated 13 April 2021.

Reason: 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.

16. All planting, seeding or turfing shown on the approved plans/ approved details of landscaping required under condition 4 shall be carried out in the first planting and seeding season following the first use of the site or on 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.

Reason: 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 in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, Trees, Landscaping and Development SPD and the National Planning Policy Framework.

17. Prior to its installation, details of any external illumination within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of illumination shall thereafter be provided in accordance with the approved details and maintained as such for the life of the development.

Reason: The site lies in open countryside where uncontrolled artificial lighting would be prejudicial to the rural character of the landscape and the residential amenities of neighbouring occupiers in accordance with Policies CP3, CP13 and BE1 of the Local Plan Strategy and the National Planning Policy Framework.

18. The holiday lodges, glamping pods and caravan pitches 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 the



accommodation of one month. There shall be a period of at least 1 month gap between the occupation/let of a lakeside chalet or converted bothy by the same occupants. A register including dates of occupation, names and permanent home addresses, of the occupants of the lakeside chalets and converted bothies shall be maintained for inspection during reasonable hours by the Local Planning Authority.

Reason: 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, CP6 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

19. The worker lodge hereby approved shall only be occupied by a person/persons working within the application site for the purposes of leisure and tourism.

Reason: The creation of an independent dwelling in this location would be contrary to Policies CP1 and CP6 and the National Planning Policy Framework for the reason that it would constitute unsustainable development in the countryside.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure shall be erected around any of the buildings hereby permitted or their curtilages.

Reason: 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.

#### **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. 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 applicants are advised that Public Footpaths Fradley and Streethay 5, Fradley and Streethay 6, Whittington 14 and Whittington 15 which are in the vicinity of the site should not be obstructed or extinguished as a result of this development either during or after construction.
5. 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.

6. The applicant is advised that, with regards to the Habitat Management Plan required under condition 6 above, the following details should be submitted which expand upon the information provided to support this application:

- 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)
- 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.
- Details of both species composition and abundance (% within seed mix etc) where planting is to occur including post development habitat maps and plans.
- Detailed design and working methods (management prescriptions) to achieve proposed habitat and management conditions, including extent and location or proposed works for a period of no less than 30 years.
- Assurances of achievability.
- Timetable of delivery for all habitats.
- A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. Ecological monitoring reports should be submitted to the LPA every 5 years.
- Details of the installation of bat and bird boxes.

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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 CP5 – Sustainable Transport  
Policy CP9 – Tourism  
Policy CP13 – Our Natural Resources  
Policy CP14 – Our Built & Historic Environment  
Policy SC1 – Sustainability Standards for Development  
Policy ST1 – Sustainable Travel  
Policy ST2 – Parking Provision  
Policy NR1 – Countryside Management  
Policy NR3 – Biodiversity, Protected Species & their Habitats  
Policy NR4 – Trees Woodland & Hedgerows  
Policy NR7 – Cannock Chase Special Area of Conservation  
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  
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**

**18/01453/FUL-** Retention of 12 No. Caravan/ Campervan pitches with associated surfacing- Approved 18.12.2019

**18/00514/PND-** Prior Notification: Change of use from agricultural building to form 1no three bedroom dwelling- 29.06.2018- Prior Approval Not Required

**18/00240/PND-** Prior Notification: Change of use from agricultural building to form a three bedroom dwelling- 04.04.2008- Prior Notification Refused

**17/00016/FULM-** Construction of 118 two, three and four bedroom timber clad holiday and leisure lodges, layout and construction of internal site roads and parking areas, creation of play areas and internal footpaths, layout and creation of two balancing ponds, construction of a reception building with meeting space, office, fitness suite, toilets and bike hire and laying out of 2.5ha greenspace for nature conservation and leisure, including nature trail and dog walk, extensive tree planting and creation of species rich flower meadow- 13.08.2018- Refused. Appeal Allowed.

**07/00562/FULM-** Construction of marina, erection of service and toilet blocks, landscaping, provision of ancillary services and alterations to access track- 14.02.2008- Approved.

### **CONSULTATIONS**

**Fradley & Streethay Parish Council-** Object. No traffic plan nor proper traffic assessment has been provided; the reliance of access by motor vehicles and the impact on the local road network and environment of the increased traffic; and concerned for the safety of pedestrians and horse riders in the area who use the local single track roads.

The lodges are an intrusion into the landscape and countryside location of this site. This is not an area where new homes should be developed given the rural location of the proposed site. If allowed they should be subject to a condition limiting occupancy and preventing them to converting to new permanent dwellings. (07.06.2021 & 19.11.2021)

**Whittington and Fisherwick Parish Council-** Object. The proposals put pressure on existing road network, the site is in Flood Zone 3 and emergency access plan required, the submitted documents are not adequately addressing these issues. The application must be viewed in context of application 17/00016/FULM and combined impacts with HS2. Revised submission provides limited information, proposals are unaltered. (23.06.2021 & 02.07.2021)

**National Highways- Final Comments-** The submitted transport note is acceptable. Require an Environmental Impact Statement showing that the Developer has considered the impact of the A38 on the Development and what measures / mitigation if any have been used. (31.12.2021 & 03/03/2022)

**Further Comments-** In the absence of an environmental impact statement or similar we are unable to ascertain if the Applicant has considered the likely impact of the A38 on the development in general and in particular, with regard to noise, and air quality improvement. This is required in accordance with DfT Circular 02/2103. (06.09.2021).

**Initial-** The site has no common boundary with the strategic road network, however the A38 is likely to influence environmental matters. In the absence of an environmental impact statement or similar we are unable to ascertain if the applicant has considered the likely impact of the A38 on the development in general and in particular, with regard to noise, and air quality impact. (04.06.2021)

**Environment Agency-** No objections. Hydrological Assessment found to be acceptable. However, as a precaution we recommend that the owners of the site sign up to receive Flood Warning and produce a flood evacuation plan. (11.11.2021)

**Natural England- Final-** No objection. Based on the plans submitted consider that the proposed development will not have significant adverse impacts on designated sites and has no objection. (26.4.2022)

**Initial-** Class C1 developments and those considered *sui generis* need to undertake HRA if they occur within 15km of Cannock Chase SAC and could result in increased tourism or visitor use. To allow the LPA to undertake HRA the developer will need to provide information to the which details: recognition of impacts; likely occupancy rates per annum during the developments operational phase; suggestion of mitigation proportional to the recognised scale of impact.

Additionally, a developer contribution to the SAMMM to allow for physical improvement to the visitor infrastructure of Cannock Chase proportional to the impacts of the developments can now be provided instead of the developer delivering their own mitigation scheme. To calculate the correct sum the following formula should be used.

$$[(\text{Number of individual rooms / tents / camping pitches} \times \text{LPA rate}) / 100] \times \text{occupancy rate}$$

This contribution should be secured via a UU prior to the granting of planning approval and the developer contribution must be provided to the LPA prior to commencement. (04.06.2021)

**Cadent and National Grid-** No objections. The proposals would not be in close vicinity of overhead power lines. (17.05.2021 & 28.06.2021)

**Canal & River Trust-** The main issues relevant to the Trust as statutory consultee on this application are:

- a) The impact of additional users of the towpath.
- b) The impact on the character of the waterway.
- c) The impact on the ecology of the waterway

Suitably worded conditions/ a legal agreement are necessary to address these matters. (27.05.2021)

**Cannock Chase SAC Officer-** No objections, however the site is tourism development within the zone of influence for Cannock Chase SAC. Tourism uses are subject to SAMMM contributions due to their impact on the SAC. For holiday accommodation information will need to be provided on likely occupancy rates per annum, recognition of impacts and suggestion of proportional mitigation. Alternatively, a developer contribution can be calculates using the following formula:

$$(\text{number of rooms/tent/caravan pitches} \times \text{LPA contribution rate}) / \text{Occupancy rate per annum}$$

A Habitat Regulations Assessment will be required. (23.03.2022)

**Inland Waterways Association-** No objections in principle. The proposals are low-rise and screened by tree planting. Provided that there are conditions time-limiting occupancy to holiday uses IWA will

have no objection in principle to this application. Concerns were raised regarding cumulative increase in traffic and impact on historic canal bridges. (18.05.2021)

**Severn Trent Water-** No objection. (28.05.2021)

**Police Architectural Liaison Officer-** No objections. Security design recommendations provided, including CCTV system and to limit access of site to legitimate users when not in use. (08.06.2021)

**SCC Flood Risk Planner (LLFA) Final**- No objections following the additional information provided. (04.06.2021)

Initial- The submitted emergency flood plan does not show flood paths or flooded areas. (17.11.2021)

**SCC Highways-** No objections. As vehicular trips from the application site are likely to be off-peak avoiding the traditional morning and evening peak hours, with arrivals and departures throughout the day, it is not considered that the proposed development would have any significant impact on the surrounding highway network. No objections, subject to 3 conditions being applied (on Construction Management Plan, access and parking being brought into use; and cycle storage). Informatives also provided. (26.07.2021 & 16.06.2021)

**SCC Archaeology- Final**- County Archaeologist agrees that a desk-based assessment is not required and staged investigation would be appropriate as a condition of consent. (09.09.2021)

Initial- There is potential for further archaeological remains to be present. Staged archaeological investigation is recommended. Suggested condition is provided. (02.6.2021)

**LDC Spatial Policy and Delivery Team-** In principle the use of the site for fishing, lodging, caravan pitches and associated works could accord with the policies within the development plan and the NPPF. The site is within 15km zone of influence of Cannock Chase SAC, therefore any impacts need to be understood. (02.06.2021)

**LDC Economic Development Team- Final**- Applicant has provided further evidence of demand. The increase in contribution to the local visitor economy is welcomed and I would like to support this application on economic development grounds. (26.10.2021)

Initial- Proposals will increase job opportunities by 9 FTE jobs. Requested evidence of demand for the pitches, lodges and pods. Concern on additional traffic. Applicant should work with Visit Lichfield team to promote the accommodation. (20.05.2021)

**LDC Conservation Team-** No objection. The proposals include a landscaping buffer including mature trees between the canal and the proposed development. This combined with the low level nature of development, will ensure that the development will have a minimal impact on the canal. It is therefore considered that the proposals will not harm the significance of either the non-designated Coventry Canal or the designated Milestone. (26.05.2021)

**LDC Environmental Health Team-** No objection principle, however request further detail with regards the proposed foul drainage provision for the site prior to permission being granted. (10.06.2021)

**LDC Ecology Team- Final**- Satisfied with information provided in the preliminary ecological appraisal and conclusions. However, all recommendations and methods of working detailed within the Preliminary Ecological Appraisal must be made a condition of any future planning approval. Satisfied with Quantitative Assessment of Biodiversity Impact and welcomes the applicant's intention to deliver net gains of 3.13 BU as part of the proposed development scheme. However, a prior to commencement condition will be required. The applicant will need to submit to the LPA a Construction Ecological Management Plan (CEMP) and a Habitat Management Plan(HMP) detailing,

in full, the future habitat creation works (and sustained good management thereof) to a value of no less than 11.57 BU. This should be supported by an updated biodiversity metric for the site. (09.12.2021)

Initial- Insufficient information has been provided in respect of impacts to biodiversity. (08.06.2021 & 22.07.2021)

**LDC Tree Officer-** No objections. The Tree Report is to required standard. Pre-commencement conditions are required to confirm tree protection and detailed landscape scheme. (18.05.2021)

**LDC Parks and Leisure-** No comments to make on this application. (02.06.2021)

No responses were received from the following consultees:

- South Staffs Water
- Ramblers Association
- HS2 Safeguarding

### **LETTERS OF REPRESENTATION**

Neighbour consultation was carried out and site and press notices were posted in relation to the planning application. No responses were received.

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

Location Plan Drawing No. P20.157.01 REV C dated as received 15 June 2021  
Existing Site Plan Drawing No. P20.157.02 (6 sheets) dated as received 07 May 2021  
Proposed Site Plan Drawing No. P20.157.08 Rev C dated as received 15 June 2021  
Proposed Site Plan (6 sheets) Drawing No. P20.157.09 dated as received 07 May 2021  
Parking and Access Plan Drawing No. P20.157.20 Rev B dated as received 06 July 2021  
Landscape Plan Drawing No. P20.157.21 Rev A dated as received 06 July 2021  
Cross Sections Fishing Pond Drawing No. P20.157.22 dated as received 07 May 2021  
Amended Facilities Block Site Section Drawing No. P20.157.16 Rev A dated as received 04 June 2021  
Amended Pod and Lodge Details Drawing No. P20.157.23 dated as received 04 June 2021  
Drainage & EV Charging Drawing No. P20.157.24 dated as received 06 July 2021  
Access to Site Drawing No. P20.157.19 dated as received 07 May 2021  
3D Site View Drawing No. P20.157.17 dated as received 07 May 2021  
Visualisations Drawing No. P20.157.18 dated as received 07 May 2021

Emergency Flood Plan dated as received 27 September 2021  
Preliminary Ecology Appraisal (Midland Ecology, 13 April 2021) dated as received 07 May 2021  
Flood Risk Assessment (Ramm Sanderson, Jan 2019, Ref RSE 1900 01 V1) dated as received 07 May 2021

### **OTHER SUPPORTING DOCUMENTS**

Planning & Sustainability Statement (P20-157-PS)  
Design & Access Statement (Ref. P20-157)  
Hydrological Assessment  
Transport Assessment (P20-157-TA)  
Trip Generation Statement (TN1, Kenmore Design Ltd) - 20 Dec 2021  
Biodiversity Metric  
Economic Statement  
Arboricultural Impact Assessment (GHA Trees, April 2021) – ref GHA/DS/155660:21  
Shadow Habitat Regulation Assessment

## **OBSERVATIONS**

### **Site and Location**

The application site relates to land adjacent to the Kings Orchard Marina. This lies in Huddlesford, with the site being approximately 1.8km east of the settlement edge of Lichfield, to the east of the A38. The site is within the rural area, surrounded by open fields on all sides. The site is within the parish of Streethay.

To the East of the application site lies the Coventry Canal and its associated tow path, which is a non-designated heritage asset. To the Western boundary of the site lies the Public Right of Way (PROW) Fradley and Streethay 5, which follows the boundary of the site to link with PROW's Fradley and Streethay 6 and Whittington 15 to the South of the site at the access to the Marina.

The site extends to 4.80 ha. The majority of site is currently a vacant field, with the south west corner of the site used for car parking and 12 caravan pitches. The existing marina lies directly to the south of the application site. The site will be accessed from the existing marina access, which is in the form of a long lane extending from Broad Lane to the east.

### **Background**

The application was submitted on 29 January 2021 by ABC Leisure Group, the owners of the adjacent Marina. Kings Orchard Marina has been operational since 2008. The marina has berths for 102 canal, with a car park for 35 vehicles at present. Ancillary facilities include toilets, gas fuel and pump out facilities.

Recent leisure developments to the site have included the provision of 12 caravan pitches, catering to the expected increase in demand for short stay accommodation through a variety of types beyond the availability of caravan pitches.

The current proposal seeks to improve on the existing facilities provided for leisure and tourism use, with the creation of a fishing lake and addition of lodges, pods and caravan pitches. The applicant believes that this will improve the area as a destination for leisure and tourism, providing overnight accommodation seasonally during spring and summer. It is proposed the fishing lake will act as an attractive setting for the holiday accommodation, in addition to providing a destination for day visitors.

It should also be noted that land to the immediate east was granted planning permission on appeal of 118 holiday lodges (application ref. 17/00016/FULM).

### **Proposals**

This application seeks permission to provide holiday accommodation, additional caravan pitches, additional car parking, amenity building and fishing lake and associated works. The proposed development comprises:

- 1,300 sqm short stay accommodation
- 10 lodges (3-bed) + 1 workers lodge (timber), each with 1 parking space
- 18 glamping pods (no parking)
- 15 additional caravan pitches (there are 12 existing) each with 1 parking space
- Extension to existing car park (39 additional spaces)
- 68 sqm facilities block (toilet and showers block)
- Creation of new fishing lake with 30 fishing pegs
- Also, includes indicative location for off mains sewerage treatment, with intended second plant to be added

The accommodation is intended to be used from March to October as short stay holiday accommodation. The fishing lake proposed will also be open to day visitors.

The proposal will use the existing marina access, linking to Broad Lane. New internal roads will be provided for circulation on site, each being wider than 3.7m required by the 2008 Caravan site guide. Car parking is also to be connected via a pathway to the pond, for day and glamping pod visitors. The car park is to be increased by an extra 39 spaces to be for the benefit of both the additional leisure facilities and the existing marina.

The fishing lake will contain 30 fishing pegs around its edge. Placing the pond at the lower level of the site allows for permanent buildings to be situated outside of the flood risk zone, taking advantage of the existing environment.

Given the potential for flooding on part of the site, the proposal seeks to minimise risk in the event of a flood, with permanent 'more vulnerable' structures placed outside of the flood zone. The seasonal use of the temporary caravan pitches also work with the site, as risk of flooding is more likely during winter months when the pitches would be vacant.

A row of trees and additional vegetation are proposed to be added along the boundary with the canal, to provide a screen for privacy, reducing the visibility of the site and improving the appearance for canal users, enhancing the environment with a selection of native trees.

Hard surfacing materials for pathways and roads are to be consistent with the permeable materials used around the existing caravan pitches on the marina, to retain permeability of the site.

Soft landscaping will be influenced by the existing planting found on site, with complimentary vegetation added at a variety of heights; smaller planting around the waters' edge; hedges and small trees around the accommodation; and larger trees towards the boundary with the canal.

All the proposed permanent buildings are single storey which are in keeping with existing buildings on the marina, and to minimise the visual impact on the surroundings. Lodges and glamping pods will be of a wooden construction.

## **Determining Issues**

1. Policy & Principle of Development/ Impact on the Green Belt
2. Design and Impact upon Heritage Assets
3. Residential Amenity
4. Access and Highway Safety
5. Impact on Trees and landscaping
6. Ecology
7. Cannock Chase SAC
8. Drainage
9. 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. The site is within the designated neighbourhood area for the Streethay Neighbourhood Plan. Although the Plan is currently being prepared and is not yet adopted.



- 1.2 The emerging local plan, the Local Plan 2040, has completed its Regulation 19 consultation in the summer of 2021 and following recent Cabinet agreement is due to be submitted to the Secretary of State soon. However, given that the plan has yet to be submitted for its examination, 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.
- 1.3 In terms of national guidance, the NPPF includes a presumption in favour of sustainable development. For decision taking this means:
- a) approving development proposals that accord with an up-to-date development without delay; or
  - b) where there are no relevant development plan policies, or the policies which are most important for determining the application area out-of-date, granting permission unless:
  - c) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
- 1.4 In this case the site falls within the 15km of the Cannock Chase SAC. Therefore, the guidance of the NPPF is that the presumption in favour of development would not apply in this case and a separate assessment is required in order to meet the requirements of the Habitat Regulations. This is discussed in further detail later in this report.
- 1.5 The NPPF is committed to building a strong, responsive and competitive economy, para 80 states “Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. 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.” Paragraph 82 states that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks... for storage and distribution operations at a variety of scales and in suitably accessible locations.’ It states that planning should operate to encourage and not act as an impediment to sustainable growth and that local planning authorities should plan proactively to meet the development needs business and support an economy fit for the twenty first century.
- 1.6 Paragraph 83 relates to the supporting a prosperous rural economy, within bullet point c of this paragraph states that planning policies and decision should enable sustainable rural tourism and leisure developments which respect the character of the countryside.

#### *The Local Plan*

- 1.7 Core Policy 3: Delivering sustainable development seeks to contribute to the creation and maintenance of sustainable communities and lists criteria that development should address, of relevance to this application are:
- Protect and enhance the character and distinctiveness of Lichfield District and its settlements,
  - Be of a scale and nature appropriate to its locality,
  - Reduce the overall need to travel, whilst optimizing choice of sustainable modes of travel, particularly walking, cycling and public transport,
  - Use our natural resources prudently and conserve and enhance and expand natural, built and heritage assets and improve our understanding of them wherever possible,
  - 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, maximize opportunities to protect and enhance biodiversity, geodiversity and green infrastructure

- 1.8 Core Policy 9: Tourism states that the District Council will support the growth of sustainable tourism in the District in line with the principles of Core Policy 3 and where this does not conflict with other core policies. It also states that to help support the local economy a variety of types of overnight accommodation will be encouraged increasing overnight visitor capacity and enabling longer tourist stays.
- 1.9 Policy NR1: Countryside Management states that the countryside is valued as an asset in its own right and will be protected. It recognizes the important economic role of the countryside and the wealth of resources it provides. The policy supports development which promotes the recreation and enjoyment of the countryside and lists fishing as one of these activities, however within the explanatory text sporting activities should be carefully managed and not cause harm to sensitive local environments.
- 1.10 The Rural Development SPD was adopted in 2015 it recognizes the role tourism plays within the rural areas. Paragraph 4.20 advises that sustainable tourist development is about making a low impact on the environment and local culture, whilst helping to generate income and employment for local people. Paragraph 4.24 relates to seasonal overnight accommodation such as caravan sites and camp sites advising that they will be assessed on their own merits and regard will be had to the scale and nature of the proposals. The SPD list the supporting information which would be useful in assessing such applications as:
- Accessibility – to the site and impact on the surrounding highway network
  - Accessibility to services and facilities
  - Visual impact upon the openness of the landscape and sensitivity of the landscape in the rural area, its visual impact including that from light,
  - Permanent or seasonal use,
  - Amenity and potential for noise, disturbance and other impacts upon residents,
  - Impact upon biodiversity
  - Disposal of foul drainage

#### Assessment

- 1.11 The proposed use of the site for tourism purposes accords in principle with the tourism and countryside management policies within the Local Plan. During the course of the application the applicant has supplied additional information in relation to demand, which the Councils Economic Development Officer has acknowledged and confirmed that the increase in contribution to the local visitor economy is welcomed and supported. The material impacts of the proposal, including highways, accessibility, biodiversity net gain and impact upon Cannock Chase SAC are discussed and assessed in further detail below.
2. Design and Impact upon Heritage Assets
- 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.
- 2.2 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.
- 2.3 Core Policy 14: Built and Historic Environment sets out that heritage asset will be conserved and enhanced. Policy BE1: High Quality Environment states that all development should ensure that a high quality sustainable built environment can be achieved.
- 2.4 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.

#### Assessment

- 2.5 The proposed development site adjoins the Coventry Canal which is a non-designated Heritage Asset. There is a Grade II listed milestone further south along the canal adjacent to the Marina, however given the separation distance and the nature of the proposals, no harm would be caused to the setting or significance of the designated heritage asset.
- 2.6 The County Archaeologist has been consulted and agrees that a desk-based assessment is not required and staged comprising geophysical survey followed by trial trenching would be appropriate as a condition of consent. In archaeology, geophysical survey is ground-based physical sensing techniques used for archaeological imaging or mapping.
- 2.7 The proposal has been designed with a low key approach using appropriate landscaping to integrate the new built form into its rural setting. The proposals include a significant landscaping buffer which includes mature trees to separate the proposed development from the canal and its associated tow path. The Councils Conservation & Design Officer has confirmed that the proposal will not harm the significance of non-designated Canal. Boundary hedges would be retained and additional planting is proposed which would soften the impact of this proposal. The lodges would be single storey. It is considered that the impact on the wider landscape would be somewhat limited, and through the use of appropriate landscaping within the site and notably around the perimeter, the overall design approach is considered to be acceptable. The scheme would not be harmful to the character and appearance of the area and would meet with the objectives of planning policies in this regard.

### 3. Residential Amenity

- 3.1 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.

#### Assessment

- 3.2 The site is located a considerable distance away from neighbouring residential properties and as a result, it is not considered that the amenities of local residents will be detrimentally affected by the proposals. The proposed built form will not result in loss of light, over bearing impact or overlooking issues and it is noted that the Councils Environmental Health Officer has raised no objections to the scheme. The traffic impacts are discussed in detail in the Highways section of this report.
- 3.3 The proposal relates to short stay holiday accommodation only. Taking into consideration the overall layout of the site, sufficient amenity is provided for this use. It is noted that National Highways have raised concerns regarding the impacts of noise and air pollution from the nearby A38 trunk road on occupants of the site. An Environmental Impact Statement has been requested. Notwithstanding this, given the accommodation would not provide permanent residential accommodation, with visitors staying for short periods the impacts are not considered to be unacceptable. It is considered unreasonable in the circumstances to request such information, notably when the Councils Environmental Health Officer has raised no concerns with the scheme. Overall, in residential amenity terms the scheme is considered to be acceptable.

### 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.
- 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. 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.

#### Assessment

- 4.4 Significant objections have been raised by both the Fradley and Streethay Parish Council and Whittington and Fisherwick Parish Council in regard to the highway impacts of the proposal.
- 4.5 National Highways have confirmed they have no objections to the scheme in principle, and note that there would be no direct access onto the A38. County Highways have been consulted and have reviewed the proposals, concluding that no objections are raised to the scheme. It was noted that vehicular trips to and from the application site are likely to be off-peak avoiding the traditional morning and evening peak hours, with arrivals and departures throughout the day. The layout of the site affords sufficient room for parking and turning. As such, it is considered that the proposed development would not have any significant impact on the surrounding highway network. The County Highways authority had no objections, subject to 3 conditions being applied (on Construction Management Plan, access and parking being brought into use; and cycle storage). Cycle parking has been indicated on the site plan during the course of the application, in line with comments from Staffordshire Highways. Notwithstanding this, further details are required by condition to ensure that the cycle storage is appropriate, weatherproof and secure; as recommended.
- 4.6 The proposals would not affect the public right of way network which surrounds the site, an informative to remind the applicant of their responsibilities to not block, divert or extinguish the pathways is furthermore recommended. It is noted that whilst visitors are more than likely to use a car to arrive/depart the site, there is opportunity to use the public footpath network and tow path to explore the area. In addition cycle storage facilities on site would allow an extra mode of transport for visitors.
- 4.7 The Inland Waterways Association raised concerns regarding traffic impact, but judgement on this issue should be led by comments from Highways officers, as noted above.
- 4.8 The highways related concerns of the Parish Councils are noted, however, it is considered that subject to appropriately worded planning conditions the development is acceptable on highway grounds. In accordance with the advice provided by the County Highway Authority, there are no significant traffic impacts, the proposed mitigation has been agreed by consultees as sufficient and there are no significant impacts identified in noise or air quality (as supported by comments from the Environmental Health Officer). As such, the development would be in accordance with the requirements of the development plan and NPPF, in this regard.
5. Impact on Trees and landscaping

- 5.1 Policy NR4 of the Local Plan Strategy sets out that 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 hedgerows will be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. The Trees, Landscaping and Development SPD sets out how the Council will expect trees to be protected during development and appropriate new planting to be incorporated into new development sites.

#### Assessment

- 5.2 The Landscape Plan (P20.157.21 Rev A) was amended during the consideration of the application. A native wildflower area was added along the boundary with canal to further improve vegetation (in line with comments from the Conservation officer). Consultees have noted that the proposals are low-rise and screened by tree planting and have not raised any objections in terms of visual or environmental impact.
- 5.3 The Councils Arboriculture Officer concluded that the submitted Tree Report is to the required standard and identifies a significant number of trees for retention. Pre-commencement conditions are required, on specific tree protection details and a final landscaping scheme, to include details of species and maintenance is required. These details can be secured by appropriately worded conditions; as recommended.
- 5.4 As such, the development would be in accordance with the requirements of the development plan and NPPF, in this regard.

#### 6. Ecology

- 6.1 Local Plan Policy NR3 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.

#### Assessment

- 6.2 The Ecology Team is satisfied with the methodology and the information provided within the submitted Preliminary Ecological Appraisal. They concur with the conclusions of the Appraisal in that (given the data provided) it can now be considered unlikely that the proposed works would negatively impacting upon a European Protected Species. It is noted that the fishing lake, which forms part of the proposals, will provide an ecologically valuable habitat on site if maintained appropriately.
- 6.3 The submissions, which include a quantitative assessment of Biodiversity Impact, indicate the applicant's intention to deliver net gains to biodiversity on site. This approach is accepted and welcomed by the Councils Ecology team, and conditions requiring details of ecological management during construction in the form of a Construction Ecological Management Plan (CEMP) and a Habitat Management Plan (HMP) are recommended. Details required within the habitat management plan can be confirmed by an informative attached to the decision, if granted.
- 6.4 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 LPA has sufficient understanding to discharge its Biodiversity Duty (as defined under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006).

## 7. Cannock Chase SAC

- 7.1 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.

### Assessment

- 7.2 Consistent advice has been provided from both the Cannock Chase SAC Officer and Natural England regarding the impacts on Cannock Chase, which lies approximately 14 km from the site. For tourism development and holiday accommodation applicants are required to provide information to enable impacts to be assessed and Habitat Regulations Assessment (HRA) needs to be undertaken. If impacts are identified then these can be mitigated through an agreed rate of financial contribution. A new rate for these contributions applies from 1 April 2022 and a formula for holiday accommodation should be applied based on percentage occupancy within the year.

- 7.3 Notwithstanding the above requirement, the applicant has submitted their own Habitat Regulations Assessment report (undertaken by ecological consultants). This claims that the predicted impacts are so slight so as not to require mitigation on the SAC. In particular, the main findings of the assessment set out that in respect of the likely significant effects of the proposals on the conservation objectives of the Cannock Chase SAC:

- Impacts from the scheme are lessened as it is more than 8km from Cannock Chase SAC and on the outer edge of the 15km zone of influence
- Less than 50 units are proposed (below the IRZ threshold);
- Visits are likely to increase by only 0.02% as a result of development of the Site; and
- Increased traffic volume is well below the 0.15% threshold for consideration of air pollution

- 7.4 The submitted shadow Habitat Regulations Assessment has been considered by Natural England who raise no objections to the contents, which argue that financial mitigation is not required in this case. Natural England concur with the conclusions which confirm that there would be no significant likely effects on the Cannock Chase SAC from the proposal. Subsequently, Officers have completed a Habitat Regulations Assessment, as required, and the duties of the Local Planning Authority as a Competent Authority under the Conservation of Habitats and Species Regulations 2010 (Habitat Regs.) to ensure that planning application decisions comply with the Habitat Regulations has been complied with.

## 8. Drainage

- 8.1 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 classify 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).

### Assessment

- 8.2 The site is within an area susceptible to ground water flooding (flood zone 2 and 3), however camping and holiday-let caravans are suitable uses for more vulnerable sites in line with Government guidance. The Environment Agency has found the applicant's Hydrological Assessment to be acceptable and has made recommendations to produce a flood evacuation plan and to sign up to receive Flood Warnings. Severn Trent Water have raised no objections to the scheme and do not require a drainage condition to be attached. Whilst it is noted that the Councils Environmental Health Officer requested details of foul drainage to be provided, in the context of the responses from the Environment Agency, the Lead Local Flood Authority and Severn Trent, it is not considered that further details are required.
- 8.3 The applicant has provided an Emergency Flood Plan, the plan sets out how the site managers will monitor the site in terms of flood levels and how site visitors will be notified and removed if necessary from the site. This document will form the basis of a condition in line with the advice provided by the Environment Agency.
- 8.4 Overall, it is considered that the scheme would not give rise to flooding issues off site and a suitable emergency plan can be secured by condition to ensure visitors remain safe if a flooding incident occurs. Therefore, it is considered that the proposals would accord with the development plan and NPPF in this regard.

## 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 submitted proposals will effectively extend the existing tourism use of the site. The use is acceptable in principle in this location, providing that associated impacts are properly assessed and appropriately impacted.

It is considered that, through review of the proposals and in consideration of consultee responses that any impacts are generally minor, given the low rise nature of the development, and can be appropriately mitigated. Planning conditions, as recommended, in line with consultee advice, will make sure that impacts will be effectively mitigated. The local highways authority is satisfied that there will be no significant negative impacts on the highway network, and the local lead flood risk authority (and the Environment Agency) are satisfied that the proposals are acceptable in terms of flood risk.

The impact on the Cannock Chase SAC has been fully assessed and it can be concluded that there would be no significant likely effects from this proposal. No mitigation in this case, including financial mitigation is therefore required from this development.

The proposals will also bring significant economic development benefits and will support an existing successful tourism sector use on the site, which supports objectives in national planning policy and the Local Plan.

The proposal is therefore considered acceptable in this location.

It is also relevant to consider the recent appeal decision for 118 holiday lodges on land directly adjacent (application reference 17/00016/FULM) which was for a similar and significantly larger proposal. In his decision (on 20 September 2019) the Inspector concluded that, despite there being some harm resulting from the proposals, this harm was clearly outweighed by the benefits of the scheme to which the Inspector attached significant weight. In the event of this current application being refused and subsequently appealed then a similar conclusion is likely to apply.

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