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18 January 2022

Dear Sir/Madam

PLANNING COMMITTEE

A meeting of the Planning Committee has been arranged to take place **WEDNESDAY, 26TH JANUARY, 2022 at 6.00 PM IN THE COUNCIL CHAMBER**, District Council House, Lichfield to consider the following business.

Access to the Council Chamber is via the Members' Entrance.

In light of the current Covid-19 pandemic and government advice on social distancing, whilst this meeting will be held at the District Council Offices, a limited number of people can attend the meeting therefore it will be live streamed on the Council's [YouTube channel](#) for all members of the public to view.

Yours faithfully

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

Christie Tims
Chief Operating Officer

To: Members of Planning Committee

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



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AGENDA

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Minutes of Previous Meeting** 5 - 6
4. **Planning Applications** 7 - 74



PLANNING COMMITTEE

29 NOVEMBER 2021

PRESENT:

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

21 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Barnett, Ho and Humphreys.

22 DECLARATIONS OF INTEREST

Councillor Checkland declared a personal interest in application no. 21/00058/FUL as CT Planning are assisting with a planning application on his behalf elsewhere.

23 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on Monday 1 November 2021 previously circulated were taken as read, approved as a correct record and signed by the Chair subject to the addition at (3) on application no. 18/01217/OUTM "it was noted that any future reserved matters applications in relation to this application be reported to Planning Committee".

24 PLANNING APPLICATION

Application for permission for development was considered with the recommendations of the Head of Economic Growth and Development and any letters of representation and petitions of observations/representations in association with Planning Application 21/00058/FUL

21/00058/FUL – 27 New Road, Armitage, Staffordshire. WS15 4AA

Extension of existing dwelling, demolition of existing garage, erection of new 3 bedroom 2 storey detached dwelling with 2 parking spaces (incorporating integral garage) and associated works including the formation of a new vehicular access

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

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

(The Meeting closed at 6.25 pm)

CHAIR

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Agenda Item 4

Planning Committee

26 January 2022

Agenda Item 4

Contact Officer: Claire Billings

Telephone: 01543 308171

Report of the Head of Economic Growth and Development

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985

All documents and correspondence referred to within the report as History, Consultations and Letters of Representation, those items listed as 'OTHER BACKGROUND DOCUMENTS' together with the application itself comprise background papers for the purposes of the Local Government (Access to Information) Act, 1985.

Other consultations and representations related to items on the Agenda which are received after its compilation (and received up to 5 p.m. on the Friday preceding the meeting) will be included in a Supplementary Report to be available at the Committee meeting. Any items received on the day of the meeting will be brought to the Committee's attention. These will also be background papers for the purposes of the Act.

FORMAT OF REPORT

Please note that in the reports which follow

- 1 'Planning Policy' referred to are the most directly relevant Development Plan Policies in each case. The Development Plan comprises the Lichfield District Local Plan Strategy 2008-2029 (2015), Lichfield District Local Plan Allocations 2008-2029 (2019), any adopted Neighbourhood Plan for the relevant area, the Minerals Local Plan for Staffordshire 2015-2030 (2017) and the Staffordshire and Stoke on Trent Joint Waste Local Plan 2010-2026 (2013).
- 2 The responses of Parish/Town/City Councils consultees, neighbours etc. are summarised to highlight the key issues raised. Full responses are available on the relevant file and can be inspected on request.
- 3 Planning histories of the sites in question quote only items of relevance to the application in hand.

ITEM 'A' Applications for determination by Committee - **FULL REPORT**

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

ITEM 'C' Applications for determination by the County Council on which observations are required (if any); consultations received from neighbouring Local Authorities on which observations are required (if any); and/or consultations submitted in relation to Crown applications in accordance with the Planning Practice Guidance on which observations are required (if any).

AGENDA ITEM NO. 4

ITEM A

APPLICATIONS FOR DETERMINATION BY COMMITTEE: FULL REPORT

26 January 2022

CONTENTS

Case No.	Site Address	Parish/Town Council
20/01374/FULM & 20/01375/LBC	Land And Buildings At Angel Croft & Westgate, Beacon Street Lichfield	Lichfield

ITEM B

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

CONTENTS

Case No.	Site Address	Parish/Town Council
21/01261/FUL & 21/01262/LBC	36A Bore Street, Lichfield	Lichfield
21/01901/FUH	1 Bulldog Lane Lichfield	Lichfield

LOCATION PLAN

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

Scale: 1:1,250

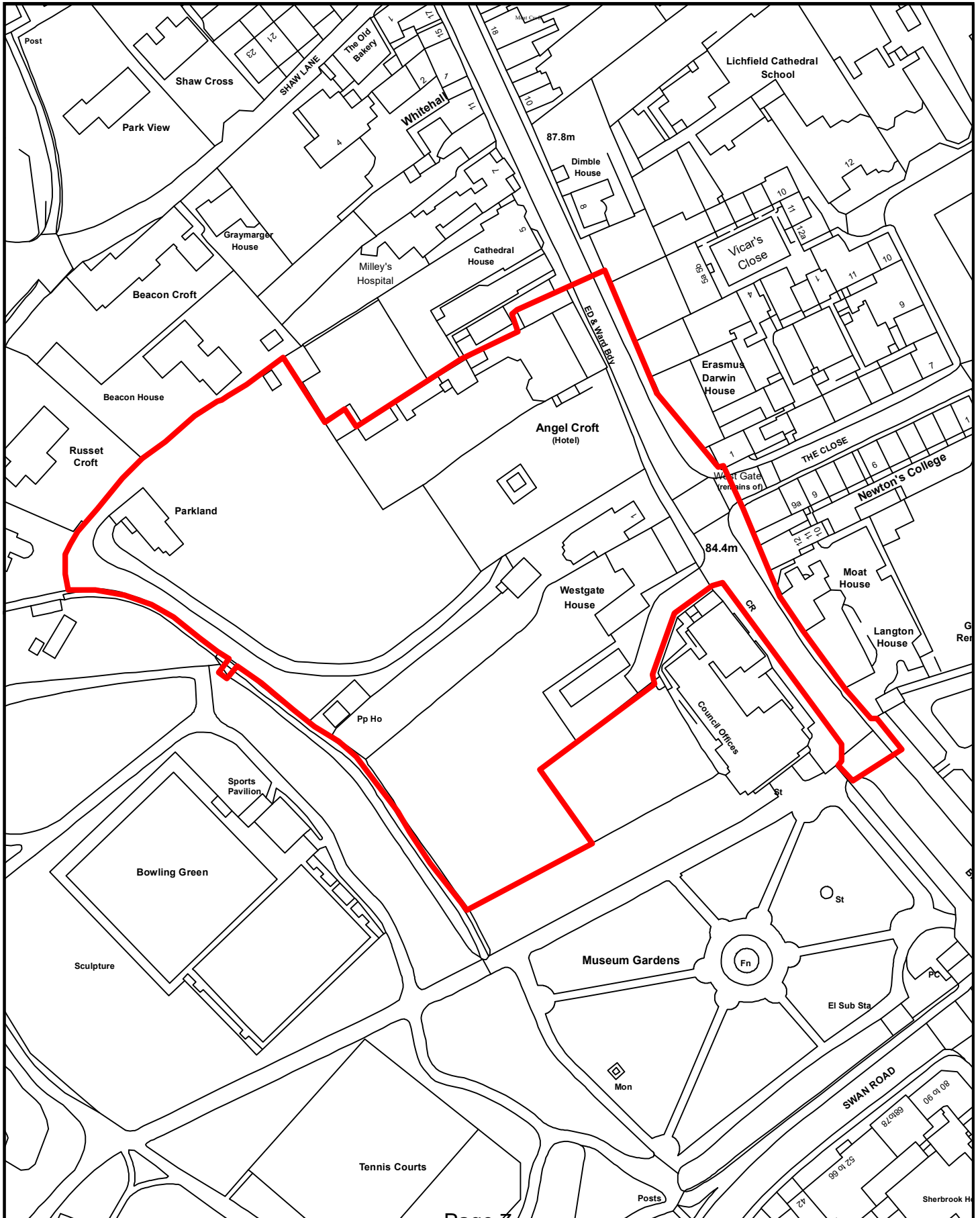
Dated: January 2022

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20/01374/FULM & 20/01375/LBC

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

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

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

Registered 17/11/2020

Parish: Lichfield City

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

RECOMMENDATION:

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

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

2. The proposed apartment block Talbot House, extension to Westgate Cottage (Linnet House), and three detached dwellings by virtue of their overall bulk, massing, height and design and positioning within the site would cumulatively impact on the setting of adjoining and nearby listed buildings including Lichfield Cathedral, which is a grade I listed building and also the setting of Beacon Park; which is a Registered Park and Garden, to the detriment of their significance and the development proposals would fail to preserve or enhance the character or appearance of the Lichfield City Centre Conservation Area. The proposals are therefore contrary to Lichfield District Local Plan Policies CP1 (Spatial Strategy), CP3 (Delivering Sustainable Development), CP14 (Our Built and Historic Environment), BE1 (High Quality Development), Lichfield Policy 1: Lichfield Environment and Lichfield District Local Plan Allocations 2008-2029 Policy BE2 (Heritage Assets), Policy LC1: Lichfield City Housing Land Allocations – L19 Angel Croft Hotel; SPD Historic Environment and SPD Sustainable Design, Lichfield City Centre Masterplan and NPPF Section 16 and the National Design Guide. The scheme has failed to demonstrate that there are sufficient public benefits to outweigh the harm and therefore the proposals would also be contrary to Paragraph 201 of the National Planning Policy Framework.

3. The proposal seeks to remove established and protected trees within the site with limited replacement tree planting proposed, resulting in an overall loss of established trees to the site to the detriment of its character and the character of the wider area, including the Lichfield City Centre Conservation Area. The proposals are therefore in conflict with Local Plan Policies CP1 (Spatial Strategy), CP3 (Delivering Sustainable Development), NR4 (Trees, Woodland and Hedges), CP14 (Our Built and Historic Environment) and BE1 (High Quality Development); Lichfield District Local Plan Allocations Policy LC1: Lichfield City Housing Land Allocations – L19 Angel Croft Hotel and SPD Trees, Landscaping and Development and the NPPF and the National Design Guide.

4. In the absence of an agreed planning obligation in relation to school places contributions, the proposal fails to accord with the Local Plan Policy CP4 (Delivering our Infrastructure) and IP1 (Supporting our Infrastructure) and Developer Contributions SPD and NPPF paragraphs 55 - 57; whereby planning obligations may be sought where they are necessary to make an application acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. In this case the proposal seeks contributions from 2 and 3 bed family sized residential apartments and dwellings to enable additional school places to be provided in the catchment area for the secondary school to address additional demand for school places generated by the development.

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

1. The proposed works to the Listed Buildings and curtilage listed buildings by virtue of the scale and extent of works proposed and resultant impact on heritage fabric and form, would result in harm to the significance of the heritage assets, in conflict with Local Plan Policy CP3 (Delivering Sustainable Development), CP14 (Our Built and Historic Environment), BE1 (High Quality Development) and Lichfield District Local Plan Allocations 2008 -2029 Policy BE2 (Heritage Assets) and SPD Historic Environment and National Planning Policy Framework paragraphs 199, 200 and 202.

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

NOTES TO APPLICANT:

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

National Planning Policy

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

Lichfield District Local Plan Strategy

Core Policy 1 – The Spatial Strategy
Core Policy 2 – Presumption in Favour of Sustainable Development
Core Policy 3 – Delivering Sustainable Development
Core Policy 4 – Delivering our Infrastructure
Core Policy 5 – Sustainable Transport
Core Policy 6 – Housing Delivery
Core Policy 7 – Employment and Economic Development
Core Policy 9 – Tourism
Core Policy 13 – Our Natural Resources
Core Policy 14 – Our Built and Historic Environment
Policy IP1 – Supporting & Providing our Infrastructure
Policy ST1 – Sustainable Travel
Policy ST2 – Parking Standards
Policy H1 – A Balanced Housing Market
Policy H2 – Provision of Affordable Homes
Policy NR3 – Biodiversity, Protected Species & their Habitats
Policy NR4 – Trees, Woodland & Hedgerows
Policy NR5 – Natural & Historic Landscapes
Policy NR7 – Cannock Chase Special Area of Conservation
Policy BE1 – High Quality Development
Policy Lichfield 1 – Lichfield Environment
Policy Lichfield 2 – Lichfield Services and Facilities
Policy Lichfield 3 – Lichfield Economy
Policy Lichfield 4 – Lichfield Housing

Lichfield Local Plan Allocations 2008 -2029

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

Local Plan Review: Preferred Options (2018-2040)

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

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

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

Supplementary Planning Documents

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

Lichfield City Neighbourhood Plan

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

Other

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

RELEVANT PLANNING HISTORY

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

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

CONSULTATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Second Response. Response as per first response.

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

Canal & River Trust: No comments received.

Georgian Group: No comments received.

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

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

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

Midlands Electricity Board Central Networks: No comments received.

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

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

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

LDC Leisure and Parks: No comments received.

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

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

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

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

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

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

Police Architectural Liaison Officer: No Comments received.

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

Staffordshire Clinical Commissioning Groups: No Comments Received.

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

LETTERS OF REPRESENTATION

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

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

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

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

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

OTHER BACKGROUND DOCUMENTS

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

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

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

20/01374/FULM

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

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

20/01375/LBC

3333- 16 Rev M Proposed Site Plan dated as received 11 January 2022
Barn Ground Floor and Elevations dated as received 05 October 2020
Westgate House Existing Floor Plans dated as received 05 October 2020
Westgate House Existing Elevation Plans dated as received 05 October 2020
Topographical and Utility Survey dated as received 02 October 2020
9506-L-01 Rev A Landscape Proposals dated as received 02 October 2020
3333-10 Rev D Proposed Site Sections dated as received 23 March 2021
3333-17 Proposed Bridge Details dated as received 02 October 2020
3333-28 Rev B Axonometric Views dated as received 02 October 2020
3333-33 Rev B Spa Hotel First and Second Floors dated as received 02 October 2020
3333-34 Rev C Spa Hotel Sections dated as received 02 October 2020
3333-35 Rev B Spa Hotel Proposed Axonometric Views dated as received 02 October 2020
3333-54 Rev D Proposed Plans Plot 1 dated as received 23 March 2021
3333-55 Rev F Proposed Elevations Plot 1 dated as received 23 March 2021
3333-56 Rev C Proposed Plans Plot 2 dated as received 23 March 2021
3333-57 Rev E Proposed Elevations Plot 2 dated as received 23 March 2021
3333-58 Rev C Proposed Plans Plot 3 dated as received 23 March 2021
3333-59 Rev E Proposed Elevations Plot 3 dated as received 23 March 2021
3333-60 Rev B Plot 1 Garage dated as received 02 October 2020
3333-61 Rev B Plot 2 Garage dated as received 02 October 2020
3333-62 Rev B Plot 3 Garage dated as received 02 October 2020
3333-22 Rev F Talbot House Floor Plans dated as received 20 October 2020
3333-23 Rev F Talbot House Floor Plans dated as received 20 October 2020
3333-24 Rev E Talbot House Elevations dated as received 20 October 2020
3333-25 Rev C Talbot House Roof Plan dated as received 20 October 2020
3333-26 Rev C Talbot House Basement Plans dated as received 20 October 2020
3333-27 Rev C Talbot House Sections dated as received 20 October 2020
3333-32 Rev D Spa Hotel Ground and Basement Plan dated as received 20 October 2020
3333-30 Rev E Spa Hotel Elevations dated as received 02 October 2020
3333-31 Spa Hotel Rear Elevation dated as received 05 November 2020
WH.PL.02 Rev B Westgate House Proposed Elevations Rev A dated as received 02 December 2020
WH.PL.01 Westgate House Proposed Floor Plans Rev B dated as received 23 March 2021
The Malt House Proposed Elevations and Layout Rev dated as received 23 March 2021
21011-08 Rev I Urban Real Concept Drawing dated as received 25 September 2021
Site Access Visibility Splays 21011-13 Rev F dated as received 25 September 2021

3333-20 Rev A Refuse and Delivery Strategy Plan dated as received 11 January 2022
3333-18 Rev C Combined Basement Plans dated as received 11 January 2022
3333-19 Rev D Surface Parking Plan dated as received 11 January 2022
3333-01N Proposed Floor Plans Coach House dated as received 11 January 2022
3333-02N Proposed Floor Plans Coach House dated as received 11 January 2022

OBSERVATIONS

Site and Location

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

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

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

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

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

Background

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

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

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

Proposal

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Determining Issues

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

1. Policy & Principle of Development

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

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

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

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

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

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

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

2.0 Quantum of Development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Residential Amenity

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

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

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

6. Public Benefits v Heritage Impacts

6.1 Paragraph 202 of the National Planning Policy Framework states:

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

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

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

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

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

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

6.7 The proposal is acknowledged to provide:

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

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

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

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

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

7. Water Environment, Flood Risk and Drainage

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

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

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

8 Ecology including Biodiversity and Trees

- 8.1 To comply with the guidance contained within Paragraphs 9, 174 and 179 of the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 8.2 In line with these requirements, Local Plan Strategy Policy 13 'Our Natural Environment' supports the safeguarding of ecological networks. Local Plan Strategy Policy NR3 sets out that development will only be permitted where it protects, enhances and restores the biodiversity and geodiversity value of the land and buildings and requires all development within the district to provide a net gain to biodiversity. Should an application be submitted full regard must be had to any protected/priority species which may be affected. Details of any avoidance of harm/mitigation/compensation/habitat improvements must be incorporated within the proposed development. Local Plan Policies are supplemented by the Biodiversity and Development SPD which provides further advice in relation to ecological matters.
- 8.3 Paragraph 180 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm.
- 8.4 Paragraph 131 of the Framework sets out that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 8.5 Local Plan Strategy Policy 13 of the Local Plan Strategy also seeks to protect veteran trees, whilst Core Policy 14 seeks to ensure that there is no net loss to trees in conservation areas. Local Plan Strategy NR4 and the Trees, Landscaping and Development Supplementary Planning Document seek to ensure that trees are retained, unless their removal is necessary and appropriate mitigation is proposed. The SPD also seeks to ensure that a minimum 20% canopy cover is achieved on development sites.
- 8.6 In terms of Ecology, additional information has been submitted during the course of the application including an updated Preliminary Ecological Appraisal and a Biodiversity Net Gain Assessment. The Councils Ecology Team are now satisfied with the submissions and sufficient information has been provided to conclude that the effects on protected species would be acceptable (subject to conditions) and that there is sufficient information for the Local Planning Authority to discharge its duties in relation to biodiversity.
- 8.7 The submissions indicate that there would be opportunity within the site to deliver biodiversity net gain as required under Local Plan Strategy NR3. The Councils Ecology team concur with the conclusions reached in the Biodiversity Net Gain Assessment, subject to long term management measures which could be conditioned.
- 8.8 In terms of trees, the application is supported by an Arboricultural Survey, an impact assessment and a tree method statement which set out what trees are on the site, how they would be affected by the development proposals and how the works would be carried out in terms of construction and protection of retained trees. All of the trees on site are protected by virtue of being located within the Conservation Area. Additional statements have been provided during the course of the application by the Applicants Tree Surgeon/ Arboricultural Consultant along with a Daylight/ Sunlight Report.
- 8.9 The Councils Tree Officer has reviewed the submissions and raised objections in principle to the proposals due to the potential and actual impacts on trees both within the site and

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

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

9 Planning Obligations including Affordable Housing and Education

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

Affordable Housing

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

Education

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

Management of the Amenity and Communal Areas.

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

Private Bin Collections

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

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

Basement Car Park

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

Cannock Chase SAC

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

10 Impact on the Special Area of Conservation

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

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

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

11 Financial Considerations (including Community Infrastructure Levy)

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

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

12 Human Rights

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

Summary and Conclusion

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

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

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

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

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

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

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

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

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

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

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

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

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

ITEM B

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

26 January 2022

CONTENTS

Case No.	Site Address	Parish/Town Council
21/01261/FUL & 21/01262/LBC	36A Bore Street, Lichfield	Lichfield
21/01901/FUH	1 Bulldog Lane Lichfield	Lichfield

LOCATION PLAN

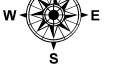
21/01261/FUL & 21/01262/LBC
36A Bore Street
Lichfield

Scale: 1:1,000

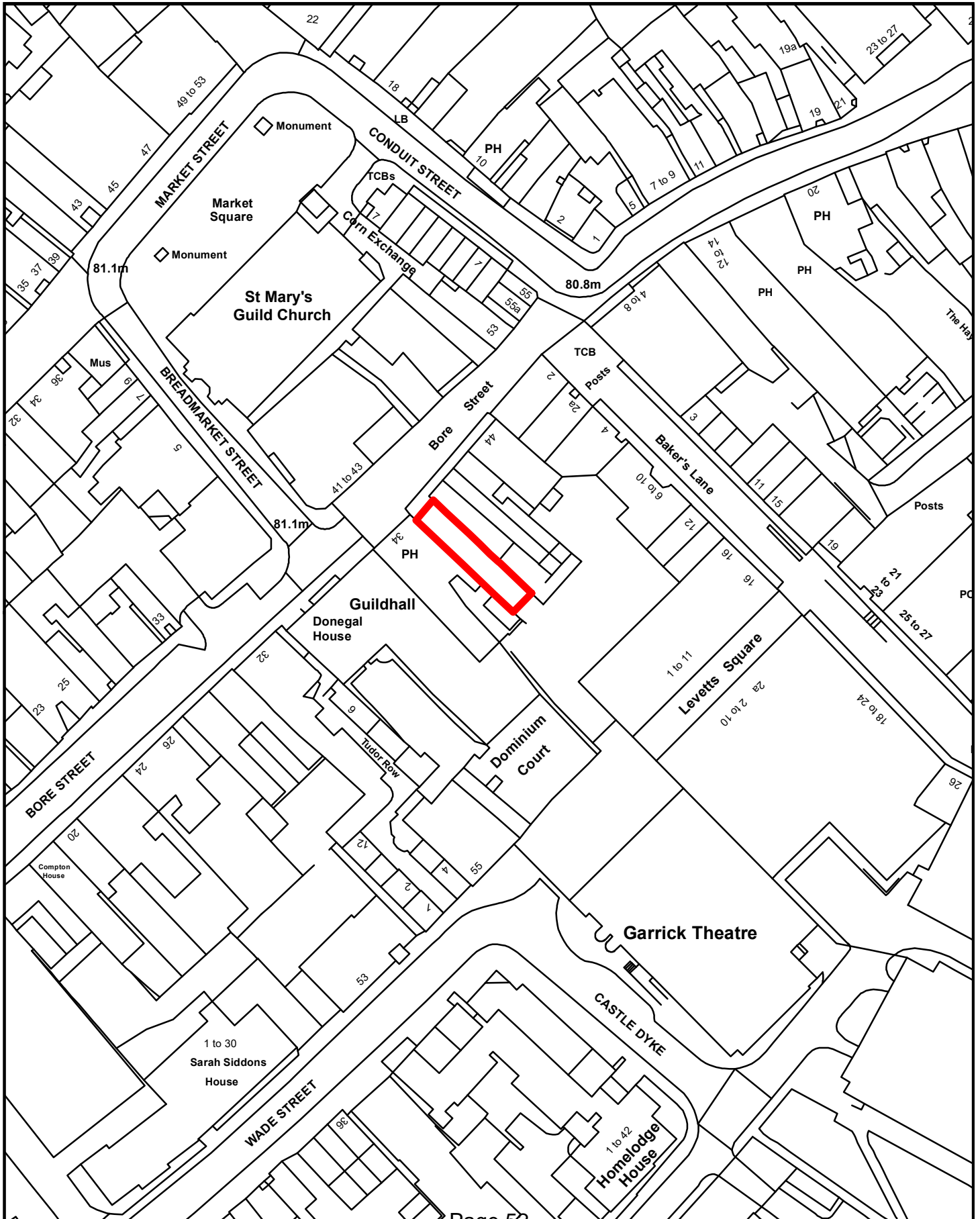
Dated: January 2022

Drawn By:

Drawing No:



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21/01261/FUL & 21/01262/LBC

Conversion of existing residential accommodation on the first and second floor to form 5 self-contained studio apartments.

**36a Bore Street, Lichfield, Staffordshire, WS13 6LU
FOR Mr Gareth Davies of Lichfield District Council**

Registered 15/07/2021

Parish: Lichfield City

Note: This application is being reported to the Planning Committee due to the application site being a premises owned by Lichfield District Council.

21/01261/FUL:

RECOMMENDATION: Approve, subject to the following conditions:

CONDITIONS

- 1 The development hereby approved shall be begun before the expiration of three years from the date of this permission.
- 2 The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
- 3 Notwithstanding any details shown on the approved plans or within the application documents, no windows shall be replaced until full details of replacement windows, including materials, finish and sections at a minimum scale of 1:5 and elevations at 1:20 have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details and retained as such for the life of the development.

REASONS FOR CONDITIONS

- 1 In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
- 2 For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP1, CP3, CP6, CP14, NR3, ST1 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Lichfield Local Plan Allocations, the Sustainable Design SPD, the Historic Environment SPD, the Lichfield City Neighbourhood Plan and the National Planning Practice Guidance and the National Planning Policy Framework.
- 3 To ensure the satisfactory appearance of the development and to preserve the historic importance of heritage assets in accordance with the requirements of Policies CP3, CP14 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Lichfield Local Plan Allocations, the Sustainable Design SPD, the Historic Environment SPD, the Lichfield City Neighbourhood Plan and the National Planning Policy Framework.

NOTES TO APPLICANT:

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

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

- 000 Site Location Plan dated as received 07 July 2021
- 001 Block Plan dated as received 14 July 2021
- 002 Existing Floor Plans dated as received 07 July 2021
- 003 Existing Elevations dated as received 07 July 2021
- 004 Proposed Floor Plans dated as received 07 July 2021
- 005 (Amended) Proposed Elevations dated as received 01 Dec 2021
- 101 Indicative Floor Sections dated as received 07 July 2021
- 102 Phasing Plan- Floor Plan dated as received 07 July 2021
- 103 Phasing Plan- Elevations dated as received 07 July 2021

21/01262/LBC:

RECOMMENDATION: Approve, subject to the following conditions:

CONDITIONS:

1. The works hereby approved shall be begun before the expiration of three years from the date of this permission.
2. The works authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. Notwithstanding any details shown on the approved plans or within the application documents, no windows shall be replaced until full details of replacement windows, including materials, finish and sections at a minimum scale of 1:5 and elevations at 1:20 have been submitted to and approved in writing by the Local Planning Authority. The works shall

thereafter be constructed in accordance with the approved details and retained as such for the life of the development.

4. No works shall take place until details of the type, number, position and finish of heating and ventilation flue outlets have been submitted to and approved in writing by the Local Planning Authority. The works shall only be carried out in accordance with the approved details.
5. All works of alteration and making good of the existing fabric of the building shall be carried out in materials to match the existing building.
6. If hitherto unknown evidence of historic character that would be affected by the works hereby approved is discovered, an appropriate record together with recommendations for dealing with it in the context of the scheme shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the completion of the works.

REASONS FOR CONDITIONS:

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

SUMMARY OF REASONS FOR GRANTING Listed Building Consent including DEVELOPMENT PLAN POLICIES that were relevant in the determination of this application:

The decision to grant Listed Building Consent has been taken because the Council is satisfied that the works would not adversely affect the special character of the Grade II Listed Building.

The decision to grant Listed Building Consent has also been taken having regard to all relevant material planning considerations, government guidance contained in the National Planning Policy Framework and, to the following relevant policies and proposals of the Development Plan: Core Policy 14 (Our Built & Historic Environment) and Policy BE1 (High Quality Development) of the Lichfield District Local

Plan Strategy (2015) and Policy BE2 (Heritage Assets) of the Local Plan Allocations (2019) and Historic Environment Supplementary Planning Document.

NOTES TO APPLICANT

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), Lichfield District Local Plan Allocations (2019) and the Lichfield City Neighbourhood Plan (2018).
2. Although the Local Planning Authority will endeavour to discharge all conditions in a timely matter, legislation allows a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

000 Site Location Plan dated as received 07 July 2021
001 Block Plan dated as received 14 July 2021
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101 Indicative Floor Sections dated as received 07 July 2021
102 Phasing Plan- Floor Plan dated as received 07 July 2021
103 Phasing Plan- Elevations dated as received 07 July 2021

PLANNING POLICY

National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance
National Design Guide

Local Plan Strategy

Core Policy 1: The Spatial Strategy
Core Policy 2: Presumption in Favour of Sustainable Development
Core Policy 3: Delivering Sustainable Development
Core Policy 6: Housing Delivery
Core Policy 8: Our Centres
Core Policy 10: Healthy and Safe Lifestyles
Core Policy 14: Our Built and Historic Environment
Policy ST2: Parking Provision
Policy H1: A Balanced Housing Market
Policy NR3: Biodiversity, Protected Species and their Habitat
Policy NR4: Trees, Woodland and Hedgerows
Policy NR7: Cannock Chase Special Area of Conservation
Policy BE1: High Quality Development

Local Plan Allocations

Policy BE2: Heritage Assets

Supplementary Planning Documents

Sustainable Design SPD
Historic Environment SPD
Biodiversity and Development SPD

Lichfield City Neighbourhood Plan

Policy 6: Non-Retail Uses In The Retail Area, Lichfield City Centre

RELEVANT PLANNING HISTORY

04/00726/COU	Conversion of upper floors to residential	Approved	18.08.04
04/00727/LBC	Conversion of upper floors to residential	Approved	18.08.04

CONSULTATIONS

Lichfield City Council - No objections (28.7.21)

Lichfield Civic Society - The Civic Society raise no objections to the principle of the scheme but do not support the use of Upvc windows in the Listed Building. (15.11.21)

Conservation Team - LDC - The Conservation Team consider that the proposals are broadly acceptable however, there will need to be amendments to the scheme. In its present form, the team are unable to support the application, due to the proposed used of uPVC windows of which are not acceptable in a listed building. The team consider that the changes to the internal layout will not have a significant impact upon the significance of the listed building. (12.8.21)

Environmental Health Team - LDC - No objections. It is noted that the use would remain residential as existing and therefore there are no objections in principle. (10.8.21 / 13.12.21)

Staffordshire County Council (Highways) - No objections and no planning conditions required. (5.8.21)

Architectural Liaison Officer - No Comments Received.

Historic England - Confirmed they have no comments to make or objections to raise. (27.7.21)

Severn Trent Water - As the proposal has minimal impact on the public sewerage system, the team have no objections to the proposals and do not require a drainage condition to be applied. (4.8.21)

Waste Management - The team advise that for developments of up to 5 flats individual bins should be used. Provision needs to be made for 1 x 180l refuse bin and 1 x 240l recycling bin for each flat. (26/7/21)

LETTERS OF REPRESENTATION

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

OBSERVATIONS

Site and Location

The application site relates to a Grade II listed three storey mid-terraced building on Bore Street within Lichfield City Centre in the Primary Retail Area. The site is occupied by a sandwich takeaway deli (Lunch at Loafers) on the ground floor with 1 No. residential 2 bed dwelling to the first and second floors. Pedestrian access to the residential accommodation is to the rear of the building. To the rear of the building is a service area accessed off Wade Street.

The deli on the ground floor benefits from access to the front of the property off Bore Street and a second access to the rear of the property providing access to the service area. There is one allocated

parking space which is utilised by the business premises; no parking is allocated for the residential premises.

The property is a Grade II Listed Building. The Historic England Listing describes the building as:

“House, now shop. Late C18 with C20 alterations. Brick; hipped tile roof with brick lateral stacks. Right angle plan. Ground floor has C20 shop front recessed behind concrete beam on brick pier; timber lintel band to 1st floor. Window to 1st floor has 4:12:4-pane tripartite sash, right return has narrow window with horned sash; 2nd floor has window with 2:6:2-pane sash, small window with 4-pane sash to return. Rear gabled wing. Included for group value”.

The site is located in the City Centre Conservation Area.

Proposals

This application seeks full planning permission and Listed Building Consent for the proposed conversion of the existing accommodation at 36a Bore Street to be divided to deliver 5 self-contained studio apartments. Each apartment would have 1 No bedroom, kitchen and bathroom facilities. 3 apartments would be provided on the first floor, with two on the second floor. No extensions are proposed and no structural changes are required to the second floor besides the inclusion of stud walls to create shower rooms in each unit.

No alterations are proposed to the exterior of the building with the exception of replacement windows. The proposal does not look to create any additional openings and revised plans have been provided during the course of the application to omit references to the use of replacement UPVC windows following advice provided by the Councils Conservation Officer.

The proposal does not look to alter or introduce any further accesses. Pedestrian access to the residential properties is to the rear of the property.

The application is supported by a Planning Statement, a Need Assessment and a Heritage Statement.

Determining Issues

1. Policy & Principle of Development
2. Design and Heritage Impacts
3. Residential Amenity
4. Access and Highway Safety
5. Ecology
6. Cannock Chase Special Area of Conservation
7. Human Rights

1. Policy & Principle of Development

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

1.2 The emerging local plan, has completed its Regulation 19 consultation in the summer of 2021. The adopted Local Plan Allocations document sets the timeframe for the submission of the Local Plan 2040 to the Secretary of State by the end of 2021. This document is still emerging

and at this stage has not been submitted to the Secretary of State. In accordance with paragraph 48 of the National Planning Policy Framework limited weight may be attached to the emerging plan. Given that the plan has yet to be submitted for its examination it is suggested that very limited material weight can be given to the policies within the emerging Local Plan 2040 and therefore, whilst noted within the above report, are not specifically referenced elsewhere.

- 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 Five Year Housing Land Supply 2021 for Lichfield shows that the District Council can currently demonstrate a 13.4 year supply of housing land against the Local Housing Need (LHN), as calculated within the adopted Local Plan Strategy, and as a result the adopted Local Plan Strategy policies can be considered as up to date.
- 1.5 The unit is located within the Town Centre Boundary of Lichfield as identified the Local Plan Allocations Document. Core Policy 1 and Core Policy 6 of the Local Plan Strategy (LPS) direct housing 'growth' to the urban areas of the District, which includes Lichfield City Centre. The sustainable re-use of existing buildings is promoted by Core Policy 3 amongst other things.
- 1.6 Core Policy 8 of the LPS seeks to direct non-residential uses to the town centres. However, the upper floors of this building are already in residential use and the National Planning Policy Framework supports town centre living at paragraph 86 in order to support the role that town centres play at the heart of local communities.
- 1.7 Further to the above, Policy 6 of the Lichfield Neighbourhood Plan relates to non-retail uses within the retail area and states that any conversion of ground and/or first floor A-class uses [now largely within Class E] will only be supported where it can be demonstrated that the premises are no longer commercially viable. Again, however, as the first floor to which this scheme relates is already in a non-Class A use, the aims of this policy would not be undermined, and the scheme would not undermine the vitality and viability of the Town Centre. The scheme would not affect the current ground floor commercial use.
- 1.8 In terms of providing a balanced housing market, Policy H1 of the LPS states that '*where appropriate, higher density provision will be sought focused around our most sustainable centres to assist in the provision of smaller units to meet a diverse range of housing needs.*' This perhaps refers primarily to the density and type of units on new build plots but the wording could equally be applied to the current proposal. The policy also seeks to promote the provision of smaller units including 2 bed apartments and 2/3 bed houses.
- 1.9 Similarly Policy Core Policy 3, states that development *should 'Promote social cohesion and inclusion and reduce inequalities and ensure access, for all sectors of the community to employment opportunities (...), adequate and affordable housing and a range, of service and facilities'*.
- 1.10 It is noted that the proposal aims to deliver suitable accommodation which is intended to support the district's rough sleepers and individuals at risk of repeat homelessness, by providing them with short – medium term accommodation while they are looking to secure permanent accommodation. The application is supported by a Needs Statement which sets out why this location is appropriate. Currently the council do not have accommodation which is in a suitable location or condition to meet the short term needs for the homeless. Alternative premises have been considered, however the application property is felt to be an

excellent location as it is conveniently located in the city centre within walking distance to local amenities and services to provide a close support network to ensure that the occupants have the optimum chance of maintaining their tenancy. The proposal is in line with the requirements of the Homeless Act 2002 and the Councils Housing, Homeless and Rough Sleeping Strategy (2019-2024). Whilst the proposal would deliver 1 bed apartments and the not the accommodation types promoted by Policy H1 of the LPS, this is considered to be acceptable given the information provided to support the application.

1.11 Overall, the principle of development is considered to be acceptable and accords with relevant policies contained within the Local Plan Strategy, the Lichfield City Neighbourhood Plan and relevant sections of the National Planning Policy Framework.

2. Design and Impact on the Heritage Assets

2.1 Paragraph 189 of the National Planning Policy Framework states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and they should be conserved in a manner appropriate to their significance.

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

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

2.4 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

2.5 Core Policy 3 of the Local Plan Strategy (LPS) requires development to protect and enhance the character and distinctiveness of the area. Similarly, Policy BE1 of the LPS states that all development should ensure that a high quality sustainable built environment can be achieved and new development should carefully respect the character of the surrounding area.

2.6 The importance of good design is also stressed in Policy Lichfield 1 of the LPS, the National Planning Policy Framework and the National Design Guide.

- 2.7 Policies CP14 and BE1 of the LPS and Policy BE2 of the Local Plan Allocations Document, alongside the NPPF and the Council's Historic Environment SPD, provide the policies and guidance against which the impact of a proposal on heritage assets is assessed. Great weight is placed on the impact of proposals on heritage assets. Proposals that cause significant harm are ordinarily resisted whilst schemes producing 'less than significant harm' should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 2.8 The Conservation Officer has been consulted and considers the proposal is acceptable in principle. Concerns were initially raised regarding the use of UPVC windows in a listed property, however this element has since been omitted from the scheme. A condition requiring full details of any replacement windows is recommended to ensure that the significance, setting, character and appearance of the building is maintained. No other external alterations to the building or new window openings are proposed. Internally, minimal works are required to facilitate the conversion. A condition is recommended to ensure that details of ventilation extracts are provided given the sensitive nature of the Listed Building. It can be concluded that there would be less than substantial harm to the Listed Building, which would be outweighed by the public benefits of the proposal in providing necessary accommodation to serve a locally identified need.
- 2.9 In terms of the proposal's impact upon the character and appearance of the surrounding area, the external appearance of the property will remain the same and the upper floors will continue to be used as residential units. As set out above, any replacement windows shall be controlled via the use of a suitably worded condition. As such, it is considered that there will be no greater impact upon the character and appearance of the Conservation Area than the existing.
- 2.10 It is therefore considered that the proposed works will not have a detrimental impact on the general character of the area and the proposed window details and materials are to be agreed via planning condition. As such, the design and heritage impacts of the scheme are considered to be in accordance with relevant policies contained within the Local Plan Strategy and the Local Plan Allocations Document.

3. Residential Amenity

- 3.1 Policy BE1 of the Local Plan Strategy states that development should have a positive impact upon amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 3.2 Core Policy 3 also states that development should protect the amenity of residents and seek to improve overall quality of life. Noise as a material planning consideration, including the impact on the health and amenity of future residents, is also referred to at Policy BE1 of the LPS.
- 3.3 The existing first and second floors of the building have been used as a single dwelling and it is noted that the proposal would result in 5no separate residential units. In terms of residential amenity, there are no residential properties in close proximity which would be unacceptably affected by the proposals. In terms of the amenity of the future occupiers, it is noted that the layout has been designed to provide separate units with no communal areas. Each unit is suitably sized, has windows to provide light and outlook and provides sufficient facilities for short term accommodation. There are external noise sources which result from the city centre location of the site, including the adjacent Public House, however the upper floors of the building are currently in residential use. The Councils Environmental Health Officer has raised no objections to the scheme in this respect given that the existing use of the property is

residential and as such it can be concluded that the proposals would provide an appropriate level of amenity for future occupiers.

- 3.4 The ground floor of the property will remain as a sandwich shop in Class E(b) use. In terms of amenity it is concluded that the proposals will meet with the objectives of the policies as set out above. As such, the development is considered to accord with the Development Plan and NPPF in this regard.

4. Access and Highway Safety

- 4.1 The proposal will not alter the surrounding road network and no parking provision is proposed under this application. However, given the sustainable location of the site and its proximity to bus stops and the railway station, it would be an option for occupiers of the flat(s) to not own a vehicle and therefore, not necessarily require car parking.

- 4.2 The Staffordshire County Council Highways team have been consulted and have confirmed that they do not have any objections to the proposal and do not require any planning conditions to be imposed. In respect of the above, the proposal is considered to be acceptable on highway grounds. As such, the development is considered to accord with the Development Plan and NPPF in this regard.

5. Ecology

- 5.1 Policy NR3 of the Local Plan Strategy states that development will only be permitted where it protects, enhances, restores and implements appropriate conservation management of the biodiversity and/or geodiversity value of the land and buildings. The scheme proposes minor internal alterations to facilitate the creation of the apartments and as such would not detrimentally impact on existing biodiversity or ecology. Taking into consideration the nature of the proposals it is not considered necessary to achieve an ecological net gain as part of the scheme. As such, the proposal is considered to be acceptable on ecological grounds. Therefore, the development is considered to accord with the Development Plan and NPPF in this regard.

6. Cannock Chase Special Area of Conservation

- 6.1 The site is within 15km of the Cannock Chase Special Area of Conservation. Therefore, upon receipt of any formal planning application the Local Planning Authority would undertake an Appropriate Assessment (a Habitat Regulations Assessment) and forward it to Natural England for its consideration. Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in 'dwellings' within a 15km radius of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC unless or until satisfactorily avoidance and/or mitigation measures have been secured.

- 6.2 In this respect the Council has adopted guidance acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. The proposal lies outside of the 0-8km buffer of the Cannock Chase SAC (it is instead within the 8-15km zone) such that a financial contribution would not be required in this case.

- 6.3 On this basis, it is concluded that the LPA have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

7. Human Rights

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

8. Conclusion

- 8.1 The development proposal comprises an appropriate and sustainable form of development. There are no outstanding material considerations and no technical objections to the scheme. As such, the proposal is recommended for approval, subject to conditions.

LOCATION PLAN

21/01901/FUH
1 Bulldog Lane
Lichfield

Scale: 1:1,000

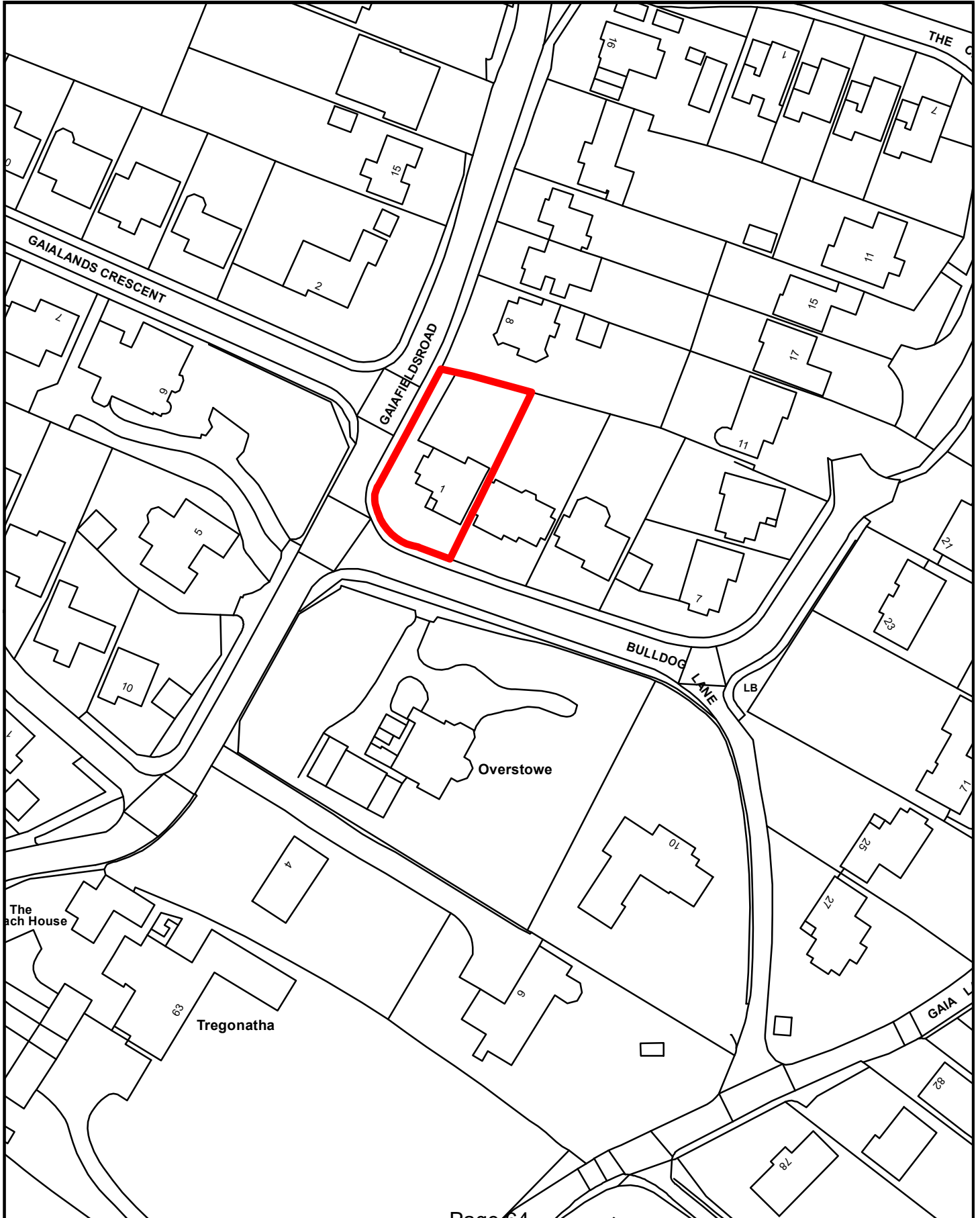
Dated: January 2022

Drawn By:

Drawing No:



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21/01901/FUH

Erection of first floor front extension, balcony to front and inverted balcony to rear, loft conversion and internal alterations

**1 Bulldog Lane, Lichfield, Staffordshire, WS13 7LN
FOR Cllr Joanne Grange**

Registered **08/11/2021**

Parish: Lichfield

Note: This application is being reported to the Planning Committee due to the applicant being Councillor Joanne Grange, District Councillor for the Chadsmead Ward.

RECOMMENDATION: Approve, subject to the following conditions:

CONDITIONS

- 1 The development hereby approved shall be begun before the expiration of three years from the date of this permission.
- 2 The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
- 3 Notwithstanding any description/details of external materials in the application documents, the external brickwork and roof tiles shall match in colour and texture those of the existing dwelling or as otherwise agreed in writing by the Local Planning Authority.
- 4 Within one month of completion, a bat or bird box shall be installed within the site. The bat or bird box shall thereafter be retained as such for the life of the development.

REASONS FOR CONDITIONS

- 1 In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
- 2 For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP2, CP3, CP14, BE1, NR3, NR4 and NR7 of the Lichfield Local Plan Strategy, Policy BE2 of the Lichfield Local Plan Allocations Document, 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.
- 3 To ensure the satisfactory appearance of the development in accordance with the requirements of Policies CP3, CP14 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Lichfield Local Plan Allocations Document, the Sustainable Design SPD and the National Planning Policy Framework.
- 4 In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019) and the Lichfield City Neighbourhood Plan (2018).
 2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
 3. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
 4. The developer should be aware that even if the approved development's impact upon protected species was not raised as an issue by the Lichfield District Council when determining the application, there remains the possibility that those species may be encountered once work has commenced. The gaining of planning approval does not permit a developer to act in a manner which would otherwise result in a criminal offence to be caused. Where such species are encountered it is recommended the developer cease work and seek further advice (either from Natural England or the Lichfield District Council Ecology Team) as to how to proceed.
-

PLANNING POLICY

National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

Local Plan Strategy

Core Policy 1: The Spatial Strategy
Core Policy 2: Presumption in Favour of Sustainable Development
Core Policy 3: Delivering Sustainable Development
Core Policy 14: Our Built and Historic Environment
Policy BE1: High Quality Development
Policy NR3: Biodiversity, Protected Species & their habitats
Policy NR4: Trees, Woodland and Hedgerow
Policy ST2: Parking Provision

Local Plan Allocations

Policy BE2: Heritage Assets

Supplementary Planning Document

Sustainable Design SPD
Biodiversity & Development SPD
Trees, Landscaping and Development SPD

Other

Lichfield City Neighbourhood Plan (2018)

Emerging Lichfield District Local Plan 2040

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

RELEVANT PLANNING HISTORY

There is no relevant planning history.

CONSULTATIONS

Lichfield City Council - Lichfield City Council confirmed they have no objections to the proposals. (19th November 2021)

LDC Conservation Team - Final Response: It is not considered that the proposed elevations will cause harm to the setting of the Lichfield City Conservation Area. The materials of the proposal will be important to minimise the visual impact of the changes (24th December 2021)

Initial Response: Due to the topography of the site require submission of street scene plans (3rd December 2021)

LDC Arboricultural Team - Final Response: No objections. Satisfied the development can be delivered without constraints or conditions relating to existing trees (29th November, 2021)

Initial Response: Require confirmation that the proposal could be delivered without constraints from trees (26th November, 2021)

LETTERS OF REPRESENTATION

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

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

2607-001
2607-002
2607-100
2607-300
2607-301
2607-302
2607-303
2607-304
2607-305
2607-101
2607-102
2607-103

OBSERVATIONS

Site and Location

The application relates to a detached property in an elevated position located within a prominent corner plot to the north of Bulldog Lane and the east of Gaiafields Road, Lichfield. The property is situated in a residential area made up of properties of a mix of styles, size and age. The property is

located outside of, but adjacent to the Lichfield City Conservation Area. Bulldog Lane itself forms the boundary of the conservation area, with the land and properties opposite falling within the area. The property is approached via a block paved driveway with garden to the front and rear and off road parking for 2 cars plus an integral garage. The property is designed with a cat slide roof with dormer window to the front. The boundary treatments to the rear are an approx. 1.8m wall with shrubbery screening to the western side and timber fencing to the eastern side with the front of the property with shrubbery to the east and mature shrubbery and trees to the west.

The site is within the 8-15km area of the Zone of Influence for Cannock Chase Special Area of Conservation.

Proposals

This application seeks permission for the erection of first floor front extension to include a balcony to front and inverted balcony to rear, loft conversion and internal alterations.

The proposed first floor extension would project 2m from the front wall of the dwelling and have a width of 7.87m. This extension would have a gable roof over which includes glazing and a balcony within the apex. The front proposed gable roof will reach a maximum height of 8.75m with an eaves height of 4.98m. The existing garage would be retained as part of the proposals.

To the rear roof slope, there would be 2 No. dormer windows, one of which would include a balcony area with external standing area. The existing chimneys would be retained as part of the proposals.

Internally, the ground floor of the property would be altered to provide an enlarged open plan kitchen and dining area. At first floor, additional space would be provided to an existing bedroom and an en suite would be created. An existing bedroom is referred to as a 'studio' on the proposed plans. At second floor, within the loft space, an additional bedroom with en suite, office and library area would be created.

The extensions would be constructed of brick and tile to match the existing dwelling.

Determining Issues

1. Policy & Principle of Development
2. Design and Heritage Impacts
3. Residential Amenity
4. Parking and Highway Safety
5. Biodiversity and the Cannock Chase SAC
6. Human Rights
7. Conclusion

1. Policy & Principle of Development

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

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

- 1.3 The NPPF sets out a presumption in favour of sustainable development and this is echoed in the Lichfield District Local Plan Strategy Core Policy 2.
- 1.4 The application relates to extensions to an existing residential property located within a predominantly residential area. The application site is sustainably located within the settlement boundaries for Lichfield as identified in the Local Plan and as such, the principle of the proposal is considered to be acceptable, subject to other material considerations which are discussed in further detail below.

2 Design and Heritage Impacts

- 2.1 The NPPF attaches great importance to design of the built environment and sets out that high quality and inclusive design should be applied to all development, including individual buildings, private spaces and wider area development schemes. It also states that development should respond to local character and history, and reflect the identity of local surroundings. This sentiment is echoed in Core Policy 3 states that development should: *“protect and enhance the character and distinctiveness of Lichfield District”*; *“be of a scale and nature appropriate to its locality”* and *“encourage the re-use of previously developed land”*. Policy BE1 of the Local Plan Strategy requires new development in terms of layout, size, scale, design and public views. The Policy continues to expand on this point advising that good design should be informed by “appreciation of context, as well as plan, scale, proportion and detail”.
- 2.2 The extensions are sited to the front and rear of the property and have been designed with matching materials to ensure it is in keeping with the style of the main dwelling and this would be secured by condition to ensure satisfactory appearance.
- 2.3 From a design perspective although there is a change to the appearance and general massing of the front elevation it is considered that the development is acceptable, subject to the use of matching materials which would be secured by an appropriately worded condition. In terms of overall design and impacts on the character of the area, the proposals have a good quality visual presentation that is considered to meet the design requirements of Policy BE1 and Core Policy CP3 of the Lichfield Local Plan Strategy.
- 2.4 The site is located adjacent to the Lichfield City Conservation Area, with the boundary being on the opposite side of Bulldog Lane to the South- West of the application site.
- 2.5 Paragraph 184 of the National Planning Policy Framework states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and they should be conserved in a manner appropriate to their significance.
- 2.6 Under Paragraph 193 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be).
- 2.7 In relation to the historic environment, Policy BE1 of the Local Plan Strategy states that development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact on its significance. Core Policy 14: Built and Historic Environment sets out that the significance of designated heritage assets and their settings will be conserved and enhanced and given the highest level of protection. Policy BE2: Heritage Assets of the Local Plan Allocations document sets out that development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset or its setting.
- 2.8 Taking into consideration the scale, form and overall design of the extensions, the proposals would cause no harm to the character and appearance of the adjacent Conservation Area. As set out above a condition is attached to ensure matching materials are used in the

development, the scheme is therefore considered to be acceptable on heritage and design grounds.

3 Residential Amenity

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

3.2 Policy BE1 of the Local Plan Strategy states that development should have a positive impact upon amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. When assessing the impact of development on the neighbouring properties reference should be made to Appendix A of the Sustainable Design SPD which contains guidelines to assess the impact of development on the amenities of neighbouring dwellings. The SPD further recommends minimum standards for amenity space based upon the number of bedrooms in a dwelling.

3.3 The scheme complies with the guidelines contained within the Sustainable Design SPD. It is not considered that the development would give rise to any amenity issues relating to loss of daylight; overbearing or overshadowing on any neighbouring properties and adjoining private amenity spaces. No adverse amenity issues would arise as a result of the proposed development.

3.4 The proposals are therefore considered to be acceptable with regard to residential amenity.

4. Parking and Highway Safety

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

4.2 The guidance within Policy ST2 and the Sustainable Design SPD focus upon parking provision in relation to the number of bedrooms at a dwelling. A dwelling with 5 or more bedrooms would require 3 off road parking spaces. The existing dwelling has 4 bedrooms, and whilst the proposed plans do not indicate the creation of an additional bedroom, it is noted that a ‘studio’ indicated on the proposed first floor layout plan would also be considered as a bedroom for marketing purposes. In this case there is sufficient room within the frontage to accommodate 3 cars and in addition the existing garage would be retained. Consequently, the proposal meets the requirements of Policy ST2 of the Local Plan Strategy and guidance within the Sustainable Design Supplementary Planning Document.

5. Biodiversity

5.1 It Policy NR3 of the Local Plan Strategy states that development will only be permitted where it “*Protects, enhances, restores and implements appropriate conservation managements of the biodiversity and/or geodiversity value of the land and buildings*”. It further requires that all development deliver a net gain for biodiversity.

5.2 Taking into account the submissions, it is not considered that the proposals would cause harm to existing biodiversity. Notwithstanding this, in order to achieve a net gain to biodiversity as required by Policy NR3, a condition is attached to secure the provision of a bird box within the application site. An informative to remind the applicant of their responsibilities in terms of wildlife legislation is also attached.

Cannock Chase SAC

- 5.3 Policy NR7 of The Lichfield Local Plan Strategy states that before development is permitted it must be demonstrated that either alone or in combination with other developments the proposal will not be likely to lead directly or indirectly to an adverse effect on the integrity of the Special Area of Conservation (SAC).
- 5.4 The provisions of the Conservation of Habitats and Species Regulations 2017, require that the Local Planning Authority, as the competent authority, must have further consideration, beyond planning policy matters, to the impacts of the development on the Cannock Chase SAC.
- 5.5 A Habitat Regulation Assessment has been completed which has screened out the requirement for an Appropriate Assessment as the development will not increase the number of dwellings within the defined zone of influence for the Cannock Chase SAC. Where the number of dwellings does not increase through the development proposals there is no requirement for mitigation or financial contribution. It is therefore considered that the proposals will not have an adverse impact on the Cannock Chase SAC.
- 5.6 The proposal is therefore considered acceptable with regard to the ecological considerations of the development plan.

6. Human Rights

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

7. Conclusion

- 7.1 The proposed development is an acceptable form of development as a matter of principle. In this instance, it is considered that the development would not cause harm to the character and appearance of the area, the adjacent Conservation Area, the amenity of neighbouring properties or highway safety. It is noted that there are no policies within the Lichfield City Neighbourhood Plan which are directly relevant to the assessment of this proposal.
- 7.2 Consequently, it is recommended that this application be approved, subject to conditions included in this report.

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