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Friday, 30 December 2022

Dear Sir/Madam

## PLANNING COMMITTEE

A meeting of the Planning Committee has been arranged to take place **MONDAY, 9TH JANUARY, 2023 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.

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

Yours faithfully

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

Christie Tims  
Chief Operating Officer

## To: Members of Planning Committee

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



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## AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of Previous Meeting 3 - 4
4. Planning Applications 5 - 54
5. Exclusion of Public and Press

RESOLVED: That, as publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted the public and press be excluded from the meeting for the following item of business which would involve the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended.

IN PRIVATE

6. Confidential Minutes of Previous Meeting 55 - 58



**PLANNING COMMITTEE**

**5 DECEMBER 2022**

**PRESENT:**

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

**25 APOLOGIES FOR ABSENCE**

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

**26 DECLARATIONS OF INTEREST**

There were no declarations of interests.

**27 MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting held on 31 October 2022 previously circulated were taken as read, approved as a correct record and signed by the Chair.

**28 PLANNING APPLICATION**

An application for permission for development was considered with the recommendations of the Chief Executive and any letters of representation and petitions of observations/representations received since the publication of the agenda in association with Planning Application 22/01440/FUH

22/01440/FUH – Erection of first floor rear extension and replacement pitched roof to existing extension

18 Woodfields Drive Lichfield Staffordshire WS14 9HH  
For: Mr Tony Clayton

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

**29 EXCLUSION OF PUBLIC AND PRESS**

**RESOLVED:** That, as publicity would be prejudicial to public interest by reason of the confidential nature of the business to be transacted, the public and press be excluded from the meeting for the following item of business which would involve the likely disclosure of exempt information as defined in Paragraphs 1, 2, 3 & 5 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

## IN PRIVATE

### 30 ENFORCEMENT MATTERS - UPDATE REPORT

The Confidential Enforcement Update Report was disseminated for information purposes.

**RESOLVED:** That the information be noted.

### 31 CONFIDENTIAL REPORT - BURNTWOOD CARE HOME APPEAL

Members considered a report relating to an appeal lodged regarding a recent application.

After a debate and receiving advice, the Committee agreed how to proceed in defending the appeal.

**RESOLVED:** That the appeal be defended as agreed.

(The Meeting closed at 7.10 pm)

CHAIR

# Agenda Item 4

## Planning Committee

9 January 2023

Agenda Item 4

Contact Officer: Claire Billings

Telephone: 01543 308171

### Report of Chief Executive

#### LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985

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

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

#### FORMAT OF REPORT

Please note that in the reports which follow

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

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

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

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

## **AGENDA ITEM NO. 4**

### **ITEM A**

#### **APPLICATIONS FOR DETERMINATION BY COMMITTEE: FULL REPORT**

**9 January 2023**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
22/00476/COU	Priory Farm Uttoxeter Road Blithbury	Mavesyn Ridware
22/01423/FUH	96 Gaia Lane Lichfield	Lichfield City
22/01533/FUH	9 Foden Close Shenstone	Shenstone
22/01560/FUL	Little Meadows St Chads Road Lichfield	Lichfield City

# LOCATION PLAN

22/00476/COU  
Priory Farm Uttoxeter Road  
Blithbury  
WS15 3JA

Scale: 1:3,500

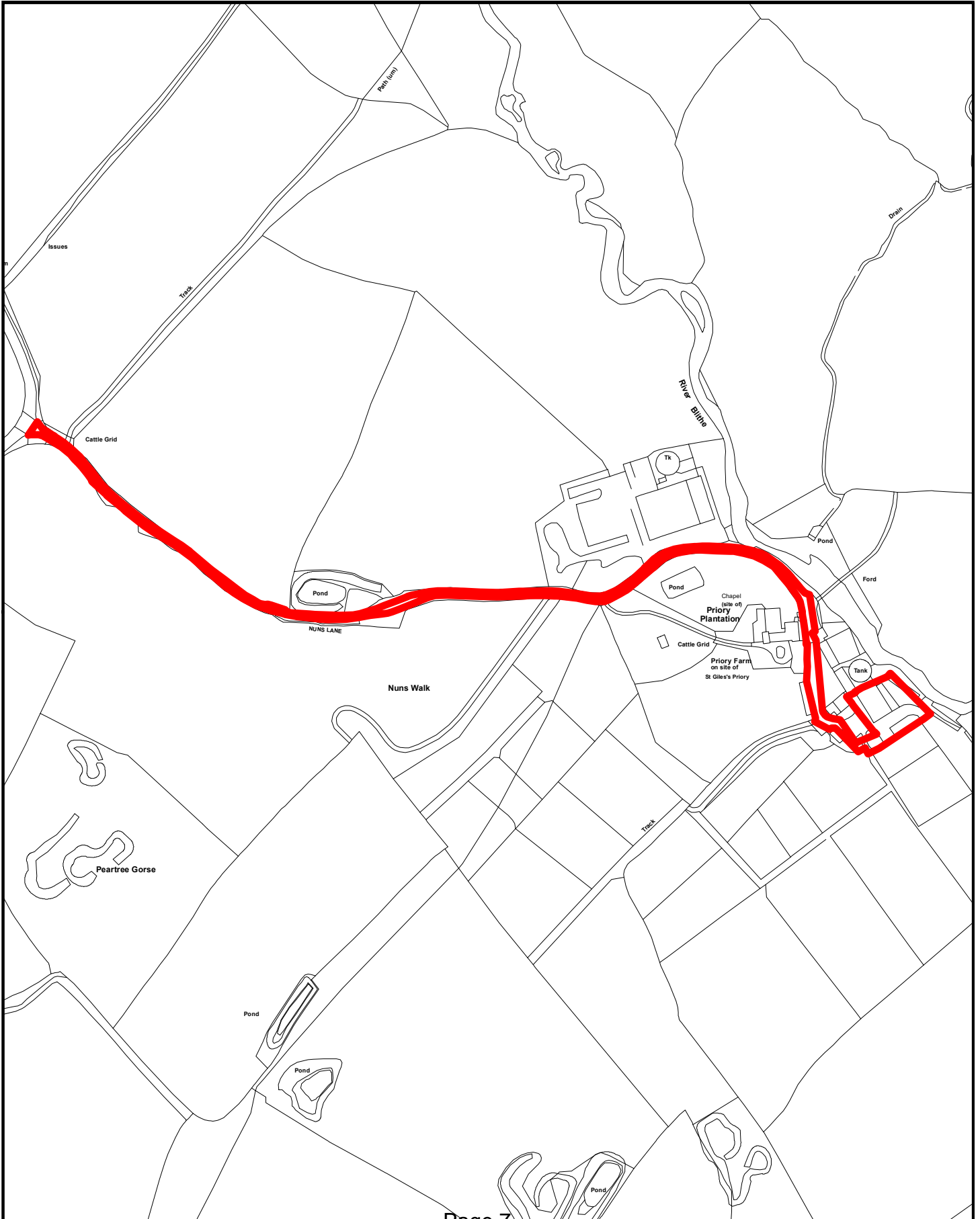
Dated: December 2022

Drawn By:

Drawing No:



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## 22/00476/COU

Change of use from agricultural building to dwellinghouse (Use Class C3), demolition of existing northern lean-to and associated works  
Priory Farm , Uttoxeter Road, Blithbury, Rugeley  
FOR Mr L Lukasz

Registered 22/06/2022

**Parish:** Mavesyn Ridware

Note: This planning application is being reported to the Planning Committee due to significant planning objections raised by Staffordshire County Council Highways.

The Highways Authority recommends refusal for the following reasons:

- The proposed development would be for a substantial new residential property which would be in an unsustainable location;
- It is likely that the majority of journeys by the future occupiers of the proposed dwelling to access services and facilities would be made by private vehicles;
- The proposed development fails to provide safe all-weather, all-season pedestrian routes to local facilities/services schools, and public transport facilities and as a consequence would increase the likelihood of pedestrian/vehicle conflict resulting in increased highway danger.

**RECOMMENDATION: Approve, subject to the prior completion of a S106 TCPA 1990 Unilateral Undertaking relating to the payment for recreational mitigation for the Cannock Chase SAC and the following conditions:**

### CONDITIONS AND REASONS

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

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

2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP1, CP3, CP6, CP13, CP14, NR2, NR3, NR7, ST1, ST2 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD and the National Planning Policy Framework.

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

3. No development hereby approved shall be commenced, until details of all external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development in accordance with the requirements of Policies CP3 and BE1 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.



4. No development shall take place until a scheme of soft landscaping has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to include appropriate parking provision to enhance the development and achieve parking requirements is provided in accordance with Policies CP3, ST2 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Trees, Landscaping and Development SPD and the National Planning Policy Framework.

5. The construction of the development shall be undertaken in complete accordance with the methods set out in section 5.2 of the Preliminary Ecological Appraisal prepared by EcoLocation, dated 27 October 2022 (Ref 2022-07(08)) which requires the installation of otter-proof fences prior to construction. The Otter proof fences shall be installed in accordance with the above Appraisal prior to the carrying out of any other works of construction on site.

Reason: To avoid harm to a protected species in accordance with Policy NR3 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

6. Before any part of the development commences the application site shall be subject to a detailed scheme for the investigation and recording of any contamination of the site by a suitably qualified practitioner and a report shall be submitted to and approved in writing by the Local Planning Authority. The report shall identify any contamination on the site, the subsequent remediation works considered necessary to render the contamination harmless and the methodology proposed. The Local Planning Authority shall be given 2 weeks prior written notice of the proposed start date of the approved remediation scheme on site, and the works to comply with the approved remediation scheme shall be carried out under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. A validation report shall be submitted to the Local Planning Authority within 1 month of the approved remediation being completed unless otherwise agreed in writing by the Local Planning Authority. The development shall not be occupied until the validation report has been received by the Local Planning Authority.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with Policy CP3 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

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

7. The western site boundary shall comprise a 1.8m close board wooden fence and shall be provided prior to first occupation of the development and retained for the lifetime, unless otherwise agreed by the Local Planning Authority.

Reason: To protect the amenities of neighbouring residents in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

8. Before the development approved is first occupied, details of 1no. cycle storage shed shall be provided and agreed in writing with the Local Planning Authority. The approved cycle storage shed shall be provided prior to the first occupation of the dwelling and retained thereafter for the lifetime of the development.

Reason: To promote sustainable modes of travel in accordance with Policy ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

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

9. All planting, seeding or turfing shown on the approved landscaping scheme in accordance with condition 4 above shall be carried out in the first planting and seeding season following the first occupation of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Trees, Landscaping and Development SPD and the National Planning Policy Framework.

10. The areas of hardstanding shown on the proposed site plan shall be provided prior to the first occupation of the dwelling hereby approved, and retained as such thereafter for the lifetime of the development.

Reason: In the interests of highway safety and to ensure adequate off-street parking exists to serve the development in accordance with the requirements of policies CP5, ST1 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

11. The finished floor levels of the development shall be set no lower than 73.18 m AOD metres above Ordnance Datum (AOD) and the development shall be carried out in accordance with the mitigation measures set out in sections 5.4 and 5.5 of the Flood Risk Assessment prepared by Travis Baker East Midlands, dated 13 July 2021 (reference 21023).

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CP3 of the Local Plan Strategy and the National Planning Policy Framework.

12. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then unless otherwise agreed in writing by the Local Planning Authority development shall cease until the applicant has submitted a written scheme prepared by a suitably qualified practitioner to identify record and remediate that contamination and this scheme has been approved in writing by the Local Planning Authority. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 2A, and appropriate remediation proposals. The approved remediation scheme shall be completed on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. Within one month of completion of the approved remediation scheme a validation report shall be submitted to the Local Planning Authority. The development shall not be occupied until the validation scheme has been received by the Local Planning Authority.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with Policy CP3 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

13. Any external lighting within the site shall be low level, low wattage down lights set no higher than the head height of the ground floor windows (ideally on PIR sensors). No uplighting shall be provided during construction or for the lifetime of the development.

Reason: To avoid disturbance to protected species in accordance with Policy NR3 of the Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.

14. During construction the site works shall be secured overnight so that mammals do not wander into construction zones, and any trenches shall be covered or have a ramp so that any mammals that fall in are able to escape. Any fuels and chemicals on site must be safely stored in designated areas on hard standing away from woodland or vegetation.

Reason: To avoid disturbance to protected species in accordance with Policy NR3 of the Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.

15. Notwithstanding the provisions of Schedule 2, Part 1, Classes A-G of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the new dwelling unless planning permission has first been granted by the Local Planning Authority.

Reason: In the interests of neighbour and visual amenity of this rural locality, to able the local planning authority to control further alterations on the dwelling in accordance with the requirements of Policies CP3, NR2 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design Supplementary Planning Document and National Planning Policy Framework.

## NOTES TO APPLICANT

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
2. If applicable, the applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).
4. During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
5. Section 5.2 of the Preliminary Ecological Appraisal prepared by EcoLocation, dated 27 October 2022 (Ref 2022-07(08)) sets out several measures for the protection of habitats and species

that should be adhered to during the construction process and it is recommended that the developer read this in detail prior to commencement of the works.

6. 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 from a suitably qualified ecologist as to how to proceed.

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## **PLANNING POLICY**

### **National Planning Policy**

National Planning Policy Framework

National Planning Practice Guidance

### **Local Plan Strategy**

Policy CP1 - The Spatial Strategy

Policy CP3 - Delivering Sustainable Development

Policy CP6 - Housing Delivery

Policy CP13- Our Natural Resources

Policy CP14 - Our Built & Historic Environment

Policy ST1 - Sustainable Transport

Policy ST2 - Parking Provision

Policy H1 - A Balanced Housing Market

Policy RURAL1 - Rural Areas

Policy NR2- Green Belt

Policy NR3 - Biodiversity, Protected Species & their habitats

Policy NR5 - Natural & Historic Landscapes

Policy NR7 - Cannock Chase Special Area of Conservation

Policy BE1 - High Quality Development

### **Local Plan Allocations**

Policy BE2 - Heritage Assets

### **Supplementary Planning Document**

Rural Development SPD

Sustainable Design SPD

Biodiversity and Development SPD

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

The emerging Lichfield District Local Plan 2040 has completed its Regulation 19 public consultation stage (August 2021) and the draft Local Plan has been submitted to the Secretary of State for the Department for Levelling Up, Housing and Communities. Planning Inspectors were appointed, but a pause in the examination has since been agreed for up to 12 months and so no date for public examination has been set. At this stage limited weight is given to the draft Emerging Local Plan Policies. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight. Relevant policies in the emerging Local Plan include: -

Strategic Policy (SP1): The Spatial Strategy

Strategic policy 2 (SP2): Sustainable transport

Strategic policy 3 (SP3): Sustainable travel

Strategic Policy 10 (SP10): Sustainable Development

Strategic policy 12 (SP12): Housing provision

Strategic Policy SP16 Natural and Historic Landscapes  
 Local Policy SD1: Sustainable Design and Master Planning  
 Local policy LT1: Parking provision  
 Local policy NR2: Habitats and biodiversity  
 Local policy NR3: Trees, woodlands and hedgerows  
 Local policy NR5: Cannock Chase Special Area of Conservation

The above policies reflect the thrust of their counterpart policies within the current adopted Local Plan and do not change the overall conclusions arrived at in the in the determination of this application.

### **RELEVANT PLANNING HISTORY**

09/00953/ABN	Agricultural Determination: Storage barn extension		21.09.2009
14/00914/COU	Formation of menage and erection of fencing and associated works	Approve	11/11/2014
15/00546/COU	Conversion of agricultural buildings to form 4no dwellings, detached garage and associated works	Approve	22/02/2016
15/00546/DISCH	Discharge of conditions 3, 4, 5, 6 and 7 of application 15/00546/COU	Approve	29/08/2017
17/01333/COU	Change of use of existing dairy farm buildings to horse livery operation	Approve	17/01/2018
19/00754/FUL	Conversion of agricultural buildings to form 4 no dwellings, detached garage and associated works affecting footpath Mavesyn Ridware 1	Approve	12/09/2019
19/00754/DISCH1	Discharge of condition 6 (archaeological investigation) of permission 19/00754/FUL	Approve	21/03/2022

### **CONSULTATIONS**

**Mavesyn Ridware Parish Council** : No comment received.

**Environment Agency: No objections raised. The Flood Risk Assessment** is acceptable and a condition is required to ensure that the relevant mitigation is adhered to, including finished floor levels. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. (16.08.2022)

**Severn Trent Water** : No comments received.

**Staffordshire County Council (Flood Team):** No comments received.

**Staffordshire County Council (Highways):** The site is served by Nuns Lane, a private road, that forms a junction off Uttoxeter Road (B5014) that at this location is subject to a 60mph speed limit. The access immediately rear of the adopted highway is in poor condition and cold planings have been laid in an attempt to stabilise the surface course. Nuns Lane is a single-track private road that does not benefit from vehicular passing places. It is noted that public footpath no.1 Mavesyn Ridware follows part of the access route along Nuns Lane to the site.

The Highway Authority has been consulted on two previous occasions in respect of Priory Farm:

- 15/00546/COU Conversion of agricultural buildings to form 4no dwellings, detached garage and associated works
- 19/00754/FUL Conversion of agricultural buildings to form 4 no dwellings, detached garage and associated works

The Highway Authority recommended approval subject to conditions for both applications.

In determination of the current planning application, the Highway Authority has given great weight to the sustainability and connectivity issues surrounding the proposed development. It is in a remote location with no footway connections to local facilities/services and consequently the occupiers of the proposed development would be reliant on the use of a private motor vehicle for trips to the local facilities/services/schools.

Due to the foregoing the Highway Authority recommends refusal because:

- The proposed development would be for a substantial new residential property which would be in an unsustainable location;
- It is likely that the majority of journeys by the future occupiers of the proposed dwelling to access services and facilities would be made by private vehicles;
- The proposed development fails to provide safe all-weather, all-season pedestrian routes to local facilities/services schools, and public transport facilities and as a consequence would increase the likelihood of pedestrian/vehicle conflict resulting in increased highway danger.

Contrary to paragraphs 104(c), 110 and 112(b) of the NPPF and policy CP5 of the Lichfield Local Plan Strategy. (17.11.2022)

**Staffordshire County Council (Archaeology)** : No objections. Whilst there is some historic environment and archaeological interest, given the nature, location, and scale of the proposals, in addition to the developmental history of the application site there are no objections to the proposals. Conditions are not required. (14.07.2022)

**LDC Ecology Team: Final Comments-** The Ecology Team is satisfied with the methodology and the information provided within the submitted Preliminary Ecological Appraisal (PEA), and agrees with the conclusions in that protected/priority species are unlikely to be impacted upon with precautionary measures set out in the report. It can now be considered unlikely that the proposed works would negatively impacting upon a European Protected Species. Adherence by the applicant to all methods of working detailed within the assessment must be made a condition of any future planning approval, including all recommendations (28.11.2022)

Initial comment - The Ecology team recognise the submitted Bat and Bird Survey, then recommend a Preliminary Ecological Appraisal (PEA) is carried out. The justification of this is due to the site's location within an area of biodiversity, the type of development (demolition and rebuild), and the potential to impact other protected/priority species and habitats of distinctiveness. The site borders the River Blithe and Priory Plantation woodland, multiple ecological records of other protected species (otters) are in proximity (within 1km), multiple ponds are in proximity, and there are connecting wildlife corridors to and from the site. Under policy NR3 of the local plan, a net gain to biodiversity must be incorporated into all developments. (23.07.2022)

**LDC Conservation And Urban Design Team:** The application is for the change of use of a modern barn to form residential accommodation. Subject to the satisfactory agreement of materials, there are no objections with the proposed scheme. The barn is a large modern blockwork and frame structure associated with the farm complex. The neighbouring brick built barns have been converted to residential use, and it is now proposed to convert the remaining modern structure to form a single residential unit.

Based upon the design of the conversion the changes to the exterior of the barn will be minimal, and will not be detrimental to the setting of the surrounding complex. The materials (outlined on the plans) will be important in ensuring the conversion fits comfortably with its surroundings. Whilst there are no objections to the palette of materials proposed, details of the finishes will be needed. These details along with those of the surrounding hard and soft landscaping will be needed prior to works being carried out. These details can either be submitted prior to the determination of the application, or covered by conditions at the time of determination. (21.07.2022)

**LDC Environmental Health Team** :No objections to the proposals. Given the previous agricultural uses of the site, land contamination conditions are recommended. (28.07.2022)

**LDC Tree Officer**: No comments (28.07.2022)

### **LETTERS OF REPRESENTATION**

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

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

2102 PL 001 D Location Plan dated as received 01 September 2022  
2102 PL 003 Rev H Proposed Site Plan dated as received 20 December 2022  
21335\_OGL Topographical Survey dated as received 18 March 2022  
16357-01A Existing Access Visibility Splays dated as received 18 March 2022  
2102 PL 510 A Proposed Layout dated as received 01 September 2022  
2102 PL 515 A Proposed Elevations dated as received 01 September 2022  
2102 PL 512 A Proposed Roof Plan dated as received 01 September 2022  
2102 PL 500 A Existing Ground Floor Plan dated as received 18 March 2022  
2102 PL 502 A Existing Elevations dated as received 18 March 2022  
2102 PL 505 A Existing Ground Floor Plan dated as received 18 March 2022  
Flood Risk Assessment reference 21023 dated 13 July 2021

### **OBSERVATIONS**

#### **Site and Location**

The application site incorporates a single modern agricultural building located at the end of Nun's Lane, Blithbury, amongst the Priory Farm complex. Priory Farm comprises the original Grade II listed farmhouse with various traditional agricultural buildings/stables and modern barns. There is a fishing lodge to the west of the farmhouse which is Grade II Listed. The site lies to the south of the other buildings and barns and is thus visually separated from the farmhouse. It is within the rural area, with no nearby neighbouring dwellings other than those associated with the subject farm. The River Blithe runs to the north-east of the farm complex.

The site is located outside of any settlement boundaries as defined in the local plan and is partially within Flood Zone 3. The site is within the Zone of Influence for the Cannock Chase Special Area of Conservation.

#### **Background**

Planning permission was granted in 2019 for the conversion of the agricultural buildings adjacent to the application site to form 4 no dwellings, detached garage and associated works. A number of the barns were in the process of being converted into dwellings at the time of the Officer's site visit.

#### **Proposals**

This application seeks permission for the change of use from agricultural building to a dwellinghouse (Use Class C3) and associated works. The dwelling would be single storey with four bedrooms and an open-plan living room with kitchen. There would be feature windows on the front and rear elevations, 4no. single windows on the southern elevation and 1no. single bathroom window on the northern elevation. There would be 2no. rooflights. The existing roof covering would be replaced with a zinc or single ply membrane. All blockwork would be retained and sandblasted to original colour, and the existing timber cladding would be retained. The lean-to would be externally clad in timber to match the main building.

The application is supported by a Flood Risk Assessment, Planning Statement and structural report.

## Determining Issues

1. Policy & Principle of Development,
2. Design and Impact upon the Character and Appearance of the Surrounding Area
3. Residential Amenity
4. Access and Highway Safety
5. Ecology and Nature Conservation
6. Flood Risk and Drainage
7. Cannock Chase SAC
8. Other Issues
9. Human Rights

### 1. Policy & Principle of Development

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

1.2 The emerging Lichfield District Local Plan 2040 has completed its Regulation 19 public consultation stage (August 2021) and the draft Local Plan has been submitted to the Secretary of State for the Department for Levelling Up, Housing and Communities. Planning Inspectors were appointed, but a pause in the examination has since been agreed for up to 12 months and so no date for public examination has been set. At this stage limited weight is given to the draft Emerging Local Plan Policies. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight.

### Green Belt

1.3 The site lies within the West Midlands Green Belt. The decision-making process when considering proposals for development in the Green Belt is in the 3 stages as follows:

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

1.4 Paragraph 149 of the NPPF states that LPAs should regard the construction of new buildings as inappropriate in the Green Belt. Paragraph 150 states that certain forms of development are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of the Green Belt. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction. The principles in the NPPF are reiterated in Policy NR2 of the Local Plan Strategy.

### Settlement Hierarchy

1.5 Paragraph 80 of the NPPF states that the developed of isolated homes should be avoided in the countryside unless a number of circumstances apply. This includes development that would re-use redundant or disused buildings.

1.6 The spatial strategy for the District, set out in Core Policy (CP) 1 states that throughout the District, growth will be located at the most accessible and sustainable locations in accordance



with the Settlement Hierarchy. CP1 and CP6 state that smaller villages will accommodate housing to meet local needs, mainly within the identified village boundary. In the remaining rural areas, only infill development within defined village settlement boundaries, affordable housing delivered through Rural Exceptions, changes of use and conversion schemes and other small scale or agricultural development will be permitted. CP6 and Policy Rural 1 both support the conversion of existing buildings to residential use.

- 1.7 The Rural Development Supplementary Planning Document (SPD) provides further information on the reuse of rural buildings. Appendix B of this document relates specifically to the Re Use of Rural Buildings, confirming that the adaptation and re-use of existing rural buildings can help meet the needs of rural areas, especially to support economic development, tourism, residential and recreational uses. Such buildings can include agricultural buildings, as well as buildings which have been in other uses, such as industrial uses. It states in paragraph 1.2 of Appendix B that buildings which require major or complete reconstruction, alteration or extension to allow their reuse would not normally be acceptable, as this is effectively the creation of a new building in the countryside. Residential use is generally only appropriate for buildings which are structurally sound; are capable of conversion without substantial alteration or extension; and where any domestic curtilage can be accommodated without creating a visual intrusion into the surrounding countryside. Furthermore, buildings in more sustainable locations, with easy access to local services and public transport are more suitable for residential conversion than those in more remote locations. The creation of live/work units can however result in a more sustainable form of development.

#### Assessment

- 1.8 The application building is located close to a cluster of agricultural buildings and barn conversions. Given this context, and having regard to case law, the application building cannot be considered as 'isolated'. As such the exception permitted by paragraph 80 is of limited relevance in this case. Notwithstanding Para 80 in the NPPF, this does not prevent a development plan policy being relevant on this matter.
- 1.9 The building appeared in good condition at the time of the Officer's site visit. A structural survey of the building was submitted as part of the planning application, which concludes that it is of permanent and substantial construction. The agent also confirmed in the email dated 31 August 2022 the extent of work that would be required to convert the building and this is considered to be minimal by Officers. Accordingly, the proposal would comprise an appropriate re-use of a rural building and appropriate development within the Green Belt in accordance with paragraph 150 of the NPPF. The principle of the development would also be in accordance with Local Plan Strategy Policies NR2, CP1, CP6 and Rural 1, as well as the Rural Development SPD which sets specific criteria for barn conversions and the NPPF and would be acceptable. This is subject to the compliance with other material considerations and compliance with the policies within the Local Plan.

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

- 2.1 The NPPF (Section 12) advises that "*good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*" and that "*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*".
- 2.2 The National Planning Practice Guidance has recently been amended to state that, "*the design process continues after the granting of permission, and it is important that design quality is not diminished as a permission is implemented*". In addition, the recently published National Model Design Code sets out clear design parameters to help local authorities and communities decide what good quality design looks like in their area.

- 2.3 The National Model Design Code advises that, *“In the absence of local design guidance, local planning authorities will be expected to defer to the National Design Guide, National Model Design Code and Manual for Streets which can be used as material considerations in planning decisions. This supports an aspiration to establish a default for local design principles and settings as part of forthcoming planning reforms that lead to well designed and beautiful places and buildings”*. The Council does not as yet have a local design guide and therefore the above noted documents are important resources for securing good quality design.
- 2.4 Local Plan Strategy Policy BE1 advises that *“new development... should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views”*. Additionally, the Rural Development SPD in appendix 3.2 states, *“The character of a rural building is derived from its original function and every effort should be made to retain the original simplicity of scale and form and to alter the building as little as possible”*.

#### Assessment

- 2.5 The Conservation and Urban Design team were consulted as part of the planning process and raised no objection to the proposals. It was noted that the changes to the exterior of the barn would be minimal and not be detrimental to the setting of the surrounding complex. Taking into consideration the intervening built form and separation distance, it can be concluded that the scheme results in no impacts or harm to the setting or significance of any heritage assets, including the listed buildings at Priory Farm. The materials (outlined on the plans) will be important in ensuring the conversion fits comfortably with its surroundings. Whilst there are no objections to the palette of materials proposed, details of the finishes will be needed. These details along with those of the surrounding hard and soft landscaping can be secured by appropriately worded conditions prior to works being carried out.
- 2.6 The proposals involve minor alteration to the exterior of the building which will not harm the nearby listed building (which is visually separated from the site). Although the new windows would be ‘feature’ windows, they are not inappropriate in this instance nor would they be out of context as the building is relatively modern. Subject to details on the materials and soft and hard landscaping, the proposals would therefore be in keeping with the requirements of the Rural Development SPD and in accordance with Policy BE1 overall. The development proposal is therefore in accordance with the requirements of the Development Plan and NPPF in this regard.

### 3. Residential Amenity

- 3.1 Policy BE1 of the Local Plan Strategy states that all development proposals should ensure that a high quality sustainable built environment can be achieved. Development will be permitted where it can be clearly and convincingly demonstrated that it will 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. When assessing the impact of development on the neighbouring properties reference should be made to Appendix A of the Sustainable Design Supplementary Planning Document (SPD). The SPD sets out recommended distances between properties to protect privacy, outlook, together with an approach to assess the potential impact on neighbouring properties light and other matters.

#### Assessment

- 3.3 As the building is already present there would be no amenity impact on the neighbouring properties in terms of loss of light or overbearing impacts. Also, there would be no loss of privacy given the placement of the proposed windows and as there are no windows serving

principle habitable rooms on the northern elevation. The habitable room windows on the front elevation would be c. 5.2m distant from the garden of an adjacent barn conversion, and it is recommended that the boundary treatment on the western site boundary comprise a 1.8m close board fence to block any interaction. It is clear that the amenity garden space for a 4-bed property would be accommodated within the site, although details of the hard and soft landscaping scheme could be a condition of any forthcoming permission. Subject to the implementation of conditions, it is considered that the proposal would meet the requirements of Policies BE1, CP3 and the Sustainable Design SPD and would be acceptable.

3.4 Overall, the planning submission is considered to be acceptable with regards to residential amenity and in accordance with the aforementioned policies.

#### 4. Access and Highway Safety

4.1 Paragraph 110 of the NPPF states that applications for development should ensure that there are appropriate opportunities to promote sustainable transport modes, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network can be cost effectively mitigated.

4.2 Policy ST1 'Sustainable Travel' sets out that the Council will seek to secure sustainable travel patterns through a number of measures including only permitting traffic generating development where it is or can be made compatible with the existing transport infrastructure. The access and egress onto the public highway and maintaining highway safety are factors which should be given consideration.

4.3 Local Plan Strategy Policy ST2 'Parking Provision' states that appropriate off-street parking should be provided by all developments. The Council's off-street car parking standards are defined within Appendix D of the Sustainable Design SPD.

#### Assessment

4.4 The objection from Staffordshire County Highways is noted in relation to the scheme, as the Highway Authority recommends refusal of the scheme due to the unsustainable location and related matters (set out in full above). However, such matters should be weighed against other considerations that weigh in favour of the application.

4.5 The first consideration is that both national and local policy supports the reuse and adaptation of rural buildings. These, by definition, are found in relatively isolated locations in the countryside in which it is unusual to find roads that have pavements and, or, streetlights. To insist that conversions of rural buildings should only be allowed in circumstances where they are served by roads with pavements and streetlights would, in effect, negate the policy.

4.6 In addition to the above Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. In this case the proposal relates to the provision of one dwelling, which the Highway Authority notes will be largely served by private car. Furthermore, Nuns Lane connecting the application site to Uttoxeter Road is a private lane which is not a through road and as such is only lightly trafficked. As such the risk to highway safety, over and above that which currently exists would be marginal and could not be considered to be severe.

4.7 Furthermore, the conversion/ change of use of a building to a dwelling constitutes the reuse of natural resources, often referred to as environmental capital, and includes not only the materials that a building is constructed from but also the energy expended in manufacturing and transporting those materials. As such the proposal is wholly consistent with the overarching environmental objective of 'using natural resources prudently' and 'minimising waste and pollution' as identified in paragraph 8 of the NPPF which sets out what 'achieving

sustainable development means. This is one of the main reasons why conversion schemes in rural areas are supported implicitly in planning policy as they give rise to the sustainability benefit from the reuse of environmental capital.

- 4.8 When assessed in the planning balance it is considered that the harm to highway safety and to the purpose of achieving sustainable development by virtue of the proposed dwelling's location is outweighed by the policy support for the reuse of rural buildings, and the environmental benefits arising from the reuse of the environmental capital invested in the existing building.
- 4.9 The site layout plan shows the proposal in the context of the previously consented units and has been revised to indicate parking for 2no. vehicles, which is the required number of parking spaces for a 4-bed dwelling. Cycle parking has not been shown, however it is noted that there is ample room within the site to accommodate appropriate storage. A condition is recommended to require that this would be provided.
- 4.10 The objection from the Highway Authority is noted, however this is considered to be outweighed in the context of the guidance within the NPPF and local plan policies. The proposal would be able to accommodate the parking required for a 4-bed dwelling and the proposal would be in accordance with Policy ST2 of the Local Plan Strategy.

## 5. Ecology and Nature Conservation

- 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 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.

### Assessment

- 5.2 The Council's Ecology Officer was consulted as part of the planning process. The Ecology Officer advised that the proposed works would be unlikely to negatively impact upon protected or priority species or habitats. The requirement for the works to be undertaken in accordance with the methods set out in the Preliminary Ecological Assessment were highlighted. Also, the requirement to secure a net gain was highlighted in the context of the loss of the garden area due to the proposed development. It is considered that these aspects could be conditioned as part of any forthcoming planning permission, and that with these measures in place the scheme would comply with policy NR3.
- 5.3 The proposed development is likely to have an impact upon Cannock Chase SAC (CC SAC). Protection measures for the CC SAC are set out under Policy NR7 of the Local Plan Strategy. It has been determined that all developments resulting in a net increase of 1 or more dwellings within a 15km radius of Cannock Chase SAC would have an adverse effect on its integrity. From 1st April 2022, the Zone of Influence incorporates all dwellings within a 15km range of the Cannock Chase SAC. In this case, the development falls within the Zone of Influence and as such a financial contribution towards the Strategic Access Management Measures (SAMMs) would be required from this development at a rate of £290.58 per dwelling in mitigation. This contribution can be secured by means of a unilateral agreement, which forms part of the recommendation.

## 6. Flood Risk and Drainage

- 6.1 Section 14 of the National Planning Policy Framework. Paragraph 159 of the NPPF states *"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."*

- 6.2 Core Policy 3 of the Local Plan Strategy requires that development give priority to utilising ground infiltration drainage techniques; and that development be guided away from known areas of flood risk.

#### Assessment

- 6.3 The planning application was supported by a Flood Risk Assessment (FRA) which showed that a small amount of the site is located within flood zones 2 and 3, although most of the site is within flood zone 1. The Lead Local Flood Authority and Severn Trent Water were consulted as part of the planning process and provided no comments. The Environment Agency however provided bespoke comments in relation to the planning application. The Environment Agency advised that the proposal would be acceptable subject to a condition to require that the scheme be in accordance with the Flood Risk Assessment and specifically the finished floor level proposed should be conditioned. It is considered that subject to these conditions the proposal would be in accordance with the requirements of CP3 of the Local Plan and the NPPF.

### 7. Cannock Chase SAC

- 7.1 The application site lies within the zone of influence of the Cannock Chase Special Area of Conservation. Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within 0-15km 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.

#### Assessment

- 7.2 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC. Therefore, in accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has undertaken an Appropriate Assessment. The Council's Appropriate Assessment (AA) concludes that the mitigation measures identified within the Council's Development Plan for windfall housing sites, will address any harm arising from this development to the SAC. Natural England have offered no objections to the proposal subject to suitable mitigation measures in the form of a developer contribution being secured. As such a unilateral undertaking is required to secure the financial contribution.
- 7.3 On this basis, it is concluded that the Local Planning Authority have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard, subject to the applicant submitting a Unilateral Undertaking (UU) to mitigate the adverse impact of the development on the Cannock Chase Special Area of Conservation. This requirement forms part of the recommendation.

### 8. Other Issues

- 8.1 The Council's Environmental Health team was consulted as part of the planning process and raised no objection to the scheme. Based on the past use of the site, it was recommended that a contamination investigation be carried out prior to commencement of the development and that the scheme be conducted in accordance with the investigation's recommendations. This could be conditioned as part of the planning permission.
- 8.2 The Council's Tree Officer was consulted as part of the planning process and had no comments to make.

9. Human Rights

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

**Conclusion**

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

The principle of the development, a conversion of a building to provide a new dwelling within the rural area and Green Belt, would be in accordance with the NPPF and Local Plan Strategy Settlement Hierarchy. Whilst concerns were raised by the Highway Authority related to the location of the new dwelling in sustainability terms and highway safety, it is considered that these are of limited weight and are clearly outweighed by the support offered to conversion and reuse of rural buildings set out in national and local planning policy and the role such proposals play in the careful use of natural resources. In terms of highway safety, as set out in the above report it is not considered that the scheme would result in a severe detrimental impact on the network.

Other matters related to ecology, materials, flood risk and potential contamination meet the appropriate policy tests and are considered acceptable subject to the attached conditions.

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

# LOCATION PLAN

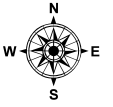
22/01423/FUH  
96 Gaia Lane  
Lichfield

Scale: 1:1,000

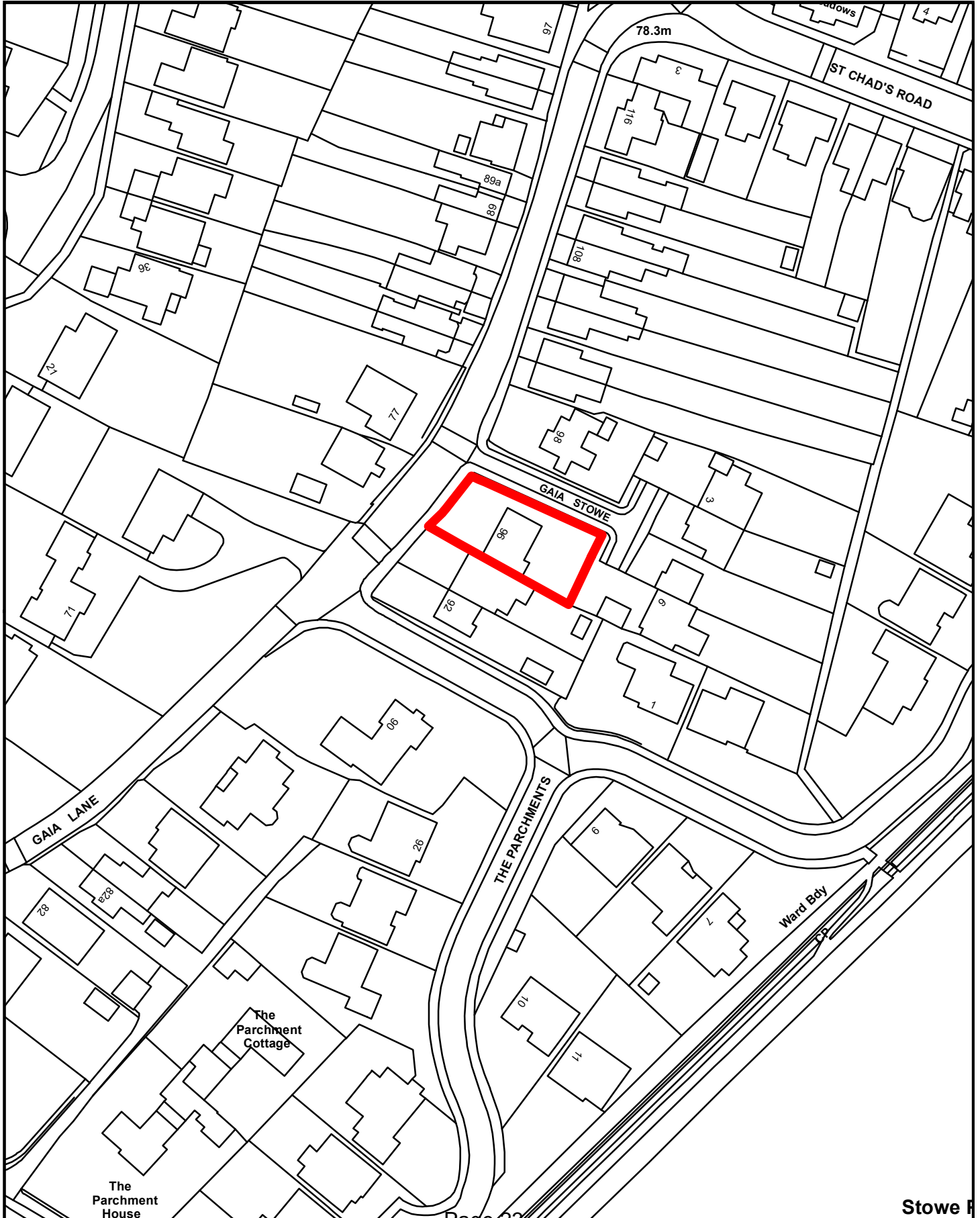
Dated: December 2022

Drawn By:

Drawing No:



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## 22/01423/FUH

Partial demolition and erection of two storey front side and rear extensions and new roof

96 Gaia Lane, Lichfield, Staffordshire, WS13 7LS

For: Mr & Mrs K Bhopal

Registered 30/09/2022

Parish: Lichfield

**Note:** This application is being reported to the Planning Committee due to the application being called in by Councillor Joanne Grange, District Councillor for the Chadsmead Ward on the following grounds:

- Design- the overall scale and massing of the proposal. The design is out of keeping with the surrounding area and will have a detrimental impact upon the street scene. Terracing is a concern with the extension being built to the limits of the site boundary. The rear building line will also impact on the access to Gaiastowe and the Parchments. The proposal is too big for the plot and will impact negatively on the Conservation Area.
- Residential Amenity- There will be a significant impact on the neighbouring properties residential amenities. There is insufficient garden area and the proposal will not meet with the requirements of the Sustainable Design SPD.
- Ecology and Drainage- The scheme will impact on biodiversity with the proposal including removal of the front garden for the requisite number of parking spaces for a large 5 bedroomed property and reduction in the size of the rear garden. Water run off from the proposed block paved drive is not clarified.

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

### CONDITIONS AND REASONS

- 1 The development hereby approved shall be begun before the expiration of three years from the date of this permission.

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

- 2 The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP2, CP3, CP14, BE1, NR3 and NR4 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 and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

- 3 Before any works are commenced full details of the external materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: 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 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.

Reason: In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development 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. Severn Trent Water standard advise is that there may be a public sewer located within the application site. Even where statutory sewer records do not show any public sewers within the application area, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact Severn Trent Water at the earliest opportunity to discuss the implications of their assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

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#### **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)

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

The emerging Lichfield District Local Plan 2040 has completed its Regulation 19 public consultation stage (August 2021) and the draft Local Plan has been submitted to the Secretary of State for the Department for Levelling Up, Housing and Communities. Planning Inspectors were appointed, but a pause in the examination has since been agreed for up to 12 months and so no date for public examination has been set. At this stage limited weight is given to the draft Emerging Local Plan Policies. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight. Relevant policies in the emerging Local Plan include: -

Strategic Policy SP1: The Spatial Strategy  
Strategic Policy SP10: Sustainable Development  
Local Policy SD1: Sustainable Design and Master Planning  
Policy LT1: Parking Provision  
Local Policy NR2: Habitats and Biodiversity  
Local Policy NR3: Trees, Woodland, and Hedgerows  
Strategic Policy SP16: Natural and Historic Landscapes  
Strategic Policy SP17: Built and Historic environment

The above policies reflect the thrust of their counterpart policies within the current adopted Local Plan and do not change the overall conclusions arrived at in the in the determination of this application.

### **RELEVANT PLANNING HISTORY**

L5883	Garage porch extension	Approve	25/07/1979
L1321	Porch extension	Approve	14/07/1975
22/00558/FUH	Erection of two storey front side and rear extensions	Withdrawn	06/04/2022

### **CONSULTATIONS**

**Lichfield City Council:** No objections subject to any additional comments made by neighbours (18.10.2022)

**Lichfield Civic Society:** Object to the amended application for the following reasons: -

- The proposed alterations would turn a relatively modest 3 bedroom house into something virtually twice as large, this would be an over-development of this site.
- The existing front garden is being sacrificed so that paving may be laid to enable parking for 3 to 4 cars. A front garden is part of the setting of a house and also forms part of the street-scene. Bearing in mind the character of this particular street, the removal of this garden seems inappropriate.

- The extra storey and increased ridge height would produce an over large building which would be too dominant on the street scene.
- The current dwelling has 3 bedrooms with a single bathroom. The proposal is for 5 bedrooms with a total of 6 bath/shower rooms. Of these, 3 washrooms would contain a bath. The proposed provision appears excessive. Provision of these facilities take up extra space, possibly adding to a 'need' for additional storey.
- In the Society's response to the previous Application attention was drawn to the potential of Nuisance to neighbours. In amending the previous Application a 'Spice Kitchen' was removed. Preparation of spices would then be done in the single kitchen. Neighbours had already expressed concern at having odours from the spices forced upon them. In the amended drawings the kitchen and the connected reception room both had bi-fold doors giving onto the back garden. Such doors would, of course, be opened in warm weather. Through these open doors spicy odours could escape. The Ground Floor Drawing for the current scheme has the same arrangement with the bi-fold doors. (03.11.2022)

**LDC Conservation Team:** Amendment to the design has reduced the ridge height and scale of the application proposal dwelling. A street scene has been provided which demonstrates the scale of the proposal dwelling. The height of the application property is now considered to be in keeping with the scale of the surrounding dwellings and would not appear incongruous within the street scene, nor within the conservation area. The overall design of the proposal is considered to be acceptable. In terms of materials a condition is required for the applicant to provide details on all external materials. Consideration is required for materials that reflect the quality of the conservation area and in addition consider sustainability. (13.07.2022)

**LDC Arboricultural Team:** No objections raised. (02.11.2022)

### **LETTERS OF REPRESENTATION**

Three letters of representation have been received objecting to the scheme. The comments are summarised as follows:

- Potential loss of light on neighbouring properties;
- Overbearing impact and impact on outlook;
- Disproportionate scale and mass;
- It would result in serious cramming in a low-density area.
- The proposed roof height negatively impacting the street scene
- Would not be in keeping with the streetscene or historical character of the area
- Parking provision is not sufficient

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

1:1250 Location Plan  
 1068/007 Proposed Block Plan  
 1068/009 Current & Proposed Street Scene  
 1068/006 Proposed Elevations  
 1068/004 Proposed First Floor Plan  
 1068/005 Proposed Loft Plan  
 1054/002 Existing Block Plan and Elevations  
 1054/001 Existing Floor Plans

### **OBSERVATIONS**

#### **Site and Location**

The application relates to a two-storey, detached property located to the east of Gaia Lane, Lichfield.

The property is approached via a block paved driveway, has a garden to the front and rear and off-road parking for 2 cars plus an integral garage. The property is designed such that it has a hipped roof giving way to a gable end at the front façade.

The property is situated in a residential area among properties of a mix of architectural styles, size and age. Properties to the north of the application property date from the early 1900's and comprise a mix of semi-detached villa style and terrace properties, the former having relatively narrow frontages and very long rear gardens. Development to the south west of the application site are from the latter half of the 20th century and comprise predominantly large detached dwellings in large plots, presenting a mix of hipped and gable roofs and of varying mass and height. The property is located in the Lichfield City Conservation Area.

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

### **Proposals**

This application has been submitted following the withdrawal of planning application 22/00558/FUH for the 'erection of two storey front side and rear extensions'. The previous application was withdrawn on the grounds that the works proposed would have resulted in the complete demolition of the dwelling. This application has retained more of the original fabric including both side elevations as well as some internal walls such that, as a matter of fact and degree, the proposal although entailing some degree of demolition is still in the nature of the alteration and extension of a dwelling rather than the rebuilding of a new dwelling.

This application seeks permission for the partial demolition, erection of side, rear and front 2 storey extensions and internal alterations and new roof.

The proposed two storey extension would feature a hipped roof and would raise the ridgeline of the house by a maximum of 1m. The ridge line would reach a maximum height of 8.75m with an eaves height of 5.1m.

The proposed rear extension would include a dormer window at second floor level and increase the rearward projection by a maximum of 3m and the width of the resulting dwelling would be a maximum of 10.9m.

Internally, the ground floor of the property would be altered to provide an enlarged open plan kitchen and dining area. At first floor level, an additional en suite bedroom would be created with additional en suites for 2 other bedrooms. At second floor, within the loft space, an additional bedroom with en-suite would be created. The effect would be to create a 5 bedroom dwelling.

The extensions would be constructed of brick and tile to match the existing dwelling. As part of the proposals, the existing driveway would be extended within the frontage of the site, with landscaping provided along the front and side boundaries. The low brick wall to the front boundary would be retained.

### **Determining Issues**

1. Policy & Principle of Development
2. Design and Heritage Impacts
3. Residential Amenity
4. Parking and Highway Safety
5. Biodiversity
6. Cannock Chase SAC
7. Other Matters
8. 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, the Local Plan Allocations Document (2008-2029), adopted in July 2019 and the Lichfield City Neighbourhood Plan (2018). The Local Plan Policies Maps form part of the Local Plan Allocations Document.
- 1.2 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.
- 1.3 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. However, proposals that are acceptable in principle are subject to all other policy tests which will now be discussed in turn.

## 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 of the Local Plan Strategy which 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 states ‘development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact on 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 proposed extensions would be sited to the front, side and rear of the property and have been designed with matching materials, the latter of which would be secured by condition to ensure satisfactory appearance.
- 2.3 It is noted that objections have been made regarding the mass and scale of the proposed development. From a design perspective, although there is a change to the appearance and general size, it is considered that the development is acceptable, subject to the use of matching materials which would be secured by an appropriately worded condition. The proposal features a hipped roof similar in design to that of the existing building and the nearby 98 Gaia Lane. In terms of overall design and impacts on the character of the area, it is considered that the proposals meet the design requirements of Policy BE1 and Core Policy CP3 of the Lichfield Local Plan Strategy.
- 2.4 The site is located within the Lichfield City Conservation Area. Section 72(1) places a general duty as respects conservation areas in the exercise of planning functions stating that ‘special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’.
- 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 In accordance with paragraph 194 of the NPPF the applicant has submitted a Heritage Statement to describe the significance of the heritage asset affected which has been assessed by the Conservation Officer. The Heritage Statement, states
- 'The existing house is not on the Local List of Buildings or in the National List and is classed as a 'neutral building' in the Lichfield District Council Appraisal Report, although in a Conservation Area - located in the 'Gaia Lane Extension' part of the Lichfield City Conservation Area.
- The new extended house is designed with the use of predominantly matching materials - red facing brickwork and plain roof tiles as the bulk of the streetscene, particularly towards the north-eastern end of the road; windows to be of a simple design all to be in-keeping with boundary / landscaping retained.
- On this basis, no heritage assets will be affected as part of this development.'
- 2.09 The applicant has also submitted a street view plan to demonstrate how the proposal would look in the context of the neighbouring property. This, along with the Heritage Assessment, has allowed the Conservation Officer to comment that the proposed development is 'in keeping with the scale of the surrounding dwellings and would not appear incongruous within the street scene, nor within the Conservation Area'.
- 2.10 The above information has been reviewed by officers in the context of the Lichfield Conservation Area Appraisal. This divides the conservation area into various 'character areas', with the application site falling within 'Character Area 8: Gaia Lane Extension'. Picture 15.31 of the appraisal provides a plan of the character area with those buildings which are regarded as 'positive buildings' marked on in red. Whilst these positive buildings include many of the late C19<sup>th</sup> cottages and early C20<sup>th</sup> arts and craft style houses to the north of the application site it excludes the application site and those more modern properties in Gaia Lane as well as the neighbouring semi-detached properties at 92-94 Gaia Lane.
- 2.11 In addition to the above whilst it is noted that the application site and the properties at 92-94 are set well back from the highway, the Conservation Area Appraisal notes that for those positive buildings they are all 'set back from the road and have small front gardens' with the boundary treatments' being 'predominantly low brick walls often combined with hedges' adding these are integral to the character of the area and the loss of boundary treatments has a detrimental effect on this character'.
- 2.12 Having had regard to the above Officers are of the opinion that the existing property has a neutral impact on the conservation. Furthermore, having regard to the streetscene provided by the applicant, the size, scale and mass of the positive buildings within the character area that do contribute to its character and the comments of the Conservation Officer, the resultant building would be in keeping with its immediate setting and would not harm the significance, character or appearance of the Lichfield Conservation Area.

2.13 It is therefore concluded that having had regard to the above paragraphs of the NPPF the proposal would be in accordance with Policies BE1 and Core Policy CP14 of the Lichfield Local Plan Strategy and Policy BE2 of the Local Plan Allocations.

### 3 Residential Amenity

3.1 Paragraph 130(f) of the NPPF states ‘planning policies and decisions should ensure that developments [amongst other things] create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Similarly, 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 potential for the proposal to impact on the daylight amenity enjoyed by the occupiers of No. 94 Gaia Lane has been given full consideration. The Sustainable Design SPD sets out that the 45-degree guidelines should be utilised for front and rear extensions to a dwelling or for new built development to assess the impact on the dwelling next door. Officers can confirm that the proposal would comply with the 45 Degree Guideline requirements in relation to adjacent property No.94 Gaia Lane. As such it can only be concluded that any loss of light would be marginal and insufficient to warrant refusal.

3.4 Turning to the impacts on principal windows of neighbouring properties. The Sustainable Design SPD requires at least 21m between dwellings where primary principal habitable windows face each other. Although the front façade of the dwelling would be extended, this would be within the current building line of the dwelling and there would be 25.6m distance between the proposed development and the directly facing property to the west. There is a 21.7m separation between the proposed development and the properties to the rear on Gaiastowe. The separation distances would therefore be met with respect to principal windows.

3.5 Paragraph 19 of Appendix A ‘Space About Dwellings Amenity Standards of the Sustainable Design Supplementary Planning Document’ makes it clear that ‘the provision of garden space for dwellings is important in order to provide activities connected with outdoor residential use, such as gardening; drying / washing; children’s play space, together with some space for garden stores/ sheds’ adding that ‘both new and extended dwellings should allow for an acceptable provision of these uses. Paragraph 20 goes on to state that ‘All private amenity space should be a minimum of 10 metres in length and the total area of the garden should be a minimum of:

- 45 square metres for dwellings with 2 or less bedrooms;
- 65 square metres for dwellings with 3 and 4 bedrooms;
- 100 square metres for dwellings with 5 or more bedrooms;

3.6 However, it should be noted that the above standards are in the nature of guidance and should be applied judiciously having regard to the particulars of each case. In this instance the distance between the plane of the rear elevation and the rear boundary would be 8.8m and have an average width of 15.7m, giving a total area of private amenity space of 138m<sup>2</sup>. As such although the depth of the rear amenity space is substandard by 1.2m this would not result in a deficiency of rear amenity which would exceed the minimum requirement by 38m<sup>2</sup>.

Furthermore, the deficiency in garden depth would not prejudice the amenity of any neighbouring property as the application site backs onto the hammerhead at Gaiastowe and not onto the garden of another property. Therefore, having had regard to the amenity standards, it is considered, on balance, that the proposal is acceptable in respect to the amount of outdoor private amenity space for a 5 bedroom dwelling.

3.7 It is therefore considered that a high standard of residential amenity would be maintained for all existing and future occupiers of the host property and those of neighbouring properties in accordance with policies CP3 and BE1 of the Lichfield Local Plan Strategy and paragraph 130(f) of the NPPF.

3.8 It is noted that concerns have been raised in respect to odours arising from cooking with spices. However, it is not unusual to find that kitchens are used to cook with spices or that odours are generated from cooking activities within kitchens. The proposed kitchen is of a domestic scale and it is considered that odours generated from cooking activities would be no greater than from any other kitchen serving a dwelling. It is not normal practice to insist on an extraction system for kitchens or to seek to curtail cooking activities and there is nothing within this application which would suggest a departure from normal practice.

#### 4. Parking and Highway Safety

4.1 Paragraph 111 of the NPPF states 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. In addition, 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 3 bedrooms and the proposed extensions would facilitate the creation of 2 further bedrooms. The proposed widening of the paved area of the front drive would accommodate 3 parking spaces. Consequently, the proposal meets the requirements of Policy ST2 of the Local Plan Strategy and guidance within the Sustainable Design Supplementary Planning Document and therefore would not result in unacceptable impacts on highway safety.

#### 5. Biodiversity

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 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. The site is not known to support any protected species or habitat or any species of conservation concern. The front garden already comprises a significant area of hardstanding and the soft landscaped areas are planted with ornamental non-native trees and shrubs which have no significant ecological value. As such the proposal would not cause any significant harm to biodiversity. Notwithstanding this, in order to achieve a net gain to biodiversity as required by Policy NR3, it is recommended that a condition is attached to any permission granted to secure the provision of a bird box within the application site. The proposal, subject to the attached conditions is therefore considered acceptable with regard to the ecological considerations of the development plan.



## 6. Cannock Chase SAC

- 6.1 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).
- 6.2 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.
- 6.3 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 through a financial contribution. It is therefore considered that the proposals will not have an adverse impact on the Cannock Chase SAC.

## 7. Other matters

- 7.1 Concerns have been raised regarding surface water run-off from the driveway, which would be altered and extended as part of the proposals. However, it should be noted that the existing drive to the application property has no mechanism or drain to catch surface water, neither as the drives at 92 and 94 Gaia Lane, the dwelling opposite, or any of the drives serving the residential properties to the north which front onto Gaia Lane. No evidence has been provided by the objector as to why this particular drive would cause an issue over and above that of any other drive in the area which would warrant it to be singled out for attention. Notwithstanding this point, the amended plans indicate that an area of planting and landscaping would be retained to the front and side boundaries of the site, and an 'arco' drainage channel would be installed at the back edge of the pavement to catch excess surface water. It is considered that these measures would be sufficient and reasonable to deal with any surface water run-off from the driveway.

## 8. Human Rights

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

## **Conclusion**

Having had regard to all relevant local and national policies and guidance it is concluded that the proposed development is acceptable in principle at this location. Furthermore, it is considered that the development would not cause harm to the character and appearance of the area, including the Lichfield Conservation Area, the amenity of neighbouring properties, highway safety or biodiversity.

Consequently, it is recommended that this application be approved, subject to conditions included in this report.

# LOCATION PLAN

22/01533/FUH  
9 Foden Close  
Shenstone

Scale: 1:1,000

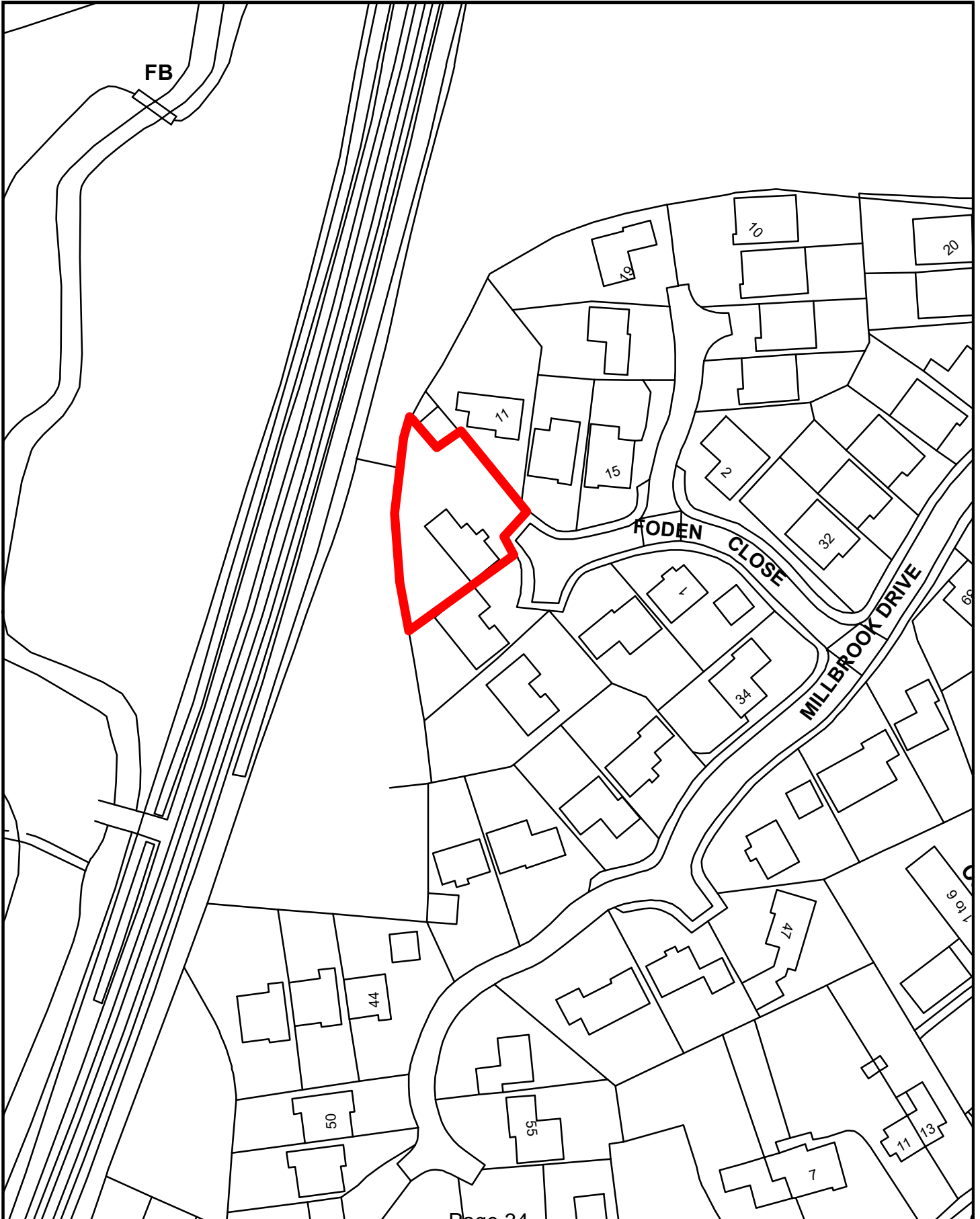
Dated: December 2022

Drawn By:

Drawing No:



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## 22/01533/FUH

Erection of detached double garage (part retrospective)  
9 Foden Close Shenstone Lichfield Staffordshire WS14 0LE  
For: Mr Tom Smith

Registered 25/10/2022

Parish: Shenstone

**Note:** This application is being reported to the Planning Committee due to the application being called in by Councillor David Salter, elected member for Shenstone Ward on the following grounds:

- Design
- Residential Amenity
- Planning Policy

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

### CONDITIONS AND REASONS

- 1 The development hereby approved shall be begun before the expiration of three years from the date of this permission.

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

- 2 The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP2, CP3, BE1 and NR7 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Trees, Landscaping and Development SPD and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

- 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.

Reason: To ensure the satisfactory appearance of the development in accordance with the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

- 4 The garage hereby approved shall only be used for purposes incidental to the enjoyment of the main dwelling at 9 Foden Close and shall not be used at any time for the purpose of providing an independent dwelling house.

Reason: In the interest of protecting the residential amenity in accordance with paragraph 130(f) of the National Planning Policy Framework

### NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019) and the Shenstone Neighbourhood Plan (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. Severn Trent Water standard advise is that there may be a public sewer located within the application site. Even where statutory sewer records do not show any public sewers within the application area, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact Severn Trent Water at the earliest opportunity to discuss the implications of their assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.
- 

## **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

Policy BE1: High Quality Development

Policy ST2: Parking Provision

### **Supplementary Planning Document**

Sustainable Design SPD

Biodiversity & Development SPD

Trees, Landscaping and Development SPD

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

There are no relevant policies in the Shenstone Neighbourhood Plan.

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

The emerging Lichfield District Local Plan 2040 has completed its Regulation 19 public consultation stage (August 2021) and the draft Local Plan has been submitted to the Secretary of State for the Department for Levelling Up, Housing and Communities. Planning Inspectors were appointed, but a pause in the examination has since been agreed for up to 12 months and so no date for public examination has been set. At this stage limited weight is given to the draft Emerging Local Plan Policies.

Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight. Relevant policies in the emerging Local Plan include: -

Strategic Policy SP1: The Spatial Strategy  
Strategic Policy SP10: Sustainable Development  
Local Policy SD1: Sustainable Design and Master Planning  
Policy LT1: Parking Provision

The above policies reflect the thrust of their counterpart policies within the current adopted Local Plan and do not change the overall conclusions arrived at in the in the determination of this application.

## **CONSULTATIONS**

**Network Rail:** No comments. (11.11.2022)

**Shenstone Parish Council:** Object on the following grounds: -

- Original title of application is misleading (retention of double garage) as the proposal is for a new garage in a separate location with the existing garage being converted.
- This is a retrospective application as construction has commenced.
- Other development works ongoing are not covered in the application.
- Affected neighbours have not been consulted and a site notice has not been put up
- The land surface that the proposed garage is being built on is subject to covenanted restrictions.
- Application does not conform to H2 of the Shenstone Neighbourhood Plan in respect of backland development.
- The garage does not reflect the character of the existing property and would result in cramming.
- The proposal would be a discordant structure restricting the openness and causing harm to the residential amenity of the estate.

## **LETTERS OF REPRESENTATION**

On 08/11/2022 neighbour consultation carried out with regards to the initial planning application as submitted. On 01/12/2022 a further neighbour consultation carried out following amendment to description of application.

13 letters of objection have been received from the occupiers of neighbouring properties. These objections are available to view on the Council website and their objections are summarised below: –

- The application is misleading. There would be no need to 'retain' the proposed garage if the existing garage had not been converted.
- A garden brick wall, lawn, shrubs and trees have been removed and so the depiction of 3 car parking spaces showing as existing is an attempt to mislead.
- The objections of the parish council are reiterated.
- The erection of a separate building will block out light and change the overall view of open space.
- The proposal will reduce both the feeling and enjoyment of open amenity space.
- The garage could be used as an office or even small bungalow
- A precedent would be set that could lead to crowding of the estate.
- The building work to the house has impacted neighbours with loud music and vans blocking access.
- The application does not include the ongoing work to the house and front porch.
- The garage would take away an open view onto communal land.

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

Proposed Elevations / Plans                      9FC-05

### **OBSERVATIONS**

#### **Site and Location**

The application relates to a detached property located to the western end of Foden Close in Shenstone. Foden Close terminates with a hammerhead and the application property and No 11 opposite is served by a private access. To the front of No11 there is an existing double garage.

The property is situated in a residential area as part of a modern development amongst properties matching in style. The property as originally built benefited from an integral garage located to the north side elevation. This garage is in the process of being converted to amenity space by the applicant.

To the rear (west) is a railway line, the embankment of which is separated by a strip of scrubland that is approximately 10m wide.

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

#### **Proposals**

This application seeks permission for the erection of detached double garage (part retrospective).

The proposed garage would be positioned to the northern side of the existing property, in garden space forward of the front elevation of the host property. The garage would measure 6m x 5m with a height of 3.7m and have a dual pitched roof. The garage would be constructed of brick and tile to match the existing dwelling.

#### **Determining Issues**

1. Policy & Principle of Development
2. Design and Impacts on the Character of the Area
3. Residential Amenity
4. Biodiversity
5. Cannock Chase SAC
6. Other Matters
7. Human Rights

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

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

1.2 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.

1.3 The application relates to an outbuilding at a residential property located within a predominantly residential area. The application site is sustainably located within the

settlement boundaries for Shenstone as identified in the Local Plan and as such, the principle of the proposal is considered to be acceptable. However, proposals that are acceptable in principle are subject to all other policy tests which will now be discussed in turn.

## 2 Design and Impact on the Character of the Area

- 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. In particular paragraph 130 of the NPPF states that ‘planning decisions should ensure developments’ are (b) ‘visually attractive as a result of good architecture, layout and appropriate and effective landscaping’ and are (c) ‘sympathetic to local character and history including the surrounding built environment and landscape setting’. This sentiment is echoed in Core Policy 3 of the Local Plan Strategy which 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 states ‘development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact on 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 proposed garage would be sited to the northern side of the property in the existing front garden and has been designed with matching materials and of domestic scale to ensure a satisfactory appearance that reflects those materials found on Foden Close.
- 2.3 It is noted that an objection has been made regarding the size and scale of the proposed development. From a design perspective, it is considered that the development is of a similar scale and footprint to the garage of the neighbouring property at No11 Foden Close that it would sit alongside.
- 2.4 Objections have also been raised on the grounds that the proposal would change the overall view of open space and would take away an open view onto communal land. However, although would be some erosion of openness within the streetscene this would be marginal and insufficient to warrant refusal. Furthermore, although the garage would reduce views of the open land to the west of Foden Close it should be noted that these views are already restricted by the garage at No11 and the wall that separates the close from the open land to the west. Some views of the trees to the west would remain over the garage and to its side. Again, the overall effect would be marginal, not significantly affect the character of the area and would be insufficient to warrant refusal.
- 2.5 In terms of overall design and impacts on the character of the area, it is considered that the proposals meet the design requirements of Policy BE1 and Core Policy CP3 of the Lichfield Local Plan Strategy.

## 3 Residential Amenity

- 3.1 Paragraph 130(f) of the NPPF states ‘planning policies and decisions should ensure that developments [amongst other things] create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Similarly, Core Policy 3 of the Lichfield Local Plan Strategy states that development should “protect the amenity of our residents”.
- 3.2 The Sustainable Design SPD sets out guidance for residential development that seeks to prevent the loss of amenity to occupiers of neighbouring dwellings. This includes the recommended distance between windows serving principal habitable rooms and recommended distance between existing and proposed development. The SPD further

recommends minimum standards for amenity space based upon the number of bedrooms in a dwelling.

- 3.3 Objections have been raised from the occupiers of a neighbouring property with regards to a potential loss of light. The Sustainable Design SPD sets out that a 25-degree guideline will be utilised to assess the impact of a new building opposite an affected window. Given that the proposed garage would be single storey with a maximum height of 3.7m, and would be largely screened from No11 by the existing double garage serving that property, there is no possibility of any part of it intercepting a perpendicular line drawn with a 25-degree vertical angle from the centre of the nearest neighbouring window. It is therefore concluded that the proposed extension would not result in a significant loss of light to neighbouring properties. Therefore, the amenities of the occupiers of neighbouring residential properties would be preserved.
- 3.4 In respect to impact on the amenity of the existing and future occupiers of the application property it is noted that the proposed garage would be forward of the front elevation. As such the proposed development would retain a rear private amenity area of approximately 90m<sup>2</sup> which exceeds the 65m<sup>2</sup> set out in the Design SPD. As such the proposal would provide sufficient amenity space to meet the needs of occupiers.
- 3.5 The proposals are considered to achieve a high standard of residential amenity in accordance with Policies CP3 and BE1 of the Local Plan Strategy and paragraph 130(f) of the NPPF.

#### 4. Biodiversity

- 4.1 Policy NR3 of the Local Plan Strategy states that development will only be permitted where it “Protects, enhances, restores and implements appropriate conservation managements of the biodiversity and/or geodiversity value of the land and buildings”. It further requires that all development deliver a net gain for biodiversity.
- 4.2 Taking into account the submissions, that the site of the garage was part of a formal garden it is not considered that the proposals would cause significant harm to existing biodiversity. An informative to remind the applicant of their responsibilities in terms of wildlife legislation should be attached to any permission granted. The proposal is therefore considered acceptable with regard to the ecological considerations of the development plan.

#### 5. Cannock Chase SAC

- 5.1 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).
- 5.2 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.
- 5.3 A Habitat Regulation Assessment has been completed which has screened out the requirement for an ‘appropriate assessment’ as the development would 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 through a financial contribution. It is therefore considered that the proposals will not have an adverse impact on the Cannock Chase SAC.



## 6. Other matters

- 6.1 Further concerns raised by neighbouring residents and the Parish Council not addressed in the above report will be considered below.
- 6.2 This application deals solely with the proposed garage. Objections relating to other work being conducted at the property such as a porch or garage conversion are not the subject of this application and are not material to its determination. For the avoidance of doubt the porch would constitute permitted development and would not require the consent of the Local Planning Authority
- 6.3 Objections stating that letters to neighbours had not been sent and a site notice not put up were made somewhat prematurely. Letters notifying neighbours of the application were initially sent on 08/11/2022 with further letters sent on 01/12/2022 and a site notice posted to advise of an updated application description.
- 6.4 In respect to restrictive covenants officers would advise that the existence of a restrictive covenant is not a material planning consideration. Rather it is a civil matter for the relevant parties to that covenant to settle.
- 6.5 In respect to the comments received that the proposal would conflict with Policy H2 of the Shenstone Neighbourhood Plan with regard to backland development, Officers would comment that the proposed garage is sited forward of the front elevation, does not constitute backland development and therefore does not engage Policy H2.
- 6.6 With respect to the comments received that the garage may be used for other purposes Officers would comment that this issue could be adequately addressed by a condition restricting the use of the garage. It is recommended that any approval should be subject to a condition that the garage shall only be used for purposes incidental to the enjoyment of the main dwelling and not at any time used for the purposes of providing an independent dwelling.
- 6.7 Objections were raised regarding the removal of shrubs, a wall and 2 trees in the front garden. Council records indicate there were no trees of importance and this would therefore constitute landscaping of a private amenity space which the owner would be entitled to undertake.

## 7. Human Rights

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

## **Conclusion**

Having had regard to all relevant local and national policies and guidance it is concluded that the proposed development is acceptable in principle at this location. Furthermore, it is considered that the development would not cause significant harm to the character and appearance of the area, the amenity of neighbouring properties or biodiversity.

Consequently, it is recommended that this application be approved, subject to conditions included in this report.

# LOCATION PLAN

22/01560/FUL  
Little Meadows  
St Chads Road  
Lichfield

Scale: 1:1,000

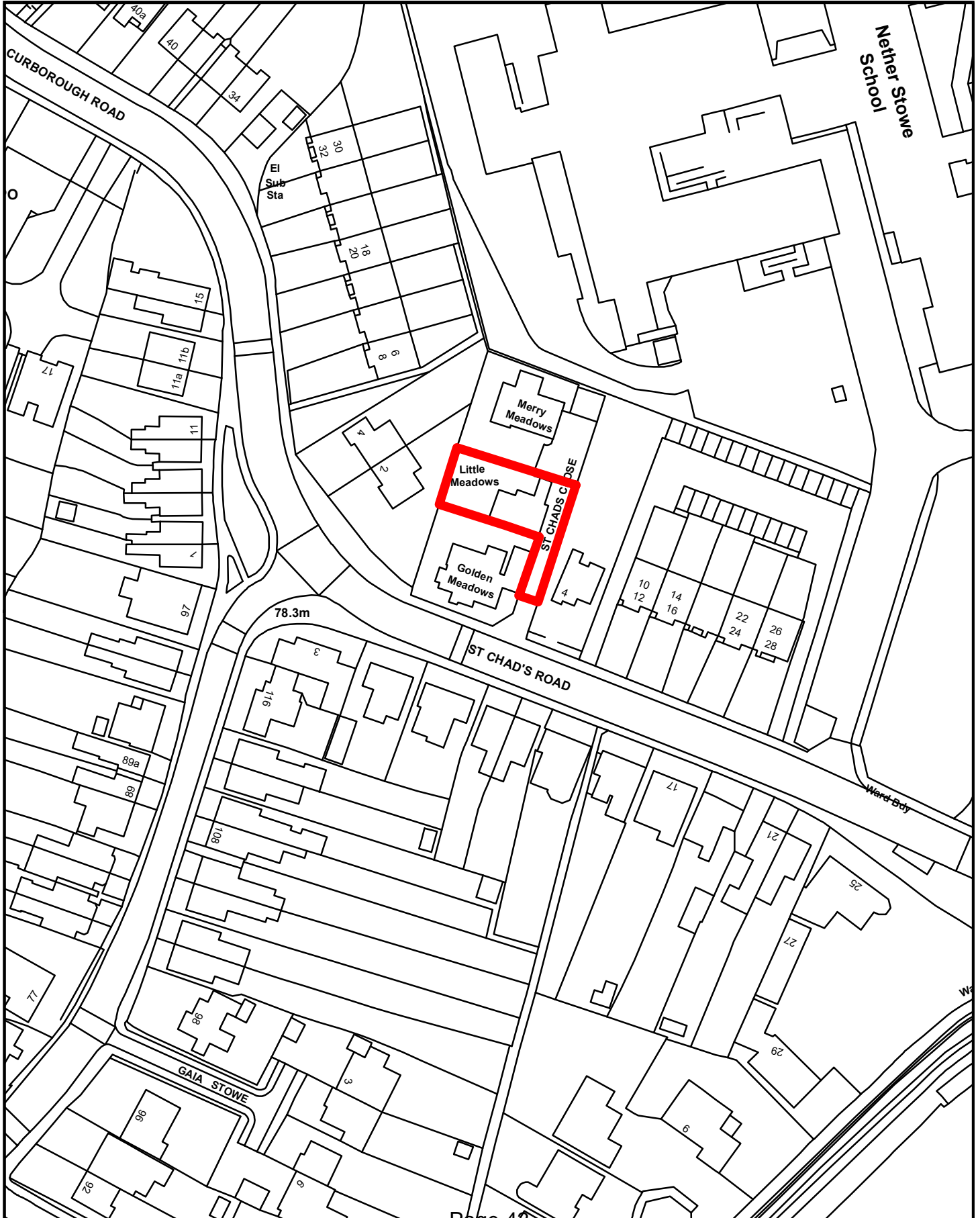
Dated: December 2022

Drawn By:

Drawing No:



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## **22/01560/FUL**

**Demolition of existing dormer bungalow and erection of replacement dwelling and associated works**

**Little Meadows St Chads Road Lichfield Staffordshire WS13 7LZ**

**FOR Miss Olivia Massey**

Registered **10.11.2022**

**Parish:** Lichfield

**Note:** This planning application is being reported to the Planning Committee due to call in by Cllr Colin Ball and significant planning objections raised by Lichfield City Council. Cllr Ball has confirmed the following reasons for requesting consideration of the application by the Planning Committee:

- Too large a replacement dwelling, still significantly larger than the existing dwelling and with a higher aspect, potentially affecting the privacy of neighbours.
- New dwelling will increase dramatically the footprint of building on the site and so reduce the area of available green space and, thereby, threaten biodiversity.

Lichfield City Council have raised objections on the grounds of the increased massing of buildings on the site and loss of green space which has an impact on biodiversity.

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

### **CONDITIONS & REASONS**

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

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

2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP1, CP3, CP6, BE1, ST1, ST2, NR3, NR4 and NR7 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Trees, Landscaping & Development SPD, the Lichfield City Neighbourhood Plan and the National Planning Policy Framework.

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

3. Before the development hereby approved is commenced, details of all external materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and retained as such for the life of the development.

Reason: To ensure the satisfactory appearance of the development in accordance with the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

4. Before the development hereby approved is commenced a scheme for construction management during works shall be submitted to, and approved in writing by, the Local

Planning Authority for (a) parking of vehicles of site personnel and operatives (b) loading and unloading of plant and materials (c) storage area of plant and materials used during the construction of the development. Each of the facilities shall be provided and maintained during the construction of the development hereby permitted.

Reason: In the interests of highway safety and in accordance with the aims of Policies CP3 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

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

5. The dwelling hereby permitted shall not be occupied until the proposed cycle storage shed indicated on submitted S3-P04 Proposed Site Plans, has been installed. The approved cycle storage shed shall be retained for the lifetime of the development.

Reason: In the interests of highway safety and in accordance with the aims of Policies CP3 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

6. The dwelling hereby permitted shall not be occupied until the parking space has been provided in accordance with submitted S3-P04 Proposed Site Plans and shall thereafter be retained at all times for its designated purpose.

Reason: In the interests of highway safety and the provision of suitable off road parking in accordance with the aims of Policies CP3 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

7. A brick-built bat box shall be installed at the gable apex of one elevation of the new dwelling in accordance with the 'enhancement for bats' details contained within Preliminary Bat Roost Assessment and Bird Survey reference SK 1196 1027 dated 14<sup>th</sup> September 2022. The bat box shall thereafter be retained as such for the life of the development.

Reason: In order to encourage enhancements in biodiversity and habitat and to ensure that appropriate mitigation planting is provided, in accordance with Policies CP3, CP13, CP14, BE1 and NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document the Trees, Landscaping & Development Supplementary Planning Document and the National Planning Policy Framework.

8. The development hereby approved shall be carried out in strict accordance with the methods of working, which are detailed in pages 26-29 of the Preliminary Bat Roost Assessment and Bird Survey reference SK 1196 1027 dated 14<sup>th</sup> September 2022.

Reason: In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

9. Notwithstanding the provisions of Schedule 2, Part 1, Classes A-G of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the new dwelling unless planning permission has first been granted by the Local Planning Authority.

Reason: In the interests of biodiversity, neighbour and visual amenity and to able the local planning authority to control further alterations on the dwelling in accordance with the requirements of Policies CP3, CP13, NR3 and BE1 of the Lichfield Local Plan Strategy, the

**NOTES TO APPLICANT:**

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), Lichfield District Local Plan Allocations (2019) and the Lichfield City Neighbourhood Plan (2018).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).
4. The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding that it is a sustainable form of development which complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has secured a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
5. The applicant is advised to note and act upon as necessary the comments of the Council's Waste Management Department.
6. The applicant's attention is drawn to the provisions of The Party Wall etc. Act 1996, which may have implications for this development. You are advised that any grant of planning permission does not override private legal matters such as rights of access onto lands outside the applicant's ownership for the purposes of construction or maintenance.
7. The applicant is advised that the site should be cleared sensitively. Removal of any vegetation possibly utilised by birds must occur outside of nesting bird season between September-February. If this cannot be achieved, then the site must be checked to be free of nesting birds by a suitably experienced ecologist immediately prior to commencement of any site clearance works. If any evidence of nesting birds is found, all work that may cause impact or disturbance must cease until the young have naturally fledged. All nesting birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981, and it is thus an offence, with certain exceptions to: Intentionally kill, injure, or take any wild bird. Intentionally take, damage, or destroy the nest of any wild bird while it is in use or being built. If any clearance works are to occur, caution is needed in case of nesting hedgehogs when clearing the site, particularly piles of deadwood or leaves and areas of long grass or dense vegetation, and when using machinery within a foot of ground level. This planning permission does not absolve the applicant from any responsibilities relating to wildlife legislation.

## **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 6 – Housing Delivery  
Policy CP13- Our Natural Resources  
Policy CP14 - Our Built & Historic Environment  
Policy H1 – A Balanced Housing Market  
Policy NR4 – Trees, Woodland and Hedgerows  
Policy NR3 – Biodiversity, Protected Species and their Habitats  
Policy BE1 – High Quality Development  
Policy NR7 – Cannock Chase Special Area of Conservation  
Policy ST2 – Parking Provision

### **Local Plan Allocations**

Policy BE2 - Heritage Assets

### **Lichfield City Neighbourhood Plan**

There are no relevant policies to this proposal

### **Supplementary Planning Documents**

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

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

The emerging Lichfield District Local Plan 2040 has completed its Regulation 19 public consultation stage (August 2021) and the draft Local Plan has been submitted to the Secretary of State for the Department for Levelling Up, Housing and Communities. Planning Inspectors were appointed, but a pause in the examination has since been agreed for up to 12 months and so no date for public examination has been set. At this stage limited weight is given to the draft Emerging Local Plan Policies. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight. Relevant policies in the emerging Local Plan include: -

Strategic Policy (SP1): The Spatial Strategy  
Strategic policy 2 (SP2): Sustainable transport  
Strategic policy 3 (SP3): Sustainable travel  
Strategic Policy 10 (SP10): Sustainable Development  
Strategic policy 12 (SP12): Housing provision  
Strategic Policy SP16 Natural and Historic Landscapes  
Local Policy SD1: Sustainable Design and Master Planning  
Local policy LT1: Parking provision  
Local policy NR2: Habitats and biodiversity  
Local policy NR3: Trees, woodlands and hedgerows  
Local policy NR5: Cannock Chase Special Area of Conservation

The above policies reflect the thrust of their counterpart policies within the current adopted Local Plan and do not change the overall conclusions arrived at in the in the determination of this application.

### **RELEVANT PLANNING HISTORY:**

**22/01015/FUL** - Demolition of existing dormer bungalow and side garage and erection of replacement dwelling and associated works – Withdrawn 19.10.2022.

### **CONSULTATIONS:**

**Lichfield City Council:** Object to this proposal both on the grounds of increased massing on the site and loss of green space which has an impact on biodiversity. (21.11.2022).

**Severn Trent Water:** No objections raised as the proposal would have minimal impact on the public sewerage system. A drainage condition is not required. (22.11.2022)

**Staffordshire County Council (Highways):** There are no objections on Highway grounds to the proposed development subject to planning conditions to secure the parking shown on the plans, cycle parking and a construction management plan being included on any approval (01.12.2022).

**LDC Conservation Team:** There are no objections in principle to this application. The site is located within a conservation area. The existing building is a relatively small, detached structure set back away from the street. The existing structure is not of high architectural quality and is not considered to be a positive addition to the character of the conservation area. There are no issues with the loss of the existing structure. Amendments have been made to the proposal following the previous application and it is considered that the massing has been adjusted to better respond to the plot architecturally. It is also considered that the scale is acceptable. Details of materials will be required and should be secured by condition. (06.12.2022).

**LDC Ecology Team:** No objections. The Ecology Team is satisfied with the methodology and the information provided within the submitted Bat Survey and adherence by the applicant to all methods of working detailed within the assessment must be made a condition of any future planning approval, including all recommendations. Biodiversity net gain can be achieved through the provision of a brick-built bat box to be installed in the new building as set out in the submitted report (13.12.2022).

**LDC Waste Management:** Proposals for individual houses must include unobtrusive areas suitable for accommodating at least 3 x 240l wheeled bins. The Joint Waste Service offers a kerbside collection service; therefore, residents will be expected to present their bins at the nearest appropriate highway on collection day and return the bins as soon as possible after emptying (10.11.2022).

### **LETTERS OF REPRESENTATION:**

One response raising objections to the proposal has been received from a neighbouring property. The objections and comments made are summarised as follows:

- There is no clear boundary separating the properties
- Demolishing the walls of the current dwelling would demolish a boundary wall to which a wall to the neighbouring property is adjoined
- The proposed size of the building will impact on views
- The lane is narrow and have concerns with the process of building and inevitable problems
- The removal of windows overlooking a neighbouring property are welcomed.

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

Existing Location Plan & Existing Block Plan - 1:1250 & 1:500 Revision P02  
Proposed Location Plan & Proposed Block Plan - 1:1250 & 1:500 Revision P04  
Proposed Plans, Elevations & Section – Revision P03  
Existing Plans & Elevations – Revision P02  
Photomontage – Revision P02

## **OBSERVATIONS:**

### **Site and Location**

This application relates to an existing dwelling known as Little Meadows. Little Meadows is a dormer bungalow with access off St Chads Road, Lichfield. The site is surrounded by residential properties, including Merry Meadows to the North and Garden Meadows to the South. The site is relatively flat.

The site is located within the Lichfield Conservation Area and the zone of influence for Cannock Chase Special Area of Conservation.

### **Background**

A previous application (ref 22/01015/FUL) for the demolition and replacement of the existing dormer bungalow was withdrawn in October 2022 following concerns raised by Officers regarding the overall scale and design of the replacement dwelling and parking provision. The scheme has since been redesigned, with the scale of the proposed replacement dwelling reduced and the parking reconfigured.

### **Proposals**

Consent is sought for the proposed demolition of the existing dormer bungalow and erection of replacement dwelling and associated works.

The replacement dwelling would have an 'L' shaped footprint, with brick elevations and a gable roof over. Details of materials have been provided to include facing brickwork in Ibstock Birtley Old English, Clay plain roof tiles in blue, uPVC flush casement windows in cream finish, a composite front door and a solid composite door with clear glazing.

Internally, a kitchen/ dining area, lunge, study and bedroom would be provided on the ground floor, with a further bedroom and bathroom on the first floor. The rooms in the roofspace would be served by rooflights.

The proposed dwelling is to be situated in the same position as the existing dwelling within the plot. The existing dwelling has a footprint of approx. 72m<sup>2</sup> at ground floor and 30m<sup>2</sup> at first floor with a maximum height of 5m and eaves height of 2.5m. The proposed dwelling has a footprint of approx. 108m<sup>2</sup> at ground floor and 50m<sup>2</sup> at first floor with a maximum height of 5.88m and eaves height of 2.8m.

The existing solid masonry wall which is located along the boundary with the neighbouring property Golden Meadows would be demolished and replaced with a new insulated cavity wall with internal gutters to ensure no overhang to the adjacent property. A relatively generously sized private amenity space is provided to the south of the proposed bungalow which measures approx. 86m<sup>2</sup> and includes a shed for cycle storage.

As part of the development proposal one off-street car parking space is to be provided. The application is supported by a Heritage Statement, Design and Access Statement and a Bat and Bird Survey.

### **Determining Issues**

1. Policy & Principle of Development
2. Design and Impact upon the Character and Appearance of the Surrounding Conservation Area



3. Residential Amenity
4. Access and Highway Safety
5. Impact on Trees
6. Ecology
7. Cannock Chase SAC
8. 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 2008-2019. The National Planning Policy Framework (NPPF) also sets out a presumption in favour of sustainable development, this is echoed in Local Plan Strategy Core Policy 2. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 1.2 Core Policy 1 of the Local Plan Strategy states that the Council will contribute to the achievement of sustainable development to deliver a minimum of 10,030 dwellings between 2008 and 2029 within the most sustainable settlements and growth will be located at the most accessible and sustainable locations. Lichfield is one of the areas that the District Council will direct the majority of growth to, with Lichfield being categorised as a Strategic Centre within the Settlement Hierarchy set out at table 4.1.
- 1.3 Local Plan Strategy Core Policy 6 sets out that housing development will be focused within Lichfield, amongst other key urban and rural settlements. In the remaining rural areas, only particular residential development will be permitted of which includes infill development within defined village settlement boundaries.
- 1.4 Policy H1 of the Local Plan Strategy states that in order to deliver a balanced housing market, new residential developments will include an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. There is currently an imbalance of dwelling types within the district. To redress this, the District Council will actively promote the delivery of smaller properties including two and three bed houses to increase local housing choice and contribute to the development of mixed and sustainable communities. The applicant is seeking planning permission for a proposed replacement two bedroomed detached bungalow and as such the application complies with this adopted policy.

Assessment

- 1.5 In respect of the above, it is considered that the principle of residential development is established on the site through the presence of the existing dwelling in a relatively sustainable location in Lichfield. The proposal would provide a 2 No. bedroom dwelling in accordance with the requirements set out in Policy H1. The scheme therefore complies with the Local Plan policies in principle. The material impacts of the proposal, including impact on heritage assets, highways, accessibility and ecology are discussed and assessed in further detail below.
2. Design and Impact upon the Character and Appearance of the Surrounding Conservation Area
- 2.1 The NPPF (Section 12) advises that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”* and that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.

- 2.2 The NPPF in Section 12 sets out that Government attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area's defining characteristics, it states that developments should:
- Function well and add to the overall quality of the area
  - Establish a strong sense of place
  - Achieve appropriate densities
  - Respond to local character and history, and reflect local surroundings and materials
  - Create safe and accessible environments
  - Be visually attractive as a result of good architecture and appropriate landscaping.
  - Opportunities should be taken to incorporate trees
- 2.3 Section 72 of the Planning Listed Building and Conservation Areas Act 1990 places a duty upon the Local Planning Authority to pay special attention to preserving or enhancing the character or appearance of a Conservation Area.
- 2.4 The NPPF states that significant weight should be given to any harm found to arise to the character or appearance of the Conservation Area. Paragraph 194 of the NPPF requires the applicant to submit a heritage statement and paragraph 199 confirms that 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.
- 2.5 Core Policy 3 and Policy BE1 of the Local Plan Strategy advises that new development should protect and enhance the character and distinctiveness of the District and be of a scale and nature appropriate to its locality. New development should carefully respect the character of the surrounding area.
- 2.6 Core Policy 14: Built and Historic Environment sets out that the significance of designated heritage assets and their settings will be conserved and enhanced and given the highest level of protection. Policy BE2: Heritage Assets of the Local Plan Allocations document sets out that development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset (including non-designated heritage assets) or its setting.

#### Assessment

- 2.7 A heritage statement has been submitted in support of this application in accordance with Paragraph 194 of the NPPF and policy BE2 of the Local Plan Strategy. It is acknowledged that scale and design related concerns have been raised by the Ward Councillor, City Council and a neighbouring occupier. These points have been carefully considered by Officers in the assessment of the development proposal on design, character and appearance and heritage related grounds.
- 2.8 In terms of the impact on the character and appearance of the Conservation Area, the proposed detached two bedroomed bungalow hereby under consideration would be set back from the street-scene of St Chads Road without significant views from surrounding public amenity. Throughout the surrounding locality there is no consistent house type or style. The proposed detached bungalow is therefore considered to appear in context with the surrounding vernacular and would cause no harm the character and appearance of the conservation area.
- 2.9 The Councils Conservation Officer has raised no objections to the application. It has however been recommended that before the development hereby approved is commenced, details of all external materials to be used in the construction of the development shall be submitted to

and approved in writing by the Local Planning Authority. This condition is recommended. A further condition to remove permitted development rights is also recommended to ensure that any future built form at the site does not compromise the design of the dwelling or the garden area provided.

- 2.10 It is noted that concerns have been raised regarding the overall scale of the replacement dwelling. Following the withdrawal of a previous application, the design and scale of the replacement dwelling has been revised, resulting in a smaller property being proposed. The scale and design of the proposed detached bungalow is considered to be acceptable in relation to the size of the plot, the surrounding neighbouring residential properties, and architectural style of the surrounding wider locality.
- 2.11 Following the receipt of the professional Conservation & Design advice it would be unreasonable to suggest that the scheme of development would be unacceptable on design, character and appearance or heritage related grounds. The development proposal is therefore in accordance with the requirements of the Development Plan and NPPF in this regard.

### 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. Core Policy 3 also states that development should protect the amenity of residents and seek to improve overall quality of life. When assessing the impact of development on the neighbouring properties reference should be made to Appendix A of the Sustainable Design Supplementary Planning Document (SPD). Contained within this are guidelines which assess the impact of development on the ability of neighbouring properties to receive daylight and sunlight.
- 3.2 The Sustainable Design SPD guidance includes requirements in terms of the size of private amenity space necessary to serve dwellings, whereby 45sqm should be provided for dwellings with 2 bedrooms, and private amenity space should be a minimum of 10m in length. It is noted that flexibility may be applied.

#### Assessment

- 3.3 It is noted that concerns have been raised regarding the demolition and construction of a new building elevation along the site boundary. The proposals include no overhanging guttering, and it is noted that Party Wall issues are a civil matter.
- 3.4 The proposed scheme of development hereby under consideration has, since the initial planning submission, been amended to reduce the maximum roof height to 5.88m which results in a 0.88m increase on the existing dwelling. The proposed built form does not present any habitable room windows facing to the south from the proposed bungalow. Rooflights provide light to the first-floor rooms of the proposed dwelling in the Northern roof slope and cross sections of the building have been provided. Taking into consideration the design of the existing bungalow which includes a dormer window in the Northern roof slope, it is not considered that the proposal would result in any unacceptable overlooking issues.
- 3.5 A relatively generous rear amenity area of 86m<sup>2</sup> is proposed to the west to serve the proposed replacement two bedroomed bungalow. In terms of the private amenity space proposed, it is considered that the objectives of the space standards set out in the Sustainable Design SPD, which require 45m<sup>2</sup>, are met and as such it is considered that adequate amenity space would be facilitated.
- 3.6 The scale and height of the replacement property is acceptable and does not result in unacceptable overbearing impact upon neighbouring amenity space. The proposed dwelling

would not give rise to unacceptable levels of noise or disturbance over and above the existing situation.

- 3.7 Overall, the planning submission is considered to be acceptable with regards to residential amenity and in accordance with the aforementioned policies.

4. Access and Highway Safety

- 4.1 Paragraph 111 of the National Planning Policy Framework states that development should only be prevented or refused on highways there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 4.2 Policy ST1 'Sustainable Travel' sets out that the Council will seek to secure sustainable travel patterns through a number of measures including only permitting traffic generating development where it is or can be made compatible with the existing transport infrastructure. The access and egress onto the public highway and maintaining highway safety are factors which should be given consideration.

- 4.3 Policy ST2 'Parking Provision' sets out a requirement for parking provision to serve new developments which is expanded upon with specific requirements in the Sustainable Design SPD. Policy ST2 also sets out a requirement for weatherproof cycle storage. The Sustainable Design SPD guidance states that the maximum parking standard for 1-2 bed dwellings is one space per dwelling.

Assessment

- 4.4 The proposed scheme of development hereby under consideration incorporates one off-street car parking space to serve the proposed dwelling. This provision of off-street car parking is in accordance with the parking requirements outlined within Appendix D of the Sustainable Design Supplementary Planning Document.

- 4.5 The County Highways Team have no objections to the proposal, subject to conditions to ensure the parking space and cycle storage is provided and a construction management plan is submitted and approved prior to works commencing.

- 4.6 The proposed scheme of development is considered to be acceptable on access and highway safety grounds subject to the incorporation of the above-mentioned planning conditions.

5. Impact on Trees

- 5.1 Policy NR4 of the Local Plan Strategy states that Lichfield District's trees, woodland and hedgerows are important visual and ecological assets in our towns, villages and countryside. In order to retain and provide local distinctiveness in the landscape, trees, veteran trees, woodland, ancient woodland, and hedgerows, are of particular significance. Trees and woodland will be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved.

Assessment

- 5.2 Whilst the proposal site is located within the Lichfield City Conservation Area and any trees are protected, it is noted that there are no trees within the site. The proposal includes a garden area, where planting could be provided in line with the current situation. As such, the development is considered to be in accordance with the requirements of Local Plan Policy NR4 and the Trees, Landscaping and Development SPD in this regard.

## 6. Ecology

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

### Assessment

- 6.2 Taking into consideration the details of the proposal, it is not considered that the scheme gives rise to any detrimental impact on protected species. Officers are satisfied on the basis of the information provided, including methods of working outlined in the submitted surveys, that the development will not cause harm or impact upon protected species.
- 6.3 Concerns have been raised that the new dwelling will increase dramatically the footprint of building on the site and so reduce the area of available green space and, thereby, threaten biodiversity. The footprint of the existing building is 88 sq m, and the proposed dwelling would have a footprint of 108 sq m. As set out above the scheme would not harm existing protected species and provide for 86 sq m of amenity space. The Councils Ecologist has confirmed that a brick built bat box in an appropriate location on the elevation of the new building, along with the provision of garden areas would be sufficient to ensure that a net gain to biodiversity within the site is provided. Permitted development rights are recommended to be removed by condition to ensure that no additional ancillary buildings or extensions are constructed to reduce the area of amenity space provided.
- 6.4 As set out above, in line with Policy NR3 of the Local Plan, a condition requiring a bat box to be incorporated into the new dwelling is recommended in order to achieve the necessary biodiversity net gain requirement. Subject to aforementioned planning conditions to secure methods of working and a bat box the Local Planning Authority are satisfied the proposals will accord with the development plan in this regard.

## 7. Cannock Chase SAC

- 7.1 The application site lies within the 0-15km zone of influence of the Cannock Chase Special Area of Conservation. Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within 0-15km 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.
- 7.2 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.

### Assessment

- 7.3 It has been determined that all developments resulting in a net increase of 1 or more dwellings within a 15km radius of Cannock Chase SAC would have an adverse effect on its integrity. In this case, as the proposal involves the replacement of an existing dwelling, with no net increase in dwellings being provided, there would be a neutral impact on the Cannock Chase SAC. An appropriate Assessment has been undertaken and it can be concluded that the development 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. On this basis, it is concluded that the Local Planning Authority have met its requirements as the competent

authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

## 8. Human Rights

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

## **Conclusion**

The 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 proposed erection of a detached replacement two-bedroom bungalow is considered to present a sustainable and appropriate form of development within this location. The principle of development is considered to be acceptable in that the application site lies within the settlement boundary of Lichfield within an established residential area.

Notwithstanding the objections raised regarding the scale of the proposed dwelling and the associated impacts on residential amenity and biodiversity, the objectives of the relevant planning policies are met.

Relevant points arisen through the consultation have been addressed and consequently this planning application is recommended for planning approval subject to relevant planning conditions as set out above.

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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